UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
SECOND SESSION

VOLUME 130—PART 1

JAN. 23, 1984 TO FEB. 1, 1984
(PAGES 1 TO 1408)

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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Monday, January 23, 1984*

The 23d day of January being the day prescribed by House Concurrent Resolution 221 for the meeting of the 2d session of the 98th Congress, the Senate assembled in its Chamber at the Capitol, at 12 o'clock meridian.

The PRESIDENT pro tempore. The Senate will please come to order. The Chaplain will offer the prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

When the righteous are in authority, the people rejoice: but when the wicked beareth rule, the people mourn.—Proverbs 29: 2.

Holy Father, we begin the 2d session of the 98th Congress under a cloud of critical matters of great magnitude and severe consequences.

One commentator wrote, "The conventional wisdom is that Congress has little courage normally and even less in an election year." Dear God, grant that the Senate will prove that statement false. Surprise even the Senators by leading them through uncommon legislative achievements.

Grant, Lord, that this final session of Senator BAKER's leadership may be one of the most productive and constructive in his many years of public service.

Let Thy will be done in this place as it is in Heaven. We pray in the name of Him who holds all power in Heaven and on Earth. Amen.

ADMINISTRATION OF OATH TO DAN EVANS, SENATOR FROM WASHINGTON

The PRESIDENT pro tempore. The Chair lays before the Senate the credentials of Senator DANIEL J. EVANS, of Washington, the reading of which, if there be no objection, shall be waived, and the credentials will be printed in full in the RECORD.

The credentials ordered to be printed in the RECORD, are as follows:

To the President of the Senate of the United States:

This is to certify that on the eighth day of November 1983, Dan Evans was duly chosen by the qualified electors of the State of Washington a Senator for the unexpired term ending at noon on the third day of January 1989, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Henry M. Jackson.

The PRESIDENT pro tempore. If the Senator from Washington and his escort will now present themselves at the desk, the Chair will administer the oath of office.

Mr. EVANS, escorted by Mr. GORTON, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to Mr. EVANS by the President pro tempore; and Mr. EVANS subscribed to the oath in the official oath book.

(Applause, Senators rising.)

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATOR EVANS CONGRATULATED

Mr. BAKER. Mr. President, I once more congratulate our colleague from Washington, Senator EVANS, on the administration of the oath of office. He has become a real expert at that. This is the second time in less than 3 months that he has performed that ceremony and has done so with grace and dignity. We welcome Senator EVANS to our body.

QUORUM CALL

Mr. BAKER. Mr. President, the Constitution requires at this point the establishment of a quorum of Senators prepared to do business and in preparation for notification to the other House and the President of the United States. Therefore, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Andrews	Grassley	Randolph
Baker	Hecht	Rudman
Byrd	Leahy	Stennis
Cochran	Mattingly	Thurmond
Dole	Moynihan	Wilson
Evans	Pell	
Gorton	Percy	

The PRESIDING OFFICER (Mr. COCHRAN). A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

Biden	Heflin	Pressler
Bingaman	Heinz	Proxmire
Boren	Helms	Quayle
Boschwitz	Hollings	Riegle
Bumpers	Humphrey	Sasser
Danforth	Kassebaum	Simpson
Denton	Long	Specter
Dixon	Lugar	Stafford
Durenberger	Mathias	Tower
Ford	Melcher	Trible
Goldwater	Metzenbaum	Tsongas
Hatch	Nunn	Wallop
Hatfield	Packwood	Warner

Mr. BAKER. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. D'AMATO), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from Montana (Mr. BAUCUS),

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Nebraska (Mr. EXON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Mr. MITCHELL), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Hawaii (Mr. MATSUNAGA) are absent because of illness.

The PRESIDING OFFICER (Mr. GORTON). A quorum is present.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. I thank the Chair.

Mr. President, the next order of business, I believe, is the presentation of resolutions in respect to notification to the President of the United States and the House of Representatives that a quorum is present and the Senate is prepared to proceed.

Mr. President, at this point, I ask unanimous consent that no amendments may be in order to either of the two resolutions which I have just described.

Mr. BYRD. Mr. President, there is no objection. I think it is an appropriate request.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTIFICATION TO THE PRESIDENT

Mr. BAKER. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 303) was considered and agreed to, as follows:

S. RES. 303

Resolved, That a committee consisting of two Senators be appointed by the presiding officer to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The PRESIDING OFFICER. Pursuant to Senate Resolution 303, the Chair, on behalf of the Vice President, appoints the Senator from Tennessee (Mr. BAKER) and the Senator from West Virginia (Mr. BYRD) as members of a committee to join the committee of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

NOTIFICATION TO THE HOUSE

Mr. BYRD. Mr. President, I send to the desk a Senate resolution. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 304) was considered and agreed to, as follows:

S. RES. 304

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE SCHEDULE

Mr. BAKER. Mr. President, in a moment, I shall suggest the absence of a quorum in order to gain time for the distinguished minority leader and me to perform the duties just given us by the Senate. Before I do that, let me say that after that responsibility is dealt with, it will be the next order of business that the two leaders be recognized under the standing order. Following that, under the order entered at the end of the first session of this Congress, there will be a period for the transaction of routine morning business of not more than 1 hour in length, with speeches limited to not more than 10 minutes each.

After the time for morning business has expired or morning business otherwise has been closed, it will be the intention of the leadership on this side to ask the Senate to turn to the consideration of S. 1660, Calendar Order No. 467, the so-called telephone bill. Members will recall that, at the end of the last session, it was announced on the floor that that would be the first order of legislative business when we returned.

Mr. President, it would be ordinarily the practice of the leadership to ask the unanimous consent of the Senate to turn to this item of business; however, an objection to that consideration has been offered by more than one Senator. Rather than go through that step, to ask for unanimous consent, it will be the intent of the leadership on this side at the appropriate time to move to the consideration of that measure.

At this time, I suggest the absence of a quorum.

Mr. GOLDWATER. Mr. President, before the leader does that, may I make an inquiry?

Mr. BAKER. Yes, Mr. President, I yield for that purpose.

Mr. GOLDWATER. Would it be proper for me to raise an objection now to the calling up of S. 1660, or must I wait until it is actually called up?

Mr. BAKER. Mr. President, I say to my friend from Arizona that I indicated that there is more than one Senator who has already lodged with me an objection. The Senator from Arizona is one of them. It is not necessary for him to make that objection. I shall be glad to forgo the request in view of his objection and make the motion. But a motion will be made to proceed to the consideration of this measure.

Mr. GOLDWATER. Is it a motion or a request for unanimous consent?

Mr. BAKER. In light of the fact that an objection has been noted to me, I shall make a motion instead of making a unanimous-consent request.

Mr. GOLDWATER. One more inquiry because all of us have a little business to attend to: At what time, approximately, would the leader expect that to be done?

Mr. BAKER. Mr. President, I anticipate that it would be close to 3 o'clock. It will take a few minutes to perform the duties enjoined on the minority leader and me by the resolution just adopted. Then there is an hour for the transaction of routine morning business. It may not take an hour to satisfy the requirement for morning business, so it could be earlier than 3 p.m. So I estimate it will be between 2:30 and 3 o'clock before that motion is made by the leadership on this side.

Mr. GOLDWATER. One more request. May I request the majority leader to inform me about when he is going to offer it?

Mr. BAKER. Yes, Mr. President, I assure the Senator from Arizona that before the motion is made I shall notify the Senator and give him every opportunity to be on the floor.

Mr. GOLDWATER. I thank the majority leader.

Mr. BAKER. And, of course, the Senator from Oregon, who is chairman of the committee, will be notified, also.

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF COMMITTEE APPOINTED TO NOTIFY THE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. BAKER. Mr. President, as one of the committees designated by the Senate to inform the President of the United States that the Senate is in session and prepared to receive any communication from him, I wish to report that Senator BYRD and I have completed that call of the President. He has been notified that a quorum is present. The President has responded that he anticipates the delivery of his state of the Union message within the next few days and submission of a budget message as well.

The President expressed the desire that the President and the Congress could work together at their approach to the problems confronting the Republic. Senator BYRD and I expressed a similar wish and indicated that we would report that sentiment to the Senate.

Mr. President, I yield to the minority leader.

Mr. BYRD. I thank the majority leader.

Mr. President, in conformity with our duties to which the Chair directed us following the action of the Senate on the resolution, Senator BAKER and I informed the Speaker of the House that the Senate had established a quorum and was ready to transact business. He seemed to be very pleased to hear that but somewhat nonplused that the House had not informed us first they were ready to do it. But I think that is about the long and short of it.

Mr. BAKER. Mr. President, we are off to a good start. We have discharged our obligation so far without a single bobble.

Let me make a remark on one other procedural matter.

HOUR OF CONVENING AND STANDING ORDERS

Mr. BAKER. Mr. President, this is the beginning of the second session of this Congress, of course, and I remind Senators that although it is usual in the case of the convening of a new Congress to establish a convening hour and to establish certain standing orders in respect to the conduct of the Senate, that is not necessary in this case since the Senate is a continuing body. The order for the convening of the Senate will continue in place as will those standing orders adopted at the beginning of this Congress.

Now, Mr. President, I believe the order previously entered provides for the recognition of the two leaders under the standing order; does it not?

The PRESIDING OFFICER. The majority leader is correct.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I will proceed then for only a few moments, and I am sure my friend, the minority leader, and all others will take these remarks in the very best way.

SECOND SESSION OF THE 98TH CONGRESS

Mr. BAKER. Mr. President, today we begin the 2d session of the 98th Congress and I welcome my colleagues' return to Washington for what I hope will be a productive and efficient legislative year. This is a Presidential election year and the conventional wisdom is that Congress always shuns controversy and long sessions in these years.

It is true that this quadrennial exercise in national democracy will occasion some interruption and even perhaps some truncation of this second session. The Democratic National Convention in San Francisco in July and the Republican National Convention in Dallas in August are the two most notable examples of the necessary diversions from our legislative work.

We will do our best to let Senators attend the convention of their choice, and, Mr. President, we hope they will bring back a fresh supply of conventional wisdom.

Some Senators on the Democratic side of the aisle have already made clear their active desire that the Democratic Convention anoint them as the Presidential standard bearer in 1984. The rest presumably are waiting to be drafted. Republican Senators will watch their progress with interest in the early months of 1984 and we will welcome your spirited competition and your gracious concession statements later in the year.

While I have no intention of biting off more than the Senate can chew this year, I will say to Senators that we have a great deal of work that has to be done and I will appreciate my colleagues' cooperation in accomplishing this work in an orderly and timely way.

The legislative schedule for this year will emerge in its usual fashion in the ongoing consultation with committee chairmen and from the consultations that I intend to hold with the distinguished minority leader, Mr. BYRD, as well as with the Speaker of the House of Representatives and the Republican leader of the House. I expect the President of the United States to make a few legislative requests of his own in his state of the Union message which I anticipate to be delivered in a joint session of the two Houses on Wednesday evening.

Mr. President, whatever special initiatives we may undertake this year, there are budget resolutions, appropriation measures, and almost surely a debt limit increase to be passed. I trust my colleagues will treat these legislative essentials with the same care and dispatch that they demonstrated in 1983 or better.

While I have a further statement to make at a later time on the schedule of business we hope to adopt for the new year, I do advise my colleagues now that they should not automatically assume that they will have vote-free Mondays or Fridays or that we will restrict all late night deliberations to Thursdays. It may be that a schedule of that sort may be adopted later. However, in view of the interruptions which will occur during this legislative year, I think it not wise to set that agenda at this point. I will consult further with the minority leader and others on that matter as well as the construction of the legislative schedule.

Mr. President, today after the leader time there will be 1 hour of routine morning business as set out in the closing consent agreement. At the conclusion of morning business it is my intention as previously announced to ask the Senate to turn to the consideration of the telephone bill, S. 1660. I believe that consideration of the measure will take some time based upon the information that has been given to me, and I do not expect that measure to be disposed of today.

Mr. President, I will have a further announcement to make in respect to the legislative schedule after the situation clarifies somewhat in respect to the telephone bill.

For the purpose of long-range planning, I remind Senators that the recess schedule for 1984 has already been published and distributed on blue cards to each Member. But for the sake of convenience, I now reiterate that schedule of nonlegislative holidays for 1984, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

NONLEGISLATIVE PERIODS (1984) U.S. SENATE

Reconvening 2d session, 98th Congress.—Monday, January 23, 1984.

Lincoln's Birthday.—Close of business, Friday, February 10 until noon, Monday, February 20.

Easter.—Close of business, Friday, April 13 until noon, Monday, April 23.

Memorial Day.—Close of business, Friday, May 25 until noon, Wednesday, May 30.

Fourth of July and Democratic National Convention.—Close of business, Friday, June 29 until noon, Monday, July 23.

Republican National Convention.—Close of business, Friday, August 10 until noon, Monday, August 27.

Labor Day.—Close of business, Friday, August 31 until noon, Wednesday, September 5.

Mr. BAKER. Mr. President, it is a genuine personal pleasure to see my colleagues assembled here again. I trust that the interim between the first and second sessions of this Congress was productive and pleasurable for all, and I look forward to our association and to significant accomplishments for the Senate in the coming year.

NOTICE CONCERNING ANNUAL REGISTRATIONS OF MASS MAILINGS

Mr. BAKER. Mr. President, in view of the approaching February 1 filing date, I should like to remind Senators of the requirements concerning registration of mass mailings under Senate rule 40.

Members are required to register annually such mass mailings. The 1983 calendar year filing will be due on February 1, 1984. Mass mailings are also accepted on a "as mailed" basis if Members so desire.

For your information, following are excerpts from Rule 40:

* * * 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed, and a description of the group or groups of persons to whom the mass mailing was mailed * * *

Mass mailing registrations should be filed with the Senate Office of Public Records, 119 D Street NE., room A-623, Washington, D.C. 20510, telephone 224-0322. Registration forms can be obtained from that office.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have now utilized all or most of my time under the standing order. I remind Senators that after the period provided for the transaction of routine morning business, there will be a motion to proceed to the consideration of S. 1660, calendar No. 467. I will ask the cloakroom on this side to notify Republican Senators who have noted an interest in this matter, prior to the making of that motion.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. RUDMAN). Under the previous order, the Democratic leader is now recognized.

EXPRESSION OF COOPERATION

Mr. BYRD. Mr. President, I compliment the majority leader on the statement he has made. I look forward to discussing the agenda with him, and I look forward to what I hope will be a useful and productive session.

He may expect on this side the same cooperation we have attempted to give in the past. There are times when we do have our differences. But I do not think there have been many occasions when we on this side have deliberately attempted to just hold up the proceedings of the Senate, and that is not my purpose as we view the session ahead of us.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BAKER. Mr. President, I cannot resist the temptation to say that I do not recall any case in which the distinguished minority leader or the Democratic Members of the Senate have deliberately tried to obstruct the progress of the Senate. There were many cases in which there were partisan divisions among us, but I cannot remember a single occasion involving the leadership when there was an attempt to obstruct the progress of the Senate.

Mr. BYRD. I thank the majority leader. I will do everything I can to further the progress of the Senate in the present session.

ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF SENATE CHAMBER

Mr. BYRD. Mr. President, this is the 125th anniversary of utilization of this Chamber by the U.S. Senate. It moved down the hall from the old Chamber in 1859.

I was sworn in as a new Senator here on the 100th anniversary, in 1959; and I know that the distinguished majority leader will take great pleasure in the fact that he is the leader of the Senate—he is not only the leader of his party but also the leader of the Senate, as the majority leader—on the 125th anniversary of the utilization of this Chamber by the U.S. Senate.

THE 2D SESSION OF THE 98TH CONGRESS—THERE IS MUCH THAT SHOULD BE DONE

Mr. BYRD. Mr. President, as Members of the Senate return from over 2 months of recess, each Senator has his own goals and hopes for this new session. I would like to outline briefly what I believe to be the pressing business of the Senate this year. As I talk with my constituents in the State of West Virginia, I frequently hear expressions of anxiety about the future. As my State struggles to shake off the ravages of the worst recession since the Great Depression, there is some optimism about the present state of the economy. Certainly compared with 1981, 1982, and 1983, I would say that this year promises to be a better year for the people of my State, although there is still a staggering 15-percent unemployment in the State of West Virginia. Interest rates have come down, although with mortgage rates still above 13 percent, less than 30 percent of the people in my State can afford to buy a house. But things are clearly better today than they were a year ago at this time.

As I talk with members of the chambers of commerce of the towns of West Virginia, with the workers in the factories and the coal miners in the mines of my State, they are worried about the future of the economy, particularly after the election, and about the future for world peace.

So I wish to address the concerns about the future of the economy that I hear from my constituents, both in reading my mail and in my personal visits to West Virginia.

In the last several years, the American people have come to understand the tremendous impact that high interest rates can have on the economic health of the Nation. They understand that high interest rates cause the collapse in the housing industry; that they decimate the durable goods industry, particularly the auto industry; and they cause our export industries to be overwhelmed with a flood of imports. Most people recognize that if interest rates go much higher, the moderate recovery which we are now experiencing will flounder. Last quarter, the economy grew at 4.5 percent. At this rate of growth, unemployment will fall very slowly. Higher interest rates will mean that unemployment will start to rise again. People also understand that when the Government is racking up deficits which overwhelm the pool of savings, as soon as private borrowing increases, interest rates will increase. The businessmen in my State see budget deficits of approximately $200 billion this year, $200 billion next year, and headed for $300 billion by the end of the decade. They recall that the budget was supposed to be balanced in 1983, and here it is 1984. Not only is the budget not balanced, but also it is grossly and structurally moving farther and farther away from balance.

Another major deficit hangs over our country. That is our astounding trade deficit, which by all estimates is likely to hit nearly $100 billion this

year. We are importing $100 billion more than we are exporting. Since each $1 billion in lost exports equals about 25,000 jobs, our trade deficit this year will represent the loss of 2½ million jobs, many of them in high-paying, value-added manufacturing.

For the present, the economy is moving up from being flat on its back. But the questions remain: "What are we going to do about these economic storm clouds?" "What are we going to do about the Federal budget deficit, and what are we going to do about our outrageous trade deficit?" If nothing is done, then this recovery will truly be an election year recovery, for it will not be sustained through 1985.

In the area of the economy, then, we face two major, and interrelated, challenges this year. We need to reduce the Federal budget deficits this year, and we need to shrink the trade imbalance.

Obviously, there is no easy, painless way to reduce $200 billion deficits. The Congress simply cannot generate the support necessary among the public for the unpleasant, but necessary, steps which must be taken to reduce this deficit. Only one person in this country enjoys the platform of public attention and respect which is necessary to mobilize the country to act on these deficits, and that is the President of the United States. If the President will develop and propose to Congress a fair and comprehensive package of deficit reduction measures, I believe that he would be supported by the American people and by Congress. But this effort can go nowhere without his leadership. I respect and admire those Members of the Senate and the House of Representatives who on several occasions last year have attempted to generate a deficit reduction program from within Congress. But they are engaged in a noble, but futile, effort. Unless the President of the United States seizes his responsibility to govern, even when governing requires difficult and unpleasant measures, the storm clouds which linger over our economy will be unleased.

In the area of our trade problems, Members of my side of the aisle will continue the efforts begun last year to enact a comprehensive series of programs aimed at making the U.S. economy more competitive. Last year, under the leadership of Senator KENNEDY and his task force which I appointed our caucus unanimously endorsed a program of 22 specific recommendations contained in a publication entitled "Jobs for the Future." We made recommendations in the area of innovation, education, adjustment, finance, and organizational changes, all designed to help this economy adjust to a world of increasingly competitive international economic relationships.

This year, these proposals will be turned into legislation and introduced for referral to and consideration by the appropriate committees of the Senate. I have no illusions that, given the current makeup of the Senate and the control of the White House, that many of our proposals will become law this year. But we offer our recommendations in the hope that the debate which must ensue over the need for a program for competition will be enriched by our very substantive and numerous proposals.

Of course, as all recent polling data show, there is another area of anxiety which is felt by the American people. They worry that their future, and their children's future, has been made less secure by a pattern of diplomatic failure. Relationships with the Soviet Union are at nearly an all-time low. The current administration runs the risk of being the first administration since President Truman to fail to achieve an agreement of nuclear arms with the Soviet Union. Our people see a continuing evidence that military solutions are sought before diplomatic efforts have been exhausted.

The American people want a future which is made secure through a strong defense. But they also want to see a world which is made secure through diplomacy and good will. They are anxious about the future for world peace, and for good reason.

Most of the efforts which must be taken to ease the American people's anxiety about the future need to be taken by the executive branch. They are the pressing agenda for 1984.

This Congress, which will probably be in session for only between 23 and 28 weeks, given the current schedule, can best serve as a forum for airing the solutions to the problems which I have discussed. But the Congress cannot conduct foreign policy. As I said earlier, the Congress cannot formulate a major deficit reduction package that has any hope of becoming law. The Congress cannot achieve a breakthrough with the Soviet Union on arms negotiations. The Congress can force the withdrawal of troops from Lebanon. But I believe the majorities of both Houses still hope that such a congressional action will be made unnecessary by a diplomatic breakthrough in Lebanon.

So I have my legislative priorities for this year. I want to see the cuts made in education programs in the previous years restored. I want to see the "jobs for the future" program of economic competitiveness of the Democratic Caucus inscribed into law and discussed in the appropriate Senate committees, and in some cases on the Senate floor. I want to see us begin to work on the significant problem of health care costs. I want to see action taken to reduce the deficit, once the President has developed a program. But, both because of the nature of the problems facing this country and the 1984 election I recognize that most of the eyes of the country for the next 9 months will be on the White House and on those who are aspiring to be in the White House.

The President of the United States will come to the Capitol this Wednesday evening to deliver his state of the Union address. His speech will be successful to the extent that it addresses in a real and concrete way the anxieties that the American people feel about the future. His speech will be a success if he presents a real, fair, and achievable program to reduce the Federal budget deficits. His speech will be a success if he outlines a program which will erase the growing trade deficit.

The other anxiety of the American people which the President must address is that created by the failure of his administration to achieve diplomatic solutions in the world. Therefore, to be a success, his speech must contain a blueprint, not rhetoric, for withdrawing our Marines from Lebanon. It must also contain an achievable plan to bring about a breakthrough in the long-frozen arms control negotiations.

There are frightening storm clouds on the horizon of the future of our Nation. The President, like the people of my State of West Virginia, must be able to see them. We shall await with great interest his state of the Union address in the hopes that he has a program to do something about those problems.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I believe now there is a time for the transaction of routine morning business as previously ordered.

The PRESIDING OFFICER. The majority leader is correct.

Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 1 hour with statements therein limited to 10 minutes each.

THE FEDERAL DEFICIT

Mr. TSONGAS. Mr. President, there are few issues in the public debate that enjoy a broad consensus. One that does, however, is the Federal deficit—and the growing fear in this country as to its consequences. There are some obvious dissidents to this consensus, but we are all far too aware of that.

However, if one talks to economists, domestic or international, chief executive officers, editors, or just plain citizens, the response is overwhelming. Why do not the powers that be in

Washington deal with this menace to our future?

The answer is simple.

The political will just is not there.

For months a number of us have been giving speeches both at home and around the country, to try to achieve some movement on this issue. The progress has been snail-like.

Yesterday and this morning I felt a surge of hope and admiration when the majority leader spoke of his determination to independently try, as he put it, to "make a down-payment" on reducing the Federal deficit.

This determination is, of course, typical of the distinguished Senator from Tennessee.

This morning I called the majority leader with a proposal which I will present to my colleagues at this point.

For several months I have been suggesting that an economic summit be called by the President to deal with the deficit. Whatever the merits of such a notion, it is obvious that it is not going to happen.

Why? Again, the lack of political will.

So all of this has led me to the conclusion that if political will is the problem, why not assign the task to those whose circumstances allow for all kinds of political will.

Specifically, I suggested to the majority leader that he convene a genuine lame-duck session.

There are four of us in this body not running for reelection—myself, Senator BAKER, and the distinguished Senators from West Virginia and Texas, Mr. RANDOLPH and Mr. TOWER.

One liberal, two moderates, and one conservative. Two Democrats and two Republicans. The symmetry is rather clear.

Why not take it upon ourselves to try and come up with a package of recommendations to reduce the deficit that we can present to our 96 colleagues.

I am not at all suggesting that it can be done. I am merely suggesting that we give it an honest effort keeping in mind the need to consult those of our colleagues such as Senator DOLE, Senator BYRD, Senator DOMENICI, Senator CHILES, Senator LONG, and others who have a clear interest in the process.

We are a uniquely positioned foursome. Perhaps we can provide a desperately needed service to our country before we return to private life.

I am available. I hope the idea is attractive to my colleagues.

Mr. President, I also indicate that the Senator from West Virginia (Mr. RANDOLPH) wishes to speak on this matter at some subsequent point. He was here in the Chamber waiting, but had a 1:45 p.m. appointment in his office.

Mr. President, I ask unanimous consent to have printed in the RECORD a Friday, January 20 New York Times article on the deficit, as well as an article in today's Washington Post describing an interview with Senator BAKER on "Meet the Press."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 20, 1984]

THE DEFICIT: DEPLORED BY ALL, RESOLVED BY NONE

(By Steven R. Weisman)

WASHINGTON.—An unusual atmosphere has begun to permeate discussions at the White House, in Congress and elsewhere in Washington when the subject of the Federal budget comes up. The atmosphere is one of extraordinary futility.

Aides to President Reagan are scurrying from meeting to meeting to discuss the budget for the next fiscal year, to be submitted Feb. 1. Their talks, however, are said to focus less on what is to be proposed than on what to say about the fact that very little is to be proposed.

It is a strange predicament for a President who has spent much of the last three years dominating the budget process. Like a harried man shopping for a used car, Mr. Reagan has spent the last few months kicking the tires of one new approach after another to the $200 billion Federal deficit, only to decide to keep the jalopy he has been driving for years.

First there was talk that Mr. Reagan would propose a sweeping new round of budget cuts, in keeping with his ideological view that spending restraint is the only way to get rid of deficits. By all accounts, however, politics has intervened.

Mr. Reagan is now expected to seek only $7 billion in new cuts. Even these are to be offset by spending increases for programs to build a new space station, intensify anti-crime efforts and other election-year "goodies."

Mr. Reagan has also given some consideration to seeking tax increases next year, or to seeking tax increases that would be contingent on his getting certain spending cuts.

A POSTURE OF REALISM

Both these ideas have been around, of course. The contingency plan was even proposed by Mr. Reagan last February. This year, David A. Stockman, director of the Office of Management and Budget, and Martin S. Feldstein, chairman of the Council of Economic Advisers, were the used car salesmen who tried to sell Mr. Reagan on it again.

But Administration officials report that taxes are out now. They cite the opposition of Treasury Secretary Donald T. Regan and a group of White House aides who are normally sympathetic to tax increases but who have decided this year that significant new taxes will die in Congress.

"It's a posture of realism," said an Administration official. "Why come up with spending cuts or tax increases that have no chance of getting enacted and cause needless political flak for the President?"

Having also ruled out cuts in the growth of military spending, the President's advisers now face the question of what to say about the deficit.

One idea that rose to the surface for a while was to deplore the deficit and then propose a new bipartisan commission to recommend a solution after the election. The commission idea is reportedly still alive, but Mr. Reagan is said to be uneasy.

THE PRESIDENT'S POINT OF VIEW

Describing his misgivings, an Administration official said that if the commission were stacked in Mr. Reagan's favor, it would be attacked by Democrats as a fraud, and if it were genuinely bipartisan, it would be out of control.

"From the President's point of view, a commission doesn't make sense," said another adviser. "How can he embark on a re-election campaign and call for a mandate to follow the dictates of a bipartisan commission?"

With regard to the budget, White House officials report that the basic themes of Mr. Reagan's presumed re-election drive will be familiar. This Saturday, for example, he plans another radio address in which he asserts that deficits derive from Government overspending, rather than undertaxation.

Campaign officials feel that as long as the President can continue to characterize the choices this way, he will be able to fend off attacks by Democrats on the deficit. If the Democrats can tie Mr. Reagan to an attempt to dismantle specific programs, however, they may have the upper hand.

STOCKMAN'S CONCLUSIONS

Underlying the budget discussions this year is a feeling of resignation among Mr. Reagan's closest advisers at the White House, recently expressed by Mr. Stockman.

In a revealing new interview in Fortune Magazine, Mr. Stockman states that "this democracy is somewhat ambivalent about" the budget. The public, he says, wants both "low taxes and substantial public spending."

The Administration, Mr. Stockman goes on to say, seems to have reached the point where it is doubtful that it will achieve new spending cuts, even if Mr. Reagan is re-elected. The large and costly "social policy commitments" to the middle class that have gone largely uncut up to now, such as Medicare, farm programs and veterans' benefits, are likely to remain "impervious," Mr. Stockman concludes.

"We have gone through a great testing process for three years, and that defines the financing requirements of the Government," Mr. Stockman says. "Now we have to figure out how to pay our bills."

Mr. Stockman's philosophical note prompted a "no comment" today from Larry Speakes, the White House spokesman. Other aides said Mr. Stockman was simply saying in public what he has been saying in private, and the budget director did not appear to be any trouble over the interview.

Another sign of the futility this year came last week after the report of the President's Private Sector Survey on Cost Control, headed by J. Peter Grace, which came up with steps to wipe out the deficit by using sound business practices.

CARTER FACED SAME DILEMMA

It turned out that such practices entailed cuts in welfare payments, Social Security, food stamps and other benefits, as well as a huge "hit list" of popular public works projects. No sooner had Mr. Reagan thanked Mr. Grace than aides began acknowledging that few, if any of his recommendations would be put in the budget.

Four years ago President Carter faced the same dilemma Mr. Reagan now faces: how to do something about a deficit when virtually everything that could be done is considered politically unpalatable.

Mr. Carter offered an initial budget, then was forced to rewrite it with Congress in

order to incorporate more spending cuts. No one expects this to happen to Mr. Reagan's budget this year because the political climate has changed.

In 1980 there was a clamor to reduce deficits to get rid of high interest rates and inflation. The clamor is gone today. Congressmen report that their constituents have little sense of urgency about deficits. Hence the Administration's approach, and its hope that it will suffice, for the time being at least.

[From the Washington Post, Jan. 23, 1984]

BAKER TO BACK DEFICIT-CUTTING EFFORTS DESPITE REAGAN OPPOSITION

(By Dale Russakoff)

Senate Majority Leader Howard H. Baker Jr. (R-Tenn.) said yesterday that he will support congressional efforts to make a "down payment" on reducing the federal deficit through tax increases and spending cuts in the fiscal 1985 budget despite President Reagan's announced opposition.

"I think we need to make a down payment this year. We need to show our good faith," Baker said on "Meet the Press" (NBC, WRC), endorsing an idea advanced by Senate Finance Committee Chairman Robert J. Dole (R-Kan.) for a combination of taxes and budget cuts. ". . . Congress should take an initiative."

Baker declined to take a position on specific ways of reducing the deficit, saying only that "I think Dole's on the right track." Dole has proposed varying combinations and amounts of tax and spending initiatives.

Reagan has refused to include a major tax increase or substantial spending reductions in his forthcoming budget. Without such action, the deficit is expected to reach about $180 billion in fiscal 1985 and remain high.

The president's critics and some of his advisers say this would force up interest rates and undercut the economic recovery.

Baker, who emphasized that he does not expect significant deficit reductions in this election year, said he is considering a program to bring about $28 billion in savings, as proposed in the budget reconciliation bill that failed to pass last year.

Baker also said he will advocate creating a bipartisan commission on the deficit to tackle the "underlying issue" of how to cut spending for entitlement or basic benefit programs, such as Social Security and welfare, which increase annually and make up a substantial portion of the budget.

Reagan recently indicated to advisers that he had rejected the idea of a deficit study commission because he felt that it would be perceived as an empty gesture. But a Senate aide said Baker expects to reach agreement with Reagan on some form of bipartisan initiative.

Involving leaders of both parties would be the only way to turn the explosive debate over entitlement reforms into "a politically acceptable task for Congress to address," Baker said. He said he hoped that such a panel would propose reforms for Congress to address in 1985 legislation.

On other issues confronting Congress this year, Baker said he will oppose initiatives aimed at an early pullout of Marines from Lebanon and will support passage of a Latin-American aid package totaling $8 billion, as proposed by a commission headed by former secretary of state Henry A. Kissinger.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO A POLITICIAN'S POLITICIAN: JUDGE WILEY HICKMAN

Mr. HEFLIN. Mr. President, it is with great sadness that I rise today to observe the passing of a well-known and popular Alabamian, Judge Wiley Hickman, who died on January 3, 1984. I would have spoken earlier if the Senate had not been in recess until today.

He belonged to a breed of vanishing old-time probate judges who were undoubtedly the political leaders of their counties. He was elected to six terms, encountering opposition only twice. The trust of the county's residents was definitely with Wiley Hickman. Although a Jefferson County native, he had been a resident of Etowah County since 1939.

Past president of Alabama Judges of Probate Association, he was elected to the position of Alabama's National Democratic Committeeman in 1980 by the State Democratic Executive Committee, on which he had served for 18 years. He also helped write the canon of judicial ethics presently in use.

Wiley Hickman was a man of unimpeachable and admirable character, the kind that enabled him to maintain a firm grip on county political activities and remain actively involved in fraternal and church organizations. Teaching a Sunday school class for 24 years at the First Baptist Church of Gadsden is but one example of his strong support and dedication to his church and community. He also organized the Etowah County Boys Club and served as its first president.

Fellow citizens admired his talent of communicating with people. Wiley Hickman was referred to as a "politician's politician" who was working all the time. He could be found shaking every available hand in the courthouse and on the town's sidewalks, for those were the people of Etowah County, the ones who elected him.

When a friend called to congratulate him the day after the 1976 election where he carried all the county's boxes except one, Hickman was not in his office. A secretary said he was in the community he lost, campaigning.

Wiley Hickman was a popular after-dinner speaker known for the entertaining stories he told. In 1968, he was named State Grand Orator of the Alabama Blue Lodge Masons.

Alabama has indeed lost a fine citizen but the honest principles he stood for will remain. I have lost a close friend.

Mr. President, I ask unanimous consent that two articles and an editorial from the Gadsden Times and one from the Birmingham Post Herald be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Gadsden (Ala.) Times, Jan. 3, 1984]

HICKMAN DIES AT 66

(By Jackie Harris)

Etowah County Probate Judge Wiley Hickman, the judge who was a giant in state and local politics, is dead at age 66.

Dr. Harold Wells, spokesman for the Baptist Memorial Hospital, announced that Hickman died at 9:30 a.m. today in the intensive care unit, where he had been since Sunday noon. Prior to that time, Hickman had been in and out of hospitals undergoing treatment for an unspecified blood disorder.

His death creates a huge gap in politics, since the popular judge was known to wield a great deal of influence not only on the local level, but also on the state and national level.

For 18 years, Hickman was a member of the State Democratic Executive Committee, and was National Democrat Committeeman from 1981 through '83.

He was past president of the Alabama Judge of Probate Association and was active in promulgating the present Canons of Judicial Ethics.

Hickman first started out as a state trooper, but in 1952, ran for probate judge, thus launching a career in public service that spanned three decades.

Hickman was sworn into his 6th term of office Jan. 5 last year. This marked his 31st year in office. He held the distinction of serving in the office of probate judge longer than any other person ever elected to the post.

He was the 10th probate judge in Etowah County's history.

From 1952 until 1976, he was re-elected without opposition; however, in that election, he faced two opponents but won in a political avalanche—defeating his nearest opponent by three to one. He again encountered opposition in 1982. Hickman not only defeated his opponent by a wide margin but also received the highest number of votes cast in the election, drawing more votes than Gov. George Wallace and Lt. Gov. Bill Baxley in the county.

His popularity also was evidenced by the frequency with which he was called upon to speak at local civic luncheons and affairs held throughout the state. His down-home humor and keen wit not only helped make him popular on the talk circuit, but also earned him the honor of being named State Grand Orator, Alabama Blue Lodge Masons, 1968.

The judge was busy in the community, fraternal and church affairs, having taught the largest Bible class in the First Baptist Church for the past 24 years. The class is best known as "The Hickman Class."

Hickman, of whom it was commonly said that he was of a family that was poor, never lost that rapport with the common man. He was the politician's politician, often seen "campaigning," shaking hands with anyone who neared his office at the courthouse, trying to keep in touch with the people who

elected him to office. In the biographical sketch on Hickman provided by his office, the first item listed him a "laborer."

The fruits of his labor can be seen in the many changes the office of probate judge has undergone throughout his lengthy stint in office.

That office closed briefly this morning, in homage to the passing of a man who left his mark on Etowah County.

Survivors include his wife, Doris; a brother, Kelly Hickman, who lives in Jefferson County; son, David Hickman; daughter, Mrs. Margaret Hickman Freeman; son-in-law, Gary Freeman; two grandchildren, Gary Freeman Jr., and Mary Elizabeth Freeman.

Gary Freeman, on behalf of the family, said, "The kind expressions of sympathy and the kindness shown have been overwhelming, and certainly are appreciated."

FRIENDS MOURN HICKMAN

Grown men wept unashamedly this morning as news of the death of Probate Judge Wiley Hickman spread across Etowah County and the state.

Hickman was remembered as a master politician who never forgot a name, a big-hearted man who helped many people during a career in public service that spanned more than three decades. Everyone thought of him as a close friend.

"He was a dear, close personal friend of mine and it will be a terrific loss not only to me personally but to the entire state as well," George Bailes, former head of the state Democratic Party said. "I'm frankly shocked."

Although Hickman's failing health was well known, his death took many of his political and personal friends by surprise.

"It's such a loss. Nobody will ever take his place," Gadsden attorney Buford Copeland said. "He set such a high standard for public service in this community and I never saw him turn down anyone who was in need."

State Sen. Bill Drinkard said Hickman always was ready with advice for young politicians but was never overbearing.

"He always advised me with caution and interest . . . he was a great mentor to me. He was a gentleman and a scholar in the political sense. It's a great loss to Alabama, a great loss to Etowah County and a devastating loss to me personally," Drinkard said.

Gadsden Aviation and Industrial Development Director Floyd Beddingfield met Hickman more than 30 years ago when the judge was a motor scout for what then was known as the Alabama Highway Patrol.

"He was a good friend of mine and Etowah County is going to miss him. I knew he was sick, but I didn't know he was that sick. If he met you, he would remember your name and everytime from then on when he saw you he would remember your name," Beddingfield said.

"We have all lost a very dear and personal friend," state Rep. Joe Ford said. "He was not only the most respectable leader in Etowah County, but highly respected in state politics as well. My condolences go out to his family and, certainly, he will be missed as a friend."

Cecil Robertson, head of the Etowah County Democratic Party, said he was saddened by the news of Hickman's death.

"He was a very respected servant for more than 30 years . . . Wiley was never too busy to help anyone," Robertson said.

Circuit Clerk Billy Yates said Hickman was a fine man.

"He was a statesman on a local level. It didn't matter who you were, he would help you if he could," Yates said.

ETOWAH COUNTY'S "POLITICIANS' POLITICIAN" DIES

GADSDEN.—Etowah County Probate Judge Wiley Hickman, a man whose name was synonomous with Democratic Party politics in Alabama, is dead at the age of 66.

Hickman, probate judge of Etowah County since January 1953, died yesterday morning in the intensive care unit at Baptist Memorial Hospital here. He was hospitalized Sunday and had been battling an unspecified blood disorder for about six months.

In Alabama, Hickman was one of the last of a breed of old-time probate judges who knew most of a county's secrets and maintained a firm grip on the county's political activities.

In addition to his probate office, Hickman was Alabama's National Democratic committeeman. He was elected to that position in 1980 by the State Democratic Executive Committee, replacing a close friend, former U.S. Rep. Albert Rains, also of Gadsden.

Hickman had been a member of the state executive committee 18 years and was past president of the Alabama Judge of Probate Association.

A former state trooper, Hickman was first elected probate judge in the 1952 election and was serving his sixth term of office at his death. He was re-elected without opposition each time until 1976 when he defeated two opponents, the closest by a 3 to 1 margin. He had one opponent in 1982 and overwhelmingly defeated him, receiving the highest number of votes cast in the election, including names such as Gov. George Wallace and Lt. Gov. Bill Baxley.

A popular after-dinner speaker, Hickman was named State Grand Orator, Alabama Blue Lodge Mason in 1968.

He was known for the stories he told in speeches at political gatherings and dinners, but he was also the subject of political stories. One concerned the 1976 election, when he carried all the county's boxes except one. When a friend called the day after the election to congratulate him, Hickman was not in his office. A secretary said he was in the community he lost, campaigning.

Hickman was referred to as a "politicians' politician" who was campaigning all the time. He was often seen shaking any available hands in the courthouse and friends knew that when they accompanied him to lunch, he would know and greet most of the other diners.

Hickman was active in community, fraternal and church organizations and taught a Sunday School class at the First Baptist Church of Gadsden for 24 years.

The funeral will be 2 p.m. tomorrow, First Baptist Church of Gadsden, burial in Crestwood Cemetery. Robert Hitt, chairman of the Etowah County Commission said the courthouse will be closed tomorrow afternoon in honor of Hickman. Survivors include his wife, Mrs. Doris Hickman; son, David Hickman; daughter, Mrs. Margaret Freeman; brother, Kelly Hickman.

[From the Gadsden Times, Jan. 5, 1984]

JUDGE HICKMAN

As a gifted and popular public speaker, Wiley Hickman told a lot of stories. A lot of stories were told about him too. Like the one several years ago, just after he had won still another election.

He had just been re-elected to another term as Probate Judge of Etowah County, scoring a landslide victory. He had carried every box in the county, except one. The next morning, one of his many admirers dropped by to congratulate him. But he was not there. He was out in the community where he had lost that one box—and was campaigning.

If Wiley Hickman enjoyed one thing, it was politicking. Around here at least, he had no peer. Without a doubt, he was the politician's politician. But he seemed to do it in a manner that belied most other officeholders or those aspiring to be one. It was hard to tell if he was just being his friendly self or politicking for the next election. Once, one of his infrequent political opponents—it was rare indeed when anyone ran against him—said the judge could, if he wished, tell you some bad news and actually make you enjoy hearing it.

Wiley Hickman's name was synonymous with politics, not just in Etowah County but throughout Alabama, and to some degree, even nationally. He was a member of the executive committee of the Alabama Democratic Party for 18 years and was Alabama's National Democratic committeeman. No one was more loyal to the Democratic Party. No one inside it was more respected. Little wonder than that he was known statewide as a Yellow Dog Democrat, meaning that he would faithfully support the party's nominee, should the party resort to such a candidate.

Though devoted to philosophies of the Democratic Party, he was not hesitant to recommend a change of route if he thought the party—statewide or nationally—was straying off course. His ear was to the ground. He felt the pulse of the people. He had an uncanny sense of political direction, and his advice was sound. Too bad it could not always be followed.

But no individual reaches the pinnacle if he travels on a one-way street. Wiley Hickman was far more than just a politician.

Few community or civic causes were undertaken without his participation. There were many such projects, but the one most remembered is the Etowah County Boys' Club—which he organized and was its first president.

And the First Baptist Church. If he wasn't at the courthouse, likely he was at First Baptist. He was a deacon there and a teacher of a Sunday School class for 24 years—the Wiley J. Hickman Sunday School Class.

The judge has told his last down-home humorous story. He has taught his last Sunday School class. He has shaken his last hand—boy, did he love to shake hands. He has made his last telephone call on behalf of someone in need. Because he did these things—and a lot more good deeds—many people are the better for it. All of us will miss him.

THE SESQUICENTENNIAL CELEBRATION OF WETUMPKA, ALA.

Mr. HEFLIN. Mr. President, I am proud to recognize and congratulate the citizens of the city of Wetumpka, Ala., on their upcoming 150th anniversary, which will occur on February 13, 1984.

The County of Elmore, in the "heart of the heart of Dixie," has as its seat of government the city of Wetumpka.

Beautifully located at the end of the Appalachian foothills in central Alabama, just slightly southeast of the State's geographic center, Wetumpka is divided almost in half by the Coosa River, a wide curving river that derives its name from the Creek Indians. The Indians called the area We-wau-tum-cau, or "Land of Rumbling Water."

Settlers began pouring into the Wetumpka area when fears of Indians subsided, beginning with the defeat of the Creeks at the Battle of Horseshoe Bend in 1814. It was 20 years later, in 1834, that the settlement east of the Coosa River was incorporated by the State of Alabama. In a separate act later, in 1834, the western portion of the town was incorporated. It was 5 years later when the two halves were officially combined into one town. Interestingly, the town remained split between two counties until Elmore County was created in 1866, combining parts of Coosa and Autauga Counties.

The city of Wetumpka is rich in historic traditions and contributions. A granite monument stands at the west end of the arched bridge spanning the Coosa River, in memory of the Wetumpka Guards and other Confederate soldiers of the area who served in the War Between the States.

Like towns throughout America, religion has served as a backbone of Wetumpka since its founding. The strength necessary for survival in early America was fostered by religious institutions. Wetumpka, through the years, has been the recipient of tremendous contributions from churches, established early in the town's development and providing moral and spiritual leadership ever since. The congregation of the town's Baptist Church dates back to May of 1821. The Presbyterian Church, established in 1835, was where William Yancey, one of the major influences leading to Alabama's secession prior to the Civil War, attended services.

In 1839, Alabama constructed a State penitentiary near Wetumpka. Following the construction of Kilby Prison, the original structure was used as a prison for women. Eventually, Julia Tutwiler Prison for Women was built in the Wetumpka area in 1941. Facilities in that part of Elmore County have helped provide the favorable correctional atmosphere necessary for rehabilitation.

On February 13, 1984, just a few short weeks away, Mr. President, a historical plaque will be unveiled commemorating the city's 150 years of existence. The entire city, almost 5,000 citizens strong, is planning a year-long observance in recognition of the strength of the people and foundation of Wetumpka.

It is a great pleasure for me to represent the people of Wetumpka, Ala., in the U.S. Senate. I congratulate this fine city on this momentous occasion, an occasion where its fine citizens may show their civic pride and their dedication to State and country.

CLEMENT J. ZABLOCKI

Mr. PERCY. Mr. President, the Nation lost a great patriot on December 3, 1983, when Congressman CLEMENT ZABLOCKI passed away. As chairman of the House Foreign Affairs Committee, he was a politican who put foreign policy above politics.

Chairman ZABLOCKI believed that a strong America requires a strong Presidency, and he consistently worked closely with all administrations to help form a consistent, viable, and bipartisan U.S. foreign policy. But his belief in a strong presidency did not lead him to denigrate the constitutional powers of the Congress which he always upheld. He was a major architect of the 1973 War Powers Resolution and earlier this year worked closely with the House and Senate leadership to implement that resolution in the case of Lebanon.

Chairman ZABLOCKI helped form U.S. foreign policy with a true sense of balance. He avoided extreme stands and sought practical solutions. He believed in a strong defense posture for the United States while constantly championing arms control. He supported moderate growth in our Nation's security assistance programs, but never at the expense of development assistance to the world's poor. He did not shy away from American military involvement overseas, but always cautioned against needless intervention.

I often found myself across the table from Chairman ZABLOCKI during House-Senate conference committee meetings. He was a true gentleman with the ability to use his excellent sense of humor to diffuse the tension that sometimes builds in difficult negotiating situations. He was an able negotiator who generally worked quietly behind the scenes to reach agreements. His word was as good as gold.

Chairman ZABLOCKI had great respect for the institution of the Foreign Affairs Committee and was an extremely hard-working chairman. Just this year, he labored tirelessly in the House as I worked in the Senate to bring the foreign assistance authorization bill to the floor. Against the odds, he succeeded in adding a modified version of the bill to the continuing resolution, thereby preserving the jurisdiction of the authorizing committees.

While we on Capitol Hill knew CLEM ZABLOCKI as an effective legislator, we also admired him for the quality of his personal life. He was devoted to his church and family. At his funeral, the Rev. Monsignor Thomas M. Duffy praised his ability to apply the values of the church to his leadership position in the Congress, and further to work with the church on difficult issues such as El Salvador.

We will all miss CLEM ZABLOCKI's skill, his wisdom, and his marvelous personal attributes.

DEATH OF CLEMENT J. ZABLOCKI

Mr. PELL. Mr. President, with the death on Saturday, December 3, of CLEMENT J. ZABLOCKI, the chairman of the House Committee on Foreign Affairs, the Nation lost a quiet statesman and Congress a valuable friend and colleague. In the 23 years I have known him, Congressman ZABLOCKI never failed to impress me as a public man who always sought to do the right thing. He served his country, and his beloved Wisconsin constituents with a vigor and dedication that became the hallmark of his tenure here in Congress, which spanned more than three decades.

In foreign policy, Congressman ZABLOCKI actively engaged the principle that partisan divisions end at the waters edge. He sought to craft bipartisan support for eight Presidents—Republicans and Democrats alike. And he worked tirelessly for this principle, even when it was not the most popular or politic thing to do, such as his support for the U.S. effort in Vietnam, and more recently, his support for an 18-month authorization for the marines in Lebanon. And when he thought a President wrong, the moral weight of his support for an issue, or a piece of legislation could make the difference, as it did when he crafted the War Powers Resolution a decade ago or his more recent leadership on behalf of the nuclear freeze resolution and against the production of new lethal nerve gas weapons.

Although he was comfortable with foreign leaders, Kings, and Prime Ministers, a confidant to Presidents, and a valued counselor to Secretaries of States, CLEMENT ZABLOCKI was one of those rare breed of men who always seemed untouched by the arrogance of power. His were unassuming, quiet methods of consensus-building. He eschewed the klieg lights and the confrontational approach on most issues, preferring instead to build support behind the scenes for the right policy for the country. Although not everyone agreed with him on the right thing to do in each instance, no one doubted that, at heart, CLEMENT ZABLOCKI was a patriot.

Mr. President, I shall always remember with deep fondness the gentle wry humor, and the fierce dedication to his country that CLEMENT ZABLOCKI brought to his work here in Congress. His legacy will be the spirit of bipartisan cooperation in foreign policy and the war powers law that charts the gray constitutional area between the

legislative and executive branches governing that foreign policy. It is a legacy that will endure.

WHAT DO WE HAVE TO FEAR IN CENTRAL AMERICA?

Mr. PROXMIRE. Mr. President the answer to the question, What do we have to fear in Central America, is nothing. Absolutely nothing. The people of this country have paid little or no attention to Central America, and as ever the people are right. Oh, yes, we should help the desperately poor, hungry Central Americans with Peace Corps-type assistance. But fear them? You have to be kidding. How utterly absurd is our fear of the likes of Nicaragua or the El Salvador rebels or any combination of power in Central America. Look at the facts: The only major country in Central America is Mexico. Now we can learn a great deal from the wise course of the Mexican Government. We could do a lot worse than emulating what Mexico is doing. Which is what? Well, to begin with, Mexico is our friend. Its people elect their government democratically.

The United States is far and away Mexico's most important trading partner and the source of its vital tourist trade. Is Mexico Communist? No way. Mexico has shown no disposition to elect a Communist government nor to sympathize with the likes of Fidel Castro, let alone the Soviet Union. And what has Mexico done about Nicaragua and El Salvador? Mexico has quietly and persistently tried to cool the revolutionary forces in Central America. She has organized the Cancun group and constitutes its most important component. That Cancun group has dedicated itself to discouraging violence and proposed the peaceful settlement of disputes. Has it flexed its muscles or shown the flag or made a big show of arms? No. Could it? Well, by comparison with other countries in Central America, Mexico certainly has the size and military power to dominate the region. Mexico's patience and peacefulness represents the kind of constructive conduct that we should encourage and emulate.

After all, Mexico has the same strong opposition to communism that we have. If there is any reason to fear Communist challenge to its territory and its sovereignty, Mexico may have some reason to be concerned. We do not. But somehow Mexico seems to have the equanimity and the maturity to maintain its patience and to stand aside from whatever turmoil its Central American neighbors may suffer. And well it might. What threat does Nicaragua or El Salvador or both, or for that matter all the other countries of Central America combined, represent to Mexico? Obviously none.

Consider Nicaragua. What is its population? Its GNP? The size of its army? Its air force? Its navy? Why should Mexico concern itself with these little mosquitos buzzing around its nose? A mild swat here and there if the mosquitos become aggressive and the suicidal urge to invade Mexico ends and the mosquitos are gone. The only way these mosquitos could become a genuine menace would be for Mexico to become involved in an aggressive military adventure of its own to purge Central America of communism. If it did that it could have a genuine internal revolution on its hands. And Mexico would become in the eyes of other Central American countries the bully boy, the big tough, rich guy everyone loves to hate and yearns to see lose.

Mexico knows that these swings between socialism and capitalism, between flirtations with Marxism and reliance on a market system, between cozying up to Cuba and the U.S.S.R. and nestling up to the United States, that these flirtations come, and, if you leave them alone, they go. Marxism contains its own seeds of destruction in countries as small, as weak, as poor as the Central American countries.

The people of these countries will not put up for long with the corrupt selfishness of the Marxian bureaucracy, just as they will not put up with the corrupt selfishness of the exploiting plutocracy that alternates with it. They will not, that is, as long as Mexico stays out. So she stays out. Why do we not have that wisdom? True we have the wealth, the capacity to greatly assist these Central American nations, and at little net cost to ourselves as we help them develop their resources and a trade as beneficial to us as to them. But if we challenge the sovereignty of these little countries, if we use our troops or a show of force of our troops, we take exactly the step that makes us the hated bully on the block.

And everyone—even some of our own citizens—who always cheer for the little guy, the underdog, will once again wish for our comeuppance. And, of course, nowhere is the certainty of this opposition more sure than in the little Central American countries themselves. Nicaraguans see our massive aircraft carriers. They hear about our tanks and planes that we will deploy into nearby Honduras, for the express purpose of intimidating their country. And if they did not have a reason for fighting and dying for their country, all of a sudden they have one. And who gave it to them? We did.

Mr. President, I ask unanimous consent that a table entitled "Economic and Military Statistics—Central America and the United States" be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ECONOMIC AND MILITARY STATISTICS—CENTRAL AMERICA AND THE UNITED STATES

	Population (millions)	GNP/GDP (billions)	Military expenditures (millions)	Military personnel	Combat aircraft	Major naval vessels [1]	Army personnel
Costa Rica	2.4	4.8	[2] 13.9	[3] 7,000	.....	.....	.....
El Salvador	4.6	3.5	134.0	16,000	27	.....	14,900
Guatemala	7.5	7.8	79.0	18,550	16	.....	17,000
Honduras	4.1	2.5	50.0	11,700	25	.....	11,500
Nicaragua	2.6	1.8	[4] 54.0	[5] 21,500	8	.....	[5] 20,000
Panama	2.0	3.0	42.0	[3] 9,000	.....	.....	.....
Subtotal	23.2	23.4	372.9	83,750	76	0	63,400
Cuba	9.9	18.4	1,112.0	127,500	189	4	100,000
Subtotal	33.1	41.8	1,484.9	211,250	265	4	163,400
Mexico	71.3	170.0	1,656.0	119,500	25	10	95,000
	.....	.....	.....	[6] (250,000)	.....	.....	[6] (250,000)
Total	104.4	211.8	3,140.9	330,750	290	14	258,400
United States	233.9	3,073.0	214,300.0	2,127,000	5,090	285	780,000

[1] Frigates or larger including submarines. Most countries also have small patrol boats, some with surface-to-surface missiles.
[2] Ministry of Public Security and Civil Guard.
[3] Paramilitary forces/National Guard.
[4] This figure is dated (1979) and suspect given aid from Cuba and the U.S.S.R.
[5] Plus 80,000 militias and Reserves $125,000,000 in military equipment from U.S.S.R. 2,135 foreign security advisers.
[6] Part-time conscripts.

Sources: Central Intelligence Agency. "The World Factbook 1982"; The International Institute for Strategic Studies, "The Military Balance 1982–1983"; Ruth Leger Sivard, "World Military and Social Expenditures 1982."

CENTRAL AMERICAN COUNTRIES AS A PERCENTAGE OF UNITED STATES

	Population	GNP/GDP	Military expenditures	Total military personnel	Combat aircraft	Major naval vessels	Army personnel
Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama	9.9	0.76	0.17	3.9	1.5	0	8.1
Above plus Cuba and Mexico	44.6	6.8	1.5	15.5	5.7	4.9	33.0

RAPHAEL LEMKIN: "THE UNOFFICIAL MAN" BEHIND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last month marked the 35th year since the United Nations endorsed the International Genocide Convention. The New York City Public Library is observing this anniversary with a display of the personal papers and writings of Raphael Lemkin, whose personal crusade was instrumental in raising support for the convention.

Lemkin's is story of a great individual's triumph over adversity against all odds. This remarkable Polish-born Jewish lawyer and scholar was uprooted by the 1939 Nazi occupation of Poland, in which his entire family, except for one brother, was wiped out. Lemkin escaped to Sweden, and from there to the United States. A prolific writer on international law and a speaker of nine languages, he taught at Duke and at Yale before leaving academia to lobby full time for a treaty to outlaw such acts as those which victimized his family.

Lemkin worked without official status; in fact, he entitled his own autobiography "The Unofficial Man." Instead, he became known for his intellect and his unswerving dedication to his cause. Lemkin coined the very term, "genocide," and his ideas significantly shaped the treaty which eventually banned it.

The current exhibit of Lemkin's work was first proposed by William Korey, human rights expert at B'nai B'rith International. According to a recent New York Times article, he thought the exhibit would heighten interest in U.S. ratification of the Genocide Convention—still unratified after 35 years. Said Korey: "Until it does—ratify the treaty—the United States cannot effectively be seen as a champion of human rights." Furthermore, Korey pointed out, the moral impact of the treaty and of the world opinion which it represents has significant influence, "because no one wants to be accused of genocide."

These comments, Mr. President, are right on the mark. After 3½ decades, is it not time we recognized the validity of these arguments? Is it not time for the United States to join the 92 other nations which have ratified the International Genocide Convention? I believe it is, and I urge the Senate to lend its advice and consent to ratification before another year goes by.

Mr. President, I ask unanimous consent that the New York Times article to which I referred be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

[From the New York Times, Sunday, December 4, 1983]

LIBRARY SHOW RECALLS MAN BEHIND TREATY ON GENOCIDE

(By Kathleen Teltsch)

The typed manuscript pages have turned yellow, the cheap copybooks are worn, and the handwritten notes are difficult to decipher.

Together they represent the legacy of Raphael Lemkin, a Polish-born Jewish lawyer who crusaded for years to obtain United Nations approval of the Genocide Convention, a treaty outlawing as an international crime the mass killing of national, racial or religious groups.

In observance of the 35th anniversary of the convention's approval, the Lemkin papers, including an unfinished autobiography, will go on display at 1 p.m. next Friday at the New York Public Library, on Fifth Avenue at 42d Street. At the opening, officials from the United Nations, diplomats, scholars and civil leaders will gather to honor the author, who died alone in poverty at a Manhattan hotel in 1959.

Since the convention was approved, 92 countries have accepted the treaty. It seeks to deter genocide by obligating ratifying nations to punish those who commit the crime, whether the guilty are government rulers or citizens.

VOLUMES OF CORRESPONDENCE

The memorabilia includes eight chapters of a history of genocide—a term he coined from the Greek word "genos," meaning race, and the Latin "cide," meaning killing.

Before his death, at the age of 58, he had published 11 books, mainly about international law, 1 volume of art criticism and another about rose cultivation.

But the focus of his later years was the genocide treaty he helped write. His papers include voluminous correspondence with government leaders of the 40's and 50's, religious organizations and labor and women's groups.

He became acquainted with many prominent individuals during his years at the United Nations, where, without representing a government or an accredited organization, he moved freely in the meeting halls, buttonholing delegates to plead his cause.

THE UNOFFICIAL MAN

A friend of those days, a Hungarian author, Emery Kelen, said, "The man was like a hermit crab who spotted an empty office, moved in and made it his home."

Lemkin liked to call himself "the unofficial man," because it described his status—or lack of status. It was the title for his unpublished autobiography. The library's acquisition includes some chapters about his early life.

He was born in eastern Poland and educated at the Universities of Lwow and Heidelberg, spoke nine languages and frequently represented Poland at international conferences. Then came the Nazi invasion of Poland in 1939. He and a brother, Elias, alone survived; the 49 other family members were wiped out. Although wounded, he hid in the forests until he escaped and eventually reached Sweden.

In the United States, he taught law at Duke and Yale Universities, but gave up academic life to devote himself full-time to lobbying when the United Nations set up temporary quarters at Lake Success, L.I.

AT GENERAL ASSEMBLY SESSION

He wrote in order to collect a small reserve of money for the stream of cables he fired off constantly to governments. When funds gave out, there was a hospitable distant relative, Dr. Robert Lemkin, who took him home.

Somehow, Raphael Lemkin scraped together funds to get to the General Assembly session in Paris in 1948. By then, his single-minded dedication was well-known, and the president of the assembly, Dr. Herbert V. Evatt, encountering Mr. Lemkin in a hallway, grasped his hand saying to bystanders, "He is a great fighter, and we will help him win."

But when the convention was finally approved unanimously and well-wishers went searching, Lemkin had dropped from sight. That night, a few journalists found him seated in the darkened Assembly Hall in the same chair he had occupied earlier. Lemkin, who always was eager to talk, begged off, pleaded, "Let me sit here alone."

The Lemkin records were assembled by the library's archivists and officials of B'nai B'rith, the Jewish service organization, with the help of a few of his friends.

TO REKINDLE INTEREST

It was the director of policy research for B'nai B'rith International and an authority on human rights, William Korey, who learned of the papers and proposed the anniversary observance to the president of the library, Vartan Gregorian.

Mr. Korey acknowledged his motivation was to rekindle American interest in ratifying the genocide treaty, "because until it does, the United States cannot effectively be seen as a champion of human rights." He blamed misconceived fears or inertia for the failure to ratify and insisted the treaty continued to exert a powerful moral force on governments, "because no one wants to be accused of genocide."

The acquisition of the papers, seemed fitting, Mr. Gregorian said, because Lemkin did much of his research work at the library.

"I'm also personally interested in the genocide treaty, as an Armenian," Mr. Gregorian said, referring to a 1915 massacre of Armenians. "And, of course, no one can forget the Nazi holocaust."

Neither he or Mr. Korey ever met Lemkin. Mr. Korey tracked down the papers with the help of a New York lawyer who had befriended Lemkin and opened his home to him, Maxwell Cohen, and a journalist at the United Nations, Alexander Gabriel, who said he had rescued the records from a coal bin where they were dumped after Lemkin's death.

Other documents, which were donated to the American Jewish Archives at Hebrew Union College in Cincinnati, were copied for the exhibition by the assistant director for rare books and manuscripts, William L. Joyce, who spent months assembling the exhibition.

The library will make the files available for scholars, Mr. Gregorian said, "In this age of homogenization, when everyone talks about systems, Lemkin showed one dedicated individual can make a difference."

TRIBUTE TO THE LATE JUDGE ROBERT W. HEMPHILL OF CHESTER, S.C.

Mr. THURMOND. Mr. President, it is with deep sorrow that I rise today to pay tribute to an outstanding public servant, my good friend, Judge Robert W. Hemphill, of Chester, S.C., who passed away on Christmas Day, 1983, at the age of 68. To his loving wife, Beverly, devoted children Forrest, Harriet, and Robert, and grandchildren, Kelly and Heather, I offer my most sincere sympathy.

Robert Hemphill was an extraordinary man whose life was dedicated to serving his God, country, State and fellow man. His unceasing zeal for justice proved to be the driving force which propelled his distinguished career in public service.

His desire to do right was nurtured by his parents, the late John McLure and Helen Witherspoon Hemphill of Chester. Robert Hemphill had the fortune of being raised in a prominent family with a reputation for community service, and their influence motivated his pursuit in the field of law.

After receiving his A.B. and LL.B. degrees from the University of South Carolina, he joined the law firm of Hemphill and Hemphill in 1938. As an attorney, Robert Hemphill quickly earned the respect of his contemporaries in the legal profession as an able lawyer who was committed to his clients and his practice.

This pleasant and likable individual took American freedoms and liberties seriously. He interrupted his practice of defending these freedoms in the courtroom, and volunteered to defend them on the battlefield. From 1941 until 1945, Robert served as a bomber pilot in the U.S. Army Air Force during World War II.

Returning to his home in Chester, he continued his law practice with an even greater appreciation for the laws of our land. In 1946, Robert Hemphill took advantage of an opportunity to make a more profound impact on his community and State when he was elected to serve in the South Carolina State Legislature, representing Chester County. Wanting to do even more to help the people of this region, he was elected in 1950 as sixth circuit solicitor for Chester, Lancaster, and Fairfield Counties.

By 1956, Robert Hemphill's reputation for honesty, integrity, and service was well known throughout the State. His impeccable performance record served as a firm platform for his 1956 candidacy for the U.S. House of Representatives. He was elected in that year to represent the Fifth Congressional District of South Carolina, becoming the first Chester County native to be elected to that high office.

His 8-year career as an influential Congressman was replete with numerous accomplishments which benefited his constituency, the State of South Carolina and the entire Nation.

Robert Hemphill reached the summit of his legal career in 1964 when President Johnson, upon my endorsement, and that of others, appointed him to become a U.S. district judge. For over 19 years as a Federal jurist, Judge Hemphill proved to be a competent, fair, and wise administrator for justice. The senior arbitrator earned the respect and admiration of many in and out of the legal profession.

Today, a portrait hangs in the U.S. District Court House in Columbia, S.C., in recognition of Judge Hemphill's superb public service. He was the recipient of numerous awards and distinctions such as the American Legion's National Distinguished Public Service Award.

As an attorney, Robert Hemphill espoused the laws of the land he loved; as a member of the South Carolina State Legislature and the U.S. House of Representatives, he was influential and shaping those laws governing the people; and as a firm but compassionate and impartial jurist, he administered and interpreted the law with great skill.

Mr. President, I feel a great sense of personal loss in the passing of this remarkable individual. His death is untimely. Judge Robert Hemphill leaves behind a large circle of friends, yet, the memory of this man of unimpeachable character and numerous abilities will long live in the hearts and minds of those who had the privilege of knowing him.

Mr. President, in order to share more about this dedicated and patriotic public servant, I ask unanimous consent that the following articles from South Carolina newspapers be placed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chester News and Reporter, Dec. 12, 1983]

JUDGE ROBERT W. HEMPHILL DIES AT HIS HOME

Senior U.S. District Judge Robert Witherspoon Hemphill, 68 died suddenly late Christmas Day at his home at 167 York Street of apparent heart failure.

A prominent former attorney, state legislator, congressman, and jurist, Judge Hemphill was convalescing at his home here after having been hospitalized for about a month this summer. He had suffered a massive heart attack on July 25 while holding a court hearing in New Bern, N.C.

Judge Hemphill reportedly died at around 7:30 p.m. Sunday while watching television at his home.

Funeral arrangements will be announced by Barron Funeral Home.

Judge Hemphill was appointed to a federal judgeship by President Lyndon B. Johnson in April 1964, after he had promised the vacant position in South Carolina by President John F. Kennedy prior to his assassination in November 1963.

Judge Hemphill, a Democrat, had served the Fifth Congressional District for four two-year terms, first taking office in January 1957. During his congressional service, he was seldom opposed in either the primary or general election.

Judge Hemphill's work as a federal judge, which spanned more than 19 years, and as a congressman, came toward the end of a 37-year career of distinguished public service. A portrait of him hangs in the U.S. District Court House in Columbia, having been dedicated some two years ago in recognition of his service.

He began his career in 1946 when he was elected to the S.C. House of Representatives from Chester County, and served there until he was elected, in 1950, to the first of two four-year terms as Sixth Circuit Solicitor for Chester, Lancaster and Fairfield counties.

It was in 1956 that he became the first Chester County native to be elected to the U.S. Congress from the S.C. Fifth District, which he won by defeating Tom Gettys of Rock Hill.

A member of a prominent old Chester family, he was born here, a son of the late John M. Hemphill and the late Mrs. Helen Witherspoon Hemphill. He was graduated from Chester High School, and the University of South Carolina, from which he received an A.B. degree in 1936 and the LL.B. degree in 1938.

Upon completion of his law studies, Hemphill returned to Chester to join the firm of Hemphill and Hemphill in Chester. He interrupted his law practice, however, in 1941 to volunteer for military duty with the U.S. Army Air Force, in which he served as a pilot until 1945. He continued for many years as an officer in the Air Force Reserve. It also contributed to his long-time interest in and support for development of the Chester Municipal Airport.

He had been active in a number of organizations over the years, including past service as a commander of the James Hemphill Post No. 27, American Legion, and particularly as an Elder and Sunday School teacher at Purity Presbyterian Church. He was often called on to speak at church and patriotic gatherings throughout the area.

[From the Chester News and Reporter, Dec. 28, 1983]

FINAL RITES TODAY FOR HEMPHILL

The funeral for U.S. District Judge Robert Witherspon Hemphill of Chester was conducted at 2 p.m. today in Purity Presbyterian Church with his former pastor, the Rev. Dr. Charles D. Elliott of Clinton, officiating. Interment was made in Hopewell Associate Reformed Presbyterian Church cemetery.

Judge Hemphill, 68, died suddenly of an apparent heart attack at about 7 p.m. on Christmas Day as he watched television at his home on York Street. He had been building his strength in recent months by walking daily in Chester and had just recently returned to work in his Rock Hill office after several months of recovery from a massive heart attack. He suffered the coronary on July 25 while holding court in New Bern, N.C.

His death Sunday prompted numerous messages of condolences for his family and words of praise from a wide circle of friends and acquaintances, including the governor, judges, lawyers and others in various professions and walks of life.

Gov. Richard W. Riley called Hemphill an outstanding judge, congressman and South Carolinian.

"Judge Hemphill had the unusual combination of being an excellent judge, handling complex legal matters, and also being a very compassionate person. He was just an unusual guy, and that combination describes him. He loved people, and he loved the law, and he kind of meshed those two in becoming a very fine judge," Riley said.

State Sen. John A. Martin, D-Winnsboro, said, "He was very talented and astute in law—a competent member of the bench."

Martin also touched on Hemphill's keen sense of humor, noting that he was a prolific writer. "Some of his opinions are classic for the humor and satire in them. He was a hard worker, a man of enormous energy, and was serious minded, but, at the same time, he had a delightful sense of humor. He was thoughful and compassionate."

Charles E. Simmons Jr., chief U.S. district judge for South Carolina, called Hemphill's death "a great personal loss."

Born in Chester on May 10, 1915, and a son of the late Mr. John McLure Hemphill and the late Mrs. Helen Witherspoon Hemphill, he was graduated from Chester High School and the University of South Carolina, from which he received both the A.B. degree in 1936 and the LL.B. degree in 1938. He was admitted to the S.C. Bar in 1938 and joined the firm of Hemphill and Hemphill in Chester.

After volunteer service during World War II in the U.S. Army Air Corps (1941-45), Hemphill served in the S.C. House of Representatives (1947-48) from Chester County, was Solicitor of the Sixth Judicial Circuit from 1950 until 1957 and was elected to the U.S. Congress from the S.C. Fifth District in 1957. He served four two-year terms (85th through the 88th Congress) before being appointed by President Lyndon B. Johnson in 1964 as U.S. District Judge for the Eastern-Western Division.

An active member, Elder, and former Sunday School teacher of Purity Presbyterian Church, he was also a member of Chester Bar, S.C. Bar, and practiced before the Virginia U.S. Civil Commission, ICC Fourth Circuit Court of Appeals, and the U.S. Supreme Court.

He received several honors and recognitions from the University of South Carolina and the American Legion, including the National Distinguished Public Service Award from the latter. He was a member of the American Legion and the 40&8.

He was twice married, first to Mrs. Isabelle Anderson Hemphill, who died in June of 1982. He is survived by his second wife, Mrs. Beverly H. Hemphill.

In addition to his widow, he is survived by a son, Robert Witherspoon Hemphill Jr. of Charlotte; two daughters, Mrs. Forrest H. Stewart of Panama City, Fla., and Mrs. Harriet H. Crowder of Mt. Pleasant; and two grandchildren.

The family suggests that memorials be made to a charity of one's choice.

Barron Funeral Home was in charge.

[From the Chester News and Reporter, Dec. 28, 1983]

JUDGE HEMPHILL

The sudden death Sunday of U.S. District Judge Robert W. Hemphill at his home was a loss that will be felt far beyond the confines of his beloved native Chester County. He was a fine, personable and honorable man, whose career of public service included that of military pilot, attorney, state legislator, circuit solictor, U.S. Congressman, and federal jurist.

His duties as a federal judge took him to courtrooms across the country and back, but no matter how busy he was, he never forgot his home county and its people. He was always ready and willing to speak to church or patriotic gatherings throughout the area, and he gave freely of himself in supporting people and community projects that needed a boost.

Bob Hemphill, without question, was Chester County's most distinguished citizen. He was of sturdy stock, born into an old and prominent Chester County family, but he made that family connection even more prominent by his own distinguished career. He was widely known and respected, and his friends included people at the highest as well as the lowest stations in life.

His loss will be keenly felt, not only in the courts and legal circles where much of his life was spent, but by everyone who had the privilege of knowing him.

[From the Columbia State, Dec. 30, 1983]

ROBERT W. HEMPHILL

In their remarks on the death of U.S. District Judge Robert W. Hemphill Monday, colleagues on both sides of the bench, without exception, expressed a sense of personal loss, reflecting the gregarious nature of the man.

He was easy to like and to talk to in person, a characteristic which won him votes and helped elect him to the Legislature, to the 6th Circuit solicitor's job, and to four terms in Congress from the 5th District. He counted John F. Kennedy, Lyndon B. Johnson and House Speaker Sam Rayburn among his friends. President Johnson appointed him to a federal judgeship.

There was never any doubt, however, as to who was in charge in his courtroom. He worked hard and insisted that attorneys and court officials do so as well. When he became a judge, the median time between federal indictment and trial was 4.6 months; he saw it cut to 1.6 months.

In 1973, Judge Hemphill was given a national award for judicial merit by the American Association of Trial Lawyers and was hailed as a "creative judge." Among his "creative" works was a $15,000 fine against two attorneys whom he considered to be dragging their heels in a civil rights lawsuit against a local company. He charged they "unreasonably multiplied and prolonged" pre-trial proceedings. The fine is on appeal for a second time. Judge Hemphill refused to back down.

Away from the federal courthouse, he enjoyed golfing, but his favorite recreation was flying gliders, at his hometown (Chester) airport, a Southeastern center for gliding. A bomber pilot during World War II, he maintained his flying status for more than 40 years. He once told a reporter who found him in blue jeans beside a glider at the airport, "There's a beauty up there that's unbelievable. It's so quiet. I think it really reinforces your religion. You realize how dependent you are on nature."

Bob Hemphill was given to using salty language, and frequently said unflattering things about higher courts. He once said his finest hour was the presentation of his portrait and an endowment fund in his honor at the University of South Carolina Law School by the S.C. Trial Lawyers Association.

After choking with emotion in his response, Judge Hemphill cracked the tension in his audience with what may have been his own epitaph: "I'm not that good a judge," he said, pausing a moment, then adding, "And I'm not that bad either."

DR. ANTHONY ZUKOWSKY

Mr. ANDREWS. Mr. President, for 39 years, Dr. Anthony Zukowsky has worked for the freedom of the Ukrainian people. I am very sorry to learn that Dr. Zukowsky has suffered a heart attack and remains in critical condition. His great efforts over the years cannot be adequately acknowledged or replaced, and his knowledge of and determination for the Ukrainian cause remain unparalleled. It is with Dr. Zukowsky's diligent efforts in mind that I read this letter from the North Dakota branch of the Ukrainian Congress Committee of America, Inc.

DEAR SENATOR ANDREWS. Yesterday, the Ukrainian people in the free world celebrated the 66th anniversary of the Proclamation of Independence of Ukraine. It was on January 22, 1918, that this proclamation was made in Kiev, the capital of Ukraine.

Following this declaration, the sovereign of Ukraine struggled for 3 years against the Russian Bolsheviks. They succumbed to the aggressor who established in Ukraine a Communist government known as the Ukrainian Soviet Socialist Republic.

Under the Communist rule, millions of Ukrainians have been annihilated. In 1983, the Ukrainians in the free world called attention to the 50th anniversary of the man-made famine which caused the death of 7 million Ukrainians. Further, the churches in Ukraine have been destroyed, the clergy and faithful persecuted. All aspects of Ukrainian life are controlled and directed by Moscow.

Arrests, trials, convictions of thousands of Ukrainians charged with "anti-Soviet propaganda and agitation" have been made. Unfair trials and harsh sentences have been given to members of the Ukrainian Helsinki Accord monitoring groups. Extended prison terms are now being given to dissident writers.

Ukraine cannot accept the cruel foreign domination, the russification of her language, the dissipation of her culture, destruction of the churches, and the annihilation of the country.

Each year in this great country of the United States, from coast to coast, January 22 is proclaimed as Ukrainian Independence Day. It is in the spirit of liberty, faith, and justice that America gives moral support to the Ukrainian people.

We thank the President of the United States, Members of the U.S. Senate and Congress for their support to the Ukrainian people in their struggle for human rights.

Sincerely,

BOHDAN MAKARUK,
UCCA State Branch of North Dakota.

THE DEATH OF JAMES CHAPMAN OF SPARTANBURG, S.C.

Mr. THURMOND. Mr. President, I was deeply saddened recently by the death of a close personal friend and patriotic American, Mr. James A. Chapman, Jr., of Spartanburg, S.C.

Jim Chapman was a graduate of Davidson College with a bachelor of science degree in chemistry. He joined Inman Mills in 1946 and rose to the positions of chairman and chief executive officer in 1978.

During his business career, Mr. Chapman served as president of the South Carolina Textile Manufacturers Association and the Southern Textile Association. At the time of his death, he was the president of the American Textile Manufacturers Institute.

In addition to his services to the domestic textile industry, Mr. Chapman was an active community and church leader. He was a ruling elder of the First Presbyterian Church of Spartanburg, S.C. He had been chairman of the South Carolina Foundation for Independent Colleges, and he served on the board of trustees of Presbyterian College.

Mr. Chapman also had been a director of the Citizens and Southern National Bank of South Carolina, of the National Association of Manufacturers, and of the Federal Reserve Board of Richmond, Va.

Mr. President, as is evident from the activities just enumerated, James Chapman devoted enormous amounts of his time and energy toward worthy causes. As the leader of our domestic textile industry, he fought tirelessly to preserve over 2 million textile/apparel jobs in the United States. he will be sorely missed by all those who knew him, worked with him, and looked to him as an industry leader, and as a friend.

Mr. President, James Chapman is survived by his wife, Martha; a son, James A. Chapman IV of Atlanta; and three daughters; namely, Mrs. Joseph A. Webster of Hilton Head, S.C.; Martha Marshall Chapman of Nashville, Tenn.; and Dorothy Dryer Chapman of New York City. To these and other family members and friends, I extend my deepest sympathy.

America has lost one of its ablest business leaders and finest citizens. We mourn the loss of Jim Chapman and we are greatful for the legacy he has given to this community, State, and Nation.

Mr. President, I ask unanimous consent that various articles and editorials concerning the death of James A. Chapman, Jr., appear in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Spartanburg (S.C.) Herald-Journal, Nov. 10, 1983]

JAMES A. CHAPMAN, JR., DEAD AT AGE 62

TEXTILE INDUSTRY AND COMMUNITY LOSE A FRIEND

James A. Chapman Jr., an enthusiastic, dynamic leader of the textile industry and whose leadership guided the business through some of its most difficult times, died Wednesday. He was 62.

Chapman's death followed several weeks of illness. He was president of the American Textile Manufacturers Institute and chairman and chief executive officer of Inman Mills.

A giant in the textile industry, his name gained respect not only in industry but in civic and church circles as well. He had been president of the Southern Textile Association and South Carolina Textile Manufacturers Association, along with his recent ascension to the presidency of ATMI.

His community service involvements were voluminous. He considered it a family tradition—the pride he was reared on.

"We could list all those and it would look nice in an obituary, but it's not something we can claim credit for," Chapman was quoted recently in an article in the Spartanburg Herald-Journal.

"My mother and father taught us that people of influence and business should never be too busy to donate their time to their church and community."

Chapman, to the day he died, lived each day by that principle, and on the day before his death, the community recognized and thanked him for his community care.

He was named Distinguished Citizen of 1983, an award given by the Spartanburg Board of Realtors.

S.C. Gov. Dick Riley, in Spartanburg Wednesday to dedicate an inland state port at Greer, lauded Chapman as a sound, solid part of the textile industry.

"Jim Chapman was one of those rare business leaders who had a complete grasp of the future," Riley said.

Congressman Carroll Compbell, R-S.C., spoke Wednesday of Chapman as one of few men to "speak his mind when he knew he was right and with his ability to persuade people to his side.

"A devoted family man, a community leader, a national force in the fight to preserve the health of the American textile and apparel industry, Jim Chapman's shoes will be impossible to fill.

"Those of us who knew him understand that we are all richer for the experience. Jim was truly a great man, and one who will be sorely missed not only by his family and many friends, but by the nation and the workers of the entire industry who looked to him for guidance and help."

Chapman was honored Wednesday by the South Carolina General Assembly in memorial resolutions drawn by members of the Spartanburg County Delegation and with a minute of silent prayer in the House and Senate.

He was remembered by some of his closet friends and business associates in the Spartanburg community.

"I have lost a dear friend and neighbor, and our industry has lost one of its most enthusiastic and dynamic leaders," said Walter S. Montgomery Sr., chairman of the board of Spartan Mills.

"Our community, state and nation have lost an outstanding citizen. All of those who knew Jim well share the loss with his family and give them our sincere blessings," Montgomery said.

Roger Milliken, chairman of board and chief executive officer of Milliken and Co., described Chapman as a man of "unbounded enthusiasm."

"Jim Chapman always gave of himself with unbounded enthusiasm—to his family, his business, his industry and his community and state—not only with support, but in big leadership roles," Milliken said. "He will be sorely missed by his many friends, of whom I was privileged to be a close one."

Chapman, a third generation top executive officer of Inman Mills, had a tremendous influence on the American textile industry, and he had talked recently about his desire to regain an active role in the important position he held as president of ATMI.

"The passing of Jim Chapman saddens me deeply. Just three weeks ago, I chatted with him on the phone and he expressed optimism regarding his return to his active responsibilities as president of this industry's national trade association, the American Textile Manufacturers Institute, and the managing of his company, Inman Mills," said Jerry Beasley, executive vice president of the South Carolina Textile Manufacturers Association.

"He agreed also at that time to speak at one of our larger association meetings next February," Beasley said. "He was a giant in this industry and a great leader in our state and nation."

Chapman left his mark on the industry, said W. Ray Shockley, executive vice president of the American Textile Manufacturers Institute.

"He was a valued friend as well as a dedicated, energetic and able leader of the American Textile industry," Shockley said.

"He was a great president of ATMI, having initiated a number of programs that will serve our industry extremely well for a long time to come," Shockley said. "He was a thoughtful, sensitive person who devoted his time and enormous talents to his family, his community, his church, to the employees of Inman Mill and all of the people who work in the textile industry."

Inman Mills, growing into a four-plant chain since the turn of the century, has earned one of the industry's most respected names, always with a Chapman at the helm.

Jim, for the past 19 years, was the modernizing, yet homestyle boss.

Chapman was a native of Inman. He was educated in public schools in Inman and Spartanburg and graduated from Darlington School in Rome, Ga. He received a bachelor of science degree from Davidson College in Davidson, N.C., in 1943.

Starting work with Inman Mills as a trainee in 1946, Chapman became the plant's manager in 1947, a job he kept until 1954.

At that time, he was named vice president, serving until 1964.

Chapman became president and treasurer of Inman Mills in 1964, serving until 1978 when he became chairman of the board and chief executive officer, posts he held until his death. He also was a director of the company.

In time, three of the five Chapman brothers would wed their careers to Inman Mills.

At his death, Chapman was a director of the Federal Reserve Bank of Richmond and of the Textile Hall Corporation in Greenville. He was moderator of the Enoree Presbytery in 1963; a trustee of Presbyterian College in Clinton from 1964 to 1973, serving as chairman 1970–73; a trustee of the Spartanburg County Foundation from 1964 to 1970, chairman in 1970; a trustee of Inman-Riverdale Foundation since 1948, vice chairman 1964–79, chairman since 1979; a trustee of the J. E. Sirrine Textile Foundation since 1964; a trustee of the South Carolina Foundation of Independent Colleges since 1965, chairman 1973–79.

Chapman also was a member of the Southern Textile Association, serving as president 1955–56; of South Carolina Textile Manufacturers Association, president 1972–73; of American Textile Manufacturers Institute, director 1968–70, 1974–77, 1978–81, second vice president 1981–82, first vice president 1982–83, and president at the time of his death.

He was director of the National Association of Manufacturers 1968–71 and 1974–76. He also was president of the South Carolina State Chamber of Commerce from 1964–65.

Chapman received an honorary degree of Doctor of Humanities in 1975 from Presbyterian College and an honorary degree of Doctor of Laws in 1976 from Wofford College. He also was awarded the David Clark Award by the Southern Textile Association in 1968 and received the United States Jaycees Distinguished Service Award in 1973.

Chapman is survived by his wife, Martha Lenoir Cloud Chapman; daughters, Mrs. Mary Webster of Hilton Head, Martha Marshall Chapman of Nashville, and Dorothy Chapman of New York City; son, James A. Chapman IV of Atlanta; brothers, Marshall, Bob, Joe and Hugh Chapman; two granddaughters.

Memorial Services will be held Friday at 2:30 at First Presbyterian Church by Dr. James E. Fogartie and the Revs. Dan Youngblood and Wayne Cole.

In lieu of flowers, memorials may be made to Oakwood Cemetery Perpetual Care Fund, in care of the Spartanburg County Foundation, 545 Montgomery Building, Spartanburg, 29301.

Funeral arrangements are being handled by J. F. Floyd's Mortuary.

[From the State Newspaper, Columbia, S.C., Nov. 10, 1983]

J. A. CHAPMAN, JR., TEXTILE LEADER, DIES

(By Fred Monk)

James A. Chapman, Jr., president of the American Textile Manufacturers Institute and chairman and chief executive officer of Inman Mills, died Wednesday morning at his home in Spartanburg after a brief illness. He was 62.

Chapman was one of the strongest defenders of the American textile industry and fought in Washington and in international circles to combat growing imports to the United States.

As ATMI's president, he helped start the textile industry's latest and sharpest effort to fight for survival and growth with the "Crafted With Pride In America" campaign.

But his activity concerned much more than just fighting textile imports.

"Jim's whole legacy to this state is one of involvement, that the business community just can't sit on the sidelines and must work for the betterment of the state," said Rod Hull, manager of Allied Corp. in Columbia and immediate past president of the South Carolina Textile Manufacturers Association.

"Jim was equally hard on his peers in the industry," Hull added. "He believed in committing his time. He spread his time across the board. I think Jim always lived what he preached."

"Jim Chapman always gave of himself with unbounded enthusiasm to his family, his business, his industry, his community and state," said Roger Milliken, chairman of Milliken & Co. in Spartanburg.

"Not only with support, but in big leadership roles, he will be sorely missed in these endeavors and by his many friends, of whom I was privileged to be a close one," he said.

"He was a valued friend as well as a dedicated, energetic and able leader of the American textile industry. He was a great president of ATMI, having initiated a number of programs that will serve our industry extremely well," said W. Ray Shockley, ATMI executive vice president.

"He was a thoughtful, sensitive person who devoted enormous talents to his family, his community, his church, to the employees of Inman Mills and to all of the people who worked in the textile industry," he added.

James H. Martin Jr., chairman and chief executive officer of TiCaro Inc. of Gastonia, N.C., will now become the ATMI president after serving as first vice president.

Chapman was one of five brothers well known throughout the state.

Hugh M. Chapman is chairman of The Citizens & Southern Corp. and Robert F. Chapman is a judge on the U.S. Fourth Circuit Court of Appeals. His other brothers, Joseph and William Marshall, are senior executives at Inman Mills.

A native of Inman, he was educated in public schools in Inman and Spartanburg and graduated from Darlington School in Rome, Ga. He received a bachelor of science degree from Davidson College in Davidson, N.C., in 1943.

Starting work with Inman Mills as a trainee in 1946, Chapman became the plant's manager in 1947, a job he kept until 1954. At that time, he was named vice president, serving until 1964.

Chapman became president and treasurer of Inman Mills in 1964, serving until 1978 when he became chairman of the board and chief executive officer.

He also had served in many other community and business organizations. At his death, he was a director of the Federal Reserve Bank of Richmond and of the Textile Hall Corporation in Greenville.

Chapman was a past president of the Southern Textile Association and the South Carolina Textile Manufacturers Association.

He had previously served as a director, second vice president and first vice president of ATMI, was a past director of the National Association of Manufacturers and a former president of the South Carolina Chamber of Commerce.

He had been chairman of the South Carolina Foundation of Independent Colleges and the board of trustees of Presbyterian College. He had served as a director of The Citizens & Southern National Bank of South Carolina.

Chapman received an honorary degree of doctor of humanities in 1975 from Presbyterian College and an honorary degree of doctor of laws in 1976 from Wofford College. He also was awarded the David Clark Award by the Southern Textile Association in 1968 and received the United States Jaycees Distinguished Service Award in 1973.

This week, Chapman received the Distinguished Citizen Award from the Spartanburg County Board of Realtors.

Surviving are his widow, Mrs. Martha Lenoir Cloud Chapman; daughters, Mrs. Joseph A. (Mary) Webster III of Hilton Head, Miss Martha Marshall Chapman II of Nashville, Tenn., and Miss Dorothy Dryer Chapman of New York City; a son, James Alfred Chapman IV of Atlanta; brothers, Joseph Wallace and W. Marshall Chapman of Spartanburg, Judge Robert Foster Chapman of Camden and Hugh McMaster Chapman of Columbia; and granddaughters.

Memorial services will be held at 2:30 p.m. Friday at the First Presbyterian Church in Spartanburg, with burial at Oakwood Cemetery.

Memorials may be made to the Oakwood Cemetery Perpetual Care Fund, Spartanburg County Foundation.

J.F. Floyd Mortuary is in charge.

[From the State Newspaper, Columbia, S.C., Nov. 14, 1983]

JAMES A. CHAPMAN

The death of James A. Chapman Jr. on Nov. 9 robbed the state of one of its most energetic citizens, not only in the field of textiles, but in many other aspects of S.C. life.

At 62, Mr. Chapman, chairman and chief executive officer of Inman Mills near Spartanburg, was in the middle of perhaps his most important role as a textile executive—president of the influential American Textile Manufacturers Institute. Like many ATMI presidents before him, Mr. Chapman again was leading a charge in the seemingly never-ending battle against textile imports.

Mr. Chapman was a vigorous spokesman for the textile industry, one dedicated to its preservation at a time when others would just as soon parlay textiles for greater trade opportunities in other areas. His stand led to greater attention for the growing import problem, and for the Reagan administration's need to not merely set limits, but to enforce them as well.

But Jim Chapman was much more than a textile leader. He had a warm, easygoing manner, but he also had a determination to get involved in education and in business and political issues. As one colleague noted, Mr. Chapman was not one to sit on the sidelines. He preached business involvement and expected his fellow businessmen to get involved.

As president of ATMI, past president of the S.C. Chamber of Commerce, and past chairman of the S.C. Foundation of Independent Colleges, he set an example that businessmen and other would-be leaders throughout the state would do well to emulate.

With Mr. Chapman's death, and the death of Springs Industries Chairman H. W. "Bill" Close in August, South Carolina has lost two of its greatest textile leaders in just a few months.

These were both men of wealth who chose not to rest on that wealth. They not only shared the hope that South Carolina would become a better place for all its citizens to live, they tried to do something about it.

[Editorial: WSPA-TV Greenville, Spartanburg, Asheville—CBS Affiliate, Nov. 14, 1983]

JAMES ALFRED CHAPMAN, JR.

Adding to the many accolades that have been bestowed upon James Chapman, Jr. since his untimely death last Wednesday is most difficult. Certainly, all have been most deserving in every respect and Spartanburg, the State of South Carolina, and the textile industry, which he served with such distinction, have sustained an irreparable loss.

It was sad, indeed, that he could not have heard himself, the day before he succumbed, the tributes paid him at the realtors' luncheon honoring him as Spartanburg's "Man of the Year."

Responding for the Chapman family, his younger brother, Hugh, said some things WSPA feels bear repeating. He referred first to the home in which he and his four brothers were reared. It was a Christian home, and Mr. and Mrs. Chapman saw to it that the church side of the lives of their sons was nurtured and not neglected. And in so doing, their early lives were enjoyed and a family bond was created that brought to them both happiness and success.

Hugh Chapman then pointed to the book, "In Search of Excellence," written by Thomas J. Peters and Robert H. Waterman, Jr., which carried the theme that all great companies are people-oriented and have a corporate culture which stresses two fundamental points: quality and service. To this he added, "Our father had another word: stewardship—which to him meant giving of your time and your talents, as well as your resources. We, the family, submit these virtures have been James' creeds in all his endeavors, and we join you in honoring him as the 'Man of Every Year.'"

WSPA had a particular reason for being touched by this response on behalf of the family. James Chapman, Sr., was a member of our Board of Directors from 1952 until his death in 1964. We saw him during these years exercising those traits of character and stewardship which he and his devoted wife passed on to their children. If there were more fathers and mothers like them, there would be more James Chapmans and this world today would be a much better and more enjoyable place in which to live.

Our heartfelt sympathy goes out to all the Chapman family. Fortunately, they can take comfort and pride in the heritage which has been left to them.

[From Southern Textile News, Nov. 21, 1983]

JAMES A. CHAPMAN, JR., 1921-1983

"For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgement on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage. . . . Second, were we truly men of judgement. . . . Third, were we truly men of integrity. . . . Finally, were we truly men of dedication?"—John F. Kennedy.

When James A. Chapman, Jr. died last week a part of textile history also expired. The Chapman family has long been a driving force behind the progress our great industry has made, and this tradition will continue through his surviving family members and Inman Mills.

But, this genuine, jovial, dynamic, and enthusiastic man will no longer be at the helm. His behind the scenes work and leadership positions brought him to the spotlight of our industry. And it will be his helping hand and sound advice that everyone in textiles will so very sorely miss.

As chairman and chief executive officer of Inman, S.C.-based Inman Mills, Jim Chapman has led the family-owned operation to a position of prominence. As president of the American Textile Manufacturers Institute, he was spear-heading an ambitious program to fight the battle against foreign imports. As a leader in many other civic and business associations, Jim Chapman was always looked to for his even-keeled decisions. And as a friend, he was called upon for advice in times of happiness and sadness.

When asked about the business side of Jim Chapman, Bob Dalton of Dalton-Briley in Charlotte, NC, had many fond memories of his 25 year supplier/vendor relationship. "The industry suffers a great loss with the passing of Jim Chapman. His many friends could be counted in the full spectrum of textiles, ranging from the employees in the mill to the board room.

"It was always a pleasure to walk through the mill with Jim. Occasionally he would stop to take off a 'roll lap' or piece up an end, but he always had a smile for everyone who walked by. He was a leader of men and loved by all."

James H. Martin, Jr., chairman and chief executive officer of Gastonia, NC-based Ti-Caro, knew Jim Chapman not only as a friend, but as a compatriot at ATMI. "Jim Chapman was a dedicated man, dedicated to family, dedicated to country, and particularly to the textile industry.

"I personally don't remember a single time that Jim Chapman refused to serve for any endeavor that involved the industry. That says a great deal. I worked with him very closely for the last three and one-half years on many different projects involving the textile industry, and I am going to miss him."

Having worked with Jim Chapman during his term as president of the South Carolina Textile Manufacturers Association, SCTMA Executive Director Jerry Beasley commented on Jim Chapman the dedicated volunteer. "The passing of Jim Chapman saddens me and the people in the textile industry very deeply. He was an outstanding leader, not only in our industry but in our state and our nation. He had a great concern for the future of this industry, as well as the thousands of people who work in it."

Reflecting on his friend, Carolina Mills President Ed Schrum said, "Jim Chapman was an untiring friend of textiles—he was one of the best things that ever happened to the textile industry."

These comments speak about the character and life of this textile leader. When the high court of history takes a look at the life of James A. Chapman, Jr. they will rule him a man of courage, a man of judgement, a man of integrity, and a man of dedication. His breed are rare to find. They are hard to replace. Jim Chapman will be missed.

[From the Spartanburg (S.C.) Herald & Journal, Nov. 9, 1983]

PRESIDENT OF INMAN MILLS HONORED AS DISTINGUISHED CITIZEN OF 1983

(By Lou Parris)

The Chapman name has been synonymous with textiles since the turn of the century.

Pages of history are still being written.

James A. Chapman, third generation president of Inman Mills, was honored Tuesday as Distinguished Citizen of 1983, an award given by the Spartanburg Board of Realtors Inc.

Chapman—a man of change, a familiar face on Capitol Hill, an energetic leader, a giant in the community—was unable to attend the luncheon in his honor, due to ill health, but his wife Martha and numerous Chapman family members joined in the celebration.

"We join with you in honoring him as perhaps a man of every year," said Hugh Chapman, younger brother to Chapman.

"His credentials are many and impressive," said Robert E. Coleman, chairman of the board of Riegel Textile Corporation. "I've seen the dedication he brings to his job."

Chapman, rising to the presidency of Inman Mills through 40 years of company leadership, is president of the American Textile Manufacturers Institute.

His work in the textile industry, the role he has in ATMI and his work in "Buy American" and "Crafted with Pride in U.S.A." textile campaigns were cited by close friends and business associates.

"He is a man of action and change," said John M. Belk, chairman of the board of Belk Stores Services Inc.

"He is a giant in our community, state and nation," said Walter S. Montgomery, chairman of the board of Spartan Mills. "He has been an energetic and effective leader—a familiar face on Capitol Hill."

Chapman has held numerous offices in the textile industry, and he is the second of his family to be elected president of ATMI. His father, James A. Chapman Jr., was ATMI's top man in 1960.

Chapman said in an interview earlier this year that as president of ATMI for 1983 he hopes to lead the group through some of its most difficult times.

He said his goal is to solve the problem of foreign imports overrunning the domestic market, and textile groups have begun to work on the situation through "Buy American" campaigns.

"We're not opposed to imports," he said, "but we've gotten to the point where enough is enough. Thirty percent of the apparel purchased in this nation comes from offshore.

"I think the American people are being shortsighted in this area."

Chapman was president of the Southern Textile Association in 1955-56 and was president of the South Carolina Textile Manufacturers Association in 1972-73. He was president of the S.C. Chamber of Commerce in 1964.

SENATOR FRANK CHURCH

Mr. PELL. Mr. President, the news during the congressional recess of the serious illness of our former colleague, Senator Frank Church of Idaho, is terribly saddening to all of us who know, love, and admire him.

My own friendship with Frank Church began years ago before either of us were elected to the Senate. Our friendship, and my respect for him grew during the years of service together here in the Senate and has been sustained since he left the Senate 4 years ago.

On January 15 of this year, Frank Church's son, Dr. F. Forrester Church, spoke of his father and of his spiritual strength and the richness of his life, in an eloquent and moving sermon at All Souls Unitarian Church in Manhattan. I ask unanimous consent that a report of his sermon from the New York Times of Monday, January 16 be printed in the RECORD at this point.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

PERSONAL HOMILY ON LOVE AND LOSS

(By Ari L. Goldman)

At the All Souls Unitarian Church on the Upper East Side of Manhattan, worshipers have often heard the minister speak about the fragile nature of human life. But in yesterday's sermon, words like life and death took on special meaning.

"As many of you know, my father is seriously ill," said the minister, the Rev. Dr. F. Forrester Church, the eldest son of former Senator Frank Church of Idaho.

"In light of this, I know you will forgive me for changing my sermon topic and even for saying some things which you have heard me say before. This morning, I need to grapple once again, in new ways and old, with love and death."

In a moving, 15-minute homily, Dr. Church spoke of his 59-year-old father, a champion of liberal causes, who served 24 years in the United States Senate, and who, in 1976, ran unsuccessfully for the Democratic nomination for President.

TUMOR IN PANCREAS

Last Thursday, doctors at Memorial Sloan-Kettering Cancer Center found a tumor in the former Senator's pancreas. The family is awaiting the results of tests to determine whether the growth, which was not removed, is cancerous.

Dr. Church, who is 35 years old, spoke not of his father's long political career, but of a rich life spent in defiance of death. In 1948, doctors told the then 24-year-old Frank Church that he had terminal cancer and had six months to live.

"My parents have lived on borrowed time," Dr. Church told about 300 worshipers yesterday. "Fully aware of life's fragility, they have not been afraid to risk and give of themselves fully. Life for them is not given, but a gift."

"Death is the ultimate mystery," he continued. "But there is a way to counter this fear. We can live in such a way that our lives will prove to be worth dying for."

Before the service, Dr. Church stood on the steps of the Federal-style church building at 80th Street and Lexington Avenue and greeted his congregants with two-handed hand-shakes, kisses on the cheek and warm embraces. As they stood together momentarily in the morning cold, the congregants asked their minister, "How is your father?"

"In good spirits," Dr. Church responded.

"What is the outlook for his recovery?" one asked.

"Not good," the minister answered.

But the 75-minute religious service had none of the gloom of the prognosis. The music included a spirited "Coronation March" by William Walton and "Sing God a Simple Song" by Leonard Bernstein. Dr. Church wore a red-and-black velvet gown and apologized with good humor for the long list of announcements of "coming activities" at the 165-year-old church. These included hospitality on Monday for homeless women and a soup kitchen on Friday.

In his sermon, Dr. Church said that a "life worth dying for" is one that has the courage to love, to risk and to lose.

RISKS IN A RELATIONSHIP

In a relationship with a parent or a loved one there are also risks—especially "the risk of the enormous pain of loss," he said.

"However much we try, we cannot fully protect our loved ones from fatal illness or accidental death. However much we love them, we cannot insulate them from failure and disappointment. However much we would wish to, there are times when we are powerless to heal or save."

"Every time we give ourself in love, the burden of our vulnerability grows. When those we love die, a part of us dies with them. When those we love are sick, in body or in spirit, we too feel the pain."

In the printed program, the topic of the sermon was listed as "Martin Luther King Jr.'s Legacy." But it was not until the end of his sermon that Dr. Church spoke of the civil rights leader, whose birthday is being celebrated this week. "Not unlike my father, he did not spend his life, he invested it in things that would ennoble and outlast him," Dr. Church said.

WHAT IS "TRULY OURS"

"Certainly Martin Luther King Jr. lived in such a way that his life proved to be worth dying for," he continued. "Especially when it came to love, he knew that the only things which are truly ours are those things we are prepared to give away."

In the printed program, the sermon was to be followed by "The Battle Hymn of the Republic." But Dr. Church once again asked his congregation's indulgence so that a change could be made. He asked that the hymn be substituted with "Rank by Rank Again We Stand." The congregation rose and sang and found special meaning in the final verse:

Ours the years' memorial store,
Honored days and names we reckon,
Days of comrades gone before,
Lives that speak and deeds that beckon.
One in name, in honor one,
Guard we well the crown they won;
What they dreamed be ours to do,
Hope their hopes, and seal them true.

Mr. PELL. Mr. President, Frank Church has contended with serious illness before and, as his son put it, the awareness of life's fragility, far from discouraging them, has led his parents to a richer life for themselves and for all who know them.

I know I am joined by all in the Senate who know Frank Church in prayers and good wishes for him.

MAJOR DECISIONS MUST BE MADE

Mr. STENNIS. Mr. President, over the past few weeks there seems to have developed a sentiment among Members of Congress, as well as the President and members of the administration, that nothing can or should be done in the way of making major decisions affecting the Nation until after the November elections.

We are faced this year with a deficit approaching $200 billion, and the Government continues to spend at a high level without offsetting these expenditures with additional revenues. We are faced with a quagmire in Lebanon, with growing involvement in Central America and with problems at other trouble spots around the world. Medicare and other health costs continue to increase at rates far above the level of inflation that otherwise affects the general economy.

The list of problems goes on and on.

To say that the Congress and the President cannot come to grips with these issues and make the hard decision which must be made is to ignore our constitutional duties and responsibilities.

We are getting in deeper and deeper. The problems will be much more difficult next year and it is our sworn duty to face up to them now and make the hard choices which must be made. At least, we must make a beginning.

I do not think we face any more serious problem in the Nation today than to at least start to get our fiscal affairs in order and move toward reducing Government spending and increasing revenues. It is a must. I shall endeavor to do my part.

MORE DANGEROUS THAN AT ANY TIME IN A GENERATION

Mr. PELL. Mr. President, few diplomats attain the status of statesman and few exert influence which, from the vantage of history, is more than fleeting. For America, therefore, Ambassador W. Averell Harriman is a rare national asset. He speaks as a statesman who has advised five Presidents and with experience in the conduct of United States-Soviet relations which is unsurpassed. Prominent among Ambassador Harriman's achievements was negotiation, on behalf of President Kennedy, of the 1963 Limited Test Ban Treaty—the first major step on the road to superpower arms control.

As a strong believer in the concept of a bipartisan U.S. foreign policy, Ambassador Harriman has tended to be a restrained critic of incumbent administrations. This characteristic reticence makes all the more significant his assertion in a January 1 article in the New York Times that Reagan administration policies have led our relationship with the Soviet Union to a point "more dangerous than at any time in the past generation." Ambassador Harriman's criticism focuses on "3 years of nuclear irresponsibility," during which American arms control efforts have, at best, been dilatory.

Ambassador Harriman writes with particular concern about the imminent proliferation of weapons for warfare in space. In August, during a visit to Moscow by a Senate delegation which I led, Soviet President Andropov proposed comprehensive negotiations on such weapons and put for-

ward a draft treaty. Yet, actual United States-Soviet talks have yet to begin. Instead, we have seen the two sides lapsing ever further into a futile game of public postures. While I welcomed President Reagan's January 16 speech expressing hope for better superpower relations, I will welcome even more ardently the resumption of a serious and active United States-Soviet dialog.

Mr. President, I ask unanimous consent that Ambassador Harriman's article be reprinted in the RECORD, as I believe that we all would benefit from reflecting on his articulate and sobering analysis.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IF THE REAGAN PATTERN CONTINUES, AMERICA MAY FACE NUCLEAR WAR

(By W. Averell Harriman)

For three years, I have refrained from directly criticizing the President of the United States. I have been reticent because I believe that America must stand united before the world, particularly in the face of our foremost adversary, the Soviet Union. I also believe a President should be given fair time to pursue his goals and test his policies. In this sense, politics should stop at the water's edge. But this cannot mean that all criticism should be muted indefinitely, no matter how wrong a President may be or how critical the world situation may become.

President Reagan has had his fair chance, and he can no longer expect Americans to support policies that make our relationship with the Soviet Union more dangerous than at any time in the past generation.

This is the grim result of Reagan Administration diplomacy: If present developments in nuclear arms and United States-Soviet relations are permitted to continue, we could face not the risk but the reality of nuclear war.

To be silent in this situation is not patriotic but irresponsible. In the last month, nuclear arms negotiations have collapsed. Communication of all kinds between the United States and the Soviet Union has broken down; instead, we have propaganda barrages and the spectacle of the leaders of the two mightiest nations on earth trading insults, as if they had no more serious obligations than their own personal pride and political survival.

Flush with the polls and the overwhelming victory of 6,000 Americans over 600 Cubans on Grenada, the Administration now shows every sign of drawing the wrong lesson from that experience and risking defeats of a proportion it seemingly cannot even imagine.

Day by day in the Middle East, the Administration sinks further into a quagmire, committing American lives and American honor with no clear policy, no certain plan and, indeed, no obvious concern for the day when American soldiers and Soviet soldiers come face-to-face, no longer safely separated by the buffers of distance and surrogate military forces.

Moreover, Lebanon is only the most immediate trouble spot. Around the world, possible points of conflict and escalation become more volatile than ever as each superpower, in today's deteriorating situation, may be tempted to confront rather than to compromise, to treat every test as a measure of national will. The destruction of the South Korean airliner by the Soviet Union last summer provided chilling proof of the increasing potential for miscalculation and misunderstanding. Events can too readily overwhelm common sense and human safeguards.

These trends by themselves would be cause enough for worry, but they take place against the backdrop of a nuclear arms race rapidly escaping out of control—and dangerously passing the point of no return.

Within a few years, both the United States and the Soviet Union will have in place intercontinental missiles interpreted each by the other as instruments of a massive first strike. Within a span of months, both nations will put shorter-range nuclear missiles nearer each other's territory, missiles capable of striking critical command and control centers with flight times so short that caution may be the first casualty of some future crisis.

As if this were not sufficient, thousands of nuclear-armed cruise missiles will soon be stationed on American submarines, to be followed by thousands more carried on Soviet ships, or hidden, in uncountable numbers, in the vast expanse of the Soviet Union. These cruise missiles will pose extremely difficult challenges to arms control verification and they will vastly complicate our ability ever to achieve the nuclear reductions both American and Soviet leaders say they seek.

Perhaps the most tragic trend—because it is so avoidable—is that the arms race is about to be launched into space. Anti-satellite weapons will constitute a continuing threat to early warning, reconnaissance and communications satellites—all critical to our security and vital to preventing nuclear war by accident or miscalculation.

The Administration's "Star Wars" defense scheme will mean more than the destruction of three solemn arms control treaties—the Limited Test Ban, the Outer Space Treaty and the Anti-Ballistic Missile Treaty—that have served our security so well. It will mean that both sides will accumulate thousands more offensive weapons to overcome whatever defenses they each might devise. It promises security that is beyond our capability to provide and thus plays cruelly on the fear and the hope of every citizen. It promises a technological shield when the solution is in ourselves—in serious negotiation and mutual restraint.

It is always easy for Americans to blame the Soviet Union, and no American—no matter how much he or she desires a safer world—should lose sight of the fact that the Soviet Union does indeed bear a heavy responsibility for where we are today. But blaming the Soviet Union, which has been the single-minded indulgence of this Administration since the first day it took office, is not a strategy or a policy. It will not reshape the Russian nation; it will not bring down the Iron Curtain; and, above all, it will not reduce the nuclear threat that hangs over every American.

Anyone can assail the Soviet Union for the failure of Soviet-American relations. But we must demand more of our President, who, after all, is elected not to preside over failure but to find an acceptable solution even in the face of formidable problems. The unfortunate truth, however, is that we are now witness to more than a Presidential failure to act or an Administration's lack of policy. President Reagan and his Administration bear their own heavy measure of responsibility for the situation we face today.

No President in the nuclear age, strengthened abroad as was Mr. Reagan by the consensus at home for a strong national defense, secure politically on the right and the left for the endeavor of arms control, has had such an opportunity to reverse the nuclear arms race. Yet this opportunity has been squandered. And all Americans hoped that when he took office his past opposition to arms control would end. Yet the record of three years has betrayed these hopes.

Despite his campaign pledge to the nation that "as President, I will immediately open negotiations on a SALT III treaty," Mr. Reagan waited more than 17 months before even beginning to talk with the Soviet Union about such an agreement. Since then, the pace of negotiation has been, to put it politely, tepid; the discussions have been punctuated by long recesses, and there have been no significant results. All that has been done is to rename SALT, to call it Start; the talks have now stalled indefinitely.

The negotiations on intermediate-range nuclear forces in Europe have collapsed completely. In the most promising initiative during those talks, the so-called "walk in the woods" proposal, our negotiator, a veteran hardliner in dealing with the Soviet Union, was repudiated by the Administration for trying too hard to reach a workable compromise that actually would have been greatly to our advantage.

Indeed, the behavior and the proposals of the Administration in both the strategic and European nuclear discussions have raised serious doubts in the minds of many about whether there ever was any intention to reach any reasonable agreement. Negotiations have been treated as a forum for propaganda, an occasion for invective, a mask to cover new deployments and an arena to gain advantage—rather than as a path to human survival on this planet. This is a most shortsighted policy, for its outcome will simply be more missiles in Soviet hands—scarcely a sensible program for America's security.

The SALT II treaty, negotiated by three Presidents—two of them Republicans—was rejected by this Administration, with the President's own counselor saying, "We feel there is no legal or moral commitment to abide by SALT I and SALT II," international law to the contrary. Apart from its effect on the negotiating climate with the Soviet Union, this rejection means that almost 300 Soviet missiles and bombers that would have been destroyed under the terms of SALT II still are targeted on our cities and towns. What should have remained at worst an irresponsible election slogan was elevated to the level of a national policy, ushering in a new era of strategic instability.

Other actions amplify my deep concern about the course that the Administration has taken.

Despite the mounting threat of nuclear terrorism and the spread of nuclear weapons to more nations, the Administration has rejected the imperative of nuclear nonproliferation, and in fact has undercut important initiatives of previous Republican and Democratic Presidents. The goal of a comprehensive nuclear test ban—a prerequisite to effective nonproliferation and an objective of every other President since Dwight D. Eisenhower—has been summarily discarded. The President will not even discuss the control of space weapons with the Soviet Union.

The issue of verification—so central to arms control—has been blurred by the Ad-

ministration. Serious problems with Soviet compliance have been submerged in irresponsible charges, innuendo and leaks. The objective, instead, should be to clarify questionable Soviet behavior and insist on compliance—not to exploit these concerns in order to further poison our relations, repudiate existing agreements, or, worse still, terminate arms control altogether.

Additionally, even the instruments with which our Government carries on the business of arms control have been degraded. Long-time opponents of arms restraint have been put in charge of policy making. American delegations have arrived at the Geneva negotiations empty-handed, then waited weeks to receive formal negotiating instructions. Fifteen months after taking office, the Administration could not agree on an opening position to take in strategic arms talks. Three years after taking office, the Administration still does not have a policy on verification. This lack of professionalism presents a stark contrast with the precision and purpose of our adversaries—and, insignificant though it may appear to some, it speaks volumes about attitude and commitment. That is what disturbs me most of all.

It will not be easy to undo these three years of nuclear irresponsibility, or to free both nations from excessive pride, or to control new weapons while we set about the task of controlling all weapons. But we are obliged to try with every ounce of strength we can muster, lest our generation of Americans be the first to imperil the legacy of life it has been given.

I am convinced that Soviet leaders desire serious negotiations. Such negotiations will not be easy; they will involve, as they always have, a hardheaded struggle to improve the national security of both countries. Nor need they signal our approval of other Soviet actions, such as the invasion of Afghanistan or the repression in Poland. Their object, despite the irreconcilable ideologies of our two nations, is the common goal that nuclear weapons have made a necessity: the prevention of nuclear war.

I am also convinced that constructive agreements to reduce nuclear arms, to make their use less likely, are possible—even at this late date. The Limited Nuclear Test Ban of 1963, after all, came after the Cuban missile crisis and years of tension in Berlin. Both sides, however, must want an agreement. Each side must be willing to seize on what is positive in the other's proposal rather than be paralyzed by the least favorable elements presented by each. Both sides must be willing to work for an agreement that will serve our mutual advantage. This essential change in attitude alone could be the catalyst for progress.

To put it plainly, President Reagan must be ready and willing to negotiate; he must want progress even more than he wants to berate the Soviet Union.

I am convinced that we must engage ourselves now in this fundamental choice about our future—and that is why I write as the New Year begins. We must demand a new effort to prevent war, not to prepare for it. A leadership for peace can be the finest expression of America's dream. We dare not fail. We are only human beings, subject to all the mortal perils of life, all the temptations to power; but, at the same time, in our very humanity, we must seek to pass on to our children and grandchildren not fear, but hope; not an arms race, but arms control; not the death of the Earth, but a better and safer world.

SPRINGFIELD, ILL., JEWISH COMMUNITY WORKS FOR SOVIET JEWRY

Mr. PERCY. Mr. President, the Jewish Community Relations Council of Springfield, Ill., has actively promoted the cause of Soviet Jewry and has vigorously supported the right of Soviet Jews to practice their religion and emigrate freely. The group held a press conference at the State capitol pressroom in Springfield on December 5, 1983. At that time, the dean and provost of the Southern Illinois University School of Medicine, Dr. Richard H. Moy, announced the appointment of 13 Russian scientists and academicians to adjunct and clinical faculty positions in the university. These 13 individuals are "refuseniks"—people whose requests to emigrate have been denied by Soviet authorities and who are awaiting permission to leave the Soviet Union.

I commend both the Springfield Jewish Community Relations Council and the Southern Illinois University School of Medicine for their innovative and important work on behalf of Soviet Jews. I ask unanimous consent that the statement by Dr. Moy be printed in the RECORD at this point along with an excellent background information brief prepared by the Springfield Jewish Community Relations Council.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY RICHARD H. MOY, M.D., DEAN AND PROVOST, SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF MEDICINE

Thirteen Russian scholars have been named to the faculty of Southern Illinois University of Carbondale.

In neo-Czarist Russia, dissent by those in academic positions from officially held dogma may be dealt with by loss of administrative and faculty positions. For some, particularly when it is compounded by religious persecution and/or a desire on the part of the individual to leave Russia, the final degredation may even be to strip away academic and professional degrees that have been honorably earned.

Theodore LeBlang, Associate Professor of Medical Jurisprudence, proposed to the Faculty Council of the School of Medicine that we try to obtain the names of some of those who have been victimized, and where appropriate and merited by scholarship, appoint them to clinical membership on the faculty. Both the Faculty Council of the School of Medicine, and subsequently, the Faculty Senate of Southern Illinois University at Carbondale approved this proposal, and I am very pleased on behalf of the faculty of Southern Illinois University to announce the appointment of 13 Russian scholars to adjunct and clinical faculty positions in the University.

Unfortunately, these appointments provide no academic tenure and, at this point, no teaching responsibilities or salary. In addition, there is virtually no possibility that these new faculty members can ever come to the U.S.A. and participate in scholarly activities. Why then should we perform what would seem to be a hollow gesture?

First, we are assured by cooperating organizations represented here that these appointments will very likely be delivered to these new faculty members in Russia. We sincerely hope that this gesture of support and understanding will in some measure ease their pain and loss and clearly indicate that the community of scholars supports their just aspiration for freedom of expression.

Second, it is a message to the Russian leadership that we are quite aware that they do not send their best scholars abroad, but rather those that are "safe." Through this gesture, then, we celebrate all the "unsafe" Russian scholars whose names we do not know.

Third, it is a message for ourselves. Gratitude for liberty and the pursuit of accomplishment and the ownership of that accomplishment, thankfulness for the privilege of academic freedom and the life of the mind. And, finally it says quite simply, "God Bless America!"

SPRINGFIELD JEWISH COMMUNITY RELATIONS COUNCIL—SOVIET JEWRY BACKGROUND INFORMATION

The Jewish community in the Soviet Union is the third largest in the world. Approximately two million Jews reside in the U.S.S.R. Their destiny is a matter of deep concern to other Jews around the world and to human rights advocates and activists of all faiths.

The Soviet Jew is caught in a double bind: disabilities, discrimination and malicious defamation in the press are the penalties imposed on Jewishness. At the same time, religious and cultural expression as well as contacts with Jews outside the Soviet Union are not allowed or are severely restricted. The Soviet Jew is thus denied access to those elements of the Jewish heritage which might confer pride, meaning and a sense of positive identity. His only experience of Jewishness is in the negative context of government propaganda and restriction.

The struggle of Soviet Jews to maintain and promote Jewish culture and identity is one of the heroic causes of our time. Harsh sentences—exile, imprisonment, forced labor—have been imposed on those who have been active in the human rights movement or in the teaching of Hebrew language and Jewish culture. Those who apply for permission to emigrate to Israel are subjected to harassment, dismissed from jobs, left frequently to seek the most menial types of employment in order to subsist, and placed in a situation of limbo that can last for years. Particularly poignant is the situation of the refuseniks—those whose applications for exit visas have been turned down.

The cause of Soviet Jewry has had its triumphs and its setbacks. A quarter of a million Jews were allowed to leave the Soviet Union in the last decade and a half; they have been re-settled in Israel, the U.S. and elsewhere in the Western world.

Today, the situation is far less optimistic. Where once thousands of Jews left the Soviet Union each month—during the height of the emigration movement in the 1970's—now, only a handful are getting out. Depictions of Israel, Jews and the Jewish heritage in the Soviet media employ the crudest stereotypes and distortions, reminiscent of the Nazi propaganda of the 1930's. Harsh repression of teachers, community activists, and would-be emigrants continues.

The Springfield Jewish community has been active in the struggle for Soviet Jewry, supporting the cause of religious and cultural rights for Jews within the Soviet Union, as well as the basic human right of freedom to emigrate. Packages of religious articles have been sent to Soviet Jews. This past September, 1983, refusenik families in the U.S.S.R. received Rosh Hashana (Jewish New Year) greetings from Jews in Springfield: the greeting cards contained a Jewish religious calendar for 1983-84 and a Hebrew-Russian alphabet chart, suitable for learning to read Hebrew. Springfield Jews participated in a large-scale petition campaign, obtaining hundreds of signatures locally on a letter to the late Chairman Brezhnev, asking that the restrictions on free emigration be lifted. This coming June, 1984, a photo exhibit at the Lincoln Library will bring the life and struggle of Soviet Jewry to the attention of the larger Springfield community.

Local and state leaders have recognized the cause of Soviet Jewry as a worthy one by proclaiming special days of commemoration. The Springfield City Council issued such a proclamation in December, 1981; Governor Thompson made January 14, 1982 Emigration of Soviet Jewry Day in the state. And, the Illinois State Legislature acted in June, 1982, by passing H.R. 980, honoring the struggle of Soviet Jews for religious, cultural and human rights.

Seven Soviet-Jewish families have been resettled in Springfield under the sponsorship of the Springfield Jewish Federation and by virtue of noteworthy volunteer effort by members of the local Jewish community.

THE MORTGAGE SUBSIDY BOND PROGRAM

Mr. TOWER. Mr. President, the authority for State and local governments to issue tax-exempt mortgage subsidy bonds expired December 31, 1983. I have supported the mortgage subsidy bond program since its inception in 1978. These bonds make it possible for homebuyers to pay a mortgage interest rate that is lower than the coventional mortgage rate, because the bonds are tax-exempt. Home purchase price limits and income limits for home purchasers under the program are intended to target the benefits of the program to first time homebuyers who could not otherwise afford a home of their own.

A recent General Accounting Office report, undertaken at the request of the distinguished chairman of the Senate Finance Committee, Mr. DOLE, found that mortgage revenue bonds were relatively costly when compared to the benefits they provide to assisted homebuyers and to the costs of other alternatives for providing the same assistance. The report also found that the public purpose objective of subsidizing low and moderate income households who need assistance is not generally achieved.

For these reasons, Senator DOLE, along with myself and six other Members of the Senate, introduced S. 1598, the First Time Homebuyer Assistance Act of 1983. Basically, the bill keeps the current program intact, but provides an additional option for State and local governments and housing authorities that are now permitted to issue mortgage revenue bonds. For any given year, a State or locality could elect, under this bill, not to issue some or all of the mortgage bonds authorized for that year by the Internal Revenue Code. In lieu of bonds, the State or locality would be permitted to issue mortgage credit certificates directly to home buyers. A mortgage credit certificate will enable the home buyer to buy down prevailing mortgage market interest rates by claiming a tax credit equal to a specified percentage of the interest paid on a home mortgage.

A tax credit program could be designed and implemented on the State and local level to do virtually everything that is currently feasible with mortgage subsidy bonds. However, because the tax credit mechanism is much more efficient than tax-exempt bonds, this bill can permit a 20-percent increase in the total amount of subsidy going to home buyers, and still provide Federal savings of 20 percent to 40 percent over the cost of mortgage bonds. In addition, although the mortgage credit certificate option can be used to duplicate existing mortgage bond programs, it can also be utilized with greater effectiveness and flexibility by those States and localities that may wish to modify the program of mortgage assistance they are currently providing.

I believe that the changes in the mortgage subsidy bond program proposed by S. 1598 will redress many of the problems with the current program described in the GAO report. Furthermore, as I pointed out, the bill merely provides one more option for State and local governments to provide Federal assistance for first-time home buyers. It keeps that current program intact for those Government bodies that choose to so use it.

It is my hope that S. 1598 will be enacted by the Congress this year. In the meantime, however, it is my view that the current mortgage subsidy program should be extended until such time as the Congress can act on the issue of improving the program. I believe there is broad, bipartisan support for such an extension, as evidenced by the large number of Senators and Representatives cosponsoring legislation to remove the sunset on the current program. As chairman of the Subcommittee on Housing and Urban Affairs, I believe it is unwise to leave this program in its current state of expiration.

LOVE AND DEATH

Mr. MOYNIHAN. Mr. President, during the recess it became known that our former colleague Senator Frank Church is seriously ill. One week ago Sunday, Senator Church's son, the Reverend Dr. F. Forrester Church, preached a sermon at All Souls Church in New York City. He preached a sermon that shows as nothing else could that he is indeed his father's son. He talks of pain and death and what they teach us of love and life. Dr. Church, speaking on the birthday of Martin Luther King, Jr., notes that, like Dr. King, Senator Church knows that "when it comes to love the only things which are truly ours are those things which we are prepared to give away."

The sermon is a lesson that those of us whose responsibilities frequently concern matters of life and death and sacrifice would do well to read and reread. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

LOVE AND DEATH

(A Sermon Preached by the Reverend Dr. F. Forrester Church, All Souls Church, New York City, January 15, 1984)

Of all my duties, of all the things I am called upon to do as your minister, none is more important, and none has proved of greater value to me, than the call to be with you at times of loss. I would almost go so far as to say that I did not become a minister until I performed my first funeral. When asked at a recent gathering of colleagues what gives most meaning to my work, I replied that, above all else, it is the constant reminder of death. Death awakens me to life's preciousness and also its fragility.

How often this happens. My desk and mind may be littered with a hundred petty tasks and grievances, things to begrudge life about, trifling justifications for self-pity or recrimination. Then death or the threat of dying comes calling at my door. All of a sudden, like a bracing wind, it clears my being of all pettiness. It awakens me to the precariousness of life and the wonder of love. It brings me a renewed perspective upon life's real joy and real pain.

What a blessing this is, not death but life, fully felt, demanding all of my human resources. This is death's hard gift to my life. It not only justifies my work, but makes me whole again.

In large measure, this is what religion is all about. Put simply, Religion is our human response to the dual reality of being alive and having to die. All religious beliefs and the actions stemming from them reflect an attempt, human and therefore imperfect, to make sense of life and death by finding meaning in both.

Regardless of faith or creed, in this we are all companions. You know what the word companion means. It goes back to the Latin roots, "con," meaning with, and "pan," meaning bread. A companion is one with whom we break bread. In a spiritual, rather than material sense, the ultimate bread we mortals break together is the bread of life and death. This bread is precious. It is salty and bitter and good.

In a way, death is life's leaven. That we know we are going to die not only places an acknowledged limit upon our lives, it also gives a special intensity, a special poignancy and moment to the time we are given to live and to love. The very fact of death gives meaning to our love, for the more we love the more we risk to lose. Love's power comes

in part from the courage that is required in giving ourselves to that which is not ours to keep: our spouses, children, parents, dear and cherished friends, even life itself. And love's power also comes from the faith that is required to sustain that courage, the faith that life, howsoever limited and mysterious, contains within its margins, often at their very edges, a meaning that is redemptive, a meaning that redeems from death life's pain.

Today, all of this has a very personal meaning for me. As many of you know, my father is seriously ill. In light of this, I know you will forgive me for changing my sermon topic and even for saying some things which you may have heard me say before. This morning, I need to grapple once again, in new ways and old, with love and death.

When I was two months old, my father was diagnosed as having terminal cancer. For over a year he had been having severe back pains, which he attributed to stress. He was newly married. He had just finished his first year at Harvard Law School, where he worked hard enough and did well enough to win early appointment to the Law Review. Ever since returning from China where he served as an army intelligence officer during the Second World War, he had been in a great hurry to finish his schooling and establish a career. Back pain seemed to come with the territory.

You may remember the winter of 1948. It was a severe winter, with several great blizzards back-to-back. My mother is a very strong-willed woman. After one winter in Boston, she was not about to suffer another, especially with a baby on the way. And so it was that my father sacrificed his newly-won position on the Law Review, and my parents packed themselves off to the more gentle and familiar climes of Palo Alto, California, where my father enrolled for his second year of Law School at Stanford.

I was born in September. Throughout the fall my father's back pains grew worse, leading him to consult a series of specialists at the Stanford Medical Center. The diagnosis was cancer. They immediately operated but the cancer had spread, and he was given no more than six months to live.

Had my father remained in the cast he probably would have died that winter. As it happened, the Stanford Medical Center was sponsoring a radical, new experimental program in radiation therapy for terminal cancer patients. Every morning he was radiated with a megadose of cobalt. He attended all his classes, studied through the afternoon, played with his infant son, had dinner and then got violently ill, fighting nausea until, exhausted, he fell asleep. This continued every day. At the end of six months, he weighed 125 pounds, but he was alive and the cancer was gone.

Just last spring, a friend gave me a book written by a woman who has been living with cancer since the early 1970s. Her name is Natalie Davis Spingarn and her book is entitled Hanging in There: Living Well on Borrowed Time.

In this book the author quotes from a letter written to her by my mother. "Bethine Church wrote to me recently that I am quite right in feeling that the cancer twilight zone is a world that other people haven't lived in." Describing Senator Frank Church's fight with cancer thirty years ago, and their feeling that he then had only six months to live, she said that forever after he had been a different person. It had been somehow easier for him to do the things that needed to be done, and let the things that did not matter go. We are all different people during, and after, an experience with life-threatening illness."

I was reminded by this, and again during the past few days, of how much my parents have taught me. Most of it has been taught by example and not by words. They never sat me down to inculcate the lessons that both of them had learned when my father was so very ill. They simply incorporated those lessons into the way they live their lives. Ever since my father's illness and recovery, my parents have lived on borrowed time. Fully aware of life's fragility, they have not been afraid to risk and give of themselves fully. Life for them is not a given, but a gift. It is a gift with a price attached. That price is death.

I am sure that they are still afraid of death. Few of us are not. Death is the ultimate mystery. But there is a way to counter this fear. We can live in such a way that our lives will prove to be worth dying for. It lies in our courage to love. Our courage to risk. Our courage to lose. Many people have said it in many different ways. The opposite of love is not hate. It is fear.

Think of the many ways in which this principle manifests itself. For instance, we do not hate the Russians. We fear them. We speak of windows of vulnerability. We arm ourselves to the teeth, rather than risking some accommodation that might lead to mutual cooperation and greater real security. It will take great courage to reduce our nuclear stockpiles, courage by both parties, because they fear us as much as we fear them. When Jesus said that we should love our enemies he was challenging us to risk our very lives for the sake of a higher truth. Such risk is redemptive simply because it changes our lives. Each of us will one day die. The question is, between now and then, how shall we choose to live?

Let me offer a second example. All of us are aware that beneath the shadows of our very houses there live hungry and homeless people. It is frightening even to contemplate. When one passes a shopping bag person on the street, one is tempted to avert one's eyes, to walk on by and not let it register.

At our church we have a soup kitchen and also a hospitality and shelter program for homeless women. Everyone who has served in these programs has dared to risk an encounter with people whom before they had feared more than pitied. Such encounters are redemptive for all concerned. These people have begun to overcome their fear of us. We have begun to overcome our fear of them. In lowering our defenses in order to meet these people where they are, we have learned to live a little more fully the meaning of the second great commandment: "Thou shalt love they neighbor as thyself."

Beyond this, there are so many instances in our daily lives when our fears stand in the way of our potential to love. How many ways we find to armor and protect ourselves. We sense the risk of course. That is the main reason we act in the ways we do. Every time we open ourselves up, every time we share ourselves with another, every time we commit ourselves to a cause or to a task that awaits our doing, we risk so very much. We risk disappointment. We risk failure. We risk being rebuffed or being embarrassed or being inadequate. And beyond these things, we risk the enormous pain of loss.

For instance, however much we try, we cannot fully protect our loved ones from fatal illness or accidental death. However much we love them, we cannot insulate them from failure and disappointment. However much we would wish to, there are times when we are powerless to heal or save.

Every time we give ourself in love, the burden of our vulnerability grows. When those we love die a part of us dies with them. When those we love are sick, in body or in spirit, we too feel the pain.

All of this is worth it. Especially the pain. If we try to protect ourselves from suffering, we shall manage only to subdue the very thing that makes our lives worth living. Though we can, by a refusal to love, protect ourselves from the risk of losing what or whom we love, the irony is, by refusing to love we will have nothing left that is really worth protecting.

We, of course are ready with a thousand excuses. There is always a perfectly sound or prudent reason to refuse to come out of hiding, to budget our strength, to cover our flanks, to pretend that if we are careful enough we will not be hurt or look foolish or have to do something that we do not want to do.

I am not talking here only about love between two people. I am also talking about the love of ideals and the love of institutions that embody those ideals. Whenever we ally ourselves with something greater than ourselves, we run risks, sometimes enormous risks. At the very least, such allegiances demand our time and our money and our energy. They call on us to come out of hiding. They call on us to risk our hearts by giving of our love.

This morning we celebrate the birthday of a modern prophet and martyr, Martin Luther King, Jr. His was a gospel of love, love answering hate, love overcoming fear and even death. He preached the kinship of all people, and witnessed to his faith by countering violence with non-violence. Not unlike my father, he did not spend his life, he invested it in things that would ennoble and outlast him. His witness is a powerful beacon of hope that still illumines the public landscape in these dark and difficult times. Certainly, Martin Luther King, Jr. lived in such a way that his life proved to be worth dying for. Especially when it came to love, he knew that the only things which are truly ours are those things we are prepared to give away.

This, too, is the lesson that my parents taught me. I keep forgetting it, of course. It is one of those lessons that one has to learn over and over again. It is one of those lessons that we learn by doing and forget by not doing. It is the lesson of love. Love thy enemy. Love thy neighbor as thyself. Cast out thy fear with love. And then—this I know—it will be somehow easier for us to do the things that need to be done, and to let the things that do not matter go.

WHAT IS THE CONTROVERSY BETWEEN THE U.S.S.R. AND THE UNITED STATES ALL ABOUT?

Mr. PROXMIRE. Mr. President, Thomas Powers has written a book entitled "Thinking About the Next War." It should be a very brief book. The next war will resemble Thomas Hobbes' observation about the course of the life of most of mankind throughout human history. Both the war and that life can be described as "nasty, brutish, and short." The first phase could be over in a week or less,

and so could the lives of most Americans and most Russians. There would ensue a nuclear winter—8 or 10 weeks of almost total darkness and 7 or 8 months of bitter 10°-below-zero cold. Animals and plants would die. Heat- and electricity-providing utilities would lie in ashes. Life would be brief indeed for all or almost all of the survivors.

So what is there to think about the next war—except, of course, how to avoid it? Mr. Powers, with this in mind, in an article in the January 22, 1984, New York Times, asks a critical question. What is the cold war about? That question leads to the big question: What would a hot war, a genuine, bomb-firing, city-vaporizing, nuclear war be about? Why would we fight it? Why would the Russians fight it? Every person on Earth who is sane and informed knows that both would lose. Indeed, all mankind would lose, and most of mankind—maybe all—would die in the process. And for what? Do we threaten the Russians? Of course not. Do we have designs on any of their territory? Absolutely not. Does any American official really purport to subvert or overcome their government? No. Do the Soviets know this? Certainly.

Now ask the same questions about the U.S.S.R. Do they threaten us? No. Sure, on both sides there are paranoid relics of the McCarthy era. But the answer is "No." Do they have designs on our territory? No. Does any Russian official really propose to subvert our Government? No. Do we know this? Anyone who can make the slightest pretense of looking at the facts knows this. Do both sides recognize that a nuclear war would be an absolute, total, unmitigated disaster that would surely destroy both countries utterly? Yes. Does this mean that neither side will deliberately launch—that is, initiate—a nuclear attack on the other? Absolutely!

If this is true, then what is all the posturing, the invective, the hundreds of billions of dollars spent on armament on both sides, all about? The answer to that question is surprising, but it makes sense. The colossal nuclear arsenals on both sides have succeeded in putting nuclear deterrents in place that make a planned, premeditated nuclear attack by either an act of such conspicuous suicide that it will not take place. Accidents? Unlikely but possible. Nuclear war starting from a third nation—eventually? Yes. In fact, for sure, unless we stop the technological arms race.

But the rhetoric involving Reagan and Andropov, Shultz and Gromyko is just that, rhetoric. And how can the President resist using it? After all, he does have his finger on the button. He could, if he were insane, start a nuclear war. So could Andropov. So when they talk, the world listens, and listens, and listens very carefully. And when you have this kind of finger-on-the-nuclear-button attention, you can stir up a whale of a lot of interest by denouncing the other side. Of course, the stronger you make the denunciation, the more nervous and the more interested your audience.

Then there is that other human element that the man with his finger on the button can tap. Here's why: He is our leader. We are Americans. We love our country. We are proud of our country. We feel bigger and better as Americans exactly because we are convinced that our country is No. 1, the world leader, in the matters that really count; and military power has always counted, and until now counted bigger than anything else.

In the military competition between ourselves and the other great superpower, we are like football or baseball fans. We may disagree with the President, but when he takes on the other side, we have that natural patriotic feeling, that sports hubris that asks: "Is there a sports fan anywhere who, when the game is through, will hoist two fingers in the air and short. 'We're number two?'" Well if there is, it is not us. The President knows this. So, although we know that deterrence has worked and that nuclear war is certainly suicidal, when the President asks for an utterly unnecessary MX or two new A/C carriers or a B-1B, we go for it. And when he denounces the U.S.S.R. for whatever reason, well, he is our boy.

So what is all the controversy between the United States and the Soviet Union all about? It is about a fear that the other side will initiate a planned, premeditated, preemptive strike. Thanks to deterrence, it will not. We should recognize that simple fact. We should overcome the fear. We should submerge our childish phobia. "We've got to be Number One." And we should get on with a nuclear freeze that would end the nuclear arms race. That race is dangerous not because we might fall behind and "lose" a nuclear war. It is dangerous because the nuclear arms race could lead to a nuclear accident or, even more likely, a nuclear proliferation that would make a nuclear war inevitable.

ORDER OF PROCEDURE

Mr. BAKER. Now, Mr. President, let me say to those who may be listening in their offices or about the building to public address systems, that there is still time remaining for the transaction of routine morning business. However, since there is other business to be transacted, as soon as it is clear to the leadership on this side that there is no further use for the time to be so occupied it will be the intention of the leadership to inquire and ask the Chair if there is further morning business.

I will not do that now. If any Senator seeks recognition under morning business, I am prepared to yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are still 7 or 8 minutes remaining for the time for the transaction of routine morning business, as provided for under the unanimous-consent order. However, we have sent out a hotline from our cloakroom and have no takers for further time. I believe we know of no others on the Democratic side.

I inquire of the acting minority leader if he has any request for time at this moment.

Mr. BINGAMAN. We do not have.

Mr. BAKER. I thank the Senator.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business? There appears not to be. Morning business is closed.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

Mr. BAKER. Mr. President, I previously announced today that at this point I would ask the Senate to proceed to the consideration of S. 1660, the telephone bill. I have also indicated that more than one objection has already been lodged with the leadership on this side to proceeding to that matter by unanimous consent. Therefore, I will not make a unanimous-consent request.

Instead, I now move that the Senate proceed to the consideration of calendar No. 467, S. 1660.

The PRESIDING OFFICER. The question is on the motion.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I have discovered, after 15 years in the Senate, that many of the great issues we talk about seem unduly complex, but they can often be reduced to rather elemental philosophies. And the legislation, and as a matter of fact,

the issue we have before us, can be reduced to rather elemental philosophies.

Once you decide on which side of the philosophy you come down, it is not hard to decide which way you want to vote on this bill or if we have some kind of procedural motion for recommitment or tabling, which way you want to vote on that procedural motion, because indeed the vote on that motion, if it is successful, may be the only vote that there is on the bill, and in that case it is a vote on the substance.

The elemental issue in this bill as we have it before the Senate, and let us not confuse it with the bill in the House of Representatives—the bill in the House has all kinds of things added to it—the bill we are talking about here as it came from the Commerce Committee simply says we want to have a 2-year moratorium on residential and small business access charges, and at the end of that time we want a reasonable time for Congress to review what the FCC wants to put into effect. That is the bulk of what is in this bill, period.

The substance of the bill and the issue before this Congress is whether or not you want to shift communications costs in this country from big business to residential consumers and small business, and it is as simple as that. I want to say that again. The principal issue before this Senate on this bill on this issue on dealing with the FCC's decisions, orders, changes of orders, delays of orders, extensions of orders, is simply this. Do you want to shift the cost of the communications system in this country significantly from big business to residential consumers and small business?

If you do, if you tilt on the side of big business, you want to be opposed to this bill and you want to be for the Federal Communications Commission. If you tilt on the side of the homeowner, the apartment dweller, the small businessman or woman, then you want to be for this bill.

Before plunging any further into a discussion of S. 1660, the bill before us, it is important to distinguish between the issue of access charges and the divestiture of AT&T. I say it is important to distinguish because I discovered in my recent trips to Oregon that the public frequently has the two confused, and I think part of the reason for the confusion is initially the Federal Communications Commission's so-called access charges were going to go into effect on January 1, 1984, the same day that the divestiture decree went into effect, and there was a mixup in people's minds as to what was what, and what was causing what.

Access charges are simply a fancy name for user charges that the Federal Communications Commission wants to order imposed on local telephone customers. I will say that again: An access charge is simply a fancy name for user charges that the Federal Communications Commission wants to order imposed on local telephone customers. They do not exist today. They have never been mandated by Federal law before. They have never been mandated by the Federal Communications Commission before. The Federal Communications Commission wants to mandate them now, and access charges will increase local telephone bills by whatever amount the Federal Communications Commission orders the access charges to be.

It is as simple as that. If the Federal Communications Commission says we want the access charge to be $2 a month, $4 a month, $6 a month, every homeowner, every apartment dweller, every small business in this country is going to have a $2, $4, or a $6 a month increase in their phone bill.

The Federal Communications Commission wants to impose these access charges to provide money for local operating telephone companies. And the Federal Communications Commission wants to provide this money because if the Federal Communications Commission has its way the local operating telephone companies are going to lose the subsidy they now receive from long-distance calls.

For years, the Federal Communications Commission has had a policy of charging more for long-distance calls than they actually cost and allocating the extra revenues to local telephone companies to help hold down residential rates, rural rates, small businesses, generally all of the rates. This policy has existed for years and years and years and it is the policy today.

However, the Federal Communications Commission now wants to change that policy. They want to get rid of the long-distance subsidy and instead have local telephone customers make up the revenue that the local operating telephone companies will lose when the subsidy ends.

I will say it again. We have today about $10.6 billion in excess charges on long-distance phone calls. That $10.6 billion is shifted over to local phone companies and it is used to keep rates down and it keeps the rates down on an average of about 27 percent; higher in some areas, lower in others, but on the average 27 percent. The Federal Communications Commission wants to get rid of that $10.6 billion subsidy and load the $10.6 billion subsidy onto the backs of the local ratepayer, the local homeowner, the local apartment dweller, the local small business person. That is perfectly clear what they want to do.

If that is what you want to do, vote against this bill. If it is not what you want to do, you should vote for this bill.

Now that is the access charges. The long-distance subsidy and the local access charges have nothing to do with the AT&T divestiture decree. They are unrelated, unconnected. The consent decree is the result of the settlement agreed to between the Department of Justice and the American Telephone and Telegraph Co. and approved by Judge Greene in the Federal District Court here. The issue of long-distance subsidies and local access charges was not even legally involved in the case and was not even before Judge Greene and he could not have had any effect on it had he wanted to have any effect on it.

Whether or not long-distance subsidies should be terminated and local access charges imposed are solely issues for the Federal Communications Commission or for the Congress. They were not for Judge Greene. They were not before Judge Greene. He could not have ruled on them.

Whether or not we end the long-distance subsidy and shift that cost to the local telephone customer has nothing to do with the allegations that American Telephone & Telegraph had or had not violated the antitrust laws. They had nothing to do with the consent decree. The policy decision of imposing a subsidy on long-distance phone calls was a policy of long duration initiated by the Federal Communications Commission years ago and acquiesced in by the Congress. It was a policy that could be continued or terminated whether or not there had ever been a suit brought against AT&T alleging violations of the antitrust laws. And that policy of using long distance to subsidize local rates could or could not be continued whether or not AT&T was ever divested from its local companies. Those are separate issues.

Now with that background, let us take a look at the history of telecommunications legislation before this Congress in the past 3 years.

Mr. BUMPERS. I do not want to interrupt and I will not if the Senator objects. I do not want to interrupt the flow of his statement but I do have a question if that is permissible.

Mr. PACKWOOD. I am happy to yield for a question.

Mr. BUMPERS. I understand that, in the past, local calls for residential consumers have been subsidized by long-distance users. Is $10.6 billion the correct figure for that subsidy?

Mr. PACKWOOD. That is the figure for last year.

Mr. BUMPERS. Now let us assume there is not going to be any further cross-subsidization. Are the State public service commissions not going to transfer that $10.6 billion onto local consumers?

Mr. PACKWOOD. Clearly, they are.

Mr. BUMPERS. They are.

Mr. PACKWOOD. They are. Well, you have one of two choices. What the local phone companies want—and this is principally the Bell affiliates—they want federally mandated, so-called access charges. In that case, the local public utility commission cannot even do anything about it. That will just be added to your bill and it will be compelled by the action of the Federal Communications Commission unless Congress stops it. Now if we do not compel it, the local PUC would have the power to do it or not to do it. But if we do not stop the FCC, we are going to compel it.

Mr. BUMPERS. Then let me ask this question: Is the present proposed access charge $2 a month for residential consumers?

Mr. PACKWOOD. That is correct.

Mr. BUMPERS. That would total between $3 and $4 billion a year, is that correct?

I would like that precise figure because I have heard different figures.

Mr. PACKWOOD. The Senator is not far off. When they have the access charges fully in effect, when they have gotten rid of the entire $10.6 billion subsidy, the average increase in cost will be about $8 a month. So the Senator is not far off.

Mr. BUMPERS. Is that supposed to make up the $10 billion?

Mr. PACKWOOD. Let us assume 1983 dollars, no inflation, nothing else, an average of $8 a month increase on local consumers will make up for the loss of the $10.6 billion.

Mr. BUMPERS. All right. Now, my question is this: If we restrain or prohibit the Federal Communications Commission from imposing the $2 access charge—which I understand they have done on their own now, at least for 1 year—what is to keep the local public service commissions from going ahead and raising local residential rates to make up that difference?

Mr. PACKWOOD. Nothing, legally. But here is the interesting aspect. Those States have an intrastate long-distance subsidy, just as the subsidy we are talking about is an interstate long-distance subsidy. The State of Washington, following the lead of the Federal Communications Commission about 3 or 4 months ago, abolished their intrastate long-distance subsidy and that raised everybody's rate about $1.60 a month for just the State subsidy. It is presumed that the public utility commissions will follow our lead on this and if we keep a Federal subsidy on long distance they will keep a State subsidy flowing from long distance. The Senator's question is very valid.

Let us assume no access charges are allowed and the Federal Communications Commission continued its policy of lowering the subsidy on long distance. At that stage, the local companies would have no option but to go to their local public service commissions and ask for an increase.

But you can clearly understand why they prefer federally mandated charges. they can then blame you or me or President Reagan or the antitrust department or the Federal Communications Commission and can put on their bill: "This $2 charge or this $4 charge or this $6 charge is mandated by Federal law." They would much rather have us do it than to have them go to the PUC's and have to justify it before their local public utility commissions.

Mr. BUMPERS. What is the new telephone company for the northwestern part of the United States that serves Oregon?

Mr. PACKWOOD. U.S. West.

Mr. BUMPERS. Let us assume that U.S. West goes to the Oregon Public Service Commission and says, "The Congress and the Federal Communications Commission have said that we may not levy these access charges against our residential consumers. We cannot impose an access charge and there is going to be no further cross-subsidization. Both residential local calls and long-distance calls must bear their weight according to their costs."

Congress and the Federal Communications Commission have said that in the future residential local calls must stand on their feet, and people who use long-distance service must also pay the true cost of that service. In the past long-distance calls have subsidized local calls to the tune of $10.6 billion.

Is that correct?

Mr. PACKWOOD. That is correct.

Mr. BUMPERS. So U.S. West will argue: "Long-distance charges must be lowered by $10.6 billion nationwide, and Oregon is going to have to take its share of that. We have to lower long-distance call charges and raise residential rates by that amount."

What is the public service commission going to say to that?

Mr. PACKWOOD. The public service commission may or may not grant an increase in local rates or they may say we are not going to let you increase those rates or we are going to subsidize those rates through intrastate long-distance services.

My understanding is it will vary from State to State.

It is perfectly understandable why the local companies want us to mandate the access charges. They do not have to ask for them then. The quid pro quo from the Federal Communications Commission was we want to lower the long-distance subsidies and make up the revenue with the access charges.

What will be the position of the Federal Communications Commission if we tell them there will be no access charges? Will they still go ahead and eliminate the subsidies? More interesting, what will be the position of the local telephone companies when they know we are going to stop the access charges and their choice then is to continue receiving a subsidy on interstate long distance or lose that and go to the public utilities commissions? My hunch is at that stage they would much prefer to get their subsidy from long distance because they do not have to ask for that money from their public service commissions. But their first preference is to have us mandate on the homeowner, the apartment owner, those charges.

Mr. BUMPERS. Let me go a step further and ask, who is going to get the money? Let us assume that the $2 access fee is imposed. I have received letters from every AT&T stockholder in the United States urging me to vote for access fees.

Mr. PACKWOOD. Let me correct one thing. The FCC has changed their position four times in 13 months. There is nothing to prohibit them from changing it again. They could start at $4 or $8. Let us for purposes of argument talk about $2.

(Mr. HEINZ assumed the chair.)

Mr. BUMPERS. Just to clarify that point, what specifically did the FCC do? I have read in the press that it has deferred the imposition of access fees for 1 year.

Mr. PACKWOOD. What they did first was in December 1982 to say that starting January 1, 1984, there would be a $2 access fee, plus usage charges. That was to start in January 1984. It would go up in 1985, up in 1986, until in 1991 the entire $10.6 billion, in today's dollars, had been eliminated.

Well, they got a tremendous amount of flak for that. So in July of 1983 they changed their suggestion as to how the access charges would go into effect. As a matter of fact, they lowered it on homes a bit and they raised it on small business.

Then in October 1983 they said these charges which were going to go into effect in January would not go into effect until April, even though AT&T said that would stop the divestiture, even though Chairman FOWLER said it is an economic Lebanon. Then last week, in what Chairman FOWLER said was a political decision on their part—and I laud Chairman FOWLER on this, he has been open, honest, and aboveboard and a delight to work with, though we differ—last week in what he admitted was a political decision in the hopes of stopping legislation in the Senate they changed again and they said they would now not impose the access charge until about May or June of 1985 and they would reach a final decision on what it would be this December. Coincidentally it would be after the elections that they would reach that decision. That would be that they would cap it at $4 a

month until 1990, and then the full charges could be in effect.

So that is four shifts in 13 months. But their present position is a $4 cap on the access charge, and also they can have usage charges in addition to that, but they are free to change that opinion as they have a number of times before.

Mr. BUMPERS. Does S. 1660, the bill the majority leader is trying to take up, permanently prohibit the imposition of access charges, or prohibit them for only 2 years?

Mr. PACKWOOD. No. It is 2 years. This is all we ask, a 2-year moratorium, but give Congress 6 months to look into it before it goes into effect. If Congress does nothing, they go into effect. But we now have divestiture with all its confusion; buy your phone, rent your phone, changes coming. The committee thought this was the wrong time to put access charges into effect. We have a 2-year moratorium. Let us let the rest of the phone system sift out a bit.

Mr. BUMPERS. Is the Senator willing to accept any kind of compromise between 1 and 2 years?

Mr. PACKWOOD. If this would reach compromise, I would regard this as key, because of its shift four times in 13 months. I want a bill that statutorily codifies what the FCC says so that they cannot change. What I would like is a 6-month period after their final order, so that they cannot change it in the 6 months in order that the Congress have time to look at it.

Mr. BUMPERS. Let us assume that the $2 access fees are imposed, and that produces roughly $3 billion. Let us also assume that $0.5 billion of that goes to U.S. West. Does U.S. West get to keep that $0.5 billion, does it have to turn that over to AT&T, or is that a contractual arrangement between them?

Mr. PACKWOOD. They get to keep it themselves. That is not unlike—I want to emphasize again—the system we now have for long-distance subsidies, except in this case the long-distance subsidies are collected mainly by AT&T.

There are over 1,400 phone companies in this country and the funds are distributed to all 1,400 companies under an agreed formula, called separate operations, et cetera, every company that has 500 subscribers, 5,000 or 5 million.

Under the access charge, it is not distributed, per se, because the Congress or the FCC will be ordering the local public utility commissioner, in essence, to put that fee on the monthly telephone bill. So it is not going to have to be distributed. It is going to be collected.

Mr. BUMPERS. So the reason U.S. West wants this is because it is going to have to pay the full charges levied against it for calls outside its system. Is it going to have to pay that to AT&T?

Mr. PACKWOOD. It would depend upon what system they placed the calls with because there are other competitors.

Mr. BUMPERS. I understand, but I am assuming it is going to be AT&T. I would assume that for a while these new companies would feel a certain loyalty and do business with AT&T. I think they are now doing business with AT&T and intend to continue for the time being.

Mr. PACKWOOD. I do not want to get into too much detail on this but it almost works the other way around. AT&T pays the local companies to hook into their switchbox, in essence. That is the subsidy. It amounts to about 7 cents a minute on each end. But for all practical purposes you theoretically grasp it right. The money is all collected in a big pot at the moment and it is all distributed to these 1,400 companies. I would wager that, and the Senator has been here almost 10 years now, you have never heard a complaint from a telephone customer or AT&T or any Bell affiliate or other company about how the money was distributed. Everyone thought it was a fair system. Basically, that is the system we are trying to keep, the present system.

Mr. BUMPERS. I thank the Senator.

Mr. PACKWOOD. I thank my distinguished colleague from Arkansas. As usual, his questions are penetrating and observant.

I want to go back. As I said before, we have had our colloquy on what we have done on telecommunications in the past 3 years. It was barely 2 years ago that the Senate passed S. 898, which was a major restructuring of American Telephone & Telegraph. The bill was supported by American Telephone & Telegraph and all of its then operating companies.

The bill did not require divestiture. It required some restructuring of Western Electric and Bell Labs, but it did not separate the operating companies from AT&T.

I want to emphasize that the bill was fully supported by AT&T and fully supported by all of its operating companies. The bill passed the Senate Commerce Committee on July 27, 1981, by a vote of 16 to 1. It passed the Senate October 21, 1981, by a vote of 90 to 4. I personally carried that bill in the Commerce Committee and on the floor of the Senate because I thought AT&T was right. I would expect in the future that we shall have other battles on a variety of issues and on many occasions, I shall be on AT&T's side, and in some cases, I shall be in opposition. In that case, I thought they were right.

In S. 898 was a provision that said as follows, in section 2(d)(2):

> In establishing practices to ascertain and apportion exchange costs between exchange telecommunications services and exchange access and ensure the universal availability of basic telephone service at reasonable charges the Commission may consider the establishment of charges at rates which will provide a level of revenue to exchange carriers no less than the level of revenue the exchange carriers received during the calendar year 1980.

Translated into English, that provision continued the precise system of subsidy. It was then about $8 billion. As I say, it is now about $10.6 billion. But the important thing to remember is that, 2 years ago, we had a bill restructuring AT&T, supported by AT&T, supported by the operating companies, and in it was the very crux of what is now before us, the subsidies. AT&T fully supported it, pushed it, wanted that bill. And so did all the other telephone companies associated with it. Thus, the Senate, AT&T, and the Bell operating companies all placed themselves squarely on the side of allowing long-distance subsidies to reduce the cost of residential, rural, and small business telephone service.

S. 898 passed the Senate, as I said, 90 to 4, prior to the consent decree divesting the operating companies from AT&T.

After the consent decree was issued, the House took no action on S. 898, and the bill died. I want to emphasize again that the Senate bill passed 2 years ago, by a vote of 90 to 4, with endorsement from AT&T allowing continuation of the subsidy. This is the subsidy we now seek to continue, the subsidy that has existed for the better part of 40 years.

It is important to remember the method by which long-distance subsidies are used to reimburse local telephone companies. There are over 1,400 local telephone companies in this Nation. For many, many years there has been a procedure administered by the telephone industry, with oversight from the Federal Communications Commission, and State public utility commissions, called Separations and Settlements. Through this procedure, each of the 1,400 local telephone companies in this country received their fair share from the kitty or pot of money derived from all long-distance revenues. Among those companies receiving part of that allocation were the large Bell operating companies affiliated with AT&T, but also receiving part of those revenues were General Telephone & Electronics, Continental & United, all large telephone companies. In addition, every other telephone company in this Nation, whether it served 500 subscribers or 5,000 or 500,000, received some portion of that subsidy.

My hunch is that not a single Senator, no matter how long he or she may have served in this body, ever received a complaint from any telephone customer in this country about the existing long-distance subsidy being used to help reduce residential and rural telephone rates. In fact, my guess would be that not a single Senator received any complaint from any of the AT&T or any of the large Bell companies affiliated with AT&T any question about the practice. It worked very well and had worked very well for years and years. It is the practice that this bill seeks to continue. In essence, we want no change from a system that has served this country very well.

S. 1660 provides for a 2-year moratorium on the access fees and—and the "and" is very important—no change by the FCC without prior notice to Congress with an adequate period for review. We do not require that Congress act before any access fees can go into effect on residential or small business customers. We do not ask for a veto. If we do nothing, they will go into effect. But we do require notice and a reasonable time to study the FCC's recommendations.

I want to say again, we are dealing with S. 1660, which is a 2-year moratorium. This is not the House bill. This is not a permanent ban, and I do not support and will not support a permanent ban. I think there is great merit in sunset laws. I think we ought to be forced to review things every 2, 3, 4, or 5 years, including all the tax loopholes that exist. All we are dealing with here is a 2-year moratorium.

It is important to keep in mind that the consent decree divesting AT&T of its operating companies did not contemplate the imposition of the access charge on local customers that the FCC wants to impose. Perhaps I phrased it wrong when I said "did not contemplate." Judge Greene contemplated it. He had been advised prior to the entry of the consent decree that there would be no change in the then existing system of long distance subsidies used to reduce local rates.

Let me quote from his April 20, 1983, ruling in which Judge Greene took issue with the FCC's access charge decision.

> The Court has therefore noted with considerable surprise and dismay that the Federal Communications Commission, far from using the access charge tool as a means for easing the burdens on the users of local telephone service, has opted instead in a major decision issued since the Court's approval of the Consent Decree, to saddle local subscribers with the access costs of interexchange carriers. Curiously, although the FCC cites that decree and ostensibly regards its decision as assisting in its implementation, "the agency's action runs directly counter to one of the decree's principal assumptions and purposes—that the fostering of competition in the telecommuncations field need not and should not be the cause of increases in local telephone rates."

United States v. *Western Electric Co., Inc.* 569 F.Supp. 990 at 998, 1983.

In his ruling issued on July 8, 1983, Judge Greene commented:

> The Court has previously taken note of the recent decision of the Federal Communications Commission. . . . Briefly, the Court was advised prior to the entry of the decree that whatever subsidy from long distance rates might in the past have been inherent in the local rate structure could and would be preserved by means of access charged levied on interexchange carriers.

As an aside, what he means by that is the long-distance subsidy when he refers to an access charge on interexchange carrriers.

> However, in December of last year, the FCC decided to levy such charges also on individual subscribers. This access charge decision undermines one of the assumptions underlying the Court's approval of the decree—that there would be no impairment of the principle of universal service—that is that everyone, regardless of income, would have access at least to a minimum of telephone service, in recognition of the fact that this service is a necessity rather than a luxury. The FCC's decision unnecessarily jeopardizes this objective.

As I said earlier, Judge Greene could do nothing about the access charge. That is not in his jurisdiction. He could not have done anything about it had he wanted to do anything about it. The consent decree was already all the way down the road. The Department of Justice and AT&T had agreed to the consent decree. Because he could not do anything about the access charge, he was stuck. But he very clearly was misled by someone that there would be no shift of the long-distance subsidy. So, it is understandable why Judge Greene is miffed. The FCC has wobbled and weaved its way throughout consideration of this issue, leaving a trail so twisted and tortuous that Sherlock Holmes would have difficulty following it.

I might add again that I hold FCC Chairman Mark Fowler in the highest regard. He has in no way been devious or underhanded in this matter. He has been open, aboveboard and honest. He is not Professor Moriarity. It is simply that on this issue his philosophy and mine diverge.

In its original decision in December of 1982, the Federal Communications Commission ordered that a minimum monthly fee of $2 plus charges for usage be imposed on residential customers starting January 1984—$2 plus usage. It was envisioned that the charge would gradually rise until 1991 when the entire long-distance subsidy would be phased out and the local telephone customer would bear the entire costs. It was estimated that the average increase caused by this decision alone, for residential customers would be in the range of $5 to $11 a month depending upon where you lived but an average of $8. I want to emphasize again that what we are talking about if we do not stop the Federal Communications Commission from levying in 1983 dollars is an addition to everyone's phone bill in this country on the average of $8 a month. This does not count what the State public utility commissions may levy if they choose to eliminate intrastate long distance subsidies. The State of Washington just did it. It amounts to about $1.60 or $1.61 a month on top of what the FCC is doing. This does not count whatever local public utilities or commissions may do when they get requests for rate increases because of inflation or wage increases or any other reasons that phone companies put forward. $8 a month in today's dollars is what this Congress can stop if it wants. And if it choses not to, we must bear the blame and the responsibility for not having stopped it.

In the same December 1982 decision, the FCC ordered similar local business charges. These charges would start at $4 a month in 1984 and end up at an average rate flat charge of $8 a month by 1991. The FCC received a great deal of criticism for their decision. Therefore, on July 27, 1983, they issued an amended decision saying that the residential flat rate would be $2 in 1984 rising to $3 in 1985, $4 in 1986 but then finally creeping up to the range of $5 to $11 with an average of $8 by 1991. So all they did was damp it down a bit at the start and end load it in the hopes that they could remove some of the political heat that might come right now if the charges were too big right now.

Because this was going to cause a loss of some money, the business charge which was going to be $4 a month starting in 1984, was raised to $6 a month starting in 1984. It was kept at $6 through 1986 and then it crept up to $6 to $11 depending upon the area in which you lived.

Again, the FCC got flak, so on October 19, 1983, the FCC bobbed and weaved once more and changed the effective date on the 1984 charges from January 1 to April 3. Then on January 19, 1984, just last week, the FCC made a fourth change which is not yet final. They are going to meet again this week and they can change again. They may change again and again for all I know. Now the FCC says that the access charges on residential and business customers will not go into effect until June, 1985 and that these charges will be capped at $4 a month until 1990. And then they will go up to the limit they would otherwise go up to. Again they are attempting to backload it more and more.

Then in 1990, the FCC can under its current order do anything it wants but as a matter of fact it can change its current order right now. It can change it tomorrow. It can change it next month. If Congress does nothing to stop them, they have the total right,

the total power to make any change they want. Just like that, they can say $8 a month starting in January, February, March, April of 1985, 1986, 1987, starting next May, if they want.

The FCC has changed 4 times in 13 months. It is not prohibited by law from changing again, and it is therefore very clear that on this issue the FCC is quite slippery. And Chairman Fowler, to his credit, admitted that their change last week was purely due to politics. Quoting from Communications Daily:

Chairman Fowler said, "The Commission felt compelled"—

Those were his words—

"felt compelled to delay access charges," and that it was "important Congress have before it our current thinking before it acted on legislation scheduled to be considered by considered by the Senate early next week."

He admitted very frankly that it is the pressure from Congress that has caused this temporary change. Let the pressure slip, let public opinion die down, they will be right back where they started from. Without pressure from Congress, the FCC never would have changed. Without continuing pressure from Congress, there is every likelihood it will change back to its original position. Therefore, if Congress wants to make sure that what we want to achieve is going to be achieved, we had best do it by statute rather than leaving it to the vagaries of the FCC. They have already proven that it will be impossible to predict what they might do.

Now, let us examine why there has been such a significant change on the part of AT&T and the Bell operating companies. What happened between October 1981 when we passed S. 898, and now that has caused this change? And remember that in S. 898, we had the subsidies and that AT&T and the Bell operating companies supported that bill.

Now, from AT&T's position, their change is understandable. Before the divestiture decree, when AT&T offered long distance and was also the owner of the local telephone companies that provided the bulk of local service, it made little difference to AT&T that the subsidy was subtracted from their long-distance revenues and added to their local operating revenues; in the last analysis, it was all in the same company pot.

But with the consent decree and the divestiture of the local operating companies, AT&T was no longer in the local phone business. As a quid pro quo for getting out of the local phone business, they were relieved of a prior 1956 antitrust consent decree in which they agreed not to go into any business other than the regulated telephone business. They were relieved of that limitation. Now AT&T is free to go ahead with IBM and Control Data and anybody else that wants to in the computer and information transmission business. Much of that business is going to be done by long distance. It is in AT&T's interest to have those long-distance rates as low as possible.

There is nothing malicious about that. If there is anything that those of us in this Congress are used to, it is the concept of business trying to shift their cost to somebody else. How many times have we heard Senator LONG from Louisiana talk about, "Don't tax you, don't tax me, tax, the man behind the tree." If I were AT&T, I would want to shift the cost someplace else and especially someplace else that I no longer have any interest in.

Charlie Brown is the chairman of the board of AT&T. I regard him as one of the most honorable people I have ever met in business. He is decent, he is open, he is frank, he is honest, and he has stated very clearly that because they are no longer in the local phone business, they have no interest in subsidizing local phone services. Of course, that is his position; it ought to be his position. Is that position in the interest of this country? That is what ought to be the business of this Senate. Why, however, should the Bell operating companies, now divested into separate companies—they are no longer connected with AT&T—why should they not want to keep the long-distance subsidies?

After all, if they do not get the subsidy, do they not have to go to the State public utility commissions and request raises in their local rates? Maybe yes, maybe no. Before answering that, remember that all regulated utilities, be they telephone company, electric utility, or otherwise, detest the growing type of consumerism that is found in every hearing before every State public utility commission. If you have not sat through those meetings, take my word: Consumerism is a growing force in this country and has multiplied in the last 5 years.

If the long-distance subsidy is ever terminated, then the local operating companies desperately fear that they will have to go to their State public utility commissions and justify rate increases from local residences or small businesses or other sources in order to pick up their lost subsidies.

It is easier for the local operating companies to simply say that the Federal Government has forced them to increase their local rates. Then they do not have to go to the public utility commission to justify it. The public utility commission cannot even stop it. The local operating companies can blame it on Congress, the Department of Justice, Judge Greene, or whoever they wish, but they are free to say to every customer: "Congress made me do it. The FCC made me do it. President Reagan made me do it."

Of course, they want the money. They want us to tell them that they have to collect the money, so that they can say it is not their fault. I do not blame them for that, either. If I were in that position, that is exactly what I would want. It is a popular sport to kick the Government around, anyway. Why not kick around Congress or the FCC and say that we are the ones who imposed an $8 increase in their phone bill that they did not want? There is nothing malicious about it. They understand their interests. If I were in their position, I would be doing exactly the same thing.

I ask again: Is that in the interest of the people of the United States? That is the issue Congress should be considering.

There is a second interesting reason which I did not understand at first as to why the local operating companies want to get rid of the long-distance subsidy.

A representative of one of the new regional Bell operating companies came to me and said that he spoke for all of them, and he asked for an amendment to be offered to this bill on the floor which would allow those local companies to go into the long-distance business. The consent decree prohibits that. They are not supposed to go into the long-distance business. We would have to undo the consent decree to do it. We never had any hearings on it. But they requested that as an amendment.

If they could get into the long-distance business, they could compete with AT&T and MCI and Sprint and Allnet. If they also are going into the long-distance business, naturally they want the subsidies to be as low as possible on long-distance calls. It makes perfect sense, if you understand what their objectives are.

No wonder they want the lowest possible charge on long distance. The more cost they can impose on the poor devil who is a small businessman or businesswoman or who has a telephone at home, the better it is for the telephone company. Those people are the ultimate end users. They cannot shift the cost to anybody else. It is too bad if they cannot bear it. The more you can shift to residential customers and the more you can shift to small business, those who have no way of getting out from under the cost or allocating it to someone else, the lower will be your long-distance charge to your big business customers.

That brings us now to another group that is most interested in shifting cost to residential, rural, and small business users, and that is big business—and I mean big business with a capital B.

One percent of the companies in this country produce 50 percent of the

long-distance business revenues for AT&T. Clearly, the biggest of the biggest businesses in America would like nothing better than to shunt part of their costs onto their small business competitors and onto every homeowner in this country. It is in their interest to cut costs.

So, one, AT&T wants to cut its long-distance charges and try to get more business. The local operating companies want to get into the long-distance business and compete with AT&T. Big business, the goliaths of American business, want to reduce their costs. In order for all of them to reduce their costs, who has to pick up the tab? You know. We all know. The corner grocery store, the drycleaners, the widow living on social security, for whom the phone is the principal connection with her friends. All those who can least afford it will pick up the costs for those who can most afford it.

Now we come to the issue of the so-called bypass. Bypass is another of those fancy words, and the argument is that if we continue a long-distance subsidy, it is going to encourage bypass.

Put in its simplest term, bypass simply means avoiding the use of long-distance companies, such as AT&T or any other long-distance carrier that pays a subsidy to local phone companies. If you can avoid using AT&T, if you can avoid using the local phone companies, if they are in the long-distance business and have to pay a subsidy, if you can avoid any company that has to charge in their rates a subsidy, avoid them, and you can lower your costs. You lower your costs, allegedly, by bypassing AT&T, bypassing the local phone company, delivering your message in some other way.

AT&T and the local companies argue that big business especially will cut its costs by bypass and therefore avoid the subsidy. S. 1660, however, would require that businesses contribute to the maintenance of the Nation's telephone system by having an appropriate fee levied on bypassers.

The argument is made—and here is the key argument on bypass—that bypassers cannot be discovered. So the argument goes that if AT&T and the Bell operating companies and the old system of subsidy have to bear the subsidies, and if bypassers can sneak around it, AT&T and its affiliated companies will lose revenue, and you will not have any money to subsidize local rates, anyway, and you will have killed the goose that laid the golden egg, and bypassers will have skimmed the cream off the top.

However, there is one fallacy in that argument. That is that bypassers cannot be found. By bypass, maybe you set up a dish on the top of your building and beam off the satellite in the sky. Say, it is in Detroit, at General Motors, and it comes down to your office building in Los Angeles, and you distribute it through your building, on your own wires. You do not use the AT&T system that goes through the local operating company. That is bypass. Another way is to set up your own wire system. Another is the so-called microwave relay system where you beam it from towers on hilltops.

There may be some as-yet-undiscovered new technology which would be some other method of bypass. Any method you use, however, is broadcasting in the legal sense of the word, and no one in this country is allowed to broadcast without a license from the Federal Communications Commission. Nobody. So that if Boeing or General Motors wants to bypass, they have to go to the Federal Communications Commission and apply for a license to do it.

And if they do not get it, they cannot legally do it. This is the kind of thing you cannot do without being caught. This is not some sniveling little pickpocket. These are frequencies cast through the air that are easily detectable. So you are going to have to have a license. And every single business who chooses to bypass and applies for a license and gets it will know exactly how much they bypass. They will know how many minutes they use, they will know who they call, they will know when they call, and they will know where they called.

Every single company worth its salt has that kind of internal auditing procedure now. It is no different than what AT&T does when you make a long-distance phone call. Your phone bill comes. How much you pay depends upon how long you talked, what time you called, and where you called.

AT&T has no difficulty keeping track of the minutes and the place which you called. Do you think it is any more difficult for General Motors to install the same kind of monitoring equipment on their bypass equipment so that they know how much time they use? Not only can they, they will, as any good company would, whether or not they ever had to report to the FCC, so that they will know what their costs are.

If those companies are honest, and you have to presume they are honest, because, as an aside, I might say our Internal Revenue Code depends upon voluntary compliance. We randomly audit companies and randomly audit individuals, but it presumes honesty. If those companies are honest, and they have to apply for a license to broadcast and bypass, then they can very accurately report to the FCC how many minutes of long-distance communications they use every day, every week, every month, and every year. And upon that usage, the FCC can determine an appropriate charge in order to help keep down the costs on small business and residential phones.

So we will have no difficulty in collecting the money to keep down local service, and we will catch the bypassers and if they choose to bypass. We will make sure they understand they are going to pay an appropriate fee to do so which will not make them able to undercut AT&T. If they choose to do so, they, too, are going to bear a portion of the cost to make sure that everyone can have a phone in this country.

Another argument put forth is that phone use is, as the economists say, "inelastic"—that is—no matter how high the monthly phone bill, no one will quit using it. Do you believe that? Do you have any doubt that as costs go up for homeowners, apartment dwellers, small business, some are going to drop off the line—simply give up their phones. Of course, they are. If you assume they are not, then monthly phone bills can be increased to $50, $60, $80, $100 a month—and there will be no diminution in those who use the phone.

In that case, it is a great source of revenue. We can put immense taxes on telephones and raise great quantities of money, and no one will quit using them. It is nonsense. Of course, they will quit using them. The use of a phone is not inelastic. It is elastic.

The California Public Utility Commission said that if the original FCC access charge decision had taken effect, they expected between 418,000 and 524,000 households to drop off the telephone network. The Michigan Public Utilities Commission estimated that if the original FCC access charges went into effect it would produce phone disconnections equivalent to 400,000 lines over the next 3 years, over 1 percent of current subscribers. Whether or not many small businesses would cease using the telephone is problematical. I have seen no evidence one way or the other. But there is one undisputable piece of evidence. Costs for businesse to use the phone are going to be shifted from General Motors to Gregorio's Grocery and Jane's Dry cleaners.

Now why did all of this happen just in the last 2 years? There has been no sea change, no earthquake—no stunning change of circumstances to have caused this momentous shift in the position of AT&T, the local telephone companies, and big business. Why 2 years ago did AT&T and the Bell companies support the subsidy? Why 2 years ago was there no push from big business to get rid of it? Why the push now? The answer is simple. The time is ripe, and the consumers are ready to be plucked. And that was not true 2 years ago.

First, we have to consider that we have had a rather significant change

in philosophy regarding transportation and communications, although this philosophy is not unique to this administration.

You can see it creeping up over the last years in terms of recommendations of budget directors, over the last 6 or 7 years, in terms of recommendations of the Presidents, both President Carter and President Reagan.

The old philosophy used to be, both as to communications and transportation, that we would tie this country together in a network so that all portions of the country could travel to and communicate with all other portions of the country. That policy applied to highways, to airports, to railroads, to waterways, and to the communications systems. We full well realized that some portions of the country, especially rural areas, would have to be subsidized by other portions of the country. We full well realized that some people in all parts of the country would have to be subsidized by other people in all parts of the country. We said, however, that it was so critical that we have a unified and complete network of transportation and communications that we would not just tolerate the subsidies, we would encourage them for reasons of public policy.

You are now starting to see shifts in that policy. More and more, we are developing the concept of "pay your own way or disappear." Various administrations have proposed Coast Guard user fees, including user fees imposed on boats that are in distress. For example, if you go out over the river and hit a bad bar, and your boat tips over through no fault of your own, you are going to pay a user fee to have the Coast Guard help you.

There are those who say that if trains cannot pay their own way, abandon them. There are those who want to impose port user fees and waterway user fees for every river and every port in this country. If that port cannot do its own dredging and pay its own way, let it disappear. The philosophy is no longer let the strong help the weak for the benefit of all. The philosophy is becoming, let the weak die. So also in communications. The philosophy under which we created the Federal Communications Commission was the philosophy that we would tie this country in a phone network so that every person in every nook and cranny of every county in this country could afford a telephone. We thought it was good that people in the smallest town in Oregon could talk with the people in the smallest town in New York. We are now to gradually abandon that policy. And so long as the philosophy seems to be moving in that direction, why should not the strong—the big telephone companies—big business—move with the tide. Let us drop the poor who can not afford it. Let us drop the rural who are distantly located. They are a cost that no longer needs to be borne by those who can afford it. That is not a philosophy that I share, but if we are going to move in that direction, I hope the Senate fully comprehends what it is we are doing.

Then we are seeing another interesting change in philosophy, and that is what is the fair share of taxation that should be borne in this country by corporations and individuals? We are moving further and further away from taxes on corporations and toward more and more taxes on individuals.

In 1949 corporate taxes as a percentage of the total taxes we collected were 24 percent; in 1960, it was 23 percent; in 1965, 23 percent; in 1970, 17 percent; and it is estimated in 1983 it will be 6 percent. Taxes on individuals as a percentage of the total was 42 percent in 1949; 45 percent in 1960; 48 percent in 1970; and it is estimated that in 1983 they will be 59 percent.

Again, that may be a direction in which this country wants to move.

The country may or may not want to move in this direction. But if we do want to move in this direction, let us fully debate it. Let us make sure the people of this country fully understand it, and let us not cloud it under terms like "bypass" and "access charges."

The access charges suggested by the Federal Communications Commission as a substitute for the subsidies now provided by long distance are nothing more than a fusion of the two philosophies to which I have eluded—to wit—abandoning the philosophies of a united, unified communications network in this country—that corporations should bear a fair share of taxes—and shifting the costs from business to individuals.

The access charges, especially among the poor, will make it more difficult for them to have phones. But apparently, so be it. The access charges shift the costs from big business to small business and residential customers. But apparently, so be it.

Why should not big business and big phone companies get on board the bandwagon? It will lower their costs. There is no higher priority in their minds in this country. In my mind, there is. It will indeed lower their costs. But it will raise the costs of all other Americans. And that is the issue we should debate and decide.

Remember what the Federal Communications Commission fully intends to do. It has changed its philosophy from its decision in December 1982. It has bobbed and weaved. It has backloaded it. It has changed the amount of the access charges. It has postponed them. But ultimately what it wants to do in today's dollars is shift about $8 a month cost of every homeowner, additional cost of every homeowner, every apartment dweller, every small business in this country, and take that cost off of the biggest businesses in this country.

However we vote on the issue before us, whether it be on a procedural motion or on the substance of the bill, that vote will indicate whether you want the ultimate Federal Communications Commission policy of shifting those costs or you do not. There really is no other issue before us. As for me, I think the system that we have had for the better part of 40 years in this country has worked rather well.

I understand when the fruit is ripe, why those who pay the subsidy, hope that they can get out from under it. But I do not support their desire to change the historic policy of this country. It may be good for them. It will be bad for everyone else.

I yield the floor.

(Mrs. KASSEBAUM assumed the chair.)

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Madam President, as chairman of the Subcommittee on Communications, I was one of the original sponsors of this bill that turned out to be S. 1660. But even before it came before the committee to discuss, I had changed my mind. In fact, I voted against S. 1660 as reported by the committee.

Now, Madam President, my principal concern is not wrapped up in money. It is wrapped up in whether or not this country is going to continue with the finest communications system that has ever been developed in the history of the world.

I sometimes wish there were ways that we could get around Judge Greene's decision to break up AT&T. Yes; it is a big company. And I know that there are many Members of this body that think that anything that gets big is dangerous and bad. In fact, I think if you looked at the assets of AT&T they would be the seventh or eighth biggest company in the world. But they have provided us with a communications system that has never been equalled and will never be equalled.

I can tell you, Madam President, as a former member of the military who depended very heavily upon communications, that I like the ability of being anyplace in the world and being able to pick up a telephone, punch a button, and be able to talk with any other base anyplace in the world instantaneously.

If we let AT&T slowly die down, it is not just going to be the money that dies. That is not important, as I said. We are already beginning to see a deterioration of the services that our telephone companies give us. Is it because of our local companies? No. It is because they are beginning to feel the

fall off, the inability of their close ties with what we called Ma Bell to maintain their system so that every time you want to dial long distance, you get long distance. You do not get some impersonal voice that tells you what you have not done.

Now, my principal concerns are wrapped up that we do not have an adequate record or other facts on which to make an informed decision on the important issues involved and that the committee bill may actually harm consumers across this country and universal service far more than it can help.

The bill is anticompetitive. It may block sizable reductions in interstate long distance rates, disrupt stock issues of the seven new regional telephone holding companies at their moment of birth, risk the savings, and pensions of 750,000 telephone company workers, thwart the use of new technology by interstate carriers and local telephone companies, and replace the universal service plan scheduled for approval by the Federal Communications Commission that treats all rural customers evenly with a scaled down plan that leaves many rural residents in high cost communities without any relief at all.

Now, a little background, Madam President. The original S. 1660 was introduced by the committee chairman on July 20 of 1983; 2 days of hearings were held by the full committee on July 28 and 29, 1983. Three markup sessions of the full committee were held in late September. New versions of the bill were presented at each session.

Madam President, in all, the legislation went through seven or eight different drafts. Members were not presented, for example, with the final draft until 5:30 p.m. of the evening before the final markup. To say the least, the final bill was drafted hurriedly, without due consideration or knowledge of what it would really do, who would be affected, and how.

In short, the legislation has been born in a hasty rush to judgment without adequate or sound deliberation. I fear that the committee's action may be doing telephone customers, carriers, and suppliers a great harm. It is reckless of Congress to act on a subject of such enormous consequences to the entire public and national economy without having substantial facts to work with.

And that has been my argument all along, Madam President. We do not know yet—AT&T has only been broken up 21 days—we do not know yet how the local companies are going to absorb this break up. We do not know what the costs are going to do. We do not know if there will be an access charge needed.

After all, it is not up to this body to establish rates. That is the problem of the State corporation commission or whatever commission handles it.

I live out in the Far West. I have made inquiry of my commission. They do not know yet what rate increases might be asked.

I have asked the company themselves and they do not know yet what their new costs are going to be. So on that subject alone we are operating in a very ignorant and rather stupid way. If we approached all potential problems in our country without any more knowledge than we have of what potential harm may come in the breakup of AT&T, we could legislate worse than we do, and I have to tell you that is hard for anybody to believe.

The claimed reason for rushing to a decision is that the FCC access charge decision would have gone into effect last January 1. It is arbitrarily asserted that there is no way to reverse the access charges once they are put in place. Of course, that is ridiculous. Of course Congress can legislate the removal of these fees after they take effect, if there is good reason to do so. Monumental changes have occurred in the telecommunications field because of FCC decisions, court orders, and new competition. For the committee to act as if further change cannot occur in the industry is repudiated by the entire course of the last decade.

Madam President, the purpose of the FCC decision which would be blocked for at least 2 years by the committee bill is to begin to move the telephone industry, which has employed extensive cross-subsidy flows in the monopoly days, toward a cost based pricing system more appropriate for the deregulated, competitive future.

We know that telecommunications is a complex and fast changing field in which there are many competing interests. Some of the proponents of the bill apparently believe the bill is simple, just postponing a $2 residence charge for more study. Unfortunately, the bill goes far beyond that and leaves in place structures and subsidies in the industry that could be counterproductive.

In contrast to the procedure followed on this bill, we conducted over 200 hours of hearings with over 100 witnesses before we considered and passed S. 66, the Cable Telecommunications and Deregulation Act of 1983 earlier in the last session.

It is true that the Communications Subcommittee held hearings and acted on telephone legislation in the 96th and 97th Congresses. But since those actions in 1980 and 1981, we have witnessed great changes: The divestiture agreement which has broken up the Bell System, the FCC's second computer inquiry, and other procompetitive decisions, and, most recently, the access charge, which, fortunately, the Commissioner changed to the point that it will not go into effect until we know a little bit more about it.

On February 28, 1983, the FCC released the access charge order. On reconsideration, certain changes were made in a decision reached on July 27, 1983. The decision was designed to move the pricing structure of the telephone industry from the monopoly era, which was dominated by AT&T and its local operating companies, into the new era of competition.

Madam President, I have heard this afternoon of the threat of cable, the threat of satellite, the threat of microfilm, the threat of the filament. Madam President, as long as we live we are going to be living through those things.

For example, I recently installed a device that enables me to see television from satellites and by a little manipulation I can listen to telephone calls. I should not do it and I am not going to do it, but it can be done today. So when we are talking about telephone companies, we may be talking about something that has not even come into being yet. But I can assure you that the leader in improved communications is not going to be some company, it is going to be old AT&T sitting up there in New Jersey with their unbelievable laboratory constantly working on better ways to communicate.

I believe, Madam President, that when the FCC made a tentative decision last Thursday to delay any access charges for residential and small business customers until 1985, even if the charge does go into effect next year it cannot become any higher then $4 a month until 1990. The Commission will meet again this Wednesday to consider whether to make its decision final. Once it is final this means there will be no access charge for us to legislate against in 1984.

Madam President, I recall standing on this floor and offering an amendment to this bill that would have extended the period to 1 year. It was quite obvious we could not get that, so Senator STEVENS, of Alaska, offered a substitute of 6 months and we adopted it. Now all the FCC has done is to extend that with the FCC ability to change it any time they feel it is wrong.

Also, I think we should await the results of a study of telephone issues which I asked the Congressional Budget Office to make last November and which they have agreed to undertake.

I have seen a completed draft of this study. It is still being reviewed within the CBO, but I am hopeful that final paper will be available to us shortly. From what I have seen, I suspect the CBO report will indicate there is no sound reason for legislatively overturning the FCC's decision.

Madam President, it is getting late in the evening. I have much, much, much more to say about this subject, but this is our first day back in session and I do not particularly want to keep the Members here. I think there is some kind of a ding-dong downtown for the Republicans tonight. I imagine the Democrats are beginning to celebrate the need to raise money. I am all for that.

Madam President, I do not think now is the time for this body to discuss or to get into the matter of voting on telephone legislation when the action by the committee at its best was so poor; when we had amendments offered from both sides of the fence hour by hour and we finally wound up with a bill that I could not even recognize the language in as being related to the original bill that I cosponsored.

I am hopeful at the proper time that the chairman of the full committee will understand and realize that he is treading on some very soft ground and pull this whole thing down. Madam President, I am going to reserve the rest of my remarks, and, as I say, they are rather extensive, until some other time in the discussion.

I yield the floor to my friend from Kansas.

Mr. DOLE. Madam President, I yield to the Senator from Oregon.

Mr. PACKWOOD. I would like to ask a question, if I might, of the Senator from Arizona. The FCC has come reasonably close in their tentative decision last week, and I say tentative because I do not know whether it will be permanent, to what is in the bill before us. We asked for a 2-year moratorium, not to go into effect before December 31, 1985, and a report to Congress by March 1985. The FCC says they will have a moratorium until June 2, 1985, and will try to have a report to us by December 1984. So we are off 6 months there. We have a so-called high-cost fund for very, very, sparse areas and they have one, although their fund does not focus on rural and remote areas. We have a provision for a lifeline fund and I am told they are going to add one this Wednesday. By and large our bill and their position are not that far apart now.

Time after time after time, I have heard my distinguished colleague from Arizona say these Federal agencies duck, dodge, change, you can never be sure where they are going to come. Would my colleague be willing, so long as the FCC is not far from where we are, to at least let me put where they are in this bill, to substitute the whole thing if he wants, and adopt in statute what the FCC is adopting so they cannot shift again once they decide what they are going to do?

Mr. GOLDWATER. I would not favor that, Madam President. I know it sounds like a fairly reasonable conclusion, but whether or not the FCC can do this is no question. They can. Whether or not if is beneficial is a question. I do not believe the prohibition or the granting of the right is any advantage to the phone user.

I am not sure that everything we are talking about in relation to long-distance calls as they relate to local calls enter into this whole thing.

My concern, I say to my chairman, is the perpetuation of the greatest communication system in the history of the world. I think we are arguing in a very small, petty way about access charges and this, that, and the other thing. I want to give it a try. I am perfectly willing to be patient and wait 6 months, wait 1 year, wait 2 years. If then we have to have access charges of $2, $4, or $10, that is another horse. Right now there is no indicated need for legislation.

Mr. PACKWOOD. In other words, the Senator was saying what the FCC has now decided as of last week and will apparently confirm this week, is wrong. He is saying that the FCC should not even have done what they did last week which is, in essence, a moratorium.

Mr. GOLDWATER. There is a question in my mind, as the Senator knows, about whether we even need it or not. But if the FCC has the power and the responsibility—and I can tell the Senator from Oregon, as a man who has been in communications for over 60 years, the Federal Government has more rights than I like to see them have. They have more power through regulation than I think they need. The Senator and I, standing on this floor, are not going to deprive the agencies of the power to do anything they like to make life hell for people or business in the country.

Mr. PACKWOOD. Aside from that, Madam President, we can go hand in hand and put in this bill what their most recent order apparently will be and hold them to what they say. That is not asking too much.

Mr. GOLDWATER. Oh, I think they will stay hitched.

Mr. PACKWOOD. They changed four times in 13 months.

Mr. GOLDWATER. Well, we changed six times, right in this bill.

Mr. PACKWOOD. I thank my distinguished colleague. I think I understand his position.

(The following proceedings occurred earlier and are printed at this point by unanimous consent:)

Mr. PACKWOOD. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois for the purpose of his making a brief opening statement and inserting the remainder of his comments in the RECORD, and I ask unanimous consent that when he is finished, I may again have the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent that my statement follow the opening statements of the distinguished chairman and the distinguished Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I appreciate their yielding at this time so that I may conduct a concurrent meeting of the Foreign Relations Committee.

Mr. President, on January 18, I joined Senator DOLE and a total of 32 Senators in writing the Federal Communications Commission asking that modifications be made to their access charge plan, originally scheduled to be implemented on April 3, 1984. The next day, January 19, the FCC announced that it will postpone the imposition of all residential and single-line business access charges until at least 1985. In view of this announcement, I urge that the Senate not take up S. 1660 at this time.

The major purpose of S. 1660 is to delay the FCC's original plan to impose these access charges for 2 years. I do not feel that it is necessary or prudent for the Senate to consider this most important and complex legislation for the sake of adding 6 months delay beyond June 1985. The FCC also announced last week that it would work toward providing more financial assistance for small rural telephone companies. I believe that maintaining universal service is vitally important for all areas of the country, including rural America.

Mr. President, FCC Chairman Fowler's announcement last week has demonstrated his responsiveness to the concerns of many members, and clearly diminishes the need for legislation.

I should also point out that the Congressional Budget Office is currently studying the extent of the so-called "by-pass" problem which could disrupt universal service. It seems premature for the Senate to vote on this legislation before this important study is completed.

I am most concerned about the impact of this legislation on my State. While many have touted S. 1660 as a measure which would keep telephone rates down, nothing could be farther from the truth as far as my State of Illinois is concerned. The current system of subsidies that now exists—subsidies that provide money to those States with high costs, taking away funds from low-cost States—causes Illinois telephone customers to lose $138 million each year to subsidize other States. Now I expect others will say that Illinois would not lose money under this legislation. They will say that Illinois will be a net loser under

the FCC plan. What they will not mention are "separations and settlements"—the bill would continue over $100 million for "separations and settlements" flowing out of Illinois. This fact is always conveniently left out of their arguments for the bill, and "separations and settlements" add up to much more in lost dollars than Illinois would ever gain from S. 1660.

No greater disservice can be done to our constituents than to have them believe that we are holding down phone rates by the passage of this legislation. To be sure, we would defer the access charges, and there is reason to delay these charges for 18 months, as the FCC has proposed, to allow greater time to study this issue. However, by eliminating the access charge for good, which is likely to happen once this bill goes to conference, we are in effect saying that the interstate subsidies which have cost Illinois and many other States so much for so long will continue forever. As recent editorials in Illinois newspapers have pointed out, it makes no more sense for Illinois to subsidize telephone service in Florida, than it makes sense for Florida to pay Illinois heating bills.

Mr. President, I ask unanimous consent that those editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, it is not only Illinois that stands to lose if S. 1660 is passed. A relatively small number of large users generate a relatively large amount of the revenues to the local telephone companies. Some estimates indicate that as few as 1 percent of the users generate as much as 40 percent of the long-distance revenues. If these users are forced to fall off the line through bypass, higher rates for all of the other users—residential users—could rise dramatically. This is why it is so important that pricing for telephone services more accurately reflect the actual cost of providing service. By artificially keeping long-distance rates high, we will force more and more large telephone users to develop their own telephone systems.

Only a few of these large users need to bypass to create serious problems for the local companies. If they leave the network, those left behind, the small business and residential customers who cannot afford the sophisticated technology necessary to bypass will be left footing the bill.

Maintaining these cross-subsidies indefinitely violates the spirit of our philosophy of competition. As we stated nearly 15 months ago when we considered S. 898 and passed it 90 to 4, a competitive telecommunications environment is important. A competitive environment will create a host of new technological improvements which consumers will see as better products and better services. If we fail to recognize this important market influence domestically, we will adversely impact our capacity to deal in world markets. The Europeans and Japanese have already begun actions to take advantage of the changes currently underway in the U.S. telecommunications market. We must not only be able to compete with them here, but also abroad for the first time. And, our capacity to compete in world markets has direct bearing on the creation of jobs here at home.

I look upon it as a major responsibility of myself to see that we do have access to those markets, that we can compete in them, and that we be able to compete fairly and effectively; but we certainly cannot put ourselves in a position of putting our own consumers and producers in this country creating jobs for Americans at a competitive disadvantage for foreign producers.

Another potential cost of this legislation which we must consider is the cost created by lost economics of scale. This legislation could reduce demand, by reducing the number of users. My colleague, the distinguished Senator from Arizona, has often said that we do not know how demand or supply will change as a result of this legislation. With only 2 days of hearings, there was no time to hear from many experts who could have helped us determine the impact of this legislation on the complex system of costs, pricing, and economic impact.

I will listen and read the RECORD with particular care to the distinguished words of my colleague, Senator GOLDWATER of Arizona, who certainly of all our colleagues knows a tremendous amount about the telecommunications field and many communications fields.

Mr. President, as I said at the outset, I believe in the concept of universal service. I fully support the FCC's announcement that they will give consideration to the plight of small rural companies. I also support providing for those who are not able to afford access charges. The FCC plan will allow State regulatory commissions to exempt those who cannot afford access charges from having to pay them.

Thus, we hold up a false hope with this legislation, Mr. President. We tell our constituents we will hold down costs when we eliminate the access charge, but if we rush into passing this legislation, we will charge them an even higher rate, especially in States such as Illinois, by continuing uneconomic subsidies, shifting more of the burdens on residential customers, and possibly losing some of the potential international competitiveness and jobs we could have gained.

I thank my distinguished colleagues, Senator PACKWOOD and Senator GOLDWATER, for yielding to me at this time.

[From the Peoria Journal Star (Ill.), Nov. 26, 1983]

EXHIBIT 1

TELEPHONE DANGERS

Thus far, we have seen only the tip of the iceberg of the massive changes in the basic organization of everybody's telephone system. The worst is yet to come.

The change was launched by the U.S. Justice Department and the court settlement of the government's concerns that the existing system was too big.

How you can have a good interlocking, universal service that does what our phones have come to do without being big nobody has explained, and the philosophers of government seem determined to have us try it with a loose collection of smaller units, both locally and in long distance. They want competition.

In this case competition also means fragmentation, and there is legitimate concern whether this level of service can be efficiently delivered with assorted untraceable divided responsibilities.

We will be finding out next year the hard way.

The existing companies have had a lot of time to try to prepare and to organize to meet the new rules arising from the courts and the bureaucracy—but that preparation may be all down the drain. They may have to start over and scramble to create a new service system for us because Congress is now playing its games with a new law that further tinkers with our phone set-up.

One can hardly be ecstatic about a committee of 535 congressmen and senators designing a service so technical and so complex. They can reasonably be expected to turn a new problem that is difficult enough into a real mess.

In any case, it is hard to figure that service for all of us will be as near flawless next year as it has been in the past. During the transitional period, at the very least, a good many of us are going to face some very frustrating problems and unwelcome adjustments in an activity we have long taken for granted—our telephone service.

When that happens, we will awaken to what has been going on—too late, as usual—and asking whom to blame?

If Congress intervenes, as it seems determined to do, the obvious answer to the blame question whenever we get frustrated will be: "Congress reorganized the whole thing, by law, this year."

Then, the only question will be, "Our congressman?"

Our advice to the media of Central Illinois at this time is: check and see how your congressman votes on this deal. It may come in handy next year when the results come in.

[From the Chicago Tribune, August 19, 1983]

SUBSIDIZING RURAL PHONES

The breakup of the Bell telephone system is producing some of the most complicated rate setting questions federal and state regulators have ever faced. Illinois Bell has just filed for a rate increase that would boost phone bills by from 5 percent to 23 percent, depending upon where the customer lives. AT&T also has filed for a rate increase for long distance calls within Illinois.

Meantime, the Federal Communications Commission and Congress are considering

alternative ways for local operating companies to be reimbursed for providing the terminal services for long distance calls.

One common element in many of these rate questions is how to treat the difference in the cost of providing telephone services in densely populated urban areas and rural areas. For example, the Illinois Bell rate request would make distinctions between three regions—the center of Chicago, the near-in Chicago area and the rest of the state.

At the federal level, the FCC has proposed a flat fee to be paid by customers directly to their local operating companies to reimburse them for providing access to competing long distance services. But there are proposals before Congress that would place the charge on the long distance companies, pool the money, then distribute the funds nationwide in such a way that more rural areas would receive a disproportionately high share.

Sen. Alan Dixon has said that if one of the congressional alternatives to the FCC proposal passes, Illinois customers will pay between $80 and $90 million into the fund and yet the Illinois operating company will receive only $228,000 back to defray costs that would otherwise go into customer bills.

Illinois telephone service costs less to provide than service in less densely populated states. One of the advantages of choosing to live in a more urban environment ought to be any cost savings that are associated with urban life. Those who choose to live in more remote regions really ought not to expect city dwellers to subsidize their choice.

It will be difficult for the Illinois Commerce Commission and the federal government to sort out all the complexities of the breakup of the telephone system, but as a general principle both should place great emphasis on making sure that the customers are not required to support someone else's lifestyle. It would cost more to make a phone call in the Montana wilds than it would in the Loop, but there is nothing wrong with that.

[From the Chicago Tribune, Aug. 28, 1983]

THE UNIVERSAL PHONE RIPOFF

A group of legislators, led by Sen. Robert Packwood (R., Ore.), is counting on the majority of telephone users to be suckers. They are proposing legislation designed to tax interstate data transmission systems as a way of subsidizing local telephone companies. And because their legislation is an alternative to a Federal Communications Commission plan to tack on an extra couple dollars a month to your local phone bill, they expect you to see them as protectors of your pocketbooks.

Don't let them confuse you. The Packwood proposal is a way of getting competitive businesses to subsidize local phone company monopolies. It is a way of soaking populous states like Illinois to subsidize emptier states. And it is a way of getting the industrial Northeast and Midwest to subsidize phone service in the Sunbelt.

The Packwood plan masquerades under the name of the Universal Telephone Service Act. That title itself ought to be a tipoff. When a congressman gives his bill a motherhood and apple pie name, watch out for your wallets and your liberties.

The proposal means to supplant an FCC plan to add $2 a month (going up to $4 by 1986) to residential phone customers' bills and $6 a month for businesses. This money would go to the local phone companies to reimburse them for the service they provide in giving customers access to long distance lines. Since local rates will be going up anyway as a result of the splitup of AT&T, Sen. Packwood and others are telling customers they can get away without paying this extra fee.

The way it would be done is to levy a charge against interstate communications—AT&T, its long distance telephone competitors and every other interstate data link, regardless how remote it might be from the business of telephone communication. The money would go into a pool to be distributed among the local telephone operating companies on the basis of need: that is, the least efficient companies would get the biggest subsidies.

For Illinois, that means that its residents would pay in up to $90 million in their long distance bills and receive back an estimated $288,000 in the way of defrayed local service costs. That is a ripoff.

The biggest beneficiaries will be the South and Southwest. And if there is one thing that is not needed just now in the competition for jobs and industry between the Sun Belt and the industrial states, it is a government thumb on the Sun Belt side of the scales.

Moreover, there is something wrong with taxing a highly competitive industry, such as interstate telecommunications, in order to subsidize a monopoly industry, such as the local telephone companies. Many of the enterprises that would bear the tax have nothing at all to do with telephone services. Some were born as a way to get from under the monopoly power of the Bell System.

But because the FCC plan involves a clearly defined cost to customers, legislators like Sen. Packwood think they can muster political support for a hidden and much less equitable charge. The thing to remember is that the customer will be paying under either proposal. The only difference is that under the FCC plan the customer will get the benefit of what he pays. Under the Packwood plan, the federal government will distribute the money in such a way that the people of Illinois will finance Rocky Mountain seclusionists and the Sun Belt states that are taking away their jobs.

[From the Chicago Sun-Times, (Red Streak) Sept. 9, 1983]

NINE BILLION DOLLARS PHONE BILL?

Hang onto your telephone. No one knows quite what's going to happen to its costs after American Telephone & Telegraph Co. is separated from its 22 local operating companies on Jan. 1—not federal regulators, not even phone company officials. And certainly not consumers.

Local companies across the country have already asked for about $13 billion in rate increases to adjust for the financial shocks the breakup will bring: Local service has long been subsidized by long-distance profits; now the locals will need new cost-based rates to keep providing reliable, efficient, "universal" service.

The problem: Who will make up the shortfall, estimated between $7 billion and $9 billion, and how?

The National Governors Conference fears that big local increases will force many people to give up their phones. One witness at hearings in Chicago this week told a task force that if rates double, as some fear, only 71 percent of households across the country would be able to keep phone service; 92 percent have it now.

Illinois Bell officials scoff at projections of such vast rate increases. Their record of relatively cheap and efficient service gives them credibility. Yet, in a strange way, that good record threatens consumers here, if Congress approves one horribly misguided fee plan.

Legislative "solutions" abound, but one is especially bad. Sen. Bob Packwood (R-Ore.), who heads the influential Commerce Committee, has introduced a bill to form a national money pool, based on numbers of long-distance calls, to be split among local companies. Those with the highest local costs would get the most back. And that essentially means that inefficiency would be subsidized.

Florida, for example, would get $4.19 out of the pool for every dollar its consumers paid in. Other returns in the South and West, where it's relatively expensive to maintain service, would be similarly high. The biggest winner would be the Virgin Islands—$8 back for every $1 paid in.

But Northeast and Midwest consumers, whose phone service is far more efficient, would be raped. New Yorkers would get 9 cents back on the dollar. Illinois customers would get one cent back for every dollar they pay in.

Packwood wants to ram his legislation through later this month, but Sen. Alan J. Dixon (D-Ill.) is mustering resistance in the industrial states. More power to him. Our region's taxes already subsidize the Sun Belt to the tune of $30 billion or so a year, with Illinois the biggest loser of all. We simply can't be bled further.

Dixon makes an excellent point: There must be no rush to carve half-baked reactions to the Bell breakup into law, especially not before the locals have a chance to show how they'll perform. Wait till next year—if then.

[From the Chicago Tribune, October 2, 1983]

OF POLITICS AND TELEPHONES

The Senate Commerce Committee wants to throw a snag into the already devilishly complex business of the breakup of the national telephone monopoly. The idea is to have Congress postpone the implementation of a Federal Communications Commission surcharge that would help replace the money AT&T has traditionally channeled from its long distance service to local telephone services it now will divest.

The proponents of the delay, such as Sen. Bob Packwood (R., Ore.) have all sorts of highminded reasons for what they want to do. They say they do not want to impose a new fee on telephone users. They say they are worried about what poor people will have to pay for service.

What they don't tell you is that if the surcharge does not go on, local operating companies will have to get the money through rate increases. And if Sen. Packwood's alternative passes, telephone users in heavily populated states like Illinois will be paying a lot of money to subsidize phone service by less efficient companies in the Sun Belt.

The issue is not whether customers will pay. They will have to pay one way or another. The issue is whether Congress will involve itself in a complicated scheme of redistributing money from telephone users' bills.

And behind this all is the simple fact that a lot of people in Congress are not comfortable bowing out as much as possible from the telecommunications market. Moving to a more competitive industry structure will inevitably create some winners and some losers among customers as well as among

competitors, and people like Sen. Packwood see that as a political opportunity.

[From the Southern Illinoisan, Nov. 14, 1983]

CONGRESS MISDIALS ON PHONE BREAKUP

Any proposal passed by Congress to regulate business ought to be sub-titled the Law of Unintended Consequences. Whenever the politicians get involved, you can be sure that the consumers, the intended beneficiaries, will be the big losers.

The latest example of the Law of Unintended Consequences is congressional attempts to re-design the nation's telephone system.

The federal government made a big mistake in breaking up the American Telephone and Telegraph Company, which was one of the few American institutions that worked for the good of all the country. That mistake, however, is being compounded by Congress' misguided efforts to protect consumers from the results of separating Ma Bell from her family of regional telephone companies.

The issue focuses on an "access fee" that the Federal Communications Commission wants to impose on consumers and businesses to hook onto long distance lines. The idea is that the access fee will help local telephone companies regain some of the revenue they lost when AT&T was dissolved, notably from long distance. (Under the old system, long distance subsidized local service. The new regional Bell companies won't get long distance money.)

Responding to consumer outrage over the access fee, the House of Representatives has passed legislation to hold down local rates after the AT&T break-up. The argument, of course, is that the people are getting gypped.

Some of the people are getting cheated, and not just by the phone company, but by Congress.

Congress really has only two choices. To re-regulate AT&T and reimpose the subsidy system to keep local phone costs low. Or to go ahead and throw everything to the open market.

Congress is doing neither. Instead it is mainly tinkering with a minor part of the AT&T breakup, the access fee. And even there Congress is sure to hurt many consumers. Under proposed legislation, competitive long distance companies would contribute to a fund to be divided among the monopoly regional phone companies on the basis of financial need. In practice that would mean regional companies in the fast-growing South and Southwest would be subsidized by Illinois and other low-growth states.

In dissolving AT&T, the Justice Department decided that the nation's telephone service would be run on a cost basis—charges would reflect the cost of providing service. That means local rates, which have been subsidized, will go up; long distance, which has been overpriced, will go down.

The upshot of de-regulation and the shifting of cost may be that millions of people won't be able to afford telephone service. The traditional goal of universal service could go the way of the nickel call.

It is probably too late to repair the damage the AT&T break-up will have on low-income individuals. An answer must be found for those people, many of whom use the phone as a lifeline.

But at this stage Congress should let the de-regulation process take its course. Things are bad enough now. All congress can do is make them worse.

Mr. PACKWOOD. Mr. President, before starting my statement, let me make reference to the statement of the Senator from Illinois, and I might say, so that the RECORD will appear clear, my distinguished colleague from Illinois very generously gave me a copy of this statement prior to reading it so that I am in a position to comment on it, even though it will appear after my statement and others in the RECORD.

I call only one thing to the attention of my distinguished colleague from Illinois. He indicated in his statement a fear that Illinois will be a loser and will have to pay out a great deal of money to other States under this bill, more money than they will take in. That is true by a slight amount. But under the Federal Communications Commission plan, Illinois will be a net loser by about 250 percent more than they will be under the bill before us. So I simply say to my distinguished colleague if his concern is Illinois and the cost to Illinois, he is going to saddle every one of his phone users with an infinitely greater cost under the Federal Communications Commission plan than he will under S. 1660.

(Conclusion of earlier remarks.)

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Kansas is recognized.

NO NEED TO ENACT TELEPHONE LEGISLATION AT THIS TIME

Mr. DOLE. At the outset, Madam President, the Senator from Kansas would like to put this effort in its proper perspective by focusing on the matters on which the distinguished chairman of the Commerce Committee and the Senator from Kansas agree in regard to the FCC's original access charge order. The Senator from Kansas and the Senator from Oregon both agreed that the access charge order should not go into effect in 1984—and, in fact, this Senator wants to formally thank Senator PACKWOOD for bringing to the attention of all Senators the fact that our constituents were confused and less than enthusiastic about access charges this year. Similarly, both of us have recognized the complexity of the issues involved and the resulting need to have a thorough examination of all relevant factors before permanent decisions are made about access charges and related issues.

Against a background of uncertainty and in some cases outright confusion, a number of Senators had an extended opportunity over the recess to search for answers to the questions of how the AT&T divestiture would affect the cost of local telephone service. At the time Congress recessed in November 1983 and these Senators went home to evaluate the feelings of their constituents on this and other issues, an FCC order was pending which would, beginning in April 1984, provide a $2 "access charge" on each residential and single-line business phone. This charge, under the provisions of the Commission's order, would increase in 1985 and 1986. It was the position of the FCC that these charges were needed to help fund local phone service since, under deregulation, the traditional subsidies provided by AT&T from long-distance charges would be phased out. The net loss to the consumer, though, would, on average, be zero, the Commission explained, since, without the need to overcharge for local service subsidies, AT&T could reduce its toll charges substantially. This, it was explained to Congress, was needed so that AT&T could compete in an unregulated market and prevent widespread bypassing of the traditional long-line system.

Senators were also aware, when they went home in November, that the House had passed a bill providing for a permanent moratorium on any type of "access charge". Further, a bill introduced by Senator PACKWOOD of the Commerce Committee was pending in the Senate which called for a 2-year moratorium on the implementation of any end user charge.

Clearly, Congress had, and continues to have, more questions than answers regarding the telecommunication issues. Do we need access charges? If so, to what extent? Will long-distance rates actually decrease? What will the long-term effect of deregulation be?

LETTER TO FCC

It was with these and other questions in mind that the Senator from Kansas and 31 colleagues decided that all parties involved—the FCC, Congress, and industry—might be moving too fast on these questions and the related issues. Although a plethora of statistics, projections, and calculations were being thrown about by the various parties to make their respective points, it was increasingly clear that no one knew exactly what effect a new unregulated AT&T would have on local phone service. No one knew to what extent "bypass" efforts create problems, or what effect they would have on the consumers' phone bills. Too many questions, not enough concrete information to provide answers and too little time to deal with a pending FCC order ready to take effect on April 1, 1984, all served to motivate the 32 Senators to seek a modified solution.

In light of the foregoing situation, these 32 cosignatories to the Dole letter decided that Congress should not deal with this issue, at least for the time being, and let the FCC evaluate the overall circumstances through 1984 before any final decision is made regarding whether or not there should be access charges. To this end, the

Senators filed a letter with the FCC on January 17, 1984. The Senator from Kansas asks unanimous consent that this letter, and a copy of a cover letter from me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 18, 1984.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of myself and 31 of my colleagues in the United States Senate, I am pleased to submit today a letter to the Federal Communications Commission which respectfully requests that the Commission consider revising its "access charge orders."

During the past two months, Congress has been in recess and Senators have had an extended opportunity to visit with their constituents about matters of concern. Not surprisingly, this Senator has found that there is much confusion about the present and future condition of our telecommunications industries. There is in some quarters concern, albeit apparently unfounded, that the cost of basic telephone service will double or even triple in the immediate future. While some might suggest that this letter comes at a late hour, given that the scheduled effective date of the "access charge orders" is barely seventy days away and that we are asking the Commission to modify its order well in advance of that date, the importance of this issue from an overall national policy perspective motivates us to utilize this opportunity to communicate to the Commission the views of our constituents regarding this matter.

We are confident that the Commission will properly balance our views and the views of our constituents regarding telecommunications policy with those of the hundreds of others that have corresponded with the Commission on these matters. I would stress that in no way is it intended that this letter be clandestine, nor do we by any stretch of the imagination have the intention of unduly influencing the Commission. I might briefly point out that we raise no new facts that have not been raised countless times before. Further, no one has been deprived of the opportunity to be heard on this issue, and indeed we have sent a copy of our letter to each and every person that has communicated with the Commission regarding its "access charge orders." We are not attempting to expedite the process in order to deprive anyone of the opportunity to make his feelings known on this issue. Instead, we ask the Commission to modify its order so that *no* access charges are imposed during 1984. Implicit in this suggestion is the recognition that others with an interest will have ample opportunity to communicate further with the Commission on this issue.

Given the uncertainty and confusion that currently exists within the telecommunications field, it seems to me a particularly inopportune time for Congress to consider major telephone legislation. It may be that members of Congress feel they are in a much better position to resist the temptation to "do something" about this uncertainty if the Commission modifies its "access charge orders."

In the final analysis, I am certain that all members of Congress and the American people desire a telecommunications policy that insures affordable universal telephone service not only in 1984, but throughout the rest of this decade and for decades to come. I look forward to having further dialogue with the Commission on these and other important telecommunications issues in the future.

Sincerely yours,

BOB DOLE,
U.S. Senate.

U.S. SENATE,
Washington. D.C., January 17, 1984.

Re CC Docket No. 78-72; Phase I.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: As Members of the United States Senate, we are committed to doing everything within our power to ensure that affordable telephone service remains available to all residents of this country. We are writing this letter because it is conceivable that the Commission's orders in the above-captioned proceeding may threaten the continued universal availability of affordable telephone service. However, we believe that the Commission can preserve universally affordable service by making four important revisions to its orders in this proceeding. We feel it would be preferable for the Commission to revise its orders rather than for Congress to enact legislation at this time.

For the reasons described below, we ask the Commission to (1) prohibit telephone companies from imposing flate rate end user charges on residential and single line business customers during 1984; (2) let each small telephone company decide for itself whether to impose end user charges on residential and single line business customers after 1984; (3) cap the flat rate end user charge for all of the residential and single line business customers of larger telephone companies at $4.00 until at least 1990; and (4) substantially reduce the amount of increase in the interconnection charge that must be paid by Other Common Carriers to local telephone companies effective April 3, 1984.

BACKGROUND

In its orders in the above-captioned proceeding [1] ("access charge orders"), the Commission changed the way that telephone companies recover a substantial portion of their copper wire costs each year. Moreover, the Commission significantly increased the interconnection charges that must be paid to telephone companies by Other Common Carriers (OCC's). Both aspects are described below.

A. REVISIONS IN THE MANNER BY WHICH COPPER WIRE COSTS ARE RECOVERED

A telephone company installs an identical pair of copper wires to connect the premises of each customer with the telephone company's local switching office. All telephone calls made by a telephone customer—both local and long distance calls—traverses these wires. And the wires of each customer are identical, regardless of how many calls are made by the customer and regardless of whether the customer makes local calls or long distance calls or some combination of both local and long distance calls.

While a telephone company installs identical wires for each customer, different customers of the same telephone company pay their local company widely differing amounts for those wires under existing regulations because a substantial portion of each telelphone company's investment in these wires is embedded in the price of interstate telephone calls. As a result, customers having interstate telephone bills which exceed the national average subsidize the cost of the wires of customers having interstate telephone bills which are less than the national average.

The amount of investment in these wires that is recovered from interstate calls is substantial. Nearly $6.5 billion would be recovered from interstate callers in 1984 under existing regulations.[2] In order to recover $6.5 billion, a surcharge of roughly 10¢ is added to the price of each minute of an interstate call.[3]

In its access charge orders, the Commission took a major step toward ending the present cross-subsidization. The orders require that each telephone customer pay the full cost of its own copper wires through a flat monthly fee that would vary from company to company depending on its particular investment in such wires but would average about $5.11 per month. In return, the present 10¢ per minute surcharge on interstate telephone rates would be largely eliminated.

The Commission voted to change the rules governing the manner by which telephone companies recover $6.5 billion annually in copper wire costs in order to protect telephone customers who make fewer than the average number of interstate calls against skyrocketing local and interstate telephone rates in the long run. The Commission found that the existing forced cross subsidization—requiring heavy interstate callers to subsidize the cost of the copper wires of light interstate callers—will lead to dramatically higher telephone rates for light interstate callers in the long run. This results because it provides a perverse economic incentive for heavy interstate callers to avoid the obligation to pay subsidies by constructing private interstate communications networks that do not utilize telephone company facilities, including the telephone company's copper wires. This phenomenon is commonly referred to as "bypass".[4]

While the Commission concluded that the changes in telephone pricing that it adopted in its orders are necessary to preserve reasonably priced telephone rates for light interstate callers in the long run, it also recognized that the changes could mean higher telephone rates for light interstate callers in the short run. For the first time, these customers would have to pay the bulk of the cost of their copper wires. Because they make fewer interstate calls than average, these customers would not receive a significant offsetting benefit from lower interstate telephone rates.

The Commission took five steps to mitigate the short term negative impact to light interstate callers. First, it ordered a lengthy transition whereby the 10¢ per minute surcharge on interstate telephone rates will be phased out over a six-year period. Flat monthly charges will be phased in slowly over the same six-year period.[5]

Second, the Commission decided that, in 1985, it will reevaluate the impact of flat charges on universally affordable telephone service. If it concludes that the further pricing changes scheduled for the succeeding four years pose a threat to the continued availability of universal telephone service, it will prohibit all additonal cost shifting from interstate calls to flat end user charges.[6]

Footnotes at end of article.

Third, the Commission recognized that the monthly flat charge would be unacceptably high in areas where local telephone companies must spend considerably more in copper wire investment per customer than average. Thus, the Commission held that interstate calls will be permanently overpriced by a little less than 1¢ per minute, and that proceeds from these overcharges, about $900 million per year, will be distributed to all local telephone companies serving high-cost areas in order to help subsidize the cost of providing local telephone service in those areas.[7]

Fourth, the Commission recognized that certain low-income telephone customers who make few interstate calls might be unable to afford any flat monthly charge. Thus, the Commission stated that State public utility commissions may require telephone companies to provide reduced price "lifeline" telephone service for low-income customers, and it provided a process to exempt lifeline customers from paying the new monthly flat charges.[8]

Finally, the Commission initiated a continuing study of the changes in prices for local telephone service.[9] In doing so, it ordered its staff to report immediately on any occurrences threatening the continued universal availability of affordably priced telephone service.[10]

B. REVISIONS IN THE OCC'S PAYMENTS TO LOCAL TELEPHONE COMPANIES

At present, local telephone companies provide the OCC's with inferior interconnection to telephone company facilities as compared with the interconnection they provide to AT&T. As a result, the OCC's pay local telephone companies a substantially smaller fee than AT&T must pay.

Under current FCC procedures, the method of calculating OCC payments to telephone companies for using their copper wires is different in two major respects from the method of calculating AT&T's payments to the same companies for using the same facilities. First, the OCC's pay telephone companies 45 percent less for each minute that OCC customers use such facilities than what AT&T must pay the same companies for each minute that AT&T customers use these facilities. Second, AT&T pays based on the actual number of minutes that a telephone company's facilities are used by AT&T customers, while the OCC's pay on the basis of a fixed number of minutes of use whether a particular line is, in fact, used more or less than this fixed usage level. Since the customers of the OCC's are alleged to make far more calls per month than the fixed number that has been assumed for purposes of calculating OCC payments to local telephone companies,[11] the OCC's have said they receive an effective discount of 65 to 75 percent when their payments are calculated on the basis of their actual use of local telephone company facilities.[12]

In its access charge orders, the Commission made two major changes governing the method by which the OCC's must compensate local telephone companies for using their copper wires and similar facilities in 1984. These changes will reduce the OCC's effective discount to less than 35 percent in 1984 (from the present 65 to 75 percent effective discount).

First, the Commission calculated that the OCC's lost opportunity costs from inferior interconnection to telephone company facilities totals 35 percent rather than 45 percent as assumed at present.[13] Second, the Commission held that it is unfair for the OCC's to compensate local telephone companies on the basis of fixed minutes of use when AT&T is required to pay on the basis of actual minutes of use. Thus, the Commission ordered the OCC's to begin paying based on actual usage.[14]

ARGUMENT

We agree with the Commission that the local and interstate telephone rates of telephone customers who make very few interstate calls will skyrocket in the long term unless existing cross-subsidization is substantially reduced. If interstate callers must continue to pay a surcharge of anything approaching the present 10¢ per minute, heavy interstate callers will have a perverse economic incentive to build private interstate communications systems in order to avoid paying a surcharge. As heavy interstate callers reduce their use of the existing telephone network, customers who make very few interstate calls will be forced to pay higher local and interstate telephone rates.[15]

The prospect that heavy interstate callers will build private interstate networks rather than continue to pay massive surcharges is imminent. Within the past few weeks, several articles have been published on planning that is now underway by many heavy interstate callers to construct private interstate communications systems and thus reduce their usage of the existing telephone network. Copies of a few of these articles are attached as Exhibit 1.

Moreover, we agree with the Commission that the manner by which the OCC's compensate local telephone companies for the use of their facilities should be revised so that all interstate carriers—AT&T and the OCC's—pay on the basis of the actual number of minutes that they use telephone company facilities. It seems inherently unfair to require that AT&T compensate telephone companies based on actual number of minutes that AT&T customers use telephone company and allow the OCC's to compensate telephone companies based on an assumed number of minutes of use. This disparate treatment is particularly unfair since it is generally recognized that customers of the OCC's actually use telephone company facilities far more than the present fixed minutes of use the formula assumes.[16]

Although the Commission orders have much to commend them, the public perception is that the orders, if implemented in their present form, will threaten the availability of universally affordable telephone service in the short run. Bills now pending in Congress to prohibit permanently the recovery of the bulk of copper wire costs through end user charges[17] and to prohibit the Commission from making any changes for 18 months in the size of the OCC's existing inter-connection discount[18] are a clear indication of the widespread view that the Commission's access charge orders threaten significant short term harm to the very consumers the orders are designed to protect in the long run.

Unless the Commission reconsiders its orders to address their perceived short-term deficiencies, we believe that Congress may pass legislation in January or February of 1984 to prohibit permanently the phased transfer of the bulk of copper wire costs and to freeze the OCC's existing interconnection discount. The House has already passed such legislation, and Senate Majority Leader Howard Baker has stated that the consideration of telephone legislation will be one of the first items of legislative business on the Senate calendar when Congress resumes work on January 23, 1984.

Moreover, any legislation that is passed by Congress may contain a number of other provisions that would not be in the public interest. It may establish a new Federal bureaucrary called a "Universal Service Board."[19] It may require the FCC to establish a new office that administers and enforces bypass charges.[20] It may largely reverse the FCC's policies governing depreciation.[21] It could substantially reverse the Commission's 1980 decision to deregulate the provision of all terminal equipment.[22] And it may require the establishment of new consumer groups in every State and give the FCC wide discretion to use the Commission's Federal appropriation to pay the legal and engineering fees of certain groups who participate in FCC proceedings.[23]

In order to help allay all fears that the Commission's orders will destroy universally affordable telephone service in the short term, we urge the Commission to amend the orders in four respects.

First, we believe that telephone companies should be prohibited from imposing end user charges on residential and single line business customers during 1984. This will give the Commission ample time to determine more precisely than is possible at present whether end user charges threaten universal telephone service in view of other changes currently underway in the telephone industry. While we believe that much of the negative public perception about end user charges is unfounded, no one really knows for sure because of uncertainties caused by the divestiture by AT&T of its local telephone companies.

But it will be several months before it is possible to calculate with precision the effect that divestiture will have on telephone rates. Customers having smaller than average monthly interstate bills may experience a small short term increase in their telephone bills as a result of the FCC's end user charges and may also experience additional, as yet unknown, increases due to divestiture. It is conceivable that the combined impact could force some customers to discontinue telephone service.

Second, we urge the Commission to let small telephone companies decide for themselves whether to recover their copper wire costs through end user charges on residential and single line business customers or through a surcharge on all interstate calls in the country. This amendment to the access charge orders is justified because the customers of many small telephone companies may be less able to afford end user charges than the customers of larger telephone companies. There are two reasons for this. First, small telephone companies typically serve rural areas, where the average per capita income is below the national average. For example, the average annual per capita income of people living in places of between 2,500 and 10,000 population is 15 percent lower than the average annual per capita income in the nation as a whole: $6,356 v. $7,298.[24]

Moreover, it may be particularly difficult for the average rural resident to afford end user charges since those charges will tend to be higher for telephone customers served by small rural companies than for the average telephone customer. For example, the average telephone customers of Continental Telephone Company—a relatively small company which serves hundreds of small, rural communities—will pay an end user

charge of about $5.83 per month in 1990, [25] while the average telephone customer in the nation as a whole will pay an end user charge of $5.11 per month by 1990.[26]

The Commission could allow each small telephone company to decide for itself whether to impose end user charges with almost no negative impact on its primary objective of reducing significantly the perverse incentive that exists at present for heavy interstate callers to build private interstate communications systems. For example, if the Commission revised its orders so that telephone companies could decide for themselves whether to impose end user charges in any state where they provide, directly or through affiliates, fewer than 50,000 copper wire customer access lines, no more than 5.7 percent of the national aggregate total of annual copper wire costs would be affected (less than $0.37 billion out of $6.5 billion).[27] Thus, even if all of these companies chose voluntarily to continue recovering these costs through a national averaged surcharge on all interstate callers rather than through end user charges, the surcharge that would be necessary to recover these copper wire costs would be only slightly more than ½¢ per minute. A surcharge of this magnitude on all interstate calls would not produce the tremendous perverse economic incentives that are produced by the existing 10¢ per minute surcharge relating to copper wire costs.

Third, we urge the Commission to impose a cap of $4.00 until at least 1990 on the monthly end user charge for the residential and single line business customers of larger telephone companies. The revenue deficiency for an affected telephone company whose copper wire costs per line exceed $4.00 per month could be recovered through another surcharge on all interstate telephone calls.

This amendment would set to rest the fear of some that the Commission's access charge orders will cause a doubling or tripling of telephone rates. A cap will ensure that no residential or single line business customer will be forced to pay, as a result of the access charge orders, more than $4.00 per month in excess of what those same customers pay today. Of course, tens of millions of customers will actually pay much less than an additional $4.00 per month because (1) end user charges in many States will be less than $4.00 per month even without a cap [28] and (2) interstate telephone rates will decline significantly, perhaps as much as 35 to 40 percent, because of end user charges.[29]

Moreover, only a small surcharge will be necessary on interstate calls to make up the deficiency. While we have not been able to calculate precisely the size of the surcharge that would be necessary, it appears, based on our best analysis, that a surcharge of less than ½¢ per minute will be sufficient. Thus, the combined surcharge—for the rural telephone company exemption and the $4.00 cap—should be less than 1¢ per minute. This is dramatically lower than the present surcharge of 10¢ per minute.[30]

Fourth, we urge the Commission to reduce substantially the amount of increase in the charge per actual minute of use that the OCC's must pay local telephone companies effective April 3, 1984. We believe that the record already provides an adequate basis for this action.[31]

While we would not object to a modest increase in the OCC's interconnection fee through a small reduction in the discount that OCC's receive based on their actual usage of telephone company facilities, we believe that it is inappropriate to increase drastically the charge for each actual minute of use, as the FCC's orders require, without some noticeable improvement in the quality of interconnection provided to the OCC's. Moreover, we are afraid that the sudden drastic increase required by the Commission's orders may threaten the continued development of competition in the provision of interstate communications services. The OCC's have informed the Commission that many of them will be forced to discontinue operations unless the Commission amends its orders to require a reduction in the OCC's percentage discount based on actual usage that is closer to the discount based on actual usage that they receive today.[32]

Sincerely,

Senators Robert Dole, Charles H. Percy, John H. Chafee, Pete V. Domenici, Alfonse D'Amato, Orrin Hatch, Jake Garn, Mark O. Hatfield, John Tower, Bill Bradley, Dan Quayle, Jesse Helms, Alan J. Dixon, Jeremiah Denton, Lloyd Bentsen, Steve Symms, Paul Laxalt, Chic Hecht, David Boren, James Abdnor, John P. East, Lowell Weicker, Jr., Mack Mattingly, Paul Tribble, James A. McClure, Sam Nunn, Don Nickles, Pete Wilson, William L. Armstrong, Barry Goldwater, Russell Long, John Warner.

FOOTNOTES

[1] Third Report and Order, FCC 82-579, released Feb. 28, 1983 ("Initial Order"), *recon.*, FCC 83-356, released Aug. 22, 1983 ("Recon. Order").

[2] *See* Univ. Telephone Service Preser. Act of 1983, Report of the U.S. House Comm. On Energy and Commerce at 23; *id.*, Minority Views at 103 (Rept. No. 98-479).

[3] *Id.* Minority Views at 103.

[4] Recon. Order, *supra*, at ¶8.

[5] *Id.* at ¶33.

[6] *Id.* at ¶36.

[7] In the matter of amendment of part 67 of the Commission's rules and establishment of joint Bd. FCC Dkt. 80-286, released Sept. 26, 1983.

[8] Initial Order at ¶137; Recon. Order at ¶12.

[9] MTS & Wats Market Structure, CC Dkt. No. 78-72, FCC 83-254 (released June 8, 1983); In the Matter of Petition of the State of Mich., CC Dkt. No. 83-788, FCC 83-357, released Aug. 1, 1983.

[10] *id.*

[11] For example, GTE Sprint has recently certified to the U.S. Court of Appeals for the District of Columbia Circuit that its actual use per line averages 12,000 minutes per month. This is nearly three times as many minutes as the fixed number used today to calculate OCC compensation for the use of telephone company facilities. See Brief of GTE Corp. and Sprint Commun. Corp. filed Oct. 12, 1983, in NARUC v. FCC, Civil No. 83-1225 at 30 (D.C. Cir.).

[12] *See Letter from J. C. Reynolds, Neal J. Robinson, Robert C. Hall, Thomas Gabriszeski, William G. McGowan, Theodore F. Brophy, Robert M. Flanagan and George J. Vasilakos, to Mark S. Fowler, at 2 (Oct. 4, 1983).*

[13] Recon. Order at ¶105.

[14] *Id.*

[15] We also commend to the Commission a study released last month by Wharton Econometric Forecasting Associates which concludes that substantially reducing the surcharge on interstate calls will greatly benefit the U.S. economy in addition to light interstate callers. It will increase the demand by residential telephone customers for telecommunications services by 2% during the first year. And over a five year period, it will increase the nation's Gross National Product by $46.2 billion, decrease unemployment in the U.S. by more than 0.2%, increase U.S. exports by $1.7 billion, reduce the Federal debt by $21.5 billion, and create 400,000 new jobs. *See* Wharton Econ. Forecasting Associates, Impact of the FCC Access Charge Plan on the U.S. Economy, Nov. 1983.

[16] Note 11, *supra*.

[17] *See* H.R. 4102, §4 (addng new Sec. 221A(b) to Commun. Act).

[18] *Id.*, §4 (adding new Sec. 221A(f)(1)(A) to Commun. Act.)

[19] *See* S. 1660, §5; H.R. 4102, §6.

[20] *See* S. 1660, §4 (adding new Sec. 201(c)(2)(D) to Commun. Act); H.R. 4102, §4 (adding new Sec. 221A(d) to Commun. Act).

[21] *See* H.R. 4102, §7.

[22] *See* H.R. 4102, §8.

[23] *See* H.R. 4102, §12.

[24] 1980 Census of Population, vol. 1, Characteristics of the Population, Chap. C, General Social and Economic Characteristics, PC 80-1-C (not yet printed).

[25] Source: Continental Telephone Company, Washington office.

[26] Order in CC Dkt. No. 83-788, FCC 83-567, released Dec. 21, 1983, at 21.

[27] All but a few of the 1439 telephone companies in the U.S. would be able to decide for themselves whether to impose end user charges in some or all of the states in which they provide service if the Commission revised its orders as requested. However, only 3.9% of all copper wire customer access lines would be affected. *See* Exhibit 2. Only 5.7% of the national aggregate total copper wire costs would be attributed to these lines even in the unlikely event that the average copper wire cost per customer access line for these affected lines is 150% of the national average.

[28] *See, e.g.*, House Report No. 98-479, *supra* n.2, at 105.

[29] Testimony of FCC Chairman M. Fowler, Univ. Teleph. Service Preserv. Act of 1983: Joint Hearings on S. 1660 and H.R. 3621 before Sen. Comm. on Commerce, Science and Transp., and House Comm. on Energy and Commerce, 98th Cong., 1st Sess. at 67.

[30] While we believe that the Commission may substantially ameliorate the fear of undue telephone service rate increases for residential and single line business customers by (1) prohibiting the imposition of end user charges on these customers during 1984, (2) letting small telephone companies decide for themselves whether to institute end user charges after the moratorium, and (3) capping at $4.00 the end user charge for the residential and single line business customers of larger telephone companies, we also strongly urge the Commission to reduce the end user charges that will be paid by larger telephone customers who are existing subscribers to CO-Centrex service. Under the Commission's orders, and existing CO-Centrex customer must pay an end user charge that is equal to the residential customer's end user charge for each of the customer's centrex lines. Recon. Order, ¶¶ 48-49. The result could be significantly higher telephone costs for some CO-Centrex customers in the short term. We urge the Commission to mitigate this negative impact.

[31] *See, e.g.*, "Comments on Petitions for Further Reconsideration", filed Oct. 28, 1983, by National Telecomm. and Inform. Admin.

[32] *See* Letter from J. C. Reynolds *et al.* to Mark S. Fowler, *supra*.

Mr. DOLE. Madam President, in the final analysis, it can be said that the 32 signatories to the "Dole letter" shared the basic desire for a telecommunications policy that insures affordable universal telephone service. Not only in 1984, but throughout the rest of this decade and for the decades to come. It was with this goal in mind that the letter was provided to the FCC.

FCC MODIFICATION

The Federal Communications Commission, at its regularly scheduled meeting on January 19, 1984, took up the question of modifying its standing order regarding access charges. Considering all information that had been presented to it on this subject, including the "Dole letter." The Commission decided not to impose end user access charges for residential and single line business customers in 1984. The Commission also concluded that a delay is

necessary to enable the Commission to devise an exemption for customers who may not be able to afford any end user charge, and to allow a Federal/State joint board more time to evaluate proposals to provide more assistance to customers of small telephone companies.

The Commission indicated that it will issue a supplemental notice in the near future that will invite comments on the exemption question and how best to implement an end user charge plan for all residential and single line business customers. The Commission stated that its views at this time are that there should be a more gradual transition stretching to 1990 and that the charge to customers would be capped at $4 during this transition. This would result in a sharing of cost burdens by the telephone customers and the telephone carriers according to the Commission. The Commission also stated that it intended to take comments regarding how best to implement this proposal and, at the same time, to rigorously study all possible effects of the proposals concerning the universality of telephone service. In addition, the Commission indicated that they would continue to investigate the effects on universal service of Federal decisions in general.

BY-PASS THREAT

The Commission also stated that it remained convinced that by-pass of the public communications network by large users poses a significant and present threat to universal, and that it intended to use the additional time provided by the delay of the end user charge proposal to compile more detailed information upon the extent and dangers of by-pass. The Commission directed its staff to strive to complete the further proceedings ordered by December 1, 1984 so that it would be possible for any new plan and tariff arrangements to be put into place by 1985.

Regarding small telephone companies, the Commission stated that it intends to meet their need for more assistance than their larger counterparts because they generally have a smaller base of business subscribers and less flexibility in recovering above-average costs without adverse effects on residential subscribers. Thus, the Commission indicated that it would direct its staff to gather comments on methods to provide even more financial assistance to small telephone companies. Among those options discussed by the Commission were the following: First, giving smaller telephone companies latitude to collect end user charges or not; or second, increasing assistance for local exchange carriers with less than 50,000 loops in a study area to cover 80 percent of loop costs between 110 percent and 200 percent of the national average.

The Commission stated that it recognized that a delay of the end user charge would require that the revenue requirements for the common carrier line access element be increased to compensate for the loss of revenues that would have been received from end users charges paid by residential and single line business customers. No change was made in the charges for a multiline business customer.

CHANGES AFFECTING OCC'S

The Commission also decided to revise the rules for the computation of access charges to be paid by carriers that provide alternatives to AT&T's long distance services, such as MCI's execunet service and GTE's sprint service. The Commission stated that it would prescribe two levels of charges, one for equal access to a switch comparable to that provided AT&T and one for unequal access comparable to that presently afforded to most of AT&T's competitors. All long-distance carriers will pay the same rate for equal access. A total differential of 55 percent will be established according to the Commission between the charges for unequal and equal access to switches.

The Commission also stated its intention to prescribe flat per line charge for unequal access to a switch derived from the differential, in lieu of a usage based charge. It is estimated that the 55-percent differential would produce a composite differential of about 52 percent during the period from April 1984 through March 1985 between the total access cost of AT&T and the total access of carriers that provide execunet/sprint type services.

The Commission made one change in its statement regarding the surcharge on private lines. Although the Commission reaffirmed its intent to apply a surcharge on private line terminations as a transitional solution to the "leaky PBX" problem, it modified the exemption categories to more closely target private lines that leak. Private line customers who certify that their private line is not interconnected with the local exchange through a PBX or other device capable of switching traffic to or from the local exchange will be exempt from the surcharge.

The Commission also responded in its statement to requests for clarification by radio common carriers by declaring that access charges are not applicable to such carriers.

It is important to note that the Commission characterized its decision on January 20, 1983, as a tentative decision and said that a final decision would be taken on January 25, 1984. This delay would allow parties to comment upon the "Dole letter" received by the Commission and permit the Commission to complete examination of other issues presently before the Commission.

Madam President, I am relying on the experts of the committee for all the technical details. I think if I were Senator PACKWOOD, I would declare victory. As he has stated, pretty much everything he has wanted has gone his way. I think we all owe a gret deal to Senator PACKWOOD for this efforts on this issue.

I share the concern expressed by the Senator from Arizona as far as the statute is concerned. Perhaps we could put it somehow in a sense-of-the-Senate resolution which would avoid going to conference with the House. They have a radical bill over there which they have passed and sent to the Senate.

My primary concern after my staff had met in Kansas for a couple of days—we received a list of the companies we met with in my State, plus a letter from the Kansas Telephone Association, supporting in essence the request of the FCC. There may not be a need for legislation at this time. Again, the Senator from Kansas is not a member of the committee; I was not there for the 2 days of hearings. I ask unanimous consent that the list and the letter I have referred to be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TWIN VALLEY TELEPHONE INC.,
Miltonvale, Kans., December 23, 1983.

Mr. ED DUCKERS,
Office of Senator Dole, Hart Senate Office Building, Washington, D.C.

DEAR ED: I would like to take this opportunity to thank you and Mike for meeting with us in Salina on Monday. We did have a good turnout considering the weather. I am sure it was much better than it would have been the next day. We got 10 more inches of snow.

You mentioned that you were going to prepare a questionnaire and mail to the companies that were in attendance. I am enclosing a list and address of the 36 companies that the Kansas Coordinating Committee represents. This is everyone with the exception of Bell, United, Continental and Council Grove Telephone Company.

If you need anything else, please call.

Thank you.

Yours very truly,

JOHN G. FOSTER,
President.

NORTHEAST

JBN Telephone Company, Bob Carson, Wetmore, Kansas 66550, 913-866-2310.

Rainbow Tele. Coop. Association, Gilbert Crouse, Everst, Kansas 66424, 913-548-7511.

Mo-Kan Dial Company, Clarence L. Hess, Louisburg, Kansas 66053, 913-837-2219.

Craw-Kan Tele. Coop. Association, Lyndell L. Hurt, Girard, Kansas 66743, 316-724-8235.

Peoples Mutual Telephone Co., Frank E. Mowry, LaCygne, Kansas 66040, 913-757-2500.

Blue Valley Telephone Company, M. H. Kramme, Home, Kansas 66438, 913-799-3312.

LaHarpe Telephone Company, Harry Lee, Jr., LaHarpe, Kansas 66751, 316-496-2291.

SOUTH CENTRAL

Kanokla Telephone Association, Loren Peterson, Anthony, Kansas 67003, 316-842-5148.

Zenda Telephone Company, Woodrow Graber, Zenda, Kansas 67159, 316-243-5531.

South Central Telephone Assn., Joe Ellzey, Medicine Lodge, Kansas 67104, 316-886-5629.

Totah Telephone Company, Jesse R. Gailey, Ocheleta, Oklahoma 74051, 918-535-2208.

Moundridge Telephone Company, Floyd H. Krehbiel, Moundridge, Kansas 67107, 316-345-2831.

Home Telephone Company, Wayne Baldwin, Galva, Kansas 67443, 316-654-3381.

NORTH CENTRAL

Twin Valley Telephone, Inc., John G. Foster, Miltonvale, Kansas 67466, 913-427-2211.

Assaria Telephone Exchange, Inc., Vernon Tinkler, Assaria, Kansas 67416, 913-667-2265.

Wilson Telephone Company, Paul Grauer, Wilson, Kansas 67490, 913-658-2111.

Cunningham Telephone Company, Bob Cunningham, Glen Elder, Kansas 67446, 913-545-3215.

Wamego Telephone Company, Junior L. Clark, Wamego, Kansas 66547, 913-456-2237.

Tri County Telephone Association, F. C. Schraeder, Council Grove, Kansas 66846, 316-767-5153.

Council Grove Telephone Company, Mrs. J. Donald Coffin, Council Grove, Kansas 66846, 316-767-5133.

WEST CENTRAL

Sunflower Telephone Company, Bill Reppart Jr., Dodge City, Kansas 67801, 316-227-8568.

Jetmore Telephone Company, Mary A. Ervin, Dodge City, Kansas 67801, 316-227-8568.

United Telephone Association, Emma Jo Kreger, Dodge City, Kansas 67801, 316-227-8641.

Golden Belt Telephone Assn., David J. McKay, Rush Center, Kansas 67575, 913-372-4236.

Haviland Telephone Company, Robert Ellis, Haviland, Kansas 67059, 316-862-5211.

Bison Telephone Company, Vernon Bieber, Bison, Kansas 67520, 913-356-2001.

Gorham Telephone Company, John Murphy, Gorham, Kansas 67640, 913-637-5300.

SOUTHEAST

Southern Kansas Tele. Co., Al Pederson, Clearwater, Kansas 67026, 316-584-2255.

Madison Telephone Company, Sherry DeWitt, Madison, Kansas 66860, 316-437-2109.

Wheat State Telephone Co., Jerrold Hoffman, Udall, Kansas 67146, 316-782-3341.

S&A Telephone Company, Arthur D. Biggs, Allen, Kansas 66833, 316-528-3224.

Columbus Telephone Company, Richard E. Cooper, Columbus, Kansas 66725, 316-429-3132.

H&B Communications, Harold Koch, Holyrood, Kansas 67450, 913-252-3598.

Mutual Telephone Company, Sheldon Smith, Little River, Kansas 67457, 316-897-6200.

WEST

Pioneer Telephone Association, Joe Chilen, Ulysses, Kansas 67880, 316-356-3211.

Elkhart Telephone Company, Bob Boaldin, Elkhart, Kansas 67950, 316-697-2111.

S&T Telephone Coop. Assn., Marjorie Hileman, Brewster, Kansas 67732, 913-694-2256.

Rural Telephone Service Co., H.J. Austerman, Lenora, Kansas 67645, 913-567-4281.

KANSAS TELEPHONE ASSOCIATION,
MERCHANTS NATIONAL BANK BUILDING,
Topeka, Kans., January 13, 1984.

Hon. ROBERT J. DOLE,
U.S. Senator for Kansas, Hart Senate Office Building, Washington, D.C.

DEAR BOB: The Kansas Telephone Association, by action of its board of directors, supports your plan to effect a compromise of several of the issues relating to the telecommunications industry. The three points which you propose that the FCC adopt as changes in present policy, in our opinion, will benefit the Kansas ratepayers and will provide a reasonable time within which to assess some of the effects of deregulation and the divestiture of AT&T.

While a substantial majority of our member companies endorse these concepts, there are a few who feel that the enactment of legislation would be a better course to follow and they probably will communicate their views to you.

We're grateful to you for the interest you have shown in trying to resolve some of our persistent problems and we're especially appreciative of the time and efforts of Ed Duckers and Mike Petit in contacting not only the telephone companies throughout the state but many of our customers during the past few weeks. We trust that this close cooperation may continue and that you will call on us whenever you believe we can be of assistance to you in any matter.

Sincerely yours,

GILBERT V. CROUSE,
President.

Mr. DOLE. Madam President, I am not certain what the bypass problem may turn out to be. But there appears to be at least some concern expressed by a number of people that we visited with. So there were 32 of us who sent a letter to the Federal Communications Commission. I have asked that a copy of that letter be printed in the RECORD.

I ask unanimous consent that a copy of the temporary order of the Federal Communications Commission appear in the RECORD. They will make, as I understand it, a final order on Wednesday of this week.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

[Report No. 17831, Action in Docket Case, Jan. 19, 1984]

FCC DELAYS $2 CHARGE

(CC Docket 78-72, Phase I)

The Commission decided to delay end user access charges for residential and single line business customers in light of requests from citizens and public officials that such end user charges be delayed for further study. The Commission also concluded that a delay is necessary to enable the Commission to devise an exemption for end users who may not be able to afford any end user charge, and to allow a Federal/State Joint Board more time to evaluate proposals to provide more assistance to customers of small telephone companies.

The Commission will issue a Supplemental Notice in the near future inviting comments on the exemption question and how best to implement an end user charge plan for all residential and single line business customers. The Commission said that its view at this time was there should be a more gradual transition stretching to 1990 and that the charge to customers would be capped at $4.00 during this transition. This would result in a sharing of cost burdens by the telephone customers and the telephone carriers. The Commission intends to take comments regarding now best to implement this proposall, and at the same time to rigorously study all possible effects of the proposals upon the universality of telephone service. In addition, the agency will continue to investigate the effects on universal service of federal decisions in general.

The Commission also said that it remained convinced that bypass of the public telecommunications network by large users poses a significant and present threat to universal service, and that it intended to use the additional time provided by the delay of the end user charge proposal to compile more detailed information upon the extent and dangers of bypass. The Commission directed its staff to strive to complete the further proceedings ordered by December 1, 1984 so that it would be possible for any new plan and tariff arrangements to be put in place by June 1985.

Regarding small telephone companies, the Commission said that it intends to meet their need for more assistance than their large counterparts because they generally have a smaller base of business subscribers and less flexibility in recovering above average costs without adverse effects on residential subscribers. Thus, the Commission directed the staff to prepare Notices to gather comments on methods to provide even more financial assistance to small telephone companies. Among the options under consideration at this time include: (1) giving smaller telephone companies latitude to collect end user charges or not; or (2) increasing assistance for local exhange carriers with less than 50,000 loops in a study area to cover 80 percent of loop costs between 110 percent and 200 percent of the national average.

The Commission recognized that delay of the end user charge would require that the revenue requirement for the Carrier Common Line access element be increased to compensate for the loss of revenues that would have been received from end user charges paid by residential and single line business customers. No change was made in the charges for multi-line business customers.

The Commission also decided to revise the rules for the computation of access charges to be paid by carriers that provide alternatives to AT&T's long distance services, such as MCI's Execunet service and GTE's SPRINT service. The agency was convinced by arguments made by NTIA, the Department of Justice, and several carriers, that the existing plan could have undesirable competitive consequences and that care should be taken to ensure the maintenance of competition through the transition period leading up to the time when all interstate carriers could be provided interconnection to local exchanges comparable to that enjoyed by AT&T. Therefore, the Commission prescribed two levels of charges, one for "equal" access to a switch comparable to that provided AT&T and one for "unequal" access comparable to that presently afforded to most of AT&T's competitors. All long distance carriers will pay the same rate for equal access. A total differential of 55% was

established between the charges for unequal and equal access to switches.

The Commission also announced its intention to prescribe a flat per line charge for unequal access to a switch derived from the differential, in lieu of usage based charges. It is estimated that the 55% differential would produce a composite differential of about 52% in an April 1984—March 1985 period between the total access costs of AT&T and the total access costs of carriers that provide Execunet/SPRINT type services. The ENFIA tariffs that are presently in effect produce a total differential in access costs estimated at 70%. The flat, per OCC line monthly charge will be adjusted for the 1985—86 period to reflect changes in the Consumer Price Index. The Commission will institute a supplemental proceeding before 1986-87 access charges become effective to reevaluate the charges for unequal access that should be established for the 1986-87 and subsequent periods.

The Commission made one change to the surcharge on private lines. Although the Commission reaffirmed its intent to apply a surcharge on private line terminations as a transitional solution to the "leaky PBX" problem, it modified the exemption categories to more closely target private lines that leak. Private line customers who certify that their private line is not interconnected with the local exchange through a PBX or other device capable of switching traffic to or from the local exchange will be exempt from the surcharge.

The Commission also responded to requests for clarification by radio common carriers by declaring that access charges are not applicable to such carriers.

The Commission characterized its decision today as tentative, and said that a final decision would be taken on January 25, 1984. This would allow parties to comment upon a letter from thirty-two Senators received January 18, 1984 and permit the Commission to complete examination of other issues including reconsideration requests concerning access charges for FX and Centrex users. It said this would also enable the Commission to inform the Congress earlier of its present thinking on certain of the issues which are now under active consideration by the Congress.

In making its tentative decision on the petitions for further reconsideration, the Commission was concerned about the fact that the changes from its earlier decision would complicate the procedural schedule for judicial review. The Commission instructed its General Counsel to inform the reviewing court of its further consideration and to assure the Court that the Commission will cooperate in any efforts to move the appellate proceeding toward prompt judicial resolution.

The action today was taken without Commissioner Patrick participating.

Mr. DOLE. Madam President, as I understand from my visits with many of those signatories to the letter I referred to, there is a basic desire for a telecommunications policy that insures affordable, universal telephone service, not only in 1984 but throughout the rest of this decade and for decades to come. It is the very commitment that I think the chairman of the Commerce Committee has. I was not aware of the changes or not all of the changes that were made at different times by the Commission until those were recited today by the Senator from Oregon, but I do believe that at least someone at the FCC was quoted as saying that they do listen to Congress. They do know there is some political consideration—not partisan, but they are aware that Congress has views. I assume that they consider letters, petitions, what we say on the Senate floor, what we might say in a sense-of-the-Senate resolution.

I also know that the chairman of the Commerce Committee has a commitment on this legislation. Obviously, no one can quarrel with that. At some time, we would like to have a vote.

I am not certain what the Senator from Oregon will do, whether he will file a cloture motion or whether there is some other way. There could be a motion to table the motion to proceed, which would be a vote. The Senator from Kansas has no way of knowing how that vote will turn out.

Mr. PACKWOOD. If the Senator from Kansas will yield, I think probably everybody has had the same problem. Assuming we could have found out how the Senators felt, we would have had to make a lot of long-distance overseas calls over the last few weeks, on which there is a very high surcharge. I have no idea how the vote will go on this. I will want a vote on the procedural motion. I would like a vote up or down. I understand there may be a vote on the motion to table. I have no idea—I think the majority leader wants to finish here tonight pretty quick. We shall probably have a little discussion at 11 tomorrow and adjourn. We may know better after the parties have their caucuses.

Mr. DOLE. I think obviously the majority leader would want a vote on the motion to table the motion to proceed. I think that is pretty obvious. That would be one consideration.

Obviously, I understand the chairman would prefer to have just a vote on the motion to proceed. I have indicated to the distinguished Senator from Arizona (Mr. GOLDWATER) and others, that that is a decision they will want to make since they are on the committee. They can understand it better than the Senator from Kansas.

Mr. PACKWOOD. Madam Chairman, I thank the Senator from Kansas for his comments about my victory in this issue. Indeed, if the FCC action is regarded as a victory, I am happy to accept it. They have not changed their fundamental opinion. They want to shift the $10.6 billion in charges over to local customers. They have ducked, and bobbed, and weaved in the hope of finessing themselves to a position where either this issue loses its head of steam or perhaps will get to a point where we have a long adjournment and forget about it. I have no illusions that they have changed their views. I think because of pressures my allies and I have been able to bring, they have backed off from where they were 1½ years ago; but make no mistake, what they want to do is shift the cost from big business to small businesses, homeowners, and rural customers. I have no doubt that they hope to get that. With the makeup of this Commission, the only way we are going to stop them from doing that is by statute.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning buisness to extend not past 5 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 95

Under the authority of the order of the Senate of November 18, 1983, the Secretary of the Senate, on December 14, 1983, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on

the Judiciary, the Committee on Labor and Human Resources, and the Committee on Environment and Public Works:

To The Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report five new deferrals of budget authority totaling $354,427,600 and five supplementary deferrals of budget authority totaling $511,079,613.

The deferrals affect programs in Funds Appropriated to the President; the Departments of Defense (Military), Energy, Health and Human Services, Justice and Treasury; and the Railroad Retirement Board.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *December 14, 1983.*

RESCISSION AND DEFERRAL OF CERTAIN BUDGET AUTHORITY MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 96

Under the authority of the order of the Senate of November 18, 1983, the Secretary of the Senate, on December 21, 1983, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1983, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Labor and Human Resources, and the Committee on Finance:

To the Congress of the United States

In accordance with the Impoundment Control Act of 1974, I herewith report one proposed rescission of budget authority totaling $1,700,000 and one revised deferral of budget authority totaling $21,061,187.

The actions affect programs in the Departments of Health and Human Services and Labor.

The details of the proposed rescission and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *December 21, 1983.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY-MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 97

Under the authority of the order of the Senate of November 18, 1983, the Secretary of the Senate on January 12, 1984, received the following message from the President of the United States, together with accompanying papers, which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Labor and Human Resources, and the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report seven new deferrals of budget authority totaling $1,832,465,000 and seven revised deferrals of budget authority totaling $2,734,156,870.

The actions affect programs in Funds Appropriated to the President, the Departments of Agriculture, Commerce, Defense (Military and Civil), Health and Human Services, Justice, State and the United States Information Agency.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *January 12, 1984.*

ARMS CONTROL MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed. In 1982 increasing concerns about Soviet noncompliance with arms control agreements led me to establish a senior group within the Administration to examine verification and compliance issues. For its part the Congress, in the FY 1984 Arms Control and Disarmament Act, asked me to report to it on compliance. I am herewith enclosing a Report to the Congress on Soviet Noncompliance with Arms Control Agreements.

After a careful review of many months, and numerous diplomatic exchanges with the Soviet Union, the Administration has determined that with regard to seven initial issues analyzed, violations and probable violations have occurred with respect to a number of Soviet legal obligations and political commitments in the arms control field.

The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the U.S.S.R. as a negotiating partner, and thus damages the changes for establishing a more constructive U.S.-Soviet relationship.

The United States will continue to press its compliance concerns with the Soviet Union through diplomatic channels, and insist upon explanations, clarifications, and corrective actions. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. For the future, the United States is seeking to negotiate new arms control agreements that reduce the risk of war, enhance the security of the United States and its Allies, and contain effective verification and compliance provisions.

We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Better verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

The Executive and Legislative branches of our government have long had a shared interest in supporting the arms control process. Finding effective ways to ensure compliance is central to that process. I look forward to continued close cooperation with the Congress as we seek to move forward in negotiating genuine and enduring arms control agreements.

RONALD REAGAN.

THE WHITE HOUSE, *January 23, 1984.*

MESSAGE FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 238. Concurrent resolution providing for a Joint Session of Congress to receive a message from the President on the State of the Union.

The message also announced that the House has agreed to the following resolutions:

H. Res. 387. A resolution informing the Senate that a quorum of the House is present and ready to proceed with business; and

H. Res. 389. A resolution relating to the death of the Honorable CLEMENT J. ZABLOCKI, late a representative from the State of Wisconsin.

The message also announced that pursuant to the order of the House of November 18, 1983, empowering the Speaker to appoint Commissions, Boards, and committees authorized by law or by the House, the Speaker on December 16, 1983, pursuant to the provisions of section 2(b)(1)(c) of Public Law 98-183, appointed as members of the Commission on Civil Rights, the following from private life: Ms. Mary Frances Berry of Washington, D.C., and Mr. Robert A. Destro of Arlington, Va.; and on the same day, pursuant to the provisions of Public Law 98-162, the Speaker appointed as members of the Commission on the Eleanor Roosevelt Centennial the following Members on the part of the House: Mrs. Kennelly and Mr. Fish.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2002. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Spain for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2003. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Italy for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2004. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the night shelf stocking function at the Branch Commissary Store, Philadelphia, Pa., to performance by contract; to the Committee on Armed Services.

EC-2005. A communication from the Principal Assistant Secretary of the Navy Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the night shelf stocking function at the Branch Commissary Store, Garden City, N.Y., to performance by contract; to the Committee on Armed Services.

EC-2006. A communication from the Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report on the Selective Reserve recruiting and retention incentives for the year ended June 30, 1983; to the Committee on Armed Services.

EC-2007. A communictaion from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of the administrative telephone switchboard operations function at Eglin Air Force Base, Fla., to performance by contract; to the Committee on Armed Services.

EC-2008. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of the administrative telephone switchboard operations function at Patrick Air Force Base, Fla., to performance by contract; to the Committee on Armed Services.

EC-2009. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the planned funding level for NASA's fiscal year 1984 physics and astronomy program; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the planned fiscal year 1984 funding level for space transportation capability development; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Secretary of Labor, transmitting, pursuant to law, a final regulation which implements the first-right-of-hire provision of the Airline Deregulation Act of 1978; to the Committee on Commerce, Science, and Transportation.

EC-2012. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, the 12th annual report on the operation of the Colorado River covering calendar year 1982, and projections for calendar year 1983; to the Committee on Energy and Natural Resources.

EC-2013. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the nondisclosure of safeguards information by the Commission for the quarter ended September 30, 1983; to the Committee on Environment and Public Works.

EC-2014. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Indian Tribal Government Tax Status Act of 1982 with respect to the tax status of Indian tribal governments; to the Committee on Finance.

EC-2015. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to authorize a system of approval and permitting by the U.S. Commissioner of the International Boundary and Water Commission for construction in the limitrophe sections of the Rio Grande and the Colorado River, and for other purposes; to the Committee on Foreign Relations.

EC-2016. A communication from the Assistant Attorney General, transmitting a draft of proposed legislation authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information; to the Committee on the Judiciary.

EC-2017. A communication from the Assistant Attorney General (Administration), transmitting, pursuant to law, a report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2018. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports submitted by the General Accounting Office during October 1983; to the Committee on Governmental Affairs.

EC-2019. A communication from the Secretary of the Commodity Credit Corporation, transmitting, pursuant to law, annual reports of the meetings of the Board of Directors of the Corporation for calendar years 1980, 1981, and 1982; to the Committee on Governmental Affairs.

EC-2020. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual reports of the Board under the Government in the Sunshine Act for calendar years 1980, 1981, and 1982; to the Committee on Governmental Affairs.

EC-2021. A communication from the Assistant Secretary of Transportation (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2022. A communication from the President of the National Safety Council, transmitting, pursuant to law, the annual audit report of the National Safety Council for the fiscal year ended June 30, 1983; to the Committee on the Judiciary.

EC-2023. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain aliens; to the Committee on the Judiciary.

EC-2024. A communication from the Chief Deputy Clerk of the U.S. Claims Court, transmitting, pursuant to law, the Court's decision in the case of *Rincon Band of Mission Indians of California et al.* v. *the United States;* to the Committee on Appropriations.

EC-2025. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the family housing maintenance function at the Navy Public Works Center, San Francisco, Calif., to performance by contract; to the Committee on Armed Services.

EC-2026. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of emergency military assistance to Chad; to the Committee on Armed Services.

EC-2027. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department of Housing and Urban Development for calendar year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-2028. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the 1983 third quarter report on the Olympic commemorative coin program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2029. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses of each train operated by the Corporation for August 1983; to the Committee on Commerce, Science, and Transportation.

EC-2030. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the average number of passengers and ontime performance of each train operated by the Corporation for the months of August and September 1983; to the Committee on Commerce, Science, and Transportation.

EC-2031. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses of each train operated by the Corporation during June and July 1983; to the Committee on Commerce, Science, and Transportation.

EC-2032. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to increase the membership of certain Regional Fishery Management Councils; to the Committee on Commerce, Science, and Transportation.

EC-2033. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of persons onboard and the ontime performance of each train operated by the Corporation for June and July 1983; to the Committee on Commerce, Science, and Transportation.

EC-2034. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1981 and 1982 for Federal Onshore and Outer Continental Shelf Oil and Gas Leases"; to the Committee on Energy and Natural Resources.

EC-2035. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a study report on the Green and Yampa Rivers in Colorado and Utah; to the Committee on Energy and Natural Resources.

EC-2036. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2037. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Inspector General of NASA for the period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2038. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-85 adopted by the Council on November 15, 1983; to the Committee on Governmental Affairs.

EC-2039. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-82, adopted by the Council on November 1, 1983; to the Committee on Governmental Affairs.

EC-2040. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-79, adopted by the Council on November 1, 1983; to the Committee on Governmental Affairs.

EC-2041. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-80, adopted by the Council on November 1, 1983; to the Committee on Governmental Affairs.

EC-2042. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-81, adopted by the Council on November 1, 1983; to the Committee on Governmental Affairs.

EC-2043. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2044. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Forgery of U.S. Treasury Checks—Federal Misdemeanor Law Needed"; to the Committee on Governmental Affairs.

EC-2045. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free education; to the Committee on Labor and Human Resources.

EC-2046. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the Pension Benefit Guaranty Corporation's Progress Towards Improving Accounting and Internal Control Weaknesses"; to the Committee on Labor and Human Resources.

EC-2047. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion from in-house to commercial contract of various functions at different installations; to the Committee on Armed Services.

EC-2048. A communication from the Director of the Federal Emergency Management Agency, transmitting pursuant to law, the stockpile report to the Congress for October 1982 through March 1983; to the Committee on Armed Services.

EC-2049. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1980-81 Biennial Report of the National Sea Grant College Program; to the Committee on Commerce, Science, and Transportation.

EC-2050. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2051. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to November 25, 1983; to the Committee on Foreign Relations.

EC-2052. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to November 21, 1983; to the Committee on Foreign Relations.

EC-2053. A communication from the Director of the Office of Information Resources Management, Department of the Interior, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2054. A communication from the assistant secretary-treasurer of the trustees of the seventh farm credit district employee benefits program, transmitting, pursuant to law, the annual report on the retirement plan for employees of the seventh farm credit district; to the Committee on Governmental Affairs.

EC-2055. A communication from the Commissioners of the Postal Rate Commission, transmitting, pursuant to law, notice of filing of proposed changes in postal rates and fees and order designating officer of the Commission, fixing date for prehearing conference, and establishing procedures; to the Committee on Governmental Affairs.

EC-2056. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a summary of the report entitled "Forgery of U.S. Treasury Checks—Federal Misdemeanor Law Needed"; to the Committee on the Judiciary.

EC-2057. A communication from the President of the American Council of Learned Societies, transmitting, pursuant to law, the audited financial statement of the society as of June 30, 1983; to the Committee on the Judiciary.

EC-2058. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department under the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

EC-2059. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the statistical report entitled "Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, Fiscal Year 1981"; to the Committee on Labor and Human Resources.

EC-2060. A communication from the chairman, labor member, and management member of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-2061. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Agriculture's Soil Conservation Programs Miss Full Potential in the Fight Against Soil Erosion", to the Committee on Agriculture, Nutrition, and Forestry.

EC-2062. A communication from the Principal Deputy Assistant Secretary of the Navy (shipbuilding and logistics), transmitting, pursuant to law, a report on the conversion of the family housing maintenance function at the Navy Public Works Center, San Diego, Calif., to performance by contract; to the Committee on Armed Services.

EC-2063. A communication from the Under Secretary of the Interior, transmitting, pursuant to law, a study report on the Daniel Boone Trail, Kentucky, North Carolina, Tennessee, and Virginia; to the Committee on Energy and Natural Resources.

EC-2064. A communication from the chairman of the board of foreign scholarships, transmitting, pursuant to law, the annual report of the board entitled "Fulbright Program Exchanges, 1982"; to the Committee on Foreign Relations.

EC-2065. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Inspector General of the Department of Transportation for the period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2066. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General of the Department of Education for the period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2067. A communication from the assistant to the President for management and administration, transmitting, pursuant to law, the personnel reports for the White House Office, the Executive Residence at

the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Governmental Affairs.

EC-2068. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for October 1982 through July 1983; to the Committee on Small Business.

EC-2069. A communication from the Administrator of Veterans Affairs, transmitting, pursuant to law, the Department of Medicine and Surgery's report on the activities of the exchange of medical information program of the Veterans' Administration for fiscal year 1983; to the Committee on Veterans' Affairs.

EC-2070. A communication from the President of the United States, transmitting, pursuant to law, a report on the situation in Grenada; to the Committee on Foreign relations.

EC-2071. A communication from the Principal Deputy Assistant Secretary of the Navy for shipbuilding and logistics transmitting, pursuant to law, a report on a decision to convert the family housing maintenance function at the Navy Public Works Center, Great Lakes, Ill., to performance under contract; to the Committee on Armed Services.

EC-2072. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on transactions of the Bank with Communist countries during September 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-2073. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, a report on the second profitability determination with respect to Conrail; to the Committee on Commerce, Science, and Transportation.

EC-2074. A communication from the Secretary of Energy transmitting, pursuant to law, the eighth semiannual report on efforts to implement the alternative fuels production act; to the Committee on Energy and Natural Resources.

EC-2075. A communication from the Acting Administrator of the Agency for International Development transmitting, pursuant to law, a report on the status of internal controls; to the Committee on Foreign Relations.

EC-2076. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a determination by the President that Argentina has made significant progress in complying with principles of human rights; to the Committee on Foreign Relations.

EC-2077. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-96; to the Committee on Governmental Affairs.

EC-2078. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-93; to the Committee on Governmental Affairs.

EC-2079. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-92; to the Committee on Governmental Affairs.

EC-2080. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-91; to the Committee on Governmental Affairs.

EC-2081. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, notice of a prehearing conference on December 15, 1983 relative to postal rate and fee changes for 1983; to the Committee on Governmental Affairs.

EC-2082. A communication from the chief U.S. Bankruptcy judge, Central District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2083. A communication from the U.S. Bankruptcy Court judge for the Northern District of Georgia, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2084. A communication from the U.S. Bankruptcy Court judge for the Northern District of Mississippi transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2085. A communication from the U.S. Bankruptcy Court judge for the Northern District of Ohio transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2086. A communication from the U.S. Bankruptcy Court judge for the Eastern District of Louisiana transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2087. A communication from the chief judge of the U.S. Bankruptcy Court for the Northern District of Georgia transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2088. A communication from the U.S. Bankruptcy Court judge for the Northern District of California transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2089. A communication from the U.S. Bankruptcy Court judge for the Northern District of Alabama transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2090. A communication from the U.S. Bankruptcy Court judge for the Middle District of North Carolina transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2091. A communication from the U.S. Bankruptcy Court judge for the Eastern District of Missouri transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2092. A communication from the U.S. Bankruptcy Court judge for the Northern District of Illinois transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2093. A communication from the U.S. Bankruptcy Court judge for the Eastern District of Washington transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2094. A communication from the U.S. Bankruptcy Court judge for the Central District of California transmitting pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2095. A communication from the U.S. Bankruptcy Court judge for the Western District of Oklahoma transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2096. A communication from the U.S. Bankruptcy Court judge for the Northern District of California transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2097. A communication from the U.S. Bankruptcy Court judge for the Northern District of Ohio transmitting, pursuant to law, notice of her acceptance of appointment; to the Committee on the Judiciary.

EC-2098. A communication from the U.S. Bankruptcy Court judge for the District of Kansas transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2099. A communication from the U.S. Bankruptcy Court judge for the Northern District of Alabama transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2100. A communication from the U.S. Bankruptcy Court judge for the Northern District of Georgia transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2101. A communication from the judge of the U.S. Bankruptcy Court for the Eastern and Western Districts of Arkansas transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2102. A communication from the judge of the U.S. Bankruptcy Court for the District of Montana transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2103. A communication from the judge of the U.S. Bankruptcy Court for the Western District of Texas transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2104. A communication from the Secretary of Education transmitting, pursuant to law, a report on final annual funding priorities, required activities, and geographical distribution for fiscal year 1984 for planning grants to develop teacher incentive structures; to the Committee on Labor and Human Resources.

EC-2105. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for higher education programs in modern foreign language training and area studies; to the Committee on Labor and Human Resources.

EC-2106. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, certain annual reports required under the Public Health Service Act; to the Committee on Labor and Human Resources.

EC-2107. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of January 1, 1984; jointly, pursuant to the order of January 30, 1975; to the Committee on Appropriations and the Committee on the Budget.

EC-2108. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the refuse collection and disposal services at the Marine Corps base, Camp Pendleton, Calif., to performance under contract; to the Committee on Armed Services.

EC-2109. A communication from the Secretary of the Navy transmitting a draft of

proposed legislation to repeal certain sections of law imposing certain restrictions on enlisted members of the Armed Forces and on members of military bands; to the Committee on Armed Services.

EC-2110. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report on initial civilian manpower allocations among the military departments and defense agencies; to the Committee on Armed Services.

EC-2111. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled, "Increasing the Department of Housing and Urban Development's Effectiveness Through Improved Management"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2112. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Increasing the Department of Housing and Urban Development's Effectiveness Through Improved Management" (vol. I); to the Committee on Banking, Housing, and Urban Affairs.

EC-2113. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the strategic petroleum reserve for the third quarter of 1983; to the Committee on Energy and Natural Resources.

EC-2114. A communication from the President of the United States transmitting, pursuant to law, a report on his intention to designate 11 Caribbean Basin countries and entities as beneficiaries of the trade-liberalizing measures provided in the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC-2115. A communication from the Chairman of the National Endowment for the Arts transmitting, pursuant to law, a report on the evaluation of system of internal control of the National Endowment for the Arts; to the Committee on Governmental Affairs.

EC-2116. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on the implementation of an internal control process; to the Committee on Governmental Affairs.

EC-2117. A communication from the members of the Railroad Retirement Board transmitting, pursuant to law, a report on implementation of an internal accounting and administrative control system for the Board; to the Committee on Governmental Affairs.

EC-2118. A communication from the Administrator of the Veterans' Administration transmitting, pursuant to law, a report on the system of internal accounting and administrative control of the Administration; to the Committee on Governmental Affairs.

EC-2119. A communication from the Chairman of the National Capital Planning Commission transmitting, pursuant to law, a report on the system of internal accounting and administrative control for the Commission; to the Committee on Governmental Affairs.

EC-2120. A communication from the Executive Director of the Securities and Exchange Commission transmitting, pursuant to law, a report on the system of internal accounting and administrative control for the Commission; to the Committee on Governmental Affairs.

EC-2121. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, the consolidated financial report for fiscal year 1982; to the Committee on Governmental Affairs.

EC-2122. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2123. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2124. A communication from the judge of the U.S. Bankruptcy Court for the Eastern District of Wisconsin transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2125. A communication from the judge of the U.S. Bankruptcy Court for the District of Colorado transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2126. A communication from the judge of the U.S. Bankruptcy Court for the Southern District of California transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2127. A communication from the judge of the U.S. Bankruptcy Court for the Southern District of Indiana transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2128. A communication from the judge of the U.S. Bankruptcy Court for the Northern District of Illinios, Western Division, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2129. A communication from the judge of the U.S. Bankruptcy Court for the Eastern District of North Carolina transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2130. A communication from the judge of the U.S. Bankruptcy Court for the Northern District of Illinois transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2131. A communication from the judge of the U.S. Bankruptcy Court for the Southern District of Texas transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2132. A communication from the Chairman of the U.S. Commission on Civil Rights transmitting, pursuant to law, a report entitled "The State of Civil Rights 1957-1983: The Final Report of the U.S. Commission on Civil Rights"; to the Committee on the Judiciary.

EC-2133. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the pilot United States Trustee program; to the Committee on the Judiciary.

EC-2134. A communication from the U.S. Secretary of Education transmitting, pursuant to law, the "Annual Report of the International Research and Studies Program"; to the Committee on Labor and Human Resources.

EC-2135. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on a violation of law involving an obligation in excess of the amount apportioned; to the Committee on Appropriations.

EC-2136. A communication from the Administrator of the National Oceanic and Atmospheric Administration transmitting, pursuant to law, the "Deep Sea Mining Report"; to the Committee on Energy and Natural Resources.

EC-2137. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State medicaid program compliance with the Social Security Act; to the Committee on Finance.

EC-2138. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on five categories of Presidential and Vice Presidential expenses involving appropriated funds; to the Committee on Governmental Affairs.

EC-2139. A communication from the Chairman of the Equal Employment Opportunity Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2140. A communication from the Assistant Secretary for Administration of the Department of Housing and Urban Development transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2141. A communication from the Vice President of the Federal Land Bank and Federal Intermediate Credit Bank of Columbia, S.C., transmitting, pursuant to law, the annual report of the Farm Credit Retirement Plan; to the Committee on Governmental Affairs.

EC-2142. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use of certain judgment funds of the Forest County Potawatomi Community of Wisconsin; to the Select Committee on Indian Affairs.

EC-2143. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use and distribution of judgment funds awarded to the Navajo Tribe; to the Select Committee on Indian Affairs.

EC-2144. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use and distribution of judgment funds awarded to the Stillaguamish Tribe; to the Select Committee on Indian Affairs.

EC-2145. A communication from the judge of the U.S. Bankruptcy Court for the Southern District of Texas transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2146. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Joint Major System Acquisition by the Military Services; An Elusive Strategy"; to the Committee on Armed Services.

EC-2147. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report covering certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC-2148. A communication from the Deputy Assistant Secretary of Defense for Military Personnel and Force Management transmitting, pursuant to law, a report on the status of certain personnel under the

Aviation Career Incentive Act; to the Committee on Armed Services.

EC-2149. A communication from the Chief of Staff of the Defense Mapping Agency transmitting, pursuant to law, a report on a decision to convert the automatic data processing operations from in-house to commercial contract performance; to the Committee on Armed Services.

EC-2150. A communication from the contract director, HUD, transmitting, pursuant to law, an evaluation of the congregate housing services program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2151. A communication from the subcontract director, HUD, entitled "Issues in CHSP planning and Implementation"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2152. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the third and fourth annual reports on the congregate housing services program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2153. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on Bank transactions with Communist countries during October 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-2154. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Safety Standards on Small Passenger Aircraft—With Nine or Fewer Seats—Are Significantly Less Stringent Than on Larger Aircraft"; to the Committee on Commerce, Science, and Transportation.

EC-2155. A communication from the Acting Assistant Secretary of Energy for Conservation and Renewable Energy transmitting, pursuant to law, a report on Biomass Energy and Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-2156. A communication from the Secretary of the Interior transmitting, pursuant to law, the third annual report on the Alaska national interest lands conservation; to the Committee on Energy and Natural Resources.

EC-2157. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report on progress toward achieving a new transboundary air pollution agreement; to the Committee on Foreign Relations.

EC-2158. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, a report on postal rate and fee changes, 1983; to the Committee on Governmental Affairs.

EC-2159. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report listing GAO reports issued in November 1983; to the Committee on Governmental Affairs.

EC-2160. A communication from the Inspector General of the General Services Administration transmitting, pursuant to law, the semiannual report of the Inspector General of GSA for the 6-month period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2161. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a report relative to entitlement of Federal judges to the January 1984 comparability pay increase to Federal employees; to the Committee on Governmental Affairs.

EC-2162. A communication from the Director of the U.S. Arms Control and Disarmament Agency transmitting, pursuant to law, a report on the evaluation and improvement of internal control systems in the Agency; to the Committee on Governmental Affairs.

EC-2163. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2164. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2165. A communication from the Deputy Assistant Secretary of Defense for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2166. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on the system of internal accounting and administrative control for OPM; to the Committee on Governmental Affairs.

EC-2167. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report reviewing the accounting systems of OPM; to the Committee on Governmental Affairs.

EC-2168. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2169. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 18, 1983, the following reports of committees were submitted on December 14, 1983:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 596: A bill to transfer responsibility for furnishing certified copies of Miller Act payment bonds from the Comptroller General to the officer that awarded the contract for which the bond was given (Rept. No. 98-344).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 492: A bill to amend the Bankruptcy Act regarding executory contracts, and for other purposes (Rept. No. 98-345).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 2199. A bill for the relief of Ljubica Warren; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2200. A bill to temporarily suspend the duty on tetra amino biphenyl until 4 years after the date of enactment; to the Committee on Finance.

By Mr. GOLDWATER:

S. 2201. A bill to convey certain lands to the Zuni Indian Tribe for religious purposes; to the Select Committee on Indian Affairs.

By Mr. BAKER (for Mr. JEPSEN):

S. 2202. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 2203. A bill to repeal section 2392 of title 10, United States Code, relating to the prohibition on the use of Department of Defense funds to relieve economic dislocations, and for other purposes; to the Committee on Armed Services.

By Mr. HEFLIN:

S. 2204. A bill to establish a National Computer Institute within the Office of Science and Technology Policy; to the Committee on Governmental Affairs.

By Mr. TRIBLE:

S.J. Res. 210. Joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 303. Resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. BYRD:

S. Res. 304. Resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. MATTINGLY (for himself and Mr. DENTON):

S. Res. 305. Resolution establishing a National Commission on Federal Spending Reform; to the Committee on Governmental Affairs.

By Mr. ANDREWS (for himself and Mr. KENNEDY):

S. Res. 306. Resolution to preserve the food stamp program and other food assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BYRD (for himself, Mr. BAKER, Mr. KASTEN, and Mr. PROXMIRE):

S. Res. 307. Resolution relative to the death of the Honorable Clement J. Zablocki, of Wisconsin; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. THURMOND:

S. 2200. A bill to temporarily suspend the duty on tetra amino biphenyl

until 4 years after date of enactment; to the Committee on Finance.

SUPENSION OF DUTY

Mr. THURMOND. Mr. President, today I am introducing legislation to temporarily suspend the duty on the chemical tetra amino biphenyl. This chemical which is commonly referred to as "TAB," is imported into the United States from West Germany. TAB is an essential raw material used for the production of a high performance fiber called "PBI."

PBI is a unique heat-and-chemical-resistant fiber that can be used as a suitable replacement for asbestos. PBI has a wide range of thermal protective applications such as flight suits and garments for firefighters, boiler tenders, and refinery workers.

Mr. President, toward the end of the 97th Congress, I introduced similar legislation applying duty-free treatment to TAB. However, after I offered that bill, a domestic chemical company announced intentions to produce TAB here in the United States. For that reason, a decision was made not to further pursue the duty suspension legislation at that time.

Unfortunately, after a year's investigation into the production of TAB, the American chemical company that had shown interest in this matter has decided not to produce the chemical. Therefore, there is still no domestic producer of TAB. Thus, the temporary suspension of duty on this chemical as called for in my bill, will not cause injury to any U.S. manufacturer of the product.

Mr. President, as I stated before, TAB is used in the production of the fiber PBI. There are a large number of jobs that are directly related to production of PBI, as well as additional positions resulting from the research, development, and marketing of this product. These jobs hinge on the ability of the domestic manufacturer of PBI to produce this product efficiently and at a competitive price for the available markets. Temporary removal of this import duty on this principal raw material will lower the production cost for PBI fiber and enable the domestic manufacturer to establish a competitive market for products containing PBI.

Mr. President, it is extremely important that we do everything in our power to prevent the exportation of American jobs. This is an excellent opportunity to help keep some American jobs at home. For that reason, I am hopeful the Finance Committee and the Congress can favorably consider this bill in the near future.

By Mr. GOLDWATER:

S. 2201. A bill to convey certain lands to the Zuni Indian Tribe for religious purposes; to the Select Committee on Indian Affairs.

CONVEYANCE OF CERTAIN FEDERAL LAND TO ZUNI INDIAN TRIBE

● Mr. GOLDWATER. Mr. President, the bill I am introducing today is at the request of the Zuni Indian Tribe of New Mexico and it authorizes the conveyance of certain lands in the State of Arizona to the Zuni Indians for religious purposes. These lands are known as Kolhu/wala:wa, or Zuni Heaven.

In order to understand the importance of this legislation to the Zuni Tribe, I think a brief historical background is in order. The Zuni aboriginal land claim extends into Arizona, as far west as the San Francisco Peaks, between the Little Colorado River and the Mogollon Rim. As long ago as 1540, when Coronado and his Spanish troops encountered the Zunis, two Zuni religious societies set out, at the summer solstice, on a pilgrimage. They left what is now known as New Mexico, traveling down the Zuni River valley, and 2 days later, they arrived at the sacred ground surrounding Kolhu/wala:wa. At that point, the Mudhead religious society climbed to the top of the sacred Mudhead Mountain and the members of the Kachina society reached the top of the other peak, where there is a Kachina shrine. The next morning, after a night of ceremonies and dancing, both parties descended and moved around a small lake in between the two mountains. This lake is probably the most important religious area to the Zuni Indians because they believe there is a village of gods beneath the lake's surface and this is where the Kachinas, Mudheads, and their families go when they die, and live in the afterlife. It is Zuni Heaven and central to their religious beliefs.

After more prayers for blessings of rain in the coming year, the two groups left the area and journeyed back to their villages, making ceremonial offering along the way. There have probably been at least 110 such pilgrimages since the year 1540 and they occur ever 4 years. The journey, which covers 60 miles one way, is done on foot, and if rain does not follow in the year after the pilgrimage, a special one to the lake must take place. Another pilgrimage will occur this year.

The Zunis have requested this legislation to protect their religious beliefs and to insure their freedom of religion. Basically, the proposal would allow the Indian tribe to purchase the private lands from willing sellers; the BLM land would be transferred to the Zuni Tribe to be held in trust for the tribe; and the State land would be exchanged for other public lands, and subsequently transferred to the Zunis to be held in trust.

The lands in question are 14 miles northwest of the city of St. Johns, in Apache County, in northeastern Arizona. We are talking about approximately 1,441 acres of State land; 6,200 acres of private land; and, 4,047 acres of Bureau of Land Management land. According to Apache County officials, the purchase of the private lands would amount to an approximate $161 property tax loss, and the public lands' transfer would incur a payments-in-lieu loss to the county of about $2,500, or less than 1 percent of the county's total payments-in-lieu moneys.

If the legislation were implemented, the tribe would allow continued present surface use of the area, which is basically grazing by one of the private landowners. The Zunis' purpose in acquiring this area is to protect and preserve Zuni Heaven, which is the heart of their religion and their origins on Earth.●

By Mr. BAKER (for Mr. JEPSEN):

S. 2202: A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; to the Committee on Government Affairs.

REDUCING RATES OF PAY OF MEMBERS OF CONGRESS

● Mr. JEPSEN. Mr. President, I send a bill to the desk and I ask that it be appropriately referred to the committee of jurisdiction.

Mr. President, the bill I have just introduced would repeal the 3.5-percent pay raise received by Members of Congress on January 1 of this year.

While some may argue that this pay raise is justified, I would point out that it was less than 1 year ago that Congress approved its last pay raise.

In addition, at a time when people are clamoring to castigate the size of the Federal deficit, it would be the height of hypocrisy for Congress to accept this raise. Indeed, we in Congress must show leadership and reject this pay raise.

Lest my colleagues get the idea that this is just another bill that will languish in the committee, rest assured that I intend to offer this legislation as an amendment to the first appropriate bill that comes before the Senate for debate and vote.

In addition, I have been assured by our distinguished majority leader, Senator BAKER, that this issue will receive priority consideration.

Not only is this pay raise unwarranted, but I strongly object to the manner in which it occurred.

Once again, instead of having the courage to vote up or down on this pay raise, Congress took the easy way out and allowed the raise to go through without even so much as a whimper of debate.

Rest assured, millions of Americans are watching what Congress does on this issue.

We can stand here and make all of the eloquent speeches about how terri-

ble it is that we have $200 billion deficits.

We can stand here and say how we think the budget can be balanced.

We can stand here and debate the merits of tax increases versus budget cuts.

But the bottom line is not how well we speak. It is not whether we score points in the debate.

Rather, it is in how we vote. Are we willing to exercise the restraint that will be necessary to control Government spending.

I am prepared, Mr. President, to stand and be counted as one Senator who says, enough is enough.

While President Harry Truman was right that the buck does often stop at the desk of the President, this is one issue where Congress has the opportunity to assert its conscience and state emphatically, the buck stops here.

Mr. President, I ask unanimous consent that a copy of this bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) on and after the date of enactment of this Act, the rate of pay for an office or position referred to in section 601 (a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall be the same as the rate of pay payable for such office or position on December 31, 1983.

(b) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Congress by reference to the annual rate of pay of any Member of the Congress, the annual rate of pay of such Member shall be deemed to be the annual rate of pay that would be payable to such Member without regard to subsection (a).●

By Mr. SPECTER:

S. 2203. A bill to repeal section 2392 of title 10, United States Code, relating to the prohibition on the use of Department of Defense funds to relieve economic dislocations, and for other purposes; to the Committee on Armed Services.

REPEAL OF MAYBANK AMENDMENT

Mr. SPECTER. Mr. President, today I am introducing legislation that repeals the Maybank amendment to require the Secretary of Defense to target defense programs to areas of high unemployment.

Mr. President, on Friday, I had occasion to visit a small company in Pittsburgh, Pa., a company which is illustrative of the opportunities for small business in governmental procurement being given an opportunity to bid.

Detroit Gear employs some 43 individuals and has some $3 million in gross sales annually, 60 percent of which goes to the Navy. It is a model form of business, employing white males, white females, black females, and representation by minorities. It is a very prosperous and an excellent small business operation.

It is my thought that if a real effort were made by the Department of Defense to find businesses around the country in areas of high unemployment, such as Pittsburgh, Pa., and such as many parts of my State of Pennsylvania, that the Department of Defense expenditures could have a dual benefit. That is, to prepare the United States in a defense context and also deal with the very serious problems of unemployment in labor surplus areas.

The Maybank amendment is a classic example of outmoded Federal Government policy which exacerbates economic dislocations. When initially passed in the 1950's, the Nation was experiencing an outburst of economic activity and the unemployment rate was in the range of 2 to 3 percent. Further, the Nation only had a total of 26 LSA's spread among 12 States. Today, there are 1,435 LSA's in 45 States plus the District of Columbia and Puerto Rico. At that time, it may have made sense to prohibit the Department of Defense from initiating programs to relieve economic dislocations, but that policy hardly makes sense today when unemployment is in excess of 10 percent in many States and in excess of 15 percent in many localities. In my State of Pennsylvania, the average total unemployment rate for 1983 is estimated to be 11.8 percent versus a national average of 9.7 percent.

As the Nation's largest employer, the Department of Defense has a substantial influence over the shape and health of regional economies through the sheer size of the defense budget. Since passage of the Maybank amendment, distribution of Defense Department funds has increasingly favored areas of high economic growth, while penalizing those areas experiencing high rates of unemployment. For example, the Northeast-Midwest region's share of military prime contract dollars decreased from 71.8 percent in 1951 to 38.7 percent in 1981, according to the Northeast-Midwest Institute. In addition, the Defense Department estimates that by 1990, over 50 percent of DOD's prime contracts will go to contractors located in only three States.

In order to remedy the inequities created by the Maybank amendment, the Congress initiated a test program in fiscal year 1981 exempting certain contracting by the Defense Logistics Agency from the provisions of the Maybank amendment. The test originally set aside $12 billion in defense contracts over the 3-year period, fiscal years 1981-83, but the Defense Department only awarded $0.5 billion in fiscal year 1981, $2.2 billion in fiscal year 1982, and $2.8 billion in fiscal year 1983 under this program. Clearly, the Defense Department has failed to meet its mandate for this program even though the price differential was dropped from 5 percent to 2.2 percent in 1983. This failure has exacerbated the serious economic dislocations experienced in many areas throughout the country.

The legislation I am introducing today would repeal the Maybank amendment. In lieu thereof, it would require the Secretary of Defense to carry our programs beginning with fiscal year 1985 to endeavor to relieve economic dislocations, and in particular unemployment. For nonstrategic contracts, the Secretary could pay a price differential of up to 2.5 percent if the Secretary determines that the awarding of the contracts would not adversely affect the national security and there is a reasonable expectation that bids would be received from a sufficient number of bidders so that the award would be made at a reasonable cost to the United States. The total value of contracts under this program must not be less than $12 billion in any fiscal year. A report is required each year, beginning in 1986, on the implementation and results of this program.

Mr. President, I believe that this legislation is necessary to correct the imbalance in Department of Defense expenditures which has continued throughout the past few years. I urge speedy action on this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 2392 of title 10, United States Code, is repealed effective October 1, 1984.

SEC. 2. (a) The Secretary of Defense shall carry out in each fiscal year, beginning with fiscal year 1985, a program under which the Department of Defense, in order to endeavor to relieve economic dislocations and provide employment in labor surplus areas in the United States, shall be authorized to pay a price differential on non-strategic contracts awarded by the Department of Defense. Under such program, the Secretary of Defense shall award contracts to individuals or firms located in Labor Surplus Areas (as defined and identified by the Department of Labor) if the Secretary determines—

(1) that the awarding of the contracts will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of the contracts will be made at reasonable cost to the United States; and

(3) that the price differential to be paid under the contracts will not exceed 2.5 percent.

(b) The total value of contracts awarded by the Department of Defense in carrying out this section shall not be less than $12,000,000,000 in any fiscal year.

(c) Not later than April 15, 1986, and each year thereafter, the President shall submit a report to the Congress on the implementation and results to that date of the program authorized by subsection (a). Each report shall include an assessment of the costs and benefits of the program.

By Mr. HEFLIN:

S. 2204. A bill to establish a National Computer Institute within the Office of Science and Technology Policy; to the Committee on Governmental Affairs.

NATIONAL COMPUTER INSTITUTE

Mr. HEFLIN. Mr. President, today I am introducing a bill to establish a National Computer Institute. This Institute would be created within the Office of Science and Technology Policy in the Executive Office of the President. The purpose of the Institute is to insure the preeminence of the United States in computer technology development, education, and use in order to provide for the Nation's national security and economic well-being.

The use of computer technology has been critically important to the United States. Advanced computer systems play a key role in enhancing national security, increasing economic productivity, improving international trade, and advancing science and engineering. In its brief history, the computer has affected virtually every facet of modern society and clearly the nation that dominates the computer field will possess one of the major keys to world leadership in science and technology.

Mr. President, I believe that the most important single step in maintaining the United States leadership in computers is technology cooperation and education. The National Computer Institute would provide the United States with a centralized focal point to encourage increased technological cooperation among large companies, between large and small companies, and among industry, academia, and government. Also, the Institute would focus on national educational needs and programs to meet those needs. Direct Federal support and coordination is necessary to foster growth in targeted areas, insure trained personnel, reduce needless and wasteful duplication, reduce the cost of capital for this key industry, and bring about widespread dissemination of computer developments.

At the present time the United States has no coordinated national effort to address the educational, economic, scientific, and social issues arising from the rapid development of computer technology, nor a forum to articulate national policies in light of this development. Our lead in computer technology is increasingly threatened by competition from other nations which are dedicating extensive resources to computer research and development. The Computer Institute would provide the type of coordinated and cooperative national effort needed to address these and other computer-related problems.

A major function of the Institute would be to investigate, study, and make recommendations to improve and strengthen computer education at all educational levels, including elementary and secondary schools, vocational and trade schools, and retraining and adult educational programs. Particular attention would be given by the Institute to acquisition of computer hardware and software through incentives, such as grants, tax credits and other tax incentives; to the improvement of teacher training in computer education by improving the quality of instruction through training during sabbatical leaves, inservice training seminars and the use of specially trained master teachers to train other teachers; to the coordination and encouragement of cooperative efforts and programs among universities, secondary and elementary schools, industry, labor organizations, and units of Government; and to plans to meet the particular needs of targeted areas of high technology and the demands of changing technology.

A second major function of the Institute would be to investigate and study the research and development activities of Federal departments and agencies regarding advanced computer systems. Today about one-half of all advanced computer systems in the United States are located in laboratories under the supervision and control of the Federal Government and it is likely that the Government will be a major consumer of the next generation systems. Because of this limited marketplace, it is unclear whether the private sector will have the incentives to invest in fifth generation supercomputers. The Institute would study and make recommendations on the role of the Federal Government in the research and development of these advanced computer systems to insure that future Government computer requirements are met and insure that these systems are available for the United States to remain the world leader in science and technology.

The Institute would develop plans for a national program on advanced computing systems that considers: First, increased access for the scientific and engineering research community through adequate and regularly updated supercomputer facilities; second, increased research in computational mathematics, software, and algorithms necessary for the effective and efficient use of supercomputing systems; and third, training of personnel in scientific and engineering computing. This long-term program plan would be developed with the participation of appropriate Federal agencies, universities, and industry.

While absolute predictions on the future impact of computers on our lives are not possible, an article written by Robert J. Douglass of the Los Alamos National Laboratory on a day in the life of a new generation computer user gives us some idea. His article is a fictional account of how the next generation of computers, using technologies which have already been demonstrated as research prototypes, might help a user on a typical day in 1993.

Mr. President, it is very clear that our society has been and will continue to be impacted in some way by computer technology. The United States must provide an environment for electronic innovators to exploit all opportunities for computer technology and for our citizens to fully benefit from this technology. I believe that the bill that I am now introducing will establish that environment.

Mr. President, I ask unanimous consent that the text of the article by Robert J. Douglass from the November issue of the IEEE Spectrum be printed in the RECORD.

Mr. President, I now ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Computer Institute Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) advances in computer technology have been of critical importance in maintaining the Nation's national security, in increasing economic productivity, in improving international trade, and in advancing science and technology;

(2) no coordinated national effort has been undertaken to address the scientific, economic, and social issues arising from the rapid development of computer technology, or to articulate national policies in light of this development;

(3) the development of advanced computer technologies has created such new products as hand calculators, digital watches, personal computers, business machines, word processors for use in offices, home appliances, and motion pictures;

(4) while the computer capability of the United States surpasses that of all other nations, computer technology in the United States is increasingly threatened by competition from foreign nations which are dedicating extensive resources to computer research and development;

(5) since one-half of all advanced computer systems in the United States are located in laboratories under the supervision and control of the Federal Government, it is likely that the Federal Government will be a major consumer of advanced computer

technology; however, this limited marketplace does not offer necessary incentives for individual firms to invest in next-generation computer systems;

(6) Federal involvement in the research and development of computer technology is necessary to ensure adequate supply for future Federal advanced computer requirements, but current Federal activities in this area are inadequate:

(7) no comprehensive national effort has been undertaken to address the requirements and means for ensuring that our populace receives appropriate computer education; and

(8) the Nation would benefit from a well-planned, coordinated and cooperative effort supported by public and private resources, and such an effort is necessary if the Nation is to maintain its preeminence in advanced computer technology and its ability to utilize such technology for other applications.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a National Computer Institute to—

(1) investigate and provide assessments of current and projected future developments in and applications of computer science and technology and their impacts, in order to serve as a basis for policy determinations in computer-related issues of education, patents, trademarks and copyrights, regulations, and other issues;

(2) provide a forum for considering the information and research concerns of government, industry and commerce, educational interests, and the public regarding computer technology developments;

(3) promote and facilitate the conduct of scientific research and development through the use of advanced computer technology;

(4) comprehensively investigate, study and make recommendations to improve and strengthen computer education at all educational levels, including elementary and secondary schools, vocational and trade schools, and retraining and adult educational programs, with particular attention to the following—

(A) acquisition of computer hardware and software through incentives, such as grants, tax credits and other tax incentives;

(B) the improvement of teacher training in computer education by improving the quality of instruction through many different approaches, including training during sabbatical leaves, inservice training, seminars and the use of specially-trained master teachers to train other teachers;

(C) the coordination and encouragement of cooperative efforts and programs among universities, secondary and elementary schools, industry, labor organizations, and units of government; and

(D) plans to meet the peculiar needs of targeted areas of high technology and the demands of changing technology; and

(5) ensure the preeminence of the United States in next generation computer technology in order to provide for the Nation's national security and economic well-being.

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Advisory Committee" means the Computer Sciences and Technology Advisory Committee established pursuant to section 8 of this Act;

(2) "computer system technology" means the component, architectural, software, algorithm, and peripheral equipment technologies necessary to produce significantly increased performance computing systems;

(3) "Director" means the Director of the National Computer Institute, as provided for in section 7 of this Act.

(4) "Institute" means the National Computer Institute established in section 5 of this Act; and

(5) "Office" means the Office of Science and Technology Policy.

NATIONAL COMPUTER INSTITUTE

SEC. 5. (a) There is established within the Office of Science and Technology Policy in the Executive Office of the President the National Computer Institute.

(b) The head of the Institute shall be the Director, who shall be appointed and shall function in accordance with section 7 of this Act.

(c) The Institute shall have such other officers and employees as the Director of the Office and the Director may determine to be necessary and appropriate.

(d) The Institute shall establish national objectives to ensure the preeminence of the United States in computer science and technology. In developing such objectives, the Institute shall develop a long-range plan for advanced computer technology research, development and use in education. As part of such plan, the Institute shall consider the effects of Federal procurement policies in advancing computer science and technology.

(e) The Institute shall review the research and development activities of Federal departments and agencies regarding advanced computer technology, and shall on an ongoing basis assess the Federal Government's future requirements for next generation computers. The Institute shall coordinate Federal activities and planning for such future requirements.

(f) In carrying out its activities under this Act, the Institute shall consult with the Department of Education, the Department of Commerce, the Department of Defense, the National Science Foundation, and other appropriate Federal departments and agencies.

(g) The Institute shall investigate, study and make recommendations to improve and strengthen computer education at all educational levels, including elementary and secondary schools, vocational and trade schools, and retraining and adult educational programs. The Institute shall give particular attention to the improvement of teacher training in computer education through various methods, including sabbatical leaves, service training, seminars, and specially trained master teachers to train other teachers.

(h) The Institute shall coordinate and, through incentives, encourage cooperative efforts and programs among universities, secondary and elementary schools, industry, labor organizations, and units of government. In addition, the Institute shall develop plans to meet the particular computer technology needs of targeted areas of other high technology and the demands of changing science and engineering.

(i) The Institute shall evaluate tax credits, matching funds, and other incentives to encourage the acquisition of appropriate computer hardware for schools, to improve teacher training in computer education, and to assist in the development and acquisition of appropriate computer software.

(j) The Institute shall conduct studies and make recommendations on methods to prepare individuals so that they may benefit from advances in computer technology.

(k) The Institute shall conduct and support research into the broad policy issues concerning human use and acceptance of computer technology in the home, school, and workplace.

(l) The Institute shall analyze potential impacts of regulatory policies, patent, trademark and copyright policies, and tax policies on the development of new computer systems, the educational training necessary for their use, and the utilization of these systems in advanced scientific research and development projects.

(m) The Institute shall develop and assess policy options to promote joint activites among the Institute and appropriate governmental, education, scientific, industrial, commercial, and other private entities, in order to encourage innovation, dissemination, and utilization of advanced computer technologies.

(n) The Institute shall assess the needs and means for increasing the security of computers, promote technological developments for enhancing computer security, and provide a means for dissemination of such developments.

GENERAL AUTHORITY OF THE INSTITUTE

SEC. 6. The Institute shall, as provided in advance by appropriations Acts, carry out the provisions of this Act. The Institute may, in addition to such other activities as it considers appropriate—

(1) enter into grants, contracts, cooperative agreements, or other arrangements with such persons, organizations, institutions, or other entities as are determined by the Institute to be most useful in accomplishing the purposes of this Act;

(2) receive funds from other Federal agencies for any activity which the Institute is authorized to conduct;

(3) receive and use funds and property donated by other persons, if such funds and property are to be used to further the purposes of this Act;

(4) arrange with and reimburse any other Federal agency for any activities which the Institute is authorized to conduct; and

(5) accept and utilize the services of voluntary and uncompensated personnel, and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for individuals serving without pay.

DIRECTOR OF THE INSTITUTE

SEC. 7. (a) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve at the pleasure of the President.

(b) The Director shall formulate the programs and budgets of the Institute in coordination with the Director of the Office and in consultation with the Advisory Committee established pursuant to section 8 of this Act.

ADVISORY COMMITTEE

SEC. 8. (a) The Director of the Office of Science and Technology Policy shall establish a Computer Sciences and Technology Advisory Committee to advise the Institute concerning activities carried out under this Act. The Advisory Committee shall consist of not more than ten members, who shall be selected from computer industries and the academic community on the basis of their education, training, experience, and expertise in science, engineering and computer technology. Such members shall be appointed by the Director of the Office for a term of 3 years. Any such member shall be paid

at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule pursuant to section 5322 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Advisory Committee.

(b) The Advisory Committee shall make recommendations to assist the Institute to establish national objectives and a long-range plan, regarding computer science and technology, pursuant to section 5(d) of this Act.

(c) The Advisory Committee shall submit to the Congress an annual report on its activities under this Act. As part of such report, the Advisory Committee shall include an evaluation of progress toward achieving the purposes of this Act.

(d) The Advisory Committee shall not be subject to the Federal advisory Committee Act (5 App. U.S.C. 1 et seq.).

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TERMINATION OF THE INSTITUTE

SEC. 10. The Institute shall terminate five years after the date of the enactment of this Act. Before Congress makes a determination to extend the Institute's existence, Congress shall consider the extent to which the functions of the Institute may be successfully integrated into existing agencies or entities of the Federal Government.

A DAY IN THE LIFE OF A NEW-GENERATION COMPUTER USER

(By Robert J. Douglass, Los Alamos National Laboratory)

This is a fictional account of how the next generation of computers might help a user on a typical day in 1993. All technologies mentioned have already been demonstrated as research prototypes; only the specific machines and situations are fictional projections. In the scenario, the user, John Atarashi, is an actuary working for a company that develops retirement benefit plans for client companies around the world.

John Atarashi is driving down the Bayshore Freeway south of San Francisco, heading for his office in the southern San Francisco Bay Area of California. He sees traffic choked to a halt about one-half mile ahead, just beyond the next freeway exit. With a push of a button in his car, John turns on his new-generation terminal, which connects itself to his personal work-station computer at his office, using cellular radio to connect to the telephone system via conventional voice-grade lines.

With a few spoken commands, which are passed to John's office work station, digitized, and recognized by a special parallel voice-recognition system trained to his voice, John requests information on alternate routes to his destination. To answer, the office work station connects itself via a wideband digital network to a computer center of the Traffic Analysis and Routing, Bay Area Basic Information Corp. (Tarbabic). It maintains a vast array of optical disks that contain digitized maps of the entire Bay Area, and the company has a parallel supercomputer that, given an initial location and destination, can retrieve the relevant maps and perform searches to determine alternate routes.

To provide travel-time estimates, the Tarbabic machine estimates traffic volume on different routes using a network of traffic-flow sensors that have been placed along most of the major roads and highways in the Bay Area. Tarbabic returns descriptions to John's office work station of the alternate routes and estimated times, along with a bill for the service.

John listens to the alternatives, which have been converted into spoken output by the work station and sent to the new-generation terminal in John's car. He decides to pull off at the next exit and pursue a different route. As he drives, he asks his work station to read him his electronic mail and any telephone messages that have been stored automatically and digitally on his company's central communications computer. He notes one message needing immediate attention and dictates a response. It is digitized and compressed by a special speech processor at his work station and sent to the recipient, along with copies to people he names.

One of his messages indicated that a trip to Mexico City was in order to present a benefit plan to a company there for the first time. (Although most meetings with regular clients are teleconferences, John's company long ago discovered that no technology could replace the need for human interaction when establishing rapport with a new client.) John requests that his work station reserve for him the flights and a rental car for the required dates; he decides to book his hotel later, when he is not restricted to voice commands and spoken output and can examine the hotel visually on the computer screen.

Planning a trip is a relatively complex activity, and John's company owns a knowledge-based inference system and supporting parallel hardware that runs several types of expert systems, including one that serves as an expert trip planner. John's work station passes the dates to the expert trip planner, which in turn connects to the Bay Area Travel Information Corp. (BATI), which provides flight and rental car information.

After examining John's calendar, his personal profile of travel preferences, and the flight alternatives available, the expert trip planner asks the BATI computer to make some specific reservations, remembering to request vegetarian meals for John on the plane. Billing and ticketing are handled automatically by the trip planner, the BATI computer, and the accounting system of John's company.

Having taken care of his immediate work, John completes the drive to his office while listening to selections of music he has requested. His new-generation terminal plays the requests after retrieving them from a digitized storage disk in his car.

At the office John can attend to some problems that require more powerful interaction with new-generation computers than are permitted by voice alone. At his work station, he has a high-resolution color image and graphics display, equipped with a touch-sensitive screen. He decides to use this capability to browse through a multimedia computer "book" describing Mexico City, a service provided by a company offering a library of such books for cities around the world. In response to an earlier request, the information on Mexico City has been sent via satellite and is now on an optical disk at John's work station.

His terminal calls up a sequence of images of the Zona Rosa district of Mexico City, where his meeting will be held. Although the scene looks like a video tape of the city, John can control what image sequences are displayed by touching left- or right-turn commands on the screen, which gives him the sensation of actually walking and driving around the Zona Rosa. John sees an attractive hotel and "walks" inside to check it out. He likes the lobby, looks at a room, and decides to stay there during his business visit. He requests the expert trip-planning program to make the reservations; it looks at John's travel schedule to figure out the days for which he will need reservations and notes that it must tell the hotel's computer that his room should be held for late arrival.

Having taken care of his travel plans and obtained a feel for Mexico City, John now turns to the business-related aspects of his trip. He is putting together a package on retirement benefits for his client, the Mexican branch of a multinational corporation. He needs some expert advice about government regulations dealing with retirement benefits in Mexico and, to get it, he requests a session with his company's knowledge-based computing system.

The same parallel hardware and logical-inference software that worked out his travel plans now help him with benefit regulations by retrieving information from a different knowledge base. After an interactive session with the expert system, John is able to complete the outline of his proposed benefits plan, file it in the machine for later review, and forward copies to other members of his team for comments.

His work done for the day, John relaxes before heading home by using his office work station to wander around the streets of Tangiers.

By Mr. TRIBLE:

S.J. Res. 210. Joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellance in Education"; to the Committee on the Judiciary.

YEAR OF EXCELLENCE IN EDUCATION

Mr. TRIBLE. Mr. President, as a nation, we have no more important task than to insure the continued success of the world's longest lived democracy. Our ability to fulfill this obligation has recently been called into question by recent studies of America's educational system.

More than 50 major, nationwide studies have reached virtually the same conclusion: that there is an urgent need to improve American education. The most prominent, the report of the National Commission on Excellence in Education, was a clarion call to all of us to act constructively and decisively.

For this reason, the resolution I introduce today seeks to designate 1984 as the "Year of Excellence in Education." We must renew the successful methods of the past while seeking innovative ways of attaining excellence in the future.

Quality education is indispensable to maintaining the common bonds we share as citizens. We must pass on to our children America's heritage of political freedom and cultural achievement and our schools are vital to this effort.

Our economic future, too, depends on our schools. Our society will rely ever more heavily on techinical and scientific competence. Our educational system must produce the scientists, engineers, and technicians to insure that our Nation will remain economically competitive in the days ahead.

Because education plays such an essential role in our society, the findings of the National Commission on Excellence in Education have produced a ground swell of support for the efforts to improve and reform our schools.

According to a recent Gallup Poll, a large majority of Americans believe that education should be at the top of our Nation's priorities. Nine out of ten of the Nation's business leaders say that improvements in education are needed, and 46 percent indicate that education should be the focus of an immediate national concern. Recently, in educational hearings that I held across the State of Virginia, citizens and educators alike echoed these sentiments.

Collectively and individually, we must strive for educational excellence. Educational excellence can be realized only through a sustained nationwide examination and discussion of paths to educational improvement. That process must involve all levels of government, Federal, State, and local, along with the private sector. We must identify our goals clearly and agree upon an appropriate division of responsibility to achieve them Enactment of this resolution, which would underscore our commitment to educational excellence, is the indispensible first step to this end.

Any response must be rooted at the local and State levels. Reform must make use of the talent and experience of those who know education best. We should look to the school boards, teachers, and principals for guidance and counsel. They understand the specific requirements of their communities and their students and we must build on their knowledge.

Our efforts to attain the best must begin at home. No true reform can take place without the active and wholehearted support of parents. Schools are only one element in the education of our children. The commission report concluded that parents have the responsibility to be a "living example of what we expect our children to honor and emulate." There is no doubt that the investments that parents make in their children and the values that they instill in them are major determinants of how the children will fare in the schools—and in life.

In addition to supporting our children's academic achievement and personal development in the home, we must develop incentives to recruit and retain excellent teachers in our public schools. The fact now is that less than 5 percent of college freshmen now want to teach—down from 40 percent in 10 years.

A notable step to this end was recently announced by my alma mater, Hampden-Sydney College in Virginia. Hampden-Sydney has instituted a private program to provide interest-free loans and scholarship grants to students who commit themselves to a career in public school teaching. After 2 or 3 years of teaching, the loans made by the college would be entirely forgiven. This is precisely the kind of initiative that ought to be emulated throughout the country.

Other efforts might include general salary increases, merit pay proposals for exceptional teachers, teacher training and retraining programs, and grants and loans to attract outstanding students. Local and State officials must develop strategies for retaining qualified educators that meet local needs.

It is my hope that this joint resolution will focus the attention of the 98th Congress and the Nation on appropriate and innovative methods to strengthen education in America. As individuals, we must nurture the love of learning, respect for authority, and the will to achieve at home. As a society, our goal must be motivated and disciplined students and enthusiastic and dedicated teachers. For only by setting such standards can we be assured of the leadership necessary to sustain American democracy in the 21st century.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 210

To designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education".

Whereas the future of our Nation depends on the quality of education today;

Whereas every child is a precious resource whose potential should be realized to the fullest;

Whereas preservation of our priceless legacy of democracy, individual liberty, and rule of law requires informed citizens;

Whereas an economy based increasingly on technical competence will impose new demands on our schools;

Whereas the National Commission on Educational Excellence and numerous other nationwide studies have concluded that there is an urgent need to improve our American education;

Whereas a national effort is necessary to revitalize our educational system;

Whereas academic excellence requires parental involvement;

Whereas a quality education for our teachers is essential to ensure the competence of our Nation's future leaders; and

Whereas local community and volunteer efforts in support of education require more national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1984, and ending December 31, 1984, is designated as the "Year of Excellence in Education", and the President is authorized and requested to issue a proclamation encouraging parents, teachers, administrators, government officials, and people of the United States to observe the year with activities aimed at restoring the American educational system to its place of preeminence among the nations of the world.

ADDITIONAL COSPONSOR

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizer.

S. 842

At the request of Mr. WEICKER, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 842, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for the issuance of small business participating debentures.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1405

At the request of Mr. DENTON, the name of the Seantor from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1405, a bill to assure the first amendment rights of all citizens and to provide criminal penalties for violations thereof.

S. 1566

At the request of Mr. ROTH, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1566, a bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

S. 1644

At the request of Mr. NUNN, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 1644, a bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and

by diverting nonviolent offenders from imprisonment to restitution or community service programs.

S. 1737

At the request of Mr. DOLE, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 1737, a bill to make permanent section 1619 of the Social Security Act, which provides SSI benefits for indivisuals who perform substantial gainful activity despite a severe medical impairment.

S. 1746

At the request of Mr. RUDMAN, the names of the Senator from New York (Mr. D'AMATO), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of S. 1746, a bill to require that the Federal Government procure from the private sector of the economy the goods and services necessary for the operations and management of certain Government agencies and that the Director of the Office of Management and Budget and the Comptroller General of the United States identify the activities of the Federal Government to produce, manufacture, or otherwise provide goods and services which should be provided by the private sector and prepare a schedule for transferring such activities to the private sector.

S. 1777

At the request of Mr. TRIBLE, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1777, a bill to amend part D of title IV of the Social Security Act to require each State to develop, implement, and enforce a system of mandatory and immediate deductions from wages for the collection of child-support payments.

S. 1925

At the request of Mr. BYRD, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1925, a bill to establish a national coal science, technology, and engineering development program.

S. 2023

At the request of Mr. MITCHELL, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2023, a bill to amend the Clean Air Act to assure compliance mobile with source emission standards.

S. 2029

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2029, a bill to prohibit the payment of social security benefits to aliens illegally employed or residing in the United States.

S. 2050

At the request of Mr. BOSCHWITZ, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2050, a bill to provide local communities with a right of first refusal to purchase a major league baseball franchise if the owners offer the franchise for sale to prospective purchasers who intend to move such franchise to another community.

S. 2080

At the request of Mr. PACKWOOD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2080, a bill to make permanent a tax provision to encourage employers to provide legal services for their employees.

S. 2082

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2082, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

S. 2083

At the request of Mr. ARMSTRONG, the names of the Senator from Utah (Mr. GARN), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2083, a bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile action.

S. 2124

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2124, a bill to amend the Energy Policy and Conservation Act to eliminate preemption of a States' authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established.

S. 2142

At the request of Mr. HOLLINGS, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2142, a bill to increase by $500,000,000 the amount authorized to be appropriated with respect to title XX of the Social Security Act, to earmark such increase for the provision of child care services and activities, and to establish a national advisory commission on child care.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2168

At the request of Mr. DENTON, the names of the Senator from North Carolina (Mr. EAST), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. LAXALT), the Senator from Montana (Mr. MELCHER), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 2168, a bill to clarify the broadcasting rights of legally qualified candidates for public office and to create jurisdiction in the district courts of the United States for violations of this act.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the names of the Senator from Michigan (Mr. LEVIN), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the names of the Senator from Connecticut (Mr. DODD), the Senator from Florida (Mr. CHILES), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (MR. WEICKER) was added as a cosponsor of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the names of the Senator from Alabama (Mr. DENTON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. BOREN), the Senator from Texas (Mr. BENTSEN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. HEFLIN), the Senator from Illinois (Mr. DIXON), the Senator from Indiana (Mr. QUAYLE), and the Senator from West Virginia (Mr. BYRD), were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE RESOLUTION 188

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate that the President should award Benjamin Elijah Mays the Presidential

Medal of Freedom in honor of his distinguished career as an educator, civil rights leader, and theologian.

SENATE RESOLUTION 305—ESTABLISHING A NATIONAL COMMISSION ON FEDERAL SPENDING REFORM

Mr. MATTINGLY (for himself and Mr. DENTON) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 305

Whereas federal spending currently exceeds three-fourths of a trillion dollars and, according to the Congressional Budget Office, will surpass the trillion dollar a year level before the end of this decade; and

Whereas an ever-growing share of the federal budget is uncontrollable; and

Whereas the increasing loss of control is due primarily to the tremendous growth of entitlement programs—so called because their recipients are legally "entitled" to benefits; and

Whereas the share of federal budget takeup by entitlements has grown from 36.1 percent in 1967, to a high of 59.1 percent in 1980, with entitlements comprising over 50 percent of the fiscal year 1984 budget; and

Whereas since 1970, as a percentage of gross national product, federal receipts and federal outlays have averaged 19.2 percent and 21.9 percent of GNP respectively; and

Whereas detailed examination of historical trends point to expenditure growth as the real culprit of our ever-diminishing ability to balance the federal government's books; and

Whereas the obvious result of this economic imbalance is persistent deficits; and

Whereas deficits do matter, for they signal something is fundamentally wrong with the trend in government spending; and

Whereas the continued increase in federal spending results in large budget deficits; and

Whereas large budget deficits cause a rise in interest rates and inflation and can choke off the current economic recovery; therefore

Be it resolved, That it is the sense of the Senate that—

(1) A National Commission on Federal Spending Reform, similar to the National Commission on Social Security Reform, be established to study the growth in federal spending and report to the Congress after January 1, 1985, on those steps Congress might consider for the purpose of reforming fedeal spending programs and curbing their growth in an effort to regain control of the federal budget and reduce the federal deficit.

(2) Such commission should—

(a) be composed of distinguished leaders from the executive and legislative branches of government, business, labor, and education; and

(b) consult with other private and public sector experts for recommendations about reforms that would best address existing problems.

BIPARTISAN COMMISSION ON FEDERAL SPENDING REFORM

Mr. MATTINGLY. Mr. President, today I am submitting a Senate resolution calling for the establishment of a bipartisan National Commission on Federal Spending Reform.

Mr. President, I ask unanimous consent for its proper referral.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, the majority leader spoke earlier about the agenda for this session, and that is what the bipartisan National Commission on Federal Spending Reform would establish, an agenda for this session.

Federal spending is quickly approaching a trillion dollars a year. In order words, for quite awhile Federal spending has been immune to any institutional reform. Any examination of historical trends points of Federal expenditure growth as the real culprit Congress's inability to balance the Federal Government's books.

The American public understands the cause of the large Federal budget deficit. The American public also understands how to eradicate the large Federal budget deficit.

A recent Gallup poll found that a large majority of Americans are aware that Government is operating at a loss and 70 percent said spending cuts are the way to reduce the deficit.

Only 16 percent favored raising taxes.

While some would have us believe that "all the stones have been turned over," a recent quote from OMB Director Stockman, the American public will not be fooled by that type of Washington mentality that the Federal budget cannot be reduced.

My answer to that is stones might have been turned over, but the American public knows that when they were turned over, Congress did not do anything with them.

Again, the public knows that the budget can be reduced and so do I.

As I stated above, my resolution calls for the establishment of a bipartisan National Commission on Federal Spending Reform. Such a commission would be established to study and review the growth in Federal spending and report to Congress, after January 1, 1985, on those steps Congress might consider for the purpose of making fundamental spending reforms in an effort to regain control of the Federal budget and reduce the Federal deficit.

Unlike other commissions being talked about, such as the National Commission on the Deficits, this Commission would be instructed to address fundamental spending reform rather than to rely on tax increases in addressing the deficit issue. History repeatedly has illustrated that, for the most part, tax increases finance added Government spending and do little to reduce the deficit. The public will not continue to be fooled by token stabs at fundamental spending reform.

Moreover, the creation of this Commission provides a way to achieve bipartisanship on fundamental spending reforms that currently is so difficult to achieve in the Congress.

Any serious or responsible efforts to address fundamental spending reform must include consideration of the tremendous growth of entitlement programs, so-called because their recipients are "legally" entitled to benefits. Entitled to benefits yes; entitled to uncontrolled growth, no. The tremendous growth in these programs has caused an evergrowing share of the Federal budget to become uncontrollable. The share of the Federal budget taken by entitlements has grown from 36.1 percent in 1967 to a high of 59.1 percent in 1980, and will comprise over 50 percent of the fiscal year 1984 budget.

While these subjects are sensitive issues for discussion, consideration of the tremendous growth rate of entitlement programs cannot be put off until the future without continued adverse fiscal consequences. The fundamental reforms that are necessary in Federal spending cannot be accomplished in a piecemeal fashion, but, for the sake of fairness and equity, must be considered in a package so that all recipients know that each is being treated in the same manner or method.

Deficits do matter, for they indicate that something is fundamentally wrong in the trend of Government spending. The only way to reverse the prospect of continuing large future budget deficits is to make the necessary fundamental spending reforms. Making recommendations to accomplish the necessary reforms would be the task of this Commission established by my resolution.

Mr. President, the American taxpayer is not being represented properly when he is exposed unwillingly to massive overspending and mismanagement of his tax dollars. The focus of the Congress should be on reforms of spending programs before any other action is contemplated.

I encourage my colleagues to support the creation of a bipartisan National Commission on Federal Spending Reforms in an effort to reverse the current fiscal crisis.

SENATE RESOLUTION 306—RELATING TO THE FOOD STAMP PROGRAM

Mr. ANDREWS (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 306

Whereas during the last two years numerous studies and hearings on the problem of hunger and malnutrition in America have been conducted by members of the Senate as well as private groups and religious organizations;

Whereas the reports which have been issued as a result of these studies have

unanimously concluded that the incidence of hunger has been increasing significantly;

Whereas these reports make it clear that the evidence of hunger is undeniable, that the facts about hunger are not anecdotal but overwhelming and that the demand for food is much greater than the resources available to private and public agencies attempting to provide relief for the hungry of this nation;

Whereas nutritional needs and the cost of providing an adequate diet to meet these nutritional needs do not vary significantly throughout the United States and therefore a federal role is appropriate;

Whereas the President's Task Force on Food Assistance Programs has issued a report which fails to acknowledge that hunger is a growing problem which demands vigorous federal actions and has recommended that Congress make participation in the Federal Food Stamp Programs optional with the States;

Whereas adoption of this recommendation would inevitably make food assistance and child nutrition programs less responsive to need, lead to significant gaps in coverage, and create serious hardship for the needy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Food Stamp Program as well as other food assistance programs should remain national programs and the block grant concept proposed by the President's Task Force on Food Assistance Programs should not be adopted.

Mr. ANDREWS. Mr. President, today I would like to take a few moments to address one of the most important issues facing our Nation and this Congress. Hunger has reemerged as a crucial problem here in this country and I believe it is a problem that must be seriously considered in this session of Congress.

During the past 2 years Members of Congress, Government agencies, and a number of private organizations have conducted studies on the hunger problem. This past June, I held a hearing in Denver to look at surplus commodity programs and related hunger issues. In November, Senator KENNEDY visited four cities and a number of communities in eastern Kentucky to investigate the hunger problem. These studies, and the reports issued following the congressional hearings show conclusively that hunger in America is on the rise.

I believe that hunger and poverty are national concerns which require a uniform Federal response. The adoption of block grants to States for food stamps and other food assistance programs would make these programs less responsive and in the long run would lead inevitably to an increase in hunger. The National Governors' Association, the National Association of Counties, and the U.S. Conference of Mayors all strongly oppose the block grant concept. I am submitting today a resolution calling for the food stamp program and other food assistance programs to remain Federal programs, I am pleased to announce that the senior Senator from Massachusetts has joined me as an original sponsor of this legislation.

I want to emphasize the bipartisan nature of the Federal food, nutrition and commodity distribution programs. When hunger was discovered in America in the 1960's, it became the concern of Republicans, Democrats, and Independents alike. I believe there is a strong feeling in the United States that no one should be allowed to be hungry or malnourished, unless by personal choice, we are a land of substantial agricultural abundance, unmatched in the history of the world. I am convinced that Congress must act this year to employ these great resources and improve existing Federal food assistance and nutrition programs.

In the past Congress has rejected block grant proposals for food assistance programs, my resolution makes it clear that the Senate will not waste precious time debating the block grant issue, but rather will move on to constructive solutions to the hunger problem in America. I urge my colleagues to join Senator Kennedy and myself in supporting this resolution. The people of this Nation, and in particular it's children, are our greatest resource. The Federal food assistance and nutrition programs represent a cost effective investment in our future. It is my hope this resolution will help insure that these programs remain viable and effective.

AMENDMENTS SUBMITTED

PRESERVATION OF UNIVERSAL TELEPHONE SERVICE

PRESSLER AMENDMENTS NOS. 2667 THROUGH 2674

(Ordered to lie on the table.)

Mr. PRESSLER submitted eight amendments intended to be proposed by him to the bill (S. 1660) relating to the preservation of universal telephone service; as follows:

AMENDMENT No. 2667

On page 13, strike lines 16 through 21, and insert the following:

"Or

"(B) serves 75,000 or fewer access lines within a state:"

AMENDMENT No. 2668

On page 13, strike lines 16 through 21, and insert the following:

"Or

"(B) serves 75,000 or fewer access lines within a state:"

AMENDMENT No. 2669

On page 17, line 21, strike the quotation marks and second period.

On page 17, insert the following new subsection immediately after line 21:

"(j) The Commission may not impose on any entity providing not-for-profit bibliographic services or any orphanage any charge for telecommunications services which was not imposed on such entity on December 31, 1983, unless the Commission has made a finding that these entities have adequate facilities at reasonable charges.".

AMENDMENT No. 2670

At the appropriate place, insert the following:

"The Commission may not impose on any entity providing not-for-profit bibliographic services or any orphanage any charge for telecommunications services which was not imposed on such entity on December 31, 1983, unless the Commission has made a finding that these entities have adequate facilities at reasonable charges.".

AMENDMENT No. 2671

On Page 14, line 2, insert the following after "United States":

"The average cost per subscriber line for any company shall consist of its total expenses associated with, and a return on its investment in, all non-traffic sensitive facilities, using a uniform nationwide rate of return."

AMENDMENT No. 2672

On Page 14, line 2, insert the following after "United States":

"The average cost per subscriber line for any company shall consist of its total expenses associated with, and a return on its investment in, all non-traffic sensitive facilities, using a uniform nationwide rate of return."

AMENDMENT No. 2673

On page 21, line 7, add the following at the end of the section:

"The Commission shall also initiate, not later than 180 days after the day of enactment of this Act, proceedings to develop an equitable plan for assuring that the higher costs of providing such services to rural or remote areas throughout the United States at integrated rates will be shared by all users of MTS and WATS services and substitutable services."

AMENDMENT No. 2674

On page 21, line 7, add the following at the end of the section:

"The Commission shall also initiate, not later than 180 days after the day of enactment of this Act, proceedings to develop an equitable plan for assuring that the higher costs of providing such services to rural or remote areas throughout the United States at integrated rates will be shared by all users of MTS and WATS services and substitutable services."

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee meeting to consider an original resolution authorizing funding for the committee for the period of March 1, 1984 to February 28, 1985, on January 30, 1984, starting at 4 p.m. in room 428A, Russell Senate Office Building. For futher information, please contact Bob Dotchin, staff director of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's hearing on Federal antitrust enforcement and its impact on small business scheduled for January 24, 1984 has been rescheduled for February 7, 1984, starting at 9:30 a.m. in room 428A, Russell Senate Office Building. For further information, please contact Michael Morris, committee counsel, at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation and Technology will hold an oversight hearing on Public Law 97-219, the Small Business Innovation Research Act of 1981, on March 1, 1984. The hearing will begin at 9:30 a.m. in room 428A, Russell Senate Office Building. Senator RUDMAN will chair. For further information, please contact Bob Dotchin, staff director of the committee at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee's National Advisory Council will hold an all-day meeting on March 15, 1984, starting at 8:30 a.m. in room 428A, Russell Senate Office Building. For further information, please contact Bob Dotchin, staff director of the committee, at 224-5175.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, the Senate Select Committee on Indian Affairs has scheduled the continuation of its oversight hearing on the impact that certain coal land exchanges between the Department of the Interior and western land grant railroads will have on the value on Indian-owned coal.

The hearing will be held on Tuesday, January 24, at 9:30 a.m. in room SD-538, Dirksen Senate Office Building.

For further information, contact Tom Champion or Max Richtman at 244-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to receive testimony on H.R. 3960, the North Carolina Wilderness Act of 1983.

The purpose of the legislation is to designate certain public lands in North Carolina as additions to the national wilderness preservation system.

The hearing will be held on Wednesday, January 25, 1984, at 10 a.m., in room 328-A, Russell Senate Office Building.

Anyone wishing further information, please contact the committee staff at 224-2035.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold a hearing on February 9, 1984, at 9:30 a.m., in room SD-430 of the Dirksen Senate Office Building to discuss S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes. Persons desiring to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than January 30, 1984. If you have any questions concerning the hearing, please contact Chuck Carroll at 202-224-5546.

ADDITIONAL STATEMENTS

CHURCHES AND SOCIAL SECURITY

● Mr. EAGLETON. Mr. President, the package of social security reforms enacted earlier this year, for the first time, requires employees of churches and religious organizations to participate in social security. That provision raises a serious constitutional question involving separation of church and state. This week the Senate Finance Committee conducted a hearing on an amendment introduced by Senator JEPSEN of Iowa to delay implementation of this part of the social security package for 2 years so that Congress may further consider the important constitutional questions raise.

I ask further that the text of my testimony before the committee be printed in the RECORD.

The testimony follows:

STATEMENT OF SENATOR THOMAS F. EAGLETON

I appreciate the opportunity to appear before you today concerning the constitutionality of Congress requiring religious organizations including churches, and their employees, to participate in the social security system. When Congress so voted last March, it broke with the Social Security Act's historic tradition since 1935 of rejecting mandatory coverage of these organizations.

Mandating participation of religious organizations in our tax system, I believe, violates the constitutional principle of religious liberty required by the First Amendment and as embodied in more than 100 years of Supreme Court jurisprudence. Should Congress fail to amend the social security package, I fear that the provision about which we speak will fall prey to constitutional attack. Senator Jepsen has introduced legislation, which I support, providing a two-year delay in implementation of the 1983 Amendments as applied to religious institutions, to allow Congress the time it needs to explore the legal and policy ramifications.

This afternoon I would like to briefly outline the constitutional argument as I see it.

THE CONSTITUTIONAL STANDARD

The Supreme Court interpretation of the First Amendment, beginning with its first important religious liberty case in 1878,[1] has shown great sensitivity to the tension between religion and government. In the 1963 landmark case of *Sherbert* v. *Verner*, the Court applied a "balancing of the interests" test in resolving this tension. For the first time, the Court affirmed a duty to weigh the damage to an individual's freedom of conscience against the harm to the government's legislative scheme. Writing for the majority, Mr. Justice Brennan stated that "[i]t is basic that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, '[o]nly the gravest abuses, endangering paramount interests give occasion for permissible limitations. . . .'."

Sherbert was also significant because it placed on government the burden of coming forward to show how a religious exemption would interfere with purposes of a regulatory program, and crystallized the doctrine that there is a "zone of required accommodation" (as Professor Tribe has said) in which the state must use religious classifications to prevent direct or indirect burdens on religion unless there is an overriding state interest to the contrary.

Obviously, in applying this "interest balancing" test, some religious exemptions have been held to endanger the effective implementation of government programs. For this reason, religiously grounded conduct is not always within the protection of the free exercise clause. Activities, though religious motivated, can be subject to regulation. (E.g., Sunday closing laws in *Braunfeld* v. *Brown*, compulsory vaccinations in *Jacobson* v. *Massachusetts*, child labor laws in *Prince* v. *Massachusetts*, and general taxation in *U.S.* v. *American Friends Service Comm.*)

Agreement that religiously based conduct must often be subject to the broad powers of government does not deny that there are certain activities protected by the free exercise clause and thus beyond the control of government, even under regulations of general applicability. (E.g., mandatory flag salute in *West Va. State Bd. of Education* v. *Barnette*, the draft in *U.S.* v. *Seeger*, compulsory school attendance in *Wisconsin* v. *Yoder*, jury duty in In re Jenison, and unemployment compensation laws in *Sherbert* v. *Verner* and *Thomas* v. *Review Board.*)

Particularly when the church itself, and not merely a member, is affected by a government activity, the Supreme Court has been most sensitive to First Amendment considerations and extremely loathe to balance the competing interests in favor of the government. This is so, in order to maintain "a wall of separation between Church and State."[2] This is the heart of the issue before us today.

CHURCH-STATE SEPARATION

Certainly, in all of the Supreme Court cases pertaining to church taxation of which I am aware, the Court has rejected church taxation on the theory that it keeps the government and the church far apart from each other, recognizing that neither should involve itself with the work of the other.

Walz v. *Tax Commission*, a premier 1969 Supreme Court case on church real property tax exemption, underscored this principle when the Court said "[t]he exemption creates only a minimal and remote involvement between church and state, far less than tax-

[1] *Reynolds* v. *U.S.*, 98 U.S. 145 (1878).

[2] *Everson* v. *Board of Education*, 330 U.S. 1, 18 (1947).

ation of churches. It restricts the fiscal relationship between them, tending to complement and reinforce the desired separation insulating each from the other."

There are two other highly pertinent cases confirming the Supreme Court's acute appreciation of church-state separation.

In *NLRB* v. *Catholic Bishop of Chicago*, decided in 1978, the Supreme Court held the NLRB did not have jurisdiction over lay faculty members of two groups of Catholic high schools and could not require the schools to bargain with unions representing lay teachers. While the majority declined to reach the First Amendment issue, it saw "no escape from conflicts flowing from the Board's exercise of jurisdiction over teachers in church operated schools and the consequent serious First Amendment questions that would follow."

The 1980 case of *St. Martin Evangelical Lutheran Church* v. *South Dakota* concerned whether employees of church-affiliated schools were exempt from unemployment compensation taxes imposed by the Federal Unemployment Tax Act (FUTA). The Supreme Court reviewed the Act's original legislative history, and despite "indefinite congressional expressions" to the contrary in more recent legislative history, held that the Act must be read to exempt such schools from coverage. In so holding, the Court deliberately avoided ruling on whether the First Amendment would require such schools to be exempt. Nonetheless, in upholding the exemption to avoid "raising doubts" about FUTA's constitutionality, the Court implied FUTA is on stronger constitutional ground if it does maintain the church-state separation.

To support the argument of universal coverage, some of my colleagues might look to the 1982 Supreme Court case of *U.S.* v. *Lee*, where an individual of the Amish faith was required to participate in the social security program despite his religious liberty claim for exemption. I hasten to point out that the case focused only on government taxation of an individual parishioner, not of the church itself. As the above cases indicate, there is a vast difference between the two. In the latter instance, there is a far more significant threat of government entanglement, and the claim for religious exemption is much more heavily weighed.

BALANCING THE INTERESTS

It has been said that "[j]udicial inclination to be more explicit in assessing the government interest than in evaluating the competing religious claim suggests that the critical element in a religious liberty case is assessment of the government interest." [3] Let us turn to such an assessment.

The government's conceivable interests incude cost, uniformity, and the possibility that a religious exemption may cause harm to others, strip classes of people of a secure retirement, or grant a benefit to religion. In none of these areas can government make a persuasive case. Let me explain why.

1. Cost.—Although the House Report on the 1983 Amendments referred to the "growing trend" toward termination of coverage for non-profit organizations generally, and singled-out hospitals in particular, it made no special mention of religious organizations. About 80-90 percent of the employees of non-profit organizations participate. Figures on religious institutions alone are difficult to find, but I think we can assume their participation is higher, for I know that a full 90 percent of the employees of Catholic organizations have participated.

2. Uniformity.—The 1983 Amendments sought "uniform coverage." Indeed, the Supreme Court in Lee referred to a 1965 Senate Report which said: "widespread individual voluntary coverage under social security . . . would undermine the soundness of the social security program." This legitimate concern is not at all undercut by the exemption I advocate: I refer to an exemption claimed by organizations, not by individuals. Administrative problems and the extent of withdrawal would be minimized if the decision lies with the organization, as opposed to the individual. Moreover, since we assume that most of the organizations about which we are concerned will choose to voluntarily participate, the desired exemption allows us to uphold a vital constitutional principle with no cost of disruption.

3. Harm.—Plainly, an exemption would not undermine the central purpose of the Act, which is to broadly provide to the nation's citizens economic security in retirement. Citizen appreciation of and protection under the social security program is not at all dependent on whether every single person is covered.

4. Favoritism.—There would be no special bonus conferred to churches because where employees do not pay into the system, they do not receive its benefits.

5. An unprotected class.—Very few of our citizens will in fact go unprotected with this exemption, because, as I have said, the vast majority of religious institutions will opt in. It is safe to assume that the small percentage of employees left without social security coverage can obtain alternative coverage under private insurance plans.

Given the consistent social security history against mandated coverage for religious institutions, and the weak government justifications for a policy change, I fail to see anything more than a "negligible" (certainly not "compelling") government interest in its position, especially if weighed against a potent First Amendment interest. Let us turn to that.

The church's interest which is at stake over this optional exemption is simply this: freedom from government interference. The tax system inevitably involves the government in the operations and finances of the enterprises it oversees and investigates. Financial records, employee data and other materials will become fair game for government scrutiny. Walz was decided precisely on this basis. The Supreme Court was concerned particularly with the "conflicts that follow in the train of those legal processes."

CONSIDERATIONS BEYOND CONSTITUTIONAL ONES

Despite my strong belief in the constitutional infirmity of mandating participation, there is no real way to firmly predict the constitutionality of our action, for in First Amendment cases such as these, the Supreme Court "interest balancing" approach is inevitably somewhat ad hoc. However, considerations beyond constitutional ones—those of policy and practicality—also dictate strong separation of church and state. The government's coffers would not be measurably filled by mandatory coverage; the "optional" system has served us well with no administrative or participation problems; and there would be no disruption of the social security system. I feel confident that the two-year study recommended by Senator Jepsen will reach similar conclusions.

Some of my colleagues may feel reluctant to reopen the carefully crafted 1983 Amendments for fear that it will encourage a floodgate of modifications. While I do not expect that will happen, my own view is that if the reasons for such action are compelling, as they are here, we ought to entertain narrow reconsiderations. Some of us here today have already supported one such reopening of the 1983 Amendments, regarding a two-year delay of social security coverage of retired federal judges on active duty. On September 29, we adopted the two-year delay to evaluate the impact of that measure. More recently, Senator Dole, you and Congressman Rostenkowski circulated a letter indicating that the package should be amended in yet another area—coverage of Congressional employees. The Chairman's own willingness to re-open the package certainly reinforces the point that a massive piece of legislation, hastily adopted in the heat of compromise, should not be forever viewed as sacrosanct, especially where serious problems stand uncorrected.

CONCLUSION

While the literal views of the Framers do not settle every question of constitutional interpretation—especially in an area like the First Amendment which evolves as society and its needs change—they do help us to ascertain the original purposes of the Religion Clauses. James Madison, deemed most responsible for the adoption of the First Amendment, made much of the "religious conscience" of America, stating that: "The Religion then of every man must be left to the conviction and conscience of every man . . .[4] No State shall violate the equal rights of conscience . . . "[5] The Supreme Court case of *McCollum* v. *Board of Education*[6] perhaps best incorporated Madison's view of the purpose of separation of church and state: "[T]he First Amendment rests on the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere."

Thank you for allowing me to present my views. I urge this panel to endorse the Jepsen legislation, providing time for further study in order to save ourselves from later constitutional challenge.●

[3] Giannella, "Religious Liberty, Nonestablishment and Doctrinal Development," 80 Harv. L. Rev. 1381, 1390 (1967).

[4] Two Writings of James Madison 183-91 (1901).

[5] One Annals of Cong. 434-35 (1834).

[6] 333 U.S. 203, 212 (1948).

REPRESENTATIVE SUSAN BELL: SOUTH PARIS' RISING STAR

● Mr. COHEN. Mr. President, the Maine Sunday Telegram recently printed a profile of a young, dynamic woman who is becoming an important force in Maine State government—State Representative Susan Bell of South Paris, Maine. At the age of 34, Sue is serving her second term in the Maine House of Representatives and, as the article so aptly notes, has earned a solid reputation for diligence and enthusiasm.

I am very proud to know and work with Sue Bell, and would like to have the article about her entered into the RECORD for the benefit of my colleagues.

The article follows:

REPRESENTATIVE SUSAN BELL: SOUTH PARIS' RISING STAR

(By Abby Simet)

AUGUSTA.—The reports on Susan Bell, as they come in, are remarkably consistent. They glow.

Herb Hartman, Commissioner of Parks and Recreation: "After having observed her on the Appropriations Committee, she impressed me as being fresh in the best sense of the word, intense, and intensely interested."

Mary Nadjarian, Democrat and Senate Chair of the Appropriations Committee: "She's a terrific legislator—bright, conscientious, really digs into her research. She's a progressive Republican, not at all rigid, but I don't think she's duly appreciated or rewarded by her own party."

Bill Diamond, Democrat and Senate Chair of the Audit and Program Review Committee: "She worked very hard (on that committee.) She was the one to be counted on to always be there and always do her homework, and she never left any stones unturned. She's both realistic and enthusiastic. And she's very adept at strategizing—I think she's more astute and sophisticated politically than she gives her self credit for."

Barbara Gill, Republican and Assistant Minority Leader in the Senate: "She's a sharp young lady who has great potential. She makes a point of getting all the information on a given issue, and she makes good judgments. I've seen a lot of young people come in here, but they don't always have the backbone needed for politics. She has. She's firm and committed. She knows the game, and she knows how to play it. As far as the Republican Party is concerned, she's a shining light for the future."

Susan Bell is a second-term Republican Representative from South Paris. She represents District 65, encompassing Buckfield, Hebron, Paris and West Paris.

It is easy to see why one State House observer described her, without malice, as "a cheerleader." She comes on strong and cheerful and very energetic, as though invisible sorry teams in need of faithful bolstering lurk always in her mind's eye.

She greets friends and colleagues with "Hi, sweetheart," when she encounters them, midstride, in the halls of power. She arrives for an interview, on only several hours' notice, armed with a spiral notebook in which she has, indeed, done her homework, carefully outlining her early years, legislative history, and life's goals.

She is straight-talking but gracious. She listens carefully and thinks before she speaks and is, it's clear, learning all the time.

She has drive and smarts and a clean-cut charm that stems, no doubt, from her clean-cut roots.

And she is, judging from the evidence, a comer.

Susan Bell, now 34, grew up in Arostock County—first in Houlton, then Caribou, then Patten. Her father, who came from a long line of potato farmers, worked in the woods until she was eight, when the family moved to Caribou and entered the grocery business.

It was she says, "a family affair." She, her two younger brothers, and her parents all worked in the store—where she "learned a lot about people and how to deal with the public."

She went to Patten Academy and then the University of Maine at Orono, graduating in 1970 with a B.S. in biology and education. Through a Ford Foundation grant she entered a Master's program which she completed in 1973.

At that point she moved to South Paris and began teaching biology, human physiology, health, and wild foods at Oxford Hills High School. In 1977, she became the co-ordinator of a three-year, state-funded Health Education project aimed at identifying health problems in the community and developing a school health curriculum—for grades kindergarten through 12—aimed at eliminating them.

In 1979, 16 teenagers from the Oxford Hills area died in highway accidents. Local police estimated that 82 per cent of those deaths were alcohol-related.

Those statistics, and her work in health education, led Ms. Bell and other area residents to begin forming "awareness groups" focused on the problem of teenage drunk driving. Out of those efforts came Project Graduation, the first chemical-free graduation party in the state.

The idea caught on. And so, apparently, did Susan Bell.

In the summer of 1980 she was approached to run for the Legislature. At first, she says she "thought it was a really crazy idea". But she thought again.

"I thought about it for a long time," she says. "I had a lot of support in the community and I figured I'd never have an opportunity like that again. Above all, I'd seen what happened in Oxford Hills when you let people be involved in making decisions about how to address problems that effect them."

"The result was very exciting and powerful," she goes on. "And that's how I viewed coming to the Legislature. Government is a very complex process involving very tough issues. If people get involved in that process, we just get a much better product."

She entered the 110th Legislature in 1980. During that first term, she sat on the state government committee, working primarily on housing issues and learning, she says, as she went.

She was part of a bipartisan initiative to develop a fund for education about and treatment for alcoholism. The program coordinated the previously often redundant efforts of four departments—Education, Corrections, Human Services, and Mental Health—to make them more effective.

In 1982, she ran for re-election. She was unopposed, perhaps because she was so popular within her community that she was widely viewed as unbeatable.

Coming in to her second term, she asked to serve on the Appropriations Committee.

"There's a lot of action there," she explains. "It's a powerful and prestigious committee, and you see the whole array of programs come before it, and I thought it was important to have someone from a rural area represented on it. Besides, none from Oxford County had been on it for 10 years."

During this term, Ms. Bell cosponsored a bill to fund clean-up of hazardous waste oil in Buckfield that was considered a serious health problem there. She also co-sponsored a bill to explore agricultural uses for tannery waste that has, to date, represented only one more health hazard to those communities where it is piling up.

This summer, she also sat on the Joint Standing Committee on Audit and Progam Review, where she studied various conservation issues affecting public lands, fisheries and wildlife, and parks and recreation. She also took part in National Center on Health Services research focusing on the problems faced by small rural hospitals in their attempts to solve health problems in their communities.

Above and beyond all this, Susan Bell—who lives alone in South Paris—says that she "maintains a dialogue with my constituents."

She is a visible presence in the community. People call her up with their concerns and their problems; she give them whatever information, encouragement or legislative help she can.

That link to her community is a vital one for Ms. Bell. She sees the purpose of state government as formulating "efficient and well-defined programs" with, above all, accountability to the people whose lives are affected by them.

It is the populist strain that runs through her politics that explains, in part, why she became and remains a Republican, despite her fairly liberal stand on some issues.

"I grew up in a small business and rural area," she notes, "and I thought I was more in line with the Republican approach organizationally. I believe in local communities taking charge of their destiny and individuals taking the initiative.

"I don't think government can meet all the needs of the people," she goes on. "It doesn't have the flexibility and it doesn't have the resources. We can't decide in Augusta how to solve problems in South Paris. We can help, but that's all. I think if you give local residents the power and tools to address their problems they can do a better job most of the time."

She is a loyal Republican, though, only to a point.

When asked what she thinks of the leadership of Ronald Reagan, she grimaces before responding with, "Do I have to answer that?"

When pressed, she offers hope for the economy, and confusion and concern about recent military actions in foreign countries. She reluctantly admits to some dismay, as well, at her party's policies affecting women.

"I think it's important for women to take a vital active role in the Republican Party," she asserts. "Women care about forestry, taxes, businesses and foreign affairs as well as child abuse or day care. They're all people's issues."

Although there are only 36 women in the total of 182 legislators at the State House, Ms. Bell points out that that figure actually places Maine fourth nationwide in terms of women's representation.

She feels that "all in all, the Maine legislature is open to women participating."

"I think you probably have to work harder to prove yourself if you're a women," she says. "But I think the women in the Maine Legislature are generally a very competent and hard-working group, and the people we work with recognize that. It's not so much a women's issue as a performance issue—how can I be the best I am at what I'm doing?"

To be the best, says Ms. Bell, isn't easy. She cites the various frustrations she's encountered trying to deal with what she sees as extremely complex issues on a part-time basis with only limited resources available to her.

"Maybe I set my goals too high," she suggests. "Maybe I take the job to seriously. But it's my belief that's how the job should be done."

She has tried to bring a rural perspective to the state's problems because "I do think the rural voice has been muted." And she

has tried to "involve more people in this process so that we, as an institution, can do a better job."

Susan Bell hopes to be remembered for "honesty, integrity, conscientiousness, and willingness to work for the people."

Judging by the response, to date, from her colleagues and constituents, it seems a reasonable enough hope.●

THE 65TH ANNIVERSARY OF THE FOREIGN PRESS ASSOCIATION

● Mr. MOYNIHAN. Mr. President, some weeks ago, the Foreign Press Association, the organization bringing together the finest foreign correspondents resident in the United States, celebrated its 65th anniverary with a luncheon in New York City at which former Gov. W. Averell Harriman of New York was saluted.

Governor Harriman's distinguished career of public service at home and diplomacy abroad was celebrated in an address delivered on that occasion by George W. Ball, formerly Under Secretary of State and a predecessor of mine as American Ambassador to the United Nations.

I ask that the complete text of Mr. Ball's address be printed in the RECORD at the conclusion of my remarks.

First, however, I would like to bring to the attention of the Senate more recent news concerning the Foreign Press Association. For the first time in the organization's history, it has been announced—by Maurice Adams, presicent of the FPA—that Distinguished Service Awards have been established to honor three individuals for "their efforts in focusing world attention on the role of the foreign press corps in the United States."

Named to be the first three recipients of the Foreign Press Association's Distinguished Service Awards were:

Eleanor Fitzsimons, senior vice president of Grey & Davis, Inc.;

Edward J. Gerrity, Jr., senior vice president, public affairs, ITT Corp.; and

Louis Weintraub, senior vice president of Grey & Davis Inc., and, not incidentally, a longstanding and dear friend of the senior Senator from New York.

The material follows:

REMARKS BY GEORGE W. BALL

Just a little more than twenty years ago it was my pleasant duty to swear in Averell Harriman as Undersecretary of State for Political Affairs. In the course of that cermony I touched briefly—but with awe and admiration—on some of Averell's many achievements as a public servant. When I first casually knew him, he was holding a series of domestic posts in the early New Deal days of the Roosevelt Administration. Then with the advent of the Second World War, he found himself on a much larger stage. In March 1941, President Roosevelt sent him to Great Britain to expedite lend-lease shipments and three months after the Nazi attack on the Soviet Union he was dispatched to Russia as joint head, with Lord Beaverbrook, of the Anglo-American supply mission. Then in 1943 he became Ambassador to Russia, a tour of duty that lasted three years. During that time he worked closely with Roosevelt in the great wartime conferences—the Atlantic Conference with Churchill and the Teheran and Yalta Conferences with Churchill and Stalin.

At the end of the war he was made Ambassador to Great Britain; then, after two years, he was appointed Secretary of Commerce. Once the Marshall Plan was proposed he played a leading role in explaining it to the American people and securing its approval by the Congress, then helped administer it in Europe. During the Korean war he served as President Truman's national security advisor, after which he became Director of the Mutual Security Agency. After that came a respite from foreign affairs when he was elected Governor of New York.

II

At the time the Kennedy Administration came to power in 1961 Averell was almost seventy, yet even in an administration of young men he played a major role. During his initial assignment as Ambassador at Large he conducted the negotiation of the Geneva Accords that halted the fighting in Laos and created a neutralist government. It was an extremely arduous negotiation, lasting more than a year, but it effectively prevented a great power confrontation in the small Asian nation. It was during the course of that negotiation that he was appointed Assistant Secretary of State for Far Eastern Affairs.

In November 1961, during Averell's stay in Geneva, I happened to be in that city but at another conference. Late in the evening Dean Rusk telephoned to tell me that the President was appointing Averell Assistant Secretary of State for Far Eastern Affairs. Soon afterwards I had a call from Averell. He had, he said, just talked with Dean Rusk but the connection had been a poor one and he was not sure whether the Secretary had said Assistant Secretary for European Affairs or Far Eastern Affairs. "But of course", he said, "I accepted"—an answer that I thought revealed his true quality for he never refused a request to serve his country, in whatever capacity and he never seemed to care about titles or the prestige of office.

He was still holding that post when I had the occasion to swear him in as Under Secretary for Political Affairs. Obviously it took me some time to review all the positions of high responsibility he had held in the past and his major achievements in those posts. But I still could not resist the puckish temptation to conclude with the admonitory comment: "Averell, if you work hard in your new assignment, read the telegrams carefully, say nice things to your colleagues and get to the office early each morning, both Dean Rusk and I are confident that you have a great future in diplomacy and the Department of State; indeed, we regard you as one of our coming young men."

Well, that was a most prescient comment. Within two months Averell had flown to Moscow and negotiated the Partial Nuclear Test Ban Treaty, which stands as the great breakthrough in engaging the Soviets in arms control discussions. Then, as we deepened our involvement in Vietnam, Averell was one of the few voices on the side of sanity. Thus it was only fitting that President Johnson should send him to Paris in 1968 to serve as his personal representative in the Vietnam peace negotiations.

III

Thus we salute Averell Harriman today as a statesman with a brilliant past, as a counsellor of invaluable wisdom in these troubled days, and as a great public servant whose record will illumine the annals of our time. As with other distinguished leaders, Averell has had two vocations in the service of our country. He has been a major actor on the brightly lighted stage of international politics, although he has by choice often left the spotlight to others; and he serves today as an assiduous teacher and mentor imparting his accumulated wisdom to this and future generations—not merely seeking to pass along what he has learned but also to apply those lessons to events as they occur. No one in our time has combined those two roles more effectively than Averell Harriman.

So, as we meet here today, let us not merely "praise famous men", as is recommended in Ecclesiastes; but let us be quite sure that we pay heed to what Averell Harriman continues to tell us about the dangerous choices that confront us and the urgent need for far greater understanding, judgment and skill than we are now displaying if we are to maintain a peaceful world and prevent the ultimate nuclear disaster.

Much of what you and I read in the history books of the past sixty years is, for Averell Harriman, personal experience. Today we are in desperate need of his advice because, increasingly during recent years, we have become a nation unfamiliar with—and almost disdainful of—its own past. We change our governments before they have learned the trade, while we seem more and more to confer positions of the highest responsibility on individuals who have not merely been unexposed to prior experience, but who tend to oversimplify history without having read it.

I obviously do not advocate that we seek to imitate the Soviets' obnoxious system, yet we should soberly recognize their leaders' great advantage. Since the Communist Revolution 66 years ago, the Soviet Union has, with only brief interludes for new leaders to consolidate their power, known only five regimes—those of Lenin, Stalin, Khrushchev, Brezhnev and Andropov. During the past twenty-six years it has had only one Foreign Minister—Andrei Gromyko—while for twenty-one years Anatoly Dobrynin has been the Soviet Ambassador to Washington.

By contrast, during the last twenty-seven years the United States has had seven Administrations and eight Secretaries of State. Prior to becoming President, neither Jimmy Carter nor Ronald Reagan had had any experience whatever in international politics and the National Security Advisor, Judge Clark, just now leaving office, was frank enough when first appointed to tell me personally that he knew nothing about foreign policy and had been outside the United States only once in his life. In addition, Secretary of Defense Weinberger had had no prior experience in defense matters or foreign policy, which may be one reason why we have less civilian resistance to military influence than in the past.

We pay heavily for on-the-job training of our highest officials, because it leads us to repeat the same mistakes at a time when the penalties for error are at their highest. Indeed, were our institutional memory not so enfeebled, our leaders would recognize that doctrine is no substitute for the

wisdom yielded by experience and they would not, when confronted with the lessons of the past, reject all that fails to coincide with the slogans that pass for conventional wisdom.

I do not make that statement as an abstract proposition. Particularly within past few years we have made many wrong decisions out of a shocking ignorance of past experience. We declared economic warfare on our European allies in a fruitless effort to impose our will and overrule their own national decisions with regard to the Soviet Pipeline. Yet many, in and out of our government, could have told our leaders that such arrogant interference was consummate folly, as our government had learned from trial and error during the 1960s.

Had the present Administration been aware of our recent history it would not now be attempting to overthrow the government of Nicaragua, since our initiatives to overthrow (or as we evasively say "destabilize") the governments of our Latin American neighbors have almost invariably left the people of those countries in worse shape than before.

The record is consistent and compelling. In 1927 Calvin Coolidge sent our marines for the second time to Nicaragua—acting, he said, to save it from "Bolshevism" imported from Mexico, which then played the role of Communist bogeyman Cuba now plays. When we withdrew eight years later, we rewarded the Nicaraguans with the Somoza family dictatorship, which, for the next 43 years tyrannized the people and stole everything in sight.

In 1954, Dwight D. Eisenhower authorized the Central Intelligence Agency to "destabilize" the legitimately elected Guatemalan Government of President Jacobo Arbenz. This time our country's bequest to the Guatemalan people was a succession of brutal right-wing military regimes punctuated by assassinations.

In 1961, the Kennedy Administration launched the Bay of Pigs, which, by its ignominious failure, strengthened rather than dislodged Fidel Castro's hold on Cuba.

In the early 1970s, the Nixon Administration undertook to "destabilize" the legitimately elected Chilean Government of President Salvador Allende, but before it could make its clumsy efforts effective, the inept regime destabilized itself. As a result, Chile was rewarded with the repressive regime of General Pinochet.

Today, the Reagan Administration has once more installed its agents on the borders of Nicaragua, arming and training disaffected expatriates and former supporters of Somoza bent on knocking off the Sandinista Government. With an obtuse disregard of the past, our current government seems blind to the oft-demonstrated fact that our democracy is ineffective when it acts out of character. Sooner or later, self-disgust gets in the way. None of our crude interventions have brought our Latin American neighbors the blessings and benefits of democracy. Instead that have simply secured the iron hold of squalid dictatorships. In spite of our boasted skills at "nation-building" and our pious talk of free elections we have, by our inept interference, repeatedly shown that democracy cannot be imposed from outside. Indeed "imposed democracy" is a contradiction in terms—what the Grammarians call an oxymoron.

IV

These thoughts have been in my mind particularly since the tragic assault on our marines last Sunday, for that was a tragedy which should never have occurred. Familiarity with the past would have told our government that the role of a peacekeeper trying to separate fanatical warring factions was not appropriate for the United States. Because we are the most conspicuous power, our forces are inevitably the most conspicuous target—the obvious focus for the expression of rabid discontents. To commit our troops to such an environment would—as I told the Senate Foreign Relations Committee when that move was first proposed—imprudently hazard their lives. In addition, it would lock us into an untenable position while, at the same time, leaving the initiative to lunatic elements and destroying the freedom of action we critically need to fulfill our role as the only power capable of talking with both sides and promoting a peaceful settlement. Thus it was unwise to deploy our marines with an imprecisely defined mission into an even more hostile situation than that faced by the British in Northern Ireland.

God knows we should have learned by now that it is easy for our country, as a great power, to deploy troops; yet the very fact that we are a great power imposes a political price when we need to extricate them from an untenable situation. As Averell and I both know from sad experience, since we were together in the Johnson Administration, almost all of those shaping our Vietnam policy had, by 1968 or before, concluded that we could never achieve our avowed objectives at anything approaching acceptable cost. But our leaders were so obsessed with what they deemed to be the political costs of extrication that they rejected any serious effort to find the least expensive formula for withdrawal. With the Alamo spirit prevailing, we sank even more deeply into the muck. Unhappily the Nixon Administration learned nothing from the Johnson Administration's chastening experiences, for it made the same mistake all over again, rejecting any thought of extrication and continuing to fight for four more years. Only after we had finally brought home all but a handful of our troops did Hanoi settle for a cease-fire; by then it knew it could take over South Vietnam within a few months.

How much better off would we have been had we carefully withdrawn when we recognized the hopelessness of our objectives. Not only would America have been spared the searing anguish of four more years of war that tore the country apart and cost the lives of another 20,000 Americans and several hundred thousand Vietnamese, but we would have paid considerably less in prestige than we finally incurred by letting a false appraisal of the cost overshadow reality.

Prestige, after all, is an elusive abstraction that consists of many elements; and other nations and peoples will have more respect for us when we show prudence and good sense than when we appear obstinate and foolhardy.

Today, as we face a new but not wholly disimilar set of facts we seem on the verge of committing the same mistake. It makes no sense to leave a handful of our marines in Lebanon when they cannot possibly achieve any useful mission. They cannot keep the peace; the most they can do is to try to "hunker down", as Lyndon Johnson would have said, "like a jackass in a rainstorm", and protect themselves as best they can while exposing themselves to more and more losses—and in the process exhibiting not America's strength but its weakness.

Fortunately, in spite of the Reagan Administration's impulsive heroics about keeping our forces in Lebanon, Congress has still to express itself, and I hope it will remember the lesson of Vietnam which is written in bold type for all to read. A great power should think long and hard before deploying its armed forces anywhere in the world. But once it makes the mistake of committing them in an untenable situation where they cannot be useful it should never be deterred by an exaggerated concern for symbols such as "prestige" and "credibility" from cutting its losses; otherwise it will find itself hopelessly mired down and subjected to the whims and policies of other nations and factions that it cannot control. And let us not forget that Lebanon is a far more dangerous area than Vietnam; not only does it lie within a short distance of the Soviet Union but 7,000 Soviet troops are stationed within fifty miles of our marines.

V

From what the Administration has told us, our government has only a vague concept of what the marines are supposed to do in Lebanon. We must keep them there, says the President, to resist an unidentified "force" that is menacing the world—which is, I suppose, his shorthand for the Soviet Union. Such a reaction is all too reminiscent of the country doctor who had only one talent—he could cure fits. So, whenever a patient was brought to him regardless of the malady, the doctor would first throw the patient into a fit and then bring him out. That seems to me to be the instinct of the Administration today for no matter what may be the elements in a local quarrel, the President almost invariably tries to force that quarrels into an East-West mold; thus simplifying—I need hardly say oversimplifying—the problem. The Soviet Union is not responsible for the turmoil in Lebanon today; that has been going on for many years. It is a result of the accumulated hatreds of an almost frightening number of different religious elements and competing warlords, of demograpic changes which have not been reflected in the distribution of power, and of passion aroused by the ghastly killing that has been in progress for the last decade.

Of course the Soviets are tempted to fish in troubled waters, but the fact that they have sent Syria new equipment with troops to guard and operate it does not at all mean that they are trying to take over Lebanon. On the other hand, they are simply responding to a Syrian request for help by replacing, with more sophisticated equipment, the second-rate equipment that was knocked out by the Israelis using our most advanced planes and bombs in the Bekaa Valley.

I can think, in fact, of nothing more dangerous and irresponsible than to try to force every local conflict into an East-West mold. If we are seeking a war with Russia, that is one way to achieve it.

The President's precipitate announcement that we will continue to keep our forces in Lebanon disregards not only the lesson of Vietnam but also of the Cuban missile crisis.

Some weeks ago a few of us who served during that crisis on the Executive Committee, the EX-COM, the small group who advised President Kennedy during those agonizing days and nights when the world faced perhaps the most dangerous confrontation in history, met to rethink those agonizing days and nights. Much to our surprise, we reached the unanimous conclusion that, had

we determined our course of action within the first forty-eight hours after the missiles were discovered, we would almost certainly have made the wrong decision, responding to the missiles in such a way as to require a forceful Soviet response and thus setting in train a series of reactions and counter-reactions with horrendous consequences. Instead, we postponed any action or decision until we had spent a solid week examining the problem from every angle with meticulous care. As a result we were able to shape a coherent strategy that took account not merely of our response to the missiles but also the likely Soviet counter-response and what reaction we might then have felt required to make. In other words we sought to look down the road, to see what might be the course of escalation and where a chain reaction might lead us.

That is a point Averell Harriman well understands. Particularly when we deal with the Russians, we must not yield to the emotions of the moment; we must not take actions or announce policies without carefully examining all of the consequences and looking far beyond our initial response. Yet on Sunday Administration leaders stated—before they knew more than a small fraction of all the facts and had consulted fully with our allies or even with the Congressional leadership—that they will not consider extrication but that we shall keep our Marines in place. I find that extremely imprudent. The stakes are distressingly high, the country is deeply upset. How foolish we shall look if the Congress now feels compelled to force the President's hand?

That is not the only occasion when the Administration has acted precipitately. We would be far better off had the President not yielded to the temptation for an orgy of invective when the Soviets shot down the Korean airliner, since our own intelligence services have now raised grave doubts about the assumption on which he was basing many of his comments—that the Soviets undoubtedly knew it was a domestic plane. Had he been prudent, he would have spoken more moderately at the time, reserving final judgment until all the facts were in. In that event he would not have provoked Mr. Andropov's harsh and rigid reply of September 28, which has left Soviet-American relations at the most dangerous posture since the Cold War.

It is in our dealings with the Soviet Union that Averell Harriman can be the most useful—indeed a more perceptive administration would eagerly seek his advice.

Averell has in the course of his fabulous career known all the principal Soviet leaders including Trotsky with whom he had a long meeting as a young man when he was an international financier. He has dealt with, and thought about, the Soviet Union for more than sixty years and he is still keeping a watchful eye on Soviet actions and policies. He conferred with Yuri Andropov last June just after that new leader ascended to power and he has reported that exchange in print and to the key Congressional Committees.

What are some of the lessons Averell would have us heed today? Our conflict with the Soviet Union is not, as some of our current leaders seem to think, an Armageddon struggle between our Western system of democratic capitalism and "Marxist-Leninism". Although Averell recognizes the inevitable antipathy between freedom and autocracy, the basic dispute between America and the USSR is not so much ideological as one more variant of a classical struggle between competing power systems with values and objectives deriving from quite disparate histories.

No longer is the Soviet Union primarily driven by the relentless force of an international Communist revolution; in fact, a great deal of the gas has escaped from its ideological balloon, leaving little more than a huge bureaucracy caught up in a momentum of its own. Nor does ideology any longer dominate the spirit of the Soviet people; they are bored and sullen and intensively occupied with cheating the system for their survival and petty advantage. So in order to hold together its disenchanted empire, the Kremlin must now rely for the principal cohesive element on old-fashioned nationalism reinforced by police and army.

VI

All this Averell Harriman understands very well and expresses in what he is currently writing. He has personally observed how the Soviet Union has evolved since Stalin's day. He knows the way the present Soviet leadership thinks; he understands the play of forces within that enormous empire.

As Averell Harriman has told us, peace depends on the sensible management of relations with the Soviet Union and that means something more than denouncing that huge nation as an "evil empire". He knows the damage that is done when the President predicts that the Soviet system will be "left on the ash-heap of history" and thus implicitly casts doubt on its political legitimacy. He understands the trauma that history has imposed on the Russian soul. Invaded in the early nineteenth century, Russia has been twice attacked by the Germans in the twentieth; indeed, the last invasion cost the lives of 20 million of its soldiers and perhaps an equal number of civilians. Thus Averell has aptly written: "I have seen how the Second World War scarred not only a generation but the very soul of every Soviet citizen—even those born a decade after the guns fell silent. They have no desire to repeat that experience."

In his final assessment Averell Harriman regards the current generation of Soviet leaders as pragmatists who do not want a nuclear war any more than we. He perceives with a clarity we should respect that a great deal can be done on this basis of common interest toward the effective management of relations between our two great nations. What is needed, as he has constantly pointed out, is not the scornful, taunting disdain our government exhibits today, but a serious effort to broaden and deepen our contacts on every front.

In recent speeches and statements Averell has given us a series of rules on how to deal effectively with the Soviet Union. We should study them closely.

One of his central principles is that we should not eternally concentrate on the worst scenario, to the extent where we become paralyzed and incapable of effective diplomacy. In that instance, he again recalls the Cuban missile crisis, when on that fateful Sunday when we received a message from Moscow at variance with an earlier letter from Khrushchev, we disregarded that message with its unacceptable line and answered the earlier one which substantially met our requirements.

A second rule is that we should direct our diplomacy initially at those possibilities of agreement which seem easiest to achieve and should not continually ask for so many advantages and concessions as to preclude the slow progress the situation necessarily requires.

What is most urgently needed in his words are "direct, consistent and constant conversations with the Soviet leaders at all levels." And that leads me to ask how, for example, the current administration might react if the situation in Lebanon should develop into a critical East-West confrontation? The President is talking vaguely of possibly enlarging the mission of the Marines. Already we have done more than play the neutral role of peacekeeper. Our ships offshore have fired on Druze positions in the Chouf Mountains and our planes have bombed them. On the record we have not behaved as a neutral country but have taken sides—acting in support of the Lebanese forces and the Phalange. Let us suppose that our American ships or planes should now attack Syrian positions and kill a number of the Soviet troops now stationed there. Or the Israeli should recklessly try to destroy the new Soviet surface-to-air missiles now being installed in the Bekaa Valley, leading the Soviets to counter with a threatened action.

What we desperately need are clear channels of conversation through which the views and intentions of each side are being constantly communicated so that crises can be defused before they critically develop. We should, for example, be doing more than striking attitudes of outrage; we should be talking with the Soviets about the critical problems of Lebanon, just as we should be in continual conversation with our Western allies.

But at the moment the channels for quiet talks between ourselves and the Soviets are in a dreadful state of disrepair, indeed they hardly exist. We have foresaken quiet diplomacy for military posturing in the naive belief that all problems have military solutions; we have abandoned quiet talk in favor of shouting epithets across the back fence.

All this displays a lack of knowledge of, and sensitivity to, the Soviet Union. To be sure there are in our government students of the Soviet Union who have read the literature and scholarly tracts, but no one close to the Administration today has had anything like such rich and sustained practical experience in dealing with that powerful nation as the men who assisted us during the great post-War crises—brilliant counsellors such as Llewellyn Thompson, Chip Bohlen, George Kennan, and finally Averell Harriman. Though Ambassadors Thompson and Bohlen are unhappily no longer with us, we can still greatly benefit from the lucid voices of Kennan and Harriman.

Averell has done more than merely talk about the need for men steeped in Soviet history and trained in diplomacy; he has pressed the United States Congress to provide appropriations for the necessary educational programs. But he is not just another seeker after public funds; he and his family have made a magnificent gift to Columbia University to establish the W. Averell Harriman Institute for Advanced Study of the Soviet Union.

Averell cautions us that in diplomacy we should not be blinded by the need for all-or-nothing. That point was well illustrated by his negotiation of the partial test ban treaty in 1963. Given the state of technology at that time we did not insist on a complete test ban, yet he sees, as do many of us, that the simplest and most useful action we could take toward slowing the escalation of nuclear arms today would be the completion of that earlier step—the banning of nuclear tests altogether.

Finally, Averell is as concerned as are other thoughtful men and women that we regain control over the nuclear arms race before it passes the point of no return. He not only recommends that we now seek a complete ban on nuclear testing, but he is appalled by the prevailing fantasy that we might try to use lasers or particle-beams or some other technological magic to build a defense against nuclear weapons. He cautions us firmly not to overlook or discard the anti-ballistic missile treaty which, together with the partial test ban treaty, is perhaps the most effective measure we have so far achieved toward stopping the mad race toward nuclear destruction. He knows from contemplation and experience that not only would the development of anti-ballistic devices accelerate the arms race by destabilizing what has so far been achieved, but that turning outer space into a nuclear parking lot would be sheer madness.

Averell, I have referred to some of your views this noon and I hope I have represented them accurately. I have taken that liberty because I think it of major importance that the American people hear your thoughts and heed them. For you are a voice of sanity, reason—and unparalleled experience—at a time when America is badly drifting.●

NELSON-ATKINS MUSEUM CELEBRATES ITS 50TH ANNIVERSARY

● Mr. EAGLETON. Mr. President, on December 10 the Nelson-Atkins Museum in Kansas City celebrated its jubilee anniversary. The museum was created 50 years ago through a $10 million trust fund established by newspaper publisher, William Rockhill Nelson. Today the museum is one of the seven largest museums in the United States and one of the outstanding facts about the Kansas City museum is the fact that it was started without any existing collections of art.

The director emeritus, Laurence Sickman, noted:

When the Nelson-Atkins started to build in 1930, it didn't even own an etching. Practically all museums start with a nucleus of a collection, but there was none in Kansas City. So the trustees had to start buying. Here a big museum was being built and there was nothing to put in it.

The museum is now recognized worldwide for its superb oriental collection. For this year's jubilee the museum added two very important new collections. The purchase of the T'ang Dynasty tomb figures, dated from the eighth century A.D., represents the best of tomb figures. The figures are said to be the finest examples of T'ang figures in existence. The figures were donations from the estate of Hallmark Card founder, Joyce Hall and his three children.

The other new addition to the Nelson-Atkins Museum was the purchase of a 12th century brushed-ink handscroll named, "Second Prose Poem on the Red Cliff," said to be the most significant privately held Chinese painting in the world. The unveiling of this important art work kicked off the jubilee last January.

In addition to the excellent Chinese exhibits, the museum has notable American collections of Copley, Homer, Church, and Eastman Johnson. In recent years, the museum has added Monet's "Boulevard des Capucines;" Mary Cassatt's pastel of her sister Lydia, and Degas' "Ballet Rehearsal."

I congratulate the Nelson-Atkins Museum of Art on its anniversary and its 50 years of success. The museum demonstrates excellence in professionalism and management. The Nelson-Atkins Museum has brought great art works to Kansas City for all generations to enjoy, and provides a wonderful educational opportunity for all of us. To have come from zero to one of the Nation's 10 major art museums in a short 50 years is an outstanding accomplishment, and one that deserves national recognition.●

GRENADA AND FUTURE U.S. FOREIGN POLICY

● Mr. MOYNIHAN. Mr. President, among the issues that continue to confront the United States—and to which the Congress will have to address itself in the weeks to come—are two vital matters having arisen at the time of the introduction of American Armed Forces onto the island of Grenada in October.

The first of these regards freedom of the press and the question of whether the media shall be permitted to report on U.S. military actions in progress. The distinguished television commentator, John Chancellor, addressed this issue with insight and candor in the Chet Huntley Memorial Lecture at New York University on November 10.

A second vital matter occasioned by the Grenada operation relates to the Western alliance: Can NATO continue to survive the strain of American actions that are not supported by our allies? John Brademas, the distinguished president of New York University—whose expertise in foreign affairs I have respected since his days as a truly outstanding Member of the House of Representatives—spoke to this point in a recent address to the Atlantic Institute for International Affairs.

I would like to submit for the RECORD these two important contributions to the discussion of the Grenada operation and its implications for the future of U.S. foreign policy. I ask that they be printed in the RECORD.

The statements follow.

CHET HUNTLEY MEMORIAL LECTURE, NEW YORK UNIVERSITY, NOVEMBER 10, 1983

(By John Chancellor)

I think if Chet Huntley had been here tonight, he would have wanted to talk about the press and the invasion of Grenada. One of the reasons we gather each year to memorialize Chet is that he understood what press freedom was all about, and fought for it whenever he could.

He would be as upset as the rest of us by the exclusion of the press from the fighting on Grenada. His partner of many years, David Brinkley, testified against those press restrictions in Washington this week, and so did I.

Let me say that this talk is not about the substance of the Grenadian operation. Reasonable people can argue about that. It may turn out to have been in the best interests of the United States and the Hemisphere. It may not.

But there is no argument on one important point: The United States Government kept the press from observing, first-hand, an important moment in the country's history and the American people cheered. Not everybody, to be sure, but the overwhelming majority thought that keeping the press out was a good idea.

I thought that's what we ought to examine tonight.

LETTER NO. 1

FRESNO, CALIF.—"Dear John, ordinarily, I would ignore what you said about the President curbing the press, but I think you should know where I was when I heard you. I was at my golf club with a scotch and soda in my hand, along with about 50 other guys. When you said what you did about the administration doing things behind the back of the people, some guy yelled, 'well, you dumb bastard, what do you think we elected Reagan for? It's damned sure you were never elected.' "

LETTER NO. 2

From a minister who prepared a sermon defending the press in Waynesboro, Va.—"I was sure that no one would take offense if I defended the Constitution and its guarantees of freedom of the press. I was wrong. In a gathering of our officers yesterday evening, I found that there is a strong feeling against the press. There is an anger that would deny the press the right to cover wars because of the coverage in Viet Nam. They were angry at seeing so many wounded. They were angry at seeing the My Lai massacre. In their anger, they seem willing to deny the press, and themselves, the basic rights that are guaranteed in our Constitution."

Those two letters represent different points of view, but they both accurately reflect the mood of the country.

Who elected the press?

The answer, I suppose, is that the people who wrote the Constitution elected the press. It is more than just the first amendment; the Framers of the Constitution were explicit in their belief that the way to keep the United States free was to keep its press free.

In another way, nobody elected the press and that's the way it should be. The press is not part of the political process: journalists are not politicians; the press represents different points of view. What makes this a free country is that its citizens have access to those different viewpoints.

LETTER NO. 3

GRAND RAPIDS, MICH.—"I am a moderate, sir, but I consider our Government to be the representatives of the American people, be they embodied in our diplomatic corps or in the U.S. Marines. If we don't agree with the administration's policies, we vote them out."

But on what basis do we vote them out? On what information does an electorate

depend for its judgments on any administration? There was a widespread belief in this country that the Johnson administration wasn't telling the whole truth about Viet Nam (although in my view there was an effort to tell the truth in Viet Nam); Mr. Nixon certainly didn't want certain things made public about the Watergate scandals. The Kennedy administration just lied about the Bay of Pigs. I don't believe the press caused Lyndon Johnson to decide not to run for reelection; he was stuck with a tragic policy in Viet Nam and he knew it. I don't think the press was the factor that caused Mr. Nixon to resign; he was about to be impeached, and he knew it. But in both of those cases the press played a role, for it was through the press that the people were able to make their own judgments.

LETTER NO. 4

AUSTIN, TEX.—"I fully believe the surprise element in the Grenada invasion of the multinational forces saved many lives—the Grenadians, the students and the military personnel. Giving the press advance notice of this operation would have jeopardized these people."

LETTER NO. 5

LIMA, OHIO.—". . . completely free coverage even at this initial crucial point in military tactics is in error."

The struggle between the press and the Government over the invasion of Grenada has really nothing to do with "completely free coverage". There is a tradition in this country and in most of our sister democracies that when an invasion is planned, the press is "given advance notice".

Here's how that works.

When a country is planning to invade another country, a military operation requiring thousands of troops, the civilian military authorities, the Ministry of Defense or the Department of Defense, make up a pool of reporters and camera people, often only 15 or 20.

Pool reporters are responsible to both colleagues and employers. Radio pool reporters share their reportage and their audio tapes with other radio reporters. A pool cameraman shares film or videotape with photo agencies or other networks. Newspaper "poolers" (as these reporters are called) share their notes and observations with other newspaper people.

A pool reporter is a representative of the press, who is obliged to share information with the press.

Pools are made up when there isn't room for everybody to go along on the story. It's an old practice. The White House Press Corps would be impossible to handle if everybody got to go to everything on a Presidential trip, so the press is divided into pools. Those members of what we might call the invasion pool are told to pack their bags, but they are not initially told where they are going. And when they are transported to the scene of the fighting, they are supervised by the military which also controls all the communications.

Generally, but not always, they are not among the first to land on the beach. But they are there soon enough after to do their work; they see the fighting. And only then, when surprise is no longer a factor, are they allowed to file their dispatches and send back their pictures. In wartime, a further point of control is added through field censorship. Nobody in the press wanted the American Government to announce the invasion of Grenada in advance. The press wanted access to the story with the understanding that surprise and secrecy would be maintained. That not only saves the lives of military personnel; it also saves the lives of the press.

The press is less hostile to censorship and to the safety of troops than our critics believe. During World War II, when Edward R. Murrow was broadcasting live from the rooftops of London during the Blitz, he had a military censor standing at his side. If the censor thought that Murrow might be heading into an area of sensitive description of what he was reporting, the efficiency of the searchlights or the location of anti-aircraft guns, he would tap Murrow on the wrist and Murrow would start talking about something else.

During the Second World War, Gen. George Marshall, the Army Chief of Staff, had regular briefings for the senior editors and columnists in Washington. He would call them in, sit them down, and tell them absolutely everything. There was never a disclosure. The only thing he didn't tell them was the actual date of the Normandy invasion. But General Eisenhower shared that vital piece of information with the pool reporters assigned to his headquarters in England.

Some will say, but that was the Second World War; the press is less trustworthy today. Yet, in 1980, when the Iranians were holding Americans hostage, a number of us in the press learned that in Tehran, a few American diplomats had managed to get out of the Embassy and were in hiding in a friendly Embassy in Tehran. That story wasn't printed or broadcast until the Americans got out of Iran. There was no disclosure.

LETTER NO. 6

ELIZABETHTOWN, PA.—"Surely when you talked about censorship you must have understood that within 1 or 2 days the media would have access to all the news that was necessary."

Two days after the invasion, 15 press people were allowed on Grenada under close supervision for a few hours; 3 days after, 24 were allowed during the day; 4 days after, 50 were brought in during the day. That sounds good, but the problem is that the significant events in Grenada took place during the first 2 days when there was no press allowed on the island.

Had there been television crews on the island during those first 48 Hours, the American Public would have seen pictures of the dead and wounded; But the public would also have seen pictures of brave American soldiers in combat. My guess is, considering how popular the invasion was with the public, the administration would have strengthened its case by letting the press be in at the beginning. Those pictures might have been a day or two late, but they would have had a powerful effect. By keeping the press out, the administration weakened its case, and even the Republican-controlled Senate passed a resolution by 53 to 18 asking that press restrictions be halted.

LETTER NO. 7

GLENDALE, ARIZ. —"Oops, John, you forgot to mention that President Carter didn't include journalists when he sent troops to try to free American hostages in Iran. Didn't President Ford leave journalists off the boat when he sent marines to take the Mayaguez from the Cambodians?"

Quite right. Both of those, the rescue attempt in Iran and the battle for the Mayaguez were pure and simple rescue operations. They had to be done in a hurry and there was no time to assemble a press pool or even a single representative of the press. The point in these cases is that nobody in the press or in the Congress complained that the press was excluded. One was a highly-secret desert mission in which every seat was needed operationally; the other was a response to a surprise pirate raid. In Grenada, the United States sent 6,000 troops ashore with plenty of time to assemble some press pools. Incidentally, I'm sorry that the press wasn't present in the Iranian desert or at the Mayaguez fight, because there are still arguments and disputes about what really happened. An observer from the press might have been able to set the record straight.

LETTER NO. 8

CONCORD, OHIO.—Did the Israelis include you on their mission to Uganda?

No, but that was another in-and-out rescue mission. I don't recall if the Israelis sent pool reporters and camera people, but if they didn't, their argument could have been that it was such a swift strike that the press would only have got in the way. On Grenada, it wasn't that way at all.

LETTER NO. 9

TOLEDO, OHIO.—"President Truman did not call in the press in advance of the bombing of Hiroshima or Nagasaki . . . "

There was no representative of the American press at the bombing of Hiroshima, but there was a member of the press aboard the plane which dropped the bomb on Nagasaki. The American Government wanted an outside observer to be there, and a distinguished science reporter for the New York Times, William L. Laurence, rode in the plane and watched them drop the atomic bomb.

LETTER NO. 10

TROY, N.Y.—"The media did not accompany the Bay of Pigs invasion."

No. But some publications knew part of the story and didn't run it. The New Republic had part of the story and didn't run it when asked not to by President Kennedy. The New York Times had a good part of the story, and, again, didn't run it at the request of the President. But elements of the story did get out. And that infuriated Kennedy. Kennedy had good relations with the press, but the Bay of Pigs was not only a military disaster; it was an informational debacle. Among those who were not told in advance were Pierre Salinger, Mr. Kennedy's Press Secretary, and Adlai Stevenson, his representative at the United Nations.

Government press officers in the field were even worse. American reporters in Miami, once the invasion had begun, were told that an invading force of 5,000 was involved. Actually, only 1,000 had gone ashore, but the American press officers wanted the Cuban people to believe that a giant force had landed so they would rebel against the Castro government. Then, when the invading force got in trouble, the American briefers changed their story and said the force wasn't 5,000 after all, only a few hundred who had landed anti-Castro supplies.

Sometimes you can't believe your own government.

And, as most of us know, Kennedy later said to the Times, "If you had printed more about (the Bay of Pigs), you would have saved us from a colossal mistake. I wish you had run everything on Cuba."

Incidentally, the New York Times had advance word on the Cuban missile crisis, as

well, and, again at the request of President Kennedy, held up its story.

LETTER NO. 11

PHOENIX, ARIZ.—". . . the British Government did not make press access availability in a timely manner during the Falklands war . . . the British Government knew full well that the press had the power to make or break the success of the war through public sentiment after exposure of the horror of the war through pictures. They remembered well from the Vietnam experience of the Johnson administration."

That's true. When the Royal Navy task force was being put together to sail to the Falklands, the Navy decided not to take any members of the press at all. Prime Minister Thatcher insisted that the press go along, and a pool of correspondents and camera people was assembled. 26, in all. (Not a large number, for a country going to war; the United States could have assembled a smaller pool for the invasion of Grenada.)

But the British Government did take Viet Nam into account, and every effort was made to impede and delay pictures going back to Britian. Television pictures took 2 weeks to reach London, an amazing delay these days. An official of the Ministry of Defense told a friend of mine that the British Government was not going to have home-front morale sapped by pictures of dead British soldiers on the telly every evening.

Viet Nam haunts us all.

LETTER NO. 12

LEEDS, ALA.—It is doubtful that any government ever again will allow media coverage of a war, while it is going on, to the extent that such was permitted in Viet Nam. There will always be reporters who sympathize with the other side or who, for one reason or another, oppose their own government's involvement in the conflict. If those people are allowed free reign in the war zone, especially with television cameras, they can have a devastating effect on the morale of our troops and of the people back home.

Did the coverage in Viet Nam have a devastating effect on the morale of our troops and the people at home?

The American Government issued about 2,000 credentials in Viet Nam to American and non-American press. Only six were revoked because their holders broke the rules.

And for years in Viet Nam, the pictures and stories, especially the television pictures, didn't seem to have had much effect on either support for the war at home or the morale of the troops in the field. No war is ever popular with the troops, and Viet Nam was an example of that principle; yet the public opinion polls here at home didn't show a falling off in support until after the enemy's Tet offensive in 1968.

Tet was the great turning point of the Viet Nam war, and pictures of that uprising had a lot to do with its impact. At that time in the war, things were going well for the South Vietnamese and the United States. When the Tet offensive began, it came as a complete surprise; main force and guerilla enemy units fighting all across South Viet Nam, invading, briefly, the compound of the American Embassy in Saigon, capturing, for a bloody interval, the city of Hue. Tet 1968 was a tactical failure for the enemy. The South Vietnamese Communists lost so many people that they were never again the decisive force in South Viet Nam. Their losses insured that the North Vietnamese would henceforth run the show in the south. But Tet 1968 was a strategic victory for Hanoi. The pictures of our invaded Embassy grounds in Saigon had a stunning impact here at home; so did the graphic coverage of the uprising in many South Vietnamese cities. The street fighting in Hue looked like World War II at its worst.

Tet made it look at home as though the United States was up against a much tougher and more resilient enemy than anyone, including the American military, had believed. The American Government had accurately reported on battlefield success before Tet. After Tet, some senior American officials, including uniformed officers, were stunned by the ability of the enemy to coordinate, in total secrecy, an atack of the size of the Tet offensive.

While the Americans were issuing press releases about the great failure of the Communists, the Pentagon suddenly sought an increase in strength of 206,000 men in the Armed Forces. After Tet, in General Westmoreland's words to Washington, it was "a new ball game".

Tet was in 1968. Richard Nixon was elected in 1969. The policy of Vietnamization, turning the war over to the Vietnamese, began soon after. America's role in Viet Nam had changed.

I go into this in some detail to counter a myth: The myth that the news organizations in Viet Nam changed a defeat for the enemy in Tet 1968 into a victory. What really happened is that the stories and pictures of that offensive were accurate, that the press reported what the press observed. The symbolism of the Tet offensive was more important than the body counts. In its mindless way, the press coverage got the story right.

The press coverage of the fighting did amplify the psychological effect of the test offensive. But the American people were growing tired of the long war, and Tet made it seem that the war would have no end. Dean Rusk, then the hard-line Secretary of State, talked about Tet many years later with Stanley Karnow, author of "Vietnam: A History": Rusk said that his relatives in Cherokee County, Ga., told him after the offensive, "Dean, if you can't tell us when this war is going to end, well then maybe we just ought to chuck it."

So I think it is a myth to say that the press got the Tet story wrong and unwittingly damaged the war effort.

The press does what it always does: it reported what it was able to observe. And that goes to what we are discussing here tonight.

One of the best and most thoughtful books on Viet Nam was written by Harry G. Summers, Jr., a colonel of infantry who now teaches at the Army War College. It is called "On Strategy—a Critical Analysis of the Viet Nam War". He writes, "There is a tendency in the military to blame our problems with public support on the media. This is too easy . . .

"An answer . . . the majority of the on-the-scene reporting was factual—that is, the reporters honestly reported what they had seen, firsthand. Much of what they saw was horrible, for that is the nature or war. It was this horror, not the reporting, that so influenced the American people."

And there we have the heart of it: the reporting isn't the problem, the problem is the intrinsic horror of war itself.

In earlier conflicts, the horror of war was filtered to the public through ministries of propaganda, softened by censorship, delayed by slow technology. That is not true in today's world of instant communication. War reported by quill pens was more bearable to the folks at home than living-room wars brought to us on videotape by satellite.

And we have been learning that when civilians at home watch the intrinsic horrors of war on their television sets, they don't like what they see. Parents, husbands, brothers and sisters get upset when they see the dead and wounded.

This is handled in the totalitarian countries by eliminating a free press. But for the democracies, which depend on an informed citizenry, it is a unique problem. How should a government deal with the public's right to know if that right to know erodes the support the public gives the government?

Some of our most respected democracies have been turning to forms of censorship as an answer: Great Britain, Israel, the United States. We might not be surprised if this had been done in the Philippines or in South Korea, but it's being done, democratically-speaking, in the best places.

And it is being done, here at home, at a time when some of our fundamental attitudes about war, the public and the press have been changed.

The United States no longer declares war. It didn't in the Korean conflict, in which almost 8,000,000 Americans served and 54,000 died; It didn't declare war in Viet Nam, a conflict in which almost 9,000,000 Americans served and 58,000 died.

The Constitution says the Congress "shall have power . . . to declare war." The fact that over 100,000 Americans died in two undeclared wars caused the Congress to pass the war powers resolution, which restores some war-declaring power to the legislative branch—but since the passage of that resolution, every President has opposed it. Declaring war has gone out of style.

Yet, a formal declaration of war has some advantages, not the least of them being that unless there is clear justification for a war, the Congress will not declare it.

One of those advantages is censorship of the press. Censorship is not a pleasant experience for the press, but when it has been legally invoked by the American Government it has, in the main, been fairly administered and obeyed by the press. Censorship in World War II, when it was last in effect, gave the public a reasonable picture of the war.

Could the American Government and the American press agree today on an arrangement which would satisfy the Government's requirements of security, secrecy and surprise, and the press's requirements for access to the story, within bounds, while it's happening?

That might not be easy. It would be extremely difficult in places like Lebanon, where the press comes from many countries, some of them hostile to the United States. It would be hard to do in Central America.

But it could be arranged in cases where American reporters and camera people are covering American forces. Grenada is such an example, and it could have been arranged there.

The Chairman of the Joint Chiefs is setting up a panel of the military. And the press to look into all of this, and we can only wish it well. The military, more than many civilians think, understands its relationship with the press, and in my view (the curiosities of the Grenada invasion notwithstanding), the military has behaved well toward the press. We may be an irritant, but our responsibilities are understood.

The fact is, we all need one another if this system of ours is going to work. The Government needs the support of the public; the military needs the support of the public; the press, if it is to serve its function of independently informing the public, needs the cooperation of the Government and the military.

Things get dangerous in a country when the Government takes unto itself the function of informing the public. It is dangerous because every government likes to put its best face forward, and because no government likes to admit its mistakes. When your friendly government press agent, military or civilian, is your only source of information, you ought to be worried.

A free press is, by definition, imperfect, contradictory, and inefficient. But it is infinitely perferable to a flow of information which comes solely from the government.

America may not declare war anymore, but uniformed Americans are still being killed, as we have seen recently in both Lebanon and Grenada. In Lebanon, there was nothing the American Government could do to keep the public from being exposed to the horror of war, as it affected Americans. In Grenada, it was possible to keep the deaths off television, which decreased their impact from the visual to the statistical.

Government policy in Lebanon is unpopular; government policy in Grenada is popular.

For governments, that's a lesson.

For citizens of the democracies, it is a warning of what may happen in the future.

ADDRESS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

Mr. Chairman, Mr. Pym, ladies and gentlemen, members and friends of the Atltantic Institute for International Affairs. I am grateful for the honor that you do me in asking me to speak before so distinguished a gathering, and I especially appreciate the opportunity to share the podium with so widely respected a statement as Mr. Francis Pym.

That you have invited a former Foreign Secretary and a former Majority Whip to address you may be an effort on the part of the organizers of this meeting to suggest that those of us no longer in our governments can speak more candidly—I do not say more wisely!—than those who are.

We shall see.

Unlike Mr. Pym, I have never served in the Executive Branch of the American government but was rather for twenty-two years a Member of the House of Representatives, the last several as part of the Democratic Leadership.

But for several reasons, I have long had a deep interest in foreign affairs and while in the House was either a participant in or Chairman of a number of Congressional delegations that made visits abroad—to both Western and Eastern Europe, the Soviet Union, Japan and the People's Republic of China and Latin America.

As a champion of the American separation of powers system, I was from my first years in the House concerned with the ongoing question of the appropriate role of Congress in the conduct of American foreign policy, and during my service, I took part in a number of foreign policy struggles, sometimes supporting the Administration, sometimes in opposition.

For the last two and a half years, I have had the privilege of leading the largest private university in the United States, one with a special and growing commitment to international studies and research.

In my own time at university, I spent three years at Oxford which not only reinforced my belief in the importance of the ties between the United States and Great Britain but also of the principle that brings us all together here today—the indispensability of the Atlantic Alliance.

So it is with that background that I should like to offer some observations about where we are right now and where we ought to be tomorrow in the Atlantic relationship.

That there are widening fissures in the Alliance I think none would deny.

Let me here venture a sketch of American views about the relationship. I shall here make no judgments on whether these attitudes are justified but rather report them as real, and, of course, they are generalizations. Not all our citizens share these opinions.

First, many Americans believe Europeans insufficiently sensitive to the threat of Soviet military power.

The resistance of Western Europeans to the imminent deployment of Pershing and cruise missiles despite the presence of Soviet SS 20s targeted at them, is, of course, the most dramatic example of what puzzles Americans.

Furthermore, Americans believe our European allies are not bearing their share of spending for conventional arms. A recent public opinion poll found that two-thirds of Americans thought that the U.S. was shouldering too much of the burden of collective security.

To turn from examples in the defense field to the political arena, many Americans criticize what they perceive as ambiguous, if not weak, European reactions to such developments as the invasion of Afghanistan, the repression of Solidarity in Poland and the Korean airline tragedy.

Nor are European attitudes toward U.S. policies and involvements in the Middle East, Central America and now Grenada regarded as supportive or helpful.

Last Sunday's New York Times column by William Safire bluntly captures American feelings of bitterness at the responses of Prime Minister Thatcher, Chancellor Kohl and President Mitterrand to the U.S. action there. Said Safire, "The lesson is that our NATO partners are interested exclusively in having the United States defend Europe and are resentful of any action the U.S. takes elsewhere to protect its own security."

". . . [A]s Western Europeans turn inward," he concluded, "the U.S. should wish them well and look to its own vital interests."

On matters of economic policy, many Americans feel that Europeans are much too eager to trade with the Soviet Bloc, especially in areas of high technology and critical defense items and willing to do so, moreover, with generous credit arrangements.

These differences in viewpoint are exacerbated by American unhappiness at certain European trading practices, such as alleged dumping of steel on the American market, and the granting of subsidies that harm U.S. exports to third markets.

At this point let me cite a recent—and revealing—ABC News-Washington Post poll. Respondents asked to rank parts of the world most important to the security of the United States, placed Europe only third on the list. The Middle East was ranked first by 38 percent of those who answered; Central America by 23 percent; Europe by 19 percent.

Now let me shift my perspective to the other side of the Atlantic and make some observations about how—or so at least it seems to me—many Europeans feel about the United States and the Alliance relationship.

Here several problems leap out. The most recent and obvious, you will not be surprised to learn, is Grenada. For no matter how popular the invasion may be in this country, it has evoked far different reactions in Europe.

Said an editorial in the London Sunday Times of October 30, President Reagan "has embarked on a high-risk mission, too risky even for his most loyal of allies and soulmate, Mrs. Thatcher.

"The enemies of America," the Sunday Times continued, "have had a field day. . . . New life has been breathed into the flagging campaign to stop the deployment of American cruise and Pershing missiles in Western Europe. . . ."

The same issue of the paper published a poll showing that 73 percent of British voters now mistrust Washington's guarantee on joint U.S.-Anglo control of the missiles while nearly 40 percent said their confidence in American ability to deal with international problems had dropped.

A day later, an editorial in the respected Financial Times warned that "the U.S. invasion of Grenada has provoked new demands for some form of 'dual key' system which would give the British Government a physical ability to block the launch of U.S. cruise missiles based in Britian. . . ."

Let me turn to the reaction to the invasion in West Germany. The New York Times reported that it was "a severe blow for the government of Chancellor Helmut Kohl [who] has been waging the missile battle on the level of public perception and . . . ideas."

Yet even before Grenada, other events had contributed to the decline of European confidence in the United States.

Certainly there was deep hostility to President Reagan's insistence that Germany, France, Italy and Great Britain cancel their big gas pipeline contracts with the Soviet Union. European anger was little assuaged by the resumption of U.S. grain sales to the Soviet Union.

Another contribution to tensions over the last year or so has been the pattern of high U.S. interest rates, caused, the Europeans contend, by the $200 billion Reagan budget deficits. These rates impose on our Atlantic allies, through stimulating outflows of European capital to the U.S., serious economic and political burdens.

Indeed, the same kinds of issues that underlie American criticisms of the Europeans are reflected, mirror-like, in European complaints about the United States.

At bottom the Europeans are far less ideological in their view of the Soviet Union, certainly than is the Reagan Administration.

Europeans warn that Reagan sees Russians behind every troublespot in the world—Lebanon, Nicaragua, Grenada—as if the entire planet were in some way wired to the Politburo in the Kremlin.

Americans are perceived as far less interested in reaching arms control agreements with the Soviets than are the European members of NATO.

Now I could go on with examples from both the American and European sides to make my point about the rising tensions within the Alliance, but I surely for this audience need not do so.

We have had, of course, only this weekend, with the proclamation of an independent Turkish state in northern Cyprus, yet another blow to the interests of NATO.

This action is manifestly illegal under the 1960 Treaty under which Cyprus became independent of Britain and under which, Britain, Greece and Turkey also agreed to guarantee the independence and territorial integrity of the new republic.

In recognizing—within hours—the so-called "state," Turkey clearly violated its treaty obligation.

Beyond this, the action imposes new strains on the already difficult relationships between Greece and Turkey—two members of NATO.

I shall not here yield to the temptation to say, at least at any length, "I told you so." But I will observe that during the Johnson Administration, I, a Democrat and the first native-born Member of Congress of Greek origin, strongly opposed U.S. military aid to the Greek military dictatorship. I did so on grounds that such assistance violated the purpose of the NATO charter, namely, to safeguard free and democratic nations.

In like fashion, I believe the United States erred seriously in turning its back on the explicit mandate of our own laws when, after the August 1974 invasion of Cyprus by Turkish forces armed with American-supplied weapons, we failed to enforce the statutory requirement to halt further arms to any nation using them for other than defensive purposes.

By ignoring both the spirit and principles of the NATO charter and of our own laws, American Presidents of both parties sowed seeds, the bitter fruits of which we continue to reap in the Eastern Mediterranean.

In any event, and to reiterate, things are not going well in the Alliance, and responsible people, especially responsible leaders, both in and out of government, should do something about the situation.

In light of these and other signs of erosion, not to say distress in the Alliance, it seems to me imperative that we state, or restate, the fundamental rationale of the North Atlantic Treaty Organization and, more generally, of the network of relationships, political and economic as well as military, that form the stuff of the Alliance.

We must remember, first, that NATO exists for a positive reason, in the language of the preamble to the Treaty: ". . . to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."

NATO is indispensable, second, for a defensive reason—to meet the threat, particularly the military threat, of the Soviet Union and the other Warsaw Pact countries.

Third, all the NATO countries have a stake in each other's economic prosperity and social stability.

Now, it should not be surprising that members of the NATO Alliance quarrel with one another, for we do have our differences. In the first place, although all the members are theoretically equal, some, by any measure, are more equal than others.

Second, the economic interests of member states frequently collide with one another.

And third, all the partners in the Alliance are free and open democracies, with governments accountable to electorates and affected by public opinion.

Well, what, to repeat, is to be done to improve the situation?

Joseph Joffee of Die Ziet, in a Foreign Affairs essay written last year—even before Grenada—entitled, "Europe and America: The Politics of Resentment," capsulized the challenge in these words:

Transatlantic disaffections, sturdy perennials since the turn of the decade, continued to sprout luxuriantly throughout 1982. They were nourished by two as yet inchoate forces which, if unchecked, will logically lead to the end of Alliance: the trends toward neutralism in Europe and toward unilateralism in America.

As I am an American, the prescriptions I shall offer will aim chiefly at what we in the United States can do both to overcome unilateralism at home and neutralism in Europe. My strictures will not be limited to any particular audience: most will be for Americans, some in the government and some outside it, and a few for Europeans.

Certainly, the executive branch of the American government needs to be less strident and bellicose in its rhetoric.

Words and phrases that may be palatable, indeed politics for domestic consumption may have substantive and damaging impact in the market of international public opinion.

I recall here, by way of example, President Reagan's October 1981 remarks suggesting that he "could see where you could have the exchange of tactical (nuclear) weapons against troops in the field without it bringing either one of the major powers to push the [ICBM] button."

The Reagan White House communicates a deep distrust of the processes of diplomacy, pursuing it only in an erratic and spasmodic fashion. It is as if the Administration lacked confidence in its own abilities to sit down at the conference table with the Soviets.

It is by now a commonplace to say that the Reagan team seems far more willing to rely on military might as an instrument in and of itself rather than as a tool of diplomacy.

I suggest, however, that the United States of America cannot effectively move itself or lead others to move through the many minefields of foreign affairs by driving a tank across them.

We must instead, to pursue my metaphor, pick our way carefully through the minefields, zigging here and zagging there, if we want to get both ourselves and our allies to the other side in one piece.

This approach means a recovery both of the will for diplomacy and the intelligence for it, and by "intelligence" here, I mean not so much information as brainpower. I mean competence. In the conduct of foreign affairs, it is essential to be strong, but that is not enough. We must also be smart.

Let me continue my homily.

I believe there also needs to be in the American Administration—and the Administration has, in fact, despite Grenada, been fitfully in this direction—a greater awareness that the fundamental relationship between the United States and the Soviet Union—between the Alliance generally and the Soviets—should run on two tracks, not one. That is to say that the Alliance must, on the one hand, be powerful militarily while, on the other, we must be ready to enter into serious negotiations for effective control of arms, particularly nuclear ones.

Such a two-track posture ought not to be regarded as a sign of weakness or ambivalence but rather, given the way the world operates, realistic. It is a posture at once sound and, indeed, in terms of the security of the Alliance, indispensable.

My second admonition is that we in the United States need to be much more sensitive to the political ramifications in Europe of what we do elsewhere in the world.

A dispatch from Peter Osnos of The Washington Post in London earlier this month illustrates my point. Osnos reported that the Reagan Administration's failure to consult with our European allies on Grenada had created a serious breach and, given the missile deployment issue, a dangerous one. "Didn't anybody in the State Department or the White House look over his shoulder at the implications of surprising the Europeans with Grenada?", Osnos quotes "one distinguished diplomat" as saying.

The answer, Osnos cites senior officials there as asserting, is that no one did.

Certainly one lesson of Grenada—and an ongoing one—is the requirement of constant and candid consultation with our closest allies.

But beyond this, there should, in my view, be much more understanding on the part of the American Administration of the effects, for good or ill, of any action we undertake in one part of the world in other parts of the world where we have important interests. The connection between Grenada and missile deployment is an obvious instance of this nexus. To note another example, the United States cannot assume that its moves in Central America will be without impact of some kind in Europe. After all, Europeans have television stations and newspapers, too.

I make a similar observation with regard to the economic policies we pursue at home. We should have realized that the consequences of a massive increase in military spending coupled with a huge cut in taxes would be an enormous Federal deficit leading to high interest rates that would then drain capital from Western Europe. That there is today high unemployment in both Europe and the United States only feeds the fires of protectionism on both sides of the Atlantic.

Let me make yet a third point of which the tragedy of the American marines and their French brothers in Lebanon reminds us. It is also essential in the conduct of foreign affairs to marry means to mission. Why were American marines sent to Lebanon? For what purpose?

Henry Kissinger and the leading authority on defense in the U.S. Senate, Sam Nunn of Georgia, have both posed this question, so I ask it in no captious spirit. My point is that it is dangerous for an American President to commit American forces in another country without some clearer delineation of purpose than we have so far in Lebanon.

Allow me here a more general observation. Exactly forty years ago Walter Lippman published a book that made a great impression on me, U.S. Foreign Policy: Sheild of the Republic. I read it in a course at Harvard taught by a young political science instructor named McGeorge Bundy. Lippman's central thesis was what he called "the compelling . . . principle of all genuine foreign policy—the principle that alone can force decisions, can settle controversy and can induce agreement . . . [namely] that in foreign relations . . . a policy has been formed only when commitments and power have been brought into balance."

Unless, Lippman explained, a nation maintained "its objectives and its power in equilibrium, its purposes within its means, and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is

impossible to think at all about foreign affairs."

So I ask, has the present Administration, and have past ones, carefully and with deliberation undertaken to frame policies for the conduct of our foreign affairs which maintain that equilibrium of power with purpose, that balance between commitments and means, of which Lippman wrote?

The answer is that at times, as with NATO and the Marshall Plan, we have, and that at other times, as with Viet Nam and, in my view, in our current spectrum of difficulties, we have not.

For example, have we in the United States calculated with sufficient care the impact of our deployments in Lebanon and Grenada and of other actions the Administration may be contemplating on our worldwide obligations, many by treaty, to defend Japan, South Korea and Western Europe, as well as our pledge to protect Middle East oil flows? I very much doubt that we have.

Now I have here attempted to make some suggestions for strengthening the Atlantic Alliance directing my comments chiefly toward postures and policies of the U.S. government. Let me now speak to a role in overcoming tensions in the Alliance for other institutions in the American society, especially our colleges and universities.

First, I believe that Americans must do a much better job than we now do of teaching and learning about three areas: first, about other countries and cultures of the world; second, about the processes by which our own government makes decisions on defense and security policy; and third, about our highly complicated political system.

Let me say a little on each of these points.

One cannot long reflect on the relations between the U.S. and Europe without distress at the lack of knowledge by so many Americans of the rest of the world. A recent American poll revealed that 55 percent of the respondents did not know whether it was the United States or the Soviet Union that belonged to NATO.

The past decade has provided dramatic illustrations of this failure to understand another country and its culture.

During the hostage crisis, the United States, concluded a New York Times analysis, for many months "negotiated with the wrong leaders in Iran, the secular, titular leaders rather than the religious leaders who held the real power. . . ."

I recall still how Harvard's famed authority on China, John King Fairbanks, once said that at the point when the United States began to become deeply involved in Viet Nam, we did not have six senior scholars in this country who knew the language of a country, engagement with which came brought such tragedy to so many people.

Professor Fairbanks' sentiments were echoed by two former directors of the CIA with whom I recently spoke. Both William Colby and Admiral Stansfield Turner said that our serious intelligence shortcomings in Viet Nam and Iran were the consequence of our lack of expert knowledge in the U.S. about both areas, and added that our ignorance of Latin America appeared "almost boundless."

The National Council on Foreign Language and International Studies last year issued a report that carefully documented that need for more foreign language and area specialists, and warned that neglect of such knowledge threatened our security, commercial, diplomatic and cultural interests.

Another recent study noted that the Soviet Union probably had three times as many academic specialists working on American foreign policy as we did on Soviet foreign policy.

Fortunately, both Republicans and Democrats in Congress have jointed over the last three years to block the Reagan Administration's efforts to eliminate funds for our already modestly financed programs for preparing experts in foreign language and areas.

And fortunately, too, there is bipartisan sponsorship in Congress for such legislation as a $50 million endowment for university fellowships for graduate training and other programs in Soviet and Eastern European studies.

So one general proposal I would make is that we in the United States act far more vigorously than we have so far done to educate the men and women of our country about the millions of people who populate the rest of this planet.

And here, I believe, is where an organization like the Atlantic Institute for International Affairs can play a most important role, through continuing and expanding its efforts to encourage the exchange of ideas among leaders in the worlds of business and politics, to stimulate the kind of dialogue that has brought us all together here today.

But international education is not the only field of knowledge to which we must attend. There is another: the making of national security policy.

I would assert that the defense budget of the United States has become so consequential to the lives of us all, to the economy of the country and the nature of our society that we must now lift the subject to a far higher level of national debate and national understanding.

Consider that we are now planning to spend $1.8 trillion on defense over the next five years; and that for the fiscal year that began last month, the Administration has proposed, in a total budget of $849 billion, $280.5 billion for defense.

My point here is not whether that is too much money for defense or too little. Rather my questions are these:

How do we *know* how much to spend?

What is the process by which we come to judgments on our defense expenditures?

What is the impact of such spending on the nation's life? on our economy? on our society? on our supply of educated manpower?

How do we go about integrating our foreign policy objectives with our military strategy?

What, in making such judgments, are the appropriate roles of the President, the Secretaries of State and Defense and Treasury, the National Security Advisor and the Director of the CIA?

And how does Congress, which under the Constitution has the responsibility—and I quote—"to declare war . . . to raise and support armies . . . to provide and maintain a navy," fit into the making of defense policy?

What I am saying is that the size and scope of our defense budget, the complexities of modern weapons as well as of arms control issues, the risks and opportunities we face in foreign affairs—all these factors call for far greater attention than we have so far given to developing ways in which leaders in and out of government can think intelligently and analytically about security policy.

I believe, therefore, that the time has come for our universities—which are, after all, supposed to be citadels of systematic and reasoned thought—to fashion forums and seminars and other devices to bring together a variety of kinds of persons, in and out of government, to explore the whole question of the structure of decisionmaking for policies for the nation's security.

Now I have briefly mentioned Congress.

There is no time here to argue the case for a role for Congress in the shaping and conduct of American foreign policy. The fact is that our Constitution has already mandated such a place and that for nearly 20 years, Presidents and Congresses have struggled over its definition.

And the struggle continues.

Let me here simply observe to our European colleagues most of whose prime ministers enjoy the luxury of parliamentary systems in which, by definition, the legislature supports the executive, that that is not the way it works in the government of the United States.

Not only do we have a separation of powers arrangements, but neither of our political parties is so disciplined that a President can at all times and in all places be certain even of the support of his own party's adherents on Capitol Hill.

I shall not here recite all the reasons I believe the advantages of our system outweight—for our country; I do not speak of others—its disadvantages.

I do think, however, that we should give much more attention within the Alliance to developing ways and means of understanding each other's political systems. This is especially important for leaders in government. I should like to see, for example, many more exchanges than we now have between parliamentarians of Western Europe and Members of our Congress. Here, too, perhaps is an area to which the Atlantic Institute may make some contribution.

And as I survey the panorama of problems afflicting the Alliance and offer some nostrums for them, there is one final point I should like to make.

It is—or so it seems to me—manifestly absurd that the young people of today, especially in Western Europe, should have a difficult time choosing between friendship with the Soviet Union and friendship with the United States of America.

It is absurd that young Europeans—or old, for that matter—should say, "a plague on both the superpowers."

For despite our deficiencies and shortcomings in this country, which, of course, we freely broadcast and in which I feel at times we even rejoice, this is not a land of Gulag or Lubyanka.

As James Reston put it simply this week, "Washington and Moscow are not the same. Moscow has a totally different philosophy of the relationship between itself and its neighbors, and between the state and the individual."

Not only should the case for European neutralism, therefore, be weak but the case for the closest collaboration between the nations of Western Europe and the United States should be overwhelming. Why then is it not?

I have already suggested some of the reasons.

But I believe there is another, and it is overriding. We shall not be able to stem the drift toward neutralism in Europe, and, I hasten to add, toward unilateralism in the United States, until we rekindle our faith in the fundamental values for which the Alliance was created.

". . . The case for NATO," said the New Republic magazine editorially this week, "—the whole moral, political and historical

basis for this order among nations—must be presented again. It is a job for intellectuals and politicians, not for strategists and soldiers . . ."

In a powerful speech several months ago, Senator Daniel Patrick Moynihan of this state voiced a similar view ". . . what concerns me most (said the Senator) is that the United States has moved, and perhaps decisively, away from an earlier conception of a world order which if arguable was nonetheless coherent, and has not replaced it with any other conception. No normative conception, that is. If we don't believe in law, then what do we believe in? . . ."

"For if we do not believe in law, (Senator Moynihan concluded) are we resigned to what Wordsworth described in 'Rob Roy's Grave' as the good old rule; the simple plan; that they should take who have the power; and they should keep who can."

I, therefore, return you yet another time to the words a generation ago of the signatories to the North Atlantic Treaty: "They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."

If we who belong to and support the Atlantic Alliance can return to that commitment, not only in the rhetoric of our leaders but in the actions of our countries, we shall be well on the way toward restoring the verve and vigor of a coalition that is crucial to the lives and liberties of us all.●

JAMES RUSSELL WIGGINS

● Mr. COHEN. Mr. President, a legend in journalism now living in Maine who is well known to many of my colleagues has recently celebrated his 80th birthday, and I want to share some of the articles about this amazing man which have appeared in Maine newspapers in recent days.

James Russell Wiggins is truly a renaissance man. His career now is as publisher of the Ellsworth American, one of the finest weekly newspapers in the country. He has served as the U.S. Ambassador to the United Nations and as the editor of the Washington Post. His professional life has been a blend of journalism and public service.

But to merely list Russ Wiggins' accomplishments is to present an incomplete portrait of a marvelous man. Those of us who are privileged to know him cannot believe that this most recent birthday celebration was his 80th—he has an energy and curiosity which exhausts many of us who are half his chronological age. To me, the most impressive thing about Russ Wiggins is that he has never stopped being a searcher. Many people who have accomplished far less in their lives have been content to stay within their own boundaries. But Russ has a truly inexhaustible supply of energy and curiosity which compels him to find out more, whether about Thomas Jefferson's beliefs about a free press or the development of an alewife fishery in Ellsworth, Maine—and he is an expert on both subjects.

I am proud to know such a vibrant and exuberant individual as Russ Wiggins, and I know my colleagues will enjoy reading these articles.

The articles follow:

[From the Bangor Daily News, Nov. 21, 1983]

POST EXECUTIVE CITES J. R. WIGGINS

(By Jean Hay)

ELLSWORTH.—The crew of the weekly Ellsworth American toiled to put out the Thanksgiving issue of that paper Tuesday night, as the paper's publisher, James Russell Wiggins, was being feted by about 150 members and guests of the Ellsworth Rotary Club at the Holiday Inn.

Wiggins turns 80 on Dec. 4, and the occasion was being observed 12 days early by the powers that be in the Hancock County area.

The guest speaker at the occasion was Katharine Graham, chairman of the board of the Washington Post and Newsweek magazine. Graham was head of those publications when Wiggins was executive editor of the Post.

Wiggins came to the Washington Post from a brief stint as assistant to the publisher of the New York Times in 1947. He stayed there 21 years.

"Russ was very much the right man at the right time for the Post," Graham said. The son of a building contractor in Luverne, Minn., Wiggins went to work for a weekly paper in Minnesota at the age of 18. He bought that paper a few years later, then moved on to the St. Paul Pioneer Press and Dispatch as an editorial writer. He became Washington correspondent and eventually became executive editor of that paper. Wiggins was fired in 1946, Graham said, after the publisher of the St. Paul paper was taunted that Wiggins, not the publisher, really ran the paper.

"In an act of 'I'll show you,' he had gone down and simply fired Russ," Graham said. "Russ was never bitter, but he was always independent after that, and always prepared for the worst. One of Russ' aphorisms after that was 'An editor must edit with his hat on.'"

Graham's husband Philip immediately offered Wiggins a job at the Post. He declined in favor of a job at the New York Times, but he was back at the Post the following year. Financial conditions were not good at the Post at the time, Graham said.

"We were poor, and we were constantly threatened with failure in this highly competitive atmosphere," Graham said. Wiggins "took the paper from this standing start with so little financial backing, so little with which to attract people and a new and inexperienced publisher (Philip Graham), and together they took us into the big time."

Graham said Wiggins "little by little brought his own goals and values to the paper. He began to build the news staff in a serious way. He fought hard for quality. Everyone who speaks of Russ uses the same expressions, 'moral principles, ethical standards, rigid integrity.' He installed strict rules against conflict of interest.

"Russ and the Post backed his reporters and editors through very rough periods, especially during the Joe McCarthy hearings, when we were being picked on for our so-called liberal views." When a reporter turned up with an expose of the flimsy methods used by McCarthy, the risks of the controversial story were conveyed to Wiggins. Graham said Wiggins told the reporter to write what he had, and "we'll worry about what happens to the paper."

Grahan quoted a reporter who described Wiggins as a genuine idealist, with a practical understanding of a newspaper's role. He believed that a paper must serve a valid social service, never just exploit the news for selfish reasons, that reporter observed. He believed that journalism was a public service, and he wanted a detachment and distance from politicians.

Wiggins caused quite a stir, Graham said, when he quietly inserted the picture of a young black bride in the social pages.

"The roof fell in," Graham said. "Russ had broken an important if symbolic integration barrier."

Graham said that Wiggins' insatiable appetite for reading is legend.

"That's why this man who graduated from high school only is better educated than almost any Ph. D. that I know."

She touched on the controversy that grew up when Wiggins passionately defended the Vietnam War even when that position became more and more unpopular.

Graham said Wiggins handled well the difficult time starting in 1957 during her husband's illness when he wanted things done on the paper that he would normally not want done.

"If you crossed him at these moments you became the object of his anger. Russ had to weigh being sympathetic with Phil while defending the stability of the paper. Phil threatened to fire Russ and once did, when Al Friendly, the managing editor, stepped in and said they would both go, so they both stayed."

Philip Graham died in 1963, and Katharine Graham filled his shoes.

Wiggins left the paper in 1968 to become President Johnson's ambassador to the United Nations, a few months before his scheduled retirement from the paper. For the past 15 years he has run the Ellsworth American, Graham said, "with a mixture of penache and homespun virtues."

In his own brief address before the august body, Wiggins relayed one anecdote from his years on the Post, and closed with these remarks:

"Every young man ought to be fired with enthusiasm once in his career."

Graham accepted Wiggins' invitation to speak at his 80th birthday celebration.

[From the Maine Sunday Telegram, Nov. 20, 1983]

THE JOY OF BEING RUSS WIGGINS

(By Bill Caldwell)

Here's a game to play this Sunday: Given the chance to swap places with anyone, whose shoes would you climb into?

All of us surely have fleeting moments when we'd give our eyeteeth to swap our life for someone else's. Whom would you pick?

I think there is only one man in Maine on my list. He is James Russell Wiggins. Soon he is going to be 80. And so many people want to celebrate the joyful fact that Russ has been gracing this often-graceless planet for 80 years that there were plans for at least three different celebrations.

First, his hometown friends in the Rotary Club at Ellsworth, where Russ edits and publishes the Ellsworth American, are giving a Wiggins Birthday. The speaker is flying in from Washington. She is Katharine Graham, chairman of the board of The Washington Post and Newsweek. Russ was the editor of the Post for 20 years before he retired to the greener pastures of Maine.

On Dec. 4, the real birthday, there will be children, grandchildren and great-grandchildren galore gathered at Carlton Cove, the saltwater farm on the Benjamin River

where squire Wiggins might even kill a fatted goose for the occasion. Then on Dec. 8, a third huge Wiggins birthday party, with skits and 200 friends, was planned for the Kennedy Center in Washington, his old stomping ground. But Russ has canceled it because of the death of his close friend and longtime colleague, Alfred Friendly, who would have shared the spotlight at the big Wiggins birthday party.

Why all these celebrations?

The answer, I think, lies in the fact that so many people would like to be in Russ Wiggins' shoes.

And the chief reason is not because Wiggins is a great journalist, heaped with honors, but because he seems such a complete and happy man.

He seems to be the perpetual optimist, getting more joy out of living than anybody else. It doesn't matter where he is or how old he is, or what he is doing; Wiggins always is on an even keel, always with an infectious, happy smile, always with a ready anecdote.

Meet Russ and talk about geese or sheep, about boats or broccoli, about nuclear arms control or state lotteries, about Ronald Reagan or Thomas Jefferson, and you'll come away feeling better and knowing more, even if you disagree totally with his ideas.

Wiggins is a very alive, flesh-and-blood epitome of Americana. As editor of The Washington Post, Wiggins was close to Presidents Truman, Eisenhower, Kennedy and Johnson and all the seats of power, here and abroad. But these do not seem to have left as indelible a mark upon him as being born a farm boy in Luverne, Minn.

In his high school days, Wiggins ran the mile for the track team. He got his practice running between Luverne and the Preston farm, four miles each way, to see his girl Mabel. He married Mabel Preston in 1923, a year after he graduated from high school. She'll be by his side still, celebrating his 80th and remembering that Russell's pay was raised from $17 to $20 a week on the day 60 years ago that they were married.

He was a newspaperman even then. Russ's first job was on the weekly Rock County Star. Soon he bought it with borrowed money and for five years, until 1930, he was publisher, editor, reporter, advertising salesman and press repairman. He never went to college because he went instead to newspapering.

The editorials he wrote for his Rock County Star attracted the attention of Herb Lewis, chief editorial writer for the big-time St. Paul Pioneer Press and Dispatch, and when Lewis went off on a honeymoon, he reached out and hired Wiggins. Three years later, the St. Paul paper sent Wiggins to run its Washington, D.C., office during the first term of Franklin D. Roosevelt.

In 1938 he went back to Minnesota to become managing editor until 1946, with time out for overseas service in Italy and North Africa with the Air Force. After the war, he was briefly assistant to the publisher of the New York Times and in 1947 joined the Washington Post as managing editor. Over the next 20 years, Wiggins built the Post into one of the greatest newpapers in the United States.

He retired to become President Johnson's ambassador to the United Nations in 1968. So there are two reasons Russell Wiggins' shoes look so good to so many: a straight line of success in a newpaper career and simultaneously straight-line happiness in a marriage which flourished from high school runner to ambassador to the United Nations.

Maine is another magnet. Wiggins found Maine early and loved it quickly. He first bought a summer place, then bought a bigger, older saltwater farm.

He bought a Friendship sloop, built about the same year Wiggins himself was launched into the world, and the two of them are still sailing together. And to ease retirement from newpapering in Washington, Wiggins in 1966 bought the Ellsworth American.

There is yet another enviable point about being in Wiggins' shoes; they wear so well. But the Ellsworth American was for him no relaxing retirement pasture. He has transformed it from a run-of-the-mill country weekly into a top-notch, vigorous, good-looking and hard-driving newspaper. He crusades as hard in Ellsworth as he did in Washington. He chases a news story in Hancock County with all the verve and doggedness he used as editor of The Washington Post.

And he fights the villains, as he sees them, with undiminished courage. The same firebells ring in Wiggins' journalistic head when he fights news blackouts in local town meetings or in Augusta as when he fought them at the Pentagon or the White House. He is as deep-digging and hard-hitting against the Teamsters trying to take over the Ellsworth fire or police departments as he was in attacking Sen. Joseph McCarthy on Capitol Hill.

That's another reason people look with envy at Wiggins' shoes. They run as fast at 80 as they did at 40. His moral lance is as sharp today as a generation ago.

There is an enviable quality about the Wiggins lance that few others have. David Halberstam described it well, when he was writing about Wiggins and The Washington Post in his book, "The Powers That Be": "There was an essential decency to the paper's political outlook: The Post clearly wanted the city and the nation and the world to be a better place, and its was prepared to use its columns to expedite the process if the world seemed a little reluctant to move in the right direction. It was a paper that very clearly had a moral compass and it did have conscience, much of that coming from Wiggins, a highly moral, forceful man."

Halberstam goes on further about editor Wiggins: "There was nothing flexible about Russ Wiggin's morality. He was a man of stern, almost rigid belief in right against wrong, in good against evil. A touch of the prairie preacher in him. Always, Wiggins told younger editors, edit with your hat on. Which meant that you had to be willing to walk out on a job if the wrong things were required of you. He was a man of virtue—perhaps, thought one of his best friends, too much virtue."

That's a trait few of us have but all of us admire, and another reason Russ' shoes look so good. But his virtue is that rare kind which smiles rather than frowns. That makes it enjoyable as well as good for you.

Wiggins is a learned man, who reads deeply and constantly from the whole heritage of literature. Not because it gives him the pleasure, insight and knowledge he thirsts after.

But the best part of Russ' shoes is that they are happy shoes, laughing shoes, plain and simple shoes. He is so much a dog lover that his Taffy ruled the house as long as she lived; and when she died, Russ buried her on her favorite high ground in the pasture and put down a marble marker and wrote the verses which are on her grave. He is a fruit and vegetable lover who walks the garden and talks to the plants with admiring words of encouragement. He is a boat lover who races to his old Friendship for solace and fun whenever the breeze blows on Eggemoggin Reach. He is a newspaperman who writes more good sense and meets more deadlines at 80 than he did at 50.

Who wouldn't sometimes like to trade places with Russ Wiggins? Happy birthday!

[From the Ellsworth American, Nov. 24, 1983]

OLD BOSS (AND OLD FRIEND) LEADS TRIBUTE TO WIGGINS FOR HIS 80TH

(By Pat Flagg)

James Russell Wiggins was visibly moved Tuesday evening as 150 Rotarians, guests, visiting dignitaries and Katherine Graham of the Washington Post honored him on his upcoming 80th birthday.

As television camera lights spotlighted the head table after the Rotary dinner in Ellsworth's Holiday Inn, all 150 guest rose to sing the traditional Happy Birthday song. He will turn 80 on Dec. 4.

Guests, including U.S. Rep. Olympia Snowe, State Rep. Ruth Foster, and heads of television networks, newspapers and corporations, were introduced just before the afterdinner speech by Katherine Graham, chairman of the board of the Washington Post.

Richard Dudman of WDEA, who introduced Graham, pointed out that although her father had been the owner of the Post, Graham had come by her position through hard work "on the news side." As the widow of publisher Philip Graham, she took over as president in 1963 and guided the paper through such momentous times as the Watergate episode, the decision on whether to publish the Pentagon Papers and through a major strike and period of sabotage.

"She was head of a broadcast and newspaper empire," Dudman said.

Graham, who said she "accepted immediately" her invitation to help her old friend celebrate his birthday, declared that "none of us believes that Russ Wiggins is 80 years old. He has the same energy and passion that he always has."

When he came to the Post in 1947, he was the right man at the right time, Graham said. Wiggins arrived at the Washington paper with a strong newspaper background, reporting for the Rock County Star in his home town of Laverne, Minn., at age 18 and rising to editor and publisher there; he joined the St. Paul Dispatch-Pioneer Press in 1930 as editorial writer and became Washington correspondent, managing editor and then editor.

He turned down an offer from the Washington Post to become assistant to the publisher at The New York Times in 1946, but a year later did go to Washington as the Post's managing editor. He became executive editor in 1955 for four years and was then editor and executive vice-president before leaving in 1968 to become U.S. Ambassador to the United Nations for a year.

Graham said her father bought the Post in 1933 and that for years the rival paper The Star "owned the town. We were poor and constantly threatened with failure. Into this arena came Phil Graham and Russ. Russ took the paper from this standing start and took us into the big time. The Post bought the Times-Herald in 1954."

Russ brought his own genius to the paper, she said, and became known for his moral presence, ethical standards, and rigid integrity. "Everyone said this," she noted. He insisted that the staff not accept free tickets and other gifts.

"Russ and the Post backed the editors and reporters, especially during the McCarthy era, telling one reporter worried about the real possibility of suits resulting from his articles, 'Murray, you write what you have. We'll worry about the paper.' "

"He was a genuine idealist with a practical understanding of the newspaper role. He believed this would be the serving of a valid social purpose."

She recalled one occasion when Sen. Ted Kennedy visited the paper to bring some pressure concerning a judicial candidate about whom John Kennedy had made some promises to his father. "I didn't promise your father anything," was Wiggins response, Graham said.

"He had a devotion to ideals and the courage to implement them. At a time when our bridal section was including white brides only, Russ quietly inserted a picture of a black bride. He had broken an impossible barrier."

Graham mentioned Wiggins's habit (still present) of handing a stack of books to his colleagues and employees and the next day asking for a report on what he assumed they had read.

"He is a voracious reader and as a high school graduate only, he has a better education than any PhD I know."

He was constantly concerned with freedom of information, press access to the government and the courts, and in 1956 wrote his book, *Freedom or Secrecy*, "He spoke about these things constantly before it was fashionable."

He was president of the American Society of Newspaper Editors, she recalled, and was a staunch defender of the Vietnam War even when it became unpopular. "He was dogged and difficult to budge; his beliefs were not lightly arrived at. It was joy to behold his enthusiasm for an idea. Russ is wise."

Ten years after the Times Herald and the *Post* merged in 1954, he was managing 300 people, she pointed out. The paper continued to grow and by 1963 it surged ahead of its rival, the *Star*, I'm glad Russ had the chance to be part of the more affluent years."

The audience stood and applauded long and hard for Graham and James Russell Wiggins, her friend.

Wiggins, his voice trembling with emotion at first, said his years at the Post "were the most fulfilling any man in my profession could have had."

He mentioned one episode in which the paper undertook an extensive series of articles about what they called "Tygoons," or Mafia types who were moving into legitimate government. One was Costello, he said.

"The articles were straightforward in their treatment, just showing the lifestyle of these men. They were factual stories." Concern about the reception of the articles was for naught, because the paper soon learned that the men liked the stories, Costello's "mouthpiece," in fact, showed up at the paper to give something, a car, anything, to the writer.

The reporter, Eddie Folliard, was worried. "If I take a gift, I'm ruined, and if I don't I may be shot."

Wiggins said he advised Folliard to tell Costello's mouthpiece he wanted "nothing so much as a large portrait of Costello" which the reporter eventually got.

Referring to Graham's mention of his early firing by a jealous owner of a paper in which Wiggins was receiving too much recognition, he ended his remarks with advise gained by this experience. "I tell every young man he ought to be fired with enthusiasm once in his career."

James Russell Wiggins sat down at the head table beside his wife, Mabel, and shared with her the pleasure of the long ovation given him.

There were sad times, too, Graham said. In 1957 her husband became ill and for a number of years "that took a toll on us all, Russ particularly. Phil became angry if crossed and was difficult, but Russ was sympathetic. Phil even fired him once, but Al Friendly, the managing editor, said if Russ were to go, they both would go.

"Russ helped me, a neophyte, and encouraged me to take over when my husband died. I, and the paper, owe him great, great respect and gratitude.

"And then how like him to go to the United Nations when he was ready to retire. And then at the end of Johnson's term, to come here to the Ellsworth American.

"He has penache and is yet homespun. He hired an oxcart to show how slow the mails were, and he still writes his verse in every issue of his paper.

"He is still a valued critic and supporter of the Post. In the aftermath of the Janet Cook episode he attended a newspaper meeting and said he was so impressed and proud of his profession. When we asked him why, he said, 'I've just met 100 editors who said this could never have happened in our shop.'

"He is a busy and hard worker, as well-read and passionate as ever, a wise friend and a cheerful companion and a man of conscience. May we all be like this on our 80th birthday. Congratulations, Russ."●

HOOSIER HOSPITALITY

● Mr. QUAYLE. Mr. President, the Upper Midwest was buffeted with extremely severe cold and heavy snows this past Christmas season. Many travelers found themselves stranded and communities offered shelter to scores of unexpected visitors. One such community, Morocco, Ind.—a town of 1,200 population—provided shelter to Mrs. Henry B. Payne of Hinsdale, Ill. Mrs. Payne has written a letter expressing her gratitude to the townspeople and I ask that this letter recognizing "Hoosier hospitality" that I have enjoyed for so many years be printed in the RECORD.

The letter follows:

HINSDALE, ILL., *January 13, 1983.*

DEAR SENATOR QUAYLE:

The citizens of Morocco, Indiana, were extremely kind to several hundred travelers who were stranded on highway 41 headed south over the Christmas weekend, 1983. The two churches in the tiny town of 1,200 people—United Methodist and United Christian—collected food and bedding from townsfolk who were already plenty cold themselves in 20 degrees below zero weather with a wind chill factor of 70 degrees below. These townsfolk probably had planned to serve some of the hams, cakes, cookies, etc. to their own families. The prescheduled Christmas Eve service in the Methodist Church had to be canceled for members because of the severe weather. However, the Rev. Norman Glassburn invited all the people who had assembled in his church basement to a service by candlelight which they will surely never forget. For two days and two nights the Methodist Church kitchen was buzzing with activity. The biggest and best kettle of chili I ever saw or ate from was prepared with church members "Joyce," "Shirley," and "Almetta" doing uninterrupted duty. Some of the people of Morocco even took people to their homes for the two night duration. When the highway was clear on Monday after Christmas a lot of people departed from this friendly tiny town which was so big in heart. They probably all learned a lesson expressed in the Bible, "Go now and do likewise."

Sincerely,

MRS. HENRY B. PAYNE.●

NOTICE OF ACCEPTANCE AS U.S. BANKRUPTCY JUDGES

● Mr. LONG. Mr. President, I submit for the RECORD the following letters from U.S. Bankruptcy Judges T. H. Kingsmill, Jr., and Rodney Bernard, Jr., of Louisiana, addressed to President Ronald Reagan and Vice President GEORGE BUSH. Judge Kingsmill and Bernard have agreed to accept the appointment by President Reagan as judges of the U.S. Bankruptcy Court for the Eastern District of Louisiana and the Western District of Louisiana, respectively.

Pursuant to title 5, United States Code, section 8331(22)(A), notice is hereby given to the U.S. Senate of Judges Kingsmill's and Bernard's acceptances.

The letters follow:

U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., December 15, 1983.

Hon. RUSSELL LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: Enclosed herewith are copies of my letters to the President and the Vice President, as President of the Senate, advising that I agree to accept an appointment as a Judge of the United States Bankruptcy Court.

I request that these letters be placed in the Congressional Record when the Senate reconvenes on January 23, 1984.

Sincerely yours,

T. H. KINGSMILL, Jr.,
Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., December 15, 1983.

GEORGE H. W. BUSH,
The Vice-President of the United States,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In conformity with Section 8331(22)(A) of Title 5, United States Code, I hereby notify you that I have agreed to accept an appointment as a Judge of the United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

T. H. KINGSMILL, Jr.,
Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., December 15, 1983.

RONALD REAGAN,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In conformity with Title 5, United States Code, Section 8331(22)(A), I wish to advise that I agree to accept appointment as a Judge of the United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

While I am aware of the fact that the future of the bankruptcy courts is in doubt because of the failure of Congress to approve legislation to meet the constitutional problems presented in *Northern Pipeline Construction Company* v. *Marathon Pipeline Company*, 102 S. Ct. 2858 (1982), this notice is being given to protect the retirement benefits contained in 5 U.S.C. Section 8339(n).

Very truly yours,

T. H. KINGSMILL, Jr.,
Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

RUSSELL LONG,
U.S. Senator,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR LONG: I enclose copies of letters to the President and Vice President. I ask that these letters be placed in the Congressional Record when the Senate reconvenes on January 23, 1984. Thank you for your assistance in this matter.

Sincerely,

RODNEY BERNARD, Jr.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

Re 5 USCS 8331(22)(A).

GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In conformity with the captioned statute I hereby give notice that I have agreed to accept appointment as a United States Bankruptcy Judge.

I enclose a copy of my letter to President Reagan evidencing my agreement.

Sincerely,

RODNEY BERNARD, Jr.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

Re 5 USCS 8331(22)(A).

RONALD REAGAN,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In conformity with the captioned statute, I hereby advise that I agree to accept appointment as a United States Bankruptcy Judge. This notice appears to be necessary to protect the retirement benefits provided in 5 USCS 8339(n).

Sincerely,

RODNEY BERNARD, Jr.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

RONALD REAGAN,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The failure of Congress to meet the constitutional problems precipitated by the Marathon decision has placed the very existence of the bankruptcy courts in jeopardy. The only solution which will, for once and all, answer the jurisdictional questions is the creation of an independent Article III Bankruptcy Court.

While I realize that you face, on a daily basis, innumerable crises, both on the domestic and international levels, I urge you to turn your attention to this problem which affects the lives of so many of our citizens.

Sincerely,

RODNEY BERNARD, Jr.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In view of the jurisdictional problems created by the Marathon decision and beyond it is imperative that the Senate act, prior to March 31, 1984, to establish the Bankruptcy Court as an independent Article III court. This is the only feasible and practical solution. I ask that you exert all effort to the passage of such legislation.

Sincerely,

RODNEY BERNARD, Jr.,
U.S. Bankruptcy Judge.●

A SOLUTION FOR HONG KONG

● Mr. HEINZ. Mr. President, I would like to bring to my colleagues' attention a thoughtful and well written article which appeared in the International Edition of Newsweek by Parris Chang of Pennsylvania State University. Professor Chang's article suggests a unique and, more importantly, viable solution to the economic situation now facing Hong Kong as a result of fears surrounding China's plan to take over the region in 1997. According to the article, China could be convinced to lease Hong Kong back to Britain or an international consortium under a 30-year management contract starting in 1990. This type of leaseback plan would allay the fears of both investors and residents in the region, thereby insuring continued economic growth and prosperity for Hong Kong, and for that reason it deserves serious consideration.

Because of the importance of the Hong Kong issue and this article's unique approach, I ask that it be included at this point in the RECORD.

The article follows:

A PROPOSAL TO SAVE HONG KONG

(By Parris Chang)

(Parris Chang is professor of political science and chairman of Asian studies at Pennsylvania State University.)

As China and Britain haggle over the furture of Hong Kong, the economy of the colony continues to plummet. Over the past two years, the Hong Kong stock market has dropped more than 600 points, and the Hong Kong dollar tumbled more than 60 percent before the government intervened to save the local currency. Further devaluation, and even a run on the currency, could prove inevitable if it begins to look as if China will win its demands for direct control of the colony when the British lease on the New Territories runs out in 1997.

In fact, any hint that Britain will give in to China on Hong Kong's autonomy will only result in more chaos. More and more capital will drain out of the colony. More important, Hong Kong's professional people will emigrate, causing long-term damage to the economy. The plunging value of the local currency will be followed by a rise in inflation as the price of imports goes up. Unemployment, still at only 3 percent, will also rise as investment, production and business activities are curtailed. At that point, Hong Kong could encounter severe law-and-order problems—and Peking might suddenly decide to step in to take control before the 1997 deadline.

Crisis: Ironically, China itself would suffer from an economic slide in Hong Kong. Indeed, by insisting on direct control of the colony, the People's Republic could kill the goose that lays the golden eggs. Much of the $8 billion that China earns from exports to or through Hong Kong each year would evaporate. The loss of such income would have a disastrous impact on China's modernization programs. At the same time, the crisis over Hong Kong's future would certainly jeopardize China's economic and political relations with Western countries.

To avert catastrophe, the British, the Chinese and the residents of Hong Kong must compromise. There is a solution that I believe might be acceptable to all parties. But first, some background:

Since June 1983, British and Chinese diplomats have held six rounds of talks on Hong Kong's future, but the negotiations seem hopelessly deadlocked. At issue are the three separate parts of Hong Kong: (1) Hong Kong Island itself, 32 square miles, taken by Britain "in perpetuity" from China's Manchu dynasty under the 1842 Treaty of Nanking; (2) the Kowloon Peninsula, about four square miles on the Chinese mainland, plus Stonecutter's Island, also taken forever under the 1860 First Convention of Peking, and (3) the 365-square-mile New Territories, adjoining Kowloon and constituting 89 percent of the area of the colony, leased to Britain in 1898 under the Second Convention of Peking for 99 years. The Chinese Government regards all three treaties as illegal since they were imposed on the country by force.

China has proposed a plan for a takeover of Hong Kong which it believes would preserve the stability and prosperity of the colony. The whole territory would be incorporated into China's administrative framework in 1997 with, supposedly, a high degree of self-rule. Peking would appoint a governor and a few key officials from among the residents of Hong Kong; the bureaucracy and legal system would stay intact. Law and order would be maintained

by the Hong Kong police, although Peking could dispatch military forces to Hong Kong to safeguard its "external" security. Finally, Hong Kong citizens would retain the freedoms that they now enjoy.

The only problem with the plan is that the people of Hong Kong do not trust Peking. Ninety-eight percent of Hong Kong's 5.5 million residents are Chinese; many fled the mainland at great personal risk. Few believe that China would really leave Hong Kong alone. Hong Kong Chinese doubt that Peking could long tolerate the city's free press and independent court system. And Hong Kong businessmen and outside investors think that Perking would be unable to resist raiding Hong Kong's considerable financial reserves, which are greater than mainland China's own reserves of foreign currency.

A compromise proposal: A leaseback plan might be the way out of the present impasse. Such a formula would offer something to both sides. Britain would agree to an early return of all of Hong Kong to China; the transfer of sovereignty could occur as early as 1990. China, in turn, would proceed to lease Hong Kong back under a management contract to Britain or to an international consortium that would include the British and the Chinese people of Hong Kong. The term of the lease would be 30 years from 1990, with an option to renew for another 15 years.

Small price: Peking might just accept this "free city" plan. An early return of Hong Kong to Chinese sovereignty would be an enormous political gain for the mainland regime. At the same time, it would be a small price for Britain to pay to assure true autonomy for Hong Kong. And Hong Kong experts are unanimous in predicting that the resident population of the colony would accept the compromise.

China has, in fact, already seriously considered such a plan. In February 1982, Communist Party General Secretary Hu Yaobang brought up the idea with provincial party officials in Fujian and Guangdong, regions in which four special economic zones have been set up to attract foreign investments. At the same time, Hu was quoted in Zheng Ming, a leftist publication in Hong Kong, saying that Lenin himself had permitted foreign firms to lease and manage Soviet enterprises in the early 1920s. The general secretary was apparently trying to lay the ideological groundwork for applying such a scheme to Hong Kong.

For some reason, China has since shied away from the leaseback proposal. But interested parties should not simply drop the matter. The governments of Britain, the United States, Japan and Australia—and executives of banks and multinational corporations that do business in Hong Kong or China—should press for the "free city" concept. By retaining real autonomy for Hong Kong, the plan would reassure Hong Kong residents and investors. The region would continue to prosper. And China itself would reap a large portion of the benefits.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Chair on behalf of the President pro tempore reappoints Senator HUDDLESTON and Senator BIDEN as members of the Select Committee on Intelligence.

Mr. BAKER. I thank the Chair.

ORDERS FOR TUESDAY, JANUARY 24, 1984

RECESS UNTIL 11 A.M.

Mr. BAKER. Madam President, when the Senate completes its business today, I ask unanimous consent it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12 NOON TO 2 P.M. TOMORROW

Mr. BAKER. Madam President, I further ask unanimous consent that between the hours of 12 noon and 2 p.m. tomorrow, those being the hours in which Senators on both sides of the aisle will be attending caucuses of their respective parties away from the floor of the Senate, the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to extend from that time, meaning the time after the expiration of the time for the two leaders, until 12 noon in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, there are two matters that I believe have been cleared on both sides, and I inquire of the minority leader if he is prepared now to approve for consideration at this time House Concurrent Resolution 238, which is a House concurrent resolution providing for a joint session of the Congress on Wednesday to hear an address on the state of the Union by the President?

Mr. BYRD. Madam President, I am so prepared.

Mr. BAKER. Madam President, I thank the minority leader.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. BAKER. I ask now that the Chair lay before the Senate House Concurrent Resolution 238.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 238) providing that the two Houses of Congress assemble in the hall of the House of Representatives on Wednesday, January 25, 1984, at 9 o'clock post meridian, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 238) was agreed to.

Mr. BAKER. Madam President, I thank the Chair.

RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE CLEMENT J. ZABLOCKI, OF WISCONSIN

Mr. BAKER. There is another matter, I believe, that the minority leader may wish to address to the Senate, and I yield to him.

Mr. BYRD. Madam President, I thank the majority leader.

On behalf of the majority leader and Mr. KASTEN, Mr. PROXMIRE, and myself, I introduce a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

S. RES. 307

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Clement J. Zablocki, late a Representative from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. The Senate will proceed to its immediate consideration.

Mr. PROXMIRE. Mr. President, during the congressional break that ended today, Congressman CLEMENT ZABLOCKI, the dean of our Wisconsin delegation, died. CLEM served Milwaukee, our State of Wisconsin, and this country in the House of Representatives for 35 years. Of the 435 Members of the House, CLEM ranked third in seniority. For several years he had been chairman of the House Foreign Affairs Committee. No Congressman could have been closer to his constituents than CLEM ZABLOCKI. He flew back to Milwaukee almost every weekend. He spent his congressional recesses in his district, attending every kind of church or civic or congressional meeting, and faithfully and aggressively serving his constituents.

Too few Members of the House or Senate recognize that our job in the

Congress is to represent our people, full time, all the time. CLEM never forgot this for a minute. No Member of the Congress can really do this unless he returns to the district or State continuously to see them, study their problems, talk with them and above all listen to them. And CLEM was a full scale, all out, A-No. 1 listener. The people of Milwaukee knew him, loved him, and returned him to office with smashing approval.

CLEM had a superlative record here in Washington. His record was compassionate and concerned. He was a Democrat and a liberal and proud of it without being ideologically rigid or partisan. As chairman of the Foreign Affairs Committee, CLEM truly met with Kings and Presidents without ever losing his humility or his common touch. He had great respect for the Office of the Presidency and showed it. But as chairman of the Foreign Affairs Committee, he made up his own mind based on his own personal convictions.

More than 160 Members of the House and other Washington friends made the long trip to Milwaukee during the recess to attend CLEM's funeral. It was a heart warming tribute to a unique man. We shall deeply miss him.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROGRAM

Mr. BAKER. Madam President, on tomorrow, after the Senate convenes at 11 a.m. and after the time for the recognition of the two leaders under the standing order has expired, there will be a period for the transaction of routine morning business to extend until not later than noon in which Senators may speak for not more than 5 minutes each.

At 12 noon, the Senate will stand in recess until 2 o'clock. At 2 o'clock, the Senate will resume consideration of the pending business, which is the motion to proceed to the consideration of S. 1660, Calendar Order No. 467.

It is anticipated that debate on that motion may proceed for a good part and perhaps all of the remaining time tomorrow.

ORDER OF PROCEDURE ON WEDNESDAY

Madam President, may I remind Members that on Wednesday, January 25, the House and Senate will meet together in the Hall of the House of Representatives to hear an address on the state of the Union by the President of the United States as required by the Constitution. The plans for a session of the Senate on Wednesday are not yet complete. I am attempting to confer with the Speaker of the House to see what his wishes may be.

However, there is some possibility that we will not be in session on Wednesday until perhaps 8:30 p.m., when we will convene to proceed as a body to the House Chamber. I will try to clarify that situation sometime early in the day tomorrow, in any event before our two caucuses begin at around 12 o'clock.

Madam President, I have nothing further to address the Senate. Could I inquire of the minority leader if he has anything further?

Mr. BYRD. I have nothing further.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Madam President, I see no other Senator seeking recognition. I move, in accordance with the previous order, and pursuant to Senate Resolution 307, as a further mark of respect to the memory of the deceased Hon. CLEMENT J. ZABLOCKI, late, a Representative from the State of Wisconsin, the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 4:59 p.m., the Senate recessed until tomorrow, Tuesday, January 24, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 23, 1984:

DEPARTMENT OF DEFENSE

William H. Taft, IV, of Virginia, to be Deputy Secretary of Defense, vice W. Paul Thayer, resigned.

HOUSE OF REPRESENTATIVES—*Monday, January 23, 1984*

The House met at 12 o'clock noon.

The SPEAKER. This being the day fixed by Public Law 98-179, 98th Congress, enacted pursuant to the 20th amendment of the Constitution for the meeting of the 2d session of the 98th Congress, the House will be in order.

The prayer will be offered by the Chaplain.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, creator and sustainer of all people, may Your blessing be with us and upon this assembly. May Your good spirit encourage us to be the people You would have us be and to do those things that bring justice to our society and peace to our troubled world.

As we convene this day, looking to the opportunities before us, we yet remember with sorrow the death of CLEMENT ZABLOCKI. We recall with appreciation his concern for the people of his State and his dedicated efforts to bring understanding and respect among the nations of the world. We remember, too, the personal grace and kindness that he showed to his family and colleagues and friends. May Your abiding presence, O God, continue to support us with Your peace that passes all human understanding. In Your name, we pray. Amen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. We want to welcome you all back, and we want to especially thank the Chaplain for including our former colleague in his prayer this morning—the late Honorable CLEMENT ZABLOCKI, whom we all respect and whom we miss so dearly.

CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Ackerman	Annunzio	Bates
Addabbo	Applegate	Bedell
Albosta	Barnard	Beilenson
Anderson	Barnes	Bennett
Andrews (TX)	Bartlett	Bereuter
Bethune	Gregg	Obey
Biaggi	Gunderson	Ortiz
Bilirakis	Hall, Ralph	Owens
Bliley	Hamilton	Oxley
Boehlert	Hammerschmidt	Packard
Boggs	Hansen (ID)	Panetta
Boner	Harkin	Parris
Bonior	Hatcher	Patman
Bonker	Hawkins	Paul
Borski	Hayes	Pease
Bosco	Hefner	Penny
Boucher	Hertel	Pepper
Boxer	Hightower	Perkins
Breaux	Hiler	Pickle
Britt	Holt	Porter
Brooks	Hopkins	Price
Brown (CA)	Horton	Pritchard
Brown (CO)	Howard	Quillen
Burton (CA)	Hubbard	Rahall
Burton (IN)	Hughes	Ratchford
Byron	Hunter	Ray
Campbell	Hutto	Regula
Carney	Hyde	Reid
Carr	Ireland	Richardson
Chandler	Jacobs	Ridge
Chappie	Jeffords	Rinaldo
Clarke	Jenkins	Robinson
Clay	Jones (NC)	Roe
Clinger	Jones (OK)	Roemer
Coats	Jones (TN)	Rogers
Coelho	Kaptur	Roth
Coleman (TX)	Kasich	Roukema
Conable	Kastenmeier	Rowland
Conte	Kazen	Roybal
Cooper	Kildee	Rudd
Coyne	Kindness	Sawyer
Crane, Daniel	Kostmayer	Schneider
Crane, Philip	Lagomarsino	Schroeder
Daniel	Latta	Schumer
Dannemeyer	Leath	Sensenbrenner
Darden	Leland	Shannon
Daschle	Lent	Sharp
Daub	Levin	Shaw
Davis	Levitas	Shelby
Derrick	Lewis (FL)	Shumway
DeWine	Livingston	Shuster
Dingell	Lloyd	Sikorski
Dixon	Loeffler	Sisisky
Dorgan	Long (LA)	Skeen
Downey	Lott	Skelton
Dreier	Lowry (WA)	Slattery
Duncan	Lungren	Smith (FL)
Durbin	Madigan	Smith (NE)
Dwyer	Marlenee	Smith (NJ)
Dyson	Martin (IL)	Smith, Denny
Early	Mavroules	Smith, Robert
Eckart	Mazzoli	Snowe
Edwards (AL)	McCandless	Spratt
Edwards (CA)	McCloskey	Stangeland
Edwards (OK)	McCollum	Stokes
Emerson	McCurdy	Stratton
Erdreich	McEwen	Studds
Erlenborn	McGrath	Swift
Evans (IA)	McHugh	Tallon
Evans (IL)	McKernan	Tauke
Fascell	McNulty	Tauzin
Fazio	Mica	Thomas (GA)
Fiedler	Miller (OH)	Torres
Fish	Minish	Torricelli
Flippo	Moakley	Towns
Ford (TN)	Molinari	Udall
Fowler	Mollohan	Valentine
Frank	Montgomery	Vandergriff
Garcia	Moody	Volkmer
Gaydos	Moore	Vucanovich
Gejdenson	Morrison (CT)	Walgren
Gekas	Mrazek	Walker
Gibbons	Murtha	Waxman
Gilman	Natcher	Weaver
Gingrich	Neal	Weber
Glickman	Nelson	Wheat
Gonzalez	Nichols	Whitehurst
Goodling	Nielson	Whitley
Gradison	Oakar	Whitten
Gramm	Oberstar	Williams (MT)
Wirth	Wortley	Wylie
Wise	Wright	Yates
Wolf	Wyden	Zschau

□ 1220

The SPEAKER. On this rollcall, 279 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 386) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 386

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas, Mr. WRIGHT, and the gentleman from Mississippi, Mr. LOTT.

NOTIFICATION TO THE SENATE

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 387) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 387

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF DAILY MEETING

Mr. PEPPER. Mr. Speaker, I offer a privileged resolution (H. Res. 388) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 3 o'clock post meridian on Wednesdays; 11 o'clock ante meridian on all other days of the week up to and including May 14, 1984; and that from May 15, 1984, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridian on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees with an amendment to the amendments of the House to a bill of the Senate of the following title:

S. 684. An act to authorize an ongoing program of water resources research.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 2769. An act to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region; and

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 566. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain tracts of land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission, and for other purposes;

S. 663. An act to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural-related programs, and for other purposes;

S. 1090. An act to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes;

S. 1102. An act to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972, and for other purposes; and

S. 1388. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors, to increase rates of compensation for certain blinded veterans, to modify the periods during which certain temporary increases in compensation are paid, to provide for continuation of compensation pending the administrative appeal of certain reductions or discontinuances, to make certain improvements in the Veterans' Administration home loan guaranty program, to repeal the 1989 termination date of the Vietnam-era GI bill, and to make certain improvements in other veterans' programs; to express the sense of the Congress that increases in compensation should take effect on December 1 beginning in fiscal year 1985, and to establish a pilot project to expedite certain medical facility construction projects; and for other purposes.

□ 1230

THE LATE HONORABLE CLEMENT J. ZABLOCKI

Mr. KASTENMEIER. Mr. Speaker, I offer a privileged resolution (H. Res. 389) relating to the death of the Honorable CLEMENT J. ZABLOCKI, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 389

Resolved, That the House has heard with profound sorrow of the death of the Honorable CLEMENT J. ZABLOCKI, a Representative from the State of Wisconsin.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 1 hour.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in offering this resolution, it is my sad duty to officially advise the House of the untimely death of our esteemed colleague the Honorable CLEMENT J. ZABLOCKI of Wisconsin. Having suffered a severe stroke at work in his office here in Washington, he died on December 3. Very few of us ever will serve with greater distinction, with more unswerving dedication to the country than our departed friend, CLEM ZABLOCKI. He had just completed 7 outstanding years as chairman of the House Committee on Foreign Affairs and 35 years as a faithful and revered member from Wisconsin. In every sense of the word, he was a patriot of the Nation, known and respected by royalty, by the highest officials of countries worldwide. For many years had been consulted by our Presidents and Secretary's of State on matters of highest concern to the Nation. But as a beloved and loyal friend of many of us here, he was a warm and abiding person, without guile or pretense. We will long grieve his loss and our sympathies go out to his family.

Mr. Speaker, it is my intention and that of the gentleman from Florida (Mr. FASCELL) to reserve time following legislative business on Tuesday, January 31, for those Members who care to do so to speak out about CLEM and his great contributions to this country and to his fellow citizens.

Mr. Speaker, I move the adoption of this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE CLEMENT J. ZABLOCKI

The SPEAKER. The Chair desires to announce that pursuant to the provisions of title 2, United States Code, section 124, and the order of the House of November 18, 1983, empowering him to appoint commissions, boards, and committees authorized by law or by the House, he did on December 7, 1983, appoint the following Members of the House of Representatives as a committee to attend the funeral of the late CLEMENT J. ZABLOCKI of Wisconsin:

Mr. KASTENMEIER of Wisconsin;
Mr. O'NEILL of Massachusetts;
Mr. MICHEL of Illinois;
Mr. FOLEY of Washington;
Mr. OBEY of Wisconsin;
Mr. ASPIN of Wisconsin;
Mr. ROTH of Wisconsin;
Mr. PETRI of Wisconsin;
Mr. GUNDERSON of Wisconsin;
Mr. MOODY of Wisconsin;
Mr. PRICE of Illinois;
Mr. BOLAND of Massachusetts;
Mr. FASCELL of Florida;
Mr. BROOMFIELD of Michigan;
Mr. CONTE of Massachusetts;
Mr. BIAGGI of New York;
Mr. YATRON of Pennsylvania;
Mr. RANGEL of New York;
Mr. YOUNG of of Florida;
Mr. JONES of Oklahoma;
Mr. MOAKLEY of Massachusetts;
Mr. MINETA of California;
Mr. SOLARZ of New York;
Mr. GARCIA of New York;
Mr. MICA of Florida;
Mr. WOLPE of Michigan;
Mr. GEJDENSON of Connecticut; and
Mr. LANTOS of California.

APPOINTMENT AS MEMBERS OF COMMISSION ON CIVIL RIGHTS

The SPEAKER. The Chair desires to announce that pursuant to the order of the House of November 18, 1983, empowering him to appoint commissions, boards, and committees authorized by law or by the House, he did on December 16, 1983, pursuant to the provisions of section 2(b)(1)(C) of Public Law 98-183, appoint as members of the Commission on Civil Rights the following from private life: Ms. Mary Frances Berry of Washington, D.C., and Mr. Robert A. Destro of Arlington, Va.

And, on the same day, pursuant to the provisions of Public Law 98-162, appoint as members of the Commission on the Eleanor Roosevelt Centennial the following Members on the part of the House: Mrs. KENNELLY of Connecticut and Mr. FISH of New York.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *January 23, 1984.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:20 p.m. on Wednesday, December 14, 1983 and said to contain a message from the President wherein he transmits the third special message for Fiscal Year 1984 under the Impoundment Control Act of 1974, transmitted pursuant to 2 U.S.C. 685(a);

(2) At 11:30 a.m. on Wednesday, December 21, 1983 and said to contain a message from the President wherein he transmits the fourth special message for Fiscal Year 1984 under the Impoundment Control Act of 1974, transmitted pursuant to 2 U.S.C. 685(a); and

(3) At 10:45 a.m. on Thursday, January 12, 1984 and said to contain a message from the President wherein he transmits the fifth special message for Fiscal Year 1984 under the Impoundment Control Act of 1974, transmitted pursuant to 2 U.S.C. 685(a).

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

FIVE NEW DEFERRALS AND FIVE SUPPLEMENTARY DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-155)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, January 23, 1984.)

ONE PROPOSED RESCISSION AND ONE REVISED DEFERRAL RELATING TO DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND LABOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-156)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Monday, January 23, 1984.)

SEVEN NEW DEFERRALS AND SEVEN REVISED DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-157)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, January 23, 1984.)

REPORT ON ARMS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-158)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed with that portion of the attachment that is unclassified:

(For message, see proceedings of the Senate of today, Monday, January 23, 1984.)

□ 1240

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate, to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make, has performed that duty.

The President did not really seem surprised that we were back in town, but he asked us to report that he will be pleased to deliver his message at 9 p.m., Wednesday, January 25, 1984, to a joint session of the two Houses.

The SPEAKER. Did he have anything else to say?

Mr. WRIGHT. Mr. Speaker, the President said that he hoped that we would be a little more forthcoming than the pesky Russians and that he hoped that there would be a thaw in the weather and that there would be joyous harmonious relationships between the Congress and the White House and all other good things.

The SPEAKER. The gentleman saw no change in his style.

Mr. WRIGHT. Absolutely not. He was in rare form.

There may be some addendum to the report to be made by the gentleman from Mississippi.

Mr. LOTT. I think I had better leave it alone, Mr. Speaker.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 238) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 238

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 25, 1984, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON WEDNESDAY, JANUARY 25, 1984, SUBJECT TO THE CALL OF THE CHAIR

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, January 25, 1984, it may be in order for the Speaker to declare recesses at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, in seeing some of the press that has come out of the House with regard to business that we are going to be accomplishing over the next several weeks, a number of us have had some concern that some of the bills that we thought should be major priorities for the Congress were not appearing on those lists of things that this House is likely to do or even consider.

Now the one in which we do have an ability to get at some of those bills is with the Calendar Wednesday procedure and by going through it by unanimous consent and dispensing with Calendar Wednesday, it seems to us that what we are doing is taking that procedure away from us.

Can the gentleman give us any assurances that the minority, for example, will have some input into scheduling over the next few weeks to assure that items like school prayer, balanced budget, and some of those will come to the House for consideration?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman under my reservation.

Mr. WRIGHT. There really just has not been any list put together yet, but a meeting will be held very soon among the committee chairmen and we would certainly expect that they would elicit the wishes of the ranking minority members of their respective committees. Therefrom should issue a reasonably comprehensive list of those things that we might hope to achieve during this session.

I would suggest to the gentleman that Calendar Wednesday surely would not be a day that he would want to pursue because we would become so involved with all of these things that we might not be through in time to hear the President. And that would be a terribly rude thing for us to do. Therefore, I would hope that the gentleman would permit us, on this occasion, to dispense with Calendar Wednesday.

Mr. WALKER. Further reserving the right to object, I have a feeling that if we were able to take up on Calendar Wednesday some of the items that I mentioned, that the President might very well understand why the House was continuing to meet on items of that kind of magnitude.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I would just like to say that the majority leader might like to comment. I suspect that if we were to offer to the President a chance for this House to pass a constitutional amendment to require a balanced budget or a line item veto, that he would be delighted to be delayed briefly in coming up here, that he would much rather see this House engage in substantive business and actually achieve something and that with the gentleman's party taking its courageous stance against deficits, he would probably be delighted to see the gentleman's party helping him get the kind of tools that would allow—he might even be willing to forgo for a day and come up on Thursday and speak to us. And if the gentleman would like to offer, I am sure our Members would be delighted to work with the gentleman, to spend all day Wednesday on the kind of constitutional amendments that will allow us to balance the budget.

Mr. WRIGHT. Mr. Speaker, will the distinguished gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. WRIGHT. I recognize the zeal and earnestness which impels our distinguished friend from Georgia to make that recommendation, but on the other hand, how do we know that these are not the very things that the President would want to talk with us about Wednesday night. And would it not be a terrible thing if we had already done those things and then he would not have any speech, that would be a terrible thing to do to the President of the United States.

And I do believe that we should wait and see what it is he wants us to do before we begin doing things.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I personally, I must say to the majority leader, I am personally willing to take that risk. Now I do not know whether the majority leader is willing to take that risk, but I personally am willing to risk that the President might find that his message was somewhat taken away from him by what we did in the House that day.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

□ 1250

Mr. GINGRICH. Mr. Speaker, I just want to say that since the President ranks with the distinguished majority leader as one of the two most eloquent and loquacious speakers in this city, I am confident that the President could wing it and develop a congratulatory address to the House should we in fact decide to spring to our senses and pass a line-item veto or a constitutional amendment requiring a balanced budget.

I would hope that the distinguished majority leader, whose entire party is now impassioned about deficits, would decide to shock the world by acting this week instead of seeking a symbolic speech over real action.

I thank the gentleman for yielding.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I think one of the problems we have is that most people are not even aware what Calendar Wednesday is.

As I understand, Calendar Wednesday procedure was placed into our rules so that the exclusive right to schedule bills for consideration on the floor would not reside with the Speaker.

Now, many of us were reminded at the end of the last session that the Speaker is the one who decides what bills will come to the floor and what bills will not. He proclaimed that as loudly as he could when we discussed something called the ERA, which was brought up under rather unique circumstances.

The fact of the matter is, this is a way which allows chairmen of the committees to bring up important bills that they think should be considered.

When we go home and are continually asked by our constituents why we are not given the opportunity to do this, it is very difficult just to tell them that that is the way the procedure works.

I, for one, will object to dispensing with Calendar Wednesday henceforth.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, one of the reasons we wanted to get all of the committee chairmen together and find out all the different things that everybody wants us to do and listen to our distinguished President before we started abolishing Calendar Wednesday was because we feared that if we came up next Wednesday and called Calendar Wednesday, our distinguished friend, KIKA DE LA GARZA, who is the chairman of the Committee on Agriculture, would have so much legislation that he would just dominate the entire day and wear us so thin that we would be weary and worn and tattered and torn and unable to attend diligently to listening to the President that evening.

Mr. WALKER. I thank the gentleman for that. But I would remind the gentleman, though, that we have had 9 weeks of time to regain our strength and be prepared for those kinds of days. And if the gentleman has not been able in those 9 weeks to recuperate enough to go through a full legislative day on Wednesday, then I cannot very well speak to that; but I would remind the gentleman that the

American people expect us to come back here and begin acting. Calendar Wednesday is one way by which we can begin with the Committee on Agriculture and work our way through some of the committees that have bills that should be brought to the House floor, among them the illegal alien bill and the immigration bill. There are a number of things that we might want to consider.

So I think it is important to understand that this is one means by which the House can regain some control of the schedule, and that is our concern.

Therefore, I object, Mr. Speaker.

The SPEAKER. Objection is heard.

PRIVILEGES OF THE HOUSE—CORRECTING CURRENT DISPROPORTIONAL SEATING ON THE COMMITTEES AND SUBCOMMITTEES OF THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair had intended to recognize Members for 1-minute speeches at this time, unless the gentleman has a question of privilege.

Mr. DANNEMEYER. Mr. Speaker, I raise a question of the privileges of the House, and I offer a privileged resolution (H. Res. 390) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That effective 30 days after the adoption of this resolution, each Standing and Select Committee of the House, except for the Committee on Standards of Official Conduct, shall be constituted in a ratio which is proportionate to the membership of the two political parties in the House as a whole; and each subcommittee thereof shall also be so constituted; and insofar as practicable, the staffs of each Committee shall also reflect these same ratios.

The SPEAKER. The gentleman from California has been kind enough to advise the Chair that he was going to offer this resolution as a question of privilege at the appropriate time, and now is the appropriate time.

Would the gentleman state why he feels the resolution constitutes a question of privilege?

Mr. DANNEMEYER. I would be happy to, Mr. Speaker. It has long been recognized that the integrity of the proceedings by which bills are considered is a matter of privilege. (Hinds Precedents III, 2597-2601, 2614; and IV, 3383, 3388, 3478).

I especially draw the Chair's attention to III, 2602 and III, 2603 which show that error or obstruction of minority views are matters of privilege. In the first instance, in the year 1880, it was held that the matter of correcting the reference of a public bill presented a question of privilege at a time when there was not any other means of correction provided for in the rules. The point was made on the floor that this matter was one involving the integrity of the proceedings of the House and as such was privileged.

In the next reference, a charge investigated in 1863 as a question of privilege was "the charge that the minority views of a committee had been abstracted from the Clerk's office by a Member * * *." Both of these precedents indicate that it is a longstanding matter that the minority is granted its "day in court" on questions such as these which are questions impacting on the integrity of the proceedings of the House. And further, these questions indicate that it is the process by which legislation is developed which affects the integrity of the proceedings of the House. I submit that the disproportional ratio of committee membership and staffing even more profoundly impacts on the process by which legislation is developed and that there is no question that my resolution involves a question of privilege.

Some might argue that my resolution does not fall within the ambit of privilege because they would say it is a motion to amend the rules of the House or would "effect a change in the rules of the House of their interpretation." (Ruling by Speaker O'NEILL, Dec. 7, 1977, pp. 38470-73.) However, upon close examination the Chair will find that my resolution is indeed a question of privilege and that the December 7, 1977, ruling does not apply here.

My resolution does not amend the rules of the House because the practice we are attempting to change is not a rule. It is a custom—a longstanding custom of the majority party that supresses the legitimate representation of the rights of the minority. I have been unable to find—and I challenge any Member of the House to show me where in the House rules it says the ratio in the Rules Committee, for example, shall be nine majority and four minority. It is certainly not in rules X and XI which set forth the establishment and conduct of committees.

The first and only mention of this ratio appears in official records of the House when the committee assignments are made by the Democratic Caucus or the Republican Conference after the Speaker has notified the Republican leader of the number of party vacancies on each of the several committees.

Mr. Speaker, my resolution is not effecting a change in the rules. I am simply attempting to change the arbitrary political policy of the House—an arbitrary custom which indeed adversely affects the integrity of the proceedings of the House.

The SPEAKER. The Chair knows it is the duty of the Chair to preside and to determine questions of privilege.

Under the precedents of the House cited on page 329 of the House Rules and Manual, a question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. The gentleman from California contends that the resolution which he has presented addresses not a specific standing rule of the House, but the customs and traditions of the House, and is thus not to be governed by the precedents in the manual.

In the opinion of the Chair, the resolution does constitute a change in the rules of the House, by imposing a direction that the composition of all standing committees be changed within 30 days. The rules of the House do address the question of the procedure by which full committee membership and staff selections are to be accomplished. As indicated on page 399 of the manual, rule X, clause 6, the respective party caucus and conference perform an essential role in presenting privileged resolutions to the House, both at the commencement of a Congress and subsequently to fill vacancies. Because the issue of committee ratios can be properly presented to the House in a privileged manner by direction of the party conference or caucus, and because rule, XI, clause 6, establishes a procedure for selection of permanent committee professional and clerical staff, the Chair rules that the resolution constitutes an attempt to change procedures established under the rules of the House and does not therefore present a question of the privileges of the House.

Mr. DANNEMEYER. I thank the Speaker.

□ 1300

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that Wednesday when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

Does the majority leader have any requests?

Mr. WRIGHT. No, Mr. Speaker, I have none at this time.

ONE-MINUTE SPEECHES REFLECT WILL AND CONCERN OF THE AMERICAN PEOPLE

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, almost 50 years ago, the soon-to-be House Speaker, then majority leader, Sam Rayburn, started the tradition of these 1-minute speeches. For half a century now these speeches which start the House day have been an interesting reflection of the will and concern of the American people.

Sometimes large in thought and purpose, at other times mean and narrow, these 1-minute speeches portray the varied and contrary opinions and recommendations that one finds in the byways and barber shops of our Nation's political landscape.

BRING THE MARINES HOME SAFELY

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker and Members: If there is one clear message of this recess from the people back home, it is that they want the marines out of Lebanon. They have had enough of Americans being attacked daily, enough of our young men getting killed, and they want action from Congress, and they want it now.

Mr. Speaker, the people back home are right, and the time to act is now, before too many more lives are lost. Our first step should be to replace our troops with a neutral, noncontroversial force under the U.N. flag. But if that does not work, Congress should still move to set a short timetable for bringing the marines back home.

Too many marines, Mr. Speaker, have already come home in flag-draped coffins. Let us bring the rest of the marines back home, bring them back safely, and bring them back soon.

SCHOOL SAFETY PROGRAMS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, President Reagan in his first national radio address for 1984 focused long-overdue attention on the issue of school violence. As a senior member of the House Education and Labor Committee which today began hearings on the issue, I commend the President for focusing his attention to the problem, but admit to being disappointed over his failure to offer any real solution.

In too many places in our Nation, classrooms have become extensions of the street in terms of crime. Murders, rapes, robberies, and aggravated assaults occur in once hallowed hallways and classrooms in schools. The victims are teachers, students, and principals and, of course, the society at large which sees millions of its young students unable to learn in an atmosphere of fear.

President Reagan in his speech cited statistics from a 1978 study by the National Institute of Education on school violence. Yet Congress in 1978, in direct response to this study, adopted legislation which I introduced authorizing $15 million in funds to 15 local school districts to aid them in establishing school safety programs. My amendment, which became law, specified that funds could only go to local school districts where crimes were reported.

Yet despite the fact that the problem was considered serious enough to warrant congressional action in 1978, one of the first things this administration did was abolish the safe school program under the so-called Education Consolidation Act of 1981.

If there is to be a sincere bipartisan commitment to attacking the school crime problem we may need to do nothing more than simply reinstitute the safe school program. I intend to reintroduce the bill later this week and challenge anyone else with a solution to come forward. This is not an issue which can be talked away. School crimes like all other crimes must be fought with effective resources and tough laws. And yes, we must be prepared to provide resources to win the fight. If we are willing to spend billions in State, local, and Federal aid to education, we should also be able to spend funds to insure a return on the investment by making our classrooms a safe place to learn.

GUAM SALUTES 2D SESSION OF THE 98TH CONGRESS

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, I am pleased to extend a warm Hafa Adai to all of my colleagues from your fellow Americans on Guam where America's day begins as we open the 2d session of the 98th Congress.

We on Guam want you to know of our appreciation for the wonderful support we received from the first session of this Congress. As you may know, Congress has total jurisdiction over the affairs of U.S. territories and it is, therefore, appropriate that Capitol Hill provide the continued political and financial support for these areas now and in the future.

Looking at our record of accomplishments, I believe that all of us can be proud of what was done here last year. We took firm stands on major issues facing this Nation and I am confident that this body is fully prepared to deal directly with the tough challenging issues facing us this year.

Given the fact that this year is a Presidential election year, as well as ours in the House, I recognize that our work will be doubly difficult. I know that the Nation will be watching our actions with renewed interest and the business of campaigning will, in all probability, bring this session to an early close.

On behalf of the people of Guam I wish all here a happy new year and best wishes for an effective and successful second session. I personally look forward to working with my colleagues on issues which affect not only the U.S. territories, but on matters concerning the entire Nation. Thank you.

DISENGAGE OUR ARMED FORCES FROM COMBAT IN LEBANON

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we set priorities now, at the beginning of the year, I hope within those priorities, and perhaps the highest of all those priorities, will be a bipartisan effort, working together here in committee and on the House floor, to find a way to extract our troops from Lebanon. It is going to require a lot of good, hard work.

I hope the President will address this on Wednesday evening when he talks to the state of the Nation. In my trips to my constituency, I found few things, in fact no things, with as high a priority as getting our Armed Forces disengaged from combat in Lebanon.

ADMINISTRATION PLANNING CHALLENGE TO PAY EQUITY FOR WOMEN

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, the Reagan administration would like us to believe that there is not a gender gap; that this administration is fair to women. But actions speak louder than words.

Recent reports disclose that the administration is planning a legal challenge to the decision by a Federal judge in the State of Washington ordering millions of dollars in backpay and raises for women found to have been paid less than men holding jobs of comparable work. The administration's challenge would be a blow to economic justice for women who are so

discriminated against in the work force.

Today I will be introducing legislation related to pay equity for Federal employees. Later today I will speak on this issue at length. I hope the administration reconsiders. Their policies already have done much to harm the quality of life of women in this country.

SUPPORT A BUDGET THAT WILL REDUCE OUR DEFICIT

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last June a majority of my colleagues voted with me to support a budget that would reduce our deficit over a 3-year period by around $89 billion. However, last November 17, this same House failed to adopt a rule that would have gone a long way toward honoring this commitment that we earlier made.

Mr. Speaker, unless the Members of this House are willing to reverse that decision and to reconsider H.R. 4170 or some similar legislation dealing with the budget, it is going to be too late. Members cannot afford to wait until there is an opportunity for a vehicle that will not cause us any pain or duress either here or at home. The time will not come.

Mr. Speaker, last June a majority of my colleagues here voted with me in support of a budget which called for an $89 billion reduction in the deficit over the next 3 years. But when I went to the House floor on November 17 with "rule" providing for consideration of a specific plan to begin to achieve these reductions, the rule was defeated 214 to 204 and the House refused even to consider the deficit-reducing bill.

Unless we reverse ourselves and act promptly to consider H.R. 4170, deficits of more than $200 billion a year for the foreseeable future will keep real interest rates sky high and will choke off any chance of a strong and longlasting economic recovery. Our current recovery is fragile at best. If every Member of Congress insists on waiting for a deficit-reduction measure which is painless to constituents and special interests, we will never adopt any plan, and we will all feel the very severe economic pain that continued $200 billion deficits will cause.

A failure to act on H.R. 4170 will also delay or prevent enactment of important tax provisions included in that bill, such as the badly needed reauthorization of the mortgage revenue bond provisions which expired at the end of 1983.

I believe the American public will support those representatives who are willing to face unpleasant facts and make the hard decisions necessary to put the U.S. economy back on track. I only hope that enough Members will muster the political courage to act responsibly to trim the deficit. We can demonstrate that courage by adopting H.R. 4170 in the opening weeks of this 2d session of the 98th Congress.

□ 1310

REAUTHORIZE MORTGAGE REVENUE BONDS

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, last year I was one of 407 Members of Congress who cosponsored legislation to eliminate the "sunset provision" contained in the Mortgage Subsidy Bond Tax Act of 1980. Since no formal action was taken by Congress before December 31, 1983, the legal basis for issuing mortgage revenue bonds expired. One failure to extend authority for these bonds works a hardship in those States that have used this method of assisting first-time homeowners in purchasing housing at reasonable mortgage interest rates.

Last fall the Louisiana Housing Finance Agency successfully completed its sale of $100 million in bonds for its 1983 single family program. This was the third annual program completed since the establishment of the agency in 1983.

Proceeds from the sale were made available through 55 participating lenders to first-time home buyers at a 30-year fixed rate of 10.65 percent. The funds became available to the public in September when prevailing market rates were 13 percent for FHA/VA and 13⅝ percent for conventional financing. On an average loan amount of $42,500, the 10.65-percent rate compared to a 13-percent rate results in a reduction of over $80 a month on a borrower's house note. Approximately 2,200 borrowers throughout the State of Louisiana will be able to benefit from the program. Without this type of financing, low- to moderate-income families in Louisiana may not be able to afford the high cost of homeownership.

Retaining the capability of issuing tax-exempt bonds for first-time borrowers is of great importance to the State's economy, especially in light of Louisiana's recent budget cutbacks. Self-generated funds from these programs help to supply the State's housing finance authority with all administration and operating expenses at no cost to the taxpayers of the State. If an issue could be done today, I understand the resulting rate to the borrower would be 10.5 percent. Considering all facets of the State's present economy, the benefits derived from programs of this type are immeasurable.

Mr. Speaker, immediate action is necessary in order to restore the ability of bonding authorities to issue tax-exempt mortgage revenue bonds and I urge the chairman and members of the Committee on Ways and Means to make restoration of this authority a high priority in the first weeks of this session.

DEFICITS AND LEBANON FOREMOST IN MINDS OF CONSTITUENTS

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, I have just returned from 2 solid months of work in my district in Connecticut. I have met with thousands of constituents from all walks of life. Their messages emphasize two priorities for us in this body for the session ahead.

First, we must rein in the runaway Federal deficits so that future economic distress can be prevented. It is time that the President joined in a realistic effort to do so.

Second, we must end the senseless sacrifice of American lives in Lebanon by removing our marines.

Election year politics aside, we should set to work to respond to these commonsense requests of my constituents and millions of their fellow Americans across the country.

TAX AMNESTY IN MASSACHUSETTS

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, the Commonwealth of Massachusetts last week concluded a tax program which resulted in the tax coffers being some $40 to $50 million richer. Collecting some $40 to $50 million in taxes is not unusual. What is unusual is that the citizens of the Commonwealth of Massachusetts, with warm hearts and smiling faces, lined up in the early morning cold to make these payments.

One might ask, what would create such an un-American event of people beating down the door to pay their taxes? The answer is quite simple—tax amnesty.

The Commonwealth of Massachusetts last week ended a 3-month amnesty program where individuals or corporations who owed back taxes could pay those back taxes, plus interest, and avoid penalties and criminal prosecution.

The Commonwealth of Massachusetts has taken a step to raise some

needed revenues, remove the fear of prosecution from otherwise law-abiding citizens who had gotten themselves into an unfortunate, precarious situation, and eliminated the need to further crowd the courts with criminal prosecution.

Mr. Speaker, tax amnesty has worked in Massachusetts. Perhaps it could also work for the Federal Government.

A TRIBUTE TO THE SILVER AND BLACK—THE LOS ANGELES RAIDERS

(Ms. FIEDLER asked and was given permission to address the House for 1 minute.)

Ms. FIEDLER. Mr. Speaker, I must not let this day go by without saluting the silver and black of the Raiders team from the Los Angeles Raiders.

I had a chance to take a look at another game that did not end quite that way a few months ago between the Redskins and the Raiders. On that day we lost. But this game yesterday was played brilliantly by the Raiders.

The Raiders' owner, Al Davis, and the members of the team and of the staff who worked on the strategy did an outstanding job.

Mr. Speaker, I just have to say on behalf of those of us from California that we are very proud of the Raiders. I know that next year will be another year, but this day we are celebrating.

AN AMENDMENT TO SECTION 307(c) OF CZMA: PRESERVING STATE REVIEW OF FEDERAL ACTIONS AFFECTING THE COASTAL ZONE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, today, I join my colleagues, Representatives D'AMOURS, STUDDS, BOXER, and LEVINE of California, in introducing legislation which would amend the Coastal Zone Management Act of 1972 (CZMA) to insure that Federal activities which directly affect the coastal zone are consistent with approved State coastal management plans. Precipitated by the U.S. Supreme Court's recent ruling in Secretary of Interior, et al., against California, et al., this legislation is intended to clarify the intent of the 1972 Congress in approving CZMA.

Section 307 of CZMA provides that Federal activities directly affecting a State's coastal zone be consistent "to the maximum extent practicable" with a State's approved coastal management program. The recent interpretation of this section by the U.S. Supreme Court was occasioned by a suit appealed by the Department of the Interior in which the Department was enjoined from awarding leases in a Federal offshore oil and gas lease sale after it failed to make a determination that the proposed sale was consistent with California's approved coastal management program. The text of the section requires that:

> Each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs. (16 U.S.C. 1456 (c)(1).)

Clearly, the plain language of the section leaves the impression that Congress intended section 307 to require that all Federal activities directly affecting the coastal zone—including those which occur outside the coastal zone—be consistent with an affected State's approved coastal management program. This interpretation of section 307(c)(1) is supported by a review of the legislative history of the 1972 act, and receives very strong support from legislative intent expressed in House reports in subsequent amendments, particularly the 1980 amendments. In addition, this interpretation is supported by a 1981 vote by the House Merchant Marine and Fisheries Committee—where the original act and 1976 and 1980 amendments originated—to veto proposed Commerce Department regulations restricting section 307(c)(1) to exclude Federal OCS leasing activities from consistency review.

But the Court's ruling in Secretary of Interior against California does much more than confound a clear understanding of congressional intent; it severely limits the right of coastal States to exercise limited influence over those first Federal activities which directly affect State waters. CZMA provides funds for the development and implementation of coastal management programs, with the express intention of reducing the impact of Federal activities upon coastal zones. Under the Secretary of Interior decision, coastal States will be unable to use the act's provisions to formally object to those first stages of Federal activities which occur outside the coastal zone but which are inconsistent with the implementation of federally assisted management programs. In effect, the recent decision exempts Federal agencies from heeding State concerns over the impact of agencies' activities upon State coastal zones and coastal protection programs, while leaving unaffected the act's provisions for funding those worthwhile affected coastal programs. Without legislative remedy, coastal States will have lost their opportunity to voice concerns over the impact of a wide range of federally sponsored activities upon their coastline, as well as their federally assisted coastal protection programs.

In Secretary of Interior against California the court distinguished between those Federal activities which affect the coastal zone but which occur outside the zone, and those Federal activities which affect the coastal zone but occur within the geographic limit of the zone. In contrast, I concur with Justice Stevens' dissent that this distinction is not adequately supported by a review of the legislative history of CZMA. But even if no other argument against the majority's interpretation is made, such a distinction bears little relation to the demands of coastal management and protection against impacts—such as the impact of spilled oil—which do not respect geographical limits. The threshold for exercise of consistency review under CZMA section 307(c)(1) had been—until reinterpretation in Secretary of Interior against California—a function of the extent to which a Federal activity affects the coastal zone, not of the activity's geographic location. However, the Court's interpretation restricts this review to activities conducted within a limited geographical area, without regard to those activities having a direct effect upon the coastal zone, but which occur outside that area.

In order to insure States an opportunity to influence decisions which would affect their coastal zones, and in order to insure that the intent of Congress in enacting this section is observed, I have joined my colleagues from New Hampshire and Massachusetts in introducing legislation clarifying section 307(c)(1). This legislation would amend section 307(c)(1) of CZMA to require that Federal activities—including those occurring landward or seaward of the coastal zone—which directly affect the coastal zone shall be subject to the section's consistency requirements. In addition, the legislation would—unlike current statute—provide a definition of activities directly affecting the coastal zone.

This legislation does not seek to extend the authority to require a consistency review provided by the original act. Rather, the bill seeks to insure that coastal States may continue to exercise only that authority which—but for the Court's ruling in Secretary of Interior against California—would be legitimately claimed and exercised by coastal States as they have since CZMA's enactment in 1972. Consistent with this view, this amendment would not affect those Federal actions which occur outside the coastal zone and which do not directly affect the zone. Nor would this legislation provide to States an extension—de facto or otherwise—of veto authority over Federal activities affecting the coastal zone. Rather, it merely insures coastal States the right to object to Federal activities affecting the coastal zone.

The Federal alternative to bring its activity into compliance—pending adjudication of the question of whether or not its activities directly affect the coastal zone—remains. In addition, the authors of this bill do not intend to alter the essential threshold definition of "maximum extent practicable" as it applies to section 307(c)(1), and—consistent with this view—have structured the bill so as to codify the definition of this term as it currently appears in Commerce Department regulations.

Mr. Speaker, coastal States and the Federal Government long ago recognized the need for establishing a working partnership to insure the orderly development and preservation of coastal resources and economies in enactment of the CZMA. The legislation we introduce today would seek to stem the erosion of this partnership through reinterpretation of this important statute. I commend this legislation to my colleagues for their consideration, and urge their support.

WHAT A DIFFERENCE A YEAR MAKES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, what a difference a year makes.

I recall very vividly last year that there was a veritable parade of self-made, instant critics who bombasted the state of the economy of the United States, and, what was worse, I observed they laid the entire calamity as they saw it at the feet of the President of the United States. They decried the high unemployment, the high interest rates, and all those economic indicators that gave them fodder for their speeches.

I must say, then, today that with this difference and after that full year has expired, with the economic indicators just the reverse, with unemployment down, with interest rates down, with inflation down, with the gross national product up, with the average weekly wage up, and with all the other indicators showing improvement, we must balance the ledger now and give the credit to the President of the United States. We must allow his economic policies to work, and we must work together to do what is natural to build on the strong beginning made toward economic recovery.

TIME TO GET SERIOUS ABOUT THE DEFICIT

(Mr. LOTT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, as we begin the 2d session of the 98th Congress, having just returned from our districts and visiting with our constituents, we note that the deficit continues to be one of the most critical issues our constituents are concerned about. But it does not do us any good to cry about the deficit if we in the House do not vote to reduce the deficit.

Mr. Speaker, during the first session of this Congress, on 18 key amendments which were offered by both Republicans and Democrats, the Members of this House had an opportunity to vote to reduce the deficit by a total of $22.1 billion. Regrettably, the House voted to approve only $2.9 billion of that amount.

On each of these 18 key amendments, the vast majority of House Republicans voted to reduce the deficit while an overwhelming majority of House Democrats, despite the statements of concern about the deficit, by their constituents in the hinterlands about the deficits, voted time and time again during 1983 to increase the deficit.

And now we find that the first bill scheduled in this session, the so-called Weatherization and Employment Act, would have a price tag over $23.1 billion over a period of years.

So, Mr. Speaker, instead of blaming others for all of our budget woes, let us look a little closer to home. Let us compare statements of concern about the deficit with the actual votes of Members of this House and see who is really serious about the deficit.

HEARING SCHEDULE, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I take this time to insert the hearing schedule for the Appropriations Subcommittee on Interior and Related Agencies into the Record. Hearings on the 1985 budget are scheduled to begin on February 8, 1984 and will conclude on May 9. Secretary Clark will appear on March 1 and Secretary Hodel will appear on March 15.

FISCAL YEAR HEARING SCHEDULE—COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

FEBRUARY 1984

Thursday, Feb. 2: 10:00 Mall Development: Smithsonian Institution, National Park Service, National Capital Planning Commission, Commission of Fine Arts; 1:30 Same as above.

Wednesday, Feb. 8: 10:00 Energy Information Administration; 1:30 Pennsylvania Avenue Development Corp.; 2:30 Woodrow Wilson Internat'l Center for Scholars.

Thursday, Feb. 9: 10:00 Fine Arts; 10:30 National Gallery of Art; 11:30 National Capital Planning Commission; 1:30 Federal Inspector.

Tuesday, Feb. 21: 10:00 Outside witnesses—Indians; 1:00 Same as above.

Wednesday, Feb. 22: 10:00 Outside witnesses—Indians; 1:00 Same as above.

Thursday, Feb. 23: 10:00 Outside witnesses—Energy (DOE, BOM, OSM, MMS, Geological Survey); 1:00 Same as above.

Tuesday, Feb. 28: 10:00 Outside witnesses—resource management; (BLM, FWS, NPS (Hist. Pres. LWCF, UPARR), Forest Svc., Smithsonian); 1:00 Same as above.

Wednesday, Feb. 29: 10:00 Outside witnesses—resource management; (BLM, FWS, NPS (Hist. Pres. LWCF, UPARR), Forest Svc., Smithsonian); 1:00 Same as above.

MARCH 1984

Thursday, Mar. 1: 10:00 Secretary Clark; 1:30 Same as above.

Tuesday, Mar. 6: 10:00 National Park Service (except Hist. Pres., UPARR, and Rec. & Pres.) 1:30 Same as above.

Wednesday, Mar. 7: 10:00 National Park Service (execept Hist. Pres., UPARR, and Rec. & Pres.) 1:30 Same as above.

Thursday, Mar. 8: 10:00 SPRO, Naval Petroleum Reserve, Emergency Preparedness; 1:30 FDR Memorial Commission; 1:45 Indian Education; 2:30 Holocaust.

Tuesday, Mar. 13: 10:00 Bureau of Indian Affairs; 1:30 Same as above.

Wednesday, Mar. 14: 10:00 Bureau of Indian Affairs; 1:30 Same as above.

Thursday, Mar. 15: 10:00 Secretary Hodel; 1:30 Same as above.

Tuesday, Mar. 20: 10:00 Bureau of Mines; 1:00 Same as above.

Wednesday, Mar. 21: 10:00 Fish and Wildlife Service; 1:30 Same as above.

Thursday, Mar. 22: 10:00 Economic Regulatory Administration Office of Hearings and Appeals; 1:30 Navajo Hopi; 2:30 Advisory Council on Historic Preservation.

Monday, Mar. 26: 1:00 Smithsonian.

Tuesday, Mar. 27: 10:00 Smithsonian; 1:30 Same as above.

Wednesday, Mar. 28: 10:00 Outside Witnesses—National Endowment for the Arts; 1:00 Same as above.

Thursday, Mar. 29: 10:00 Outside Witnesses—Institute of Museum Service National Endowment for the Humanities; 1:00 Same as above.

Friday, Mar. 30: 10:00 to 12:00 Synthetic Fuels Corp.

APRIL 1984

Monday, Apr. 2: 1:00 Office of the Secretary; 2:30 Inspector General.

Tuesday, Apr. 3: 10:00 Forest Service; 1:30 Same as above.

Wednesday, Apr. 4: 10:00 Forest Service; 1:30 Same as above.

Thursday, Apr. 5: 10:00 Energy Conservation; 1:30 Same as above.

Friday, Apr. 6: 10:00 to 12:00 Office of the Solicitor.

Monday, Apr. 9: 1:00 Institute of Museum Services.

Tuesday, Apr. 10: 10:00 National Endowment for the Arts; 1;30 Same as above.

Wednesday, Apr. 11: 10:00 Office of Surface Mining; 1:30 Same as above.

Thursday, Apr. 12: 10:00 National Endowment for the Humanities; 1:30 Same as above.

Tuesday, Apr. 24: 1:00 Bureau of Land Management.

Wednesday, Apr. 25: 10:00 Bureau of Land Management; 1:30 Same as above.

Thursday, Apr. 26: 10:00 Fossil R&D; 1:30 Same as above.

Monday, Apr. 30: 10:00 Territories; 1:30 Same as above.

MAY 1984

Tuesday, May 1: 10:00 Territories; 1:30 Same as above.

Wednesday, May 2: 10:00 Geological Survey; 1:30 Same as above.

Thursday, May 3: 10:00 Outside witnesses—Members of Congress; 1:00 Same as above.

Friday, May 4: 10:00 National Park Service: Rec. & Pres., UPARR, Historic Preservation.

Tuesday, May 8: 10:00 Indian Health Service; 1:30 Same as above.

Wednesday, May 9: 10:00 Minerals Management Service; 1:30 Same as above.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, for some years now, nearly 20 years, the American people have been concerned about the fact that this House refuses to take up legislation aimed at putting voluntary school prayer back into our public schools. I think that it is time that this House acts and acts now on that issue.

REQUEST FOR CONSIDERATION OF VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. WALKER. Therefore, Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore (Mr. RAY). The Chair cannot and will not entertain that request.

Mr. WALKER. Mr. Speaker, I have made a unanimous-consent request. That is a perfectly proper request by any Member of this body, and it is either objected to or is not objected to. I do not understand the procedure that the Chair is using by not entertaining the unanimous-consent request.

□ 1320

The SPEAKER pro tempore. The Chair will inform the gentleman that the Chair can object by declining recognition.

Mr. WALKER. Do I understand properly that the Chair is objecting to the unanimous consent request?

The SPEAKER pro tempore. Does the gentleman want to interpret it in that manner?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, a parliamentary inquiry

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Is the Chair objecting in his capacity as a Member of the House to the unanimous-consent request?

The SPEAKER pro tempore. The Chair has declined recognition.

Mr. WALKER. Well, Mr. Speaker, under the rules of the House——

Mr. COLEMAN of Texas. Mr. Speaker, may I know what the unanimous-consent request is?

Mr. WALKER. Yes, Mr. Speaker, I would be very glad to repeat the unanimous-consent request.

The unanimous-consent request is that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. COLEMAN of Texas. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will indicate it.

Mr. WALKER. Could the Speaker indicate for the record who objected?

The SPEAKER pro tempore. The gentleman from Texas (Mr. COLEMAN).

Mr. WALKER. I thank the Chair.

LINE-ITEM VETO

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, Congress has utterly failed this past year to seriously address the deficit question in Government spending.

We have heard more rhetoric on this subject than perhaps any other subject this past year, and yet we have had no sincere effort to do anything about it.

My constituents are appalled at this. Therefore, I, too, would like to make unanimous-consent request.

REQUEST FOR OPEN RULE PERMITTING CONSIDERATION OF HOUSE JOINT RESOLUTION 404, LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 404, the line-item veto constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. SCHROEDER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, does the record reflect the name of the person and the State from which that person came concerning that last objection to the unanimous-consent request?

The SPEAKER pro tempore. The record will so indicate.

Mr. DANNEMEYER. I thank the Speaker.

SUPPORT H.R. 4092, SAVE $7.3 BILLION IN DEPARTMENT OF DEFENSE ON PROCUREMENT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we cannot close our eyes to the ever-climbing deficits.

The continuation of waseful, inefficient spending habits, is intolerable. Rather than mortgaging our Nation's future for the sake of short-term political gains, this Congress must enter the new session with a firm commitment to act.

The President's private sector survey on cost control has made more than 2,500 recommendations on how to make government operate in a more business-like manner and save some $424 billion.

There are pros and cons to this proposal; but Mr. Speaker, the Commission confirms my contention in H.R. 4092, which is designated to save some $7.3 billion by the Department of Defense in increasing our competition in procurement.

I invite my colleagues to support this legislation as a way to bring down our deficits.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, several of us are speaking to make a point which we intend to make as often as necessary. While many Members of the Democratic Party will speak piously about their concerns with high deficits, they have no intention in this body—under any circumstance—in permitting certain solutions to occur. In fact, they intend to use the rules of this body in order to block and stop the American people from having their will enacted.

For example, there is overwhelming support for a balanced budget constitutional amendment. We do not ask to

ram it through. We do not ask that it be snuck through. We do not ask for a closed rule. We simply ask, and believe, that it is something which should be considered.

But will it?

REQUEST FOR OPEN RULE PERMITTING CONSIDERATION OF HOUSE JOINT RESOLUTION 243, THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 243, the balanced budget constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mrs. SCHROEDER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. GINGRICH. Mr. Speaker, could the Chair indicate who objected?

The SPEAKER pro tempore. Objection is heard from the gentlewoman from Colorado (Mrs. SCHROEDER).

RIGHT TO LIFE CONSTITUTIONAL AMENDMENT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, yesterday, January 22, was the sad anniversary of a decision made by the U.S. Supreme Court, called Roe versus Wade. That decision by the U.S. Supreme Court, without any precedent whatsoever, established a new constitutional interpretation with respect to the practice of abortion in this country.

The facts are very clear that since that decision by the Supreme Court, the number of abortions performed in this country has risen drastically.

Mr. Speaker, it is obviously a controversial issue that I am talking about. It is something that many people in the United States are concerned about. Literally thousands are outside today marching on this very question and yet this House does not act.

REQUEST FOR OPEN RULE PERMITTING CONSIDERATION OF HOUSE JOINT RESOLUTION 84, THE RIGHT-TO-LIFE CONSTITUTIONAL AMENDMENT

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that an open rule—an open rule, not the type of rule we had on ERA—permitting consideration of House Joint Resolution 84, the right-to-life constitutional amendment be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. SCHROEDER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Government Operations:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., January 11, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This letter notifies you, pursuant to Rule L(50) of the Rules of the House, that Edward A. Siemering, an employee of the General Accounting Office, has been served with a subpoena to appear at the U.S. Court of Appeals to testify in the case *Special Counsel* v. *Charles O. Starrett, Jr., James R. Brown, Paul Evans and Arlin R. Tueller*, a matter before the U.S. Merit Systems Protection Board. I have been informed that the subpoena seeks to elicit testimony in connection with a review that the General Accounting Office is conducting at the request of this Committee. I will, therefore, in consultation with the General Counsel to the Clerk of the House, make the determinations which are required by Rule L(50).

With every good wish, I am,

Sincerely,

JACK BROOKS,
Chairman.

COMMUNICATION FROM HON. TOM CORCORAN

The SPEAKER pro tempore laid before the House the following communication from Hon. TOM CORCORAN:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 10, 1984.

Attention; L. Kirk O'Donnell, General Counsel to the Speaker, H-202, the Capitol

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L(50) of the Rules of the House, that my district office received a deposition subpoena issued by the United States District Court for the Northern District of Illinois. I will, in consultation with the General Counsel of the Clerk of the House, proceed to make the determinations required by the Rule.

Sincerely,

TOM CORCORAN,
Representative in Congress.

COMMUNICATION FROM CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Permanent Select Committee on Intelligence:

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, D.C., September 28, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to H. Res. 261, the Permanent Select Committee on Intelligence has examined the transcript of the secret session of the House of July 19, 1983.

The Committee has identified material in the statements of Members of the House which could cause damage to the foreign relations of the United States or which would endanger intelligence sources or methods. Were this material to be deleted so as to release the remaining record of the proceedings of the secret session, the Committee is of the opinion that the redacted proceedings would not accurately reflect either the nature or the balance of the debate which occurred. The Committee also has concluded that paraphrasing deleted material could mislead readers of a revised transcript and fail to convey the give and take of the debate in the secret session.

The Committee also observes that the House subsequently spent fourteen hours—two hours of general debate and twelve hours on amendments—considering H.R. 2760, the subject of the secret session. The Committee believes that the substance of the issues discussed in secret session was brought out in those fourteen hours without disclosure of classified information. The Committee believes, therefore, that the public was adequately informed about H.R. 2760 during the public sitting of the House.

For these reasons, it is the recommendation of the Committee that the transcript of the secret session not be released publicly.

With every good wish, I am,

Sincerely yours,

EDWARD P. BOLAND,
Chairman.

□ 1330

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Foreign Affairs:

COMMITTEE ON FOREIGN AFFAIRS,
October 5, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the rule, (H. Res. 261), which provided for the consideration of H.R. 2760 both in secret and open session, I have reviewed the transcript of the secret session. I am in complete agreement with the recommendation made by Chairman Boland in his letter to you dated September 28, 1983, in which he stated that the transcript should not be released publicly in view of the fact that the necessary security deletions would produce an inaccurate record of the debate.

With best wishes, I am,

Sincerely yours,

CLEMENT J. ZABLOCKI,
Chairman.

OBJECTIONS TO OPEN RULES

(Mr. DANNEMEYER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I think it is interesting and quite paradoxical that the previous objector to a request for unanimous consent, the distinguished gentlewoman from Colorado (Mrs. SCHROEDER) was objecting to a unanimous consent request on three occasions asking for the House to consider under an open rule, not a closed rule, a proposed constitutional amendment on a line item budget for the President, a balanced budget for the Federal Government, and a right to life proposed constitutional amendment.

The reason I am making these comments is that my colleague from Colorado (Mrs. SCHROEDER) was one who brought to the House floor for our consideration under a closed rule last fall, a closed rule, no amendments, a proposed ERA constitutional amendment.

I find that a little paradoxical and a little puzzling.

I hope that the gentlewoman from Colorado will reflect and hopefully this House can take up these measures in response to overwhelming sentiment on the part of the American people for their consideration so that we can have a rollcall vote on how we stand on those issues.

SPECIAL ORDERS GRANTED

Mr. WALKER. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. MCGRATH, for 5 minutes;
Mr. DANNEMEYER, for 60 minutes;
Mr. CORCORAN, for 5 minutes;
Mr. HORTON, for 5 minutes;
Mr. LUNGREN, for 60 minutes on January 25, 1984;
Mr. COATS, for 15 minutes;
Mr. WALKER, for 60 minutes;
Mr. GINGRICH, for 60 minutes;
Mr. MACK, for 60 minutes; and
Mr. WEBER, for 60 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REQUEST FOR GRANTING OF SPECIAL ORDERS

Mr. WALKER. Mr. Speaker, I ask unanimous consent that, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. WALKER, for 60 minutes, on January 24.
Mr. GINGRICH, for 60 minutes, on January 24.
Mr. MACK, for 60 minutes, on January 24.
Mr. WEBER, for 60 minutes, on January 24.
Mr. WALKER, for 60 minutes, on January 25.
Mr. GINGRICH, for 60 minutes, on January 25.
Mr. MACK, for 60 minutes, on January 25.
Mr. WEBER, for 60 minutes, on January 25.
Mr. WALKER, for 60 minutes, on January 26.
Mr. GINGRICH, for 60 minutes, on January 26.
Mr. MACK, for 60 minutes, on January 26.
Mr. WEBER, for 60 minutes, on January 25.
Mr. WALKER, for 60 minutes, on January 27.
Mr. GINGRICH, for 60 minutes, on January 27.
Mr. MACK, for 60 minutes, on January 27.
Mr. WEBER, for 60 minutes, on January 27.
Mr. WALKER, for 60 minutes, on January 30.
Mr. GINGRICH, for 60 minutes, on January 30.
Mr. MACK, for 60 minutes, on January 30.
Mr. WEBER, for 60 minutes, on January 30.
Mr. WALKER, for 60 minutes, on January 31.
Mr. GINGRICH, for 60 minutes, on January 31.
Mr. MACK, for 60 minutes, on January 31.
Mr. WEBER, for 60 minutes, on January 31.
Mr. WALKER, for 60 minutes, on February 1.
Mr. GINGRICH, for 60 minutes, on February 1.
Mr. MACK, for 60 minutes, on February 1.
Mr. WEBER, for 60 minutes, on February 1.
Mr. WALKER, for 60 minutes, on February 2.
Mr. GINGRICH, for 60 minutes, on February 2.
Mr. MACK, for 60 minutes, on February 2.
Mr. WEBER, for 60 minutes, on February 2.
Mr. WALKER, for 60 minutes, on February 3.
Mr. GINGRICH, for 60 minutes, on February 3.
Mr. MACK, for 60 minutes, on February 3.
Mr. WEBER, for 60 minutes, on February 3.
Mr. WALKER, for 60 minutes, on February 6.
Mr. GINGRICH, for 60 minutes, on February 6.
Mr. MACK, for 60 minutes, on February 6.
Mr. WEBER, for 60 minutes, on February 6.
Mr. WALKER, for 60 minutes, on February 7.
Mr. GINGRICH, for 60 minutes, on February 7.
Mr. MACK, for 60 minutes, on February 7.
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Mr. WALKER, for 60 minutes, on February 8.
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Mr. WALKER, for 60 minutes, on February 9.
Mr. GINGRICH, for 60 minutes, on February 9.
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Mr. WALKER, for 60 minutes, on February 27.
Mr. GINGRICH, for 60 minutes, on February 27.
Mr. MACK, for 60 minutes, on February 27.

Mr. WEBER, for 60 minutes, on February 27.
Mr. WALKER, for 60 minutes, on February 28.
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Mr. WALKER, for 60 minutes, on March 1.
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Mr. WEBER, for 60 minutes, on March 2.
Mr. WALKER, for 60 minutes, on March 5.
Mr. GINGRICH, for 60 minutes, on March 5.
Mr. WEBER, for 60 minutes, on March 5.
Mr. MACK, for 60 minutes, on March 5.
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Mr. WEBER, for 60 minutes, on March 9.
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Mr. MACK, for 60 minutes, on May 2.
Mr. WALKER, for 60 minutes, on May 3.
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Mr. WEBER, for 60 minutes, on May 7.
Mr. MACK, for 60 minutes, on May 7.
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Mr. GINGRICH, for 60 minutes, on May 8.
Mr. WEBER, for 60 minutes, on May 8.
Mr. MACK, for 60 minutes, on May 8.
Mr. WALKER, for 60 minutes, on May 9.
Mr. GINGRICH, for 60 minutes, on May 9.
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Mr. WEBER, for 60 minutes, on May 11.
Mr. MACK, for 60 minutes, on May 11.
Mr. WALKER, for 60 minutes, on May 14.
Mr. GINGRICH, for 60 minutes, on May 14.
Mr. WEBER, for 60 minutes, on May 14.
Mr. MACK, for 60 minutes, on May 14.
Mr. WALKER, for 60 minutes, on May 15.
Mr. GINGRICH, for 60 minutes, on May 15.
Mr. WEBER, for 60 minutes, on May 15.
Mr. MACK, for 60 minutes, on May 15.
Mr. WALKER, for 60 minutes, on May 16.
Mr. GINGRICH, for 60 minutes, on May 16.
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Mr. MACK, for 60 minutes, on May 16.
Mr. WALKER, for 60 minutes, on May 17.
Mr. GINGRICH, for 60 minutes, on May 17.
Mr. WEBER, for 60 minutes, on May 17.
Mr. MACK, for 60 minutes, on May 17.
Mr. WALKER, for 60 minutes, on May 18.
Mr. GINGRICH, for 60 minutes, on May 18.
Mr. WEBER, for 60 minutes, on May 18.
Mr. MACK, for 60 minutes, on May 18.
Mr. WALKER, for 60 minutes, on May 21.
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And any additional we will make later, Mr. Speaker.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Pennsylvania (Mr. WALKER)?

Mr. KASTENMEIER. Mr. Speaker, reserving the right to object, this is an unprecedented request on the part of the gentleman from Pennsylvania.

It is one which would preempt for as far as one can tell 6 months into the future the first several 3 or 4 hours of the period following all other legislative business to be in a sense monopolized by several Members of the minority.

It is a matter which, if agreed to, should be at least agreed to it seems to me by the leadership on both sides of the aisle and for that reason I am going to object.

Mr. WALKER. Would the gentleman yield before he objects?

Mr. KASTENMEIER. No; I will not.

Mr. WALKER. I simply—I think the gentleman needs to know the ramification of what he is about to do.

Ms. OAKAR. Regular order.

Mr. KASTENMEIER. I think there is no way that this request can be agreed to in the orderly pursuit of the business of the House.

Obviously on a week-to-week basis requests of this sort are entertained for some days into the future. But this effort to preempt all other Members of the House from the first several hours following all other legislative business to make use of special orders of whatever duration I think is a very serious matter and one that cannot be agreed to on the basis of a unanimous-consent request.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I do want to explain that it is perfectly in order, it is in the rules, it has been carefully researched.

The gentleman from Arkansas, Mr. ALEXANDER, began this procedure last year by indicating blocks of time way in advance. So, it was the gentleman's leadership that made that decision last year. We simply extended beyond where Mr. ALEXANDER had taken it. But we were preeempted on some occasions by his special orders.

So, I would say to the gentleman if he does object, we are going to feel constrained to object to any special order requests by anybody because it is obvious that what we are doing is perfectly within the rules of the House and we think that we have every reason to reserve that time on the opening day of the session.

Mr. KASTENMEIER. Mr. Speaker, I appreciate the gentleman's comments and I agree with it that his request is within the rules of the House even as it is, with respect to the rules of the House, for me to object to the consent of that request.

The point is that there is a distinction I think to be made with respect to the request of the gentleman from Arkansas (Mr. ALEXANDER) and I do not think what he attempted to do approaches this in terms of monopolizing time of the House on the part—on behalf of one side of the House, a minority, for certain Members for such a long time in the future.

Now, if others can agree to it, if the leadership of the minority and the leadership of the majority can reach some agreement on this question, the request or some variation of it can be renewed in the future.

On that basis, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, was the request objected to?

The SPEAKER pro tempore. Yes; the request was objected to.

Objection is heard.

Mr. WALKER. Mr. Speaker, a further parliamentary inquiry.

There were some I read prior to reading the list of names of people; those were agreed to, though, is that not correct? The earlier list that I read was agreed to? That included Mr. McGRATH and Mr. LUNGREN.

The SPEAKER pro tempore. It was agreed to, yes.

Mr. WALKER. It was agreed to?

The SPEAKER pro tempore. Yes.

Mr. WALKER. So what has not been agreed to now is our very legitimate request that we be given debate time of our own that is not controlled by the majority at the end of each legislative day?

That is what has been objected to?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair. We will have to act accordingly.

□ 1400

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, D.C.,
December 7, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On November 9, 1983, I notified you pursuant to House Rule L(50) that I have received a subpoena by the U.S. District Court for the District of Columbia. That subpoena calls for the production of certain documents maintained by my office.

I have determined, in consultation with my General Counsel, that compliance with this subpoena is consistent with the privileges and precedents of the House of Representatives.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
December 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of House Rule L(50), that I have received a subpoena duces tecum issued by the Circuit Court for Anne Arundel County regarding one of my employees in the Office of Finance, Mr. William Long. I will, in consultation with my General Counsel, make the determinations required by the House Rule.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REQUEST FOR GRANTING OF SPECIAL ORDERS

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include extraneous material:

Ms. OAKAR, for 15 minutes;
Mr. ANNUNZIO, for 5 minutes;
Mr. GONZALEZ, for 30 minutes;
Mr. MONTGOMERY, for 5 minutes;

Mrs. BOXER, for 10 minutes;

Mr. COLEMAN of Texas, for 15 minutes;

Mrs. SCHROEDER, for 60 minutes, on January 30, 1984;

Mr. KASTENMEIER, for 60 minutes, on January 31, 1984; and

Mr. FASCELL, for 60 minutes, on January 31, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I just want to make the point for the Members of the majority party, because they do not seem to fully understand what we are trying to accomplish, that, contrary to the earlier statement of the distinguished gentleman from Wisconsin, your party controls this floor every day all day during the session. You control the time. As your Speaker has told us, you control the calendar. You have virtual dictatorship.

One of the few rules we have that gives us a chance to say our piece is to talk during special orders, one of the few times we have control of the floor. And, in fact, last fall, your deputy whip systematically took time in order to be able to take the time when he wanted it. So that from our standpoint, as the minority, having watched through the latter part of last year when a number of people, including some who are in this Chamber right this moment, attempted to ram things through this House on your schedule, according to your rules, the way you wanted to do it, we are simply trying to follow the same rules.

We offered a legitimate request. It was, as the gentleman pointed out, perfectly legitimate for him to object. However, by so doing, he sets the tone. And I sincerely hope that my friend, the gentleman from Pennsylvania, will object to this particular request.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would simply say that that is precisely the point that the gentleman has made.

The only time that the minority has to control any debate time at all, the only time when debate time is in our hands, is under special orders or when we get 1-minute requests.

This was simply an attempt to assure that at the end of each legislative day the minority would in fact have an opportunity to debate subjects based upon the fact that we control the time rather than the majority controlling the time.

I think it is positively appalling; I think it shows the kind of dictatorship that this House has become when the minority is denied their rights under the rules of the House to participate and to go forward with the debate.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Minnesota.

Mr. WEBER. I thank my colleague for yielding.

Mr. Speaker, I would just like to reinforce the point the gentleman has made. This is not simply a delaying tactic or anything like that.

Earlier in the day a number of Members made legitimate unanimous-consent requests to bring to this floor items of substance and interest to the majority of the American people—a balanced budget constitutional amendment, voluntary school prayer constitutional amendment, a line-item veto constitutional amendment, and a human life amendment—important issues which will never be brought to the floor of this House for debate, given the present disposition of the leadership of the majority party.

Thus, our only possibility to discuss at length these and a number of other substantive issues that the majority of the people support is in the section of the day called special orders, when we as the minority have the opportunity to bring our agenda to the floor—not for action, but at least for debate.

For that reason I strongly support what the gentleman from Pennsylvania is doing.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I think it is rather ironic that we had a spokesman for the other side of the aisle tell us that this would prohibit the Democrats from speaking until after the Members on this side of the aisle have spoken.

If anyone has noted the 1 minute session, they will note that the Speaker of the House always allows all of the Democrats who are seated to speak at the same time as the Republicans, and in many cases allows those Democrats, who come down long after we have been waiting for perhaps as much as an hour, to speak before we are allowed to speak.

Now, maybe they think that is insignificant. Perhaps it is. But it is also just as insignificant that this will allow a number of Republicans, the minority party, to speak before the majority party, which controls this place, has their opportunity to speak as well.

We were denied on four specific occasions today the opportunity to bring to the floor specific constitutional amendments that are very controversial in many respects but certainly cannot be discounted as being insignificant. We went that route because we have been denied on a regular basis in this House the opportunity to bring those things before the people's House, the Representatives of the people.

Second, the gentleman from California (Mr. DANNEMEYER) pointed out today how unfair the committee ratio is. It is unfair in terms of those people who are allowed to vote and in terms of those staff people that we have, and so we are denied the opportunity to have equal access to debate in committees, just as we are on the floor.

Now there is an attempt to deny us an opportunity to have time that we control for some sustained period of time. It seems to be OK when the leadership of the Democratic side decides to do that. The gentleman from Texas (Mr. GONZALEZ) has taken time for more than 1 day on other occasions. There have been other Members who have made multiple requests on other times. But because somehow this will give the minority a legitimate opportunity to debate legitimate issues in a very, very political year that might upset the effort of the Democratic Congressional Committee to have what they want in what is quoted in today's Washington Post a dull political year, that somehow the opportunity for individual Members who represent constituencies who happen to be in the minority party will not be allowed that opportunity.

It seems to me that we have made a legitimate request. If in fact the other side is going to insist on objecting to such legitimate requests, we have no recourse but to use the only protection any minority has in any legislative body, and that is to use the rules. And we will do so.

Mr. WALKER. I thank the gentleman for his statement.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I think there are several things we desperately need to point out here. First of all, the allegations that the deputy whip preempted all the days, the deputy whip did not preempt every single legislative day, which is the attempt that is being made on that side, that every single day scheduled for legislation you are attempting to do that.

Mr. WALKER. Mr. Speaker, reclaiming my time, for a moment, nobody contended that he preempted every legislative day. We contended, though, that he set the pattern of taking time in advance so that he could preempt some time and schedule media events for the country and so that he could in fact preempt our ability to speak to issues late in the day.

Having set that precedent, now we are in a situation where we are simply asking for the same things, albeit for a longer period of time.

I do not see that there is anything in the rules that prevents that. And so by shutting it down and by objecting, as your side has done, you did the objecting, you are in fact shutting off debate. You are shutting down democracy in this House of Representatives. The party of fairness is certainly trampling all over the minority that it faces every day on this floor.

Jesse Jackson has a point when he says that you people do not play by the rules. It is obvious that you cannot play by the rules.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Again, I think the gentleman is pointing out that he is asking for something quite extraordinary, and that is to preempt every single legislative day, and the deputy whip did not do that. What you are trying to say is in this year you do not want him to do it.

Let me go further and say——

Mr. WALKER. Mr. Speaker, reclaiming my time again, all this gentleman did was to ask for 4 hours of time.

Mrs. SCHROEDER. Every day.

Mr. WALKER. It is a perfectly legitimate request.

Mrs. SCHROEDER. If the gentleman will yield, the right on every single day.

Mr. WALKER. Mr. Speaker, under my reservation I control the time, and I will yield back to the gentlewoman. But I want to make certain that what she is saying is in fact accurate.

We did not preempt anybody from taking special order time after that 4 hours. Anybody who wants to get a special order after that 4 hours would be free to do so. So the time has not been preempted in any way. We have simply decided to use 4 hours of time for purpose of the minority debate. You have preempted people from having special orders with this objection, because what it will lead to is an objection to all special orders, and that is a shame, that is a tragedy that this House need not go through.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman is perfectly aware of the rules of the House that, while the Speaker recognizes the Democrats first for 1-minute, he has always recognized the minority side first for special orders. And in the manner in which we recognize people under the special order rule, it was who got their time first. And so the Republican side of the aisle has always had that option there. What you are doing by filling up every single one is saying you get the first 4 hours every legislative day of the year.

I also think that the gentleman has made some very strong statements about never getting to control debate on the House floor. As I recall, on most bills that we take up, the ranking Member on the other side controls part of the bills under the rules of the House.

Mr. WALKER. Mr. Speaker, the gentlewoman has a confused version of the rules. The gentlewoman will remember that the only way that the ranking minority Members get that time is after a 2 to 1 plus 1 Rules Committee either gives it to them or it is generously given to them by the majority side. Therefore, we do not really control the time, as a matter of the rules. This is the place where we control the time because we legitimately have it coming to us.

You have now taken that away from us, and I think we have to respond totally.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I just rise because the gentlewoman from Colorado used the words "extraordinary use of the rules," and I just want to reinforce the point the gentleman made that it seems to us that the extraordinary use of the rules, proper though it may be, is the use of the rules by the majority not to prevent discussion but to prevent even consideration of certain item of legislation. I really find it difficult to understand how Members of the majority can object to a procedure whereby we seek, in your terms, an extraordinary use of the rules simply to debate certain issues when the majority is using those same rules to prevent even bringing these items to the floor for any hope of consideration.

I wonder if the gentlewoman from Colorado would agree with me that that extraordinary use of the rules should also be abrogated and that those items that we raised under unanimous-consent request earlier in the day should indeed be brought to the floor for full debate.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentlewoman from Colorado to answer the gentleman's question.

Mrs. SCHROEDER. Mr. Speaker, the reason I feel this is an extraordinary use of the rules is not just to protect Members on this side of the aisle, but on that side of the aisle as well.

As I recall the orders, it is the same small group of Members day after day after day preempting the entire 4 hours after every legislative day.

I think that is very unfair to Members on both sides of the aisle who are not aware that this was going to be happening, who were not here and who were not able to make those requests.

So I do not think that it is a party issue. I think it is the fairness of this House and how the rules have operated. This has never been done on the first day of any session, where you black out 4 hours for the rest of the whole session.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. WEBER. I understand the gentlewoman's position, but I again want to raise the important point. The reason we are following this procedure is to give us the opportunity to debate a number of significant issues which are of substance and which have the broad support of the majority of the American people and which are being prevented from consideration on the floor by the Speaker and the majority.

Ms. OAKAR. Mr. Speaker, regular order.

Mr. WEBER. I ask the gentlewoman if she believes that we should be given an opportunity to address those issues.

Ms. OAKAR. Mr. Speaker, regular order.

The SPEAKER pro tempore. Regular order stands.

Mr. WALKER. Reserving the right to object, our reservation to object is in fact the regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is requested.

Is there objection to the request of the gentlewoman from Colorado?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had agreed to the following resolutions:

S. RES. 303

Resolved, That a committee consisting of two Senators be appointed by the Presiding Officer to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 304

Resolved, That the Secretary inform the House of Representatives that a quorum of

the Senate is assembled and that the Senate is ready to proceed to business.

□ 1410

SPECIAL ORDERS GRANTED

Mrs. SCHROEDER. Mr. Speaker, I would like to ask for just the special orders for today.

Mr. Speaker, I ask unanimous consent that today, following legislative business, and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Ms. OAKAR, for 15 minutes;
Mr. ANNUNZIO, for 5 minutes;
Mr. GONZALEZ, for 30 minutes;
Mr. MONTGOMERY, for 5 minutes;
Mrs. BOXER, for 10 minutes; and
Mr. COLEMAN of Texas, for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, do I understand that what we have is a request for special orders for today only? It includes no day beyond today?

The SPEAKER pro tempore. The gentleman is correct.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

REQUEST FOR GRANTING OF SPECIAL ORDERS

Mrs. SCHROEDER. Mr. Speaker, I also ask unanimous consent that following legislative business on the following days, these special orders be allowed so that Members may revise and extend their remarks, and include therein extraneous material:

Mrs. SCHROEDER, to honor the prior Congressman, Mr. Rogers——

Mr. WALKER. Regular order, Mr. Speaker.

Mrs. SCHROEDER. Mr. Speaker, may I make a point? These are requests for the honoring of Members who were deceased over the period that we have been adjourned.

Mr. WALKER. Regular order, Mr. Speaker.

The unanimous-consent request is simply for time, and it is not supposed to include the title of what it is that is being done.

Mrs. SCHROEDER. Mr. Speaker, I say to the gentleman from Pennsylvania that I realize this is extraordinary, but he has been so upset that I just wanted him to know why we are asking for them.

Mr. WALKER. I wish the regular order to be pursued, Mr. Speaker.

The SPEAKER pro tempore. Will the gentlewoman from Colorado restate her request?

Mrs. SCHROEDER. Yes, Mr. Speaker. There is precedent for restating why we want special days assigned, and several Members, prior Members of this body, were deceased during this period while we have been adjourned.

Many Members would like to participate in the special orders, and Members have requested certain days in advance so that we could know that and send out a "Dear Colleague" in order to do that. It has been a tradition of the House, and I think it is terribly important.

The three orders dealing with that are these:

Myself, representing the memory of Byron Rogers, which we hope to do on January 30 for 60 minutes; and

Mr. KASTENMEIER and Mr. FASCELL on January 31, both wanting 60 minutes to the memory of our deceased prior chairman, Mr. ZABLOCKI.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to request of the Chair whether or not these special orders will be absolutely limited to those subject matters. I ask whether the Chair will rule at this point that those special orders being entered into will be absolutely limited to those subject matters that were suggested by the gentlewoman from Colorado.

The SPEAKER pro tempore. The Chair will state that the occupant of the chair at the time would have to rule on such matters.

Mr. WALKER. Mr. Speaker, we have just gone through an exercise here in which our special order time was objected to. We are now being told that what they are doing is requesting special order time to do specific things.

The gentlewoman from Colorado was permitted by the Chair to read into the RECORD the things that they wished to do in this special order time. I simply wanted to be assured that that special order time is used for those subject matters, at which point I would allow the request to go through, or, if not, if we cannot get that kind of assurance, then I have to assume that that special order time could be used for other subjects as well, and that would be a problem, given the fact that we are not allowed to discuss general subject matters under the objection that was heard from the other side.

I am simply seeking to get some assurance that the time being requested will in fact be used for exactly the purpose for which the gentlewoman suggested it was to be used.

The SPEAKER pro tempore. The Chair would suggest that the gentleman from Pennsylvania might take the word of the gentlewoman from Colorado who is making the request.

Mr. WALKER. I thank the Chair for that, and I would be glad to yield to the gentlewoman from Colorado to get that clarification that the time being requested will be used for those purposes and no others.

Mrs. SCHROEDER. Mr. Speaker, I certainly want to give my assurance to the gentleman from Pennsylvania. Obviously, I can only speak for myself, but when I am controlling time to honor the memory of Byron Rogers, I am not going to be yielding to other Members to talk about other subjects. That is why I would like to take the time.

I assume also that the gentleman from Wisconsin (Mr. KASTENMEIER) and the gentleman from Florida (Mr. FASCELL) have exactly the same purpose. I do not see why they would do otherwise. This is not a ploy. We are trying to come forward in total candor and explain to the gentleman why we are doing this.

Mr. WALKER. Mr. Speaker, I certainly appreciate the explanation of the gentlewoman from Colorado and thank her for her magnanimous stand on that. We understand that she is attempting to be gracious, and so on.

The gentleman from Pennsylvania wants to be cooperative, but he did not get very much cooperation a few moments ago when the gentleman from Pennsylvania was trying to get time for some very legitimate kinds of purposes, too.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield again?

Mr. WALKER. I am pleased to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. The gentlewoman from Colorado, and the gentleman from Wisconsin, and the gentleman from Florida are asking for 3 hours altogether covering 2 days to honor these Members. We are not asking for 4 hours every single legislative day until the end of the session, and I think that is quite a qualitative leap. That is what we are trying to talk about here.

Mr. WALKER. Mr. Speaker, further reserving the right to object, my problem is, of course, that the gentleman from Wisconsin was the gentleman who arose and objected to my request and cited the fact that he was within the rules to do that.

I really have somewhat of a problem. I am going to allow this request to go through for those purposes only, and I think that we must try to accommodate as best we can some of these kinds of requests.

But it really bothers me that we now are prevailed upon to be good guys after the majority steamroller just ran over us.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, the gentleman was making an issue about the possibility of an extraneous subject matter to that for which the unanimous-consent request for special orders was being sought.

Mr. WALKER. Yes.

Mr. GONZALEZ. Mr. Speaker, the gentleman does not have any knowledge of any possibility of a resurrection on the part of any of these past deceased Members, does he? They die only one time, so they could not discuss that subject more than once.

□ 1420

The gentleman can trust our Democrats that far, can he not?

Mr. WALKER. I thank the gentleman. We have had a number of curious resurrections of legislation on the floor over the last couple years, but none have come back from the dead, I must admit, and the gentleman makes a very astute point.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Minnesota.

Mr. WEBER. With all due respect, I think the discussion has gone off on the wrong track. What we are discussing here is the question of priorities.

Ms. OAKAR. Mr. Speaker, regular order.

Mr. WEBER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRIES

Ms. OAKAR. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. OAKAR. Mr. Speaker, by that objection, does that mean that Members who wanted to eulogize our own deceased will not be able to under a special order?

Mr. GINGRICH. Mr. Speaker, regular order.

Ms. OAKAR. I would like an answer to my inquiry.

The SPEAKER pro tempore. There may be other procedures available.

Ms. OAKAR. I see.

Mrs. SCHROEDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. SCHROEDER. Will the name of the gentleman who objected and the State be designated in the RECORD?

The SPEAKER pro tempore. Yes; it will be so stated.

WE MUST DETERMINE WHICH OCS ACTIVITIES AFFECT THE COASTAL ZONE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I join my distinguished colleagues Mr. D'AMOURS, Mr. STUDDS, Mr. PANETTA, Mrs. BOXER, and Mr. MCKERNAN today in introducing legislation which will amend the Coastal Zone Management Act to clarify which Federal Agency activities directly affect the coastal zone.

On January 11, 1984, the U.S. Supreme Court overturned the decision of the Federal District Court and the Ninth Circuit Federal Court in their ruling on the case Secretary of the Interior against California. The case was brought as a result of the Interior Department's plan, lease sale No. 53, to sell oil and gas leases on environmentally sensitive offshore tracts off the central California coast.

The Coastal Zone Management Act requires that each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State coastal management plans. The Court found that the CZMA does not specify which activities directly affect the coastal zone. The Court determined that while exploration, development, and production activities do affect the coastal zone, the CZMA does not specify that leasing does. Therefore, the Interior Department does not have to consider the State coastal plans in deciding whether to offer oil and gas leases in the Outer Continental Shelf. The Court's ruling severely limits the ability of States and localities to have a say in what happens to their coastlines. The Court's decision has wide reaching repercussions because it makes it much easier for the Interior Department to impede State and local involvement in the oil and gas leasing process in all areas of the Outer Continental Shelf and in particular, Santa Monica Bay.

The close 5 to 4 margin in the Supreme Court decision demonstrates that there is disagreement among the Justices over what kind of OCS activities directly affect the coastal zone and require a consistency determination in accordance with the CZMA. In both the majority and dissenting opinions, the Justices refer to the legislative history in an effort to determine if Congress intended the CZMA to cover leasing. Yet, the Justices reach differing conclusions. Therefore, it is important that Congress amend the CZMA to specifically spell out which activities do affect the coastal zone, and therefore, should be consistent with State coastal zone management plans.

When a lease is sold, the next logical step for the lessee is to seek approval for exploration and development. Leases cost millions of dollars. Once a lease is sold, there is strong incentive for the lessee to try to develop the area. A much more reasonable approach would avoid costly expenditures, and lengthy and expensive lawsuits, by determining at as early a stage as possible; that is, before the lease is sold, where oil drilling should or should not take place. It would also be to the industry's advantage to know at the time of the lease sale that it will be able to explore and develop the area. It would save the industry money because oil companies would no longer buy leases in areas in which they later learn they could not drill. This approach is commonsense and cost-effective.

The Supreme Court decision also creates a question as to what activities other than oil and gas activities directly affect the coast zone.

The legislation we are introducing defines activities which affect the coastal zone as those in which the conduct or support of the activity either: first, produces identifiable physical, biological, social or economic consequences in the coastal zone; or second, initiates a chain of events likely to result in any such consequences.

We must put into practice the purpose of the CZMA and assure that States and localities are involved in the decisions on activities that affect their coastlines.

California has always taken the lead in promoting policies which protect our precious natural resources. It is time for the Federal Government to act in a manner which respects and is consistent with State's rights.

EXPLANATION OF OBJECTION

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, a few minutes ago I objected to a unanimous-consent request and I rise only to put in perspective the debate that I think just occurred in the House.

Throughout the course of the afternoon, the gentlewoman from Colorado has objected to unanimous-consent requests that would enable us to bring to the floor items of substance and interest to the majority of the American people; the balanced budget, the constitutional amendment, the line-item veto constitutional amendment; the school prayer constitutional amendment and the human rights amendment.

In view of that, it strikes me as somewhat odd that it must be deemed

a priority of the House, no discussion on those issues notwithstanding, but we have an opportunity to eulogize some of our former Members. I respect the desires of Members to eulogize people who have served in this body with distinction. I am certain that that will happen; but it strikes me as an odd attack on what should be the priorities of this House in terms of addressing the real concerns of the American people that those requests should go through and legitimate requests to deal with major items of substance and amendments to the Constitution should be objected to. For that reason, I objected to the unanimous consent request of the gentlewoman from Colorado.

DESIGNATING JUNE 1984 AS "STUDENT AWARENESS OF DRUNK DRIVING MONTH"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McGRATH) is recognized for 5 minutes.

Mr. McGRATH. Mr. Speaker, today, I am introducing a resolution to designate June 1984 as "Student Awareness of Drunk Driving Month." This resolution is an expression of congressional support for the efforts of students against drunk driving, and students against driving drunk.

Although legislative efforts to address drunk driving have traditionally been reserved for the States the tragic increase in our Nation's death toll as a result of drunk driving has led both the Congress and the President to take actions to combat this fatal problem. While we have been conducting studies, and creating incentives for States to reduce drunk driving-related crashes, student groups have been forming across the country, to fight this battle in the field of their peers. These young people known by many as SADD are working at the grass roots level to prevent the loss of lives by their fellow students. It is time for us to join hands with SADD and fight this battle together. Statistics show that alcohol-related crashes are the leading cause of death for young Americans between the ages of 16 and 24. Fourteen teenagers die each day in alcohol-related car accidents. Like many of my colleagues my heart has aches, when young people have senselessly been killed at the hands of a drunk driver. One incident in particular that comes to mind is when a group of 10 high school students, in my area, piled into a van driving home from a party. When the van was stopped at a set of railroad tracks, the impaired driver decided he could make it across before the train came. Of these 10 aspiring young people only 1 lived.

The statistics and the heartache speak for themselves. The loss can never be recovered. But future loss can be prevented. I ask my colleagues to join me in targeting the month of June—a time of graduation parties and proms—to heighten awareness of the perils of drunk driving. Join me in designating June 1984 as "Student Awareness of Drunk Driving Month." Thank you.

A VOLUNTARY OPENING DAY PRAYER IN OUR PUBLIC SCHOOLROOMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, today we have had an interesting discussion on a variety of issues, specifically whether or not the House of Representatives will take up for a vote on the floor of this House proposals that are supported extensively by people all over this country, Democrats, Republicans, and independents, specifically a proposal that we have a voluntary opening day prayer in our public schoolrooms, that is, if local districts choose to do so.

A proposal that is supported, I think, by 70 percent of the American people, that is, that the Federal Government have a requirement in the Constitution that we have a balanced budget. Some of us here want to bring up the subject for discussion on the floor of the House sooner rather than later, this afternoon, if the Democrats will let us do it, so we can have a vote on that issue, so that the people all over this country can determine what their representative in this body is doing with respect to that issue.

Then, of course, we have another controversial issue, the right to life. We would like to bring this issue to the floor of the House so that Members will have a voting record on where they stand on that issue.

Then the fourth item is dealing with giving to a President the ability to have a line-item veto over expenditure bills passed by the Congress, those four items. We tried to bring them up today and we were prevented from doing so because the Democratic majority who runs this place interposed an objection to our bringing them up.

We had an additional matter that this Member from California sought to use through the vehicle of a privileged resolution, that is, to bring to the attention of the Members of the House the fact that the Republican minority here in the House of Representatives has been discriminated against every year in the beginning of the sixth year that this Member has been privileged to serve here from a district in southern California.

In the 96th Congress, we Republicans in the minority in the House were shorted 15 slots on major committees and 58 slots on subcommittees.

In the 97th Congress, running from 1981 through 1982, we were shorted 30 slots on committees and 37 slots on subcommittees.

In this Congress, starting last year, we were shorted 22 slots on major committees.

The resolution that I introduced, which was ruled not a privileged resolution, which means that it cannot be brought up today or at any time until the Democratic majority decide they want to bring it up for discussion, had as its function to have a vote here on the floor of the House as to whether or not we wanted to continue this unfair division of slots on committees in the House.

□ 1430

I mention this not because we are so much concerned about those slots per se. We Republicans in the minority are concerned about those slots because of the fact that we have been denied our allocate number of shares on committees and subcommittees, and as a result we cannot give life on those committees to the sense or direction that we Republicans seek to bring to those issues.

Specifically, every vote counts. The Supreme Court in the famous case of Baker against Carr, one man, one vote, made that very clear. When we are shorted one vote on the Judiciary Committee, as we are in the 98th Congress, we have one vote less that can vote on that committee to put out of that committee the proposed constitutional amendments that were discussed earlier on this floor; namely voluntary school prayer, right to life, balanced budget, and line item veto.

That is the reason we want those slots on those committees, because we want to have a better chance of having those committees produce what legislation this country, by overwhelming majority in most of those cases, demonstrate very clearly they want.

In this, the 98th Congress, I would like to just read through some of the committees where we in the minority have been shorted.

As a result of the November 1982 election, the people of this country sent to the Congress 269 Democrats, 61.84 percent of our total, and 166 Republicans, 38.16 percent of the total.

Following that division when we organized this House a year ago and constituted the committees, we on the minority side were shorted 22 votes on the 21 committees that comprise the organization of the House. The following will be the ones that we were shorted: Agriculture, 1; Appropriations, 1; Armed Services, 1; Banking, 1; Budget, 1; District of Columbia, 1; Education and Labor, 1; Energy and Commerce, 1; Foreign Affairs, 1; Gov-

ernment Operations, 1; Interior and Insular Affairs, 3; Judiciary, 1; Merchant Marine, 1; Rules, 1; Science and Technology, 1; Small Business, 2; Veterans Affairs, 1; Ways and Means, 2; a total of 22.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield to my colleague from Florida.

Mr. MACK. I just wanted to raise a point with reference to what your discussion means as far as Budget Committee.

As you probably well know, I have only been here a year and I spent most of that time last year quite involved in the activities of the Budget Committee. What has really turned out is that all of that time I spent other than gaining a tremendous amount of education I had no opportunity to impact what that budget resolution said.

In essence, the views and the ideas of the people that live in southwest Florida are being thwarted.

Another point I would like to raise is that one of the things that we as freshmen have been told ever since we got up here is that the very most important time we spend is the time we spend in our committees. But I would suggest from the point the gentleman is raising that that is not the case at all, because we do not have an opportunity to be listened to.

I think that there is definitely a need to support what the gentleman is bringing up here today.

Mr. DANNEMEYER. I thank my colleague for his comments.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding, because one of the points I think we were trying to make with a number of the things we did today, and a number of the things that will occur in the weeks ahead is that this Congress operates by gag rule. If you are a member of the minority and you have something legitimate to say, the chances of your being able to say it, the chances of your being able to have an effect on policy are pretty minimal.

When it comes to the minority seeking to gain an upper hand of any kind, the majority immediately leaps in and uses the power of its majority to crush any minority participation in the legislative process. That is no clearer than the issue the gentleman brings up with regard to committee ratios.

It is in fact the majority party around here that establishes those ratios and in establishing those ratios determines the flow of legislation.

The gentleman made mention of the Ways and Means Committee where at the present time we have less than 35 percent of the membership of that committee, even though proportionately we should have about 45 percent. That is a particularly important committee because virtually every piece of legislation that comes to this floor out of the Ways and Means Committee comes out with a closed rule.

We never have a chance to really affect those particular bills on the House floor because they come out here under a closed rule. We vote them either up or down, which means that the real decisions are made in the committee itself.

That means that in the committee we are down by such a proportion that the minority has no chance to impose any of its thinking on the bills that come out of that committee. We are thereby gagged. We are shutoff from having our constituents participate freely and fairly in the process and, in fact, the stench of unfairness affects this body throughout most of its deliberations.

As a matter of fact, I would say to the gentleman as we have proceeded with the debate here today I was reminded of an old poem, and to paraphrase, that is: Listen my children and you shall hear the party of fairness making it clear that only—I am having trouble with my language now.

Mr. DANNEMEYER. Never, I say to the gentleman from Pennsylvania (Mr. WALKER) can it be said you would have trouble with your lanaguage.

Mr. WALKER. The party of fairness making it clear that fair is fair only when the ox being gored is Republican.

It seems to me that fairness is only an issue when they are pouncing on the minority, declaring us to be unfair about something or the other. When it comes to their own rules and the things they control, they are perfectly willing not only to be unfair but to be totally dictatorial in the practices they proceed with.

I thank the gentleman for yielding.

Mr. DANNEMEYER. I thank my colleague.

Does the gentleman from Long Beach desire recognition?

Mr. LUNGREN. I do and would ask the gentleman to yield.

Mr. DANNEMEYER. I yield to the gentleman from Long Beach.

Mr. LUNGREN. Sometimes this whole question is not very well understood, but there is something on the cultural landscape that most Americans, whether they are Members of Congress or not, understand. That actually took place yesterday. It is called the Super Bowl. In it the gentleman will remember, if he had a chance to watch that game, there were two occasions in which the Redskins put themselves into some jeopardy, more than usual for the game.

One was they were lining up for an extra point. The quarterback counted the men on the field and found that there were only 10 men on the field and had to rush and get 1 other person on, who got in late, and someone came in and blocked the extra point. The other time was on defense they found they only had 10 men on the field and they called an immediate time out.

The question obviously is why. It is because you cannot play the game as well when you have 10 men on the field when the other team has 11. And what happens in this House is that the minority is put at a disadvantage by obviously being the minority when they have less to begin with than the majority does, but we are put at an undue disadvantage by virtue of the fact that we are denied the number of men and women on the field that we should have by virtue of the election of the people in this Nation.

That most specifically takes place on some of the most important committees in this House where we are down as much as 2 to 1 plus 1. I think that is something that we ought to mention to the membership and the membership ought to make clear to the American people, that oftentimes the reason why issues that they want us to deal with are not dealt with is because they are being buried in committee by a vote that is not reflective of the vote of the American people on a continual basis, and it is not by accident that it is buried in committee by a vote that is not representative of the American people. It is a calculated decision made by the majority party to deny many millions of Americans their opportunity to have their full representation on the floor of the House and in committee.

That is why this goes far beyond just this place as an institution. It goes to the American people as to whether they are going to be fairly represented and their views heard.

We ought not to be afraid to debate issues on the floor. Unfortunately, the actions of the majority today and certainly in terms of the past year, by shorting us our true representation on the committee, reflects a fear of open and honest and full debate of the people's business in the House.

I thank the gentleman for yielding.

Mr. DANNEMEYER. I thank my colleague for his comments.

I would like to share with the Members just what it really means to major policy decisions of the Congress of the United States for one side, in this instance Republicans, to be shorted on a subcommittee. This Member from California serves on the Fossil and Synthetic Fuels Subcommittee of the Energy and Commerce Committee. The division in the 98th Congress on that subcommittee is 13 Democrats and 6 Republicans. That means that we Republicans have been shorted two slots on that subcommittee.

□ 1440

The proper division should be 13 and 8, not 13 and 6. People say what is the big deal? That subcommittee took up for the House of Representatives one of the major pieces of legislation last year dealing with energy independence for America; that is, what do we do on natural gas policy questions?

Many of us believe in this House that the law which we enacted in 1978, the Natural Gas Policy Act is totally inadequate for resolving this major issue of our day and we wanted to move more toward deregulation of the energy, specifically natural gas, that natural resource in this country. On this issue it so happens that two great parties divided predictably. Our Democratic colleagues, most of them fall on the side of further regulation of the price controls which presently exist. The Republicans in the House as a group fall more on the side of deregulation on the theory that the law of supply and demand shall determine the availability and cost of this vital energy resource in America.

It was not accidental when the leadership of this House shorted Republicans two slots on that vital subcommittee. Why? Because they did not want those two Republicans to be on that subcommittee so they could add to the impetus of the work product of the subcommittee, the probability of what would come out of that subcommittee would move in the direction of deregulating the price of natural gas in this country. Why? Because the majority party, the Democratic Party believes it serves the interests of Americans to have further regulation of this needed energy resource for America.

That is a question on which people can differ. And I respect that.

We have the two views and they are entitled to be heard here on the floor of the House so that we can debate them and then after we have debated them we can vote on them. But it is absolutely totally unfair for the leadership of this House, the Democratic majority, at the beginning of the process to short one philosophical side, on this side, the Republicans favoring deregulation, two slots on that subcommittee because we have not had an opportunity of moving the system to the point of deregulation.

Well, the full committee, the Energy and Commerce Committee is now considering the bill that our subcommittee put out. And the Republican minority has been shorted one slot on that full committee.

I hope before too many more months of this year go by that that full committee will put out a piece of legislation moving the Nation in the direction of deregulation.

Would my colleague from New Hampshire desire recognition? I am happy to yield to the gentleman.

Mr. GREGG. I thank the gentleman for yielding to me.

The gentleman raises a point which interests me.

If I can review his figures, I wonder if he can go over them again. I am not sure I clearly understand them. I think it is important that this House and the people of the country understand them as they read this debate. Are you telling us that the Rules Committee which controls the flow of legislation to this House floor and therefore controls those issues which this House, the body of the people of this country, shall take up, is controlled in a disproportionate way to the votes cast in the last election?

Mr. DANNEMEYER. That is precisely what I am suggesting to the gentleman. Let me give you the figures so we have them before us. The people in November 1982 said they wanted 61 percent, 61.84 to be Democrats, 269, and 166 Republicans or 38.16 percent of the total membership of the House.

When it came to organizing the Rules Committee, the Democrats, who had the majority and set the whole agenda for this body, said to the Republicans, "We will give you four slots. We will take nine, we will give you four," that means they gave us 30.77 percent of the slots, compared to 38.16 percent of the full House. They have shorted us one full slot.

Mr. GREGG. Well I suppose one explanation is that the Democrats assume the Republicans serving on that committee are at least twice as good as Democrats on that committee because otherwise they would have given us our full allotment. But independent of that possible explanation, it is apparent that that committee which is the key committee for legislative flow in the process of legislation of this body, which is the governing body of 230 million people, is not representing a one-man, one-vote proposal, is it?

Mr. DANNEMEYER. It certainly is not and I am glad you mentioned that because it brings up an interesting point. Fourteen of us in the House, Republicans, in 1981 filed a suit in the Federal district court here in Washington, D.C., contending in the court system that "Hey, what Democrats are doing is unfair."

And our premise was of one-man, one-vote, that we should be entitled to a correction of the disparity that we were caused as a result of the organization.

Mr. GREGG. If the gentleman would yield further, is the leadership of this House, the liberal leadership of this House that has denied the one-man, one-vote on the Rules Committee, is that the same leadership that stands so strongly behind civil rights as we do on our side? But, the civil rights, maybe we should refer this question to the Civil Rights Commission for an assessment of whether or not we have been denied our rights as an elected people.

Mr. DANNEMEYER. That is a pregnant thought. I can share with my colleague that perhaps we will fare better in the U.S. Civil Rights Commission than we fared in the district court. They threw us out. The reason is very simple. The U.S. Supreme Court in denying certiorari on this matter several months ago did not want to stick its nose in the legislative tent or thicket of this body. I can understand that. I think we presented a fair argument of denial of equal protection. They said to us in effect: "You go sell your problems in the House of Representatives, we in the Court system are not going to tell you how to organize the House."

Mr. GREGG. It would seem to me, were I a citizen of this country who came from a district which has elected a Member who is a Republican Member, or even a Democrat Member, if I believe in fairness and desired a government which ascribed to the one-man, one-vote rule, that I would be more than concerned, I would feel there was fundamental harm done to the system when the one-man, one-vote rule is abrogated unilaterally and for purely partisan reasons in order to control the flow of legislation to the floor by the liberal leadership of this House.

But I would like to ask about another committee, because the committee which seems to have the most import on most Americans is that which charges American taxes.

Mr. DANNEMEYER. Ways and Means Committee, correct.

Mr. GREGG. Let us face it. When we formed our country, in Boston they had a tea party because taxes were effected. Primarily the catalyst for generating a revolution and an independent country was taxes. So, let us talk about taxes.

Do we have a one-man, one-vote rule in the tax area in this House?

Mr. DANNEMEYER. Well, the division which the Democrats established in January of last year for that Ways and Means Committee was 23 to 12. Now that gives Republicans 34.29 percent of the membership of that committee where a proper percentage in the House would entitle us to have 14, 2 more, that would give us 37.83 percent.

Mr. GREGG. If the gentleman would yield, probably significantly less taxes and a better governed tax law.

Mr. DANNEMEYER. It so happens I have a list here of votes taken in the Ways and Means Committee in 1981, where if we Republicans had had the proper share of votes to which our membership in the whole House entitles us, in at least seven instances

there would have been a reversal of the decision of that committee.

Mr. GREGG. That statistic alone is alarming because clearly the American people had seven pieces of legislation come out of that committee which would not have come out of that committee, had they been properly represented.

Mr. DANNEMEYER. That is precisely the point and that is the point that we presented to the U.S. Supreme Court in our suit and they politely told us: "Go back to the House of Representatives and make your case."

Quite frankly that is one of the reasons this Member from California is standing in the well today. We tried the court system because I think that is a proper procedure in an orderly manner within due process of law to pursue.

□ 1450

We have been had here in the House of Representatives by the leadership under TIP O'NEILL and we have tried to get a redress in the U.S. court system. Well, we could not get it.

So, what other alternative do we have? Well, one is that we do nothing, we just wander around here like zombies and accept our fate. I do not choose to pursue that course, that is why I am standing here today seeking to bring to the Members' attention this terrible deprivation of our rights representing the American people that we are sustaining in this House.

Mr. GREGG. If the gentleman will yield further, I just want to congratulate the gentleman for bringing this point forward again with definitiveness.

We are, as a party, being discriminated against, but more importantly than that, the American people are not getting a fair shake here. And the party which leads this House which so often comes to the well and promotes fairness, which appropriately it does, has really abrogated its role of leadership in this area and has clearly decided that it is going to stomp on the rights of many Americans who voted for Representatives in this House and those Representatives cannot accomplish their jobs because of the discriminatory action of the leadership.

Mr. DANNEMEYER. I thank my colleague, the gentleman from New Hampshire.

I yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. I thank the gentleman for yielding.

I would like to compliment the gentleman also because it does bring to mind two things that occurred during the last several months of last year.

One was that when I was home in southwest Florida having town meetings and we were discussing the immigration reform bill and the people in southwest Florida were wondering why that particular piece of legislation was not coming to the floor. And the explanation that I gave them was that the Speaker has decided, for whatever reason he may have chosen, that he did not want that legislation to come to the floor.

And the first reaction, the tendency is to say, as the gentleman indicated a minute ago, that well, there is nothing we can do about it, that we are outnumbered so much that we cannot really make a change there.

But what the gentleman is doing today and the things that the gentleman has been trying to do, I think, need to be complimented and I hope that more will give the gentleman support in what the gentleman is trying to accomplish because we have got to see that the will of the American people has an opportunity to be voiced here on this floor.

Mr. DANNEMEYER. I am glad the gentleman mentioned that. And there is another point that deserves to be mentioned. When our colleagues on the Republican side, in their early days in the House, the gentleman knows the system, seniority. You get a little more influence in shaping the policy of the country.

If we on the Republican side do not obtain our requisite number of slots at the beginning of the career of our Members in the House, they cannot move up that ladder. Their slots are really being taken by the Democrats over here who are then rising in the scale of seniority to the point where, as we all know, the more senior you are around here, the more attention they pay to you. And I am a junior Member, nobody pays any attention to me. But the senior Members, they listen to them. Because when they say something, well, if a senior Member says it that must be gospel. And we all know that.

The point is we cannot get at the start of the ladder to the point where we get to be senior Members so people will pay any attention to us.

Mr. MACK. If the gentleman will yield further, just let me just make one further point.

I also had the opportunity during this past year to be on a couple of these shows where people call in and express their feelings and ask you what you think. And one of the individuals who called in said, "I don't understand. I like what you Republicans are saying, but I don't understand why you are so nice, why you are so polite. Why do you stand out there and get run over day after day after day?"

And what I am suggesting is that the gentleman is saying that the time has come where we are not going to get run over day after day after day, that we are going to stand up and fight for what our rights are.

Again, I compliment the gentleman and I am going to help the gentleman as much as I can to see that the gentleman accomplishes what he set out to do.

Mr. DANNEMEYER. I thank my colleague.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

First of all, I have to correct one slight problem with the gentleman's statement. I want to assure the gentleman that many Members of this House listen very carefully to what the gentleman in the well has to say. Some of us virtually hang on the every word of the gentleman in the well looking for moral guidance and direction.

In all seriousness, I think the gentleman's point is well taken and I want to, I guess, build on a point made a minute ago by our colleague from Florida.

As I was home I held a number of town meetings around my district in frozen Minnesota in January and I guess I am continually dismayed by the level of frustration that I hear from my constituents about different issues that are not being addressed by the Congress. And that seems to me to be the point that the gentleman is making is that the rules of the House are being used and abused to prevent the people's agenda from being acted on. And time and again I have talked to people about the immigration problem and they say, "Why don't you do something about it?" And I say, "Well, we can't get a vote."

And I talk to them about bankruptcy reform which affects a lot of small business people in my district and farmers who have had trouble with elevator bankruptcies and they say, "Why don't you do something about it?" And I say, "Well, bankruptcy reform has been tied up in the Judiciary Committee for all these years and we just can't do anything about it."

Just today, in my case and I am sure the gentleman's, a number of people from my district came to my office for the annual "March for Life." And they are concerned about the human life amendment and they asked, "Well, why can't we get even a vote on a human life amendment?" And I said, "Well, we can't get it out of the committee and onto the floor for a vote."

A number of people talked to me about the ERA. And I expressed some concerns I had. And I said, well, we should be able to vote on certain amendments to the ERA. And they said, "Well, we don't necessarily agree with you on those amendments, but how come we can't get that onto the floor in a form in which people can debate it and vote on those amend-

ments so that we can see really where you do stand?"

And I said, "Well, again, these are all matters that are beyond my ability to influence given the rules of the House and the ability and the willingness of the majority to use those rules in a particular manner."

I guess the point I make is that the result of all this is not really insignificant in any way. The result of this, I think, is that the regard that the people hold for the institution of the Congress, as measured by virtually every public opinion survey, is at one of the lowest points in all history. And I say with good reason.

And what the gentleman is doing today I think is an important part of an effort to say that we have an obligation to the people that is greater than our obligation to the traditions even of this House and that obligation goes toward restoring the confidence of the people and the ability of this institution to deal not with the politicians' agenda, but with the people's agenda.

And I thank the gentleman for leading us in that effort.

Mr. DANNEMEYER. I thank my colleague for making that contribution.

The Constitution of the United States places within the jurisdiction of Congress the power to "determine the Rules of its Proceedings." (U.S. Constitution, art. I, sec. 5, cl. 2.) Pursuant to this power, the House of Representatives has provided by rule that the 22 standing committees in the House shall be elected by the Representatives at the commencement of each Congress from nominations submitted by the respective party caucuses.

From the end of World War I until 1970, the rule of thumb in the House of Representatives had been that committee ratios would be proportional to party membership in the entire House. Supreme Court decisions decided during that period in the area of voter equality; that is, Baker against Carr, Reynolds against Sims, seemed to reinforce this proportionality standard for House committee and subcommittee appointments.

Beginning in 1971, however, the Democratic majority in the House, through its caucus, voted to create an extra working margin of 2-to-1 on many of the major committees and subcommittees. At first, Republicans had only one-third of the seats in the 94th and 95th Congresses, and thus, the new House committee ratios closely corresponded to Republican representation in the House as a whole.

Yet, beginning in the 96th Congress when GOP representation in the House rose to 36.3 percent, the effects of the 2-to-1 "extra working margin" became more evident. Republicans found themselves with 15 less seats on standing committees than they would have obtained had committee seats been allocated proportionally according to full House party membership. The Democratic caucus of the 96th Congress extended the "extra working margin" concept to subcommittee as well, and hence the Republicans received 58 less subcommittee seats than a proportional system of representation would have dictated. On February 13, 1980, all 160 Republican Members sent a letter of protest to Speaker of the House TIP O' NEILL, to which, and I do not think it would come as any surprise to the Members of the House, to this day we have not had any response. I am still waiting.

As a result of the 1980 congressional elections for the 97th Congress, Republican Members garnered 44.14 percent of the seats of the House of Representatives and the Democrats held 55.86 percent of the House seats. After such a significant gain by the Republicans, many were willing to believe that the House might return to the committee allocation system of the 1921-71 era. Yet, after the dust cleared, Republicans found themselves 30 less full committee seats and 37 less subcommittee seats than proportional allocation according to party membership would have indicated. Although the Democrats represented 55.86 percent of House membership, they granted themselves 65.71 percent of the seats on the Committee on Ways and Means, 68.75 percent of the seats on the Appropriations Committee, and 60 percent of the seats on the Budget Committee.

The importance of such inequitable allocation of seats is underscored by the fact that in 1981-82 there were 43 committee votes decided by a voting margin equal to, or smaller than, the number of seats Republicans claimed they were deprived of on these committees. Republicans voted en bloc in 26 instances, and these votes most likely would have been reversed had Republicans been allocated seats in a fair manner.

The Republicans were thus left with five options: First, to accept their fate, thus compounding the problem, second, to protest again, which had already been done in 1980 to no avail, third, to obstruct House proceedings and try to bring increased attention to the problem as well as to gain leverage in committees and subcommittees: fourth, to take their case to the people through the election arena; and fifth, to take their case to court.

On July 23, 1981, 14 Republican Representatives brought legal action against the elected Democratic leadership in the U.S. District Court in the District of Columbia knowing that this was a long-shot alternative. The District of Columbia district court dismissed the case citing its reluctance to stick its head into legislative affairs. The circuit court of appeals, although holding that the court system did have jurisdiction over the rules of the House, dismissed the case citing that there was not sufficient injury involved. Lawyers interested in seeing an example of an extreme case of waffling by a court need merely look at the opinions of the circuit court which is bereft of any principled rationale or succinct legal analysis. The U.S. Supreme Court recently denied certiorari.

In effect what the circuit court of appeals decision said was: "Republicans, if the Democrats take away your center fielder on defense and your designated hitter on offense, you have really only lost 2 of your 18 players for playing the game of baseball.

"If the Democrats ever get to the point where they take your whole team off the field, come back and see us.

"We think you can play the game with eight players on offense and eight players on defense."

And the point that I seek to share with my colleagues today is, we can play it, but we cannot properly represent the interests of the people of this country who voted for our philosophical point of view with that disadvantage.

□ 1500

What the Democrats have been saying to us is that we still should be able to field a competitive team despite the fact that we are missing our designated hitter on offense and centerfielder on defense. The Democrats are not the only ones to utilize this philosophy. In Iron Curtain countries such as Albania, Bulgaria, Poland, and the U.S.S.R., committee memberships are not proportional to membership of the entire legislative bodies. In every Western world country, and in the U.S. Senate but not the U.S. House, committee memberships accurately reflect the overall political divisions.

What we are really doing for the House of Representatives is putting us in the same league with the legislative bodies of Albania, Bulgaria, Poland, and the U.S.S.R.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman has just told me something, I have learned something here that I never knew before.

In other words, all the rest of the Western democracies in their legislative bodies have committee ratios which are in proportion to the membership of the body as a whole?

Mr. DANNEMEYER. The number is about 54 democratically elected bodies in the Western World.

Mr. WALKER. And only in those parts of the world where they are gov-

erned essentially by dictatorships and have only mock legislatures do they have a system which comes close to being the kind of system that we have here in the House of Representatives in the United States?

Mr. DANNEMEYER. Precisely correct. Such countries as Albania, Bulgaria, Poland, and the U.S.S.R. divide committees in their legislative bodies similar to the way we do it here in the House of Representatives.

Mr. WALKER. If the gentleman will yield further, that is an incredible indictment of the way in which we operate around here. This, even more so than the U.S. Senate, is supposed to be the body of the people. We are supposed to be the body that is directly concerned with the people's interests, we are supposed to be the body which is closest to the people. And what the gentleman is saying is that we operate around here in a way that characterizes governments that distinctly do not have any close cohesion with the people. I think that is a devastating indictment.

And once again, I congratulate the gentleman for his motion earlier that was an attempt to correct this. And I cannot understand why it is that the Speaker and the majority Members of Congress cannot see that fair should be fair, and that, at the very least, even though we are a minority, we ought to have that minority perspective reflected fairly in the committee structure.

I thank the gentleman very much.

Mr. DANNEMEYER. I thank my colleague for his contribution.

Mr. Speaker, organization of the 98th Congress like the 97th, has resulted in an enormous Republican deprivation of committee and subcommittee seats. In this Congress, Republicans have been shorted 24 committee and 37 subcommittee slots in this session.

In turn, if we are to do anything to remedy this problem, rather than just lying in the grave, the only alternatives we have left are obstruction of House proceedings, and taking the case to the people.

The end that we seek to achieve I think should be explained in such a way that it is not the slots that we are after. It is the work product of what those additional slots will give to our philosophic point of view that serves the public interest.

For example, continuing appropriation measures should be clean, not Christmas trees loaded up with everything that comes down the pike.

Consideration by the House of a concurrent budget resolution which will reflect spending reductions advocated by the Grace Commission, about $80 billion in a year.

The proposed constitutional amendment to balance the budget should be on the floor for a vote.

The constitutional amendment on school prayer should be on the floor for a vote.

The constitutional amendment on abortion should be on the floor for a vote.

Proposed reforms on bankruptcy, criminal law, immigration and enterprise zones should come to the floor for a vote.

Proxy voting on committees should be eliminated. This, my colleagues and friends, is a process whereby a committee chairman or subcommittee chairman can sit there as a part of a committee process of serious deliberations, with anywhere from one to seven or eight proxies in his or her pocket, and when the issue comes to a vote, those Members' votes are voted even though they may have never heard one whit of the testimony coming from the witnesses relating to that particular issue.

Verbatim transcripts and records of congressional proceedings is something that we have insisted on and we would like to achieve, but we do not have the votes in this body to do it.

Committee and subcommittee ratios should be consistent with the division in the full House as it was determined in November 1982.

This Member from California was precluded from getting a rollcall vote on this proposal earlier today to say that committees should be in accordance with the division of the whole House of the two great parties. But I serve notice on my colleagues that during the course of the next few days, in the next weeks, in the next months, this issue will come up again and again and again. And sooner or later we will have an opportunity for the Members of this body to vote as to whether or not on a rollcall vote they choose to sustain the inequitable representation that presently exists in this body.

Mr. Speaker, I yield back the balance of my time.

SOCIAL SECURITY AMENDMENTS AFFECTING CHURCH EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, today, I am introducing a bill which will delay for 2 years the mandatory taxation of religious organizations and their employees under social security. Along with the gentleman from Idaho (Mr. HANSEN), the leading cosponsor of this measure, I believe that a delay is essential in order to fully investigate and explore the ramifications of this provision which the Congress enacted as part of the Social Security Act Amendments of 1983.

The problem this provision has created relates directly to the constitutional question of the separation of church and state. Mandatory coverage of church employees and religious organizations under social security is being construed as the intention of Congress to tax churches. Whether this is intentional or not, I have not been able to find a single inference anywhere that Congress has made a decision to reverse over 200 years of precedent to begin taxing churches. Clearly the Congress intended to raise revenue, reduce expenditures and make the social security system solvent when it acted last year.

In addition, it was believed that the inclusion of nonprofit organizations in the social security system would move the country closer to universal coverage, which it does. But these objectives must not be accomplished at the expense of a violation of the free exercise of religion, one of our fundamental freedoms.

Under current law, work performed for a nonprofit religious, charitable, educational, or other tax-exempt organization is covered under social security if the organization files a certificate with the Internal Revenue Service waiving its exemption from taxation. It is estimated that about 80 to 90 percent of the roughly 5.3 million employees of nonprofit organizations are covered under social security; over 80 percent of employees in nonprofit organizations are involved in health or education-related activities. The point is this: As long as religious organizations and church employees voluntarily agree to be covered by social security that is one thing; but if coverage becomes mandatory, there is a serious breach of tradition and doctrine involved. That is the question of whether or not the money that has been contributed to a church or a church-related organization is for any purpose other than a religious purpose. I happen to think that it is for a religious purpose. Therefore, if you mandate the dedication of those funds to some governmental purpose, you violate the traditions of the United States.

This bill is virtually identical to the one introduced by Senator ROGER JEPSEN of Iowa on November 15, 1983, S. 2099.

The delay for 2 years contained in my bill will give the Congress the options to solve this serious problem. The only addition in my bill is that because mandatory coverage began as of January 1, 1984, it would stipulate that any withholding of social security taxes would have to be refunded during the period between the first of this year and the date of enactment of this 2-year moratorium. I believe that this bill, which will result in a very small revenue loss, is a reasonable,

sound, and prudent decision that Congress should make. This decision would not jeopardize the social security reform package, but rather, would strengthen the faith of all Americans who believe that when an oversight has been made, legislators will work to correct it.

I think that the record will show that mandatory coverage of church employees and religious organizations is wrong and unfortunate. Mr. Speaker, I hope that you and our colleagues will support my efforts to delay and rethink this provision—our religious traditions demand it.●

LEGISLATION FOR SECRETARY OF THE INTERIOR TO ACQUIRE McCLINTOCK HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

● Mr. HORTON. Mr. Speaker, I am introducing a bill which authorizes the Secretary of the Interior to acquire the McClintock House, a property of inestimable historic value and a part of the Women's Rights National Historic Park in Seneca Falls and Waterloo, N.Y.

Last year, we passed a $500,000 appropriation for the acquisition of property previously designated as part of the Women's Rights National Historic Park. The most famous of these, the "Old Wesleyan Chapel," was the site of the first national women's rights convention in 1848. It was at this convention that Elizabeth Cady Stanton and Susan B. Anthony first introduced and publicized the "declaration of sentiments", a document, modeled after the Declaration of Independence, now recognized as one of the 50 most important documents in our history.

The McClintock House shares with the Wesleyan Chapel this unparalleled role in the birth of the women's rights movement. Here, Mary Ann McClintock, Elizabeth Cady Stanton, Lucretia Mott, Martha Wright, and Susan B. Anthony gathered to organize the convention and draft the declaration of sentiments.

This bill offers a purely technical amendment to the authorization language which created the park in 1980. The McClintock House is already a designated part of the Women's Rights National Historic Park; however, because the property was owned and used by the Waterloo Baptist Church, the Secretary of the Interior was not authorized to acquire the property. The Baptist Church recently placed the property up for sale and moved. The question of church-state conflict, important at the time, is no longer relevant. Of perhaps equal importance, the funding for this acquisition will be drawn from the fiscal year 1984 appropriation—no additional funding will be required for the enactment of my bill.

Mr. Speaker, thank you for the opportunity to bring this matter before the House. I will do everything in my power to bring about the positive consideration of this bill and I urge my colleagues to join my effort to acquire and restore this historic landmark.●

CBO ESTIMATE OF THE TOTAL COST OF H.R. 2615, WEATHERIZATION AND EMPLOYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. COATS) is recognized for 15 minutes.

● Mr. COATS. Mr. Speaker, tomorrow the House is scheduled to consider H.R. 2615, the Weatherization and Employment Act.

This bill was reported to the House on May 12, 1983, and was granted a 1 hour, open rule on July 19, 1983.

Today, in response to a request from Congressman JAMES T. BROYHILL, the ranking minority member of the Committee on Energy and Commerce, the Congressional Budget Office has issued an estimate of the total cost of this bill.

While I am extremely concerned about rising energy bills in the Midwest and the hardships which consumers are facing, I am greatly troubled by the figures in this CBO estimate which indicate that the weatherization programs under H.R. 2615 would cost a total of $28.5 billion for fiscal years 1984 through 1994.

I am inserting a copy of the Congressional Budget Office's estimate in the RECORD at this point for my colleagues' information.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 23, 1984.

Hon. JAMES T. BROYHILL,
Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BROYHILL: On May 10, 1983, the Congressional Budget Office (CBO) transmitted a cost estimate for H.R. 2615, the Weatherization and Employment Act of 1983, as ordered reported by the House Committee on Energy and Commerce, May 4, 1983. Under the assumptions used in that estimate, the CBO estimates that weatherizing all eligible homes by 1994 would cost a total of $28.5 billion over the fiscal years 1984 through 1994. This estimate assumes that 13 million dwellings would be weatherized, and that the average cost of weatherizing each unit would be $1,300 (in 1983 prices). If those factors change, the estimated costs would change correspondingly.

I hope this information is helpful.

Sincerely,

RUDOLPH G. PENNER.●

ECONOMIC JUSTICE FOR WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 15 minutes.

Ms. OAKAR. Mr. Speaker, hopefully, I will not use all of the time allotted to me.

But, Mr. Speaker, I wanted to lever a little bit on something I said earlier this morning. I was shocked to read in the New York Times and in the Washington Post and other stores across the country of the administration's desire to prepare a legal challenge to a Federal judge's decision to order the State of Washington to repay back raises to women that were found to have been paid less than men holding positions of equal worth.

Among the topics that I believe is most important to women in the eighties and in the nineties and certainly in the 21st century will be economic justice.

That is the issue that, in my judgement, liberates women truly: economic justice.

And I think that is an issue that all women can rally around irrespective of their views on other issues.

It is a known fact in the Labor Department's statistics, the Census Department's statistics, that women make about 62 cents for every dollar earned by men. And this is not a confrontational subject at all.

□ 1510

No one wants me to make any less than they are making, but the fact of the matter is that it is a catch-22 situation for women because if one is not paid adequately and if one is paid unfairly when one is younger and in one's working years, one by and large gets the lowest insurance and pension when one is an older American.

Mr. Speaker, the House is not in order. I would appreciate my colleagues who have been going on and on for a while to perhaps listen to this. They might find it educational.

The SPEAKER pro tempore (Mr. RAY). The House will be in order.

Ms. OAKAR. Mr. Speaker, I will not proceed until the House is in order. If Mr. WALKER wants to proceed to talk on the floor, then fine, but not on my time.

The SPEAKER pro tempore. Will the gentleman take his seat?

Ms. OAKAR. As I was saying, Mr. Speaker, and I thank the Speaker for calling order, the poorest person in this country is a woman over 65 years old. She lives on a check, a social security check, based very often on her wages, as we know, on an average check of $330 a month. That is obviously below the poverty rate, and I think the quality of life for our older women in this country is one of the

things that we ought to be most ashamed of as Americans.

We might say, "Well, women used to earn, in the last census report, 59 cents out of every dollar." The fact is, we have reverted back to 52 cents for every dollar that a man makes, which was the amount that women made in the 1950's. So we have not progressed in terms of equal pay for equal and comparable work since the 1950's.

What we are really talking about is the value of the kind of work that women do. We know that most women who are in the work force are in service-oriented jobs, and there are many, many jobs that are opening up in that area. The problem is that the value of those jobs is not commensurate with the proper wages that people who do those jobs should receive. We have classic examples of secretaries and clerks and nurses and teachers, most of whom happen to be women, who are grossly underpaid for the amount of work that they do.

So we know that as part of the catch-22 situation that when they become older, to be old and to be female in this country is to be poor. Now we have terms like the feminization of poverty, but that does not just refer to younger women; it refers to older women as well, because when they are paid poorly when they are younger, they are bound to be poor when they are older.

So I am extremely dismayed that with all of the issues that the Justice Department ought to become involved in that they are going to use taxpayers' money to assault a monumental decision that relates to raises and equitable payment of women who were in the work force in the State of Washington, and finally a judge had the courage to rule in their favor, that they ought to be paid no less than men holding similar positions of equal work. This is the kind of challenge that the administration's Department of Justice would like to go after.

They wonder, I know, why the gender gap issue is such an important issue and will be an important issue in the next election. I think it is going to be, along with the issue of peace, the most important issue to women—economic justice. For this reason, I think we ought to start at home. I think we ought to start with our civil service area that we have jurisdiction over. I chair a subcommittee and, in fact, the gentleman from California (Mr. DANNEMEYER), the previous speaker, is my minority leader on that subcommittee, relating to Federal employees' compensation and benefits. I am introducing legislation today which hopefully will be a benchmark for the rest of the areas and the rest of the country in terms of the job markets and how those markets treat women in terms of fairness and equity in wages and in other benefits.

So I am introducing this legislation which would correct the pay and equity problem of Federal employees by mandating that the Office of Personnel Management identify and eliminate discriminatory wage-setting practices. These guidelines shall include recommendations for the utilization of job evaluation techniques. In addition, OPM should provide technical assistance to Federal agencies to insure that the guidelines are carried out.

Mr. Speaker, more than 15 State and local governments are examining their own pay structures in an effort to eliminate blatant pay discrimination. The recent State of Washington Supreme Court's decision exemplifies the genuine effort that is being launched to bring women workers' pay up to pace with men's pay.

I truly believe that it is the responsibility of this legislative body and of our Federal Government to solve the problem of pay and equity, and to do it in an aggressive, positive manner. A country which was founded on the principle of equality cannot let this pervasive wage gap problem persist any longer. I think we in Congress have to set the example by the manner in which we ourselves treat our staffs, along with the manner by which we legislate on issues related to Federal employees. We do have something to say about the Federal Civil Service, and we ought to say it with fairness and equity, and we ought to make sure that men and women are paid justly.

Mr. Speaker, on another issue, I also am introducing a piece of legislation today that relates to the House of Representatives. Specifically, a mother of 5 grown children responded to a questionnaire that I sent out on child care by writing that if the House of Representatives had a child care facility 17 years ago, her life would have been much easier. She stated emphatically that a House child care center is long overdue.

Therefore, I am introducing a resolution. I am proud to say that the Senate has already acted on a similar piece of legislation, we are a little bit behind them, to establish a congressional child care center.

Seventeen years ago the number of working mothers was less than half of what it is today. Currently, more than 45 percent of all youngsters below the age of 6 have working mothers. Women do not work because they just want to get out of the house; women work because they have to work. They work because they are either the head of the household or they have to supplement their husbands' income or they happen to be single.

The House of Representatives reflects the nationwide trend of statistics related to where women are. Over 400 people, both Members and staff, responded positively to a questionnaire I sent out in December, and one conclusion can be drawn from the variety of responses, and that is that the need for quality child day care in the House is very much present. This, to me, is an extension of my prolife philosophy because I think we have to take care of the children once they are born into this world.

I am also very pleased to say, and I guess it is important that I say it now because we have heard so much squabbling in the last few minutes about who is just to whom, that I have already, just on the first day that I am introducing this resolution, gotten 83 cosponsors who are from both parties. We have a proportionate share of both Democrats and Republicans who really believe that we need this child care center. I think that is the kind of effort that we ought to be putting forward; that we ought to be trying to work together on issues that relate to the quality of life, on issues that relate to the quality of life of women, children, and men, and the quality of life of our aged in this country.

I think that as a country we are going to be judged morally and historically by how we treat our own people. We have bought enough tanks and bombs and nuclear weapons to blow up the world a 100 times over. Is it not time that we invest our capital in our own people for change? I think this is what my two pieces of legislation are all about.

Mr. Speaker, I include at this point in the RECORD the New York Times article that relates to the challenge of the administration on the equal pay ruling that was such as progressive ruling by the judge in the State of Washington.

The article follows:

[From the New York Times, Jan. 22, 1984]

ADMINISTRATION MAY CHALLENGE EQUAL PAY RULE—TOP OFFICIALS PRESS CASE OVER WOMEN'S SUIT

(By Robert Pear)

WASHINGTON, January 21.—The Reagan Administration is preparing a legal challenge to a decision by a Federal judge who ordered millions of dollars in back pay and raises for women found to have been paid less than men holding jobs of comparable worth.

Officials at the Justice Department and the White House said they knew a challenge to the judge's order to the State of Washington would be unpopular with women's organizations, which hailed the ruling last month as a new weapon in the fight against sex discrimination.

But the officials said political considerations would not deter them from challenging what they saw as a dangerous legal precedent.

WORTH OF WORK IS ISSUE

In his decision, Federal District Judge Jack E. Tanner found "overwhelming" evidence that the State of Washington had illegally maintained "a compensation system which discriminates on the basis of sex."

Going beyond the notion of "equal pay for equal work," which is explicitly required by a 1963 statute, Judge Tanner ordered the state government to pay women at a rate reflecting the "full evaluated worth" of their jobs.

The state, he said, had already conducted its own job evaluation studies, measuring the levels of skill, effort and responsibility required for various jobs.

He found that there was "a 20 percent disparity in salary between predominantly male and predominantly female jobs" having the same intrinsic value, or "comparable worth." The judge stressed that he was not making a "subjective assessment," but was relying on the state's own evaluations.

"EVIDENCE OF DISCRIMINATION"

William Bradford Reynolds, Assistant Attroney General for civil rights, said he was still reviewing the case but had concluded that the Justice Department should support the State of Washington in an appeal challenging Judge Tanner's order. "I have absolutely no doubt that his decision is wrong," Mr. Reynolds said.

Lisa M. Newell, a lawyer for the state employees, said: "The law does not require employers to pay comparable worth, nor does it require any other particular system of compensation. But it does prohibit discrimination. If female jobs are being paid less than male jobs of similar value, that is evidence of discrimination."

The Justice Department could file a brief as a friend of the court in the Washington State case or it could file a petition to intervene, which would give the Federal Government a larger role in the litigation. In either case, Mr. Reynolds's recommendation would have to be approved by the Solicitor General, Rex E. Lee. Aides to Mr. Lee who have read Judge Tanner's opinion expressed the same objections as Mr. Reynolds.

Justice Department officials do not usually seek White House approval for the briefs they file in court, but they could consult with the White House on a case, such as this one, having political significance.

Mr. Reynolds and other Justice Department lawyers listed three specific objections to Judge Tanner's ruling. First, they said, the disparity in wages for jobs held primarily by men and those held primarily by women could have existed without discrimination. "If the women with low-paying jobs had an equal opportunity to work at the jobs with higher salaries but never took advantage of that opportunity, if they never sought the higher-paying jobs, where's the discrimination?" Mr. Reynolds asked.

Second, the lawyers said, it is difficult to assess the value of jobs and to determine which ones are comparable. "How do you compare the poet and the plumber?" asked one Justice Department attorney. Third, they said, it would be difficult to equalize salaries for jobs deemed to be equivalent in value. "Do we bump everybody up or do we lower everybody down?" Mr. Reynolds asked.

The beneficiaries of the ruling included many secretaries, nurses, librarians and food service workers. The precise amount of the award has yet to be determined, but state officials estimated that they would have to pay $642 million in back pay and $195 million in raises to comply with the ruling.

The fight over "comparable worth" is turning into a major political issue in the Presidential campaign. Walter F. Mondale, campaigning in Iowa, endorsed the principle on Thursday as he criticized President Reagan's record with respect to women. Mr. Mondale, a candidate for the Democratic Presidential nomination, said the Administration's record was marked by "sheer meanness," and he said there had been "a failure to enforce the law on equal pay for comparable effort."

Two other Democratic candidates, Senators John Glenn of Ohio and Gary Hart of Colorado, endorsed the goal of equal pay for comparable work at a Congressional hearing in 1982.

The new staff director of the United States Commission on Civil Rights, Linda Chavez, said that comparable worth "may emerge as the most important civil rights issue in the 1980's." In a memorandum to commission members she said, "The principle that underlies comparable worth is a fundamentally radical one that would alter our existing marketplace economy." At present, she said, wages are typically set through collective bargaining and the law of supply and demand.

THREAT TO BLACKS SEEN

Many public opinion polls have found that Mr. Reagan has less support among women than among men. Mr. Reynolds, the assistant attorney general, said that "the political overtones of comparable worth are tied in with the gender gap" reflected in such polls.

Michael J. Horowitz, counsel to the director of the Office of Management and Budget, has played a key role behind the scenes in shaping Administration policy on civil rights. He criticized the comparable worth doctrine, saying it would help middle-class white women at the expense of blacks.

Mr. Horowitz said: "There is nothing the Reagan Administration has done that holds as much long-term threat to the black community as comparable worth. The maintenance man will be paid less so the librarian can be paid more."

In 1981, the Supreme Court ruled that women paid less than men were entitled to sue their employers, even if jobs performed by the two sexes were not identical. The ruling was a narrow one that left unresolved the question of whether employers had to provide equal pay for jobs of similar difficulty or value.

GUARD AND RESERVE PARTICIPATION IN GRENADA, BEIRUT OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, as a strong supporter of the National Guard and Reserves here in Congress, I want to share with my colleagues the following factsheet concerning the participation and contributions by National Guard and Reserve personnel in Lebanon and in the Grenada rescue operation.

As you can see, these men and women played an integral part in both missions and they continue to be a strong and vital part of the national defense forces of this country.

The report follows:

NATIONAL GUARD AND RESERVE PARTICIPATION IN THE GRENADA RESCUE OPERATION AND THE BEIRUT INCIDENT

A summary of participation as of December 6, 1983:

ARMY

Army National Guard: None.

Army Reserve: Thirty members of the Army Reserve volunteered for active duty in Grenada and have been participating since November 9, 1983. All but one of them are members of the 345th and 358th Civil Affairs Units in the Philadelphia and Norristown, Pa., area. The lone exception is a member of the Individual Ready Reserve assigned to the Army Reserve Personnel Center, St. Louis, Mo. The reservists have been engaged in damage assessment and the restoration of public facilities and services, and refugee resettlements.

NAVY

Naval Reserve; Five Naval Reserve crews supported the operations flying C-9 transport aircraft. Crews from VR-56, Norfolk, Va., and VR-58, Jacksonville, Fla., were involved. A Naval Reserve C-9 aircraft also took part in the initial evacuation of wounded American Marines from Beirut.

MARINES CORPS

Marine Corps Reserve: Marine Corps Reserve participation in the Grenada operations has been limited to public affairs activities and augmentation of the Marine Corps Command Center. Nearly 20 reserve officers have assisted in these efforts which also involved responding to public inquiries on the Lebanon crisis.

AIR FORCE

Air National Guard: Elements of the 189th Air Refueling Group, Arkansas Air National Guard, flew refueling sorties in support of U.S. Air Force aircraft proceeding to the Granada area.

Air Force Reserve: Air Force Reserve units and personnel in tactical and strategic airlift units, weapons system security flights, aerial ports, aeromed evacuation flights, intelligence, and public affairs have participated directly in the Grenada operation.

Military Airlift Command missions flown in direct support of Grenada included 20 strategic airlift missions consisting of 229 hours and four tactical airlift missions of 35 flight hours. Air Force Reserve units flew the first load of students out of Grenada to Charleston, S.C. Similar missions were flown in direct support of Beirut involving six strategic airlift missions for 63 hours.

Strategic Air Command tanker missions flown in support of Grenada included 11 sorties for 65 hours, The 78th and 79th Air Refueling Squadrons of the 452d Air Refueling Wing, which is headquartered at March Air Force Base, Riverside, Calif., refueled fighters, airlifters and reconnaissance aircraft. Although they were not given the sites of operations or the expected duration, every member of the units who could be contacted volunteered for immediate duty.●

THE DAY AFTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BOXER) is recognized for 10 minutes.

● Mrs. BOXER. Mr. Speaker, because the threat of nuclear war looms so

clearly over our heads, I believe it is crucial for my colleagues to recognize with me our dire situation with the hope that such recognition may cause us to alter in a positive way the course of events to come. I would like to insert in the RECORD the following article from the San Francisco Chronicle of November 21, 1983, by Herb Caen which eloquently speaks to our plight.

THE DAY AFTER

We're all still here, I see. Hello and congratulations. Last night, on the nation's TV screens—the communal electronic fireplace around which we all gather—the heartland of Kansas was vaporized in a nuclear attack, but today life goes on. It was only a "show," which is what TV is all about. Shows and ratings. Obviously, I am writing this before "The Day After" was shown—that word again—so I am in no position to comment on it. From advance reports, however, nothing quite like it has ever been shown on the small screen. Long before the broadcast, it began stirring up the beasts and the doves, and that's a good thing right there. Herman Kahn may have been able to "think about the unthinkable," but the rest of us tend to sweep the most crucial question of our time—nuclear warfare—under the carpet and go about the daily business of living, dying only gradually in the process.

One must congratulate the ABC network, usually scoffed at as schlocky, for taking on a project of such importance and magnitude. From the previews, it is obvious that the "show" is devastating in its impact. Young children were advised not to see it, and older ones only in the company of "adults" and "with parental guidance." Since "adults" have brought us to the point where we can blow up the world, that seemed rather fatuous, but no matter. If "The Day After" is as powerful as the critics have painted it, a major service has been performed. If the message is taken with appropriate seriousness—yes, this wonderful and awful planet can be destroyed in a very few minutes—the chances for peace may have been enhanced.

"The Day After" seems to have set the stage for a debate that has been simmering just below the surface for a long time. Some commentators have wondered how "The Day After" could be termed "controversial" when everybody is against nuclear war, but it is more complicated than that. It is not even provable that everybody IS against nuclear war. You've heard the hawks in Washington talk about "controlled" warfare. We build "tactical" nuclear weapons that, theoretically, are for use only on the battlefield "in limited situations"; war and football terminology mix nicely. It is only our "strategic" weapons that are meant to fly the oceans and "take out" cities and countries. If a movie like "The Day After" takes us away from all this euphemistic nonsense and shows what actually happens—people being vaporized, radiation wiping out the survivors, no escape—perhaps the dialogue can be simplified, at least. No glory comes whistling out of a silo.

And so we go about our daily business, trying to ignore the fact that we are all living under a nuclear cloud, our lives held hostage to a button that may never be pressed. We go to the Big Game, we feast our eyes on the glories of the Vatican at the de Young Museum, we watch Sunday football, we talk about the latest restaurants, the lousy traffic, the crummy politicians, but all the while we know that only one thing matters: peace. Of course "everybody" is for peace, but peace is controversial, too. Those who are most outraged by "The Day After" are the nuclear deterrent hawks, who believe that only by staying "ahead of the Russians" can peace be maintained. They have history on their side: the world has not blown up yet, so "nuclear deterrence" must be working, right? Yes, if you can accept a world bristling with weapons, waiting for the fateful accident, the misunderstood message, the wrong move, the madman in the Kremlin or White House.

It is difficult to measure what the nuclear age is doing to us. The frustration is immense. How many times have you heard a person say in agonized tones, "If we could just sit down with the Russians—. Why, if I could sit down with the Russians, I bet I could work this thing out in no time. They don't want war, we don't want war, what's the problem?" The problem is the power game, the clash of ideologies, the stubbornness of all sides, the endless playing of games by boys posing as men, and we are the helpless pawns. Well, not so helpless, perhaps. The nuclear freeze groups are getting their message through to some of the world's leaders. There is a "peace lobby," a poor second to the arms lobby, granted. The big money is where it always is, making a profit right up to the end. Albert Einstein's warning that the atomic age has changed "everything but our way of thinking" was never more applicable than to those who believe that what lies ahead is "just another war."

It is distressing to read about the effect of the nuclear arms buildup on young children. If we are to believe the interviews and the heart-breaking letters, many of them are close to hopelessness and total breakdown. This erosion of what has always been our last best hope—our kids, our wonderful kids—should be enough, in itself, to make peace everybody's first priority. That it isn't, so far as this administration is concerned, is appallingly clear. The buildup continues, the missiles proliferate and man becomes the last of the endangered species. The arms talks in Geneva falter and the cold war turns wintry.

The great holidays lie ahead—feasting and rejoicing as the wild bells ring out. Never has there been so much to pray for.●

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLEMAN) is recognized for 15 minutes.

● Mr. COLEMAN of Texas. Mr. Speaker, I rise today in opposition to the motion offered by Mr. WALKER of Pennsylvania to bring a constitutional amendment on school prayer directly to the floor of the House, bypassing the committee process and limiting debate on this important issue to a mere 1 hour.

This motion would create a terrible precedent for considering any change to the basic principles of the Republic. Every constitutional amendment we have ever had has been preceded by extensive hearings where opponents and supporters can have sufficient time to present their case and allow Members of Congress to weigh the facts of the issue based on their merits. Allowing 1 hour of debate—that means total time of debate, because there would have been no hearings, no testimony, no witnesses, no chance to invoke the basic American ideals of a fair hearing for everyone, regardless of their views—would not permit this process to take place. The legislative process would be turned into a railroad, and the House would end up spending far less of its time on a change in the U.S. Constitution than it would on a routine bill.

I also object to the use of clearly improper procedural tactics to force alleged votes on an issue. We will soon be subject to, no doubt, a flurry of press releases denouncing a "vote against school prayer," when in fact Mr. WALKER and others know as well as I do that it has nothing to do at all with the supposed issue at hand. The issue at stake is the preservation of the integrity of the process by which we amend our basic principles. Surely the supporters of school prayer deserve better than this, because efforts to erode the constitutional process, no matter how worthy the issue on whose behalf the erosion would take place, serve no legitimate end.●

THE FAIRNESS ISSUE AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I thought it would be useful to try to put in perspective a little bit some of the things that took place on the House floor earlier, and I would like to lead off, in putting that in perspective by, first of all, thanking you, Mr. Speaker, for your indulgence during that period of time when words got a little heated and things got a little sticky at times. We appreciate the work that the Chair did during that period of time, and we thank you for putting up with what was sometimes a tough situation.

But it seems to me that it is important to understand that we opened up this legislative session by trying to point out that there is a problem in this House of Representatives. The problem is that the majority party, the liberals in this body who talk so much about fairness but who are perfectly willing to use rules and laws to trample the minority, do not play by the rules. When the rules are used in a way which they do not agree with, they simply ignore the rules and go on. That is not only unfair, it is downright dictatorial. That was a part of a number of things that were done on this House floor today.

First of all, it was raised by the majority leader that we should dispense

with Calendar Wednesday. That request was objected to.

Why was it objected to? Because Calendar Wednesday is a means by which we can get around the scheduling that takes place by the majority leadership. In the last several weeks of the previous session, what we found was that the majority leadership was perfectly willing to use the schedule of the House for its own purposes. So, one of the things that we have had to decide is that we will not permit that to go on without some sort of counterforce, and that counterforce can be the Calendar Wednesday rule that would at least allow legislation to come to the floor through some other means than the schedule put forth by the majority leadership. That may not produce everything that we want, but it will assure that a broader base of legislation will come before this House and that the individual Members of this House will have more say in what it is that is considered.

That is the kind of democracy that this House of Representatives is supposed to be. It is the kind of democracy that we ought to be pursuing, not abandoning through unanimous consent requests every week.

Later on a number of us asked unanimous consent to bring to the floor some pieces of legislation that have languished in House committees for literally years. I personally asked that we bring to the floor the school prayer amendment.

Why did I do that? That is an amendment that has been around for almost 20 years. The American people have for that whole period, over 20 years, supported that amendment by overwhelming numbers. The polling data shows 80 percent of the people on an average support the idea of allowing a constitutional amendment that would allow voluntary prayer in the public schools. Yet, in that 20-year period, we have not been able to get the vote on this House floor for something that the American people are overwhelmingly in favor of.

Why? Because in the unfair committee structure that we discussed, at some length earlier on, they do not permit that kind of legislation to come to the floor.

What happened? Well, the request that we made was a far fairer request than that which brought the Equal Rights amendment to the floor just the other day. The request that I made was for an open rule that would allow for consideration of that amendment, an open rule, meaning that we would have been allowed to debated amendments and we would have been allowed full debate of the issue. The other day, when the majority leadership scheduled a constitutional amendment on the floor, they did it under a gag rule that allowed no amendments and 30 minutes of debate. So what we were proposing was a far fairer procedure than that which the majority party has used within the last few weeks to bring a constituional amendment to the floor.

What happened? Well, the gentleman from Texas (Mr. COLEMAN) turned down our ability to consider that issue. He singly decided that this House should not consider prayer.

We have some other requests that we said the House ought to consider. First, a balanced-budget amendment. That also was turned down.

We say now that we ought to consider line-item vetoes, since the Grace Commission recently recommended that as a way to get a handle on $200 billion-a-year deficits. That was turned down.

We said that on this day, when there are thousands of Americans in Washington, D.C., standing up for the rights of the unborn, that amendment ought to come out here to at least be voted on. That, too, was turned down.

All of those amendment were to be brought out here under a procedure much fairer than the procedure that was used for the equal rights amendment just a few weeks ago. But they were turned down.

It is unfair. It is dictatorial. So what we then said was that we needed to have some time, some time over the next several weeks to discuss some of these matters, to have some time of our own, since we do not get the time from the Democrats; since they will not allow those issues to come out here on this floor to be discussed, then we ought to have some time of our own to discuss those issues and to let the American people know exactly what is going on in this body.

So I requested time, time for each of the days that we are to be in session in this legislative year. I requested 4 hours of time to have some debate controlled by the minority.

And what happened on that? Well, once again, the dictatorship of the majority came down hard. Once again they said flatly, No. They said:

> Even though you are within the rules, even though the rules clearly allow you to take that time, we are not going to permit it. There is no way we are going to allow you to schedule that kind of debate and allow the minority to make its case to the American people.

This is the "Party of Fairness" now. We are talking about the party that says they stand up for minority rights, the party that says that they believe in open discussion and open debate. That is what they say, but their actions do not prove it.

And I would say to the Members that Rev. Jesse Jackson, who was making some comments about what is going on in the Democratic Convention, has a point, because they have been practicing exactly those kinds of tactics right here on the House floor for years. Jesse Jackson has found the convention unfair, and I am sure it is. I am sure the rules there have been stacked for the good old boys just like the rules around here are stacked for the good old boys, to make sure that the candidate selected is not really a free choice, but is mandated by the procedures.

It is appalling. What happened when he took his case to the executive committee the other day? Well, they ran him out. They said there is no way they are going to consider changing their rules. So much for that minority participation in the Democratic convention. So much for minority participation here on the House floor.

I think the American people need to understand and they need to become concerned about the fact that their House has become a virtual dictatorship in which "You had better go along or you don't get along," in which you had better sit back and accept your fate or they will use their rules to roll over you like a steamroller.

That is a sad commentary. It is not unprecedented, however. This House has had dictatorships of the majority in the past. There have been other times when the rules have become a cover for outright dictatorship and the House has seen fit to move toward reforming itself and changing that status quo.

It appears to me as though it is time for a change now, and I for one and, I think, a number of my colleagues are committed to trying to bring about some of those changes over the next several weeks.

□ 1530

I think it is important that the American people once again have a body in Congress where they truly have a say, where there is fairness, where equal voices are heard so that the Nation's business can be articulated in a way which reflects the people's will. That is not the case here.

This has become a body of the elite. That elitism is trampling democracy and must be stopped.

AMERICA THREATENED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, there are a number of things which have happened today which I think are a little different than possibly some Members had expected. I think we should continue to place these in a framework so that people can understand what it is we are attempting to do and why we are attempting to do it.

During the break between the end of the first session and the beginning of this session of the 98th Congress, I

went home and I read the newspapers and listened to television. I was struck that there are two great strategies which will dominate Washington, dominate American politics and dominate the House of Representatives in this 2d session of the 98th Congress.

First, there is the strong effort by establishment politicians in both parties to avoid tackling any specific tough issue which might threaten their reelection.

Second, there is a deliberate and determined effort by the liberal leadership in the House of Representatives to use the rules of the House to strangle the will of the American people.

These two strategies tie in together and compound our problems in two ways. First, as I said, avoiding any real risk taking issue; and second, using the rules and structure of the House to block any efforts to change Washington or the Federal Government. If these two strategies succeed, then the American people have every reason to believe that their voice and their vote have no meaning and no impact.

Let me deal with each strategy by itself. First, the establishment politicians are afraid of the American people. They are afraid to talk openly about the budget deficits, about waste in defense, about the problems of automatic entitlement increases and about the continuing difficulties in agriculture and decaying industries. Yet the American people are not stupid. The American people know that any recovery based on 11 percent interest rates is a very shaky recovery in the long run.

The American people know that heavy debts in Latin America and Eastern Europe are risks for all our prosperity for the entire next generation.

The American people know that the growing trade war with our allies in Western Europe and Japan is not good for us, not good for the survival of freedom and not good for the prosperity of anyone.

The American people know that instability in the Middle East and in Central America means instability in every neighborhood.

The American people know that there is a continuing spread of cocaine use and that in fact drug dealers are often the wealthiest people in their towns.

Just this morning, flying up from Atlanta, I read a story about a former Georgian who escaped from prison 3 years ago. He was picked up yesterday in Colombia, having master-minded what would have been, had it succeeded, a $2 billion—not million—a $2 billion cocaine shipment.

There is the continuing assault on freedom of religion by the American Civil Liberties Union. Ironically, to tie together drugs and religion for a moment, on the very same day that I was visited by ministers who were deeply concerned about Christian parents being arrested in Nebraska because they wanted to send their children to a Christian school, there was a story on the radio about the movie actress Jodie Foster being picked up for cocaine by U.S. drug inspectors. While the parents were kept in jail, she was released because she did not have enough cocaine to justify being prosecuted.

The message to any young American was simple. It is very dangerous to want Christian education. It is not nearly as dangerous to use cocaine.

There is story after story about waste in defense spending.

With all these stories, people know we face an era of change. Our values are in fact being challenged. Our world is, in fact, not prosperous and not stable. And much of what the news media commonly reports to us are the signs of hope on the part of politicians. But these politicians are much like young children walking down a hallway in the dark, hoping to tiptoe past any monsters that might be asleep. These politicians are hoping to get to the election without a major Latin American country going bankrupt, hoping to get to the election without a European trade war breaking out in full force, hoping to get to the election without a gigantic scandal in defense procurement, hoping to get to the election without a real crisis in interest rates and a real collapse of the economy.

It strikes me that those politicians' hopes are not good enough for our children, for future generations, or for ourselves. They teach us to deny reality, to hide from problems and to say in effect, "Elect me and don't ask me to tell you the truth and then somehow, magically, after the election I will get together in a dark room with a group of other men and women and we will decide solutions without ever having told you."

That it seems to me is to deny the very purpose of elections. Elections should not be times of fear in which the politicians mumble vaguely and hope for reelection without informing the people back home. Elections, in fact, should be precisely the opposite. Elections are a time for new ideas, for discussion of new problems, for analysis of new solutions. Elections are a time when people ought to say straight up, "Yes, we have too big a deficit," and the answer would be, in my case, to control spending. My liberal Democratic friends would answer that we need to raise taxes.

But it's important that we should both tell you our answers.

If, in fact, you want a lot more spending and you are willing to pay for it, either with high inflation or with high interest rates or high taxes, you should vote for Walter Mondale. It is perfectly reasonable if you want a tax increase to vote for a candidate whose philosophy and position offers you that. But at the same time, those of us who claim, and have claimed as a party for 40 years that deficits matter, have an obligation to tell you what we would do. It is not good enough to offer mush and vague hopes. In fact, we have to offer solutions and then be willing to stand up and debate them.

Furthermore, the problems we face as a Nation are not unique to the United States. They are happening to the entire Western World. It is very important for the survival of freedom on this planet that we have the courage, through our leaders, to talk with our people. It is important that everyone in the Western World—the Germans, the Belgians, the French and including the Japanese—can look and can see how we wrestle with problems. Because quite frankly, if we have not got the guts to solve our problems, they sure are not, either. They are looking to us for leadership.

The fact is that we are undergoing a great revolution in how we communicate, in how we produce goods and services and in how we live together in a family, a neighborhood and a society. That revolution is something which is occurring from Tokyo to Berlin. It is such a fundamental revolution that it becomes what Alvin Toffler calls a Third Wave. It relates directly to how we communicate.

It is totally appropriate that this talk I am giving on the floor of the House can be seen across the Nation. Newspapers, which will report it will use computers to do so, because in fact each of the three great revolutions of human experience have involved a revolution in communications. With the rise of agriculture, man invented writing—at first in the form of stick symbols, then in the form of cuneiform figures, and only finally in the form of an alphabet. That writing allowed us to keep records. It allowed us to teach generations. When somebody had a particularly useful insight, they were able to write it down so that other generations could read it. That is why today we have a Bible, because we can read the lessons of 4,000 years ago. Writing was the base of the high civilization of the agricultural era.

Then 3,000 years later, the industrial revolution was based on the discovery of printing—particularly with Guttenberg's invention of movable type in 1432 and the idea that we could now print so that everybody could have access to a book. Books had been very expensive before then. They had taken 1 year of a Monk's time to write. But with printing, they became relatively cheap, not very cheap, but relatively cheap for everybody to have access to knowledge.

Finally, in the last 40 years we have had the third great revolution in human experience in mass communication, such as television, radio, computers, and the telephone. We are now becoming a communications rich world in which you can watch, as all of us did yesterday, a Super Bowl live and in color in one part of the country, transmitted by satellite and received in our homes.

This Third Wave of change is the invention of an information society to replace the Second Wave industrial society and the First Wave agricultural society. That Third Wave, described in Alvin Toffler's book of that name and in John Nesbitt's Megatrends, has built into it an enormous level of change for all of us.

We are living only through the early stages of this wave, and we face real decisions.

The key is not just "where are we going." The key is "how do we manage the transition?"

Most people are not rich. They are not geniuses. They are not even simply courageous. They just want to live a nice, decent life. They want to know what they must give society in order to get a reasonable return?

They would like to know: what should they study in order to get a decent job; where should they work in order to earn a decent living; and how should they live in order to allow their own children to grow up in a safe neighborhood.

□ 1540

They do not want to be told where we will be in 100 years or in 50 years or in 30 years. They want to know what they should do this week in order to live a little better next week.

Let me say that both parties—the Republicans and the Democrats—have failed miserably at managing the transition from a second wave industrial society to a Third Wave information society. The senior politicians of both parties have been hiding. They are unwilling to confront the American public with the level of change that is inevitable, and unable to begin the dialogue.

Yet, the changes are obvious. In every industrial society in the world—Japan, Germany, France, Britain, and the United States, to name a few—agriculture faces a crisis.

In every single industrial society in the world the liberal welfare state—whether it is a social democratic liberal welfare state in Germany, a Tory liberal welfare state in Britain, or the current liberal welfare state in America—has a crisis in transfer payments. This has happened because over the last 30 years politicians have learned how to give away more money than they have had the courage to take from workers. Yet over that time, the tax burden on workers has risen so dramatically that young Americans are going to have a very hard time paying for the national debt, paying for their grandparents, paying for those who do not and will not work, and paying for all of the different government bureaucracies. They have hardly any hope of saving enough money to buy a house or to send their own children to college.

So we hve a crisis in every country in the Western World of transfer payments. There is such a degree of crisis that, even in Denmark, one of the most heavily socialized countries in the Western World, there is now rebellion by right of center parties who are beginning to win elections by offering to cutback on the liberal welfare state.

Third, every Western society has a centralized bureaucracy that is too large. There are too many decisions made in Paris, too many decisions made in London, too many decisions made in Tokyo, and certainly, far too many decisions made in Washington.

Ironically, the crisis of centralist bureaucracy is so great that Mitterand, the socialist President of France, has proposed a radical decentralization of the French Government. Imagine a government so bureaucratic and so centralized that its first socialist President is now proposing to dismantle large chunks of that bureaucracy.

Furthermore, and fourth, in every Western society, there is considerable resistance to the transition to high technology. In every one of our countries, people are afraid to change. People worry about their jobs. People worry about new skills. They are embarrassed about what they do not know.

There is a television commercial on that shows a 10- or 11-year-old girl, talking with her friend about the new computer she talked her father into buying. He is working in the background in his den. She closes the commercial by saying how proud she is at 11 that her father is learning how to use the computer she talked him into buying.

I think all of us share that feeling. All of us are worried about these new instruments and new technologies as to what they mean and how they are going to change our lives.

I was comforted by my 85-year-old Aunt Loma. She was born 5 years before the airplane, before the mass produced automobile, a generation before radio, and a generation and a half before television. She had already retired when man reached the moon, and she was a young woman when we discovered penicillin. Aunt Loma reassured me that it was all right; that in fact as William Faulkner said, mankind will endure and prevail.

But we need leadership to tell us that we will endure and prevail. We need leadership that reaches out and helps people in the Mahoning Valley and in Cedartown, Ga., to be able to make the transition. We need leadership that says, yes to training people; yes, yes to solving the problem; and yes, to inventing new jobs.

Finally, fifth, in every Western society, there is a problem of defense and survival. This problem occurs at three levels. It occurs first because we have not yet in the liberal societies of the West been able to talk honestly about the evils that are available in the world and threaten all of us. We must deal with this evil whether it is a terrorist with a bomb, the Soviet Union that can have slave labor camps, or the international danger of nuclear war.

Second, we in the West, in order to survive in the face of both organized, systematic society terrorism by countries such as Iran, Syria, and Libya, and in the face of the threat of Soviet totalitarianism, must develop the capacity to defend ourselves for 50 or 100 years. This must be on a scale that we have never seen before. Yet, we are not very good at that.

Democracies do not bear burdens over a long time well. Democracies do not manage large bureaucracies well.

So, we have a whole zone of learning which is necessary if we are to survive.

Finally, we face a great problem in every Western establishment—waste in defense. A great deal of the taxpayers' money is simply going down the drain.

It is no more excusable to waste money in the name of defense than to waste money in the name of helping people have food. It is also not excusable to waste money in the name of helping the elderly or in the name of education.

One of the tragedies of our political debate or nondebate has been that all too often liberals point their finger at waste in defense and conservatives point their finger at waste in domestic spending. Neither side accomplishes anything. We should have a unified, bipartisan, nonideological effort that we can at least agree on: If we are going to spend the money then the money ought to achieve something.

Let me repeat these areas of change briefly: agriculture; transfer payments; centralized bureaucracy; resistance to the new jobs of high technology; and defending our freedom. Faced with all of these changes and this need for new thoughts and new approaches, what is the reaction of the establishment politicians, the establishment intellectuals, and the establishment special interest?

The simple fact is that the establishment wants to hide until 1985. The establishment is afraid of the American voters. The establishment does not want to tell the voters the truth. It does not want to ask the voters to understand reality. It does not want to

produce real proposals that require adults to look honestly at what is needed if their country is to survive and prosper.

The fact is, and I say this entering my sixth year as a Representative in Washington, the establishment in Washington generally underestimates the American people. This establishment genuinely thinks the American people are slightly stupid. The establishment in Washington is afraid that if the American people understood what was going on, the American people would demand changes different than those desired by the establishment.

The attitude is not so much "let them eat cake" as "let them be bored" or "let them be indifferent" or "let them stay at home." That is not good enough.

If we go through all of 1984 without a great debate on the budget, and with posturing on both sides with liberal Democrats pointing out Reagan deficits and conservative Republicans pointing at liberal spending, we will have truly done a disservice for this country.

The year before the election is the time to lay out the proposals and have the debate that legitimatizes the actions after the election.

Commentators on election night 1984 should be able to predict fairly accurately what happens in 1985. They should be able to say well the liberal Democrats won, so we can expect bigger welfare state, cuts in defense, and more taxes. Or they should be able to say well, the Republicans won, so we are going to get tighter fiscal policy, less spending, a stronger effort to stop inflation, and a hard line against any tax increases.

But what the establishment wants, of course, is a muddled election with muddied results. This will allow them to get in the backroom with one more bipartisan commission of establishment figures, only to make up one more muddled set of proposals which will inevitably mean less defense, higher taxes for the American people, and higher inflation.

I think we can do better. Those of us who begin today to work on these issues in public here on the floor of the House intend to do all we can to insure that the debate on the great issues that face America occur before the election, and not after.

Let me turn to the second point. This House has been emphatically and systematically used by the liberal leadership to do everything possible to rig the game. The Speaker of the House came to the floor during the debate on the equal rights amendment, and he was quite candid. He said it is the prerogative of the Speaker to decide the schedule. He said, "I decided the schedule, I did it."

He was right.

However, when one party in this House, the Democratic party, seizes virtually all power, rams through a constitutional amendment under rigged rules, brings it up on a snap basis without telling the other side, and sets it up so that there will be only 20 minutes of debate on each side, structures the rules so there could be no vote on any amendment at all, sets the terms completely, it is as if we are playing in a football game in which the other team gets more men on the field, more players per first down and more points for a touchdown. And if that does not work, they will change the rules in the middle of the game.

□ 1550

What we are saying and what we seek to serve notice of today on the floor of the House is that we will not allow 1984 to be a year of passivity in which the American people are once again thwarted, blocked, and strangled by the liberal leadership of this House. American people by overwhelming margins have asked for a vote on prayer in school. They shall have that vote this year. The American people by overwhelming margins favor the constitutional amendment to require a balanced budget. They shall have a vote on that issue this year. In 42 States, Governors are able to control the budget and to fight for a balanced budget because they have a line item veto. An example of this is some of the disgraceful pork barrel which is put in by the Appropriations Committee of this House which sends dollars to one or two or three machine politicians' districts in order that they may be reelected at the expense of the rest of the country. In 42 States, the Governor could veto that kind of appropriation.

The American people deserve a vote on that line-item veto.

The fact is on issue after issue, on stopping cocaine dealers, on protecting the American citizens against violent crime, on creating the kind of reform in the bureaucracy that allows us to change things Americans want reform. I will cite one example.

Supreme Court Chief Justice Warren Burger in his report on "The State of the Judiciary" made two points. He said first we do not have enough judges. He said second, the United States is the most litigious society in the world and we have too many lawyers who go to court with too many cases.

I would suggest to you that that is a logical inconsistency. If he is right in his second point and I think he is, the liberal welfare state legal system is a disgrace. We have too many lawyers. There are more lawyers in the State of Georgia than in the entire country of Japan, There are 20 times as many people in Japan as in Georgia, but we have more lawyers in Georgia. In fact, in recent years we have graduated more lawyers and fewer engineers, while the Japanese ignore our legal system and just keep on graduating engineers. Is it any wonder the videotape machines working on this special order are all Japanese?

So, how are we going to solve it? We are not going to solve it by taking more money from the taxpayers to hire more judges, to hire more clerks, to build more buildings to have more courtrooms, and to have more court cases. That will simply lead to even more lawyers.

I would say we need to take the Conservative Opportunity Society half of Chief Justice Burger's opinion that there are too many lawyers filing too many cases, and change the system to make justice quicker, cheaper, and easier. We need to change legal procedures in this country so it is possible in the mid-20th century for citizens to expect justice without impoverishment. We need a Congress this year that does not regard the process of doing the peoples' business as a game.

Let me give you an example of what I mean by a game. It was fitting that the majority leader of the liberal faction in this House would get up today and suggest that we suspend Calendar Wednesday and that we simply accept unanimously that we are not going to do our business. After all, we had been back in session for almost an hour at that point. People were getting tired.

The majority leader is a brilliant speaker and a witty man. He showed us a great kernel of truth when he suggested that if we were to work on Wednesday, we would be too tired by 9 o'clock Wednesday night to listen to the President.

Imagine a pattern which allows us to be out of session for 2 months and which brings us back in after 2 months and says, "Oh, but if we were to actually come in at noon and work for 4, 5 or 6 hours, we would not have the right enthusiastic support for the President of the United States."

Well, you know and I know, that that is nonsense. It is an excuse. It is one more flimsy way of avoiding the real possibilities of doing our work.

As a speech, the State of the Union is important. But as a reality, it is more important. The state of this Union, if we do not get down to business, pass some real bills and meet the needs of the American people, is not going to be very good.

A number of us have decided to dedicate ourselves this year to the proposition that the American people deserve to have votes before the election. All of our good friends who are liberal Democrats and who have been talking about deficits and how bad they are, should have many opportunities this year to stop deficits. They can start to-

morrow when a $23 billion deficit liberal welfare state measure will be coming up.

This is the year to have a Congress that puts up or shuts up. We intend to create every possible opportunity for this Congress to face those important decisions early and often so that when the American people go to vote in November, they will know for certain who was on their side and who was on the side of the liberal welfare state and the Washington establishment.

Thank you, Mr. Speaker.

UPDATE ON LEBANON AND GROSS INJUSTICE BY THE JUSTICE DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, on the last day we were in session on the occasion of the first session of the 98th Congress, I had occasion to rise and address the House on two matters, one a continuing matter on which I had spoken at great length during the year and which had motivated the introduction of a resolution as long ago as 6½ months, concerning Lebanon and the War Powers Limitation Act and the President's responsibility to account to the Congress, and I mentioned the fact that when we went through the motions of debating that point, I believe in the month of October, that in effect and in reality, the House never did address itself to the War Powers Limitation Act but, rather, it became a question of whether one was loyal to the President or disloyal to the President, and a very compromising agreement was entered into by the leadership and the majority of the House on the rather contradictory resolution of allowing 18 months. World War I lasted 18 months. But since then in the intervening months after recess, and in the month of December, it was obvious that the President had made a very, very serious change in the nature of the commitment. Though outwardly he was still defining it as a peace mission for the Marines, in reality, once he ordered retaliation, he, in effect, violated his own commitment, sent to the House at the time of the discussion of the so-called compromise resolution of October.

Some of us got very concerned. That concern continues. I am just as much if not more concerned as I address the House this afternoon, as I have been all along, even the 4 days before the massacre of the Marines on October 24. But now the President has modified not one scintilla this misbegotten notion that the Marines are there on a peacekeeping mission, just as exposed, just as vulnerable, just as much under the shadow of death now, as I am speaking, as they have been since I first raised the question 13½ months ago in which, on this House floor, I directed questions to the President.

And then I came back 3 months later to take the time of the House when I had received no reply and after identifying through channels and addressed myself to the chairman of the Committee on Foreign Affairs, the late, Hon. CLEMENT J. ZABLOCKI and received a nonresponse from him, in which he indicated that I was correct, that my analysis was the most perspicacious that they had seen but that nothing could be done until something happened.

□ 1600

Those were the exact words given me.

At that point, I addressed myself to the House and have since indulged in the privileges of the House on these Special Orders and I thought that I would bring up to date the House and include at this point a copy of the letter that I sent, special delivery, to the Speaker of the House in mid-December, suggesting and requesting that he get together with the congressional leadership and summon us back into session.

We have heard complaints about the fact that the scheduling has been so skimpy and that work is in order. Well, some of us were asking that the Speaker and the leadership join in calling the Congress into session in order to review the change and nature of the commitment as reflected in the President's order to shoot back or retaliate.

Meanwhile, as I say, the pace continues the same. The Marines are just as exposed and there is one additional factor which I addressed 6 months ago which now is more dangerous than ever, and that is the susceptibility of some of our sailors being killed, almost massacred, those sailors aboard the ships tending to the battleships. They are very vulnerable. There are guns, antiship missile guns, up in the hills. The same people shooting down on us with every other gun are the ones who are manning these antiship missile guns that have a range of up to 50 miles. They may not sink the battleship *New Jersey*, but they can every one of the other ships attending to the needs of the *New Jersey*.

And it just seems to me that under those circumstances we ought to be concerned every time we go to the safety of our homes each night, sit down to a good meal, comfortable safe surroundings, we ought to remember that we have got Americans that at this very moment are under the shadow of death. Now not only the Marines in Beirut, but offshore, our sailors serving faithfully, loyally, patriotically, wanting to be good sailors and soldiers, but cast in a role for which they have not been prepared. They have not been trained as politicians or diplomats. They are warriors. And to continue this folly of saying that they are embarked on a diplomatic course is absolutely unbelievable. I cannot understand. I do not think that this is something that one makes a partisan issue out of. It is one that I can assure my colleagues would have been made an issue by myself at least, whether the President was of one party or the other party.

The record will show that I raised significant questions under the tenure of every one of the six Presidents that I have had the honor and privilege of serving with in the service and the cause of the people of this great country.

Now the other subject matter that I broached that last day, November 18, was an unbelievable incident where, in my own district, the local Federal district attorney had caused to be farmed out four jailed prisoners—Mexican illegals or undocumented workers—to the border patrol agent, who then took them 90 miles from San Antonio, and leased them out to a rancher, meat packer, near the city of Uvalde, which is about 90 miles west of San Antonio.

I recited the facts to the House, briefly stated, when 1 month later, these four individuals complained that they were being exploited and maltreated, they were immediately put back in jail. And what is grievously wrong and which makes us vulnerable before the bar of justice of the world, America susceptible to a world body such as the United Nations actually convicting the United States of antihumanitarianism, of gross violation of basic human rights. And it is for this reason that I have been very concerned. I have, as I announced then, directed together with six of my colleagues, a letter to the Attorney General.

Up to now, all we have received is an acknowledgement of that letter, but no action. In the meanwhile, after that talk here on that November 18 date, one of the local Federal judges released these men 3 days—that is the following Monday. I spoke here at the terminal point of that session which was on a Friday, November 18. And the judge released them the first thing Monday morning. Obviously cause and effect.

However, I have been in correspondence with one of the local district judges, who voluntarily wrote to me because he expressed his concern. That judge now is a presiding judge and has told me he is looking into the suggestions I have made as to the reform of the system.

But the district attorney persists in holding in jail, month after month, witnesses for the presumed purpose of using them in court cases yet to be set

and this is obviously a gross violation of the basic rights guaranteed to everybody who happens to be within the boundaries of America.

So it is still a problem as I speak here today. There are over 100 such prisoners in the Bexar County jail alone. There is no telling how many there are in other entities from Texas to California.

So I have been compelled today to address myself to the subcommittee of the Judiciary, Hon. BOB KASTENMEIER, requesting that he send the subcommittee down there and look into this malodorous situation.

So to sum up, Mr. Speaker, two basic issues here remain unconfronted. The administration, through the administrative branch of the Justice Department in one case, the President in the other, are unresponsive. I cannot believe, as I said on November 18, that we have reached that point in our development where America becomes like so many of these old decadent societies that we associate with Asiatic nations, we with our perverse superiority and say that human life is cheap there in those countries, human beings are expendable.

I say that we are doing the same thing today. I cannot understand a President or the Members of a Congress that refuse to do something about the untenable position of the Marines and the sailors, on land and off coast, in Lebanon. I cannot understand that. Have we come to a point where they are considered expendable as the 240 or so Marines who were massacred on October 24?

The President obviously as Commander in Chief is confused at best. And as I have said before here on the floor, for if the trumpet give an uncertain sound, how then, who shall prepare himself to battle?

The American people, Mr. President, are very puzzled, very confused, very concerned. You may not think so. And no matter how much you try, Mr. President, and now my colleagues, the blood of those Marines cannot be washed away from the hands of the President. The blood of the Marines that have been killed since October 24 and are under the shadow of death now is in the hands of the Congress as well. And nothing will ever wash it away.

And I say that we ought to be concerned. Have we reached the point where because they are volunteers, we consider them expendable, that in this game they are pawns in a hopeless situation in Lebanon? It is hopeless politically, it is hopeless militarily. The President has the Marines in a trap. There is only one thing you can do when you are in a trap and that is to get out of it.

And at this point my concern, even though if it can be called mounting in quantum, is still one that seems to be possible of even greater concern—as I see a heedless President, and a heedless Congress above all, unmindful.

To me, one American life is precious and sacrosanct and not expendable, not for games that only foolish men, only demogogic men, play.

□ 1610

We must remember that the triumph for demagogs is fleeting. The ruins are eternal. We do not even read about the 2,000 plus 82d Airborne that are about 450 miles up north in the Sinia, north of Beirut. They are vulnerable too. Nobody hears anything because, at this point, all is quiet on the Sinai front between Israel and Egypt. But overnight that can explode too.

What do we do then? What do we do now? If the trumpet gives an uncertain sound, who then shall prepare himself to battle?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SILJANDER (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. LOWERY of California (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. FORSYTHE (at the request of Mr. MICHEL), for January 23 and the balance of the week, on account of illness.

Mr. THOMAS of California (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. WINN (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. VANDER JAGT (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. FRENZEL (at the request of Mr. MICHEL), for January 23 and 24, on account of official business.

Mr. DE LA GARZA (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. LANTOS (at the request of Mr. WRIGHT), for today, January 23 and 24, on account of official business.

Mr. SEIBERLING (at the request of Mr. WRIGHT), on January 23, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mrs. JOHNSON.
Mr. COURTER in three instances.
Mr. YOUNG of Alaska.
Mr. FISH.
Mr. WHITEHURST.
Mr. RUDD.
Ms. SNOWE.
Mr. BROOMFIELD.
Mr. MCKERNAN in three instances.
Mr. WEBER.
Mr. DREIER of California.
Mr. MCKINNEY.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ANDERSON, in 10 instances.
Mr. GONZALEZ, in 10 instances.
Mrs. LLOYD, in five instances.
Mr. HAMILTON, in 10 instances.
Mr. BROWN of California, in 10 instances.
Mr. ANNUNZIO, in six instances.
Mr. JONES of Tennessee, in 10 instances.
Mr. BONER of Tennessee, in five instances.
Mr. BARNES, in two instances.
Mr. FLORIO, in two instances.
Mr. KASTENMEIER, in two instances.
Mr. COELHO.
Mr. DE LA GARZA, in 10 instances.
Mr. LEVINE of California.
Mr. EDWARDS of California.
Mr. LEHMAN of Florida, in two instances.
Mr. UDALL.
Mr. JACOBS.
Mr. SHELBY.
Mr. CLAY.
Mr. TORRICELLI.
Mr. HAWKINS, in three instances.
Mr. FOWLER.
Mr. FASCELL, in three instances.
Mr. LOWRY of Washington.
Mr. KAPTUR.
Mr. D'AMOURS.
Mr. FAUNTROY, in two instances.
Mr. ADDABBO, in two instances.
Mr. ASPIN.
Ms. OAKAR, in four instances.
Mr. MURTHA.
Mr. COLEMAN of Texas.
Mr. WIRTH.
Mr. OBEY, in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 566. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain tracts of land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission, and for other purposes; to the Committee on Agriculture.

S. 663. An act to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural-related programs, and for other purposes; to the Committee on Agriculture.

S. 1090. An act to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the

year 2000, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. ECKART. Mr. Speaker, pursuant to the provisions of House Resolution 389, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 389, the House stands adjourned until 12 o'clock noon tomorrow, Tuesday, January 24, 1984, in memory of the late Honorable CLEMENT J. ZABLOCKI.

Thereupon (at 4 o'clock and 13 minutes p.m.), pursuant to House Resolution 389, the House adjourned until tomorrow, Tuesday, January 24, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2180. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a final Agency rule specifying the good laboratory practice standards for the registration of pesticide products, pursuant to the Act of June 25, 1947, ch. 125, section 29 (92 Stat. 838); to the Committee on Agriculture.

2181. A letter from the Secretary of State, transmitting a report on the manner in which the national interest has been served by payments under loan guarantees or credit assurance agreements, with respect to loans made or credits extended to Poland, in the absence of a declaration of default against Poland, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

2182. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a report on the executive branch's allocation of funds made available by Public Law 98-151 for the fiscal year 1984 international military education and training, military assistance, foreign military sales financing, and peacekeeping operations programs, pursuant to FAA, section 653(a) (86 Stat. 28); to the Committee on Appropriations.

2183. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on the country allocations of economic assistance for fiscal year 1984, pursuant to FAA, section 653(a) (86 Stat. 28); to the Committee on Appropriations.

2184. A communication from the President of the United States, transmitting a request for supplemental appropriations for the Department of Defense, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-141); to the Committee on Appropriations and ordered to be printed.

2185. A communication from the President of the United States, transmitting a request for supplemental appropriations for the Department of Agriculture, pursuant to 31 U.S.C. 1107 (H. Doc. No. 98-142); to the Committee on Appropriations and ordered to be printed.

2186. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-143); to the Committee on Appropriations and ordered to be printed.

2187. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-144); to the Committee on Appropriations and ordered to be printed.

2188. A letter from the Secretary of Energy, transmitting the eighth semiannual report of the Department's activities to implement the alternative fuels production program, pursuant to Public Law 96-126, title II (93 Stat. 971); to the Committee on Appropriations.

2189. A letter from the Secretary of Housing and Urban Development, transmitting the first quarterly report on the community development block grant (CDBG) jobs program, October 1983, pursuant to 42 U.S.C. 5306 (Public Law 98-8, title I); to the Committee on Appropriations.

2190. A letter from the Comptroller General of the United States, transmitting a report on the review of the three deferrals contained in the President's second special message for fiscal year 1984 (November 17, 1983), pursuant to Public Law 93-344, section 1014 (b) and (c); to the Committee on Appropriations.

2191. A letter from the Architect of the Capitol, transmitting the semiannual report of all expenditures during the period April 1, 1983 through September 30, 1983, pursuant to Public Law 88-454, section 105(b); to the Committee on Appropriations.

2192. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a correction to the report submitted pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended regarding security assistance; to the Committee on Appropriations.

2193. A letter from the Secretary of Health and Human Services, transmitting a report on a technical violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2194. A letter from the Acting Assistant Secretary of the Army (Installation, Logistics and Financial Management); transmitting notice of the decision to study the conversion to contractor performance the messenger services at Fort Eustis, Va., pursuant to Public Law 96-342, section 502(a); to the Committee on Armed Services.

2195. A letter from the Acting Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notice of the Air Force's decision to convert to contractor performance the work processing function at Sheppard Air Force Base, Tex., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2196. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the Motor vehicle operation and maintenance function at the Naval Air Station, Patuxent River, Md., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2197. A letter from the Assistance Secretary of Defense, transmitting a supplemental report of contract award dates for the period January 1, 1984 and February 29, 1984 of weapons systems for which authorization has been requested, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2198. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of contract award dates for the period January 1, 1984 to February 29, 1984 of weapons systems for which authorization has been requested, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2199. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting the annual report and audit of the American National Red Cross Society for the year ended June 30, 1983, pursuant to the act of January 5, 1905, chapter 23, section 6; to the Committee on Armed Services,

2200. A letter from the Chief of Staff, Defense Mapping Agency, transmitting notice of the agency's plans to study the potential conversion of its automatic data processing operations from in-house to private contractor performance, pursuant to Public Law 96-342, section 502(a); to the Committee on Armed Services.

2201. A letter from the Deputy Assistant Secretary (Military Personnel and Force Management), Department of Defense, transmitting the submarine duty incentive pay annual report for fiscal year 1983, pursuant to 37 U.S.C. 301c(e) (94 Stat. 3360); to the Committee on Armed Services.

2202. A letter from the Deputy Assistant Secretary of Defense (Military Personnal and Force Management), transmitting notice of a delay in submitting the aviation career incentive pay report for fiscal year 1983 until May 1, 1984, when it will be forwarded in conjunction with the upcoming OSD study on the administration of the aviation career incentive pay program, pursuant to 37 U.S.C. 301a(e); to the Committee on Armed Services.

2203. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the plans to study the conversion of various functions at different installations from in-house operation to contractor performance notice of the proposed study to convert various functions at different installations from in-house operations to contractor performance, pursuant to Public Law 96-342, section 502(a); to the Committee on Armed Services.

2204. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed decision to convert to contractor performance the Family Housing Maintenance function at the Navy Public Works Center, San Francisco, Calif., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2205. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the Family Housing Maintenance function at the Navy Public Works Center, San Diego, Calif., pursant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2206. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the Motor Vehicle Operations function at the Naval Air Rework Facility, Pensacola, Florida, pursuant to Public Law

96-342, section 502(b); to the Committee on Armed Services.

2207. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the Food Services function at the Naval Hospital, Philadelphi, Pa., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2208. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the Custodial Services at the Marine Corps Logistics Base, Barstow, Calif., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2209. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the Refuse Collection and Disposal Services at the Marine Corps Base, Camp Pendleton, Calif., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2210. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a notice of the decision to convert to contractor performance the storage and warehousing function at the Naval Air Station, Cecil Field, Fla. pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2211. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a notice of the Navy's decision to convert to contractor performance the family housing maintenance function at the Navy Public Works Center, Great Lakes, Ill., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2212. A letter from the Deputy Assistant Secretary of Defense, transmitting listings of Department of Defense contracts negotiated under section 2304(a) 11 and 2304(a) 16 of title 10; to the Committee on Armed Services.

2213. A letter from the Deputy Secretary of Defense, transmitting a report on the initial civilian manpower allocation among the military departments and defense agencies, pursuant to Public Law 98-94, section 601(a); to the Committee on Armed Services.

2214. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the administration of the Strategic and Critical Materials Stock Piling Act, October 1982-March 1983, pursuant to the act of June 7, 1939, chapter 190, section 11(a) (93 Stat. 324; 95 Stat. 382); E.O. 12155, section 1-105; to the Committee on Armed Services.

2215. A letter from the Director, Selective Service System, transmitting the semiannual report on the operation of the system covering the period April 1, 1983 through September 30, 1983, pursuant to the act of June 24, 1984, chapter 625, section 10(g) (65 Stat. 87; 81 Stat. 105); to the Committee on Armed Service.

2216. A letter from the Secretary of the Navy, transmitting a a draft of proposed legislation to amend title 10, United States Code, to repeal sections which impose certain restrictions on enlisted members of the Armed Forces and on members of military bands; to the Committee on Armed Services.

2217. A letter from the Secretary of Defense, transmitting a schedule for the development of a small mobile missile, incorporating the recommendations of the President's Commission on Strategic Forces (Scowcroft Commission); to the Committe on Armed Services.

2218. A letter from the Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during September 1983 to Communist countries as a result of Presidential determinations, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

2219. A letter from the Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions during October 1983, to the Communist countries, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

2220. A letter from the Secretary, Department of Housing and Urban Development, transmitting the third and fourth annual reports on the congregate housing services program for the years 1981 and 1982, pursuant to Public Law 95-557, section 408(b); to the Committee on Banking, Finance and Urban Affairs.

2221. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report of a proposed transaction of $100,000,000 or more involving Venezuela, pursuant to July 31, 1945, chapter 341, section 2(b)(3) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2222. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Review of the District's Historic Preservation Program," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-79, "Public Assistance Act of 1982 Amendments Act of 1983," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-80, "Washington Convention Center Management Act of 1979 Amendment Act of 1983," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-81, "District of Columbia Public Library Accessory Sales Act of 1983," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-82, "General Rule of Severability Adoption Act of 1983," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-85, "District of Columbia Cooperative Housing Association Proportionate Voting Temporary Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2228. A letter from the Chairman, District of Columbia Council, transmitting D.C. Act 5-86, "District of Columbia Boat Titling Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2229. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-91, "Residential Gardens and Open Space Real Property Tax Classification Amendment Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2230. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-96, "Regulations Governing the Businesses of Buying, Selling and Financing of Motor Vehicles in the District of Columbia Amendment Temporary Act of 1983", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2231. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-90, "Dedication of Land in Square 3810 Act of 1983", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2232. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-92, "Closing and Dedication of Portions of Public Streets Abutting Squares 414, 391, and S-439 Act of 1983", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2233. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-93, "Interest Rate Ceiling Amendment Act of 1983", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2234. A letter from the Secretary, Department of Education, transmitting proposed final regulations for assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free education, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2235. A letter from the Secretary, Department of Education, transmitting a final regulation entitled, "Final Annual Funding Priorities, Required Activities, and Georgraphical Distribution for the Secretary's Discretionary Program—Planning Grants to Develop Teacher Incentive Structures", pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2236. A letter from the Secretary of Education, transmitting Final Regulations: 1984-85 Pell Grant Program Family Schedule—Family Size Offset Tables Contribution Schedule—Family Size Offset Tables, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2237. A letter from the Secretary of Education, transmitting the annual report on the Centers for Educational Media and Materials for the Handicapped, covering October 1, 1981 to September 30, 1982, pursuant to Public Law 91-230, section 653(c) (89 Stat. 795); Public Law 96-88, section 207; to the Committee on Education and Labor.

2238. A letter from the Secretary of Education, transmitting final regulations of the Higher Education Programs in Modern Foreign Language Training and Area Studies (Fulbright-Hays Training Grants), pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2239. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting the annual report on Indian education for fiscal year 1982, pursuant to 25 U.S.C. 2016 (Public Law 95-561, section 1136); to the Committee on Education and Labor.

2240. A letter from the Secretary, Department of Labor, transmitting the 1983 annual report on the administration of the Fair Labor Standards Act, pursuant to the act of June 25, 1983, chapter 676, section 4(d)(1) (69 Stat. 711; 88 Stat. 72, 73); to the Committee on Education and Labor.

2241. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting the annual report on the activities of the Foundation for 1982-83, pursuant to Public Law 93-642, section 13(b); to the Committee on Education and Labor.

2242. A letter from the Secretary of Education, transmitting the annual report of the international research and studies program; to the Committee on Education and Labor.

2243. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve covering the third quarter of 1983, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

2244. A letter from the Secretary, Department of Health and Human Services, transmitting the 11th report of the National Heart, Lung and Blood Advisory Council on the progress of its program toward the accomplishment of its objectives during the preceding fiscal year, pursuant to PHSA, section 418(b)(2) (90 Stat. 404); to the Committee on Energy and Commerce.

2245. A letter from the Secretary, Department of Health and Human Services, transmitting a report on State compliance with the medicaid utilization control programs, including the Department's review of States quarterly showings (QS) for the quarter ending September 30, 1983 and progress reports on validation surveys for the quarters ending June 30, 1983 and September 30, 1983, pursuant to SSA, section 1903(g)(6) (91 Stat. 1205); to the Committee on Energy and Commerce.

2246. A letter from the Secretary of Health and Human Services, transmitting a report on the activities of the Public Health Service including annual reports on the following: financial disclosure for health maintenance organizations; health maintenance organizations; disease control programs and immunization; health service research, health statistics and health care technology; 5 year plan for family planning services and population research; status of health information and health promotion; and continuation pay for dentists, pursuant to PHSA, sections 511 and 383(b); to the Committee on Energy and Commerce.

2247. A letter from the Secretary of Health and Human Services, transmitting the 1983 edition of a report entitled, "Health, United States" and "Prevention Profile," compiled by the National Center for Health Statistics, pursuant to PHSA, section 308(a)(2)(B) (88 Stat. 368; 90 Stat. 378); to the Committee on Energy and Commerce.

2248. A letter from the Secretary of Transportation, transmitting a report on railroad passenger safety, including consideration of equipment, track, operating practices, and emergency procedures during the 5-year period 1978-82, pursuant to Public Law 91-458, section 202(h)(1)(B) (96 Stat. 257); to the Committee on Energy and Commerce.

2249. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report on passengers carried and on time performance for the months of August and September 1983, pursuant to Public Law 91-518, section 308(a)(2); to the Committee on Energy and Commerce.

2250. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting an itemized report of revenues and expenses for the month of August 1983, pursuant to Public Law 91-518, section 308(a)(1) (93 Stat. 542; 95 Stat. 693); to the Committee on Energy and Commerce.

2251. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting an itemized report of revenues and expenses for the months of June and July 1983, pursuant to Public Law 91-518, section 308(a)(1) (93 Stat. 542; 95 Stat. 693); to the Committee on Energy and Commerce.

2252. A letter from the Vice President for Governmental Affairs, National Railroad Passenger Corporation, transmitting a report on passengers carried and on-time performance for the months of June and July 1983, pursuant to Public Law 91-518, section 308(a)(2); to the Committee on Energy and Commerce.

2253. A letter from the Acting Secretary, Interstate Commerce Commission, transmitting notice that the Commission has again extended the time period for an additional 120 days to April 16, 1984, in Formal Docket No. 39002, *"Utility Fuels, Inc.* v. *Burlington Northern Railroad Company, Fort Worth & Denver Railway Company, and Atchison, Topeka & Santa Fe Railway Company,"* pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

2254. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the state of knowledge of the Earth's atmosphere and on the progress of the Upper Atmospheric Research Program, the fourth in a series of biennial reports, pursuant to CAA, section 154(b) (91 Stat. 728); to the Committee on Energy and Commerce.

2255. A letter from the Chairman of the Board, United States Railway Association, transmitting the Association's second profitability determination with respect to the Consolidated Rail Corporation (Conrail), pursuant to section 403(a) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Energy and Commerce.

2256. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting related to the International Energy Program to be held on December 7 and 8, 1983, in New York, N.Y.; to the Committee on Energy and Commerce.

2257. A letter from the Secretary of Health and Human Services, transmitting a report on "The Effects of Copayment on Beneficiaries of the United Mine Workers Health Plan and on Their Medical Providers", prepared by the National Center for Health Services Research; to the Committee on Energy and Commerce.

2258. A letter from the Assistant Secretary for Legislative and Intergovernmental Relations, Department of State, transmitting a report of the Presidential determination, together with a Memorandum of Justification, that the President intends to exercise his authority to authorize assistance to Yugoslavia under the International Military Education and Training (IMET) program during fiscal year 1984, pursuant to FAA, section 614(a)(1) (94 Stat. 3140); to the Committee on Foreign Affairs.

2259. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting Presidential Determination No. 84-3 dated December 10, 1983, concerning Argentina, and the accompanying justification, pursuant to Public Law 97-113, section 725(b); to the Committee on Foreign Affairs.

2260. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of the Secretary's determination that it is in the national interest to furnish assistance to Peru, notwithstanding the fact that its Government is more than 6 months in default in payment on a loan made under the FAA, pursuant to FAA, section 620(q) (80 Stat. 805); to the Committee on Foreign Affairs.

2261. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a notice of intent to issue a commercial export license for the sale of certain defense articles to Belgium (transmittal No. MC-5-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

2262. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report advising that the President has determined that it is important to U.S. security interests to use FAA funds under the special authority of section 614 of the act to assist the Peacekeeping Force for Grenada, pursuant to FAA, section 614(a)(1) (94 Stat. 3140); to the Committee on Foreign Affairs.

2263. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting Presidential determination 84-01 and justification therefor for exercising the special authority authorizing fund assistance for the Peacekeeping Force for Grenada, pursuant to FAA, section 614(a)(1) (94 Stat. 3140); to the Committee on Foreign Affairs.

2264. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a notice of a proposed license for the export and production of major defense equipment in Taiwan, pursuant to AECA, section 36(d) (90 Stat. 743); to the Committee on Foreign Affairs.

2265. A letter from the Director, Defense Security Assistance Agency, transmitting the annual report on the operation of the special defense acquisition fund for fiscal year 1983, pursuant to AECA, section 53(a) (95 Stat. 1524); to the Committee on Foreign Affairs.

2266. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the defense articles, services and training provided to Chad under the authorities of Presidential determinations 83-8 and 83-9, dated July 19, 1983 and August 5, 1983, pursuant to FAA, section 506(b)(2) (93 Stat. 702); to the Committee on Foreign Affairs.

2267. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the defense articles, services and training provided to Chad under the authorities of Presidential determination 83-8 and 98-9 dated July 19, 1983 and August 5, 1983, pursuant to FAA, section 506(b)(2) (93 Stat. 702); to the Committee on Foreign Affairs.

2268. A communication from the President of the United States, transmitting a report on the situation in Lebanon, including present and future participation of the U.S. Armed Forces in the Multinational Force, pursuant to Public Law 98-119, section 4 (H. Doc. No. 98-146); to the Committee on Foreign Affairs and ordered to be printed.

2269. A letter from the Secretary of Commerce, transmitting a report of the extension and expansion through January 20, 1985, of export controls maintained for foreign policy purposes, pursuant to Public Law 96-72, section 6(e) (E.O. 12214); to the Committee on Foreign Affairs.

2270. A letter from the Director, Defense Security Assistance Agency, transmitting a quarterly report on commercial and governmental military exports, together with a list of all defense requirement surveys authorized for foreign countries for the fourth quarter of fiscal year 1983, July 1 to September 30, 1983, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

2271. A letter from the Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, together with a list of all defense requirement surveys authorized for foreign countries during the quarter ended September 30, 1983, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

2272. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2273. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2274. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

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2279. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2280. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting the text of an agreement to which the American Institute in Taiwan is a party, pursuant to Public Law 96-8, section 12(a); to the Committee on Foreign Affairs.

2281. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on progress toward achieving a new transboundary air pollution agreement with Canada, pursuant to Public Law 98-164, section 1008(b)(4); to the Committee on Foreign Affairs.

2282. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the proposed third-country transfer of major defense equipment manufactured pursuant to a licensing arrangement approved under section 38 of the Arms Export Control Act, to the Republic of Uganda, pursuant to 22 U.S.C. 2753(d)(3) (AECA Sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2283. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the proposed third-country transfer of major defense equipment manufactured pursuant to a licensing arrangement approved under section 38 of the Arms Export Control Act to the Government of Venezuela, pursuant to 22 U.S.C. 2753(d)(3) (AECA Sec. 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2284. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the President's determination and justification that the furnishing of defense articles and defense services to the Government of Equatorial Guinea will strengthen the security of the United States, pursuant to AECA section 3(a)(1); to the Committee on Foreign Affairs.

2285. A letter from the Chairman, Board of Foreign Scholarships, transmitting the Board's annual report entitled, "Fulbright Program Exchanges, 1982" pursuant to Public Law 87-256, section 107; to the Committee on Foreign Affairs.

2286. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting a review of activities of the International Communication Agency for 1983, pursuant to Reorganization Plan No. 2 of 1977, section 8(b); to the Committee on Foreign Affairs.

2287. A letter from the Chairman, National Bipartisan Commission on Central America, transmitting the report of the Commission concerning long-term policy toward the region; to the Committee on Foreign Affairs.

2288. A communication from the President of the United States, transmitting a further report on the situation in Grenada (H. Doc. No. 98-145); to the Committee on Foreign Affairs and ordered to be printed.

2289. A letter from the Secretary of Agriculture, transmitting the semiannual report of the activities of the Inspector General for the period April 1, 1983, through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2290. A letter from the Secretary of Education, transmitting the seventh semiannual report of the Inspector General, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2291. A letter from the Secretary of Education, transmitting a report of real property disposed of to educational institutions during fiscal year 1983, pursuant to the act of June 30, 1949, ch. 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

2292. A letter from the Inspector General, Department of Energy, transmitting the semiannual report of the activities of the Office of Inspector General covering April 1 to September 30, 1983, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

2293. A letter from the Inspector General, Department of Health and Human Services; transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1983, to September 30, 1983, pursuant to Public Law 94-505, section 204(a) (96 Stat. 1824); to the Committee on Government Operations.

2294. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the activities of the Inspector General for the period April 1, 1983, to September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2295. A letter from the Secretary, Department of Commerce, transmitting the semiannual report of the activities of the Inspector General for the period April 1, 1983, through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2296. A letter from the Secretary of Labor, transmitting a report of the activities of the Inspector General covering the period April 1 through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2297. A letter from the Secretary of Transportation, transmitting the semiannual report of the activities of the Office of the Inspector General for the period ended September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2298. A letter from the Secretary of Transportation, transmitting a report on the valuation of the Coast Guard retirement system as of September 30, 1982, pursuant to 31 U.S.C 9503(a)(1)(B); to the Committee on Government Operations.

2299. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government for fiscal year 1983, pursuant to 31 U.S.C. 331(c); to the Committee on Government Operations.

2300. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued during the month of November 1983, pursuant to Public Law 91-510, section 719(h); to the Committee on Government Operations.

2301. A letter from the Comptroller General, General Accounting Office, transmitting a report on the examination of the Senate Beauty Shop financial statements for the fiscal years ended February 28, 1982 and 1983, pursuant to Public Law 91-510, section 451; to the Committee on Government Operations.

2302. A letter from the Acting Administrator, Agency for International Development, transmitting an evaluation of the system of internal accounting and adminstrative control of the Agency in effect during the year ending December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2303. A letter from the Acting Assistant Secretary of Commerce, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2304. A letter from the Acting Attorney General, Department of Justice, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2305. A letter from the Acting Secretary of the Interior, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2306. A letter from the Acting Secretary of Commerce, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2307. A letter from the Administrator, Small Business Administration, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2308. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a semiannual report of the activities of the Inspector General for the period ending September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2309. A letter from the Administrator, Veterans' Administration, transmitting the semiannual report of the activities of the Inspector General for the period April 1, 1983 through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2310. A letter from the Administrator, United States Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General for the period April 1, 1983, through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2311. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1983, through September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2312. A letter from the Administrator, General Services Administration, transmitting a report on the administration of his functions under the Federal Property and Administrative Services Act of 1949 for the fiscal year 1982, pursuant to the act of June 30, 1949, chapter 288, section 212 (64 Stat. 580); to the Committee on Government Operations.

2313. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2314. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2315. A letter from the Administrator, Panama Canal Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2316. A letter from the Administrator, United States Environmental Protection Agency, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2317. A letter from the Administrator, Veterans' Administration, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2318. A letter from the Administrator, Veterans' Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2319. A letter from the Assistant to the President for Management and Administration, The White House, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year 1983 by individual agencies of the Executive Office of the President, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2320. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2321. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of two new proposed Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2322. A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2323. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of four new proposed records systems pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2324. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2325. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2326. A letter from the Assistant Secretary-Treasurer, Seventh Farm Credit District, transmitting the annual report on the retirement plan for employees of the Seventh Farm Credit District, St. Paul, Minn., for the year ending December 31, 1982, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2327. A letter from the Assistant Secretary, Department of Housing and Urban Development, transmitting notice of a proposed alteration of a records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2328. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2329. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2330. A letter from the Chairman, National Capital Planning Commission, transmitting an evaluation of the system of internal accounting and administration control of the Commission in effect during the year ended 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2331. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report on its activities under the Government in the Sunshine Act for calendar year 1982, pursuant to 5 U.S.C. 552b(b); to the Committee on Government Operations.

2332. A letter from the Chairman, U.S. Synthetic Fuels Corporation, transmitting a report on the activities of the Corporation's Inspector General for the fiscal year ending September 30, 1983, pursuant to Public Law 96-294, section 122(d); to the Committee on Government Operations.

2333. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting a report on the Board's activities under the Government in the Sunshine Act for the calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2334. A letter from the Chairman, Civil Aeronautics Board, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system for the year 1982 and to date in 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2335. A letter from the Chairman, Civil Aeronautics Board, transmitting a report that the Board's accounting system generally conforms to the principles, standards, and requirements prescribed by the Comptroller General, but that due to its upcoming sunset it was agreed that it would not be practical for the agency to submit its accounting systems documentation for approval, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2336. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2337. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the Tribunal's annual report on its activities under the Government in the Sunshine Act for calendar year 1983, pursuant to 5 U.S.C. Sec. 552(b); to the Committee on Government Operations.

2338. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(b)(3); to the Committee on Government Operations.

2339. A letter from the Chairman, Federal Communications Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2340. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the Commission's compliance with the requirements of the internal accounting and administrative control system for the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2341. A letter from the Chairman, National Credit Union Administration, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2342. A letter from the Chairman, National Endowment for the Humanities, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2343. A letter from the Chairman, National Labor Relations Board, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2344. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2345. A letter from the Chairman, Postal Rate Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2346. A letter from the Chairman, U.S. Railroad Retirement Board, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2347. A letter from the Chairman, United States International Trade Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2348. A letter from the Deputy Administrator, General Services Administration, transmitting a report on the Federal surplus personal property donated to States and local organizations for public purposes during fiscal year 1983, pursuant to the act of June 30, 1949, chapter 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

2349. A letter from the Deputy Administrator, Veterans Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2350. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system submitted by the Department of the Army, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2351. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2352. A letter from the Director, Peace Corps, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2353. A letter from the Director, Peace Corps, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2354. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the fiscal year ended September 30, 1983, pursuant to 31 U.S.C.. 3512(c)(3); to the Committee on Government Operations.

2355. A letter from the Director, National Science Foundation, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ending December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2356. A letter from the Director, Office of Information Resources Management, Department of the Interior, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2357. A letter from the Director, Office of Personnel Management, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2358. A letter from the Director, Office of Personnel Management, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2359. A letter from the Director, Peace Corps, transmitting a report on the evaluation of the system of internal accounting and administrative control in effct during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2360. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2361. A letter from the Executive Director, Securities and Exchange Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2362. A letter from the Executive Secretary, National Security Council, transmitting a report of the Council's activities under the Freedom of Information Act for the calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2363. A letter from the Federal Cochairman, Appalachian Regional Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2364. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended October 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2365. A letter from the Inspector General, General Services Administration, transmitting the semiannual report of the activities of his Office for the 6-month period ending September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2366. A letter from the Inspector General, National Aeronautics and Space Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2367. A letter from the Inspector General, Veterans' Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2368. A letter from the President, Overseas Private Investment Corporation, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2369. A letter from the Secretary of the Treasury, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2370. A letter from the Secretary of Agriculture, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the fiscal year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2371. A letter from the Secretary of Agriculture, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the fiscal year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2372. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 402 of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2373. A letter from the Secretary of Defense, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the fiscal year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2374. A letter from the Secretary of Defense, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1, 1983 to September 30, 1983, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

2375. A letter from the Secretary of Education, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2376. A letter from the Secretary of Energy, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2377. A letter from the Secretary of Housing and Urban Development, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2378. A letter from the Secretary of Labor, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2379. A letter from the Secretary of Transportation, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended October 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2380. A letter from the Secretary, Commission on Fine Arts, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2381. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2382. A letter from the vice president, Federal Land Bank of Columbia, Columbia, S.C., transmitting the annual report of the Farm Credit Retirement Plan, Columbia District, Columbia, S.C., for the year ending August 31, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2383. A letter from the Sergeant-at-Arms, transmitting a report of funds drawn, the application and disbursement of the sums and balances, and the balance remaining, pursuant to October 1, 1890, chapter 1256, section 7; to the Committee on House Administration.

2384. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, Rules of the House (H. Doc. No. 98-152); to the Committee on House Administration and ordered to be printed.

2385. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report entitled, "Modification of Pactola Dam," pursuant to Public Law 95-578, section 5; to the Committee on Interior and Insular Affairs.

2386. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting a report of proposed refunds of excess royalty payments to be made to sundry companies, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

2387. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a plan for the use of certain judgment funds of the Forest County Potawatomi Community of Wisconsin, awarded in docket Nos. 15-K, 29-J, and 217 and Docket Nos. 15-M, 29-K, and 146, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

2388. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment awarded to the Stillaguamish Tribe of Indians in docket No. 207 before the Indian Claims Commission, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

2389. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Navajo Tribe in docket No. 353 before the U.S. Court of Claims, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

2390. A letter from the Secretary of the Interior, transmitting a notice on leasing systems for the eastern Gulf of Mexico oil and gas lease offering scheduled to be held on January 5, 1984, pursuant to the act of August 7, 1953 chapter 345, section 8(a)(8) (92 Stat. 640); to the Committee on Interior and Insular Affairs.

2391. A letter from the Under Secretary of the Interior, transmitting a report on the feasibility and desirability of designating the Daniel Boone Trail as a component of the National Trails System, pursuant to Public Law 90-543, section 5(b) (82 Stat. 919; 90 Stat. 2481; 92 Stat. 3513; 97 Stat. 44); to the Committee on Interior and Insular Affairs.

2392. A letter from the Chairman, Advisory Council on Historic Preservation; transmitting a special report on the proposal of the Federal Highway Administration to assist in the construction of the Interstate 210 connector along Water Street in Mobile, Ala., pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

2393. A letter from the Chairman, Nuclear Regulatory Commission; transmitting a report entitled "The Price-Anderson Act—The Third Decade," pursuant to AEA, section 10(p) (89 Stat. 1115); to the Committee on Interior and Insular Affairs.

2394. A letter from the Chief Deputy Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of November 21, 1983, entering judgment for the plaintiffs in the case, *Rincon Band of Mission Indians of California, et al.* V. *The United States*, No. 80-A, pursuant to 28 U.S.C. 2509; to the Committee on Interior and Insular Affairs.

2395. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order of December 1, 1983, entering judgment for the plaintiffs in *Rincon Band of Mission Indians of California* v. *The United States*, No. 80-A, pursuant to 28 U.S.C. 2509; to the Committee on Interior and Insular Affairs.

2396. A letter from the Chief Justice, Supreme Court of the United States, transmitting a report of the proceedings of the Judicial Conference of the United States held in Washington, D.C., on September 21 and 22, 1983, pursuant to 28 U.S.C. 331 to the Committee on the Judiciary.

2397. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the administration of bankruptcy cases under the pilot U.S. trustee program, pursuant to Public Law 95-598, section 408(a) and (b); to the Committee on the Judiciary.

2398. A letter from the Attorney General, Department of Justice; transmitting the Department's report on the administration of the Foreign Agents Registration Act of 1938, as amended, covering calendar year 1982, pursuant to the act of June 8, 1938, chapter 327, section 11 (56 Stat. 258); to the Committee on the Judiciary.

2399. A letter from the Attorney General, Department of Justice, transmitting a report on the U.S. trustee system for the period October 1, 1979, to December 31, 1983, pursuant to Public Law 95-598, section 408 (a) and (b); to the Committee on the Judiciary.

2400. A letter from the Attorney General, Department of Justice, transmitting the annual report of the Attorney General for fiscal year 1982, pursuant to 28 U.S.C. 522; to the Committee on the Judiciary.

2401. A letter from the Adjutant General, Military Order of the Purple Heart of the United States of America, transmitting its financial audit as of June 30, 1983, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

2402. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to amend Public Law 87-693 (49 U.S.C. 2561, et seq.) to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

2403. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting an interim report of the Commission entitled, "Federal Civil Rights Commitments: An Assessment of Enforcement Resources and Performance," pursuant to Public Law 85-315, section 104(c) (92 Stat. 1067); to the Committee on the Judiciary.

2404. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the final report of activities entitled, "The State of Civil Rights 1957-1983: The Final Report of the U.S. Commission on Civil

Rights," pursuant to Public Law 85-315, section 104(c) (92 Stat. 1067); to the Committee on the Judiciary.

2405. A letter from the Chairman, Copyright Royalty Tribunal, transmitting the annual report for the fiscal year ending September 30, 1983, pursuant to 17 U.S.C. 808; to the Committee on the Judiciary.

2406. A letter from the Chairman, Administrative Conference of the United States, transmitting a report of the Conference activities under the Equal Access to Justice Act for the period October 1, 1982 to September 30, 1983, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

2407. A letter from the Clerk, U.S. Claims, Court, transmitting a report on the judgments rendered by the court during the court year ended September 30, 1983, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

2408. A letter from the National Quartermaster and Adjustant, Veterans of World War I of the United States of America, transmitting its annual audit report for the fiscal year ended September 30, 1983, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

2409. A letter from the Secretary of Commerce, transmitting the 1980-81 biennial report of the national sea grant college program, pursuant to Public Law 89-454, section 211(a) (92 Stat. 999); to the Committee on Merchant Marine and Fisheries.

2410. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the Commission's annual report for the year ended September 30, 1983, pursuant to the Act of February 18, 1929, chapter 257, sec. 3; to the Committee on Merchant Marine and Fisheries.

2411. A letter from the Secretary of Transportation, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts, pursuant to June 29, 1936, chapter 858, 213(c) (76 Stat. 1201; 90 Stat. 380; 95 Stat. 159); to the Committee on Merchant Marine and Fisheries.

2412. A letter from the Administrator, Panama Canal Commission, transmitting a report, including unaudited financial statements, which cover operations of the Panama Canal during the period October 1, 1982, through September 30, 1983, pursuant to Pub. L. 96-70, sec. 1312; to the Committee on Merchant Marine and Fisheries.

2413. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Boat Safety Act of 1971, as amended, to prohibit the selling or offering for sale of a boat or associated equipment which contains a safety defect, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2414. A letter from the Special Assistant to the President for Administration, transmitting personnel reports for the White House Office, the Executive Residence, the Office of the Vice President, the Office of Policy Development, and the Office of Administration, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

2415. A letter from the Comptroller General, General Accounting Office, transmitting a review of fiscal year 1982 Presidential and Vice-presidential certified expenditures, pursuant to 3 U.S.C. 105(d) and 106(b) (92 Stat. 2445); to the Committee on Post Office and Civil Service.

2416. A letter from the Librarian of Congress, transmitting a report with respect to the specially qualified scientific and professional persons in the eight such authorized positions in the Library, for the calendar year 1983, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

2417. A letter from the Special Counsel, Merit Systems Protection Board, transmitting a report on the Secretary of Transportation's investigation of violations of law and regulations, gross waste of funds, abuse of authority, and mismanagement at the Alaska Railroad, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2418. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report of the findings and conclusions of the audit by the Administrator of Veterans' Affairs of allegations of violation of law and regulation and gross waste of funds in the administration of the ambulatory care program and treatment of outpatients for non-service-connected, chronic conditions at the Audie Murphy Veterans Hospital and its satellite clinics, and at nine medical centers throughout the country, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

2419. A letter from the Secretary of Transportation, transmitting a report entitled, "Climate and Apportionment and Interstate 4R Apportionment", pursuant to Pub. L. 97-424, sec. 137(b)(3); to the Committee on Public Works and Transportation.

2420. A letter from the Acting Administrator, General Services Administration, transmitting a copy of a lease prospectus, Atlanta, Ga., pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

2421. A letter from the Assistant Secretary of the Army, transmitting feasibility report and survey of the Indian River County, Fla., pursuant to Public Law 89-298, section 304 (H. Doc. No. 98-154); to the Committee on Public Works and Transportation and ordered to be printed.

2422. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Withlacoochee River Region, Fla., together with other pertinent reports; to the Committee on Public Works and Transportation.

2423. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with other accompanying papers and illustrations, on Redbank and Fancher Creeks, Calif. (H. Doc. No. 98-147); to the Committee on Public Works and Transportation and ordered to be printed.

2424. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with other pertinent reports, on Puerco River and Tributaries, Gallup, N. Mex. (H. Doc. No. 98-148); to the Committee on Public Works and Transportation and ordered to be printed.

2425. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with other pertinent reports, on Oates Creek, Ga. (H. Doc. No. 98-149); to the Committee on Public Works and Transportation and ordered to be printed.

2426. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on a planned funding level for the physics and astronomy program in excess of the amount appropriated, pursuant to Public Law 98-52, section 104; to the Committee on Science and Technology.

2427. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on expenditures exceeding authorizations for the space transportation capability development, pursuant to Public Law 98-52, section 104; to the Committee on Science and Technology.

2428. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report of Federal support funds to nonprofit institutions for research, fiscal year 1981, pursuant to the act of May 10, 1950, chapter 171, section 3(a)(7) (82 Stat. 360); to the Committee on Science and Technology.

2429. A letter from the Executive Secretary, Department of Defense, transmitting the report on procurement from small business firms for the period October 1982 through July 1983, pursuant to SBA, section 10(d); to the Committee on Small Business.

2430. A letter from the Executive Secretary, Department of Defense, transmitting a report on procurement from small and other business firms for fiscal year 1983, pursuant to SBA, section 10(d); to the Committee on Small Business.

2431. A letter from the Administrator, Veterans' Administration, transmitting an addendum to the report previously submitted by the Advisory Committee on Former Prisoners of War, pursuant to 38 U.S.C. 221(c) (95 Stat. 935); to the Committee on Veterans' Affairs.

2432. A letter from the Administrator, Veterans' Administration, transmitting the annual report on deceptive advertising by institutions offering courses approved for veterans, pursuant to 38 U.S.C. 1796(d); to the Committee on Veterans' Affairs.

2433. A communication from the director, National Legislative Commission, the American Legion, transmitting the proceedings of the 65th annual National Convention, pursuant to the act of September 19, 1919, chapter 59, section 9 (H. Doc. No. 98-153); to the Committee on Veterans' Affairs.

2434. A communication from the national adjutant, Disabled American Veterans, transmitting the proceedings of its national convention, held in Los Angeles, Calif., July 31-August 4, 1983, pursuant to Pub. L. 88-504, section 3 (36 U.S.C. 1103) (H. Doc. No. 98-150); to the Committee on Veterans' Affairs and ordered to be printed.

2435. A letter from the President of the United States, transmitting notice of his intention to designate 11 Caribbean Basin countries and entities as beneficiaries for the purpose of granting duty-free treatment, pursuant to Pub. L. 98-67, section 212(a)(1)(A); to the Committee on Ways and Means.

2436. A letter from the Secretary of Labor, transmitting a report on amount of funds expended during the first, second and third quarters of fiscal year 1983 for trade adjustment assistance training as well as the demand for such funds during the fourth quarter of fiscal year 1983, pursuant to Pub. L. 93-618, section 236(a)(2) (95 Stat. 885); to the Committee on Ways and Means.

2437. A letter from the Chairman, U.S. International Trade Commission, transmitting its 36th quarterly report on trade between the United States and nonmarket

economy countries for the period July through September, 1983, pursuant to Pub. L. 93-618, section 410; to the Committee on Ways and Means.

2438. A letter from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Indian Tribal Governmental Tax Status Act of 1982 with respect to the tax status of Indian tribal governments; to the Committee on Ways and Means.

2439. A letter from the Acting Assistant Secretary of Energy for Conservation and Renewable Energy, transmitting the quarterly report on biomass energy development for the period July 1 to September 30, 1983, pursuant to Pub. L. 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

2440. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly commodity and country allocation table showing current programing plans for food assistance for fiscal year 1984, pursuant to July 10, 1954, chapter 469, section 408(b) (91 Stat. 552; 94 Stat. 2246; E. O. 11963); jointly, to the Committees on Agriculture and Foreign Affairs.

2441. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal to OMB regarding the proposed budget allowance for fiscal year 1985, pursuant to Public Law 93-633, section 304(b)(7); jointly, to the Committees on Appropriations; Energy and Commerce; and Public Works and Transportation.

2442. A letter from the Chairman, Board of Directors, U.S. Synthetic Fuels Corporation, transmitting notification of the Corporation's intent to negotiate a contract for financial assistance for the Gulf Province Lignite Gasification project, pursuant to Public Law 96-294, section 131(b)(4); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2443. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2444. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a waiver of prohibition on the use of fiscal year 1982 foreign assistance funds for Mozambique, pursuant to Public Law 97-121, section 512; jointly, to the Committees on Foreign Affairs and Appropriations.

2445. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report covering certain properties to be transferred to the Republic of Panama, pursuant to Public Law 96-70, section 1504(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

2446. A letter from the Director, Defense Security Assistance Agency, transmitting notification that implementation of the fiscal year 1984 military assistance program approved by the Department of State will require revision in the planned country levels previously justified, pursuant to FAA, section 634A (92 Stat. 959; 95 Stat. 1544); jointly, to the Committees on Foreign Affairs and Appropriations.

2447. A letter from the Comptroller General of the United States, transmitting a list of reports issued by the GAO during the month of December 1983, pursuant to Public Law 91-510, section 719(h), to the Committees on Government Operations.

2448. A letter from the Acting Comptroller General of the United States, transmitting a review of the Pension Benefit Guaranty Corporation's progress toward improving accounting and internal control weaknesses (GAO/AFMD-84-2; Nov. 2, 1983); jointly, to the Committees on Government Operations, Education and Labor, and Ways and Means.

2449. A letter from the Comptroller General of the United States, transmitting a report on agriculture's soil conservation programs in the fight against soil erosion (GAO/RCED-84-48; Nov. 28, 1983); jointly, to the Committees on Government Operations and Agriculture.

2450. A letter from the Comptroller General of the United States, transmitting a report on safety standards on small passenger aircraft with nine or fewer seats (GAO/RCED-84-2; January 4, 1984); jointly, to the Committees on Government Operations and Public Works and Transportation.

2451. A letter from the Comptroller General of the United States, transmitting a report on the joint major system acquisition by the military services (GAO/NSIAD-84-22; December 23, 1983); jointly, to the Committees on Government Operations and Armed Services.

2452. A letter from the Comptroller General of the United States, transmitting a report on increasing the Department of Housing and Urban Development's effectiveness through improved management, volumes I and II (GAO/RCED-84-9; January 10, 1984); Jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2453. A letter from the Chairman, Federal Election Commission, transmitting a copy of the Commission's appeal to the Office of Management and Budget of the initial passback provided on its fiscal 1985 budget request, pursuant to Public Law 92-225, section 307(d)(1) (93 Stat. 1354, 1356); jointly, to the Committees on House Administration and Appropriations.

2454. A letter from the Chairman, Federal Election Commission, transmitting the Commission's fiscal 1985 funding request, together with a letter to the Director of the Office of Management and Budget, pursuant to Public Law 92-225, section 307(d)(1) (93 Stat. 1354, 1356); jointly, to the Committees on House Administration and Appropriations.

2455. A letter from the Secretary of the Interior, transmitting the third annual progress report on the study of Federal lands on Alaska's North Slope, pursuant to Public Law 96-487, section 1001; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

2456. A letter from the Director, Administrative Office of the U.S. Courts, transmitting information concerning salaries payable to judges and justices of the United States and a request for remedial action; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

2457. A letter from the Assistant Secretary of State, Legislative Intergovernmental Affairs, transmitting a report of certain properties to be transferred to the Republic of Panama, pursuant to Public Law 96-70, section 1504(b); jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

2458. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting a report entitled, "Marine Minerals: An Alternative Mineral Supply", pursuant to Public Law 95-63, section 4; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

2459. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to establish in the Department of Transportation the office of Associate Deputy Secretary of Transportation; jointly, to the Committees on Public Works and Transportation and Post Office and Civil Service.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on November 18, 1983, the following report was filed on December 9, 1983]

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3050. A bill to amend the Rural Electrification Act of 1936 to ensure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purpose; with amendments; referred to the Committee on Banking, Finance and Urban Affairs and to the Committee on Ways and Means for a period ending not later than February 24, 1984, solely for consideration of section 5 of the bill, pursuant to clauses l(d) and l(v) of rule X, respectively (Rept. No. 98-588, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 4581. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 4582. A bill to allow U.S. military assistance to be furnished to the law enforcement agencies of countries, such as Costa Rica, which rely on their law enforcement agencies to provide for the national defense and security; to the Committee on Foreign Affairs.

By Mr. BONER of Tennessee:

H.R. 4583. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage revenue bonds to be issued; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 4584. A bill to amend the Internal Revenue Code of 1954 to eliminate the termination date for the tax-exempt treatment of mortgage subsidy bonds; to the Committee on Ways and Means.

By Mr. BREAUX:

H.R. 4585. A bill to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985, 1986, and 1987; to the Committee on Merchant Marine and Fisheries.

By Mr. CORCORAN:

H.R. 4586. A bill to amend the Internal Revenue Code of 1954 to provide individuals a refundable credit against income tax for

maintaining a household for certain individuals who are related to the taxpayer and have attained the age of 65; to the Committee on Ways and Means.

By Mr. CORCORAN (for himself and Mr. HANSEN of Idaho):

H.R. 4587. A bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security; to the Committee on Ways and Means.

By Mr. D'AMOURS:

H.R. 4588. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. D'AMOURS (for himself, Mr. PANETTA, Mr. STUDDS, Mr. MCKERNAN, Mr. LEVINE of California, and Mrs. BOXER):

H.R. 4589. A bill to amend the Coastal Zone Management Act of 1972 regarding Federal activities that are subject to the Federal consistency provisions of the act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DERRICK:

H.R. 4590. A bill to establish by statute a Committee for the Implementation of Textile Agreements, and for other purposes; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 4591. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 4592. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. GARCIA:

H.R. 4593. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 4594. A bill to revoke the recent 3.5-percent pay adjustment with respect to Members of the House of Representatives; to the Committee on Post Office and Civil Service.

By Mr. GORE:

H.R. 4595 A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 4596. A bill to amend section 1601(d) of Public Law 96-607 to permit the Secretary of the Interior to acquire title in fee simple to McClintock House at 16 East Williams Street, Waterloo, N.Y. to the Committee on Interior and Insular Affairs.

By Mr. MRAZEK:

H.R. 4597. A bill to authorize Federal financial assistance to the government of Nassau County, N.Y. for necessary security-related expenses associated with hosting the 1984 International Games for the Disabled; to the Committee on the Judiciary.

By Mr. MURTHA:

H.R. 4598. A bill to designate the U.S. Post Office Building in Jeannette, Pa., as the "John Dent Post Office Building"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H.R. 4599. A bill to promote pay equity and eliminate certain wage-setting practices within the Federal civil service system which discriminate on the basis of sex, race, or ethnicity and result in discriminatory wage differentials; to the Committee on Post Office and Civil Service.

By Mr. OLIN:

H.R. 4600. A bill to limit the salary of Members of the House of Representatives to the pay such Members were receiving on December 31, 1983; to the Committee on Post Office and Civil Service.

By Mr. PARRIS:

H.R. 4601. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4602. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes; to the Committee on Education and Labor.

H.R. 4603. A bill to revoke the recent 3.5-percent pay adjustment with respect to Members of Congress; to the Committee on Post Office and Civil Service.

H.R. 4604. A bill to repeal the recently enacted requirement of mandatory social security coverage for employees of nonprofit organizations; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 4605. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. SHELBY (for himself, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. ERDREICH, Mr. FLIPPO, and Mr. NICHOLS):

H.R. 4606. A bill to designate the lock and dam on the Tombigbee River in Pickensville, Ala., and the visitor center to be constructed for the Tennessee-Tombigbee waterway in Pickensville, Ala., as the "Tom Bevill Lock and Dam" and the "Tom Bevill Visitor Center," respectively; to the Committee on Public Works and Transportation.

By Mr. SHELBY (by request):

H.R. 4607. A bill to amend section 903(b)(1) and (2) of title 38, United States Code, to increase the burial allowance for veterans from $150 to $250; to the Committee on Veterans' Affairs.

By Mr. SIKORSKI:

H.R. 4608. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 4609. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. STANGELAND:

H.R. 4610. A bill to provide emergency loans to farmers, ranchers, or persons engaged in aquaculture where the Secretary of Agriculture determines that the operations of such persons have been substantially affected by a natural disaster for 3 or more consecutive years, and for other purposes; to the Committee on Agriculture.

H.R. 4611. A bill to extend the period within which milk producers may be eligible to participate in the milk diversion program; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 4612. A bill to provide that the Director of the Arms Control and Disarmament Agency shall be a member of the President's Cabinet; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H.R. 4613. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4614. A bill to repeal backup withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Mr. MAVROULES):

H.J. Res. 441. Joint resolution entitled: the "Nuclear Test Ban Challenge"; to the Committee on Foreign Affairs.

By Mr. KOSTMAYER (for himself, Mr. BORSKI, Mr. EDGAR, Mr. FOGLIETTA, and Mr. GRAY):

H.J. Res. 442. Joint resolution designating the week beginning March 4, 1984, as "National Weights and Measures Week"; to the Committee on Post Office and Civil Service.

By Mr. MCGRATH:

H.J. Res. 443. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month"; to the Committee on Post Office and Civil Service.

By Mr. PAUL:

H.J. Res. 444. Joint resolution to amend the Multinational Force in Lebanon Resolution to require the immediate withdrawal of U.S. Armed Forces from Lebanon; to the Committee on Foreign Affairs.

By Ms. SNOWE (for herself, Mrs. MARTIN of Illinois, Mr. DICKS, Mr. FRANK, Mrs. SCHROEDER, Mr. MCKERNAN, and Ms. OAKAR):

H. Con. Res. 239. Concurrent resolution to establish a commission to study pay equity; to the Committee on House Administration.

By Mr. DANNEMEYER:

H. Res. 390. Resolution to correct the current disproportional seating on the committees and subcommittees of the U.S. House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. LUNGREN (for himself, Mr. PATTERSON, Mr. WEBER, Mr. GINGRICH, Mr. LAGOMARSINO, Mr. WALKER, Mr. HUNTER, Mrs. VUCANOVICH, Mr. HYDE, Mr. TRAXLER, Mr. ADDABBO, Mr. WIRTH, Mr. VANDERGRIFF, Mr. BONER of Tennessee, Mr. DANIEL B. CRANE, Mr. PORTER, Mr. BLILEY, and Mr. DREIER of California):

H. Res. 391. Resolution to demand that the Soviet Union release one Jewish prisoner of conscience for every person who perished aboard Korean Air Lines flight 007; to the Committee on Foreign Affairs.

By Ms. OAKAR (for herself, Mr. YATES, Mr. MATSUI, Mr. WOLPE, Mr. WON PAT, Mr. MORRISON of Connecticut, Mr. LEHMAN of Florida, Mr. BARNES, Mr. DIXON, Mr. PEASE, Mr. EVANS of Illinois, Mr. DICKINSON, Mr. DYMALLY, Mr. KASTENMEIER, Mr. MARRIOTT, Mr. CORCORAN, Mr. PRITCHARD, Mr. LUNDINE, Mr. BERMAN, Mrs. KENNELLY, Mr. LELAND, Mr. WILSON, Mr. ADDABBO, Mr. MAZZOLI, Mr. MOODY, Mr. SMITH of Florida, Mr. FLORIO, Mr. LEVINE of California, Mr. RUSSO, Mrs. SCHROEDER, Mr. STOKES, Mr. EDWARDS of California, Mr. WHITTAKER, Mr. FISH, Mr. DOWNEY of New York, Mr. GONZALES, Mr. MRAZEK, Mr. SUNIA, Mrs. BOGGS, Mr. SIKORSKI, Mr. JEFFORDS, Mr. MCKERNAN, Mr. BEILENSON, Ms. FERRARO, Mrs. JOHNSON, Mrs. BOXER, Ms. KAPTUR, Ms. SNOWE, Mrs. COLLINS, Mr. WORTLEY, Mr. MCKINNEY, Mr. BATES, Mr. FRANK, Mr. WHITEHURST, Mr. HOYER, Mr. MARKEY, Mr. OBERSTAR, Mr. PEPPER, Ms. MIKULSKI, Mr. ROE, Mr. LANTOS, Mr. LOWRY of Washington, Mr. ROSE, Mr. MILLER of California, Mr. MCHUGH, Mr. WEISS, Mr. CORRADA,

Mr. CROCKETT, Mrs. HALL of Indiana, Mr. DURBIN, Mr. GRAY, Mr. FAZIO, Mr. BROWN of California, Mr. FAUNTROY, Mr. CONYERS, Mr. DELLUMS, Mr. SOLARZ, Mr. WAXMAN, Mr. EVANS of Iowa, Mr. WIRTH, Mr. SWIFT, Mr. UDALL, and Mr. CARPER):

H. Res. 392. Resolution establishing a congressional child care center; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

305. By the SPEAKER: Memorial of the Assembly of the State of Wisconsin, relative to milk; to the Committee on Agriculture.

306. Also, memorial of the Assembly of the State of Wisconsin, relative to natural gas; to the Committee on Energy and Commerce.

307. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to the selection by the Immigration and Naturalization Service of a site in Pennsylvania as its central processing computer center; to the Committee on the Judiciary.

308. Also, memorial of the General Assembly of the State of Illinois, relative to importation of foreign automobiles; to the Committee on Ways and Means.

309. Also, memorial of the Legislature of the Territory of Guam, relative to social security; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced a bill (H.R. 4615) for the relief of Bong Ngai, also known as Henry Ngai; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. SHELBY.
H.R. 74: Mr. MRAZEK.
H.R. 367: Mr. MARLENEE.
H.R. 656: Mr. PENNY and Mr. PRICE.
H.R. 701: Mr. KOSTMAYER.
H.R. 1028: Mr. BOEHLERT.
H.R. 1092: Mr. FLORIO.
H.R. 1176: Mr. HANCE.
H.R. 1219: Mr. DYSON.
H.R. 1249: Mrs. BURTON of California.
H.R. 1269: Mr. ROGERS, Mr. CORRADA, Mr. GILMAN, Mr. HARTNETT, Mr. BEDELL, Mr. SHELBY, Mr. GRAY, Mr. MCKINNEY, Mrs. JOHNSON, and Mr. GILMAN.
H.R. 1361: Mr. OWENS.
H.R. 1405: Mr. LATTA.
H.R. 1905: Mr. DWYER of New Jersey, Mr. BONER of Tennessee, Mr. MURPHY, and Mr. CRAIG.
H.R. 1918: Mr. EDWARDS of Oklahoma, Mr. PURSELL, Mr. STAGGERS, and Mr. LEVIN of Michigan.
H.R. 1937: Mr. GIBBONS.
H.R. 1942: Mr. MARKEY.
H.R. 2033: Mr. OWENS.
H.R. 2053: Mr. BATES; Mr. BRITT, Mr. MINISH, Mr. SAVAGE, and Mr. WHEAT.
H.R. 2099: Mr. MCKINNEY.
H.R. 2193: Mr. EVANS of Iowa.
H.R. 2363: Mr. OWENS.
H.R. 2364: Mr. OWENS.
H.R. 2468: Mr. SEIBERLING, Mr. BARTLETT, and Mrs. BOXER.
H.R. 2566: Mr. SWIFT and Mr. ROWLAND.
H.R. 2584: Mr. MARLENEE, Mr. WYDEN, Mr. ANDREWS of Texas, and Mr. MCCAIN.
H.R. 2631: Mrs. ROUKEMA.
H.R. 2715: Mr. DEWINE, Mr. LEWIS of Florida, and Mrs. VUCANOVICH.
H.R. 2748: Mr. OWENS.
H.R. 2772: Mr. SABO.
H.R. 2852: Mr. OWENS, Mr. EMERSON, Mr. STOKES, Mr. OXLEY, Mr. BEDELL, Mr. EVANS of Iowa, Mr. ANNUNZIO, Mr. SAM B. HALL, JR., and Mr. HYDE.
H.R. 2977: Mr. FORD of Tennessee, Mr. SIKORSKI, Mr. STOKES, Mr. HOPKINS, Mr. MILLER of Ohio, Mr. BATEMAN, Mr. MCCOLLUM, and Mr. NICHOLS.
H.R. 3266: Mr. GILMAN, Mrs. HALL of Indiana, Mr. REID, and Mr. WEBER.
H.R. 3282: Mr. CONTE, Mr. STUDDS, Mr. MCKINNEY, Mr. MINETA, Mrs. COLLINS, Mr. CARR, and Mr. PENNY.
H.R. 3284: Mr. HEFTEL of Hawaii.
H.R. 3306: Mr. OWENS.
H.R. 3371: Mr. GONZALEZ.
H.R. 3406: Mr. LOWRY of Washington, Mr. LAGOMARSINO, Mrs. MARTIN of Illinois, Mr. CHENEY, Mr. MATSUI, Mrs. JOHNSON, Mr. DAUB, Mr. WORTLEY, Mr. SIMON, Mr. EDWARDS of Oklahoma, Mr. BONKER, Mr. MINETA, Mr. WYDEN, Mr. FOLEY, Mr. COATS, Mr. PRICE, Mr. LUNDINE, and Mr. BOEHLERT.
H.R. 3605: Mr. MARTINEZ.
H.R. 3651: Mr. ZSCHAU.
H.R. 3734: Mr. GEKAS and Mr. OXLEY.
H.R. 3769: Mr. ORTIZ.
H.R. 3879: Mr. LEATH of Texas.
H.R. 3870: Mr. SHUMWAY.
H.R. 3891: Mr. SHELBY.
H.R. 3939: Mr. OXLEY and Mr. CLINGER.
H.R. 4034: Mr. ANNUNZIO.
H.R. 4049: Mr. MORRISON of Washington, Mr. JEFFORDS, and Mr. DICKS.
H.R. 4050: Mr. MORRISON of Washington, Mr. JEFFORDS, and Mr. DICKS.
H.R. 4051: Mr. MORRISON of Washington, Mr. JEFFORDS, and Mr. DICKS.
H.R. 4090: Mr. WEISS and Mr. WALGREN.
H.R. 4150: Mr. DEWINE and Mr. GREEN.
H.R. 4162: Mr. EVANS of Illinois and Mr. OXLEY.
H.R. 4182: Mr. STAGGERS, Mr. PRICE, Mr. BEVILL, Mr. MCCLOSKEY, and Mr. DURBIN.
H.R. 4193: Mr. MRAZEK, Mr. MINETA, Mr. CARR, Mr. SEIBERLING, Mr. HYDE, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. MCGRATH, and Mr. HUGHES.
H.R. 4206: Mr. MINETA, Mr. ORTIZ, Mr. STUDDS, Mr. SCHEUER, Mr. CLINGER, and Mr. EDGAR.
H.R. 4207: Mr. FORD of Michigan.
H.R. 4214: Mr. ORTIZ, Mr. SKELTON, Mr. DAVIS, Mr. FROST, Mr. DURBIN, Mr. SMITH of Iowa, Mr. LONG of Louisiana, Mr. YOUNG of Missouri, Mr. SIKORSKI, Mr. LOTT, Mr. WOLF, Mr. CHANDLER, Mr. KOLTER, Mr. MONTGOMERY, Mr. LOWRY of Washington, Mr. PARRIS, Mr. WHEAT, and Mr. GEPHARDT.
H.R. 4244: Mr. LEATH of Texas.
H.R. 4287: Mr. BILIRAKIS, Mr. MURTHA, Ms. KAPTUR, and Mr. ROWLAND.
H.R. 4317: Mr. MARTIN of North Carolina.
H.R. 4324: Mr. CLINGER, Mr. FAZIO, Mr. LEWIS of Florida, Mr. RUSSO, and Mr. WEISS.
H.R. 4367: Mr. BARNES, Mr. BERMAN, Mr. ECKART, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. GRAY, Mrs. HALL of Indiana, Ms. KAPTUR, Mr. LELAND, Mr. LEVIN of Michigan, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PANETTA, Mr. RICHARDSON, Mr. SIMON, Mr. TORRES, and Mr. VENTO.
H.R. 4390: Mr. PATMAN.
H.R. 4402: Mr. MORRISON of Washington, Mr. DENNY SMITH, Mr. NICHOLS, Mr. SAWYER, Mr. STENHOLM, Mr. WON PAT, Mr. ROBERT F. SMITH, Mr. LUKEN, Mr. MOODY, Mr. LUNGREN, Mr. TALLON, Mr. BLILEY, Mr. LENT, Mr. ROTH, and Mr. TAUKE.
H.R. 4404: Mr. FISH, Mr. OWENS, Mr. WEISS, Mr. NOWAK, and Mr. BOEHLERT.
H.R. 4439: Mr. RICHARDSON.
H.R. 4475: Mr. AUCOIN, Mr. VENTO, Mrs. HALL of Indiana, Mr. BOLAND, Mr. SIMON, Mr. HORTON, Mr. MAVROULES, Mr. MOAKLEY, Mr. FAZIO, Mr. NELSON of Florida, Mr. JOHNSON, Mr. CLINGER, Mr. KASTENMEIER, Mr. PRITCHARD, Mr. GIBBONS, Mr. ST GERMAIN, Mr. WYDEN, Mr. FRANK, and Mr. SWIFT.
H.R. 4548: Mr. ACKERMAN, Mr. BATEMAN, Mr. DASCHLE, Mr. DEWINE, Mr. EMERSON, Mr. GINGRICH, Mr. GONZALEZ, Mr. GRAMM, Mr. HOWARD, Mr. HUTTO, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LOEFFLER, Mr. LOTT, Mr. MCGRATH, Mr. NICHOLS, Mr. PASHAYAN, Mr. RATCHFORD, Mr. REID, Mrs. SCHROEDER, Mr. STOKES, Mr. STRATTON, Mr. VANDERGRIFF, Mr. WHITEHURST, Mr. WILSON, Mr. WOLF, Mr. WON PAT, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. MURPHY, Mr. BONER of Tennessee, and Mr. ORTIZ.
H.R. 4549: Mr. LAGOMARSINO.
H.R. 4561: Mr. DOWNEY of New York, Mr. PEASE, Mr. PENNY, Mr. CROCKETT, Mr. HUGHES, Mrs. HALL of Indiana, Mr. MITCHELL, Mr. GLICKMAN, Mr. FRANK, Mr. VENTO, Mr. MCNULTY, Mr. BEILENSON, Ms. KAPTUR, and Mr. SMITH of Florida.
H.J. Res. 10: Mr. MCCOLLUM.
H.J. Res. 74: Mr. BRITT, Mr. GARCIA, Mr. STUDDS, Mr. HAWKINS, Mr. BERMAN, Mr. WOLPE, Mr. DOWDY of Mississippi, Mr. ANNUNZIO, and Mr. RUSSO.
H.J. Res. 84: Mr. BONIOR of Michigan.
H.J. Res. 95: Mr. ACKERMAN, Mr. LEVINE of California, Mr. EMERSON, Mr. MARTINEZ, Mr. BATEMAN, Mr. BOEHLERT, Mr. BEVILL, Mr. GREEN, Mr. SMITH of Florida, Mr. BETHUNE, Mr. KASICH, Mr. TALLON, Mr. WOLPE, and Mr. LIVINGSTON.
H.J. Res. 243: Mr. HILLIS and Mr. SKELTON.
H.J. Res. 432: Mr. MCCURDY and Mr. SIMON.
H.J. Res. 121: Mr. BATEMAN.
H.J. Res. 153: Mr. RITTER and Mr. WISE.
H.J. Res. 154: Mr. OWENS.
H.J. Res. 160: Mr. FRENZEL.
H.J. Res. 326: Mr. FRANKLIN, Mr. SHELBY, Mr. ROGERS, Mr. LIPINSKI, Mr. MOORE, Mr. ALEXANDER, Mr. FORD of Tennessee, Mr. DOWDY of Mississippi, Mr. MAZZOLI, Mr. WILSON, Mr. COOPER, Mr. PERKINS, Mr. HUBBARD, Mr. HOPKINS, Mr. GRAMM, Mr. ENGLISH, Mr. CLARKE, Mr. LEVITAS, Mr. DERRICK, Mr. LOTT, Mr. HUTTO, Mr. GORE, Mr. TORRICELLI, Mr. MOLLOHAN, Mr. PAUL, Mr. ROSE, Mr. BETHUNE, Mr. DELLUMS, Mr. GONZALEZ, Mr. ROBINSON, Mr. QUILLEN, Mr. DURBIN, Mr. GINGRICH, Mr. MACKAY, Mr. BOUCHER, Mr. FASCELL, Mr. CLAY, Mr. BRYANT, Mr. LONG of Louisiana, Mr. TAUZIN, Mr. HOYER, Mr. STAGGERS, Mr. FUQUA, Mr. HUCKABY, Mr. PATMAN, Mr. HYDE, Mr. DARDEN, Mr. ERDREICH, Mr. SNYDER, Mr. WHITTEN, Mr. DANIEL B. CRANE, Mr. HAWKINS, Mr. WISE, Mr. RAHALL, Mr. ANDREWS of North Carolina, Mr. HANCE, Mr. SHARP, Mr. WHEAT, Mr. OXLEY, and Mr. CORCORAN.
H.J. Res. 360: Ms. MIKULSKI, Ms. FERRARO, Mrs. BOXER, Mr. WAXMAN, Mr. RINALDO, Mr. MCGRATH, Mr. YOUNG of Missouri, Mr. ADDABBO, and Mr. FRENZEL.
H.J. Res. 389: Mr. FORD of Tennessee, Mr. PORTER, and Mr. FISH.

H.J. Res. 391: Mr. KINDNESS, Mr. DEWINE, Mr. FISH, Mr. MCCOLLUM, and Mr. LUNGREN.

H.J. Res. 404: Mr. OXLEY, Mr. PAUL, Mr. MARRIOTT, Mr. SPENCE, Mr. MACK, and Mr. MCGRATH and Mr. HANSEN of Idaho.

H.J. Res. 416: Mr. ANNUNZIO, Mr. ROE, Mr. PANETTA, Mr. ACKERMAN, Mr. NOWAK, Mr. MURTHA, Mr. FOGLIETTA, Mr. RODINO, Mr. WORTLEY, Mr. LIPINSKI, Mr. FISH, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. LAFALCE, and Ms. MIKULSKI.

H. Con. Res. 138: Mr. GILMAN.

H. Con. Res. 181: Mrs. BOXER.

H. Con. Res. 191: Mr. EVANS of Illinois, Mr. SMITH of Florida, Mr. MAVROULES, Mr. FAUNTROY, Mr. DOWNEY of New York, Mr. BERMAN, Mr. HARRISON, Mr. WOLPE, Mr. FAZIO, and Ms. MIKULSKI.

H. Con. Res. 217: Mr. FISH, Mr. RICHARDSON, Mr. FAZIO, Mr. ROE, and Ms. MIKULSKI.

H. Con. Res. 218: Mr. FISH, Mr. RICHARDSON, Mr. FAZIO, Mr. ROE, and Ms. MIKULSKI.

H. Con. Res. 223: Mr. SMITH of Florida, Mr. HUGHES, Mr. MITCHELL, Mr. BERMAN, Mr. CORCORAN, Mr. FROST, Mr. BONIOR of Michigan, Mr. WHITEHURST, Mr. SCHEUER, Mr. HERTEL of Michigan, and Ms. MIKULSKI.

H. Con. Res. 225: Mr. ROE, Mr. WALGREN, Mr. WON PAT, Mr. LEACH of Iowa, Mr. RATCHFORD, Mr. SOLARZ, Mr. GREEN, Mr. FRANK, Mr. LENT, Mr. STENHOLM, Mr. SIMON, Mr. ADDABBO, Mr. KASICH, Mr. MCKERNAN, Mr. LAGOMARSINO, Mr. BARNES, Mr. ROTH, Mr. REID, Ms. SNOWE, Mr. KINDNESS, Mr. MATSUI, Mr. EVANS of Iowa, Mr. WEAVER, Mr. HUCKABY, Mr. OBERSTAR, Mr. SOLOMON, Mr. WINN, Mr. ACKERMAN, Mr. REGULA, Mr. FORSYTHE, Mr. D'AMOURS, Mr. MCDADE, Mrs. MARTIN of Illinois, Mr. DANIEL B. CRANE, Mr. BRYANT, Mr. SCHEUER, Mr. SEIBERLING, Mr. GLICKMAN, Mr. LIPINSKI, Mr. FASCELL, Mr. FISH, Mr. BORSKI, Mr. WISE, Ms. KAPTUR, Mr. SISISKY, Mr. LEVINE of California, Mr. DAUB, Mr. FORD of Michigan, Mr. HUGHES, Mr. SMITH of Florida, Mr. GARCIA, Mr. LUNGREN, Mr. LEHMAN of Florida, Mr. WYDEN, Mr. RICHARDSON, Mr. FEIGHAN, Mr. BERMAN, Mr. HORTON, Mr. CORCORAN, Mr. FROST, Mr. ECKART, Mr. PEASE, Mr. MRAZEK, Mr. COLEMAN of Texas, Mr. LEVIN of Michigan, Mr. WISE, Mr. MORRISON of Connecticut, Mr. OTTINGER, and Mr. HERTEL of Michigan.

H. Con. Res. 227: Mr. RUSSO.

H. Res. 56: Mrs. JOHNSON.

H. Res. 215: Mr. EDWARDS of Oklahoma.

H. Res. 278: Mr. MCEWEN.

H. Res. 327: Mr. MORRISON of Washington, Mr. JEFFORDS, and Mr. DICKS.

H. Res. 334: Mr. LUNDINE.

H. Res. 377: Mr. SEIBERLING and Mr. DENNY SMITH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

280. By the SPEAKER: Petition of the Congress of the Federated States of Micronesia, Kolonia, Ponape, Eastern Caroline Islands, relative to the appropriation of funds authorized for the College of Micronesia; to the Committee on Appropriations.

281. Also, petition of the County Clerk of Maui, Wailuku, Hawaii, relative to housing and community development; to the Committee on Banking, Finance and Urban Affairs.

282. Also, petition of the Charter Township of Fort Gratiot, Port Huron, Mich., relative to the Cable Telecommunications Act of 1983; to the Committee on Energy and Commerce.

283. Also, petition of the Charter Township of Canton, Canton, Mich., relative to the Cable Telecommunications Act of 1983; to the Committee on Energy and Commerce.

284. Also, petition of the Boston Bar Association, Boston, Mass., relative to the Federal Trade Commission reauthorization legislation; to the Committee on Energy and Commerce.

285. Also, petition of the Township Council, Brick, N.J., relative to Federal cable legislation, S. 66; to the Committee on Energy and Commerce.

286. Also, petition of the House of Representatives, Republic of Cyprus, relative to the declaration of a "Turkish Republic of Northern Cyprus"; to the Committee on Foreign Affairs.

287. Also, petition of the Evrytanian Association of America ("Velouchi"), Charlotte, N.C., relative to a free and independent Cyprus under its legal government; to the Committee on Foreign Affairs.

288. Also, petition of the Santa Rosa Democratic Club, Santa Rosa, Calif., relative to the occupation of Grenada and the deployment of American troops in Lebanon; to the Committee on Foreign Affairs.

289. Also, petition of the Queens Jewish Community Council, Inc., Forest Hills, N.Y., relative to the Israeli request to treat American marines wounded in Beirut and the conduct of the Secretary of Defense; to the Committee on Foreign Affairs.

290. Also, petition of the Ambassador, Union of the Soviet Socialist Republics, Washington, D.C., relative to the text of the resolution of the U.S.S.R. Supreme Soviet on the international situation and the foreign policy of the Soviet state; to the Committee on Foreign Affairs.

291. Also, petition of the Associated Students University of Washington Board of Control, Seattle, Wash., relative to nuclear arms; to the Committee on Foreign Affairs.

292. Also, petition of the City Council, Toa Baja, Puerto Rico, relative to the protection of human rights in Grenada; to the Committee on Foreign Affairs.

293. Also, petition of the Office of Hawaiian Affairs, State of Hawaii, Honolulu, Hawaii, relative to the implementation of recommendations adopted by the Joint Federal-State Task Force on Hawaiian Home Lands in 1983; to the Committee on Interior and Insular Affairs.

294. Also, petition of the Danish Brotherhood in America, Omaha, Nebr., relative to immigration; to the Committee on the Judiciary.

295. Also, petition of Isaac Petway et al., relative to prisons; to the Committee on the Judiciary.

296. Also, petition of National Association of Women Judges, Detroit, Mich., relative to the State Justice Institute Act; to the Committee on the Judiciary.

297. Also, petition of the National Association of State Departments of Agriculture, Washington, D.C., relative to bulk cargo, H.R. 1242 and S. 1000; to the Committee on Merchant Marine and Fisheries.

298. Also, petition of the North Eastern Federation of Women's Clubs, Inc., Washington, D.C., relative to the birthday of Martin Luther King, Jr., as a national holiday; to the Committee on Post Office and Civil Service.

299. Also, petition of the City Council, New York, N.Y., relative to the birthday of Martin Luther King, Jr., as a national holiday; to the Committee on Post Office and Civil Service.

300. Also, petition of the City Council, Cranston, R.I., relative to the recital of the Pledge of Allegiance; to the Committee on Rules.

301. Also, petition of the International Association of Machinists & Aerospace Workers, East Greenwich, R.I., relative to Government subsidy; to the Committee on Ways and Means.

302. Also, petition of the general assembly of the State, relative to the social security system; to the Committee on Ways and Means.

303. Also, petition of the Fifth Chief Executives' Conference, Federated States of Micronesia, Ponape, Eastern Caroline Islands, relative to the consideration and approval of the Compact of Free Association; jointly to the Committees on Interior and Insular Affairs and Foreign Affairs.

EXTENSIONS OF REMARKS

THE BOGGS LEGACY

HON. MARY ROSE OAKAR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. OAKAR. Mr. Speaker, U.S. History certainly must include members of the Boggs family. Not only was Hale Boggs a greater speaker of the U.S. House of Representatives, but his partner in marriage, LINDY BOGGS is one of the excellent Members of the U.S. House of Representatives. Their outstanding daughter Barbara Sigmund has recently became mayor of Princeton. The following is an article which appeared in United Airlines magazine concerning this family's legacy.

A SOUTHERN LEGACY OF SUBSTANCE AND STYLE
(By Kate Stout)

Just days after Hale Boggs, United States congressman from Louisiana and House majority leader, disappeared over Alaska on a rainy October day in 1972, his oldest child, Barbara Boggs Sigmund, then 33, won her first race for public office. She was elected to the Princeton Borough Council. Six months later, after the search for Boggs had been abandoned, his widow and, as she likes to think of it, his political partner, Corrine C. "Lindy" Boggs, succeeded him in the House, winning a special election in Louisiana's Second District with 80 percent of the vote.

For both women the victories were bittersweet, tainted as they were by the loss of their husband and father. No trace of the plane or any of its occupants—Boggs, a 28-year veteran of the House, was campaigning for Congressman Nick Begich of Alaska—was ever found. But what did survive was a mandate. To those he left behind, Boggs left his fierce commitment to "this great experiment in human progress under freedom that is America."

Over the next 11 years, those words, spoken in an extemporaneous speech on the House floor at the time of the 1964 Civil Rights Act, have served both wife and daughter as watchwords. As such, that mandate has carried Lindy to the forefront of American politics as a six-term congresswoman and as a leading contender for the vice presidential spot on the 1984 Democratic ticket. And it has carried Barbara, in spite of the loss of her left eye to cancer and the loss of her first national primary two years ago, to the mayoralty of Princeton, an election she won last November.

In fact, Lindy Boggs, the first woman to hold a congressional seat in the state of Louisiana, entered the political arena purely to keep that experiment, as her husband had perceived it, alive. "I wished to finish Hale's work. That was my main objective." she says.

Lindy Boggs went on to five more terms in office on her own merit, winning each election by a comfortable margin. She was the first woman to serve as chair of a major political party's national convention, in 1976. And her effectiveness in the House has gone a long way toward dispelling the myth that congressional widows serve without distinction.

A woman short in stature but long on style, Boggs is a model of Southern grace and refined elegance. She has perfectly coiffed coppery blonde hair, clear blue eyes that still tear at the mention of her husband, a wide infectious grin, and a throaty laugh that stands in counterpoint to her soft-spoken manner. She is reputed to be one of the most popular members of the House. In fact, the worst that anyone has gone on record saying of her, and even that was anonymous, was, "You could get diabetes from standing close to Lindy, she's that sweet."

And this is not some campaigning ploy or public facade. As her daughter Barbara sees it, "Dogs don't bark and babies don't cry around her. She not only sees the good in every person, she can extract it from every person."

Born Corinne Claiborne at Brunswick Plantation, Louisiana, on March 13, 1916, the daughter of a wealthy sugar planter, she grew up in the arms of privilege and panache. She graduated from Sophie Newcomb College in New Orleans in 1935. Two and a half years later she married Boggs, a committed, articulate, and handsome young liberal who went on to win his first race for the House of Representatives in 1941 by upstaging Huey Long's political machine.

By the time she moved with him to Washington, at the age of 25, she was the mother of two young children, Barbara and Thomas Hale, Jr. A third child, Corinne ("Cokie"), was not far behind. From the outset, however, Lindy put her duties as mother and political wife on equal footing. Although she raised three children and even taught English and history for a while at St. James Parish in New Orleans, she was just as involved in her husband's career. She campaigned with and for him, served as his campaign coordinator on some occasions, stumped across the country making speeches, and entertained prodigiously for him. Beyond the Boggs campaign efforts, she was involved in every presidential campaign from 1956 on, organized the inaugural balls for both Kennedy and Johnson, and, in Barbara's words, "ran just about every civic or political organization in Washington by the time Daddy disappeared."

In fact, both Lindy and Barbara are convinced that the role of political wife, contrary to myth, can be excellent training for actual policymaking on a local or national level. As Lindy tells it, she served a kind of political apprenticeship with her husband.

"Hale was always anxious to make certain I was fully aware of the projects on which he was working," she recalls. "I was included in the discussions and research and in bringing people of influence together to make certain that important projects in both our national and international lives were accomplished."

So, when she took over the seat in the House, she was hardly wet behind the ears. "I knew my colleagues (in the House) as a professional," she says, a position to make any freshman congressman envious.

A Roman Catholic and an old-line Democrat, Lindy Boggs represents an area of New Orleans that is 45 percent black and includes the historic French Quarter where she maintains a residence, the posh Garden District, and the slums known as the Irish Channel. Regionally, she has worked to protect the port of New Orleans and to promote economic growth. Nationally, she serves on the House Appropritions Committee and so keeps tabs on agency and departmental budgets throughout the government. She also serves on two subcommittees, Energy and Water Development and HUD-Independent Agencies, which includes NASA, the EPA, the National Science Foundation, and the Veterans Administration. Further, she has sponsored, by her own account, "legislation on everything dealing with economic equity for women," including getting her friend, House majority leader, Thomas "Tip" O'Neill, to make the Equal Rights Amendment the number one priority in the House this year.

So, among the things that she counts as her qualifications for the vice-presidency of the country include: her experience, both as congresswoman and as a congressman's wife; an overview of Washington's governmental activities that spans 40 years; the constituency she has developed through her committee work, as well as a wide circle of acquaintances in Congress and in the Senate; and the fact that she's a Southerner.

"Of the twenty-five most populous states, five of the Southern states have the highest acceleration of women's political activities," she says, pointing out that Texas and Florida have large electoral college votes, and, "these states and that situation could make the difference in the presidential election. I feel that is a great plus for me."

Although Barbara Boggs Sigmund says that there was no parental indoctrination on the value of a life in public service—only on the value of the Democratic Party—every member of the Boggs family is involved in some way in politics. Tommy Boggs is a leading Washington attorney and lobbyist, now serving as senior advisor to the John Glenn campaign for president. Cokie Boggs Roberts covers Capitol Hill for National Public Radio.

Life around the Boggs' dining-room table when the children were growing up was one steeped in lively political discussions, not in an attempt to drill the kids in current affairs, a la the Kennedys, but in a natural extension of the lives of their parents. And around that table, they learned their special responsibility, as the Biblical imperative has it, "to whom much is given, much is expected." Plus, they were constantly exposed to history in the making.

As Barbara puts it, "People like Lyndon Johnson, Sam Rayburn, John Kennedy, and Hubert Humphrey were household objects as well as household names."

In fact, the process of immersion in politics was a total one for Barbara. Not only was she weaned on politics and grew up on

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

politics, she also studied politics (at Manhattanville College in New York), courted politics (she was once engaged to former U.S. Congressman Allard Lowenstein), married politics (Paul Sigmund is a political scientist at Princeton University), and eventually embarked on a political career of her own.

Inevitably, the first thing one notices about Barbara is the eye patch—she has one for every occasion, but her everyday one is pink with a lavender ribbon. Where her mother is short, Barbara is tall and willowy. Her blonde hair continually fails her—she tries to make it curl as it should by rolling it over and over again in her fist. Thus, her own brand of elegance is of a more casual variety. Her voice is deep and purposeful, and the Southern accent is gone except when she speaks of someone with affection—then, the "dah-lin' " is unmistakable New Orleans. In both looks and temperament, she is said to favor her father.

"She has that incisive mind that can cut through reams of material to hone in on the central aspects of any problem. She has his ability to project them very forcefully in debate," Lindy says, adding, "Barbara has the capacity of attracting the confidence of other people, too, as Hale did."

And yet, like her mother, Barbara did not envision herself in politics so much, but as an adjunct to it. The lesson for girls growing up in the late 1940s and early 1950s, she says, was the three-pronged obligations of being a good wife-mother-volunteer in the community.

As she grew up, her ambitions fell into line. "At twelve I wanted to be a congresswoman, and at twenty-two I wanted to be a congressman's wife," she says.

Married 20 years, Barbara is the mother of three teenaged sons. She did not enter politics until her youngest was two and a half. In the meantime, she followed her mother's pattern: she was a good wife to her husband, supporting his university work and accompanying him on two lengthy sabbaticals to Chile and Mexico; she did volunteer work for her church and other community organizations; and she even taught school, classes in religion and government at Princeton's Stuart Day School.

It was on the trip to Mexico in 1971 that she realized she wanted something more. That trip allowed her to live out "the fantasy of the plantation wife to the fullest." They had a house and servants and luxury in Cuernavaca, but she discovered that it simply wasn't enough. With her children out of the nursery and the women's movement digging her in the ribs, Barbara returned to Princeton determined to get involved in local politics. She joined a local chapter of a women's organization and began lobbying through them for women candidates for the upcoming borough council election. She did such a good job of selling the Democrats on the idea that they chose her as their candidate.

She served on the council for three years before being elected to the Mercer County Board of Freeholders (the county commissioners), for whom she served as president in 1979. In addition to being a delegate to the last two Democratic National Conventions, she was elected president, in 1981, of the New Jersey Association of Counties.

In fact, until 1982, the year she lost her eye, she had never lost an election in her life. That year started out in the race for New Jersey's Seventh District House of Representatives seat, a whirlwind of activity as she embarked on her first national campaign. In March, however, she noticed red lines in her eye and a thickening of the rim of her left iris. The diagnosis was a shock; it was a malignant tumor so far advanced she would have to lose the eye.

Recalling that time now, she treats it with the sense of humor that has been one of her staunchest allies throughout the ordeal. "At that point I had been married eighteen years, and no man had looked deep into my eyes for at least seventeen. And the first one who did said. "There's something terribly wrong.' "

The hardest thing, she remembers, was telling her mother. As a young mother, Lindy suffered from something that was called a false glaucoma in her own left eye. She endured tremendous pressure, often fainted and lived under the threat of losing the eye for a long time.

"The first thing I said was, Lindy recalls, 'that's so unfair, it can't happen.' But Barbara's right. Fairness doesn't have anything to do with it."

Not a month after the operation, leaders in New Jersey's Democratic Party convinced her to jump ship—from the House race to the race for Senator Harrison William's newly vacated seat. So late was she in entering the Senate race that she filed on the last legal day to do so—just 40 days before the primary.

Although she says she expected to win, she admits now she might not make the same decision to run today. "I was still in a state of shock from this eye operation, I must have been. I was therefore more amenable to suggestions from other people than I usually am. It just seemed like a good idea at the time.

In fact, she placed fourth in the primary, a showing many consider admirable given the lack of time and her limited experience. Not surprisingly, Lindy was among the most disappointed. Had Barbara won, they would have been the first mother-daughter team on the Hill.

But now, with four years as mayor of Princeton ahead of her, Barbara plans to tackle the problems of urban growth and what she calls "galloping gentrification" in order to protect Princeton's indigenous minority and elderly population. She is more than content to leave Washington to the rest of her family.

Although these two women obviously have much in common, there can be seen in the subtleties of their differences the very evolution of women in politics. The organizations they belong to speak as much to that point as anything. Lindy is a Colonial Dame, Barbara belongs to the NAACP. Her mother belongs to the League of Women Voters, Barbara to the National Women's Political Caucus.

And, in the end, Barbara is more liberal. While they agree on advancing equality among women, not funding the MX missile, ending covert aid to Central America, and adopting a nuclear freeze, Lindy, for example, is openly antiabortion, a position that may jeopardize her chances at the second spot on a Democratic ticket. Barbara, on the other hand, sees the issue differently. "I agree with her personally," she says. "But I would vote for what is commonly called freedom of choice."

In carrying on Hale Boggs's "great experiment," his wife and daughter have themselves become symbols of that experiment's vitality in the seventies and eighties. As blacks were in the sixties, so women have been in recent years—the crucial new factor in America's quest for "human progress under freedom." To that end, he has spawned a congresswoman, who may be the nation's next vice-president, and a mayor, with a long and bright future ahead of her.●

A TRIBUTE TO ARTHUR RAYMOND BROOKS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. COURTER. Mr. Speaker, the New Jersey Air Force Association has chosen to honor Mr. Arthur Raymond Brooks as their 1984 Man of the Year. A longtime resident of Summit, N.J., Mr. Brooks is a WWI veteran who established a distinguished record of service as a member of the Flying Corps of Fighter Aces.

As a graduate of MIT with a degree in engineering, Mr. Brooks enlisted as an aviation cadet in 1917. On April 4, 1918 he boarded the S.S. *New York* bound for France to begin training at the Third Aviation Instruction Center. On May 26, Ray completed his first of several successful flights over enemy lines, being promoted to commanding officer on August 10.

First in Spad VII planes, then later in Spad XIII's, Brooks shot down six enemy craft earning him the distinction of Ace, and awarding him the Distinguished Service Cross. In one mission, Mr. Brooks found himself being attacked by a German fighter and managed to successfully maneuver his crippled plane back from enemy lines.

Ray Brooks is an exceptional human being whose energy, integrity, and patriotism have certainly benefited our Nation. He is a true American hero, and together with my colleagues, I would like to thank this fine citizen for his contribution to our country.●

THE HIGH COST OF HOUSING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 28, 1983, into the CONGRESSIONAL RECORD:

THE HIGH COST OF HOUSING

Americans today are the best-housed people in the world, but even they face several housing problems. The supply of rental housing is tight. Many rental units need rehabilitation. Building costs continue to rise. Discrimination in housing still exists. There are shortages of low-income housing in some areas. The most critical problem is the high cost of housing. This cost is straining family budgets to the breaking point.

Earlier housing problems were different. Prior to World War II, President Roosevelt declared that one third of our population

was ill-housed. Forty months of war diverted resources away from housing, so that by 1946 some 40 percent of all housing was dilapidated or lacked indoor plumbing. Major federal housing programs were launched at that time, and they produced impressive results. By 1980, the proportion of substandard housing was reduced to about 10 percent of the supply.

The problem now, however, is the high cost of housing. Low-income families must spend an unconscionable portion of their income for an adequate place to live. A recent study showed that among low-income families, housing cost was cited as a problem twice as often as housing adequacy. Also, young middle-income families cannot find a first home they can afford to buy. The middle-income homebuyer faces higher mortgage interest rates than he did a decade ago, and higher home prices. In 1984, the average price of an existing home will be $74,300. A family will need an income of $32,000 to qualify for it, but the median family income in 1984 will be $27,400.

Contrary to popular opinion, assistance to low-income families is not the primary federal involvement in housing. For each $1.00 spent for low-income families by the Department of Housing and Urban Development in 1982, the Treasury lost $4.50 due to tax preferences for middle- and high-income homeowners. Indeed, the President opposes increased funding of low-income housing programs, and in fact has cut total appropriations. The needs of low-income families are being addressed by means of more subsidized rent in existing housing, not by means of new housing projects.

The primary Federal involvement in housing instead consists of a variety of policies and programs shaping the housing finance system. Some of these policies and programs are regulatory, others require market intervention, and still others rely on the tax code. They have undergone change in the recent past, and much more change is in store on account of various factors, including the desire of policymakers to bring down the high cost of a home for the middle-income family.

Two changes to date ought to be mentioned. Last session, Congress deregulated savings and loan associations, lessening their role in home mortgage finance while increasing other sources of mortgage money, such as investors in mortgage pools. Also, the housing bill passed this session deregulated mortgage rates of the Federal Housing Administration (FHA) and allowed the FHA to insure both adjustable-rate and shared-equity mortgages. As to changes which may occur in the near future three are definite possibilities.

First, Congress should review tax preferences for homeowners. The largest is tax-deductible home mortgage interest, and concern has been expressed about its efficiency and fairness since it encourages the wealthy person to acquire several homes for tax purposes while the moderate-income person is priced out of the housing market entirely. Because it is unlikely that any new preference for middle-income homebuyers can be enacted in isolation, Congress may decide to reorder existing preferences. For example, it may reduce the tax-deductibility of mortgage interest on all but a family's primary home and create a tax-exempt "Individual Housing Account" to help the middle-income family save for a down payment.

Second, Congress should replace mortgage revenue bonds with direct tax credits. The federal government lets states and localities sell mortgage revenue bonds that provide tax-exempt returns. The proceeds are used to subsidize mortgages for middle-income homebuyers. The program is popular, but recent studies show that half the benefit may be going to the bond holders, underwriters, and investors. The program expires shortly, and can be replaced with a direct tax credit for homebuyers. The tax credit would eliminate expensive middlemen as it helped people of average means get more affordable mortgages.

Third, Congress should expand and improve the secondary mortgage market. In my opinion, this alternative is the most significant that Congress can choose to help housing, next to cutting the deficits that keep interest rates high. What the alternative involves is a realignment of the sources of mortgage money. Today, about 60% of all new mortgages are not kept by the issuing institutions, but are pooled with other mortgages, normally by government-chartered corporations like the Federal National Mortgage Association. Then the mortgages are packaged into securities and are sold like bonds, often to large institutional investors buying them for the steady income that they produce. This secondary mortgage market has emerged as the major source of money for real estate, and soon may provide two-thirds of all mortgage money. However, several steps must be taken to ensure that the market works well. One proposal is to encourage more private firms to get into the business of packaging mortgage-backed securities. Another is to set up new investment instruments, called "Trusts for Investment in Mortgages," which, like mutual funds, give companies that put together these packages more power to manage the pools of mortgages. A final proposal is to eliminate rules that now discourage pension plans from investing in mortgages. Pension plans want long-term returns, so the mortgage may be a very sound investment. These proposals may lead to a steadier flow of mortgage lending, wider availability of popular fixed-rate mortgages, and even lower interest rates.

The housing finance system is going through a transition period. Now is a good time for us to do what we can to help average families realize the American dream of home ownership.●

MIRIAM MATTHEWS: CALIFORNIA'S FIRST BLACK LIBRARIAN

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAWKINS. Mr. Speaker, I would like to pay special tribute to Miss Miriam Matthews for her significant contribution to the research of black history in America.

Miss Matthews is California's first black librarian with professional training, holding degrees from the University of California at Berkeley and the University of Chicago. Her distinguished career as librarian with the Los Angeles Public Library from 1927 to 1960 included four posts as branch librarian and one as regional librarian supervising 12 branch libraries.

As an active member of the American Library Association and the California Library Association, Miriam Matthews gave speeches at a number of conventions, served a 4-year term as councilor of the national body and as chairperson of the California Intellectual Freedom Committee. During her administration the California committee was given credit for playing a leading role on the national scene since it was responsible for the revision of the American Library Association's library bill of rights in 1948; for defending certain textbooks used in schools across the Nation against unwarranted censorship; and for initiating opposition to proposed legislation designed to suppress the freedom to read.

In 1929, Miss Matthews was the first person to stimulate an interest in the celebration of Negro History Week. Since the early forties she has been researching the history of blacks in California and building a personal collection of photographs, books, documents, and art on the subject.

In the late sixties the National Broadcast Co. used her service for an hour-long TV documentary on black Los Angeles. The first important exhibition featuring Miriam Matthews' local history photographs was held at the Los Angeles County Museum of Natural History for 3 months in the winter of 1969-70. In the 1970's several television stations presented Miss Matthews in illustrated talks on pioneer black Angelenos.

Always active in community affairs, Miss Matthews has served on committees and boards of more than 50 organizations concerned with libraries, archives, education, civil rights, youth problems, race relations, health, history, and art.

Among her current commitments are membership on the Metropolitan Cooperative Library System Advisory Board, the Board of Directors of the Los Angeles City Historical Society, the NAACP Legal Defense and Education Fund Executive Committee and the Community Health Association Executive Board.

In 1979, Miss Matthews played a major role in securing a permanent archival program for the city of Los Angeles. Later, she headed a Los Angeles Archives Committee which produced short and long-range plans for the reorganization of county records.

Miriam Matthews was 1 of the 44 members of the Los Angeles 200 Committee appointed in 1978 by Mayor Tom Bradley and the city council to help plan for the city's year-long Bicentennial celebration in 1980-81. It was Miss Matthews' proposal that resulted in the establishment of the first large accurate monument honoring the 44 founders which lists each member of the 11 families by name, race, sex, and age from the official Spanish Census of 1781.

Of special interest are these works of Miriam Matthews: "The Negro on California from 1781-1910: An Annotated Bibliography;" "Library Activities in the Field of Race Relations;" "William Grant Still, Composer;" and "Race Relations on the Pacific Coast: A Select Bibliography."

Mr. Speaker, Miriam Matthews has contributed tirelessly to her profession, to her community and the State. Her special talents have greatly enhanced the interpretation and documentation of the role of Afro-Americans in our collective past.●

KISSINGER COMMISSION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. JACOBS. Mr. Speaker, on July 19, 1983, when the so-called Kissinger Commission was launched in a sea of red-ink dollars, $654,000 to be exact, I made the following 1-minute statement on the floor:

PREDICTING RESULTS OF "BIPARTISAN" COMMISSION TO STUDY PROBLEMS IN LATIN AMERICA

Mr. JACOBS. Mr. Speaker, I see in the press that the administration is appointing a "bipartisan" commission to study the problems in Latin America, and whether we should persist in our military efforts there.

I do not know how much the commission plans to spend on itself of public money but I think we can save every penny of it because I will give you now exactly what the recommendation will be. More U.S. men, more U.S. money and more U.S. prestige spent in Latin America. I understand they are picking the Honorable Henry Kissinger to head the commission and I must say, Mr. Speaker, I did not realize the Rockefellers had quite that many investments in South America.

I yield back the balance of my time.

On January 14, 1984, when the Kissinger report had been typed up, President Reagan was quoted by AP as saying:

It is a magnificent report and it substantiates the positions we have been taking.

Mr. Speaker, see what I mean?●

REFLECTIONS ON A REMARKABLE CAREER BY A MARYLAND JOURNALIST

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. BARNES. Mr. Speaker, I would like to share with my colleagues today a bit of news about a newspaper columnist in my district of Montgomery County, Md., who, in 1983, marked his 50th anniversary in the journalism profession. Byron Sedgwick began his remarkable career in 1933, working at the Maryland News. Since that time, he has worked with other local papers including the Montgomery County Sentinel, the Gaithersburg Gazette, and the Suburban Record. Mr. Sedgwick—using the pen name Wick Byron—continued his columns even when his career interests led him into both public service and private business. On the occasion of his 50th anniversary of service by an enduring and extremely popular journalist, I would like to submit Mr. Sedgwick's reflections on his time as a local news chronicler.

The article follows:

PERSONAL THOUGHTS ON TWO ANNIVERSARIES

This is the first time I have ever written a column about me. I am doing it only because of a letter to the editor of one of the newspapers in which this weekly column appears.

A Mr. Burkhart, of Gaithersburg, said: "It is a shame that a newspaper has to depend upon the periodic revealing by letter writers of Wick Byron's true identity instead of protecting its columnists so that the readers may judge for themselves if there is a potential conflict of interest."

You see, Mr. Burkhart disagreed with a recent column that urged the construction of the Intercounty Connector. He evidently thinks that because I was for a few years, the director of the department of information for the Maryland State Highway Administration and, therefore, must have a conflict of interest. Nonsense.

Since I am no longer with that state agency, and even when employed there, I have and had no real interest personally, where highways are constructed. However, I do have sense enough to know the importance of planning for the future. There is no doubt in my mind that the Intercounty Connector is vital for the people of this county and even for the people of counties east of here. This is especially true for those who now work in our great scientific corridor, I-270. There is absolutely no reasonable tolerant way to get from west-to-east or east-to-west in the upper part of our county.

The County Executive's ideas of up-grading existing roads are good for the immediate future. However, longrange planning dictates that a non-access highway be planned and constructed in the not-so-far future. And we have clear proof of this theory. This county, and several others, would be in terrible shape, traffic-wise, if our inter-state and beltway systems had not been planned and constructed years ago.

There is one more reason for a personal column. And that relates to the 50th anniversary of this Wick Byron column. Since there is only one more week left in this anniversary year of 1983, I hope you won't look too unkindly on this bit of nostalgia.

Let's go back to 1933. I was in the old Central High School in Washington, even though I grew up in Silver Spring. My folks believed that Central was superior to Maryland schools. I think it was at that time.

Being a friend of the Lee family, and one who liked to write, it was perfectly natural for me to contact Major B. Brooke Lee and his editor of the Maryland News, Charlie Miner, to ask local people and events. They agreed to pay me a dollar a week. My father, a writer, said it was important to be paid for writing, even a minimum amount.

I won't forget the day I submitted my first column. Miner okayed it but said the name Byron Sedgwick wasn't right for a local column. So he took the last half of my last name, Sedgwick, and put it before the Byron. Thus, the pen name Wick Byron. And over these past 50 years there has never been the slightest attempt to hide my family identity. Actually, through all of these years, I doubt if anyone really cared. Furthermore, I have always been proud of the Sedgwick heritage. Many in the family had been writers and owners of newspapers in Ohio.

If there is one regret concerning these past 50 years as a columnist, onetime editor of the Suburban Record, the Montgomery County Sentinel and halfowner and editor of the old Maryland News, it is the fact that I refused, as did George Will 10 years ago, to divest myself of all other interests, and concentrate on newspaper writing. Instead, I delved into work, over the years, at the United States Capitol, active duty in the Army (not by choice), retail businesses—ownership and management—county government in the capacity of the first full-time chairman of the Montgomery County Planning Board and Vice Chairman of the Maryland-National Capital Park and Planning Commission in the 1960s and as a director of public affairs for the Maryland State Highway Administration. And during most of these other activities I kept writing this column, regardless of whether some thought there could be conflict.

I agree with George Will, one of my favorite columnists, when he says that even the abuse that comes a columnist's way is more entertaining than wounding. Furthermore, it has always been my view that a column should serve to stimulate thoughts, pro or con, on the part of readers. Never have I assumed there could be 100 percent agreement. Neither have I expected to win any popularity contest, since so many thoughts expressed here are very opinionated, hopefully, completely independent and certainly not motivated by any personal conflict of interest.

There is another golden anniversary that could have been celebrated during this year of 1983. It's local in nature, and while not earth-shaking, I do believe it should have been recognized a bit more by a local organization, the Montgomery County Press Association, that has had, I believe, an impact on life in this county. The press association was organized in 1933. There were about six of us who went to the old Indian Spring Club at Four Corners, had lunch, and agreed to form a press club. Attending this first meeting were Phil Austensen, of the Washington Post, Jack Allen, of the Washington Star, Ted Kincaid, of the Washington News, Charles Miner, of The Maryland News and, I believe, John Coffman of the Takoma Journal. I was included, although, in those days, column writing was thought to be more fluff than real newspaper reporting.

It has been a good and interesting 50 years here in Montgomery County, Maryland.●

INTRODUCTION OF A RESOLUTION TO DESIGNATE THE MONTH OF APRIL 1984 AS NATIONAL CHILD ABUSE PREVENTION MONTH

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. OAKAR. Mr. Speaker, today, together with my colleague from Indiana, Mr. HILER, I am once again introducing a resolution to declare the month of April as "National Child Abuse Prevention Month." It would certainly have been encouraging if our child abuse statistics had dropped so dramatically since last year that such a resolution were not necessary. Unfortunately, that is not the case. The statistics are staggering. Additionally, many Americans are not aware of the widespread incidence of family violence—the severe abuse of our children—physical, sexual, and emotional. We are dealing with a national illness—one that cannot be ignored and must be treated.

Congressional efforts have been made to deal with the problem—beginning with the Child Abuse Prevention Act of 1974—but there is still a problem which needs to be brought to the forefront. We are all victims of this illness—none of us is immune. This is an illness which afflicts all income levels—it does not discriminate between rich and poor, it does not recognize racial boundaries—nor is it an illness which is linked to one sex or the other. The pressures of the economic decline in our Nation have touched all our lives. These pressures many times manifest themselves against those whom we love the most—against those which are the most vulnerable in our family units—our children.

I could go on. But I think it is obvious and essential that we designate at least 1 month out of the year as "National Child Abuse Prevention Month." Hopefully, we will be bringing attention to the need for increased support for already established programs in the field of prevention and also we will be able to better educate the public of the availability of such services. Additionally, this resolution will make the public aware of the services available in the area of child abuse prevention and treatment and will commend and call attention to the many excellent organizations already working the field. Organizations such as the National Exchange Club Foundation for the Prevention of Child Abuse and Parents Anonymous—both of which have chapters in my State of Ohio. These organizations as well as many others have provided excellent outreach, guidance, and education to my district and my State—for this all Ohioans are grateful.

Mr. Speaker, I ask that all my colleagues join Mr. HILER and myself in cosponsoring this resolution.●

CONGRESS 1983 RECORD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 30, 1983, into the CONGRESSIONAL RECORD:

CONGRESS 1983 RECORD

Congress wound up the year with a major victory and major defeat. The year's most consequential legislation was the reform of the social security system. The year's biggest setback was the failure to deal with the soaring budget deficits. Social security reform was welcome, but because the budget deficits were not addressed, this session of Congress could hardly be called a great success. Despite pronouncements of Republican and Democratic congressional leaders to the contrary, Congress in fact chalked up a rather feeble record. As the final gavel fell, I left the House chamber with the feeling that we will simply have to try harder next year.

The sluggish economy was on Congress mind in the early days of the session. Amid partisan wrangling and heated charges that the President's economic program had been unfair to average Americans, the House passed measures to help homeowners with mortgages, to cap the third year of the tax cut, and to assist jobless workers who had lost health care insurance benefits. These measures were buried in the Senate, but both houses of Congress did agree on a $4.6-billion emergency jobs program. Further cuts in social programs were blocked, but legislators failed to restore more than token amounts to the social programs that had been cut heavily in the first two years of the Reagan Administration.

The budget always gives Congress some of its worst troubles, so the surprise of the year certainly has to be the smooth action on appropriations. Ten of the thirteen appropriation bills needed annually to finance the federal government were passed, more or less on time, the most to clear Congress in recent years. Despite impassioned rhetoric on both sides, these bills were enacted with the full agreement of Congress and the President. Unfortunately, however, there was no such agreement on the budget deficits. I continue to think that the only way to solve the problem, given present political realities, is a bipartisan program of modest tax increases and sharp military and domestic spending cuts. I do not believe that we can draw up this program and put it in place without strong presidential leadership paving the way to compromise.

On international issues, President Reagan got most of what he wanted. He enjoyed solid congressional support for the invasion of Grenada and for continued peace-keeping in Lebanon. The President asked for and received trade benefits for the Caribbean, an increase in the American contribution to the International Monetary Fund, and the approval of Radio Marti, a radio station to broadcast to Cuba under the auspices of the Voice of America. Congress's efforts to influence foreign policy were inconclusive but noticeable. Attempts to force political solutions in El Salvador and to curb the secret war in Nicaragua nudged the Reagan Administration toward negotiated settlement and left Mr. Reagan doubting his ability to fund military intervention. Congress's outstanding achievement in foreign affairs was its passage of legislation declaring that the War Powers Act applied to Lebanon. Mr. Reagan became the first President in the ten-year history of the act to acknowledge its applicability.

The President did fairly well on national security. He obtained financing for the MK missile and other key weapon systems. Congress approved an increase in military spending short of the President's request of $262 billion, but even so the $250 billion that Congress provided for defense is the largest single appropriation in history. It means the Pentagon will spend more this year than the entire federal government spent only ten years ago. Congress showed some hesitancy on defense spending by rejecting funds for the production of nerve gas and by insisting that the Department of Defense seek warranties on future weapon systems. Also, Congress mandated more competition in procurement and demanded that the Pentagon both account for cost overruns and establish an independent office to oversee weapon tests conducted by the armed services.

There was significant legislative activity in other areas as well. Congress created a new federal holiday in honor of Dr. Martin Luther King, Jr., and it extended the life of the Civil Rights Commission. Congress took action to limit agricultural production. It facilitated the distribution of government-owned commodities as payment-in-kind to farmers who curtailed production of surplus crops, and it approved legislation to pay dairy farmers who cut their output of milk. Congress repealed legislation that would have withheld taxes on dividends and interest. The congressional record on the social issues was slight. The Senate defeated a constitutional amendment banning abortion, but existing limits on federal funding of abortion were pushed one step further as Congress voted to deny payment for abortion under federal employees' health care insurance plans. The school prayer issue was shelved for the time being. Congress lost some of its power when the Supreme Court struck down the legislative veto, a procedure under which one or both houses of Congress could nullify federal regulations.

As usual, there is a long list of bills that did not become law. A comprehensive revision of the immigration laws passed the Senate but stalled in the House. The Equal Rights Amendment failed in the House, and tuition tax credits failed in the Senate. A bill to prohibit new fees for users of telephones passed the House but not the Senate. Both Houses of Congress denied funding for the Clinch River breeder reactor. Several important bills—criminal code reform, clean air and clear water revisions, and natural gas deregulation, to name a few—never got close to enactment.

All in all, the shortest congressional session in a non-election year since 1965 was marked neither by bold ventures nor by partisan stalemate. Although one had been anticipated earlier in the year, no congressional-presidential confrontation occurred. There was an uneasy balance of power which yielded limited results. The session's tone was cranky, and the members' frustration ran high. Pragmatic compromises, how-

ever, brought about the highest achievements.●

A TRIBUTE TO GEORGE BROWN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. COURTER. Mr. Speaker, I am pleased, honored, and saddened to pay tribute today to a friend and associate, George Brown. Pleased because he is a good friend; honored because I am able to take this opportunity to pay tribute to an outstanding employee of Public Service Electric & Gas; and saddened because this tribute is in honor of his retirement, to take place at the end of this month.

George has had an active and fulfilling career. With his wife Pearl, they raised three children: Kathy, George, and Doug. He attended Lehigh University from 1940 to 1946, where he received his B.S. in accounting. Before graduating from Lehigh, George was part of the ROTC force during World War II, and in 1943 became active duty. He was assigned to the combat engineers, and, during his tour, saw duty in England, Belgium, France, Holland, and Germany. In fact, George was a part of the invasion force in Germany.

As a citizen, George Brown has shown himself to be a model for others. He was active in scouting; he's an elder at the Presbyterian church in Rumson, and is a former president of the Church Corporation. He is also past president and currently active in the alumni association of Lehigh.

George joined PSE&G in 1946 as a commercial cadet. He later moved to the control department where he mastered various positions, and ended his tenure there as assistant controller. During that time, George not only created the masterful responsibility accounting system, but successfully managed over 600 employees. He has been with the governmental affairs division for almost 7 years.

Having known George since I came to Congress, I can honestly say that I have never met anyone more dedicated than he. His easy demeanor, his knowledge of the issues, and his ability to deal with people have always made him a welcome visitor in my office. It was those times when he would stop by, not on business, but just to say hi, that made the deepest impressions on me. My staff has had only the kindest things to say about George.

George now plans to continue working for PSE&G as an investment advisor. While I will greatly miss his presence on Capitol Hill, I congratulate him in my most heartfelt manner on his outstanding career accomplishments, and wish him only the best in the future.●

CUBAN APOLOGISTS SHORT ON REALITY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FASCELL. Mr. Speaker, it is often said that great social progress has been made in Cuba despite the undeniable repressiveness of the Castro regime. Such assertions are based on partial information and half-truths which distort the true picture of life in Cuba. The image which results—however unintentional—is one of a regime which, despite any political oppression of its people, is responsive to their needs for health care, education, and the like.

A well-known victim of Cuban repression, the poet Armando Valladares, who spent 22 years in Cuban prisons, has written in the Miami Herald a convincing description of conditions in Cuba which were omitted from the latest Inter-American Commission on Human Rights report on Cuba. The difficulty of obtaining the facts in a country such as Cuba, where the Government tightly controls information for its own purposes, needs to be recognized. Nonetheless, the Valladares article casts doubt on the accuracy of the Commission's report.

Documented progress in social fields, however commendable, can never in any case constitute justification for the severe repression perpetrated by the Cuban Communist regime. I call our colleagues' attention to Mr. Valladares' article which details the lamentable conditions under which the Cuban people continue to suffer.

The article follows:

CUBAN APOLOGISTS SHORT ON REALITY

(By Armando Valladares)

Sadly and lamentably, the seventh report about Cuba issued by the InterAmerican Commission on Human Rights coincides with the new strategy that apologists for the Castro government have been utilizing in Europe during the past months.

Publications such as *L'Nouvel Observateur, Paris Match,* and others in Spain, Sweden, and Germany, start their pieces saying that there is dictatorship in Cuba, that there is no freedom of the press, that there is food rationing, as well as food lines and indoctrination, and that human rights are violated, but that medical care and education have taken a huge leap forward.

Later come the conclusions of these false critics of the Cuban dictatorship, who ask why peasants or plumbers would need freedom of the press if they will never write in a newspaper. They can send their children to the university, the apologists point out, and when they get sick, they have access to hospitals, all for free.

With these alleged "accomplishments" of the revolution, which are no such thing, they attempt to soften or justify the impunity with which Castroism, for a quarter of a century, has tortured and destroyed all liberties.

The statements of the honorable Organization of American States (OAS) commission to the effect that in Cuba there is religious freedom and progress in education and public health are not acceptable. We do not say this because we are enemies of the Cuba regime, but because the statements are totally false.

The sources that provided the information for the OAS report are nothing less than the official publications of the Cuban government. It was necessary to make concessions so that liberals and Castro sympathizers in the commission would give their approval to the statements on violations of human rights in exchange for the falsehoods on religion, public health, and education.

According to Article 54 of the Cuban constitution, "It is illegal and punishable to place faith or religious beliefs in opposition to the revolution." This should be enough to establish that there is no religious freedom of any sort. But the report indicates that there is "limited freedom of religion and cult" in the island.

These concepts are absolute. A woman is pregnant or not. There is freedom, or there isn't.

The 1983 report issued by Amnesty International denounces religious persecution in Cuba and the incarceration of Cubans who were condemned to eight years in prison solely for their religious beliefs. Last August, Jesus Prieto, Saul Rey, and Efren Noriegas, all three Jehovah's Witnesses, were executed by a firing squad because they owned a mimeograph where they printed religious materials.

The Seventh Day Adventists and the Gideons, along with the Jehovah's Witnesses, are considered and persecuted as "counter-revolutionary sects" and go to jail if they are caught proselytizing. Their meeting halls are shut down. I met dozens in prison who were tortured and beaten in an effort to force them to denounce their beliefs.

Catholics also face repression. All religious celebrations are prohibited, including Easter, Christmas, procession, etc. Churches have been shut down throughout the Island, among them San Francisco, Villanueva, Paula, etc. Believers cannot attend the universities and they suffer all kinds of discrimination.

In 1980, during the Mariel boatlift, hundreds of Cuban families were forced out of the country only because they were religious. Why didn't the commission contact these exceptional witnesses?

There is the tendency to believe that if in 1959 Castro hadn't arrived in power, Cuba would have been stagnant, paralyzed, and unable to advance.

The Latin American Statistical Abstract says that in 1959 Cuba had the lowest infant-mortality rate of all Latin America, closely following the United States. Countries such as Spain, West Germany, and Jamaica, which were behind Cuba then, are today ahead of the island. So Cuba has lost ground.

Cuba, with six million inhabitants, had twice the number of doctors of all the other Caribbean countries combined, with a combined total of 19 million residents. And even countries such as Finland, the United Kingdom, Holland, and France had proportionately fewer doctors and dentists. The sources for this information are a study

published by the United Nations in 1972, the Pan American Health Union, and the World Bank, more reliable than Castro's statements. Cuba also had the highest life expectancy of all Latin America.

The OAS report says that Cuba has eradicated malaria and polio. A copy of the 1980 report issued by Cuba's Ministry of Public Health has reached may hands and belies the OAS report, because Cuban authorities admit on Page 25 that hundreds of malaria cases were diagnosed. On Page 8, they contradict the OAS again, admitting that there is polio in Cuba and that cases of blennorrhagia have quadrupled. On Page 19, it indicates that syphillis is constantly on the rise and that the suicide index is not 21 per 100,000 deaths, as the OAS indicates, but 27.5.

Health care is not free. Cubans have to pay for all medicines to the last penny and must work three or four days to buy 100 vitamin pills that are worth 11 pesos.

A well-balanced diet requires more than calories, proteins, and other ingredients. A human being can ingest thousands of calories and die of malnutrition. In 1959, Cubans received more than the minimum required by the World Health Organization in calories and proteins. Why didn't the OAS report, in speaking of food rationing, point out that in 1959, meat consumption per capita was at 70 pounds and that now according to official figures, it has gone down to 12 pounds?

Why didn't it point out even once that Cuban students must work more than 40 hours a week in agricultural projects and that, with this labor, they are paying more than double the cost of their studies?

There is no religious freedom or achievements in education or in public health, nor are these last two free.

The OAS report will be used by apologists of the Castro regime to strengthen their campaign in favor of the "advances" of the revolution. It was not worth it, in order to gain approval for the human-rights aspects, which are impossible to hide, to offer them the support that this report provides.●

CLEVELAND IS A GREAT CITY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. OAKAR. Mr. Speaker, I am proud to represent Greater Cleveland in the U.S. House of Representatives and delighted to read the following article in United Airline's magazine while en route from Cleveland to Washington. Our city is on the move, and we natives are proud of it.

The following is the text of this excellent article:

[From the United Airline's Magazine, January 1984]

CLEVELAND—RELISHING ITS DYNAMIC HISTORY WHILE STRIVING FOR A FRESH KIND OF COSMOPOLITAN SUCCESS, THIS CROSSROADS CITY OFFERS THE BEST OF BOTH WORLDS

(By Vondell Petry)

Brawny, struggling, contentious Cleveland, dying and rebirthing, alternatively full of hope and despair—few are the metropolises of America that have fascinated us more. Write Neal R. Peirce and Jerry Hagstrom about Cleveland in the *Book of America: inside 50 States Today.*

Perched on the seventeenth floor of Erieview Plaza, which overlooks Lake Erie, Sara Short Austin seems quite the opposite of anything brawny or contentious. With a background in national urban affairs, Austin came to Cleveland from Washington and, at the behest of Cleveland's most powerful corporations and interest groups, organized the Cleveland Round Table. Made up of corporate executive officers, social, educational, and religious representatives, the round table holds council regularly in an effort to improve the quality of Cleveland life.

Described recently in a national publication as "the lady" at Cleveland's helm, Austin is indeed a modern Boadicea; however, unlike that legendary British deliverer, Austin moves quietly, surely, with a definite feminine flair. "I believe you can accomplish more with consensus and cooperation than with a lot of antagonism. Diversity of population and interest groups as we have in Cleveland is an asset from where I sit—not a liability," Austin says, as she moves away from the office window at Erieview Plaza where the round table is housed at Eaton Corporation's World Headquarters.

Outside, a number of new office buildings have just been completed or are in the final stages of completion, including the Medical Mutual Building, Eaton Center, Bond Court Building, and National City Bank Building. "Those are important, in fact, essential developments if Cleveland is going to remain out front in the eighties," Austin continues. "But buildings don't make a city—people do. That's why I live downtown, shop downtown, conduct business downtown, and play downtown.

"See the guy in there," Austin says later on a tour of downtown, pointing to the proprietor of Hughie's Florist. "He's been on this corner as long as my apartment building—longer even. It's nice having your own neighborhood."

With Austin as a guide, Cleveland takes on a charm that might be lost to the visitor in a hurry. She sees the city's tough exterior, the iron-and-steel factories, foundries, automotive assembly plants, but she also sees a kind of redeeming beauty in it all.

"When I want to show guests Cleveland, I mean the real Cleveland. I start by taking them to Sammy's or D'Poo's or The Old River Cafe and Wine Company in the Flats." The Flats is the city's colorful and boisterous industrial valley, which still serves as a base for Cleveland's iron and steel industries, but now also sports boutiques, cafes, galleries, and businesses.

"I consider that area exciting because it's authentic. But for the same reason. I take them also to the renovated theaters at Playhouse Square and to the shops at Public Square's Tower City Center."

Certainly the authenticity Austin refers to is there. The Cuyahoga River that winds its way through the Flats carries a multitude of iron-ore barges, tiny tugs, and merchant vessels. (Cleveland is accessible by water via Lake Erie and the Saint Lawrence Seaway.) Merchant sailors from foreign freight liners, Irish cops from the near West Side, business people from Chicago and New York, and assorted artists and young entrepreneurs can all be found in riverside haunts, and especially at Fagan's Beach Bar toward the end of Old River Road where land meets water.

Only two minutes from Cleveland's hub at Public Square, the Flats section, like the city that spawned it, is growing—but not at any one developer's pace. And modern development is not done at the expense of destroying what was precious in the past of the city.

Take the ambitious Tower City Center at Public Square, for example. Begun by O. P. and M. J. Van Sweringen, two entrepreneurial geniuses of the 1920s, its old union train terminal is undergoing a renewal that will eventually add a 500-room world-class Vista International hotel, a full department store, additional office space, residential areas, and specialty shops. A stroll through the refurbished center is a walk through time.

Further up Euclid Avenue, which begins at Public Square and ends out in suburban hinterlands, theater at Playhouse Square has never been better. These entertainment palaces, built at a time when America flexed its muscles and swung into the twentieth century rich, confident, and swaggering, are as wonderfully preposterous as Cleveland's cultural hub, further down Euclid Avenue, is sedate.

Severance Hall, enthroned in majestic splendor in the University Circle area, has for nearly the last half-century been the home of the Cleveland Orchestra, renowned for world-class conductors, premier performances, and a kind of magic that seems to spill over onto any who have ever heard it. Current concertgoers will see the first year's debut of conductor Christoph van Dohnányi, who replaces Lorin Maazel, recently asked to head up the Vienna State Opera.

Dohnányi is not an American, but because of that he should find himself very much at home in Cleveland, which has welcomed immigrants since the middle of the last century.

It's that kind of foreign spice that makes Cleveland's West Side Market a lively gathering place. On any Saturday morning one can find suburban folk from Shaker Heights sniffing and sampling cheeses, squeezing peaches, and haggling over the price of eggs right along with Arab students, local housewives, and restaurant owners, who shop for fresh produce daily.

Cleveland's surburban residents have the best of both worlds. Shaker Square, which borders Cleveland and Shaker Heights, is testament to that. Completed also by the Van Sweringen brothers in 1929, Shaker Square, so called for the religious sect that settled in the area years before, is reputed to be the last example of consistent street architecture in America. Designed in the Georgian Revival style, the square is based on the mid-eighteenth-century neoclassical town-planning model.

Besides a number of good restaurants, a coffeehouse, and wonderful shops, there is the convenience of the Shaker Rapid, which, if taken during the day, will allow a view of the legendary avenues off Shaker Boulevard on which stand some of the most spectacular homes anywhere in the nation.

But the best part about being in Shaker Heights is its convenience to downtown Cleveland. Hop on the Shaker Rapid and in less than half an hour from Shaker Square find yourself back in the center of the city at Tower City's union terminal.●

AMERICA'S CHILDREN IN POVERTY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAWKINS. Mr. Speaker, a recently released study conducted by the children's defense fund, entitled "American Children in Poverty" outlines some dismal statistics on the conditions of America's children. The study states that since 1979, 3.1 million children or 3,000 a day have fallen into poverty. The numbers are awesome. I for one believe that if there is even one child in this country who is hungry—that is one too many.

The 3.1 million overall child poverty figure represents an increase of 31 percent—the sharpest increase in child poverty since such statistics have been collected. This increase in children living in poverty is primarily due in great part to the cuts in Federal human services programs pushed by the Reagan administration.

Unfortunately, many Members of this body were led to believe that it would be better to support the economic recovery package marketed by the Reagan administration, than to stand up for the poor and disadvantaged of this country. The notion that an overall economic recovery would rise the tide that floats all boats has caused much pain and suffering for those poor working families who were not armed with boats but floated on leaky rafts.

The study estimates that even under the best economic conditions no more than one-third of the 3.1 million children will be rescued from poverty in the absence of targeted and urgent governmental and private sector efforts.

As we contemplate acting on the administration's proposed fiscal year 1985 budget, I trust that our actions will be tempered by the existing reality. America's children are severely suffering. Poverty offers little hope for the precious young of our country. Though often said, but not fully understood—America's future is dependent on our investment in America's children. Consequently, I want to share the overview and major findings of the study in hopes that it will persuade Members of his body to act in America's best interest—her children.

OVERVIEW AND MAJOR FINDINGS

Although all Americans have been weathering a recession, America's children have suffered most. Across the board federal cuts in survival programs for children in a time of family unemployment and need have worsened the plight of needy children. This is apparent in the creeping upwards of infant mortality in a number of states; in the decreasing access of mothers and children to prenatal, delivery, and preventive health care; in the growing reports of child abuse and neglect; in unmet child care needs; and in shrinking supplemental education services.

I. DECREASE IN PRENATAL CARE

Over the past three years, there has been a disturbing nationwide decrease in the percentage of women receiving prenatal care during the first three months of pregnancy and rise in the percentage of women receiving late or no prenatal care.

II. INCREASING INFANT MORTALITY

Between 1981 and 1982, death rates for all infants increased in 11 states: for white infants in 9 states, and for nonwhite infants in 13 states. National nonwhite infant mortality rates remain unacceptably high as does the mortality "gap" between nonwhite and white infants.

III. LAG IN MEETING SURGEON GENERAL'S GOALS

At the current rate of progress, a majority of reporting states will not meet the Surgeon General's modest 1990 goals for reduction in infant mortality. Those that do, will do so in the costliest rather than the most cost-effective way: by saving premature babies through expensive neonatal intensive care rather than by producing healthier babies through adequate prenatal care.

IV. GROWING EXCLUSION FROM HEALTH CARE

Federal budget cuts and changes in Title V Maternal and Child Health Programs, Community and Migrant Health programs, and Medicaid have contributed significantly to increasing numbers of poor women and children without money or insurance being turned away from prenatal, delivery and other needed care.

V. CHILDREN'S SHRINKING MEDICAID SHARE

As a result of massive federal AFDC and Medicaid cuts and severe institutional inflation, the children's share of Medicaid has shrunk significantly in a period when the number of poor children has increased dramatically.

VI. REDUCED AFDC FOR POOR FAMILIES

Thousands of truly needy children have suffered loss or decrease of AFDC benefits despite increasing child poverty.

VII. STRESS OF UNEMPLOYMENT FUELS CHILD ABUSE

Epidemic unemployment and severe cutbacks in AFDC, Medicaid, nutrition programs, social service, housing assistance, and child welfare have increased family tensions and caused parents to strike out at their own children or consider foster care. A growing sense of desperation, helplessness, and hopelessness pervades the poor.

VIII. WORKING PARENTS FACE CHILD CARE DILEMMAS

Although child care is an essential service for low-income parents seeking to work, federal support of already limited Title XX care has been slashed.

IX. EDUCATIONAL HELP FOR DISADVANTAGED CHILDREN SLASHED

Reagan Administration budget cuts in education have unfairly hurt poor and nonwhite children.●

FOOD SAFETY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 21, 1983, into the CONGRESSIONAL RECORD:

FOOD SAFETY

To my surprise, the issue of food safety comes up frequently in public meetings even though the media pay relatively scant attention to it. This is understandable, I suppose, because food safety is something that touches our lives daily.

My first comment is nothing more than a simple observation: the American people today enjoy the world's best and safest food supply. We all have a strong interest in ensuring that these high standards are maintained. The productivity of our farmers and the effectiveness of our food processing and distribution system are primarily responsible for the wide variety of high-quality foods available in our supermarkets. Congress and federal regulatory agencies, such as the Food and Drug Administration (FDA), have also played a key role through legislation to help create an ample, nutritious food supply with the greatest benefit and lowest risk to consumers.

Simple though the issue may seem ("Is the food safe, or isn't it?"), food safety is one of the most complex on the national agenda. At one time or another, Americans have worried about food-borne diseases such as botulism, the toxic substances sometimes present in natural foods, the chemical contaminants in meat and fish, and the residues of pesticides in fruits and vegetables. It is my impression, however, that Hoosiers are most concerned about the effects of artificial additives introduced into foods to preserve or color them. It is easy to see why this concern is so intense. In some cases, laboratory experiments have shown a link between ingestion of additives and the incidence of cancer in test animals.

Since 1958, the FDA has been required by Section 409 of the Food, Drug, and Cosmetic Act, the so-called "Delaney Clause," to ban the use of any additive "if it is found to induce cancer when ingested by man or animal." Over the years, the Delaney Clause has been interpreted to mean that an additive can be used only if there is a reasonable certainty that it will not be harmful. While most of us support the idea of strict enforcement of laws designed to keep carcinogens out of our food supply, enforcement of the Delaney Clause in recent years has become controversial. In 1977, the FDA determined that saccharin caused bladder cancer in laboratory test animals and directed its removal from the market, but public demand for continued availability of saccharin led Congress to exempt it from the prohibitions of the Delaney Clause.

In another case, the FDA made certain laboratory studies and concluded that nitrite, a chemical preservative used in processed meats such as frankfurters and bacon, caused cancer in test animals. Under the Delaney Clause, the FDA would have been required to ban the use of nitrite, thus calling into question the continued availability of a critical component of the nation's meat supply. Ultimately, the results of other studies did not support a finding that nitrite

caused cancer in test animals, and the FDA did not remove nitrite-bearing processed meats from the market.

Although there have been no other recent major cases involving additives thought to be carcinogens, advocates of reform in food safety continue to call for modifications of the Delaney Clause. They argue that the law as currently written is too restrictive and inflexible, particularly in view of the scientific advances of the last 25 years in the detection and testing of additives. Their point is that a "zero-risk" standard is outdated and unenforceable. They have proposed that we drop this rigid standard in favor of provisions that would allow the use of additives found to induce cancer in test animals if the probability of inducing the disease in humans were estimated to be below a level of "acceptable risk."

Since many, if not all, foods apparently contain carcinogens, they believe that a change in the law is necessary to adapt current practice to new knowledge. Also, they argue for an assessment by the FDA of the benefits as well as the risks of an additive before it is banned as a carcinogen. After all, the American people continue to see an overriding benefit in the availability of saccharin even though it is known to cause cancer in test animals. Finally, they want a phase-out period in which carcinogenic additives can remain on the market while processors develop substitutes, and a system of "peer review" by scientists outside the FDA before the agency moves to enforce the Delaney Clause.

Supporters of the Delaney Clause, who are dead set against additives which carry any known risk, point to its success in keeping carcinogens out of the American diet and to the small number of instances in which the legislation has actually been invoked by the FDA. They cite the uncertainty inherent in judgments of risk and the obvious difficulty of setting a level of "acceptable risk" in the case of a carcinogen. They argue that any decision that the benefits of an additive found to be carcinogenic outweigh its risks should not be made by the FDA, but by Congress on a case-by-case basis, as in the exemption of saccharin. They also disagree with the ideas of a phase-out period and a system of "peer review," since these procedures could inhibit quick action by the FDA to remove from the market additives found to be carcinogenic. Certain consumer groups favor a stronger law requiring more thorough testing of additives by the food processing industry, including periodic review of additives already on the market.

Congress is taking a fresh look at food safety, and the issue will be on the agenda of Congress in 1984. The main question is whether additives with small or negligible risks are safe enough to be included in the nation's food supply. We should amend existing legislation to enable the FDA to do a better job monitoring the nation's food supply, in keeping with the available scientific information. We must not permit an erosion in the safety of the nation's food supply. At the same time, we should try to ensure that the food processing industry is not subjected to unjustifiably rigid, scientifically unsound, or administratively unenforceable regulation. Only by balancing these imperatives can we guarantee that a safe, abundant American food supply will remain the envy of the world.●

A CONGRESSIONAL TRIBUTE TO J. THOMAS RICO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ANDERSON. Mr. Speaker, I would like to take a few moments for the purpose of recognizing one of Lomita's, finest citizens, J. Thomas Rico. Tom is the outgoing president of the Lomita Chamber of Commerce and will be feted at an installation dinner the evening of January 28.

I have known Tom for many years. He was born and raised in the harbor area and retired as the city of Lomita's postmaster. He attended Banning High School and studied at Los Angeles Harbor College, Long Beach City College, and the University of California at Los Angeles. During the Second World War, he served our country in the U.S. Navy. As a matter of fact, Tom's life thus far has been characterized by dedicated service to others.

During any discussion about Tom, you'll frequently hear his reticence mentioned. Tom's not a prattler. He is a quiet person with a keen awareness of what it takes to set a goal and then accomplish it. Anyone who has ever known or worked with him can attest to that. He is without doubt the type of individual to whom others turn for effective leadership.

As president of the chamber during 1983, Tom succeeded in increasing its activities and visibility within the city. One notable feather in his cap came when the U.S. Olympic Committee officially sanctioned the Jim Thorpe 5 and 10 kilometer runs sponsored by the Lomita Chamber of Commerce. Largely because of Tom's leadership and participation, that event was a great success. The net proceeds have been donated to the U.S. Olympic Committee for the benefit of our Olympic contestants, and will no doubt help the U.S. athletes in successfully representing our country during this year's winter and summer games.

Thanks to Tom, 1983 was a bountiful year. Although stepping down as president, he will continue to serve as a member of the chamber. I understand he also plans to devote a lot of time to the Lomita Rotary Club and the St. Margaret Mary Church.

My wife, Lee, and I would like to congratulate Tom and wish him and his wife, Mary, and their two daughters, Claire and Patricia, an enriching, happy, and prosperous future.●

ROTC TRAINING ON COMEBACK

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. COURTER. Mr. Speaker, I recently came across an article in the Home News of New Brunswick, N.J., by Bob Steward entitled "ROTC Making a Strong Comeback on New Jersey College Campuses."

It is refreshing to see this resurgence of interest in training for leadership in our Armed Forces through the Reserve Officer Training Corps program. I am proud of the young men and women who are enrolled in ROTC. These young men and women were attracted to ROTC because, as the President is fond of saying, "it is once again an honor to wear the uniform."

With such devoted and capable Americans entering our armed services, I am confident that the All-Volunteer Force is working and in good health.

I would like to share with my colleagues Mr. Stewart's article which follows:

[From the Home News, Monday, November 14, 1983]

ROTC Making Strong Comeback on N.J. College Campuses

(By Rob Stewart)

New Brunswick.—Enrollment in ROTC programs is at the highest level on New Jersey's university and college campuses in nearly 10 years.

Officers of the Reserve Officers Training Corps said the renewed interest in ROTC reflects a change in student attitudes toward the military from the early 1970s when the Vietnam War brought protest and demonstrations to campuses.

"There is no question in my mind that the military presence on campus today is now seen in a far more respectful, positive vein than was the situation during the tensions of the Vietnam era," said William A. Stuart, dean of faculty of the School of Professional Studies at Rutgers University.

Rutgers serves as the host institution for Air Force and Army ROTC undergraduate training at several New Jersey colleges.

The nation's economy, now recovering from a two-year recession, also is a factor in directing students toward careers in the armed forces, said Col. Robert P. Fazen, who directs U.S. Army studies at Rutgers, as well as at Kean and Monmouth colleges and at Middlesex, Somerset and Brookdale community colleges. Students at these schools also are enrolled in the Rutgers Army program.

"One of the military's appealing factors is certainly the security of a job, especially in times of high unemployment in some sections of the work place," Fazen said.

He said a second lieutenant in the Army will earn an annual salary of $26,000 to start. After three years and a promotion to the rank of captain, earnings increase to $38,000.

Fazen and Stuart said these more favorable attitudes toward a military career have prompted the increase in ROTC enrollment.

This year 223 students are enrolled in Army ROTC at Rutgers, a sharp contrast from the low of 68 cadets in 1974. Rutgers Air Force ROTC program has 180 students, up from 115 in 1976.

Air Force cadets came from Rutgers campuses in New Brunswick and Camden and from Princeton University, Trenton State, Rider and Union colleges, Wagner College on Staten Island, and from Mercer, Middlesex, Somerset and Brookdale community colleges.

The Air Force program is directed by Col. John Cornelius, professor of aerospace studies and detachment commander for the ROTC unit. Cornelius draws his thoughts on the military's current image from 29 years of Air Force experience, including tours of duty in Vietnam and Thailand.

"Vietnam was a turbulent time on America's college campuses," he said. "But time has seemed to soften that animosity and anger toward the military establishment."

According to Stuart, organized student protest against U.S. military involvement in Lebanon and Central and South America has not materialized. Fazen said beyond seeing the armed forces as a guaranteed job, today's college students appear to be more conservative and pragmatic in outlook than in the past.

Cornelius said he sees a return to the idea that the armed forces "hold a fundamentally vital place" in society. "These kids are still choosing to make the Air Force a career, and the animosity that permeated the Vietnam period and its aftermath has, in my opinion, ended."

Stuart said he believes that Americans do not want to see the U.S. role as peacekeeper and advisers escalate to the proportions that could lead to another Vietnam. "But," he said, "unlike the times of the demonstrations of the early 1970s, any activity in other parts of the world by U.S. forces should not denigrate our responsibility to develop men and women toward preparation as leaders in the armed forces through America's colleges and universities."

"Right now, I think that students are very pro-American," said Richard Galloway, 19, of Montvale, a sophomore studying engineering who is enrolled in Air Force ROTC. "People talk about being a Marine of joining other branches after they graduate because they see what's happening—like in Afghanistan, the Israelis fighting the PLO, and the Korean jet incident."

Richie Allen, 21, Union City, will be graduated from Rutgers in June. A communications major, Allen will first accept his commission as a Marine lieutenant. "My father was in Vietnam, and so were his brothers," Allen said, "I saw a lot of people coming back who were missing arms and legs. That's really something to see at 10 years of age." He paused. "I would never really like to be in any kind of war like that, but if I have to fight for my country, I will definitely do it."

Galloway said he has heard of small factions of Rutgers students voicing concern over getting American troops out of Central America and the Middle East but has not seen any organized protest in New Brunswick. "Students see what's going on in the world," he said. "They feel that we should be there, and they see exactly what the Soviets are doing."

"I'm quite impressed with the way both the Air Force and Army ROTC programs here have fit into established procedures and guidelines of the faculty of the university of a whole," said Stuart. He said the commanders of both programs are respected by senior university administrators as an essential part of the school's faculty as professors from other study programs.

Both the Air Force and Army ROTC cover instruction in leadership and management skills. "The Army's program," said Fazen, "is almost exclusively designed to develop leadership skills, and would be called management in the private sector. We're talking about leadership traits and techniques for understanding and operating within the structure of the military and its assets of both personnel and equipment."

The Air Force program also includes a management course and is cross-indexed with a similar course in the school's management studies department.

Senior Air Force cadets take a course called "National Security Forces in America," in which they examine the military's role in national policy, economics and diplomacy.

"We see a spectrum of majors in our students, all of which have need in the military," said Fazen. "Political science, physical sciences, engineering, economics, even pharmacy are represented."●

ESTABLISHING A COMMISSION ON PAY EQUITY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. SNOWE. Mr. Speaker, more than 20 years ago Congress passed the Equal Pay Act and declared it illegal to discriminate against women by paying them a lower wage than men for doing equal work. A year later, title VII of the Civil Rights Act extended new protections to women and minorities in the work force.

Yet, in spite of landmark legislation and two decades of increased labor force participation, the economic status of women has improved little. In fact, the earning power of women relative to that of men has actually decreased over the past 50 years. Women today have greater financial responsibility as cosupporters of their families and as single heads of households, yet they remain segregated into lower paying, dead-end jobs.

This is the crux of the problem. The guarantee of equal pay for equal work falls short because, by and large, women do not work in the same jobs as men. The Department of Labor recognizes 427 job classifications in their "Dictionary of Occupational Titles"; 80 percent of all working women in this country are concentrated into just 25 of these classifications.

Although it is no longer legal to advertise "help wanted—Male" or "help wanted—Female," the old patterns of job segregation and wage inequities remain. Tragically, a woman who has completed 4 years of college stands to earn less than a man who has only completed eighth grade. And the chances are great that she is employed in either the clerical or service sector.

The National Academy of Sciences summarized the problem in starkly realistic terms in their 1981 report to the Equal Employment Opportunity Commission: "The more an occupation is dominated by women, the less it pays." In fact, according to the report, it pays about $42 dollars a year less for each percentage increase in the number of women doing the job.

The fundamental question addressed by the issue of pay equity is this: Do women earn less than men because they select low-paying jobs or are they paid less because the jobs they hold are occupied primarily by women?

Pay equity has been recognized as the civil rights issue of the eighties. Both the courts and many States are moving rapidly to address the undervaluing of jobs performed mainly by women. Fifteen States are in the process of conducting job evaluation studies to identify the extent of wage depression in female-dominated jobs. From Maine to Washington nurses are questioning the fairness of being paid less than park maintenance men, librarians the fairness of being paid less than liquor store clerks, secretaries the fairness of being paid less than parking garage attendants.

It is now time for the Congress of the United States to get its own House in order. Today I am introducing legislation to establish a Commission on Pay Equity that will ascertain the magnitude of the problem in a Federal agency under legislative control, and make recommendations for eliminating pay inequities that exist in our own backyard.

Similar legislation was introduced into the Senate last November by Senator Dan Evans, a leader in the field of pay equity as Governor of Washington, I would like to briefly outline the important features of my resolution:

One, the bipartisan Commission will be comprised of equal representatives from labor, management, and Congress, and will meet no later than 30 days from enactment of this resolution.

Two, the Commission will select a private contractor to conduct a pilot study of a Federal agency within the legislative branch to determine if people are being paid according to the work they are doing—not according to their sex or race.

Three, within 1 year the Commission will report its findings along with recommendations for a comprehensive plan to insure full compliance with existing law.

American women will not secure true economic equity until they are guaranteed a fair wage for the work they do. Freedom from discrimination in employment is the law of the land,

and it is the responsibility of this Congress to insure its employees receive the compensation that is rightfully theirs.

H. CON. RES. 239

Concurrent resolution to establish a commission to study pay equity

Resolved by the House of Representatives (the Senate concurring), That this resolution may be cited as the "Commission on Pay Equity".

DECLARATION OF POLICY

SEC. 2. It is the policy of Congress that men and women who are employed in the legislative branch shall not be segregated into low-paying jobs as a result of sex, race, color, or national origin, nor shall they receive less pay for jobs which, although not identical in nature, are comparable in skill, effort, responsibility, and working conditions.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) For the purpose of carrying out the policy set forth in section 2, there is established a commission to be known as the Commission on Pay Equity (hereafter in this resolution referred to as the "Commission").

(b) The Commission shall consist of twelve members to be appointed as follows:

(1) Six members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader, no more than three of whom shall be from the same political party. Two shall represent labor, two shall represent management and two shall be members of the Senate, with one member representing the majority party and one member the minority party.

(2) Six members of the Commission shall be appointed by the Speaker of the House of Representatives, upon the recommendations of the majority leader and the minority leader, no more than three of whom shall be from the same political party. Two shall represent labor, two shall represent management and two shall be members of the House of Representatives, with one member representing the majority party and one the minority party.

(c) The members of the Commission shall be individuals who possess the demonstrated capacities to discharge the duties imposed on the Commission, who have expertise in the study of pay equity, and who are committed to the elimination of pay inequities.

(d) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made, subject to the same limitation with respect to party affiliation.

(f) The Commission shall elect a chairman and a vice chairman from among its members.

(g) Seven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(h) The Commission shall meet within four weeks of the date of enactment of this resolution.

FUNCTIONS

SEC. 4. In carrying out the policy set forth in section 2, the Commission shall:

(1) Retain the services of a private contractor with demonstrated expertise in the study of pay equity to institute a study of the compensation paid to job classes in a Federal agency in the legislative branch. The Commission shall choose an agency for this study in which at least 50 percent of the employees are subject to section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and which has the broadest range of job classifications of all eligible agencies. The study shall determine whether the compensation system in that agency is in compliance with title VII of the Civil Rights Act of 1964 and the policy objectives outlined in section 2. If noncompliance is found, the Commission shall make recommendations to Congress on methods to ensure compliance in that agency.

(2) Pursuant to the findings of the study in paragraph (1), establish a comprehensive plan and make recommendations to Congress on methods to ensure full compliance with title VII of the Civil Rights Act of 1964 and implementation of the policy objectives in section 2. Such recommendations shall include, if necessary, proposals for—

(A) providing relief for victims of discrimination;

(B) restructuring of job classifications; and

(C) restructuring of job evaluation methodologies.

Any recommendation to Congress for an agency to reduce wage differentials shall contain the provision that such reduction shall not be accomplished by reducing the wage of any employee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to such regulations as may be adopted by the Commission, the chairman may—

(1) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates) of such personnel as the chairman deems advisable to assist in the performance of his or her duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services (including the services of a private contractor described in section 4) to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service of an individual as a member of the Commission, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

COMPENSATION OF MEMBERS

SEC. 6. (a) Each member of the Commission who is in the service of the Government of the United States shall serve on the Commission without additional compensation. Each member of the Commission who is not in the service of the Government of the United States shall be paid at a rate not to exceed a rate equal to the maximum daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties as a member of the Commission.

(b) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

POWERS OF THE COMMISSION

SEC. 7. (a)(1) The Commission or on the authorization of the Commission, any subcommittee or any member thereof, may, for the purpose of carrying out this resolution, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this resolution.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information as the Commission may require for the purpose of this resolution, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information directly to the Commission, upon request made by the chairman or vice chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this resolution, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the chairman in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

REPORTS AND TERMINATION OF THE COMMISSION

SEC. 8. (a) The Commission shall prepare and submit to the Congress such interim reports as the Commission deems to be appropriate and a final report not later than one year after the first meeting of the Commission.

(b) Thirty days after the submission to the Congress of its final report the Commission shall cease to exist.

EXPENSES OF THE COMMISSION

SEC. 9. Expenses of the Commission under this resolution shall be paid from the contingent fund of the House upon vouchers approved by the chairman of the Commission.●

ESTABLISHING A COMMISSION ON PAY EQUITY

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. DICKS. Mr. Speaker, one of the greatest economic inequities in American society today is the role of women in our work force. Despite higher levels of education and job training women have received in the postwar years, there is still a wage gap between jobs traditionally held by women and those held primarily by men. According to a 1982 report by the League of Women Voters Education Fund, women now comprise 52 percent of our labor force, yet they receive only 59 cents for every dollar earned by a man. A secretary with 18 years of work experience makes less than a parking lot attendant, and a licensed practical nurse is paid substantially less than a delivery truck driver.

This type of situation must be corrected and we have the opportunity to begin the process here. The bill which I am cosponsoring today establishes a legislative Commission on Pay Equity. The Commission is charged with the duty of determining whether or not the compensation system for laborors in the legislative branch of the Federal Government discriminates on the basis of race, sex, or national origin. The Commission will begin this process by hiring an independent contractor to conduct a study of existing wage scales in the legislative branch. Based on the findings, the contractor will develop benchmarks to identify where there are jobs in the system of comparable value but significant wage difference. Upon completion of the study, the Commission will make recommendations to the Congress on how to insure that the compensation system of the Federal Government complies with existing pay equity laws.

I realize that we cannot solve the problem of pay inequity overnight, but we must take the first step. That is why I am urging my fellow colleagues to join with me in supporting this legislation.●

REAGAN ARMS CONTROL

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. BARNES. Mr. Speaker, the stakes are becoming very high in the international arena—the U.S.—U.S.S.R. relationship is at its lowest point in years, and arms control negotiations between the two superpowers are at a standstill. The administration's arms control approach has, so far, been ineffective in gaining meaningful ground on limiting or reducing the number and types of nuclear weapons. The results have, in fact, been the opposite.

Two excellent articles on this subject have recently appeared in the New York Times and the Washington Post respectively: "If the Reagan Pattern Continues, America May Face Nuclear War" by Gov. Averell Harriman, and "And Serious Consequences" by Gerard C. Smith both of which I would like to insert into the CONGRESSIONAL RECORD today. I urge my colleagues to read and reread them.

[From the New York Times, Jan. 1, 1984]

IF THE REAGAN PATTERN CONTINUES, AMERICA MAY FACE NUCLEAR WAR

(By W. Averell Harriman)

For three years, I have refrained from directly criticizing the President of the United States. I have been reticent because I believe that America must stand united before the world, particularly in the face of our foremost adversary, the Soviet Union. I also believe a President should be given fair time to pursue his goals and test his policies. In this sense, politics should stop at the water's edge. But this cannot mean that all criticism should be muted indefinitely, no matter how wrong a President may be or how critical the world situation may become.

President Reagan has had his fair chance, and he can no longer expect Americans to support policies that make our relationship with the Soviet Union more dangerous than at any time in the past generation.

This is the grim result of Reagan Administration diplomacy: If present developments in nuclear arms and United States-Soviet relations are permitted to continue, we could face not the risk but the reality of nuclear war.

To be silent in this situation is not patriotic but irresponsible. In the last month, nuclear arms negotiations have collapsed. Communication between the United States and the Soviet Union has all but broken down; instead, we have propaganda barrages and the spectacle of the leaders of the two mightiest nations on earth trading insults, as if they had no more serious obligations than their own personal pride and political survival.

Flush with the polls and the over-whelming victory of 6,000 Americans over 600 Cubans on Grenada, the Administration now shows every sign of drawing the wrong lesson from that experience and risking defeats of a proportion it seemingly cannot even imagine.

Day by day in the Middle East, the Administration sinks further into a quagmire, committing American lives and American honor with no clear policy, no certain plan and, indeed, no obvious concern for the day when American soldiers and Soviet soldiers come face-to-face, no longer safely separated by the buffers of distance and surrogate military forces.

Moreover, Lebanon is only the most immediate trouble spot. Around the world, possible points of conflict and escalation become more volatile than ever as each superpower, in today's deteriorating situation, may be tempted to confront rather than to compromise, to treat every test as a measure of national will. The destruction of the South Korean airliner by the Soviet Union last summer provided chilling proof of the increasing potential for miscalculation and misunderstanding. Events can too readily overwhelm common sense and human safeguards.

These trends by themselves would be cause enough for worry, but they take place against the backdrop of a nuclear arms race rapidly escaping out of control—and dangerously passing the point of no return.

Within a few years, both the United States and the Soviet Union will have in place intercontinental missiles interpreted each by the other as instruments of a massive first strike. Within a span of months, both nations will put shorter-range nuclear missiles nearer each other's territory, missiles capable of striking critical command and control centers with flight times so short that caution may be the first casualty of some future crisis.

As if this were not sufficient, thousands of nuclear-armed cruise missiles will soon be stationed on American submarines, to be followed by thousands more carried on Soviet ships, or hidden, in uncountable numbers, in the vast expanse of the Soviet Union. These cruise missiles will pose extremely difficult challenges to arms control verification and they will vastly complicate our ability ever to achieve the nuclear reductions both American and Soviet leaders say they seek.

Perhaps the most tragic trend—because it is so avoidable—is that the arms race is about to be launched into space. Anti-satellite weapons will constitute a continuing threat to early warning, reconnaissance and communications satellites—all critical to our security and vital to preventing nuclear war by accident or miscalculation.

The Administration's "Star Wars" defense scheme will mean more than the destruction of three solemn arms control treaties—the Limited Test Ban, the Outer Space Treaty and the Anti-Ballistic Missile Treaty—that have served our security so well. It will mean that both sides will accumulate thousands more offensive weapons to overcome whatever defenses they each might devise. It promises security that is beyond our capability to provide and thus plays cruelly on the fear and the hope of every citizen. It promises a technological

shield when the solution is in ourselves—in serious negotiation and mutual restraint.

It is always easy for Americans to blame the Soviet Union, and no American—no matter how much he or she desires a safer world—should lose sight of the fact that the Soviet Union does indeed bear a heavy responsibility for where we are today. But blaming the Soviet Union, which has been the single-minded indulgence of this Administration since the first day it took office, is not a strategy or a policy. It will not reshape the Russian nation; it will not bring down the Iron Curtain; and, above all, it will not reduce the nuclear threat that hangs over every American.

Anyone can assail the Soviet Union for the failure of Soviet-American relations. But we must demand more of our President, who, after all, is elected not to preside over failure but to find an acceptable solution even in the face of formidable problems. The unfortunate truth, however, is that we are now witness to more than a Presidential failure to act or an Administration's lack of policy. President Reagan and his Administration bear their own heavy measure of responsibility for the situation we face today.

No President in the nuclear age, strengthened abroad as was Mr. Reagan by the consensus at home for a strong national defense, secure politically on the right and the left for the endeavor of arms control, has had such an opportunity to reverse the nuclear arms race. Yet this opportunity has been squandered. And all Americans hoped that when he took office his past opposition to arms control would end. Yet the record of three years has betrayed these hopes.

Despite his campaign pledge to the nation that "as President, I will immediately open negotiations on a SALT III treaty," Mr. Reagan waited more than 17 months before even beginning to talk with the Soviet Union about such an agreement. Since then, the pace of negotiation has been, to put it politely, tepid; the discussions have been punctuated by long recesses, and there have been no significant results. All that has been done is to rename SALT, to call it Start; the talks have now stalled indefinitely.

The negotiations on intermediate-range nuclear forces in Europe have collapsed completely. In the most promising initiative during those talks, the so-called "walk in the woods" proposal, our negotiator, a veteran hardliner in dealing with the Soviet Union, was repudiated by the Administration for trying too hard to reach a workable compromise that actually would have been greatly to our advantage.

Indeed, the behavior and the proposals of the Administration in both the strategic and European nuclear discussions have raised serious doubts in the minds of many about whether there ever was any intention to reach any reasonable agreement. Negotiations have been treated as a forum for propaganda, an occasion for invective, a mask to cover new deployments and an arena to gain advantage—rather than as a path to human survival on this planet. This is a most shortsighted policy, for its outcome will simply be more missiles in Soviet hands—scarcely a sensible program for America's security.

The SALT II treaty, negotiated by three Presidents—two of them Republicans—was rejected by this Administration, with the President's own counselor saying, "We feel there is no legal or moral commitment to abide by SALT I and SALT II," international law to the contrary. Apart from its effect on the negotiating climate with the Soviet Union, this rejection means that almost 300 Soviet missiles and bombers that would have been destroyed under the terms of SALT II still are targeted on our cities and towns. What should have remained at worst an irresponsible election slogan was elevated to the level of national policy, ushering in a new era of strategic instability.

Other actions amplify my deep concern about the course that the Administration has taken.

Despite the mounting threat of nuclear terrorism and the spread of nuclear weapons to more nations, the Administration has rejected the imperative of nuclear nonproliferation, and in fact has undercut important initiatives of previous Republican and Democratic Presidents. The goal of a comprehensive nuclear test ban—a prerequisite to effective nonproliferation and an objective of every other President since Dwight D. Eisenhower—has been summarily discarded. The President will not even discuss the control of space weapons with the Soviet Union.

The issue of verification—so central to arms control—has been blurred by the Administration. Serious problems with Soviet compliance have been submerged in irresponsible charges, innuendo and leaks. The objective, instead, should be to clarify questionable Soviet behavior and insist on compliance—not to exploit these concerns in order to further poison our relations, repudiate existing agreements, or worse still, terminate arms control altogether.

Additionally, even the instruments with which our Government carries on the business of arms control have been degraded. Long-time opponents of arms restraint have been put in charge of policy making. American delegations have arrived at the Geneva negotiations empty-handed, then waited weeks to receive formal negotiating instructions. Fifteen months after taking office, the Administration could not agree on an opening position to take in strategic arms talks. Three years after taking office, the Administration still does not have a policy on verification. This lack of professionalism presents a stark contrast with the precision and purpose of our adversaries—and, insignificant though it may appear to some, it speaks volumes about attitude and commitment. That is what disturbs me most of all.

It will not be easy to undo these three years of nuclear irresponsibility, or to free both nations from excessive pride, or to control new weapons while we set about the task of controlling all weapons. But we are obliged to try with every ounce of strength we can muster, lest our generation of Americans be the first to imperil the legacy of life it has been given.

I am convinced that Soviet leaders desire serious negotiations. Such negotiations will not be easy; they will involve, as they always have, a hardheaded struggle to improve the national security of both countries. Nor need they signal our approval of other Soviet actions, such as the invasion of Afghanistan or the repression in Poland. Their object, despite the irreconcilable ideologies of our two nations, is the common goal that nuclear weapons have made a necessity: the prevention of nuclear war.

I am also convinced that constructive agreements to reduce nuclear arms, to make their use less likely are possible—even at this late date. The Limited Nuclear Test Ban of 1963, after all, came after the Cuban missile crisis and years of tension in Berlin. Both sides, however, must want an agreement. Each side must be willing to seize on what is positive in the other's proposal rather than be paralyzed by the least favorable elements presented by each. Both sides must be willing to work for an agreement that will serve our mutual advantage. This essential change in attitude alone could be the catalyst for progress.

To put it plainly, President Reagan must be ready and willing to negotiate; he must want progress even more than he wants to berate the Soviet Union.

I am convinced that we must engage ourselves now in this fundamental choice about our future—and that is why I write as the New Year begins. We must demand a new effort to prevent war, not to prepare for it. A leadership for peace can be the finest expression of America's dream. We dare not fail. We are only human beings, subject to all the mortal perils of life, all the temptations to power; but, at the same time, in our very humanity, we must seek to pass on to our children and grandchildren not fear, but hope; not an arms race, but arms control; not the death of the earth, but a better and safer world.

[From the Washington Post, Jan. 20, 1984]

AND SERIOUS CONSEQUENCES

(By Gerard C. Smith)

The arms control process is eroding. A regime that began so promisingly two decades ago with the Limited Test Ban Treaty and continued through the SALT accords is unraveling. The security gained by the United States and its allies through past arms control agreements and the prospects for further restraints on nuclear weapons are being threatened. As a result, the United States and the Soviet Union will face a doublebarreled arms race where all of us will lose.

No agreement curbing nuclear weapons has been ratified since 1972. All current negotiations with the Soviet Union have ceased. Talks on strategic and intermediate-range nuclear weapons are stalemated. Negotiations for a comprehensive ban on nuclear tests and limits on antisatellite weapons have been suspended for four years.

The administration is now taking two steps that put extreme pressure on arms control. A litany of alleged Soviet violations of present agreements has been made public. Programs intended to lead to deployment of antiballistic missile (ABM) systems are getting under way.

Taken together, these initiatives may be seen by the U.S.S.R. as a challenge to withdraw from the ABM Treaty—widely recognized as the cornerstone of efforts to enhance nuclear stability. A Soviet withdrawal—combined with the poisonous state of East-West relations and the rekindled competition in offensive nuclear forces—would be a devastating blow to the arms control process without any compensating benefit to U.S. security. It would take at least half a generation to rebuild this fragile structure of constraint. The end result would be a world even more dangerous than exists today.

Some officials do not seem to understand that the limitations on defensive systems serve our interest by removing the requirement for either party to develop new offensive systems to counter ABM capabilities. In the long run, arms races are a product of a competition between offensive and defensive weapons.

Restraints on defense systems were possible a dozen years ago when it became appar-

ent that no defensive technology could keep pace with the rapid strides in offensive nuclear weapons, such as multiple warheads and gains in missile accuracy. Nothing has occurred in the technical realm since to suggest that this relative imbalance has changed or will change in the foreseeable future. Scrapping the ABM Treaty will invite an arms race of unprecedented dimensions.

Accusations of Soviet actions inconsistent with the spirit and letter of arms control arrangements are to be taken seriously. If these claims are valid, the Soviets will have contributed substantially to pressures against the ABM regime. They seem to be slow learners when it comes to keeping the spirit of agreements.

But arms control arrangements are carefully constructed to ensure that violations of their terms can be identified before they pose a real danger to our national security. None of the allegations against the U.S.S.R. suggests a serious threat to American or allied security, and no official is arguing publicly that our safety would be improved in the absence of present arms control agreements. Only last year President Reagan stressed our interest in retaining the ABM Treaty, and the administration has concluded that America's interest is enhanced by living up to the SALT provisions.

To claim that possible technical breaches (e.g., the location and capability of a new radar and an ambiguous missile development program) constitute grounds for treaty termination would be, to say the least, premature. Neither the radar nor the new missile will be operational for several years. There is more than enough time to resolve these matters satisfactorily given genuine commitment by both sides.

Our failure to ratify the last three nuclear arms agreements and our termination of negotiations on underground testing and antisatellite weaponry contributed to the decline in prospects for arms control. We have sent signals to the Soviet Union suggesting a lack of solid interests. The U.S.S.R. may use U.S. claims of violations and new American ABM programs to make a dead letter of arms control.

To deprive ourselves of the protection afforded by the existing arms limitations regime would be irresponsible. The long-term costs and risks to our security and our economy are immeasurable.

Instead, we should push for offensive arms restraints and pursue a policy of preserving the ABM Treaty as the *sine qua non* of current accomplishments and future achievements. This means pressing the Soviets to comply with the ABM Treaty and other agreements but not affording them excuses or incentives to abrogate. Otherwise, we will only invite the U.S.S.R. to engage in more vigorous offensive and defensive nuclear weapons programs.●

THE NEED FOR IMMIGRATION REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 18, 1984, into the CONGRESSIONAL RECORD:

THE NEED FOR IMMIGRATION REFORM

Over the years, immigration has given us real benefits: industries built with immigrant labor, new art, books, and music, and key accomplishments in science and education. Most are unaware, for example, that nearly one third of our Nobel Prize winners were born abroad. Recently, however, the influx of foreigners has risen sharply, so much so that we are losing control of our borders. About 600,000 legal immigrants and refugees have entered our country annually, but as many as 1,000,000 illegals have been apprehended each year. So marked is the trend that 2 percent to 3 percent our population is now illegal. Unless something is done soon, the situation will get worse.

In the past, we prided ourselves on our ability to absorb the immigrants who travelled to America, sometimes in waves, looking for a better life. While 80 percent of these immigrants came from Europe and Canada between 1930 and 1960, 80 percent have come from Asia and Latin America in the last few years. There is pressure on others to follow as economic conditions worsen and populations burgeon in these poor regions, but the traditional haven, America, no longer can accept uncontrolled numbers of new arrivals. We have taken in more immigrants and refugees than other nations, and we will continue to do so due to our reluctance to ignore the needy. By the same token, we should continue to look for a workable immigration policy so that decisions about who comes here are made by public officials, not border smugglers.

A Congressman hears many comments about the increasing numbers of foreigners who choose to make America their home: they take jobs away from Americans and drive wages down; they strain our social service systems; they are often misfits and troublemakers; they undermine our social structure by promoting ethnic separation. These comments are understandable, but the evidence to support them is ambiguous. While some claim that illegals take away jobs and depress wages, others claim that they do work Americans find too unattractive. Several studies have concluded that illegals may pay more in taxes than they withdraw in social services. Although some Cuban prisoners who came in 1980 were undesirables, such is not the case overall. Many newcomers stress the American values of family, community, and hard work.

I believe that two major reasons for immigration reform remain. First, the United States today had 230 million inhabitants and a stable birth rate; the rest of the world has 4.5 billion inhabitants and a birth rate that will add another 1.5 billion by the end of the century. The figures show that we have neither the space nor the resources to accommodate all those who wish to live here. Second, one of the basic duties of a sovereign nation is the duty to control its borders by determining who may cross and who may not. With so many illegals flooding across our borders each year, we have lost part of our sovereignty. We do not like to say "no" to worthy people who want to live among us, but our first obligation is to our own unemployed, disadvantaged, and poor.

The Senate recently passed, and the House of Representatives is examining, a major immigration reform bill based on the recommendations of the Select Commission on Immigration and Refugee Policy. The bill has various provisions, but at its heart are two. One would penalize employers who knowingly hired illegals. The other would grant amnesty to most illegals who had been here for a number of years.

The employer sanction is the main enforcement provision in the bill. If the sanction became law, employers would have to check an applicant's eligibility to work, using existing identification systems for three years while the President studied the need for more secure systems. An employer would face penalties if he knew he was hiring illegals. Opponents of the provision say that the sanction would be ineffective and unfair: the penalties would be too light; only a few worksites could be inspected; similar state sanctions have not worked; employers might be hesitant to hire members of certain ethnic groups. Proponents point out that since the prospect of employment is what tempts immigrants to come, the most effective way to reduce the flow of illegals is to remove the incentive for entry by making it unlawful for employers to hire them.

The other main part of the bill, the amnesty grant, would regularize the status of most illegals who entered the United States before a certain date, such as 1980. Among those ineligible for amnesty would be convicted felons, drug offenders, and those advocating the overthrow of the government. Newly legalized aliens would be ineligible for federal public assistance for at least three years. It is estimated that 2.3 million illegals would receive amnesty on these terms. Opponents of the provision maintain that it would reward those who broke immigration laws and would burden our public assistance programs, particularly if it carried a recent eligibility date. Proponents say that there is simply no alternative, and that the provision would avoid the obvious costs and difficulties associated with mass deportations.

Surely it is in our long-term interest to gain control of our borders and to limit the rate at which foreigners enter our country. Thus, I support the bill's employer sanction and amnesty grant. Nevertheless, my expectations of it are realistic. The bill would help us address our immigration problem in several direct ways, but it is no panacea and would have to be backed up by other efforts. First, we must help spur labor-intensive economic development in regions that migrants flee, to increase their opportunities for work where they now live. Second, we must increase the size and improve the technical capabilities of the Border Patrol. There now are fewer guards on our 2,000 miles of border than there are on Capitol Hill. Finally, we must recognize that immigration is a global issue, not just an American one, and that we need to work with other nations, both those which "export" people and those which "import" them, on basic reforms. The immigration problem cannot be solved overnight, but we must act on it right away before it gets completely out of hand.●

SENATOR KENNEDY'S TRIBUTE TO PRESIDENT KENNEDY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LEVINE of California. Mr. Speaker, our distinguished colleague

in the other body, the senior Senator from Massachusetts, recently delivered one of the most moving statements and tributes that I have ever read.

During a period of numerous beautiful tributes to President John F. Kennedy, Senator KENNEDY's statement stands out as uniquely personal and meaningful.

I commend it to my colleagues and include the full text at this point in the CONGRESSIONAL RECORD:

TRIBUTE TO PRESIDENT JOHN F. KENNEDY BY SENATOR EDWARD M. KENNEDY, HOLY TRINITY CHURCH, NOVEMBER 22, 1983

President Reagan: First, I want to thank you for your gracious presence here. Both you and Mrs. Reagan have been very kind to our family on this and other occasions.

Archbishop Hickey and friends: From this church, on a cold winter morning nearly a quarter of a century ago, John Kennedy went forth to his Inauguration as President of the United States. Now we, his family and his friends, return here on the twentieth anniversary of his death to remember him not in sadness, but in joy—and to share that joy with a nation and a world that shared our love for him.

He came to the presidency by the narrowest of margins. But when he was taken from us, our planet was more united in grief than it ever was in the grandest design; Moscow wept with Boston and with Dallas.

In the years that followed, the feeling for him has not dimmed, but deepened. And today, far from this church, in lands where hardly anyone speaks his language, they still hear his call. His presence continues to be so powerful because ideals can be shown far more vividly in one life than in all the lofty theories.

He has been made a legend, but we remember him as a man. We treasure him most as son and brother, husband, father, uncle, friend. He took issues seriously, but never himself too seriously. Indeed his family would not let him. After his election, when we were all at dinner one night, dad looked at him, then turned to mother, and said with a smile: "He may be President, but he still comes home and swipes my socks."

And the qualities that made us love him were the same when human qualities that attracted so many millions who never met him at all. He knew historians would write of him, but his truest history is written in the hearts of people everywhere. They forgave him his shortcomings because he gave us a sense of what human beings, despite their imperfections, can aspire to do. He challenged us to do better—but he also understood that none of us, including himself, would ever do as well as we should. In his leadership, there was the same fine mix of elements as in his life.

Walking on the beach at home, he said to me when I was very young: "On a clear day, you can see all the way to Ireland." In later years, the sweep of his vision reached from the soaring distances of outer space to the narrowest and darkest corners of existence. And someday, when human beings look back from the stars toward a glistening blue earth suspended in the sky, they will know that it was John Kennedy who first set them on their way.

And he had courage, which permitted him to bear often sharp pain almost every day—and which made him respond to the pain of others.

He rejected the cold affliction of indifference—and the comfortable erosion of concern. He never summoned us to selfishness, but asked what we could do for our country and each other.

He could be cautious when he should. Yet in the great cause of civil rights, his courage overcame him and he led us closer to the day when we shall overcome.

Compassion was at the center of his soul, but he never wore it on his sleeve. I remember from my childhood how in the most natural way, he cherished and cared for our retarded sister Rosemary and took her sailing with the rest of us. And the genuine concern he showed inside our family he also felt for what he called "the family of man."

He re-awakened Americans to the reality that the strength of our nation lies not only in the firepower of our arms, but in the powerful appeal of our most decent values. He stood firm in Berlin and the Cuban Missile Crisis—and he also advanced the cause of human rights. He put America on the side of history and of hope. And campesinos on the remotest plantations, families in the huts and villages of half the globe, who had known only despair for generations, saw America as their friend and John Kennedy as their brother. He replaced an age-old alliance with repression with a new Alliance for Progress. In forty-six countries, he is remembered for sending in the Peace Corps. The world looked to him because the causes he had at heart illuminated what is best about America.

Most of all, he had that independence of mind which our parents by their strength instilled in all of us. He resisted assumptions, especially his own; he was ready to rethink ideas, including his own.

In 1960, he campaigned on the missile gap; in office, he came to recognize the terrible gap between our weapons and our will to control them—the stark choice we face between existence and extinction. In his last months, he brought us the Test Ban Treaty and the beginning of an end to the Cold War. And so we knew the first springtime of a long nuclear winter.

There were missteps and mistakes; but for him, saving lives and the national interest was more important than saving face. He took responsibility for the Bay of Pigs—and how much I wish he had been there to reconsider our role in Vietnam. It is never an easy thing for the powerful to admit a mistake; but he showed us that it is perhaps the essence of greatness in Presidents that they can.

Some say he grew in office. I believe he achieved a rare and noble height. And at the summit of his "City on the Hill" was America the tolerant. He had adversaries, but never enemies—and his likely opponent in 1964, Barry Goldwater, was also his good friend. His power was tempered with poetry, his activism with the deeper truth of art. He was tough on the pompous and the irrational, no matter what their place or rank; he was gentle with children, his own and others. During the most serious discussions in the Oval Office, he was never too busy to take a call from Caroline—or to pause for a moment and play hide and seek with John.

His flashing wit indeliby marks our love for him with laughter. After my Senate victory in 1962, he spoke at a rally with me in Boston and said: "My brother is tired of getting ahead on the basis of a famous family name. So he's changing his name—from Teddy Kennedy to Teddy Roosevelt." And after he persuaded Robert Kennedy to become Attorney-General, he said he had a simple request: "Just one thing, Bobby—please comb your hair."

What a wondrous combination they were. The two of them were one in purpose and vitality, in their capacity to dream dreams and to renew our vision. Robert Kennedy had a valiant part then and he has it on this day. To the end, he lived out the meaning of our brother's unfinished life.

Among their greatest legacies are the people they both brought into public endeavor. The happy few, the band of brothers on the New Frontier, fighting for glorious things, have become a multitude who are still in the arena, at the center of the struggle. All of us in this church may not gather all together again. But for those who share the commitments, the compassion, and the high hopes of John Kennedy, there will never be a last assembly.

How then shall we sum up this man who had every gift but length of years?

He was an heir to wealth who felt the anguish of the poor.

He was an orator of eloquence who spoke for the voiceless.

He was the son of Harvard who reached out to the sons and daughters of Appalachia.

He was a man of special grace who had a special care for the handicapped.

He was a hero of war who fought hardest for peace.

He said and proved in word and deed that one man can make a difference—which is why his thousand days will be remembered for a thousand years and more.

As Jackie wrote after that brave and bitter weekend, "His high noon kept all the freshness of the morning—and he died then, never knowing disillusionment." And as he himself wrote after our brother Joe was gone, "Through it all, he had a deep and abiding faith—he was never far from God—and death to him was less a setting forth than a returning."

John Kennedy had a faith strong enough for any fate. He made America young again and the world seem new again. So it is that on this anniversary, the span of time since November 22nd, 1963, does not seem like a matter of decades, but of days. Over his memory and his meaning, death has no dominion. What he did and believed in will endure—and in the end, it will prevail.

Inevitably, we cannot forget the pain of his loss. On bright summer afternoons at Cape Cod, or in this waning season of the year, how often we still think of him in all his vigor and say to ourselves: We miss you Jack—and always will.

But in the darkness we see the stars, and how clearly we see him now. We have known other great men and women in our time, in other countries and our own. Yet there was a spark in him so special that even his brief years and his early passing could not put it out. He made us proud to be Americans, and the glow of his life will always light the world.

For him on this day twenty years ago, the journey came to an end. But for us here and others everywhere, there are "promises to keep" and "miles to go before we sleep."

Now his appeal summons us anew—not merely to remember him, but to rededicate ourselves. The unfinished quality of his life symbolizes the unfinished agenda of America. And as the torch is passed to each succeeding generation, I believe that those who seek peace and justice, those who join the forward march of the human pilgrimage on Earth, will say of John Fitzgerald Kennedy: He has never left us—and he never will.●

IN RECOGNITION OF SISTER ALICE MARIE QUINN FOR HER DEVOTION TO SERVING THOSE IN NEED

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ROYBAL. Mr. Speaker, the Catholic Commission on Aging of the Catholic Welfare Bureau of the Archdiocese of Los Angeles will be honoring Sister Alice Marie Quinn on the occasion of its "First Annual Recognition Award Luncheon" on January 25, 1984.

Sister Alice Marie Quinn began her life of service in 1954 when she joined the Daughters of Charity in St. Louis, Mo. She finished her postulancy in 1955 and went to Hotel Dieu Hospital in New Orleans, La., to complete her nurse's training. Upon the suggestion of her superior and because of the need for dietitians, in 1956 she began a 3-year college program in dietetics. Upon completion of her course work and a 1-year internship, she was appointed director of food service at the hospital. It is here, she says, that she discovered "God had given me a talent to work with others for the good of many."

During the next 13 years, the need for her loving dedication and hard work took her to such cities as San Francisco, Palo Alto, and finally Los Angeles. While visiting recently discharged patients from St. Vincent Medical Center in need of special diets and assistance, Sister Alice Marie found there was a great need to feed these people, the majority of whom were senior citizens living alone and could no longer shop or cook for themselves. She spent many months investigating the social service programs in the area to see what could be done to feed the many homebound elderly and the hundreds of seniors who were in desperate need of good nutrition to remain well or to recover from illness.

Upon completing her investigation, she was convinced that much more needed to be done. In 1977, she served her first meal in the parish hall of the Precious Blood Catholic Church in Los Angeles. After only 1 month her program was expanded from 2 to 5 days per week; 6 months later, she also began a Meals on Wheels program. In less than 1 year, she was able to feed over 175 needy senior citizens a day.

Today her program reaches almost 700 elderly each day. And, although Sister Alice Marie humbly attributes her success to gracious, kind, and loyal volunteers, it is obvious that her strength, commitment, and loving devotion is the force that has inspired them.

Mr. Speaker, I rise today in recognition of Sister Alice Marie Quinn for her devotion to serving those in need. I am sure my colleagues will agree that she is most definitely at home in the City of the Angels.●

A CENTENARY ANNIVERSARY TRIBUTE TO THE AMERICAN CIVIL SERVICE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. OAKAR. Mr. Speaker, last Tuesday evening, the Public Employees Roundtable sponsored a benefit performance at Constitution Hall here in Washington to celebrate the centenary anniversary of the American civil service. Along with you, Mr. Speaker, and more than 80 of our colleagues here in the House and Senate, I was pleased to serve on the honorary benefit committee for this important event.

As part of the evening's program, one of our distinguished public servants, Jill Ruckelshaus, narrated an original poem by Dana Seidenberg entitled "A Centenary Anniversary Tribute to the American Civil Service." The musical accompaniment was performed by the Woodwind Quintet with music by Jon Newsom. This is an excellent work and a fitting and well-deserved salute to our 16 million Federal, State, and local public employees. I commend it to my colleagues and ask that it be printed in the CONGRESSIONAL RECORD in further tribute to these worthy public servants.

The text follows:

A CENTENARY ANNIVERSARY TRIBUTE TO THE AMERICAN CIVIL SERVICE

Who are we? Sixteen million Americans!
We descended from the continents of Europe, Asia and Africa as well as from the people who were already here.
Our grandparents speak English, Spanish, Polish, Yiddish, Czech and Chinese.
Our children all share a common language.
We are black and white, young and old, men and women, a mirror of all America.

Who are we? Sixteen million Americans!
We live in teeming cities, industrious towns and quiet villages.
The lush green hills and forests of Oregon and the pastel crags of Arizona.
The endless fields of Kansas.
The rolling hills of Georgia.
The granite wilds of Maine.
From the stirring ports of Charleston and New Orleans, San Francisco and Baltimore/
And in cities around the world.

Who are we? Sixteen million Americans!
Trained in our schools, our universities, our factories and our farms.
Sixteen million Americans who work for ourselves, for our families, for our communities and for our nation.
We pursue our work without regard to where we were born, who our parents are or the color of our skin.
We pursue our work based on what we know rather than who we know.
We build our careers on our own efforts and devotion to duty.
Knowing the full responsibility.
Of affecting the lives of all Americans.
We are clerks and secretaries, lawyers and librarians, forest rangers.
And scientists, scholars and cooks, nurses and soldiers, marine biologists and aerospace engineers.
Weathermen and physicians.
Some of us are adventurous; others erudite.
Some of us are pioneering; others scholarly.
We work to see that our elderly receive their pensions on time.
And that our sick and needy are provided for.
We seek to maintain equity and fairness in employment.
Keep our monetary system strong.
We see to it that communication lines by letter and by satellite remain open.
We work to preserve our wilderness and wildlife.
Build our industries and our economy.
And defend our cherished freedoms and rights.
We push back the frontiers of science, fly to the moon.
Provide a strong defense to uphold our national security.
Create a Peace Corps to promote international understanding.
Although departmentalized we may seem, we all work together for the benefit of all America.

Who are we? Sixteen million Americans!
We embrace our national heritage and the diversity from which it grows.
We cherish our democracy through which we strive to speak freely with no fear of reproach.
Through which we encourage community spirit and personal initiative.
And provide an example for the rest of the world to follow.

Who are we? Sixteen million Americans—working for of us.
Proud of our past 100 years and with a vision for the future.
Although we have traveled a great distance, there is still much work to do.
For as long as one person is paid less than is due, we will have work to do.
For long as one American faces discrimination, we will have work to do.
For as long as one person does not know peace, we will have work to do.
For as long as one American fears for his safety, we will have work to do.
For as long as anyone is hungry, we will have work to do.

Who are we? Sixteen million Americans!
We have the challenge of our vision.
We strive to meet this challenge for us, for our children and for all Americans.●

THE 18TH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FASCELL. Mr. Speaker, 18 years ago, a group of dedicated Cuban exiles, gathered in Key West, Fla., to reaffirm their commitment to the

principles of democracy, liberty, and human rights. Today, on the anniversary of the signing of the Declaration of Freedom, these concerned Cuban patriots remain equally committed to a Cuba free from the oppression of Communist totalitarianism. Their dedication to the ideals of freedom and independence remains strong.

Rather than remain in Cuba under the Soviet-backed Castro regime, these people chose to leave their homeland to seek freedom and opportunity in the United States. Many have become prominent and respected members of our communities.

The continued dedication to democratic government demonstrated by the Cuban people is a testament to their enduring courage and determination to fight for democracy, human rights, and individual liberty. I ask that our colleagues deliberate upon the tragic circumstances which made these people political exiles and on their continued devotion to the principles of democracy as expressed in this Declaration of Freedom.

The text of the declaration follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country, have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino/Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23d day of January, 1966.●

THE WAR POWERS ACT: QUESTIONS AND ANSWERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 14, 1983, into the CONGRESSIONAL RECORD.

THE WAR POWERS ACT: QUESTIONS AND ANSWERS

Ten years ago, Congress enacted the War Powers Act, a measure requiring the President to consult with and report to Congress on any decision to introduce troops into hostilities abroad. Fundamental to the act is the requirement that there be congressional approval within 60 days when the President sends armed forces oversees into combat or into areas where combat is likely. The anniversary of the act and events in Lebanon and Grenada make this an appropriate occasion to consider some questions about it.

What does the War Powers Act do?

The act guarantees that Congress and the President will exercise collective judgment when American armed forces are committed to combat abroad. Its guiding principle is that a democracy should go to war only with the people's consent, as expressed by their elected representatives. The act does not take authority away from the President, nor does it limit his role as Commander-in-Chief, restrict his general ability to act, or upset the balance between the two political branches of government. The act does reaffirm the war-making role given to Congress by the Constitution. It involves Congress in war-making decisions by creating a framework for the orderly exercise of presidential prerogatives.

Does the War Powers Act alter Congress' or the President's constitutional duties?

No. War-making powers are clearly divided under the Constitution. Congress has the power to declare war and to raise and support armed forces. The President is the Commander-in-Chief, the man who leads the armed forces and uses them to defend the United States. The Constitution lets Congress define the President's authority to commit the armed forces to combat. His authority to protect the nation in an emergency may be an exception, but nothing in the Constitution generally empowers him to make war on his own. It has been said that the Constitution is an invitation to Congress and the President to struggle for the privilege of directing American foreign policy. The act embodies that struggle.

Does the War Powers Act improve the decision-making processes of government?

Yes. What the act means in a government of separate powers is not the crux of the issue for Congress and the President. They will not answer that question in any case, so they ought to be concerned about the practical functioning of government during times of crisis. The act aids that functioning by providing a mechanism for timely consultation and co-determination of policy. When peace hangs in the balance in complicated circumstances and an American military response is possible, there will be little public support for the decision to act if there is little congressional involvement in the decision-making process. The decision should not be one man's.

What effect does the War Powers Act have?

The act focuses attention on the necessity of collective judgment in connection with the most important issue that government faces: whether to go to war. It obliges the President to take account of the public as he considers military action. Experience suggests that the act has led to re-assessment of military operations. Also, it represents a deterrent within the councils of the executive branch, a barrier which inhibits drafters of adventurous options. This deterrence should not be understood solely in terms of action curtailed, but also in terms of consensus reached: collective decisions have the weight of government behind them. The complexity of the modern world, the growth of America's duties. and the ambiguous nature of many crises demand that Congress and the President pool their judgment now more than ever. After all, Lebanon is not Pearl Harbor.

How does the War Powers Act affect Congress?

The act is good for Congress. It forces Congress to be more responsible when Congress's natural inclination is to duck. It makes Congress do what the Constitution asks Congress to do.

Does the War Powers Act require consultation between Congress and the President?

Yes. The act requires executive consultation with Congress in every possible case before the military option is chosen. Over the past decade, however, Presidents have not complied fully with this requirement.

Whether it was President Carter at the time of the rescue mission in Iran or President Reagan at the time of the invasion of Grenada, consultation was too little, too late. Telling a few legislators what the President is about to do does not constitute consultation. Yet the act is not the clearest legislation on the books. What is consultation? When is it required? Who represents Congress? These questions remain unanswered for the time being, but if the will to consult is present in the executive branch, workable answers to them will be found. For example, few members of Congress would complain if the leadership of both parties in both Houses were briefed in detail some time before the date of an anticipated military action.

How might the War Powers Act be improved?

Many legislators are open to suggestions as to how the act should be tightened up to secure Congress's war-making authority. Several have come up so far. Prior congressional authorization for the commitment of troops might be required, so that the President would not have time in which to act on his own. There might be an amendment spelling out the national emergencies in which the President could act without prior congressional approval. Consultation might be strengthened. The use of funds might be barred wherever the use of troops was prohibited. The term "war" might be defined so that peaceful deployments and hostile acts short of war could be treated separately.

What is the prospect for the War Powers Act?

More than most legislation, the act depends on good faith and mutual respect. If these characterize the relationship between Congress and the President, the act will work. If they do not, the act will not work. The act sets up a deliberative process which can lead to decisive action, so there is tension in the act. If the process is to yield good results, better attitudes among people in Congress and the executive branch are more important than amendments.●

PRESIDENT, IMAGINE WHAT THE RUSSIANS THINK

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. McKINNEY. Mr. Speaker, As Congress reconvenes, I believe my colleagues should take notice of a letter written to the President by John Winthrop and printed in the New York Times on December 26, 1983. John's letter is an example of many people's deep concern for the need to improve our relations with the Soviet Union and of the importance of increasing our understanding of the Russians and their culture. I concur with his conclusion that there have been far too much "tough talk" and far too little flexibility by both the United States and Soviet leadership. Our nations need to understand each other better through cooperation and open exchange of ideas. I commend the following cogent letter, to my colleagues' attention.

PRESIDENT, IMAGINE WHAT THE RUSSIANS THINK

(By John Winthrop)

To: President Reagan.

From: A concerned citizen.

We are living in a world of high risk. As a loyal Republican, an involved environmentalist and a father of three boys, I am making a serious effort to focus on the future of life in America and on this planet.

At the beginning of your Administration, inflation threatened the stability of our society with far greater intensity than it does today. That basic fact of life made many of us work for you and for the Republican Party. You acted swiftly and courageously to bring this menace under far better control. Today, the threat of nuclear war transcends all other problems.

Sadly, very few Americans have been to the Soviet Union or have had the opportunity to communicate with Russians on a person-to-person basis. Among those of us who have been fortunate enough to travel to the Soviet Union, the vast majority have returned with the conviction that Russians and Americans need to get to know each other far better, to communicate more rather than less, to compare the differences between our systems of government and perhaps even to make the important effort to see how the world looks from the other's point of view.

As you know so well, truth and disclosure weigh heavily on the side of freedom and democracy. Less clear is what we should be doing in response to the threats caused by the Soviet Government.

Twenty years ago, the placement of missiles in Cuba created a situation in which we felt that weapons of mass destruction were too close to our shores. The lead time for a retaliatory response would have been too short for us to tolerate. Today, most of us agree that President John F. Kennedy acted creatively and responsibly to remove that threat.

Given that experience, one would think that we could make a better effort to understand what must be going through the minds of the people of the Soviet Union as we move our missiles closer to their border.

We don't need to travel to the Soviet Union to relate to the people of that country on this basic level. The idea that we are increasing our security by this response to the Soviet buildup is difficult to grasp for some of us. Everything depends on the willingness of the Soviet Union to return to the negotiating table. Meanwhile, we are shortening the fuse while, at the same time, increasing the possibility of miscalculation.

There seems to be remarkably little effort to put ourselves in the shoes of the people of the Soviet Union, to ponder the fact that they feel surrounded and live with a siege mentality, to re-examine our own assumptions.

In my opinion, there has been too little indication of flexbility and too much reliance on tough talk.

As you are aware, great changes in our society have come about through the voluntary initiatives of the citizenry. Advances in the area of civil rights and even in bringing the Vietnam conflict to a close began when growing numbers of Americans developed strong ideas on subjects of great controversy. You have applauded and encouraged initiative from the grassroots. It is my hope that you will listen carefully to those of us who have supported you in the past and want to continue to support you now.

At the present time, we are faced with a problem of balancing the risks of de-escalation against those of increasing world tension. Forgetting for a moment the fact that less money on defense would contribute toward balancing the budget and allowing bolder initiatives in addressing human needs, there might be a measured and benefical response if we began to change our course.

Obviously, there are risks in making concessions, Mr. President, but today Russians and Americans live in the bull's-eye of missiles.

I submit that this reality is destroying the quality of life in both societies.

A bold effort to reach out and develop greater cooperation in space travel, more trade, increased travel exchange on a people-to-people basis would be both timely and appropriate.

Some of us who support you will be vocal because we care very much about the kind of world we leave after our generation has departed the scense.

The risks and the tradeoffs demand our attention and require clarity of thought on the part of our leaders.

I urge you and your advisers to re-examine your assumptions, and pray that you will have the courage to consider modifying your course.●

JUSTIN EMERSON, MAYOR OF BELLEVILLE, MICH.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FORD of Michigan. Mr. Speaker, during the adjustment, I had the opportunity to attend a retirement dinner in honor of Justin Emerson, the mayor of Belleville, Mich., for the past 8 years. Justin's work in the Belleville community has been outstanding and it has been a real privilege to work with him over the years.

Justin has made his portion of the 15th District a better place to live, Mr. Speaker, and I am happy to give him this recognition.

Justin Emerson was born in Inkster, Mich., July 27, 1911, the son of Samuel and Belle (Bird) Emerson. When he was 8 years old the family moved to Romulus, Mich., where they engaged in farming. He attended a one-room school through the eighth grade, and then went to Wayne High School, from which he graduated. Throughout his high school years he was especially interested in athletics, and showed leadership even then, being elected president of his senior class.

He was inducted into the U.S. Army on March 31, 1941, but was released in September of that year because he was over-age. In that same month he married Marguerite Znorski, was reemployed by the Detroit Ediscon Co., and they lived happily in Wayne, Mich., for slightly over a year when he was recalled. He served with the 94th division and saw action in the Europe-

an Theater for 13 months. He was released in November 1945.

Mr. Emerson was again employed by the Detroit Edison Co., and lived in Wayne. The Emersons are proud parents of Lt. Samuel Emerson, now serving with the Third Armored Division in Frankfurt, Germany; Mrs. Patricia Groeschner of Norwalk, Conn.; William Emerson, of Belleville, Mich.; and Richard Emerson, of Lansing, Mich. They now have a total of eight grandchildren.

During all these years Mr. Emerson was civic minded. He served in various capacities as a volunteer with the Boy Scouts of America, and in 1956 received the Silver Beaver Award.

In December 1951, the family moved to Belleville, Mich., where Mr. Emerson was the local manager of the Detroit Edison Co. During these years he continued his volunteer work with the Boy Scouts, Little League, Rotary Club, Belleville Business Men's Association, which was to become the Belleville-VanBuren Chamber of Commerce, serving as president of these groups at various times.

He is a member of the First United Methodist Church of Belleville and has served on most of their boards and councils from time to time, as well as being lay leader for 3 years. He also served on the Local Selective Service Board from 1954 to 1974.

Mr. Emerson served on the Belleville City Council from 1962-64. On January 1, 1975 he was appointed to the city council by Mayor Ellis Amerman to fill a vacancy. In November 1975 he successfully ran for mayor of Belleville and has served the community well for two 4-year terms, retiring December 1, 1983.●

A HARVEST OF HUNGER

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAWKINS. Mr. Speaker, over the recent congressional recess we heard Presidential Counselor Edward Meese say that he has never seen "any authoritative figures that there are hungry children" in America and that the reason some people go to soup kitchens is "because the food is free—and that's easier than paying for it." On the heels of that incredulous statement came the President's Task Force on Food Assistance's report which provided a whitewashed report on the problem of hunger, offering the simplistic concept of block grants as the solution.

Mr. Speaker, although hunger in America may not be as pervasive as those experienced in many underdeveloped nations, we are still faced with a real and serious problem of malnutrition. There is also great concern that many children are suffering from what is termed "silent malnutrition"—a condition which is less visible to the casual observer.

I would like to submit an article by Press Associates which provides some insightful commentary about this administration's dubious record on assisting hungry persons.

The article follows:

REAGAN'S FANTASY SCRIPT GLOSSES OVER SOUP LINES

(By Press Associates, Inc.)

When kids come out of a Saturday matinee into the daylight, they blink their eyes in the harsh light. They know they are out of the world of make-believe and back in reality.

The Reagan Administration, in the view of a veteran labor lobbyist, is like sitting through a four-year movie.

The scenario was simple enough to President Reagan when he started out. He promised tax cuts, increased military spending and a balanced budget. Candidate George Bush, now vice-president, called it "voodoo economics."

Apparently, what was supposed to happen was that the tax cuts would provide investment capital for a boom. As the private sector created millions of jobs, social programs could be eliminated and people would become "independent."

The model seemed to be the 1920s of Calvin Coolidge, Reagan's hero. Private enterprise would have free rein, the heavy hand of government regulation would be lifted, labor would be cheap and, hopefully, unions would be weak.

The tax cuts materialized with a vengeance. As Reagan budget chief David Stockman recalls the corporate lobby successes of 1981, "the hogs were really feeding." That tax cut of some $750 billion for business and the rich deprived the government of revenue and remains a key factor behind today's record deficit.

THE SCENARIO

Following the script, Reagan pushed through massive cutbacks in social programs. There would soon be plenty of jobs and labor available.

But that was Hollywood. Instead of a boom, American got the Reagan Recession, the longest and deepest since the Great Depression.

Most Americans do recognize the hardship which has been inflicted on the poor and working people by the Administration. A recent Washington Post-ABC News poll asked whether the Reagan cutbacks created "serious hardship for many people" or for "just a few people." A total of 54 percent answered serious hardship for many and 40 percent said hardship for a few.

When Presidential counselor Edwin Meese III said "people go to soup kitchens because the food is free and that's easier than paying for it," he created a storm of protest. Church and social workers, directors of rescue missions and soup kitchens and nutritionists were outraged.

CATERING TO MEESE

Reagan came to Meese's defense and claimed "more money is being spent, more people are getting food stamps" than ever before.

That happens to be another Administration half-truth, because it created millions more jobless and hungry in the first place.

Nancy Amidei, director of the Food Research & Action Center, noted that "there are soup kitchens and food pantries in towns and cities of every size because of the recession and the policies of a President who obviously doesn't care whether the unemployed and their families have any way to put food on their tables."

FRAC researchers said that while the poverty population has increased, the Reagan cuts made less food aid available. It said 1 million people lost eligibility for food stamps, 3.2 million children lost school lunches, and 475,000 children—most disadvantaged—lost school breakfasts.

While Reagan was defending himself as concerned over hunger, it was revealed that new rules were being considered inside his Administration to slash several hundred million dollars from the Supplemental Security Income program, which aids the needy aged, blind and disabled. Then it was disclosed that Reagan told some reporters he would press for a subminimum wage.

When does this movie end, anyway?●

GREAT DECISIONS '84

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FASCELL. Mr. Speaker, I wish to call to the attention of our colleagues an important publication recently issued by the Foreign Policy Association entitled "Great Decisions '84." The book provides impartial background and analysis of eight of the most important foreign policy issues facing the Nation, including the Soviet Union, Central America, Mexico and the United States, U.S. security and world peace, South Africa, the international debt crisis, Saudi Arabia and Jordan, China and the United States, and international drug traffic.

The last seven Secretaries of State—from Dean Rusk to George Shultz—have each praised this publication for its major contribution to stimulating public discussion and to providing an objective understanding of these vital issues. As Secretary Shultz noted, "nothing is more essential to a vibrant, healthy democracy than the free exchange of ideas and a well-informed, involved citizenry."

Former Secretary Alexander Haig lauded its "nonpartisan approach which stresses personal understanding," and former Secretary Cyrus Vance noted that the Foreign Policy Association's annual Opinion Ballots—part of the "Great Decisions" publications—"shed useful light on how interested Americans view the key international issues" and he welcomed them as a public official.

The current edition is the association's 30th anniversary issue and I congratulate both the organization and its chairman, the Honorable Leonard H. Marks, for its continued and

valuable contribution to understanding in the quest for peace.●

MORTGAGE REVENUE BONDS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. GARCIA. Mr. Speaker, on the last day of December, the authority to issue mortgage revenue bonds expired. The House, having failed to pass H.R. 4170, the Tax Reform Act of 1983 which had extended the sunset provision of the bond program until December 1988, must quickly act to continue this most important of housing development tools.

To date, revenue bonds have provided financing for 1 million homebuyers. Just last year, the 1983 bond proceeds provided financing for roughly 220,000 families. In the State of New York, 7,500 new homeowners benefited from the program and the Bronx, which I represent, was just beginning to benefit from this program.

Mr. Speaker, one of the fundamental problems confronting moderate income families is the inability to obtain home mortgage financing. The mortgage revenue bond program has proven to be one of the most efficient and effective ways to address this problem. It is truly unfortunate that we were unable to renew this authority last session when we considered H.R. 4170.

Housing has long been a major stimulant of economic activity and it is important that we nourish its recovery from the depths of the recent recession. Indeed, the mortgage bonds can have a countercyclical impact on the housing economy by sustaining home sales during times of rising conventional mortgage interest rates. With a significant reduction in FHA activity, this countercyclical role becomes all the more important.

The bonds have provided the means for many to achieve the American dream. I have therefore submitted legislation to extend the authority for 5 years and to restate my support for the work done on H.R. 1176 and H.R. 4170.●

A TRIBUTE TO GERALD "BUCKY" WILLIS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. COURTER. Mr. Speaker, on February 5, the friends, family, and colleagues of Gerald "Bucky" Willis will join together to celebrate and commemorate the retirement of this fine citizen of New Jersey. Mr. Willis has given 34 years of his life to public service; 27 years as Sussex County sheriff following 7 years as undersheriff to Jim Skok.

His many fine accomplishments and tireless work are motivation for us all. Bucky holds the record for the longest term as sheriff in Sussex County. While holding that post, he also served as warden for the county jail. This distinguished career has afforded Bucky the friendship of colleagues and the respect of rivals.

He is an exceptional human being whose energy, integrity and devotion to the public good have certainly benefited the people of Sussex County and the State of New Jersey as well.

Together with my colleagues, Bucky's family, friends, and associates, I would like to wish this fine man all the best in his future endeavors. He is certainly loved by many and appreciated for his years of service to the community. Thank you.●

A CONGRESSIONAL SALUTE TO JEANIE MAE GIACOPUZZI

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ANDERSON. Mr. Speaker, on January 28, 1984, the Lomita Chamber of Commerce will hold its annual installation and awards dinner at the Ports 'O Call Restaurant. Among those to be honored is Mrs. Jeanie Mae Giacopuzzi, who is outgoing president of the chamber's women's division.

A graduate of San Pedro High School and Harbor College, Jeanie lives in Harbor City with her husband John, and three children: Jody, Jill, and Joy. As president of the women's division, she has been actively involved in the operation of many special events initiated by Lomita Chamber, such as the Miss Lomita Pageant.

Jeanie was the chamber of commerce women's division "Club Woman of the Year" in 1982; three time Kiwanis "First Lady"; president of the Fleming Junior High School PTA for 2 years; a member of the Narbonne High School Parent Teachers Student Association (PTSA); belongs to the Lomita Historical Society, the Lomita Sister City Association, and is a member of the Friends of Lomita Library. Her many community activities include managing a softball team in the Bobby Socks League, and being involved with the Girl Scouts of America Pixies, Brownies, and Girl Scouts.

Although relinquishing one position of great responsibility, I am sure new and equally great demands on her time for the betterment of our community will soon be made; and I am equally sure that Jeanie Mae Giacopuzzi will accept these new tasks with the same willingness and dedication that she has demonstrated in the years past. My wife, Lee, joins me in wishing Jeanie and her wonderful family, all the best in the years to come.●

HONORING JAMES RUSSELL WIGGINS ON HIS 80TH BIRTHDAY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Ms. SNOWE. Mr. Speaker, during the recent congressional recess, I joined with many residents of my congressional district in saluting one of Maine's foremost journalists, James Russell Wiggins, on the occasion of his 80th birthday.

Russ retired from a very distinguished career at the Washington Post more than 15 years ago and moved to Maine, where he began a new career as editor and publisher of the Ellsworth American, which has been cited by the Maine Press Association for its general excellence as a weekly newspaper six times in the last decade.

During these years, he has maintained a firm and unblinking stewardship of the paper, staunchly defending the right to cover events and having access to public information. All of us respect Russ and the editorial views expressed in his newspaper.

On November 22, 1983, Russ' friends gathered in Ellsworth to show their respect and appreciation. Katharine Graham, chairman of the board of the Washington Post, spoke regarding her affection for Russ and his role in bringing the Post into the mainstream of American journalism.

I would like to share her comments:

None of us believes Russ Wiggins is 80 because he has given us no reason to believe it.

His energy, his incredibly wide range of interests, his passionate journalism, all burn as brightly as ever.

But, the calendar insists it is so. I, for one, am grateful to the calendar because Dick and Helen Dudman had the great generosity to invite me to come here and join in this celebration of Russ.

I accepted immediately. It gave me a chance, not only to talk about Russ, but also to go back into the files and read about Russ, to talk with some of his colleagues and then to sit back and ruminate on just what it is Russ brought to The Post and to journalism.

He spent 21 years, from 1947 to 1968, on The Washington Post. I'd like to concentrate on this period, without in any way neglecting the years that led to them, not the 15 creative, useful, wonderful years that have followed up here.

Russ was very much the right man at the right time for The Post. He came to us by way of Minnesota, the son of a building contractor. Russ grew up in Luverne, was grad-

uated from high school there and went straight to work on the weekly Rocky County Star. when he was 18. Soon thereafter, Russ married Mable, the daughter of a local farmer.

Eventually, Russ bought The Star and stayed with it until he joined the staff of the St. Paul Dispatch and Pioneer Press as an editorial writer.

He became Washington Correspondent and eventually rose to executive editor after a stint in intelligence during the war, where he met and taught Al Friendly, later our managing editor and my husband Phil Graham.

After the war, Phil went to the Post as associate publisher, on January 1, 1946. At that time, Russ had been the victim of a horrendous act in St. Paul. The family publisher who ran the paper had been teased at his club; some of his friends taunted him with "you don't run the paper—Russ runs the paper * * *"

In an act of "I'll show you," he had gone down and simply fired Russ.

Russ was never bitter—but he was independent after that and always prepared for the worst. One of Russ's aphorisms was "an editor must edit with his hat on."

Four months after my husband came to The Post he and my father, Eugene Meyer, offered Russ an editorial position on the paper. I remember going to St. Paul and meeting him with Phil.

Instead, Russ chose to go to a better position at The New York Times. In a letter to Phil informing him and my father of his decision—in a letter in which he interestingly misspelled Phil's name and referred to my father as Mr. Meyers—he nonetheless says mysteriously, "you and I, it is my hope, will have, in the years ahead, a close and cordial and constructive relationship, even if it is not precisely the one we had under discussion. I feel somehow that this hope is one that will mature."

A year later, sure enough, the hope matured, and Russ came to The Post after all—and, as managing editor.

This was its situation:

My father had owned the paper for 14 years. It had lost money except for a short period during the war. During that time, newspapers were rationed on newsprint, so the ad-rich Washington Star could only print so much advertising. The remainder fell to the beggars at the feast. So The Post had been momentarily in the black for the first time. After the war, it went back into the red.

The organization under my father was still kind of makeshift. If you looked like a loser paper and were new at what you were doing, as was my father, you were bound not to attract big-league talent. The ones who did come, like Mark Etheridge, later, editor of the Louisville Courier Journal had moved on, exhausted by the eroding and somewhat chaotic atmosphere.

Progress had been made. But The Star, the gray old lady of Pennsylvania Avenue, basically still owned the town and the market. Cissy Patterson's sensational Times-Herald was bigger in circulation. The scrappy, bright, smart little tabloid Scripps-Howard News had its well defined niche.

We were poor and we were constantly threatened with failure in this highly competitive atmosphere.

Into this arena walked Phil Graham, 31, and inexperienced, but brilliant and charismatic—and with him walked Russ, his designated editorial partner.

Russ took the paper from this standing start, with so little financial backing, so little with which to attract people and a new and inexperienced publisher—and they took us into the big time.

John Sweeterman arrived in 1950 as business manager and brought professionalism and order, a strategy and smart operations but a very tight budget.

In fact, one of the things that most stands out is the penury that was necessary in those early days. Russ almost literally had to go to John for a $5 raise for a secretary or an order for a new book for the library.

And there was a whole series of memos back and forth between Phil and Russ about budgets. One was about the need to eliminate merit raises because we couldn't afford them that year. Another addresses presidential convention coverage and begins, "We are up against the fact that Chicago coverage is much more expensive than Philadelphia coverage. We are up against a further fact that we are having a hell of a wrestle to keep costs in any sort of decent posture."

Phil's suggestion was to cut the number of news and editorial staff members attending the convention. And for the women's pages, he had a particularly innovative solution. "Since Kay is going out with me," Phil wrote to Russ, "I wonder if she could not—by picking up items from other Post people there—give Marie Sauer enough stuff over the telephone to be adequate in this respect."

Even after The Post bought the rival Times-Herald in 1954, yet another memo suggested putting one of the women's department reporters in the lobby, because of a space shortage. Phil responded, "If someone must go, put a youngster out there."

But little by little, Russ brought his own goals and values to the paper.

He began to build the news staff in a serious way. He fought hard for quality. Everyone who speaks of Russ uses the same expressions; moral principles, ethical standards and rigid integrity.

He installed strict rules against conflict of interest. Post reporters were forbidden to take trips, tickets, presents or do freelance work of a conflicting nature. We paid our own way on trips to baseball games or fashion forays—at a time when this was unusual. Another strict rule applied to coffee and food in the city room, a rule observed more in the breech than in the obeyance and one that made Russ the butt of city room black humor. I wish, however, he could come back and clean up the city room today.

Russ (and The Post) backed his reporters and editors through very rough periods, especially during the Joe McCarthy hearings when we were being picked on for our so-called liberal views.

At the height of the McCarthy era, a senior reporter, Murrey Marder, returned from Fort Monmouth with his investigative story that was to blow the whistle on Joe McCarthy's claims that he had unearthed a new spy network.

We were going to report that, despite all McCarthy's claims, nothing Marder had unearthed at Fort Monmouth showed any evidence of a spy ring. The charges against 33 Army Signal Corps employees were based on the flimsiest guilt-by-association accusations.

Nevertheless, Murrey warned Russ that he should be aware there were 25,000 Signal Corps employees at Monmouth—any one of whom might turn out to be a Rosenberg. And the story would certainly raise a new storm of protest against The Post.

When all this, including the risks, was relayed to Russ, he said, "Murrey, you write what you have; we'll worry about what happens to the paper."

Another of our fine reporters, Carroll Kilpatrick, summed it up this way: "Russ is a genuine idealist with a practical understanding of a newspaper's role. He also had a deep understanding of how a newspaper should serve a community and its readers. He believed that it must serve a valid social purpose, never just exploit the news for selfish reasons. He believed that journalism was a public service. He wanted detachment and distance from politicians."

Once Senator Ted Kennedy came to see Russ after an editorial criticized the senator's recommendation of an unqualified candidate to be a federal judge. Kennedy explained that his brother, JFK, had promised his father that he would make the man a judge. Wiggins replied, "I didn't promise your father anything."

Carroll also talked about Russ's sense of history and appreciation for literature and his commitment to the Constitution. This helped make The Post a serious institution.

Devotion to certain ideals and the courage to implement them, takes many forms. One I remember was this:

In those days, all papers ran pictures of brides. It was taken for granted that the only girls getting married in the establishment press were white brides. In addition to this fact, Washington was, in many respects, a Southern community.

One day, Russ quietly inserted the picture of a young, black bride. It's hard to realize now, but the roof fell in. Russ had broken down an important, if symbolic, integration barrier.

There is no one at the paper who hasn't been handed huge volumes with the order to read them immediately. And the next day we were asked if we had read and appreciated the contents.

That is the speed at which Russ reads and that is why this man who graduated from high school is better educated than almost any Ph.D. I know.

He used to utter precepts on various subjects which were once collected by Ben Bradlee, then managing editor, in a little red book entitled, "Thoughts of Chairman Wiggins."

One precept is framed and hangs in Ben's office today.

It reads: "The customer is entitled to one clear shot at the naked facts."

This says a lot about Russ's philosophy, his respect for the reader and what the reader wanted. He warned reporters against a Jehovah complex and an assumption of omnipotence.

At the same time, he was always a fighter for freedom of information, for press access to government records and the courts. He warned of the dangers of pressure for privacy laws. He wrote a book on all this in 1956, "Freedom or Secrecy." He spoke about these issues constantly and lucidly before they were so fashionable. In this and in many other ways, he was an industry leader, as his 1959 service as president of the American Society of Newspaper Editors clearly attests.

As time went on, Russ's passioned defense of the Vietnam war set him more and more alone. But Russ, as usual, was unbothered by this. He defended his beliefs vociferously and continuously as one by one, his colleagues became persuaded that the cause was hopeless.

His colleagues on the editorial page unanimously concur on one thing. Russ would put behind him all personal feelings. He never

harbored ill feelings—much less grudges. An issue was an intellectual exercise, but never a personal one.

His successor as editorial page editor, Phil Geyelin, put it this way: "It goes against (Russ's) grain in a most fundamental way to be capricious, arbitrary or dictatorial. He too much relishes the reasoned argument, rooted in principle, to be any of those things. I mean, really relishes to the point of reverence, which is to say, respect for a view entirely contrary to his own."

"He was dogged," Geyelin wrote, "and difficult to budge because his beliefs were not lightly arrived at. We all know how much he read, and studied, and valued history—and of his concern for how little some of the rest of us did. His enthusiasm for a new idea, or old ideas freshly expressed, was a joy to behold."

Russ also was, and still is, wise. At one particular moment, Joe Rauh came to the paper with a story about one Paul Hughes, who claimed to be a defector from the McCarthy staff, with information that purported to show McCarthy had paid for evidence from the Department of State and the Pentagon.

Russ warned Al, Phil and Murrey to beware of the source—to whom they had advanced some small amount of expense money.

When he turned out to be a phony, they got together and personally gave Russ a gold clock inscribed "pro prudentia."

The merger of The Post and the rival Times-Herald in 1954 was the beginning of a new era. The staff went overnight from 160 to 200, and before Russ retired 10 years later, he was managing 300 people.

In 1955 Russ became executive editor, the only one The Post has with responsibility for both news and editorials.

By 1957, the future success of the merger was beginning to show. We had kept all of the Times-Herald comics and features. We sometimes had two of the same kind of column or critic—all in an effort to keep the unduplicated readers of both papers and continue to grow. And that is what we did. Ad linage was beginning to pull equal to The Star and by 1963 we were moving ahead.

I am so glad that Russ had an opportunity to have some more affluent years, and years of growing influence and weight—times when we and he could invest in the editorial product, when we could put behind us the city room joke that editors would send Post reporters anywhere to cover a story, as long as it was the first taxi zone.

There were sad times, too, of course.

From 1957 on, my husband's illness took its toll on him and on all of those living or working close to him—and on no one more than on Russ.

There were moments when Phil would want to take a particular editorial stand—or have the paper do or write things that he would not normally have done.

If you crossed him at these moments, you became the object of his anger.

Russ had to weigh being sympathetic with Phil while defending the stability of the paper.

Phil threatened to fire Russ much of this time and once did—when Al Friendly, the managing editor, heroically stepped in and said they would both go—and so both stayed.

After Phil's death, Russ and Al's welcoming of me was wonderful. To help a total neophyte learn a highly complex, though absorbing business, while keeping the ship steady and moving ahead was a herculean assignment.

The battle between news and the publisher, John Sweeterman, was still intense. In fact, the internecine warfare was so constant that I suggested to Al and Russ that we adapt a more orderly budget process—that they put down all their desires for the paper and that we meet and hammer each request out with John at one time for the year.

They came in with 10 as I remember. One was Russ's desire to have a "Walter Lippman for the District"—this eventually turned into Bill Raspberry's column. John concurred enthusiastically in all our projects.

It was a quantum leap forward and it cost us an extra million a year.

Needless to say, I feel I owe Russ and the paper owes him great respect and gratitude.

How like Russ to next go from journalism to the United Nations as American Ambassador in 1968, a few months before his chosen retirement year, an act that must have caused him some soul searching—Russ, who felt so strongly about separation of the press and government. But it suited him at the time and was right at the time.

And later, of course, at the end of President Johnson's term he came here to run the Ellsworth American.

In this capacity, he has conducted himself in much the way he did all his other jobs—with a mixture of panache and homespun virtues. On the one hand, he hires the oxcart to show how slow the U.S. mails are—and on the other he writes his friend Jerry Wiesner to tell him about the pros and cons of nuclear power safety—and the ever present verse adorns the paper and Christmas cards alike.

He remains, too, a valued supporter and critic of the Post. At the ASNE convention at which the Post and Ben Bradlee were bleeding from the Janet Cooke wounds, Russ toured the opening reception and came back to Ben and me and said, "I have never been so impressed with our profession." "Why?" we asked. "Well," said Russ, "I have just met a hundred editors who all said, "this could never have happened in our shop." Shortly thereafter, of course, related events happened in several.

Russ still thinks about press issues and speaks about them with thoughtful clarity. Above all he is as busy and hard working—as well read and as passionate as always. He continues to be a wise friend, a thoughtful observer, a cheerful companion and the voice of conscience.

May we all be able to celebrate like this on our 80th birthday.●

GARDEN CITY LOSES SERVICES OF DR. EILENFELDT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FORD of Michigan. Mr. Speaker, shortly after adjournment, I discovered that Dr. Raymond L. Eilenfeldt, one of the founders of the Garden City Hospital located in the 15th Congressional District, was resigning as chairman of the board of directors. Mr. Speaker, Dr. Eilenfeldt served the Garden City Hospital long and well and I want to take this opportunity to share some of the highlights of his career with you.

Dr. Eilenfeldt provided great leadership and during his tenure the hospital grew from a 36-bed maternity clinic to the present 362-bed general teaching institution. In addition, the hospital corporation acquired two skilled nursing care facilities providing over 300 beds for geriatric patients.

Raymond Eilenfeldt dedicated over 40 years of his life to treating patients in what has been described as a gracious manner, combining a compassionate spirit with outstanding medical skills. His colleagues and the hospital staff have the utmost respect for this man of quiet demeanor who has provided an outstanding example of leadership and commitment to the goals of Garden City Osteopathic Hospital.

I am proud to call this outstanding man to the attention of Congress and know that you join me, Mr. Speaker, in wishing Dr. Eilenfeldt well.●

AMERICA'S DUTY IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for December 1983 into the CONGRESSIONAL RECORD:

AMERICA'S DUTY IN LEBANON

(By Lee H. Hamilton)

In the wake of the ghastly terrorist attack on the U.S. marines in Beirut, many people are confused about American involvement in Lebanon, the Marines' mission in that strife-torn nation and the need for them to stay there.

American involvement in Lebanon should be put into perspective. We should resist the temptation to overstate what we are trying to do. Our purposes in Lebanon are worthy and are essential to the peace process in the Middle East, but accomplishing them is not vital to the security of the United States and they should not be defined primarily in East-West terms.

America's basic objectives in Lebanon are clear. The first is the preservation of sovereign, independent Lebanon, one dedicated to national reconciliation and able to exert control throughout its national territory. Equally important is the security of Israel's northern border, so that the inhabitants of northern Israel can live without fear of rocket attacks. These objectives would be served by a third, the withdrawal of all foreign forces from Lebanon. Our basic objectives are unchanged. They are constants of our foreign policy in the region. Neither the terrorist attack nor other fighting in Lebanon since the partial withdrawal of Israeli forces should cause us to lose sight of them.

The mission of the 1,600 marines now ashore in Lebanon should also be put into perspective. The marines were dispatched to Lebanon one year ago to participate in a multinational force requested by the Leba-

nese government. The force was intended to strengthen the governments' authority, further that governments' effort to protect its people and prevent the senseless violence which took the lives of so many Palestinian refugees in Beirut's camps.

The marines are not in Lebanon to tip the balance of power. They are there as one element among several to help achieve stability. Their mission remains one of keeping the peace, not fighting a war. The marines' task is not to take sides in a civil conflict, but rather to give the Lebanese the support they need as they try to resolve their differences and unify their people by diplomatic means. Accordingly, the marines have been given limited rules of engagement. They will take up their arms and defend themselves only if military action from some quarter interferes with their mission.

The marines are symbols of our commitment to the Lebanese people and to a sovereign, independent Lebanon, so their immediate withdrawal would make hollow our insistence that diplomacy be given a chance. What we have worked for in Lebanon for the past several months would be jeopardized, if not lost. The Soviet Union would have more leeway in its effort to dominate Lebanon, and the entire Middle East would become a more inviting target of Soviet opportunity. Syria would never honor its pledge to pull its troops out, nor would it end its support of rebel factions or its collaboration with Iran. Israel's northern border, always of concern, would be more vulnerable still. Moderate Arab states would be alienated from us, and our general influence in the Middle East would sink as that of the radicals rose.

How long must the marines stay? If we keep them in place until Lebanon is stable and Syria no longer threatens, our commitment is too open-ended. If we fix the duration of their stay in days or weeks, our commitment is too feeble. Perhaps it is best for us to say that the marines must stay until the Lebanese government is on the path to national reconciliation and has developed a security structure acceptable to most Lebanese people.

The United States needs a diversified strategy in Lebanon to secure the withdrawal of the marines prior to the end of the 18-month period for which the President sought and obtained authorization. The United States must press on with that withdrawal in mind, in a manner consistent with its interests in the region. Therefore, an agreement on the withdrawal of all foreign troops from Lebanon should be one of our aims. Reinvigoration of the broader Middle East peace process, a process which cannot await conclusion of the other Lebanese agenda but could facilitate conclusion of it, should be another.

The process of national reconciliation must get under way in a conference of all Lebanese factions. Out of the conference must come the critical compromises Lebanon needs if it is to survive. Such compromises have to lead to a broadly based government of national unity, backstopped by international economic assistance. American diplomats could ease this process along, but only Lebanese leaders could carry it through to a successful conclusion.

An acceptable security structure could be built up around a better trained and equipped Lebanese army, appropriately depoliticized and properly organized to reflect the religious mosaic of the nation. Military aid from a number of nations could be made available to the Lebanese army in a form ageed to by all factions. Soldiers of other countries could be rotated through the multinational force, keeping it in place as long as it was needed but allowing the marines to depart more quickly than would have been possible otherwise.

National reconciliation and an acceptable security structure for Lebanon are valuable prizes in a game worth winning. If Lebanese leaders do not see it that way and fail to play their best hand, the marines will be useful no longer and should be withdrawn.

Strong pressure for accommodation must be put on all factions in Lebanon. They must understand that their choice is unity or anarchy, and that the hour is late. It is their nation, not ours, whose future is on the line.

In the days ahead, we should strengthen the defenses of those marines who may remain on station in Beirut. We should not accept the idea that nothing can be done to protect the marines from *kamikaze* tactics. In addition, we should make a quick but exhaustive investigation of the terrorist attack, which may have been launched by a small group of uncontrollable fanatics seeking to create anarchy for their own purposes. They should be dealt with summarily before their twisted vision for Lebanon overwhelms the sensible vision of the majority of Lebanese people.

Formidable obstacles confront the United States in Lebanon, but the road to peace in the Middle East has always been strewn with obstacles. Stops, false starts and detours are part of the course, so we must persevere with eyes squarely focused on our objectives.

The United States is a great power. It must shoulder the responsibility that accompanies power. We cannot walk away from Lebanon and expect the world to be the same again.●

HONORING FATHER KRAUS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FORD of Michigan. Mr. Speaker, permit me to take this opportunity to honor an individual who has been a part of our community since June 1968. I speak of Father Carlton J. Kraus, pastor of St. Alfred's Church in Taylor, Mich. On January 10, he assumed the status of "Senior Priest" of the Archdiocese of Detroit.

Mr. Speaker, Father Kraus was born on September 2, 1913, in Detroit.

After attending grade school at St. Elizabeth in Detroit, he enrolled at Sacred Heart Seminary and then studied theology at St. Mary's in Norwood, Ohio.

Following his ordination on May 18, 1940, he celebrated his first Mass the following day at Nativity Church in Detroit. He then served as associate pastor at St. Bridget, St. Martin, and St. Agnes Churches in Detroit and at St. Mary in St. Clair, Mich. His first pastorship was at St. Joseph in Adrian followed by service at St. Gregory in Detroit.

As I mentioned, Father Kraus became pastor at St. Alfred's Church in Taylor in 1968. His commitment to excellence in his profession and the success which his abilities have brought him, have not gone unnoticed. We, in the 15th District, are proud that he has also served as chaplain of the Taylor All Saints Council of the Knights of Columbus and is currently chaplain of the Denia Caravan of the Order of the Alhambras.

As Father Kraus moves on to new challenges, I want him to know how grateful his fellow citizens are for everything he has done for us.●

DESPITE OBSTACLES, WON PAT IS MAKING A MARK IN CONGRESS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FAUNTROY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, Nov. 22, 1983]

DESPITE OBSTACLES, WON PAT IS MAKING A MARK IN CONGRESS

(By Eduardo Lachica)

WASHINGTON.—As a power broker, Antonio Won Pat starts with a strike against him.

He calls himself a congressman, but as the delegate to the House of Representatives from the U.S. Territory of Guam, he lacks a right other members have—a vote on the House floor.

Although he has other congressional privileges, including a vote on House business at the committee level, he is hardly an imposing figure at deal-making sessions. Barely five feet tall, he once slipped from sight behind his rostrum while presiding at a congressional hearing. When he reappeared, he quipped to an astounded witness: "You can't see me, much less understand what I'm saying."

With self-depreciating reference, Mr. Won Pat took notice of another problem: He speaks in a mumble heavily accented by Chamorro, the Spanish-Polynesian patois of Guam. Listeners often ask for a translation.

SPHERES OF INFLUENCE

Despite these disadvantages, Mr. Won Pat has managed to carve out his own sphere of influence in two areas vital to Guam: defense spending and federal policy toward U.S. territories. As a result the minute Micronesian delivers big bucks for Guam and his 11,000 constituents on the Western Pacific island nearly 9,000 miles from Washington.

Over the last four years, Mr. Won Pat, a member of the House Armed Services Committee, has successfully fought Navy efforts to close a ship-repair facility in Guam's Apra harbor. Earlier this year, he obtained a Pentagon commitment to spend $250 million over the next five years to improve Guam's military facilities—an Air Force base, a Navy communications center and the ship-repair depot. This will come on top of the $700 million the Pentagon already spends every year to operate the facilities

and to support the 11,500 military-service members stationed on the 212-square-mile tropical island.

Mr. Won Pat, a Democrat, also serves as the chairman of the Insular Affairs Subcommittee of the House Interior and Insular Affairs Committee. This gives him considerable influence over territorial programs, which are administered by the Interior Department. This year, for instance, the Reagan administration wanted to spend $4 million on capital improvements in Guam. Mr. Won Pat got the committee to increase the amount to $11.4 million to help pay for water and sewage projects needed to support new hotels for Japanese tourists.

Some Guam business leaders think the island needs more than federal largess. They would like to turn Guam into a major financial and trading center like Hong Kong by exploiting the American island's duty-free status and proximity to major Asian markets. With Mr. Won Pat's support, the business group has been lobbying in Washington for tax, labor-law and other changes that would make Guam more attractive to investors. But so far Washington has frustrated Guam's efforts to become a tax haven.

In promoting Guam's welfare in the capital, Mr. Won Pat is actually following a path charted by Thomas Jefferson in 1784. Jefferson believed that territorial delegates should have the opportunity to lobby in Congress for concessions for their distant lands, even if they couldn't vote in Congress. So Jefferson drafted the Ordinance of 1784, which authorized territorial aspirants to statehood to "keep a member in Congress, with the right of debating, but not of voting." The first Congress adopted a similar law.

There are currently five such nonvoting members of Congress, representing American Samoa, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. While they all lack the authority to vote on legislation before the full House, the delegates can vote in committees, where, in fact, many legislative deals are made.

Delegates haven't always been allowed to serve on and vote in committees. That right was restored after a long hiatus in 1973, the year Mr. Won Pat, now 72 years old, first came to Congress. He is the first territorial delegate to head a subcommittee in the House. Walter Fauntroy, the delegate from the District of Columbia, now heads two subcommittees, including a House Banking Committee panel on domestic monetary policy that gives him some influence over the Federal Reserve Board.

During his six terms in Congress, Mr. Won Pat has learned how to play his committee assignment to maximum advantage. On the Armed Services Committee, for example, he serves on the Research and Development Subcommittee, which makes him an important lobbying target for military services trying to get permission to proceed with new weapons. This gives him chips to trade in return for spending on Guam. As a member of the Military Installations and Facilities Subcommittee, he can trade committee votes with other members trying to protect military jobs in their districts. This is important to Mr. Won Pat because more than 40 percent of the Guamian labor force works either for the U.S. or for the territorial government.

But Mr. Won Pat's committee clout hasn't yet enabled him to change a number of government policies that hurt Guam. Some federal policies toward Guam seem confused, contradictory or just plain nonsensical. For instance, federal bureaucrats can't decide whether Guam is part of the U.S.

REGULATORY IMBALANCE

Perhaps because the island is on the other side of the international date line and 17 flying hours from Washington, the Federal Communications Commission treats Guam as a foreign country. This means that telephone and other communications rates between Guam and the mainland are higher than they would be if Guam were treated as part of the U.S.

But the Federal Maritime Commission treats Guam, which is 3,700 miles west of Hawaii, as part of the U.S. This means that Guam is subject to the Jones Act, which requires the use of more-expensive American-built ships for shipping between American ports. Mr. Won Pat argues, unsuccessfully so far, that Guam should be exempt from the Jones Act because its isolated location calls for cheaper vessels and lower shipping rates than the current law provides.

Unfortunately, from Mr. Won Pat's point of view, other agencies also apply domestic laws to Guam. For years the Immigration and Naturalization Service has been frustrating Mr. Won Pat's efforts to exempt Japanese tourists going to Guam from U.S. visa requirements. Immigration authorities fear that a breach in the visa requirements might make it possible for tourists to fly from Guam to the U.S. to join the millions of undocumented aliens already looking for American jobs. Mr. Won Pat debunks this stance, which has been slowing the development of the Guamian tourist business.

EPA BATTLE

But Mr. Won Pat may be on the brink of rescuing Guam from another bureaucratic bogyman—the Environmental Protection Agency. The agency is trying to force Guam Power Co. to adopt the same emission controls it imposes on the rest of the U.S. But the small utility is resisting, saying the expenditure of $20 million to meet the clean-air standard would be totally without merit.

"It's ridiculous," a Guamian businessman fumes. "The trade wind blows over Guam all the time, and it takes any emissions out to the Pacific Ocean. The nearest neighbor we could possibly pollute is the Philippines, 1,500 miles away."

Mr. Won Pat has slipped a Guam exemption from the EPA rule into an omnibus territorial bill that the House is considering.

But a victory against the EPA isn't likely to bring Mr. Won Pat and his constituents any closer to another goal—the right to vote in U.S. Presidential elections. He introduces such a proposal every year, and every year it sinks out of sight in the House Judiciary Committee. Statehood for the small island appears even less likely. "I can't think of anyone in Congress who's willing to grant an island 9,000 miles from Washington one seat in the House and two in the Senate," a Won Pat aide says.

Guam, an important U.S. naval installation since 1898, was ruled by the Navy until the 1950 Organic Act conferred full citizenship on island-born residents. In 1970 Guam elected its first governor and in 1973, Mr. Won Pat became the island's first delegate to Congress.

A former Navy administrator brought Mr. Won Pat's father to Guam from Hong Kong as a cook. "And here I am tinkering with parts of the U.S. Navy budget," Mr. Won Pat says with a grin.●

FEDERAL SUPPORT FOR THE ARTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 7, 1983, into the CONGRESSIONAL RECORD:

FEDERAL SUPPORT FOR THE ARTS

On the 20th anniversary of his tragic assassination, many people have talked about the legacy of John Kennedy. A part of the legacy must be his active role in the arts, for he was the President who said, "I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft." He raised the arts in the public mind, brought them to a wider audience, and contributed to the "cultural explosion" of the 1960's and 1970's. As I think about his legacy, I recall Robert Frost's reading at the inauguration, the brilliant recitals in the East Room of the White House, the famous concert by Pablo Casals in November of 1961, and the John F. Kennedy Center for the Performing Arts in Washington. Most important, however, are the federal programs in support of the arts enacted shortly after his death.

Federal promotion of cultural activity and the arts is nothing new. The Library of Congress was established in 1800. In 1817, Congress commissioned works of art to decorate the Capitol. The Smithsonian Institution was chartered in 1846. In 1935, Congress authorized unemployment relief in the fields of art, music, writing, theater, and historical research. The National Gallery of Art was set up in 1937. President Kennedy's interest in the arts eventually led to the creation of two "national endowments," one for the arts and one for the humanities, in 1965. Although they were controversial at first, these programs enjoy widespread support today. For example, a 1980 poll showed that 59 percent of the people would pay $15 more in taxes to support the arts, and 51 percent would pay $25 more. The same poll showed that more people would attend plays, exhibits, and concerts if these events took place in their communities.

The National Endowment for the Arts uses its funds to support the arts through outright grants to individuals, organizations, and state agencies, and through grants that require the recipients to raise matching donations. More than 90 percent of the endowment's funds must be matched one-to-one, but some must be matched three-to-one. Architecture, dance, education, folk art, literature, music, painting, photography, sculpture, and theater are some of the fields in which recipients work. The heart of the endowment's work, review of applications for grants, is done by peer review panels, which are composed of 500 artists and arts administrators in twelve disciplines, by the National Council on the Arts, which is composed of 26 presidential appointees, and by the endowment's chairman, who is also a presidential appointee.

Appropriations for the endowment have risen from $2.5 million in 1966 to $162 million in 1984. The latter figure is well above President Reagan's 1984 request of $125 million and significantly higher than this year's appropriation of $144 million, but

only slightly above the $159 million appropriated in 1982. It represents less than two tenths of 1 percent of the federal budget and accounts for less than 5 percent of all spending on the arts.

In line with his view that the federal government's domestic effort should be minimized, Ronald Reagan came to Washington questioning whether there was a federal role in the arts. He argued for cuts in the endowment's budget and called for new directions in its management, but he did decide that the endowment should continue. President Reagan acknowledged that the question is not whether the federal government should support the arts, but how it should do so.

The endowment is not a perfect federal agency, by any means. Those who back it have several problems to address. One is the fear that federal funding means federal control even though peer review is required and the endowment does not provide more than half of the cost of any artistic project. Another is the criticism that a congressional investigation has made of the review panels, some of which were cited for bias, inconsistency, and unreliability. A third is the charge that the endowment has been politicized by people who want to advance their own social policies at the expense of independent artistic achievement. Another is the complaint that the endowment no longer stresses "serious" art judged on excellence but instead promotes "popular" art judged on public appeal. Finally, there is always a problem with unusual grants—$500 for a one-word "poem" or $6,000 for a "sculptor" who dumped streamers out of an airplane.

Some criticism of the endowment is well founded, but much of it is misguided. The endowment is neither a "financial patron of first resort," a mechanism to "pump money" into the arts, nor a device to "prop up" artistic activities that otherwise would collapse. Rather, it is a catalyst which stimulates voluntary contributions. Because no other donor makes such a systematic effort to define and identify artistic excellence or to survey and respond to the needs of artistic disciplines, a grant from the endowment carries enormous prestige and may help a recipient obtain funding from other sources. According to the endowment itself, its grants generate three to four outside dollars for every federal dollar. Because the endowment is also the largest single source of support for the arts in the United States, its catalytic power makes it a national trendsetter.

It is clear that sources other than the federal government have supported the arts in ever stronger fashion since the endowment was created. Arts funding among states, less than $3 million in 1965, reached $126 million in 1983. There were 1,800 local arts agencies in the country this year, up from 150 in 1965. Businesses gave the arts $21 million in 1965, but increased their donations to $506 million in 1981, according to the most recent estimate of the Business Committee for the Arts. Since 1965, opera companies have doubled in number, orchestras have tripled, dance and theater companies report ten-fold increases, the artist work force has doubled, and audiences have tripled. Overall, private giving for the arts has neared $4.9 billion per year.

To those who see a connection between the creation of the endowment and all these upward trends, federal support of the arts, modest as it is, has a critical importance.●

TRIBUTE TO HOWARD JENKINS, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. CLAY. Mr. Speaker, I rise to pay tribute to Howard Jenkins, Jr., who has recently retired after serving 20 years on the National Labor Relations Board. Howard Jenkins' career epitomizes distinguished service to the public as illustrated by the fact that he received appointments to the Board from both Democratic and Republican Presidents. Realizing that I cannot do justice to such a long and distinguished career by singling out only certain accomplishments, I would still like to take a moment to acquaint my colleagues with some of the highlights of Howard Jenkins' career.

Born and raised in Denver, Colo., in 1941 Howard Jenkins became the first black ever admitted to the Colorado bar. In 1963, having both persevered and distinguished himself in public service in spite of the racism which had limited his employment opportunities, Howard Jenkins became the first black to be appointed to the National Labor Relations Board. By example, on the strength of his character and ability, Howard Jenkins opened doors theretofore barred to blacks.

Once appointed to the Board, Howard Jenkins dedicated himself to remaining employers and unions, at a time when more than a few had forgotten, of their obligations to respect the rights of all workers, regardless of race or sex. His dedication to and efforts on behalf of this most basic principle bore almost immediate results when in 1964, in a decision authored by Howard Jenkins, the National Labor Relations Board stated:

Specifically, we hold that the Board cannot validly render aid under section 9 of the (NLRA) to a labor organization which discriminates racially when acting as a statutory bargaining representative.

For his role in establishing the principle that race and sex discrimination are unfair labor practices prohibited by the National Labor Relations Act, Howard Jenkins deserves ranking with A. Philip Randolph and Walter Reuther for insuring the advantages of collective bargaining are available to all workers.

Finally, in interpreting and enforcing among the most difficult and impotent statutes ever passed by any Congress, Howard Jenkins never forgot the importance of the rights the National Labor Relations Act was intended to protect. As he himself stated:

The mission of the Board, to assure that neither employers nor unions interfere with the rights employees to act in concert or through their representatives to protect their own interests, is the foundation of industrial stability in this Nation.

For 20 years Howard Jenkins was instrumental in insuring that the Board, to the best of its ability, fulfilled that mission.●

THE NEED FOR A UNIFORM NATIONAL DRINKING AGE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FLORIO. Mr. Speaker, I hope that H.R. 3870, my bill to establish a uniform national drinking age of 21, will soon be reported and considered by the House.

As the bill is debated, I expect its opponents in the liquor industry will argue, as they did in our hearings, that this subject is not a proper one for congressional action and is more appropriately left to the States.

Today I am inserting in the RECORD a column from the Chicago Tribune that shows how misguided this approach is.

DRINKING AGE LAWS: MADE TO KILL

(By Bill Stokes)

Sometimes you just have to get mad. You just have to say to hell with amendments to the Constitution and whatever else is cited. You simply have to ask, "What in God's name are we trying to do to our young people with our absurd state-by-state drinking laws?"

The answer is obvious—we are trying to kill them. And we are succeeding. They are dying in highway carnage everyday as they speed from one state to another to drink alcohol.

Of course, the whole booze scene is so fraught with absurdity that it is not surprising that we divide the country up into drinking zones in such a manner as to kill as many youthful drivers as possible.

From the time they are able to sit up, our children are conditioned to accept the premise that it is OK and funny to drink booze and beer, to the point where you are so drunk that you can't sit up no matter what your age. Our culture is soaked in "entertainment" alcohol at every level. From glitter to gutter, drinking is the "in" thing.

We follow the lead of the alcohol beverage industry like lobotomized sheep. There is so much money involved that we get bought off without even realizing that we were for sale.

As a society, we have been tarred and feathered by booze for so long that we apparently like the feeling. Occasionally, we pluck at a feather and make some mild protest about its presence, but, by and large, we seem incapable of dealing with the situation in any rational manner.

There can be no other explanation for the way the nation is sliced up into state-size drinking age areas: 21 in Illinois, 18 in Wisconsin, 19 in Iowa, 20 in Nebraska.

Can you believe that? Those four states share common borders and we practically urge young people to cross them in order to drink. Why don't we just get a little war

going somewhere and send them there to get killed? That way the government would pay for their burial.

But wars have a tendency to focus attention and generate emotion, and after a time they are either won or ended, and the killing of young people stops.

Not so with drinking and driving deaths. They just go on and on, and unless you are directly affected, as are the Mothers Against Drunk Drivers (MADD) members who have lost loved ones, you don't think much about it.

Oh, there is another group that thinks about it. This is the group made up of people with commercial interest in the sale of booze and beer. Recently, when the MADD members urged Congress to pass a law creating a nationwide legal drinking age of 21, the representatives of the alcoholic beverage industry appeared and voiced their objection.

This would be offensive if it weren't so unbelievable. How can these people have the audacity to appear before Congress and the MADD mothers and talk about the 21st Amendment and how certain surveys showing a drop in death rate with higher drinking age are not necessarily valid?

It would be just as logical and in equally bad taste for the funeral directors to appear in opposition to the uniform drinking age. Certainly, their business would be adversely affected by its passage.

The Wisconsin legislature has recently discussed raising the drinking age to 19. Big deal. That will have about as much effect on the youthful weekend demolition derby along the Illinois Wisconsin line as painting a double yellow line down the middle of the highway.

Nobody can be so dumb as to think that a uniform drinking age of 21 is going to stop young people from drinking before they reach that age. Since we show and tell them all through their childhood about the wonders of booze, we can't expect them to wait until they are 21 to see for themselves how "right" we are.

Nor will a uniform drinking age stop young drivers from killing themselves and others on the highways.

But can't we at least remove the absurdity of practically forcing the young to combine drinking with highway travel?

A uniform drinking age will solve only that. It will eliminate the nightly migrations to and from "legal" drinking states. That isn't much in the big Catch-22 alcohol picture, but it is something.

And I'm not sure that the uniform age should be 21. Maybe it should be 35. Or 20.

I don't think it should be 18. That's too young to throw open the doors of the liquor cabinets and the taverns and announce, "OK, kids, here it is. All this alcohol glory is yours. Belly up and down the hatch."

If 18-year-olds are going to get booze—and they are—then, in keeping with the craziness of the game, they ought to have to do it without society's blessing.

One of every two Americans can expect to be involved in an alcohol-related traffic accident during his lifetime. I have been in mine, and I was the one with the alcohol in my brain. I finally decided, years later, that as far as drinking goes, I am too dumb to participate. This gives me no special qualifications to speak on the subject of state drinking laws.

But I don't think any are needed. All you have to do is look at a map of the United States showing the states' drinking ages. It is a jigsaw puzzle with its pieces etched in the blood of our young.●

TRIBUTE TO FALMOUTH EAGLE SCOUTS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. McKERNAN. Mr. Speaker, I would like to join my colleagues in honoring Christopher Smith and James Patterson, of Falmouth, Maine, who will receive the Eagle Scout Award on January 20.

Christopher, the son of Richard and M. Robin Smith, is a sophomore at Falmouth High School. He has been active in school politics and seeks a career in either business management or politics. For his Eagle Scout project, Christopher organized a group of scouts to paint a building for the Falmouth Little League.

James, the son of James and Christine Patterson, is also a sophomore at Falmouth High School. He is planning to join the Marines after high school. James, who has always had an interest in the outdoors, restored parts of the Falmouth nature reserve for his Eagle Scout project. The task included general cleaning and remarking of the nature trails in the reserve.

I commend the parents, friends, and scout leaders of these two young men for encouraging them in their pursuit of excellence. I wish the new Eagle Scouts continued success in the future.●

CUTTING THE DEFICIT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 4, 1984, into the CONGRESSIONAL RECORD:

CUTTING THE DEFICIT

The federal budget outlook is alarming. The Congressional Budget Office (CBO) just estimated that if the federal government maintained its current spending and taxing policies, the annual deficit would rise from $194 billion this year to $280 billion in 1989, adding $1.3 trillion to the national debt in six years. By 1990, the interest on the national debt would reach $185 billion a year, a sum greater than the whole budget in 1969. Even on optimistic assumptions about economic growth, the deficit would be too large to "outgrow" and would remain in the range of 5% to 6% of the gross national product (GNP) through the end of this decade. A 1% increase in real GNP would cut the deficit a mere $12 billion.

The budget is out of control. The issue is not whether to cut the deficit, but when and how.

Some people say that we should reduce it next year. Their argument is that the economy is recovering from the worst recession of the postwar period, and that it would be unwise to raise taxes or reduce spending until the economy has expanded further. Besides, major spending cuts or new taxes must be put in place gradually, with advance notice to give the economy time to adjust.

Other people say that the economy is expanding so rapidly that interest rates may rise abruptly and bring the expansion to a halt. They argue that to postpone action on the deficit until 1985 is to gamble with the economy. They point out that while the deficit took about one eighth of all savings from 1950 to 1980, it now takes 50% and soon will take two thirds.

I am convinced that we must begin cutting the deficit now. The advantages of a smaller deficit outweigh the disadvantages of spending cuts or tax increases. Reducing the deficit is painful, but the deficit itself, if left unattended, will cause pain in the form of renewed inflation, high interest rates, sluggish investment, slow growth, depressed exports, diminished income, and lost jobs. Immediate action would build confidence and would permit us to live with a large but shrinking deficit in 1984 and 1985. If we did nothing, however, confidence would not be there and the economy would worsen as the deficit grew.

The more difficult question is now to cut the deficit. The military takes 28% of the budget. Social security, medicare, and other entitlements take 52%. Net interest takes 11%. These items, then, take more than 90% together. All other spending consitutes only 10%. We cannot ignore the 10%, but it has been cut already: employment programs have been trimmed 50%, education programs 30%, and low-income assistance programs 12%. It is hard to imagine further meaningful cuts in total spending if entitlements and the military are left intact, yet cutting these portions of the budget will be painful. President Reagan has made clear his determination to increase military spending, social security spending has been curbed already by last year's bipartisan agreement, and medicare costs have been rising rapidly. Not much can be done with regard to net interest. It is simply the product of other economic decisions.

The choices on the revenue side are just as perplexing. We could raise tax rates, broaden the base of existing taxes, or introduce new taxes. The first choice would magnify existing inequities and inefficiencies in the tax code, and the President is dead set against it in any case. The second choice would be particularly disruptive for organizations that have made extensive plans based on present tax law. The third choice probably would mean a sales tax of some kind, so it would raise a lot of money but also would affect price levels adversely. Lurking in the background is the possibility, no longer quite so remote, of a radical, top-to-bottom overhaul of the tax code.

What must be done? I subscribe to the view that a large deficit continuing into the future is bad for the economy. It represents the most serious economic threat that we face today. Thus, I think that a joint presidential-congressional initiative is needed to attack the deficit. There must be a commitment to deficit reduction at the highest levels of government. A balanced plan of economically sensible, politically feasible spending cuts and tax increases is the best approach to take, and it must be implemented in a way that does not constrain economic activity. This probably means that taxes should not be raised, nor spending cut, by substantial amounts in 1984. All measures should be enacted a year or so before they

are scheduled to take effect so that the economy has time to adjust. It will take strong leadership from the President and Congress to make such a plan work, but I think that people are willing to take bitter economic medicine if they see that it will help cure the deficit.

As the debate on the deficit intensifies and sharpens, a number of points should be kept in mind. One of the most important is that domestic spending should not be singled out to bear the brunt of blame for the deficit. The President's own economist has shown that under current spending and taxing policies from 1980 to 1988, domestic spending will fall as a percentage of the GNP while the deficit increases because tax receipts will go down while military spending goes up. Congress already has cut domestic programs to the point that all nondefense spending, less social security, medicare, and net interest, has been falling and will continue to fall relative to the size of the economy. According to the CBO, it will drop from 8.8% of the GNP today to 6.4% in 1989. Defense spending, on the other hand, will rise from 6.5% of the GNP today to 7.4% in 1989.

The United States has accumulated more debt in the past few years than it did during its first two centuries as a nation. Still, I do not think that the deficit will abort the recovery in 1984. Rather, it is the deficit mounting through the end of the decade that has me worried. We have lost our grip on the budget helm and have let the ship of our economy stray into uncharted waters. Never have we lived beyond our means on so extravagant a scale. To my way of thinking, the anticipation of the future deficit is undermining the foundations of our economy even as the current deficit quickens the pace of the recovery.●

VOTING RECORD OF MORRIS K. UDALL, MEMBER OF CONGRESS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North Third Street, suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

1. Election of Speaker. For election of the Speaker of the House of Representatives for the 98th Congress, the nominees were Thomas P. O'Neill, Jr., D-Mass., the Speaker since 1977, and Robert H. Michel, R-Ill., minority leader since 1981. O'Neill was elected 260-155; Y(2-3-0), Jan. 3, 1983.

2. H. Res. 5. House Rules. Motion to order the previous question (thus ending debate and the possibility of amendment) on the resolution to adopt the rules of the House of Representatives for the 98th Congress as proposed by the Democratic Caucus. Motion agreed to 249-156: Y(2-3-0), Jan. 3.

3. H. Res. 5. House Rules. Motion to commit the resolution to adopt the rules of the House as proposed by the Democratic Caucus to a select committee for the purpose of removing the rule to limit legislative limitation amendments on appropriations bills. Motion rejected 156-250: N(3-2-0), Jan. 3.

4. H. Res. 16. Select Committee on Children, Youth and Families. Adoption of the resolution to establish the House Select Committee on Children, Youth and Families, which could hold hearings but would not have legislative jurisdiction. Adopted 312-69: Y(2-1-2), Feb. 2.

5. H. Res. 49. Select Committee on Narcotics Abuse and Control. Adoption of the resolution to re-establish the House Select Committee on Narcotics Abuse and Control. Adopted 290-77: Y(3-1-1), Feb. 8.

6. H.R. 816. Small Business Administration Pilot Program Extension. Motion to suspend the rules and pass the bill to extend for two years pilot programs in which the Small Business Administration determines which procurement needs of other federal agencies could be met by socially and economically disadvantaged small firms. Motion agreed to 318-5: Y(4-0-1), Feb. 15.

7. H.R. 1043. Federal Contracting Opportunities. Motion to suspend the rules and pass the bill to help small businesses compete for federal contracts by creating minimum time periods for contract solicitation notices and for contract bids. Motion agreed to 294-32: Y(3-1-1), Feb. 15.

8. H.R. 999. American Conservation Corps. Motion to suspend the rules and pass the bill to establish an American Conservation Corps to provide conservation jobs for unemployed youth on public and Indian lands. Motion agreed to 301-87: Y(2-3-0), Mar. 1.

9. H.R. 1310. Emergency Mathematics and Science Education Act. Adoption of the rule (H. Res. 109) providing for House floor consideration of the bill to authorize $325 million in fiscal 1984 and such sums as may be necessary in fiscal 1985 to improve mathematics and science education in U.S. schools, and $100 million in each of fiscal years 1984-1988 to promote a national policy for training engineering, technical and scientific personnel. Adopted 393-0: Y(5-0-0), Mar. 2.

10. H.R. 1310. Emergency Mathematics and Science Education Act. Amendment to replace the postsecondary assistance provisions in the bill with a "presidential science and mathematics improvement program" providing $50 million in block grants to the states in each of fiscal years 1984 and 1985 for math and science programs. Rejected 92-323: N(3-2-0), Mar. 2.

11. H.R. 1310. Emergency Mathematics and Science Education Act. Amendment to replace the National Teaching Scholarship Program, which would provide two-year scholarships to train teachers in math, science or a critical foreign language, with a one-year scholarship program to retain existing teachers in other fields to be math and science teachers. Rejected 138-276: N(3-2-0), Mar. 2.

12. H.R. 1310. Emergency Mathematics and Science Education Act. Passage of the bill to authorize $325 million in fiscal 1984 and such sums as may be necessary in fiscal 1985 to improve mathematics and science education in U.S. schools and $100 million in each of fiscal years 1984-1988 to promote a national policy for training engineering, technical and scientific personnel. Passed 348-54: NV(2-2-1), Mar. 2.

14. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983. Motion to order the previous question on the rule (H. Res. 113) providing for House floor consideration of the bill to appropriate $4.9 billion for emergency jobs and recession relief and $5 billion for the unemployment insurance system in fiscal 1983. Motion agreed to 299-117: NV(2-2-1), Mar. 3.

15. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983. Adoption of the rule (H. Res. 113) providing for House floor consideration of the bill to appropriate $4.9 billion for emergency jobs and recession relief and $5 billion for the unemployment insurance system in fiscal 1983. Adopted 300-103: Y(2-2-1), Mar. 3.

16. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Amendment to require that 75 percent of the discretionary funding under the bill be spent in areas of high unemployment. Adopted 335-83: Y(2-3-0), Mar. 3.

17. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Motion to recommit the bill to the Appropriations Committee with instructions to substitute a GOP alternative that would shift some funds from public works to social programs. Motion rejected 158-256: N(2-3-0), Mar. 3.

18. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Passage of the bill to appropriate $4,898,150,000 for emergency jobs and recession relief and $5,033,000,000 for advance to the unemployment trust fund in fiscal 1983. Passed 324-95: Y(3-2-0), Mar. 3.

19. H.R. 1296. Payment-in-Kind Tax Act. Motion to suspend the rules and pass the bill to permit farmers to defer income tax payments on commodities received from the 1983 Payment-in-Kind (PIK) program, and to permit land idled under the 1983 program to continue to qualify as active farm land for estate tax purposes. Motion agreed to 401-1: Y(5-0-0), Mar. 8.

20. H.R. 1900. Social Security Act Amendments. Amendment to gradually raise the normal Social Security retirement age from 65 to 67 after the year 2000, and to delete provisions of the Ways and Means Committee bill that would reduce initial benefit levels beginning in the year 2000 and raise payroll taxes beginning in the year 2015. Adopted 228-202: Y(5-0-0), Mar. 9.

21. H.R. 1900. Social Security Act Amendments. Amendment to substitute a .53 per-

centage point increase in the payroll tax rate paid by both employers and employees, effective in the year 2010, for the long-term benefit cuts and payroll tax increases in the committee bill. Rejected 132-296: N(1-4-0), Mar. 9.

22. H.R. 1900. Social Security Act Amendments. Amendment to gradually raise the normal Social Security retirement age from 65 to 67 after the year 2000, and to delete provisions that would reduce initial benefit levels beginning in the year 2000 and raise payroll taxes beginning in the year 2015. Adopted 230-200: Y(5-0-0), Mar. 9.

23. H.R. 1900. Social Security Act Amendments. Passage of the bill to revise the Social Security retirement program to assure the solvency of the Social Security trust funds; to change the way hospitals are reimbursed for treating Medicare patients; to extend the federal emergency unemployment benefits program; and to revise benefits under the Supplemental Security Income program for the aged, blind and disabled poor. Passed 282-148: Y(3-2-0), Mar. 9.

24. H.J. Res. 13. Nuclear Freeze. Adoption of the rule (H. Res. 138) providing for consideration of a resolution calling for a mutual and verifiable freeze on and reduction in nuclear weapons. Adopted 372-35: Y(3-2-0), Mar. 16.

25. H.J. Res. 13. Nuclear Freeze. Amendment to require that a negotiated nuclear weapons freeze make provision for verification by on-site inspection, as necessary. Adopted, 426-0: Y(5-0-0), Mar. 16.

26. H.J. Res. 13. Nuclear Freeze. Amendment to give nuclear weapons reductions an equal priority with a weapons freeze as an objective of arms control negotiations. Rejected 209-215: N(3-1-1), Mar. 16.

27. H.J. Res. 13. Nuclear Freeze. Motion to limit debate on the Stratton amendment. Motion agreed to 232-173: Y(2-2-1), Mar. 16.

28. H.J. Res. 13. Nuclear Freeze. Amendment to the Stratton, D-NY, amendment, stating that, consistent with the overriding goal of a nuclear weapons freeze, nothing in the bill would prevent maintenance of U.S. nuclear forces. Adopted 226-195: Y(2-2-1), Mar. 16.

29. H.J. Res. 13. Nuclear Freeze. Motion to strike the enacting clause (thus killing the bill). Rejected 172-249: N(2-2-1), Mar. 16.

30. H.J. Res. 13. Nuclear Freeze. Motion to limit debate. Rejected 199-209: Y(2-2-1), Mar. 16.

31. H.R. 1149. Oregon Wilderness. Adoption of the rule (H. Res. 141) providing for house floor consideration of the bill to designate 1.13 million acres of national forest land in Oregon as federal wilderness. Adopted 234-84: Y(2-2-1), Mar. 21.

32. H.R. 1149. Oregon Wilderness. Substitute to designate no wilderness areas, to exempt from judicial review the Second Roadless Area Review and Evaluation (RARE II) environmental impact statement only for the state of Oregon, and to release all non-Wilderness lands in Oregon for other uses. Rejected 58-292: N(3-1-1), Mar. 21.

33. H.R. 1149. Oregon Wilderness. Substitute to exclude from wilderness designation any lands in the 2nd and 5th congressional districts of Oregon. Rejected 91-249: N(2-1-2), Mar. 21.

34. H.R. 1149. Oregon Wilderness. Amendment to allow the secretary of agriculture to waive any provision of the bill shown to cause greater unemployment. Rejected 96-240: N(3-2-0), Mar. 21.

35. H.R. 1149. Oregon Wilderness. Passage of the bill to designate 1.13 million acres of national forest land in Oregon as federal wilderness. Passed 252-93: Y(2-3-0), Mar. 21.

37. H. Res. 127. House Committee Funding. Adoption of the resolution to authorize $43.2 million for House committees' "investigative" budgets in 1983. Adopted 262-141: Y(2-3-0), Mar. 22.

38. H. Con. Res. 91. First Budget Resolution, Fiscal 1984. Adoption of the rule (H. Res. 144) providing for House floor consideration of the first concurrent budget resolution to set budget targets for the fiscal year ending Sept. 30, 1984, as follows: budget authority, $936.6 billion; outlays, $863.6 billion; revenues, $689.1 billion; deficit, $174.5 billion. The resolution also set preliminary goals for fiscal 1985-86, revised budget levels for fiscal 1983 and included reconciliation instructions requiring House committees to recommend legislative savings to meet the budget targets. Adopted 230-187: Y(2-3-0), Mar. 22.

39. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Adoption of the conference report on the bill to provide $15,589,034,000 in fiscal 1983 supplemental appropriations, including $4.6 billion for emergency jobs and recession relief. Adopted 329-86: Y(2-2-0), Mar. 22.

40. H.R. 1718. Emergency Supplemental Appropriations, Fiscal 1983/Jobs. Motion that the House recede from its disagreement to the Senate amendment governing the distribution of jobs funds among states, with a further amendment requiring that 75 percent of the discretionary funding under the bill be spent in areas of high unemployment. Motion rejected 132-277: Y(4-1-0), Mar. 22.

42. H. Con. Res. 91. First Concurrent Budget Resolution Fiscal 1984. Adoption of the first concurrent budget resolution to set spending and revenue targets for the fiscal year ending Sept. 30, 1984, as follows: budget authority, $936.55 billion; outlays, $863.55 billion; revenues, $689.1 billion; deficit, $174.45 billion. The resolution also set preliminary goals for fiscal 1983 and included reconciliation instructions requiring House commit legislative savings to meet the budget targets. Adopted 229-196 Y(2-3-0), Mar. 23.●

JAMES MARSHALL WRITES ON UNESCO

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. KOSTMAYER. Mr. Speaker, I want to share with my colleagues an article printed in the Philadelphia Inquirer on January 19, 1984, authored by a distinguished constituent, James Marshall of New Hope, Pa.

Jim Marshall is an attorney, and was first admitted to the bar 62 years ago. During his long career he has devoted much of his time to public service, and he served from 1946-51 as a member of the U.S. National Commission for UNESCO. He also served as an adviser to U.S. delegations to UNESCO conferences in Paris in 1946, Mexico City in 1947, and Florence in 1950.

As one who was present at the founding of UNESCO, Mr. Marshall knows the value of having an active international organization promoting the sciences and arts and improving educational standards in the developing world.

Jim Marshall hopes, as I do, that UNESCO can fulfill its promise and its goals, and while I do not necessarily agree with Jim Marshall entirely about UNESCO, as an authority on this international organization, I ask his remarks be inserted at this point in the RECORD:

UNESCO: DEMOCRACY IN ACTION

(By James Marshall)

In the discussion of the withdrawal of the United States from UNESCO, one important element has been omitted, that is: the blow to democracy.

It has been well said that the functions of UNESCO in bringing together the people of the world in the fields of science, art, museums and education and the activities of UNESCO in improving education in countries where illiteracy is the rule are of great benefit to the United States and can only be effectively accomplished through an international agency. It is true, too, that the bureaucracy of UNESCO is too large and wasteful. But then we make the same criticism, do we not, of the bureaucracies of our cities, states and nation.

I doubt that the budget of UNESCO is too great. It is not in all respects properly and effectively used. If it is too much for the United States, perhaps we could reduce our share by negotiation. In 1950, at the UNESCO Conference in Florence, I negotiated the reduction of the United States' share from 33 percent to 30 percent and since then our contribution has been reduced to 25 percent. But a great nation like ours should not run away because we feel we are asked to pay more than our proper share today.

However, what troubles me most is that a democracy, one of the great democracies of the world, the model for many other states, should resign, be a quitter, because some majority votes do not satisfy us. What is democracy all about if it is not that the minority does not merely abide by a majority vote but has the inherent right and, perhaps, duty to try and change the majority in its favor? By withdrawing from UNESCO we are rejecting these very fundamental principles of democracy.

Properly, we have rejected the attempts of UNESCO to limit freedom of the press but even the proposed resolution in this respect that we oppose, while it might injure our free coverage of world news in some countries, would not blanket it.

The argument about politics in UNESCO becomes laughable. A good case could be made as to our own political uses of UNESCO.●

ARMS CONTROL: WHERE DO WE GO FROM HERE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 11, 1984, into the CONGRESSIONAL RECORD:

ARMS CONTROL: WHERE DO WE GO FROM HERE?

For the first time in almost 15 years, the arms control dialogue between the United States and the Soviet Union has broken off. Soviet-American talks on long-range nuclear weapons, begun in 1969, have been recessed indefinitely. The Soviet Union walked out of the negotiations on intermediate-range missiles after the United States began deploying a new set of such missiles in Europe. All bargaining toward a comprehensive nuclear test ban, toward limits on anti-satellite weapons, and toward conventional force cutbacks in Europe has been suspended. Coming at a time of superpower tension, these events suggest that the arms control dialogue may be reaching a dead end.

It is important to realize that arms control is but one aspect of our complex relationship with the Soviet Union. Progress on it will be minimal if overall relations do not improve. Also, we should not ask more of arms control than it can give. Talks cannot dispel the threat of nuclear war, but they may help create an environment in which there will be no incentive to use nuclear weapons. Then, too, we should acknowldge that modernization of our armed forces must accompany arms control. Deterrence begins to lose its meaning as weapon systems age and become less reliable. Furthermore, we should admit that time is of the essence. Existing arms control agreements are breaking down already, no nuclear arms control accord has gone into force since 1972, and new nuclear weapons are harder than ever to detect, so verification of compliance with agreements will be less certain than before.

These sober facts should not cause us to despair. I do not share the often-expressed view that arms control is not in our national interest. Successful arms control agreements are rare, but modest ones may be useful. Accords have kept certain technologies, such as anti-ballistic missiles, out of the arms race. They have allowed us to develop a system to slow the spread of nuclear weapons to other countries. They have opened avenues of communication and cooperation between the United States and the Soviet Union. The extent of communication and cooperation over the last 40 years has been disappointing, but it should not be discounted entirely.

It is not unreasonable to believe that progress on arms control can continue, and even accelerate, and that small but positive steps toward better security can be taken. Progress is more likely if we see arms control as it should be seen—as a part of our national security policy, a process as important as the formulation of the defense budget. Defense and arms control are not alternate strategies to keep the nation secure. They are complementary features of the quest for national security, and they support one another.

Obviously, we must resist Soviet pressure for arms control agreements that neither trim nuclear arsenals, promote strategic stability, nor provide for verification of compliance. However, if there is to be progress, Washington cannot wait for Moscow to make the first move. Our proposals must be fair and balanced, we must be ready for the give-and-take of real bargaining, and we must seek ways of breaking deadlocks. With these ideas in mind, we should take the following steps now:

1. Restart high-level dialogue: It has been more than a year since Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko met for a thorough review of Soviet-American relations. High-level contacts do not guarantee agreement, but without them progress is unlikely.

2. Merge talks on long- and intermediate-range nuclear weapons: A merger of the two negotiations would give Moscow a face-saving way to return to the table. Also, it might lead to tradeoffs in the negotiations. While it would not solve all problems, merger would eliminate some artificial distinctions now being drawn among nuclear weapons by the two sides. The Soviets, for their own reasons, probably will move in this direction, and we should be prepared with our own proposal for a comprehensive agreement on all long- and intermediate-range nuclear weapons.

3. Energize the talks with three steps: (a) We should appoint a new, highly qualified negotiator. He should enjoy the confidence of the President and Congress. (b) We should seek to achieve results step by step. Experience with the Soviets suggests that they do not accept radical shifts in negotiations, but instead favor using each limitation as the basis for another limitation at the next level. (c) Regular and frequent contacts between American and Soviet officials at lower levels are essential and should not be viewed as a concession. Each side needs to hear what the other side has to say.

4. Develop a new framework for compromise: New efforts will be needed to close the gap between the proposals of the two sides. Neither proposal has addressed directly the fundamental concerns of the other side. The American proposal emphasizes cutbacks in the number of warheads on land-based ballistic missiles (where Moscow has concentrated most of its nuclear arsenal), but allows Washington to deploy the MX missile and the Trident II missile. At the same time, it is vague about restrictions on bombers and cruise missiles, areas of concern to the Soviets. The Soviet proposal follows SALT II closely in that it calls for cutbacks in the number of launchers (missiles and bombers). The Reagan Administration, however, did not support SALT II and has criticized it sharply in the past. One possible way out of the impasse might be a compromise in which the United States would accept reductions in launchers if the Soviet Union agreed to reductions in land-based ballistic missile warheads. Thus, the compromise would consist of two parallel reduction schedules based on the American and Soviet proposals already up for discussion in Geneva.

5. Take other steps to reduce the risk of nuclear war: Even if reductions like these are achieved, both sides will continue to hold massive nuclear arsenals. The United States and the Soviet Union therefore must press forward with measures to improve crisis communication, to avoid miscalculations, and to stop the proliferation of nuclear weapons to other nations or to terrorists.●

REMARKS BY UDC PRESIDENT ROBERT L. GREEN AT THE INSTALLATION OF BOARD OF COUNCILORS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FAUNTROY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

REMARKS BY ROBERT L. GREEN, PRESIDENT, UNIVERSITY OF THE DISTRICT OF COLUMBIA

There is a well-known expression about business, dating back to the 1920s, that asserts, "The business of business is business."

That statement has a cold-hearted ring to it that may have been true of American business at one time. But today there is more to business than simply going into the marketplace with a product or a service.

As many American corporations and business men and women continue to demonstrate, the business of business is also social responsibility and good citizenship. For many businesses, the business of business includes investing their resources in ways that strengthen our social, economic and political systems.

American business has a long and impressive record of support for the arts, the schools, community development, and social and scientific research at our colleges and universities.

Business has loaned executives to local and national government agencies for short-term projects and to universities for visiting professorships.

Corporate foundations and private citizens have made gifts to universities for endowed chairs, for buildings and equipment, for scholarships and for programs to broaden and enrich educational opportunities for students.

The generosity of business to public higher education—expressed in both dollars and executive time—is crucial to institutions such as UDC. It provides a margin of excellence. It spells the difference between the merely adequate and the truly great colleges and universities of our nation.

More and more, higher education and the business community have come to understand the value of jointly addressing the problems and goals in which we have a common interest. Along with financial support is the real need for cooperation . . . cooperation that is exemplified by a meaningful, long-term involvement between representatives of the university and the business community . . . and that, I believe, is why we are gathered here this evening.

The need for cooperation between business and academia has never been greater and our areas of mutual interest and concern have been more clearly evident.

The contemporary world of work and the nature of careers are undergoing extensive change. And the change progress presents us, as educators and business people, with an agenda of challenges.

Perhaps the greatest challenge we face together arises from the growth of technology and the shift to a knowledge-intensive economy that requires a highly skilled and professional workforce. The new technologies that are altering the profile of American business are also affecting the university

curriculum, research, and what takes place in the classroom.

These challenges are not unwelcomed. They present well-defined opportunities to work cooperatively toward outcomes that can be mutually beneficial.

As a public university, we have a major responsibility to provide training and retraining for District residents that will enable them to meet the qualifications and skills needed by business.

Business can reciprocate by helping us to develop internships and other means of linking job participation to our students' academic pursuits.

In turn, the university can seek out and be responsive to your ideas for curriculum modification and teaching techniques, based on your practical experience.

As the business community identifies problem areas within the local economy, the university can reciprocate with useful applied research and with technical assistance to business, particularly the smaller businesses and the newer entrepreneurs.

The university, with its pool of faculty talent and research capability, can be a part of the team that seeks to attract greater capital investment and new business and industry to the Washington area.

The cooperative cycle can go on and on, contributing to the social and economic health of the Washington area.

Tonight, as I welcome the charter members of the Board of Councillors of the College of Business and Public Management, I wish to emphasize the importance of this occasion to the university and the city.

The Board of Councillors represents the high quality and the commitment to cooperation of Washington business and its business leadership. It is a valuable adjunct to the UDC College of Business and Public Management. Furthermore, it represents an important move toward a personal goal I have as president to build a series of permanent and productive bridges between UDC and the various community constituencies we serve.

Thank you for your willingness to contribute your time, your knowledge and your experience to the university. You are making an investment that I am convinced will be repaid handsomely.●

TO ESTABLISH A COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE TRADE AGREEMENTS

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. DERRICK. Mr. Speaker, today I am introducing the Committee for the Implementation of Trade Agreement Act of 1984, a bill to promote full and effective enforcement of textile trade agreements and limitations on the level of textile and apparel imports entering this country each year.

The Committee for the Implementation of Trade Agreement was created by Executive Order 11651 under President Nixon on March 3, 1972. There were revisions to the order in 1980 to give the U.S. Trade Representative voting powers and specific authority to negotiate all textile trade agreements. Bilateral agreements have been negotiated with major foreign importers of textile and apparel products under the 1981 Multifiber Agreement in an effort to control trade in most textile goods manufactured from man-made fibers, wool, cotton and the blends thereof. To date, more than 26 bilateral agreements have been forged with low-cost foreign suppliers.

Mr. Speaker, although the domestic growth rate of these products has been claimed to be about 1½ percent and the level of imports negotiated with the three major suppliers—Taiwan, Korea, and Hong Kong—will grow at an average rate of less than 1 percent, the growth rate for the fourth major foreign supplier, China, is expected to reach a 10.1-percent increase above the 1983 levels. In 1981 China exceeded Japan as the fourth major importer of textile goods.

In spite of these bilateral agreements, between 1972 and 1982 the U.S. textile and apparel output declined by over 10 percent while imports increased nearly 23 percent. Employment in the industry has declined by over 20 percent and the level of current imports is equivalent to approximately 800,000 textile jobs. Textile unemployment is expected to increase by 400,000 if the current trend continues.

Additionally, imports of textile and apparel reached the highest 11-month level in history from January-November 1983 with a 24-percent surge over the 1982 level. October 1983 was the second highest month in history since the Government began keeping records 22 years ago.

On December 1983 the President announced a new plan to determine "market disruption." Since this announcement the Department of Commerce and other executive agencies have not produced any information on the impact this new policy will have on the textile import problem or what countries and categories will be affected. Early last fall I began preparing legislation which would put some teeth into the textile import program by statutorily authorizing the Committee for the Implementation of Trade Agreements.

The provisions of my bill will:

Give Congress the power to regulate the Committee for the Implementation of Trade Agreements (CITA) in order to place stronger limits on imports which are life-threatening to American textile and apparel;

Give CITA authority to make recommendations to appropriate officials or agencies of the United States to carry out textile trade agreements;

Authorize the committee to recommend that the U.S. Trade Representative (USTR) negotiate with an importing country if the total quantity of imports in any calendar year exceeds the minimum quota level by 20 percent or more;

Mandate that the USTR provide an antisurge agreement to limit the import of any annual quota to no more than one-third during any calendar quarter;

Provide that if at the close of the 90th day after the USTR has made a call for consultation with a foreign nation and an agreement is not reached, the President may set the import quota levels;

Require that any quota established must provide terms which minimize the disruption to the U.S. market and protect American jobs;

Prevent countries from carrying over unused quotas to other years; thereby averting a huge supply of products from flowing into the U.S. market in a short period of time which would disrupt the American textile and apparel trade;

Authorize the committee to recommend actions to the Commissioner of Customs to implement all agreements and arrangement.

My legislation, unlike the President's plan, provides for a "trigger" mechanism. This trigger automatically requires the Committee for the Implementation of Trade Agreements to request that the U.S. Trade Representative call for consulations when imports reach a certain level. This trigger is included because I am not completely convinced that the administration's new definition of "market disruption" would be implemented and executed sufficiently to meaningfully restrict textile imports.

I urge my colleagues to join me in supporting this legislation which would go far in assisting the textile industry in obtaining its traditional place in the world textile market.●

GUN CONTROL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I would like to share with my colleagues a very perceptive article that was printed in the Miami Herald about gun control. It is indeed unfortunate that Congress has still not enacted handgun control legislation.

ASSASSIN'S WEAPON

Voices from the past can take on the tragic poignance of the Trojan princess Cassandra, who was blessed with the gift of prophecy but cursed with the burden of never being believed. This year marks a doubly appropriate time for such a reflection because it is a doubly important anniversary date in the annals of America's failure to control the proliferation of firearms.

Last Tuesday marked the widely observed 20th anniversary of the assassination of President John F. Kennedy. In February

another fateful date passed virtually unnoticed. It was the day when, but for the poor marksmanship of an Italian immigrant named Guiseppe Zangara, the name "Miami" would have joined "Dallas" and "Ford's Theater" in the history of infamy.

Fifty years ago, on Feb. 15, 1933, the unemployed bricklayer, Zangara, bought a pistol from a Miami Avenue pawnshop. Later the same day he joined the excited crowd in Bayfront Park, concealing both the pistol and his plan to kill Franklin D. Roosevelt. Mr. Roosevelt was to be inaugurated President on March 4. Missing his target, Zangara killed Chicago Mayor Anton Cermak.

At the defendant's sentencing, four days after Mayor Cermak's death, Dade Circuit Judge Uly O. Thompson offered remarks from the bench that bear repeating:

"It is my firm conviction that the Congress of these United States should immediately pass legislation, or an act, for the confiscation of all firearms that may be carried and concealed about the person of anyone. It is a ridiculous state of society, in my opinion, that an assassin may be permitted to arm himself and go at liberty throughout the land, killing whom he will.

"Three Presidents of the United States have been assassinated. . . . Out of every 10, one has been killed, so far, by an assassin. . . . And yet the people of the country steadfastly permit the manufacture, sale, and possession of such deadly and useless weapons. I say 'useless' for this reason: A pistol in the hands of an assassin is sure death and murder, while a pistol in the hands of good people, and the good people of this country, is about the most useless weapon of defense with which you can arm yourselves.

"The alarming part of it is, in this particular, that no man living could foresee what might have happened had Mr. Zangara been successful in the assassination of Mr. Roosevelt."

Little has changed since February 1933. An unbalanced man, suffering chronic "pain in the belly," driven by poverty to hatred of the wealthy and powerful, still can buy a cheap handgun and train it on a President. John Hinckley, driven by other destructive emotions, did.

No law could guarantee the safety of public figures. But it is significant that Zangara first tried to buy a sawed-off shotgun, a weapon with which he would have been more likely to hit FDR. The purchase of that weapon, however, required a permit. Zangara thus switched to his second choice, a .32-caliber pistol.

"A ridiculous state of society," Judge Thompson called it 50 years ago. It still is.●

A PERSPECTIVE ON THE INF TALKS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FISH. Mr. Speaker, in last Thursday's New York Times, the chief negotiator for the United States at the intermediate-range nuclear force talks in Geneva, Ambassador Paul H. Nitze, provided a very detailed background to the current stalemate in the INF talks. My colleagues should note the great difficulty we are having in reaching an agreement with the Soviet Union, as well as the problems our negotiators, are having in determining fact and fiction in the Soviet approach. It does appear, according to Ambassador Nitze, that we were very close to reaching an agreement last fall.

The article follows:

[From the New York Times, Jan. 19, 1984]

THE U.S. NEGOTIATOR'S VIEW OF GENEVA TALKS

(By Paul H. Nitze)

(On Jan. 12, the Op-Ed page carried an article by Yuli Kvitsinsky, the Soviet Union's chief negotiator in the intermediate-range nuclear missile talks in Geneva, that was an abridged version of his first detailed personal account of the negotiations. Paul H. Nitze, the United States negotiator, offers the following account.)

WASHINGTON.—In order to assess the significance of the Soviet Union's refusal to resume negotiations on intermediate-range nuclear forces, it is worth examining the evolution of those talks and the development, over time, of the United States' and Soviet Union's negotiating positions. Such an examination makes clear the lengths to which America is prepared to go in seeking an equitable, meaningful solution. Equally clear is Moscow's pursuit of a one-sided outcome that would preserve its military advantage and monopoly in this category of weapons.

President Reagan and General Secretary Leonid I. Brezhnev publicly outlined their respective initial positions shortly before the I.N.F. negotiations began. During the initial round, the American delegation took the initiative and presented a draft treaty text that spelled out in detail how it thought the various issues could and should be dealt with. In the second round, the Soviet side clarified its position and submitted a draft treaty text spelling out its approach. By that time, both sides pretty thoroughly understood each other's positions and the issues dividing them.

Ambassador Yuli Kvitsinsky had proved himself during these first two rounds to be sharp and intelligent, an accomplished diplomat able to rise above the deadening hand of the Soviet bureaucratic process. When he wishes, he can be charming. His focus is entirely political. The truth or falsity of any statement is only of secondary interest to him. After a period of time, I came to think I could generally, though not always, sort the true from the false in what he said.

In July 1982, Mr. Kvitsinsky and I agreed to attempt to develop a complete package of reciprocal concessions that, if accepted by both Governments, would resolve all the principal outstanding issues. This would be done without commitment by either Government. If both sides could agree to the package, then they could be sure that their concessions were couterbalanced by concessions of the other side. The result was the "walk in the woods" formula that essentially would have restricted each side to no more than 75 missile launchers and precluded deployment of American Pershing 2's in the European area, and would have frozen Soviet launchers at 90 in Soviet Asia.

I heard nothing from the Soviet side during the summer break. Then, in September 1982, in a private meeting, Mr. Kvitsinsky handed my a copy of his instructions flatly rejecting all the principles on which the "walk in the woods" formula had been based. During the following year, substantive progress in the negotiations was stalemated.

During the early summer of 1983, Mr. Kvitsinsky told me that he considered the round beginning in September to be the one in which the "end game" would be played out. He told me that during the summer recess he would be working on his instructions for that "end game."

The "end game" began Sept. 22 with President Reagan's offering substantial concessions on limiting aircraft; on including, in effect, a subceiling on American I.N.F. missiles in Europe within a global ceiling on such missiles; and on allocating reductions between Pershing 2's and cruise missiles.

The Oct. 27 edition of Pravda carried an interview with Yuri V. Andropov offering to reduce Soviet SS-20 deployments in Europe to 140, to halt further SS-20 deployments in the Far East upon the entry into force of an agreement limiting intermediate range missiles in Europe, and to change Moscow's proposal on limiting aircraft to something not too far from Mr. Reagan's aircraft proposal.

Mr. Kvitsinsky told me about the Andropov interview at a dinner party Oct. 26. Later that evening, he surprised me by saying, "Why don't you propose equal reductions?" I reminded him that a year earlier, he had told me this idea was unacceptable to Moscow. He then said his present idea was different, that it would bring Soviet SS-20 launchers in Europe down to 120, and, more importantly, provide a way around the issue of compensation for British and French systems. Some days later, I asked him a number of questions to clarify exactly what he had in mind.

On Nov. 12, Mr. Kvitsinsky called and asked to meet me the next morning. At that meeting, he said that he was instructed to tell me that if Washington proposed equal reductions in Europe by 572 on both sides, Moscow would accept the proposal. Mr. Kvitsinsky, curiously, has since characterized that proposal as one that I had initiated. Of course, this formulation perpetuated the Soviet insistence on retaining a monopoly of I.N.F. missiles against zero for the NATO alliance, a position we have always rejected. So, I told him I could not imagine that Washington would transform this Soviet proposal into an American proposal but that I would immediately tell Washington what he had said. I did. Washington informed our North Atlantic Treaty Organization allies. On Nov. 17, the Soviet Embassy in Bonn delivered a note to the West German Government saying that I—not the Russians—had proposed reductions to about 120 missiles on the Soviet side and zero on the American side and that Washington was likely to reject my proposal. Later, similar notes were delivered to other NATO governments.

The episode had a peculiar Byzantine character that is alien to serious diplomacy. There appear to have been two purposes to these machinations. The first was to permit Moscow to deny, if necessary, that it had abandoned what has been a cornerstone of its propaganda campaign in Europe—insistence on including British and French nuclear forces in any I.N.F. agreement. The second was to sow doubts in NATO ranks about American conduct of the negotiations, especially concerning consultation with our allies.

At the beginning of the round, there were four critical issues. The first and central issue was that of the balance of I.N.F. missile deployments in Europe between the

sides. The second was the question of compensation for British and French submarine-launched ballistic missile systems—the Soviet rationale for a wholly one-sided outcome on the first issue. The third was the question of Soviet I.N.F. deployments in Soviet Asia. The fourth was Soviet insistence on radical limits in Europe on American aircraft capable of carrying nuclear and nonnuclear weapons, limits that would have emasculated our contribution to the conventional defense of NATO Europe.

During the final days, it looked as if both sides had moved close enough together to see light at the end of the tunnel on the fourth and the third issues. On the basis of Mr. Kvitsinsky's change of rationale to the equal reductions formula, it looked as if the second issue could be surmounted or avoided. That left only the first issue. I hoped that with a little more time, we might find a way through that issue as well.

On Nov. 15, Britain announced the arrival, as planned, of cruise missiles at Greenham Common. On Nov. 22, the Bundestag voted to reaffirm support for deployments in West Germany. On Nov. 23, Mr. Kvitsinsky terminated the round without agreeing to a date for resumption.●

STATES RIGHTS TO CONSISTENCY REVIEW UNDER COASTAL ZONE MANAGEMENT ACT

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. D'AMOURS. Mr. Speaker, today I am introducing legislation, along with Congressmen STUDDS, PANETTA, and others, to correct a serious wrong that was rendered by the U.S. Supreme Court in its January 11, 1984, decision in Watt against California. The decision dealt a serious blow to our efforts to provide an incentive to States to develop and implement federally approved programs for the management of the land and water resources of their coastal zones. This decision has dramatic and far-reaching implications. I believe it is imperative that the Congress act decisively to reverse this decision and restore the Federal/State partnership that has led to cooperative management of our coastal resources.

Watt against California centered on section 307(c)(1) of the Coastal Zone Management Act (CZMA), an integral part of the so-called consistency provisions. The section states that:

> Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs.

In particular, the State of California claimed that a Department of Interior Outer Continental Shelf (OCS) oil and gas lease sale sets in motion a chain of events that culminates in oil and gas development and therefore directly affects the coastal zone within the meaning of section 307(c)(1). Despite two lower court rulings to the contrary, the Court narrowly, 5 to 4 ruled against the State of California, arguing that the Federal actions in question were to take place beyond the State's 3-mile territory. In essence the Court said that no matter how catastrophic a Federal action was to a State's coastal zone, the State had no rights under 307(c)(1) if that action took place beyond the State's 3-mile territory.

In so ruling, the Court has seriously misread the intent of Congress and has severely limited efforts to foster Federal/State cooperation. The Congress, in creating the Federal/State partnership in the CZMA, determined that the most effective management of coastal resources would be achieved if States were given the major role in developing and administering management plans which conformed to certain Federal guidelines. The consistency provisions were included to assure the States that their management programs would not be disregarded by Federal agencies whose activities would affect States' coastal zones. The consistency provisions were also intended to encourage cooperation and coordination between the States and Federal agencies in the interests of efficient management of coastal resources.

The legislation we introduce today will correct the Court's error. The legislation will make it crystal clear that an activity which sets in motion a change of events which will likely affect the coastal zone should rightly be conducted in full consistency with State management plans regardless of whether that activity takes place within or outside of that coastal zone. In this way, the legislation will restore the Federal Government's commitment to the States first established when Congress enacted the CZMA in 1972.

I expect that most of us will be contacted by our State governments because this is an important States rights issue. Coastal States are clearly affected by Federal activities outside their territories and they will not sit back now that they have lost one of the few tools that can help shape decisions affecting their States. And clearly, the implications of the decision go far beyond OCS oil and gas leasing. Already, Chemical Waste Management, Inc. has filed a memorandum with NOAA claiming that its permit application to incinerate hazardous wastes at sea is not subject to State consistency determinations because such incineration would take place more than 3 miles from shore. The decision will also affect the ability of States to respond to other activities such as ocean dumping of radioactive wastes, fishery management plans, regulations of coastal pollution, and siting of energy facilities.

Mr. Speaker, legislative history makes it abundantly clear that the court has seriously misread the intent of Congress. However, it does little good to belabor the issue at this point. Rather, it is more constructive to focus on the ramifications of the decision and formulate wise public policy. Indeed, Justice O'Connor, notwithstanding the effect of her opinion, admonished the Department of the Interior as well as private bidders on OCS leases that they would "be well advised to insure in advance that anticipated OCS operations can be conducted harmoniously with State coastal management programs." It is in this light that I call upon officials within both the Departments of the Interior and Commerce to work with the Congress and the States in reestablishing a working Federal/State partnership that will enable us to wisely use and manage our coastal resources.●

PROCLAMATION FOR JAYCEE WEEK

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. MOLLOHAN. Mr. Speaker, the week of January 15–21, 1984, was designated as "U.S. Jaycee Week." As my colleagues are aware, the Jaycees and Jaycee Women have provided invaluable assistance to communities across the country. The humanity and leadership demonstrated by these organizations serve as outstanding examples of community involvement and concern.

The Ohio Valley Jaycee Women, located in Wheeling, W. Va., have provided me with a proclamation for "Jaycee Week," which I am pleased to submit for the RECORD. I commend the proclamation and the work of the Jaycees and Jaycee Women to my colleagues.

PROCLAMATION

Whereas, the United Jaycees and Jaycee Women provide leadership training and personal development to young men and women between the ages of 18 and 35; and

Whereas, Jaycees and Jaycee Women believe that "Service to Humanity is The Best Work Of Life," and

Whereas, Jaycees and Jaycee Women strive to make their communities better places in which to live; and

Whereas, Jaycees and Jaycee Women feel that "enough is enough" and that governmental awareness is essential; and

Whereas, Jaycee Women recognize that Jaycees have contributed substantially to the progress of America: Therefore be it

Resolved, That the United States Jaycee Women commend the United States Jaycees for their many accomplishments across America and salute the Jaycees during United States Jaycee Week, January 15–21, 1984.●

BAR GROUPS OPPOSE FTC LAWYER EXEMPTION

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FLORIO. Mr. Speaker, I have previously expressed my appreciation for the fact that important elements of the legal profession oppose the effort by some of their colleagues to obtain a special exemption for lawyers under the Federal Trade Commission Act. (See CONGRESSIONAL RECORD pages E4305, E4359, E5181.)

I would like to commend three more important bar groups for joining the ranks of the exemption's opponents. I insert in the RECORD here statements from the Antitrust, Trade Regulation and Consumer Affairs Division of the District of Columbia Bar, the Bar Association of San Francisco, and the Federal Bar Association.

The statements follow:

DISTRICT OF COLUMBIA BAR,
Washington, D.C., November 30, 1983.

Hon. JOHN DAVID DINGELL,
Chairman, Energy and Commerce Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DINGELL: We are writing to furnish you with the views of the Antitrust, Trade Regulation and Consumer Affairs Division (Division II) of the District of Columbia Bar [1] on the proposed amendment to limit the jurisdiction of the Federal Trade Commission ("FTC" or "the Commission") over "unfair and deceptive practices" by lawyers.

The amendment that has been proposed would be added to S. 1714 (authorizing appropriations for the FTC for fiscal year 1984),[2] and would exempt from the FTC's consumer protection authority professional acts and practices, including those which would otherwise be "unfair and deceptive" in violation of section 5 of the FTC Act, if a profession is "effectively regulated by the state court of last resort in civil actions . . . or by such court and by state law." Although drafted to apply on its face to all professions, the amendment would in fact grant this special exemption to lawyers only since, so far as we are aware, only lawyers are regulated by the state courts of last resort.

The Division of Antitrust, Trade Regulation and Consumer Affairs of the District of Columbia Bar opposes this amendment to exempt lawyers from the FTC's consumer protection jurisdiction. This position was reached by an overwhelming vote of approximately 75 members of the Division who attended a debate between James C. Miller III, Chairman of the FTC, opposing the amendment, and former Congressman Robert Eckhardt, representing proponents of the amendment. Our Division agrees with Chairman Miller that, if enacted, "this special exemption would result in substantial injury to consumers and to our national economy."

We oppose the amendment for a number of reasons. As lawyers, we oppose this effort to confer a special status upon attorneys. Attorneys, who have a central role in writing and interpreting the law, should never place themselves above the law. Moreover, we have seen no compelling justification for the exemption.

A similar issue was decided in *Goldfarb* v. *Virginia State Bar*, 421 U.S. 773 (1975). Goldfarb, representing a class of consumers who had paid legal fees in connection with purchasing houses in Virginia, sued the Virginia State and Fairfax County bars for setting a minimum fee schedule which required attorneys to charge the purchaser a fee of 1% of the sales price of a house for the legal work required in connection with the purchase. The Bar argued that as a "learned profession" it should be exempt from the Sherman Act. Chief Justice Burger, writing for a unanimous Supreme Court, rejected that claim:

> The [Fairfax, Virginia] County Bar argues that Congress never intended to include the learned professions within the terms "trade or commerce" in § 1 of the Sherman Act and therefore the sale of professional services is exempt from the Act.
>
> * * * * *
>
> Whatever else it may be, the examination of a land title [by a lawyer] is a service; the exchange of such a service for money is "commerce" in the most common usage of that word. It is no disparagement of the practice of law as a profession to acknowledge that it has this business aspect . . . In the modern world it cannot be denied that the activities of lawyers play an important part in commercial intercourse, and that anticompetitive activities by lawyers exert a restraint on commerce. 421 U.S. at 786–88.

As a result of the Goldfarb case, it now costs approximately ¼ to ½ of 1% of the sales price to purchase the legal services required in connection with a house purchase in Virginia, although the charge is no longer calculated on a percentage basis.

The inclusion of the requirement that lawyers be "effectively regulated" by the highest court gives consumers no protection. The state bar in Virginia would have qualified under this standard, but the Supreme Court nevertheless held the federal antitrust laws had been violated. Many other states also had compulsory minimum fee schedules, similar to those in Virginia, but those states were also in violation of federal law. In fact, in Texas, which would presumably qualify under this standard, any rules which the Supreme Court wishes to promulgate may be vetoed by the state bar.

While we recognize that the Goldfarb case involved antitrust issues, whereas the proposed amendment would appear to apply to the FTC's consumer protection jurisdiction, we believe the policy considerations apply equally in both areas.

Proponents of the amendment have not identified a single instance in which the FTC has overreached its authority in this area; thus, there has been no showing of any need for the amendment. On the other hand, we believe that past experience convincingly demonstrates that neither the state bar associations nor the state courts can adequately protect consumers from unfair and deceptive practices by attorneys since this is not their principal responsibility or area of expertise. This view is supported by the National Association of Attorneys General, comprised of the chief law enforcers of the states, as reflected in their July 14, 1983 Resolution opposing the "Texas Bar" amendment. With the growth of lawyer advertising, it is particularly important that the FTC be permitted to retain jurisdiction over attorneys.[3]

In addition to the *Goldfarb* case, there are other examples where state bar associations have placed illegal restrictions on attorneys. For example, the U.S. Supreme Court has twice struck down as unconstitutional state-imposed restrictions on advertising by lawyers. *Bates* v. *State Bar of Arizona*, 433 U.S. 350 (1977); In the Matter of R.M.J., 455 U.S. 191 (1982). R.M.J. involved a rule by the Supreme Court of Missouri which prohibited attorneys from listing the court in which they are admitted to practice and other similar information. While this restriction on advertising may have benefited some attorneys, it, like the minimum fee schedule, deprived consumers of information which is necessary in order to make intelligent decisions about purchasing legal services.

We also believe that the amendment is wholly unworkable. Nowhere does the amendment define how a bar would qualify as "effectively regulated" or how this issue is to be resolved. Proponents of the amendment may contemplate that all states with a "unified bar" (where membership is compulsory) would qualify, but, if this is to be the standard, many attorneys who are barely regulated by their state courts would be exempt from the jurisdiction of the FTC over unfair and deceptive practices. In any event, a decision by the FTC to exercise jurisdiction over a state bar might be delayed for several years by a judicial challenge to the Commission's finding that the bar is not "effectively regulated."

Finally, we believe that it is generally undesirable to include jurisdictional changes in the FTC's authorization act. Particularly where there is no special showing of urgency, passage of the amendment would set a bad precedent that would encourage similar attempts to obtain narrow exemptions in other areas.

In summary, it is the opinion of the Division on Antitrust, Trade Regulation and Consumer Affairs of the D.C. Bar that the proposed amendment is anticompetitive, unnecessary and may tend to serve the self-interest of lawyers to the detriment of consumers.

Sincerely yours,

THOMAS M. SUSMAN,
Chairman.
JEFFREY BLUMENFELD.
ELLEN BROADMAN.
BARRY J. CUTLER.
ANITA JOHNSON.
WILLIAM B. SCHULTZ.

BAR ASSOCIATION OF SAN FRANCISCO,
San Francisco, Calif., January 4, 1984.

Hon. JAMES J. FLORIO,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FLORIO: The Board of Directors of The Bar Association of San Francisco, which is comprised of over 5,500 attorneys, urges you to oppose S. 1714 which would limit the FTC's jurisdiction over the legal profession in the area of unfair or deceptive trade practices in any

[1] The views expressed herein represent only those of Division II of the District of Columbia Bar and not the D.C. Bar or its Board of Governors.

[2] The amendment has been circulated by the Texas Bar Association with the proposal that it be added on the Senate floor.

[3] We note in passing that in a brief amicus curiae which it filed in the Goldfarb case, the State Bar of Texas argued that the antitrust laws did not apply to the State Bar because it is a statutory arm of the state Supreme Court.

way that would "constitute an undue interference in the functions . . . of any court with final authority within the state to effectively regulate professional acts or practices within that state."

As lawyers in virtually every state are regulated by a "court with final authority . . . to effectively regulate professional acts or practices," this amendment would in effect exempt lawyers from FTC jurisdiction over unfair and deceptive practices; for, broadly speaking, that is the subject of traditional canons of professional ethics, which are enforced by the state courts. We oppose such exemption for several reasons, including the following:

First, we believe it unseemly and inappropriate for the legal profession to seek, let alone be granted, what amounts to an exemption from consumer protection laws which broadly apply to other commercial or economic activities. We are generally opposed to exempting the legal profession and lawyers from regulatory legislation designed to protect consumers and the community. Just this year, the United States Supreme Court heard an argument in the Hishon case in which a law partnership sought an exemption from the antidiscrimination provisions of Title VII of the Civil Rights Act of 1964. The Bar Association of San Francisco filed an amicus curiae brief opposing that exemption, and we oppose an exemption from the FTC's jurisdiction, believing as we do that lawyers should be the last to seek immunity from the requirements of law.

Second, the increasing sophistication of large corporate clients in respect to using legal services is not necessarily matched by the individual and small business client who require the services of attorneys. In the past decade, lawyer advertising and the advent of individual consumer-oriented law firms make it impossible to ignore the modern-day reality that the provision of legal services has its commercial aspects, which may well require the kind of regulatory effort to which other commercial activity has been subjected. We are not saying that we invite or would support all of the specific kinds of regulation that the FTC has attempted to apply in other spheres; each proposed rule and enforcement action must be evaluated on a case-by-case basis. Nevertheless, we cannot agree with those who maintain that there is no need to regulate the legal profession in order to protect consumers from unfair and deceptive practices.

Finally, it is a sad fact that regulation of the legal profession in the 50 states is not always what it should be. Although California has traditionally been a leader in vigorous ethics enforcement, many states have lagged behind; and even in California, there is much room for improvement. We believe the FTC can play a constructive role in regulation and enforcement and presume that in doing so, it will work cooperatively with courts and local bar associations that are charged with ethics enforcement on a state and local level.

Very sincerely yours,

JUDITH G. MCKELVEY,
President.

FEDERAL BAR ASSOCIATION,
Washington, D.C., December 20, 1983.

Hon. JAMES J. FLORIO,
Chairman, House Subcommittee on Commerce, Transportation and Tourism, Washington, D.C.

DEAR CHAIRMAN FLORIO: I am writing to inform you and members of your Committee that the National Council of the Federal Bar Association ("FBA") adopted a resolution at its meeting on November 19, 1983, opposing the enactment of pending legislation that would prohibit the Federal Trade Commission ("FTC") from exercising its consumer protection authority over attorneys. A copy of the Resolution is attached for your information.

Our Resolution differs from action taken earlier this year by the American Bar Association at the initiation of the State Bar of Texas that called for an exemption for lawyers from Section 5 of the FTC Act, which governs "unfair" or "deceptive" acts or practices. The National Council of the FBA found that proponents for exempting lawyers from the FTC's jurisdiction had not demonstrated that the agency had exceeded its authority in the past with respect to lawyers' conduct or that the exemption of lawyers from the consumer protection laws would serve the public interest. The FBA was also concerned that the ABA action was widely perceived as an unfair attempt by the legal profession to secure special privileges.

The FBA, establishd in 1920, has 15,000 members throughout the country and overseas. It members are attorneys in the private bar, federal departments and agencies and the federal bench. The National Council is comprised of national elected officers, past presidents, chapter delegates from across the country, section chairpersons and appointed members.

Please feel free to contact me or the FBA's Executive Director, J. Thomas Rouland (telephone: 638-0252) if we can provide you or other members of your Committee with any further information in this regard.

Sincerely yours,

EVAN L. HULTMAN,
President.

Enclosure.

RESOLUTION OPPOSING ENACTMENT OF EXEMPTION OF PROFESSIONALS FROM FTC JURISDICTION

Whereas, proposed amendments to authorizing appropriations for the Federal Trade Commission for fiscal 1984 would prohibit the Federal Trade Commission from exercising its jurisdiction, pursuant to Section 5 of the Federal Trade Commission Act, over unfair or deceptive acts and practices engaged in by professionals, if the use of such authority would invalidate state law concerning the licensing of professionals or the specialized tasks or duties that may be performed by professionals; and

Whereas, the proposed amendments would exempt unfair or deceptive acts and practices of professionals, pursuant to Section 5 of the Federal Trade Commission Act if such acts and practices are "effectively regulated" by the state court of last resort in civil actions or by state law; and

Whereas, proponents of the proposed amendments argue that this amendment is necessary because of unspecified past actions of the Commission reflecting an unduly broad exercise of its authority; and

Whereas, the authority appropriations presently incorporate language defining the scope of unfair acts or practices, under Section 5 of the Federal Trade Commission Act, in response to concern about the jurisdiction of the Federal Trade Commission; and

Whereas, the Federal Trade Commission, on October 14, 1983 issued an Enforcement Policy Statement delineating how the Commission will invoke its authority over deceptive acts or practices under Section 5 of the Federal Trade Commission Act; and

Whereas, no compelling need or justification has been demonstrated by proponents of the aforementioned proposed amendments that such action is in the public interest; and

Whereas, the proposed amendments are widely perceived as an unfair attempt by the legal profession to secure special privileges unavailable to others;

Now, therefore, be it *Resolved* That:

1. The Federal Bar Association opposes the enactment of the proposed amendments or similar legislation that would except professionals from the jurisdiction of Section 5 of the Federal Trade Commission Act; however

2. The Federal Bar Association urges the United States Congress and its relevant Committees, the Administration and other appropriate entities to continue to closely monitor the activities of the Federal Trade Commission to ensure that it acts within its statutory authority.

3. The Federal Bar Association authorizes that these views be transmitted to the members of Congress, the Administration and other individuals that have an interest in this important matter.

Adopted by the National Council of the Federal Bar Association, November 19, 1983.●

IN HONOR OF DOROTHY DRESSLER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. MURTHA. Mr. Speaker, on January 27 at the annual dinner of the Laurel Arts, Mrs. Dorothy Dressler will be presented with the Governor's Hazlett Memorial Award for excellence in the arts in the field of Service to the Arts in the State of Pennsylvania.

I certainly add my congratulations to this very deserved award. With a distinguished record of service to the arts, it particularly should be noted that Mrs. Dressler donated the house and grounds for Laurel Arts' Philip Dressler Center for the Arts in Somerset, Pa., which is Pennsylvania's only professionally staffed rural arts center.

One of the achievements Congress has made in working with the National Endowment for the Arts is to make the Federal Government more conscious of the very special needs of rural arts projects, and the very strong impact which arts can have in the rural areas. For too long, the Nation thought of a strong arts program as something contained only in the major urban areas, but through the hard work of many people in our area, we have been one of the communities to prove that arts can be distinguished in rural areas and make a definite community contribution.

While I am proud of helping to move the Government in the direction of rural arts, the very clear fact is that

very little could have been accomplished without the dedicated input of concerned individuals. A perfect example of that is Mrs. Dorothy Dressler without whose personal contributions and advice the Laurel Arts Center could never have reached its present level of excellence.

Sometimes we can overlook that arts in rural areas make a strong contribution to the area's economy, to enriching the lives of its citizens, and to raising the community's spirit. Laurel Arts has nobly achieved these goals, and Mrs. Dorothy Dressler is so greatly responsible for attaining those goals.

Hers is a life devoted to enriching America's culture and her community's well-being. Against that measure she achieved her goals of excellence, and it is a pleasure for me to commemorate here contributions to her community and to her Nation through these remarks.●

HARRIMAN SPEAKS OUT ON ADMINISTRATION'S NUCLEAR POLICY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mrs. KAPTUR. Mr. Speaker, there is a growing fear among the American people that our country is teetering on the brink of a possibly disastrous confrontation with the Soviet Union. The administration continues on an unparalleled peacetime defense buildup, arms control talks have collapsed and United States/Soviet relations are continuing to deteriorate. I commend to my colleagues the following New York Times article by Averell Harriman, the distinguished former Ambassador to the Soviet Union who has been chief negotiator of the 1963 Limited Test Ban Treaty. His sound advice deserves to be heeded. To continue on our present course could well jeopardize the future of our planet.

[From the New York Times, Jan. 1, 1984]

IF THE REAGAN PATTERN CONTINUES, AMERICA MAY FACE NUCLEAR WAR

(By W. Averell Harriman)

For three years, I have refrained from directly criticizing the President of the United States. I have been reticient because I believe that America must stand united before the world, particularly in the face of our foremost adversary, the Soviet Union. I also believe a President should be given fair time to pursue his goals and test his policies. In this sense, politics should stop at the water's edge. But this cannot mean that all criticism should be muted indefinitely, no matter how wrong a President may be or how critical the world situation may become.

President Reagan has had his fair chance, and he can no longer expect Americans to support policies that make our relationship with the Soviet Union more dangerous than at any time in the past generation.

This is the grim result of Reagan Administration diplomacy: If present developments in nuclear arms and United States-Soviet relations are permitted to continue, we could face not the risk but the reality of nuclear war.

To be silent in this situation is not patriotic but irresponsible. In the last month, nuclear arms negotiations have collapsed. Communication between the United States and the Soviet Union has all but broken down; instead, we have propaganda barrages and the spectacle of the leaders of the two mightiest nations on earth trading insults, as if they had no more serious obligations than their own personal pride and political survival.

Flush with the polls and the overwhelming victory of 6,000 Americans over 600 Cubans on Grenada, the Administration now shows every sign of drawing the wrong lesson from that experience and risking defeats of a proportion it seemingly cannot even imagine.

Day by day in the Middle East, the Administration sinks further into a quagmire, committing American lives and American honor with no clear policy, no certain plan and, indeed, no obvious concern for the day when American soldiers and Soviet soldiers come face-to-face, no longer safely separated by the buffers of distance and surrogate military forces.

Moreover, Lebanon is only the most immediate trouble spot. Around the world, possible points of conflict and escalation become more volatile than ever as each superpower, in today's deteriorating situation, may be tempted to confront rather than to compromise, to treat every test as a measure of national will. The destruction of the South Korean airliner by the Soviet Union last summer provided chilling proof of the increasing potential for miscalculation and misunderstanding. Events can too readily overwhelm common sense and human safeguards.

These trends by themselves would be cause enough for worry, but they take place against the backdrop of a nuclear arms race rapidly escaping out of control—and dangerously passing the point of no return.

Within a few years, both the United States and the Soviet Union will have in place intercontinental missiles interpreted each by the other as instruments of a massive first strike. Within a span of months, both nations will put shorter-range nuclear missiles nearer each other's territory, missiles capable of striking critical command and control centers with flight times so short that caution may be the first casualty of some future crisis.

As if this were not sufficient, thousands of nuclear-armed cruise missiles will soon be stationed on American submarines, to be followed by thousands more carried on Soviet ships, or hidden, in uncountable numbers, in the vast expanse of the Soviet Union. These cruise missiles will pose extremely difficult challenges to arms control verifications and they will vastly complicate our ability ever to achieve the nuclear reductions both American and Soviet leaders say they seek.

Perhaps the most tragic trend—because it is so avoidable—is that the arms race is about to be launched into space. Anti-satellite weapons will constitute a continuing threat to early warning, reconnaissance and communications satellites—all critical to our security and vital to preventing nuclear war by accident or miscalculation.

The Administration's "Star Wars" defense scheme will mean more than the destruction of three solemn arms control treaties—the Limited Test Ban, the Outer Space Treaty and the Anti-Ballistic Missile Treaty—that have served our security so well. It will mean that both sides will accumulate thousands more offensive weapons to overcome whatever defenses they each might devise. It promises security that is beyond our capability to provide and thus plays cruelly on the fear and the hope of every citizen. It promises a technological shield when the solution is in ourselves—in serious negotiation and mutual restraint.

It is always easy for Americans to blame the Soviet Union, and no American—no matter how much he or she desires a safer world—should lose sight of the fact that the Soviet Union does indeed bear a heavy responsibility for where we are today. But blaming the Soviet Union, which has been the single-minded indulgence of this Administration since the first day it took office, is not a strategy or a policy. It will not reshape the Russian nation; it will not bring down the Iron Curtain; and, above all, it will not reduce the nuclear threat that hangs over every American.

Anyone can assail the Soviet Union for the failure of Soviet-American relations. But we must demand more of our President, who, after all, is elected not to preside over failure but to find an acceptable solution even in the face of formidable problems. The unfortunate truth, however, is that we are now witness to more than a Presidential failure to act or an Administration's lack of policy. President Reagan and his Administration bear their own heavy measure of responsibility for the situation we face today.

No President in the nuclear age, strengthened abroad as was Mr. Reagan by the consensus at home for a strong national defense, secure politically on the right and the left for the endeavor of arms control, has had such an opportunity to reverse the nuclear arms race. Yet this opportunity has been squandered. And all Americans hoped that when he took office his past opposition to arms control would end. Yet the record of three years has betrayed these hopes.

Despite his campaign pledge to the nation that "as President, I will immediately open negotiations on a SALT III treaty." Mr. Reagan waited more than 17 months before even beginning to talk with the Soviet Union about such an agreement. Since then, the pace of negotiation has been, to put it politely, tepid; the discussions have been punctuated by long recesses, and there have been no significant results. All that has been done is to rename SALT, to call it Start; the talks have now stalled indefinitely.

The negotiations on intermediate-range nuclear forces in Europe have collapsed completely. In the most promising initiative during those talks, the so-called "walk in the woods" proposal, our negotiator, a veteran hardliner in dealing with the Administration for trying too hard to reach a workable compromise that actually would have been greatly to our advantage.

Indeed, the behavior and the proposals of the Administration in both the strategic and European nuclear discussions have raised serious doubts in the minds of many about whether there ever was any intention to reach any reasonable agreement. Negotiations have been treated as a forum for propaganda, an occasion for invective, a mask to cover new deployments and an arena to gain advantage—rather than as a

path to human survival on this planet. This is a most shortsighted policy, for its outcome will simply be more missiles in Soviet hands—scarcely a sensible program for America's security.

The SALT II treaty, negotiated by three Presidents—two of them Republicans—was rejected by this Administration, with the President's own counselor saying "We feel there is no legal or moral commitment to abide by SALT I and SALT II," international law to the contrary. Apart from its effect on the negotiating climate with the Soviet Union, this rejection means that almost 300 Soviet missiles and bombers that would have been destroyed under the terms of SALT II still are targeted on our cities and towns. What should have remained at worst an irresponsible election slogan was elevated to the level of a national policy, ushering in a new era of strategic instability.

Other actions amplify my deep concern about the course that the Administration has taken.

Despite the mounting threat of nuclear terrorism and the spread of nuclear weapons to more nations, the Administration has rejected the imperative of nuclear nonproliferation, and in fact has undercut important initiatives of previous Republican and Democratic Presidents. The goal of a comprehensive nuclear test ban—a prerequisite to effective nonproliferation and an objective of every other President since Dwight D. Eisenhower—has been summarily discarded. The President will not even discuss the control of space weapons with the Soviet Union.

The issue of verification—so central to arms control—has been blurred by the Administration. Serious problems with Soviet compliance have been submerged in irresponsible charges, innuendo and leaks. The objective, instead, should be to clarify questionable Soviet behavior and insist on compliance—not to exploit these concerns in order to further poison our relations, repudiate existing agreements, or, worse still, terminate arms control altogether.

Additionally, even the instruments with which our Government carries on the business of arms control have been degraded. Long-time opponents of arms restraint have been put in charge of policy making. American delegations have arrived at the Geneva negotiations empty-handed, then waited weeks to receive formal negotiating instructions. Fifteen months after taking office, the Administration could not agree on an opening position to take in strategic arms talks. Three years after taking office, the Administration still does not have a policy on verification. This lack of professionalism presents a stark contrast with the precision and purpose of our adversaries—and, insignificant though it may appear to some, it speaks volumes about attitudes and commitment. That is what disturbs me most of all.

It will not be easy to undo these three years of nuclear irresponsibility, or to free both nations from excessive pride, or to control new weapons while we set about the task of controlling all weapons. But we are obliged to try with every ounce of strength we can muster, lest our generation of Americans be the first to imperil the legacy of life it has been given.

I am convinced that Soviet leaders desire serious negotiations. Such negotiations will not be easy; they will involve, as they always have, a hardheaded struggle to improve the national security of both countries. Nor need they signal our approval of other Soviet actions, such as the invasion of Afghanistan or the repression in Poland. Their object, despite the irreconcilable ideologies of our two nations, is the common goal that nuclear weapons have made a necessity; the prevention of nuclear war.

I am also convinced that constructive agreements to reduce nuclear arms, to make their use less likely are possible—even at this late date. The Limited Nuclear Test Ban of 1963, after all, came after the Cuban missile crisis and years of tension in Berlin. Both sides, however, must want an agreement. Each side must be willing to seize on what is positive in the other's proposal rather than be paralyzed by the least favorable elements presented by each. Both sides must be willing to work for an agreement that will serve our mutual advantage. This essential change in attitude alone could be the catalyst for progress.

To put it plainly, Presdent Reagan must be ready and willing to negotiate; he must want progress even more than he wants to berate the Soviet Union.

I am convinced that we must engage ourselves now in this fundamental choice about our future—and that is why I write as the New Year begins. We must demand a new effort to prevent war, not to prepare for it. A leadership for peace can be the first expression of America's dream. We dare not fail. We are only human beings, subjects to all the mortal perils of life, all the temptations to power; but, at the same time, in our very humanity, we must seek to pass on to our children and grandchildren not fear, but hope; not an arms race, but arms control; not the death of the earth, but a better and safer world.●

GRIM PICTURE PAINTED FOR U.S. COAL EXPORTS AS TRADE DEFICITS SOAR

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. RAHALL. Mr. Speaker, in late November, Business Week carried an article with this headline: "U.S. Rail Rates for Coal Raise Tempers Abroad."

During December, the Wall Street Journal ran a story with this headline: "Japan's Steelmakers Force Down Price of Imported Coal, Curb Deliveries Again."

In January, the Journal printed another article under this headline: "U.S. Coal Producers Gird for a Beating as Talks With Europe's Coal Buyers Approach."

Indeed, in 1983, U.S. exports of coal fell by 30 percent over the levels established in 1982. As the Japanese and Europeans engage in contract negotiations for their 1984 coal requirements, they have treated the United States as a second-rate coal supplier. The reason, as indicated by the articles mentioned above, is the refusal of U.S. railroads to lower their transportation costs on export coal.

This situation was discussed during a December 1983 meeting organized by the Southern States Energy Board and sponsored by the Department of Commerce and Energy with European coal buyers in Genoa, Italy. The following are quotations from a joint Commerce-State report on that meeting:

The European coal buyers were unanimous in their belief that U.S. coal producers are not able to lower their prices. Therefore, unless there is a reduction in U.S. rail rates, U.S. coal imports into Europe will drop dramatically in 1984.

Specifically, the nordic utilities group representing Scandinavian steam coal buyers, said they are prepared to eliminate U.S. purchases unless rail rates are reduced. Elkraft, a Danish utility, recently cancelled a 650,000 ton contract.

ENEL expressed similar strong views indicating U.S. coal imports in 1984 will depend upon the railroads eliminating the 3 dollars per ton rail rate difference between domestic and export shipments. If this rate discrimination is not eliminated, ENEL plans to cut U.S. coal purchases from 2.8 million tons in 1983 to 1.2 million tons.

ATIC, the major French importer of coal, stated that no purchases of U.S. coal will be made which involve shipments on Eastern railroads.

This dialogue and subsequent private meetings with key Italian government and state officials leave no doubt that unless railroads give rate reductions in 1984 U.S. coal exports to Europe could be reduced by as much as 10 million tons; a 40 percent drop from 1983 exports.

Buyers from Denmark, Italy, and the United Kingdom gave detailed accounts of their unsuccessful efforts to discuss and negotiate rail rate reductions with the railroads. In each case, the U.S. subsequently lost sales because the railroads refused to make any concessions.

Mr. Speaker, as the U.S. trade deficit continues to grow and coalfield unemployment runs rampant, it certainly seems worthwhile for the Congress to take remedial action on the Interstate Commerce Commission's decision to exempt from regulation export coal traffic carried by the railroads and other decisions the Commission has made based on its faulty interpretation of the Staggers Rail Act of 1980. Let us hope 1984 is the year such action will be taken.●

THE WASHINGTON POST ARTICLE ON H.R. 711

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. WHITEHURST. Mr. Speaker, on January 6, 1983, I introduced H.R. 711, a bill to amend the Internal Revenue Code to allow a deduction for State and local utility taxes. This proposal has the support of many State and local authorities, and an article which appeared in the Washington Post on Sunday, January 22, 1984, underscores the need for legislation of this kind.

I am pleased to take this opportunity to share the article with my colleagues, and I hope that this deduction may be considered when tax legislation is taken up in the Ways and Means Committee this year.

Thank you, Mr. Speaker.

RISING VA. UTILITY RATES REAP WINDFALLS FOR LOCAL GOVERNMENTS

(By Tom Sherwood)

RICHMOND.—Fast-rising utility rates in Virginia are helping to pump millions of new tax dollars into the coffers of local governments through little-noticed utility taxes that sometimes are as high as 25 percent of electric and telephone bills.

"As utility rates have gone up since the 1970s, it's a windfall for them," said Michael Smith, an Alexandria consultant who is studying the effect of utility taxes on small businesses.

"What started out as a minor tax has become larger and larger," said Gary Packingham, Smith's partner.

The rapid increase in utility taxes has occurred despite a 1972 state law that put a cap on the amount most local governments could collect. A provision of that law exempted many jurisdictions that already were imposing higher amounts.

In the case of telephones, the taxes are certain to go even higher because of the recent 33 percent increase granted the Chesapeake & Potomac Telephone Co. for residential customers in Northern Virginia.

In Alexandria, which collected more than $3.3 million in telephone taxes last year, both businesses and residential customers pay 25 percent of their bill regardless of the amount of the basic telephone service they receive.

Before the recent C&P rate increase, local telephone taxes in Fairfax County alone were expected to amount to $14.7 million, an increase of $2.5 million in the last two years. Unlike Alexandria, Fairfax's telephone taxes are capped at 22 percent of the first $50 of basic residential charges.

Arlington alone in Northern Virginia does not impose a utility tax.

Consultant Packingham noted that, unlike state sales and property taxes, utility taxes are not deductible from federal and state income taxes.

At the same time, the local governments are complaining about increases in their own telephone costs. They have banded together and are refusing to pay newly approved, higher telephone rates in an attempt to force the utility to negotiate lower governmental rates.

Utility taxes are a little-noticed, but growing, source of revenue largely obscured by public debates over utility company actions in an era of rising electricity rates and rapid changes in the telephone industry.

"The consumers don't pay the taxes directly" to the governments that will spend them, said Albert W. Spengler, a researcher for the Institute of Government at the University of Virginia. In most areas, the tax is included in utility bills and passed on monthly to local governments.

"It's not like a bill from city hall. I think if people had to pay it directly to their local government, you'd see more of an uprise," Spengler said. "It's one of the few taxes that cost [local governments] nothing. They don't administer it, they just collect it."

Since 1979, Virginia Electric & Power Co. and C&P, as defacto tax agents, have collected more than half a billion dollars in taxes for Virginia's city and county governments.

"People look at their bills, they blame the utility company even though the tax part is clearly marked," one utility company official said. "They look at the bottom line."

In all, local utility taxes, including those on electricity, telephone and natural gas, account for $32.6 million, or about 5 percent, of Fairfax's $600 million general operating budget.

"It is substantial. Utility taxes are a major source of revenue," said Patrick McDonald, deputy Fairfax County administrator for financial management.

McDonald emphasized that revenues from utility taxes also have risen because of increased growth in the county.

REVENUE FROM UTILITY TAXES FOR SELECTED AREAS, FISCAL YEAR 1983

	Telephone	Electricity
Fairfax County	$13,657,622	$12,376,242
Alexandria	3,396,122	2,074,433
Norfolk	6,479,090	13,041,576
Richmond	5,736,161	12,193,609

Source: C&P Telephone Co. and Vepco.

He also said that the divestiture of the American Telephone and Telegraph Co. would have other, still unspecified adverse effects on the amount local governments could collect.

Still, in the last year alone, 17 more Virginia localities adopted a local utilities tax.

Packingham said he hopes his company's private study will lead to a statewide assessment of utility tax policies.

State Del. Marian Van Landingham (D-Alexandria), a member of a telecommunications subcommittee, said her group is continuing to study the impact of the telephone divestiture and may include the effect on taxes.

Meanwhile the Virginia Municipal League and the Association of Counties are continuing their push to avoid higher telephone bills for local governments. Richmond lawyer Eric Page, a former assistant state attorney general, and a Florida-based consultant have been hired to negotiate with C&P to limit the rate increases.

Page said on Friday that nearly all of the group's jurisdictions have passed resolutions to put their increased telephone bills in an escrow account until the issue is settled.

"Local governments are good customers. They pay their bills on time", said Page, who said local governments also should be credited for providing the telephone company a "flow of benefits."

Page said C&P is allowed almost unrestricted rights-of-way for telephone lines and is even allowed to block public streets while providing maintenance or service to profit-making businesses. In addition, he said, lower rates would mean less pressure on governments to raise taxes.

Local governments are not bound by law to pay commercial telephone rates, but generally have done so.

In the early 1970s, the municipal groups were successful in forcing Vepco to treat the governments as a separate class of ratepayers, a move that has curbed, but not stopped, major increases in power costs.

"The total utility bill for local governments on a national basis is the third highest expenditure," said R. Michael Amyx, director of the municipal league.

Telephone company officials contend local governments are no different from large businesses and should pay the same rates.●

THIRD ANNUAL GABRIEL VITALE MARATHON

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ADDABBO. Mr. Speaker, in December 1980, Officer Gabriel Vitale of the 109th precinct in Queens, N.Y., was shot as he and his partner, acting after a burglary report had been issued, sought to question two men who were behaving suspiciously. Vitale, a 15-year veteran of the New York Police Department, who had received a merit citation just 2 months before the shooting, died 9 days later.

Like others before and after him, who have been killed in the line of duty, Vitale is not forgotten. For the third year since his death, the Gabriel Vitale Memorial Cross Country Marathon was held in Queens to pay tribute to the slain officer. At this time, I would like to pay my own tribute to him, to others who have died defending our citizens, and to all those who participated in the marathon, by sharing with my colleagues the following report of the event.

[From the Leader-Observer, Oct. 6, 1983]

POLICE ACADEMY COPS 3D ANNUAL GABRIEL VITALE MEMORIAL CHAMPIONSHIP SPONSORED BY HAMBURG SAVINGS BANK

Three thousand enthusiastic spectators cheered as 500 participants ran in the Third Annual Gabriel Vitale Memorial Cross Country Marathon held this past Sunday October 2, 1983, at McNeil Park, College Point, Queens.

This event was a tribute to Police Officer Gabriel Vitale, who was killed in the line of duty in December of 1980. He was assigned to the 109th Precinct in Flushing. Roy Schoenhaar, President and Chief Executive Officer of the Hamburg Savings Bank said: "We considered it a privilege to be part of this special salute to Police Officer Gabriel Vitale."

The slain police officer's mother, Mrs. Christine Vitale, his sons, Gabriel Jr. and Mark, sister, Mary Ann Meyer and brother, Jim, donated the Gabriel Vitale Memorial Cup and presented this coveted award to the following members of the police officers team, who won first place representing the Police Academy:

Jack McManus, Paul Kennedy, Michael Padilla, Willie Freeman and Charles Mattes. Individual trophies were also awarded. Medals were given to the 42nd Police Precinct for 2nd place and the 107th Precinct for the 3rd place finish.

In the overall Police Officers individual competition, Chris Gregory of N S U-7 finished first, John Silk (17th Precinct) second, and Jack McManus (Police Academy) third.

The following police officers won trophies in the female competition:

First, Florita E. Smith of the 42nd Precinct, Elsa Gonzales, 42nd Precinct, Second, and Diane Giuliano of the 114th Precinct captured Third place.

One hundred awards including trophies and medals were presented to the winners who competed, in the Police Officers and Non-Police Officers categories. The Meet Directors were: John O'Sullivan, Roy Roberts and Leo Nicholas. Michael Jay Velgot, Vice President-Public Relations and Marketing Officer and Radio Commercial Voice of the 900 Million Dollar Hamburg Savings Bank, with thirteen offices in Queens, Brooklyn and Nassau, served as Sports Commentator, and Master of Ceremonies. Michael Jay Velgot is a former sports commentator, disc jockey, news and special events director of a Regional Network Affiliate of the Mutual Boadcasting System. He was also a Correspondent for the Associated Press.

This program was in cooperation with The College Point Road Runners Track Club, The Running 109th Precinct, and the New York Road Runners Club.●

NO STAR WARS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. KASTENMEIER. Mr. Speaker, I want to call to the attention of my colleagues a critical analysis written by John Tirman, senior editor at the Union of Concerned Scientists, of President Reagan's expensive, technically questionable, and dangerous plan to develop a space based weapons system. Mr. Tirman, writing in the December 24, 1983, the Nation, warns that the President's efforts to militarize space will bankrupt both our National Treasury and the world's hopes for peace.

The President, instead of advocating a new defense strategy with heavy reliance on space weapons, including antisatellite weapons and exotic laser and particle beam devices, would be better advised to spend his time pursuing the goal of banning all weapons in space.

The article follows:

STAR WARS—FROM SCENARIO TO FACT

(By John Tirman)

Outer space is again in the limelight. The movie "The Right Stuff," which celebrates the NASA heroes of the 1960s, is merely the most visible evidence; in October, upon the twenty-fifth anniversary of NASA, cover stories in Omni, Science '83 and High Technology heralded the new era of space factories and labs. Entrepreneurs speak of mining on the moon, producing microchips and blending drugs in weightless orbital aeries. The more intrepid among them are launching their own space vehicles.

The frontiers of science and technology are always quickly populated by Pentagon pioneers, and space is no exception. The Reagan Administration has embarked on a space weapons program that could drive the arms race into an extraterrestrial arena and revolutionize U.S. defense policy. Antisatellite weapons (ASATs) about to be tested and ultimately deployed could lead to a ballistic missile defense (BMD) system in space. Such a system is years from deployment, but the concept is so provocation that a major research and development effort could upset the strategic balance and bury all hopes for arms control.

Space has been considered a sanctuary from weapons ever since 1955, when President Eisenhower announced his "open skies" doctrine. Subsequently, international treaties prohibited the deployment of nuclear arms in space and protect satellites used for treaty verification. Nevertheless, the militarization of space has proceeded apace. The United States and the Soviet Union each have about 100 orbiting satellites that serve military purposes. The United States has satellites for communications, navigation, meteorology, early warning of attacks, intelligence, ocean reconnaissance and the like; the Russians are similary equipped. The Pentagon groups these capabilities under the rubric command, control, communications and intelligence—C^3 I for short. They are essential to arms control. Without the intelligence provided by eyes and ears in the sky, verification of treaties would be impossible.

Obviously, satellites are stabilizing elements in the rivalry between the superpowers. Equally obvious, the deployment of ASATs would be destabilizing. Attacks on spy or early-warning satellites would be regarded not only as an act of war but as the first step in a major—probably nuclear—assault. According to defense expert and longtime Pentagon consultant Richard Garwin, "War in space is not an alternative to war on earth but a *prelude* to war on earth." If President Reagan has his way, however, the stability "open skies" afforded will be jeopardized by a new generation of ASATs and, in the next decade, by high-tech defenses against Soviet ballistic missiles. What is becoming clear is that the two systems are intimately related.

Antisatellite weaponry is not new. In the 1950s the United States tested a nuclear-tipped ASAT intended for use against orbiting nuclear weapons, but neither it nor its projected target was deployed. The Army and the Air Force each tested and deployed a ground-based ASAT in the 1960s, one of which was designed as a ballistic missile defense system. Each has since been "retired." In 1968 the Soviet Union began developing an ASAT, using a modified SS-9 ICBM as a booster. It is capable of hitting only satellites in low orbits, up to 1,000 miles above the earth. By just about everyone's reckoning, the Soviet ASAT is primitive, has a low rate of success in tests and poses no significant threat to U.S. satellites. Indeed, one observer dismissed it as a "blunderbuss."

Since satellites are smaller than an automobile and not heavy enough to withstand much abuse, they could be destroyed by something as simple as shrapnel. The technical challenge in developing effective ASATs lies in boosting and targeting. The task of simply hitting a satellite orbiting 22,000 miles above the earth is daunting enough, but an enemy can make it even more difficult by taking countermeasures such as jamming the ASAT guidance system.

These problems have apparently stymied the Russians. In 1979 Gen. David Jones, then Chairman of the Joint Chiefs of Staff, observed that the Russians "have not had a test program that would cause us to believe that it [ASAT] is a very credible threat," and there is little evidence that their capability has improved much since then.

The Air Force began developing a sophisticated ASAT in the mid-1970s, and is expected to test the launcher soon. The new weapon and its booster rocket will be launched from an F-15 fighter. When it is perfected, the ASAT will be able to attack low-orbit Soviet satellites at any time and the high-orbit Soviet early-warning satellites when they are within range over the South Pole. It is expected that the U.S. weapon will be superior to its Soviet counterpart and easier to conceal.

The decision to go forward with the ASAT project was made during the Carter Administration, and as with the Euromissiles, a two-track strategy was adopted: build the weapon while negotiating a ban on it with the Russians. But the United States broke off the talks in 1980, shortly after the Russians invaded Afghanistan, and the political pressures of the Presidential election prevented their resumption. The Reagan Administration has refused to return to the bargaining table, although the Soviet Union has repeatedly proposed ASAT bans in the United Nations.

The Administration's position was outlined concisely in a letter dated August 17 from Adm. Jonathan T. Howe, director of the State Department's Bureau of Politico-Military Affairs, to Hans Bethe, Nobel Prizewinning physicist and ASAT opponent. "The U.S. ASAT capability," wrote Howe, "is twofold: first, to deter threats to our own space systems, and second, within such limits as are imposed by international law, to deny any adversary the use of space-based systems that provide support for hostile military forces. We consider this a prudent response to the existing Soviet ASAT weapon, and to Soviet deployment in recent years of a number of military satellites which, while not weapons themselves, are designed to support directly the USSR's terrestrial forces in the event of a conflict."

The Administration also contends that ASAT negotiations cannot go forward until "verification problems" are solved. "Difficult space arms control verification problems must be resolved before serious negotiations are undertaken," Kenneth Adelman, director of the Arms Control and Disarmament Agency, told the Senate Foreign Relations Committee last May. "It would be difficult to preclude the possibility of a covert suppy of [Soviet] ASAT systems for use in a crisis," he added. Indeed, the alleged difficulty in verifying Soviet compliance is the principal stated reason for White House resistance to ASAT negotiations.

As a phalanx of scientists and military analysts have pointed out, however, the Administration's rationales are weak and, one suspects, disingenuous. The United States would not need to "deter" Soviet ASATs if they were negotiated away. In the unlikely event that the Soviet blunderbusses knocked crucial American satellites out of the sky during a war, replacement satellites could be boosted quickly into orbit and non-satellite means of communication, command and intelligence could be made available. Various "survivability" tactics could be employed as countermeasures to Soviet ASATs; for example, the "migration" of satellites to higher orbits, outside the range of Soviet ASATs. Merely increasing the number of U.S. satellites would diminish the Soviet threat as well.

The second rationale—that the United States must be able to attack Soviet satellites that would provide strategic information to ground forces in a conventional war, say, a Soviet invasion of Western Europe—is equally fatuous. U.S. attacks on C^3I satellites would almost certainly escalate a conventional conflict. If one side felt that it

might lose its ability to guide its ICBMs to their targets, it would probably feel impelled to attack the other side's missiles before that navigational capability was lost. Some independent analysts say an effective, bilateral ASAT ban is clearly in America's interest because U.S. forces depend so heavily on satellites. Soviet conventional and nuclear forces are based largely on one continent and are thus accessible by ground-based communications. U.S. forces, by contrast, are scattered. Indeed, the chief weakness of the submarine leg of the U.S. nuclear triad is the unreliability of communications between Washington and sub commanders.

As for the third sticking point, the "verification problem," most experts outside the Administration hold that an ASAT ban can be verified. The main difficulty in that killer satellites are small and easily concealed. But as John Pike, an arms analyst with the Federation of American Scientists, points out, "This is like worrying about whether someone has a bullet in his pocket when it is plain that he is not carring a gun. Without the gun, the bullets are of little concern. The Soviet ASAT is launched atop a rocket that is about the size of three buses parked end to end. A ban on the deployment of such a massive weapon could be readily verified." And Richard Garwin observes that a treaty is preferable to unlimited space weaponry: "It is much easier to detect a violation of such a treaty than to determine which of an enormous array of permitted activities in the absence of a treaty are a threat to U.S. security."

The most serious verification problem, according to Pike, Garwin and others is posed by the American ASAT, which fits neatly under the belly of an F-15. "Once this new weapon is tested to operational readiness," Pike says, "the Soviets would have little confidence in their ability to verify a ban on its deployment. Clearly, the time to achieve limits on such weapons is now, while it is still possible."

If the time is right and American interest would be served by an ASAT treaty, why doesn't the Administration negotiate one? Observers suspect that the White House is delaying so it can develop the new generation of space weapons the President called for in his so-called Star Wars speech of March 23. A ballistic missile defense system would require the development of X-ray guns, particle beam and laser weapons and other exotica capable of stopping Soviet ICBMs at liftoff. Many experts agree that for a BMD system to work, it would have to destroy Soviet ICBMs in the "boost phase," which lasts for only a few minutes after firing. The problems of alerting, targeting and tracking BMD weapons are immense—so immense that most independent scientists dismiss Reagan's Star Wars scenario as a fantasy.

Nonetheless, the Administration is proceeding with its plans to build a BMD system. The Defensive Technologies Study Team, directed by former NASA chief James Fletcher, recommended that $18 billion to $27 billion be spent between 1985 and 1989 to solve the technical problems of developing space weapons. Of course the ultimate cost will be, appropriately, astronomical. The Pentagon is applying the findings of the Future Security Strategy Study, which researched the strategic use of BMDs, and those of the Fletcher group in a far-reaching program to demonstrate BMD feasibility by the early 1990s. The two groups' recommendations have the imprimatur of Defense Caspar Weinberger, and it is expected that the President will incorporate some of them in his 1985 defense budget proposal in January. All this despite the fact that the testing and deployment of such weaponry is clearly prohibited by the 1972 Antiballistic Missile Treaty.

BMD development will accelerate the arms race—in both its offensive and defensive phases. In order to defeat even a partially effective U.S. defensive shield, the Soviet Union would develop every conceivable offensive weapon in addition to seeking its own defensive technologies. Once the U.S. hardware was ready for deployment, the Russians would have a strong incentive to launch a pre-emptive strike. The pursuit of these technologies, then, signals a radical departure from the traditional U.S. policy of deterrence. It is in keeping with the Administration's feverish race to acquire a "warfighting" capability through first-strike weapons-like the MX and Trident II.

The role antisatellite weapons would play in the Star Wars scenario is easy to imagine. Some of the technology planned for ASATs is quite similar to that envisioned for a BMD system. For example, a White House report leaked to Aviation Week and Space Technology indicates that certain laser technologies will be tested as if they were antisatellite weapons. Thus, although BMD development is a violation of the ABM Treaty, it could proceed "legally" if it were disguised as ASAT research. The Administration's reason for not wanting to negotiate a ban on space weapons with the Russians is clear: it intends to use ASAT R&D as a front for its ballistic missile defense effort. That may also explain why the Russians are so anxious to reach an ASAT accord.

Already the advocates of Star Wars weapons in Congress have seized the high ground. Representative Ken Kramer introduced a People Protection Act, saying, "Mutually Assured Destruction is a morally bankrupt philosophy that places government in the untenable position of refusing to defend its citizenry." Ironically, some of the same people who spurred the buildup of offensive weapons are now decrying that race in order to promote a defensive arms program.

As insane as the space weapons idea seems, there is a method to the Administration's madness. Listen to Edward Teller, a Reagan adviser and one of the sires of the Star Wars initiative: "There are * * * numerous advocates of arms reduction to be accomplished by negotiations and treaties with the Soviet Union. We pursued this path for more than a quarter of a century. The results have been a shift of military power to the Soviet Union and a steadily increasing danger to world peace." Pursuing BMDs and ASATs with such unbridled zeal is a deft subversion of arms control. The right wing has always derided détente, and the rush to develop and deploy space weaponry will insure an armed-to-the-teeth confrontation.

NASA's silver anniversary may be remembered not as the beginning of a brave new world of space commerce and achievement but as the end of a quarter-century of relatively peaceful exploration of the outer limits. If President Reagan has his way, the United States will embark on a most perilous phase of space exploitation, one which will bankrupt both our national treasury and the world's hopes for peace.●

CONCERNS OF THE ELDERLY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, Florida is very fortunate to have a very fine group known as the Silver Haired Legislature. I would like to share with my colleagues an article which outlines the concerns that this group feels are most important to our elderly.

The article follows:

[From the North Miami Beach Sun Reporter, Nov. 20, 1983]

ELDERLY'S CONCERNS GET TOP VOTE FOR SILVER HAIRED LEGISLATORS

(By Sarene Marks Collins)

When local Silver Haired Legislators returned from Tallahassee last Thursday, they left behind a list of recommendations on elderly concerns for state lawmakers.

Local delegates represented the concerns of senior citizens during the three-day session of the Silver Haired Legislature. "It's for the education and advocacy for senior citizens and all other citizens," said Silver Haired Rep. Maurice Ward, who took Rep. Ron Silver's (D-North Miami Beach) seat during the special session.

Ward is vice chairman of the district that includes Dale and Monroe County.

Legislators, who must be at least 60, were elected in 1981. The state stopped funding the session last year.

This year, the senior citizen coalition incorporated as the Florida Silver Haired Legislature Inc., and will now solicit private donations.

"I'm disturbed by the fact that we are no longer under the umbrella of the state legislature," said Lydia Gale, a silver haired senator who shared Sen. Gwen Margolis' (D-North Miami) seat. The incorported organization will be based in Orlando.

Gale's husband, Fred, is also a senator. Another North Miami Beach couple, Emma and Max Siemens of Sky Lake, also served as representatives.

Seniors rejected the Proposition One tax amendment in a straw ballot last Tuesday.

Ward sponsored a recommendation for a "mutual verifiable nuclear freeze" between the U.S. and the Soviets. "It's an important issue for everyone because people are afraid. We both have the weapons to be wiped out," said Ward, a supporter of Sen. Alan Cranston for president.

His nuclear freeze recommendation passed unanimously.

Siemens, who said she is in her 70s, introduced a recommendation to require the identification of dentures with the wearer's social security numbers.

The recommendations will be presented to state lawmakers when they return to session next spring. "They're young and inexperienced as far as the well-being of the elderly," said Gale, 64, of the reason lawmakers should listen to senior citizens.

The legislators also recommended:

Appointing retired educators to study the effectiveness of public school administrators.

Requiring a 72-hour cooling-off period on the sale of handguns.

Strengthening the powers of the state cost containment board to oversee hospital bills.

Forming a department of elderly affairs to coordinate services for the elderly.

Limiting utility companies to rate change requests every two years.

Protecting mobile home residents from unwarranted eviction.

Arranging a state transportation system to get the elderly and handicapped to meal sites and doctor's appointments.

Encouraging hospitals to offer preventive health care programs in the community.

Asserting the right of a person to refuse medical care.

Supporting the state lottery.

Requiring drivers over 75 to be reexamined for physical capability every three years.

"It helps. Seniors like the idea they have a voice," said the 71-year-old Ward.

About 17.3 percent of state residents are older than 65, according to the 1980 census.●

EXTRATERRESTRIAL INTELLIGENCE: AN INTERNATIONAL PETITION

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. WIRTH. Mr. Speaker, I would like to share with my colleagues an international petition on extraterrestrial intelligence. This petition was written by Dr. Carl Sagan of the Center for Radiophysics and Space at Cornell University, and signed by 73 leading scientists from 14 nations, including 7 Nobel laureates and a number of very senior Soviet scientists.

Though there is a wide range of opinions concerning extraterrestrial intelligence, the following list of distinguished scientists are in unanimous agreement that an investment in planetary exploration—by all nations—could provide momentous insight into our view of the universe and ourselves.

I support this very worthwhile research and submit the following full text of Dr. Sagan's international petition on extraterrestrial intelligence:

EXTRATERRESTRIAL INTELLIGENCE AN INTERNATIONAL PETITION

(By Carl Sagan)

The human species is now able to communicate with other civilizations in space, if such exist. Using current radioastronomical technology, it is possible for us to receive signals from civilizations no more advanced than we are over a distance of at least many thousands of light years. The cost of a systematic international research effort, using existing radio telescope, is as low as a few million dollars per year for one or two decades. The program would be more than a million times more thorough than all previous searches, by all nations, put together. The results—whether positive or negative—would have profound implications for our view of our universe and ourselves.

We believe such a coordinated search program is well justified on its scientific merits. It will also have important subsidiary benefits for radioastronomy in general. It is a scientific activity that seems likely to garner substantial public support. In addition, because of the growing problem of radiofrequency interference by civilian and military transmitters, the search program will become more difficult the longer we wait. This is the time to begin.

It has been suggested that the apparent absence of a major reworking of the Galaxy by very advanced beings, or the apparent absence of extraterrestrial colonists in the solar system, demonstrates that there are no extraterrestrial intelligent beings anywhere. At the very least, this argument depends on a major extrapolation from the circumstances on Earth, here and now. The radio search, on the other hand, assumes nothing about other civilizations that has not transpired in ours.

The undersigned [1] are scientists from a variety of disciplines and nations who have considered the problem of extraterrestrial intelligence—some of us for more than 20 years. We represent a wide variety of opinion on the abundance of extraterrestrials, on the ease of establishing contact, and on the validity of arguments of the sort summarized in the first sentence of the previous paragraph. But we are unanimous in our conviction that the only significant test of the existence of extraterrestrial intelligence is an experimental one. No a prior arguments on this subject can be compelling or should be used as a substitute for an observational program. We urge the organization of a coordinated, worldwide, and systematic search for extraterrestrial intelligence.

[1] Carl Sagan, Cornell University; David Baltimore, Massachusetts Institute of Technology; Richard Berendzen, American University; John Billingham, NASA Ames Research Center; Melvin Calvin, University of California, Berkeley; A. G. W. Cameron, Harvard University; M. S. Chadha, Bhabha Atomic Research Centre, Bombay, India; S. Chandrasekhar, University of Chicago; Francis Crick, Salk Institute; Robert S. Dixon, Ohio State University; T. M. Donahue, University of Michigan; Frank D. Drake, Cornell University; Lee A. DuBridge, California Institute of Technology; Freeman J. Dyson, Institute for Advanced Study; Manfred Eigen, Max Planck Institute, Gottingen, Federal Republic of Germany; Thomas Eisner, Cornell University; James Elliott, Massachusetts Institute of Technology; George B. Field, Harvard University; Vitaly L. Ginzburg, Lebedev Physical Institute, Moscow; Thomas Gold, Cornell University; Leo Goldberg, Kitt Peak National Observatory; Peter Goldreich, California Institute of Technology; J. Richard Gott III, Princeton University; Stephen Jay Gould, Harvard University; Tor Hagfors, National Astronomy and Ionosphere Center; Stephen W. Hawking, Cambridge University, Cambridge, United Kingdom; David S. Heeschen, National Radio Astronomy Observatory; Jean Heidmann, University of Paris; Gerhard Herzberg, National Research Council of Canada; Theodore Hesburgh, University of Notre Dame; Paul Horowitz, Harvard University; Fred Hoyle, Cambridge University, Cambridge, United Kingdom; Eric M. Jones, Los Alamos Scientific Laboratory; Jun Jugaku, University of Tokyo; N. S. Kardashev, Institute for Cosmic Research, Soviet Academy of Sciences, Moscow; Kenneth I. Kellerman, National Radio Astronomy Observatory; Michael J. Klein, Jet Propulsion Laboratory; Richard B. Lee, University of Toronto; Per-Olof Lindblad, Stockholm Observatory; Paul D. MacLean, National Institute of Mental Health; Matthew Meselson, Harvard University; Marvin L. Minsky, Massachusetts Institute of Technology; Masaki Morimoto, Nobeyama Radio Observatory, Tokyo; Philip Morrison, Massachusetts Institute of Technology; Bruce Murray, California Institute of Technology; William I. Newman, University of California, Los Angeles; Bernard M. Oliver, Hewlett-Packard Corporation; J. H. Oort, Leiden University, Leiden, The Netherlands; Ernst J. Opik, Armagh Observatory, Northern Ireland; Leslie Orgel, Salk Institute; Franco Pacini, Arcetri Observatory, Florence, Italy; Michael D. Papagiannis, Boston University; Linus Pauling, Linus Pauling Institute for Science and Medicine; Rudolf Pesek, Czechoslovak Academy of Sciences, Prague; W. H. Pickering, California Institute of Technology; Cyril Ponnamperuma, University of Maryland; Edward M. Purcell, Harvard University; David M. Raup, University of Chicago; Grote Reber, Tasmania; Martin J. Rees, Institute of Astronomy, Cambridge University, Cambridge, United Kingdom; Dale A. Russell, National Museums of Canada, Ottawa, Canada; Roald Z. Sagdeev, Institute of Cosmic Research, Soviet Academy of Sciences, Moscow; I. S. Shklovskii, Institute for Cosmic Research, Soviet Academy of Sciences, Moscow; Jill C. Tarter, University of California, Berkeley; Lewis Thomas, Memorial Sloan-Kettering Cancer Center; Kip S. Thorne, California Institute of Technology; Sebastian von Hoerner, National Radio Astronomy Observatory; Edward O. Wilson, Harvard University; Benjamin Zuckerman, University of Maryland.●

TRIBUTE TO THE LATE CHARLES LEE HOUSER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. WOLF. Mr. Speaker, Charlie Lee Houser, the Bureau of Land Management's Congressional Affairs Officer since 1975, died on December 31, 1983, after sustaining injuries in a helicopter accident in the Grand Canyon in early December. Those of us who knew Charlie, worked with him, and called him friend will miss him very much. I am honored to pay tribute to this remarkable man.

Charlie began his Government career with 4 years of service in the Marine Corps—which perhaps accounted for some of his discipline and precision. After graduating with honors from Alabama State, he joined the Bureau of Land Management in 1962 as a GS-1 messenger.

His talents and leadership ability were soon recognized—and during his first year with BLM he received three promotions—an almost unheard of phenomenon which required special approval from the U.S. Civil Service Commission. Charlie eventually was given full responsibility for all mail and messenger service in the Bureau headquarters office.

From this position, he moved into the procurement area where he again continued to rise through the ranks and to take on additional responsibility, eventually becoming Chief of the Branch of Office Services. From that position he was selected to become a Cooperative Relations Specialist and then a Congressional Liaison Specialist.

He continued to be given more responsibility until in 1975, he was appointed as BLM's Congressional Affairs Officer with key responsibilities in the Office of the Director. This also meant he was Chief of the Office of Congressional Affairs. It was this very important position which he held at the time of his untimely death.

Charlie's achievements are obvious, but I believe that the qualities which made up his character are even more outstanding. He was someone everyone was proud to know and be associated with. He will be missed by all.

I know all my colleagues join in expressing sympathy to Charlie Houser's wife, Lionella, and the rest of his family. They can be proud of the life he lived, of the service he provided his country, and the example he left to those who knew him.

I would like to share with my colleagues the "Family Tribute" of Charles Lee Louser which was included in a program at services at St. Martin's Catholic Church. I submit it to be printed at this point in the RECORD.

FAMILY TRIBUTE OF CHARLES LEE HOUSER
1933-1983

Charlie Lee Houser, the fifth of six children, was born September 22, 1933 to Alice Moss Houser and the late Robert Lee Houser in Prattville, Alabama. After sustaining injuries in a helicopter accident in Arizona on December 8, 1983, he departed this life at the Washington Hospital Center on December 31, 1983.

He was an active and supportive member of the St. Martin's Catholic Church and enjoyed working with the St. Vincent de Paul Society, a society that dedicated themselves in helping the needy of Washington, D.C.

He attended public schools in Alabama and graduated with honors from Alabama State College in 1961. He enhanced his career by enrolling in courses at George Washington University and the Graduate School of Agriculture. He was also affiliated with and held office in the Alabama State Alumni Association which he enjoyed and worked with dedication and enthusiasm.

Charlie enlisted in the US Marine Corps from 1953-57, serving in Okinawa, Thailand, Formosa, the Philippines and Japan. He still held the Corps dear to his heart and believed that when you "looked on heaven scenes the streets would be guarded by the United States Marines."

Charlie came to Washington, D.C. in 1962 to fulfill his ambition and use his talents. Although a newcomer to this area, he learned the "ropes" quickly. He first lived with a Baptist cousin who introduced him to the girl who subsequently became his wife. Lionella (nee Stuckey) and Charlie were joined in Holy Matrimony at St. Martins Catholic Church in 1964. From this union a loving daughter, Karen Linnea was born January 15, 1969.

Charlie's personal attributes benefitted him not only in his business and professional areas, but his warm, good natured attitude, coupled with his reputation of confidante, dedication and cooperative assistance extended to his home life as well. As a husband, Charles' success as a loving, dependable, strong person are traits to which his wife can attest. She likes to believe his easy-going nature is an answer to her prayer for a mate that could "get along with" her personality. Fond memories of her life with him will help her sustain his loss.

Charles, without a doubt, was his daughter Karen's "favorite Dad." He was her chauffeur, basketball rooter, TV game viewer, church accompanist, her bank, seafood provider, lecturer, bikeriding and swimming partner, phone screener and all the things that go along with a good dad.

Charles like quartet singing, fishing, hunting, baseball and swimming and riding through the South to visit his home place in Prattville to farm, relax and tan. It was there that he really enjoyed his family—particularly his loving mother, his brother Mack, sister Earlene and then on to Birmingham to visit his other sister, Frances, and brothers, Will and Buddy.

Charles was an ambitious young man who knew that if he got an opportunity he could prove himself. He started his career as a mail clerk with the General Service Administration and gave his all to this job. He later transferred to the Department of Interior where he was employed for over 20 years. He held position as Procurement Assistant, Cooperative Relations Specialist, Chief of Branch of Office Services and at the time of his death was Congressional Liaison Officer, Bureau of Land Management, Department of the Interior. He enjoyed his work and took great pride in doing the best job he could. His assistance in the Department as congressional informational programs and inquiries, and briefing preparations was earned him numerous Letters of Commendations. Outstanding Awards and most of all, the respect of his colleagues and members of Congress.

We all loved Charlie and will miss him greatly, but God's perfect will have been carried out. "The blessing of the Lord it maketh rich, and he addeth no sorrow with it."

He leaves to cherish his memory a loving and devoted wife, Mrs. Lionella Stuckey Houser; one daughter, Karen Linnea; his mother, Mrs. Alice Houser of Prattville, Alabama; two sisters, Mrs. Frances Busby and Mrs. Earlene Brown; three brothers; Mr. Mack Morris Houser, Mr. William Houser, and Mr. Louis Houser, all of Alabama; a devoted cousin, Mrs. Lena Fletcher of Washington, D.C.; father in law Mr. Luther Stuckey of Indian Head, Maryland; four sisters-in-law; five brothers-in-law; a host of relatives and many, many friends.●

TRIBUTE TO LIONEL FULTZ

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. CLAY. Mr. Speaker, Mr. Lionel Fultz just recently announced his retirement form IBM Corp. after 34 years. Mr. Fultz was one of the first black salesmen hired by IBM. He started his career in Chicago, Ill., in 1950. His achievements in IBM were numerous. He qualified for IBM's highest market achievements which were: 5 Golden Circles, 14 One Hundred Percent Clubs, and was named Branch Manager of the Year in 1968-69.

Lionel Fultz is a very unique individual because he was always involved in helping young blacks get into the corporate world. He received the company's Outstanding Contribution Award for his efforts in assisting the company's efforts in recruiting black employees.

Lionel has received numerous citations for his community endeavors. He is a former board member of the Morgan State University Foundation, board member of National Conference of Christians and Jews, Employment Practices Commission of Washington Board of Trade, Montesorri Schools of Maryland, and Minority Business Council of Baltimore.

Lionel is past president of the United Negro College Fund, State of Maryland; director and vice chairman, National Alliance of Business, D.C. Metro 1976-77; vice president, Washington Urban League 1978; past president, Toastmasters International, Chicago; division director, United Way of Baltimore.

He is presently a board member and member of executive committee, Keswick Home for Incurables, Columbia, Md., board member of Voluntary Council for Equal Opportunity, and president of NEW START—a nonprofit voluntary organization dedicated to the education and rehabilitation of prison inmates.

Lionel lives in Columbia, Md., with his wife Betty and two daughters, Kathy and Marlene.

I am inserting this article so that it may be available to young men and women across this country and serve as guidance and inspiration as they seek to achieve their life's goals.●

TRIBUTE TO THOMAS A. WALTHALL

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. SHELBY. Mr. Speaker, I would like to share with colleagues in the House of Representatives a story written by Debra J. Holley in the publication Alabama School Boards. The article recognizes and honors Mr. Thomas A. Walthall of Newbern, Ala., who has served the Hale County Board of Education for nearly 47 years.

Walthall's story is fascinating and very special. Following is the article as it appeared in the magazine:

A SOUTHERN GENTLEMAN LEAVES HIS LEGACY TO HALE COUNTY SCHOOLS

Bowers of crepe myrtle shelter the quiet streets, and rows of country churches stand tall against the pines. Newbern, Alabama, is a picturebook example of graceful southern charm.

Just past the railroad tracks is the Walthall home, where the lady of the house greets visitors with fresh brownies and a "sample-size" jar of her special pepper relish. By anyone's standards, the couple that resides here is quite extraordinary.

Those who should know claim that Thomas A. Walthall himself is a delightful example of a true southern gentleman. He is well noted for his kindness and concern for others, in particular his concern for children of all ages.

It's a fact that good things don't just happen in public schools; they are made to happen by people who care. Walthall cares

so deeply about his local schools that he has served the Hale County Board of Education for nearly 47 years.

The 77-year-old native of Hale County was appointed to the school board on April 1, 1937, to fill a vacancy created by his father's resignation. Walthall was elected board chairman in 1950 and has been re-elected to that position for 32 consecutive years. He will not seek another term when his service ends in November, 1984.

QUIET LEADERSHIP

Walthall's quiet leadership has earned the admiration and gratitude of many, including two Hale County superintendents. Danny Butler, the current superintendent, said that during his lifetime he has never met anyone with more faith in people and their abilities than his board president.

"There's no running roughshod over anyone when Mr. Walthall is around. He wants everyone to have input into decisions, which certainly is a key to being a good board president."

Butler, who was appointed superintendent in 1982, has appreciated Walthall's knowledge of a school board's role and its relationship to the superintendent. "He practically lives by the AASB Boardmanship Manual. He's learned a lot about school board business in the past 47 years, but he's always ready to learn more. He'll ask questions until he fully understands a situation.

"I thank God everyday that he has remained on the board, especially when I hear about the strained relations that many superintendents have with their board members. I wish everyone of them had a board president like Mr. Walthall."

A GREAT TEAM

Much of Walthall's tenure coincided with the 32-year superintendency of Robert E. Ramey, who retired in 1982. They were, as Butler says, "a great team."

Ramey agreed that the two men had a unique relationship. "We always have had the utmost respect for each other. Mr. Walthall knew what the role of the board was, and never overstepped those bounds. He wanted me to be the administrator."

The Ramey-Walthall team successfully faced several difficult challenges during their tenure, including school consolidation and racial desegregation. "When the courts mandated desegreation, many school districts around us were left high and dry by their students. The private schools were booming. We knew we didn't want that to happen to Hale County, and it didn't," Ramey said.

Ramey and the board let each local community decide how it wanted to implement the court's mandate. What would work in one area apparently wouldn't work in another.

"In the end, we had three or four different plans in operation. Whenever I had to take these proposals to the federal judge, I knew that Mr. Walthall would back me 100 percent. If changes had to be made, he would support my decisions," Ramey said.

The board's individualized plan helped to maintain a healthly racial balance in the schools. Even today, the enrollment at the local private school is relatively low.

In earlier years, Walthall and Ramey led the consolidation of many of the smaller schools scattered throughout the county. The 60 schools in operation in 1950 have been reduced to 10 schools on eight sites in 1983. During the same time period, the district's budget has increased from approximately $200,000 to more than $8 million.

BOARD RESPONSIBILITIES

School boardmanship itself has undergone significant changes since 1937, Walthall said. "It's gotten so complicated. There are so many new responsibilities and worries, but we can't delegate them to anyone else. We just have to buckle down and do all that we need to do."

Being involved in state politics is one new responsibility. "The creation of the Alabama Association of School Boards was the best thing that happened to us. The staff keeps us informed on what's going on in Montgomery and what we need to do locally. KID-PAC is another step in the right direction; it should help us have a stronger political voice," Walthall said.

Board responsibility is further burdened by the increasing demands that the public places on school boards. "People expect more of us, and we try hard to meet these expectations, particularly when it comes to communications. I am convinced that the more your public knows about the decisions you make and why you make them, the less trouble you'll have. Informed people are your best supporters," he said.

While a few of the changes in education have been drastic, Walthall said most changes were so gradual that they scarcely were noticed.

"For instance, I can't tell you exactly when it happened, but at some point we started getting most of our teachers from the larger cities. Some of them commute everyday from Tuscaloosa. When I first went on the board, just about all of our teachers either had been born in Hale County or they settled here after college."

EDUCATIONAL QUALITY

Walthall is proud of the county's teaching staff but increasingly is concerned about the ability of the local board to remove less competent teachers from the classroom. "Some folks say that all you have to do is document your case against an employee, but that's so much nonsense. There's just too much red tape."

While the board veteran welcomes the renewed public interest in quality education, he questions the value of at least one of the key recommendations of the National Commission on Excellence in Education. "Merit pay is an interesting idea, but I just don't see how anyone could objectively judge which teachers deserve more pay than another. I know I wouldn't want that job."

Walthall does support an increase in the number of mathematics units required for graduation. "Today's high school graduates must have certain skills or they'll be left behind. In the past, we were forced to give top financial priority to improving school facilities; now its time to give renewed emphasis to curriculum."

Like many rural school districts, Hale County has faced its share of financial difficulties. In the 1950s, Ramey initiated an effort to add a one-cent sales tax for capital outlay projects.

"Ramey was a real master at getting support at a time when support was nonexistent in most of the state. We took pictures of all our schools and took them around to business groups and town meetings. It was obvious that we desperately needed that money," Walthall said. "In some parts of the county, people had no sympathy for us, but other communities were very supportive. In the end, we got the tax."

FOUR SUPERINTENDENTS

Besides Butler and Ramey, Walthall has served with two other superintendents. The first superintendent was Edward Colebeck, "an English fellow who somehow wound up in Greensboro." Next in line was Dr. W. J. Terry, who later became state superintendent of education.

A 1929 graduate of Alabama Polytechnic Institute (Auburn University), Walthall returned to Newbern to help his family operate a cotton gin and warehouse. When cotton ceased its reign as king of the crops, the Walthalls turned to the dairy industry and other farming interests. He retired from these responsibilities in 1972.

If Walthall has harbored any vested interest in having a good school system, it would be his concern for his family. He and his wife, the former Laurice Butler of Greenville, wanted only the best for their four children. They are: Mrs. Carolyn Smith of Demopolis; Mrs. Francis Roberts of Wetumpka; Thomas A. Walthall IV, of Montgomery, and William B. Walthall of Aspen, Co. The family now includes seven grandchildren and one great-grandchild.

"I cannot say that I've been able to do all that I wanted to do for the schools, but I think I've done all that was possible. We kept the schools intact during bad times. We survived . . . some school systems weren't so fortunate," said Walthall.

Before his term expires, Walthall wants the board to take a complete tour of all schools. The superintendent reports that his board president already has a jump on this assignment. "He cares enough about the schools that he has spent Sunday afternoons visiting the campuses. To me, that is dedication in the highest degree," Butler said.

TIPS FROM A VETERAN

Walthall's years of service have given him a rare understanding of the role of a school board. He offers three "bits of advice" for new board presidents:

1. "Don't try to dominate the board. Be a member first and foremost. Get input from everyone before decisions are made."

2. "Remember that board members are not educators . . . that is the superintendent's job. The superintendent should run the school on a day-to-day basis. We just provide the basic guidance. Far too many school board get involved in internal politics with their superintendents; this is most unfortunate."

3. "In dealing with the public, don't commit yourself to one side or another. Present their complaints to the right person."

Walthall is a modest person, eager to share the credits with those who have worked with him throughout the years. Yet, he alone has forged a legacy of superior boardmanship that will have a lasting impact on Hale County schools.

Ramey said, "He has shown us what a good school board member should be. Mr. Walthall is an ideal, a role model for others to follow. This assures me that our schools will be in good hands for a long, long time."

Thomas A. Walthall is truly an outstanding individual. His devotion and service to the people of Hale County and the State of Alabama are worthy of the highest praises.

I am honored to be able to share this exceptional story with my colleagues in the House of Representatives, and certainly wish Mr. Walthall well in his future endeavors.●

STANLEY J. KRAWIEC—VETERAN OF THE YEAR

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mrs. JOHNSON. Mr. Speaker, I am proud to rise today to honor Mr. Stanley J. Krawiec, as he is named the Veteran of the Year by the New Britain Veterans Council.

Stanley has never hesitated to serve his community or his country. As a member of the U.S. Army, he was stationed in England, France, and Germany during the Second World War and after his discharge in 1945 became a leader in many veterans' as well as civic and political organizations.

He is an active member of the Sgt. Joseph Sakowicz Post Polish Legion of American Veterans, and has served four terms as a commander and held a variety of other offices in the Sakowicz Post over the years. Under his chairmanship, the Veterans Club organized many fundraising activities that benefited the many veterans of New Britain. In addition, for the past 15 years Stanley has organized the citywide veterans' Memorial Day ceremonies as well as the Pulaski Day commemoration. His service to the veterans' community culminated with two terms as chairman of the Veterans' Commission and many years of service as a delegate to the Veterans' Council.

His deep commitment to veterans' affairs did not cause him to neglect other facets of New Britain's community life. He served as a member of the Democratic Town Committee for four terms, and is presently serving his third term as president of the Pulaski Democratic Club of New Britain. He was recently elected to his third term as chairman of the Board of Tax Review for the city of New Britian.

We should all be inspired by Stanley's fine example of dedicated service to his community. He not only serves the community of today, through his hard work in a variety of organizations, but also serves the community of tomorrow by setting an example for future generations to emulate. Active participation in our community and in our government, on the grassroots level, is what will assure the future of our democracy. People like Stanley Krawiec are, in a sense, keepers of the flame, maintaining and passing down the traditions that had made our Nation unique throughout the world. On behalf of the people of our community, I want to thank Stanley for his exceptional service to the veterans' community, the city of New Britian, and to his country.●

RADIO ADDRESS BY HON. PAT WILLIAMS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. MATSUI. Mr. Speaker, on January 21, my respected colleague from western Montana, Hon. PAT WILLIAMS, delivered a nationwide radio address on the administration and the effect its policies have had on this country.

Mr. Speaker, I believe Congressman WILLIAMS thoughtfully and eloquently expressed just how devastating this administration's policies have been not only to the poor and disadvantaged but to average middle-income Americans as well.

For those unable to hear Saturday's address, I hope you will take the time to read his comments which I am submitting today in the CONGRESSIONAL RECORD.

TEXT OF REPRESENTIVE PAT WILLIAMS' DEMOCRATIC RADIO RESPONSE

Hello, my name is Pat Williams. I represent Western Montana in the U.S. Congress.

My fellow Americans, during these past few years we haven't heard much that is good from our national leaders about our government. Their negative message may have been good political rhetoric, but I believe it should worry you.

Our American government is not an alien force; rather, it is the democratic mechanism by which we achieve the unified will of a free people. For more than two centuries, now, government has enabled Americans to do together what alone it would have been impossible to accomplish. Through the unity of government we developed a confident political will and wisdom, and our strength became the envy of the world.

Ronald Reagan has made a career of denigrating government and is the only President, Republican or Democrat, in more than half a century to spend his term in office attempting to dismantle that mechanism of our unity. The results of that so-called Reagan revolution are now apparent: foreclosures, bankruptcies, recession and joblessness for millions of middle-income Americans; hunger and despair for the poor; and, federal welfare for the rich and the large corporations.

Next Wednesday evening the President will deliver the State of the Union address. Traditionally, that message has defined the state of the nation's economy. Of course, this nation is much more than just its budget. I suggest to you today that the state of our union depends upon the state of our unity—that is—the condition of our coming together in representative government to preserve our national neighborliness and assure our strength.

Ronald Reagan, in his inaugural address three years ago, said, and I quote, "Government is the problem." If you recall, he did not refer to inefficient government, or unaccountable government, or government grown too large. He purposely said government was the problem. That may have been good script at the time, but we now know it was bad policy. This President set about to change the way our people conduct their public business. Now, in the final year of his term, the results are in, and they represent the statistics of pain and divisiveness.

During just the past 12 months, 27 million Americans have suffered joblessness.

Middle-income folks, including small businesses, found themselves caught in a vicious recession, and bankruptcies have increased by a record 400,000 just since Ronald Reagan took office.

The average middle-income farm family saw their disposable income fall by 40 percent during the Reagan revolution.

Under the President, 3 million fewer children now receive school lunch.

During the past three years, a 20-year trend has been reversed and Americans by the millions are now slipping into poverty—6 million more than when this Administration took office.

To compound these and other tragedies of unfairness, the Reagan tax cut has meant a cascade of money for the wealthy and the rich corporations. Thirty years ago, corporate income taxes provided 25 percent of federal revenues. Now, under the Reagan tax cut for the rich, corporations provide only 7 percent of federal revenues.

All of that was as unfair as it was unnecessary. It is the direct result of the wrongheaded, suspicious view of our government caused by a lack of full understanding of government's true potential to be the unifying force through which all Americans can reach for this nation's great promise—a promise which can be reached together, not by going it alone.

Do you remember the now defunct Reagan plan called New Federalism? Translated, that meant that your state, already bleeding from the recession, should go it alone. The 50 states correctly rejected that plan as harmful to our national unity.

And do you remember the Reagan plan of two years ago for savaging Social Security benefits? It meant the elderly should prepare to go it alone. The Congress, both House and Senate, correctly rejected that scheme as harmful to our national unity.

We should all remember the President's angry remark of two years ago about the unemployed. Ronald Reagan was disturbed in March of 1982 about news coverage of citizens who had been thrown out of work by the recession. He said, "Is it news that some fellow out in South Succotash someplace has just been laid off?" Translated, that meant that the unemployed would soon have to go it alone.

It is more than coincidental that 20 years and some ago a vigorous new President suggested that the test of the state of our union should be what we could do for our country. This current President has changed that measurement to one not of unity, but of personal gain, by asking if individually we are better off than we were two, or three, or four years ago.

Yes, the well-being of individuals is critical, but we Americans have long ago learned that it is through unity that we individually have made our greatest gains.●

A MESSAGE OF HOPE AND INSPIRATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LONG of Louisiana. Mr. Speaker, on Christmas Eve, our colleague from Georgia (WYCHE FOWLER), delivered an inspiring and graceful radio address in response to President Reagan's weekly program.

I would like to share his message of hope with my colleagues, and in particular, to draw their attention to the four resolutions with which Mr. FOWLER closes his remarks. They are extremely appropriate to this New Year and to this start of a new session of Congress.

The full text of Mr. FOWLER's message follows:

A MESSAGE OF HOPE AND INSPIRATION

Mr. President, my fellow citizens, on this Christmas Eve we speak not as partisans but as Americans, proud that our national heritage was built on the firm foundation of our religious faith.

Christmas is the season for remembering the joys of the past, and for savoring the blessings of the present. But most of all, Christmas is the season of hope.

And in the midst of all the danger and destruction of 1983, there can yet be seen, for those with eyes to see, green shoots of hope springing from many corners of a weary world: the spirit of Solidarity in Eastern Europe, consolidation of democracy in Spain and Nigeria, the return of democratic institutions in Argentina, and perhaps soon, in Brazil. The prospect of continuing reconciliation and cooperation among the religious faiths of our world. Freer passage of people and ideas across international borders.

1984—unlike the year prophesied by George Orwell—is a year in which hope can abound, despite our concerns and casualties in the Caribbean, Central America, southern Africa, and the Middle East.

But hope is a fragile thing—as fragile as a new born babe—and if it is to grow into strength and power it must be rooted firmly in the soil of truth; and it must be nurtured from a spirit of righteousness. For as the Biblical prophets remind us, a nation's true strength lies in righteousness. It is righteousness, proclaims the Psalmist, that exalts the nation.

Righteousness—not power—must be the glory of a nation, and if America is to be glorious, it must be found in righteousness.

Glory cannot come to a nation that cares more for its haves than its have nots.

Glory cannot come to a nation beating its plowshares into swords—increasing its armaments far beyond its security needs.

Glory cannot come to a nation which restricts the press or limits a citizen's right to know the truth.

Glory cannot come to a nation afraid to show mercy to the weak or hungry.

Our country was founded on this Biblical principle—that true strength is found in righteousness, and indeed America's future rests upon it.

Thus Christmas is a season for reflection, giving to us, as a nation of bountiful wealth and incredible resources an opportunity to consider where we are and where we are going; to ponder what we want to be as a nation among the peoples of the Earth.

What standards of value and leadership should we set for ourselves as a nation?

How do we share our massive material wealth?

How do we export our love of peace and justice?

How do we minimize the danger of nuclear destruction?

The answer to these questions—which are all-important to the peace of America and the world—is rooted in the Scripture: "Righteousness exalteth a nation."

Christmas is the season for recalling the blessings which a bountiful Providence has heaped upon us—blessing upon blessing—in a world in which, every day, millions of families move closer to starvation.

Should we not recall that in the measure which God has blessed us, in the same measure does God require of us a stewardship of our wealth—for the hungry, the sick, the wretched of the Earth?

Therefore most of all Christmas is a season for resolve.

Resolve that we shall not abandon the hope born into the world at Bethlehem, 2,000 years ago.

Resolve that we shall not trample that hope in a rush to wealth and power and arms.

Resolve that, in our national life and in our national stewardship, we shall not forget the weakness of the little child whose birth we celebrate, and the power and strength and righteousness of the man He became.

Resolve that we shall remember these words, which He gave to us and to men and women of every generation:

"Blessed are the poor in spirit: for theirs is the Kingdom of heaven,

Blessed are they that mourn: for they shall be comforted.

Blessed are the meek; for they shall inherit the Earth.

Blessed are they which do hunger and thirst after righteousness: for they shall be filled.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the pure in heart; for they shall see God.

Blessed are the peacemakers: for they shall be called the children of God."●

THE 66TH ANNIVERSARY OF PROCLAMATION OF UKRAINIAN INDEPENDENCE FROM RUSSIAN SUBJUGATION

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. RUDD. Mr. Speaker, yesterday marked the 66th anniversary of the proclamation of Ukraine's independence, which took place on January 22, 1918, in which the fiercely independent Ukrainian people declared their eternal desire for freedom and statehood.

Their freedom from outside oppression was short lived, unable to defend against the brutal and superior physical forces of an imperialist Communist Russia, but the spirit and determination for national independence lives to this day.

In Arizona, the unending aspiration for Ukrainian independence is most actively pursued by an estimated 3,000 American citizens of Ukrainian descent. Nationwide, the Ukrainian-American community is over 2 million strong: Citizens of hardworking reputation which have become distinguished in a diversity of callings, including the professionals and business.

The Ukrainian people's perseverence toward the goal of freedom for its Communist-enslaved native land is witnessed throughout our Nation. The fact that the 48th State in the Union—Arizona—has had an active branch of the Ukrainian Congress Committee of America, Inc., for 22 years is itself a tribute to their success and intent on pursuing this goal.

The observance of the 66th anniversary of the proclamation of the Ukrainian National Republic is a special event for all Ukrainians, but it should also be a reminder to all Americans, and other freedom-loving peoples of the world, that communism is an unacceptable tyranny that threatens to engulf any nation with ideals based upon sovereignty, national pride, and peace.

A swift reminder of this ongoing challenge is to look at how the Soviet empire has expanded its subjugation over the globe since 1918. From the now-Communist bloc of Eastern Europe, to the bloody takeover in Afghanistan, to the outgrowth of leftist violence and exported revolution from Cuba and Nicaragua, to the well organized and direct funneling of arms and terrorism in the Mideast and throughout Africa by Soviet-sponsored clients in Libya, Mozambique, and Angola, to the wave of refugees fleeing to the last islands of freedom in Southeast Asia, the spread of communism has the guard of freedom on the defensive.

But the plight and the persecution of the Ukrainian people perhaps best typifies the onslaught of Communist Russia's expanding empire. In the period between 1920 and 1939, the Ukrainian struggle for liberty from the alien Soviet forces brought out a series of ill-fated attempts toward statehood and a memory of persecution and oppression that was largely ignored or unbeknownst to the rest of the world. A systematic genocide of millions of Ukrainians through man-made famines, executions, and arrests, as well as the decimation of the economic, cultural, and national identification traits of the Ukraine, was carried out by the Soviet regime that no person of Ukrainian descent will ever forget.

The worldwide observances, such as the one held at the Ukrainian-American Youth Association hall in Phoe-

nix, Ariz., yesterday, provide the world with an ongoing reminder of the horrors which are facts of our history, and which persist today.

The existence of forced-labor camps in the U.S.S.R., in addition to the continued persecution of all classes and origins of Soviet-dominated regions, and the plight of political prisoners, like Oksana Meshko, who is being held in internal exile by Soviet authorities for anti-Soviet agitation and propaganda, must never be left out of our thoughts. Observances, such as those around the world yesterday, keep us aware of the aspirations Ukrainians share, and the dangers the free world faces in the ever-imperialistic designs of Soviet Russia.●

A TRIBUTE TO KEN DIXON

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. WALGREN. Mr. Speaker, in each of our districts, we come to know outstanding citizens who really are the ones who make our society work. I would like to footnote the historical record of the Congress with a tribute to one such individual, F. Kenneth Dixon, who is retiring as the director of election in Allegheny County, Pa.

Ken Dixon has served with county government in a number of capacities for 37 years. In 1970, he became the assistant director of the department of elections, becoming director of elections in 1976.

Ken Dixon's term as director of elections has been marked by professionalism and accessibility. As director, he has administered elections in Allegheny County with a sense of fairness that originates in his own character. Through commonsense interpretation of elections laws, he has fostered an environment which allows voters and candidates alike the widest possible participation in our electoral process. He has been a calm presence in inherently chaotic circumstances and the public has been the better off for his service.

Before becoming director of elections, Ken served as the chairman of the Mount Lebanon Democratic Committee—a partisan role if there ever was one. He was hard working and dedicated to his community and his party. The fact that a public servant so involved in one party can go on to effectively and fairly administrate elections among all parties is testimony to the strength and vitality of our system.

Much of the strength Ken brought to his work was based in his family. With his wife Mary, Ken has seen eight children, four daughters, and four sons, graduate from college and succeed in their own professions.

Those of the rest of us who have or are struggling to raise children, quickly learn to appreciate the special qualities of someone who so successfully raised and been the example for eight.

Mr. Speaker, all of us in Allegheny County are grateful for Ken Dixon's good humor, commonsense and commitment to his community and his Nation. I know my colleagues join me in saluting Ken Dixon today and wishing him a retirement filled with health and happiness.●

A "COLLECTIVE STRENGTH" PROPOSAL BY JACOB K. JAVITS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. BEREUTER. Mr. Speaker, we live in a historical juncture where the flash points of violence and repression from dictatorships on the left and right make the world a difficult, if not dangerous, place to live. Peoples subjugated by fanatics from all extremes look across their borders and find comfort in the discovery that other nations are able to peacefully resolve their internal ideological and political differences. Democratic peoples must come together and find an instrument that will enable free countries to, together and collectively, depose tyranny and repression.

Allow me, Mr. Speaker, to place in the RECORD an article by one of this Nation's great public servants, former Senator Jacob Javits. In a New York Times article of December 20 of last year, Senator Javits contends that the solution taken by the Organization of Eastern Caribbean States will prove to be a significant approach free nations have in the future to help neighboring peoples rid themselves of a regime that governs by force. Our international system is based on the sovereignty of the nation-state, but I call your attention to the Senator's words that "the democratic peoples of the world are now ready to yield something of their nationalism in order to avoid tyrannical government". May I commend this thoughtful and excellent article to my esteemed colleagues.

[From the New York Times, Dec. 30, 1983]

ON REGIONAL SECURITY

(By Jacob K. Javits)

The lessons of Grenada are coming clearer now that the dust of our intervention has settled. The question posed in Grenada was hardly unique: How can a people rid themselves of a regime that is installed by force and seeks to govern through force? The answer in Grenada was a regional approach to security—a step away from the concept of nationalism and government by nations that has prevailed since the breakup of the Roman Empire. It was a crucial, leading step on a path that I believe will become increasingly important in the 21st century.

The extremist Government that we toppled in Grenada happened to be pro-Marxist, and the regime it succeeded—that of Prime Minister Maurice Bishop—also happened to be Communist. But ideology is not the issue here. The destructive power of modern weapons permits depotisms of both the left and the right to impose themselves on unwilling peoples. Readily available support from Cuba and the Soviet Union make it particularly easy for leftist tyrants to pursue this course. But in other regions, rightist despots pose much the same sort of threat. We see the same question posed vividly in rightist Chile and leftist Nicaragua. We see it in Libya's designs on Chad and in Ethiopia's threat to Somalia and the Sudan.

How did the regional approach work in Grenada? Our action was taken at the request of members of two organizations that include Grenada: four of the seven members of the Organization of Eastern Caribbean States—Antigua, Dominica, St. Lucia and St. Vincent—and two member of the Caribbean Community and Common Market—Barbados and Jamaica. The intervention met with the approval of legitimate and democratic governments in all these tiny states.

Grenada should provide an example for other regional and democratic approaches to security. The world now contains a great number of regional agreements for defense and mutual security as well as trade and other interchanges that can easily be expanded to include security arrangements. The North Atlantic Treaty Organization is the leading example, of course. Others include the Association of Southeast Asian Nations, composed of Indonesia, Malaysia, the Philippines, Singapore and Thailand, and the Andean Pact in Latin America, between Colombia, Ecuador, Peru, Venezuela and Bolivia. Another is the Contadora group—Colombia, Mexico, Panama and Venezuela—which is seeking to bring order out of chaos in Central America. In the same region, people have begun to talk about reactivating the Central American Common Market, composed of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

Regional approaches to security would ideally be based on treaties signed by democratic governments and guaranteeing their mutual security. Such treaties would be invoked whenever one nation among the signatories was taken over by a dictatorial regime that denied its own people a voice in their government and threatened the security interests of the other countries in the area. Regions would be defined not only by geography but also by economic, social, educational and political conditions that create a basis of common interest.

Let us, for example, consider Chile. The Chilean people have found it extremely difficult to shake off their military Government, but the support and cooperation of the other nations in the region could make it possible to depose the regime. In this, it is very significant that Chile's next-door neighbor Argentina has now chosen the democratic route.

The Warsaw Pact between the Soviet Union and the satellite "captive nations" is also a regional arrangement by treaty. But a distinction must be made between Communist governments, which are themselves creatures of force and intimidation, and democratic governments formed of the free will of their peoples.

The situation in Grenada and the eastern Caribbean region is a very small example of what I have in mind. But in this small ex-

ample we may be seeing the dawn of a new world movement that can give people everywhere much better assurances about peace and freedom.

This was the role that many of us once hoped the United Nations would play. But it is clearly too early for effective world government or an international order that can maintain peace and provide self-determination by peoples.

In contrast, regionalism is a suitable and realistic next step. Much of the groundwork has already been laid. The concept of national sovereignty has often been used to block such collective action. But I believe the democratic peoples of the world are now ready to yield something of their nationalism in order to avoid tyrannical government and the Armageddon of atomic war.●

TRIBUTE TO BILL BEDESEN

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. COELHO. Mr. Speaker, I rise today to honor one of Merced, Calif.'s most distinguished citizens on his 100th birthday. On February 6, 1984, Bill Bedesen will celebrate a century of civic, community, and family involvement in central California.

Mr. Bedesen was born in Merced in 1884, where he has lived his entire life. He was a member of the first graduating class from Merced High School and attended the University of California at Berkeley.

Mr. Bedesen has spent his entire life trying to make the world a better place for the rest of us to live. During his career as Merced County engineer, he was responsible for developing many lakes and parks, and has left his mark on countless buildings and facilities.

Mr. Bedesen is still active in many civic organizations—the Presbyterian Church, Elks Lodge, Rotary Club, Merced Parks and Recreation Commission, and the Historical Society Advisory Committee. He also owned Merced's first tennis court; helped select the site and build Merced's Golf Club and helped draw, plan, and supervise construction of the Presbyterian Church.

Not only has he dedicated his life to community involvement, but Mr. Bedesen is known throughout the area as a thoughtful and helpful person. It is my pleasure to stand before you today and pay tribute to this fine American on his 100th birthday.●

THE REMOVAL OF U.S. TROOPS IN LEBANON

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LOWRY of Washington. Mr. Speaker, we should remove the U.S. troops in the multinational force in Lebanon immediately. This action should be one of our most urgent priorities now that Congress has reconvened. It is absolutely wrong to leave these brave Americans caught in a crossfire in a centuries-old religious, ethnic, economic dispute.

The evidence is overwhelming that the situation has deteriorated gravely since the marines were first sent to Beirut, and the adminstration failed to deal with this deterioration. Let us review the facts pointed out by the House Armed Services Committee's Subcommittee on Investigations and a Department of Defense (DOD) Commission. Both investigated the tragic attack at the Beirut International Airport; both issued reports critical of the security precautions taken in Beirut and the basic underlying assumptions for U.S. participation in the multinational force (MNF). They called for renewed stress on diplomatic, rather than military, efforts to deal with the crisis in Lebanon. As the subcommittee stressed:

> The solution to Lebanon's problem will only be found at the bargining table. We must not in any way encouage the perception that a solution can be found on the battlefield with the participation of U.S. armed forces.

These reports confirm that U.S. forces, sent in as neutral peacekeepers, have been drawn into the power struggle among the warring Lebanese factions. The DOD Commission commented that the Lebanese President and the commander of the Lebanese Armed Forces:

> Are caught in the same tangled web of distrust, misunderstanding, malevolence, conspiracy, and betrayal that has brought Lebanon to political bankruptcy and ruin.

Regrettably, this is now true of U.S. forces as well.

The Investigations Subcommittee found that individual marines "performed their duties with skill, courage, and extraordinary fortitude." The DOD Commission concurred with this view, stating that personnel "performed superbly, incurring great personal risk to accomplish their assigned tasks." We can all be proud of these fine Americans. I think that it is time for us to recognize that they have been asked to do an impossible job, as a brief chronology of events in Lebanon illustrates.

Lebanon became independent in 1943, under a national pact which divided Government posts among the major religious groups on proportion to their share of the population according to the 1932 census. These include Maronite, Greek Orthodox, Greek Catholic, and other Christian; Sunni and Shiite Muslims; the Druze sect; and others. In 1932, a majority of Lebanese were Christians. The Christians still retain their majority of Government posts, although they are now outnumbered by Muslims.

The changing population balance, economic inequities, and an influx of Palestinians led to the 1975 civil war, which destroyed Lebanon's economy and its delicate political balance. Of equal importance, armed political factions loyal to different families have long fought each other. For example, current President Amin Gemayel and his family are Maronites, but so is their bitter enemy, former President Suleiman Franjieh.

April 1976—Syrian forces entered Lebanon, with the endorsement of the United States, to protect right-wing Christians from left-wing Moslem and PLO forces. Syria, the PLO, and other groups retained control of parts of Lebanon.

June 1982—Israeli forces invaded Lebanon to drive Palestinian guerillas out of south Lebanon, and soon reached Beirut.

August 25, 1982—800 U.S. marines landed in Beirut as part of a multinational force to guarantee the safety of Palestinian civilians during the evacuation of PLO guerillas. This force withdrew on September 10.

September 29, 1982—After the assassination of President-elect Bashir Gemayel and the massacre of Palestinians by right-wing Christians, the multinational force returned to Beirut to bolster the Government of the new President, Bashir's brother, Amin. President Reagan told Congress:

> All armed elements in the area have given assurance that they will refrain from hostilities and will not interfere with the activities of the multinational force.

He stated that the MNF's purpose was:

> To provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF). * * * Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon.

According to the Investigations Subcommittee, the marines who took up positions at the airport were welcomed by the predominantly Shiite Moslem residents of the area and "were accepted as 'local heroes' in that area and remained so until July 1983."

April 18, 1983—The U.S. Embassy was attacked by a car bomb and 63 people were killed. The DOD Commission noted that "the FBI report on the

* * * bombing * * * stayed within FBI, CIA, and Department of State circles." The House Investigations Subcommittee found that Embassy security was tightened after the attack, but comparable measures were not taken to protect U.S. troops at the airport.

May 17, 1983—Israel and the Lebanese Government announced an agreement for the withdrawal of Israeli forces from Lebanon, provided that a similar agreement was reached with Syria. No such agreement has been reached.

July 23, 1983—Druze, Sunni Moslem, and Maronite opponents of the Gemayel family's Phalange Party formed the National Salvation Front. Its chief goal is to replace the 1943 national pact with a power-sharing arrangement based on a more realistic assessment of the current population balance.

August 29, 1983—Two marines were killed and 14 wounded by artillery fire on the airport. The DOD Commission noted:

By mid-to-late August 1983, Druze, Shia, and Syrian leaders had begun making statements to the effect that the Mulinational Forces, especially the U.S. element, was one of 'the enemy."

September 3-4, 1983—Israeli forces pulled back from south Beirut and the Shuf Mountains to a new line at the Awali River. Druze-Muslim forces and LAF-Phalange forces began to fight for control of the evacuated area.

September 6, 1983—Two marines were killed and two wounded by artillery fire on the airport.

September 12, 1983—The White House announced that the marines could call in airstrikes for their defense.

September 18, 1983—U.S. ships shelled artillery positions which had fired on the Lebanese Defense Ministry. Administration officials said that the retaliation was to protect U.S. personnel at the Defense Ministry and was not a direct involvement in the Lebanese conflict.

September 19, 1983—The administration said that U.S. ships would fire in support of the Lebanese Armed Forces at Suq-al-Gharb, a village on the heights above south Beirut, because Druze and Moslem attacks on the LAF endangered the Multinational Force. The DOD Commission noted:

After the USMNF engaged in direct fire support of the LAF, a significant proportion of the Lebanese populace no longer considered the USMNF a neutral force.

September 28, 1983—The House passed House Journal Resolution 364, which allows U.S. troops to remain in Lebanon until mid-1985. This legislation was signed into law on October 12.

October 14 and 16, 1983—Two marines were killed in sniping incidents.

October 19, 1983—In a press conference, President Reagan was asked about the safety of the marines. He responded: "We are looking at everything that can be done to try and make their position safer."

October 23, 1983—Between 6 and 7 a.m., a truck loaded with the equivalent of 12,000 pounds of TNT exploded, destroyed the marine barracks at the airport and killing 240 U.S. soldiers. The headquarters building of the French paratroopers was attacked at the same time, with a loss of 71 lives.

Initial reports implied that the truck managed to break through significant obstacles. In an address to the Nation, the President inaccurately stated that:

The truck crashed through a series of barriers, including a chain-link fence and barbed wire entanglements. The guards opened fire, but it was too late.

Marine Corps spokesmen, including Marine Corps Commandant Gen. P. X. Kelley, also provided information that turned out to be incorrect. The Investigations Subcommittee found that:

The initial testimony provided the full [Armed Services] committee was often inaccurate, misleading, and erroneous. Thus, the first explanation provided the Congress and the American people presented a false picture as to what actually took place.

Both the House Armed Services Subcommittee and the DOD Commission strongly criticized the lack of adequate protective measures and the lack of a clear mission for the U.S. force. The subcommittee concluded:

There were inadequate security measures taken to protect the Marine Unit from the full spectrum of threats. The truck bomb that transited and exploded in the Battalion Landing Team (BLT) headquarters building, with the loss of 240 lives, rolled through a concertina wire fence that was primarily a personnel barrier; it went between guard posts where the guards had their guns unloaded and had no opportunity to fire before the truck got past them; it went through a gate that was generally left open and was almost assuredly left open that morning; iron pipes in front of the building were not large enough to stop the vehicles and had an opening the vehicle could drive through. It is by no means certain that defenses protecting the BLT would have been adequate to repel a car bomb attack.

The Investigations Subcommittee and the DOD Commission concluded that the nature of the situation in Lebanon has changed significantly since the marines took up positions at the Beirut International Airport in September 1982, and that our response to these changes was inadequate. The Commission criticized the emphasis on military options and the expansion of the U.S. military role, and recommended a more vigorous and demanding approach to pursuing diplomatic alternatives. The subcommittee added:

Failure of the administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress.

Some Lebanese factions now view the marines as enemies instead of peacekeepers, as allies of the right-wing Christians rather than neutral observers. The nature of our involvement in Lebanon may have made this shift inevitable. We support President Gemayel, who is associated with the conservative Phalange Party founded by his father. Moreover, Lebanese opposition groups question the very basis for the Gemayel government's existence, the national pact, on the grounds that it no longer represents a fair division of power now that Christians are not a majority of the population. Some factions have been fighting the Lebanese Armed Forces and consider it to be an ally of the Phalange Party's militia; our assistance to the LAF has therefore added to the impression that the United States has taken sides in the Lebanese power struggle.

The United States has no role in this dispute among Lebanese. As the situation has changed, and the United States has become more and more identified with parties in this internal dispute, any previous justification for our participation in the multinational force has vanished. It is true that Syrian forces are still in Lebanon. But, as the Investigations Subcommittee put it:

Is there really strong belief among policymakers that the Syrians will be out of Lebanon in 18 months? Does such a hope justify almost certain further Marine casualties?

Again, let me urge my colleagues to support and work for the immediate withdrawal of U.S. forces from Lebanon.●

ERIC RICHARD KOUTCH BECOMES AN EAGLE SCOUT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me to award a congressional commendation to Eric Richard Koutch, who will become an Eagle Scout on February 5, 1984.

Eric is a constituent of mine from the Middle River area and a student at Our Lady of Mount Carmel School. Eric's Eagle project was particularly impressive as he organized and supervised the painting of the Luther League Building of St. Matthews Lutheran Church, also located in my district.

Besides his involvement with the Boy Scouts, Eric has also been an active member of the Bengies-Chase Recreation Council baseball team for many years. Eric has lived in my district for the last 12 years with his parents, Richard and June Koutch, and his sister Wendy. I was able to assist

Eric on an earlier Scout project in 1982, when Eric wrote me a letter and used my response as part of his "Citizenship in the Nation" merit badge.

I am extremely proud to join Eric's family and friends in congratulating him on his investiture as an Eagle Scout and wish him continued success in what promises to be a very bright future.●

COMMENDATION FOR DONALD F. EVANS

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. CHAPPIE. Mr. Speaker, this commendation of Donald F. Evans is made in recognition of his outstanding service in the area of schoolbus safety to the schoolchildren of the Napa Valley Unified School District, Napa, Calif. and to the schoolchildren of California and the entire Nation.

Don has served as administrator of general services in the Napa Valley Unified School District since 1979 and as supervisor of transportation since 1971. While serving in these positions, Don has been recognized as one of the leading school transportation administrators in the Nation. He has served on numerous statewide school transportation committees including the California Schoolbus Safety Committee and as chairman of the annual California schoolbus road-e-o. The bus road-e-o is an effective event used to improve the schoolbus safety in California. In 1966, while driving a schoolbus during his college days, Don was the California schoolbus road-e-o champion busdriver. He achieved the highest score ever attained in the road-e-o at that time.

Don's record on a national basis is recognized by the fact that two schoolbus safety training films, which are used nationwide, have been filmed in Napa utilizing his department personnel and equipment and that a study made in 1978 of selected outstanding school transportation departments throughout the Nation included the Napa Transportation Department. This study was conducted by the National Highway Traffic Safety Administration of the U.S. Department of Transportation.

Don has been a leader in California in developing efficient cooperative transportation services between school districts. At this time, the Napa Valley Unified School District provides transportation services for all of the school districts in Napa County and the county superintendent of schools.

Don is recognized by the entire community as a person who does an outstanding job of providing safe and efficient school transportation for the students of the Napa Valley Unified School District and as a person who willingly assists in any way possible whenever asked for assistance.

A statement in the National Trade Magazine, "The Diesel Equipment Superintendent," eloquently summarizes the type of administrator Don Evans is.

In case anybody is wondering why a truck equipment magazine devotes (as we have done in this issue) five pages to a school bus operation, it's because the Napa Valley story provides a classic example of a guaranteed success formula for the management of any type of highway vehicles. If you start out with equipment that's been engineered precisely to the job, make sure that it is scrupulously maintained, and follow through with an effective driver training and supervision program, there's no way you can go wrong. It's easier said than done, of course, and our hats are off to everyone involved with the Napa Valley bus fleet. They're doing a truly remarkable job.●

ERA ABORTION CONNECTION: THE LINK

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. WEBER. Mr. Speaker, the ERA/abortion connection is not a new issue to any Member of this House. What is new is the following factsheet from the legislative office of the National Right to Life.

I would commend it to my colleagues.

The factsheet follows:

THE ERA/ABORTION LINK AND HOW IT CAN BE BROKEN

(By Douglas Johnson)

What is the Equal Rights Am ndment?

The Equal Rights Amendment (ERA) is a proposed amendment to the U.S. Constitution. Like any constitutional amendment, it requires approval by a two-thirds vote of each house of Congress and then ratification by 38 state legislatures.

Congress originally approved ERA in 1972, but by 1982 it had legally expired without winning approval by the required number of states. Congress is now considering passing again the same wording: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The Congress shall have the power of enforce, by appropriate legislation, the provisions of this article."

The Supreme Court has already ruled that sex-based legislative distinctions are invalid unless they are substantially related to important governmental objectives. Many forms of sex discrimination (such as unequal pay for equal work) have been prohibited by Congress. But ERA advocates say that ERA is needed in order to make legal sex discrimination completely constitutionally impermissible.

What does ERA have to do with abortion?

There is strong evidence that ERA, as currently worded, would invalidate federal and state laws restricting funding of elective abortion. In addition, ERA could jeopardize other abortion-related laws.

ERA may also make it less likely that the Supreme Court will overturn its past rulings legalizing abortion on demand.

How can these pro-abortion effects be prevented?

The only dependable way to prevent the ERA from being used as a pro-abortion tool is to add the "abortion-neutralization amendment" (also known as the Sensenbrenner Amendment) to ERA. The amendment reads simply: "Nothing in this Article [the ERA] shall be construed to grant or secure any right relating to abortion or the funding thereof."

In supporting the abortion-neutralization amendment to ERA, prolife groups are not attempting to "mix two separate issues," as some claim. As demonstrated below, ERA and abortion are already legally linked. The abortion-neutralization amendment is intended to separate ERA and abortion.

If the abortion-neutralization amendment is adopted, NRLC will thereafter be neutral on ERA. [For a more extended discussion of NRLC's position on ERA, see "NRLC and ERA: the 'Single-Issue' Approach," Dec. 15 NRL News.]

How have major feminist organizations responded to this proposal to separate ERA and abortion?

Major feminist groups have vehemently rejected the abortion-neutralization amendment. In fact, they have indicated that they will make sure that ERA dies in Congress rather than accept ERA with the abortion-neutralization amendment attached.

For example, Judy Goldsmith, president of the National Organization for Women (N.O.W.), said, "We will support nothing but a clean [unamended] ERA. No true supporter of equity will support any other amendment" [Philadelphia Inquirer, Dec. 3, 1983]. A resolution adopted in October, 1983 at the national N.O.W. conference and sent to every member of Congress said, "N.O.W. serves notice on Congress that we will accept no amendments to the ERA and that any sponsor willing to accept amendments should remove her or his name from the list of sponsors."

N.O.W. is trying to sell ERA to the public as a simple economic equity measure—but N.O.W. will kill ERA if a simple "abortion-neutralization amendment" is attached. Doesn't this suggest that abortion funding is more important to N.O.W. than economic equity?

What organizations are supporting the abortion-neutralization amendment (Sensenbrenner Amendment) to ERA?

Besides NRLC, the abortion-neutralization amendment is supported by the Christian Action Council, the National Association of Evangelicals, the United States Catholic Conference, the National Committee for a Human Life Amendment, Eagle Forum, the American Life Lobby, and other groups.

But I received a letter from my congressman, in which he said that the Supreme Court has always dealt with abortion in terms of the "right to privacy," and never as a matter of "sex discrimination." He said that the Supreme Court ruled in 1980 that the Hyde Amendment does not violate the "right to privacy," and he said ERA will not change this. I'm confused!

Perhaps the congressman is confused, as well. He may not yet understand the real legal grounds for prolife fears regarding ERA. On the other hand, he (or an aide) may be deliberately employing a "red herring" argument.

Let's review a few points of constitutional law. The Constitution guarantees "due process of law" (the Due Process Clause). In its 1973 *Roe v. Wade* decision, the U.S. Supreme Court proclaimed that "due process of law" includes a "right to privacy," which contains the "right" of a woman to have an abortion free from governmental interference. However, in its 1980 decision in *McRae v. Harris*, the Supreme Court said that this "right" was not so broad as to require that the government pay for an indigent woman's abortion.

ERA would have no direct effect on this part of the *McRae* decision. In other words, "the right to privacy," does not require the government to pay for abortions—with or without ERA.

So much for the Due Process Clause. But the Supreme Court also dealt with a second pro-abortion argument in *McRae* (and this is where the problems arise with respect to ERA). Pro-abortion groups urged the Court to rule that the Hyde Amendment violated a different constituional provision guaranteeing "equal protection of the laws" (the Equal Protection Clause), because the Hyde Amendment denied funding for a specific "medical procedure" (abortion) sought by a particular class of people (poor women), while allowing funding of other medical services sought by other classes of people.

If the Court had accepted this argument, then the Hyde Amendment (and all similar state laws) would have been invalidated—even though the Court had already decided that the "right to privacy" did not include a right to a government-funded abortion. That's because a law is unconstitutional if it violates even one provision of the Constitution.

Sound confusing? Here's an illustration: People have a constitutional right to go to the movies without governmental interference, but the government is not obligated to pay for the tickets. If, however, the government decides to establish a ticket-buying program, then under the Equal Protection Clause the program must be administered in a way that does not discriminate on the basis of race, religion, or national origin. It would violate the Equal Protection Clause to pay for tickets for whites but not for blacks, for example.

In *McRae*, a closely divided (5-4) Supreme Court ruled that the Hyde Amendment did not violate the Equal Protection Clause—but only because the Hyde Amendment did not discriminate against any of the "suspect classes" currently recognized under the Constitution. The "suspect classifications" currently recognized are race, religion, and national origin. Laws based on these classifications are automatically subjected to what is known as "strict judicial scrutiny"—and laws subjected to strict judicial scrutiny are virtually always invalidated.

Women are not currently regarded as a "suspect class." Thus, in McRae the Supreme Court did not invoke the legally lethal "strict scrutiny." But ERA would make women a "suspect class." ERA's leading congressional proponents and pro-ERA legal scholars agree that this is the primary legal purpose of ERA.

Therefore, under ERA, laws which make distinctions between men and women would be subjected to "strict judicial scrutiny" and would be almost impossible to sustain in the courts—as is now the case with racially discriminatory laws. In fact, some prominent pro-ERA legal scholars believe that under ERA the constitutional prohibition against "sex discrimination" would be even more absolute than the prohibition against racial discrimination.

It simply begs the question for anyone to suggest that because the Supreme Court has not declared the Hyde Amendment to be a form of unconstitutional "sex discrimination" in the past, the Court will not so declare under ERA. Past Supreme Court decisions were based on the existing Constitution—without ERA.

What legal authorities agree with this analysis?

The abortion-ERA connection is recognized by many of the nation's leading experts on abortion-related constitutional law. What follows is a partial list of the legal experts who are on record as believing that ERA, as currently worded, would likely invalidate state and federal restrictions on abortion funding:

Prof. Victor Rosenblum, Northwestern University Law School; Prof. John Noonan, Jr., University of California-Berkeley Law School; Prof. William F. Harvey, Indiana University Law School (dean, 1973-79); Prof. Henry Karlson, Indiana University Law School; Prof. Grover Rees III, University of Texas Law School; Prof. Joseph Witherspoon, University of Texas Law School;

Prof. Basile Uddo, Loyola University Law School (New Orleans); Prof. Lynn Wardle, Brigham Young University Law School; Prof. Charles Rice, Notre Dame Law School; Prof. Jules Gerard, Washington University Law School (St. Louis); Prof. Robert Destro, Catholic University of America Law School; Prof. William Stanmeyer, Delaware Law School; Prof. John Baker, Louisiana State University Law School; Prof. Hadley Arkes, Amherst College; Prof. William Valenta, Villanova University Law School; Prof. Joseph Dellapenna; Villanova University Law School;

Prof. Gerald Dunne, St. Louis University Law School; Prof. Richard Stith, Valpariaso University Law School; Prof. David Granfield, Catholic University of America Law School; Prof. John Dunsford, St. Louis University Law School; Prof. John Potts, Valparaiso University Law School; Prof. Raymond Marcin, Catholic University of America Law School; Prof. David Forte, Cleveland State University;

William B. Ball, Esq., Ball & Skelly, Harrisburg, Penn.; Paige Comstock Cunningham, Esq., executive director, Americans United for Life Legal Defense Fund, and James Bopp, Jr., Esq., general counsel, NRLC.

In addition, one of the nation's most distinguished constitutional scholars, Prof. Paul Freund of Harvard Law School, said in February, 1983, that a proposed Minnesota ERA "could have an effect on abortion funding by the state as reinforcing an equal protection argument" against funding restrictions.

We must also look to the experience of a number of states which have added ERAs to their state constitutions. Already, lawyers associated with the American Civil Liberties Union (ACLU) have urged courts in four states (Hawaii, Massachusetts, Connecticut, and Pennsylvania) to rule that the ERAs which are in effect in those states require public funding of elective abortion.

Typical of these cases is *Fischer v. Commonwealth of Pennsylvania*, which goes to trial in February. In that case, Prof. Seth F. Kreimer and Prof. Virginia Kerr of the University of Pennsylvania Law School, Kathryn Kolbert of the Women's Law Project, and Thomas Harvey of the American Civil Liberties Foundation of Pennsylvania, have filed a petition in the Commonwealth Court which argues that because pregnancy is "unique to women," the Pennsylvania law restricting abortion funding "discriminates against women recipients because of their sex" and therefore is "a gender-based classification in violation of the Pennsylvania Equal Rights Amendment."

Have state courts accepted the ERA-abortion argument?

So far, no state court has used a state ERA to mandate abortion funding—but neither has any court yet rejected the argument.

In 1978, Hawaii Right to Life went to court to try to stop state funding of abortion. Two abortionists, aided by ACLU attorneys, defended the state funding policy, arguing that "withdrawing funding for abortions while continuing to reimburse other medical procedures sought by both sexes or only by men would be tantamount to a denial of equal rights on account of sex," and thus a violation of the Hawaii ERA. However, the court upheld the state policy on statutory grounds, and thus did not reach the ERA issue.

In the 1980 case of *Moe v. King*, the Massachusetts affiliate of ACLU urged that state's supreme court to rule that the state law restricting abortion funding violated several provisions of the state constitution, including the ERA. The court struck down the anti-funding law on the basis of the "due process" section of the state constitution, and explicitly stated that it had not reached the ERA issue.

ACLU-backed challenges to antifunding laws in Pennsylvania (described above) and Connecticut are still in progress. The ERA-abortion issue is very much alive in those cases. During an early stage of the Connecticut proceeding, the judge issued an order in which he commented that the ACLU's ERA-abortion argument had "substantial merit" and that it was "tempting and very persuasive." The judge temporarily suspended the state anti-funding policy on other grounds, thus postponing his final judgment on the ERA question until a later stage in the proceedings (which has not yet been reached).

Well, if some state court does reject the ERA-abortion argument, will that mean that prolife fears about the federal ERA are unfounded?

Not at all. No interpretation of a state ERA by a state court will control the interpretation of the federal ERA by the federal courts. As discussed above, the Supreme Court's 1980 McRae ruling strongly suggests that the federal ERA would invalidate all restrictions on abortion funding—state or federal—regardless of what happens with the state ERAs.

But how can it be "discriminatory," even under ERA, for the government to refuse to pay for abortions? After all, it's not the government's "fault" that only women can get pregnant!

Some ERA supporters have argued that ERA simply would not apply to laws which are based on a "unique physical characteristic" of one sex—of which the Hyde Amendment would be an example. But this view does not square with the writings and public statements of some of ERA's principal proponents in Congress and in the academic community. For example, one of the foremost academic supporters of ERA, Prof. Ann Freedman of Rutgers Law School, testified before the House Civil and Constitutional Rights Subcommittee on Nov. 3, 1983, as follows:

"The ERA also requires strict scrutiny of classifications based on physical characteristics unique to one sex to assure that such classifications do not undermine the equality of the sexes. To treat people differently on account of characteristics unique to one sex is to treat them differently on account of their sex."

When the House Judiciary Committee took final action on ERA on Nov. 9, 1983, Rep. Don Edwards (D-Cal.)—the chairman of the subcommittee which has jurisdiction over ERA—confirmed on the record that ERA would require the application of "strict scrutiny" even to pregnancy-related laws. And as already explained, laws subjected to "strict scrutiny" by the courts are virtually always invalidated.

In view of all this evidence, how can groups such as the National Organization for Women (N.O.W.) claim that abortion funding restrictions will not be regarded as a form of unconstitutional sex discrimination under ERA?

In claiming that ERA will not affect the Hyde Amendment, groups such as N.O.W. are implicitly contradicting arguments which they made against the Hyde Amendment before the Supreme Court in years past.

For example, in 1980 the American Association of University Women, N.O.W., and other pro-abortion groups filed a brief with the Supreme Court which contended that the Hyde Amendment should be declared unconstitutional because it adversely affected a "starkly defined—100 percent female and 100 percent poor—class of individuals." In the same case, the National Women's Political Caucus said that the Hyde Amendment "severely impacts on poor women, depriving them of equal protection under the law."

In other words, these groups argued that the Hyde Amendment unconstitutionally discriminated against women even without ERA. Yet now they claim that ERA—which for the first time would make laws "discriminating" against women strictly impermissible—would have no effect on abortion funding restrictions.

Lincoln C. Oliphant, a Washington attorney who has written extensively on the ERA-abortion connection, recently wrote: "These pro-ERA groups have made one argument to the Supreme Court and are now making a contradictory argument to Congress—and they're telling Congress that it's silly for the prolife groups to make the argument that they themselves made to the Supreme Court. These groups are not being honest with Congress, with the press, or with the American people."

Clearly, groups such as N.O.W. are temporarily denying the ERA abortion connection for political reasons. Pro-abortion groups have played this duplicitous game before. An instructive example occurred in Massachusetts, where the legislature was considering a state ERA in 1975. Some lawmakers were concerned about the ERA's possible impact on abortion law, but they were advised by one of the nation's leading constitutional authorities that "adoption of the amendment would have no effect whatever on the power of the state to regulate abortion or to protect fetuses consistent with Federal Constitution generally." The expert, Prof. Laurence Tribe of Harvard Law School, has worked closely at times with the American Civil Liberties Union (ACLU).

Partly on the basis of Prof. Tribe's assurance, the Massachusetts ERA was passed by the legislature and ratified by the electorate. A few years later, immediately after the U.S. Supreme Court upheld the constitutionality of the Hyde Amendment, the Civil Liberities Union of Massachusetts (CLUM), an ACLU affiliate, went to court to argue that the Massachusetts law barring funding of elective abortions violated the state ERA.

The executive director of CLUM explained the move in a revealing column which appeared in the August, 1980 issue of the CLUM newsletter, as follows:

"The state Equal Rights Amendment provides a legal argument that was unavailable to us or anyone at the federal level. The national Equal Rights Amendment is in deep trouble . . . Because a strong coalition is being forged between the anti-ERA coalition and the anti-abortion people, it was our hope to be able to save Medicaid payments for medically necessary abortions through the federal court route without having to use the state Equal Rights Amendment and possibly fuel the national anti-ERA movement. But the loss in McRae was the last straw. We now have no recourse but to turn to the State Constitution for the legal tools to save Medicaid funding for abortions."

Aside from invalidating restrictions on abortion funding, what other pro-abortion effects might ERA have?

ERA would jeopardize any law which distinguishes between abortion and "sex neutral" or male-only medical procedures. One important example would be the "conscience" laws which have been enacted by Congress and 44 states. These laws protect doctors and nurses from being penalized for refusing to cooperate in abortions. Currently, these laws are regarded as constitutional. But under ERA, such laws "would be treated like laws giving state officials the right to deny services to blacks but not to whites," in the opinion of Congressman Henry Hyde.

Furthermore, ERA could reinforce the "right to abortion" itself. That "right" is currently based only on a majority vote of the Supreme Court; it has no real foundation in the Constitution. Three sitting Supreme Court justices think that the Court's "right to abortion" doctrine should be overturned.

ERA could buttress the "right to abortion," however, by actually placing within the Constitution an alternative and less flimsy basis for a "right to abortion" (i.e., the sex discrimination approach). This might make a Supreme Court reversal of *Roe* v. *Wade* less likely.

In his book "A Lawyer Looks at the ERA" (1980), Prof. Rex Lee—now Solicitor General of the United States—wrote that "any chances for correction [of the Supreme Court's abortion decisions] would surely be destroyed by passage of the ERA, which would also seal the fate of the few remaining peripheral abortion questions, such as spousal and parental notification of the abortion decision and post-viability abortion regulation."

Is there some way that ERA and abortion can be separated, without actually amending the text of ERA?

The only dependable way to prevent ERA from being used as a pro-abortion tool is to attach the abortion-neutralization amendment to ERA.

Some congressman have suggested that the courts would honor a "legislative history" which indicated that Congress did not intend ERA to have pro-abortion effects. Such a "legislative history" would consist of statements by the House and Senate judiciary committees and by leading ERA sponsors that ERA was not intended to affect abortion law.

But in fact, ERA cannot be rendered "abortion neutral" just through legislative history. First, the federal courts have been known to ignore very explicit legislative history in order to achieve a desired policy result—and many federal judges strongly favor abortion funding. Second, courts need not even consult legislative history unless they decide that a legislative enactment is ambiguous on its face—but ERA is a sweeping unequivocal, absolute constitutional decree which recognizes no exceptions.

Third, it is already clear that some of ERA's major congressional sponsors do not desire a clearly "abortion-neutral" ERA. When chief Senate ERA sponsor Paul Tsongas (D-Mass.) testified before the Senate Judiciary Committee's Constitution Subcommittee on May 26, 1983, Sen. Orrin Hatch asked Tsongas what effect ERA would have on the Hyde Amendment. Tsongas responded that "that issue would be resolved in the courts."

On Nov. 1, 1983, Hatch asked the same question of chief Republican ERA sponsor (and pro-abortion leader) Sen. Bob Packwood (R-Or.). Packwood said he doubted ERA would compel abortion funding, but that he could "guarantee that some suit will be brought [against the Hyde Amendment] on that basis," and that "I'm not sure how a court would come out on it," Packwood said he would fight the abortion-neutralization amendment to ERA.

Clearly, the burden of proof rests upon those who deny that ERA would have a pro-abortion impact. That is a burden which they cannot begin to meet. Therefore, the prolife movement must prevent ERA from becoming part of the U.S. Constitution, until and unless ERA is amended to be "abortion neutral."●

TRIBUTE TO GEORGE BROWN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to George Brown and to congratulate him on his long and distinguished career with Public Service Electric & Gas. George is scheduled to retire at the end of this month after 38 years with PSE&G. In the past few years George has been a familiar face on Capitol Hill serving as manager of governmental affairs. After graduating from Lehigh University in his native Bethlehem, Pa., George went to work for Public Service in 1946. He rose steadily within the corporate structure of PSE&G from comptroller's division until in July of 1977 he was made the company's manager of governmental affairs.

Through the years, the entire New Jersey delegation has been greatly assisted by George's hard work and easy manner on a myriad of energy and environmental issues. His knowledge and diligence concerning legislative and regulatory matters have been an asset not only to Public Service Electric and

Gas but to the people of New Jersey. He effectively represents his company and his community in Washington.

Whether we agree on an issue or not, George has always been available to provide me, as well as all the offices of the New Jersey delegation with detailed and cogent information on any issue. His good humor combined with his knowledge has made his relationship with us invaluable.

In leaving Washington, George will return to his home in Rumson, N.J. to be with his wife of 35 years, Mary, and begin investment consulting. I know I speak for all who know and respect George in extending our thanks for all he has done for us and wishing him all the best in the years ahead.●

UNION CITY CELEBRATES ANNIVERSARY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. EDWARDS of California. Mr. Speaker, on Thursday, January 26, 1984, the city of Union City will celebrate its 25th year of incorporation. For many of those years, it has been my privilege to represent Union City here in Congress.

Although the city has been incorporated only since 1959, its heritage extends back to California's early history. What is now known as Union City was originally part of the Mission San Jose de Guadaloupe. By the early 1850's, Union City was becoming a popular settlement for farmers and traders in the San Francisco Bay area.

Union City has always been blessed by forward-looking leadership. An early settler was Henry C. Smith, whose establishment of a general store in the Union City area led to the development of a prosperous village. Henry Smith later moved on to serve in the California State Assembly, where he authored legislation which created Alameda County, and which designated Union City as the county seat, an unfortunately short-lived honor which it held for 3 years.

At the time the community became the county seat, it was rechristened Alvarado after Don Juan B. Alvarado, the Mexican Governor of California. The Union City designation, which honored the Union City, N.J., origins of one of the steamers which delivered the area's produce to San Francisco markets, was not restored until the city's 1959 incorporation.

In 1869, Alvarado became the site of the first successful beet sugar mill in the United States. Its success as an industrial center paralleled its emergence as an agricultural center for other east bay cities. The whole area became noted as a "breadbasket" for nearby cities, with Alvarado an important shipping port for the area's produce.

Growth continued over the years, and in 1950 its citizens began to explore the possibility of incorporation. Alvarado and its neighboring community of Decoto combined to form Union City. It elected as its first mayor an outstanding community leader, and like early settler Henry Smith, a forward-looking businessman, Tom Kitayama.

Since incorporation, the city of Union City has continued to look to the future—to grow and to prosper. The city boasts three major thriving industrial areas, with room for expansion. Pleasant residential areas and prosperous commercial development combine to form a vigorous, progressive city in which all can take pride.

Henry Smith and the other early settlers of Union City could not have imagined what the future held in store for Union City. But I am sure they would be pleased.

Mr. Speaker, I am proud to share with my colleagues here in the House of Representatives a little bit of the history of Union City. I wish the people of Union City the happiest of anniversaries of this auspicous occasion.●

A LOOK AT THE GRENADA INVASION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ASPIN. Mr. Speaker, enough time has passed since the Grenada invasion that we should be able to take a dispassionate look at what happened and why. Was the resort to force warranted? Was it overreaction?

The administration has given us four reasons for choosing military action. Let me go through those points and the evidence supporting or opposing each one.

THREAT TO AMERICANS

The administration says the first reason for sending in U.S. troops was to rescue Americans on the island—primarily students at the medical school—whose safety was threatened. It is the inherent right of a government to act to protect its citizens—in fact, it is the responsibility of Government to do so. The issue is whether the students really were in danger. And, since hindsight and the additional evidence that the passage of time makes available can sometimes give a different perspective, it is also only fair to ask a second question: given the evidence available just before the invasion was launched, was it realistic to believe the students were in danger?

When Defense Secretary Caspar Weinberger appeared before the House Armed Services Committee the day of the invasion, he provided only one piece of evidence to back up this assertion. He said the Grenadian Government had imposed a 24-hour-a-day curfew and threatened to shoot the students if they left their buildings. This was a slight distortion of the facts since the curfew was imposed on everyone on the island, not just the American students. But it was a 24-hour-a-day curfew and the regime had announced that violators would be shot.

However, the curfew was lifted the day before the invasion and the Government began announcing the impending end of the curfew four days before the invasion. The invasion was Tuesday morning, October 25. The curfew ended Monday. The U.S. Government's own radio monitoring service recorded an announcement on the end of the curfew that was broadcast by Grenada radio on Friday. So, the administration knew the curfew was ending long before the invasion was launched.

The administration later added a second piece of evidence. It said the students were unable to leave the island because no flights were being allowed. As a matter of fact, four airplanes—all charter planes—left Grenada the day before the invasion. One of those planes was sent in by the Canadian Government and evacuated the 29 Canadians who wished to leave. A former U.S. Government official who left on another of the planes said everything was normal at the airport, with the customs and immigration bureaucracy doing their usual job of checking people through and stamping passports.

It is true that no commercial flights left the island, however. Normally there would have been flights of Leeward Islands Air Transport [LIAT] into and out of Grenada. There were none because the Organization of Eastern Caribbean States [OECS]—the body that asked President Reagan to intervene—voted to halt LIAT flights to Grenada at about the same time that it voted to ask the United States to intervene. Since the administration was in almost hourly contact with the OECS, it seems unlikely the administration would not have known that it was not Grenada but its neighbors that halted LIAT flights.

It is important to note here that a large proportion of the students did feel threatened and welcomed the invasion, as evidenced by the many press interviews with the returning students. In a democracy, the government must take the views of the affected public into consideration, but that does not mean a policy decision should be based on erroneous public percep-

tions. The fact that many students felt threatened does not mean they were threatened. In fact, one reason many students felt threatened was, they said, because the Grenadan Government had halted flights to the island. The person most in the know at the medical school was the vice chancellor, Geoffrey Bourne, who had been dealing with the island's military ruler in the preceding days to arrange the evacuation of the students. Bourne told newsmen, "The invasion was not necessary."

One final observation is relevant: While missions to rescue Americans from tight situations abroad are appropriate, such rescue missions do not by definition include the task of overthrowing the local government and imprisoning its rulers.

INVITED BY NEIGHBORS

The second rationale is the curious one that we were invited into Grenada by her neighbors. Since when can countries A, B, and C invite us to invade country D? In fact, it sets a very interesting precedent. If I were a leader in the Organization of African Unity, I would be suggesting right now that the 50 nations of black Africa invite the United States to invade South Africa and right the wrongs committed there, which certainly make the horrors committed in Grenada pale by comparison.

In fairness to the administration, it later refined this argument. It said the Organization of Eastern Caribbean States (OECS) saw a threat to security in the coup on Grenada a week before the invasion and "decided to take necessary measures in response to this threat in accordance with article 8 of the OECS Treaty," according to testimony from Deputy Secretary of State Kenneth Dam a few days after the invasion. In other words, unlike the OAU analogy I raised, the administration says that the OECS Treaty—of which Grenada is a signatory—provided the legal framework under which Grenada's neighbors could launch an invasion with U.S. participation.

There are a few flaws in this argument, however, as a reading of the treaty will show. First, the treaty states that its provisions are for the purpose of responding to external aggression. Second, the treaty requires unanimous action to put its provisions in effect; only five of the seven members approved the request for American military assistance.

Article 8, to which Dam referred, establishes the OECS' Defense and Security Committee. Section 3 of that article defines the functions of the committee as "matters relating to external defence and on arrangements for collective security against external aggression, including mercenary aggression, with or without the support of internal or national elements." Section 5 of the article says, "The decisions and directives of the Defence and Security Committee shall be unanimous." The reference to "mercenary aggression" is a result of an abortive effort earlier by a group of men in the United States to invade and take over one of the islands.

The invasion—with or without the invitation of others—also violates the United Nations charter and the charter of the Organization of American States and our pledge dating back to Montevideo in 1933 when we agreed: "No state has the right to intervene in the internal or external affairs of another."

It is reasonable to note that there is considerable question about the allegation that the Caribbean island nations came running to us for help. The Prime Minister of Barbados, J. M. G. Adams, has been quoted publicly as saying that the suggestion of an invasion of Grenada first came from "a U.S. official," whom he did not name.

THE SOVIET-CUBAN THREAT

When Defense Secretary Weinberger appeared before the House Armed Services Committee the day of the invasion, he cited only the two rationales discussed above. Later, the administration added a third explanation and has spent considerable time developing that theme—that there was a Soviet-Cuban threat from Grenada to the area as a whole.

Deputy Secretary of State Dam told the House Foreign Affairs Committee, "Grenada could be used as a staging area for subversion of nearby countries, for interdiction of shipping lanes, and for transit of troops and supplies from Cuba to Africa, and from Eastern Europe and Libya to Central America."

He pointed to the large caches of arms found on the island. They were supplied by North Korea and the Soviet Union under secret agreements, the texts of which were captured after the invasion. He also pointed to a secret agreement with Cuba for the assignment of 40 Cuban military advisers to Grenada.

The arms supplies were the key evidence in the argument that Grenada was being prepared "as a staging area for subversion of nearby countries," as Dam testified. The administration made a direct link between arms caches and alleged subversion plots. It is possible that there was such a link, but such a link is by no means the only logical conclusion one could reach. In fact, it is not even the most logical conclusion.

The administration has released a number of documents captured on the island. None shows that the Grenadian Government was plotting subversion elsewhere in the Caribbean. Ironically, the documents undermine the administration's own thesis. One document is the minutes of a September meeting of the leaders of Grenada's New Jewel Movement, the ruling Marxist party. The minutes show that Ewart Layne led off the discussion by listing several problems confronting the party. One was, "Militarily, to organize the defense of the revolution in the face of a qualitatively stepped up aggression from imperialism who for years has attempted to carry out its policy of becoming more and more into a gun boat policy. The small Caribbean islands are being drawn into an alliance against Grenada and all the left organizations in the region."

So, contrary to the administration's assertions, Grenada was concerned about defending itself, rather than going on the offensive. Look at these other items:

The arms accord with North Korea shows that, in addition to weaponry, Pyongyang was supplying Grenada with 50 sirens. Those are hardly items useful for subversion; they are useful for alerting an island population to mobilize to repel an invasion.

Other supplies from the North Koreans and Russians included a crane, a bulldozer, five ambulances and 20 towed field kitchens—all items useless if one is planning to send guerrillas abroad, but necessary if one is planning a conventional defense.

A notebook found on the island by a journalist—not one of the documents released by the administration—shows what one member of the Peoples Revolutionary Army was learning in his classes. Aside from the usual military fields—communications, logistics, and the like—there was one section and only one section on large unit operations—and that was on American amphibious and airborne assault tactics, hardly an item one would study if one were planning subversion, but exactly what a Grenadan military force would need to know if it were preparing to meet an American invasion.

An undated secret document released by the administration lays out Grenada's 1983-85 military plans. They call for expansion of the Grenadan military to four regular battalions and 14 reserve battalions. The emphasis on reserve forces is just what a government planning a defense against an invasion would do; it makes no sense for subversion. The document details the requests to Moscow for a variety of equipment to "arm, feed, clothe, equip and provide the necessary storage and study base for the consolidation and further development of the Revolutionary Armed Forces of Grenada over a period of 3 years." Again, there is nothing in this secret document about supplying guerrilla forces in other countries.

One document is a draft workplan of the International Relations Committee of the New Jewel Movement for 1983. That document sets 11 objectives. Most are rather mundane: dis-

tributing copies of speeches; sponsoring symposia; exchanging visits. None even hints at anything to do with subversion.

Quite simply, the administration has failed to produce any evidence to support its assertion that Grenada was to be "used as a staging area for subversion of nearby countries." On the contrary, the evidence it has released shows Grenada was fixated on defending itself from an American invasion—a fear that later developments proved to be reasonable.

It must be noted that these documents were not available to the administration before the invasion. This can be interpreted two ways. On the one hand, the absence of these documents means the U.S. Government lacked this evidence of the defensive nature of Grenada's defense buildup. On the other hand, the absence of the documents on Soviet and North Korean military aid meant the U.S. Government did not know there was a military buildup on this scale. Much of the weaponry, for example, was yet to be delivered.

As quoted earlier, Deputy Secretary of State Dam also argued that Grenada "could be used * * * for interdiction of shipping lanes, and for transit of troops and supplies from Cuba to Africa, and from Eastern Europe and Libya to Central America."

This refers to the construction of an airport with a runway 9,800 feet in length. The airport was scheduled to be finished this coming March. The administration has often pointed to this runway as a threat. President Reagan produced an aerial photograph of the runway during a televised speech in March as he assembled evidence of Communist influence around the Caribbean. The runway is of such a length that it can be used by long-range Soviet aircraft. It is thus quite true that it could be used "for interdiction of shipping lanes." Of course, that is true of many airfields in Cuba as well. It is also true, as Dam said, that Grenada's airfield could be used for moving "troops and supplies from Cuba to Africa, and from Eastern Europe and Libya to Central America." Of course, troops and supplies are being moved along those routes already, even without Grenada's airport. Furthermore, there is nothing illegal about moving troops and supplies around the world. We do it everyday. If we have a right to take out the opposition's way stations in third countries, that would mean the opposition has the right to take out our way stations in third countries—and we have a lot more such outposts at stake.

The only real evidence the administration has ever supplied about the threat posed by the Grenada airport is its 9,800-foot length. Such length is indeed required by Soviet long-range aviation, but it's also quite common for airports catering to large commercial airliners. The runway on Trinidad, for example, is 10,500 feet in length, while the Barbados runway extends to 11,000 feet. What is more, one of the captured documents, a 20-page summary of the proceedings of the July 13-19, 1983, First Plenary of the Central Committee of the New Jewel Movement, lists the airport as a "key investment project." It is part of the goal to further develop the tourist industry. The document also outlines plans to build seven new hotels in the coming 2 years.

Just as none of the documents reveals any plans for subversion, they also do not link the airport to Soviet or Cuban goals. On the contrary, the airport is specifically linked to economic goals—the desire to make Grenada a major tourist haven.

The administration pointed to Cuban workers who were building the airport as a hint that the runway was designed for other than commercial purposes. But the main contractor for the airport was a British firm, Plessy Airports, which said it was building the airport to standard commercial specifications. The firm has said it lacked the hardened aircraft shelters and parallel taxiways that mark military airfields.

As if to put the kibosh on the issue of the airport primarily having military utility, Paul Scoon, the governor general whom we recognize as the constitutional authority on Grenada, has said he hopes the United States will complete construction of the airport so Grenada can develop its tourist industry.

APPEAL FROM GOVERNOR GENERAL

On December 16, 1983, the administration released a 43-page pamphlet defending the intervention in Grenada. Entitled, "Grenada: A Preliminary Report," the pamphlet dropped the Soviet-Cuban connection as one of the "considerations" for invading—although it then devoted 16 pages to Grenada's Soviet bloc links. The pamphlet substituted a new, third rationale; it devoted a solitary paragraph to "a confidential appeal" from Scoon to neighboring islands "to restore order on the island."

The pamphlet commented, "An invitation by lawful government authority is a valid legal basis for foreign states to provide the requested assistance." This does, indeed, add a dimension of some substance to the administration's argument. The administration's position is clouded, however, by two facts. First, although the pamphlet reproduces all or part of nine documents, it fails to reproduce or even quote directly from this rather significant document. Second, the governor-general, in the Commonwealth system, is the representative of the Queen. Does anyone consider that the Queen has legal authority to summon American troops to Britain?

OTHER CONCERNS

There are other issues and concerns that arise from the invasion, some on the negative and some on the positive side.

Among the negatives:

The administration failed to consult with any of our allies before the invasion—not even with the British, despite the fact that Grenada is part of the British Commonwealth. The invasion has infuriated many of our allies. At the U.N., 8 of the 15 NATO members voted against us. Britain's Prime Minister Margaret Thatcher, no shrinking violet when it came to using force to repel the Argentine invasion of the Falklands, has repeatedly denounced the invasion of Grenada as unwarranted.

We lost the moral high ground in dealing with the Soviets—the high ground this administration thinks distinguishes us from the evil empire. The invasion of Grenada undermines a good deal of our case against the Soviets in Afghanistan. Ironically, two of the arguments the administration used to justify invading Grenada are similar to those used by Moscow to justify attacking Afghanistan. The Soviets say they were invited into Afghanistan and that they had to go in because the place was being used as a base for subversion.

On the positive side, numerous press interviews with individual Grenadians indicate that they were most unhappy at the turn their Government took with the murder of Prime Minister Maurice Bishop October 19 and were pleased at the invasion, which they viewed as a rescue mission. This takes some of the sting out of the invasion. It cannot, however, justify the invasion since it is a justification unearthed post factum; the administration did not know beforehand that American troops would be so well received and made no effort to justify the invasion when announcing it on the basis of public acceptance in Grenada.

Now that we have public acceptance, let us not squander it. Reports of U.S. troops effectively ruling the island do not bode well for our holding that public support in Grenada.

CONCLUSION

The administration's rationales for launching the invasion do not stand up under investigation of the evidence.

The administration has failed to produce any substantive evidence that the medical students on the island were really in danger. The shoot-to-kill curfew, which the administration relies on as its principal evidence, was lifted a day before the invasion. The highest ranking medical school official on the island says his dealings with the government indicated no problem

for the students. The claim that commercial planes could not reach the island is at best disingenuous since that was the result of an outside decision, not a Grenadian decision. The fear of danger to the students could be no more than a gut reaction from political figures unnerved by the thought of another Iran hostage crisis, but we do not pay decisionmakers to launch invasions based on gut reactions that go contrary to all the available evidence.

The administration's support for the argument that the other island nations invited us in under the OECS treaty is contrary to the very wording of the treaty. The very fact that the administration would cite the treaty in its defense indicates either that it has produced incompetent legal research or that it hoped no one would actually read the treaty text.

With regard to the alleged Soviet-Cuban threat, an administration that sees "evil empires" in its dreams could well have believed there was a real threat of subversion in our backyard. The evidence that destroys that argument was not available until after the invasion. The evidence before the invasion was, however, slim at best, relying largely on the Marxist rhetoric in which the Grenadan regime indulged itself to the apparent boredom of the island's populace. Since subversion is not something planned in public, conclusions necessarily must be made from perusing tips of icebergs. Still, the administration has yet to show even the tip of an iceberg; it has shown no evidence at all that Grenada was trying to subvert others. All the administration had was fears. We cannot base a foreign policy—let alone a decision to dispatch military force—on simple fears.

The alleged concerns over Soviet bases in the Caribbean were also simple-minded. Far better facilities are already available to the Warsaw Pact in Cuba. The Soviets have the right to conclude any agreements they wish in peacetime with Grenada. And, in the event of war, the 9,800-foot runway on the tip of Grenada could be taken out in an instant—if anyone seriously believes that the Soviets would be running transports through our backyard in a war.

In sum, the invasion of Grenada reveals two things and two things only. It reveals the worst side of the Reagan administration—the fact that it is quite willing to resort to force in circumstances where (a) the evidence that a threat exists is minimal and (b) the prospect of resistance is minuscule.

Regrettably, that is also the definition of a bully.●

MORTGAGE REVENUE BONDS: CRUCIAL FOR THE WELL-BEING OF THE AMERICAN ECONOMY

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. BOUCHER. Mr. Speaker, on December 31, 1983, the authority for States and localities to issue tax-exempt bonds to create capital to finance the construction of single family housing expired. Today, I am pleased to be introducing legislation which would permanently reauthorize the Mortgage Subsidy Bond Tax Act of 1980 and would preserve the mortgage revenue bond program.

Since 1972, revenue bonds have provided financing for about 700,000 home buyers nationwide. In my home State of Virginia, as a result of the cooperative efforts of the Virginia Housing Development Authority, private lending institutions, and the housing industry, financing of single family homes has attracted over $1 billion of mortgage capital to the Commonwealth. This method of mortgage financing has also generated State and local tax revenues for the Commonwealth and its localities, and it has created more than 6,500 construction jobs.

Mortgage revenue bonds have had a substantial positive effect on the housing industry, and the program has afforded more Americans the opportunity to purchase their own homes. It is therefore necessary that we act immediately to reauthorize permanently the Mortgage Subsidy Bond Tax Act. I urge my colleagues to join me in supporting this legislation to provide for the continuation of the mortgage revenue bond program.●

REPEAL COMPLIANCE PROVISION OF PUBLIC LAW 98-67

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation to repeal the interest and dividend tax compliance provisions of Public Law 98-67.

On August 5, 1983, Congress repealed the 10-percent withholding provisions on interest and dividends. However, in their place, Congress accepted backup withholding and reporting requirements nearly as onerous to payors and payees as those repealed. These backup provisions were the price Congress had to pay to see the 10-percent withholding repealed. Through this bill, I now seek to complete the repeal process and return us to prewithholding reporting requirements. Specifically, sections 104, 105, 106, 107, 108, and 109 of the Interest and Dividend Tax Compliance Act of 1983 are repealed by this bill.

Foremost in my rationale for sponsoring this legislation is the belief that the people of this country are opposed to greater Government intervention in their lives. The reporting and compliance provisions of Public Law 98-67 allow the Government to intrude into the private financial relationships between individuals and businesses. This intrusion into the private financial affairs of tax-abiding citizens is hardly justified by the increased ability of the Internal Revenue Service to track down tax delinquent citizens. Granted, only the guilty suffer legal penalties of these provisions but the public's opposition to these measures is motivated by its value of privacy, not the concern for being found guilty of tax evasion. Most taxpayers honestly report their income and have no fear of being accused otherwise. Congress must recognize and act to preserve the privacy that this country regards with such conviction.

In addition to the privacy argument made above, my rationale for repealing the backup withholding provisions includes the belief that financial institutions and businesses should not be forced to be tax collectors. The Internal Revenue Service has been given the authority to collect taxes levied by Congress and it, not the financial institutions and businesses, should bear the burden of this responsibility. Tax collection should be between the IRS and the taxpayer. Forcing the task of tax collection onto third parties complicates their operations and requires them to absorb added expenses. It should be noted that section 103 of the act, which appropriates additional revenues for purposes of collecting tax, remains unchanged by this bill. If Congress wants better tax compliance, it should use the IRS as its vehicle and properly equip it to do the job.

In closing, I cannot stress strongly enough the need for Congress to evaluate our Nation's regard for privacy and the role of the IRS as our Nation's tax collector. In light of this evaluation, I urge that Congress consider and support this bill.●

NICK ZOROTOVICH, 1984 SAN PEDRO CITIZEN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. ANDERSON. Mr. Speaker, on January 26 the San Pedro Lions Club and the San Pedro Sea Lions Club will hold its 17th annual community recog-

nition program. Nick Zorotovich has been selected as the 1984 "Citizen of the Year" for outstanding service to the San Pedro Community.

A native of Vis, Yugoslavia, Nick has been an active resident of San Pedro for over five decades. Nick's involvement in civic affairs and as an educator can only be described as remarkable.

An honors graduate from San Pedro High School in 1923, Nick earned his bachelors degree from the University of California at Los Angeles 4 years later. The following year he obtained his teaching credentials from the University of California at Berkeley.

Wanting to get back to San Pedro, Nick began his teaching career in 1928 at Dana Junior High School. Two years later he joined the faculty at his alma mater, San Pedro High School, where he taught history and coached the tennis team.

Upon receiving a masters degree from the University of Southern California in 1949, Nick was appointed chairman of the social science division at the newly-opened Harbor College in Wilmington. He was to hold this position until his retirement in 1970. His many contributions to the college over this 21 year span were recognized in 1976 when he was awarded the "Friend of the College" medal by school officials during commencement exercises.

In addition to his work in the academic arena, Nick somehow found the time to become involved with numerous civic organizations, all of which help make San Pedro such an ideal place to live and work. These include: San Pedro High School Alumni Association; San Pedro Writers' Guild (founding member, 1934); Yugoslav American Club (president, 1965 and 1966); Boys' Club of San Pedro (joined the board in 1944 and served 3 years as president); San Pedro Coordinating Council; Rotary Club (member since 1953 and president 1967-68); San Pedro Elks Lodge No. 966 (member since 1945 and headed scholarship committee for many years); Toastmasters, Friends of the Library, Red Cross, San Pedro Bay Historical Society, Beacon Street Community Development Advisory Committee (original member and chairman 2 years); and the Harbor Area Bicentennial Committee (chairman).

Mr. Speaker, it is obvious that Nick Zorotovich has contributed greatly to the betterment of not only San Pedro, but the entire harbor area. His spirit of voluntarism is an inspiration to us all.

My wife, Lee, joins me in congratulating Nick Zorotovich for being recognized as San Pedro's "Citizen of the Year," and wish he and his wife, Betty, and their two children, Virginia and Nicholas, all the best in the years ahead, secure in the knowledge that he will continue to be a most outstanding member of our community.●

CLEMENT ZABLOCKI—AN APPRECIATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. BIAGGI. Mr. Speaker, today the House of Representatives convenes its 2d session of the 98th Congress. We do so however, in an atmosphere of great sadness because one of our first orders of business will be to adjourn out of respect of the memory of our dear and departed colleague CLEMENT J. ZABLOCKI.

For more than 35 years, CLEM ZABLOCKI represented the good people of Milwaukee, Wis., in the House of Representatives. Few have served longer or more effectively than CLEM ZABLOCKI. As we all so sadly know on December 3, CLEM succumbed to the effects of a massive heart attack which he suffered while working in his Rayburn Building office on November 30.

A special order has been requested to honor CLEM ZABLOCKI for January 31, and I plan to participate at that time and elaborate on the accomplishments of CLEM ZABLOCKI. However on this first day of the second session I feel compelled to express my personal sense of loss over CLEM's sudden and untimely death. I would also relate to my colleagues that as one who attended CLEM's funeral in Milwaukee I was so moved by the sight of so many people especially young schoolchildren who came to pay their respects to this great man. Considering the esteem with which CLEM was held by his colleagues in the House this outpouring of emotion and affection by the people he represented seemed both consistent and appropriate.

I have served in this institution for 15 years—all of which were spent serving with CLEM ZABLOCKI. He was a man who I respected immensely and who's company I enjoyed. His word was reliable and was his trademark. He was a man of tremendous accommodation to his fellow colleagues especially during his years as chairman of the House Foreign Affairs Committee.

In my statement for the special order I will detail some personal recollections of CLEM ZABLOCKI. I am sure there are hundreds of others from my colleagues who served with CLEM. The House is poorer today—as is the Nation with the passing of CLEM ZABLOCKI. However his legacy of service and commitment shall endure and should serve as a constant inspiration to us in our daily work.●

SPACE SCIENCE RESOLUTIONS (H. CON. RES. 217 AND H. CON. RES. 218)

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1984

● Mr. FOWLER. Mr. Speaker, on November 15, I introduced two resolutions that are designed to provide for continued American leadership in the prestigious and technology-expanding fields of astronomy, astrophysics, and solar system exploration.

House Concurrent Resolution 217 endorses the recommendations of NASA's Solar System Exploration Committee (SSEC) and House Concurrent Resolution 218 endorses the proposals of the National Academy of Science's Astronomy Survey Committee.

Below is more detailed listing of the programs provided for in my two resolutions.

SOLAR SYSTEM EXPLORATION COMMITTEE, CORE PROGRAM MISSIONS (H. CON. RES. 217)

The Core program contains missions to the inner planets, small bodies, and outer planets as part of a balanced approach to planetary exploration. Based on our current assessment of technological readiness, launch opportunities, rapidity of data return, balance of disciplines, and various other programmatic factors, an initial sequence of missions and candidate subsequent Core missions have been identified.

The initial Core missions are:

	Launch	Data return
1. Venus Radar Mapper	1988	1988–89
2. Mars Geoscience/Climatology Orbiter	1990	1990–92
3. Comet Rendezvous/Asteroid Flyby	1990–92	1994–2000
4. Titan Probe/Radar Mapper	1988–92	1995–97

The first mission—the Venus Radar Mapper (VRM)—is required to complete the global characterization of the surfaces of the two most Earth-like planets: Mars and Venus. Considerations of scientific importance and readiness dictate the highest priority for VRM, in which restrained scope and maximum use of spare hardware has resulted in reduced mission costs, relative to the initially proposed Venus Orbiting Imaging Radar (VOIR) mission.

The Mars Geoscience/Climatology Orbiter is the first of a new class of Planetary Observers which constitutes a program of low cost, modestly-scaled, inner solar system missions using already developed, high capability Earth-orbital spacecraft. This orbital mission has high scientific priority for resolving many first-order questions related to the evolution of Mars, Earth and Venus. Two fundamental objectives are combined in this mission: the determination of the global surface composition of Mars; and the determination of the role of water in the Martian climate.

The third initial Core mission, Comet Rendezvous and Asteroid Flyby, requires the development of the Mariner Mark II spacecraft. The comets and asteroids are unexplored classes of physically and chemically primitive objects, and their study promises to provide insights into the formation and earliest history of the solar system. A

rendezvous mission to a comet permits the detailed analysis of a cometary nucleus that is required for an understanding of its origin and evolution: as such, the mission will produce a significant scientific return that cannot be achieved by the fast flybys such as those planned by other nations to study Comet Halley.

The Titan Probe/Radar Mapper mission uses a modified Galileo probe together with a flyby or orbiter spacecraft equipped with a simple radar. The largest satellite of Saturn, Titan is unique in having a thick atmosphere made up mostly of nitrogen, smaller but significant amounts of methane, and possibly argon. It is the only other atmosphere in the solar system that may be similar to Earth's before life arose. Atmospheric aerosols, believed to be organic compounds, obscure Titan's surface. The Core mission would determine the fundamental chemical composition of Titan's atmosphere and the nature of its unseen surface. The mission objectives could be achieved simultaneously with those of a Saturn Orbiter mission by the combination of a Galileo orbiter spacecraft in conjunction with a Titan probe supplied by an international partner. Such a mission could be launched before the end of the decade.

The candidate subsequent missions, in arbitrary order, are:

Inner planets—Mars Aeronomy Orbiter; Venus Atmospheric Probe; Mars Surface Probe; and Lunar Geoscience Orbiter.

Small bodies—Comet Atomized Sample Return; Multiple Mainbelt Asteroid Orbiter/Flyby; and Earth-Approaching Asteroid Rendezvous.

Outer planets—Saturn Orbiter; Saturn Flyby/Probe; and Uranus Flyby/Probe.

The Mars Aeronomy Orbiter will investigate the interaction of the planet's upper atmosphere and ionosphere with radiation and particles of the solar wind.

The Venus Atmospheric Probe will provide definitive information on the abundance of major and minor trace components of the Venus atmosphere toward an understanding of conditions in the inner solar system at the time the planets accreted.

The Lunar Geoscience Orbiter will provide a global map of surface elemental and mineralogical composition, and other properties, and decide the question of the presence of condensed water and other volatiles in polar cold traps.

The Mars Surface Probe mission will establish seismic, meteorological and geoscience stations on the Martian surface. These will determine the level of Martian seismicity, provide surface weather data toward an understanding of its climatic pattern, and will also provide detailed geochemical analyses.

The Comet Atomized Sample Return mission will provide a detailed elemental and isotopic composition analysis of gases and dust from the coma of a comet, data complementary to that acquired by a Comet Rendezvous mission. Ideally, the material will be returned to terrestrial laboratories from the same comet observed by the rendezvous spacecraft.

The Multiple Mainbelt Asteroid Orbiter/Flyby mission will initiate the exploration of the asteroids by providing a detailed characterization of at least one such body while at the same time sampling the diversity of chemical and physical types.

The Earth-approaching Asteroid Rendezvous mission will characterize in detail a selected member of this class of bodies.

The Saturn Orbiter will address goals related to the characterization of the Saturnian satellites, ring systems and magnetosphere. It will provide the first time resolution of ring structures, close approaches to poorly seen satellites, and additional radar coverage of Titan's surface.

The Saturn and the Uranus Flyby Probe missions will provide an in situ determination of the composition and structure of the Saturnian and Uranian atmospheres and clouds for comparison with the Jovian case as determined by the Galileo probe.

A Neptune Flyby/Probe mission and a Pluto Flyby reconnaissance mission are both considered high priority missions, but to reach the distant planets in acceptably short times (less than 10 years), requires Jupiter swingbys. With present launch vehicle capability the first realistically available opportunities for such missions occur early in the next century.

ASTRONOMY SURVEY COMMITTEE RECOMMENDATIONS (H. CON. RES. 218)

Program	1982 Status	Specifications	Problems Addressed
		Major New Programs Recommended by Astronomy Survey Committee	
Advanced X-Ray Astrophysics Facility (AXAF)	Proposed Shuttle-launched free-flying observatory	X-ray 100× sensitivity and 10× angular resolution of Einstein (HEAO-2) High spectroscopic sensitivity and resolution	Stellar x-ray sources throughout Galaxy; x-ray sources in nearby galaxies; distant active galaxies and quasars; clusters of galaxies; nature of x-ray background radiation; supernova remnants.
Very-Long-Baseline (VLB) Array	Proposed ground-based facility	Radio wavelengths 100× angular resolution of any image-forming telescope	Compact objects in molecular clouds; center of the Galaxy; nuclei of galaxies; quasars; testing General Theory of Relativity; precise distance scale in Galaxy; geodesy and space navigatinn.
New Technology Telescope (NTT)	Proposed ground-based facility	Optical, infrared (0.3–20-μm wavelength) High, dry site High angular resolution at 20 μm Aperture 15 m; 9× area of Palomar 5-m reflector	Spectroscopy of faint sources; chemical composition and evolution of galaxies; red shifts of distant galaxies and quasars; very high spectral resolution of stars and planets; composition of intergalactic gas; infrared spectra of molecular clouds and protostars.
Large Deployable Reflector (LDR) in space	Proposed space facility	Far-infrared, submillimeter Aperture, 10 m Arcsec resolution at 20-μm wavelength	Star formation in Milky Way and other galaxies; active nuclei of galaxies; molecular lines in planetary atmospheres and interstellar clouds.
		Moderate New Programs Recommended by Astronomy Survey Committee	
Augmentation to Explorer Satellite Program	Proposed to enhance effectiveness of NASA Explorer Program	Variety of missions Wide range of wavelengths Cost-effectiveness	Spectroscopy of x-ray sources; isotopic composition of cosmic rays; soft x-ray studies of a variety of very hot objects; high-energy transient phenomena; corona and interior of the Sun.
Far-Ultraviolet Spectrograph in space	Under study by NASA; interest by European astronomers	1-m telescope High-resolution spectroscopy at wavelengths below 1200 A Reach 12th magnitude at high resolution, 17th magnitude at low resolution	Key atoms and molecules in interstellar medium and planetary atmospheres; galactic halos; extended atmospheres of hot stars; chromospheres and coronas of all classes of stars.
Space Very-Long-Baseline (VLB) Interferometry Antenna	Under study by NASA	Extensions of ground-based VLBI 3× angular resolution of ground-based VLB Array, and cleaner beam More complete sky coverage	Compact objects in molecular clouds, center of Galaxy; nuclei of galaxies; quasars; testing General Theory of Relativity; precise distance scale in Galaxy.
Optical/Infrared Telescopes in the 2–5-m class	Proposed ground-based telescopes	Special consideration to projects obtaining significant nonfederal funding Take advantage of radical reductions in cost of telescopes built with new technology	Transient phenomena; long-term surveys; follow-up of observations in other wavelengths regions, particularly those from space; development of focal-plane instruments.
Advanced Solar Observatory (ASO) in space	Proposed Shuttle-launched, free-flying facility; incorporates Solar Optical Telescope	Simultaneous observations at gamma-ray, x-ray, extreme-ultraviolet and optical wavelengths High angular resolution (better than 1 arcsec at all wave-lengths)	Structure of solar core; dynamics of the Sun; solar flares; solar wind; heating of chromosphere and corona.
Cosmic-ray experiments	Proposed Shuttle-launched, free-flying instruments	Long duration (>6 mo) Space platform	Origin of elements in stars; nature of cosmic particle accelerators; interstellar gas; violent cosmic processes.
Astronomical Search for Extra Terrestrial Intelligence (SETI)	Proposed new program	Long-term effort at modest level Start with search of radio wavelengths	Possible detection of extraterrestrial intelligence; parameters of extrasolar planetary systems.
		Small New Programs Recommended by Astronomy Survey Committee	
10-m Submillimeter-Wave Antenna	Proposed new program	Submillimeter wavelengths High, dry site 10-m aperture High angular resolution, up to 8."5	Higher rotational transitions of molecules in interstellar clouds; star formation; interstellar chemistry; mapping neutral atomic carbon in Galaxy.
Spatial Interferometer for Mid-infrared	Proposed new program	Mid-Infrared wavelengths (2–20-μm, optimized at 10 μm)	Circumstellar dust and stellar mass loss; star formation; nuclei of active galaxies; astrometry; angular diameters of stars.
High-Precision Optical Astrometry	Proposed new program	Innovative astrometric devices for relative positions with accuracy of 10^{-4} acrsec Possible construction of astrometric telescope	Detection of Jupiterlike planets around other stars; luminosities, radii, and masses of stars from improved stellar distances to 1 kiloparsec; improve precision of extragalactic distance scale.

ASTRONOMY SURVEY COMMITTEE RECOMMENDATIONS (H. CON. RES. 218)—Continued

Program	1982 Status	Specifications	Problems Addressed
Temporary Program to Maintain Scientific Expertise at U.S. Universities	Proposed new program	Match one-half salary provided by universities for positions at assistant-professor level 10 to 20 five-year positions Open national competition	Assures flow of younger researchers into astronomy faculties.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

JANUARY 24

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold oversight hearings on issues relating to the maintenance and development of inland waterways and harbors.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on energy security management by the Department of Energy.
SD-342

Judiciary
Constitution Subcommittee
To hold hearings on the impact of the equal rights amendment on abortion rights.
SD-226

Select on Indian Affairs
To resume oversight hearings on the impact that certain coal land exchanges between the Department of the Interior and Western land grant railroads will have on the value of Indian owned coal.
SD-538

10:00 a.m.
Armed Services
To hold hearings on the nomination of William H. Taft, of Virginia, to be Deputy Secretary of Defense.
SD-628

11:30 a.m.
Foreign Relations
Business meeting, on pending calendar business.
SD-419

1:30 p.m.
Finance
To hold hearings on S. 1691, to restructure the child support enforcement program and other proposals dealing with child support, including S. 1708.
SD-215

JANUARY 25

9:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on violence in public schools.
SD-226

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue oversight hearings on issues relating to the maintenance and development of inland waterways and harbors.
SD-406

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System.
SR-328A

Finance
To hold hearings on S. 476, to revise the old age, survivors, and disability insurance provisions of the Social Security Act.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the activities of organized crime in the Midwest.
SD-342

2:00 p.m.
Armed Services
To meet in closed session to receive a briefing on worldwide intelligence from officials of the intelligence community.
S-407, Capitol

2:15 p.m.
Foreign Relations
Closed briefing on arms control compliance.
S-116, Capitol

JANUARY 26

9:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Mary Ann Grigsby, of Texas, to be a member of the Federal Home Loan Bank Board.
SD-538

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold joint hearings with the House Committee on Agriculture's Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education to review proposals adopted by the President's Task Force on Food Assistance.
1300 Longworth Building

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings to review the Avian influenza outbreak in the United States.
SD-124

Armed Services
To hold closed hearings on the status of the START negotiations.
SR-222

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to review the activities of organized crime in the Midwest.
SD-342

Judiciary
Business meeting, on pending calendar business.
SD-226

Joint Economic
To hold hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

1:30 p.m.
Finance
To hold hearings on S. 1691, to restructure the child support enforcement program and other proposals dealing with child support, including S. 1708.
SD-215

JANUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1718, to extend until January 3, 1995, the authority for the operation of the generalized system of preferences.
SD-215

10:00 a.m.
Energy and Natural Resources
Closed oversight hearings on the world petroleum outlook for 1984.
S-407, Capitol

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the uses and effects of the pesticide ethylene dibromide (EDB).
SD-406

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism.
SR-253

JANUARY 30

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Special on Aging
Business meeting, to consider the committee budget for 1984, and other pending committee business.
SR-385

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1984.
SD-366

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on the implementation of the Peer Review Organizations (PRO's) required by the Tax Equity and Fiscal Responsibility Act (P.L. 97-248).
SD-215

4:00 p.m.
Small Business
Business meeting, to consider the committee budget for 1984, and other organizational matters.
SR-428A

JANUARY 31

9:30 a.m.
Armed Services
To meet in closed session to receive a briefing on United States-U.S.S.R. military capabilities.
SR-222

Finance
To hold hearings on S. 1992, to improve the income tax treatment of life insurance companies and their products, focusing on the policyholder provisions.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on title III, long term care provisions.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to review the activities of organized crime in the Midwest.
SD-342

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 1

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

10:00 a.m.
Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (P.L. 97-424).
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to review the activities of organized crime in the Midwest, focusing on organized crime influence in the toxic waste industry.
SD-342

Judiciary
Courts Subcommittee
To hold hearings to discuss civil case backlogs in Federal district courts.
SD-226

FEBRUARY 2

9:00 a.m.
Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 3

9:30 a.m.
Finance
To resume hearings on S. 1804, to provide for tax treatment of foreign sales corporations and exports of goods and services.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for January.
SR-325

FEBRUARY 6

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings to review initiatives by municipalities in solving metropolitan problems on an areawide basis.
SD-342

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1675, to provide tax incentives for the contribution of real property to conservation organizations.
SD-215

2:30 p.m.
Finance
To hold hearings on proposed legislation to provide for free trade with Israel.
SD-215

FEBRUARY 7

9:30 a.m.
Small Business
To hold hearings on Federal antitrust enforcement and its impact on small business.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the disabled American veterans.
SD-106

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Navy and Marine Corps programs.
SD-628

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of the Interior.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

FEBRUARY 8

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Labor and Human Resources
To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and to codify certain program improvements.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Finance
To hold hearings to review the proposals of the President's Private Sector Survey on Cost Control (Grace Commission).
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

2:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans' Administration.
SR-418

FEBRUARY 9

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

FEBRUARY 21

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Veterans' Affairs
To hold hearings on S. 1747, to establish peacetime veterans' career members contributory educational assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the veteran's education assistant program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

FEBRUARY 27

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

FEBRUARY 29

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the Veterans' Administration readjustment counseling program and the VA loan guaranty program.
SR-418

MARCH 1

9:30 a.m.
Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (P.L. 97-219).
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

MARCH 6

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 7

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

MARCH 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

MARCH 13

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on title V, community services employment provisions.
SD-430

MARCH 20

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73).
SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality,

and the Environmental Protection Agency.

SD-124

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.

SD-124

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older American Act (P.L. 89-73).

SD-430

MARCH 27

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (P.L. 89-73).

SD-430

MARCH 28

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.

SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (P.L. 89-73).

SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.

SD-124

APRIL 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.

SD-124

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.

SD-124

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.

SD-124

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

SENATE—*Tuesday, January 24, 1984*

(Legislative day of Monday, January 23, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Venerable Frederick Colclough Byrd, archdeacon of the Episcopal Diocese of upper South Carolina. At one time, he served as a messenger in the U.S. Senate. He is sponsored by the President pro tempore of the Senate.

PRAYER

The Venerable Frederick Colclough Byrd, archdeacon of the Episcopal Diocese of upper South Carolina, offered the following prayer:

Father, You have given us this good land for our heritage. May we always prove ourselves a people mindful of Your favor and may we show our thankfulness through good stewardship.

Bless and guide our Senators here assembled. Give them courage, wisdom, and foresight to meet the needs and well being of all our people.

By faithful administration and wise laws, may the rights of all be protected and may our Nation be enabled to fulfill Your purposes.

Give grace, O Lord, to these Your servants and keep our Nation under Your care. Lord, hear our prayer. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

COMMENDATION OF THE VISITING CHAPLAIN AND CHAPLAIN HALVERSON

Mr. BAKER. Mr. President, I commend our distinguished guest chaplain today on his return to the Senate. If I correctly understood the distinguished occupant of the chair, our guest chaplain was once a messenger in the Senate. I assume that means in the reception room outside, at the desk. That is good training for whatever future endeavor a man or a woman may undertake, and we are glad to know that our alumni have prospered so well.

I may also say that it is not usual that a Chaplain of the U.S. Senate is mentioned prominently on the network news, but last evening our permanent Chaplain, Reverend Halverson, was quoted at length by one newscaster on one of the major networks.

I am reminded that from time to time, as I stand in this place and hear the excellent prayers of our Chaplain, I think there are some things I would rather the Lord found out for himself, instead of the Chaplain telling Him, such as the possibility that we are not going to have a busy session in a Presidential election year. But the Chaplain did tell the Lord yesterday in his prayer, and last evening the network told the whole world, so I guess I am stuck with that. [Laughter.]

In any event, I commend our distinguished permanent Chaplain for always having a worthwhile and contemporary prayer. Sometimes I have to give some thought to the proper interpretation of it, but I am sure that we are all better served by his excellent effort.

Once again, I thank our visiting chaplain for his presentation of the Senate prayer this morning, and I congratulate the distinguished President pro tempore, the occupant of the chair, for making that possible today.

NOMINATION OF EDWIN MEESE TO BE ATTORNEY GENERAL OF THE UNITED STATES

Mr. BAKER. Mr. President, I note that the President of the United States has now confirmed that William French Smith, the Attorney General of the United States, will retire from the President's Cabinet and that the President intends to nominate Mr. Edwin Meese to be his successor.

First, I congratulate Bill Smith for a job well done. I think he has served in the tradition of our great Attorneys General. He is the President's lawyer, but he is the Nation's lawyer, and I think he has served faithfully and well. I congratulate him for his tenure in that high position.

When Bill Smith called me on the telephone on Sunday to tell me this news, it was at the exact and precise moment of the kickoff for the Super Bowl game; and in retrospect I would rather continue my conversation with the Attorney General.

Mr. President, the nomination of Mr. Meese will be submitted to us shortly by the President. I know Ed Meese well. I have worked closely with him. I congratulate the President for his choice and Mr. Meese for being selected for the job he is about to undertake. I hope we can get on with the confirmation process promptly. I support him, and I feel that his nomination will be confirmed.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, the Senate will stand in recess at 12 noon to accommodate caucuses by both parties off the floor of the Senate. That is the customary routine of late on Tuesdays.

The Senate will resume its session at 2 p.m. today, at which time the motion to proceed to the consideration of S. 1600, Calendar No. 467, the so-called telephone bill, will be the pending business.

Mr. President, I anticipate a normal day today. I expect that we will be in session until 5 or 6 o'clock. Based on the private conversations I have had with the warring parties, I am not encouraged to think that they will finish that measure before we conclude this calendar day.

In any event, as I have indicated to the proponents and opponents of this motion—that is, principally Senators PACKWOOD and GOLDWATER and Senator DOLE, who has taken a prominent part in the debate as well—it is the intention of the leadership on this side to stay on this matter until it is concluded, or at least for a reasonable time, and that certainly means for the remainder of this week, if necessary.

There are two other matters that already have been mentioned, but let me restate them now, for the benefit of Members.

As soon as we finish, one way or the other, the telephone matter, it will be the intention of the leadership on this side to ask the Senate to proceed to either the crime package or a Nickles bill dealing with the 3.5 percent pay increase, which was prevented from passing in the final moments of the last session. I have a commitment that is outstanding with Senator NICKLES.

I will try to facilitate that. I have not yet had an opportunity to talk with the minority leader on that subject, but I will do so, perhaps even so that both of our caucuses can consider it when that happens. But I feel committed to take that up as soon as possible.

There are other Senators who have similar resolutions, Senator JEPSEN, I know, and there may be others, maybe on both sides of the aisle.

In addition to the telephone bill, it would be the intention of the leadership on this side to ask the Senate to

turn at an appropriate time and early—maybe this week or next—to the consideration of a measure dealing with the 3.5 percent automatic pay increase, as well as the crime package and associated bills that usually are thought of in that connection. That will carry us for the next 2 weeks, I imagine.

As I indicated yesterday, I will confer with the minority leader on a more detailed and exhaustive schedule sometime later this week and have a further announcement to make at an appropriate time.

Mr. President, if I have any time remaining, I am prepared to yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. President, I do not see any Senator on my side of the aisle seeking time, so I yield back my remaining time.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, is there an order for a period for the transaction of routine morning business?

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, in which Senators may speak for not more than 5 minutes each.

Mr. BAKER. Mr. President, I will ask any Senator if they have a need for more time. If they need more than 5 minutes, I will be happy to meet their request.

Mr. BUMPERS. Mr. President, it may take me more than 5 minutes.

Mr. BAKER. Mr. President, may I inquire of the Senator how much time he would require?

Mr. BUMPERS. Mr. President, I would like to ask for 10 minutes, and I might yield part of it back.

Mr. BAKER. Mr. President, I ask unanimous consent that the 5-minute time limitation be changed to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

(The remarks of Mr. BUMPERS relating to the introduction of legislation are printed later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

PRESIDENTIAL TASK FORCE ON AGRICULTURE CREDIT

Mr. COCHRAN. Mr. President, I rise to invite the attention of my colleagues to legislation that was introduced just before we adjourned the first session of this Congress to establish a Presidential Task Force on Agriculture Credit. Senator WALTER HUDDLESTON of Kentucky joined me in introducing this legislation. We are sending a "Dear Colleague" letter to fellow Senators describing this effort and inviting cosponsors on the legislation.

I think we face a very serious crisis in this area of concern, Mr. President, and it needs the immediate attention of the Government. The House of Representatives last year passed legislation modernizing loan limits and procedures under the Farmers House Administration lending program that permits farmers who cannot obtain credit elsewhere to finance their crop plantings. The Senate Agriculture Committee last year reported out legislation along the same lines, although there were substantial differences between the two bills.

I was one of the principal authors of the Senate bill and I continue to feel very strongly that we need legislation on this area. But the administration seems to be strongly opposed to any new legislation that could be perceived as providing legal authority for a moratorium foreclosures by the Farmers Home Administration.

I continue to think that the best way to handle that problem is on an individual case-by-case basis showing sensitivity to those farmers who, through no fault of their own, have become burdened with an enormous amount of debt that is simply going to require time for them to work their way into a position of solvency. But because we keep hearing that PCA's and the Federal Land Bank are now advising some farmers that credit will not be available this year, I worry about whether or not the Farmers Home Administration program, under its current procedures and guidelines, will be the vehicle that can help solve the farm credit problem. And I am not sure it can under current law.

So I think it is imperative that the President appoint a task force on agriculture credit—he need not wait until the Congress acts—so that all possibilities and alternatives for helping solve this real problem can be examined.

I hope Members of the Senate will notice the letter that they will be receiving from me and Senator HUDDLESTON on this subject. I invite cosponsors so that we can see early action by the Government on this very critical problem.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. COCHRAN. Mr. President, I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to commend the able Senator from Mississippi for his position on this matter. I have had the occasion in my State to go out among the farmers. I made tours of the State and met with groups of farmers. Only a few days ago I met with a large group in Florence, S.C. I have never seen the situation of the farmers as it is today. Many are bankrupt, many are losing their farms, and others are going to lose their farms Some steps must be taken if we are going to maintain the independent farmer in this Nation.

Now if the independent farmer cannot exist—and he cannot exist when prices are below the cost of production—then corporation farming will come into being. Corporation farming simply means higher prices for the consumer. Corporation farming simply means that corporations will farm for a profit. That is the reason any corporation goes into business, to make a profit. The independent farmer farms for a living. All he wants is to make a living and support his family and himself.

So I hope that the Congress will realize the importance of this situation. I hope the executive branch will take every means possible to help these farmers. I think that, wherever possible, if there is any chance of them surviving by carrying over their debts for several years, it ought to be done. In the end the consumer would be the beneficiary.

The consumer is going to lose and going to lose heavily. The consumer is going to pay much more for food if the independent farmer loses out and corporation farmers take over.

I just wanted to commend the able Senator from Mississippi. I would be pleased to join with him on the legislation and take any other step I can to help the farmers of this Nation.

Mr. COCHRAN. Mr. President, I sincerely thank the distinguished Senator from South Carolina for those comments. His assistance in the passage of this legislation will certainly be very valuable. I think it illustrates, too, Mr. President, the fact that this is not just an isolated problem. This is a problem that exists across the country.

Soon after the impact of the drought last year was assessable, I convened hearings in the Senate Agriculture Committee to examine the consequences that had been suffered by farmers all over America. We had hearings here in Washington, and we reconvened hearings down in the Midsouth, in Memphis, Tenn., to look into the problem more thoroughly at the local level. And there is no doubt but what farmers are suffering greatly, not only because of high production costs which continue to exist, lower than ordinary commodity prices because of surpluses that have accumulated in the past, but severe weather conditions which have hampered

farmers and diminished yields over the past few years.

So for these reasons, Mr. President, it is a crisis and it is an emergency. I am happy to know that the Senator from South Carolina is among those who are interested in the problem and willing to get in here and work to help solve it. I think we are going to succeed, but we really need to get together now and act. I welcome the support of the Senator from South Carolina.

Mr. THURMOND. I might say further to the able Senator from Mississippi that for 3 years now we have suffered disasters in our State and in a great many other States. The farmers just cannot make a go of it. They cannot meet the expenses and they cannot pay their debts when such disasters exist. That is the reason I think every consideration must be given to them in carrying over their debts until they can recuperate and make a comeback. And I think they will do that.

On the other hand, I think, too, that we have got to consider some long-range farm policy whereby farmers can exist on the farm. Clemson University agriculture economists have gotten up figures showing that nearly all crops are selling below the cost of production. Well, a farmer cannot keep on producing crops and sell them below the cost of production. It is natural that something is going to happen, and something is happening, and we are very anxious that steps be taken to prevent this and to remedy the situation as it exists today.

Mr. COCHRAN. Mr. President, I thank the Senator very sincerely. I yield the floor.

WHY NUCLEAR WEAPONS WILL NOT PREVENT NUCLEAR WAR

Mr. PROXMIRE. Mr. President, opponents of the nuclear freeze argue that the advent of thermonuclear weapons may be a blessing for humanity instead of our doom. How can they argue that? Well, they say, look at the record: The possession of massive arsenals of nuclear weapons by the United States and the Soviet Union has coincided with the absence of a third world war. As freeze opponents see it, the world had been plagued with a pulsation of a world war almost every generation. Even without nuclear weapons, the death and destruction of war had become increasingly more ruinous with tens of millions killed in World War II, not even counting the nuclear blasts at Hiroshima and Nagasaki that ended that war. Now, for almost 40 years, we have been spared the ravages and heartbreak of all our major wars.

Why? Why no more world wars? The freeze opponents' answer: Nuclear arms that would make another world war very possibly the last for civilization. So they argue that the very threat of what a nuclear war would do has been the force that has kept the peace. The Soviet Union knows that with all their massive nuclear arms, an attack on the United States would destroy our country but would also finish Russia. Half their people would die outright and most of the rest would perish.

So what conclusion should we draw from this fact that the terrible consequences of nuclear war have so far coincided with 40 years of uneasy peace—but peace—between the superpowers? Does it mean that we have at least made weapons so terrible that no country will use them and that we have entered a Nirvana when wars between superpowers will no longer take place? In part, but only in part, this is possible. Premeditated, calculated wars between superpowers will be less likely, much less likely to occur. But with our reliance on computers to alert us as to when we must use our deterrent, with hair trigger, use-it-or-lose-it missiles armed with multiwarheads, the prospect of war by mistake has increased.

Furthermore, the most likely danger in this new nuclear world comes not from the super nuclear powers, but from the increasing spread of nuclear arsenals to more and more countries. The fear of retaliation will probably keep the Soviets from ordering an attack. But suppose Iran or Libya acquires a nuclear arsenal, as they would dearly like to, in the next few years?

Would they feel the same constraint the Soviets and the United States feel against using this awesome decisive power against an enemy that lacked this power? After all, not even our own United States resisted using its nuclear weapons against the Japanese in World War II. All of our historical experience tells us that the leaders of a country at war will not hesitate to use any weapons which will enable it to win and which will not provoke an effective retaliation. So even a lesser developed country facing an enemy that has a sharply smaller nuclear capability and a concentrated territory to defend, could be expected to use its nuclear capability, if it judged that its use would win and it would escape retaliation.

Now, how about a country that possessed nuclear arms and wished to destroy the prime cities in an enemy country and wanted to do so without admitting responsibility? Could it get away with such an action? Easy. In fact, as easy as the bomber who blasted the Capitol 3 months ago, just outside this door.

Consider what the nuclear-armed attacking country could do. It would have to get lethal nuclear devices into the neighboring country, move them within a half mile or so of the target area and detonate them. That is it. And how serious a problem would this be? In peacetime, in most of the free countries of the world, this would be a piece of cake. Oh, sure; to this moment, no country has done this. But as the nuclear technology continues, as it succeeds in miniaturizing nuclear devices and making them more readily portable and more easily concealed, as the cost diminishes, as the precision increases, more and more countries will acquire nuclear arms. And certainly the combination of, first, the ability to destroy a massive enemy facility utterly; and, second, to do so with impunity will insure the use of this power. And one of the times a country uses this power we can predict a reaction. The attacking country would have miscalculated its impunity. And what kind of reaction would respond effectively to a nuclear attack? Obviously, a nuclear attack in kind. And then the nuclear war starts. And once a nuclear war starts, could it be stopped without superpower involvement. And all the risks that entails?

Mr. President, all this may seem fanciful because we have not experienced life and death in a nuclear-proliferated world. The outbreak of nuclear hostilities could occur in a variety of ways that we do not dream of. Of only one thing we can be sure: As the possession of nuclear weapons becomes more and more widespread, as more and more countries acquire this capacity to obliterate an enemy absolutely, the likelihood of nuclear war becomes greater and greater until the point comes when it is a certainty. That might take place next month or next year or 10 or 20 years from now. To stop it will take all our resolution and determination. It will take willingness to negotiate and aim all our military and technological policies at developing the means of verifying and enforcing nuclear arms control agreements. It will take patience and persistence. And, I might add, Mr. President, lots of luck.

WHAT IS THE HEART OF OUR INTERNATIONAL TRADE PROBLEM IN 1984?

Mr. PROXMIRE. Mr. President, many people may argue that our trade problems stem from this country's feeble performance in productivity in recent years or from excessive wage increases or from less competent management or from excessive Government regulation or from continued high Federal taxes or from a combination of all these factors. Well, sure each of these elements plays a part. So do other more distinctly trade-related elements such as more aggressive export subsidies through more favorable credit terms in other countries and tariffs and quota and other restrictions on U.S. goods abroad. But none of them really explain the tre-

mendous and sudden deterioration in America's trade balance in the past 3 or 4 years and the prospect of continued immense trade deficits for years to come.

The cause is a particular loose cannon that is both simpler and more comprehensive in its truly devastating effect on our trade balance. That loose cannon is our mammoth Federal deficit and the assurance that we will continue to have mammoth Federal deficits for many years to come. You may argue—"Oh, come on PROXMIRE—you blame the deficits for pushing the Federal Government into hogging the credit markets—borrowing one-half to two-thirds of all the private credit and shoving housing and autos and business investment aside, and, sure, that may knock our domestic economy for a loop. But can you really blame those deficits for the astonishing deterioration of our trade position? Are you not like the fellow whose only tool in the world is a hammer, so he looks on the entire world as a nail? The deficit is our hammer. Now you want to pound everything."

Is that true? No. I do not think so. Here is why: First, those mammoth deficits do, indeed, push up interest rates. I would agree that this is not inevitable. If we had a savings rate like the Japanese we could tolerate a huge deficit like the Japanese. If we had a savings rate of the kind we had in World War II, when our deficits were far larger in relation to our economy, we could handle the deficits. But the grim fact of life today is that our deficits—and the need for the Federal Government therefore to borrow—are about 6½ percent of our GNP and our savings rate is less than 5 percent of our GNP. That means the Federal Government has to borrow the lion's share of private savings as well as absorb huge amounts of foreign capital.

Now, what happens when we borrow that foreign capital? Simple. Foreigners take advantage of the high yield of our Treasury securities and their risklessness by selling their marks and yen and francs and lira and buying dollars and our securities. When they sell their currencies, the value of the yen and franc, and so forth, goes down. When they buy dollars, the value of the dollar goes up. When they buy it by the tens of billions, the value goes way up.

For the Japanese, the dollar rose 21 percent between 1980 and 1982. Japan took off its restrictions on its capital flows. Yes, it has large deficits too. But it enjoys a smashing savings rate three times higher in relation to its GNP than ours. So it poured funds into this country.

And what does that increase in the value of the dollar in relation to the yen mean? It means that a Japanese consumer or businessman or tourist wishing to buy an American product has to pay 21 percent more in 1982 than he did in 1980, and an American wishing to buy a Japanese product paid 21 percent less. So what happened? That is right. Our trade deficit with Japan went from $10 billion in 1980 to $17 billion in 1982, and our Secretary of Commerce tells us it will go to more than $20 billion this year. Mr. President, does that surprise you?

How about Western Europe? Thanks to our high interest rates and the flow of European capital to this country between 1980 and 1983 the dollar gained 30 percent in relation to their currencies. Any doubt about what happened? Our exports to Europe tell from $67 billion to $60 billion. Our imports from Western Europe climbed from $48 billion to $54 billion. Since Europeans have to pay so much more for our goods and we pay so much less that should not surprise anyone. In fact, I am astonished that our trade balance is not already worse. It sure will be in the near future.

And that is not all. A whopping 30 percent of our foreign trade from the midseventies until 1980 was with the lesser developed countries. We are still importing substantially from them. But we have suffered a drastic reduction in our exports to these countries. Why? First, the LDC's suffered a very deep depression as the world wide recession hit them especially hard and cut their exports sharply. Second, high interest rates in the United States increased their debt service charges to 80 percent of their foreign exchange leaving them nothing with which to buy from abroad. Third, they suffered a serious flight of capital as their funds fled their country to take advantage of high American interest rates in risk free Treasury securities. So they simply lack the wherewithal to buy from this country.

The other economic weaknesses we suffer constitute a problem for our world trade, but the fundamental reason for the sudden and sharp collapse of our trade balance lies in our huge deficits. And the cure? That can only come from our finding the courage to cut Federal spending, increase revenues, and end these high deficits.

HANNAH SENESH—HEROINE AND FREEDOM FIGHTER

Mr. PROXMIRE. Mr. President, "All the darkness cannot extinguish a single candle, yet one candle can illuminate all the darkness." These are the words of Hannah Senesh, Israel's national heroine, who gave up the safety of her homeland and eventually her life to save her people from Hitler's "final solution."

Few individuals are as revered as she is in Israel. She is the object of plays and books, the namesake of streets and settlements. Her story is one of bravery and dedication, as revealed in the diary and the poetry she left behind. She is an outstanding example of one person's struggle against the tragic barbarism of genocide.

Hannah Senesh was born in Hungary in 1921. When she was only 13 years old, she began writing a diary which she would continue until close to her death 23 years later. Marta Cohn, the English translator of Hannah's diary, points out one of the most fascinating aspects of the diary—its portrayal of a relatively normal Jewish community in Hungary amidst the Nazi terror that began to surround it.

Since Hannah's family was assimilated and stable, and since Hannah herself was bright and athletic, popular and patriotic, one is surprised to read that at age 18, Hannah left home and emigrated to Palestine. But Hannah felt that she had a mission: to help her fellow Jews settle the promised land. She wrote, "One needs to feel that one's life has meaning, that one is needed in the world." And Hannah felt that her life had more meaning in Palestine.

The early forties, however, brought changes to the political map of Europe. Hungary joined the Axis Powers, while Hitler began to implement his "final solution." The news spread quickly to Palestine, where Hannah soon learned of the horror and insanity that was gripping Europe. The Jews who had settled in Palestine had already begun fighting alongside the British, the Free French, and the partisan underground. Now they were determined to go to Europe to save their brothers from utter decimation.

A group of Jewish fighters in Palestine formulated a plan to parachute into Eastern Europe to save as many Jews as possible. The British military agreed to cooperate as long as the group agreed to first liberate Allied pilots shot down by the Nazis and organize a resistance force in Nazi-occupied areas. The plan was agreed to and 32 Jews from Palestine volunteered for the mission. Not surprisingly, Hannah Senesh, though only 22 at the time, was one of the volunteers. She had all the requirements—she was athletic, smart, courageous, multilingual, and energetic.

The mission would be dangerous, and each member of the force would be his own commanding officer. Hannah was ready to help her homeland. She wrote: "I have the sudden idea of going to Hungary—Regardless of how clearly I see the absurdity of this idea, it still seems possible and necessary to me."

On March 13, 1944, the parachutists began their mission as they were dropped over occupied Yugoslavia. For 3 months the freedom force traced through Nazi territory, looking for captured allies, organizing resistance,

warning Jews of the oncoming Nazi atrocities, and easing their escape.

On June 9, 1944, Hannah successfully crossed the Hungarian border. She helped many Hungarians, but later in the summer was captured by the Germans. She never thought that she would die in Europe, for the end of the war was approaching. But the Nazis conducted a show trial for Hannah's case, convicted her, and finally executed her in late 1944.

Though she was buried by unknown hands in the martyrs section of the Jewish cemetary in Budapest, her body was later brought to Israel and buried with seven other members of her force in the military cemetary overlooking Jerusalem. She was given the highest military honors, paralleling those given Israeli soldiers. No doubt, she was deserving of the accolades. As a fellow parachutist wrote, "she was fearless, dauntless, stubborn—a girl who dreamed of being a heroine—and who was one."

Mr. President, Hannah Senesh epitomized one person's struggle against the tragedy and horror of genocide. As freedom-loving individuals who follow her in history, the least we can do is outlaw such a terrible crime. I therefore urge prompt ratification of the Genocide Convention.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I see no other Member seeking recognition to speak in morning business. Since there is an order for the Senate to recess at 12 noon in any event, I now ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 11:48 a.m., recessed until 2 p.m., whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. LUGAR).

MORNING BUSINESS

Mr. BAKER. Mr. President, I wish to advise the Senate that I have been advised that it is going to be 20 or 30 minutes before we can have the principal players here and available to continue the debate on the motion to proceed.

I have not had an opportunity to discuss this with the minority leader because he, as I, had been in caucus; but I feel sure that he would be agreeable to this arrangement, and if he is not, I will be glad to change it or ask the Senate to change it.

I ask unanimous consent that there be an additional period for the transaction of routine morning business, to extend not past 2:30 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LONG-TERM CARE GERONTOLOGY CENTERS

Mr. GRASSLEY. Mr. President, I report to the Senate today as chairman of the Subcommittee on Aging, Committee on Labor and Human Resources. This committee is responsible for effecting this year's reauthorization of the Older Americans Act. And I plan to keep my fellow Senators apprised of key issues involved in this important piece of legislation, as it moves toward its target date, May 1, 1984. The hearings held last year coupled with those planned for the first 3 months of this year should allow this body to be prepared for reauthorization of the Older Americans Act prior to that date, which coincides with the beginning of Older Americans Month on May 1.

After conferring with key Members and their staffs in the House, I and the committee staff feel that it will be possible to meet such a schedule. Neither body contemplates major changes in the act at this time, and those organizations most closely connected with implementing the act feel that only updating and minor organizational changes are needed.

Today I would like to discuss a program under the act that is becoming ever more important in delivering data and training for the desired continuum of care for the Nation's seniors: Long-Term Care Gerontology Centers.

A major concern of the Administration on Aging is the comprehensive and coordinated service systems that will sustain older persons at their optimum functional level in the most appropriate setting. The capacity to provide such services depends on the development of adequate and fitting staff resources, models of practice, and a sound knowledge base.

Such a knowledge base was authorized in 1979 under the title IV grants of the Older Americans Act, when the Administration on Aging established the Multidisciplinary Gerontology Centers. These centers, now 10 in number, and operating in all the service regions of the Department of Health and Human Services, are mandated by the terms of their grants to assist area agencies on aging, States, communities, provider agencies, and practitioners in improving health and social services for older persons. They represent a collaborative effort, joining the interests of the Federal Government and educational institutions, to achieve this objective by producing information about long-term care needs of older persons and a cadre of professionals who can meet those needs in a variety of effective service settings.

Their emphasis is on bringing together all the relevant university disciplines, especially medicine, nursing, and social work, to share their expertise for the benefit of gerontological research and special training. Other disciplines that will contribute to the centers' programs include allied health, pharmacy, nutrition, dentistry, law, public and health administration, the ministry, clinical psychology, economics.

Area agency on aging directors increasingly report that the centers are indeed fulfilling the role envisioned for them. They cite improved training services and the availability of abundant and useful research data, as the various centers have received their 5-year grants and expanded their programs.

Typical of the work being done by the centers in the field of gerontology is a recent paper published in the prestigious New England Journal of Medicine. It describes a study designed to demonstrate the feasibility of forecasting functional health for the elderly. The authors, Dr. Sidney Katz, of Brown University Long-Term Care Center and Dr. John C. Beck of the UCLA center, et al., thereby provide important actuarial information for identifying high-risk elderly populations for which preventive health care and medical care can compress morbidity during the last years of life.

The five major objectives of these centers in carrying out the mission assigned them by the Older Americans Act, title IV, are:

Educating new practitioners and providing ongoing training and practical learning experiences for those already involved in meeting the needs of chronically ill and functionally impaired older persons.

Stimulating academic and medical research which will generate a long-term care knowledge base; creating a mechanism to put this acquired knowledge into action.

Developing innovative, cost-efficient and replicable models which facilitate the independence of older persons and emphasize a continuum of community-based, alternative care services including optimal utilization of informal support systems to provide care.

Serving as a regional resource providing technical assistance to State and area agencies on aging, other components of State and local government, professional organizations and service providers that plan, coordinate, and deliver services to older persons.

Disseminating to the public new knowledge about chronic illness, functional impairment, available services, and techniques of self-care, prevention, and health maintenance. Also, distributing research findings, educational materials, and other technical

information to policymakers, program managers, educators, and other professionals.

In conclusion, I urge each of my fellow Senators to discover more about the work being done at these centers—particularly that center serving the region in which his State is located. To that end, I ask unanimous consent to have printed in the RECORD a list of the long-term care gerontology centers, their locations, and the names of the directors of each. The network of State and area agencies on aging should be interacting with these centers at the State and local level, an interaction that promises to pay dividends to all of our constituents, most especially those 60 years of age or older.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LONG-TERM CARE GERONTOLOGY CENTERS

Director, center, and institution:

Sidney Katz, M.D., Southeastern New England Long-Term Care Gerontology Center, Brown University, Providence, Rhode Island 02912.

Barry J. Gurland, M.D., Center for Geriatrics and Gerontology/Long-Term Care, Columbia University New York, New York 10021.

Evan Sorber, Ed. D., Mid-Atlantic Long-Term Care Gerontology Center, Temple University, Philadelphia, Pennsylvania 19122.

Eric Pfeiffer, M.D., Suncoast Gerontology Center for Health and Long-Term Care, University of South Florida, Tampa, Florida 33612.

Frederick Tavill, M.D., Long-Term Care Gerontology Center, the Medical College of Wisconsin, Milwaukee County General Hospital, Milwaukee, Wisconsin 53226.

Laura B. Wilson, Ph. D., Long-Term Care Gerontology Center, the University of Texas, Health Science Center at Dallas, Dallas, Texas 75235.

Russell C. Mills, Ph. D., Long-Term Care Gerontology Center, University of Kansas, Kansas City, Kansas 66103.

Cecil O. Samuelson, M.D., Intermountain West Long-Term Care Gerontology Center, University of Utah, Salt Lake City, Utah 84112.

John Beck, M.D., UCLA/USC Long-Term Care Gerontology Center, University of California, Los Angeles, California 90024.

Theodore H. Koff, Ed. D., Long-Term Care Gerontology Center, the University of Arizona, Tuscon, Arizona 85719.

Maureen Henderson, M.D., Pacific Northwest Long-Term Care Center, University of Washington, Seattle, Washington 89195.

FUTILITY IN LEBANON

Mr. DIXON. Mr. President, during the past 20 years, Congress and the executive branch repeatedly have gone to the brink of constitutional crisis over the war powers question.

Stated briefly, the confrontation revolves around their respective constitutional prerogatives in these life-and-death decisions. The President claims authority as Commander in Chief of the Armed Forces, and as Chief Executive, to commit troops to defend the national interests. The fact that 535 Members of Congress can hardly dictate intricate details of foreign policy in the midst of hostilities certainly adds to the weight of the President's assertions. Yet, the Constitution speaks very clearly in article 1, section 8, in reserving to Congress the power to declare war and raise and support armies.

The tension between the constitutional grant of authority to Congress and the operative reality that the President has primacy in matters of war seldom has abated. One of the most recent examples of this phenomenon was triggered by events in Lebanon, with possible disastrous results for U.S. policy in the Mideast, as well as on the delicate balance of power between the White House and Congress.

After the tragic deaths of two marines in Beirut on August 29, 1983, Congress had every opportunity to exercise authority in questions of whether, to what extent, and how long the Marines would remain deployed on that foreign soil. Regrettably, Mr. President, Senate Democrats were continually thwarted in efforts to place our imprimatur on U.S. policy in Lebanon.

For instance, I was the principal cosponsor of an amendment to reduce the Marines' authorization from 18 months, as requested by the administration, to 6 months. I also cosponsored an amendment that would have required the President to submit a report which would have insured his compliance with the letter and the spirit of the War Powers Resolution. These and other amendments were put to the Senate during consideration of the multinational force in Lebanon resolution.

Instead of challenging the President on a policy that most Members of Congress personally were uneasy about, a majority of both Houses approved the 18-month timeframe. In so doing, Congress gave away its authority to be involved in any decisions affecting the lives of thousands of members of our Armed Forces for 18 months. Congress said, "Go ahead, Mr. President, do whatever you want. Wake us up in a year and a half, after the election, and don't bother us until then."

Aside from Congress abdication of its constitutional duties, another cause for concern is the obvious unwillingness of the White House to obey the law. Upon signing the Lebanon resolution into law, the President, among other things, refused to concede—and continues to deny—the existence of hostilities for purposes of the War Powers Resolution, even though more than 250 Americans already have given their lives there; called into question the constitutionality of the automatic termination provision of that act; and indicated his determination not to be necessarily bound by the 18-month authorization.

Executive branch arrogance and congressional diffidence aside, the cold reality is that our Marines are posted for 18 months to an uncertain peacekeeping mission in a country where internecine battles have raged for centuries. Moreover, the Marines are actively identified as partisan, and accordingly, targets, in the conflict. Thus, the Marines have been deployed in a manner for which they are ill-suited, on a mission which has been poorly defined and stands little chance of success, and for a period of time which is totally unacceptable in light of these circumstances.

For these reasons, I introduced, along with Senators EAGLETON, KENNEDY, and PELL, a joint resolution to reduce the 18-month authorization to 3 months. The measure provides that additional 3 month extensions can be authorized if events warrant.

During that first 90-day period, I personally feel that our Government should continue to press President Gemayel for free elections, or some other means of effective powersharing. Only in that manner is it possible to guarantee proportionate representation and unification of all the warring factions in Lebanon. The current ratio of Christians to Moslems in the Government should be abolished and a more equitable, representative government should replace it.

I firmly believe, Mr. President, that our proposal would help meet several important national objectives, including:

A return home of the marines as soon as prudently possible;

A reinvigoration of Congress' constitutional role in war powers decisions;

A necessary reminder to the executive branch that it cannot evade the confines of the law with impunity; and

A mechanism to guarantee that the concerns of the American people receive a full and fair hearing before Congress.

This approach, it must be added, does not preclude the implementation of effective security arrangements for the Government of Lebanon. In fact, a number of us in the Senate have proposed the substitution of a United Nations or other neutral international force, so we can get our Marines out of the Beirut shooting gallery.

Mr. President, an admission that current policy jeopardizes the lives of Marines and upsets the balance of power between Congress and the executive branch would not only advance our goals; it could also be the first necessary step to a real peace in Lebanon.

THE NEW PRODUCTION REACTOR AT SAVANNAH RIVER PLANT

Mr. THURMOND. Mr. President, I am submitting for the CONGRESSIONAL RECORD a copy of a concurrent resolution recently passed by the General Assembly of South Carolina. This resolution expresses the very strong desire of the members of the general assembly and of the State of South Carolina that the Department of Energy construct the new production reactor at the Savannah River plant.

Mr. President, I wholeheartedly agree with the views expressed by the general assembly in its resolution. There are a number of reasons why the new production reactor should be located at the Savannah River plant, and I have briefly summarized them as follows:

Facilities are in place at the Savannah River Plant to make the nuclear fuel for a new reactor and to recover plutonium and tritium from the fuel after it is removed from the reactor. The cost to duplicate these facilities elsewhere would be at least $1 billion.

The defense waste processing facility is being built at the Savannah River Plant to solidify nuclear waste so that it may be removed and stored in an underground repository. The cost to duplicate this facility at another site would be at least $500 million.

The Savannah River Plant's entire operations are run by Dupont. Dupont's large technical staff has over 30 years experience in nuclear materials production. Dupont's capabilities do not exist at any other site.

Some have argued that locating the new production reactor elsewhere would enhance national security by providing for a nuclear materials production capability at more than one location. This argument lacks force, however, because duplicate facilities for each of the many other key steps in the process of producing nuclear weapons do not exist, nor can the Country afford such duplication in the future.

I might also add that the blue-ribbon panel established by the Department of Energy for the very purpose of recommending a site for the new production reactor concluded that the reactor should be built at Savannah River.

I have been very impressed, as was Secretary Hodel at a December 15 meeting with a number of South Carolina officials, by the unanimity of opinion in our State in favor of selecting the Savannah River plant as the site of this new reactor. State officials at all levels of government—Federal, State, and local—have expressed strong support for the new production reactor being located in our State; and I hope that Secretary Hodel will take this factor into consideration in determining a proper site for the new reactor.

Mr. President, I ask unanimous consent on behalf of myself and my distinguished colleague fom South Carolina, Senator HOLLINGS, that a copy of the concurrent resolution be printed in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, it has come to the attention of the members of the General Assembly that the Department of Energy is in the process of making a decision concerning the location of a new production reactor which will produce tritium and plutonium for the nation's nuclear weapons program; and

Whereas, based on the recommendations of a blue-ribbon commission, Energy Secretary Donald Hodel is considering three sites, the National Engineering Laboratory in Idaho, the Savannah River Plant in South Carolina, and the Richland Plant in Hanford, Washington; and

Whereas, the Savannah River Plant is ideally suited for this reactor as evidenced by the fact that it was the first choice of the blue-ribbon commission; and

Whereas, the State of South Carolina would welcome the construction of this new production reactor at the Savannah River Plant in conformity with applicable State and federal laws and by this resolution would like to encourage Secretary Hodel and the Department of Energy to look favorably on South Carolina as a location for this production reactor.

Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly, on behalf of the State of South Carolina, hereby express their desire that the Department of Energy construct a new production reactor at the Savannah River Plant.

Be it further resolved that a copy of this resolution be forwarded to Donald Hodel, Secretary of the Department of Energy.

COSPONSORSHIP OF S. 2099, PROVIDING FOR A 2-YEAR DELAY IN MANDATORY SOCIAL SECURITY COVERAGE OF EMPLOYEES OF RELIGIOUS ORGANIZATIONS

Mr. THURMOND. Mr. President, I wish to take this opportunity to briefly comment on legislation introduced by my distinguished colleague, Senator JEPSEN, in which I have joined as a cosponsor. The legislation would delay for 2 years the mandatory coverage of employees of religious organizations under social security.

As a part of the Social Security Act Amendments of 1983, employees of churches were required to participate in the social security system effective with the 1984 calendar year. Since passage of that legislation, pastors and employees of churches across the country have expressed their concern, distress, and opposition to this mandatory coverage. Most frequently, this opposition has been grounded on their view of the required separation of church and state as set forth in the first amendment to our Constitution.

I believe it is important that the questions raised in this regard be thoroughly studied before imposition of this tax, which many feel is contrary to the Constitution. The 2-year period provided in this bill should allow ample time for Congress to consider, and hopefully resolve, these questions.

At this time, I also want to point out my concern for the intended beneficiaries of the social security amendments. No doubt one of the motivations for the mandatory inclusion of church employees under social security was to assure those persons of some source of dependable income during retirement. I hope that, during this 2-year period, these concerns will also be carefully considered.

Mr. President, I commend this measure to my colleagues in the Senate as one deserving of their support and timely approval.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I note the hour of 2:30 p.m. has arrived. Will the Chair present us now with the pending business?

The PRESIDING OFFICER. Morning business is closed.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

The PRESIDING OFFICER. The pending question is on the motion to proceed to the consideration of S. 1660.

ALLOCATION OF FIXED COSTS TO INTERSTATE SERVICE

Mr. GOLDWATER. Mr. President, yesterday the chairman of the committee, my friend from Oregon, stated that, as a result of the FCC access charge decision, local companies will have to go before State commissions and file for rate increases to make up the entire amount of the present $10.6 billion subsidy of fixed costs which they now recover from revenues from interstate toll calls.

Just to keep the record straight, Mr. President, this simply is not correct. To determine the truth, all we have to do is break down the $10.6 billion figure into its component parts and see how those different segments will be handled after the FCC transition period ends in 1990.

Here are the facts. A large portion of the costs of each local telephone company is fixed in the sense that they do not vary with the amount or type of calls handled. These fixed costs constitute approximately half of each telephone company costs. They are the costs of providing wires and equipment which link each subscriber with the local telephone office and thereby provide the customer with access to the telephone network. One way to describe these costs is to call them the costs of providing "subscriber plant." Or, they may be known as nontraffic sensitive costs.

In 1982, the latest year for which I could obtain industrywide data, total fixed costs were $39 billion. The amount of these costs which were allocated to interstate toll service, that is, the subsidy that everyone is talking about, was approximately $10.2 billion. In 1983, it may have been $10.6 billion.

The largest component of these fixed costs was the local loop to each telephone subscriber. These costs totaled $24 billion in 1982, of which $6 billion were allocated to interstate service.

In addition, however, other fixed costs were shifted from local basic rates to the subsidy from interstate service. Approximately $2 billion was represented by customer premises equipment, the telephones used by each customer. As every one of us knows, the FCC is deregulating this equipment. New equipment is being purchased by customers or, I might add, leased. The cost of any equipment owned by a customer no longer appears in the rate base of telephone companies. Some equipment provided by telephone companies prior to deregulation remains embedded in the industry's rate base, but the cost of this equipment is being phased out.

Customers will no longer be charged to lease a phone once they own that phone. I might add, this is not true across the board that I am aware of. In southern California, you can purchase your phone or continue to lease it. And, when anyone can go out and buy a phone for as little as $10, as you can do today, almost everyone will soon own his or her own phone. This $2 billion figure for telephone equipment was included in the $10.6 billion total that the chairman mentioned, but it should no longer be included because it will not show up in the telephone company's rate base after the transition period.

Mr. President, there is another important element of fixed cost which is included in the overall figure mentioned by the chairman, but which should be deducted. This is the present charge put on interstate service of about $2 billion for the cost of the wiring inside residential and commercial structures. Again, the FCC has decided to deregulate these costs. The telephone industry is in the process of making this transition and gradually eliminating the expenses of inside wiring from their rate base. Homeowners will own the wiring inside their own houses and will no longer be billed for that wiring by telephone companies at the end of the transition period.

At this point I should mention that the FCC plan will also make interstate carriers pay $800 million more to the local companies on top of the present payment of $11 billion AT&T and the other interstate carriers already pay local companies for traffic-sensitive costs. The FCC is shifting $800 million of what was earlier called nontraffic-sensitive costs into the traffic-sensitive category. Interstate carriers will pay this sum to local companies. The companies will not have to get any of it from the basic rate paid by their residential customers.

In addition, the FCC has said that interstate carriers will have to pay into a universal service fund to help support telephone operations in high-cost rural areas. This will amount to anywhere from $900 million to $1 billion.

The end result is that local telephone companies will not have to restore the entire past subsidy by applying for local rate increases. They need ony recover what the FCC is proposing to allow them to receive from a $2 to $4 per month access charge collected from residential and small business customers and a $6 access charge added to the rate of business customers. This falls far short of the $10.6 billion figure being bandied about in the Senate.

Also, Mr. President, I think it is important that Senators realize that the FCC will offset these access charges with major reductions in long-distance rates. In fact, the rates will fall by as much as 40 percent by 1990.

And, I would point out, the majority of interstate long-distance calls are made from homes, not from businesses.

Let me repeat that: The majority of long distance calls is made from homes, not from businesses. In fact, about 97 percent of all residential customers make long-distance phone calls. If these rates come down by 15 percent as soon as the access charge goes into effect, as seems likely, almost all home phone users will benefit. Even if some customers do not now make any long-distance calls, many will be able and encouraged to do so once the rates fall sharply. Those people who do now make long-distance calls will likely increase the number of calls they make after prices drop.

Mr. President, I see my chairman is on the floor. I should like to ask a question of him relating to how long before we will go to a vote would be his guess.

Mr. PACKWOOD. I am ready to vote now, Mr. President, I would just as soon vote on it now.

Mr. GOLDWATER. That is very, very good news to me. I am ready to vote.

Mr. PACKWOOD. If the vote is on the motion to proceed, I am ready.

Mr. GOLDWATER. I suggest that the clerk call the roll, Mr. President.

Mr. PACKWOOD. That is fine with me.

Mr. BAKER. What are we doing, Mr. President?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I think I came in just in the nick of time. Will someone please tell me what is going on?

Mr. President, I have a responsibility to a number of Senators. I would be delighted to have a vote, but I had better check with them first. Therefore, I shall suggest the absence of a quorum.

Mr. GOLDWATER. Will the Senator yield for a moment for a question?

Mr. BAKER. Yes, Mr. President.

Mr. GOLDWATER. Mr. President, we have been at this thing for a whole day now. I think the Senate should be aware that something is going on over here, or not much, one of the two.

Mr. BAKER. Or maybe both.

Mr. GOLDWATER. Would it be possible now to have a vote and let them scamper over here?

Mr. BAKER. Is the Senator talking about a vote on the motion to proceed?

Mr. GOLDWATER. That is right, Mr. President.

Mr. PACKWOOD. It is all right with me.

Mr. BAKER. Mr. President, I have no possible objection to that; it is my motion to proceed. But I have to check with a number of Senators who have signified an interest in the thing. I shall not take over 10 minutes. Members who are listening to me in their offices or elsewhere should know that, as of this moment, as I understand it, both the chairman of the committee (Mr. PACKWOOD), and the principal opponent of this measure (Mr. GOLDWATER), chairman of the subcommittee, have indicated their willingness to proceed. I am going to check our cloakroom to see if there is any problem with that. If there is no problem with that, we are about to have a vote on this issue, unless the distinguished minority leader has some other views. Senators should be on notice that we are reaching a crucial point in this debate. So I may have a chance to check with the cloakroom, I shall suggest the absence of a quorum, or I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am hoping the issue will come to a vote now so we may proceed on this bill. On the other hand, representing, as I do, the largest rural State in the United States, I think a State that is rather significant in its total picture of what is universal service, I want to make a few comments before we go to a vote.

The FCC, having determined that it will put off the access charge for 18 months, has given us all an opportunity to review this matter once again. I have been working closely with the chairman of the committee in terms of trying to find a solution to the problem under these new circumstances. Having now been given an 18-month breather, it is my feeling that it is

time to step back and take a look at the overall picture.

I am one who believes that the consent decree to break up AT&T was wrong. We are proceeding now on a division of this large company into a series of smaller entities, and the result will be not unlike the railroads in the heyday of American railroads unless a way is found to deal with what I consider to be the principal problem—the human factor of the relationship between these entities that survive after divestiture.

My State is one-fifth the size of the United States and has a very small population. We have come through a period of time that we have called the rate integration period. Members will recall it used to be, when you saw the television ads or heard on radio or read in the newspaper or magazines about long-distance calls, there always used to be a little starred footnote that said, "Except in Alaska or Hawaii."

The distinguished Senator from Hawaii (Mr. INOUYE), also a member of the committee, and I have gone through a 7-year rate integration period and we are almost at a final destination. We have almost become members of the Union in terms of telecommuncations. We have been members of the Union in terms of the written word, the postal system, for many years. I would like to be assured that rate integration will be completed and maintained and that universal service will continue to extend to the offshore noncontiguous States.

I would also like to be assured that, as that is achieved, the concept of the separation of the revenue that is received in the interstate rate pool now by AT&T as a single entity will somehow or other survive divestiture and that rural States can, in fact, look forward to being able to maintain the facilities that are required for interstate telephone and telecommunications activity even though those facilities, many times, exceed the revenue base of the facilities themselves when applied to a small population base.

There are many things that I would like to be able to explore in depth, and I think the distinguished Senator from Arizona and the distinguished Senator from Oregon, with the subcommittee in the first instance and the full committee in the second instance—as far as this subject is concerned—would now agree that we have 18 months to pursue those issues, pursue them in depth, and try to provide some guidance to the FCC in this divestiture period.

It is going to take place. As I said, I am one of those who does not like to see it take place. I think AT&T as a regulated monopoly has brought us the best communications system in the world. We have the best technology in the world. There is a possibility that the divestiture now will be a stimulus to another generation of technology, and I concede that. But I must express the worry that we are headed for a multicorporation regional structure that will not work because of the human element, as I said before.

Mr. PACKWOOD. Will my colleague yield for a question?

Mr. STEVENS. Yes.

Mr. PACKWOOD. How does he know that we have 18 months?

Mr. STEVENS. I believe the FCC when it says we effectively have 18 months. Before when the Commissions announced their intention to put the access charge into effect when we were out of session—as I recall, last August—they agreed to put that off until November; in November, they agreed to put it off until April. Now it is my understanding that the FCC agreed to put the single line business and residential access charges off for 18 months. I believe they will do that.

Let me say to my good friend that, as one who is a realist about getting the Congress to act, I think that if the FCC failed to keep its word it would give us a major lever to move the Congress in a meaningful way to deal with the access charge question.

Mr. PACKWOOD. They have changed their positions now four times in 13 months. What leads the Senator to believe that when the magic time has arrived, they will not change again?

Mr. STEVENS. I believe that the committee the Senator chairs and the subcommittee the distinguished Senator from Arizona chairs are in a position now to hold oversight hearings on divestiture, to look at the issues that are involved without having the possibility of a sudden implementation of the access charges hang over their heads.

Mr. PACKWOOD. If I might say this to my good friend from Alaska, which has probably even a worse problem than Hawaii because of the remote communities and its size, all States to a certain degree have the same problems as Alaska although not to the same degree.

Mr. STEVENS. The Senator is right. If the FCC can solve the Alaska problem that is created by divestiture, it will solve the problems that affect municipal and rural areas at the same time.

Mr. PACKWOOD. I say to my distinguished colleague, divestiture is unrelated to these two charges. They are two separate issues, and the Federal Communications Commission could decide to subsidize rural areas, subsidize Alaska, subsidize Hawaii, or not do so. That is unrelated to divestiture. We have 1,400 phone companies in this country. Some of them are large, like Continental, United, General Telephone. Some of them are very, very small, 500 subscribers, 5,000 subscribers, and all we have done with divestiture in essence is separate AT&T and its the local telephone companies into eight companies.

Mr. STEVENS. I say to my friend, he is correct in one way, but he is not seeing the problem from our perspective in another way.

The Senator is correct that divestiture in and of itself does not affect the situation as far as my State and rural States are concerned with regard to the necessity of having a separation of revenues which in effect brings about a subsidy for the rural areas to maintain the equipment to receive long-distance calls.

Mr. PACKWOOD. As a matter of fact, divestiture does not change the present system.

Mr. STEVENS. It will, though. We believe it will change it because of the application of the revenue base turning from a rate pool into an access charge pool.

It will be a much different thing for people living in huge metropolitan areas to pay $2 a month access charge and to also pay money that goes into the rural States than it is to have a portion of the total interstate rate pool paid to the rural States.

Mr. PACKWOOD. The Senator and I are on exactly the same wave length. What the FCC wants to do is get rid of the whole interstate long-distance subsidy, wipe it out, and put the entire burden on local customers.

Mr. STEVENS. I say to my friend that now that there is a breather of 18 months, it is my feeling we should go back and remember who created the rate pool in the first place. It was not the FCC. It was in fact created by AT&T. It was created by AT&T because it wanted to make the telephone system similar to the Postal Service system. They wanted to move toward a postage stamp rate, if you will, in the United States, and they succeeded in 48 States. It was not until Senator INOUYE and I insisted that they proceed further and integrate the two noncontiguous States that they really saw the real meaning of universal service in telecommunications. It is not something, I say to my friend, that is academic. In my State today one-room schoolhouses are connected by satellite telecommunications to the University of Alaska where those students can have the advantage of multiple instruction, different instructors in different types of courses.

Now, the Senator from Oregon and the Senator from Arizona and others may look at it in terms of the individual homeowner making that long-distance call. We look at it in terms of the overall application of the technology of the 21st century to an area that is still very rural and wants to be part of the 21st century.

I believe we need more time to look at this, and I think the people who want to solve this issue more than we do are in fact those who operate in the private sector, because a telephone in Miami with long-distance access costing $2 a month is not of any use to a mother of a serviceman who is in Unalakleet until there is a way to get to Unalakleet

Mr. PACKWOOD. I agree.

Mr. STEVENS. It is a universal service concept that we want to see enunciated by the FCC. If it is not, we want Congress to insist that the Federal law require universal service with postage stamp rates.

Mr. PACKWOOD. What is the harm—because I have these misgivings about the FCC hopping and jumping four times in 13 months—in simply writing into this bill and passing into law the order the FCC is apparently going to decide on tomorrow?

Mr. STEVENS. I say to my friend that the difficulty is I do not think we can legislate now in a manner that will be meaningful and effective and also have the elasticity that an administrative order can have.

Mr. PACKWOOD. We are talking about legislating what the FCC decided on last week; that the FCC, will make recommendations in December of 1984 and the decision will not go into effect until June of 1985, so Congress will have a chance to review the FCC's decision.

Mr. STEVENS. Right.

Mr. PACKWOOD. Now, in order to make sure they do that, what is wrong with simply passing a statute that says that is what they shall do? We are not going to try to legislate the substance of it, just legislate their order and guarantee that Congress has 6 months review.

Mr. STEVENS. I say to my friend that having watched this with the rate board that the FCC created—and there was an Alaska member on that board who kept at least this Senator informed as to what the FCC was looking at and what options were available—looking now ahead at this 18-month period, I believe the FCC itself by virtue of the hearings that it will hold and the hearings that the Senator's committee and the House committee will hold, will modify its decision in a way that were we to put the decision into legislation, we would then have the burden of changing the legislative framework rather than having the administrative procedure bring about the natural evolution of a meaningful FCC order.

I think the FCC has shown now on three occasions that it realizes that those of us who are elected representatives of our people are also trying to find a workable system to survive after divestiture. I want to see that evolution take place. I congratulate the Senator for having done what he has. Had he not been able to report that bill out of committee, had he not brought the bill to the floor, we would not have had this change now which gives the 18-month period for the evolution of a survivable and durable relationship after divestiture. I think we ought to let that period start to run now.

Mr. PACKWOOD. What happens if we adjourn in late August and then in mid-September the FCC changes its order and says we have decided to put the access charges into effect on January 1?

Mr. STEVENS. I suggest that we can obtain a written commitment from the Chairman as to what will happen. The FCC has kept its word. It has kept faith with the Congress. I think we ought to proceed on the basis of that faith. Again, I tell my friend that my experience, and I am sure the experience of the Senator, is that the fastest way to get action out of Congress is to have an agency of the Federal Government totally break its commitment to Congress. If it says that we have 18 months, I think we have 18 months, because if we do not have 18 months—we do not need to finish that sentence, do we?

Mr. PACKWOOD. Let us put it the other way around in terms of changing commitments. What the FCC did say initially was this is going into effect January 1, 1984. There is not going to be any change. We are not going to be politicized on this. This is our decision. If we change—I will quote the Chairman—"It is an economic Lebanon." They said to Congress, "we are not going to change it," and they changed it.

Now, they changed it once. They can change again. But I am not sure there is any point in pursuing this. All I suggest is that both my good friend from Alaska and I should not pursue too strenuously that we be equally treated in the union.

As my good friend is aware, all of the States in the West, comparatively speaking, receive more money from the Federal Government than we pay into it. I am not sure we want to get into that fullscale argument.

Mr. STEVENS. I do not back up on that. The Pony Express cost the East more than it did the West.

Mr. PACKWOOD. I am not complaining.

Mr. STEVENS. But what built the capital structure of the East? It was the development of the West.

Mr. PACKWOOD. I am not complaining about the present system at all. I want to keep that system.

Mr. STEVENS. I come from a State that is currently supplying one-eighth of the oil, will supply at least 10 percent of the gas, and in time will supply over half of the timber of the United States. If that is to be developed, the communications system that is available in the contiguous 48 States must be available to us also, and it is to your advantage to do it.

Mr. PACKWOOD. We are certainly——

Mr. STEVENS. We are not coming here as a beggar.

Mr. PACKWOOD. We are certainly on the same wavelength. That is why I do not want to have water fees placed on inland waters and other things to destroy the present system.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BYRD. Who has the floor?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BYRD. Will the Senator yield to me without losing his right to the floor?

Mr. STEVENS. Yes; I yield to my good friend.

Mr. BYRD. Mr. President, I have asked the Senator from Alaska to yield the floor for the purpose of my in turn asking the majority leader that there be no vote today on this matter or on any procedural matter pertaining thereto for the following reasons: I have on my side some Senators who want to speak on this issue. I do not know which side they are taking, whether they are opponents or proponents of the measure. But I understand that National Airport has been closed because of fog. One of these Senators has had his plane turned back. Another one cannot get here because of that. I have four Senators who have indicated their desire that no vote occur today, for reasons beyond their control, as I say.

I hope that if it is within the power of the majority leader—I should not quite say that; it is within his power, but if he could be persuaded not to let a vote occur today, it would certainly accommodate these Senators on the minority side who wish to be here and who because of weather conditions cannot be here and who have tried to get here in the one instance and have had the plane turned back. We would very much appreciate that, if the majority leader could see it his way to accommodate us.

Mr. BAKER. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. STEVENS. I yield.

Mr. BAKER. Mr. President, I conferred privately with the minority leader a moment ago, after it appeared that we were about to have a vote on the motion to proceed, which is perfectly fine with me. It was my motion. But I had notations that I was aware of on our calendar that a number of Senators wished to be present on the floor and heard before a vote occurred on or in relation to that motion.

Since that time, in checking with Senator DOLE and others, I have also found, as the minority leader has, that we have a blanket fog outside that has not been equaled for a long time; and indeed, National Airport is closed down, as are New York, Philadelphia, and Chicago.

We have a number of Senators who are away from the city and who had planned to be here today. I am advised by our cloakroom officials that we have two Senators who have called in, specifically saying they are stranded and hoping this matter would not be determined today, because they wish to speak.

There is no way I can guarantee that there will be no vote. For example, if a tabling motion is made, it is not debatable, of course, and there would be a vote on that. But I hope that would not occur. I hope we can continue with an orderly debate on this motion for the remainder of the day and that we could give Members an opportunity to be heard.

What I would propose to do in order to facilitate that, is to suggest that we conclude activities of the Senate today about 5 o'clock, perhaps 4:30.

There is another problem, however, and I should like to call it to the attention of all Senators who are interested. Tomorrow is the state of the Union message. I have not yet reached the Speaker of the House of Representatives to find out what their plans may be, but the preliminary recommendation by our security people is that we convene as late as possible in order to give the security people adequate time to prepare the Capitol and specifically the House Chamber for the state of the Union address tomorrow night. That is an important thing to do, considering that there will be so much of the Government present in one place and at one time.

So I say to the Senator from Oregon and the Senator from Arizona, in particular, that if we finish tonight at 4:30 or 5 o'clock, there is a good chance that we will not come in tomorrow until 3 p.m. or later, in order to provide an opportunity for the security people to do what they must do tomorrow.

Mr. PACKWOOD. Mr. President, I have no desire to table this motion. I am not going to make any motion to table it. To the extent that Senators want to talk, I am prepared to talk, and I suggest that we stay today as long as the leaders think we should.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. GOLDWATER. I wonder if the majority leader could give us an approximate time when we might vote. I have an office stacked up with work, and I am not getting anything done by sitting here on the floor. If we can know that it might be the day after tomorrow, at x o'clock, I will know where to be. Can we get that assurance?

Mr. BAKER. I cannot give that assurance. But I share the desire of the Senator, as I am sure the Senator from Oregon does, to see when we could get a vote. I hope that, later today, those who oppose this measure—that is, the motion to proceed—might confer, maybe the Senator from Arizona, the Senator from Kansas (Mr. DOLE), and others, and we could arrive at a time when there might be a vote. Maybe we cannot arrive at a time.

What I am working toward is this: Based on the weather circumstances as they now obtain, based on the representations made by the minority leader, and based on the representations I have received on our own absentees because of the weather, I urge Senators not to precipitate a vote today; and the only thing that would do that would be a tabling motion.

I am prepared to say now, Mr. President, that the Senate will conclude its debate on this motion about 4:30 and that we will go out about 5 o'clock.

The time for convening tomorrow will depend on the hour that our security people may recommend, but it will be late in the day. My guess is that it will be Thursday before we get a chance to deal with this issue.

Mr. GOLDWATER. I thank the majority leader.

I understand the weather, and I suggest that we might move to Arizona. [Laughter.]

Mr. BAKER. There is more air in the water here than there is on the ground in Arizona.

Mr. GOLDWATER. We do not need it.

Mr. BYRD. Mr. President, I thank the majority leader for his consideration of the request that came from this side of the aisle, and I thank the Senator from Alaska for so graciously yielding to me.

Mr. STEVENS. I thank my good friend from West Virginia.

The Senator from Arizona suggested moving the Capitol, and I could pursue that at length, but I have decided not to do so.

Mr. President, as I close my comments here today, I wish to say that I am one who would like to see us take the time available now and pursue even further the work that the Commerce Committee has done so far. I hope we will vote, and I will support proceeding with this matter.

It is my hope, however, that before the final vote on the measure is taken, a sense-of-the-Senate substitute or concept could be, and I hope would be, referred to the Commerce Committee for hearings, before it really comes to a final vote on the floor.

We want the FCC to go further in protecting the concept of universal service than the current order goes. I believe that if the heavy population centers of the country take a look at that order, they, too, will understand why it is necessary to have a universal service concept for telecommunications, particularly as we go into the 21st century.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. GOLDWATER. Would the Senator consider introducing that resolution, when he does introduce it, for immediate consideration, or would he want to have hearings on it?

Mr. STEVENS. I say to the Senator that I intend to introduce it as as a separate resolution.

I hope that other Members who are interested in pursuing this concept will work with me and my staff and perhaps evolve a resolution that will express more of a consensus of the Senate than my first attempt would. It would be my hope that the matter would go to the Commerce Committee; that we would agree that in view of the action that has taken place since we adjourned last fall, it would be in order for us to reexamine this whole issue and hold some hearings and pursue it.

However, I should like us at least to have something on the floor that expressed the tentative consensus of the Senate with regard to what the FCC ought to address. I would not want to substitute this and pass it now.

Mr. GOLDWATER. That is something we do not want to happen.

I promise the Senator that if he submits this resolution, my Subcommittee on Communications will hold immediate hearings on it, possibly within the next week, and see what we can come to in the way of a resolution.

We want to prevent anything that might pass on this floor that could be construed as legislation considered by the Senate, thereby having to go to conference with the House, which has already passed a bill which is as unworkable as anything we have ever seen.

Mr. STEVENS. Mr. President, I send to the desk a resolution and ask that it be appropriately referred.

(The text of the resolution is printed later in the RECORD under resolutions submitted.)

Mr. STEVENS. If this matter comes to the point where it appears that the bill would come to a vote, it would be my purpose to try to work out a sense-of-the-Senate substitute.

I would prefer to do what the Senator from Arizona has stated and hold hearings to make certain that the best interests of the whole country are served by the process we are going through now.

Although I do try to articulate the point of view of the rural States, be-

cause of my State, I want the Senate to know that we are cognizant that telecommunications works both ways. At the same time we want to make sure that we have access to the total communications system of the United States and the world. We are not just talking about long-distance calls but about using telecommunications to modernize the whole educational system.

I could talk at length about the health system of my State which uses telecommunications to instruct health aides in remote villages and to take care of emergencies. All those things are involved in the outcome of this divestiture, and they are related in the long run to the revenue base that I mentioned to the Senator from Oregon. They are not directly affected by the current position of divestiture. In the long run, they will be, unless the concept of universal service at affordable rates is pursued by the FCC in the aftermath of divestiture. That is my goal.

I thank the Senator for his consideration, and I also thank the Senator from Arizona.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, less than 1 month ago, this Nation embarked down a new road in telecommunication policy. The decision was made, by the administration and the courts, to break up AT&T. And this month, that decision became effective.

Today, the Senate is faced with the question, Is now the time to legislate? Given what has happened and is happening in the courts, at the Federal Communications Commission, at the State public utility boards, and in the marketplace—we must ask, Is now the time for the Senate to express itself through statute?

Or, Mr. President, is it more appropriate, given recent developments and given the state of our own knowledge, for the Senate to exercise its oversight role, and express itself through a resolution in support of certain principles.

Mr. President, a short time ago, I would have answered the question I pose today differently. But I am convinced that we best serve the public by staying our hand if the FCC confirms its order on Wednesday. We have seen the FCC make substantial corrections in its decision in response to congressional concerns . . . concerns I joined in expressing with many of my colleagues, including, notably, the distinguished Senator from Oregon, the chairman of the Commerce Committee. In light of these corrections, if confirmed, I say, now, the time is to step back.

In my view, Mr. President, the Senate should test the implementation of telecommunications policy against a set of policy goals. They are goals I seek most sincerely. They are goals, I hope, many of my colleagues share.

How do we, first and foremost, preserve universal service? How do we insure that virtually everyone in our Nation can tie into the most important information network of the information age—the telephone system?

This Nation has achieved virtually universal service, through its method of telephone regulation and through direct subsidy of rural telephone systems. That is an achievement we must not lose. Indeed, we should build on it. To provide not just basic voice service to millions of Americans, but to provide them with the variety and versatility of new services they themselves cannot imagine, but services which will become as essential to the man and woman of the future as the basic voice service is today.

How do we insure that the many hard-working men and women who have been shifted around in this giant shell game of a divestiture retain the employee benefits they have spent years to accrue?

Mr. President, I am concerned about the dedicated men and women who, by and large, have been skeptical of what is happening, but who have, as best they can, made a wrenching transition. In the very least, these people deserve the assurance that the pension benefits that they have acquired will remain with them, as additional adjustments are made, as surely they will take place.

Mr. President, how do we insure that as we bind our Nation in a newly regulated telecommunications network, we treat all regions of our Nation fairly? That means, how do we insure that the rural areas of our country are served, without unfairly burdening areas with efficient systems? How do we insure that those who receive help are those who need it? How do we insure that the Northeast and Midwestern States, most of which, for a variety of reasons, provide telephone service more efficiently than others, actually enjoy the benefits of their comparative advantage. Certainly they pay for their disadvantages in the cost of heating, light, and power.

How do we insure that regulation works where regulation must work, where markets are not yet competitive, where the dominant or bottleneck carrier threatens to stifle competition rather than promote it?

How do we insure that competition and deregulation work successfully in giving birth to new technologies, to new innovations that we hope ultimately, will lead to lower costs, to higher productivity, for the benefit of residential and business consumers alike?

Mr. President, we have heard some discussion of the FCC's decisions over the past year. Back in the spring of last year, I was one to sound the warning. At the time, we were faced with the filing of requests for monumental rate increases on the local level, increases, I might add, that would be accepted or rejected not by Congress, not by the FCC, but by State utility boards over which we had no control.

At the time, we were faced with an FCC that in February 1983 had proposed imposing access charges of $2 to $4 a month on every residential customer, starting this very month of January.

At the time, we were faced with an FCC that, in conjunction with a joint board, had proposed systemwide subsidies for local telephone companies with high costs, regardless of the depth of need of individual subscribers. Meanwhile, it gave little consideration to the prospect that poor, unemployed, or elderly telephone customers, served by relatively low-cost systems, might still have trouble paying rising phone bills.

At the time, I said, the FCC was moving too fast. The FCC was moving without adequate information. Not only was the FCC moving ahead without all the answers, they had not even asked all the right questions.

I proposed a relatively simple bill. I proposed in S. 1677 a 1-year moratorium in the imposition of access charges. I proposed the creation of a targeted assistance program for the poor, elderly, and unemployed who could not afford telephone service, to insure that they retained basic lifeline service in the wake of unavoidable rate increases.

Why a moratorium? To enable the Commission and Congress to ask the questions that had to be asked and to get the answers that were needed.

We need time to see what the scope of rate increases will be on the local level and what the added burden of access charges would be.

We need time to investigate the threat of bypass. How likely are people going to build private networks, bypassing the public network, if we do not offer them service priced close to cost?

We need time to ease the pain of adjustment. For better or worse, our Nation is headed down the road that began with divestiture and will be marked by competition. But no one said how fast we had to travel. No one said we had to travel at break-neck speed, with too little regard for those who might be left behind.

Mr. President, in July, the FCC issued a reconsideration of its earlier decision. Certain favorable changes were made, but not enough. The Commission proposed that access charges on residential customers start out at $2 a month and at $6 a month for business customers. Gradually they

would rise to equal levels by 1990. The problem was that they would still commence in 1984, when local rate hikes seemed destined to be most harsh. The Commission gave States as well as telephone companies an option to seek waivers of access charges for people who could not afford them.

But, one reading of the Commission's order made clear that this was a sop. As the Commission said, "It is, of course, conceivable that a small minority of subscribers will not be able to afford a charge that does not reflect average costs." Conceivable? Conceivable? I would say it is a virtual certainty. For those people, lifeline should not be an option. It should be a mandate.

Mr. President, the Commerce Committee took up S. 1660, which was sponsored at the time by the committee chairman, Senator PACKWOOD, and many others. That bill, in its original form, was far reaching in its impact, more far reaching than most of us were prepared to support.

The committee opted for a more modest approach. Initially, it adopted, by a vote of 9 to 6, a substitute I offered that would have delayed the FCC's decision for 1 year.

The committee later reconsidered its decision and opted for a 2-year moratorium. It adopted provisions intended to insure that Congress was in the position to exercise effective oversight of the Commission. It required submission of FCC proposals well in advance of proposed implementation; 9 months in advance. It made changes in the Commission's proposed methods of insuring universal service. It focused systemwide subsidies to those telephone companies whose costs were due to the company's small size and its rural character. It created a Federal lifeline program that would provide an added measure of assistance to those who could not afford to retain basic telephone service, regardless of where they lived.

Mr. President, it is this bill we have before us today. Essentially, it is this bill that has been adopted in large measure by the Commission in its tentative decision of last week.

Mr. President, I was pleased to see the Commission respond to the clear sentiment of the committee, as expressed in our legislation.

The Commission agreed to postpone access charges until June 1985. That is some 18 months later than its original schedule.

The Commission pledged that in no event would such charges exceed $4 per month before 1990. That is a far cry from $4 a month in 1984. Savings to consumers in those years could amount to well over $200.

The Commission would conduct an appropriate study of the threat of bypass.

The Commission would solicit comments from all quarters.

And the Commission would conclude its proceeding in December. That would provide Congress still 6 months to exercise its oversight function.

The Commission proposed the creation of a mandatory system of rate relief for the poor.

The Commission proposed enhanced relief for the smallest, rural telephone companies, where relief is most needed.

Yesterday, the Senator from Oregon noted that without the pressure from Congress, and I quote him here, "Without the pressure from Congress the FCC would never have changed."

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. PACKWOOD. Mr. President, I interrupt the Senator to interject that it was a paraphrasing of what the Chairman of the Federal Communications Commission said when he said "Yes, the decision is political." They needed to make this decision last week in order to forestall the action we take now. He conceded that it was pressure from Congress that caused the change.

Mr. LAUTENBERG. I thank the Senator from Oregon.

Mr. President, I do not, however, see that as a reason to belittle or reject what the Commission has done.

As the Chairman of the FCC admitted to the Washington Post, "We are sensitive," he said, "to what the Congress is thinking."

Well, it is about time.

I thought our goal all along was to change the Commission's course, and change it we have.

The distinguished chairman of the committee has expressed fear that the Commission may again revise its decision. Mr. President, I hope that the FCC has gotten our message, and I believe they have. I do not believe we should put ourselves in a legislative straitjacket out of mistrust for the FCC.

The fact is that we have independent regulatory agencies because Congress is not equipped to undertake detailed ratemaking proceedings on a day-to-day basis. The FCC is better suited to respond to problems as they arise.

Take, for example, the matter of special access tariffs. Certainly Congress did not know last summer that rate increases requested would be so high, threatening the viability of a variety of networks utilizing private lines, from the networks of RCA and Western Union, to the network that serves a national system of interlibrary loans.

At least so far, the Commission has responded appropriately, I think, by suspending those tariffs, pending further review. I have no cause to criticize the Commission because they delayed things until April. If the case for the tariffs has still not been made, the Commission should delay them even further.

It is our appropriate role, I think, to maintain strict oversight. It is our job to set our clear principles and guidelines.

Mr. President, the FCC will finalize its order tomorrow. Many of our colleagues would like to wait for the FCC to act tomorrow before considering the bill. I support that position. If the FCC confirms its order, as it is expected to do, I will urge us to put the legislation aside.

Mr. President, I had hoped at this point that the Senator from Kansas would be present on the floor to engage in a colloquy with me about the prospects for separate legislation regarding the issue of pension portability rights for employees affected by divestiture. I spoke to him earlier in the day on this, and I understand him to be as committed as I to resolving this issue early in this session. At the moment, unfortunately, he is chairing hearings at the Finance Committee. However, I do want my colleagues to know that Senator DOLE and I are seeking assurances on this score, and I know the Senator from Kansas is committed to addressing the pension issue early this session, on a vehicle that will find itself moving from the Capitol down Pennsylvania Avenue to the White House.

As many of my colleagues know, employees of companies affected by the AT&T divestiture are deeply concerned about protecting their hard-earned pension rights. The consent decree implementing the divestiture contained unsatisfactory provisions on that score. Because the issue was addressed in the consent decree, Federal legislation is necessary to modify it. No Federal money is involved. And I have been personally assured that officials at AT&T and many of the Bell operating companies understand the need for such legislation and would not oppose it.

Therefore, Mr. President, I intend to seek the Senator from Kansas out later to see what progress he has made on his side of the aisle on this question.

In closing, Mr. President, I want to say that it is a privilege to have been able to work on this issue in the committee chaired by the Senator from Oregon. Each and every member of the Commerce Committee exhibited extreme diligence and perseverence during our consideration of S. 1660.

Although we may be on separate sides of the issue today, the chairman of the committee deserves considerable credit for moving the FCC toward a more reasoned position on these issues. Senator GOLDWATER, the subcommittee chairman, contributed his

considerable expertise at every step of the way. Senators FORD, INOUYE, LONG, GORTON, EXON, and every member of the committee deserves credit for the favorable outcome at the FCC. For me, it has been a valuable experience at seeing the Senate effectively exercise its oversight responsibility.

Mr. President, I urge my colleagues to join in with Senator DOLE and me on the resolution that I hoped would be introduced today, but perhaps will be when we reconvene on Thursday and vote at that point on what I believe will be a tabling motion that will be offered.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, let me thank my distinguished colleague from New Jersey. I might say that without his help I think we would have had no bill out of committee. What effect having the bill out of committee has on the FCC is problematical, but I have to assume it may have some effect.

There is only one area that he and I diverge. Having been here almost 15 years I always feel more comfortable, when I want to achieve something, if it is written in law rather than left to administrative discretion. It has been my experience that, Administrators change, Commissioners change, on occasion Presidents change, and you may not get the same decision and you may not get the same action out of other Commissioners or another Commission that you are getting now. But that is the only place the Senator and I differ.

I, too, had hoped we would work out the problem of portability. We could have with this bill. We will get it.

I want to say to the communication workers that they have been very fair, very open on this, and they have labored hard on this bill. They deserve a great deal of credit. I will say this: I do not think this issue is going to go away. Barring an unforeseen circumstance, the position of the Federal Communications Commission will not change. I think the President is going to be reelected. I think we are going to have the same Commissioners, absent perhaps one or two, and no change in their philosophy. And when the FCC decision comes next year, the basis of their decision is going to be roughly the same as the basis of their decision this year.

Mr. LAUTENBERG. Will the Senator yield for a correction?

Mr. PACKWOOD. Yes.

Mr. LAUTENBERG. I just want to note that my silence does not mean I am agreeing with his view.

Mr. PACKWOOD. I was hoping I might trap the Senator with the common-law assumption that silence is acquiescence. I can see, even though my distinguished colleague is not a lawyer, he is trained in our tactics.

All I want to say is that the FCC's philosophy very simply is to transfer roughly $10.6 billion of costs that are now levied on long distance to local consumers. I do not expect that philosophy to change. It might, but I do not expect it will change. And, on the average, in today's dollars, that is going to mean about an $8 increase for everybody's residential phone in this country and an additional increase on small business. And so a year from now we will be back debating that philosophy. The issue will be past the 1984 elections, but the issue will not go away.

Again I thank my distinguished colleague from New Jersey, who has been so helpful and so fair and, frankly, so honest with me on this issue. It has been a pleasure to work with him.

Mr. LAUTENBERG. I thank the Senator.

Mr. PACKWOOD. I might add one thing more, if I might. I want everyone to understand about this cost-based policy. At the moment, the Federal Communications Commission estimates that about 9 percent of the cost of local plant—telephone poles and wires—is cost needed for the transmission of long-distance phone calls.

As a rule of thumb, the percentage is multiplied by 3 and the subsidy we have is about 27 percent. Under the FCC's decision, they intend to also take that 9 percent of cost, cost that long distance causes, and shift that onto the backs of customers, including homeowners and apartment dwellers and small business.

So let us not talk about cost based. While they are at it, the FCC is not just trying to make the consumer pay his or her own way—even if they are going to have a tough time affording it—the FCC is also going to make the consumer pick up part of the cost of long distance for the biggest businesses in this country.

Mr. LAUTENBERG. Mr. President, I take this opportunity to say that working with the distinguished Senator from Oregon has been a learning experience for me, a very helpful one. I will be on guard for any indication that the FCC is changing its course contrary to our intent. I will be among the first to bring up legislation. I am sure I will have his support, and he will have mine, if the FCC changes its course midstream.

I am, at this point, still naive enough, I guess, to believe that what is being said is what is being meant. I think it is our responsibility to make certain of that. I do not intend to relinquish any of my rights as a Senator to ask for a review or for legislation if that is later needed. We are not opening the door to permit the FCC to do anything they want without retaining our responsibility and our right of supervision. So we will be ever alert and I will look to the chairman of the committee to ring the bell—not the telephone bell—whenever it is necessary. I think that we have set out on a proper course to provide balance in the sharing of the pain that ensues from a breakup that still mystifies so many in our society, professional, and layman alike. The question of why it did have to be fixed the way it has continues to be asked. Frankly, I do not have the answer.

But I do know, that it is going to cost more for everybody to make phone calls. What we would like to try to achieve is a balance between the needs of the residential subscriber and the business community. We should work to enable the business community to make the most efficient and productive use of one of this Nation's greatest resources—its telecommunications network. And, we should work to insure that residential subscribers as well can continue to afford access, and can enjoy the improvements that we hope the future will bring.

Mr. President, my colleague from Illinois has just exercised his right of friendship and reminded me that we shall be running out of time shortly. I conclude by saying that I hope we can achieve a balance under which the burdens of adjustment are borne fairly by all the major elements of our community of business and residential customers.

Mr. DIXON. I thank my friend from New Jersey.

The PRESIDING OFFICER. The Senator may proceed.

SORRY, WRONG NUMBER

Mr. DIXON. Mr. President, universal telephone service is a concept and a fact of life in America that we all support. We have universal telephone service in this great country of ours, and none of us wants to jeopardize that service.

Events have moved swiftly of late in the telephone field. The public is confused. Congress and the Federal Communications Commission have been, for some time, trying to sort things out. We have all discovered it is not an easy task.

I appreciate all of the hard work and thought our colleagues and associates in this endeavor have put forth in this effort to find a reasonable resolution to the concerns many of us have to the proposals being considered. For this reason, I wish today to share with my colleagues some of my serious reservations about our moving forward with S. 1660. My concerns are long-standing, Mr. President. Indeed, I first aired them in a letter to the Commerce Committee on July 28, 1983. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 28, 1983.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that hearings are scheduled Thursday and Friday on impending local telephone rate increases and specifically on Senate Bill 1660, the Universal Telephone Services Act of 1983.

I will not be able to attend these two sessions, but I would appreciate your having my letter placed in the hearing record.

Sharing the commitment of many of our colleagues to universal telephone service, I support efforts to find an efficient, realistic, fair method of insuring that all Americans will be able to continue to enjoy the benefit of the world's best telephone system. Recent changes in the telephone industry, however, raise complicated issues which must be fully understood before we act.

I am seriously concerned that insufficient consideration will be given to the "Universal Telephone Service Act of 1983" (S. 1660) and similar legislation in both the Senate and House. Two days of joint hearings on the universal service issue appear to me to be inadequate for this complicated subject. Two days of hearings will not provide Members of Congress with the information they need concerning the economic ramifications that the various bills will have on various sections of the country.

At first glance, the proposed legislation appears to penalize Illinois and other Midwest states. I need to know where the universal service funds are coming from and where they are going. Will the funds be distributed to the needy in cities such as Chicago or Peoria, Illinois? What are the views of expert economists on the impact on consumers of this legislation and of the changing telecommunications marketplace? Will other communication technologies, such as cable TV, provide monies to the universal funds?

A careful and thoughtful approach is needed to assure availability of communications services to all who want it, but we must also be sure that the approach is economically fair to all parts of the country. We must be sure that we provide an approach that encourages economic efficiency and fairness to consumers in all parts of the nation. For these reasons, I urge that no legislation be hastily considered by the committee. The facts just do not justify Congressional action without a full understanding of the consequences. I have included a breakdown on the effect of S. 1660 on the Northeast/Midwest region of our country.

Partial review indicates that the Northeast/Midwest will only receive 8 percent of the Universal Service Fund versus approximately 61 percent for the south and southwest part of our country. Partial figures I have received from my own state of Illinois indicate that approximately $80-$90 million per year increasing by 2-3 percent per year from Illinois will be placed in this fund and my state will only receive—based on the formula in S. 1660-$288,000, and almost 98 percent of Illinois will not even qualify for any portion of that paltry $288,000.

The issues are complex and I urge my friends on the Commerce Committee not to act quickly in sending this legislation to the Senate floor.

Sincerely,

ALAN J. DIXON.

Mr. DIXON. The breakup of AT&T has been one of the biggest news stories around. It is without doubt one of the major events of our time. The complexity of the issue alone has led to great uncertainty and confusion. Some have alleged that there will be some among us who will be cut off from the world, unable to afford basic phone service. None of us wants that. Some spokesmen assert that "this bill will solve everything." Not all of us agree to that.

Whether or not the breakup of AT&T was in the best interests of our country is no longer a question for debate. I realize it is too late to try to put Humpty Dumpty back together again. We must recognize that the national and international economy is changing rapidly, and the telecommunications industry will play an increasingly important role in promoting that change. Most of us are hard pressed to predict with any certainty exactly what our economy will look like at the close of this century. This uncertainty ought to make us all the more cautious about moving forward with this legislation. We are attempting to respond to a problem we have not even begun to define. We need to let the dust settle.

I know some of my colleagues here in the Chamber today will list the lengthy hours of hearings held on this issue. I remind them that this legislation is very different from S. 898 and other bills introduced in previous sessions of Congress and that, in the 98th Congress, there was a sum total of 2 days of joint hearings on this bill. To this Senator, that does not constitute an exhaustive review.

The issues involved in this legislation are very important to telephone consumers and to the economic future of my State of Illinois and the Nation. I have tried to sort out these issues and to clarify the key concerns that we should focus on in the Senate of the United States. I have found that:

No one, certainly not this Senator, opposes telephone service for the poor.

No one, certainly not this Senator, opposes supporting telephone service in rural areas.

No one, certainly not this Senator, opposes universal telephone service, whether in urban or rural America.

My State of Illinois is an amalgam of all these concerns in urban and rural regions.

In terms of our situation in my State vis-a-vis the Nation, this proposed legislation promises much but delivers little. It promises support to urban areas but causes urban areas to pay more for both local and long distance services.

Consumers will be paying more if we enact this legislation. We cannot legislate an artificial economy for an entire industry and expect to protect consumers from higher costs.

Let me repeat, we cannot legislate an artificial economy for an entire industry and expect to protect consumers from higher costs.

Given the potential magnitude of this bill for reshaping the future of our economy, one must pause to remember that it would be provident to have input from consumers, from members of the business community, from economists, and other experts. Unfortunately, not all were asked to testify. That alone underscores how little we know about the so-called problem we are addressing.

Some of our colleagues would have us believe that if we support this bill, we can promise folks back home we have voted to prevent phone bills from increasing. That just is not so. Whether or not we pass this legislation, or any other bill like it, local telephone bills will have to rise. This happens for myriad reasons, only a small portion of which is related to the end-user access charges that this bill seeks to eliminate. End-user access charges only cover 25 percent of the costs of hooking up a phone to the system. So we can at maximum, and with severe consequences, only address 25 percent of any cost increases. In the meantime, we risk undercutting the whole local telephone system. We seen to forget that this is a zero sum game, that if one party does not pay into the system to support it, then it has to be made up elsewhere. Aside from its impact upon consumers, this bill seeks to shift significant costs to businesses, a shift that comes at too high a cost. If business users—whether small or large—drop out of the system, we have jeopardized the very existence of the universal telephone system we are seeking to preserve.

I believe the recently revised FCC decision has eliminated the necessity of our moving forward with legislation at this time. I was one of the cosponsors of the letter circulated by the Senator from Kansas (Mr. DOLE) because I felt it resolved most of the serious sticking points with the FCC decision. It has slowed the pace substantially, such that there will be more time to adjust to changes.

According to the FCC decision of January 19, it will be June 1985, before end-user access charges for residential and single line small business customers are in place, and even then, they will be at a substantially lower level than originally anticipated. They will be more on the order of 50 cents to $1 per year, with a cap of $4 through the decade.

The Commission also recognizes the special problems of small telephone

companies operating in the high-cost rural areas of this country, and will further consider whether to allow them the option of imposing these charges or increasing the level of assistance over and above the close to $1 billion in subsidies directed to them through the high-cost fund.

Lastly, the Commission modified its earlier decision with respect to the charges levied on other common carriers for equal and unequal access to the system.

The Congress now has ample time to review this situation. Action at this time would be precipitous by blindly responding to problems that are not clearly defined. I continue to have serious concerns, for example, about the potential for bypass systems to undercut local service. Wisely, the Commission has decided to investigate further the nature and extent of the bypass problem.

My State of Illinois is blessed with many of the assets needed in a changing economic environment. Today we are moving into the information age where a low-cost telephone network is a vital ingredient if our economy is to grow and prosper. As Lee Selwyn put it in his letter to me on the economic implications of S. 1660:

Indeed, telecommunications bears the same relationship to an information-based economy as transportation does to a product-based economy. Artificial interference with the smooth movement of goods and services has far-reaching effects on the basic health of our economic system, and the same is true for the transportation of information through our telecommunications networks.

I ask unanimous consent that Mr. Selwyn's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ECONOMICS AND TECHNOLOGY, INC.,
Boston, Mass., January 10, 1984.

Hon. Senator ALAN J. DIXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIXON: This is in response to your letter of January 4, 1984, in which you requested that I provide you with my views on several specific issues arising in the current debate over the FCC's "Access Charge" decision and the pending legislation which seeks to overturn and/or delay that decision, H.R. 4102 and S. 1660. I share your concerns about the potential adverse impact such legislation will have upon the efficient operation of the U.S. telecommunications industry and upon the means by which telecommunications services are purchased and used by business, institutional, residential and government consumers. I am pleased to have this opportunity to provide my thoughts on this important national issue.

As a general summary of my views on the access charge issue, I am attaching a copy of an article I was invited to write and which appeared in the November 22, 1983 Boston Globe. In addition, I can offer the following specific comments on the issues you have asked that I address.

Economic rationale for end-user access charges

The national public telecommunications network can be thought of as consisting of two principal elements: (1) Access lines dedicated to the exclusive use of individual customers, and (2) Network switching and transmission facilities provided as a common pool of resources and available to all customers on an "as needed" basis.

"Access lines" are individual pairs of wires, usually included in large, multi-wire cables, which connect the individual customer's home or business with the local telephone company central office. While individual customers may subscribe for one or more such access lines, the facility is committed to the exclusive use of that customer to place and receive telephone calls, and remains exclusive use of that customer to place and receive telephone calls, and remains in an "available to serve" condition for that customer when not actually in use during a telephone call. Consequently, the investment-related and ongoing operating costs associated with this access line do not vary with the level of use, but are fixed over a given period of time. In the language of the FCC's Access Charge order, the costs of these access lines are termed "non-traffic-sensitive" (NTS) because they do not vary with the level of traffic which each access line actually carries.

The "public switched network" in its broadest sense consists of the totality of local and long distance switching and transmission facilities which are used to connect the individual customer access lines. These facilities form a common pool of resources which are available to all customers, but are provided only as needed to response to a request, conveyed by the customer by dialing a telephone number, that a particular call be completed., Consequently, the quantity of such switching and transmission facilities varies with the volume of usage; more facilities are required as the total volume of usage increases. These costs are termed "traffic-sensitive" (TS) because they vary with the volume of traffic which the public network is called upon to carry.

Since the cost of access varies with the number of access lines, and the cost of the public switched network varies with the amount of usage carried by the network's switching and transmission resources, an economically efficient pricing arrangement would recover the non-traffic-sensitive costs of access through a fixed monthly charge per access line, and the traffic-sensitive costs of the public network through per-call charges. While the existing pricing scheme does include fixed monthly access line charges as well as per-call charges—particularly for long distance calls—these rates bear little direct relationship to the costs associated with access and usage. In fact, usage—and particularly long distance usage—has been priced considerably in excess of cost, with the excess revenues being used to provide a subsidy to permit below-cost pricing of individual access lines.

Mechanically, this is accomplished, in part, through the so-called "jurisdictional separations" process in which a portion of the access line costs are "assigned" to the interstate jurisdiction, to be recovered through interstate long distance usage charges. Approximately 75% of the costs of access are assigned to the state jurisdictions, and are recovered through a structure of local service access charges (the basic monthly local service rate) and local and intrastate long distance usage charges. Historically, the roughly 25% of the costs of access which have been assigned to the interstate jurisdiction have been recovered entirely throgh usage charges included in the prices of interstate long distance calls. At the present time, interstate long distance prices include approximately 15 cents per minute for the recovery of non-traffic-sensitive access line costs. Despite various semantic devices which have been constructed to characterize this in different terms, there can be no doubt that, from an economic standpoint, the clear effect of this arrangement is a subsidy which flows from usage to access. The current magnitude of this subsidy is approximately $8-billion in the interstate jurisdiction; at the intrastate level, similar pricing devices result in additional subsidies of this same magnitude flowing from usage to access.

In its Access Charge decision (Docket 78-72), the FCC has determined that the jurisdictionally-assigned access costs which fall under its interstate authority should be recovered through fixed end-user charges, rather than through per-call usage charges. Thus, over a six-year transition period, the interstate portion of the overall costs of access would be shifted from per-call usage charges to per-access line fixed monthly rates. In theory, the increase in monthly charges should be exactly offset by a reduction in interstate long distance rates; the extent to which this may not occur in practice is the result of conditions not directly related to the access charge issue. Thus, all other things being equal, the average customer should experience no change in his total telephone bill as a result of the FCC's action, since the increase in the monthly end-user charge should be exactly offset by a reduction in long distance usage charges. Customers whose usage is less than average will experience small increases in their overall bills, while those with greater-than-average usage levels will realize reductions. While the increases to be experienced by low users may sound large when expressed in percentage terms (because the base for this calculation is so low), the dollar amount is small both in absolute terms and in relation to most other price changes which consumers have experienced in the economy in recent years.

End-user charges and the "bypass" issue

One of the consequences of the existing pricing arrangement—and the arrangement which would be perpetuated under H.R. 4102—is that usage is overpriced relative to its cost. Consequently, relatively large users have sought alternative methods of providing for their telecommunications needs so as to avoid the access subsidy. While some of these arrangements may be beneficial to customers only in the pecuniary sense—i.e., because they are not subject to the access line subsidy—others are the result of genuine technological advances which have been stimulated by the presence of competition in the telecommunications industry. Stimulation of "uneconomic bypass" by above-cost pricing of long distance telephone service is not in the public interest, but promotion of innovative technological advances which push the state of the telecommunications art clearly is. Unfortunately, from a customer's perspective, there is no obvious means by which an economically inefficient solution may be distinguished from one which possesses genuine economic substance; faced with above-cost prices for carrier-provided long distance services, customers will elect "bypass" alternatives whenever these

appear to be less costly from their own standpoint.

The FCC's Access Charge decision and H.R. 4102 provide alternative methods for dealing with the "bypass" issue; the FCC's approach is clearly superior. Under the FCC's formula, usage charges would be brought down to the level of cost because the access line subsidy would, ultimately, be eliminated. Under this scenario, bypass would occur only in those instances where it represents a genuine economic improvement over existing services and resources; customers, acting in their own interest, would be confronted with pricing signals for the various carrier and bypass alternatives which would result in efficient decisions fully consistent with the national interest.

The "solution" proposed in H.R. 4102 would retain the existing access line subsidy but would protect that subsidy by largely eliminating the possibility of any bypass—including those arrangements which improve the efficiency and reduce the cost of the nation's telecommunications resources. In so doing, the legislation would have a chilling effect upon the level of risk-taking and pace of technological innovation which has characterized the U.S. telecommunications industry over the past decade.

Bypass and "universal" service

Much of the debate over the "access charge" issue has, unfortunately, been clouded by considerable emotional rhetoric about the "affordability" of basic telephone service. From an economic standpoint, the issue can be framed quite simply: Will the small increases in the level of basic monthly telephone rates resulting from the transfer of access line costs to the end user so adversely impact the universality of telephone service that the nation should forego the efficiencies and opportunities which cost-based pricing of access and usage will provide? Secondarily, if and to the extent that universal service is threatened by the general shift in access costs to the end user, are there alternative means for protecting universal service short of the absolute perpetuation of the existing access line subsidy? The answer to the first question is "no," and the answer to the second is "yes."

Despite the rhetoric, all hard evidence on the subject continues to indicate that the demand for basic residential telephone service is highly inelastic, and that the small dollar increases in the monthly charges resulting from the FCC's access charge decision will not materially reduce the level of penetration of basic access in the residential market. Universal service for those small segments of the residential population which exhibit a higher propensity to discontinue their telephone service—in the high-cost rural areas and among the urban poor—can be accomplished through a system of targeted subsidies—contemplated by the FCC—at far lower overall cost to the nation than retention of the existing general subsidy as envisioned in H.R. 4102. Moreover, it has never been demonstrated that low- and fixed-income consumers are *also* low users of telephone services; perpetuation of usage-to-access subsidies may actually be less effective in assuring adequate telephone service for such individuals than a targeted subsidy plan. Like all other sectors of the economy, there are no "free lunches" when it comes to telephone service: If consumers do not pay for their residential access lines directly through end-user charges, they will pay for them in other ways, through above-cost prices for local and long-distance calls (at both the interstate and the intrastate levels) and through the prices of other goods and services whose suppliers must recover their inflated telecommunications expenditures. Moreover, consumers will inevitably pay more for their basic telephone access by this means than through a system of direct cost-based rates. Legislative efforts to artificially shift the direct payments for telephone services from one sector of the economy to another will not succeed in protecting consumers from higher telephone costs; to the extent that these efforts reduce the overall efficiency with which telephone services are furnished, the cost burden imposed upon consumers, while perhaps camouflaged in the prices of other goods and services, can only increase.

Telecommunications and the "cost of doing business"

This last point deserves additional discussion. As our nation moves away from a product-based economy toward an "information-based economy," the role and importance of telecommunications increases. Indeed, telecommunications bears the same relationship to an information-based economy as transportation does to a product-based economy. Artificial interference with the smooth movement of goods and services can have far-reaching effects on the basic health of our economic system, and the same is true for the "transportation" of information through our telecommunications networks. Imposition of the burden of the access line subsidy upon U.S. business and industry increases the cost of doing business, the prices of goods and services generally, and reduces the competitiveness of this country in the international marketplace. Destimulation of innovation in both the provision and use of telecommunications services will inflict permanent and irreparable damage to our nation's ability to maintain a strong competitive edge in the information-based economy of the future.

I would be happy to discuss any of these thoughts with you at greater length. Please feel free to contact me if I can be of further assistance.

Sincerely,

LEE L. SELWYN,
President.

Enclosure.

[From the Boston Globe, Nov. 22, 1983]

TELEPHONE ACCESS CHARGES: PRO AND CON

NEW FEES NOT THE REASON FOR RISING TELEPHONE BILLS

(Lee L. Selwyn)

We have long been taught that increased competition is supposed to result in lower prices. So now that the telephone industry is "competitive," why are prices going up?

That question is getting a great deal of attention, and those who think they have figured out the answer are pushing for Congress to reverse what they believe is the source of the problem—the "access charge" decision by the Federal Communications Commission (FCC). Unfortunately, the problem is more complex—and the solution more elusive—than reversal of this particular FCC action.

There are two basic elements of telephone service—access to the telephone network, and usage of the telephone system for local and long distance calls. After divestiture, local telephone companies, such as New England Telephone, will provide access and local usage services, and long distance carriers, such as American Telephone & Telegraph, MCI, Sprint and ITT, will provide long distance usage services.

Traditionally, the price charged for access has been set below its cost, with the "loss" being made up through excessive local and long distance usage charges. Access to the telephone system is provided to each customer by means of an "access line," which is dedicated to his exclusive use; the cost to the telephone company of providing the access line is not affected by how much the customer uses his telephone.

Under the present system, less than half of the monthly cost of access is paid directly by the customer through fixed monthly charges: to make up part of the difference, interstate long distance charges include an extra 15 cents for each minute, specifically earmarked to subsidize access.

The immense magnitude of this subsidy—$8 billion in 1983—means that efficient and beneficial use of the telephone system is being discouraged. And it means that some customers are pursuing less efficient methods of satisfying their telecommunications needs by constructing systems that are not required, under existing regulations, to contribute to the access subsidy. Indeed, most of the difference between AT&T's long distance rates and those of its competitors can be attributed to the fact that these carriers are not required to make the same level of subsidy payments as AT&T toward the cost of basic access.

The FCC has decided that the fixed costs of access should, after a transition period, be paid directly by the customer through fixed monthly charges. In theory, the effect of this decision should be higher fixed charges offset by blower per-call local and long distance rates. While the minimum monthly bills will increase, the result of this shift of access cost will vary considerably from one customer to the next, depending upon each one's level of use, and many customers' total telephone bills should actually decrease.

The FCC has taken a bold step toward creating a more efficient national telecommunications system by gradually ending part of the existing cross-subsidy—a policy that will benefit a broad spectrum of telephone users. While the reactions of various individuals is largely—and not surprisingly—motivated by the immediate economic impact of the FCC's decision upon their fixed, local telephone costs alone, the merits of the FCC's move ought to be judged on the basis of more fundamental national economic policy goals. Consumer attention should be focused not on "access charges," but on the overall telephone bill and why the total bill may increase in coming years.

Some groups have lobbied heavily for legislation that would overturn the FCC's access charge decision. The focus of their attack has been misdirected. First, it is not obvious that consumers would benefit from retention of the present system. The minimum monthly charge for access is lower because of the subsidy, but total monthly bills for many customers—including those with low or fixed incomes—are higher than they would be under a more efficient pricing scheme.

When one recognizes the access charge decision as primarily causing a shift in charges from one service to another, it becomes apparent that the real cause of higher overall telephone rates stems from other conditions having nothing to do with access charges. These include higher operating costs, higher profit objectives and efforts by Bell System compaines to enter new competitive markets by engaging in new product/service development, shortening the lives of their

equipment and accelerating the pace at which this equipment is replaced—efforts the FCC has supported but whose public beneift is far less obvious.

Telephone rates are increasing not because of access charges, but because AT&T and the local Bell operating companies are seeking massive rate increases or are failing to reduce their local and long distance usage charges to recognize the increased recovery of costs the access charges provide. Efforts to reverse the FCC's access charge decision through legislation will fail to achieve the objective of preventing higher telephone costs because they do not address the sources of the telephone industry's demands for increased revenues.

In a very real sense, Congress' concern about access charges is like the bank guard who is so worried that somebody might steal the ballpoint pens that he doesn't bother to keep an eye on the vault.

(Lee L. Selwyn is president of Economics and Technology Inc., a Boston consulting firm specializing in telecommunications economics, regulation and policy.)

Mr. DIXON. Mr. President, to pretend that nothing has changed in telecommunications after the divestiture, to pretend that nothing has changed in the communications/computer technologies of the past 10 to 15 years, to pretend that we can go on using the regulatory approach of the past 50 years is a big mistake.

I refuse to countenance unfair rates for the citizens of Illinois for either local- or long-distance services. I cannot allow the past to dictate the future for Illinois.

It would be easy to capitulate here, while claiming to have saved Illinois citizens a rate increase. I know better. We in this body know better. I simply will not participate in that kind of deception. Our citizens deserve better. I want to see Illinois and the Nation prepare in a better and more reasonable way for the future.

In a recent editorial, the Chicago Tribune said it bluntly, Mr. President: "This is horrible legislation and the Congress should do nothing at this time.

I note in his opening statement that the distinguished Senator from Oregon said that my home State of Illinois would gain 250 percent under his proposal as compared to the FCC proposal. That is true for the high cost fund only. The Senator shows us only a small portion of the whole picture. Illinois may have a nominal gain of $102,000 under the Packwood proposal for high cost areas, but we are big losers under the rest of the bill—to the tune of $45 million in 1984 alone.

We have a saying in Illinois to cover that kind of unequal trade, Mr. President. Where I come from, that is called "buying a pig in a poke."

Mr. MELCHER. Mr. President, the people of this Nation have the most dependable, affordable, and accessible telephone system in the world. We are the envy of the world. In my view, it is a tragedy to have the system undone under the guise of deregulation. I opposed the move to deregulate the telephone industry because I had grave doubts about its effect on residential and small business customers in rural and nonmetropolitan areas. My doubts were confirmed when the Federal Communications Commission unveiled its original proposal for so-called access fees. The Commission was quick to assure us this would be a modest increase.

But let us understand that this modest increase was designed to pick up $10.7 billion. That is the amount of money anticipated in 1984 from long-distance calls to help pay for local service. Clearly, the long-distance telephone business is highly profitable. And for years, those excess profits have been used to keep our local telephone service at affordable rates—affordable for everyone, regardless where they might live. Now it is proposed that the local customer shoulder the burden—that the local customer pay more so AT&T can cut long-distance rates. And who does that benefit the most? The big long-distance users, such as corporations, banks, credit companies—anyone using long distance a great deal.

I understand the situation for a corporation to do so or banks or credit companies. I understand their position and their desire to have cheaper long-distance rates. But I do not understand how that desire for cheaper long-distance rates could transcend the needs of people whose only need for a telephone is for safety, for convenience in their business, for carrying out their business, or for communication with members of their family.

How anyone could be so selfish as to say, "Well, regardless of how it affects all these other people, we want to move forward with cheaper long-distance rates."

Mr. President, I fear the policy of implementing so-called access fees is the nose of the camel in the tent. I fear it is the first step of a plan to gradually transfer the actual cost of local telephone service to the individual residential or small-business customer, further relieving AT&T or other long-distance common carriers and increasing their profitability even more. If this were to happen, some rural telephone customers in this country could be paying five to six times more for local serivce. These folks cannot affort it. It would mean many would be without telephone service. And for rural customers, that becomes a life-threatening situation.

In addition it unravels the effective, efficient telephone service to every house and small business that has made our telephone service superior to all other parts of the world. Mr. President, I believe it was a mistake to break up AT&T in the first place. But that is done and we have to live with it. Now, we must resist efforts to simply let the marketplace decide what the outcome will be. That is why I support S. 1660. It will give us 2 years to more adequately formulate a method of assuring equity and affordability in our telehpone system.

Mr. PACKWOOD. Mr. President, I wonder if I might respond to just one or two points made by the Senator from Illinois.

One, he referred to this bill, S. 1660, as attempting to shift costs on to business. Actually, this bill is a moratorium. This bill is, in essence, what the FCC has adopted. I think they have pretty much fashioned their suggested order which we may see tomorrow after this bill.

Second, to the extent that I personally have any ultimate philosophy, what I want to do is not shift the cost to business but keep business from shifting the cost that it now has off of its own back and onto consumers.

I took a look at the last paragraph of the letter from Mr. Selwyn that my good friend from Illinois quoted, and I might quote that again:

> Indeed, telecommunication bears the same relation to an information-based economy as transportation does to a product-based economy.

In responding to that, I might say that we see nothing wrong in using the highway trust fund, which is based upon user fees, just as the telephone subsidies are based upon user fees, to support a great portion of the highway system in this country that would not pay for itself on a user basis, could not pay for itself on a user basis.

If the analogy holds that we are perfectly willing to order a surcharge on those who can afford to support a road system for those areas that cannot afford to pay, I think exactly the same holds true for the telecommunication industry. Indeed, I find the letter from Mr. Selwyn in that sense very apt, but I think the conclusion that he cites in saying that transportation in a product-based economy does not have any artificial interferences simply belies the knowledge of the fact of the subsidies that we have for every rural road in this country. My hunch is that even in the State of Illinois, which is a major industrial State in this country, you have areas of that State that, if they had to pay for their own roads on a cost basis, would have no roads.

Mr. DIXON. Will my distinguished colleague yield to a question at this time?

Mr. PACKWOOD. I am happy to.

Mr. DIXON. I thank my colleague. I think he knows my profound respect for him, and I know that he has contributed a substantial amount of time to this subject.

One of the things that concerns me, may I say to my colleague, is that we felt that not many economists had

been heard from in connection with the hearings that the Senator had. Has the Senator taken that into account?

Mr. PACKWOOD. I think we have taken it into account. Those who want to go ahead with the access charges and shift it think we have not taken it into account. But again it is my experience that an argument always used by those who do not like what Congress is going to do is that we have not had enough hearings, we have not taken certain people into account, some people did not get to testify. I think we have taken it into account.

Mr. DIXON. Is my colleague aware of my dear colleague letter that I sent out yesterday?

Mr. PACKWOOD. I have not seen it.

Mr. DIXON. May I say that I sent out a letter dated January 23 to each of my colleagues in which I said:

I have expressed my concerns about S. 1660 on several occasions. Essentially, I have been concerned about the economic implications of the proposed telecommunication legislation on my State of Illinois and the Nation. How will this legislation affect our economy, our jobs, and our opportunities for future growth?

Recently I sent a letter to several leading economists from my State and around the country asking a number of questions. The issues that were raised included an economic rationale for access charges, bypass implications, impact on consumer rates, etc. I am receiving their replies, and I thought you would find the attached excerpts from them useful in your deliberations on this legislation.

I say to my friend form Oregon that Dr. Kenneth J. Arrow, the Nobel Prize winner in economics, wrote me a letter, and in summarizing his reply here is what he stated:

Congress should not prevent developments that will promote efficiency and productivity in providing communications services. If the United States is to compete effectively in the information age of the future, artificial impediments such as cross-subsidies in the pricing of telephone services should be eliminated. S. 1660 and related legislation would reduce the ability of the United States to meet the future international competition in the information services industry.

I only wanted to suggest to my colleague that my responses from economists all over the United States whom I have written to and who are the most reputable people in their field indicate to me that the very heavy burden of those expenses suggests that this legislation ought not to be the way that we attend to this problem right now.

Now, I would like to pursue this at greater length later. I appreciate the fact that the hour is late and our time is about consumed for the day. But I wonder why in the moment when we have just begun to experience divestiture we are in such a rush to solve all the problems when we do not yet know what so many of them are.

Mr. PACKWOOD. I might say the purpose of this bill is simply a moratorium and a guaranteed period of notice. There is no substantive decision in this bill. We are asking to put into statute roughly the same thing that the FCC at the moment, although they have changed frequently, says it will do. I want to freeze their position and I do not want them to be able to blind side us by changing their order a fifth or sixth time.

Mr. DIXON. I suppose we can pursue this at a later date. Tomorrow I expect the order will be brought down and we well be voting on the question. I want to thank my colleague. He has been very kind, very thoughtful, and I will be happy to visit him again later about this issue.

Mr. PACKWOOD. I would call just one thing to my colleague's attention. Under the arguments of where money flows in and out, under the bill S. 1660, Illinois is a net loser to about the extent of $17.4 million. Under the Federal Communications Commission decisions, it is a net loser of about $42 million as opposed to $17.4 million. But from the standpoint of the Senator's State, that is a choice which he will have to make.

Mr. DIXON. May I say to my distinguished colleague—and I do not want to pursue it at too great a length—our information from staff who have carefully analyzed it is that $45 million will be lost to my State under S. 1660, from what Illinois business and residential customers will pay in higher long-distance rates and in subsidizing high-cost areas out of our State.

The PRESIDING OFFICER. Did the Senator yield the floor?

Mr. DIXON. I yield the floor.

Mr. PACKWOOD. I would be happy to continue this tomorrow. I am quoting from Federal Communications Commission figures. There is no point in going on with this today. The majority leader wants to close.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. ABDNOR. Mr. President, the title of S. 1660 is "The Universal Telephone Service Preservation Act"—a valiant phrase and a commendable goal for the Congress. But lest we fool ourselves, this bill is not the last word or final deed on the issue. It is the beginning of a continual process of "fine tuning" an industry undergoing dramatic change. Not only is technical advance reshaping it, but the entire market structure is being transformed. And regretably, I believe Federal action thus far falls short of providing the protection that rural Americans deserve and are entitled to.

During the last several years, the Federal Government has been struggling with what to do with the telecommunications industry. The Juctice Department has had its hands full in attempting to settle antitrust suits against American Telephone and Telegraph (AT&T) and others in the telecommunications sector. These actions are very technical and highly complex. The amount of money is no trivial matter, either: Billions of dollars were at stake, and legal fees are estimated to have run in the tens of millions. To resolved legal considerations, the 1982 "Modification of Final Judgment," or the Justice Department decision to dismantle AT&T, was implemented, which opens wider the door of competition in the telecommunications industry.

At the same time, the Federal Communications Commission (FCC) has been revising its regulatory practices to allow competition into the telecommunications market. As a result, both local and long distance companies and their customers do business differently today than they did 10 years ago.

While I am not going to quarrel about the rightness of wrongness of what the Federal Government has decided, what was done was done, and we cannot and probably should not turn back the hands of the clock. The Government had good reasons for its actions. New technologies and rapid growth for new types of telecommunications services required big changes in the way the industry was structured and regulated. I commend the Federal officials for their bold steps in trying to serve the public, but today I will stop short of endorsing their actions.

I withhold my full support so that I can share a warning to my colleagues: Despite all the merits of these actions, competition and deregulation are not a panacea for the problems in the telephone industry. The benefits of competition will not be uniform, and it is up to my colleagues and me to see that adversely affected telephone users are protected from the downside of making this industry more competitive.

Public policy goals should take precedence over the alteration of a market structure to make it more efficient or to open it up to competition. The benefits to society of pursuing universal telephone service certainly are more important than allowing makeshift competition to bring about changes in a deliberately regulated and flawed pricing system. But now that we are stuck with the change, I intend to see that some of the broken pieces are

gathered and reglued. And I am going to devote my energy to seeing that rural Americans are treated fairly and adequately during this interval of uncertainty in the telephone industry.

Just 7 months ago, I was standing where I am today, fighting to protect rural Americans from further deterioration of their well-being and standard of living. This body was deliberating cable television legislation which would have given certain telecommunications corporations a regulatory advantage. I was accused in essence of being a puppet for AT&T when I was taking a stand for all telephone companies which serve rural areas.

Opponents of AT&T and Bell seem to think that enacting legislation which restricts them or limits them, or treats them unfairly, or allows other firms a regulatory or competitive advantage, somehow is good for the industry. But what is the rationale for or motive behind for such action? What do we gain by "hurting" them? My concern is this: How will legislative proposals designed to put a leash on AT&T or Bell affect their customers—my constituents—in South Dakota?

I have had to make some difficult decisions in the last couple of weeks regarding this legislation. What alternatives are best for my constituents tomorrow or 10 years from tomorrow? What can I do, knowing that almost all sound choices will lead to some modification in rates? The Bell System serves over 75 percent of all residents in South Dakota, but independents provide service to over 75 percent of the land area of my State. Both providers are equally important to me, just as the customers they serve are equally important. I hope our actions here serve everyone well.

DEREGULATION IS NOT TOTALLY BENEFICIAL

My colleagues know that I am not the current deregulation fad's biggest fan. It seems that rural Americans are the first to feel the adverse effects. First it was airline deregulation, and service to my State shriveled and rates skyrocketed. Next it was trucking deregulation. Initially, service was great because everyone got into the business. Then everyone who entered the trucking business went on the ropes. Most recently, the busing industry was deregulated and look what happened to smalltown service.

Here is what Dr. Alfred Kahn said at my October 1983 joint economic hearing on telephone issues:

* * * there was never the same clear case for deregulation of communications that, in my opinion, there was for airlines and trucking. * * * I said many times we may find 20 or 30 years from now we wished that we were back at the monopoly stage. But if we go the way of competition, all I'm saying is that we have to be consistent. We can't try to push water uphill.

And being consistent means that if we had wanted to continue the present system of subsidization, we should not have introduced competition. Once you introduce competition you've got to find other ways of helping rural people * * * or poor people who would drop off the system.

I do not want my fellow South Dakotans to suffer from the ill effects of telephone deregulation. Let us—Congress and the FCC—work together to strengthen the national telephone network by renewing our commitment to universal service.

DOES COMPETITION MEAN EVERY MAN FOR HIMSELF?

We hear the phrase "the cost causer should be the cost payer" used a lot in discussion of the competitive market structure. That phrase concerns me greatly because it makes me recall the phrase "every man for himself." Is that what competition is in its extreme form? If so, I may not be as big a supporter of competition in the free market as I thought.

America was founded on and made strong and great by lending a helping hand, building partnerships, working together, striving toward mutually beneficial goals. Mankind has discovered, in economic terms, that "the whole is greater than the sum of the parts." By uniting, we can accomplish more than if we work separately.

Our society has a tradition of providing commonly shared services, or public goods as economists call them, and citizens pay for them more or less equally according to the benefits. We all share equally by having fire protection and we all pay for it. I have never had to use it, thank goodness, but I still have benefited greatly by knowing it is there if I need it.

A COMPETITIVE MARKET NEEDS MONITORING

Government officials for years have geared their monitoring and auditing of the telephone industry toward detecting abuse of monopoly power, price-gouging, cost-padding, and the like. But in years to come, this industry will be a horse of a different color. I hope our regulators and watchdogs are ready to shift their magnifying glasses in other directions as well. Competition has an ugly side too, you know. Faulty advertising, deceptive trade practices, undependable products, and poor quality service, price wars, and price volatility and unfair pricing, employment instability, investor uncertainty, and added risk, and other problems plague industries which have been competitive for years. So competition in the telephone industry has to be monitored carefully, too, and I hope Federal regulators recognize this fact.

If that truly is the intention of Federal regulators in their attempt to foster competition in the telecommunications market, then I, too, question the wisdom of the FCC action. For the sake of maintaining universal telephone service, there is a limit to how much end users should pay. That is why I became a cosponsor of the legislation being considered by the Senate.

At the risk of sounding bold and defying political sensitivities, I am convinced that almost all customers are not that concerned about a $2 access charge or even a phased-in $6 charge. But what they do fear is that price increases will not stop there. State regulators and other public officials and even many in the telephone industry are concerned that implementing an access charge is just the start of imposing a much greater burden of fixed costs on the end-user.

Thank you, Mr. President, for allowing me to express my views on the change taking place in the telephone industry. I cannot stress the importance of our attention to this issue.

Mr. President, I take this opportunity to share with my colleagues a summary of the findings of the Joint Economic Committee's analysis of the telecommunications industry. During the past 4 months, some 55 witnesses shared their views with the committee. These witnesses represented the full range of consumers and providers of telephone service. We also heard the views of both Federal and State regulators and so-called industry experts.

In addition, the committee staff has prepared two studies which explain in as simple terms as possible the economic side of this complicated issue. The latest staff study contains much information which makes me question the appropriateness of considering legislation at this time. I am not saying that I am for or against an access charge, I am just saying that now is not the time to take action. The Joint Economic Committee study suggests that either with or without an access charge the current pricing system of telephone service, both local and long distance, is flawed. The problem is made more complicated by the nature of the costs in this industry.

Mr. President, I ask unanimous consent to have printed in the RECORD the following excerpts from the staff study entitled, "Public Policy Considerations of Pricing Telephone Service in the New Telecommunications Market Structure."

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE PRICING PROBLEM

Because of the nature of costs in this industry, a new pricing structure probably would result in higher local service charges and lower long distance charges. Yet, the universal telephone service goal was accomplished in part by keeping basic local service affordable. However, this service is priced below the actual cost of providing it, and that difference must be made up by charging more for other services (long distance) than would otherwise occur. While it generally is agreed that local service is underpriced and long distance is overpriced, the dispute now centers around the degree to which that is true. Settling the dispute

would be easier if additional, comprehensive cost analyses were performed.

Different types of telephone service use commonly shared facilities. For example, local, long distance, WATS and toll-free calls all make use of local exchanges. If prices are to reflect the costs of providing these different services, then the costs associated with the shared facilities should be allocated among those services. This cost allocation practice is inherently arbitrary, and the validity of existing cost and cost allocation studies is challenged by many government, industry and regulatory officials.

The costs of providing telephone service are largely fixed. In other words, a substantial portion of the cost of building and maintaining the phone network does not have to do with actually using it. After a local switching exchange is hooked up and the wiring has been strung to each phone, the additional cost of making and receiving calls is small by comparison. The current pricing systems allowed by state regulators generally do not reflect this because the "correct" pricing solution would call for high monthly service charges. "Nontraffic sensitive costs" amount to $26 per month per phone line on average, and that level is considered to be prohibitively high and thereby a threat to universal service. (Some local exchanges have very high fixed costs; for example, Wyoming as a state averages $45 per month per line.)

Long distance rates vary by distance and duration, while local calls generally do not. Since local calls are unlimited under a basic monthly fee, customers tend to use the phone more than they would if local charges were usage-sensitive. However, as stated earlier, a large portion of costs are not traffic sensitive, and thus usage-based pricing is not entirely valid. Nonetheless, if policymakers want to continue the universal service objective by keeping basic monthly service affordable, a pricing system for local service employing some usage charges could be a way to generate revenue to support the phone network.

While toll rates vary by distance, technical advances are making costs much less distance-sensitive. With the advent of microwave, satellite, fiber-optic cable and other developments, it costs but slightly more to call 3,000 miles than to call 300 miles. Because state regulators control rates on intrastate calls and use these rates to help support local exchange costs, short-haul long distance charges sometimes exceed long interstate calls.

The interstate long distance pricing structure presently is uniform throughout the continental United States. A customer making a 1,500 mile call from Cody, Wyoming pays the same rate as the customer from Boston calling an equal distance. However, the costs related to long distance calling are not uniform nationwide. High-volume routes tend to have lower costs per call then slightly lower-volume routes. In other terms, routes connecting metropolitan areas generally have lower unit costs than rural areas or small towns. If prices were to reflect the costs of service, toll rates would not be uniform as they are presently, and rural and residential areas already characterized as having high local exchange costs would be further burdened by higher long distance charges. Rate de-averaging almost certainly would result in higher rates along low-usage routes (especially sparsely populated areas) and in lower rates along higher-usage routes.

ECONOMIC PRINCIPLE, PUBLIC POLICY AND THE TELEPHONE INDUSTRY

Because of technical change in the telecommunications industry, traditional regulatory practices are not sustainable if consumers are to be served and public goals are to be preserved. Whether the long distance service industry can operate originally, or even satisfactorily, in a competitive environment is not known, but the FCC appears confident that it can. However, the characteristics of this industry do not match perfectly with the requisite conditions of a competitive market structure. Those imperfections will prevent some of the acclaimed benefits of competition from materializing fully and may indeed jeopardize the universal service concept. The following counterpoints demonstrate the problems associated with subjecting the industry to competition and subjecting customers to greater exposure to true costs.

Recent entrants to the long distance market—other common carriers (OCC's) such as MCI, Sprint and SBS, regional WATS resellers, etc.) have only slight economic advantage which allows them to offer lower rates. Rather, it is largely a regulatory advantage. The FCC and state regulators allow these new entrants to charge a rate different from AT&T, the dominant carrier. AT&T's long distance customers are required to contribute more financial support to all local exchanges. In essence the presence of OCC's offers customers in selected locations an opportunity to take advantage of markets allowing deaveraged rates. If AT&T were allowed to compete fully and equally in those markets, the competition may not survive. Thus, the market may not be able to support many competitors.

A fundamental question regarding fairness can be posed about offering certain customers a price advantage. This possibly discriminatory practice allows some preferred customers to escape certain regulatory rates designed to help finance the national phone network regardless of whether they pay their own full cost of having telephone service.

Current prices for telephone services do not reflect the costs associated with them. It is estimated that 90 percent of all residential subscribers—urban and rural alike—do not pay the full cost of local service. If customers were to pay the full cost, the price for having a dial tone, that is access—before a single call is made or received—would be $26 per month per line on average. Both public and industry officials are concerned that if all these fixed costs were imposed on customers equally, then a sizable portion of them may elect to discontinue service, which is contrary to the universal service objective.

A large proportion of total costs are fixed costs which may distort the principle of aligning prices with marginal costs. Marginal costs, to be applicable to this industry, would refer to long-run marginal costs. Besides variable costs associated with usage, long-run marginal costs would include return on investment, depreciation and allowances for upgrading and expanding services. If this cost approach were taken, a price based on usage could be built into an overall pricing structure.

Pricing according to marginal costs also requires that each cost causer be his own cost payer if a perfectly competitive environment is to be maintained. If each customer were to pay specifically the true cost of having service, telephone service charges would vary widely, from about $20 per month in some densely populated urban settings to $100 and more in sparsely populated rural areas. This cost variance is another threat to universal service.

Nearly all types of telephone service use commonly shared facilities. This makes cost allocation difficult and arbitrary. Long distance calls must have access to local exchanges to complete the connection, and customers on local exchanges from long distance interconnection to contact persons on other local exchanges. This mutually beneficial and interdependent relationship makes both services more valuable but presents a challenging pricing problem.

Appropriate pricing policies are obscured further due to peak-demand calling time periods and the purpose for calling, be it business- or pleasure-related. The business community is arguably the prime beneficiary of the national phone network, and higher rates for basic service reflect the regulators' affirmation of this perceived greater value. However, small business appears to carry a greater burden of supporting the national network than most users. In order to qualify for lower WATS rates, a large revenue commitment must be met, and most businesses do not make the volume of calling necessary to make WATS attractive. Small businesses make their calls principally during the business day when direct-dial rates are the highest. Most small businesses will be facing dramatically higher basic local service charges because Congressional action to prohibit or limit access charges does not include most businesses. However, many businesses will benefit by subscribing to WATS reselling firms and OCCs if these alternatives are offered in the area in which they reside.

Last, because usage of local phone service varies tremendously, a usage-based fee would generate revenue from those who derive great value from using the service. An allowance could be made such that a certain minimum number of calls (30 or 60 per month for example) could be made before measured rates were charged.

Mr. ABDNOR. Mr. President, I am as committed to protecting our rural citizens, the elderly, the poor, and disadvantaged as anyone here today. But the Congress has not yet devised—at least to my satisfaction, in S. 1660 or H.R. 4102, a way to protect those who are not going to benefit from competition and deregulation. As far as I am concerned, S. 1660 would create a chintzy Universal Service Fund. How far is $100 or $200 million going to go in a $65 billion industry? That fund is grossly inadequate to serve the constituents in my home State of South Dakota. I would say that the FCC is not much better. Their high cost factor formula clearly is a drop in the bucket by comparison of the need in rural, high cost areas. Let us start talking real money and stop fooling ourselves that nickles and dimes will make the problem go away.

If the points, comments and considerations I have made here today are not addressed to my satisfaction in future actions of the FCC or the congressional authorizing committees, I shall do everything I can to sustain

and improve rural telecommunications systems.

I urge my colleagues to seriously consider what we are doing to the telephone industry and its customers. I urge my colleagues to join together and forge a sound public policy which gives all citizens a chance to participate in the telecommunications revolution taking place all around us. The responsibility is ours to insure and preserve universal telephone service.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I am advised by the participants in the debate on the motion to proceed that there is no requirement for additional time today. Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past 4:45 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2170. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, a report on management practices and internal controls in the Commerce Department; to the Committee on Governmental Affairs.

EC-2171. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, a report on the evaluation of the accounting systems of the Department; to the Committee on Governmental Affairs.

EC-2172. A communication from U.S. Bankruptcy Court Judge Treadwell, Western District of Washington, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2173. A communication from U.S. Bankruptcy Court Judge Steiner, Western District of Washington, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2174. A communication from U.S. Bankruptcy Court Judge Marketos, Northern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2175. A communication from U.S. Bankruptcy Court Judge Commisa, District of New Jersey, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2176. A communication from U.S. Bankruptcy Court Judge Graves, Eastern District of Michigan, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2177. A communication from U.S. Bankruptcy Court Judge Volinn, Western District of Washington, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2178. A communication from U.S. Bankruptcy Court Judge Nehrig, Northern District of Indiana, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2179. A communication from Chief Bankruptcy Court Judge White, Northern District of Ohio, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2180. A communication from the Chairman of the Copyright Royalty Tribunal transmitting, pursuant to law, the annual report of the Tribunal; to the Committee on the Judiciary.

EC-2181. A communication from U.S. Bankruptcy Court Judge Stark, District of New Jersey, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2182. A communication from U.S. Bankruptcy Court Judge Vandivier, Southern District of Indiana, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2183. A communication from U.S. Bankruptcy Court Judge Lavien, District of Massachusetts, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2184. A communication from U.S. Bankruptcy Court Judge Ashland, Central District of California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2185. A communication from U.S. Bankruptcy Court Judge Jones, District of Nevada, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2186. A communication from U.S. Bankruptcy Court Judge Kingsmill, Eastern District of Louisiana, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2187. A communication from U.S. Bankruptcy Court Judge Mahoney, Northern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2188. A communication from U.S. Bankruptcy Court Judge Galgay, Southern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2189. A communication from U.S. Bankruptcy Court Judge Steele, Middle District of Alabama, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2190. A communication from U.S. Bankruptcy Court Judge Williams, District of Alaska, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2191. A communication from U.S. Bankruptcy Court Judge Sufana, Southern District of Indiana, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2192. A communication from U.S. Bankruptcy Court Judge De Vito, District of New Jersey, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2193. A communication from U.S. Bankruptcy Court Judge Brown, California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2194. A communication from U.S. Bankruptcy Court Judge Twardowski, Eastern District of Pennsylvania, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2195. A communication from U.S. Bankruptcy Court Judge Lessen, Central District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2196. A communication from U.S. Bankruptcy Court Judge Abram, Southern District of New York, transmitting, pursuant to law, notice of her acceptance of appointment; to the Committee on the Judiciary.

EC-2197. A communication from U.S. Bankruptcy Court Judge Bostetter, Eastern District of Virginia, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2198. A communication from U.S. Bankruptcy Court Judge Wilson, Western District of Virginia, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2199. A communication from U.S. Bankruptcy Court Judge Ihlenfeldt, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2200. A communication from U.S. Bankruptcy Court Judge Johnson, District of Maine, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2201. A communication from U.S. Bankruptcy Court Judge McDonald, Eastern District of Missouri, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2202. A communication from U.S. Bankruptcy Court Judge Merrick, Northern

District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2203. A communication from U.S. Bankruptcy Court Judge Dietz, Western District of Kentucky, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2204. A communication from U.S. Bankruptcy Court Judge Shapiro, Eastern District of Wisconsin, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2205. A communication from U.S. Bankruptcy Court Judge Weaver, Southern District of Florida, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2206. A communication from the Chairman of the Administrative Conference of the United State, transmitting, pursuant to law, the second annual report on the Equal Access to Justice Act covering fiscal year 1983; to the Committee on the Judiciary.

EC-2207. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations for the 1984-85 Pell grant program family size offset tables; to the Committee on Labor and Human Resources.

EC-2208. A communication from the Deputy Administrator of the Veterans' Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Veterans' Affairs.

EC-2209. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the fiscal year 1983 annual report on deceptive advertising; to the Committee on Veterans' Affairs.

EC-2210. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the custodial services function at the Marine Corps Logistics Base, Barstow, Calif., to performance by contract; to the Committee on Armed Services.

EC-2211. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the food services function at the Naval Hospital, Philadelphia, Pa., to performance by contract; to the Committee on Armed Services.

EC-2212. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, the second half of fiscal year 1983 listings of Department of Defense contracts negotiated under section 2304(a)11 and 2304(a)16 of title 10, United States Code; to the Committee on Armed Services.

EC-2213. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the results of a Department of Transportation study on railroad passenger safety; to the Committee on Commerce, Science, and Transportation.

EC-2214. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report on the nationwide campaign to focus attention on the importance of toy safety; to the Committee on Commerce, Science, and Transportation.

EC-2215. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the 36th quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-2216. A communication from the Secretary of State, transmitting, pursuant to law, a report on the situation on El Salvador; to the Committee on Foreign Relations.

EC-2217. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report of the Attorney General on administration of the Foreign Agents Registration Act for calendar year 1982; to the Committee on Foreign Relations.

EC-2218. A communication from the Director of the National Park Service, transmitting, pursuant to law, the report on the Federal surplus real property public benefit discount program for fiscal year 1983; to the Committee on Governmental Affairs.

EC-2219. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period April 1 to September 30, 1983; to the Committee on Governmental Affairs.

EC-2220. A communication from the Federal inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect during the year ended October 31, 1983; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation and without amendment:

S. Res. 275: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2173 (Rept. No. 98-346).

By Mr. THURMOND, from the Committee on the Judiciary, without recommendation and without amendment:

S.J. Res. 212: A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or meditation (Rept. No. 98-347).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S.J. Res. 73: A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer (Rept. No. 98-348).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS (for himself, Mr. RUDMAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. HUDDLESTON, and Mr. MELCHER):

S. 2205. A bill to amend section 2511 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 2206. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984; to require a recorded vote on each legislative measure providing for an increase in such rates of pay, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BRADLEY (for himself, Mr. DURENBERGER, Mr. GRASSLEY, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. MELCHER, Mr. HOLLINGS, Mr. HATFIELD, and Mr. BOSCHWITZ):

S. 2207. A bill to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 2208. A bill for the relief of Spalding and Sons, Inc.; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 2209. A bill to authorize a system of approval and permitting by the U.S. Commissioner of the International Boundary and Water Commission for construction in the limitrophe sections of the Rio Grande and the Colorado River, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMPSON:

S. 2210. A bill to revise and clarify the eligibility of certain disabled veterans for automobile adaptive equipment; to the Committee on Veterans Affairs.

By Mr. BAKER (for Mr. NICKLES) (for himself, Mr. BAKER, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. DECONCINI, Mr. BOREN, and Mr. BURDICK):

S. 2211. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes, placed on the calendar.

By Mr. BURDICK:

S.J. Res. 211. Joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HATCH, and Mr. GRASSLEY):

S.J. Res. 212. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or meditation; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Res. 308. Resolution expressing the sense of the Senate that the Federal Communications Commission should take further steps to safeguard universal telephone service in the wake of the American Telephone and Telegraph Co. divestiture; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. Con. Res. 87. Concurrent resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef; to the Committee on Finance.

By Mr. CHILES (for himself, Mr. NUNN, Mr. THURMOND, Mrs. HAWKINS, Mr. SYMMS, Mr. BOREN, Mr. MOYNIHAN, Mr. SIMPSON, Mr. DECONCINI, Mr. DENTON, and Mr. BOSCHWITZ):

S. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere; to the Committee on Foreign Relations.

By Mr. CHILES (for himself, Mr. NUNN, Mr. THURMOND, Mrs. HAWKINS, Mr. SYMMS, Mr. BOREN, Mr. MOYNIHAN, Mr. SIMPSON, Mr. DECONCINI, Mr. DENTON, and Mr. BOSCHWITZ):

S. Con. Res. 89. Concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. RUDMAN, Mr. RANDOLPH, Mr. RIEGLE, Mr. HUDDLESTON, and Mr. MELCHER):

S. 2205. A bill to amend section 2511 of title 18, United States Code; to the Committee on the Judiciary.

TAPING OF CONVERSATIONS

Mr. BUMPERS. Mr. President, this morning I am introducing a bill directly as a result of the U.S. Information Agency Director Mr. Wick's recording telephone conversations with everybody who called him, without telling the parties that he was talking to that they were being recorded.

My guess is that most people in this country probably assumed that such conduct was at a minimum a misdemeanor. But it is not only not a misdemeanor, it is not anything except a violation of Federal regulations.

According to some of the press clippings, incidentally, Mr. Wick was warned by various persons that he was in violation of Federal regulations by recording telephone conversations. And yet he persisted. As another Senator, I believe yesterday, said so ably on this floor, if Mr. Wick did not know it was wrong or at least if he did not think it was unethical, there was absolutely no reason for him to lie when he was first asked, "Have you been recording conversations," and he said, "No."

Later on he was asked again and he said yes, he did, in fact, record two or three conversations. And then on the third inquiry he said, "Yes, I have been recording everything."

One of the really interesting things about Mr. Wick's conduct—and I do not intend to dwell on him at length but I must say that he has done the Nation a favor by pointing up a vast chasm in our criminal laws—one of the things he did I really thought was interesting and astounding was to call somebody and record the conversation he had initiated. It is bad enough to record a conversation when you are called by someone else, but he called a former President, Jimmy Carter, and said, "Mr. President, what do you think about arms control?" and proceeded to record the conversation.

I daresay there is not a person in this body, there is not a person in Government, who would like to have his or her daily telephone conversations broadcast across the country.

There are 81 tapes that Mr. Wick recorded now reposed with the Senate Foreign Relations Committee. With all due respect to that committee or any other committee that deals with the situation, anyone who thinks that some of the more scintillating parts of those conversations are not going to be put into the national press is buying the Brooklyn Bridge.

I am sure that Jim Baker at the White House, President Carter, Ed Meese, and whoever else was recorded, all those people are very apprehensive about those phone calls. I think the one with James Baker from the White House has already been largely revealed.

But, Mr. President, to get down to the substance of my bill and to describe the status of existing law on this kind of a situation, here it is: There is presently a criminal statute, 18 U.S.C. 2511, that makes it a crime to record telephone conversations without telling the other party or parties to the conservation, but there is an exception, and the exception is big enough to drive 10 wagons and teams through. The truth of the matter is that the exception says do not record unless you happen to have the urge.

Here is the law. Section 2511 of title 18, United States Code, says that anyone who:

> Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication, et cetera, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

But listen to this exception at subsection (2)(d):

> It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception, unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution and laws of the United States or any State or for the purpose of committing any other injurious act.

That is the sorry sad state of laws on communication intercepts.

What my bill does, very simply, is to modify that exception by striking out "where such person is a party to the communication or where one of the parties to the communication has given prior consent" and inserting instead "where all parties to the communication have given prior consent."

In the future, then, it will be a violation of the criminal laws, it will be a felony subject to a $10,000 fine and 5 years in prison, if you record without telling the person on the other end that you are recording.

Now, maybe someone is thinking that law enforcement agencies use undercover agents; they put body recorders on persons who then go out and visit someone else and get them to admit that they have committed a crime, or that they are about to, or that they are part of a conspiracy. This bill does not in any way limit law enforcement officers from using body recorders, or even recording telephone conversations without telling the other party, if they are doing it under color of law as a law enforcement officer.

My bill will only control people like Mr. Wick or anyone else who is not acting in a law enforcement capacity. I do not believe very many people in this Nation engage in this kind of privacy invading activity. I do not know, but I will say this, Mr. President, I have been terribly exercised about this revelation concerning Mr. Wick. I do not believe we enjoy a single freedom more precious than the right to be secure in our homes and the right against our privacy being invaded. How can you invade someone's privacy more than by surreptitiously recording a telephone conversation in which you may try to lead the person into making certain statements? It may then be used for political purposes. It may be used for a whole host of purposes, but all of them constitute an invasion of privacy.

When I call the radio station in my home State, they say, "Senator, just a minute. Let me get a tape rolling." I know I am being recorded. And I must say there are 100 Senators who are very circumspect about what they say when they call a radio station and know they are being recorded.

I have heard that the writing press on occasion tape-records a conversation without telling the person that they are recording it. Frankly, I have some doubts about that. On occasion I have had a member of the writing press say to me, "Senator, do you mind if I record this?" And I say, "Absolutely not; be my guest."

That is just like a reporter from the Wall Street Journal coming into my office yesterday afternoon and saying, "Senator, do you mind if I use this recorder?" "Not at all."

But if he came into my office and was not a law enforcement officer, and I found out later that he had a recorder taped to his body and was recording everything I said, I would be terribly agitated just as he would if the situation were reversed.

Mr. President, I consider this a very serious matter. I sincerely hope that

we will immediately have over 50 cosponsors to this bill, and that the Judiciary Committee will expedite hearings on the bill immediately.

Even though I have heard it said that little is going to happen during this session—maybe it is not—but this should be one of the things that happens, that this bill passes.

Mr. President, let me just read one final thing, because I think this says it better than I could say it.

Olin Robison, president of Middelburg College—

Incidentally, that is an outstanding educational institution.

—has resigned from the United States Advisory Commission on Public Diplomacy to protest the surreptitious taping of telephone conversations by Charles L. Wick, director of the United States Information Agency.

The seven-member advisory body is charged with overseeing the operations of the U.S.I.A. It was founded in 1978 with Mr. Robison, a Democrat, as its first chairman.

In letters to President Reagan and to Mr. Wick, dated Monday, Mr. Robison acknowledged that his term on the commission was almost over but said he wanted to speak out as a citizen regarding Mr. Wick's taping of telephone conversations.

And here is what he said:

What is at issue is the unethical taping of conversations without the knowledge of some or many individuals, and, secondly, the public perception that when confronted with this fact, you failed to admit the extent or complete nature of this activity.

And here is part of a column by Richard Cohen.

Hark ye who think ye live in modern times, come see the political equivalent of medieval medicine in which the cure is worse than the disease. I am referring to that tempest in a tape deck, the Wick Affair, in which the director of the U.S. Information Agency secretly taped his own phone calls. He is accused of invasion of privacy. As a result, his and lots of other people's privacy has been invaded.

At the moment, for instance, 81 transcripts of Charles Z. Wick's tapes are sitting in the offices of the Senate Foreign Relations Committee and the House Foreign Affairs Committee. In addition, both committees have stenographic notes of 83 other conversations. The transcripts and notes are being read by seven staff aides, two in the Senate and five in the House, and will be made available to members of both committees—a total of 52 lawmakers.

Should you believe that the contents of these tapes (especially the more interesting ones) will not surface in the press, I have a bridge in Brooklyn to sell you. Even before Congress got into the act, partial transcripts were printed in the press. And now the House committee, indicating that the only thing more sacred than privacy is publicity, has urged Wick to publish it all—after, of course, getting the permission of those he taped.

Some may think Wick has it coming to him. His actions were certainly sneaky, probably unethical, maybe even illegal. But the man has (reluctantly) acknowledged his foul deed. The tapes are a redundancy. They prove only what Wick already has admitted: he violated the privacy of many people. Now others will do it wholesale.

Mr. President, there is another provision in the Constitution of the United States applicable here, and I am absolutely amazed when I think about how farsighted our Founding Fathers were when they included the provision that says there shall be no laws passed ex post facto. If we could pass laws to make conduct a crime that has already occurred, everyone would want to pass a law to send Mr. Wick to the penitentiary.

Mr. Wick is no longer relevant. We owe him a debt of gratitude for highlighting a terrible void in the criminal laws of this country, and I am seeking to rectify it. I urge the prompt passage of this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2(d) of § 2511 of Title 18 United States Code is amended by deleting the following words: "where such person is a party to the communication or where one of the parties to the communication has given prior consent", and inserting in lieu thereof: "where all parties to the communication have given prior consent".

By Mr. KASTEN:

S. 2206. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984; to require a recorded vote on each legislative measure providing for an increase in such rates of pay, and for other purposes; to the Committee on Governmental Affairs.

ROLLBACK OF CONGRESSIONAL PAY INCREASE

Mr. KASTEN. Mr. President, today I am introducing legislation to rollback the most recent congressional pay increase. At a time when $200 billion deficits threaten our economy, it is just plain wrong for Members of Congress to give themselves another pay increase. Fiscal restraint should begin here at home.

The legislation I am introducing today does two things. First, it eliminates the most recent pay increase, which went into effect on January 1. Second, it requires that a recorded vote be taken on any future measure leading to a pay increase for Members of Congress.

On January 1, Members of Congress received a raise of $2,400. This increase was on top of a $9,137.50 pay increase that the Senate gave itself July 1. These two raises mean increased salaries for Members of the Senate of over $11,500 in the past 6 months alone.

Many Americans live on an income that is far less than that. As the elected representatives of the people, we cannot in good faith ask our constituents to help reduce Federal spending when we give ourselves this special treatment. Instead, elected representatives should set an example of restraint.

The second component of my bill requires that a recorded vote be taken on any future congressional pay increase. We should also have the courage to go on record when we do raise our own salaries. This would eliminate any automatic or back door raises Congress has created for itself.

I hope that many of my colleagues will join me in this effort to review the policies governing congressional pay increases and to eliminate the second raise we gave ourselves on January 1.

I ask unanimous consent that the complete text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Members of Congress Pay Reform Act of 1984".

SEC. 2. (a)(1) Paragraph (1) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(A) by striking out the paragraph designation; and

(B) by redesignating clauses (A), (B), and (C) as clauses (1), (2), and (3), respectively.

(2) Paragraph (2) of section 601(a) of such Act is repealed.

(b) The rate of pay for an office or position referred to in section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall be the rate of pay payable for such office or position on December 31, 1983. Such rate of pay shall take effect on the date this Act is enacted as prescribed by law.

(c) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Congress by reference to the annual rate of pay of any Member of the Congress, the annual rate of pay of such Member shall be deemed to be the annual rate of pay that would be payable to such Member without regard to subsection (b) of this section.

SEC. 3. Section 225(i) of the Federal Salary Act of 1967 (2 U.S.C. 359) is amended to read as follows:

"(i) A recommendation of the President with respect to an office or positions described in subparagraphs (A), (B), (C), or (D) of subsection (f) of this section shall take effect only if enacted into law.".

SEC. 4. (a) Each House of the Congress shall conduct a separate vote on each provision which is included in a bill or joint resolution and, if enacted, would increase the rate of pay of any Member of the Congress for service as a Member of the Congress. Each such vote shall be recorded so as to reflect the vote of each Member of the Congress voting thereon.

(b) Subsection (a) is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such the provi-

sions of such subsection shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

By Mr. BRADLEY (for himself, Mr. DURENBERGER, Mr. GRASSLEY, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. MELCHER, Mr. HOLLINGS, Mr. HATFIELD, and Mr. BOSCHWITZ):

S. 2207. A bill to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes; to the Committee on Finance.

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

Mr. BRADLEY. Mr. President, today I am introducing legislation to address the growing problem of parents who fail to make court-ordered child support payments.

When parents bring children into the world, they have a responsibility to care for that child. Too often, noncustodial parents do not fulfill that responsibility. It has become a national disgrace.

This legislation, which is cosponsored by Senators DURENBERGER, GRASSLEY, PACKWOOD, MOYNIHAN, LAUTENBERG, MELCHER, HOLLINGS, HATFIELD, and BOSCHWITZ, is a bipartisan effort to assure the payment of child support through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program.

We cannot act soon enough. In the past years, the number of children living in single parent families has increased dramatically. In 1980 there were more than 8 million families with minor children headed by one parent. Both parents should be responsible for giving their children food, shelter, health care, and an education.

Too often, one parent is not doing his or her share to provide support. In 1978, about 7 million women were raising children under the age of 21 in a household where the children's fathers were not present. Fully 40 percent of those mothers received no child support awards. Of the 60 percent who were entitled to child support, 28 percent never got the money, and 23 percent consistently received less than the amount awarded by the court. This legislation is designed to confront the problem of child support enforcement and to begin solving it.

The bill mandates that States must enact laws requiring the use of specified procedures in the operation of their child support enforcement and paternity establishment programs. The major required procedures are as follows:

First, mandatory wage withholding if child support payments are delinquent in an amount equal to 1 month's support.

Second, new administrative procedures assure that States will make all reasonable efforts to improve the enforcement of child support obligations.

Third, the withholding of State tax refunds payable to a parent of an AFDC child, if the parent is delinquent in support payments.

Fourth, requiring individuals who have demonstrated a pattern of delinquent payments to post a bond, or give some other guarantee to secure payment of past-due support.

In addition, the bill replaces the present incentive formula which rewards States for collections made on behalf of AFDC families with a new formula which rewards States for collections made on behalf of both AFDC and non-AFDC families. The Federal incentive payment increases as the State's ratio of collections to administrative costs improves. Finally, the bill authorizes $15 million a year for demonstration grants to States to test methods of improving interstate collections.

In New Jersey some steps have been taken to improve the collections of child support. The State runs a solid, cost-efficient program. And we have an outstanding child support enforcement program in Essex County begun by County Executive Peter Shapiro more than 2 years ago. We need similar initiatives extended to every county and every State in this Nation.

The bill that Senator DURENBERGER and I are introducing today is identical to legislation championed by Representative MARGE ROUKEMA in the House. That legislation passed unanimously and I look forward to the same action in the Senate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Child Support Enforcement Amendments of 1984".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Purpose of the program.
Sec. 3. Improved child support enforcement through required State laws and procedures.
Sec. 4. 90-percent matching for automated management systems used in income withholding and other required procedures.
Sec. 5. Continuation of support enforcement for AFDC recipients whose benefits are being terminated.
Sec. 6. Financial incentives for balanced and efficient State programs.
Sec. 7. Special project grants to promote improvements in interstate enforcement.
Sec. 8. Periodic review of effectiveness of State programs; modification of penalty.
Sec. 9. Extension of section 1115 demonstration authority to child support enforcement program.
Sec. 10. Child support enforcement for certain children in foster care.
Sec. 11. Enforcement with respect to both child and spousal support.
Sec. 12. Modifications in content of Secretary's annual report.
Sec. 13. Requirement that availability of child support enforcement services be publicized.
Sec. 14. State commissions on child support.
Sec. 15. Wisconsin Child Support Initiative.
Sec. 16. Inclusion of medical support in child support orders.
Sec. 17. Increased availability of Federal parent locator service to State agencies.
Sec. 18. Extension of eligibility under title XIX when support collection results in termination of AFDC eligibility.
Sec. 19. General effective date.

PURPOSE OF THE PROGRAM

SEC. 2. Section 451 of the Social Security Act is amended by striking out "and obtaining child and spousal support," and inserting in lieu thereof "obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for aid under part A) for whom such assistance is requested,".

IMPROVED CHILD SUPPORT ENFORCEMENT THROUGH REQUIRED STATE LAWS AND PROCEDURES

SEC. 3. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (18);

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (19) the following new paragraph:

"(20) provide that (subject to section 466(d)) the State (A) will have in effect all of the laws required by section 466, and (B) will implement the procedures (designed to improve child support enforcement effectiveness) which are embodied or prescribed in such laws.".

(b) Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

"REQUIREMENT OF STATUTORILY PRESCRIBED PROCEDURES TO IMPROVE EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT

"SEC. 466. (a) In order to be in compliance with the provisions of section 454(20)(A) at any time, each State must have enacted (and have in effect at that time) laws estab-

lishing, embodying, or requiring the use of the following procedures, consistent with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

"(1) Procedures described in subsection (b) for the withholding from income of amounts payable as support.

"(2) Procedures assuring (in accordance with regulations of the Secretary) that the State will make all reasonable efforts to expedite and otherwise improve the establishment of, compliance with, and enforcement of, child support obligations and any related obligations arising under or in connection with the support orders involved.

"(3) Procedures under which, at the request of the State child support enforcement agency, for the purpose of enforcing a support order of that or any other jurisdiction—

"(A) any refund of State income tax which would otherwise be payable to an individual will be reduced, after notice to that individual of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any past-due support (as defined in section 464(c)) owed by such individual, in every case where the support obligation involved has been assigned to the State pursuant to section 402(a)(26), and in any other case at the option of the State; and

"(B) the amount by which such refund is reduced will be retained by the State for distribution in accordance with section 457(b)(3), and notice of the individual's home address will be furnished to the State agency administering the plan approved under this part.

The Secretary may prescribe regulations specifying the minimum amount of a refund, and the minimum amount of past-due support, to which the procedures required by this paragraph may apply.

"(4) Procedures under which liens are imposed against real and personal property for amounts of past-due support (as so defined) owed by an absent parent who resides or owns property in the State.

"(5) Procedures which permit the establishment of an individual's paternity for any child at any time prior to such child's eighteenth birthday.

"(6) Procedures which require in appropriate cases that an individual give security, post a bond, or give some other guarantee to secure payment of past-due support (as so defined) if such individual is an absent parent who has a demonstrated pattern of overdue support payments, after notice to such individual of the proposed requirement and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State).

"(7) Procedures by which information regarding the amount of past-due support (as so defined) owed by an absent parent residing in the State will be made available to any consumer credit bureau organization (as defined in section 416 of Public Law 96-374) upon the request of such organization; except that (A) if the amount of the past-due support involved in any case is less than $1,000, information regarding such amount shall be made available only at the option of the State, (B) any information with respect to an absent parent shall be made available under such procedures only after such parent has been notified of the proposed action and given a reasonable opportunity to contest the accuracy of such information (and after full compliance with all procedural due process requirements of the State), and (C) a fee for furnishing such information, in an amount not exceeding the actual cost thereof, may be imposed on the requesting organization by the State.

"(8) Procedures under which child support payments under this part will be made through the State agency or other entity which administers the State's income withholding system (described in paragraph (1) and subsection (b)) in any case where either the absent parent or the custodial parent requests it, even though no arrearages in child support payments are involved and no income withholding procedures have been instituted; but in any such case an annual fee for handling and processing such payments, in an amount not exceeding the actual costs incurred by the State in connection therewith or $25, whichever is less, shall be imposed on the requesting parent by the State.".

"(b) Under the procedures referred to in subsection (a)(1) (relating to the withholding from income of amounts payable as support)—

"(1) in the case of each absent parent against whom a support order is or has been issued or modified in the State, so much of his or her wages must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and to provide for the payment of any fee to the employer which may be required under paragraph (6)(A) (except that the amounts withheld shall not exceed the amounts permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)), and the amounts to be withheld to satisfy arrearages may be appropriately limited by the State law);

"(2) such withholding must be initiated without the necessity of any application therefor in the case of a child (whether or not eligible for aid under part A) with respect to whom services are already being provided under this part, and will be initiated upon the filing of an application for services under this part with the State agency in the case of any other child in whose behalf a support order has been issued or modified in the State; and in either case such withholding must occur without the need for any amendment to the support order involved or for any further action by the court or other entity which issued it;

"(3) such withholding must be carried out in full compliance with all procedural due process requirements of the State and must begin as soon as is administratively feasible, in any event by the earliest of (A) the date on which such procedures become effective, the date on which such order becomes effective, the date on which the payments which the absent parent has failed to make under such order are at least equal to the support payable for one month, or (if the absent parent contests the withholding) the date specified in the notice given such parent under paragraph (5)(B), whichever of the four is latest, (B) the date as of which the absent parent requests that such withholding begin, or (C) such earlier date as the State may select;

"(4) such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457 under procedures (specified by the State) which provide for the keeping of adequate records to document payments of support and permit the tracking and monitoring of such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the administration of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments;

"(5) the State (A) must provide advance notice to each individual to whom paragraph (1) applies regarding the proposed withholding and the procedures the individual should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact, and (B) if the individual contests such withholding on the grounds specified in clause (A), shall determine whether such withholding will actually occur, and (if so) shall notify the individual of the date on which such withholding is to begin, within no more than 30 days after the provision of such advance notice;

"(6)(A)(i) the employer of any individual to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such individual's wages the amount specified by such notice (which shall include a fee, established by the State in accordance with criteria prescribed by the Secretary, to be paid to the employer unless waived by him or her) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate State agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (4)) for distribution in accordance with section 457; and

"(ii) the notice given to the employer must be a separate and distinct document, containing no matter other than the amounts to be withheld from the employee's wages, the date on which the withholding is to begin, the amount to be retained by the employer as a fee for effectuating the withholding, and such other information as may be necessary for the employer to comply with the withholding order;

"(B) methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to the appropriate State agency (with the portion thereof which is attributable to each individual employee being separately designated);

"(C) the employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee when such amount is required under this subsection to be so withheld (up to the amount of the arrearage) following receipt by such employer of proper notice under subparagraph (A); and

"(D) provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any individual subject to wage withholding because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer;

"(7) provision must be made under State law for the priority of support collection under this subsection over any other legal process under State law against the same wages;

"(8) the State may take such actions as may be necessary to extend its system of wage withholding under this subsection so that such system will include withholding from forms of income other than wages, or will include the imposition of bonding or other requirements in cases involving individuals whose income is from sources other than wages, in order to assure that child support owed by individuals in the State will be collected without regard to the types of such individuals' income or the nature of their income-producing activities;

"(9) the State must make such arrangements and enter into such agreements with other States as may be necessary—

"(A) to extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, and

"(B) to encourage the extension of the withholding systems of other States under this subsection so that such systems will include withholding from income derived in those States in cases where the applicable support orders were issued in such State,

in order to assure insofar as is possible that child support owed by individuals in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent; and

"(10) provision must be made for terminating withholding.

In order to assure that income withholding as a means of collecting child support is available without the necessity of filing application for services under this part, the laws referred to in subsection (a) must require in the case of any State that all child support orders which are issued or modified in such State on or after the effective date of this section shall include provision for withholding from income whenever arrearages occur.

"(c) As used in this section, the term 'wages' means any and all cash remuneration for employment, determined without regard to any exclusions from or limitations on such term (or the term 'employment') which may be applicable under other provisions of this Act or under other Federal, State, or local laws.

"(d) If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other actual data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures required by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State for a specified period of time, subject to the Secretary's continuing review and to termination of the exemption should circumstances change, from the requirement to enact the law or use the procedure or procedures involved.".

(c) The amendments made by this section shall become effective on October 1, 1985.

90-PERCENT MATCHING FOR AUTOMATED MANAGEMENT SYSTEMS USED IN INCOME WITHHOLDING AND OTHER REQUIRED PROCEDURES

SEC. 4. (a) Section 454(16) of the Social Security Act is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) to facilitate the development and improvement of the income withholding and other procedures required under section 466(a) through the monitoring of child support payments, the maintenance of accurate records regarding the payment of child support, and the provision of prompt notification to appropriate officials with respect to any arrearages in child support payments which may occur, and (E)".

(b) Section 455(a)(3) of such Act is amended—

(1) by inserting after "automatic data processing and information retrieval system" the following: "(including the hardware components thereof)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or meets such requirements without regard to clause (D) thereof".

(c) The amendments made by this section shall apply with respect to quarters beginning after the date of the enactment of this Act.

CONTINUATION OF SUPPORT ENFORCEMENT FOR AFDC RECIPIENTS WHOSE BENEFITS ARE BEING TERMINATED

SEC. 5. (a) Section 457(c) of the Social Security Act is amended—

(1) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall"; and

(2) by striking out "the net amount of" in paragraph (2), and by striking out "to the family" and all that follows in such paragraph and inserting in lieu thereof "to the family (without requiring any formal reapplication and without the imposition of any application fee) on the same basis as in the case of other individuals who are not receiving assistance under part A of this title,".

(b) The amendments made by subsection (a) shall become effective on October 1, 1985.

FINANCIAL INCENTIVES FOR BALANCED AND EFFICIENT STATE PROGRAMS

SEC. 6. (a) Section 458 of the Social Security Act is amended to read as follows:

"INCENTIVE PAYMENTS TO STATES

"SEC. 458. (a) In order to encourage and reward State child support programs which perform in a cost-effective and efficient manner to secure support for all children who have sought assistance in securing support, whether such children reside within the State or elsewhere and whether they are eligible or ineligible for aid to families with dependent children under a State plan approved under part A of this title (and regardless of the economic circumstances of their parents), the Secretary (subject to section 6(b) of the Child Support Enforcement Amendments of 1984) shall pay to each State for each fiscal year, on a quarterly basis (as described in subsection (d)) beginning with the quarter commencing October 1, 1985, an incentive payment equal to—

"(1) 4 percent of the total amount of support collected during the fiscal year in cases (filed with the State agency under this part) in which the support obligation involved is assigned to the State pursuant to section 402(a)(26) (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'AFDC collections' for that year), plus

"(2) 4 percent of the total amount of support collected during the fiscal year in all other cases filed with the State agency under this part (with such total amount for any fiscal year being hereafter referred to in this section as the State's 'non-AFDC collections' for that year);

except that (A) if subsection (b) applies with respect to a State's AFDC collections or non-AFDC collections for any fiscal year, the percent specified in paragraph (1) or (2) (with respect to such collections) shall be increased to the higher percent determined under such subsection (with respect to such collections) in determining the State's incentive payment under this subsection for that year, and (B) the dollar amount of the portion of the State's incentive payment for any fiscal year which is determined on the basis of its non-AFDC collections under paragraph (2) (with or without the application of subsection (b)) shall in no case exceed 125 percent of the dollar amount of the portion of such payment which is determined on the basis of its AFDC collections under paragraph (1) (with or without the application of such subsection).

"(b) If the total amount of a State's AFDC collections or non-AFDC collections for any fiscal year bears a ratio to the total amount expended by the State in that year for the operation of its plan approved under section 454 (with the total amount so expended in any fiscal year being hereafter referred to in this section as the State's 'combined AFDC/non-AFDC administrative costs' for that year) which is equal to or greater than one, the percent specified in paragraph (1) or (2) of subsection (a) (with respect to such collections) shall be increased to—

"(1) 5 percent, plus

"(2) one-half of 1 percent for each full one-tenth by which such ratio exceeds one;

except that the percent so specified shall in no event be increased (for either AFDC collections or non-AFDC collections) to more than 10 percent. For purposes of the preceding sentence, laboratory costs incurred in determining paternity in any fiscal year may at the option of the State be excluded from the State's combined AFDC/non-AFDC administrative costs for that year.

"(c) In computing incentive payments under this section, support which is collected by one State on behalf of children residing in another State shall be treated as having been collected in full by each such State.

"(d) The amounts of the incentive payments to be made to the various States under this section for any fiscal year shall be estimated by the Secretary at or before the beginning of such year on the basis of the best information available; and the Secretary shall make such payments for such year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section shall be deemed obligated.

"(e) If one or more political subdivisions of a State participate in the costs of enforcement and collection of support in cases

filed with the State agency of such State during any period, such subdivision or subdivisions shall be entitled to receive an appropriate share (as determined under regulations prescribed by the Secretary) of any incentive payments made to the State under this section with respect to that period, and the State's right to receive such incentive payments shall be conditional upon its execution of an agreement satisfactory to the Secretary to pay such share to such subdivision or subdivisions.".

(b) The amendment made by subsection (a) shall become effective on October 1, 1985; but if the total amount of the incentive payments to which any State is entitled under section 458 of the Social Security Act as amended by subsection (a) for the fiscal year 1986 is less than 80 percent of the amount that would have been payable to such State for that fiscal year under section 458 of such Act if such section as in effect prior to such amendment had remained in effect and its provisions had been applied to collections made by such State in that fiscal year, the Secretary of Health and Human Services shall make such additional payments to the State under section 458 of such Act (as amended by subsection (a)), for quarters in the fiscal year 1986, as may be necessary to assure that the total amount of such incentive payments for that fiscal year is no less than 80 percent of the amount that would have been so payable under section 458 of such Act as in effect prior to such amendment.

SPECIAL PROJECT GRANTS TO PROMOTE IMPROVEMENTS IN INTERSTATE ENFORCEMENT

SEC. 7. Section 455 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e)(1) In order to encourage and promote the development and use of more effective methods of enforcing support obligations under this part in cases where either the children on whose behalf the support is sought or their absent parents do not reside in the State where such cases are filed, the Secretary is authorized to make grants, in such amounts and on such terms and conditions as the Secretary determines to be appropriate, to States which propose to undertake new or innovative methods of support collection in such cases and which will use the proceeds of such grants to carry out special projects designed to demonstrate and test such methods.

"(2) A grant under this subsection shall be made only upon a finding by the Secretary that the project involved is likely to be of significant assistance in carrying out the purpose of this subsection; and with respect to such project the Secretary may waive any of the requirements of this part which would otherwise be applicable, to such extent and for such period as the Secretary determines is necessary or desirable in order to enable the State to carry out the project.

"(3) At the time of its application for a grant under this subsection the State shall submit to the Secretary a statement describing in reasonable detail the project for which the proceeds of the grant are to be used, and the State shall from time to time thereafter submit to the Secretary such reports with respect to the project as the Secretary may specify.

"(4) Amounts expended by a State in carrying out a special project assisted under this section shall be considered, for purposes of section 458(b) (as amended by section 6(a) of the Child Support Enforcement Amendments of 1984), to have been expended for the operation of the State's plan approved under section 454.

"(5) There are authorized to be appropriated $15,000,000 for each fiscal year beginning with the fiscal year 1985, to be used by the Secretary in making grants under this subsection.".

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

SEC. 8. (a)(1) Section 452(a)(4) of the Social Security Act is amended to read as follows:

"(4) conduct a review of such State's program pursuant to such plan, no less frequently than once every three years, in order to determine whether such program substantially complies with the requirements of this part and to evaluate its effectiveness in carrying out the purposes of this part;".

(2) Section 402(a)(27) of such Act is amended by striking out "operate a child support program in conformity with such plan" and inserting in lieu thereof "operate a child support program in substantial compliance with such plan".

(b) Section 403(h) of such Act is amended to read as follows:

"(h) In any case where a State's program operated under part D is found by the Secretary as a result of a review conducted under section 452(a)(4) not to meet the requirements of such part, and where corrective action within such period or periods as the Secretary may by regulation prescribe has not been adequate to place the program (after such period or periods) in substantial compliance with all such requirements, the amount otherwise payable to such State under this part for any quarter beginning after March 31, 1984, and after the close of the applicable period for corrective action, shall be reduced by—

"(1) not more than 2 percent, or

"(2) not more than 3 percent, if the finding is the second consecutive such finding made as a result of such a review, or

"(3) not more than 5 percent, if the finding is the third or a subsequent consecutive such finding made as a result of such a review;

and such reduction shall continue until the first subsequent quarter throughout which the program is found to meet all such requirements.".

(c) The amendments made by this section shall become effective on April 1, 1984.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

SEC. 9. (a) Section 1115(a) of the Social Security Act is amended—

(1) by striking out "part A" in the matter preceding paragraph (1) and inserting in lieu thereof "part A or D";

(2) by striking out "402," in paragraph (1) and inserting in lieu thereof "402, 454,"; and

(3) by striking out "403," in paragraph (2) and inserting in lieu thereof "403, 455,".

(b) Section 1115 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) In the case of any experimental, pilot, or demonstration project undertaken under subsection (a) to assist in promoting the objectives of part D of title IV, the project—

"(1) must be designed to improve the financial well-being of children, and may not permit modifications in the child support program which would have the effect of disadvantaging children in need of support; and

"(2) must not result in increased cost to the Federal Government under the program of aid to families with dependent children.".

CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

SEC. 10. (a)(1) Section 457 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State (with appropriate reimbursement to the Federal Government to the extent of its participation in the financing) for any past foster care maintenance payments (or payments of aid to families with dependent children) which were made with respect to the child (and with respect to which past collections have not previously been retained);

and any balance shall be paid to the State agency responsible for supervising the child care placement, for use by such agency in accordance with paragraph (2).".

(2) Section 457(b) of such Act is amended by inserting "(subject to subsection (d))" after "shall" in the matter preceding paragraph (1).

(b) Part D of title IV of such Act is further amended—

(1) in section 454(4)(B), by inserting "including an assignment with respect to a child on whose behalf a State agency is making foster care maintenance payments under part E," immediately after "such assignment is effective,", and by inserting "or E" immediately after "part A"; and

(2) in section 456(a), by inserting "or secured on behalf of a child receiving foster care maintenance payments" immediately after "section 402(a)(26)".

(c) Section 471(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(17) provides that, where appropriate, all steps will be taken, including cooperative ef-

forts with the State agencies administering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.".

(d) The amendments made by this section shall become effective on April 1, 1984, and shall apply to collections made on or after that date.

ENFORCEMENT WITH RESPECT TO BOTH CHILD AND SPOUSAL SUPPORT

SEC. 11. (a) Section 454(4)(B) of the Social Security Act is amended by striking out "and, at the option of the State," and inserting in lieu thereof ", and".

(b) The amendment made by subsection (a) shall become effective on October 1, 1985.

MODIFICATIONS IN CONTENT OF SECRETARY'S ANNUAL REPORT

SEC. 12. (a) Section 452(a)(10)(C) of the Social Security Act is amended—

(1) by inserting "(i)" immediately after "(C)"; and

(2) by adding at the end thereof the following new clause:

"(ii) the payment status of all child support cases in each State for which an obligation has been established at the time the report is submitted (with a separate description of those cases which are interstate in nature), as described in subsection (f);".

(b) Section 452 of such Act is further amended by adding at the end thereof the following new subsection:

"(f)(1) The information with respect to child support cases in each State which is required by subparagraph (C)(i) of subsection (a)(10) to be contained in any report submitted under such subsection shall specifically include the following, separately stated for each of the 12 categories of cases specified in paragraph (2):

"(A)(i) The total number of such child support cases (filed with the State agency of such State under this part) in which the full amount of the support obligation has been paid for all months in the particular fiscal year to which the report relates, with the amounts of the support obligations involved in those cases;

"(ii) the total number of such cases in which at least 90 percent but less than the full amount of the support obligation has been so paid, with the amounts of the support obligations established and support collections made in those cases;

"(iii) the total number of such cases in which at least 66⅔ percent but less than 90 percent of the support obligation has been so paid, with the amounts of the support obligations established and support collections made in those cases;

"(iv) the total number of such cases in which at least 33⅓ percent but less than 66⅔ percent of the support obligation has been so paid, with the amounts of the support obligations established and support collections made in those cases;

"(v) the total number of such cases in which some but less than 33⅓ percent of the support obligation has been so paid, with the amounts of the support obligations established and support collections made in those cases; and

"(vi) the total number of such cases in which no part of the support obligation has been paid, with the amounts of the obligations involved in those cases; and

"(B) the number of such child support cases (filed with the State agency of such State under this part), in each of the six subclasses described in clauses (i) through (vi) of subparagraph (A) within each of such categories, which were filed in such State on behalf of children residing in another State or against parents residing in another State in the particular fiscal year to which the report relates, specifying (for each such subclass)—

"(i) the total number of such cases which were initiated in the State of filing, with the amounts of the support obligations established and support collections made in those cases,

"(ii) the number of such cases which were initiated in another State (identifying each such State by name) and in which the State of filing was requested to take action to establish paternity, obtain support obligations, or collect support,

"(iii) the number of the cases described in clause (ii) in which action was taken in response to the request, and

"(iv) the actions (described in clause (ii)) which were so taken.

Such information shall also include any other matter which the Secretary may deem necessary for an effective assessment of the current status of interstate child support collections.

"(2) The categories of child support cases (filed with the State agency of a State under this part) with respect to which information is to be provided in the report, under subparagraphs (A) and (B) of paragraph (1), shall include—

"(A) four categories of cases in which the support rights involved are assigned to the State under section 402(a)(26) and in which the child is currently receiving aid to families with dependent children, as follows:

"(i) all such cases in which a support obligation has been established,

"(ii) all such cases in which a new or increased support obligation was so established during the particular fiscal year to which the report relates,

"(iii) those cases described in clause (i) in which support was collected under this part during such fiscal year, and

"(iv) those cases described in clause (ii) in which support was collected under this part during such fiscal year;

"(B) four categories of cases in which the support rights involved are assigned to the State under section 402(a)(26) but in which the child is not currently receiving aid to families with dependent children, as follows:

"(i) all such cases in which a support obligation has been established,

"(ii) all such cases in which a new or increased support obligation was so established during the particular fiscal year to which the report relates,

"(iii) those cases described in clause (i) in which support was collected under this part during such fiscal year, and

"(iv) those cases described in clause (ii) in which support was collected under this part during such fiscal year; and

"(C) four categories of cases to which neither subparagraph (A) nor subparagraph (B) applies, as follows:

"(i) all such cases in which a support obligation has been established,

"(ii) all such cases in which a new or increased support obligation was so established during the particular fiscal year to which the report relates,

"(iii) those cases described in clause (i) in which support was collected under this part during such fiscal year, and

"(iv) those cases described in clause (ii) in which support was collected under this part during such fiscal year.".

(c) The amendments made by this section shall apply with respect to reports (under section 452(a)(10) of the Social Security Act) for fiscal years beginning on or after October 1, 1986.

REQUIREMENT THAT AVAILABILITY OF CHILD SUPPORT ENFORCEMENT SERVICES BE PUBLICIZED

SEC. 13. (a) Section 454 of the Social Security Act (as amended by section 3(a) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (20) the following new paragraph:

"(21) provide that the State will regularly and frequently publicize, through public service announcements and other means, the availability of child support enforcement services under the plan and otherwise, including information as to any application fees which may be imposed for such services and a telephone number or postal address at which further information may be obtained.".

(b) The amendments made by subsection (a) shall become effective on October 1, 1985.

STATE COMMISSIONS ON CHILD SUPPORT

SEC. 14. (a) As a condition of the State's eligibility for Federal payments under part A or D of title IV of the Social Security Act for quarters beginning more than 30 days after the date of the enactment of this Act and ending prior to October 1, 1985, the Governor of each State, within 30 days after such date, shall (subject to subsection (f)) appoint a State Commission on Child Support.

(b) Each State Commission appointed under subsection (a) shall be composed of members appropriately representing all aspects of the child support system, including custodial and non-custodial parents, the agency or organizational unit administering the State's plan under part D of such title IV, the State judiciary, the executive and legislative branches of the State government, child welfare and social services agencies, and others.

(c) It shall be the function of each State Commission to examine, investigate, and study the operation of the State's child support system for the primary purpose of determining the extent to which such system has been successful in securing support and parental involvement both for children who are eligible for aid under a State plan approved under part A of title IV of such Act and for children who are not eligible for such aid, giving particular attention to such specific problems (among others) as visitation, the establishment of appropriate objective standards for support, the enforcement of interstate obligations, the availability, cost, and effectiveness of services both to children who are eligible for such aid and to children who are not, and the need for additional State or Federal legislation to obtain support for all children.

(d) Each State Commission shall submit to the Governor of the State and make available to the public, no later than October 1, 1985, a full and complete report of its findings and recommendations resulting from the examination, investigation, and study under this section. The Governor shall transmit such report to the Secretary of Health and Human Services along with his comments thereon.

(e) None of the costs incurred in the establishment and operation of a State Commission under this section, or incurred by such a Commission in carrying out its functions under subsections (c) and (d), shall be considered as expenditures qualifying for Federal payments under part A or D of title IV of the Social Security Act or be otherwise payable or reimbursable by the United States or any agency thereof; except that costs incurred by such a Commission or its members for transportation within the State, and such other costs incurred by the Commission or its members as may be specifically allowed by the Secretary of Health and Human Services in regulations, shall be considered for purposes of section 455(a)(1) of the Social Security Act to be expenditures for the operation of the State's plan approved under section 454 of such Act.

(f) If the Secretary of Health and Human Services determines, at the request of any State on the basis of information submitted by the State and such other information as may be available to the Secretary, that such State—

(1) has placed in effect and is implementing objective standards for the determination and enforcement of child support obligations,

(2) has established within the five years prior to the enactment of this Act a commission or council with substantially the same functions as the State Commissions provided for under this section, or

(3) is making satisfactory progress toward fully effective child support enforcement and will continue to do so,

then such State shall not be required to establish a State Commission under this section and the preceding provisions of this section shall not apply.

WISCONSIN CHILD SUPPORT INITIATIVE

SEC. 15. (a) If the State of Wisconsin requests the Secretary of Health and Human Services to waive any requirement or requirements of part A or D of title IV of the Social Security Act which would otherwise be applicable, so as to permit modifications in such State's programs under parts A and D of such title IV for the purpose of enabling such State to make an adequate test of its Child Support Initiative, the Secretary shall approve such request upon a determination that—

(1) the purposes of the requested waivers are—

(A) to provide the State with flexibility in the methods and procedures to be used to assist single-parent households in obtaining adequate child support (including the provision of such assistance where no application has been made for services under part D of such title IV),

(B) to permit the State to limit the testing of such Initiative to specified areas of the State, or to test alternatives in different sub-State areas, notwithstanding sections 402(a)(1) and 454(1) of such Act,

(C) to permit the State to establish payment methods or procedures designed to reinforce parental responsibility for the child, and

(D) to permit the State to use Federal payments made to it under section 403 of the Social Security Act to ensure that there is an adequate level of support in cases where the contribution of the absent parent, by itself, is inadequate (including cases where the family is ineligible for aid to families with dependent children, without requiring such family to reduce its income or assets to the prevailing level of eligibility for such aid); and

(2) the modifications in and alternative procedures under parts A and D of such title IV which would be allowed pursuant to the requested waivers will improve the financial well-being of children in the State, and will not have the effect of disadvantaging children in need of support,

and upon the approval of such request the State of Wisconsin shall be entitled (with respect to such Initiative) to receive Federal payments under parts A and D of title IV of the Social Security Act as though such Initiative, and the standards, requirements, and procedures thereunder, were in complete conformity with parts A and D of such title IV without the need for any waivers under this section; except that the modifications and alternative procedures which would be allowed pursuant to the requested waivers shall not result in total costs to the Federal Government in connection with the State's program under part A of such title IV during the period of the Initiative which are higher than the costs which would be incurred by the Federal Government during such period in connection with the State's program under part A of such title IV as that program was in effect immediately prior to the approval of the request.

(b) Amounts expended by the State of Wisconsin in carrying out its Child Support Initiative with waivers approved under subsection (a) shall be considered, for purposes of section 458(b) of the Social Security Act (as amended by section 6(a) of this Act), to have been expended for the operation of the State's plan approved under section 402.

INCLUSION OF MEDICAL SUPPORT IN CHILD SUPPORT ORDERS

SEC. 16. The Secretary of Health and Human Services shall issue regulations to require that State agencies administering the child support enforcement program under part D of title IV of the Social Security Act petition for the inclusion of medical support as part of any child support order whenever health care coverage is available to the absent parent at a reasonable cost. Such regulations shall also provide for improved information exchange between such State agencies and the State agencies administering the State medicaid programs under title XIX of such Act with respect to the availability of health insurance coverage.

INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SEC. 17. Section 453(f) of the Social Security Act is amended by striking out ", after determining that the absent parent cannot be located through the procedures under the control of such State agencies,".

EXTENSION OF ELIGIBILITY UNDER TITLE XIX WHEN SUPPORT COLLECTION RESULTS IN TERMINATION OF AFDC ELIGIBILITY

SEC. 18. Section 406 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(h) Each dependent child, and each relative with whom such a child is living (including the spouse of such relative as described in subsection (b)), who becomes ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D, and who has received such aid in at least three of the six months immediately preceding the month in which such ineligibility begins, shall be deemed to be a recipient of aid to families with dependent children for purposes of title XIX for an additional four calendar months beginning with the month in which such ineligibility begins.".

GENERAL EFFECTIVE DATE

SEC. 19. Except where otherwise specifically provided, the provisions of this Act and the amendments made thereby shall become effective on the date of the enactment of this Act.

Mr. DURENBERGER. Mr. President, I am pleased to join Senator BRADLEY today in an effort to remedy a situation that has become a national tragedy—the failure of American parents to support their children. I believe that the legislation he and I are introducing will greatly enhance child support collection mechanisms for all families and will make all States responsive to the need for improved and effective child support enforcement.

This must be a national effort—one that cuts across political affiliations, political ideologies, gender, age brackets, and income levels. For more than 20 years since I first practiced law in a small town in Minnesota, I have been deeply troubled by this reality. In 1981, when I first introduced the Economic Equity Act child support enforcement was included as one of its major provisions. Title V of the Economic Equity Act of 1983, many provisions of which are similar to this bill, also addresses the problem of child support enforcement.

I was therefore delighted when the House of Representatives demonstrated its overwhelming commitment to legislative action by unanimously enacting the legislation we are introducing today. It is my hope that the Senate will follow the House's united effort and join Senator BRADLEY and me in bipartisan support of this bill.

I will not reiterate the shocking statistics about the failure of American parents to pay child support. Let me say instead that this situation has become a problem of such magnitude that everyone knows someone who is not receiving child support.

This is a national disgrace in a society that has always placed the family at the apex of our social structure. The time has come when we can no longer just talk about the problem, but we must take action. This bill begins that process by expanding and strengthening the child support enforcement program, IV-D, that was initiated by our colleague, Senator RUSSELL LONG, in 1975.

The bill proposes to accomplish that objective in the following ways:

PURPOSE

A purpose section would be added to the Child Support Enforcement Program legislation which states that assistance in obtaining support be made available to all AFDC and non-AFDC children for whom such assistance from the IV-D program is requested.

INCOME WITHHOLDING

States would be required to implement procedures for mandatory wage withholding

whenever child support arrearages reach an amount equal to one month of support payments. A State may begin withholding at an earlier point and must begin withholding earlier if a request is made by an absent parent.

EXPEDITED PROCEDURES

States must make reasonable efforts to expedite and otherwise improve the establishment of, compliance with, and enforcement of obligations resulting from a court or administrative order.

STATE INCOME TAX OFFSETS

States that have State income taxes must provide for the withholding of any State tax refund payable to a non-custodial parent who owes past due child support payments. These tax refund withholding procedures must be applicable to AFDC cases and, at the option of a State, may be applicable to non-AFDC cases. They must be used for both interstate and intrastate cases. Compliance with due process requisites is included.

PATERNITY STATUTE OF LIMITATIONS

State paternity laws must permit the establishment for both AFDC and non-AFDC until a child's 18th birthday.

IMPOSITION OF A SECURITY OR BOND

States must provide for the imposition of a security, bond, or other guarantee to secure payment in the case of absent parents who have a pattern of past-due support.

INFORMATION PROVIDED TO CREDIT AGENCIES

States must make available to consumer credit agencies, at the request of such agencies, information regarding child support arrearages in excess of $1,000. Information regarding arrearages of lesser amounts may be provided.

TRACKING AND MONITORING SUPPORT PAYMENTS

When a State has instituted the income withholding requirements and procedures, and established the public agency or alternative publicly accountable procedures that will administer income withholding, the State must provide that, at the request of the absent or custodial parent, child support payments must be made through the agency that administers income withholding, even though there are no arrearages and income withholding procedures have not been applied. A fee will be charged, not to exceed $25.

CONTINUE CHILD SUPPORT ENFORCEMENT SERVICES FOR FAMILIES THAT LOSE AFDC ELIGIBILITY

The States must provide that AFDC recipients who lose eligibility for AFDC due to the receipt of child support payments or other reasons will automatically be transferred from AFDC to non-AFDC status under the IV-D program.

CHILD SUPPORT MONITORING AND INCOME WITHHOLDING PROCEDURES

The provision in current law under which 90 percent Federal matching funds are available for the development of automated management systems (clearinghouses) will be amended to make it clear, that, if a State meets the requirements in current law, these matching funds can be used by State for the development and improvement of procedures necessary to implement and effectively carry out the income withholding and other provisions in the bill.

FINANCING PROVISIONS

The current 12 percent incentive payment, based solely on AFDC collections for both AFDC and non-AFDC families will be instituted. The new incentive mechanism will be effective October 1, 1985, however, for fiscal year 1986 only. States will receive the higher of the amount due them under the new incentive formula or 80 percent of what they would have received under current law.

INTERSTATE COLLECTION FUNDS

Beginning with fiscal year 1985, $15 million will be available to the Secretary of HHS to fund special projects developed by states with the objective of utilizing innovative techniques and procedures for improving interstate collections.

ADMINISTRATIVE MATCH

The Federal IV-D matching rate will remain at 70 percent.

AUDIT AND PENALTIES

Graduated of 2, 3, and 5 percent of AFDC matching with correction periods provided to improve performance, will replace current penalty provisions.

STATE COMMISSIONS ON CHILD SUPPORT

The Governor of each State will be required to appoint a State Commission on Child Support. The Commission must include representation from all aspects of the child support system, including custodial and noncustodial parents, the IV-D agency, the judiciary, the governor, the legislature, child welfare and social service agencies, and others. The Commission shall examine the functioning of the child support system as well as visitation, objective standards for support, interstate enforcement, and the need for additional legislation.

This legislation has received widespread support and is, in my opinion, an important step toward alleviating the economic hardship that plagues millions of American families. Because the vast majority of single-parent families in the United States are headed by women, this bill will also assist in curbing the freightening trend toward the feminization of poverty.

As I have said before, I am encouraged by the attention being devoted to the child support enforcement issue, but continue to believe the most effective way for Congress to address economic inequity faced by women is to pass the entire Economic Equity Act with all of its other reinforcing provisions.

I am hopeful that we will take action on the other provisions of the Economic Equity Act during the second session of this Congress. The Senate should distinguish itself, this year, as the leader in removing economic discrimination. We must act to improve child support enforcement by passing a bill that is strong and meaningful. We must also take action to increase the availability of the dependent care tax credit. We should follow the example of the U.S. Supreme Court and remove all insurance discrimination that currently exists. We should extend the reform in public pensions to the civil service retirement system. Finally, we must set an example by removing impediments established in our regulatory and tax codes. 1964 was a historic year for the civil rights movement. Twenty years later we have an opportunity to make 1984 a historic year for promoting economic equity for women in America.

Passage of strong child support enforcement will be a promising sign. I welcome my colleagues' support of this important measure.

Mr. GRASSLEY. Mr. President, it is with great pleasure that I join my colleagues in support of S. 2007, the Child Support Enforcement Amendments of 1983. This is the identical bill that passed the House of Representatives by a unanimous vote in November of last year. The strength of the vote indicates the broad base of support this legislation enjoys.

By this time, we are all very familiar with the statistics pointing to the need for child support enforcement legislation. It is apparent much can be done to improve the collection of court ordered child support payments. Uniformity of proven enforcement procedures will make the current IV-D program more cost effective and better able to provide assistance to children in securing their support payments.

The House bill represents a compilation of the numerous child support enforcement bills introduced this Congress. Much work and negotiation went into the development of the House version, and as a result, it is a truly bipartisan bill worthy of our support.

Many of the specific provisions the House adopted closely parallel those included in a bill I introduced last year—S. 1708. The thrust of both of these bills is to attempt to guarantee payments to this Nation's children. Too often, the well-being of the children is overshadowed by disputes between the parents. The child cannot help but suffer if he or she is caught in a tug-of-war over visitation, support payments, and a whole host of other domestic issues. Both custodial and noncustodial parents have the responsbility to live up to their share of emotional and financial support of their child.

While I applaud the efforts of the House in securing passage of their bill, we in the Senate have been working long and hard to develop our own child support legislation. The Senate Committee on Finance has prioritized the passage of CSE legislation and will be holding 2 days of hearings this week to focus on the House-passed bill and the wide range of enforcement options available. I am confident the committee and the entire Senate will be able to support a strong child support enforcement bill.

One specific provision the House did not include in their package which is in S. 1708 is the collection of past-due child support from Federal tax refunds on behalf of non-AFDC families. Last year my Subcommittee on Oversight of the Internal Revenue Service

held hearings on the success of the offset program for AFDC families. I will be interested to hear additional comments on the merits of that enforcement technique during the full committee hearings.

A number of other issues need a thorough airing by the Congress in order to develop the best possible package. The hearings will serve as a valuable tool for evaluating the House bill, and bringing into focus the comments and concerns of interested parties who have had time to consider the ramifications of the House version. Although, I am pleased to support the other body's legislation, I too will be casting a discerning eye on each of the provisions contained in their package.

I urge my colleagues to study this bill closely, and lend their support to expeditious passage of comparable Senate legislation.

Finally, I would like to commend the distinguished Senator from Minnesota for his continued efforts to improve the IV-D program. Senator DURENBERGER has been out in front on this issue, and I am sure he shares my satisfaction with the progress that is being made in improving this important program.

Mr. PACKWOOD. Mr. President, I am pleased to join with Senators DURENBERGER and BRADLEY as a cosponsor of the Child Support Enforcement Amendments of 1983, which unanimously passed the House of Representatives shortly before Congress adjourned in November. I urge all of my Senate colleagues similarly to join in support of this legislation for immediate correction of one of the most serious problems for children in our Nation: nonpayment of child support.

In 1975, the Nation enacted the present child support enforcement program under title IV-D of the Social Security Act. Basically, this program provides certain mandates and assistance to the States for purposes of enforcing child support, locating absent parents, and establishing paternity. Indeed, the program has been successful, but the problem has outgrown the program. Too many children are being cheated out of their support, because too many absent parents can get away with not paying.

The numbers tell the story. Of the nearly 8 million women living alone with minor children, only about one-third receive child support payments. A shocking 28 percent of those women with court orders for payment receive no child support whatsoever. The latest Census Bureau figures show that the children in these single-parent households are being cheated out of $4 billion a year in support. Whatever the reason for nonsupport, these children are suffering.

Admirably, Congress and the administration are responding to this problem. Early last year, I introduced, along with Senators DURENBERGER, HATFIELD, and HART, the Economic Equity Act, S. 888. Title V of this bill includes strong child support reform measures. We have come a long way since March. Since then, numerous bills have been introduced in both Houses of Congress, including an excellent proposal created by the administration. The bill that we are introducing today seeks to combine the best of all these proposals.

We are by no means finished. The Senate must work hard to pass the strongest, most workable child support reform bill. The bill that we are introducing today lets us start with our best foot forward. I urge my colleagues to support the Child Support Enforcement Amendments of 1983.

By Mr. HATFIELD:

S. 2208. A bill for the relief of Spalding & Sons, Inc.; to the Committee on the Judiciary.

RELIEF OF SPALDING & SONS, INC.

● Mr. HATFIELD. Mr. President, today I am introducing legislation designed to begin the process of rectifying a dispute between a private timber company in my State and the Bureau of Land Management.

In 1977, a family-owned timber company located in Grants Pass, Oreg., Spalding & Sons, Inc., purchased the Jamison-Harris timber sale from the Bureau of Land Management. Subsequently, a significant portion of the sale was damaged by fire in 1978. Due to an apparent mistaken belief between the BLM and Spalding & Sons regarding legal rights involved, the parties agreed to execute a modification of the sale, which resulted in the BLM repurchasing the damaged portion of the timber sale at the original bid price—a price far below fair market value. This difference in price, a total of $250,000, is what the company wishes to recover from the BLM.

For many reasons, the claim has been denied by the BLM, and the best means of settling this dispute is by introduction of this legislation, which will be referred to the Claims Court by the Senate Judiciary Committee. There is no question in my mind that this matter deserves a full hearing, and it is my hope that both the court and the Judiciary Committee will move quickly to render a decision.●

By Mr. PERCY (by request):

S. 2209. A bill to authorize a system of approval and permitting by the U.S. Commissioner of the International Boundary and Water Commission for construction in the limitrophe sections of the Rio Grande and the Colorado River, and for other purposes; to the Committee on Foreign Relations.

AMENDING AMERICAN-MEXICAN BOUNDARY TREATY ACT OF 1972

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend Public Law 92-549, the American-Mexican Boundary Treaty Act of 1972.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a statement of purpose and need and the letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, dated November 15, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the American-Mexican Boundary Treaty Act of 1972 is amended by redesignating sections 103 through 108 as sections 104 through 109, respectively, and by inserting the following new section 103:

"SEC. 103. (a) In order to preserve the Rio Grande and the Colorado River as the international boundary, consistent with the provisions of pertinent international agreements in force with Mexico, it shall be unlawful for any person as hereinafter defined, as of the enactment of this section, to construct or commence to construct any new works, or modification of existing works, on the United States side of either the main channel or adjacent lands subject to overflow of the limitrophe sections of either the Rio Grande or the Colorado River, without having submitted to the United States Commissioner of the International Boundary and Water Commission, United States and Mexico, an application in due form indicating, *inter alia,* the location and plans for such proposed works, and having received from the United States Commissioner a permit authorizing their construction or modification.

"(b) The United States Commissioner shall issue such a permit unless the joint Commission makes a judgment that the proposed works could cause deflection or obstruction of the normal flow or flood flows of the Rio Grande or the Colorado River that could result in a change in the location of the international boundary. In issuing a permit, the United States Commissioner may impose such terms or conditions as are deemed necessary to ensure compliance with pertinent provisions of international agreements in force with Mexico.

"(c) The United States Commission shall promulgate and publish procedures for handling applications for permits. Such procedures shall be consistent with the responsibilities of the joint Commission and the United States Section under agreements in force with Mexico. In promulgating the procedures the United States Commissioner will coordinate with the Corps of Engineers and those federal agencies responsible for

floodplain management under an Executive order in order to avoid duplication of effort and authority.

"(d)(1) Whenever, on the basis of any available information, the United States Commissioner finds that any person constructs new works or modifies existing works without having received a permit, or is in violation of any of the terms, conditions or limitations set forth in a permit issued by the United States Commissioner under this section, the United States Commissioner may issue an order requiring such person to cease such construction or modification, or to comply with such terms, conditions or limitations, and upon failure to comply with such order the United States Commissioner may bring a civil action in accordance with paragraph (2) of this subsection.

"(2) The United States Commissioner is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which the United States Commissioner is authorized to issue a compliance order under paragraph (1) of this subsection, in any district court of the United States.

"(3) Any person who constructs new works or modifies existing works without having received a permit, or violates any term, condition or limitation in a permit issued by the United States Commissioner under this section, and any person who violates any order issued by the United States Commissioner under paragraph (1) of this subsection—

(A) may be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both; and

(B) may be subject to a civil penalty not to exceed $10,000 per day of such violation.

If the conviction under subparagraph (A) is for a violation committed after a first conviction of such person under this paragraph, punishment may be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(e) The term person, as used in this section, means an individual, corporation (including any responsible corporate officer), partnership, association, state, municipality, commission or other governmental organization of a state, or any interstate body."

"(f) Any agency of the United States Government proposing to undertake a project that will result in any construction in the areas described in subsection (a) shall, at the earliest feasible time, coordinate with the United States Commissioner to secure approval of the proposed project. Such approval may be made subject to such terms or conditions as are deemed necessary to ensure compliance with the provisions of pertinent international agreements in force with Mexico.".

STATEMENT OF PURPOSE AND NEED

This is a legislative proposal to amend Public Law 92-549, the American-Mexican Boundary Treaty Act of 1972. This amendment would authorize a permitting system as the primary means of prohibiting the construction of works which may cause the deflection or obstruction of the normal or flood flows of the boundary sections of the Rio Grande and the Colorado River. By authorizing a regulatory or permitting system, this amendment would provide a more practical and less expensive means of implementing the terms of Article IV(B)(1) of the Mexican Boundary Treaty of 1970 (23 UST 371; TIAS 7313) than is now authorized under P.L. 92-549.

The purpose of Article IV(B)(1) of the 1970 Treaty is to prevent deflections or obstructions of flows from causing a change in the location of the international boundary and thus to avoid a repetition of disputes which have arisen between the United States and Mexico. The predecessor 1884 Convention (TS 226, 24 Stat. 1011) contained a similar prohibition.

According to a preliminary estimate made by the U.S. Section of the International Boundary and Water Commission (IBWC), the permitting system proposed in this amendment could result in a saving of as much as $20 million, compared with the exercise of eminent domain, as is presently authorized under P.L. 92-549. Its purpose is consistent with federal flood control efforts. the IBWC would exercise this authority based on a technical analysis of the anticipated impacts on levels and flow velocities, including flood flows, of proposed works, in light of the considerable data and experience accumulated by the IBWC with respect to the hydraulic and other characteristics of these two rivers.

The International Joint Commission, United States and Canada, has long regulated construction affecting boundary waters along our northern border by an analogous approval system pursuant to the 1909 Boundary Waters Treaty (see 22 CFR 401.12 *et seq.*).

Public Law 92-549, § 101(2)(C), 22 U.S.C. § 277d-34(2)(C), authorizes the Secretary of State, acting through the United States Commissioner, to acquire by donation, purchase or condemnation, all lands or interests in lands required to give effect to the responsibility of the United States under Article IV(B)(1). The proposed regulatory process would be applied only when this would result neither in a taking, nor a curtailment of present uses, and would be a substantially less expensive alternative to the exercise of eminent domain. The option of exercising eminent domain is reserved where in the Commissioner's judgment it is desirable and appropriate, or where a specific denial of a permit is deemed a taking.

Subsection (a) makes it unlawful to construct new works or modify existing works on the United States side of either the main channel or on adjacent lands subject to overflow of the limitrophe sections of either the Rio Grande or Colorado River, unless an application showing the location and plans of any proposed works has been submitted to the United States Commissioner and the United States Commissioner has issued a corresponding permit. The role of the United States Commissioner acting alone is ministerial; the discretion whether or not to approve a work, and if so, on what conditions, lies with the joint Commission, which is an international organization under Article II of the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande. (9 Bevans 1166, 59 Stat. 1219).

Subsection (b) contemplates that the United States Commissioner, in order to ensure compliance by the United States with the terms of the Treaty, will refer an application to the joint Commission for decision, and will incorporate in the permit any conditions deemed necessary and appropriate in cases where the work is permitted. Every effort will be made to provide applicants with speedy processing of requests for authorization, in particular by means of expedited Commission procedures in very simple cases, while at the same time ensuring that United States Treaty obligations are carefully respected in appropriate cooperation with the Mexican Section of the Commission. The flexibility provided by the proposed permit process is consistent with the discretion implied by the Treaty provision in framing procedures to achieve its objectives. The criterion incorporated in the first sentence of the subsection specifically reflects and is in accordance with the obligations of the two countries under Article IV(B)(1) of the 1970 treaty.

Subsection (c) authorizes the United States Commissioner to promulgate and publish in 22 CFR permit application procedures, and to ensure that these procedures are consistent with other legal responsibilities of the joint Commission and the United States Section. Since the joint Commission is an international organization which performs foreign affairs functions, its procedures need not be consistent with the Administrative Procedure Act, 5 U.S.C. Sec. 551 et seq. *See* 5 U.S.C. Sec. 553(a)(1); Sec. 554(a)(4). This subsection also requires the United States Commissioner to coordinate application procedures with the Corps of Engineers and other specified federal agencies to avoid needless duplication.

Subsection (d) deals with enforcement procedures and possible penalties for violation of the requirements of this section.

Paragraph (d)(1) authorizes the United States Commissioner to issue an order to compel cessation of construction (including modifications of existing works) without a permit, or require compliance with the conditions contained in a permit, and to bring a civil action under paragraph (d)(2) upon failure to comply with his order. The Commissioner may issue an order at the commencement of construction or at any time thereafter.

Paragraph (d)(2) authorizes the United States Commissioner to commence a civil action for appropriate relief whenever he would be entitled to issue a compliance order under paragraph (d)(1).

Paragraph (d)(3) details penalties for violations of this section.

Subparagraph (d)(3)(A) contains criminal penalties which may be imposed for failure to obtain a permit or violation of conditions contained in a permit, or failure or comply with an order issued by the United States Commissioner under paragraph (d)(1), including penalties for multiple violations of this section.

Subparagraph (d)(3)(B) contains civil penalties which may be imposed for failure to obtain a permit, violation of the conditions contained in a permit, or failure to comply with an order issued by the United States Commissioner under paragraph (d)(1).

Subsection (e) defines the term "person" as used in this section.

Subsections (d) and (e) are generally consistent with provisions of existing, analogous United States legislation.

Subsection (f) provides an informal process to be utilized by federal agencies to seek approval of federal projects. The proposed permit system provided for in subsections (a)-(d) is not intended to apply to projects of agencies of the Federal Government. While still subject to the need to coordinate with the United States Commissioner, and secure the approval of the joint Commission, in order to ensure full United States compliance with Treaty obligations, federal agencies under this subsection would utilize a more informal process, and would not be subject to enforcement measures for non-

compliance applicable to "persons" as defined by subsection (e). The United States Commissioner would refer requests for approval to the joint Commission, on the same basis as described in respect of subsection (b), above.

U.S DEPARTMENT OF STATE,
Washingto ı, D.C., November 15, 1983.

Hon. GEORGE BU SH,
President of the U.S. Senate.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend Public Law 92-549, the American-Mexican Boundary Treaty Act of 1972. This amendment would authorize a permitting system as the primary means of prohibiting the construction of works which may cause the deflection or obstruction of the normal or flood flows of the boundary sections of the Rio Grande and the Colorado River. By authorizing a regulatory or permitting system, this amendment would provide a more practical and less expensive means of implementing the terms of Article IV(B)(1) of the Mexican Boundary Treaty of 1970 (23 UST 371; TIAS 7313) than is now authorized under P.L. 92-549.

The purpose of Article IV(B)(1) of the 1970 Treaty is to prevent deflections or obstructions of flows from causing a change in the location of the international boundary and thus to avoid a repetition of disputes which have arisen between the United States and Mexico. The predecessor 1884 Convention (TS 226, 24 Stat. 1011) contained a similar prohibition.

According to a preliminary estimate made by the U.S. Section of the International Boundary and Water Commission (IBWC), the permitting system proposed in this amendment could result in a saving of as much as $20 million, compared with the exercise of eminent domain, as is presently authorized under P.L. 92-549. Its purpose is consistent with federal flood control efforts. The IBWC would exercise this authority based on a technical analysis of the anticipated impacts on levels and flow velocities, including flood flows, of proposed works, in light of the considerable data and experience accumulated by the IBWC with respect to the hydraulic and other characteristics of these two rivers.

The International Joint Commission, United States and Canada, has long regulated construction affecting boundary waters along our northern border by an analogous approval system pursuant to the 1909 Boundary Waters Treaty (see 22 CFR 401.12 *et seq.*).

In sum, the proposed amendment not only could result in considerable savings to the U.S. Government, but would better assure our capability of fulfilling our treaty responsibilities to Mexico, thus contributing to improved relations with that country.

Enclosed are the draft amendatory legislation and a statement giving the background and analyzing provisions of the proposed amendments.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the presentation of this legislative proposal to the Congress.

With cordial regards,

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary, Legislative and Intergovernmental Affairs.

By Mr. BAKER (for Mr. NICKLES) (for himself, Mr. BAKER, Mr. JEPSEN, Mrs. KASSEBAUM, Mr. KASTEN, Mr. DECONCINI, Mr. BOREN, and Mr. BURDICK):

S. 2211. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; placed on the calendar.

REPEAL OF 3.5-PERCENT PAY RAISE FOR MEMBERS OF CONGRESS

● Mr. NICKLES. Mr. President, congressional pay seems to be one of the most sensitive issues that I have encountered since my Senate term began in 1981. Even today it still remains to be highly volatile and I suspect so for many years to come.

My Senate and House colleagues are aware that as of January 1 they received a salary increase of 3.5 percent. This occurred from recommendations made by the President in August 1983 for a pay increase for most Federal workers, including Members of Congress. Unfortunately, Members did not have an opportunity to vote on this latest recommendation. Previous recommendations were nixed or modified by Congress for pay increases for Members and certain other Federal employees or effectively denied through the use of pay caps.

Last November, there remained a strong possibility that we would have the opportunity to vote on the question of a pay increase. Included in the Omnibus Reconciliation Act of 1983 were provisions dealing with Federal pay, including Members of Congress. With the lead of Senator GARN, an amendment was to be proposed to that act to deny the increase. However, due to the tight legislative schedule, the bill never reached the floor of the Senate. At that time, I offered an amendment to the Department of Defense Appropriations Act for fiscal year 1984 prohibiting any increase in congressional pay. Any amendment to that bill, however, would have jeopardized or eliminated its chances of passing the Congress since most of the House Members had anticipated recess and left town, plus, changes meant that a conference on the bill would be necessary, further adding to the scheduling difficulties. In light of these factors, I decided to defer my action on the amendment until this year. I also received assurances from Senator BAKER that I would be afforded an opportunity to have the measure considered.

Therefore, today I am introducing along with Senators BAKER, JEPSEN, GARN, KASSEBAUM, KASTEN, BOREN, BURDICK, and DECONCINI, a bill to revoke the automatic 3.5-percent pay increase given to Members of Congress which took effect on January 1. The revocation would be effective on the date of enactment and would apply to subsequent pay periods.

Soon we will receive the Federal budget submission from the President which will detail nearly $1 trillion in Federal spending with a deficit of approximately $150 billion to $200 billion. I find it extremely difficult to consider a congressional pay raise in light of such awesome figures. We have in the past and will in the future ask for sacrifices from virtually every sector of our society. Congress should set an example and refuse to give itself a pay increase until it shows further fiscal responsibility in cutting runaway Government spending.

I sincerely appreciate the efforts of Senator BAKER in allowing for an opportunity to debate this issue. His commitment to do so was not an easy decision due to the controversial nature of a pay increase. I know, however, it is his desire to see the Senate work its will. For these reasons I wish to commend the majority leader for his work.

I ask unanimous consent that the text of the bill to printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) on and after the date of enactment of this Act, the rate of pay for an office or position referred to in section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall be the same as the rate of pay payable for such office or position on December 31, 1983.

(b) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Congress by reference to the annual rate of pay of any Member of the Congress, the annual rate of pay of such Member shall be deemed to be the annual rate of pay that would be payable to such Member without regard to subsection (a).●

Mrs. KASSEBAUM. Mr. President, I am joining with Senator NICKLES and others in offering legislation to repeal the 3.5-percent pay raise for Members of Congress that took effect on January 1. My reason is simple. This Congress now faces the very real prospect of $200 billion deficits each year to the end of this decade. If we are to have any hope of constructively addressing that serious problem, then we—the Members of this body—must demonstrate some restraint as an example for the Nation.

It will do no good at all for us to rail against the deficit while we quietly accept yet another raise in our own pay. The message that this transmits to all of those groups who will have to sacrifice in any effective solution for deficits is exactly the wrong message. It is another refrain of the old song about letting someone else bear the burden. How can we ask others to sac-

rifice when we ourselves refuse to do so?

Last year a substantial pay raise was approved for Members of the Senate. Very, very reluctantly, I voted for that measure because I believed it was the only way to resolve the mess we had made of congressional salaries. But I can see utterly no justification for another cost-of-living raise on top of that increase. The people of this country want us to deal with the deficit, not raise our own salaries. It is time for us to do that, beginning with the repeal of this 3.5-percent raise for Senators and House Members.

By Mr. BURDICK:

S.J. Res. 211. Joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

● Mr. BURDICK. Mr. President, today I am introducing again a joint resolution to authorize the President to issue a proclamation designating November 18 through 24, 1984, as "National Family Week."

The purpose of National Family Week is very simple. It is a specific time to recognize the importance of the family in American life and the fundamental role it has played in forming the values upon which our Nation is based. National Family Week is simply a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of this Nation.

The designation of National Family Week has the support of many broad-based organizations including the American Legion, the Boy Scouts of America, the Salvation Army, and the General Federation of Women's Clubs.

In the past, National Family Week has been designated as the week in November which includes Thanksgiving. I am following that tradition again because of the appropriate and customary family gatherings that take place on Thanksgiving.

Congress has approved National Family Week resolutions for the last 8 years, as well as in 1972. I urge both Houses to again recognize the value of National Family Week and approve the resolution I am introducing.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 18, 1984, through November 24, 1984, as "National Family Week," and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 249

At the request of Mr. PACKWOOD, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act".

S. 422

At the request of Mr. JEPSEN, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 422, a bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

S. 717

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 717, a bill to amend section 8 of the Uniformed Services Survivor Benefits Amendments of 1980 to provide the same annuity benefits to the surviving spouses of certain former members of the uniformed services who died before September 21, 1972, but after their discharge or release from active duty as are provided under such section to the surviving spouses of certain former members who died before such date while serving on active duty.

S. 719

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 1149

At the request of Mr. THURMOND, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1149, a bill to amend title 10, United States Code, to provide benefits under the survivor benefit plan to the spouses and dependent children of members of the Reserve components of the uniformed services who die after completing service requirements for participation in that plan but before being afforded the opportunity to elect participation in the plan, to provide for the payment of annuities under the plan to dependent children of members of the uniformed services who die on active duty after becoming entitled to or qualified for retired or retainer pay, and for other purposes.

S. 1159

At the request of Mr. HATFIELD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1273

At the request of Mr. SYMMS, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1273, a bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes.

S. 1657

At the request of Mr. BURDICK, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. SYMMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Idaho (Mr. MCCLURE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Nevada (Mr. LAXALT), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1657, a bill to designate the week in November which includes Thanksgiving Day as "National Family Week."

S. 1668

At the request of Mr. D'AMATO, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1668, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1857

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1857, a bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2017

At the request of Mr. HELMS, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Nebraska (Mr. EXON), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2017, a bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowances.

S. 2099

At the request of Mr. JEPSEN, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Texas (Mr. TOWER), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2128

At the request of Mr. LONG, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2128, a bill to amend the Internal Revenue Code of 1954 to provide a rollover of the gain on stock of an employer sold to certain employees, and for other purposes.

S. 2202

At the request of Mr. JEPSEN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2202, a bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 182

At the request of Mr. SASSER, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 182, a joint resolution designating the week beginning February 12, 1984, as a time to recognize those volunteers who give of their time to become Big Brothers and Big Sisters to single parent youth.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 292

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Resolution 292, a resolution expressing the appreciation of the Senate to certain organizations for their efforts in carrying out an emergency food distribution and shelter program provided for in Public Law 98-8.

At the request of Mr. PRYOR, the names of the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. SARBANES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. WEICKER), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. ANDREWS), the Senator from Arizona (Mr. DECONCINI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Alabama (Mr. HEFLIN), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 292, supra.

AMENDMENT NO. 2669

At the request of Mr. PRESSLER, the name of the Senator from Virginia (Mr. TRIBLE) was added as cosponsor of amendment No. 2669 intended to be proposed to S. 1660, a bill relating to the preservation of universal telephone service.

AMENDMENT NO. 2670

At the request of Mr. PRESSLER, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of amendment No. 2670 intended to be proposed to S. 1660, a bill relating to the preservation of universal telephone service.

SENATE CONCURRENT RESOLUTION 87—RELATING TO TRADE BARRIERS OF THE JAPANESE TO THE IMPORT OF BEEF

Mr. BAUCUS submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 87

Whereas, the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter referred to as "GATT");

Whereas, in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

Whereas, Japan has benefited from this broad access by becoming a major United States supplier and now has an $18 billion annual trade surplus with the United States;

Whereas, Japan uses a system of quotas and other nontariff barriers to limit imports of beef;

Whereas, the Japanese system forces Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

Whereas, the Japanese system violates the principles established in GATT;

Whereas, in 1978 the United States and Japan negotiated a bilateral agreement by which Japan would gradually increase its beef quota;

Whereas, the bilateral agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase the quota and the United States will no longer be under any agreement to forego trade law remedies against Japan;

Whereas, negotiations are underway to establish a new bilateral agreement; and

Whereas, Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and obstruct the development of better trade relations between the United States and Japan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, it is the sense of the Congress that, in negotiations with Japan, United States negotiators should insist that Japan dismantle all nontariff barriers to imports of beef.

SEC. 2. It further is the sense of the Congress that if negotiations do not result in satisfactory progress toward the dismantling of all Japanese nontariff barriers to imports of beef by the time the current bilateral agreement expires, the United States Trade Representative should seek appropriate relief under United States and international trade law.

Mr. BAUCUS. Mr. President, today I am submitting a concurrent resolution expressing the sense of the Congress that Japan should dismantle its nontariff barriers to beef imports.

BACKGROUND

Japan maintains strict barriers against U.S. beef imports. One of the major barriers is a quota system that currently limits imports of high quality beef—most of which is produced in the United States—to 30,800 tons a year. The United States-Japan bilateral agreement regarding this quota system expires March 31, 1984. Negotiations on a new bilateral agreement are underway. In these negotiations, U.S. negotiators hope to persuade Japan to substantially liberalize its quota system.

To remind Japan how important this issue is to the United States, I earlier

introduced a resolution, Senate Resolution 225, which expresses the sense of the Senate that our negotiators should insist that Japan dismantle its barriers to beef imports and that, if the current negotiations do not result in satisfactory progress toward that goal, we should seek appropriate relief under United States and international trade law. Twenty-five Senators have cosponsored Senate Resolution 225, and its text was approved by a vote of 92 to 6, as an amendment to the debt limit bill, just before the President visited Japan last November.

Unfortunately, even after the President's visit, the beef issue remains unresolved. The United States-Japan negotiations have been unsuccessful; indeed, Japan's negotiators seem more and more intransigent, protesting that the recent Japanese elections, which reduced the ruling Liberal Democratic Party's majority, also reduced the Japanese Government's ability to make reasonable trade concessions.

Given this intransigence, we must again remind Japan how important an issue this is, substantively and symbolically.

THE ISSUE

The Japanese argue that imported beef now accounts for 30 percent of their market. They argue that they already buy more than 60 percent of all the beef the United States ships abroad. They argue that their appetites are small, and the Japanese consumer does not find our beef suited to their taste anyway. So what is our beef, they ask us.

Repeatedly, I remind them that our beef exports to Japan only allow Japanese consumers about one good American steak a year. And, I remind them that when Japan opened its doors wide to beef imports—in the mid-1950's—Japanese consumers found imported beef acceptable enough to begin buying it in significant volumes. So significant, in fact, that the Japanese Government closed the doors to major imports of beef in 1958, and have never opened them more than a little since then.

The Japanese also argue that we should not tie the issue of beef sales to the trade deficit. After all, they say, our trade deficit with Japan was more then $18 billion in 1983. Projections indicate that the Japanese market for our beef is not likely to exceed an additional half a billion dollars.

Is half a billion dollars worth fighting for? In Montana, we think it is.

Furthermore, do we really know how big the appetite in Japan is for our beef? I challenge the Japanese to let us sell our beef in ample quantities at reasonable prices to their consumers. We will cut it any way they like it. But give us the chance.

GETTING TOUGH WITH THE JAPANESE

Three months ago, our negotiators came home empty-handed from another round of talks on the beef issue.

Like many other people, I did not want to disrupt the Japanese election campaign that then was underway. But, when the election was over, I decided that it was time, once again, to focus on the beef issue.

So, right after the election, I announced that I would link my vote on the automobile domestic content legislation to successful resolution of the United States-Japanese beef negotiations. I also sent an open letter to the Japanese people to three of Japan's leading newspapers. This letter was printed, and I am told that it sparked debate and elevated the issue in Japan.

In addition, the letter prompted some interesting replies from Americans living in Japan.

One American businessman, who has lived in Japan the past 11 years, was very blunt. He said that the Japanese only understand one thing when they negotiate trade issues: Power. They will not take us seriously, he said, until we take concrete measures to force reciprocity.

Let me quote at length from another letter:

The situation reminds me of two little boys who want to see a baseball game that is hidden from view by a tall fence. At last they seem to agree that they will each see half of the game standing on the shoulders of the other. However, it seems the first boy, once on top, has elected to stay there at the expense of the other. He sees no reason to compromise, he is on top. And he strongly believes that the other boy, who is generous by nature, will not simply pull out from under him. But that little boy, just like the Japanese, is taking an unfair advantage of the situation and the shoulders upon which his advantage rests.

CONCLUSION

Are we indeed the little boy at the bottom?

We are not, and we must correct the Japanese misconception that we can be put off indefinitely. We must remind the Japanese of an old Japanese proverb: "The string of a man's sack of patience is tied with a slip knot."

Last week, United States and Japanese negotiators sat down again to discuss the beef issue. From press reports I have seen, the Japanese still seem unwilling to make significant concessions. So, 66 days before the current agreement expires, the issue remains unresolved.

To reemphasize congressional concern about the Japanese beef import negotiations, Representative HANK BROWN and I are introducing concurrent resolutions, virtually identical to Senate Resolution 225, expressing the sense of the Congress that "U.S. negotiators should insist that Japan dismantle all nontariff barriers to imports of beef" and that, if satisfactory progress does not occur, "the United States should seek appropriate relief under United States and international trade law."

Mr. President, I hope that my colleagues will cosponsor and support this resolution. I also hope that the Japanese beef quota issue will be resolved satisfactorily soon, so that we can concentrate on other measures necessary to improve United States-Japanese trade relations.

SENATE CONCURRENT RESOLUTION 88 AND SENATE CONCURRENT RESOLUTION 89 RELATING TO CUBAN INVOLVEMENT IN DRUG TRAFFIC

Mr. CHILES (for himself, Mr. NUNN, Mr. THURMOND, Mrs. HAWKINS, Mr. SYMMS, Mr. BOREN, Mr. MOYNIHAN, Mr. SIMPSON, Mr. DECONCINI, Mr. DENTON, and Mr. BOSCHWITZ) submitted the following concurrent resolutions, which were referred to the Committee on Foreign Relations:

S. CON. RES. 88

Whereas the subject of flow, use, and control of narcotic and psychotropic substances is a matter of great importance to the people of North and South America;

Whereas the problem of drug abuse and drug trafficking continues to worsen in most parts of the Americas;

Whereas the concerns of the governments of many nations of this hemisphere have become manifest in several bilateral and multilateral narcotics control projects;

Whereas the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

Whereas a Federal grand jury of the United States has indicted four Cuban officials on charges of conspiring to smuggle drugs into the United States;

Whereas testimony at several congressional hearings alleges concerted efforts by the Government of Cuba to facilitate the flow of illicit drugs into the United States and other countries in this hemisphere;

Whereas Cuban agents have testified to the intentional involvement by the highest ranking officials of the Government of Cuba in illicit drug dealing;

Whereas witnesses have testified about the cultivation of poppy fields in Cuba for the production of opium and about laboratories in Cuba authorized to process brown heroin, which is transported to Mexico and then to the United States;

Whereas under some estimates Cuba is receiving up to $1.5 billion a year as a result of the dealing in and smuggling of drugs and the facilitating of drug trafficking; and

Whereas such heinous criminality on the part of Cuba is injurious to the collective interests of the peoples of the Americas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba, whether directly or by aiding and abetting, in drug dealing,

smuggling, and trafficking and the need for thorough international inspections and fact-finding hearings regarding this problem.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State.

S. CON. RES. 89

Whereas the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

Whereas the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

Whereas the concerns of the governments of many nations have become manifest in several bilateral and multilateral narcotics control projects;

Whereas United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

Whereas the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

Whereas the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

Whereas the United Nations Commission on Narcotics Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

Whereas the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

Whereas a Federal grand jury of the United States has indicted four Cuban officials on charges of conspiring to smuggle drugs into the United States;

Whereas testimony at several congressional hearings alleges concerted efforts by the Government of Cuba to facilitate the flow of illicit drugs into the United States and other countries;

Whereas Cuban agents have testified to the intentional involvement by the highest ranking officials of the Government of Cuba in illicit drug dealing;

Whereas witnesses have testified about the cultivation of poppy fields in Cuba for the production of opium and about laboratories in Cuba authorized to process brown heroin, which is transported to Mexico and then to the United States;

Whereas under some estimates Cuba is receiving up to $1.5 billion a year as a result of the dealing in and smuggling of drugs and facilitating drug trafficking by others; and

Whereas such heinous criminality on the part of the Government of Cuba is injurious to the world community and is counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should take such steps as may be necessary to place the question of the involvement by the Government of Cuba, whether directly or by aiding and abetting, in drug dealing, smuggling, and trafficking on the agenda of the United Nations and to request of the appropriate agencies of the United Nations investigations, inspections, and reports regarding this problem.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. CHILES. Mr. President, if invasions are de facto declarations of war, then Cuba is at war with us. Once before, Cuba unleashed an unprecedented invasion by unarmed "boat-soldiers," the Marielito convicts. Now, it is invasion by chemicals, chemical warfare by drug pushing and drug trafficking.

Two years ago, I expressed my concern to the Senate about the many allegations surfacing with regard to considerable and pervasive involvement of Cuba in drug dealing and drug smuggling. At that time, I asked the Permanent Subcommittee on Investigation for a further inquiry into these allegations. The subcommittee immediately responded and launched an all-out effort. However, it honored a Drug Enforcement Administration request to hold off hearings since the DEA was in the middle of intensive investigations. These culminated in grand jury indictments of four Cuban officials. The subcommittee agreed not to do anything which would be detrimental to DEA's project. Since the indictments, however, there have been several congressional hearings by other subcommittees which have substantiated the active participation of the Cuban Government in organized drug smuggling activities. I believe the evidence now in hand discloses shocking acts and continuing criminal behavior on the part of a government, and I strongly believe that this matter must be brought before the international community. It is important that Congress urge the President to bring to the attention of the world the reprehensible criminality of Cuban involvement in drug trafficking.

Aside from the Federal grand jury indictment of four Cuban officials on charges of conspiring to smuggle drugs into the United States, there has been testimony at hearings alleging concerted efforts by the Government of Cuba to facilitate the flow of illicit drugs into the United States and into other countries. Cuban agents have testified to the intentional involvement by the highest ranking officials of the Government of Cuba in illicit drug dealing and other witnesses have testified about alleged Government-sponsored cultivation of poppy fields in Cuba for the production of opium and about laboratories in Cuba authorized to process brown heroin which finds its way to the United States via Mexico.

The State Department confirmed some time ago that Cuba is giving sanctuary to drug smuggling ships for refueling and maintenance. Cuba is allowing mother ships, laden with illegal drugs from Latin America, to operate within Cuban waters while unloading onto smaller vessels for drug runs into Florida. In return, the drug dealers are transporting arms and money to aid guerrilla operations within the hemisphere. In the thrust of one operation, Castro is able to strike viciously at U.S. society by aiding the drug traffickers to spread their poison and, in turn, use the smugglers to help arm and fund terrorism. I do not doubt, either, that Cuba is pocketing a substantial amount of profits from protection fees assessed the traffickers.

Whether Cuba is directly pushing drugs or merely allowing, aiding, or protecting drug smugglers within its territory, Cuba has violated an established principle of international law. This basic principle is that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein. More to the point and less esoteric in argument, is Cuba's violation of two conventions to which it has agreed. Cuba is a party to the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances, both of which Cuba flouts by its drug activities.

It is for these reasons that I am submitting concurrent resolutions calling for the President to bring before the United Nations and Organization of American States the issue of Cuban involvement in drug trafficking.

Mr. President, I urge a united show of outrage. I call upon my colleagues to join me in cosponsoring these resolutions and in turning the world spotlight on Cuba's heinous criminality.●

SENATE RESOLUTION 308—RELATING TO THE CONTINUATION OF UNIVERSAL TELEPHONE SERVICE

Mr. STEVENS submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 308

Whereas, on January 1, 1984, the court-ordered divestiture of the American Telephone and Telegraph Company went into effect;

Whereas, the Federal Communications Commission's access charge decision, which was rendered in response to the divestiture order, has raised doubts about the continuation of universal telephone service at reasonable rates; and

Whereas, the principle of universal service has guided our telecommunications policy since the enactment of the Communications Act of 1934 and should continue to be a paramount national goal: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal Communications Commission should—

(1) supplement its January 19, 1984, revision of the access charge decision to provide additional support for high-cost rural exchanges and to use a uniform, nationwide rate of return in determining eligibility for such support;

(2) continue its policy of rate averaging for interstate toll services to include the non-contiguous states; and

(3) move to establish a separate mechanism of national support to ensure affordable telephone service for poverty-level consumers.

NOTICE OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a business meeting on the internal budget of the Budget Committee at 10 a.m. on January 26, 1984, in room 608 of the Dirksen Senate Office Building.

For further information, contact Carolyn McCallum of the Budget Committee staff at 224-0849.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Senate Committee on Agriculture, Nutrition, and Forestry has scheduled a joint hearing with relevant subcommittees of the House of Representatives to review the proposals of the President's Task Force on Food Assistance.

The House subcommittees participating in the joint hearing are the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Agriculture Committee and the Subcommittee on Elementary, Secondary and Vocational Education of the House Education and Labor Committee.

The hearing will begin at 9:30 a.m. with an afternoon session beginning at 1:30 p.m. on Thursday, January 26, 1984, in room 1300 Longworth House Office Building.

For further information, please call the Senate Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Senate Subcommittee on Public Lands and Reserved Water on Wednesday, February 15, 1984, in Little Rock, Ark. The subcommittee will receive testimony on S. 2125, Arkansas Wilderness Act of 1983.

The February 15 hearing will be held at the Fine Arts Recital Hall, Fine Arts Building, University of Arkansas, Little Rock campus, 33d and South University, Little Rock, Ark., from 9 a.m. to 5 p.m. Those wishing to testify in Little Rock should contact the office of Senator BUMPERS, 2527 Federal Building, 700 West Capitol, Little Rock, Ark. 72201, phone (501) 378-6286. Those wishing to testify should sign up no later than Friday, February 10, 1984.

Because of the number of witnesses expected to testify, oral testimony will be limited to 3 minutes per witness. Written statements may be longer. Witnesses may be placed in panels. Witnesses are requested to bring 15 copies of their testimony with them to the hearing. Do not submit testimony in advance of the hearing.

For further information, please contact Senator BUMPERS' Little Rock office or Mr. Tony Bevinetto of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources to continue the review of the world petroleum outlook.

The first day of hearings will be held in closed session on Friday, January 27 at 10 a.m. in room S-407 of the Capitol. The second day of hearings will be open to the public on Monday, January 30 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding these hearings, you may wish to contact Mr. Howard Useem of the committee staff at 224-5205.

I would also like to announce the scheduling of public hearings to consider the President's proposed budget for fiscal year 1985. The hearings will be held in room SD-366 of the Dirksen Senate Office Building as follows: Tuesday, February 7 at 10 a.m. (Department of the Interior); Wednesday, February 8 at 11 a.m. (Department of Energy); and Thursday, February 9 at 10 a.m. (U.S. Synthetic Fuels Corporation, Forest Service and Federal Energy Regulatory Commission).

Testimony will be received from administration witnesses. Statements will be accepted for the record. Those wishing to submit written statements for the hearing record should submit 10 copies of their statement to the attention of Mr. Richard Grundy, budget officer, Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Grundy at 224-2564.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, January 24, to consider the nomination of William Taft to be Deputy Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. BAKER. I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government Processes, of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, January 24, to hold an oversight hearing on the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 50TH ANNIVERSARY OF SCHOOL OF AMERICAN BALLET

● Mr. D'AMATO. Mr. President, this month the legendary School of American Ballet, founded by George Balanchine and Lincoln Kirstein, will celebrate its 50th anniversary. Since its inception, the school—considered the "West Point" of ballet for its excellence and discipline—has produced some of our greatest dancers, including Suzanne Farrell, Gelsey Kirkland, Merrill Ashley, Patricia McBride, Edward Villella, Robert Joffrey, and Jacques d'Amboise. Mikhail Baryshnikov and Rudolph Nureyev train there regularly. Peter Martins has been the faculty chairman since Balanchine's death last spring.

On October 17, 1933, 24-year-old Lincoln Kirstein, along with fellow Harvard graduate Edward M. M. Warburg, brought George Balanchine to this country. They planned to establish a ballet school and eventually a company: To develop a uniquely American ballet style rooted in the classical tradition. In the 50 years since, thousands of students have been educated at the school and America's top 15 ballet companies are headed by its graduates.

Every year, between 25 and 30 students are invited to join companies in the United States and around the world. An average of 10 a year become members of the New York City Ballet.

Nearly 300 boys and girls, ages 8 to 20, train there daily in a totally professional environment. Scholarships are awarded as talent and need require. Approximately 30 percent of all students receive some assistance. In the

more advanced divisions, nearly 75 percent of the students receive financial aid. As the official school of the New York City Ballet, the company Newsweek calls "the greatest performing arts institution in this country—and perhaps the world," the school can be thought of as our own "national service" school, similar to the Imperial Maryinsky School in St. Petersburg, which Balanchine himself attended.

According to Balanchine himself, quoted in 1979, "I knew it should be a school and a ballet company. I always wanted to start, with really clean, beautifully taught ballet people who could dance the way I want." Balanchine was devoted to this school and to teaching there. He believed wholeheartedly in the link between teaching and creation. In fact, the first piece he choreographed in this country was created as a lesson to his advanced class during the school's first year. "Serenade," which is still performed, is considered a mastery of his art.

Balanchine lives on at the School of American Ballet, in the minds and bodies of the hundreds of young people who study there. Seventy-six-year-old Lincoln Kirstein, the school's president and cofounder, and now Peter Martins, its faculty chairman, continue to carry out Balanchine's mission. The School of American Ballet remains his truest legacy.●

SENATE RESOLUTION 292—EMERGENCY FOOD AND SHELTER PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a resolution expressing the appreciation of the Senate to six nonprofit voluntary agencies that participated in the emergency food and shelter program provided for in the jobs bill. I would also like to commend Senator DAVID PRYOR for his efforts which have played a large role in the success of this program.

As a cosponsor of the Domestic Commodity Distribution and Food Assistance Act, S. 17, with Senator PRYOR and many others, I cannot overemphasize the importance and necessity of this program. However, without the cooperation of these six nonprofit agencies: the United Way, the Salvation Army, the National Council of Churches, the National Federation of Catholic Churches, the Council of Jewish Federations, and the American Red Cross, the distribution of emergency food and shelter would not have been possible.

The program, which provided over 33 million meals and 2.2 million nights of lodging for hungry and homeless people represents a successful cooperative effort of private independent agencies to solve a problem relevant to all help agencies in the United States. In addition, the success represents cooperation between private sector help agencies and agencies of the Federal Government with similar objectives. At the present time, this type of cooperation is essential if we hope to solve the problems of the homeless and less fortunate in the United States, the numbers of which have reached epidemic proportions in 1983.

I believe that the responsibility for these people must be a burden carried by the Government, as well as by the private sector. Thus, I supported the Food Distribution Act and now cosponsor this resolution. I urge passage of this resolution to commend the aforementioned agencies and I hope that a precedent for this type of cooperation has been established.●

S. 2083—U.S. MARINES KILLED IN LEBANON

● Mr. D'AMATO. Mr. President, I rise today in support of S. 2083, legislation that, in a small way, would ease the pain felt by families of the U.S. marines killed in Beirut. It is impossible to completely heal the wounds caused by the Beirut terrorist bombing. However, this legislation, if enacted, would provide some relief to the relatives of the brave Americans killed in Lebanon.

The Internal Revenue Code currently states that income earned by a serviceman killed during action in a declared combat zone is exempt from taxation. For this to occur, the President must declare an area of hostile activity a combat zone and, thus, trigger the War Powers Act. In some circumstances, there is a reluctance by the Commander in Chief to declare an area of hostile action a combat zone if a prolonged military engagement is not envisioned. Despite this, members of the Armed Forces may be exposed to danger.

I do not believe that the Internal Revenue Code should dictate when an individual is, or is not, in a combat situation. Terrorists in the Middle East do not make this distinction. This legislation would exempt from taxation any income earned by servicemen killed in hostile action, regardless of whether a combat zone had been declared by the President. The legislation would be retroactive to December 31, 1979.

Mr. President, I am pleased that the Finance Committee has considered incorporating S. 2083 in its deficit reduction package. It is my hope that all Senators will join me in cosponsoring S. 2083.●

S. 1759—INCREASING MILEAGE DEDUCTION WHILE CONDUCTING CHARITABLE WORK

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1759, legislation to increase the mileage deduction for expenses incurred while conducting charitable work from the current level of 9 cents a mile to 20½ cents a mile.

There are 92 million volunteers in this country, Americans from every social, economic, cultural and religious group in the Nation. These individuals drive hundreds of thousands of miles a year performing vital community services. In this age of declining Federal funding, the needy of our society have increasingly relied on these volunteers to provide essential services. Yet, the Internal Revenue Code actually prevents proper reimbursement for volunteer traveling costs. While businessmen and Government employees who use private cars in their work are currently able to deduct 20½ cents a mile, volunteers can only deduct 9 cents a mile, or about a third the actual cost.

In the past, I have been a strong supporter of the continued effectiveness of nonprofit organizations. For instance, I am a cosponsor of S. 337, a bill to eliminate the sunset date of December 31, 1986, on deduction for charitable contributions by nonitemizers. I believe that this legislation is necessary to encourage the private funding of charitable organizations.

It is important to note that the deduction volunteers take for miles driven is not compensation. Rather, it is to help offset the expense of operating an automobile which is being used to conduct volunteer activities. Congress should take this step to assist individuals who are carrying on in the very best of American traditions—voluntarism.

Mr. President, I am proud to add my name as a cosponsor of S. 1759. I urge my colleagues on both sides of the aisle to support speedy enactment of this important piece of legislation.●

ACCEPTANCE OF APPOINTMENT AS JUDGE OF U.S. BANKRUPTCY COURT

● Mr. DIXON. Mr. President, I ask that correspondence of Judge Edward B. Toles, U.S. Bankruptcy Judge for the Northern District of Illinois, to President Ronald Reagan and the President of the Senate, GEORGE BUSH, in compliance with title 5, United States Code, section 8331(22)(a), be printed in the RECORD in its entirety.

The correspondence follows:

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ILLINOIS,
Chicago, Ill., December 12, 1983.

Hon. RONALD W. REAGAN,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Permit me to respectfully advise, pursuant to Title 5, United States Code, Section 8331(22)A, that I, Edward B. Toles, a duly appointed United States Bankruptcy Court Judge, Northern District of Illinois, presently serving my official term until March 31, 1984, agree to

accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978, (Public Law 95-598, Nov. 6, 1978, 92 Stat. 2681) which amends the retirement provisions of Title 5 of the United States Code pertaining to Bankruptcy Judges.

This notice to accept appointment as a Bankruptcy Judge under Section 201 is being filed with you, Mr. President, the Senate, and the Director of the Administrative Office of the United States Courts to protect and qualify for the enhanced retirement benefit provisions contained in 5 U.S.C. Section 8339(n) 1982.

I am aware that the future of the Bankruptcy Court is in doubt because of the failure of Congress to approve legislation addressing the constitutional problems presented by *Northern Pipeline Construction Co. v. Marathon Pipeline Co.*, 458 U.S. 50 (1982), but I believe that in order to preserve my retirement benefits provided in 5 U.S.C. 8339(n) 1982, this notice and advice should be filed signifying my agreement to accept an appointment as a Judge of the United States Bankruptcy Court.

Sincerely,

EDWARD B. TOLES,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF ILLINOIS,
Chicago, Ill., December 12, 1983.

Hon. GEORGE W. BUSH,
Vice President of the United States, President of the Senate, The Capitol, Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in conformity with Sec. 8331(22)(A) that I have agreed to accept an appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

EDWARD B. TOLES,
U.S. Bankruptcy Judge.●

CONDEMNATION OF THE ILLEGAL ESTABLISHMENT OF A "TURKISH REPUBLIC" ON CYPRUS

● Mr. D'AMATO. Mr. President, I rise this afternoon to express my sense of shock and outrage over the announced establishment of a "Turkish Republic" on Cyprus. This action, undertaken by Rauf Denktash, leader of the Turkish Cypriots, clearly has been designed to drive a wedge between the people of Cyprus and to undermine the legitimate government of President Spyros Kyprianou.

During July 1974, an estimated 40,000 Turkish troops invaded Cyprus. More than 200,000 Greek Cypriots were displaced as a result of that illegal invasion. Today, nearly a decade later, a Turkish force of more than 20,000 remains on the island.

The continued presence of these troops on Cyprus is a flagrant violation of the sovereignty of the Cypriot Government. It must be condemned. In addition, the unilateral declaration of independence can serve only to further frustrate efforts to bring about a peaceful resolution of hostilities on Cyprus.

Of particular concern is the wholehearted support expressed by the Government of Turkey for the "Turkish Republic of Northern Cyprus." The United States has been joined by Greece and a number of other important allies in decrying the action taken by the Turkish Cypriots. I joined as a cosponsor of a Senate resolution which called for the removal of all Turkish troops from Cyprus, as well as the reunification of that nation.

Mr. President, the adoption of that important resolution served to clearly demonstrate our continued support and commitment to Cyprus. Having recently visited Cyprus, I can attest to the many hardships borne by the Greek Cypriot population. It is more important than ever that we remain unwavering in our support for Cyprus.●

S. 1857—DONATIONS TO PRIVATE FOUNDATIONS

● Mr. D'AMATO. Mr. President I rise today to lend my name as a cosponsor of S. 1857. This legislation would take an important step toward bringing parity to the tax incentives available to individuals who donate to private foundations, rather than charities.

At this time, there exists in the U.S. Tax Code a tremendous incentive for individuals to give to charities, rather than private foundations. Yet, private foundations provide a vital function in our society. The panoply of their philanthropic activities is testament to their importance.

Since 1969, private foundations have been restricted by a multitude of Federal restrictions. These restrictions were instituted in response to abuses perpetrated by foundations not engaged in exempt activities. The most serious restrictions dealt with the aggregate amount of adjusted gross income that an individual can contribute to most private nonoperating foundations. In addition, the deduction by individuals of capital-gain property to nonoperating foundations was severely reduced. I believe that the restrictions have served their purpose, but that it is now time for reform. S. 1857 will change these restrictions to encourage donations to private foundations.

This reform is doubly important as Federal funding for worthy nonprofit activities has been reduced recently. Foundations spend an estimated $3 billion annually on philanthropic work. Private sector volunteer and charitable activities must be expanded. There is a wide range of legislation introduced in the 98th Congress, which I have cosponsored, that would encourage contributions of time and money. One such bill is S. 337, which would make permanent the charitable contribution for nonitemizers. Another important piece of legislation, S. 1759, would increase the deduction for mileage incurred by an individual doing volunteer work.

I am proud to have cosponsored these bills and, now, to add my name as a cosponsor of S. 1857. I urge all of my colleagues to join me in support of this legislation.●

S. 1566—CURTAILMENT OF FRAUD IN FEDERAL PROGRAMS

● Mr. D'AMATO. Mr. President, I am pleased today to join as a cosponsor of S. 1566, legislation which would create a mechanism by which the Federal Government could more effectively pursue fraud in Government programs.

In the past few years, commendable efforts have been undertaken to curtail fraud in Federal operations. In 1982, the Federal Managers' Financial Integrity Act, which requires renewed focus on the need to strengthen Government internal controls, was passed. The work of statutory Inspector General and the President's Council on Integrity and Efficiency are other notable examples.

In spite of efforts such as these, fraud persists According to a General Accounting Office report released in 1981 entitled "Fraud in Government Programs—How Extensive Is it?—How Can It Be Controlled," during the period October 1976, to September 1979, the Government lost between $150 and $220 million as a result of fraud directly related to Government programs. Of this, planned recoveries through court-ordered repayments and agency administrative actions totaled only $43 million. Of the approximately 77,000 cases of fraud estimated to have occurred during this period, only 12,900 cases were referred to the Department of Justice for criminal prosecution. Only 39 percent of those cases were subsequently prosecuted by the Department of Justice.

According to the General Accounting Office report, there are several reasons why the Department of Justice declines to prosecute in these cases. A number of them lack prosecutive merit and/or jury appeal. Others involve too small a monetary loss to the Government. In still others there is insufficient evidence for criminal prosecution. And lastly, it is believed that administrative action would be more appropriate in many cases.

S. 1566 would establish an expeditious and inexpensive method of resolving these cases. For example, the Government is at present without an adequate remedy for many cases of fraud which do not result in significant monetary loss. This results because Department of Justice guide-

lines regarding the prosecution of Government fraud limits prosecution to instances where the Government has suffered a substantial and identifiable loss. S. 1566 would provide Government agencies with a mechanism to impose civil penalties against those who knowingly make false claims for money, property, or services provided by the Federal Government. This legislation would also strengthen the Government's ability to recovery money lost due to fraud in these cases by opening up another avenue of punishment, in addition to the judicial system, for those who previously escaped prosecution.

At present, many who are guilty of fraud go unpunished. There are many reasons for this. Litigation in the Federal courts may be economically unfeasible because both the actual dollar loss to the Government and the potential recovery in a civil suit may be exceeded by the Government's cost of litigation. In addition, the dockets of the Federal courts would become unnecessarily burdened by the large volume of small fraud cases.

The resultant cases which are overlooked for these reasons and others point to the need for an administrative penalty mechanism. S. 1566 would enable Government agencies to appropriately address those instances which the Department of Justice is currently unable to prosecute, but which have a clear impact on the integrity of Government programs. The civil penalty mechanism which S. 1566 would create would be especially useful, for example, in pursuing smaller fraud matters when civil and criminal litigation is impracticable.

S. 1566 would significantly enhance the Government's ability to deal with the ever-increasing problem of fraudulent abuse of Federal programs. The bill represents an important step in the direction by which Congress can develop a mechanism which will enable the Government to adequately address all kinds of fraud.●

S. 1746—FREEDOM FROM GOVERNMENT COMPETITON ACT

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 1746, the Freedom From Government Competition Act. Introduced by my distinguished colleague from the State of New Hampshire, Senator WARREN RUDMAN. This legislation would make it a matter of national policy that the Federal Government purchase goods and services from the private sector. In this way, the marketplace would better allocate resources and establish prices.

Currently, the Federal Government employs cost/benefit analysis when determining if it should produce goods or services in-house, rather than purchase them from the private sector. Of course, bureaucrats have a stake in having the public sector provide goods and services instead of private industry. In the end, cost/benefit analysis is skewed toward the public sector and the Federal Government's role in the economy expands.

What has been the result of this trend? In 1967, 60 percent of the goods and services required by the Federal Government were provided by the private sector. In 1981, that figure had fallen to 40 percent. Clearly, the economy is becoming increasingly public in nature and, thus, more inefficient.

This trend has had a pejorative effect on the small business community. It is already difficult enough for small firms to enter the procurement process. This is further exacerbated by the Government's growth as a producer of goods and services. As a member of the Senate Small Business Committee, this trend is of great concern to me.

S. 1746 would begin to take Government out of the business of competing with business. For this reason, I am pleased to add my name as a cosponsor of S. 1746 and hope that all Senators join me in support of this most worthy legislation.●

THE 10TH ANNIVERSARY OF WIC

● Mr. HOLLINGS. Mr. President, today I am filled with pride because I have the honor and privilege of bringing to the attention of my Senate colleagues the occurrence of a memorable occasion. This past January 15, 1984, marked the 10th anniversary of the implementation of the special supplemental food program for women, infants, and children, more popularly known as WIC. This anniversary is especially dear to me because it represents an unyielding national commitment to provide adequate nutrition to a less fortunate segment of our population: low-income pregnant women, nursing mothers, and children up to the age of 5.

I know the ravages of hunger and malnutrition firsthand. In the late sixties, I toured the rural South and witnessed people actually starving to death in this most prosperous of nations. The diets of millions were so inadequate that many had been denied the chance of breaking the cycle of poverty in which they were born.

Children from impoverished families were said to be slow or lethargic, and frequently they were. In some States, one in five of these young people had suffered brain damage as a result of malnutrition.

This result is easily explained. The adult brain weighs about 3 pounds and consists of some 13 billion cells; 10 billion of these cells are developed within the first 5 months of gestation in a mother's womb. Rapid growth of the brain decreases after birth, slowing to a stop at about the age of 5 when the brain reaches its developed weight.

Because of poverty and the sometimes mistaken belief of what constitutes good nutrition, poor mothers cannot provide their children, either in the womb or during the critical early years, adequate levels of protein and other nutrients. The result: permanent impairment, even retardation—for no other reason than the absence of an adequate diet. Because of malnourishment, such youngsters frequently have only one-third the number of brain cells belonging to a properly nourished child.

I documented the findings of my tour in a book, "The Case Against Hunger," published in 1970. I knew that once the Nation saw the picture of hunger and understood the injustice of it, America would resolve itself to wiping hunger out.

A child who has suffered malnourishment is not likely to succeed in school, to care for himself, to be readily employed, or to contribute to the Nation's economy. Those who insist that insuring an adequate diet for our Nation's poor would be prohibitively expensive ignore a simple truth: It is cheaper to feed the child than to jail the man.

Mr. President, several detailed studies document this fact. The Harvard School of Public Health conducted a study and found that children of poor women not enrolled in WIC were far more likely to be low birth weight babies. Low birth weight is closely associated with infant mortality and such disabilities as blindness, deafness, and mental retardation. Because these complications were rarely suffered by WIC children, the Harvard study estimated that for every dollar the Federal Government spent on pregnant women through WIC, $3 was saved in Government-subsidized medical costs. The children's defense fund has published its study entitled "American Children in Poverty." Two of its findings include:

First, a complete WIC package for a pregnant woman costs $30 a month, and decreases the incidence of low birth weight babies. A lifetime of institutionalization for a child born handicapped costs between $500,000 and $1 million. Second, it costs $35 a month to provide a complete WIC nutritional package to an infant. It costs about $1,400 a week to hospitalize an infant for treatment of malnutrition. The Massachusetts Department of Public Health has found that WIC's role in reducing infant mortality is substantial—the neonatal mortality rate for WIC births was only one-third as great as for comparable non-WIC births in its most recent study. Clearly, when it comes to nutrition, "an ounce of prevention is worth a pound of cure."

Mr. President, as an original cosponsor of the 1972 amendment to create WIC and as an active participant in its legislative development, I know the value of this program. My support of the WIC program has never waivered. In fact, I have led the fight to preserve and adequately fund the program. During this 10th anniversary of WIC, I call upon my colleagues to rediscover the women's, infants', and children's feeding program, and become familiar with its operation and effectiveness. There are only 20 of us in the U.S. Senate who have had the opportunity to actively participate in the legislative development of this remarkable program from its inception. Because hunger and malnutrition have dramatically rebounded in this Nation, preservation of the WIC program becomes more important than ever.

We in the Senate must fight the Reagan administration's constant attempts to cut WIC's funding. We have successfully fought over $800 million in proposed cuts by the administration in the last 3 fiscal years. With hunger on the rise and fact that WIC only services an estimated one-half of those eligible, we simply cannot afford to have this program slowly dismantled. WIC is an investment in our children, an investment in the future of America.

Mr. President, I want to take this opportunity to recognize the outstanding accomplishments of all the past and present WIC administrators and nutrition professionals during the January celebration of WIC's 10th anniversary. I also want to welcome the National Association of WIC directors to the Washington area. The association will hold its first annual conference in Alexandria, Va., from February 7-10, 1984. It is my sincere hope that this and future such annual meetings will help keep the WIC program the model of service and efficiency that it now is.

In order to more thoroughly document the accomplishments and mechanics of the WIC program, I ask that the January 1984 issue of the USDA publication "Food and Nutrition" be printed in the RECORD.

The material follows:

WIC CELEBRATES ITS TENTH ANNIVERSARY

This month marks the tenth anniversary of the Special Supplemental Food Program for Women, Infants, and Children, popularly known as WIC.

To celebrate this milestone in the history of one of USDA's best regarded programs, the Department is joining state health departments across the nation in saluting more than 100 WIC administrators and nutritionists for their exceptional contributions to serving people. These local operators, selected by their state agencies, are receiving special certificates to honor their achievements.

The Department recognizes the outstanding achievements of all local program operators, without whose help WIC would never have touched so many lives so effectively. With vision, creativity, and diligence, thousands of dedicated men and women have worked at the community level to provide needed food assistance to our country's most nutritionally vulnerable group—low-income pregnant and postpartum women, infants, and young children.

Working under the general guidance of state and federal administrators, it has been the local WIC administrators and nutrition professionals who have had the greatest impact on the evolution of WIC—developing it from the idea phase first conceived by Congress, to a food assistance program remarkable both in its degree of personalized nutrition aid as well as in its ability to produce measurable improvements in the nutritional status of its clients.

UNIQUE FEATURES

WIC is unique among all the federally administered food assistance programs. It's the only food program that provides individually tailored food packages along with nutrition education to a specific audience in a health care setting.

Congress had a very special target group in mind when it first funded WIC as a 2-year pilot project in September 1972 under Public Law 92-433. A growing awareness of the link between malnutrition and physical and mental development fostered concern on the lawmakers' part that the nation's low-income women and children might not be receiving the nutrition assistance they needed during critical phases of development.

In spite of the food programs already available in the 60's and early 70's, research suggested that many women, infants, and young children were lacking in vital nutrients. Accordingly, Congress targeted the pilot program to provide special supplemental foods to low-income pregnant and lactating women and children to age 4 whom competent health professionals found to be at nutritional risk. This established at the outset that WIC food assistance would be closely tied to medical evaluation and health care services.

The WIC foods themselves were to be prescribed on an individual basis to meet recipients' specific health needs. They would be carefully selected to provide the vitamins, minerals, and other nutrients that had been found lacking in the diets of mothers and babies.

Furthermore, Congress hoped to see the WIC program go beyond simply distributing supplemental foods on a one-to-one basis. The lawmakers envisioned nutrition education as a key service provided to program participants—a service which could enable recipients to establish better food habits to last a lifetime.

From the start, WIC was to have an evaluation component. Results were to be measured, with participants' health status evaluated longitudinally.

Today's WIC program has built upon and refined all of these features. The target group has been expanded to include children up to age 5, with benefits especially directed toward pregnant women and infants, who are particularly vulnerable to the effects of inadequate nutrition.

Available WIC foods have increased in number and variety, and the WIC food packages have been increased from two to six.

Administrative funds are now earmarked for nutrition education purposes, enabling state and local program managers to devote greater staff and resources to this effort.

Finally, advancements in health screening, research, and evaluation have greatly contributed to the body of knowledge pertaining to the nutrition and health status of low-income mothers and children. This knowledge is being used today to improve the effectiveness of the WIC program—and WIC participants are the chief beneficiaries.

HEALTH SPIN-OFFS

WIC has produced some unexpected benefits that have delighted nutrition and health professionals.

The availability of free supplemental foods has drawn many low-income women into the health services system and helped make regular health care part of their lives. Participating mothers are now much more conscious of the value of preventive care and the need to protect their children's health before they become ill.

Pregnant women are now seeking prenatal care significantly earlier than 10 years ago. Many local WIC administrators say they see expectant mothers as early as the second or third month now, as opposed to the eighth or ninth month 10 years ago.

Breastfeeding, generally unpopular among low-income women during the past decade or so, is experiencing a revival in popularity thanks in part to efforts by WIC nutritionists.

And, infants and children on WIC are not only experiencing better health, but they're also learning better food habits from childhood.

WIC ADMINISTRATORS RECALL A DECADE OF PROGRESS

New Year's 1974 is a day WIC manager Dorothy Kolodner remembers vividly. Hospitalized for surgery that morning, she recalls hearing the excited voices of two close friends as she came out of the recovery room. They had great news for her that just couldn't wait—Kolodner's proposal to test the pilot WIC program in Allegheny County, Pennsylvania, had been approved.

The previous July, Kolodner had spotted a Federal Register notice inviting communities to take part in the pilot WIC project. She was working as a nutritionist at the time at a maternity hospital, and was aware that many expectant and new mothers were having difficulty affording an adequate diet.

Kolodner knew the WIC supplemental foods would be a godsend, if the county health department could just win approval for a pilot in the Pittsburgh area. It did, and the rest is history. Since the Allegheny project began with a caseload of 11,000 participants and two basic food packages, more than 70,000 women, infants, and children have been helped by WIC's supplemental foods and special nutrition services.

Many of today's WIC managers have been with the program since it began in 1974. They recount experiences similar to Dorothy Kolodner's, and of fighting hard to win approval as pilot project areas.

In St. Helen's Parish, Louisiana, WIC administrator Elizabeth Lee recalls that the state had made its selection of nine project areas to take part in the pilot. St. Helen's Parish was not among them. But Lee felt there was a great need for the supplemental food program, especially for infants born in the parish.

St. Helen's is a rural area, with just a single town (population: 600), and many families didn't have refrigerators. As a consequence, it wasn't uncommon, Lee says, for families to feed newborn babies a diet of dry cocoa mixed with water.

Nutrition education was not by itself enough to change the diets of the parishioners. No one had the money to purchase the foods they really needed, and this was taking its toll on their health. Infants and children, in particular, were very anemic. After thinking it over, Lee decided to fight for a program for St. Helen's Parish. She appealed to the state health department and convinced them to add one more project area to the nine they had previously selected.

Today, Lee says, you can really see a difference in the nutritional status of the parish's babies. Not only are they much less anemic, but when WIC children enter first and second grade, teachers are noticing a big difference in their learning ability.

Allegheny County and St. Helen's Parish were just two of the more than 250 project areas approved to start WIC programs in 1973 and 1974. These approved areas were in 45 states, Puerto Rico, and the Virgin Islands.

Today's WIC program, funded at more than $1 billion annually, reaches nearly 3 million participants at more than 7,000 clinic sites. Fifty states participate in WIC, as do 31 tribal bands and organizations, Puerto Rico, the Virgin Islands, Guam, and the District of Columbia. Each community has further adapted the program to serve its own local needs, so the program has grown not only in size, but in experience as well.

WIC MEETS THE NEEDS OF MANY DIFFERENT COMMUNITIES

In 10 years, the WIC program has evolved to serve its clientele with creativity and sensitivity. Urban programs differ from rural programs, and the food habits, preferences, and needs of participants vary from community to community.

In Gary, Indiana, low-income mothers start their babies on solids much sooner than health experts advise. "Moms have the perception that a big baby is a healthy baby, so they start them on solids as soon as 2 to 4 weeks after birth," says WIC coordinator Edwanna Webb.

The WIC staff explain why too much weight gain is unhealthy and encourage mothers to delay the introduction of cereals until their babies are 4 to 6 months old.

In Puerto Rico, however, WIC nutritionists have to "pull out all the stops" to persuade clients to eat the food package cereals at all. There the emphasis is placed on using cereals as part of other dishes, and the WIC staff use food demonstrations and recipes to show mothers how cereals can become tasty additions to their children's meals.

In some communities, grocers have gotten involved in helping WIC participants buy and prepare healthful meals. In Pittsburgh, Pennsylvania, for instance, the Giant Eagle chain agreed to work with the county health department as part of a USDA-sponsored demonstration project.

In an 18-month storewide campaign called "Keeping the Cost of Eating Down," flyers, demonstration booths, and call-in hotlines were used to help area WIC participants improve their nutritional status.

In meeting the needs of migrants, a number of WIC offices use special scheduling arrangements to accommodate the migrant workers' need for flexible clinic hours. Because migrant workers are often called to work on short notice, they frequently miss regularly scheduled visits to WIC clinics. To help migrants come in for visits at unscheduled times, WIC clinics in Miami leave open space in their afternoon schedules for walk-in appointments.

When transportation is a problem, home visits are sometimes the best way to meet with clients. In rural Louisiana, for instance, there is no mass transportation to help clients get to clinics. So, nutritionists in some parishes make selective home visits.

Many WIC managers, such as those in Missouri and Kentucky, find they can serve participants better by "co-locating" with public health facilities and using an integrated service approach to meet the needs of their clientele. By placing WIC certification and issuance activities under the same roof with the medical and health screening services offered by local health departments, administrators in both programs find they can broaden and streamline the scope of their services.

In Missouri, for instance, local health offices can count on frequent, regular visits from WIC clients who must come in monthly to pick up their WIC vouchers. Participants who would not ordinarily make an effort to bring in their babies for regular immunizations find it easy to combine a doctor visit with a stop off to pick up their vouchers.

Wherever WIC clinics are located, administrators and nutritionists make the program work so that it uniquely fits with local needs.

NUTRITION EDUCATION IS A CRUCIAL PART OF THE LOCAL AGENCY'S JOB

In many respects, the heart of the WIC program is its nutrition education component. In the early years, local administrators managed the best they could to perform this important job. Staffing was limited, and administrative money was scarce.

But in 1975, P.L. 94-105 amended earlier legislation to permit program managers to use administrative monies for nutrition education purposes. In 1978, the law was changed again—this time requiring at least one-sixth of each state's administrative expenses be spent for nutrition education.

Over the past 10 years, program administrators have been able to devote increasingly more staff time and resources to providing their clients with nutrition counseling. WIC managers feel that the nutrition information and preventive health care provided to clients is crucial in helping them achieve lasting long-term benefits.

In today's WIC program, local agencies provide nutrition education to mothers, expectant mothers, the caretakers of participating children, and to the children themselves whenever possible. WIC nutritionists strive to teach the relationship between good nutrition and good health, help participants develop better food.

For instance, in Dade County, Florida, as many as 12,000 participants are served each month in 14 clinics. In this large urban project area, three full-time specialists are employed to attend exclusively to financial matters and internal auditing, giving the local WIC administrator, Denise West, excellent control over the program's operation.

In sparsely populated, rural areas like much of Alaska, administrative dollars are extremely tight, and WIC managers like Joan Pelto make heavy use of volunteer help and the mail to bring WIC to 1,500 rural participants spread out over one-half million acres of land.

The state's high cost-of-living and travel costs would make many administrative functions very difficult to carry out without the dedication and ingenuity of the program's administrators.

Administrators in all parts of the country are looking for ways to improve service to clients, while halting any abuses that may be discovered. Many states and communities have found ways to use computers to protect their clients' food benefits as well as their health.

For example, computers are currently being used in many areas of the country to identify grocers who are overcharging WIC customers for food package items, accepting WIC vouchers in exchange for ineligible items, or illegally engaging in discounting WIC vouchers. WIC managers have found computerized vendor monitoring very effective in keeping program monies from getting into the wrong hands, since dishonest vendors can now be promptly dropped from the program.

In California, state WIC director Jack Metz and his staff have set up a "vendor specific" program, which requires a WIC participant to select a specific vendor from a list of grocers under contract with the state. The vendor's name and WIC authorization number are imprinted on the participant's WIC vouchers, and the participant buys WIC foods only at that store.

Because the grocer's authorization number is printed on each voucher, a computer can trace a particular voucher to the store where it was used, and it can show how much a grocer charged for each WIC food. The system makes it easy to identify and take action against grocers who are overcharging WIC customers.

Computers are also being used to enhance WIC's service to clients through nutrition surveillance. In Bradford, Rhode Island, assessment data for each WIG client—including height, weight, and blood analysis—is computerized and sent to the Center for Disease Control (CDC) in Atlanta.

CDC is then able to alert the clinic of high-risk clients who need special followup, and also high-risk groups. "Nutrition surveillance is great for intervention purposes," says Gemma Gibbs, Rhode Island's public health nutritionist. "It helps us put our energy where the problems are."

UPCOMING DIRECTIONS

As WIC enters its second decade, program administrators will need to continue prudent management of their resources. Working with state and local program managers to help them get the best mileage out of their administrative funds. USDA's Food and Nutrition Service will be doing administrative cost analyses to identify "best practices"—techniques that can be shared among the state and local operators.

Federal administrators will also be drawing upon the states' experiences with vendor monitoring to see if vendor abuses are a significant problem needing more attention.

More research and evaluation projects will be underway in 1984, and, as this research is completed, it may suggest new policy directions. Some of the questions being asked are: What are the actual demographic characteristics of the current WIC population? Is WIC serving those at the greatest nutritional risk in the target population? Are there better screening techniques that can be used to identify high-risk participants, And, what is the impact of nutrition education in WIC.

Much remains to be learned about WIC, and while some of the answers will come from formal evaluations, many more will

come from the people in local agencies who make WIC work.

"After 10 years, we're still discovering ways to integrate new ideas into what we're trying to do," says Dorothy Kolodner. "Mothers sense the sincerity and feel we're doing something positive . . . because, really, we're building on a very old idea. One that says, "I care about you enough to share my food."—Article by Carol M. Stansfield.

QUESTIONS AND ANSWERS ON WIC

WHAT IS WIC?

WIC is a supplemental food program operated by state and local health agencies in cooperation with the U.S. Department of Agriculture (USDA). The program provides specially tailored packages of food along with nutrition education to participating women, infants, and children.

WIC participants are eligible low-income persons who are determined by competent professionals (nutritionists, nurses, physicians, and other health officials) to be at "nutritional risk" because of inadequate nutrition, health care, or both.

Through WIC, USDA provides federal funds to participating state health departments or comparable state agencies, which in turn distribute funds to participating local agencies. The funds pay for supplemental foods for participants as well as specified administrative costs, including costs of nutrition education.

Indian tribes, bands, groups, or their authorized representatives may act as state agencies if they are recognized by the Bureau of Indian Affairs of the U.S. Department of the Interior, or the appropriate area office of the Indian Health Service of the U.S. Department of Health and Human Services.

WHO IS ELIGIBLE FOR WIC?

Pregnant, postpartum, and breastfeeding women, and infants and children up to their fifth birthday are eligible if they: (1) meet the income standards; (2) are individually determined to be at nutritional risk and in need of the supplemental foods the program offers; and (3) live in an approved project area (if the state has a residency requirement) or belong to special population groups such as migrant farmworkers, Native Americans (Indians), or refugees. Length of residency is not an eligibility requirement.

"Nutritional risk" is a term used to indicate abnormal weight gain during pregnancy, a history of highrisk pregnancies, low birth weight, inadequate growth, obesity, anemia, or an inadequate dietary pattern. When a local agency has limited funds to serve additional participants, applicants are classified according to a priority system based on nutritional need, and placed on the program if space becomes available.

WHAT SUPPLEMENTAL FOODS DO PARTICIPANTS RECEIVE?

Infants through 3 months of age receive iron-fortified formula. Older infants (4 through 12 months) receive formula, iron-fortified infant cereal, and fruit juices high in vitamin C. An infant may receive formula that is not iron-fortified or special therapeutic formula when it is prescribed by a physician for a specified medical condition.

Participating women and children receive fortified milk and/or cheese; eggs; hot or cold cereals high in iron; fruit and vegetable juices high in vitamin C; and either peanut butter, dry beans, or peas. WIC provides breastfeeding women with a food package to meet their extra nutritional needs.

Women and children with special dietary needs may receive a package containing cereal, juice, and special therapeutic formulas. For a participant to receive this package, a physician must determine that the participant has a medical condition that precludes or restricts the use of conventional foods and requires a therapeutic formula.

HOW DO PARTICIPANTS OBTAIN SUPPLEMENTAL FOODS?

In most states, WIC participants receive food vouchers to purchase the supplemental foods at local grocery stores. These vouchers are "food-specific," meaning they can be used only for the foods prescribed by the health or nutrition professional at the local WIC agency. In other areas, the foods are delivered to participants' homes, or participants pick up the foods from warehouses.

Each state agency can design a food delivery system to meet its needs. Some state agencies use a combination of delivery systems.

WHAT KIND OF NUTRITION EDUCATION DO PARTICIPANTS RECEIVE?

Nutrition education is available to all adult WIC participants, to parents or caretakers of participating infants and children, and whenever possible, to participating children. This nutrition education is designed to have a practical relationship to participants' nutritional needs, household situations, and cultural preferences.

The goals of WIC nutrition education are to teach the relationship between proper nutrition and good health, to help the individual at nutritional risk develop better food habits, and to prevent nutrition-related problems by showing participants how to best use their supplemental and other foods. WIC agencies encourage breastfeeding and counsel pregnant women on its nutritional advantages.

Federal regulations require local agencies to provide each WIC participant with two nutrition education "contacts" per certification period, which is usually 6 months.

HOW ARE LOCAL AGENCIES SELECTED FOR FUNDING?

Every state agency must rank areas under its jurisdiction (such as counties, health districts, or special populations) in order of greatest need based on economic and health statistics. States must target funds in this order of rank. The state agency selects a local public or private nonprofit agency based on the type of service and capabilities of the agency and the needs of the local area. Consideration is given to each agency according to a priority system.

The priorities are as follows: (1) a health agency that can provide both health and administrative services; (2) a health or welfare agency that must contract with another agency for health or administrative services; (3) a health agency that must contract with a private physician in order to provide health services to a specific category of participant (such as women, infants, or children); (4) a welfare agency that must contract with a private physician in order to provide health services; and (5) a health or welfare agency that will provide health services through referral.

For the WIC program, the term "health services" means ongoing, routine pediatric and obstetric care (such as infant and child care and prenatal and postpartum examinations) or referral for treatment.

CAN ELIGIBILITY DECISIONS MADE BY THE WIC PROGRAM BE APPEALED?

Every state agency is required to have a fair hearing procedure under which adult applicants, and parents or guardians of infant and child applicants, can appeal a denial of eligibility or a termination made by the local agency.

TO PINEVILLE, KENTUCKY

Ten years ago, on January 15, 1974, Debbie Holland became the first participant in the nation's new WIC program. Like many residents of Pineville, Kentucky, Mrs. Holland was facing hard times when she applied for WIC. Her husband had been laid off from the mines where he worked, and they were having trouble affording the food she needed during pregnancy.

"WIC is a good program," she says today, "because you and your children get the food you need when times are rough. My son Marlin was on the program for about 3 months until my husband went back to work."

Today, things are better for the Hollands. While they still use food stamps occasionally when Mr. Holland is laid off, Debbie has worked as a grocery cashier and recently completed an employment training program that will enable her to work in retail sales at a nearby shopping center. Their two sons, Marlin, 11, and Shannon, 9, are both healthy and strong.

OFFICIALS SEE MUCH PROGRESS

Dr. Emmanuel Rader, health consultant for the Bell County Health Department, says he's seen a lot of progress over the past 10 years—a lot of kids, like Marlin Holland, who have gotten a chance for a healthy start in life.

"With the beginning of WIC," he says, "we started to solve the problem of improper nourishment. There have been many times when health problems, such as severe cases of failure-to-thrive in infants due to an intestinal milk allergy or formula intolerance, have been detected because of participation in WIC. Most people could not have afforded the special formula needed if it had not been for WIC."

Dr. Rader, who worked with the first WIC program operated by the Maternity and Infant Care Project (M & I) in Bell County, feels that adequate nutrition for infants is a critical part of the WIC program. "Proper nutrition is one of the most important roles of health care, and providing specific foods, such as the ones in the WIC program, is the most effective way to target help to those who need it."

Nutritionist Mary Ruth Thacker, who has been with the Pineville WIC program since 1975, has also seen many changes. Because of some of the mountain traditions that have been passed down, she says it has been—and still is—a challenge to educate clients.

"Some infants are fed gravy and eggs at 3 months since that is what granny did," she says. Effective nutrition education decreases parents' dependence on these traditions.

WIC IS PART OF TOTAL CARE

The Pineville clinic is part of the Cumberland Valley District Health Department, where WIC is an important part of an integrated health care approach. Herman Johnson, administrator of Cumberland Valley explans, "We want to provide every service we can once we get the children into the health departments. Without WIC, the services of our other programs would not be fully utilized."

Janie Gambrel learned first-hand about the benefits of integrated health services. Janie was one of the earliest WIC partici-

pants, and every one of her four children has been on WIC. Jennifer, 9, and Marcus, 6, were both on WIC for a year. Russell, 3, and Brian, 3 months, are still on WIC.

The WIC program has been especially helpful to Russell because pyloristenosis, a serious constriction below the stomach requiring surgery, was diagnosed in an M & I clinic. "If Russell had not been on WIC, I would not have known about his problem since I did not come in very often for other services," says Mrs. Gambrel.

As an infant, Russell also needed a special formula that might have been too expensive for the Gambrels to buy. "Without the help of the WIC program, our children probably would have gone hungry," Mrs. Gambrel says.

Martha Blair, who was the director of nursing for the M & I program, is now director of health services for the Mountain Trails Health Services, a health maintenance organization in Harlan, Kentucky. She is well educated and successful, but grew up in extreme poverty and remembers when she actually went without food for several days.

She no longer sees the hunger she experienced as a child and feels that the quality of life has improved significantly over the past 10 years due to people who care and programs like WIC.

State nutrition director Peggy Kidd, who also serves as WIC coordinator, is proud of the health professionals who work with WIC throughout the state. The program is available in all counties and is serving close to 60,000 women, infants, and children each month.

"WIC continues to be a vital part of an integrated health care system in Kentucky," Kidd says. "It is there when it is needed."

For more information, contact: Peggy Kidd, State Nutrition Director, Department of Health Services, State Cabinet for Human Resources, 275 E. Main Street, Frankfort, Kentucky 40621 Telephone: 502-564-3827.—Article by Kent Taylor.

Changing Habits Through Nutrition Education

Over the years, WIC managers and nutritionists have found a variety of ways to give their clients helpful, practical nutrition advice, as well as instruction on using WIC foods.

Here's how a number of local WIC agencies are tailoring nutrition education to the particular needs of their clients and making the activities meaningful, interesting, and fun.

MOTIVATING PARTICIPANTS

Joyce Garrick, in Chicago, employes what she calls a "quality assurance" technique in both her individual and class counseling. Using this technique Garrick sets education goals for her clients.

"The participant must understand both the 'why' and 'how' of her medical condition and nutritional needs before we can ever hope for dietary change," Garrick says.

If a woman is anemic, for example, Garrick explains what anemia is and how vitamin C and iron help eliminate it. This helps the participant understand why she needs to eat more foods containing these nutrients.

"I show the client that, in fact, the reason she might feel so tired and irritable is directly related to her specific dietary habits," Garrick says. To make sure the education goals with the participant have been met, she verbally tests the client's comprehension and asks her to make a verbal commitment to improve her dietary habits.

Garrick uses visual aids whenever she can. "I like using the Dairy Council's comparison cards that contain pictures of 50 to 60 different foods," she says. These cards illustrate some of the nutrients the foods contain and their percentage of the National Academy of Science's recommended dietary allowances (RDAs).

"Sometimes I show medical pictures of people and animals who are suffering from nutritional deficiencies. I want my clients to understand and see for themselves the relationship between diet and disease."

Ruth Ryan of Richmond, Virginia, also personalizes instruction. "Whatever we do to educate WIC participants," she says, "we try to get them involved as much as possible."

One way she has been successful in doing this is by having the participants play games during nutrition education classes. In one of the games, she uses the Dairy Council's comparison food cards. She covers up the name of the food but shows the nutrient it contains. Then she asks, "Which food group is it? What food is it?"

In another game, Ryan fills mystery bags with Dairy Council food models, which are cardboard pictures of foods. The foods in each bag comprise a meal that has something wrong with it. Participants each receive a bag and paper plate to put the food on. They then discuss how they can improve each meal by balancing it according to the four food groups and improving its texture and appearance. This is a lesson in meal planning.

Circling 10 foods out of a list of 15 or 16 is a shopping list game participants play. They are told they only have enough money to buy 10 of the foods on the list. After they circle the foods they would buy, they discuss the nutrients the foods contain and the food groups the foods belong to.

The 24-hour recall game makes the mothers focus on what they have been doing in their own homes. In this game, the mothers write down what their children have eaten over the last 24-hour period. They then have to evaluate these foods in terms of the four food groups and missing nutrients.

Motivating participants with fun and fitness is what Kathy Hoy of Richmond Heights, Missouri, did with the "WICnic" she held last summer. About 125 WIC participants in this St. Louis county area came out to a local park to enjoy an afternoon of nutrition games and physical activity.

One of the games was "Nutrition Bingo," in which participants received cards with five food categories on them. These categories were: high fiber, low sodium, low sugar, high nutrients per calorie, and low fat.

On the cards were pictures of foods associated with these categories. As the participants played the game, their knowledge of the foods pictured and the benefits of these foods were reinforced. While the moms played bingo, the children could watch cartoons on nutrition.

There were also games for the young ones to play. The 2- to 4-year-olds played "Pin the Tail on the Cow," which was both educational and fun. "This game gave us the opportunity to teach the kids about milk," says Hoy, "where it comes from and its importance."

A scale where participants could weigh themselves was also at the park that afternoon. Lists of ideal weights for different heights were posted near the scale.

TEACHING CHILDREN

In Maine, Polly the Kangaroo (also known as Polly's Pocket) has been teaching nutrition education to preschoolers since October 1982. This colorful exciting character will continue performing for children in the Waterville and Skowhegan WIC offices and in day care and Head Start classrooms until April 1984.

At least once a week an employee with basic nutrition knowledge and an understanding of young children, dresses in a kangaroo's costume. Aided by foods she carries in her "pocket," Polly teaches young audiences about vitamins and minerals, proteins, the importance of eating breakfast, and why some foods are good for your teeth and others are not.

The activities are coordinated with the monthly nutrition themes at the clinics so that mothers receive the same nutrition messages as their kids and the messages reinforce each other.

Stickers, posters, plastic cups, and placemats children can color are educational materials used in the project. The kangaroo character appears on these, depicting a nutrition concept. The performing kangaroo uses these materials to reinforce the nutrition message in its activity of the day.

Information sheets highlighting the nutrition concept and the nutrition activity of the day.

Information sheets highlighting the nutrition concept and the nutrition activity are available for parents. They also contain suggestions for follow-up activities at home.

Describing why she began the kangaroo project, Mary Owen, the WIC coordinator, says, "Recognizing that it is much easier to develop healthy eating habits than to change poor ones, we want to help children, in an exciting way, explore various foods and learn how these foods will help them grow and be healthy."

Part of this project also includes producing a "WIC and You" video series that uses the kangaroo and WIC foods. This series will focus on the WIC foods and their importance in the child's diet. An evaluation of the effectiveness of the project will be conducted at the end of the school year.

USING NEWSLETTERS

As an ongoing means of educating participants about good nutrition, many WIC managers throughout the country use newsletters to keep participants informed.

In Missouri, Kathy Hoy sends a newsletter to her nine St Louis County sites each month. Each newsletter features a different topic that is related to food and nutrition. Her newsletter for July, for example, was on nutritious snacks and for August it was on food purchasing. Participants receive the newsletter when they come in to get their monthly vouchers.

Karen Klein in Waterbury, Connecticut, uses a newsletter every 2 months as a secondary contact with her participants. With the newsletter and a questionnaire, a nutrition aide reviews the nutrition information with the participant to make sure she understands it. In this way, the newsletter is used as a teaching tool.

Rebecca Maxwell in Farmville, Virginia, has a section in her monthly newsletters set aside for WIC participants to share information with each other. Some ideas they have been sharing include recipes for using WIC foods in nutritious snacks for children.

At the beginning of September, Maxwell got two participants from each of her seven counties to test submitted recipes in their

homes. They tried them to see how easy they are to follow and how well their children like them.

The easiest, most popular recipes will be included in a 12- to 15-page mimeographed cookbook that should be available to all participants by March.

MANAGING LARGE CASELOADS

Group classes and effective management of staff are keys to Cheryl Kenady's success in teaching nutrition education to a large caseload of 8,000 in Dayton, Ohio. Five licensed practical nurses allow the eight nutritionists (one of these is half-time) to concentrate on nutrition education. The nurses do the medical screenings and help in encouraging breastfeeding, which allows the nutritionists to counsel twice as many participants.

Due to a lack of space and staff, for the past 2 years Kenady has used a combination of classes and individual counseling. All participants receive individual counseling at initial certification, and more than half—64 percent—have individual appointments at mid-certification as well.

Classes are held once a month for both children and mothers. They are on such topics as anemia, the overweight and underweight child, and dental care. Topics for the prenatal woman include breastfeeding, formula preparation, feeding your baby, and basic nutrition. Postnatal classes include budgeting, breastfeeding and feeding in general, and recipes and cooking ideas. There are also classes for older children. One of the subjects included is snacking, which is taught with the help of a film, "The Snacking Mouse."

Recipes on the back of dairy calendars are another way Kenady informs participants about nutrition. In Dayton, milk, eggs, cheese, cereal, peanut butter, juice, and baby formula are delivered to participants' homes by authorized dairy companies.

Participants receive dairy calendars every 3 months when they come in for their appointments. On these calendars are recipes that either the participants or nutritionists have offered.

Kenady feels her efforts have paid off. "Kids who were anemic or overweight," she says, "are no longer this way. The beauty of WIC is that these foods become a habit for the kids. The kids ask for them and the parents aren't inclined to deny them."

In Knoxville, Tennessee, some carefully planned teamwork helps WIC nutritionists at the main clinic handle a caseload of about 4,700. The four nutritionists who work at the main clinic divide up the caseload and work on a buddy system so they can help each other out.

"Each nutritionist under this system has a buddy who will help her if she needs it or will handle the caseload if she is not there," says nutritionist Susan Brokaw. "As a result, two buddies share the caseload and are a real support for each other."

Being located close to the University of Tennessee has also been a big help in handling a large caseload. Brokaw benefits from the help of students in the Department of Food and Nutrition at the university who initiate projects and do field work at the WIC clinic. Brokaw provides the field work and directs their projects.

In addition, the clinic has benefitted from the help of paraprofessionals, who have also been university students. They have assisted in plotting growth measurements for participants' records. They also have helped the nutritionists develop and teach classes, allowing the nutritionists time to work individually with participants.

EDUCATING TEENAGERS

"Being housed in a hospital where our teenagers can get the support of other social service agencies has helped teenagers on the WIC program enormously," says WIC director Kit Plourde of Bristol, Connecticut.

"The other social services agencies in the hospital and in the community back up our nutrition information, and we back up their prenatal information. We share with and reinforce each other. As a result, the girls can take care of themselves and their babies better."

High-risk prenatal cases, a category that some teenagers fall into, receive the best coordinated help the social service agencies can offer. Representatives from these agencies get together once a month to discuss a patient's total care.

Representatives include a medical social worker, a nurse practitioner at the prenatal clinic, a WIC nutritionist, a PACE (Prevention of Child Abuse—A Community Effort) coordinator, the head nurse on the pediatrics and obstetrics/gynecology floor, and a representative of the Girls' Young Parent Program.

This coordination among the social services extends to nutrition education as well. "As a nutritionist, I not only educate these girls through the WIC program but also through the Young Parent Program," says Jean Kostak, a nutritionist at the Bristol clinic.

The Young Parent Program is a support group for pregnant teenage girls and teenage mothers. As a regular part of the program, social service professionals come and counsel the girls on such topics as how to stay in or get back to school, prenatal care, and caring for a new baby.

Sometimes using films, Kostak discusses nutrition needs during pregnancy. She talks about how food affects the health of a growing fetus and how smoking, drugs, and alcohol can hinder a fetus' development.

To give each girl as much individual attention as possible, Kostak asks the girls to write a diet journal 2 weeks before a class starts. In the journal they write down everything they eat during a week or as many days as possible. A week before the class begins, they hand in the journal. Then Kostak does a complex nutritional assessement of each girl's dietary intake where she evaluates the strengths and weaknesses of the girl's diet and makes recommendations for improvement.

"An example of what I might tell them," Kostak says "is this: Some ways to increase your calcium would be to drink more milk or eat more dairy products during the week.' "

The teenagers also learn about benefits of breastfeeding in these classes. Says Kostak, "The girls are very receptive. They are not inhibited about asking questions and sharing information."

"As a result," says Kit Plourde, "we've had a big increase in breastfeeding teenagers. Four years ago, before our coordinated education program started for teens, the majority of them were not breastfeeding. Now the majority are breastfeeding from 2 to 6 weeks. And if the girls want to breastfeed when they go back to school, the schools are supportive. I know of at least one teenager who went back to school and was able to breastfeed in a room provided by the school nurse."

SHARING RESOURCES

A common bond that all WIC directors and nutritionists share is that they don't work in a vacuum. They are part of the community they serve. As a result, they participate in a give-and-take: giving of their services and taking the services of others to benefit the community as a whole.

Some of the service agencies WIC personnel regularly use are; the Cooperative Extension Service, Dairy Councils, the Red Cross, the March of Dimes, the La Leche League, lung associations, state departments of health and nutrition, community action programs, food banks, and public health departments.

Many WIC offices receive materials from the Cooperative Extension Service. In addition, in some communities the Extension Service refers possible participants to the WIC office, and the WIC office refers participants who might need additional information and attention to a home economist working in Extension's Expanded Food and Nutrition Education Program (EFNEP). In some communities, Extension Service personnel do food demonstrations at the WIC offices as well.

From the other service agencies the WIC offices receive printed materials and audiovisuals on such topics as prenatal nutrition and health, breastfeeding, and smoking and pregnacy. When appropriate, WIC personnel refer their participants to these agencies for information and help. They also gain new participants from referrals these agencies make to them.—Article by Bonnie W. Polk.

A LOOK AT THREE URBAN WIC PROGRAMS

Barbara Fritz, Hilda Whittington, and Jean Davis direct large urban WIC programs in Cincinnati and Chicago. All three have been with WIC since its beginning, and their enthusiasm and support for the program have continued unabated. They have a lot to say about the changes they've seen over the years, the challenges they've faced, and the successes they've had.

Before the WIC program began in January 1974, Jean Davis had spent 5 years working with "Operation Nutrition" in the suburbs of Chicago. This program involved the distribution of USDA surplus commodities to needy pregnant women.

"But after traveling from suburb to surburb, sometimes 200 miles a day, I wanted a change and a chance to work in more of a community setting," says Davis. A registered dietitian with a master's degree in public health, Davis found that setting when she took the position of WIC director in 1974 at the Mile Square Health Center (MSHC), a nonprofit community health center on Chicago's west side.

While Davis was contemplating her career shift in 1973, Barbara Fritz was coordinating school and community relations in Cincinnati, Ohio. Fritz had become involved in public housing and education issues during the 1960's and learned about WIC through a friend.

"I had never heard of any program that made such sense," Fritz recalls. "It hit me like the proverbial ton of bricks." She applied for and obtained a staff position in the Hamilton County WIC program of the Cincinnati Board of Health (CDM), and a year later was appointed WIC director.

Hilda Whittington came to the Chicago Department of Health (CDH) as a public health nutritionist in the fall of 1973 and was asked to develop the WIC program and

counsel clients who received various health care services. She had just competed her master's degree in public health, having already become a registered dietitian.

"The city's WIC program began in a storefront clinic on the lower west side," she remembers. "When we started, I was certifying and counseling clients, and we were given a temporary CETA worker who helped give out the food vouchers."

PROGRAMS HAVE GROWN AND CHANGED

For Barbara Fritz, spreading the word about WIC has been her biggest challenge and ultimate success. "In an urban area like Cincinnati, the most important thing I can do is to develop communications networks to let every possible person know about WIC," she says.

"For 10 years, I have been building networks with community groups, churches, and over 300 human resource agencies and organizations in Hamilton County." Ten years of hard work, full of meetings, outreach efforts and appearances before the media; have paid off.

"Although Cincinnati is only the third largest city in Ohio," she says, "it has the largest WIC program in the state, serving about 15,000 clients."

The Chicago Department of Health's WIC program is also large. At the end of its first year of operation, the storefront clinic was serving about 3,000 women and children. Today, CDH has 10 WIC sites serving approximately 27,000.

Getting information out to the public was not a problem in Chicago, according to Whittington, who is now acting director of CHD's nutrition division. "Clients found out about WIC, either through word of mouth or through referral to our clinic from other clinics in the department," she says.

"We were initially overwhelmed with referrals and had not anticipated that the program would catch on as fast as it did. What kept us busy in those first years was building up our recordkeeping, reporting statistics, and, of course, obtaining enough staff," she adds. "We had to pull nutrition staff from other city clinics to help out."

At the Mile Square Health Center, Jean Davis saw about 1,000 WIC clients in 1974. "To me, Mile Square was like a piece of cake compared to reaching clients in the far-flung suburbs," she says.

At that time, the Mile Square Health Center served what its name implies, a square-mile area, extremely impoverished, on Chicago's west side. "It was easy to contact patients because of the housing situation, with mostly apartments and housing projects close together," says Davis.

Until 1982, both Mile Square and the Chicago Department of Health operated WIC programs within designated geographical areas of Chicago. "We had many complaints about the geographical boundaries, which were difficult to explain," says Whittington. "Many potential clients felt discriminated against."

She remembers cases in which one neighbor living across the street from another was unable to participate in WIC while the other was, "just because she was outside the boundary limit and the other was inside."

During 1981, the Illinois Department of Public Health and local WIC agencies worked on an expansion plan. As a result, there are now 13 WIC sites serving all of Chicago. In addition to Mile Square and the 10 CDH clinics, there are two smaller WIC sites at Roseland Hospital and the Altgeld Clinic.

TWO DELIVERY SYSTEMS USED

Once certified as eligible for WIC, participants are authorized to receive a food package worth an average of from $25 to $35 a month. But how they actually obtain their supplemental foods varies from community to community.

In Cincinnati, a dairy truck delivers WIC foods to program participants. The delivery man is given a list of WIC participants and the food packages that have been specifically tailored for them by a WIC nutritionist.

For example, a woman and her infant may receive a carton with milk, eggs, cheese, orange juice, infant formula, and cereal. In order to prevent spoilage, any fresh foods in the WIC package, such as milk or eggs, are delivered once a week.

"For Cincinnati, the dairy delivery system has worked very well," says Barbara Fritz. "There are no big superstores in the inner city where many participants live, and prices tend to be sky high at smaller corner grocery stores."

In Ohio, each county decides whether it wants to use the dairy delivery or the food voucher system. In 1974, the Cincinnati Board of Health, which operates the WIC program in all of Hamilton County, decided to use the dairy delivery system.

The Ohio Department of Public Health then solicited bids from dairies and awarded a contract to the lowest bidder. For items such as infant formula and dry cereal, the dairy subcontracts with suppliers of these products.

"When a family reports that it didn't receive its monthly food package, we can check with the driver," explains Fritz. She works on keeping a good relationship with the dairy company, and out of about 14,000 deliveries a month has found only a few mistakes. "Besides being convenient for participants, the dairy system assures, by law and by contract, that only the proper foods are delivered to participants," says Fritz.

At the Chicago Department of Health WIC sites as well as the Mile Square Health Center, participants receive vouchers listing the supplemental foods they may purchase at local grocery stores. They pick up their vouchers during the first week of each month, on a day designated according to the first letter of their last names.

"More than 400 local stores are under contract with us to provide WIC foods," explains Hilda Whittington. These include chain stores, independent grocers, and even drugstores that sell infant formula. One person on Whittington's staff devotes full time to monitoring the retailers to make sure they are providing the foods specified in their contracts.

At Mile Square, Jean Davis has arranged for 51 stores in her now expanded service area to accept WIC food vouchers from participants. "I train the vendors myself about what foods they can allow," she says, "and once in a while I have to counsel grocers who I've found may be breaking the rules."

NUTRITION EDUCATION MAKES A DIFFERENCE

"One of the happiest moments for me was when one of my grocers made a special trip to my office to see 'who is in charge of this WIC program," recalls Davis. "He said that prior to WIC, many of his customers would just come in and shop. "Now, his WIC customers read labels on cans and packages. He told me he had seen the change in the clientele and wanted to know 'why all of a sudden people were talking about brands and quantities and quality in the foods they were getting.' That made me feel so good!"

What had happened was that participants at Mile Square, like those everywhere else, were receiving nutrition education on a regular basis. In Chicago, as in Cincinnati, WIC clients are counseled individually during their initial visit, then take part in a variety of group activities. Davis, Whittington, and Fritz view nutrition education as a vital part of WIC and give it high priority in their programs.

Another shared interest is dental health, and all three directors include information on diet and dental health in their educational activities.

"Before I would see the patients referred to me by a physician," says Davis, "I wanted them to see the Mile Square dentist because so many of them had bad teeth."

She recalls many mornings when mothers would bring in children who complained of pains and stomach aches but who were really suffering from toothaches.

Her push for dental care paid off when the Mile Square management hired a children's dentist in 1980. "We now have a pedodontist here because of the WIC program," she states proudly. In addition, all children on WIC see a pediatrician. "The head of pediatrics here is very happy because all of the kids now get immunization shots."

PLANNING FOR THE FUTURE

With all their administrative responsibilities, the three WIC directors admit they miss working with clients. "I become dismayed sometimes because I feel removed from the patients," says Fritz, who manages a staff of 40. "But I do talk to a mother or two occasionally and go on visits to different clinics."

Davis concurs. "In this field, you have to like dealing with people and hearing about their problems. I miss that one-on-one contact."

Hilda Whittington also misses providing direct service to clients. But, she says, "I became interested in administration because I wanted to influence the delivery of health care services to clients."

In the future, Whittington, whose staff includes 84 persons, sees more emphasis on teamwork. In clinics providing WIC services, there will be more coordination with social workers nurses, and hypertension screening specialists.

Also, the clinic staff will be working to make WIC clients more aware of the availability, at larger neighborhood health centers, of such speciality services as podiatry, internal medicine, and X-rays. "We will be serving more clients and expect, in 1984, to reach our assigned caseload of 35,000," says Whittington.

A local agency's caseload, or the number of persons that may be served, is dependent on available funds and is assigned by the state agency. At Mile Square, the number of WIC clients has grown from 1,000 persons in 1974 to an assigned caseload of 12,000 in 1984.

"I have always been able to convince the state agency in Springfield that I will be able to fulfill our caseload as assigned," says Davis. "We will work on Saturdays if we have to in order to reach our caseload, As long as I can add additional caseload, that means more people can be served."

Davis has kept in touch with a number of her former clients and is proud of their progress. Over the past 10 years, 15 former WIC participants have worked at various times in the program.

"I also remember meeting several years ago a couple who had come to the clinic to

enroll their new baby in the WIC program," says Davis. Recently she saw them again and learned that they had both received college degrees.

A firm believer in continuing education, Davis emphasized staff development and encourages her employees to further their educations. "If they have finished high school, I tell them to go further, to get more schooling and training that will help them grow," she says.

"I have three women who are currently working for me as clerks who were once WIC participants. All three are taking college business courses!"

At the Cincinnati Board of Health, Barbara Fritz continues building and maintaining networks to let the public know about the WIC program. In 1984, her caseload will be about 16,000 persons. She is pleased that, after a decade, Cincinnati has a huge referral system, involving community groups, churches, private hospitals and 11 health centers.

Fritz will also be focusing her efforts on reaching pregnant women early, in their first or second trimester. "Usually, we see them in their last trimester, but if we can get to more of them in time, we can make a difference in their having healthier babies."

At times, Fritz feels frustrated with the bureaucracy inherent in running any large social service program. "But when I've had it up to here with the bureaucracy," she says, "what renews me is how well the WIC program works and what a solid practical, humane, and cost-effective program it is."

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Hilda Whittington, Acting Director, Chicago Department of Public Health Nutrition Division, WIC Program. Richard J. Daley Center, Room CL-88, Chicago, Illinois 60602. Telephone: (312) 744-3867.—Article by Victor Omelczenko.

WIC in Rural Colorado

The Colorado WIC program provides an excellent opportunity to observe a variety of delivery systems designed to meet the unique demands of rural communities.

WIC currently serves 45 of Colorado's 63 counties, most of them rural, and each one poses a specific set of environmental and demographic challenges. Consequently, each requires an innovative and adaptive response at both state and local administrative levels.

To illustrate the wide range of circumstances in which the WIC program has flourished in Colorado's rural plains and mountain communities, this article focuses on three local agencies: Prowers County (with its clinics in Lamar and Granada), Bent County (with its clinics in Las Animas and McClave), and Gunnison County (with its clinics in the town of Gunnison).

The clinics in these three counties, like most rural health programs, are operated by county nursing services. In one small office it is not unusual to find a public health nurse who, with a staff of paraprofessionals, is responsible for a number of different services: WIC, family planning, immunization, maternal and child health; prenatal and well-child care; nursing for the elderly; and Medicaid—as well as the school nursing service.

As Colorado WIC director Bill Eden says, "Rural public health services like having WIC because it is often the big draw—the carrot that brings people in. Then they can receive immunizations or other services they might need."

Under Eden's direction, the Colorado Department of Health has developed an excellent training and certification system for rural and nonrural WIC paraprofessionals. The system includes a detailed series of self-teaching modules, an efficient communication network providing access to Denver-based nutrition consultants, and instructions on how to inform potential participants of WIC services.

In addition, Eden has collaborated with Margie Hargleroad, nutrition consultant to the state's migrant health program, to establish an effective WIC delivery system for migrant farmworkers. The system, developed specifically for Colorado, is now being applied in other states with large migrant populations.

A major strength of the delivery system is its successful integration with other, existing health services for migrants. Nutritionists, partially funded by WIC, now join nurses and dental hygienists to form 12 inter-deciplinary teams which travel to migrant centers throughout Colorado.

Prowers County

One of the centers of migrant activity is the small town of Granada. The WIC program in Granada is actually a satellite of the program in Lamar, one of the larger towns (pop. 8,500) in the fertile Arkansas River Valley of southeastern Colorado. Based in Lamar, the Prowers County nursing service provides WIC benefits to about 460 women, infants, and children throughout the county.

The staff consists of WIC coordinator Norma Rogers, who is a registered nurse; Mary Jane Torres, full-time WIC clerk; Veronica Losa, part-time WIC clerk; and Mary Guiney, migrant health services nutritionist, who spends about 60 percent of her time on WIC.

"Well over half of Prowers County WIC participants are Hispanic, and 20 percent—about 100 of our clients—are migrants," says Rogers. The greatest numbers of migrants participate during the harvest season, but participation drops back in the fall.

Many migrants come to the farms around Granada from their home base in Texas to harvest the large onion and potato crops. One of the main residences for migrants is a housing project on the outskirts of Granada called Nueva Vista, and it is there in a unit reserved for migrant health services, that the satellite WIC clinic takes place every Tuesday.

The migrant community is very close-knit, and information spreads quickly by word of mouth. So it is for WIC. Roges says that WIC is extremely popular among migrants, and she feels confident that her staff reaches virtually all of the eligible migrant women and children in Prowers County.

Those who don't live at Nueva Vista manage to find transportation to the clinic. Every Tuesday cars and trucks filled with mothers and children arrive in slow, steady succession.

Reaching migrants is first priority

"Migrants are our top priority," says Rogers. "We never know if we will see them again after their first visit, so our main goal is to get the pregnant and breastfeeding women on the program immediately."

The result is that Rogers' staff uses an abbreviated application procedure for migrants." No appointment is necessary," says Rogers. "We take them in immediately. We've learned to be flexible."

However, for their expedited service migrants also pay a price. Unless they come back for follow-up visits, they often go without the testing, monitoring, and counseling provided under more conventional circumstances. "It's not the kind of quality care we like to give," says Rogers, "but getting them the food is our main goal."

For instance, Denise Cruz, a young mother of four from near Lubbock, Texas, came in just long enough to register her two older children, having registered her two younger ones the week before.

After she had gone, Rogers examined one of the certification forms. Only the birthday and birth weight (5 pounds, 6 ounces) were filled in. The blanks for height, weight, and hematocrit were filled with the number "99"—the code for "unknown," Rogers says, "That's the story of the migrant."

To compensate somewhate for the migrants' transient and undocumented lifestyle, Rogers says clinics now provide them with "verification of certification" (VOC) cards, which they can carry from one location to the next. The VOC card, which is used by all WIC agencies serving migrants, helps to establish some history and continuity for the migrant WIC participant when she arrives at a new clinic. It also helps WIC personnel avoid needless and wasteful duplication of service.

To compensate for incomplete office visits, nutritionist Mary Guiney visits almost all pregnant and postpartum migrant women in their homes. She also has contact with migrants at the local migrant school, day care facilities, and weekly night clinic, but it is in the home that the most effective counseling takes place.

Guiney discusses with the mother the nutritional needs of her child, learns of any health problems in the family, and gives brief lessons in general nutrition and consumer education. "For instance, I explain the merits of iron fortification in formula. And I compare the cost of a glass of milk to a glass of soft drink to show that milk is cheaper and more nutritious. I do the same with an apple and a candy bar."

Guiney adds that migrant families, though poor, maintain traditional cultural values and, therefore, are very polite and receptive of her educational efforts. "The ones who have settled out (left the migrant stream) are less receptive. They've become Americanized."

Ironically, it is this Americanizing process that is responsible in part for some of the common migrant health problems. "Migrants characteristically show symptoms of a basic nutritional inadequacy brought about by a deterioration of their traditional diet and a growing tendency to select 'junk foods,'" says Guiney.

Guiney has observed that migrants' diets are frequently deficient in calcium and vitamins A and C, and they are too high in sugar and starch. Half of all the migrant children seen at the Granada clinic are enemic. Forty percent are overweight. Diabetes and hypertension ae common among adults.

Language presents special problems

Efforts by the nutritionist and WIC staff to correct these problems are hampered by some formidable obstacles. Language is one

of them. To overcome the language barrier, the state agency has worked hard to make its WIC education materials accessible to migrants. All Colorado WIC publications are now available in Spanish.

Yet, for most migrants the majority of nutrition education occurs orally—either through counseling during office visits or during Guiney's trips to their homes. Practically all conversation at the Granada clinic is in Spanish, with Mary Jane Torres, the most fluent of the WIC staff, doing most of the talking.

For migrants who speak little or no English, even an activity as routine as shopping in a grocery store can be an intimidating experience. Unable to ask questions, read labels, or seek help, they have difficulty selecting nutritious and economical foods. Though WIC clients are aided by their itemized food vouchers, they occasionally run into problems, too.

It is not uncommon for small, rural grocery stores to run out of certain items if demand surges unexpectedly. The Granada IGA market has run out of some WIC-eligible foods, such as juice, formula, even milk, when migrants arrive en masse. In those instances the store issues a rain check for the item, which generally means a delay of 2 or 3 days.

Still other factors aggravate the problems brought on by marginal nutrition. Teenage pregnancy is a relatively common circumstance among migrants. One girl who came in to the clinic inquired for her sister, who was 14 with a 10-month-old baby. Guiney also recalls having seen one 4-day-old child in Granada with a birth certificate from Lubbock, Texas. "That child traveled a long way in its first 4 days of life," she says.

Few migrant mothers breastfeed their children. Rogers puts the number at less than 40 percent. The reasons are not clear, but Rogers conjectures that, because many mothers work long days in the fields, breastfeeding just isn't convenient. They also may feel that breastfeeding is a backward, stigmatizing practice.

Rogers, Guiney, and the rest of the WIC staff attempt to dispel erroneous ideas and explain how to express and store milk, but so far they have met with little success.

All the more reason, says Rogers, why WIC is vital to the well-being of the migrant community. The food package with its iron-fortified formula, the referral system giving migrants access to the entire network of migrant health services, the nutrition education provided by Mary Guiney and her counterparts on other interdisciplinary teams across the state—all are essential components in WIC's effort to improve the quality of life among migrants in Colorado.

BENT COUNTY

Traveling west from Granada and Lamar along Route 50, one leaves behind the area of migrant concentration, but the character of the landscape remains unchanged: vast, cultivated plains of the Arkansas River Valley punctuated at intervals by small towns.

One of those towns, Las Animas (pop. under 3,000), is headquarters for another rural WIC program. This one is operated by the Bent County Nursing Service and staffed by Priscilla Nielsen, registered nurse and WIC coordinator; Donna Lucero, full-time WIC clerk; and Bonnie Miller, part-time WIC clerk.

The Bent County WIC caseload is currently 275 to 300 and growing slowly. It comprises almost equal numbers of Anglo and Hispanic participants, a third of whom are unemployed. Those who do work are mainly farmworkers, staff at the VA hospital, or assemblyline workers at Neoplan, a German bus manufacturing plant in Lamar.

As in Prowers County, WIC reaches a high percentage of the eligible population—"about 90 percent," says Nielsen—because the program is well known and the population is fairly stable. "Sometimes we miss farming families who can go a couple of years without showing any income and yet might not think of themselves as qualifying for WIC."

She adds, "We like to stress that WIC is a nutrition and education program rather than welfare. WIC is well integrated into the structure of the county nursing service, and so it is a nonthreatening way to make contact with the other health programs."

Service geared to clients' needs

Nielsen sees advantages to having a small program. "In a small office like this we can be more flexible and more intimately involved with our clients," she says. "Our counseling is one-on-one, and we adapt to the needs of the individual, treating not only nutritional problems but an entire spectrum of health disorders."

Mothers are willing to meet with WIC paraprofessionals because quite often they know each other on a social basis. Nielsen says, "Bonnie greets everyone like a long-lost daughter. These are people she knows. We have pregnant women who come in for WIC who haven't seen a doctor because they have no money. We help them get on Medicaid and work out payment plans with physicians if possible."

The popularity and high visibility of WIC also help the Bent County Nursing Service reach prospective clients in outlying areas. "There are some families in the McClave area we've been trying to immunize for years. When WIC moved in, we had a more frequent and prominent presence. We were able to remind these people of their need for immunizations."

Once a month, Donna Lucero and Bonnie Miller load up Lucero's compact station wagon with client charts, vouchers, scales, and other program paraphernalia and drive 25 miles east of McClave to conduct a satellite WIC clinic.

A room reserved at the elementary school serves as the monthly WIC clinic, and it is here that Lucero and Miller set up their equipment and begin what will be a full day of issuing vouchers, recertifying clients, and providing nutritional counseling. The school is otherwise vacant, but clients arrive, one after another, at their appointed times. In all, the McClave satellite operation serves about 40 women, infants, and children.

One of the mothers, Connie Enciso, comes in with her four children and a translator (Connie speaks only Spanish). Her husband is a farm laborer, and all of her children are on WIC.

For the children, Lucero brings out some toys and some small paper cups filled with vitamin-fortified cereal and unsweetened fruit juice. It is an effective way to introduce WIC participants to new and nutritious snack foods.

Asked if she likes WIC, Enciso answers, through her translator, "Yes, I like WIC because it helps me get milk and cheese for my children that I wouldn't be able to afford." Other participants respond with similar enthusiasm. Becky Atkinson, mother of a 3-week-old boy, says, "I've learned a lot about what is important nutritionally for the development of the baby."

Patty Odell, mother of two boys, admits she was skeptical at first. "I thought people would just continue to eat the way they always had. But I think the program does change the way you eat. It offers you new foods, and you learn to eat and enjoy them."

Despite encouragement from the WIC staff, the number of Bent County WIC participants who nurse their babies remains under 50 percent, as in Prowers County. Nevertheless, Lucero says that more mothers are at least considering it.

Progress in other areas, such as lowering the incidence of anemia, will undoubtedly come as WIC reaches into the remote corners of the county and slowly alters eating habits, as it did for Patty Odell and Becky Atkinson.

GUNNISON COUNTY

If one continues to follow Route 50 west from Las Animas, it eventually winds its way up into the Rocky Mountains where the small towns, though still deriving their livelihood from the land, assume a character quite different from those of the Arkansas River Valley. Those differences are reflected in the WIC clientele and the way the program is delivered.

One such mountain community is the town of Gunnison, similar in size to Lamar and nestled in a high valley between mountain ranges at an elevation of almost 8,000 feet above sea level. Gunnison is in a historic mining area, and the mines are still a major source of income for the town. However, Gunnison is also the home of Western State College and a thriving recreational and tourist trade supported by the Crested Butte Ski Area nearby.

The convergence of these diverse forms of employment in one small town makes Gunnison's population atypical in some respects: the average education level is higher than normal and the average age lower. Nevertheless, the job market is relatively slow and low paying, especially now when the mines are operating far below capacity. As a result, it is a common practice in Gunnison for residents to work two or three jobs in various local cottage industries to make ends met.

That is true even for WIC coordinator Donna Nielsen and her staff of one, Melissa O'Connor. They run their program 1 day a week in a converted house just off the main street of town, and they share facilities with other health programs of the Gunnison County Nursing Service. WIC in Gunnison may be a part-time job, but it is one, as Nielsen explains, they take very seriously.

More mothers seeking help

In spite of its small size (current caseload is 89), the Gunnison WIC program has more than doubled over the past 9 months, due largely to the lull in mining. "The recession is reaching us in kind of a delayed reaction," observes Nielsen. In April 1983, Nielsen increased WIC service days from one Tuesday a month to three.

She interprets the recent growth in her program as an ever-stronger mandate for the services she provides, but it is taxing the limits of the Gunnison office's capabilities. "As the caseload increases, the quality of care suffers," says Nielsen.

"We just don't have as much time to devote to each person. We used to see every client at every clinic (once a month) for counseling. Now we counsel them every other month, though they still come in once every month to get their vouchers."

Nielsen's frustrations over limits of time and money disappear when she talks about her clients. "We have an extraordinary group here, to be sure. They certainly are not well off economically—meeting the income guidelines is almost never a problem—but they are well educated.

"Very few have not graduated from high school. They are extremely health conscious, inquisitive, and interested in the nutrition education we have to offer. Most are first-time moms, and they're motivated to provide high quality care for their children."

To illustrate the exceptional character of Gunnison's WIC clientele, Nielsen cites a surprising statistic: "Close to 95 percent of our mothers nurse their babies."

This is a much higher percentage than in the two Arkansas River Valley communities and especially surprising because most of the clients in Gunnison must work more than one job to make ends meet.

Participants see positive changes

The mothers who come in for their appointments say WIC has made a difference in what they eat and how they feel. Teresa Kooiman, mother of a 14-month old girl, says, "I love WIC. The nurses here are more helpful and ask more questions than the doctors do. And I think I'm a lot healthier than I would have been without the program."

Barb Sabin, a single mother of a 3-month-old son, says, "WIC is great. The staff are very supportive, and their program is educational. I don't like just cooking for myself, but their literature shows many recipes that are quick, easy, and nutritious. WIC has altered my eating habits."

Nielsen concentrates on printed nutrition education materials for her clients. "Our administrative budget goes for two things primarily: wages and publications," she says. "I spend about 2 to 3 hours a month assessing publications. They are an important tool for us."

Nielsen displays some of the brochures she likes. One is from the American Dental Association warning mothers that their babies can develop dental caries ("nursing mouth") if allowed to keep bottles of milk, juice, or other fluids in their mouths for long stretches at a time.

Another publication, Recipes That Please, was published specifically for WIC participants by Kellogg.

"We get quite a few publications from large companies like Kellogg," says Nielsen. "I may hear of one that sounds good, and I'll write to the company to send us a copy."

Nielsen saves her pride and joy for last: an original, locally produced silk-screened poster about the Gunnison WIC program. The poster has a picture of a mother with two small children, a brief description of the program, a list of some WIC foods, and the clinic's address and phone number.

"We put it up in laundromats, banks, day care centers, and a few other places where it might reach prospective clients. The ones in the laundromats have been a great success."

Like her counterparts in Bent and Prowers Counties, Nielsen tries to get the most out of every dollar available to her.

"It is true that there are problems in delivering WIC to rural communities," says state WIC director Bill Eden, "principally higher costs, shortages of health care providers, fluctuating populations, isolation, and long traveling distances.

"But if we are to provide equitable high-quality service, we must continue to support these rural clinics. They are an important vehicle for preventive health care as well as WIC services."

For more information, write: Bill Eden, WIC Program Administrator, Colorado Department of Health, 4210 East Eleventh Avenue, Denver, Colorado 80220, Telephone: 303-320-6137 Ext. 233.—Article by David Lancaster.

SETTING UP A MULTI-COUNTY WIC PROGRAM

It wasn't until May 1983 that Coles County in rural southeastern Illinois saw the beginning of the WIC program. By August 1983, WIC was serving 728 participants, not only from Coles County but also from four surrounding counties—Clark, Cumberland, Douglas, and Edgar.

How the Coles County Health Department was able to provide WIC services in five counties is another example of the effort and coordination needed to make WIC services available in sparsely populated rural areas.

PART OF A STATE EXPANSION PLAN

In January 1982, the Illinois Department of Public Health contacted Fred Edgar, commissioner of the Coles County health department and now also commissioner of its mental health department. The state agency had embarked on a ambitious plan to make WIC available in all of Illinois' 102 counties. However, limited administrative funds for WIC and the lack of public health departments in some rural Illinois counties made this goal difficult to achieve.

"The state turned to us and asked if we would be interested in providing the WIC program to Coles County and also to residents in adjacent counties," recalls Edgar.

Under the plan, Coles County was to serve as the administrative hub for the other counties, which did not have formal public health structures. Coles County had had a public health department since 1977.

"I saw a lot of need out there and definitely wanted to bring the benefits of WIC to this area," Edgar says.

After persuading his county health board to accept the program, Edgar put together a plan and a budget and approached officials from the surrounding counties. Nearby Douglas County, which had a county health staff of two persons, agreed to have one registered nurse work part time on certifying WIC clients and to let Coles County handle the administrative paperwork.

Cathie Reynolds, director of nursing for Coles County with responsibility for prenatal classes and immunization clinics, began the search for a WIC coordinator. Reynolds found Nancy Barnett, a nurse with a degree in both health education and special education.

"I was hired in April 1982 and began seeing my first clients in May," Barnett recalls. "After several months, I was doing physical assessments and nutrition counseling sessions for more than 450 participants."

STAFF WORKS TO MEET THE NEED

Word of WIC had spread quickly through the five-county area. "We had flyers put into monthly mailings of public aid checks and food stamps," says Reynolds. "Newspapers and radio spread the word, too. Our biggest problem was serving all the people coming in."

Through careful scheduling, Barnett and Reynolds managed to serve the ever-increasing number of persons coming in for WIC. But for Barnett, frustration grew as she realized that rural transportation problems were affecting the delivery of WIC services.

"WIC participants already have low incomes, and I knew that those outside of Coles County sometimes had to travel 100 miles roundtrip to come in to be certified," she says. "Then, they would have to drive in again every month to pick up their food vouchers."

To better meet the needs of residents throughout the area, the Coles County staff developed a plan for satellite WIC clinics. Once again, Fred Edgar sought the cooperation of officials and organizations in surrounding counties, and this time, the approval of the Illinois Department of Health as well.

By the spring of 1983, Barnett and Reynolds were overseeing the opening of satellite WIC clinics in Clark, Cumberland, and Edgar Counties. The satellite clinics have been operating now for almost a year.

In Clark and Edgar Counties, registered nurses with the visiting nurses association certify clients for WIC twice a week. In Cumberland County, which now has a one-person health staff, the licensed practical nurse sees WIC clients one full day a week. In Douglas County, where the health department has grown from one to three persons, a licensed practical nurse sees clients a half-day each week.

"Now all WIC clients can pick up their food vouchers in their own counties and don't have to travel the long distances to our office," says Barnett.

NUTRITIONIST WORKS FULL-TIME

Since June 1983, Coles County has had a full-time WIC nutritionist, Brenda Franklin, who had previously worked with a multi-county WIC program in southeastern Iowa. Franklin provides new WIC participants in Coles County with their first nutrition counseling sessions and also arranges for later group sessions.

She also visits the four surrounding counties during the week food vouchers are distributed in order to provide WIC participants with their second nutrition education contact. The first nutrition education session for participants in the surrounding counties is done by the part-time staff who do the initial certification.

"I'm planning activities several months in advance so that the outlying counties can sign up participants for my group sessions," says Franklin. She has scheduled a new class on the importance of nutrition during a teen's pregnancy and is beginning a newsletter which will include recipes using WIC foods.

Franklin also draws upon volunteers, both students and faculty, from nearby Eastern Illinois University. "I've had six volunteers so far who've done food demonstrations, decorated clinics, and made posters on good nutrition," she says. She will also be having a volunteer from the university's department of dietetics demonstrate how to make baby food.

BENEFITS EXTEND BEYOND FOOD

The Coles County staff agree that food is what first brings participants into WIC. But, they say, the benefits extend far beyond food. For one thing, WIC has brought a more formal and effective system of nutrition education to residents in the area who previously had little access to nutrition information.

Also, says Nancy Barnett, "The program has brought in an influx of persons who didn't know about the other services our health department offers, such as prenatal classes and immunization clinics. We are constantly referring our WIC clients to

these services, and the satellite clinics in the other counties also do referrals."

During 1983, the WIC program will be serving about 900 participants a month in the five-county area. From his post as county health commissioner, Fred Edgar says, "We're helping infants get off to a good healthy start in life, which I think will prevent a lot of problems later on down the road."

For more information, contact: Nancy Barnett, WIC Coordinator, Coles County Health Department, P.O. Box 604, Charleston, Illinois 61920; Telephone: (217) 348-0530.—Article by Victor Omelczenko.

NAVAJO MANAGERS REINFORCE TRADITION

Two-year-old Brandon Johnson is a Navajo. Each month, he, his younger sister Briana, his mother and grandfather make the 90-minute drive from Two Gray Hills to the WIC clinic in Fort Defiance, one of 81 WIC clinics operated by the Navajo Tribe.

Brandon joined WIC in the summer of 1982 when he was just a year old. At his initial certification his weight was so low it didn't appear on the growth grid, and he was short for his age. Brandon's mother, Sylvia, began collecting the full WIC package for him, and within 6 months his weight and height had improved dramatically.

After a year of participation, Brandon was continued on WIC because of borderline anemia and his history of health problems. Brandon's mom has been learning how foods rich in iron and vitamin C will help him recover quickly and, the WIC staff say, he will probably need to be on the program for only a few more months.

Three years ago, the Navajos took over the administration of their WIC program from the state of Arizona. Today, they serve Brandon, his sister, and close to 15,000 other Navajo mothers and their young children.

"Operating our own WIC program is part of our desire for overall self-determination," says Kathy Arviso, who is in charge of food and nutrition services for the tribe. "The program is more efficient this way. We are closer to our people than a state agency can be, and better able to gear the program directly to the needs of the Navajos."

NAVAJOS HAVE DIRECT CONTROL

The switch to a tribally operated program has given the Navajos direct control of funding and management. WIC coordinator Linda Christensen feels the tribe's experience with the state of Arizona prepared them well for the job.

"The people at the Arizona Department of Health were very thorough, conscientious program managers, and we benefitted tremendously from their administration," she says. "They did an excellent job getting the program established, and we have carried over many of their methods."

The Navajo Nation, the largest Indian tribe in the country, lives on a primarily rural reservation about the size of West Virginia. Its population of 200,000 is spread over parts of New Mexico, Utah, and Arizona. The WIC caseload includes members of the Hopi Indian reservation surrounded by the Navajo lands, and several hundred Navajo families who live in areas adjacent to the reservation.

"Most Navajos live in scattered clusters of a few families at most," says Christensen, "so we literally have to take the program to them." The tribe operates 17 major clinics with regular hours and 64 field clinics, which serve clients once or twice a month.

"There is no typical clinic," Christensen explains. "Many are in trailers, some are co-located with local health clinics, one is in a Head Start center, and another is in an old hospital building."

Severe winters and lack of transportation presented problems for clients and clinic staff alike. Only a fourth of the roads on the large reservation are paved. "During bad weather many roads are impassable and families are stranded, unable to reach fresh food or water or to obtain medical help," says Christensen.

"The bad roads make pick-up trucks and four-wheel drive vehicles necessary. The high cost of these vehicles, the poor gas mileage they get, and the gas prices on the reservation really limit the travel possible."

STAFF EMPHASIZES NUTRITION EDUCATION

Arviso and Christensen place their greatest emphasis on nutrition education. "We're not just giving away vouchers," Arviso says. "We teach these people something about food before they get it." Much of the staff training focuses on nutrition education, and Christensen is developing compentency standards for the clinic staff which will help her standardize nutrition instruction among the clinics.

One major thrust of nutrition education is breastfeeding. "We're pushing breastfeeding for a couple of reasons," says acting head nutritionist Ann Heist. "It will solve some of our major health problems—diarrhea, for example—and it is within the grasp of most WIC mothers, once we dispel the misinformation."

Digestive and respiratory infections are the third most frequent cause of hospital visits on the reservation. In 1980, the Navajo infant mortality rate due to infections and parasites was six times the national average. Half of those deaths were due to diarrhea alone.

Until recently, sanitation problems made it difficult for mothers to protect their babies' health. Some mothers were unknowingly mixing formula with bad water. Others, without refrigeration, were giving their babies bottles that had spoiled between feedings.

"It's hard to expect a mother to get up in the middle of the night, light a fire to sterilize a bottle, boil water for the formula, and then discard whatever is not consumed just so she can repeat the process a couple of hours later," says Heist.

Before 1960, virtually all Navajo infants were breastfed. Studies after 1960, however, showed a drastic drop in breastfeeding. This change, says Linda Christensen, is just one example of how contemporary practices, superimposed on traditional lifestyles, have had an adverse affect on the Navajos' health and dietary habits.

In the mid-1970's, when the WIC program opened on the reservation, nutritionists began efforts to educate Navajo mothers about the benefits and methods of breastfeeding. By 1981, a Ford Foundation study was reporting renewed interest in breastfeeding among the Navajos and attributing these increases in part to the efforts of the WIC program.

OTHER TRADITIONS ALSO REINFORCED

The WIC staff reinforce traditional eating habits in other ways, too. For generations, Christensen explains, the Navajos enjoyed good health as gatherers and hunters and were free from many of the health problems of city dwellers.

Sheep and cattle herding provided plenty of fresh meat, and the native diet included a variety of fruits and vegetables. During the last 20 years, however, native foods have been replaced with modern convenience and snack foods, and the nutritional quality of the Navajos' diet has deteriorated.

Nutrition education in the WIC program includes instruction on how to create a balanced diet of traditional foods. "We have analyzed 80 of the traditional foods for their nutritional value," Christensen says, "things like blue corn mush, fry bread and yucca fruit, and have organized them into a unique set of the four food groups."

The cultural and religious beliefs of the staff and clients have also prompted some unique approaches to health education. "The human body is sacred to the Navajos so many clients are uncomfortable using pictures or models," Christensen says. "Instead, we use diagrams of sheep to teach WIC mothers about their bodies and the organs within them."

Medicine men are still very much a respected part of the health care of many Navajos. "The medicine man's role today is primarily a spiritual one," says Ann Heist. "Some health facilities maintain room for them to counsel patients and their families."

The health of the Navajos has improved significantly during the past few years. One sign of this is the drop in infant mortality. According to Dr. Jerry Nasenbenny, chief of pediatrics at the Indian Health Service Hospital, there has been a 50-percent drop in the number of infant deaths caused by diarrhea.

WIC administrators can take part of the credit for this improvement, but they are quick to point out that many programs have made a difference in the conditions on the reservation

As Christensen says, "WIC is one of a network of food and health assistance programs which have only recently become available. Together, they have had a significant impact on the health of the tribe as a whole."

And, Dr. Nasenbenny adds, "Sanitation has improved dramatically, there is better access to health care and about half the population has good water at last."

CHANGES MAKE A DIFFERENCE

Bob Kragh, federal WIC program director for the western states, feels the Navajos are extremely capable administrators. "There's no question the Navajos can run their own program," he says. "They're doing it, and very well. The tribe has a larger caseload than ever before, and they are using the additional administrative monies they receive to improve outreach and nutrition education."

Last year, Navajo WIC administrators reduced the cost of the average food package by more than a dollar, in spite of inflation, by eliminating vendors who were charging excessive prices. The change resulted in savings of $14,000 per month compared to the previous year.

Kathy Arviso is pleased about the success of the program under tribal direction. "The Navajo people accept the program very well," she says. "They recognize it as an opportunity to improve the health of their families."

The program has proved a benefit to the entire community. According to Arviso, vendors are stocking more foods—and better foods—because WIC mothers are asking for them.

Joann Smith is one Navajo mother who has seen WIC improve her family's health.

Each month Joann and her husband Danny drive the 15 miles to Gallup, New Mexico, to take their 6-month-old daughter Tiffany to the WIC clinic.

Joann's sister had told her about the program that would give her "good nutrition help" during pregnancy. Joann was encouraged to join because of her young age and because she was underweight during pregnancy.

She says the best part of the program is the "lessons about what to eat" and "checking the baby—keeping track of Tiffany's health."

Joann and Tiffany have no idea of the history of the program or how it's run. They come to Gallup, just as Brandon Johnson and his mother go to Fort Defiance, because there are Navajo people there who are helping them live healthier, happier lives.

For more information, write: Katherine Arviso, Division of Health Improvement Services, The Navajo Nation, P.O. Box 1390, Window Rock, Arizona 86515.—Article by Tino Serrano.

MOBILE WIC TEAMS GO WHERE THE NEED IS

To most people the initials W-I-C stand for the Special Supplemental Food Program for Women, Infants, and Children, but to some WIC managers in Texas, New Mexico, and Arkansas, WIC also means travel.

Although the areas these managers work are vastly different, the reasons they travel are basically the same. Either the existing health care system is incapable of handling the expanded caseloads that seem to follow WIC or the population is so scattered it is financially impossible to have full-time WIC staff in each locality.

TRAVEL IN TEAMS AND INDIVIDUALLY

Poorly staffed county health clinics already bursting at the seams with patients made it clear from the beginning that some alternative would have to be found to bring WIC to the people around Victoria County, Texas. "Cramped quarters with wall-to-wall humanity" is the way Victoria City-County WIC project director Art Fuston describes it.

His alternative method is two mobile WIC teams consisting of registered nurses, licensed vocational nurses, commmunity service aides, and clerks. The teams, totaling 12 people including Fuston, are based in Victoria and travel seven surrounding counties carrying WIC services to about 4,000 participants.

Population density dictates the travel method for Gwen Bounds and Millie Mondale. Bounds, a public health nutritionist, serves about 400 WIC participants who live in and around Silver City, New Mexico. One day each week, she takes WIC to close to 100 additional clients in Lordsburg. The two cities are separated by 50 miles of wide open space with hardly any population.

Mondale works the heart of Arkansas' Ozark Mountains. Her caseload of roughly 1,000 is fairly evenly distributed throughout the six-county area she covers. That translates into extremely small caseloads when viewed on a county-by-county basis. Mondale travels to each county at least twice a month and more often if the caseload demands it.

CLIENTS SERVED IN VARIOUS WAYS

Bounds provides all facets of WIC from medical screening to issuing vouchers and giving nutrition education. There are certain advantages to having all services provided by the same person, she says. "I get to know each participant better, which makes follow-up easier and basically improves the quality of care each person receives."

Fuston agrees with that concept, but points out that special efforts must be made to make sure participants are also being seen regularly by other health care providers.

Local health clinics do not have room to house Fuston's WIC teams. "We set up shop wherever we can find a place to hang our hats," he says. "Our offices are located in church buildings, schools, a public library, and in one country we're located at city hall.

"Our separation from local health clinics is purely physical," he says, "since philosophically, we're on the same wave length."

Fuston's staff require written proof of pregnancy from the health clinic or a private physician for all prenatal participants. "That assures us that the participant has at least made the initial contact for medical care during pregnancy," he says. His staff maintain close contact with local health care providers, making and accepting referrals as the need arises.

LOCAL NETWORKS ARE HELPFUL

Fuston also uses his close ties with the local health clinics to build and maintain his WIC caseload. "When we get approval from the state health department to expand into a new county, our first contacts are made with the city and county government officials and with county health departments.

"Getting them involved makes WIC their project, too, and lessens the anxiety or reluctance we might otherwise encounter," he says.

Mondale cultivates a strong relationship with county health providers, too, but does so under a different set of circumstances. She works along side the clinic staff on "WIC day" and relies on them for medical screening of participants.

Local clinic staff members play a critical role as far as referrals go, but when it comes to reaching out into the community for potentially eligible participants, Mondale relies on word of mouth. Most of the communities in her northern Arkansas area are extremely small.

"There is a tremendous network among the people here," Mondale says. "I make it a point to stress in my nutrition education lessons that we want to get women and children on the program if they need it. Within a few weeks, I'll begin to see new participants who heard about WIC through friends or relatives."

BASIC NUTRITION CONCEPTS STRESSED

Mondale feels she is reaching the majority of the people. "It's very difficult for me to figure out who we're not reaching," she says. "If I knew who they were, I'd certainly make the attempt to bring them in."

State health department statistics show that Mondale's "feeling" on the subject is right on target. She is reaching over 95 percent of the area's potentially eligible population. Her caseload remains fairly stable, she says, except for some fluctuation during the spring and summer when people's gardens are producing and their cows are giving lots of milk.

"Many of the women in this area shop for food and cook just as their mothers did. WIC gives them a new and usually better alternative to the traditional diet," Mondale says. "Most of the people are receptive to new ideas and appreciate learning more about nutrition, but occasionally they revert back to the old way of doing things."

Bounds has also made significant progress toward improving the eating habits of participants through nutrition education. In recent years, the acceptance of breastfeeding among young Hispanic women has been extremely low. Since Bounds' caseload is predominantly Hispanic, she emphasizes the advantages of breastfeeding for both mothers and infants in her classes. She's seen a significant increase in the number of mothers willing to try breastfeeding.

The majority of nutrition-related problems Bounds sees result from lack of income. The area's major industry is copper mining. When the mines were forced to close recently, unemployment reached as high as 40 percent.

"When there isn't even enough money for the bare necessities, the children, of course, get less to eat and medical care becomes out of the question except for emergencies," Bounds says. The economy is better now, but the improvement has presented Bounds with a new and unexpected challenge.

Many of the infants and children are now living with their grandparents while their parents look for work in other areas of the state, and Bounds finds herself in the process of repeating basic nutrition concepts for the new caretakers. No doubt she views the minor inconvenience as just a part of the job.

One quality all three WIC managers share is a firm belief in the program. "I'm proud to be associated with WIC," says Art Fuston. "All of us—my staff and myself included—benefit from the nutrition education and the awareness of how nutrition affects our health.

"A strong commitment to the program," he adds, "helps you over the hurdles—the constant travel, the crying babies, the hot crowded clinics. A commitment to the WIC concept is about the strongest motivation anyone could have."

For more information contact: Art Fuston, Project Administrator, 2205 Lone Tree Road, Victoria, Texas 77901.

Millie Mondale, WIC Coordinator, Area 2 Regional Health Office, Second Floor, Old Federal Bldg., Corner of Vine and Rush Streets, Harrison, Arkansas 72601.

Gwen Bounds, Public Health Nutritionist, P.O. Box 2575, Silver Spring, New Mexico 88062.—Article by Kay Blakley.

TEAMWORK HELPS PREVENT VENDOR ABUSE

Part of getting WIC food help to participating mothers and children is making sure grocers are complying with program rules. If grocers overcharge WIC customers, discount WIC coupons, or sell ineligible items, they deprive participants of the food they need and waste valuable program dollars.

Most grocers authorized to accept WIC coupons are eager to comply with the rules, but what about those who do not?

State and local WIC managers in North Carolina are getting some expert help in learning how to deal with problem grocers. In a pilot project to prevent vendor abuse in WIC, they've teamed up with the people who monitor grocers in the Food Stamp Program—the field staff of USDA's Food and Nutrition Service.

FNS SPECIALISTS PROVIDE EXPERIENCE

In one part of the project, completed last summer, state and local WIC managers accompanied Raleigh FNS Officer-in-Charge Gerald Holt and her staff on visits to 140 stores scheduled for food stamp monitoring reviews. During the visits, the FNS compli-

ance staff modified the food stamp interview and added an extra section on WIC.

Alice Lenihan, nutrition programs administrator for the North Carolina Division of Health Services, says the visits were tremendously helpful. "We needed to learn how to look a vendor straight in the eye and handle those situations that are uncomfortable."

The FNS field staff have been authorizing and monitoring grocers for compliance with federal food stamp rules for more than 20 years, often confronting grocers who may be abusing the program. Lenihan feels the food stamp compliance staff provide a good role model for nutritionists, who normally perform the vendor monitoring in the local agencies.

"Obviously nutritionists are trained in nutrition and patient education," she says. "To approach a vendor concerning compliance is somewhat out of the realm of our training and experience."

Franklin County WIC director Diane Price already had a successful vendor monitoring program underway before the joint project began. She had monitored vendors routinely and had required them to attend training sessions. In order to learn more about monitoring, she visited stores with the FNS staff.

"Learning how to word your conversation with the store manager is important," she says, "because you don't want to put him on the defensive, but you do want him to know you mean business.

"I had always told my grocers that USDA representatives could come into the store at any time," she adds. "When I did walk into a store with the FNS specialist, it backed up what I had said and made my position more credible."

Debra Goode, nutrition director of the Cumberland County Health Department, also found the visits helpful. "They gave me the opportunity to see the way FNS specialists approach the vendor and the way an interview is conducted," she says.

HELP EACH OTHER SPOT PROBLEMS

FNS food program specialists Teresa Trogdon Anderson, Elijah Haddock, and Paula Kermon, who did the grocer visits, found a high degree of professionalism in the local health officials who handle vendor monitoring.

While the FNS specialists were able to share their expertise with the WIC staff, they also gained a greater knowledge of the WIC program. Elijah Haddock became so impressed with the program that he now carries a card listing the WIC cereals and buys only those cereals for his family.

"When we started the project, our knowledge of WIC was book knowledge," says Teresa Anderson. "With the WIC staff, we went to stores and learned about the WIC foods, the forms used in the program, and how the program operates at the retail level.

"I also observed the certification of a WIC client to understand better the program differences between food stamps and WIC," she adds. "We now have a very beneficial mutual relationship with the state and local WIC staff. We try to share as much information as we can about problem food stamp stores, and the WIC staff reciprocate by telling us about retail problems occurring with WIC."

The FNS specialists can now quickly spot-check WIC food supplies during food stamp store visits. If the WIC foods are low, they informally notify the WIC staff. This often leads to a follow-up visit to the vendor by the WIC staff. Stores that are found to be seriously violating WIC rules may lose their authorization to accept food stamps as well as WIC vouchers.

According to Alice Lenihan, local agencies have responded enthusiastically to the joint monitoring, requesting that it be expanded to other parts of the state. The state staff is also eager to continue the cooperative arrangement, which has helped them in their education efforts.

EFFORTS GEARED TO PREVENTION

An additional part of the pilot project involved a compliance investigation of approximately 20 WIC vendors by FNS compliance specialists. The stores were chosen based on computer reports that showed high risk factors such as higher-than-expected redemptions of WIC coupons.

Six of the 20 investigated stores were found to be overcharging for WIC foods, and disqualification procedures were begun on those vendors. Other problems that were uncovered included sales of some ineligible foods and failure by retailers to follow proper identification procedures.

Frequently, stores were allowing WIC participants to buy ineligible foods that were similar to eligible foods, such as fruit drinks instead of fruit juices. These vendors were sent warning letters.

Like food stamp compliance efforts, North Carolina's monitoring system for WIC is closely tied to vendor education. Monitoring is not always punitive, but a way to teach and correct problems.

"People in public health are interested in prevention," says Lenihan. "We would rather prevent problems than prosecute the vendor if we can, so our materials and efforts are aimed at prevention of problems."

If grocery clerks and managers do not understand why the WIC program allows only specific foods, time is taken during visits to explain to grocers why substitutions cannot be made.

The state's colorful poster picturing eligible and ineligible WIC foods has been a very successful tool for vendor compliance. The grocers are pleased with it since it is an ideal way to show participants what foods are allowed. Other tools developed include a cashier's booklet that allows clerks to troubleshoot problems on WIC transactions.

SOME ADVICE FOR OTHER STATES

For other states developing compliance programs, Lenihan recommends allowing enough time to develop and print vendor materials properly. Also, she says, it's important to use the expertise of the state legal staff in developing contracts and procedures and preparing for vendor hearings.

"If you take an adverse action against a vendor," she says, "you are talking about a good deal of money involved in that vendor's business and his reputation in the community.

"The WIC program has a good reputation and we cannot afford to tarnish it by allowing abuses," she continues. "On the other hand, you can't have a disqualification action thrown out of a hearing because you didn't handle it in a professional manner." She emphasizes the importance of learning about vendor hearings and the legal aspects of the vendor's due process rights.

As a result of the project, the state staff has redesigned the vendor monitoring system used by local agencies. Monitoring visits to vendors will be made once a year instead of every 6 months since the revised monitoring format will be a more objective and in-depth examination of vendor practices.

"We're modifying requirements to help us identify high-risk stores that may require compliance investigations," says Lenihan. "Local agencies will not be involved in the investigations since they are the educators and trainers for the vendors."

The state staff is also expanding its new automatic data processing component that statistically analyzes grocers' redemptions of WIC vouchers and tracks individual store volumes. This kind of computer monitoring has been getting excellent results in states such as California and Texas, which have been leaders in computer monitoring of WIC vendors.

Publicity is another important part of an effective compliance program. The North Carolina WIC staff furnished an article describing the WIC program and its vendor requirements to the state food dealers' trade publication. Vendor disqualifications from WIC, like food stamp disqualifications, can also be publicized to encourage volunteer compliance from grocers.

Alice Lenihan believes that any state agency that wants to improve its vendor monitoring system should utilize the experience of the FNS field staff. Their experience in working with grocers, combined with their enthusiasm for helping the WIC program, has been the key to building a successful vendor monitoring system in North Carolina.

For more information on North Carolina's vendor monitoring system write: Barbara A. Hughes, Division of Health Resources, State Department of Human Resources, 306 N. Wilmington Street, P.O. Box 2091, Raleigh, North Carolina 27602. Telephone: 919-733-2351.—Article by Kent Taylor.

HIGHLIGHTS OF WIC HISTORY

January 15, 1974 was the day the first WIC site officially opened. But WIC history began in September 1972, when the original WIC legislation, Public Law 92-433, authorized the program to operate on a pilot basis for 2 years. Some key dates in WIC history are:

July 1973.—USDA issues regulations requesting applications from agencies interested in operating the program.

November 1973.—Public Law 93-150 authorizes WIC through fiscal year 1975. The law also allows Indian tribes, bands, or groups recognized by the Department of Interior or the Indian Health Service to act as their own state agencies.

January 1974.—The first WIC program opens in Pineville, Kentucky.

October 1975.—Public Law 94-105 continues WIC through fiscal year 1978. The law sets a new age limit for children, allowing them to participate up to their fifth birthday. It also increases state administrative funds to 20 percent of the federal funds provided by USDA.

For the first time, nutrition education and start-up expenses become allowable administrative costs. The law also establishes the National Advisory Council on Maternal, Infant, and Fetal Nutrition.

November 1978.—Public Law 95-627 extends WIC through fiscal year 1982. The law establishes income guidelines, requires each state agency to spend no less than one-sixth of its administrative funds for nutrition education activities, and includes state plan requirements.

April 1979.—Special grants are awarded to state agencies to serve migrants.

December 1979.—USDA sponsors a national forum on program management, bringing

together WIC directors from all state agencies to discuss state-level administrative issues. The meeting, held in Albuquerque, also includes state directors of the Commodity Supplemental Food Program (CSFP), another federal food program serving mothers and children.

April 1980.—Special grants are awarded to state agencies to serve an influx of Indo-Chinese refugees.

August 1980.—Wyoming is the last state to enter the program.

December 1980.—Public Law 96-499 extends WIC through fiscal year 1984.

January 1981.—A second national meeting provides a forum for WIC and CSFP state agency directors to share information on food delivery systems.

June 1981.—Washington, D.C., begins serving participants.

May 1983.—Guam begins serving participants.

February 1984.—A national meeting sponsored by the National Association of State WIC Directors provides a forum for state agency directors to discuss program issues.

Eighty-five state agencies currently operate the program. They include: agencies in all 50 states; 31 Indian agencies; and agencies in Washington, D.C., Puerto Rico, the Virgin Islands, and Guam. Working with these state agencies are approximately 1,500 local agencies and 7,100 clinics.●

RETIREMENT OF CHARLIE W. JONES

● Mr. HOLLINGS. Mr. President, this month marks the retirement of Mr. Charlie W. Jones, president of the Manmade Fiber Producers' Association here in Washington. During his 10-year leadership of this important trade association, Charlie became one of Washington's most respected and admired executives.

America's manmade fibers industry is the world's most advanced and productive. It provides our textile mills with 75 percent of their raw material. Nationwide, manmade fibers provides jobs for about 90,000 workers. It is an important constituent element of America's fiber/textile/apparel complex—our largest manufacturing sector, employing over 2½ million Americans.

Much more often than not, our textile, apparel and fiber representatives work together to promote American business and to further the cause of a fair trade policy. Written off only a few years ago by many of the pundits and so-called experts, this industry is modernized and more than able to hold its own at home and even develop new markets overseas. Our producers can compete with the producers of any country. The problem is they cannot compete with the governments of those countries. Only if our Government gets behind a strong trade policy, demanding from others the same kind of equity and access we have granted them over the years, can America's economy sustain.

One of the reasons the coalition has worked together so unitedly and effectively is Charlie Jones. His leadership, his sense of teamwork, his uncommonly good judgment, and his legislative experience on Capitol Hill combined to make him an unusually effective industry representative.

A native of Mississippi and a graduate of Mississippi State, Charlie served from 1954 to 1960 as legislative assistant and then administrative assistant to our good friend JOHN STENNIS. He made many friends here and contributed greatly not just to Senator STENNIS' office, but to the credit of the entire Senate. In the 1960's, he established the Washington Office of the American Carpet Institute and served as its vice president. Charlie has had other business experience with the National Cotton Council and the Signal Companies.

When we mention Charlie Jones in Washington, everyone knows that means integrity, knowing how to get things done, and a friend who really cares. We wish him well in his retirement. And we hope we will be able to lean on his good judgment and counsel for many years to come. To Charlie, his lovely wife, Patty, and his children, we wish all good things in the years ahead.●

THE NEED TO GET THE AVIAN INFLUENZA OUTBREAK UNDER CONTROL

● Mr. PRYOR. Mr. President, as we return for the 2d session of the 98th Congress, I want to bring to the Senate's attention a serious matter involving the poultry industry, an industry of vital importance to the State of Arkansas. The issue of great concern to me and the representatives of the poultry industry in this country is avian influenza, a deadly virus that has infected many flocks in Pennsylvania and in recent weeks spread to a few locations in northern Virginia. Avian influenza can infect an entire flock in no time, and within a few short days, can literally wipe it out. There have been efforts by State authorities in Pennsylvania, Maryland, and Virginia, as well as efforts by personnel of the U.S. Department of Agriculture, to control the spread of this disease and depopulate the flocks in an effort to eradicate it. Although a lot of work has gone into this effort, we have to redouble our efforts to insure that avian flu is stopped in its tracks.

Mr. President, it is my understanding that a hearing will be held this week by the Senate Agriculture Appropriations Subcommittee on this issue. I hope USDA officials will describe the situation in some detail and tell the members of the subcommittee what, if any, legislation is needed to aid them in the effort to control and eradicate the avian flu.

There is some discussion underway, Mr. President, as to whether or not indemnification should be made to those people who have flocks with a so-called mild form of avian flu. I hope this issue can be resolved as quickly as possible, Mr. President, because whether a bird has a "mild" form or a "hot" form of the virus, it is still dangerous and poses great risks to other flocks.

In short, Mr. President, while the steps that have been taken were needed, I sincerely hope that we do not sit by and allow the disease to spread further. Now is the time to eradicate the disease and insure that it spreads no further. I look forward to the results of the hearing, Mr. President, and I will work with members of that subcommittee, as well as my colleagues on the Senate Agriculture Committee, in an effort to eradicate the disease.●

THE SBIR PROGRAM: TOWARD A MORE COMPETITIVE AMERICA

● Mr. HOLLINGS. Mr. President, it is no secret that America's position as the world leader in science, engineering, and technology is being threatened by other nations which have taken an aggressive role to implement government policies to foster innovation. The prospect of losing that stronghold is sobering, indeed. Innovation is essential to improving productivity in every sector of the economy, to developing new industries, and to strengthening the U.S. balance of trade—to say nothing of its importance to our national security.

So what will we in the Federal Government do to secure our status as the undisputed champion of the worldwide technological market?

Questions like this have fueled the call for a national industrial policy. But I, for one, am still enough of a believer in our free enterprise system to think that the last thing we need is some big, new agency in Washington deciding who are the winners and who are the losers in American industry. That is not to say that I believe Government should be an uninvolved or uninterested bystander in the plotting of our Nation's economic course. The challenge, rather, is to determine how and in what areas the Federal Government can best help American business and industry become more competitive without encumbering them with further needless and intrusive regulations. Government can be an effective partner and catalyst to business as we endeavor to restore this Nation's industrial might.

Mr. President, I rise today to call attention to one Federal Government program which is helping us meet this challenge—the Small Business Innovation Research program (SBIR).

The SBIR program was enacted by Congress in 1982. It is intended to en-

courage increased participation by small for-profit science and high-technology firms in Government research, while providing incentives for the conversion of research results into technological innovation and commercial applications.

The origin of this program goes back to 1977, when the National Science Foundation began a conscious effort to provide a greater and more equitable share of its research and development dollars to smaller business enterprises, while encouraging other Federal Government agencies to do the same. In 1978, joint hearings of the Senate and House Small Business committees revealed just how far behind small businesses were in supplying research to the Federal Government. Although small firms accounted for about half of all industrial innovations, they received only 3½ percent of the research and development contracts and grants awarded by the Federal Government. In their report, the committees recommended that each major Federal Government agency follow the National Science Foundation's example and set increased goals for small business participation in the research these agencies needed to accomplish their mission. This proposal was backed up in 1980 by the White House Conference on Small Business.

In 1982, Congress passed the Small Business Innovation Development Act. The law requires Federal departments and agencies with annual research budgets of more than $100 million to establish a program to use small business for a portion of their research effort. Funds are taken from the agency's R&D budget, and the small business share of the agency's R&D dollars increases from 0.1 percent in 1983 to 1.25 percent by 1987. Due to the enormous size of Federal R&D budgets, this seemingly miniscule increase actually translates into a total of about $1.4 billion in funds to be available for SBIR awards over the 5-year period.

On February 23, the Senate Small Business Committee is scheduled to hold an oversight hearing on the SBIR program. I am confident that the committee will find the first year of this program has been a successful one. They will also see that it is worthy of expansion as we look for avenues to a more competitive America.

From a national viewpoint, the $130 million that will be awarded in SBIR grants during fiscal year 1984 is a tiny fraction (0.3 percent) of the Nation's $45.8 billion R&D budget. However, this relatively small amount will go a long way toward filling the innovation gap that now exists between large and small businesses, thus strengthening one of this Nation's lesser-used options in the technological development. That is bound to payoff in the future.

No one questions the commitments of many large U.S. corporations to research and development. But the fact is there are institutional biases in the system which often act to stifle innovation when we need it the most. Management authorities tell us that most R&D performed by large businesses is often very specific to the products they are already producing. In addition, managers of these firms are often forced by the pressure of quarterly earnings reports to pay far too much attention to short-term payoffs, thus encouraging short-term speculation at the expense of productive investment over the long haul.

Similarly, there is much to be said for the outstanding universities and other educational and nonprofit institutions throughout the Nation which have contributed so much over the years to American technological know-how. But theirs is mostly basic research, and not focused on the likelihood of commercial application. Furthermore, universities often lack the vigor and competitive intensity which the free market can spur in an individual or corporation.

The small entrepreneur, however, with one brilliant idea and the vitality and courage to risk that notion on the marketplace, can often blaze the trail in the development of new and usable products. Many times these new products can form the basis for entire new industries. Outstanding examples of the recent past include electronic copywriting, the instant camera, the helicopter, and the personal computer.

Thus, innovation by small businesses is important to our Nation because it is often at the leading edge of the marketplace. Yet this resource has been vastly underutilized in the Federal Government's research and development effort because of a system which favors larger companies or universities. Therefore, the Federal Government is truly taking a positive approach when it intervenes to insure that small businesses continue to play a significant role in our Nation's overall technological progress. By earmarking a slightly greater percentage of the Government's R&D contracts to smaller firms through the SBIR program, we are giving our Nation 600 to 700 additional opportunities a year to forge the breakthroughs we need to restore our base of jobs, exports, and opportunities.

The SBIR program will also facilitate the type of business-government partnerships on the State and local level which can often achieve targeted economic growth. A look at the number of SBIR grants to companies in the 10-State southeastern region indicates that innovation can be encouraged where businesses, local governments, and academic world make a cooperative venture. Three leaders among Southeastern States in the number of successful applications to the SBIR program are Virginia, Alabama, and North Carolina—each of which has encouraged this kind of partnership. Programs such as North Carolina's Research Triangle Park and the high technology centers in Virginia and Alabama serve as examples to other States in the region that government can play a significant role in forging the type of cooperation that encourages free market innovation and growth. Let the SBIR program serve as yet another incentive for States to embark on this course.

Which brings me to my final point, Mr. President. This week, on January 25 and 26, an orientation conference on the SBIR program is being held in Orlando, Fla. Since my region, the Southeast, is lagging somewhat behind other regions in developing high-technology capabilities, I feel it is important to salute the program's effort to bring a better future to our region and our Nation.

Representatives of 11 major Federal departments and agencies will attend this meeting to explain their research needs. Major private contractors will also be there to outline subcontracting opportunities for small R&D businesses. There will be further instruction on how to compete for private venture capital, how to satisfy government accounting requirements, business planning, and effective financial management.

This session will be most useful for representatives of small R&D firms, business organizations, universities, and financial institutions in our region. They will have the opportunity to learn how to utilize the SBIR program and move forward toward the development of high quality research.

Therefore, I salute the prime sponsors of the conference—the National Science Foundation, particularly Conference Chairman Dr. Donald Senich, Division Director, Industrial Science and Technical Innovation of the National Science Foundation and Roland Tibbetts, SBIR Program Manager—and the Small Business Administration. My thanks also go to representatives of the 11 participating Federal departments and agencies who will be present, and the private businessmen who have volunteered time and expertise to make these opportunities more widely available.

I might also note that the SBIR program is one of many successful small business-oriented programs that grew out of the 1980 White House Conference on Small Business. Based on the successes of that conference, especially the SBIR program, I would like to recommend that another White House Conference be convened sometime in the near future. A second Conference will help us further understand the plight of American small businesses

and how we in government can secure a better future for them and, in turn, for our entire Nation.

For now, it is my hope that small businesses throughout the Nation will take advantage of the marvelous opportunities afforded by the SBIR program. It is to their benefit, and it is to the benefit of our country that they be given a greater role in Federal research and development. The program is an important component of our effort to secure America's technical superiority among nations.●

EXTEND MORTGAGE REVENUE BONDS

● Mr. LAUTENBERG. Mr. President, in the first session of the 98th Congress, I cosponsored S. 137, a bill to repeal the December 31, 1983, sunset date on single-family mortgage revenue bonds. That date has come and gone and we have not approved legislation to keep the MRB program alive. That is regrettable and needs to be rectified at the earliest possible date.

Last October, Mr. President, the lines of first time home buyers in New Jersey formed in the early morning hours and by 9:30 a.m., or thereabouts, the program's resources were exhausted. Tens of thousands of first time home buyers have been assisted by the authority provided housing finance agencies to issue tax-exempt mortgage revenue bonds in New Jersey.

Mr. President, I was pleased to see the judgment of the respective House and Senate committees last year that mortgage revenue bonds should be continued. The Finance Committee's willingness to look at alternatives to assisting first time home buyers was a positive contribution to the problem of affordability for first time buyers. Action is needed by the Congress now to continue this program.

The ability to purchase a home is a basic part of our social fabric. Over the last several years we have seen major cutbacks in Federal assistance to housing. Mortgage revenue bonds have filled a major gap in affordability. This program then means homes for our people, jobs for our workers, and tax revenue borne of that construction activity. It has been a good program and deserves to be continued.●

NORFORK BRIDGE DEDICATION

● Mr. PRYOR. Mr. President, on Sunday, November 20, of last year, I traveled to Mountain Home, Ark., to participate in the dedication of the newly completed Veterans Memorial Bridges over beautiful Lake Norfork.

These two bridges were constructed by the U.S. Army Corps of Engineers to replace the ferries that have been in existence for the past 40 years. In the early 1940's the corps flooded two State highways in the construction of Lake Norfork as a major flood-control project, and since then the people of that area have wanted and needed these bridges.

Mr. President, the dedication on November 20 was the culmination of years of hard work and frustration on the part of many people who worked to get this situation rectified. I might mention the efforts of the congressional delegation. Certainly former Senators McClellan and Fulbright, my colleague Senator BUMPERS, and JOHN PAUL HAMMERSCHMIDT, the Congressman who now represents that district, all labored long and hard to get the authorization and appropriations for this project. Their efforts deserve special praise.

Mr. President, I also want to mention the efforts of a tireless supporter of this project, without whom I am sure we would have had no dedication at all. Arkansas Senator Vada Sheid is practically synonymous with the Lake Norfork Bridge project. I worked with her when I was Governor of Arkansas and later as Senator, and I can say that her devotion to this effort has been second to none.

All of the citizens of Baxter County, Ark., owe Senator Vada Sheid a long-standing debt of gratitude. I was happy to express my thanks to her on November 20, and I wish to pay further tribute now that the Congress has reassembled in the new year.●

MORTGAGE BONDS

● Mr. PRYOR. Mr. President, I want to take a few minutes today and speak on the subject of mortgage revenue bonds, and urge my colleagues to support the effort to extend this very important program. As every Member of the Senate is aware, proceeds from these bond issues have helped many, many people across the country purchase their first home. Without this help, most of these people could not have afforded to buy a home.

On December 31, 1983, the authority to issue tax-exempt mortgage revenue bonds expired. Last year, many Senators supported the efforts of the Senator from Delaware, (Mr. ROTH), in trying to repeal the sunset date. His legislation, S. 137, was never acted upon by the Senate, and it seems likely, at this time, that we will see a 4- or 5-year extension of the program. This extension will probably be coupled with a new program, a mortgage credit certificate, a new concept that will allow housing authorities to exchange a portion of their mortgage bond authority for tax credits. These tax credits would then be used by home buyers for a percentage of mortgage interest paid.

Mr. President, although the Finance Committee, under the leadership of the Senator from Kansas (Mr. DOLE) never formally acted on an extension of the program, we did discuss it in the committee, and I think we will act on the extension early this year. Prompt action will insure that this effective program is continued. More importantly, it will provide State and local housing agencies with the certainty they need to carry out the program for several more years.

Mr. President, last week I met with the Arkansas Housing Development Agency in Little Rock, and at the meeting we discussed this program and how beneficial it had been to the State of Arkansas. I have seen this program provide housing to many first time home buyers in the State of Arkansas, both as Governor and now as a Member of the Senate. As we all know, in addition to providing housing opportunities, this program creates jobs, and generates a considerable amount of State, Federal, and local tax revenue. In short, Mr. President, this has been an extremely effective program, and the States have run it in an efficient manner. It has enabled many young people to buy their first home, and I think most Members of Congress would agree that it should be continued. I urge my colleagues to support the continuation of this program, and I sincerely hope the Senate can act on the extension in the very near future.●

AGRICULTURAL EMBARGOES

● Mr. PRYOR. Mr. President, any Member of the Senate who represents a State with significant agricultural production, or who follows agricultural and trade matters closely, knows how devastating embargoes are for our Nation's farmers. There were embargoes in 1973, 1974, 1975, and most recently in 1980. These actions severely hurt the farm economy in this country, and depressed prices. Additionally, these actions called into question our ability to be a "reliable supplier," something which we are struggling to recover from.

In the last few years, it has been suggested that these embargoes might not have been that detrimental to the agricultural economy. Those of us who follow agricultural developments know this simply was not the case. There is now some evidence of the detrimental effect. In December of last year, the International Trade Commission issued a report entitled "U.S. Embargoes on Agricultural Exports: Implications for the U.S. Agricultural Industry and U.S. Exports." Rather than go down the list of the consequences of the embargo, I thought it would be helpful to have printed the executive summary of the report, and I ask that it be printed following my remarks. This report shows that we lost valuable markets, and that other grain-ex-

porting countries stepped in to take our place. As always, the real loser was the American farmer. For this reason, Mr. President, we must insure that other embargoes are not imposed, and through steps like the contract sanctity provision, we must make it clear to grain-importing countries that we are once again a reliable supplier.

The report follows:

EXECUTIVE SUMMARY

Exports of agricultural products have become increasingly important to the U.S. balance of trade in recent years. Even though various restrictions were in effect on U.S. exports of agricultural products during the last decade, the U.S. balance of trade for agricultural products was positive every year during the period and increased irregularly from $7.2 billion in 1973 to $26.5 billion in 1981; in 1982, it amounted to $23.7 billion.

The value of U.S. agricultural exports increased from $8 billion in the early 1970's to a record high of $44 billion in 1981. In 1982, such exports amounted to $37 billion, representing a decline of about 16 percent from the level of 1981. Factors influencing the increase over the last decade included population growth in the developing countries, substantial worldwide increases in real per capital income which enabled consumers to eat more of their domestically produced livestock and poultry products, the capacity of the U.S. transportation system to deliver large quantities of agricultural products to foreign markets, and increased farm productivity. Another factor influencing exports was the value of the U.S. dollar in relation to the value of the currencies of certain other major agricultural product exporters and importers, although over the decade, these relationships varied by country and by year. The United States, with its abundant farmland, has remained the leading world exporter of agricultural products, because it had the capacity to increase output with less rise in unit costs than has existed in many other countries.

In 1982, about 22 percent of the cash receipts of the U.S. agricultural sector were derived from exports, compared with about 12 percent in the early 1970's and about 26 percent in 1981. During the past decade, grains and soybeans, the primary agricultural commodities affected by restrictions on agricultural exports, consistently have been equivalent to slightly more than one-half of the total value of U.S. agricultural exports.

A summary of the Commission study on the U.S. restrictions or embargoes [1] that were in effect during the past decade of rapidly increasing exports in the U.S. agricultural sector is highlighted below.[2]

1. Following the 1980 embargo, the U.S. share of the world market for grains, soybeans and soybean products declined despite irregular overall increases in U.S. exports of these items over the period.

From 1978/79 to 1982/83, the U.S. share of the world market for wheat and soybeans (and soybean products) each declined by 4 percentage points, and the share for coarse grains [3] declined by 3 percentage points. However, during the period, the United States remained price competitive in the world grain and soybean market, resulting in an overall increase in exports. From 1978/79 to 1982/83, U.S. exports of wheat were up 24 percent (7.7 million tons [4]), exports of coarse grains rose, but ultimately declined by 7 percent (4.0 million tons), and exports of soybeans and soybean products were up 14 percent (4.8 million tons in soybean equivalent). Although U.S. exports to the Soviet Union dropped after the 1980 embargo, they increased to many other markets, including those where demand had not been satisfied, because traditional suppliers had shipped their supplies to the Soviet market. A comparison of U.S. exports in the crop year immediately preceding the embargo with those during and after the embargo reveals increases in U.S. exports of wheat and wheat products primarily to China, Brazil, and Yugoslavia; coarse grains went mostly to Mexico and Japan; and soybeans and soybean products went to the Netherlands, Eastern Europe, and Spain.

2. After the 1980 embargo, major countries that compete with the United States in the world grain and soybean markets expanded their production and exports of these commodities so as to capture a growing share of the world trade. Accordingly, consuming countries diversified their sources of supply.

Over 1979/80 to 1982/83 (during and after the 1980 embargo), production of wheat in Canada increased from 17 million to 28 million tons, or by 60 percent, and production in Argentina increased from 8 million to 14 million tons, or by nearly 80 percent. Likewise, coarse grain production in the European Community (EC) increased from 69 million to 71 million tons, or by about 3 percent; in Canada, such production increased from 19 million to 27 million tons, or by 43 percent; and in Argentina, production increased irregularly from 11 million to 17 million tons, or by about 57 percent. These increases in production were generally accompanied by acreage planted increases. Although production of grains by the major U.S. competitors increased after the embargo, as did production in the United States, that in the United States has remained nearly double the output of the competitors combined.

Following the 1980 embargo, production of soybean meal in Brazil increased irregularly from 8 million to 10 million tons, or by 25 percent, and production in Argentina increased from 0.6 million to 1.6 million tons, or by nearly twofold; production of soybean oil in Brazil increased from 2.0 million to 2.5 millions tons, or by 25 percent; and in Argentina, it tripled from 0.1 million to 0.3 million tons. Some of these soybean products processed in Brazil and Argentina were produced from imported soybeans. U.S. production of soybeans averaged 56 million tons annually after the 1980 embargo, or about 3 times larger than the combined production of the major U.S. competitors in the world markets. U.S. production of soybean meal averaged about 19 percent greater than that of its major competitors, while production of soybean oil averaged 17 percent greater.

After the 1980 embargo, exports of wheat and coarse grains from Canada rose from 20 million to 27 million tons, or by over 37 percent; the Canadian share of the world market rose from 11 to 15 percent. Exports of wheat and coarse grains from the EC rose from 15 million to 21 million tons following the 1980 embargo, or by over 36 percent; the EC's share of the world market increased from 8 to 11 percent. In addition, exports of wheat and coarse grains from Argentina increased from 11 million to 18 million tons following the embargo, or by about 61 percent. The Argentine share of the world market increased from 6 to 10 percent after the embargo.

After the 1980 embargo, U.S. exports of soybeans and soybean products dropped irregularly from 40 million to 39 million tons, or by nearly 4 percent; the U.S. share of the world market declined from 58 to 50 percent. Such exports from Argentina rose from about 3 million to 4 million tons, or by about 15 percent, but that country's share of the world market remained at 5 percent. Exports mostly of soybean products from the EC increased from about 10 million to 11 million tons after the 1980 embargo, or by about 15 percent, and the EC's share of the world market rose by 1 percentage point to 15 percent. Exports mostly of soybean products from Brazil rose immediately after the embargo from 11 million to 19 million tons and then dropped to 16 million tons, representing an overall increase of about 47 percent. Brazil's share of the world market rose overall from 16 percent to 21 percent.

After the embargo, the major consuming areas (the U.S.S.R., the EC, Japan, Eastern Europe, and China) increased their imports from major U.S. competitor countries which had increased their production and exports.

3. The United States is viewed as an unreliable world supplier of agricultural commodities, particularly after the 1980 embargo.

During the investigation, officials of major U.S. grain and soybean exporting companies—which accounted for nearly 60 percent of the exports—as well as trade associations and general farm organizations reported that the U.S. reputation as a reliable supplier of agricultural commodities to the world market, especially in the grain and oilseed sector, suffered particularly as a result of the embargo imposed on these commodities by the U.S. Government in 1980. This, they agreed, encouraged other competitor countries to increase agricultural production and exports and to intensify their efforts to stimulate future exports so as to satisfy agricultural commodity purchasers, particularly those to which the U.S. Government had restricted exports. Although short-term effects of the embargo often were noted, such as creating chaos in the market system, long-term effects such as increased production and exports by foreign competitors were more frequently cited.[5, 6]

4. Subsequent to the 1980 embargo, legislation has been enacted to provide for producer compensation in the case of selected embargoes and to provide for export contract sanctity.

An embargo protection clause, added to the Agriculture and Food Act of 1981, requires the Department of Agriculture to make payments to producers or increase the price-support loan rate if the President restricts agricultural exports to any country or area for reasons of national security or foreign policy without a similar restriction on all U.S. exports. An amendment to the Agricultural Act of 1970, effective January 11, 1983, prohibits the President from curtailing the export of agricultural products for which an export sales contract has been entered into before the announcement of an embargo and which requires delivery within 270 days after the date of imposition of an embargo.

5. The U.S. Government incurred costs to cushion the adverse effects of the 1980 embargo.

The minimum cost to the U.S. Government for its attempt to ameliorate the effects of the 1980 embargo was the $475 mil-

Footnotes at end of report.

lion loss incurred by the Commodity Credit Corporation (CCC) as a result of its purchase and resale of commodity contracts. Approximately 76 percent of the grains and soybeans purchased by the Government was sold back to the original exporters. In addition, the USDA made direct purchases of (1) corn and wheat from farmers and elevator operators at a cost of approximately $978 million and (2) frozen whole broilers from U.S. producers at a cost of $5.5 million. While these expenditures are expected to be at least partially recovered through Government sale or disposition, net Government costs for these purchases are not known, but are in addition to the CCC loss in exporters' contracts. Other costs were incurred by the Government such as the costs of increased price-support loan rates and modification in farmer-owned reserve programs, but no estimates are available on the costs of these actions.

6. The 1980 embargo of agricultural exports was a major factor influencing the decline in the U.S. share of the Soviet wheat and coarse grain market after 1980.[7]

The direct effect of the 1980 U.S. agricultural product embargo on exports to the Soviet Union was to stop the sale of about 13 million tons of corn, 4 million tons of wheat, and 1.4 million tons of soybeans and soybean products which the U.S. Government agreed the Soviets could purchase during 1979/80, and lesser amounts of certain other agricultural products (such as broilers) to the Soviet market. During 1977/78 to 1982/83, Soviet imports of wheat and coarse grain increased irregularly from 18.4 million tons to 32.0 million tons or by 74 percent. However, the U.S. share of such imports declined sharply from 74 percent of the total in 1978/79 (the crop year preceding the embargo) to 19 percent in 1982/83, even though U.S. stocks of the products which were available for export averaged about one-half of annual production for wheat and 20 to 40 percent of that for coarse grains. Meanwhile, the share of the Soviet market gained by major competitors of the United States increased significantly from 25 percent in 1978/79 to 73 percent in 1982/83. During 1977/78 to 1982/83, U.S. combined exports of wheat and coarse grains to the U.S.S.R. fluctuated downward from 11.2 million to 6.2 million tons; Canada's increased steadily from 2.1 million to 8.9 million tons; Argentina's increased from 1.4 million to 9.6 million tons, and the EC's exports rose from 0.2 million to 3.8 million tons.

7. The 1980 embargo of agricultural products was a major factor affecting the lack of U.S. sales of soybeans and soybean products to the Soviet Union after the embargo

Although Soviet imports of soybeans and soybean products increased about twofold from 1978/79 (the year preceding the embargo) to 1982/83, the U.S. share of this market decline irregularly from 64 to 4 percent during the period, notwithstanding the fact that U.S. stocks of soybeans ranged from 13 to 20 percent of production. As the share of the Soviet market supplied by the United States declined, the share of soybeans supplied by Brazil and Argentina and the share of soybean meal supplied by Brazil and the EC increased dramatically.

8. During and after the 1980 embargo, the Soviet Union entered into a number of long-term bilateral trade supply agreements for wheat, coarse grains, and soybeans and soybean products with countries which are major U.S. competitors in the world market, and in July 1983, the United States and the U.S.S.R. concluded a new 5-year grain agreement.

Since 1980, the Soviet Union has entered into a number of bilateral trade agreements or arrangements with supplying countries other than the United States which cover a number of commodities including wheat, coarse grains, and soybeans and soybean products. The more important agreements are with Canada, Argentina, and Brazil, all of which are major U.S. competitors in the world market. The Canadian agreement calls for the U.S.S.R. to purchase a minimum of 25 million tons of grain over a 5-year period, and for the Canadian Government to provide Can. $1 billion in guaranteed commercial credit to finance the sale. A 5-year agreement with Argentina signed in 1980 provides for minimum annual Soviet purchases of 4 million tons of coarse grains and 500,000 tons of soybeans during 1981-85; a Soviet-Brazilian agreement calls for Brazil to annually provide 500,000 tons of soybeans and 400,000 tons of soybean meal during 1982-86, and 500,000 tons of corn during 1983-86. In addition, the U.S. Government announced on July 28, 1983, that the United States and the Soviet Union have agreed to a new 5-year grain agreement which calls for minimum annual purchases of 9 million tons of grains and/or soybeans or soybean products, quantities approximately 50 percent greater than the old agreement. However, the Soviet negotiators insisted on dropping a clause, included in the first agreement, which allowed the United States to stop sales in times of short supply.

9. *The 1973 soybean embargo[8] gained the United States a reputation as being an unreliable supplier of soybeans and soybean products. After the embargo, the U.S. share of the world soybean and soybean product market declined, although exports of such products (after an initial decline) continued to increase since that action.*

U.S. exports of soybeans and soybean products dropped 23 percent (from 1973/74 to 1974/75) to 19.0 million tons after the 1973 embargo, but they then increased 24 percent in 1975/76 to 23.5 million tons. Exports then continued to climb to record levels of more than 38 million tons in 1981/82 and 1982/83. However, over the 9-year period, the U.S. share of the world soybean market declined from 80 percent in 1973/74 to 61 percent in 1982/83 as other producers, principally in South America, expanded their exports. Despite the decline in the U.S. share of the world soybean market, U.S. exports of soybeans to its single most important market, Japan, increased after a brief pause subsequent to the 1973 action; furthermore, the U.S. share of the Japanese import market also rose, from 88 percent in 1973 to 97 percent in 1982.

10. *U.S. exports of wheat and coarse grains continued to increase after the 1974 and 1975 grain sales moratoria both in quantitative terms and as a share of the world export market through 1979/80. These moratoria were followed by the first long-term U.S.-U.S.S.R. grain agreement.*

During the 1974 and 1975 grain sales moratoria, U.S. exports of wheat and coarse grains dropped from 71.7 million tons in 1973/74 to 63.9 million tons in 1974/75, and then rebounded to 81.7 million tons in 1975/76. The U.S. share of world trade followed a similar trend, declining from 54 percent in 1973/74 to 50 percent in 1974/75, and then rising to 57 percent in 1975/76, when the first long-term grain agreement was signed. Thereafter, until the 1980 embargo, U.S. exports trended upward, reaching 89.2 million tons in 1978/79 and accounting for 55 percent of world trade in grains. U.S. exports of grain to the U.S.S.R., the major market affected by the moratoria, fell from 15.4 million tons in 1973 to 4.1 million tons in 1974; they then increased irregularly from 7.1 million tons in 1975 to 18.4 million tons in 1979. The U.S. share of the Soviet grain import market in 1979 was 69 percent, compared with 45 percent in 1975 and 63 percent in 1973, indicating that the United States actually increased its market share during the 6-year period before the 1980 embargo.

FOOTNOTES

[1] The term "embargo," as used in this report, covers export sales restrictive actions which, though often referred to as embargoes, allowed certain export sales.

[2] Government activities as of September 1983 which are related to this study include Congressional review and possible renewal of the 1979 Export Administration Act (this Act expired Sept. 30, 1983) and the announcement on July 28, 1983, by the Secretary of Agriculture and the United States Trade Representative that the United States and the Soviet Union had reached agreement on a new 5-year grain and soybean agreement which began Oct. 1, 1983. The 1975 agreement expired Sept. 30, 1983.

[3] Coarse grains are defined as corn, oats, barley, sorghum, rye, millet, and mixed grains.

[4] Throughout this report, the term "tons" refers to metric tons unless otherwise indicated.

[5] Commissioner Stern notes, even though the 1980 embargo created short-term chaos in the market system, according to an econometric analysis by the ITC staff contained in the Office of Industries memorandum ID-83-117 of October 3, 1983, the 1980 embargo had no statistically significant effect on prices received by U.S. farmers for wheat, corn, and soybeans or on total U.S. wheat, corn, or soybean exports. This econometric model, using monthly data, attempted to explain movements in wheat, corn, and soybean prices. Although monthly data tend to be more volatile than annual data, this model was able to explain a major portion of the movement in prices. A possible explanation for the econometric results is that the U.S. Government's various efforts to lessen or nullify the suspension's short term effects and the diversion of U.S. exports to other markets were successful in offsetting the short-term impact on U.S. farm prices and export volumes.

[6] Chairman Eckes and Commissioners Haggart and Lodwick believe that the econometric analysis prepared by the ITC staff contained in memorandum ID-83-117 had no bearing on the findings of this report. The only result of the 14 multiple regressions completed was that in none of the 14 was the embargo a statistically significant explanatory variable. A statistical test of the model used showed that it failed on average to explain 46 percent of the price and volume variation. With such a high level of uncertainty, it is inappropriate to conclude that the 1980 embargo had no significant effect on prices or export volumes.

[7] The 1980 embargo did allow sales of up to 8 million tons of wheat and corn to the U.S.S.R. provided under the 1975 U.S.-U.S.S.R. Grain Supply Agreement.

[8] The 1973 trade action was an embargo on exports of U.S. soybeans, cottonseed, and their products. It was short term and motivated by a supply shortage. The action lasted from June 27 to July 2, 1973. From July to October 1973, an export license system was in effect. After October 1, 1973, all controls were lifted.●

A GREAT RELIGIOUS LEADER RETIRES

● Mr LUGAR. Mr. President, it is my privilege to honor in the CONGRESSIONAL RECORD today a great religious leader from the State of Indiana. Rev. E. T. Johnson, pastor and founder of Mount Moriah Missionary Baptist Church in Indianapolis, Ind., is retir-

ing after 43 years of service to both the city and the State organization of the Baptist Ministerial Alliance.

On July 16, 1940, Reverend Johnson started his church on 15th and Martindale Avenue with about 26 members. This storefront operation, under his leadership, grew to over 600 members and 6½ acres of spiritual, educational, and medical facilities.

Rev. E. T. Johnson and his leadership will be missed by all the individuals he touched.●

SENATE SCHEDULE TOMORROW

Mr. BAKER. Mr. President, when the minority leader arrives on the floor or sends word there is no need for him to be here, it is my intention to ask the Senate to go out until tomorrow. I will not now put that request, but will wait for the moment.

But, for the benefit of Members who may be listening in their offices, I anticipate that tomorrow will be a short day because of the requirement of security people to prepare the Capitol for the joint session of Congress tomorrow evening when the President will deliver the state of the Union address.

I expect we will probably be in from about 12 to about 3 p.m. or thereabouts. I talked to the Speaker who indicated that they are coming in for a part of the day tomorrow, perhaps coming in later than we are, but also going out fairly early.

So, Mr. President, I expect that we will be on this motion tomorrow. I doubt that we will finish it. We will probably be on something in relation to the motion to proceed on Thursday, as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, first, I have conferred with the minority leader about the situation tomorrow. I think the better part of discretion may be to go ahead and come in at 12 o'clock with the expectation that we will go out fairly early in preparation for the state of the Union message tomorrow evening. That is a little indefinite because we are still trying to coordinate with the security people.

In any event, I have advised the minority leader of the request I now make.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say it is the intention of the leadership on this side, assuming there is no objection from the other side, and I certainly do not expect that, to go out, as I said earlier, at some early hour in the afternoon in recess, but to reconvene at 8:30 tomorrow evening so that the Senate may proceed as a body to the Hall of the House of Representatives and hear the President's state of the Union message in a joint session. Before the recess time tomorrow, I will ask the Senate to enter another order to that effect.

ORDER TO PLACE S. 2211 ON THE CALENDAR

Mr. BAKER. Mr. President, there is one other matter which I have also discussed with the distinguished minority leader.

Mr. President, I made a representation to the distinguished Senator from Oklahoma (Mr. NICKLES) at the end of the last session that I would facilitate the introduction and consideration of a bill to abdicate the automatic 3.5-percent pay increase for Members of Congress.

Mr. President, what I would like to do, if the minority leader can see his way clear to agree to it, or not to object to it, is to provide that this matter go to the calendar at this time by unanimous consent. I do not make that request at this moment, but may I say it would be my intention to try to reach that bill, if this request is granted, sometime right after or shortly after the disposition of the telephone matter.

Now, Mr. President, may I inquire of the minority leader if he would be prepared to withhold objection to my unanimous-consent request that this bill, which I will introduce shortly, may go directly to the calendar?

Mr. BYRD. Mr. President, there are two things I can do. I can object to the introduction of the bill, No. 1, and the distinguished majority leader would have to put it off until another day; No. 2, I can keep it from going on the calendar for only a short time because the majority leader would have in his arsenal rule XIV by way of which he could force the bill onto the calendar. I think I should simply say those things for the RECORD so that my colleagues will be aware of the fact that the majority leader, one way or the other, will get the bill on the calendar.

So to object would be futile and I would not enjoy objecting just for the love of it because I do not want to, without good reason, stand in the way of the majority leader. Mr. President, I do not object.

Mr. BAKER. Mr. President, I thank the minority leader.

One of the enormously gratifying things to me in my span as majority leader is to have as a counterpart a minority leader who has such a fine grasp of the Senate Rules. Rather than being a detriment to me, that is always an advantage, or most always an advantage, because it means that we can speak frankly and recognize what our respective options are. I think that finally militates in favor of progress in the Senate. I thank the minority leader for his statement.

Mr. President, I ask unanimous consent that it may be in order for me now to introduce a bill on behalf of the distinguished Senator from Oklahoma (Mr. NICKLES), and others, and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BAKER. Mr. President, that is all I have today. The minority leader indicates he has nothing further.

Therefore, Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to, and the Senate, at 4:39 p.m., recessed until Wednesday, January 25, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 24, 1984:

AFRICAN DEVELOPMENT FOUNDATION

A. C. Arterbery, of California, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years (new position).

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of California, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 1985, vice Charles Edwin Lord, resigned.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Terry Edward Branstad, of Iowa, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987, vice Christopher S. Bond, resigned.

NATIONAL COUNCIL ON THE HANDICAPPED

H. Latham Breunig, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986 (reappointment).

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Priscilla L. Buckley, of Connecticut, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1986, vice Leonard Silverstein, term expired.

INTERNATIONAL MONETARY FUND

Richard D. Erb, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years (reappointment).

MARINE MAMMAL COMMISSION

William Evans, of California, to be a member of the Marine Mammal Commission for the term expiring May 13, 1985, vice James C. Nofziger, term expired.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Richard H. Francis, of Virginia, to be president of the Solar Energy and Energy Conservation Bank, vice Joseph S. Bracewell.

FEDERAL HOME LOAN BANK BOARD

Mary A. Grigsby, of Texas, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1986, vice James Jay Jackson, resigned.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Robert Michael Isaac, of Colorado, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987, vice Richard A. King, term expired.

DEPARTMENT OF COMMERCE

John G. Keane, of Illinois, to be Director of the Census, vice Bruce Chapman.

DEPARTMENT OF LABOR

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor, vice T. Timothy Ryan, Jr., resigned.

NATIONAL COUNCIL ON THE HANDICAPPED

Michael Marge, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986 (reappointment).

DEPARTMENT OF THE INTERIOR

Richard Thomas Montoya, of Texas, to be an Assistant Secretary of the Interior, vice Pedro A. Sanjuan, resigned.

NATIONAL COUNCIL ON THE HANDICAPPED

Sandra Swift Parrino, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986 (reappointment).

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Richard M. Scaife, of Pennsylvania, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1985, vice Mae Sue Talley, term expired.

FEDERAL COUNCIL ON THE AGING

Albert Lee Smith, Jr., of Alabama, to be a member of the Federal Council on the Aging for a term expiring December 19, 1985, vice Jacob Clayman, term expired.

SECURITIES INVESTOR PROTECTION CORPORATION

James G. Stearns, of Nevada, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1985 (reappointment).

NATIONAL COUNCIL ON THE HANDICAPPED

Alvis Kent Waldrep, Jr., of Texas, to be a member of the National Council on the Handicapped for a term expiring September 17, 1986 (reappointment).

ACTION AGENCY

Daniel F. Bonner, of Maryland, to be Associate Director of the ACTION Agency, vice Lawrence F. Davenport, resigned.

NOAA AND MISSISSIPPI RIVER COMMISSION

Capt. John D. Bossler, National Oceanic and Atmospheric Administration, as Director of the Charting and Geodetic Services, National Ocean Service, National Oceanic and Atmospheric Administration, in the grade of rear admiral upper half), and as a member of the Mississippi River Commission.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Richard A. Derham, of Washington, to be an Assistant Administrator of the Agency for International Development, vice John R. Bolton, resigned.

DEPARTMENT OF TRANSPORTATION

Charles G. Hardin, of Maryland, to be an Assistant Secretary of Transportation, vice Judith T. Connor, resigned.

DEPARTMENT OF DEFENSE

Pringle P. Hillier, of Virginia, to be an Assistant Secretary of the Army, vice Joel E. Bonner, Jr., resigned.

DEPARTMENT OF COMMERCE

Sidney Lewis Jones, of Maryland, to be Under Secretary of Commerce for Economic Affairs, vice Robert G. Dederick, resigned.

DEPARTMENT OF STATE

David C. Jordan, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

Robert F. Kane, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

DEPARTMENT OF TRANSPORTATION

Jim J. Marquez, of Kansas, to be General Counsel of the Department of Transportation, vice James H. Burley IV.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Bessie Boehm Moore, of Arkansas, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988 (reappointment).

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Herbert Schmertz, of New York to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring April 6, 1985, vice Olin C. Robinson, term expired.

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1984, vice Gillian Martin Sorensen, term expired, to which position he was appointed during the recess of the Senate from August 4, 1983, until September 12, 1983.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maurice Lee Barksdale, of Texas, to be an Assistant Secretary of Housing and Urban Development, vice Philip Abrams, to which position he was appointed during the last recess of the Senate.

POSTAL RATE COMMISSION

Simeon Miller Bright, of West Virginia, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 1988, to which position he was appointed during the last recess of the Senate (reappointment).

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989, vice Bertram R. Cottine, term expired, to which position he was appointed during the last recess of the Senate.

INTERNATIONAL MONETARY FUND

Mary Kate Bush, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years, vice Charles H. Dallara, resigned, to which position she was appointed during the last recess of the Senate.

DEPARTMENT OF EDUCATION

Louis Roman Disabato, of Texas, to be a member of the National Museum Services Board for a term expiring December 6, 1987, vice Lloyd Hezekiah, term expired, to which position he was appointed during the last recess of the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

Vernon L. Grose, of California, to be a member of the National Transportation Safety Board for the term expiring December 31, 1987, vice Francis H. McAdams, term expired, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Stephanie Lee-Miller, of the District of Columbia, to be an Assistant Secretary of Health and Human Services, vice Pamela Needham Bailey, to which position she was appointed during the last recess of the Senate.

U.S. INFORMATION AGENCY

Leslie Lenkowsky, of New York, to be Deputy Director of the U.S. Information Agency, vice Gilbert A. Robinson, resigned, to which position he was appointed during the last recess of the Senate.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978, vice Anne P. Jones, resigned, to which position he was appointed during the last recess of the Senate.

U.S. POSTAL SERVICE

Ruth O. Peters, of Virginia, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1987, vice Paula D. Hughes, resigned, to which position she was appointed during the last recess of the Senate.

INTER-AMERICAN FOUNDATION

Harold K. Phillips, of California, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988, vice Alberto Ibarguen, term expired, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF COMMERCE

Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism, vice Peter McCoy, resigned, to which position she was appointed during the last recess of the Senate.

DEPARTMENT OF THE INTERIOR

Ann Dore McLaughlin, of the District of Columbia, to be Under Secretary of the Interior, vice J. J. Simmons III.

DEPARTMENT OF COMMERCE

J. Bonnie Newman, of New Hampshire, to be an Assistant Secretary of Commerce, vice Carlos C. Campbell, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, January 24, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Cause us, O gracious God, to walk the road of decency and kindness and compassion through our journey in life. Deliver us, we pray, from any pettyness or jealousy that eats at the human spirit, and free us instead to be messengers of good tidings and doers of good works. Encourage us to heal any wounds that divide us, for You have created us as one people and given to us opportunities to be reconcilers of peace to our troubled world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 28, answered "present" 4, not voting 79, as follows:

[Roll No. 2]

YEAS—322

Ackerman	Bilirakis	Carney
Addabbo	Boehlert	Carper
Akaka	Boggs	Carr
Albosta	Boland	Chandler
Anderson	Boner	Cheney
Andrews (TX)	Bonior	Clinger
Annunzio	Bonker	Coats
Anthony	Borski	Coelho
Archer	Bosco	Coleman (TX)
Aspin	Boucher	Conable
Barnard	Boxer	Conte
Barnes	Breaux	Conyers
Bartlett	Britt	Cooper
Bateman	Brooks	Courter
Bates	Broomfield	Craig
Beilenson	Brown (CA)	Crane, Daniel
Bennett	Broyhill	D'Amours
Bereuter	Bryant	Daniel
Bethune	Burton (CA)	Darden
Bevill	Burton (IN)	Daschle
Biaggi	Campbell	Daub
Davis	Kildee	Quillen
DeWine	Kindness	Rangel
Dicks	Kogovsek	Ratchford
Dingell	Kolter	Ray
Dixon	Kostmayer	Regula
Donnelly	LaFalce	Reid
Dorgan	Lagomarsino	Richardson
Dowdy	Latta	Ridge
Downey	Leath	Rinaldo
Dreier	Lehman (CA)	Robinson
Duncan	Lehman (FL)	Roe
Dwyer	Leland	Rogers
Dyson	Levin	Rose
Early	Levine	Roth
Eckart	Levitas	Roukema
Edgar	Lewis (CA)	Rowland
Edwards (AL)	Livingston	Roybal
Edwards (CA)	Lloyd	Rudd
Edwards (OK)	Loeffler	Russo
Erdreich	Lott	Sawyer
Evans (IL)	Lowry (WA)	Schaefer
Fascell	Lujan	Schneider
Fazio	Luken	Schumer
Feighan	Lundine	Sensenbrenner
Ferraro	Lungren	Shannon
Fiedler	MacKay	Sharp
Fields	Madigan	Shaw
Fish	Markey	Shelby
Flippo	Marlenee	Shumway
Foglietta	Martin (IL)	Shuster
Ford (MI)	Martin (NY)	Sisisky
Ford (TN)	Martinez	Skelton
Fowler	Mavroules	Slattery
Frank	Mazzoli	Smith (FL)
Franklin	McCandless	Smith (NE)
Frost	McCloskey	Smith (NJ)
Fuqua	McCollum	Smith, Denny
Garcia	McDade	Smith, Robert
Gaydos	McEwen	Snowe
Gekas	McGrath	Snyder
Gibbons	McHugh	Spence
Gilman	McKernan	Spratt
Gingrich	McNulty	Staggers
Glickman	Mica	Stangeland
Gonzalez	Michel	Stark
Gradison	Mikulski	Stokes
Gramm	Mineta	Stratton
Gray	Minish	Studds
Green	Molinari	Stump
Gregg	Mollohan	Sundquist
Guarini	Montgomery	Swift
Gunderson	Moody	Tallon
Hall (IN)	Moore	Tauke
Hall, Ralph	Moorhead	Tauzin
Hall, Sam	Morrison (CT)	Taylor
Hamilton	Morrison (WA)	Thomas (GA)
Hammerschmidt	Mrazek	Torres
Hansen (ID)	Murtha	Torricelli
Hansen (UT)	Myers	Towns
Harrison	Natcher	Udall
Hatcher	Neal	Valentine
Hawkins	Nelson	Vandergriff
Hayes	Nielson	Vento
Hefner	Nowak	Volkmer
Hertel	O'Brien	Vucanovich
Hightower	Oakar	Walgren
Hiler	Oberstar	Watkins
Holt	Obey	Waxman
Hopkins	Olin	Weiss
Horton	Ortiz	Wheat
Howard	Owens	Whitehurst
Hoyer	Oxley	Whitley
Hubbard	Packard	Whittaker
Hunter	Panetta	Whitten
Hutto	Parris	Wirth
Hyde	Pashayan	Wise
Ireland	Patman	Wolf
Jeffords	Patterson	Wolpe
Jenkins	Paul	Wortley
Jones (NC)	Pease	Wyden
Jones (OK)	Pepper	Wylie
Jones (TN)	Perkins	Yatron
Kaptur	Petri	Young (FL)
Kasich	Pickle	Young (MO)
Kastenmeier	Porter	Zschau
Kazen	Price	
Kennelly	Pritchard	

NAYS—28

Brown (CO)	Harkin	Schroeder
Clay	Jacobs	Schulze
Coughlin	Lewis (FL)	Sikorski
Dannemeyer	Mack	Traxler
Dickinson	Miller (OH)	Walker
Durbin	Mitchell	Weber
Emerson	Murphy	Yates
Evans (IA)	Penny	Young (AK)
Gejdenson	Roemer	
Goodling	Sabo	

ANSWERED "PRESENT"—4

Berman	Clarke
Chappie	Coyne

NOT VOTING—79

Alexander	Hance	Rahall
Andrews (NC)	Hartnett	Ritter
Applegate	Heftel	Roberts
AuCoin	Hillis	Rodino
Badham	Huckaby	Rostenkowski
Bedell	Hughes	Savage
Bliley	Johnson	Scheuer
Byron	Kemp	Seiberling
Chappell	Kramer	Siljander
Coleman (MO)	Lantos	Simon
Collins	Leach	Skeen
Corcoran	Lent	Smith (IA)
Crane, Philip	Lipinski	Solarz
Crockett	Long (LA)	Solomon
de la Garza	Long (MD)	St Germain
Dellums	Lowery (CA)	Stenholm
Derrick	Marriott	Synar
Dymally	Martin (NC)	Thomas (CA)
English	Matsui	Vander Jagt
Erlenborn	McCain	Weaver
Florio	McCurdy	Williams (MT)
Foley	McKinney	Williams (OH)
Forsythe	Miller (CA)	Wilson
Frenzel	Moakley	Winn
Gephardt	Nichols	Wright
Gore	Ottinger	
Hall (OH)	Pursell	

□ 1210

Mrs. HALL of Indiana changed her vote from "nay" to "yea."

Mr. MAVROULES changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 238. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the Senate had agreed to the following resolution:

S. RES. 307

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Clement J. Zablocki, late a Representative from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Rep-

resentatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

CHILD SAFETY SEAT LEGISLATION

(Mr. ANDERSON asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. ANDERSON. Mr. Speaker, today I am pleased to introduce legislation on behalf of myself and Congressmen HOWARD, BARNES, COELHO, GOODLING, GORE, and HERTEL of Michigan to address the problem of child passenger safety.

It is a sad irony that 80 percent of all children in the United States are immunized against communicable diseases, while only half of that figure are protected against their most potent and likely killer—the automobile. More children are killed in motor vehicle accidents than by any other cause. Further, auto crashes are the No. 1 traumatic cause of epilepsy, mental retardation, and spinal cord injury in children.

The National Highway Traffic Safety Administration estimates that 1,000 children are killed a year and 50,000 more are injured as a result of automobile accidents. The National Transportation Safety Board found that, in the years 1978 through 1982, nearly 3,400 child passengers under 5 years old were killed in traffic accidents and more than 250,000 were injured. Such statistics are the more tragic because most of these deaths and injuries could have been prevented by the proper use of child safety seats.

States are now responding to this problem with child restraint legislation. Since Tennessee's law in 1977 and Rhode Island's in 1980, the number of States with laws has grown steadily over the past 3 years, and today 42 States and the District of Columbia have enacted such laws. As a result, the current 40-percent rate of usage represents a rise in usage from 1979, when it was at 15 percent. However, 70 percent of that number are misusing the seats, and parents are often uninformed as to the potential consequences of their misuse or nonuse.

Thus, although the laws have had a substantial effect, they are not sufficient in themselves. Without programs to inform and educate the public and law enforcement officials, over half of the number of children in automobiles each year will remain unrestrained—and unprotected. The Federal Government has a role to play in correcting this situation. States have overburdened highway safety budgets that do not permit them to divert many funds for these programs. Besides the drain created to sustain existing highway safety needs, inflation has taken its toll and has diminished the already limited capacity of State funds.

The bill I am introducing today is intended to aid the States in their efforts in two ways: First, it will provide seed money over a 3-year period to assist States in developing comprehensive programs which will be expected to include, in addition to public education and information and training for law enforcement personnel, child safety seat loan or rental programs and programs to collect and submit to the Secretary annually data which are necessary to evaluate the effectiveness of State programs. The bill will also increase the authorizations for highway safety funds to provide assistance in other badly needed highway safety areas.

REPUBLICAN PUBLICITY POWER PLAY

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I want to review the actions that took place yesterday on the floor of the House and to put them into proper perspective for those who might care.

Yesterday, several Republican Members attempted to garner a lot of cheap publicity. They tried to circumvent the procedural rules of this House in forcing their legislative agenda on the rest of us. They wanted to do away with the process by which witnesses are heard, opinions evaluated, and constructive debate allowed.

That was done so that they could do some political grandstanding for the press. These Members wanted to pass serious constitutional amendments without so much as allowing an amount of time for debate that is normally accorded measures of far less importance.

Yesterday we heard a lot of whimpering and handwringing over how unfair the rules of this House are. To those who are on the other side of the aisle let me say to you, you cannot have it both ways; you cannot spend hours railing against dictatorial control and then in the next breath request totalitarian authority to vote on issues that have not been considered at the subcommittee or committee levels of Congress.

Yesterday's actions will only appeal to those who prefer hypocrisy to the intellectual integrity that is inherent to a full and open debate on the merits. It was indeed a shallow attempt to hide from the real problems facing this Congress: the runaway Republican deficits.

ATTORNEY DEBT COLLECTORS SHOULD NOT BE EXEMPT FROM FAIR DEBT COLLECTION PRACTICES ACT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing a bill that would amend the Fair Debt Collection Practices Act to remove the exemption contained in the act for attorneys collecting the debts of others. When Congress enacted the act in 1977, it did so to prohibit the abusive practices of third party debt collectors. During the hearings I held as chairman of the Consumer Affairs Subcommittee, I heard many stories of how disreputable debt collectors harassed and abused consumers while trying to collect debts. The act was intended to put a stop to these practices, and it has been an unqualified success. At the same time, it has not restricted the ability of reputable debt collectors to fairly and efficiently collect overdue and delinquent accounts.

Congress exempted attorneys from coverage under the act in the belief that debt collection by attorneys was only incidental to their usual practice of law and that any violations of ethical conduct would be handled through the disciplinary procedures of State and local bar associations. Unfortunately, the exemption from the act has resulted in a number of attorneys and law firms entering the collection business and using the exemption as a shield from the requirements that they not harass or abuse consumers in the course of collecting debts.

These law firms are in fact nothing more than collection agencies. Often the majority of employees are not attorneys. One law firm has received for collection over 2.5 million accounts worth over $1.2 billion in the past 10 years. It has over 400,000 active collection files. Of its 750 employees, only 85, or 11 percent, are attorneys. Another law firm boasts of its low ratio of attorneys to employees in a letter it sends to prospective clients: "We operate under the name of a law firm, as we are attorneys, even though the majority of our employees are engaged in collection activity."

The consumer is unlikely to be contacted by an attorney in the debt collection law firm. Contact is made by the other employees of the firm who mislead the consumer by saying they are from the "law firm of A, B and C." These firms and their employees are debt collectors who use the name and letterhead of a law firm to mislead consumers into believing that the account is now in the hands of attorneys.

Collection activity on this scale is not incidental to the practice of law. It

is not merely a service provided clients. In some instances, the creditors' contracts with the law firm expressly prohibit the firm from taking legal action or filing suit to collect debts. This activity is, purely and simply, debt collection.

Attorneys are fond of saying, "If it walks like a duck and quacks like a duck and you call it a cow, it's still a duck." Well, if it contacts consumers like a debt collector and services accounts like a debt collector and you call it a law firm, it is still a debt collector. This bill will insure that consumers receive all the protections of the Fair Debt Collection Practices Act when they are contacted by third party debt collectors, regardless of what they are called.

A TRIBUTE TO FRANCINE SUSAN FREEDMAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I regret to inform my colleagues in the House of Representatives of the loss of one of my congressional staff members. Francine Susan Freedman was a professional congressional legislative aide since 1974 and a member of my Washington staff since last year. She was 32 years old when she died on January 18, 1984, following a brief illness.

Francine will be greatly missed by her many friends and her loving parents, Mr. and Mrs. Stanley Freedman of Chevy Chase, and her brother, Steven of Arlington.

Francine was born and raised in Washington. She graduated from Bethesda-Chevy Chase High School and the University of Maryland, where she majored in political science. Francine was a dedicated congressional employee. Through her various duties and responsibilities in my congressional office she put the theory into action that one person can indeed make a difference. Every day she put forth her best efforts to see that the needs of the people of New Mexico's Third Congressional District were being met by a compassionate Federal Government.

Francine was also a past president of the Habirah chapter of B'nai B'rith and was active in the Capitol Hill group of the United Jewish Appeal. Her strong interest in the affairs of Israel carried over into her work. She was particularly active in helping Soviet Jews emigrate and she served as a highly valuable resource person dealing with the current state of affairs in the Middle East. She worked long hours aiding constituents in cutting through bureaucratic redtape and kept a close watch over our operations in New Mexico to insure that Government was responsive to the taxpayers.

We consider ourselves fortunate to have known her and to have had her as our friend.

We will always treasure our relationship with her and we will remember her with special affection in the years to come.

Our sorrow is tempered only by our fond memories of her bright spirit and her dedication to helping others. She leaves a legacy that all of us should hope to emulate.

To her parents and to her family, we extend our heartfelt and our deepest sympathies.

TWENTY-FOUR HOUR VOTING—ITS TIME HAS COME

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, Our Nation's current election process is failing us miserably. The 1980 U.S. voter turnout rate of 52.6 percent was the lowest for a Presidential election since 1948. Further, voter participation in our country is more than 30 percentage points lower than the average for other Western democracies. These are alarming facts, particularly as we approach the November elections.

Today, I am introducing a bill to improve this bleak situation by providing for "same time" 24-hour voting. The polling places across the country would open on a Sunday at 3 p.m., eastern standard time, and would close 24 hours later. These changes would apply for a 6-year experimental period beginning with the 1984 Presidential election.

Under our current system, 80 percent of the normal 13-hour voting period falls during the time our Nation's work force is either at their jobs or commuting to and from their jobs. A 24-hour voting period, starting on a nonwork day, would solve that inconvenience problem. Futher, simultaneous opening and closing of the polls would eliminate early election projections by the media.

Simply put, the removal of voting barriers should be viewed as a nonpartisian issue worthy of bipartisan support.

□ 1230

MARINES SHOULD BE WITHDRAWN FROM LEBANON AND THEIR INDEFENSIBLE POSITION

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, last September I voted for and spoke for the authorization for the President to keep the marines in Lebanon up to 18 months.

In my judgment circumstances have considerably changed since that legislation was before the Congress and my conclusion is, and I shared this with my constituents before Christmas, that we should withdraw our marines from Lebanon, put them on the ships, preferably replace them and the other high visibility targets such as the French with an international peacekeeping force such as under the flag of the United Nations.

Marines cannot fulfill the purpose and the role for which they were originally sent to Lebanon because they have become the targets. They cannot be the peacekeepers they want to be. Furthermore, the marines are frustrated because the marines are taught to be an assault force, to take the high ground, and they are kept on the low ground in an indefensible position. We should withdraw our marines.

Lastly, I appreciate my colleague from Florida (Mr. GIBBONS) for his statement before this House last September. I now agree with him.

URGE SENATE TO REJECT NOMINATION OF ED MEESE AS ATTORNEY GENERAL

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, one of the most important items before the Senate is the replacement of the Attorney General. The Senate will soon have to decide, "Is Ed Meese qualified to hold the highest law enforcement position in this country?"

I say that the answer to this question is "No." Mr. Meese was behind the administration's recent attempt to gut the Civil Rights Commission. Mr. Meese has engineered three proposals to put the Legal Services Corporation out of business, ending legal aid to the poor.

Mr. Meese's contempt for critical civil rights initiatives—like affirmative action—is well known. And yet Ronald Reagan wants to put Mr. Meese in charge of enforcing the Nation's civil rights laws.

In conclusion, Mr. Speaker, I urge the Senate to reject Ed Meese's nomination for Attorney General. If, 4 weeks ago, Ed Meese could not find hunger in America, can we now trust him to find justice in our country?

UNCOMMON VALOR

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, last weekend I had the occasion to view a movie called "Uncommon Valor." While it is just a movie and just a fictionalized account of our

MIA's in the Far East, yet there is a tremendous amount of truth to what was serialized in the movie. We do have approximately 2,500 missing in action, unaccounted for and 2,500 families whose sons are unaccounted for and whose family lives have been disrupted beyond anyone's wildest imagination.

It is a very chilling experience to see this movie and then think about those sons of America over there still possibly living and unaccounted for.

And I would on this moment call for both North Vietnam and Laos to let the sons of America go back where they belong, to this country. And I would hope that they are listening because this is the resolve of America. We will not forget.

Thank you.

LEBANON—WHAT POLICY IS IN THE BEST INTEREST OF U.S. SECURITY?

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, many Members of Congress have reluctantly supported our continued presence in Lebanon, being swayed by one particular argument—the claim that if we were to pull out of Lebanon now it would mean we have capitulated to the terrorist attacks that have already killed nearly 300 Americans; thus permitting the terrorists to achieve their goal.

This reasoning is shortsighted and fails to consider the broader issue of policy.

The basic question that must be asked is: What policy is in the best interest of U.S. security? If the answer is, and I believe most everyone agrees, that our interests are best served by not having our Marines in Lebanon, rather than by our staying in Lebanon because of the terrorist attacks. By remaining, the terrorists and possibly even the Soviets are achieving exactly what they want: Conditions which they can exploit and use to continue humiliating the United States.

The good intentions of those who want us to stay in Lebanon cannot prevent the dangers that arise to our national security by our presence there.

Let us not allow the terrorists to intimidate us into pursuing a policy which fails to serve our national security interests.

INSTRUCTIONS FROM HOME

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, 2 months is an ample amount of time to get a proper reading from constituents. I have found that in southern California there is a feeling of true progress. They are pleased that unemployment is dropping and that inflation as was reconfirmed this morning is at its lowest level in years. They are content with the present and cautiously optimistic about the future.

There are some concerns. The budget process is about to begin again and there is renewed concern over the size and scope of the Federal deficit. This matter must be addressed in a responsible way. They look to our California Gov. George Dukmejian as an example for the Federal Government to follow. He inherited a situation similar to the one we face right now. Through level-headed planning and perseverance he was able to produce a balanced budget without raising taxes, choking off the economic recovery or gutting California's extensive social services. My constituents look to Congress to assist the President in achieving the same goal.

They are willing to accept the responsibilities of a world power in places like Lebanon or Central America. But they want signs of progress and well defined goals or they want our men brought home. They are willing to support a strong national defense—provided that it is cost effective and they support American efforts to achieve an arms control agreement with the Soviets.

All in all, Mr. Speaker, they give high marks to the President for what he has accomplished in the last 3 years and low marks to Congress for not addressing the issues of real concern to the vast majority of Americans. We have a lot to do in the next few months. Let us get at it.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, in my district my constituents feel that the school prayer constitutional amendment should be enacted.

REQUEST FOR CONSIDERATION OF VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mrs. VUCANOVICH. Mr. Speaker, therefore, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Nevada?

Mr. LUKEN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, could the Speaker indicate who it was that made the objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. LUKEN).

Mr. WALKER. I thank the Chair.

□ 1240

CONGRESS STOPPED FROM CONSIDERING VOLUNTARY SCHOOL PRAYER ISSUE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a few minutes ago we heard from the gentleman from Texas, who yesterday singly stopped this House from taking up the voluntary school prayer issue. He came to this floor a few minutes ago very upset about the procedure that was used. It is, of course, a procedure strictly within the rules, but he singly yesterday stopped this House from considering school prayer under an open rule. Not under the kind of constitutional amendment process that we had earlier in this Congress where we had it brought out under suspension, but under an open rule where it could be fully debated. He stood up yesterday and singly said that he did not want school prayer brought to this floor.

Now we just had a motion a moment ago of the same kind. The gentleman from Ohio objected.

These Members singly are stopping these bills from coming to the House floor. And I think the American people should know that and it is no wonder the gentleman from Texas would be upset. I am sure his constituents are going to be upset about the action that he took.

REQUEST FOR CONSIDERATION OF BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, last year when I came to the House floor for the first time, I recall the first vote that I had to make and it was a question of whether we should add a new committee to the Congress.

Now, I came here with the thought that we probably already had too many committees, but being new I decided I would go around and ask other Members what they thought.

And sure enough the reply that I got was that we do not need it, it costs too much, it is not going to be able to do

anything. And so I very astutely thought to myself, well, I am going to vote against that. And I thought for sure I would be in the majority.

Well, as it turned out, I voted against it. I think there were 34 other individuals who voted against it and some roughly 400 voted for the new committee.

The reason I raise that point is because it indicated to me right then and there that there really was not any political courage in this body to reduce spending and balance budgets.

Therefore, Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 147, the balanced budget constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

Mr. SHANNON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair has no objection to Members asking who has objected. However, the RECORD does always show who has objected.

Mr. WALKER. I thank the Chair for his statement.

In other words, each time an objection is heard, that Member by name will be reflected in the RECORD.

The SPEAKER pro tempore. That is correct.

Mr. WALKER. I thank the Chair.

REQUEST FOR CONSIDERATION OF LINE-ITEM-VETO CONSTITUTIONAL AMENDMENT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, in view of the fact that 43 States, including my State of Florida, now give their Governor the line-item veto and since every President since Ulysses S. Grant, including Franklin Delano Roosevelt in 1938, has sought this tool to better insure fiscal sanity, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 404, the line-item-veto constitutional amendment, be called up within the next 10 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SHANNON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BILIRAKIS. Mr. Speaker, I request that the RECORD show who the objector is.

The SPEAKER pro tempore. The RECORD will show that. The gentleman need not request it.

DIALOG TO BE HELD AFTER STATE OF THE UNION ADDRESS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I was very surprised yesterday to see the gentleman from Texas singlehandedly kill our effort to bring up the prayer in school amendment. And I was further surprised today to hear that what I thought was a remarkably intemperate speech for the second day of the session from the gentleman from Texas.

And I simply want to say that a number of us on our side of the aisle hope to have a dialog tomorrow night after the state of the Union to talk about the kind of issues and concerns the American people have and to debate openly what we as a Congress should do to uphold our part of the constitutional responsibility.

And I would hope the gentleman from Texas would feel very free to come tomorrow evening and to share with us his opinions and also to be willing to stand at the same time under fair grounds and discuss how this Congress should deal with issues such as prayer in school and balanced budgets and line-item-veto.

CONGRESS HAS REACHED A LOW

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I did not intend to speak on a 1-minute today, but I feel an obligation since I was here late yesterday evening watching the attempt to thwart the procedures of the House, which, by the way, was a tremendous cost to taxpayers.

And I find it very ironic that constitutional amendments regarding balancing the budget would be brought up by the other side when the administration has given us the largest deficit in the history of our country. I think the American people will not be fooled by that tactic. They are very aware of what the deficit is, the high interest rates, and all the other problems that go along with it. They are also aware of the fact that the administration's policies caused the deficit.

I think one of the things that really saddened me the most was that there was an objection last evening so that we would not be able to eulogize our late Members of Congress who passed away during the recess.

Now I think we have reached a kind of low when that takes place. And I for one hope it does not happen again.

SPECIAL ORDER TO BE TAKEN FOLLOWING STATE OF THE UNION ADDRESS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, tomorrow night, following the President's state of the Union address, I have taken time on a special order so that we might have an opportunity to engage in a debate over what ought to be the agenda for this Congress in the context of the President's state of the Union address.

Members will recall that in the last 2 years one of the whips from the Democratic side took time to engage in a debate. We would like to act off that precedent and expand that debate so it will not be just aimed at what the President said. Instead, we hope it will be aimed at what the agenda for America will be as represented in the agenda of the House of Representatives, so that we might have an opportunity to discuss whether we will deal with the constitutional amendment to balance the budget, whether we will deal with the question of giving the President item-line veto, whether we will discuss many issues, crime legislation, drug legislation, things the American people are involved in, concerned about, and by every poll, have suggested they want this House to deal with.

So I would hope that the Speaker of the House would join us. I would hope that the gentleman from California (Mr. COELHO), chairman of the Congressional Committee for the Democrats, who seems to have a great deal of influence as to what reaches the floor, will be here, and I would hope that we would have a representative of the Democratic freshmen, who came here to change America, to engage in this debate tomorrow.

COMMUNICATION FROM MICHAEL E. LYNCH

The SPEAKER pro tempore laid before the House the following communication from Michael E. Lynch, counsel, Subcommittee on Contracts and Printing of Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C., November 29, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, H-204, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that William Sudow, formerly counsel to the Subcommit-

tee on Printing of the Committee on House Administration, and I, as Custodian of Records for the Subcommittee, have been served with subpoenas issued by the United States District Court for the District of Columbia. These subpoenas call for us to appear at depositions to give testimony and produce documentary materials.

In accordance with the Rules of the House, Mr. Sudow and I will confer with the General Counsel to the Clerk to make the determinations required by Rule L(50). We will notify you promptly of those determinations.

Sincerely,

MICHAEL E. LYNCH,
Counsel, Subcommittee on Contracts and Printing, Committee on House Administration.

PRIVILEGES OF THE HOUSE—RESOLUTION DIRECTING COMMITTEE ON RULES TO UNDERTAKE INVESTIGATION CONCERNING THE CONGRESSIONAL RECORD

Mr. WALKER. Mr. Speaker, I rise to a question of privilege under rule IX of the House rules.

The SPEAKER pro tempore. Does the gentleman have a resolution?

Mr. WALKER. I have a resolution at the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the House Committee on Rules shall:

(1) undertake an investigation concerning the matter of accuracy of the Congressional Record;

(2) determine whether procedures including, but not limited to, requiring absolute verbatim transcripts of all House proceedings should be implemented; and

(3) report back to the House within 45 legislative days with recommendations on how to protect and ensure the accuracy of the Congressional Record, as well as how to safeguard the individual rights and privileges of individual Members of the House in that document.

The SPEAKER pro tempore. The Clerk will read the preamble.

The Clerk read as follows:

H. RES. 393

Whereas, several instances have occurred in which official House documents and records, including the Congressional Record, have either been intentionally or mistakenly altered;

Whereas, such instances have produced a Congressional Record which has differed materially from its original intent and verbatim transcripts of the actual statements made on the floor;

Whereas, the protection and accuracy of official House records and documents is one of the rights and privileges of Members of Congress;

Whereas, such falsifications and misstatements distort the legislative history and intent of legislation considered by the House of Representatives;

Whereas, such occurrences reflect adversely on individual Members of Congress and on their capacity to accurately carry out their responsibilities and duties in accurately reflecting the views of their constituents, as well as the integrity and sanctity of the legislative process and general proceedings of the House of Representatives; and

Whereas, the American people have a right to know exactly what is said and what occurs on the floor of the House of Representatives; Now, therefore, be it,

□ 1250

The SPEAKER pro tempore. The gentleman's resolution raises a question of privilege of the House under rule IX.

PRIVILEGED MOTION OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer a privileged motion.

Mr. Speaker, I move to table the resolution offered by the gentleman from Pennsylvania (Mr. WALKER).

The SPEAKER pro tempore. The question is on the motion to table the resolution offered by the gentleman from Texas (Mr. FROST).

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, is that subject to debate?

The SPEAKER pro tempore. It is not subject to debate.

Mr. WALKER. Mr. Speaker, is that motion in writing?

Mr. FROST. Yes, it is.

Mr. WALKER. Mr. Speaker, is that motion in writing at the desk?

The SPEAKER pro tempore. Is the motion in writing at the desk? It apparently is on its way to the desk.

Mr. WALKER. The answer is: No, it is not.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FROST moves to table the resolution offered by the gentleman from Pennsylvania (Mr. WALKER).

The SPEAKER pro tempore. The motion is nondebatable.

The question is on the motion to lay on the table the resolution offered by the gentleman from Texas (Mr. FROST).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 144, not voting 76, as follows:

[Roll No. 3]

YEAS—213

Ackerman	Applegate	Biaggi
Addabbo	Aspin	Boland
Akaka	Barnard	Boner
Albosta	Barnes	Bonior
Anderson	Bates	Bonker
Andrews (TX)	Bellenson	Borski
Annunzio	Berman	Bosco
Anthony	Bevill	Boucher
Boxer	Hefner	Panetta
Breaux	Hertel	Patman
Britt	Hightower	Patterson
Brooks	Howard	Pease
Brown (CA)	Hoyer	Penny
Bryant	Hubbard	Pepper
Carper	Jacobs	Perkins
Carr	Jenkins	Pickle
Clarke	Jones (NC)	Price
Clay	Jones (OK)	Rahall
Coleman (TX)	Jones (TN)	Rangel
Conyers	Kaptur	Ratchford
Cooper	Kastenmeier	Ray
Coyne	Kazen	Reid
Crockett	Kennelly	Richardson
Daniel	Kildee	Rodino
Darden	Kogovsek	Roe
Daschle	Kostmayer	Roemer
Dellums	LaFalce	Rose
Derrick	Leath	Rowland
Dicks	Lehman (CA)	Roybal
Dingell	Lehman (FL)	Russo
Donnelly	Leland	Sabo
Dorgan	Levin	Scheuer
Dowdy	Levine	Schumer
Downey	Levitas	Shannon
Durbin	Lloyd	Sharp
Dwyer	Long (MD)	Shelby
Dyson	Lowry (WA)	Sisisky
Early	Luken	Skelton
Edgar	Lundine	Slattery
Edwards (CA)	MacKay	Smith (FL)
Erdreich	Markey	Spratt
Evans (IL)	Martinez	Stark
Fascell	Matsui	Stokes
Fazio	Mavroules	Stratton
Feighan	Mazzoli	Studds
Ferraro	McCloskey	Swift
Flippo	McHugh	Tallon
Florio	McNulty	Tauzin
Foglietta	Mica	Thomas (GA)
Ford (MI)	Mikulski	Torres
Ford (TN)	Miller (CA)	Torricelli
Fowler	Mineta	Towns
Frank	Minish	Traxler
Frost	Mitchell	Udall
Fuqua	Mollohan	Valentine
Garcia	Montgomery	Vandergriff
Gaydos	Moody	Vento
Gejdenson	Morrison (CT)	Volkmer
Gephardt	Mrazek	Walgren
Glickman	Murphy	Watkins
Gonzalez	Murtha	Waxman
Guarini	Natcher	Weiss
Hall (IN)	Neal	Wheat
Hall, Ralph	Nowak	Whitley
Hall, Sam	Oakar	Williams (MT)
Hamilton	Oberstar	Wirth
Harkin	Obey	Wolpe
Harrison	Olin	Wyden
Hatcher	Ortiz	Yates
Hawkins	Ottinger	Yatron
Hayes	Owens	Young (MO)

NAYS—144

Archer	Dickinson	Hyde
Bartlett	Dreier	Ireland
Bateman	Duncan	Jeffords
Bennett	Edwards (AL)	Kasich
Bereuter	Edwards (OK)	Kemp
Bethune	Emerson	Kindness
Bilirakis	Evans (IA)	Lagomarsino
Boehlert	Fiedler	Latta
Broomfield	Fields	Lewis (CA)
Brown (CO)	Fish	Lewis (FL)
Broyhill	Franklin	Livingston
Burton (IN)	Gekas	Loeffler
Campbell	Gibbons	Lujan
Carney	Gilman	Lungren
Chandler	Gingrich	Mack
Chappie	Goodling	Madigan
Cheney	Gradison	Marlenee
Clinger	Gramm	Martin (IL)
Coats	Green	Martin (NC)
Conable	Gregg	Martin (NY)
Conte	Gunderson	McCandless
Coughlin	Hammerschmidt	McCollum
Courter	Hansen (ID)	McDade
Craig	Hansen (UT)	McEwen
Crane, Daniel	Hiler	McGrath
D'Amours	Holt	McKernan
Dannemeyer	Hopkins	Michel
Daub	Horton	Miller (OH)
Davis	Hunter	Molinari
DeWine	Hutto	Moore

Moorhead	Roth	Snyder
Morrison (WA)	Roukema	Spence
Myers	Rudd	Stangeland
Nelson	Sawyer	Stump
Nielson	Schaefer	Sundquist
O'Brien	Schneider	Tauke
Oxley	Schroeder	Taylor
Packard	Schulze	Vucanovich
Parris	Sensenbrenner	Walker
Paul	Shaw	Weber
Petri	Shumway	Whitehurst
Porter	Shuster	Whittaker
Pritchard	Simon	Wolf
Quillen	Smith (NE)	Wortley
Regula	Smith (NJ)	Wylie
Rinaldo	Smith, Denny	Young (AK)
Robinson	Smith, Robert	Young (FL)
Rogers	Snowe	Zschau

NOT VOTING—76

Alexander	Hall (OH)	Ritter
Andrews (NC)	Hance	Roberts
AuCoin	Hartnett	Rostenkowski
Badham	Heftel	Savage
Bedell	Hillis	Seiberling
Blilley	Huckaby	Sikorski
Boggs	Hughes	Siljander
Burton (CA)	Johnson	Skeen
Byron	Kolter	Smith (IA)
Chappell	Kramer	Solarz
Coelho	Lantos	Solomon
Coleman (MO)	Leach	St Germain
Collins	Lent	Staggers
Corcoran	Lipinski	Stenholm
Crane, Philip	Long (LA)	Synar
de la Garza	Lott	Thomas (CA)
Dixon	Lowery (CA)	Vander Jagt
Dymally	Marriott	Weaver
Eckart	McCain	Whitten
English	McCurdy	Williams (OH)
Erlenborn	McKinney	Wilson
Foley	Moakley	Winn
Forsythe	Nichols	Wise
Frenzel	Pashayan	Wright
Gore	Pursell	
Gray	Ridge	

□ 1300

Mr. GILMAN and Mr. HORTON changed their votes from "yea" to "nay."

Mr. RAY changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1310

WEATHERIZATION AND EMPLOYMENT ACT OF 1983

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2615) to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 275 is an open rule providing for the consideration of H.R. 2615, the Weatherization and Employment Act of 1983.

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and makes in order an amendment in the nature of a substitute adopted by the committee which is now printed in the bill as original text for the purpose of amendment under the 5-minute rule.

The rule also waives points of order against the substitute for failure to comply with the provisions of clause 5(a) of rule XXI which prohibits appropriations in a legislative bill.

In addition, the rule provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute and provides for a motion to recommit with or without instructions.

Mr. Speaker, we are now in the midst of one of the coldest winters in history. The program authorized by H.R. 2615 would provide some measure of relief to low-income households during these cold months by providing assistance in the weatherization of their homes that could save 15 to 30 percent annually in energy use per household. The bill provides $500 million in authorizations for the low-income weatherization program in fiscal years 1984 and 1985 and such sums as may be necessary until fiscal year 1994. In addition, the bill requires the Department of Energy to devise a 10-year implementation for the 13 million eligible low-income households that remain to be weatherized since the start of the program in 1977. Without such a stepped up weatherization program, it is estimated that it would take 50 years to weatherize those households, and the Committee on Energy and Commerce is to be commended for requiring DOE to address this most important task and for committing the Congress to continuing the program on a long-term basis.

Mr. Speaker, while there may be some controversy as to the size of the authorization amounts contained in H.R. 2615, I should note that this is an open rule and will be subject to any germane amendment. I commend the bill to my colleagues and urge adoption of the rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 275 is an open rule under which the House will consider legislation to vastly increase and extend the authorization for the Energy Department's low-income weatherization program.

The bill made in order by this rule, H.R. 2615, authorizes $500 million in fiscal 1984, and $500 million in fiscal 1985, and such sums as may be necessary for fiscal 1986 through 1994.

As reported from the Committee on Energy and Commerce, this bill is highly controversial because it is a 10-year authorization, it seeks to authorize $1 billion over a 2-year period, and it makes substantial changes in the existing law without benefit of legislative hearings.

Mr. Speaker, under the provisions of House Resolution 275, the substitute reported from the Committee on Energy and Commerce now printed in the bill will be considered as original text for the purpose of amendment under the 5-minute rule.

The rule includes a waiver of clause 5(a) of rule XXI, waiving points of order that might otherwise lie against consideration of the committee substitute, because some language contained in the substitute constitutes an appropriation in a legislative bill.

The rule contains the usual and customary language regarding division of the time for general debate, regarding separate votes in the House on any amendments that may have been adopted in the Committee of the Whole, and regarding the motion to recommit with or without instructions.

Mr. Speaker, this rule was reported from the Committee on Rules over 6 months ago, and nothing has happened that makes this bill any better today than it was last July. During our hearing, the distinguished gentleman from North Carolina (Mr. BROYHILL) urged that the Committee on Rules not grant a rule for this bill because

its 1984 authorization level is $200 million over the amount contained in the first budget resolution and a half a billion dollars above the President's 1984 request, and because his committee gave the the bill such hasty consideration that it failed to conduct any legislative hearings that might have answered a host of questions about whether this bill duplicates existing efforts to aid the low income in need of weatherization for their homes.

Mr. Speaker, I shall not oppose this Rule, but the Members should be aware that the legislation is of dubious nature and will probably not live to see enactment into law. In this regard, one could easily argue that we should simply defeat the rule and save ourselves the time this bill will take up.

Since this is the first rule to come to the floor in the new year, however, and since it is an open rule, I shall not oppose it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1320

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I thank the gentleman for yielding and for granting this open rule on what is a very important piece of legislation. This bill saves money for the Government because it allows a permanent weatherization of homes for low-income people for whom otherwise we might have to pay eternally for low-income energy assistance.

It saves substantial amounts of energy.

It provides jobs in one of the most economical ways that the Government has devised.

No other Federal program can boast comparable advantages to the Nation in all of these aspects. I strongly urge adoption of the rule and adoption of the bill.

I would like to point out that we did have full legislative hearings on this bill on March 15, 1983.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 275 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2615.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House of the State of the Union for the consideration of the bill (H.R. 2615) to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes, with Mr. DIXON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. OTTINGER) will be recognized for 30 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I bring to the floor today, with great pleasure, the Weatherization and Employment Act of 1983 (H.R. 2615), which has been cosponsored by a bipartisan group of more than 40 of my colleagues.

The bill is aimed at attacking in a long-term way one of the most punishing costs with which low-income people in this country are burdened: The cost of heating and cooling their homes. As this winter's record cold weather has shown us, the poor and elderly are particularly susceptible to the life-threatening situation caused by cold weather, higher prices, and fuel shortages. Almost 500 people died during the record December cold weather, many of them elderly, and similar weather is predicted for this month. Because of the low stocks of heating oil going into this winter, residents throughout the Northeast and Midwest are facing significant increases in the price of that fuel. These increases come on top of more than sixfold increases in heating costs since the Arab oil embargo.

Since the Arab oil embargo, natural gas prices have increased more than fivefold.

Shortages and price increases have a disproportionately disastrous effect on low-income people. We know that low-income households spent almost six times as great a proportion of their income for energy as middle and upper income households in the 1980–81 heating and cooling seasons. Overall, the average poor household in this country devotes more than one-quarter of its income to home energy needs.

Because low-income families have little disposable income, they usually cannot afford to make the improvements in their homes that are needed to reduce energy needs beyond the economies they have already achieved by reducing their comfort.

H.R. 2615 is intended to provide necessary energy conservation improvements in the homes of these low-income people that can permit them to save up to 30 percent of their fuel bills annually over the life of the equipment, which is usually as long as 20 years.

Of the 14 million low-income households in the country, the DOE weatherization program has already weatherized about 1 million homes. The results of this program have been very impressive, both in terms of energy savings for the Nation and income savings for low-income people.

The DOE weatherization program has provided energy savings of 15 to 30 percent per household through insulation and other energy-conservation measures.

According to a 1981 study by the Consumer Energy Council, weatherization results in average savings to low-income people of 27 percent in their fuel bills.

The low-income weatherization program delivers energy at a cost per barrel of oil equivalent which makes it a cheaper way to expand the Nation's energy resources than any other form of energy production. According to the Consumer Energy Council, the low-income weatherization program has produced saved energy at less than half the cost the resident would pay for oil, electricity, or natural gas.

Apart from the energy savings, as the gentleman from Kentucky has pointed out, this is one of the most economical and effective jobs programs that the Government has devised.

A manpower study by Oak Ridge Associated Universities for the Department of Energy, presented before my subcommittee, shows that the weatherization program produces about 5,200 jobs onsite and in related manufacturing for each 100 million Federal dollars expended. This conservative estimate means that for each Federal dollar expended, this program is producing at least one and a half times the number of jobs that President Reagan predicted for the recently enacted highway jobs bill. Based on this estimate, the $500 million authorization proposed for fiscal year 1985 could produce 26,000 jobs directly.

In addition, weatherization provides a unique economic stimulus that produces additional jobs. As weatherization reduces the amount that low-income households must spend on energy, it frees up additional disposable income to be spent on other goods.

According to testimony received before my subcommittee from Dr. Leonard Rodberg of Queens College in New York, a full-scale weatherization program, as envisioned in H.R. 2615, would, through the respending of accumulated energy savings by consum-

ers, result in an additional five jobs for every direct job created over the 20-year life of the conservation investment.

This legislation would authorize $500 million annually for the weatherization program in fiscal years 1984 and 1985. The bill requires the Secretary of Energy to develop a plan to weatherize the remaining eligible low-income homes, estimated at 13 million, over a 10-year period, for fiscal year 1985 through fiscal year 1994.

Congress has already committed the Nation to helping low-income persons pay their ever-rising fuel bills through the low-energy-assistance program. The bill for that program is approaching $2 billion this year. It would seem only logical for the Nation to make permanent reductions in these households' energy use through energy conservation, rather than continuing to pay only for energy that is often wasted up the chimney.

I would like to point out that the small amount that is permitted to be diverted from the low-income energy assistance program for weatherization would be nowhere near adequate to do this job, though that is what the minority has contended.

□ 1330

There would be no delivery mechanism and the amounts involved are just totally, grossly inadequate to be able to meet the weatherization need.

In addition, the Nation as a whole will reap the benefit of decreased dependence on foreign fuel supplies through this program. If all 13 million eligible homes in the Nation are weatherized, it is estimated that the savings in fuel costs would be approximately 65 million barrels of oil annually, and this translates into a dollar savings of about $3.3 billion annually based on the delivered cost of energy to residents.

Finally, I would point out there is no way of knowing the exact cost of this program because no one has done a thorough study of how many houses exactly need the weatherization help and how many are already covered under other public housing and utility programs or are in such a state of disrepair that it would be impractical to weatherize them.

That is why we have directed the Secretary of Energy in this bill to prepare a plan identifying how many homes are in need of Federal help for weatherization, what rate of weatherization is possible, and what the costs will be.

We then direct the Secretary to identify in the budget request how much Federal funding would be necessary annually to carry out this plan.

Congress, of course, will have to decide on how much to appropriate for this program on an annual basis.

Mr. Chairman, H.R. 2615 has been endorsed by a wide variety of organizations including the United Methodist Church—Board of Church and Society, the American Association of Retired Persons, the Federation of American Scientists, and virtually all of the national environmental organizations.

Mr. Chairman, this bill saves lives, it saves money, and it saves energy. It provides jobs. No other Federal program can boast comparable advantages to the Nation and I urge its passage.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, H.R. 2615, the Weatherization and Employment Act, would expand the existing low-income weatherization program operated by the Department of Energy and would authorize funding over the next 10 years to weatherize the remaining low-income homes in this country that have yet not received weatherization assistance. In addition, this bill would provide new jobs, and job training would be offered to prepare weatherization workers to work in the energy conservation industry.

As we are all aware, low-income persons in this country have been forced to spend increasing proportions of their income on energy—sometimes as high as 40 percent. In addition, rising energy costs have substantially reduced the real purchasing power of low-income individuals, particularly the elderly and handicapped, and as a result, these persons have been unable to make the necessary energy conservation investments in their homes.

Congress has, over the years, recognized the need to assist low-income individuals in this area. During the 1960's and 1970's, we in the Congress authorized, under the poverty programs administered by the community services administration, projects that would help low-income persons throughout the country to weatherize their homes. During the late 1970's, the authority and funding for this program was transferred to the Department of Energy (DOE). A significant number of community action poverty agencies continued, however, to be actively involved in operating weatherization projects.

During the 1960's and 1970's, over 1 million individuals received assistance under the weatherization programs. We are here again today, however, because we know that our job has not been completed. Thousands of low-income households still live in dwellings which have little or no insulation and are in need of improvements to inefficient heating systems. H.R. 2615 would authorize sufficient funding over the next decade to weatherize these remaining homes.

In addition, this bill will provide a unique economic stimulus that creates additional jobs in this country. A recent Department of Energy study showed that the current weatherization program produces about 5,200 jobs on-site and in related manufacturing for each $100 million expended in federal dollars. According to another estimate, a full-scale weatherization program, as outlined in H.R. 2615, would create approximately 66,000 jobs annually. H.R. 2615 would also provide training in a very labor-intensive industry. The bill would require States to include a training program with their State weatherization plan and would provide significant funding for this purpose.

Finally, the bill would make changes aimed at increasing the effectiveness of the existing program. H.R. 2615 would require State agencies to coordinate the weatherization program with the low-income energy assistance program through exchanging lists of recipients, and would give low-income energy assistance recipients second priority for weatherization assistance after the existing priority for elderly and handicapped persons.

I would like to urge my colleagues on both sides of the aisle to vote for H.R. 2615. We must all recognize the fact that without an expanded Federal weatherization assistance program, there will be an ever increasing need on the part of the elderly and low-income persons for energy assistance to help pay high energy bills. The weatherization program has and will continue to be one of the most effective methods of reducing the consumption of residential energy while easing the burden placed on low-income persons if we are all committed to this goal.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my friend, the gentleman from Michigan, and I thank him also for his help and his excellent "Dear Colleague" to the other Members of the House.

Mr. WOLPE. Mr. Chairman, I rise in the strongest possible support of the Weatherization and Employment Act of 1983 and I want to pay tribute to the bill's sponsor and to the chairman of the subcommittee, the gentleman from New York (Mr. OTTINGER).

It is ironic that this bill should come to the floor only days after the gentleman from New York has indicated his intention to retire from this body. There has been no Member of this Congress that has been more knowledgeable about energy questions and has made a more substantive impact to the national debate over energy policy than the gentleman from New York.

I shall regard his absence from the Congress as a very personal loss. I

know his voice will be deeply missed by this body and by the Nation.

This legislation will reduce the impact of high energy prices on our poorest citizens while simultaneously reducing the flow of Federal funds for low-income energy assistance. Home heating and cooling costs have a disproportionate impact upon low-income people in our country. Low-income households spend up to 25 percent of their income on home energy costs. This is because the homes they live in are not adequately weatherized.

To address this problem, we have provided a low-income energy assistance program which now spends $2 billion a year to help one-third of the Nation's low-income individuals pay about one-third of their energy bills.

We also fund a low-income weatherization program.

The existing weatherization program has proven to be, as the gentleman from New York has noted, a high-yield investment for the Nation because it permanently reduces the energy needs of low-income Americans.

Installation of conservation measures has already helped 1 million low-income households reduce their energy consumption by up to 30 percent. This not only helps insulate these homes against escaping energy, but helps insulate the taxpayer from spending hundreds of millions in energy assistance for wasted energy. Unfortunately, under the existing program, it will take 50 years to insulate all of the eligible dwellings. The legislation before us seeks to weatherize the remaining 13 million low-income residences in the next 10 years.

In my State of Michigan, the last 2 months of recordbreaking cold weather will strain energy assistance agencies beyond their capability. If Michigan's low-income residences had been previously weatherized, it would have provided better protection, both from the weather and from the inadequacies of our energy assistance program.

In addition to helping low-income Americans and reducing future Federal expenditures, this legislation makes sense in terms of national energy policy. Investments in this program will displace a barrel of imported oil at a cost of only $10 per barrel. I believe that it is important to understand that the program before us right now is probably the most cost-effective energy program in the entire Federal budget.

In supporting the Weatherization and Employment Act we have the opportunity to vote for compassion. We have the opportunity to vote for fiscal responsibility. And we have the opportunity to vote for a program that will contribute to our Nation's energy security.

I strongly urge my colleagues to support this important measure.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for his support, and I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, Members of the House, I rise to urge a "no" vote on this bill. H.R. 2615 would irresponsibly expand and accelerate existing weatherization programs for low-income dwellings. If enacted, this bill would not only appropriate $1 billion for fiscal years 1984 and 1985, but would also authorize whatever funds are necessary for complete weatherization of the remaining 13 million eligible households within the next 11 years. The Congressional Budget Office estimates that this bill would increase Federal Government spending by $28.5 billion.

Mr. Chairman, we can never escape our collective responsibility for controlling the Federal deficit. The deficit already requires massive Federal borrowing and threatens to raise interest rates and derail our Nation's economic recovery. The deficit must be reduced, not through the imposition of additional taxes, but through responsible management of Federal spending. This bill would add over $28 billion to an already excessive Federal debt.

Exercising fiscal restraint by voting against this legislation is not a vote against weatherization of low-income dwellings. This bill duplicates existing weatherization programs. $468 million has already been appropriated for low-income weatherization in fiscal year 1984. Congress has appropriated $190 million for the Department of Energy's low-income weatherization program in fiscal year 1984. In addition, the Department of Health and Human Services low-income energy assistance block grant permits the States to use up to 15 percent of the funds available under the block grant for low-income weatherization. The HHS block grant is totally independent of this bill and makes available $278 million to the States for low-income weatherization in fiscal year 1984. It is important to note that since the inception of the HHS block grant program, States have never used the full amount of available low-income weatherization funds for weatherization.

Mr. Chairman, this bill would also reduce the effectiveness of current State weatherization programs. The General Accounting Office has criticized the existing DOE low-income weatherization program for inadequate financial and program management. This bill would make the program worse, not better.

H.R. 2615 would raise the maximum expenditure per household and eliminate all ceilings on labor, materials, and repair costs. Raising the maximum expenditure per household to $2,000 and expanding the list of eligible equipment to include replacement furnaces and burners, may benefit a few households greatly. But could result in fewer residences receiving any assistance. The cap is set too high to insure as many households as possible getting rudimentary assistance.

Further, dramatically expanding the weatherization program, eliminating the maximum expenditure per household to a level 100-percent above the average expenditure per household reported by DOE in fiscal year 1982, and increasing restrictions on labor, materials, and repair costs, is an open invitation to waste, fraud, and abuse.

Insufficient consideration has been given to the substance of this legislation. We have held hearings on weatherization, but this bill has never been the subject of legislative hearings. Members of Congress have not reviewed such fundamental matters as whether the ceilings on labor, materials, and repair costs should be eliminated. Also, several critical issues must be addressed before expanding existing weatherization programs to the extent mandated by this bill. It is irresponsible to make budgetary decisions concerning weatherization without first considering whether and to what extent moneys recovered from the oil overcharge cases will be available and should be used for weatherization. Members of Congress should review the State allocations formula to insure adequate funding to States with a high percentage of low-income homes using high-cost natural gas. The relationship between the DOE weatherization program and the HHS energy assistance block grant and new employment training legislation must be weighed.

Mr. Chairman, this legislation is ill-advised in light of our current economic recovery and already excessive national debt. We should be wrestling with how to control spending, not enacting legislation which will increase Government spending by over $28 billion. Proponents of this bill would have us believe that this bill would create new jobs. At an expenditure of almost $60,000 per job, this is not surprising. Unfortunately, these jobs would be dependent upon continued Government spending and would come at the cost of sustained economic growth. This bill can only result in inflationary budget deficits, high interest rates, and a hamstrung economy.

For these reasons, Mr. Chairman and Members of the House, I urge you to vote "no" on this bill.

□ 1340

Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983.

I want to thank Mr. OTTINGER and my other distinguished colleagues who support this measure for their resolve in the area of energy conservation. In the face of efforts to deemphasize conservation as an energy saving strategy, I am proud to stand here today and speak in support of a Federal program to save energy that works.

Coming from the Northeast which as a region is a net importer of energy and experiences longer and colder winters than most parts of the country, I can attest to the value of weatherizing homes as an energy and cost savings measure, particularly to our lower income homeowners. The existing Department of Energy low-income weatherization program has achieved a high degree of success in my home State of Vermont. The latest Vermont statistics show a 27-percent savings in home heating costs to participants in the program. Given the income level of the program participants this relates into rather significant savings, not to mention the extra bonus of winter comfort. I am also happy to report that the Vermont program has logged a greater than 90 percent satisfaction rate among recipients—not a bad batting average for a Federal program.

But, a program such as this cannot rest on its laurels. In Vermont, alone, 70 percent of the eligible homes still need to be weatherized. At the present funding levels, it would take an additional 20 years to complete this task. The projections for completing all the eligible homes in the country at current levels of funding are as high as 50 years. I see these time schedules as unacceptable, especially when you consider the energy and cost savings to a genuinely needy segment of our society.

This distinguished body has in the past demonstrated its commitment to energy conservation and assisting those most affected by rising energy costs by continuing to fund this program in spite of attempts to eliminate it. I call on you today to renew this commitment and to accelerate the benefits of this program by adopting in total the provisions of this bill.

In the quest to reduce our Nation's dependence on imported energy and to use wisely and efficiently our own energy resources, the weatherization program is a step in the right direction. From the national benefit of saving energy to the individual benefits of reduced heating bills and employment opportunities, this is a program that works and works well. We should be proud of our success and give this initiative our full blessings and support.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to support the Weatherization and Employment Act, H.R. 2615, which is before the House today.

This legislation, if enacted, directs the Secretary of Energy to develop a 10-year plan to weatherize the remaining low-income homes in this country. Only 1 million of these low-income households have already been weatherized. There are 13 million low-income homes which need this service.

This is not a giveaway program. In contrast, it is a highly cost-effective program benefiting our citizens and our country. Evidence indicates that low-income households spend up to six times as great a proportion of their income for their energy needs as middle and upper income households. If this program can help produce significant savings in the fuel bills for low-income families we can help reduce our Nation's welfare burden. At the least, these cost-effective strategies will enable low-income families to have extra funds to allocate to other critical needs and will help reduce unnecessary deaths due to hypothermia and heat stress. This program is critical to assist low-income citizens and citizens on fixed incomes since they cannot afford the costly up front expenditures required for weatherization and cannot obtain the necessary credit. Thus, the problem will perpetuate itself unless Congress acts to help eliminate this deplorable situation.

Each year weatherization saves 15 to 30 percent in energy use per household. We could save the equivalent of 65 million barrels of oil annually if this legislation is enacted and all 13 million low-income homes are weatherized. Enacting this program would mean a savings of about $3.3 billion in fuel assistance that would otherwise be unnecessary.

This program also makes a significant contribution to overcoming the unemployment problem in this country. The weatherization program alone would create an estimated 25,000 jobs annually—this does not take into account the additional jobs that would be created indirectly. This is 68 percent more jobs than estimated to be produced by the recently enacted highway jobs bill.

In the State of Rhode Island alone, we are currently weatherizing 1,500 low-income homes annually. Under this program we would be able to weatherize twice as many homes each year. This program would help make a significant improvement in the quality of life for many Rhode Islanders.

In summary I would like to emphasize that this bill can save the country energy at half the cost of buying new energy supplies and create jobs at a cost significantly lower than any other program. This bill represents a wise fiscal investment with significant short- and long-term paybacks. I urge my colleagues to vote in favor of H.R. 2615.

Mr. MOORHEAD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maine, (Ms. SNOWE).

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act. Debating this bill in January when most of the country is experiencing record low temperatures reminds us all of the discomfort extreme cold presents, both physically and financially. This lends a sense of immediacy that may have been lacking had we taken up H.R. 2615 last May when it was reported from committee.

The legislation before us expresses the strongest Federal commitment to date for weatherizing this country's homes and apartments. Since its inception in 1977, the program has weatherized approximately 1 million homes out of an estimated income eligible 14 million units. By directing the Department of Energy to draw up a plan for weatherizing the remaining 13 million units and authorizing the funding to do so, we are accelerating a procedure that would take an additional 50 years at the present rate of funding.

In so doing, we are making a permanent improvement in energy conservation. Weatherization is estimated to cut annual home energy bills by 15 to 30 percent, and unlike fuel assistance, which I also support, a one-time expenditure for weatherization pays back year after year. Weatherization is one of the few Government programs that actually reduce the need for spending other Government funds. Since the Federal Government is already paying for a sizable amount of wasted fuel through low income energy assistance, I believe it is in our best long-term financial interest to complete the weatherization program in this century.

Although energy conservation does not command the attention it did a few years ago, this legislation will reduce our dependence on foreign oil, an important factor in Maine and New England in general. Equally significant is the creation of an estimated 50,000 new jobs annually through the manufacture and installation of weatherization materials. H.R. 2615 also allows State agencies the flexible necessary to encourage new energy conservation techniques.

While I have the floor, I would also like to comment on the significance of weatherization to the State of Maine, one of the coldest States in the country. Maine's program stated in 1974, and predated the Federal program by 3 years. Through its outreach efforts and in conjunction with its low-income

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energy assistance program, Maine has been able to weatherize over 25,000 homes over the past 6 years at an average cost of about $925 per unit. Still, demand exceeds available funding, and State officials estimate a waiting list of 26,000 households who are actively seeking funding for weatherization. This amount does not include others who may be eligible but who, for one reason or another, have not applied to the program.

I will not deny that this legislation is expensive. Yet I feel it would be penny wise and pound foolish to overlook the most cost effective means of saving energy year after year. Therefore, I urge my colleagues to support the weatherization program by voting for H.R. 2615.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from New York, (Mr. FISH).

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, at this time I yield to my colleague, the gentleman from New York, (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of this bill which, in addition to a weatherization bill, is an important jobs bill at a time when America needs more jobs for the unemployed.

I am pleased to support H.R. 2615, the Weatherization and Employment Act of 1983. We need this legislation to speed our progress toward an essential humanitarian goal—the protection of low-income families from the cold—and to put more Americans back to work.

This winter, already one of the coldest on record, should draw our attention to the necessity of insuring that everyone has adequate heat. Frigid temperatures have compounded the problems of the Northeast, which has been chronically beset by high energy costs, older, less energy-efficient housing, and growing numbers of low-income families.

Helping low-income families pay their monthly heating bills is one way of solving the problem. But the cost of this program is adding up—with month after month of more and higher energy costs. We need a permanent reduction in annual heating costs. And the ability to make a permanent reduction—one of up to 30 percent—is now before us. Clearly, this is an investment in the quality and affordability of housing.

And by keeping us from paying for wasted heat, it will also save us an estimated $3.3 billion annually in fuel costs, thereby reducing our dependence on foreign oil.

Through the Department of Energy's current program, we have been able to insulate 1 million low-income homes over the last 5 years. That is good, but with 13 million other low-income homes still without weatherization, we have got to intensify our efforts. The families living in these homes cannot wait half a century for this vital economic and physical relief.

H.R. 2615 would shorten the time required for the completion of this program from at least 50 to just 10 years.

And since an accelerated effort requires more workers, H.R. 2615 will provide jobs—5,200 of them for every $100 million in Federal dollars. That is 68 percent more jobs for the dollar than the recently enacted highway jobs bill.

We have already demonstrated our commitment to the weatherization project over the last 3 years. By supporting this bill, we can show we are serious about completing it quickly and economically.

I urge my colleagues to support H.R. 2615.

Mr. FISH. Mr. Chairman, I shall not even take the full time my colleague from California so generously allotted. I am pleased to support the Weatherization and Employment Act before the House today. This bill would expand the existing Department of Energy low-income weatherization program and accelerate the process of weatherizing low-income households.

Since 1977 this program has weatherized 1 million homes, but there are 13 million low-income homes still to be weatherized. At the present rate of funding it will take at least a half century to weatherize them all. Each year, the Federal Government funds nearly $2 billion for the low-income home energy assistance program (LIHEAP). This annual drain on the Treasury would be reduced to the extent weatherization, a one-time investment, saves an estimated 15 to 30 percent annually in energy use per household. Looked at another way, by installing insulation and other energy-saving improvements in all 13 million households still unweatherized, the savings in fuel costs would be equivalent to $3.3 billion annually.

This program should be of particular interest to my colleagues from the Northeastern and Midwestern States who collectively have the highest household energy costs in the country. Each of these 18 States are net energy importers—that is, they consume much more fuel in the form of natural gas, petroleum, and coal than they produce. In addition, it is important to note that our States are home to growing numbers of low-income families, contain the bulk of the Nation's older energy-inefficient housing, and bear the brunt of harsh winter weather.

This is not a Federal handout. It is a highly cost effective program that produces significant savings in fuel bills for low-income families, thereby freeing up a larger proportion of their income for allocation to other critical needs such as food and rent.

This bill would also have an impact in encouraging employment in weatherization and related industries. The weatherization program alone produces 5,200 jobs per 100 million Federal dollars spent. Based on a survey of actual manpower use in the DOE program, weatherization produces about 68 percent more jobs per Federal dollar expended than the recently enacted highway program, financed by the 5-cent gasoline tax.

Weatherization has strong support from a wide range number of groups representing senior citizens, local governments, consumers, and environmentalists. I cannot emphasize enough the far-reaching, positive effects of this program. It represents a wise fiscal investment, and I would urge my colleagues to give it their support.

Mr. OTTINGER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. MCNULTY).

Mr. MCNULTY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, as a cosponsor of the bill I urge its passage.

The bill simultaneously generates jobs, makes a humane response to the needs of the unblessed, and adds a tool to the arsenal we have which is addressed to the critical question of the consumption of oil in our society.

This Chamber, and I am not exempt from the charge, tends to deal somewhat too much, I think, with cosmic issues when in fact we should be dealing with what Senator MAGNUSON used to call kitchen work.

I view this bill today as that type of enterprise; the homely, dirty-knuckle kinds of things that a society with any sense of oneness will address and address affirmatively.

While you may be concerned why southern, eastern Arizona would have an interest in the bill it is quite simply the case that all America and especially the poorest of our citizens are simply plagued by all the utility costs that affect their lives.

I thank the Chairman.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983. Weatherization is one of the few social programs that can provide significant long-term assistance to needy families with a one-time Federal expenditure. With rapidly rising home-heating costs, many familes are being forced each winter to choose between heating and eating. Their desperate situation is one which cries out for Government

intervention. As I stand here today, my district office is receiving dozens of calls as a result of escalating utility bills that have recently been mailed out by our local gas and electric companies.

Contrary to charges of budget busting, this legislation would result in permanent savings to the Federal Government by improving energy conservations in low-income households, and thereby substantially reducing the need to subsidize their annual fuel bills. The question should not be, can we afford this bill, but rather, can we afford not to have it. Weatherization will make people more independent, not more dependent.

Energy conservation is not only a key component for holding down prices for low-income Americans, but also a key component of the Nation's energy future.

The energy savings which would be created by H.R. 2615 are astronomical. Weatherizing the homes of needy Americans would save an estimated 15 to 30 percent annually in fuel costs if the remaining eligible homes were weatherized. Furthermore, conservation reduces the loss of money from our economy to foreign oil suppliers and the accompanying loss of revenues to the Federal Treasury.

I am keenly aware of the need for this program from my own district's experience. The weatherization program in Toledo, Ohio, is receiving about 200 applications a week from eligible families, and already has a standing backlog of over 2,000 homes. By the end of March, the weatherization office estimates what under current funding levels, they will have weatherized only 200 to 300 homes. Obviously, funding must be greatly increased for Toledo to make a dent in its backlog and to provide a modicum of energy security for the needy. I know the Toledo experience is not unique.

In addition to providing important energy security, this bill would create on the order of 66,000 jobs annually. According to a survey of actual manpower use in the Department of Energy program, weatherization produces about 68 percent more jobs per Federal dollar expended than the recently enacted highway program financed by the 5-cent gasoline tax. Moreover, to insure that workers are properly prepared to enter the private sector after working in this program, H.R. 2615 requires each State weatherization program to include a training component and to provide funding for that purpose.

This legislation would also make several changes aimed at increasing the effectiveness and improving the management of the existing program. First, it would create a performance fund composed of 10 percent of total appropriations that would permit the Secretary of Energy to reward those States that have demonstrated excellent performance. Second, it would permit the replacement of inefficient heating systems, which, in combination with insulation, have been shown to yield energy savings of 40 percent. Third, it would require State agencies to coordinate the weatherization program with the low-income energy assistance program. These and other modifications will vastly improve the program.

I urge my colleagues to support this legislation to help needy Americans to use energy more efficiently and to reduce the devastating increases in energy prices. H.R. 2615 will insure a brighter energy future for our Nation. It is a cost-effective, much needed program that deserves a "yes" vote.

□ 1350

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. Mr. Chairman, I am struck by the transitory nature of issues that come before this Congress. It was not many years ago that the big, sexy issue was the environment. That kind of disappeared or moved into the background. Energy was the issue. And energy has now slipped somewhat into the background. I do not know, I suppose the sexiest one around is foreign trade today.

When the gas lines disappeared and when OPEC fell in on itself, there was the assumption that the energy crisis was over, that that crisis had been solved and we could simply move on to other things. And that is simply not true.

At best, the energy crisis is hibernating. It will be back and with it will be higher and higher energy consumption and higher and higher energy costs.

Congress too often falls for the temptation of dealing only with the issues when they are sexy. And when they cease to be quite so publicly attractive the attention of the Congress follows the new trendy issue and leaves behind the unfinished business on other important issues.

There is a tendency to do that with energy issues in this country and in this Congress today. The fact is, however, that the energy problem has not gone away and that this particular piece of legislation is one that will deal with an aspect of that energy problem in a very effective way. Action on this bill to continue a prudent and rational program to reduce energy use, while also reducing its costs for the elderly and the handicapped and others who can least afford it, is a very sensible and timely thing to do. It is important that Congress do the thing that is its responsibility to do after the issue has ceased to be on the top one on the front page of the newspaper every day.

And very frankly, by any definition I know, it is also the conservative thing to do.

Mr. Chairman, I rise in support of H.R. 2616, the Weatherization and Employment Act of 1983. Passage of this bill today will reaffirm the commitment on the part of Congress to insure that the goal of weatherizing all eligible low-income households is met during the next decade.

Since 1977, the low-income weatherization program has weatherized 1 million homes, with priority given to senior citizens and the handicapped. This is an admirable start, but much remains to be done. It has been estimated that there are still about 13 million low-income households at or below 125 percent of the Department of Health and Human Services poverty guidelines which have yet to receive any weatherization assistance.

The vast majority of the people in unweatherized homes live in dwellings which have little or no insulation. As a result, they are forced to spend an increasingly large proportion of their income on residential energy. For example, a recent study by the National Council of Senior Citizens found that a quarter of the Nation's elderly households devote more than 40 percent of their income to heating costs.

H.R. 2615 directs the Secretary of Energy to develop a 10-year plan to bring about the weatherization of the remaining eligible homes. The bill also authorizes $500 million for fiscal years 1984 and 1985, and in addition authorizes such sums as may be necessary for the program through fiscal year 1994.

Passage of H.R. 2615 will have immediate and significant benefits. Weatherizing the homes of low-income families can mean savings as large as $225 per house for 20 years. Moreover, nationwide it has been estimated that we could save 65 million barrels of oil equivalent annually if all 13 million remaining eligible homes are weatherized, savings equal to $3.3 billion annually.

Passage of H.R. 2615 will also provide important employment opportunities. Home weatherization is highly labor intensive, producing 5,200 jobs per $100 million Federal dollars spent. To insure that workers will be able to enter the private sector after working on this program, H.R. 2615 requires each State weatherization program to include a training component and provides funding to carry out that purpose.

Mr. Chairman, H.R. 2615 is a much-needed and long overdue measure, and I strongly support its passage.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983.

Conservation is one of the most important energy alternatives available to the United States—it can substitute for other sources of energy, reducing our Nation's use of foreign oil. For this reason alone, increases in energy conservation should be supported by Federal Government policies. In addition, weatherization programs can reduce ongoing costs per dwelling of other Government subsidy programs such as the Low-Income Energy Assistance Act.

Increased funding for weatherization is important for Delaware County and Philadelphia, in my district, and for the entire Northeast/Midwest region. Recently, a draft report on "The Home Heating Needs of Low-Income Households in Philadelphia" was issued by the Energy/Poverty Study Group, a broad-based ad hoc task force convened by the Metropolitan Christian Council, the Archdiocese of Philadelphia, and the Board of Rabbis of Greater Philadelphia. It is an excellent piece of work which documents the causes and dimensions of the situation in Philadelphia. The findings of the report substantiate the need for Federal weatherization assistance:

Since 1970, the proportion of households under the Federal poverty line has increased from 17 percent to 20 percent; that is, from 102,000 to 125,000. While more families dropped below the poverty line, fuel prices rose rapidly. Natural gas costs rose 99 percent in the last 3 years and oil is 13 percent more expensive than natural gas for the amount of heat delivered. Low-income families spend six times as much of their income for energy than do other income groups. To put this in concrete terms, the average annual income for Philadelphia's poverty-level households is estimated at $4,000 to $5,000. In 1983, the average annual heating bill for homes heated with oil and gas was $900 to $1,000. One quarter of poverty-level households are headed by elderly people, and another third are female-headed families with dependent children. A majority are dependent on transfer payments, such as welfare and social security, which have lagged far behind inflation. Many households have been affected by recent cuts in social programs and by job layoffs. Unfortunately, demographic and employment trends point to a prolonged poverty problem of this magnitude in Philadelphia.

The heads of these low-income households are often in the position of choosing whether their families have heat or food. They certainly cannot afford the expense of weatherizing their homes to reduce heating costs. H.R. 2615 allows States to extend weatherization benefits to all families eligible for participation in the low-income energy assistance program and also provides for modernization of heating systems. To control waste, this legislation directs DOE and the Comptroller General to establish an effective system of monitoring State and local expenditure of funds.

H.R. 2615 is the most cost-effective way to provide energy assistance to the poor. Weatherization is a one-time cost to the Government with a multiyear payoff. Assuming that fuel costs remain stable, weatherization saves $225 per house per year, for 20 years. Philadelphia Gas Works estimates its Winter-Wise weatherization package can achieve consumption savings of 25 percent to 33 percent and the Energy/Poverty Study Group reports that oil-burner retrofit programs yield savings of about 25 percent at a cost of $500 to $600. These are significant savings which will contribute to our efforts to achieve energy independence.

Mr. Chairman, this bill will create approximately 66,000 new jobs directly, and thousands more will open up in related industries. All in all this bill addresses America's poverty, energy, and job needs. H.R. 2615 will help our most needy citizens, reduce our use of foreign oil, and stimulate the economy by creating jobs. I urge you to vote for the bill.

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I rise in strong opposition to H.R. 2615.

This legislation would mandate the authorization of "all sums necessary" to weatherize every eligible household in the Nation over the next 11 years. As many as 13 million households could be eligible for up to $2,000 in weatherization assistance per home.

Yesterday, I received a letter from Dr. Rudolph Penner, Director of the Congressional Budget Office, in response to my request for a cost estimate on the entire 11-year weatherization program fully authorized under this bill.

According to this CBO estimate, the cost of this program would be a staggering $28.5 billion. After all of the recent talk from both sides of the aisle about the dangers of budget deficits, I find it incredible that the first bill we are asked to consider this session could, if enacted, add almost $30 billion in budgetary red ink.

The sponsors of H.R. 2615 claim that this bill could create 50,000 jobs a year. But since H.R. 2615 was first introduced, the economic picture in this country has changed. The private sector has started its own jobs program. Three million new jobs have been created in 1 year. Private nonfarm industry added over 230,000 workers to their payrolls in December alone. This is close to five times as many jobs created in 1 month of the recovery as this bill could create in an entire year.

Furthermore, we are not told by the sponsors of this costly legislation what effect the addition of $28.5 billion in red ink will have on the recovery. We are not told how many real and permanent private sector jobs will be crowded out by excessive Federal spending for H.R. 2615's temporary jobs. Certainly, home weatherization can be a good investment, but not at the cost of derailing the recovery.

There are those who believe that we have a budget deficit because working Americans are not paying enough in taxes. I disagree. The deficit exists in large part because Congress has been unable to hold the line on spending. This bill is a good example of out-of-control spending proposals which the Nation just cannot afford.

It is important to note that a vote against this bill is not a vote against the low-income home weatherization program. Congress has already made available $468 million to the States for this purpose for fiscal year 1984. This is twice the amount appropriated for this purpose in any year of a previous administration. Since Federal involvement in weatherization began in 1975, a total of about $2.3 billion has been made available to the States for low-income weatherization assistance. H.R. 2615 would authorize more money in a single year for weatherization than has been spent for this purpose in the past 10 years of the weatherization program.

This bill presents a clear choice—not between weatherization or no weatherization—but between fiscal responsibility or fiscal recklessness. I urge my colleagues to reject this $28.5 billion threat to the recovery.

Even if the U.S. Treasury were flush with cash, I would have grave concerns about this legislation. This bill increases the cap on per home weatherization to $2,000 per home—a 25 percent increase over old law. This could guarantee that fewer homes receive even rudimentary weatherization, while a few homes get the gold plate treatment.

Furthermore, this legislation would change the law to allow replacement of costly burners, furnaces, and boilers, and would remove the ceilings on labor and materials cost. Also, the bill eliminates the existing requirement that priority be given to volunteers for the performance of weatherization labor. These changes are guaranteed to increase the cost of weatherizing each home, and are an open invitation to waste, fraud, and abuse.

I question the wisdom of throwing $28.5 billion at a program which the General Accounting Office has already criticized as "hampered by inadequate financial management and program management at the Federal, State, and local levels." (GAO EMD-80-59.) Furthermore, pursuant to requests from both sides of the aisle, the GAO is currently investigating both the low-income energy and weatherization programs. This report should be ready in late February, and before we launch this country on a multibil-

lion-dollar program such as prescribed in H.R. 2615, I feel we should have the benefit of that report.

In summary, if my colleagues wish to spend $468 million on home weatherization in fiscal year 1984, they may vote "no" on this bill and still accomplish this goal. On the other hand, if my colleagues wish to threaten the recovery and bloat the deficit, they will vote for an 11-year authorization for the full $28.5 billion cost of this program.

I strongly urge a "no" vote on H.R. 2615.

□ 1400

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, this is likely to be the Congress that talks the most about the deficit and does the least about it of any Congress in American history.

We have an interesting opportunity today on the first vote of this Congress to put our vote where our mouth is on the budget issue.

Whether you are quoting the DSG or the Congressional Budget Office data that the gentleman from North Carolina (Mr. BROYHILL) just presented to us, we are talking about committing to a 10-year program that costs between $20 and $30 billion.

Now, nobody is here saying that you cannot do some good if you are going to spend $20 or $30 billion. You are going to help somebody, even if by accident. And this bill does propose helping a lot of people. We remove the limit that currently limits expenditures to people who are 125 percent of poverty or below, and let anybody who qualifies for low income energy assistance receive benefits. We go beyond calking and insulation. We let the money be spent to put in new boilers, new burner tips. All of those are good things. We hear it talked about as a great investment.

But I ask you: Is any investment a good investment when you do not have the money?

We hear talk about jobs, 66,000 jobs. That is wonderful. How are we going to pay for them? Where are we going to get this money? Well, I will tell you, we are going to go out and borrow it; and by borrowing it, we are going to take it away from people who want to build new homes, new farms, new factories, generate permanent, productive taxpaying jobs. We are not going to create jobs here. What we are going to do is take money away from the private sector that would create permanent jobs, and we are going to use that money to create dead-end, make-work Government jobs.

And there are all kinds of goodies here: 10 percent to provide incentive, 2 percent to do research, to look into various kinds of calking that might be put on people's homes. And all of that is wonderful. But the bottom line is that we have got a $200 billion deficit.

If you really want to do something about the deficit, vote "no" on this bill and save $20 billion.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to this bill not because I am opposed to low-income weatherization, not because I am opposed to energy savings, but simply because of budgetary considerations.

This bill is $300 million more than the budget resolution we passed last year. It commits itself to an additional 10-year program, after we have already had a 10-year program, and it commits about $28 billion over the next 10 years.

The formula is wrong. We changed that formula in an earlier similar bill. It penalizes the States which depend heavily on natural gas. That is another thing that is wrong with this bill.

Another thing that is wrong with it is that we have already sufficient money in the other two bills. We have used only about 60 percent of the money that has been available in the last 2 years. Until we use that, there is no point in adding additional money for this purpose.

There are some other things wrong with the program. It goes to absentee landlords, in many cases. It depends on the income of the tenant who is there, rather than that of the owner. In many areas, the owners who could afford to weatherize do not do so. Also if a landlord with seven apartments has four tenants in his building whose income is less than 125 percent of poverty, all seven are weatherized at no cost to the owners. Finally, income refers only to salary and does not include dividends or interest, so that many who could afford to weatherize their homes can have the Federal Government pick up the tab because of the definition of income.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act. For the second time in the past 6 weeks, this Nation has been hit with an unseasonably frigid blast of arctic air that has sent thermometers plunging and fuel bills soaring. In fact, on Thursday of last week, subfreezing temperatures were recorded in at least one location in all of the 48 continuous States. For families on a tight budget, this can be a major problem. For families on a fixed income, as many senior citizens are, this can be a major disaster. For all too many people, this raises the ugly question of whether to heat or to eat.

This Nation has come to grips with the realization that much of our housing, built in an era of cheap energy, is inadequately insulated against cold weather in this age of high cost energy. At issue here is how do we best prepare this housing against the weather and the rising cost of energy? One solution is the passage of H.R. 2615. It is apparent that for every dollar we invest in weatherization and not on energy costs, we can reap dividends in energy independence and economic growth.

According to a 1981 study by the Consumer Energy Council, complete weatherization results in an average savings of 27 percent in the fuel bills of low-income families. Energy conservation and weatherization is a very labor intensive industry. From the people who manufacture the materials, to those who distribute them, to the people who install them, everyone benefits by this program. This is a bill that has the added benefit of producing jobs. It has been predicted that this bill will produce some 66,000 jobs annually, and an additional 88,000 jobs will be created through increased consumer spending because of lower energy expenditures.

Since the inception of this program in 1976, the State of Pennsylvania has weatherized over 144,000 and over 418,000 people have benefited from weatherization. Pennsylvania expects to complete an additional 40,000 units by the end of 1984.

In Luzerne County, Pa., since 1976, nearly 10,000 units have been completed and all those who benefited from this program were within 125 percent of the Federal poverty guidelines. Nearly 200 people trained under this program to perform the weatherization process have gone on to jobs in this industry.

According to a study done by the Commission on Economic Opportunity, if all the houses in the 11th Congressional District were heated by oil, purchased at $1.10 per gallon, and these houses were weatherized in accordance with the program, the annual savings to the district would exceed $2,500,000.

Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, how ironic it is that after all the rhetoric that we have been hearing on the overwhelming need to reduce the budget deficit, the first bill brought before us this year is one that would add over $28 billion to the deficit for the next decade. It would quadruple spending, as I understand, for this weatherization program.

You have already heard discussed on the floor today the so-called justification for this program. Weatherization is a buzz word. When you hear it, you think of something meritorious.

In my district in Illinois, we have been socked with utility bills that would send a chill through your bones. Last month, I paid a gas bill of $366 in Peoria and I am not there all of the time soaking up the heat.

Imagine what kind of burden that imposes on people back in Illinois who are less fortunate than I.

I know the need for protecting people against the cold.

What the people of Illinois need, though, is not more weatherization, but action by the Congress on natural gas pricing reform. Is there a natural gas bill before this body? No. That legislation is stuck in committee. That approach is a little tougher. That would take some work. Rewriting that abomination called the Natural Gas Policy Act of 1978 ought to be our No. 1 priority.

Instead of dealing with natural gas, we are spending more money on weatherization, $28 billion more. That is the easy way. It has always been easier for the Congress to throw money at every problem, to satisfy political appetites with spending sprees rather than solutions that work.

The fact is that we are spending substantial sums on weatherization now, as the gentlemen preceding me have so well pointed out. We are spending all that the taxpayers can afford. A total of $468 million has already been made available for the weatherization program this year. Progress is being made. Reasonable progress that should be sustained at its present rate.

That is not what this legislation does. This bill blows the budget to smithereens. It is not good legislation. It is greedy, gluttonous legislation that insulates politicians from the cold political winds that will be blowing this fall.

It is the first bill before us in this session of Congress and it is a political bill.

It is what the press and many of us predicted all along—the beginning of a session in which the people's business and the people's needs are shunted aside to make room for the 1984 Democratic political agenda.

This bill in my judgment is a first class boondoggle.

If you think the deficit is a serious problem, if you want to do something about the deficit, stop spending. It is as simple as that. You do not need a national commission to tell you how to do it. You do not need the President either. You do not even need a budget adopted to stop spending.

You just have to say no once in a while, and you can start today and not let up until we are out of here.

I would really plead with Members on both sides of the aisle to say "no" for a change. Remember the deficit every time you put that voting card in the slot during this session. Then if you perform as though you are talking, you have good reason at the end of this session to say, "I did something about reducing that deficit." But if Members come down here in 1-minutes and talk about it time after time and go right back 5 minutes later and drop the voting card in the "yes" slot, you have not done one doggone thing but exacerbate that deficit. We are going to bring you a count of those votes each day that it happens during the course of this session.

□ 1410

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 2615, the Weatherization and Employment Act. I want to commend the chairman of the Energy and Commerce Subcommittee on Energy Conservation and Power, Mr. OTTINGER, for his outstanding work and leadership on this important legislation.

H.R. 2615 authorizes the low-income weatherization program through 1994, establishes a goal of weatherizing all eligible homes by 1994, and makes a number of cost saving improvements in the program. The bill also calls on the Department of Energy to submit a plan for the implementation of the ambitious 10 year weatherization program and requires that the President identify necessary funding for the program in his budget submissions. For the last 3 years, the President has proposed to terminate the low-income weatherization program.

For an administration that claims to be concerned with slowing Government spending, I am somewhat dismayed by their opposition to the weatherization program. While H.R. 2615 authorizes $500 million in fiscal year 1984 and 1985 and such sums necessary through fiscal year 1994, the long-term savings this program will bring are evident. Poor households frequently have the highest energy bills because they cannot afford to weatherize their homes. Improving energy conservation in low-income families will substantially reduce the need to subsidize their fuel bills. Weatherizing the homes of poor Americans saves an average of $225 per house each year for 20 years. The President's opposition to the weatherization program is just another example of this administration being penny wise and pound foolish.

Mr. Chairman, not only will this legislation provide funding to weatherize low-income homes across the country, it will create thousands of new job opportunities. While the current weatherization program produces roughly 5,200 jobs, the revitalized program under this bill will create close to 66,000 jobs each year. In addition, H.R. 2615 will require each State to submit a plan for training weatherization workers to insure efficient and effective use of Federal money.

In my homestate of New Mexico, unemployment has fallen slightly, but the number of jobless remain far too high. Hundreds of low-income households are being hit with high energy bills each month due to the unusually cold winter. While these New Mexicans accept the Government checks out of necessity, they would like nothing more than to be able to pay their own bills. The weatherization and employment act will put New Mexicans back to work and reduce the energy bills of those less fortunate, thereby saving the Federal Government money.

Mr. Chairman, I urge members to vote for this sound and pragmatic legislation.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Weaterization and Employment Act. Amid all of the caterwauling about a balanced budget, awash in crocodile tears in a campaign year against the Reagan deficit, the majority party in this House urges us to embark upon a program which, to achieve marginal energy savings, will probably cost the Federal Government over $23 billion in the next 10 years.

Last year at this time we stampeded through a jobs bill, through we were unable to get the money spent before unemployment began to plummet. That bill contained $100 million in emergency weatherization funds. Much of that has not even been spent, but we are asked in this bill to make that $100 million and some additional funds recovered from oil overcharges a part of the inviolable base which we can never cut.

We should not be shocked at the duplicity in claiming that this half a billion dollar program is not an increase. We should not be shocked that it is $200 million over the majority's own first budget resolution: That kind of thing is all too common. We should, however, be shocked, or at least given reason to pause at the overall cost of this program. The CBO estimates that the bill will triple in cost to $1.6 billion by 1987 and will double again the next year to $3.2 billion. The administration estimates that the 10 year program called for in this bill will cost $23.1 billion. My colleagues, this is no minor assistance package. It is a signif-

icant new spending proposal and as significant as any we will will face up to this year.

The bill proposes to weatherize up to 13 million homes whose residents make under 125 percent of the local poverty level. It practically amounts to an entitlement, leading me to conclude that some of my colleagues have discovered in the Constitution a right to insulation.

This program is not based, by the way on any likely energy savings: The States are to report on that after the fact. We may consume more energy and money insulating those 13 million residences than we eventually save in heating bills. And we may end up on the hook for far more than 13 million homes, since this bill would allow States to raise the income level to that established for other Federal poverty programs, which is in many instances 75 percent or more of the median income.

Another shocking aspect of this bill is the fact that, under its provisions, we may end up weatherizing fewer homes: How could this happen? First, we are asked to substantially raise the per-home spending limit: we will gold plate some homes while ignoring others. The bill then sets aside 10 percent for one function, 2 percent for another and places several new administrative requirements on the States. That is nearly 15 percent down the drain, or, up the smokestack, if you prefer. The last, and most totally inexplicable change in the program is the elimination of volunteer labor. Why is the majority suddenly against volunteers? I do not know, and I certainly do not understand it.

So here we have it: an inefficient, costly, and possibly unnecessary program unrelated to the proper functions of the Federal Government. Like the dinosaur, the brain of this program is far smaller than its belly. I can only pray that this and the other Federal monsters will succumb to bloat before they have eaten away our essence. Wake up, my colleagues, do you really want to spend $23 billion for pink fuzzy strips?

The CHAIRMAN. The Chair will advise that both sides have approximately 7 minutes remaining.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the gentleman for yielding this time to me. Mr. Chairman, I rise to speak in favor of H.R. 2615, the Weatherization and Employment Act. This bill expands and improves a very important Federal program. By looking back over 7 years of experience with the low income weatherization program, the committee has determined the needed adjustments to make a good program better. This program is especially important to the elderly people in my Connecticut district and around the country.

If adopted and funded, this legislation will provide a measure of financial relief to millions of elderly, disabled and low-income Americans, while saving taxpayers money in the long run. It will create thousands of jobs and train people to perform those jobs. It will improve our balance of payments, and it will allow us to conserve tremendous amounts of irreplaceable energy resources. In the midst of this bitter winter it is fitting that Congress consider the plight of those who are cold because of limited budgets and homes that are not weathertight. H.R. 2615 deserves the support of every Member of this House.

Some have and will attack this program on budgetary grounds. The truth is that this program makes good budget sense. It is a relatively small investment now which will save both consumers and the Government substantial amounts of money in the long run.

While making these sensible investments, jobs will be created as well. What Americans want most for themselves and each other is a good job. H.R. 2615 will create an exceptional number of jobs per Federal dollar spent. It will create, for example, 68 percent more jobs than produced for the same expenditure in the recently enacted highway jobs will. And because this bill provides for the training of weatherization workers and supervisors, it will insure quality of services delivered and will prepare workers for necessary job skills in the private employment market. If fully funded, H.R. 2615 would create approximately 66,000 jobs a year as a direct result of the weatherization activities and another 88,000 jobs indirectly. For Connecticut this would be a gain of 743 jobs per year as a direct result of the program, plus an additional 1,050 jobs resulting from the $21 million savings on energy costs.

The conservation of resources resulting from this program will be impressive. If all 13 million eligible homes were weatherized, the program would save the equivalent of 65 million barrels of oil a year at an annual savings of $3.3 billion. This would constitute a reduction in our dependence on foreign oil and an easing of the rate at which we are using precious, nonrenewable energy resources.

H.R. 2615 improves in many ways the current low-income weatherization program. It expands the list of eligible equipment to include replacement heating systems, retrofits and other items with high energy savings potential; it increases permissible expenditures per house to $2,000—up from the $1,600 limit set years ago. The bill provides for a new program to encourage the development of methods to weatherize multifamily rental dwelling units which will result in benefits for both owners and residents of such units. It maintains a first priority for elderly and disabled citizens and establishes a second priority for recipients of low income energy assistance.

In sum, for the sake of the people who are cold today and for long term benefit to the Nation, I urge Members of the House to vote in favor of the Weatherization and Employment Act, H.R. 2615.

H.R. 2615 will save us all money, but the effects will be greatest for the 13 million households which will receive weatherization services. And it is undeniable that the people eligible for these services need help in keeping warm. Low-income households already use considerably less energy than middle- and upper-income households. People in these families achieve savings by reducing their heat below the comfort level and by closing off more than 10 percent of their living space. Still, low-income families pay more than 40 percent of their incomes each winter for heat, which is six times as great a proportion of income than middle- and upper-income families. Many families must choose between buying food and keeping warm, and hypothermia, as a result of inadequate heat, is a leading cause of death among the elderly each winter.

It is well established that weatherization saves on heating costs. The low income weatherization program has, to date, produced annual energy savings of 15 to 30 percent per household, or an average of $225 savings per household. This bill would permit the weatherization of about 7,300 residences in Connecticut in 1984, leaving more than $1½ million in the pockets of those who need this money to spend for other purposes.

Further, all Americans will share in the long-term savings created by this program. Few Federal programs provide such significant long-term benefits from just 1 year's spending. Energy conservation in low-income homes will substantially reduce the need to subsidize the fuel bills of these homes, and so will result in permanent savings to the Federal Government. The Federal Government currently provides nearly $2 billion to help low-income families meet their energy costs. This program misses two-thirds of the eligible families, provides less than $200 per year to the families it reaches, and constitutes an annual drain on the Federal Treasury. The weatherization program is a one-time investment which will pay a substantial return for at least 20 years. And with everything considered, the Treasury will regain the outlay for each dollar spent in just 4.2 years.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. I thank the gentleman for yielding this time to me.

Mr. Chairman, every one of us who has returned here after about 2 months in our respective districts has heard one thing more than anything else, and that is the deficit that we have, the $200 billion that has strapped this continent.

Yet today we come here, the first order of business of the second session, and we are asked to pass a bill, laudable as it may be as far as weatherization is concerned, that will add an additional $24 billion over a period of 10 years to this national debt. Can we afford to do this?

□ 1420

Can we afford to do something that has already passed in the 1981 Reconciliation Act? This will be $325 million above or nearly 300 percent higher than the $175 million recommended in the Reconciliation Act of 1981. It is $355 million above or 200 percent more than the funds appropriated in the fiscal year 1983 continuing resolution just a few months ago. It is over $300 million above or 150 percent more than the highest annual appropriation level of approximately $200 million in the previous administration.

Now we are called upon to do this with a bill that was introduced on April 19, 1983. Eight days later it was marked up in subcommittee, and it was reported in the full committee on May 4. There were no hearings, no hearings of any kind on this bill.

Can we stand before our people in the districts we represent and tell them that we voted a measure that is going to cost them $28 billion over a period of 10 years without any hearings having occurred with reference to this bill? I cannot do that, regardless of the goodness of what this Congress is attempting to do.

Mr. Chairman, I urge the disapproval of this bill.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman, the Low-Income Weatherization and Employment Act deserves our support. There is ample evidence that weatherization and conservation efforts save energy and keep fuel bills down. The popularity of the energy tax credit attest that this aspect of public policy accomplish what its framers intended. But, if your income is too low, energy tax credits do little good.

The bill we debate today, carefully crafted by the Energy and Commerce Committee, addresses an important but unfulfilled need. It expands upon existing energy conservation programs for low-income Americans and insures that weatherization dollars will be spent wisely.

Congress has been criticized, and rightly so, for throwing money at problems. The end result, in too many cases, is that the problems continue and a lot of money has been spent but no one knows where. This bill is designed to deliver what it promises at a cost that is reasonable.

Strict oversight provisions guarantee that the money will be used where it is needed. Weatherization works, whether it is to insulate a home in the frost belt from the cold winds or down South to protect against the blazing summer sun. The costs for home heating oil, natural gas and electricity are on an upward spiral. If we can decrease the amount of fuel necessary to stay warm or keep cool, we will have accomplished a great deal.

The Department of Energy has weatherized almost 1 million homes so far. Unfortunately, there are 13 million more to go. The Energy and Commerce Committee estimates that it will take 50 years to upgrade and improve the remaining 13 million if we keep the program at the present level.

Poor people do not have the disposable income to make improvements to their property. They are hard pressed enough just to pay their monthly utility bills. Now we have a chance to modernize the homes that need energy improvements the most.

As the commercial says, "you can pay me now, or you can pay me later." The choice is clear. We can take prudent steps to weatherize in a sensible fashion or pay twice or three times what we should in fuel subsidies that could have been avoided if we had voted to make permanent improvements to low-income homes now.

I urge adoption of this bill.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to my colleague on the committee, the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Chairman, I thank the gentleman for yielding this time to me, and I first want to applaud his long-standing and effective efforts on behalf of an energy policy in this country that would support conservation and recognize the needs of those who are in greatest need in this country. The gentleman has diligently and effectively worked on behalf of many particular programs, and especially this one, and he deserves a great deal of credit for his efforts.

Mr. Chairman, I support the legislation that the gentleman from New York has worked so hard to bring to our consideration. Due to rapidly rising energy prices during the last decade, our Nation's poor are falling farther behind in their ability to meet their energy bills.

Information that has been collected by the Department of Energy on homes weatherized to date indicate that between 15 and 30 percent of a household's energy usage may be saved. In some States this would amount to as much as $400 per household per year, and the national average is about $220.

The low-income energy assistance program only provides, on average, about $180 per household.

If the weatherization program in H.R. 2615 is fully funded, all of the 13 million eligible low-income households could be weatherized in 10 years.

What does this mean? For an expenditure on weatherization of $500 million a year for 10 years, or a total of $5 billion, we would be able, by 1994, to provide low-income households with a permanent annual savings of $3.3 billion in 1983 dollars. This would translate into nearly 50 percent more than we now provide annually in low-income energy assistance.

Through energy assistance we pay for fuel, which in an uninsulated home may result in one-third waste. By weatherizing this same home we provide a direct savings that could be used to pay the energy bills the Government is now paying.

In addition, we provide jobs. Some of the coldest regions of the country, areas that need the assistance that this program will provide, are also the same regions that have experienced the highest levels of unemployment. The State of Indiana is one of those States. I have been told that for every $100 million of assistance we provide, under the legislation that we will vote on today, we also will create 5,200 direct jobs.

In addition, we will provide upwards of three times that many jobs through the ripple effect, according to most economic analyses.

Finally, if we are able to fully insulate the 13 million eligible homes, we will save the equivalent of 65 million barrels of oil per year. This would mean we could decrease our balance-of-payments deficit by $2 billion in 1984 dollars.

Mr. Chairman, I will not repeat the statistical data we have already been provided on the impact of this program, and I will just quickly summarize.

Obviously the weatherization program is one of the rare programs in our country which meets a whole range of goals in a very positive manner, the first being, of course, that it will compassionately help those who are hardest hit by the rising cost of energy, and it helps not just on a temporary basis but in a permanent way.

Second, of course, it helps our Nation in terms of conserving critical fuels and reducing the outflow of American dollars to buy imported oil.

Third, of course, it has the added benefit, at a time of enormous unemployment, of creating jobs.

But I do want to address the question of this program versus red ink. I think we all have to be honest about it. Both the supporters of this program and, I think, the critics have to be honest in their position, too, that it is unlikely at this particular stage that this Congress and this administration will appropriate all the funds to do this that we would like to establish in this program, given the enormous red ink.

I am still hopeful that we will have the guts around this Chamber and this Congress and this administration to get control over the wasteful procurement practices in the Department of Defense, to get control over some of the middle-class entitlements programs, and to get control of the Tax Code in a way that will make it fair and recoup some of the moneys lost that ought to be coming into the Treasury so that this program can be a priority within the spending of this Government, because it will do positive things for this country. It ought to be a high priority, but the fact is we are authorizing for the next 10 years here, and whatever our financial difficulties are—and they are extreme at the moment—we hopefully are going to do enough about them that we can meet this kind of a goal. I think we ought to at least extablish that priority and that possibility today.

Mr. Chairman, I urge my colleagues to act favorably upon this legislation.

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. MOORHEAD) has 3½ minutes remaining.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, I just want to comment, having listened to some of the debate on both sides and with both sides split, that there are two interesting characteristics, I think, about this bill.

The first is that the further North you are, the more likely this is to be a matter of national interest, for obvious and reasonable grounds. The second is that this bill summarizes, I think, everything which is wrong with the U.S. Congress, and it does so on the second day of the session.

It has the right emotional title, it is coming up at the right time of the year, and it is guaranteed to appeal at a simple-minded, headline-writing level. Certainly it expresses compassion and concern for the poor, and yet, as one gentleman commented to me, this bill is a turkey. It is badly written, it dramatically increases the amount of money that can be spent per individual house, it is in a program that has been cited by the General Accounting Office for fraud and abuse, and it is in a program which is badly managed. It takes us away from the block grant programs which we have been trying to get to to get power back to the States, and it carries us right back to a 10-year authorization for the Federal Government to be directly involved.

In sum, on the second day of this session, after several months of hearings, when our colleagues on the Democratic side talk about the deficit, we are going to adopt a $28 billion program over the next 11 years which we do not have the money for, which we do not know how to administer very effectively, on which in fact we are not going to be able to deliver the goods, and which will simply create one more bureaucracy with one more area of waste.

Mr. Chairman, I am certain that this bill will pass. It fits all the characteristics of this Congress. It is wasteful, demagogic, and shortsighted, and it is a sad commentary, as we enter the Presidential year, that we would even consider such a poorly drafted and poorly thought-out document.

Mr. MOORHEAD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am in receipt of a letter written to our committee from the Congressional Budget Office reading as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 23, 1984.

Hon. JAMES T. BROYHILL,
Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BROYHILL: On May 10, 1983, the Congressional Budget Office (CBO) transmitted a cost estimate for H.R. 2615, the Weatherization and Employment Act of 1983, as ordered reported by the House Committee on Energy and Commerce, May 4, 1983. Under the assumptions used in that estimate, the CBO estimates that weatherizing all eligible homes by 1994 would cost a total of $28.5 billion over the fiscal years 1984 through 1994. This estimate assumes that 13 million dwellings would be weatherized, and that the average cost of weatherizing each unit would be $1,300 (in 1983 prices). If those factors change, the estimated costs would change correspondingly.

I hope this information is helpful.

Sincerely,

RUDOLPH G. PENNER.

I think it is evident from this letter that the cost of this program is not small. As many Members have stated, it is not small even if divided over a 10-year program.

Mr. Chairman, I ask for a "no" vote on the bill.

□ 1430

The CHAIRMAN. The gentleman from California (Mr. MOORHEAD) has 30 seconds remaining.

Mr. MOORHEAD. Mr. Chairman, I would ask to reserve that time. I had one Member that asked for time and he has not come into the Chamber. I wanted to hold that time for him.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) has the right to close. He has 3 minutes remaining. The Chair will ask the gentleman if he wishes to accommodate the gentleman from California.

Mr. OTTINGER. I will, of course, accommodate the gentleman from California, as the gentleman has always done with me.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Chairman, I rise in support of this legislation. The Governor of Ohio says if enacted, this will provide greater growth in job creation than the highway bill last year and when we are talking about a savings of $3.3 billion on 65 billion barrels of oil, it is worth passing.

Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act. This bill will provide valuable assistance to millions of Americans in all parts of the country.

I have been informed by the Governor of Ohio, that this bill would, if enacted, provide a greater growth in job creation than the highway bill that we passed last year. Nationally, we can look forward to the creation of 66,000 jobs at a time when we have all agreed that job creation is in great demand.

Perhaps of even greater need is the burden we all share in protecting the poor, the aged, and the young from the cruel forces of winter. Weatherization would mean a savings in oil and gas burned and will provide for greater efficiency in the fuels that are burned. We have seen in data presented to the Subcommittee on Energy Conservation and Power, that the poor spend by comparison, greater amounts of their household budgets on energy, on warmth, rather than on food or health care. I realize that few of us can know how difficult those decisions are, do we stay a little colder, do we risk colds and flu for our children so that we can purchase additional food or provide for immunization or doctor's visits.

Over the past several weeks, much of the Midwest and the East have been experiencing unusually cold weather. We all know it is cold, we probably have done little thinking about how much this weather is for the poor.

On the Energy and Commerce Committee, we have witnessed several legislative proposals, supported by this administration, that will only mean higher heating and utility costs for all citizens, especially the poor and elderly. Somehow, we will rescue the poor by deregulating natural gas and thereby raising their heating costs. Somehow, we provide greater assistance to the elderly by trying to eliminate weatherization programs and constantly reducing the low-income energy assistance program. These programs make no sense as supported by the administration. What does make sense is a modest program of the type developed in my committee.

The time has come to provide protection from the cruel weather for our poor and elderly, to become more energy efficient and to create jobs at a time when we all agree that unemployment is far too high.

Mr. OTTINGER. Mr. Chairman, to close debate on our side, I yield 3 minutes to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. FORD of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Chairman, I thank the gentleman from Florida for yielding.

Mr. Chairman, oftentimes, the Congress is accused of not being realistic regarding its attempts to address the human needs of the citizens of this country. H.R. 2615, the Weatherization and Employment Act of 1983, offers a realistic approach toward solving a major problem in the area of energy costs.

The proposed low-income weatherization program will reduce the 50 years necessary to weatherize the 13 million remaining eligible households to a 10-year task. That is realism.

This program will achieve permanent energy reductions of 30 percent annually and reach the households currently served by the low-income energy assistance program (LIEAP) at significantly lower appropriations. That is realism.

The proposed low-income weatherization program will generate at least 5,200 jobs per $100 million Federal dollars spent, with a provision to train new weatherization workers and supervisors. That is realism.

The proposed low-income weatherization program will reach those elderly, handicapped, and impoverished persons destined to become the homeless in the most cost-effective way and to spare them the anguish of choosing between eating and heating every winter. That is realism.

In my home district of Memphis, Tenn., the low-income weatherization program is one of the best examples of how the New Federalism can work. From the receipt of the Federal funds, the program utilized private contractors to execute the improvements determined necessary by detailed energy audits.

Twenty-eight contracting companies, employing 188 persons, are currently participating in the program. Emphasis has been placed on involving minority and small business contractors and more recently, upon training neighborhood-based organizations.

Unfortunately, the 58,000 eligible households cannot be served by the existing labor force and funding levels for another 42 years.

Such a delay is not a fair to the needs of the potential program recipients, and it is not fair to the taxpayer. Statistics collected from January to October 1983 are highly instructive. For this period, Memphis and Shelby County received $1.2 million, with roughly a third of these funds going toward building materials. The total impact on the Memphis community is calculated at $4.6 million once standard economic multipliers are considered.

In terms of energy cost savings alone, the return on this investment is 58.4 percent. The average program recipient's utility bill of $156 was reduced 24 percent, with an average repair cost of only $770. In total, this represents a savings of $659,000 which otherwise would have resulted in additional energy assistance payments. Such success stories have been repeated throughout the country.

In summary, let me urge the adoption of H.R. 2615, not because it is a liberal program or a Democratic program, but because it is a realistic program—one that will repair our badly torn social safety net and save the taxpayer money.

Mr. PEPPER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, about 50,000 people a year die in our country from hypothermia, which means they froze to death. A great many of those 50,000 people are senior citizens.

I rise to support this bill and I urge my colleagues to do the same, because this measure will save the lives of some of those elderly Americans who deserve to live out the last part of their lives in health and happiness if providence permits, and not to freeze to death because we do not give them shelter to protect them from the cold.

We have been told, Mr. Chairman, that we face a matter of options in dealing with this legislation. Yes, we do. There are two options, as I see it. One is whether we are to spend more money providing heating for houses that are not properly insulated or do we save more money from heating expense by properly weatherizing those houses so they will be warmer because they are built better? That is one of the options that we face. I favor the economic alternative of the two, the alternative of making the house closer and more warm for those people and therefore costing less in the provision of energy for heating.

There is another option, too. We have been reminded of the budgets. I remind you of those human beings.

Have you ever been cold, really cold, cold to the marrow, as we say? Well, maybe you can sense, if you have, how some of those people feel before they lose in numbness the capacity to feel, the freeze that takes their lives away from them.

Do we say that we can spend hundreds of millions of dollars in exorbitant costs for wrenches and tools in the Defense Department, but we cannot spend a few million dollars to try to keep the elderly people of America from freezing to death in this great, rich America?

Now, I believe, therefore, that we will make a wise choice between the options, yes, even if it be a deficit. Just where is the deficit, in human lives, fewer people living, or a few more dollars that we owe to the national debt? However we disbelieve in and want to correct the great national debt that we have and the great budget deficits that we today have, I tell you the books that ought to be balanced are the books that affect human lives in America, and therefore I say let us exercise the option of saving people from freezing to death and support this bill.

● Mr. MARKEY. Mr. Chairman, I rise in strong support of H.R. 2615, the Weatherization and Employment Act. This bill amends the 1976 Energy Conservation in Existing Building Act expanding and extending the Department of Energy's low-income weatherization program to achieve the weatherization of all remaining eligible low-income dwellings in the next 11 years. In short, this bill will reduce the fuel costs of the poor, reduce need for Federal spending for low-income energy assistance, and create jobs.

From some of our colleagues we will hear today that this bill is a budget-buster. Nonsense. This bill is the fulfillment of a promise. The bill is product of a fair exchange between the Congress and the people of this Nation. This bill is answer to our decisions which resulted in massive increases in the cost of energy. Without this bill, we will have reneged on our pledge to hold the low-income family harmless from the ravages of the decontrol of oil and gas prices.

Beginning with the crude oil equalization tax to the windfall profits tax to the current proposals to amend the Natural Gas Policy Act, we, the Congress, have held out to those less fortunate families and individuals assurance that increases in the costs of energy would not be allowed to impoverish them further. Indeed, what has evolved is a form of social contract. The Congress will allow the price of energy to rise to support and reenforce incentives for conserving energy use, but in exchange for this leverage on the consumption of energy we will agree to support the poor, to stimulate mass transit, to devise more efficient means of using our energy supplies and weatherize the homes of the poor. The record on fulfilling this bargain has been mixed at best. But there can be no revision of its terms. We must take resolute steps to satisfy the expectations which our rhetoric has prompted.

We must pass this bill. We must not be swayed by the appeal of the born-again spendthrifts, who fall all over

themselves trying to provide every advantage to the big oil companies or the big utility lobbies. This is a promise, which must be honored.

Let me describe for my colleagues the situation in my own State of Massachusetts. Seventy percent of the low-income households in our State heat with oil. Too great of a percentage of that heating oil comes from oil imports and are subject to the chronic frailties of the world oil market. In 1983, 3,900 households in Massachusetts were weatherized under the existing DOE program at an approximate annual energy savings of 23 percent per household. For that 3,900 households alone, the annual fuel costs savings would be $1.075 million. There are 295,000 remaining eligible low-income dwellings in our State. At current funding levels, it would take 75 years to complete their weatherization. Seventy years is too long to wait for Congress to satisfy its side of the social contract. Eleven years will still be a long wait for many, but we can accept it.

Finally, Mr. Chairman, let me address the connection between energy and national security. To those who are suddenly so concerned about the terrible threat to fiscal integrity which this bill represents, this aspect of H.R. 2615 requires special emphasis. The United States established an oil reserve for the Navy more than a generation ago and since 1974 we have included a strategic petroleum reserve as the first line of defense against oil import cutoffs. Indeed, the accident of fate which placed most of the world's oil reserves in a handful of countries has constrained our foreign policy and remains a constant reminder of our economic vulnerability. The most efficient, the cleanest, and the cheapest way to reduce our dependence upon imported petroleum, to increase our national security with regard to oil supply cutoffs, and to replace economic weakness with stability is to conserve. The best way to conserve at home is to weatherize.

Mr. Chairman, the passage of H.R. 2615 is a matter of the highest priority and urgency and I urge all of my colleagues to join me in supporting its enactment and implementation.●

● Mr. FORD of Michigan. Mr. Chairman, I am pleased that H.R. 2615 has come before the House of Representatives so early in the second session. This legislation provides a great deal of assistance to the residents of the 15th Congressional District. There is a real sense of urgency to this matter because the bill addresses the root causes of several crucial economic and social problems.

The members of the Energy Conservation Coalition have expressed the need for this legislation in clear and concise language in a letter to Speaker O'NEILL. As they have pointed out, this bill reauthorizes and reforms the low-income weatherization program at the Department of Energy, and sets the goal of reaching all eligible low-income households during the next decade.

Passage is urgent because weatherizing the homes of poor Americans saves an average of $225 per house per year for 20 years. The bill would also make several program changes aimed at improving the employment potential and overall effectiveness of the program. Other changes would permit the program to replace inefficient heating systems, would increase the total amount expended per house to allow for such improvements, would require improved coordination with the low-income energy assistance program and improved quality control.

The National Community Action Foundation summed up the need for this legislation in this way.

It is hard to comprehend the hardship and fear which extremes of weather bring on the poor. The chance of having a weatherproof environment and a minimum amount of energy offer possible lifesaving help to those already short of food, medical care, clothing, and other vital commodities.

Let us pass H.R. 2615 as quickly as possible. It is an excellent opportunity to support a program which not only provides important assistance to people in urgent need, but which pays back in numerous ways the dollars appropriated for it.●

● Mr. WIRTH. Mr. Chairman, I rise in strong support of H.R. 2615, offered by my colleague from New York. I commend the gentleman for his leadership on this issue and draw my colleagues' attention to a few major points which speak to the vital need for passage of this initiative.

As a member of the Budget Committee, I am concerned that the $500 million authorization for fiscal year 1984 for the low-income weatherization program exceeds the budget resolution target for the current fiscal year by some $200 million. Yet, I would remind my colleagues that this body has already considered and approved appropriations for this effort in fiscal year 1984 and I have serious doubts that anyone here would anticipate a supplemental appropriation for this fiscal year sufficient to bring total funding of the low-income weatherization program up to the level called for in this reauthorization. Indeed, under the best budget scenario projected by the CBO, total outlays for fiscal year 1984 are projected to be $251 million, well below that $500 million authorization level.

What is at stake today is the question of what is the proper Federal role in addressing three crucial national priorities—energy independence, job creation and assistance for our financially beleaguered fellow citizens. Yes, we must be concerned with the budgetary impacts of this initiative. But we must also ask how we can best attack these three agendas in the most cost-effective and coordinated manner. And the legislation before us today offers a coherent and timely opportunity for us to move forward on these challenges.

Current press accounts are replete with stories of the world oil glut and indications that our energy future is secure for years to come. While those accounts are accurate in regard to the current world energy market conditions, they carry with them a very real danger—the creation of a false sense of complacency with regard to this Nation's energy future. Just as this Nation was shown in the 1970's to be dangerously vulnerable to supply cutoffs from our foreign oil sources, today we remain just as dependent on the whims of perhaps the most volatile region of the world. That dependence was recognized as a crisis just 6 short years ago, and our recognition of the need for a coordinated and comprehensive national energy strategy to mitigate that crisis is just as appropriate today as it was in the seventies. Nowhere is that need more graphically felt than among our Nation's elderly, handicapped, and impoverished citizens who are grappling with extraordinary energy bills in the midst of one of the coldest and most severe winters on record.

One of the keys to the national strategy which emerged in the seventies was the realization that energy conservation offered us the most cost-effective and rapid means for decreasing energy consumption nationwide. We took that recognition and we crafted a series of Federal initiatives to move that agenda along. We created a series of conservation tax credits and a package of incentives to spur retrofitting and installation of alternative energy generation technologies among our middle and upper income citizens. And we made the important step of recognizing that our Nation's poor, among them many of our senior and handicapped citizens, also merited our aid in meeting the threat of rapidly escalating energy bills. We created direct Federal programs to assist our low income households in weatherizing their homes, in meeting their energy bills, and to make them partners in our national effort to achieve energy self-sufficiency.

We have attained some success in this effort. Yet, estimates indicate that some 13 million low income households remain to be weatherized under the existing DOE program eligibility guidelines. By enacting H.R. 2615, we can achieve in 10 years what would take 50 years under present outlay patterns, in the process saving some 65 million barrels of oil equivalent annually by the year 1994.

Mr. Chairman, H.R. 2615 offers far more economic gains than a simple continuation of our present pattern of assisting low-income Americans with their energy needs. We are offered a clear choice here. We can continue to spend some $2 billion per year in direct subsidies under the low-income energy assistance program and maintain a decelerated course of weatherization. Or, alternatively, we can enact H.R. 2615 and take more direct action. We can act to weatherize the vast majority of our low income housing stock, begin the process of phasing out direct energy bill subsidies, create vitally necessary jobs and new small businesses, and take another step toward energy self-sufficiency. I urge my colleagues to vote in support of this latter choice.●

● Mr. OWENS. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act.

Weatherization serves to make homes secure against the elements. In the process, energy is conserved and energy costs are reduced. Low income people are frequently unable to get together the capital to properly weatherize their homes. The low-income weatherization program, established in 1976, represents a creative response to this problem.

The process of weatherization also provides jobs. We have all heard how the economy is picking up, but it has left many by the wayside. It is important to help to provide work for our most discouraged people who have become the long-term unemployed.

The conservation aspect of weatherization also deserves our consideration. For the moment, we seem to be in a pretty secure position. This has made it easy for many to forget the oil shortages of the recent past. It has made it easy to forget just how easy it would be for oil producing nations to once again put us in a bind by tightening supply and raising the price. As a nation, we should not be placed in that position by those who would squander the world's resources. It is amazing that those who would condemn the spending of money to conserve energy have little compunction about spending the finite resources that exist in this world.

It is my hope that this legislation will receive the support of the House. It presents us with the opportunity to protect our people from harsh winters, save heating costs, provide employment and conserve the limited energy resources of this earth.●

● Mr. BONKER. Mr. Chairman, H.R. 2615, the Weatherization and Employment Act, is of immense importance to older Americans.

A few years ago Congress developed the low-income energy assistance program, or LIEAP, to help households with high energy costs pay their bills. Because of the unique and serious health problems that can plague older Americans who are forced to go without an adequate supply of heat, priority was given to households with at least one elderly member. At virtually the same time, a low-income energy weatherization program was established to assure that low-income persons would be able to install energy-saving improvements to keep future fuel bills to a minimum.

Despite strong congressional support for the weatherization program, the Reagan administration has been less than enthusiastic in its support. Implementation of the current program has been stalled by the Department of Energy and the President has repeatedly proposed its elimination.

H.R. 2615, the Weatherization and Employment Act of 1983 would improve and extend DOE's low-income weatherization program through 1985 and direct the Secretary of the Department of Energy to develop a 10-year plan for weatherizing the homes of 13 million low-income Americans. An annual funding level of $500 million would be authorized. In previous years less than $200 million was provided annually. As with LIEAP, the elderly and handicapped would be given funding priority.

The particular benefit of this improved program to a larger segment of older Americans would be threefold. First, making a home more energy efficient would provide greater comfort and, in many instances, reduce the risk of hypothermia. Second, weatherization improvements are permanent. Energy savings would be achieved by consumers each year from this one-time investment. Third, reducing fuel consumption would reduce fuel bills thus lessening the demand for LIEAP assistance.

The Center for Environmental Physiology in Washington, D.C. reports that hypothermia may be the primary cause of up to 25,000 elderly people each year. I am fearful that this year's recordbreaking cold temperatures throughout the Nation will tragically push this number up. The reality is that Congress may not be able to provide a level of funding sufficient to meet this expanded need. H.R. 2615 can assist in assuring that this situation does not occur again. I urge my colleagues to join with me in support of this measure.●

● Mr. WILLIAMS of Ohio. Mr. Chairman, the two major goals of this legislation are weatherizing homes for the poor and providing employment. These goals have no more importance for any area of the country than Ohio's Mahoning Valley, where unemployment now is at 14 percent, where our young persons are leaving because there are no jobs. Thus, our population base increasingly is becoming one of homeowners who are unemployed and who are seniors on fixed incomes. Their plight is one of choosing between food and fuel.

Weatherization programs in the past by community service agencies in Ohio's Mahoning Valley have helped its residents—my constituents—maintain their homes through reducing their energy bills.

As to stimulating the economy and producing additional jobs in the energy conservation industry, I cannot help but support legislation that will provide employment for those out of work and at the same time help low-income persons and seniors maintain their homes.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 2615, a bill to expand and extend the existing Department of Energy low-income weatherization program. This legislation would also make several changes in the present program for the purpose of improving the quality of service, training, and encouraging the use of new cost-cutting conservation technology.

My colleague, Congressman OTTINGER, is to be commended for shaping this legislation which will improve the existing Department of Energy low-income weatherization program so as to conserve more energy resources, lift the burden of high energy costs on the poor, and create more jobs.

H.R. 2615 has two purposes. First, it would expand the existing low-income weatherization program at the Department of Energy and would authorize sufficient funding over the next decade to weatherize the remaining low-income homes in the Nation that have yet to receive this assistance. Second, the bill would provide significant new employment opportunities. In addition to the jobs created by the expended program, job training would be offered to prepare weatherization workers to enter the developing energy conservation industry and associated construction and maintenance fields.

More specifically, this bill:

Authorizes $500 million annually in fiscal years 1984 and 1985 for the low-income weatherization program at the Department of Energy (DOE) (compared to $190 million appropriation in fiscal year 1984);

Directs the Secretary of Energy to develop a 10-year plan to weatherize the remaining eligible low-income households (estimated at 13 million); 1 million homes have been weatherized;

Requires States to develop programs for training weatherization workers and supervisors. Makes funding available for training from the existing training and technical assistance fund;

Expands the list of eligible equipment to include replacement and repair of heating systems and other items with high-energy saving potential;

Increases the permissible expenditure per house to $2,000;

Eliminates the $150 repair ceiling and materials and labor ceilings;

Creates a performance fund, composed of 10 percent of annual appropriations for distribution to States with exceptional performance; and

Creates a second priority for assistance, for recipients of low-income energy assistance. Retains first priority for the elderly and handicapped.

In a year when energy costs are taking an ever larger proportion of a families income, the poor are especially hard hit. According to a 1981 study by the Consumer Energy Council, weatherization results in average savings to low-income people of 27 percent in their fuel bills. This figure is significant because low-income households spend a larger proportion of their income on energy than other groups.

Mr. Chairman, the passage of this legislation is an urgent matter. In the District of Columbia, the Energy Office projected that in this fiscal year 421 units would be weatherized under the existing program. However, this is a small proportion of the overall number of low-income poorly insulated homes in the District of Columbia. For example, under the low-income heating energy assistance program (LIHEAP) the District of Columbia has already accepted 7,000 applicants, which is double the amount taken last year. If the homes of these applicants could be weatherized, it would substantially reduce fuel bills and dependence on energy assistance. It would be both socially and economically responsible for our Nation to make permanent reductions in these households energy costs through energy conservation.

This legislation, by increasing the authorization to $500 million in 1984 and 1985 for the low-income weatherization program, up from the $190 million appropriation presently available, would assist in meeting the outstanding need for energy conservation and weatherization both in the District of Columbia and in our Nation.

Additionally, at a time when the economic recovery is uneven and leaving many behind, the expansion of this program would create a significant number of new jobs. It is noteworthy that this program produces 5,200 jobs—both onsite and in associated manufacturing and service industries—per 100 million Federal dollars spent. This is a very efficient use of resources, serving a useful social and economic purpose, while generating significant employment opportunities.

Mr. Chairman, I urge my colleagues to support and approve this worthy legislation.●

● Mr. KOLTER. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983. The extremely low temperatures that gripped much of the Nation over the past several days reinforces the importance of this legislation. In short, the bill makes a farsighted commitment on the part of the Congress to promote efficient usage of energy through conservation. Second, the bill would help many of this Nation's more needy citizens save money on their fuel bills, and perhaps most importantly, this bill translates into jobs.

According to the Energy and Commerce Committee, the weatherization program has saved an estimated 15 to 30 percent in energy use per household annually. Statistics from just one county in my district in Pennsylvania alone supports the committee's data. Average fuel savings in fuel consumption for weatherized homes in Armstrong County, Pa., was 22 percent in 1982. The weatherization superviser estimates that some 1,136 homes have participated in the program since its inception, and consumers saved $163,584 in 1982 alone.

This savings is significant when we consider that homes in the Northeast and Midwest tend to be less energy efficient, inhabited by low-income families, and located in a colder climate. Perhaps most telling is the fact that household energy costs in Pennsylvania have tripled since 1970. According to a study recently released by the Northeast Midwest Coalition, average household heating rates in Pennsylvania have increased to $1,039 in 1980 as compared to $331 in 1970. Clearly, conservation could play a key role in this Nation's energy future.

Perhaps most important is that this bill means jobs. The Energy and Commerce Committee estimates that 5,200 jobs are created per 100 million of Federal dollars spent. This fact alone indicates that 68 percent more jobs would be produced for the same expenditure in the last highway bill. It might also mean that the long-term unemployed could utilize their skills by weatherizing homes instead of collecting unemployment or welfare benefits.

I strongly urge my colleagues to vote favorably on this farsighted efficiency promoting legislation. After all, it is not often that Congress has the opportunity to be proactive.●

● Mr. RODINO. Mr. Chairman, I rise to express my wholehearted support for H.R. 2615, the Weatherization and Employment Act. I am proud to be a cosponsor of this long overdue measure and I commend our distinguished colleague from New York (Mr. OTTINGER) for his fine efforts in bringing it to the floor.

Congress recognized the need for assisting low-income people to weatherize their homes by including a low-income energy assistance program (LIEAP) in the Energy Conservation and Production Act of 1976. Since 1977, the program has made possible the weatherization of 1 million homes, with priority given to handicapped and elderly persons. Yet there still remain 13 million income-eligible households that might need weatherization. The Department of Energy has not yet estimated how many of these will actually require weatherization, but it is expected that the number will be substantial.

Unfortunately, for the past 3 years the administration has tried to end this vital program by requesting no funds in the budget. Congress has restored funding, though at lower levels than the problem merits. In fiscal year 1984 there is an appropriation of only $190 million.

H.R. 2615 will reaffirm congressional support for continuance of LIEAP on a long-term basis and will institute changes in the existing program aimed at improving the quality of service and training and which will permit the use of new, cost-effective conservation technology.

One of the major objectives of H.R. 2615 is a requirement that the Department of Energy develop a 10-year plan to weatherize the remaining eligible low-income households requiring this work. This would span fiscal years 1985 through 1994. Under the bill, $500 million will be authorized annually for fiscal years 1984 and 1985 and such sums as are necessary for the remaining years of the program. Without this acceleration of the program, if the current level of funding were maintained, it would take at least half a century to reach all eligible low-income dwellings.

The other major objective of the bill is to encourage employment in weatherization and related industries. It is significant to note a study commissioned by the Department of Energy which shows that the program produces 5,200 full-time jobs per 100 million Federal dollars spent. The report estimated there are 3,600 onsite crewworkers and supervisors and 1,600 positions in a wide range of industries that provide equipment, materials, and services needed to conduct the weatherization activities.

Moreover, the bill makes changes to improve the employment potential and overall effectiveness of the program. To insure that workers are properly prepared to enter the private sector after working in LIEAP, the bill requires State weatherization programs to include a training component and provides funding for that purpose.

Apart from the human resources assistance aspects of the legislation, the bill will achieve a considerable saving in energy. It is expected that the program will save 65 million barrels of oil equivalent annually with the weatherization of the 13 million remaining eligible low-income households. This

would amount to saving $3.3 billion annually in fuel costs.

Mr. Chairman, I urge approval of this bill. The cumulative effect of this 10-year program to aid the most vulnerable of our citizens will truly make a difference in dealing with poverty, energy insecurity, and unemployment.●

● Mr. BOUCHER. Mr. Chairman, in light of this past week's record low temperatures in hundreds of communities across the country, I rise in strong support of H.R. 2615, the Weatherization and Employment Act of 1983.

It is often said that everybody talks about the weather but nobody does anything about it. Although we cannot affect the weather, we can act in a constructive manner to alleviate the effect on senior citizens and low-income families of the extreme cold that has visited virtually every region of the country.

For some, cold weather is merely an inconvenience involving an adjustment of the thermostat and a few more dollars for monthly heating bills. But for others, particularly senior citizens, the unemployed and low-income families, bitter winter months can mean severe hardship—a choice between food and heat and the threat of illness or hypothermia.

H.R. 2615 addresses three important objectives. First, it will help needy families to lower their heating bills and improve their health. Second, it will employ thousands of unemployed Americans in needed weatherization jobs. Third, it will help our Nation move toward the goal of energy independence by restoring energy conservation as a national objective.

The Department of Energy's low-income weatherization program was created to assist those families who suffer the most in these cold winter months, the families who live on low incomes and yet pay some 35 percent or even more of that income simply for fuel. With this program, targeted toward elderly and handicapped citizens, we have been able to make modest but important improvements to our housing stock while directly employing thousands of workers in a nationwide weatherization effort. The program's statistics show that it is an efficient and worthwhile investment of funds, capable of saving on the order of 65 million barrels of oil each year.

With this need and with this record, it is difficult to understand why the administration has for 3 years attempted to dismantle the program. Each year the Congress has responded to the President's request for zero funding with a refusal to halt a successful and cost-effective program. But the confusion which often accompanies such budget battles has hampered the State's efforts to plan and maintain these programs. I agree with my colleagues who sponsored H.R. 2615 that it is time we dispel the uncertainty of the Federal commitment to weatherization, and I am pleased to support the Weatherization and Employment Act of 1983.

In my State of Virginia, Federal weatherization funds have made possible the insulation and winterizing of nearly 30,000 homes since 1976. Nearly 200,000 eligible homes remain untouched by the program, however. For those 200,000 families and for the 66,000 workers who will be employed under the program annually through H.R. 2615, I am pleased to support this much needed acceleration of the Federal weatherization program.●

● Mr. CORCORAN. Mr. Chairman, I oppose H.R. 2615, the Weatherization and Employment Act of 1983, because it is clearly a budget buster. I did not support this bill in the Energy and Commerce Committee, and I continue to oppose its passage for the reasons stated in the minority views which I joined in signing.

The cost of this bill would exceed $23 billion over a 10-year period of time, according to the administration. This cost far exceeds the amount recommended by the administration, and so it opposes H.R. 2615. Furthermore, this legislation duplicates already existing weatherization programs by the U.S. Department of Health and Human Services. Additionally, the General Accounting Office has criticized the existing DOE low-income weatherization program as "hampered by * * * inadequate financial management and program management at the Federal, State and local levels." Finally, this legislation is based on an outdated allocation formula which works against the interest of States like Illinois which are heavily dependent on natural gas for heating.

In addition to these substantive reasons to oppose H.R. 2615, I strongly object to the procedure by which this legislation was considered. The bill was introduced on April 19, 1983, marked up in subcommittee on April 27, and ordered reported by the full Energy and Commerce Committee on May 4. The bill was never the subject of legislative hearings.

For all of these reasons, Mr. Chairman, I oppose enactment of H.R. 2615.●

● Mr. BIAGGI. Mr. Chairman, as a Representative from the very cold State of New York, I rise to lend my full support to H.R. 2615—the Weatherization and Employment Act of 1984. However, before I discuss the merits of this important bill, I wish to use this occasion to pay a special tribute to the esteemed floor manager and chief architect of this bill, my friend and colleague DICK OTTINGER.

During the just completed congressional recess, DICK OTTINGER stunned many in the political world when he announced that he would not seek reelection to the House in November. As is DICK's style and nature, he did it his way—making the decision while being on top—but deciding what many of us sometimes dream of as well—a more tranquil life. The people of Westchester County in New York have been provided with exemplary service with DICK OTTINGER for some 16 years. This institution will be a lesser place when DICK departs for he has made many and varied contributions to the legislative process in his career. He emerged as one of this House's foremost experts in the complex area of energy, especially energy conservation, and this bill serves as the centerpeice of his commitment. He has also been an outspoken proponent of world peace and disarmanent. DICK and I have had the distinct pleasure of working together on behalf of one of his bills, H.R. 3465, to outlaw discrimination in Northern Ireland by American firms doing business in that troubled nation. Just this past summer DICK traveled to Northern Ireland and conducted a series of meetings aimed at promoting his legislation. While he did not always encounter friendly audiences, DICK impressed everyone with his perseverance and commitment to his bill. That probably is one of DICK's finest trademarks—a man of high integrity and principle. DICK and I represent neighboring districts and as a result I have regular occasions to see people from his district. I know firsthand the high regard and respect he enjoys from the people he represents. He is a highly visible presence in the Westchester County community and has helped the county in their efforts to grow and expand.

It is appropriate that DICK be the manager of this legislation for it embodies the kinds of issues that mean so much to him. H.R. 2615 would authorize the low-income weatherization program for fiscal years 1984 through 1994—and corresponding to that—also establishes a most laudable goal of weatherizing all eligible homes by 1994.

The program which this legislation wants to pump new life into is one of the most important and cost effective of all Federal programs. Under it grants are awarded to the States for the purpose of installing insulation and other energy saving equipment in low-income homes. This bill would accelerate the timetable under which the Department of Energy would be able to identify and provide assistance to low-income homes. In addition the bill would also allow for the weatherization of multifamily rental housing; increases the permissable expenditure per house to $2,000 for labor and materials and gives low-income energy assistance program recipients second pri-

ority for weatherization assistance after the existing priority for elderly and handicapped persons.

When one looks carefully at this program it is obvious that it has more than one beneficial dimension to it—it is not only an energy conservation program—it is also a jobs program. People put this equipment into the homes and that can translate into thousands of new jobs—further aiding our efforts to reduce unemployment. It is estimated that this legislation will create some 66,000 new jobs directly and will stimulate renewed economic activity in a number of related industries all hard hit from the recession.

H.R. 2615 is an especially appropriate bill for us to consider as we suffer from one of the most severe winters in recent memory. Record low temperatures and brutal cold snaps have affected almost two-thirds of the continental United States. Temperatures as low as 40° below zero were reported in various parts of my home State of New York this past weekend. A low-income individual living in a home lacking insulation is inviting danger to their health and to their families' health. Yet many of them are helpless to do anything because their resources are consumed tending to even more critical needs such as food and clothing and of course heat.

It is the very least we can do as a caring society to seek to achieve the goal of weatherizing all eligible low-income homes by 1994. It is the very least we can do to offer protection for the poor of this Nation from the bitter and brutal cold which can and does grip this Nation during the winter months—and to protect them from the searing heat which strikes in the summer.

I support this bill for the good it will do in my home city of New York and State of New York. According to a memorandum prepared by Governor Cuomo's office—passage of H.R. 2615 would help to direct resources to the estimated 1.1 million households in New York that are potentially eligible for weatherization assistance but have yet to benefit from the program. New York ranks 3d in the Nation in terms of electricity costs, 9th in natural gas costs and 10th highest in oil costs. This produces an average monthly utility bill in New York State that can be 20 to 30 percent higher than the national average. These costs are exacerbated in those homes where precious and expensive heat manages to escape.

Let us remember that the people we are helping with this legislation are people with incomes at or below 125 percent of the poverty level. These are people who are forced to choose between essentials—people for whom heat can be a luxury they cannot afford. The low-income weatherization program has already reached into the homes of over 1 million families—yet another 13 million remain eligible but untouched. The need is as great for them but the resources have simply not been made available.

It is in our best interest to promote a program of this type for it is in our best interest to conserve energy—and thus lower our dependence on susceptible foreign energy sources. Energy conservation in a number of areas has led to a corresponding drop in energy prices in some areas and one can only assume that continued conservation will improve the situation.

The weatherization program is the single largest energy conservation program in the State of New York and its potential is vast. The money we expend on this program we actually make a sound investment for installation of energy saving devices reduces energy use by as much as 30 percent.

I urge support of H.R. 2615 for the millions of people in this Nation who live in fear of the cold, in homes which provide barely any protection from its effects. I urge support of H.R. 2615 for the poor families in our society who end up paying proportionately six times as much of their income for energy as other more fortunate families do.

While this legislation does provide for a substantial sum of money—it is accompanied by a timetable to achieve full weatherization 40 years before the current plans of the Department of Energy would do so—and the amount of money that would be needed would far exceed the totals in this bill. Finally, it must be shown that while we may be spending money today, we are saving money tomorrow and in the future for if homes are energy conserved we simply spend less overall money.

H.R. 2615 is an important bill offered at an especially important time. I urge my colleagues to pick up the local newspaper from their districts, and read some of the low temperatures that occurred in some of their districts last night or over this weekend. Then consider the poor and needy in their areas living in homes which offer little protection. A cold home can disrupt the warmest of families and we should commit ourselves to rectifying this situation in a meaningful way. H.R. 2615 is the answer.

My final observation is that out of respect for the hard work which our colleague DICK OTTINGER has done this bill deserves to be passed.●

● Mr. CONTE. Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983.

This bill is designed to improve one of several programs Congress has enacted to make this country energy independent. Many of us here today remember the suffering this country experienced during the oil shocks of the 1970's. Because of that experience, we, in our collective wisdom, decided the Federal Government should institute programs designed to reduce our reliance on imported oil through conservation. The weatherization effort was one of those programs.

To date, 1 million homes have been weatherized. This has resulted in an estimated 15 to 30 percent savings annually in energy use per household. If all 13 million eligible homes are weatherized, we could save an estimated 65 million barrels of oil equivalent annually. In dollar terms, this would result in $3.3 billion in savings each year.

I hope that from these remarks, my colleagues from the Sun Belt States, which may not have as great a need for this program, realize that their constituents also indirectly benefit from this program. Every drop of imported oil that never enters this country reduces our reliance on the tinderbox situation that exists in the Mideast.

I would also like to touch on another benefit of this weatherization program. Earlier in this Congress, we passed two bills aimed at easing the unemployment problem facing this country. This weatherization program produces 5,200 jobs per $100 million spent. This is 68 percent—Mr. Chairman, let me emphasize that figure—68 percent more jobs that produced for the same expenditure in the recently enacted highway jobs bill.

Besides these larger economic benefits, this cost effective energy program effects thousands of individual households across the country. My own State of Massachusetts, for example, was allocated almost $6 million in fiscal year 1984 to weatherize low-income households across the Commonwealth. In my district, the Berkshire Community Action Council, Inc., administers a weatherization program that has had a tremendous effect on the individuals lucky enough to participate. Let me take this opportunity to read a few short passages from letters sent to Dan McFarland, energy programs director at the Berkshire Community Action Council.

One participant wrote:

Since I am a single parent with two of my three children in college, things like insulation work have not been done. I truly appreciate what was done by your crews. They did a great job! The work that was done should make a noticeable difference next fall and winter.

Another recipient outlined the specific benefits of the weatherization program:

Just to let you know work has been completed on our "new home" . . . three storm windows, one door and caulking . . . it all looks great. Can't thank you enough, and tell you how much our family appreciates your assistance in making our home more energy efficient, snug and warm.

Still another couple stressed the health effects and benefits resulting from the improvements in their home:

My mother's trailer was recently winterized through your program. My mother had been suffering from the cold in her home and did not have the money to do anything about it. Because of your program, she has been much warmer and suffered much less from her arthritis. Thank you on the behalf of my mother and ourselves.

It is important to remember that these statistics, facts and figures represent more than numbers on a sheet of paper. The 1 million households already weatherized are occupied by individuals like the one's quoted above. The impact of this program is important to many people throughout the country.

Mr. Chairman, I hope my colleagues join in supporting the energy saving and job producing program. The weatherization program has a proven record of efficiency, effectiveness and need.●

● Mr. LEVINE of California. Mr. Chairman, most all of us agree that we must put this country on the road to energy independence. The cleanest and most cost-effective way is through conservation. By weatherizing homes, we decrease our dependence on nonrenewable fossil fuels.

I urge my colleagues to support H.R. 2615, the Weatherization and Employment Act. This bill would allow all eligible homes to be weatherized by the year 1994. It is estimated that 13 million homes of low-income families would be weatherized.

Low-income households pay disproportionately high amounts on their energy bills. Because they cannot afford to make improvements on the energy systems in their homes, low-income people are forced to either go cold or pay excessive bills.

Over the long run, the bill will save the Federal Government money. By increasing energy efficiency, the Federal Government will be able to decrease subsidies for low-income energy bills.

The bill also creates jobs. Approximately 66,000 new jobs will be created directly by the legislation and many more jobs in related industries created as well. In addition, the bill provides job training. The people gaining employment through this legislation will acquire job skills which will help them acquire future jobs. With more people employed, fewer unemployment and public assistance payments will have to be made by the Federal Government.

I urge my colleagues to join me in supporting the sensible legislation.●

● Mr. MINETA. Mr. Chairman, I rise in support of H.R. 2615 and encourage my colleagues to do the same. The Weatherization and Employment Act is an example of Federal dollars well spent. It is the very least we can do to help insure that low-income citizens have decent living conditions. In the cold winter months, hypothermia is a leading cause of death among elderly Americans. Under H.R. 2615, the elederly and disabled will be given special help.

Poor people spend as much as 40 percent of their income on energy costs. Many of which are actually picked up by the Federal Government each year through social welfare programs. Weatherization measures are cost-effective and pay for themselves within 5 years after the equipment is installed. It is commonsense to stop energy from being wasted through the cracks and crevices in old and poorly designed houses. This program is a one-shot expenditure, not an annual drain on our Treasury.

Opponents of H.R. 2615 claim that the bill is a "budget-buster," that it will add to our Federal deficit. My response is this: We are not busting the budget when we provide less-fortunate Americans with homes worth living in. If people are forced to choose between eating or heating, then our priorities must be reexamined.

I am concerned with the Federal deficit as much as any other Member here, yet cutting out programs for the poor is not the way to proceed. Why do we not scratch nuclear weapons research at the Department of Energy? A vast amount of DOE funding goes to that type of energy program. Surely there are other Department activities that can be scaled down, rather than axing energy programs that benefit the Nation's poor. It is time we really did something in the name of energy conservation, instead of merely paying lipservice to this goal.

The Weatherization and Employment Act does what it says—it creates jobs. Workers are trained in retrofitting skills and thus are qualified for employment in the private sector of their communities. Over 50,000 jobs will be provided over the next few years, jobs we need in this time of high unemployment.

At the rate we are currently funding the low-income weatherization program, it will take 50 years to upgrade the 13 million homes still in need of basic weather safeguards. We cannot string the program out like this.

It is our obligation to get the job done as soon as possible. Ten years, as provided in the bill, is a more reasonable, more humane time period to see that our citizens no longer suffer in frigid winter temperatures.

Many of us have weatherized our homes here or back in our districts. I urge you to support H.R. 2615. It is the minimum we can do to allow others to share in the energy savings and comfort we have benefited from this winter.

Thank you.●

● Mr. ROYBAL. Mr. Chairman, I rise today in support of H.R. 2615, the Weatherization and Employment Act. As chairman of the Select Committee on Aging, I must emphasize the importance of this legislation to the lives of the elderly.

Each year, approximately 25,000 older Americans die of hypo- and hyperthermia. Statistics show that approximately 7 million of the housing units occupied by the elderly were built before 1940, are more than 40 years old, and likely to be in need of repair and weatherization. Due to low and fixed incomes, senior citizens are often unable to keep up with the cost of maintaining their homes; thus, many homes fall into disrepair, and the elderly are left with substandard and inadequate shelter which is unable to protect them from cases of extreme weather.

We must help cut the unnecessary, and high, energy costs which are incurred by individuals who live in such housing. Low-income households are spending 35 percent or more of their income on energy, as compared with 20 percent for middle-income households. For example, upon retirement, older individuals are typically faced with a cut in personal income of one-third to one-half. The average individual social security recipient receives $427 per month. In many instances, this is their sole source of income with which to find food and shelter. These individuals often cannot afford to pay their gas and electricity bills and must live with the constant threat of having their utilities shut off.

Far too many of our Nation's elderly succumb each year to hypo- and hyperthermia. This needless loss of life can and must be avoided. Again, I urge your strong support for passage of this most important piece of legislation.●

● Mr. McKINNEY. Mr. Chairman, I have been a longtime supporter of the low-income weatherization program. This program makes a permanent contribution to low-income Americans burdened by steadily increasing energy costs. Unlike a one-time assistance payment, weatherization gives assistance for years after the Federal outlay is made. The Weatherization and Employment Act of 1983 expands significantly the scope of the Federal weatherization program. While I have reservations about the cost of this legislation, my support for weatherization serves largely to outweigh these concerns.

Our deficit problems are very real. We cannot hide from this reality or the urgent need to do something about deficits. However, our continued effort to weatherize the homes of low-income families is also important. My colleagues should remember that weatherization will help improve our trade balance and reduce demand for

low-income energy assistance funds. While I might be happier with a weatherization bill that more modestly expands the program, I cannot oppose such a worthwhile endeavor.●

● Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 2615, the Weatherization and Employment Act.

On few occasions will we in Congress have a better opportunity to do something that is both equitable and efficient. Through extension and expansion of the low-income weatherization program, we cannot only improve the lot of the underprivileged, but we can alleviate some of our Nation's fiscal woes as well.

Since 1977, this program has insulated 1 million homes inhabited by the handicapped, elderly, and indigent. Their fuel bills have dropped as much as 30 percent. If all 14 million eligible homes had been reached, we would have cut our imports of foreign oil by 65 million barrels and saved $3.3 billion. Money not sent abroad to pay for foreign oil can be spent here in this country, giving an additional boost to our economy.

But the benefits do not cease there. Weatherization puts people back to work: The conservation industry is labor-intensive, particularly when compared to other forms of energy production. According to a Department of Energy study, weatherization generates 69 percent more jobs per Federal dollar expended than the recently enacted highway bill. If passed as proposed, the number of new jobs directly attributable to H.R. 2615 could reach 66,000. Of course, the most compelling reasons for this legislation are humanitarian. The United States is the richest nation in the world, and yet last year thousands of our citizens died of hypothermia and other diseases related to frigid temperatures. It may come as a surprise to some of my Republican colleagues that not all of these victims were trapped in avalanches at posh ski resorts; many of them perished in the heart of our bustling cities, unable to afford sufficient heat.

The energy crisis prompted middle- and upper-income families to install storm windows, weather stripping, and other conservation devices in their homes. But, the poor were not able to respond in a similar fashion. For them, high energy prices meant further erosion of their disposable income. They put less food on their tables, fewer clothes on their backs, and suffered in colder conditions in their homes in order to offset their soaring fuel bills. Lower-income residences are presently spending a proportion of their income on home energy three or four times higher than the average American household. Given the financial strain the poor are already under, we cannot expect them to invest in conservation improvements.

The Federal Government ought to be the weatherizer of last resort. At the current level of funding, though, the Department of Energy would need over a half-century to assist all eligible low-income dwellings. Reagan's opposition to the program has compounded the problem of scarce resources. He has delayed funds, appointed lackluster managers, and fomented insecurity among local program directors.

H.R. 2615 allocates money through 1989 to avoid sabotage from the Reaganites and lend stability and constancy to this essential task. Approximately $25 million would come to New York State, sparing almost 20,000 more families in the Empire State each year the agony of going through yet another winter uncertain of whether their homes will remain heated. The cumulative effect of a 5-year effort will be to lessen unemployment, promote self-sufficiency among the poor, and maybe even put a dent in poverty itself. For these reasons, I heartily endorse H.R. 2615, the Weatherization and Employment Act.●

Mr. MOORHEAD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Weatherization and Employment Act of 1983".

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 2, in line 4, strike out "1983" and substitute "1984".

Mr. OTTINGER. Mr. Chairman, this is a purely technical amendment. I have three of them.

This amendment would change the title of the bill from the Weatherization and Employment Act of 1983 to the Weatherization and Employment Act of 1984, because a year has passed since its original introduction.

I urge adoption of the amendment.

Mr. MOORHEAD. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FINDINGS

SEC. 2. The Congress finds that—

(1) rising energy prices have significantly reduced the real purchasing power of low-income individuals, particularly elderly and handicapped, in the United States to levels at which they are unable to acquire the necessities of life;

(2) low-income individuals and families are being forced to spend increasing proportions of their incomes on residential energy, often as high as 40 per centum;

(3) low-income Americans generally use less energy per capita than other Americans and have reduced their energy usage as much as possible; further savings can be achieved only through improvements to their dwellings;

(4) households with the lowest incomes lack the financial resources necessary to make energy conservation investments;

(5) housing occupied by low-income individuals is generally energy-inefficient, is usually older, and frequently in need of repair;

(6) the present weatherization assistance program is very effective in reducing the consumption or residential energy and easing the burden placed on these low-income households, but would be more effective and produce greater results if it were funded at a greater level;

(7) there are estimated by the Census Bureau to be approximately thirteen million low-income households whose incomes are at or below 125 per centum of the poverty income guidelines established by the Secretary of Health and Human Services and who have yet to receive Federal weatherization assistance;

(8) the large majority of the thirteen million low-income households live in dwellings which have little or no insulation and are in need of improvements to inefficient heating systems;

(9) without an expanded Federal weatherization assistance program, there will be an ever-increasing need on the part of the elderly and low-income households for energy assistance to help pay high residential energy bills;

(10) an expanded weatherization program can create over fifty thousand jobs annually and also create energy savings (the expenditure of which will produce up to two hundred and eighty thousand additional work years over the useful life of the energy conservation investment) and can provide training enabling new workers to enter the energy conservation industry;

(11) an expanded weatherization program could save as much as one hundred and thirty-five million barrels of oil (or the equivalent), a savings of $6,100,000,000 over the useful life of the energy conservation investment which low-income households would otherwise be obligated to pay on fuel bills;

(12) the money saved through energy conservation will be available for expenditure in other sectors of the national economy, thereby creating additional employment in those sectors.

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there amendments to section 2?

If not, the Clerk will read section 3.

The Clerk read as follows:

PURPOSE

SEC. 3. It is the purpose of this Act to expand the low-income weatherization assistance program to provide for weatherization assistance to low-income households which assistance will, over an eleven-year period, be sufficient to weatherize the remaining low-income dwelling units in need of weatherization and which will create additional employment in weatherization-related industries.

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute to H.R. 2615 is as follows:

AUTHORIZATION OF APPROPRIATIONS; PERFORMANCE FUND

SEC. 4. (a) Section 422 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. (a) There is authorized to be appropriated for purposes of carrying out the weatherization program under this part—

"(1) $500,000,000 for the fiscal year ending September 30, 1984 (reduced by any amount appropriated for such purposes for such fiscal year under section 1005(1)(C) of the Omnibus Budget Reconciliation Act of 1981); and

"(2) $500,000,000 for the fiscal year ending September 30, 1985.

"(b) Not later than 180 days after the date of the enactment of the Weatherization and Employment Act of 1983, and after notice and opportunity for public hearing, the Secretary shall develop and publish a plan for the implementation of the weatherization program under this part during the fiscal years 1985 through 1994. The plan shall include—

"(1) a detailed estimate of the number of dwelling units in each State which are eligible for assistance under this part;

"(2) an estimate of the rate at which such units will be weatherized under the plan (together with the estimated cost per dwelling and the estimated energy savings);

"(3) an estimate of the number of rental dwelling units eligible for assistance under this part, together with a review of (and recommendations regarding) any program changes which would be necessary to fully implement the program under this part with respect to rental dwelling units;

"(4) a review of (and recommendations regarding) the implementation of the program in hot climate regions of the country with respect to the life-saving and energy-saving measures to be carried out in such area; and

"(5) a method for measuring energy savings achieved by individual weatherization measures and combinations of measures.

The estimate under paragraph (2) shall provide for the weatherization of generally equal numbers of dwelling units for each year of the 10-fiscal-year period 1985 through 1994.

"(c) The President shall identify, in his annual budget submitted to the Congress prior to the commencement of each of the fiscal years 1986 through 1994, the funding necessary to carry out the weatherization program under this part in that fiscal year and the amount necessary to complete such program before the end of fiscal year 1994 in accordance with the implementation plan published under subsection (b).

"(d) There is authorized to be appropriated for each of the fiscal years 1986 through 1994 such sums as may be necessary to carry out the weatherization program under this part.

"(e) Every 2 years after the date of the enactment of the Weatherization and Employment Act of 1983, the Secretary shall submit a report to the Congress setting forth—

"(1) the number of dwelling units weatherized under the program under this part;

"(2) the average energy savings per dwelling unit which is attributable to such weatherization program;

"(3) information on the types of weatherization measures which have yielded especially high energy savings; and

"(4) recommendations for any legislative changes which are necessary for the program to achieve the goals of this part.".

(b)(1) The last sentence of section 414(a) of such Act is amended by striking out "The Secretary" and substituting "Except as provided in subsection (c), the Secretary".

(2) Section 414 of such Act is amended by adding the following new subsection at the end thereof:

"(c) Not less than 10 percent of the amount appropriated under section 422 for each fiscal year shall be allotted by the Secretary to a performance fund which shall be available only to provide financial assistance under this part to those States which the Secretary determines to have demonstrated the best performance during the previous fiscal year in providing weatherization assistance under this part. The Secretary shall make such determination on the basis of such information as may be available to the Secretary, with respect to the percentage of eligible dwelling units within the State which have been weatherized and the quality of the weatherization assistance provided. In assessing the quality of the weatherization assistance provided, the Secretary shall consider energy savings data supplied by the States and validated by the Secretary.".

UNEMPLOYED INDIVIDUALS

SEC. 5. Section 414(b)(3) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by striking out "(A) for securing" and all that follows down through "and (B)".

MAXIMUM EXPENSES

SEC. 6. (a) Section 415(c) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"(c) Not more than $2,000 of any financial assistance provided under this part may be expended with respect to labor and materials for a single dwelling unit, including (but not limited to)—

"(1) the appropriate portion of the cost of tools and equipment used to install such materials for such unit;

"(2) the cost of transporting labor, tools, and materials to such unit;

"(3) the cost of having onsite supervisory personnel;

"(4) the cost of making incidental repairs to such unit if such repairs are necessary to make the installation of weatherization materials effective; and

"(5) such other costs for labor, storage, and materials, and for conducting required inspections, as may be necessary.".

(b) Section 415(a) is amended by striking out the first sentence thereof.

DEADLINES FOR ASSISTANCE

SEC. 7. Section 418 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(c) In any case in which the program year for providing assistance under this part begins on January 1, the Secretary shall solicit the submission of State applications for assistance under this part (including assistance under section 414(c)) for each fiscal year not later than October 1 of that fiscal year and shall commence the disbursement of funds under this part before January 1 of that fiscal year and shall complete such disbursement before July 1 of that fiscal year. If legislation providing appropriations for assistance under this part is not enacted before October 1, the Secretary's solicitation of State applications shall be based on estimates derived from appropriations legislation pending as of October 1.".

MISCELLANEOUS PROVISIONS

SEC. 8. (a)(1) Section 414 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(d) Nothing in the last sentence of section 413(a), in subsection (b)(2) of this section, or in any other provision of this part shall be construed to limit the eligibility of low-income persons for assistance under this part to elderly or handicapped low-income persons.".

(2) Section 414(b)(2) of such Act is amended by inserting after "handicapped low-income persons" the following "and low-income individuals receiving assistance under the low-income energy assistance program".

(b) Section 413(b) of such Act is amended by adding the following at the end thereof:

"(5) The regulations promulgated under this section shall provide that any assistance made available to States under this part may be used for providing information, education, and technical assistance to the residents of low-income dwellings in which weatherization materials have been installed pursuant to this part. Such information, education, and technical assistance shall be for the purposes of insuring the proper maintenance and repair of such materials and shall include general information about energy conservation methods.".

(c) Section 416 of such Act is amended by inserting "(a)" after "416" and by adding

the following new subsection at the end thereof:

"(b)(1) the Secretary shall establish a program (including the award of competitive grants) to encourage the development of new methods to weatherize multifamily rental dwelling units which will result in benefits for both the owner and occupier of such units.

"(2) The program under this subsection shall include the funding of pilot projects based on the methods developed under paragraph (1).

"(3) The Secretary may utilize funds authorized to be appropriated under this part to carry out the program described in paragraphs (1) and (2) and to disseminate, through workshops and other appropriate means, information with respect to successful programs for the weatherization of existing multifamily rental dwelling units.

"(c) The Secretary may utilize in any fiscal year not to exceed 2 percent of the sums appropriated for such fiscal year under this part to make grants to local weatherization agencies to carry out field testing of promising energy saving methods and materials.".

(d)(1) Section 412(9) of such Act is amended by striking out "and" at the end of subparagraph (F), by redesignating subparagraph (G) as (H) and by inserting the following new subparagraph at the end thereof:

"(G) furnace efficiency modifications, including—

"(i) replacement burners, furnaces, boilers, or any combination thereof which, as determinated by the Secretary, substantially increases the efficiency of the heating system;

"(ii) devices for minimizing energy loss through heating system, chimney, or venting devices; and

"(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights,".

(2) Section 412(9)(H) of such Act (as redesignated by paragraph (2) of this section) is amended by inserting "(i)" after "technologies" and by inserting the following before the period at the end thereof: "or (ii) as any State determines, with the approval of the Secretary, have a high energy saving potential and will otherwise carry out the purposes of this part. The Secretary's approval of such a State determination may be made in connection with the Secretary's approval of the State's application under section 414 or at any other time.".

(3) Section 412(7) of such Act is amended by inserting at the end thereof: "In the case of any State which so elects in its application for assistance under this part, such term shall also mean that income which is at or below any income level established as a poverty level under any other Federal program which is being carried out in that State.".

(e)(1) Section 414(b) of such Act is amended by striking out "and" at the end of paragraph (3), striking out the period at the end of paragraph (4) and substituting "; and", and by adding at the end thereof the following:

"(5) submitted an appropriate plan for the training (without impairing the efficiency of weatherization delivery systems) of weatherization workers, crew supervisers, field staff, and program directors;

"(6) established policies, guidelines, and procedures designed to provide or arrange for inspections by persons trained to conduct such inspections by persons trained to conduct such inspections of eligible dwelling units at least once after installation of weatherization materials to determine whether the weatherization materials installed with financial assistance provided under this part:

"(A) were among those determined to be cost effective and appropriate in the preinstallation audit; and

"(B) have been installed in an effective manner to provide the likely achievement of the intended weatherization benefits; and

"(7) established policies for providing coordination between the program under this part and the Low-Income Energy Assistance Program, including provision for the exchange of lists of recipients of assistance by the State agencies involved.".

(2) Section 416(a) of such Act is amended by adding the following at the end thereof: "Funds made available under this section may be used for purposes of funding the training referred to in section 414(b)(5).".

(3) Section 416 of such Act is amended by adding the following at the end thereof:

"(c) The Secretary, in consultation with the Comptroller General, shall establish an effective system of monitoring State and local expenditures of funds under this part and shall promulgate regulations governing uniform reporting by local agencies of indirect costs, direct costs including labor and materials, administrative costs including outreach and certification, training costs and such other data as he may determine to be necessary.".

(f) Section 413(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(5) Notwithstanding paragraphs (3) and (4) of this subsection, the standards under paragraph (2)(A) shall provide that the procedures to be applied to each dwelling unit to determine the optimum set of cost-effective measures, within the cost guidelines set for the program, to be installed in such dwelling unit shall include any appropriate State procedures which are set forth in the State's application for assistance under this part and which are approved by the Secretary at the time of approval of such application.".

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 5, strike out lines 12 through 18 and substitute "$500,000,000 for the fiscal year ending September 30, 1985.".

Mr. OTTINGER. Mr. Chairman, this is another technical amendment. It strikes out the $500 million authorization for fiscal year 1984. Since fiscal year 1984 moneys have already been appropriated, it would seem logical that we do not need to authorize for them at this point.

I urge adoption of this amendment.

Mr. MOORHEAD. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer my last technical amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 10, strike out line 6 and all that follows down through line 13 and substitute:

"(c) The Secretary shall—

"(1) solicit the submission of State applications for assistance under this part (including assistance under section 414(c)) for each fiscal year not later than 90 days before the commencement of the program year,

"(2) commence the disbursement of funds under this part by the start of the program year, and

"(3) complete such disbursement within 180 days after the start of such program year.".

Mr. OTTINGER. Mr. Chairman, this is a technical amendment. It is an amendment to the provision in the bill which requires the Secretary of Energy to solicit State applications and disburse funds to the States in a timely fashion. Under the bill as adopted by the committee, if the program year starts on January 1, as it has in past years, the Secretary would solicit applications by the previous October and start disbursing funds by the 1st of January and finish disbursement by the 1st of July. Since we drafted the bill, the Department has changed the start of the program year to April. This amendment is intended to update this bill. It would remove the mention of specific dates and specify instead that solicitation of applications must take place 90 days before the start of the program year, that DOE must commence disbursement of funds by the start of the program year and complete such disbursement within 180 days after the start of the program year. The schedule is the same as that now in the current bill, but without mention of specific dates because those dates are now inappropriate, as I indicated, because of action taken by the Department of Energy to change the program year.

This is an important provision, since for at least 2 years in a row the administration has failed to disburse weatherization funds to the States until 3 or more months after the start of the program year, causing major disruption and layoffs in the program.

Mr. Chairman, I urge adoption of the amendment.

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Mr. GREGG. Mr. Chairman, I move to strike the requisite number of words.

I have no objection to this amendment but my concern is with the amendment as part of the entire bill. I just listened to the gentleman from Florida, who I admire and know has been a leader in this House for many years, many, many years, in fact. He made the point that we should be concerned about people.

I would have to ask him and other members of the majority party who bring a bill like this to the floor: You have been controling this House for

the last almost 30 years now and you have been taking proposals like this and bringing them to this floor on almost a regular basis, day in and day out. Yet you have not been able through this great Federal largesse to do anything other than create an outrageous deficit which has basically crushed the ability of the middle American and certainly the low-income American to survive in a time of high inflation and high interest rates such as we had at the end of the last Presidential leadership of that party.

I look at this bill and I come from New England. I know what cold is. It was 32° below zero on Saturday at my house, and my wife cannot get out of the house today because our driveway is completely frozen. My neighbors know what cold is and the people of New England know what cold is.

But we also know that creating an entirely new commitment when you do not have the funds to pay for that commitment, creating a program that is going to cost $28 billion over 10 years in what is basically a quasi-entitlement is a proposal that is going to do nothing to improve the lifestyle or the capacity of the person in New Hampshire or the Northeast to earn a living. It is going to do just the opposite; it is going to add aggressively to our deficit and, as a result, curtail this strong economic recovery that we have.

I have to ask you when you went home for the last 2 months, what message did you hear? From what I have heard from many Members on the liberal side of this House it was that we have to do something about deficits.

Deficits, deficits, deficits, that is what the American people are concerned about, and yet you bring out this bill which is partisan and political and intended for one sole purpose, because you know it is not going to pass the other body. It is intended for one purpose. It is to put on record people from my region of the country as to whether or not they will support something that is in name a nice idea but which is in substance superficial and inappropriate to the purpose and the task it is directed.

I think it is wrong. I think the American people should judge this House by the actions today as to what the agenda of this House is going to be, because it is pretty obvious that the agenda of this House is not going to be to address problems substantively. It is going to be to address problems politically and that is all this bill represents.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I now yield to the gentleman from New York.

Mr. OTTINGER. I fully expect that this bill will be passed in the other body. Its principal sponsor there is a Republican, the gentleman from Pennsylvania, Mr. HEINZ.

As you have heard here today, this is not a partisan matter at all. You had heard almost as many people from your side of the aisle support this legislation as from our side of the aisle.

To try and turn this into a partisan thing I think would be a great mistake. I think that this has been one of the most constructive programs for meeting a very real need.

People are freezing to death. You heard from the gentleman from Florida saying there are 50,000 people in this country who died of hypothermia last year, 50,000 people froze to death in this, the richest country in the world. To say we have to balance the budget on the backs of having people freeze to death just seems to me to be unconscionable.

You take 1 percent of the defense budget for this year, which is $238 billion, and you would more than pay for this program. So to say we cannot afford it I think is just nonsensical.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding. The statistic that 50,000 people died of hypothermia does not in any way prove that their deaths were in any way a result of lack of insulation in their homes.

I thank the gentleman for yielding.

Mr. GREGG. I yield back to the gentleman from New York to complete his statement.

Mr. OTTINGER. I thank the gentleman for yielding.

As the gentleman well knows, the Democrats did not invent deficits. We have never seen deficits so large as have appeared under the Reagan administration. And I do not hang that entirely on the Reagan administration.

The tremendous recession we have, contributed significantly.

But this is clearly not a partisan measure. It is a measure designed to attack in a most constructive way the real problem of people being unable to afford to meet their heating bills. And instead of paying those heating bills, as we do under the low income energy assistance, we put the principal accent upon fixing up the homes of people who cannot afford to do so.

The CHAIRMAN. The time of the gentleman from New Hampshire (Mr. GREGG) has expired.

(By unanimous consent Mr. GREGG was allowed to proceed for 3 additional minutes.)

Mr. GREGG. As the gentleman from New York knows, we presently have—this is not an issue of whether or not we have weatherization. This is an issue of whether or not we add a tremendous additional authorization, and additional program, to the weatherization proposal.

The issue is not whether or not we are going to have a program or whether or not we are going to add dramatically to the program. We already have in place a program which works very effectively, and that program, the funding level of which has been maintained at a fairly high level, I have voted for in the past and will continue to vote for it.

But to add $28 billion in new authorization over 10 years, at a time when everyone in this House acknowledges that the biggest issue this country faces going into the late 1980's is going to be whether or not we can bring down the deficit, to come here after we have been away for 2 months hearing nothing from our constituents except primarily the issue of how are you going to get this deficit under control, and to add a brandnew quasi-entitlement is, in my opinion, an attempt to simply address a political issue rather than address a substantive issue, which is the deficit.

If we are not willing to make some tough decisions in this House on both the defense side and social side, and I would join with my colleague on the defense issue. In fact, I voted against the last defense budget because I felt it was too high and I felt there was too much waste in it. But the fact is we cannot lay it all at the feet of defense.

Social spending has gone up 1½ times faster over the last 2 years than defense spending has gone up, and if we add this bill to that price tag it will even go up faster.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words.

I wonder if I could ask the chairman of the committee some questions on this particular legislation that is before us. The chairman knows that there were two bills before the Energy and Commerce Committee, one that came out of the subcommittee of the gentleman from Indiana (Mr. SHARP), and one that came out of the chairman's subcommittee.

Which piece of legislation are we dealing with here today?

There was at some point an agreement that the two would be merged, or you and the gentleman from Indiana (Mr. SHARP), would meet and try to reconcile the differences between those bills.

Mr. OTTINGER. Will the gentleman yield?

Mr. COATS. I yield to the gentleman from New York.

Mr. OTTINGER. We are dealing with the bill that emerged from the Energy and Commerce Committee.

Mr. COATS. That bill is the product of the Energy and Power Conservation Subcommittee or the Fossil Fuel Subcommittee?

Mr. OTTINGER. I think the gentleman is perhaps confused. The disagreement that occurred between the gentleman from Indiana and myself concerned formulas for the low-income energy assistance program, which is quite different from this. We failed to reach a resolution on that.

The version of the gentleman from Indiana (Mr. SHARP), was in fact adopted as a part of the Education and Labor provision. That was not the case.

This particular program comes out of my subcommittee.

Mr. COATS. So the amount authorized here in this bill is added to the legislation that emerged from our Subcommittee on Energy, Power, and Conservation?

Mr. OTTINGER. No. This is the authorization that emerged from the full committee after consideration by my subcommittee. It provides a level of spending of $500 million, which is about the equivalent of what was spent in 1980 on this program. At that time there was the equivalent of $400 million spent in 1980, but that includes using CETA labor funds.

It has been estimated for us that because of the higher labor costs that this is about the same level as then existed.

□ 1450

Mr. COATS. So the gentleman is saying that the $500 million authorized for 1984 is the same as the $400 million spent in 1983 but because we are no longer using CETA labor we had to add $100 million extra to compensate for that difference.

Mr. OTTINGER. That is the estimate that has been given to us.

Mr. COATS. If I could ask the gentleman a further question——

Mr. OTTINGER. It is in relationship, however, to 1980, rather then 1983 as the gentleman from Indiana indicated.

Mr. COATS. So the $400 million and $500 million is based on the difference between 1980 and 1984.

Mr. OTTINGER. That is correct.

Mr. COATS. It is based on the fact we do not have cheap CETA labor, so-called, available to do the weatherization that caused the increase in the cost. Why is there $100 million more? You said it was roughly equivalent. I am trying to figure out where the $100 million came from and where it is going to go to.

Mr. OTTINGER. There are a couple of factors. One is that it was not in the Department of Energy budget at that time. The CETA labor was not included as a cost in the program because it was paid for by the Department of Labor.

Mr. COATS. So, if it is costing us $100 million extra that is money going to pay labor costs for people insulating homes and weatherizing the homes, it is not going to result in any more homes being weatherized; is that right?

Mr. OTTINGER. That is unfortunately the case. But the CETA program in the wisdom of this body and the other body was canceled. We no longer have that as a resource that is able to perform this program. It means that if you want to keep people from freezing to death in the most constructive way you have to pay out of this program, rather than out of the Department of Labor, the labor costs.

Mr. COATS. I notice that the legislation has a provision for a $2,000 per unit cap expenditure. As the gentleman knows, we discussed this vigorously in subcommittee. And the question that I raised then was why the high cap since the average per-household expenditure last year was around $900? Why are we raising that cap up to $2,000? What more are we going to do to the homes that we did not do before?

Mr. OTTINGER. As the gentleman knows, this was the result of a compromise that we reached in the committee with the gentleman and with the gentleman from California.

Mr. COATS. I beg to differ with the gentleman. I did not compromise on that figure. I never suggested $2,000 as an acceptable limit.

Mr. OTTINGER. My bill had a cap of $2,500; I believe the gentleman's was $1,800 and we compromised on a figure of $2,000. I do not know whether the gentleman supported the compromise. I know the gentleman from California (Mr. MOORHEAD) did. And the reason for that is that in examining the actual results of these programs it was found that there were in some areas measures that could be taken that would be much more cost effective but would bring the total cost of installation in a particular household higher. For example, it was found one of the more effective things we could do in many homes is to repair or replace boilers.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. COATS was allowed to proceed for 3 additional mintues.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COATS. Mr. Chairman, I yield further to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

And this might, in individual cases, bring the costs up as high as $2,000 to be able to do the most effective, most cost-effective installation and weatherization of homes. If I may just finish on that point.

The CBO estimates that with the $2,000 cap, that the average cost of installation under the program will go only to $1,300.

Mr. COATS. If the average—if CBO estimates that the efficiency average is $1,300, why are we putting a cap of $2,000, particularly when the figures that we have indicate that there is not a State in the Union that even approached $2,000 in its expenditure for weatherization?

Is the gentleman saying that States, like my own State of Indiana which has a per-home average of $689, is not maximizing efficiency in its weatherization? We are very proud of our program. It has worked very well. And we are a cold State.

Mr. OTTINGER. First of all, under the program as revised in this bill there are more expensive measures that are authorized like replacing burners when they can be shown to be particularly cost effective. We are talking about averages and means that in some homes it may go up as high as $2,000 under this bill. In some homes it may be only several hundred dollars, if the more expensive measures are not found to be cost effective.

Mr. COATS. If the gentleman will yield back, my concern is that by raising the cap to $2,000 it will be an incentive for firms that are contracting to do weatherization to maximize the expenditure per home. It is certainly a lot easier, more profitable to plug in $2,000 per home whether it needs it or not. What we might end up doing is weatherizing fewer homes at a higher cost. We might goldplate a fewer number of homes and ignore basic weatherization that is needed on a broad basis of homes and I am concerned that that whole process is running this total up to $28 billion.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COATS. I will be happy to yield to the gentleman.

Mr. OTTINGER. I thank the gentleman for yielding.

First of all, the $28 billion that the CBO estimated is a fictitious figure, it is a maximum. It assumes that all 13 million homes would be weatherized.

Mr. COATS. Is the gentleman saying there are not that many homes that need to be weatherized?

Mr. OTTINGER. Well, I do not know. We are asking the Secretary of Energy in this bill to make a study and report to us, because some homes in fact have been weatherized by the utility programs like the RCS program which my friend from California likes so much.

Mr. COATS. So the CBO report is of no value to us?

Mr. OTTINGER. The CBO just gave what they were asked for. "What is the maximum cost of this program?" Yes; if you have to weatherize all 13 million homes at the current average

cost per-home level, that is what you could reach.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. COATS was allowed to proceed for 1 additional minute.)

Mr. COATS. Mr. Chairman, I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Chairman, one thing should be pointed out, that was not the maximum cost.

In the letter the CBO put out they said that the cost could go up, if inflation increased costs based on 1983 costs. So, we should not put it in the RECORD that that is the maximum. That is a maximum based on 1983 costs which could well go up 15, 20 percent.

Mr. COATS. Mr. Chairman, I do not want to drag this out unnecessarily. I cannot help but reiterate the points that have been make earlier, that we are placed here on the floor today and given the option of either weatherizing homes for the poor or voting against it. Obviously those who vote against it will be looked at as being insensitive to the poor, not caring about weatherization, when that is not the case.

I support weatherization. I think it is a cost-effective way of saving energy. I have supported that in the past. But, to come before us today with a $200 billion deficit and authorize a program that runs to 1994 at a maximum expenditure of $28 billion is unconscionable and this House should not do it.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. COATS was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

The gentleman asked a specific question. That is would raising the ceiling to $2,000 means that every State will spend up to that $2,000—would we have gold-plated programs? The answer is that under current ceilings, as the gentleman has indicated, the average expenditure is only $900, well below the ceiling.

So, I do not think we are likely to see that happen. Also we have required a stiff audit under the program.

Mr. COATS. Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support this measure.

Mr. Chairman, I rise in support of H.R. 2615, the Weatherization and Employment Act of 1983. This legislation extends and makes improvements in the present low-income weatherization program so that weatherization of the remaining 13 million eligible homes can be completed and Congress commitment to this vital energy conservation program can be fully realized.

Since the inception of the low-income weatherization program, the needs of low-income families and unemployed and unskilled workers have been answered. This two-pronged approach has been integral to the successful weatherization of approximately 1 million low-income homes and training of workers for entry into the energy conservation industry and related construction and maintenance fields. A recent manpower study commissioned by the Department of Energy shows that the weatherization program produces about 5,200 jobs onsite and in related manufacturing for each $100 million federally expended while providing an invaluable service to persons who would not otherwise be able to meet their fuel needs. That these workers are highly marketable after completion of their work in the weatherization program given the labor-intensive nature of the conservation industry speaks once again for the merits of this program.

Homes that have been weatherized through this program show energy savings of 15 to 30 percent, resulting in an average savings of 27 percent in the fuel bills of these low-income families. By directing the Secretary of Energy to develop a 10-year plan to weatherize the remaining households, this program could save an estimated 65 million barrels of oil, or $3.3 billion, annually. Changes in the existing program are aimed at achieving an improvement in the quality of service and training, and would allow for the use of new, cost-effective conservation technology.

As before, priority for assistance is granted to the elderly and handicapped so that these persons are assured the protection they so desperately need. For the above-mentioned reasons, I am pleased to support H.R. 2615, and I urge my colleagues to lend this measure their endorsement. Mr. Chairman, I urge passage of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PATTERSON

Mr. PATTERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PATTERSON: Page 11, line 21, delete the word "subsection" and insert in lieu thereof the word "subsections".

Page 12, in lines 11 and 16 strike out the closing quotation marks and period.

Page 12, insert the following after line 16:

"(d)(1) The Secretary shall establish a manufactured housing weatherization information program to encourage the weatherization of manufactured homes, both for owners and renters.

"(2) The program under this subsection shall include the funding of energy retrofit demonstrations, the dissemination of information through publications, and self-help training workshops on effective methods for weatherizing and conserving energy in manufactured homes.

"(3) The Secretary shall utilize funds authorized to be appropriated under this part to carry out the program described in paragraphs (1) and (2) through a national contractor working in cooperation with states, local governments, non-profit organizations, and businesses.".

Page 15, in line 9, strike out "(c)" and substitute "(d)".

Mr. PATTERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1500

Mr. PATTERSON. Mr. Chairman, I rise to offer an amendment to the bill, H.R. 2615. My amendment is quite simple. It merely authorizes the creation of a manufactured housing weatherization information program to encourage the weatherization of manufactured homes—or mobile homes—by both owners and renters.

There are about 4 million manufactured homes in this country as of the 1980 HUD mobile home survey. Of these, nearly three-quarters are owner occupied and one-quarter are rented. According to the survey, the median income for manufactured home owners is $12,000 and that of renters is $8,500. As of 1980, one-half of the homes had no storm windows, two-thirds had no storm door protection, and one-quarter had no attic insulation.

Well over 90 percent of the manufactured homes in the United States were constructed prior to the imposition of the energy performance standards in the HUD code. The HUD code is the set of construction standards to which all new manufactured homes must be built as required by the National Mobile Home Construction and Safety Standards Act of 1974.

Prior to 1976, the standards for manufactured-home construction, in common with standards for most building construction, did not emphasize measures for energy conservation. Consequently, the energy consumption of these manufactured homes is often expensive.

Weatherization can significantly improve the energy efficiency of such

manufactured homes. One study conducted by the State University College in Plattsburgh, N.Y. in 1979 found that a $764 retrofit resulted in a 48-percent reduction in fuel consumption. The payback period for the investment was 2 years. Granted a $764 retrofit in 1979 will cost much more in today's economy, the point is that significant reductions in energy use can be realized by weatherization improvements such as those envisioned by this bill.

Manufactured homes are constructed differently than site-built homes. They have many different insulation problems and thus, different weatherization solutions than site-built homes. Residents of manufactured homes need weatherization information specific to their manufactured homes.

For example, most manufactured homes sit on block foundations which can shift when subject to vibrations due to winds, frost, earthquakes, or other causes. If a foundation is not secure, cracks can result around doors and windows causing air leaks which lead to rapid heat or cooling loss. The proper way to secure a manufactured home to reduce energy waste from such air leaks is specific, necessary information for manufactured-home residents.

Manufactured homes that are not permanently affixed to the land need skirting to reduce air flow under the house, but the homeowner needs to be careful about which type of skirting to choose. The material in the skirting must be suited to climate conditions in the area to avoid rot, warp, or other reactions.

Many manufactured homes, particularly those constructed prior to 1976, have metal doors that can frost over due to lack of insulation. These doors can be rebuilt for a low cost or replaced with a foam-insulated door. In older manufactured homes, there are many air leaks around pipes and wires entering the home. Such leaks can be treated with insulation stuffing and caulking to tighten up the points of entrance.

Walls of manufactured homes can be removed easily, as opposed to conventional housing walls. For those built with 2×2 or 2×3 wall studs, the stud construction can be built out to accommodate additional insulation and then the wall can be remounted.

The metal roofs can be removed, built-up, insulated heavily, and replaced. Floors in manufactured homes can be insulated from below quite easily. And the home itself can be moved to obtain the best solar positioning.

Most of these tasks can be done for low cost with resulting high savings in energy costs. Ordinarily competent do it yourselfers equipped only with common tools can perform most retrofitting tasks with no professional assistance. The manufactured-home residents simply need to know what to do, how to do it, what it will cost, and what the payback will be. Unfortunately, this information is not well know. And is not available in ready publication form.

The purpose of my amendment is to assure that this information is available.

It is my intent in offering this amendment to create a program that will foster the dissemination of information that can be used by low- and moderate-income owners and renters to retrofit their manufactured homes in order to save on energy costs. It is my intent that the Department of Energy (DOE) will carry out this program through contract with a service provider with solid experience in weatherization demonstration and self-help training programs and the production of and dissemination of weatherization publications, such as the National Center for Appropriate Technology. Furthermore, it is my intent that funds expended for this program be used to conduct energy-retrofit demonstrations, produce and distribute information on manufactured-home weatherization techniques, and hold self-help training workshops around the country.

I would urge my colleagues to accept this amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. OTTINGER) at this time.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding.

I had the opportunity to look at the gentleman's amendment and think it is a good one.

We understand that a large percentage of mobile-home residents are low income and elderly. Because of the weatherization of these homes presents quide different problems from onsite-constructed housing, we would support an information program, which, as I understand, is what this is, for these people and I think it would be very constructive and I support the gentleman's amendment.

Mr. PATTERSON. I thank the chairman for supporting the amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I understand that the gentleman in his amendment does not define manufactured housing and I am trying to get some idea as to what the base of this is.

Would this include camping trailers? Would the definition of manufactured housing include camping trailers?

Mr. PATTERSON. Camping trailers? No, it would not.

Mr. WALKER. In other words, it is not specified in there, that is manufactured housing. There are some camping trailers which, of course, are housing and used as such. The gentleman is saying in terms of legislative intent that there is no intention to have camping trailers included?

Mr. PATTERSON. It would not be my intent to include camping trailers in this.

There is a definition which we would expect would be used and that is the HUD definition of manufactured housing.

Mr. WALKER. I thank the gentleman. If the gentleman would yield further, do I understand the gentleman is not adding any additional money to the bill; is that correct?

Mr. PATTERSON. The gentleman is absolutely correct.

Mr. WALKER. If the gentleman would yield further, does that mean then that any money for this program will have to come out of the weatherization of homes and all of the talk that we have had here a few minutes ago about the need to keep people from freezing to death will, in fact, be lessened by the fact that the money will now be spent on this information program rather than on actual weatherization?

Mr. PATTERSON. Well, I would not wish to have anyone freezing in their homes. This would come out of the funding for this bill; there is no additional funding. And if the amendment is not included within the bill, then you turn your back on 4 million Americans who live in mobile homes or manufactured housing.

Mr. WALKER. If the gentleman will yield further, I understand the gentleman's point and I am inclined to support his amendment, but I do think that it is necessary to point out that we get divergent viewpoints here. When some of us raise issues about the cost of the program, we are told we are preventing people from having their homes weatherized. In this instance, we are having money diverted from that purpose to another purpose and we seem not to hear those arguments.

I just want to make certain that we are clear that in fact this is money that would be diverted away from the weatherization program as such into the information program that I think the gentleman has adequately defended.

Mr. PATTERSON. Well, the gentleman asks the half-full or half-empty question. The half-full is what I would prefer to say—that whatever the money, this would include those within the half-full portion of having the opportunity of having information as to how to weatherize their homes, if they happen to live in manufactured housing. This does not presently exist.

Mr. WALKER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California (Mr. PATTERSON) has expired.

(By unanimous consent, Mr. PATTERSON was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from California.

Mr. MOORHEAD. I thank the gentleman for yielding.

What kind of an arrangement did the gentleman have in mind under the third paragraph when the gentleman speaks of a national contractor working in cooperation with State and local governments and so forth?

Mr. PATTERSON. It is my understanding that DOE has a national contractor that they work with on these matters and that we just refer to that language.

Mr. MOORHEAD. Is this by contract or bid?

Mr. PATTERSON. Bid.

Mr. MOORHEAD. To an engineering firm, or some kind of an organization?

Mr. PATTERSON. No, it would not be engineering. The engineering, the technology, and the standards are available in there today. What it would be is a firm through competitive bid would be able to see that the weatherization of manufactured homes be translated from its technical language, which is very difficult to understand, and presented, at the consumer level, to homeowners and renters who occupy mobile homes.

For example, if one would choose to go and say, "I wish to weatherize my home," you could get information on site-built homes today rather readily, but you could not get information on manufactured homes. And this would seek out the application of the technical standards which are required, put them in writing, layman's language, if you will, in brochures and make that information available to people in their mobile home parks and in their mobile home residences so that they could take advantage of the program.

Mr. MOORHEAD. I am not sure whether this is a good amendment or a bad one, but I think it is a very complicated one to tie onto this bill when we talk about national manufacturers and when we are diverting money from the legislation that is already very costly. We have heard the needs described. We are diverting money to this program and setting up additional Federal bureaucracy.

Mr. PATTERSON. I would be happy to delete the language that bothers the gentleman. It is only three paragraphs. I would indicate that it is a very simple bill. If the "through a national contractor" language bothers the gentleman and the gentleman would like to delete it, I would certainly accept that amendment.

Mr. MOORHEAD. No; I am not asking the gentleman to do that. That may even make it better than it is. But I do think we should have had hearings on something that goes this far in this direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. PATTERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: On Page 16, after line 2, add the following new section:

SEC. 9. Notwithstanding any other provision of this act, no funds are authorized to be appropriated under this act for any fiscal year unless the Secretary of the Treasury, in consultation with the Secretary of Energy, certifies to the Congress that expenditures incurred under such an appropriation will not result in an increase in the national debt of the United States.

Mr. GEKAS. Mr. Chairman, I now offer to the House of Representatives another golden opportunity to adopt as part of its fiscal responsibilities the pay-as-you-go budget policy.

Everyone in this House recognizes that the immediate expenditures for this program, the one that is now in place, the one that is now working, is about $468 million. That is a great chunk out of the natural resources of this country dedicated to a worthwhile program. And the 98th Congress has spoken on the merits of that program and has said, "Let's spend $468 million." And it is now part of the budgetary history of this 98th Congress.

I submit to my colleagues another well-known facet of this, that every dime we spend beyond $468 million represents an addition to the national debt. It adds to the deficit.

It worsens the chance for the economy of this country, now so aptly on the upswing, to reach its highest potential.

□ 1510

And so we are saying to you today, let us continue to adopt the weatherization program, the energy assistance program; but if we are going to spend one cent more then the $468 million that is now available to us, let us provide the wherewithal now, before an additional dime is spent beyond the $468 million.

Every family in the United States demands of its own household a pay-as-you-go budget. Every family, I submit to you, in the United States demands from its Congress the same kind of fiscal responsibility.

We are not abandoning the people who need weatherization and energy assistance. We are recommitted to that by the work of the 98th Congress. By providing this additional money, we are depriving the economy of a better chance to help those same income people whom we are trying to help with weatherization, because as we rob the borrowing capacity and the credit availability of our fellow citizens through the exacerbation of the deficits and the worsening of the national debt, we are hurting the very same people that are crying out, need this additional money.

Help the people that we intend to help by sustaining the present program, and then say to yourselves, "I will not as a Member of Congress add another penny to the national debt." Let us pay as you go by adopting this amendment. Then we can all leave this Congress saying that we are for this program but, by golly, we are going to show the muscle with which we are going to make sure that it is pay-as-you-go.

This is what Americans of all stripe in very corner of the country want us to do. It is time to start pay-as-you-go, and this is an excellent opportunity to do so.

I ask for a unanimous and voice-vote acceptance of this amendment.

Mr. OTTINGER. Mr. Chairman, regretfully I have to oppose the amendment.

The effect of this amendment, perhaps not intended by its author, would be to strike out all funds for weatherization, because the entire program for weatherization is authorized in this act.

So when the gentleman says that, notwithstanding any other provision of this act, no funds are authorized to be appropriated under this act for any fiscal year in which there is a deficit, and which, as he puts it, would not result in an increase in the national debt of the United States, since we cannot anticipate any such circumstance, it means that this is the equivalent of saying that no funds should be spent for weatherization at all.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, we ascribe to the Secretary of the Treasury and to the Secretary of Energy, I hope, more commonsense than the 98th Congress will be employing in adopting this measure without my amendment.

There is no question that this is not a clear balance sheet that we have, in the form of my amendment; but it is a step in the right direction when we say to the Secretary of the Treasury and to the Secretary of Energy that "You know that we have applied $468 million and that the Congress has adopted $468 million. Anything over and above that figure you must certify to us will not add to the national debt."

Mr. OTTINGER. I will take back my time and reply to the gentleman. He might have drawn an amendment to achieve what he desires, and that is to say that any increases over current expenditures authorized would not be permitted, provided that they added to the national debt. But that is not what he said. Therefore, if this amendment were adopted, the entire weatherization program would go down.

Furthermore, let me point out that there is no expenditure, no authorization to which such a certification could be made.

If the gentleman were to offer an amendment such as I suggested, we would, of course, oppose it, because any program for which money is expended, it could be argued, contributes to the national debt. It has to be offset by either cuts in other expenditures or by revenue if it is not going to have that effect, if the individual act of authorizing or appropriating funds by and of itself of necessity would not add to the national debt. So the gentleman is saying, in effect, he does not want the bill. And I can understand that, and he is free to vote against it. But this amendment is particularly insidious. The gentleman certainly would not be arguing that in respect to the defense bill.

Mr. GEKAS. I certainly would. The gentleman and I can work together on several facets of that defense budget in the same vein.

If the gentleman will yield for just a moment, the gentleman has done me a tremendous service and this 98th Congress a tremendous service in agreeing with me that the legislative intent of this amendment is that any money spent over the current sums allocated for this program; namely, $468 million, constitutes a worsening of the national debt situation. That is the legislative intent of my amendment. The gentleman has confirmed that by saying that it should have stated it in a different way but recognizes that that is what it is all about.

I ask, then, the House of Representatives to adopt unanimously the legislative intent embodied in my amendment.

Mr. OTTINGER. Unfortunately, we cannot adopt legislative intent. We have to follow the words that the gentleman has provided.

Mr. Chairman, I strongly urge defeat of the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have just heard the typical big spender argument for not doing anything that might try to contain spending by the Congress. Every time we come out here with a new program and every time the issue is raised that somehow this adds to spending, we are told that yes, the deficit is important, but it is not important on this bill.

All this does is say, pay as you go. All this does is say that the Secretary of the Treasury, in consultation with the Secretary of Energy, can certify that, in fact, there is a deficit add on connected with this program and thereby make certain that funding which does add to the debt does not get spent.

Now, after hearing all of the complaints—and we have heard them in the debate here today—about the so-called Reagan deficits, it seems to me that the very least that we would want to do is to adopt an amendment of this type which says that we want to keep our spending under relative control, that we want to do something to assure that this Congress does meet its responsibilities in the spending area. That is all this amendment says. If we are going to have $28 billion worth of spending over the next 10 years, or the possibility, all this says is, let us do it with some recognition that we have got a major debt problem out there, that we have got a major deficit problem out there, and treat it accordingly.

To vote against this amendment is to say that this program is sacrosanct, that it should be allowed to be a deficit add on for the next 10 years, Katie bar the door, full speed ahead. If you adopt this amendment, you are saying at least we ought to have some fiscal responsibility in this body and ought not be adding to our debt with new spending which goes much too far.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, first of all, I would like to reemphasize, so that the people watching or listening can be aware, that the way this amendment is worded, the entire weatherization program would be eliminated.

Second, I regret the gentleman making a partisan issue out of this, because the bill clearly, from its sponsorship and from those who have spoken here on the floor, enjoys bipartisan support.

I would like to point out that the Republican Congressional Committee has, in fact, been on both sides of this issue. While you criticize the high spending that might be required on weatherization, I would like to read you a news release called News from the National Republican Congressional Committee, Guy Vander Jagt, chairman. The headline is: "Stan Lundine Votes Against School and Hospital Weatherization Assistance Funds."

The National Republican Congressional Committee today sharply criticized Stanley Lundine for voting against legislation which would provide an additional $135 million for school and hospital weatherization assistance.

Mr. WALKER. If the gentleman will allow me to reclaim my time, I would say to the gentleman that he is the one making it into a partisan issue. This gentleman did not even mention anything about party politics. I referred to big spenders. If the gentleman thinks that that classifies one political party, that is the gentleman's problem. But this gentleman did not make any reference whatsoever to party politics.

Mr. OTTINGER. If the gentleman will yield further, the gentleman said that we were describing deficits as Reagan deficits, which is why I referred to it in the way that I did.

Mr. WALKER. Once again, Mr. Reagan is President of the United States. The gentleman was characterizing them as his deficits. I would certainly want to characterize any deficits as being congressional deficits because Mr. Reagan cannot spend 1 dime that this Congress does not appropriate. Anybody who reads the Constitution understands that. So that is really not the question here. This gentleman made no partisan references, and I am disappointed that the gentleman would see fit to attempt to inject party politics into what is a very essential issue. And certainly one of the great essential issues facing us is not only a question of weatherization, be it something the Republican Congressional Committee raised or anybody else, but is also the issue of deficits. And anybody who has been home talking to their constituents over the last 9 weeks knows that that is the chief issue that their constituents are concerned about and knows that they want something done.

All this amendment says—and the gentleman from Pennsylvania has made clear what his legislative intent is—we are going to respond to that need by assuring the American people that on this bill at this time we are going to not add to debt. It seems to me that that is a totally logical position to take. It is certainly a position which is in the policy interests of the American people and one that the vast portion of them would endorse.

I would be glad to yield further to the gentleman.

□ 1520

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, if this amendment were adopted, it is quite clear there would be no expenditures for the Government, for defense or any other purpose.

The CHARIMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, the effect of this amendment, regardless of its author's intent, is to say that no money at all can be spent for weatherization authorized by this Act.

Mr. WALKER. Mr. Chairman, if I may reclaim my time, the gentleman, of course, is characterizing the actions of the Secretary of the Treasury and the Department of Energy as being that they would cancel the entire program. I do not think there is any indication that that would be the case. That is something that would be decided under this amendment. It is a perfectly appropriate amendment.

I think the gentleman mischaracterizes what would be the final result of the program.

Mr. MAVROULES. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. WALKER) be given 1 additional minute so I can enter into this colloquy?

The CHAIRMAN. Without objection, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 1 additional minute.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I think in part the amendment has some merit, but I am going to just ask this question. In view of the last 3 years, and defense spending having gone up about $122 billion, and much of that necessary for the security of our country, is the gentleman saying he is prepared to do this when we come before this House with a Defense authorization bill and appropriation bill; that we are going to ask the same kind of thing and the same kind of authorization certification?

Mr. WALKER. Mr. Chairman, I will be very glad to yield to the author of the amendment, the gentleman from Pennsylvania (Mr. GEKAS). It seems to me that he might want to speak to that question.

Mr. MAVROULES. I just want to get that on the record because we certainly are going to have much to talk about in the months to come.

Mr. WALKER. Mr. Chairman, I will simply say, and then I will yield to the gentleman, certainly the gentleman from Massachusetts would be privileged to come to the floor with such an amendment. The same arguments could be made certainly with regard to defense.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, the pay-as-you-go concept has been determined by this Member of Congress to apply to any new spending beyond current authorizations. Insofar as that criterion will apply to military spending or the White House itself, or for the expense accounts of Members of Congress or whatever, I would want to apply it to an item-by-item basis as it occurs.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. GEKAS. If the gentleman will yield further, beyond that, I say to the gentleman, if the gentleman from New York is so afraid of the language and what its outcome would be, I am willing to ask unanimous consent now to adopt his version of what it should be by way of amendment to my amendment on the spot, here and now.

I ask the gentleman from New York to join me in crafting the language with his five or six counsel members over there so that we can do it to satisfy his fears, where I think no fear exists.

Mr. OTTINGER. Mr. Chairman, will the gentleman from Pennsylvania (Mr. WALKER) yield to me?

Mr. WALKER. I would be very glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, as I indicated when I said that the gentleman's language was faulty, even if it applied only to additional amounts spent, we would have to support it because we are in favor of spending these additional amounts in order to weatherize people's homes.

Mr. GEKAS. I thank the gentleman for being candid. The gentleman is opposed to keeping a freeze on the present level of spending for this program.

Mr. OTTINGER. Absolutely.

Mr. GEKAS. I think the issue is clear cut. What the gentleman should do is vote to increase the national debt. I thank the gentleman.

Mr. OTTINGER. No; not ncessarily.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Obviously, Mr. Chairman, the purpose of this amendment is to point out the tremendous problems that we are having with this bill and with many others in escalating the Federal budget and Federal expenditures.

In 1980, we spent about $199 million on weatherization. It was $196 million in 1981, but by 1983 it had leaped to $438 million, and if this bill is passed, it will be almost to the $800 million level for 1984, with the prospects of expenditures in the years that follow to be several times that amount.

We already know that we have a health program, the cost of which is going up rapidly, almost multiplying at least from decade to decade if not from year to year. We have a food stamp program that is going up at the same rate. Every area of Government seems to have greater need, and as we spend more and more money, our economy gets into trouble, such as the last recession that we just went through that caused so much hardship for so many of the very seniors that we claim that we are trying to help.

We are told by economists that it is very important that we keep our deficits under control; unless we do something about it, we have serious problems ahead, and that saving money and expenditures is the very best way that we can do it. This program moves exactly in the opposite direction from where we are told we are going to have to go, if we want our senior citizens to be free from inflation and to be able to live happy lives in their older days, if we are going to be able to keep a strong economy so people can find jobs.

I do not know this amendment is the best way that we can reach that goal, but it certainly reaches out in that direction, and I think the gentleman is to be commended for his amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Gekas amendment.

Mr. Chairman, I rise in strong opposition to this amendment. This body had the opportunity in the first half of the 98th Congress to vote for pay-as-you-go budgets and rejected those particular opportunities. This is an isolated case of trying to, I think, co-opt the phraseology with regard to and with the support that is building up to that particular concept.

This is at best only a piecemeal effort, half-hearted, with regard to addressing this very serious problem of the deficit. There are Members in this body who favor a pay-as-you-go budget, which I do not think, incidentally, this particular language accomplishes, I think it would be better to focus on the budget process in terms of attaining that particular goal.

Rather than a pay-as-you-go budget, this amendment seems to be a policy or a provision that would be written in the law that would hand over the responsibilities of this body to the Secretaries of the Treasury and Energy to make unilateral decisions with regard to this very important program, the Weatherization and Employment Act.

I would hope that this body would not accept that particular method of expressing their dismay and concern

about the deficit. I think it would be much more properly focused in the budget process where we would treat each program with a similar method providing that revenues be brought forward to pay for the increases in program. I think it is going to take some effort in that context which will address the deficit concern, but this is simply, although I think the intentions of the gentleman from Pennsylvania are good, an amendment the consequences of which would be devastating. It really tortures the logic behind the pay-as-you-go budget and undermines the policy in this weatherization legislation a most important program for many of our constituents, and perhaps one of the only hopes they have to meet the increasing energy costs that we are experiencing this legislation is an important component in assisting low-income individuals to cope with the winter heating season. In expanding the authorization to $500 million in fiscal years 1984 and 1985, this bill recognizes the great need that still exists in supplying weatherization assistance.

I am pleased to have joined in cosponsoring H.R. 2615. Representative OTTINGER and the Committee on Energy and Commerce have done fine work in improving the quality of the program and its ability to meet identified needs. They have crafted legislation which sets the goal of reaching all eligible low-income households during the next decade. By setting more realistic expenditure levels per household, they will be allowing local service agencies to more comprehensively meet low-income needs. Additionally, this legislation provides a job-training component to assist in the development of a viable weatherization service industry.

Coming from Minnesota, which has one of the highest per capita expenditures for energy use in the Nation, I have learned firsthand the vital work the low-income weatherization program does. Ramsey County, Minn., which I represent and which includes the city of St. Paul, has had an excellent ongoing weatherization program administered by Ramsey Action Program, Inc. In 1983, alone the county program weatherized 1,551 dwellings, assisting 4,661 people at an average cost per unit of $1,350. Of those assisted, 38 percent were minority, 42 percent elderly, and 5.9 percent handicapped individuals. These statistics are representative of the work that has been undertaken in the past several years. Still, the need for weatherization persists. Right now, the county program has a backlog of 1,300 homes documented and waiting to be weatherized. Yet, the county program has funds available to weatherize only 200 of these homes. U.S. Department of Energy assistance has run out and the program has been forced to cut its staff of 59 to 39 people. Not only is not the need being met, but the laid off individuals were part of a training program carried out with the help of local labor unions.

Weatherization assistance is a long-term investment providing significant assistance to low-income households. Because of their economic status, dwellings maintained by low-income individuals represent a lot of our least energy efficient housing stock.

I hope the House can move expeditiously in meeting the identified need that exists by passing H.R. 2615.

□ 1530

Mr. Chairman, because we have an aggressive program, because we have an effective program, I think that this legislation which is represented and presented in a bipartisan manner and spearheaded by my good friend, the gentleman from New York (Mr. OTTINGER), should be adopted. I hope that this body will reject this amendment and strongly vote to pass this measure, H.R. 3615, which I am proud to be a cosponsor of.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say, first of all, that I think this debate on the second day of the session is probably a useful starting point for this whole year, and I think the gentleman from Minnesota has raised a very legitimate point. This is, I think, from the standpoint of his constituents, a very important piece of legislation.

Let me suggest that one of the problems we face in this Congress is that no one, to the best of my knowledge, in the history of the Congress has ever come to the floor for an unimportant piece of legislation. There is not a single program in the Federal Government which is irrelevant to the people for whom it is relevant.

There is not a single piece of spending, whether it is voting a ship for the Navy, or whether it is building a lock for a barge on the Mississippi, or whether it is weatherizing in the North, or whether it is helping with crop problems in the South, that is not relevant. Everything that happens in this Congress has its constituency, and in fact the whole system is designed brilliantly, I think, as Madison points out in the Federalist No. 10, to insure that all of us will come here and speak for our constituencies.

That gets us down to the very central crisis in American budgeting today, which is that the Congress, I think with considerable sincerity, in 1974—some of the wisest men we have elected to this Congress, to this body and the other body—got together and tried to design a straitjacket which would allow us to step out of our particular roles as spokesmen for unique interests. They tried to design a budgetary process which any reasonable man or any reasonable woman has to conclude has failed, because what we have learned to do very quickly is to logroll the budget just as we logroll everything else, because now what we do is, the minute we try to talk about aggregates and what we should do as a Nation, with the help of our friends in special interests and our friends in the press, we rapidly break that down into a series of specific items so that there is no ability to control the whole.

Then we come in reverse fields and we come to the specific items. We discover very quickly that we cannot control it in specifics. If we try to control defense, two-thirds of those who are conservative leap up in defense either of their industries or of their particular ideological belief or of their legitimate concern for the Nation. If we try to control it in discretionaries—and there certainly has to be a discretionary—then we find that it is not discretionary, that in fact we have no discretion at all as a body. If we try to deal with the entitlements by definition, since they are entitled, how can we stop people from getting what they are entitled to?

So we discover, since the Constitution requires us to pay interest on the debt, that there is in fact nothing we can do. We are each paid a large and increasing salary for the privilege of being impotent, and so we gather together to confess our inability.

Let me suggest, as the gentleman from Massachusetts, who has been, I think, an able Member of this body, was asking earlier—and it was a good question—that those on my side of the aisle should be asked, have we really got the courage to take on defense? Have we really got the courage to look at problems of procurement? I know the gentleman from Minnesota raised very cogent questions in the last 3 years on precisely questions of defense procurement.

But we should also say to those on his side of the aisle: "Is every single piece of domestic spending that you bring to the floor going to be sacred?"

Are we, in fact and in effect, adopting Hinduism as a religion in this country so that there are only sacred cows in existence? Is there not a single bill that is worthy of looking at a second time?

I say with all due respect to the chairman of the subcommittee that there is not a subcommittee in this body which does not do a brilliant and meaningful work, as will be attested to by both the chairman and the ranking member. There is not a committee in this body which does not do significant and meaningful work, and there is certainly not a staff in this body that does not scrutinize every line with elegance and with integrity.

Now, having said that, we then have one of three choices. Either we as a nation are happy with the way things are going, in which case we ought to continue business as usual and the exercise a number of us are trying to start up over here ought to just disappear because, after all, we face prosperity and only 11-percent interest rates and only $180 billion in deficits, and nothing serious is wrong with the American Nation; or—and I say this in all seriousness—in fact we are walking on very fragile ice and the entire weight of the Western World is on that ice with us, and we should have the courage on the left to look at domestic programs, including discretionary items, and we should have the courage on the right to look at defense, and there should be no sacred cows for this year.

And if we have to put our jobs on the line, so be it. Most of us could earn more money doing something else. Most of us might not get as many occasions to speak, but then, if you are a college professor, as I was, you could even find that opportunity.

So, Mr. Chairman, I would say in closing that we are deliberately starting this exercise in the first 2 days of the session to say to the leadership on both sides, to the ranking members and the chairman on both sides, let us systematically, with every bill that comes through this body, really ask ourselves the question, is this, too, so sacred that it cannot be amended? And I think this bill would be a good place to start.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. GINGRICH was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman be so kind as to yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's remarks and his thoughtful reflections on the proposal as we begin the session, but I think that if one looks at the language we have before us, really we find that that language aggregates these responsibilities and gives them solely to the administration. I, for one—and I would hope that includes the gentleman—am not willing to give that up.

I think that the budget process has not been as unsuccessful as the gentleman points out. As a matter of fact, I think that when the Senate and the House did come to agreement, we did not fulfill that particular agreement with regard to the budget resolution, and I suggest that there is room for improvement with regard to working with the administration, with the other end of Pennsylvania Avenue.

But I think it is inappropriate, in my judgment, to pick up one or two programs, and I think that is what is going on with regard to this particular type of amendment. It is not universal, and it has to fit within the context of the budget process.

Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 1 additional minute.)

Mr. GINGRICH. Mr. Chairman, I will take this time to respond to the gentleman from Minnesota (Mr. VENTO).

Let me say again in all seriousness—and I do so really to set the tone, if we can, for this year, because I think we ought to try to tackle these things seriously—that I think the gentleman from Pennsylvania (Mr. GEKAS), who is in the minority, would be more than delighted to withhold his amendment, which may well offer ground for improvement, if either the gentleman from the majority or the gentlewoman from the majority would like to offer a substitute amendment of better quality, or if the chairman of the subcommittee would like to pull the bill for simply 1 day and revise it. We have two or three other amendments we would like to offer, and we would be perfectly happy to find the right language.

I say to the gentleman, I do not object to your defeating us because in the end you do not want the bill to be amended in certain ways, but if you try to hide behind the smokescreen of technical writing or the idea of fashioning it better, I can assure the gentleman that all of us on our side will again and again this year offer to pull any specific amendment or to have you write an improved substitute, because our interest is in crafting better ways of governing this country, not in playing tit-for-tat games. As I said, I am certain—and the gentleman is nodding yes—that we would be delighted to either pull the whole bill for 1 day or to accept a Democratic substitute.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has once again expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The question was taken, and on a division (demanded by Mr. GEKAS) there were—ayes 11, noes 6.

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1550

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 4]

Ackerman	Conable	Frank
Addabbo	Conte	Franklin
Akaka	Conyers	Frost
Albosta	Cooper	Fuqua
Anderson	Coughlin	Garcia
Andrews (TX)	Courter	Gaydos
Annunzio	Coyne	Gejdenson
Anthony	Craig	Gekas
Aspin	Crane, Daniel	Gephardt
Barnard	Crockett	Gibbons
Barnes	Daniel	Gilman
Bartlett	Dannemeyer	Gingrich
Bateman	Darden	Glickman
Bates	Daschle	Gonzalez
Beilenson	Daub	Goodling
Bennett	Davis	Gradison
Bereuter	Dellums	Gramm
Bethune	Derrick	Gray
Bevill	DeWine	Green
Biaggi	Dickinson	Gregg
Bilirakis	Dicks	Guarini
Bliley	Dixon	Gunderson
Boehlert	Donnelly	Hall (IN)
Boggs	Dorgan	Hall, Ralph
Boland	Dowdy	Hall, Sam
Boner	Downey	Hamilton
Bonior	Dreier	Hammerschmidt
Bonker	Duncan	Hansen (UT)
Borski	Durbin	Harkin
Bosco	Dwyer	Harrison
Boucher	Dyson	Hatcher
Boxer	Early	Hawkins
Britt	Edgar	Hayes
Brooks	Edwards (AL)	Hefner
Broomfield	Edwards (CA)	Hertel
Brown (CA)	Edwards (OK)	Hightower
Brown (CO)	Emerson	Hiler
Broyhill	Erdreich	Holt
Bryant	Erlenborn	Hopkins
Burton (CA)	Evans (IA)	Horton
Burton (IN)	Evans (IL)	Howard
Byron	Fascell	Hoyer
Campbell	Fazio	Hubbard
Carney	Feighan	Hunter
Carper	Ferraro	Hutto
Carr	Fiedler	Hyde
Chandler	Fields	Ireland
Chappie	Fish	Jacobs
Cheney	Flippo	Jeffords
Clarke	Florio	Jenkins
Clinger	Foglietta	Jones (NC)
Coats	Ford (MI)	Jones (OK)
Coelho	Ford (TN)	Kaptur
Coleman (TX)	Fowler	Kasich

Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Spence
Spratt
Staggers
Stangeland
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (MT)
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1610

The CHAIRMAN. Three hundred sixty-five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania (Mr. GEKAS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 205, not voting 60, as follows:

[Roll No. 5]

AYES—168

Albosta
Andrews (TX)
Archer
Barnard
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boner
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carper
Chandler
Cheney
Coats
Coleman (TX)
Conable
Cooper
Courter
Craig
Crane, Daniel
Daniel
Dannemeyer
Darden
Daub
Derrick
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Flippo
Fowler
Franklin
Gaydos
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hatcher
Hefner
Hightower
Hiler
Holt
Hopkins
Hubbard
Hunter
Hutto
Hyde
Ireland
Jenkins
Kasich
Kazen
Kemp
Kindness
Kolter
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
McCandless
McCollum
McEwen
McGrath
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Neal
Nelson
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Quillen
Regula
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Spence
Spratt
Stangeland
Stratton
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (GA)
Valentine
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zschau

NOES—205

Ackerman
Addabbo
Akaka
Anderson
Annunzio
Anthony
Aspin
Barnes
Bates
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carney
Carr
Chappie
Clarke
Clay
Clinger
Coelho
Conte
Conyers
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
Dellums
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hamilton
Harkin
Harrison
Hawkins
Hayes
Hertel
Horton
Howard
Hoyer
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Roukema
Roybal
Russo
Sabo
Schneider
Schroeder
Schumer
Shannon
Sharp
Shelby
Sikorski
Simon
Skelton
Smith (FL)
Smith (NJ)
Snowe
Staggers
Stark
Stokes
Studds
Swift
Tallon
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Young (MO)

NOT VOTING—60

Alexander
Andrews (NC)
Applegate
AuCoin
Badham
Bedell
Breaux
Chappell
Coleman (MO)
Collins
Corcoran
Crane, Philip
de la Garza
Dingell
Dymally
English
Foley
Forsythe
Frenzel
Gore
Hall (OH)
Hance
Hansen (ID)
Hartnett
Heftel
Hillis
Huckaby
Hughes
Johnson
Kramer
Lantos
Leach
Lipinski
Lowery (CA)
Marriott
McCain
McCurdy
McKinney
Moakley
Nichols
Pursell
Ritter
Roberts
Rostenkowski
Savage
Scheuer
Seiberling
Siljander
Smith (IA)
Solarz
Solomon
St Germain
Stenholm
Synar
Thomas (CA)
Vander Jagt
Whitten
Williams (OH)
Wilson
Winn

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Philip M. Crane for, with Mr. Solarz against.

Mr. Badham for, with Mrs. Collins against.

Mr. Corcoran for, with Mr. Savage against.

Mr. McCain for, with Mr. Lantos against.

Mr. Marriott for, with Mr. Moakley against.

Mr. Thomas of California for, with Mr. Dymally against.

Mr. MOLLOHAN changed his vote from "aye" to "no."

Mr. CAMPBELL, Mr. O'BRIEN, and Mrs. SMITH of Nebraska changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto end at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Chairman, reserving the right to object, I know of at least three amendments on this side. If one of those gets subjected to a rollcall vote, that would wipe out the possibility of two amendments being considered. In each case it seems to me that that would be somewhat unfair. They are not amendments that were printed in the RECORD, but they are amendments that we do have prepared.

Would the gentleman be prepared to extend that time a little bit? That certainly is not sufficient time to get three amendments considered.

Mr. OTTINGER. Mr. Chairman, I would then ask unanimous consent that all debate on this bill and all amendments thereto end at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: On page 16, after line 2, add the following new section:

SEC. 9. Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year until the recommendations made the President's Private Sector Survey on Cost Control (the Grace Commission) which affect or are related to the programs under this Act have been implemented.

□ 1630

Mr. OTTINGER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from California (Mr. DANNEMEYER) is recognized for 5 minutes in support of his amendment.

Mr. DANNEMEYER. Mr. Chairman, I do not think the Members of the Committee can hear.

The CHAIRMAN. Will those Members having conversations in the aisles just remove them to the cloakrooms, please?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, is the lack of order from the Democratic side of the aisle cutting into the time that we have available to debate these amendments?

The CHAIRMAN. The Chair would observe that up until the last 30 seconds there has been disarray in the entire House.

Mr. DANNEMEYER. Mr. Chairman, in case there may be somebody in the Chamber who has not read this bill in its entirety, I am going to read just a very small portion of it found on page 7 so that our attention can be drawn to truly what we are about. I suspect there may be one or more in this Chamber who are not aware that we are creating with this authorization measure a new entitlement program of just awesome dimensions.

On page 7, lines 8 through 11, the following language appears. Now, listen to this:

There is authorized to be appropriated for each of the fiscal years 1986 through 1994 such sums as may be necessary to carry out the weatherization program under this part.

We are giving a blank check for such sums as may be necessary to cover weatherization programs under this part. Well, how much is that?

The Department of Energy has calculated that there are 13 million homes in America that are eligible for this coverage. That extrapolates to appropriations necessary to implement this bill of $28.5 billion from 1984 to 1994.

Does anybody want to go out of this Chamber and face the electorate with the knowledge that he, by voting for this bill, is authorizing new spending of $28.5 billion from 1984 to 1994?

Mr. Chairman, I do not think there is order in this Chamber. I do not think the Members want to hear this. Some of my colleagues are leaving because this news distresses them.

So what this amendment really does is improve this bill in a very important way by saying that we cannot really spend the money under the bill unless we implement the recommendations of the Presidential Grace Commission that may relate to this particular program.

I do not see anything wrong with that. It does not say we cannot spend the money; it just says, as a matter of principle, that we are not going to spend the money under this program unless we implement the recommendations of the Grace Commission as it may pertain to this particular program. The Grace Commission completed its report to the President last month. This will give the House of Representatives a chance early this year to state as a matter of principle as to whether or not we want to enforce and implement the recommendations of the Grace Commission.

I suspect there may be a few people in this Chamber who are serious about their claim that we want to do something about the deficit. The Grace Commission recommendations suggest that if we implement them all in the next fiscal year, the fiscal year starting October 1, 1985, we can save roughly $75 billion.

There are some tough choices in there; I do not deny that. But I do not know how we are going to avoid cutting the deficit unless we are willing to make some hard choices. This amendment just says as a policy measure that we in the House are serious about the deficit, we intend to look seriously at the work product of the Grace Commission, and we are going to say in this bill, by this amendment, that none of this money will be spent unless we implement the recommendations of the Grace Commission as they may pertain to this program.

Mr. Chairman, I think this is a reasonable amendment and I ask for your support.

POINT OF ORDER

Mr. OTTINGER. Mr. Chairman, I will insist on my point of order.

The amendment prohibits all authorizations apparently to the entire government for any fiscal year until the recommendations made in the President's private sector survey on cost control which affect or relate to programs under this act have been implemented. I do not know that there are any such recommendations, but clearly this goes well beyond the scope of the current act and is not germane.

The bill before us merely amends portions of the Energy Conservation and Existing Buildings Act of 1976 dealing with the low-income weatherization program. Since this amendment would apparently affect all authorizations for all programs, under rule XVI, clause 7, it is not germane.

The CHAIRMAN. Does the gentleman from California (Mr. DANNEMEYER) wish to be heard on the point of order?

Mr. DANNEMEYER. Mr. Chairman, I am always impressed with the arguments of my colleague from New York (Mr. OTTINGER) but I will have to confess I had a hard time hearing him. There was so much turmoil going on in this Chamber that I could not hear what the gentleman said.

Mr. OTTINGER. If the Chair will recognize me, I will repeat.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, the amendment offered by the gentleman from California says notwithstanding any other provisions of this act, no funds are authorized to be appropriated for any fiscal year—it does not say from where or for what program; this could be defense programs; it could be farm programs; it could be health programs—until recommendations are made by the President's private sector survey program are implemented. Because it can affect any program at all within the spectrum of the Government programs, it goes well beyond the scope of this legislation and is not germane.

Mr. DANNEMEYER. Well, if the gentleman's point is—and I am not sure I understand this—if the gentleman's point is that this amendment suggests an uncertainty as to what fiscal year we are talking about, is that the gentleman's point?

Mr. OTTINGER. No; what programs the gentleman is talking about. I think it is a problem with the drafting. I am

sure the gentleman intended that it be that no funds are authorized to be appropriated under this act, but it does not say that. It says that no funds are authorized to be appropriated at all for any fiscal year.

Mr. DANNEMEYER. I think we have to take the amendment by its four corners to understand it.

□ 1640

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. DANNEMEYER) has been recognized on the point of order made by the gentleman from New York. He was not recognized for debate on the merits.

Mr. DANNEMEYER. Mr. Chairman, I thank the Chair for that recognition.

There is no uncertainty by this proposed amendment. It only relates to any appropriation for the act we are debating, the amendment to which it relates. There cannot be any uncertainty about that.

Mr. Chairman, for this reason, I do not think the point of order is well taken.

The CHAIRMAN (Mr. DIXON). The Chair is ready to rule.

As indicated by the argument of the gentleman from New York (Mr. OTTINGER), the amendment offered by the gentleman from California (Mr. DANNEMEYER) is not necessarily confined to the authorizations contained in this act but could possibly be construed to limit authorizations of appropriations for any fiscal year under any act of Congress. Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. GRAMM

Mr. GRAMM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAMM: on page 16, after line 2, insert the following new section:

SEC. . The President is authorized to eliminate or reduce by Executive order, in whole or in part, any authorization of appropriation or appropriations made by this Act whenever, after investigation, he shall find and declare that such action will aid in balancing the Budget or reducing the public debt, and that the public interest will be served thereby: *Provided,* That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless the Congress shall by law provide for an earlier effective date of such Executive order: *Provided further,* That any authorization of appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury, and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order on the amendment, and I would like to observe that we do not have a copy of the amendment.

Mr. GRAMM. There are copies at the desk, Mr. Chairman.

The CHAIRMAN. The point of order is reserved on the amendment by the gentleman from New York (Mr. OTTINGER) and we will see that the gentleman gets a copy.

The gentleman from Texas (Mr. GRAMM) is recognized for 5 minutes in support of his amendment.

Mr. GRAMM. Mr. Chairman, this simply is the legislative language requested by Franklin D. Roosevelt in the state of the Union message in 1938. It was offered as an amendment to an appropriation bill by Representative Woodrum, and it was adopted by the House by voice vote. It subsequently was dropped in conference.

Mr. Chairman, it is too late to do anything to help Franklin Roosevelt on the deficit. It is not, however, too late to try to help Ronald Reagan do something about the deficit.

We currently have line item vetoes in force in 44 States, and it works well there. We have an opportunity with this amendment to include the Franklin Roosevelt line item veto in a bill adopted by this House.

Mr. Chairman, I ask my colleagues to vote for this amendment.

The CHAIRMAN. Does the gentleman from New York (Mr. OTTINGER) insist on his point of order?

Mr. OTTINGER. Mr. Chairman, we have barely had time to read the amendment, but I believe it can be defeated on its merits. I will not insist on my point of order, and I would rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes in opposition to the amendment.

Mr. OTTINGER. Mr. Chairman, this amendment would change the whole constitutional framework under which our Government is operated and do something which I think is very unsound. It gives the President absolutely unlimited discrimination to spend moneys that the Congress authorizes and appropriates, depending on whether he feels that such action would aid in balancing the budget or reducing the public debt.

That means that if it were applied to all the actions of Government, we would have Government by presidential fiat rather than by the actions of Congress. We would turn over to the President the entire discretion over what moneys shall be spent and what moneys shall not be spent for all the programs of the Government.

Undoubtedly, since the President asked for no money for the weatherization program at all, that is what he would do under this. He could choose under this amendment, since it does apply to this act and since this act authorizes the whole weatherization program, not to spend the money. The President asked for no money for the whole weatherization program, so presumably, if we gave him this unprecedented authority, the President would spend no money for weatherization at all, and he would leave hundreds of thousands of people out in the cold. I guess we would still be paying, under the low income energy program, the bills of some people, but we would not be fixing up anybody's house.

Mr. Chairman, I think this is unsound as a way to abrogate the responsibilities of Congress, and I think it would certainly gut the entire weatherization bill. For those reasons, I oppose the amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank my distinguished colleague for yielding.

I, of course, oppose the amendment, but I want to speak to another issue. I do not want this House to become paranoid about the deficit, which I abhor and which I want to see ended. On the other hand, I do not want to see us struggling is those efforts to end the deficit by destroying the rights and privileges of this body which are constitutionally guaranteed.

We had one amendment before this which suggested that the Congress should be governed by a commission. Now we have an amendment which says the Congress shall be governed solely and exclusively by the executive branch.

I wonder if the maker of the amendment has forgotten that we have a deferral and rescission process. That is still in place. That has not been eliminated. The President can use that to do whatever he wants to do to try to prevent spending. But if we come up with this other kind of approach that cuts away at the authority vested in this body, I think we would do irreparable damage to our Federal Government.

Let us not be governed by a commission. Let us not be governed by executive fiat. Let us be governed by the authority that is vested in this body by the Constitution.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I stand in opposition to the amendment. I would like to point out to the Members of this body that Franklin Roosevelt offered such an amendment, but let me point out that that amendment was not offered to balance the budget on the backs of the poor.

I would like to express the thought that we have got to try to balance out the programs of this country and not something which would put more of a problem and more of a burden on the poor. I say that many of our people across this country have already had to absorb 7 percent more in health-care costs, they have had an 11-percent cut in nutrition programs, and many times many of the more wealthy have had a tax cut. My mother-in-law, along with many other parents and grandparents across this country, have had a delay in the payment of social security, but yet the President has borrowed the money to give the largest tax cut in the history of this country.

So, Mr. Chairman, I would like to stand and say that I strongly oppose this amendment.

Mr. MOORHEAD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. GRAMM). He certainly is to be commended for this amendment.

No one can say that the Congress is giving away its authority by this amendment because we always have the power to override any vetoes that are made by the President.

□ 1650

We also have to approve any expenditures before they are made by the President. We are not giving away our authority, but we are telling the President where there is a waste, where you feel that the money is not necessary, you can strike it from the bill and then sign the bill into law. In this way, we will eliminate many vetoes of major pieces of legislation that we perhaps do not want vetoed ourselves and give the President the right to sign a bill into law that will be beneficial to the whole country.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield briefly just for a point of clarification?

Mr. MOORHEAD. I will yield briefly.

Mr. MITCHELL. Is this not available to the President under the existing law of deferral and recission? He can take any one line item he wants and say that I am not going to spend it. What is so difficult about this?

Mr. MOORHEAD. It is not available for this reason. Bills come to the President that he has to veto because they go beyond the level that he is willing to sign into law.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Texas.

Mr. GRAMM. Mr. Chairman, I thank the gentleman for yielding.

I want to make it clear for those who could hear over the tumultuous crowd that we have here that the amendment clearly outlines the override procedure. All this is is simply Franklin Roosevelt's line-item-veto proposal that was adopted by this House on January 11, 1938, by a voice vote.

My point is this. It is too late to help Roosevelt with his problem. It is not too late to help Ronald Reagan with it.

What this would do is provide line-item vetoes, something that exists in 44 of our States, where Governors can engage in a line-item veto and then the Congress can, if it wishes, override that veto.

I thank the gentleman for yielding.

Mr. MITCHELL. Mr. Chairman, I have further questions, but I will try to get some time on my own.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman from Texas just made an excellent point. In 44 of our States, the Governors have this kind of power. It is not seen in those States as being an abrogation of legislative authority. It is seen as a prudent way of managing budgets that tend to get out of control.

It is interesting that in all those States, they also have balanced-budget proposals. Those States are able then to maintain a balanced budget within the framework of the legislature and the executive, working together. That is all that this particular amendment foresees, that in this one narrow category and hopefully in other bills in the future we will give the President that line-item authority, give him the same authority that a number of Governors have used to get their fiscal house in order.

In the State of California, the Governor there was able to use that authority very effectively to get a fiscal house in order that was very badly out of control. This President should have that kind of authority as well.

I would hope that this Congress will not refuse to grant some very limited ability of the President to go through with a red pencil and knock out items that he believes are adding to the national debt in an irresponsible way.

I thank the gentleman for yielding.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it is simply amazing to me that in their zeal to hurt those who need help, some Members of this House are coming up with the most tortured and illogical arguments that I have ever heard.

I am just trying to say that I am amazed by the illogical and tortured arguments that are being raised by some Members on that side in their effort to balance a budget, reduce the deficit, but those efforts are almost solely and exclusively confined to programs that are beneficial to people.

Now, for example, to raise an argument that 44 States have some kind of arrangement like this, in my opinion, is really almost fallacious. When did 44 States set the example for the House of Representatives? This is a unique and distinct body, with the ultimate responsibility for national spending, National Government.

In addition to that, I am amazed by some Members on the other side and others in the Republican Party who seemingly now are doing nothing but quoting from former Democratic Presidents. I heard the present President quote the great statements that were made by John Kennedy and now I heard this gentleman saying he was not around to help Roosevelt.

You know, this old business of trying to mix in past heroes of the Democratic Party with an unreasoned attack on those who are disadvantaged in this Nation is not going to sell. It is simply not going to sell. Quote all you want from past Democratic Presidents, all that you do, whether you are a newly arrived Republican, or an old line Republican, or a changed over Republican, it is not going to sell.

Finally, let me make one more point. If we do this, if we were to accept this amendment, then you will say that there is no need for an authorizing committee, because a President can come back through and line item out everything that an authorizing committee would have done. We the authorizing committees will be there simply going through an exercise in futility. There is no need for this.

If the gentlemen who support this amendment and the maker of the amendment believe that suddenly the Appropriations Committee is going to become so magnanimous in funding everything that passes in this House as an authorization bill, if you believe that, then you might have some argument for your amendment, but you know that is not going to happen. You know that every authorization that we have acted on has been cut by an Appropriations Committee.

In your zeal to hurt those who are poor in this Nation, do not destroy this institution.

I vigorously oppose the amendment. I hope it will be overwhelmingly defeated.

Mr. Chairman, I am proud to rise in support of H.R. 2615, the Weatherization and Employment Act of 1983. This measure deserves our full support since its enactment will impact both the critical need for increased energy efficiency and the necessity for increasing employment opportunities.

It is imperative that we move aggressively to tie such cost-effective projects as weatherization to the creation of jobs. The weatherization of

low-income homes is one of the most vital steps toward massive energy efficiency. On a further note, however, the weatherization program, as provided in H.R. 2615, will create some 5,200 jobs per 100 million Federal dollars expended. Such combinations are critical to the needed stimulation of our economy.

I would urge my colleagues to consider the various components of the measure before us. First priority is given to the elderly and handicapped as currently stipulated. Second priority is given to low-income energy assistance recipients. At the same time, the bill encourages efficient program operation and implementation by requiring that the Department of Energy and the Comptroller General establish an effective system of monitoring State and local expenditure of funds.

It is imperative to note also that the bill addresses the continuation of long-term employment opportunities by requiring that each State submit a plan for training weatherization workers and supervisors; the measure provides funds for this initiative. This particular component is especially essential for the acquisition of needed skills which can be transferred to private sector jobs.

Mr. Chairman, I am an emphatic supporter of this much needed legislation, and urge my colleagues to assure its passage by casting a vote in its favor.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Maryland, of course, as always, is quite eloquent and he makes I am sure the points that will be made time and time again from his side of the aisle with regard to any kind of proposal that is aimed at trying to control the deficit and this is simply one more item where we attempted to come up with something in this bill to control deficit items; but I think that we should be somewhat mindful of the rather tortured history that the gentleman has referred to.

The fact is that the President of the United States used to have line-item veto authority. The President of the United States in the early days of this Republic signed each appropriation as a line item. It was a fairly small country. Our forefathers contemplated that the President would have that kind of authority with the veto override authority that was in the Constitution. As we have grown bigger, the appropriation bills have grown bigger and thereby the President has been sent wholesale appropriations, rather than line-item proposals; so now we need to come back and have the President get the authority that in the Constitution was contemplated for him and that is what this proposal would do.

This proposal is not antipoor. In fact, this proposal would help save the weatherization program. It would assure that where that program became irresponsible, the President would have line-item authority, but it will also assure that the President could maintain the good elements of the program through his determinations.

It seems to me that is the way we ought to be proceeding here. We ought to be proceeding on a goal of responsible spending. That is what a line-item veto gets you.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it seems to me strange when you want to do nothing to reduce the deficit, but to maintain it and increase it, because those deficits sooner or later put pressure to increase interest rates and will cause inflation and will ultimately harm the poor; so whether there is or is not a zeal to hurt the poor by the person who offered this amendment, which I think is an absurd if not insulting remark, it seems to me whether you are radical or superliberal or new left or old left, that idea of busting the budget and forcing interest rates up will not sell.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his statement, because it is very obvious that we have already saddled each American family in this country with thousands upon thousands of dollars of debt at the national level. I submit that that kind of debt saddle on each family is of far greater significance to low-income families than it is to upper income families; so that every dime we add to the deficit does in fact impact more adversely on low-income people than it does on upper income people.

I am sorry to see many liberal Democrats coming to this floor suggesting that more debt is, in fact, a better idea for the Nation's future.

□ 1700

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman for yielding. I always appreciate my friend's presentation.

I just want to warn about a return to the past. The gentleman said the President at the time of the founding of this Nation had line-item veto. Is the gentleman suggesting that there is something good about going back to the past? Because if he does, if he does, then he knows we had some Presidents who owned slaves; we had some Presidents who were very, very weak Presidents.

I do not see any benefit in citing that example of history when you are dealing with a new, different, totally complex Nation which requires the present system of government.

Mr. WALKER. If the gentleman would allow me to reclaim my time, I was not suggesting that we go to the past. I was suggesting that we go to the future with a constitutional system preserved the way in which it was drafted.

The problem is that the constitutional system has been very badly changed over a period of years.

I submit to the gentleman that the fundamental law of this land is important. It is important for assuring the equality of individuals. It was an important part of getting rid of the slavery the gentleman mentioned, and I think that maintaining that fundamental law is what we should be all about.

This amendment comes closer to maintaining the fundamental law of the land than proceeding along the lines that we should continue to have the President of the United States totally outside the appropriations process on an item-by-item basis. That is the way the constitutional system was formed. I think that is the way the constitutional system should be maintained. And I yield back the balance of my time.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Having now had a chance to hear more about what the proponents say about this amendment, and to read it, because we had no advance notice of this amendment whatsoever, I would raise some, I think, very serious constitutional objections to it.

I am not aware of what the gentleman from Pennsylvania said about the early days of our Republic, but I think if you brought this before a court it would be very likely that it would be found to be an unconstitutional delegation of our legislative authority.

The other thing that bothers me is that this clearly is designed to establish a precedent that would permit the President to have untrammeled discretion with respect to spending or not spending any of the moneys which Congress authorizes and appropriates, and that would mean just a wholesale abdication of our responsibility as legislators to the executive authority.

The third thing I want to say, and I emphasize again, is that the President, in fact, asks for no money for this program, and I believe the gentleman from Texas said that this would give us an opportunity, we would actually see an improvement in the weatherization program if this amendment were passed.

I would like to emphasize again that the President asked for zero funds for

this program in his budget this year and last, so this would not result in any improvement of the weatherization program. It would undoubtedly result in the elimination of the program if you gave him this untrammeled, and I think constitutionally questionable, authority.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I will be glad to yield to the gentleman from California.

Mr. DANNEMEYER. I thank my colleague for yielding.

I just want to ask a question. Has any Member of this Chamber heard the claim made in the beginning of this year, 1984, that the deficit that exists is the responsibility of Ronald Reagan?

I think we are going to hear that time and time again. He is in the White House. It is claimed he is responsible for the deficit.

If that claim is made—I am not pointing fingers at who is making it—but if that claim is made do you not think it is reasonable that if you believe that that we give to the person in the White House, in this instance Ronald Reagan, the ability to have the responsibility of striking out those spending items that are in excess of what he thinks should be spent? If he has to bear the burden, in your view, of having the deficit, do you not think he should have the ability to decrease it?

Mr. OTTINGER. Absolutely not, because Ronald Reagan's declared intention, and what he has actually done, is tried to play Robin Hood in reverse. What he has done is to cut severely the programs for the poor, tax the poor, and then give huge tax breaks to the rich people and give huge new subsidies to the rich and swell the defense budget beyond any imagination of this country in its prior history, and to turn this society into a militaristic society where all of the foreign policy questions of this country are to be solved through military might.

So we have a trillion dollars in prospect for the military budget in the next few years, over the next 5 years. Then we have corporations paying virtually no taxes at all. Now you are saying that we should pay for these swelled defense budgets and for corporate welfare by taking it out on the poorest people, the people who you would have freeze to death rather than have government funds devoted to them.

I think that is just the worst possible thing that could happen and I certainly by no means would want to give President Ronald Reagan dictatorial powers over the funds of this Nation.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. Of course I yield to the gentleman from Texas.

Mr. GRAMM. Let me first make the point that this bill provides jurisdiction through 1994, and unless we change the Constitution, Ronald Reagan will not be President. So this is not President-specific.

Second, it clearly provides that the President has got to submit the line item veto while Congress is in session. Congress has the power to override the veto, so it is not true that it simply gives the President the power to dictate spending. It simply calls on the constitutional process.

Finally, I do not know what all of this poor/rich business has to do with a proposal that is going to provide tremendous windfall benefits to slum apartment owners, to people who own housing, many of the richest people in the country. So I do not think here we are talking about poor versus rich. We are talking about the working people who are suffering from a deficit that threatens to collapse a recovery that put 4 million people to work in the private sector of the economy last year.

I would like to remind the gentleman those were not rich people that were out of work. Those were people who would like to have the opportunity to have a job.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Chairman, reserving the right to object, and I will not object, but I would simply point out the gentleman is now on his second allocation of time in this debate and, also, that he himself is the one who asked for a limitation on debate earlier.

There may be other people that want to speak. I do not know how long we should go.

Mr. OTTINGER. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. OTTINGER. I would not want to preclude anybody else who would want to speak.

Mr. WALKER. I am not going to object, but I certainly hope that we can keep it short.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. I would just like to point out some of the effects of the tax bill which the gentleman from Texas supported in terms of enormous help to the wealthiest interests of this country: accelerated cost recovery system—reduces business tax by more than a half trillion dollars over the 1980's; oil and gas interests—$60 billion in accelerated cost recovery over the 1980's, plus $20 billion to $30 billion reduction in the oil windfall profits tax. Mining companies—$10 billion through 1990. Chemical companies—$15 billion reduction in tax over the past 10 years. Electric and gas utilities—$30 billion by 1990.

That is President Ronald Reagan's priorities, to give away the Treasury to the rich and to make the poor freeze to death. I do not think that is the kind of discretion that we want to give the President to be able to carry out on his own authority.

But he was able to persuade Congress to pass Gramm-Latta, one has to give him that.

The Congress did in fact pass it, as unwise as I think that was.

They went back and they passed the 1981 tax bill and in 1982 we came back and there was some correction of that. But I think that those are prerogatives that Congress ought to guard very zealously and that we ought to make those priority decisions.

In my opinion the Constitution requires we make those decisions. We should not be handing them over to the President. And, therefore, I strongly urge defeat of the amendment.

□ 1710

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is the first robin of spring. I think the whole flock will arrive tomorrow night when during the state of the Union address the President may well propose a constitutional amendment to provide the Executive with line item veto.

It is not only conservatives, it is also liberals and moderates who frequently find themselves in positions in which they find the current structure of Government frustrating and rush too quickly, I think, to a proposal that could change the basic structure of Government to eliminate those immediate and usually transitory frustrations.

It is usually, whether it is proposed by a liberal or a conservative or a moderate, the wrong thing to do. What this particular amendment is, as the first robin of spring, is nothing less than a radical change in the balance of power within the United States. Because giving a President, be he liberal or conservative or moderate, the authority to strike an individual line item out of any legislation passed by Congress is to shift an enormous amount of legislative authority to the Chief Executive of the United States.

Now, there are those, and they have written books about it, who argue that Congress is now irrelevant. If you agree with those who maintain that Congress has outlived its purpose, that it is inefficient, that it no longer can do the business of Government, then perhaps you want to follow that line of reasoning. Perhaps you want that kind of constitutional amendment. But one should understand that is what you are doing.

You are not solving temporary problems; you are fundamentally changing the nature of the American Government into one in which the Executive becomes enormously powerful and which Congress has very little authority at all; it would have to have a two-thirds vote to override the President on a line item veto to even make basic policy.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding to me.

Does not the gentleman concede that the right to veto, which includes a whole bill, and which could be a litany of appropriations and programs, is far more sweeping, and yet it is a part of our Constitution, than a line item veto which is only a partial, fractional veto?

Mr. SWIFT. No; I would not at all agree to that. I think that being able to reach into legislation and take out specific individual items gives much more precise control over legislative policy than would eliminating a whole legislative thrust, which incidentally is probably more easily overriden than would a line item veto.

Mr. HYDE. Would the gentleman prefer a scalpel to a meat axe?

Mr. SWIFT. In the sense of giving the President of the United States a scalpel with which to carve up the peoples' Congress the answer is definitely "No."

Mr. HYDE. Thank you.

Mr. SWIFT. So, in summary, all in the world I am saying here is that this proposal has an implication that is very, very dire to the whole constitutional structure of this Government. And I can appreciate from the perspective of that side of the aisle the frustration that they are dealing with in a current government in which they control the White House but not the House of Representatives. I understand that.

But I also believe that I would be standing here giving precisely this same speech if this were a Republican controlled House and it was a Democrat who was down at the White House who was suffering the same frustrations.

We must think very carefully about moving down this primrose path and making such a radical change in the balance of power in our great constitutionally established government.

I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can relate to the Members an incident that took place in my home State of California when Governor Deukmejian utilized a line item veto in a budget that was adopted by a legislature dominated by the, in this instance, the Democratic majority in both Houses.

We have a requirement in California that the budget be balanced. That is in the Constitution. The Governor of our State, Governor Deukmejian, exercised that responsibility and cut about a billion dollars out of the budget. There was much screaming and gnashing of teeth, but the point is, as a result of the utilization of the line item veto, California's citizens today are paying the same burden of taxes which they paid in November 1982 when they elected that Governor.

I do not think there is any secret at all that if the opposing candidate for Governor, Tom Bradley, the mayor of Los Angeles, had been elected governor in that election that we in California would be paying an increased cent on our sales tax because the same motivation to cut spending would not have been present on the part of Mayor Bradley. We would have had higher taxes.

Let us be honest about it, this movement of giving the President, irrespective of his or her philosophy, a line item veto, is nothing more than a reflection of the breakdown in the procedure of the Congress of the United States. We do not pass appropriation bills singly and give the President the opportunity to veto those appropriations bills. We have resorted to a process called a continuing resolution and it is not by accident. The continuing resolution funding the whole activities of the Federal Government for a fiscal year has come into existence, with Ronald Reagan in the White House, for one very simple reason: TIP O'NEILL, who heads this institution is not about to let some upstart President who has a 4-year term on political life, dictate the spending levels of the U.S. Government. So, he refuses to give that President the ability to veto a bill.

How in the world do we expect a President to veto a whole continuing resolution? Why he would come under the righteous indignation of the whole Nation claiming, "Do you mean, Mr. President, you are stopping social security and all those other payments goint out?" We make a mockery of the process of claiming the President has a veto. That is why we need this line-item veto, because we have gone to the subterfuge of ignoring or taking away from the President, whoever he may be, the ability to exercise the veto.

Stand up and be responsible. The President has almost an incidential responsibility for setting the spending levels of this country. We here in Congress do it. We are the problem. Here is the obstacle. Let us recognize it and vote this modest amendment. If we in Congress refuse to cut spending at least we can give this ability to the President, who is perceived by the media as being responsible for setting the spending level of the country.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, passage of this amendment would confer a dangerous grant of authority to the President, regardless of party. It would result in a massive shift of power to the President and away from the legislative branch. It would create in the United States a replica of the parliamentary system of Western Europe where we have seen deadlock after deadlock and fall of government after government and a paralysis of authority.

It is unnecessaary to enact this kind of authority or to give any President the kind of power proposed by the pending amendment, because we already do have a reasonable compromise in the budget and Impoundment Control Act of 1974 which provided for a process to resolve the conflict between a President who wishes to withhold spending in an amount or for a program for which the Congress has appropriated funds, on the one hand and the Congress, on the other, which has decided, in its exercise of the will of the people, that such funds should be spent in that amount and for such programs. And that is the deferral and rescission process provided for under the Budget and Impoundment Control Act of 1974. It has worked, it has served as a reasonable compromise between the duties and rights of the Presidency and the duties and rights of the legislative branch.

□ 1720

It was worked out after great deliberation, considerable thought, and in a Congress dominated by the Democratic Party and a Presidency headed by a Republican, Richard Nixon.

I suggest that we stick with the existing system which gives the President authority to withhold specific appropriations for specific programs, on which he disagrees with the Congress and to do so through a reasonable procedure which gives the Congress a vote, a check on the power of the President to reduce those expenditures or eliminate funding for certain programs with which he disagrees.

That authority already exists. It has been used extensively. The rescission and deferral process we now have is a

responsible one, and it should be adhered to.

I fear that this amendment, while perhaps well intentioned, may have the effect, perhaps not the intentional effect, but certainly the effect of scuttling this legislation. Now the Weatherization and Employment Act of 1983, in my opinion, is one of the most important pieces of legislation that we can act upon in this session of Congress. It will assure substantial funding and long-term funding to help low-income people with their energy costs. It is essential not only for low-income people, but it is essential to reduce our dependence on imported oil and on our resources of consumable fossil fuel.

I have supported this program since its outset. You only have to take a look at the temperatures in northeastern Minnesota, subzero temperatures, wind chill factors of 70 degrees below zero, assaulting homes that were not built to withstand such wintry blasts, to understand why. Furthermore, in these times of rising energy costs, people throughout this country, and particularly in my northeastern Minnesota district, have moderated their consumption of energy, to constant levels or have reduced it altogether, but the costs have more than doubled.

So while people are consuming less and doing everything they can to conserve, their cost of that little energy that they are consuming has gone sky high. People cannot afford the upfront costs of weatherizing their home and they truly cannot afford the day-to-day costs of heating it.

This legislation makes good sense. It establishes a long-term program, assures stability of funding. It also assures that jobs will be created in providing the weatherization and protection against the wintry blasts of our northern Minnesota climate.

H.R. 2615, the Weatherization and Employment Act of 1983, authorizes the low-income weatherization program at $500 million annually in fiscal years 1984 and 1985, a $310 million increase over the $190 million appropriation already voted for fiscal year 1984.

The bill also directs the Secretary of Energy to develop a 10-year plan to weatherize the homes of an estimated 13 million eligible low-income families who can neither afford to pay their escalating energy bills nor pay the upfront costs of protecting their homes against winter.

At the current funding level, weatherization of these homes would not be completed for 50 years.

This authorization increase is not an outrageous request; in 1980, the program spent the equivalent of $500 million in 1984 dollars. This bill reestablishes the Federal commitment to weatherization and conservation as an integral part of our national energy policy.

Those who object to the bill's authorization level are disregarding the clear employment impact and energy savings this bill would generate. The weatherization program saves an estimated 15 to 20 percent annually in energy use per household. The program could save an estimated 65 million barrels of oil equivalent—a savings of $3.3 billion annually—if all 13 million homes were weatherized.

In addition, the current weatherization program produces about 5,200 jobs on-site for every $100 million of Federal dollars spent. H.R. 2615 could generate 66,000 jobs annually. Both the energy savings and jobs impact justify an authorization of $500 million.

I cannot overemphasize the importance of this program to the people I represent. In Minnesota, the average household paid $867 for energy and the Northeastern-Midwestern region as a whole averages the highest energy expenditures in the Nation. Minnesota would receive $25 million under H.R. 2615. In fiscal year 1984, Minnesota received $9.2 million in weatherization funds. This region is becoming increasingly populated by low-income families and contains much of the Nation's older housing. This legislation would provide needed Federal dollars to help our region lessen its dependence on energy imported from other nations and from other areas of the United States.

The case for this legislation becomes even more compelling as most of the Nation faces one of the worst winters in this century. I urge my colleagues to support H.R. 2615 as part of a sound national energy policy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GRAMM).

The question was taken, and on a division (demanded by Mr. GRAMM) there were—ayes 38, noes 41.

RECORDED VOTE

Mr. GRAMM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 245, not voting 57, as follows:

[Roll No. 6]

AYES—131

Archer	Courter	Gramm
Bartlett	Craig	Gregg
Bateman	Crane, Daniel	Gunderson
Bennett	Daniel	Hall, Ralph
Bereuter	Dannemeyer	Hall, Sam
Bethune	Darden	Hammerschmidt
Bilirakis	Daub	Hansen (UT)
Billey	DeWine	Hiler
Broomfield	Dickinson	Holt
Brown (CO)	Dreier	Hopkins
Broyhill	Duncan	Hunter
Burton (IN)	Emerson	Hyde
Campbell	Erlenborn	Ireland
Chandler	Fiedler	Kasich
Chappie	Fields	Kemp
Cheney	Franklin	Kindness
Clinger	Gekas	Lagomarsino
Coats	Gingrich	Latta
Conable	Goodling	Lent
Lewis (CA)	O'Brien	Skeen
Lewis (FL)	Oxley	Smith (NE)
Livingston	Packard	Smith (NJ)
Loeffler	Parris	Smith, Denny
Lott	Pashayan	Solomon
Lujan	Patman	Spence
Lungren	Patterson	Stangeland
Mack	Paul	Stump
Madigan	Petri	Sundquist
Marlenee	Porter	Tauzin
Martin (IL)	Pritchard	Taylor
Martin (NC)	Quillen	Vandergriff
Martin (NY)	Regula	Volkmer
McCandless	Ridge	Vucanovich
McCollum	Roemer	Walker
McEwen	Rogers	Weber
McGrath	Roth	Whitehurst
Michel	Rudd	Whittaker
Miller (OH)	Sawyer	Wolf
Molinari	Schaefer	Wortley
Montgomery	Schulze	Wylie
Moore	Sensenbrenner	Young (AK)
Moorhead	Shaw	Young (FL)
Morrison (WA)	Shumway	Zschau
Nielson	Shuster	

NOES—245

Ackerman	Evans (IL)	Lowry (WA)
Addabbo	Fascell	Luken
Akaka	Fazio	Lundine
Albosta	Feighan	MacKay
Anderson	Ferraro	Markey
Andrews (TX)	Fish	Martinez
Annunzio	Flippo	Matsui
Anthony	Florio	Mavroules
Applegate	Foglietta	Mazzoli
Aspin	Ford (MI)	McCloskey
Barnard	Ford (TN)	McDade
Barnes	Fowler	McHugh
Bates	Frank	McKernan
Beilenson	Frost	McNulty
Bevill	Fuqua	Mica
Biaggi	Garcia	Mikulski
Boehlert	Gaydos	Miller (CA)
Boggs	Gejdenson	Mineta
Boland	Gephardt	Minish
Boner	Gibbons	Mitchell
Bonior	Gilman	Mollohan
Bonker	Glickman	Moody
Borski	Gonzalez	Morrison (CT)
Bosco	Gradison	Mrazek
Boucher	Gray	Murphy
Boxer	Green	Murtha
Britt	Guarini	Myers
Brooks	Hall (IN)	Natcher
Brown (CA)	Hall (OH)	Neal
Bryant	Hamilton	Nelson
Burton (CA)	Harkin	Nowak
Byron	Harrison	Oakar
Carney	Hatcher	Oberstar
Carper	Hawkins	Obey
Carr	Hayes	Olin
Clarke	Hefner	Ortiz
Clay	Hertel	Owens
Coelho	Hightower	Panetta
Coleman (TX)	Horton	Pease
Conte	Howard	Penny
Conyers	Hoyer	Pepper
Cooper	Hubbard	Perkins
Coughlin	Hutto	Pickle
Coyne	Jacobs	Price
Crockett	Jeffords	Rahall
D'Amours	Jenkins	Rangel
Daschle	Jones (NC)	Ratchford
Davis	Jones (OK)	Ray
Dellums	Jones (TN)	Reid
Derrick	Kaptur	Richardson
Dicks	Kastenmeier	Rinaldo
Dingell	Kazen	Robinson
Dixon	Kennelly	Rodino
Donnelly	Kildee	Roe
Dorgan	Kogovsek	Rose
Dowdy	Kolter	Roukema
Downey	Kostmayer	Rowland
Durbin	LaFalce	Roybal
Dwyer	Leath	Russo
Dyson	Lehman (CA)	Sabo
Early	Lehman (FL)	Scheuer
Eckart	Leland	Schneider
Edgar	Levin	Schroeder
Edwards (AL)	Levine	Schumer
Edwards (CA)	Levitas	Shannon
Edwards (OK)	Lloyd	Sharp
Erdreich	Long (LA)	Shelby
Evans (IA)	Long (MD)	Sikorski

Sisisky	Tallon	Weiss
Skelton	Tauke	Wheat
Slattery	Thomas (GA)	Whitley
Smith (FL)	Torres	Whitten
Smith, Robert	Torricelli	Williams (MT)
Snowe	Towns	Wirth
Snyder	Traxler	Wise
Spratt	Udall	Wolpe
Staggers	Valentine	Wright
Stark	Vento	Wyden
Stokes	Walgren	Yates
Stratton	Watkins	Yatron
Studds	Waxman	Young (MO)
Swift	Weaver	

NOT VOTING—57

Alexander	Hance	Ottinger
Andrews (NC)	Hansen (ID)	Pursell
AuCoin	Hartnett	Ritter
Badham	Heftel	Roberts
Bedell	Hillis	Rostenkowski
Berman	Huckaby	Savage
Breaux	Hughes	Seiberling
Chappell	Johnson	Siljander
Coleman (MO)	Kramer	Simon
Collins	Lantos	Smith (IA)
Corcoran	Leach	Solarz
Crane, Philip	Lipinski	St Germain
de la Garza	Lowery (CA)	Stenholm
Dymally	Marriott	Synar
English	McCain	Thomas (CA)
Foley	McCurdy	Vander Jagt
Forsythe	McKinney	Williams (OH)
Frenzel	Moakley	Wilson
Gore	Nichols	Winn

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Frenzel for, with Mr. Hance against.

Mr. Thomas of California for, with Mr. Solarz against.

Mr. Marriott for, with Mr. Ottinger against.

Mr. McCain for, with Mr. Moakley against.

Mr. Corcoran for, with Mr. McKinney against.

Mr. Badham for, with Mr. Williams of Ohio against.

Mr. Philip M. Crane for, with Mr. Savage against.

Mr. Hansen of Idaho for, with Mrs. Collins against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CARPER

Mr. CARPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARPER: Page 16, after line 2, insert the following new section:

SEC. 9. Notwithstanding any preceding provision of this Act, (a) $200,000,000 is authorized to be appropriated for purposes of carrying out the weatherization program under title IV of the Energy Conservation and Production Act for fiscal year 1985, and

(b) No funds shall be authorized to be appropriated for such program for any fiscal year after fiscal year 1989.

PARLIAMENTARY INQUIRY

Mr. MITCHELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MITCHELL. Mr. Chairman, is it possible for us to go through this routine again? I have no idea what was being discussed. I could not hear a thing the Clerk was reading. Is it possible for us to get a clarification on this procedure from the very beginning again?

Mr. WALKER. Mr. Chairman, regular order. The time has expired on the bill.

Mr. MITCHELL. I request permission, Mr. Chairman, that we hear this over again. I do not think a single Member in the House heard what was offered and we are going to be voting in the blind.

The CHAIRMAN. Without objection, the Clerk will read the amendment again.

The Clerk reread the amendment.

The CHAIRMAN. The Chair will note that under a previous unanimous-consent agreement entered into, on this bill and all amendments thereto the time was to expire at 5:30. Nevertheless, those Members who desire to offer amendments have that right without debate.

The question is on the amendment offered by the gentleman from Delaware (Mr. CARPER).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARPER. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 142, not voting 58, as follows:

[Roll No. 7]

AYES—233

Anderson	Darden	Hatcher
Andrews (TX)	Daschle	Hefner
Annunzio	Daub	Hightower
Anthony	Derrick	Hiler
Applegate	DeWine	Holt
Archer	Dickinson	Hopkins
Aspin	Dicks	Hubbard
Barnard	Dorgan	Hutto
Bartlett	Dowdy	Hyde
Bateman	Dreier	Ireland
Bates	Duncan	Jenkins
Beilenson	Durbin	Jones (NC)
Bennett	Dwyer	Jones (OK)
Bereuter	Dyson	Jones (TN)
Bethune	Eckart	Kaptur
Bevill	Edwards (AL)	Kasich
Bilirakis	Edwards (OK)	Kazen
Bliley	Emerson	Kemp
Boner	Erdreich	Kindness
Borski	Erlenborn	Kolter
Bosco	Evans (IA)	LaFalce
Britt	Fascell	Lagomarsino
Brooks	Feighan	Latta
Broomfield	Fiedler	Leath
Brown (CO)	Fields	Lehman (CA)
Broyhill	Flippo	Lehman (FL)
Bryant	Franklin	Lent
Burton (IN)	Frost	Levin
Byron	Fuqua	Levitas
Campbell	Gaydos	Lewis (CA)
Carney	Gekas	Lewis (FL)
Carper	Gephardt	Livingston
Carr	Gibbons	Lloyd
Chandler	Gingrich	Loeffler
Chappie	Glickman	Lott
Cheney	Goodling	Lujan
Clarke	Gradison	Lundine
Coats	Gramm	Lungren
Coleman (TX)	Gregg	Mack
Conable	Guarini	MacKay
Cooper	Gunderson	Madigan
Courter	Hall (OH)	Marlenee
Craig	Hall, Ralph	Martin (IL)
Crane, Daniel	Hall, Sam	Martin (NC)
Daniel	Hammerschmidt	Martin (NY)
Dannemeyer	Hansen (UT)	Mazzoli
McCollum	Porter	Snyder
McEwen	Pritchard	Solomon
McGrath	Quillen	Spence
McNulty	Ray	Spratt
Mica	Regula	Stangeland
Michel	Ridge	Stump
Miller (CA)	Robinson	Sundquist
Miller (OH)	Roemer	Tallon
Molinari	Rogers	Tauke
Montgomery	Rose	Tauzin
Moore	Roth	Taylor
Moorhead	Roukema	Thomas (GA)
Morrison (WA)	Rowland	Valentine
Murphy	Rudd	Vandergriff
Murtha	Russo	Volkmer
Myers	Sabo	Vucanovich
Neal	Sawyer	Walker
Nelson	Schaefer	Watkins
Nielson	Schulze	Weber
O'Brien	Sensenbrenner	Whitehurst
Olin	Shaw	Whitley
Oxley	Shelby	Whittaker
Packard	Shumway	Wolf
Panetta	Shuster	Wortley
Parris	Sisisky	Wright
Pashayan	Skeen	Wylie
Patman	Skelton	Yatron
Paul	Slattery	Young (AK)
Pease	Smith (FL)	Young (FL)
Penny	Smith (NE)	Young (MO)
Petri	Smith, Denny	Zschau
Pickle	Smith, Robert	

NOES—142

Ackerman	Green	Owens
Addabbo	Hall (IN)	Patterson
Akaka	Hamilton	Pepper
Albosta	Harkin	Perkins
Barnes	Harrison	Price
Biaggi	Hawkins	Rahall
Boehlert	Hayes	Rangel
Boggs	Hertel	Ratchford
Boland	Horton	Reid
Bonior	Howard	Richardson
Bonker	Hoyer	Rinaldo
Boucher	Hunter	Rodino
Boxer	Jacobs	Roe
Brown (CA)	Jeffords	Roybal
Burton (CA)	Kastenmeier	Scheuer
Clay	Kennelly	Schneider
Clinger	Kildee	Schroeder
Coelho	Kogovsek	Schumer
Conte	Kostmayer	Shannon
Conyers	Leland	Sharp
Coughlin	Levine	Sikorski
Coyne	Long (LA)	Smith (NJ)
Crockett	Long (MD)	Snowe
D'Amours	Lowry (WA)	Staggers
Davis	Luken	Stark
Dellums	Markey	Stokes
Dingell	Martinez	Stratton
Dixon	Matsui	Studds
Donnelly	Mavroules	Swift
Downey	McCandless	Torres
Early	McCloskey	Torricelli
Edgar	McDade	Towns
Edwards (CA)	McHugh	Traxler
Evans (IL)	McKernan	Udall
Fazio	Mikulski	Vento
Ferraro	Mineta	Walgren
Fish	Minish	Waxman
Florio	Mitchell	Weiss
Foglietta	Mollohan	Wheat
Ford (MI)	Morrison (CT)	Whitten
Ford (TN)	Mrazek	Williams (MT)
Fowler	Natcher	Wirth
Frank	Nowak	Wise
Garcia	Oakar	Wolpe
Gejdenson	Oberstar	Wyden
Gilman	Obey	Yates
Gonzalez	Ortiz	
Gray	Ottinger	

NOT VOTING—58

Alexander	Crane, Philip	Heftel
Andrews (NC)	de la Garza	Hillis
AuCoin	Dymally	Huckaby
Badham	English	Hughes
Bedell	Foley	Johnson
Berman	Forsythe	Kramer
Breaux	Frenzel	Lantos
Chappell	Gore	Leach
Coleman (MO)	Hance	Lipinski
Collins	Hansen (ID)	Lowery (CA)
Corcoran	Hartnett	Marriott

McCain	Rostenkowski	Synar
McCurdy	Savage	Thomas (CA)
McKinney	Seiberling	Vander Jagt
Moakley	Siljander	Weaver
Moody	Simon	Williams (OH)
Nichols	Smith (IA)	Wilson
Pursell	Solarz	Winn
Ritter	St Germain	
Roberts	Stenholm	

□ 1800

Ms. MIKULSKI, Mr. STRATON and Mr. MATSUI changed their votes from "aye" to "no."

Mr. MICA and Mr. PASHAYAN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to address the Committee for 1 minute.

The CHAIRMAN. Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. SOLOMON. Mr. Chairman, on the amendment just passed there was no debate. I would just like to pose a question to the gentleman from Delaware (Mr. CARPER), if he is on the floor, for a clarification on the amendment.

If we look at the amendment, it amends title IV instead of section 4, then it looks to me as if there was an add on of $200 million.

Now, most of us voted yes on this amendment because we were thinking it reduced by $200 million the appropriation.

I wonder if the gentleman from Delaware (Mr. CARPER) would just clarify that for us.

The CHAIRMAN. The Chair does not see the gentleman from Delaware (Mr. CARPER).

Mr. SOLOMON. Mr. Chairman, I wonder if the majority leadership or anyone managing this bill could answer the question for us?

The CHAIRMAN. The time of the gentleman from New York has expired.

Is the gentleman from New York asking for 1 additional minute?

Mr. SOLOMON. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BROWN of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, we are trying to avoid a separate vote when we go back in the House. I just wondered who the objection came from. I did not hear it.

Mr. BROWN of California. It came from me.

Mr. SOLOMON. All right, then the gentleman from California (Mr. BROWN) can be responsible.

Mr. LEVITAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVITAS. Mr. Chairman, in the event that the Committee should report back to the House this legislation, can there be a separate vote on this amendment in the whole House? Is it in order to have a separate vote on the amendment?

The CHAIRMAN. Yes; the gentleman is correct.

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Mr. Chairman, in the case of a separate vote, there could be no change in the amendment in the full House from the way it is now; is that correct?

The CHAIRMAN. That is correct.

Mr. GRAMM. Mr. Chairman, I ask unanimous consent that I may strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BROWN of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. DIXON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2615) to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes, pursuant to House Resolution 275, he reported the bill back to the House with an amendment adopted by the Committee of the Whole?

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole.

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the so-called Carper amendment that was just passed, unless the Speaker would like to explain the amendment to us.

The SPEAKER pro tempore. The Chair would respond that the question is not debatable at this point.

Is a separate vote demanded on any other amendment?

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I am trying to be reasonable. I do not want to demand a vote, but I will unless maybe the Speaker or somone would tell us what this amendment did.

□ 1810

If he will do that, I would not demand a separate vote.

The SPEAKER pro tempore. The Chair would advise the gentleman from New York that he might ask unanimous consent to proceed out of order for 3 minutes or for 4 minutes, or such time as he might seek, in order to propound a question to the sponsor of the amendment.

The Chair cannot control whether the gentleman's request would be granted, but under the rules that is the only recourse available to the gentleman of which the Chair is aware, the previous question having been ordered under the rule.

Mr. SOLOMON. Mr. Speaker, may I ask unanimous consent to address the House and to proceed out of order for just 2 minutes, not 3 or 4?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

Mr. BROWN of California. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Does the gentleman from New York seek further recognition?

Mr. SOLOMON. Mr. Speaker, I would demand a separate vote on that amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote is demanded:

The Clerk read as follows:

Amendment: page 16, after line 2; insert the following new section:

SEC. 9. Notwithstanding any preceding provision of this Act,

(a) $200,000,000 is authorized to be appropriated for purposes of carrying out the weatherization program under title IV of the Energy Conservation and Production Act for fiscal year 1985, and

(b) No funds shall be authorized to be appropriated for such program for any fiscal year after fiscal year 1989.

Mr. SOLOMON. Mr. Speaker, I am prepared to withdraw my demand for a separate vote on the Carper amendment. The gentleman from Delaware (Mr. CARPER) has told me he would

like to ask unanimous consent to address the House for 1 minute to simply answer the question, which means there are no delaying tactics which were not intended in the first place, which should satisfy the gentleman in the well. Therefore I will withdraw my demand for a separate vote on that amendment.

(By unanimous consent Mr. CARPER was allowed to speak out of order.)

EXPLANATION OF THE CARPER AMENDMENT TO H.R. 2615

Mr. CARPER. Mr. Speaker, I would say to the gentleman from New York the amendment leaves in place an authorization for fiscal year 1984 of $190 million. The amendment provides for an authorization in 1985 of $200 million.

The amendment leaves in place, as did the original bill, funding as needed for 1986 through 1989. However, it takes a 10-year reauthorization and compresses it, if you will, to 5 years. That is the intent of the amendment.

Mr. OTTINGER. Will the gentleman yield?

Mr. CARPER. I yield to the gentleman from New York.

Mr. OTTINGER. There is one inaccuracy in that description. That is, an amendment was adopted to knock out 1984, so that effect of this amendment is to leave $200 million for 1985 and such sums as may be necessary for the subsequent 4 years.

(By unanimous consent Mr. BROYHILL was allowed to speak out of order.)

CLARIFICATION OF CARPER AMENDMENT TO H.R. 2615

Mr. BROYHILL. Mr. Speaker, I would ask, the gentleman from Delaware if I could have his attention. I would like to ask him if it is his interpretation that the 10-year program that is mandated and required by this bill will be required to be carried out in 5 years instead of 10 years. Is that his intent?

Mr. CARPER. Will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Delaware.

Mr. CARPER. The bill would have to be reauthorized under this amendment again for fiscal year 1990 and toward the future.

Mr. BROYHILL. But there are certain requirements here which require the President to make certain audits, and then other requirements that require him to carry out this program over that period of time. Is the gentleman saying that it would be carried out over a 5-year period of time or a longer period of time?

Mr. CARPER. I am simply saying, with the amendment, sir; we would not be reauthorizing by approving this amendment. We did not reauthorize the program for 10 years but, rather, for 5.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 157, not voting 54, as follows:

[Roll No. 8]

AYES—222

Ackerman	Evans (IL)	MacKay
Addabbo	Fascell	Markey
Akaka	Fazio	Marlenee
Albosta	Feighan	Martin (NY)
Anderson	Ferraro	Martinez
Annunzio	Fish	Matsui
Anthony	Florio	Mavroules
Applegate	Foglietta	Mazzoli
Aspin	Ford (MI)	McCloskey
Barnes	Ford (TN)	McDade
Bates	Fowler	McGrath
Beilenson	Frank	McHugh
Bennett	Frost	McKernan
Biaggi	Garcia	McNulty
Boehlert	Gaydos	Mica
Boggs	Gejdenson	Mikulski
Boland	Gephardt	Miller (CA)
Boner	Gilman	Mineta
Bonior	Glickman	Minish
Bonker	Gonzalez	Mitchell
Borski	Gray	Mollohan
Boucher	Green	Moody
Boxer	Guarini	Morrison (CT)
Britt	Hall (IN)	Mrazek
Brooks	Hall (OH)	Murphy
Brown (CA)	Hamilton	Murtha
Burton (CA)	Harkin	Natcher
Byron	Harrison	Nowak
Carney	Hawkins	Oakar
Carper	Hayes	Oberstar
Carr	Hertel	Obey
Clarke	Horton	Ortiz
Clay	Howard	Ottinger
Clinger	Hoyer	Owens
Coelho	Jacobs	Panetta
Conte	Jeffords	Patterson
Conyers	Jones (OK)	Pease
Coughlin	Jones (TN)	Penny
Coyne	Kaptur	Pepper
Crockett	Kastenmeier	Perkins
D'Amours	Kazen	Price
Daschle	Kennelly	Rahall
Davis	Kildee	Rangel
Dellums	Kogovsek	Ratchford
Dicks	Kolter	Reid
Dingell	Kostmayer	Richardson
Dixon	LaFalce	Ridge
Donnelly	Lehman (CA)	Rinaldo
Dorgan	Lehman (FL)	Rodino
Dowdy	Leland	Roe
Downey	Lent	Rogers
Durbin	Levin	Rose
Dwyer	Levine	Roybal
Dymally	Lewis (CA)	Russo
Early	Long (LA)	Sabo
Eckart	Long (MD)	Sawyer
Edgar	Lowry (WA)	Schneider
Edwards (CA)	Luken	Schroeder
Evans (IA)	Lundine	Schumer
Shannon	Swift	Weaver
Sharp	Synar	Weiss
Sikorski	Tallon	Wheat
Simon	Tauke	Whitten
Skelton	Tauzin	Williams (MT)
Slattery	Torres	Wirth
Smith (FL)	Torricelli	Wise
Smith (NJ)	Towns	Wolpe
Snowe	Traxler	Wortley
Spratt	Udall	Wright
Staggers	Vento	Wyden
Stangeland	Volkmer	Yates
Stark	Walgren	Yatron
Stokes	Watkins	Young (AK)
Stratton	Waxman	Young (MO)

NOES—157

Andrews (TX)	Gunderson	Olin
Archer	Hall, Ralph	Oxley
Barnard	Hall, Sam	Packard
Bartlett	Hammerschmidt	Parris
Bateman	Hansen (UT)	Pashayan
Bereuter	Hartnett	Patman
Bethune	Hatcher	Paul
Bevill	Hefner	Petri
Bilirakis	Hightower	Pickle
Bliley	Hiler	Porter
Bosco	Holt	Pritchard
Broomfield	Hopkins	Quillen
Brown (CO)	Hubbard	Ray
Broyhill	Hughes	Regula
Burton (IN)	Hunter	Robinson
Campbell	Hutto	Roemer
Chandler	Hyde	Roth
Chappie	Ireland	Roukema
Cheney	Jenkins	Rowland
Coats	Jones (NC)	Rudd
Coleman (TX)	Kasich	Schaefer
Conable	Kemp	Schulze
Cooper	Kindness	Sensenbrenner
Courter	Lagomarsino	Shaw
Craig	Latta	Shelby
Crane, Daniel	Leath	Shumway
Daniel	Levitas	Shuster
Dannemeyer	Lewis (FL)	Sisisky
Darden	Livingston	Skeen
Daub	Lloyd	Smith (NE)
Derrick	Loeffler	Smith, Denny
DeWine	Lott	Smith, Robert
Dickinson	Lujan	Snyder
Dreier	Lungren	Solomon
Duncan	Mack	Spence
Dyson	Madigan	Stump
Edwards (AL)	Martin (IL)	Sundquist
Edwards (OK)	Martin (NC)	Taylor
Emerson	McCandless	Thomas (GA)
Erdreich	McCollum	Valentine
Erlenborn	McEwen	Vandergriff
Fiedler	Michel	Vucanovich
Fields	Miller (OH)	Walker
Flippo	Molinari	Weber
Franklin	Montgomery	Whitehurst
Fuqua	Moore	Whitley
Gekas	Moorhead	Whittaker
Gibbons	Morrison (WA)	Wolf
Gingrich	Myers	Wylie
Goodling	Neal	Young (FL)
Gradison	Nelson	Zschau
Gramm	Nielson	
Gregg	O'Brien	

NOT VOTING—54

Alexander	Gore	Pursell
Andrews (NC)	Hance	Ritter
AuCoin	Hansen (ID)	Roberts
Badham	Heftel	Rostenkowski
Bedell	Hillis	Savage
Berman	Huckaby	Scheuer
Breaux	Johnson	Seiberling
Bryant	Kramer	Siljander
Chappell	Lantos	Smith (IA)
Coleman (MO)	Leach	Solarz
Collins	Lipinski	St Germain
Corcoran	Lowery (CA)	Stenholm
Crane, Philip	Marriott	Studds
de la Garza	McCain	Thomas (CA)
English	McCurdy	Vander Jagt
Foley	McKinney	Williams (OH)
Forsythe	Moakley	Wilson
Frenzel	Nichols	Winn

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Hance against.
Mr. Solarz for, with Mr. Badham against.
Mrs. Collins for, with Mr. Philip M. Crane against.
Mr. Savage for, with Mr. Corcoran against.
Mr. Lantos for, with Mr. Marriott against.
Mr. Berman for, with Mr. McCain against.
Mr. McKinney for, with Mr. Thomas of California against.
Mr. Williams of Ohio for, with Mr. Hansen of Idaho against.

Mr. THOMAS of Georgia changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CLERICAL CONFORMING AMENDMENTS TO H.R. 2615, WEATHERIZATION AND EMPLOYMENT ACT OF 1983

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that the Clerk may make any clerical conforming amendments to the bill as a result of the amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore (Mr. LONG of Louisiana). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on January 25, 1984, under clause 7, rule XXIV, be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Speaker, I move that business in order on January 25, 1984, under clause 7, rule XXIV, the Calendar Wednesday rule, may be dispensed with on that day.

The SPEAKER pro tempore. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LUNGREN. Mr. Speaker, is there also 5 minutes given to someone in opposition?

The SPEAKER pro tempore. The Chair will advise that the opposition is also entitled to 5 minutes and will be recognized following the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I do hope that Members on both sides will vote to dispense with the Calendar Wednesday business tomorrow.

For the benefit of Members who have not been in the House long enough to understand the Calendar Wednesday procedure, let me just explain what it is we are dispensing with.

If we were to fail to dispense with the Calendar Wednesday rule and were to observe Calendar Wednesday on tomorrow, the day on which the President has requested that we welcome him for a state of the Union message, what happens is that the Clerk begins to call the roll of the House committees alphabetically. First would be the Committee on Agriculture. And such bills as may be on the Union or House Calendar, and there are some, from that committee would be up for consideration. Only general rules of procedure. Two hours limitation on general debate. No waivers. No Budget Act waivers. It would be a waste of some hours on tomorrow. It would not achieve any objective. The Agriculture Committee might have a bill, but not to demean the bills in any circumstance which have been reported by that committee, there are none that require our immediate attention.

Now, the House goes in session at 3 o'clock tomorrow and we are told by the security people that we need to recess at 5 o'clock in order that the House may be swept for security for the protection of the President and the dignitaries who will be here tomorrow evening. And that means that there would be 2 hours of meaningless debate or discussion on some bill that has not even been scheduled and which the committee really is not asking to be heard.

Now it is perfectly obvious what is being attempted and I honor the rights of the gentleman of the minority to use whatever devices are available to them under the rules, but this is an attempt to obstruct.

It was explained in a letter by the gentleman from California (Mr. DANNEMEYER) of November 21, 1983, to all of his Repubican colleagues, Dear Republican colleague.

And it explained his grievance about the committee ratios that were adopted when the rules of the House were adopted last year. Obviously the gentleman from California objects to that, but that is not the question tomorrow.

The gentleman's letter goes on to say, "The Republicans are left with five options: First, to accept their fate; second, to protest again; third, to obstruct House proceedings; fourth, to take their case to the people through the election arena; or fifth, to take their case to court." Now there have been court cases on the matter.

Now the letter goes on to point out that 14 Members of the Republican side brought legal action against the legal elected Democratic leadership.

□ 1840

The district court dismissed the case. The circuit court of appeals dismissed the case, citing that there was not sufficient injury involved. The U.S. Supreme Court denied certiorari.

So the letter concludes: "Given these facts, we would like to request that you join us in an effort to obstruct House proceedings."

I do not believe that speaks for most of the Members on the Republican side of the aisle. I know it does not speak for most of the Members on this side of the aisle.

Now, obviously, if we were to do away with Calendar Wednesday tomorrow in order to have an orderly proceeding and welcome the President in a manner that he is entitled to be welcomed, then we are going to have a two-thirds vote. That is what the rules require. So I appeal to the responsible Members on both sides of the aisle to vote to dispense with Calendar Wednesday tomorrow.

If there were any urgency, any emergency, any real reason for our taking up these bills out of the Agriculture Committee, it would be satisfactory with me. If that is what the Members want to do, it is fine. It will just be a waste of time. We will not get anything accomplished.

So I do request, in the interest of orderly procedure, which serves both the minority and the majority, that the responsible Members on both sides of the aisle shall vote aye in order to dispense with Calendar Wednesday tomorrow and have orderly procedures.

The SPEAKER pro tempore. The gentleman from California (Mr. LUNGREN) is recognized for 5 minutes.

Mr. LUNGREN. I thank the Chair. I hope I will have as much leeway in my 5 minutes as the gentleman on the other side has been accorded.

Mr. Speaker, this is not an attempt to obstruct in any way. If the Members would take a look at the rules, they would find that there is a reason for Calendar Wednesday. It came into

effect many years ago when some thought that the power of the Speaker was too great, in that he could decide what should be brought to the floor and not brought to the floor, irrespective of the attitudes of anybody else. It was a power given to the chairmen of the particular committees so that they could bring those things to the floor that had not been brought to the floor, even though the committees had done their work and passed the legislation out.

As a normal course of conduct, we have developed a repetition here wherein every week we decide to dispense with Calendar Wednesday. The Calendar Wednesday system is not the parade of horrors suggested by the distinguished gentleman from Texas. Let me tell you. What happens is, the chairman of the first committee—and they go alphabetically—is given an opportunity to bring a bill up. If he does not want to bring a bill up, he can pass. It goes then to the next committee. After one bill has been dealt with, the Chair would then entertain a motion to dispense with further reading of the calendar, and that is all that it takes on a simple majority vote.

The problem some of us have in this House is that the American people ask us—and I am sure they asked Members on the Democratic side as well as the Republican side in the 9 weeks we were out: "Why are you not doing something about a constitutional amendment to balance the budget? Why are you not doing something about regulatory reform?" That passed out of our committee a long time ago. "Why are you not doing something about immigration?" which passed out of our committee last May. "Why are you not doing something on many, many different issues that have passed committees in the past?"

And all we can say is, "They have not been scheduled."

If in fact you think we ought to schedule some of these things, we ought to go by the procedure where we go through this on every Wednesday.

Now, if the gentleman from Texas is saying that he merely objects because this might interfere with the President's appearance before us, it has been my observation in my 5 years here that the President only has one state of the Union address a year, and if the gentleman would like to say that we will not have Calendar Wednesday for that reason this week but we will have Calendar Wednesday henceforth, I would be happy to accommodate the gentleman and agree to that. But I do not think that is the tenor of the gentleman's remarks.

What we have been doing on a regular basis is purely and simply rejecting a protection for the minority interest. And I am not just talking about the Republican minority interest. I am talking about minority interest in terms of those who are here to represent their constituents but who do not happen to have the same philosophical bent as the Speaker of the House or those who reign in this place and deny us the simple opportunity of presenting some of these things to the American people.

Now, it is not a delaying tactic. How the gentleman from Texas can suggest it is obstructionism, when it is an avenue by which a bill can be brought to the floor, I do not know. The gentleman is saying, "Let us deny every single chairman the opportunity to bring important bills to the floor," unless the gentleman suggests that what we have been doing for the last 13 months is absolutely unimportant, that is, the work we have done in our committees.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, does the gentleman have some bill that has been passed out of the Agriculture Committee that he wants us to hear tomorrow?

Mr. LUNGREN. No, I have no interest in terms of the Agriculture Committee. As the gentleman well knows, we cannot get to the Judiciary Committee or any other committee until first we have an opportunity for the chairman of the Agriculture Committee. As the gentleman knows, when the chairman of the Agriculture Committee exercises his responsibility to call up a bill or to pass, he losses that opportunity until we have gone through all of the committees of the House alphabetically. So if you want any bill from any other committee to be considered, you have to go through the process in which the chairmen of the committees have their opportunity.

Does that answer the gentleman's question?

Mr. WRIGHT. Then I dare say that we would not get through Agriculture tomorrow. But if we did, does the gentleman have any bill from the Appropriations Committee that he wants to see called up?

Mr. LUNGREN. No, I do not. As a matter of fact, I would be willing to wait for 13 weeks to get to the Judiciary Committee so that we might have the regulatory reform bill. I know that was only passed out 3 years ago. And then in this last one. We have the bankruptcy bill that was passed out of the Judiciary Committee. That is not really that important. The U.S. Supreme Court has only said that the bankruptcy system we have now is unconstitutional, has given us two deadlines. I would like to see the immigration bill which we passed out last May. There are many, many bills. I am sure there are other bills that other Members would like to have discussed.

Mr. WRIGHT. If the gentleman will yield, I think I can give the gentleman some reasonable assurance that a bill on the bankruptcy question and a bill on the immigration question will be brought in regular order before the House.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

The Chair will note for the record that the gentleman from California had exactly within 1 second the same 5 minutes time as the gentleman from Texas.

Mr. LUNGREN. I appreciate that, Mr. Speaker.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 140, not voting 71, as follows:

[Roll No. 9]

AYES—222

Ackerman	Downey	Jenkins
Addabbo	Durbin	Jones (NC)
Akaka	Dwyer	Jones (OK)
Albosta	Dymally	Jones (TN)
Anderson	Dyson	Kastenmeier
Andrews (TX)	Early	Kazen
Annunzio	Eckart	Kennelly
Anthony	Edwards (CA)	Kildee
Applegate	Erdreich	Kogovsek
Aspin	Evans (IL)	Kolter
Barnard	Fascell	Kostmayer
Barnes	Fazio	LaFalce
Bates	Feighan	Leath
Beilenson	Ferraro	Lehman (CA)
Bennett	Flippo	Lehman (FL)
Bevill	Florio	Leland
Biaggi	Foglietta	Levin
Boggs	Ford (TN)	Levine
Boland	Fowler	Levitas
Boner	Frank	Lloyd
Borski	Fuqua	Long (LA)
Bosco	Garcia	Lowry (WA)
Boucher	Gaydos	Luken
Boxer	Gejdenson	MacKay
Britt	Gephardt	Markey
Brooks	Gibbons	Martinez
Brown (CA)	Glickman	Matsui
Byron	Gonzalez	Mavroules
Carper	Gray	Mazzoli
Carr	Guarini	McCloskey
Clay	Hall (IN)	McHugh
Coelho	Hall (OH)	McNulty
Coleman (TX)	Hall, Ralph	Mica
Conyers	Hall, Sam	Mikulski
Cooper	Hamilton	Miller (CA)
Coyne	Harkin	Mineta
Crockett	Harrison	Minish
D'Amours	Hatcher	Mitchell
Darden	Hayes	Mollohan
Daschle	Hefner	Montgomery
Dellums	Hertel	Moody
Derrick	Hightower	Morrison (CT)
Dicks	Howard	Mrazek
Dingell	Hoyer	Murphy
Dixon	Hughes	Murtha
Donnelly	Hutto	Natcher
Dorgan	Ireland	Neal
Dowdy	Jacobs	Nelson

Nowak	Roemer	Tauzin
Oakar	Rose	Thomas (GA)
Oberstar	Roukema	Torres
Obey	Rowland	Torricelli
Olin	Roybal	Towns
Ortiz	Russo	Traxler
Ottinger	Sabo	Valentine
Owens	Scheuer	Vandergriff
Panetta	Schroeder	Vento
Patman	Schumer	Volkmer
Patterson	Shannon	Watkins
Pease	Sharp	Waxman
Penny	Shelby	Weaver
Pepper	Sikorski	Weiss
Perkins	Simon	Wheat
Pickle	Sisisky	Whitley
Price	Skelton	Whitten
Pritchard	Slattery	Williams (MT)
Rahall	Smith (FL)	Wirth
Rangel	Spratt	Wise
Ratchford	Staggers	Wolpe
Ray	Stokes	Wright
Reid	Stratton	Wyden
Richardson	Swift	Yates
Rodino	Synar	Yatron
Roe	Tallon	Young (MO)

NOES—140

Archer	Green	Oxley
Bartlett	Gregg	Parris
Bateman	Gunderson	Pashayan
Bereuter	Hammerschmidt	Petri
Bethune	Hansen (ID)	Porter
Bilirakis	Hansen (UT)	Quillen
Bliley	Hartnett	Regula
Boehlert	Hiler	Rinaldo
Broomfield	Holt	Robinson
Brown (CO)	Hopkins	Rogers
Broyhill	Horton	Roth
Burton (IN)	Hunter	Rudd
Campbell	Hyde	Sawyer
Carney	Jeffords	Schaefer
Chandler	Kasich	Schneider
Chappie	Kemp	Sensenbrenner
Cheney	Kindness	Shaw
Clinger	Lagomarsino	Shumway
Coats	Latta	Shuster
Conable	Lent	Siljander
Conte	Lewis (CA)	Skeen
Courter	Lewis (FL)	Smith (NE)
Craig	Livingston	Smith (NJ)
Crane, Daniel	Loeffler	Smith, Denny
Daniel	Lott	Smith, Robert
Dannemeyer	Lungren	Snowe
Daub	Mack	Snyder
Davis	Madigan	Solomon
DeWine	Marlenee	Spence
Dickinson	Martin (IL)	Stangeland
Dreier	Martin (NC)	Stump
Duncan	Martin (NY)	Sundquist
Edwards (AL)	McCandless	Tauke
Edwards (OK)	McCollum	Taylor
Emerson	McDade	Thomas (CA)
Erlenborn	McEwen	Vucanovich
Evans (IA)	McGrath	Walker
Fiedler	McKernan	Weber
Fields	Michel	Whitehurst
Fish	Miller (OH)	Whittaker
Franklin	Molinari	Wolf
Gekas	Moore	Wortley
Gilman	Moorhead	Wylie
Gingrich	Morrison (WA)	Young (AK)
Goodling	Myers	Young (FL)
Gradison	Nielson	Zschau
Gramm	O'Brien	

NOT VOTING—71

Alexander	de la Garza	Lantos
Andrews (NC)	Edgar	Leach
AuCoin	English	Lipinski
Badham	Foley	Long (MD)
Bedell	Ford (MI)	Lowery (CA)
Berman	Forsythe	Lujan
Bonior	Frenzel	Lundine
Bonker	Frost	Marriott
Breaux	Gore	McCain
Bryant	Hance	McCurdy
Burton (CA)	Hawkins	McKinney
Chappell	Heftel	Moakley
Clarke	Hillis	Nichols
Coleman (MO)	Hubbard	Packard
Collins	Huckaby	Paul
Corcoran	Johnson	Pursell
Coughlin	Kaptur	Ridge
Crane, Philip	Kramer	Ritter
Roberts	Solarz	Vander Jagt
Rostenkowski	St Germain	Walgren
Savage	Stark	Williams (OH)
Schulze	Stenholm	Wilson
Seiberling	Studds	Winn
Smith (IA)	Udall	

□ 1900

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1797

Mr. SUNDQUIST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1797.

The SPEAKER pro tempore (Mr. GEPHARDT). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1220

CALLING UPON THE MEDIA TO VOLUNTARILY REFRAIN FROM PROJECTING PRESIDENTIAL ELECTION RESULTS ON ELECTION DAY

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, today 36 Members of Congress join in introducing a House resolution calling upon the television and radio industry and other members of the news media voluntarily to refrain from projecting Presidential election results on election day until all the polls throughout the United States have closed. This may be of particular interest to the West, but it should be a matter of concern to all who believe that citizens of this Nation should not be discouraged from participating in our Nation's electoral process.

In 1852, when Californians first went to the polls to vote for a U.S. President, it took over 4 weeks for the results to be reported. In 1980, western voters were told 4½ hours before their polls closed that the election was already over. At 3:30 p.m. P.s.t. when the first network projection was made, many westerners had not yet had a chance to exercise their constitutional right to cast a vote; 4 weeks late or 4½ hours early are both extremes. Progress has taken care of the 4-week problem but appears to have made possible the 4½-hour extreme.

According to a CBS-New York Times poll conducted in 1980, at least 3 percent of western voters did not go to the polls after hearing the election-day projections. That is approximately 400,000 Californians, over 9,000 per congressional district, not voting because of the capricious actions by the broadcasters.

The networks have suggested in congressional hearings that the participatory decline due to projections was insignificant. I strongly disagree. Various other factors may have contributed to making 1980 the Presidential election with the lowest voter turnout since 1948. But it cannot be denied that election-day projections were a significant causal reason.

In addition, when the networks influence turnout for a Presidential race, they influence the outcome of closely contested local races. In California, for example, many races were decided by as few as 25 to 800 votes. It is difficult to comprehend how one could contend that a 3-percent decline in voter participation could be insignificant in these races. As Los Angeles Mayor Tom Bradley, writing in support of this resolution, remarked:

> There are many state and local elections whose outcome can be dramatically changed by the dampening effect of a projection of a national victory or defeat for a particular candidate. Such effects can create very meaningful distortions in voting patterns for state and local elections.

Rather than being insignificant, it can be suggested that the networks are coming dangerously close to determining the outcome of such elections by reducing voter participation and discouraging individual voting. They are creating a news event rather than reporting on one.

The networks have also claimed that they are merely satisfying a societal demand or need of voters who are keenly interested in hearing network projections. This may be the case for the curious on the east coast. But the facts reveal a different story in the west; 74 percent of Californians polled in 1980 favored a prohibition on election projections until the polls closed in all States. In 1981, 78 percent of voters polled felt it was not proper to report a projected outcome before the polls closed in the west and 64 percent favored prohibiting the networks from making early national projections. In 1982, 71 percent of the voters polled still believed that broadcasters should not project a Presidential winner until all the polls closed. These consistently high percentages demonstrate rather clearly the electorate's disagreement with the networks' rationalization for election-day projections. The networks are engaged in their Nielsen game, competing to be the first to declare the winner. Their assertion that projections provide a public service should be seen as transparent and self-interested.

We ought to be spending our energy on increasing voter participation. This is of vital national concern. Actions which directly contradict this interest, depriving any voter of the right to cast an unencumbered vote, must be seri-

ously challenged. The networks' projections effectively tell the Western voter, "your vote does not count, the election has already been decided." A message like that undermines confidence in the integrity of the electoral system and devalues the belief that every individual's vote has value. The electoral process is the cornerstone of our democracy but without voter confidence it will surely crumble.

Father Robert Drinan, a staunch supporter of constitutional rights and free speech, states:

> The networks must ultimately realize that they have a responsibility to the voters of this country to assist them in formulating an educated and informed vote. It is not the networks' role to decide early in the day who has won the election. The news media should not be determining elections but rather reporting on them.

As a nation we need free and open debate. As individual voters we need as much information as possible to cast our ballots. The networks play a key role in this process. However, they are redefining their role and, in so doing, ignoring the legitimate concerns and protected rights of the American voters.

Our resolution offers a simple solution to the election-day projection problem. It is a forthright declaration telling the networks that we are concerned, that we care about the electoral system and that we want to protect the rights of citizens to cast ballots in a free and unimpaired manner. Some members of the news media have accused me of defending voting rights while eroding the constitutional rights of the press. As chairman of the Subcommittee on Civil and Constitutional Rights and as an American citizen committed to upholding the tenets of the first amendment, I would never propose or suggest anything that would interfere or violate anyone's first amendment rights. What we are offering today does not threaten the rights of the press but puts forth protection for voting rights. The resolution being offered today does not put a ban on the media, it simply urges them to act responsibly by voluntarily refraining from asking projections which cause the erosion of voters' constitutional rights. It will not cost the States 1 cent. It will not create ballot security problems. It will not prevent exit polling nor election reporting. It is a simple statement to the broadcast media that the House of Representatives wants a stop to this serious interference with people's voting rights. It calls on the networks to respect the constitutional rights of citizens to freely engage in our Nation's electoral process.

As of today the following individuals and organizations have endorsed this resolution:

California Secretary of State, March Fong Eu.

Washington Secretary of State, Ralph Munro.

California Lieutenant Governor Leo McCarthy.

Los Angeles Mayor Tom Bradley.

California State Senator John Garamendi.

California State Senator Bill Lockyer.

California State Senator Herschel Rosenthal.

California Speaker of the Assembly Willie L. Brown, Jr.

Father Robert Drinan.

Peter Kelly, Chair, California Democratic Party.

California Democratic Party.

Democratic National Committee, Executive Committee.

National Organization of Women.

National League of Women Voters.

National Education Association.

REPEAL OF THE 3.5 PERCENT COST-OF-LIVING INCREASE

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, yesterday I introduced a bill, H.R. 4600, which repeals the 3.5 percent cost-of-living increase Members of Congress began receiving on January 1.

With the Nation facing a Federal budget deficit of $200 billion, with workers in many businesses and industries still laid off, working part time, or accepting reduced salaries and wages, and with retired people being asked to accept delayed COLA's, Congress should be showing restraint in spending rather than allowing itself to be paid more money.

That is why I have introduced this bill. I will also be returning the extra money in my own paycheck to the Federal Treasury. I urge my colleagues to join me and return their own increases.

While my pay raise repeal bill will not make a big dent in the Federal deficit, I think it is important for us to include ourselves in expense reduction measures. I urge my colleagues to join me by cosponsoring this legislation and I urge its favorable consideration when it reaches the floor.

This salary increase of 3.5 percent, or $2,443, became effective when all Government employees received a 3.5-percent increase. Because of a law passed in a previous Congress, congressional pay increases no longer require a special act of Congress. The effect of my bill will be to repeal the increase and require that no additional increase can be made without a specific act of Congress.

As recently as December 1982, the lameduck session of the 97th Congress voted itself an increase of 15 percent or $9,138. Another increase of any magnitude is not justified and should be stopped.

Repealing this increase will save the Government $1,074,920. Now this is not a large amount of money by Washington standards. But its a lot of money by the standards of working people in the Sixth District of Virgina.

Rather than showing leadership in saving money, the House of Representatives has not only been voting itself salary increases, but has also been voting excessive increases in expense and staff allowances.

Next year it will cost $1.2 billion to operate the House. This budget was passed as part of the legislative branch appropriations. I voted against it because it is excessive. Amendments to reduce it, which I voted for, were defeated. Here are some examples:

The appropriation called for an 8-percent increase for committee staffs. This is certainly uncalled for in a year when inflation is running under 5 percent.

Let us take the allowance individual Members are given to run their congressional offices. When I came to Congress my allowance was $89,000 per year and I planned to operate 10 percent under it. During the year the supplemental appropriations bill, which I voted against, increased my allowance by $15,000 which I said I did not need, and have not spent. The 1984 appropriations bill adds another $17,000 to my allotment for a total increase in 1 year of 36 percent.

The Congressional Budget Office in 1983 received 15 percent more than the year before. For 1984 another 10 percent was passed. There is no justification for a 25-percent increase in a 2-year period.

Finally, I voted for an amendment that would have eliminated elevator operators from the automatic elevators in the House office buildings. The elevators work faster without them, and they are costing taxpayers just under $170,000 per year.

We badly need to establish fiscal integrity in the Federal Government. The budget needs to be brought into balance. A most important part of this process must be containment of expenses. I favor the pay-as-you-go approach. This approach would not allow increases of the type I have talked about today without spelling out where the money was going to come from to pay for them. Or better still, if they were brought out in the open, few of them would survive.

We are going to ask the President to join with us in the balanced budget effort. I hope the House will start doing its job by showing leadership in restraint, by passing my bill and by adopting pay-as-you-go.

Regardless of what happens to my bill, I am not accepting the pay increase. I will be returning to the Fed-

eral Treasury all the money coming to me. I urge my colleagues to join me in cosponsoring this legislation, in returning the extra money from their own paychecks, and in adopting the pay-as-you-go budget resolution.

THE 1984 BANNER YEAR—1985-86 DOUBTFUL

(Mr. ZSCHAU asked for and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZSCHAU. Mr. Speaker, although 1984 should be a banner year for the U.S. economy, fasten your seatbelts for another rocky economic slide in 1985-86 unless we in Congress and those in the White House muster up some political courage this year to reduce the Federal deficits projected at $200 billion annually as far as the eye can see.

I have mixed feelings about the economy's current good performance and prospects: It is wonderful except that it lulls us into a euphoric state. The annual GNP growth rate recently has been 6 percent. Housing starts are up about 70 percent over last year and domestic auto sales are expanding again, too. The index of leading economic indicators climbed consistently each month last year until December, unemployment fell to 8.2 percent—faster and farther than most predicted—and inflation was held in check—below 5 percent. So, what is the worry?

The worry—really the danger—is the stream of $200 billion Federal deficits. They are unprecedented, not just in their magnitude, but because they are expected to increase—or at least not decrease—during a period of improving economic conditions. As such, they cannot be explained away as the "normal effect of an econmic slowdown." Rather they result from a total absence of fiscal responsiblity—Congress and the White House wanting to spend far more than we are willing to tax our constituents. It is that, pure and simple.

When the Treasury borrows the money from the private sector to fund the enormous deficits, it adds to the national debt and to the annual Federal interest expenses—currently an incredible 11 percent of our total Federal budget. Also, such Government borrowing consumes a major part of our already scarce savings pool which is needed to satisfy private credit demands.

A look at the numbers will illustrate just how significant the impact of Government borrowing is on the funds available for the private sector. Currently, the total net savings pool in the United States is running about 7 percent of GNP while the Federal deficits are predicted to be about 5 percent of GNP. That means that about 70 percent of the savings available to finance all those new houses, cars or business expansion will be absorbed by the Government borrowing to fund the deficits. It is hard to sustain a recovery when there is so little capital left over to finance the expansion of the producers and the purchases of the consumers.

But that is not all. There is more gloom in the deficit picture. The high interest rates in the United States, caused by the upward pressure of excessive Government borrowing, make foreign investment in the United States attractive. However, that makes the dollar more valuable versus foreign currencies. In turn the stronger dollar makes U.S. products relatively more expensive abroad and makes foreign made products relatively cheaper here. As a result, our products are less competitive in foreign markets, which costs us sales abroad and many jobs here at home.

In short, if we do not make substantial reductions in the Federal deficits, interest rates will be driven up, the hard fought and costly gains against inflation will be lost and the fragile interest sensitive economic recovery that we are currently enjoying will be nipped in the bud.

Curiously, most people in and out of Washington—except those avant-garde economists whose theories defy reality—agree with this analysis. The debate is not over whether or not these enormous deficits will destroy the recovery. The debate has been over whether its destruction will begin to take place before or after the November 1984 elections. Since it is unlikely that we will see signs of the next recession in 1984, the "politically wise" course is to speak out harshly against deficits in 1984 but wait until 1985—or later—before facing up to the problem.

I believe that approach is dumb and irresponsible. Waiting will make the problem worse and will increase the pain of solving it. It is harder to take the always difficult actions of reducing spending and increasing taxes when you are in a faltering economy. The time to act is now, when we have the momentum of the recovery to help us.

The key to making substantial decreases in the deficits is the willingness to seek spending cuts throughout the entire budget—defense and entitlements which compose three-fourths of our expenditures cannot be off limits—and the willingness to make appropriate tax increases, too. We cannot solve the problem by trying to squeeze more blood out of the discretionary domestic spending turnip alone—although there is certainly some left.

Happily, with the momentum of the recovery, we can get leverage out of the deficit reduction actions we take. For example, let us suppose we cut the spending growth in 1985 by $30 billion—$8 billion in defense, $15 billion in entitlements, and $7 billion in other—and that we increase taxes by $20 billion. That would reduce Federal borrowing by $50 billion or 1.2 percent of GNP. The extra $50 billion available for private borrowing plus the reduced expectations for inflation could result in interest rates falling 1 to 2 percent, which alone might save $10 billion in interest on the national debt. It might also have a favorable effect on employment. A one-half percent greater reduction in unemployment throughout the year would reduce the deficit by about another $15 billion. The total impact of immediate congressional action could be a $75 billion deficit reduction which would send a strong signal to the financial markets and companies that prospects for lower interest rates and economic growth are bright.

If deficits can be reduced and this is the time to act, what is stopping us? It is fear—the fear that the proposals we make to cut spending or raise taxes will be used against us in our election campaigns. Concern for our own political skins prevents us from acting responsibly. Clearly, taking the proper fiscal actions is a political problem rather than a budget or tax policy dilemma.

Accordingly, the solution must be a political solution. I am convinced one exists. I am optimistic because I believe that the American people now understand that we cannot continue on this present course without damaging the economy for everyone. I am sure they have also begun to recognize that getting our fiscal house in order means that their own oxen will have to be gored—or at least severly scratched—not just someone else's. I believe they are ready to sacrifice individually to help create a strong economic future so long as everyone else is seen sacrificing as well in some fair manner. The challenge is for us to recognize these feelings and to act on them.

The political solution requires depoliticizing the deficit reduction issue. We have got to get everyone's fingerprints on the spending cuts and tax increase weapons so there cannot be any partisan finger pointing.

One way to do this would be for the President to call a major economic summit meeting attended by the leadership from both parties in the House and Senate, his Cabinet and advisers, and Chairman Paul Volcker of the Federal Reserve Board. It should be held in a secluded spot like Camp David away from the press where everyone can openly discuss their ideas without attribution. The purpose of this meeting would be to arrive at a consensus plan to make a significant—

$50 billion or more—reduction in the 1985 deficit. The meeting should continue as long as it takes to reach such a program that all parties will support and get passed.

Mr. Speaker, let us meet the political challenge of increasing U.S. prosperity by taking politics out of it and doing what is right for a change.

THE CONNECTION BETWEEN ABORTION AND THE EQUAL RIGHTS AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, as a Member of Congress, I did not enter into the debate on the ERA as an opponent. As a member of the Wisconsin Assembly in 1972, I voted to ratify ERA I. I also cosponsored a State ERA which passed the legislature but was subsequently defeated in a referendum vote.

Back in July, when the House Judiciary Subcommittee on Civil and Constitutional Rights began hearings on House Joint Resolution 1, the proposed equal rights amendment, I noted that the failure of ERA I was a direct result of the amendment's proponents' inability to answer critical questions on many emotional and social issues that it created. Perhaps the most controversial of these social issues is the effect the ERA would have on abortion and abortion-related issues. This first, in a series of nine special orders over the next 3 months, will deal with the oft-quoted phrase "the ERA-abortion" connection and the merits of an abortion-neutral amendment.

As currently phrased, it is unclear whether the proposed equal rights amendment will have any effect on abortion rights or laws—most importantly, the Hyde amendment or similar State laws or regulations that prohibit public money from being used for abortion funding.

When House Joint Resolution 1 was before the full House Committee on the Judiciary, I offered an amendment which was defeated which would make the ERA abortion-neutral. The text of this amendment is as follows:

> Nothing in this Article shall be construed to grant, secure or deny any right relating to abortion or the funding thereof.

This amendment will again be offered if the ERA is considered under an open or modified open rule.

The ERA-abortion connection was first raised by advocates of abortion who attempted to use the ERA's in State constitutions of Hawaii, Massachusetts, and Pennsylvania to overturn State laws that prohibited State public moneys from being used for abortions. While the courts decided these cases on other grounds, the issue was never decided whether a State ERA would or would not overturn these statutes. After these suits were filed, in many States where the Federal ERA had not been ratified, the abortion connection became one of the major reasons for failure. There is no reason to believe that similar arguments would not be made before Federal courts should the ERA become part of the Constitution.

The principal argument that has been advanced against an abortion-neutral amendment is that the Supreme Court has treated abortion as a privacy right and not an equal protection issue. This is merely an attempt to cloud the issue. While it is true that the U.S. Supreme Court has upheld the right to abortion under the privacy penumbra it is also true that the Supreme Court in the case of *Harris* v. *McRae*, 448 U.S. 297 (1980), upheld the constitutionality of the Hyde amendment. In the McRae case, the Court concluded that the Hyde amendment did not violate equal protection principles. The Court concluded the Hyde amendment did not violate equal protection principles because it did not disadvantage a suspect class where strict judicial scrutiny would apply. The Supreme Court went on to hold that there was a rational basis for the Hyde amendment: "It follows that the Hyde amendment, by encouraging childbirth except in the most urgent circumstances, is rationally related to the legitimate government objective of protection of human life." *McRae, supra*, at 325. This case was decided by a razor-thin margin of 5-4.

In *William* v. *Zabraz*, 448 U.S. 297, which was decided on the same day, the Supreme Court held that a State statute similar to the Federal Hyde amendment did not violate the constitutional restrictions of the equal protection clause of the 14th amendment.

What is important in these cases is that the Supreme Court held that sex was not a suspect class that would be subject to strict judicial scrutiny.

It has been argued and testified to by proponents of the ERA that the ERA will have no impact on abortion or abortion funding because pregnancy is a unique physical characteristic shared only by one sex and would not be an issue for sex discrimination.

However, in an amicus brief filed in the *General Electric* v. *Gilbert* case, 429 U.S. 125 (1976), by the leading legal scholars who favor the ERA, it was argued that pregnancy was no different than any other temporary disability. The issue in the Gilbert case was whether a disability insurance coverage program offered by General Electric, which did not include pregnancy coverage, was discrimination and thus in violation of title VII of the 1964 Civil Rights Act, which prohibits sex discrimination in employment.

That the arguments in the amicus brief relating to title VII on pregnancy discrimination are applicable to the ERA is clearly established by the amici when they stated:

> In this brief, amicus draws upon its expertise in the theory of the equal rights amendment and in the policies at issue here to present to the Court an argument that the legislative history of the ERA supports, rather than negates the conclusion that Title VII prohibits the exclusion of pregnancy-related disabilities from the General Electric disability income protection plan.

The amicus brief filed by the ACLU and the Women's Law project was signed by Prof. Thomas Emerson of Yale Law School and Prof. Anne Freedman of Rutgers University School of Law, both of whom testified before the Subcommittee on Civil and Constitutional Rights in favor of the ERA. It was stated that:

> . . . in line with the central tenet of the ERA—that legal support for sex discrimination is to be eradicated root and branch—Congress clearly intended the amendment to end all categorical discrimination by law, including the improper use of pregnancy-based classification.
>
> . . . The condition of pregnancy, for example, possesses a number of properties, some of them shared by other conditions (need for medical care, period of disability), and some, wholly unique (the birth of a child is the usual result). The uterus, too, shares some characteristics with other organs (subject to disease and malfunction), and has some features wholly unique to it. . . .

Amici argued that if General Electric were a State employer subject to the ERA its treatment of disability related to pregnancy and childbirth would not survive scrutiny appropriate under the (Equal Rights Amendment).

In testimony before the Subcommittee on Civil and Constitutional Rights, the American Bar Association was very critical of the U.S. Supreme Court's decision in the Gilbert case:

> The Supreme Court reasoned . . . that different treatment of pregnancy from other disabilities is not discrimination based on sex but simply discrimination based on pregnancy. Accordingly, a legislature can distinguish between pregnant and non-pregnant people and perpetrate no legal wrong against women. This denial of the obvious fact that to treat people differently on account of characteristics unique to one sex is to treat them differently on the basis of their sex places beyond reach of the equal protection clause some of the most invidious and detrimental sex role stereotyping.

It takes little imagination to see that legislative restricitons on public

moneys being used for abortions are clearly within the reach of what Professors Emerson and Freedman, and the ABA would like to see prohibited.

If the Supreme Court were to construe a prohibition on Federal funding as a sex-based classification, the Hyde amendment or a similar State prohibition on abortion would be subject to a strong constitutional challenge under the ERA. Professor Freedman testified that pregnancy-based classifications are sex-based classifications. (She cited Justice Brennan's dissent in Geduldig against Aiello.)

In a colloquy which occurred at the House Judiciary Committee markup and in testimony before the subcommittee, it was stated that the standard of review for pregnancy-based classifications under the ERA would be strict judicial scrutiny. Thus, if the Supreme Court applied the same analysis that it applied in McRae but with the added factor of "strict judicial scrutiny" required by the ERA, then the Hyde amendment would most certainly be invalid. Even if one assumes that Federal or State funding of abortion issues were privacy questions, an explicit amendment to the U.S. Constitution such as that embodied in the ERA would certainly overrule any implied right to privacy which the Supreme Court extracted from the due process clause of the 14th amendment.

The fact of the Hyde amendment being invalidated if the ERA is ratified was reinforced in a recent comprehensive legal analysis done by the American Law Division of the Library of Congress, dated October 20, 1983, and entitled "A Legal Analysis of the Potential Impact of the Proposed Equal Rights Amendment (ERA) on the Right to Abortion or to the Funding of an Abortion." In this analysis, the following conclusion was reached:

[I]f strict scrutiny, the most active form of judicial review, is the standard applied [under the ERA], then the answer to the question whether pregnancy classifications are sex-based classifications would seem to be in the affirmative. It would then follow that the ERA would reach abortion and abortion funding restrictions.

Witnesses who testified before the subcommittee expressed their concern over the ERA and its effect on the Hyde amendment and other abortion-related issues. For example, Paige Cunningham, executive director of the Americans United for Life, Legal Defense Fund, in testimony before the Civil and Constitutional Rights Subcommittee, stated:

The language of the ERA does not, on its face, implicate abortion. However, in view of positions taken by abortion advocates under State equal rights provisions, the views of leading ERA proponents, and the decisions of the judiciary in abortion-related matters, this potential connection is obvious. Only new language, a specific disclaimer, or rigidly drafted legislative history assure that this result will not occur.

Otherwise the Federal courts will have a blank check to interpret the ERA in the abortion context as they choose—a result that as an advocate of the right to life for all human beings I must oppose.

The ERA-abortion connection concern was echoed by Prof. Jules Gerard, professor of law, Washington University, St. Louis, when he stated that "the argument that ERA would invalidate current laws denying public funding for abortions is perfectly straight-forward."

Prof. Henry Karlson, also a witness before the subcommittee, testified about his concern over Harris against McRae being overturned. Using the Bob Jones rationale, he also testified about the impact of a hospital sponsored by a religious institution that has tax-exempt status that does not perform abortions. This could be construed as contrary to public policy, that is, sex discrimination, and found to violate the ERA. He notes the failure to amend the ERA to make it clear it is abortion-neutral should be considered an open-ended invitation to the Federal judiciary to use the ERA to invalidate all State and Federal laws dealing with the subject.

It makes little difference as to whether a standard of review for the ERA would be an absolute one and would prohibit all sex discrimination with no exceptions or whether sex discrimination would be treated as race discrimination—a suspect class—where a compelling State interest would be needed. Former Congressman and ranking minority member of the Civil and Constitutional Rights Subcommittee, Charles E. Wiggins, testified that the Harris against McRae decision, upholding the Hyde amendment, would be endangered as it was a close 5-to-4 decision. Paige Cunningham of Americans United for Life, echoed the same concern.

The hearing record showed the split between constitutional experts on the issue. In markup, the subcommittee chairman provided inconsistent and incomplete answers on how the ERA would affect abortion. It would be impossible for the committee report to make any sense out of what was said at the full committee markup with respect to whether there is an ERA-abortion connection. We do know that the subcommittee chairman said the Hyde amendment would be strict judicial scrutiny. The Sensenbrenner amendment will be offered during House consideration of House Joint Resolution 1 to make crystal clear that the intent of the ERA is not to expand abortion rights—that the ERA is abortion-neutral—with respect to the Hyde amendment, with respect to religious hospitals or other institutions that do not allow abortions, to name but a few.

As Lane Kirkland, president of the AFL-CIO, testified before the subcommittee "* * * while we recognize that a few substantial issues have been raised—such as the effect, if any, of the ERA on the right to an abortion * * * we believe Congress may, and should, provide authoritative guidance to the courts * * *." Adoption of the Sensenbrenner amendment would provide this guidance.

The adoption of an amendment to make the ERA abortion-neutral would help in ratification of the ERA by the States. It could take away the opposition of a large constituency who may or may not have any opposition to the equal rights amendment as a substantive issue. As State representative Alan Quist of Minnesota testified: "It (abortion) probably is the key issue (regarding passage of the Equal Rights Amendment in Minnesota)".

The adoption of an amendment is the only way to insure that the ERA will be abortion-neutral. The courts can ignore report language, they can ignore statements on the floor of the House and Senate, but they cannot ignore explicit instructions on the intent of the ERA that appears in the body of the amendment itself.

I insert in the RECORD at this point the testimony of Paige Comstock Cunningham, executive director of Americans United for Life, Legal Defense Fund:

STATEMENT OF PAIGE COMSTOCK CUNNINGHAM, ESQ., BEFORE THE HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS, COMMITTEE ON THE JUDICIARY, WEDNESDAY, OCTOBER 26, 1983

INTRODUCTION

Mr. Chairman, and members of the Subcommittee, my name is Paige Comstock Cunningham. I am presenting this statement in my capacity as Executive Director and General Counsel of Americans United for Life and the AUL Legal Defense Fund. The AUL Legal Defense Fund is the only public interest law firm in the nation that devotes its full-time efforts to litigation involving the right-to-life issues of abortion, infanticide, and euthanasia.

I would like to point out that the views I express on the propriety of an Equal Rights Amendment (ERA) are my own. Americans United for Life is neutral with respect to the ERA, apart from its implications for abortion. AUL is not a political organization, and is not involved in lobbying. I am here today only to testify to the legal effect of the Equal Rights Amendment on abortion.

For purposes of identification, I am a graduate of Northwestern University School of Law, and an attorney. My articles on abortion have appeared in several periodicals, including Update, a journal of the American Bar Association. I am co-author of a monograph on the abortion decisions rendered by the Supreme Court this summer. My comment on a religious freedom issue appeared in the Northwestern University Law Review.

As an individual, attorney and woman, I endorse the principle of equal treatment of

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Footnotes at end of article.

women under the law. No class of citizens should be excluded from constitutional guarantees of equal protection. As a pro-life advocate, I believe these fundamental rights extend to the class of the unborn, both female and male. It is therefore with dismay that I must conclude that the proposed ERA, intended to fill the gaps in eliminating discrimination against women, may also be used to buttress and amplify the "right to abortion."

STATEMENT

In my legal opinion, the plain language of this proposed constitutional amendment does not require any connection with abortion rights or funding. However, it is instructive to examine the intentions of ERA advocates which, in the absence of a clear legislative history, could affect how the amendment is interpreted. These intentions have been made clear in legal arguments made under equal rights provisions in state constitutions.

In 1980, the Civil Liberties Union of Massachusetts (CLUM) filed a complaint in *Moe* v. *King*, arguing that state refusal to fund abortions violated the Massachusetts Equal Rights Amendment.[1] Although the Massachusetts court did not address the ERA argument, it upheld tax funds for abortions under due process guarantees.

The CLUM is a state affiliate of one of the most prominent groups to support ERA ratification. The executive director explained the decision to pursue abortion funding under the state ERA:

"Because a strong coalition is being forged between the anti-ERA coalition and the anti-abortion people, it was our hope to be able to save Medicaid payments for medically necessary abortions through the federal court route without having to use the state Equal Rights Amendment and possibly fuel the national anti-ERA movement. But the loss in *McRae* was the last straw. We now have no recourse but to turn to the State Constitution for the legal tools to save Medicaid funding for abortions." [2]

It is thus clear that an equal rights amendment could be a potential vehicle for attempts to require tax funding of abortion.

Moe v. *King* is not unique. In 1978, several physicians attempted to intervene in a case where Hawaii Right to Life sued the State of Hawaii to stop funding abortions. On behalf of the physicians, the American Civil Liberties Union argued that:

"Applicants' first claim to reimbursement as a matter of right rests on the Hawaii constitution's guarantees of due process and equal protection and Article I, Sec. 21 which provides that "equality of rights under the law shall not be denied or abridged by the state on account of sex." Abortion is medical procedure performed only for women; withdrawing funding for aboritons while continuing to reimburse other medical procedures sought by both sexes or only by men would be tantamount to a denial of equal rights on account of sex." [3]

The Motion to Intervene was denied, and the court did not address the equal rights argument, but abortions still are tax-funded in Hawaii.

And in *Fisher et al.* v. *Commonwealth, Dep't of Public Welfare*,[4] a case that is still being litigated, the American Civil Liberties Foundation of Pennsylvania argued that:

"Pregnancy is unique to women. 62 P.S. § 453 and 18 Pa. C.S.A. § 3215(c) which expressly deny benefits for health problems arising out of pregnancy, discriminates against women recipients because of their sex. 62 P.S. § 453, 8 Pa. C.S.A. § 3215(c) and the regulations issued pursuant thereto constitute a gender-based classification in violation of the Pennsylvania Equal Rights Amendment, Article 1, § 28 of the Pennsylvania Constitution." [5]

It is true that none of these cases have held that the state equal rights provisions make abortion immune from state regulatory control or require abortion to be funded by the State. On the other hand, no court has ever denied that such equal rights provisions do have an impact on abortion policies. Quite simply, we have no direct judicial guidance on this matter.

But we do have the comments of ERA proponents regarding their intentions. Leading ERA interpreters Thomas Emerson of Yale Law School, former Columbia Law School Professor Ruth Bader Ginsburg (now a federal judge), and others argued in an amicus brief in *G. E.* v. *Gilbert* that pregnancy classifications under the ERA would be subject to strict scrutiny, and "would not survive the ERA. . . ." [6]

Abortion and childbirth, according to Justice Brennan in a dissent joined by Justices Marshall and Blackmun, "are simply two alternative medical methods of dealing with pregnancy." [7] Thus, an abortion regulation, under this line of reasoning, would be a pregnancy-related classification, and thus unconstitutional under the ERA.

It is therefore quite obvious from these cases and comments, that abortion advocates would attempt to employ a federal ERA as a basis to argue anew that abortion must be funded by both the States and the federal government. It is also clear how their argument would proceed: Since restrictions on abortion practices or abortion funding affect women, but not men, they constitute a form of invidious discrimination against women and are, therefore, unconstitutional.

An analogy suggested by Professor Grover Reese of the University of Texas School of Law is instructive. Suppose that a State forbade treatment for sickle cell anemia or refused to fund such treatment although it funded every other form of medically necessary care. Let us further suppose that only black people could acquire sickle cell anemia. It might easily be argued then that such legislation constitutes a form of discrimination based on race since it affects only blacks. Since classifications in the law based on race are inherently suspect,[8] they are subject to strict judicial scrutiny. Hence, such legislation could be upheld against constitutional attack only in the exceedingly unlikely event that there exists some compelling state interest that would justify the discrimination inherent in such legislation and that the legislation would be narrowly drawn only to satisfy that interest.[9]

In similar fashion, it would be argued that restrictive abortion legislation affects only women—now a "suspect class" for equal protection purposes under the new ERA. Hence, it would certainly be claimed that only some compelling interest could justify this form of discrimination. Since, in accord with Supreme Court decisions, there exists no compelling interest that justifies significant regulation of abortion, at least until the point of viability,[10] abortion laws and funding restrictions must fail.

It is true that the Supreme Court has held that state and federal governments may choose to restrict abortion funding.[11] But these decisions were based on the premise that such restrictions did not involve a "suspect class." The ERA, by making classifications based on sex inherently suspect, might thus be employed to reverse prior Supreme Court decisions warranting government restrictions on abortion funding.

It is also true that the Supreme Court has already held that almost all state restrictions on abortion practices are unconstitutional under the Fourteenth Amendment to the U.S. Constitution. The ERA is hardly needed to establish the existence of the "right to abortion" that already undercuts almost every direct state restriction on abortion practice. Nevertheless, the ERA could certainly create another constitutional hook on which the Court could hang "abortion rights." Abortion proponents could add "violation of the ERA" to their claims that abortion restrictions violate constitutional guarantees. Even the minimal power that the State presently maintains to regulate abortion could be lost. Moreover, should the Supreme Court some day consider reversing its decisions recognizing a right to abortion under the Fourteenth Amendment, the ERA could represent an alternative basis for maintaining the continued existence of such a right.

This analysis is not intended to imply that the ERA of necessity would reverse court decisions acknowledging the right of governments to refuse to fund or facilitate abortion practice, to abrogate further the power of government to restrict abortion practices, or to provide some alternative basis for recognition of a right to abortion. By the better reasoning, the ERA would do none of these things. Restrictions on abortion or abortion funding are universal and facially neutral—they apply to both men and women. They would affect men, if men could bear children. That they do not affect men is not a circumstance that arises as a result of state action, but due to biological fact. It cannot be logically argued that any discriminatory effect that arises as the result of restrictive abortion laws is caused by the State in enacting such laws, and the ERA represents only a restriction on the power of the State to discriminate between the sexes. Therefore, the ERA would have no effect whatever on the authority of the State to restrict abortion practices or funding if normal logic and usual principles of constitutional adjudication prevailed.

But, of course, it is too often the case that the judiciary twists logic and refuse to apply proper principles of constitutional analysis in order to achieve a preferred result. Indeed, the law of abortion is a striking example of this process. The development of the "abortion right" can only be understood in the context of the current judicial bias that abortion should not be controlled by the State. The present law of abortion cannot be rationalized simply by reference to the text or history of the Constitution. And, unfortunately, the ERA provides an additional weapon in the crusade for permissive abortion.

In the present climate, it is highly likely that the courts would develop a sex-based discrimination test that measured the disparate impact of an abortion law, rather than a test that simply measured the extent to which a law created or embodied discrimination by its terms. At the very least, it is certain that the ERA would deepen the courtroom hostility against abortion legislation in view of the obvious fact that such laws affect only one sex. In the volatile world of abortion litigation, such a mere change in climate is enough to destroy entirely the power of the State to regulate abortion and, indeed, enough to generate a

new body of law and compels the State to positively encourage the practice by funding and facilitating it.

If you wish to avoid the result of the ERA directly implicating abortion funding and abortion rights, then, in my legal opinion, there are several options.

First, new language might be offered as a substitute for the present language, which expresses abstract idealism but is also exceedingly vague and open to various interpretive abuses.

Second, a specific disclaimer which denies that the ERA implicates abortion might be added to the present language.

Third, in my legal opinion, clear, absolute, and unequivocal legislative history to the effect that the ERA may not be construed to affect the power of government to restrict abortion practices, to refuse to fund or facilitate abortion practices, or to impliedly recognize a right to abortion should suffice. This third method of removing any implication that ERA affects abortion law by legislative history is offered with considerable hesitation.

As an individual, I am well aware that at least some proponents of the ERA regard permissive abortion as the cornerstone of sexual equality, rather than demanding that society accomodate female reproductive capacity. There is no doubt this branch of the feminist movement would prefer that there be no legislative history regarding the ERA's effect on abortion, or that its legislative history be vague and ambiguous, so that once in the hands of the friendly judiciary the ERA could be used as a sword to deprive the government of any remaining authority to restrict abortion or abortion funding and as a shield to defend the right to abortion against erosion or collapse.

It is also the case that the judiciary may disregard legislative history that is only slightly unclear in order to reach some preferred result. Only an utterly unambiguous record that cannot be avoided by the Judiciary—a record that would require intellectual dishonesty to ignore—could suffice.

At the very minimum, such a legislative history would contain the following elements.

First, the Committee Reports in both the House and Senate must state unequivocally: (1) that the ERA is not intended and may not be construed to establish, affirm, or expand any right to abortion; (2) that the ERA is not intended and may not be construed to affect or alter in any way any power of the local, state, or federal government to restrict or prohibit any abortion; (3) that the ERA is not intended and may not be construed to compel any private individual, any individual acting under color of law, or any local, state, or federal government to participate in, fund, or otherwise facilitate in the performance of any abortion; and (4) that the reason that the ERA does not in any way affect or alter the power of government to restrict abortion or abortion funding and does not compel any private individual or state actor to facilitate performace of any abortion is because the ERA is solely intended to forbid only discrimination by the State as between the sexes and, further, that any discriminatory impact that might result from any abortion restriction arises on account of the sole capacity of the female to bear children and not as the result of state action.

In addition, the House and Senate sponsors should specifically inform the memberships of each body on the record and immediately preceding their vote on the ERA of each of the same elements that are in the Committee Report. A preferable alternative would be a Resolution enacted the same time as the ERA, reciting the elements of the Committee Report.

In my legal opinion, failure to recite any element in either Committee Report, failure of the sponsors in either the House or the Senate to recite plainly all the elements on the floor in the manner described, or failure of either the House or the Senate to enact a contemporaneous Resolution with these elements included, would render the legislative history of the ERA suspect, and would implicate abortion rights.

To state generally for the record that there is no relationship between the ERA and abortion without the emphases and specifics that I have described would not be adequate. Casual recitation of the fact that no court has so far held an equal rights provision to implicate abortion will not prevent future courts from holding that it does. The charges and counter-charges made in the public debate on ERA and the ambivalent testimony before this Subcommittee demand that the legislative history made by the Congress be in the nature of a directive to the courts which will subsequently construe the ERA that they are forbidden to find that it implicates abortion because to do so would be contrary to the expressed intent of its framers, sponsors, and those who voted to enact it.

There are those who would protest that nothing short of a specific disclaimer included within the plain language of the ERA suffices to assure that the judiciary will not subsequently employ this Amendment as a vehicle to expand or to secure permissive abortion. In my legal opinion, a careful study of the canons of judicial construction makes it clear, however, that only a patently corrupt judiciary with no sense of honor or propriety would or could choose to disregard the unambiguous legislative history I have described. The plain language of the ERA does not speak to abortion. Thus, the judiciary would be compelled to construe the ERA in light of its legislative history.[12] Committee Reports are regarded as particularly illuminating guides to legislative intent.[13] Likewise, the clear statements of sponsors and contemporaneous Resolutions of enacting bodies are given great weight.[14]

Similarly, there are those who might claim that the history of the ERA is too muddled and uncertain on this issue to be cured by remedial legislative history of the kind I have described. But the public debate on possible implication of abortion by the ERA by its advocates and opponents in the absence of a clear legislative history is one thing. The expressed intent of the ERA by the Congress—the body that would make legislative history—is quite another. In my legal opinion, the rigorous, unambiguous legislative history I have described will effectively put the matter to rest.

In the absence of any contrary or ambivalent expressions in the official record, the combined legislative history I have described would, in my view, warrant the good faith conclusion of any objective observer that the ERA could not be construed to affect abortion law. A judiciary that is so disreputable that it would disregard or distort such a history could far more easily distort some other provisions of the Constitution to accomplish the same result. From this point of view, if a firm legislative history is inadequate to prevent the judiciary from employing the ERA to expand or to secure permissive abortion, then neither would plain language in the ERA disclaiming any effect on abortion law be adequate.

CONCLUSION

The language of the ERA does not, on its face, implicate abortion. However, in view of positions taken by abortion advocates under state equal rights provisions, the views of leading ERA proponents, and the decisions of the judiciary in abortion-related matters, this potential connection is obvious. Only new language, a specific abortion disclaimer, or a rigidly drafted legislative history assure that this result will not occur.

Otherwise, the federal courts would have a blank check to interpret the ERA in the abortion context as they choose—a result that as an advocate of the right to life for all human beings I must oppose.

FOOTNOTES

[1] Complaint, *Moe* v. *King*, S. Judicial Ct. of Mass., Civil No. 80-286 (filed July 9, 1980). The relevant part of the Massachusetts Constitution reads, "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin." Mass. Const., Pt. 1, Art. 1, amended by the One Hundred and sixth article of Amendment, approved Nov. 2, 1976.

[2] "From the Executive Director's Desk" column, Civil Liberties Union of Massachusetts Docket, Aug., 1980, p. 8.

[3] Memorandum in support of the Motion to Intervene, *Hawaii Right to Life* v. *Andrew J.T. Chang, et al.*, Circuit Court of the First Circuit, State of Hawaii, Civil No. 53567 (filed May 11, 1978).

[4] 444 A.2d 774 (1982).

[5] The complaint was later amended to include the ERA argument. Pa. Commw., No. 238 CD 1981. The case is schedule for trial in late November 1983.

[6] Brief for Women's Law Project and American Civil Liberties Union as amici curiae at 21, *General Electric Co.* v. *Gilbert*, 429 U.S. 125 (1976).

[7] *Beal* v. *Doe*, 423 U.S. 438, 449 (1977) (Brennan, J., dissenting).

[8] *McLaughlin* v. *Florida*, 379 U.S. 184 (1964).

[9] *Roe* v. *Wade*, 410 U.S. 113, 155 (1973).

[10] Id., at 163.

[11] *Harris* v. *McRae*, 448 U.S. 297 (1980); *Williams* v. *Zbaraz*, 448 U.S. 358 (1980).

[12] 2A Sands, Statutory Construction § 48.01 (1973), and the cases cited therein.

[13] Id., at § 48.06, and the cases cited therein.

[14] Id., at §§ 29.03 and 48.15, and the cases cited therein.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Wisconsin, for yielding to me, and I want to commend him for taking this special order to discuss this very important ramification of ERA. I am in support of the position that the gentleman is asserting here in this special order. The leadership he has exhibited on this issue does him great credit and this institution a great service. For there is no more important an issue than life itself.

Make no mistake about it. When we are talking about the proposed equal rights amendment we are talking about more than just privacy. We are talking about equal protection under the law for any group that is considered to be a suspect class in terms of discrimination. And since the ERA would have the effect of making women just such a suspect class, the overall impact of its adoption is likely to be the invalidation of statutes prohibiting Federal or State funding of

abortions. Why? Because after the ERA was on the books, such statutes could be interpreted as being discriminatory since their applicability is to women only.

Proponents of House Joint Resolution 1, the long-standing version of the equal rights amendment, have argued that it will not require abortion funding and that no court has said that it will. Such arguments are a bit misleading. First of all, the proposed ERA is more than a privacy amendment; in fact—and this is one of the great ironies of this whole situation—it may intrude on personal privacy to a far greater degree than it protects it. But the question of unisex facilities is another matter that should be addressed at another time. What is important here is that, regardless of the effect that ERA might or might not have on privacy, the equal protection ramifications of the ERA will come into play anyway. It is simply not an either/or matter.

Second, it should be noted that, just as no court has ruled that a State ERA requires abortion funding neither has any court specifically ruled that it does not. Moreover, the sum total of recent State court decisions on the ERA-abortion connection suggests that, were a Federal ERA to be adopted, the courts would be more likely to invalidate current limitations on Government funding of abortion. At the very least, the Supreme Court would be less likely to reverse its 1973 abortion rulings.

Mr. Speaker, the problem so many of us have with both the 1973 Supreme Court rulings on abortion and the prochoice position in general is that abortion is not just a woman's issue, and women are not the only people affected by it. Like it or not, there is another life involved—that of the fetus which cannot speak for itself—and giving its mother the right to terminate it constitutes an intolerable infringement on the rights of that fetus. In fact, I would go so far as to venture that abortion is the greatest civil rights violation of all—the right to life itself.

If we are going to be consistent with a long series of civil rights acts and do justice to the ideal of a discrimination free society, then what we should be doing is taking up an airtight human life amendment rather than a flawed equal rights amendment. At the very least, we should consider adding abortion neutral language to this proposed equal rights amendment if or when it comes to the House floor for debate. While not resolving all of the problems proposed by House Joint Resolution 1, that would go a way toward eliminating a lot of the concerns many of us have about this measure. And, if House Joint Resolution 1 really will not knock out abortion funding limitations, as some proponents claim, then there should not be any real objections to its inclusion.

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Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I want to thank the gentleman from Wisconsin for his very incisive remarks about the ERA-abortion connection and for scheduling this special order today so those of us who share his concern can address this issue in some detail.

Mr. Speaker, on November 15, 1983, the equal rights amendment was brought to the floor under an unusual and unfair procedure that prohibited consideration on any and all amendments. A mere 40 minutes was allotted for debate. An attempt to schedule a special order to discuss the ERA on the evening of November 14, the night before the vote, was denied by the House leadership.

On the day of the vote a Washington Post editorial entitled, "ERA, But Not This Way," said: "Ramming it through the House using this extraordinary procedure is wrong on a number of counts. First, a constitutional amendment is serious business. Debate should be encouraged, not stifled. Amendments * * * should be considered and voted upon. A single sentence that alters our Nation's basic charter and affects the lives of millions of Americans is worth more than a 40-minute discussion * * * many who support ERA are said to resent the gag rule and to be unable in conscience, to vote to impose these conditions."

Incredible as it may seem, the committee report on the ERA—the document that will serve as a vital source of legislative history—was not made available to Members of the House before the vote on this constitutional amendment. Today, more than 2 months after the vote on the ERA, this report is still not available and we have received no commitment as to when the report might be forthcoming. One can only wonder as to the reasons for the secrecy, and obvious procrastination, in not providing this information to the membership of the House.

Mr. SENSENBRENNER. If the gentleman will yield back at this point, just to complete the record, the committee report on House Joint Resolution 1 still has not been filed, even though the Committee on the Judiciary took action reporting the ERA to the full House of Representatives in the first week of November.

During full committee consideration I asked for 2 additional days to file dissenting or minority views to amplify some of the concerns that I have expressed on the floor this evening, and that unanimous consent was objected to by the chairman of the subcommittee, the gentleman from California (Mr. EDWARDS) because we "did not have the time" for the 2 additional days delay to get the minority or dissenting views put together.

Now what was a rush-rush job 3 months ago apparently has been shoved under the carpet. The Committee on the Judiciary resolution report is an important document. There was no reason for a 3-month delay, particularly when a 2-day delay was too long.

I thank the gentleman for allowing me to bring up this point, and I yield to him further.

Mr. SMITH of New Jersey. I thank the gentleman for yielding and for that amplification, being right there on the scene, and I do appreciate that.

Mr. Speaker, one of the most misleading arguments made by those who claim that there is no connection between the ERA and abortion is that the Supreme Court has decided abortion cases on privacy grounds in the past and will continue to do so in the foreseeable future. That argument is deliberately misleading, and at best, only half true.

While it is true that the Supreme Court discovered a right to privacy in its 1973 Roe against Wade and Doe against Bolton decisions, which it used to mandate the legalization of abortion on demand for all 9 months of pregnancy, the principal concern about the ERA, as currently worded, is that it would provide what the Civil Liberties Union of Massachusetts calls the legal tools to mandate Government funding of abortions. This result, which ACLU affiliates are trying to achieve, would be based on the "equal protection clause"—not "privacy"—grounds.

In 1980, the Supreme Court upheld the constitutionality of the Hyde amendment—a provision in Federal law that bans Government funding of nonlifesaving abortions—in a 5 to 4 decision—Harris against McRae. After rejecting the privacy argument by saying "the Hyde amendment violates no constitutionally protected substantive rights," the Court then went on to say that the Hyde amendment does not violate the Constitution's equal protection clause because "it is not predicated on a constitutionally suspect classification."

If the ERA, had been ratified at the time of the Harris against McRae decision, sex—just like race, religion, and national origin—would have been considered a suspect classification and, on page 23 of its decision, the Supreme Court itself tells us that this would have changed the legal equation completely. The Court said:

This presumption of Constitutional validity, however, disappears if a statutory classification is predicated on criteria that are, in a constitutional sense, "suspect," the princi-

pal example of which is a classification based on race.

Mr. Speaker, pro-ERA and anti-ERA legal scholars, as well as ERA's primary congressional sponsors, agree that ERA will make sex-based classifications suspect—just as race-based classifications now are. Thus, ERA as currently worded would require that Federal and State abortion funding restrictions be subjected to strict judicial scrutiny.

The inescapable conclusion, then, as the Court said in Harris against McRae, "the presumption of constitutional validity (of the Hyde amendment) disappears.

In a brief submitted by the NOW legal defense and education fund during the Harris against McRae case, the following assertion was made: "To survive constitutional review, strict scrutiny of the Hyde amendment's classification requires that it further a compelling State interest." They then went into a detailed explanation of why, in their opinion, the Hyde amendment "fail(s) to satisfy such a standard * * * the Government cannot justify the funding prohibition on fiscal grounds * * * nor does the challenged funding restriction protect maternal health," they argued. "The only other interest these restrictions arguably promote is the protection of potential life." However, they went on, "although Roe against Wade, and its progeny establish that the State's interest in protecting the fetus becomes 'compelling' after viability thus interest is at no time great enough to 'outweigh' the woman's interest in her health."

In one of the Supreme Court's original 1973 decisions (Doe against Bolton), a very broad definition of health was enunciated. The Court said:

> Medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient, all these factors may relate to health.

This sweeping definition of "health," coupled with the arguments advanced in the NOW brief, vividly demonstrate how difficult it would be for the Hyde amendment and other abortion funding restrictions to survive "strict judicial scrutiny." Consider for a moment this sweeping statement put forward by NOW:

> The Court has made clear that concern for the woman's health is paramount throughout the pregnancy and that it is impermissible for the State to interfere with this health interest even to promote fetal life.

The NOW brief went on to say:

> Women seeking medically necessary abortions, by definition, are in health—or life-endangering circumstances.

Mr. Speaker, I am pleased that in June 1980 the Hyde amendment survived this challenge by NOW and other proabortion groups. In their brief, it was argued that:

> The funding measure (Hyde amendment) impacts upon a class of individuals that is starkly defined: it is 100 percent female and 100 percent poor.

NOW urged the Court to apply a "strict scrutiny" standard of review to the Hyde amendment because they felt it unfairly impacted upon indigent women. However, the Court declined to trigger such a rigid test, choosing instead the "rational basis" test.

The Hyde amendment survived the challenge by NOW because the Supreme Court did not agree that indigent women belonged to a "suspect class." The ERA will put all women in a "suspect class."

Mr. Speaker, there are some who say that the ERA has nothing to do with abortion because "abortion is a situation that arises from the unique physical characteristic of pregnancy." This precise argument is made, in a 4-year-old article that has recently been circulated to congressional offices. In the April 12, 1980 edition of America magazine, Elizabeth Alexander, a lawyer and legal adviser to "Catholics Act for ERA," and Maureen Fiedler, a nun and national coordinator of that organization, wrote that abortion and ERA are "separate and distinct."

Unfortunately, there are several problems with the Alexander-Fiedler conclusion. Their selective interpretation of the legislative history of the ERA passed by Congress in 1972 ignores the fact that the House Judiciary Committee gave the following view of the "legislative history of the Amendment":

> Because ("Equality") is a symbolic word, and not a technical term, its enshrinement in the equal rights amendment is consistent with our Nation's view of the Constitution as a living, dynamic document.

Mr. Speaker, living, dynamic documents do not mean tomorrow what they meant in their committee reports. In fact, legislative histories are frequently irrelevant to "living, dynamic documents."

I am sure that many of my colleagues are aware of cases where the Federal courts have ignored very explicit legislative history in order to achieve a desired policy result—and many Federal judges strongly favor abortion funding. More importantly, we should recognize that the courts need not even consult legislative history unless they decide that a legislative enactment is ambiguous on its face—but ERA is a sweeping, unequivocal, absolute constitutional amendment which recognizes no exceptions.

Mr. Speaker, if the courts were to examine the legislative history of the ERA, it would stand to reason that they would look to the intent of this Congress rather than the Congress that was sitting in 1972. After all, it would be House Joint Resolution 1, introduced in the 98th Congress, that would be sent out to the States for ratification if it is approved by two-thirds of the House and Senate this year.

I would suggest to my colleagues that the intention of Congress and no-amendment ERA supporters is unclear or is it.

One of the foremost supporters of ERA, Prof. Ann Freedman of Rutgers Law School, testified before the House Civil and Constitutional Rights Subcommittee on November 3, 1983, and candidly admitted:

> The ERA also requires strict scrutiny of classifications based on physical characteristics unique to one sex to assure that such classifications do not undermine the equality of the sexes. To treat people differently on account of characteristics unique to one sex is to treat them differently on account of their sex.

When the House Judiciary Committee took final action on ERA on November 9, 1983, Representative DON EDWARDS of California—the chairman of the subcommittee which has jurisdiction over ERA—confirmed on the record that ERA would require the application of strict scrutiny even to pregnancy-related laws. And as we are well aware, laws subjected to strict scrutiny by the courts are virtually always invalidated.

Mr. Speaker, the arguments advanced by Alexander and Fiedler in their April 1980 article are hopelessly flawed in light of such recent statements as those made by Professor Freedman and Chairman EDWARDS. It is important to note that this widely circulated article was also published before the Supreme Court narrowly upheld the constitutionality of the Hyde amendment in June 1980 (Harris against McRae). As I have already pointed out, the Court strongly suggested that it would have ruled differently on the equal protection challenge to the Hyde amendment if sex had been a suspect class.

Toward the end of their article, Alexander and Fiedler attempt to reassure their readers that "no form of 'equal protection' or 'sex discrimination' reasoning—the type associated with the equal rights amendment—has ever been accepted by the Supreme Court as the basis for decision in an abortion case."

This transparent argument is simply not persuasive. To say that because the Supreme Court has not declared the Hyde amendment to be a form of unconstitutional sex discrimination in the past, and will not be in the future, even if the ERA is added, is totally unconvincing. One need not be a constitutional scholar to realize that past Supreme Court decisions were based on the existing language in the Constitution—absent the ERA. Obviously, ratification of an ERA without an

abortion-neutral amendment would dramatically alter the legal equation.

Mr. Speaker, another popular and misleading argument that is advanced to reassure us that there is no ERA/abortion connection is to say that no State courts have used State ERA's to mandate abortion funding. In fact, some people go so far as to say that certain State courts have rejected arguments by American Civil Liberties Union (ACLU) affiliates that State ERA's require funding of elective abortions. This is untrue. No State court has rejected the ACLU's ERA/abortion argument. In the first two States in which ACLU employed the argument, Hawaii and Massachusetts, the courts ruled in favor of abortion funding on grounds unrelated to ERA—but in each case the Court explicitly stated in writing that it had not reached the ERA issue. It is important to remember that a law is unconstitutional if it violates even one provision of the Constitution. Therefore, there is nothing unusual about the Court saying, as it did in Hawaii, "it is not necessary for this Court to reach the constitutional issues raised."

Mr. Speaker, if two football teams were playing sudden death overtime in the Super Bowl and one team, team A scored a touchdown, it would not be necessary for them to kick the extra point. Team A wins, period. Likewise, it is not necessary for a Court to rule on more than one argument which was the case in Hawaii and Massachusetts.

Mr. Speaker, there are two other States, Connecticut and Pennsylvania, in which ERA/abortion lawsuits filed by ACLU affiliates are still in progress. The Connecticut court commented in a preliminary order that the ERA/abortion argument had "substantial merit" and was "tempting and very persuasive." In Pennsylvania, the court suggested that the plaintiffs raised the ERA/abortion connection after they had originally declined to do so. The ACLU and company responded by arguing that because "pregnancy is unique to women," the Pennsylvania law restricting abortion funding "discriminates against women recipients because of their sex" and therefore is "a gender-based classification in violation of the Pennsylvania equal rights amendment."

There are many ERA advocates who find it difficult to deny the ERA/abortion connection when they are confronted with the arguments the ACLU has advanced in Hawaii, Massachusetts, Connecticut, and Pennsylvania. A revealing column which appeared in the August 1980 issue of the Civil Liberties Union of Massachusetts (CLUM) newsletter—2 months after the U.S. Supreme Court upheld the constitutionality of the Hyde amendment—may help to explain why certain people have tried to encourage Congress, the press and the public to focus on irrelevant arguments rather than examining the motives of those who seek to use the ERA to achieve a proabortion objective. The executive director of CLUM commented as follows:

> The State equal rights amendment provides a legal argument that was unavailable to us or anyone at the Federal level. The national equal rights amendment is in deep trouble . . . Because a strong coalition is being forged between the anti-ERA coalition and the antiabortion people, it was our hope to be able to save medicaid payments for medically necessary abortions through the Federal court route without having to use the State equal rights amendment and possibly fuel the national anti-ERA movement. But the loss in McRae was the last straw. We now have no recourse but to turn to the State constitution [the State ERA] for the legal tools to save medicaid funding for abortions.

Mr. Speaker, if the national equal rights amendment is ratified without an "abortion neutral" amendment, the ACLU and other proabortion organizations would only have to persuade one additional justice on the Supreme Court that the ERA provides the "legal tools" to render the Hyde amendment unconstitutional.

The equal rights amendment will require the Hyde amendment to pass the strict judicial scrutiny test. At the present time, with the doctrine of Roe against Wade and its progeny, it is highly unlikely that the Hyde amendment will be able to pass that judicial test.

Mr. Speaker, those of us who oppose the use of taxpayers' funds to pay for elective abortions because we cannot condone nor facilitate such violence imposed upon children simply cannot allow the ERA to be used for this purpose. It is imperative, therefore, that the "abortion neutral" amendment to ERA be adopted. Any attempt to shortcircuit this procedure by railroading an unamended ERA through this House under "Suspension of the Rules" or any other kind of "closed rule" must be vigorously opposed.

□ 1930

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for making a very eloquent statement which succinctly states what the legal issues relating to the ERA-abortion connection are.

I think that those who have supported the ERA are really attempting to cloud the issue and I would like to read into the RECORD at this point—to show how clouded that issue has deliberately been made—a colloquy between the gentleman from New York (Mr. FISH) and the gentleman from California (Mr. EDWARDS) at the full Judiciary Committee markup on House Joint Resolution 1, and I quote:

> Mr. EDWARDS. Will the gentleman repeat the question?
>
> Mr. FISH. Under the language of the proposed amendment before us, would the pregnancy classification discrimination be based upon sex?
>
> Mr. EDWARDS. Well, it is a classification based on unique physical characteristics, but not on gender or sex.
>
> Mr. FISH. Not on gender or sex?
>
> Mr. EDWARDS. Well, each person, man or woman, will be judged on unique physical characteristics.
>
> Mr. FISH. Is the gentleman saying then that the rational basis test as applied today will continue to be applied after passage of this amendment?
>
> Mr. EDWARDS. No; we believe it would be a strict scrutiny test.
>
> Mr. FISH. It would not be the rational basis, it would be the strict scrutiny test. So then I guess the Committee report will state that on the standard of judicial review that should be used by the courts in evaluating such a classification, that the strict scrutiny test would apply?
>
> Mr. EDWARDS. I believe so, yes.
>
> Mr. FISH. Well, Mr. Chairman, if pregnancy classifications are to be considered and are subject to strict scrutiny of the courts, would not the proposed Equal Rights Amendment reach abortion? In fact, wouldn't the Hyde Amendment become unconstitutional?
>
> Mr. SENSENBRENNER. I thank the gentleman from New York for yielding. As other Members of the Committee and Subcommittee would know, I requested the research Committee of the Library of Congress to do a legal analysis of this question. The impartiality of CRS I don't think is open to question by members of the Committee. The executive summary of the CRS report says that under strict scrutiny the pregnancy classification would probably be regarded to be a sex classification under the ERA. The executive summary goes on by saying, and I quote, "Under strict scrutiny the Hyde Amendment would be declared unconstitutional." Our former colleague from California, Mr. Wiggins, and other witnesses before the Subcommittee testified to that effect, and Professor Emerson, who was one of the Majority's witnesses, said that while he would advocate that that is the case, he didn't think that the Court would overturn it. There is a division. I don't think that we should leave this to be an unanswered question when this Committee sends the ERA to the floor. That's way my amendment will be offered when we get to that point.

Now in the course of my remarks, I quoted extensively from the Supreme Court's decision in the General Electric case, wherein pregnancy benefits were alleged to be based on a sex classification. General Electric won that case because the standard of review at that time was the rational basis test. And it was determined by the Court that there was a rational basis for the General Electric Co. to exclude pregnancy benefits from their income maintenance program.

However, using the words of the gentleman from California (Mr. EDWARDS) in the full committee markup, the rational basis test would go and be replaced by a strict scrutiny test should the equal rights amendment become part of the Constitution. The Congressional Research Service indicates that if strict scrutiny is the standard of ap-

plication, then the Hyde amendment would go.

So, too, a preponderance of witnesses that indicate their concern for this particular issue and the standard of review, I think the case is clear, the case is adequate, and that is that there is a connection between the equal rights amendment and abortion. And should the equal rights amendment be passed and ratified, it will be used by abortion advocates in the Federal courts to overturn the Hyde amendment, to overturn the strong vote in the Congress of the United States and in many State legislatures around the land and once again force tax dollars to be used to pay for elective abortions.

□ 1940

When the ERA comes up later on this year, I hope that the entire membership of this House will remember that and permit the ERA to come up under an open rule or a modified closed rule which permits the offering of my abortion neutral amendment.

If, on the other hand, one accepts the argument that the ERA has nothing to do with abortion and rejects the argument that the gentleman from New Jersey (Mr. SMITH) and I have made tonight, then no harm will be done merely by stating that the ERA has nothing to do with abortion.

If the ERA does have something to do with abortion and the gentleman from New Jersey and I are correct, then there also is a compelling reason to make the ERA abortion neutral.

Finally, I would emphasize the point that one of the reasons the ERA failed in the State legislatures after 10 years of debate and an unprecedented extension of the time for ratification granted by the Congress of the United States was because of concern over the abortion connection and the militant opposition of antiabortion groups in the 15 States that failed to ratify the ERA.

From a political standpoint, if we would like to see something to address the economic discrimination, which is acknowledged to exist in our society, placed in the Constitution, it is important to remove the excess baggage of the emotional social issues that caused the defeat of ERA I.

If Congress sends to the States an equal rights amendment worded identically to the one that failed, the same result will happen in the State legislatures as happened between 1972 and 1982. And that is the failure of ratification.

I think that the issue is very clear. And that is whether the proponents of ERA want to have something placed in the Constitution and they are willing to compromise on the abortion issues in several of the other noneconomic social issues that have been legitimately raised, or not.

If they are willing to compromise, then the chances of something dealing with sex discrimination becoming a part of the Constitution are great. If they are not willing to compromise or consider any amendments, then we are going through a political polemic in the Congress of the United States and in the country, which ought to be exposed as such.

EXTEND THE BAN ON CREDIT CARD SURCHARGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, since 1976 surcharges on consumers who purchase goods with credit cards have been prohibited. This ban expires on February 27, 1984. Three months ago the House overwhelmingly passed legislation which extends the ban on credit card surcharges until July 31, 1984. Soon we will begin considering whether to extend this ban permanently. We must not fail in our responsibility to America's consumers by allowing the ban on credit card surcharges to expire.

As our credit card system stands now, merchants are permitted to offer discounts to customers who choose to pay cash for their purchases. A discount is a reduction from the regular price of an item and is used to encourage consumers to purchase goods for cash, rather than by credit. A discount does not increase the regular price of the item being sold. By comparison, a surcharge is an extra charge added to the price of an item which raises the cost of that item for credit card customers.

Here is an example of the difference in how the two programs operate. Under a cash discount program, a shirt is advertised for $20. When the customer selects the shirt and offers cash in payment, the merchant gives a discount, and the customer has to pay only $19. Under a surcharge program, when the customer presents a credit card to the merchant, he might have to pay $21. The problem with a surcharge is that a merchant advertises the shirt at the given price of $20 and, having lured the buyer into the store, charged an additional fee when the consumer present a credit card.

In addition, the confusion caused by surcharges would be enormous. Very simply, merchants cannot offer regular prices, surcharges, and discounts. If they did, the result would be catastrophic. A customer would see an advertised price and not know whether that is the cash, credit, or regular price. The advertised price might be the cash price, and the consumer could not tell whether the credit card price would be higher.

In some instances, no one could purchase at the regular price because credit card customers would pay a surcharge, and cash customers would get a discount. The regular price would become a fiction.

Surcharge advocates claim that cash customers wind up paying for the convenience of credit card customers and that merchants pass the costs of credit cards to all customers. While this argument may sound attractive, there is no concrete evidence to justify such a belief. A study released by the Federal Reserve Board last year, Credit Cards in the U.S. Economy, could find no reliable data to support the claim that merchants raise prices on all goods and to all customers in order to attract credit customers.

Legislation to extend the surcharge prohibition is desperately needed to prevent merchants from taking advantage of unwritting customers. It is not a question of noncredit card customers bearing the burden of costs incurred by those who rely on cards. It is a question of whether Congress will allow retail stores and others to charge a price above and beyond the actual price of a good under the guise of fairness. In the event we fail to act, the surcharge exemption will expire, and the consumer will be the big loser. Instead of offering cash discounts, merchants may offer surcharges, and the effect will be higher prices. Instead of lowering the price of goods to cash-paying customers, the price of goods will be raised for all. We must prevent this.

The system of discounts for cash has been effective. With surcharges the cash customer would save nothing, but the credit card customer would wind up paying more. I see no reason to change the law in this matter.

Congress has approved the use of cash discounts and the ban on surcharges three times previously, and those laws operate efficiently. It would be a dire mistake to disrupt the system which is already established by failing to extend the surcharge.●

COAL EXPORT ENHANCEMENT ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, one of this Nation's strongest foreign policy tools is the exportation of U.S. coal. In 1982, the United States exported coal to 80 countries, with the leading markets being Japan, Canada, Italy, and France. Yet, U.S. coal was even used in such places as the United Arab Emirates, Albania and Trinidad and Tobago.

Coal exports create jobs in this country—in the coal mines, on the

railroads, in the barge industry and at the ocean ports—and contributes to a more favorable U.S. balance-of-payments posture. To foreign coal users, U.S. coal represents an island of energy security amidst a raging sea of volatile and often unpredictable supply of oil imports.

Yet, at this time, the U.S. share of the world coal market is declining. In 1983, only 75 million tons of coal was exported, almost 30 percent below the 1982 level.

In the highly competitive world of coal exports, price is a major factor and it is true that U.S. coal is often more expensive than that of its competitors. Because of the high degree of price competition, the United States must move toward lowering the delivered price of its coal. By most analyses, the cost of railroad transportation for export coal is the area on which to focus. According to European coal buyers, they will reduce purchases of U.S. coal by 40 percent during 1984 unless the railroads eliminate the premium charged on export coal movements. Indeed, one major European importer of coal has stated that it will not purchase any U.S. coal which involves shipment on eastern railroads.

However, sheer price considerations do not always dictate final purchase orders. For example, during the opening round of Japan's fiscal year 1984 coal contract negotiations it accepted coal from other nations that was more expensive than U.S. coal while at the same time slashing the amount of U.S. coal it will purchase.

These situations highlight the pressing need to assure foreign coal buyers that the U.S. Federal Government is committed to maintaining and increasing the U.S. market share of international coal demand. This commitment is especially important in light of the fact that many foreign coal buyers are government or quasi-governmental entities and expect government support for the coal trade. For example, some coal exporting nations provide this support through subsidies or the construction of deep-draft port facilities.

The U.S. Federal Government is not viewed as having made a commitment to expanding coal exports, or for that matter, has not even placed great importance on the value of the coal trade as a method to reduce the trade deficit, stimulate domestic employment and to supply foreign allies with a measure of energy security. The result has been the erosion of traditional U.S. markets—especially in Japan—by other coal exporting nations such as Canada, Australia and South Africa. U.S. markets are also being eroded by emerging coal exporting nations such as China and the U.S.S.R. who are beneficiaries of Japanese investment.

Clearly, there has been a lack of cooperation among various Federal agencies and little coordination with the private sector during the consideration of issues relating to coal exports.

For instance, recently the Interstate Commerce Commission exempted from regulation export coal moving by railroad to ocean ports. This decision was opposed by the Departments of State and Commerce and the U.S. Trade Representative. These entities of the Federal Government are the ones entrusted with foreign trade matters, yet the ICC totally ignored their comments.

Another example involves congressional efforts to authorize deeper port channels in order to accommodate larger coal vessels. The administration has demanded full cost recovery for this dredging work, a proposal which would further increase the price of U.S. export coal. The bill being considered in the House, on the other hand, contains a far more reasonable and balanced approach to this situation.

Even the administration's diplomatic efforts, or lack thereof, on export coal has been plagued by feuding parties. The Department of Commerce's International Trade Administration has not been given enough authority to negotiate with Japan on the coal trade. This authority has inappropriately been delegated to the National Security Council and the Department of State, which have little to no expertise in this subject. While these entities should be included and advised of coal trade negotiations, the lead should be given to the ITA.

In order to achieve any long-term success in maintaining and increasing the U.S. share of the world coal market, a great deal of cooperation and coordination will be necessary between the Federal Government and the private sector.

In an effort to facilitate such an environment, today I along with our colleagues LEE HAMILTON, CARL PERKINS, TOM BEVILL, MELVIN PRICE, GUS YATRON, PETER KOSTMAYER, AUSTIN MURPHY, DOUGLAS APPLEGATE, CLARENCE MILLER, RAY KOGOVSEK, RICK BOUCHER, BOB WISE, RICHARD DURBIN, FRANK MCCLOSKEY, and ALAN MOLLOHAN are introducing the "Coal Export Enhancement Act of 1984."

This legislation would create a 30-member Federal Coal Export Commission under the auspices of the Secretary of Commerce. One-third of the Commission members would represent the International Trade Administration, the Department of Energy, Department of State, the National Security Council, and the Office of the U.S. Trade Representative. The other 20 members of the Commission would represent export coal producers and traders, coal labor, transporters of export coal, and banking and financial institutions.

The goal of the Commission would be to increase the cooperation and coordination of all parties involved in coal exports. Among the Commission's mandates are the identification of diplomatic channels to increase coal exports; impediments to coal exports; foreign markets for U.S. coal with emphasis on those in developing nations; availability of and methods of financing coal exports; and, the examination of the potential for small- and medium-sized coal producers to enter the export trade through export trading companies.

Mr. Speaker, besides the economics of the coal trade, there are many political and diplomatic implications involved. While the coal trade may not be as healthy as it was during the last few years, the United States has taken a disproportionate cut compared to other coal exporting nations in the coal markets of the world. I believe the "Coal Export Enhancement Act of 1984" will stem this trend and enhance the U.S. position in the international coal market.

I include the bill, Coal Export Enhancement Act of 1984 following these remarks:

H.R. 4635

A bill to establish a Federal Coal Export Commission with the goal of expanding the U.S. share of the international coal market, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coal Export Enhancement Act of 1984".

SEC. 2. (a) The Secretary of Commerce shall establish, within ninety days after the enactment of this Act, a Federal Coal Export Commission (hereinafter in this section referred to as the "Commission"). The Commission shall be composed of thirty members appointed by the Secretary, of which ten members shall represent the Federal government from the International Trade Administration, Department of Energy, Department of State, National Security Council, Office of the United State Trade Representative and a Federal institution involved in export financing and of which five members shall represent each of the following:

"(1) Export coal procedures, including traders and brokers.

"(2) Coal labor.

"(3) Transporters of export coal, including representatives of rail and barge carriers and port authorities.

"(4) Institutions having a substantial interest in United States export coal financing.".

(b) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(c) All Federal departments and agencies are authorized to cooperate with the Commission and to furnish information, appropriate personnel and such assistance as may

be agreed upon by the Commission and the Federal department or agency involved.

(d) The Commission shall convene not less than four times a year for consultation on activities leading to increased cooperation among entities involved in United States coal exports, with the goal of expanding the United States share of the international coal market. Activities of the Commission shall include, but are not limited to, the identification of:

(1) Diplomatic channels to facilitate the exportation of United States coal and methods to increase the coordination of diplomatic efforts relating to such exports.

(2) Domestic and international impediments to coal exports.

(3) Foreign markets for United States export coal, with emphasis on increasing United States coal sales to developing nations and expanding the participation of the United States International Development Cooperation Agency in such an effort.

(4) Availability of, and methods of, financing United States coal exports, including the feasibility of increasing Federal export financial and economic assistance.

(5) Methods to promote, market and coordinate United States coal exports on the international market.

(e) The Commission shall examine the potential for small-and medium-sized coal companies to enter the export coal trade through export trading companies with respect to the marketing, transportation and financial services such trading companies may provide pursuant to Public Law 97-290.

(f) The Commission shall submit to the President and the Congress, within two years after its first meeting, a report which shall detail its findings pursuant to subsections (d) and (e), and based upon such findings, make recommendations which would lead to the expansion of the United States share of the international metallurgical and steam coal market. The Commission shall cease to exist upon submission of such report.●

THE MOST COMPUTER-LITERATE COUNTRY IN THE WORLD—THE UNITED KINGDOM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, recently, Mr. Robin B. Nicholson, Chief Scientific Adviser, Cabinet Office, the United Kingdom, delivered a speech here in the United States on "Science and Technology Policy in the United Kingdom."

His talk started with a list of accomplishments concerning the education of children and adults in the use of computers, which justified him in saying that the United Kingdom is not "the most computer-literate country in the world."

That may or may not be true, but I think we should know what other industrialized nations of the world are doing to hasten the computer education of their people. As author of bills to encourage computer companies to donate computers—and I would hope, training and software—to schools, I believe the English example is useful. I would only say that the method I propose—tax incentives—is much cheaper and much less bureaucratic than the method described by Mr. Nicholson.

Portions of Mr. Nicholson's speech follow:

SCIENCE AND ENGINEERING FOR THE YOUNG

3. But my first topic, education in science and engineering is, of course, universal in its application. An awareness of science and technology starts at school and we have recently taken new measures to ensure that our school children become familiar with that most universal of modern technologies, the computer.

4. The Department of Trade and Industry (DTI) has introduced a scheme to help primary (5-10 years) and secondary (11-18) schools buy their own microcomputers. Three suitable designs were chosen, the Sinclair ZX Spectrum (for the primary school programme only), the BBC Acorn Model B and the Research Machines Link 480Z, for which Government paid 50 percent of the cost. Within 2 years of the start of the scheme for secondary schools, every secondary school in the country had at least one microcomputer—the average is now 4 per school and still rising rapidly. Government is now also helping schools extend their basic installations by assisting schools to buy printers, computer-controlled measuring devices and other peripherals.

5. Of course teachers also have to be trained in basic computing skills. All new teachers will be so trained and have some awareness of computer applications. And 35,000 existing teachers have already been re-trained in a programme due to continue until 1986. Much educational software has been written and this should become a significant export market in the future.

6. At the same time the BBC started a major initiative to stimulate general interest in computing, to help promote local and national educational courses in computing and to provide an integrated range of learning materials. An amazing one in five of the adult population watched the first series of TV programmes, the second series has been more popular still.

7. Sales of the BBC Acorn Model B microcomputer, chosen for its flexibility and "enhanceability," are close to 250,000 while sales of books and software run into many hundreds of thousands. Current developments include links to the rest of the BBC range of educational programmes and use of the teletext service (where the one millionth sale was recently made) to provide a range of telesoftware. The BBC programmes are in great demand round the world and have been broadcast in many countries, including the PBS in the USA.

8. With this background, it will not come as a surprise that the UK can now claim to be the most computer-literate country in the world. One in six of our homes has a microcomputer, the largest penetration in the world, no less than six times greater than that in France, for example. A British company, Sinclair, has the highest sales of microcomputers in the world.

9. Thus our new generations, and increasingly our older generations as well, will be using this technology with skill and confidence both at work and in all aspects of their lives. They will welcome computers as natural tools for work in the office, in the design studio and on the factory floor.●

THREE GREAT FOREIGN POLICY CRISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, there are three great foreign policy crises that we must give our most urgent attention to and each one of those involve the issue of whether there will be war or peace.

These imminent crises are in Central America, Lebanon, the Middle East generally. The ever accelerating, constantly more dangerous arms race between the United States and the Soviet Union. Even as we focus on these urgent questions, others are building up and threatening to become emergencies in their own right.

For example, what role will the burgeoning power of China play in the world in the years ahead? We have entered into secret agreements—not yet publicly divulged by this administration—with China based on military aid, the nature, the extent of it has still not been publicly discussed. Do we help China become a more powerful military force or do we discourage that?

There is a question of vast instability in critical areas of Africa, not to mention the debt bomb that hangs over much of the developing world generally. And Latin America particularly.

But today I would like to turn my attention to the three immediate great crises that threaten the peace, even threaten the continued existence of humanity.

When it comes to dealing with difficult foreign problems, the President appears constantly to opt for only one course and that is arms or unilateral intervention.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield for a question at this point?

Mr. GONZALEZ. I am glad to yield to the distinguished gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

I think the gentleman from Texas has a rather short recollection of history. The gentleman may recall that in 1978 and 1979, before the Soviets had developed their SS-20's, then-President Carter made an urgent plea to Soviet leader Brezhnev asking him not to deploy SS-20's in the European part of the Soviet Union and was told—not in so many words—to "kiss off."

The Soviets then put a large number of SS-20 missile launching sites in the western part of the Soviet Union. Each SS-20 has three MIRV nuclear warheads. And as a result, there was a unilateral buildup in the Warsaw Pact area by the Soviet Union that was not

matched by NATO or by the United States.

Was the gentleman from Texas taking the floor at that point in time to protest against the Soviets unilaterally putting these types of missiles on their own territory, thus increasing the nuclear stakes and increasing the number of nuclear weapons that could be targeted on non-Communist areas or was he not?

Mr. GONZALEZ. The gentleman must first allow me to say that that is easy to answer because I have been speaking out on the subject matter for some time.

Mr. SENSENBRENNER. Was the gentleman criticizing the Soviet Union then or is the gentleman merely criticizing the policy of the incumbent President of the United States that has been supported by this House of Representative which has got a majority of the gentleman's party?

Mr. GONZALEZ. I am sticking to the record of this administration under the leadership of President Reagan.

What I would like to say by way of reply—if the gentleman will allow me—to the comments he made, and the observations, and the accusation that I am deficient in my knowledge of history is by replying that I am afraid the gentleman shows what lamentably is misperception and therefore the dangerous ignorance and lack of knowledge of the history of these relations between Soviet Russia and the United States.

What the gentleman relates to is one side of history. He does not want to admit our contribution to the arms race and the reason why the Russian leaders felt compelled to place the SS-20's. The gentleman must recognize that we first, in combination with NATO forces, first announced under the Carter administration what has now become a reality for the first time at the end of last year which is our deployment of the Pershing II missile.

Mr. SENSENBRENNER. So the gentleman is stating that the decision to deploy the Pershing II and the cruise missiles in Western Europe was not made by President Ronald Reagan, it was made by President Jimmy Carter. And President Ronald Reagan was merely executing a decision made by his predecessor.

Mr. GONZALEZ. No; the gentleman is trying to put words in my mouth and he knows better.

What I am saying is that our decision, or NATO decision, to build up our presence in a way that threatened, and has traditionally threatened, and is the basic reason for the beginning of the cold war, Russia's sense of security. After all, the gentleman wants to overlook that Soviet Russia was invaded by Germany. Soviet Russia lost 20 million of its citizens to that invasion. And to this day lives in perpetual fear of Germany, if you please. We are the ones that have rearmed Germany. We are the ones that have placed the most dangerous type of weapon, from the Soviet perspective, in middle Europe.

□ 1950

Mr. SENSENBRENNER. Yes, but the Soviets put their weapons there first, I will say to the gentleman from Texas.

Mr. GONZALEZ. Yes, but wait a while. They announced what you just seemed to be uttering as a revelation, that the Russians unilaterally deployed SS-20's. Well, of coure, it is unilateral because it is Russia, nobody else, no other satellite nation. But the reason they did is because we announced our intention to deploy a superior type of aggressive weapon first.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. SENSENBRENNER. I see no difference between the aggressiveness of SS-20 missiles on the Soviet side of the Iron Curtain and the aggressiveness of Pershing II and cruise missiles on the free side of the Iron Curtain.

Mr. GONZALEZ. Well, or course.

Mr. SENSENBRENNER. The fact is, President Carter asked the Soviets not to put in place the SS-20. The Soviets refused President Carter's request. Then a number of the Western European governments, led by the Socialist Chancellor of West Germany at the time, Helmut Schmidt, and the Socialist Prime Minister of Great Britain at the time, James Callaghan, figured that in order to maintain a strategic balance against the SS-20, they would come to the United States and ask the United States to deploy the Pershing II and the cruise missiles on their territory. And that was approved by the previous governments.

Now, I think what the gentleman from Texas and the people on his side of the aisle are trying to do is exactly what the Social Democratic Party in West Germany and the Labor Party in Great Britain are trying to do, and that is run away from a decision to deploy those missiles in Western Europe that were made by your administration and to blame it on the fellow who is in the White House.

Now, the gentleman from Texas may very well laugh at that.

Mr. GONZALEZ. Well, of course, I am laughing.

Mr. SENSENBRENNER. But that is the way the thing unfolded.

Mr. GONZALEZ. Do you know why I am laughing?

Mr. SENSENBRENNER. Ronald Reagan was out in California at that point in time.

Mr. GONZALEZ. I am not laughing because I am trying to ridicule the gentleman. I am laughing because I cannot cry. It is so sad to hear you repeat this misperception and distortion of historical sequence of events.

I am not going to stand here and accept your argument predicated on an absolute distortion of historical events. The gentleman does not seem to realize that if England and West Germany appear to have accepted, that is, the temporary administrations in power, even such things as the cruise missile—forget about the Pershing II—it is only because for the first time we have allowed, for instance, the German finger to be on the trigger. This was the issue since 1947.

Mr. SENSENBRENNER. Will the gentleman from Texas yield again? Those missiles that are in West Germany are under control of the United States. So the German finger is not on the trigger.

Mr. GONZALEZ. Maggie Thatcher, the Tory, if you please—since you are making such pejorative references to labels—the Tory would not accept England's having our cruise missiles there unless they, too, had the finger on the trigger and had coequal decisionmaking power on the actual use of that missile.

Now, the gentleman wants to keep on deluding himself, like the leaders of our country, not only this President, but prior Presidents, and you insist on distorting what I even did not get a chance to outline. You stopped me at a time when I started my first sentence, saying that this President has seemed to have only one course of decisionmaking policy, whether it is the Middle East, whether it is somewhere else, whether it is Latin America, but it is unilateral intervention and the rattling of the saber, arms.

Is the gentleman going to tell me that Jimmy Carter is to blame for the massacre of the marines in Lebanon?

Is the gentleman going to tell me that Jimmy Carter or the liberal Democrats or anybody of that stripe are responsible for the most massive military presence of the United States in the New World in the history of the New World?

Now, come on. Let us lay off of that crap—I mean that silliness.

Mr. SENSENBRENNER. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. GONZALEZ. I withdraw that word and say, in substitute of that word "crap," that silliness, that absurdity. And if the gentleman will allow me, I will proceed, because I think in good faith I yielded.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my demand, then.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GONZALEZ. I yielded in good faith, and I have a limit to having an interruption of this kind in order to become argumentative in a sense that

is obviously partisan and is obviously biased and predicating what I thought was going to be yielding for a question, predicating a question on an assumption that is historically just not standing up to the truth. And I was accused at the outset of not being aware of history.

So I say that it is that in Central America we have an armed camp, and the armed camp is not overwhelmingly and preponderantly occupied by Russian and Cuban military. It is American soldiers. and at a time when countries there cannot even feed themselves. In the poorest country in all Central America, Honduras, we are not training there; we are occupying. We have 10,000 of our soldiers there. The poorest country in Central America. We are not there at the invitation of the duly elected representatives or the assembly. On the contrary. Even the conservative newspaper editorializes and says in Spanish, "Hemos perdido todo, incluyendo el honor," which means, "We have lost everything, including honor."

And why can we occupy that way? Because we control the puppet president, we control the military that control the puppet president. And I am saying to you that, in my opinion, that is causing great apprehension on the part of myself and many others.

And so it is that we have increased military spending generally by almost 50 percent in the space of 3 short years.

Sure, President Reagan has proclaimed how defenseless Jimmy Carter had left the country, but I recall at the time that both sides of this aisle were acceding to Jimmy Carter's military requests, which at that time were considered to be an upgrading of our military capacity.

And so it is that in Lebanon we have a military force that is too weak to make a difference, too powerful a target for the enemies to ignore, and too much a political symbol for the President to be willing to withdraw.

For all the new armaments and all the spending, no one can say that anyone feels safer. Far from it. Nor for all of the bellicose talk. And we say that the frontiers of freedom have been extended, yet the central thrust of our policy remains to buy and build more arms and to cut back on our commitment to helping other humans meet their most urgent elemental needs for survival.

In Central America the much-heralded bipartisan commission has made its report, and it finds what everyone expected: The United States must do more if it aims to alter the course of events.

But the report also contains an important caveat, that the United States must also pay some genuine attention to human rights, human yearnings, elemental needs.

But the administration does not appear to have any resolve to stop the death squads in El Salvador, nor does it seem to have any concern about the effects of militarizing Honduras.

Neither does it listen to warnings about the likely cost and unlikely success of a continued clandestine war against Nicaragua, where we have an Ambassador, which means that to the world we are saying Nicaragua is a country at peace and on friendly relations with us. But, in reality, every week our CIA sends in agents with explosives marked for U.S. Army use only, trying to blow up their buildings, their docks, their refineries, and assassinate their leaders.

Why? Because the President is committed to war against the Sandinista regime. But hypocritically. And we are not fooling the world. World opinion, even to the immediate north, in Canada, is strongly against us and these policies. But the main thing is that they are so antagonistic to what American people are all about.

Having refused to examine the real causes of unrest in Central America, the administration is opting for the age-old solution of sending in arms.

And let me say, by way of parentheses, that the first time, after 20 years of service in this Congress, that I spoke out on Latin America was on April 1, 1980, and the President was not Ronald Reagan, it was Mr. Jimmy Carter, and I was very critical. That was April 1, 1980, because, in all truth—and historically it will be verified—Mr. Carter's policy was no different from what this administration has ended up in following, except that this administration has raised the quantum exponentially.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly. In good faith I yield.

□ 2000

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I heard the gentleman be criticial of a good portion of the Kissinger Commission report.

Mr. GONZALEZ. I have not finished that.

Mr. SENSENBRENNER. I would like to tell the gentleman that I am critical of a good portion of the Kissinger Commission report, too, because I do not think we can buy peace in Latin America and I do not think we can afford the price tag that has been put on the Kissinger Commission's foreign aid package.

Now I do note that the gentleman's mayor, who is a member of that Commission, signed on at least the substance of that report. Is the gentleman taking issue with him on this subject?

Mr. GONZALEZ. In November, after we recessed, I was back home and I went further and anticipated, because the mayor had announced publicly what he was going to do anyway before they even met the first time. So what I said was that I felt that this Commission, like most Presidential commissions—I mean, all President's do the same thing. If the President had wanted advice, he would not have simultaneously announced the greatest massive deployment of military in that region.

The same day that he announced that, he announced the formation of this Commission. What I said was in answer to a reporter's question: That if I had been asked and had accepted in the ignorance that the President had taken that action, I would have resigned the next day by telling the President that I do not see how he could have acted in good faith if the President had taken an irreversible decision, no matter what advice would be given him, if we continued on that Commission.

So the press then asked me what I was calling him. I said, "Well, here in San Antonio, you do not seem to recognize the fact that also on that Commission"—and I want the gentleman to listen to this—"also on that Commission is Mr. JIM WRIGHT, our distinguished majority leader, and so is the chairman of the subcommittee that has jurisdiction, Mr. BARNES, and so is the former Democratic National Chairman, Mr. Strauss, and so is our Texas U.S. Senator, Mr. BENTSEN."

I said that to me they were all patsies, witting or unwitting, of the President's politics. So in answer to your question, I am well aware of the fact that our illustrious mayor has been on that Commission. I am also aware of the fact of these other things that I think the gentleman ought to know because he obviously was asking me that to try to—I hope not—think I would be on a spot.

Let me tell the gentleman that if I have reason to, and as I did in my district, not here on the House floor, about November 20, and it involves a President or my own family or a Governor or a local official, I will speak out because I think that is what we are supposed to do, and the people have given me that freedom. So I feel that is the way they can judge. If I am in the wrong, they can do something about it if I do not change. And if I am right, then I guess that is what they feel legitimizes my being in this office.

So I guess I would be sensitive, too. I know I was when I had a good friend like John Kennedy as President. I felt criticism of him, you know, but I also had occasion to criticize him the first year I was here. I had reason to vote other than the way the liaison thought I should have voted, on GATT, for instance.

So what I am saying is that I understand the gentleman I am not trying

to distort his good faith. I just felt and feel a little upset that the gentleman would have prefaced his remarks in the first instance by saying that I ignored history when I feel that we are the ones. Our leadership here consistently has failed to realize the history of middle Europe. It hurts me to see that. When we see the misperceptions that I see, we have ended up in giving the Communists credit for what should not be their credit and which they bask in.

We have made Fidel Castro. We have. Two and a half or 3 months ago the Argentina Generals were in Havana toasting Fidel Castro. That was impossible to dream just a year and a half or 2 years ago.

But what I am saying is: Does that mean that Castro was so good a diplomat and a leader that he could turn around these sworn enemies, these military Argentines? No. We did it because the first troops we got into Honduras, with the intention of destabilizing—that is the word they used—the Sandinistas were the military. General Haig persuaded the Argentine military to help us, and then when the Falklands broke out, the Argentines expected, I guess for that reason, that we would be on their side and we were not, so that is when they changed.

So the whole course has changed, but the perceptions of our leaders have not. I think it is a sad mistake. In Europe I see that the big, big issue is the reunification of Germany. That is really the issue. We do not hear it discussed. $256 billion is the estimated new budget for defense. We call it defense. I think it is a war budget. All right, half of that. And when I asked that question on the floor, it could not be answered. It has not been answered yet. I asked how much of this is for the defense of Europe? Nobody could tell me, even on the Appropriations Committee. But I figured out that it was at least half. They said that is correct. The ranking minority leader on the Appropriations Committee on the military, and the chairman, Mr. ADDABBO. But they said all of these elements are so disparate in the budget that they do not know. I figured half or better. That means at least $125 billion predicated on our concept of a Europe of 1947. It is not. The generations coming, for instance, on the threshold of power in Germany, do you think they look upon our troops as defense or occupation? We have changed the designation from occupation to defense, but these young generations that do not know anything about World War II do not look at it that way.

Should we confront the reality, as disturbing as it may be to us, or should we continue in our cocoon of misperception dangerously? We have had bombs thrown at our bases. We have had blood thrown in the faces of our generals. It was not by a Communist. It was not by foreigners in Germany. It was by West German youth.

We ought to face that. A German country is a country of virile, highly cultured people. So they did horrible things and we went through a horrible war, but how long can we continue to have a dismembered nation. The unwillingness or inability of these former allies to get together on that decision is the basic cause for what now is threatening the whole world's peace and stability.

What I am saying is that is still the issue, and it is still very present in the German mind, and rightfully so, because we have to face the fact that the war is over with, that we have a historical reference point of a united Germany, and they are not, so they are naturally playing one on the other, but with the main, paramount dream of reunification. Reunification filters through the whole process in Germany if anybody goes there and tries to find out.

The same thing with the Poles. We can talk all we want to about the recent disturbances in Poland and all, but even now I will guarantee the gentleman that the Poles are far more scared of the Germans than they are of the Russians. They may not like the Russians; they do not like anybody who is occupying or has such an imposed influence. They did not like it when the Swiss occupied Poland. Poland has been occupied from the Swiss to the Russians, but the fact is that the history of that region is ignored here, and the fact is that right now the elemental, main preponderant public opinion in Poland would reflect fear even to this day of Germany, particularly with their finger on the bomb.

This is what we have done. We had to agree for the first time that they would have coequal decisionmaking powers.

□ 2010

Now, all I am saying is that in this other area the administration seems from the outset to have opted, as in the case of El Salvador, like the previous administration, for unilateral action. I was asking and pleading in April 1980 with the President—and I could not find any more access then than I could now—to please act, that our leverage was eroding, and that we still have leverage with a collective body known as OAS. And I felt that 90 days after April, and history will, I think, show that I was correct.

Now, that was not Ronald Reagan, and I was just as critical, except that the people who were sensitive to that then did not think it was worthy of any attention, so I was not rebutted.

What I want to say is that I appreciate the gentlemen's feelings and his loyalty toward the President. It gives me no pleasure to be critical. I do not have that ambition. I do not wish my worst enemy the office of the Presidency. But I say that when a man or woman gets elected President and I happen to be an official here, my commitment is to try to be as helpful as I can but never, never to yield on the basic constitutional equality, separateness, and independence of being one four hundred thirty-fifth of that independence.

So I will be critical, and I have. The record will show that I was critical with Lyndon Johnson. But I understand.

What I am saying is that I am not trying to make a partisan issue here. I am just stating my assessment of the policy under this administration as it is. Now, if the facts show me wrong, I stand to be rebutted and corrected on the historical facts. It is as if we had lost the power, as the poet Burns once wrote, to see ourselves as others see us.

I doubt that any one of us, if we were personally aware of the arbitrary nature of too many governments in Central America and if we had been exposed to the economic injustice and exploitation of too many countries there, would do anything other than rebel. Indeed, if we even were true to our own ideals, we would proclaim the message of freedom, not hide behind the guns of repression. We would oppose oligarchs and pirates. We would seek to dismantle ineffective, exploitive systems of land and capital ownership. We would encourage human and economic freedom. But our policy denies our own best ideals, our own revolutionary principles, all in the name of restoring an illusory stability.

We seem unable to learn that stability is a thing by governments that best serves our own people. Stability is a product of justice and human hope.

We will never, never bomb communism out of existence. The only way is social justice. It is because of injustice and the lack of human hope that there is rebellion in El Salvador. It was because of generations of corruption and repression that there was revolution in Nicaragua. That revolution did not and may never, never go our way. But why? Because we played the easy game of opting for 1 more year of stability with Somoza, year after year, until his regime collapsed of its own rottenness.

Is that the lesson we are going to fail to learn elewhere? How long can we play cozy games with right wing killers in El Savador, and still hope that the people of that country will look to us for their hope of freedom and progress? How many times will we find ourselves standing against the same human yearnings that we ourselves feel, that our country stands

for, the principles upon which we insist for ourselves? For generations we have by turns ignored Central America, winked at the ruthless exploitation of its tiny land, and ignored the crushing burdens of poverty and oppression there. We can no longer afford to do that. And yet our policy today is simply more of the same old recipe: arms and oppression today for a few months of stability down the road, and never mind that the day will come when rebellion will no longer be unthinkable. If Nicaragua is to be an object lesson, it ought to be not the lesson of how the evil empire expands, but how the seeds of destruction were sown by ourselves, in the form of Somoza and his family. What we should have learned is that the United States, if it wants the hearts and minds of the people of Nicaragua or any place else, must learn to stand with those people, not against them. We have to stand with the human yearning for freedom and a decent chance in life, and not blindly denounce those yearnings as Marxist inspired.

Surely, we should have the faith to support the most potent revolutionary idea of all time—the American idea of a responsible government, of a government that is accountable to its people, of a government that provides real justice, and of a system that aims at the liberation of human potential. If our ideal is an economy that offers competition, why should we not understand poeople who complain against the yoke of a country whose land is monopolized by a few? If we believe that education is the right of every citizen, why should we not understand and applaud when people insist on a government that provides a chance at school? If we believe that there ought to be a free press, why do we not oppose censorship? If we but accept the power of our own ideas, we would not be so afraid of the rebellions made by people whose whole motivation is a desire for access to those same principles, that same opportunity for freedom and progress.

But sadly, the policy in Central America is simply for more arms and less justice. It is a policy that can very well lead to a real war, a war in which our children would be sent for needless sacrifice—in fact, a war that is against our own ideals. Did not we learn that much in Vietnam?

In Lebanon, we have the sad spectacle of a military commitment that continues, despite the clear and ominous warning of the administration's own commission on the Beirut bombing that: "The National Security Council undertake a reevaluation of alternative means of achieving U.S. objectives in Lebanon." Indeed, the Commission clearly confirms that the commitment of the Marines to Lebanon and the expansion of their role there took place "notwithstanding the fact that the conditions upon which the security of—the Marines—were based continued to deteriorated * * *" and further that the whole sorry business probably took place without any real understanding of the growing danger to our forces.

And yet even though the mission in Lebanon is clearly a failure, even though the threat of attack is constant and growing, and even though 241 men were killed in that one fateful bombing—and others in other incidents both before and since—there is not even a gesture toward reconsidering the whole venture. The forces stay, exposed and without a hope of influencing any event. Their only mission, tragically, is simply to stay alive. There is no conceivable way that troops could be any more uselessly employed than in such a mission—a mission to stay alive; a mission that denies them any real military role, in a climate where the only politics is the ancient politics of religious and fratricidal conflict. It is a place, in the words of the administration's commission on the Beirut disaster, where "There is no sense of national identity that unites all Lebanese or even a majority of its citizenry." It is, again in the words of that report, a place "beset with virtually every unresolved problem of the Middle East." It is a place where anarchy rules, and where there has been no genuine progress toward any of the objectives that our Government seeks. Yet the marines stay, unable to move, unable to do anything except struggle to stay alive, kept there by a government that is unwilling to recognize the enormity of its mistake.

There is no realistic thing to do in Lebanon other than to get out. It has been clear since the bombing of the U.S. Embassy in Beirut on April 18, 1983, that Americans had become targets for attack, no longer seen as peacekeepers. But the policy did not change then, nor after the first marines were killed, nor has it changed since the bombing of the Marine headquarters building and all the loss of life in that disaster. If the conditions precedent to a given policy are no longer valid, then the policy may not be valid. And clearly, the conditions in Lebanon are different today. They are so different that the Marines have only one occupation, and that is self-protection. Such is not the condition of success. Such is not the sign that the policy is working or that it is any longer valid. I have called for the withdrawal of Marines from Lebanon since last spring, have done so repeatedly before and after the loss, the needless loss of so many lives. And during the period between sessions of this Congress, I asked the Speaker to reconvene the House to reconsider the question of Lebanon, as did many of my colleagues. I make my letter to the Speaker a part of the RECORD:

DECEMBER 13, 1983.

Hon. THOMAS P. O'NEILL,
The Speaker of the House, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Though I did not agree and did not vote for, the fact nevertheless is that the Congress did approve last September Senate Joint Resolution 159 with regard to the critical issue of Lebanon.

I felt—and continue to so feel—that the debate, instead of addressing itself to the War Powers Limitation Act, degenerated into a loyalty test to the Commander in Chief and ended up a sort of Second Bay of Tonkin Resolution, festooned and adorned with vague promises and commitments by the Commander in Chief—and repudiated on the day signed by the Secretary of State and now the Commander in Chief.

Since that time, Mr. Speaker, you must agree, the situation in Lebanon has changed radically, as well as the nature of the United States commitment. More than 240 Marines have died unnecessarily, with no clear indication from their Commander in Chief as to just what the nature of their mission was.

The President still refuses to tell Congress or the American people in clear and coherent way what that mission is. The Marines are still in the shadow of death or serious bodily harm.

Mr. Speaker, the Congress no longer can escape the responsibility—with the Commander in Chief—for the lives of these brave Americans.

Their blood, Mr. Speaker, will be on Congress' hands, as that spilled already stains the Commander in Chief's.

At the present time, the specter of a deepening and irrevocable commitment moves closer to reality.

Must we wait until more Americans die, some of our ships are sunk, our airplanes shot down? By then, Mr. Speaker, congressional action will be moot.

Our Commander in Chief struts with a nuclear chip on his shoulder daring the bully boys of the world to knock it off.

It's time, Mr. Speaker, to restrain him to the Constitution.

I urge the summoning and reconvening of the Congress.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

The Speaker and the House leadership as a whole have since then expressed impatience with the situation in Lebanon. But that has not produced any changes. We are left with only one alternative, and that is to recognize what we failed to recognize last year: that the mission in Lebanon is a failure and creates a needless risk to lives, and it is time to get out. Congress can do more than wring its hands on this matter; it can do more than express impatience; it can recognize the facts and cancel the resolution that empowers the President to keep the troops in Lebanon. We should do that forthwith. Surely, if anyone has any question about it, the administration's own evaluations show that it is long since past time to try another policy, to get the troops out, and to quit pretending that there is anything useful to be

gained from hanging onto the bunkers of the Beirut airport.

Finally, there is the question of arms control. No rational human being could say that the number and power of nuclear arms in the world has made the world any safer. Nor could any fair analyst say that anything was gained by the torpedoing of the SALT II agreement and subsequent refusal to negotiate for 18 months. All that this brought was another round of an incredibly costly and incalculably dangerous arms race. And it has brought a Russian unwillingness to negotiate. I do not think any one of us, being responsible and knowledgeable, would advocate simple, unilateral disarmament. Yet who among us could say that present policies have made anyone feel more secure? Who among us could say that we have seen success in arms control? Who among us could say that we have bought progress or even the promise of it? Who among us would deny that there is nothing more urgent than to seek a way out of the morass? It is time for a good-faith call to negotiation. It is time for a national consensus on arms control—for this is a question above any partisan politics. The business of actual solution to our dilemma, of course, depends on the arithmetic of Armageddon—but it also depends on an ability to establish some common ground for negotiation. If common survival is not a sufficient ground, I do not know what is. And I urge the leadership of the House to insist on good-faith negotiations—not as a party issue, not as a political ploy, nor as a campaign strategy—but as a matter in the human interest, and in the interest of survival itself.

We have in these past 3 years approached all crises with the attitude that if we have enough sticks, or build bigger sticks, or sell enough sticks, all the problems will go away. It has not happened. Arms are not in and of themselves a solution to anything. It is time to move away from an endless commitment to force or the threat of it; such a policy has not helped, and in fact has made conditions worse. It is time to rethink and time to put our energies to more productive use, for our country's sake, and for the sake of peace itself. The question is war or peace; the answer is in good part dependent on our own actions.

INTRODUCTION OF BILL TO RESTRICT THE LISTENING IN OR RECORDING OF TELEPHONE CONVERSATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today I am introducing the Federal Telecommunications Privacy Act of 1984. This bill will severely limit the practice of listening in or recording of telephone conversations within the Federal Government. Specifically, it prohibits such practices by Federal officials without the consent of all parties. The only exceptions provided are for the purposes of, first, law enforcement; second, counterintelligence; third, public safety; fourth, service monitoring; or, fifth, assisting handicapped employees of the Federal Government.

The policies and procedures established by this legislation are similar to the requirements of existing Federal regulations which have been issued by the General Services Administration (GSA). Unlike the GSA regulations, this bill contains enforcement provisions to insure that Federal officials do not resort to the abusive practice of secretly recording private conversations.

First, it establishes that any recording of telephone conversations would fall under the provisions of the Privacy Act of 1974—Public Law 93-579. As such, any improper disclosure of these recordings would be subject to criminal penalties. Second, it makes each recorded conversation a Federal record and any Federal official who unlawfully alters or destroys these records would be subject to dismissal as well as criminal penalties.

It is unfortunate that this legislation is needed. Most Federal employees conduct Government business in a professional and ethical manner. However, there are always a few who will ignore any rule that does not carry with it a strict penalty. This bill should get their attention.●

FISCAL YEAR 1984 SPENDING AND REVENUE LEVELS

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

COMMITTEE ON THE BUDGET,
Washington, D.C., January 23, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the convening of the Second Session of the 98th Congress.

With best wishes,
Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF JAN. 23, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	923,809	853,386	679,600
Current level	920,730	853,224	665,286
Amount Under Ceilings	3,079	162	
Amount Under Floor			14,314

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $3,079 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $162 million in outlays for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 23, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels of those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is tabulated as of the convening of the Second Session of the 98th Congress and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

This report summarizes the 1984 current levels of budget authority, outlays, and revenues as the 98th Congress begins its second session.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	917,005	849,936	665,286
2. Entitlement authority and other mandatory items requiring further appropriation action	3,724	3,289	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses			
Current level	920,730	853,224	665,286
Budget resolution, H. Con. Res. 91	923,809	853,386	679,600
Current level is:			
Over resolution by			
Under resolution by	3,079	162	14,314

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF THE CONVENING OF THE 98TH CONGRESS 2D SESSION

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	535,903	491,993
Appropriations enacted previous session	522,190	499,031
Offsetting receipts	−141,088	−141,088
Enacted this session		
Total enacted	917,005	849,936
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Child nutrition	417	222
Department of Defense:		
Civilian pay raises	436	422
Military pay raises	1,205	1,169
Retired pay, Defense	133	65
Claims, Defense	63	57
Payment to Foreign Service Retirement:		
Fund	3	3
Offsetting receipts	−3	−3
Range improvements	2	1
FUBA (TAA extension, Public Law 98–120)	33	33
Medicaid	556	556
Advances to unemployment:		
Insurance trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits, disabled coal miners	20	20
Special benefits, Federal employees	12	12
Social services block grants	25	25
Rehabilitation services and handicapped research	34	28
Guaranteed student loan program	132	
Payment to civil service retirement fund	230	230
Offsetting receipts	−230	−230
Civilian agency pay raises	657	678
Total	3,724	3,289
III. Continuing resolution authority [1]		
IV. Conference agreements ratified by both Houses		
Total, current level as of Jan. 23, 1984	920,730	853,224
Budget resolution, H. Con. Res. 91	923,809	853,386
Amount remaining:		
Over ceiling		
Under ceiling	3,079	162

[1] Agriculture; Commerce, State, Justice; foreign assistance; Treasury. Postal Service and General Government and other selected appropriations are funded under continuing resolution authority (Public Law 98–151) for the full fiscal year and, therefore, are included in the enacted category of this report.

Note: Detail may not add due to rounding.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SUNDQUIST) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. MACK, for 60 minutes, today.
Mr. WALKER, for 60 minutes, January 25.
Mr. GINGRICH, for 60 minutes, January 25.
Mr. MACK, for 60 minutes, January 25.
Mr. WEBER, for 60 minutes, January 25.

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. RAHALL, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. BROOKS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SUNDQUIST) and to include extraneous matter:)

Mr. COURTER in two instances.
Mr. YOUNG of Alaska.
Mr. DANIEL B. CRANE.
Mr. MILLER of Ohio in two instances.
Mr. GILMAN in two instances.
Mr. HILER in two instances.
Mr. LEWIS of Florida.
Mr. SENSENBRENNER.
Mr. ROBINSON.
Mr. CAMPBELL in two instances.
Mr. DREIER of California.
Mr. LEWIS of California in two instances.
Mr. KASICH.
Mr. RINALDO.
Mr. GRADISON.
Mr. PAUL.
Mr. FIELDS.
Mr. FISH.
Mr. MCKERNAN.
Mr. MCKINNEY.
Mr. WOLF.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. FLORIO.
Mr. SIKORSKI.
Mr. BONER of Tennessee.
Mr. SHELBY.
Mr. EDGAR.
Mr. VALENTINE.
Mr. MILLER of California.
Mr. PEASE.
Mr. DE LA GARZA in 10 instances.
Mr. ANNUNZIO.
Mr. KOLTER.
Mr. CLAY.
Mr. MRAZEK.
Mr. FRANK in two instances.
Mr. D'AMOURS.
Mr. MARKEY in two instances.
Mr. ECKART.
Mr. STOKES.
Mr. LAFALCE.
Mr. WHEAT.
Mr. BOUCHER.
Mr. OTTINGER.
Mr. STARK.
Mr. PATTERSON.
Ms. KAPTUR.
Mr. LEHMAN of Florida.
Mr. HARRISON in four instances.
Mrs. KENNELLY.
Mr. HUBBARD.
Mr. GORE.
Mr. HARKIN.
Mr. SAVAGE.
Mr. DINGELL.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 25, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2460. A letter from the Comptroller General, General Accounting Office, transmitting a report on the review of the President's fourth special message for fiscal year 1984 (December 21, 1983) which proposed one rescission and one revision of a previously reported deferral, pursuant to Public Law 93-344, section 1014 (b) and (c); to the Committee on Appropriations.

2461. A letter from the Comptroller General, General Accounting Office, transmitting his review of the proposed rescissions and deferrals contained in the message from the President dated December 14, 1983, pursuant to Public Law 93-344, section 1014 (b) and (c) (H. Doc. No. 98-161); to the Committee on Appropriations and ordered to be printed.

2462. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-99, "Department of Transportation Hearing Examiner Temporary Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2463. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. 5-100, "Closing of 2 Public Alleys in Square 192 Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2464. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-101, "District-WMATA Land Conveyance Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2465. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-98, "Education Commission of the States Participation Act of 1983," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-97, "Mayoral Agent for Service of Process Fee Increase Act of 1983," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2467. A letter from the Secretary of Health and Human Services, transmitting a report on the alcohol and drug abuse and

mental health services block grant, pursuant to PHSA, section 1916(b)(6) (95 Stat. 549); to the Committee on Energy and Commerce.

2468. A letter from the Comptroller, Department of State, transmitting a semiannual report on activities under international narcotics control program for the period April 1, 1983 through September 30, 1983, pursuant to FAA, section 481(b)(2) (87 Stat. 719); to the Committee on Foreign Affairs.

2469. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus problem, pursuant to FAA, section 620C(c) (92 Stat. 739) (H. Doc. No. 98-160); to the Committee on Foreign Affairs and ordered to be printed.

2470. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report advisir g that the Secretary of State has determined that Iran should be added to the list of countries which have repeatedly supported acts of international terrorism, pursuant to Public Law 96-72, section 6(i) (94 Stat. 3138); to the Committee on Foreign Affairs.

2471. A letter from the Director, Office of Management and Budget, transmitting a report on the reduction of Federal paperwork for the period 1980 through 1983, pursuant to Public Law 96-511, section 3505 and section 3514; to the Committee on Government Operations.

2472. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting a report of a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2473. A letter from the Chairman, National Transportation Safety Board, transmitting an evaluation of the system of internal accounting and administrative control in effect during 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2474. A letter from the Secretary, Chrysler Corporation Loan Guarantee Board, transmitting the board's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2475. A letter from the Special Council, U.S. Merit Systems Protection Board, transmitting an evaluation of the system of internal accounting and administrative control in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2476. A letter from the Assistant Secretary for Administration, Department of Agriculture transmitting the annual report on professional and scientific positions established under 5 U.S.C. 3104 and 5 U.S.C. 5371, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

2477. A letter from the Postmaster General, transmitting a comprehensive statement on its current and planned operations, policies, financial expenditures and obligations, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

2478. A letter from the Administator of NASA, transmitting waivers of minimum funding and staffing requirements for technology transfer from Federal laboratories, pursuant to Public Law 96-480, section 11(b); to the Committee on Science and Technology.

2479. A communication from the President of the United States, transmitting notice of his intention to designate nine Caribbean Basin countries and entities as beneficiaries for the purpose of granting duty-free treatment, pusuant to Public Law 98-67, section 212(a)(1)(A) (H. Doc. No. 98-159); to the Committee on Ways and Means and ordered to be printed.

2480. A letter from the Secretary, Department of Energy, transmitting activities of the Office of Alcohol Fuels for fiscal year 1983, pursuant to Public Law 96-294, section 218(c)(1); jointly, to the Committees on Agriculture and Energy and Commerce.

2481. A letter from the Secretary of Labor, transmitting a report on the administration of title V (enforcement) of the Employee Retirement Income Security Act for 1982, pursuant to Public Law 93-406, section 513(b); jointly, to the Committees on Education and Labor and Ways and Means.

2482. A letter from the Secretary of Energy, transmitting an annual report for the deployment of Federal interim storage, pursuant to Public Law 97-425, section 135(f); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2483. A letter from the Administrator, National Oceanic and Atmospheric Administration; transmitting a report on the administration of the Deep Seabed Hard Mineral Resources Act covering fiscal years 1982 and 1983, pursuant to Public Law 96-283, section 309; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. Supplemental report on H.R. 2465 (Rept. No. 98-99, Pt III). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself, Mr. HOWARD, Mr. BARNES, Mr. GORE, Mr. COELHO, Mr. HERTEL of Michigan, and Mr. GOODLING):

H.R. 4616. A bill to amend the Surface Transportation Assistance Act of 1982 to require States to use at least 8 percent of their highway safety apportionments for developing and implementing comprehensive programs concerning the use of child restraint systems in motor vehicles, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H.R. 4617. A bill to amend the Fair Debt Collection Practices Act to provide that any attorney who collects debts on behalf of a client shall be subject to the provisions of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BIAGGI:

H.R. 4618. A bill to provide for 24-hour voting in the next four Federal general elections; to the Committee on House Administration.

H.R. 4619. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 4620. A bill to prohibit the recording of conversation made on the Federal telecommunications system, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. CAMPBELL (for himself, Mr. GINGRICH, Mr. LOWERY of California, Mr. SUNDQUIST, Mr. SPENCE, Mr. DREIER of California, Mr. HANSEN of Idaho, and Mr. HARTNETT):

H.R. 4621. A bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mr. FRANK):

H.R. 4622. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for fees for sewer services; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 4623. A bill to require the prompt withdrawal from Lebanon of the U.S. Armed Forces participating in the multinational peacekeeping force; to the Committee on Foreign Affairs.

By Mr. DOWDY of Mississippi:

H.R. 4624. A bill to provide relief to the victims of the 1979 Pearl River flood; jointly, to the Committees on Agriculture and Small Business.

By Mr. EDGAR:

H.R. 4625. A bill to amend section 5010 of title 38, United States Code, to clarify the time for submission of the Comptroller General's report required by that section; to the Committee on Veterans' Affairs.

By Mr. EDGAR (by request):

H.R. 4626. A bill to amend section 612 of title 38, United States Code, to provide outpatient dental services and treatment to any veteran who has a service-connected disability rate at 50 percent or more; to the Committee on Veterans' Affairs.

By Mr. FORD of Tennessee:

H.R. 4627. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 4628. A bill to establish a National Educational Software Corporation to promote the development and distribution of high quality, interactive, and educationally useful computer software, and for other purposes; jointly, to the Committees on Education and Labor and Science and Technology.

By Mr. GRADISON:

H.R. 4629. A bill to amend the Federal Financing Bank Act of 1973 with respect to the budget treatment of activities financed by the Federal Financing Bank; jointly to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. JEFFORDS:

H.R. 4630. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 4631. A bill to amend the Federal Mine Safety and Health Act of 1977 to extend the coverage of that act to sand, gravel, and stone mines; to the Committee on Education and Labor.

By Mr. PAUL:

H.R. 4632. A bill to amend the Internal Revenue Code of 1954 to exclude interest and dividends from gross income earned by individuals; to the Committee on Ways and Means.

H.R. 4633. A bill to amend the Internal Revenue Code of 1954 to provide certain tax incentives for small businesses; jointly, to the Committees on Ways and Means and Education and Labor.

H.R. 4634. A bill to amend the Internal Revenue Code of 1954 to expand the deduction for adoption expenses; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. HAMILTON, Mr. PERKINS, Mr. BEVILL, Mr. PRICE, Mr. YATRON, Mr. KOSTMAYER, Mr. MURPHY, Mr. APPLEGATE, Mr. MILLER of Ohio, Mr. KOGOVSEK, Mr. BOUCHER, Mr. WISE, Mr. DURBIN, Mr. MCCLOSKEY, and Mr. MOLLOHAN):

H.R. 4635. A bill to establish a Federal Coal Export Commission with the goal of expanding the U.S. share of the international coal market, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RINALDO:

H.R. 4636. A bill to amend the Communications Act of 1934 to extend certain treatment afforded employees in the communications industry who transfer between various telephone companies affected by the January 1, 1984, reorganization; to the Committee on Energy and Commerce.

By Mr. SISISKY:

H.R. 4637. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 4638. A bill to designate certain lands in the Mount Baker-Snoqualmie National Forest, Wash., for inclusion in the National Wilderness Preservation System; jointly to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. TRAXLER:

H.R. 4639. A bill to authorize reduced postal rates during fiscal years 1984 and 1985 for parcels of food, medicine, or clothing sent to Poland; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H.R. 4640. A bill to amend the Internal Revenue Code of 1954 to exempt certain emergency transportation of individuals from the excise tax on transportation by air, and for other purposes; to the Committee on Ways and Means.

By Mr. HILER (for himself, Ms. OAKAR, Mr. HUTTO, Mr. DASCHLE, Mr. HORTON, Mr. EDWARDS of California, Mr. SWIFT, Mr. FAZIO, Mr. DYMALLY, Mr. FISH, Mr. HAWKINS, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. BURTON of Indiana, Mr. EVANS of Iowa, Mr. FAUNTROY, Mr. BOLAND, Mr. WEISS, Mr. YOUNG of Missouri, Mr. O'BRIEN, Mr. WILLIAMS of Ohio, Mr. COYNE, Mr. LANTOS, Mr. BARNES, Mr. WORTLEY, Mr. PRITCHARD, Mr. DELLUMS, Mr. ROEMER, Mr. BONER of Tennessee, Mr. FORD of Tennessee, Mr. MOODY, Mr. BROYHILL, Mr. SUNIA, Mr. FRANK, Mr. MOAKLEY, Mr. MCDADE, Mr. PORTER, Mr. BIAGGI, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. HEFNER, Mr. KASICH, Mr. DANIEL, Mr. CHANDLER, Mr. SMITH of Florida, Mr. ROE, Ms. KAPTUR, Mr. MAZZOLI, Mr. NELSON of Florida, Mr. DEWINE, and Mr. KINDNESS):

H.J. Res. 445. Joint resolution to designate the month of April 1984, as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. JEFFORDS (for himself, Mr. DOWNEY of New York, and Mr. MCDADE):

H.J. Res 446. Joint resolution to proclaim the week beginning April 22, 1984, "National Dance Week"; to the Committee on Post Office and Civil Service.

By Mr. WOLF:

H.J. Res. 447. Joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education"; to the Committee on Post Office and Civil Service.

By Mr. LAFALCE:

H. Con. Res. 240. Concurrent resolution expressing the sense of the Congress that the President should initiate discussions with the Secretary-General of the United Nations, the president of the Security Council, and all of the members of the Security Council, to effectuate the replacement of the multinational force in Lebanon with a U.N. peacekeeping force; to the Committee on Foreign Affairs.

By Mr. HOPKINS:

H. Con. Res. 241. Concurrent resolution to designate the week beginning November 4, 1984, as "National Medical Assistants Week" to the Committee on Post Office and Civil Service.

By Mr. McKINNEY (for himself, Mrs. SCHNEIDER, and Mr. GEFFORDS):

H. Con. Res. 242. Concurrent resolution expressing the sense of the Congress that the President should direct the U.S. Ambassador to the United Nations to introduce a resolution in the U.N. Security Council to establish a U.N. peacekeeping force to replace the multinational peacekeeping force now deployed in Beirut, Lebanon; to the Committee on Foreign Affairs.

By Mr. WALKER:

H. Res. 393. Resolution directing the House Committee on Rules to undertake an investigation concerning the accuracy and protection of the Congressional Record; laid on the table

By Mr. DANIEL B. CRANE:

H. Res. 394. Resolution to amend the Rules of the House of Representatives to eatablish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mr. EDWARDS of California (for himself, Mr. BATES, Mr. BERMAN, Mr. BIAGGI, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mr. COELHO, Mr. DELLUMS, Mr. DYMALLY, Mr. FAZIO, Mr. HAWKINS, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. MARRIOTT, Mr. MARTINEZ, Mr. MATSUI, Mr. MCNULTY, Mr. MILLER of California, Mr. MINETA, Mr. PANETTA, Mr. PATTERSON, Mr. PRITCHARD, Mr. REID, Mr. ROYBAL, Mr. ROBERT F. SMITH, Mr. STARK, Mr. TORRES, Mr. UDALL, Mr. WAXMAN, Mr. WIRTH, Mr. ANDERSON, and Mr. DIXON):

H. Res. 395. Resolution calling upon the television and radio industry and other members of the news media voluntarily to refrain from projecting Presidential election results or making predictions in Presidential elections on election day until all the polls throughout the United States have closed; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

310. By the SPEAKER: Memorial of the Legislature of the Virgin Islands, relative to S. 1366, which would promote judicial autonomy in the Virgin Islands; to the Committee on Interior and Insular Affairs.

311. Also, memorial of the House of Representatives, of the State of Alaska, relative to the citizenship petition of Audun Endestad; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. DOWDY of Mississippi introduced a bill (H.R. 4641) for the relief of Daweeratana Rugsacum; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 421: Mr. BERMAN, Mr. JEFFORDS, Mr. DOWNEY of New York, Mr. ACKERMAN, Ms. KAPTUR, Mr. GEKAS, Mr. CONYERS, Mr. TOWNS, Mr. BATES, and Mr. CROCKETT.

H.R. 618: Mr. FISH and Mr. YOUNG of Missouri.

H.R. 881: Mr. BATES, Mrs. JOHNSON, Mr. DARDEN, Mr. MORRISON of Washington, and Mr. TAUZIN.

H.R. 1028: Mr. JEFFORDS, Mr. SENSENBRENNER, Mr. BOEHLERT, Mr. GEKAS, Mr. EMERSON, and Mr. WORTLEY.

H.R. 1176: Mr. BIAGGI, Mr. TOWNS, Mr. ACKERMAN, and Mr. WEISS.

H.R. 1285: Mr. VANDERGRIFF, Mr. CONTE, Mr. WEAVER, Mr. BOUCHER, Mr. STOKES, Mr. MINETA, and Mr. ORTIZ.

H.R. 1419: Mrs. JOHNSON.

H.R. 1531: Mr. HAYES.

H.R. 1571: Mr. EDWARDS of California.

H.R. 1657: Mr. LEWIS of Florida.

H.R. 1773: Mr. DEWINE, Mr. WOLPE, Mr. PORTER, Mr. LANTOS, Ms. MIKULSKI, and Mr. ANNUNZIO.

H.R. 1815: Mr. ACKERMAN, Mr. FORD of Tennessee, Mr. CONTE, and Mr. BOLAND.

H.R. 1841: Mr. BATEMAN.

H.R. 1881: Mr. BEVILL, Mr. BOLAND, Mr. COOPER, Mr. DANIEL B. CRANE, Mr. DREIER of California, Mr. DUNCAN, Mr. FRANK, Mr. HANSEN of Utah, Mr. HORTON, Mr. KOGOVSEK, Mr. MATSUI, Mr. MOLLOHAN, Mr. QUILLEN, Mr. RAHALL, Mr. SHAW, Mr. SPENCE, Mr. THOMAS of Georgia, Mr. THOMAS of California, and Mr. WON PAT.

H.R. 1959: Mr. FORD of Tennessee, Mr. FRANK, Mr. D'AMOURS, Mr. LUJAN, and Mr. KINDNESS.

H.R. 2097: Mr. HYDE, Mr. SCHAEFER, and Mr. GEJDENSON.

H.R. 2105: Mr. BONER of Tennessee, Mr. BADHAM, Mr. CORCORAN, Mr. GORE, Mr. KOSTMAYER, Mr. SAVAGE, Mr. VANDERGRIFF, and Mr. WYLIE.

H.R. 2204: Mr. YATES, Mr. DORGAN, Mr. SWIFT, Mr. VENTO, Mr. DEWINE, Mrs. SCHNEIDER, Mr. SPRATT, Mr. WEISS, and Mr. SKELTON.

H.R. 2382: Mr. RICHARDSON and Mr. BONIOR of Michigan.

H.R. 2403: Mrs. HALL of Indiana, Mr. HERTEL of Michigan, and Mr. OWENS.

H.R. 2489: Mr. BONER of Tennessee, Mr. GORE, Mr. SAVAGE, and Mr. WYLIE.

H.R. 2624: Mr. HAYS and Mr. TORRES.

H.R. 2837: Mr. BARNARD and Mr. WYLIE.

H.R. 2847: Mr. WAXMAN and Mr. ASPIN.

H.R. 2880: Mrs. BURTON of California and Mrs. COLLINS.

H.R. 2927: Mr. CAMPBELL, Mr. CONTE, Mr. KASICH, Mr. KILDEE, Mr. LAFALCE, Mr. MRAZEK, Mr. NICHOLS, Mr. RINALDO, Mr. ROE, Mr. TRAXLER, and Mr. WYLIE.

H.R. 3016: Mr. DASCHLE, Mr. HARKIN, Ms. MIKULSKI, Mr. MCCAIN, Mr. EMERSON, Mr. COLEMAN of Texas, Mrs. SCHNEIDER, Mr. WOLPE, Mr. FEIGHAN, Mr. DEWINE, Mr. CROCKETT, Mr. REGULA, Mr. SWIFT, and Mr. KINDNESS.

H.R. 3050: Mr. DARDEN and Mr. SHELBY.

H.R. 3072: Mr. WEAVER.

H.R. 3101: Mr. RICHARDSON.

H.R. 3150: Mr. BREAUX.

H.R. 3405: Mr. ORTIZ.

H.R. 3411: Mr. ROYBAL and Ms. OAKAR.

H.R. 3457: Mr. HAMILTON.

H.R. 3480: Ms. FIEDLER.

H.R. 3498: Mr. FORD of Tennessee and Mr. HOYER.

H.R. 3702: Mr. EDGAR.

H.R. 3755: Mr. ROSE.

H.R. 3803: Mr. BEVILL, Mr. BRITT, Mr. KILDEE, Mr. HIGHTOWER, Mr. DASCHLE, Mr. KOLTER, Mr. WYLIE, Mr. DOWNEY of New York, Mr. D'AMOURS, Mr. ANTHONY, Mr. JONES of North Carolina, Mr. SUNDQUIST, Mr. FAZIO, and Mr. MCCLOSKEY.

H.R. 3852: Mr. WON PAT, Mrs. SCHROEDER, Mr. DWYER of New Jersey, and Mr. GOODLING.

H.R. 3876: Mr. WALGREN, Mr. GLICKMAN, Mr. HAWKINS, Mrs. SCHNEIDER, Mr. QUILLEN, Mr. JONES of North Carolina, Mr. LELAND, Mr. SUNIA, Mr. HORTON, Mr. RICHARDSON, Mr. SHANNON, Mr. MITCHELL, Mr. MOLLOHAN, Mr. SEIBERLING, Ms. OAKAR, Mr. ROE, Mr. DOWNEY of New York, Mr. LEVIN of Michigan, Mr. CHAPPIE, Mr. WILSON, Mr. SPRATT, Mr. HEFNER, Ms. KAPTUR, Mr. VENTO, Mr. OWENS, Mr. LUKEN, Mr. HANSEN of Idaho, Mr. WIRTH, Mr. BEVILL, Mr. STUDDS, Mr. LONG of Louisiana, Mr. DWYER of New Jersey, Mr. MARTIN of New York, Mr. ACKERMAN, Mr. FASCELL, Mr. BROWN of California, Mr. OTTINGER, and Mr. HOWARD.

H.R. 3937: Mr. HYDE.

H.R. 3990: Mr. EDGAR, Mr. MCHUGH, Mr. MILLER of California, Mr. FORSYTHE, Ms. SNOWE, Mr. BIAGGI, Mr. MITCHELL, Mr. WILLIAMS of Montana, and Mr. ANDERSON.

H.R. 4054: Mr. CHAPPIE, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. VANDERGRIFF, Ms. KAPTUR, and Mr. MORRISON of Washington.

H.R. 4055: Mr. CHAPPIE, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. VANDERGRIFF, Ms. KAPTUR, and Mr. MORRISON of Washington.

H.R. 4078: Mr. DYSON, Mr. WEAVER, Mr. MINETA, and Mrs. BOXER.

H.R. 4093: Mr. WISE, Mrs. BURTON of California, Mr. FEIGHAN, Mr. SCHEUER Mr. GEJDENSON, Mr. RAHALL, Mr. REID, Mr. WILLIAMS of Ohio, Mr. FISH, Mr. COYNE, Mr. VENTO, Mr. SENSENBRENNER, Mr. MOAKLEY, and Mr. BERMAN.

H.R. 4110: Mr. CLAY, Mr. MAVROULES, Mr. WOLPE, Mr. GILMAN, and Mr. HOWARD.

H.R. 4114: Mr. MATSUI and Mr. VANDER JAGT.

H.R. 4164: Mr. SWIFT, Mr. WEAVER, Mr. GIBBONS, Mr. KOGOVSEK, and Mr. SMITH of New Jersey.

H.R. 4212: Mr. MCEWEN, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. DENNY SMITH, Mr. MCCURDY, Mr. RANGEL, Mr. QUILLEN, Mr. FROST, Mr. CHAPPIE, Mr. CORCORAN, Mr. WILSON, Mr. EMERSON, Mr. LANTOS, Mr. RIDGE, Mr. PEASE, Mr. O'BRIEN, Mr. WALGREN, Mr. PATMAN, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. DASCHLE, Mr. RICHARDSON, Mr. WEAVER, Mr. HAWKINS, Mr. BRYANT, Mr. OTTINGER, Mr. STUDDS, Mr. SILJANDER, Mr. MURPHY, Mr. DORGAN, Mr. OWENS, Mr. COATES, Mr. SOLARZ, Mr. BERMAN, Mr. GRAMM, Mr. ECKART, Mr. DEWINE, Mr. HARRISON, Mr. EVANS of Illinois, Mr. KEMP, Mr. MORRISON of Connecticut, Mr. ROBERTS, Mr. BRITT, Mr. BATES, Mr. FAZIO, Ms. KAPTUR, Mr. KOLTER, Mr. RATCHFORD, Mr. BROWN of Colorado, Mr. BEVILL, Mr. LAGOMARSINO, Mr. EMERSON, Mr. STRATTON, Mr. VENTO, Mr. EVANS of Iowa, Mr. MCGRATH, Mr. ANDREWS of Texas, Mr. BEREUTER, Mrs. HOLT, Mr. STOKES, Mr. MINETA, Mr. BARTLETT, Mr. VANDERGRIFF, and Mr. KOSTMAYER.

H.R. 4261: Mr. BATEMAN, Mr. BROWN of California, Mr. HARRISON, Mr. WILLIAMS of Montana, Mr. SHANNON, Mr. MORRISON of Connecticut, Mr. LAFALCE, Mr. BOUCHER, Mr. MITCHELL, and Mr. SIMON.

H.R. 4262: Mr. CLARKE, Mr. COOPER, and Mr. GORE.

H.R. 4263: Mr. SUNDQUIST and Mr. COOPER.

H.R. 4272: Mr. FAZIO, Mrs. BOXER, Mr. MITCHELL, Mr. WEISS, Mrs. HALL of Indiana, Mr. HORTON, Mr. SOLARZ, and Mr. GIBBONS.

H.R. 4273: Mr. FAZIO, Mrs. BOXER, Mr. MITCHELL, Mr. WEISS, Mrs. HALL of Indiana, Mr. HORTON, Mr. SOLARZ, and Mr. GIBBONS.

H.R. 4299: Mr. ORTIZ.

H.R. 4345: Ms. KAPTUR, Mr. CROCKETT, and Mrs. BOXER.

H.R. 4368: Mr. DORGAN.

H.R. 4375: Mr. RANGEL.

H.R. 4397: Mr. JEFFORDS, Mr. HUGHES, Mr. REGULA, and Ms. KAPTUR.

H.R. 4402: Mr. SLATTERY.

H.R. 4405: Mr. MRAZEK.

H.R. 4440: Mr. BEILENSON, Mr. CARR, Mr. CONYERS, Mr. COYNE, Mr. DELLUMS, Mr. FAUNTROY, Mr. FRANK, Mr. GEJDENSON, Mr. HORTON, Mr. KASTENMEIER, Mr. MCHUGH, Mr. PENNY, Mr. RAHALL, Mrs. SCHROEDER, Mr. STARK, Mr. STOKES, Mr. VENTO, Mr. WALGREN, Mr. WEISS, and Mr. WIRTH.

H.R. 4447: Mr. GARCIA, Mr. MORRISON of Connecticut, Mr. TORRES, Ms. KAPTUR, Mr. FEIGHAN, Mr. UDALL, Mr. DELLUMS, Mr. OBEY, Mr. DURBIN, Mr. BERMAN, Mrs. SCHROEDER, Ms. OAKAR, Mr. ACKERMAN, Mr. FROST, Mr. STOKES, Mr. EDGAR, Mr. OBERSTAR, Mr. CONYERS, and Mr. CROCKETT.

H.R. 4558: Mr. BERMAN, Mr. FROST, Mr. GONZALEZ, Mr. KOGOVSEK, and Mr. WILSON.

H.J. Res. 73: Mr. COYNE and Mr. HUTTO.

H.J. Res. 121: Mr. RUSSO.

H.J. Res. 174: Mr. LEVIN of Michigan, Mr. LEVITAS, and Mr. CLAY.

H.J. Res. 272: Mr. ROSE, Mrs. SCHNEIDER, Mr. COURTER, Mr. STENHOLM, Mr. FRANKLIN, Mr. SHAW, Mr. VALENTINE, Mr. LUJAN, and Mr. MILLER of California.

H.J. Res. 277: Mr. MATSUI and Mr. GONZALEZ.

H.J. Res. 309: Mr. CHAPPELL, Mr. ENGLISH, Ms. FERRARO, Mr. HORTON, Mr. RANGEL, Mr. SHAW, Mr. DENNY SMITH, Mr. STARK, Mr. STRATTON, Mr. SWIFT, Mr. SYNAR, Mr. WALGREN, Mr. WYDEN, and Mrs. HOLT.

H.J. Res. 322: Mr. GUARINI, Mr. KOSTMAYER, Mr. HANSEN of Utah, Mr. LENT, and Mr. BONIOR of Michigan.

H.J. Res. 344: Mr. LEHMAN of Florida, Mr. NEAL, Ms. SNOWE, and Mr. VANDER JAGT.

H.J. Res. 373: Mr. ALBOSTA, Mr. BADHAM, Mr. BARNES, Mr. BEVILL, Mr. BONER of Tennessee, Mr. CARPER, Mr. CORCORAN, Mr. DANIEL, Mr. DYMALLY, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FOLEY, Mr. GEKAS, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HOYER, Mr. IRELAND, Mr. JENKINS, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVITAS, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. MCCULLUM, Mr. MCDADE, Mr. MARTIN of North Carolina, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. NOWAK, Mr. OBERSTAR, Mr. PANETTA, Mr. PEPPER, Mr. PICKLE, Mr. RODINO, Mr. SABO, Mr. SIMON, Mr. SISISKY, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. STARK, Mr. SWIFT, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. TORRICELLI, Mr. WILLIAMS of Ohio, Mr. WHITEHURST, Mr. WYDEN, and Mr. YOUNG of Missouri.

H.J. Res. 388: Mr. LEWIS of Florida, Mr. ROE, Mr. FRANK, Mr. WILSON, Mr. FORSYTHE, Mr. LEVIN of Michigan, Mr. TRAXLER, Mr. APPLEGATE, Mr. KASICH, Mr. BONER of Tennessee, Mr. WON PAT, Mr. FISH, Mr. MCKERNAN, Mr. STANGELAND, Mrs. COLLINS, Mr. BERMAN, Mrs. KENNELLY, Ms. SNOWE, Mr. OXLEY, Mr. OBERSTAR, Mr. REID, Mr. JEFFORDS, Mr. CARNEY, Mr. FRENZEL, Mr. BILIRAKIS, Mr. RAHALL, Mr. DEWINE, Mr. FEIGHAN, Mr. MCGRATH, Mr. ACKERMAN, Mr. FAZIO, Mr. KOGOVSEK, Mr. LONG of Maryland, Mr. HUGHES, Mr. WINN, Mr. ENGLISH, Mr. MORRISON of Connecticut, Mr. CRAIG, Mr. EVANS of Iowa, Mr. WAXMAN, Mr. ASPIN, Mr. NICHOLS, Mr. ROTH, Mr. SIMON, Mrs. BOXER, Mr. HUNTER, Mr. MCHUGH, Mr. HOWARD, Mr. PASHAYAN, Mr. BRITT, Mr. LIPINSKI, Mr. ECKART, Mr. MCCURDY, Mr. SWIFT, Mr. EVANS of Illinois, Mr. SCHEUER, Mr. COATS, Mr. TORRICELLI, Mr. BROYHILL, Mr. DASCHLE, Mr. CLINGER, Mr. EDGAR, Mr. WILLIAMS of Ohio, Mr. GEKAS, and Mr. BOEHLERT.

H.J. Res. 389: Mr. HYDE.

H.J. Res. 395: Mr. CONYERS, Mrs. BOXER, Mr. FAUNTROY, Mr. SIKORSKI, Mr. MITCHELL, Mr. VENTO, Mr. MCNULTY, Mr. LOWRY of Washington, Mr. BARNES, Mr. PATTERSON, Mr. LELAND, Mr. KOLTER, Mr. FRANK, Mr. KASTENMEIER, Mr. KILDEE, and Ms. KAPTUR.

H.J. Res. 404: Mr. DAUB, Mr. KASICH, and Mr. MORRISON of Washington.

H.J. Res. 407: Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. GRAY, Mr. GORE, Mr. WAXMAN, Mr. OWENS, Mr. PATMAN, Mr. REID, Mr. BENNETT, Mr. HANSEN of Idaho, Mr. KOLTER, Mr. NATCHER, Mr. EARLY, Mr. BONER of Tennessee, Mr. CONABLE, Mr. MACKAY, Mr. DANIEL B. CRANE, Mr. DIXON, Mr. DEWINE, Mr. WEISS, Mr. PORTER, Mr. MONTGOMERY, Mr. HUBBARD, Mr. DURBIN, Mr. BIAGGI, Mr. ORTIZ, Mr. MARTINEZ, Mr. STANGELAND, Mr. ANDREWS of North Carolina, Mr. OBERSTAR, Mr. MCEWEN, Mr. STUMP, Mr. HEFNER, Mr. FLORIO, Mr. SUNIA, Mr. SKELTON, Mr. CHENEY, Mr. ROEMER, and Mrs. HOLT.

H.J. Res. 423: Mr. HARKIN, Mr. EVANS of Iowa, Mr. CLAY, Mr. CONABLE, Mr. DWYER of New Jersey, Mr. FLORIO, Mr. BATEMAN, Mr. ROE, Mr. BEDELL, Mr. RANGEL, Mrs. KENNELLY, Mr. BARNARD, Mr. GRADISON, Mr. ANNUNZIO, Mr. FISH, Mr. HANCE, Mr. NATCHER, Mr. BARNES, Mr. GILMAN, Mr. MCDADE, Mr. VANDER JAGT, Mr. MCNULTY, Mr. DANIEL, Mr. BROOKS, Mr. HAMMERSCHMIDT, Mr. HUGHES, Mr. SOLARZ, Mr. MURPHY, Mr. OWENS, Mr. PURSELL, Mr. WOLF, Mr. BENNETT, Mr. RODINO, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. MAZZOLI, Mr. WILLIAMS of Ohio, Mr. WYLIE, Mr. BERMAN, Mr. ORTIZ, Mr. WILSON, Mr. FRENZEL, Ms. KAPTUR, Mr. DEWINE, Mr. NICHOLS, Mr. BREAUX, Mr. LANTOS, Mr. MORRISON of Connecticut, Mr. HATCHER of Georgia, Mr. WON PAT, Mr. THOMAS of Georgia,

Mr. HANSEN of Utah, Mr. KEMP, Mr. CROCKETT, Mr. WORTLEY, Mr. ADDABBO, Mr. HYDE, Mr. RATCHFORD, Mr. CORRADA, Mr. MINISH, Mr. FAUNTROY, Mr. FRANK, Mr. PATMAN, Mr. TOWNS, Mr. PORTER, Mr. KASICH, Mr. VENTO, Mr. CARNEY, Mr. BEVILL, Mr. LELAND, Mr. WEISS, Mr. LEVITAS, Mr. STRATTON, Mr. BARTLETT, Mr. MARTIN of New York, and Mr. JEFFORDS.

H. Con. Res. 9: Mr. CHAPPELL and Mr. FROST.

H. Con. Res. 66: Mr. BURTON of Indiana.

H. Con. Res. 224: Mr. ACKERMAN, Mr. BOEHLERT, Mr. COURTER, Mr. DONNELLY, Mr. LENT, Mr. MCEWEN, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. SOLARZ, and Mr. TORRICELLI.

H. Con. Res. 236: Mr. STOKES, Mr. SMITH of Florida, Mr. OWENS, Mr. PORTER, Mr. FAZIO, Mr. MRAZEK, Mr. LEVIN of Michigan, Mrs. BOXER, and Mr. RITTER.

H. Res. 280: Mr. KOSTMAYER.

H. Res. 281: Mr. GRAY.

H. Res. 295: Mr. CONTE, Mr. BEDELL, Mrs. JOHNSON, and Mr. OBERSTAR.

H. Res. 348: Mr. HOPKINS, Mr. LIPINSKI, Mr. HALL of Ohio, Mr. HORTON, and Mr. MCCOLLUM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1797: Mr. SUNDQUIST.

EXTENSIONS OF REMARKS

AMERICANISM

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. PEASE. Mr. Speaker, I would like to share the following three essays, written by students who reside in my 13th District of Ohio, with you and the rest of our colleagues. The three students who wrote the essays about what Americanism means to them were awarded prizes by the Americanism Foundation. Elizabeth Stone, Matt Hughes, and Carol Kuss deserve our praise and thanks for expressing thoughts about our country so eloquently and so well.

WHAT AMERICANISM MEANS TO ME

(By Miss Elizabeth Stone)

Freedom was obtained and preserved by the great dilemmas our forefathers had to endure. Their great sufferings are now our pleasures. We too must be willing to go to battle or stand up to any crisis that threatens our existence. Our patriotic duty is to secure the spectacular opportunities this unique land presents. Therefore, Americanism to me is to appreciate what so few people have—"Freedom."

This golden, yet simple, word has enhanced the lives of so many desolate people. It has brought new beginnings to people who have not known of its powers. They have never felt its glorious strength until reaching this nation.

We Americans should be proud of our heritage and know that in some small way we, too, have steered the destination of this country. By sparing time to vote, searching for knowledge, finding truth, and caring for the humanity of life, we have guided the expansion of growth in this country. By the values within us, we should use them constructively in helping to build a better tomorrow.

The United States is a place where ambitions and dreams can be accomplished. It allows its people to reach their greatest potential. May life always be this way, for without it our generation and future generations are lost. We are all familiar with the saying, "there is no place like home;" well, that statement must have been written especially for this country. Very few places have as much to offer, and this fact should make us grateful for our nationality.

We have a lot to be proud of. This country has great achievements gained by its citizens. We have advanced from a weak organization of colonies into a United States. This country is one, regardless of different races and religions. We all have but one goal—peace for all. We are strong against all who wish to abolish the things we stand for. We stand for liberty and justice for everyone.

Therefore, Americanism is also the people being active members in the guidance and defense of this country. We have strong resolutions in the Preamble and Constitution to see to equality and safety of its citizens.

As citizens, we must criticize and evaluate our government in hope to improve its stature. For nothing is truly and completely perfect, therefore, we are all open for change. We must encourage advancements and growth of our community. Growth delivers solutions that help better mankind.

As the years pass, may we learn from our failures and benefit from our accomplishments. May our flag always be caressed by the soft winds that journey our way. May we secure the blessings from God above and hope that we may prosper in His eyes, for He is truly the leader of this nation and this world.

Let us cherish the fruitful opportunities America has to offer and remember it was by our sweat and blood that it was obtained.

WHAT AMERICANISM MEANS TO ME

(By Matt Hughes)

What does Americanism mean to me? As I sit here writing this essay, I think about how I, like many other Americans, take my country for granted. Many of us don't realize how lucky we are to live in the United States.

Perhaps one reason we fail to appreciate our country is that we only know life like it is in the United States. Not one of us has had to suffer religious or political persecution, had to be concerned with the threat of famine, or frightened that a dictatorship will take power in our country, yet these are just a few examples of the pains and sufferings that other people in different countries have gone through.

In my opinion, one of the greater things about living in the United States is the freedom and rights that each one of us has. The Constitution gives every citizen freedom of speech, religion, press, assembly, and petition in the First Amendment. The right to bear arms, to vote without discrimination against sex or race, and various rights of the accused are just a few examples of the rights that the Constitution guarantees us.

When I think of how millions of people have given up their lives to preserve these rights for the people of this country, I realize how lucky I am to be an American. I feel honored to live in a country where people have had so much respect and belief in their country that they'd die for it.

If I had to answer the question "What does Americanism mean to me" in a word, I'd say it means ideas. The United States is a country full of ideas. The ideas of our forefathers, the leaders throughout the years, the great inventors, and those of the citizens themselves have made our country strong and proud; furthermore, they are responsible for the freedom that the Constitution gives us. These ideas give each American a reason to hope and strive for their goals, and because of these ideas and how they've been executed, I can honestly say that I am proud to be an American.

WHAT AMERICANISM MEANS TO ME

(By Carol Kuss)

Americanism means so such to so many people that it's hard to pinpoint exactly what it means. For myself, I believe that Americanism is pride. This pride includes more than pride in living in America, but pride in what supports our nation.

This pride started with the Pilgrims. They had enough pride in their religion to start a new nation hundreds of miles from their homeland. This pride laid the foundation and has supported the structure of our government and nation through more than two hundred years and many battles and wars. Battles, as small as between a homesteader and the large rancher, were fought because of pride in what that man had built and tamed with his own hands. Wars, as large as World War II, were fought to keep the homeland and the world "safe for posterity."

There is pride in past accomplishments which were the result of years of hard work and patient skill. Space travel, electricity, airplanes, and cars are just a few. There is still room for expansion and advancement and with a little "Yankee ingenuity and know-how" (and pride), the people of America will keep this nation something to be proud of.●

TRIBUTE TO JOHN F. MOORE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HARRISON. Mr. Speaker, on Saturday evening, January 28, Council 302 of the Knights of Columbus will hold its annual dinner dance. This event will be noteworthy because it is the 86th annual anniversary to be so celebrated by Council 302. It will also be the occasion on which a heartfelt tribute will be paid to a very unique human being.

John F. Moore, who will be honored that evening as "Man of the Year," was born and raised in Plymouth and attended its schools. After finishing high school, he moved with his parents to Wilkes-Barre. For a short time, he worked in a local bank and, in 1933, joined the Office of the Comptroller of the Currency as an assistant national bank examiner. He was commissioned a national bank examiner in 1940 and placed in charge of the Wilkes-Barre District. He remained in Wilkes-Barre until he retired 31 years later.

As he began his career in public service, so, too, he began a long and distinguished career with the Knights of Columbus. He joined Wilkes-Barre Council No. 302 in January 1929 and so, this year of 1983, he completes 55 years of knighthood. He is, in addition, a member of the Bishop William J. Hafey Assembly of the fourth degree.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

31-059 O-87-11 (Pt. 1)

Over the years, John Moore has been a trustee of Council 302; a member and past president of the Wilkes-Barre-Wyoming Valley Sierra Club; and an active member both of the Holy Name Society of St. Aloysius Parish and of the St. Alphonsus Retreat League.

His interest in the game of golf has made him both an avid player and a devoted promoter of the game. He served as executive secretary of the Anthracite Golf Association for 17 years and, for the past several years, as its president. He was appointed to the board of the General Municipal Authority of the City of Wilkes-Barre in 1970 and has been chairman of that board, as well, for the past several years. The authority operates the noted Wilkes-Barre Golf and Ski Club at Trailwood.

John is also a very longtime member of the friendly Sons of St. Patrick of Greater Wilkes-Barre, has served for years as its historian and is the only honorary president of the society. In the bicentennial year of 1976, he was honored by being named as its "Man of the Year."

He serves, as well, on the board of directors of the Luzerne County Tourist Agency and as its treasurer. He is budget chairman of the Annual Luzerne County Folk Festival of which he was one of the founding members. He is an associate of the Smithsonian Institution.

And, perhaps on a lighter but equally important note, he is a charter member of the Hoyle Club, which is made up in the main of Council 302 members interested in the study of the great game of cinch.

John is married to the former Anne Remsey of north Wilkes-Barre. They reside, now, in south Wilkes-Barre and are members of St. Aloysius Parish.

Very often on this floor, Mr. Speaker, we talk of things that are wrong and of great evils that need to be corrected. It is, for me, both a pleasure and an honor to be able, on this occasion, to speak of something that is very right and that deserve both our tribute and our praise. That is the long and distinguished career of John F. Moore, a man devoted to God and dedicated to his fellow man. What he is and what he believes show clearly in the works of his life. It is, Mr. Speaker, my honor to join his Brother Knights of Council 302 in paying this well-deserved tribute to him and in sharing this significant occasion with my friends and colleagues here in the House.●

C. O. PEARSON

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. VALENTINE. Mr. Speaker, today I wish to call my colleagues' attention to the remarkable accomplishments of a man who has helped to shape both the present and the future of North Carolina.

Conrad O. Pearson has spent his professional life fighting institutional unfairness and championing the cause of civil rights. Educated at Howard University, Wilberforce University, and the Durham Public Schools, Mr. Pearson has served his fellow citizens as a former assistant attorney general for the State of North Carolina and has taught law at North Carolina Central Law School. I am proud to call him my friend.

I urge my colleagues to join me in recognizing C. O. Pearson for his outstanding contribution to freedom, equality, friendship, goodwill, and justice for and among men and women of all races.●

CONSERVATIVE LEGAL GROUP RIPS ADMINISTRATION DUPLICITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. MILLER of California. Mr. Speaker, the Reagan administration has long touted its commitment to deregulating private enterprise and ending Government intrusion in the private sector.

Now, a recent report from the arch-conservative Capital Legal Foundation, exposes the hypocrisy of the administration's rhetoric.

The administration, it turns out, is not really opposed to Government's interference in business—so long as it is for the benefit and profit of private industry. The administration is willing to bend its ideological commitment to free enterprise to the tune of billions of dollars a year—even when the bill for those billions is paid by the U.S. taxpayer for whom the President frequently expresses his compassion.

I find myself in the unusual and infrequent position of totally agreeing with Dan Burt, president of CLF, in denouncing the administration's wholesale retreat from the effort to reform Federal marketing orders. Marketing orders are those bureaucratic shams by which a small portion of the citrus industry—in consort with the industry-dominated Department of Agriculture—orders competitor growers to destroy or divert from the consumer market billions of pounds of oranges and lemons every year.

In other industries, this would be called restraint to trade, and the perpetrators would fund themselves on their way to court. In agriculture, however, the practice is called marketing orders and has the full blessing of the Government.

The cost to farmers is in the hundreds of millions of dollars. The cost to consumers—in less produce being available and higher prices in the supermarket—is even more.

The administration is well aware of the cost of marketing orders and the unfair control it gives a portion of the industry over competitors. This is exactly the kind of Government interference in the marketplace that conservatives like President Reagan and Secretary Block are supposed to be ending.

But their sorry record on marketing order illustrates their duplicity. A long list of administration experts has studied marketing orders and found them not only contrary to conservative ideology, but wasteful and costly. Those critics have included the Vice President's Task Force on Regulatory Reform, the Office of Management and Budget, the Small Business Administration, the Justice Department, and the Federal Trade Commission.

And what has been the administration's response to its own investigations? They have abandoned all plans to reform marketing orders in order to help small farmers and consumers.

These recent events, together with the budget policies of David Stockman and the Christmas-time pronouncements of Edwin Meese, clarify the real—as opposed to stated—goals of Reagan administration policies: Government interference in the private market is inappropriate when it comes to providing food to schoolchildren, elderly citizens in their homes, and poor Americans on soup lines.

But Government involvement is fine when it subsidizes wealthy growers, encourages farmers to waste food and raise costs to consumers.

I encourage you to review a recent article about the Capital Legal Foundations' critique of the administration, and this Congress, for their continuing support of this unjustified, wasteful and costly boondoggle.

The article follows:

SPEAKING OUT: DAN BURT—ON USDA MARKETING ORDERS

(Dan M. Burt is President of the Capital Legal Foundation, a Washington-based public policy law firm concerned with a free-market approach to federal regulation.)

With President Reagan's re-election announcement around the corner, evaluations of this Administration's performance against its promises is becoming an increasingly popular Washington sport. Reagan promised an unprecedented effort to get the government off the backs of the people, es-

pecially in the area of marketplace regulation. Sadly, the Reagan record of nonreform on agricultural marketing orders demonstrates the continuing ironic truth of the words of H.R. Haldeman who said "[W]atch what we do, not what we say."

Federal marketing orders now regulate the handling of 47 fruits, vegetables, and nuts, worth about $5 billion annually, plus most of the diary production in this country. They were invented by Congress during the Depression as an emergency and temporary solution to help restore farm-sector purchasing power. They regrettably evolved into a Byzantine regulatory regime, fixing high food prices for the American consumer, while preventing efficient, small, and aggressive growers from expanding. In short, the marketing order system works to protect the worst growers from the best, on the bent backs of the poor.

These regulations provide standards for size, grade, and packaging, and grant limited antitrust immunity for joint research, development, and promotional ventures. Eleven of these orders authorize strict controls on the quantity of each commodity that can be produced or marketed. Three types of regulatory tools are used; acreage allotments (e.g. hops), reserve pools and set-aside (e.g., raisins), and weekly limits (prorates) on the rate of flow to market (e.g., California citrus). These supply controls are the crux of the regulatory reform problem. The case of California-Arizona lemons illustrate the absurdity of continued regulation and the abject, hypocritical failure of this Administration to live up to its promises.

The California-Arizona lemon industry operates like a mini-OPEC, largely hidden from public scrutiny. The cartel is run by the Lemon Administrative Committee (LAC), an agency of the U.S. Department of Agriculture. LAC is dominated by the largest cooperative in the industy, Sunkist. LAC has limited domestic fresh sales for the 1983-84 season to only 14 million cartons out of an estimated total crop of nearly 60 million cartons. Growers must dispose of the remaining three-fourths of their crop—at huge losses—by selling abroad, for by-products, or by simply leaving the lemons to rot on the trees. As a result of the strict limits imposed on growers by the cartel, more lemons will be destroyed than will be sold fresh. Ironically, foreign growers (e.g., South Africa, Spain, Italy, and Chile) and those located in Texas and Florida can sell as many lemons as they please.

LAC's failure to provide economic justification for these strict limits is not surprising because there is no rational reason to substitute centralized industry control for individual decision-making. In reality, LAC's objective is to insulate inefficient large producers from competition from more aggressive independents.

The supply controls harm growers, especially smaller ones, by depressing their per acre revenues over the long run and by perpetuating chronic over-production. They harm consumers, especially the poor, by forcing them to pay more for artificially scarce fruit, without appreciably enhancing price stability. Finally, they harm society as a whole by protecting misallocated resources against the coercive forces of supply and demand. The cartel is preoccupied with protecting its turf and is devoted to anti-competition rather than to aggressive and creative marketing.

This cartel would eventually break down, like OPEC, but for one critical difference. The federal government forces independents to abide by LAC's restrictive allocations through injunctions, civil forfeitures, and criminal penalties. So, the inefficiency and waste, and the deliberate destruction of edible food continue unabated while wealthy "farmers" (many of whom are in reality investors and don't farm at all) receive an unwarranted subsidy—welfare—at the expense of more efficient aggressive growers and the poor consumer.

Obviously, these supply controls are patently inconsistent with Reagan's espoused policies of less regulations, freer markets and more competition. Reagan questions why people are hungry in this country and nutritionists continue to find that one of the most serious health problems facing the poor is lack of vitamin C, yet this Administration not only condones but in fact encourages the destruction of at least 15 million cartons of healthful lemons. The curious question is why there has been so much talk about change and so little action.

Marketing orders were listed on the 1981 regulatory reform task force "hit list" as early candidates for deregulation. USDA dutifully conducted a thorough review and concluded, not surprisingly that supply controls cause more harm than good. Secretary Block issued "guidelines" early in 1982 calling for decontrol. Nothing happened. Following a heated Cabinet meeting in late April this year, Block reaffirmed his commitment to deregulation. OMB, the Small Business Administration and the Justice Department have all stongly urged deregulation.

The answer lies in the sad reality that the Administration is guided by political might rather than economic right. Notwithstanding all the promises for reform, Secretary Block approved annual marketing policies for lemons (September) and navel oranges (October) that are even worse than business as usual, because the supply controls are especially restrictive. We can only speculate, however, on how many votes will be earned by the resulting rotten fruit.

Government intervention in the marketplace creates political as well as economic inertia that frustrates the task of deregulation. Marketing orders implicity subsidize wasteful and inefficient production. A share of this subsidy is devoted to preserving this welfare system in the form of campaign contributions and well-financed lobbyists. This well-oiled machine has just accomplished what some would have thought impossible. A rider to OMB's appropriation prevents further review of marketing orders. Ironically, it was the Democrat-controlled House that voted over three to one to tie David Stockman's hands in this area even though OMB's deregulatory efforts would have produced real, immediate, and substantial consumer benefits.

Now that the Supreme Court has agreed to decide whether consumers have standing to challenge marketing order decisions in *Community Nutrition Institute* v. *Block*, can we expect the agriculture lobby to add marketing orders to the growing list of issues over which judicial review should be precluded? The Federal Trade Commission was muzzled back in 1979. Will the Justice Department be next?

USDA's Agricultural Marketing Service (AMS) is responsible for the day-to-day administration of the marketing order program. This "captured bureaucracy," a second by-product of this welfare system, further complicates the task of deregulation. AMS blithely "rubber stamps" every action of the cartels in addition to running interference to block those who seek change. AMS has consistently ignored its responsibility to conduct the analyses mandated by the Regulatory Flexibility Act and Executive Order 12291, and flagrantly violates the procedural safeguards afforded by the Administrative Procedure Act. Also, AMS underplays the serious over-production/under-marketing dilemma faced by lemon growers by concealing, in its published parity price data, the fact that growers actually lose money since they are only allowed to sell one lemon for every four they produce.

Secretary Brock is caught in the middle. On the one hand he has a mountain of economic evidence which demonstrates that supply controls are illegal and unsound, an official policy that they are unwise, and a personal belief in the efficacy of free enterprise. On the other hand, he is confronted with enormous political pressure, an immovable bureaucracy, and the problem of explaining to an increasingly skeptical Congress why nearly half of all farm income is in the form of $56 billion worth of federal subsidies. The inevitable result is that Brock has been rendered impotent.

A third by-product is rhetoric. One example is that supply controls protect the small family farm. In reality they encourage and protect large and often less efficient investors who are concerned more with tax advantages and land appreciation than with on-the-ground farming. Indeed, the "family farmer," devoted to producing a high quality crop at least cost, is prevented from earning a fair return and from increasing his relative market share.

Another argument often heard, especially on Capital Hill, is that voluntary grower self-regulation is preferable to taxpayer-financed price supports. Supply controls are neither "voluntary" nor "self imposed." Minority growers and independents have no rights whatsoever, and are forced by all the coercive power of the federal government to abide by the dictates of the cartel. A grower can't sell a single fresh lemon in the U.S. or Canada without permission from LAC, no matter how many customers' orders he may have. The right of farmers to voluntary associate with cooperatives has been manipulated into the power to compel unwilling independents to join the system and succumb to the common marketing strategy dictated by LAC. Finally, although not a federal budget expense, taxpaying consumers ultimately foot the bill for this welfare system.●

TRIBUTE TO LOREN KOSLOSKE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. SIKORSKI. Loren Kosloske will always be my image of the common man: the kind of individual that helped make America the land we love. He was hardworking, family centered, and faithful to God's teaching.

America's leadership and influence throughout the world was not created by our abundance of natural resources, but by our moral energy. Loren embodied this moral energy; he confronted the challenges of life with

greatness of spirit, patience, forgiveness, hard work, and love.

Today, our Nation faces many problems, but because of knowing Loren, I sense our problems as a country can be overcome. Our problems are only human, and the solutions will be human too. America has been blessed with people like Loren Kosloske—good people, good friends, good neighbors.

In different words perhaps, I think that Loren prayed the prayer of St. Francis of Assisi: "Help me to learn that in giving, I may receive; In forgetting self, I find life eternal."

Loren has found eternal life. With God's grace, if we also live simple, selfless lives, we—and our Nation—will also be blessed.●

SCHOOL DISCIPLINE AND VIOLENCE REMAINS A PROBLEM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. BIAGGI. Mr. Speaker, recent attention has been focused on the problem of school discipline. Every Gallup poll which has been taken over the past 15 years points to school discipline as the No. 1 education issue of concern to Americans. At the same time, we have continued to see disturbing reports of incidents of disorder in our schools—disorder which ranges from minor disciplinary problems which disrupt learning in the classroom and impair teacher ability to do their jobs—to random and wanton violence—against teachers, students, and administrators.

President Reagan is to be commended for bringing this issue to the forefront of his education agenda. As the sole author of legislation enacted in 1978 to assist local school districts in coping with the problems of violence and vandalism, I share his interest in addressing this issue head-on. However, I believe that we depart in terms of our approaches in the sense that to date, the Department of Education has not put forth its proposals to provide leadership on this issue. I submit that the 1978 Safe Schools Act remains one approach that must be reexamined during our hearings on school discipline which will be conducted by the House Education and Labor Committee this week. As a member of that committee, I plan to closely monitor the testimony we receive with an eyes toward advancing this issue on our legislative agenda.

For the benefit of my colleagues, I would like to place in the CONGRESSIONAL RECORD the testimony today which we received from Josiane Gregoire, a student from Midwood High School in Brooklyn, N.Y. Josiane's comments provide an important component to this debate—school discipline does not have to be a problem in all schools and that a number of alternative approaches exist to constructive and effective deal with disruptive and unruly students. I urge my colleagues to examine her timely comments on this matter of great concert to all:

TESTIMONY BY JOSIANE GREGOIRE, SENIOR, MIDWOOD HIGH SCHOOL

My name is Josiane Gregoire and I am a senior at Midwood High School in Brooklyn, New York. I am also a youth advocate at Advocates for Children of New York, where I write for our newsletter, produce and host our monthly radio show, work on projects with the New York City Board of Education and hold workshops for high school students on their rights and responsibilities, among other things.

President Reagan says that chaos and discipline are the biggest problems in our schools. Well, this is not the case at Midwood High School, total population of 2,300, for several reasons. One reason is the rich, varied curriculum and extracurricular activities, which draw 92 percent of the student body to school every day, with only a 3 percent dropout rate. Secondly, the students believe in, and are a big part of, the rule-making process. We have a voice! Elected students sit down with the principal and try to work out the problems of the school.

Discipline works in my school because we have dedicated teachers and varied, interesting classes. Through our student government and consultative council voices, we feel that we are a part of the whole process and are not just being dictated to. We believe in the rules of our school and in the way they are fairly and consistently applied, and in our right to tell our side of the story if things should go wrong.

It's one thing to "restore good old fashioned discipline" in the classrooms; however, lessening student rights and power within the school will not accomplish this.

As a high school student and a youth advocate who trains young people on their rights and responsibilities, I find that, while most high school students know their responsibilities, most do not know their most basic and fundamental rights as students. So it is not as if young people are saying, "Gee, now that we have all these wonderful rights, let's see what we can get away with."

Children who face possible school suspension because of drugs, weapons, theft or assault, or children who have to deal with failure, economic problems and therefore are considering dropping out, have serious, serious problems. They are not doing it just to "test their rights" or to defy authority. They need to know, more than anything, that people care about them, that people will take the time to analyze their situation and try to help them. Not reject them.

Midwood High School demonstrates that by allowing students to be a part of things, by treating them fairly, by giving them incentives to come to school; students become self-disciplined and get the message that school authorities care about them, respect them and are not the enemy.

Therefore, to the extent that discipline is a problem in our schools, then it is a direct result of a lack of money to provide varied, stimulating courses, quality teachers, extracurricular activities and enough guidance counselors. Even Midwood has its share of problems. There is one guidance counselor per 400 students and our classes are overcrowded.

If schools don't provide these incentives and don't meet the many needs of students, then school inevitably becomes a boring, uneventful place to be. Lack of discipline, however, is not a result of too many student rights and student power within the schools, as Midwood High School demonstrates.●

TRIBUTE TO REV. ROBERT S. KONDRATICK

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday, January 29, the parishioners of St. John the Baptist Orthodox Church, Nanticoke, will gather at breakfast to say farewell to their pastor, the Very Reverend Robert S. Kondratick. For 14 years, he has been the rector of St. John's and a major participant in diocesan and national church affairs.

Father Kondratick is leaving St. John's because he has been called to serve as secretary to the Primate, His Beatitude, Metropolitan Theodosius, at Syosset, Long Island, N.Y. His parishioners and his bishop, His Grace Bishop Herman of Philadelphia and eastern Pennsylvania, understand the importance of his new calling and wish him well. They grieve, also, that his services and his gentle presence will be lost to those he leaves behind.

Father Kondratick was ordained a priest in 1969 and was assigned immediately to St. John's. Recently he has served, also, as administrator of St. Andrew's Orthodox Church in Dallas. Over the years, he has served on the Diocesan Council and been secretary to the Board of Trustees of Saint Tikhon's Theological Seminary at South Canaan, where he has also taught.

Father received his B.A. degree in history from King's College and his M.S. in education from Marywood College.

He has been active in an array of civic activities, including the Rotary Club, the Nanticoke Clergy Association, and Red Cross, the March of Dimes and the Hanover Area Community League. He has found time, as well, to serve as chaplain to the Nanticoke police and fire companies.

Father is married to the former Elizabeth Hockin of Jermyn. They have three children, Robert, 13; James, 12; and Lisa, 9.

All of us who have known Father Kondratick are sorry to see him leave our community. We know, however, of his devotion to his church and of the opportunity for service which his new calling provides. We wish him well as he begins a new chapter in a long and devoted career of service to God and man.●

IDEA WHICH SMOKED FOR YEARS BECAME BARBECUE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a delightful story that appeared in the Birmingham News, written by Clarke Stallworth, news associate editor.

It is a wonderful account about Breck Jones of Marion, Ala., and his talent for cooking barbecue. Following is the enjoyable story as it appeared in the paper:

When he and his brother were batching it, growing cotton on the banks of the Cahaba River, they cooked barbecue and gumbo for friends.

"We used to make 200 gallons of gumbo in them old black pots," says Breck Jones of Marion. "Sometimes people would come by with 10-gallon jugs. We never made it to sell. We just cooked it for our family and friends."

Later, when he was selling millions of dollars worth of drilling equipment for a Birmingham firm, he entertained clients by cooking barbecue and gumbo for them.

"I had a trailer with my cooking stuff in it," he says, "I pulled it all the way to Kentucky one time to cook for some clients up there."

He worked the Southeast for 20 years selling mining equipment, mostly giant drills for strip mining. And all the while he sold drills, he was talking about going back to Marion and opening a barbecue place.

He retired in 1981, at 60, and took it easy for awhile.

"I bought me a boat, and I fished for a year and a half," he said. "Then I got fished out, I got tired of it."

He thought about opening a barbecue place, and talked to a man about some property near Marion Institute. Finally, one morning in the drug store, he offered to buy the property, and the man accepted.

Jones designed a building—a sort of large log cabin—and a custom-made furnace. He bought some shiny stainless steel pots to make the gumbo, and he opened his barbecue place in April.

His barbecue pit is modeled after one he saw on the Arkansas River, below Tulsa, Okla. A black man was cooking barbecue in the chimney of an old syrup mill, he said, and he showed Jones how to do it.

"You don't cook it over the fire," he said, "You cook it in the chimney. This way, you never have to watch it. And the smoke makes it taste good. I can leave it out there all night long, and it won't overcook. I use hickory, and I got plenty of that out yonder in the swamp, and a boy just raring to cut it."

He makes gumbo—some people compare it to Brunswick stew—by the 30-gallon recipe. And he makes apple pies and sweet potato pies.

He said he meant to keep his barbecue place simple. "I said to myself: I'm gonna cook gumbo and hogs. I'm not going to have ribs, I'm not going to have chicken. Just barbecue and gumbo."

He has priced his items in round numbers, so he won't have to collect sales tax from customers. At the end of the month, he figures out his sales and mails the state the sales tax money.

He even uses the drippings from the barbecue. "A man from Trussville brings me barrels, and I fill 'em up with tallow, and he comes and gets 'em."

Mrs. Jones works at Judson College, and they have two daughters. One graduated from Judson, and the youngest—who helps her father at the restaurant sometimes—is attending Judson now.

To hear him talk, Jones was a sort of a rounder when he was young.

"My father was a country doctor," he says, "and I used to hold the lantern while he delivered babies, or sewed somebody who had been cut. I frolicked a lot when I was at Marion Institute—I went to MI in the daytime and Judson at night."

When World War II came, Jones tried to qualify as an Army pilot, but his eyes were bad. He enlisted anyway, and went to a gunnery school in Casper, Wyo. Although he was teaching gunnery, he couldn't qualify as a gunner because of his eyesight.

So he paid a friend named "Slim" $10 to go down and take a physical for him, and he was headed overseas "so fast I left my laundry."

Flying as a top turret gunner on a B-24, Jones made 33 missions over Germany and Western Europe. But he still couldn't see very well. "I couldn't tell a P-51 from an ME 109," he says.

After the war, he went to work as a salesman for Davis Robbins of Oneonta, who had invented a giant 9-inch drill. Robbins sold his company to Joy Manufacturing Co. of Birmingham in 1972, and Jones kept selling equipment for Joy until his retirement in 1981.

He said people have talked to him about franchising his barbecue ideas, about creating a chain of log cabin barbecue restaurants.

He shakes his head.

"I'm not interested in that," he says, "I've known a lot of rich people who were unhappy. I believe what Billy Graham says: There's no U-Haul trailer on that meat wagon when it comes to get you."

Mr. Jones has satisfied many hungry appetites with his delicious cooking. I wish he had a place in Washington everytime I get a craving for southern barbecue.

Breck is an outstanding individual and fine fellow. I am honored to be able to share this delightful story with my colleagues in the House, and wish Breck the very best in all of his endeavors.●

SOCIAL SECURITY TAXATION OF CHURCHES

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. CAMPBELL. Mr. Speaker, for the first time in this Nation's history, churches and other religious organizations will be taxed by the Federal Government mandatorily. I believe this poses a significant constitutional question that must be adequately addressed by this body.

From the inception of the social security system until last year, employees of all nonprofit organizations—including churches and religious organizations—were exempt from social security taxation—unless they voluntarily opted into the system. The key word is voluntary. Statistics reveal that the majority of churches and religious organizations have opted into the social security system. However, many churches believe that paying any taxes to the government is a breach of separation of church and state. Paying social security taxes will set a precedent for other taxes or government intervention in the religious or educational policies of churches and religious organizations.

The Social Security Amendments of 1983 reverses this historic position by removing the exemption for employees of tax-exempt religious organizations. I have introduced a bill that would provide a 2-year delay for the mandatory coverage of church and religious organization employees. I commend Senator JEPSEN for his leadership and work on this issue and the legislation he introduced in the other body.

Although most of the Members of this body would agree that universal coverage is a noble goal, we cannot overlook an important constitutional question in attempting to attain that goal. The Senate Finance Committee has been working on a proposal to rectify the constitutional problem posed by this section of the Social Security Act Amendments. While I believe the 2-year delay for mandatory coverage is needed in order to give Congress a chance to act on this issue, I certainly believe that a final solution at an earlier date would be preferable.

Mr. Speaker, this legislation would not affect other 501(c)(3) organizations, since the question of separation of church and state is not applicable, and the question of including nonprofit organizations was adequately addressed by Congress. I ask my colleagues to carefully consider the ramifications of this issue and join me by cosponsoring this needed legislation.●

TRIBUTE TO TONY RUBIN

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HARRISON. Mr. Speaker, it is a unique thing and a time for rejoicing in a community when one of its citizens retires at age of 80 years young after 18 years of service in municipal office. It is very much in this spirit that on Friday, February 3, the residents of Hughestown Borough will join in a testimonial honoring former Councilman Tony Rubin. He has given

of his time, his effort and his dedication for nearly a generation—and he began all this at an age when most of us look to decrease our workload and not take on additional responsibilities.

He did take on those responsibilities, however, Mr. Speaker, and carried them for 18 years. And so it is my great pleasure to join with his family, neighbors, and friends in recognizing his accomplishments and expressing the gratitude of the entire community for years of unselfish service and work very well done in the public interest.●

HUNGER IN AMERICA

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. SIKORSKI. I would like to submit for the RECORD an editorial from the Minneapolis Star and Tribune that takes aim at the report by the highly politicized Task Force on Food Assistance. Despite the callous remarks by Ed Meese, and the lack of professionalism in the task force report, there is hunger in America, slashing the Federal food-aid programs has hurt millions, and malnutrition is rising dramatically.

The real message of the task force report is that this administration is playing politics. Unless we in Congress take a stand, millions of hungry Americans will lose.

A DISTURBING REPORT ON HUNGER

When President Reagan set up a commission on hunger last summer, he said he wanted to know how many Americans are hungry and why. But the final report of the Task Force on Food Assistance, sent to the President this week, offers few answers. The report acknowledges that hunger exists but says it is hard to measure. Not only did the panel fail to assess hunger's causes and scope, it proposed changes that would make the problem worse.

The task force determined that "rampant hunger" is not a problem in America. In the sense that the United States does not resemble drought-plagued African countries, that conclusion is correct. In the sense that it overlooks the many citizens who stand in soup lines, the conclusion is wrong. Other findings defy reality and common sense: that cuts in food aid have not contributed to hunger, that research has not uncovered malnutrition among the poor, and that heavy use of soup kitchens and food banks "does not imply the failure of federal food assistance policies."

But budget cuts have hurt, as the administration's own figures show: Since 1981, federal food-aid programs have been slashed by $3 billion, forcing nearly a million people from the food-stamp program and 3 million children from the school lunch program. Food aid for millions of others has been sharply reduced. Not all of them are hungry as a result. But surely many are.

Malnutrition is taking a rising toll. In Minneapolis, doctors report a "shocking" increase in anemia among poor women and children. In Chicago, pediatricians report a 24-percent increase the last two years in hospital admissions for children with malnutrition. In Boston, New York and many other big cities, says the U.S. Conference of Mayors, reduced food-stamp allotments are forcing growing numbers of families to head for the food lines. Most do so not because they are cheats, but because they have run out of money and food.

The task force, made up mostly of administration allies with little expertise in food programs, discounted such evidence in making its recommendations. The most dramatic would permit states to drop out of federal nutrition programs and set up their own with federal block grants. As any governor can attest, federal nutrition programs work precisely because of federal uniformity: All needy people qualify for benefits, regardless of where they live. Without such standards, food-aid programs could be cut by states suffering financial problems.

The commission's approach is likely to get a cold reception in Congress. But the panel's findings and recommendations, warmly accepted by the President, are nevertheless disturbing. They suggest that the White House prefers to ignore the problems of hunger, not deal with them.●

EMIGRATION DECLINES FOR SOVIET JEWS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mrs. SCHNEIDER. Mr. Speaker, during the week of December 2-9, 1983, the Women's Plea for Soviet Jewry commemorated the plight of Jews in the Soviet Union. The harassment and persecution of Soviet Jews has not been ignored by Members of Congress. During the past year we have sought to bring wider attention to such notable cases as Dr. Yuri Tarnopolsky and Dr. Iosif Begun, who have sought permission from the Soviet authorities to emigrate to Israel. We have written to General Secretary Andropov and requested that Soviet Jews be given the minimum human rights provided for in the Helsinki Accords. We have protested the Soviet Anti-Zionist Committee's slanderous and preposterous allegations that Jews promoted Nazism during the Second World War, and categorically rejected their assertion that Jewish family reunion has essentially been completed.

During recent years there appears to have been a hardening of the official Soviet attitude toward Jews, a trend that must be reversed. The number of Soviet Jews allowed to emigrate has dropped dramatically in the past 5 years, and the treatment of refuseniks has grown harsher.

I would like to take this opportunity to recognize the efforts of the Jewish Federation of Rhode Island on behalf of Soviet Jewry. The right of Jews to maintain their Jewish identity, to emigrate to Israel or other countries of their choice, to live within the rights accorded other religious and national minority groups, is a goal that we share with the Federation. It is imperative that all Americans join in condemning religious persecution and in recognizing that by remaining silent, we too become culpable.●

A EULOGY IN MEMORY OF GEORGE ROWLAND

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. LEWIS of California. Mr. Speaker, it has been my fortune in recent months to spend a good deal of time with George Rowland and with those he loves the most. Standing like a beacon before me is a scene just 2 months ago. His best friend and business associate, Lou Dragna said to me—"when the Lord takes this man, he will be taking the best of his children." What more can one say—"the best of his children." I looked as he spoke and could see the moist in his eyes, the emotional evidence of love of one man for another.

George Rowland—one who gave of his friendship and love to all who had the sense to receive it.

King Solomon was the wisest of all the kings. As the Bible relates, he studied and lived and learned—seeking the truth of life. He said:

I have tasted the best of fruit. I have sampled the finest of wines. I have had many wives and concubines. But verily, verily it is like the wind.

I have enjoyed great wealth; I have traveled far and wide in search of happiness and the truth of life.

Verily, verily, it is like the wind.

And in Solomon it is made so clear. It is to know your God and to give—give love to your fellow man.

As long as we live—as long as we may look—we will never know another man who gave so freely of himself as did George Rowland.

Many of us first got to know George as a result of the life insurance profession. When I arrived at the Penn Mutual, George was leading the country in terms of volume of insurance produced and in terms of the quality of those who made up his clientele. For the newcomers, he was a model—an inspiration—a voice that caused you to want to do a little better and to enjoy the privilege we have to serve our friends.

It was George who first taught me—"If you don't have your word, you do not have anything in life." It was George who demonstrated by living that "as one sows, so shall ye reap." He built one of the most successful individual businesses in the country in the toughest business in the world. He was successful because he enjoyed

giving and as he served those who became his friends, his success was life itself.

A turn came in George's life when his best friend needed someone nearby who understood the value of loyalty and trust. So, for much of the last decade, George has really been in the garment business. To be certain that his insurance clients would be well served in the meantime, he looked around and tapped the best. King Archer—George's partner and friend. King was concerned that George be secure and drew up an appropriate contract. And, George responded in classic Rowland fashion.

He looked at this complicated legal document, threw it aside and said, "If we needed this piece of paper to secure our trust, we wouldn't be working together in the first place 'by golly.'" The paper is still on the shelf.

Classic George Rowland—"If you don't have your word, you have nothing—and your friends are everything."

Beyond his friends, his three ladies are Beverly—of course Beverly, and then Jeri and Ginger. Just a couple of stories for old times sake. It was about 20 years ago—1963 I think—we were at one of the first meetings of the Penn Mutual's new $2 million club—we came back from a hay ride and Beverly was decked out in a country dress and I will never forget the little bows in her hair. Together they just sparkled and you could feel the warmth of real love and devotion in the air.

George was a symbol of what love and devotion and family are all about.

One of the frustrating parts of our friendship was that you could almost never tell a story that he had not heard or told before. From time to time, George was known to tell a ribald story among good people. He loved a good story and he loved to make people laugh. Blessed are those who know how to make people laugh.

For a moment, I would like to get serious. George Rowland was a devoted husband and father—a businessman—a friend of friends. Perhaps an inspiration in terms of what each of us might do with our own lives. How many of you have spent much of your life unhappy with what you have or have not accomplished? How many of you have set goals—accomplished them and said, oh that is not so great, and gone on to the next goal or material objective—never taking the time to either appreciate or enjoy what you have done?

George Rowland, one day in his life, looked in the mirror and stepped back. He said, "I'm never going to be perfect, so I'd better appreciate the strengths and the things I have." He had family and he had friends. He understood the value of loyalty and of giving. George was a whole human being who had, as we all should, learned to like himself and to share himself with others.

Verily, verily it is like the wind. Life comes and goes and there is nothing unless you have made something of life. George knew the Lord, and he knew the value of family and friends. Each of us should feel better about our own destiny, for we know that beyond the veil of this life is our friend, George Rowland.

The Lord has taken this man and he has with him one of the best of his children. What more can you say—the best of his children.●

TRIBUTE TO HENRY MANARSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday evening, February 5, Henry R. Manarski will be feted by his many friends. The occasion will celebrate his completion of 22 years as a member of the Wilkes-Barre Area Board of Education and its predecessor, the Plains Township School Board.

During his service on the Plains board, Henry was treasurer for 7 years. When the Greater Wilkes-Barre area board was formed by jointure of several communities, Henry was elected as an original member of the larger board. In 1977-78 and, again, in 1981-82, he served as president of that board.

During his tenure, Henry served as chairman of the administration-instruction committee and was a very active member of the athletic committee.

Mr. Manarski leaves the Wilkes-Barre Area Board of Education with every reason to feel that his has been a job well done. During his tenure, the board underwent many difficult situations and embarked upon an ambitious construction program. In all ways, the Wilkes-Barre Area Board of Education is better and stronger today because of Henry Manarski's dedicated participation.

It is my pleasure, therefore, to salute my friend Henry on his nearly one-quarter century of service to American education and to pay tribute, as well, to his wife, Leona, and his three children: Karen, Debra and Mark, whose steadfast support has made possible his many community contributions.●

GLOUCESTER TOWNSHIP SENIORS COME THROUGH FOR FRANKLIN SQUARE FIRE VICTIMS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FLORIO. Mr. Speaker, I take this opportunity to commend the senior citizens of Gloucester Township for their impressive display of humanity and compassion at the outbreak of a fire at the Franklin Square Senior Citizen Complex just before the holidays. This fire, which gutted several apartments in the complex and forced elderly residents to flee for their safety, displaced 10 elderly residents.

The concern shown by other elderly residents of the complex is indeed heartwarming. I laud the efforts of those senior citizens, as well as those of Anna Mae Redrow, the coordinator of the Hider Lane Senior Citizen Center, who were ready to help their neighbors in a time of need. These fine and upstanding citizens helped place those residents displaced by the fire in a nearby motel and gave of themselves to insure that the displaced seniors were made comfortable in their new surroundings. In addition to coordinating fundraising drives, they helped gather furniture and appliances for the unfortunate who lost all their possessions in the fire.

At a time when budget cuts are impinging on the already meager income afforded to our Nation's senior citizens, a tragedy such as the Franklin Square fire could have had devastating effects on the elderly residents. Instead, because of the selflessness exhibited by the unharmed residents of Franklin Square, and because of the love and concern that guided the efforts of friends and neighbors, the elderly residents, whose lives were disrupted by the fire, found solace in the goodwill of their neighbors.

I hope my colleagues will join me in praising the senior citizens of Franklin Square for their courage and compassion. Mr. Speaker, I would like to commend the following editorial, from the Observer, to the attention of my colleagues:

[From the Observer, Gloucester Twp., N.J.]

AN EDITORIAL: GLO. TWP. SENIORS SET EXAMPLE FOR ALL

Senior citizens in Gloucester Township are proving that they have no room for apathy in their lives. Their concern and caring was there when victims of a recent apartment building fire needed it most.

The senior citizens offered more than mere sympathy when fire forced 10 persons to flee the Franklin Square Senior Citizen Complex a few weeks ago. Six persons have since returned to their apartments. However, four are still residing at the Holiday Inn while their apartments are being repaired.

Four apartments were damaged in the blaze. Two were gutted by the fire and two others received smoke and water damage.

Even before the firefighting equipment had left the scene of the blaze, these caring senior citizens were busy aiding those who were forced out by the flames.

They and Franklin Square employees aided the fire victims in getting set up at the motel while officials were still probing the cause of the blaze at the apartment complex.

Franklin Square seniors and Anna Mae Redrow, coordinator of the Hider Lane Senior Center in Gloucester Township also got busy, directing fund raising efforts and launching drives for furniture and other items to be used in restoring the fire-damaged apartments and returning the fire victims to their homes.

In a day when self concern is paramount and selfishness seems to have become ever so evident in the American way of life, the senior citizens of Gloucester Township are providing proof that the "you-can-make-it" attitude upon which this nation was founded is not dead.

These loving and concerned seniors are setting an example which others would do well to follow. They are proving that they care about their community and its residents.

Most important, they have not hesitated to put action behind their concern. They are leading the way and setting an example for those who have claimed that brotherhood is a thing of the past.●

TRIBUTE TO JOAN CREW

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. COURTER. Mr. Speaker, at a time when the Nation is focusing attention on our system of public schools and on the quality of our children's education, it is fitting to pay tribute to one who represents the vitality and commitment of the teaching profession—Joan Crew of Mountain View School in Mendham, N.J.

Joan was educated in New Jersey, and went on to receive a master's degree in Spanish while studying in Mexico. She devoted almost 40 years to the teaching profession as a Spanish and French teacher for children in grades five through eight. Joan and her scientist husband Dr. Malcolm Crew raised three sons who have distinguished themselves in a range of scholarly pursuits. She epitomized the successful combination of wife, mother, and career professional long before it was fashionable to do so.

As the solitary foreign language teacher at Mountain View School, Joan has fashioned a program that has enabled hundreds of student to achieve advanced placement in high school and to gain a proficiency in languages which is truly noteworthy. She has met with a tremendous number of students each day, yet has always managed to provide each student with personal and individualized attention. Joan is that special kind of teacher whose enthusiasm and support leaves a deep impression on anyone who has the benefit of her instruction.

Joan Crew is leaving the Mendham area, and its school system, after a long and highly successful career. She will be deeply missed by her colleagues and by her students. I know I can speak for all of them in applauding Joan for her exceptional contributions to Mountain View School.●

MORTGAGE REVENUE BOND PROGRAM RENEWAL

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. BONER of Tennessee. Mr. Speaker, yesterday, I introduced H.R. 4583, a bill to renew the mortgage revenue bond program which expired on December 31, 1983.

The mortgage revenue bond program has been one of the most important Federal housing initiatives that Congress has enacted in recent years. Since 1980, when Congress passed legislation to target tax-exempt financing for housing, the program has provided a much needed source of affordable financing for many thousands of first-time homebuyers.

During the recent period of relatively high interest rates, the mortgage revenue bond program provided financing to families who were otherwise hopelessly priced out of the homeownership market. In 1982, for example, more than one-third of all first-time homebuyers in this country received financing through the use of mortgage revenue bonds. In the State of Tennessee, more than 3,800 families received first-time home financing under this program in 1983.

The program has also provided a much needed flow of mortgage capital to an otherwise dormant housing industry. Now, with relatively lower interest rates, even more families of moderate- and low-income could become homeowners if the program were still in place. Additionally, other types of housing could be increased if the program had been extended by the Congress last year. In particular, more units of housing for disabled veterans, the handicapped, and older Americans could have been constructed as mortgage revenue bonds are an important source of their financing.

Mr. Speaker, the mortgage revenue bond program has proved to be a valuable program. Not only has it enabled many thousands of families to become first-time homeowners, it has also stimulated the home construction industry and provided thousands of jobs and new sources of revenue to support local and State government services. The mortgage revenue bond program has facilitated neighborhood development and has provided financing for the special housing needs of the elderly and the disabled. Clearly, as the economy struggles out of the depths of the recent recession, the value of the mortgage revenue bond program to the housing industry cannot be overstated.

I urge my colleagues to join me in passing legislation to renew the mortgage revenue bond program.●

CARL SAGAN'S NEW YEAR'S RESOLUTION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. MILLER of California. Mr. Speaker, on New Year's Eve, a moving and provoking speech on the threat of nuclear war was delivered at the Cathedral of St. John the Devine in New York City. The speaker was the distinguished scientist, Prof. Carl Sagan of Cornell University.

Professor Sagan makes many important points in the course of this address. But the most telling is this: That after 35 years of developing the most terrible and destructive weapons in history, the United States and the Soviet Union—and indeed, all the nations and people of the world—are substantially less secure than we were at the end of the Second World War. Is it logical, and could it possibly enhance our security, to continue the escalation of nuclear weapons production, or rather, is it not the rational course to take immediate, mutual, and verifiable steps to stop this race toward annihilation?

Professor Sagan also notes the deleterious effects of living under the threat of nuclear war, especially on our children. This topic was explored in hearings by the Select Committee on Children, Youth and Families, which I chair, in the last session of this Congress.

Mr. Speaker, I would like to share Dr. Sagan's remarks with my colleagues.

The remarks follow:

1984 AND 2001: A NEW YEAR'S RESOLUTION

(By Carl Sagan)

There was once a time when humans were newly evolved, when all life on the planet was in a nearly perfect ecological harmony, and when the uranium was still in the rocks. (Doubtless there was music then because all human cultures make music, but it is unlikely that the music then was as lovely as the music we have heard and are about to hear tonight.) If anyone thought about such things then, the future must have seemed bright. There were conflicts perhaps, although they are surprisingly rare among hunter-gatherer societies. Simple weapons were stockpiled, perhaps. Leaders surely

were chosen for demonstrated qualities, including a real and tested understanding of the world. In any case, the worst a leader could do was destroy a tribe. There were many tribes. The human species was not then in jeopardy, no matter what the leaders did.

Today it is different. The uranium is no longer entirely in the rocks. Some of it is in nuclear warheads. There are almost 18,000 strategic warheads in the arsenals of the United States and the Soviet Union, each of them far more devastating than the weapons that destroyed Hiroshima and Nagasaki. The strategic inventories contain enough destructive power to devastate a million Hiroshimas. But there are only about 2,500 large cities on the planet. We now know that the detonation of even a small fraction of those nuclear stockpiles is sufficient to imperil the human species by triggering a Nuclear Winter. The clouds of smoke and dust that would be raised would block out the sun, and, according to recent scientific studies, turn all the Northern Hemisphere into a dark, sub-freezing radioactive wasteland. Nor would the Southern Hemisphere be spared. By tearing the delicate ecological fabric that sustains life on Earth, it is possible that a nuclear war, even a rather small one, would carry the human species to extinction.

Because we now realize that the steady accumulation of nuclear weapons has placed our species in real jeopardy, it is clear that there must be changes in what passes for conventional wisdom. The Soviet Union has, without doubt, made significant contributions to the nuclear arms race. But, for the moment, consider the United States. In 1945, the U.S. had the most powerful military force on the planet. It was bordered, East and West, by immense oceans, and, North and South, by weak and friendly neighbors. The U.S. had little to fear in 1945. But in an effort to enhance our security, to save lives, we invented things. The U.S. produced the first atomic bomb in 1945. The U.S. was first to use these bombs on civilian populations, again in 1945. The first intercontinental strategic bomber was invented by the U.S. in 1948. The first hydrogen bomb was devised by the U.S. in 1954. The Soviet Union was first to develop the intercontinental ballistic missile in 1957, followed by the first U.S. ICBM one year later. The first submarine-launched ballistic missile was invented by the U.S. in 1960. The first multiple independently-targeted reentry vehicle (MIRV) was invented by the U.S. in 1970. The first long-range cruise missile was invented by the U.S. in 1982. Each of these American strategic innovations was evenly matched by the Soviet Union. The total cost to the planet of these nuclear strategic systems has been well in excess of a trillion contemporary dollars.

For what? For the first time in the history of our nation, every American could be killed following the outbreak of a major war. The U.S. is now far less secure than it was in 1945, and so is the Soviet Union. Every step in this mad nuclear arms race had its momentary justification. The mutual recriminations of the U.S. and the S.U. are endless. But step back and examine the broad picture. Embrace a planetary perspective. Then you will find that we . . . the human species, but in particular the U.S. and S.U. have done something supremely foolish. The nation states have failed in the most fundamental responsibility of government: To guarantee the well-being, the safety, the future of their citizens. Our governments have wired our lives to a fuse about 30 minutes long. Our survival now depends on the good judgment, the sobriety, the sanity, the mutual sensitivity of the leaders of several nations and the absolute reliability of machines, all projected into the indefinite future. That is surely taking a very grave risk.

Because the threat of nuclear war engenders a sense of hopelessness, a turning away from the future, it is already claiming its casualties. When our young people find themselves reluctant to work hard to prepare for the future, we are endangering the future, even if there never is a nuclear war. The threat of a nuclear holocaust has already done significant damage to our children and out grandchildren and to the human future.

There are two books, each bearing as title a year. Both are famous in our time. They present two very different visions of the future. In about 3 hours, 1984 will be upon us. George Orwell's novel "1984" has become a symbol of state suppression of individual growth, of freedom and joy, a codeword for a government decoupled from the will and well-being of its people. By contrast, Arthur Clarke's novel "2001" has come to be a symbol of hope for an exploratory-future, a future in which humans take a giant stride towards maturity. One pictures a world in which we are robbed of a hopeful future, the other in which we are on our way to attaining it. From Orwell's time to our own, the strategic stockpiles have been rising. In the early 1950s, only a few years after "1984" was written, the global nuclear arsenal (almost all of which was then in the United States) reached a kind of threshold beyond which the Nuclear Winter could be triggered. But no one in either nation had performed the appropriate calculations, and the global confrontation between the two superpowers continued in utter ignorance of the world climatic catastrophe that their actions might unleash.

Conventional wisdom and schoolyard experience teach that stronger is safer, that more weapons means more security. When, in the early '60s, it became clear that the U.S. and the S.U. could each utterly annihilate the other, the idea of saturation or "overkill" arose, the notion that it was pointless to be able to destroy your adversary more than once, the feeling that enough is enough, the suspicion that more nuclear weapons did not buy more security. But this perception was not converted into national policy. The implications of Nuclear Winter represent a still further departure from the conventional wisdom. It now appears that, beyond a certain point, more nuclear weapons buy dramatically less security, that above a threshold, which is very roughly around 1,000 strategic warheads, the world is in significantly greater danger. If the world's strategic arsenals were to be reduced from their present inventory of 18,000 weapons to something below 1,000 weapons, below the threshold for Nuclear Winter, the posture of stategic deterrence could still be maintained. But there would be no possibility of destroying the human species. No concatenation of computer malfunction, unauthorized acts, communications failure, miscalculation or madness in high office could unleash the Nuclear Winter.

If we begin today, on the threshold of 1984, we can get below this doomsday threshold safely, vertifiably, mutually, multilaterally, while preserving the security of all nuclear powers by the year 2001. I am talking about reclaiming our future. In the process there are additional things to do. We can temper childish invective. We can resist the temptation to demonize the adversary. We can reduce the likelihood of strategic confrontations arising from accident or miscalculations. We can stabilize old and new weapons systems—for example by de-MIRVing missiles. We can abandon nuclear war fighting strategies, and the foolish illusion that it is possible to fight or contain, much less to win a nuclear war. We can consider, because the nuclear arsenals are so grotesquely bloated, safe unilateral steps, such as the retiring of certain old weapons systems with very high yield warheads. We can improve communication at all levels, especially between general staffs and between heads of governments. And we can make public declarations of relevant policy changes. I wonder. Does not the nation that invented nuclear weapons, does not the nation that first used nuclear weapons on civilian populations have some special responsibility to reverse the nuclear arms race?

So this is my New Year's Resolution, a resolution on the eve of 1984. I invite you to share it with me. We will devote a significant part of 1984 to educating ourselves and our public officials on the apocalyptic implications of nuclear war. We will make certain that every candidate for the House of Representatives, for the Senate and for the Presidency has made a clear public statement, a clear position on the nuclear arms race. And then we will work to elect those who are committed—not to some vague and fence-straddling generalities, but to specific and consistent proposals for major and verifiable reductions mutual in the world inventories of strategic weapons. This does not involve "trusting" the Soviet Union about anything except their commitment to their own survival. Let us convert 1984 from a codeword for a government-managed nightmare, to a year in which we start freeing ourselves from the trap that we have carelessly and foolishly set for ourselves. I would like 2001 to dawn on a world that will truly initiate a new millenium, liberated from the danger of nuclear annihilation of the human species.

Let us act this year, so that in 2001 we can look our children and our grandchildren in the eye and say "Here, we made the world a better place for you. We continued the tradition of the 40,000 generations of humans who came before us. Do the same for your children".

Carl Sagan is Director of the Laboratory for Planetary Studies and David Duncan Professor of Astronomy and Space Sciences at Cornell University.

Recent scientific studies on the Nuclear Winter by Dr. Sagan and his colleagues have been published in the Dec. 23, 1983 issue of the journal Science, Volume 222, pages 1283-1300, 1983; a popular summary of appeared in the Oct. 30, 1983 issue of Parade. Implications for national and global policy are discussed by Dr. Sagan in the Winter 1983/84 issue of Foreign Affairs.●

CONSERVATION AWARD NOMINATION TO CONTINUE PHIL BURTON'S WORK

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. STARK. Mr. Speaker, in December 1981, I received some information on the J. Paul Getty Wildlife Conservation Award, administered by the World Wildlife Fund-U.S. The award is given each year to an individual or organization for outstanding achievement in wildlife and habitat conservation of international significance.

It immediately struck me that our late colleague, Phillip Burton would be a fine candidate for the prize of $50,000. In late December, I asked Members of the House to join me in supporting the nomination. Several Members of both the House and Senate, as well as the leaders of the Sierra Club, Defenders of Wildlife, Wilderness Society, Friends of the Earth, and the National Wildlife Federation joined in supporting the effort.

In the nomination materials, I have suggested that the prize money be directed to the Energy and Environmental Study Insitutute should Phil be awarded the prize posthumously. The institute, the new, nonprofit public policy research and analysis organization formed as an outgrowth of the Energy and Environmental Study Conference, has submitted a prospectus for a parks and wildlife program in Phil's memory.

I can think of no one more deserving of such an award for substantial conservation accomplishment worthy of public attention. Phil was a giant in the area of environmental and parks legislation and his work should continue.

I want to thank my colleagues for submitting letters of support for this nomination. The response was impressive. I hope we will all be able to join in Phil's victory, when the award is presented in June.●

THE ECONOMY AND DEFICITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. GILMAN. Mr. Speaker, my distinguished friend and colleague, Representative HAMILTON FISH, JR., of the 21st Congressional District of New York, recently delivered a speech before the Rotary Club of Arlington and Poughkeepsie, N.Y.

This speech was a comprehensive and coherent survey of our current economic upsurge and the dangers of the enormity of our national debt to sustained economic growth.

I would like to take this opportunity to share with my colleagues these cogent remarks by my friend who so admirably represents a neighboring congressional district.

The article follows:

THE ECONOMY AND DEFICITS

There is both good news and potential bad news on the economic front. The good news is the continued strength of the economic recovery at a low rate of inflation; the potential bad news is the effect of continued 200 plus billion dollar deficits on a sustained high level of economic activity.

The recovery continues at a stronger rate than expected. Last April, the consensus forecast of 44 business and bank economists was that GNP would grow at 4.8 percent in the second quarter. It grew at a rate of 9.7 percent in the second quarter and a 7.7-percent annual pace in the third quarter. This same group predicted that unemployment would be 10.2 percent in the third quarter. It is now 8.2 percent. The recovery has created 4 million new jobs since December of 1982. The post-recession growth in the GNP was 6.5 percent 9 months into the recovery. This is the highest annual rate since the recovery of 1961.

Most important, a strong recovery is occurring without high inflation. The Consumer Price Index rose only 3.2 percent from November 1982 to November 1983. Since October 1982, producer prices have risen just 1.7 percent. The recoveries of 1975 and 1980, on the other hand, were both highly inflationary.

Factories are operating at the highest capacity levels in nearly two years—79.4 percent—nearly at the 1954-1979 average of 83 percent. More than 75 percent of idle U.S. plant capacity was brought back on line in between March and December, 1983. New orders to factories were up 2.2 percent in November, and the index of industrial production in November 1983 was 15.9 percent above November 1982. Inventories are being rebuilt in order to meet strong consumer demand.

Business spending on plant and equipment is posting one of the strongest gains of post-World War II recoveries—the gain of 5.5 percent from March to December 1983 was only exceeded by the 6-percent gain of the 1980 recovery.

Corporate profits are also rising—a record $144.1 billion after taxes in the third quarter—an increase of $16.9 billion after taxes over the second quarter. This is the most robust rebound in corporate profits of any post-World War II recovery, due in part to the 1981 and 1982 tax bills. High corporate profits means solid cash flow, as well as less demand for credit and pressure on interest rates which have been associated in the past with recoveries.

Leading the way to recovery are two industries which suffered greatly during the recession—housing and automobile. Housing starts in October have more than doubled compared to October 1981, and building permits have more than doubled compared to recession lows in October of 1981; new home sales have almost doubled. Auto sales for 1983 were 6.78 million, up 33 percent from year ago sales of 5.3 million. This was the first upturn in five years. Auto plant capacity utilization has doubled since the recession lows. Auto unemployment has dropped 14.5 percent during the recovery, from a recession high of 24.9 percent to a 10.4 percent rate in November.

The good economic news and the prognosis for the recovery is also reflected on Wall Street, where the Dow Jones average continues to reach new highs.

Our policy goal should be to sustain a high level of economic activity. All indications are that the economy will remain robust through 1984. By 1985, most economists agree, the high Federal debt will begin to affect the strength of economic growth, threatening the recovery with high interest rates and squeezing out private capital with Government borrowing. It is the warning of the confluence of these two events I wish to deal with today—Treasury debt financing and business credit needs.

CBO estimates a $185 billion deficit in fiscal year 1984, rising to $250 billion fiscal year 1988 and $280 billion in Fiscal year 1989 if no deficit reducing measures are taken (assuming defense spending will rise 5% after inflation). Even on optimistic economic assumptions, deficits are projected to remain in the range of 4 to 5 percent of GNP through fiscal year 1988. This would be two to three times greater than the average level from 1954-1981. The national debt over the next five or six years could double to two trillion dollars. Not until 1981—almost two hundred years after the establishment of the Republic—did the national debt first reach one trillion dollars. To double this incredible figure over the next five years is simply unacceptable.

Interest on this debt—$85 billion in 1982—the CBO estimates will rise to $141 billion by 1986—more than enough to eat up our modest tax increase suggested so far for that year. If left unchecked, the interest bill could grow faster than Congress could cut spending or raise taxes. Such high debt and deficits would reduce long-term capital accumulation and growth, and produce high real interest rates.

The warning we are getting is that by 1985, competition for savings between Treasury and private borrowers will intensify. This is forseen as business investment receives and huge budget deficits persist. As recovery builds, business demand for credit should increase. A collision course between business credit needs and treasury borrowing in capital markets to finance an increasing debt and interest can only increase interest rates, threatening a sustained recovery.

This view is held by leading economists, including the bipartisan budget appeal composed of four former Secretaries of the Treasury and a former Secretary of Commerce; the Chairman of the President's Council of Economic Advisers, Dr. Martin Feldstein; Dr. Alice Rivlin, former Director of the Congressional Budget Office; Rudolph Penner, the current CBO Director; Federal Reserve Chairman Paul Volcker; and former President Gerald Ford. Virtually every article I have read on this subject calls for action this year to reduce next year's deficit and the out years.

The strength of the dollar has attracted a great deal of foreign investment in the United States, offsetting much of the impact of the deficits and helping to keep interest rates steady. But our output, profits, and jobs in export and import industries have suffered. The overvalued dollar only makes our exports less attractive and imports cheaper.

There is no magical solution. Deficits can be reduced only by cutting spending and increasing revenues. We need strong, unified

action and support from congressional leaders and President Reagan for deficit-reduction measures. Senator Dole, Congressman Rostenkowski, and former CBO Director Dr. Alice Rivlin are all right in stating that without the two major players on the ball field, the President and the Speaker of the House, in a Presidential election year, there is no game to be played. As matters stand—the President will not raise taxes; the Speaker won't reduce spending without raising taxes.

The Senate has considered several deficit-reduction proposals. In fact, last fall the debt ceiling legislation was delayed for more than two weeks in an attempt to reach an agreement on a combined tax increase and spending reduction—and none have been supported by the White House or the Speaker.

But despite all the rhetoric about deficit reductions, the Senate, on November 16, rejected, 65-33, a proposal by budget committee leaders to cut deficits by $87.6 billion over three years with a $57.3 billion tax increase and a $30.3 billion spending cut. The amendment would have tripled a proposed $28 billion deficit reduction plan by cutting projections for defense and domestic spending by 2.5 percent per year and raising certain taxes. Among the proposed taxes were a 2.5 corporate income surtax and a surtax of up to 5 percent on moderate to upper income individuals.

At the same time the Budget Committee's proposal was being rejected, the Finance Committee began work on its plan to reduce deficits by $150 billion over four years. Among its key provisions are a 2 percent tax on the sale of all major forms of energy, plus an income surtax of 2 percent on taxes exceeding $6,300, and a 5 percent surtax on taxes exceeding $22,000. The proposal also calls for a modest reduction in indexing and an increase of $11.6 billion over four years in corporate income taxes. But Senator Dole, Chairman of the Finance Committee, did not even attempt to bring his bill to the floor, conceding that without agreement by the President and the Speaker, even modest attempts to reduce the deficit were dead for that year.

To demonstrate how hard it is to even pass a modest tax package, the House of Representatives did not try to take up the tax reform act of 1983 until November 17—the second to last day of the session. This bill would have provided for an increase of only about $8 billion in fiscal year 1984. But the rule on the bill was defeated by less than ten votes due to a provision that would have severely restricted the use of industrial development bonds—the wrong target for change when resources for State and local governments are being sharply reduced. I supported the defeat of this rule, although I did endorse other provisions of the bill. Others cast their vote against the rule because they thought not enough amendments could be offered, or too many amendments would be offered, or they were completely opposed to any tax increase at all. Of course, without a consensus, any excuse is valid.

Perhaps the warning so widely heralded is wrong. Despite the broad consensus, the threat to sustained economic recovery may be overstated. Key factors are: State surpluses are showing up—reducing credit demand by State governments. Less unemployment means less need for unemployment benefits. Every percentage drop translates into $30 to $40 billion in revenue gains and reduced outflow.

Yet, I do not think we should gamble. It would be a great shame to experience a return to high inflation and higher interest rates, knowing that it could have been avoided.●

LEE'S SUMMIT HIGH SCHOOL ORCHESTRA

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. WHEAT. Mr. Speaker, the finest youth music groups throughout the world participate in the annual International Youth and Music Festival in Vienna, Austria, each summer. It is one of the highest honors for young musicians to take part in this prestigious festival of champions in the "City of Music."

This year, the Lee's Summit High School Orchestra, of Lee's Summit, Mo., will represent North America at the festival. This honor is a fitting tribute to this fine orchestra, which has long been recognized as an excellent musical ensemble. Under the guidance of Director Russell Berlin, the Lee's Summit High School Orchestra has gained a reputation of excellence that crosses national boundaries. The 46 members of the orchestra can be proud of their role in the orchestra's outstanding achievements.

The members of the orchestra and patrons have organized 19 fund-raising projects to raise the funds to finance the trip to Vienna in July. During the festival, the orchestra will perform a concert before a panel of five internationally known judges. The best ensembles will then perform at a special concert in the Koncerthaus, the home of the Vienna Symphony. This concert is normally televised each year by the Austrian Television Network.

Mr. Speaker, the International Youth and Music Festival is much more than a competition between musical groups from around the world. The festival provides an opportunity to promote understanding through the international language of music. It also provides a unique educational experience for the students of the orchestra. The Lee's Summit students will travel by motorcoach through Austria, Switzerland, and Germany after performing at the festival.

I would like to take this time to commend the Lee's Summit High School Orchestra on being invited to participate in the renowned festival. I would ask my colleagues in the House of Representatives to join with me in wishing the orchestra much success at the festival.●

HUNGER IN AMERICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Ms. KAPTUR. Mr. Speaker, on December 8, 1983, in an interview, White House Counselor Edwin Meese echoed President Reagan's oft-expressed suspicion that many allegedly poor people are getting something for nothing with food handouts. Meese said that he had "considerable information that people go to soup kitchens because food is free" and "that's easier than paying for it." He also said that he had never seen an authoritative study on hunger. The evidence on this issue exists and is readily available. The President and Mr. Meese evidently have not consulted it.

The Center on Budget and Policy Priorities has put together a summary of the evidence entitled, "Yes, Mr. Meese, There Is Hunger in America," which documents the existence of the very hunger that the President was perplexed to hear of in press accounts.

As joint congressional hearings commence to review the proposals adopted by the President's Task Force on Food Assistance, I urge my colleagues to carefully consider this evidence. Excerpts from the study follow:

Contrary to Mr. Meese's claims, there is a substantial body of evidence that large numbers of Americans are having difficulty getting enough to eat. There are a series of recent studies on this issue:

SURVEY BY CENTER ON BUDGET AND POLICY PRIORITIES

To collect solid, statistically reliable data on increased needs for emergency food aid, the Center on Budget and Policy Priorities conducted a national survey last spring. The Center went to 16 metropolitan areas, geographically spread across the country, that are served by food banks. In each of the 16 areas, a random sample of soup kitchens and food pantries served by the local food bank was selected in accordance with established statistical procedures, and a standardized, pre-tested survey form was administered. Data was coded and then tabulated by computer. In all, 181 emergency food programs were surveyed, with the following results:

More than half of the 181 emergency food programs in the survey reported that the number of persons seeking food assistance increased by 50 percent or more from February 1982 to February 1983.

Nearly one-third of the programs experienced an increase in demand of over 100 percent during this period.

Nearly a fourth of the agencies had to turn people away during the year. Two-thirds of the agencies limited the number of times the same person could get food (usually food pantries, which generally limited the provision of a 3-day supply of food to once a month).

The survey found that a significant portion of those served sought aid because their food stamps did not provide enough food to last through the month. (Food

stamps now averge 47 cents per person per meal). Over 80 percent of the agencies providing emergency aid reported that the number of people seeking help because their food stamps had run out had grown significantly over the year.

Over 90 percent of the agencies surveyed reported that a significant portion of the persons they served were unemployed.

GENERAL ACCOUNTING OFFICE

The General Accounting Office (GAO) issued a major report in June 1983 entitled "Public and Private Efforts to Feed America's Poor." The GAO reported that there have been significant increases in the numbers of persons seeking food aid and that "an unmet need remains."

The GAO visited 28 emergency food centers and found that "in almost all cases, the emergency food centers were serving more today than in the past. Many [centers] reported that food assistance needs were greater than ever. . . ."

The GAO also found that persons seeking assistance included both those left out of government food assistance programs and those who do participate in these programs but "find that the benefits they receive do not go far enough. Food stamp recipients, for example, receive on the average approximately 47 cents per meal. . . ."

STUDY COMMISSIONED BY USDA

The U.S. Department of Agriculture itself commissioned a study that found increased food needs. The Food and Nutrition Service of the U.S. Department of Agriculture (USDA) contracted with Social and Scientific Systems, Inc. of Washington, D.C. for an examination of emergency food centers across the country. Social and Scientific Systems conducted case studies of emergency feeding operations in nine locations covering all regions of the United States. In a report submitted to USDA in May 1983, Social and Scientific Systems presented the findings:

"Most of the programs had seen a dramatic increase in the number of food boxes distributed between 1981 and 1982." The report found that "percentage increases ranged from fifteen to more than several hundred with the norm being in the range of 60 to 75 percent."

"The emergency food distribution sites surveyed indicated that the number of recipients is increasing at a frenetic pace and that the emergency food available for distribution is quickly depleted."

Most persons coming to emergency food agencies for help are unemployed and receive food stamps.

Emergency food agencies almost universally report substantial increases in requests for help toward the end of the month, "often tripling the number of clients served the previous two weeks." This occurs because "by the last two weeks of the month, many are out of funds for food because food stamp benefits are insufficient, delayed, or had been reduced, and available cash has been allocated to meet other necessities. Money that customarily would have been spent on food had invariably been used for higher utility costs, medical bills, and other pressing expenses."

FOOD RESEARCH AND ACTION CENTER SURVEY

The Food Research and Action Center conducted a survey this summer in which data was collected on over 1,000 persons coming to emergency food pantries (as opposed to soup kitchens) at 27 different locations across the country; 62% of the recipients received food stamps; all but 4% of these persons reported that their food stamps ran out before the end of the month.

This survey also found that over half of those coming to emergency food agencies who had not applied for food stamps did not know they might be eligible.

U.S. CONFERENCE OF MAYORS

The U.S. Conference of Mayors issued a report "Hunger in American Cities" in June 1983. The report documents hunger conditions in eight cities across the country. The report found that "all of the cities studied have experienced recent and significant increases in the demand for emergency food assistance and that all have undertaken substantial local efforts to respond to these increases. Only three of the cities, however, are able to meet the increased demand, two of them just barely."

In releasing the report, the Conference of Mayors termed hunger the single greatest problem facing American cities today. Mayors providing data for the report included both Republican and Democratic officials.

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

In November, the Massachusetts Department of Public Health issued a major study on malnutrition among poor children in Massachusetts. The study was highly scientific. Height, weight, and blood test data were collected for children aged six months to six years receiving health care at health facilities in 20 areas in the state with substantial low income populations. The results showed that:

Between 10,000 and 17,500 poor children in Massachusetts are stunted, due largely to chronic malnutrition. The report states that these children "may be suffering from inadequate food intake over a prolonged period of time."

Nearly one in every five children surveyed was either stunted, wasted (abnormally underweight), or anemic. The survey reported that "18.1% of the children sampled had one or more of these three indicators of undernutrition."

Nearly one-third of the children eligible for food stamps (32%) were not receiving benefits, and 18% of the children eligible for AFDC were not getting benefits. In addition, most children eligible for the Special Supplemental Food Program for Women, Infants and Children (WIC) were left out for this program because of federal funding limitations.

CHICAGO STUDY

Initial findings from nutritional surveys conducted at Cook County Hospital were presented in October to the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Agriculture Committee. The findings were presented by Dr. Agnes Lattimer, president of the Illinois Chapter of the American Academy of Pediatrics.

The findings showed:

From summer 1981 to summer 1983, the hospital experienced a 24% increase in the number of children admitted for failure to thrive, diarrhea, and dehydration. These conditions often result from inadequate nutrition.

In June 1983, children coming to the hospital's emergency room were screened to determine if they had abnormally low growth. 30% of all children coming to the emergency room were found to have abnormal growth. These children were then studied more intensively. The single major factor found was inadequate nutrition. Nearly half (47%) of the children with abnormally low growth had inadequate diets.

NEW YORK STUDY

In New York, doctors and medical students have conducted a survey of the nutritional status of persons seeking food aid. These results were also presented in October to the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. The findings were presented by Dr. Victor Sidel, professor at Albert Einstein School of Medicine in New York City.

The Survey—of persons seeking aid at soup kitchens and emergency feeding programs, senior citizen centers, public assistance offices and health clinics—found that the average food energy intake of those interviewed (except at the senior citizen centers, which serve elderly persons from all income categories) was just 1,200 calories a day-below the bottom end of the range recommended by the National Academy of Sciences as necessary for good health.

The survey also found that persons interviewed who were seeking emergency food assistance spent an average of 70 percent of their incomes on food. Dr. Sidel reported that "among the people interviewed, lack of income, not nutrition misinformation, seems to be the major reason for poor diets."

BOSTON AREA DATA

The Harvard School of Public Health has collected data on use of soup kitchens and food pantries in the Boston metropolitan area. The data, presented to the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition in October, shows that soup kitchens and food pantries in the Boston area were serving almost twice as many persons in May 1983 as a year earlier. The data was presented by Dr. Larry Brown, director of the Community Health Improvement Program at Harvard.

Brown also reported that more children have appeared at soup kitchens in the past six months, and that agencies keeping data by age often find that children comprise about 15 percent of those being fed.

In addition to these studies, it is necessary further to point out that Mr. Meese's statement that "people going to soup kitchens do not need it" is unfounded.

A study conducted by doctors and medical students in New York City—which surveyed persons seeking aid at soup kitchens and other food aid agencies—found that the average food energy intake of those seeking help was below the bottom end of the range recommended by the National Academy of Sciences as necessary for good health. The survey also found that these persons had such low incomes that they were spending an average of 70 percent of their incomes on food. These are hardly persons with sizable incomes who are eating adequately and are just out to rip off a free meal.

The churches, Salvation Army, private charities and other organizations who operate soup kitchens universally dispute Meese's contention. These are the individuals who are "on the front lines," feeding hungry persons every day. These charities and church organizations are not political organizations; they have no "ax to grind."

Many soup kitchens are located in poor parts of town. Frequently, persons seeking food have to wait in line for an hour or more to be served. Normally the meals are prepared on a very low budget and, while

nourishing, are not very appetizing. The idea that significant numbers of persons with adequate resources would travel to a poor part of town and wait in line with persons off the streets to get a rather unappetizing meal is not very credible.●

WE HAVE POWER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HUBBARD. Mr. Speaker, I insert a copy of a speech given by my constituent Colette Roof of McCracken County, Ky., which I would like to share with my colleagues. Colette Roof delivered her remarks as the salutatorian at the 1983 commencement of St. Mary High School in Paducah. Her excellent speech follows:

SPEECH OF COLETTE ROOF

Most Reverend Bishop McRaith, Father Calhoun and Pastors, faculty, friends, and my fellow graduates.

Power—

We have the power of living ideas.

We have the power of growth.

We have the power of God.

Just as a tiny seed has the power to break concrete, so too, our ideas have the power to make a difference in the world.

We have the power of our faith.

We have the power of our hope.

We have the power of our God.

From Genesis we learn of our forefathers, Abraham, Isaac and Jacob. We read that Abraham was called to journey, and it was out of love that Abraham gave up his only son Isaac, but through God, Isaac was pulled from the altar of sacrifice. It was also out of love that God sent the ram to replace Isaac on the altar. Jacob wrestled with his dreams, and had the courage to continue when faced with uncertainty.

Our teachers too have called us to journey, and although we doubted the necessity of homework, notes and exams, we followed their advice. We studied, listened, and we learned. It is with the same power of love expressed by Abraham for Isaac that parents must let their children go and live their own lives. That love will give them independence, but will continue with a new maturity. Dreaming dreams like Jacob we have envisioned stairways. We've set and reset goals and have fallen only to get up again. We've spent four years of our lives together. We've learned as a class, worshipped as a community, and have grown as individuals. We have experienced the power of friendship and the ideas that are longlasting. Friends, faculty, and parents have helped reestablish our goals, and rebuild our dreams.

The late Mohandas Gandhi believed that life was a test in search of the truth, tolerance and concern for your fellow man must be practiced. Gandhi stated: "In aligning oneself with the truth, one is driven by a force." Gandhi pursued his actions for the fundamental dignity of humanity. He used the power of a simple and non-violent approach against the injustice of society.

Mother Teresa of Calcutta devotes her life to the poorest of the poor. Her life reminds us of the teachings of Christ. She cares for the sick, gives hope to the hopeless, and gives dignity to the dying. The power of her beliefs is a dedication to the service of humanity. So,

Find your hero.

Follow your dream.

Use your power.●

S. W. MELIDOSIAN, DIRECTOR, VA REGIONAL OFFICE AND INSURANCE CENTER, PHILADELPHIA

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. EDGAR. Mr. Speaker, as a member of the House Veterans' Affairs Committee and chairman of its Subcommittee on Hospitals and Health Care, I would like to make note of the retirement this month of Mr. S. W. Melidosian. Mel, a resident of Philadelphia for over 60 years, has dedicated 43 years to Federal service, mostly in the Philadelphia area. He currently serves in the capacity of Director of the Veterans' Administration Regional Office and Insurance Center (VAROIC) in Philadelphia. The VA regional office directs compensation, pension, education, and loan guarantee benefits to over 1 million veterans. As Director, he played a leading role in developing for the Veterans' Administration the highly successful national computer system (TARGET). The TARGET system has revolutionized veteran claim processing, speeding claim service for veterans and saving the Federal Government millions of dollars in processing expense.

Over the years, Mel has earned the respect of those who had the privilege to serve under him as well as the millions of deserving veterans who benefited from the programs he so ably administered. After graduating from Temple University's School of Business and Public Administration, he went on to give 5 years of service to our Nation as Army ordnance management officer during World War II. He returned temporarily to military duty with the U.S. Army Logistics Command during the Korean conflict. Since 1945, he has taken an active role in various activities of the Veterans' Administration. He is one of the original members of its Leadership Program Committee and has held membership in the Chief Benefits Director's Advisory Committee and the VACO Special Study Group for the Administrator.

Mel's interests and activities in public service also extend far beyond the arena of veterans' affairs. He has served on the board of advisers of the Medical College of Pennsylvania, as the crusade chairman for the American Cancer Society (Philadelphia chapter), on the board of governors of the Heart Association of Southeastern Pennsylvania, on the board of trustees of the United Fund of Pennsylvania and on the advisory board of the Salvation Army. He has worked with the Federal Government on the OPM Curriculum Committee, as a lecturer and discussion leader at Oak Ridge, Kings Point, and Denver Executive Seminar Centers and recently as a delegate to the White House Conference on Aging.

As an advocate for the VA, Mel has been most active in helping direct and improve a wide variety of veteran programs, benefits, and services. I believe it safe to say that his input and his mark can be seen on every major piece of legislation in the area of veterans compensation, pension, and insurance programs to come before Congress in recent years. His active work with the Veterans' Administration, in which he has freely shared his profound expertise and knowledge of veteran benefits and services before both the House and Senate Veterans' Affairs Committees, has been most welcome and appreciated. The American Legion, Department of Pennsylvania, and the Veterans of Foreign Wars, Department of Pennsylvania, have each awarded him "Distinguished Service" medals in appreciation of this dedication to veterans of all wars. He has received both the Meritorious Service Award and Exceptional Service Award from the VA. During the Carter administration, he received the Presidential Senior Executive Service rank of distinguished executive.

Besides spearheading the new computer plans for the Veterans' Administration, Mel has performed numerous other functions in his post. As Director of VAROIC, Mel helped shape the entire VA insurance program which provides over $100 billion in insurance coverage to over 8 million veterans and military personnel. In that capacity he has administered services to veterans through group policies from commercial insurers and has implemented the veterans mortgage life insurance program which provides protection to seriously disabled veterans who have received VA grants for specially adapted housing.

Mel will be sorely missed by those of us who serve on the Veterans' Affairs Committee and those of us who got to know him so well in Washington, Philadelphia, and throughout Pennsylvania. We wish him and his wife Vicky a very productive and well-earned retirement. However, it is our sincere hope that his skill, knowledge, and friendship will not be lost to us, the entire veterans community or the U.S. Government in the coming years.●

EDITORIAL BY MR. JOSEPH SZALAY ON THE NUCLEAR THREAT

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HILER. Mr. Speaker, as the House convenes for the second session, I would like to take this opportunity to enter into the RECORD an article written by Mr. Joseph Szalay, a resident of the Third District of Indiana. Mr. Szalay editorially warns us to be skeptical of the propaganda war being waged by the Soviet Union in order to convince the United States to unilaterally disarm to avoid a nuclear holocaust. Mr. Szalay knows personally the horrors of life under a Communist government so he is well qualified to caution us about the tactics of totalitarianism. He was a Hungarian freedom fighter who fled to the United States and the liberty it promises. He has continued to fight, however, in an effort to let all of us know of the dangers present in dealing with Communist nations. I urge all of my colleagues in the House to read Mr. Szalay's editorial as we again prepare to take up the issues of arms control and the maintenance of a strong deterrent posture.

[From the South Bend Tribune, Dec. 19, 1983]

NUCLEAR WAR THREAT ADVANCES GOAL OF COMMUNIST ENSLAVEMENT

(By Joseph Szalay)

I feel I am morally obligated to present views on the other side of the nuclear holocaust—which is understandably in the current stream of thought.

The psychological war began when Karl Marx wrote the "Communist Manifesto." This German political philosopher described how means of production divide society; he predicted revolutionary elimination of class conflict through Communist dictatorship of the working class.

Stalin began to use this philosophy to conquer the world. He tortured to death more than 30 million of his own people. Since then more than 90 million people all over the world have been victims of the aftermath of a Communist holocaust. In 1920, the only Communist country was Russia. In 1940, it spread to Mongolia, Estonia, Latvia, Lithuania and Bessarabia. In 1949, East Germany, Czechoslovakia, Hungary, Yugoslavia, Albania, Poland, Rumania, Bulgaria, China, North Korea and North Vietnam had joined the countries under Communist rule. Today, 13 other countries have been engulfed by the Communist takeover, and more than a billion people in countries around the globe live under communist-style governments.

I lived 12 years under this rule. I learned the real Communist philosophy through tortue, physical and mental, in the concentration camps.

Communism does not tolerate human value and does not respect individuality. Under communism people have no reason to live because of a total lack of freedom. One question must be answered. Which is more important—to die for freedom or to survive without it?

When God created the human being, he gave to it a free will to decide to follow his Ten Commandments or not. He gave us freedom without which we could not live peacefully.

Our late cardinal, Mindszenty, taught me the same thing. He said, "A lie will always be a lie even if millions and millions of people say it isn't. However, the truth is the truth even if one person says it is."

All over the world there are many demonstrations to protest against the nuclear arms race.

There is a very fine line between your survival and aiding your enemy either directly or indirectly—one who wants to take away your freedom, your individuality, your spirit and most importantly, your will to live.

There should be a TV program that shows the day after complete Communist takeover, when the person would be living without truth, justice and freedom, and a total disregard for human life.

Every action brings about a reaction. When the Russians deployed the SS-20s aimed at Western Europe, there was no protest. It seems to me that the protestors are not afraid of the Russian missiles. Now NATO wants to deploy counteractive weapons.

Now suddenly, we are talking about nuclear holocaust and the hysteria and horror of nuclear devastation. I wish to discuss the horror of inhumane communism that takes years to effect and is slow death through the spirit. It seems to me that it is not popular to talk about communism.

Did the Communists have the right to use gas to kill people in Afghanistan? The same people who protest nuclear war did not protest against this. Who began the nuclear freeze and the hysteria? What is to be accomplished by this? Why didn't the freeze begin before the Russians deployed their missiles aimed at Western Europe?

Why is only the free world allowed to protest? Why aren't there protests allowed in Russia or any other Communist country? Why do we blame ourselves for the arms race? The Communist propaganda is starting to work even in our own country.

Some of our own people are saying it is morally wrong to defend ourselves. Who are they to say this when they haven't lived through communism? Are they saying that life is more important than freedom?

Cardinal Mindszenty and Cardinal Wicinski had bitterly tasted what it was like to be tortured and put to death. Our own pope knew about communism. I can never forget when Monsignor Feher, who was the spiritual director of our youth group in Hungary, died beside me through torture.

I would like to challenge anyone on how to deal with Russia, our present Satan, and their ways of making peace. As all God-fearing people can recall, Satan first appeared in the Garden of Eden and later tempted Jesus to jump from the temple. Jesus answered, "You must not put the Lord your God to the test."

The same Satan is working through Russia—the one that wants to destroy the beliefs of Christians and anyone who believes in God.

How can we stop this Communist philosophy from being carried through to its goal? In 63 years it has gone from one country to over a billion people under its rule. At this rate I believe they won't need another 60 years and not even nuclear war will be necessary for them to carry out their goal of one world government.

The French Catholic bishops see the fine line without aiding the Communist propaganda. In declaring that "nuclear deterrence is still legitimate," they see the issue framed within the Soviet plan for world domination.

For them the moral issue in 1983 is not limited to preventing nuclear war, it also means preventing an enslavement threatening French liberty, dignity and identity.

"For Marxist-Leninist ideology everything including the aspiration of people for peace, should be utilized for the conquest of the world," said the bishops in a 5,000-word statement on nuclear morality called "Winning Peace."

The Russians know, without aid of a "Day After" movie, what nuclear war would be like. Their goal, plain and simple, is to conquer the world. They are using this "psychological war" of scare tactics to take over each country one at a time. If a nuclear war were to happen, no one's goals, including theirs, could materialize.

The Communists are smart, because they know their propaganda will work. Why would they even want to start a nuclear war that they couldn't win.●

AMENDMENTS TO H.R. 2755

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. DINGELL. Mr. Speaker, for myself and my colleagues TIM WIRTH and JIM BROYHILL, I would like to make an explanatory statement concerning amendments added to H.R. 2755, the Federal Communications Commission Authorization Act of 1983 (Public Law 98-214), during floor consideration on November 18, 1983:

INDUSTRY CERTIFICATION OF TECHNICIANS IN THE PRIVATE LAND MOBILE SERVICES AND FIXED SERVICES

Section 10 of H.R. 2755 amends the Communications Act of 1934 to allow the Commission to endorse industry certification of individuals to perform transmitter installation, operation, maintenance, and repair duties in the private land mobile services and fixed services, if such certification programs are conducted by groups that are representative of users of those services, and are not composed of Federal Government employees.

Background

Generally, users in the Private Land Mobile Services utilize communications as an adjunct to their primary activities. Such primary activities would include business, industrial, land transportation and public safety functions, among the many possibilities.

In addition, unlike other communication services, the Private Land Mobile Services make intensive use of a limited amount of spectrum, often sharing allocations not only with other private land mobile users, but other services. Such intensive sharing of spectrum allocations makes technical compliance with accepted standards of engineering a necessity.

At present, only a holder of a General Radiotelephone Operator License may take responsibility for installation, service or maintenance of transmitters in the Private Land

Mobile Services and Fixed Services. The FCC has proposed elimination of this requirement in General Docket 83-322. It is an extension of its earlier elimination of commercial radio operator license requirements in the broadcast services in Docket 20817.

The Commission reasoned in Docket 20817 that in the instance of those engaged in broadcast services, provision of such services are the primary economic focus of their activities, therefore, there is a commercial incentive for qualified personnel to take responsibility for maintaining transmitters in order to assure the success of the broadcast enterprise. In contrast, in the private services, typical private radio service users have neither the technical background or the economic incentive to maintain their transmitters themselves and must rely on third parties.

Elimination of the Commission's requirement of a General Radio-telephone Operator License to perform installation, operation, maintenance and repair duties could result in the possibility of unqualified individuals being made responsible for maintaining key functions of licensed facilities. Installation, servicing, and maintenance of private radio transmitters by unqualified technicians would result in diminished technical performance and increase the possibility of interference with other spectrum users. Therefore, it is in the public interest to retain a uniform public indicia of the qualifications of those individuals charged with service, maintenance and installation of private radio transmitters.

In recognition of the possibility that the Commission may find it in the public interest, convenience, and necessity to reduce the administrative costs and burdens of continuing to require Commission-licensed technicians in the Private Land Mobile and Fixed Services, the Commission is authorized to permit industry groups or committees to implement a comparable substitute. An industry-administered certification program, operating under Commission supervision, and subject to Commission authority, would provide such a comparable substitute. The process of industry certification is recognized in a variety of other fields as reducing the regulatory burden upon the government, and benefiting members of the industry through a self-regulation process. In this respect, utilization by the FCC of frequency advisory committees in the Private Land Mobile Services to assist in the frequency selection process is an already recognized and successful role which industry has played in promoting the efficient operation of these Private Radio Services.

We note that this provision may result in cost savings for the Commission. The provision permits the FCC to rely upon the private sector to aid in the technician certification process, which would free the FCC to direct its resources elsewhere, and reduce the regulatory impact upon the private radio users while maintaining qualification standards upon which such users may rely.

AMATEUR RADIO LICENSE EXAMINATIONS

Section 11 of H.R. 2755 amends section 4 of the Communications Act of 1934 to enable amateur radio groups, when they prepare, process, or administer examinations for amateur station operator licenses, to recover out-of-pocket costs from examinees. The total allowable cost per examinee may not exceed $4.00, adjusted annually for changes in the consumer price index. Amateur radio groups must maintain records of their out-of-pocket expenses, and certify them to the FCC.

Background

The issue of reimbursement of the volunteers' costs has arisen as a result of the Federal Communications Commission's implementation of Public Law 97-259. This law, among other things, permits the Commission to use the uncompensated services of volunteers to prepare and administer amateur radio examinations. It permits transfer of the amateur radio examination process, in whole or in part, to the amateurs themselves. This results in three specific benefits. First, there is a significant savings to the Federal Government in both costs and manpower. Second, it solves the problem of increasing unavailability of amateur examinations in many areas of the country due to Commission budgetary constraints. And third, it allows for increasing the examination question data base at the least cost to the Federal Government and thereby decreases the opportunity for applicants to pass the examination merely by memorizing the questions and answers instead of acquiring knowledge of the subject.

This provision is addressed solely to the process of administering examinations for the higher class amateur licenses. The Commission has implemented the authority to accept voluntary uncompensated services from amateurs in such a way that volunteers may incur significant expense. Unlike the regulatory scheme which the FCC applied to the novice examination procedure (vol. 48, Federal Register, pp. 45652-45661) to govern examinations for the higher class licenses requires two levels of volunteers. The first level, so-called volunteer examination coordinators (VEC's) would deal directly with the Commission and be responsible for coordinating the examinations within their assigned area. The continental United States is divided into 10 large areas, and each VEC is required to oversee the exams within his entire area.

Under the Commission rules, the examination questions would be selected in advance by the FCC from publicly available lists. The VEC would have to print the exam and distribute them to the local volunteers. The examination would consist solely of questions periodically selected by the FCC and communicated to the coordinator. After the examination is administered, the results would be forwarded to the coordinator for checking, then the papers sent to the FCC for issuance of the appropriate license.

The volunteers on the local level would be responsible for actually administering the examinations and sending the completed papers to the coordinator.

The organizing of volunteers to give examinations may entail significant costs to the volunteer organizations and individuals. This provision allows the amateur volunteers to recover their out-of-pocket costs. The upper limit to such recoverable costs is $4 per examinee—adjustable for inflation. The volunteers could not be authorized to recover more than their actual expenses, and would be required to certify to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred.

This provision leaves implementation of this provision to the Commission. For example, whether the volunteer coordinators, the volunteer administrators or both will be allowed to recover costs is left to administrative discretion in order to insure the flexibility necessary to meet both present and future situations.

NEW TECHNOLOGIES AND SERVICES

Section 12 of H.R. 2755 adds a new section 7 to the Communications Act of 1934, establishing the policy of the United States, and therefore of the FCC, to encourage the provision of new technologies and services. The policy added by this section is intended to supplement the purposes of section 1 of the 1934 Act.

This section further provides that those, other than the FCC, who oppose a new technology or service must demonstrate that such proposal is inconsistent with the public interest. Finally, the section requires new service proposals to be acted upon by the FCC within one year of the date of a petition or application, or, if a proceeding is initiated by the FCC, within one year of that initiation date. In the event that a petition or application proposing a new service was filed prior to the date of enactment of this provision, the Commission shall make a final determination of any such petition or application within 12 months after the date of enactment of this section.

Background

If not blocked by the FCC, the forces of competition and technological growth would bring many new services to consumers. However, in the past, the FCC has often hampered the development of new services. For example, the FCC imposed stringent regulations on cable, pay cable, and subscription television which delayed the introduction of these services for many years. The Commission delayed the important cellular radio service for about a dozen years, and the Commission has yet to make a decision on VHF Drop-Ins, a proceeding in existence for about five years. These delays in authorizing new services have also extended to such other services as low power television, and FM drop-ins. In general, delays in authorizing new services are not isolated events; they have been more the rule at the FCC.

A major reason for delays in authorizing new services is the fact that competitors to the companies proposing to offer to the new service, not wanting to see increased competition, file in opposition to new services. In the past, the broadcast industry, for instance, has often argued that a new licensee or service would have an adverse economic effect on an existing broadcast licensee or licensees, and alleged that this would result in a decrease in service (i.e., public interest programming) to the public.

The claim of economic harm was specifically made by the broadcast industry in the Direct Broadcast Satellite (DBS) and FM drop-in proceedings, and has been made in a number of cases involving individual licenses where an incumbent station has sought to block a new station from being authorized. It is the intent of the new section 7 to preclude the Commission from considering the claim of adverse economic effect on an existing licensee when such claim is raised as it has been to date.

New section 7 places the burden on those who oppose new service proposals. These parties must demonstrate that new service proposals are inconsistent with the public interest. This procedure is intended to shift the balance of the process in favor of new services and technologies, but allow the FCC, on an expedited time frame, to review the application for consistency with the Communications Act of 1934, and take appropriate action.

New section 7 is intended to encourage the availability of new technologies and services to the public. It is not intended, however, to enable a particular person or persons to obtain a license to provide a new technology or service if that person or persons are otherwise precluded from doing so (or may only do so under certain conditions) by the Communications Act of 1934, or by FCC rule or policy. For instance, this section would not enable a television licensee to provide cable service in the community in which he or she broadcasts, because the Commission has banned that kind of cross-ownership.

Nor is it the purpose or intent of this section to undermine the competitive safeguards and prohibitions in such common carrier decisions as the Second Computer Inquiry, or in the rules governing the introduction of competition in the transmission and customer premise equipment markets. Such decisions are designed to encourage the provision of new services and technologies to the consumer in a competitive environment. This section should not be used to justify deregulatory decisions that could reduce competition in the common carrier or other areas.

INTERNATIONAL RADIO COMMUNICATION CONFERENCES

Section 13 of H.R. 2755 provides that U.S. delegations to conferences held under the auspices of the International Telecommunications Union shall have at least three vice-chairpersons. Such vice-chairpersons shall be officers or employees of the Department of State, the Department of Commerce, and the Federal Communications Commission, unless declined by the agency.

Background

Conferences held under the auspices of the International Telecommunications Union are critical to our nation's future communications needs. It has long been traditional for the Executive agencies most concerned with the preparation for these meetings to be represented with vice-chairpersons on the delegations. This long tradition was broken this past summer at the Direct Broadcast Region II Conference, when only one vice-chairperson was named. We believe that multiple vice-chairpersons strengthen our delegations. Much of the work of convincing other nations to support our positions at these meetings is done outside of the meeting itself, in one-on-one discussions with delegates from other countries.

This work, representing the United States positions in these discussions, and at other unofficial events can be critical to our success. The added stature accorded to vice-chairpersons at the ITU meetings is thus important to the success of the mission, and this provision ensures a return to the policy that worked well in the past.

We intend that this provision become effective immediately and apply to the next ITU conference, which is the High Frequency World Administrative Radio Conference in January. We also recommend that the American broadcasters most affected by the decisions of the High Frequency WARC also be represented among the vice-chairpersons. The operations of Radio Free Europe, Radio Liberty, and the Voice of America are critical to presenting our way of life across to the people of the world.●

LEBANON IS DIVIDED AND SHOULD BE LEFT THAT WAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. LONG of Maryland. The question of the Marine presence in Lebanon has proven to be one of the most divisive issues facing this Nation today. I urgently ask each of my honered colleagues to consider carefully the arguments raised in the article reprinted below by our esteemed colleague from California, HENRY A. WAXMAN.

Mr. WAXMAN, a veteran of this Chamber and a legislator nationally recognized as one of Israel's most devoted and effective friends, outlines an alternative to the policies of the administration and the alternatives so far proposed.

The text of Mr. WAXMAN's article, "Lebanon is divided and should be left that way," from the Los Angeles Times of January 12, 1984, follows:

LEBANON IS DIVIDED AND SHOULD BE LEFT THAT WAY

(BY HENRY A. WAXMAN)

The latest rumors of a truce in Lebanon are likely to produce the now-familiar cycle of hope, doubt, confusion and disappointment. It is time for Israel and the United States to distance themselves from Lebanon's domestic quarrel and take a hard look at the fundamental assumptions on which current policies are based-and then to act on the conclusion that is already apparent: U.S. and Israeli forces must be withdrawn, and the ethnic and religious factions of Lebanon must be given the opportunity to live apart and in peace.

One of the most basic assumptions behind policy regarding Lebanon is that it is a sovereign state. It is not. One classic definition of a nation remains that offered by the great German political theorist, Max Weber: "A State . . . successfully claims the monopoly of the legitimate use of physical force within a given territory." By that definition, Lebanon does not exist.

The government of President Amin Gemayel controls little more than the territory around the presidential palace. It does not even have control over predominantly Christian East Beirut. That area is controlled by the Falangist militia, an arm of the Falangist Party founded by Gemayel's father. The militia is prepared to fight fellow Christian Lebanese soldiers rather than yield to the "central government."

A united Lebanon ruled by a strong Christian government was the dream of Israeli soldiers and diplomats 15 months ago. It was stillborn, and current efforts to revive it appear doomed.

In Israel, many war-weary people insist that their military presence in Lebanon was mainly a result of American pressure. Some top U.S. policy-makers argue the reverse: They insist that the presence of Marines in Beirut is a sacrifice made by America for the sake of Israel. Both arguments are wrong. And both countries are hurt by their current situation in Lebanon.

Many Israelis are urging a prompt pullout of most of their forces. Even the army has proposed a massive reduction of its troop strength in Lebanon and a substantial pullback from the present Awwali River demarcation line. This was promply rejected by the government, but popular pressure for implementation of the army's radical proposal is sure to mount as Israeli forces are increasingly targeted by Shia terrorist attacks.

Certainly, Israel's security concerns about its northern borders deserve paramount consideration. However, it is imperative that the Israeli army leave southern Lebanon before the Shias simply replace the Palestine Liberation Organization as the source of terrorism that denies peace to the Galilee.

Ironically, the Shias originally welcomed Israeli troops as liberators who freed them from the repressive occupation of the PLO. Yet over the past year the Israelis have been transformed from liberators to occupiers, with a predictable result.

The United States has tried, and is continuing, diplomatic efforts toward a resolution of Lebanon's dilemma. But our military efforts have been unsuccessful and should be concluded. In fact, the presence of U.S. Marines may have actually raised the level of violence.

The failure of the multinational force has been acknowledged in the decision of our French and Italian allies to reduce their troop strength. The mission of the U.S. Marines has been condemned as dangerous and pointless by the House armed services subcommittee on intelligence and the Long Commission investigation in the bombing of the Marine barracks in Beirut. Three former Central Intelligence Agency chiefs and all five members of the Joint Chiefs of Staff oppose the mission.

There have been suggestions that the Marines be redeployed rather than withdrawn. This would simply perpetuate flawed policy without changing the situation. None of the current redeployment proposals—underground bunkers, ships offshore and dispersal along the coastal highway—would end the impotence or vulnerability of our forces.

And if the United States and Israel do withdraw their forces—what will become of Lebanon?

Most likely the current de facto partition will continue—as will the strife. The United States should seek to formalize the current reality by a partition of Lebanon.

For the southern sector, Israel would maintain such control as is related to its security needs. Syria would continue to dominate the Bekaa Valley and adjacent northern territory. The general Beirut area would, one hopes, continue under control of Maronite Christians, with some power shared with the Druze and Shia populations.

Such a plan has been proposed by former U.S. Secretary of Defense Harold Brown, not as a solution, but as possibly "the best achievable outcome."

The American and Israeli pursuit of the dream of a united Lebanon is futile. As Lee Hamilton (D-Ind.), senior member of the House Foreign Affairs Committee, has noted, it won't be achieved because "we are not willing to commit the military assets."

Neither the United States nor Israel is obligated to squander human and military resources in order to mold a nation out of warring tribes. Both are obligated to reduce the possibility of a superpower clash in the Middle East or another Arab-Israeli war.

The United States' and Israel's prompt withdrawal from Lebanon will advance both these goals.●

OMB A-122 STILL UNACCEPTABLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. BIAGGI. Mr. Speaker, the revised rules by the Office of Management and Budget—what I have previously termed "Son of A-122" remain fundamentally flawed in their design. Specifically, these rules seek to eliminate the right of nonprofit organizations to comment upon legislative and other proposals before Congress. What OMB has failed to accomplish through the budget process, it now seeks to accomplish through the regulatory process.

I am especially concerned about the impact of the proposed rules upon organizations and individuals serving the elderly. As an original member of the House Select Committee on Aging, I believe that a number of the organizations targeted by these rules have provided a great benefit to myself and our committee over the years on behalf of the needs of the elderly. To eliminate this opportunity now is ill advised and should be stopped at all costs.

I wish to share with my colleagues a copy of the comment which I filed along with Representative EDWARD ROYBAL, chairman of the House Select Committee on Aging, in opposition to these rules. Knowing that many of our colleagues join with us in opposing this regulatory revision, I urge their attention to this letter.

SELECT COMMITTEE ON AGING,
Washington, D.C., January 18, 1984.

Mr. DAVID A. STOCKMAN,
Director, Office Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: This letter is in response to the Proposed Rules of November 3, 1983 regarding "Lobbying and Related Activities", Office of Management and Budget, Circular A-122, Cost Principles for Non-Profit Organizations. As Chairman and Subcommittee Chairman of the Select Committee on Aging, we would like to register our strong opposition to the Proposed Rules and urge their withdrawal for the following reasons:

1. These rules attempt to prohibit the right of Congress to be informed on the impact of pending legislation by non-profit organizations and federal program grantees. The Proposed Rules have the impact of interfering with the free flow and exchange of ideas protected by the First Amendment under the guise of unprotected "lobbying and related activities". Presently, the federal grant recipients (non-profit organizations and State and local grantees) provide the Congress, State, and local bodies invaluable information regarding the effectiveness of existing social programs and programs that are a part of pending legislation. These advocacy activities have been incidental to the recipient's responsibilities in providing needed services to the poor and the elderly.

2. It is obvious that OMB is intending to broaden the definition of lobbying to prohibit advocacy activities that have been permitted under existing laws. As such, the Proposed Rules may be void for its overbreadth because it directly circumscribes advocacy activity that is protected by the Older Americans Act (the Act) of 1965, as amended. Sections 305(a)(1)(D) and 306(a)(6)(D) of the Act require federal grantees and subgrantees to serve as effective and visible advocates. The Act specifically provides that subgrantees will serve as advocates and focal points for the elderly within the community by monitoring, evaluating, and commenting upon all policies, programs, hearings, levies, and community actions which will affect the elderly. For the last 17 years, the type of advocacy activities which OMB now attempts to categorize as unallowable have been allowed as lawful activities. The aging network in carrying out the mandates of the Act has always been involved in advocacy and related activities at the Federal, State, and local levels as part of their statutory responsibility. OMB cannot now, by regulation, make activity permissible by the Act illegal per se. Regulations, though they possess the force of law, do not supersede legislation.

3. OMB's efforts to broaden the scope of unlawful lobbying to include protected advocacy is arbitrary and not well founded in fact. Despite allegations of illegal activities. OMB has never presented compelling evidence of abuses by recipients. As Congressman Brooks of the House Government Operations Committee said, "OMB had developed a solution in search of a problem".

4. As applied to the Act, the effect of the rules would bring about a result contrary to its intent, as stated in the FEDERAL REGISTER notice. The notice states, ". . . The intent is not to discourage or in any way penalize organizations for lobbying efforts conducted with their own funds . . ." (emphasis added). If must be remembered that many of these organizations are required by federal law to contribute a "match" of their own money or in kind services to qualify for federal funds. The Proposed Rules would penalize or discourage activities that are supported by these non-tax payer dollars. At the very least, the rules will have a chilling effect on legitimate educational and legislative liaison activities.

5. The Internal Revenue Laws already impose restrictions on lobbying activities by non-profit organizations. Creating more regulations, such as these rules, runs contrary to the Administrations stated objective of deregulating the public and private sectors. Thus, it would seem inconsistent that OMB would be advocating for more regulations when no factual basis exist to support such a decision.

It is a common fact that the Administration received many letters from ultra conservative organizations alleging that non-profit groups were lobbying against the Administration's programs, specifically the cutback in social program services. It is obvious that OMB, as an extension of the Executive branch, is itself using tax payer dollars for political results by proposing these rules. These proposed rules carry out the Administration's objective to "gut" social programs for the poor and elderly, and to harness all opposition to these programs.

In summary, the revised rules of November 3, 1983 are essentially no different than those proposed in January of 1983, which we vigorously opposed. We urge you to halt your efforts to selectively stifle public comment in this fashion and withdraw the proposed rules of November 3, 1983.

Thank you for your attention.

Sincerely,

EDWARD R. ROYBAL,
Chairman,
Select Committee on Aging.
MARIO BIAGGI,
Chairman,
Subcommittee on Human Services.●

TRIBUTE TO LIEUTENANT ROBERT O. GOODMAN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. MARKEY. Mr. Speaker, today, Members of Congress honored Lt. Robert O. Goodman, Jr., the Navy navigator captured by Syrians on December 4 and freed earlier this month. We also honored the memory of Lt. Mark Lange, the Navy pilot who lost his life at the hands of the Syrians. The text of my remarks at the congressional ceremony follows:

REMARKS OF HON. EDWARD J. MARKEY

Thank you for coming. Welcome. Lieutenant Goodman! We've very glad you're home. And thousands and thousands of Americans are happy that you are home too.

We're here today to honor Lt. Goodman's bravery: His bravery while flying a Navy mission over Lebanon, his bravery when he was shot down by Syrian forces on December 4, and his bravery while held a captive of the Syrian Government in a Damascus prison.

Before Christmas, 13 Members of the House and Senate issued an appeal for the American people to send letters of encouragement and support to Lt. Goodman, care of the U.S. Congress. In December, thousands of Americans took the time to sit down and write a holiday greeting to Lt. Goodman.

They took the time to tell Lt. Goodman that he was not forgotten over the busy Christmas holidays.

On December 22, with the help of the Goodman family, more than 60,000 cards and letters were sent to Lt. Goodman in Syria by way of the State Department.

But, even after Christmas, the letters and the cards continued to pour in to Congress from all parts of the country.

And today, a much brighter day for the Goodman family, we are able to deliver more than 30,000 additional letters to Lt. Goodman—a true demonstration of American spirit and caring.

Let this be a small show of our appreciation to Lt. Goodman and his wife, Terry Lynn, who is here today, for the sacrifices of our courageous members of the Armed Forces and their families.

And, let us pause a moment to remember Lieutenant Mark Lange, the brave Navy aviator who lost his life December 4th over Lebanon.

And now the 13 sponsors of the mail appeal are happy to turn the remainder of the Christmas cards over to Lt. Goodman. Some of the sponsors are here today. The sponsors were: Myself, Representatives

Norman D'Amours, Barney Frank, Judd Gregg, John McKernan, James Scheuer, Olympia Snowe, and William Whitehurst. From the Senate, they included Senators William Cohen, Alfonse D'Amato, John Heinz, Daniel Moynihan, and Arlen Specter. And Lt. Goodman, I know you have already had an opportunity to meet many of the other Members and Senators who have joined us today.

Welcome home.●

TRIBUTE TO RABBI RICHARD M. YELLIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FRANK. Mr. Speaker, many people talk about interfaith cooperation; far fewer ever do anything about it. Rabbi Richard M. Yellin of Congregation Mishkan Tefila of Newton, Mass., is one of those who does something about interfaith education and cooperation in a very important way. He has, for several years, sponsored a visit to the synagogue of which he is the rabbi by students of Cohasset High School. The value of these visits to the students is clearly evident in the thoughtful letters which the students sent to Rabbi Yellin after their visit. In a recent article in the Boston Globe, Rabbi Yellin thoughtfully shared with people in Massachusetts a sampling of the responses which resulted from the most recent visit. I share Rabbi Yellin's view that these responses are important and that a wider audience would benefit from reading them. I believe that the efforts of Rabbi Yellin and those in the Cohasset school system who work with him are deserving of the highest praise because they seek to carry out in a very concrete way good intentions that are all too often left as simply abstract expressions.

And I would like to share with the membership the interesting compilation of responses which Rabbi Yellin put together.

[From the Boston Globe]

VISITING THE SYNAGOGUE, AS SEEN BY YOUNG PEOPLE OF OTHER FAITHS

(By Richard M. Yellin)

For the past several years, Cohasset High School students have visited our synagogue and museum and listened to a lecture on Jewish values, observances and history. At the end of every visit, the students are advised by their teachers to write thank-you letters to the rabbi. What follows are excerpts from several of the letters received over the years.

"Even though we come from different walks of life and different faith traditions, seeing religion from your perspective helped me to understand my own religion better. The intensity with which you believe in your religion was inspiring."

"It was quite alarming when you were about to reach for a Torah from the ark and realized that the Torahs on display were actually dummies. I didn't realize that this type of vandalism took place. It made me sad to think that such angry people are running around destroying sacred objects. How could anyone be filled with that much anger?"

"I now realize how rich in symbolism your religion is. The best example was the tallit with the 613 symbolic tassels, each representing the 613 commandments. That seems like such a large number compared to the 10 I go by. Again, I thank you for your 'gift of knowledge.' It probably is the best 'gift' that I will have ever received all year."

"It amazed me that so many Jews stay close to so many of the laws. I know if I were Jewish, I would have a hard time obeying all of those laws. Even though I'm not Jewish, I learned facts about my own religion that I never knew about. I guess you have to know the basis of the Jewish religion in order to understand other religions."

"I really enjoyed your lecture about the history of the Hebrews and their cultural differences. When we first arrived at the synagogue. I was really surprised because it was not what I expected in the least. I had expected a triangular shaped roof, and to be sort of old and dingy. The interior was beautiful. Also, to be truthful, I expected you to look sort of short, heavy, and dressed in black, but then again, what I had expected was completely wrong."

"It was amazing for me to learn that the people of your religion accept the ideas of other people, the way that the Jewish people believe that others are allowed their own religious beliefs instead of rejecting all those who are not of your religious persuasion."

"I, myself, am a Protestant and have not had much teaching of my religion. I especially liked the reading of the passages from the Torah and the chanting of the Hebrew language. I hope I get a chance to return."

"I think the tallit and phylacteries are a very good way to pray. It helps a person to appreciate and think about what they're praying for. It's symbolic, just like my religion's rosary beads."

"The Torah I found to be very much like our Bible, but more sacred and better and more meticulously constructed."

"I find that the way the Jews keep the Torah in exactly the same wording, century after century, is an extremely intelligent idea. The way in which the yarmulke covered the male's head, in comparison to the Christian ways of uncovering the head, was quite fascinating."

"People often say that we're losing our cultures and traditions, but the Torah, made with such authenticity and accuracy, clearly counteracts this idea."

"Until a few weeks ago, I didn't even understand that the Jewish people are all waiting for the Messiah. I figured that everyone believed in Jesus. After much thought, I now feel that the religion of the Jewish people makes sense."

"Anyone who would insult the Jewish religion would have to be ignorant, for it's definitely a religion based on love, faith and the celebration of life."

"The presence of decoy Torahs in the synagogue was a shock to me, because I really hadn't thought about the effects of anti-Semitism. To sum it all up, I was not sure that I would enjoy visiting a synagogue, but was glad that I did."

"Dear rabbi, I appreciated all the time you gave us. I call you 'rabbi' because you did teach me. I not only learned about the Jewish faith, but also about my own Christian faith. I was amazed, yet pleased with your frankness. It showed your faith in Judaism. Personally, I thought the only difference between Judaism and Christianity was the belief in Jesus. I see now that there is as lot more. I now have much more respect for Jews and all other religions. One thing I found intriguing was the Torah breastplate that, as a symbol, is still being used today on a college seal. It's quite something that a sign can be preserved and handed down to posterity for so many generations. One would tend to believe that somewhere there would be some kind of a break in the line and it would be lost forever. Judaism truly is a religion of tradition."●

COSTLY PREPARATIONS FOR WAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. OTTINGER. Mr. Speaker, a special issue of the Defense Monitor from the Center for Defense Information raises a crucial point in the continuing debate over the production and deployment of nuclear weapons. Mr. Harold Willens, retired president of the Wilshop and Factory Equipment Corps. and senior adviser to CDI, has written a compelling statement about the cost of our nuclear deterrent capability—the price of preparing for nuclear war.

Faced with $200 billion deficits due to an unprecedented peacetime military budget, we must act now to curb the excesses of this misguided policy. Our economy cannot support these enormous dead-end investments. As Mr. Willens points out, the billions of dollars poured into weapons systems never return any of that investment to the economy. As a result, the economy suffers, citizens lose jobs, and the Nation prepares itself for extinction. We are not powerless to change this course.

We are at the beginning of another legislative year, a year in which we can and must stop the insane escalation of our nuclear forces and war-fighting rhetoric. I urge my colleagues to consider the facts presented by Mr. Willens and weigh the benefits of his suggestions against the sure losses to our current policies.

[From the Defense Monitor, Vol. XII, No. 8]

THE NUCLEAR ARMS RACE: BAD FOR BUSINESS

(Copyright 1983, Center for Defense Information)

"THE TRIMTAB FACTOR"

(By Harold Willens)

Despite the obvious and growing danger posed by the nuclear arms race, the management of our national enterprise continues to pursue a policy of preventing nuclear war by preparing for it. Aside from the obvious peril of a global holocaust, our increasing dependence on nuclear weapons as a means of maintaining our security has other serious consequences for our nation. It af-

fects our economy, our influence in the world and our morale as a nation.

Business leaders are uniquely qualified to evaluate the impact of our national security policy. In examining any policy, people who make business decisions are trained to lay aside dogma, tradition and rationalizations in order to ask the basic, bottom-line question: Does it work?

A prime example of this is the Ford Motor Company's experience with the Edsel. The experts who conceived and designed this classic flop were human beings who guessed wrong. If the company's decisions and budget had been controlled by Edsel ideologues—passionate believers in their brainchild—Ford might have continued to pour good money after bad, transforming a miscalculation into the death of a major corporation. Instead, Ford's management recognized and admitted a mistake. They absorbed a huge financial loss in the short term, but they went on to lead their company into an even brighter future.

That kind of tough decision, much magnified, confronts us today. We are shareholders in the American enterprise and our Edsel is a national security policy too heavily reliant on nuclear weapons. If continued, this policy will almost certainly carry us to a "final bankruptcy" from which there is no recovery. To avoid this catastrophe, we must stop doing what does not work.

THE DECLINE OF AMERICA

True national security requires a strong economy, yet today the once-firm foundations of America's economic strength and superiority are crumbling. Our stagnating economy is characterized by unprecedented federal deficits, high unemployment and declining industrial productivity and innovation.

Not surprisingly, because American economic strength has been on the decline, it appears that our prestige in the world is also diminishing. Since the war in Vietnam, the U.S. has suffered a series of setbacks in its influence in the world community.

Alternatingly militant and vacillating foreign policies have confused friends and potential adversaries alike. Our multibillion-dollar arsenal remains unusable—unless we are willing to commit national suicide. The spirit of confidence and optimism once so characteristic of our nation has given way to doubt and confusion.

Attempts to explain this American decline rarely take into account the effects of the nuclear arms race. Preoccupation with the military aspect of our national security has prevented us from considering other, equally fundamental aspects of security—economic strength, global influence and national morale.

Simon Ramo, Director of TRW, Inc., a major military contractor, estimates that more than $1,000,000,000,000 ($1 Trillion) has gone into preparing for nuclear war to date. Over the next six years an estimated $450 Billion will be spent on the same purpose. The generally accepted view is that this massive military spending has been a boon to the American economy. However, leading economists, including Charles Schultz and Murray Weidenbaum, both former directors of the Council of Economic Advisers, are challenging this assumption.

These economists now argue that military spending (which has averaged 30% of the entire federal budget over the past three decades) has contributed significantly to American economic decline. The enduring myth that military spending is good for business has blinded us to this reality. The fact that World War II followed the Great Depression convinced many that military spending creates jobs and boosts productivity. However, the astronomical sums spent during World War II would have produced the same result had they been invested in *anything.*

DEAD-END DOLLARS

At the root of the myth that what's good for the Pentagon is good for the economy is a misunderstanding of the nature of military products as opposed to other products. Dollars spent on tanks, bombers and submarines are dead-end dollars. They consume enormous amounts of valuable resources but return nothing to the economic system. Military spending may in the short term stimulate employment and purchasing power, but in the long run it drains the economy.

While military expenditures do not produce goods and services, they do create the classic inflationary situation in which too much money chases after to few goods. Many assume it was the OPEC oil-price increases that initiated the 1970s inflationary spiral. In fact, heavy military expenditures, including the cost of the Vietnam War, first fueled the inflationary fires in the 1960s. By 1969, four years before the oil embargo, the rate of inflation had already tripled.

Once this nation was the world's leader in the innovation of products and processes. Over the past two decades, however, the U.S. has fallen far behind other countries in the rate of technological progress. This is due in large measure to the fact that the military sector claims 30% to 50% of all the scientists and engineers in America. U.S. industry has thus lost its former capacity to innovate and to absorb increasing costs by enhancing efficiency.

The shortage of civilian scientists and engineers has also contributed to blunting the competitive edge of U.S. industries in the world market. Foreign competitors, particularly Japan and West Germany have made deep inroads into the automobile, steel and commercial electronics markets. The explanation is not hard to find. While two-thirds of our federal Research and Development funds go to the military, West Germany spends only 15% to 20% and the Japanese less than 5%.

TRUE SECURITY

Too often, debates over new weapons systems have more to do with the jobs involved than with the actual need for the weapons themselves. A growing number of economists maintain, however, that military spending actually generates unemployment by diverting resources from the civilian economy.

Studies conducted by Employment Research Associates and corroborated by U.S. Labor Department statistics show that increases in the military budget have actually reduced employment opportunities. On the average, a Billion dollars spent for military purposes generates far fewer jobs (18,000) than the same amount spent in the civilian sector (27,000). In every area nonmilitary expenditures create more jobs than does military spending.

The long-term diversion of capital and labor to weapons production has sapped our civilian industrial strength. A recent study by the Council on Economic Priorities compares 13 major industrialized countries and shows that those which spend a smaller share of their economic output for military purposes generally have much stronger economies.

This is not to say that massive military spending is the only cause of America's economic problems, nor to suggest that the nation should neglect its legitimate security needs. But there is ample reason to question whether the hundreds of Billions of dollars destined to create still more nuclear weapons add up to a sensible investment in genuine national security.

PSYCHIC RADIATION

Even if we never use any of the weapons in our enormously redundant nuclear arsenal, we will still inflict great damage on ourselves. As our economy stumbles and as our cities, neighborhoods and schools deteriorate, the quality of American life declines. The emotional and psychological damage of the arms race can be just as devastating to the national spirit as war itself.

Living in the shadow of nuclear war, we seem to have lost the energetic and determined optimisim once so characteristic of the American people. Without a bomb being dropped, we are already suffering a sort of psychic radiation sickness—a frame of mind that affects every aspect of our lives.

A poll taken in California in 1982 showed that 85% of the respondents believed there would be a nuclear war in their lifetime. Fear of the future, indeed of having *no future,* permeates the lives and attitudes of our children.

The nuclear weapons race is robbing our nation of its most precious resource, its spirit. Without a sense that there is a future, we find ourselves slowly losing our will to survive. Rather than protecting us, a national security policy based on nuclear weapons represents the greatest threat to our survival. A businesslike assessment of our present policy indicates that it is in the best interest of our national enterprise to find alternatives to the nuclear arms race.

THE WAY OUT

We should begin immediately a step-by-step program of American initiatives aimed at slowing, stopping and reversing the Soviet-American nuclear arms race.

Stop testing nuclear weapons. The U.S. would announce that we will suspend any further testing of nuclear weapons, challenging the Soviet Union to reciprocate while we conclude negotiation of a formal Comprehensive Test Ban Treaty (CTBT). If the Soviets continued testing or refused to conclude the treaty within a reasonable period of time, the U.S. would no longer be bound by its proposal. If the President were unwilling to initiate such a moratorium, the Congress could take the initiative by amending the relevant appropriations bill or taking other legislative action.

Stop testing nuclear delivery systems. We would next propose a moratorium on the flight-testing of nuclear weapons delivery systems. Like the ban on testing, this step would be relatively easy to verify, since missile and aircraft flights are highly visible. Such a moratorium, again contingent upon Soviet compliance, would inhibit the deployment of highly destabilizing delivery systems. As with each step of this proposal, a successful moratorium would be codified into formal agreements, building confidence on both sides.

Stop deploying new nuclear weapons systems. The United States would then extend the moratorium to the deployment of any new nuclear weapons systems. As with testing, verification of this step is not difficult, since even now we are able to count every Soviet missile launcher, bomber and submarine. Again, we would announce our own

halt in deployment, challenging the Soviets to do the same.

Stop producing nuclear weapons. With the first three steps successfully taken, we would then tackle the more difficult issue of banning the production of fissionable material and the actual production of nuclear warheads. The manufacturing process is easier to conceal, but with the first three steps accomplished there would be little motivation to continue making the weapons. Further, the Soviets have already formally accepted the principle of on-site inspection for arms control verification as part of a CTBT. The first three steps would establish still more mutual confidence and trust needed to implement improved verification procedures by both sides.

Reduce nuclear arsenals. Once the two superpowers agree to halt future weapons development and ensure that neither side could get ahead in weaponry, the ground would be laid for true reductions in their swollen nuclear arsenals. This final step would begin with an appraisal of existing arsenals and the proposal of positive measures to carry out a stable, orderly and balanced program of reductions. Each side would keep an adequate deterent capability while lowering the level of its nuclear arsenal.

STOP MAKING EDSELS

It is time for business leaders to lead the American people in asking whether the social and economic aspects of national security must not be weighed against the illusion of safety produced by an absurdly excessive quantity of nuclear weapons. It is time to decide whether or not national security can exist without economic security.

The solution is simple: Stop making the Edsel. Some will still claim that there is no solution other than the course we have followed. A senior officer of Ford Motor Company during the Edsel crisis told me there were those who argued that too much had been invested in the Edsel to stop production. Had they prevailed, the result would have been bankruptcy. There are always people who say the risks of change are too great, but what greater risk could we face than the annihilation of thousands of years of human endeavor?

FIND A WAY

Business people who succeed know that when the survival of their enterprise is threatened, they must change course. As influential shareholders in our national enterprise, business leaders must mandate our management—our employees in government—to stop and reverse the nuclear arms race. We must tell them: Find a way. Come up with a plan. It can be done. It must be done. Do it.●

IN HONOR OF DR. MARTIN LUTHER KING, JR.

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FISH. Mr. Speaker, my constituents of the Black Ministerial Fellowship of Newburgh, N.Y., held their Annual Martin Luther King, Jr., Memorial Service on Monday, January 16, 1984. The theme: "Rethinking a Dream, Not Forgotten."

Mr. Speaker, I would like to share the contents of my January 16, 1984, statement, with my colleagues here in the Congress today.

The statement follows:

IN HONOR OF DR. MARTIN LUTHER KING, JR.

It is with great respect and admiration that I pay tribute to the memory and teachings of one of America's most outstanding moral crusaders and civil rights leaders on this annual memorial celebration.

Perhaps the most important legacy of Dr. Martin Luther King, Jr., is that, while he gave so much to humanity during this lifetime, there remains so much more to be gained—if we will but listen to him once more. The theme: "Rethinking a dream, not forgottten" is a most fitting one, because already there is a generation whose knowledge of Dr. King is a blurring recollection of someone in American history who spoke out against racial segregation. This dream must not be forgotten, because, as my friend Andrew Young once put it, Dr. King's message "endures, spanning the seas and calling out to each new generation."

By furthering the civil rights of American blacks, Dr. King contributed to the cause of freedom for all Americans, regardless of race or creed. By strengthening the cause of justice, he inspired millions throughout the world in mankind's common aspirators. His message of redemption and reconciliation is no less meaningful today than during his lifetime. His life's work and unyielding adherence to achieving social change through nonviolence serves as a great example during these turbulent and troubled times.

The enactment of Federal legislation last year, has finally made commemoration of Dr. King's birthday a permanent reality. This, indeed, marks a milestone in our continuing efforts to bring about a truly pluralistic society based on mutual respect for one another. Bestowing this honor on Dr. King, not only transcends his status as a black civil rights leader, it serves as recognition that he spoke as an American about the spiritual liberation of all people. He spoke of brotherhood, of an end to poverty, of justice, of peace to you, yes, but also to me and to all mankind.●

AN INSIDERS VIEW OF OUR NATION'S CLASSROOMS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mrs. KENNELLY. Mr. Speaker, I would like to draw the attention of my colleagues to a particularly thoughtful and perceptive article which appeared in the January 10, 1984, edition of the Hartford Courant. This opinion piece was authored by a history teacher of 24 years, Wayne Loveland, of Hall High School in West Hartford, Conn. Mr. Loveland addresses something I believe all of us will have cause and need to address in this coming session—how to right what has gone wrong in our public educational system. I hope that Mr. Loveland, and other dedicated teachers like him, will continue to provide us with an insider's view of our Nation's classrooms.

The article follows:

[From the Hartford Courant, Jan. 10, 1984]

DON'T BLAME TEACHERS IF THE PAPERBOY HASN'T HEARD OF MUSSOLINI

(By Wayne Loveland)

Prominent among the barrage of criticism being leveled at our public schools lately is the charge, or implication, that the root of the problem is inadequate teaching.

Having served in classrooms in several communities for more than three decades, I consider this an incorrect assumption. There are indeed some mediocre teachers in our schools, but they are the exception rather than the rule. The academic credentials and personal qualities of the teachers with whom I associate compare favorably with those of other professionals in the private sector of our economy.

The principal factors that have contributed to scholastic decline can be traced to changes that have occurred beyond the confines of the school buildings. Teachers have not caused these changes, and should not be regarded as architects of academic mediocrity. Rather, our educators are the principal victims of this decline.

There is today considerably less structure and order throughout our society than there was two decades ago.

More young people attend our nation's schools, for longer periods of time, than in any advanced country in the world. In 1980 close to 95 percent of our teenagers were in school, compared to 60 percent in England and 40 percent in West Germany. Some of these young people are congenitally unequipped to learn in any traditional sense. Yet another percentage of pupils is largely uninterested in academics for a variety of reasons.

Our schools are not only educational institutions but "holding stations" for society. The present-day educator must often serve as social worker, warden and teacher. Substantial tensions result from these multiple responsibilities.

Several specific factors have contributed to the decline in academic performance. The sometimes negative impact of television is clear to everyone. The passive sedentary patterns acquired in childhood become ingrained over the years. Television has also accustomed students to fast-paced, rapidly shifting presentations and programs. These are in stark contrast to the seemingly prosaic and pedestrian presentations of the classroom teacher. Even a Robert Redford or Dolly Parton would have difficulty maintaining student interest while discussing math sets or Woodrow Wilson's foreign policy five times a day five times a week.

I suggest that some laymen who are among the most critical of teacher performance should try secondary teaching for a period of two or three months in order to properly evaluate their personal magnetism.

The serious erosion of our religious and family structures has also adversely affected student performance. In 1979 nearly 40 percent of our nation's children belonged to single parent families. Other marriages which are officially intact are de facto operational failures. The child who comes to school from a broken or unhappy home is not particularly enthusiastic about reviewing the historical subtleties of the postwar world. The cold war in his own home dominates his thinking—both within and without the classroom.

Furthermore, most young adults of the 1980s learn little of an informational nature from their parents, let alone from their grandparents and other relatives. In most

families today, both parents work. They are often too tired at the end of a hectic work day to indulge in anything beyond small talk.

And the children themselves have minimal spare time and energies. The majority of our secondary school students hold part-time positions after school. Twenty-five hour workweeks are not uncommon. Because of work responsibilities, participation in interscholastic sports, musical activities and homework requirements, students have very little time left for discussion of important issues with their informed and experienced parents.

Consequently, most pupil learning must take place in the classroom—45 minutes a day. Because it is necessary for the teacher to begin at "point zero," it is especially difficult to draw parallels and establish ties between past and present events. Ask the paperboy who Lee Harvey Oswald was; try the name Benito Mussolini on the young cashier at the supermarket.

A rash of proposals has been offered to improve our schools, none of which is likely to have a market effect. Lengthening the school year would have little impact. More is not necessarily better. Increasing the size of local and state supervisory bureaucracies would also be costly exercises in folly.

The present-day teacher is certainly often inadequate, but that is true of everyone else confronting the complexities of contemporary life. The difference is that the teacher is in a unique position to help and to heal large numbers of young people.

It is in the classroom that many youngsters are introduced for the first time to those amenities and civilities which are critical to the health of the larger society. At a time when there are few heroes, the teacher's function as a role model may be more important than his ability to teach diagraming or the use of the past perfect tense, although there is no inherent incompatibility in seeking both goals simultaneously.

I suspect that improved compensation may play an important role in attracting quality candidates, but retaining capable personnel will still be difficult because of the lax disciplinary procedures that have developed in our school systems over the past two decades.

In the meantime, those of us who teach school will continue to try to set a good example, flawed though we are and will do our best to generate enthusiasm for learning.

We who share our working lives with the young will more successfully meet the many challenges we face if society understands that we are faithfully addressing the difficulties of the present day rather than causing them.●

GIVE AMERICANS 24 HOURS TO VOTE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to provide for "same time" 24-hour voting during a 6-year experimental period. Under this legislation all polling places across the country would open at 3 p.m. (EST) on a Sunday and would close 24 hours later on a Monday. These changes would apply for the 1984, 1986, 1988, and 1990 Federal general elections.

The purpose of this legislation is to induce greater participation by American voters. Under our current election system 80 percent of the normal 13-hour voting period falls during the time our Nation's work force is either at their jobs or commuting to and from their jobs. A 24-hour voting period, beginning on a nonwork day, would solve that inconvenience problem.

Further, simultaneous opening and closing of the polls would eliminate early election projections, providing the media continues to voluntarily refrain from using exit polls to make such projections. This is significant, since at least one study has blamed early projections for a 6- to 11-percent decline in voter turnout during the 1980 election.

By extending election hours, my proposal would also allow peak voting periods to become more manageable, resulting in shorter lines at polling places and a less taxing demand on poll workers.

It should be noted that long voting lines and other factors related to convenience do appear to have a substantial impact on voter turnout. For example, a U.S. Census survey conducted after the 1972 Presidential election found that over 48 percent of all registered nonvoters did not vote due to factors related to convenience. The reasons these people gave for not voting included "no transportation was available—couldn't take time off from work—or when he went to the polling place he was discouraged from voting by long lines."

Finally, the 3 p.m. (EST) opening and closing time would not interfere with Sunday church services on either the east or west coast, and my proposal offers the option of Monday voting for persons who object to the idea of voting on Sunday.

The need for these changes is clear. Voter turnout in the United States has declined in every Presidential election since 1960, when the voter turnout rate was 62.8 percent. The 1980 voter turnout—52.6 percent—was the lowest for a Presidential election in 32 years. In non-Presidential election years, the figures are far worse, with only 38.6 percent of the voting age population participating in the 1982 elections. These are alarming facts, particularly as we approach the 1984 elections.

Yet, in other Western democracies voter participation averages more than 30 percentage points higher than our own. Significantly, the 82.8 percent median voter turnout rate for the 28 Western democracies includes 17 countries that vote on Sunday, or both Sunday and Monday. These countries include Austria, Belgium, Columbia, Finland, France, West Germany, Greece, Iceland, Italy, Japan, Luxembourg, Norway, Portugal, Sweden, Switzerland, Turkey, and Venezuela.

Last year, I was honored to participate in the symposium on American voter participation, sponsored jointly by Harvard University and ABC, Inc., in an effort to develop strategies to stimulate U.S. voter turnout. Two of the ideas that received the symposium's support were 24-hour voting and Sunday voting. Specifically, the symposium formally stated that "24-hour voting and Sunday voting could increase turnout to some degree by making voting more convenient."

Having studied this issue extensively, I share the symposium's view that 24-hour voting combined with Sunday voting, is an idea whose time has come. Simply put, the removal of voting barriers should be considered a nonpartisan issue worthy of bipartisan support. I strongly urge that this legislation receive prompt and favorable consideration.●

TRIBUTE TO JOHN McAVOY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FRANK. Mr. Speaker, for years, the people of Fall River have enjoyed either listening to or reading of Mr. John McAvoy's recollections of his many years work in the theater and his amusing memories of growing up in Fall River.

With the holidays that have just passed, Mr. McAvoy once again shared a precious memory with us all by recalling Christmas in Fall River in 1927 and 1928. He titled the article "The Best Gift of All, A Fond Christmas Memory."

I think we will all agree that by sharing this memory, Mr. McAvoy has given the people of the Fall River area, a very fine Christmas present.

THE BEST GIFT OF ALL, A FOND CHRISTMAS MEMORY

"When Christmas fires are burning, Old memories come and go, Like light and shadows playing, Within the firelight glow.

And in the glowing embers, A magic scene appears . . . Dear faces smile and beckon, From out of other years."

Martha Eleanor Barth.

The years drift away as Christmas comes again. I recall with great nostalgia the Christmas of 1927 and 1928 when I was seven and eight. We lived in the last house on Pine Street on a hill overlooking the railway tracks, where Harbor Terrace is now located. It was a two tenement house, but we lived all over it. (We were a large family . . . three girls, three boys). My father owned a junkyard and it was located in our front yard—second hand lumber piled high, scrap metal, doors and window sashes in heaps. That was the view from the bedroom windows. From the kitchen and front room (parlor), you looked down the hill on the railroad tracks, which brought the train

from Boston out to the pier of the Fall River Line to meet the New York boat. You also saw the traffic on Davol Street and the panorama of the waterfront—the New York boat, coal barges, and the Bowen Coal Company, with its miniature railway, little carts that carried and dumped the coal in piles. My mother had a lovely garden in the back yard (perched over the tracks), though the front with all the lumber was not so elegant (to put it mildly). On the south side of the estate (?), my father had a row of sheds and a barn which housed his horse "Nelly," who drew the junk wagon.

Our front room was only open in winter at Christmas time. The day before Christmas Eve my mother would place a portable kerosene stove with a perforated top (which reflected on the ceiling), thus making the room warm for Christmas. The smell of kerosene can bring back the thrill of Christmas to me to this day. Our Christmas tree would not be put up till the last moment, so it would last. The fresh pine and the odor of kerosene intertwined and the combination to me is the fragrance of Christmas.

Both my parents came from Ireland and were very religious. My mother was a saint and she loved Christmas with a passion. She brought over the Irish custom of saying 4,000 Hail Mary's from December 1st to Christmas Day. If you did this, legend said any wish you chose would be given to you. Even as a child, my wish would be that we would have a happy Christmas, and we always did.

My mother was a superb cook, and that was what she was before she married. She worked on the hill for wealthy yankees. We were the most "Yankeefied" Irish family in Fall River Christmas Eve. The house would be permeated with the smell of rising bread, white and Irish with raisins and caraway seeds and the scent of baking cakes and pies. Around three in the afternoon, my mother and father's friend, Annie Cody, would come up the stairs with a large wicker basket filled with gifts. She was like a preview of coming attractions, a harbinger of Santa Claus.

At dusk, and it had to be just the right moment, (and one mother seemed to know), my mother would take a blessed candle and place it in a container in the front room window facing up towards Main Street. In my mind's eye, I can still see her pulling back the old-fashioned lace curtains to make room for the candle. As you would look up Pine Street, you would see many candles like this. The candlelight was a symbol of welcomed hospitality, assuring the Irish people that no one seeking shelter will be homeless. The candelight must shine forth all night long and may be snuffed out only by those having the name of Mary, (of course, every Irish family had a Mary).

My mother and I would always rise on Christmas morning at 4:30 and attend 5:30 mass at Sacred Heart Church. I would peek in the front room where the kerosene stove was pouring forth heat. Its perforated top would make patterns on the ceiling, and the tinsel on the tree would glow in the reflection. You could see the outline of the presents piled under the tree. What a magical moment! However, I would not open my gifts until we came home from mass. My mother and I would trek up the hill in the dark. On Pine Street, near Purchase, there was a house with a cupola on top, which held a lighted Christmas tree, which was very unusual for the time. The Church was like an oasis in a desert, as you entered it from the black night. It would be beautifully decorated with wreaths and poinsettias and aglow with candles. It would be a solemn high mass (three priests)! When mass ended, it would still be dark. My heart would be beating so fast, I felt it would jump out of my body.

When we got in the house, my mother would tie on her white apron and would come in the front room and sit on the piano bench. Before I opened my presents, I would give her mine. It was always the same, a green candy dish in the shape of a leaf, which I bought for 10 cents in the back of Woolworths. I would clumsily wrap it myself in white tissue paper. My mother would ooh and aah, how did you ever think of it, it was just what I wanted. Right then I would decide I would give her the same thing next Christmas if the gift made her so happy. My good mother needed a candy dish like a hole in the head, but she knew how to make a small boy happy. I think of all my memories of Christmas, this is the happiest to me, giving my mother that candy dish.

Then I would open my presents. My mother and I must have been kindred spirits, because one of my presents was always the same, a puzzle map of the United States, where you could pick up the various states separately. I really looked forward to getting it, never tired of it, and liked it the best of my gifts.

Then my father and brothers and sisters would get up and go to mass. If it were a snowy Christmas, you'd look out the bedroom window and see the lumber and the scrap metal all covered with white. And to the west you'd gaze out as the morning train would meet the New York boat, and elegant women in fur would wave to you as the locomotive would belch and speed by under our kitchen window. Yes, it was fun living on the waterfront! I recall that a family lived on one of the coal barges in the harbor. At Christmas they would have a lighted tree on board. I envied them, I thought (and still do), that it must be great to live on a boat.

First thing you knew, my father and brothers and sister would be home from Mass. Then the excitement would begin. The phone would begin to ring. Friends would start to come in. Although we had a nice front door, I never remember anyone using it. Everyone came in the back door. The aroma of roasting turkey would be in the air. The dining room table would groan under all the delicious food. The meal would be topped off by the once a year treat of snow pudding. This was a "yankee" delicacy my mother picked up "on the hill." It was made from the white of eggs and would be whipped into a froth. We would all take turns beating it (no electric beaters then) for what seemed like hours, till the pudding was as light and clear as the new fallen snow. This would be served with lemon custard sauce. What a scrumptious ending to a delicious Christmas dinner. My mother would always send one of us out to the barn with a special Christmas plate for "Nelly," for she had to partake of our Christmas celebration.

Christmas afternoon would find new friends arriving, and after supper we would have more company. My mother had a close friend, Mary Dunn, who was a marvelous piano player, (her specialty was Victor Herbert's "My Hero.") Mary always headed the list of guests. Mona Kennedy, who lived across the street, played the mandolia and her sister Louise had a lilting voice. Everyone sang around the piano (which was right next to my father's big black safe, where he used to keep it to show he was a success in America, or so he thought. My mother did her best to camouflage it with doilies and poinsettias. My sister Mae, who worked in Cherry's, would have a group from the store on Christmas night. We would all sing Christmas carols. Then my father, who was a 6'2" sandy-haired Irishman would boom out in his heavy brogue, "how about an Irish song? The company would then sing, "My Wild Irish Rose," "When Irish Eyes are Smiling," and then papa would say, "Mary how about a tune?" My sister Mae, (no shrinking violet), would favor us with "Where the River Shannon Flows," complete with gestures. I think there was a rut in our parlor carpet where the fabled river weaved along its way. "That Tumble Down Shack in Athoni" was the tearjerker of the evening. As the lyrics reached the lines, "just to pillow my head on that old trundle bed; just to see my dear mother once more," all the native born Irish in the room would sob as they brushed the tears from their eyes. Then Mary Dunn would break into a popular song. The sheet music on the piano pops before me, "How Many Times?," "Mary Lori," "Sonny Boy," "My Melancholy Baby," "Button up your Overcoat," "Girl of My Dreams," "Ramona," and "My Blue Heaven."

The sing song would be followed by a collation that included turkey sandwiches, coffee, jelly, homemade nut cake, Irish bread, and steaming hot cups of tea and coffee. Was there ever joy as wondrous as on these Christmas nights? When the company departed amid many "Merry Christmases" and happy banter, all the guests seemed to walk out into the night and up Pine Street to their various homes.

Then you'd go to bed, well fed and happy from the spirit of Christmas. How marvelous those Christmases were!

This story has a poignant sequel. My mother, like all the old time Irish, liked to plan her funeral, partly out of common sense, and partly out of Irish whimsey. When my mother would broach the subject, we would say, "oh, ma, we don't want to hear about that." Because she knew I was the foolish one in the family, she would confide in me. I want three things when I die. I'd like a nice mahogany coffin (how any coffin can be nice is beyond me, but that is what she used to say); and I'd like a bouquet of red roses at my head; and I don't want to be left alone for a minute (those were the days of house wakes).

My mother died on the morning of Christmas Eve, 1943. I was drafted in 1942 and sent to England in 1943. The first day I was there, I sent a Fall River florist money to send my mother a dozen roses for Christmas. She was brought back to the house that night, as it was wartime and Christmas Eve and there were no flowers available that night. But five minutes later, my flowers arrived (as my Christmas gift). So my mother had her roses and her wishes were granted. I have often thought Christmas is so beautiful here on earth; what must it be like in heaven? I thought what a lovely day to go to heaven for someone who liked Christmas as my mother did.

Christmas is a day to be enjoyed. The hit song of a current Broadway musical is "The Best of Times is Now." Part of the lyrics are: "So hold this moment fast. And live and love as hard as you know how. And make this moment last. Because the best of times is now." This is true. So enjoy your Christmas with all its joy and pleasures and the

happiness of the day with your family and friends, but do not forget the memory of other Christmases and the dear faces who are part of those memories. For the true happiness of Christmas is the combination of the present and the past, which makes the day unique.

Marguerite Halker wrote: So those who love their fellow men, Are glad it is December, For peace on earth and memories, Are precious to remember.●

TOMORROW'S LEADERS—SERVICE ACADEMY NOMINATIONS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. PATTERSON. Mr. Speaker, one of the most rewarding annual events which I enjoy is the nomination of students from my congressional district to our Nation's armed service academies.

I make it a practice to keep the selection process as deserving as possible for the nominee. The criterion set down by my reviewing committee is rigid and demanding. This insures that the best and brightest will represent my district and its communities at the service academies.

This year I have nominated 20 outstanding young men and women from my district for appointment to the service academies. I am sure that my constituents join their families and me in wishing them well. Whether they attend a service academy or not, these young people are a credit to their community and country, and represent the abilities which characterize the leaders of tomorrow. I salute each one of them on their many fine accomplishments.

The following students have been nominated to all three service academies and have been recommended to the U.S. Military Academy at West Point, the U.S. Naval Academy at Annapolis, and the U.S. Air Force Academy at Colorado Springs: Judith Rudner, Cypress High School; Michael B. Steinbach, Mater Dei High School; and Jeffrey R. Wilke, Western High School.

The following students have been nominated to the U.S. Air Force Academy at Colorado Springs and the U.S. Naval Academy at Annapolis: Thomas Brogan, Bolsa Grande High School; and David Allen Leeb, Rancho Alamitos High School.

The following student has been nominated to the U.S. Air Force Academy at Colorado Springs and the U.S. Military Academy at West point: William Brown, Jr., St. John Bosco High School.

The following students have been nominated to the U.S. Military Academy at West Point and the U.S. Naval Academy at Annapolis: Matthew Louis Luntz, Los Alamitos High School; and Michael Wise, St. John Bosco High School.

The following student has been nominated to the U.S. Merchant Marine Academy at Kings Point and the U.S. Naval Academy at Annapolis: Marla Shaw, Mater Dei High School.

The following students have been nominated to the U.S. Air Force Academy at Colorado Springs: Trent Binger, Buena Park High School; Brian Holland, Pacifica High School; Dennis Montera, John F. Kennedy High School; and Michael T. Morgan, Jr., Pacifica High School and the U.S. Air Force Academy Prep School.

The following students have been nominated to the U.S. Merchant Marine Academy at Kings Point: Leslie Irene Fowler, Garden Grove High School; and Mary Patricia Halal, Los Alamitos High School.

The following students have been nominated to the U.S. Military Academy at West Point: David Acuna, Garden Grove High School; David Sean Culhane, Cypress High School; and Norman Moss, Santa Ana Valley High School.

The following students have been nominated to the U.S. Naval Academy at Annapolis: Steven Charles Allen, Los Alamitos High School; and Daniel Garcia, Cypress High School.

Mr. Speaker, I wish to congratulate these fine young people on a job well done and send them my best wishes for a successful future. My only wish is that each and every one of them could be selected for appointment to the service academies. Let me recognize the parents and families of these young people for providing the type of home environment that is so necessary for high academic, physical, and social achievement.

Mr. Speaker, in closing let me give special recognition to my Academy Review Board who serve willing each year to assist me in the difficult selection process. Representing the U.S. Air Force is Col. Joseph Hess. Representing the U.S. Military Academy is Col. Merlin (Bud) Henry. And representing the U.S Naval Academy is Capt. John Gera. The guidance and counseling provided by these men and the other academy liaison officers is an invaluable resource. Our Nation is fortunate to have their service.●

TRIBUTE TO MR. JOHN McMANUS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. MARKEY. Mr. Speaker, I rise today to bring to the attention of my colleagues a fascinating individual, Mr. John McManus, a native of Everett, Mass. Mr. McManus is a veteran of the Vietnam war and a noted artist. He has combined his unique experience and his extraordinary talents to create remarkable sculptures.

These sculptures by a native of the city of Everett were the subject of a recent article in Stars and Stripes by Dan McCurry. I take great pleasure in sharing with you this excellent profile on a unique artist entitled, "Veteran Artist: John McManus."

[From the Stars and Stripes, Aug. 25, 1983]

VETERAN ARTIST: JOHN MCMANUS

(By Dan McCurry)

Where ordinary eyes see only a gravel path, a sculptor looks for hidden statuettes.

"Don't call it rock" John McManus chastised me, during an evening's walk. "Rock is dead. This is stone, it is alive!"

Seeing life where others see death is a special skill which Vietnam taught the survivors of its wars. Sharing that skill with others has become the particular duty of many veterans like John McManus.

Born into an Everett, Massachusetts Irish family, 39 years ago, he describes an early life as varied as the textures of his stones.

"In a large family, it was decided that you should work with your hands and not go to college. So I was put into the cabinetry classes of a local vocational school. I didn't even have a normal high school.

"When I was 21, I read my first book from cover to cover. And that was on the plane to Vietnam. I was so incredibly angry to be going off to die and just then reading my first book. Since then I've grabbed every bit of knowledge that I could."

War taught McManus to string telephone lines, climb poles and to lay low until near the end of his second tour when he was wounded in a mortar attack in the summer of 1968.

"North Vietnamese regular army units were operating all around our village. And for several days we were left there, simply waiting in foxholes to be overrun. We had no outside communication."

These feelings of abandonment remained with John upon returning home, and continued in his wandering life through a Pensacola, FL cabinet shop, a New Mexico college, back home to Massachusetts, and finally ending in Los Angeles where he entered the local VA hospital suffering from delayed stress syndrome.

Out of his five months hospitalization, John began to rediscover his strengths. He also found the material for a recently finished screenplay based in a VA hospital.

"On my ward, I was continually attacked by older veterans. 'You guys didn't fight in a real war' they would say. 'You're just crybabies.'

"Old men in a VA hospital still trying to prove their manhood through a war they never fought. It is still the story of this country, isn't it?"

Determined to survive outside of a hospital environment, John found outpatient housing and began a sculpture course at nearby Santa Monica College.

In stone, he found that his wood-working skills had a new challenge. And at his new home, he discovered a 5-year-old boy, Jonathan, dying of a blood disease.

"He was struggling so to live, and I was almost wanting to die," McManus describes his first month with Jonathan. Working together on Jonathan's exercises, both man and boy began to improve.

"At first, I would go with him to school. An hour was all that he could stand. And when he had a relapse and died, my stone was all that I had to show the grief."

That, sculpture of alabaster and bronze, later entitled "Abandoned", didn't begin, however, with the death of Jonathan.

" 'Abandoned' began when I was a child," McManus recalls. "Those were my first grade feelings when we practiced getting below the desk to wait for the atom bomb.

"The child in me had been taught to be a man and not to cry in tough times. But in Vietnam there was so much to cry about."

John simply, and sensitively, describes his own creative process with "Abandoned".

"I started out by doing the hood; it represented death. At the beginning I didn't put a face into it. Then I put in a clay face, carved it out, and sat with that for a couple of weeks.

"I felt the figures trapped within the stone, I felt Jonathan trapped by his disease and the Vietnamese children trapped within their own country.

"I cannot take credit for what finally emerged. It was totally separate from the energy inside myself. It is a special creative energy inside all of us."

The theme of children is depicted in much of the art work of Vietnam veterans. John's work captures many of the feelings described by other veterans.

"One of the things which moves me the most is that I didn't have power over where I would be born," he remarks, "I surely could have been born in Vietnam and could have been one of those kids in the streets. I really loved those kids over there and was very close to a lot of them."

Continuing to follow that concern for children, John now makes his home in a day-care center where children and parents alike can watch his work.

"If this sculpture were in Ho Chi Minh City, rather than in Washington or California," he says, "I am sure that it would touch the sensibilities of everyone who would let down their own defensive walls."

When "Abandoned" was first shown in the library of the Santa Monica College, however, those who ordered it removed were the college administrators. "Too depressing" was their verdict.

Library Director Norma Nyquist, told the Los Angeles Times, "We've had people who can't stand to look at it. They don't see art as a reflection of life. They want art only to make them happy."

In June of this year, "Abandoned" occupied the center of the Senate's Russell Rotunda gallery where it received high praise and long somber moments from the many Senators and staff who visited this showing by the Vietnam Veterans Art Group.

Especially impressed with John's work were Massachusetts Senator Paul Tsongas and California Congressman Tom Lantos who have arranged solo exhibits of McManus sculptures in the Congress in May 1984.

At that time, John will unveil his latest work, "Rose," a full scale female fantasy figure.

"In all of my work, I let the stone guide my chisel into its best form. Earlier works showed figures caught in stone, but "Abandoned" stood upright, finally free, and left me feeling a more liberated human being also.

"With 'Rose' I have carved the childhood fantasies of womanhood where so many men still remain. She is a perfect 'Snow White', a 'Cinderella', the perfect woman who was supposed to find me and fix me also. Now I know that I must work within myself."

Despite the controversy over McManus' early works which were seen as too chilling and too full of pathos, his upcoming retrospective show will clearly indicate the happiness which he has found in stone and in his place beside the stone.

"I want to show the joys of life," he reminded me. "I'll carve those dreams and visions of beauty which sustained so many of us in that war.

"Perhaps such dreaming is foolish, but those who lost their visions and their dreams in Vietnam, soon usually lost their lives as well."●

TRIBUTE TO PRESBYTERIAN INTERCOMMUNITY HOSPITAL, WHITTIER, CALIF.

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. DREIER of California. Mr. Speaker, I would like to take a moment to pay tribute to Presbyterian Intercommunity Hospital (PIH) in Whittier, Calif. as they celebrate their silver anniversary. PIH exemplifies people working together to serve their community and I join them in commemorating this important event.

For 25 years PIH has been committed to delivering innovative, quality medical care to the people who live and work in the greater Whittier area. Opening its doors on January 19, 1959 as a 188-bed community hospital, PIH has experienced dynamic growth and now is a 358-bed regional hospital and health center. PIH is recognized as a leader among hospitals in Los Angeles County and maintains a progressive attitude toward continued growth and health care advancement.

Through continuous additions to its medical staff and advancements in its equipment and service, PIH strives to provide excellent health care. Approximately 400 highly trained and respected physicians and 1,500 top quality nursing, technical, and support personnel offer their assistance to insure that patients receive the finest medical care. The success of PIH is based not only on the variety of services offered, but on its commitment to excellence.

The 25th anniversary of PIH is indeed an important event. It is both a recognition of the accomplishments of the past and a reaffirmation of PIH's dedication to continue to serve the community. I am proud to know the people of PIH and to represent them in Congress. I join them in celebrating this festive occasion and wish them the best of luck in the years to come.●

MAINE'S HEISMAN TROPHY

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. McKERNAN. Mr. Speaker, on the playing fields of this country, we witness not only the development of athletes with strong bodies and athletic skills, but also the development of character, leadership, and sportsmanship in our Nation's young men and women.

Shaun Hawkins, the son of Mr. and Mrs. Brian Hawkins of Portland, Maine, epitomizes the ideal of such a fine young person. Shaun was presented with the coveted James J. Fitzpatrick Trophy at a January 8 ceremony in Portland, Maine. The Fitzpatrick Trophy, often called the Maine High School Heisman Trophy, is awarded annually to the outstanding class AA football player in the State of Maine. The award is a tribute to James J. Fitzpatrick, a beloved coach at Portland High for many years and a lifelong supporter of athletics, who recognized sportsmanship, leadership, and character as vital in the development of all our young people.

An all-State flanker wide receiver at Portland High School, Shaun was picked for this award because of his amazing offensive statistics—9 touchdowns and 26 receptions for 476 yards in his senior season. He was also a fine defensive back, and one of the best kick returners in the State.

Off the gridiron, Shaun played three other sports at Portland, and is an outstanding student scholastically.

In accepting the award, Shaun showed the mark of a true sportsman by paying tribute to those people in his life who helped make this schoolboy dream a reality. In particular, he praised his teammates for all their support, noting that since football is a team game, success only comes from the combined efforts of 22 players. He also thanked his family and relatives and most of all, his coaches, who guided him on the path to success.

Maine citizens can be proud of this year's winner of the James J. Fitzpatrick Trophy; Shaun Hawkins is a truly fine young man whose athletic prowess and strength of character can be an inspiration to us all.●

TRIBUTE TO JOHN "JACKIE" McCARTHY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. MRAZEK. Mr. Speaker, last Veterans Day, the Glen Cove community in my district was reminded of the selfless heroism of one of its departed sons, John "Jackie" McCarthy. Mr. McCarthy, killed in action in Vietnam in 1969, was the son of a World War II veteran, and had brothers who served in Korea and Vietnam. His story was recalled for the community by local military historian Angelo Capobianco in the city's two weekly newspapers.

Jackie McCarthy had much to live for, Mr. Speaker. He came from a loving family, and would often be

found helping out in the family delicatessen. After graduation from Glen Cove High School, he worked for the city public works department, and then enlisted in the U.S. Army, though he had joined the local theater company and had quickly developed a passion for the stage.

In 1969, Jackie was sent to Danang in South Vietnam with the U.S. Army's First Cavalry Division. Then, on May 24, 1969, he was killed in action. War is filled with irony, of course; in this case, it was represented by a package from Jackie received by his family a few days after his death, with a photograph and a note explaining that he was "doing fine."

Mr. Capobianco and his wife, Dorothy, were neighbors of the McCarthys and had watched Jackie mature into a responsible and committed young man. The following poem, entitled "Jackie," was written by Mrs. Capobianco in memory of a fallen hero, the son of Emily and John "Mackie" McCarthy:

JACKIE

(By Dorothy Capobianco)

Emily and I, our children
running at Tappen's beach
blending with our chatter
one could hear
batter, a patter
lapped the water
along the shore
when wrinkles were
furthest away from us
our little one
tagging unto Jackie
to be with him
to play with him
never refusing
then of,
that senseless war came
and before we knew it
we were in it
some protested
some fled
most did what they had to do
this James Dean look-alike
boy followed the call too
like thunder
submerging from yonder
wailing can be heard
all over
Joan Baez singing loud to
"Where have all the flowers gone"
like a discarded reminder
when you remember heading down
Sea Cliff Avenue
working with the Public Works
I do, Soldier, rest

Mr. Speaker, our country has lost many, many Jackies, young men who chose to serve their country in the face of the ultimate risk. The loss of each remains as senseless as the one before. I would urge my colleagues to think of Jackie and his fallen comrades as we deliberate on matters of war and peace this year, to consider their lost promise, and to reflect on the steps we must take to prevent more pain and more loss.●

CRISIS IN NICARAGUA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. LaFALCE. Mr. Speaker, the Chinese write the word "crisis" in two characters, one meaning "danger" and the other "opportunity." Chris Hedges, in a special to the Christian Science Monitor, discusses the present lack of pluralism in Nicaragua today according to the Chinese character, "crisis."

Hedges relates the "danger" inherent in Nicaragua as a result of the Sandinista party moving to take control of almost every sector of life. He pays particular attention to the ever-increasing government control of labor unions and the ever-diminishing influence of labor leaders striving to continue their independent role. The danger to such leaders includes: arrest, detention, and surveillance.

Hedges reminds us of the "opportunity" that was promised by the Sandinistas that has been lost—the opportunity that motivated a broad coalition of private sector groups, religious leaders, and the Sandinista National Liberation Front (FSLN) to overthrow Anastosio Somoza in July 1979. Individuals who participated in that revolution truly believed it would result in a pluralistic society.

One of those individuals, Carlos Huembes, secretary general of the Confederation of Nicaraguan Workers (CNT), the largest independent labor confederation in the country, expected the Sandinista government to accommodate a wide variety of views. He and others saw the Sandinista victory as an opportunity to create a better social system.

As Huembes states: "We began by working with the Sandinistas, but it rapidly became clear that we were not wanted. The Sandinistas want total control of every facet of this society. They want to create a one-party state with unquestioned loyalty to their ideology."

The picture described in the article by Chris Hedges, "Sandinistas co-opt unions, companies," is a picture of a "crisis"—a lost "opportunity" and an ever-present "danger."

I recommend the article that follows to my colleagues:

[From the Christian Science Monitor, Nov. 23, 1983]

SANDINISTAS CO-OPT UNIONS, COMPANIES

(By Chris Hedges)

MANAGUA, NICARAGUA.—Workers in the Pellaif Morales automotive parts store stand in a small knot in the hallway.

"There are only 30 or 40 members of the government-run union out of 500 workers," a laborer says. "But each day they intrude on our lives a little more. We have to buy their magazines, go to their rallies, and watch who is listening when we speak."

"There is no pressure to join the Sandinista union here," interrupts a bearded man, "and journalists have no right to be in this plant without first checking in at the union office."

The workers scatter, leaving me alone with the intruder, who turns out to be a member of the Sandinista Workers Committee (CST), the government union that the workers were disparaging. The union representative and three men escort me to an office in the plant.

The office has red and black Sandinista party flags and posters of such personages as Marx, Lenin, Angela Davis, Augusto Sandino, and a host of guerrillas who died in the revolution here. My press identification number is written down and I am interrogated about the intent of my visit

Although it seem that pro-Sandinista unionists control this plant, Pellaif Morales is officially a private company—one of the businesses the government uses to support its claims that private enterprise is free to function in Nicaragua. The Sandinista government likes to point to such enterprises—which it claims make up 60 percent of the business community here—as proof of its support of economic and political pluralism.

In his small office, the administrator of Pellaif Morales, Guillermo Poty, says:

"Each day I have to ask myself who is running this company. The Sandinista union members here have a *carte blanche* to work as they please, speak back to their superiors, and attack the administration of the plant. They are laying the groundwork to wipe out all private enterprise and independent labor unions and turn everything over to the state party."

Members of the pro-Sandinista union, who represent only 10 percent of the work force, according to plant employees, do not contradict the administrator's claims.

"We are in a process of transition," says Roger Hernandez, financial secretary of the union. "We need to change the system where the profits go to the owner and give the money to the people. This company will not stay in private hands very long."

The Sandinista party is rapidly becoming a monolithic organization. It appears to moving into almost every sector of life here. A series of newly formed organizations with loyalty to the state party are attempting to draw in everyone from preschool children to Roman Catholic priests. These organizations encourage constant vigilance and ask members to harass Nicaraguans who appear to criticize the Sandinista government.

The independent labor unions, along with all independent power groups here, are engaged in a bitter power struggle with the Sandinistas, according to opposition labor leaders. Those unions that have managed to retain their independence from the Sandinista CST labor confederation are under heavy pressure to affiliate with the party unions. This pressure includes threats against labor leaders, occasional arrest and detention of leaders and workers, constant surveillance, and the withholding of food rationing cards from recalcitrant workers.

Some independent unions that joined the Sandinista labor organization early on have attempted to withdraw, charging the government union serves party interests rather than interests of union members.

The longshoremen's union recently saw its effort to break away from the CST end with the arrest of its leaders.

Carlos Huembes, secretary general of the Confederation of Nicaraguan Workers (CNT), the largest independent labor con-

federation in the country, sees an accelerated effort by the Sandinistas to destroy his union's organization.

Huembes has been beaten by groups of pro-Sandinista crowds, is followed by state security agents, and has been publicly attacked as a traitor by government officials. In case he were ever to forget what the Sandinistas think of him, the words "Always watched. Death to the traitors of the Sandinista National Liberation Front" have been painted in bold letters on the walls of his house.

More than 200 CNT members have been detained or imprisoned by the Nicaraguan government in the past two years, according to Huembes.

For union leaders, businessmen, and opposition political leaders, such harassment has soured their hopes for a better society.

The Sandinistas enjoyed wide popular support when they toppled the corrupt government of Anastasio Somoza in 1979. Huembes was one of many who fought against Somoza and saw the Sandinista victory as an opportunity to create a better social system.

"We began by working with the Sandinistas," he says, "but it rapidly became clear that we were not wanted. The Sandinistas want total control of every facet of this society. They want to create a one-party state with unquestioned loyalty to their ideology."●

DELBERT POWERS IS HONORED FOR HIS 20 YEARS OF SERVICE IN GARDEN GROVE

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to join with my colleagues in the House of Representatives in saluting Delbert L. Powers. Del is being honored on November 7, 1983 for his 20 years of dedicated service to the city of Garden Grove.

Mr. Powers is a unique city manager who has progressed to the highest administrative level by demonstrating his abilities while working for the city of Garden Grove. He initially began his career in Garden Grove as an administrative analyst in the finance department on November 4, 1963. In 1964 Del became the general services superintendent and in 1969 was promoted to director of public services. Mr. Powers became the assistant city manager in 1972 and in 1980 was appointed city manager. Under Delbert Powers leadership and guidance, the city of Garden Grove has become one of Orange County's most progressive cities.

Mr. Powers has the distinction of being the president-elect for the Orange County Managers' Association. He is also past president of the Municipal Equipment Maintenance Corp.

Mr. Speaker, Garden Grove has much to be thankful for because of Delbert L. Powers' leadership over the past 20 years, and I ask that you and my colleagues here join me in saluting this dedicated city manager.●

HOUSE JOINT RESOLUTION DECLARING 1984 AS THE YEAR OF EXCELLENCE IN EDUCATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. WOLF. Mr. Speaker, yesterday, Senator PAUL TRIBLE of Virginia, introduced a Senate joint resolution to designate 1984 as the Year of Excellence in Education. I applaud his initiative in this area. Last year, the National Commission on Excellence in Education reported that a rising tide of mediocrity is eroding the educational foundations of our society. We must continue to focus national attention on the problems facing our Nation's educational system.

To bring more attention to this situation, I sent a special report and questionnaire last fall to the citizens of the 10th District of Virginia to solicit their views and recommendations for priorities in public education. I also sponsored a town meeting on education which featured Terrel Bell, Secretary of Education.

As a followup to the efforts begun in 1983, we must strive to seek ways of attaining excellence in education at local, State, and national levels. Without quality education, the future of our Nation is at stake. For this reason, I am joining Senator TRIBLE by introducing a similar resolution in the House to designate 1984 as the Year of Excellence in Education, and urge my colleagues to join me in this effort.

H.J. RES. —

To designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education".

Whereas the future of our nation depends on the quality of education today;

Whereas every child is a precious resource whose potential should be realized to the fullest;

Whereas preservation of our priceless legacy of democracy, individual liberty and rule of law requires informed citizens;

Whereas an economy based increasingly on technical competence will impose new demands on our schools;

Whereas the National Commission on Educational Excellence and numerous other nationwide studies have concluded that these is an urgent need to improve our American education;

Whereas a national effort is necessary to revitalize our educational system;

Whereas academic excellence requires parental involvement;

Whereas a quality education for our teachers is essential to ensure the competence of our nation's future leaders;

Whereas local community and volunteer efforts in support of education require more national recognition;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1984, and ending December 31, 1984, is designated as the "Year of Excellence in Education", and the President is authorized and requested to issue a proclamation encouraging parents, teachers, administrators, government officials and people of the United States to observe the year with activities aimed at restoring the American educational system to its place of preeminence among the nations of the world.●

CHILD ABUSE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HILER. Mr. Speaker, it has been my pleasure to introduce in the 97th and 98th Congresses commemorative legislation designed to help increase the awareness of a very serious national problem—child abuse. It is estimated that more than 5,000 children were killed by their parents or parent-surrogates last year. An estimated 2 million children experience some form of child abuse every year. These statistics are tragic and growing.

Again this year, my colleague MARY ROSE OAKAR and I are bringing this intolerable situation to the attention of Congress in an effort to alert Americans to the problem and to make them aware of the remedies available through largely volunteer organizations, such as Parents Anonymous and the National Exchange Club Foundation. Because of the tremendous success in many parts of the Nation resulting from this legislation over the last 2 years, I urge my colleagues to support, once more, a resolution designating April as national child abuse prevention month.

The other body passed similar legislation. Senate Joint Resolution 161, last November. Let us continue a tradition of support for national child abuse prevention month and help curb this national tragedy.●

SIXTY-SIXTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. ANNUNZIO. Mr. Speaker, January 22, 1984, marked the 66th anniversary of the declaration of independence by the Ukrainian people, who through years of terrible persecution, have kept alive their strong commitment to self-determination and the dignity of man.

On January 22, 1918, the fondest hopes of Ukrainians were realized when the Ukrainian Central Rada, the

spokesman and Parliament for the Ukrainian people consisting of representatives of Ukrainian political parties, and other societies and groups, proclaimed:

People of Ukraine! By your own power, your will and your word a free Ukrainian republic now exists in your land. The ancient dream of our forefathers, who were fighters for the freedom and rights of the working people has come true. . . From this day forward, the Ukrainian National Republic is the independent, free and sovereign state of the Ukrainian people. . .

These words still constitute the cornerstone of political thought of Ukrainians throughout the world, as they continue in their efforts to return Ukraine once again to its rightful place in the community of free nations.

Sadly, the Ukrainian independence was shortlived, because by 1922, the Bolsheviks forced their way into power, and resumed persecutions, relocations of whole villages, exiles of Ukrainian leaders, brutal starvations and wholesale executions. Millions of brave Ukranians perished during this terrible reign under Stalin's oppressive rule. Then during the occupation by the Nazis, millions more died or became forced laborers.

To this day, the brutal oppressive policies continue under the Communists. Nevertheless, the Ukrainians remain steadfast and committed to regain their freedom and national sovereignty, and although the Ukrainians are still under the yoke of foreign domination, the Communists have been unable to crush the spirit of the Ukrainian people and their desire to achieve self-determination.

Despite overwhelming odds, the Ukrainian people have never abandoned the hope for freedom and their commitment to national independence. When looking at the years that have elapsed since the independence of Ukraine, one can only marvel at the tremendous spirit of the Ukrainian people, who have maintained their sense of ethnic identify, their cultural and religious heritage, and their undiminished yearning for independence and human dignity.

Mr. Speaker, it is with pride that I join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I am honored to represent and Ukrainians all over this Nation, who are continuing their struggle for self-determination in their own homeland. Let us reaffirm our belief in freedom for all peoples and our hope that the valiant Ukrainians shall one day triumph over their oppressors and again enjoy the blessings of liberty for which they have courageously struggled for so long.●

TELECOMMUNICATION WORKERS' PROTECTION ACT OF 1984

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. RINALDO. Mr. Speaker, I am introducing legislation today to insure that the pension rights of AT&T employees who gave us the world's best telephone system are protected from the effects of divestiture. While there exists considerable debate over what is the best way to preserve affordable telephone service, there is no question that these loyal and dedicated employees of AT&T have served this Nation well. This bill would therefore guarantee that employees who are transferred among the various operating companies of AT&T are able to have their pension contributions and vested assets in their pension plans track their transfer.

Last week the Federal Communications Commission decided to delay for at least 1 year the implementation of an end-user telephone charge on residential and single line businesses. The Commission also revised a previous order governing the amount of money that MCI, SPRINT, and other competitive long distance carriers would be required to pay for access to the local telephone system. These companies would pay the local telephone company 45 percent less than AT&T until they enjoy equal interconnection.

I applaud the Commission's order, having long felt that we should wait at least 1 year and see the results of divestiture before making a decision as to whether or not an end-user charge was needed to preserve universal telephone service.

In many respects the FCC order has removed the immediacy that surrounded the House's considerations of telephone legislation last November. At that time, many Members voted for H.R. 4102 because they want to assure their constitutents that an end-user charge was not going to take effect this year. Members of the Senate, now assured that the FCC is proceeding with caution, could very well decide that legislation is not needed. Should this happen an important provision protecting the pension rights of AT&T employees might die with the bill.

I believe that the hard working employees of AT&T who have made our phone system the marvel of the world should not be made the pawns of divestiture. The portability of pension rights in a deregulated industry is not new. Congress provided such protection to employees in the railroad, airline, and trucking industries. We must certainly afford this same type of protection to the dedicated workers of AT&T.●

MORTGAGE REVENUE BONDS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. GORE. Mr. Speaker, yesterday, the first day of the 1984 session of the Congress, I introduced legislation to eliminate the sunset on mortgage revenue bonds.

I am hopeful that by raising this point again the possibility of speedy action will be considered. This program has expired. Thousands of prospective homeowners wait; most have little hope of carrying the burden of conventional interest rates; many have little hope of credit clearance at conventional rates. Thousands of homebuilders wait to begin the homes they would fill.

As a former homebuilder, I can testify from personal experience that high interest rates and the inavailability of credit can crush dreams. Let us keep this dream alive.

The time to act, I feel, is sooner, not later.●

SELLING DEMOCRACY FOR A PROFIT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. PAUL. Mr. Speaker, before adjourning for the holidays, Congress, acting in the best tradition of pork barrel patronage, further extended its handouts of taxpayers' money to the special interests by funding a "National Endowment for Democracy." However, this act did not go unnoticed, and a group of private citizens, including two former presidential candidates, has challenged this impudent action by Congress.

I would like to call the attention of my colleagues to an editorial which appeared in the Oakland Tribune recently. The editorial properly chides Congress for passing this self-serving legislation.

[From the Oakland Tribune, Dec. 19, 1983]

SELLING DEMOCRACY FOR A PROFIT

Three maverick guerrilla warriors with a sense of humor poked holes last week in one of the most self-serving boondoggles to issue forth from Capitol Hill in a long time.

Former presidential candidates John Anderson and Eugene McCarthy, along with Ed Crane III, president of the libertarian Cato Institute in Washington, D.C. outsmarted Congress in the process of drawing public attention to a blatant political payoff to four powerful constituencies: organized labor, big business, and the heads of the two big political parties.

The sweetheart deal in question sullies the name of democracy to cloak a $31.3 million giveaway of taxpayer money. As an out-

growth of "Project Democracy," the foreign policy initiative announced by President Reagan a year and a half ago in his speech before the British Parliament, Congress recently funded a "National Endowment for Democracy" to export our gospel like so many cans of sardines.

In its original form, the bill earmarked $13.8 million to the AFL-CIO, $2.5 million to the U.S. Chamber of Commerce, and $5 million to special foreign policy institutes affiliated with the Democratic and Republican parties. The remaining $5 million would go to other groups and to pay for administrative expenses.

The scheme was sheer brilliance. No one could oppose spreading democracy. Nor could anyone resist the thought of sharing in the gravy. Charles Wick, head of the U.S. Information Agency, showed the way by putting all his friends on the payroll. Now the leaders of four other big organizations can put Brother Bob and Cousin Charles down for plum jobs selling the American Way in Bermuda and Pago Pago. And members of Congress can check up on their progress with junkets via London and Sydney.

The final bill didn't specifically reserve any funds for the two parties, but gave them six out of 14 representatives on the Endowment's board. Guess who's going to get their hands on the money.

A Washington insider tell us that the chief lobbyist for the bill was Charles Manatt, chairman of the Democratic Party. He and two close associates incorporated the Democratic International Affairs Institute to receive the forthcoming grant. The three men would thus take personal control of $5 million courtesy of Uncle Sam. The Democratic National Committee had no say in this cushy deal, according to our source.

The AFL-CIO will get the bulk of the money because it's the only one of the four groups with any experience in international propaganda. It took so much covert money from the CIA in years past that the union federation earned the name "AFL-CIA." Neither the Chamber of Commerce, nor the newly created Democratic and Republican foreign policy institutes, have any idea how to spend the money productively.

Before Congress actually passed the bill, Anderson, McCarthy and Crane rushed to incorporate their own National Endowment for Democracy in the District of Columbia. Crane says his threesome is now $31.3 million richer, thanks to our legislators' grant. "I'm concerned about democracy in France and was thinking of spending a month there," he quips.

At a press conference in Washington last week, these gentlemen saboteurs objected to giving top party functionaries tax money to promote the government's policies overseas.

"At a time when there is too little debate they are making the two political parties agents of the U.S. government," complains Crane.

He and his fellows intend to defend their title to the Endowment in court until Congress agrees to prohibit money to the two dominant parties, makes provision for an audit, and opens the institution to scrutiny under the Freedom of Information Act.

But as Crane points out, it's equally objectionable to support unions or business organizations with public funds. Their memberships are numerous and well-heeled enough to spread the good news about democracy abroad if they're so inclined.

Meantime, the rest of us have to wonder about the health of democracy here at home when our representatives act like a junior high school student council.●

TRIBUTE TO WILMA WILLIAMS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, Miami and our 17th Congressional District have many hopeful signs of a true turnaround from the civil unrest of 2 and 3 years ago. Sometimes a single individual can personify and best indicate the new spirit in Dade County.

The Miami Herald recently told the story of Mr. Wilma Williams who has a thriving business in the district that I serve. The Herald report will best illustrate a positive aspect of our resurging community.

The article follows:

[From the Miami Herald, Dec. 18, 1983]

MIAMIANS REGAIN THE MOMENTUM

(By Richard G. Capen, Jr.)

It might take years before South Florida overcomes its unfortunate—and unfortunately distorted—reputation for violence, drugs, and crime. Even so, good things are happening in our community, and we have many reasons to feel better about ourselves as the year draws to a close.

I believe in the power of momentum. I am convinced that success breeds success, that a handful of successes can inspire positive momentum that itself can create further accomplishment.

Momentum helps overcome problems. It builds enthusiasm, a spirit of optimism, an expectation of success that fulfills itself. Momentum can be the driving force behind successful business enterprise, or dynamic community.

Critical to momentum is the need to create new jobs and business opportunities for blacks. Here, too, there is encouraging news. No one represents that success better than Wilma Williams, who runs a highly successful fast-food operation on NW 167th Street near 47th Avenue.

Armed with support from the Business Assistance Center, a second mortgage on his home, and a bank loan, Williams convinced Burger King to sell him one of its company-owned restaurants that had been operating in the red.

Williams, who had been a 19-year Burger King employe, began his career peeling onions in a company warehouse. He risked his home and life savings in order to go into business for himself. Today he employs 45 people and already is making a profit. Now his goal is to acquire a second franchise. There is momentum to spare in Wilma Williams' career.●

TRIBUTE TO JOHN ASHBROOK

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. KASICH. Mr. Speaker, on April 24, 1982, the House of Representatives and this country lost a valued and respected voice with the tragic death of Representative John Ashbrook.

Although many of us remember this remarkable man, it would do this Nation well to be reminded of the principles John Ashbrook stood for.

The following editorial, written by Bill Histed of the Morrow County, Ohio Independent and published November 17, 1983, is a most fitting tribute to John Ashbrook. I commend it to my colleagues for their attention.

LATE JOHN ASHBROOK

(By Bill Histed)

Driving back from visiting The Johnstown Independent, the lyrics on the car radio had special meaning. I had been thinking of the late Congressman John Ashbrook, the paper's owner, who died unexpectedly last year while running for the U.S. Senate.

"Time Won't Give Me Time," the radio repeated. Time would not give John Ashbrook time.

Ashbrook's name would divide a room right down the middle. John saw most issues as being either right or wrong. His more "liberal" (as he would call them) opponents often found Ashbrook a tough debater and a religious campaigner for limited government and individual freedoms.

John followed his father as owner of the Johnstown paper. That was "home" for him on the weekends. He used to tell about getting out of Washington and coming back to the district to meet with people or to set type past midnight on "The Independent."

His father, William Ashbrook, was a strong Democrat, but John felt the Democrat Party had switched roles since Roosevelt and he became a Republican. But caused waves in his own party, telling the Republican leadership that the party was becoming too much like the Democrats as our nation headed down the road to big deficits, new social programs and a loss of freedom and stable economics.

At The Independent, John bought all sorts of presses to print pamphlets and brochures to hand out at county fairs, telling people that the government's policies would eventually bankrupt us. We're close—try to buy a new shirt or coat and see what the dollar is worth.

Associates at the paper recall John in the most favorable light—save perhaps his weakness for printing tons of pamphlets for his limited government causes. The Askbrook printing operation will soon be sold.

Because beliefs came before profit, many jobs at the paper did not get paid for. Published reports in newspapers around the state question if there will be anything left of the Ashbrook estate once debts, many of them for politicing or "cause" printing are paid.

This month, millions of us will become teary-eyed as the networks hand us several "specials" on the 20th anniversary of John Kennedy's death. Kennedy was able to accomplish in death what he could not in real life—new social programs he proposed were rushed through Congress, he was remembered for everything but cheating on his wife and family.

John Ashbrook will be remembered by few. He ran for president, but his efforts never got out of the hangar, let alone off the ground. Who wants to hear about discipline in government?

Kennedy asked us, slightly changing a speech by Morrow County native Warren Harding, "Ask Not What Your Country Can Do For You, Ask What Can Do For Your Country."

Ashbrook's belief was, "Ask Not What Your Country Can Do For You . . . Look What It's Government Is Starting To Do To Us."

Tom Paine was a printer in the Revolutionary War period. He too, believed that freedom was threatened by the government. He too, died without an estate. As Ashbrook, he told us the tyrants are coming. This time, they will be on this side of the Atlantic. We fear those who don't now believe it will be rudely awakened in a short time.●

TRIBUTE TO FRANCINE FREEDMAN

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. HARKIN. Mr. Speaker, it is with a great deal of sadness and sense of personal loss that I pay tribute today to Francine Freedman, a longtime member of my congressional staff here in Washington. Francine passed away last week. It is a stunning shock to all of us here in my office who have known and loved her over these past 9 years.

Francine came to my office the summer of 1975, my first year in the House. It was an unusual move for me to hire someone not from Iowa—Francine having been raised here in the Washington area—but it proved to be the right move. In fact, we named Francine as an Honorary Iowan out of her dedication and growing knowledge about the concerns that faced our midwestern State during the 6 years that she was a member of my staff.

I can recall Francine's hearty laugh. It was contagious. She brought great delight to us as we labored in the office—and camping on the beaches of Assateague Island.

I will always remember and am grateful for the many hours of dedicated service that Francine devoted to the Fifth District of Iowa. Her work varied from legislative work on health, education, senior citizens, hearing impaired citizens, and human rights issues to management of the computer and mailing systems, as well as the Washington visitors program. One area in which she worked so diligently and was successful was in helping Jewish families emigrate from the Soviet Union. There are many great stories, Francine loved her work, and the many friends she made in my Washington and Iowa offices, with all the liaison offices on Capitol Hill, other congressional offices, and countless Iowans will look back with special remembrance on the many happy and loving memories of the times that were spent with Francine. We all were fortunate indeed to have been her friend.

On behalf of my office and my family, I would like to extend our deepest sympathies to the Freedman family in this time of sorrow on the loss of this dear person.●

NUCLEAR POWER

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I do not know of any individual who does not have at least some concern about nuclear power. Since most of us are not experts in such matters, we have to rely upon others whom, we trust, approach this complex subject with their best attempt at objectivity.

Unfortunately, there are those who shape—manipulate is probably a better term—public opinion on nuclear power. And, there are numerous factors which constitute roadblocks to the development of this form of energy. The Wall Street Journal has developed this idea and I hope my colleagues will read it.

Each one of us has a responsibility, to the Nation but also to ourselves, to know when our ideas are shaped by events and when they are manipulated by those operating under a hidden agenda.

The January 23, 1984, editorial follows.

THE ANTI-NUCLEAR AGE

The nuclear power industry is reeling again, following recent decisions to deny a license to a plant in Illinois and scuttle one in Indiana, and with more such decisions likely soon. Reeling soon, too, will be energy consumers, who will pay for these disasters through higher electricity rates. Assessing the damage, one nuclear industry executive predicts "the down-fall of the American nuclear industry."

That may exaggerate things a bit, but we understand the man's pessimism. Only 30 years ago, scientists were heralding "the nuclear age" and a clean, cheap source of power. Today, it takes an average of 14 years, billions of dollars, and mushroom clouds of debate to build even a single nuclear plant. How did we get into this mess? There's plenty of blame to go around, but we'd like to nominate some principal villains:

Management. A nuclear plant is a huge undertaking, and a lot of small utilities took on more than they could manage. A giant such as Commonwealth Edison Co. could build its Byron plant in fewer than 10 years at a cost of $3.35 billion. But smaller Public Service Co. of Indiana abandoned a near-replica of Byron at Marble Hill because the estimated cost had soared to $7 billion. High interest rates and inflation can explain part of that difference, but not all.

Too many managers also bought wild predictions about soaring energy consumption. Indiana Public Service had figured in the 1970s that growth would be 8% or 9% a year; now its estimates are 3%. The recession hurt demand, of course. But more important was the fact that many of these estimates were made without allowing for something called prices. OPEC came along, energy prices rose and demand fell. The price (remember that word) of relearning Economics 101 has been painful.

Having said that, U.S. utilities do run some 80 nuclear plants and the rest of the world perhaps twice as many. And the construction time in Japan and France, for example, is half what it is here. There must be other reasons for the American industry's problems.

Three Mile Island. What happened near Harrisburg, Pa., in 1979 remains something of a mystery. Management was asleep, surely. But no one died there, and recent evidence suggests the amount of radiation released into the atmosphere was much less than previously thought. But public confidence was shaken anyway, aided by such media exaggeration of nuclear perils as Jane Fonda's movie "The China Syndrome."

Arbitrary regulation. It's debatable how effective nuclear regulation was before Three Mile Island. But it's certain that afterward it got tougher and tougher. Paper work exploded, requiring more staff and more expense for utilities. Worse, regulators often seemed capricious.

Commonwealth Edison, for example, was denied a license for its Byron plant Jan. 13 by the Atomic Safety and Licensing Board. The board worried about the quality of work done by some subcontractors. But Commonwealth Edison had been working all along with the staff of the Nuclear Regulatory Commisson on these same problems. Why couldn't the parties have agreed on standards earlier on instead of allowing the plant to go ahead and denying the license after work was completed? Commonwealth figures this problem will get cleared up, but the cost is steep: about $17 million a month, and you-know-who pays.

Environmentalism. A few years back Barry Commoner sat in our offices and explained the anti-nuclear battle plan. He and others would sue in the courts and intervene at regulatory hearings. They'd do anything possible to delay and delay, making nuclear energy uneconomical.

And sure enough, a hearing for a nuclear-plant license these days is a carnival, as nuclear power foes press every possible objection. One friend recalls a hearing for the Shoreham plant on Long Island in which people stood up to read newspapers, as in a congressional filibuster. Another man asked about the risk of a nuclear explosion if Cuban gunships attacked the Long Island coast.

Long Island Lighting Co. decided to build Shoreham in 1967, at a cost then of $261 million. The estimate now is that the plant might open in 1985 and will cost $3.7 billion. the hearings, begun months ago, are still going on.

Nuclear power is complicated and intimidating, and we sympathize with citizens who have legitimate worries about safety. But our most rabid environmentalists long ago began manipulating these fears to destroy the nuclear industry. It's true that they were aided by the mistakes of managers and regulators. But that's hardly any consolation to the rest of us who will now have to pay the price for their success.●

THE IMPORTANCE OF A STRONG ENERGY CONSERVATION PROGRAM

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. D'AMOURS. Mr. Speaker, I am pleased to join with over 40 of our colleagues in requesting support for H.R. 2615, the Weatherization and Employment Act of 1983. This legislation is an extremely practical answer to a number of complex problems facing us today. The need to reduce our dependence on imported fossil fuels. The need to reduce the energy costs of low-income families. The need to provide meaningful job-training opportunities to unskilled workers. And, the need to meaningfully reemploy thousands of Americans.

We cannot let the temporary oil glut curtail our efforts in energy conservation. Without a strong and continuing conservation effort we could easily be held hostage again by the oil-exporting countries, as we were in the seventies. It was difficult to explain in the late seventies why we had done nothing to forestall that terrible experience. It will be impossible to explain during the next oil crisis that we simply forgot the long gas lines of a few years ago and did nothing to prevent their reoccurrence.

Weatherization is a strong component of our overall energy conservation program. Savings estimates range from a reduction of 15 to 30 percent in energy usage in homes that have been weatherized as compared to homes that have not. This is a potential savings of 65 billion barrels of oil per year if the 13 million homes owned by low-income families were weatherized. The energy costs savings would be $3.3 billion annually.

It is estimated that over 5,000 jobs will be created by the passage of this legislation. These new jobs will occur in both the construction industry, which will provide the onsite workers, and in the manufacturing sector which will provide the basic materials used in weatherization and in heat system replacements. These jobs will be created at a much lower cost than the recently enacted highway jobs bill.

I urge all of my colleagues on both sides of the aisle to join with me in supporting this much needed legislation which will help protect our energy future.●

TRUTH-IN-BUDGETING ACT OF 1984

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. GRADISON. Mr. Speaker, some Federal agencies are able to conduct their programs without the activity showing in their budgets, and much of the spending occurs without appropriated budget authority. This is accomplished through the Federal Financing Bank (FFB), an off-budget entity established in 1974 to facilitate agency borrowing, which it does well. But since its establishment, the FFB has also become the unintended vehicle for massive budget distortions.

For this reason, I am introducing the Truth-in-Budgeting Act of 1984, which would correct the current way FFB transactions are recorded. Simply put, the bill would require all agency transactions with the FFB to be recorded in the accounts of the spending agency and in the unified budget. The bill only pertains to agency transactions with the FFB; agencies currently enjoying off-budget status would be affected only to the extent they utilize the services of the FFB.

The Truth-in-Budgeting Act would result in a budget which more accurately shows cash outlays and the true deficit. Congress and the American people would have a budget which comes much closer to doing what the budget ought to do, namely, show all activities of the Federal Government. This bill would go a long way toward restoring a true budget while maintaining the recognized economies of centralized financing that the FFB provides.

This bill is very similar to bills I introduced in 1982 (H.R. 2868) and 1983 (H.R. 3484; see the June 30, 1983 RECORD, page E3356). Changes have been made which reflect suggestions of interested parties following the Ways and Means Committee hearing of last May on H.R. 3484. I have incorporated these suggestions as much as possible without changing the basic aim—which, as noted above, is to correct the current unintended budget distortions brought about by the Bank's operation.

Senator TRIBLE, with whom I worked for nearly a year to make these perfecting changes, is introducing a similar bill in the near future.

The main change that has been made to H.R. 3484 clarifies my original intent that Ginnie Mae, and other agencies who typically finance their programs in the investment securities market, not be required to use the FFB; these agencies would continue to bypass the FFB. The other notable modification is another clarification insuring that TVA shall continue to have discretion regarding their use of the FFB.

The Truth-in-Budgeting Act of 1984 would in no way change the total deficit. It would, however, nearly wipe out the off-budget deficit while increasing the unified budget deficit by about 2 percent. Importantly, the resulting changes would be reflected retroactively; the historical budget series would be adjusted as if the new on-budget spending had been on budget all along. There would be no jump in the data series in the year the legislation became effective.

There is strong, bipartisan support for putting FFB spending on budget. The Ways and Means Committee, the Budget Committee, and other committees have all received testimony from the administration, the Director of the Congressional Budget Office, and the Comptroller General, in strong support of H.R. 3484 or similar legislation. Mr. LAFALCE of the Banking Committee, which shares FFB jurisdiction with Ways and Means, has introduced legislation identical to my earlier bill, H.R. 3484.

The bill's coverage is restricted to the jurisdiction of the Ways and Means Committee, namely, how FFB spending is recorded. As such it would not eliminate off-budget spending, but it would eliminate the vast majority, which just happens to go through the FFB.

To insure that all interested groups have the full opportunity to present their views, Chairman ROSTENKOWSKI has agreed to hold a hearing on this revised bill.●

TRIBUTE TO SENATOR JAMES VREELAND

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. COURTER. Mr. Speaker, I rise to pay special tribute to a man who has given 29 years of his life to the betterment of Morris County and the State of New Jersey—Senator James Vreeland.

The name, Jim Vreeland, is well-known in the halls of State government in Trenton. He served a term in the assembly before winning election to the Senate for 10 years. Prior to holding State office, Jim was a Morris County Freeholder, as well as being mayor of Montville Township for a number of years.

Senator Vreeland's political career has shown tremendous diversity. His legislative committee assignments included appropriations, health and welfare, and judiciary matters. I have had many opportunities to work with Jim, and I was always impressed with the

breadth of his knowledge on so many intricate issues.

A farmer by profession, Jim demonstrated a special expertise in agriculture and environmental issues, and served on the Energy and Agriculture Committee in the State Senate. From this vantage point, he represented the family farmer, an institution which is so vital to the economy of New Jersey, but whose views are too often left unheard.

Jim was never too busy to help a constituent, before or after hours. Garden State residents have lost a good friend in government now that Jim Vreeland is leaving public office. His intelligence, his energy, and his commitment to the people of New Jersey will be deeply missed.●

DEDICATED WORKERS AT NATICK ARMY RESEARCH LABORATORIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FRANK. Mr. Speaker, the people at the Natick Army Research Laboratories in Natick, Mass., are one of the best bargains the U.S. Government gets. These dedicated and able people do superb work to see that the young men and women who have volunteered to serve in our Armed Forces are adequately outfitted and protected. In Grenada, one of the most important products they have recently developed was tested literally under fire. The new Kevlar helmet which the Natick Army Research Laboratories produced resulted in the saving of lives and once again demonstrated the great work which the people at Natick do.

I would like to share with the membership an article from the New York Times in last December documenting the success of their new helmet and I hope the members will appreciate fully how much benefit we derive from the relatively small slice of the defense budget which they consume.

ARMY HAILS NEW HELMETS' VALUE IN GRENADA

WASHINGTON, December 7.—New helmets of a fiberglass-like material saved the lives of at least two American soldiers in the Grenada invasion, the first time the headgear was worn in combat, according to an Army report.

In general, the report said the experience of the 82d Airborne Division troopers wearing the new helmet in fighting "has been exceptionally positive."

The new one-piece helmet, of a material called Kevlar, looks like those worn by Nazi soldiers in World War II. It is gradually replacing the old steel pot and liner that American servicemen have worn for decades, with only minor changes.

Among older soldiers, the new helmet has been greeted with something less than wild enthusiasm despite assurances it would give them a third more protection than the steel one. For one thing, it cannot be used as a cooking or washing utensil because it has built-in webbing.

RESISTANCE MAY BE EASING

However, some of the resistance may have been dispelled as a result of demonstrations in combat in Grenada.

"There are two specific cases in which the lives of soldiers were saved" because the Kevlar helmet was worn instead of the steel pot, Lieut. Gen. Richard Thompson, the Army's logistics chief, reported last month to Gen. John A. Wickham Jr., the Army Chief of Staff.

The report said that in one case "a Soldier took a hit to the head" from an AK-47 Soviet assault rifle fired from no more than 25 yards. "The result was a small dimple in the helmet and, more important, a soldier who is alive today," the report said.

In another instance, the report said, a helmet was struck by a large piece of shrapnel from a 20-millimeter explosive round. "Again, the protection afforded by the Kevlar helmet saved the life of the soldier," the report said.

The whole thrust of the research leading to the new helmet was to reduce the numerous casualties, as experienced in three wars, that were caused by projectiles that pierced the headgear. General Thompson, concluded there was "proven casualty reduction" in Grenada attributable to the Kevlar model.

General Thompson noted in his report to General Wickham that "numerous comments from our soldiers in Grenada indicate the exceptional comfort and sit of the Kevlar helmet" in comparison with its predecessor.

"These comments entend to its usefulness in airborne operations where the soldiers jump with the helmets," it said.

Army paratroopers have been the first to receive the new helmet, which over the next five years will be provided to all regular Army and reserve troops as well as to the Marine Corps. No marines, even those in Lebanon, have them now.

Over all, the Army expects to buy more than a million of the helmets. At three pounds, are only a few ounces lighter than the steel pot and liner.

HEARING DIFFICULTIES NOTED

According to the report, there were a few negative comments about the helmet from paratroopers in the Grenada invasion. "It was perceived that because of the protective design, it was more difficult to hear when wearing this helmet, compared to the steel pot," the report said. However, scientists at Army laboratories in Natick, Mass., were said to believe soldiers would adjust with experience.

Paratroopers pointed out another drawback that older soldiers have already complained about.

It was noted that the Kevlar helmet was not useful as a shaving and washing basin," the report said. In three wars, American soldiers found the steel helmet was ideal for these purposes in the field.

REPRESENTATIVE SAVAGE, ABSENT DUE TO ADVERSE FLIGHT CONDITIONS, INDICATES AREAS OF SUPPORT IN HOUSE VOTES

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. SAVAGE. Mr. Speaker, I want the CONGRESSIONAL RECORD to reflect that, through no fault of my own, I was unable to be present Tuesday, January 24, 1984, to cast votes on legislation then before the U.S. House of Representatives.

National Airport, which serves the Washington, D.C., metropolitan area, was fog-bound and all incoming flights were diverted to other airports.

Dulles Airport, Chantilly, Va., and Baltimore-Washington International Airport, Baltimore, Md., were experiencing the same adverse weather conditions. Landing at either of these two airports, then, was out of the question as well.

American Airlines flight No. 252, which I was on, was diverted first to LaGuardia Airport, N.Y., then subsequently to the airport at Syracuse, N.Y. Furthermore, I was told that virtually all major airports east of Cleveland, Ohio, were shutdown because of heavy fog conditions.

Apparently, I was not the only Member of the House who was prevented from voting due to the adverse weather conditions then prevailing at National. On each occasion of recorded votes, over 75 Members or so failed to cast votes also.

However, I do want the CONGRESSIONAL RECORD to show that had I been present on Tuesday, I would have risen in strong support of H.R. 2615, the Weatherization and Employment Act.

I would have voted for passage of this legislation and against any weakening amendments because an estimated 50,000 people in our country die annually of hypothermia, extreme loss of body heat.

I would have voted for this important bill because winter in my hometown of Chicago is brutal and many thousands of unfortunate people there shiver and nearly freeze in zero and subzero temperatures.

I would have voted for this legislation because unemployment in my district exceeds 20 percent and this bill would put people to work.

I would have voted for this bill because it represents an investment in people and not in bombs.●

TRIBUTE TO THE UKRAINIAN NATIONAL ASSOCIATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. BIAGGI. Mr. Speaker, at this time I would like to congratulate the Ukrainian National Association who will be celebrating their 90th anniversary on February 22, 1984.

The Ukrainian National Association is the oldest and largest Ukrainian organization in the United States and Canada. Over the past 90 years the UNA has been the foremost benevolent organization dedicated to the welfare of its members and the Ukrainian people. Founded by Ukrainian immigrants, the UNA began by helping immigrants from Ukraine start a new life in the United States.

The UNA continues to provide numerous benefits to its members in such areas as health insurance, continuing education, medical care, and financial assistance. Such benefits can many times provide the help necessary to send a needy youth to college or help pull a family through rough times.

One of the UNA's most important activities is the publishing of several newspapers for its members. These publications serve the vital purpose of keeping Ukrainians throughout the world informed about the UNA and about important news that affects Ukrainians worldwide. These publications also serve the purpose of uniting all Ukrainians on behalf of those Ukrainians living under the yoke of Soviet tyranny.

As we enter 1984 there are still millions of Ukrainians living under the oppression and cruelty of Soviet rule. Throughout its long history the UNA has upheld the cause of these hardy people, many of whom have been denied even the most basic of human rights. The continued efforts of groups such as the UNA on behalf of these oppressed people should be commended.

We here in Congress must continue to join together with organizations like the UNA to support the cause of all Ukrainians, especially those who continue to be shackled by the inhumanity of Soviet communism. We must not be silent in the face of such gross human rights violations. By expressing our continued support for the many Ukrainians living in the Soviet Union who are struggling to obtain basic human rights, we demonstrate to all people living in captive nations that we will continue to support the efforts of all those who so courageously seek freedom and self determination.

February 22, 1984, should be a day of pride and honor for the Ukrainian National Association. For 90 years the UNA has helped to provide a better life for those Ukrainians living in the United States and Canada. They have also championed the cause of all Ukrainians, including those who have not seen the light of freedom and continue to live under the darkness of Communist domination. I am confident that the UNA will continue its fine work and that they will continue to make progress on behalf of the entire Ukrainian community.●

FREEDOM WORTH MORE THAN GOLD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FIELDS. Mr. Speaker, we, as Members of Congress are often caught in the hectic pace of daily living. We seldom take time to reflect upon the legacy of freedom which has been bestowed upon us, and which is ours to preserve for generations to come. I was recently vividly reminded, by a Klein Forest High School student, that freedom is worth more than gold. I commend the following letter from Ly Van Hua to the attention of my colleagues:

LY V. HUA,

Houston, Tex., September 17, 1983.

Hon. Representative JACK FIELDS,

House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE FIELDS: My name is Ly V. Hua. I am a senior of the Klein Forest High School. Under the requirement of our state, I am studying the American Government. Recently I am studying the chapters on the Legislative Branch of our Federal Government. On this occasion, my teacher requires of my classmates and me to write to our representatives a letter. Thus I am taking this opportunity to write this letter to you.

Sir, I came to the United States in 1975 from Vietnam. I have been always living here since then. But I have not gone through the naturalization process yet because I am under the age of eighteen. When I become eighteen, I will surely decide to become a citizen of the United States. What I will write as the main purpose of this letter while I am still being a foreigner may not be considered. However, I hear and believe that you are a considerable representative so it is not worthless in writing this letter.

Sir, if there be a new proposal of having another commercial relationship with any Communist government, then you should vote "no" unless the officials of that government agree to grant some freedom to their people. I would also ask you to introduce, whenever you have a chance, a bill requiring the Vietnamese Communist Government to release all of the prisoners of war—both the Americans and the Vietnamese.

Sir, living in the United States, I am one of the blessed people of the world. Physically, I am one of those who are by far the best off. Like many other people who live in this country, I have three meals a day, I have bus taking me to school and back, I have warm house and clothes, and I have spare time to play with my friends. Having all these does not follow that I am one of the happiest people of the earth. My heart is grief because most of our earth people are living under the bondage of the Communists.

Sir, freedom is more than gold (many people have willingly given their gold as a bribery to the Communist officials in order to go find freedom in a free country). Sir, each ballot of the free minded, free man of a Democratic government is a weapon to reduce the power of a Communist government. Sir, if everyone of our representatives vote "no" on the issues similar to the one above, then we would have the most valuable weapon against Communism.

Sincerely yours,

LY VAN HUA.●

LEGISLATION TO AMEND THE INTERNAL REVENUE CODE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I have introduced legislation to amend the Internal Revenue Code to exempt certain emergency transportation of individuals from the excise tax on transportation by air. Also, this bill calls for the exemption from excise tax on air transportation for helicopters not using or benefiting by federally assisted facilities.

Presently, injured or ill persons that require air transportation to medical facilities are charged with an 8 percent excise tax on the cost of their flight. These flights are often not covered by insurance and must be paid for out of the individual's or family personal income. This is a burden to people already facing a costly and emotionally difficult situation. The average air medical transport costs between $2,000 and $3,000; 8 percent of this cost can be substantial to individuals paying the tax. However, the amount of revenue gained by the Treasury is likely to be minimal due to the relatively few number of air medical transports.

To insure that this exemption is not abused by individuals using commercial airlines for travel to medical facilities, this bill states that the exemption applies only for transportation of an injured or ill person by an aircraft which: First, contains special equipment for purposes of transporting injured or ill persons, and second is used predominantly in the transportation of injured or ill persons. This narrow language will limit the exemption to air ambulance travel and prevent the involvement of ordinary commercial airlines.

The remainder of this bill deals with some of the excise taxes on helicopter transportation as imposed by the Airport and Airway Improvement Act of 1982. When Congress passed the act, it

felt there was a pressing need to improve our airport and airways systems. It chose to raise the revenue necessary to accomplish this by imposing user fees on fuel, persons, and property. The helicopter service industry sought an exemption from these user fees so long as the vehicle did not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, and did not otherwise use services provided pursuant to the Airport and Airway System Improvement Act during such transportation. The exemption was only granted for helicopter use in the mining and timber industry.

Since the rationale for this exemption lies in the fact that the helicopters are not using or benefiting by facilities assisted by the 1970 or 1982 acts, it seems illogical that other helicopter operations fitting the same user criteria do not qualify for the exemption. This bill seeks to make this exemption logically consistent by exempting all helicopter operations from fuel, persons, and property excise taxes so long as they do not use or benefit by facilities assisted by the 1970 or 1982 acts. User fees should be paid by users and nonusers should be exempt. This simple logic is that this bill hopes to accomplish.

I urge all Members of Congress to consider the provisions of this bill and lend their support.●

DYKE WHITBECK: A COURAGEOUS WARRIOR IN THE WAR AGAINST DRUGS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. GILMAN. Mr. Speaker, in 1974, my congressional district Service Academy Review Board interviewed many, many fine students who were seeking a congressional nomination to our military academies. Although our candidates are generally of a high caliber, there was one young man that year who stood out from the crowd, and who displayed leadership and a potential for service that earmarked him as a young man with a bright future.

I was proud to concur with the advice of our review board and named Dyke Harrison Whitbeck as my principal nominee to the U.S. Air Force Academy that year. Having just turned 18, Dyke had already earned an outstanding reputation at the Warwick Valley High School, for his exceptional academic standing, for his leadership as a member of his student seenate and as his junior class president, and as a member of the baseball, football, basketball, and soccer teams.

The Air Force Academy concurred with my nomination, and Dyke Whitbeck was admitted to the class of 1978. I followed his career at the Academy with keen interest, for I was confident that this was a young man who would be a credit to his academy and to his Nation.

Upon graduating from the Academy, I was pleased to learn that Dyke Whitbeck subsequently rose to the rank of captain in the Air Force.

Two weeks ago, I accompanied several of my colleagues on the House Select Committee on Narcotics Abuse and Control on our fact-finding mission to Asia. While we were seeking ways to stem the tide of illicit narcotics with officials from other lands, we received word that a U.S. Air Force helicopter had crashed while trying to interdict a drug dropoff in the Bahamas. It was especially poignant that the news was received by us at that time and under those circumstances, for we were trying to impress upon the leaders of our host nations the seriousness and the determination of the United States in the war we are waging to stem the illicit narcotics trade. Saddened as we were by the loss of five of our finest Air Force men, we were able to inform our hosts that many, many courageous public servants are risking their lives to stop the disease of narcotics trafficking.

It was not until I returned home this week that I learned that one of our missing Air Force officers was Capt. Dyke H. Whitbeck.

When I called Captain Whitbeck's parents to express my personal sense of loss, I was impressed by their courage through this heartwrenching ordeal. It was as if they were saying that Dyke did not give his life in vain; that by helping to halt the flow of narcotics into our Nation, his life may well have been given to save other lives.

Mr. Speaker, the Whitbeck family has suffered a great personal loss, but so has our Nation. Capt. Dyke Whitbeck should be remembered as an outstanding public servant whose life was tragically lost in our war against narcotics. He should be remembered as a symbol of our Nation's determination to halt this threat to the very fabric of our society.●

A TRIBUTE TO MR. CHARLES G. DAVIS, SR.: AN OUTSTANDING EDUCATOR

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. CLAY. Mr. Speaker, I would like to share with you and my colleagues an article that appeared in the St. Louis American on Thursday, January 12, 1984, concerning the death of Mr. Charles G. (Chappie) Davis, Sr., an outstanding and dedicated father, teacher, and school administrator in the city of St. Louis.

Mr. Davis had many accomplishments in both his professional and personal life that brought him many awards and recognitions.

During his lifespan, Mr. Davis was an inspiration to thousands of St. Louisan whose lives he affected and will be missed dearly.

The following is the article:

Charles Davis, more affectionately known as "Chappie" was a native St. Louisan and was a product of the St. Louis Public School System. He attended and graduated from Charles Sumner as an honor student. He was on the Dean's Roll during his entire college career at Stowe Teacher's College and received a Masters Degree in Education for the University of Illinois, Champagne Urbana, Illinois.

Chappie was well liked by friends and family because of his witty and charming personality and his continuous efforts to serve the community in trying to improve the educational system in our area. He shared his academic skills and experience while dedicating his life to youth serving as a teacher and administrator for many years. He served in an administrative capacity at the Sumner Elementary Center, Beaumont Elementary Center, and the Lincoln Institute Summer Program. He also served as principal of Emerson, Mitchell and Dewey Elementary School.

Davis was a member of Kappa Alpha Psi Fraternity, The Nuclues Club and The Royal Vagabonds. His professional affiliations included the Administrators Association of St. Louis Public Schools, Local 44, The International Reading Association, The National Education Association and The Missouri State Teachers Association. He was also an active member of St. Philips Lutheran Church where he served as the Chairman of the Finance Committee.

Chappie is survived by his wife, Agnes Williamson-Davis who is also an educator in the St. Louis Public School System, a son, Charles G. Davis, Jr. who is a student at the Southern Illinois University School of Dentistry at Alton, Illinois and a daughter Dr. Carole Annette Davis, a graduate of Meharry Dental School who is currently completing a general residency at the Michael Reese Hospital Complex in Chicago, Illinois.

Funeral services were held Monday, January 9, 1984 at 7:00 p.m. at St. Philips Lutheran Church in North St. Louis. The body was interred Tuesday morning at Calvary Cemetary. Services were provided by Cunningham and Moore Mortuary. Contributions to the Heart Fund Society will be accepted by St. Philips Lutheran Church in the name of Charles G. Davis, Sr.●

HEISMAN TROPHY WINNER MIKE ROZIER A CAMDEN HERO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. FLORIO. Mr. Speaker, I invite my colleagues to join me in congratulating Mike Rozier, a fine young man from my district, whose football

achievements have earned him the most prestigious honor in college football, the Heisman Trophy. Born and raised in Camden, N.J., Mike has achieved resounding successes as the senior running back for the University of Nebraska Cornhuskers.

Leading the Cornhuskers to unrivaled victory, Mike has spent the last few football seasons breaking records and making history. I admire his perserverance and talent, and wish to commend this truly phenomenal record to the attention of my colleagues. His record was so impressive that, when the time came for sportswriters and sportscasters from across the Nation to cast their ballots for the Heisman Trophy winner, Mike came out of the balloting with 1,801 votes—600 more than the second place winner.

I am especially proud to have Mike Rozier and his family as my constituents. The son of Beatrice and Garrison Rozier and one of six boys in the family, Mike credits his success to his solid upbringing and the principles of hard work and perseverance instilled in him by his family.

The 5 foot 11 inch, 210-pound running back got his impressive start on the football fields of Camden while playing for the Woodrow Wilson High School Tigers and the Rosedale Boys Club football team. He was a two-time all South Jersey selection at Woodrow Wilson and was awarded the Brooks-Irvine Memorial Football Club Back of the Year Award while a high school senior. This season, Mike has gained 2,148 yards and 29 touchdowns for the Cornhuskers, creating a record that has made him the second running back in NCAA history to gain more than 2,000 yards in a single season. During his 3 years at the University of Nebraska, Mike has attained a Big Eight Conference record with his total of 4,708 yards.

As a result of his accomplishments, Mike has earned will-deserved praise from his peers and his coaches. The Heisman Trophy, given by the Downtown Athletic Club in Manhattan, honors the most outstanding college football player in America. By earning this highly prized honor, Mike has demonstrated the high standards he set for himself and has represented his team and his hometown in an admirable way. He is an outstanding role model and hero not only for all football fans but also for the youth of Camden. I wish Mike every success and hope that he will continue to impress and inspire us all.●

PLIGHT OF THE SPECIALTY STEEL INDUSTRY

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1984

● Mr. KOLTER. Mr. Speaker, as we begin the 2d session of the 98th Congress, I would like to call your attention to the plight of a high technology industry; the specialty steel industry.

Despite the import relief program announced last July 5, and the subsequent orderly marketing agreements reached with several trading partners, domestic specialty steel producers face continued erosion of their markets by foreign competition. Statistics for product categories that received tariff relief best exemplify just how meaningful relief has been for the first 3 months.

Total imports of flat-rolled products for the month of October 1983 exceeded those from all months except for June and July, the period immediately prior to the decision to grant relief. While imports of stainless sheet and strip from the European Economic Community declined from 1982 levels, increases from Spain, Korea, and Japan more than filled the void.

Imports from Spain averaged 1,222 tons per month in the first 10 months of 1983 as compared to 697 tons per month in 1982. Korean imports averaged 513 tons per month versus 251 in 1982, and last, Japanese imports stood at a whopping 2,137 tons per month, compared to 1,361 in 1982. Although these figures for 1983 imports represent year-to-date averages, they are very telling. They indicate that tariffs have not done the job they were intended to accomplish.

In contrast, product lines that received quotas have seen encouraging improvement. Specialty bar shipments increased from 7,800 tons in July 1983 to 10,300 in September. Rods have also experienced an upswing; September 1983 shipments totaled 3,157 tons compared to July's total of 2,239 tons.

Quotas have been effective in curbing rod and bar imports, but they have also caused foreign producers to shift production to flat-rolled product lines. Witness these disturbing facts brought to my attention by an industry leader. Stainless sheet and strip products represented 50 percent or less of total specialty steel imports before the imposition of relief. Statistics from September and October 1983 indicate a dramatic change, because now stainless sheet and strip make up over 60 percent of total specialty steel imports.

Clearly, if meaningful relief was intended, quotas on all product lines would have been most effective in curbing imports. Let us learn from the specialty steel case that if we want to give the domestic steel industry the opportunity to modernize, we must enact quotas across the board.●

HOUSE OF REPRESENTATIVES—*Wednesday, January 25, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that Your benediction will be with all who labor in this place. Give to Your servants all those good gifts that give purpose and satisfaction to life. To any who face anxiety, give strength; to any worried by the uncertainties of the future, give confidence; to any burdened by too many tasks, give assurance; to any weighed down by failures of the past, grant forgiveness.

We thank You, O gracious God, that Your love is greater than our shortcomings, and that Your grace is sufficient for each new day. Amen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement before he announces his approval of the Journal.

At 5 o'clock tonight, under the powers given to the Speaker, by unanimous consent, the House will go into recess. The purpose is for the security of the President, so that the Chamber may be swept, and everybody will be out of the Chamber at 5 o'clock this evening. That is a request that has come from the security people.

The two Houses go into joint session at about 8:30 p.m. to hear the message of the President at 9 p.m. If the House has not completed the bill that will be under consideration on Calendar Wednesday, the Members should be aware of the fact that the bill will be brought up again after the President's message.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

VOTER REGISTRATION

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, one of the chief cornerstones of a true democracy is the right of the people to express their opinions and desires at the voting booth.

It should be a prime function of government to encourage voter participation in the political process. Unfortunately, we often discourage participation with complicated voter registration procedures.

Total voter registration has been declining over the past two decades. To reverse this trend we should encourage the States to adopt registration procedures that stimulate participation while protecting the integrity of the process.

Among the possibilities that should be examined are post card registration and universal voter enrollment using drivers' license records.

If we are to govern by the will of the people, we must encourage the adoption of procedures that will simplify the expression of that will.

WITHDRAWAL OF MARINES FROM LEBANON SHOULD NOT BE DELAYED

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, the President should receive one important message when he comes before the Congress tonight: Our marines should be removed from Beirut immediately.

They should be brought home before one more marine is killed, before one more grieving mother has to search in vain for the reason her young son is dead.

The American people know that the marines should not be in Beirut, and the Members of this institution know it.

Whether or not the President is willing to admit it in his state of the Union address, the marines have been asked to do a job that the diplomats and the warring factions in the Middle East cannot or will not do.

Mr. Speaker, it is our duty to do what is right, not to worry about appearances. There is no reason to hesitate and there is no reason to delay.

Let us withdraw from Beirut. Every day we delay, the lives of our brave young men are in jeopardy.

There is absolutely no justification for the loss of one additional American young man.

SOCIAL SECURITY DISABILITY REFORM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I learned today to my great surprise and regret that the administration has publicly announced its opposition to any disability reform legislation this year. Our committee worked long and hard to develop a responsible disability reform bill that was approved last fall by the committee as part of H.R. 4170. We worked every step of the way with the Social Security Administration and the Department of Health and Human Services to get what seemed to everyone a reasonable compromise. It was cosponsored by JIM SHANNON, BERYL ANTHONY, and other members of my subcommittee, and was passed unanimously by the full committee. It is supported by every disability group in the country. In fact, I do not know of any group in America that opposes this bill except the administration.

It is irresponsible and reprehensible for the administration to now oppose legislation that they helped to shape and that is so desperately needed. I must say that I am personally disappointed by the administration's apparent unwillingness to help us correct the harsh administrative procedures that have been followed for the past 2 years, and have resulted in so much hardship for the disabled.

The disability program is in total chaos: States are refusing to operate the program under the Federal guidelines, the Federal courts are establishing their own guidelines because SSA's rules are harsh and unfair, and beneficiaries are in a state of cruel uncertainty about whether their benefits will continue or not. In such an atmosphere, Congress must act.

We must reestablish the social security disability program as a national, Federal program, and to do that we must enact the disability provisions of H.R. 4170. I am asking our committee chairman to proceed in full force to bring this legislation to the floor.

TYRANNY IN NEBRASKA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, January 23 marked the end of the second month that six fathers have spent in jail in Cass County, Nebr. What was their crime? Invoking the fifth amendment to refuse to answer questions from an arrogant judge concerning the where-

abouts of their wives. Their wives and 23 children—and the pastor of the Faith Baptist Church of Louisville, Nebr.—have all fled the State to avoid similar treatment at the hands of a petty judicial dictator.

The persecution of the pastor and members of the Faith Baptist Church has been going on since 1977. The church has been chained and padlocked by the local sheriff to prevent its use; it has been raided during worship services; the pastor has been arrested while conducting services in the church; and the sheriff has monitored and photographed those attending the church.

But this has not been the only church attacked by the State of Nebraska. There are at least seven others that have felt the wrath of the local tyrants and whose members have either been fined, jailed, or forced to flee the State. Most of these people have been Baptists, but the State has attacked the Amish as well, even confiscating a horse-drawn buggy to pay a $400 fine levied for operating a school without a government license.

Mr. Speaker, I have written to the men still in prison encouraging them in their resolve to stand for educational and religious freedom. I have also written to the President and the Attorney General asking for an investigation under section 241 of title 18, United States Code, which makes it a Federal crime to violate the civil rights of any person. Today I am introducing legislation to cut off Federal funds to any State that requires licenses for private schools or private school teachers. The educational tyranny in Nebraska must end, and we here in Congress must stop subsidizing it.

□ 1510

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, those liberal Democrats who are seeking to stand in the way of discussing the people's agenda on the House floor may want to be prepared right now, because I have a unanimous consent request.

REQUEST FOR CONSIDERATION OF VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. Speaker, I ask unanimous consent that an open rule permitting consideration of House Joint Resolution 100, the voluntary school prayer constitutional amendment, be called up for immediate consideration within the next 10 legislative days.

Mr. ALEXANDER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will read the following statement:

As indicated on page 476 of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous-consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the chair will not reflect, necessarily, any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed, that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

PARLIAMENTARY INQUIRIES

Mr. WALKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, do I understand now that the unanimous-consent procedure cannot be used by anyone to bring legislation to the floor unless that has been specifically cleared by both the majority and the minority leadership; is that correct?

The SPEAKER. That has been the custom and it will continue to be the custom.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. WALKER. In the last session of Congress, we had a situation where a resolution with regard to South Africa was brought on to the floor under a unanimous-consent procedure and the Chair did not rule that way at that time. That had not been properly cleared. This is a technique that was used by the majority at that time.

Do I understand that because the minority is using that same technique, that that will not now be permitted?

The SPEAKER. The Chair does not recall the incident.

It is the custom and it has been the custom while this gentleman has been the Speaker and will continue to be the custom that we adhere to fairness on both sides and that both sides be knowledgeable of what is transpiring.

Mr. WALKER. Well, a further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his further inquiry.

Mr. WALKER. I just want to clarify then that the entire matter then of utilizing unanimous-consent requests for any kind of legislative business, such as bringing up legislation, will be denied to all parties.

The SPEAKER. Unless the Chair has assurances that proper clearance has taken place.

Mr. WALKER. Unless proper clearance has taken place.

The SPEAKER. And that is no change in policy.

Mr. WALKER. I thank the Speaker.

Mr. GINGRICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania.

Mr. GINGRICH. The gentleman from Georgia.

The SPEAKER. Georgia.

Mr. GINGRICH. I was, in fact, born in Pennsylvania, so I have that connection.

The SPEAKER. The Chair is aware of that. That is why the Chair stated it that way.

Mr. GINGRICH. I thank the Speaker.

The SPEAKER. The Chair is sorry.

Mr. GINGRICH. The Speaker is taking me back to my birthplace.

The Speaker mentioned fairness on both sides and both sides be knowledgeable. Some on our side were surprised last year to learn late in the day, and I believe this includes virtually all our leadership, on a Monday, that on Tuesday morning the constitutional amendment on equal rights might be brought up under suspension.

Could the Chair, and I mean this not just as a game, I know this is hard for someone in the majority to believe, but could the Chair describe how fairness to both sides and how both sides might be knowledgeable might proceed? Could we expect say 96 hours on constitutional amendments, or what does the Chair intend by fairness on both sides?

The SPEAKER. The Chair intends to go through the legitimate leadership of the gentleman's side of the aisle, and the elected leadership on the other side of the aisle.

Mr. GINGRICH. So in the future the legitimate leadership on our side of the aisle might legitimately expect to be informed?

The SPEAKER. The Chair considers the legitimate leadership as the leadership that was elected, not caucuses within the party.

Mr. GINGRICH. If the Chair would yield for one second.

The SPEAKER. Certainly.

Mr. GINGRICH. I would agree with that and I think the legitimate leadership on our side would be delighted to be informed on a regular basis and I think the Chair, if it checks, will discover that on the equal rights amendment ploy, the leadership on our side was not informed of the suspension

effort on that amendment in adequate time.

The SPEAKER. Well, there is no sense in the Chair getting into dialog, but that was common knowledge for some time, not only to the gentleman's leadership, but to all the Members of the House. If the gentleman wanted to blind his eyes to it, that is a different thing.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I have been greatly concerned, as many of my colleagues have been for some time, with the fact that this body does not get to the heart and guts of the issues concerning the budget and the deficits. There has been a great deal of debate and finger pointing as to who is at fault, this side, that side, the President.

One of the greatest problems we face is the fact that when we pass a bill out of this House and the Senate passes one, usually the bill goes to the President's desk and it is a hob-gob of any number of items, often multibillion dollar items. Included in that is all kinds of stuff that the President has no practical opportunity to veto. If he does veto the whole bill, he probably shoots down something that is really important.

We need to have the line item veto. We need to have that out for a floor vote now; the amendment to the Constitution, House Joint Resolution 404.

Until the Speaker just issued his gag order, I had intended to ask unanimous consent to bring that up. I am not going to now, because that is not proper under his ruling; but I think it is very, very poor policy, on the part of this House not to allow us to ask these unanimous-consent requests, for the simple purpose of pointing out the really atrocious problems facing this country today and this Congress as a body and to try to get the really critical issues before us instead of being bottled up in committee by the Democratic leadership.

THE BALANCED BUDGET AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I, too, anticipated coming up here today to ask for a unanimous-consent request, not to embarrass the leadership on either side, but to express a feeling that I have that is very strong and I have been talking about for some time.

First of all, I want to compliment the House for the action that we took yesterday to hold down spending. It is one of the few times in the relatively short period of time that I have been here where I have seen this body act that responsibly.

I had the opportunity in my first set of hearings in the Budget Committee to hear some rather interesting facts.

The point I am trying to raise is that during that first hearing it was mentioned that if we continue to spend the way we have been spending for the last several years, that we would see deficits of $184 billion, consuming 94 percent of the net private savings of this country.

So I think it is a reasonable thing to say that now the time has come that we must talk about a balanced budget amendment; but again, under the rules that are being talked about today, I do not have the right any longer to ask for such a unanimous-consent request.

I thank the Speaker.

THE 10 FEDERAL REGIONAL CENTERS SERVE MILLIONS OF AMERICANS

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, today I am introducing legislation that will protect and maintain the 10 Federal regional centers throughout the United States.

My colleagues should be aware that the 10 Federal regional centers which serve millions of Americans by bringing Government closer to the people could be threatened with closure by a report issued to a Cabinet Council that will make its own recommendations to the President as early as next month. I strongly oppose closing down the Federal regional centers for two reasons. First, they serve a vital role in making Government more efficient and accessible to the taxpayers. Second, closing regional centers would cause extreme economic damage to thousands of Federal workers and to the communities in which they live while saving little money, if any, for the Federal Government.

My hometown of Kansas City, Mo., is 1 of the 10 Federal regional centers. By employing 23,000 people, the Federal Government is the area's largest employer. These people, and their salaries, represent a significant portion of the area's economic base. Without them, Kansas City and the surrounding area would suffer extreme financial hardship.

The Kansas City regional office, and nine others located in Boston, New York, Philadelphia, Denver, Dallas-Fort Worth, Atlanta, Chicago, Seattle, and San Francisco were created by Executive orders in 1969 by then-President Nixon. It was believed then, and it holds true today, that American citizens should have relatively easy access to their Government's services. Furthermore, the regional problems of our Nation can oftentimes best be served by decentralized Government whose officials live and work within those regions.

Now, however, there are reports circulating that some—and possibly all—regional centers could be closed or consolidated by the stroke of the President's pen.

Therefore, my legislation would codify the 1974 Office of Management and Budget Circular which established the 10 regional centers. It would make closure or consolidtion of any regional center contingent on congressional approval. I am sure my colleagues share the belief that the Federal Government should remain accessible to the people. Therefore, Congress should be able to debate and vote on any proposal that would restructure or eliminate the Federal regional center system.

I ask my colleagues to join me in cosponsoring and supporting this important legislation.

□ 1520

HAIL TO THE REDSKINS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, too often we in this country are quick to praise those who are winners and quick to forget those who are not successful in a game or competitive contest. Those of us who are in the political arena know this all too well, and those who compete in the world of professional sports are also well aware of this unfortunate syndrome.

I would like to offer today at least 46 good reasons to change this way of thinking before it becomes embedded in the American culture. Those 46 reasons are each and every one of the 45 Washington Redskins players, as well as Head Coach Joe Gibbs and his fine coaching staff.

Despite the fact they scored fewer points than the Los Angeles Raiders in this year's Super Bowl, these Washington Redskins have every reason to be proud of their performance in the 1983-84 season. Once again, just as last season, the Redskins' play on the football field brought together people of all fields. In a community where divergent backgrounds and viewpoints are the norm, we could once again agree that the Redskins show what being a real "team" is all about. In fact, the Redskins played so well so consistently that their performance became the standard by which all other National Football League teams came to be judged.

As the Representative for Virginia's 10th Congressional District, where Redskins Park is located and where so many Redskin players reside, I want to express my thanks and appreciation for the effort which each of the Redskins and their coaches put forth during the season.

On this day when many thousands of Redskin fans have gathered in this city to honor their returning heroes, I ask my colleagues, no matter what team they may cheer for during the year, to join me in praising a team that lost one game but won over an entire city. Hail to the Redskins.

KHOMEINI PERSECUTION OF BAHA'IS CONTINUES

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, sadly I must report to the House that the American Baha'i community has received further confirmed reports of continuing acts of violence aimed at their coreligionists in Iran.

During November Bahman Dehqani was killed by a mob in Muhammidiveh and Iran Pahimpur was slain shortly after the delivery of her child and the baby taken by Moslem fanatics. In January, Rahmatullah Hakiman died as result of wounds he sustained from acts of torture by his prison guards.

Currently 550 Baha'is, many of them former elected members of Baha'i organizations which disbanded themselves last September, in compliance with a government edict, are languishing in prison. Thousands of other Baha'is are subject to harassment at their jobs, in schools, and in public places.

It is a gruesome and ironic twist of fate that the Baha'is—who follow a religion which preaches nonviolence and the unity of mankind—are subject to this barbarism of the Khomeini regime.

I encourage my colleagues to raise their voices in protest and to add their names as cosponsors to House Joint Resolution 226, which condemns the Khomeini government's persecution of the Baha'is.

REPRESENTATIVE VUCANOVICH SUPPORTS MORTGAGE REVENUE BONDS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, today I rise in support of extending the mortgage revenue bond program which terminated on December 31, 1983. This vital program was terminated because it was included in tax reform legislation that many of us just could not support. However, I do not believe that this program should be held in limbo while Members of Congress are determining what should or should not be included in the 1984 Tax Reform Act.

Mortgage revenue bonds have been proven to help young families to buy a new home, provide a means to operate urban revitalization and home improvement programs and give States and local communities flexibility to meet housing needs unique to each area. In the State of Nevada, terminating the mortgage revenue bond program will have a major impact on Nevada's economy. From 1976 to 1983, Nevada was successful in issuing approximately $312 million in low-interest, tax-exempt bonds for the purpose of providing low interest mortgage money for first-time, low-income family home buyers. This money resulted in their ability to finance the purchase of 6,000 single family homes. Without the mortgage revenue bond program, many of these families would have remained in Federal housing projects or, even worse, become homeless.

Low-cost financing alternatives in the current high interest rate environment are necessary to insure a healthy housing economy. Only by passing legislation to extend mortgage revenue bonds can American families afford to own their own home. I am a cosponsor of H.R. 1176 which would totally eliminate the sunset provision for mortgage revenue bonds. I urge my colleagues to quickly enact this legislation, or at the very least, past legislation which will extend the mortgage revenue bond program.

PROCEDURAL FAIRNESS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I learned yesterday you referred, I am sure in a spirit of good will, toward antagonism, crustiness, and ruthlessness on the part of some Members. Today you referred to orderly procedures for considering legislation and to fairness on both sides and that both sides be knowledgeable.

I know it is hard for those who have been in the leadership and in the majority for virtually their entire career to appreciate it, but in checking a few minutes ago I discovered that our side did not know the Friday before ERA was being brought up that it would be brought up and that it learned only by dialog on the floor late on Monday.

Let me suggest that if we wish to stop the kind of procedural bickering that has begun, it will require some joint work by leadership on both sides and not the continuing of maneuvering through such steps as the recent effort on ERA to bring it up under suspension.

REAUTHORIZE MORTGAGE REVENUE BONDS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, yesterday I introduced a bill (H.R. 4619) to allow single family mortgage revenue bonds to be issued for another 5 years. Since the authority to issue these bonds expired on December 31, this legislation is vital to the home builders and potential homeowners of our Nation, particularly those of low and moderate income.

In 1983, these tax-exempt mortgage bonds provided some $11 billion in low interest financing for about 220,000 new and existing housing units. In addition to financing nearly 15 percent of all new single family home sales in 1983, these bonds generated about 100,000 new construction jobs, producing about $1.7 billion in wages, and approximately $800 million in Federal, State, and local taxes.

As Federal housing assistance continues to dwindle, State and local governments are faced with greater responsibility in meeting housing needs. Mortgage bonds have proven highly successful in responding to that challenge and are one of the only home financing tools available at the State and local level. My bill would assure that this success story can continue for at least the next 5 years.

A NEED FOR DISABILITY REFORM LEGISLATION

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I was also shocked, as was the gentleman from Texas, to learn that the administration today has announced that it does not intend to support any disability reform legislation this year.

I think that there is no more pressing concern for millions of Americans and returning some semblance of humanity and decency to our disability program. All of us in this body have heard from our constituents as to the terrible cases of injustice that have taken place in the past few years.

The Ways and Means Committee reported out a substantial piece of legislation on a bipartisan basis to reform that program. If we fail to act now, despite what the administration has said, we will be doing an injustice not only to our constitutents, but to a program that millions of Americans have come to rely on.

I hope that the chairman of the Ways and Means Committee will bring that legislation to the floor as quickly as possible. I hope we can keep a strong bipartisan commitment to bringing it about, and I hope we can get the other body to act in its turn.

□ 1530

INTRODUCTION OF LEGISLATION REGARDING THE INTERCEPTION OF TELEPHONE CONVERSATIONS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I am joined by my colleagues Howard Berman and Larry Smith in introducing legislation which would make the tape recording of conversations without the consent of all parties a Federal crime.

Current Federal law regards the unauthorized interception of wire or oral conversations as a felony in most cases, punishable by a fine of $10,000 and/or 5 years in prison. However, an exception to that law states that it is not considered a felony if one party to the conversation is aware that it is being taped.

The bill we are introducing would strike the one-party-consent language from current law. The elimination of this provision would mean that all parties to a conversation being taped must have knowledge that their discussion is being recorded, or face possible criminal prosecution. Exceptions for law enforcement officials, however, would remain in effect.

Although this legislation was initially prompted as a result of the actions of Charles Wick, who secretly tape recorded over 100 telephone conversations, its results will go a long way in protecting against similar abuses of the public trust in the future.

We encourage our colleauges to join us in this effort.

HELP SAVE TAX-EXEMPT MORTGAGE REVENUE BONDS

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute.)

Mr. LEHMAN of California. Mr. Speaker, the Federal Government's tax-exempt mortgage revenue bond program was allowed to expire on December 31, 1983.

This program has successfully assisted thousands of low- and moderate-income families in the purchase of their first home. The mortgage revenue bond program also works to stimulate the homebuilding industry and to provide jobs for thousands of construction workers.

In my home State of California, the $1.45 billion worth of mortgage revenue bonds that were issued in 1983 accounted for 43,000 jobs and $4.4 billion worth of economic activity. I am sure that these bonds provide similar results in every State.

It is because of the proven effectiveness of this program that I am introducing legislation today to extend the mortgage revenue bond program until December 31, 1988.

Without an extension of this program thousands of potential home buyers will be priced out of the housing market. Scores of jobs in construction and related industries will be lost. The total economic effects of the loss of this program would be enormous.

I urge my colleagues to support efforts to reauthorize this important program as soon as possible.

IN BEHALF OF WEATHERIZATION AND EMPLOYMENT ACT

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I would like to take this time to voice my strong support for H.R. 2615, the Weatherization and Employment Act, which passed the House yesterday.

Like many of my colleagues, I have recently finished visiting various towns and communities in the District. One Federal program which received widespread support was the low income weatherization program. Garrett and Allegany County, which are on the western end of the Sixth District have significant pockets of citizens living in inadequately heated housing. Winters such as the one we are now experiencing can be fatal to many of these people due to the lack of heat. However, thanks to the low income weatherization program, we have made modest gains in protecting those on low and fixed incomes from the extremes of the weather. I know that many of my colleagues may be disappointed that a higher funding level was not approved. However, I believe that the funding level incorporated into the bill which passed still represents a continued commitment to weatherizing our Nations poorly insulated housing stock.

ELECTION OF CHAIRMAN OF COMMITTEE ON FOREIGN AFFAIRS

Mr. LONG of Louisiana. Mr. Speaker, I offer a privileged resolution (H. Res. 396) and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 396

Resolved, That Dante B. Fascell, Florida, be, and he is hereby, elected chairman of the Committee on Foreign Affairs of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 203, TO ESTABLISH STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-591) on the resolution (H. Res. 399) providing for the consideration of the bill (H.J. Res. 203) to establish State commissions on teacher excellence, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2465, EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AND FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 AUTHORIZATIONS, 1984 AND 1985

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-590) on the resolution (H. Res. 398) providing for the consideration of the bill (H.R. 2465) to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2878, LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-589) on the resolution (H. Res. 397) providing for the consideration of the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, which was referred to the House Calendar and ordered to be printed.

CALENDAR WEDNESDAY

The SPEAKER. This is the day of Calendar Wednesday. The Clerk will call the committees.

AGRICULTURAL PRODUCTIVITY ACT OF 1983

Mr. DE LA GARZA (when the Committee on Agriculture was called). Mr. Speaker, by direction of the Committee on Agriculture, I call up the bill (H.R. 2714) to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, and I ask unanimous consent that general debate be limited to not more than 1 hour, to be equally divided and controlled by the gentleman from New Mexico (Mr. SKEEN) and by myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and under the rule, the House automatically resolves itself into the Committee of the Whole House on the State of the Union.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2714) with Mr. PICKLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. DE LA GARZA) will be recognized for 30 minutes and the gentleman from New Mexico (Mr. SKEEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring for consideration of the Members H.R. 2714, the Agricultural Productivity Act, of which Mr. WEAVER, our distinguished colleague from Oregon, is the prime sponsor. He was joined by some 60-odd Members, colleagues of the House, in presenting this legislation.

It was approved overwhelmingly by the Committee on Agriculture and we bring it up under this procedure now of Calendar Wednesday.

The Agricultural Productivity Act of 1983 (H.R. 2714) provides for the Department of Agriculture to conduct a research program to investigate farming systems designed to help farmers reduce production costs, conserve water and energy, and control erosion, by making use of modern organic-type agricultural technologies, and to conduct an extension program to promote the understanding of such farming systems.

In addition, it authorizes financial assistance under the ongoing agricultural conservation program to farmers who utilize intercropping systems to establish a vegetative cover that improves nitrogen fixation, rebuilds the soil, and reduces soil erosion. Intercropping is the practice of planting legumes, grasses, or other soil conserving crops between rows of crops such as corn, wheat, or soybeans.

Although American farmers are the most productive in the world, our agricultural system faces an uncertain future. Tried and true farm programs are in disarray, production costs are rising sharply, soil erosion is increasing at an alarming rate, and farm income continues to decline precipitously.

This is clearly a time of stress for American farmers and their land.

Many farmers are looking to the Department for technical advice about farming systems that will help them cut production costs, conserve water and energy, and control soil erosion.

The USDA recognizes its crucial role in providing farmers with this information, and the Agricultural Productivity Act will assist them in meeting this objective.

Mr. Chairman, this legislation is aimed, one, to coordinate within the Department of Agriculture and hopefully within the United States, the expertise of farmers, institutions, the Department of Agriculture, and hopefully other agencies of the Government that might impact on the modern organic-type agricultural technologies. And it is designed also to conduct an extension program to promote the understanding of such farming systems.

Mr. Chairman, I might mention that this is but a very small first step to bring coordination to an area that hopefully can be the salvation of American and world agriculture in the years to come.

You will not have a more important bill this year on agriculture than this bill. I would like to explain very briefly why.

The world finds itself in a very delicate and sad situation in that in a few years the population of the world will be such that even with advanced technologies and great productivity in areas such as ours, because of demands on infrastructure, transportation, refrigeration, water, housing, et cetera, and lack of income in the other countries, there is not going to be enough food to feed the people of the world.

□ 1540

They then will have to resort to the most available use of agriculture. And there the high technology, the huge machinery, that which makes us the most productive nation in the world is going to be for naught, because this is going to have to be done by poor nations, in poor areas, where every available technique of what we speak of here will need to be utilized.

So, when we might impact on the survival of millions of people, $10 million, Mr. Chairman, is such an infinitesimal sum that I am almost ashamed to say that we are asking for such a small amount for coordination of programs that may well be the survival of millions and millions of people in the undeveloped and underdeveloped countries of the world. And this is but a very small first step in a sincere effort to coordinate all related activities within the Department of Agriculture, our institutions, the private sector and with the private farms, toward the realization of such goal.

We have seen what can happen when we are short of energy, when we are short of fossil fuels. That you have to rely on tried and natural techniques of the original farmers, but which have been abandoned and lost because of our great technological advances.

Since the 1973 oil embargo, farmers production costs have spiraled steadily upward. By 1982, farm expenses exceeded farm receipts—by $400 million—for the first time in history. Government projections provide little hope for improvement in the near future. The Department of Agriculture estimates in a recent report entitled "Inputs Outlook and Situation II" that farmers will spend an unprecedented $40 billion for pesticides, fertilizer, energy and farm machinery in 1984. Further, a 1983 report by the Department of Commerce predicts that rising natural gas prices could double the cost of nitrogenous fertilizer by 1985.

While production costs have climbed, water supplies for irrigation have dwindled. Not only has demand from nonagricultural users increased, but in some regions of the country, as much as 40 percent of water used in irrigation systems is wasted.

At the same time, topsoil erosion has reached levels unseen since the Dust Bowl era of the 1930's. Department of Agriculture experts believe that the maximum soil loss that can be tolerated, while still maintaining long-term productivity, is 5 tons per acre per year. Yet, the current average erosion level on our 415 million acres of cropland is almost 7 tons per acre per year.

In the past, Congress and experts at the Department of Agriculture have recommended new research initiatives which would examine farming systems that would begin to address these problems.

These systems, which the Department generally refers to as "organic farming," are not limited to certain types of farm practices or procedures. Rather, they constitute a combination of innovative farming practices that can be varied to fit a particular farmer's needs and objectives. The Agricul-

tural Research Service has described "organic systems" in its 6-year plan as "agricultural systems that avoid or minimize the use of nonrenewable resources, conserve soil and water resources, maintain or increase soil productivity, and produce high quality products."

In the 1977 farm bill, Congress directed the U.S. Department of Agriculture to investigate and analyze the feasibility and practicability of using organic wastes such as manures, crop residues, and sewage sludge to improve soil fertility on American farms.

Three years later, the Department released a "Report and Recommendations on Organic Farming," which examined a variety of new methods of fertilization, soil conservation, and enhanced crop production. The report concluded that even a partial shift away from energy intensive farming practices would significantly help farmers improve their operations. Most importantly, the report suggests that these methods are cost-effective.

What we are saying here today is that we need to put in place next to and side by side our great technological capability, that which can be utilized by other countries, underdeveloped countries, by the poor countries, and by many in our own country that well may have need because of lack of water, or lack of energy, or lack of resources. Finally and hopefully, it could well lead toward reducing costs of programs and a lowering of budget demands.

Mr. Chairman, I implore my colleagues to take a careful look at this bill because this well may be the most important piece of legislation that we considered this year. We are talking about feeding people. We are talking about starvation that is present now. And, we are talking about a population in the world that will not be manageable. The existence of hunger in our Nation and in the world, the lack of food for man and his family, is a barrier, an impediment, an obstacle to peace and order in the world.

The Agricultural Productivity Act of 1983 would remedy this problem. It would establish 12 on-farm pilot research projects to collect and analyze data about the effects of a transition from energy intensive farming practices to organic-type farming systems which reduce production costs, conserve water and energy, and control erosion. Each project would span a 5-year period.

Twelve additional studies would analyze similar data on farms which had been using the low-energy systems for at least 5 years in order to examine the efficiency of their operations.

The bill also provides authority for cost-sharing assistance under the regular agricultural conservation program to help farmers who utilize intercropping systems to establish a vegetative cover that improves nitrogen fixation and controls soil erosion. Intercropping is the practice of planting legumes, grasses, or other soil conserving crops between rows of crops such as corn, wheat, or soybeans.

Finally, the bill directs the Department of Agriculture to inventory and assess existing research and extension materials, and to recommend new research that will help farmers achieve a better understanding of innovative farming practices. The Department already has initiated a minimal effort along these lines, but it has been funded only at a small fraction of what such a study would cost. Our bill would help guarantee that the Department's survey is adequately funded and properly conducted.

H.R. 2714 would authorize the Department to spend up to $10.5 million over 5 years to implement these programs. While the costs of this bill are minimal, the benefits to American and world agriculture would be substantial. We believe that the Agricultural Productivity Act will help guarantee that our farmers continue to have the land, water, energy, and technology they need to maintain their preeminent role in food and fiber production, and to share their expertise with other countries.

Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WEAVER), the principal author of the legislation.

Mr. WEAVER. Mr. Chairman, I just want to say that I have felt that the gentleman from Texas (Mr. DE LA GARZA) is one of the great leaders of this House of Representatives and after hearing that statement just now, I am in awe of the sensitivities, as well as the leadership, this fine man has. I commend that excellent statement.

There is no question that we face serious times in the years and decades to come in feeding a world where the population has quadrupled at a time when what has helped us to increase our food production, basically the oil and the derivatives of chemicals and mechanics that have come with this great oil are going to be diminishing. We could do no greater thing than to help the peoples of this world feed themselves. Not us feed them, but help them feed themselves. That is the only way, as the chairman said, that we can avoid starvation and famine that surely will come as the world's population begins to exceed its ability to produce food.

We have developed in this country the greatest agriculture ever known in history. It has produced a bounty that has blessed this country to the greatest degree.

One of the primary realizations and causes of this has been the new technologies, the modern technologies, that have been developed through oil and chemicals.

But I do fear for our food production in the years and decades ahead as soil continues to erode, as water supplies and ground water diminish. And I believe that now is the time—not later, not 5 or 10 or 20 years from now when the exigencies may appear more dire—to begin showing our great farm community, that has done such wonderous things in production for our country, showing them where they can be profitable today in developing just part of the techniques that would be less energy intensive and use more natural needs. Now we do not want to change agriculture overnight. We should not want to do that and it could not be done anyway. What we want to do is to start simply developing those techniques, natural techniques, that might be used today in interpolating within the existing agricultural system.

And as the chairman said, this bill is the barest beginning of ways to enable profitable transition.

H.R. 2714, the Agricultural Productivity Act of 1983 is a simple, straightforward bill that implements a research and extension program which the Congress, and the Department of Agriculture's own experts and advisers, have been recommending for the past 4 years.

It would establish 12 onfarm pilot research projects to collect and analyze data about the effects of a transition from energy-intensive farming practices to systems which, within the context of modern agricultural technologies, reduce production costs, conserve water and energy, and control erosion. Each project would span a 5-year period.

Twelve additional studies would analyze similar data on farms which had already gone through the transition period, in order to examine the efficiency of their operations.

It is important to note, Mr. Chairman, that these research projects do not single out one particular type of farming for study. Rather, they are designed to examine a broad range of innovative technologies which will benefit all farmers.

H.R. 2714 also provides authority for cost-sharing assistance under the regular agricultural conservation program to farmers who utilize intercroping systems to establish a vegetative cover that improves nitrogen fixation, rebuilds the soil, and controls erosion. Intercroping is the practice of planting legumes, grasses, or other soil-conserving crops between rows of crops such as corn, wheat, or soybeans.

Finally, the bill directs the Department of Agriculture to inventory and assess existing research and extension materials, and to recommend new research, that will help farmers achieve a better understanding of innovative farming practices.

H.R. 2714 authorizes the USDA to spend up to $10.5 million to implement these programs, based on an estimated cost of $2.1 million per year for 5 years. This total represents less than one-half of 1 percent of the current Agricultural Research Service appropriation, and will not divert any funds from existing USDA research initiatives.

Without doubt, agricultural research is the cornerstone of American farm productivity. We have made tremendous progress in the past 30 years in our ability to produce food and fiber. Before the "Green Revolution" Swept across America's farmlands, our farmers produced enough food, on the average, for 16 people. Today, they can feed 68.

This increase is due, in large part, to rapid technological advances in machinery, plant germ plasm, and fertilizers. The USDA's publicly funded research programs fostered many of these productivity improvements, and they clearly have an important role to play in helping our farmers in the future.

But the technological advances of the past quarter century, beneficial though they are, have brought with them their own problems. They have ushered in a new ERA—an ERA of industrial farming in which short-term yields often take precedence over long-term sustainability.

We now live in an era of limits—limited soil, limited water, and limited energy. It is important, therefore, to devote some of our agricultural research budget to the examination and development of farming systems which, within the context of modern agricultural technologies, will insure the long-term sustainability of our food and fiber production system.

Since the 1973 oil embargo, farmers' production costs have spiraled steadily upward. By 1982, farm expenses exceeded farm receipts—by $400 million—for the first time in history. Government projections provide little hope for improvement in the near future: The Department of Agriculture estimates in a recent report entitled "Inputs Outlook and Situation II" that farmers will spend an unprecedented $40 billion for pesticides, fertilizer, energy, and farm machinery in 1984. Further, a 1983 report by the Department of Commerce predicts that rising natural gas prices could double the cost of nitrogenous fertilizer by 1985.

While production costs have climbed, water supplies for irrigation have dwindled. Not only has demand from nonagricultural users increased, but in some regions of the country, as much as 40 percent of the water used in irrigation systems is wasted.

At the same time, topsoil erosion has reached levels unseen since the dust bowl era of the 1930's. Department of Agriculture experts believe that the maximum soil loss that can be tolerated while still maintaining long-term productivity is 5 tons per acre per year. Yet the current average erosion level on our 415 million acres of cropland is almost 7 tons per acre per year; and more than 25 percent of all U.S. cropland exceeds the 5 ton per acre tolerance limit.

For the past 4 years, Congress and experts at the Department of Agriculture have recommended new research initiatives which would examine farming systems that would begin to address these problems.

In the Food and Agriculture Act of 1977, Congress directed the U.S. Department of Agriculture to investigate and analyze the feasibility and practicability of using organic wastes such as manures, crop residues, and sewage sludge to improve soil fertility on American farms.

Three years later, the Department released a "Report and Recommendations on Organic Farming," a study outlining significant concerns about the state of the U.S. agricultural production system. According to this report, major problems confronting farmers and our agricultural system include: First, increasing costs and uncertain availability of energy and chemical fertilizers; second, excessive soil erosion, loss of soil and organic matter, and resultant decline in soil production and tilth; third, degradation of the environment, including hazards to human and animal health from heavy pesticide use; and fourth, the demise of the family farm and localized marketing systems.

The report concluded that even a partial shift away from energy-intensive farming practices would signficantly help farmers improve their operations. It went on to recommend a series of organizational changes and extension efforts to counteract the impact of the problems it had identified. It also recommended new research initiatives, including case study analyses, using a systems approach, to examine the complex chemical and microbiological changes that take place during a transition from so-called conventional to organic systems.

In the wake of this report, many questions were raised about wht USDA meant by "organic farming systems." Did it require the complete elimination of all synthetic fertilizers and pesticides from American farms? Would it mean a return to the "horse-and-buggy days" of farming. The answer is, of course, "No."

Like a musical score or a work of art, organic farming typically means different things to different people. When the USDA uses it, however, it means productive agricultural systems that avoid or minimize the use of nonrenewable resources, conserve soil and water resources, maintain or increase soil productivity, and produce high quality products. Finding the right combination of farming practices to achieve these objectives is not unlike the skillful, dedicated effort required to create a priceless painting or a superb symphony.

The urgent need to embark on a research program designed to find those combinations was expressly recognized when, in October 1980, 3 months after the organic farming report was released, the National Agricultural Research and Extension Users Advisory Board recommended that USDA significantly redirect current levels of research and extension work to expand and improve the use of economic organic methods. The Board specifically cited the organic farming report's recommendations.

The Users Advisory Board (UAB) was established by Congress to prepare independent opinions on needs and budget priorities for research and extension in agricultural sciences. In fulfilling that role, the UAB regularly makes recommendations for short- and long-term national policies, priorities and strategies for agricultural research and extension programs conducted by or through the USDA.

In October 1981, the Users Advisory Board chastised the Department for failing to heed its advice, and again recommended that funds be redirected from other agricultural production related work. In addition, the Board expressed its concern that the Office of Management and Budget could override or ignore the consensus of expert, research user, and political opinion by arbitrarily reversing the priorities established in the USDA's 1980 report.

Congress expressed its opinion again in the 1981 farm bill when it recommended an expanded program of soil and water conservation research, a key objective of which is "establishing integrated multidisciplinary organic farming research projects designed to foster the implementation of the major recommendations of the Department of Agriculture Report and Recommendations on Organic Farming, July 1980."

Most recently, the USDA's Agricultural Research Service 6-year plan, released in January 1983, advocates developing farming systems "characterized by less costly methods and by technologies that are safe, sustainable, and environmentally sound." The plan further recommends innovative research "to reduce farm production costs while maintaining a high level of sustainable productivity through the development of efficient and diversified crop- and animal-production systems," and "to insure the conservation of our natural resources."

In spite of these recommendations, this type of a research program is not

yet being effectuated by the Department.

H.R. 2714, the Agricultural Productivity Act of 1983, would remedy this problem by establishing a research and extension program at USDA consistent with the foregoing recommendations.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) is recognized for 30 minutes.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

□ 1550

Mr. Chairman, this is not the first time we have seen this bill. This is the Weaver organic farming bill, and I want to state right at the outset that I am probably as great an advocate of organic farming as anybody here. That is my field of professional work, agricultural engineering, and I have dealt in great part with systems of organic farming and the inculcation of organic farming elements within agriculture itself.

I want to laud the Chairman, the gentleman from Texas, for the astute remarks he made in connection with organic farming and what the effect has been on American agriculture, and I want to laud Mr WEAVER for his endurance in bringing before this body a bill that gives us some perception, yet creating some kind of a controversy, over how we are going to implement this thing called organic farming along with conventional farming practices.

What they are saying is true. There is a need throughout the world to provide the most efficient energy-conserving kinds of agricultural practices possible. We do not want hunger anywhere in the world. But I have to oppose this bill, Mr. Chairman, because it is absolutely unnecessary, redundant, and the authorization asked of $10.5 million is, as the Chairman, the gentleman from Texas (Mr. DE LA GARZA) has said, a mere pittance, but $10 million here, $10 million there and $10 million somewhere else soon adds up: you get to a billion dollars here and a billion dollars there. Maybe we should not be that cavalier about the kind of money we put out in these kinds of programs, particularly when they are not needed.

The Department of Agriculture opposes the enactment of this bill, as I do, because the purposes of the bill are already being accomplished by research that is currently underway in the Department of Agriculture.

The second point is that the bill's restrictions on how agricultural research is to be conducted would hamper the conduct of such research and make it more expensive and less useful.

Also, the bill's authorization levels are higher than those needed to accomplish the purposes of the bill under the existing law, and yet they are insufficient to fund the overly restrictive programs required in H.R. 2714.

What I am saying, Mr. Chairman, is that we are not opposed to the principles involved in organic farming any more than we are opposed to conventional farming, because most of the practices that are feasibly practicable in organic farming have been included in the practices of most American farmers in conventional farming.

My problem is with the authorization of $10.5 million for a program that is duplicative. With today's budget crunch, I think we ought to be looking at ways to curtail the budget rather than looking for new programs. That has been our history for far too long.

If this were the only way to provide this kind of expertise, I would certainly go along with it. But it is not. We have stacks upon stacks of information available to any kind of farmer in any part of the world, covering most organic farming practices, and they are available to this day.

Pilot programs within the United States would be of very little use to anyone else anywhere in the world if your purpose is to help developing countries. We have people who are there from the Department of Agriculture and the Department of State who are doing a tremendous job overseas in trying to make people aware of what practices we have done research on in the organic field, as well as in the conventional field, and those practices that would be applicable to the kinds of agriculture that are going on in those parts of the world.

So what I am saying to the Members, Mr. Chairman, is this: We are doing what we should in the way of research that is necessary to keep us abreast of what is developing in our so-called organic practices as well as inculcating those into conventional farming practices.

Right now we are in the Department of Agriculture expending the time of four persons. Over 2 years ago there was just one person doing half of the full-time equivalent job in dedicating his time to research in organic agriculture; today we have four people doing part of their work in organic research and application. Now we are getting at least about eight-tenths of a full-time equivalent in this particular field. This information was supplied to me by letter dated January 20, 1984 from Assistant Secretary Bentley which is reprinted below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 20, 1984.

Hon. JOE SKEEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SKEEN: This is in response to your letter of December 22, 1983, requesting additional information pertaining to activities related to H.R. 2714, the Agricultural Productivity Act of 1983.

With reference to your question about the Committee Report No. 98-587, page 22, which contains the Additional Views of Congressmen Bedell, Daschle, and Weaver, we supply this information. Prior to September 3, 1982, when Dr. Garth Youngberg received a specific reduction-in-force (RIF) notice that his position was being eliminated he was assigned to the Science and Education Policy and Coordination Staff in a role one-half time (50 percent) as Organic Farming Coordinator, with the balance of his time being assigned to other responsibilities.

In September 1982, the responsibilities as coordinator and contact person for the Department of Agriculture's activities related to alternative or organic farming were assigned to Dr. Charles M. Smith, Soil Scientist, Cooperative State Research Service (CSRS). The following wording thereupon became a part of Dr. Smith's official job description; "Twenty percent of the incumbent's efforts will be devoted to alternative farming systems activities, variously labeled as organic and biological farming. Included in these efforts is the responsibility for providing a lead role for the Department and to serve as the Department's alternative farming systems point of contact. The incumbent will be responsible for maintaining a close liaison with the alternative farming researchers and specialists in the S&E agencies—Cooperative State Research Service, Agricultural Research Service, Extension Service, National Agricultural Library—and with appropriate scientists in State agricultural experiment stations and the Evans-Allen Institutions. In performing the lead role for the Department the incumbent will consult with appropriate officials in both action and research agencies as suitable to the needs of the Department. Guidance on alternative farming policy issues will be from the Assistant Secretary for Science and Education through the Administrator of the Cooperative State Research Service."

In addition, three persons in other Science and Education agencies were designated to work with Dr. Smith on these types of activities. They, likewise, have 20 percent of their job assignments on "organic farming" programs. This means that four persons, with a total of 0.8 FTE (full-time equivalent), have assigned responsibilities for these programs, whereas before September 1982, there was one person at 0.5 FTE. The effect of having four people is a broader scope of contact between USDA and research and extension education individuals and programs. An additional important point to add is that many State and Federal researchers are working on problems directly applicable to organic farming systems. Some of these will be referred to later in this letter.

Those assigned to the alternative (organic) farming activities work with research and extension scientists and specialists in all States and USDA, as well as provide information as requested by anyone. Specific examples of their activities can be provided if you wish. However, Dr. C. I. Harris' testimony made reference to some of their activities, as does the Report, 98-587. Their names and agencies are:

Dr. Charles M. Smith, Soil Scientist, Cooperative State Research Service; Dr. Ronald F. Follett, Soil Scientist, Agricultural Research Service; Dr. Ricardo Gomez, Horticultural Program Leader, Extension Service; Ms. Jayne MacLean, Librarian, National Agricultural Library.

You asked what investigations are underway to document research on farming sys-

tems, including organic farming. In September 1983, CSRS negotiated a Cooperative Agreement with the Iowa Agricultural Experiment Station at Iowa State University to engage scientists of the Agronomy Department to assess and classify all current research projects of the States and USDA that relate to farming systems, with particular emphasis on those projects producing results applicable to alternative or organic farming. This is explained on pages 24 and 25 of the Report on H. R. 2714, No. 98-587. Preliminary information indicates several hundred research projects apply to organic farming.

Alternative farming systems are defined differently depending on personal interests, experiences, and preferences. The Iowa study will identify those projects which fall within the scope of the definition in the 1980 USDA Report and Recommendations on Organic Farming. In addition, it is planned that other types of farming systems, when described, can also be identified with appropriate research projects. This will enable research planners to assess the apparent adequacy of research efforts being made on different segments of farming systems including those that constitute "organic" farming, thus helping to identify needed new trusts.

In a letter addressed to Congressman Weaver, dated April 8, 1983, Dr T. B. Kinney provided data to show ARS had $18.8 million, in FY 1982 invested in research that explored organic farming systems. This included insect control in horticultural crops and field crops, basic insect control technology, biocontrol and taxonomy, disease and nematode control, weed control technology, tillage practice, water use efficiency, and soil fertility.

"Organic" farming systems are not exclusively definable. In general, most of our contacts consider these types of systems as being those that stress maximum dependence on sources of plant nutrients from manures and other wastes, legumes, and plant residues, and on pest control from tillage, rotations, or biocontrol mechanisms. However, the Integrated Pest Management (IPM) philosophy of using chemicals only when necessary is also accepted by many as being "organic."

Farming systems are a continuum formed by combinations of management options used by a farmer, that range from those using inputs that include no manufactured chemicals, to those that rely heavily on them. Evaluating these complex systems of farming is difficult and costly if data of acceptable precision are to be obtained. Small and often significant modifications in farming operations impart important differences in total and net returns to farmers. Therefore, there is no definite number of farming systems. However, there are groups of systems that have similar enough characteristics that useful research can be conducted, especially where analyses are made of combinations of farming practices that have had their component parts researched under adequately controlled conditions in order to produce reliable data.

Additional examples of ongoing research where results apply to "organic" farming systems, as well as to other systems include much work on nitrogen fixation by Rhizobium microorganisms in nodules on roots of legume plants. There are special efforts, such as those by State and ARS scientists at the University of Minnesota, where they are trying to increase the efficiency of this nitrogen fixing relationship so greater amounts of nitrogen can be "manufactured" by the plants in a shorter time span. This can result in less dependence on fertilizer nitrogen for succeeding corn crops. Also, there are Regional Research Projects in both the symbiotic and nonsymbiotic nitrogen fixing areas of study. These include many States both where State and Federal scientists are working toward similar goals. Scientists are learning more about the mechanisms of fixation and factors causing higher efficiency with results being useful to farmers.

There are many examples given in the testimony of Dr. Clare I. Harris at hearings of both subcommittees that considered H.R. 2714. In addition, in California there is a commercial "organically-grown" 12-acre apple orchard being studied for the influence of coddling moth control by virus. Other similar research is being conducted on pear and English walnut orchards.

It is recognized that "biological control" encompasses a large number of specialized areas including use of parasites, predators, pathogens and allelopathy, and ecological niche competition, among others. The State agricultural experiment stations had research effort on biological control in the amount of 90 Scientist Years and a total State and Federal (CSRS) budget of over $10.0 million, according to FY 1981 estimates.

Numerous additional examples can be given and more definitive information will be available on the completion of the studies at Iowa State University, and a comparable literature study at North Carolina State University, both arranged for by CSRS.

We trust this information provides the answers you were seeking. If we can be of further assistance please call on us.

Sincerely,

ORVILLE G. BENTLEY,
Assistant Secretary,
Science and Education.

So I think that the Department has shown an interest and has tried to demonstrate that they have not overlooked the organic farming area and its principles, but kept the research ongoing and kept it within bounds while not duplicating, and used the money to the best possible and most efficient use today.

So those are the boundaries of my opposition to this particular bill. This bill was defeated in the last Congress under suspension. It was brought up again in committee before the recess and was passed. I think that it is time that we got a perspective and were a little more pragmatic. If we are going to practice practical farming, we ought to practice practical legislation. In my view, the only way to handle this right now is to let the Department of Agriculture do what it is doing, and doing very well. Let us not authorize another $10.5 million for programs that are not needed.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I want to make it clear that I do not oppose research efforts related to organic farming. And in that regard I want to associate myself with the comments about the efficacy about the idea as outlined here by the chairman and the gentleman from Oregon and the gentleman from New Mexico.

It has been my understanding that efforts have been and are ongoing under the auspices of the Department of Agriculture into organic farming, and that the legislation before us would be duplicative even of those efforts.

In a series of town-hall meetings that I recently conducted in my district, the question of our efforts on organic farming came up on several occasions, and I stated my understanding, as I have stated it here today, my understanding having been that this bill would duplicate efforts that are already ongoing. But several constituents indicated that there had been some RIF's in the Department of Agriculture, that job slots relating to organic farming were not being filed, and that there was a general effort underway in the Department to thwart the efforts on organic farming. I would just like to ask the gentleman from New Mexico or the sponsor of the bill or the chairman of the committee if they would care to comment on that question.

Mr. SKEEN. Mr. Chairman, in response to the gentleman from Missouri, I would like to state that this has been a question. And I would like to refer him to a letter from the Department of Agriculture, dated January 20, 1984, that I referred to earlier. It was written by Orville Bentley. I have copies available here, and they are also available on the desk of the majority. The letter outlines exactly what the Department has been doing and also refers to the RIF's in question and what they have done to implement the organic research and practice within the Department of Agriculture. There are now four people involved in the program, and they have increased the amount of work going on in that particular area from about half a full-time equivalent to about eight-tenths of a full-time equivalent.

Mr. EMERSON. I thank the gentleman.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I concur with what the gentleman read, but I must insist that there was a full-time coordinator. He was called the coordinator, nontraditional agricultural policy. That position was not filled. So that is not an existing position.

Then Dr. Charles Smith, in addition to his other duties, was asked to coordinate, and the letter that my colleague, the gentleman from New Mexico has, says that he shall devote 20 percent of his time, and that of the

other committee of four people, to this effort. So it is a haphazard, if-you-have-time sort of operation. They are from the different areas—Extension Service, Library of Congress, Research. That is already there. There is no denying that. You did not need to name these people. They should have been doing that as good practice already.

So this is not a new program. It is not something novel and innovative. It is an effort to coordinate that which is going to be needed in the future. This other arrangement does not coordinate. What time of the day is he going to devote to his 20 percent?

Mr. SKEEN. Let me respond to the chairman.

I would just like to remind the chairman that Mr. Garth Youngberg, who was the person who was RIF'd and the person in question, was not assigned 100 percent of the time to organic farming research and practice. He was only devoting 50 percent of his time.

Now, whether that was at nighttime or in the afternoon or in the morning, I cannot tell the chairman that, any more than I can tell the chairman what 20 percent of their worktime these individuals are devoting now to this specific practice. And this is one of my arguments about this bill. I understand the chairman's desire for coordination between programs, and I share that concern. But I do not think you are going to find you have any more coordination with a halftime, fulltime equivalent individual working on this project than you have with four people who are devoting some 20 percent of their time, which is eight-tenths.

I yield back to the chairman.

□ 1600

Mr. DE LA GARZA. Mr. Chairman, I just wanted to say to the gentleman that to use an "aggy" word, we are retrogressing. We have come from 50 percent of the time to 20 percent of the time, when we should be going back to 100 percent of the time.

Mr. SKEEN. Mr. Chairman, if I may reclaim my time, and I do not want to get into a debate on mathematics with the distinguished chairman, but 20 percent of four people is still eight-tenths of a full-time equivalent, so if we want to coordinate those activities, we can juggle any way the gentleman wants.

But I say this: I think the Department is trying to show a good-faith effort in devoting some time, and a great deal more time than was originally under the prior program, to organic farming practices and research.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I just would point out that up in my district of Pennsylvania we have had Amish farmers there for about 300 years doing organic farming and I can assure the House that they would allow us to come in and look at their success for far less than $10 million.

There is no doubt in my mind at all that they could find a way to allow us to take a look at what they have been doing very successfully for far less money than that.

But I have a question with regard to the bill that we are considering here with regard to another bill. Looking at the Union Calendar, it appears to me that we could have had before us today a bill to provide disaster assistance to agricultural producers and ranchers. I guess I have a question as to why this bill came to the floor rather than that bill, because I have heard of citrus disasters in Florida, we have an avian flu disaster in Pennsylvania, we have had drought conditions which are disastrous for agricultural producers. We have had a number of things where the agriculture has been adversely impacted upon by disaster.

It seems to me the farmers of the country would probably have thought it a higher priority to bring that bill to the floor today under this procedure than to bring out the bill that we now have before us. The bill we now have before us was defeated once before on the House floor. I am just a little curious as to why we would not bring a priority bill to the floor under this procedure and, instead, are fooling around with a bill that was previously turned down under the Suspension Calendar.

Does the gentleman from New Mexico have any clue to that?

Mr. SKEEN. I will answer the gentleman from Pennsylvania this way, Mr. Chairman.

I will defer to the great wisdom of my chairman, the gentleman from Texas, who is the chairman of the Committee on Agriculture of the House of Representatives that, in his judgment, and I concur also, that this is a very important measure. I agree with the gentleman from Washington (Mr. WEAVER) and the gentleman from Texas (Mr. DE LA GARZA).

Who decides which bill is more important than another I cannot tell you because I am not that close to the power hum.

Mr. WALKER. Mr. Chairman, if the gentleman would yield further, I understand that, and I guess I am really asking to get inside the decisionmaking process here. I have no doubt that this is an important bill, but my guess is that if one looks across the Nation as a whole, providing some disaster loan assistance to a lot of farmers and so on might appear to them to be more important, a higher priority, than the bill we have before us, which is a $10 million study.

I guess I am wondering why, when we had an opportunity to bring such a bill to the floor, that we instead came forward with a $10 million study.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the chairman, the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I would like to reply to the gentleman. No. 1, the present disaster in my area and the agriculture in Florida has just occurred. What we had in the bill that the gentleman mentioned was drought relief, and that the necessity was taken care of in the so-called dairy omnibus legislation where we provided for feed assistance and so on, for the drought victims.

Also, the economic emergency loan program of $600 million that we had legislated previously and appropriated to the Department, for reasons which I will not go into today, was not implemented or exercised. But under an order of a court, the Department of Agriculture was forced to exercise its authority and use that $600 million.

So the disasters the gentleman is speaking about were not covered by this other pending legislation, but under existing provisions passed in the dairy legislation or under the order of the court.

Mr. Chairman, I will yield back some time to the gentleman if I might at this point state that we are going to have to revise our legislation on disasters. They have happened in my area and in Florida, where we have an economic disaster. It appears that the FEMA, the Federal Emergency Management Agency, is geared to physical disaster, where we have a flood, a tornado, an earthquake, a hurricane; and they are not geared, really, to an economic disaster where a freeze or a disease kills all of one's stock, poultry. We are going to have to take a very careful look at disaster assistance if that be the general policy decision that is followed. But if that be the general policy, we are going to have to take a further look because we are not geared, the whole structure of the Government is not geared, to an economic disaster such as we are suffering from now.

I thank the gentleman.

Mr. SKEEN. I thank the chairman, and I thank the gentleman for his kind offer of the return of the time.

Mr. Chairman, if it is in order, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman from New Mexico very much for yielding this time to me.

Mr. Chairman, I agree completely with everything the gentleman from Texas has said, but I also believe that

contained in the bill to which he referred was some additional disaster loan money for FmHA. That is what I was referring to as a portion of the bill that farmers across this country might be interested in, given the fact that we have had some agricultural disasters since the time that this bill was reported.

I agree thoroughly with the gentleman that the disasters to which I referred have come after this bill was reported, but that still, it does not seem to me, would keep us from encumbering the funds for disaster purposes in other areas of the country that were contained in the FmHA loan money that was in that bill. Now, I may be wrong. I do not know the details of the bill very well, but that is my understanding of the bill. If the gentleman from Texas could correct that, I would be very appreciative.

Mr. DE LA GARZA. Mr. Chairman, if the gentleman would yield, I would only like to state to the gentleman that, working with the leadership on both sides, we agreed to bring up this legislation. We ask and implore the gentleman's assistance in speedily bringing up the next legislation so that we might try and assist farmers in need in his area and in my area and thoughout the United States.

Mr. WALKER. I thank the gentleman, but it still gets to the point that we did have an opportunity here this afternoon to be considering that disaster legislation on the floor. The priority decided by whatever leadership was that we will not consider the agricultural disasters of the country; instead, we will consider a $10 million study program on organic farming.

I think that the agricultural interests in the country ought to know and understand that that was the priority; that it was more important today to have this study program on the floor than to deal with agricultural disasters across the country. That is the sense of priorities that bothers me, and I think, Mr. Chairman, it is a sense of priorities that will bother some of the agricultural interests of the country.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. The bill does not provide for additional funding; it relates only to determination of an applicant's eligibility for disaster loan assistance. The Department was not cooperative with how we wanted to determine eligibility. That is really the only thing that it does. It does not add additional funding.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman from New Mexico for yielding this additional time to me.

Mr. Chairman, I thank the gentleman from Texas for his explanation, but I would remind the membership that we do have the ability on this floor to amend the bills that come out under Calendar Wednesday, if there were some problems with the Department, we could have still dealt with the disaster portions of the program and with amendments perhaps speaking to the needs of the people in my area, the needs of the people in the gentleman's area in Texas, the needs of the people in the area of the gentleman from Florida.

□ 1610

All of these things could have been dealt with here on the floor today in a disaster program. We do not have the opportunity to do that because, instead, we are considering a bill of a more narrow nature than the all-encompassing kind of a bill we could have had before us.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield in just a moment.

Mr. Chairman, it seems to me that is the sense of priorities that bothers me, and I would hope perhaps in the future, as this kind of procedure takes place in the future, as this procedure takes place, that we might want to consider major legislation of importance to the entire country rather than very narrow legislation.

Mr. Chairman, I am now very glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I want to agree with the gentleman. The gentleman is eminently correct. My good friend, as always, offers very cosntructive criticism.

We erred. I want the gentleman now to assist us next Wednesday. We will have that legislation next Wednesday, and I hope the gentleman will assist us. One week is not going to matter that much, and if the procedure continues next Wednesday, I hope the gentleman and I can bring this legislation forward and get on with it.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the subcommittee that handled this legislation, the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I would first like to add my own compliments to those already expressed by the gentleman from Oregon (Mr. WEAVER) to the chairman of the committee for the significant statement that he made initially with regard to the significance of this bill.

I think it is an important bill. It is a bill, of course, dealing with the future of this country and the need to conserve energy, to conserve soil, and to conserve water in order to have the kind of productive agriculture 50 years from now which was so well stated by the gentleman from Pennsylvania with regard to the Amish farmers in his own district. They have been farming that land for 300 years and maintaining the productivity of that land.

A good share of the land currently being farmed in this country is being eroded at the rate of over 5 tons per year and will not be farmable 50 years from now, to say nothing of 300 years from now. We need the kind of research that is reflected by this bill.

I would like to point out that in the subcommittee which I have the honor to chair, this bill was reported out by a vote of 9 to 2, including a majority of the Republicans. In the full committee it was reported out by a vote of 26 to 10. There really was not that much controversy in the committee, where we are familiar with the importance of this subject.

The controversy arose, the questions arose, and the negative votes arose because the Department was opposed to it. The Department says that they do not need the authority, and if it were all that important, they could be doing it. And that is true. They were doing it. The Department of Agriculture had an excellent program for coordinating organic farm research in this country. They issued an excellent report which stimulated a great deal of interest. It brought inquiries from all over the world as to what was being done.

The Department does do research. It is not necessarily called organic research, but it is on farm systems and on integrated pest management and on energy conservation, which is related to this subject. They had one person over there coordinating the requests for information, and in effect they fired that person. There was—and I do not think there is any question about this—a desire to downgrade the posture of this kind of research in the Department.

There is—and we have to face this—some objection to this kind of research. There is objection from those in the energy field and the petroleum field who think that this might discourage farmers from using as much oil or diesel fuel as they might like to sell.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

Mr. WEAVER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, there is objection from the chemical industry. If they focus on

ways to get along without the use of chemical pesticides and chemical fertilizers, it would decrease the market there, and sometimes these interests are very potent, although the forward-thinking people in these industries recognize that they have to face the inevitability of a decreasing market in agriculture for their products.

But it was this negative influence which led the Department to downplay the significance of this. So it is up to the Congress, if it feels that this is important, as the Department once did, to lay out the agenda and set forth the program. This is what the legislation does. There is no question about that.

Now, the Department says that they do not like Congress telling them how to structure their research. That is laughable. The Department's budget, line item by line item, is replete with congressional instructions as to how they will conduct their research. The Members know that, and I know that. The distinguished gentleman from New Mexico knows that as well.

So the argument that we should not be offering guidance to the Department as to what we consider to be priority in research falls on its face in light of the reality that we have before us. In fact, I happen to agree with the Department that we give them too much instruction. Nevertheless, this is a situation in which we merely seek to restore an emphasis, a prominence which the program once actually had and which it no longer has but which, as the distinguished chairman of the full committee indicated, is justified on the grounds of the long-range significance of this program to the future health and welfare of all the people in this country and all the people in the world. There can be no argument about that.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, I appreciate the gentleman's yielding me this time.

Mr. Chairman, I would like to address some questions, if I may, to our ranking member and the chairman of the subcommittee who is handling this legislation with the idea of trying to see if we might be able to complete this legislation here shortly.

I understand we only have two or three speakers left here, and maybe we could be ready to vote shortly and complete this legislation within the timeframe that the Speaker mentioned earlier today, which was before 5 o'clock.

Mr. Chairman, would the subcommittee chairman respond to that?

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the chairman of the subcommittee.

Mr. WEAVER. Mr. Chairman, there are a number of members of the Agriculture Committee on this side who do desire to speak on the bill, so we do have further speakers that will take up our time.

Mr. LOTT. Mr. Chairman, I would just like the record to show that we are prepared to complete our part of the debate over here in the prescribed time and go to a vote within the time limit that the Speaker set out as 5 o'clock.

Mr. WEAVER. Mr. Chairman, if the gentleman will yield further, I appreciate very much the gentleman's cooperation.

The CHAIRMAN. The Chair will advise the gentleman from Oregon (Mr. WEAVER) that he has 14 minutes remaining and the gentleman from New Mexico (Mr. SKEEN) has 10 minutes remaining.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, let me begin by saying that I think the motives and intentions of our distinguished committee chairman and the gentleman from Oregon (Mr. WEAVER) are headed in the right direction, even if the plan of implementation, I think, is not.

Not too many years ago, when I was studying government and political science, I was told that the way to be a successful politician in this country was to go into the halls of government and create a new program and come back to one's constituents and say, "See what I have done for you today? I am now the author of this new program."

I thought or at least I had hoped those times had changed because, I think, those are the times which have got us into trouble in this country with the deficits that we face today.

Because of that, I think that in 1984, as we look at legislation, we have got to ask a couple of questions. No. 1, is the program duplicative of what we already have in effect?

And, No. 2, will the program we are trying to create work?

Unfortunately, the bill before us, H.R. 2714, fails both of those criteria. First of all, as a member of the subcommittee and the full committee that considered heard this bill, I can tell the Members that it is duplicative. We already have all kinds of research relating to organic farming occurring in the Department of Agriculture by the Agriculture Research Service and under other research programs. First of all and most important, as the Department will tell us, their research is geared to programs which can be implemented both in conventional and organic agriculture.

□ 1620

Further, they will go beyond that and tell you that under their calculations we have some $18 million spent a year at the present time on organic agriculture.

The second thing we have to ask ourselves is if we are going to create a new program, is it going to work?

Now, there, unfortunately, H.R. 2714 again fails.

Assume you are going to start a program today to research organic agriculture in this country to find out whether or not it works. Take a look at this legislation. We are going to set up two pilot projects for dairy farmers and we are going to compare that to two dairy farmers already in organic agriculture, so we are going to study four dairy farmers in this country. We are going to ask every other dairy farmer in this country to be bound by the results of those four farms and ask that based on the results of those four farms, will you decide whether or not you ought to embark on this program?

In terms of fruits and vegetables, again only two farmers presently in organic agriculture and two going into it. Four vegetable farmers in the whole country are going to set the precedent of whether or not we ought to have organic agriculture in the fruit and vegetable industry.

In terms of growing crops and raising livestock, again we are going to have only four in that area, four in the wheat, feed grains, and cotton areas.

In other words, 24 farmers in the entire United States are going to determine whether or not we have definitive evidence as to whether or not organic agriculture works. I do not think there is anyone here or any scientist anywhere in this country who would suggest that 24 experiments ought a report and a conclusion make.

Finally, I would like to tell you that last week while I was back in my district speaking with my constituents, one of them brought up the idea that they are in organic agriculture today, and I jumped at the chance, and I said, "What should government be doing in this area?"

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 more minute to the gentleman from Wisconsin.

Mr. GUNDERSON. Again, I asked these constituents, "What should we be doing in the organic agriculture area?"

I told them that we have been struggling with this issue in our committee as to whether or not we ought to set up a separate program of research.

Do you know what the farm couple said? They said, "My God, we don't need more research. There is all the

evidence and research in agriculture in terms of organic farming that we ever need. All we need in this country is to convince farmers to do it."

You do not need research. You need to tell farmers how to use the research and other information that is already there.

Finally, I think we have got to remember, as the gentleman from New Mexico said earlier that while this is only $10 million in the eyes of those advocating the program or $14 million in the eyes of those opposing the program from the USDA to most people in this country, $10 to $14 million is a lot of money. And if it is money for something that is not needed and will not work, probably, just probably, we should not spend it.

Mr. WEAVER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I will be brief, because I know everybody is in a hurry to vote.

I guess the only thing that I would plead with the membership would be that certainly the one thing in which this country excels for all the world is agriculture. Part of the reason that we excel in agriculture is the same reason that we excel in other areas, and that is that we have been willing to put forth the necessary money for research and development and find better ways to do things.

Here we are asking for $10.3 million. It has been pointed out that that is quite a little money. No argument that it is quite a little money, but when you are talking about the size of agriculture and the importance to our total economy and when you are talking about the importance of agriculture in terms of our exports, certainly if this House is not going to see that we spend the necessary money to do the research and development work to keep agriculture first in the United States in all the world, then I think that the people of this country have a right to be highly critical of how good we are at looking to the future and what concern we have where the United States is going to stand in the future in terms of balance of payments and in terms of competing in world markets.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, a great State senator from my home State once observed that "political power in Virginia should be concentrated in the hands of those who till the soil and slop the hogs." I can certainly sympathize with Senator Moses' statement, but the bill before us today is the first attempt I have ever seen to promote the political power of those who spread the manure. Frankly, I am not sure it will go over, even in rural Virginia.

It is almost too easy to make light of this legislation. It is, obviously, a simple redraft of the Organic Farming Act which this House defeated a year and a half ago. I believe that the reasons the House had for defeating this bill in August 1982 were valid then, and that they remain valid today. It is still a bad idea to spend $10 or $15 million to study the best way to spread manure. Simple observation of a few hours of proceedings on this floor would suffice for that purpose.

I will have to admit that manure farming has a long history in the United States. Certainly, most of our Founding Fathers used organic fertilizer. Fortunately, those same Founding Fathers were true believers in the efficacy of science, and they sought better farming methods assiduously. Due to the researches begun by the likes of George Washington and Thomas Jefferson, after thousands of years of experimentation, manure farming reached its zenith in the early 1900's.

Contrary to popular impressions in nonfarming areas, rural folk are not generally stick-in-the-muds. Especially when improved farming methods are introduced, they are quick to be adopted. The great strides in productivity by modern agriculture owe much to American farmers' willingness to give up their treasured organic fertilizers, and I can even assure my colleagues that those same farmers will be willing to take up their shovels again.

A new study of this most ancient of farming methods can do little but waste the taxpayers' money. In fact, the Agriculture Department is already carrying on several research projects in the area of organic farming. That research has been accommodated within the current budget, and I see no reason for us to now acquiesce in the duplication of existing projects.

The self-proclaimed "party of the people" is promising to make the Federal deficit the major theme of this year's election. I can certainly sympathize since they so obviously have no other issues, nor any alternatives to President Reagan's programs. But I certainly cannot sympathize with nor will I condone attempts such as this one to add still more spending to an already overstrained budget. I cannot go back to my constituents and say that I did not fight this or any other ridiculous proposal to rob them of even more of their hard-earned dollars.

Now my colleagues will excuse me while I go and scrape off my shoes.

Mr. WEAVER. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I rise in support of H.R. 2714 because I believe it is important that the necessary research be conducted in the field of so-called organic farming techniques. There are many American farmers who desire to use organic systems in their farming practices, but unfortunately there is not nearly enough good information available to them on which to base decisions which are essential to success.

This bill does not call for any large-scale additional burden to be placed on the Department of Agriculture, either in manpower or in budget considerations. It simply requires the USDA to establish 12 onfarm pilot research projects to evaluate alternative farming systems, and to collect similar data on 12 other such farms which are already using these organic practices. The bill sets a cost ceiling of $10.5 million for this entire program. In terms of what is already being spent on traditional research programs, this is a relatively small amount of money considering the benefits we may derive.

Again, I urge my colleagues to support the "Agricultural Productivity Act" and I hope the House acts quickly to approve this bill.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I sort of want to echo the remarks of the previous speaker. I think it is important to get our eyes on just what we are trying to do here.

I come from an area of the country which probably experiences the worst of these problems; but what this bill is all about is productivity and how we can in our agricultural sector improve our productivity.

One of the real problems that we have during this time of low product prices and high costs is to find out how our farmers can survive and how they can compete on the world markets. What we are trying to see here is how we can demonstrate some of these projects or some of these ideas that have come about to find out how they can help the farmer.

□ 1630

Let me give you an example of what I am talking about as to what can occur and what it can do to reduce costs and increase productivity. One of our greatest skeptics in Vermont felt very strongly that was kind of a wasted effort. He is an apple crop grower and he found that by using integrated pest management that he could greatly reduce the cost of his production and at the same time save energy and save pesticides and come up with a much better production.

These are the kinds of things we are talking about. We are not talking about spreading fertilizer. We are talking about with the modern technology we have how we can do things which will increase our productivity, reduce our soil erosion, and reduce other things that are so important to main-

tain this country as the leader in agriculture.

The amount of money involved here is small relative to the risk if we do not as a nation continue to improve our ability to be the breadbasket of the world.

Mr. BROWN of California. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I just want to say there are two people who really stood behind this bill. One was Robert Rodale, one of the great leaders and champions in this field in this country, and the other our subcommittee chairman, the gentleman from California (Mr. BROWN), whose leadership has been tremendous on this and a host of other issues that America needs to build the foundation of its agriculture.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for his comments and I am prepared to yield back the balance of my time if the gentleman from New Mexico (Mr. SKEEN) is prepared to yield back his time.

Mr. SKEEN. Mr. Chairman, I yield myself 30 seconds.

I want to concur with the gentleman from Oregon about the gentleman from California (Mr. BROWN): What a great individual he has been. I just do not happen to agree with his assessment of this particular bill, and I think that the $18.8 million expenditure by the USDA in the effort of progress in organic agriculture is quite enough.

I have no further requests for time and I am prepared to yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for his kind remarks.

As with many of my friends, he is with me right up to the rollcall.

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 2714, legislation which would direct the U.S. Secretary of Agriculture to devote a portion of the Federal Agricultural research budget to examine and develop new and alternative farming systems.

The legislation focuses on new, innovative and nonconventional technologies such as organic farming and this bill is the result of thorough hearings in response to a national movement to continue to look at ways to decrease farmers production costs.

Once again, we are indebted to the leadership of Chairman KIKA DE LA GARZA of the House Agriculture Committee and hearings held by the Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture, last August.

As Resident Commissioner from Puerto Rico, I can assure Members here that our densely-populated island is working closely in a variety of new agricultural endeavors, some of them with Federal assistance. We are embarked on ways to decrease our sufficiency on imported food and food-related products, an effort that will result in Puerto Rico growing more food for our populace, and in seeking export outlets for goods and products grown in Puerto Rico to mainland and other markets.

This has not been an easy task. The legislation today, establishing as it does 12 on-farm pilot research projects to help a transition to energy-intensive farming to other systems is a sound idea. Puerto Rico will eventually share in the research if this program is set up.

Congressman JIM WEAVER of Oregon, the bill's author, has taken the leadership which has resulted in the fact that this bill is before us today and I also want to commend Chairman GEORGE BROWN of California, and other supporters for this legislation, for providing this low cost and interesting departure, and for directing the Secretary of Agriculture to use the resources of his agency to help solve problems created by increasing costs of energy and chemical fertilizers, excessive soil erosion and other marketing problems.

As a constantly changing field of research, agricultural research is no different from any other basic science. It needs new directions, new attention, and new methods, and this legislation is an important first step in upgrading available knowledge our country has on nonconventional ways to solve agricultural problems.

I commend the gentlemen for bringing H.R. 2714 to the floor, and urge its speedy passage.●

● Mr. OBERSTAR. Mr. Chairman, the Agricultural Productivity Act will help insure that our Nation's farmers will continue to be the most productive in the world. Two of the major problems which continue to plague farmers are rising production costs and soil erosion. This legislation is designated to develop solutions to those problems. It will help farmers incorporate innovative farming methods which will lower energy consumptions and costs and control the forces of erosion.

Conservation of our energy and water resources is vital to our agriculture industry. The Agricultural Productivity Act will enable the Department of Agriculture to study the effects of shifting from high energy farming practices to farming practices which require less consumption of energy and water. The data collected from the research will be made available to farmers through the Department's Agricultural Extension Service. Farmers will then be able to incorporate the new low energy, organic methods into their own farming operation.

Reduced energy consumption would benefit both farmers and consumers by lowering production costs for farmers and keeping food prices down for consumers.

The need to control soil erosion is critical. Soil erosion is ruining our farmland at an alarming rate. Over 5 billion tons of agricultural topsoil is lost to the forces of erosion annually. This legislation will assist those farmers who utilize intercropping systems. The planting of grasses, legumes, and other vegetative cover crops is a proven conservation technique. It makes good sense to provide those farmers who practice intercropping with the same assistance that is provided to farmers who utilize other soil conservation techniques.

I have heard from many farmers in my home State of Minnesota who have expressed their support for such a program. Farmers are willing to practice new farming techniques. They understand the need to conserve water and energy, and reduce soil erosion.

The costs of this legislation are minimal compared to the overall gains which will be realized by our Nation's farmers. To spend $10.5 million over a 5-year period is a small price to pay for a program that will help insure that our farmers will continue to have an adequate supply of water, energy, and soil.●

Mr. BROWN of California. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Productivity Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) highly productive agricultural systems which include sound conservation practices are essential to ensure long-term agricultural sustainability and profitability;

(2) agricultural research and technology transfer activities of the Department of Agriculture (including the Extension Service of the Department of Agriculture), Cooperative State Research Service, cooperative extension services of the States, land-grant and other colleges and universities, and State agricultural experiment stations have contributed greatly to innovation in agriculture, and have a continuing role to play in fostering more efficient and sustainable agricultural production systems;

(3) the annual irretrievable loss of billions of tons of precious topsoil through wind and water erosion reduces agricultural productivity and raises the spectre of another dust bowl;

(4) energy-intensive agricultural practices are needlessly dependent on limited global reserves of oil and natural gas, heightening the economic vulnerability of the United States agricultural system;

(5) public funding of a properly planned and balanced agricultural research program is essential to improving agricultural productivity and conservation practices; and

(6) expanded agricultural research and extension efforts in certain key areas are needed to assist farmers in improving agricultural productivity and implementing soil, water, and energy conservation practices.

PURPOSES OF ACT

SEC. 3. It is purpose of this Act to—

(1) facilitate and promote, within the context of modern agricultural technologies, the scientific investigation and understanding of farming systems with the potential to increase agricultural productivity without serious degradation of the land, reduce soil erosion and losses of water and plant nutrients, conserve energy and natural resources, and maintain high quantity and quality yields of agricultural commodities without relying on energy-intensive agricultural practices; and

(2) provide assistance to family farmers and other producers to use such system in a manner which is consistent with other provisions of law relating to family farms and which complements the use of modern agricultural technology in agricultural production.

INFORMATION STUDY

SEC. 4. (a) The Secretary shall inventory and classify by subject matter all studies, reports and other materials developed by the Secretary or by any person or government with the participation or financial assistance of the Department of Agriculture, which could be used to further the purposes of this Act.

(b) In carrying out such project, the Secretary shall—

(1) identify, assess, and classify existing information and research reports which will further the purposes of this Act, including, but not limited to, informaton and research relating to legume-based crop rotations, the use of green manure, animal manures, and municipal wastes in agricultural production, soil acidity, liming in relation to nutrient release, intercropping, the role of organic matter in soil productivity and erosion control, the effect of topsoil loss on soil productivity, and nonchemical or biological methods of weed, disease, and insect control;

(2) identify existing information and research reports which are currently useful or require revision, and make these available to further the purposes of this Act; and

(3) identify gaps in the information available to the Extension Service for distribution to farmers and other members of the public in order to achieve the purposes of this Act, and establish a plan to carry out a program of research and education to fill those gaps.

PILOT RESEARCH PROJECTS

SEC. 5. (a)(1) The Secretary shall, pursuant to section 8 and with the cooperation of willing producers, conduct twelve pilot research projects on farms for the purpose of examining the effects of the transition from—

(A) farm practices which rely on synthetically compounded fertilizers, pesticides, growth regulators, livestock feed additives, and tillage practices which fail to control erosion; to

(B) farm systems which rely on legume and other sod-based crop rotations, the efficient use of crop residues, green manures, animal manures, off-farm organic wastes and mineral bearing rocks, and the utilization of sound, efficient production practices including conservation tillage, conservation irrigation (including low-pressure systems and irrigation scheduling), and nonchemical or biological methods of weed and pest control.

(2) The Secretary shall select farms on which to conduct the pilot research projects as follows:

(A) Six farms shall be selected which grow crops and raise livestock. Two of such farms shall be dairy farms and four of such farms shall be nondairy farms.

(B) Six farms shall be selected which grow crops but do not raise livestock. Four of such farms shall be farms that grow wheat, feed grains, upland cotton, or rice, or any combination thereof. Two of such farms shall be farms that grow fruits or vegetables, or both.

(b) In order to examine and assess the consequences of farm systems referred to in subsection (a)(1)(B) of this section, the Secretary shall also study twelve farms which have been employing such farm systems for at least five years prior to the effective date of this Act. The Secretary shall select farms on which to conduct these pilot research projects on the same basis as described in subsection (a)(2) of this section.

(c)(1) Within one hundred and twenty days after the effective date of this Act, the Secretary shall select farms for participation in the pilot research projects required under this section with as diverse characteristics as practicable, including diversity in size, soil type, and climatic conditions.

(2) The pilot research projects shall be conducted pursuant to agreements which are entered into between the Secretary and producers operating the farms at which the pilot research projects are conducted and which provide that such farms shall serve as demonstration farms. The agreements may include limitations as to the hours during which the farms shall be open to the public for demonstration purposes.

(3) Each pilot research project shall extend for a five-year period.

(4) During the one-year period following the selection of pilot research project participants, comprehensive data concerning all aspects of the farming operations carried out on such farms shall be collected and analyzed in order to provide a baseline from which the effects of the project can be assessed. Such data shall include, but not be limited to, information with respect to—

(A) the type, quantity, and cost of production inputs used in such farming operations, including capital, energy, fertilizers, pesticides, and water;

(B) the quality and quantity of production outputs of such farming operations, including information on crop yields, nutritional value of such crops, and rates of production in livestock operations;

(C) the characteristics of the soil of such farm, including the thickness of the topsoil on such farm, the rate of loss of such topsoil as a result of such farming operations, the level of organic nutrient matter in soil on such farm, the water-holding capacity of such soil, and the rooting depth of plants in such soil;

(D) the characteristics of other natural resources of such farm, including water quantity and quality;

(E) the net income derived from such farming operations; and

(F) such other factors as the Secretary deems appropriate to fully assess the effects of the project.

(5) During the last four years of such pilot research projects—

(A) in the case of a farm selected under subsection (a)(1), the transition described in subsection (a) shall be carried out as directed by the Secretary or the Secretary's designee;

(B) if a farm on which a pilot research project is conducted is located in a local conservation district, the owner or operator of the farm must have a conservation plan approved by and on file with the district. If such farm is not located in a local conservation district, the owner or operator of the farm must have a conservation plan approved by and on file with the Secretary; and

(C) data similar to the data collected in the first year of such pilot research project under paragraph (4) shall be collected and analyzed for all farms selected for participation in the pilot research projects in order to fully assess—

(i) the effects of the transition on the farms selected under subsection (a)(1); and

(ii) the efficiency of the operations on farms selected under subsection (b).

(6) The Secretary, in coordination with the Extension Service and the cooperative extension services of the States, shall take steps to ensure that farmers are aware of the existence of the demonstration farms.

(d)(1) The Secretary shall, subject to paragraph (2) of this subsection, make payments to producers who operate farms selected under subsection (a)(1) at which the transition pilot research projects are conducted if the Secretary determines that such payments are justified to compensate farmers for any responsibilities assumed in order to carryout the projects agreed upon pursuant to this Act.

(2) any payments so made by the Secretary—

(A) shall be made only during the last four years of such project; and

(B) in any such year, shall not exceed any difference between—

(i) the net income received by such producer with respect to farming operations carried out on such farm in the first year of such project, adjusted by the Secretary to compensate for any extraordinary economic condition, natural occurrence, or other situation which significantly affected net income from such operations in the first year of such project; and

(ii) the net income received by such producer with respect to farming operations carried out on such farm in the year for which payments are being made, adjusted by the Secretary to compensate for any extraordinary economic condition, natural occurrence, or other situation which significantly affected net income from such operations in the year for which payments are being made.

COORDINATION

SEC. 6. In order to fully effecuate the purposes of this Act, the Secretary shall take steps to ensure that the pilot research projects are designed and carried out in coordination with the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Soil Conservation Service, Extension Service, cooperative extensive services of the States, land-grant colleges and universities, State agricultural experiment stations, the National Association of Farmer Elected Committeemen, and the farmers participating in such projects.

REPORTS

SEC. 7. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Ag-

riculture, Nutrition, and Forestry of the Senate—

(1) not later than fifteen months after the effective date of this Act a report describing the results of the project carried out under section 4 of this Act;

(2) not later than April 1 of each of the calendar years 1985, 1986, and 1988, a report describing the progress of the pilot research projects; and

(3) not later than April 1, 1989, a report containing—

(A) a summary of the data collected under the pilot research projects;

(B) analyses of, and conclusions drawn from, such data; and

(C) recommendations for new basic or applied research from such conclusions.

AGREEMENTS

SEC. 8. (a)(1) The Secretary may carry out the project under section 4, conduct any pilot research project, and collect and analyze information developed under the pilot research projects through any agency in the Department of Agriculture or through agreements with any land-grant college or university or any other university or nonprofit organization which has demonstrated expertise in the areas of agricultural research and policy.

(2) The Secretary may not require matching funds for any such agreements.

DISSEMINATION OF DATA

SEC. 9. The Secretary shall make available through the Extension Service and the cooperative extension services of the States the information and research reports identified under section 4, the data collected under the pilot research projects, and analyses of, and conclusions drawn from, such data, and shall otherwise take such steps as are necessary to assure that such material is made available to farmers and other members of the public.

INTERCROPPING ASSISTANCE

SEC. 10. Beginning on the effective date, of this Act and ending five years after such date intercropping shall be considered an enduring conservation measure which is eligible for financial assistance under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

DEFINITIONS

SEC. 11. For the purposes of this Act—

(1) the term "extension" shall have the meaning given to such term by section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7));

(2) the term "conservation plan" means a plan which describes and outlines a schedule for the implementation of conservation measures or practices on a farm which are designed—

(A) to prevent significant degradation of the soil, water, and other natural resources of such farm; and

(B) to meet the management objectives of the farmer operating such farm;

(3) the term "intercropping" means a crop production practice which involves establishing and cultivating a soil-conserving crop (such as alfalfa, clover, trefoil, hairy vetch, grass, winter wheat, or oats) on land on which, at the same time, a row crop (such as corn, soybeans, or cotton) is established and cultivated;

(4) the term "land-grant colleges and universities" shall have the meaning given to such term by section 1404(10) of such Act (7 U.S.C. 3103(10));

(5) the term "demonstration farm" means a farm participating in a pilot research project conducted under section 5, which shall be open to the public in order to demonstrate the applicability of the farm systems being practiced on such farms;

(6) the term "Secretary" means the Secretary of Agriculture;

(7) the term "State agricultural experiment stations" shall have the meaning given to such term by section 1404(13) of such Act (7 U.S.C. 3103(13));

(8) the term "transition pilot research project" means the pilot research projects conducted pursuant to section 5(a) of this Act; and

(9) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. For purposes of carrying out this Act, there is authorized to be appropriated a sum not to exceed $2,100,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988.

EFFECTIVE DATE

SEC. 13. This Act shall take effect October 1, 1983.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The CHAIRMAN. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Agricultural Productivity Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) highly productive agricultural systems which include sound conservation practices are essential to ensure long-term agricultural sustainability and profitability;

(2) agricultural research and technology transfer activities of the Department of Agriculture, including the Extension Service of the Department of Agriculture and the Cooperative State Research Service, cooperative extension services of the States, land-grant and other colleges and universities, and State agricultural experiment stations have contributed greatly to innovation in agriculture, and have a continuing role to play in fostering more efficient and sustainable agricultural production systems;

(3) the annual irretrievable loss of billions of tons of precious topsoil through wind and water erosion reduces agricultural productivity and raises the spectre of another dust bowl;

(4) many agricultural producers are needlessly dependent on energy intensive agricultural practices which strain limited global reserves of oil and natural gas, heightening the economic vulnerability of the United States agricultural system;

(5) public funding of a properly planned and balanced agricultural research program is essential to improving agricultural productivity and conservation practices; and

(6) expanded agricultural research and extension efforts in certain key areas are needed to assist farmers in improving agricultural productivity and implementing soil, water, and energy conservation practices.

PURPOSES OF ACT

SEC. 3. It is the purpose of this Act to—

(1) facilitate and promote, within the context of modern agricultural technologies, the scientific investigation and understanding of farming systems with the potential to increase agricultural productivity without serious degradation of the land, reduce soil erosion and losses of water and plant nutrients, conserve energy and natural resources, and maintain high quantity and quality yields of agricultural practices; and

(2) provide assistance to family farmers and other producers to use such systems in a manner that is consistent with other provisions of law relating to family farms and that complements the use of modern agricultural technology in agricultural production.

INFORMATION STUDY

SEC. 4. (a) The Secretary shall inventory and classify by subject matter all studies, reports, and other materials developed by the Secretary or by any person or government with the participation or financial assistance of the Department of Agriculture, that could be used to further the purposes of this Act.

(b) In carrying out such project, the Secretary shall—

(1) identify, assess, and classify existing information and research reports that will further the purposes of this Act, including, but not limited to, information and research relating to legume-based crop rotations, the use of green manure, animal manures, and municipal wastes in agricultural production, soil acidity, liming in relation to nutrient release, intercropping, the role of organic matter in soil productivity and erosion control, the effect of topsoil loss on soil productivity, and nonchemical or biological methods of weed, disease, and insect control;

(2) identify existing information and research reports which are currently useful and make these available to further the purposes of this Act; and

(3) identify gaps in the information and research reports that are available to the Department of Agriculture for distribution to farmers and other members of the public in order to achieve the purposes of this Act, and establish a plan to carry out a program of research and education to fill those gaps.

PILOT RESEARCH PROJECTS

SEC. 5. (a)(1) The Secretary shall, pursuant to section 8 and with the cooperation of willing producers, conduct twelve pilot research projects on farms for the purpose of examining the effects of the transition from—

(A) farm practices that rely on synthetically compounded fertilizers, pesticides, growth regulators, livestock feed additives, and tillage practices that fail to control erosion; to

(B) farm systems that rely on legume and other sod-based crop rotations, the efficient use of crop residues, green manures, animal manures, off-farm organic wastes and mineral bearing rocks, the utilization of sound, efficient production practices (including conservation tillage), conservation irrigation (including low-pressure systems and irrigation scheduling), and non-chemical or biological methods of weed and pest control.

(2) The Secretary shall select farms on which to conduct the pilot research projects as follows:

(A) Six farms shall be selected on which producers grow crops and raise livestock. Two of such farms shall be dairy farms and four of such farms shall be nondairy farms.

(B) Six farms shall be selected on which producers grow crops but do not raise live-

stock. Four of such farms shall be farms on which are grown wheat, feed grains, upland cotton, or rice, or any combination thereof. Two of such farms shall be farms on which are grown fruits or vegetables, or both.

(b) In order to examine and assess the consequences of farm systems referred to in subsection (a)(1)(B) of this section, the Secretary shall also study twelve farms that have been employing such farm systems for at least five years prior to the effective date of this Act. The Secretary shall select farms on which to conduct these pilot research projects on the same basis as described in subsection (a)(2) of this section.

(c)(1) Within one hundred and twenty days after the effective date of this Act, the secretary shall select farms for participation in the pilot research projects required under this section with as diverse characteristics as practicable, including diversity in size, soil-type and climatic conditions.

(2) The pilot research projects shall be conducted pursuant to agreements that are entered into between the Secretary and producers operating the farms at which the pilot research projects are conducted and that provide for such farms to serve as demonstration farms. The agreements may include limitations as to the hours during which the farms shall be open to the public for demonstration purposes.

(3) Each pilot research project shall be conducted for a five-year period.

(4)(A) During the one-year period following the selection of pilot research project participants, comprehensive data concerning all aspects of the farming operations carried out on such farms shall be collected and analyzed in order to provide a baseline from which the effects of the project can be assessed. Such data shall include, but not be limited to, information with respect to—

(i) the type, quantity, and cost of production inputs used in such farming operations, including capital, energy, fertilizers, pesticides, and water;

(ii) the quality and quantity of production outputs of such farming operations, including information on crop yields, nutritional value of such crops, and rates of production in livestock operations;

(iii) the characteristics that are necessary for an evaluation of the soil productivity of such farms, including the thickness of the topsoil, the rate of loss of such topsoil as a result of such farming operations, the level of organic nutrient matter in the soil, the water holding capacity of the soil, and the rooting depth of plants in the soil;

(iv) the characteristics of other natural resources of such farms, including water quantity and quality;

(v) the net income derived from such farming operations; and

(vi) such other factors as the Secretary deems appropriate to fully assess the effects of the project.

(B) All of the information required under subparagraph (A) need not be submitted by grantees of pilot research projects if the grantee fully justifies, in the annual report, the failure to submit such information.

(5) During the last four years of such pilot research projects—

(A) in the case of a farm selected under subsection (a)(1), the transition described in subsection (a) shall be carried out as directed by the Secretary or the Secretary's designee;

(B) if a farm on which a pilot research project is conducted is located in a local conservation district, the owner or operator of the farm must have a conservation plan approved by and on file with the district. If such farm is not located in a local conservation district, the owner or operator of the farm must have a conservation plan approved by and on file with the Secretary; and

(C) data similar to the data collected in the first year of such pilot research project under paragraph (4) shall be collected and analyzed for all farms selected for participation in the pilot research projects in order to fully assess—

(i) the effects of the transition on the farms selected under subsection (a); and

(ii) the efficiency of the operations on farms selected under subsection (b).

(6) The Secretary, in coordination with the Extension Service and the cooperative extension services of the States, shall take steps to ensure that farmers are aware of the existence of the demonstration farms.

(d)(1) The Secretary shall, subject to paragraph (2) of this subsection, make payments to producers who operate farms selected under subsection (a)(1) at which the transition pilot research projects are conducted if the Secretary determines that such payments are justified to compensate farmers for any responsibilities assumed in order to carry out the projects agreed upon pursuant to this Act.

(2) Any payments so made by the Secretary—

(A) shall be made only during the last four years of such project; and

(B) in any such year, shall not exceed any difference between—

(i) the net income received by such producer with respect to farming operations carried out on such farm in the first year of such project, adjusted by the Secretary to compensate for any extraordinary economic condition, natural occurrence, or other situation which significantly affected net income from such operations in the first year of such project; and

(ii) the net income received by such producer with respect to farming operations carried out on such farm in the year for which payments are being made, adjusted by the Secretary to compensate for any extraordinary economic condition, natural occurrence, or other situation which significantly affected net income from such operations in the year for which payments are being made.

COORDINATION

SEC. 6. (a) In order to fully effectuate the purposes of this Act, the Secretary shall take steps to ensure that the pilot research projects are designed after taking into consideration the views of an advisory committee appointed by the Secretary and consisting of representatives of the Agricultural Research Service, Cooperative state Research Service, agricultural Stabilization and Conservation Service, Soil Conservation Service, Extension Service, cooperative extension services of the States, land-grant colleges and universities, State agricultural experiment stations, and other specialists in the areas of agricultural research and policy.

(b) In designing the pilot research projects, the types of farms selected under subsections (a) and (b) of section 5 may be modified in order to—

(1) assure that the data generated from the projects are statistically valid;

(2) maximize usefulness of such data; and

(3) effectively carry out the purposes of this Act.

REPORTS

SEC. 7. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) not later than fifteen months after the effective date of this Act a report describing the results of the project carried out under section 4 of this Act;

(2) not later than April 1 of each of the calendar years after the pilot research projects are initiated, a report describing the progress of the pilot research projects; and

(3) not later than April 1 of the calendar year following completion of the pilot research projects, a report containing—

(A) a summary of the data collected under the pilot research projects;

(B) analyses of, and conclusions drawn from, such data; and

(C) recommendations for new basic or applied research from such conclusions.

AGREEMENTS

SEC. 8. (a)(1) The Secretary may carry out the project under section 4, and collect and analyze information developed pursuant to section 5, through any agency in the Department of Agriculture or through agreements with any land-grant college or university, any other university, nonprofit organization, or Federal or State governmental entity, that has demonstrated expertise in the areas of agricultural research and policy.

(2) The Secretary shall conduct the pilot research projects under section 5 through special grants administered by the Cooperative State Research Service to any land-grant college or university, any other university, nonprofit organization, or Federal or State governmental entity, that has demonstrated expertise in the areas of agricultural research and policy.

(b) The Secretary may not require matching funds for any such agreements or special grants.

DISSEMINATION OF DATA

SEC. 9. The Secretary shall make available through the Extension Service and the cooperative extension services of the States the information and research reports identified under section 4, the data collected under the pilot research projects, and analyses of, and conclusions drawn from, such data, and shall otherwise take such steps as are necessary to assure that such material is made available to farmers and other members of the public.

INTERCROPPING ASSISTANCE

SEC. 10. Beginning on the effective date of this Act and ending five years after such date, intercropping shall be considered an enduring conservation measure that is eligible for financial assistance under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

DEFINITIONS

SEC. 11. For the purposes of this Act—

(1) the term "extension" shall have the meaning given to such term by section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7));

(2) the term "conservation plan" means a plan that describes and outlines a schedule for the implementation of conservation measures or practices on a farm that are designed—

(A) to prevent significant degradation of the soil, water, and other natural resources of such farm; and

(B) to meet the management objectives of the farmer operating such farm;

(3) the term "intercropping" means a crop production practice that involves establishing and cultivating a soil conserving crop (such as alfalfa, clover, trefoil, hairy vetch, grass, winter wheat, or oats) on land on which, at the same time, a row crop (such as corn, soybeans, or cotton) is established and cultivated;

(4) the term "land-grant colleges and universities" shall have the meaning given to such term by section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(10));

(5) the term "demonstration farm" means a farm participating in a pilot research project conducted under section 5, that shall be open to the public in order to demonstrate the applicability of the farm systems being practiced on such farms;

(6) the term "Secretary" means the Secretary of Agriculture;

(7) the term "State agricultural experiment stations" shall have the meaning given to such term by section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3102(13));

(8) the term "transition pilot research project" means the pilot research projects conducted pursuant to section 5(a) of this Act; and

(9) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. For purposes of carrying out this Act, there is authorized to be appropriated a sum not to exceed $10,500,000, which shall remain available until expended.

EFFECTIVE DATE

SEC. 13. This Act shall take effect October 1, 1984.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. BROWN of California. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. PICKLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2714) to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SKEEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed. The vote will be taken tomorrow, Thursday, January 26, 1984.

DISPENSING WITH FURTHER READING OF CALENDAR WEDNESDAY TODAY

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that further reading of Calendar Wednesday be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, I would ask the gentleman, is that for today only?

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, the request is for today only.

Mr. LUNGREN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS RESOLUTION FOR EXECUTIVE BRANCH AGENCIES TO ENFORCE THE CIVIL RIGHTS ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing a concurrent resolution chastising the administration for its failure to enforce the Civil Rights Act of 1964 prohibiting wage discrimination against women. The law is clear that it is illegal for an employer to pay women less than men to perform jobs requiring comparable skill, effort, and responsibility. Yet, despite the fact that the U.S. Supreme Court clearly stated the law in 1981, the Reagan administration has failed to enforce it through the Equal Employment Opportunity Commission, the Justice Department, the Office of Personnel Management, and the Department of Labor.

Pay equity is a fundamental civil rights issue which should be pursued with the same vigor and intensity that other civil rights issues should be pursued. The Reagan administration has done a bad job in enforcing civil rights generally; it has done an especially bad job in enforcing the law on pay equity.

There has been a lot of activity surrounding the issue of pay equity in the last few months. Let me, therefore, put my resolution in context. On December 14, 1983, Judge Jack E. Tanner of the U.S. District Court for the Western District of Washington ruled in favor of employees of the State of Washington on their claim that the State had discriminated against women in setting wages. A job evaluation study, conducted by the State, had shown that jobs predominantly held by women were routinely paid less than jobs predominantly held by men. Based on the results of this study, the court found clear sex discrimination under title VII of the Civil Rights Act. I have studied this decision and am convinced that it was right as a matter of law and right as a matter of policy.

Nevertheless, the Reagan Administration has signaled its intention to intervene on appeal to upset this decision. I wrote to the President on Monday urging him not to do so because it would be "seen as an attack both on title VII of the Civil Rights Act of 1964 and on the 'pink collar' workers of America."

The reasons given by the Assistant Attorney General for Civil Rights for possible intervention all reflected a lack of knowledge in this area of civil rights law. He claimed that wage disparity could exist without discrimination, ignoring the fact that women

have traditionally been segregated into low-paying, low-status, dead-end jobs. The Assistant Attorney General also claimed that it is difficult to assess the worth of jobs; perhaps he forgot that the State of Washington had conducted a job evaluation study to do precisely that. Finally, he claimed that it would cost too much to remedy wage discrimination against women, thereby suggesting that cost could be used as a defense to a civil rights action, something Congress has explicitly rejected.

In my letter to the President, I said that it would be a tragedy for an agency charged with eliminating discrimination to intervene on the side of the discriminator.

The Washington decision also galvanized other Members into action. On Monday, Representative SNOWE, along with six cosponsors, introduced a resolution to create a congressional commission to study pay discrimination in legislative branch agencies. Also on Monday, Representative OAKAR introduced legislation to force the Office of Personnel Management to study pay discrimination in the executive branch. I have cosponsored both of these bills.

My resolution is a sense-of-Congress resolution calling on executive branch agencies to enforce the law, both in regard to the public sector and the private sector. While, if passed, it would not have the force and effect of law, my resolution would send a clear statement of congressional intent to the agencies which are charged with enforcing the law. So, my resolution is broader in scope than the others, in that it covers all employers subject to the Civil Rights Act; yet, at the same time, it makes no change in current law, because none is needed. Rather, all that is needed is for the executive branch to do its job.

A copy of the resolution I introduced follows:

H. CON. RES. 244

Concurrent resolution expressing the sense of the Congress that the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, the Office of Personnel Management, and other Federal agencies have been derelict in enforcing the provisions of title VII of the Civil Rights Act of 1964, which prohibits wage discrimination against women who work in jobs which are comparable in skill, effort, and responsibility to jobs in which men work and requires that wages be determined without regard to the race, color, religion, sex, or national origin of the occupants of such jobs

Resolved by the House of Representatives (the Senate concurring),

SHORT TITLE

SECTION 1. This resolution may be cited as the "Pay Equity Resolution of 1984".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(1) women, both in the private and in the public sectors, are systematically paid less than men to perform jobs of comparable skill, effort, and responsibility;

(2) on the average, women workers in the United States earn 59 cents for each dollar earned by their male counterparts;

(3) women in the work force are frequently segregated into jobs which are predominantly occupied by women;

(4) individuals employed in jobs which are predominantly occupied by women, such as nurses, librarians, and teachers, are, on the average, paid less than individuals employed in jobs which are comparable in skill, effort, and responsibility, but which are predominantly occupied by men;

(5) because the marketplace is not effective in eliminating discrimination based on race, color, religion, sex, or national origin from the work force, Congress has passed strong antidiscrimination laws, including the Civil Rights Act of 1964;

(6) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e and following) makes it an unlawful employment practice for an employer to discriminate against any individual with respect to his compensation, terms, conditions, or privileges or employment, because of such individual's race, color, religion, sex, or national origin;

(7) courts, including the United States Supreme Court in *County of Washington* v. *Gunther*, 452 U.S. 161 (1981), and the United States District Court for the Western District of Washington in *American Federation of State, County, and Municipal Employees* v. *State of Washington* (No. C82-465T, December 14, 1983), have held that the language of title VII is broader than the provisions of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), which requires equal pay for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions;

(8) in both of the cases referred to in paragraph (7), the courts found that discrimination exists where an evaluation of jobs based on factors such as knowledge, skills, experience, working conditions, and responsibility, shows that female employees are paid less than their male counterparts for jobs evaluated at the same level;

(9) it is, therefore, clear both that pay discrimination against women is prevalent in the labor market and that such discrimination is prohibited by title VII of the Civil Rights Act of 1964; and

(10) such discrimination continues to exist because there is inadequate enforcement of current law.

ENFORCEMENT OF ANTIDISCRIMINATION LAWS

SEC. 3. It is the sense of the Congress that:

(1) The Equal Employment Opportunity Commission should promptly investigate all complaints of wage discrimination prohibited under title VII of the Civil Rights Act of 1964 and take such further steps as are necessary to eliminate any such discrimination. The Equal Employment Opportunity Commission should vigorously enforce the interpretative memorandum which it issued on August 25, 1981, providing guidance in processing title VII claims of wage discrimination, and should strengthen this policy document by incorporating the findings of the National Academy of Science study as well as those of the Commission's own hearings concerning pay equity. Further, the Commission should place high priority on the processing of such wage discrimination cases, both in its principal and its regional and State offices.

(2) In fulfilling its responsibilities under title VII of the Civil Rights Act of 1964, the Department of Justice should aggressively seek out and bring actions to eliminate instances of pay discrimination prohibited under such title.

(3) The Office of Personnel Management should ensure that the requirements contained in the amendments to title 5, United States Code, made by the Pay Comparability Act of 1970 (Public Law 91-656) and the Civil Service Reform Act of 1978 (Public Law 95-454) relating to equal pay for work of equal value within the Federal government are met.

(4) The Office of Federal Contract Compliance Programs within the Department of Labor should ensure that Government contractors and subcontractors comply with the provisions of Executive Order No 11246, and do not engage in wage discrimination prohibited under title VII of the Civil Rights Act of 1964.

(5) Each Federal department and agency should take appropriate steps to determine whether wage discrimination prohibited under title VII of the Civil Rights Act of 1964 exists in its workforce or in any of the programs it oversees.

I urge my colleagues to join me by cosponsoring this resolution.

RECOGNITION OF MEMBERS FOR SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Do not the special orders normally come at the end of the legislative day, and would we not be entitled to a special order at the end of the legislative day?

The SPEAKER. Of course, if the gentleman wants the time, some Member of his party can speak up for him; no problem. We are not doing anything that is unusual.

Does the gentleman desire his time?

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry at this point.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LUNGREN. It is my understanding the Speaker announced when he took the chair this morning that we have to, for security reasons, leave no later than 5 o'clock today.

The SPEAKER. The gentleman is correct.

Mr. LUNGREN. And since my special order is for an hour, I would like to have that hour and not interfere with the sweep of the House. I would be here immediately after the President's speech.

The SPEAKER. Does the gentleman want 20 minutes now and the remainder later on this evening?

Mr. LUNGREN. That is a very, very nice suggestion on the part of the Speaker, but I would like to collect my thoughts after the President's speech.

□ 1640

The SPEAKER. The Chair will be happy to grant the gentleman's request.

Mr. LUNGREN. I thank the Speaker.

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, would I also be entitled to collect my thoughts so that I might utilize the time later on this evening? It may take me a little time.

The SPEAKER. Well, if that is the gentleman's request, I would be happy to grant it.

Mr. WALKER. I thank the Speaker for that very much.

STATE OF THE UNION—CONGRESSIONAL VIEW

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 20 minutes.

Does the gentleman wish to take 20 minutes now?

Mr. GINGRICH. The Speaker has been so generous to us today and is, as always, such an able man in presiding over this body and it is such a joy to work with him that if the Speaker would not mind my taking 20 minutes now, I would be very honored to take some time now.

The SPEAKER. The gentleman may have the 20 minutes now and is so recognized.

Mr. GINGRICH. Mr. Speaker, I appreciate it. I thank the Speaker.

Mr. Speaker, something that I think we all too often forget in the heat of debate, as the year goes on unfortunately we all too often forget it, I am afraid, but something the American people I hope will appreciate, that this remains a very human institution and despite the fiercest of partisanship there is a comity to the House which is very important in a free society.

I thought, Mr. Speaker, that I might take this time with help of those of my colleagues who would like to participate to set the stage for this evening's state of the Union and create a framework for what will occur later.

It is fascinating to note for example, in today's New York Times that the most recent poll indicates an increasing lead by President Reagan over his liberal Democratic opponents in that for the first time since the recession began the Republican Party is now favored over the Democrats as the party most likely to provide jobs and create economic opportunity.

I think that what we are seeing happen is that the longer the country looks at Walter Mondale and at the absence of answers on the other side and along with the country looks at things like the New Hampshire debate at which the major achievement was the ability of Mondale and GLENN to apparently jump up and wave fingers at each other, that the country begins to conclude that while we do indeed have great problems and while the Reagan administration has certainly not yet led us to the promised land, that at least it is marching in the right direction.

In that sense this evening what a number of us have done on the Republican side of the aisle is to offer an opportunity to our Democratic colleagues both through a dear colleague letter and through specific invitation to some leading Members of the other party and through a press conference to indicate that we would be delighted to be joined here on the floor of the House after the state of the Union, not simply to talk about the President's statements, not simply to debate the President's comments and thoughts about America but also to talk about the American future, to talk about the opportunities we hope to give our children and grandchildren, to talk about the problems which face us as a country.

It is important to remember that from George Washington's time until Woodrow Wilson, no President came to this body to deliver a message. George Washington, a very proud and almost imperious man, disliked being questioned by Members of Congress and as a consequence got into the habit of sending his documents in writing.

It is only in the 20th century that Woodrow Wilson innovated the concept of physically delivering a state of the Union to the Congress.

In that sense with the development of C-SPAN and the fact that through the magic of television we are now able to have the House of Representatives appear in millions of homes simultaneously, we have an opportunity to create other new inventions. Just as Woodrow Wilson talked to the Congress, it is possible for us to talk with the Nation.

So tonight a few of us thought it might be useful to raise certain fundamental issues. I think one of them was best stated by DUNCAN HUNTER of California who made the comment that one of the problems of governing America is if you try to deal with problems you know that the Democratic Party has two sets of bumper stickers.

If you adopt a policy, for example, of trying to restrain spending or trying to balance the budget, the Democratic Party will probably send out bumper stickers that say "Republicans Hate Poor People," "Republicans Hate the Elderly," "Republicans Hate This," "Republicans Hate That."

On the other, if you decide you are afraid of the Democratic Party bumper stickers of that kind and you go ahead and have a large budget, the Democratic Party will then send out bumper stickers that say "Republicans are Irresponsible in Spending," "Republicans Have Big Deficits"; and the reason we invited the Democrats to join us this evening is because we think it would be healthy for the country to see both parties on the floor at the same time rather than have a Member from the Republican side talk for an hour and then a Member from the Democratic side talk for an hour. If we had both sides here at the same time we would be in a position that the entire country would watch us negotiate, argue over the facts.

As a friend of mine, lawyer once said, "You can have different arguments but you should at least have the same facts."

I now yield to my colleague from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I would hope to just emphasize what the gentleman is saying. The blocks of time that we have reserved this evening, Mr. LUNGREN reserved an hour, I have an hour of time this evening, that time we intend to use in order to have a debate for the Nation about the state of the Union.

The President will give us his version early in the evening. Here is an opportunity for both Democrats and Republicans to comment on the state of the Union. And I would join with the gentleman in hopes that members of the opposition party, members of the Democratic Party will come to the floor and utilize that time.

We can assure them we will yield to them, that we will extend them the courtesy of being able to participate in that debate because we think it is fundamentally important that the American people understand that there is a difference between the two parties and that the two parties do have different ideas on what the country's future should be all about. And it is important for them to understand that in the context of the entire state of the Union. This is the perfect time.

I congratulate the gentleman for taking this time to explain to the country that this opportunity is available to the Democrats this evening and hope that the message is also getting across to them that they are welcome to come here and participate.

Mr. GINGRICH. I thank the gentleman for his comment.

Mr. Speaker, I think he is driving at one of the central points of what I think is beginning to be an innovation. That is that the state of the Union that we see on television normally is the President's version of the state of the Union, whether that President should be liberal Democrat such as Carter or Mondale or whether that President is a Republican such as President Reagan. And we are also constitutional officers; we are also sworn to uphold the Constitution. We have to, I think, render accountability to our citizens as to what we think the state of the Union is. People have forgotten because of the power of the Presidency since Franklin Roosevelt; people have forgotten that in the Constitution that the Congress comes before the executive branch and the House of Representatives comes before the other body and that that was deliberate, that the Founding Fathers wanted this body to be far closer to the people and not just closer in terms of going back home but also closer in terms of listening to the people and in terms of reporting to the people.

I now yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. GINGRICH, I just wanted to raise the question that tonight during that period of time when we are going to try to have a debate I wonder whether we are planning or whether you are planning discussing some of those issues that we have been trying to bring up for the last several days, line item veto, balanced budget, immigration reform, and such. Do you foresee the opportunity of debating those particular items tonight?

Mr. GINGRICH. Well, I think in addition to whatever the President brings up that it is our job to report back to ourselves and to the country what we have heard during the recent period when we have been home.

I think the gentleman is right, if his district is like mine, and I am sure as a Floridian his is somewhat similar, people are asking about prayer in school, they are asking about balanced budget, they are asking about how are we going to take control of the spending. I think it would be useful to have a debate with Members from the Democratic Party both about what do we believe, to see to what degree, as the gentleman from Pennsylvania said, we are somewhat more conservative and they tend to be more liberal, but also how shall we proceed in this Congress?

After all, I hope tonight to raise the Speaker's words of the day which I think are very important, that we need an orderly procedure for considering legislation. I hope we have begun with our special effort in terms of making unanimous-consent requests on such issues as prayer in school and balanced budget and line item veto, I hope we have begun a process that will lead to an agreement to have an orderly procedure for taking up legislation including that legislation.

I yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. I thank the gentleman for again yielding.

Mr. Speaker, I was a little bit surprised to find out that orderly procedure is that I am not allowed to ask a unanimous-consent request today during my 1 minute, because the people back in my district have been talking about the need to pass a balanced budget amendment. I raised that point yesterday. It was objected to. Today I was, as you know, just summarily cut off and told that because of some supposed rule we were not allowed to debate those issues.

So I am glad we are going to have the opportunity tonight. My feeling is at this point I do not believe we are going to have anybody come down here and debate us. At least that seems to be the indication from the way the rules have been arranged. It seems nobody here wants to talk about those issues.

Mr. GINGRICH. I think it is difficult for some Democratic Members of the House to come down and explain either what their party's position is because it would be embarrassing back home or to explain why, for example, we have kept bottled up prayer-in-school legislation which is now so old that if it were a human being, it could vote.

I think it is probably hard to explain why we have to consider over and over again year after year without even having a vote on the floor issues such as the President's crime package which was sent up here in order to reform the criminal justice system, so that people could be safer walking the streets, but I know that gentlemen such as the able deputy whip from Arkansas who last year was a very able debater after the state of the Union and other people will probably have an interest in coming over and representing the Democratic Party. I find it hard to believe that with a clear majority in the House, with over 250 Members available, that there will not be a few who will be able to come down here this evening and share the floor with us.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

□ 1650

Mr. WALKER. I thank the gentleman for yielding.

I guess one of the problems that we have is that the Democrats are prepared to go on television tonight with a very slick media show following the President's state of the Union message and will be live and I suppose some of them will prefer to be over doing their slick media presentation rather than be here on the House floor where the work of the people takes place, debating the issues of the people.

I assume that we are going to have that kind of an excuse. I think it is a shame because here would be an opportunity to have to engage in some real debate about not only what we just heard from the President, but also about the issues that confront this Congress over the next several months.

Some of those issues will be the same as the President sees as the state of the Union. Some of those issues though are quite different. And I think it is important, as the gentleman has stated, that Congress assert itself. We assert ourselves in a reasonable way, but we assert ourselves on issues that we know the American people are demanding be taken up.

Here is an opportunity to begin that debate. And I certainly hope that members of the majority party will see fit to participate.

Mr. GINGRICH. I think that the gentleman is making a very important point here, but we in the Congress are paid a salary and we swear on oath and we have a staff in order for us to serve and for us to make coequal decisions. Collectively the House and the Senate are in fact powerful bodies that in the Constitution and in the works of the Founding Fathers were, if anything, supposed to be more powerful than the Presidency.

And I think for us to run and hide as all too many of our colleagues, particularly on the Democratic side tend to do, and to say, "Well, I don't really have an answer to the budget but I know it shouldn't be that big except that I would spend more on everything," or to say, "I really don't have an answer on foreign policy but I know I would do it differently," that is not good enough.

We have an obligation in this room to hammer out the kind of policies, to develop the kind of options, to suggest the kind of alternatives which would in fact allow the country to have a richer variety than that which is developed by any White House. And I think, frankly, that President Reagan has done a tremendous job of moving this country a very long distance from the mess that President Carter and Vice President Mondale left it in.

When I look back at the Carter-Mondale years, as JOHN GLENN said so ably the other day in New Hampshire, and I look back at the mess that Vice President Mondale left America in when he left the Vice Presidency. And you think about those: that 21 percent interest rate, and you think about 13 percent inflation. And as somebody said, had they been reelected, the Great Depression that might have occurred across the whole planet.

I think that it is a remarkable thing. And when I think about the recent liberation of Grenada and the saving of 800 American young people who were students and I look back on the 444 days of the hostage crisis that Vice President Mondale participated in in which we were impotent and unable to do anything, I just think that we in this body have an obligation to debate the state of the world and the state of the Nation. And we have an obligation to report back in a sense to the President in the city what did we discover back home. And I would be delighted to have all of my many good friends on the Democratic side who are for higher taxes come here tonight and tell us that they found people back home urging them to raise taxes, begging them to take money out of their take-home pay. I would frankly like to visit a district in which there were a lot of people urging the tax increase.

We do seem to have a combination of an ideological left-wing concern for more Government control, more Government spending, and higher taxes. And the special interest group tour that Vice President Mondale has been on in which he has gone around and promised so many different things, that as one recent newspaper suggested, we might as well have a 50-percent increase in the Federal budget if we were to meet all of the promises that he has made.

And so I think it will be wonderful tonight. We recently had some elections here in the Congress. I understand that for the first time since Andrew Jackson, all the way back to 1824, for the very first time since then we have a caucus in the Congress which elects delegates straight to a national convention, something which is a new innovation. And I would love for some of those Democrats who have decided to endorse Mondale and who are now delegates to come on the floor tonight and to explain to us how they would pay for all these programs and what they would do to put the budget into shape, because I think, and I hope that my colleagues will agree, we took the time for tonight to share it fairly. We think that the case on our side is so good and the case on the liberal Democratic side is so bad that if we share the time evenly it helps us for them to make their case. We think frankly that it is so difficult for liberal Democrats to get up on the same floor—we are not talking about cheap demagoguery when you are here by yourself, we are talking about sharing time.

And so we want to guarantee anyone who would like to come tonight that they will have a fair shot. We will answer their questions if they will answer ours. We will be glad to share time with them. What we want is a chance for them to explain what Mondalism is and what they would do for America, or at least for the special interests in America. And, at the same time, we want a chance to ask them how they would pay for it. And we are willing to say up front as we have said for 3 days here on the floor, yes, we have real problems we have to solve. No, nothing we have done is perfect yet. We have a long way to go.

And we are willing for them to come back at us and ask us the tough questions.

And I just think that if both sides would learn over the next 6 or 8 months to participate that this Chamber, this House of Representatives, because of the power of television and because of the opportunities now available, could genuinely become an educational arena for the American Nation, that the American people could have a real chance to look at both sides. If you want school prayer bottled up and killed, you should vote for liberal Democrats. If you want to vote on it then you have an alternative which is the Republican candidate. If you want to have tax increases, Walter Mondale and the Democrats will give you that option. If, on the other hand, you want to restrain Federal spending and you want to put the Federal Government on the same kind of budget your family has to be on, then you should vote for the Republican candidate.

We think there are a whole range of choices and we think both sides should work together to present those choices in an aggressive and tough-minded way and we fully expect the other side, over time, to come and join with us in this. And we hope, despite the fact that somebody in a very unkind way, blocked the gentleman from Pennsylvania in creating an orderly procedure for this year when he attempted earlier this week to create special order time for the entire year in an orderly manner.

We hope that some arrangement can be made so that the Congress and the House of Representatives, which has been called the people's house, could become, in the time after legislative business, an organized and orderly series of dialogs between the liberal Democrats and the Republicans over the future of America. And we think that if that is done, that in fact this year will be a very different year indeed.

And I know, Mr. Speaker, that in just a moment we must rise in order to have the security sweeps and it is a comment on the very state of the world that we need to be talking about, that we have to have security sweeps. It is a comment on the state of the world we need to discuss in this Chamber that there are now concrete pillars that you have to go by to get to the Capitol in order to stop some nut, or some fanatic, or some agent of Iranian, or Syrian, or Libyan state policy from blowing up the Capitol. It is a comment on the nature of this world that we have had bomb threats in this very building. But it is a sad reality. It is something we have to adjust to. And so we recognize that we will have to stop for several hours so that the security people can come through.

And as I understand the agreement with the Speaker earlier, I retain 40 minutes of my time at the appropriate point later on in the evening; I believe that is correct.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman is correct.

Mr. GINGRICH. I thank the Chair.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following resignation as a member of the Committee on Government Operations:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: This letter is to inform you of my resignation, effective immediately, from the Government Operations Committee due to my election as Chairman of the Foreign Affairs Committee.

I have informed Chairman Jack Brooks of my decision. It has indeed been a privilege to serve with him on the Government Operations Committee.

I very much appreciate your support for my election as Foreign Affairs Committee Chairman, and I look forward to the challenge and responsibility of chairing this Committee.

Kindest personal regards.

Sincerely,

DANTE B. FASCELL,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE HONORABLE JOHN CONYERS, JR.

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN CONYERS, Jr.:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have received a subpoena issued by the Circuit Court for Montgomery County, Maryland. I will, in consultation with the General Counsel to the Clerk, make the determinations required by Rule L(50).

Sincerely,

JOHN CONYERS, Jr.,
Member of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, January 23, 1984, the Chair declares the House in recess until approximately 8:40 p.m.

Accordingly (at 5 o'clock p.m.) the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 40 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 238 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas, Mr. WRIGHT; the gentleman from Washington, Mr. FOLEY; the gentleman from Louisiana, Mr. LONG; the gentleman from Arkansas, Mr. ALEXANDER; the gentleman from California, Mr. EDWARDS; the gentleman from Illinois, Mr. MICHEL; the gentleman from Mississippi, Mr. LOTT; the gentleman from New York, Mr. KEMP; the gentleman from California, Mr. MOORHEAD; and the gentleman from California, Mr. LAGOMARSINO.

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the Chamber:

The Senator from Tennessee, Mr. BAKER; the Senator from Alaska, Mr. STEVENS; the Senator from Texas, Mr. TOWER; the Senator from Idaho, Mr. MCCLURE; the Senator from Utah, Mr. GARN; the Senator from South Carolina, Mr. THURMOND; the Senator from Arizona, Mr. GOLDWATER; the Senator from Indiana, Mr. LUGAR; the Senator from West Virginia, Mr. BYRD; the Senator from Louisiana, Mr. LONG; the Senator from Florida, Mr. CHILES; the Senator from West Virginia, Mr. RANDOLPH; the Senator from Ohio, Mr. METZENBAUM; and the Senator from Maryland, Mr. SARBANES.

The Doorkeeper announced the ambassadors, ministers, and chargé d'affaires of foreign governments.

The ambassadors, ministers, and chargé d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 1 minute p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the Committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-162)

The PRESIDENT. Mr. Speaker, Mr. President, distinguished Members of the Congress, honored guests and fellow citizens. Once again, in keeping with time-honored tradition, I have come to report to you on the state of the Union. I am pleased to report that America is much improved, and there is good reason to believe that improvement will continue through the days to come.

You and I have had some honest and open differences in the year past. But they did not keep us from joining hands in bipartisan cooperation to stop a long decline that has drained this Nation's spirit and eroded its health. There is renewed energy and optimism throughout the land. America is back—standing tall, looking to the eighties with courage, confidence, and hope.

The problems we are overcoming are not the heritage of one person, party, or even one generation. It is just the tendency of government to grow, for practices and programs to become the nearest thing to eternal life we will ever see on this Earth. And there is always that well-intentioned chorus of voices saying, "with a little more power and a little more money, we could do so much for the people." For a time we forgot the American dream is not one of making Government bigger; it is keeping faith with the mighty spirit of free people under God.

As we came to the decade of the eighties we faced the worst crisis in our postwar history. The seventies were years of rising problems and falling confidence. There was a feeling Government had grown beyond the consent of the governed. Families felt helpless in the face of mounting inflation and the indignity of taxes that reduced reward for hard work, thrift, and risk-taking. All this was overlaid by an ever-growing web of rules and regulations.

On the international scene, we had an uncomfortable feeling that we had lost the respect of friend and foe. Some questioned whether we had the will to defend peace and freedom.

But America is too great for small dreams. There was a hunger in the land for a spiritual revival, if you will, a crusade for renewal. The American people said: Let us look to the future with confidence, both at home and abroad. Let us give freedom a chance.

Americans were ready to make a new beginning, and together we have done it. We are confronting our problems one by one. Hope is alive tonight for millions of young families and senior citizens set free from unfair tax increases and crushing inflation. Inflation has been beaten down from 12.4 to 3.2 percent, and that is a great victory for all the people. The prime rate has been cut almost in half and we must work together to bring it down even more.

Together, we passed the first across-the-board tax reduction for everyone since the Kennedy tax cuts. Next year, tax rates will be indexed so inflation cannot push people into higher brackets when they get cost-of-living pay raises. Government must never again use inflation to profit at the people's expense.

Today, a working family earning $25,000, has $1,100 more in purchasing power than if tax and inflation rates were still at the 1980 levels. Real after-tax income increased 5 percent last year. And economic deregulation of key industries like transportation has offered more choices to consumers and new chances for entrepreneurs, and protecting the safety. Tonight, we can report and be proud of one of the best recoveries in decades. Send away the handwringers and the doubting Thomases. Hope is reborn for cou-

ples dreaming of owning homes, for risk-takers with vision to create tomorrow's opportunities.

The spirit of enterprise is sparked by the sunrise industries of high-tech, and by small business people with big ideas, people like Barbara Proctor, who rose from a ghetto to build a multimillion-dollar advertising agency in Chicago; and Carlos Perez, a Cuban refugee, who turned $27 and a dream into a successful importing business in Coral Gables, Fla.

People like these are heroes for the eighties. They helped 4 million Americans finds jobs in 1983. More people are drawing paychecks tonight than ever before. And Congress helps—or progress helps everyone. Well, Congress does, too. In 1983, women filled 73 percent of all the new jobs in managerial, professional, and technical fields.

But we know that many of our fellow countrymen are still out of work, wondering what will come of their hopes and dreams. Can we love America and not reach out to tell them: You are not forgotten; we will not rest until each of you can reach as high as your God-given talents will take you.

The heart of America is strong; it is good and true. The cynics were wrong—American never was a sick society. We are seeing a rededication to bedrock values of faith, family, work, neighborhood, peace and freedom—values that help bring us together as one people, from the youngest child to the most senior citizen.

The Congress deserves America's thanks for helping us restore pride and credibility to our military. And I hope that you are as proud as I am of the young men and women in uniform who have volunteered to man the ramparts in defense of freedom and whose dedication, valor, and skill increases so much our chance of living in a world at peace.

People everywhere hunger for peace and a better life. The tide of the future is a freedom tide, and our struggle for democracy cannot and will not be denied. This Nation champions peace that enshrines liberty, democratic rights, and dignity for every individual. America's new strength, confidence, and purpose are carrying hope and opportunity far from our shores. A world economic recovery is underway. It began here.

We have journeyed far. But we have much farther to go. Franklin Roosevelt told us 50 years ago this month: "Civilization cannot go back; civilization must not stand still. We have undertaken new methods. It is our task to perfect, to improve, to alter when necessary, but in all cases to go forward."

It is time to move forward again, time for America to take freedom's next step. Let us unite tonight behind four great goals to keep America free, secure, and at peace in the eighties. Together:

We can ensure steady economic growth.

We can develop America's next frontier.

We can strengthen our traditional values.

And we can build, a meaningful peace to protect our loved ones and this shining star of faith that has guided millions from tyranny to the safe harbor of freedom, progress, and hope.

Doing these things will open wider the gates of opportunity and provide greater security for all, with no barriers of bigotry or discrimination. The key to a dynamic decade is vigorous economic growth, our first great goal. We might well begin with common sense in Federal budgeting: Government spending no more than Government takes in.

We must bring Federal deficits down, but how we do that makes all the difference. We can begin by limiting the size and scope of Government. Under the leadership of Vice President BUSH, we have reduced the growth of Federal regulations by more than 25 percent, and cut well over 300 million hours of Government-required paperwork each year. This will save the public more than $150 billion over the next 10 years.

The Grace Commission has given us some 2,500 recommendations for reducing wasteful spending, and they are being examined throughout the administration. Federal spending growth has been cut from 17.4 percent in 1980 to less than half of that today. And we have already achieved over $300 billion in budget savings for the period of 1982 to 1986. But that is only a little more than half of what we sought. Government is still spending too large a percentage of the total economy.

Now, some insist that any further budget savings must be obtained by reducing the portion spent on defense. This ignores the fact that national defense is solely the responsibility of the Federal Government. Indeed, it is its prime responsibility. And yet defense spending is less than a third of the total budget. During the years of President Kennedy, and in the years before that, defense was almost half the total budget. Then came several years in which our military capability was allowed to deteriorate to a very dangerous degree. We are just now restoring, through the essential modernization of our conventional and strategic forces, our capability to meet our present and future security needs. We dare not shirk our responsibility to keep America free, secure, and at peace.

The last decade saw domestic spending surge literally out of control. But the basis for such spending had been laid in previous years. A pattern of overspending has been in place for half a century. As the national debt grew, we were told not to worry, that we owed it to ourselves.

Now we know the deficits are a cause for worry. But there is a difference of opinion as to whether taxes should be increased, spending cut, or some of both. Fear is expressed that Government borrowing to fund the deficit could inhibit the economic recovery by taking capital needed for business and industrial expansion. I think that debate is missing an important point. Whether Government borrows or increases taxes, it will be taking the same amount of money from the private sector and, either way, that is too much. Simple fairness dictates that Government must not raise taxes on families struggling to pay their bills. The root of the problem is that Government's share is more than we can afford if we are to have a sound economy.

We must bring down the deficits to ensure continued economic growth. In the budget that I will submit on February 1, I will recommend measures that will reduce the deficit over the next 5 years. Many of these will be unfinished business from last year's budget. Some could be enacted quickly if we could join in a serious effort to address this problem. I spoke today with Speaker of the House O'NEILL, Senate Majority Leader BAKER, Senate Minority Leader BYRD and House Minority Leader MICHEL. I asked them if they would designate congressional representatives to meet with representatives of the administration to try to reach prompt agreement on a bipartisan deficit reduction plan. I know it will take a long hard struggle to agree on a full-scale plan. So what I have proposed is that we first see if we can agree on a downpayment.

Now, I believe there is basis for such an agreement, one that could reduce the deficits by about $100 billion over the next 3 years. We could focus on some of the less contentious spending cuts that are still pending before the Congress. These could be combined with measures to close certain tax loopholes, measures that the Treasury Department has previously said to be worthy of support. In addition, we could examine the possibility of achieving further outlay savings based on the work of the Grace Commission.

If the congressional leadership is willing, my representatives will be prepared to meet with theirs at the earliest possible time. I would hope the leadership might agree on an expedited timetable in which to develop and enact that downpayment.

But a downpayment alone is not enough to break us out of the deficit problem. It could help us start on the

right path. Yet we must do more. So I propose that we begin exploring how together we can make structural reforms to curb the built-in growth of spending.

I also propose improvements in the budgeting process. Some 43 of our 50 States grant their Governors the right to veto individual items in appropriation bills without having to veto the entire bill. California is one of those 43 States. As Governor, I found this "line-item veto" was a powerful tool against wasteful or extravagant spending. It works in 43 States. Let us put it to work in Washington for all the people.

It would be most effective if done by constitutional amendment. The majority of Americans approve of such an amendment, just as they and I approve of an amendment mandating a balanced Federal budget. Many States also have this protection in their constitutions.

To talk of meeting the present situation by increasing taxes is a Band-Aid solution which does nothing to cure an illness that has been coming on for half a century, to say nothing of the fact that it poses a real threat to economic recovery. Let us remember that a substantial amount of income tax is presently owed and not paid by people in the underground economy. It would be immoral to make those who are paying taxes pay more to compensate for those who are not paying their share.

There is a better way: Let us go forward with an historic reform for fairness, simplicity, and incentives for growth. I am asking Secretary Don Regan for a plan of action to simplify the entire tax code so all taxpayers, big and small, are treated more fairly. And I believe such a plan could result in that "underground economy" being brought into the sunlight of honest tax compliance; and it could make the tax base broader so personal tax rates could come down, not go up. I have asked that specific recommendations, consistent with those objectives, be presented to me by December 1984. [Laughter.]

Our second great goal is to build on America's pioneer spirit—I said something funny? I said this is America's next frontier, and that is to develop that frontier. A sparkling economy spurs initiative and ingenuity to create sunrise industries and make older ones more competitive.

Nowhere is this more important than our next frontier: Space. Nowhere do we so effectively demonstrate our technological leadership and ability to make life better on Earth. The Space Age is barely a quarter of a century old, but already we have pushed civilization forward with our advances in science and technology. Opportunities and jobs will multiply as we cross new thresholds of knowledge and reach deeper into the unknown.

Our progress in space, taking giant steps for all mankind, is a tribute to American teamwork and excellence. Our finest minds in Government, industry, and academia have all pulled together, and we can be proud to say: We are first, we are the best, and we are so because we are free.

America has always been greatest when we dared to be great. We can reach for greatness again. We can follow our dreams to distant stars, living and working in space for peaceful, economic, and scientific gain. Tonight, I am directing NASA to develop a permanently manned space station and to do it within a decade.

A space station will permit quantum leaps in our research in science, communications, in metals and in lifesaving medicines which can be manufactured only in space. We want our friends to help us meet these challenges and share in their benefits. NASA will invite other countries to participate so we can strengthen peace, build prosperity, and expand freedom for all who share our goals.

Just as the oceans opened up a new world for clipper ships and Yankee traders, space holds enormous potential for commerce today. The market for space transportation could surpass our capacity to develop it. Companies interested in putting payloads into space must have ready access to private-sector launch services. The Department of Transportation will help an expendable launch services industry to get off the ground. We will soon implement a number of executive initiatives, develop proposals to ease regulatory constraints, and, with NASA's help, promote private-sector investment in space.

As we develop the frontier of space, let us remember our responsibility to preserve our older resources here on Earth. Preservation of our environment is not a liberal or conservative challenge. It is commonsense.

Though this is a time of budget constraints, I have requested for EPA one of the largest percentage budget increases of any agency. We will begin the long, necessary effort to clean up a productive, recreational area and a special national resource—the Chesapeake Bay.

To reduce the threat posed by abandoned hazardous waste dumps, EPA will spend $410 million, and I will request a supplemental increase of $50 million; and because the Superfund law expires in 1985, I have asked Bill Ruckelshaus to develop a proposal for its extension so there will be additional time to complete this important task.

On the question of acid rain, which concerns people in many areas of the United States and Canada, I am proposing a research program that doubles our current funding. And we will take additional action to restore our lakes and develop new technology to reduce pollution that causes acid rain.

We have greatly improved the conditions of our natural resources. We will ask the Congress for $157 million beginning in 1985 to acquire new park and conservation lands. The Department of the Interior will encourage careful, selective exploration and production of our vital resources in an Exclusive Economic Zone within the 200-mile limit off our coasts—but with strict adherence to environmental laws and with fuller State and public participation.

But our most precious resources, our greatest hope for the future, are the minds and hearts of our people, especially our children. We can help them build tomorrow by strengthening our community of shared values. This must be our third great goal. For us, faith, work, family, neighborhood, freedom and peace are not just words. They are expressions of what America means, definitions of what makes us a good and loving people.

Families stand at the center of our society. And every family has a personal stake in promoting excellence in education. Excellence does not begin in Washington. A 600-percent increase in Federal spending on education between 1960 and 1980 was accompanied by a steady decline in Scholastic Aptitude Test scores. Excellence must begin in our homes and neighborhood schools, where it is the responsibility of every parent and teacher and the right of every child.

Our children come first. And that is why I established a bipartisan National Commission on Excellence in Education, to help us chart a commonsense course for better education. Already, communities are implementing the Commission's recommendations. Schools are reporting progress in math and reading skills. But we must do more to restore discipline to schools; and we must encourage the teaching of new basics, reward teachers of merit, enforce tougher standards, and put our parents back in charge.

I will continue to press for tuition tax credits to expand opportunities for families, and to soften the double payment for those paying public school taxes and private school tuition. Our proposal would target assistance to low- and middle-income families. Just as more incentives are needed within our schools, greater competition is needed among our schools. Without standards and competition there can be no champions, no records broken, no excellence—in education or any other walk of life.

And while I am on this subject, each day, your Members observe a 200-year-old tradition meant to signify America

is one Nation under God. I must ask: If you can begin your day with a member of the clergy standing right here leading you in prayer, then why cannot freedom to acknowledge God be enjoyed again by children in every schoolroom across this land?

America was founded by people who believed that God was their rock of safety. He is ours. I recognize we must be cautious in claiming that God is on our side. But I think it is all right to keep asking if we are on His side.

During our first 3 years, we have joined bipartisan efforts to restore protection of the law to unborn children. Now, I know this issue is very controversial. But unless and until it can be proven that an unborn child is not a living human being, can we justify assuming without proof that it is not? No one has yet offered such proof. Indeed, all the evidence is to the contrary. We should rise above bitterness and reproach. And if Americans could come together in a spirit of understanding and helping, then we could find positive solutions to the tragedy of abortion.

Economic recovery, better education, rededication to values all show the spirit or renewal gaining the upper hand. And all will improve family life in the eighties. But families need more. They need assurance that they and their loved ones can walk the streets of America without being afraid. Parents need to know their children will not be victims of child pornography and abduction. This year we will intensify our drive against these and other horrible crimes like sexual abuse and family violence. Already, our efforts to crack down on career criminals, organized crime, drugpushers, and to enforce tougher sentences and paroles are having effect. In 1982, the crime rate dropped by 4.3 percent, the biggest decline since 1972. Protecting victims is just as important as safeguarding the rights of defendants.

Opportunities for all Americans will increase if we move forward on fair housing, and work to ensure women's rights, provide for equitable treatment in pension benefits and Individual Retirement Accounts, facilitate child care, and enforce delinquent parent support payments.

It is not just the home but the workplace and community that sustain our values and shape our future. So I ask your help in assisting more communities to break the bondage of dependency. Help us to free enterprise by permitting debate and voting "yes" on our proposal for enterprise zones in America. This has been before you for 2 years. Its passage can help high-unemployment areas by creating jobs and restoring neighborhoods.

A society bursting with opportunities, reaching for its future with confidence, sustained by faith, fairplay, and a conviction that good and courageous people will flourish when they are free—these are the secrets of a strong and prosperous America, at peace with itself and the world.

A lasting and meaningful peace is our fourth great goal. It is our highest aspiration. And our record is clear: Americans resort to force only when we must. We have never been aggressors. We have always struggled to defend freedom and democracy.

We have no territorial ambitions. We occupy no countries. We build no walls to lock people in. Americans build the future. And our vision of a better life for farmers, merchants, and working people, from the Americas to Asia, begins with a simple premise: The future is best decided by ballots, not bullets.

Governments which rest upon the consent of the governed do not wage war on their neighbors. Only when people are given a personal stake in deciding their own destiny and benefitting from their own risks do they create societies that are prosperous, progressive, and free. Tonight, it is democracies that offer hope by feeding the hungry, prolonging life, and eliminating drudgery.

When it comes to keeping America strong, free and at peace, there should be no Republicans or Democrats, just patriotic Americans. We can decide the tough issues not by who is right, but by what is right.

Together, we can continue to advance our agenda for peace. We can:

Establish a more stable basis for peaceful relations with the Soviet Union;

Strengthen allied relationships across the board;

Achieve real and equitable reductions in the levels of nuclear arms;

Reinforce our peacemaking efforts in the Middle East, Central America, and Southern Africa;

Assist developing countries, particularly our neighbors in the Western Hemisphere; and

Assist in the development of democratic institutions throughout the world.

The wisdom of our bipartisan cooperation was seen in the work of the Scowcroft Commission, which strengthened our ability to deter war and protect peace. In that same spirit, I urge you to move forward with the Henry Jackson plan to implement the recommendations of the Bipartisan Commission on Central America.

Your joint resolution on the multinational peacekeeping force in Lebanon is also serving the cause of peace. We are making progress in Lebanon. For nearly 10 years the Lebanese have lived from tragedy to tragedy, with no hope for their future. Now the multinational peacekeeping force and our Marines are helping them break their cycle of despair. There is hope for a free, independent, and sovereign Lebanon. We must have the courage to give peace a chance. And we must not be driven from our objectives for peace in Lebanon by state-sponsored terrorism. We have seen this ugly specter in Beirut, Kuwait, and Rangoon. It demands international attention. I will forward shortly legislative proposals to help combat terrorism, and I will be seeking support from our allies for concerted action.

Our NATO Alliance is strong; 1983 was a banner year for political courage. And we have strengthened our partnerships and our friendships in the Far East. We are committed to dialogue, deterrence, and promoting prosperity. We will work with our trading partners for a new round of negotiations in support of freer world trade, greater competition, and more open markets.

A rebirth of bipartisan cooperation, of economic growth and military deterrence, and a growing spirit of unity among our people at home and our allies abroad underline a fundamental and far-reaching change. The United States is safer, stronger, and more secure in 1984 than before. We can now move with confidence to seize the opportunities for peace—and we will.

Tonight I want to speak to the people of the Soviet Union to tell them: It is true that our governments have had serious differences. But our sons and daughters have never fought each other in war. And if we Americans have our way, they never will.

People of the Soviet Union, there is only one sane policy, for your country and mine, to preserve our civilization in this modern age: A nuclear war cannot be won and must never be fought. The only value in our two nations possessing nuclear weapons is to make sure they will never be used. But then would it not be better to do away with them entirely?

People of the Soviet: President Dwight Eisenhower, who fought by your side in World War II, said the essential struggle "is not merely man against man or nation against nation. It is man against war."

Americans are people of peace. If your government wants peace, there will be peace. We can come together in faith and friendship to build a safer and far better world for our children and our children's children. And the whole world will rejoice. That is my message to you.

Some days when life seems hard and we reach out for values to sustain us, or a friend to help us, we find a person who reminds us what it means to be Americans.

Sgt. Stephen Trujillo, a medic in the 2d Ranger Battalion, 75th Infantry, was in the first helicopter to land at the compound held by Cuban forces in Grenada. He saw three other helicop-

ters crash. Despite the imminent explosion of the burning aircraft, he never hesitated. He ran across 25 yards of open terrain through enemy fire to rescue wounded soldiers. He directed two other medics, administered first aid, and returned again and again to the crash site to carry his wounded friends to safety.

Sergeant Trujillo, you and your fellow servicemen and women not only saved innocent lives, you set a nation free. You inspire us as a force for freedom, not for despotism, and yes, for peace, not conquest. God bless you.

And then there are unsung heroes. Single parents, couples, church and civic volunteers, their hearts carry without complaint the pains of family and community problems. They soothe our sorrow, heal our wounds, calm our fears, and share our joy.

A person like Father Ritter is always there. His Covenant House programs in New York and Houston provide shelter and help to thousands of frightened and abused children each year. The same is true of Dr. Charles Carson. Paralyzed in a plane crash, he still believed nothing is impossible. Today, in Minnesota, he works 80 hours a week without pay, helping pioneer the field of computer-controlled walking. He has given hope to 500,000 paralyzed Americans that someday they may walk again.

How can we not believe in the greatness of America? How can we not do what is right and needed to preserve this last best hope of man on Earth?

After all our struggles to restore America, to revive confidence in our country and hope for our future, after all our hard-won victories earned through the patience and courage of every citizen, we cannot, must not and will not turn back. We will finish our job. How could we do less? we are Americans.

Carl Sandburg said: I see America, not in the setting sun of a black night of despair * * *. I see America in the crimson light of a rising sun fresh from the burning, creative hand of God * * *. I see great days ahead for men and women of will and vision.

I have never felt more strongly that America's best days and Democracy's best days lie ahead. We are a powerful force for good. With faith and courage, we can perform great deeds and take freedom's next step. And we will. We will carry on the traditions of a good and worthy people who have brought light where there was darkness, warmth where there was cold, medicine where there was disease, food where there was hunger, and peace where there was only bloodshed.

Let us be sure that those who come after will say of us in our time that in our time we did everything that could be done: We finished the race, we kept them free, we kept the faith.

Thank you very much, God bless you, and God bless America.

[Applause, the Members rising.]

At 9 o'clock and 46 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and charge d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 50 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The House will be in recess until the hour of 10:30 p.m.

Accordingly (at 9 o'clock and 51 minutes p.m.) the House stood in recess until 10:30 p.m.

□ 2230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURTHA) at 10 o'clock and 30 minutes p.m.

1984 LEGISLATIVE AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, today we are embarking on a tradition established at least last year, if not the year before by the distinguished assistant majority whip, the gentleman from Arkansas (Mr. ALEXANDER) in commenting subsequent to the President's state of the Union address. However, we would like to do it a little differently today in that rather than just confine our comments to the President's state of the Union address we thought it might be important for us to attempt to talk about the agenda, the legislative agenda for 1984 in the context of the President's state of the Union address.

In other words, not to let us be confined by what the President said or to talk precisely to what the President said, but to give somewhat of a state of the Congress address. To that end we have issued an invitation, a challenge, if you will, to the members of your party, to the Speaker himself, to the gentleman from California (Mr. COELHO), the chairman of your Congressional Campaign Committee, and to a representative of the Democratic freshmen who come here to change America and, therefore, I would think to change the agenda of Congress.

I am sorry that we see none of them on the floor at this time. Hopefully they might find their way over here before we finish tonight.

With respect to the agenda for this year, there are those of us who believe that the deficit is at least among the most important issues that we ought to deal with. The President mentioned today the need for a constitutional amendment to balance the budget, but that is not a new idea of his.

As a matter of fact, it is an idea that he has talked about before. He has sent such an amendment to the Congress and it has passed the other body by the margin necessary for a constitutional amendment.

It came up before the House in a rather difficult scenario, but nonetheless we had a chance to vote on it, but we were not successful in the last Congress in getting the required two-thirds vote.

Mr. Speaker, there is no doubt that the question of the deficit and, therefore, the need in my judgment for a constitutional amendment for us to address that deficit, and therefore balance the budget.

Except for 1969, the last time the Federal budget was balanced was during the last year of President Eisenhower's last term in office. That means that five Presidents, Kennedy, Johnson, Nixon, Ford, and Carter have been elected to office without balancing the budget during their term in office.

Yet I think I almost misspoke when I said they have not balanced the budget during their term in office or on their watch because we must acknowledge as Members of this House that we are in fact responsible, both the House of Representatives and the U.S. Senate. Therefore, it seems to us that we ought to address that question up front.

The 1983 budget results show that the Federal Government is now spending 25 percent of its gross national product, and that is the largest amount of spending ever in the U.S. peacetime history. According to the budget resolution in 1983, the Federal Government is spending $128 billion, not for any Federal programs, but to pay the interest on the national debt.

The last few decades show that unfortunately this situation will not change. I am convinced, as are many Members in this House, that only a constitutional amendment to limit the

rate of growth in spending and taxes is the only way that Congress will begin to rein in control of spending and effectively balance the budget.

Mr. Speaker, in May of 1983, Missouri became the 32d State to call for a Constitutional Convention to draft a balance the budget amendment. The people of the "show me" State have shown the country the need for the constitutional amendment.

But in the meantime, the House continues to allow to languish in our Judiciary Committee, the committee on which I now serve, bills which if enacted would provide the States of this country an opportunity to ratify an amendment mandating a balanced budget.

Thirty-two of thirty-four required States have already passed resolutions calling for a Constitutional Convention to draft a balance the budget amendment. And should that happen, Mr. Speaker, a Constitutional Convention will be required to convene.

As we know, the last Convention that was convened for this purpose was the original Constitutional Convention some two centuries ago. Constitutional scholars are now divided over whether such a Convention would be limited to the subject of a balanced budget amendment or, in the alternative, whether it would open the entire U.S. Constitution to amendment by such a convention.

Mr. Speaker, the reason we bring this forward is not just because this President has called for this constitutional amendment, but because the facts are very clear. If we only have two more States proceed as 32 States already have, we may as the people's body lose the ability to form the vehicle by which we would mandate a balanced budget through the Constitution.

If we are concerned about losing the prerogatives of the House of Representatives, it seems to me we ought to act now before the requisite number of States have passed the resolution and before we have a constitutional crisis which will have to ultimately be decided by the Federal U.S. Supreme Court. That is: Can these States call a Constitutional Convention? Does their call have to be identical in form and in word and, if it is appropriate for calling a Convention, would it then be limited merely to the specific call of those States?

That is a constitutional crisis the likes of which we have not seen at least since the Civil War, and it seems to me that we owe it to the people to decide that, and for that reason alone it ought to be part of the agenda of the legislative business for 1984.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I think it might be appropriate at this point to mention that during the last few or actually the first 3 days of this session there have been attempts to bring a balanced budget amendment to the floor under the unanimous-consent request procedure. One of the first, if not the first pieces of legislation that I sponsored was a balanced budget amendment resolution, No. 147, calling for exactly what the gentleman has been talking about.

It is interesting to me how on both sides of this aisle for the past year we have been talking about the need to cut spending and try to work toward, at least the impression I have been getting is to work toward a balanced budget amendment. It seems to me if everyone really is interested in that it would be to our advantage to allow that kind of legislation to come to the floor and so we could have a good debate on it.

I know that there are pros and cons and you can get economists on both sides of the aisle to express their feelings and their ideas. But the point is that we should be discussing it and in my opinion we ought to be passing it. But we just cannot, we are not allowed any longer to talk about it.

Mr. LUNGREN. It seems to me we would all agree that we did not come, and I do not think virtually any Member of the House of Representatives came to Washington to make money. We came to make laws and to make policy and not make time or make money. And we are being denied the opportunity to make laws and make policy to express the will of the people we represent when we are not afforded the opportunity to at least present in a meaningful way a vote, or first of all consideration and then a vote on a constitutional amendment to balance the budget and limit spending growth.

That is the concern I have and I know it is shared by virtually all Americans, and when we recall perhaps the largest applause the President got today from both sides of the aisle during his speech, it was when he said we must rein in the deficits.

You must ask if that is the prevailing mood in the House, then why are we being denied the opportunity to at least consider something so important that we are within two States of having a call for the first Constitutional Convention in 200 years?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I think it is important also to point out, as the gentleman from Florida has pointed out, that there are attempts ongoing since the opening day of this session to try to bring that kind of legislation to the floor. Today we had a ruling from the Chair to say that we would not be permitted to make those motions any longer, that we would have to go get permission from our leaders in order to be able to come out and offer those kinds of unanimous-consent requests.

What does that mean? It means simply that the same leadership that has spent in most cases 30 years around here piling up those massive deficits is now going to decide whether or not we should be permitted to offer unanimous-consent requests to take up some of these matters. That strikes me as being very odd. It strikes me as being something which the American people should be very suspicious of.

□ 2040

I was disappointed in that move today because I think it took away from individual Members an opportunity to bring some of these subject matters to the floor and hopefully by proceeding with other kinds of devices available to us we can force the House to make these kinds of items their agenda for the future.

I thank the gentleman for yielding.

Mr. LUNGREN. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I commend the gentleman for taking the time for this special order. I would like to build on the point that our colleague from Pennsylvania just made. The point that I would make is that this House in the coming year is going to debate the agenda, it is going to debate the agenda of the Democratic majority. That is a given. That is one of the prerogatives that they enjoy as the majority party in the House. I do not think that any of us would argue that that should not be the case. We expect to debate the proposals of the Democratic majority, we expect to have to go on record to vote on them. But what we are talking about tonight I think in this special order is the fact that there is another agenda, an agenda that has the support of the majority of the American people that is not going to be debated in this House in the coming year unless we can force a change in the attitude of the Democratic leadership. And I think it is worth noting that the President tonight in his address outlined most of the major items of that agenda that many of us have tried to bring to the attention of our colleagues in the opening days of this session, the balanced budget item, the line item veto and other measures not related to economic policy, including the school prayer amendment all of which I would point out significantly are not just supported by a number of us on the Republican side of the aisle but which in public opinion poll after public opinion poll are shown to have substantial and indeed overwhelming

support from the American people. And it is this agenda that we are trying to bring to the floor of the House and trying to force the Democratic majority not to support it, if they do not want to support it, but at least give us the opportunity to debate it before the American people and to put the Members of Congress on record, just as we will go on record on those items that make up the Democratic majority's agenda. Hopefully by virtue of the statements tonight the President will move forward in that task and will be able to convince our friends on the other side of the aisle to bring those items up for votes this year.

I thank the gentleman for yielding.

Mr. LUNGREN. I thank the gentleman for his comments.

Mr. Speaker, one thing we ought to make clear is that the effort to have a constitutional amendment to balance the budget or requiring a balanced budget is not something that has not been well thought out, is not something that is not the product of a great deal of thought, a great deal of modification, a great deal of effort. It is something that has been carefully studied over a number of years with a number of grass roots organizations being involved. And for the record we ought to make clear that the constitutional amendment requiring a balanced budget that we are talking about is really made up of three parts. First, it is a tax limitation or a spending limitation as well as a balanced budget limitation. Taxes could not grow faster percentage-wise than the national economy unless a majority of both Houses specifically voted to increase revenues. We would not be hamstrung, but it would require an affirmative action of the Congress before we allowed that increase or that rapid an increase in taxation.

Second, it would require, through a heavy but not completely immovable lid on deficit spending, that attention by the Congress towards the implication of its decisions legislatively.

In other words, an unbalanced budget would be possible but only during a declaration of war or with a specific three-fifths vote in both Houses.

In other words, a super majority of both Houses would allow for an unbalanced budget. All we would be doing would be tipping the scales in favor of a balanced budget whereas now it is in favor of an unbalanced budget, but again there would not be a straitjacket.

Finally but very importantly, fiscal responsibility, fiscal accountability would be built into the congressional budgeting as new spending programs would require votes to reduce spending in other budget areas or votes to increase revenues.

I think democracy would be enhanced as Members would be required to affirmatively vote and be recorded by their votes in the Congress on the budget decisions. Fortunately, we do not have to cast votes for higher taxes required to pay for new spending programs of the present time. We have an easy way out.

I think that the fact, the overriding fact here is that we are on the verge of a Constitutional Convention being called by the people because we have failed to heed their request for consideration of this amendment. By just passing the amendment as we well know, we would not make it become law, we would only send it out to the States for their consideration and if the people of the United States wanted it, as reflected in overwhelmingly majority votes by their legislators on the State level, then it would become law.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think the gentleman has made a couple of points that tie together very nicely.

The reason why the people of the United States are asking for this is because the people of the United States are feeling the pressure of those deficits. The gentleman mentioned the amounts of money we are talking about in terms of the amount of deficit, the interest on the deficit we are paying each year. That amounts to $1,100 for every family in this country. Every family is carrying an average of $1,100 worth of debt load this year because of what we are spending in this Congress. That is irresponsible. And the American people understand that that is irresponsible and they want something done about it.

With the debt we have already piled up over the last several years every American family has been burdened with over $10,000 in debt. They are disgusted by that and rightly so.

They feel the pressure of it. They want something done about it. And they are asking through their State legislatures that we act on it. They are asking us to discipline ourselves. We are not capable of disciplining ourselves unless we go the route that the gentleman suggested in the balanced budget amendment. And that is all we want out here to be discussed. I am very sorry to see that we do not have a large number of our colleagues from our side of the aisle or from the other side of the aisle here to talk about these issues tonight because I think the American people would be interested in knowing why it is that so many people from the other side of the aisle are unwilling to consider the balanced budget amendment.

Why is their leadership unwilling to consider the balance budget amendment?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman from Pennsylvania (Mr. WALKER) has struck on a very important point when he talks about the need for some type of a discipline. That is really what we are talking about here along with the line-item veto, balanced budget amendment would be a mechanism for discipline. That is the only way we are going to get from the rhetoric stage, which we have had plenty of, to the action stage. I was kind of disappointed tonight when the President mentioned the need to cut deficits, and he received an ovation from both sides of the aisle; but when he started talking about the need for some mechanisms of discipline like the line-item veto, the other side of the aisle fell silent.

The point is unless we can agree to come forward in this election year, 1984, and agree to allow the American people to have their way in building perhaps or passing some mechanisms of discipline like the balanced budget amendment, we are not going to have a constructive year in 1984. It is going to be a political year.

But we have the choice now, both sides of the aisle have the choice to do something constructive and I hope that the President's speech will inspire enough of the people on both sides of the aisle to get together and push and promote the balanced budget amendment along with the line-item veto.

Mr. LUNGREN. I thank the gentleman for bringing up the subject of the line-item veto.

Mr. HUNTER. I knew the gentleman would like that.

Mr. LUNGREN. Because although I think we would all agree it is not a panacea for budgetary woes, I think it would give us one step, at least a first, small though it may be, toward reining in Federal spending, a goal that, as we have all said, seems to be a goal shared by Members of both sides of the aisle, judging from conversations that we have had, judging from press releases sent out, and judging from the applause meter on the President's speech today.

Since 1931 we have had 45 Federal deficits. Uninterrupted deficits for the past 15 years. What is astounding is that during the past 53 years, during which time we have had 45 Federal deficits, Congress has increased revenues 193 times. As a percent of the gross national product the budget has gone from 18.5 percent in 1960 to 20 percent in 1970 and 23 percent in 1980. Today it stands at nearly 26 percent and if one includes the spending of the State and local governments the figure

jumps to nearly 40 percent of the GNP.

□ 2050

Now we know there are those here, and judging from some of the applause we heard during the President's speech they may be centered on one side of the aisle, who would like to say that the problem is not that the Government spends too much, it is that it taxes too little. But if that be the case, then why after tax rates were cut in the fall of 1981 did total revenues increase by $18.5 billion? The answer I think is that strapping Americans with higher and higher taxes may, in fact, generate less revenue and there is no doubt that it will generate a smaller GNP and have a depressing effect on our overall economy.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I think he has really touched on one of the points that should be one of the major items of debate between the two parties as we go into the 1984 election which is the objective that we are trying to pursue here tonight, to open a dialog between the two parties on the course for America into the 21st century.

And I think that the point that the gentleman raises answers the question raised a few minutes ago by our colleague from Pennsylvania (Mr. WALKER), which is why is there no action on the balanced-budget constitutional amendment by the Democratic majority.

The answer is because the Democratic majority has a very different idea of how we ought to deal with the problem of the deficit, just as my colleague in the well has pointed out.

I talk all the time with people from my district who ask why Congress does not do anything about the deficits. They say, "Don't people really care about them?"

And my response is I think that Members of Congress of both parties and all philosophies are genuine in their concern about the deficit. That is not really the issue.

The point is there are widely differing philosophies on how to deal with the problem of the deficit. It is obvious, or should be obvious from the applause meter tonight to the President's speech that the members of the majority, the Democratic Party, want to solve the deficit problem by raising taxes. They probably sincerely think that that is the right thing to do for the economy.

But I think the President made a vary important point for us economically. We talk all the time about the deficit. The reason that we are concerned about the deficit is because we are fearful that it will have an adverse impact on our economy. People in my district are fearful that if the Government continues to borrow large sums of money it will push up interest rates and that is bad for agriculture and small business. That is true across the country. People are worried about what the deficit will do to the economy.

But the President pointed out tonight that solving the problem by raising taxes really does not solve the problem. All you are doing is having the same amount of resources extracted from the economy through the method of taxation rather than the method of borrowing, which is what we are doing now.

And the point that we on the Republican side of the aisle are trying to make is that if we want to deal with the deficit in a way that gives us what we all want, which is a stronger, healthier economy, price stability, lower interest rates, job creation, and economic growth, we cannot solve the problem on the taxing side, which is what our friends on the Democratic side of the aisle want to do. We have to solve it on the spending side and the President has given us tonight his commitment to that course of action and a number of specific tools that would help us achieve that goal.

I thank my colleague.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Florida.

Mr. MACK. Again I would like to respond I guess to the point about taxation. And again respond to my colleague about bringing up the point that there are many different ideas about how to solve this problem, very wide differing ideas.

But on the point about taxation, I looked at some figures over the last several weeks that basically showed how the tax rate on the average family in this country over a period of time, roughly starting back in 1940, has increased from a very, very small percentage to over 10 percent of that family's income. And for the first time in 1983 dropped down below that figure.

And then what that chart also showed was that basically if you were to solve the problem of deficits by raising taxes, you have to raise taxes on that average family to something like 15 percent of their income. Or about a 73-percent increase in their taxes.

I do not think you can solve the problem that way. Spending has gotten out of control and that is where we have got to deal with it.

Mr. LUNGREN. The gentleman makes a good point and that is that even though we cut tax rates in the last couple of years, tax revenues have gone up. We had a recession. They did not go up as much as they would have in a more expanding economy, but they did go up.

But unfortunately our increased revenues have been more than matched by increased spending.

Here are some statistics that I had forgotten about until I looked them up. In 1982, President Reagan originally requested of us a budget of $705 billion. We approved $810 billion in spending. For fiscal year 1984, the administration has projected spending of around $850 billion with little likelihood that those of us in Congress collectively will stay below his figure, which I think suggests another sort of avenue of concern and investigation which is, how can we in this body criticize the President for his deficits when no matter what he brings in we always manage to spend far more than he sends us.

Maybe what we need to do is to solve the deficit problem by passing a Jimmy Carter budget. Right now Federal revenues are estimated at $668 billion in fiscal year 1984 and spending at $848 billion, leaving us $180 billion deficit.

Now back 5 years ago, Jimmy Carter proposed to spend $704 billion, in 1984 dollars, on ongoing "current" services. So we could cut the deficit by $144 billion or 80 percent by just going back to the level of continuing services at Jimmy Carter's administration's levels, which he thought acceptable.

How can we be underspending if Mr. Carter would not have spent what we have forced the Federal Government to spend?

The deficit problem is no doubt a spending problem.

The line-item veto would allow the President to work through the budget with increasing precision, allowing him to address specific situations in which a single appropriations bill contains certain spending vital to the Nation, but at the same time some spending that he judged to be excessive.

Now this may be revolutionary here in the House, it may be revolutionary in the Senate, but what is it—42 or 43 States have managed to find that albeit revolutionary, it works.

In my home State of California, I have a constituent, who I am pleased to say is the Governor, George Deukmejian. I remember last year and the year before I had to pronounce his name so that most people around here could pronounce it properly after reading it in print. And now I have no problem telling people who he is, they recognize him because of the success that he has had.

He had a tremendous fight his first year in California where he refused to raise taxes because that is what he campaigned on, even though we had a deficit. In a 1-year period of time we have gone from something like a $700

million deficit to a $1.5 billion surplus, without taxing increases.

One of the ways he managed to get us out of our fiscal problem in California was by exercising his line item veto. He X'd out over $1 billion in the California State budget last year.

Now there are disagreements about whether people agree that he did the right thing or the wrong thing, depending on your political philsophy and your dedication to certain programs, you may accept those cuts or you may reject them. Nonetheless, he was able to do that and that was the final decision, unless the legislature were to override him. They did not override him.

And so when push came to shove we finally had a decision in which we were able to balance the budget in the State of California because we had the line item veto.

Without that veto, our State director of finance, Michel Franchetti, said it would have been absolutely impossible for Governor Deukmejian to hold the line on raising taxes in California.

So if we want to blame the fellow at 1600 Pennsylvania Avenue for being a part of the deficit, let us give him some more responsibility and see if, in fact, he will exercise that responsibility.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding and I appreciate my colleagues from the House who have taken the time to participate this evening to attempt to clarify and reemphasize some of the very, very important points that were made by the President this evening in his state of the Union.

Let me mention that is seems to me that one can tend to perhaps confuse the issue to the American public by using terms Democrat and Republican too much.

The President made it very clear this evening that it was a Democrat and Republican problem in a traditional sense that got us to the place where we are in the first place.

In talking about the deficit he said some way, this House, the Congress, had become enamored by the thought that really one of the only ways to solve the problems of the public, to help people, was simply by more and more government. And in spite of the fact that there is a tendency of his party to resist more spending, the majority around here has consistently exploded that spending.

□ 2300

Now, while it is clear—and the gentleman has made it very clear—that one group of people have controlled the leadership around here for several decades and thereby controlled the policy coming from the Congress. Nonetheless, budgets passed that put us in the position of having well over $1 trillion deficit.

So the President said, "Let us presume there is some blame on both sides," clearly saying that the leadership around here was really responsible.

But, nonetheless, accepting that, the solution requires some bipartisan cooperation. Indeed, if we are going to solve the problem and lead to policy changes that will put us in a position where the Congress has the country living within its means, then there is no doubt that the American public must communicate to this place, they must suggest that their Congressmen vote and support living within our means.

It is very important for us to realize that the third largest item in our budget annually is the interest on our national debt. It is clear to anybody who is willing to look that, with the economy inherited by the President, where we had $1 trillion deficit, where we had 12½ percent interest rates, the burden of Government debt was going to be overwhelming. Nobody anticipated it would lead to deficits like this one. On the other hand, it is very clear that it would require bipartisan effort to get us out, because this House is controlled by a party other than the President's party.

It is also very important for us to recognize, in my judgment, that the average citizens out there needs to rethink what "Democrat" and "Republican" means. As a practical fact of life, it is my view that the leadership of this House, this is, the majority controlling leadership, is out of touch with the American public, Democrat and Republican alike.

Now, if the gentleman will allow me, I would like to shift a bit to a couple of other items that the President mentioned in this address. Indeed, there was a great deal of reaching out across party lines, an expression of hope in terms of our future.

One of my committees involves the appropriations for NASA, and the President spent some time talking this evening about a key hope to our future, that involving our frontier. We must recognize that the frontier has always been one of the basic elements, one of the dramatic factors that have impacted our growth, our success, our expansion of the country. And the President said that indeed, in spite of our growth in the West, the frontier is not gone.

His endorsement this evening of a manned space station that involves an entirely new explosion in terms of our work in space indicates, I think, to those who are willing to look at it, that there is great opportunity for America and the world there. There will be expansion in terms of economics, there will be tremendous opportunity in terms of scientific accomplishment, there will be jobs, the whole mix that has made our free economy so successful.

I remember those who doubted whether we should spend the energy and indeed the capital to send a man to the Moon. Everybody recognizes that that investment was worthwhile in terms of both the public and the private sector.

Recall, if you will, it was many, many years before that that there were critics who suggested that Isabella should not finance Columbus' trip to America.

Mr. LUNGREN. If the gentleman will allow me to interject something, I know the gentleman is a little older than I am, he may recall it a little more closely than I do, but I do not think he does.

Mr. LEWIS of California. I appreciate the gentleman's sensitivity of my position.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, at the risk of making an overly tiresome point, one does not have to go back quite that far. The likely standard bearer of the Democratic Party when he was a Senator from my State, led the opposition to the space shuttle. And we do not hear a whole lot about that lately, but I think that that same thinking is more current than the time of Isabella and is well worth thinking about.

Mr. LEWIS of California. I think the gentleman makes a very, very important point.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman from Minnesota has made a point, and it comes right up to the present day. It was not very many weeks ago when we acted on this floor to stop commercialization of weather satellites. Now, what that meant was that one of the areas in which the administration has defined that we can begin to move toward commercialization was turned down in this body.

So we have acted already, just like those who misadvised Isabella many years ago, right in this body. We continue not to recognize the opportunities.

And the gentleman is absolutely right about the opportunities that exist with that space station. There are many experts within NASA—and I serve on the authorizing subcommittee—and elsewhere who indicate that with the proper kind of investment you can create a half a trillion new dollar economy by the turn of the cen-

tury, which in 1984 terms is 15 million jobs that do not now exist.

If the United States is in the leadership on that, that will mean 15 million jobs that we have created in this country for Americans as a result of the initiative that the President announced here tonight. And that cannot be overstressed. That is absolutely a place that this country has to be going. Anyone who stands in the way of that kind of future it seems to me should be roundly rejected by the American people.

Mr. LEWIS of California. I thank the gentleman from Pennsylvania for his contribution. I think he raises another point that is most significant in this whole subject area.

For those out in the public who have expressed to me concern about what might be happening in terms of our heavy industry in this country, the subject of Columbus, Isabella, and the space station raises another point. You know, it was not so long ago that those who wanted no change in our society, people of almost the same mix we have been talking about this evening, were wringing their hands because of major manufacture industrialization, the modern assembly line, that agriculture would disappear from this country, that no longer would we be a land of the farm. And yet clearly America today reflects the finest in terms of production that the world has to offer in terms of farming. We feed the world.

Now, today there are some who are concerned or express concern about the fact that our movement in the direction of a new kind of industry like the science and technology development that is taking place might have a too dramatic effect upon our major industries, such as steel and the autos.

I would predict to my colleagues, at least, that the future bodes very well for those industries as well. As we provide the kind of tax incentives, we will have continued expansion of jobs in those sectors as well as create a fascinating opportunity for the future that means a new kind of America, indeed a new kind of world.

One other item, if the gentleman might share with me a little more time, another element of the President's speech in which he reached out with hope and expressed what I think touched at the heartstrings of many American families concerned, he paused this evening, as he spoke of the state of the Union, and he spoke to the people of the Soviet Union and said that America is a land of freedom and of hope and, most importantly, the land of peace. And as we all search together for peace, if their people will respond, clearly our people will join them. Just as important, it seems to me, the President said, while he was talking to the people of the Soviet Union, if their Government has the will, we will have peace.

Clearly, this generation has no more significant or important charge than to totally eliminate from the face of the Earth nuclear weapons. And the President said the best for all of us is to eliminate them. The only possible roadblock to that is not the people of the Soviet Union but the Soviet Government who would use them for purposes other than peace and freedom and hope and opportunity for our children.

I believe it is most important that we all recognize that tonight the President was not emphasizing partisanship alone but, rather, suggesting that if we come together, realize the progress we have made, recognize that even though the leadership of this House is so out of touch with Democrats and Republicans alike, if the public responds, if they insist upon a difference, we can have once again the kind of change and challenge and opportunity that has made us the greatest country in the world.

Mr. LUNGREN. I thank the gentleman for his comments, and I appreciate the gentleman talking about a number of subjects that the President addressed today.

I would like to go back slightly to one of the things that we have talked about but we did not talk about it as a subject in itself, and that is the question of taxes. The President talked about an increase in taxes as a response promoted by some as the way to get rid of the deficit. Unfortunately, at least unfortunately for those who propose that as a solution to our problems, most Americans agree with the proposition that the problems facing our economy are not the result of the people being undertaxed, but rather stems from the fact that the Government spends too much.

In fact, a recent Gallup poll released on December 25, 1983, shows that 70 percent of those polled said that spending cuts are the way to reduce the deficit, while a piddling 16 percent favored tax increases to reduce the deficit.

At this point, Mr. Speaker, I insert the results of the Gallup poll in the RECORD:

THE GALLUP POLL

PROPOSAL FOR TAX HIKES, SPENDING CUTS RECEIVES MIXED PUBLIC RECEPTION

(By George Gallup)

PRINCETON, N.J.—A proposal that would match cuts in government spending dollar for dollar with higher taxes in order to reduce the federal budget deficit receives a mixed reception from the public. The proposal, similar to some being discussed in Congress, is favored by 41 percent and opposed by the same proportion in the latest Gallup survey.

At the same time, the public prefers further spending cuts over increased taxes—given the choice—by an overwhelming 70 percent to 16 percent margin.

The survey reveals growing public awareness that the federal government is running at a heavy loss: 70 percent now, compared to 63 percent a year ago, say the government is operating in the red. Furthermore, 27 percent of those aware of the deficit now cite $200 billion or more as the size of the deficit for fiscal 1983. Last November, the comparable figure was 16 percent.

All persons in the current survey were asked their opinion of the importance of balancing the federal budget. More than half, 54 percent, said this was "very important" while 32 percent said it was "fairly important." Only 9 percent rated a balanced budget "not so important" while 5 percent did not express an opinion. Similar surveys have shown the informed public to favor a constitutional amendment to balance the federal budget, by 3-to-1 margins or better.

The proposal for reducing the deficit by cutting government spending and increasing taxes by the same amount receives a very even reception in all major population groups.

Here are the questions asked and the principal findings:

"One proposal for reducing the deficit now being discussed in Congress calls for an even balance between reduced spending and increased taxes. Under this plan, there would be one dollar in increased taxes for every dollar in spending cuts. Does this sound like a good idea or a bad idea to you?"

EQUAL AMOUNTS OF SPENIDING CUTS, TAX HIKES

	Good idea	Poor idea	No opinion (percent)
National	41	41	18
Republicans	44	42	14
Democrats	42	39	19
Independents	40	42	18
College graduates	45	40	15
College incomplete	43	44	13
High school graduates	42	40	18
Less than H.S. grads	35	39	26
$20,000 & over income	44	41	15
Under $20,000 income	39	40	21

Note: None of the differences between those saying "good idea" and "bad idea" within each group is statistically significant.

GIVEN CHOICE, PUBLIC SPURNS TAX HIKES

As shown below, the public greatly prefers further cuts in government spending to increased taxes. Here are the questions and the national results:

"Basically, there are two ways to reduce the federal budget deficit—by reducing government spending, including both defense and social spending, or by raising taxes. If you had to choose between them, which would you prefer: reducing government spending or raising taxes?"

Reducing budget deficits

	Percent
Reducing spending	70
Raising taxes	16
Some of each (volunteered)	9
No opinion	5
Total	100

IMPORTANCE OF BALANCED BUDGET

As shown below, with the exception of college graduates, heavy majorities in all major population groups feel balancing the federal budget is very important:

"How important do you think it is to balance the federal budget: very important, fairly important, or not so important?"

IMPORTANCE OF BALANCED BUDGET

	Very important (percent)	Fairly important (percent)	Not so important (percent)	No opinion (percent)
National	54	32	9	5
Republicans	61	31	7	1
Democrats	51	35	9	5
Independents	54	28	12	6
College graduates	41	44	14	1
College incomplete	56	33	9	2
High school graduates	57	31	8	4
Less than H.S. grads	57	23	7	13
$20,000 and over income	49	39	8	4
Under $20,000 income	59	25	10	6

The following tables show the growth since last year in the public's knowledge of the size of the deficit:

"Do you happen to know whether the federal goverment is or is not operating at a loss?"

AWARENESS OF FEDERAL DEFICIT

	November 1983 (percent)	November 1982 (percent)
Yes, is	70	63
No, is not	7	8
Don't know	23	29
Total	100	100

"Just your best guess, what is the estimated size of the federal deficit for fiscal 1983?"

SIZE OF FEDERAL DEFICIT

[Based on these aware of deficit]

	November 1983 (percent)	November 1982 (percent)
$200 billion or more	27	16
$100–199 billion	7	18
Less than $100 billion	17	13
Billions, millions, high, etc.	13	14
Don't know	36	39
Total	100	100

The extent of the public's knowledge about the deficit does not materially affect their perceptions of the importance of a balanced budget. Roughly equivalent proportions of well- and poorly-informed persons, for instance, feel it's very important that the budget be balanced.

The latest findings are based on in-person interviews with 1,504 adults, 18 and older, conducted in more than 300 scientifically selected localities across the nation during the period November 18–21.

For results based on samples of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be 3 percentage points in either direction.

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□ 2310

Mr. LUNGREN. Mr. Speaker, I think it is very clear the American people do not want Congress to increase taxes. A 70-percent margin is an astounding margin in any poll on virtually any question that is of any controversy. Not just the Gallup poll but virtually any opinion poll shows that the American people overwhelmingly oppose any major tax increase.

One of the most recent polls, an ABC-Washington Post national opinion poll appearing in the January 19 Washington Post indicated that, "By a lopsided ratio of almost 3 to 1, Americans agree with President Reagan in opposing a tax increase," as a means of reducing the deficit. What most Americans know intuitively in fact is the case. Deficits are not the result of the 1981 tax cuts but, rather, result from increasing Federal spending superimposed over a recessionary period.

In dollar terms, the 1981 tax cut had virtually disappeared by early 1983. The average tax rate in 1984, unfortunately, is about the same as it was in 1980.

Former Assistant Secretary of the Treasury for Economic Policy, Dr. Paul Craig Roberts, observed that, "As the tax cut dwindled, spending grew." From March 1981, when President Reagan submitted his original 1981–84 budget request to his budget request of January 1983, less than 2 years later, nondefense spending for those 4 years rose by $211.8 billion. Meanwhile, his requests for defense spending were cut by $25.2 billion, leaving the cumulative Reagan defense budget for 1981–84 only $13.6 billion above the amount President Jimmy Carter requested for his 4 years.

The budgetary problems facing our Nation are clearly not the result of any inadequate level of revenues. In fact, to repeat a point we were making earlier, in 7 years the amount of revenues taken by the Government has roughly doubled. In 1977, tax receipts equaled about $355 billion, while in fiscal year 1984, just 7 years later, it is estimated that receipts will reach nearly $700 billion.

Mr. WEBER, Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I do not want to take a lot of time, but I would just add to the point the gentleman is making that regardless of what we do with regard to the deficit, there are already additional scheduled tax increases in the coming years in the social security tax.

Mr. LUNGREN. It is just hitting people right now, as we go into the new year.

Mr. WEBER. That is right. So the tax burden on working people and their employers is going to increase, regardless of how we solve the deficit problem, and when people talk about solving the deficit problem by raising taxes, those are tax increases in addition to those tax increases already scheduled through the social security system.

Mr. LUNGREN. The gentleman makes a good point. We might reiterate the point that we had a tax increase last year where the President, I think wrongly ultimately but nonetheless in a spirit of bipartisanship, agreed with the argument that he would be willing to have some increases in taxes in return for getting a 3 to 1, $3 of spending cuts for every $1 in tax increases that he accepted.

We know what happened. We got the $98 billion tax package passed. We got that money. It is going out of the pockets of the American people and coming here to Washington, D.C., to be washed through the coffers of the Federal Establishment, but I, frankly, cannot find where we made the spending cuts. Depending on whose analysis one sees, instead of $3 of cuts for every $1 tax increase, we have had 57 cents in cuts, or if one looks at some other analysis it is 27 cents, and there is even an analysis that shows we have had spending increases as opposed to cuts in response to that bipartisan approach including tax increases. The only thing that actually happened was that we got tax increases.

Let me just mention, I think, a pretty good crystallization of this stated by Beryl Sprinkel, Under Secretary of the Treasury for Monetary Affairs, when he wrote:

> The argument for tax increases is analogous to a compulsive shopper blaming his continued need to borrow on the boss, who will not finance that habit by granting continual salary increases that represent an ever-increasing share of the company's total budget.

Another person who one would not normally think of addressing this issue, John Maynard Keynes, wrote in 1933 these words:

> Nor should the argument seem strange that taxation may be so high as to defeat its object, and that, given sufficient time to gather the fruits, a reduction of taxation will run a better chance, than an increase on balancing the budget. For to take the opposite view today is to resemble a manufacturer who, running at a loss, decides to raise his price, and when his declining sales increase the loss, wrapping himself in the rectitude of plain arithmetic, decides that prudence requires him to raise the price still more;—and who, when at last his account is balanced with nought on both sides, is still found righteously declaring that it would have been the act of a gambler to reduce the price when you were already making a loss.

In other words, he says if you are not selling enough at the price you have now, just raise the price and you will take care of your operating loss. That is nonsense for any manufacturers. Those manufacturers who say they are the ones who are in bankruptcy court today, and that is why we are in the great bankruptcy court that is the U.S. Government at the present time.

It is imperative that action be taken to reduce the Federal budget deficits, but as the President said, the manner in which we accomplish it is more im-

portant, because if we choose the wrong manner to accomplish it, we will never balance the budget, and in the meantime, in the process, we will destroy the private economy and lose all hopes of having a viable economy and a balanced budget at any time.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, let me just kind of put into perspective, I think, the discussion we have had the last several minutes about tax cuts and raising taxes.

I think that somehow we get lost in a lot of the rhetoric. I hear people saying many comments like really the problem we have with the deficit or the way we got into the problem with the deficit is because we just are not taxing the American public enough; that in essence we really had too large of a tax cut. When one really looks at those numbers, when one first hears them, something like $960 billion in tax cuts over a 5-year period was projected when those numbers first came forward or when that tax cut was first proposed, the interesting thing, as my colleague from Minnesota has indicated, there are taxes that have been increasing over the last several years.

First of all, about two-thirds of that $960 billion has already been eaten up by either bracket creep or by increased social security taxes. In addition to that, as has already been mentioned, we raised taxes. When I say "we," in 1982 there was an increase in taxes and that was quickly followed up by another increase in taxes of $16 billion for the gasoline tax, and then this year, in March I believe it was, or March 1983, again there was another pushing forward of the payroll taxes on social security once again.

The net result was, it was not a $960 billion tax cut; it was a $35 billion tax increase over the same 5-year projection. So I think, again, we have got to hold the line on taxes.

Mr. LUNGREN. This really should not be a partisan question. John Kennedy showed the way 20 years ago. John Kennedy recognized it is simply not possible to balance the Federal budget by constantly raising and raising and raising taxes. He recognized the need for national security, for a substantial amount of the Federal budget to go to national defense; but he also knew and also stated on numerous occasions, and in his economic reports, that we could not consistently just raise taxes to balance the budget. As a matter of fact, he encouraged us and he fought for through the Congress a tax cut so that we could unleash the creative capability of the American people individually and in their businesses so that we would have an expanding economy and that would bring revenues in. His points are as valid today as they were 20 years ago.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

Mr. Speaker, I am glad the gentleman mentioned John Kennedy's tax cut because I can recall that John Kennedy said in making that cut, and it has been repeated many times, that a rising tide lifts all boats.

□ 2320

And if we look at the economic picture today and the recovery and the good things about the recovery and the bright spots that the President touched on today, we have to conclude that the new opportunities that have been given to the American people have come about because of the tax policies that we initiated in 1981, with the leadership of President Reagan and with the conservative coalition in the House of Representatives and the U.S. Senate.

I was thinking as the President spoke that if we look at all the good spending programs we have—and we have some good spending programs—there is probably not a single one of them that motivates any American to get up earlier or to work harder or to risk more, but there have been programs passed in the last couple of years that have done those things, that have motivated Americans to greater productivity. And those programs were the tax initiatives that were led by President Reagan again, that were passed in 1981, and are just now working.

I think it is evident that a rising tide does lift all boats, and the truth of that is shown in the Presidential politics of the minute, because even now, as Mr. Mondale goes from interest group to interest group making many promises that perhaps may be unkeepable, we are building today and President Reagan continues to build today on the rising economic tide that is going to mean a better America for minorities, for blue collar workers, for businesses, for entrepreneurs, and for all American people.

That is the key. The gentleman mentioned that California has now come out of the hole and we now have a surplus. The reason we have that surplus and the reason we are able to attend to our needs in crime prevention and social services and the other responsibilities of Government is partially because of that rising economic tide that the President has created.

So that, together with some of these mechanisms of discipline that we talked about such as the line-item veto and the balanced budget amendment, will enable us to bring about a little better fiscal responsibility.

Mr. WEBER Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will yield to the gentleman, but let me first just try to go quickly into a couple of other points on the agenda.

Mr. WEBER. That is what I was going to do, I say to the gentleman. I am glad he is covering this.

Mr. LUNGREN. Mr. Speaker, we might go beyond those first several items, because the President mentioned a number of things. One of the things the President talked about and one of the things he has consistently talked about since he sought the Presidency is the right of American citizens to be secure in their homes. Another way of talking about it is the issue of crime.

The interesting thing is that in a December 27, 1983 edition of USA Today, the following question was posed to its readers: "What worries you most about 1984?"

Under the subject of crime, 62 percent of the respondents described themselves as very worried.

Now, this might be constrasted with the response concerning the threat of nuclear war where 52 percent described themselves as very worried.

It seems to me that we must ask this question: If this is truly the people's House, why is it that so little of our attention has been given to the subject of crime in this country by the House leadership? We all recall that we spent a total of 37 hours and 12 minutes debating the nuclear freeze issue. I think it was important to debate that issue because it was and remains a controversial issue, because in some ways it manifests a concern about nuclear war itself. We may disagree on whether that is the proper approach to that particular concern, but nonetheless it was the vehicle. But if we are going to spend that amount of time on that issue, why can we not spend a similar amount of time on the issue of crime?

On March 16, 1983, the Reagan administration sent the Comprehensive Crime Control Act of 1983 to Congress for consideration. It is a 42-point crime package covering the waterfront on the major issues that most people talk about and most professionals in the field are concerned about in terms of our war against crime. The Senate has passed out major elements on it. They will very shortly pass out the comprehensive bill, taking out some of the more controversial aspects and bringing those forward individually.

But I can tell the Members that in my Committee on the Judiciary we have not even had the entire bill sent to a subcommittee.

Now, what is wrong? If we have this comprehensive attack on crime not even referred to the subcommittee,

which is the first step that must be taken in the process of finally getting it here to the floor, what is wrong? We need to do something immediately. We need to do something in a bipartisan way. We need to respond to what the President has talked about, and, unfortunately, we have not even scratched the surface on that issue through the committee process or any other process.

Mr. Speaker, it seems to me that that is one of the things that ought to be at the top of the agenda because the American people want it, and it is a value that is so essential to any form of government.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman raises an important issue, and, of course, the gentleman has been a leader on the whole issue of crime in Congress.

But I think it is very important, before we conclude here tonight in the not too many minutes that are left to us, to point out that the President, in establishing national goals for our country and objectives of the administration, raised the issue of crime really in a broader context, and that is the context of strengthening traditional values. We do not often like to talk about those issues in the Congress, and yet to most Americans in their homes and families, those are perhaps the most important issues.

The President said that his third great goal is strengthening our community of shared values. For us, he said, faith, family, work, neighborhood, freedom, and peace are not just words; they are expressions of what America means.

I think when the President makes statements like that, he may not be talking to the politicians out here, but he surely is talking to the people at home who understand that is really what is most important.

Furthermore, the President made some specific proposals that I think this country cares a lot about. He proposed that we act on the question of voluntary prayer in our public schools, which would require a constitutional amendment, and he asked that we do something to restore the protection of unborn human life. That is a controversial issue, and I give the President great credit for having the courage in a state of the Union message, for the first time ever, to raise the abortion issue and to talk about the essential values that our country holds dear.

Mr. LUNGREN. Mr. Speaker, when the gentleman brings up the question of voluntary prayer in schools, that is something the vast majority of the American people are saying they support, and at the very least, the people's body ought to vote on it.

The New York Times Gallup poll taken in September of last year found that 82 percent acknowledged familiarity with the President's voluntary prayer amendment, and 81 percent of those polled expressed their support.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, did the gentleman say 81 percent?

Mr. LUNGREN. Eighty-one percent.

Mr. WALKER. And that was the liberal New York Times?

Mr. LUNGREN. Well, that was the liberal New York Times, along with the objective Gallup poll organization. Together, they discovered that 81 percent of the American people support that proposal.

As the gentleman mentioned, that is a contentious issue. There are some sincere concerns on all sides, but is this not the place where contentious issues ought to be decided?

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. LUNGREN. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, the gentleman makes a very important point when he says that 80 percent of the American people support the concept of voluntary school prayer, but the real tragedy is that the democratically controlled House of Representatives has bottled that proposal up in committee for 21 years.

Now, one can understand that there may be higher priorities in the view of the Democratic majority. But higher priorities for 21 years? So that a proposal that has the support of 80 percent of the American people can never once be brought to the floor of the People's House even for 1 minute of discussion? That is criminal.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for his comments.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to comment for a few brief seconds.

I thought it was an extraordinary speech, far and away the best statement of political philosophy by this President in his entire career, in that a number of us have been working on what we call a conservative opportunity society.

We have been meeting for 9 months. We have been working to try to develop a clear statement of it, and in 45 minutes tonight, I think the President gave us the finest single document we will get.

I would hope that Walter Mondale would be inspired by this clear statement of a conservative opportunity society version and that in the next few days he would issue a liberal welfare state version so that we could have both documents for the rest of this year and allow the American people to choose between the Walter Mondale version of the liberal welfare state and the Ronald Reagan version of the conservative opportunity society.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for his remarks.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I do not think we should let Walter Mondale know about the conservative opportunity society because I think what he will do, if he finds out that there is another group that he has not promised something to in return for an endorsement, he will come after us. So we should keep him in the dark.

Mr. LUNGREN. Mr. Speaker, on one other matter that has not been given high visibility that I happen to think is extremely important, I think it is interesting to note tonight that 1 year ago today the President called for the Congress to adopt amendments to the 1968 Fair Housing Act in order to strengthen the enforcement authority of the Justice Department, and that in June he followed up with his administration sending the legislation to the Chamber that would carry out the objective.

I think it is important because we have always heard about the administration and this President being against busing. But at the same time he believes that if you are against busing, you ought to be consistent and allow strong teeth in a law that allows people to live where they want to live in fair housing, and unfortunately—this ought not to be a partisan issue—this House has not even acted on that bill to be brought out of the relevant committee and brought forward to this floor.

So I was heartened again to hear the President in his address include the request for a strengthening of the fair housing laws so that we in fact can put some teeth in the Federal fair housing laws and so we can show there is a consistency in the approach that many of us take that we do not agree with the concept of busing because it does not work and we think it is deleterious to the educational benefit of our children, but at the same time we know that there must be some provision to allow for people to live in the areas they want to live so that if neighborhood schools mean something, they are neighborhood schools in the neighborhoods that the people choose to live in.

□ 2330

Mr. Speaker, I want to thank you for spending the time with us here this evening. I am sorry that we could not

engage members of your party to join us in this debate on the agenda for America as it comes from this House, because too often we tend to wait to be told what to do from the White House no matter who is the President here, and we forget that we have an obligation when we agree with them to work with them, to at least present their view here so it may be debated and voted upon, but also to come up with our own agenda that contains our vision of what America is and what America ought to be.

Mr. Speaker, again I thank you for your indulgence this evening and I thank my fellow Members for their indulgence as well.

1984 LEGISLATIVE AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I would simply join with my colleague from California in expressing my disappointment in the fact that not one Democrat felt that these are issues big enough to be talked about here this evening. And perhaps the tone was set by the Speaker of the House who described this exercise as being ruthless.

I do not think there was anything that happened here tonight that was at all ruthless. It was simply an attempt to define the issues that the American people really, I think, want discussed.

But I do hope that we will give the staff here a chance now to go home and rest up for the next day's battle tomorrow, and so, therefore, Mr. Speaker, I yield back the balance of my time.

INCREASED BENEFITS FOR VIETNAM VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LEATH) is recognized for 5 minutes.

● Mr. LEATH of Texas. Mr. Speaker, I am introducing today two bills affecting programs which have been crucial to the successful readjustment of millions of Vietnam-era veterans.

First, I am proposing legislation which will provide a 15-percent cost-of-living increase for Veterans' Administration vocational rehabilitation and education programs. GI bill benefits are not automatically raised each year. The last increase in educational benefits for Vietnam-era and service-connected disabled veterans was the two-step, 10-percent increase as provided in Public Law 96-466. A 5-percent increase took effect on October 1, 1980, and the second 5-percent increase on January 1, 1981. This two step approach was necessary because the allocation for entitlement programs under the congressional budget for fiscal year 1981 did not make provision for the cost of allowing the full 10 percent to become effective on October 1, 1980.

Figures published by the National Center for Education Statistics of the Department of Education indicate that there has been a sharp increase in the overall cost of education in recent years. The total cost of tuition, board and room for all public schools rose by 33.3 percent from 1981 through 1983-84 school years, and the same costs increased by 37.9 percent at all private schools during the same period.

In testimony before the Subcommittee on Education, Training and Employment on September 29, 1983, Chief Benefits Director of the Veterans' Administration indicated that the administration would be giving serious consideration to recommending an increase in GI bill benefits for fiscal year 1985. Of course, we haven't seen the President's budget request for fiscal year 1985, but we hope a request for this funding will be included.

The second bill I am introducing proposes to revise and extend the veterans readjustment appointment program. A VRA appointment is a noncompetitive appointment to a Federal civilian job which leads to competitive status and career or career-conditional tenure upon satisfactory completion of 2 years of service and education or training.

The VRA program was established by Executive Order 11521 in 1970 to provide a means by which the Federal Government might do its share to help in the readjustment of veterans returning from Southeast Asia, many of whom lacked the skills and advanced education needed to compete in a tight labor market. This program has accomplished its objective of increasing the skills of thousands of veterans and helping to make them valuable employees of the Federal Government and productive citizens.

Congress made the VRA program one of the readjustment benefits available to Vietnam veterans when it approved Public Law 93-508. Eligibility for the program has been extended a number of times, the most recent being Public Law 97-72, the Veterans' Health Care, Training and Small Business Loan Act of 1981. The program will expire on September 30, 1984, unless extended by the Congress.

Witnesses representing the Office of Personnel Management, the Veterans' Administration, and the major veterans organizations, testified in support of an extension of the VRA program. At the subcommittee hearing on September 29, 1983, recommendations for other improvements in the program were also made, many of which I have incorporated in the bill I am introducing today.

This bill would extend the VRA program until September 30, 1987. It will also raise the maximum grade level from GS-7 to GS-11. I believe this action will enhance the effectiveness of the program by providing agencies increased flexibility to make employment decisions. It also recognizes that many Vietnam era veterans have obtained the necessary experience and education to qualify for a higher grade.

A nondisabled Vietnam veteran who has more than 14 years of education is not eligible under the current VRA program. This bill also proposes to waive the 14-year education limit. When the program was established, the thrust of the program was to help the educationally disadvantaged veterans. Since 1970, however, an increasing number of veterans have returned to school and enhanced their education under the GI bill. To deny them employment because they elected to pursue higher education would be to defeat the principal purpose of the VRA program, which is to provide long-term employment opportunities to Vietnam-era veterans.

Finally, the reporting procedures used by the Office of Personnel Management regarding the implementation of the VRA program by Federal departments and agencies will be streamlined by requiring that the VRA program report be published annually rather than semiannually. I want to stress that this change will in no way lessen OPM's clear responsibility to monitor and evaluate agency use of the VRA program. It will simply eliminate an extra report.

Mr. Speaker, I firmly believe that congressional approval of both bills I am introducing will continue to greatly assist Vietnam-era and disabled veterans and should be enacted as quickly as possible. Accordingly, I have scheduled a markup of these bills by the Subcommittee on Education, Training, and Employment on March 1, 1984.●

ADDRESS OF HOUSE MAJORITY LEADER JIM WRIGHT ON THE STATE OF THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

● Mr. FOLEY. Mr. Speaker, on Tuesday, January 24, 1984, the distinguished House majority leader, Mr. WRIGHT of Texas, gave a major address to the National Press Club. I would like to share this speech with my colleagues and commend it to them for their careful attention.

WHERE OUR TREASURE IS

"Where your treasure is, there will your heart be also."

For a nation as well as for a family is this truth fundamental.

In a world of distorted values, the United States—whose example should be leading the world to sanity—begins 1984 with our own priorities cruelly deranged.

Our commitment to education has been cut. Efforts to make life easier for the elderly and the handicapped have been cut. Our brave commitment to energy independence seems to be running out of steam. Clean water and clean air programs have been savagely cut.

Across the board, our national investment in the health and well-being of the American people has been reduced by about 16 percent. Funding for social programs is $47 billion less than the 1980 levels of service.

But military spending has almost doubled. It has grown to more than a quarter of a trillion dollars this year. We spent $100 billion more on programs of the Pentagon in 1983 than we did in 1980.

Meanwhile, a tax cut which primarily assists the wealthiest few is adding $135 billion to the 1984 deficit. Interest on the national debt has increased by 40 percent in the last three years. We'll spend more than $100 billion this year in debt service alone. Surely that is the sheerest waste of all.

General Dwight D. Eisenhower understood the moral problem of priorities and the brutish economics of displacement. Four decades ago, in the shadow of World War II, he said:

"Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

What the general decried as a temporary necessity of war has become an institutionalized cancerous drain upon the wealth of our nation and the resources of the earth.

In 1981 the President's budget proposed spending $1.6 trillion for military purposes over the next five years.

To understand just how much money that is, try the following statistical exercise: If we had begun spending $1 million a day from the moment Christ was born and continued at that rate to the present time, we still would not have spent quite half the $1.6 trillion which our President would earmark for military spending in five years.

Every minute in 1984, 30 children in the world will die for want of food or relatively inexpensive vaccines; every minute the world's military budget will absorb $1.3 million for the unproductive implements of terror.

If political leadership has a role to play, surely it is ours in Congress and in America to rearrange this grotesque misuse of our God-given treasure.

Ours is the world's richest and most advanced nation. We are not, like so many fallen leaves in the river of history simply swept along by a swift tide toward oblivion, powerless to control our destiny.

It is ours to create the future, and not simply cringe in fear waiting for it to happen to us. We must see with clear eyes those changes that fall so swiftly upon us, that we may chart a path toward a future of our own choosing.

THREE REALITIES

We must understand three overpowering realities of our age and come to grips with all they portend.

1. The first of these realities is the fantastic compression of time which has shrunk the planet earth and made of our world a neighborhood.

Where we sit today, for purposes of either transportation or communication, is closer to London or Paris or Moscow, yes closer to Peking or Beirut than it was one century ago to Richmond, Virginia.

We are approximately forty minutes from Vladivostok by intercontinental ballistic missile.

No longer may diplomacy follow the slow and steady rhythms of a game of chess; now its tempo is that of table tennis. Opportunities for peace, unless we are alert to their possibilities, appear and vanish before we can seize them.

2. The second reality is that science and technology have sped ahead at such a blinding pace that they threaten to leave behind the human arts of governing ourselves and our relations between people and between nations.

Scientific advances have brought an entire new range of problems. These include not only the threat of nuclear annihilation but also the displacement of people by computers and the displacement of American goods in the international marketplace.

If we are to stay abreast of technological change we must wage peace and pursue learning with the zeal and single-minded determination that we have previously reserved for war.

3. The third of the great realities we face is the population explosion which grows by geometric progression. The world's population doubled in the past forty years. It will double again in the next twenty-five.

This means that the same amount of land and air and water and mineral resources must be made to serve more and ever more people, both here in America and throughout the world. It means that conservation of our natural endowment and the production and distribution of food for the growing population of a hungry world are not only nice ideas; they are imperative public necessities.

It also means that the real energy crisis is yet to come as we inexorably eat our way through the final fossil fuels which it took nature millions of years to put in place beneath the earth—and that unless we take bold acts now to overcome that fate by developing alternative sources of energy before those on which we now rely have been rapaciously exhausted, our lack of action will condemn a future generation of Americans to a steadily declining standard of living.

OUR HUMAN RESOURCES

In view of these staggering realities, our first responsibility must be to set our own house in order—to build an economy strong enough to sustain our world responsibilities, one undergirded by an educated citizenry capable of conquering the new challenges which loom upon tomorrow's horizon. The one waste we can least afford is the shameful waste of our human resources.

We cannot afford for 12 million Americans to be thrown out of work, as occurred in 1982.

We cannot afford for 30 percent of America's industrial capacity to lie idle.

We cannot afford again to witness—as we did in 1983, a year of supposed "recovery"—more business failures, more home foreclosures, more delinquent debts, and a greater trade deficit than we suffered in 1982.

In January of 1984, we cannot boast that unemployment is only one percentage point higher than in January of 1981!

We cannot afford policies which make it harder for two million young Americans to attend college.

Above all, we cannot afford to lose our own faith in the future—and in ourselves.

The most dismaying portent of all is the disclosure of public opinion surveys that for the first time in the history of this nation a majority of the people believe that the next generation will have a harder time—with less chance to own a home, less opportunity for an education and a lower standard of living—than our generation enjoys.

It is the responsibility of political leadership to dispel that self-defeating perception, to revive the American dream, to renew the American spirit, to rekindle America's faith in our future.

This cannot be achieved by words alone. It must be done by deeds.

THE DEFICITS

The American people know that we cannot indefinitely continue to mortgage our children's futures with annual deficits in the range of $200 billion.

We cannot afford to indulge ourselves the expensive luxury of a tax cut which adds $135 billion to the already astronomical annual deficit, and put it on our grandchildren's bill.

In 1980, President Reagan was elected on the promise to balance the budget by 1983. But the 1983 deficit was the highest in history—three times higher than the worst suffered under any previous administration.

How serious are the Reagan deficits? They add more to the national debt in four years than all seven post-war administrations from Truman through Carter added in 35 years!

Before 1981 the annual deficit always consumed less than two percent of the gross national product for the year. Last year it consumed six percent!

In the past three years we have borrowed nearly $500 billion from our grandchildren or our great-grandchildren to help finance about $600 billion in current military spending.

Last year in the Budget Reconciliation bill, the House adopted a provision which directs the President to convene a summit meeting, to be composed of himself and the bipartisan leadership of both houses of Congress. This group would be directed to develop an across-the-board adjustment in the three things most responsible for the deficits—revenue losses, military spending growth and entitlement spending growth—sufficient to reduce the projected deficit for the coming year by at least one-half.

The Senate has not acted on that bill. Today I call upon the Senate to pass that legislation, with that mandate intact. I call upon the president to sign it, to convene the meeting, and to join us in an honest acknowledgment of the enormity of the problem in order that together we may begin to solve it.

Obviously something needs to be done. And it needs to be done this year.

Rhetoric will not suffice. Stonewalling the excessive tax windfalls for the wealthy and threatening to veto any adjustment will not get the job done. Refusing to acknowledge the role of military spending as a major contributor to the deficit will not avail.

Simply blaming these gaping deficits on imaginary increases in domestic spending will not wash. Martin Feldstein knows that is not true. David Stockman knows that it is not true. George Will knows that is not true.

If Ronald Reagan does not know that is not true, there is something seriously wrong in the White House.

Domestic spending has dropped from 9.3 percent of the gross national product in 1980 to 7.8 percent at present.

Hubert Humphrey said: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped."

Only one-fifth of our federal budget goes to help the hungry, the homeless, the sick and the handicapped, the elderly and the young who would get an education. But 60 percent of the budget cuts of these past three years have been visited upon that 20 percent of the budget.

EDUCATION

How sad that we have cut education when our schools are deteriorating. We have cut nutrition while hunger is increasing. We have cut job training when millions are out of work.

"Where your treasure is, there will your heart be also."

If we are to renew the American dream and to begin a renaissance of American industry, or America's cities, and of American society, we must begin by renewing our commitment to excellence in education for all of America's children.

In the last three years we have reduced vocational education, adult education student loans, Pell grants, school lunches—the entire gamut of things that make for an educated citizenry.

We are paying for our neglect in hundreds of costly ways. Last year we graduated fewer scientists and engineers than Japan, which has half our population—and fewer than the Soviet Union.

Surely one thing must be clear: we cannot expect to be first in defense, or first in commercial competition among the nations, if we settle for second best in education.

The most sophisticated machines and computers will avail us little without the educated manpower and womanpower to design, maintain and operate those sophisticated devices.

Education is not just our birthright; it is the foundation of our freedom and the support of our progress.

President Reagan seems to think the only thing necessary is to grant tutition tax credits for private schools and to lecture local school boards about how they should pay their teachers—or local teachers

In this as in every other function of our society, rhetoric is a poor substitute for support.

It is one thing to pray for better schools. That is fine, but of little avail unless we are also willing to pay for better schools.

It is fine to suggest that we ought to pay a bonus to our most gifted teachers, but of little help to a school district which can't pay any of its teachers a satisfactory wage.

It would be splendid to help hard-pressed parents who are confronted with the rising costs of college tuition; that much I support. But if there is any extra money available for elementary and secondary education, for heaven's sake let us dedicate it to making the public schools more excellent for all of America's children.

Education does not begin with the first grade classroom nor end with adulthood. An unborn infant whose mother is deprived of an adequately nutritious diet during her pregnancy is cheated forever of the capacity to develop fully his mental endowment.

Rapid technological changes in the market place and on the production lines have rendered literally millions of highly skilled men and women unemployable in mid career, their hard-won training suddenly obsolete.

We owe it not just to them and to their families but to our nation itself to rescue them by prompt retraining from the ash-heap of obsolescence.

I recommend the creation in the Department of Labor of a computerized nationwide Job Bank. Drawing upon the literally thousands of reports which American businesses send each month to Commerce and other Departments of our government, the central Job Bank would provide a constantly updated and continous reference of exactly what jobs are planned to become available, in just what numbers and in what locations, six months in advance. Every local U.S. Employment Office in the country would be plugged into this master computer.

Then, drawing upon the vast untapped resource of our Community Colleges, I propose that the Departments of Labor and Education develop the specific training programs necessary to assure both the young and the displaced mid-careerist those skills that are currently needed in our ever changing industrial environment.

FOREIGN POLICY INITIATIVES

Surely education, which has been very nearly synonymous with the finer values that typify America, has a vital role to play in our foreign relations.

One bipartisan recommendation of the Kissinger Commission is that we establish 10,000 scholarships to enable bright young people from Central America to study in our colleges and universities.

It is a sad commentary upon our lagging values and our fading vision that last year 7,500 scholarships were provided by the Soviet Union and Cuba for Central American students; while fewer than 30 were provided by the United States.

There are great unmet human needs among these republics which make up our hemisphere—needs which we are ideally equipped to supply. We have been officially oblivious to some very simple needs of our closest neighbors and blind to our own opportunities.

If we will act now, in the spirit of the good neighbor, by sending a Literacy Corps, a Teacher Corps and Medical Corps, we can make it unnecessary ever to send the Marine Corps.

There never has been a more propitious moment for our country to embark upon a positive quest for peace. Let there be no more harsh, inflammatory rhetoric about warning shots across the bow or waging limited nuclear war.

We live in a world of 40 thousand nuclear warheads with a total destructive capacity one million times greater than the bomb that devastated Hiroshima and ushered in the nuclear age.

The single most impelling responsibility of political leadership is survival. Tension and apprehension have reached a level of intensity not felt since the Cuban missile crisis.

The United States and the Soviet Union, leap-frogging one another in the development and deployment of ever more awesome weaponry, will spend more than one-half a trillion dollars this year upon the implements of devastation.

Neither of us can afford the drain upon our resources. It makes no sense for either nation to spend almost $300 billion on the means of destruction while people in both of our countries go hungry and in need of medical care. That simple fact should be a more than sufficient inducement to sincere negotiation. But peace, no less than war, must be waged. Someone must take the initiative.

I would like for that someone to be the President of the U.S. just think what untold good could be accomplished for both our countries and for the world if our President were to advance a truly bold and new initiative for peace.

I suggest that our President should publicly propose to the Soviet Union that each of us reduce our military expenditures this year by 10 percent—say $27 billion each.

The President might want to propose that we jointly place that money into a common fund, to be administered not by us, not by the Soviet Union but by some impartial international agency, and that it be used to feed the hungry, clothe the naked, educate the illiterate, eradicate disease and care for the sick of the world.

No two nations in the history of humankind could make so great a contribution to the well-being of the human race nor do so much to reduce the fears and apprehension that beset us all.

What has either of us to lose? We in America spend the sums we do on armaments for fear of what the Russians might do if we did not. They spend the sums they do for fear of what we'd do if they did not.

If we and they were jointly to divert just one-tenth of our respective budgets of destruction to the good and ennobling things that elevate the human race, and do this for five years, its beneficial fallout could eradicate the malevolent seeds of poverty and war in most of Latin America, Africa and Asia.

From our joint contributions in ten years would come enough to build a modern hospital, a first class school system, a potable water supply, an electrification program and a sanitary sewage disposal system for every town in the world of 10 thousand people and more.

Quite probably we and the Russians will never agree on economic systems. They may never embrace our political values. But surely we have a common interest in the future of humanity, in our children—in our mutual survival on Earth. We each have enough weapons to destroy the other three or four times over.

Today, bristling with armaments, our nations are like two men in a single room, each eyeing the other with suspicion, each equipped with a machine gun and enough rounds of ammunition to destroy the other. If violence occurs, it is likely that both would die.

Today the world is spending twice as much on arms as it spends on food, five times as much as it spends on housing.

In the United States, one person in seven lives below the poverty threshold. We subsidize dining by top level military and civilian officials in the Pentagon but find ourselves stinting on the school lunch program.

In the Soviet Union the infant mortality rate is more than twice the average for developing countries. Diverting only one dollar of every $100 spent on military power could very nearly wipe out infant deaths in that land.

Many centuries ago, Aristophanes walked among the ruins of the Greek temples destroyed by the Peloponnesian wars and in

his anguish spoke a prayer which would be fitting for own time:

From the murmur and sublety of suspicion
With which we vex one another
Give us rest;
Make a new beginning
And mingle again the kindred of the nations
In the alchemy of love;
And with some finer essence of forebearance
Temper our minds.

The landscape of history is littered with the wreckage of nations which strutted across the stage of world power only to fade and wane, their brief, bright promise unfilled.

Now beginning the third century of our nationhood, we dare to hope that America will be different.

Ours is the country which has blazed the trail for human betterment and human rights. Other nations have followed our lead.

In the last century, throughout Latin America popular leaders like Bolivar, O'Higgins and San Martin sought to pattern embryonic governments after our own.

As recently as the 1920s Sun Yat-Sen and his revolutionary followers in China looked to this country for moral inspiration as well as political example.

America performs best when it aims big. Ours is not a land of retrenchment, of petty dreams and mean achievements.

Today, I call upon us to revive and renew the greatness of spirit which has typified this nation in the past and of which we are capable today.●

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. VENTO. Mr. Speaker, I move that the message of the President be referred to the Committee on the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SEIBERLING (at the request of Mr. WRIGHT), for January 24, on account of official business.

Mr. BRYANT (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, January 26.

Mr. GINGRICH, for 60 minutes, January 26.

Mr. MACK, for 60 minutes, January 26.

Mr. WEBER, for 60 minutes, January 26.

(The following Members (at the request of Mr. FOGLIETTA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LEATH of Texas, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCOLLUM) and to include extraneous matter:)

Mr. GREEN.
Mr. VANDER JAGT.
Mr. LEWIS of California.
Mrs. JOHNSON.
Mr. GILMAN.
Mr. FRENZEL in three instances.
Mr. PAUL.
Mr. OXLEY.
Mr. SUNDQUIST.

(The following Members (at the request of Mr. FOGLIETTA) and to include extraneous matter:)

Mr. LANTOS.
Mr. STOKES.
Mr. STARK in three instances.
Mr. SABO.
Mr. WEISS.
Mr. MURPHY.
Mr. YATRON.
Mr. HAMILTON.
Mr. ECKART.
Mr. MONTGOMERY.
Mr. FOWLER.
Mr. SYNAR.
Mr. FRANK.
Mr. WISE.
Mr. HARRISON in three instances.
Mr. ROE.
Mr. RODINO.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), the House adjourned until Thursday, January 26, 1984, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2484. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a notice of the decision to study conversion to contractor performance the operation of 30 ships presently under the Military Sealift Command, pursuant to Public Law 96-342, section 502(a); to the Committee on Armed Services.

2485. A letter from the Chairman, Council of the District of Columbia, transmitting Initiative Measure No. 11 (D.C. Act 5-102), "D.C. Historic Rhodes Tavern Preservation Initiative of 1982," and election results, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2486. A letter from the Secretary of State, transmitting a supplementary report that focuses on Grenada's recent steps to restore democracy and reactivate its economy (Grenada—A Preliminary Report, Dec. 16, 1983); to the Committee on Foreign Affairs.

2487. A letter from the Administrator, General Services Administration, transmitting the first annual report on the condition of the agency's accounting systems for fiscal year 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2488. A letter from the Administrator, General Services Administration, transmitting a report on the evaluation of the agency's internal control system in effect during the year ended September 30, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2489. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to repeal section 203(b) of the Reclamation Reform Act of 1982; to the Committee on Interior and Insular Affairs.

2490. A letter from the Acting Executive Secretary, Department of Defense, transmitting a report on procurement from small business and other business firms for fiscal year 1983, pursuant to SBA, section 10(d); to the Committee on Small Business.

2491. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on the contingent and unfunded liabilities of the Federal Government, pursuant to 31 U.S.C. 331(b)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 397. Resolution providing for the consideration of H.R. 2878, a bill to amend and extend the Library Services and Construction Act (Rept. No. 98-589). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 398. Resolution providing for the consideration of H.R. 2465, a bill to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal 1985, and for other purposes (Rept. No. 98-590). Referred to the House Calendar.

Mr. BONIER of Michigan: Committee on Rules. House Resolution 399. Resolution providing for the consideration of House Joint Resolution 203, joint resolution to establish State commissions on teacher excellence (Rept. No. 98-591). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affair. H.R. 1961. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases related to exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Viet-

nam era; with—amendments (Rept. No. 98-592). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions wre introduced and severally referred as follows:

By Mr. BATES (for himself, Mr. LELAND, Mr. BARNES, Mr. WEISS, Mr. MITCHELL, Mr. RATCHFORD, and Mr. STOKES):

H.R. 4642. A bill to prohibit discrimination in insurance on the basis of blindness or degree of blindness; to the Committee on Energy and Commerce.

By Mr. BROYHILL:

H.R. 4643. A bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. COLEMAN of Missouri:

H.R. 4644. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Government Operations.

By Mr. COLEMAN of Texas:

H.R. 4645. A bill to amend the Housing and Community Development Act of 1974 to facilitate the participation of cities on or near the border between the United States and Mexico in the urban development action grants program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FRANK (for himself and Mr. FISH):

H.R. 4646. A bill to amend chapter 113 of title 18 of the United States Code to strengthen the laws against computer program and data base piracy and counterfeiting, and for other purposes; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 4647. A bill to apply a reduced rate of duty to certain dried egg yolk processed from eggs produced in the United States and exported to Canada for use in the manufacture of lysozyme; to the Committee on Ways and Means.

By Mr. LEATH of Texas:

H.R. 4648. A bill to amend title 38, United States Code, to provide a 15-percent increase in the rates of educational and training assistance allowances under the GI bill and in the rates of subsistence allowances under the Veterans' Administration rehabilitation program for veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 4649. A bill to amend title 38, United States Code, to revise and extend the veterans' readjustment appointments program; to the Committee on Veterans' Affairs.

By Mr. LEHMAN of California:

H.R. 4650. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. BERMAN, and Mr. SMITH of Florida):

H.R. 4651. A bill to amend section 2511 of title 18 of the United States Code to eliminate the one-party-consent exception to the prohibition against certain interceptions, not under color of law, of wire and oral communications; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4652. A bill to provide that no officer or employee of the United States shall change the design of Federal Reserve notes unless such change is specifically authorized by Federal law; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4653. A bill to prohibit the payment of Federal education assistance in States which require the licensing or certification of private schools or private schoolteachers; to the Committee on Education and Labor.

By Mr. REID:

H.R. 4654. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. D'AMOURS:

H.R. 4655. A bill to require the National Weather Service to report routinely on the levels of acid content found in precipitation and dry deposition throughout the United States, and for other purposes; to the Committee on Science and Technology.

By Mr. BEREUTER:

H.J. Res. 448. Joint resolution proposing an amendment to the Constitution of the United States authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. McEWEN:

H.J. Res. 449. Joint resolution designating the week beginning on May 13, 1984, as "National Vocational Education Week"; to the Committee on Post Office and Civil Service.

By Mr. HOPKINS:

H.J. Res. 450. Joint resolution to designate the week beginning November 4, 1984, as "National Medical Assistants Week"; to the Committee on Post Office and Civil Service.

By Mr. LOWERY of California:

H.J. Res. 451. Joint resolution designating the month of November 1984 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. PHILIP M. CRANE:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be prohibited from participating in the 1984 summer Olympic games to be held in Los Angeles, Calif.; to the Committee on Foreign Affairs.

By Mrs. SCHROEDER (for herself, Ms. FERRARO, Ms. MIKULSKI, Mrs. KENNELLY, Mrs. Boxer, Mrs. HALL of Indiana, Ms. Kaptur, Ms. OAKAR, and Mrs. COLLINS):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, the Office of Personnel Management, and other Federal agencies have been derelict in enforcing the provisions of title VII of the Civil Rights Act of 1964, which prohibits wage discrimination against women who work in jobs which are comparable in skill, effort, and responsibility to jobs in which men work and requires that wages be determined without regard to the race, color, religion, sex, or national origin of the occupants of such jobs; jointly, to the Committees on Education and Labor, the Judiciary, and Post Office and Civil Service.

By Mr. LONG of Louisiana:

H. Res. 396. Resolution designating the chairman of a standing committee of the House; considered and agreed to.

By Mr. PERKINS (for himself and Mr. ERLENBORN):

H. Res. 400. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. PERKINS (for himself, Mr. CLAY, and Mr. ERLENBORN):

H. Res. 401. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Subcommittee on Labor Management Relations of the Committee on Education and Labor in the 2d session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

312. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to official governmental relations with the Republic of China; to the Committee on Foreign Affairs.

313. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to official governmental relations with the Republic of China; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1199: Mr. LEVIN of Michigan.

H.R. 1200: Mr. MARKEY.

H.R. 1376: Mr. WISE, Mr. REID, Mr. LEVIN of Michigan, Mr. SWIFT, Mr. DUNCAN, Mr. DURBIN, Mr. AKAKA, Mr. VANDERGRIFF, Mr. DERRICK, and Mr. FORSYTHE.

H.R. 1415: Mr. REGULA, Mr. DEWINE, Mr. MARKEY, Ms. MIKULSKI, Mr. KASICH, Mr. WYDEN, Mr. PRICE, Mr. MOLLOHAN, Mr. HARRISON, and Mr. ROSE.

H.R. 1434: Mr. TAUKE.

H.R. 1521: Mr. WEISS.

H.R. 1981: Mr. SCHEUER.

H.R. 2124: Mr. PEASE, Mr. APPLEGATE, Mr. LONG of Louisiana, Mr. TAYLOR, Mr. REID, Mr. ZSCHAU, Mr. SHARP, Mr. LEATH of Texas, Mr. HUBBARD, Mr. ROSE, Mr. BOEHLERT, Mr. EVANS of Iowa, Mr. WYLIE, Mr. MILLER of Ohio, Ms. MIKULSKI, Mr. ORTIZ, Mr. STENHOLM, Mr. MACK, Mr. RIDGE, and Mr. HIGHTOWER.

H.R. 2441: Mr. PHILIP M. CRANE.

H.R. 2817. Mr. WEISS, Mr. ASPIN, Mr. CHAPPELL, Mr. CORRADA, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 3098: Mr. PATTERSON.

H.R. 3127: Mr. SHANNON.

H.R. 3282: Mr. KASTENMEIR and Mr. FASCELL.

H.R. 3870: Mr. McNULTY.

H.R. 4299: Mr. SIKORSKI.

H.R. 4485: Mrs. SCHNEIDER, Mr. FRANK, Mr. CROCKETT, and Mr. BILIRAKIS.

H.J. Res. 382: Mr. D'AMOURS, Mr. BRITT, Mr. DEWINE, Mr. EVANS of Iowa, Mr. FROST, Mr. GARCIA, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. McNULTY, Mr. MINETA, Mr. PATMAN, Mr. ROE, and Mrs. VUCANOVICH.

H.J. Res. 404: Mr. CORCORAN, Mr. BURTON of Indiana, and Mr. PACKARD.

H. Con. Res. 107: Mr. SILJANDER and Mr. FISH.

H. Con. Res. 189: Mr. RUSSO.

H. Con. Res. 217: Mr. LEVIN of Michigan and Mr. UDALL.

H. Con. Res. 218: Mr. LEVIN of Michigan and Mr. UDALL.

H. Con. Res. 226: Mr. ASPIN, Mrs. BURTON of California, Mr. ERDREICH, Mr. GRAY, Mr. GLICKMAN, Mr. JONES of Oklahoma, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. MCKERNAN, Mr. MILLER of California, Mr. PACKARD, Mr. STOKES, Mr. WIRTH, and Mr. WOLPE.

H. Con. Res. 229: Mr. ADDABBO, Mr. BARNES, Mr. BEVILL, Mr. CARR, Mr. DURBIN, Mr. EDWARDS of Oklahoma, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. FROST, Mr. FORSYTHE, Mr. GOODLING, Mr. HANSEN of Utah, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JEFFORDS, Ms. KAPTUR, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mrs. MARTIN of Illinois, Mr. MAZZOLI, Mr. MCNULTY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. O'BRIEN, Mr. OTTINGER, Mr. PEASE, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SIKORSKI, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. STENHOLM, Mr. WALGREN, Mr. WEAVER, Mr. WHITTAKER, Mr. WINN, Mr. WOLPE, and Mr. YATRON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2900

By Mr. D'AMOURS:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3597).)

—Page 9, between lines 6 and 7 insert the following:

Sec. 205. (a)(1) The Congress finds and declares that—

(A) sulfur dioxide and nitrogen oxide emissions transform chemically in the atmosphere to produce acid precipitation and dry deposition of acid;

(B) acid deposition in the form of both precipitation and dry deposition is causing an estimated $5,000,000,000 worth of damage and economic loss to the Nation's economy;

(C) it has been estimated that the total cost to the United States for damages to crops and fisheries caused by acid deposition from now to the end of the century may amount to $15,000,000,000 to $25,000,000,000;

(D) in addition to the New England region, it is estimated by the Environmental Protection Agency that portions of the South, Southeast, and mountain areas of the West are highly sensitive to acid deposition, and many of these areas are presently receiving rainfall considered very acidic relative to normal rain;

(E) it has been estimated by the Office of Technology Assessment that twenty-seven States in the Eastern United States alone contain areas sensitive to acid rain, encompassing two hundred and forty-five thousand square miles, seventeen thousand lakes, and one hundred and seventeen thousand miles of streams, and 55 percent of these lakes and 42 percent of these stream miles are estimated to be either at risk from, or already altered by, acid deposition;

(F) according to scientific reports from the National Oceanic and Atmospheric Administration (hereinafter in this section referred to as "NOAA") in the Department of Commerce, traces of manmade acid rain have been confirmed ranging from Alaska to Bermuda;

(G) the position of the United States Government in refusing to acknowledge the serious nature of the acid deposition problem has led to deepening conflicts with one of the Nation's closest allies, Canada; and

(H) serious concern is being expressed that acid deposition, which already causes serious economic damage in some regions of the Nation, is also a potentially serious hazard to human health.

(2) The Congress declares that the purposes of this section are to—

(A) disseminate information to the public throughout the United States concerning the changes occurring in the acid content of precipitation and the acid content found in dry deposition by including, in the routine weather information provided by the National Weather Service of NOAA, reports on the acid content found in both precipitation and dry deposition; and

(B) provide for the collection of the data necessary to provide the reports required under subparagraph (A) in those geographic areas where such data are not presently available.

(b)(1) The National Weather Service of NOAA shall issue periodic reports describing the acid content in both precipitation and dry deposition throughout the United States.

(2) Such reports shall be issued by Weather Service Forecast Offices and Weather Service Offices in the National Weather Service, or through such other facilities or means as the Assistant Administrator of the National Weather Service shall direct, for those areas of the United States where such information is presently available, within ninety days of the enactment of this Act.

(3) Such reports shall be issued on a daily basis as a part of the local weather information made available by the National Weather Service for the purpose of informing the public of local weather conditions.

(4) Such reports shall be issued throughout the United States no later than the end of calendar year 1987, with a priority being given to those geographic areas where sensitivity to damage from acid deposition is estimated to be highest, and credible scientific evidence indicates that acid deposition is presently causing damage, or has been increasing and is approaching a level where damage may occur.

(5) The Administrator of NOAA is authorized to reimburse other public or private entities, including, but not limited to, Federal agencies; State and local governments; universities, colleges, and research institutions; and private corporations and individuals, for the cost of collecting the data necessary for the preparation of the reports, and transferring such data to the National Weather Service, in those geographic areas where the National Weather Service or other division of NOAA does not presently collect such data: *Provided*, That where other Federal agencies presently collect such data in the course of carrying out their statutory missions, the Administrator of NOAA is authorized to reimburse such Federal agencies only for any costs incurred in transferring such data to the National Weather Service.

(c)(1) The Administrator of NOAA shall report to the Congress, on an annual basis, on the implementation of this section, no later than ninety days after the close of the previous calendar year, beginning in 1985.

(2) The report to the Congress shall include a complete description of the acid content found in both precipitation and dry deposition in those geographic areas for which the appropriate data and information is available.

(3) For those geographic areas where either incomplete or no data or information has been available during the previous calendar year, the report to the Congress shall include a description of the steps being taken to provide the reports under subsection (b).

(d) The Administrator of NOAA shall promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this section.

(e) Such amounts as may be necessary to carry out this section shall be available from the sums authorized to be appropriated for any fiscal year to NOAA for atmospheric programs.

SENATE—*Wednesday, January 25, 1984*

(Legislative day of Monday, January 23, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Almighty God, loving Father, on this important day in Congress, we look to Thee for Thy gracious presence in this place. We regret profoundly that mindless terrorism demands extraordinary precaution. We thank Thee for those who provide security and pray Thy special dispensation of grace on them as they fulfill their responsibility, often in the face of misunderstanding and impatience.

We pray loving Lord, that Thou wilt brood over the Capitol and grant divine protection as Congress gathers for its joint session. Give special care to the President of the United States and frustrate the plans of any who may have evil intent toward this evening. We pray this in the name of Him who is Lord of Heaven and Earth. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business until the hour of 1 p.m., with Senators limited in their speeches during that period to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, it is my understanding that, following that period for routine morning business, the Senate will resume consideration of the pending business, which is the motion to proceed on S. 1660. I wish to announce the intention of the leadership to recess sometime around 2 p.m.—it depends exactly on what is going on at that time—so that we may then reconvene at the announced time of 8:30 or approximately 8:40 p.m. this evening, and proceed as a body to the House of Representatives to receive the state of the Union address from the President of the United States, which will be pursuant to House Concurrent Resolution 238.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I beg the Senator's pardon; I was distracted by my own thought. Is it the plan of the majority to recess the Senate at around 2 p.m. today?

Mr. STEVENS. I say to my distinguished friend, Mr. President, that is the plan. Around 2 o'clock this afternoon. After having had an hour of routine morning business, we plan to go on the pending business at 1; then, around 2 p.m., recess in order that we may take the actions that must be taken prior to reconvening at 8:30 p.m. in order to go to the House at 8:40 p.m. for the state of the Union address.

Mr. BYRD. I thank the acting Republican leader.

Mr. President, I ask unanimous consent that I may reserve my time also.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I might say to my good friend that, having had such a nice long recess, I can truly say I am happy to be back with him again here in the well of the Senate and see his smiling face and work with him once again.

Mr. BYRD. I thank the Senator. A lot of people do not believe a smile ever creeps upon my face.

Mr. STEVENS. I can assure them that it does.

Mr. BYRD. The Senator read a long time ago the tale of the Great Stone Face.

Mr. STEVENS. I do recall that. I would not liken my friend from West Virginia to that story.

Mr. BYRD. I thought that story might apply well to me.

Mr. STEVENS. Does he seek that countenance?

Mr. BYRD. The Senator knows you cannot read what is behind a countenance.

Mr. STEVENS. That is correct.

Mr. BYRD. Another thing: I am the master of my unspoken words, but my spoken words are the master of me.

So I am going to remain quiet.

Mr. STEVENS. I remember what my good friend, the former Senator from Nevada, Alan Bible, told me, that the words I do not say on the record are not the ones I am going to be accused of taking out of the record.

Mr. BYRD. I agree with that.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. STEVENS. Mr. President, I wish to announce that it is not possible to start on the pending business until 1 p.m. We do want to give any Senator who wants to make any statement during morning business time to be here. I do intend to ask for a quorum call. If there is no Senator that seeks the floor for routine morning business within the next 15 minutes, we shall recess until 1 p.m.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NASA GETS FLEECE FOR FREE FLIGHTS

Mr. PROXMIRE. Mr. President, on January 16, 1984, I gave my "Golden Fleece" award for the month to the National Aeronautics and Space Administration (NASA) for spending over $780,000 in tax funds to transport 2,228 VIP's and special guests to 12 space shuttle launch events. It is clear that the average taxpayer will never get a free shuttle to Florida but he will be sent into orbit when he gets the bill for those who do.

NASA has conducted one of the most successful and expensive public relations campaigns in the history of the Federal Government by taking VIP's and special guests on full expense paid trips to Cape Kennedy for space shuttle launches. To date NASA has arranged and paid for transporting 2,228 people to 12 launches.

On nine occasions, NASA chartered aircraft from Eastern Airlines for

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

these VIP trips at a cost of $410,505. In three other instances, NASA used their own so-called administrative aircraft to take people from Washington to Cape Kennedy at a cost of $63,655.

In addition to the transportation costs, NASA incurred expenses totaling $306,185 for planning these free trips. The charter costs, NASA's aircraft expenses, and the administrative overhead totaled $780,345—courtesy of the American taxpayers for a special few friends and admirers of NASA.

This total of $780,345 probably understates the real costs since NASA also spend money on receptions for guests in Florida and there were some local transportation costs as well.

And who were the privileged pampered few who received invitations and went on these all expense paid trips? Of the 2,228 guests, 47 percent or 1,049 were from the executive branch—840 civilians, and 209 military employees.

The legislative branch—that means the Congress that approves NASA budget—came in second with 35 percent of the total with 771 participants—508 staff and Member from the House; 202 from the Senator and 61 others.

Two hundred fifty-six private citizens got this red carpet treatment from NASA and 55 foreign officials. The judiciary sent 5 people while 92 individual cannot be clearly identified.

Of the private individuals who went on these trips, 121 were from the business community and 113 were members of various professional associations, most with ties to NASA, the military, or the business community.

That is quite a guest list. Now, if you live in Milwaukee and work in a local manufacturing plant, you need not apply to NASA for these free trips. They are reserved for those who can do NASA some good—those who can help them with their budget or give them free publicity or support them in community relations or provide strong business support. But that individual in Milwaukee does get some satisfaction out of it. He gets to foot the bill.

Even though I have been a longstanding critic of some of NASA's programs, I recognize that NASA has strong supporters across the country. The problem with the VIP trips to the space shuttle launches is that it really is a lobbying campaign by NASA. All Government programs should compete for scarce resources on the basis of true national priority—not because of a massive lobbying effort by the parent agency.

The taxpayers deserve a rebuttle to this shuttle.

These overall figures do not tell the whole story. Other executive and legislative branch individuals also travel to the launches courtesy of the Air Force's military airlift wing at Andrews Air Force base. This is not organized or paid for by NASA, but it too is paid for by the taxpayers.

AN OPEN LETTER FROM THE BAHA'IS OF IRAN

Mr. PROXMIRE. Mr. President, the plight of the Baha'i people of Iran is eloquently discussed in a letter from the National Spiritual Assembly of the Baha'is of Iran. This document, entitled "The Banning of Baha'i Religious Institutions in Iran—An Open Letter," was delivered to over 2,000 officials of Iran's Islamic Revolutionary Government and later published in the States by the American branch of the Baha'i organization. The Baha'i letter was an appeal to the Iranian Government to end their senseless policy of persecution.

The allegations stated in the letter are highly disturbing. The authors point out how the Khomeini regime is systematically persecuting the Baha'is with the ultimate goal of eliminating the Baha'is completely. Many Baha'is have been sentenced to long prison terms and others have been executed. The money and personal property of many Baha'is have been confiscated or destroyed. Baha'i students are prohibited from attending Iranian universities and are denied exit visas to attend foreign institutions. Baha'i homes have been destroyed and the occupants exiled. Baha'is who have served the Government faithfully for years have been dismissed from their jobs, while private firms are forbidden to hire Baha'i employees. The list of injustices and atrocities is long and depressing.

The letter points to an even more unbelievable aspect of the Iranian Government's behavior—the Khomeini regime is shrouding the persecution of the Baha'is under the guise of legal spy trials. Baha'is have been systematically labeled as subversives—primarily being accused and convicted of espionage. The Government used these accusations to justify their elimination of the Baha'i people of Iran. The letter eloquently points out that the prosecutor general of the Islamic Revolution has unjustly accused many Baha'is of being spies:

> . . . Without producing so much as one document in support of the accusation, without presenting proof in any form, and without any explanation as to what is the mission in this country of this extraordinary number of "spies": What sort of information they obtain and from what sources? Whither do they relay it and for what purpose? What kind of "spy" is an eighty-five year old man from Yazd who has never set foot outside his village? . . . Why has no Baha'i "spy" been arrested anywhere else in the world? . . . What "spying" activities were engaged in by the primary school children who have been expelled from their schools?

The letter goes on to show the true indictment of the Khomeini regime in the Baha'i issue:

> . . . If, according to the much-publicized statements of the Prosecutor, Baha'is are not arrested and executed because of their belief, and are not imprisoned on that account, how is it that, when a group of them is arrested and each is charged with the same "crime" of "spying", if one of them recants his belief, he is immediately freed, a photograph of him and a description of his defection are victoriously featured in the newspapers, and respect and glory are heaped upon him? What kind of spying, subversion, illegal accumulation of goods, aggression or conspiracy or other "crime" can it be that is capable of being blotted out upon the recantation of one's beliefs? Is this not a clear proof of the absurdity of the accusations?

Clearly, the Baha'is are being persecuted and liquidated because of their faith. The Baha'is are a peace-loving and God-fearing people. They have been loyal to their native country since their founding—ironically in Iran—over 139 years ago. There is little or no proof that they are spies and subversives; there is more evidence that they have tried to be good Iranian citizens. In fact, the Baha'i National Spiritual Assembly has agreed to suspend all Baha'i organizations in Iran in exchange for an end to the incessant persecution of the Baha'i people in Iran by the Islamic Government. The Baha'is appeal to Khomeini for peace.

Mr. President, genocide may be occurring in Iran right now. We must ratify the Genocide Treaty to show our solidarity with the Baha'is of Iran and to strengthen our voice in speaking out against the senseless and tragic destruction of their heritage.

WHY DOES THE ADMINISTRATION OPPOSE TELLING THE AMERICAN PEOPLE THE CONSEQUENCES OF NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, what is the most fascinating question of the day? Here it is: Why should the Reagan administration get in such a huff over the ABC documentary on what would happen if this country should become engaged in a nuclear war? Oh, sure, many Americans who might have given the possibility of nuclear war little thought may, after watching "The Day After," become more deeply concerned. But why should they not? Indeed, should not the President of the United States himself discuss honestly and fully what a nuclear war would bring to this country?

Frankly, this Senator cannot think of a subject more worthy of the President of the United States. Some Americans know what two relatively small nuclear bombs brought to Hiroshima and Nagasaki in Japan in 1945. We

know it was devastating for those two cities with hundreds of thousands killed.

But how about a war today? In the past 40 years the Russians and this country both have massively built up nuclear capability to a level that is literally a million times greater than all the explosives dropped in World War II. So what would a nuclear war today do? Let the President tell us. The President of the United States can give the most comprehensive and authoritative understanding of what might happen to American men, women, and children in a superpower nuclear war. No one including the President can tell us how many would be dead, how many dying, whether or not survivors would or would not last through the nuclear winter of icy cold weeks of day and night darkness and general starvation that environmental scientists now say would engulf much of the world after a United States-Soviet nuclear war. But a Presidential acknowledgment of the full, graphic consequences from both a best and worst case standpoint would give us the kind of agreement of which we could base the most sensible security policy. We have had eight Presidents of this country since the dawn of nuclear warfare in 1945. So perhaps it is unfair to single out President Reagan for criticism. The fact is that none of our Presidents has used his bully pulpit to tell the American people what we face: The full, unvarnished truth.

The administration scheduled its Secretary of State, George Shultz, to follow up on the nuclear war documentary film "The Day After" with an interview on the same network, spelling out its answer in arms control. Administration supporters have criticized ABC for carrying the documentary. The administration seems to view the documentary as antiadministration. Why? The film does not mention the President, does not utter a word of criticism of any policy of the Reagan administration, and yet administration sympathizers have argued that the documentary favored the nuclear freeze movement. And how about the other side? The nuclear freeze movement has been quick to embrace this documentary that simply shows what nuclear war would bring. Why should an administration argue that it is threatened by a film which vividly dramatized what will happen if we do not succeed in stopping the war that the administration insists its military policies are precisely designed to prevent. If the administration believes in its policies why does it not embrace the documentary? After all, if the Reagan policies offer the best road to peace, the documentary by increasing the public's appreciation of the absolute necessity of stopping a nuclear war should win support for the Reagan policies. What is wrong here?

What is wrong, Mr. President, is that if you accept the thesis of the ABC nuclear war documentary that a nuclear war would utterly destroy civilized life in this country and very possibly end almost all human life in America, then the end of the arms race becomes even more than the clear and logical course our policies must follow. It becomes the only policy we must follow.

If we resolve to do everything in our power to end the arms race, we only begin to meet our needs. Then we must get down to serious business on the details of the negotiations with the Soviet Union to stop the arms race. But that beginning does establish as our single prime objective the end of the nuclear arms race.

It certainly does not mean we should unilaterally disarm. It means we should engage in negotiations with the Soviet Union to stop the arms race as promptly as possible. Meanwhile, should we stop building up our nuclear deterrent? No, indeed. To stop our nuclear arms testing, building and deployment before we negotiate a mutual—I repeat, mutual—and verifiable—and I mean verifiable—nuclear arms agreement would be unilateral disarmament.

I oppose the MX and the B-1B bomber because the MX is hair trigger, highly vulnerable and does not significantly contribute to our deterrent. I oppose the B-1B because it is already obsolete. It could not penetrate the Soviet air defenses. It is worthless. But I favor the Trident submarine, the D-5 hard target kill new nuclear weapon, the Stealth bomber, the Midgetman. And I will favor a stop in the construction of these and other nuclear weapons that will keep us abreast of the Soviet Union in the nuclear arms race, only when we negotiate and both sides accept a mutual, verifiable treaty.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. MARINES IN LEBANON

Mr. MELCHER. Mr. President, this is a political statement. It is a critique of the political decision to deploy U.S. Marines in Lebanon that has been the cornerstone of President Reagan's Middle East policy which has been endorsed in a bipartisan vote by a majority of both the House and Senate.

I am critical of that decision made by the President, endorsed by Speaker O'NEILL and other Democratic leaders, and I am critical that in the political discussion of the candidates for the Democratic nomination for President they have said little on the false inferences that Marines contribute toward either military stability or a peaceful settlement of the problems in that area. Why not dissect this judgment as, first, being militarily impossible and, second, stirring up military retaliation.

I see a different set of facts behind our deploying U.S. Marines in Lebanon than those advanced in the reasoning that has been communicated to the public. If the facts I see are valid, the only conclusion to be drawn is that our Lebanon and Middle East policy is warped and leading the United States in the wrong direction.

It would be incredible for any U.S. President or Presidential candidate to admit that Israel, pressuring for support, has swayed U.S. judgment toward our poor, misguided policy in Lebanon. To have another country, Israel or any other, dictating U.S. Middle East policy is impossible. At this time it is also obvious that our policy hurts Israel, Lebanon, and possibly the Saudis and others.

In this age of instantaneous communication to every home, business, church, synagogue, temple, school, and social center in America, it amazes me that such a variety of facts can be discounted or ignored in order to reach an incredible public policy.

This is not true only in the Middle East policy developed by President Reagan; Congress is also at fault. In both cases, President Reagan, as the Republican candidate for reelection, and the squad of Democratic Presidential candidates have failed to reach the only sensible conclusion about Lebanon.

First, consider the President as termed by the news media as the "Great Communicator." He has falsely concluded U.S. Marines in Lebanon would help to bring peace and stability. That is, first, not a fact, and, second, not a great communication. If reading his speeches from the two reflecting glasses he has placed at 45 degree angles from his podium and swinging his gaze at 11 second intervals makes for good communication, then he has it.

But not to me. Even when I like what he is saying, I find watching him distracting and boring as he swings his gaze from one reflecting glass to the other to read the words.

I would rather listen to the President without watching his eyes swivel and his communication would be very meaningful to me if he said with candor and truth that ordering the Marines into Lebanon was primarily a political decision, however contrary to the advice of our military, and that a

part of that political decision was based on requests from Israel for the United States to act to offset Syria's presence in Lebanon.

As to Democrat contenders I would rather hear them describe in detail why they have been slow in clearly stating that our policy has been foolish and tragic, that there is no military mission for the United States in Lebanon, and that the peace negotiations in Lebanon have been thwarted because we have not withdrawn our Marines and enunciated the need for a balanced restraint on the parts of both Syria and Israel.

LEARN-A-THON '84

Mr. FORD. Mr. President, Holy Cross High School in Covington, Ky., has found a unique way to mix learning and fundraising for the school's scholarship fund—it is called Learn-a-Thon '84. A learn-a-thon works much like a bike-a-thon, dance-a-thon, or walk-a-thon in which participants ride bikes, dance, or walk to raise money for a worthy cause. At Holy Cross High, the worthy cause is the scholarship fund and students raise money for the fund by learning.

For 12 hours on Saturday, February 11, local celebrities, civic leaders, and members of the community will address the student body on such issues as education, business, sports, and entertainment. Each guest will speak for 30 minutes on his or her chosen area of expertise. Students will solicit sponsors for each half-hour session they attend and the money raised will go to the Holy Cross High School scholarship fund. Two years ago, the event raised $1,500 and Learn-a-Thon '84 is expected to exceed that total. Those expected to participate as speakers include Justice Donald C. Wintersheimer, Supreme Court of Kentucky; Tom Beehan, mayor of Covington; Debbie and Ed Kentrup, Northern Kentucky MADD; Prof. Ray Hebert, Thomas More College; and Paul Rockwood, soccer coach at Northern Kentucky University.

At a time when education is coming under close scrutiny nationally, it is encouraging to see such innovation used to combine the learning process with school fundraising. With this approach students not only raise money for a worthwhile project but have the opportunity to learn about current issues, job opportunities, and community affairs from those closest to the situation. This is a rare opportunity for students to learn from "living books" while enjoying the fun and excitement of a schoolwide project. I commend the organizers of Learn-a-Thon '84 for their innovation, and I encourage all students at Holy Cross High to participate in this educational event.

A TENNESSEAN HEADS THE DAR

Mr. SASSER. Mr. President, I rise today to honor one of Tennessee's most outstanding citizens—Sarah McKelley King—the first Tennessean to be elected to head the National Society Daughters of the American Revolution.

As the new president general of the DAR, Sarah will administer a society of over 209,000 members in 3,150 chapters in all 50 States, the District of Columbia, England, France, Mexico, Canada, and Venezuela.

Mrs. King has served in the DAR for 22 years at the chapter, State, and national levels. From 1971-74, she served as curator general of the national society. During her tenure, she accomplished the long-standing goal of the society in achieving accreditation of the DAR Museum by the American Association of Museums. She has served on the society's executive committee and chaired the constitution week committee.

To her many other honors, Mrs. King has been recognized as Rutherford County's outstanding citizen for 1978, served on the Tennessee American Revolution Bicentennial Commission, and was appointed by Tennessee Governor Lamar Alexander to the library advisory commission. She is the only woman appointed to the Rutherford County Courthouse Commission, which speaks well for her talents indeed.

I have learned that it is the DAR which is responsible for presenting citizenship manuals to persons about to be naturalized—10 million of them, so far. And each new citizen receives an American flag at the naturalization ceremonies. I commend them on this worthwhile endeavor.

Under her leadership, the DAR will undertake a most ambitious medical survey, in which the causes of death of forbears of the members will be entered into a computer for the use of recognized authorities for a factfinding study.

Mrs. King is a staunch advocate of a strong national defense. She is an adviser to the board of directors of the American Security Council, a member of the U.S. Strategic Institute and a graduate of the National Defense Seminar conducted by the Industrial College of the Armed Forces.

Sarah King puts her top priorities on "an informed citizenry—a strong military defense and protection of our own interests in the western hemisphere." This is a valuable commitment indeed.

I salute this famous Tennessean, Mrs. Sarah King, and wish her success in her tenure as president general of the DAR.

IN SUPPORT OF THE HOUSING FINANCE OPPORTUNITY ACT

Mr. HEFLIN. Mr. President, much to my disbelief the first session of this Congress adjourned without extending the single family mortgage revenue bond program. This much needed housing assistance program expired on December 31, 1983, despite the fact that over three-fourths of the Members of Congress cosponsored legislation to repeal the sunset date for this program. With the expiration of this program went the hopes and aspirations of young, low and moderate income families trying to enter the homeownership market. In many cases, this program was the only tool available to States and localities to meet the tremendous demand for low and moderate income housing.

In my own State of Alabama, we have created the housing finance authority as a mechanism for assisting in the production of housing, which has issued bonds for $450 million—providing in excess of 6,000 homes. You can readily see Mr. President, the Alabama Housing Finance Authority over the past 3 years has produced excellent results in generating funds for desperately needed housing in my State. Its performance is noteworthy in every respect and has earned the goodwill and support of mortgage lenders throughout Alabama.

One of the major advantages of mortgage revenue bonds is that they provide each State and locality with the flexibility to respond to its local housing situation with a minimum of Federal intervention and with a minimum drain on the U.S. Treasury.

The advent of banking deregulation raises questions on how mortgage credit needs, expecially for low and moderate income buyers among the one-half million first time home buyers entering the marketplace each year, will be met.

Although interest rates have decreased somewhat, I believe the availability of the mortgage revenue bond program must continue especially in light of the very realistic possibility that interest rates will again shoot upward.

Mortgage revenue bonds contribute to the creation of jobs in the construction industry. The Council of State Housing Agencies has estimated that the construction of new housing units directly financed with 1982 mortgage revenue bonds proceeds has created 76,089 new jobs, resulting in an additional payment of $1.4 billion to $1.6 billion in wages. Further, it has been estimated that $640 million and $740 million in taxes was generated as a result of the construction of these new units, of which around $600 million was payable to the Federal Treasury.

Historically, mortgage revenue bonds have served the lowest income

segment of home purchasers, with incomes well below the median, and well below the income level of home buyers who have obtained other types of financing, such as FHA-insured loans. Through the rest of the 1980's, the maturing baby boom generation is expected to push the rate of household formations to new levels. Other Federal homeownership incentives, including tax deductions for mortgage interest and property taxes, are insufficient to lower homeownership cost to affordable levels.

As Federal housing assistance continues to dwindle, State and local governments are faced with growing responsibilities for meeting housing needs. Mortgage bonds are one of the few tools left for direct housing assistance at the State and local level.

Mr. President, I strongly urge the early reenactment of this essential program for first-time home buyers. This proven program provides both jobs and housing at a minimal cost to the Federal Treasury. I urge my colleagues to support the Housing Finance Opportunity Act.

Thank you, Mr. President.

TELEPHONE WORKERS NEED PENSION PROTECTION

Mr. MATHIAS. Mr. President, the break up of AT&T has had an impact on all of us. Those who have found the break up most wrenching, I suspect, are the former employees of the Bell System—the old AT&T. Some of these employees have stayed on with one or another division of the new AT&T; others now serve the regional telephone operating companies.

Back when AT&T was still a single unit, an employee's move from one position to another within the Bell System had no effect upon the security of the employee's pension. But now that the Bell System has been transformed into a multitude of different companies, many employees face serious problems when they move from one former Bell company to another. These employees, many of whom have built-up pension rights within the Bell System for many years, now risk losing those rights when they move to a new position in what used to be a subdivision of Bell. The consent decree in the AT&T case solves this problem for 1 year, but it does not go far enough.

I want to take this opportunity to voice my support for the employee protection provisions of House bill 4102, which I understand my distinguished colleague from Oregon has introduced as an amendment to S. 1660. Whether on S. 1660 or on some other vehicle, these provisions deserve to be enacted into law. Our hard-working telephone employees, who have built the finest telephone system in the world, deserve fair pension treatment as we move into the new era of competitive telecommunications.

TSONGAS: GAINING REAL TIME

Mr. HATFIELD. Mr. President, all of us in the Senate were at once surprised, disappointed, and then proud when we heard first the announcement and later the details of our friend PAUL TSONGAS' decision to not remain in Washington. In my phone conversation with him soon after the news was conveyed, I indicated what a challenge his courageous assertion of priorities was to me. Knowing something of the struggle between the transcendent spiritual and family realities, in light of our Senate demands, I shared with him how much I admired his ability to turn his back on a job which he said "I truly love" for his greater love, Nikki and the children.

Ellen Goodman has done us a favor, and called us all to reevaluation, by writing the graphic and touching account of PAUL and Nikki, "trying to make it all fit together." "Tsongas: Gaining Real Time" should be a page in the orientation book for all new Members of Congress. It not only is a witness to the resoluteness needed to keep family together but it affirms the rightness of the effort when so many other forces and influences undercut the sanctity of our family vows. PAUL struggled with this matter before the verdict from his doctors * * * people should know that. This is not hospital room conversion. His care for Nikki, Ashley, Katina, and Molly, has been a major concern for PAUL all through his political career. In my view, it is the greatest measure of the man. And my sincere prayer and hope is that the resolution of the ambivalence he has felt between his two loves will also be the source of deep inner healing that will bring physical well-being as well. Who of us will ever forget the tender picture in all the papers and magazines of Nikki's tearful joy as she lovingly touched PAUL's face after the announcement. My perception of the healing process leads me to believe the restoration has begun in a very deep, albeit presently imperceptible, way in our friend's life.

Robert Burns memorialized in poetry what the photographer captured. "To make a happy fire-side clime To weans and wife, That's the true pathos and sublime Of human life." ("To Dr. Blacklock" 1789.) Some things are timeless. So is our need to be reminded by such public assertions as Paul's that in fact there are things more important than what we do on the floor of the U.S. Senate. In his case, moving back to Lowell is one of them, as much as we and the country will miss him.

Truly our freedom as responsible adults is tested in the usually secret confines of our homes more than anywhere else. There are no constituents there pressuring us to do what is "right." Only the rare letter tells us of their prayers and offers encouragement when we put Lord and family before their demands. Only the infrequent staffer dares to give us as heartfelt counsel on our family life as they do on the less important issues.

There are no watchdog ethics committees scrutinizing our family choices as they do our business and political judgments. The family is largely an internal matter that is the measure of a free man or women in the making. The family is truly about the only thing we do for and by ourselves.

And for the most part, we heed not the words of the prophet-preacher, Jeremy Taylor, who said so well, "He that loves not his wife and children feeds a lioness at home and broods a nest of sorrows."

I, for one, am deeply grateful that Paul's love for family, faithfulness to priorities, and willingness to share his struggle publically has done more than 1,000 preachers in 100,000 sermons and given us all confidence that goodness and health has prevailed in one small corner of this troubled world.

Mr. President, I ask unanimous consent that the Ellen Goodman column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1984]

TSONGAS: GAINING "REAL TIME"

(By Ellen Goodman)

BOSTON.—I met Paul Tsongas once on a late-afternoon flight from Washington to Boston. The senator from Massachusetts was traveling light that day. No bags, no briefcase, no aides. All he had with him was a daughter.

It was rare enough to see a man alone on a plane with a preschool child. But Tsongas' reason was even more unusual. He was going to Boston for a meeting and he wanted to spend some time with his middle daughter. So he was taking her along for the ride. Together they would get the late plane back.

I've thought about that scene a dozen times, with mixed feelings of admiration and poignancy. Here was a father struggling with the demands of work and family. Here was a father who had to capture minutes with his child, on the fly, at 35,000 feet.

This scene, repeated over and again in Tsongas' life, seems somehow symbolic of a whole generation of men and women: parents with schedule books. It is barely even a parody of the way many of us cram work and children into calendars that won't expand to fill the needs, into lives that cry out for more hours. Tsongas was one of us, trying to make it all fit together.

But last October, the senator and father of three young girls discovered something that wasn't on his agenda. He had a tumor that was "not benign."

The mild lymphoma that Tsongas has is not life-threatening in the immediate sense. The statistical average life expectancy for those with this disease, as he related it, is

eight years, and he is planning for more. Many of his political colleagues are given less time by the actuarial tables.

But Tsongas decided not to run again. He is coming home to Lowell, Mass., and home to his family in a way that politics doesn't allow.

Until that moment of diagnosis, Tsongas, like most of us, had carried his ambivalence through his political career the way he carried his child between cities that winter afternoon. Tsongas never forgot the older colleague who stopped by his table when he was a freshman congressman and said, "Let me tell you one thing. I was in your shoes. I was here and I really devoted myself to my job and I ignored my kids and they grew up and I never knew them. It makes me very sad. Whatever you do, don't do that."

Last spring, when a New York reporter asked him his major accomplishment as a senator, he said spontaneously, "Keeping my family together." As his wife, Nikki Tsongas, a former social worker and law student, campaign partner and now full-time parent, said: "What is the point of a life that is professionally successful if 20 years from now you have unhappy children who can't cope?"

He had to hear the words "not benign" to finally focus on priorities, on mortality, time itself. "I used to ache when I had to leave them," said the senator, "Now that won't be a problem. The illness forced me to do thinking that would not have taken place."

What of the rest of us who suffer, as the senator did, from mid-life bulge, the years of small children and big career plans? Tsongas lived at the outer edge of ambition and expectations where it's harder to keep any sort of juggling act in shape.

But there are times when we all end up completing a day or a week or a month as if it were a task to be crossed off the list with a sigh. In the effort to make it all work, it can become all work. We become one-minute managers, mothers, husbands. We end up spending our time on the fly.

"If you care about your children and you care about your job and you take it very seriously, something gives eventually," said the Senator. Sometimes, what gives is pleasure. Not all of us are forced to confront our own deadlines, the reality that we are, as Tsongas put it, "all terminal."

It's not that we should all live urgently under some threat of execution. It's not that we should go home and play Chutes and Ladders with our children for 48 hours. But it's worth paying attention from time to time to the way we drift, function, fill time, spend time, lose time.

Tsongas now talks about eight years or more. In eight years, a newborn becomes a third-grader, a first-grader becomes an adolescent, a 10-year-old becomes a voter. In an inattentive life that takes time for granted, those eight years can slip down as easily as Jello.

By this time next year, Nikki Tsongas will be back in law school and Paul in a new job. Their lives will have slowed to the normal hectic level of the average two-career family. The peculiar thing is that they've gained some real time.

QUORUM CALL

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:24 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUMPHREY).

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

Mr. GOLDWATER. Mr. President, I wish to announce two important developments today that are pertinent to our discussion of telephone legislation.

First, I am pleased to announce that the Congressional Budget Office today released a study on local phone rates which I had requested them to make last November.

Second, the FCC today adopted a final order reaffirming the tentative decision it adopted last Thursday.

The Commission said residence and small business access charges would be deferred until the completion of five proceedings:

A rulemaking to determine how to best provide targeted lifeline telephone services for the needy;

A further inquiry into the impact of various changes in the telephone industry and their impact on universal service;

An inquiry into the threat of bypass to the local telephone company;

A rulemaking on how to provide additional support to rural and small telephone companies; and

A rulemaking on the best way to implement a system of access charges.

The Commission also said any access charges ultimately adopted would be capped at $4 and phased in through 1990.

The tentative recommendation to preserve long-distance competition by reducing proposed increases to other common carriers like MCI was also made final.

Now, Mr. President, I will discuss the CBO study. The logical conclusion of the study, as I read it, is that there is no need for telephone legislation.

The study states that "The FCC's access charge decision will result in greater economic efficiency and lower long-distance rates * * *."

On the other hand, the study indicates pending House and Senate legislation may in the long run require the Federal Government "to assume a larger role in the collection and disbursement of funds," which may mean that the bills would lead to a new Federal tax on telephone service.

The study finds that "there is no evidence that large numbers of subscribers would discontinue service as a result of (access) charges." It also approvingly cites the finding by economist Lewis Perl that the number of subscribers adversely affected is small, representing less than 1 percent of the Nation's total number of subscribers.

The CBO concludes, and I agree, that measures such as the universal service fund established by the FCC or the provision of lifeline service will protect the small percentage of persons who may possibly be worse off than under the current system.

It is important to note that the CBO disputes estimates presented at congressional hearings which claimed that significant numbers of households would terminate telephone service. According to the CBO, these estimates "are likely to overstate the impact for several reasons."

The CBO pointed out that many positive developments are occurring which offset the access charge. These include reductions in long-distance rates, the proliferation of inexpensive, new telephones owned by customers, rising consumer incomes, and the expanded options available to consumers of switching to another, lower-priced type of service.

The CBO study is the only independent and comprehensive study of these issues. It contains a straightforward discussion of the overall situation in the telephone industry, and I commend it to my colleagues in Congress as an objective explanation of the problems currently facing local exchange and interstate telephone carriers and the approach the FCC is taking to address these problems.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, the study of the Congressional Budget Office is interesting, but not necessarily definitive. There are a variety of

other studies that dispute their conclusions, by agencies more expert in how many people will drop off the phone line if costs go up, such as the California Public Utilities Commission and other State utility commissions.

It is interesting to note this from the CBO study:

Another simultaneous change—requests for unprecedentedly large rate increases by local telephone companies—is also unrelated to the FCC access charge decision or AT&T divestiture. The requested increases stem from a variety of factors, principally revised depreciation practices, decisions to treat some costs that were previously capitalized as current expenses, and attempts by local telephone companies to increase their rates of return. For example, in Texas, Southwestern Bell requested that local rates be tripled as part of a $1.7 billion increase in overall revenues. Ultimately, the burden of scrutinizing requests for increases in local rates will fall on state public utility commissions. At the present time, they are approving only about a third of the amounts requested. But even at that rate, the size of rate requests pending (approximately $7 billion in 1983) may lead to substantial increases in local rates. This analysis, however, focuses on the FCC decisions, the issue now before the Congress.

There is no question that rates are going up. The question is whether we want to try to keep from going up further than they would otherwise go up.

Very deep down in this report, we find its underlying philosophy. On page 37, it says:

In general, society as a whole benefits when prices are related to the cost of producing goods and services.

I might say inferentially, as I did yesterday, that if they believe that, then they are going to suggest that we go to highways paying their own way. So, if you live in a rural area in a Western State, where highways do not pay their own costs, we will get rid of those highways. Those in rural areas will have to find some way to get over rough roads to asphalt 50 or 60 miles away.

I continue reading:

Setting long distance prices above costs and local prices below costs results in a net reduction in social benefits. This occurs because people who want to make long distance calls and would pay the full costs of doing so make fewer calls if they must pay more than the cost. At the same time, some consumers who place little value on having a phone readily available are induced to subscribe to basic service even though they would not pay the full costs if asked to do so.

Translated that means that if you set the cost of a phone low enough, some peasants who could not otherwise afford a phone might have one. And they will clutter up the lines so that those of us who can afford long distance will not be able to talk as much. That may be the philosophical decision they want to reach.

I was intrigued with the story in the Washington Post this morning: "Fire Kills Three, Levels Home in Maryland," says the headline.

Three children, aged 2, 4, and 9 months, were killed yesterday when fire destroyed their home in Upper Marlboro, Prince George's County fire officials reported.

Fire officials said the children's mother, Angelita Coates, told them the fire broke out while she was at her parents' home nearby making a phone call and that she discovered the blaze when she returned.

That is what we are going to come to. That is what we will force a fair number, not a great number, but a fair number of people in this country to. They will not be able to afford telephone service. Leaving the lines for some will result in tragedies like this.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I would first like to ask of the Chair our present status. Are we in morning business at the present time.

The PRESIDING OFFICER. We are in morning business.

Mr. EXON. Mr. President, I anticipate that we may be going back to the consideration of S. 1660. Therefore, as a member of the Commerce Committee I think it is appropriate at this time, even though we are still in morning business, to proceed on remarks that I think are appropriate.

I have listened with interest to my good friend from Arizona and my good friend from Oregon, both also members of the Commerce Committee that work very long and very hard and very diligently, I suggest, sometimes with heated debate. I think it is interesting the position that this Senator finds himself in at this particular juncture.

I worked quite closely with both the distinguished chairman of the committee, the Senator from Oregon and also the chairman of the subcommittee, my friend from Arizona, trying to come up with some kind of a compromise on S. 1660, which was reported out by a substantial vote after several amendments that were discussed at great length and deliberated on I thought carefully.

I sometimes found myself in those discussions in the Commerce Committee on the side of the discussion generally led by the Senator from Arizona, and more frequently I found myself on the side of the distinguished chairman of the committee, the Senator from Oregon. However, I would hope that reason would prevail and that the time of the Senate would not be taken up with more lengthy debate.

I think I could best sum up my current feeling by reading into the record at this time a letter that I wrote to the distinguished chairman of the committee yesterday morning. The letter is dated January 24 on the stationery of this Senator, to the Honorable BOB PACKWOOD.

DEAR MR. CHAIRMAN: As a member of the Commerce Committee and an early-on leader in protecting consumer interests in debate and on key votes in committee, I have carefully reviewed developments since our successful efforts to block the FCC action by sending S. 1660 to the floor. Time and reason appear to be working decidedly in favor of the ratepayer.

It can only be concluded that a majority of the Senate and even belatedly the FCC itself have now essentially accepted our position embodied in S. 1660.

Only a few weeks ago that measure was the only official action taken to block dramatic increases in the form of "access charges" scheduled to take effect January 1, 1984. This was mandated by the FCC along with other "ill-conceived" regulations affecting the telephone industry and disadvantaging subscribers.

Since we have obtained essentially all of our goals for protecting individual subscribers from FCC actions, I believe S. 1660 has served its purpose and should not be pursued on the floor at this juncture.

I do suggest that the Chairman seek from AT&T and other telephone companies the costs of their expensive and unsuccessful media blitz in support of the pro-industry FCC positions. Such information should be furnished to state regulatory agencies to help assure that such "expenses" not be included in attempts to justify rate increases. I do not believe subscribers should pay for advertising against their interests.

Signed by this Senator.

Mr. President, while I have supported and worked with the chairman of the committee, it would seem to me that discretion being the better part of valor and certainly in this instance, since we have accomplished basically what we set out to do, that is, the majority of the Commerce Committee in passing S. 1660 to the floor, and since the Federal Communications Commission has essentially reversed themselves on what we thought was unfavorable to subscribers before we passed out S. 1660 from the Commerce Committee, it seems essentially that we have won, that we should declare victory and leave well enough alone.

I believe that several actions that have taken place since S. 1660 was reported to the floor would simply indicate that everything has been set aside, that we are going to have ample time to try to work out some kind of a reasonable compromise and we all know that in the end things of this nature are best worked out when people of goodwill, as we all are, can sit down and work out our problems, listen to the suggestions of the regulatory authorities and maybe in the end come up with something that would be for the overall good of the communications industry of the United States of which the great telephone industry is an important part.

I, therefore, hope that we will not proceed with S. 1660 at least at this time and to simply leave well enough alone.

Mr. President, I yield the floor.

Mr. PACKWOOD. I yield the floor.

Mr. BRADLEY. Mr. President, as one of the Senators who asked the FCC to reconsider their access charge decision and in light of the recent and favorable FCC action, I now doubt the need for legislation.

There is one question, however, that must be addressed by legislation very soon. That is the issue of pension portability. Without legislation sometime before next January it is possible that some employees of AT&T could lose their pension rights if they were transferred from one part of the old AT&T to another part of the new Bell System. The court order allows employees to take their pension rights with them for 1 year. After that time has expired, an employee transferred from one Bell company to another—an employee with, say, 5 years of pension rights—could lose credit for those 5 years. Since the 1-year period was specified by the court order, legislation is required.

I asked Mr. Charles Brown, chairman of the board at AT&T about this issue. He agreed that this was an issue of concern and assured me that AT&T has no objection to pension portability if it were a part of some other legislation.

I ask unanimous consent that Mr. Brown's letter to me, dated January 24, 1984, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AT&T,
New York, N.Y., January 24, 1984.

DEAR SENATOR BRADLEY: You inquired as to AT&T's reaction to the "portability of pension" matter in connection with the Bell System divestiture.

I believe that the interest of the various Unions in H.R. 4102 and S. 1660 relates primarily to their desire that if a member transfers from one unit of the former Bell System to another, his or her pension eligibility remain intact. This is a feature of H.R. 4102 and could be introduced as an amendment to S. 1660.

AT&T has no objection to "portability" if defined this way and would not be concerned if it were embedded in some other legislation. Our concern relates to the other features of these particular two bills. We would regard it as a tragedy if "portability" were attained at the expense of legislation which saddled us all with features far more destructive and important to employees.

Although I do not speak for the divested units of the Bell System, I have no doubt that they feel the same way about this matter.

Please let me know if I can provide any further information on this subject.

Sincerely,

CHARLES L. BROWN.

Mr. BRADLEY. Further, I understand that the seven Bell operating companies have expressed the same position in writing in a letter to Senator DOLE.

I am committed to ensuring pension portability for qualified employees of the former Bell System this year.

Mr. President, anyone who has glanced at the various figures pertaining to the subsidy some States pay to others has to have been struck by the statistics for New Jersey. Under any of the current or proposed plans, my State pays the highest subsidy in the Nation. No other State is even close. We are the most densely populated State and make a lot of long-distance phone calls.

Under the current system of separations and settlements, New Jersey annually pays about $262 million net to the rest of the country. Under S. 1660, this would drop to $238 million net because at least a portion of the access charges will go into effect—those on multiline businesses. Under the proposed FCC plan, our annual net exported subsidy drops to $167 million in the first year of implementation and drops to about $50 million when fully implemented. While not eliminating it totally, the FCC plan will clearly reduce the size of the outflow by the greatest amount and prompt and separate legislation will insure portability of workers' pensions.

I yield the floor.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to call the attention of the Senator from New Jersey, before he leaves the floor, to the fact that just late last evening I was apprised of the situation that the Senator has discussed; namely, the possibility of problems arising through the transfer of people from certain regional companies to other regional companies and what happens to their pensions. I think this is a very proper thing that we address ourselves to. I would not like to see it made part of any legislation dealing with telephone rates. I think it might suffer in the long run. I do not know what the Senator has in mind, but I think the introduction of some properly worded resolution would take care of this.

I think we can safely say there is one thing we must acknowledge and can acknowledge about Ma Bell or AT&T and that is that they have always adopted and practiced a very fair attitude toward their employees. I do not believe that the transfer of a man from Mountain Bell to Southern Bell is going to cause any hardship. But I think the Senator is very wise in making provisions that would prevent it.

While I do not believe that this legislation would come before the Subcommittee on Communications, if it does, I can promise him very prompt action on it. I hope he will offer it, but please do not consider offering it as an amendment to whatever we finally come up with here.

Mr. BRADLEY. Mr. President, I am sure that the support of pension portability by the distinguished Senator from Arizona will only increase its chances of passage. In my view, the sooner that is done, the better and the cleaner it is done, the better; and that implies a separate piece of legislation not attached to this particular bill. I thank the Senator for his support.

Mr. GOLDWATER. Mr. President, just briefly, I would like to comment on the remarks made by my good friend from Nebraska, Senator EXON. Everything he related is true. I do not think I have ever participated in a discussion of legislation that was so lengthy and so often changed and done in a very pleasant way. We were attempting to do something, Mr. President, that I frankly still feel is impossible. I think the Senator from Nebraska has very correctly pointed out the problem. What is it? We do not know yet what the problem is going to be. We are discussing basically the prices that people are going to have to pay for telephone service. As I said, we have had no experience. We have only been under the breakup of AT&T now for 23 days.

I have watched several of the different independent companies operating. They are operating in the same old way. As I mentioned before, without the constant hammer, hammer, hammer for the proper operation, they are beginning to slip a little bit here and there. But I think, after a month or so of getting knocked on the head two or three times a day, they are going to see to it that the automatic devices work and that the proper procedures do work. I do not speak against legislation that would help control the price of telephones if and when it is proven that Federal legislation is needed.

I point out that in my own State, Arizona, because I am naturally better acquainted with it, if the telephone company out there wants to increase the rate, they go to the corporation commission and they present their case and the corporation commission says, "All right, you can increase your rate."

So, really, what we are worrying about is not so much a problem of the Federal Government as it is a problem, if we want to call it that, between the different States and the companies that represent them in the telephone business.

Mr. President, as a lifelong communicator, I have to say that we are stepping into an era of newness. We are going into microwaves. We are going to be making telephone calls bounced off of satellites. We are going to be

into services that have never been offered to the American people. We do not know and we have no idea what this might cost, what the initial cost structure would be, for example, for microwave or even satellite telephone or communications—we will probably quit calling it telephone-communications facilities.

So I would merely argue not against the proposal that we should have an interest in what people pay for telephones, but let us not try to legislate any facts until we have the figures.

I thank my friend from Nebraska for having made that statement.

Mr. EXON. Mr. President, I thank my good and trusted friend from Arizona for his kind comments. I agree completely with what he has said.

I also wish to thank my friend from New Jersey for bringing up the matter of pension portability. As I said to the Senate a few moments ago, and I repeat, I have carefully reviewed the developments since our successful efforts to block the FCC action by sending S. 1660 to the floor. I think it is appropriate that I say at this time, Mr. President, that I have also reviewed, as a part of the overall bill, the matter of pension portability and, as did the Senator from New Jersey, I have checked into this matter very thoroughly.

I find that the American Telephone and Telegraph Co., their top leadership, in whom I have confidence in this area, and also all of their former operating companies that have now been separated from Mother Bell, all agree that pension portability is something that should be recognized. They have no difficulty with it whatsoever.

I guess then, after discussing this with the representatives of the CWA, those representing the workers of that great system also agree and seem united on the thought that pension portability is and should be kept in the final agreement.

Therefore, I find no differences of opinion among the members of the Commerce Committee on this particular question. Indeed, I find no objection by any other Member of the U.S. Senate. Therefore, that is one more thing that has been resolved. And, at some appropriate time, I can confidentially predict that there will be no difficulty whatsoever in passing legislation, if indeed legislation is necessary, to clear up the matter of pension portability.

That is just one more reason, I suggest, that it is not in the interest of our communications system for us to proceed any further with S. 1660 that I strongly supported out of committee. Because of the recent actions of the FCC, I think that legislation at this time simply is superfluous.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I have followed with great interest the debate over the past few days on the telephone bill. I would like to reiterate my deep affection, high regard, and respect for the distinguished chairman of the Commerce Committee and the manager of the bill that we are considering today. We occasionally disagree, but the point of view that I have from Illinois is possibly quite different than it is from other parts of the country.

As I pointed out in my comments the other day, there is a distinct disadvantage to Illinois with S. 1660. It would cost our State $138 million a year. It is subsidy to other States. We have not asked my own native State of Florida to subsidize our heating bills despite the fact we have had a rather intense, bitter cold winter and heating bills are soaring in Illinois. But we take that as a matter of course. We do not feel it is right for us in any way to subsidize the telephone service of other parts of the country.

As I indicated on Monday, there is no compelling reason for the Senate to take up S. 1660 in view of the fact that the FCC has announced that access charges will be put off for at least 18 months. Again this morning, the FCC met and reiterated their decision to delay any residential of single-line access charges until June 1985.

The FCC has made major concessions across the board. Not only have they delayed access charges, they have come up with a new plan to subsidize small rural telephone companies to insure universal service in these areas. The FCC says it will make major provisions to the so-called ENFIA rates for common carriers. As I have stated before, there is no reason for the Senate to consider this complex legislation for the sake of adding a 6-month delay in the access charges beyond June 1985.

I believe that the Senate should address concerns expressed by the Communications Workers of America regarding pension portability, however, these concerns can be addressed without taking up all of the other provisions of S. 1660. I also feel that the Senate should indicate its support for life-line services for the poor and elderly of this country who may not be able to afford the access charges. The FCC should allow State public utility commissions to exempt from paying access charges those who are not able to afford them. Here again, however, the Senate can express its views to the FCC without taking up S. 1660, through a sense of the Senate resolution.

Certainly, the letter that was limited by Senator DOLE in which I joined, and with a total of 32 Senators, was acted on very promptly and responsibly by the FCC. Apparently our thoughts concurred with the thoughts they had had because of the speed with which they were able to act.

Mr. President, for the past few days various Senators have stood up on the floor to further explain and clarify what S. 1660 would mean for telephone customers across the country. I must confess that if anything, the longer this debate continues, the more confused everyone is becoming.

I want to make sure that nobody is confused about one fact: S. 1660, if enacted, would cost telephone users in Illinois, and many other States more money than the FCC plan. Proponents of the bill claim that under the FCC plan, once it is fully implemented, Illinois is a net loser of about $42 million, whereas, under S. 1660, Illinois loses only $17.4 million. The bill's proponents are, however, leaving out long-distance service in their calculations. The fact is that overall, Illinois loses about $138 million now. Looking at all of the figures, Illinois would continue to lose nearly $100 million more under S. 1660 than it would under the FCC plan. Many other States are in a similar situation. For example, looking at only the first year of the FCC plan, there are 13 States in the Midwest and Northeast that would lose more under S. 1660, than under the FCC plan, if all the figures are considered.

Mr. President, the history of this issue is a long and complicated one. I would like to discuss how the telecommunications regulatory structure has evolved, and how it can be changed to encourage competition.

Until the late 1950's, the telecommunications industry was almost totally closed to competition; and those who provided telecommunications products and services were heavily regulated.

The development of new technologies, as well as increased consumer demand and a shift in regulatory philosophy, led a few entrepreneurs in the 1950's to begin seeking the right to compete. Over the past quarter century, regulatory policy has changed slowly in order to allow competition to develop.

Changes in regulatory policy have occurred in three stages. Most major regulatory decisions between 1958 and 1979 merely established the right of new entities to compete in selected telecommunications product and geographic markets. By 1979, most telecommunications markets had been opened up to competition, and the regulatory focus shifted to establishing a new industry structure—one that

would allow fair competition to develop. This regulatory phase has now largely ended as well. Today, the focus has moved toward deregulation and insuring that companies which provide regulated telecommunication products and services market those products and services at prices that reflect the real costs of providing them.

ESTABLISHING THE RIGHT TO COMPETE

The 1956 Hush-a-Phone decision began the movement toward competition in telecommunications. In that case, the U.S. Court of Appeals for the District of Columbia circuit held unlawful AT&T's foreign attachment tariff that prohibited customers from attaching equipment to the telephone network that was provided by the telephone company. The decision established the important principle that a telephone subscriber has the right to use the network in ways that may be privately beneficial as long as the use is not publicly detrimental.

Two years later, the FCC issued its above 890 decision. That decision permitted the establishment of interstate microwave networks for the private use of the applicant even though similar facilities were available from a regulated carrier.

In 1969, 11 years after above 890, the Commission for the first time allowed the construction of microwave facilities for commercial use by authorizing a company called Microwave Communications Inc. (MCI) to build microwave facilities connecting St. Louis and Chicago in order to provide a limited point-to-point communications system "designed to meet the interoffice and interplant communications needs of small businesses." After this decision, the FCC was swamped with applications from MCI and others for approval of similar facilities. In 1971, following a long series of proceedings, the Commission concluded that a general policy of permitting new entrants and competition in the point-to-point communications market would serve the public interest.

Another storm of controversy arose in 1976, however, when MCI began offering a new service called Execunet, where customers would share point-to-point transmission facilities and would be charged on a per call basis. Execunet was very similar to, but less expensive than, AT&T's basic long-distance telephone service. Following a complaint from AT&T, the FCC ruled that the new service was, in effect, interstate switched telephone service, not point-to-point service, and was therefore beyond any of MCI's authorizations. MCI was ordered to cease providing the service. The D.C. Court of Appeals reversed the Commission, holding, in effect, that MCI's facilities could be used to provide switched interstate services.

ESTABLISHING AN INDUSTRY STRUCTURE IN WHICH COMPETITION CAN THRIVE

Once the right to compete in a wide variety of communications markets had been firmly established, the regulatory focus shifted to creating an industry structure that would be capable of sustaining competition. This new focus is illustrated by two major decisions—the first one by the FCC and the second one by a U.S. district court.

In 1980, the FCC ruled in its Computer II decisions that AT&T, the dominant provider of local and long-distance communications products and services, could begin providing certain noncommunications products and services free of tariff regulation. In addition, the Commission held that the marketing of telephone instruments and other terminal equipment had become a competitive activity. Thus, it terminated all tariff regulation over this line of business as well. In order to preserve a competitive environment in telecommunications, however, the FCC ordered AT&T to conduct all unregulated business activities through a fully separated subsidiary.

In 1982, another major step was taken to develop an industry structure that would be consistent with the development of competition. In the summer of that year, a U.S. district court judge approved a consent decree settling an 8-year-old Government antitrust case against AT&T. The consent decree required AT&T to divest all of its local telephone companies by early 1984 in order to separate the provision of local communications services, still largely a monopoly activity, from the provision of communications equipment and long-distance communications services, which has become increasingly competitive enterprises.

ESTABLISHING COMMUNICATIONS SERVICE PRICING REQUIREMENTS THAT WILL SUSTAIN COMPETITION

It was not enough for courts and regulatory agencies to decree that companies could begin to compete with regulated entities and that the dominant regulated entities must structure themselves in a way that minimizes the risk of predatory practices against unregulated competitors. Regulated entities must also market regulated products and services at prices which are near the actual cost of providing them. Absent this, competition could not long survive.

If entities were required to sell regulated products and services above actual cost, competitors offering unregulated substitutes would eventually drive the regulated entities out of business. If entities were allowed to sell regulated products and services below cost, competitors offering unregulated substitutes would eventually be driven out of business.

A few years ago, the FCC began to develop new rules for determining the proper pricing of regulated communications services and products. The Commission's 1982 access charge decision, which is the focal point of the committee's bill, was the first major decision in this third stage of the transition to a competitive environment. In its access charge order, the FCC concluded that its existing regulations required interstate telephone calls to be significantly overpriced and required basic local telephone service to be underpriced. The Commission sought to change these regulations so that the prices for local and interstate telephone calls would more closely reflect the costs of providing those services.

Before describing in detail the pricing changes for interstate and local telephone service that are required in the access charge decision, it is helpful to describe the current pricing mechanism that the access charge decision would replace.

PRESENT METHOD OF COMPENSATING LOCAL TELEPHONE COMPANIES FOR THE USE OF THEIR FACILITIES: A MONOPOLY PRICING SCHEME

In order to provide most interstate communications services, AT&T must utilize the distribution facilities of the local telephone company at each end of the interstate transmission. For example, when a customer of C&P Telephone Co. places a call from Washington, D.C., to Chicago, the call utilizes the facilities of both C&P Telephone Co. in Washington and Illinois Bell in Chicago, as well as the facilities of AT&T that connect the C&P local office with the Illinois Bell local office.

Local telephone companies own two categories of facilities used in originating and terminating interstate calls. The first category is called dedicated facilities, which are provided by a local telephone company to AT&T for its exclusive use to originate or terminate interstate calls and are paid for directly by AT&T The second category, called jointly used facilities, is also used by the local telephone company to originate or terminate local calls. Jointly used facilities are of two types—traffic sensitive (TS) facilities and nontraffic sensitive (NTS) facilities. The local telephone company's level of investment in TS facilities is directly related to the number of minutes such facilities are used for interstate calls. The telephone company's level of investment in NTS facilities, on the other hand, is unrelated to the number of minutes that such facilities are used for interstate calls.

The computer equipment used to route calls to their destinations is the primary kind of TS facility. The local telephone company's level of investment in such computer equipment is directly related to the extent these facilities are used to originate or terminate local or interstate calls. These computer facilities are also jointly

used facilities because the same computers are used to direct both local calls and interstate calls.

The primary example of NTS facilities is the copper wires that link each local telephone customer to the local telephone company office—the subscriber loop. The company must install the same wires for each of its customers, whether or not those customers make interstate calls. Subscriber loops are jointly used facilities because both local and interstate calls traverse the same wires.

At present, AT&T compensates each local telephone company for the use of that company's jointly used facilities on a usage-sensitive basis. AT&T pays one charge for each minute of use of TS facilities and a different charge for each minute of use of NTS facilities. Each per minute charge is set by the local telephone company at a level which permits that company to recover its investment for each category of facilities over its useful life.

While AT&T must pay each local telephone company different per minute charges because the usage level and the level of investment vary widely from company to company, AT&T charges its interstate calling customers a nationally average rate to recover these costs. This rate is set at a level which permits AT&T to recover the total annual payments it makes to all local telephone companies whose facilities it uses to originate or terminate interstate calls.

During 1984, AT&T will be required to compensate local telephone companies a total of roughly $10 billion for using their TS facilities and roughly $6.5 billion for using their local subscriber loops, the largest part of NTS costs. A surcharge of about 13 cents is added to the price of each minute of an interstate call to recover TS expenses, and about 10 cents per minute is added to recover subscriber loop costs.

Other common carriers (OCC's) which provide interstate telephone service in competition with AT&T—companies like MCI, GTE, Sprint, and SBS—compensate local telephone companies for their use of jointly used NTS facilities in a way that is different in two major respects from the way that AT&T compensates the same local companies for using the same facilities. First, the OCC's pay telephone companies 45 percent less for each minute they use NTS facilities than what AT&T must pay the same companies for each minute of use. Second, AT&T pays based on the actual number of minutes that a local telephone company's NTS facilities are used, while the OCC's pay on the basis of a fixed number of minutes of use whether a particular line is, in fact, used more or less than this fixed usage level. It is generally recognized that the customers of the OCC's actually make far more calls per month than the fixed number that has been assumed for purposes of calculating OCC payments to local telephone companies.

The combination of the 45-percent discount per minute of use and the arbitrary minute of use measurement means that the OCC's pay each local telephone company significantly less than AT&T pays for each minute of use of the company's local telephone facilities. However, the effective discount varies from one OCC to another depending on how far its actual usage level varies from the fixed usage level on which payment is based. The OCC's have stated recently that, on average, they receive an effective discount of 65 to 75 percent for each minute of actual use of local telephone company facilities.

There is wide agreement that the OCC's should pay local telephone companies significantly less than AT&T pays for the use of local company facilities as long as the OCC's receive an inferior grade of interconnection. For example, a person making an interstate call using an OCC must dial at least 22 digits while a person making an interstate call using AT&T is never required to dial more than 11 digits.

However, there have been almost continual disputes over how to compute the proper discount level. The discount purports to represent the OCC's costs of business opportunities lost as a result of inferior interconnection, but it is impossible to quantify such lost opportunity costs.

FCC'S ACCESS CHARGE ORDER: A SHIFT TO COST-BASED PRICING

In 1978, the FCC instituted a major rulemaking proceeding to determine whether the methods by which AT&T and the OCC's compensate local telephone companies for their use of local facilities should be revised. Based on a voluminous record from scores of interested parties, the Commission decided in December 1982 to make significant changes. It concluded that AT&T and the OCC's—and, in turn, their interstate customers—should no longer be required to pay the significant share of the NTS subscriber loop costs of local telephone companies that they pay today. It held that the $6.5 billion now paid annually by AT&T to local telephone companies for use of these facilities, about 7 cents per minute for an interstate call, would be reduced substantially over a 6-year period beginning on January 1, 1984. The Commission projected that interstate telephone rates would be reduced by 35 to 40 percent by 1989 as a result of this decision.

The responsibility for paying a major share of NTS subscriber loop costs would shift slowly away from AT&T and the OCC's—and their interstate customers—to all telephone customers. By the end of 1989, all telephone customers would have substantially full responsibility for paying the $6.5 billion annually in NTS subscriber loop expenses that are today embedded in long-distance rates.

Importantly, the Commission's order required that such costs would be recovered equally in the form of a same flat monthly fee from all telephone customers. In the case of residential customers, the flat monthly fee could be no higher than $2 per month in 1984, $3 per month in 1985, and $4 per month in 1986, with smaller monthly increases occurring in 1987, 1988, and 1989. For business customers, the flat monthly fee was capped at $6 per month in 1984, with small increases allowed in the succeeding 5 years. By the end of the 6-year transition, all customers, both residential and business, would pay the same flat monthly charge.

However, the FCC's order did not require customers of all telephone companies in the country to pay the same monthly flat fee. Unlike the present scheme in which interstate callers pay a monthly averaged rate to recover subscriber loop NTS costs, the access charge decision allowed telephone companies to compute monthly flat charges based on the subscriber loop NTS costs in their particular service areas alone.

In fact, it appears that the customers of many telephone companies would be required to apply flat fees on less than $4 per month by 1989 because their local telephone companies have relatively low NTS costs. For example, the monthly fee for customers of Illinois Bell could be as low as $1.59 per month. The monthly fee for customers of Bell of Pennsylvania could be only $2.47 per month. A fee of $2.73 per month could be imposed by New Jersey Bell. A fee as low as $2.91 per month could be imposed by New York Telephone Co. And New England Telephone Co.'s monthly fee could be as low as $2.66 per month in Massachusetts.

The FCC held that it was wrong to continue requiring a substantial portion of subscriber loop costs to be recovered through usage-sensitive surcharges on interstate calls because subscriber loop costs do not vary as interstate telephone usage varies. As indicated above, the same subscriber loop connects a local telephone company with each of its customers—those who make only interstate calls and those who make only local calls. Thus, the Commission explained that it was proper to require the telephone companies to recover these costs through identical flat monthly charges paid by all subscribers.

The FCC found that the existing long-distance subsidy of the local subscriber loop would provide an incen-

tive for interstate callers to build private interstate networks and bypass local telephone companies. If this occurred, the interstate telephone network would deteriorate, to the detriment of residential users who would have no alternative.

The Commission also concluded that local telephone company networks would also deteriorate and that the price of local telephone service would thus increase dramatically in the long run. If interstate callers began relying substantially on private systems to meet their communications needs, local telephone companies would lose the revenues from long-distance calls that compensate them for the TS facilities they installed to facilitate the making of such calls. Local telephone customers would be forced to make up these lost revenues through higher rates for local service.

The Commission was sensitive to the impact of its decision on universally affordable telephone service. It took five specific steps to preserve universal service.

First, as explained above, it ordered that the transition from the existing system, whereby subscriber loop costs are substantially subsidized by interstate telephone callers, to the new system, whereby every telephone subscriber pays its own subscriber loop costs through a flat monthly fee, would occur slowly. Interstate telephone rate overcharges would be phased out over a 6-year period.

Second, the Commission decided that, in 1985, it would reevaluate the impact of flat charges on the preservation of universal telephone service. If it concluded that further changes posed a threat to the continued availability of universally affordable telephone service, it would prohibit additional cost-shifting from interstate calls to flat user charges beginning in 1986.

Third, the Commission recognized that the monthly flat charge would be unacceptably high in areas where local telephone companies must spend considerably more in subscriber loop investment per customer than the average company, since, as explained above, these charges would not be nationally averaged. Thus, the Commission proposed that long-distance calls should be permanently overpriced by a little less than 1 cent per minute, and that proceeds from these overcharges, about $900 million per year, would be distributed pursuant to specific formulas to all local telephone companies serving high-cost areas; that is, companies whose NTS costs per subscriber exceed 115 percent of the national average, in order to help subsidize the cost of providing local telephone service in those areas.

Fourth, the Commission recognized that certain low-income telephone customers might be unable to afford an additional monthly charge for telephone service even though that charge would be phased in over a 6-year period. Thus, the Commission stated that State public utility commissions could require telephone companies to provide reduced price lifeline telephone service for low-income customers, and it provided a process to exempt lifeline customers from paying the monthly flat user charges.

Finally, the Commission initiated a continuing study of the changes in prices for local telephone service. In doing so, it ordered its staff to report immediately on any occurrences threatening the continued universal availability of affordably priced telephone services.

In its access charge order, the Commission also made three major changes governing the method by which the OCC's compensate local telephone companies for using their NTS facilities. These changes reduced the OCC's effective discount to 35 percent in 1984 and provided for further decreases in subsequent years.

First, the Commission calculated, on the basis of detailed analysis, that the OCC's lost opportunity costs from inferior interconnection with local telephone company facilities totaled 35 percent rather than 45 percent as assumed at present. Second, it held that it was unfair to allow the OCC's to compensate local telephone companies for using their NTS facilities on the basis of fixed minutes of use when AT&T was required to pay on the basis of actual minutes of use. Thus, the Commission ordered the OCC's to begin paying for NTS facilities based on actual usage of those facilities. Finally, the Commission stated that it would reduce the discount each succeeding year at the same rate that the OCC's receive equal interconnection with AT&T.

Mr. President, I would tend, as a member of the Special Committee on Aging, to certainly give particular attention to the lifeline that the telephone is for many of our elderly, particularly those living near or below the poverty line.

As in energy costs, we must make some provision so that we can protect people who would be gravely concerned, and rightfully so, if they felt that they simply could not afford telephone service, which is their lifeline to the outside world, many of them being widows who live alone.

For that reason, I intend to offer, if the occasion calls for it, legislation that would provide for such access service and such lifeline service, and would strongly recommend that the FCC take this matter under advisement along with other provisions that it is giving consideration to.

Mr. PACKWOOD. Mr. President, at least a half dozen to a dozen Senators yesterday and today have made reference to the FCC's decision that no access charges will be put into effect before June 1, 1985. None. Not $1, not $2, not $4. None.

I just want to make sure that the FCC understands what our understanding of their order is. I just want to make sure there is no misunderstanding.

Indeed, the FCC's order in terms of the moratorium is not overwhelmingly different from that which we had hoped to achieve with S. 1660. Let us not forget that had the FCC had its way, we would now have started on the incline of the access fees. The FCC would have imposed the access fees starting January 1, 1984, with another increase on January 1, 1985, and on and on. So what we have succeeded in doing so far is postpone for approximately 17 months—all of 1984 and at least 5 months in 1985—access fees that would otherwise be in effect. I hope that I state the FCC's order accurately in that there would be no effort by the FCC to change and attempt to put any access fees in before that date and, indeed, to have submitted to us by December 1, 1984, what their planned access fee increases will be if they were allowed to go into effect in June 1985. That would give Congress 6 months to review the FCC's order and decide what we want to do. Unless I am badly mistaken, the FCC will not change its fundamental philosophy and we shall face this issue again in about a year, debating roughly the same issues we have been debating now.

● Mr. PRESSLER. Mr. President, I would like to take a few moments to share some of my thoughts on the much debated issue of telephone service.

Since the announcement of the AT&T divestiture, I have been urging FCC officials to pay special attention to the needs of rural America's telephone service. These needs are indeed special. In most instances rural phone service is the most expensive to provide and rural phone customers are the most dependent on affordable and dependable phone service because of long distances and bad weather conditions.

During the FCC's consideration of the access charge question (Docket No. 78-72), I was in continual contact with FCC Chairman Fowler, urging the Commission to establish a Universal Service Fund which truly helps high-cost rural companies. Unfortunately, the Rural Telephone Coalition, representing hundreds of rural phone companies, does not see the FCC's Fund as adequate to meet these needs. In the spring of 1983, I cosponsored the first Senate legislation to address these problems and have continued to be active in the Senate Commerce Committee's debate on Federal tele-

communications policy. My main goal on this issue is to preserve universal phone service for rural customers.

In November 1983, I conducted a public listening meeting in Wall, S. Dak., to discuss these issues. Wall is the home of Golden West Telephone Cooperative, managed by Don Paulsen, an acknowledged national leader on rural telephone issues. I would like to quote directly from the transcript of this November meeting.

Don Paulsen, manager, Golden West Telephone Cooperative, Wall, S. Dak.:

We're all quite familiar with what has happened in the airline industry and the deregulation of that particular industry. Now we fear that the same thing is going to happen in the telephone industry. Consequently, we in the high-cost areas, the rural areas, will probably not benefit by competition as some of the more populated areas will. . . . We've been told that there will be a reduction in long-distance rates as the compensating benefits of competition in lowering your local telephone rates. Basically, your telephone bill, before long-distance calls are added, due to inflation and other factors, will increase around $12 in the next 3-4 years. In addition, by 1990, we could have another $8 additional fee due to interstate access charges. Also, there will probably be some intrastate access fees or a figure that will cover access fees to mirror the interstate charges. So in another 5 or 6 years, we're looking at about $28 per month just for local service before any long-distance calls are made. That's just to have a telephone in your house. 35% of South Dakota telephone users do not make any interstate long-distance calls. AT&T says that they'll lower these rates by about 10.5% initially. So if we look at that decrease plus the access charge increase, you have to be making $20 worth of interstate calls per month in order for the 10% reduction in costs to equal your initial access fee. As I indicated, not many people in our system make $20 worth of interstate calls. Consequently, the benefits of this access charge proceeding will be for the large user, the large business which makes many interstate long-distance calls per month.

Mr. President, a number of South Dakotans spoke up at this November meeting and I would like to share some of their thoughts with my colleagues at this time.

Doug Estes, businessman, Wall, S. Dak.:

I am a small businessman and we do believe in competition, I have some questions as to whether or not a newly deregulated enterprise entering into competition will serve well the interests of small businessmen in South Dakota. If we look at the recently deregulated airline industry, my opinion is that they're scrambling to get rid of their South Dakota customers and not scrambling to keep up their service here.

Ken Poppe, school district superintendent, Wall, S. Dak.:

From the school's standpoint, I don't really see how we could benefit from competition. The majority of our calling is within the school district. We do have a rather large school district geographically and it is very sparsely populated. And, of course, we do not have any need for interstate toll calling. At the same time, the telephone is the main means of communicating with parents. We can see that additional local costs will perhaps eliminate some of these parents from the telephone system and then how do we convey urgent messages to parents in emergency situations?

Ingebert Fauske, rancher, Quinn, S. Dak.:

I don't see the possibility of any benefits to the state of South Dakota from the so-called competition.

George Crouch, mayor of Wall, S. Dak.:

The senior citizens of Wall represent about one-third to one-half of the population of Wall. Those are people on fixed incomes. When you have a fixed income, every added dollar or five dollars or anything that comes down the line makes it much harder for people trying to live now. Now the thing that bothers me about this situation is this. Some of these people here are sharing a subscription to the local newspaper. They split the charges on the bill. One family takes a paper and two pay for it. They go through the paper and pass it on to the next person. Well, now don't think this won't have to be done if this thing comes up where telephone rates go up. So your local telephone company's revenues will have to go down. This leads from one thing to another where you're going to have a rural telephone system that gets less and less universal as time goes on.

Mr. President, these are the people I represent here in Washington. And affordable and available telephone service for these people is the issue which most concerns me in this debate. I hope they will not be forgotten and I intend to make every effort to see that they are not.●

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KASTEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I ask my friend from Oregon what opinion or decision he thinks the majority leader has reached, because he was the last one to talk with him. If it is possible for us to leave the floor and go to our offices and get a little work done, it would be a very welcome sign to me.

Mr. PACKWOOD. Mr. President, it is possible. The majority leader will be here soon to take us out. We shall be back here at 8:30 tonight.

Mr. GOLDWATER. Eight-thirty.

I thank my friend.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are in morning business.

Mr. BAKER. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

The PRESIDING OFFICER. The clerk will state the pending business.

The bill clerk read as follows:

A motion by the Senator from Tennessee (Mr. BAKER) to proceed to the consideration of S. 1660, a bill relating to the preservation of universal telephone service.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I anticipate that we will have then a period for the transaction of routine morning business and recess over until 8:30 p.m. when we will go to the Hall of the House of Representatives to hear the President's address on the state of the Union.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I do not anticipate any further action on this measure, as I said earlier. I now ask unanimous consent that there be a period for the transaction of routine morning business to extend not past the hour of 2:30 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 309. An original resolution to amend Senate Resolution 76 of the 98th Congress; referred to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2221. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect

during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2222. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2223. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2224. A communication from the Acting Attorney General, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect in the Department of Justice for calendar year 1983; to the Committee on Governmental Affairs.

EC-2225. A communication from the Director of the National Science Foundation, transmitting pursuant to law, a report on the system of internal accounting and administrative control in effect for calendar year 1983; to the Committee on Governmental Affairs.

EC-2226. A communication from the Acting President and the Treasurer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect for calendar year 1983; to the Committee on Governmental Affairs.

EC-2227. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the internal accounting and administrative controls in effect for fiscal year 1983; to the Committee on Governmental Affairs.

EC-2228. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2229. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2230. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2231. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2232. A communication from the Staff Director of the Commission on Civil Rights, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2233. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2234. A communication from the Acting Attorney General, transmitting, pursuant to law, a report on review of the accounting systems in effect in the Department of Justice for calendar year 1983; to the Committee on Governmental Affairs.

EC-2235. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the accounting systems in effect in the Department of Agriculture for fiscal year 1983; to the Committee on Governmental Affairs.

EC-2236. A communication from the Chairman of the Internal Trade Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2237. A communication from the Director of the Peace Corps, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2238. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2239. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2240. A communication from the Director of the Federal Mediation and Conciliation Service, a report on the review of the accounting system of the Service; to the Committee on Governmental Affairs.

EC-2241. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2242. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2243. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2244. A communication from the Assistant to the President for Management and Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect in the Executive Office of the President during 1983; to the Committee on Governmental Affairs.

EC-2245. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2246. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-90 adopted by the Council on December 6, 1983; to the Committee on Governmental Affairs.

EC-2247. A communication from Judge Lundin of the Middle District of Tennessee, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2248. A communication from Judge Lundin of the Middle District of Tennessee, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2249. A communication from Judge Paine, of the Middle District of Tennessee, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2250. A communication from Judge Brown of the Western District of Kentucky, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2251. A communication from Judge Clark of the District of Utah, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2252. A communication from Judge Yacos of the District of New Hampshire, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2253. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-2254. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the Centers for Educational Media and Materials for the handicapped; to the Committee on Labor and Human Resources.

EC-2255. A communication from the Chief Judge of the United States Claims Court, transmitting, pursuant to law, the report of the hearing officer and the opinion of the review panel in the case of John L. Shane, et al. v. United States; to the Committee on Appropriations.

EC-2256. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special message for fiscal year 1984; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-2257. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated December 1, 1983; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-2258. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notification that implementation of the FY 1984 Military Assistance Program will require revision in the planned country levels; to the Committee on Appropriations.

EC-2259. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's second special message for fiscal year 1984; pursuant to the order of January 30, 1975; referred jointly to the

Committee on Appropriations and the Committee on the Budget.

EC-2260. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the Storage and Warehousing function at the Naval Air Station, Cecil Field, Florida to performance by contract; to the Committee on Armed Services.

EC-2261. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of contract award dates for the period January 1 to February 29, 1984; to the Committee on Armed Services.

EC-2262. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report, including unaudited financial statements, which covers fiscal year 1983; to the Committee on Armed Services.

EC-2263. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on plans to study conversion of various in-house operations to performance under contract; to the Committee on Armed Services.

EC-2264. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the messenger service function at Fort Eustis, Va. to performance under contract; to the Committee on Armed Services.

EC-2265. A communication from the Director of Selective Service transmitting, pursuant to law, the Service's semiannual report for the period ended September 30, 1983; to the Committee on Armed Services.

EC-2266. A communication from the Deputy Assistant Secretary of Defense for Military Personnel and Force Management transmitting, pursuant to law, the annual report on submarine duty incentive pay for fiscal year 1983; to the Committee on Armed Services.

EC-2267. A communication from the Secretary of Defense transmitting, pursuant to law, a report on development and deployment of a small mobile missile; to the Committee on Armed Services.

EC-2268. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the motor vehicle operation function at the Naval Air Rework Facility, Pensacola, Fla. to performance under contract; to the Committee on Armed Services.

EC-2269. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the motor vehicle operation and maintenance function at the Naval Air Station, Patuxent River, Md. to performance under contract; to the Committee on Armed Services.

EC-2270. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the word processing function at Sheppard Air Force Base, Texas to performance under contract; to the Committee on Armed Services.

EC-2271. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC-2272. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a Bank transaction with Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-2273. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction of the Bank with Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-2274. A communication from the Executive Director of the Neighborhood Reinvestment Corp. transmitting, pursuant to law, a report on examinations of financial statements and additional information for fiscal years 1981 and 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-2275. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the first quarterly report on the Community Development Block Grant Jobs Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2276. A communication from the Chairman of the Migratory Bird Conservation Commission transmitting, pursuant to law, the Commission's annual report for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2277. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to establish a new position in the Department of Transportation, Associate Deputy Secretary of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-2278. A communication from the Secretary of Transportation transmitting, pursuant to law, the 1982 annual report on the relative cost of shipbuilding in the various coastal districts of the United States; to the Committee on Commerce, Science, and Transportation.

EC-2279. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to prohibit the sale of a boat or associated equipment containing a safety defect; to the Committee on Commerce, Science, and Transportation.

EC-2280. A communication from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, a copy of the Board's letter appealing OMB's proposed fiscal year 1985 budget allowance; to the Committee on Commerce, Science, and Transportation.

EC-2281. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to establish a new position, Associate Deputy Secretary of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-2282. A communication from the Acting Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the third extension of the deadline for completing the evidentiary record in the case of Utility Fuels, Inc. v. Burlington Northern Railroad Co., Fort Worth and Denver Railway Co., and Atchison, Topeka, and Santa Fe Railway Co.; to the Committee on Commerce, Science, and Transportation.

EC-2283. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of the Eastern Gulf of Mexico Oil and Gas Lease Offering to be held on January 5, 1984; to the Committee on Energy and Natural Resources.

EC-2284. A communication from the Acting Director of the Minerals Management Service, Department of the Interior transmitting, pursuant to law, a report on 43 refunds of excess royalty payments to various corporations; to the Committee on Energy and Natural Resources.

EC-2285. A communication from the Secretary of Energy transmitting, pursuant to law, the annual status report on the uranium mill tailings remedial action program; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2212. A bill for the relief of Horst Bliedung, and his wife, Ellen Bliedung; to the Committee on the Judiciary.

By Mr. TRIBLE:

S. 2213. A bill to amend the Federal Financing Bank Act of 1973 with respect to the budget treatment of activities financed by the Federal Financing Bank; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH from the Committee on Labor and Human Resources:

S. Res. 309. An original resolution to amend Senate Resolution 76 of the 98th Congress; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE:

S. 2213. A bill to amend the Federal Financing Bank Act of 1973 with respect to the budget treatment of activities financed by the Federal Financing Bank; to the Committee on Banking, Housing and Urban Affairs.

HONEST BUDGETING ACT OF 1984

Mr. TRIBLE. Mr. President, each year, Federal agencies lend billions of dollars to private borrowers, and commit the Federal Government—and American taxpayers—to billions of dollars of borrowing and future interest payments in order to finance these activities. Much of this activity is assisted by the Treasury's Federal Financing Bank (FFB) and does not show up on the unified Federal budget.

Due to improper budget accounting, FFB-assisted lending and borrowing activities are not correctly reflected in the budgets of the individual agencies, nor in the unified budget totals of spending, deficits, and borrowing.

For example, during fiscal year 1983, $10.4 billion in agency lending was removed from the agencies' budgets and

shifted to the off-budget FFB. The unified budget total of spending, lending, and borrowing was understated by $7.4 billion. Since 1974, $105 billion in Federal spending has been removed from the unified budget and agency by improper accounting.

Although this spending has not been counted, it has added, dollar for dollar, to the true Federal deficit and the Federal debt. We cannot afford to ignore this problem anymore.

As a result of improper accounting, rational budgetmaking has been seriously compromised, because Congress has had only incomplete and misleading information about the size of Federal activities. Congressional budget resolutions—budget aggregates and functional allocations of spending—are seriously distorted. And it has become impossible to compare the sizes of direct lending programs because equal budget numbers represent seriously different lending totals.

Today I am introducing legislation to correct the budget accounting and to restore integrity to the budget numbers. Representative WILLIS GRADISON is advancing similar legislation in the House.

My bill, the "Honest Budgeting Act of 1984," corrects two improper forms of budget accounting, related to agencies' use of the Federal Financing Bank.

First, if an agency guarantees a loan, but then has that loan provided directly by the FFB, the loan-related budget authority and outlays will be attributed to the agency, not to the FFB.

Second, if an agency lends money directly to a private borrower, and finances this loan by borrowing from the FFB, the agency will again be charged for the loan-related budget authority and outlays.

The principle underlying these changes is simple: All direct loan programs should be treated alike in budget accounting. In both of the situations described, the Federal Government is providing a direct loan at the instigation of a Federal agency. In both cases, that direct loan should be charged to the agency, not the off-budget FFB.

These accounting changes eliminate the present nonuniform treatment of direct lending in agencies' budgets. It ends the present confusing and misleading situation whereby some agencies are fully charged for their direct lending activities, while other agencies are able to shift some or all of their lending from their budgets into the off-budget accounts of the FFB.

By charging agencies uniformly for their lending activities, the Honest Budgeting Act will also restore some off-budget spending to the unified budget. As a result, the unified budget and congressional budget resolutions will more accurately reflect true Federal spending and deficits.

In addition to its budget accounting changes, the Honest Budgeting Act also contains rules to determine what agency financing activities shall occur in the Federal Financing Bank. These rules are necessary to prevent evasion of appropriate budget accounting, and to insure that credit activities will be financed in the most efficient ways possible.

Under these financing rules, Federal agencies will generally be required to offer investment-type securities which they issue, sell, or guarantee, to the FFB for its purchase. But the bill allows two exceptions to these general financing requirements, one for activities financed in private securities markets during fiscal year 1983, and a second for those activities which could be better financed by the private sector than by the Bank. These two kinds of activities could use private financing arrangements.

The new accounting and financing rules would become effective in fiscal year 1986, allowing adequate time to incorporate their impact into budget planning.

Mr. President, the Honest Budgeting Act of 1984 is the result of two thorough hearings held last year in my Subcommittee on Federal Credit Programs of the Banking Committee. Its goal of improved budget accounting has been broadly endorsed by the administration, the Congressional Budget Office, the General Accounting Office, the private groups such as the U.S. Chamber of Commerce, the National Association of Manufacturers, and the nonpartisan Committee for Economic Development. In modifying my earlier proposal, and a similar proposal by Senator PROXMIRE, I have worked closely with CBO, consulted with the Office of Management and Budget, and Treasury, and incorporated suggestions from a wide variety of groups including Senate cosponsors of my earlier bill S. 1679, and the Federal agencies that finance activities through the Federal Financing Bank.

Every attempt has been made to achieve our budget accounting goals without threatening any program, and without causing unintended side effects such as inefficient financing patterns. The result, I believe, is a constructive and workable proposal which will restore integrity to the agencies' budgets, improve congressional information and decisionmaking, and increase public confidence in the activities of the Government. I hope all my colleagues will support this worthy effort.

I ask unanimous consent that a section-by-section analysis and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The title of the bill is the "The Honest Budgeting Act of 1984".

Section 2. Repeal of the Budget Exemption. Section 11(c) of the Federal Financing Bank Act of 1973 is amended to repeal the current exemption of the Bank's activities from the unified budget. Further, outlays and budget authority associated with Bank financing of loans guaranteed by federal agencies and Bank purchases of loan assets sold by federal agencies are required to be attributed to the agency which guaranteed the loan or sold the asset. Nothing in the bill affects the budget status of such agencies.

Section 3. Limitations on Agency Financing. This section redesignates subsections (a) through (c) of Section 7 of the FFB Act as subsections (b) through (d) and adds new requirements for the financing of investment-type securities issued, sold, or guaranteed by federal agencies. It permits agencies with existing programs financed outside the Bank during fiscal year 1983 to continue using those markets if they wish, but such financing is limited to that percentage of their activities that was financed in the investment securities markets during fiscal year 1983.

Unless exempted by this language, federal agencies would be required to offer their investment-type obligations to the Bank. The Bank is required by the bill to purchase such obligations presented to it unless the Secretary determines either that the obligation is not a suitable investment for the bank or the agency which issues, sells, or guarantees obligations requests the Treasury Secretary to exempt the obligations from Bank financing.

Exemption from Bank financing would occur if the agency convinced the Treasury Secretary that program purposes would best be served by financing activities in private markets.

The bill establishes three criteria for the Treasury Secretary to use in judging an agency request for exemption from the requirement for Bank financing. The Secretary must approve an agency's exemption request if the agency can show a) that private financing would be cheaper than Bank financing; b) that services provided by private lenders would outweigh additional costs of private financing, or c) that undue disruption of existing financial markets would occur if the Bank financed the activity.

Since his decisions concerning Bank financing would have a bearing on agency and unified budget totals, the Secretary must also submit a report to Congress explaining his reasons for granting or denying an agency's request for exemption.

Finally, the financing requirements of the bill do not apply to obligations issued, sold or guaranteed by a federal agency which is not backed by the full faith and credit of the United States.

Section 4. Existing Rights, Authorities, and Responsibilities. The provisions of the bill do not amend any provision of law enacted prior to January 1, 1984 dealing with the right of an organization to sell obligations to the Treasury Secretary or the Bank, or the authority of the Treasury or Bank to purchase such obligations. Nor would the bill's provisions modify any law enacted prior to January 1, 1984, that prohibits financing by the Secretary or the Bank.

SECTION 5. Effective Date. The provisions of the bill would take effect at the start of fiscal year 1986 (October 1, 1985). Provisions of the bill may only be superseded, modified, or repealed by future acts that specifically amend the Federal Financing Bank Act of 1973.

S. 2213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Honest Budgeting Act of 1984".

REPEAL OF BUDGET EXEMPTION

SEC. 2. Subsection (c) of section 11 of the Federal Financing Bank Act of 1973 is amended to read as follows:

"(c)(1) Amounts of loans guaranteed, or loan assets sold, by a Federal agency, which are financed by the Bank shall be recorded in the agency's budget as outlays. Any budget authority used by the Bank for such transactions shall be attributed to the Federal agency.

"(2) Nothing in this subsection affects the budget status of Federal agencies issuing, selling, or guaranteeing obligations purchased by the Bank under section 6(a) of this Act.".

LIMITATION ON AGENCY FINANCING

SEC. 3. (a) Section 7 of the Federal Financing Bank Act is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d); and

(2) by inserting the following new subsection before subsection (b);

"(a)(1)(A) A Federal agency that issued, sold, or guaranteed obligations financed in investment securities markets after September 30, 1982, and before October 1, 1983, may continue financing such obligations, or other obligations serving the same program purposes, up to the percentage of its annual activities obligated or disbursed during fiscal year 1983 in investment securities markets, at the discretion of that Federal agency.

"(B) Except as provided in subparagraph (A), after September 30, 1984, a Federal agency may not issue, sell, or guarantee any obligation of a type ordinarily financed in the investment securities markets unless such obligation is first offered to the Bank.

"(2) The Bank shall purchase each obligation offered to it under paragraph (1) unless—

"(A) the originating agency demonstrates to the satisfaction of the Secretary of the Treasury that, on balance, program purposes can best be served by financing through the investment securities markets and request the Secretary's approval for such financing; or

"(B) the Secretary of the Treasury determines that the obligation is not a suitable investment for the Bank.

"(3) The Secretary of the Treasury shall approve a request under paragraph (2)(A) of this subsection if the agency shows—

"(A) lower costs from private financing as compared to financing by the Bank;

"(B) services to borrowers from private markets or institutions which outweigh added costs of private financing; or

"(C) undue disruption of existing financial markets due to financing by the Bank.

"(4) The provisions of this subsection shall not apply to an obligation issued or sold by a Federal agency pursuant to an Act of Congress which expressly prohibits any guarantee of such obligation by the United States or to funds disbursed pursuant to an agreement backed by the assets of such agency.".

(b) Subsection (c) of such section, as redesignated, is amended—

(1) by inserting "or (b)" "(a)" in the first sentence; and

(2) by inserting after the first sentence the following new sentence: "In the case of a request under subsection (a) of this section, the Secretary of the Treasury shall submit to the Congress a detailed explanation of this reasons for granting or disapproving the agency's request.".

(C) The heading of section 7 of such Act is amended by striking out "Treasury Approval" and inserting in lieu thereof "Limitation on Agency Financing and Treasury Approval".

EXISTING RIGHTS, AUTHORITIES AND RESPONSIBILITIES

SEC. 4. Nothing in this Act—

(1) affects in any manner any provision of law enacted prior to January 1, 1984, concerning the right of any organization to sell obligations to the Secretary of the Treasury or the Bank or the authority or responsibility of the Secretary of the Treasury or the Bank to purchase such obligations; or

(2) affects any provison of law enacted prior to January 1, 1984, prohibiting financing by the Secretary of the Treasury or the Bank.

EFFECTIVE DATE

SEC. 5. (a) The amendments made by sections 1, 2, and 3 shall take effect on October 1, 1985.

(b) The amendments made by sections 1, 2, and 3 shall not be superseded, modified, or repealed except by a provision of law hereafter enacted which expressly amends the Federal Financing Bank Act of 1973.

ADDITIONAL COSPONSORS

S. 891

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 1163

At the request of Mr. GLENN, the names of the Senator from New York (Mr. MOYNIHAN), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1500

At the request of Mr. HART, the names of the Senator from Massachusetts (Mr. TSONGAS), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 1500, a bill to improve the regulation of civilian nuclear powerplants and provide economic incentives for their safe operation, and for other purposes.

S. 1680

At the request of Mr. GOLDWATER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1910

At the request of Mr. PRESSLER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1910, a bill to adopt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Idaho (Mr. SYMMS), the Senator from Maine (Mr. MITCHELL), the Senator from Rhode Island (Mr. PELL), the Senator from Utah (Mr. GARN), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 2031

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

SENATE JOINT RESOLUTION 205

At the request of Mr. HEINZ, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 205, a joint resolution authorizing and requesting the President to designate the second full week in March of each year as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. EVANS, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from North Dakota (Mr. BURDICK), the Senator from Rhode Island (Mr. PELL), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. BOSCHWITZ), the Sena-

tor from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. MOYNIHAN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution to establish a Commission on Pay Equity.

SENATE CONCURRENT RESOLUTION 88

At the requst of Mr. CHILES, the names of the Senator from Illinois (Mr. DIXON), the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the names of the Senator from Illinois (Mr. DIXON), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Govenment of Cuba in drug dealing, smuggling, and trafficking.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Iowa (Mr. JEPSEN), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 309—ORIGINAL RESOLUTION TO AMEND SENATE RESOLUTION 76 OF THE 98TH CONGRESS

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 309

Resolved, That section 15, subsection (b), of Senate Resolution 76, 98th Congress, agreed to March 2, 1983, is amended by striking out "$4,346,000" and inserting in lieu thereof "4,368,300."

AMENDMENTS SUBMITTED

OPERATION OF GENERALIZED SYSTEM OF PREFERENCES

HEINZ AMENDMENT NO. 2675

(Ordered to be referred to the Committee on Finance.)

Mr. HEINZ submitted an amendment intended to be proposed by him to the bill (S. 1718) to amend the Trade Act of 1974 to renew the authority for the operation of the generalized system of preferences, and for other purposes; as follows:

On page 4, beginning with line 9, strike out all through page 8, line 12, and insert in lieu thereof the following:

SEC. 4. AMENDMENTS RELATING TO THE COMPETITIVE NEED LIMIT.

Subsections (c) and (d) of section 504 of the Trade Act of 1974 (19 U.S.C. 2464 (c) and (d)) are amended to read as follows:

"(c)(1) Whenever the President determines that any country—

"(A) has exported (directly or indirectly) to the United States during a calendar year a quantity of an eligible article having an appraised value in excess of an amount which bears the same ratio to $25,000,000 as—

"(i) the gross national product of the United States for the preceding calendar year (as determined by the Department of Commerce), bears to

"(ii) the gross national product of the United States for calendar year 1974, or

"(B) except as provided in subsection (d), has exported (either directly or indirectly) to the United States a quantity of any eligible article equal to or exceeding 50 percent of the appraised value of the total imports of such article into the United States during any calendar year,

then, not later than 90 days after the close of such calendar year, such country shall not be treated as a beneficiary developing country with respect to such article.

"(2)(A) Not later than 2 years after the date of the enactment of the Generalized System of Preferences Renewal Act of 1983, and periodically thereafter, the President shall conduct a general review of eligible articles based on a consideration of the factors set forth in sections 501 and 502(c).

"(B) If, after any review under subparagraph (A), the President determines that this subparagraph should apply because a beneficiary developing country has demonstrated a sufficient degree of competitiveness (relative to other beneficiary developing countries) with respect to any eligible article, then paragraph (1) shall be applied to such country with respect to such article by substituting—

"(i) '1983' for '1974' in subparagraph (A)(ii), and

"(ii) '25 percent' for '50 percent' in subparagraph (B).

"(3) A country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of this subsection may be redesignated, subject to the provisions of sections 501 and 502, a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in paragraph (1) (after application of paragraph (2)) during the preceding calendar year.

"(d) Subsection (c)(1)(B) (after application of subsection (c)(2)) shall not apply with respect to any eligible article if a like or directly competitive article was not produced in the United States on the earlier of—

"(1) January 3, 1985, or

"(2) January 1 of the calendar year for which the determination is being made under subsection (c)(1)(B).".

SEC. 5. REVISIONS IN PROCEDURES FOR DESIGNATING BENEFICIARY DEVELOPING COUNTRIES.

(a) CERTAIN COUNTRIES DESIGNATED BY LAW AS BENEFICIARY DEVELOPING COUNTRIES.—

(1) IN GENERAL.—Section 502(a) of the Trade Act of 1974 (19 U.S.C. 2462 (a)) is amended by adding at the end thereof the following new paragraph:

"(4) Except as provided in paragraph (2), the term 'beneficiary developing country' includes each of the following:

Bangladesh	Malawi
Benin	Mali
Bolivia	Mauritania
Burma	Mozambique
Burundi	Nepal
Cameroon	Nicaragua
Central African Republic	Niger
	Pakistan
Chad	Philippines
Congo, People's Republic	Rwanda
	Senegal
Egypt	Sierra Leone
El Salvador	Somalia
Ethiopia	Sri Lanka
Gambia	Sudan
Ghana	Tanzania
Guinea	Thailand
Guinea-Bissau	Togo
Haiti	Uganda
Honduras	Upper Volta
India	Yemen Arab Republic
Indonesia	
Kenya	Yemen, P.D.R.
Lesotho	Zaire
Liberia	Zambia
Madagascar	Zimbabwe.".

(2) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 502(a) of the Trade Act of 1974 (19 U.S.C. 2462(a)) are amended to read as follows:

"(1) For purposes of this subchapter, the term 'beneficiary developing country' means any country—

"(A) designated under paragraph (4), or

"(B) with respect to which there is in effect an Executive order by the President of the United States designating such country as a beneficiary developing country for purposes of this subchapter.

The President shall notify the House of Representatives and the Senate of his intention to make any designation under subparagraph (B), together with the considerations entering into such decision.

"(2) (A) Subject to the provisions of section 504(b), the President may by Executive order terminate any designation under paragraph (1) (B) or (4).

"(B) The President shall, at least 60 days before any termination under subparagraph (A), notify—

"(i) the House of Representatives and the Senate, and

"(ii) the country whose designation is to be terminated,

of the intention to terminate and the considerations entering into the President's decision to terminate.".

(b) CERTAIN COUNTRIES MAY NOT BE DESIGNATED AS BENEFICIARY DEVELOPING COUNTRIES.—The table contained in section 502 (b) of the Trade Act of 1974 (19 U.S.C. 2462 (b)) is amended—

(1) by inserting in alphabetical order the following countries:

"Andorra	Qatar
Bahrain	San Marino
Bermuda	Saudi Arabia
Brunei	Spain
Kuwait	United Arab
Liechtenstein	Emirates
Libya	Vatican City"; and

(2) by striking out "Poland" and "Republic of South Africa".

(c) OTHER COUNTRIES MAY BE DESIGNATED ONLY IF THEY AGREE TO ELIMINATE TRADE BARRIERS.—

(1) IN GENERAL.—Section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (7) the following new paragraphs:

"(8) if such country—

"(A) is not a country under the agreement (within the meaning of section 701(b) of the Tariff Act of 1930, 19 U.S.C. 1671(b)), or

"(B) has not entered into a bilateral agreement with the United States—

"(i) which eliminates nontariff barriers to trade in goods and services and to investments, and

"(ii) with respect to which a joint approval resolution (as defined in subsection (e)) has been enacted into law.".

(2) JOINT APPROVAL RESOLUTION DEFINED.—Section 502 of the Trade Act of 1974 (19 U.S.C. 462) is amended by adding at the end thereof the following new subsection:

"(e)(1) For purposes of subsection (b)(8), the term 'joint approval resolution' means a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress approves the bilateral trade agreement described in section 502(b)(8) of the Trade Act of 1974 between the United States and , transmitted by the President to the Congress on .', the first blank space being filled with the name of the country involved and the second blank space being filled with the appropriate date.

"(2) The provisions of subsections (c) through (g) of section 151 of this Act shall apply to a joint approval resolution in the same manner as if such resolution were an approval resolution, except that, for purposes of section 151(c)(2), the date on which the bilateral trade agreement is transmitted shall be substituted for the date on which the bilateral commercial agreement is transmitted.

"(3) This subsection is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

"(3) CONFORMING AMENDMENT.—Section 504(b) of the Trade Act of 1974 (19 U.S.C. 2464(b)) is amended to read as follows:

"(b) The President shall, after complying with the requirements of section 502(a)(2), withdraw or suspend the designation as a beneficiary developing country if, after such designation, the President determines that as a result of changed circumstances, such country would—

"(1) in the case of a country designated by the President under section 502(a)(1)(B), would be barred from designation under section 502(b), and

"(2) in the case of a country listed under section 502(a)(4), would be barred from designation under paragraphs (1) through (7) of section 502(b).

Any country with respect to which a determination is made under the preceding sentence shall cease to be a beneficiary developing country on the day on which the President issues an Executive order revoking the designation under section 502.".

SEC. 6. CERTAIN ITEMS MAY NOT BE TREATED AS ELIGIBLE ITEMS.

Section 503(c)(1) of the Trade Act of 1974 (19 U.S.C. 2463(c)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (F), and

(2) by redesignating subparagraph (G) as subparagraph (H) and by inserting after subparagraph (F) the following new subparagraph:

"(G) footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel.".

Mr. HEINZ. Mr. President, I am today submitting an amendment to S. 1718, a bill introduced by Senator DANFORTH on behalf of the administration to extend authorization of the generalized system of preferences [GSP] for a period of 10 years. The success of the GSP program is essential for the future growth of trade between the United States and the nations of the Third World. At the same time it is a useful device for encouraging the assumption of greater international responsibilities by the newly industrializing countries. I believe that this amendment will accomplish both objectives by strengthening the GSP and insuring that the objectives of S. 1718 will be attained.

Congress enacted the GSP in title V of the Trade Act of 1974 in order to promote trade between the United States and the developing nations of the world. It is clearly in our national interest and theirs to encourage lesser developed countries to participate actively in the international trading system. Trade between the United States and developing nations is more important now than at any time in our history. At the present time, approximately 40 percent of U.S. exports are shipped to developing countries. This accounts for more than the total U.S. exports to Japan or the EC.

The benefits accrued from increased trade are many. The GSP program enables developing countries to expand levels of exports and thereby stimulate production and from other foreign investment. Furthermore, the program fosters an expanded market for goods imported from the United States Third World nations rely on the GSP as an example of American willingness to engage in a partnership to expand economic growth.

The GSP program has been successful in promoting free trade; however, the program is dominated by a small handful of countries which receive most of the benefits. In 1982, the nations of Taiwan, Hong Kong, Korea, Brazil, and Mexico accounted for 64 percent of all GSP imports.

Yet these are by no means the world's poorest countries. Indeed, neither the Trade Act of 1974 nor S. 1718 adequately provide for the graduation of beneficiary countries when those countries attain such a competitive position that they no longer can be called least developed. The continuation of the beneficiary status of these countries is wholly contrary to the intent of Congress when it established the GSP. Congress did not intend to allow developing countries which have already captured a portion of the U.S. market for a certain production to continue to enjoy duty-free status for that product.

In the Trade Act of 1974, Congress established a two-tiered system to determine which countries would be eligible as beneficiaries in the GSP program. In section 502(b), Congress designated the countries which are statutorily ineligible to participate in the GSP. Congress also provided criteria, in section 502(c), to determine whether a country would be eligible as a beneficiary in the program.

Under this current system, the majority of nations are considered least developed and therefore enjoy beneficiary status in the GSP, unless the President finds that a country falls within one of the section 502(b) restrictions, which would preclude a country from participating. The section 502(b) restrictions, however, do not adequately assure that a growing trading power will not achieve beneficiary status, nor do they adequately encourage the development of a greater network of trade obligations, bilateral and multilateral, on the past of these countries.

Mr. President, the amendment, which I am submitting today creates a three-tier system to identify countries which will be eligible to participate in the GSP program. The amendments provide a clear definition of the criteria by which countries may or may not be designated GSP beneficiaries. The first category consists of countries

which may not be designated beneficiary countries and will be ineligible to participate in the GSP program.

The second category is made up of countries which will be designated beneficiary countries by statute. These are primarily the poorer LDC's. Even though these countries are statutorily designated, the President may revoke the beneficiary designation pursuant to the procedures in section 502(a)(2) of current law on the basis of the criteria set forth in section 502(b).

All other countries fall into the third and largest category consisting of those which the President may designate as beneficiaries in the GSP program, at his discretion upon their meeting several well defined conditions. These criteria are as follows. First, a country cannot fall under any of the current section 502(b) restrictions. Second, the country must have signed the subsidies code or have accepted equivalent obligations in a bilateral agreement with the United States. In other words, it must be a country under the agreement pursuant to section 701(b) of the Tariff Act of 1930, as amended or it must have entered into a bilateral agreement with the United States to eliminate nontariff barriers to trade in goods and services and to investment. Any such agreement must be approved by Congress pursuant to the fast-track procedures in section 151 of the Trade Act of 1974.

My amendment also makes some additional changes in the existing GSP program as well as S. 1718. The amendment deletes section 502(c)(4) of the existing statute as redundant because the criteria I have proposed for country eligibility in section 502(b), are more specific in assuring that a potential beneficiary country provides the United States with equitable and reasonable access to markets and basic commodity resources.

The amendment also adds footwear, handbags, luggage, flat goods, work gloves, and leather-wearing apparel to the current list of goods which the President may not designate as articles eligible in the GSP program.

Finally, Mr. President, this amendment removes sections 504(c)(3) and (4) and 504(d)(1) as proposed in S. 1718. Sections 504(c)(3) and (4) allow the President to waive the competitive need limit for an eligible product when a beneficiary country meets certain criteria. My amendment would eliminate that authority. By removing section 504(d)(1) from S. 1718, the amendment applies the competitive need limits in current law to all beneficiary countries and denies the President the authority to waive the competitive need limits for least developed beneficiary countries.

These criteria, Mr. President, will help insure that there is progress in persuading Third World nations to accept a greater degree of responsibility for their actions on the international stage and to increase their participation in that network of international trade rules and obligations that keeps the free market system operating. That increased acceptance of obligations, in them, warrants the further extension of benefits contained in the GSP program.

I expect this legislation to be taken up by the Finance Committee soon. At which, I expect to pursue these amendments.

Mr. President, I ask that the summary of the amendment be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF AMENDMENTS TO S. 1718 PROPOSED BY SENATOR HEINZ

(1) These amendments to relate primarily to section 502(b) of the Trade Act of 1974 which designates beneficiary countries for the GSP program. The Administration bill, S. 1718, makes no change in section 502. The Heinz amendments create a three tier system to identify countries which will be eligible to participate in the GSP program. Under these amendments, the designation of eligible beneficiary countries is related generally to per capita GNP levels, although such a formula is not explicitly stated.

The first category consists of countries which may not be designated beneficiary countries and will be ineligible to participate in the GSP program. These are countries which, for the most part, had a GNP per capita of $4,000 or above. They are listed specifically in the amendment. (see attached list)

The second category is made up of countries which will automatically be designated beneficiary countries by statute. These countries are also specifically listed in the amendments for the most part they are the least developed countries—those which have a per capita GNP below $680. Even though these countries are statutorily designated, the President may revoke the designation pursuant to the procedures in current section 502(a)(2) on the basis of the criteria set forth in existing section 502(b)(1-7). These provisions are not deleted by the Heinz amendments.

All other countries fall into the third and largest category consisting of those which the President may designate as beneficiaries in the GSP program subject to their meeting several well defined conditions.

The countries in this third category must meet the following criteria in order to achieve designated beneficiary status. First, such a country cannot come under any of the section 502(b)(1-7) restrictions, as in current law. Second, the country must have signed the Subsidies Code or have accepted equivalent obligations in a bilateral agreement with the U.S. In other words, it must be a "country under the agreement" pursuant to section 701(b) of the Tariff Act of 1930, as amended. Or, alternatively, the country must have entered into a bilateral agreement with the U.S to eliminate nontariff barriers to trade in goods and services and to investment. Any such agreement must be approved by Congress pursuant to the "fast track" procedures in section 151 of the Trade Act of 1974.

(2) In addition, the amendments delete section 502(c)(4) of the existing statute as redundant because the above requirements are more specific in assuring that a proposed beneficiary country provides the U.S. with equitable and reasonable access to markets and basic commodity resources.

(3) The amendments add the following goods to the exceptions listed in section 503(c): footwear, handbags, luggage, flat goods, work gloves, and leather apparel (goods also excepted from the CBI legislation).

(4) Finally, the amendments propose to remove new subsections 504(c) (3) and (4) and 504(d)(1) which were added by S. 1718.

Subsections 504(c) (3) and (4) allow the President to waive the competitive need limit for an eligible product when that country meets certain criteria. The Heinz amendments will eliminate the authority of the President to waive the competitive need limits.

In removing subsection 504(d)(1) from Senator Danforth's bill, the amendments apply the competitive need limits in current law to all beneficiary countries and deny the President the authority to waive the competitive need limits for least developed beneficiary countries.

New subsection 502(b)(1) countries not to be designated beneficiary countries:

Andorra, Australia, Austria, Bahrain, Belgium, Bermuda, Brunei, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Democratic Republic, Germany, Federal Republic, Greece, Iceland, Ireland, and Italy.

Japan, Kuwait, Liechtenstein, Luxembourg, Libya, Monaco, Netherlands, New Zealand, Norway, Qatar, San Marino, Saudi Arabia, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom, U.S.S.R., and Vatican City.

New subsection 502(b)(2) countries, by statute, designated beneficiary countries:

Bangladesh, Benin, Bolivia, Burma, Burundi, Cameroon, Central African Republic, Chad, Congo, People's Republic, Egypt, El Salvador, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Haiti, Honduras, India, Indonesia, Kenya, Lesotho, and Liberia.

Madagascar, Malawi, Mali, Mauritania, Mozambique, Nepal, Nicaragua, Niger, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Tanzania, Thailand, Togo, Uganda, Upper Volta, Yemen Arab Republic, Yemen, P.D.R., Zaire, Zambia, and Zimbabwe.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on February 3, 1984, beginning at 10 a.m., in Dirksen Senate Office Building, room 124, on S. 1999, a bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, making conforming amendments, repeal unnecessary provisions of law referring to the Commission of Indian Affairs, and for other purposes; and, S. 2000, a bill to allow variable interest

rates for Indian funds held in trust by the United States.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, January 25, to hold a hearing on H.R. 3960, designating additional wilderness areas in the national forest system of North Carolina.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session, during the session of the Senate on Wednesday, January 25, to receive a briefing from the CIA on worldwide intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, January 25, to hold a hearing on organized crime in the Midwest.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 25, to hold a closed session briefing on the arms control compliance situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATUS REPORT ON THE BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

This report summarizes the 1984 current levels of budget authority, outlays, and revenues as the 98th Congress begins its second session.

The report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF JANUARY 23, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	921,414	853,911	665,286
Amount remaining	711	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $711 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

DECLARATION OF FREEDOM FOR CUBA

Mr. CHILES. Mr. President, on January 23 the members of the Cuban exile community commemorated an important date in their history. It was on this date in 1966 that a large contingent of Cuban patriots, 1,600 in number, came to Key West, Fla., and signed the Declaration of Freedom for Cuba; a declaration reaffirming the Cuban people's commitment to democratic principles.

In the 18 years that have ensued their dedication remains strong. For the Cuban people love of democracy, respect for human rights, and commitment to a free Cuba have remained guiding principles. We cannot forget that these people voted with their feet in favor of a system that respects human rights rather than makes a mockery of them: A system that welcomes and protects a difference of opinion rather than one which squelches all opposing views; and a system in which the individual spirit is held high instead of a system where the individual is controlled by the state.

The Cuban people have seen their homeland torn apart, their families separated, and their lives altered drastically. Yet their desire for a free Cuba, their hope and courage have never waned. On the anniversary of the signing of the Declaration of Freedom for Cuba, I take special pride in acknowledging the Cuban community's achievements in this country and express my admiration for their commitment to democratic principles and their determination in seeing their homeland set free.

I ask that the text of this Declaration of Freedom be included in the RECORD.

The text follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That hose responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regime, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of these score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing,

WE DECLARE

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present

DECLARATION OF FREEDOM

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

U.S. AUTO INDUSTRY

● Mr. QUAYLE. Mr. President, although we are currently enjoying the fruits of an economic expansion, problems persist in our international trade. If these problems continue, they could cause a loss of jobs in major U.S. industries and abort the recovery.

For example, largely due to differences between United States and Japanese tax policies, as well as due to differences in currency valuation, Japanese automakers currently enjoy a $2,000 competitive advantage over U.S. carmakers. U.S. auto manufacturers are very concerned about the long-term prospects for the health of their industry. Over the last several weeks I have received letters from several of them. I ask that these letters be reprinted in the RECORD.

The letters follow:

CHRYSLER CORP.,
December 12, 1983.

Hon. DAN QUAYLE,
U.S. Senate,
Washington, D.C.

DEAR DAN: On behalf of all of us at Chrysler, I want you to know how much we appreciate your leadership in rallying support in the Senate for your resolution urging continuation of the voluntary restraint agreement on Japanese cars at present levels. The speed with which SCR 81 attracted almost 20 percent of the Senate as bipartisan co-sponsors sent a clear message to the Administration, as well as to the Japanese, that there is serious concern in the Congress about the "un-level playing field" on which we compete in our trade relations with Japan.

While we achieved at best a "limited" victory by having the Administration agree to about a 10 percent increase in current volumes for one year, I am confident that your help as sponsor of SCR 81 was instrumental in preventing the figure from going even higher.

We believe that serious issues relating to the trade imbalance between Japan and the United States, the undervalued yen as compared to the dollar, and the burden of taxes on domestic auto manufacturers not shared by foreign imports cannot be resolved within one year. These factors, which have nothing to do with productivity or quality, result in a substantial competitive cost advantage of about $2,000 for Japanese manufacturers, all to the detriment of our domestic industry.

The solutions depend upon Government action in both countries, and there is little to indicate that such initiatives will take place. As a matter of fact, recent press reports indicate that Honda, the most progressive of the Japanese manufacturers, is considering a second car assembly plant in this country because they believe there will be some sort of export regulations (i.e. quotas) for sometime to come. The clear inference is that they also believe there is little chance of meaningful restructuring of the yen/dollar relationship or equalization of the tax burdens between the two countries in the near future.

It is obvious to me that we must look at the events of the past few weeks as the opening round in a continuing campaign to level out the competitive playing field which is now so sharply tilted in favor of Japan.

Resolution of these issues and unequivocal indication from this Administration that it is prepared to support continued restraints until they are resolved is of particular concern to Chrysler Corporation in 1984. We have critical policy decisions to make on small car production for the 80's and 90's—whether to manufacture them in this country or source them off shore.

We will be back to you in the first quarter of 1984 to relate how we can together work to maintain current employment levels by addressing these persistent trade problems.

Again, Dan, thanks for your help and support—Merry Christmas and best wishes for a Happy and prosperous New Year!

Sincerely,

LEE IACOCCA.

ESSEX SPECIALTY PRODUCTS, INC.,
Clifton, N.J., December 20, 1983.

Senator DAN QUAYLE,
Indianapolis, Ind.

DEAR SENATOR QUAYLE: Essex Specialty Products, Inc. is a supplier to the American automobile industry. As such, we are directly affected by and concerned with automobile import policies.

We feel that the Japanese automobile industry is competing unfairly. This unfair competition is resulting in the loss of millions of jobs and serious damage to our automobile and automobile-related industries.

Two examples of the advantages enjoyed by the Japanese automobile companies doing business in America are seen in the artificially low valuation of the yen and the Japanese tax policy. Since 1981, the Japanese have kept the value of their yen artificially low as compared to the U.S. dollar. This has allowed them to sell more cars in the U.S. at lower prices, to make higher profits, and take away our jobs. Japanese tax policy then gives manufacturers another advantage of about $1,000 for each car sold in the U.S. By refunding some of the taxes normally paid in Japan when a car is exported to America, the Japanese government subsidizes its auto industry.

In addition, for each Japanese car that is imported, we lose about $1,700 in federal, state and local taxes that would have been paid if the car had been manufactured in the U.S. Who makes up this difference? The American taxpayer.

We've all been working hard to produce high quality, competitive products. But we need your help to eliminate some of the unfair advantages held by the Japanese doing business in America. Without automobile restrictions, we may destroy some of our most important industries and permanently eliminate millions of jobs.

Sincerely,

W. E. LEUCHTEN,
President.

EVANSVILLE, IND.,
November 16, 1983.

Senator DAN QUAYLE,
Senate Office Building,
Washington, D.C.

DEAR SIR: This letter is being written with reference to the automobile industry and the Japanese imports into our country.

No doubt you are aware of the percentage of Japanese cars sold in the United States which is approximately 22 percent.

It is said that every Japanese car sold here the federal, state and local taxes loses $1750.

Since 1981 the Japanese have kept the value of their yen low as compared to our dollar, thus allowing more cars to be sold at lower prices.

It is my understanding that one of our cars sold in Japan is double what we pay for it here in the U.S., while a Japanese car sells for less here than in Tokyo.

The thousands of Japanese cars sold in our country has caused unemployment reaching into the 300,000 in our auto industry.

There are some predictions that if no restrictions are put on their cars, that by 1987 they could take 35 to 40 percent of our market.

We Americans cannot ignore the fact that we have vital industries like the automobile that needs protecting. Our American government should not hesitate to use quotas and other policies to restore fair competition.

Now, a little about myself:

I had worked in the automobile industry almost all my life, working for Chrysler 37 years. The last 35 on management, moving around and finally retiring at the St. Louis car assembly plant in 1971.

My wife and I moved back to Evansville in 1975 to be near our grandchildren.

The past six years I have been Republican precinct committeeman and certainly have enjoyed it.

This information is not only being reported for myself but many other retired Chrysler workers whom I have talked with here in Evansville. We are all so thankful for Mr. Lee Iacocca's leadership of Chrysler but also the U.S. Government and State who helped the corporation financially when it looked like they could not continue.

Our pensions, hospitalization and doctors insurance was at stake.

What can you do to help our future automobile industry and also hold down unemployment by getting our Government to establish a limit on Japanese cars entering our country?

Thank you for your time.

Sincerely,

JAMES GRIFFITH.●

WHY POLICE NEED HANDGUN CONTROL

● Mr. KENNEDY. Mr. President, as Senators are asked in the days ahead, particularly those of my colleagues serving on the Judiciary Committee, to consider legislation weakening already modest Federal controls on the sale and transfer of handguns, I think it is important to hear the views of a distinguished former police chief.

Patrick V. Murphy, who has served as the chief police administrator in New York City and elsewhere, and who is now President of the Police Foundation, recently delivered an eloquent speech in support of handgun control. He properly notes that the uncontrolled proliferation of handguns in our society, especially the small, easily concealed "snubbies" and "Saturday night specials," are posing increasing dangers to policemen and law enforcement throughout the country.

He notes that, "No one can claim to support the police and oppose handgun control, because the continuing, uncontrolled proliferation of handguns in America makes the police officer's job increasingly dangerous and stressful."

Mr. President, I commend to the attention of my colleagues the important statement of Chief Murphy on "Why the Police Need Handgun Control," and I ask that it be printed at this point in the RECORD.

The statement follows:

WHY THE POLICE NEED HANDGUN CONTROL

(An address by Patrick V. Murphy)

I deeply appreciate the invitation to be with you tonight. I always welcome the opportunity to return to New York.

Here I had the privilege to serve for more than 20 years as a member of the New York Police Department, and those years have given me many wonderful memories . . .

Memories of the valor, decency, and dedication of the vast majority of New York Police officers . . .

Memories of thousands of instances over the years when citizens like yourselves give their police department cooperation and support . . .

Memories of the tremendous opportunities for growth and advancement which the New York City Police Department provides . . .

Ben Ward and I, a couple of cops born in Brooklin, can tell you about those opportunities. So can the police chiefs of Seattle, Minneapolis, Baltimore County, San Jose, Birmingham, Alabama, and several other jurisdictions.

It's unprecedented in the annals of American policing—and few New Yorkers realize it—but former New York City police officials now are police chiefs in those jurisdictions.

It's a tribute to the quality of the New York City Police Department that other cities recruit from among New York's finest to lead their departments. I know Ben Ward will sustain and enhance that quality.

But all my memories of service in policing here are not happy ones.

The worst memory concerns 11 brave and dedicated men, sworn officers of our department.

In one year, as police commissioner, I helped to bury them. They were felled by handguns.

Those police officers believed in the dignity and worth of their fellow citizens.

I sometimes wonder if a good number of their fellow citizens reciprocate in that belief.

I am not speaking solely of the assailants of those officers and the hundreds of other officers who have been attacked with handguns throughout the years.

I refer also to those millions of citizens who claim that they have the so-called right to enjoy the indiscriminate possession of unregistered handguns.

The minority of Americans who lobby against gun control demean the memory of police officers slain with handguns.

No one can claim to support the police and oppose handgun gun control. Because the continuing, uncontrolled proliferation of handguns in America makes the police officer's job increasingly dangerous and stressful.

The danger lies not just in the possibility of a police officer being a victim of gunfire.

The danger resides also in the ever-increasing possession of handguns by citizens who use them in lawbreaking or in conflicts with others or under the influence of drugs or alcohol.

When a police officer or innocent civilians are threatened with weapons, the officer may have to use deadly force—the service revolver—to protect innocent life.

No officer wants to use the revolver. Police officers are sworn to protect life, not take it.

But the tidal wave of handguns engulfing American society contributes to situations where officers may have to use deadly force.

Society's gun culture—its romance with firearms—is a major factor contributing to the stress of police work.

When I was a young patrol officer in Brooklyn, there were many incidents of potentially lethal violence.

But, as often as not, the weapons involved were knives. There were plenty of woundings.

But there was not the sense of obliteration of human life which accompanies gunfire.

Those days on patrol certainly were less tense and fearful than they are now—when the next radio call an officer receives may involve handguns.

The perverse disregard for the police of handgun advocates has reached an incredible extreme.

Gun advocates are fighting legislation at the state and federal level which would ban the sale and possession or armor-piercing handgun bullets.

These armor-piercing bullets are made with hard steel or brass and usually have a teflon or plastic coating. They have penetration power five times as great as that of lead bullets.

This penetration power means they easily can pierce bullet-proof vests which, I am sad to say, many police officers are forced to wear.

Bullet-proof vests can be uncomfortable, cumbersome to wear, and hot.

Wearing them is a continuious reminder to police officers of their vulnerability on the streets.

Most officers I know would prefer to leave bullet-proof vests in their lockers.

But the threat from handguns makes them a necessity.

It is not an exaggeration to say that the success of the gun lobby in defeating gun control legislation has added the bullet-proof vest to the police officer's wardrobe.

Now gun advocates are fighting the legislation which would ban armor-piercing bullets.

This is insane: The gun lobby's string of victories over the years has led to the wild proliferation of handguns on the nation's streets and in its homes—to the extent that police officers, like medieval warriors, must wear special armor, the bullet-proof vest.

But having forced the police to wear the vests, gun advocates are not satisfied.

Now they want unhampered sale and distribution of hardened, specially coated bullets that pierce bullet-proof vests which help to protect the police from the results of the gun lobby's earlier irresponsibility.

To agree with the gun lobby's reasoning, you would have to conclude that the Founding Fathers adopted the Second Amendment to the Constitution to protect the right of citizens to wound police officers through the protective folds of the bullet-proof vest.

On Capitol Hill, proposals to ban the manufacture, sale, and distribution of armor-piercing bullets have been introduced with the support of conservative and liberal Congressmen alike.

I would like to be able to report that the legislation soon will be passed and signed by the President.

But the Administration has yet to be heard from, pro or con, and the National Rifle Association is fighting the legislation on technical grounds.

When I last saw a count, the proposed federal legislation had the support of 15 senators and 171 members of the House of Representatives.

These figures would be heartening to those of us interested in the protection of the lives of police officers if not for some other figures from Congress.

It appears that at least 52 senators and 120 members of the House have cosponsored the McClure-Volkmer Gun Decontrol Act.

Last May, President Reagan pledged support for the legislation, although the administration this fall offered several amendments which make the legislation somewhat less destructive of efforts to stem gun violence.

The effect of the McClure-Volkmer Act would be to make the already tough work of law enforcement all the more difficult.

The legislation would effectively repeal existing federal gun control laws.

First, the prohibition on mail-order gun sales would be lifted. Next, anyone, not just federally licensed dealers as is now the case, could make interstate gun sales.

Third, the term "gun dealer" would be redefined in such a way that anyone could sell handguns without keeping a record of gun sales.

Finally, some local and state laws concerning gun commerce would be nullified in a way that would preempt state and local laws prohibiting the carrying of guns.

What does this mean for police?

For one thing, the successful work of the Bureau of Alcohol, Tobacco, and Firearms in tracing guns used in crimes would be gravely undermined.

Thus, it would become even more difficult for local police and prosecutors to detect and convict offenders in crimes involving guns.

It would be even easier for the criminals and the unstable to obtain guns, thus increasing the number of gun crimes with which the police must deal.

Local jurisdictions and states likely would have greater difficulty in keeping citizens from carrying concealed weapons.

In short, the proposed legislation would enhance opportunities for Americans to blow each other away and kill and wound the police if they try to intercede.

So inimical to the interests of law enforcement is the legislation that even the International Association of Chiefs of Police opposes it.

The police chiefs' association is a bedrock, politically conservative organization that represents the views of small-town America in law enforcement.

I have emphasized for a reason the effects on the police of the lack of effective gun control laws and of the attempt to repeal the laws we have.

After all, Americans in thousands of other occupations would benefit also from effective gun control.

But I have emphasized the police because the gun lobby seeks to pose as a valiant friend of law enforcement and as its concerned ally in the fight to control crime.

You know the slogans:

"When guns are outlawed, only outlaws will have guns."

"Control criminals, not guns."

"Without handguns, citizens will be defenseless."

And so on, in a litany of hypocritical cant.

Actually, police officers will tell you that all too frequently guns are what otherwise law-abiding citizens use in fits of passion or drunkenness or derangement to kill others or themselves, thereby literally becoming outlaws.

As for "controlling criminals, not guns," guns are the principal weapons that give street criminals the sense of warped empowerment which encourages muggings, rape, and other violent crimes.

As to the notion that "without handguns, citizens will be defenseless," the police know that the handgun in the innocent citizen's nightstand is many more times likely to be used accidentally or in suicide or in family or other disputes than in defense against intruders.

The same gun in the nightstand is also one of the most frequently sought-after prizes of the burglar.

Handguns stolen in residential burglaries contribute considerably to the arsenal of criminals.

To summarize: There is no valid law enforcement reason to justify the position of the gun lobby.

Guns possessed by citizens for reasons of self-protection are far more dangerous to themselves, their loved ones, and neighbors than to criminals.

Further, the easy availability of handguns poses a continuing threat to the police and to the goal of safe streets and neighborhoods.

Thus, it is clear that those citizens interested in the welfare and success of their police are the ones who support gun control efforts.

They are the citizens with a true dedication to law and order—a very useful descriptive phrase which deserves rehabilitation.

You will recall that during the 1968 presidential campaign the phrase "law and order" was debased—used as a code term for racial bigotry.

But just because it was twisted once to signify an appeal to hate does not mean that it should not be restored to its proper use.

For the police, law and order is a phrase describing their mandate which is to control crime and maintain order, two goals of every civilized society.

In my opinion, Americans who champion gun control champion law and order.

To repeat, they are the real allies of the police.

At a minimum, Americans interested in law and order should support the Kennedy-Rodino bill which, I am sorry to say, languishes in Congress.

The Kennedy-Rodino bill:

Bans the sale and manufacture of Saturday Night Specials;

Requires a 21-day waiting period and corresponding background check for handgun purchases;

Requires mandatory jail sentences of at least two years for using a handgun in the commission of a felony;

Tightens restrictions on handgun dealers and manufacturers;

And limits the number of handguns a person may purchase to two guns a year.

My preference would be for legislation that concentrates on more than Saturday Night Specials.

Police Foundation research has shown that the famous Saturday Night Specials, the cheapest of handguns, play no dominant role in the commission of violent crime.

On the contrary, a Foundation study demonstrates that higher priced brand-name handguns are used as crime weapons every bit as frequently as the cheaper guns.

So I would like to see federal legislation strictly controlling all handguns, regardless of their price tag.

This means passage of legislation requiring federal registration of all handguns.

In the best of circumstances, possession of handguns would be limited to those who have a good reason to hold them: the police, the military, registered and trained private security personnel, and, perhaps, some retail merchants, sportsmen, and others who can show a valid need.

However, because 50 to 60 million handguns already are in circulation and because the gun lobby's strength in Congress is still so pervasive, we must accept the Kennedy-Rodino bill as a first step toward eventual federal gun control.

Support of that legislation is the least Americans can do to help their local police assure law and order.

It also might help prevent police chiefs from having to attend the funerals of slain officers.

Thank you.●

EXTENSION OF MORTGAGE REVENUE BONDS

● Mr. MITCHELL. Mr. President, I rise today to urge prompt extension of the mortgage revenue bond program which unfortunately expired on December 31, 1983.

Mortgage revenue bonds, first authorized in the early 1970's, are tax-exempt securities issued by units of State and local government. Their purpose is to raise capital so persons of low and moderate income can acquire homes. Because the interest earned on these bonds is exempt from Federal taxation, housing finance agencies are able to sell the issues with lower rates of return than taxable bonds and in turn, pass along the savings to home buyers in the form of below-market interest rates on home mortgages. Mortgages financed by revenue bonds have rates of interest that are typically 2 to 3 percentage points below their conventionally financed counterparts. During times of high interest rates, the spread can be even greater.

A critical aspect of mortgage revenue bonds is their flexibility. The 49 State and local government units which issue them can tailor the program to meet their needs. While bond proceeds are used most often for the purchase of single family homes by first-time home buyers, issuing jurisdictions have shown great creativity in adapting their use for home improvement loans, neighborhood preservation, energy conservation, and historic preservation.

The use of bond proceeds is hardly unfettered, however. Existing Federal law places a number of restrictions on mortgage revenue bonds. First, 90 percent of proceeds must be used by first-time home buyers (except in certain targeted areas). Second, homes cannot cost more than 110 percent of the average purchase price in each area—again with an exception for targeted areas. Third, a volume cap has been placed on each State, limiting the amount of bonds that can be issued to the greater of either $200 million or 9 percent of the average volume of mortgages for the last 3 years. Fourth, the home purchased must serve as the owner's principal residence. Fifth, the effective rate of mortgage interest cannot exceed the bond yield by more than 1.125 percentage points.

In addition to these and other Federal restrictions, State and local issuers usually have requirements of their own, most often in the form of income limits. The median income of families served by the program was $18,500 in 1981 and $23,500 in 1982. By contrast, home buyers helped by conventional mortgage loans have a median income of $39,200. The result is that the vast majority of funds made available benefit low- and moderate-income families who would not otherwise be able to afford a home of their own.

Since the inception of mortgage revenue bonds, approximately 1 million home buyers have been assisted in the purchase of either new or existing single family homes. Last year, $11 billion in mortgage revenue bonds financed 220,000 units, of which 90,000 are new units. This new construction will, according to the National Association of Home Builders, generate 100,000 jobs, $1.7 billion in wages, and $800 million in Federal, State, and local taxes. As is obvious, this provides

a substantial boost to the housing industry and to the economy in general, both of which have been recovering from the worst recession in the postwar period.

Throughout the last decade, the mortgage revenue bond program has proven to be an effective tool for channeling affordable capital to first-time home buyers. And its importance is highlighted by its ability to work in both good and bad economic times. When conventional mortgage rates are high during a period of recession, bond financing is frequently the only affordable credit on the market. Its functions as a countercyclical tool is only one measure of its flexibility and usefulness in the housing industry.

Concerns in the late 1970's about the proliferation of tax-exempt financing caused Congress to enact the Mortgage Subsidy Bond Tax Act of 1980, putting in place many of the Federal program restrictions recited above. Included in the act was a provision sunsetting the program on December 31, 1983, thus requiring oversight and affirmative congressional action for its continuation.

Last year, Senator ROTH and I understand S. 137, the Housing Finance Opportunity Act of 1983, which repeals the December 1983, sunset date. Both it and the companion measure, H.R. 1176, have since been cosponsored by more than three quarters of the Members of each House.

Hearings were held on the legislation last year in both the House Ways and Means Committee and the Senate Finance Committee. In June a provision to delete the sunset date was added on the Senate floor to the legislation repealing withholding on dividends and interest. Unfortunately, it was dropped in conference.

Last October, the Ways and Means Committee reported its tax bill, H.R. 4170, with a section extending the mortgage revenue bond program for 5 years without further restrictions, and authorizing the creation of a mortgage credit certificate program which bond issuers could use at their option as an alternative to bond financing to assist first-time home buyers. As we all know, the House rule which would have permitted floor debate on the bill was defeated by a 10-vote margin during the closing days of the session.

The mortgage revenue bond program was thus allowed to expire, despite intentions to the contrary. In the meantime, State and local governments are barred from issuing tax-exempt bonds and are anxiously awaiting congressional action to revive the program.

Mr. President, mortgage revenue bonds have been highly effective in providing home ownership opportunities to thousands of American families. Its existence is even more vital at a time of retrenchment in Federal housing programs. In 1980, housing comprised 5.2 percent of the total Federal budget. In October 1983, it was down to 1 percent, an overall decline of 84 percent. Further, recent report indicate that in its 1985 budget request, the administrative intends to ask for reductions in the Farmers Home Administration's low-income housing programs.

The mortgage revenue bond program is not federally administered. Rather, it has been shown to work under a variety of conditions and at the hands of State and local governments. In that sense, it meets the administration's preference for decentralization and State control of assistance programs.

A majority of the Members of Congress are calling for action, as are a legion of supporters including the Council of State Housing Agencies, the National Association of Home Builders, the National Association of Realtors, the National Governors' Association, the U.S. Conference of Mayors, the American Institute of Architects, and many, many more.

Since the program expired 1 month ago, it is urgent that extension of the sunset date be enacted as soon as possible. I, therefore, call upon the leadership of the House and Senate to give this matter top priority and act upon it at the earliest opportunity.●

EDWIN PER DAHL

● Mr. DOMENICI. Mr. President, on July 28, 1977, I rose before the Senate to offer a memorial to Peter McCarthy, a 14-year-old Boy Scout who died in saving a fellow scout's life. It has been over 12 years since that young man's act of courage, and in what was a trying and painful effort, his father has asked me to correct a misunderstanding about information regarding his son.

The boy I described as "Peter McCarthy" was born to Edwin Sigvard and Holly Norwood Dahl as Edwin Per Dahl on January 31, 1957. Apparently the information I received came from Edwin Per Dahl's maternal grandmother who referred to the boy as Peter McCarthy in deference to his mother's subsequent husband. Having been made aware of this, I wanted to set the record straight.

The young Dahl's heroism is worth recounting as well. On July 28, 1971, Edwin Per Dahl was part of a Boy Scout rubber raft trip down Utah's Green River. Some of the boats became fouled on debris in the river and were capsized throwing the Scouts into the freezing rapids. Young Dahl had safely gotten to shore when he saw a younger and weaker boy, who had become ensnarled in debris and taken off his life-preserver to get free, being swept downstream. Edwin Per Dahl dove back into the river and he and his companion spent several hours in the river unable to get out because of the sheer walls of the canyon; both boys' strength had been so sapped that between them only the smaller boy could be lifted out, and Edwin Per Dahl was swept to his death, having saved his fellow scout's life.

Mr. President, the heroism demonstrated by this young New Mexican serves as an inspiration and example for all Americans. Edwin Per Dahl saw a friend in danger, and without regard for the consequences, did the only right thing in saving the boy's life. As I did over 6 years ago, I ask my colleagues to join with me in offering our prayers for Edwin Per Dahl's parents, family, and friends. We all share a profound loss and sense of pride at this young man's selflessness and courage.●

A BUDGET PLAN TO CUT OUR DEFICITS BEFORE THEY STALL OUR RECOVERY

● Mr. HOLLINGS. Mr. President, we in Congress went home last year, leaving behind Federal budget deficits projected at $200 billion a year for the foreseeable future. The President blames Congress. Congress blames the President. Both sides delude themselves into thinking the deficits do not really matter. After all, we are in a recovery. Whoopee! Who cares about deficits now? We will worry about them after the 1984 election.

The truth is that the deficits do matter—a lot—and we politicians are kidding ourselves if we think the public does not realize this. True, there is nothing wrong with running an occasional deficit to stimulate the economy in a time of recession. But we are not talking about an occasional countercyclical deficit here. We are talking about huge, unprecedented deficits stretching off into the future as far as the eye can see.

Recovery will not wipe these deficits out. President Reagan's own chief economist, Martin Feldstein, says that even if the economy grows continuously for the next 5 years we still will have a $200 billion deficit in 1988.

These deficits are soaking up the capital that our businesses need to finance the new investment that provides new jobs. Every dollar that the Government borrows is a dollar that industry cannot borrow to invest in a new factory. Since World War II, Federal borrowing has consumed, on average, only 20 percent of our available credit. But over the next 3 years, it will soak up over 50 percent. We will be a far poorer Nation 10 years from now because we are dissipating the funds that should be invested to give us higher productivity in the longrun.

By sending the Government into the credit market to compete with private

investors, the huge Federal deficit drives up interest rates. It is already happening. After taking inflation into account, interest rates are double what they were in 1980. Businessmen take one look at those interest rates—and the prospect for higher and higher rates down the road—and they decide not to invest, not to retool, not to rehire. They are deciding to buy Getty Oil, or merge with some other company, instead. We have just come through a year of so-called recovery which was our second straight year of net negative capital investment.

The deficits are also imposing an immediate, 25 percent tax on all our exports, because they are driving up the value of the dollar. That is why our farmers are being hurt—exports have fallen from $24 billion in 1982 to $18 billion last year. That is why we have a record trade deficit of over $70 billion. We all talk about making America competitive again, and restructuring industries—but there is no way we are going to be able to compete with that 25 percent tax. The trade deficit is already slowing down the recovery, as we found out last Friday. We were told to expect a 6 or 7 percent growth in GNP, and instead we got a 4.5 percent growth.

Those are the deficits immediate effects. Then there are the real, long term effects. By running up these deficits, we are robbing our children blind. By soaking up the money needed for investment, we will guarantee them a poorer, less productive nation. Yet at the same time we are going to subject them to a vicious form of gridlock, in which interest payments on the Federal debt are so high that they would not be able to afford much else—aside from paying our ballooning social security payments. Interest rates will be so high they would not be able to dream of owning a home. It is not a pleasure future. If ever there was a generation that had a cause for taking to the streets, it will be theirs.

In short, we are dealing with our survival as a productive, harmonious community. We cannot wait 1 year to attack the deficits. In 1 year we might be back in recession, and then no one will want to take the necessary steps. The time to act is now. We are like the canoeist approaching the waterfall. We can hear the dull roar off in the distance, getting louder by the minute. If we recognize what that sound is, we know that this is no time for worrying about the fine detalis of esthetics. This is the time to grab onto the nearest rock.

Which is why I am today proposing the action that President Reagan will not propose in his speech tonight—a budget freeze to eliminate the deficits. When I first proposed the freeze in early 1982, it was my alternative to Reaganomics. My original plan would have balanced the budget by 1985. Today, I am reintroducing an adjusted version of the freeze as an emergency remedial measure. It will take a little longer to work, but if we act now we can balance the budget by 1988.

My plan would institute a 1-year freeze on Federal pay, discretionary Federal programs, and cost-of-living allowances in entitlements. After that, growth would be held to 3 percent per year for 4 years. I would include social security and Federal retirement benefits in that freeze, exempting only the programs like SSI and AFDC that help the poorest, who have suffered enough already. I would save $148 billion by freezing defense spending at the 3-percent growth commitment we have to our NATO allies, and which they gave to us.

Finally, we have to do something to stop tax spending, the disastrous trend in Reaganomics where we cut revenues we do not have. We should first cancel tax indexing, which has not taken hold yet, but which has bankrupted every State where it has been tried and which will cost at least $90 billion over the next 5 years.

But we need more, and before we go and saddle the poor with consumption tax increases, I am certainly going to take a pragmatic look at the plethora of tax give-aways and loopholes that now allow the corporations and rich in this country to virtually pay no taxes. You know the current rule of thumb in the corporate world—if you paid taxes last year, you need a new accountant. The total revenues that have been provided by the corporate tax have fallen from 25 percent in the 1950's to 6 or 7 percent today. We have Texaco earning $2 billion in worldwide profits in 1982 and getting an $88 million refund from American taxpayers.

Now, we politicans love to talk about closing loopholes. But we hate to get specific. Well, I have been specific about the sacrifices I intend to ask of American citizens, and I am not about to ask the social security recipients in this country to sacrifice and then go up to Wall Street and tell them what I am going to do for them. So yesterday I went there and told them what I intended to ask of them.

I would, specifically, suggest the following:

Taxing the interest on life insurance reserves. Eliminating this tax break will save approximately $30.8 billion over 5 years.

Repealing the expensing of intangible drilling costs for oil and gas. $19.3 billion over 5 years.

Repealing the oil depletion allowance; $8.7 billion.

Repealing the excess bad debt allowance for banks; $4.2 billion.

A 4-percent minimum corporate income tax, which I estimate would raise about $35 billion over 5 years.

This list is not definitive. I am not trying to single out any tax expenditure as especially unjustified, any more than I am saying that there is something wrong about social security recipients getting a COLA. I am trying to be practical, and to focus on those areas where there is the most chance of getting something done. I could talk about the three-martini lunch, and get downright righteous and put on a fine show, but you and I know that is not going to happen in this Congress.

I am saying we are going over the waterfall, and we must grab the rocks that are within reach.

With the base-broadening measures I have mentioned, and others, I believe we could add a little over $250 billion in revenues over 5 years. All told, with spending and revenue combined, my freeze will save about $600 billion over 5 years. It will for all practical purposes eliminate the deficit entirely by 1988. More important, by putting the economy on a glide path back in the black, it will lower interest rates, increase investment, boost exports, and create jobs. Everybody will give up a little, but everyone will benefit from a healthier economy.

We know a budget freeze will work, because it is not an untested or unusual idea. Businesses, labor unions, State and local government—all have had to freeze their budgets during these difficult economic times, because the money just is not there. Now many States are enjoying the luxury of deciding how to spend their surpluses.

But Mr. Reagan, with his policies of borrow, borrow, spend, spend, has not faced economic reality. He is happy in his fairy-tale world, letting us drift aimlessly toward that waterfall, while he smiles and waves and talks about apace stations and constitutional amendments.

My freeze would not end the Government's responsibilities to provide the Federal programs necessary to give us a more equitable society. On the contrary, it will give us the solid fiscal foundation for paying for them. It would not lock us into the Reagan social agenda. Within the freeze, we can still fight to reverse the President's neglect of our human capital with increased aid to education, nutrition, and health programs. But we in Washington would have to cease the use of the magical "Federal Credit Card" to pay the bill.

Nor do I claim that my freeze will solve all of our Nation's problems. We face many complex national and worldwide challenges—rebuilding our schools, restoring our competitiveness in trade, ending the arms race. All these problems will still remain to be solved once we have laid a solid foundation for a full economic recovery. But I do claim that we will never get a chance to solve them unless we get our economic house in order, through an

immediate program of fair, shared sacrifice.

I am convinced Americans are ready for such a program once they are made to understand the true extent of the problem. That is the job of a President. And it is the measure of Ronald Reagan's failure in filling it.●

ORDERS FOR TONIGHT AND TOMORROW

ORDER FOR RECESS TODAY UNTIL 8:30 P.M. TONIGHT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate closes this period for the transaction of routine morning business, it stand in recess until the hour of 8:30 p.m. this evening, at which time, it will reassemble for the purpose of proceeding as a body to the Hall of the House of Representatives to hear an address by the President of the United States on the state of the Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR NO BUSINESS TONIGHT EXCEPT TO ASSEMBLE

Mr. BAKER. Mr. President, I ask unanimous consent that during that period beginning at 8:30 p.m., no business be in order except to assemble to proceed to the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TODAY UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the joint session of the House and Senate to hear the state of the Union message, the Senate then stand in recess without further action until the hour of 11 a.m. tomorrow.

Mr. President, I would like to modify the request for the orders I previously stated, and that is that no business will be in order except to name an escort committee to accompany the President to the House Chamber for the joint session to deliver the state of the Union message and to proceed to the Hall of the House of Representatives for the purpose of hearing that address.

Now, to restate it, since it is fragmented a little, what we are doing is providing that when the time for morning business is closed this afternoon, the Senate will then stand in recess until 8:30 p.m., at which time it will reconvene. At 8:30 p.m., no business will be in order except two things: First, that the Chair appoint the escort committee and, second, that the Senate proceed as a body to the Hall of the House of Representative, and that the Senate will stand in recess until 11 a.m. tomorrow at the conclusion of the joint session, which will begin at 9 p.m. this evening.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER TO APPOINT A COMMITTEE OF THE SENATE TO JOIN WITH A COMMITTEE OF THE HOUSE TO ESCORT THE PRESIDENT

Mr. BAKER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, January 25, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RIEGLE TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from Michigan (Mr. RIEGLE) of not more than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order, the Senator from Michigan (Mr. RIEGLE) will be recognized on special order of not to exceed 15 minutes.

After the execution of the special order, the Senate will resume consideration of the pending question, which is the motion to proceed to the consideration of S. 1660, Calendar Order No. 467, the so-called telephone bill.

It is anticipated, Mr. President, that there may be a vote or votes on that measure or in relation to that measure tomorrow.

Mr. President, I believe that concludes my statement.

RECESS UNTIL 8:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

Thereupon, at 2:25 p.m., the Senate recessed until 8:30 p.m.; whereupon, the Senate was called to order by the Presiding Officer (Mr. TRIBLE).

QUORUM CALL

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-162)

The PRESIDING OFFICER. Under the previous order, the Senators will now proceed to the Hall of the House Representatives for the joint session.

Thereupon, at 8:40 p.m., the Senators, preceded by the Sergeant at Arms, Larry E. Smith; the Secretary of the Senate, William F. Hildenbrand; the Vice President of the United States; and the President pro tempore (Mr. THURMOND), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Ronald Reagan.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL TOMORROW AT 11 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:50 p.m. the Senate recessed until tomorrow, Thursday, January 26, 1984, at 11 a.m.

EXTENSIONS OF REMARKS

A SALUTE TO THE HONORABLE SAMUEL R. PIERCE, JR.

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. LEWIS of California. Mr. Speaker, I have had the privilege of serving on the Housing and Urban Development-Independent Agencies Subcommittee of the Appropriations Committee this Congress. It has afforded me the opportunity to closely study the housing policies of this administration and its housing leader, Samuel R. Pierce, Jr.

I want to take this opportunity to congratulate Secretary Pierce on the "Martin Luther King, Jr., Special Award" he received this month in Atlanta. This special award was presented by Coretta Scott King and is bestowed upon the person who has promoted social justice and social responsibility in the tradition and spirit of Dr. Martin Luther King, Jr. Secretary Pierce has been exemplary in this regard; there is no finer choice for this award.

I applaud the Secretary in his accomplishments at the Department of Housing and Urban Development. His innovative efforts like Operation Build have been quite successful. He recently visited southern California and met with many who are concerned about urban renewal and adequate housing for moderate- to low-income families. A weekly black newspaper in San Bernardino, the Precinct Reporter, accompanied the Secretary on his tour. The following is a report by Ms. Frances Grice.

BLACK REAGAN CABINET MEMBER

Samuel Riley Pierce, Jr. has now been Secretary of the U.S. Department of Housing and Urban Development (HUD) for three years. He has also had the distinction of being the only black appointed to a cabinet level position in the Reagan administration. Pierce came to the job with sterling credentials having served as a State Supreme Court judge (justice) and as Superior Court Judge in New York as well as having been on the board of several major corporations. His career and dedication to excellence goes all the way back to his youth and college days where he was an all-American at Cornell.

During a previous administration, he had served as General Counsel to the Secretary of the Treasury, and in that capacity had in his traditional low-key approach accomplished the advancement of minority enterprise through a minority bank deposit program regulated by the Treasury Department. The program became institutionalized and effectively increased the volume of dollars available to the minority communities.

We decided to take a close look at the accomplishments, problems, failures or successes during the three years that Samuel Pierce will have completed as Secretary of HUD next month. Pierce, who was identified as being from the "liberal wing of the party from New York State" as well as being a black man suffered from some disadvantage at the beginning of his administration. Much of the press coverage tended to seek to focus on the negative although he continued to move deliberately and consistently to reshape his programs to optimize the benefits delivered to the urban populations, particularly the poor and minority that HUD serves.

Congressional committee leaderships and OMB Director Stockman found Pierce successful in preserving and expanding the Urban Development Action Grant (UDAG) program. The handling of housing for the poor was carefully looked at the light of budget limitations provided. It was noted while only 5 percent of the poor were previously being served with selections being based on responding to those who made the most noise. Pierce restructured the programs to put principal emphasis on the permanent poor who are bound in their status by incapacity either by age or by physical handicap as the primary target group. Direct loans were made available to provide housing for the elderly and handicapped in the Section 202 program. In all cases, these direct loans were rendered through nonprofit organizations, and the greatest percentage of the non-profit organizations were those affiliated in the minority communities by direction of Secretary Pierce.

New Section 8 reservations for subsidy to developers and owners of 221 programs were reduced in that these programs provide more benefits to a few rich developers than to the multitudes of poor. Secretary Pierce has continued to pursue alternate methods of assisting the poor as directly as possible and in a manner that they are enabled to help themselves get out of a condition of poverty on a permanent basis. This was evident in the expanded use of UDAG and the revitalization of the 203-K program in which run-down neighborhoods can be improved house at a time by the small investor whose investment may be limited to his or her own home and were a single loan can be secured to buy a house and finance the necessary repairs or even to buy a lot moving onto it manufactured housing, mobile homes, or houses from freeway clearance or other projects.

Secretary Pierce has increased the funds for modernization and comprehensive improvement of public housing while all along providing a leadership to stimulate implementation of the programs in such a way that prevents generation after generation of the same family making use of the temporary housing and cultivating a dependency from that could be in some cases even construed as a perpetuation of the slave mentality. Self sufficiency and concern with the individual has been a trademark of the Pierce administration.

In Pittsburgh, Pennsylvania and Los Angeles, California, Secretary Pierce established a program called "Operation Build." In this program rather than the mere disbursal of funds, the Department of HUD has moved to impact upon the lies of the individual project resident youth and their families directly. The purpose of the impact is to divert their interests and activities away from drug use, vandalism, and other crime through a focus on development of self reliance, self respect, and skills of which individuals can be proud. Adrianne Dove, the deputy director of the Los Angeles HUD office, reported that the program is beginning to succeed in the two L.A. city public housing projects of William Meade and Imperial Courts. These programs are funded by private sector contributions in partnership with the public sector to provide guidance, direction, and leadership in those areas not already covered by the public schools and not available in social services, few of which venture into the public housing projects.

Former world light heavyweight champion Archie Moore was called upon by President Reagan and Secretary Samuel Pierce to incorporate his long-tested "A, B and C" concepts in the Los Angeles pilot project. Moore has been working directly with the youth teaching them not just boxing (of which he is the world's best teacher), but also, and most significantly, self respect, self reliance, and a sense of responsibility as well as a respect for leadership—these being the qualities required for success in the work world. The Operation Build program has secured several mini computers and computer instructions to complement the physical and psychological training provided by Archie Moore. Someone jokingly called it the "School of Fighting and Technology." There is immerse enthusiasm in the support by the youth in the public housing as well as their parents and all others who have been privileged to witness it.

To illustrate his interest, last month Secretary Pierce personally visited Los Angeles spending an entire day touring the projects, talking directly with the youth, even refereeing the boxing matches which were cornered by Archie Moore with the assistance of former heavy-weight champ Mike Weaver. I was there and observed the intensity of feeling aroused in the people of the projects whose need for self expression, pride, and self development, and the private goals with having done it for self esteem. It became clear to me in observing Secretary Pierce as he moved in a relaxed manner through the crowds that this was a microcosmic Representation of his plan for Operation Build and for the self esteem and realistic hope for those in the project. There was no doubt that it was sincere.

Secretary Pierce's concerns extended also to all of the employees inside the Department of HUD and accordingly he sat down and met with the black employees of the Los Angeles office of HUD listening to the impact of the departmental reorganization on the clients of the Department, as well as all people who need housing. Secretary Pierce left an immense impression during

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

his visit to Los Angeles, and he said that he wished to return and view progress being made on Operation Build as well as in other programs to build people from dependency into self sufficiency to steer people into training programs and into jobs to provide them with the incomes that enable them to afford decent housing and to provide convenient loans to increase ownership in our communities—recognizing that the first major step towards being a real participant in a society is ownership of land.

We hope to see Secretary Pierce again soon and in San Bernardino. Our efforts consistent with his approach are on the way. The concept of a hand up instead of a hand out has been warmly received, and the people of San Bernardino are anxious to meet and participate in our mutual development with Secretary Samuel Riley Pierce, Jr.●

COMPUTER SOFTWARE PIRACY AND COUNTERFEITING AMENDMENTS OF 1984

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FRANK. Mr. Speaker, today I am introducing legislation which would substantially increase penalties for the criminal infringement of the copyright in computer software.

The legislation I am introducing today would amend the copyright laws similarly to legislation passed in the 97th Congress increasing the penalties on record and tape piracy. Like record and tape piracy, computer software piracy is a growing problem which can greatly threaten creative enterprise.

New applications in the computer industry, particularly the advent of home computers, have given rise to increased criminal activities. Despite technological advances which make the copying of software more difficult, there remain many with the criminal intent and knowledge of computers who can—and do—pirate software for commercial gain. While reliable data on the extent of this problem is difficult to obtain, it appears that the loss to the computer industry is in the multimillion dollar range annually. Furthermore, development costs for software will, by 1990, represent as much as 90 percent of the total costs for computerization. It is clear, therefore, that the problem will only get worse unless it is checked now.

Under this legislation, maximum penalties for piracy would be raised to 5 years' imprisonment and/or fine of $250,000—the same as the recently enacted increased penalties for record and tape piracy. In addition, they would be graded accord to quantity involved. The present penalties, 1 year/$25,000 fine, are simply not sufficient to deter this criminal activity. The penalty is seen by those who pirate as only a cost of doing business. The crime of counterfeiting, in which a false label is attached or designed to be attached to the work in question, would be expanded to include labels for computer programs or data bases. The maximum penalty for this activity would also be 5 years and/or $250,000.

Mr. Speaker, the high technology industries of this country, a number of which are located in my home State of Massachusetts, have been one of America's most positive economic forces for a number of years. Their enterprise and their creativity are threatened by the growing menace of piracy. I believe it is the responsibility of the Congress to do all in our power to protect these industries. Passage of this legislation would be one such step.●

ALLYING WITH ISRAEL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. GREEN. Mr. Speaker, I should like to bring to the attention of my colleagues an article which appeared in the January 24, 1984 Op Ed page of the New York Times. The piece, "Allying With Israel," by Thomas Dine, addresses the issue of strategic cooperation between the United States and Israel.

Such cooperation between the United States and our proven democratic ally in the Middle East was much publicized when it was announced on November 29 by President Reagan after he met with the visiting Israeli Prime Minister. It is an idea which, as Mr. Dine points out, could be mutually beneficial to our two countries as well as to the stability of the entire region. It is an idea which must be presented, debated, and revised if necessary, but it must not be allowed to smolder and die.

The article follows:

ALLYING WITH ISRAEL

(By Thomas A. Dine)

WASHINGTON.—The inaugural meetings in Washington this week of the United States-Israel Joint Political Military Group represents the first small but significant step toward creating a full-fledged alliance between the West's superpower and its one reliable and democratic ally in the troubled Middle East.

What is surprising about this development is that America is only now starting this process in spite of the advantages a closer defense relationship with Israel will have for this country. This is because there has been a tendency to underestimate the benefits of a strategic relationship and to overestimate the costs.

America faces, in the eastern Mediterranean and in the Middle East, a formidable challenge to maintain the strategic balance in the face of a substantial military buildup by the Soviet Union and its regional allies. As is true elsewhere, America cannot carry the whole burden alone but must work with local allies. Yet up to now we have had only limited forms of cooperation with the most effective country in the region and the one most likely to fight on our side.

Israel has become of necessity a "middle power" comparable to many of our North Atlantic Treaty Organization allies. Some rue this fact, but it is a reality. Israel is also uniquely positioned, sitting midway between Europe and the Persian Gulf, and can affect the Mediterranean as well as the oil fields to the east. It is a country whose own interests would be adversely affected if the Soviet Union and its allies became the dominant powers in the region.

It is, in short, a willing ally capable of making a substantial contribution to the defense of the West, by providing facilities to American forces and, in some contingencies, by working with them. This would enhance America's capability on NATO's southern flank as well as in the Middle East, thereby deterring adventurism and reducing the risk of war.

Why, then, the slow pace until now? The main reason seems be deepseated attitudes held by a strange coalition of liberal and conservative Arabists in the American foreign policy community. Liberal opponents object to cooperation on grounds that it will impede American diplomatic relations with moderate Arab regimes and movements, while conservatives fear that it will lead Arab countries to reduce their own defense cooperation with us.

Both objections are based on the core principle that America's Middle East policy is an "either-or" proposition, such that close relations with Israel alienate the Arabs and vice-versa. This is an appealingly simple argument, which accounts for its popularity, but it is also historically and demonstrably flat wrong.

Consider the similarity between the views of the either-or theorists today and the advice Secretary of Defense James Forrestal gave Harry S. Truman when he warned in 1947 that recognition of the new Jewish state would lead to loss of access to Arab oil. Or the arguments in 1965 and 1969, when Lyndon B. Johnson and Richard M. Nixon were warned not to begin supplying, respectively, tanks and aircraft to Israel lest we lose the Arab world. Or those who warned Jimmy Carter that Camp David would turn the Arabs against us.

"THE SKY DID NOT FALL"

All these Presidents rejected the warnings of their Arabist advisers, and what happened? The Chicken Littles were wrong—the sky did not fall. At the same time that America has forged an ever closer and stronger relationship with Israel, we have built an unparalleled position of influence in the Arab world.

Now, President Reagan has rejected the counsel of the either-or crowd in his inner circle and ordered defense cooperation with Israel. What has happened since Nov. 29, when he announced this decision? Yes, there has been Arab hand-wringing. But the critics of strategic cooperation with Israel cannot point to a single adverse action taken by an Arab state. Egypt has expressed understanding for the President's decision. Far from refusing to cooperate with America, Saudi Arabia and other Persian Gulf Arab states have agreed to discuss joint planning for Gulf defense. Our special envoy, Donald Rumsfeld, has been received in Baghdad. And King Hussein of Jordan is

still talking, albeit only talking, about negotiations with Israel.

The reason is simple. The sky does not fall but Arab regimes do. America's Arab friends face serious threats not from Israel but rather from Soviet-backed Arab radicalism and Islamic fundamentalism. Accordingly, there is a basic commonality of interests among America, Israel and these Arab regimes. To protect them, America needs a structure of strength to counterbalance Syria and the Soviet Union in the Middle East heartland, and Libya, Iran and the Soviet Union on the Middle East periphery. Israel can make an important contribution to that structure.●

WHEN I CAME HOME, I NEEDED NO PARADES

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. MONTGOMERY. Mr. Speaker, the controversy surrounding the Vietnam conflict and its aftermath continues. Almost daily, articles and reports appearing in the print and broadcast media create impressions that Vietnam veterans are disgruntled individuals experiencing extreme difficulty in readjusting to mainstream America.

Many Vietnam veterans do have problems related to their Vietnam experience. America recognizes that fact; however, the overwhelming majority of Vietnam veterans have been able to readjust to civilian life following their service. Frequently, that fact is overlooked by the media in portraying the image of Vietnam veterans generally.

Recently, I noted an excellent letter to the editor in the December 1983 issue of Army. I would like to call the letter to the attention of my colleagues and there follows a copy of that letter:

"WHEN I CAME HOME, I NEEDED NO PARADES"

I have read with interest many articles from Vietnam veterans over the years which express their dismay and ire that the nation did not welcome them home with "open arms" and a parade when their tours were finished in Vietnam.

As a combat veteran of both Korea (1950-1951) and Vietnam (1970-1971), I feel that we were owed no special debt of gratitude from the American public or our government. We did what we were paid to do—fight. We were not promised anything other than a combat tour, and, if we survived, a trip home when it was over.

Draftees who served in Vietnam owed that one year of duty to their country as citizens who enjoy the great benefits granted us by our way of life. Any career serviceman who felt he did not belong in Vietnam was wrong to think so, and should have known he was subject to assignment anywhere he was needed by the government.

It is wrong for any veteran to claim he was not due a tour in Vietnam because it was an "immoral" war. Soldiers don't make policy; they follow orders and stay out of politics while in uniform.

Physical and psychological wounds resulted from that war, in addition to the American youths who gave their lives in the defense of our foreign policy. But, we can thank God that our nation has the facilities and dedicated people to handle those victims. Our crippled veterans are not left to fend for themselves, as in some nations. In our rehabilitation centers and veterans hospitals across the United States dedicated and hardworking people are serving to ensure that the injured veteran receives the best care possible.

When I see on television demonstrations against our government I don't see the clear-eyed, clean cut, neatly dressed veteran who served his nation. What I see is some paramilitary type who has peace symbols hanging from his neck or wrists, has shaggy hair and glassy eyes, and is talking so fast that most people can't understand him. The public gets the idea that these men speak for me. But I speak for myself.

The reason I have never visited the National Vietnam Veterans Memorial in Washington, D.C. is because of the pictures I see on TV or in the papers of the guardians who stand the vigil, dressed in their tight-fitting paramilitary gear, hawking their war stories to anyone who will listen. To those who made the trip and who felt they needed to remember their war and their buddies, I say, "God bless them," for all warriors need to cry. It was a soul-shattering war.

I am proud to have served my country and to have been able to defend it against its enemies in Korea and Vietnam, and to have gotten out in one piece alive. My military life taught me to be a survivor and how to deal with all kinds of people. I received just compensation for my participation and from my service learned to respect myself. I did what I had to do and have no regrets.

When I came home, I needed no parades to welcome me. I was in a hurry to get home and be with my family. When I left Vietnam, I knew who I was, what I was and I could deal with it.

I never looked back.

1st Sgt. DAVID L. RECOB,
U.S. Army, retired.

TOPEKA, KANS.●

NBC'S UNFAIR TREATMENT OF J. EDGAR HOOVER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. OXLEY. Mr. Speaker, as a former FBI agent, I read with interest the following editorial by Patrick Buchanan concerning NBC's unfair treatment of J. Edgar Hoover in its television docu-drama "Kennedy." Mr. Buchanan makes a number of good observations, which I would like to share with my colleagues.

NBC'S ASSASSINATION UPON THE MEMORY OF J. EDGAR HOOVER

(By Patrick Buchanan)

While most of America was witnessing the obliteration of Kansas City on ABC, some of us were tuned in on a remarkable docu-drama, "Kennedy," on NBC.

Aired in the middle of a ratings sweep, timed to coincide with the 20th anniversary of the assassination in Dallas, "Kennedy" reintroduced Middle America to the extramarital affairs of our first Catholic president. The "latest delivery of toxic waste from NBC," wrote Tom Shales in the Washington Post.

But the real assassination in "Kennedy" was done upon the character and memory of the late director of the FBI.

J. Edgar Hoover was portrayed as an aging mama's boy, a woman hater, racist, homosexual, paranoid, blackmailer. Precisely what I had in mind, producer Andrew Brown told one stunned TV critic.

NBC had promoted the British-produced and written show as thoroughly researched and mostly true. Accuracy in Media—the Washington-based media monitor—has exposed enough distortions and fabrications to brand "Kennedy" a lie, an almost criminal slander of the late director that has caused even agents who were his antagonists inside the bureau to rise in protest and disgust.

Hoover, for example, is painted as despising the president's father. Says the Hoover character, "Joseph Kennedy. I know about this man, who in some truly great society would be disqualified from being the father of the president."

Joe Kennedy is painted as reciprocating the contempt. Hoover, he warns his son, is "a crook and he doesn't like women—our women. He won't even touch a woman, and women don't like him. You better be careful, Jack. Hoover will try and wreck everything. He's not only a crook, he's a fag. And he knows a lot about us, Jack. He's made that his business."

How does NBC square such virulent and reciprocated hatred between the two men with the fact—as AIM reports—that on Hoover's wall from 1955 until his death was a warm letter from Joe Kennedy, thanking Hoover for his personal graciousness, and proclaiming Hoover "one of the two men in public life today for whose opinion I give one continental . . . if you should ever appear on the ticket of either party, I would guarantee you the largest contribution you would ever get from anybody and the hardest work by either a Democrat or Republican."

As for Dr. Martin Luther King's communist connections, against which both Robert and John F. Kennedy warned King personally, NBC absolves the Kennedys, and exonerates King of any connection with or sympathy for the party. The wiretapping, directed by the Kennedys, is blamed on Hoover's paranoia.

McCarthyism is a term coined by liberals to attack their enemies who, on insufficient evidence, associate leftists with communists. What term should we use to describe network executives and writers, producers and directors, who for a few rating points, will employ distortions and lies to blacken the historic reputation of an old lion whom such jackals would not even approach without obsequiously trucking while he was alive?

That Hoover could be a martinet; that he grew autocratic, irascible, idiosyncratic, that the campaign against King, initiated by the Kennedys and pursued by LBJ, became a personal vendetta, those are excesses for which Hoover must answer.

But this sinister and satanic figure, this unrelievedly evil caricature of NBC's docu-drama, is an outrage to Hoover's memory, does dirt on the thousands of agents who served honorably beneath him, is a slur against the splendid organization Hoover erected out of the inefficient and corrupt little agency he inherited in the '20s.

The national networks, news as well as entertainment divisions, seem to have become giant engines of destruction. Wired to every

home, they routinely undermine traditional values and beliefs, rip up reputations, tear down respected institutions—from the FBI to the CIA, from armed forces to business community. The triumphs network executives often cite—Vietnam and Watergate—are viewed otherwise by most Americans; as the first destruction of a U.S. presidency, as the greatest humiliation in the history of a Great Republic.

The gulf between networks and the nation widens; their "finest hours" are among our worst. To paraphrase Charlie Wilson, what's good for America is bad for the Nielsen ratings; what's good for the networks is almost always bad for the country.

Surely, the nation was more secure when J. Edgar Hoover, whatever his flaws, was following the dictates of his conscience at the FBI, than when the nation's networks fell into the hands of amoral men of no conscience, to whom no atrocity against memory or decency is so outrageous as to be impermissible in their unrestricted war against one another for ratings points and audience share.●

LITTLE-KNOWN AGENCY DRAWS WORLDWIDE INTEREST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. BROWN of California. Mr. Speaker, the Office of Technology Assessment (OTA) created by Congress over 10 years ago has grown into an indispensable resource to both Congress and the Nation. OTA has accumulated a vast amount of expertise and information in important and complex areas, and has analyzed technical issues we will address this year and for years to come. I have found OTA to be a great resource on issues I encounter in my committee work, and on issues addressed on the floor covering the spectrum from environment to defense, and agriculture to space.

OTA has earned more than the respect of Congress by proving itself nationally and internationally. When everyone seems to be blaming the Government for the problems we face as a nation, it is heartening to see a Government agency so well respected. The following article documents the praise for this agency. I commend it to my colleagues.

LITTLE-KNOWN AGENCY DRAWS WORLDWIDE INTEREST

(By David Burnham)

WASHINGTON, January 11.—A tiny Federal agency with an extraordinar mandate has become a powerful magnet for government officials from all over the world.

In just the last year, for example, more than 100 visitors have come to Washington from 25 countries including China, France, Indonesia, Denmark, Egypt, Britain, Brazil and Australia to find out how the agency works and what it produces.

The focus of all this international interest is an agency that is largely unknown to the American people, the Office of Technology Assessment. Created over 10 years ago as an arm of Congress, it was given the difficult assignment of trying to anticipate, understand and describe how the world's new technologies will effect the people, environment and institutions of the United States.

In a world where dozens of powerful new chemicals, startling scientific discoveries, far-reaching computer systems, earth-shattering weapons and potent drugs present difficult new social problems on almost a weekly basis, the challenge of this job is a major one, apparently of interest to both the democracies and the authoritarian states. The head of the agency, Dr. John H. Gibbons, visited the Soviet Academy of Sciences last spring to describe his agency's work.

PRESSURES FROM CONGRESS

Dr. Gibbons is a 55-year-old physicist who has specialized in energy and environmental issues. With a permanent staff of 139 people and a $14.6 millon budget that enables the agency to hire some 2,000 outside experts a year to work on special projects, Dr. Gibbons is generally credited with guiding the agency out of difficult waters in its first few years, when it was buffeted by political pressures from Congress.

"The problem is to keep the agency relevant to the political process but avoid partisan biases," he said. "Our process of tapping national wisdom, stripped of bias and advocacy, has begun to make its mark."

While many of the reports prepared by the O.T.A. in the last few years have won wide praise, some critics doubt the agency's work has much effect on the policy decisions made by the Federal Government on such volatile and complex subjects as acid rain, the financing of new missile systems and improving the performance of the nation's schools.

"The need is not for more seers and forecasters," said Lawrence Tribe, a professor at Harvard Law School, one of the early advocates of technology assessment. "The real problem is to find ways to make such advice more salient."

Professor Tribe contended in an interview that the principle problem with O.T.A. was outside its control. "I think that to be effective, there would have to be a similar effort in the executive branch," he said. "Unfortunately, however, the last two or three administrations have gradually dismantled and politicized the scientific advisory machinery at the White House level so that the Congressional effort seems to make relatively little difference."

Representative George E. Brown Jr., Democrat of California who is a member of the agency's board, has a different concern. "There is no question that the office has escaped the controversy of its earlier years and is now providing Congress with useful material, a distillation of the best knowledge on a subject and a list of policy options that Congress might adopt," he said. "But I am not sure that that is what we require, that rather than possible options, we need clear strategic advice."

A brief description of some of the agency's recent publications suggest the wide range of its concern. At the request of the Senate Committee on Foreign Relations, for example, the agency prepared a 151-page study, "The Effects of Nuclear War," which described the estimated casualties and destruction that would result from the explosion of nuclear bombs at various altitudes over Detroit and Leningrad. This authoritative study has become one of the agency's most requested reports.

In a second study, undertaken for the House Committee on Education and Labor, the staff and consultants of the O.T.A. analyzed "Information Technology and Its Impact on American Education," describing the advantages and disadvantages of various possible actions Congress might consider in this area to improve the performance of the nation's schools and their students.

At the request of several Congressional committees, the agency prepared a 331-page report entitled "Impacts of Applied Genetics." It described the process and potential effects of man's rapidly increasing ability to manipulate the inherited characteristics of plants, animals and microorganisms.

In the agency's history, according to several staff members and others who have followed its history, the O.T.A. has gone through several phases. At the beginning, under a former Connecticut Congressman, Emilio Q. Daddario, many of the staff members worked almost directly for the Senators and House members who served on the agency's board, and most of its projects were directly related to the political needs of these members.

EARLY DAYS OF CRITICISM

Then, Russell Peterson, a highly regarded industrial scientist who now is the president of the National Audubon Society, became the head of O.T.A. Mr. Peterson won the right to have complete control of staff appointments. But he ran into criticism from Congress because he tended to ignore requests for help on immediate problems and concentrate all of the agency's research on long-term projects.

Dr. Gibbons, it is generally agreed, has retained the right to hire his own staff while at the same time becoming somewhat more responsive to the demands of Congressional committees for assistance on immediate problems.

"O.T.A. is doing good, sometimes excellent work," said Frank Press, the current head of the National Science Academy, a nonprofit organization that earns most of its keep doing similar kinds of research for executive branch agencies such as the Energy Department. "The only reservation I have is that it has become to popular with Congress and is not able to devote enough of its time to looking further into the future at the very large technical questions."●

AWARD DINNER FOR DON L. KUHNS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. LEWIS of California. Mr. Speaker, on January 28, 1984, the members of the Barstow Chamber of Commerce will hold their awards/installation dinner to honor a very special man, Don L. Kuhns. I take this opportunity to ask the Congress to join me, along with his many friends and admirers, in expressing our deep appreciation and gratitude to this outstanding human being for his service as president of the chamber.

Mr. Kuhns was born in Long Beach, Calif. While living in Long Beach, he won a music scholarship to the Southern California Military Academy and attended there until he moved to Red-

lands in 1942. He graduated from Redlands High School in 1945, prior to joining the Army.

He started out in the Engineering Corps, but, because of his extensive musical background, he auditioned and was accepted into the Army Band. During his service career, he was assigned to the 282d AGF Band, 24th Corps Theater. As a result, he spent a most enjoyable year in Seoul, Korea.

After his service in the Army, he returned to the United States and went to work for Edison in 1947. In December of that year, he married Betty Pattison. They are the proud parents of 3 children and 11 grandchildren. Their daughter, Karol, lives in Lake Forest, Calif., where she is a very busy mother. Don, their son, is active in the Bakersfield Chamber of Commerce, and Kathy, who lives in Boulder, Nev., is a secretary of the chamber of commerce in that city.

During his tenure as president, Don L. Kuhns has earned the respect and friendship of those with whom he has worked. He was responsible for instituting the Woman, Man, Business, and Organization of the Year Award. The city of Barstow appreciates the long hours and efforts he has expended on their behalf.

Some of Don L. Kuhns' other activities include holding presidencies of the Delano Chamber of Commerce, 1976-77, and the Delano Lions Club from 1977 to 1978. He plays trombone with Dr. Bell Graham's Barstow Community College Band and various church groups in the Barstow area. Mr. Kuhns has served as vice president of the Barstow Kiwanis Club, 1983-84, and the Mojave Valley United Way, 1983-84. He was also a member of the Barstow Community College Advisory Board in 1982-83 and the Barstow Salvation Army Advisory Board. He and Betty are very active in the First United Methodist Church.

All who have had the privilege of dealing with Mr. Kuhns have been impressed with his dedication as an outstanding citizen and for his contributions. He is a fine example of the spirit of volunteerism which is at the core of this Nation's success.

Mr. Speaker, I take great pride in commending to my colleagues, Mr. Don L. Kuhns, a truly remarkable man who has, through his selfless years of hard work, contributed to his community in a most beneficial manner.●

AGRICULTURE: QUESTIONS AND ANSWERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January, 25, 1984 into the CONGRESSIONAL RECORD:

AGRICULTURE: QESTIONS AND ANSWERS

In my recent discussions with Hoosiers, some questions have been raised about our farm programs.

1. Why aren't we using more of our surplus food to feed the hungry?

Commodity distribution programs for the poor and undernourished are important. They should be expanded, but we should be aware of their limitations. One problem is that the range of surplus food owned by the government at any one time is too narrow for a balanced diet. Many dairy products are in excess today. Government-owned supplies of wheat and feed grains are largely committed to other uses already. Second, distribution is a formidable challenge. The costs of distributing in poor nations often exceeds the value of the surplus food. Likewise, distribution is costly even in the United States when the weather is bad or when recipients are too aged or sick to pick up surplus food themselves. Third, even strong advocates of food aid for the poor and undernourished worry that a greater effort at distribution might be used as an excuse to cut the food stamp program, which was set up in 1974 after shortcomings of commodity distribution programs were documented. In addition, other nations often hesitate to accept our surplus food because such efforts are sporadic and may disrupt ordinary channels of trade.

2. Why are farm exports down?

After steadily increasing during the 1970's, the value of our farm exports has been declining for the past three years and is a major problem for agriculture today. Several factors underlie the decline. First, embargoes of food products have compelled our customers to look elsewhere. After the Nixon Administration embargoed soybeans, for example, Japan invested in the Brazilian soybean industry, which is now firmly in place. Second, the value of the dollar is too high. Over the past three years, its value has increased 30% compared to other leading currencies, which means much higher prices for our customers. Third, federal price supports, set high to protect farm income, have had some undesirable side effects. Other countries have expanded their production and sold their commodities at prices just below ours. Fourth, several of our competitors have subsidized their farm exports. At the same time, some of our customers have erected trade barriers to protect their own agricultural industries. Some of these problems have been and are being corrected, so our farm exports are expected to increase in value in 1984. However, other of these problems are more permanent in nature, and many experts doubt that we will return soon to the situation of the late 1970's, when we controlled 61% of the world's agricultural trade.

3. How serious are farmers' financial woes?

The number of farm foreclosures and bankruptcies seems to be dropping after three very hard years. During the last year, foreclosures, bankruptcies, and sales of farms affected approximately 3% of all farmers. This was nearly triple the rate of the more prosperous 1970's. Loan problems in Indiana have been worse than the national average.

4. What is being done to barter our surplus food for strategic materials?

Bartering has potential because we have significant surpluses of certain commodities (such as dairy products) and significant shortages of strategic materials in our national stockpile (such as aluminum, chromium, nickel, and rubber). We currently import more than half of our supplies of twenty strategic materials. The Department of Agriculture (USDA) administered a barter program for several years until it was suspended in 1973, primarily because supplies of commodities fell, restrictions became cumbersome, and our need for strategic materials was considered met. Currently the USDA is worried that it might not be reimbursed for the surplus food; the State Department that bartering might violate trade agreements; and the Treasury that bartering might make world markets inefficient, but Congress is looking into ways to expand bartering.

5. How much do our farm programs cost?

Three years ago, our farm programs cost only $4 billion. In 1983, net outlays for them reached $19 billion. The huge increase occurred when low prices triggered federal price supports. About $3 billion of the $19 billion, however, went for commodities that the government could resell, at least in theory. The total cost of our farm programs should be sharply lower this year as prices improve.

6. Did PIK work?

Reviews of PIK have been mixed. Few would call it a complete success. Under the program, farmers have been given government-owned commodities in return for cutbacks in production of certain crops. PIK has had many of the effects predicted when it was set up last January. Combined with the summer drought, it has brought production more into line with demand and has helped raise prices. Moreover, it has caused problems for farm implement and supply dealers and purchasers of feed grains. Various other problems developed during PIK's operation: stocks have been drawn down further than expected, so prices may go too high; the distribution of commodities to farmers did not go smoothly; more than one in ten participants abused the program to get extra benefits; huge payments were given to large corporate farms. The commodities given to farmers cost the USDA more than $10 billion, but PIK is expected to save $9 billion in price support outlays over the next few years. PIK has been ended for 1984, except for a scaled-down program covering wheat.

7. What is the farm outlook for 1984?

The experts are optimistic on balance. They foresee an increase in the value of farm exports (with slightly less volume), an easing in farm credit conditions, higher grain prices, and sharply lower farm program costs. They do not sharply lower farm program costs. They do not foresee any growth in farmland values. The USDA estimates that net farm income will be between $29 billion and $34 billion in 1984, up from last year's $24 billion to $26 billion. Retail food prices are expected to go up 4% to 7%.●

THE NEED TO STIMULATE OUR COAL INDUSTRY THROUGH FEDERALLY SUPPORTED R&D

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. MURPHY. Mr. Speaker, I am concerned about the current state of our Nation's coal industry. United Mine Workers President Trumka testified before a House committee stating that over 45,000 members of the UMW are out of work. Unemployment in the coal fields is 25 percent, which is more than twice the national average. The critical state of the coal mining industry has resulted in the loss of jobs for many hard working coal miners in my congressional district. For example, the 1980 mining industry employment in Washington County was about 6,000 jobs. Over the past 3 years, however, coal mined in the county has declined from 10.2 million tons to 6.4 million tons. This reduction has resulted in a loss of approximately 2,000 jobs.

To assure that the coal industry recovers with the rest of the economy, we in Congress must not be rushed into passing unnecessary and costly environmental controls on coal-fired powerplants as a means of controlling acid rain. I am supporting a bill introduced by Mr. RAHALL, H.R. 1405, the Acidic Deposition Study and Ecosystem Mitigation Act. This measure which currently has over 70 cosponsors is a call for reason. The scientific facts are not available and thus it is premature to impose another costly and questionable environmental burden on the beleaguered coal industry.

The environmental controls approach would not only cost 89,000 additional miners their jobs, it would increase total unemployment nearly 172,000. Electric utility ratepayer costs would be increased by nearly $7 billion per year, with the rates of some utilities jumping 63 percent. It is clear that acid rain controls will have a severe economic impact on those areas of the country that already suffer from near depression level unemployment rates.

In order to stimulate the coal industry and burn coal more efficiently we must not tighten emission controls, for instead we must advance in the area of coal technology. This administration has effectively proposed to closeout the coal research and development program, while at the same time telling the private sector to pick up the pieces. For two consecutive budget requests, the administration has proposed to cut coal R&D by more than 50 percent. In fiscal year 1983, I am proud that the Congress responded by nearly tripling the administation's request. We must continue to strongly oppose this administration's going out of business budget for coal programs. It is only through supporting a healthy level of funding for coal research and development programs that we will be able to make significant breakthroughs which can enhance the utilization of the Nation's vast coal reserves in an environmentally acceptable manner.

We must not sit idly by and allow our coal industry to suffer further financial burdens. The United Mine Workers of America have fought to extend union protection to coal miners and their families. However, the dedicated work of the UMWA must be backed up by a Congress that stands ready to assist the mineworkers as they strive to save jobs. Therefore, I am strongly opposed to any harmful emission controls that would have an adverse impact on the coal industry.●

STOP WEAPONS RACE IN SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. BROWN of California. Mr. Speaker, on Saturday, the United States took the first step toward expansion of the arms race into space when it conducted a preliminary test of its antisatellite (ASAT) weapon. ASAT's are designed to destroy satellites in space with the help of a special targeting device called a miniature homing vehicle. Although this first test did not involve the homing vehicle, subsequent ASAT tests will. Congress prohibited testing of the ASAT against a target in space unless the President certifies to Congress that the United States is "endeavoring in good faith, to negotiate with the Soviet Union a mutual verifiable ban on antisatellite weapons" or that it is necessary to avert a threat to the national security (DOD fiscal year 1984 authorization). The likelihood of negotiating a ban on ASAT's diminishes as the testing schedule nears completion and the weapon nears deployment.

The Soviet Union indicated its interest in negotiating an ASAT ban last August when it submitted a draft treaty to the United Nations and volunteered to suspend testing of its ASAT system if the United States did the same. Negotiations conducted between the United States and the Soviet Union were suspended in 1979 following the Soviet invasion of Afghanistan and diversion of U.S. resources for ratification of the SALT II treaty by the Carter administration. The Soviet Union suspended testing of its ASAT during those negotiations. The administration has stubbornly refused to respond to the Soviet offer and is proceeding on track with the ASAT tests as demonstrated on Saturday. We have an opportunity to make progress on arms control and should offer to take the Soviet Union up on its proposal to control weapons in space. Unfortunately, the administration does not appear interested.

Mr. Speaker, an article on the subject of ASAT's and space weapons appears below. I commend it to my colleagues.

[From the Los Angeles Times, Jan. 16, 1984]

AN ARMS RACE IN SPACE IS LUNACY: WE CAN KEEP AHEAD IN TECHNOLOGY WITHOUT BAITING MOSCOW

(By Ernest Conine)

Any day now the Pentagon is expected to carry out a preliminary test of an anti-satellite missile system. The Administration should think long and hard before proceeding with follow-up tests scheduled for later this year and next—tests which could take the U.S.-Soviet anti-satellite competition beyond the point of no return.

The history of arms control during the last 20 years is, in part, a story of missed opportunities. Both the United States and the Soviet Union, in reaching for short-range advantage, have at times taken steps that accelerated the arms race and harmed their own long-range interests.

On the U.S. side, the most dramatic example of strategic myopia is the decision in the 1960s to put multiple warheads on intercontinental ballistic missiles. What the planners unfortunately neglected to take into account was that in the long run MIRVs favor the Soviets, whose huge missiles can carry more warheads than ours.

The most glaring examples of shortsightedness, however, are on the Russian side.

Moscow seems genuinely disturbed by the prospective deployment of American-made Pershing 2 missiles in West Germany that can reach Soviet targets within 10 or 12 minutes. But what on earth was the Kremlin thinking about when it began installing SS-20 missiles pointed down the throats of West European political leaders back in the 1970s? How could they have imagined that there would be no Western response?

The 1972 SALT I treaty drastically limited the actual deployment of anti-ballistic missile systems, but imposed no prohibition on research and development work. As the authors of a study by the liberal-inclined Brookings Institution said last week, the Soviet ABM effort since 1972 has been far more energetic than ours, with the result that a "significant disparity" now exists.

Most experts agree, though, that the United States is far ahead in most relevant technologies. The Russians, by their actions, are likely to succeed only in provoking an ABM race that they cannot win.

Then there is the killer satellite issue.

Both major powers, but especially the United States, depend heavily upon satellites for weather information, military communications, photo reconnaissance, early warning of an enemy attack, and verification of compliance with arms control pacts.

It follows that each side is tempted to develop means of poking out the eyes and ears of the enemy in case of war.

The United States and the Soviet Union both fielded systems having anti-satellite capabilities during the 1960s. This country eventually dismantled its anti-satellite network—which involved the use of nuclear explosions in space—on grounds that on-going

competition in anti-satellite weapons, or ASATs, was not in the U.S. interest.

The Soviet Union, unfortunately, was unwilling to let well enough alone. It continued sporadic testing of killer satellites, ultimately forcing the United States to renew its program.

U.S.-Soviet negotiations looking toward a ban on anti-satellite weapons were held in 1978 and 1979, but were suspended after the Soviet occupation of Afghanistan. Both countries have meanwhile continued their anti-satellite programs.

As things stand the Soviet Union has an operational anti-satellite system and we don't. The United States is moving to rectify the supposed imbalance by testing and installing an ASAT system of its own.

In fact, however, the ground-launched Soviet ASAT is vastly inferior to the U.S. system, which would use a fleet of F-15s to launch non-explosive missiles into the path of Russian satellites.

As Kurt Gottfried of Cornell said recently, "The Soviets have been both foolish and reckless to spend some 15 years nurturing a clumsy threat against a rather small portion of our satellites. Their major accomplishment has been to provoke us into building a far more sophisticated system."

The first U.S. flight test will merely test the launching system. In the next test the ASAT missile will be fired toward a point in space, but not at a specific target. Then will come the actual attempts to hit and destroy an orbiting satellite.

Critics warn that, while the initial test isn't very important, the follow-through tests may end whatever possibility there is of heading off a killer satellite race in space.

Last fall Soviet leader Yuri V. Andropov offered a moratorium on further ASAT testing by either side. This was a transparent attempt to preserve the Soviet edge in this field.

However, the existing Soviet advantage is not very important. Moscow's present killer satellite is effective only in low-altitude orbits; it can't reach the higher orbits where the more vital U.S. military satellites are deployed. But of course that deficiency could be overcome in time.

Furthermore, since the United States is far more dependent on military satellites than is the more "backward" Soviet Union, common sense tells you that a stop-where-you-are ban on ASAT weapons would be in our interest.

The Administration is bothered by the difficulty of verifying Soviet compliance with an anti-satellite ban, and indeed Russian cheating could be a problem. It is especially crucial to develop means of detecting Soviet testing or deployment of lasers as ASAT weapons. However, monitoring of any Soviet activity in this or other ASAT technologies would be easier with an agreement than without one.

Many defense scientists argue that, in any event, the best safeguard against Soviet killer satellites is not an ability to respond in kind. Instead, they say, we should upgrade the survivability of U.S. military satellites through shielding, maneuverability and movement to higher orbits.

Since we have more to gain from avoiding an anti-satellite arms rate than do the Soviets, it is not at all clear that the Russians are genuinely interested in an effective anti-satellite moratorium or ban. Once the United States has demonstrated a superior system, however, we may never have a chance to find out because the Russians will then stall negotiations until they have a chance to play catch-up.

From the U.S. viewpoint, it seems to make sense to work for a moratorium on further tests, meanwhile continuing research on lasers and other technologies to avoid being caught short by a Soviet breakthrough. We would have nothing to lose and, conceivably, a great deal to gain.

This is a case where we might be better off to quit while we are still not quite ahead.●

THE WHO AND WHY OF BIG-BUCKS POLITICS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. PAUL. Mr. Speaker, hardly a day goes by without someone, frequently one of my colleagues in the Congress, crying for a tax increase. It seems that even though we already get our hands on over a third of the wealth in this country it is not enough to satiate the desires of this big spending Congress.

Of course, we do not call it a tax increase. What we need, the big spenders say, is revenue enhancement, increased compliance, tightening of loopholes, the elimination of tax expenditures, or simply that everyone pay their "fair share." But in reality, it all amounts to nothing more than a growing transfer of private sector property into the coffers of the state.

I have never understood the rationale for the argument that what private individuals produce and are free to spend or save as they choose is somehow an expenditure by government. Yet this is what the big spenders would have you believe. I recently received a letter from a colleague which equated a tax credit to a "handout from the U.S. Treasury."

I have said on other occasions that the major function of the U.S. Congress today is to take from some, generally the productive middle class, and give to others. Congress has become an agency for coercively redistributing the property and earnings of the people. Of course, we pay lip service to our constitutional purpose of protecting the people's liberty and property, but in fact we have become destructive of these ends. We have discovered that the "tax, spend, and elect philosophy" works to our advantage; we can enhance our power and prestige, at least among the lobbyists and the rest of the Washington, D.C. establishment. Yet in the process we are irresponsibly destroying the prosperity and freedom of this generation and leaving to our children a legacy of debt and conflict.

I would like to call to the attention of my colleagues an essay by David Boaz, Vice president for public policy affairs of the Cato Institute. Mr. Boaz provides us with a lucid analysis of the consequences of a government that decides "who is to have what."

The essay follows:

[The Wall Street Journal, Nov. 15, 1982]

THE WHO AND WHY OF BIG-BUCKS POLITICS

SPEND MONEY TO MAKE MONEY

(By David Boaz)

Special-interest contributions to Congress are up sevenfold in the last nine years, but the new giving has just raised the price of influence.

Prominent lobbyist J. D. Williams laments, "The edge you get from raising money has been diluted. A few years ago, when fund raising as we now know it was in its infancy, it was vitally important. . . . Now . . . there is such an availability of funds that it's not as important as it used to be." But fund raising goes on.

Pity the poor lobbyists. Every time they learn a new technique—PAC contributions, direct mail, grass-roots campaigns, junkets to Las Vegas—everyone else learns it, too, and soon there's no profit in it. But they can't stop doing it as long as their competitors are doing it.

Should any of this surprise us? Business people know that you have to invest to make money. Businesses invest in factories, labor, research and development, marketing and all the other processes that bring goods to consumers and, they hope, lead to profits. They also invest in political processes that may yield profits.

If more money can be made by investing in Washington than by drilling another oil well, money will be spent there.

Nobel laureate F. A. Hayek explained the process 40 years ago in his prophetic book "The Road to Serfdom": "As the coercive power of the state will alone decide who is to have what, the only power worth having will be a share in the exercise of this directing power."

As the size and power of government increase, we can expect more of society's resources to be directed toward influencing government. And indeed that is just what we have seen: Federal spending has risen from $200 billion in 1970 to more than $800 billion today. The staff size of regulatory agencies (a very rough estimate of the impact of regulation on society) has risen two-thirds in a decade.

Recognizing this increasing opportunity for political profits, interest groups have responded as we would expect. In 1971, New York had twice as many national trade associations as Washington. Today, Washington has 3,136 associations—500 more than New York—with 80,000 employees. Within the past decade, the number of Washington offices of out-of-town law firms has tripled. In 1970, five state governments had Washington offices; today the figure is 34. Total campaign spending rose from $425 million in 1972 to $1.2 billion in 1980. Now, 65% of the chief executive officers of Fortune 200 companies come to Washington at least once every two weeks, up from less than 15% a decade earlier.

What do all these people want in Washington? Money, of course, first of all. Every dollar spent by the government ends up in someone's pocket as a salary, a transfer payment, a subsidy, a purchase or a loan. But there are other valuable services available, too: regulations that eliminate or hamstring your competitors, for instance, or a tax provision that induces consumers to purchase your product.

In its successful effort to obtain a $1.1 billion loan guarantee for a shale-oil project, Tosco Corp. hired the Republican firm

Black, Manafort, & Stone and former Reagan adviser Pete Hannaford, along with Democratic lobbyist Marcus Sisk, former Democratic Rep. William Moorhead and former Carter White House official Anne Wexler. Charlie Black explained candidly, "By using Moorhead and Sisk and Wexler on the Democratic side and us and Hannaford on the Republican side, they got better quality and better access for less money."

Efforts to restrain this growing special-interest influence on government have predictably failed. After the Watergate scandal, Congress placed severe limits on individual contributions to federal candidates. What happened? PAC spending soared. When the government taxes or regulates private economic activity, people find ways to get around the restrictions and continue supplying goods and services to others at a profit. And as long as there is a profit to be made by influencing government, people will find a way around those restrictions as well.

Despite our attempted restrictions, Mr. Hayek's dictum seems to remain true: When government decides "who is to have what," political power becomes "the only power worth having." Before the special-interest bidding for control of a powerful government gets completely out of hand, can we find a way to treat causes rather than symptoms?●

A NEW ZERO OPTION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FRENZEL. Mr. Speaker, Edson W. Spencer is chairman and chief executive officer of Honeywell Inc., one of our country's largest defense suppliers. In the December 23 Minneapolis Star & Tribune, he published a paper urging a zero tactical nuclear weapons level.

Spencer's proposal is understandable, but not simplistic. It would not disturb the standoff in strategic weapons, but could set the stage for a build-down process.

I commend the article, which follows, to thoughtful students of nuclear arms reductions.

TACTICAL ZERO

(By Edson W. Spencer)

The world today faces three grave risks, any one of which could cause a nuclear accident, which could in turn lead to a major war. The risk of such a war may be greater than at any time since Hitler marched into the Rhineland in 1936. The potential for cataclysmic damage is far greater.

One risk brought abruptly into focus was signaled by the dangerous series of mistakes apparently made by the Soviet air defense in shooting down Korean Airlines Flight 007. The mistakes that led to the tragic loss of a civilian aircraft suggest the possibility of a series of mistakes leading to something far worse.

A second risk relates to proliferation among nations of the capacity to manufacture nuclear weapons—and to steal them. The dangers in the use of these weapons as potential blackmail threats pose a risk for all nations, including the two super powers.

A third risk is due to uncertainties at the top of Soviet civilian leadership, which currently appears weak and unsure of its directions. The military appears to be taking a stronger role, and maneuvering for the next succession could further weaken present leaders. This in turn will probably prolong the present period of high tension between our country and the Soviet Union, making it difficult to accomplish significant progress to lessen the tension through negotiations.

The history of negotiations between our two nations is not encouraging. As a result, the risks inherent in nuclear confrontation seem to be accelerating faster than our ability to negotiate safety nets that reduce the chance of nuclear explosions.

To mitigate these risks, a creative new initiative is needed by our government, an initiative that would seek to achieve an immediate set of objectives rather than gradually negotiate toward such an end over a long period with very limited progress in eliminating the risks. As a concerned citizen who is also the chief executive of a major corporation (Honeywell Inc. with over $800 million in defense contracts last year), I feel strongly that we must bring into play a new approach and an even more heightened sense of urgency. Here are some suggestions:

First, we should offer to remove from Europe all tactical nuclear weapons, including missile warheads and munitions, and return them to the United States.

Second, we should then offer immediately—with complete Soviet access for verification—to destroy these and all other tactical nuclear weapons in our arsenal as well as seeing that those of our NATO allies are also destroyed.

Third, the conditions required of the Soviet Union for our agreeing to do this would be:

The signing and ratification of a treaty between our country, our NATO allies and the Soviet Union banning further development or manufacture of tactical nuclear weapons;

Simultaneous with our elimination of tactical nuclear weapons, the destruction of all tactical nuclear weapons in the Soviet arsenal, with free access and verification by U.S. and other NATO observers;

Acceptance by the Soviet Union of a joint approach to some type of risk-reduction or crisis-avoidance center so that a mistake may be prevented from becoming a cataclysm; and

Finally, a U.S./U.S.S.R.-sponsored U.N. agreement banning development and manufacture of tactical nuclear weapons by any member country, with the United States and Soviet Union agreeing to enforce this ban together.

This would still leave the two super powers at a stand-off in intercontinental strategic weapons, but with the potential for negotiating a build-down option on both sides. Build-down to the level of a minimum but still meaningful deterrent might take a decade and, to zero, a lifetime.

If we and the Soviet Union can move in the direction of significantly reducing the number of nuclear weapons, our two countries should then enter into broad-ranging discussions at various levels, both private-sector and government, in an attempt to define our future relationships in other areas. The objectives of our two countries, our historical background and our mind sets are very different. But we do have to coexist, and to do so we need to have continuous dialogue and a much deeper understanding of each other's motivations, fears and concerns.

Critics of this proposal may say it is impractical. It is impractical if one or both super powers do not have the will to negotiate, as that only prolongs the bargaining stalemate. It is not at all impractical if it can bring both sides back to the table and move the negotiations forward. It makes our intention clear and could put the Soviet Union on the spot, causing it to show the world its intentions as well. The accomplishment of "tactical zero" would be in the national self-interest of both nations. The proposal in no way changes our nation's need for a strong defense in conventional weapons.

Idealistic? Yes. Progress is never made without ideals. Weapons reduction cannot change the attitudes and fears that led to their creation in the first place. But a successful negotiation leading to a meaningful reduction of the nuclear threat on both sides may help, in turn, to modify those attitudes and fears.

Such a position offers a better negotiating posture than the Reagan "zero option" proposal, which provided that the United States would not deploy and that the Soviets would reduce intermediate-range missiles in and around Europe. Even if it were accepted by the Soviet Union, this proposal would have left a substantial nuclear arsenal in Europe on both sides. On the other hand, if the proposal I am putting forward for a "tactical zero" option could be negotiated, it would eliminate the greatest area of risk for accidentally, or through blackmail, triggering a nuclear disaster. It would clearly define where the free world wants to go in armament reductions. It would provide the present and future Soviet leadership with an alternative to protracted negotiations that reduces numbers but not risk, while relieving its defense budget of substantial expeditures. It would have great public appeal.

Most important, if successful, "tactical zero" would move the world substantially in the direction of becoming a safer place in which to live.●

THE ERA/ABORTION CONNECTION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. PAUL. Mr. Speaker, those of us in the House of Representatives who are concerned about the right to life for the unborn would like to take this opportunity to discuss the connection between ERA and abortion. Some claim that such a connection does not exist. Yet even the strongest proponent of the ERA in the other body was forced to admit that this connection would ultimately be decided by the courts. Repeated testimony before House and Senate committees has established the potential, if not the absolute, connection between the ERA and the so-called right to an abortion.

Many of my colleagues, and many of the proponents of the ERA, persist in their contention that there is no rea-

sonable connection between the two. Unfortunately, Mr. Speaker, we all know that sound reasoning does not always prevail. If my colleagues are certain that there is no connection, then they should have no qualms about making this separation explicit.

It is true that the text of the equal rights amendment does not mention the issue of abortion. However, have my colleagues stopped to examine the text of the 14th amendment to the Constitution? The wording of this amendment does not deal with the abortion issue either. Yet, somehow, the Supreme Court found in the words of the 14th amendment the so-called constitutional right to an abortion. Some constitutional scholars go so far as to assert that the Justices fabricated the right to privacy under this amendment in order to justify the so-called right to an abortion.

The ERA, as currently worded, would go beyond further enshrining the so-called right to kill the preborn in the supreme law of the land. It could require that Federal funds be used for this carnage.

Monday, at least 50,000 people gathered in Washington for the 11th annual March for Life. I had the honor to address the marchers. While there, it became apparent to me that people had come from all across the Nation, often at great hardship and great cost, in order to participate in this historic event; 11 years after Roe against Wade, abortion remains a controversial issue that touches the conscience of the Nation.

While legislative attempts to restrict abortion have as yet been unsuccessful, we have been able to restrict the use of tax dollars to fund abortions. This is a proper restriction on the public purse, given the moral objection of so many Americans to the taking of a human life.

The ERA would make sex a suspect class requiring strict scrutiny under the U.S. Constitution. In the 5 to 4 Supreme Court decision of Harris against McRae 1980, the Court upheld the constitutionality of the Hyde amendment, which restricts Federal funding of abortion. The Court made it clear, however, that one of the reasons the amendment was upheld was that sex was not a suspect class. Many constitutional lawyers have argued that an unamended ERA would topple the Hyde amendment.

Those favoring Federal funding of abortion claim that the denial of such funds is nothing more than sex discrimination. Their line of reasoning is that abortion is a medical procedure performed only on women. Therefore, denying funds for abortions, while funding other medical procedures performed on men and women, or only on men, is discrimination on the basis of sex. They have, of course, totally ignored the unborn child in this entire argument.

This body defeated the ERA during the first session of the 98th Congress. This defeat was largely the result of the manner in which the ERA was brought to the floor for debate. It was brought up under suspension of the rules, a procedure supposedly reserved for noncontroversial legislation. Under suspension of the rules, debate is limited to 40 minutes, and Members are prohibited from offering floor amendments. Therefore, my colleague, JAMES SENSENBRENNER of Wisconsin was unable to offer his amendment to make the equal rights amendment abortion-neutral.

Those of us in this body who are committed to restoring the right to life for the unborn will continue to press for an abortion-neutral amendment to the ERA. Let those of our colleagues who claim that there is no connection between the two join us in making this separation explicit. Millions of unborn children need and deserve such protection.●

CONGRESSIONAL SALUTE TO HON. EDWIN V. FAULHABER, OF NEW JERSEY, DISTINGUISHED CITIZEN, OUTSTANDING GOVERNMENT ADMINISTRATOR, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. ROE. Mr. Speaker, on Friday, January 27, the residents of my congressional district and State of New Jersey will join together in testimony to an outstanding Government administrator, distinguished citizen, and good friend, Hon. Edwin V. Faulhaber, whose birthday celebration commemorating the 80th year of his birth will provide an opportunity for his many, many friends to express tribute to his lifetime of good works.

Mr. Speaker, there is much that can be said of Ed Faulhaber and his lifetime of achievements in service to our people and I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Ed and his good wife, Geraldine, and share the pride of his family and many, many friends in tribute to his quality leadership and richness of wisdom in the accomplishments of Government in his chosen field of endeavor.

Edwin V. Faulhaber, a graduate of Peddie School, Princeton, N.J., was born January 27, 1904. In 1920, he enlisted in the U.S. Navy where he served at the Hampton Roads, Va., Navy Base. Upon completion of his tour of duty with the Navy, young Faulhaber became associated with the Prudential Insurance Co. and by the 1930's, he was a home office group insurance and annuity specialist for northern New Jersey. The experience gained here qualified him well for his first Federal Government assignment.

In January 1937, the newly created Social Security Administration (known then as the Federal Security Board) commenced the establishment of district offices throughout the country. Mr. Faulhaber was appointed the first District Manager of the Paterson, N.J., Social Security District Office. The office at that time serviced most of Passaic County, Sussex, Morris and Warren Counties. Ed and his staff had the immediate and vast responsibility of disseminating information about the new social security law to employers and employees, registering employees for social security numbers, and getting the wheels in motion for the first social security benefits to be paid in 1940.

Subsequently, Ed served for 3 years at the helm of the Youngstown, Ohio, Social Security District Office. In 1941, he was promoted to the Cleveland, Ohio, area where he served with distinction as the District Manager and Assistant Regional Representative for 5 years.

During this period, he was president of the Federal Business Association, comprised of heads of all Federal agencies in the Midwest area, and coordinated war bond, Red Cross, and Community Chest charitable relief fund raising drives. For selling over $10 million in war savings bonds, Ed Faulhaber was decorated with the highly prestigious Distinguished Service Cross by the U.S. Treasury Department. It is interesting to note that the proceeds from one of these war bond campaigns purchased a minesweeper built in a Cleveland shipyard and it was launched during appropriate ceremonies attended by many dignitaries including Federal and State officials.

In August 1946, Edwin V. Faulhaber was called to social security's headquarters in Baltimore, Md. There he was assigned the duties of Senior Liaison Officer on the staff of the Director of Field Operations. In this position, he traveled across the continental United States and to Hawaii conducting audits of the Social Security Administration's field installations. We were highly pleased that his next assignment brought Ed back to the New York-New Jersey region. He was appointed Assistant Regional Representative at the Region IIA Office of the Social Security Administration in July 1949. He remained at this post until his mandatory age retirement in January 1974. In recognition of his outstanding management skills, devotion to duty, and the highest level of

personal integrity, Ed received the most distinguished Commissioner's Citation Award, a highly coveted achievement in the administration of the social security benefits program.

Ed's diligence, dedication, and expertise in ever seeking the highest standards of excellence in everything he set out to do are applauded by all of us. During his past quarter of century of devoted public service, Ed Faulhaber opened many new district offices in New Jersey as the social security program encompassed greater numbers of the working population and the number of beneficiaries receiving monthly benefits grew. He also instructed, trained, and developed many of the present executive staff who are carrying out the mandates and objectives passed on to them in administering the many intricate and complex requirements of the Social Security Administration.

Mr. Speaker, professionals like Ed serve as the bulwark of strength in the day-by-day challenges of Government in meeting the needs of our people. It is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America and I appreciate the opportunity to call your attention to Ed Faulhaber's lifetime of good works.

As we gather together in a birthday celebration to a good friend and distinguished citizen, we extend the appreciation of the Congress to Ed for his good deeds, friendship, and goodwill he has so willingly and abundantly given over these many years that mean so much to the lives of all of us who have had the good fortune to know him. For a job well done in service to people, we do indeed salute an outstanding administrator and great American—the Honorable Edwin V. Faulhaber of New Jersey.●

STUDENTS RESPOND TO "THE DAY AFTER"

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. LEHMAN of California. Mr. Speaker, while we were in recess in December I received a very poignant batch of letters from an eighth grade class at Kings Canyon Middle School in Fresno. I would like to share some of their comments with you and take this opportunity to respond to them publicly.

The students wrote in response to the movie, "The Day After." Their teacher, Ms. Joan Ardovino, felt that it would be beneficial for the students to express their fears and concerns to an elected official and discover that every citizen in this country can do something about a situation they do not like by voicing their opinion.

One student wrote: "It scares me just to think about a nuclear war. I don't want a war because why die for nothing. We were put on the Earth to live not to die." Another wrote: "As for the dispute between nations why not settle it peacefully instead of this threat of nuclear war that could kill so many precious lives." One suggestion made went as follows: "Couldn't we do something better with our money? Like the poor and starving people or new and better schools?" Finally, one student preferred a diplomatic solution: "Just have the leaders of Russia and a few of the people talk to our leaders and representatives and find out what each country wants. Once you find out, compromise. I know this sounds kind of stupid, but it is a lot more civil than going to nuclear war that would destroy the entire world."

Mr. Speaker, I do not think any of these comments and suggestions are stupid. I am proud to represent the eighth grade class of Kings Canyon Middle School in Fresno. It is my hope that we in Congress can find some way to assure all the other students in my district and this country that we will do everything possible to eliminate the threat of nuclear war from our future. I for one support a nuclear freeze and will continue to oppose any increases in nuclear armaments.

I am pleased to know that today's youth are learning about one of the most important issues of our time. Their concern assures me that the next generation of adults will be responsible, caring people, willing to work for a world of peace rather than war.●

THE BLISSFUL IGNORANCE OF MOST TAXPAYERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. PAUL. Mr. Speaker, it has always been my view that government in a free society should be strictly limited, and honest with its citizens. To the extent that government grows, it must deceive the people, otherwise they will perceive the growth of tyranny and rebel.

Unfortunately, Congress and the Federal Government have been quite successful at deceiving the people in recent years. We practice the art of deception in many ways, but most often through false or misleading labeling and hidden taxation. As George Orwell wrote in his essay "Politics and the English Language," Political language and with variations this is true of all political parties * * * is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind."

We have been hearing a great deal of pure wind from the Halls of Congress recently about deficits and the need for additional tax increases. Therefore, it is a breath of fresh air to have the wisdom of a distinguished American, Lemuel R. Boulware, which comes to us from a letter which appeared in The Wall Street Journal. Mr. Boulware explodes the myth that tax increases will alleviate the problems caused by a profligate Congress.

THE BLISSFUL IGNORANCE OF MOST TAXPAYERS

Your Jan. 5 "Tax Sentiment" editorial rightly applauds the Gallup poll finding that 70% of our citizens not only know our government operates at a big deficit but also reject tax increases and favor spending cuts to reduce that deficit.

But do the 70% know what they are saying? Recent experience indicates each of them wants government to cut handouts to the others but not himself. Each member of our voting majority needs to learn that government has to tax citizens for every dollar it spends and that his taxes are likely to be more than twice what he now assumes he is paying. These taxes are extracted from the citizen in three ways. One is visible. The other two are hidden.

Visible taxes are so unpopular that the majority forces its representatives—at the peril of losing their jobs—to minimize these taxes their constituents see. Yet this same majority continues heedlessly demanding more from government than they will knowingly pay to government. The excess must be collected in unsuspected ways.

The first hidden way is through taxes outwardly levied on business but necessarily passed on in higher prices which the misled majority does not blame on government but on business. This is a regressive consumer sales tax.

The second hidden way—to make up the difference between the spending and the two above taxes—is through the government borrowing. Some of this is from private sources—resulting in reduced capital for productive uses, in higher interest rates, and thus in slowing or preventing progress in values and jobs.

The final and major part of the $200 billion excess spending is collected from citizens through the borrowing that is "moneytized." This dilutes the value of everyone's earnings, savings, pensions and welfare checks. It is the tax of inflation—the most brutal, deceitful, debilitating and regressive of all taxes. Lenin predicted we would destroy ourselves with it, and we have been trying our best to prove him right.

Thus, if the now suggested $50 billion new tax money were all miraculously allowed by a vote-hungry Congress to pass through into a deficit reduction of like amount, the debilitating cost of government would still be exactly the same.

Only a *net* reduction in spending—and thereby in the total of the three taxes—will reduce the cost of government and its major contribution to our inflation, unemployment, high interest rates and non-competitiveness.

LEMUEL R. BOULWARE,
Delray Beach, Fla.●

THE MEMPHIS STATE CHEERLEADERS WIN NATIONAL CHAMPIONSHIP

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. SUNDQUIST. Mr. Speaker, I am proud to announce that the Memphis State University cheerleading squad recently won, for the second year in a row, the collegiate cheerleading championship of the National Cheerleader Association.

At the national contest on the Southern Methodist University campus in Dallas, the MSU cheerleaders outperformed 19 other teams in taking the national title. In winning the competition the squad received a $5,000 scholarship check, a national championship ring, as well as the national championship trophy.

As a result of this most recent win the MSU cheerleaders have now placed higher and won more collegiate cheerleading competitions than any other school in the country. Congratulations, Memphis State.●

TRIBUTE TO FIVE SISTERS OF MERCY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. HARRISON. Mr. Speaker, it is a particular honor for me to rise today in tribute to the outstanding careers of five remarkable and dedicated religious women.

At a recent jubilee celebration, five Sisters of Mercy in Scranton Province were honored for 60 years in the religious life. They are Sister M. Maurice Hunstock, Sister M. Redempta Harwood, Sister M. Damian Kilpatrick, Sister M. Mildred Kissaluski, and Sister M. Martha Roeman.

I feel a particular closeness to this event, Mr. Speaker, as Sister Maurice was my fourth grade teacher at St. Mary's High School in Wilkes-Barre and Sister Mildred was the supervisor of the convent kitchen from which lollipops and other goodies were often made available to the children of St. Mary's.

Sister M. Redempta Harwood entered the Sisters of Mercy from St. Mary's Church, Plymouth. She is presently on the staff of Mercy Center, Dallas.

Sister M. Maurice Hunstock came to the Sisters of Mercy from Sacred Heart Church in Early, Iowa. She served as a teacher for many years and is now serving in the Apostolate of Prayer at Mercy Center.

Sister M. Damian Kilpatrick's home parish was St. Vincent's Church in Plymouth. She, too, taught school for many years and participates in the Apostolate of Prayer at Mercy Center.

Sister M. Mildred Kissaluski entered from St. Mary's Church in Kingston. She presently serves at Mercy Center, Dallas.

Sister M. Martha Roeman came from St. Mary's Church, Larchwood, Iowa, and she is also serving on the staff of Mercy Center, Dallas.

During their years in religious life, these sisters have served in various capacities at the Mercy Hospitals in Johnstown, Scranton and Wilkes-Barre; at Mount Aloysius Junior College in Cresson; College Misericordia, Dallas, and at different schools.

Taken together, Mr. Speaker, these five magnificent careers equal three centuries of service to God and man.

But numbers and totals of years do not, of course, tell the real story. That story lies in the thousands upon thousands of human lives that have been made better, and richer, because each of these religious women of the Sisters of Mercy has labored for 60 years of her own life in the vineyards of the Lord and in the schools and hospitals which represent His work on Earth.

It is my honor, Mr. Speaker, to pay tribute to them today to share the news of this joyous milestone with my friends and colleagues in the House.●

REAGANOMICS VERSUS THE CONGRESSIONAL BLACK CAUCUS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. STOKES. Mr. Speaker, recently, Dr. Philip A. Grant of Pace University in New York, delivered a very timely paper entitled, "Reaganomics Versus the Congressional Black Caucus." Presented before the Fisk University Conference on Corporate Power and Black America, the paper traces the efforts my colleagues in the Congressional Black Caucus to address the Nation's economic problems by providing alternatives to Reaganomics.

To my knowledge, Dr. Grant's paper is the only indepth description of these efforts. Accordingly, I would like to share this paper with my colleagues. At this time, I would like to enter Dr. Grant's paper into the RECORD.

STATEMENT OF DR. PHILIP A. GRANT

On January 20, 1981 Ronald Reagan was inaugurated as the Fortieth President of the United States. Acknowledged by many respected political analysts as the most steadfastly conservative Chief Executive since Calvin Coolidge, Reagan in the summer and fall of 1980 had conducted his campaign for the White House on a well-publicized platform calling for massive tax cuts and unprecedented reductions in domestic federal spending.[1] In effect the former Governor of California in late 1980 and early 1981 was vowing to repudiate, if not repeal, a fifty year trend of humanitarian federal activism which traced its origins to the acute devastation of the Great Depression and the sweeping relief, recovery, and reform programs of Franklin D. Roosevelt's New Deal.[2]

Vested with the grave responsibility of approving or rejecting the new President's numerous legislative initiatives were the five hundred and thirty-one members of Congress. Since the Republicans in November 1980 has secured a majority in the United States Senate, it was generally assumed that the fate of Reagan's economic program (Reaganomics) would be largely determined by the Democratic House of Representatives. The President and his ideological supporters were hopeful that approximately thirty or thirty-five Southern Democrats would be inclined to augment the virtually solid votes of one hundred and ninety-two House Republicans on a series of crucial roll calls throughout 1981 and 1982.

Among the ladies and gentlemen serving on Capitol Hill in January 1981 were the eighteen members of the Congressional Black Caucus. Representing various districts in the House from New York City in the Northeast to Los Angeles in the Southwest, the eighteen participants in the Black Caucus were Democratic in political affiliation. All of these congressmen were spokesmen for urban constituencies, including several of the nation's most chronically depressed communities.[3]

Half the members of the Congressional Black Caucus held seats on key House committees, each of which would be directly involved in reviewing the President's domestic proposals. Two gentlemen, Charles B. Rangel of New York and Harold E. Ford of Tennessee, were members of the prestigious Committee on Ways and Means, exercising jurisdiction over taxation, social security, unemployment compensation, and health insurance. Three others, Louis Stokes of Ohio, Julian C. Dixon of California, and William E. Gray III of Pennsylvania, were on the powerful Committee on Appropriations, the panel designated to provide the annual funding for such Departments as Health and Human Services and Housing and Urban Development and such programs as Food Stamps and School Lunches. Augustus F. Hawkins of California, William Clay of Missouri, and Harold Washington of Illinois were assigned to the Committee on Education and Labor, while Parren J. Mitchell of Maryland and Delegate Walter B. Fauntroy of the District of Columbia were on the Committee on Banking, Finance, and Urban Affairs.[4]

During 1981 the House acceded to nearly all Reagan's requests on economic priorities. Altogether the Administration prevailed on four major roll calls. They were as follows: The Gramm-Latta Budget Resolution (May 7); The Gramm-Latta Budget Reconciliation Resolution (June 26); The Republican Substitute for the Tax Reduction Bill (July 29); and Recommital of the Resolution to Continue Appropriations at Existing Levels until March 31, 1982 (December 10).[5]

References at end of article.

Reagan's successes on these roll calls were attributable to an unusually high degree of collaboration between Republicans and Southern Democrats. On the Gramm-Latta Budget Resolution Republicans unanimously rallied behind the President's position, while on the Tax Bill there was only one Republican defector. Republicans ballotted for the Reconciliation Resolution and recommitting the Continuing Appropriations Resolution by margins of 188-2 and 186-3 respectively. On these roll calls the number of Southern Democrats deserting their party leadership varied from a minimum of twenty-six to a maximum of forty-six. Nicknamed the "Boll Weevils", these nominal Democrats from the South were to attract considerable attention in the media.

Unlike their Republican and Southern Democratic colleagues, the members of the Congressional Black Caucus were unwavering in their opposition to Reaganomics in 1981. Not a single Black congressman opted to vote for any of the President's economic measures. Convinced that Reagan's programs were deliberately geared to discriminate against racial minorities and punish the least affluent segments of the nation's population, the Black Caucus provided a solid basis of dissent to Reaganomics. The aggregate votes on the 1981 roll calls were as follows:[6]

	Pro-Reaganomics	
	Vote	Percent
Republicans	764-6	99.1
Southern Democrats	140-171	45.1
Black Caucus	0-65	0

Beginning in the autumn of 1981 there was a noteworthy erosion of support for Reaganomics in the House of Representatives. Between October 1981 and December 1982 the Reagan Administration was rebuffed on six significant roll calls in the House chamber. They were as follows: Recommital of the Labor-Health and Human Services-Education Appropriations Bill (October 6, 1981); Amendment to the Food and Agriculture Bill Requiring Partial Payment for Food Stamps (October 22, 1981); Veto Override of the Supplemental Appropriation Bill (September 8, 1982); Urgent Supplemental (One Billion Dollar Jobs Program) Appropriation Bill (September 16, 1982); Joint Resolution Proposing Adoption of a Balanced Budget Amendment to the Constitution (October 1, 1982); and Recommital of the Five Billion, Four Hundred Million Dollar Job Program Provision of the Continuing Resolution (December 14, 1982).[7]

On each of these measures the vast majority of House Republicans remained loyal to the President. The number of Republicans expressing at least occasional dissatisfaction with Reaganomics, however, rose gradually during the fourteen months after October 1981. Twenty Republicans disagreed with Reagan on the Balanced Budget Resolution and eighty-four Republicans voted to override the veto of the Supplemental Appropriation Bill. Within the ranks of Southern Democrats there was also a modest decline of support for Reaganomics. Although fifty-seven Southern Democrats favored adoption of the Balanced Budget Resolution, an average of only seventeen supported the other five measures.

As on the previously cited roll calls, the Black Caucus continued to be resolute in its contempt for Reaganomics. No Black congressman ventured to cast a pro-Administration vote on any of the six measures brought to the House floor for consideration between October 1981 and December 1982. The Black Caucus furnished seventeen of the twenty-seven votes needed to pass the One Billion Jobs Program Appropriation Bill and provided seventeen of the forty-six votes required to defeat the proposed constitutional amendment. The aggregate ballotting on the six roll calls was as follows:

	Pro-Reaganomics	
	Vote	Percent
Republicans	867-219	79.9
Southern Democrats	143-295	32.6
Black Caucus	0-98	0

As the 1982 political year progressed, there were several developments which proved encouraging to the Congressional Black Caucus and ominous for the Reagan Administration. Five fervent Republican supporters of Reaganomics had their districts eliminated by reapportionment, while fourteen others either retired from public life or were unsuccessful in quests for Senate seats or governorships. Moreover, four conservative Southern Democrats chose to retire in 1982, while another was defeated for renomination in his party's primary. Finally, in the general election of November 2 the Democrats gained an impressive total of twenty-six seats in the House, all but two of which had been occupied by staunch advocates of Reaganomics.

In 1982 Blacks were hopeful of electing congressmen from primarily rural districts in North Carolina and Mississippi. In the Second District of North Carolina, H. M. "Mickey" Michaux, a Black former United States Attorney, after leading two opponents in the June 29 primary, was outpolled by more than eight thousand votes by a white conservative in the July run-off.[8] A veteran Black state legislator, Robert G. Clark, won the Democratic nomination in Mississippi's Second District, but was narrowly defeated in the general election by a white Republican.[9] Notwithstanding these two setbacks, the number of Black Caucus members increased from eighteen to twenty-one in the aftermath of the 1982 House elections. On November 2, new Black congressmen were elected from urban districts in New York, Indiana, and Missouri.[10]

Throughout 1981 and 1982 the eighteen members of the Congressional Black Caucus were relentless in their criticisms of Ronald Reagan's economic policies. They constantly denounced a series of budget cuts which inflicted unconscionable suffering on many of the nation's most deprived and helpless citizens. They vigorously condemned a tax reduction bill designed to enrich those individuals and corporations already possessing vast wealth and wielding enormous economic power. They repeatedly voiced indignation at a program which promised to restore vitality to the economy and instead plunged the country into the most severe unemployment crisis since the waning days of the Great Depression. They justifiably expressed amazement at a President who seemed completely oblivious to the plight of poor, handicapped, and elderly Americans. Although the members of the Black Caucus were certainly in the minority in 1981 and were largely unsuccessful in their endeavors to counter the Reagan Administration in 1982, they performed a genuine service in behalf of the millions of decent and compassionate people in the United States. If not vindicated at the present time, there is absolutely no doubt that the Congressional Black Caucus will be vindicated by history.

FOOTNOTES

[1] The text of the portion of the 1980 Republican Platform dealing with domestic issues may be found in *Congressional Quarterly Almanac, 1980* (Washington: Congressional Quarterly, Inc., 1981), pp. B59-B75.

[2] On February 5, 1981 Reagan delivered a nationwide broadcast on economic policy and thirteen days later addressed a joint session of Congress on his economic proposals. On March 10, 1981 the President submitted his Budget Revision Message to the House and Senate. *Times*, New York, N.Y., February 6, 1981, pp. A1, A12-A13; February 19, 1981, pp. A1, B5-B9; March 11, 1981, pp. A1, B4-B6.

[3] These congressmen represented districts in New York, Philadelphia, Baltimore, Washington, Cleveland, Detroit, Chicago, Saint Louis, Memphis, Houston, Los Angeles, and Berkeley, California. Biographical sketches of the members of the Black Caucus may be found in the following works: *Congressional Quarterly*, January 3, 1981, pp. 4, 10, 11, 15; Michael Barone, Grant Ujifusa, and Douglas Matthews, *The Almanac of American Politics, 1980* (New York: E. P. Dutton, 1980), pp. 71-73, 107-110, 249-251, 386-387, 421-422, 492-493, 597-598, 611-613, 709-711, 747-748, 828-829, 865-866; Maurine Christopher, *America's Black Congressmen* (New York: Thomas Y. Crowell, 1971), pp. 221-227, 237-261; W. Augustus Low and Virgil A. Clift, *Encyclopedia of Black America* (New York: McGraw-Hill Book Company, 1981), pp. 225, 274, 278, 286, 295, 307, 384, 390, 408, 429, 564-565, 728, 810.

[4] The following members of the Black Caucus served as chairmen of standing committees of the House: Ronald V. Dellums, District of Columbia; Augustus F. Hawkins, House Administration; Parren J. Mitchell, Small Business; Louis Stokes, Standards of Official Conduct (Ethics). United States Congress, *Congressional Directory, 1981* (Washington: United States Government Printing Office, 1981), pp. 275, 280, 282, 284, 293, 308, 309, 311.

[5] *Congressional Quarterly*, May 9, 1981, pp. 783-785, 832; July 4, 1981, pp. 1167-1178, 1198; August 1, 1981, pp. 1371-1376, 1412; December 12, 1981, pp. 2428-2429, 2472; *Times*, New York, N.Y., May 8, 1981, pp. A1, A18; June 26, 1981, pp. A11, A14; July 31, 1981, pp. A1, D20-D21; December 11, 1981, pp. A1, A22.

[6] Four Northern Democrats, Eugene V. Atkinson of Pennsylvania, Bob Stump of Arizona, Ronald M. Mottl of Ohio, and James D. Santini of Nevada, were among the congressmen espousing Reaganomics in 1981. Atkinson on October 14, 1981 became a Republican, while Stump on September 24, 1981, announced that he would seek re-election in 1982 as a Republican. Mottl, who had authored the controversial anti-busing amendment to the Constitution, was defeated by a liberal Democrat in the June 8, 1982 Ohio primary, and Santini failed in his attempt to win the September 14, 1982 Democratic senatorial nomination. *Congressional Quarterly*, September 26, 1981, p. 1978; October 17, 1981, p. 2029; June 12, 1982, p. 1422; September 18, 1982, p. 2318.

[7] *Congressional Quarterly*, October 10, 1981, pp. 1948-1949, 1982; September 11, 1982, pp. 2237-2238, 2282; September 18, 1982, p. 2292; September 25, 1982, p. 2370; October 2, 1982, p. 2420; October 9, 1982, p. 2664; December 18, 1982, pp. 3040, 3066; *Times*, New York, N.Y., October 7, 1981, p. B10; October 23, 1981, pp. A1, B10; September 10, 1982, pp. A1, D17; September 20, 1982, p. B6; October 2, 1982, pp. A1, A13; October 15, 1982, pp. A1, A28.

[8] The Second District had been represented for thirty years by conservative Lawrence M. Fountain. Michaux was defeated by I. Y. "Tim" Valentine by a 59,272-50,974 majority. Although Michaux handily carried populous Durham County, he was overwhelmed by Valentine in the district's rural counties. *Congressional Quarterly*, July 31, 1983, p. 1847.

[9] Clark, a member of the Mississippi House of Representatives since 1968, lost to Webb Franklin by a 73,764-71,610 margin. *Congressional Quarterly*, November 6, 1982, p. 2821.

[10] Elected in New York was Edophus Towns, Deputy Borough President of Brooklyn. The Indiana district, including the industrial cities of Gary and Hammond, was won by State Senator Katie Hall. The Missouri seat, embracing Kansas City,

was captured by State Representative Alan Wheat. *Congressional Quarterly*, August 7, 1982, p. 1911; September 16, 1982, p. 2336; October 2, 1982, p. 2450; November 6, 1982, pp. 2819, 2821, 2822.●

PERSONAL EXPLANATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. SYNAR. Mr. Speaker, on Tuesday, January 24, 1984, I was away from Washington on official business and, as a result, was necessarily absent for five votes of the House. Following is an explanation for the RECORD of how I would have voted, had I been present and voting:

Rollcall vote No. 2: "Yea."
Rollcall vote No. 3: "Yea."
Rollcall vote No. 5: "Nay."
Rollcall vote No. 6: "Nay."
Rollcall vote No. 7: "Yea."●

SALUTE TO CREATIVE READING PROGRAM

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. SABO. Mr. Speaker, during the past year renewed attention has been given to the need to improve the quality of education provided for America's youth. Studies have been done, and commissions have reported, about declining test scores and lower levels of achievement in the Nation's schools. While there is general agreement that a problem exists, proposed solutions vary widely.

Since Congress was last in session, I have become aware of an intriguing and exciting program that I would like to share with my colleagues in the House. A joint venture of the Library of Congress and the ABC Television called the Cap'n O. G. Readmore project has been launched, designed to encourage learning through reading. The Cap'n is a self-educated cat who likes to read. He made his debut in a 30-second spot during the December 5, 1983, ABC special, "The Best Christmas Pageant Ever." In the future, Cap'n O. G. Readmore messages will be featured on Saturday morning programing and in printed materials distributed in cooperation with educational publishers.

I especially want to salute the Pillsbury Co., headquartered in my district, which was a major sponsor of the special that accompanied the introduction of the Cap'n O. G. Readmore project. Pillsbury's contribution to this project not only speaks loudly for its commitment to family television, but also for its support for a program aimed at addressing a serious national need.

Pillsbury has demonstrated its sense of corporate social responsibility. Its sponsorship is also a good example of how a true partnership among the business community, the media, and Government can contribute in a positive way to the public good. Such innovative and creative approaches to bolstering education serve our children and the Nation's future.

Education is indeed an investment in the Nation's future. The enlightenment of the human mind is a worthy goal in itself, but there are more tangible rewards for society that quality education insures. A democracy works best if it is governed by educated citizens. In order for America's economic health to flourish we must have innovative minds leading the way and pursuing research in the business community. And in increasingly competitive world markets, we know that we must improve the educational levels of tomorrow's businessmen, scholars, workers, and leaders in order to sustain the economic well-being of the country.

The quality of life that will be enjoyed by Americans in the future is dependent upon the quality of education we afford the children of today. That is why I applaud the efforts of the ABC-Library of Congress project and its sponsors, such as the Pillsbury Co.●

FIRST SPACECRAFT FLIGHT TO A COMET

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FOWLER. Mr. Speaker, a spectacular, yet little-noticed event took place on December 22, 1983; with daring trajectory modifications, a NASA spacecraft was ordered to swing around the Moon, passing within 75 miles of the lunar surface, in order to acquire a gravity boost toward an unprecedented rendezvous with a comet.

This spacecraft, the International-Sun-Earth Explorer (ISEE-3), launched on August 12, 1978, was the third in a series with a mission to study the Sun and its interaction with Earth. This mission, to monitor the solar wind, was successfully performed until June 10, 1982, when with another complex set of orbital maneuvers, the probe was sent to the Earth's geomagnetic tail, some million miles from our planet, to explore plasmas and magnetic field structures at that great distance. When the aging spacecraft entered its third mission—rendezvous with a comet—it was redesignated the International Cometary Explorer or ICE.

There has been much consternation that the United States has decided not to launch a probe with a primary mission to intercept Halley's Comet. In spite of the discouraging budgetary situation, NASA mission planners for ISEE-3 found that the spacecraft could be redirected to Halley's Comet. This idea received cool response from various scientists who felt that an ISEE-3 intercept of Halley would not add very much to the information gathered by the other Halley missions; on the other hand support for an intercept of a different comet providing complimentary data to the Halley data was strong. NASA management, in October 1982, approved the ISEE-3 journey to the comet Giacobini-Zinner. The American spacecraft will reach that comet 6 months before the five probes from the U.S.S.R., the European Space Agency and Japan visit the famous Halley's Comet; the encounter is anticipated to occur on September 11, 1985, at a distance of 44 million miles from Earth.

Comets are composed of dust and gas expelled from a hypothetical nucleus, which most scientists believe to be a conglomerate of ices and dust grains; additionally, comets have other components including an inner and outer coma or halo of ionized gases, and a tail reaching great lengths. Giocobini-Zinner, originally discovered in 1900, is a short period comet of 6.42 years, orbiting the Sun in an elliptical path. Since its discovery, the comet has appeared 12 times with every other apparition affording a good view and with the 1985 apparition expected to be excellent. Giacobini-Zinner is a relatively young and small comet; however, the dust emitted is extremely fluffy, being much less dense than Halley's, and, therefore, the Earth's passage through its tail has resulted in outstanding meteor displays this century. At the present time, Giocobini-Zinner is just rounding the far point in its course, beyond the orbit of Jupiter.

The single most important scientific objective of the Giacobini-Zinner encounter will be to penetrate the tail of the comet and to make the first direct measurements of its important features, including the magnetic fields which define the tail's shape and the plasma of the electrified gases which make up its content. Other information expected by scientists from an intercept of the comet include: The rate at which gases are emitted by the nucleus; the process by which the gases are subsequently ionized; and the interaction of the cometary ions with the solar wind and interplanetary magnetic tail. Resolution of fundamental questions about comets require in situ measurements, a requirement ICE and six of its on board instruments will meet.

The story does not end here. Once the rendezvous with Giacobini-Zinner is completed, ICE will be given a

fourth mission—a journey through interplanetary space to investigate the solar wind disturbances that might affect Halley's Comet. By the time the comet exploration missions end, ICE will have completed the most complex set of trajectory modifications ever attempted by a NASA spacecraft. Furthermore, ICE is one of NASA's best science bargains ever; the use of the spacecraft for comet exploration is estimated to cost less than $5 million. This compares to $200 million for a new, dedicated spacecraft.

While we marvel at the orbital gymnastics performed by ICE and are reminded anew of the scientific wonders of the universe, a financially sustainable commitment to NASA space science programs must be insured. With that in mind; I invite my colleagues to examine, and to cosponsor, my two resolutions providing for a moderate, long-term American commitment to space science. For more details, see pages 177-178 of the January 23 CONGRESSIONAL RECORD.●

NATIONAL ALZHEIMER'S DISEASE MONTH

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. LOWERY of California. Mr. Speaker, today I am introducing legislation to declare the month of November 1984 as "National Alzheimer's Disease Month."

Alzheimer's disease, which is the primary cause of senile dementia, affects between two and two and a half million Americans, most of whom are over 65. This devastating disease, which is not a normal consequence of aging, accounts for more than 50 percent of all nursing home admissions, at an average annual cost of over $17,000 per patient—an expense virtually uncovered by private insurance or medicare. Furthermore, Alzheimer's disease is the fourth most common cause of death among older Americans—behind heart disease, cancer, and stroke—accounting directly or indirectly for more than 120,000 deaths a year.

Until recently, relatively little attention has been paid to this tragic disease. In fact, for years it was known as the silent epidemic. Fortunately, things are beginning to change.

For the past 2 years, I have been privileged to introduce legislation declaring, first, "National Alzheimer's Disease Week" in 1982, and then "National Alzheimer's Disease Month" in 1983. Passage of both of these bills proved tremendously helpful in focusing national attention on the plight of Alzheimer's disease victims and their families. In recent months, numerous feature articles on the disease have appeared in national magazines and major newspapers all over the country. Network television shows have featured stories about Alzheimer's disease victims and their families. In the past year, local chapters of the Alzheimer's Disease and Related Disorders Association, comprised of family and friends of Alzheimer's victims who serve as a support group for one another, have grown in number from 58 to 80, an increase of almost 40 percent. And here in Washington, increasing attention is being paid to the problems associated with the disease. Last year, Secretary of Health and Human Services Margaret Heckler announced the formation of an interagency task force to focus on Alzheimer's disease. Further, additional funding has been approved for fiscal year 1984 for research into the cause and a possible cure for the disease. It appears that "the silent epidemic" has, at last, found a voice.

Mr. Speaker, I believe that the declaration of the month of November 1984 will significantly enhance our efforts to further increase public awareness of this tragic affliction. This, in turn will hopefully lead to increased research and, eventually, to the discovery of a cure for this mind-ravaging disease.●

TRIBUTE TO WILLIAM B. WIDNALL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. RODINO. Mr. Speaker, it was with great sadness that I learned of the death of William B. Widnall, my New Jersey colleague of 25 years in this body.

In our years together as legislators, I found him to be a man with whom one could work consistently to effect reasonable accommodations on thorny legislative issues. Bill Widnall had a reputation of being most adept at the art of compromise. It was a reputation most deserved.

We worked closely on many matters of great importance to our State. He was always diligent in striving to bring about consensus within New Jersey's congressional delegation. His leadership as ranking minority member on the House Banking and Currency Committee was most instrumental in creating housing and community development programs so beneficial to our State and to the Nation. His contributions to the record of this body will not soon be forgotten.

I offer my sympathies to Mrs. Widnall and the rest of the Widnall family in this time of sorrow.●

FEDERAL GERMAN REPUBLIC REPORTED ENTERING ARMS AGREEMENT WITH SAUDI ARABIA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. GREEN. Mr. Speaker, during the past month there have been disturbing reports that the Government of the Federal German Republic is about to enter into a major arms agreement with Saudi Arabia. Needless to say, these reports have caused grave concern both in Israel and among Israel's friends in this country.

Earlier this year, the International Network of Children of Jewish Holocaust Survivors publicly protested this proposed deal. In a statement issued by network chairman, Manachem Z. Rosensaft, and distributed to the West German press, the network called on the youth of present-day Germany "to oppose the creation of this partnership between their Government and the sworn enemies of Israel and the Jewish people."

The International Network of Children of Jewish Holocaust Survivors represents the sons and daughters of those who experienced the most horrible persecution in recorded history. These young people now seek to commemorate the Holocaust in order to prevent its recurrence. Under Mr. Rosensaft's leadership, the network has become a significant moral force on behalf of Jewish interests as well as international human rights and human dignity. I commend the nework's powerful appeal to the youth of Germany to the attention of my colleagues. In addition to Mr. Rosensaft, it was signed by 10 other network officers: Nina Klein, executive vice chairman; Howard J. Butnick, treasurer; Jerzy B. Warman, newsletter editor; Eva Fogelman, coordinator of psychosocial issues; Jeanette Friedman-Sieradski, educational coordinator; Jean Bloch Rosensaft, cultural coordinator; Sarah Landau Ducorsky, documentation coordinator; Syd Mandelbuam, secretary; Ritalynne Brechner, parliamentarian; and Bernard Kent, chairman of the organization's Internal Affairs Committee.

STATEMENT BY THE INTERNATIONAL NETWORK OF CHILDREN OF JEWISH HOLOCAUST SURVIVORS DENOUNCING THE PROPOSED ALLIANCE BETWEEN WEST GERMANY AND SAUDI ARABIA, ISSUED JANUARY 4, 1984

To the youth of Germany: Forty years ago, the German nation was responsible for the brutal, systematic murder of Six Million Jews. This monumental and historically unique evil will forever overshadow all other German contributions to civilization.

Since the end of the Holocaust, the different governments of the Federal German Republic have all sought to atone for the mon-

strous crimes committed by their Hitlerian predecessor against the Jewish People. Today, however, it appears that the West German Government is about to embark on a political adventure which threatens the security of the State of Israel and whose inevitable consequence will be the loss of Jewish lives.

We are profoundly shocked by the recent reports that the Federal Republic and Saudi Arabia have reached an agreement on strategic military cooperation between those two countries. As part of the implementation of this agreement, it seems likely that Chancellor Kohl's Government will soon provide sophisticated military equipment to its new ally.

Saudi Arabia has proclaimed a Holy War of Islam against Israel, it has been involved directly or indirectly in every war waged against Israel since 1948, and it finances the terrorist organizations whose primary goal is the destruction of Israel. It is inconceivable that Israeli soldiers, many of whom are survivors of the Nazi death camps or the sons and daughters of survivors, should now have to defend their homeland and their families against Arab armies equipped with German weapons and trained by German instructors. German military technology and expertise must not be allowed to be placed at the disposal of those whose avowed purpose is to destroy the refuge of the victims of Nazism.

We, the sons and daughters of the survivors of the Holocaust, call on the youth of Germany to oppose the creation of this partnership between their Government and the sworn enemies of Israel and the Jewish People. Our message to the post-Holocaust generation of Germany is clear: If your professed shame at your parents' barbarianism is genuine, you will not allow your country to become allied with a regime that seeks to destroy the State of Israel. It is your moral obligation to prevent the Bonn Government from supplying the instruments of death to the principal patron of Middle Eastern war and terrorism.●

TRIBUTE TO TOM TORBIK AND FAMILY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. HARRISON. Mr. Speaker, it is not very often that one gets to congratulate a friend and neighbor twice in 1 day. That happy opportunity came to me recently. My closest neighbors, Peg and Tom Torbik, christened twin girls, born on January 12 and, who are today, happy, healthy and exciting members of our south Wilkes-Barre community.

We are happy to have Megan Elizabeth Torbik and Caroline Marie Torbik with us and happy for this opportunity to congratulate and wish all the best to their wonderful parents.

Megan and Caroline join a family which is growing as fast as the home in which they live. Their older sister, Melissa, is now 14 years old and Thomas A., is now 4.

We talk a lot in this House about what is wrong with America and so it is a wonderful thing for me to have a chance to talk about something that is very right with it. And, at the same time, it is a privilege and a joy to wish well to wonderful people and share good and happy news with my friends and colleagues here in the House.●

HATS OFF TO BOFORS NOBEL

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. VANDER JAGT. Mr. Speaker, in this day and age of high-powered industrialization and technological revolution, with the emphasis on increased levels of productivity and output as never before, pollution is still ever-present and poses an ominous threat to our continued existence. It is clearly a product of the industrial and technological revolutions—the ultimate price, some say, we must pay.

Horror stories about pollution and its devastating environmental effects abound, filling thousands of pages and dominating newspaper headlines each year in the United States and around the world. Horror stories about pollution may come and go but pollution does not. Not so at the Bofors Nobel, Inc., in Muskegon, Mich.

When the Swedish firm, AB Bofors, acquired the Lakeway Chemical Co. and along with it its legacy of some 374 million tons of toxic organic sludge covering over 20 acres of the 450-acre site, it found itself faced with a nearly impossible and herculian task.

A suit filed by the Michigan Department of Natural Resources, culminating in a court-ordered cleanup, further complicated matters for the new owner. The Bofors company responded by installing eight purge wells to head off ground water before it spilled into a nearby creek. In a later consent agreement between the company and the State of Michigan, the Bofors company agreed to earmark and allocate an additional $12 million to $15 million to the cleanup project.

In an effort to meet head-on the challenge of waste cleanup, the Bofors company formed a partnership with two other Midwestern firms and established the Environmental Systems, Inc. (ESC), which proposed a new $20 million waste treatment plan. Company plans were greeted with widespread approval and support by both the community and employees and its efforts were bolstered and complemented by the Department of Natural Resources and through the award of tax-exempt pollution bonds made available by the Economic Development Corp. of Muskegon County.

A decision to remove and incinerate the hazardous toxic waste rather than opting for landfill deposit gave rise to a new and emerging type of waste control and disposal technology which is rapidly making landfill disposal of hazardous waste obsolete.

Since its installation last March, the new biocarbon treatment system has handled nearly 200,000 million gallons of contaminated ground water and is currently treating about 1.5 million gallons daily in addition to 25,000 gallons a day of the company's own process waste water. Based on the phenomenal success of this new system, the company has applied for a State permit to discharge treated water into Black Creek.

Recently, the Bofors company dedicated a new addition, a $5 million waste acid neutralization and detoxification facility. Company officials were also invited to Washington last November 1 to accept the Nation's highest award for hazardous waste management presented jointly by the President's Council on Environmental Quality and the Environmental Industry Council. Bofors and ESC are truly innovators in this infant technological field and are making plans to add new facilities to existing operations.

The Bofors company and ESC are leading the way into an unchartered and exciting new area of technology. They are solving problems of hazardous waste management once thought intractable with leadership, innovative and pioneering spirit, and dedication. I hold high this shining example of the new possibilities which exist to control hazardous waste. I also commend an excellent article by the Muskegon Chronicle, November 13, 1983, and ask that it be inserted at this time.

CHEMICAL CLEANUP HAS BECOME A MODEL PROJECT

(By Robert Burns)

On their way toward righting the environmental wrongs of their predecessors, Muskegon's Bofors Nobel Inc. and its Environmental Systems Inc. have managed to solve their own waste disposal problems and achieve national recognition in the process.

Shortly after it started production in 1961, Lakeway Chemical Co. began pumping chemical wastes into lagoons behind its Evanston Road plant, following generally accepted disposal practices of the time.

Through the 1960s and early 1970s, as the company reported continuous growth in earnings, toxic organic compounds bubbled through sandy, porous soils and subsoils, seeped into Big Black Creek and eventually reached Mona Lake and Lake Michigan.

By the time a Swedish firm, AB Bofors, acquired Lakeway Chemical Co. in mid 1977 and became Bofors Nobel, such disposal practices had become unacceptable. Lakeway's sludges had accumulated to cover 20 acres of the 450-acre site, weighing in at 374 million pounds.

In 1978, a year after the acquisition of Lakeway Chemical, the state Department of Natural Resources and Natural Resources Commission filed suit against Bofors to force a court-ordered cleanup.

In short order, Bofors found itself faced with a two-sided problem: how to expand quickly into the U.S. specialty and fine chemicals market without going broke resolving the exceedingly complex environmental and legal problems it had inherited from Lakeway Chemicals Inc.

Bofors at first voluntarily installed eight purge wells to intercept the flow of groundwater before it reached the creek. In September 1981 the company reached a consent agreement with the state, agreeing to spend between $12 million and $15 million for the cleanup of pollution which, Attorney General Frank J. Kelley noted at the time, it had not even caused.

Consent judgments and promises to spend money are not always a guarantee of prompt action, but this one was: Within a year Bofors founded Environmental Systems Inc. (ESC) with two other Midwestern firms, and embarked on a six-sided treatment process that eventually will cost almost $20 million.

"We're really proud of everything that's going on out here," ESC President Larry A. Zadonick said this week. "We've turned a problem into an opportunity.

"It's a real success story, but it couldn't have happened without a whole lot of work on the part of our employees, and the support from the community, the financial community and the Department of Natural Resources," Zadonick said, giving credit to officials from Egelston Township and Muskegon County and especially to John Lindale, executive director of the county's Economic Development Corp., which supplied about 65 percent of the project's cost through tax-exempt pollution control bonds.

Bofors managers took a long-term view of things from the start, Zadonick said, figuring that it would be better to remove and exterminate the toxic sludges than to bury them—in effect, leaving them subject to future changes in environmental laws.

"We just didn't want to leave a monument in our back area for future generations to have to deal with a second time," Zadonick said.

It became apparent to the researchers at Bofors that the cost of merely burying the chemical-contaminated sludges would not be significantly less than total destruction of the toxic chemicals they contained.

From that realization, the idea evolved of developing technologies and facilities which could first accomplish the cleanup and decontamination, and then continue to dispose of a broad variety of wastes from its expanding chemical manufacturing operations.

That is the genesis of ESC, the company founded to provide sophisticated cleanup methods for a modern chemical manufacturer.

Some of the ideas and technology came from Bofors' two partners in ESC—Zimpro Inc., the environmental control subsidiary of Sterling Drug Inc., of Roschild, Wis., and Chemical Waste Management, a subsidiary of Waste Management Inc., of Oak Brook, Ill.

ESC put its first operation, a bio-carbon treatment system, into operation in March. It has treated almost 200,000 million gallons of contaminated groundwater and is presently treating about 1.5 million gallons per day, plus 25,000 gallons a day of the company's own process wastewater.

ESC's Zadonick said the company believes the treatment is so effective that it has applied to the state Water Resources Commission for a permit to discharge treated water directly into Black Creek.

An innovative wet air oxidation system that went on line in April 1983 has detoxified nearly 1 million gallons of wastes.

With these two systems in operation and Bofors' investment already passing the $12 million mark, company officials were invited to Washington Nov. 1 to accept the nation's highest award for hazardous waste management, presented jointly by the President's Council on Environmental Quality and The Environmental Industry Council.

But wait, there's more:

On Monday, Bofors and ESC will dedicate the third innovation of the series—a $5-million Waste Acid Neutralization and Detoxification facility.

The removal and detoxification of those 374 million pounds of toxic sludge will start around mid-1985.

The detoxification process is called pyrolytic thermal processing. Oversimplified, the system will neutralize chemicals through a two-stage process akin to incineration. The difference is that toxic organics are boiled off in the first stage at 1,600 degress, and the remaining gases are finished off in an afterburner at a temperature of 2,200 degrees.

Also planned are:

Compacted clay-lined cells to accept the non-toxic char and inert materials that result. This is about 50 percent complete, Zadonick said. The 16½-acre area of ground has been cleared, the basin has been excavated, and side walls are in place. An underdrain leachate collection and monitoring systems is also under way.

A forced leaching system using irrigation pipes which will simulate a year's rainfall every three days. The system is designed to clean subsoils lying under the sludge pits, which also are contaminated by driving the toxins into the groundwater, where they can be sucked up to the surface via the purge wells already in operation.

Bofors officials are sticking by their original economic projections, stating that "the various systems employed within ESC will compete very favorably with the costs of hauling and disposal by traditional storage methods such as land-filling, deep-well injection and vaulting, as well as treatment and detoxification schemes such as solidification or incineration."●

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. WISE. Mr. Speaker, during yesterday's proceedings I missed rollcall No. 3, which was a motion offered by my colleague from Texas, (Mr. FROST) to table consideration of House Resolution 393. I was present for the approval of the Journal of the previous day's proceedings, but was attending a United Auto Workers luncheon downtown when the unexpected vote to table was taken. I could not make it back in time, but I tried.

Had I been present, I would have voted "aye."●

ANDREW BARBER: 35 YEARS OF SERVICE AND COUNTING

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. O'BRIEN. Mr. Speaker, I had the distinct pleasure recently of presenting Mr. Andrew Barber of Joliet, Ill., with a plaque commemorating his 35 years of service as volunteer savings bond chairman for Will County. I was joined in the presentation by a gentleman who has witnessed his fine work over the years, Mr. Clarence C. Piela, Chicago area manager of the Treasury Department's savings bond division.

Mr. Barber, who serves as chairman of the board of the Union National Bank in Joliet, has devoted an enormous amount of his time and energy to the savings bond program, which is entirely dependent on volunteer support. And it is worth mentioning that since he first began volunteering in April 1948, Will County citizens have purchased more than $150 million in savings bonds.

Mr. Speaker, Mr. Barber exemplifies the kind of public spiritedness that has made this country what it is today. Indeed, his work serves as a shining example for all to follow.

As his Congressman, I would like to thank and commend him for his 35 years of service and look forward to many more years of his outstanding work.●

TRIBUTE TO JOHN ROBERTS, LODGE 61, F&AM

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. HARRISON. Mr. Speaker, on Saturday evening, February 11, John N. Roberts will be installed as the 147th Worshipful Master of lodge No. 61, F&AM This is an occasion of rejoicing for the lodge, whose history extends back to the very beginnings of our Wyoming Valley, and a happy occasion for John Roberts, his family, neighbors, and many friends.

John Roberts was born in Mountain Top, Pa., the eldest of three children reared by Harry N. and Ruth Miller Roberts. At an early age, he moved to Wilkes-Barre, resided in Heights section of the city, and attended school there. Upon graduation from GAR High School, he entered the Army Air Force, was married, and eventually raised eight children, all of whom reside locally.

After receiving an honorable discharge from the service in the late 1940's, he was employed in the mining

industry with various coal companies in the area. The closing of the mines in the area prompted him to take employment with a local dairy until 1956 when he began working with Acme Markets. He was engaged in warehousing and transportation with them until 1978, when, with the amputation of his right leg, retirement became necessary.

Roberts was a member of the Meade Street Baptist Church for 31 years, serving on the board of trustees for a number of years.

In 1975, he married the former Cecilia Rudolph in the First United Methodist Church of Nanticoke where he is now a member and serves on the administrative board.

The past 5 years he has served on the board of directors of the Home Health Services of Luzerne County, for 3 years as chairman of the service committee.

He has earned higher education credits at Mansfield State Teachers College, Penn State Mining and Engineering, Wilkes College, and Luzerne County Community College.

His other Masonic affiliations include membership in Caldwell Consistory and Irem Temple Shrine.

John and his wife Ceil reside at 55 Schuler Street in the Goose Island section of South Wilkes-Barre.

John Roberts' career has been one of personal commitment and civic service. It will receive a fitting tribute from his brothers in lodge 61 when he is installed as their Worshipful Master. It is my honor today, Mr. Speaker, to add my voice to that tribute and to share this significant event with my friends and colleagues in the House.●

U.S.-MANUFACTURED AUTOMOBILES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FRENZEL. Mr. Speaker, reprinted below is one American's experience with a U.S.-manufactured automobile. After House passage of domestic content legislation, which would severely restrict imported automobile sales in the United States, this man felt he should communicate his experience to the Congress, at great personal expense to himself.

This man, a Colorado resident, tried to buy American but was faced with a long series of horror stories related to inferior quality of the automobile he purchased—a $11,000 model. He subsequently gladly paid a $3,000 premium for a reliable foreign automobile, due to the voluntary quota that has forced prices of some foreign autos up so significantly. He paid the premium only because he was convinced that quality autos could not be purchased in this country.

I wish that his experience was unique, but it is not. I hope it is still the exception, not the rule.

There is some hope in the fact that his "lemon" was a 1982 model. American producers are becoming more quality and reliability conscious. I am pleased that our domestic automobile manufacturers are starting to place much more emphasis on quality control. However, to rebuild American consumer confidence in U.S. made autos, domestic carmakers first have to build better reliability into their products.

Nothing improves quality quite as much as competition. It is folly to restrict competition and consumer choice by passing such legislation as the domestic content bill. The best thing we can do for U.S. industry and U.S. consumers is to preserve competition. My hope is that the Senate will not duplicate our mistake on domestic content.

The experience of the Colorado consumer is reprinted below:

400 DAYS WITH A LEMON FROM THE NEW CHRYSLER CORP.

On October 26, 1982, I purchased a new, 1982 Chrysler Plymouth Reliant K Special Edition Wagon, the deluxe model, for a total cost of $10,982.92. I have driven new and used vehicles, foreign and domestic cars, and large and small trucks for 25 years. The 1982 Plymouth is by far the least safe, most expensive, sloppiest built and generally poorest vehicle I have ever owned or driven.

Examples of this are as follows:

Brakes.—The brakes work adequately part of the time and hazardously other parts of the time in functioning through a kind of delayed reaction. When just starting up the car, when pulling off a highway after a long drive and at random other times there is a delayed reaction between the time the brake pedal is depressed and the time the brakes move at the wheel. Because of the two different stopping distances: when this happens and when the brakes function adequately, the driver often finds himself further out into traffic or further beyond a stop signal than anticipated. Two Chrysler representatives defended this by saying of the car and like models, "They're all like that," while the Chrysler Satisfaction Arbitration Board representative acknowledged "less consistent braking action." It is more like Russian roulette.

Luggage rack.—Though advertised, sold and described in the manual as a luggage rack, this $106 option does not function that way and likely borders on misrepresentation. The discovery came after loading less than half of Chrysler's 150 pound stated weight limit, spreading it around as instructed and driving a few hundred miles. Upon unloading, a scratched roof was discovered—the weight had depressed the chrome support strips below the level of the roof—the chrome support strips, traditionally used to hold cargo off the roof of a vehicle, can be depressed below the level of the roof with the pinky finger. One Chrysler representative expressed surprise that anyone would think the roof below a luggage rack should be reenforced and another termed the rack "* * * consistent with Chrysler's design."

Radio.—Some $373 was paid for an optional am/fm radio cassette player with a premium speaker system. The rear amp was already blown when the car was purchased. It was replaced. Subsequently, and one by one, three of the four speakers blew out. Shortly after the last of the speakers had been replaced, the radio-tape player began malfunctioning, losing some of the tracks. The dealer pulled the radio and sent it for repair. Some 14 days later, he re-installed it, found it to be malfunctioning the same as before, pulled it again and again sent it for repair. Precisely 56 days after the radio was first pulled for repair, it was re-installed.

Transmission.—Immediately after purchasing the car, I noticed that the gear selector lever was sloppy with a lot of play, and that the automatic transmission was very jerky when shifting gears. The Chrysler representative said nothing could be done about the former and the latter was consistently Chrysler. Some 71 days after purchasing the car, the transmission failed. The Chrysler representative said the main bushing failed allowing the shift to move and destroy much of the innards of the transmission. The car was out for repair for nine days and a return trip was required to adjust the new clutch. The gear selector is no longer sloppy, however, the gear changing when driving remains jerky and sometimes labored.

Power.—Neck-breaking acceleration should not be expected from a four-cylinder engine, even if it is expensive. However, you do expect to do what most other vehicles do, even if it takes a little longer. However, acceleration is so poor, crossing intersections takes an unsafely long period of time. So weak and powerless is the car, that when I tried to back out of a parking stall on the main street, a state highway, of a nearby mountain town, the car wouldn't move. The car failed to move in reverse until I gradually and finally depressed the accelerator to the floor. A trip uphill to a popular tourism attraction, a roadside waterfall, had to be cancelled because the Plymouth simply would not go up the hill—where all types of other, standard passenger vehicles had gone. Chrysler termed the vehicle's engine performance "standard."

Fuel economy, range.—Both are horrible. There was no EPA mileage rating affixed to the vehicle when it was purchased, but the assumption for the relatively small and light car was that it would do in the high twenties, miles per gallon. Initially, the car averaged 23.63 miles in about a 50-50 combination of highway and city driving. The service manager indicated that after several thousand miles, the engine would loosen up and do better. After several thousand miles and a $114.34 check up that included a tune, the average miles per gallon is now 21.37. Most streets are inclined toward the curb for drainage purposes. After "running out" of gas parked at the house, we discovered that you can pull up and park with about an eighth of a tank, but when you come back, the gauge shows empty. Apparently, the signal sending unit and the gas line feed from the tank are located opposite of where the fuel levels off when the car is parked inclined to the curb. The combination of a small tank, perhaps one or two gallons lost from the feed line when parking, and low mileage, gives a safe range of under 200 miles before you need to fill up.

Air conditioner.—Repeated complaints about the performance of this $676 jewel have brought repeated counters that the air is appropriately cool at the outlet vent without regard to the rest of the car. On a highway trip in 85 degree weather, air conditioner on high and cruising with plenty of time for the inside of the car to cool off, people in the front seat were almost comfortable, people in the back seat were warm, and a child in the rear of the wagon was hot, became warm to the touch and almost ill.

Hatch.—As purchased, the hatch or rear gate was sufficiently unaligned to provide a large draft when closed, and the "gate open" warning light didn't work at all. Both were remedied, apparently to Chrysler standards. However, the warning light is triggered before the hatch hits the lock. Thus, the warning light signals whether the hatch is open as compared to way open, rather than whether the hatch is locked and secure as compared to open. In other words, as a safety warning light, it is worthless.

Miscellaneous safety.—The hood release handle and the emergency brake release handle are 1¾ inches apart, well below the dash and out of view when driving. While test driving with the Chrysler factory technician, he inadvertently pulled the hood release instead of the brake release as we were preparing to pull away. The same mistake while moving could be hazardous. Two plastic arms hold the steering wheel rim to the steering post. One arm has developed a hairline crack where it meets the wheel, the other arm shows a crack at the edge. The brights lever was difficult to trigger. The described solution was to pull the lever once, release it, then pull it all the way, thus doubling the response time in dimming brights. Some insistence brought a reworking of the lever. The partial turn signals used for lane changes are inconsistent in making contact. The driver must either look down at the arrows to see if they are flashing or disregard the feature and pull the lever completely to the fixed turn position.

Miscellaneous trim.—The Plymouth Reliant Special Edition cost more because it is supposed to be a finely appointed vehicle. Some of the fine appointments: the trim strips came away from the body and had to be re-clipped, and are coming away again—they also had to be re-aligned because they didn't meet; a kind of shelf liner material is used to give a wood grain finish and apparently is affixed with spit rather than glue because it's coming away at several places; chrome blistered from the turn signal knob and the luggage rack; there is a half-inch gap between the dashboard assembly and the side panel of the car; there are five distinctly different rattles; the hood at one side of the car is lower than the fender at that side, and on the other side, the hood is higher than that fender; the $41 luxury wheels; covers do not seat on the wheels; plus many others far too numerous to mention. Except, perhaps, for the snow-packed door well which may be a unique feature of Chrysler's aerodynamic design. The driver's door was hanging up, lubed and is now hanging up again, possibly because of the exposure to the elements of the hinges. After driving through a snowstorm in which the snow was blowing but not deep on the road, I discoverd that the door well containing the door hinges was packed with snow.

CHRYSLER'S CUSTOMER SATISFACTION

There is a point at which a conclusion has to be that something is not fixable. If there are a few things wrong and they are repaired in workmanlike fashion, that's one thing. But if there is a continuous stream of problems, some related, some unrelated, a few fixed and many not, the conclusion has to be that it is beyond mere repair, that it is the result of major manufacturing or design problems.

I reached that conclusion approximately six months after purchasing a 1982 Plymouth Reliant and filed a detailed complaint with Chrysler's Customer Satisfaction Arbitration Board asking for a full refund. The Chrysler pamphlet explaining the process specified that a complaint would be acknowledged within 10 days. It was acknowledged in 21 days. The pamphlet stated that the process would take "no longer" than 40 to 47 days. It took 85 days. Furthermore, it took 35 days to get copies of the Chrysler file once the decision was rendered. Throughout the process, there appeared to me to be a tendency to gloss over, to try and consolidate complaints, reduce the number of flaws, group them and then wave them away.

The unbiased mechanical report paid for by Chrysler followed the very brief inspection by a person traveling on a vacation trip with others from a city 200 miles to the east to a recreation site about 100 miles to the west of my residence. His report stated that everything was either perfect or "consistent with Chrysler design."

The decision by the Chrysler Customer Satisfaction Arbitration Board stated in part:

"Our conclusion is that any defects which existed in your car covered by Chrysler's warranty have been repaired. * * * The performance characteristics of motor, brakes and transmission were consistent with those of a 4-cylinder economy wagon. Specifically, the combination of a 4-cylinder engine and power brakes results in less consistent braking action than is possible in a more highly powered car. They may be, as you put it, 'hazardous,' but this Board has no expertise nor jurisdiction over non-defective manufacture of automobiles which are arguably 'unsafe.' * * * We have no jurisdiction over design defects. The luggage rack also falls into this category.

"We realize that your experience with the automobile has involved more than normal adjustments during the warranty period. However, it appears that the dealer and Chrysler have been reasonably cooperative in the process. Basic disagreements on the car's 'performance' and 'design defects' are outside our jurisdiction and therefore we decline to award you consequential damage for your time and trouble in effecting repairs."

HIDDEN COSTS

Lost use, lost earnings.—Across the first 400 days of ownership, the car was taken in for service approximately 15 times with lost use of the vehicle totaling some 25 days. Based on the purchase price and an average interest rate, cost of lost use amounts to several hundred dollars. Substantially more can be lost to someone paid by the hour or a self-employed person, who must continually interrupt the workday to pick up, drop off or otherwise react to the latest malfunction.

Warranty coverage.—Although the vehicle came with one warranty, "added coverage" was purchased for $150 at the time the car was purchased. The warranty that came with the car was not quite the one that Chrysler had been advertising and following discussion with the dealer's service manager another warranty was sent. For 80 percent of the five-year/50,000 mile warranty period that Chrysler boasts so much about, the car owner must pay the first $75 per visit. Even on those smaller items covered by the "added coverage" that cost $150 initially, the car owner must pay the first $25 per visit. And, of course, there is the multitude of items not covered at all, by either plan. The warranties seem to function more like a service contract that partially limits the individual's losses than a warranty in which a manufacturer stands firmly behind his product.

Depreciation.—Though depreciation is to be anticipated, the degree with the Plymouth was astonishing. It lost 36.3 percent of its value in the first 30 days, as compared with my 1978 Subaru, which lost 37.5 percent in four years. Incidentally, the price of the Plymouth was 275 percent that of the Subaru and the Plymouth was in the repair shop more in its first 60 days than the Subaru was in four years.

Lemon Lag.—Lemon Lag is like jet lag only much more debilitating. With Lemon Lag you are not only tired from travel, you are relieved at having made it at all. Lemon Lag is reaching for a knob and hoping it won't come off in your hand; it is looking around at your car and noticing new flaws; it is replacing parts on a new car that you never heard of replacing on old cars. Lemon Lag is leaving on a business trip early in the morning, reaching for the handle to your 1982 Plymouth Reliant and having it break at a narrow point in the pot metal. The hidden costs are a day of climbing in the other side, yet another trip to the dealer, a bill for another pot metal handle, $57.62, and all related aggravation. Lemon Lag usually remains as long as you own the car, because the only logical judge of future performance is past performance.●

THE PLIGHT OF HOMELESS AMERICANS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. PATTERSON. Mr. Speaker, I wish today to express my deep concern for the many Americans who each night must seek shelter in cars, under bridges and in public parks because they cannot locate emergency shelter or afford housing of a more permanent nature. The steadily growing numbers of homeless people in this, the wealthiest nation on Earth, is a disgrace.

The capacity of local social service agencies and nonprofit organizations to provide temporary shelters and basic assistance to the growing class of families and individuals without permanent residence is being severely tested. Let us not be misled—this problem is not limited to the inner-cities of our metropolitan areas but now has spread to the more affluent suburban communities and rural areas as well. Recent surveys have estimated that between 250,000 and 2 million Americans, spread over urban, suburban and rural areas have no permanent home.

On January 25, the Subcommittee on Housing and Community Develop-

ment held hearings to gather additional information on the nature and extent of homelessness in America and the response of the Federal Government to this problem. During this important hearing, Ms. Mary Ann Gaido, housing specialist for the Orange County, Calif., Human Relations Commission, described the scope of homelessness within Orange County and the efforts of both local government and nonprofit organizations to address the problem. Ms. Gaido also detailed the frustrations experienced by these communities and organizations in attempting to identify Federal assistance which might be available to assist in sheltering the homeless.

In fact, very little financial assistance is available through federally sponsored programs and what assistance may have been available in the past has been sharply curtailed by the Reagan administration. Deep cuts in housing assistance and other social programs by the Federal Government over the past 3 years have been a very significant factor in the rapid rise in the numbers of homeless Americans. We now must address the consequences of these reductions in assistance to our neediest citizens by working with local government and nonprofit agencies to provide, at a minimum, emergency help for those without any shelter.

Section 216 of the recently passed Housing and Urban-Rural Recovery Act of 1983, authorizes a $60 million grant program to States, units of general local government and nonprofit organizations for the purpose of developing and maintaining emergency shelters for the homeless. However, no funds have been appropriated for this program and the Department of Housing and Urban Development will not begin developing regulations to implement section 216 until an appropriation is made. I believe Congress must proceed immediately to appropriate funds for the emergency shelter program and that HUD should then move swiftly to issue implementing regulations. There are communities and nonprofit organizations across this country, including the Santa Ana-based Feedback Foundation within my district, which are ready today to begin a partnership with the Federal Government to provide shelters for the homeless. We must begin to tap these valuable resources without further delay.

Mr. Speaker, I am proud to support the efforts of the Orange County Human Relations Commission in addressing this important problem. I extend my deepest appreciation to Ms. Gaido and the commission for their assistance in contributing to the work of the subcommittee in preparing for the homelessness hearings.●

REBUILDING OF WOLF TRAP FARM PARK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. WOLF. Mr. Speaker, I want to share with my colleagues an article which appeared in the Northern Virginia Sun concerning Wolf Trap Farm Park located in the 10th District of Virginia.

Members of Congress may recall that legislation passed by the 97th Congress and signed by President Reagan established a private/public partnership between the Federal Government's National Park Service and the Wolf Trap Foundation to pay for the rebuilding of Filene Center that was destroyed by fire in 1982. This successful cooperative agreement faciliated reconstruction of the center and the return of this outstanding national performing arts center to the Washington metropolitan area.

FROM ASHES, A NEW WOLF TRAP ARISES

(By Catherine Filene Shouse)

Wolf Trap's progress since the devastating fire that destroyed Filene Center I a year ago April is due jointly to the support of its friends, and the administration's and Congress's support of a $9 million grant for building Filene Center II.

A million and a half came immediately—unsolicited, from concerned people in 47 states and five foreign countries. But many waited to give until they knew of the part the Government would play, feeling that it was the Government's responsibility to replace its building. There was no argument as to this responsibility. The Congress voted and President Reagan signed a bill appropriating $9 million and an interest-bearing loan of $8 million.

The Department of the Interior asked that the funds appropriated by Congress and those given by individuals and corporations be handled by the Wolf Trap Foundation which they had asked to be founded to handle all programming, public relations, box office, educational programs and allied programs when Wolf Trap was accepted as a gift by the Congress.

This step they knew would hasten the completion of Filene Center II. The architectural and Fund-raising plans have been under the jurisdiction of Carol Harford, President of Wolf Trap Foundation, and the Board of Directors, working with Jack Fish, head of the National Capital Region of the Department of the Interior. Therefore in addition to the administration of the Foundation on a daily basis and raising funds for its $4.1 million annual operation Miss Harford works with Wolf Trap's Building Committee, architects, the builders, the building consultants and is responsible, with the Board, for raising $20 million. Mr. Roger L. Stevens, Chairman of the Kennedy Center, is Chairman of Wolf Trap's Building Committee. A huge task for all concerned.

At the present time $4.1 million has been raised, representing 15,000 gifts. The Filene Center II is under construction and is scheduled for completion in April, 1984 in time for the acoustical and lighting tests and also all mechanical and electronic adjustments before the opening on 1 July 1984.

The questions most often asked are: Will the new building be on the same site?—the answer is "Yes." Will it be adequately protected from fire?—the answer is "Yes." Will it be made of wood and have the same appearance?—the answer is "Yes." Will it be insured?—the answer is "Yes."

But there are changes backstage to update all technical equipment, enlarge the working space and add an extension of the rear of the building to house a much needed rehearsal stage.

The planting around Filene Center stage was destroyed and there will be new trees and bushes for the enjoyment of the public when the new performing arts center opens in 1984.

Wolf Trap has always planned its programs to meet all tastes and this will continue.

It's educational and many music programs since the fire have taken place in its other performing arts center, "The Barns". These are comprised of two 18th century German and English barns brought from upper New York State and erected in the same manner as they were built in 1705 and 1750. The addition of the Barns has given Wolf Trap's program a twelve month season and a locale for the Head Start and Handicapped programs. To the German Barn a stagehouse was added. The English Barn is often rented for weddings, or meetings of corporations or other conferences. It has been a center for many discussions such as the recent Colloquium of the Arts and Humanities, a three-day program involving arts administrators, National Endowment Fellows, young performers and interested citizens.

As indicated above Wolf Trap has an enormous money-raising challenge ahead but feels with the support of those who believe in its purpose as a performing arts park for people, we can meet that challenge. Contributions from far and wide are needed, however, to make this great performing arts center live again.

Recently a group in Southern California has organized Wolf Trap West as a money-raising center for the far West and similar groups could be started on a local basis on the East Coast.

Giving is a habit. I hope the habit will increase and back those who are working valiantly to help Wolf Trap become what it was and what it can be potentially.

Please don't wait to be asked.●

H.R. 4647

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FRENZEL. Mr. Speaker, today I have introduced H.R. 4647, a bill which will reduce the duty on dried egg yolks processed in Canada from eggs produced in the United States. The new duty will be 5.5 cents per pound, a reduction from the current 27-cent-per-pound tariff.

Normally, under our 807, laws, materials sent abroad for alteration or manufacture can be returned to the United States, duty free for the U.S. originated items. However, since the

eggs are broken in this case, and the whites of the eggs are processed for use either in Canada or abroad, the 807 law does not apply.

My intent is to introduce a narrow bill which would apply only to those eggs which are shipped to Canada for use in the extraction of lysozyme, which is processed from the whites only. Since there is a large market in the United States for egg yolks, it seems desirable that they should be returned with only a low duty which factors in the labor lost to the processing operation in Canada. The bill will create significant new sales for U.S. egg producers in the long run by giving Canada more of an incentive to import U.S. eggs.

I hope this bill will be included in the current group of tariff bills considered by the House Trade Subcommittee on Ways and Means.●

NATIONWIDE DRINKING AGE OF 21 SUPPORTED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FLORIO. Mr. Speaker, there is growing public awareness of the need for a uniform national drinking age of 21 to stop the tragic drunk driving fatalities on our highways. In September I introduced H.R. 3870 to accomplish this goal and in November the Presidential Commission on Drunk Driving issued its own proposal for Federal action. I expect H.R. 3870 to be taken up soon by the Energy and Commerce Committee.

A concise statement of the need for a uniform national drinking age of 21 appeared in a recent editorial in the Philadelphia Inquirer, which I am here inserting in the RECORD.

A DRINKING AGE OF 21

Lack of uniformity among the states is an incentive for young people to drive to neighboring states where the drinking age is lower. They all too often become involved in accidents returning home. The commission recommended that states that would refuse to adopt the national minimum age standard be denied federal highway construction funds.

Both New Jersey, which has raised the legal drinking age, and Pennsylvania are among the 19 states that have set 21 as the minimum age for drinking alcoholic beverages. Delaware is currently considering a bill that would raise the age from 20 to 21.

Studies by the presidential commission and other public and private agencies offer overwhelming statistical evidence for the establishment of a national minimum drinking age of 21. The commission found fatal nighttime crashes involving 18- to 21-year-olds had been reduced 28 percent where the minimum age is 21.

The commission has rendered constructive service in pointing out how drunk-driving deaths and accidents can be reduced. Its recommendations deserve support and prompt consideration by the Congress.

Of the many recommendations made by the Presidential Commission on Drunk Driving, adoption of a national minimum drinking age of 21 has the most potential for reducing significantly the annual 50,000 deaths on U.S. highways.

Other commission recommendations included mandatory license suspensions, tougher enforcement of drunk-driving laws, mandatory legal sanctions for first offenders and a national educational program on the perils of driving and drinking.

The commission documented that drunk driving causes half of highway fatalities. The cost in terms of loss of income, property and other damages was estimated to be $25 billion a year.

Increased public awareness of the direct correlation between alcohol abuse and auto fatalities already has resulted in legislative proposals and changes in laws aimed at getting tough on drunk drivers in virtually every state. Pennsylvania, where the 21-year-old minimum age for drinking has been law since 1935, has a new, tough law on drunk drivers. But the commission strongly urged adoption of federal laws, particularly a national minimum age for drinking at 21.●

LOS ANGELES RAIDERS: A COMMITMENT TO EXCELLENCE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. TORRES. Mr. Speaker, last Sunday the victorious Raiders brought Los Angeles its first Super Bowl championship. In defeating the Washington Redskins 38 to 9, the Raiders displayed the poise, determination, and daring aggressiveness that has characterized the Raider organization throughout its existence.

In the weeks preceding the Super Bowl, much was said about the superiority of the Washington Redskins. According to most of the Nation's media, the Redskins had superior coaching, a superior quarterback, and even superior fans. The Redskins do have fine coaching, their quarterback is one of the best in pro football, and the fans in Washington are among the most demonstrative and loyal. However, as many of you witnessed Sunday, the Los Angeles Raiders also have many talented people in its organization. Tom Flores was not outcoached, Jim Plunkett was not outplayed, and loyal Los Angeles fans were not disappointed.

The Washington Redskins may call flashier plays, may have more colorful nicknames, and certainly receive more media attention than the Los Angeles Raiders. But that is not the Raiders' style or appeal. The Raiders are the blue-collar workers of the National Football League and they do not pretend to be anything else. They play basic, hard-nosed football with few frills. As Al Davis stated after Sunday's victory, they "just win * * *"

At this time, I would like to share with my colleagues an article from the Los Angeles Times written by my friend Frank del Olmo. It captures the special relationship that the Raiders have with many people in Los Angeles, especially in hard working communities such as Pico Rivera.

The article follows:

RAH RAH RAIDERS—A LOT OF HEARTS BEAT FOR YOU IN THE REAL LOS ANGELES

(By Frank del Olmo)

There is a not-so-subtle plot afoot in the national media to make those of us who will be rooting for Los Angeles' Raiders in Sunday's Super Bowl feel guilty about it.

Sportwriters portray the Raiders as merciless thugs who try to intimidate their opponents by threatening to use brute force. Although their opponents in Sunday's game in Tampa, the Washington Redskins, are every bit as big and tough, they have a different image, with their cute nicknames like Smurfs, Hogs and the Fun Bunch.

I have seen Redskins owner Jack Kent Cooke described as colorful, a word that could just as easily be applied to Raiders owner Al Davis. But to the media Davis is "controversial" because he's the guy suing the National Football League for resisting his move of the Raiders from Oakland, their original home, to Los Angeles.

The most unfortunate victim of this slanted press coverage is my favorite Raider—the team's quiet, hard-working coach, Tom Flores. His counterpart for the Redskins, Joe Gibbs, is being described in terms normally reserved for geniuses or saints, even by Los Angeles newspapers. Yet it is a matter of record that Flores has led his team to the Super Bowl twice, the same number of times that Gibbs has taken the Redskins there.

I readily admit that I like Flores at least partly because of his ethnic background. How could any Latino not admire the way in which this soft-spoken son of Mexican-American farm workers was able to use the gift of athletic ability to work his way out of California's fields and into its sports legends?

But the pre-Super Bowl stories that have troubled me the most are those that describe the Raiders as cold-hearted mercenaries playing more for themselves than for Los Angeles, the glamour-obsessed city that stole them from Oakland two years ago and hasn't really taken them to heart yet.

Those stories are off-base on two counts:

First, no athlete playing in a contest in which the winners will pocket an estimated $36,000 apiece, compare with $18,000 for the losers, is playing just for the glory of his team's city or the satisfaction of its fans. Big-time sports are big business, after all.

Second, despite what the media say, and despite management problems (several complicated lawsuits, controversies over ticket distribution, a players strike), the Raiders really have become a Los Angeles team.

The reason the media don't know that is because the Los Angeles that roots for the Raiders is not the city popularized around the world as "El Lay." *That* Los Angeles is far-flung places like Beverly Hills, Malibu and Palm Springs. And that Los Angeles, appropriately enough, tends to root for the Rams, who play down the freeway in Orange County, across from Disneyland.

The Los Angeles that roots for the Raiders is a working-class town, not that much different from Oakland. It includes cities

like Compton, Pico Rivera and Downey, and unchic Los Angeles neighborhoods like Boyle Heights, Wilmington and Pacoima, where I grew up.

And the real Raider fans are not surfers and starlets, who the media would have us believe are the only inhabitants of this region. They are mostly Latinos, blacks and blue-collar Anglos, hard-working folks who don't have expense accounts or political connections, and who rarely can afford season tickets, except perhaps the cheaper ones in the Coliseum's end zones.

The vast majority of these fans watch their football on television. But they will splurge on tickets when their team makes the playoffs. They want to root for the Raiders—and share the victory—in person.

Like me, most of these fans have always liked the Raiders' wide-open and aggressive style of playing football, even when they were based in Oakland. Maybe it's because their style reminds us of the contests that we played as youngsters on the streets and sandlots of neighborhoods like Pacoima. "Everybody go out long," the quarterback would say, "and I'll hit whoever gets open."

That Los Angeles will be rooting, and rooting hard, for the Raiders this Sunday, even while knowing full well that the team is only a group of professionals going about an especially hard day's work. That is, after all, what most of these fans do each day of their lives.

And even if the Raiders should lose Sunday's Super Bowl—for that manner, even if the courts and the National Football League somehow force them back to Oakland—they will always be No. 1 to a lot of people in Los Angeles. The *real* Los Angeles. A city whose citizens go about their workaday lives productively but without much fanfare—the same way Tom Flores coaches the Raiders.●

ANOTHER IMPRISONED BIRTHDAY FOR ANATOLY SHCHARANSKY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. GILMAN. Mr. Speaker, I regret that another January has passed with Anatoly Shcharansky still languishing in the infamous Soviet Chistopol Prison. On January 20, 1984, Anatoly, in poor health, celebrated his 36th birthday in a cold, dank prison cell, without the support of his family or friends or his dear wife, Avital.

In the Jewish religion, Anatoly's 36th birthday, a "double chai" symbolizes a rededication to life—a birthday to be remembered and cherished. Yet, for Anatoly this day represents another of the thousands of days of his 7 years imprisonment that he would rather forget.

Arrested on trumped up charges of treason, a kangaroo court found him guilty and sentenced him to 13 arduous years in the Soviet penal system. Anatoly's health has suffered considerably, as he has repeatedly sustained bouts of chest pains, severe headaches, and blurred vision as a result of his extreme confinement. The Soviet authorities, who refuse him adequate medical care, do not offer any explanations when questioned.

Other deprivations that Anatoly has been made to suffer include nondelivery of his mail and a prohibition of visitors. The situation deteriorated so badly last year that Anatoly began a hunger strike, which lasted several months. Despite being force fed by his Soviet prison guards, he refused to yield until his rights as a prisoner were reestablished. After much protesting, Anatoly was allowed to receive his mail and was allowed a visit by his mother, Ida Milgram. Unfortunately, these rights were once again unreasonably revoked not long ago, and Anatoly again engaged in a 2-day hunger strike to regain them. This time, the Soviet Union acceded quickly, and the flow of mail to Anatoly was once again resumed. Not long ago, on January 5, Anatoly was allowed a visit with his mother, Ida, and brother, Leonid. They reported Anatoly to be emaciated, with ailments that deprive him of much needed rest. His captors have refused Anatoly any type of hospital care, stating that such treatment was only for "extreme" cases. Yet, through all these trials and tribulations, Anatoly Shcharansky maintains his courageous stand, and remains the noble symbol of man's struggle for freedom and human dignity. Though his health is fragile, his spirit is strong.

Sadly, this important birthday is one of many that Anatoly has been forced to spend in captivity. He has desired nothing more over the years than to be reunited with his wife, Avital, in Israel. Anatoly Shcharansky has spoken out time and again for so many others. It is now incumbent upon us to speak out for him—to urge the Soviet Union to free him from bondage. While Anatoly slowly wastes away in his dedication to human rights, let us rededicate ourselves on the occasion of his double-chai birthday, and work for the time when Anatoly and many other dissidents will no longer be spending their birthdays in a Soviet prison.●

THOUGHTS FOR 1984

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. LEVINE of California. Mr. Speaker, during the recent holidays, I received the following poem from a constituent of mine, Rosalee T. Lewis. I would like to take this opportunity to share Rosalee's message with my colleagues.

THOUGHTS FOR 1984

(By Rosalee T. Lewis)

As we move forward into *1984,*
George Orwell's book, by this title, comes to mind.
But we note even more than what he predicted:
The nuclear threat to humankind.
More important than even our Economy,
Or the imminent Presidential race;
Or the Olympic games planned for LA.
Is the shadow of war our world might face.
It's time we thought of nuclear power,
As conflicts confront us all over the earth.
Anti-nuclear views are spreading;
May they prove to be of sensible worth.
(God bless us all in the year to be;
May He make it a "plus" for humanity.)●

WEAK ENFORCEMENT AGAINST RESALE PRICE FIXING HARMS CONSUMERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. FLORIO. Mr. Speaker, allowing suppliers to coerce retailers into selling at prices dictated by suppliers is against the law and harms consumers. Yet the antitrust enforcement agencies have virtually abandoned prosecution of such cases. I am here inserting in the RECORD an article that well describes this controversy. As the article notes, the current approach is at odds with a longstanding bipartisan consensus opposing resale price fixing. To reiterate that consensus, I have introduced H.J. Res. 389 and welcome additional cosponsors.

The article follows:

[From the Washington Post, Dec. 12, 1983]

REAGAN'S PUSHING A PUBLIC RIP-OFF ON PRICE FIXING

(By Jerry Knight)

Discount store shoppers who bought Ronald Reagan's campaign promises ought to take a look at their ballots to see if they came with a money-back guarantee.

Consumers have been bait-and-switched by the president on an issue that could potentially cost them millions of dollars and dramatically change their shopping habits.

At a time when more and more people are shopping in discount stores and off-price outlets, the Reagan administration is pushing proposals that would virtually shut down discounters by making it impossible for them to cut prices without the permission of the maker of the goods.

Since the year Ronald Reagan was born, it has been against the law in this country for manufacturers to dictate prices; the big exception was ended in 1975 when Congress repealed the so-called "Fair Trade laws" that prevented price cutting.

Liberals fought retail price fixing on the grounds that it was anticompetitive and anti-consumer. Conservatives opposed fair trade as contrary to the free market. The case against retail price maintenance was argued vigorously at that time by a former governor of California, a Great Communicator who recalled a tale from his days as an entertainer to make his point.

"One of the old-time ventriloquist tricks in vaudeville was done by the fellow who would sing a chorus of 'Yankee Doodle

Dandy' while drinking a glass of water," Reagan wrote.

"Another version is even trickier: a business or industry argues for free enterprise on the one hand—free, that is, from government regulation—at the same time it asks government to make laws setting minimum prices on the product it sells. This trick is called fair trade."

Reviewing the history of retail price rigging, in a newspaper column reprinted in the Congressional Record eight years ago, the California conservative made his position very clear:

"Lately there has been a lot of talk about taking a hard look at government regulation in order to weed out those regulations which stifle competition. Good. Let's include the fair trade laws in that review.

"Once you invite government to regulate you, in order to protect your economic interests, you're asking for a lot more regulation down the line.

"We live in a time when the barnacles of government regulation have added measurably to the cost of goods we buy. Let's rethink the fair trade laws all together. Eliminate them and some prices should begin going down as a result. That may not lick inflation, but it should help."

Somewhere on the way to the White House, Ronald Reagan changed his mind. He never gave a campaign speech denouncing discount stores. He never went on national television to demand Americans pay full price for their Christmas presents. He never dared ask Congress to legalize retail price-fixing.

But since Reagan came to Washington, his lieutenants have done everything they can to turn back the clock to 1911—the year that Ronald Reagan was born and retail price fixing was outlawed.

William F. Baxter, the Justice Department antitrust chief who resigned last week, simply refused to enforce the law. Baxter not only declined to file complaints about violations, he urged the Supreme Court to throw out the law. James C. Miller III, the Federal Trade Commission chairman, has taken the same stand.

Congress responded by forbidding the administration to spend any money to overturn the law.

That has not stopped the president's munchkins. Miller and Baxter argued the case for price rigging at an American Enterprise Institute conference only last week, but did not offer half as persuasive a case as their boss made in 1975.

The issue is no longer simply fair trade laws. It has become a convoluted legal question, but it boils down to this: the Reagan administration thinks manufacturers should be able to set prices and forbid discounting.

The Reaganauts are out in Far Right field on the issue. Their legal stance is opposed by 45 state attorneys general, several of them conservative Republicans. Business Week magazine—not exactly a leftist foe of commerce—headlined a recent editorial "Fair Trade Laws Should Stay Dead." A Business Week/Harris Poll showed 88 percent of business executives favor free competition, unbridled by fair trade laws.

The administration's case is wrapped in the rhetoric of deregulation and rallied behind the flag of the free market—even though the president himself understands that no market is free when open competition is stifled by federal regulation.

The legal nuances may have changed, but the arguments for letting manufacturers set prices are the same ones consumers have been hearing for three-quarters of a century. The basic claim is that only by forcing merchants to charge full price, can manufacturers assure that customers get good service.

Anyone who's ever tried to get waited on in Bloomingdales' housewares department can tell you that paying full price doesn't guarantee good service. Some stores earn their full markup on cache, not service. Advocates of fair trade contend the glamour and image-stroking of department stores are among the benefits to consumers that must be protected by price fixing.

Some people can't afford glamour (though that may come as a surprise to people who think hunger among America's poor is a myth). Some can't pay for service. For many Americans balancing the budget is the difference between paying full price at White Flint or getting 25 percent off at T. H. Mandy.

Discount shopping is the most important innovation in the retail business since the invention of chain stores. The shopping habits of the nation have been changed and vast retail empires built on the basis of free price competition.

All the Dart Drug, Trak Auto and Crown Books stores trace their origin to the decision of Washington druggist Herbert Haft to risk arrest by defying fair trade laws and cutting the price of cosmetics.

The catalog showrooms of W. Bell & Co., Best Products and Evans Jewelers were built on the same business principle, as were the Luskin's stores, the Reliable Home Appliance chain, Circuit City, Bradlees, Zayre and K mart.

Read their ads in today's paper and ask yourself what kind of bargains you could find if the only price cuts you got were those permitted by manufacturers. Even Baxter and Miller admit that Reagan was right about one thing—giving manufacturers the right to set prices leads to higher prices.

But the Reagan idealogues are so opposed to government interference in the free market that they fail to recognize that government interference is sometimes necessary to keep the market free.

If the president genuinely believes retail price fixing is what consumers and voters want, he should campaign for it. He should go on TV like Mohammed Ali in the roach spray commercials and tell people, "I don't want you getting no discounts."

Ronald Reagan ought to have the courage to stand in front of a K mart store and promise to protect people from its low prices. And if consumers complain about the price of Levi's going up, let them wear Guccis.●

A TRIBUTE TO JERSEY JOE WALCOTT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1984

● Mr. TORRES. Mr. Speaker, on January 31, 1984, former heavyweight champion of the world, Jersey Joe Walcott will retire from the New Jersey State Athletic and Boxing Commission. In recognition of his glorious career, in the ring, as an important member of New Jersey's Athletic and Boxing Commission and as sheriff of Camden County, I am proud to pay tribute to Jersey Joe Walcott.

Born Arnold Cream on January 31, 1914, in Merchantville, N.J., Jersey Joe Walcott began his boxing career at the tender age of 14. In 1930, at the age of 16, he fought his first professional fight, knocking out Cowboy Wallace in one round and earning $7.50. It was the beginning of a career that would later span 23 years, including over 100 fights with some of the world's greatest boxers.

Jersey Joe Walcott fought Joe Louis twice for the heavyweight title, losing narrowly in 1947 and again in 1948. In his third and fourth tries for the crown he was outpointed in 15 rounds by Ezzard Charles. On July 18, 1951, Jersey Joe Walcott became the heavyweight champion of the world by knocking out Ezzard Charles in the seventh round. He held the title until September 23, 1952, when he was dethroned by Rocky Marciano in a furious battle. In 1953 Joe attempted to win back the title from Marciano but was unsuccessful. He ended his career with a record of 89 wins, 17 losses, and 1 draw.

Currently, Jersey Joe Walcott, as Arnold Cream, is the sheriff of Camden County. He was elected by one of the widest margins in southern New Jersey political history. He has been happily married for over 40 years and remains a devout family man.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 26, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1718, to extend until January 3, 1995, the authority for the operation of the Generalized System of Preferences.
SD-215

10:00 a.m.
Energy and Natural Resources
Closed oversight hearings on the world petroleum outlook for 1984.
S-407, Capitol

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the uses and effects of the pesticide ethylene dibromide (EDB).
SD-406

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism.
SR-253

JANUARY 30

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Special on Aging
Business meeting, to consider the committee budget for 1984, and other pending committee business.
SR-385

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the world petroleum outlook for 1984.
SD-366

4:00 p.m.
Small Business
Business meeting, to consider the committee budget for 1984, and other organizational matters.
SR-428A

JANUARY 31

9:30 a.m.
Armed Services
To meet in closed session to receive a briefing on U.S.-U.S.S.R. military capabilities.
SR-222

Finance
To hold hearings on S. 1992, to improve the income tax treatment of life insurance companies and their products, focusing on the policyholder provisions.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title III, long term care provisions.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Environment and Public Works
To hold hearings on the nominations of Jane D. Newman, of New Hampshire, to be an Assistant Secretary of Commerce for Economic Development, and John D. Bossler, to be a member of the Mississippi River Commission.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to review the activities of organized crime in the Midwest.
SD-342

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Finance
Business meeting, to mark up S. 1691, to restructure the child support enforcement program and other proposals dealing with child support, including S. 1708, and to consider the committee budget for 1984.
SD-215

FEBRUARY 1

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1990, to clarify the circumstances under which a trademark may be cancelled or abandoned.
SR-385

10:00 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Finance
Health Subcommittee
To hold hearings on the implementation of the peer review organizations (PRO's) required by the Tax Equity and Fiscal Responsibility Act (Public Law 97-248).
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to review the activities of organized crime in the Midwest, focusing on organized crime influence in the toxic waste industry.
SD-342

Judiciary
Courts Subcommittee
To hold hearings to discuss civil case backlogs in Federal district courts.
SD-226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

FEBRUARY 2

9:00 a.m.
Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

9:30 a.m.
Finance
To hold hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1985.
SD-215

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on Army programs.
SR-485

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 3

9:30 a.m.
Finance
To resume hearings on S. 1804, to provide for tax treatment of foreign sales corporations and exports of goods and services.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for January.
SR-325

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1999, to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs and to eliminate the position of Commissioner of Indian Affairs, and S. 2000, to allow variable interest rates for Indian funds held in trust by the United States.
SD-125

FEBRUARY 6

9:30 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings to review initiatives by municipalities in solving metropolitan problems on an areawide basis.
SD-342

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1675, to provide tax incentives for the contribution of real property to conservation organizations.
SD-215

2:30 p.m.
Finance
To hold hearings on proposed legislation to provide for free trade with Israel.
SD-215

FEBRUARY 7

9:30 a.m.
Small Business
To hold hearings on Federal antitrust enforcement and its impact on small business.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Navy and Marine Corps programs.
SD-628

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of the Interior.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

2:00 p.m.
*Armed Services
To hold closed hearings on the status of the START negotiations.
SR-222

FEBRUARY 8

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Labor and Human Resources
To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and to codify certain program improvements.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Finance
To hold hearings to review the proposals of the President's Private Sector Survey on Cost Control (Grace Commission).
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

2:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans' Administration.
SR-418

FEBRUARY 9

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-124

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

FEBRUARY 21

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced

Veterans' Affairs
To hold hearings on S. 1747, to establish Peacetime Veterans' Career Members Contributory Educational Assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the Veterans' Education Assistance Program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commis-

sion, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

FEBRUARY 27

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

FEBRUARY 29

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the Veterans' Administration readjustment counseling program and the VA loan guaranty program.
SR-418

MARCH 1

9:30 a.m.
Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (Public Law 97-219).
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

MARCH 2

9:30 a.m.
*Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

MARCH 6

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 7

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

MARCH 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

MARCH 13

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.
SD-430

MARCH 20

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

MARCH 27

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

MARCH 28

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

APRIL 5

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.
SD-124

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscla year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

HOUSE OF REPRESENTATIVES—*Thursday, January 26, 1984*

The House met at 11 a.m.

The SPEAKER. Today we have the honor of having a guest chaplain whom all of us know very well, an officer of the House, the Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md.

PRAYER

The Reverend Mr. Charles A. Mallon, Holy Family Parish, Mitchellville, Md., offered the following prayer:

O Lord, my God, I call for help by day, I cry out in the night before Thee. Let my prayer come before Thee, incline Thy ear to my cry!—Psalm 88: 1-2.

Father we ask You to purge us from all that is evil and to sustain us as we grow in Your likeness. We invite Your close scrutiny throughout this day's activities and we ask You to examine our motives and search our hearts. If You find us godly, bless and reward us; If You find us godless, forgive and cleanse us. And grant to all who labor under this dome their just reward.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

PERSONAL EXPLANATION

(Mr. DANIEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, on Tuesday, on the vote on rollcall No. 9, I voted "no." I intended to vote "aye."

ACTION NEEDED TO RECALL MARINES FROM LEBANON

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I was disappointed that the President offered nothing new on Lebanon and the Middle East in his state of the Union address last night.

I hope Congress will move quickly now to shorten the time the marines can stay in Beirut by amending the War Powers Act.

I am sure a resolution will be introduced in Congress to put the marines back on the ships and I will support this resolution.

Fourteen hundred marines on the ground in Lebanon cannot bring peace until the different factions themselves want peace.

WAR IN CENTRAL AMERICA CONTINUES DESPITE PRESIDENT'S STATEMENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, we all watched last evening as the President addressed a joint session of this Congress on the state of the Union. As usual, the President was persuasive and eloquent and did us all credit in the manner in which he presented his speech.

There were several items within it that puzzled me, however, one of which was the statement—and I quote:

Governments which rest upon the consent of the governed do not make war on their neighbors.

That is what the President said.

The House last year responded to the wishes of the American people when it objected to Mr. Reagan's war in Central America. The fact remains that we are at war with a neighbor in Central America, and that war has not been consented to by this Congress nor by the American people.

As Democrats, we wish to make bipartisan commonsense with our President whenever possible, and, as Americans, we wish to be able to unite behind a single foreign policy. All this will be possible if Mr. Reagan is indeed serious about the peaceful sentiments he expressed last night, but it is impossible if he is not.

Mr. Speaker, I say to the President, "war is not peace * * * not even in 1984."

INTRODUCTION OF AMENDMENT TO HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, yesterday I introduced legislation to amend the Housing and Community Development Act of 1974 to facilitate the participation of small cities on or near the border between the United States and Mexico in the urban development action grants program. This is an important piece of legislation for all the districts along the United States-Mexican border; districts that have suffered disproportionately due to the impact of the Mexican peso devaluations in 1982.

As a member of the House Subcommittee on Commerce, Consumer and Monetary Affairs, and as a resident of the border area all my life, I am well aware of effective programs that can be expediently implemented to enhance economic development. UDAG is one of those programs. The criteria used in determining eligibility, imminently qualify El Paso and other border communities suffering from the economic recession for relief. Moreover, 25 percent of each year's appropriation is set aside for small communities with a population under 50,000. Thus, emphasizing the importance of small border communities is not a departure from the original intent of this program.

This legislation was introduced in the other body by my esteemed colleague from Texas, Senator TOWER. I applaud this bipartisan approach to border problems and urge the support of all my colleagues for this worthwhile and productive measure.

EL NINO DISASTER RELIEF

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. BOSCO. Mr. Speaker, last year was an absolute disaster for the west coast fishing industry. A mysterious combination of ocean and weather conditions popularly known as El Nino produced the worst season in more than 40 years. Commercial landings of salmon in California, for instance, dropped by more than two-thirds. The value of the catch fell even more—from $19.5 million in 1982 to less than

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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$4.3 million last year. Fishermen in Oregon and Washington suffered similar losses. The economic impacts of El Nino were not limited to fishermen, however. Small businesses that depend on the fishing industry have been equally hard hit.

Last fall, the Governors of California, Oregon, and Washington all formally requested Federal disaster assistance from the Small Business Administration, which had more than $700 million available in its economic injury disaster loan program. All three of these Republican Governors certified that El Nino was indeed a physical disaster, and the National Marine Fisheries Service directly attributed the failure of the offshore fishery to El Nino conditions. That was not good enough for the SBA, however, and the Governors' request was denied last December under the pretext that El Nino did not constitute a physical disaster. Washington Governor Spellman's appeal of that decision has been denied as well.

Since then, the situation has worsened. Banks are threatening to foreclose on boat mortgages, and hundreds of people in the fishing industry are on the verge of bankruptcy. If they do not get help soon, a lot of fishermen are going to be out of business before the next season ever opens.

Today, a bipartisan group of legislators has joined me in introducing legislation to provide the help the people in the west coast fishing industry so desperately need. Our bill would merely insure that commercial fishing interests decimated by a physical disaster are given the opportunity to apply for SBA economic injury disaster loan assistance. Our intent is not to create a new entitlement program for the fishing industry, nor to request additional appropriations, but to provide short-term relief similar to that afforded victims of floods, hurricanes, droughts, and other natural disasters. I hope you will join us in supporting this important measure.●

□ 1110

THE LATE HONORABLE JOHN RACE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, It is with regret and sorrow that I must report the loss of a former Member of this body, John Race, who passed away last November 10.

John Race was a man who had many interests—good government, labor, agriculture, vocational education—just to name a few. He was a workhorse in Wisconsin for his chosen political party, served on a variety of local committees and also labored diligently to get people out to vote.

Although he was constantly active, Race always seemed to find time to help others, and he was alway tolerant of those who held different views than he did.

In 1964, Race's sense of honesty, good will, and genuine concern for others caused the people of the Sixth District of Wisconsin to elect him to serve as their Representative during the 89th Congress. While here, he always did his best for the people of Wisconsin and America. Some could disagree with his politics, but never with his good intentions.

After he finished his Federal service, It took an incurable illness to put Race finally on the sidelines. At the age of 69, death has claimed John Race. But he was a man who made his mark, and he will be missed.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Honorable John Race.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SCHOLARSHIPS FOR STUDENTS OF CENTRAL AMERICA

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, by now many of you have had the opportunity to study the report of the National Bipartisan Commission on Central America.

Its recommendations are numerous and will receive much debate by this body. One recommendation which has received little discussion would provide U.S. Government-sponsored scholarships for students of Central America to study in the United States.

For several years, the Soviet Union and Cuba have done this with great success. In 1982 alone, scholarships offered by the Soviet Union, Eastern European countries, and Cuba totaled 7,500. In contrast, the United States offered only 391.

If we are truly worried about a Soviet consolidation of power in the region, we should not allow its future leaders to be enticed into studying in Soviet-bloc countries.

Today I have introduced legislation to provide Government-sponsored scholarships to students of the Caribbean and Central American countries. This bill will follow the recommendations of the Jackson Commission.

We must look ahead to the long-term interests of the United States and the region of Central America by providing their youth with an education obtained in a free country where human rights are respected.

THE PRESIDENT'S GOAL OF COOPERATION

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERT F. SMITH. Mr. Speaker, the Nation and the world were prepared to hear President Reagan recite a highly partisan campaign-launching address last night. Instead, he offered us a glimpse or the American personality. He echoed this Nation's most heartfelt desires.

He urged that we tear down barricades to work for the common good, both here at home and in the community of international superpowers.

He acknowledged that Americans of all political affiliations are hurt by huge deficit spending and he asked representatives of all parties Democrat's, Republicans, Conservatives and Liberals, to help him eliminate the deficits.

He acknowledged that all people of the world—the United States and the Soviet Union alike—are threatened by nuclear holocaust and he asked the people of the Soviet Union to join us in eliminating the threat, in a spirit of world peace and harmony.

My fellow Members of this Congress, I urge that we join him in the search for solutions, instead of promoting petty, partisan efforts to place blame.

I am ready to admit that his goal of cooperation is my goal and the goal that is most deeply embedded in the hearts of my constituents of Oregon and all Americans.

THE TAKING OF WATER

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, today I am introducing a bill to address the issue of tankers taking freshwater from navigable waterways in the United States and selling it abroad.

I am joined by all of my distinguished colleagues from the Hudson Valley: Congressmen GILMAN, SOLOMON, OTTINGER, and MCHUGH.

This bill is important to the Hudson Valley because it was discovered that Exxon tankers were discharging petroleum contaminated saltwater ballast, taking on freshwater from the Hudson, and selling it in the Caribbean island of Aruba.

It was later determined that the dumping of polluted salt water is adequately addressed in two Federal pollution laws, the Clean Water Act and the Refuse Act, as well as several New

York State laws. However, a law prohibiting the taking of freshwater for commercial purposes was conspicuously absent.

In response to this legal vacuum, I am introducing legislation today to regulate the exportation of freshwater from the navigable waters of the United States.

This legislation amends the Export Administration Act of 1979 to state that no freshwater removed from the navigable waters of the United States may be exported in bulk by tanker without a license from the Secretaries of Commerce and Transportation.

The bill also states that the affected States and units of local government must concur in the granting of the license and receive appropriate reimbursement for the water exported under the license.

A vital commodity such as drinking water should not be taken from our community at no cost and with no thought of reimbursement to the residents of the cities and towns along the Hudson who get their drinking water from the river.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am happy to yield to my colleague, the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the gentleman's measure which I am pleased to cosponsor.

RESTRICTING EXPORT OF HUDSON RIVER WATER

Mr. Speaker, as an original cosponsor with the gentleman from New York (Mr. FISH) of legislation which would prohibit the exportation of freshwater in bulk by tanker out of the United States, I would like to emphasize the importance and need of this particular measure. H.R. 4664 was prompted by recent reports that a tanker owned by the Exxon Oil Corp. had been dumping saltwater contaminated with petroleum products in the Hudson River. After dumping the allegedly contaminated water, the tanker has been pirating freshwater which is then purchased by the Caribbean island of Aruba.

Mr. Speaker, many of us in the Federal, State, and local governments have been trying for years to clean up the Hudson River. No individual or corporation should have the right to dump contaminants into our river. Just this week, President Reagan announced his pledge to clean up the Chesapeake Bay in Maryland, a body of water that has been so sorely neglected. We in New York have worked for decades to insure that the Hudson River, at whatever juncture, is clean and unpolluted.

The New York State Department of Environmental Conservation maintains that the Exxon Corp. violated State law by not obtaining the necessary permits for their operation. Although these actions violate State law, the U.S. Coast Guard has determined that no Federal law was violated, and thus, no Federal action can be taken against those who desire to despoil our beautiful natural resources.

Because I suspect that this practice, which Exxon admits occurred weekly over a 2½-year period, may be happening to other communities around the Nation who have some of the same problems, I heartily endorse Mr. FISH's attempt to address these crimes against our environment on a national scale. The piracy of freshwater, and its contaminated substitute, are threats to unsuspecting municipalities, and I urge our colleagues to join us in combating this reprehensible practice.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I know the majority leadership always listens very carefully to what I have to say. I suggest they listen very carefully here.

At this time, I would hope to offer a unanimous consent request calling for consideration of an amendment to permit voluntary school prayer; however, yesterday the Chair ruled that in order to make this request I must have the clearance of the majority and the minority leadership.

This request has been cleared by the entire minority leadership.

I would now yield to a spokesman from the majority leadership for the appropriate clearance so that this may be offered.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of voluntary school prayer—the Democratic leadership in this House.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, at this time I also would hope to offer a unanimous-consent request calling for consideration of an amendment to permit a line-item veto.

The Chair has ruled that in order to make this request, I must have the clearance of both the majority and the minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, is that applause an appropriate clearance? If not, it should be quite clear to the American people who stands in the way of a line-item veto—the Democratic leadership of this House.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, a third significant item in the President's speech last night was a call for a constitutional amendment requiring a balanced budget.

At this time I would hope to offer also a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

Again the Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leadership.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

I note the enthusiasm of the majority, but hear no appropriate clearance. That should make it clear to the American people who stands in the way of a balanced budget—the Democratic leadership of the House.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. DANNEMEYER. Mr. Speaker, this is the first time I have heard that we have had some addition to the customs or procedures or even the rules of the House, which seems to say that before I as a Member can ask unanimous-consent requests that I must obtain the approval of the leadership of the majority to pose that request.

My parliamentary inquiry is this, Mr. Speaker. Where in the rules does it say that? What is the specific provision in the rules that authorizes the Speaker to make that kind of a rule for this House?

The SPEAKER. The Chair is sure that it is fundamental that the Speaker has the power of recognition.

Mr. DANNEMEYER. Where in the rules does it say that?

The SPEAKER. Clause 2 of rule XIV.

Mr. DANNEMEYER. Is it the position of the Speaker that section 2 of rule XIV authorizes what has come to become a gag rule here?

The SPEAKER. No. The Chair believes that it has been the custom of this body through the years to give the power to the Speaker of the House that the House be run in an efficient manner and that the business of the House should be done in an orderly

fashion and that obstruction should be avoided.

□ 1120

Mr. DANNEMEYER. How could a request for unanimous consent be ruled——

Mr. GEPHARDT. Regular order, Mr. Speaker.

The SPEAKER. Regular order.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply want to change the topic and comment on the state of the Union address last night. A number of us have been working to develop what we think of as a conservative opportunity society as an alternative to the liberal welfare state, and it struck me listening to President Reagan's eloquent description of his beliefs and his hopes for America, in what is probably the best speech of his career in explaining his philosophy, that if we were able to take the best of Vice President Mondale's speeches and run them in parallel with President Reagan's proposals that we would have the clearest statement of a conservative opportunity society on President Reagan's side and the liberal welfare state on Vice President Mondale's side that we could ask for.

And if we then look at the record of the Carter-Mondale administration and the record of the Reagan administration, I think the American people would have a remarkably clear philosophical choice and would be able to act to make choice in a classic election much the same as that 1898 and 1894.

I think we were privileged to a historic moment last night in listening to the President's speech in that respect.

TURKISH GOVERNMENT PERSECUTION OF GREEKS ON CYPRUS MUST END

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the Government of Turkey continues to systematically deny economic and religious justice to its own citizens of Greek descent.

It has declared that they cannot buy or sell real estate in their own land—which will result in the confiscation of their property. They have virtually banned construction on Christian buildings without a permit. These same permits are regularly denied to Greek Orthodox residents living in Turkey.

The most reprehensible act of all is that the Government has proclaimed that all property at the Ecumenical Patriarchate—the world center of Orthodox Christianity—belongs to the Government—which could take it at any time.

Mr. Speaker, these acts of the Turkish Government are not new to those of us who have fought their continued illegal and unwarranted presence on the island of Cyprus since 1974. The atrocities that have been perpetrated against Greek Cypriots there are being carried out with equal vigor against their Greek brethren living in Turkey.

Mr. Speaker, the United States cannot stand idly by and allow this injustice to continue. I call upon Secretary of State Shultz to address this problem immediately—or Congress will have to.

PROBLEMS WITH THE GRACE COMMISSION'S REPORT

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, in the President's state of the Union message last night he said that the Grace Commission report would be a foundation for his efforts to balance the budget. But the second largest item in the Grace Commission report is the selling of the Bonneville Power Administration and the dams in the Columbia River, which his own Secretary of Energy has already repudiated.

Secretary Hodel, a member of the President's Cabinet, said absolutely not. We cannot accept this second largest item in the Grace Commission report.

So much for the Grace Commission report.

STATE OF THE UNION MESSAGE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, last night the President said, and I quote:

> The key to a dynamic decade is vigorous economic growth, our first great goal. We might well begin with common sense in Federal budgeting; government spending no more than it takes in.

I could not agree more. But, frankly, I was amused that the President can make such a statement as he prepares to recommend to Congress a budget that proposes a deficit of more than $180 billion, nearly three times larger than any deficit in our Nation's history prior to 1980.

I sincerely hope that the President will take his words to heart and revise his proposed budget so that it truly makes commonsense.

PRESIDENT REAGAN WILL BE JUDGED BY HIS ACTIONS, NOT HIS WORDS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, there is a wide gap between the President's words, which last night were spoken well as always, and his actions.

He talked about the need to balance the budget—which must be done—but his acts have been a major cause of the unprecedented, dangerous budget deficit.

He spoke of peace, but his acts often have been those of war.

He said that no one can win a nuclear war—which is so true—but he has insisted on building a new generation of nuclear weapons.

He said we must protect the environment, but appointed two key officials who acted to harm it.

And he said to the unemployed or the underemployed that they will not be forgotten, but he has acted to oppose legislation to give them a fair chance.

Mr. President, you, like all Americans, will be judged more by your actions than your words.

CALENDAR WEDNESDAY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, we ought to congratulate ourselves for doing something yesterday that is historic. For the first time in almost a quarter century we actually dealt with Calendar Wednesday. I hope this will establish a new procedure whereby we will go through the calendar on each Wednesday, since it provides an opportunity for every committee chairman to take from his list of bills that have passed out of his committee what he considers to be the most important bill for immediate action.

I may not agree with the particular choice of bills by the various chairmen, but it will give us an opportunity to deal with many of those questions that many Members have to respond to when they go back home. I hope as we go through them, one by one, this year, that those chairmen will think very seriously about what they want to bring forward and that all Members will talk with their respective chairmen about those essential bills that have to be dealt with early in the session. This will insure that the American people have an opportunity to see their concerns met and their Representative vote on those concerns.

□ 1130

ELECTION OF MEMBERS TO COMMITTEE ON EDUCATION AND LABOR

Mr. CHENEY. Mr. Speaker, at the direction of the Republican Conference, I offer a privileged resolution (H. Res. 402) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 402

Resolved, That the following named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

Committee on Education and Labor: Thomas J. Tauke of Iowa and John McCain of Arizona.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RESOLUTION DIRECTING COMMITTEE ON RULES TO UNDERTAKE INVESTIGATION CONCERNING PROXY VOTING

Mr. DAUB. Mr. Speaker, I rise to a question of privilege under rule IX of the House rules, and I have a privileged motion at the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 403

Whereas, Rule XI(2)(f) of the House of Representatives authorizes committees to adopt rules which allow voting by proxy;

Whereas, the practice of voting by proxy is contrary to the principles of representative democracy and create an aura of secrecy in legislative proceedings, where none should exist in a truly representative body;

Whereas, voting by proxy increases the possibility and incidences of inaccurate representations of individual Members' votes, thereby impairing the individual rights and duties of Members of the House of Representatives in their representative capacity;

Whereas, such inaccuracies further infringe upon the integrity of the legislative process and the accuracy of official House records and documents; Now, therefore, be it,

Resolved, That the House Committee on Rules shall:

(1) Undertake an investigation concerning the matter of proxy voting;

(2) Determine whether procedures including, but not limited to, eliminating proxy voting should be established; and

(3) Report back to the House within 45 legislative days with recommendations on how to ensure the accuracy of official House records and documents, and ensure the integrity of House committees.

PRIVILEGED MOTION OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, it is my intention to offer a privileged motion, a motion to table the resolution that has just been offered.

The SPEAKER. The question is on the motion to table offered by the gentleman from Texas (Mr. FROST).

Mr. DAUB. Mr. Speaker, has the motion been reduced to writing?

Mr. FROST. Mr. Speaker, the staff is presenting the motion at this point.

The SPEAKER. The Chair will await the motion.

Mr. FROST. It is being presented by the staff, Mr. Speaker.

Mr. WALKER. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FROST moves to lay the resolution on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Texas (Mr. FROST).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DAUB. Mr. Speaker, I request a division on that.

The SPEAKER. The gentleman from Nebraska (Mr. DAUB) asks for division.

Mr. FROST. Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 155, not voting 42, as follows:

[Roll No. 10]

YEAS—236

Ackerman	Coleman (TX)	Frost
Addabbo	Conyers	Gaydos
Akaka	Cooper	Gejdenson
Albosta	Coyne	Gephardt
Alexander	Crockett	Gibbons
Anderson	D'Amours	Glickman
Andrews (TX)	Daniel	Gonzalez
Annunzio	Darden	Gore
Anthony	Daschle	Gray
Applegate	de la Garza	Guarini
Aspin	Dellums	Hall (IN)
Barnard	Derrick	Hall (OH)
Barnes	Dicks	Hamilton
Bates	Dorgan	Hance
Bedell	Dowdy	Harkin
Beilenson	Downey	Harrison
Berman	Durbin	Hatcher
Bevill	Dwyer	Hawkins
Biaggi	Dymally	Hayes
Boggs	Dyson	Hefner
Boner	Early	Hertel
Bonior	Eckart	Hightower
Bonker	Edgar	Howard
Borski	Edwards (CA)	Hoyer
Bosco	English	Hubbard
Boucher	Erdreich	Hutto
Boxer	Evans (IL)	Ireland
Breaux	Fascell	Jacobs
Britt	Fazio	Jenkins
Brooks	Feighan	Jones (NC)
Brown (CA)	Ferraro	Jones (OK)
Burton (CA)	Flippo	Jones (TN)
Byron	Florio	Kaptur
Carper	Foglietta	Kastenmeier
Carr	Foley	Kazen
Chappell	Ford (MI)	Kennelly
Clarke	Ford (TN)	Kildee
Clay	Fowler	Kogovsek
Coelho	Frank	Kolter
Kostmayer	Nelson	Smith (FL)
Lantos	Nowak	Spratt
Leath	Oakar	Staggers
Lehman (CA)	Oberstar	Stark
Lehman (FL)	Obey	Stenholm
Leland	Olin	Stokes
Levin	Ortiz	Stratton
Levine	Ottinger	Studds
Levitas	Owens	Swift
Lipinski	Panetta	Synar
Lloyd	Patman	Tallon
Long (LA)	Patterson	Tauzin
Long (MD)	Pease	Thomas (GA)
Lowry (WA)	Penny	Torres
Luken	Pepper	Torricelli
Lundine	Perkins	Towns
MacKay	Pickle	Traxler
Markey	Price	Udall
Martinez	Rahall	Valentine
Matsui	Ratchford	Vandergriff
Mavroules	Ray	Vento
Mazzoli	Reid	Volkmer
McCloskey	Richardson	Walgren
McCurdy	Roe	Watkins
McHugh	Roemer	Waxman
McNulty	Rowland	Weaver
Mica	Roybal	Weiss
Mikulski	Russo	Wheat
Miller (CA)	Sabo	Whitley
Mineta	Savage	Whitten
Minish	Scheuer	Williams (MT)
Mitchell	Schroeder	Wirth
Mollohan	Schumer	Wise
Montgomery	Seiberling	Wolpe
Moody	Shannon	Wright
Morrison (CT)	Sharp	Wyden
Murphy	Shelby	Yates
Murtha	Sikorski	Yatron
Natcher	Sisisky	Young (MO)
Neal	Slattery	

NAYS—155

Archer	Hammerschmidt	Pashayan
Badham	Hansen (ID)	Petri
Bartlett	Hansen (UT)	Porter
Bateman	Hartnett	Pritchard
Bennett	Hiler	Pursell
Bereuter	Hillis	Quillen
Bilirakis	Holt	Regula
Bliley	Hopkins	Ridge
Boehlert	Horton	Rinaldo
Broomfield	Hunter	Ritter
Brown (CO)	Hyde	Robinson
Broyhill	Johnson	Rogers
Burton (IN)	Kasich	Roth
Campbell	Kemp	Roukema
Carney	Kindness	Rudd
Chandler	Kramer	Sawyer
Chappie	Lagomarsino	Schaefer
Cheney	Latta	Schneider
Coats	Leach	Schulze
Coleman (MO)	Lent	Sensenbrenner
Conable	Lewis (CA)	Shaw
Conte	Lewis (FL)	Shumway
Courter	Livingston	Shuster
Craig	Loeffler	Siljander
Crane, Daniel	Lott	Skeen
Crane, Philip	Lowery (CA)	Smith (NE)
Dannemeyer	Lujan	Smith (NJ)
Daub	Lungren	Smith, Denny
Davis	Mack	Smith, Robert
DeWine	Marlenee	Snowe
Dickinson	Marriott	Snyder
Dreier	Martin (IL)	Solomon
Duncan	Martin (NC)	Spence
Edwards (OK)	Martin (NY)	Stangeland
Emerson	McCain	Stump
Erlenborn	McCandless	Sundquist
Fiedler	McCollum	Tauke
Fields	McDade	Taylor
Fish	McEwen	Thomas (CA)
Franklin	McGrath	Vander Jagt
Frenzel	McKernan	Vucanovich
Gekas	Michel	Walker
Gilman	Miller (OH)	Weber
Gingrich	Molinari	Whitehurst
Goodling	Moore	Whittaker
Gradison	Moorhead	Williams (OH)
Gramm	Morrison (WA)	Winn
Green	Myers	Wolf
Gregg	Nielson	Wortley
Gunderson	Oxley	Young (AK)
Hall, Ralph	Packard	Zschau
Hall, Sam	Parris	

NOT VOTING—42

Andrews (NC)	Forsythe	Paul
AuCoin	Fuqua	Rangel
Bethune	Garcia	Roberts
Boland	Heftel	Rodino
Bryant	Huckaby	Rose
Clinger	Hughes	Rostenkowski
Collins	Jeffords	Simon
Corcoran	LaFalce	Skelton
Coughlin	Madigan	Smith (IA)
Dingell	McKinney	Solarz
Dixon	Moakley	St Germain
Donnelly	Mrazek	Wilson
Edwards (AL)	Nichols	Wylie
Evans (IA)	O'Brien	Young (FL)

□ 1150

Mr. LUJAN changed his vote from "yea" to "nay."

Mrs. LLOYD changed her vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AGRICULTURAL PRODUCTIVITY ACT OF 1983

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to clause 5 of rule I, the unfinished business is the question of the passage of the bill, H.R. 2714, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DE LA GARZA. Mr. Chairman, I regret that I have to make this inquiry, but I could not hear the reporting of the Clerk.

Yesterday, under Calendar Wednesday, the Committee on Agriculture presented a bill, H.R. 2714, the Agricultural Productivity Act of 1983, we had general debate, and we concluded that.

Is that what the vote will be on now?

The SPEAKER pro tempore. The Chair is pleased to inform the gentleman that he is indeed correct, that that is the unfinished business on which we are about to take a vote.

Mr. DE LA GARZA. I thank the Chair.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 184, not voting 43, as follows:

[Roll No. 11]

YEAS—206

Ackerman	Aspin	Biaggi
Addabbo	Barnes	Boggs
Akaka	Bates	Boner
Albosta	Bedell	Bonior
Alexander	Beilenson	Bonker
Annunzio	Bereuter	Borski
Anthony	Berman	Bosco
Boucher	Harkin	Panetta
Boxer	Harrison	Patterson
Breaux	Hatcher	Pease
Brooks	Hawkins	Penny
Brown (CA)	Hayes	Pepper
Burton (CA)	Hertel	Perkins
Carr	Horton	Petri
Clarke	Howard	Price
Clay	Hoyer	Rahall
Coelho	Jones (NC)	Rangel
Coleman (TX)	Jones (TN)	Reid
Conyers	Kaptur	Richardson
Cooper	Kastenmeier	Ritter
Coyne	Kazen	Roe
Crockett	Kennelly	Rowland
Daschle	Kildee	Roybal
Davis	Kogovsek	Russo
de la Garza	Kolter	Sabo
Dellums	Kostmayer	Savage
Derrick	LaFalce	Scheuer
Dorgan	Lantos	Schneider
Dowdy	Leach	Schroeder
Downey	Leath	Schumer
Durbin	Lehman (CA)	Seiberling
Dymally	Lehman (FL)	Shannon
Eckart	Leland	Sharp
Edgar	Levin	Shelby
Edwards (CA)	Levine	Sikorski
English	Lipinski	Smith (FL)
Erdreich	Long (LA)	Spratt
Evans (IA)	Long (MD)	Staggers
Evans (IL)	Lowry (WA)	Stark
Fascell	Lundine	Stokes
Fazio	Markey	Stratton
Feighan	Martinez	Studds
Ferraro	Matsui	Swift
Fish	Mavroules	Synar
Flippo	Mazzoli	Tallon
Florio	McCloskey	Tauke
Foglietta	McDade	Thomas (GA)
Foley	McHugh	Torres
Ford (MI)	McKernan	Torricelli
Ford (TN)	McNulty	Towns
Frank	Mica	Traxler
Franklin	Mikulski	Udall
Frost	Miller (CA)	Vento
Gaydos	Mineta	Volkmer
Gejdenson	Mitchell	Walgren
Gephardt	Mollohan	Waxman
Gilman	Moody	Weaver
Glickman	Morrison (CT)	Weiss
Gonzalez	Murtha	Wheat
Goodling	Natcher	Williams (MT)
Gore	Neal	Wirth
Gray	Nowak	Wise
Guarini	Oakar	Wolpe
Hall (IN)	Oberstar	Wright
Hall (OH)	Obey	Wyden
Hall, Ralph	Olin	Yates
Hall, Sam	Ortiz	Yatron
Hamilton	Ottinger	Young (MO)
Hance	Owens	

NAYS—184

Anderson	Courter	Hansen (ID)
Andrews (TX)	Craig	Hansen (UT)
Applegate	Crane, Daniel	Hartnett
Archer	Crane, Philip	Hefner
Badham	D'Amours	Hightower
Barnard	Daniel	Hiler
Bartlett	Dannemeyer	Hillis
Bateman	Darden	Holt
Bennett	Daub	Hopkins
Bethune	DeWine	Hubbard
Bevill	Dickinson	Hunter
Bilirakis	Dreier	Hutto
Bliley	Duncan	Hyde
Boehlert	Dwyer	Ireland
Boland	Dyson	Jacobs
Britt	Early	Jenkins
Broomfield	Edwards (OK)	Johnson
Brown (CO)	Emerson	Jones (OK)
Broyhill	Erlenborn	Kasich
Burton (IN)	Fields	Kemp
Byron	Fowler	Kindness
Campbell	Frenzel	Kramer
Carney	Gekas	Lagomarsino
Chandler	Gibbons	Latta
Chappell	Gingrich	Lent
Chappie	Gradison	Levitas
Cheney	Gramm	Lewis (CA)
Coats	Green	Lewis (FL)
Coleman (MO)	Gregg	Livingston
Conable	Gunderson	Lloyd
Conte	Hammerschmidt	Loeffler
Lott	Packard	Smith (NJ)
Lowery (CA)	Parris	Smith, Denny
Lujan	Pashayan	Smith, Robert
Luken	Patman	Snowe
Lungren	Porter	Snyder
Mack	Pritchard	Solomon
MacKay	Pursell	Spence
Marlenee	Quillen	Stangeland
Marriott	Ratchford	Stenholm
Martin (IL)	Ray	Stump
Martin (NC)	Regula	Sundquist
Martin (NY)	Ridge	Tauzin
McCain	Rinaldo	Taylor
McCandless	Robinson	Thomas (CA)
McCollum	Roemer	Vander Jagt
McCurdy	Rogers	Vucanovich
McEwen	Roth	Walker
McGrath	Roukema	Watkins
Michel	Rudd	Weber
Miller (OH)	Sawyer	Whitehurst
Minish	Schaefer	Whitley
Molinari	Schulze	Whittaker
Montgomery	Sensenbrenner	Whitten
Moore	Shaw	Williams (OH)
Moorhead	Shumway	Winn
Morrison (WA)	Shuster	Wolf
Murphy	Siljander	Wortley
Myers	Sisisky	Young (AK)
Nelson	Skeen	Zschau
Nielson	Slattery	
Oxley	Smith (NE)	

NOT VOTING—43

Andrews (NC)	Fuqua	Rodino
AuCoin	Garcia	Rose
Bryant	Heftel	Rostenkowski
Carper	Huckaby	Simon
Clinger	Hughes	Skelton
Collins	Jeffords	Smith (IA)
Corcoran	Madigan	Solarz
Coughlin	McKinney	St Germain
Dicks	Moakley	Valentine
Dingell	Mrazek	Vandergriff
Dixon	Nichols	Wilson
Donnelly	O'Brien	Wylie
Edwards (AL)	Paul	Young (FL)
Fiedler	Pickle	
Forsythe	Roberts	

□ 1210

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. McKinney against.

Mr. Bryant for, with Mr. Young of Florida against.

Mr. Garcia for, with Mr. Corcoran against.

Mr. Dixon for, with Ms. Fiedler against.

Mr. Rodino for, with Mr. Paul against.

Mr. Mrazek for, with Mr. Wylie against.

Mrs. Collins for, with Mr. Madigan against.

Mr. Solarz for, with Mr. Forsythe against.

Mr. DWYER of New Jersey changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ATMOSPHERIC, CLIMATIC, AND OCEAN POLLUTION ACT OF 1983

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 354 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 354

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Commit-

tee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2900) to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3597 as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN). Pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 354 is a completely open rule providing for the consideration of H.R. 2900, the authorization for the National Oceanic and Atmospheric Administration for fiscal years 1984 and 1985.

Mr. Speaker, jurisdiction for the atmospheric and climatic programs of the National Oceanic and Atmospheric Administration is vested in the Committee on Science and Technology. However, certain activities relating to ocean dumping and marine protection are shared jointly with Merchant Marine and Fisheries. Therefore, 1 hour of general debate is equally divided between the two committees.

Mr. Speaker, H.R. 2900 was reported by the Science Committee on May 16, 1983. However, the Merchant Marine Committee versions of the authorizations relating to ocean dumping and marine protection were reported on May 6, 1983, in two separate bills, H.R. 1546 and H.R. 1547, respectively.

The committees worked successfully to develop a compromise bill, H.R. 3597, which incorporates the different authorizations reported by the two committees. In accordance with their request, the rule provides for consideration of a substitute, consisting of the text of H.R. 3597, as original text for the purpose of amendment. The substitute shall be read by titles with each title to be considered as read.

Mr. Speaker, House Resolution 354 waives section 402(a) of the Congressional Budget Act which provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

A waiver of section 402(a) is necessary because the bill was jointly referred to the Committees on Science and Technology and Merchant Marine and Fisheries and was not reported by Merchant Marine and Fisheries on or before May 15. The Budget Committee has indicated that since the Merchant Marine Committee did report out by May 15, similar legislation containing the authorizations in H.R. 2900, it would have no objection to a technical waiver of section 402(a).

Mr. Speaker, the resolution waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. In this instance the waiver is necessary because the substitute, H.R. 3597, contains provisions which could be considered a reappropriation since it would make funds previously appropriated for one purpose available for another function.

An example of this would be the reallocation a percentage of the funds from the National Climate Program Office for intergovernmental climate-related activities and for experimental climate forecast centers.

Mr. Speaker, upon conclusion of consideration of the bill for amendment, one motion to recommit with or without instructions would be in order.

Mr. Speaker, these two committees are to be commended for their consistent efforts in developing compromise legislation in areas of shared jurisdiction; particularly when there is no unanimous agreement on what the appropriate level of authorizations should be.

Mr. Speaker, this bill authorizes $605.3 million for fiscal year 1984 and $635.5 million for fiscal year 1985 for the National Oceanic and Atmospheric Administration to conduct essential research and service activities in such areas as ocean dumping, protection of marine sanctuaries, weather forecasting, atmospheric research and satellite services.

H.R. 2900 prohibits the Secretary of Commerce from closing or consolidating any Weather Service office without allowing a period of public comment prior to issuing a written decision. It also requires the Secretary to consider the effects of such action on the community served by the office and the economic savings to the National Weather Service.

The bill also prohibits the transfer of civil satellite systems without specific congressional approval, though this provision of the bill is moot since Public Law 98-166, enacted last November subsequent to the reporting of this bill, contains a prohibition of such transfer.

Mr. Speaker, it is important that we sustain our commitment to ocean research and development while monitoring the effects of ocean dumping. Protection of our marine environment is crucial to the health of our citizens and the ocean ecosystems.

Mr. Speaker, I urge adoption of House Resolution 354 so that we may proceed to the consideration of this important legislation.

□ 1220

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the provisions of the rule have been ably explained and I know of no objection to the rule being discussed.

There is opposition and controversy on the bill itself. The bill is a 2-year authorization covering fiscal years 1984 and 1985. However, the appropriation bill providing 1984 appropriations has already been passed. Mr. Speaker, I see no need to delay further consideration of the rule. I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 354 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2900.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2900) to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. SCHEUER) will be recognized for 15 minutes; the gentleman from New York (Mr. MCGRATH) will be recognized for 15 minutes; the gentleman from North Carolina (Mr. JONES) will be recognized for 15 minutes; and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 15 minutes.

The gentleman from Washington (Mr. PRITCHARD) will be recognized for 15 minutes in lieu of the gentleman from New Jersey (Mr. FORSYTHE).

The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, I rise in support of H.R. 2900, which would authorize fiscal year 1984 and 1985 funds for the National Oceanic and Atmospheric Administration.

I wish to congratulate Mr. FUQUA, chairman of the full Committee on Science and Technology, for his leadership in bringing this legislation to the floor.

Our committee has worked closely with the Committee on Merchant Marine and Fisheries on the ocean-related portions of this legislation.

I wish to thank Chairman JONES and his staff for their outstanding cooperation in effecting compromises between the interests of the two committees; I would also like to acknowledge the efforts of Mr. D'AMOURS, Mr. FORSYTHE, and their staffs.

Mr. Chairman, H.R. 2900 is the initial step in a process which I hope will culminate, for the first time, in a comprehensive authorization act for the entire agency.

We have never enacted a comprehensive authorization bill for NOAA.

In 1982, the House did pass a NOAA bill reported by the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries, but the legislation was not acted on by the other body.

The Committee on Science and Technology continues to endorse the view that until a comprehensive organic act is developed for the agency, an annual NOAA authorization bill provides the committee and the Congress with the most effective means of overseeing the agency's programs.

H.R. 2900 authorizes NOAA to conduct essential research and service activities in a wide variety of areas, including weather forecasting, land remote sensing, atmospheric research, tornado and hurricane warnings, aviation weather, and ocean dumping research.

Also included in H.R. 2900 are provisions which would:

Amend the National Climate Program Act to achieve a more efficient and effective interagency climate program;

Reauthorize the National Ocean Pollution Planning Act and the Weather Modification Reporting Act;

Amend title II of the Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act) to improve coordination of Federal programs which combat ocean pollution;

Establish a review procedure prior to closure of any National Weather Service Office; and

Provide funding for land remote-sensing data in the event that commercialization of Landsat proves infeasible.

Mr. Chairman, the bill would authorize $605.3 million for NOAA programs in fiscal year 1984 and $635.5 million for fiscal year 1985.

Although the fiscal year 1984 figure contained in the bill is $58.7 million above the administration request of $546.6 million, I believe the authorization to be fiscally sound and would point out that it is well within guidelines established by the first budget resolution.

Our proposed increase above the administration request is 11 percent (compared with an increase in the first budget resolution of 16 percent) and received very broad support in the committee.

Mr. Chairman, the committee provided funds above the administration request in two major areas—weather satellites and research.

An increase of over $20 million is targeted for maintenance of two polar-orbiting weather satellites.

The administration proposed downgrading this system to a one-satellite system.

In its oversight investigation, the committee found that the two-satellite system provides several benefits, including better forecasts and insurance against satellite failure.

In short, it is a cost-effective investment.

Virtually all the other programs for which the committee provided enhanced funding were in the areas of basic research and development.

In NOAA's overall budget, the administration proposed to reduce research funding for the Office of Research and Development by more than 40 percent.

The committee viewed these proposed cuts to be unacceptably large and voted to reinstate programs in ocean pollution research, Great Lakes research, solar flare research, and weather and climate research.

In summary, we have looked at NOAA's atmospheric, climatic, and ocean pollution activities in great detail, and we have attempted to balance the needs of the agency and the Nation against the fiscal constraints under which we are all attempting to operate.

I believe we have struck an appropriate balance in this legislation.

H.R. 2900 contains the minimum amount which will enable NOAA to fulfill the environmental responsibilities which the Congress has mandated for it—responsibilities in such crucial areas as severe storm forecasting, aviation and agricultural weather, ocean pollution research, and research into acid rain, the "greenhouse effect," and other forms of atmospheric pollution.

I urge my colleagues to support the bill.

□ 1230

I would only note in passing that the President told us last night with some pride, and with proper justifiable pride, that he had doubled the research appropriation for acid rain. We welcome that.

It is hard for me to see how his administration would want to cut by 40 percent other research activities which, though perhaps less dramatic, are for just as important national goals and national systems and services as the acid rain research.

The CHAIRMAN. The gentleman from New York (Mr. SCHEUER) has consumed 8 minutes.

The Chair recognizes the gentleman from New York (Mr. MCGRATH).

Mr. McGRATH. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I rise in support of titles IV and V contained in H.R. 2900, as amended by the substitute H.R. 3597, which the House Merchant Marine and Fisheries Committee shares jurisdictionally with the Science and Technology Committee. I would like to point out that this legislation has received broad bipartisan support.

It is my intent to address only those program authorizations and amendments in this bill which the Merchant Marine and Fisheries Committee has a direct interest in. In addition, it is my understanding that a technical amendment will be offered to titles IV and V and I plan to support the changes.

Title IV of H.R. 2900 is identical to H.R. 1547, which was reported out of the Merchant Marine and Fisheries Committee by unanimous voice vote. This title maintains a level of authorization for title II of the Marine Protection, Research, and Sanctuaries Act (MPRSA) at $12 million, as well as amends title II by directing the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) to look at certain specific research-related issues which have arisen in connection with the debate over the continuance of ocean dumping.

Title II of the MPRSA provides the authority for many important ocean-related activities such as: First, the regional ocean pollution research projects in Puget Sound and the New York Bight; second, the long-range effects study of ocean dumping on the marine environment; and third, the Northeast monitoring program, just to name three. These important research efforts contribute significantly to the data needed to assess pollution impacts on the marine environment. For example, the Seattle-Tacoma metropolitan region has undergone rapid economic development. Certain areas of the sound are showing signs of severe ecological stress. The presence and distribution of contaminants and toxic substances are being found around highly industrialized locations. Many biological abnormalities (tumors, fin rot, physical deformities) of fish have also been recently identified in those areas where there are high concentrations of pollutants.

The combined regional research that has been conducted in Pugent Sound and in other parts of the United States has provided useful scientific information to help guide the local, State, and Federal officials in the regulatory decisionmaking process with regard to water quality issues. It has also aided in the planning and coordinating of marine pollution research, as well as synthesizing and disseminating the results of this research. To eliminate important research budgets can only be shortsighted, particularly when there is a lack of information on how widespread the marine pollution problem is and how severe the impacts are on the living marine resources.

Title V of H.R. 2900 is identical to H.R. 1546, which was also unanimously reported out of the Merchant Marine and Fisheries Committee last spring. This title reauthorizes the National Ocean Pollution Planning Act program at $3 million for fiscal year 1984. I would also like to point out that the administration's request for this program is also $3 million.

The primary purpose of the national ocean pollution program is to provide for the coordination of ocean pollution research monitoring activities conducted by various agencies in the executive branch, and to minimize the duplication of the various ocean pollution activities. This program provides a useful function and should be continued.

In conclusion, I believe that reauthorizing both title II of the Marine Protection, Research, and Sanctuaries Act and the National Ocean Pollution Planning Act contained in H.R. 2900 is imperative. These programs provide the necessary research and scientific data needed to accomplish the tasks set out in various Federal laws.

I strongly urge my colleagues to support this important legislation. Thank you.

Mr. Chairman, I yield my 15 minutes for general debate to the gentleman from New York (Mr. McGRATH).

The CHAIRMAN. The gentleman from New York (Mr. McGRATH) will be recognized for the balance of the 30 minutes.

Mr. McGRATH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I raise in support of H.R. 2900. This bill provides the authorization for the National Oceanic and Atmospheric Administration to conduct research and program activities in a number of essential areas. Among the programs Othe bill authorizes are the agricultural weather and fruit frost warning services of the National Weather Service, the long term R&D in the Weather Service, Landsat operations, ocean pollution and ocean dumping research, and a second polar orbiting weather satellite.

Also included in the bill are provisions which would establish a review procedure prior to the closing of a Weather Service station.

During the Committee on Science and Technology's consideration of H.R. 2900 I offered a minority substitute which reduced the increase to $30 million above the request. Under the substitute, funding was restored for most of NOAA's most cost effective programs, but it did not receive bipartisan support.

I also question the wisdom of a 2-year authorization at this time when we will be receiving the agency's request for fiscal year 1985 authorization within a matter of days.

However, I see no need to again attempt to reduce the funding of the Science and Technology Committee bill since in November the President signed into law the Commerce appropriation bill which funds NOAA's atmospheric programs authorized in H.R. 2900 at a level of $650.9 million.

It is my understanding that this is exactly the level of which H.R. 2900 will authorize, after amended by the Scheuer amendment and, therefore, I urge my colleagues to support the bill.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Florida (Mr. LEWIS).

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of H.R. 2900. In fact, I cosponsored this bill chiefly because I believe so strongly that Congress must continue to fully fund the agricultural weather services and the fruit frost warning program.

Studies show that these services cannot be duplicated at this time by the private sector for the same cost.

In fact, one private firm, which now provides limited weather information to farmers in Florida builds its weather reports around basic data supplied by NOAA facilities.

Furthermore, the cost to the farmer who subscribes to a private weather reporting service is so high that the small farmer cannot afford to pay the fee.

Hence, if the Agricultural Weather Service were entirely operated by the private sector—by nature—a for-profit sector of industry—the chances are good that the small farmer would not have any weather information available to him.

Florida is an important agricultural State known for its diversity of products.

Florida ranks first worldwide in citrus production—and second nationwide in commercial nurseries and winter vegetable production.

Florida alone furnishes 50 to 60 percent of the Nation's fresh vegetable needs during the winter.

Growers cannot take chances, particularly during the main growing season from November to March.

The availability of around-the-clock accurate forecasting is critical during these winter months when the threat of cold fronts and bad storms can wipe out an entire season's crop.

The recent freezing temperature damage to the Florida citrus industry has been well documented.

However, winter vegetable growers also suffered devastating losses.

Clearly this means higher prices for the consumer at the grocery store for the small quantity of produce that survived the bad weather.

But consider if we had chosen to eliminate altogether the NOAA fruit frost warning program.

Without a doubt the results of this winter's harsh weather would have been disastrous.

Therefore, Mr. Chairman, I am pleased to support this legislation.

The $1.4 million allocated for the Agricultural Weather Service and the fruit frost warning program is a sound investment.

These programs more than pay for themselves in terms of savings both to producers and consumers of vital agricultural products.

Any serious disruption of these services has the potential to cripple agricultural production which is so vital to the welfare of our Nation.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join with my colleagues in urging the House to pass H.R. 2900, as amended.

H.R. 2900 consolidates the authorization of appropriations for a number of programs for the National Oceanic and Atmospheric Administration (NOAA).

Titles IV and V of the bill address marine programs over which the Com-

mittees on Science and Technology and Merchant Marine and Fisheries share jurisdiction. Title IV of H.R. 2900 amends and reauthorizes title II of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972, by assigning NOAA the responsibility to develop and assess scientific techniques to define and quantify the degradation of the marine environment. In general, title II of the MPRSA authorizes NOAA to research, study and monitor ocean dumping and its effects. The bill authorizes $12,000,000 for fiscal year 1984 and $12,000,000 for fiscal year 1985 for title II of the MPRSA.

Title V amends the National Ocean Pollution and Planning Act of 1978 in order to provide for the effective coordination of Great Lakes research, and to authorize this important program for 1984 and 1985. In general, this program provides for interagency planning to insure that research, development, and monitoring activities related to marine pollution are carried out efficiently and effectively. The program includes coastal areas, estuaries, open oceans and the Great Lakes. Title V authorizes $3 million for each of fiscal years 1984 and 1985 to carry out the provisions of the act.

Increasing pressures to minimize land disposal are leading to serious consideration of the oceans as a primary alternative disposal medium. This trend, combined with the limits of our scientific knowledge about the impacts of ocean waste disposal, makes it mandatory that we sustain our commitment to ocean research. It is crucial to the health of our citizens and to our ocean ecosystems.

Mr. Chairman, I urge my colleagues to support H.R. 2900.

□ 1240

Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2900, as amended by the substitute H.R. 3597. I want to thank the chairmen and ranking members of the various committees and subcommittees for their diligent work in bringing this bill to the floor.

I would like to focus on the two titles of the bill directly pertinent to the jurisdiction of the Oceanography Subcommittee.

Title IV of this bill is identical to H.R. 1547, which was unanimously reported out by the Committee on Merchant Marine and Fisheries on May 11, 1983. This title amends and reauthorizes title II of the Marine Protection, Research and Sanctuaries Act, dealing with research related to ocean dumping of wasteful materials. The authorization of $12 million for fiscal years 1984 and 1985 is equal to the previous authorization level. The $12 million will provide funds for several important programs, including the study of long-term effects of ocean dumping, monitoring of ocean dumpsites, regional research projects on ocean dumping, and the Northeast monitoring program. Title IV also gives explicit direction to the Environmental Protection Agency to assess the feasibility of establishing regional waste management plans, and to perform a comprehensive, multimedia analysis of sewage sludge disposal in the New York City area.

Title V of the bill is identical to H.R. 1546, which was also unanimously reported out of the Committee on Merchant Marine and Fisheries on May 11, 1983. It reauthorizes the National Ocean Pollution Planning Act for fiscal years 1984 and 1985 at $3 million a year, which is consistent with the authorization level requested by the administration. The National Ocean Pollution Planning Act was designed to coordinate the various Federal agencies conducting pollution research and monitoring, to identify duplication of effort and to identify areas that are not being adequately addressed.

Mr. Chairman, the members of our two committees feel strongly that at a time when ocean dumping activities may be increasing, there is a growing need for additional information on the effects of such dumping. Many of the research activities authorized by this bill particularly those in title IV are slated for reduction or elimination by the administration. The provisions of this bill are intended to maintain the existing research programs in order to provide the scientific information needed to predict the consequences of ocean dumping, and thus increase our ability to minimize adverse impacts on marine ecosystems.

I strongly urge my colleagues to support this legislation.

Mr. Chairman, I again thank the chairman, the gentleman from North Carolina (Mr. JONES), for yielding to me, and I urge my colleagues to strongly support this legislation.

Mr. JONES of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. McGRATH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ZSCHAU) for the purpose of entering into a colloquy with the chairman of the subcommittee, the gentleman from New York (Mr. SCHEUER).

Mr. ZSCHAU. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to address a question to the distinguished chairman, the gentleman from New York (Mr. SCHEUER) and I would yield to him for that purpose. Would the chairman be kind enough to answer a question regarding section 204 of the bill?

Mr. SCHEUER. Certainly.

Mr. ZSCHAU. Section 204 directs the Secretary of Commerce and others to conduct a study of the National Weather Service and related activities. Paragraph (D) of subsection (a) specifies that the study will include recommendations on how the National Weather Service can better meet national needs in light of "the roles of the public and private sectors" and other criteria. In the view of the chairman, does this recommendation mean that the study should examine the appropriateness of transferring certain forecasting functions of the National Weather Service to the private sector in instances when such transfer would maintain or enhance public safety and reduce Federal spending?

Mr. SCHEUER. That is correct.

Mr. ZSCHAU. Mr. Chairman, I thank the gentleman.

Mr. McGRATH. Mr. Chairman, I reserve the balance of my time.

Mr. SCHEUER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. McCURDY).

Mr. McCURDY. I thank the gentleman for yielding me this time.

I rise in strong support of H.R. 2900, as amended by the substitute H.R. 3597. This bill represents a cooperative effort on the part of the Merchant Marine and Fisheries Committee and the Science and Technology Committee, and I commend Chairman JONES and Chairman FUQUA for their leadership.

I want to focus on the sections of the authorization bill dealing with the atmospheric programs within the National Oceanic and Atmospheric Administration. The proposed funding is essential to maintain current staffing and service levels at the various National Weather Service facilities, and the agricultural weather services. It will allow NOAA to utilize new technology, such as the next generation weather radar system, and new scientific understanding in providing effective weather service.

Since its creation in 1970, NOAA has been instrumental in protecting life and property, with around-the-clock monitoring of the state of our atmosphere. In my own district—an area sometimes referred to as "tornado alley"—residents look to the NOAA facility at the University of Oklahoma to detect and track tornadoes and severe thunderstorms with sophisticated radar systems, and then quickly disseminate accurate weather data via the National Weather Service. Their record is impressive. We must continue to provide such NOAA facilities with the high tech equipment they need to save lives and further our understanding of the environment.

The committee bill contains the essential authorization to enable NOAA to fulfill its responsibilities, and I urge my colleagues' support.

Mr. Chairman, I yield back the balance of my time.

Mr. SCHEUER. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. I thank the chairman for yielding to me.

Mr. Chairman, I rise in support of the committee's position with regard to authorization for continued operation of the Space Environment Laboratory, administered by the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, in Boulder, Colo.

Despite repeated administration attempts to decrease support for the Space Environment Laboratory (SEL) by some $3.1 million, we have wisely rejected those requests during our deliberations over the past 2 fiscal years. The committee recommendation before us today calls for a fiscal years 1984 and 1985 authorization which also rejects that program reduction and I would like to commend the committee for the obvious foresight exercised in reaching that recommendation.

While the SEL's budgetary authority is relatively small, its functions are absolutely critical to a broad variety of users, not the least of whom is the Air Force. SEL provides space environment monitoring, forecasting, alert and warning services on a continuous 24-hour per day basis and conducts research in solar-terrestrial physics in support of long-range needs in a variety of areas. To translate its functions into layman's terms, it is our Nation's central facility for monitoring and forecasting changes in activity on the Sun's surface—solar flares and other solar events—which have tremendous impacts on electric power transmission, communications for both aircraft and ships, and on satellite operations and launching.

SEL has been designated by the Federal Council on Science and Technology as the Nation's center for providing all space environment information required throughout our economy. The Laboratory's Services Center provides information to users through a joint NOAA-Department of Defense network of six solar optical and three radio observatories. It is responsible for monitoring data from the GOES, TIROS-N, and NOAA satellites and providing immediate forecasting and warning information on solar activities.

SEL provides information to more than 1,700 direct users and an estimated 70,000 indirect users, among them:

(1) PUBLIC UTILITIES

Major solar flares seriously disrupt high voltage lines and telephone circuits. Many United States and Canadian utilities rely on SEL for warning of solar flare activity.

(2) AIRCRAFT AND NAVIGATION

Solar activity also disrupts communications and aircraft and ship navigation capabilities, particularly in polar regions. SEL is the only source of advance warning for Air Force planes operating in these regions, and for private and Navy ships.

(3) SATELLITE OPERATION AND LAUNCHING

NASA, the Pentagon and private-sector satellite owners—mainly in communications—depend on SEL for information on which to base decisions on protection of astronauts and equipment from radiation, to predict orbits of satellites to make launch timing decisions, and to prevent disruption of signals from satellites.

(4) RESEARCH NEEDS

Virtually all major space research programs make use of SEL information.

(5) DEPARTMENT OF DEFENSE

Our armed services worldwide communications network is seriously affected by solar activity, as are surveillance satellite, nuclear event detectors, and highly classified satellite systems. DOD depends heavily on SEL information and its timely availability.

The need for the functions performed by the SEL will certainly not disappear in the foreseeable future, either for private users, for NASA or for the Department of Defense. Yet, the administration and others have proposed a $3.1 million reduction in SEL's budget each of the last 2 fiscal years, and are now calling for an affirmation of that proposed reduction through a decrease in SEL's authorization. That reduction serves but one purpose—the virtual elimination of all SEL research capabilities, termination of SEL's real time functioning in the provision of ongoing data and forecasting information, and the transformation of SEL into nothing more than an archive for data on solar activity. As a justification for this modest budget savings—savings which provide merely a blip in comparison to the deficits offered us in the administration's overall budget requests—we are offered the vague promise that NOAA would somehow find a variety of private and other agency interests to assume responsibility for the ongoing functions of the SEL. To my knowledge, such negotiations or discussions have never resulted in a proposal which would support SEL fully. Yet, we are to blindly accept that promise of unknown support in return for the very real possibility of a complete disruption in our Nation's solar information networks.

I believe that the case of the SEL budget and authorization offers a very vivid example of the senseless lack of foresight which the administration has taken in regard to our Nation's basic scientific research and development efforts. The Federal Government began building the capacities now incorporated into SEL in 1942. It has taken literally 40 years to build the sophisticated service which provides essential solar activity information to Federal Government, military, and private users. Yet, in the name of some sort of dubious short-term budget savings, the administration would have us abandon that careful and planned programmatic buildup—leaving countless users without the benefit of the essential services provided by the SEL.

Again, I commend the committee for its foresight in regard to the SEL and urge the Members to reject any consideration of adopting the administration's recommendations for the Space Environment Laboratory.

Mr. SCHEUER. Mr. Chairman, I yield 4 minutes, the balance of my time, to the gentleman from Texas (Mr. ANDREWS).

Mr. ANDREWS of Texas. I thank the chairman for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 2900, the NOAA authorization.

H.R. 2900 marks the beginning of a new relationship between Congress and the National Oceanic and Atmospheric Administration. NOAA was established by executive reorganization in 1970 with the mission of providing services and research in the sea and in the air. Over the past 13 years, numerous environmental statutes have given NOAA additional duties. The Agency is now responsible for a vast array of activities including weather forecasting, acid rain research, fisheries conservation, the national sea grant program, the National Ocean Pollution Office, the National Climate Office, conservation of marine mammals and sensitive marine habitats, and many more programs which the Congress and the American people have regarded as legitimate and important Government services. Throughout these 13 years, the Congress has voted on numerous occasions to authorize NOAA to carry out various aspects of its environmental responsibilities. However, Congress has never reviewed and evaluated the missions and programs of this important agency as a whole, with the view of understanding how its components ought to relate to each other and to the needs of the Nation.

H.R. 2900 has provided Members with a unique opportunity to review and reorder the Agency's priorities. I am confident that this type of oversight will help NOAA to keep its programs in tune with the needs of the public.

Mr. Chairman, as the gentleman from New York (Mr. SCHEUER) indicat-

ed, H.R. 2900 authorizes funding for approximately $605 million of the Agency's $1 billion budget. Let me briefly describe the programs for which the committee voted to provide additional funding above the administration request.

The bill would reinstate nearly $7 million in ocean pollution research. This increase is essential in view of the increasing pressure to open up the ocean for disposal of municipal, industrial, and radioactive wastes. Our subcommittee has held extensive hearings on this issue, and it was clear from the testimony of many expert witnesses that if NOAA abandons its excellent research in ocean pollution, neither the State governments nor the private sector will be able to pick up the slack. Cuts in these ocean programs will signal a retreat from the goals which the Congress mandated a decade ago in passing the Clean Water Act and the Ocean Dumping Act.

H.R. 2900 also contains authorization for NOAA to begin (with EPA) a comparative study of the environmental effects of waste disposal in various media—land, sea, and air. Because of the short-sighted approach of Federal agencies in the past, crucial cross-media comparisons of environmental impact have never been made. EPA must therefore regulate waste disposal without an adequate understanding of what the relative impact of various disposal options might be. The committees felt strongly that the most appropriate target for a pioneering study of this sort is the sewage sludge problem in the New York City metropolitan area.

In the area of weather services, the bill would accelerate the procurement of the next generation radar system (NEXRAD). This upgrading is essential for future weather services, since the current system is based on 1950's vacuum-tube technology and is rapidly deteriorating. The NEXRAD system will incorporate numerous doppler radars, which have the potential to save many lives by early detection of tornados and by detection of unusual meteorological disturbances such as the wind shear conditions which caused last year's airline crash outside of New Orleans.

The bill also rejects the proposed reduction of $8.3 million in services provided by the National Weather Service. In its authorization hearings. The committee heard compelling testimony from a variety of sources that because of personnel reductions the National Weather Service is now at a point where it may not be able to provide the warnings and protection expected of it in the face of major natural catastrophes. NOAA is presently studying both the future needs of the Weather Service and the extent to which weather services may be carried out by the private sector. We on the committee felt strongly that major reductions in Weather Service personnel, as proposed by the administration, are premature at least until sufficient time has elapsed for a thorough evaluation both of NOAA's internal studies and of the study, to be performed by the National Academy of Sciences, mandated in section 204 of H.R. 2900.

Included in the $8.3 million in additional funds provided in H.R. 2900 for weather services is full funding for agricultural weather services. These activities were proposed for elimination by the administration. For less than $1.5 million, the National Weather Service provides farmers in over 40 States with information needed to protect crops from frost, to irrigate crops, and to plant, fertilize, spray, and harvest at the optimal time. I doubt that there is a more cost-effective $1.5 million expended by the Federal Government.

We have provided approximately $6 million to preserve programs in atmospheric and climatic research, programs for which NOAA has a well-deserved international reputation. During times of budgetary restraint, it is attempting to target long-term research programs for reduction. However, it is programs of this sort which provide us with early warning of such important environmental concerns as ozone depletion, acid rain, and the "greenhouse effect." In the case of weather modification research, these basic programs may some day provide us with another tool for solving one of our most important long-term environmental issues, particularly in the Western States—the provision of adequate quantities of high-quality water.

Finally, let me address the issue of meterological and land remote-sensing satellites. With respect to Landsat, I am hopeful that the Congress and the administration will work together to effect a rational transfer of our land remote-sensing capability to the private sector. However, it is possible that no private sector system will be available to provide land remote-sensing data continuity within a reasonable period of time after the expected demise of Landsat 5. In that event, H.R. 2900 authorizes $4 million to allow NOAA to define options for continuity of land remote-sensing data. This authorization does not imply that we want the Government to compete with the private sector, only that the Federal Government is seeking insurance against interruption of data continuity in the event that no alternatives are available within a reasonable time.

With respect to meteorological satellites, the administration is proposing to save $20 million by downgrading the polar-orbiting weather satellites to a one-satellite system. This is an issue that we examined long and hard at our authorization hearings. We found that there are two risks associated with downgrading the system.

First, the level of forecasts and services will decline:

Long-range (3-to-5-day) forecasts will suffer, as will short-range forecasts in tropical areas, in the Southern Hemisphere, and in oceanic areas such as Hawaii and Alaska.

Other cooperative programs will suffer, such as AGRISTARS (crop production forecasts) and the world climate program.

Our relations with nations of the Third World will suffer. Currently, over 120 nations receive weather satellite data from the United States. According to NOAA, downgrading the two-polar system would not allow these nations "to do a respectable job under Third World (weather) conditions." Further, many of these nations use satellite information to monitor crop production and to aid in planning for agriculture, fishing, and water management.

The second risk associated with going to a one-polar system is its lack of backup capacity. Thus, in the event of a launch failure or an operational failure, there will be no satellites in orbit for a period of 1 to 18 months. With no polar-orbiting satellites, the art of weather forecasting would be plunged back to the 1940's, and the resultant deterioration in forecasting would lead to losses in many sectors of our economy—from agriculture, to water management, fisheries, construction, forestry, and energy distribution. In sum, the two-satellite system provides better forecasts, insurance against satellite failure, and a cheap source of foreign aid; it is a cost-effective investment.

Mr. Chairman, this is a fiscally responsible bill. While recognizing the constraints under which we operate, I, for one, do not concur with the administration's view that NOAA should retreat from a large number of programmatic responsibilities which the Congress has mandated for it. And neither, I might add, do many of our Republican colleagues in the other body, who voted unanimously in June to increase the administration request for NOAA by over $150 million.

Mr. Chairman, H.R. 2900 provides funding for a large number of efficiently operated, legitimate public services. I urge my colleagues to support the bill, which strikes a fair balance maintaining NOAA's essential research and service programs and the necessity for budgetary restraint.

● Mr. LENT. Mr. Chairman, I rise in support of H.R. 2900, as amended by the substitute H.R. 3597, to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration (NOAA). The provisions in this bill are particularly im-

portant to all who are concerned, as I am, about the continuing need for ocean pollution research. Of particular concern to my Long Island constituents are titles IV and V reauthorizing for 2 years title II of the Marine Protection, Research, and Sanctuaries Act dealing with ocean pollution research and the National Ocean Pollution Planning Act.

With the likelihood that the ocean will continue to be a waste disposal option, continued research is needed in order to be responsive to the ocean dumping and pollution questions we will face in the years ahead. Title IV authorizes funding to study the long-term effects of ocean dumping, monitor ocean dump sites, maintain regional research projects on ocean dumping, including the New York Bight, and the Northeast monitoring program. In addition, the bill requires a joint NOAA/EPA crossmedia analysis of sewage sludge disposal options in the New York region. This assessment should help us determine how to reduce the adverse impacts associated with sewage sludge disposal.

Title V reauthorizes the National Ocean Pollution Planning Act, which is designed to coordinate Federal pollution research and monitoring activities, eliminate duplication of effort and bring into focus those areas which need to be better addressed.

As a member of the House Merchant Marine and Fisheries Committee, I am gratified that the bill before us today includes these provisions, which are identical to bills reported by our committee last year. This bill deserves this body's support, and I urge my colleagues to vote for its passage.●

● Mr. BROOKS. Mr. Chairman, last session Congress sent a very clear message to the President that it had no intention of allowing our Nation's weather satellites to be sold to the private sector. This bill gives us another opportunity to transmit that same message to the President to insure that this proposal will not surface again.

While it appears that the future of the weather satellites has been settled, the future of our Nation's land remote sensing satellite known as Landsat is still uncertain as efforts to commercialize it continue.

Last September, the Committee on Government Operations held a hearing to examine the foreign implications of the commercialization of Landsat. The committee learned that Landsat has been a significant maker of international friends for the United States over the years. It also found that many of the nations around the world have come to rely heavily on Landsat data and are deeply concerned that this information might become either temporarily or permanently unavailable because of the commercialization effort. It became clear that our friends abroad need some assurance that Landsat data will be available continuously whether or not the system was commercialized.

The bill before us provides us with an opportunity to give this assurance as it authorizes the sum of $4 million to plan for the future of Landsat inside the Government in the event that the commercialization effort falters. I believe that it is very important that we plan for the continuation of Landsat and the provision of its data and, equally important, that we let these plans be known to our friends abroad.

Also, Mr. Chairman, many of you here today may recall that this past year the administration proposed to save money by turning the operation of many of our local weather service stations over to private contractors. This ill-conceived proposal followed closely on the heel of the similarly ill-conceived proposal to sell the Nation's weather satellites. In the wake of these proposals, it became painfully apparent that this administration has no appreciation for the value of reliable, accurate, and timely weather information.

Within days of the issuance of these proposals, Hurricane Alicia devastated much of my district. There is no doubt in my mind that the loss of lives and property from this hurricane would have been much greater if it had not been for the minute-by-minute storm information provided by the local weather service stations on the gulf coast.

Because reliable weather information is so very important to my district, I fought the effort to turn the operation of two of the local weather service stations over to the private sector.

I am still concerned, however, that other attempts may be made to eliminate weather service stations around the country. Since there is no procedure currently for determining whether or not to shut down weather service stations, entire regions of the country may have no warning about impending closings and consolidations of stations.

This bill will establish a formal procedure for deciding if weather service stations should be closed or consolidated. It will provide for public notice and input into this process and require a formal report of any decisions reached. This mechanism will hopefully protect the interests of the various communities served by our Nation's weather service stations. Since the establishment of such a procedure is long overdue, I urge you all to support this bill.●

● Mr. FORSYTHE. Mr. Chairman, I rise in support of the programs jointly authorized by the Merchant Marine and Fisheries and Science and Technology Committees that are contained in the committee amendment to H.R. 2900. The substitute amendment, H.R. 3597, represents an agreement between the two committees on several critical ocean research programs. Specifically, it authorizes for fiscal years 1984 and 1985 NOAA's ocean research activities. It also reauthorizes, with amendment, title II of the Marine Protection, Research, and Sanctuaries Act (MPRSA)—the so-called Ocean Dumping Act—as well as the National Ocean Pollution Planning Act of 1978. These measures were separately considered by the Committee on Merchant Marine and Fisheries last spring and ordered reported by a unanimous voice vote.

Title IV of the bill before us today authorizes $12 million for each of fiscal years 1984 and 1985 for title II of the MPRSA. This money will be used for NOAA's and EPA's marine pollution research and monitoring programs on the effects of ocean dumping. An authorization of $12 million would maintain existing program levels. The authorization figure is sufficient to continue NOAA's regional ocean projects in the New York Bight/Hudson-Raritan Estuary, the Puget Sound, as well as the Northeast monitoring program. Title IV also directs EPA, together with other relevant agencies, to assess the feasibility of regional waste disposal management plans and requires EPA to submit, within 1 year, a report on sewage sludge disposal in the New York region. It is this section of the bill that is most critical to my State of New Jersey where ocean dumping continues to be a very real and pressing problem. The whole area of ocean waste disposal—which may become much more of a reality to a number of communities throughout the country in the years to come—is riddled with unanswered qustions. There are no satisfactory answers to questions about the effects of pollutants on the marine environment and on the users of that environment, and on how to clean up that environment. In my mind, the only way to obtain the answers needed to make responsible policy and management decisions is to continue supporting a strong and directed Federal ocean pollution research and monitoring program. Title IV of the bill we are considering provides this strength.

Finally, title V of the substitute amendment reauthorize the National Ocean Pollution Planning Act (NOPPA) at $3 million for each of fiscal years 1984 and 1985. Title V also provides greater coordination of Federal pollution research efforts to preserve and protect the environmental quality of the Great Lakes and to integrate the Great Lakes concerns into the national ocean pollution planning process and the 5-year pollution plan. The authorization levels contained in

the bill for the NOPPA program are consistent with those recommended by the administration.

I appreciate this opportunity to present my views on the ocean pollution research sections of the committee substitute amendment to H.R. 2900. I urge my colleagues to adopt the committee amendment to H.R. 2900 so that this country can proceed with the work it has started in funding necessary solutions to our environmental and natural resource management problems—many of which are created through our own use, and sometimes abuse, of the environment around us.

Thank you.●

● Mr. OWENS. Mr. Chairman, I rise in support of H.R. 2900, authorization for the National Oceanic and Atmospheric Administration.

NOAA provides services to all parts of our country. Brooklynites may not give much thought to frost warnings to Florida fruit growers, but they know the importance of predicting storms which affect our national and international airports as well as the Port of New York. Whether storms hit New York, tornadoes spew destruction in Iowa or earthquakes threaten the west coast, the weather affects us all. Early warnings serve to change our plans, save our crops and even protect our lives. It is hard to imagine any function which is more clearly Federal and public in nature.

The NOAA authorization bill also seeks to halt the private takeover of our weather satellites and other weather forecasting functions. I strongly support the continuation of Federal ownership, maintenance, and control over weather forecasting functions. This is clearly an area where the profitmaking private sector can never provide better service at the same or lower cost. This function is necessary to our economy, defense, and health. It cannot be taken from Government without running the risk of inadequate protection from terrorists or intentional limitation of the distribution of information. All of our people, including farmers, businessmen, and investors, are entitled to the same information about weather.

I urge my colleagues to vote in favor of the NOAA reauthorization.●

● Mr. FRENZEL. Mr. Chairman, rising in opposition to H.R. 2900 and the content of its substitute, I would like to point out some of the problems with this NOAA authorization.

The President's original request for NOAA funding was $551.7 million. The authorization proposal before the House is for $617.6 million in budget authority, or $66 million over the original request. Moreover, this bill fails to incorporate any of the originally proposed reductions in NOAA programs such as the weather services.

The fiscal year 1984 portion of this bill is essentially moot, since the $650 million appropriation for NOAA in fiscal year 1984 has already been passed and signed by the President. What is evident here, is a serious lack of discipline in the House. The House waived its own rule XXI in order to pass the fiscal year 1984 appropriation for NOAA. That rule mandates that authorizations be passed before appropriations are considered. It is a rule which is waived too often, and when waived allows for a disintegration of the House framework for responsibly budgeting the operations of the Federal Government.

Now, because of the earlier waiver and the passage of the higher appropriation, we are faced with an even higher authorization. I am told that the higher authorization is needed to bring the bill in line with the appropriation. There is no merit to that rhetoric.

Programs in this bill are not bad programs. Nevertheless, I intend to vote against this bill, on the grounds that its authorization is too high. In the interest of bringing down the Federal deficit, we must be willing to practice spending restraint. We also ought to stay within the framework of the budget process and House rules feeble as they are.●

● Mr. CONTE. Mr. Chairman, I rise in support of the amendment which will be offered by the gentleman from New Hampshire (Mr. D'AMOURS), on the bill (H.R. 2900), the NOAA reauthorization.

This amendment, providing for the nationwide reporting of acid deposition levels, will alert the public to this serious environmental and health problem.

In my own State of Massachusetts, for example, acid rain has contributed to serious health concerns and has significantly affected aquatic systems. The Quabbin Reservoir—located in my district—which supplies drinking water for the city of Boston—is in serious trouble. The city spends thousands of dollars annually to treat this highly acidic water.

Aquatic life has also been affected. Seventy waterways in Massachusetts are classified as acidified or what is commonly called dead. They can no longer support aquatic life. In total, 82 percent of the lakes, streams, and reservoirs tested in the State were sensitive to acid rain.

You can be sure that these efforts are not limited to Massachusetts or the Northeast. The damage is much more widespread. The routine reporting of acid levels in deposition will clearly show the effects of excessive sulfur dioxide emissions in the atmosphere.

This research, however, is not the solution to this problem. the case has been made for acid rain control. There must be a 50-percent reduction in SO_2 emissions over the next 10 years—nothing less. I hope the House can move quickly to address the acid rain problem during this session. Time is running out.

Mr. Chairman, I urge my colleagues to support this amendment.●

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Mr. JONES of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SCHEUER. Mr. Chairman, I yield back the balance of my time.

Mr. McGRATH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the text of H.R. 3597 is considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Atmospheric, Climatic, and Ocean Research Act of 1983".

The CHAIRMAN. Are there any amendments to section 1?

Mr. SCHEUER. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The remainder of the text of H.R. 3597 is as follows:

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

SEC. 101. The Congress of the United States finds that:

(1) The oceans and atmosphere surrounding and within the jurisdiction of the United States play a vital role in the Nation's welfare, economy, and security.

(2) The National Oceanic and Atmospheric Administration is the lead agency for oceanic and atmospheric matters in the Nation. It was created on October 3, 1970, by Reorganization Plan Numbered 4 of 1970 to bring together many of the Nation's civil programs related to the oceans and atmosphere. The National Oceanic and Atmospheric Administration's broad goals include the development and operation of national programs to—

(A) manage and conserve selected marine resources for the economic and social good of the Nation;

(B) monitor and predict weather and environmental conditions for the protection of life and property;

(C) archive, analyze, and disseminate data on oceanographic, climatic, geophysical, and solar-terrestrial phenomena;

(D) provide basic maps, charts, surveys, and specialized data for safe navigation; and

(E) provide research to advance oceanic and atmospheric science and technology for the better management of the environment and the rational use of our natural resources.

SEC. 102. The purposes of the Congress in this Act are—

(1) to ensure that the National Oceanic and Atmospheric Administration, the lead agency for civil oceanic and atmospheric activities and programs, operates under a clear statutory charter; and

(2) to simplify, streamline, and consolidate the authorization of appropriations for the National Oceanic and Atmospheric Administration, within the Department of Commerce, such that the National Oceanic and Atmospheric Administration's programs can be viewed in a coherent fashion.

TITLE II—GENERAL PROGRAM AUTHORIZATIONS AND REPORTING REQUIREMENTS

SEC. 201. (a) There are authorized to be appropriated to the National Oceanic and Atmospheric Administration of the Department of Commerce for atmospheric, climatic, and ocean reseach programs:

(1) $35,362,000 in fiscal year 1984 and $37,130,000 in fiscal year 1985 for Ocean Research.

(2) $325,954,000 in fiscal year 1984 and $342,252,000 in fiscal year 1985 for Atmospheric Programs.

(3) $241,953,000 in fiscal year 1984 and $254,051,000 in fiscal year 1985 for Satellite and Environmental Data and Information Services.

(4) $2,000,000 in fiscal year 1984 and $2,100,000 in fiscal year 1985 for the National Climate Program Office.

(b) Funds may be transferred between categories listed in subsection (a), except that no funds may be transferred between any two categories if the amount transferred would exceed 10 per centum of the amount authorized for either category, unless—

(1) a period of thirty legislative days has passed after the Administrator of the National Oceanic and Atmospheric Administration or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that each committee has no objection to the proposed action.

Sec. 202. (a) The Administrator of the National Oceanic and Atmospheric Administration shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed about all aspects of the atmospheric, climatic, and ocean research activities for such Administration.

(b) Each year, at the time of the submission of the President's annual budget request, the Administrator shall make available to the appropriate committees of Congress sufficient copies of a report fully describing the funds requested and the atmospheric, climatic, and ocean pollution activities to be carried out with these funds.

SEC. 203. (a) The Administrator of the National Oceanic and Atmospheric Administration shall submit to the Congress and the President, on the date of submission of the fiscal year 1985 budget request, a report on the importance of meteorological satellites to weather forecasting. Such report shall include—

(1) a quantitative analysis of the impacts of weather satellites on weather forecasting;

(2) a quantitative comparison of weather forecasts generated when two, one, or no polar-orbiting satellites are operating;

(3) the importance of National Oceanic and Atmospheric Administration weather satellite data to weather forcasting in other nations;

(4) a statistical analysis of expected lifetimes for National Oceanic and Atmospheric Administration weather satellites; and

(5) an analysis of replacement time for a National Oceanic and Atmospheric Administration weather satellite in the event of a launch or operational failure or of consecutive launch or operational failures.

(b) Notwithstanding title II of the National Aeronautics and Space Administration Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meterological, or ocean remote sensing space satellite systems and associated ground system equipment unless, in addition to any other requirement or law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

(c) Of the funds authorized pursuant to section 201(a) (3) of this Act, $4,000,000 shall be made available to plan for the continuation of a civil land remote sensing satellite system in order to assure the preservation of data continuity for such system, if no alternative is implemented which will assure the preservation of such data continuity.

SEC. 204. (a)(1) The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall enter into an agreement with the National Reseach Council of the Academies of Science and Engineering to conduct a study of the National Weather Service and related activities. Such study shall include but not be limited to—

(A) an analysis of the operations of the National Weather Service and associated activities of other agencies and the private sector, including supporting research and technological development;

(B) a review and assessment of anaylses, findings, and recommendations for weather services contained in reports on the subject issued by public and private organizations during the past five years;

(C) independent analysis by the National Research Council as may be required for the purposes of the study;

(D) recommendations on how the National Weather Service and associated activities of other agencies might be organized and conducted to provide effective weather services to meet national needs in light of the availability of new technology, new scientific understanding, the international character of weather services, and the roles of the public (Federal, State, and local) and private sectors; and

(E) to the extent possible, information on priorities and costs of recommended changes and improvements in weather services.

(2) The Administrator shall report to the Congress within six months after the date of the enactment of this Act regarding the status of the Agency's negotiations to implement the study required under this section.

(b) A report including the major findings and recommendations resulting from the study required under this section shall be submitted to the Congress not later than two years after the date of enactment of this Act. The Secretary shall make such data and information available to the National Research Council as may be required for the study.

(c) Of the funds authorized pursuant to section 201(a)(2) of this Act, there is authorized for the conduct of this study $500,000 for each of the fiscal years 1984 and 1985.

TITLE III—NATIONAL CLIMATE PROGRAM

SEC. 301. This title may be cited as the "National Climate Program Amendments of 1983".

SEC. 302. Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively, and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

SEC. 303. (a) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" before "The Secretary",

(2) by designating the third sentence as paragraph (4), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraphs:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be the spokesman for the program,

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (g)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activities, and

"(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.

"(3) The Secretary may provide, through the Office, financial assistance, in the form of contracts or grant or cooperative agreements, for climate-related activities which are needed to meet the goals and priorities of the program set forth in the climate plan pursuant to subsection (d)(9), if such goals and priorities are not being adequately ad-

dressed by any Federal department, agency, or instrumentality.".

(b) Subsection (d) of such section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions: (A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy, (B) atmospheric data collection and monitoring on a statewide and regional basis, (C) advice to regional, State, and local government agencies regarding climate-related issues, (D) information to users within the State regarding climate and climatic effects, and (E) information to the Secretary regarding the needs of persons within the States for climate-related services, information, and data. The Secretary may make annual grants to any State or group of States, such grants to be made available to public or private educational institutions, to State agencies, and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services;",

(2) by striking out "biennially" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often than quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

(c) Subsection (e) of such section is amended to read as follows:

"(e) Climate Program Policy Board.—(1) The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinated planning and progress review for the program,

"(B) review all agency and department budget requests related to climate transmitted under subsection (g)(1) and submit a report to the Office of Management and Budget concerning such budget requests,

(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities, and

"(D) consult with and seek the advice of users and producers of climate data, information, and services to guide the Board's efforts, keeping the Director and the Congress advised of such contacts.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(d) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

"(e) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end the following: "and shall transmit a copy of such request to the National Climate Program Office".

Sec. 304. Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

Sec. 305. Section 7 of the National Climate Program Act (15 U.S.C. 2906) is amended by striking out "January 30" before paragraph (a) and inserting in lieu thereof "March 31".

Sec. 306. Of the funds authorized for the National Climate Program Office for each of fiscal years 1984 and 1985 pursuant to section 201(a)(4) of this Act, at least 25 per centum shall be made available during each fiscal year for intergovernmental climate-related activities (described in section 5(d)(7) of the National Climate Program Act) and at least 20 per centum shall be made available during each fiscal year for experimental climate forecast centers (described in section 5(d)(8) of the National Climate Program Act).

TITLE IV—OCEAN POLLUTION RESEARCH

SEC. 401. Section 201 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441) is amended by striking out all that follows "connecting waters" and inserting in lieu thereof a period.

SEC. 402. Section 202 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442) is amended—

(1) by inserting "(1)" before "The Secretary" in subsection (a);

(2) by striking out "in consultation" in the first sentence of subsection (a) and inserting in lieu thereof "in close consultation";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) The Secretary shall ensure that the program under this section complements, when appropriate, the activities undertaken pursuant to title I. Such program shall include but not be limited to—

"(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

"(B) the assessment of the ability of the marine environment to assimilate materials without degradation;

"(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species;

"(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment."; and

(4) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

Sec. 403. Section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443) is amended by adding at the end thereof the following new subsections:

"(c) The Administrator, in cooperation with the Secretary, the Secretary of Commerce, and other officials of appropriate Federal, State, and local agencies, shall assess the feasibility of regional management plans for the disposal of waste materials. Such plans should integrate where appropriate Federal, State, regional, and local waste disposal activities into a comprehensive regional disposal strategy. These plans should address, among other things—

"(1) the sources, quantities, and types of materials that require and will require disposal;

"(2) the environmental, economic, social, and human health factors associated with disposal alternatives;

"(3) the improvements in production processes, methods of disposal, and recycling to reduce the adverse effects associated with such disposal alternatives;

"(4) the applicable laws governing waste disposal; and

"(5) improvements in permitting processes to reduce administrative burdens.

"(d) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress and the President, not later than one year after the date of enactment of this provision, a report on sewage sludge disposal in the New York region. The report shall consider the factors listed in subsection (c) as they relate to landfilling, incineration, ocean dumping, or any other feasible disposal or reuse/recycling option; shall include an assessment of the cost of these alternatives; and shall recommend such regulatory or legislative changes as may be necessary to reduce the adverse impacts associated with sewage sludge disposal.".

SEC. 404. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is redesignated as section 205; and such section as so redesignated is amended by adding at the end thereof the following: "Of the funds authorized pursuant to section 201(a)(1) of the Atmospheric, Climatic, and Ocean Research Act of 1983, $12,000,000 is authorized to be appropriated for fiscal year 1984 and $12,000,000 is authorized to be appropriated for fiscal year 1985 to carry out the provisions of this title. Of these funds, at least $500,000 shall be made available in each of such fiscal years to carry out the studies authorized by section 203 of this Act.".

SEC. 405. Section 205 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1445) is transferred to a point immediately following section 203 of such Act and redesignated as section 204; and such section as so transferred and redesignated is amended to read as follows:

"SEC. 204. (a) In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this title during the previous fiscal year. The report shall include—

"(1) the Secretary's findings made under section 201, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

"(2) the results of activities undertaken pursuant to section 202;

"(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies, an identification of the short- and long-term research requirements associated with activities under title I, and a description of how Federal research under titles I and II will meet those requirements; and

"(4) activities of the Department of Commerce under section 5 of the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 665).

"(b) In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443).".

TITLE V—NATIONAL OCEAN POLLUTION PLANNING ACT REAUTHORIZATION

SEC. 501. (a) Section 2(a) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by adding at the end thereof the following new paragraphs:

"(6) Numerous Federal agencies have initiated and supported research projects to

study, enhance, manage, preserve, protect, or restore the resources of the Great Lakes.

"(7) Various research projects relating to the Great Lakes, including those conducted at the college and university level and those conducted at the State and local governmental level, can be more effectively coordinated in order to obtain maximum benefits.".

(b) Section 2(b) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by striking out "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) to provide for the effective coordination of research conducted to support the preservation and protection of the environmental quality of the Great Lakes, and to encourage the use of such research in determinations that affect the environmental quality of the Great Lakes; and".

SEC. 502. Section 4(b)(2)(A) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703) is amended by inserting after "general research on marine ecosystems" the following: ", including the Great Lakes".

SEC. 503. Section 8 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1707) is amended by adding "(a)" after "Sec. 8." and by adding at the end thereof the following new subsection:

"(b) The Administrator shall insure that the findings and information regarding ocean pollution research activities associated with the Great Lakes identified pursuant to section 4(b) be disseminated in a timely manner and in useful forms to relevant departments of the Federal Government, State governments, and other persons with an interest in such information.".

Sec. 504. Section 10 of the National Ocean Pollution Planning Act of 1978 is amended by adding at the end thereof the following: "Of the funds authorized pursuant to section 201(a) of the Atmospheric, Climatic, and Ocean Research Act of 1983, $3,000,000 is authorized to be appropriated for each of the fiscal years 1984 and 1985 to carry out the provisions of this Act.".

TITLE VI—MISCELLANEOUS

SEC. 601. Of the funds authorized pursuant to section 201(a)(2) of this Act, $100,000 is authorized to be appropriated in each of the fiscal years 1984 and 1985 to carry out the provisions of the Act entitled "An Act to provide for the reporting of weather modification activities to the Federal Government", as amended (15 U.S.C. 330).

SEC. 602. (a) The Secretary of Commerce, at least sixty days before making a determination as to the necessity for the closing or consolidation of any Weather Service Office or Weather Service Forecast Office, shall provide adequate public notice of his intention to make such a determination in order to ensure that all persons served by such Offices will have an adequate opportunity to present their views.

(b)(1) The Secretary, in deciding whether or not to close or consolidate a Weather Service Office, shall take fully into account any views expressed by persons served by such Office during the sixty-day period described in subsection (a), and shall specifically consider—

(A) the effect of such closing or consolidation on the community served by such Weather Service Office;

(B) the effect of such closing or consolidation on employees of the National Weather Service employed at such Office;

(C) the economic savings to the National Weather Service resulting from such closing or consolidation; and

(D) such other factors as the National Weather Service determines are necessary.

(2) In making a decision under paragraph (1) the Secretary may hold such hearings as he deems necessary.

(3) The Secretary shall compile a written record including or reflecting all views presented and information received or developed in the course of his consideration of the matters involved in making such a decision, whether or not hearings are held with respect thereto as authorized by paragraph (2). The Secretary shall retain all written materials received or developed in the course of such consideration, for possible use in any review under subsection (e).

(c) Any decision of the Secretary to close or consolidate a Weather Service Office shall be in writing and shall set forth the findings of the Secretary with respect to the matters set forth in subparagraphs (A) through (D) of subsection (b)(1) along with a statement of the reasons for such findings and of the basis on which the decision was made. The Secretary's decision shall be made available to persons served by such Weather Service Office.

(d) The Secretary shall take no action to close or consolidate a Weather Service Office until sixty days after his written decision is made available to persons served by such Office as required by the last sentence of subsection (c).

(e) In addition to any other review which may be available by law, a decision of the Secretary to close or consoldiate any Weather Service Office may be reviewed in accordance with chapter 7 of title 5, United States Code, in an action brought by any State served by such Office. For purposes of this subsection, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Island, and the Northern Mariana Islands.

(f) Any determination or decision made by the Administrator of the National Oceanic and Atmospheric Administration with respect to the closing or consolidation of a Weather Service Office shall be considered for purposes of this section to have been made by the Secretary.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment to title II.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: On page 4, line 1, strike "$35,362,000" and insert in lieu thereof, "$35,879,000".

On page 4, line 3, strike "$325,954,000" and insert in lieu thereof, "$360,956,000".

On page 4, line 6, strike "$241,953,000" and insert in lieu thereof, "$252,023,000".

Mr. SCHEUER. Mr. Chairman, the purpose of the amendment is to bring the authorization into line with other actions taken since the bill was reported by the committee.

It will increase the authorization by $45.6 million in fiscal year 1984 to fund three specific programs: First, the early launch of the Landsat 5 satellite; second, accelerated procurement of the next generation weather radar system (Nexrad); and third, continuation of the aviation weather program of the National Weather Service.

This amendment should not be controversial since both the administration and the Congress supported all three of these programs in enacting the fiscal year 1984 NOAA appropriations bill 2 months ago.

Because of the premature failure of Landsat 4, which was launched in July 1982, $20.4 million is required for an early launch of Landsat 5 in February of this year.

The Landsat 5 satellite is already built and paid for, and the additional launch funds are needed to guarantee continuity of U.S. land remote-sensing data.

With respect to weather radar, NOAA—in conjunction with FAA and Defense—have undertaken an extensive program to replace a rapidly deteriorating system which was built in the 1950's.

The competition has been reduced to two bidders, and the additional $10 million is required to enable these bidders to proceed rapidly with construction of prototype next generation radar systems.

Failure to provide the $10 million increase, according to Secretary of Commerce Baldrige, would delay the program for at least a year and would increase outyear costs by $60 million to $85 million.

With respect to aviation weather services, there has been strong support for continuing the program, but some questions about which agency—NOAA or FAA—should have budgetary authority for the program.

When this authorizing legislation was reported last year, our committee supported the administration's plan to fund the aviation weather program through the airport and airway trust fund, with budget authority to be charged to FAA.

However, the Appropriations Committees rejected the administration proposal and retained budget authority for the program in NOAA.

Our proposed addition of $27 million to the bill is strictly a bookkeeping action to conform the bill with the appropriations bill.

Mr. Chairman, the net effect of the amendment is to bring the authorization for NOAA up to the levels approved by the House in the fiscal year 1984 appropriations bill.

I urge my colleagues to support these programs as they did overwhelmingly 2 months ago with passage of that bill.

Mr. McGRATH. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from New York.

The funding authorization contained in the amendment is necessary to insure the early launch of Landsat D', and for other purposes. The Landsat D' amendment was requested by the administration, due to system failures,

in the current Landsat 4 satellite. In order that we continue to receive the benefits of the Landsat system, and in order to provide the data continuity, which is vital to the successful commercialization of the Landsat system, an early launch of Landsat D' is necessary.

I want to point out to my colleagues that the Nexrad and Landsat budget amendments were submitted to Congress by the administration and with the support of OMB. Therefore, I urge my colleagues to support the amendment.

Mr. Chairman, I am including a letter from the Administrator of NOAA concerning this, as follows:

U.S. DEPARTMENT OF COMMERCE,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
Washington, D.C.

Hon. JAMES SCHEUER,
Chairman, Subcommittee on Natural Resources, Agriculture Research & Environment, Committee on Science and Technology, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for clarification of the Administration's position on Landsat D' launch costs, Nexrad, and the FAA Aviation Weather program. Last year, budget amendments were submitted to Congress to cover the increased costs necessary to launch Landsat D' ($20.4M) and to continue the validation contracts for the Nexrad program ($10.0M). The Landsat D' amendment was requested due to system failures in the current Landsat 4 satellite in order to ensure that we continue to receive the benefits of the Landsat system. The Nexrad amendment was submitted to Congress to avoid overall program delays of at least one year. Both budget amendments were supported by OMB.

Regarding the Aviation Weather program, the Administration's FY 1984 position was that the $27M should be passed through to NOAA from the FAA Airport and Airway Trust Fund by the Federal Aviation Administration as a reimbursement. Therefore, $27M was not requested in NOAA's FY 1984 budget proposal. However, Congress in P.L. 98-166, mandated that the funding be passed directly to NOAA from the trust fund rather than first being passed through the FAA. This resulted in an increase of $27M to NOAA's budget.

If you desire additional information or if I can be of further assistance, please feel free to contact me.

Sincerely,

JOHN V. BYRNE.

□ 1300

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: On page 4, line 2, strike "$37,130,000" and insert in lieu thereof, $37,673,000".

On page 4, line 4, strike "$342,252,000" and insert in lieu thereof, "$379,004,000".

On page 4, line 7, strike "$254,051,000" and insert in lieu thereof, "$264,624,000".

Mr. SCHEUER. Mr. Chairman, the purpose of the amendment is to bring the fiscal year 1985 authorization levels into conformity with the fiscal year 1984 levels which were just approved by the committee.

In reporting H.R. 2900, the Committee on Science and Technology provided a 5-percent funding increase in fiscal year 1985 above fiscal year 1984 levels.

Mr. Chairman, the purpose of the amendment is to bring the fiscal year 1985 authorization levels into conformity with the fiscal year 1984 levels which were just approved by the committee.

In reporting H.R. 2900, the Committee on Science and Technology provided a 5-percent funding increase in fiscal year 1985 above fiscal year 1984 levels.

This amendment would do exactly the same thing—it would fund fiscal year 1985 programs at a level 5 percent higher than the level just adopted by the committee for fiscal year 1984.

I believe that 5 percent is a very modest noninflationary increase in authorization levels for these important programs, and I urge my colleagues to support the amendment.

Mr. McGRATH. Mr. Chairman, I rise, reluctantly, to support the amendment.

I have questioned the wisdom of a 2-year authorization at a time when we will be receiving the agency's request for fiscal year 1985 within a matter of weeks. However, that issue has been disposed of, so the minority has no real objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offered three technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments to be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. JONES of North Carolina: Line 11, page 14. Strike "Ocean Pollution Research" and insert the following: "Selected Ocean and Coastal Authorizations".

Page 19, add the following after section 405:

SEC. 406. (a) Section 2(a) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by adding at the end thereof the following new paragraphs:

"(6) Numerous Federal agencies have initiated and supported research projects to study, enhance, manage, preserve, protect, or restore the resources of the Great Lakes.

"(7) Various research projects relating to the Great Lakes, including those conducted at the college and university level and those conducted at the State and local governmental level, can be more effectively coordinated in order to obtain maximum benefits.".

(b) Section 2(b) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by striking out "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) to provide for the effective coordination of research conducted to support the preservation and protection of the environmental quality of the Great Lakes, and to encourage the use of such research in determinations that affect the environmental quality of the Great Lakes; and".

SEC. 407. Section 4(b)(2)(A) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703) is amended by inserting after "general research on marine ecosystems" the following: ", including the Great Lakes".

SEC. 408. Section 8 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1707) is amended by adding "(a)" after "SEC. 8." and by adding at the end thereof the following new subsection:

"(b) The Administrator shall insure that the findings and information regarding ocean pollution research activities associated with the Great Lakes identified pursuant to section 4(b) be disseminated in a timely manner and in useful forms to relevant departments of the Federal Government, State governments, and other persons with an interest in such information.".

SEC. 409. Section 10 of the National Ocean Pollution Planning Act of 1978 is amended by adding at the end thereof the following: "Of the funds authorized pursuant to section 201(a) of the Atmospheric, Climatic, and Ocean Research Act of 1983, $3,000,000 is authorized to be appropriated for each of the fiscal years 1984 and 1985 to carry out the provisions of this Act.".

Pages 19 and 20, strike all of title V of H.R. 2900.

Page 21, redesignate title VI as title V.

Page 21, redesignate sections 601 and 602 as sections 501 and 502, respectively.

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, the sole purpose of these three amendments is to consolidate titles IV and V into a single title IV to simplify the legislation by combining two closely related ocean research programs of NOAA into one title.

Amendment No. 1 renames title IV and adds all of the provisions of title V to the end of it.

Amendment No. 2 strikes all of title V.

Amendment No. 3 redesignates title VI as title V.

Mr. Chairman, these technical changes to the organization of the bill do not affect its substance. They simply consolidate into one title two related programs, and they deserve our support.

I urge their adoption.

Mr. McGRATH. Mr. Chairman, the minority has no objection to the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina (Mr. JONES).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ANDREWS OF TEXAS

Mr. ANDREWS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Texas: On page 5, after line 6, insert the following new subsection:

"(c) None of the funds authorized under this Act or under the Act of August 6, 1947 (33 U.S.C. 883-883i) shall be used to develop or issue a request for proposals to contract out any function or activity which is presently performed by Federal employees, unless a period of forty-five days in which either the House or the Senate is in session has passed after the Administrator of the National Oceanic and Atmospheric Administration or his designee has presented, in writing, to the Speaker of the House of Representatives, and the President of the Senate, to the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a full and complete statement (including relevant supporting studies) concerning the proposed contracting and the reason therefor."

Mr. ANDREWS of Texas. Mr. Chairman, the purpose of this amendment is to provide the Congress with a reasonable opportunity to examine the impact on public safety that may occur were certain NOAA activities to be contracted out to the private sector.

NOAA is currently engaged in a very vigorous effort to contract out the jobs of nearly one-quarter of its 12,000 employees to the private sector under OMB Circular A-76 guidelines. Considerable controversy has arisen over some of these proposals, since they would involve not only janitorial services and mail delivery, but important functions affecting public health and safety. Specifically, I am referring to proposals to contract out the preparation of nautical and aeronautical charts and certain functions of the National Weather Service.

FAA Administrator J. Lynn Helms has expressed serius concern about the aeronautical charts proposal. Mr. Helms has said,

If the (NOAA) study leads us to the conclusion that commercial contracting of the charting functions will have an impact on air safety and efficient operations, we may consider the option of the Department of Transportation assuming the aeronautical chart function.

Congress has also expressed its concern—GAO has already received 11 congressional requests to examine the impact of contracting out of NOAA functions on public safety.

Mr. Chairman, this amendment does not prohibit contracting out of NOAA activities. It does not impose unreasonable delays. It merely directs NOAA, before putting out any activity for private sector bids, to notify Congress of the reasons for the contracting and to wait 45 legislative days before soliciting bids. This short interval will enable the Congress the option of holding hearings and examining the potential impact that any contracting-out might have on public safety.

Last year, the administration proposed selling this Nation's weather satellites to the private sector. We were assured that such a sale would have no effect on public safety and public services. Fortunately, Congress stepped in to prevent that sale after it became clear that the sale would seriously compromise both public services and our national security. This amendment would provide the Congress with that same opportunity to judge whether important public services should remain in the Government. The amendment would insure that Congress plays the role that it should in important public policy questions, and I urge my colleagues to support it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I rise in support of the amendment.

I, like many others, have been concerned by recent reports that the Reagan administration may contract out for nautical chartmaking services and other functions essential to the safety of marine navigation.

I believe it is always useful to re-examine the extent to which services now provided by the Government might better be provided by the private sector. I suggest, however, that we concentrate this examination in areas where problems are known to exist, or where the Government is able to provide a service only at exorbitant cost.

The nautical chartmaking mission of NOAA is fulfilled, at present, by about 150 individuals working with a budget of roughly $4,000,000. The quality of their work is respected worldwide. It has been relied upon without disappointment by our fishermen, commercial pilots, recreational boaters, and cargo vessel operators for many years. There is little, if anything, to be gained in dollars, and much to be risked in safety, by considering a contracting process for this type of service. Expertise in areas of vital importance to the economy, safety and security of our country—and that is precisely what the NOAA chartmaking service now provides—ought to reside within, not outside, the Government. Its value to our country cannot be duplicated through a contracting process.

If the administration does propose to contract out for certain services now provided by NOAA, I think Congress should consider those proposals objectively. But Congress has an obligation not to permit major changes in areas where change is not needed; where change will save little or no money; and where change may endanger the lives of those who require dependable information for navigation at sea.

The amendment we are now considering is intended only to make certain that Congress will have an opportunity to review any administration proposals which are indeed forthcoming. It ought not to be a controversial amendment, but I believe, nevertheless, that it is an important one and I urge its adoption.

Mr. McGRATH. Mr. Chairman, I rise in opposition to the proposed amendment. The A-76 process has been endorsed by every administration since 1955, and has proved to be a policy which reduces costs and contributes to increased productivity.

The A-76 process was developed, to make Government more efficient, and at the same time, to retain its effectiveness. This is especially critical in times of high budget deficits, and high costs of Government operation.

NOAA anticipates that some of its studies will result in savings of $6 to $8 million each. A delay, such as that in the proposed amendment, would delay implementation of the results, and will cost the taxpayer $1.5 to $2 million in each of these studies.

I question the need for this amendment, since the purpose is for the authorizing committees to be fully informed, concerning the activities to be contracted out. I think it would be possible to work out an arrangement with the Department of Commerce, whereby they be kept in touch with the committee staff, during the A-76 process.

□ 1310

Mr. WALKER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, here we go again. If we like big government and big spending, we will support this amendment. If we think we ought to have a little bit more efficiency and more economy in government, we will oppose this amendment, because what the A-76 process is all about is more economical performance in Federal Government activities.

This amendment seeks to block implementation of that kind of charter. This amendment seeks to stand in the way of contracting out certain services that the Government now has come to believe might be more economically done on the outside of Government and, instead, try to freeze in those activities which are being done by big Government employees.

We just recently had a very major report out of the Grace Commission which indicated that one of the things the Government ought to be doing to save more money is doing even more contracting out. And yet here we come on this floor a few days after that report was issued and suggest that, no, we do not want to do that; we do not want to start having more contracting out; we want to have less of it; we want to pass amendments of this kind that stop contracting out.

The gentleman from Texas has described that this really does not do that; that what this really does, it sets up a process that allows greater review. Let us look at that for a moment.

What the gentleman says is that it really would not get in the way of contracting out.

Mr. ANDREWS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Let me describe my problem with the gentleman's point and then I will be very glad to yield to the gentleman.

The problem is that there is 45 days in there. Both Houses of Congress have to be in session for that 45 days to work. But what happens if, this year, the agency decides to contract out in something like September or October, we fold up to go home for election, we therefore cannot have any contracting out for the rest of this year, we get into next year and they would have to wait at least 45 days of legislative session. We usually take a little while to get going in the comeback years so it will be a few days until we get underway in January, we will not have many days of session in January so those would not be legislative days that would count, we will have even fewer days probably in February because of the holidays so those days will not count. We could wait the better part of 6 months before that time runs out.

That is a long time to be spending all that additional money, and as the gentleman from New York has pointed out, the studies alone are going to cost us $1½ million.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

Is it not the gentleman's understanding that the Navy uses outside contractors for its charting services?

Mr. WALKER. That is this gentleman's understanding, and insofar as we are concerned about the problems that might be associated with contracting out, it seems to me the Navy's needs are more critical than some of the needs that we are discussing here.

So I do not find the arguments very persuasive that suggest that somehow we are going to get less quality. The fact is that in most instances we get more quality out of the private sector than we do out of the public sector. I would say that anybody who wants to support this amendment is, in effect, saying to all the private industry people out there, "We do not think you do as high quality work as Government employees do."

Mr. ANDREWS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Texas.

Mr. ANDREWS of Texas. I thank the gentleman for yielding.

The gentleman from Pennsylvania made that same argument when we debated the sale of our weather satellites to the private sector and it was overwhelmingly defeated. It was not a compelling argument.

Let me be real clear about the amendment. This amendment does not prohibit the contracting out to the private sector. That is not the purpose of the amendment.

Mr. WALKER. Mr. Chairman, if I may reclaim my time, the gentleman is right; it does not prohibit it. It simply slows it down. It simply costs more money while we are going about the process and has the potential of prohibiting it.

The gentleman would not be offering this amendment if he were really enthusiastic about contracting out. He is offering this amendment to throw roadblocks in the way of contracting out. He is attempting to throw roadblocks, it seems to me, in the way of getting the private industry involved in some things that some people think private industry should do.

Mr. ANDREWS of Texas. Mr. Chairman, if the gentleman will yield further, the overriding concern, I think, of this amendment is to provide for the health and safety of the very, very reasons that the contracting out was proposed.

Let us use National Airport as an example, where tremendous development is going on in the Rosslyn-Arlington area and charts are continually needing to be redrafted and redrawn to assure airline safety. Do we not want, as a Congress, to insure before that kind of aeronautical mapping is handed over to the private sector that we at least review those kinds of contracts?

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. I thank the gentleman for making this point. The thing that it seems to me is a little disturbing about the gentleman's point, then, is that I assume what he would ultimately want to do is have Government pilots flying all the airplanes and Government running all the airlines because safety in our airline industry is dependent upon that being done by private industry which is monitored by Government.

It seems to me that we would have the same process here. We would have mapping and charting going on. It would be monitored by Government. We are not going to give them carte blanche authority. We are going to monitor what is going on here. In any contracting out, it is still Government's responsibility. We are not farming out the health and safety of people. We will continue to be watchdogs of the health and safety of people.

After all, that is what the real role of Government is, to be a watchdog, not necessarily to perform all the services ourselves. The gentleman is headed in the direction of saying Government ought to be the all-encompassing Big Brother that does everything for everybody. I am suggesting that that is what leads to big deficits. I suggested that in the commercialization of weather satellites and I think over the long haul we will find that it was a mistake to do what this Congress did. I described it at that point as being a Luddite kind of philosophy in the classical Greek sense; that what Congress is doing is burying its head in the sand and saying that commercialization of outer space for the future is something that Congress ought not to permit; that we ought to stand in the way of it and throw roadblocks in the way of it.

The President of the United States came here last night suggesting a different scenario. I am sorry that this Congress does not have enough sense of the future to join the President in his effort.

I will admit to the gentleman that I was in a vast minority there, but sometimes small minorities become big majorities when the people realize that they have been misled. I think that is what is going to happen there. I think that is what is going to happen in terms of the gentleman's amendment here, too. I really believe that the American people are sick and tired of being given Big Government solutions to everything that comes down the pike. The gentleman's amendment is a Big Government solution.

Mr. ANDREWS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Texas again.

Mr. ANDREWS of Texas. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has so mischaracterized this amendment. The truth is that the gentleman's arguments failed on the weather satellite simply because this amendment, like the weather satellite amendment, was specifically designed to protect the public health and safety and not to give it away to private enterprise without some kind of watchdog or overview by this Congress, which is what our charge is.

Mr. WALKER. Mr. Chairman, I will reclaim my time again.

The gentleman is not giving away anything here. Contracting out simply means that someone will bid on the process. We will still be watchdogs. We will still have the oversight. The gentleman forgets that in his amendment. That is what we are supposed to be doing. We are not supposed to be doing everything for everybody. That is the problem with the gentleman's amendment. That is what he would have us do. That is Big Government. That is the Big Government that 80 percent of the American people are continuously saying in the polls that they are against.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

Mr. Chairman, is it true, and is it not your understanding that the quality control of these charts that are manufactured by private contractors will still be in the control of NOAA and will be released by NOAA?

Mr. WALKER. Absolutely. There is still that oversight role. Government is not going to give up quality control on this. We are not going to endanger the health and safety. All we are going to assure is that somebody who can do the work more inexpensively at the same high quality is going to be able to do so, and we are not going to hand it over to Government employees who do the work at the highest possible cost.

I think we would make a mistake if we are really concerned about bringing down the cost of Government to vote for this amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to lend my strong support to the amendment by the gentleman from Texas. The amendment calls for a needed and prudent examination of contracting out of various functions at the National Oceanic and Atmospheric Administration. Some functions of the Federal Government are properly the function of Government and ought not to be dealt out to the highest private sector bidder. I believe that the aeronautical charts responsibility of NOAA constitute a function that is inherently governmental in nature.

Many of NOAA's responsibilities relate directly to the public safety and, in some instances, to the national security since the Department of Defense relies upon NOAA's aeronautical and nautical chart divisions for data during a national emergency. I note that Lynn Helms, head of the Federal Aviation Administration, has himself expressed some misgivings about contracting out the charting functions of NOAA and has further indicated he would consider returning the charting functions of NOAA to the Department of Transportation if they are contracted out. Additionally, I would note that the Federal Tort Claims Act and the Admiralty Act specifically require the Federal Government to assume full responsibility for the information on its nautical charts. I question the propriety of losing control over a function of Government at the same time Government is held liable for a product it is no longer producing.

The employees at NOAA produce a product that is often taken for granted. But it is the highly talented and experienced employees at NOAA who have developed a safe and navigable air system that is the envy of the world. It was NOAA's minimum safe altitude warning system that prevented the loss of hundreds of lives when an Argentine airline came critically close to colliding with the World Trade Center last year.

The Office of Management and Budget requires that inherently governmental functions must be retained in-house. I firmly believe the responsibilities of NOAA are inherently governmental in nature and I applaud the gentleman's amendment as a recognition of that fact and urge my colleagues to support this amendment.

Mr. DREIER of California. Mr. Chairman, I rise in opposition to the amendment. As I understand the intentions of the gentleman, this amendment would require a delay of 45 days after the completion of a cost-comparison analysis during which time the House Science and Technology Committee would be able to review—or legislatively veto—a decision to contract out for any goods or services. While this amendment applies only to NOAA, I am concerned about the precedent this sets.

In recent years the public has become aware that the Government's system of purchasing needed goods and services must be streamlined and simplified. As a member of the Small Business Committee I have heard time and again of the need to expand Government reliance on the private sector for these services. Not only does this help the economy, but it also saves the taxpayers money.

According to a 1981 report by the Government Accounting Office, the Federal Government already employs 400,000 people to perform 11,000 functions that private industry could perform more cost-effectively. These figures indicate that turning back such functions to the business community could save some $19 billion annually. I am not arguing that this amendment alone is going to substantially add to or subtract from this total, but it does set in motion a procedure that regresses from the stated goal of the Federal Government as set down in OMB circular A-76.

This amendment will increase Government costs which only further add to the deficit—something everyone here has expressed concern over. The established cost-comparison system has saved the Government money by finding the most economical source to provide various services. Impeding the implementation of this program for 90 days will only add to the costs of the private supplier, putting him or her at a disadvantage over the Federal supplier.

This amendment will also add another unnecessary level of bureaucratic review to what is already a long drawn out procedure. As it now stands at NOAA, after advance notice is given on the results of the cost-comparison study, all parties who so choose have the right to appeal the decision to an impartial board—before the decision becomes final. Additional appeals may be taken all the way up to the GAO. There have been selected cases where this process has taken 2 years. At any time in this process Congress may review the situation. I believe that this is adequate. Why do we need an additional 90-day period?

I understand that the gentleman may have specific concerns over one group at NOAA performing a specific service. But the people I have spoken with are concerned that this language is too loose and sets a very bad precedent.

I would urge my colleagues to take a close look at this amendment and ask themselves if maybe it is not counterproductive and taking us away from our stated goal of a cost-effective procurement procedure for the Federal Government and the taxpayer.

● Mr. ALBOSTA. Mr. Chairman, I rise to comment on the authorization for the National Oceanic and Atmospheric Administration (NOAA) and in particular, to the amendment offered by Congressman ANDREWS which would prohibit NOAA from contracting out mapping, charting, and other functions covered under this authorizing measure until Congress can review any such proposals.

The amendment submitted by Mr. ANDREWS, I believe, expresses a growing feeling in Congress that we must be sure our contracting out policy, which is set forth in OMB Circular A-76, is properly implemented. I have always been a strong advocate of legislative oversight of programs and activities authorized by Congress. There is, of course, the possibility that this "report and wait" requirement may generate piles of paperwork which congressional committees may not be able to fully review in the alloted time. Also, if an A-76 cost comparison clearly shows that it is more cost-effective for the private sector to perform an activity, the additional delay in implementing a conversion may be costly to the Government. However, as chairman of a House subcommittee with jurisdiction over contracting out, I am concerned that Government activities not be converted to performance by the private sector until the effects of a conversion are fully assessed.

There are several factors which must be carefully considered when deciding whether to convert to contract performance. First, it must be determined whether a function is inherently governmental in nature—that is, certain functions relating to our national defense and security, the administration of justice and regulation of certain industries should be performed by accountable public officials.

Second, I believe that cost effectiveness should be the major factor in determining whether an activity will be performed in-house or by the private sector. Unfortunately, in some cases, agencies will rush to convert functions to contract performance without fully assessing the efficiency of the in-house unit or hidden costs associated with a conversion. If our basic policy is to reduce the cost of Government, then we must be absolutely sure that it will be more cost-effective to contract out, not only when the conversion takes place, but in the long run as well.

My third concern is that the Government must consider its responsibility, as an institution and an employer, to insure fair treatment of Federal workers. Included in this responsibility must be a recognition of established personnel regulations, adherence to appeals procedures, and an emphasis on placement programs for employees facing separation from the civil service as a result of a contract conversion. To contract out activities without considering the effects on Federal employees would be to ignore the contributions and expertise of those who have chosen public service.

I am hopeful that these concerns will be properly weighed before any functions related to our atmospheric, climatic, and oceanic programs are contracted out and that Congress will continue to monitor our Government's make-or-buy policy, to insure savings for the taxpayer and fairness to all parties.●

● Mr. BARNES. Mr. Chairman, I strongly support the Andrews of Texas amendment. The National Oceanic and Atmospheric Administration's precipitous review of 36 in-house activities to determine whether they should be converted to private contract threatens the safety and integrity of the Nation's air traffic system. Functions performed by NOAA that bear directly upon national defense and emergency preparedness are also fast approaching the stage where they may be converted to contract in a manner that jeopardizes the continuity and effectiveness of these vital programs.

For example, the Aeronautical Chart Division has just undergone the first phase of its A-76 review. Contracting this function creates an immediate threat to air traffic safety, since our Nation's air traffic control systems rely on the Aeronautical Chart Division to deliver revised charts to them every 56 days. The aeronautical landscape is continually changing as new construction pierces the horizon. NOAA chartmakers also serve the Defense Department and play a particularly important role in our maintaining the Nation's emergency preparedness.

Congress also should have the opportunity to carefully consider the question of whether, in the event NOAA contracts the Aeronautical Chart Division, the Federal Government retains full legal responsibility for the accuracy of charts that are privately made. Members should be aware that the Aeronautical Chart Division has an unblemished record with respect to the accuracy and reliability of its charts. Such a record reflects many years of dedicated professionalism on the part of NOAA employees.

PUBLIC SAFETY

Let me reemphasize these points about safety and reliability. New charts are made up every 56 days. Should NOAA begin to fail to meet its rigid deadlines, the Federal Aviation Administration would be forced to issue a nationwide "Notice to Avert Potential Loss of Life, Destruction of Property, and Costly Litigation." No other organization capable of producing aeronautical charts has the network of individuals working with all levels of Government and able to gather data as swiftly and accurately as possible that NOAA has. That is the simple, critically important, fact of the matter.

QUALITY CONTROL

Equally disturbing are reports that NOAA is considering letting separate contracts accomplish the following related tasks: Compiling the data needed to produce aeronautical charts, taking aerial photographs from which the data is mined, and printing and distributing the finished product. If ever a proposal promised to complicate the systematic and straightforward completion of a discrete mission, this is one. By fragmenting basic mission responsibility "across the map"—so to speak—contracting would make quality control a nightmare and the chart division's ability to meet its deadlines virtually impossible.

The Federal Aviation Administration relies upon other divisions within NOAA to produce controller charts, radar video maps, and for data to support the minimum safe altitude warning system (MSAWS). The MSAW system is not just some abstract cog in the Nation's air traffic control system. Last year, the system saved the lives of passengers on an Argentine airliner that came critically close to colliding with the World Trade Center in New York City.

NATIONAL SECURITY

The Department of Commerce, by written agreement, shares information available through the Aeronautical Chart Division during times of national emergency. In other words, during an emergency, the Defense Department's need for accurate and up-to-date charts of the Nation's air traffic lines becomes critical as resources are mobilized for transport around the country. For this reason alone, the decision to contract the aeronautical charting function must not be considered "business as usual" in implementing OMB Circular A-76. In my view, the Congress would be remiss if it did less than insist on the most rigorous review of this matter. The Congress has already shown rare wisdom in demonstrating similar concern in this legislation for the proposed contracting of our Nation's weather satellite system.

LIABILITY

Both the Federal Tort Claims Act and the Admiralty Act require the Government to assume full liability for information contained on its nautical charts. I should point out that NOAA's Nautical Chart Division is also under review for contract. Therefore, it is both possible, and in fact probable, that the contractor will avoid liability. If such were to become the case, I would find it hard to understand how one could legitimately conduct an equitable comparison of the costs of the contract. In my view, the taxpayers' exposure to risk in a privately contracted venture would markedly increase. A bad deal for the Government is a bad deal for the taxpayer.

Before leaving the Federal Aviation Administration, its former Director, J. Lynn Helms publicly stated his concern about the proposed contracting of the Aeronautical Chart Division. He planned to monitor the contracting

process carefully in order to have complete assurance that existing services would be fully maintained. He had also begun to consider the option of transferring the aeronautical function lock, stock, and barrel to the Department of Transportation.

WEAKENING BASIC GOVERNMENT ACTIVITY

A "government is the enemy" perspective nearly cost this Nation its weather satellite system. In that instance, as I have repeated, Congress stepped in to prevent NOAA from piercing the fiber and sinew of an effective Government function. That experience should make us doubly cautious with respect to NOAA's latest series of contracting plans. Clearly, a wide variety of NOAA activity should be retained in-house. If any is to be finally stripped away and converted to private control, it is our responsibility to insure that the task is accomplished with surgical skill.

I believe that Members will understand that we are dealing with highly technical and sensitive governmental activities that require policymakers to act with great precision. That is why the adoption of the Andrews amendment today is vital, and I urge all Members to support it.●

□ 1320

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ANDREWS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 12]

Ackerman	Bates	Bosco
Addabbo	Bedell	Boucher
Akaka	Beilenson	Boxer
Albosta	Bennett	Breaux
Alexander	Bereuter	Britt
Anderson	Berman	Brooks
Andrews (TX)	Bethune	Broomfield
Annunzio	Bevill	Brown (CA)
Anthony	Biaggi	Brown (CO)
Applegate	Billirakis	Broyhill
Archer	Bliley	Burton (CA)
Aspin	Boehlert	Burton (IN)
Badham	Boggs	Byron
Barnard	Boner	Campbell
Barnes	Bonior	Carney
Bartlett	Bonker	Carper
Bateman	Borski	Carr
Chandler	Hiler	Murtha
Chappell	Hillis	Myers
Chappie	Holt	Natcher
Cheney	Hopkins	Neal
Clarke	Horton	Nelson
Coats	Howard	Nielson
Coleman (MO)	Hoyer	Nowak
Coleman (TX)	Hubbard	Oakar
Conable	Hunter	Oberstar
Conte	Hutto	Obey
Conyers	Hyde	Olin
Cooper	Ireland	Ortiz
Courter	Jacobs	Ottinger
Coyne	Jenkins	Owens
Craig	Johnson	Oxley
Crane, Daniel	Jones (NC)	Packard
Crane, Philip	Jones (OK)	Panetta
Crockett	Jones (TN)	Parris
D'Amours	Kaptur	Pashayan
Daniel	Kasich	Patman
Dannemeyer	Kastenmeier	Patterson
Darden	Kazen	Pease
Daschle	Kennelly	Penny
Daub	Kildee	Pepper
de la Garza	Kindness	Perkins
Dellums	Kogovsek	Petri
Derrick	Kolter	Porter
DeWine	Kostmayer	Price
Dickinson	Kramer	Pritchard
Dicks	LaFalce	Pursell
Dingell	Lagomarsino	Rahall
Dorgan	Lantos	Rangel
Dowdy	Latta	Ratchford
Dreier	Leach	Ray
Duncan	Leath	Regula
Durbin	Lehman (CA)	Reid
Dwyer	Lehman (FL)	Richardson
Dymally	Leland	Ridge
Dyson	Lent	Rinaldo
Early	Levin	Ritter
Eckart	Levine	Robinson
Edgar	Lewis (CA)	Rodino
Edwards (CA)	Lewis (FL)	Roe
Edwards (OK)	Lipinski	Roemer
Emerson	Livingston	Rogers
English	Lloyd	Roth
Erlenborn	Loeffler	Roukema
Evans (IA)	Long (LA)	Rowland
Evans (IL)	Long (MD)	Roybal
Fascell	Lott	Rudd
Fazio	Lowery (CA)	Russo
Feighan	Lowry (WA)	Sabo
Ferraro	Lujan	Savage
Fiedler	Luken	Sawyer
Fields	Lundine	Schaefer
Fish	Lungren	Scheuer
Florio	Mack	Schneider
Foglietta	MacKay	Schroeder
Foley	Markey	Schulze
Ford (MI)	Marlenee	Schumer
Fowler	Marriott	Seiberling
Frank	Martin (IL)	Sensenbrenner
Franklin	Martin (NC)	Shannon
Frenzel	Martin (NY)	Sharp
Frost	Martinez	Shaw
Gaydos	Matsui	Shelby
Gejdenson	Mavroules	Shumway
Gekas	Mazzoli	Shuster
Gephardt	McCain	Sikorski
Gibbons	McCandless	Siljander
Gilman	McCloskey	Simon
Glickman	McCollum	Skeen
Gonzalez	McCurdy	Skelton
Goodling	McDade	Slattery
Gore	McEwen	Smith (FL)
Gradison	McGrath	Smith (NE)
Gray	McHugh	Smith (NJ)
Green	McKernan	Smith, Denny
Gregg	McNulty	Smith, Robert
Guarini	Mica	Snowe
Gunderson	Michel	Snyder
Hall (IN)	Mikulski	Solomon
Hall (OH)	Miller (CA)	Spence
Hall, Ralph	Miller (OH)	Spratt
Hall, Sam	Mineta	Staggers
Hamilton	Minish	Stangeland
Hammerschmidt	Mitchell	Stenholm
Hance	Molinari	Stokes
Hansen (ID)	Mollohan	Stratton
Hansen (UT)	Montgomery	Studds
Hartnett	Moody	Stump
Hatcher	Moore	Sundquist
Hawkins	Moorhead	Swift
Hefner	Morrison (CT)	Synar
Hertel	Morrison (WA)	Tallon
Hightower	Murphy	Tauke
Tauzin	Vucanovich	Winn
Taylor	Walgren	Wirth
Thomas (CA)	Walker	Wise
Thomas (GA)	Watkins	Wolf
Torres	Weaver	Wolpe
Torricelli	Weber	Wortley
Towns	Weiss	Wright
Traxler	Wheat	Wyden
Valentine	Whitehurst	Yates
Vander Jagt	Whitley	Yatron
Vandergriff	Whittaker	Young (AK)
Vento	Williams (MT)	Young (MO)
Volkmer	Williams (OH)	Zschau

□ 1340

The CHAIRMAN. Three hundred and seventy-eight Members have answered to their name, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania (Mr. WALKER) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 124, not voting 52, as follows:

[Roll No. 13]

AYES—257

Ackerman	Dellums	Howard
Addabbo	Dicks	Hoyer
Akaka	Dingell	Hubbard
Albosta	Dorgan	Hutto
Alexander	Dowdy	Jacobs
Anderson	Downey	Jones (NC)
Andrews (TX)	Durbin	Jones (OK)
Annunzio	Dwyer	Jones (TN)
Anthony	Dymally	Kaptur
Applegate	Dyson	Kastenmeier
Aspin	Early	Kazen
AuCoin	Eckart	Kennelly
Barnard	Edgar	Kildee
Barnes	Edwards (CA)	Kogovsek
Bateman	Edwards (OK)	Kolter
Bates	Emerson	Kostmayer
Bedell	English	Lantos
Beilenson	Evans (IL)	Leath
Bennett	Fascell	Lehman (CA)
Bereuter	Fazio	Lehman (FL)
Berman	Feighan	Leland
Bevill	Ferraro	Levin
Biaggi	Fish	Levine
Boehlert	Florio	Lewis (CA)
Boggs	Foglietta	Lipinski
Boner	Foley	Lloyd
Bonior	Ford (MI)	Long (LA)
Bonker	Fowler	Long (MD)
Borski	Frank	Lowry (WA)
Bosco	Frost	Luken
Boucher	Gaydos	Lundine
Boxer	Gejdenson	MacKay
Breaux	Gephardt	Markey
Britt	Gibbons	Martinez
Brooks	Gilman	Matsui
Brown (CA)	Glickman	Mavroules
Burton (CA)	Gonzalez	Mazzoli
Byron	Gore	McCloskey
Carney	Gray	McCurdy
Carper	Guarini	McHugh
Carr	Hall (OH)	McKernan
Chappell	Hall, Ralph	McNulty
Clarke	Hall, Sam	Mica
Clay	Hamilton	Mikulski
Coleman (TX)	Hammerschmidt	Miller (CA)
Conte	Hance	Mineta
Conyers	Harrison	Minish
Cooper	Hartnett	Mitchell
Coyne	Hatcher	Molinari
Crockett	Hawkins	Mollohan
D'Amours	Hayes	Moody
Daniel	Hefner	Morrison (CT)
Darden	Hertel	Morrison (WA)
Daschle	Hightower	Murphy
de la Garza	Horton	Murtha

Myers	Rowland	Synar
Natcher	Roybal	Tallon
Neal	Russo	Tauzin
Nelson	Sabo	Thomas (GA)
Nowak	Savage	Torres
Oakar	Scheuer	Torricelli
Oberstar	Schneider	Towns
Obey	Schroeder	Traxler
Olin	Schumer	Udall
Ortiz	Seiberling	Valentine
Ottinger	Shannon	Vandergriff
Owens	Sharp	Vento
Panetta	Shelby	Volkmer
Patman	Sikorski	Walgren
Patterson	Simon	Watkins
Pease	Skelton	Weaver
Penny	Slattery	Weiss
Pepper	Smith (FL)	Wheat
Perkins	Smith (NE)	Whitehurst
Petri	Smith (NJ)	Whitley
Price	Snowe	Williams (MT)
Pritchard	Snyder	Wirth
Rahall	Spence	Wise
Rangel	Spratt	Wolpe
Ratchford	Staggers	Wright
Ray	Stark	Wyden
Reid	Stenholm	Yates
Richardson	Stokes	Yatron
Rinaldo	Stratton	Young (AK)
Rodino	Studds	Young (MO)
Roe	Swift	

NOES—124

Archer	Hillis	Parris
Badham	Holt	Pashayan
Bartlett	Hopkins	Porter
Bilirakis	Hunter	Pursell
Bliley	Hyde	Regula
Broomfield	Ireland	Ridge
Brown (CO)	Jenkins	Ritter
Broyhill	Johnson	Robinson
Burton (IN)	Kasich	Roemer
Campbell	Kindness	Rogers
Chandler	Kramer	Roth
Chappie	LaFalce	Roukema
Cheney	Lagomarsino	Rudd
Coats	Latta	Sawyer
Coleman (MO)	Lent	Schaefer
Conable	Lewis (FL)	Schulze
Courter	Livingston	Sensenbrenner
Craig	Loeffler	Shaw
Crane, Daniel	Lott	Shumway
Crane, Philip	Lowery (CA)	Shuster
Dannemeyer	Lujan	Siljander
Daub	Lungren	Skeen
Derrick	Mack	Smith, Denny
DeWine	Marlenee	Smith, Robert
Dickinson	Marriott	Solomon
Dreier	Martin (IL)	Stangeland
Duncan	Martin (NC)	Stump
Erlenborn	Martin (NY)	Sundquist
Evans (IA)	McCain	Tauke
Fiedler	McCandless	Taylor
Fields	McCollum	Vander Jagt
Franklin	McDade	Vucanovich
Frenzel	McEwen	Walker
Gekas	McGrath	Weber
Goodling	Michel	Whittaker
Gradison	Miller (OH)	Williams (OH)
Green	Montgomery	Winn
Gregg	Moore	Wolf
Gunderson	Moorhead	Wortley
Hansen (ID)	Nielson	Zschau
Hansen (UT)	Oxley	
Hiler	Packard	

NOT VOTING—52

Andrews (NC)	Garcia	Paul
Bethune	Gingrich	Pickle
Boland	Gramm	Quillen
Bryant	Hall (IN)	Roberts
Clinger	Harkin	Rose
Coelho	Heftel	Rostenkowski
Collins	Huckaby	Sisisky
Corcoran	Hughes	Smith (IA)
Coughlin	Jeffords	Solarz
Davis	Kemp	St Germain
Dixon	Leach	Thomas (CA)
Donnelly	Levitas	Waxman
Edwards (AL)	Madigan	Whitten
Erdreich	McKinney	Wilson
Flippo	Moakley	Wylie
Ford (TN)	Mrazek	Young (FL)
Forsythe	Nichols	
Fuqua	O'Brien	

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Erdreich for, with Mr. McKinney against.

Mr. Dixon for, with Mr. Paul against.

Mrs. Collins for, with Mr. Thomas of California against.

Mr. Garcia for, with Mr. Corcoran against.

Mr. BOEHLERT changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LLOYD

Mrs. LLOYD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LLOYD: On page 9, after line 6, insert the following new section:

(d) Of the funds authorized pursuant to section 201(a)(2) of this Act, such amount as may be necessary shall be made available for the planning and preliminary design for a remote weather radar station in the southeastern quadrant of the United States.

Mrs. LLOYD. Mr. Chairman, the amendment I am offering does not increase the funding request of this bill and does not authorize the construction of a weather radar station. What it does is to authorize National Weather Service planning for future weather radar coverage in the Southeast. Population growth is projected to continue at a pace well above the national average in the Southeast and with rapidly changing weather patterns causing frequent violent weather, which pose a serious threat to civil aviation, this service is a dire need. In the past few years, the Southeast has suffered severe flood damage as a result of unpredicted weather. It is critical that weather reporting capabilities in the Southeast are prepared to handle the projected regional growth. The Southeast is not blanketed with radar coverage as much as the rest of the Nation is, and we have clear evidence that early warning on flash floods saves lives and property damage. My amendment has the approval of the Science Committee chairman, Mr. FUQUA; ranking minority member, Mr. WINN; and the subcommittee chairman, Mr. SCHEUER.

Mr. McGRATH. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, since the amendment involves no further expenditure of funds, the minority has no objection to this amendment.

Mrs. LLOYD. I thank the gentleman.

Mr. SCHEUER. Mr. Chairman, we accept the amendment. We have worked with the gentlewoman from Tennessee on this matter.

Mrs. LLOYD. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. LLOYD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. D'AMOURS

Mr. D'AMOURS. Mr. Chairman, I offer an amendment to title II.

The Clerk read as follows:

Amendment offered by Mr. D'Amours: Page 9, between lines 6 and 7 insert the following:

SEC. 205. (a)(1) The Congress finds and declares that—

(A) sulfur dioxide and nitrogen oxide emissions transform chemically in the atmosphere to produce acid precipitation and dry deposition of acid;

(B) acid deposition in the form of both precipitation and dry deposition is causing an estimated $5,000,000,000 worth of damage and economic loss to the Nation's economy;

(C) it has been estimated that the total cost to the United States for damages to crops and fisheries caused by acid deposition from now to the end of the century may amount to $15,000,000,000 to $25,000,000,000;

(D) in addition to the New England region, it is estimated by the Environmental Protection Agency that portions of the South, Southeast, and mountain areas of the West are highly sensitive to acid deposition, and many of these areas are presently receiving rainfall considered very acidic relative to normal rain;

(E) it has been estimated by the Office of Technology Assessment that twenty-seven States in the Eastern United States alone contain areas sensitive to acid rain, encompassing two hundred and forty-five thousand square miles, seventeen thousand lakes, and one hundred and seventeen thousand miles of streams, and 55 per centum of these lakes and 42 percent of these stream miles are estimated to be either at risk from, or already altered by, acid deposition;

(F) according to scientific reports from the National Oceanic and Atmospheric Administration (hereinafter in this section referred to as "NOAA") in the Department of Commerce, traces of manmade acid rain have been confirmed ranging from Alaska to Bermuda;

(G) the position of the United States Government in not taking immediate action to reduce sulphuric emissions which the National Academy of Sciences has said contributes to acid deposition has led to deepening conflicts with one of the Nation's closest allies, Canada; and

(H) serious concern is being expressed that acid deposition, which already causes serious economic damage in some regions of the Nation, is also a potentially serious hazard to human health.

(2) The Congress declares that the purposes of this section are to—

(A) disseminate information to the public throughout the United States concerning the changes occurring in the acid content of precipitation and the acid content found in dry deposition by including, in the routine weather information provided by the National Weather Service of NOAA, reports on the acid content found in both precipitation and dry deposition; and

(B) provide for the collection of the data necessary to provide the reports required under subparagraph (A) in those geographic areas where such data are not presently available.

(b)(1) The National Weather Service of NOAA shall issue periodic reports describing the acid content in both precipitation and dry deposition throughout the United States.

(2) Such reports shall be issued by Weather Service Forecast Offices and Weather Service Offices in the National Weather Service, or through such other facilities or means as the Assistant Administrator of the National Weather Service shall direct, for those areas of the United States where such information is presently available, within ninety days of the enactment of this Act.

(3) Such reports shall be issued on a daily basis as a part of the local weather information made available by the National Weather Service for the purpose of informing the public of local weather conditions.

(4) Such reports shall be issued throughout the United States no later than the end of calendar year 1987, with a priority being given to those geographic areas where sensitivity to damage from acid deposition is estimated to be highest, and credible scientific evidence indicates that acid deposition is presently causing damage, or has been increasing and is approaching a level where damage may occur.

(5) The Administrator of NOAA is authorized to reimburse other public or private entities, including, but not limited to, Federal agencies; State and local governments; universities, colleges, and research institutions; and private corporations and individuals, for the cost of collecting the data necessary for the preparation of the reports, and transferring such data to the National Weather Service, in those geographic areas where the National Weather Service or other division of NOAA does not presently collect such data: *Provided*, That where other Federal agencies presently collect such data in the course of carrying out their statutory missions, the Administrator of NOAA is authorized to reimburse such Federal agencies only for any costs incurred in transferring such data to the National Weather Service.

(c)(1) The Administrator of NOAA shall report to the Congress, on an annual basis, on the implementation of this section, no later than ninety days after the close of the previous calendar year, beginning in 1985.

(2) The report to the Congress shall include a complete description of the acid content found in both precipitation and dry deposition in those geographic areas for which the appropriate data and information is available.

(3) For those geographic areas where either incomplete or no data or information has been available during the previous calendar year, the report to the Congress shall include a description of the steps being taken to provide the reports under subsection (b).

(d) The Administrator of NOAA shall promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this section.

(e) Such amounts as may be necessary to carry out this section shall be available from the sums authorized to be appropriated for any fiscal year to NOAA for atmospheric programs.

Mr. D'AMOURS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. D'AMOURS. Mr. Chairman, the amendment I am offering today calls upon the National Weather Service of the National Oceanic and Atmospheric Administration to include reports on the acid content found in precipitation and dry deposition as part of the routine local weather information made available by the National Weather Service. It also provides for the collection of data where it is not presently available, so that by 1987 coverage will be extended to the entire United States.

Mr. Chairman, in my own State of New Hampshire and in many other States the devastating effects of acid rain on precious natural resources, on the economy and, it is feared, on human health, is causing serious alarm. The threat of acid rain is becoming increasingly recognized in the South, the Southeast, the Northern Plains, and the mountain areas in the West where the rainfall has been abnormally acidic.

Clearly, action to control the harmful emissions of sulfur dioxide, the largest cause of acid precipitation in the United States, and nitrogen oxides is necessary, and I sincerely hope Congress will enact a meaningful emissions reduction program early in this session. Undoubtedly, nothing short of a definitive plan of action for reducing acidic emissions will have a significant impact on halting this environmental devastation.

However, I believe our strongest ally in this effort is an informed and active public that understands the need for an immediate emissions reduction program and urges its elected representatives to respond accordingly. This amendment will help demonstrate the need for immediate action on a nationwide basis.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. D'AMOURS. I yield to the gentleman from New York.

Mr. McGRATH. I thank the gentleman for yielding.

Mr. Chairman, since the amendment seeks to obtain information which is already being collected by the Weather Service and which just asks for a dissemination on a broader basis, the minority has not objection to this amendment.

Mr. D'AMOURS. Mr. Chairman, I appreciate the position of the minority. I would say for the record that the amendment does ask for the Weather Service to continue collecting information but also expand the collection of that information to areas where it is not now being collected.

Mr. McGRATH. We understand that to be the case.

Mr. D'AMOURS. Mr. Chairman, I appreciate the gentleman's acceptance of the amendment.

Mr. SCHEUER. Mr. Chairman, will the gentleman from New Hampshire yield?

Mr. D'AMOURS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, the committee is thoroughly behind the principle underlying this amendment. We accept it. We have worked with the gentleman. We accept it happily.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. D'AMOURS).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. BARNARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2900) to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes, pursuant to House Resolution 354, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1400

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1097, to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act".

TITLE I—PUBLIC WARNING AND FORECAST SERVICE

AUTHORIZATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast service duties under law, $270,900,000 for fiscal year 1984. Moneys appropriated pursuant to this authorizations shall be used to fund those duties relating to public warning and forecast specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), and any other law involving such duties. Such duties include, but are not limited to, meteorological, hydrological, and oceanographic public warnings and forecasting.

TITLE II—ATMOSPHERIC AND HYDROLOGICAL RESEARCH

AUTHORIZATION

SEC. 201. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric and hydrological research duties under law, $55,500,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric and hydrological research specified by the Act entitled "An Act increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving such duties. Such duties include, but are not limited to, research for developing improved prediction capabilities for atmospheric and hydrological processes.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government" (15 U.S.C. 330 et seq.), and the National Climate Program Act (15 U.S.C. 2901 et seq.), for the purpose of carrying out such duties relating to atmospheric and hydrological research.

TITLE III—SATELLITE SERVICES

AUTHORIZATION

SEC. 301. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite services duties under law, $75,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Argiculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, satellite maintenance and operations and satellite data analysis.

TITLE IV—SATELLITE SYSTEMS

AUTHORIZATION

SEC. 401. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite systems duties under law, $137,600,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite systems specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary meteorological satellites and land remote sensing satellites.

TITLE V—DATA AND INFORMATION SERVICES

AUTHORIZATION

SEC. 501. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $27,800,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving such duties. Such duties include, but are not limited to, environmental data and information products and services in the atmospheric, marine, solid earth, and solar-terrestrial sciences.

TITLE VI—MISCELLANEOUS

LIMITATION ON TRANSFER AUTHORITY

SEC. 601. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as the Congress deems appropriate for any such transfer.

WEATHER SERVICE OFFICES

SEC. 602. No weather service station or weather service forecast office of the National Weather Service shall be closed or consolidated until the Secretary establishes appropriate standards, principles, and procedures (including formal hearings, comment periods, public notice, and other appropriate means of presenting evidence, views, and opinions) relating to any proposed closure or consolidation of a weather service facility.

WEATHER MODIFICATION REPORTING ACT

SEC. 603. Section 6 of the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government" (15 U.S.C. 330e) is amended—

(1) by striking out "and"; and

(2) by inserting immediately after "1981," the following: "and $100,000 for the fiscal year ending September 30, 1984,".

NATIONAL CLIMATE PROGRAM

SEC. 604. (a) Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

(b) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" before "The Secretary",

(2) by designating the third sentence as paragraph (3), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraph:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be the spokesman for the program,

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (h)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activies, and

"(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.".

(c) Subsection (d) of such section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions:

"(A) studies relating to and analyses of climative effects on agricultural production, water resources, energy needs, and other critical sectors of the economy,

"(B) atmospheric data collection and monitoring on a statewide and regional basis,

"(C) advice to regional, State, and local government agencies regarding climate-related issues,

"(D) information to users within the State regarding climate and climatic effects, and

"(E) information to the Secretary regarding the needs of persons within the State for climate-related services, information, and data;";

(2) by striking out "biennially" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often then quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

(d) Subsection (e) of such section is amended to read as follows:

"(e) CLIMATE PROGRAM POLICY BOARD.—(1) The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinating planning and progress review for the program;

"(B) review all agency and department budget requests related to climate transmitted under subsection (h)(1) and submit a report to the Office of Management and Budget concerning such budget requests;

"(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities; and

"(D) consult with users and producers of climate data, information, and services regarding the conduct of the program.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(e) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

(f) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end thereof the following: "and shall transmit a copy of such request to the National Climate Program Office".

(g) Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

(h) There are authorized to be appropriated for purposes of carrying out the provisions of the amendments made by this section $1,189,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985 and 1986.

TITLE VII—PAY INCREASE

AUTHORIZATION

SEC. 701. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under titles I through VI such additional sums for each title as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

MOTION OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SCHEUER moves to strike out all after the enacting clause of the Senate bill, S. 1097, and to insert in lieu thereof the provisions of the bill, H.R. 2900, as passed by the House, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Atmospheric, Climatic, and Ocean Pollution Act of 1938".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

SEC. 101. The Congress of the United States finds that:

(1) The oceans and atmosphere surrounding and within the jurisdiction of the United States play a vital role in the Nation's welfare, economy, and security.

(2) The National Oceanic and Atmospheric Administration is the lead agency for oceanic and atmospheric matters in the Nation. It was created on October 3, 1970, by Reorganization Plan Numbered 4 of 1970 to bring together many of the Nation's civil programs related to the oceans and atmosphere. The National Oceanic and Atmospheric Administration's broad goals include the development and operation of national programs to—

(A) manage and conserve selected marine resources for the economic and social good of the Nation;

(B) monitor and predict weather and environmental conditions for the protection of life and property;

(C) archive, analyze, and disseminate data on oceanographic, climatic, geophysical, and solarterrestrial phenomena;

(D) provide basic maps, charts, surveys, and specialized data for safe navigation; and

(E) provide research to advance oceanic and atmospheric science and technology for the better management of the environment and the rational use of our natural resources.

SEC. 102. The purposes of the Congress in this Act are—

(1) to ensure that the National Oceanic and Atmospheric Administration, the lead agency for civil oceanic and atmospheric activities and programs, operates under a clear statutory charter; and

(2) to simplify, streamline, and consolidate the authorization of appropriations for the National Oceanic and Atmospheric Administration, within the Department of Commerce, such that the National Oceanic and Atmospheric Administration's programs can be viewed in a coherent fashion.

TITLE II—GENERAL PROGRAM AUTHORIZATIONS AND REPORTING REQUIREMENTS

SEC. 201. (a) There are authorized to be appropriated to the National Oceanic and Atmospheric Administration of the Department of Commerce for atmospheric, climatic, and ocean research programs:

(1) $35,879,000 in fiscal year 1984 and $37,673,000 in fiscal year 1985 for Ocean Research.

(2) $360,956,000 in fiscal year 1984 and $379,004,000 in fiscal year 1985 for Atmospheric Programs.

(3) $252,023,000 in fiscal year 1984 and $264,624,000 in fiscal year 1985 for Satellite and Environmental Data and Information Services.

(4) $2,000,000 in fiscal year 1984 and $2,100,000 in fiscal year 1985 for the National Climate Program Office.

(b) Funds may be transferred between categories listed in subsection (a), except that no funds may be transferred between any two categories if the amount transferred would exceed 10 per centum of the amount authorized for either category, unless—

(1) a period of thirty legislative days has passed after the Administrator of the National Oceanic and Atmospheric Administration or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that each committee has no objection to the proposed action.

(c) None of the funds authorized under this Act or under the Act of August 6, 1947 (33 U.S.C. 883a-883i) shall be used to develop or issue a request for proposals to contract out any function or activity which is presently performed by Federal employees, unless a period of forty-five days in which either the House or the Senate is in session has passed after the Administrator of the National Oceanic and Atmospheric Administration or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, to the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a full and complete statement (including relevant supporting studies) concerning the proposed contracting and the reason therefor.

SEC. 202. (a) The Administrator of the National Oceanic and Atmospheric Administration shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed about all aspects of the atmospheric, climatic, and ocean research activities for such Administration.

(b) Each year, at the time of the submission of the President's annual budget request, the Administrator shall make avail-

able to the appropriate committees of Congress sufficient copies of a report fully describing the funds requested and the atmospheric, climatic and ocean pollution activities to be carried out with these funds.

SEC. 203. (a) The Administrator of the National Oceanic and Atmospheric Administration shall submit to the Congress and the President, on the date of submission of the fiscal year 1985 budget request, a report on the importance of meteorological satelites to weather forecasting. Such report shall include—

(1) a quantitative analysis of the impacts of weather satellites on weather forecasting;

(2) a quantitative comparison of weather forecasts generated when two, one, or no polar-orbiting satellites are operating;

(3) the importance of National Oceanic and Atmospheric Administration weather satellite data to weather forecasting in other nations;

(4) a statistical analysis of expected lifetimes for National Oceanic and Atmospheric Administration weather satellites; and

(5) an analysis of replacement time for a National Oceanic and Atmospheric Administration weather satellite in the event of a launch or operational failure or of consecutive launch or operational failures.

(b) Notwithstanding title II of the National Aeronautics and Space Administration Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meterological, or ocean remote sensing space satellite systems and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

(c) Of the funds authorized pursuant to section 201(a)(3) of this Act, $4,000,000 shall be made available to plan for the continuation of a civil land remote sensing satellite system in order to assure the preservation of data continuity for such system, if no alternative is implemented which will assure the preservation of such data continuity.

SEC. 204. (a)(1) The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall enter into an agreement with the National Research Council of the Academies of Science and Engineering to conduct a study of the National Weather Service and related activities. Such study shall include but not be limited to—

(A) an analysis of the operations of the National Weather Service and associated activities of other agencies and the private sector, including supporting research and technological development;

(B) a review and assessment of analyses, findings, and recommendations for weather services contained in reports on the subject issued by public and private organizations during the past five years;

(C) independent analysis by the National Research Council as may be required for the purposes of the study;

(D) recommendations on how the National Weather Service and associated activities of other agencies might be organized and conducted to provide effective weather services to meet national needs in light of the availability of new technology, new scientific understanding, the international character of weather services, and the roles of the public (Federal, State, and local) and private sectors; and

(E) to the extent possible, information on priorities and costs of recommended changes and improvements in weather services.

(2) The Administrator shall report to the Congress within six months after the date of the enactment of this Act regarding the status of the Agency's negotiations to implement the study required under this section.

(b) A report including the major findings and recommendations resulting from the study required under this section shall be submitted to the Congress not later than two years after the date of enactment of this Act. The Secretary shall make such data and information available to the National Research Council as may be required for the study.

(c) Of the funds authorized pursuant to section 201(a)(2) of this Act, there is authorized for the conduct of this study $500,000 for each of the fiscal years 1984 and 1985.

(d) Of the funds authorized pursuant to section 201(a)(2) of this Act, such amount as may be necessary shall be made available for the planning and preliminary design for a remote weather radar station in the southeastern quadrant of the United States.

SEC. 205. (a)(1) The Congress finds and declares that—

(A) sulfur dioxide and nitrogen oxide emissions transform chemically in the atmosphere to produce acid precipitation and dry deposition of acid;

(B) acid deposition in the form of both precipitation and dry deposition is causing an estimated $5,000,000,000 worth of damage and economic loss to the Nation's economy;

(C) it has been estimated that the total cost to the United States for damages to crops and fisheries caused by acid deposition from now to the end of the century may amount to $15,000,000,000 to $25,000,000,000;

(D) in addition to the New England region, it is estimated by the Environmental Protection Agency that portions of the South, Southeast, and mountain areas of the West are highly sensitive to acid deposition, and many of these areas are presently receiving rainfall considered very acidic relative to normal rain;

(E) it has been estimated by the Office of Technology Assessment that twenty-seven States in the Eastern United States alone contain areas sensitive to acid rain, encompassing two hundred and forty-five thousand square miles, seventeen thousand lakes, and one hundred and seventeen thousand miles of streams, and 55 per centum of these lakes and 42 percent of these stream miles are estimated to be either at risk from, or already altered by, acid deposition;

(F) according to scientific reports from the National Oceanic and Atmospheric Administration (hereinafter in this section referred to as "NOAA") in the Department of Commerce, traces of manmade acid rain have been confirmed ranging from Alaska to Bermuda;

(G) the position of the United States Government in not taking immediate action to reduce sulphuric emissions which the National Academy of Sciences has said contributes to acid deposition has led to deepening conflicts with one of the Nation's closest allies, Canada; and

(H) serious concern is being expressed that acid deposition, which already causes serious economic damage in some regions of the Nation, is also a potentially serious hazard to human health.

(2) The Congress declares that the purposes of this section are to—

(A) disseminate information to the public throughout the United States concerning the changes occurring in the acid content of precipitation and the acid content found in dry deposition by including, in the routine weather information provided by the National Weather Service of NOAA, reports on the acid content found in both precipitation and dry deposition; and

(B) provide for the collection of the data necessary to provide the reports required under subparagraph (A) in those geographic areas where such data are not presently available.

(b)(1) The National Weather Service of NOAA shall issue periodic reports describing the acid content in both precipitation and dry deposition throughout the United States.

(2) Such reports shall be issued by Weather Service Forecast Offices and Weather Service Offices in the National Weather Service, or through such other facilities or means as the Assistant Administrator of the National Weather Service shall direct, for those areas of the United States where such information is presently available, within ninety days of the enactment of this Act.

(3) Such reports shall be issued on a daily basis as a part of the local weather information made available by the National Weather Service for the purpose of informing the public of local weather conditions.

(4) Such reports shall be issued throughout the United States no later than the end of calendar year 1987, with a priority being given to those geographic areas where sensitivity to damage from acid deposition is estimated to be highest, and credible scientific evidence indicates that acid deposition is presently causing damage, or has been increasing and is approaching a level where damage may occur.

(5) The Administrator of NOAA is authorized to reimburse other public or private entities, including, but not limited to, Federal agencies; State and local governments; universities, colleges, and research institutions; and private corporations and individuals, for the cost of collecting the data necessary for the preparation of the reports, and transferring such data to the National Weather Service, in those geographic areas where the National Weather Service or other division of NOAA does not presently collect such data: *Provided*, That where other Federal agencies presently collect such data in the course of carrying out their statutory missions, the Administrator of NOAA is authorized to reimburse such Federal agencies only for any costs incurred in transferring such data to the National Weather Service.

(c)(1) The Administrator of NOAA shall report to the Congress, on an annual basis, on the implementation of this section, no later than ninety days after the close of the previous calendar year, beginning in 1985.

(2) The report to the Congress shall include a complete description of the acid content found in both precipitation and dry deposition in those geographic areas for which the appropriate data and information is available.

(3) For those geographic areas where either incomplete or no data or information has been available during the previous calendar year, the report to the Congress shall include a description of the steps being taken to provide the reports under subsection (b).

(d) The Administrator of NOAA shall promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this section.

(e) Such amounts as may be necessary to carry out this section shall be available from the sums authorized to be appropriated for any fiscal year to NOAA for atmospheric programs.

TITLE III—NATIONAL CLIMATE PROGRAM

SEC. 301. This title may be cited as the "National Climate Program Amendments of 1983".

SEC. 302. Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively, and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

SEC. 303. (a) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" before "The Secretary",

(2) by designating the third sentence as paragraph (4), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraphs:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be the spokesman for the program,

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (g)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activities, and

"(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.

"(3) The Secretary may provide, through the Office, financial assistance, in the form of contracts or grant or cooperative agreements, for climate-related activities which are needed to meet the goals and priorities of the program set forth in the climate plan pursuant to subsection (d)(9), if such goals and priorities are not being adequately addressed by any Federal department, agency, or instrumentality.".

(b) Subsection (d) of such section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions: (A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy, (B) atmospheric data collection and monitoring on a statewide and regional basis, (C) advice to regional, State, and local government agencies regarding climate-related issues, (D) information to users within the State regarding climate and climatic effects, and (E) information to the Secretary regarding the needs of persons within the States for climate-related services, information, and data. The Secretary may make annual grants to any State or group of States, such grants to be made available to public or private educational institutions, to State agencies, and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services;",

(2) by striking out "biennially" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often than quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

(c) Subsection (e) of such section is amended to read as follows:

"(e) CLIMATE PROGRAM POLICY BOARD.—(1) The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinated planning and progress review for the program,

"(B) review all agency and department budget requests related to climate transmitted under subsection (g)(1) and submit a report to the Office of Management and Budget concerning such budget requests.

"(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities, and

"(D) consult with and seek the advice of users and producers of climate data, information, and services to guide the Board's efforts, keeping the Director and the Congress advised of such contacts.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(d) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

"(e) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end the following: "and shall transmit a copy of such request to the National Climate Program Office".

SEC. 304. Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

SEC. 305. Section 7 of the National Climate Program Act (15 U.S.C. 2906) is amended by striking out "January 30" before paragraph (a) and inserting in lieu thereof "March 31".

SEC. 306. Of the funds authorized for the National Climate Program Office for each of fiscal years 1984 and 1985 pursuant to section 201(a)(4) of this Act, at least 25 per centum shall be made available during each fiscal year for intergovernmental climate-related activities (described in section 5(d)(7) of the National Climate Program Act) and at least 20 per centum shall be made available during each fiscal year for experimental climate forecast centers (described in section 5(d)(8) of the National Climate Program Act).

TITLE IV—SELECTED OCEAN AND COASTAL AUTHORIZATIONS

SEC. 401. Section 201 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441) is amended by striking out all that follows "connecting waters" and inserting in lieu thereof a period.

SEC. 402. Section 202 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442) is amended—

(1) by inserting "(1)" before "The Secretary" in subsection (a);

(2) by striking out "in consultation" in the first sentence of subsection (a) and inserting in lieu thereof "in close consultation";

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) The Secretary shall ensure that the program under this section complements, when appropriate, the activities undertaken pursuant to title I. Such program shall include but not be limited to—

"(A) the development and assessment of scientific techniques to define and quantify the degradation of the marine environment;

"(B) the assessment of the ability of the marine environment to assimilate materials without degradation;

"(C) continuing monitoring programs to assess the health of the marine environment, including but not limited to the monitoring of bottom oxygen concentrations, contaminant levels in biota, sediments, and the water column, diseases in fish and shellfish, and changes in types and abundance of indicator species;

"(D) the development of methodologies, techniques, and equipment for disposal of waste materials to minimize degradation of the marine environment."; and

(4) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 403. Section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443) is amended by adding at the end thereof the following new subsections:

"(c) The Administrator, in cooperation with the Secretary, the Secretary of Commerce, and other officials of appropriate Federal, State, and local agencies, shall assess the feasibility of regional management plans for the disposal of waste materials. Such plans should integrate where appropriate Federal, State, regional, and local waste disposal activities into a comprehensive regional disposal strategy. These plans should address, among other things—

"(1) the sources, quantities, and types of materials that require and will require disposal;

"(2) the environmental, economic, social, and human health factors associated with disposal alternatives;

"(3) the improvements in production processes, methods of disposal, and recycling to

reduce the adverse effects associated with such disposal alternatives;

"(4) the applicable laws governing waste disposal; and

"(5) improvements in permitting processes to reduce administrative burdens.

"(d) The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress and the President, not later than one year after the date of enactment of this provision, a report on sewage sludge disposal in the New York region. The report shall consider the factors listed in subsection (c) as they relate to landfilling, incineration, ocean dumping, or any other feasible disposal or reuse/recycling option; shall include an assessment of the cost of these alternatives; and shall recommend such regulatory or legislative changes as may be necessary to reduce the adverse impacts associated with sewage sludge disposal.".

SEC. 404. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is redesignated as section 205; and such section as so redesignated is amended by adding at the end thereof the following: "Of the funds authorized pursuant to section 201(a)(1) of the Atmospheric, Climatic, and Ocean Research Act of 1983, $12,000,000 is authorized to be appropriated for fiscal year 1984 and $12,000,000 is authorized to be appropriated for fiscal year 1985 to carry out the provisions of this title. Of these funds, at least $500,000 shall be made available in each of such fiscal years to carry out the studies authorized by section 203 of this Act.".

SEC. 405. Section 205 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1445) is transferred to a point immediately following section 203 of such Act and redesignated as section 204; and such section as so transferred and redesignated is amended to read as follows:

"SEC. 204. (a) In March of each year, the Secretary of Commerce shall report to the Congress on his activities under this title during the previous fiscal year. The report shall include—

"(1) the Secretary's findings made under section 201, including an evaluation of the short-term ecological effects and the social and economic factors involved with the dumping;

"(2) the results of activities undertaken pursuant to section 202;

"(3) with the concurrence of the Administrator and after consulting with officials of other appropriate Federal agencies, an identification of the short- and long-term research requirements associated with activities under title I, and a description of how Federal research under titles I and II will meet those requirements; and

"(4) activities of the Department of Commerce under section 5 of the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 665).

"(b) In March of each year, the Administrator shall report to the Congress on his activities during the previous fiscal year under section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443).".

SEC. 406. (a) Section 2(a) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by adding at the end thereof the following new paragraphs:

"(6) Numerous Federal agencies have initiated and supported research projects to study, enhance, manage, preserve, protect, or restore the resources of the Great Lakes.

"(7) Various research projects relating to the Great Lakes, including those conducted at the college and university level and those conducted at the State and local governmental level, can be more effectively coordinated in order to obtain maximum benefits.".

(b) Section 2(b) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701) is amended by striking out "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following new paragraph:

"(3) to provide for the effective coordination of research conducted to support the preservation and protection of the environmental quality of the Great Lakes, and to encourage the use of such research in determinations that affect the environmental quality of the Great Lakes; and".

SEC. 407. Section 4(b)(2)(A) of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1703) is amended by inserting after "general research on marine ecosystems" the following: ", including the Great Lakes".

SEC. 408. Section 8 of the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1707) is amended by adding "(a)" after "SEC. 8." and by adding at the end thereof the following new subsection:

"(b) The Administrator shall insure that the findings and information regarding ocean pollution research activities associated with the Great Lakes identified pursuant to section 4(b) be disseminated in a timely manner and in useful forms to relevant departments of the Federal Government, State governments, and other persons with an interest in such information.".

SEC. 409. Section 10 of the National Ocean Pollution Planning Act of 1978 is amended by adding at the end thereof the following: "Of the funds authorized pursuant to section 201(a) of the Atmospheric, Climatic, and Ocean Research Act of 1983, $3,000,000 is authorized to be appropriated for each of the fiscal years 1984 and 1985 to carry out the provisions of this Act.".

TITLE V—MISCELLANEOUS

SEC. 501. Of the funds authorized pursuant to section 201(a)(2) of this Act, $100,000 is authorized to be appropriated in each of the fiscal years 1984 and 1985 to carry out the provisions of the Act entitled "An Act to provide for the reporting of weather modification activities to the Federal Government", as amended (15 U.S.C. 330).

SEC. 502. (a) The Secretary of Commerce, at least sixty days before making a determination as to the necessity for the closing or consolidation of any Weather Service Office or Weather Service Forecast Office, shall provide adequate public notice of his intention to make such a determination in order to ensure that all persons served by such Offices will have an adequate opportunity to present their views.

(b)(1) The Secretary, in deciding whether or not to close or consolidate a Weather Service Office, shall take fully into account any views expressed by persons served by such Office during the sixty-day period described in subsection (a), and shall specifically consider—

(A) the effect of such closing or consolidation on the community served by such Weather Service Office;

(B) the effect of such closing or consolidation on employees of the National Weather Service employed at such Office;

(C) the economic savings to the National Weather Service resulting from such closing or consolidation; and

(D) such other factors as the National Weather Service determines are necessary.

(2) In making a decision under paragraph (1) the Secretary may hold such hearings as he deems necessary.

(3) The Secretary shall compile a written record including or reflecting all views presented and information received or developed in the course of his consideration of the matters involved in making such a decision, whether or not hearings are held with respect thereto as authorized by paragraph (2). The Secretary shall retain all written materials received or developed in the course of such consideration, for possible use in any review under subsection (e).

(c) Any decision of the Secretary to close or consolidate a Weather Service Office shall be in writing and shall set forth the findings of the Secretary with respect to the matters set forth in subparagraphs (A) through (D) of subsection (b)(1) along with a statement of the reasons for such findings and of the basis on which the decision was made. The Secretary's decision shall be made available to persons served by such Weather Service Office.

(d) The Secretary shall take no action to close or consolidate a Weather Service Office until sixty days after his written decision is made available to persons served by such Office as required by the last sentence of subsection (c).

(e) In addition to any other review which may be available by law, a decision of the Secretary to close or consolidate any Weather Service Office may be reviewed in accordance with chapter 7 of title 5, United States Code, in an action brought by any State served by such Office. For purposes of this subsection, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(f) Any determination or decision made by the Administrator of the National Oceanic and Atmospheric Administration with respect to the closing or consolidation of a Weather Service Office shall be considered for purposes of this section to have been made by the Secretary.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the Senate bill was amended so as to read: "An Act to authorize appropriations for atmospheric, climatic, and ocean research activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes.".

A similar House bill (H.R. 2900) was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 203, ESTABLISHING STATE COMMISSIONS ON TEACHER EXCELLENCE

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 399 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 399

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 203) to establish State commissions on teacher excellence, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the joint resolution shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a subsititute to the resolution recommended by the Committee on Education and Labor now printed in the joint resolution as an original resolution for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution or to the committee amendment in the nature of a substitute for the resolution. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 399 provides for the consideration of House Joint Resolution 203 to establish State commissions on teacher excellence. House Resolution 399 provides for an open rule whereby any germane amendments may be considered under the 5-minute rule. It also provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

House Resolution 399 makes in order to consider the Committee on Education and Labor's amendment in the nature of a substitute, now printed in the joint resolution, as original text for the purposes of amendment.

In addition, the rule provides that any Member may demand a separate vote in the House on any amendment previously adopted in the Committee of the Whole to either the joint resolution or the committee substitute amendment.

House Resolution 399 also provides one motion to recommit with or without instructions.

Mr. Speaker, the quality of the public education we provide our young people in this Nation should be of great concern to all Americans and to all Members here. The quality of a youngster's education today so often determines the quality of his or her tomorrow, that we must never stop improving our public school systems. Since the quality of the Nation's educational system depends, in large part, on the quality of our teachers, great care must be given to developing the very best ways of recruiting, selecting, training, licensing, and retaining teachers of excellence.

Realizing this, the Subcommittee on Postsecondary Education has reported House Joint Resolution 203 which encourages the establishment of State commissions on teacher excellence to study current State practices and to make recommendations on how to better attract high-quality teachers and keep them from leaving the profession. The joint resolution does not dictate, and I repeat does not dictate, to the States how this should be done, but leaves the composition and form of the commissions to the discretion of each State.

Mr. Speaker, extensive hearings were held by the Subcommittee on Postsecondary Education on House Joint Resolution 429, a measure very similar to House Joint Resolution 203, in 1981 and 1982. Witnesses at those hearings unanimously supported the purpose of the joint resolution. House Joint Resolution 203 enjoys the wide support of both the Subcommittee on Postsecondary Education and the Committee on Education and Labor.

In addition, Mr. Speaker, House Joint Resolution 203 constitutes no burden to the Federal Treasury, and, because it mandates no specific actions by any State, it has no State or local cost impact.

Mr. Speaker, House Resolution 399 provides a straightforward, open rule providing for the full consideration of House Joint Resolution 203 on the floor of the House and I urge its adoption.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker it is true that our best and brightest students are not going into the teaching profession. This is not a new problem. Years ago I served on a commission in the State of Ohio appointed to study problems in education. What we found then is still true today.

There are two major factors which keep the best students out of teaching. First, the salaries are low, and the top achievers tend to be attracted to fields which pay more. Second, most school systems have a tenure system. Once a teacher has tenure, the job is secure regardless of performance as long as the teacher shows up for class every day. Extra effort is not effectively rewarded.

There is no easy answer to either of these problems, and appointing more commissions to study teacher excellence is not going to improve the situation.

Mr. Speaker, at the end of the last Congress a resolution similar, but not identical, to this one was considered under suspension. It failed to receive the two-thirds vote necessary for passage.

One final point, Mr. Speaker, at the time that the Rules Committee considered this rule, the administration did not support enactment of House Joint Resolution 203. According to the statement of administration policy, all 50 States have established task forces dealing with questions of educational reform including issues of teacher excellence. The administration statement concludes that this joint resolution is unnecessary, since it deals with a widely recognized problem already being appropriately addressed at the State and local level.

Mr. Speaker, this rule provides 1 hour of general debate and an open amending process for the consideration of House Joint Resolution 203. This rule will allow the House to work its will on the joint resolution.

Mr. BONIOR of Michigan. Mr. Speaker, I have no further requests for time, and if the gentleman from Ohio (Mr. LATTA) has no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

□ 1410

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2878, LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1983

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 397 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 397

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education

and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 397 is an open rule providing for the consideration of H.R. 2878, a bill to amend and extend the Library Services and Construction Act.

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and makes in order an amendment in the nature of a substitute adopted by the Committee on Education and Labor which is now printed in the bill as original text for the purpose of amendment under the 5-minute rule.

The rule also waives points of order against the substitute for failure to comply with the provisions of clause 5(a) of rule XXI which prohibits appropriations in a legislative bill.

In addition, the rule provides that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute and provides for one motion to recommit with or without instructions.

Mr. Speaker, since the Library Services and Construction Act was first passed in 1957, the Federal Government has maintained its commitment to the provisions of library services throughout this country for all our citizens. H.R. 2878 continues this commitment by extending the act from fiscal year 1984 through fiscal year 1988. In addition, the bill expands the definition of libraries and the services they provide to include the provision of programs to meet the special needs of special populations through literacy training programs, the sharing of resource materials between libraries, expanded access for the handicapped and acquisition of foreign language materials for those Americans who speak English as a second language.

Mr. Speaker, the authorizations contained in H.R. 2878 are modest increases in the provision of library services to the citizens of this country. It should be remembered that this is an open rule which would allow the offering of any germane amendment and I commend the bill to my colleagues and urge adoption of the rule.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the time that the Rules Committee considered this rule, there was no objection to the open rule procedure, which is embodied in this rule.

The bill, however, is more controversial. At the time of the Rules Committee meeting, the Office of Management and Budget provided a statement of administration policy opposing the reauthorization of the Library Services and Construction Act. The administration believes that the act has, for practical purposes, already met its goal of improving access to public library services. State and local government should now bear the responsibility for assuring that the quality of public library services is not diminished.

Today, Mr. Speaker, over $1.5 billion is expended annually on public libraries of which the Federal Government contributes only about 5 percent. Clearly, libraries are not going to disappear if Federal funding is not continued.

Mr. Speaker, this bill would also create two new federally funded programs. One provides for the purchase of foreign language materials, and the other provides for literacy projects. Many libraries are already conducting such activities under other funding mechanisms. We should not be creating new authorizations for programs already being conducted under current law. We should be working to bring down the amount of the Federal deficit, not add to it.

If we are serious about bringing down deficit levels, this bill is a good place to begin.

Mr. FROST. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE SCHEDULE

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time to inquire of the distinguished acting majority leader the program for the balance of the week and for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I will be happy to read through the program for next week.

On Monday, January 30, 1984, the House will meet at noon. There is one bill scheduled on the Suspension Calendar. However, if a recorded vote is requested, it will be postponed until Tuesday, January 31. That bill on suspension is H.R. 1961, Agent Orange and Atomic Veterans Relief Act.

There will also be general debate only on the following two bills: H.R. 2878, Library Services and Construction Act amendments, on which a rule has already been adopted, and House Joint Resolution 203, a bill to Establish State Commissions on Teacher excellence, on which the rule has already been adopted.

I reiterate that if there is a recorded vote requested on the one bill on the Suspension Calendar, it will be postponed until Tuesday, January 31.

On Tuesday, January 31, 1984, the House will meet at noon. There are no bills scheduled on the Suspension Calendar.

There will be a recorded vote on H.R. 1961 if such recorded vote has been postponed.

The House will then complete consideration of H.R. 2878, Library Services and Construction Act amendments, and House Joint Resolution 203, to Establish State Commissions on Teacher Excellence.

On Wednesday, February 1, 1984, the House will meet at 3 p.m. The House will consider H.R. 2465, Earthquake Hazards Reduction and Federal Fire Prevention and Control, an open rule, with 1 hour of general debate.

On Thursday and Friday, February 2 and 3, 1984, the House will meet at 11 a.m., and consider H.R. 1904, Child Abuse and Adoption Reform Act, an open rule, with 1 hour of general debate.

As the gentleman knows, the House will adjourn by 3 p.m. on Fridays. Conference reports may be brought up at any time, and any further program will be announced at a later point.

Mr. MICHEL. Mr. Speaker, would the gentleman venture a guess as to the likelihood of our being able to wind up proceedings next week on Thursday rather than going over into Friday?

Mr. GEPHARDT. Mr. Speaker, it is my understanding that if we are able to complete the schedule that has just been announced at the end of business on Thursday, there would not need to be a session on Friday.

Mr. MICHEL. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, just hearing the schedule, it does not sound to me that we are exactly going to work ourselves into a sweat next week. I am wondering whether or not we could not find some additional things that exist on the Union Calendar to bring out here, so that we do not find ourselves logjammed as we go into the time this summer, when certainly we are going to be told that we have got to run things through here very, very quickly because we have got to adjourn for conventions, and so on. We are going to hear that story from the majority side. And I am concerned about the fact that we are going to go into recess, I think at the end of next week or the week after that. We are just not doing very much here. Why can we not bring up bankruptcy, immigration, some of these things that are on the calendar which are controversial items and could be dealt with now?

As I say, I just have a concern about the kind of schedule. I wonder if we could get a comment from the acting majority leader.

□ 1420

Mr. GEPHARDT. If the gentleman will yield, there is a concern, I think, on the part of the leadership to deal with all of the things that need to be dealt with this year. Some of the matters are not ready for consideration by the floor. The schedule that has been announced is what is ready. There is, obviously, effort going on to make sure we can finish our business in an orderly pattern, taking into consideration that we have political conventions later in the year that will take a lot of time.

It is obvious that, before we get a budget, we cannot go into the appropriations process but, indeed, some of the substantive bills could come up. I did say at the end of the presentation of the schedule that the leadership may and could bring up other matters during the week, and that may happen.

But certainly the gentleman's comments are well taken, well understood, and I think there is an attempt going on to try to bring out matters that are ready as soon as they are ready so that we can finish in an orderly manner.

Mr. MICHEL. I will say to the gentleman that in my conversations with the Speaker in pressing the points that the gentleman has made, particularly with respect to immigration and bankruptcy, that the Speaker has told me that he has been working to get some kind of accommodation and he understands that our position, one, is to, yes, get it to the floor and get it to conference. We are not going to be able to fashion a perfect bill here in the House, but get that measure to conference because the other body has acted on it.

With bankruptcy, I am quite well aware of the problem there, and that there are political problems in addition to just substantive problems.

But the gentleman is within his rights to ask that question. Of course, we do not do the scheduling on our side but we want to offer our assistance to facilitate the order of business to bring them out.

Mr. WALKER. If the gentleman will yield further, I appreciate the minority leader's comments. I know that he has been working diligently on a number of these matters.

What concerns me is the fact that we do not see them scheduled week after week. We know that there is work going on behind the scenes, and to some extent I am also concerned about a statement which says, of course, they reserve the right to add things during the week. What we find there is that things then of a very controversial nature sometimes get added without very much notice, which means the minority is not able to respond in, I think, an appropriate way.

So I would hope that maybe we would begin to work a little harder, do some of these things early in the year, get a few more things on the schedule, and proceed so that we do not have a logjam at the end of the year.

Mr. MICHEL. I thank the gentleman.

TEXT OF PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND SWEDEN CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-163)

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, January 26, 1984.)

ADJOURNMENT TO MONDAY, JANUARY 30, 1984

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. LUNGREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

TEXT OF PROPOSED REVISED AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND NORWAY CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-164)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, January 26, 1984.)

AGREEMENT BETWEEN THE UNITED STATES AND CANADA ON TOTALIZATION OF SOCIAL SECURITY SYSTEMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-165)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, January 26, 1984.)

INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-166)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

31-059 O-87-16 (Pt. 1)

(For message, see proceedings of the Senate of today, Thursday, January 26, 1984.)

REPORT OF THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE INDICATORS-1982"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Thursday, January 26, 1984.)

WEIRTON STEEL'S EMPLOYEES STOCK OWNERSHIP

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, I wish to bring to the attention of the House, an occasion of great historic and economic significance that occurred amid great celebration in my home district in West Virginia.

Wednesday, January 11, 1984, will forever be an important date in history for the city of Weirton, W. Va., and for the American steel industry. On that date, the workers of Weirton Steel became owners of their 400-acre mill that dominates the life of the upper Ohio Valley. As a result of a signing ceremony in which I participated, Weirton Steel became the largest employee-owned company in the United States, and a unique model for thousands of other troubled American companies.

But, the process that culminated in the ceremonies January 11, was not easy. It was the result of 18 months of debate and contemplation by the loyal employees of this historic and profitable mill. September 23, 1983, the workers of Weirton Steel voted eight to one to become the new owners of the plant.

Eighteen months ago, when National Steel made the difficult decision to divest parts of its steel operations and announced its proposal that the Weirton facility be bought by its employees, the true spirit of the 25,000 inhabitants of Weirton became evident. They banded together for a common goal, and with the battle cry "We Can Do It" forged ahead, blazing an unprecedented trail of cooperation and dedication.

This month, the people of Weirton indeed did "do it," with a bold new plan that represents the best result that anyone could have hoped for 18 months ago.

Known as an employee stock ownership plan or ESOP, the buy out proposal means the promise of a bright future for a plant that has proven itself able to meet the demands of a difficult market. In 1981, a disastrous year for the steel industry, Weirton Steel still managed to eke out a profit.

The plant facility is basically sound and its reputation as this Nation's highest quality producer of tinplate is intact. The market for tinplate—the main product of the Weirton mill—is still a stable steel product.

The transfer of ownership from National Steel to the workers of Weirton will require the new owners to take a direct cut in pay and benefits of 20 percent. That represents tough medicine for sturdy people with a difficult challenge.

Weirton Steel was built by E. T. Weir from scratch in 1909 on what used to be apple orchards. He created a legacy of community spirit and prosperity that I am sure will manifest itself again in the success of this new endeavor.

That community spirit was evident when the residents of Weirton began a fund drive to finance the research involved with the stock ownership plan. For example, a telethon was held on the local cable television station that was expected to raise $40,000. But, the dedicated and hard-working citizens of the Ohio Valley contributed more than $150,000.

The town that E. T. Weir founded at the turn of the century has indeed grown up to face the difficulties that threaten its survival. As one writer put it, "the company town has become the town company."

I wish to publicly express my admiration and support for the people of Weirton Steel who have not only preserved their mill and their community, but also offer this Nation an example to follow in the constant drive to reconcile the problems that have been tearing many of our productive enterprises apart.

Mr. Speaker, I think it is appropriate for this body to recognize the Weirton joint study committee members who labored long and hard to bring the Weirton Steel ESOP into reality.

The committee was composed of representatives of the Independent Steelworkers Union (ISU), the Independent Guard Union (IGU) and the Weirton Steel Division management independent of National Steel.

The ISU representation included: ISU President Walter Bish; committee chairman, Steel Works No. 1, Nicholas Petrovich; committee vice chairman, Steel Works No. 1, John Spadafora; committee secretary, Steel Works No. 1, Gaylord Meloy; committee chairman, Steel Works No. 2, Edward Martin; committee vice chairman, Steel Works No. 2, Donald Murray; committee secretary, Steel Works No. 2, John Koval; committee chairman, Sheet Mill, Anthony Julian; committee vice chairman and secretary, Sheet Mill, Thomas Walters; committee chairman, Tin Mill, Domenick Tonacchio; committee vice chairman, Tin Mill, Charles Cook; committee secretary, Tin Mill, Thomas Gaudio; committee chairman, Strip Steel, Edward Conley; committee vice chairman, Strip Steel, Benjamin Wade; committee secretary, Strip Steel, Emil Morelli; chairman, Clerical and Technical Unit, Steve Karnoupakis; vice chairman and secretary, Clerical and Technical Unit, Craig Petrella.

The IGU representation included: President Clifford Becker; secretary and treasurer Virgil Davidson; and Steward Robert Gilbert.

The divisional management representation included: president of the division Robert L. Loughhead; executive vice president of the division Carl L. Valdiserri; vice president of operations of the division Kenneth M. Hunt; vice president of industrial relations of the division John A. Madigan; vice president and controller of the division Eugene L. West; and general manager, industrial relations and division counsel William L. Doepken.

AMERICA NEEDS SPECIFIC ROAD MAP FOR TACKLING DEFICITS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I was pleased with the conciliatory nature of the President's state of the Union address last night. But other than the suggestion of forming a bipartisan group to tackle the problem of our enormous deficits, he offered no specific road map of how this crisis should be dealt with.

I believe it is not acceptable for our leaders to tell us not to worry about their deficits, that they will decline at some future point. That is like a fireman telling someone trapped in a burning building not to worry because it is sure to rain soon. When a truck is speeding toward the edge of a cliff, it does not need more time, it needs a change of direction.

Having criss-crossed over 10,000 miles of New Mexico this past year, having held over 100 town meetings, I can assure you there is a growing unease about the immense size of the deficits. Today there are those who focus solely on an improving national economy and who, mistakenly, believe deficits are a problem for the future. They are not.

They affect a young Santa Fe couple who are unable to finance their own home—today.

And they affect the carpenter who wants to build that home—today.

And they frustrate the meatpacker in Farmington who is unable to expand and hire new workers—today.

Last year's economic news from Washington was grim. Expected reports for the years ahead are even grimmer. We ended up this past fiscal year with a staggering deficit of nearly $200 billion. If we stay the course on this current economic path, nearly $2 trillion will be added to the national deficit by the end of the decade. That is intolerable and unacceptable. Two-thirds of all available credit will be snapped up by the Federal Government. The scramble for the scarce bit remaining will inexorably keep interest rates in the clouds. And New Mexico cannot grow, nor can the other 49 States grow, under the weight of deficits of that enormity. And it is also unacceptable for those senior leaders who only a few short years ago were the principal architects of a flawed economic game plan which produced this deficit crisis to now disown accountability. Twenty months ago they were proud of their participation. Today, however, they plead for "political courage" from the rest of us to rescue the country. Our ultimate goal must be to balance the budget. And I believe we can reach that goal in the next 4 years by moving steadily to bring the deficit under control. We can cut the 1988 budget deficit by between $150 and $200 billion. That total saving will result from lower spending and lower interest cost as well as from increased tax revenues. And we can do it through actions that are fair and sacrifices that are mutual. But the President himself must take an active role in that process.

I believe enactment of a fair tax, medical cost controls, and entitlements and defense reassessment plans can achieve our program if we begin now. And we must begin now or all of us will soon lead lesser lives in a lesser land. While we must, of course, rethink our ideas in the days ahead, let us resolve not to retreat from our ideals of years past.

Our goals must be to keep America the undisputed No. 1 economic power in the world and to raise the standard of living and improve the quality of life of every American.

A REVIEW OF THIS WEEK'S ACCOMPLISHMENTS IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I thought this afternoon we might want to look a little bit at what has taken place in this House this week. It has been a little bit different, I think, from what some people expected might take place this week.

I do not believe there were many people who expected that some of the substantive issues facing the Nation would get raised on the House floor this week. And yet they did. I do not believe that there were many people who believed that we would deal with some of the problems with the way this institution governs itself this week. But yet we did. There has been a record compiled this week which I think will make at least a little bit of difference in the weeks ahead. I would like to review a little bit about what it is that has happened.

A number of Members came to the floor of the House of Representatives on several days this week and suggested that this House ought to deal with at least three basic issues: a balanced budget, voluntary school prayer, and line item veto. We went through a procedure, strictly within the rules, of asking unanimous consent that those bills be brought to the floor, not immediately, but brought to the floor under a rule that would require open debate of those issues. That particular request in each and every instance was turned down by the majority side.

What does that mean? It means very simply that the majority party is unwilling to have those issues discussed. For years they have kept those issues from coming out of committee and onto the floor, and now, by taking the route of coming to the floor and asking that they be brought here by Members' requests, we were also denied the opportunity to have that done.

I think that says clearly to the American people that this House really is not willing to deal with those issues, that those are not issues that this House recognizes as important, even though in many of those instances 80 percent of the American people think that they are important and think this House should be dealing with them.

In the case of voluntary school prayer, it is an issue, as my distinguished colleague, the gentleman from Minnesota, has pointed out, on a couple of occasions that has been in this House for 21 years. It has been here for 21 years and in that entire period the American people have expressed over and over again, by a 75 to 80 percent majority in polls, that they believe that is an issue that should be dealt with. And yet this House in that 21-year period has not even considered it. I do not care how Members vote. I say, "Vote any way you want on that issue." But at least I think we ought to consider something that has that kind of momentous support among the American people. We did not do it. We asked to do it this week, and we were turned down.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman is making an important point that we need to emphasize and reemphasize and reemphasize in the course of this year.

The point that I think we need to also underline is that the reason that these items are not brought to the floor is not simply because in the view of the majority there is too much other pressing business. There is a large number of items brought to the floor of this House for debate that are on the agenda of the Democratic majority but which are put there frankly for political reasons. In the course of last year, we spent countless hours debating a number of pieces of legislation which may have merit but which we all knew were never going to become law but which were debated because, in the legitimate view of the majority, they deserved a full airing.

I point out that the nuclear freeze issue probably falls in that category; also the domestic content bill. That is not to say that Members on the other side of the aisle do not legitimately believe those are reasonable proposals but only to say that we all knew they were not going to become law, either because they would not be enacted by the Senate or would not be signed into law by the President.

On those items that are of importance to the Democratic majority, we debate them, whether they are going to become law or not, but on the substantial items the gentleman in the well has raised, which have overwhelming support by the American people, we do not get a chance to even talk about the issues.

I think I speak for a number of us when I say that we are frustrated by the continued use of the rules by the majority to bring their political agenda to the floor time and time again but to deny us the opportunity to have our political agenda brought to the floor, particularly on those items where we have the support of the American people.

Mr. WALKER. Mr. Speaker, I think the gentleman is absolutely correct, and he makes a good point.

What is more important is, having raised those unanimous consent requests aimed at bringing those items to the floor, ultimately what the majority did was gag us from being able to use that methodology, even though it is within the rules.

The Speaker yesterday imposed a gag rule on the majority seeking to bring those kinds of issues to the floor, and now we are told that "You have got to be good little boys, and what

you have got to do is you have got to go over to your minority leadership and get clearance from them in order to consider these, and then you have got to come to us—the great majority leadership—and we have got to give you permission to bring those up."

Well, we all know that permission is not going to come because they have had the ability to do it for years.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am pleased to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, the point the gentleman is making is very important because what we are doing is withdrawing that decisionmaking process one step from public view.

Under the procedures used earlier this week, when the gentleman in the well and myself and other Members of this body raised issues under unanimous consent requests, it at least required someone to stand up and publicly object so that at the very minimum the general public could see that somebody wanted to bring it up and someone else who was identifiable took responsibility for objecting.

Under the new procedure that the Speaker has outlined that the gentleman has been describing, the public does not even have that degree of accountability, because in some little secret procedure ahead of time basically the majority prevents us from even making that request.

Mr. WALKER. Mr. Speaker, the gentleman is absolutely right. That is the problem around here. There is no accountability in this body.

There is no public accountability because the issues are never raised that the American people want to have raised, and when they are raised by legitimate means, the majority finds some way to gag those Members who are raising the issues. And that is precisely what took place in the course of this week out here on the floor.

□ 1440

Now, I think the American people need to focus on precisely that issue; but there are some other things that took place this week, too. One of the issues we brought up early in the week was, given the fact that we are going to have a majority that behaves in that manner, behaves in the manner just previously described, should we not then at least have a committee structure in the Congress that is fair, that is equitable, that has the same kind of one-man, one-vote principle that applies throughout the country? The American people understand one-man one-vote. That is something that is ingrained now in the American political tradition.

The only place in the American political tradition that it does not apply is in the people's House, the House of Representatives. Every other democracy in the world has proportional representation in their committee structure. Only the Communist dictatorships in the world do not, except for here. Here we do not have proportional representation.

So this week we came to the floor with a resolution saying that let us have proportional representation in the House. Let us at least give the people in the minority a fair shake. What did we find out? They would not even allow that resolution to be considered. That could not even be considered on the floor. It was ruled out by the same Chair that gagged us yesterday.

Now, why is that? Clearly it is because we are not about to have proportional representation. We are not about to have one-man, one-vote around here, because that might really force the people's agenda out here onto the floor, too, and that would be horrible. The liberal welfare state would suffer if the people really had a voice here in the House of Representatives.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. I wonder if in bringing this question to the floor if we had the opportunity to discuss it, would we go beyond the question of the number of Members on the committee and start to talk about the number of staff that are provided to the majority and to the minority?

Mr. WALKER. Well, that was not part of the resolution, but it certainly is something that we ought to discuss. The proportion of staff around here is positively appalling.

I serve as the ranking member of a couple subcommittees. In each case I have one staff person assigned to me. The majority side in those subcommittees has 10 to 12 people assigned to them.

You know, that disproportional nature of the committee staff around here also limits our ability to work as effectively as the majority is able to work. Obviously the people that do research are going to get more research done.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. I would just like to reinforce a point that runs through all these discussions, which is the absence of accountability. The average person in the gentleman's district or in my district or the district of the gentleman from Florida, Republicans and Democrats alike, believe basically in commonsense and fair play. If you say to them that you should have basically the same number of seats in committees proportionately that you have in the Congress as a whole, they will all say, "Of course, that is fair."

Therefore, it becomes very important to the majority not simply to maintain the existing system, but to prevent it from even being debated or voted upon and that is a critical element in the discussion that the gentleman from Pennsylvania has raised, that we are not even given an opportunity to debate this issue or raise it because if we did, the Members of the majority party would have to go on record voting against one-man, one-vote in the committee. They do not want to do that and they do not want the people back home to know how they stand on that issue. They want to be able to duck it when they go back to their districts and say, "Well, gee, that is the way it is. I do not think it is right, but there is nothing I can do about it."

Mr. WALKER. The gentleman is absolutely right.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Let me expand on the thought that I was bringing up a moment ago.

One of the things that we talked about in Baltimore, if the gentleman will recall, was the need for us to come up with new ideas, to continue the thing that we started in 1980 of coming up with new positive approaches to help solve the problems of America.

I would suggest that one of the areas that should be available to us in developing those new ideas would be hopefully from the staffs that we have on these various committees and subcommittees. In the Budget Committee, for example, I was rather shocked in the first several weeks that I participated in the budget hearings to find that the staff for the majority was somewhere in the neighborhood of 60 members of the staff and in the minority's case, that there were some 6 to 8 or 9 members of the staff.

Mr. WALKER. Now, wait a minute. The gentleman is telling me that the ratio in the Budget Committee that has so much to do with what we are saying out here on the floor, the gentleman is telling me that the ratio is about 60 to 9?

Mr. MACK. That is pretty close, yes.

Mr. WALKER. Six to one?

Mr. MACK. I believe those numbers are pretty accurate, yes.

Mr. WALKER. Well, I mean, that is incredible. That is horribly inequitable. That is unfair and the American people recognize that that is unfair. It is something that should be corrected; but you know, we are not going to get corrections around here with the present leadership.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I just think that the underlying point that we have to make from all this is that this is the natural outgrowth of a party that has been in power too long. The House of Representatives has been controlled by the Democratic Party for more than a quarter of a century and after that long period of control, I think we can understand why that party becomes unresponsive to the will of the people on a number of significant issues and, frankly, feels free to abuse its power in such matters as proportional representation on committees, assignment of committee staffs, and all the other things that go with a party that has been in power too long, that feels itself incapable of being challenged by the voters.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Nebraska.

Mr. DAUB. Just briefly on the point that my colleague and friend from Minnesota has made, and it is simply that when the Republican Party succeeded on the issue of fairness in establishing majority control in the other body, their representation allotted by rule and by decision to the minority, the same political party that controls this body was proportional and fair and that example has been set.

Mr. WALKER. Let us emphasize the gentleman's point. In the other body where Republicans control the mechanisms, the Republicans allowed the Democratic Party there proportional representation.

Mr. DAUB. That is precisely correct.

Mr. WALKER. Whereas here where the Democrats control, it is disproportional representation?

Mr. DAUB. Yes.

Mr. WALKER. That is unfair. The Republicans are, in fact, the party of fairness when you take a look at how this institution is run. The place where the Democratic Party power is most on display, the so-called party of fairness, is not fair at all. They are unfair. They are inequitable.

Contrast that with a few hundred feet down the hall and the Republican Party is, in fact, allowing proportional representation on committees. I think that is what the gentleman from Nebraska is saying.

Mr. DAUB. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. DAUB. What I am trying to say, just to elaborate briefly, when you take a look at the Constitution which generally sets, as we all know, a 2-year term for a Member of the House of Representatives in Congress and a 6-year term for one who represents this country in the other body, then what is interesting is that the Constitution decides that in the body the powers are clear, advice and consent, treaty making, ratification of foreign policy, and on those things fairness for the people is clear in the policymaking function, the essential function constitutionally of that body.

Here where the single charge by Constitution is that in the House of Representatives, the people's body, in fact, responsible basically for the taxing and spending policies, the power of the purse, the power of the purse string, framed by our founders to be closest to the people, the unfairness clearly translates into the economic mess that this country has been in for all the years that we have been talking about.

Mr. WALKER. Well, I thank the gentleman.

I think we want to go on to the next point in all this then.

What else we found out this week is not only are those committee ratios unfair, but today we had a vote, thanks to a resolution put forward by the gentleman from Nebraska, on proxy voting.

Now, what does proxy voting mean? Proxy voting is the same as a term that the people might understand better than proxy voting, it is ghost voting. You do not have to be there. Your vote can be cast and you do not have to be anywhere in the room. You simply hand a sheet of paper to a committee chairman or to a ranking member and he votes you as if you were there. It is a ghost vote.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. I just want to raise one point. That is not permitted in this body in this House, is it?

Mr. WALKER. No; as a matter of fact, it is vehemently opposed in this body. You cannot ghost vote in the House of Representatives as a whole. You have to be here to vote, but in the committees where a lot of the decisions are made ghost voting is permitted. You can go in and have one person from the majority side in the room, with the chairman holding a sheaf of papers and he can outvote 10 or 12 Republicans sitting in the room. He can vote all his ghosts and allow the process to be thwarted with his ghost voting.

What happened on the floor today? The Democratic party stood up and said by an overwhelming majority that they think ghost voting is just fine. We should not even study the issue.

□ 1450

Mr. DAUB. I appreciate the mention of the effort that was made in this great public debating institution, or at least that is what I think all of the American people expect it ought to be. A little later on in this particular part of our agenda for the House's business today I would like to address the issue much more specifically than we may have time during the current special order, and it is an interesting subject and one that I think deserves a firm amount of attention.

You recall we got special permission earlier today, and we invited all of the Members of the House interested in this issue of ghost voting and proxy voting. Where it is often said that the work of the Congress is in its committees, maybe in fact Will Rogers was right when he said a long time ago that you never have to worry about Congress when they are home. And the proxy, ghost voting, what I call suffocating provisions of the leadership and of the rules of the House Democratic Caucus, in fact, have led constructive thoughts by both Democrats and Republicans to go without being contributed to the committee work of this House and indeed that leads to the very poor attendance that exists in many of the committees of this body.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I would just add an historical point. The Constitution, of course, does not talk about committees of the Congress at all. The committees are an invention of the Congress, and this is very important.

The reason that Congress invented committees was very simply division of labor. The job became too big and we had to divide up into committees to do the work.

To then, though, change the rules from the way they exist on the floor and say we are going to have disproportionate representation for the majority party on those committees, and to allow them then to exercise proxy voting, which enhances the power of the chairmen and really fundamentally goes against the spirit of the Constitution, and the original purpose of committees was not to circumvent the Constitution in a way that would enhance the power of the majority but was simply to enable the Congress to do its work more efficiently.

That basic division of labor management tool has turned into a tool for enhancing the power of a fairly small number of people in the majority party.

Mr. WALKER. I thank the gentleman, because he has put the two things together now. He has put the two things together.

You start off with disproportionate representation in the committees, and then what you say is that dispropor-

tionate representation does not even have to be there in person to vote, they can vote as ghosts, and so the policy gets completely out of whack as a result of disproportionate representation that then is ghost voted.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. I think maybe we had better add one more element to this, because we might be expressing or giving the wrong impression. Some people may believe that the reason that we just were blocked from discussing this further was because we just went too far in this question about ghost voting and proxies, that we probably wanted to just say summarily in this resolution that as of this date we want to do away with it completely, without any kind of thought or discussion or study. Is that what the resolution called for?

Mr. WALKER. Absolutely not. I think the gentleman makes an excellent point.

What we suggested was we were going to send this to the Rules Committee to study for 45 days and come back with a recommendation that then would be voted on. So all we were asking was to look into this practice which I think most Americans would report as repugnant. I cannot imagine that there are very many American people who think it is a good idea for their Congressman's name to be voted when he is not even around. I think most of them would consider that just outright disgusting, and they think that we maybe ought to at least look at it.

All we were voting on today was whether or not we should look at it, and the House of Representatives voted, this great body of the people voted not to even look at it, not to even study it.

Mr. DAUB. Will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Nebraska.

Mr. DAUB. It is not only an issue of policy which goes to fairness, as we may suggest by a number of these questions that are being raised this first week of the session. But it goes to the issue of credibility of this institution, that if in fact fairness is not there, if in fact the way in which these bills are reported from committee has not had the best work being applied to them by the most knowledgeable minds, that we often hear on the one hand the work of the Congress is not done on the floor, it is done in committee, and, well, is that just an excuse or is it the truth, if people would really start to study the committee process and the attendance records and the use of the proxy that they would find out that in fact this whole sort of discouraging picture of being throttled and stifled by the suppressive rules of the majority in this body led to not the best effort in the formulation of the bills that are in fact brought essentially through this horrendous process, even to this floor for debate.

Mr. WALKER. I thank the gentleman for raising the credibility issue because let us go to the third vote we had this week. The other item that was brought up in the week is we decided that one of the things we ought to have is an accurate CONGRESSIONAL RECORD. I think the American public is pretty familiar by now, as a result of articles that have appeared in leading journals like the Reader's Digest, that we do not have an accurate CONGRESSIONAL RECORD at this point, that Members are given the privilege around here of doing something called revising and extending.

Now, that is a nice term. What that means is that things which were never said can be put into the RECORD as though they were said. Things that were said can be changed 180 degrees so that they are completely different from what was actually stated.

The RECORD is a distortion of what takes place here, not a representation of what takes place here.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I will be glad to yield.

Mr. WEBER. I think to underscore the gentleman's point it is very important to emphasize we are not simply talking here about making grammatical changes or cleaning up sentences that were not complete, as they tend to be sometimes in the course of heated debate. There are no restrictions whatsoever on the amount of change that you can make in the RECORD when you choose to revise and extend. You can completely change the meaning, you can wipe out entirely things that have been said. Is that not correct?

Mr. WALKER. Let me give an example. Last year when we were about to debate the famous ERA amendment one of our Members came out on the floor and made just a wholly insane statement, in my opinion. What that statement was, was that it was said that the Constitution begins with the words "all men are created equal."

There is no such word in the Constitution. That is in the Declaration of Independence, and a whole speech was made about the fact that we ought to make the Constitution sex neutral. The Constitution is a sex neutral document and it does not mention women or men anywhere in it. There is not one line in it that says anything about that.

Whether you agree with ERA or not, this statement just had no relevancy whatsoever to it, so this gentleman from Pennsylvania, who does not revise and extend in the RECORD, by the way, came up and pointed that out. I said just exactly what I said here now, that that is the Declaration of Independence that is being talked about, and it just does not make any sense for that statement to be made, and I would hope that the debate that we are about to undergo will be on a little bit higher plane than that statement reflected.

What happened?

That Members went back and revised and extended their remarks and corrected it to say that the Declaration of Independence says this, and totally changed the statement so that my statement that was not revised and extended looks kind of strange when you read it in the context.

That is wrong. There is something terribly wrong with a process that permits that to take place.

That is not just because it happened to me. It happens to Members around here all of the time, and it is just a personal example that I can cite.

We have those distortions all of the time.

Mr. WEBER. Will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. I will just point out that in that unfortunate incident the gentleman from Pennsylvania described, the big loser, of course, was certainly not the gentleman who was unable to revise and extend or even the gentleman in the well; the big losers were the voters in the district of the gentleman who chose to revise and extend because they do not know that they were fooled.

Mr. WALKER. That is exactly right. It is the American people that are the losers ultimately. The American people have to go to that RECORD as the document on which they rely about what goes on here in the House, and that document just does not reflect at all what is done in this Chamber.

What we came to the floor with earlier this week was a resolution suggesting that that ought to be studied, too, and that we ought to look into having an accurate CONGRESSIONAL RECORD.

The American people assume that they do have an accurate record of what goes on here, and yet it is not. So we suggested that that might be a good idea.

What happened?

Once again, there was an immediate motion to table that and it was voted on by the majority, and the vast majority of the Democratic Party said they do not want an accurate CONGRESSIONAL RECORD, no way. We are perfectly willing to have a distorted CONGRESSIONAL RECORD and let us leave it as it is, and that is the vote.

Now, put all of those things into some kind of stream of consciousness

here for a moment and think what the Democrats have said to you this week. They have said that we are going to start off with an unfair policymaking process. We are going to enhance that unfair policymaking process by allowing ghosts to vote within it, and then we are going to distort what we tell you about it.

Is that really the kind of legislative government that the American people believe this House should be?

□ 1500

Is that the kind of high moral plane on which we ought to be operating? I think not. I think the American people would be appalled that that is the legislative process.

Then add a fourth element to that, that is unfair—it consists of ghosts, it is distorted in its presentation to the public and add one more element: When someone tries to do something about it they are gagged because that is what took place out here this week. Those of us who are trying to do something about it ended up being gagged by the leadership in that which we were doing.

I yield to the gentleman from Minnesota.

Mr. WEBER. I would further add to that, and this is very important because as we travel around our districts we all find tremendous frustration by the people, they do not understand why it is so complicated, and they are given this parliamentary mumbo-jumbo as an answer to why Congress has not acted on the agenda. The gentleman makes important points. But it is worth noting that on ghost voting, proxy voting in committee, proportional representation in committees and verbatim transcripts, although decisions were made on all of those items this week in the House of Representatives, decisions which I believe go contrary to the will of the majority, Members are going to be able to say.

"I never voted on any of those things," because their votes will be cloaked in a parliamentary veil so that they end up voting on a motion to table or something.

Now we all know decisions were made on those issues which affect the conduct of the House of Representatives but they were cloaked in a way so that Members can come if they choose to do so, go back and say, "We were just casting procedural votes."

Mr. WALKER. Sure, that is what they are going to do, they are going to go back home and if somebody raises those points they are going to say, "Oh, no, I never voted on that, I am for an accurate CONGRESSIONAL RECORD. Why just look, I cosponsored this piece of legislation in favor of an accurate CONGRESSIONAL RECORD. I am for that. You are talking about a motion to table which is a procedural thing no one understood really what was going on. Do not blame me for that, just look at this piece of legislation which I cosponsored over here," which they know doggoned well will never come up anywhere, that it was buried the day it hit the committee.

Mr. WEBER. Look at the day that I revised and extended my remarks in the RECORD about how much I liked the idea of proportional representation.

Mr. WALKER. Absolutely right, sure. As a matter of fact there will be some people who will revise and extend their remarks on that day saying they are really for an accurate CONGRESSIONAL RECORD and they were sorry that this vote that would muddy the issue came up.

Mr. WEBER. Precisely.

Mr. WALKER. So we are going to have a lot of that kind of thing out here. You know, the silliness of it, some of them will have the nerve to put out a press release in their district how they sat up on the floor and made an impassioned plea for an accurate CONGRESSIONAL RECORD or an impassioned plea against proxy voting or an impassioned plea in favor of trying to get Congress to be more fair.

Mr. WEBER. Unfortunately the silliness of the thing tends to cover up the real seriousness of it.

Mr. WALKER. That is right.

Mr. WEBER. There are real world ramifications I think to this absolute lack of accountability. One of the things we lament regularly in the Congress is that public opinion polls measuring the credibility of institutions, the media, the church, big business, big labor, almost always say that Congress has sunk to about the lowest point in modern history. The esteem in which the general public holds this institution which is charged with making its laws and governing the country has never been lower. And we all talk about how important that is. I think one of the reasons that is so is precisely that item which we have been talking about today, that much of the conduct of the House of Representatives is a charade that tries to cloak what goes on here in parliamentary language and keep the people from understanding that this House is not acting on their agenda. That is the tragedy that underlies that silliness that we have been discussing here today.

Mr. WALKER. Well, the gentleman again makes an excellent point because what we want to assure the American voters—here is a week that they can look at, they can look at what took place in this House, who is who and what is what and find out whether or not this is really the kind of House of Representatives that they believe serves their best interests.

There is one other thing that took place during this week too, something that has not happened in about a quarter of a century. We voted on something that came out of committee without the Speaker or without the Rules Committee putting it on the Calendar.

We brought out the procedure called Calendar Wednesday that has been around since the 19th century and we actually utilized it this week. We usually do away with it by unanimous consent around here and we say that we are doing it for the efficiency of the House, to keep things moving in the House. But what that does, it puts more power in the hands of the power brokers around here who are denying the American people their agenda.

So this week Calendar Wednesday took place. Guess what? After all the horrible scenarios that have been drawn about what would take place if Calendar Wednesday ever took place on the floor, all kinds of mischief and terrible things would happen, Calendar Wednesday worked rather well. Out came a bill out of the Agriculture Committee, it is not a bill that I particularly was in favor of, it is kind of a lousy piece of legislation actually but the chairman evidently felt it was the most important thing on the calendar for him. He can go back and explain to his people, that is fine. But it came up. We debated it, we voted on it, and it actually won. It became a House-passed bill because the body, the process was opened up a little bit. We opened the process. We allowed a few more people to make decisions about what this House will consider. I think that is some sunshine that is extremely important. Is it not a nice thing that a few more Members of Congress had a chance to make a decision about what this House would consider?

I would like to think that all 435 of us would have a chance sometime to begin to be a part of the process of what we consider here on the floor.

I yield to the gentleman from Minnesota.

Mr. WEBER. Would the gentleman clarify again? When was the last time this procedure was used?

Mr. WALKER. Well, I am told that it was about a quarter of a century ago. It may have been 1965, 1968, it was back in the sixties sometime.

Mr. WEBER. I think that is very interesting. We had an interesting conversation about this this afternoon with a member of the majority, in fact it was a committee chairman of the majority. I will not mention who it was because I do not want to drag him into this conversation, into our debate. But it was a very interesting conversation. He has been here a while and he pointed out that in the 1950's the Calendar Wednesday technique was used extensively. Do you know who it was used by? It was used by the liberals to force action on civil rights legislation.

Mr. WALKER. That is interesting.

Mr. WEBER. Now is it not interesting that in that time liberals found that device practical to bring to the floor civil rights legislation that had been preempted from consideration? And now when we are trying to use the device, and who is objecting? The liberals.

Mr. WALKER. Because all of a sudden this has become a liberal welfare state in which their interests are the ones which may get gored by the bills that would be brought out here. The people have real problems. They feel very strongly the liberal welfare state is not working in their best interests and yet the bills that they know can correct that never get considered here. So yes, here we are using those same techniques, we are using an openness process. I think some people around here fear openness more than anything else. They fear first of all that the public might find out what it is that we are really doing here, and second, the Members of Congress might actually have a chance to vote on those things they were sent here to vote on. I mean, that would be a real tragedy now, if we actually came to Washington and voted on the things that the American people sent us here to vote on.

In the opinion of the liberals in Congress that is a tragedy. In my opinion, that is precisely what we should be doing.

I am sent here to vote, that is my principal role in Congress. I should not shirk that responsibility by ducking tough votes, by burying them in committees, by not having them considered on the floor. We ought to be out here voting and then take that voting record back to the American people and ask them whether they agree with this. We should not vote as ghosts, we should not be required to vote in unfair procedures and we should not have our remarks that we make during debates on those votes distorted in a CONGRESSIONAL RECORD.

We tried to correct those things here this week and we were solidly beaten down and in the end were gagged. We were told we were not even permitted to try within the rules to raise some of those issues.

Well, I want to assure my colleagues that they have not heard the last of these issues, that they have not heard the last of trying to use the procedures within the House to make this House more responsive, more accountable, to let some sunshine in here. We are going to continue to do this. This week was a beginning.

It did not move anything very far, but I think a mistake would be made to consider it just a week of a few junior Members who are frustrated who had to vent their wrath on somebody. No, sir, it is more than that.

I went home and got a message from the people in my district. The message from the people in my district is they are pretty disgusted with what is going on in the Congress in Washington. They kind of think Ronald Reagan is on the right track in this country but they are awfully disgusted to see him thwarted all the time on Capitol Hill.

□ 1510

They are awfully tired of seeing Members of Congress who have nothing good to say about the country, who are always running down the country and who have no solutions of their own. And they want to see some of the programs voted upon and they are not seeing that happening. And they basically told me that, "You know, we think you ought to be down doing something about it."

Well, that is what this week was about. And I can say that I intend to be a part of a process to continue throughout the rest of the year to focus on some of these kinds of concerns.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I would just add, I think that it is important to explain again exactly the nature of what we are doing, particularly because some Members of the other side have characterized what we have tried to do this week and what we will continue to try to do as obstructionism.

Now, the people in my district would not like it very much if that is what we were doing. And that would not reflect the popular will, but it is very important, I think, to point out, we did not try to obstruct action on any piece of legislation this week.

Speaking for myself, and I am sure for the gentleman in the well, I fully anticipate having to listen to the debate on issues that are part of the Democrats' agenda, I fully anticipate voting on every piece of legislation the Democrats care to bring to the floor, which in their view are items of major importance to the American people. That is not what we are talking about. We are not talking about preventing anything from being aired.

What we are talking about, though, is bringing items to the floor that would not otherwise receive consideration and that is a substantially different task than one that would be characterized as obstructionism.

Mr. WALKER. I thank the gentleman for that because that is important, because at times this gentleman in years passed and maybe at some point in the future will engage in obstructionist kinds of techniques here on the House floor if that is warranted by what is being crammed down our throat.

But that is not the purpose behind this exercise and there was nothing obstructionist about what we did this week. Everything done this week was done in the spirit of attempting to open the House. We did not get in the way, we did not call unnecessary votes, we did not make nuisances of ourselves by requesting votes on seconding the previous question or anything like that. There was none of that in this process.

This process was aimed strictly at bringing issues to the floor. We even used the procedure of 1 minutes to do our unanimous-consent requests. We lined up time here in special orders, after the whole legislative business of the House was done, to bring this kind of discussion before the American people. We handled it in that way so that we were not unfair to the Members, so that we were not bringing Members over here for votes that many of them would regard as unnecessary. We tried to handle this in a very responsive and responsible way. And what happened? The same leadership that was willing to gag us referred to that as being ruthless, they referred to it as being obstructionism, they referred to it as being irresponsible. The majority leader was over here on the other side of the aisle the other evening telling some of our Members, "Now the responsible Members in your party have to get together and stop this kind of thing from happening."

Well, the fact is the responsible Members in our party lined up and voted with us because they knew what we were doing was responsible.

The irresponsibility is on the Democratic side of the aisle. It is an irresponsibility of unfairness, an irresponsibility of distortion, an irresponsibility of ghost voting, an irresponsibility of gagging individual Members who want to exercise their rights on the floor. That is the irresponsibility that characterizes this body and an irresponsibility that needs to be ended.

Mr. WEBER. If the gentleman will yield further, the gentleman has raised a very important point in this entire discussion, the whole question of responsibility. Because there is a difference between responsible action on the floor of the House of Representatives and irresponsible action.

Unfortunately what has happened though is that responsibility has become in many cases a code word for politics as usual and playing the game.

And, of course, no one wants to say, "Your Members have to start playing the game," so they say, "Your Members have to start being responsible."

Well, responsible in that context does not mean what the average person in my congressional district thinks of when he thinks responsible. Responsible in that case is a code word that means: "Don't get us into all of this controversy. Don't raise these issues that we don't want to have to vote on. Some of our guys will find it

embarrassing." Even though 80 percent of the American people support it.

Responsible in that case becomes a code word for politics as usual, business as usual, and covering up basically the actions of the Member of the Congress. It is very important to make that point.

Mr. WALKER. Well, the gentleman is absolutely right. And it was interesting today when the Speaker explained to the gentleman from California (Mr. DANNEMEYER) why he had imposed the gag rule yesterday. It was explained that it was done for reasons of the efficiency of the House.

Now, efficiency is something which dictators always talk about. Dictatorships are notoriously efficient and notoriously undemocratic.

Well, that is what has happened around here is we have become more efficient than we are democratic and yet, in the people's body, in the place where issues need to be discussed and developed by all of the Members, it seems to me that we should be far more democratic than efficient, democratic—with a small "d."

And my guess is that once we replace the majority here with Republicans it will be a very much more democratic—small "d"—body.

I thank the gentlemen who have participated with me in this special order.

PROXY VOTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. DAUB) is recognized for 60 minutes.

Mr. DAUB. Mr. Speaker, I will only use but a small and brief portion of my time to talk about the issue that had been raised by the gentleman from Pennsylvania (Mr. WALKER) and several of my colleagues in an earlier special order today with respect to the issue of proxy voting.

If it is true as Woodrow Wilson once commented, that, "Congress at work is Congress in committee," then we should adopt the resolution that was offered in earlier debate today that indeed would have asked the Rules Committee to study the issue of proxy voting in the committees of this Congress.

And I want to point out that in fact, that resolution received bipartisan support, although the motion to table was principally controlled by the majority party in the House of Representatives and, in fact, that resolution was, at least today, for the time being, tabled.

For purposes that will be instructive to those who read the RECORD and may be listening, let me take a moment to read the resolution.

The resolution reads as follows:

H. RES. 403

Whereas rule XI(2)(f) of the House of Representatives authorizes committees to adopt rules which allow voting by proxy;

Whereas the practice of voting by proxy is contrary to the principles of representative democracy and create an aura of secrecy in legislative proceedings, where none should exist in a truly representative body;

Whereas voting by proxy increases the possibility and incidences of inaccurate representations of individual Members' votes, thereby impairing the individual rights and duties of Members of the House of Representatives in their representative capacity;

Whereas such inaccuracies further infringe upon the integrity of the legislative process and the accuracy of official House records and documents: Now, therefore, be it

Resolved, That the House Committee on Rules shall:

(1) undertake an investigation concerning the matter of proxy voting;

(2) determine whether procedures including, but not limited to, eliminating proxy voting should be established; and

(3) report back to the House within forty-five legislative days with recommendations on how to ensure the accuracy of official House records and documents, and ensure the integrity of House committees.

□ 1520

I asked under rule IX, on a question of privilege, that this resolution be considered. Rule IX allows for consideration of motions that deal with questions of privilege which shall first affect the rights of the House collectively, its safety, dignity and the integrity of its proceedings, and a second part deals with rights, reputation, and conduct of Members individually in their representative capacity only.

If it is true, as Woodrow Wilson once commented, that "Congress at work is Congress in committee," then we should adopt this resolution.

Unquestionably the vast bulk of the truly significant work and legislative decisions made by the House of Representatives is done in its committees.

I remember on Monday morning driving from our home to come to the House to commence this session this week, on Monday morning, and the commentators on the radio were saying, "And now Members are returning from their 2-month vacation." And I heard all sorts of commentary among my colleagues on both sides of the aisle about how "Gee, if people really only understood how hard we worked when we were in recess," and then, contrawise, the discussion for 3 years from a number of my colleagues has been, "Gee, if the people only understood that we really do not do the will of the people on the floor of the House of Representatives; our work is done in committee."

Myths versus reality.

With as many Members as we have, there can hardly be any alternative, I suppose. We are forced to rely, to a large extent, on the expertise and judgments of not only our colleagues but the staffs of the committees, and by that standard, though, it follows that if we are to place such a heavy reliance on these committee functions and the staffs of our committees, then the members of those committees should be present in person to listen, to discuss, and to debate and, of course, ultimately to vote—I underscore "to vote"—on the various pieces of legislation being considered by the committees.

On two occasions in the last 15 years, the Congress has adopted a flat ban on proxy voting. In 1970, during consideration of the Legislative Reorganization Act, the Congress voted to eliminate proxy voting. During the debate on that amendment, former President and then House Republican leader Gerald Ford commented, and I quote him:

I believe, in the long run, the House of Representatives and its committees would be a lot better off if we had no proxy voting.

In 1974, the House again voted to eliminate proxy voting by adopting an amendment offered by Representative DEL LATTA of Ohio. During debate, Congressman LATTA pointed out:

I think every Member of the House who has been here long enough to get to a committee session has seen proxy voting abused. I have many times. Many times Members vote proxies for other Members and they do not know how those Members would have voted on an amendment or on a bill had they been present. It does the House no credit to continue proxy voting. It should come to an end.

And the vote was 196 to 166 to end proxy voting on that debate in 1974, 10 years ago.

Perhaps characteristically, acting in defiance of the expressed majority will of the House at that time, the House Democratic leadership 3 months later voted, in adopting the House rules in January 1975, to reinstate proxy voting, albeit on a somewhat more restricted basis. But the problems continue. Proxy voting or ghost voting, as some have called it, tends to create and aura of secrecy and suspicion where none should exist in a truly democratic body. Proxies cannot speak; proxies cannot compromise; proxies cannot argue; and they cannot debate in the committee proceedings so crucial to the effective operations of this deliberative representative body.

But proxies can vote, and by being concentrated in the hands of one or more chairmen of the committees of this body, they give those Members power and rights far disproportionate to other Members, and violates the democratic principle of one man, one vote, which is so embedded in our political system and which is essential to our individual rights to represent the interests of our constituencies.

Even former Speaker of the House Sam Rayburn, after whom our current

Speaker likes to pattern himself, once declared:

The Chair may make this statement. He served on one committee for 24 years—Interstate and Foreign Commerce—and never was a proxy voted on that committee because the present occupant of the chair always voted against it.

To this day, some of our major committees continue to ban proxy voting. And, of course, we here on the floor cannot vote by proxy. The rules of the House, XI 2(a)(2), state that the committee rules "shall be not inconsistent with the rules of the House * * *."

Should we on the floor expect anything less of our committees?

The resolution that I brought to the floor earlier today, of course, comes nowhere close to banning proxy voting. It simply asks the Rules Committee—which, I might point out, is one of those committees which forbids proxy voting under its authority in the House rules, and I cite Cannon's and Hinds' Precedents IV, 4322-4324, and VII, 2048—to conduct an investigation of proxy voting and to determine whether individual Members' rights to accurately reflect the opinions of their constituents are being infringed.

It also asks the Rules Committee to investigate whether the collective responsibilities and the integrity of the legislative process of the House is being in any way impaired through the use or misuse of proxy voting.

As our colleague, Mr. LATTA, once said, "You are there or you don't vote." It is that simple.

And so, my colleagues, if one would take a look at Deschler's, chapter 11, section 1.21, he would find:

A resolution directing a committee to investigate the impact on the House of a test authorized by the Speaker involving television coverage of its proceedings, and directing that the committee report to the House at the earliest practicable date on its findings and recommendations, including whether such coverage should be made available to the public, raises a question of the privileges of the House under rule IX.

That was House Resolution 404, authorizing the Committee on Rules to investigate a television broadcast of House proceedings.

And yet the majority party today offered a motion, which carried, to table the resolution which directed that a committee of this body, a most powerful committee, the Rules Committee, simply examine into this very important issue, a committee that does not allow proxy voting itself.

I think maybe there is another point that would be made that would get us close to a conclusion of the point that I am trying to make.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DAUB. I yield to the gentleman from Pennsylvania.

□ 1530

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman has just made an interesting point. The Committee on Rules, the gentleman points out, does not permit proxy voting; is that correct?

Mr. DAUB. At least that is the current manner in which that particular committee prefers to operate.

Mr. WALKER. That is my understanding, too. Now, why do you suppose that is? It is my guess that they do not allow proxy voting because they think it is important that when we are conducting the business with regard to the rules of the House that we ought not allow ghosts to vote; that we ought to actually have people there making the decisions about the bills that are coming before that committee, which is the whole stream of bills out of this legislative body.

It is not interesting that we can have authorizing committees around here reporting out bills with ghost votes going then before the Committee on Rules which does not permit ghost voting because they regard it as too important a responsibility to permit the ghosts in the process.

That is a very, very strange line of reasoning that the majority uses in establishing that kind of rule. I think that that point alone is one that should be stressed: that on certain key committees, particularly the Committee on Rules, ghost voting is not permitted and yet in most of the other committees of Congress it is the way in which business is conducted.

Mr. DAUB. The gentleman makes a good point, and I want to refine it, because I had not thought about it in quite that enlightened way.

The gentleman and I served, in my first term in Congress, on the Committee on Government Operations and a number of its subcommittees, together. I serve on the Committee on Public Works and Transportation. I am privileged to serve on the Committee on Small Business and the House Select Committee on Aging.

I do not have perfect attendance records, and I do not know if there are many Members who do. I would imagine that on occasion that a proxy has been voted, although if I do allow them, I put specific instructions on the bottom that they are to be voted a certain way because of certain reasons, and that is in the record, to the best of my ability. So I do not make this subject one of debate in the House today nor choose from it any inference that anyone, by their failure to be present in a committee, or by the utilization of a proxy for whatever good and well-intended reasons, is doing something wrong. But what the gentleman from Pennsylvania may, in addition, want to be underscored is that the use of the proxy leads to not the best result in the committee because what it does ultimately is two things: The Chair, and I think I would say this whether that Chair was a Republican or a member of the current majority party, tends to be able to ask, because of the power of that Chair, for proxies for votes, and quite honestly to suggest that if you have a problem with that particular vote that this is one way to avoid any difficulty with it later on; you were busy doing something else.

Or, from a minority point of view, why bother attempting to come and to participate and to have a good attendance record and to be knowledgeable on the issues, or to offer well-intended perfecting amendments to those majority bills being heard in committee because it will not do you any good because the chairman can sit there with a fistful of pieces of paper and outvote you anyway.

So what it does in substance is, it really does not speak well for the issue of credibility because if there were an investigation of this institution it would find, as a matter of fact, that on the one hand we say the work of the Congress is done in its committees, and yet there are not very many people in each separate instance who really attend, except perhaps for a quorum call which may be germanely important to get a bill moving or to get some other parliamentary decision made in the work of that committee or subcommittee.

So, in fact, it really leads to a lack of interest. I have lamented to my ranking and minority Members throughout my first 3 years that it has been my privilege to be in this great body that it seems to me that proxy voting encourages lack of attendance, and that encourages lack of information. So the Committee on Rules, I must say to my colleague, recognizes the substance of that argument because of the crucial traffic-cop responsibility that they perform, and they require their members to be present so they are knowledgeable about the bills that are coming before them, and when those votes are cast they represent an informed decision and an accountability record for those decisions.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I, like the gentleman, will say flat out, that there have been proxies cast in committee in my name. That is the way the process works around here. What we end up doing is that we end up really undercutting the leadership of the minority side on your committee if, in fact, you cannot be there and you do not leave a proxy when proxies are going to be voted on the other side. If neither side had proxies we would then have a more evenhanded approach, too.

So it is a question here of policy, and the gentleman is right. The reason for

the proxies, the reason why we use proxies, is because it makes some sense for efficiency. We heard about efficiency, as I said earlier this evening, from the Speaker earlier today. But the problem with that is that the use of the proxy leads to abuse of the proxy. What is seen as a way of enhancing efficiency ultimately becomes a powerful tool in the hands of someone who wishes to abuse it in a policy-making sense.

That is precisely what we see happening around here, and that which may have been instituted for very reasonable kinds of criteria just does not hold up against the practice as we now see it carried forth.

Mr. DAUB. The gentleman again has made a great contribution to the substance of this particular order.

Let us look at another idea. After all, let us remember that the party in power in this institution, which has had it for most of the years of a half-century, has such a lopsided majority, better than 100 extra votes, that the ratios on the committees are so substantial, and not even in proportion to the minority's right to fair representation in not only the body but in the committees and subcommittees, that the use of the proxy ought not to be such a sacred cow; that, indeed, they have the votes if there is a quorum call.

If, in fact, by abolishing the proxy, the sunshine of the substance would shine, and if a bill or its amendment would stand or fall on a vote of all Members present, and if the minority loses, then at least we would figure, "All right, that is the process; you had your day in court."

The way it is now, many majority Members I know feel awfully discouraged about the proxy use and abuse and, in fact, that is why we received some votes on that issue from some members in the majority party today on this very question.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I think the gentleman should point out that we got three votes, I think it was. When all was said and done, it was not exactly an overwhelming flow of votes from the majority side, suggesting that they are willing to abandon this procedure. Those are three people, it seems to me, of courage who did that, but it certainly is not something where the Democratic Party is changing its stripes very much. They overwhelmingly voted in favor of maintaining the ghost-voting procedure.

Mr. DAUB. I guess I always try to look at the bright side of things and figure that one, or two, or three, is a start, and that is a degree of optimism that I always look for, as a matter of fact, in this process; to give credit where credit is due.

There are other subjects that one could visit about relative to the proxy-voting issue. I think it has an awful lot to do with perception. I have been in hearings where there have been one or two Members on both sides and there is a whole hearing room packed with people who have come in from all over the country. I think the gentleman has observed that. They sort of seem to watch the way things go, and then they seem to sort of filter out a few at a time, shaking their heads as if to say, "Is this the way the Congress is really listening?" Then the excuse comes from someone, "Well, we want to be sure you are heard and everything is in the record, because our colleagues will read this record and examine it and carefully digest the very important information which you have brought to us from many other places in the country."

I think that tends, to a degree, to make a mockery out of the process and we are not really dealing ultimately with what is at stake in the floor activity because of the nature of the results of the committees themselves as they report their legislation for placement on the calendar for the consideration of the full House.

□ 1540

So in summary, I want to thank the Speaker for this opportunity to visit with the membership and to allow the record to reflect my concerns about the use of proxy voting. I certainly can say from the vote today that other Members in this great House of Representatives do feel the same way.

I think it is an issue that should be pursued, and I think that if someone were doing a college research paper or if there was a reporter somewhere in the country who was interested in doing a very substantial investigative piece on the institutional processes of the Congress, spending sometime just on the nose count and the proxy count and the way in which bills are voted on in subcommittee and committee and brought to the floor might be indeed most revealing. Rather than that blow of credibility which I suspect might be reflected from those stories and those papers and those reports, I would hope that some time in the near future this matter might again be discussed by the House, and perhaps the Rules Committee will get an opportunity to indeed examine this issue much more closely.

Mr. Speaker, I thank the Chair for the time, and all those Members who participated in this special order should be commended.

GENERAL LEAVE

Mr. DAUB. Mr. Speaker, I ask unanimous consent that all Members who wish to have their views made a part of this special order may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

LEGISLATION ESTABLISHING U.N. PEACEKEEPING FORCE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

● Mr. MCKINNEY. Mr. Speaker, yesterday I joined with CLAUDINE SCHNEIDER and JIM JEFFORDS in sending a letter to the President informing him of House Concurrent Resolution 242, our concurrent resolution urging the immediate establishment of a U.N. peacekeeping force in Beirut. While not members of the House Foreign Affairs Committee, we all share deep frustration, as I am sure many other Members do, over the course of events in Lebanon particularly the recurring hostilities directed at our troops.

Our sincere efforts to help bring peace to that troubled area have been met by stubborn resistance and hostility. It now seems that our current role must change before the bloody stalemate can be broken. However, we cannot simply abandon our efforts of the last 18 months. The sudden withdrawal of the multinational force would set the stage for a violent resumption of the now simmering hostilities. For these reasons, we have introduced legislation to urge the creation of a U.N. peacekeeping force to replace the multinational force currently deployed in Beirut.

We all agree that the multinational force initially contributed to efforts to restore order in and around Beriut. We also agree that each country volunteering troops can be proud that their men have served to the best of their ability under extremely difficult and dangerous conditions. However, as time has dragged on and conditions have worsened, the mission of the multinational force has become less clear. As the targets of hostilities, our embattled marines can only strive to protect themselves, and may now be as much a part of the immediate problems of Lebanon as the warring factions themselves.

The goal of insuring an independent Lebanon, as well as stability in the Middle East, will not be achieved without a continuing commitment on the part of all peace-loving nations of the world. Therefore, our U.N. Ambassador should immediately introduce a resolution establishing a U.N. peacekeeping force to replace the United States, French, Italian, and British troops currently stationed in Beirut. A seven-nation U.N. force is aleady on duty in Southern Lebanon. This is

clearly representative of the member nations' support for a free and sovereign Lebanon. We hope that the U.N. community will support an extension of this current U.N. role into the Beirut area. As a member of the United Nations, the United States can continue to seek peace in Lebanon, while breaking out of the frustrating pattern of senseless violence which is currently handcuffing our earnest efforts on those faraway shores. Following is the proposed resolution:

H.J. RES. 242

Whereas the world community recognizes the importance of an independent and sovereign Lebanon and the need for peace and stability in the Middle East;

Whereas the current Multinational Force in Lebanon is composed of troops from the United States, United Kingdom, France, and Italy and was deployed in Beirut to stabilize the area;

Whereas each country that volunteered troops can be proud that their men served to the best of their ability under extremely difficult and dangerous conditions;

Whereas a United Nations peacekeeping force in which many member nations are participants can better fulfill a neutral peacekeeping role;

Whereas the United Nations Interim Force in Lebanon is composed of personnel from seven countries and has been deployed in southern Lebanon for the past five years; and

Whereas the United States would be fully supportive of a United Nations peacekeeping force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council to establish a United Nations peacekeeping force to replace the Multinational Force in Lebanon.●

REGIONAL FIELD OFFICE RESTRUCTURING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

● Mr. DICKS. Mr. Speaker, many of my colleagues in the House may have recently become aware of a proposal to consolidate or eliminate a number of the current standard Federal regions. This proposal, which is still in its early stages, has worried a number of us because of its implications on our districts, and on the ability of the Federal Government to disseminate information and services. The bill I am introducing today with 19 of my colleagues addresses this concern.

The 10 standard Federal regions were established as a result of a Presidential directive in 1969, and were intended to rationalize the network of regional offices through which our domestic agencies operate. Office of Management and Budget (OMB) Circular No. A-105, issued in April 1974, set the boundaries and headquarters of those 10 regions. That circular has not been modified since its issuance in 1974, though allowances for deviation from the standard 10-region pattern were provided in the circular, and have been used numerous times in its 10-year history.

In the last several months, a series of articles was published in the Washington Post concerning the work of the Cabinet Council on Management and Administration (CCMA). This executive branch group has been meeting for the last year to review the current field structure of Federal agencies and departments, and to consider cost-efficiencies and consolidations. Among the items they have discussed is the possible elimination of at least three Federal regional centers: Seattle, Kansas City, and Boston. Data on field office personnel and possible restructuring plans has been requested and submitted by a number of Federal departments, including the Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). CCMA plans to submit its recommendations to the President in March of this year. Though it seems unlikely that agencies would be mobilized in the current year, the plans could become effective as soon as 1985. Most importantly, this restructuring could take place without congressional review or input, because the current structure was established only by Executive order and OMB circular, and not by law.

The bill my colleagues and I are introducing today would resolve that problem. Very simply, it puts OMB Circular A-105 into law, and by so doing, provides that the Congress shall have the authority to review any proposal to consolidate or eliminate any regional office. Any change in the 10-region structure could be disapproved by a vote of both Houses within 90 days of receipt of the proposal from OMB.

In short, we feel that the 10-region structure should not be altered without congressional review. We do not oppose streamlining the system; nor do we object to a review of the current structure. But Congress should have the authority to review any elimination or consolidation of Federal regions. This legislation establishes a basis for the involvement of the Congress, and sets up a procedure for that review.

Thank you, Mr. Speaker.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of a U.S. Export-Import Bank proposal to provide financial guarantees of $173,247,000 to make possible the sale of U.S. goods and services for the Guri hydroelectric power project in Venezuela.

The $6.6 billion Guri project, when completed in 1986, will be the third largest hydroelectric complex in the world. Its construction has been slowed, however, by Venezuela's financial difficulties and inability to borrow.

The proposed Eximbank guarantee would insure the awarding of $203 million of sales for Guri development to 13 U.S. suppliers. The largest of these are the Guy F. Atkinson Co. of California, Harza Engineering Co. of Illinois, TRW Control of California, and the Nello L. Teer Co. of North Carolina.

The Eximbank guarantees would not become effective, however, until Venezuela arranges repayment of existing delinquent Eximbank loans to private entities in that country. Venezuelan Government debt to Eximbank is current.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of any proposed direct credits or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of the Congress after the notification.

I am submitting for the RECORD the complete Eximbank notification, which provides details and terms of the proposed guarantees of loans for the Venezuelan power project. I would welcome any questions or comments from my colleagues regarding the Eximbank proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 18, 1984.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 18, 1984.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the House of Representatives with respect to the following transaction involving U.S. exports to Venezuela.

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a financial guarantee in the amount of $173,247,000 to C.V.G. Electrificacion del Caroni C.A. (EDELCA) to assist in financing the purchase by EDELCA of goods and services of United States manufacture of origin required for the completion of the Guri Hydroelectric Power Project (Guri) in Venezuela. Venezuelan Government debt owed to or guaranteed by Eximbank is current, but there are delinquencies on loans to private entities guaranteed by Eximbank. Therefore, the authorization will be subject to both private and public Venezuelan debt owed to or guaranteed by Eximbank being current or payment therefor satisfactorily arranged before the financial guarantee would be issues.

2. Background

Guri is Venezuela's most important ongoing project in the power generation sector and when completed will be the third largest hydroelectric complex in the world. The development of Guri has been divided into three stages—Stage I which was completed in 1975 and Stages II and III which have now been combined into the "Final Stage" with a target completion date of December 1986. The Final Stage of Guri consists of raising of the existing dam, installation of ten 700 MW power units and expansion of transmission line facilities.

A $6.6 billion project, Guri is approximately 80 percent completed, with investment to date of $4.9 billion. Due to the changing economic and financial climate in which it has recently had to operate, however, EDELCA has had to seek external sources of funding to facilitate financing the balance of the project. Accordingly, it has sought additional capital injections and loans from the Government of Venezuela and financial assistance from the Inter-American Development Bank and the World Bank. The Eximbank financial guarantee is intended to cover eligible costs of U.S. goods and services provided to EDELCA since receipt of the application by Eximbank, as well as additional exports of construction and engineering services and equipment.

Contract payments proceeded satisfactorily until late 1982 when EDELCA fell behind in dollar payments to its foreign suppliers and conversion of Venezuelan currency became difficult due to the economic conditions in Venezuela. In early 1983 EDELCA advised its suppliers that it would be forced to consider deferring completion of Guri and maximizing non-U.S. dollar alternatives unless the U.S. suppliers could arrange significant financial assistance for their individual contracts. Although the U.S. contractors have remained on-site, they have reduced significantly both the number of U.S. expatriates working on Guri, as well as the level of ongoing purchases of U.S. materials and equipment. EDELCA is now contemplating a work stoppage on Guri by early to mid 1985, when four of the ten new units would be completed, unless financing for the U.S. costs becomes available.

The inability of EDELCA and the U.S. suppliers to secure private financing on an unguaranteed basis is due to Venezuela's current financial condition. With the Eximbank financial guarantee for 85 percent of the eligible costs, however, several U.S. financial institutions have indicated that they are prepared to fund the U.S. procurement. The Eximbank financial guarantee would thereby ensure that the U.S. content portion of construction activity, which is critical to the completion of Guri, can be maintained and that $203 million of U.S. exports will be made.

3. Identity of the parties

EDELCA, the largest hydroelectric generating utility in Venezuela, was formed in 1963 to develop the hydroelectric potential of the Caroni river in Venezuela's Guayana region. The Fondo de Inversiones de Venezuela, the Venezuelan government investment fund, owns 73.6 percent of EDELCA, with the remaining 26.4 percent owned by Corporacion Venezolana de Guayana, an entity responsible for the management of the agricultural and urban development aspects of the Guayana Region.

The Government of the Republic of Venezuela, acting through its Ministry of Finance, will guarantee the payment of all indebtedness owed by EDELCA to the private lenders guaranteed by Eximbank.

4. Nature and use of goods and services

There are thirteen U.S. suppliers identified in Appendix A to this letter whose goods and services will be eligible for Eximbank assistance. Of these, the four largest suppliers are Guy F. Atkinson Company of California which heads a consortium to complete the concrete dam and powerhouse structures, Harza Engineering Company of Illinois which is responsible for the design and engineering services, TRW Control of California which is supplying the control equipment and the Nello L. Teer Company of North Carolina which is responsible for operating the concrete plant. The goods and services involved are primarily construction services, engineering consulting services and equipment and installation services.

Using U.S. Department of Commerce data on employment impact, Eximbank estimates that the $203 million procurement would generate approximately 5,075 man years of employment, with the employment impact felt principally in San Francisco and Chicago.

B. EXPLANATION OF FINANCING

1. Reasons

Eximbank's financial guarantee will cover $203 million worth of U.S. goods and services, most of which would otherwise be lost due to EDELCA's inability to secure an available source of dollar financing. The positive impact on employment and sale of equipment will be felt by the U.S. engineering and construction firms as they rebuild their staff and continue to purchase U.S. materials as well as by the U.S. companies which are providing equipment under subcontracts. In addition, Eximbank assistance at this critical stage will ensure that U.S. suppliers are in a better position to perform significant follow-on work for EDELCA under future contracts.

2. The financing plan

The total cost of U.S. goods and services to be supported by Eximbank's financial guarantee is estimated to be $203,820,000. EDELCA will make a down payment of $30,573,000 and the Eximbank guarantee will be available to commercial banks or the Private Export Funding Corporation (PEFCO).

(a) Eximbank Charges: EDELCA will be charged a guarantee commitment fee of ⅛ of 1 percent per annum on the undisbursed portion of the credit guaranteed by Eximbank and a guarantee fee of ½ of 1 percent per annum on the disbursed and outstanding amount of the credit guaranteed by Eximbank.

(b) Repayment: Principal indebtedness incurred by EDELCA under the credit guaranteed by Eximbank will be repaid in ten approximately equal semiannual installments beginning June 30, 1987.

Attached is additional information on Eximbank activity in and economic data on Venezuela.

Sincerely,

WILLIAM H. DRAPER III.

APPENDIX A

U.S. supplier and major area of responsibility or equipment to be supplied

Guy F. Atkinson Company, Civil works.
Harza Engineering Company, Design and engineering services.
TRW Control, Control equipment.
Nello L. Teer Company, Civil works.
Westinghouse Electric Corp., Transformers.
C & D Batteries Division, Batteries and chargers.
Systems Control Division, Control panels.
Macro Corporation, Various items.
Solid State Controls, Inc., Inverters.
Copperweld Corporation, Cables and electrodes.
Chas. T. Main Corporation, Services.
Goulds Pumps, Inc., Pumps.
General Electric Company, Transformers and arrestors.

APPENDIX B

VENEZUELA: ECONOMIC DATA

Area: 912,000 sq. kilometers.
Population: 14.2 million (1982).
Population growth: 2.9% (1978–82, annual average).
Gross National Product:
GNP: $70.9 billion (1982)
GNP per capita: $5,000 (1982)

Sources of GNP (percent):

Agriculture	6
Petroleum and mining	23
Manufacturing and construction	19
Commerce	9
Transport and communications	12
Government	12
Other services	19
Total	100

Uses of GNP (percent):

Private consumption	57
Public consumption	14
Gross fixed capital investment	25
Net exports	5
Net factors payments	−1
Total	100

	1980	1981	1982	1983 Proj.
Annual changes in selected indicators (percent):				
Real GDP	−1.8	0.4	0.6	−2.0
Real GDP per capita	−4.6	−2.4	−2.2	.....
Money supply	22.3	18.0	7.2	.....
Consumer price index	21.3	16.2	10.0	.....
GDF deflator	21.5	13.6	2.8	.....
Petroleum production (changes in GDP share)	−7.0	−3.2	−8.7	−7.4

	1980	1981	1982	1983 Proj.
Balance of payments (millions of U.S. dollars):				
Merchandise exports	19.3	20.2	16.5	14.5
Merchandise imports	−10.9	−12.1	−13.2	7.0

VENEZUELA: ECONOMIC DATA—Continued

Trade balance	+8.4	+8.1	+3.4	+7.5
Net services and transfers	−5.1	−4.1	−6.9	−5.5
Current account balance	+3.3	+2.4	−3.5	+2.0
Capital flows, errors and omissions	+0.1	−3.3	−4.6	−2.3
Overall balance	+3.4	−0.9	−8.1	+0.7
	1980	1981	1982	Sept. 1983
International reserves and foreign debt (billions of U.S. dollars, year end):				
Central Bank reserves	7.0	8.6	10.0	10.3
of which: gold	(0.5)	(0.5)	(3.4)	(3.4)
Venezuelan Investment Fund (FIV)	1.5	2.5	2.0	2.0
Petroleos de Venezuela (PDVSA)	10.0	7.7	2.6	2.6
Total reserves	18.5	18.7	14.5	14.9
Public medium and long term foreign debt	10.4	11.3	15.8	14.5
Public short term foreign debt	11.5	12.4	10.8	10.8
Private foreign debt	5.0	5.5	7.5	7.0
Total debt	24.7	29.2	34.1	32.3
Debt services ratio (on medium and long term public debt and interest on all public debt) (percent)	21	25	28	34

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DISASTER ASSISTANCE FOR EL NINO VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am glad to join with my colleague from California, Congressman Bosco, and a bipartisan group in introducing legislation designed to provide desperately needed relief for the fishing industry.

The plight of the commercial fishing industry in my district and throughout California over the past year can be described by no other word than disastrous. The salmon industry has been devastated, with the number, size, and quality of the catch at record lows. The total weight of salmon landings in 1983 was the lowest since 1939, and the value of the California salmon catch was down from $19,489,000 in 1982 to $4,260,000 in 1983. The fish that were caught were of poor quality, with the average weight of chinook salmon the lowest since 1916. The albacore, clam, crab, and—particularly in my district—squid fisheries were similarly affected.

Needless to say, the economic effect on the billion-dollar California fishing industry—and the human effect on those who depend on that industry for their livelihood—has been catastrophic. Commercial loans have not been readily available, and defaults on mortgaged fishing vessels have skyrocketed. Many fishermen have been forced into bankruptcy, and the economies of coastal communities have suffered correspondingly.

The reason for this disastrous season is clear. From mid-1982 through the end of 1983, the west coast experienced unusual atmospheric conditions which had a significant impact on ocean currents. One result was to raise water temperatures several degrees above normal, chasing fish away from their normal habitats and decreasing the food supply for those which remained. These unusual conditions are termed "El Nino"—Spanish for "the Christ child"—in South America because they tend to reappear during the Christmas season.

El Nino is a recognized phenomenon which has recurred several times in the past, but the 1982–83 appearance was perhaps the most intense ever recorded. The Department of Commerce's National Marine Fisheries Service has studied the ocean conditions of the past 2 years, and has clearly identified El Nino as the cause of last year's failure in the salmon fishery as well as decreased abundance of squid in Monterey Bay and other alterations in west coast fisheries.

A program already exists to provide loan assistance for industries which suffer economic injury due to a physical disaster. It was hoped that this program—the Small Business Administration's Economic Injury Loan Program—would provide the assistance so desperately needed to tide the fishing industry over. Accordingly, the Governors of California, Oregon, and Washington petitioned the Small Business Administration to make the necessary certification which would allow commercial fishermen and other small businesses affected by El Nino to receive low-interest loans. On December 12 of last year, however, SBA denied the request on the grounds that "the atmospheric or weather condition known as El Nino does not of itself constitute a physical disaster."

Mr. Speaker, I find this declaration hard to believe. The climatic effects of El Nino have been significant, causing droughts, storms, and other unusual occurrences all over the world. Residents of my district have been among the many individuals granted Federal assistance as a result of these disasters. Yet victims of equally severe economic injury which is a direct result of El Nino itself, have been unable to obtain relief.

The legislation we are introducing today would not create a new program or a new entitlement for the fishing industry. Our intention is simply to make available the kind of assistance the economic injury loan program is designed to provide: short-term relief similar to that afforded victims of storms, floods, droughts, hurricanes, and other physical disasters. The bill states simply that for purposes of the program, SBA shall treat the El Nino conditions which occurred from June 1982 through December 1983 as a disaster, offering assistance to commercial fishermen and other small business concerns involved in the fishing industry.

Fishermen will still have to meet the program's existing requirements, including demonstrating to the SBA that they have suffered serious injury which is directly attributable to El Nino. But at a minimum, this legislation will insure that the commitment we have assumed to aid disaster victims will extend to the fishing industry as well. For the industry it is a matter both of fairness and of economic necessity. I urge my colleagues again to support this legislation.●

HOMELESSNESS, HUNGER, AND HOPELESSNESS—AN AMERICAN DISGRACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday the Subcommittee on Housing and Community Development which I have the honor to chair conducted a hearing on the problem of homelessness in America. This was a followup to our first hearing a little over 1 year ago, which was the first congressional effort to focus on homelessness. Last year, thanks to our efforts, Congress provided the first funds intended to help cities meet the need for emergency shelter for homeless persons.

Yesterday I had the great privilege of conducting those hearings at a facility that we persuaded GSA to provide for the purposes of sheltering the homeless. This had been a constant effort on our part for weeks, and finally in the early part of December, we obtained that consent. So we had the hearing there yesterday at the old City Federal College here in Washington.

The people that I met there yesterday—and I think I met almost everyone, nearly a thousand that happened to be there yesterday—were to me symbols of something that tragically we have not been able to overcome and defeat in our country. I know that ever since I have been in politically elective office it has been my intention and my foresworn commitment to try to do something about it.

It is very shattering to me to hear a young, ablebodied, healthy, normal American, 24 years of age, 29 years of age, or 27 years of age, say that he cannot figure out why he cannot find employment or why he cannot find shelter for his wife and one child—or in the case of two—and must be reduced to these circumstances.

I have had intimate contact all along in my own district with my neighbors, some of whom their families at one time shared light with my family in my own neighborhood in which I grew up, and I know how they feel. I have not met one exception yet. I hear a lot about "welfare cheats," and I hear a

lot of stories, including the President's, that are unverified, and when called upon to explain, he said, well, it was a figment of his imagination.

They talk about food stamp recipients who use their food stamps to buy a bottle of booze. I have heard constituents come up and say, well, they saw this woman drive up in a limousine and go in and buy food with food stamps, but when asked to corroborate and document, suddenly there is no documentation.

All I know is that I tried myself on getting around in my district, and I am one of those that was the initial author of what turned out to be the food stamp program; and I am very sensitive about it. I go out, and every time I have had the privilege of speaking with and visiting the people, I have seen nothing but a strong determination on the part of those recipients to get off, if they can. And it is very, very sad that they have to be on welfare. As one of them put it, "If you think living on welfare is all sugar, cherries, and honey, you're wrong, because there is too much month left at the end of the money." And yesterday it was not a 35-year-old or a 50- or 60-year-old ne'er-do-well—bums, as we used to call them in America—it was these young people, not individual solitary members of our society, but family members.

Mr. Speaker—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay; . . .

Mr. Speaker, that amount of money was $100 million. A great deal of good has been done, but our hearing yesterday showed the grim news: That home-lessness is much greater than anyone realized; that there are more homeless people this year than there were last; that Federal policies are making the problem worse; and that the economic recovery, such as it is, has failed to reach the homeless. Moreover, it is clear that the homeless are not just bums; they are younger than ever before; they are from diverse backgrounds; and they are increasingly families or women with children. There is not today any program at any level of government that is designed to provide the kind of help and support that homeless people need.

Federal policies that have helped exacerbate the problem of homelessness are bad enough; what is worse is that there is not today any genuine commitment to either ease those policies, or to provide assistance to meet the needs of those who are victimized by them.

Mayor Ernest Morial of New Orleans, speaking in behalf of the Mayors' Task Force on Joblessness and Hunger, gave the following, chilling account of how vast the needs are, and how they have grown in the past few months—months, I might add, in which the Nation has supposedly been gaining economic strength.

Mayor Morial reported that 95 percent of the Nation's cities have experienced increased demands for emergency food assistance, and that the average increase was 71 percent.

The demand for shelter increased in 89 percent of cities, and the average increase in demand was 38 percent.

In the survey, cities reported that the greatest cause of emergency demands for food and shelter was unemployment; that cuts in Federal housing, emergency food and welfare programs have caused increased numbers of people to become homeless. And while there is some help available, it would take at least $200 million to meet the need that exists today—or twice what is now available.

Half the cities of this country cannot meet the demand even for emergency food. As far as shelter goes, New Orleans can provide for only 500 persons—and in that city there is not a single place where a family can go for emergency shelter. Chicago has a little more than 1,000 beds for emergency shelter—but there are perhaps 25,000 homeless people in that city. In the central part of Maryland, shelters are turning away from two to seven people for every one that they can accommodate. New York City today operates 18 shelters—six times as many as existed 5 years ago. The city spends $50 million a year in providing emergency shelter, but it is not enough. The problem grows faster than the resources.

Witness after witness said that much of the homelessness is caused by cutbacks in Federal programs to provide low-cost housing. And this is true: Low-rent housing programs have been cut more severely than any other domestic program in these past 3 years. Yet, in the past 14 years, shelter costs for a median family increased by almost 300 percent. It is little wonder that in an age when real income has hardly changed at all, the consequence of housing cutbacks has been more homelessness. In New York City, there are 165,000 families waiting to get into low-rent public housing; another 70,000 are awaiting placement in section 8 housing. But in fiscal 1983, not one single new unit was allocated for New York City. Is it any wonder that homelessness is on the rise.

I know that there is a universal temptation to lump street people into one category—the bum. But our witnesses, coming from all across the country, tell a different story.

Today, there are homeless women, homeless families, and tens of thousands of people who have been discharged from psychiatric hospitals—without adequate financial support, without families or friends, and with no skills and no real ability to cope with the world into which they have been thrust. The homeless are younger; they average in the midthirties in age; many are high school graduates who have held jobs before; and many are people who have simply lost contact with their families. There are some whose jobs have disappeared in a world of changing technology and trade; who can't find training, or can't find a break to get into a new line of work. Bishop Eugene Marino, of the Archdiocese of Washington, put it this way:

> We may be creating—consciously or unconsciously—a nation where the dominant ethic is a modern version of "survival of the fittest. . . ."
>
> We cannot and must not leave the poor, the hungry, the homeless and those broken in spirit or body to fend for themselves. . . .
>
> How can the richest society on earth tolerate growing hunger and homelessness?

And yet that is what is happening. The index on poverty has gone up each year in the past six. There are at least 35 million poor Americans. What is more, the assistance that the poor receive is less and less—so that the poor are worse and worse off. In light of that fact, it should not be surprising that more people are ending up on the streets, desperate and unable to get any meaningful help.

How can you get help without a mailing address? That is a question a witness asked me a year ago. And yesterday, a witness told me the same thing: getting help from Government programs means that you have to have a home. If you are homeless, there is no way to get help.

The people who live on the street are often disturbed, but not always. As one witness said yesterday, quoting a worker in an emergency shelter: "Most of these guys aren't crazy, but if they are on the streets much longer, they will become crazy."

No one who has seen the problems of the homeless at first hand can fail to be moved, can fail to see the enormous and growing need for help.

The Nation has at least become conscious of the problem. But the sad and bitter truth is that existing policies contribute to that problem. Emergency shelter programs are not enough; our witnesses all agreed that unless there is more low-cost housing, unless there is more sufficient public assistance; unless there is better job training and better emotional support for the homeless, there is no way that the problem is going to be improved. As it is, the money that is available—good as it is—can only be considered a Band-Aid. What is needed is a real program, a comprehensive effort to prevent homelessness in the first place. And then there is a need for a program to provide to the homeless the help that they need to find a place—at least a survivable niche—in what has become a cold, and perhaps even junglelike world.

I am indebted to my colleagues for their assistance in yesterday's hearing, and especially to all those who came to provide information and evidence. Every one of them, from street person to the Governor of New York, had the same message: Homelessness, hunger, and helplessness is a great problem in this country, growing greater. It is a problem that no nation of conscience could or should tolerate. It is a problem that should trouble the conscience of each one of us, and one that ought to elicit a firm, positive, effective response from the Federal Government. It is time, in my judgment, for the Federal Government to stop making things worse and start making them better.

STERLING COLE ON ATOMS FOR PEACE

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the Honorable Sterling Cole, a former Member of this body and my esteemed colleague on the Joint Congressional Committee on Atomic Energy, made an important speech during the recess which I want to share with other Members. He opened the Conference on Atoms for Peace held by the Georgetown University Center for Strategic and International Studies on December 7 and 8, 1983. In his address my good friend Stub Cole gave his views on the subject of nuclear proliferation. Fully accepting the fact that his views reflect his personal thoughts, I strongly commend them to you since he is a person with a great deal of experience in atomic energy development particularly as a member and chairman of the first committee of Congress exclusively responsible for legislation in the field and as the former Director General of the International Atomic Energy Agency. Accordingly, I am happy to include at the conclusion of these remarks Mr. Sterling Cole's complete statement for the information of all of the Members:

REMARKS OF HON. STERLING COLE AT THE OPENING OF THE CONFERENCE ON ATOMS FOR PEACE: AFTER 30 Years

It is a signal honor for me to open this conference commemorating the thirtieth anniversary of the great Atoms for Peace address to the United Nations in which Dwight Eisenhower electrified the world with his call upon all nations to join together not only in halting the build-up of nuclear armaments but also in putting the atom to work for human betterment by peaceful uses of the very same nuclear material which was used for war. Few, if any, addresses have ever done so much to raise the world's hopes for a future filled with promise rather than peril, and I am proud to have been involved in the background which brought it about.

You have asked me to share with you this morning my thoughts on the subject of nuclear proliferation.

When we hear or see the word "proliferation", we of course think of the dangers to peace that are created by horizontal proliferation—that is, the addition of new nations to the ranks of those already possessing nuclear arms—and also by vertical proliferation, that is, enlarging stockpiles of the nations that already had nuclear weapons.

But to stop there would be a mistake. The costs of proliferation must be measured in terms of opportunities lost as well as dangers created. Every dollar or ruble or other unit of currency that is spent on nuclear weaponry diminishes the resources that are available for projects promoting benign human purposes.

Nobody has ever perceived the consequences of the proliferation problem more clearly than did Dwight Eisenhower himself. As he put it in his historic speech: "It is not enough to take this weapon out of the hands of the soldiers. We must put it in the hands of those who will know how to strip its military casing and adapt it to the arts of peace."

Toward this end, he invited the weapons states to make joint contributions of fissionable materials to an international agency that would be created under UN auspices and that would be responsible for devising methods of using the materials in constructive ways. "A special purpose", he said, "would be to provide abundant electrical energy in the power-starved areas of the world."

What do the ledger entries look like if we now try to strike a trial balance on where the problem of proliferation stands three decades after that speech?

On the good side, we have the International Atomic Energy Agency. It has a highly competent staff which has served the world extremely well, both in helping protect against the bad in the atom and in taking advantage of the good. Furthermore, it has the good fortune to have a Director General who has increasingly demonstrated his high qualities as an effective leader.

The Non-Proliferation Treaty is another major entry on the plus side of the ledger. I fear we may take too much for granted both in the extraordinary nature of the commitments made by the Treaty's signers, and the fact that there has never been a single known violation of the IAEA-NPT safeguards system. We must, of course, regret the ease with which a signatory may withdraw from the Treaty at any time. Also it is regrettable that many nations have so far refrained from signing the NPT, and that their ranks include several whose technical capabilities are unquestionably equal to producing nuclear weapons. Finally, we must regret the considerations that caused some nations to add their names to the list of those that already possessed nuclear arms at the time Dwight Eisenhower spoke; then there were 3 and now there are 9 which have or can have them.

To date, the accretions to the world's weapons stockpiles that have resulted from horizontal proliferation have been greatly overshadowed by the immense growth in the number and destructive power of the weapons in the arsenals of the nuclear superpowers by vertical proliferation.

In connection with the problem of proliferation, I must insert here a strong criticism of the Nuclear Proliferation Act of 1978 in which Congress created severe impediments to American participation in international trade in the fabrication of power reactors which should be remedied at once by creation by the President of a blue ribbon commission to make recommendations so foreign countries may continue to benefit from our competitive technology in the field of peaceful uses.

With weapons technology now at the point where the explosion of just a single warhead can lay waste to the largest Soviet or American city, the strategic forces of the two sides alone have between them well over 15,000 warheads. And when other than strategic weapons are also taken into account, the combined inventories of the two powers approximate 40,000 weapons.

American policy announcements about the circumstances under which we might feel compelled to use atomic weapons have varied over time. In the years when we alone possessed nuclear arms, and also in the subsequent years when our margin of atomic superiority was overwhelming, we made it unmistakably clear that we would draw upon our atomic arsenals for help if we faced threats that could not be contained through conventional means.

In recent years, our declarations about when we might be forced to turn to atomic weaponry for our defense have become more ambiguous. One element in these policy pronouncements, however, has remained unchanged. We have never been willing to declare that we would refrain from using nuclear weapons so long as others refrained from using them, as the Soviets have done.

Our refusal to make such a no-first-use pledge has related both to war deterrence and war waging. We have feared that ruling out the first use option would invite aggression. A foe that thought it could prevail against our side in a war fought solely with conventional forces, we have reasoned, would be more likely to strike if he thought he could do so without inviting nuclear retaliation. We have also feared that the strength of the other side's conventional forces might make it impossible for us to contain a conventional attack without resort to nuclear arms.

Of late, our stand on nuclear weapons use has been increasingly questioned. Would it not be the case, the questioners ask, that any use of such weapons, however limited, would almost inevitably lead to increasingly devastating exchanges that could well escalate into a general nuclear war that brought ruination to both sides? Might our national interest therefore not be better served by moving toward a second-use-only policy in which we would pledge not to use nuclear weapons unless another party used them first?

I presume that many of you have read what is perhaps the best known summation of the concerns of those troubled by our present day position on nuclear weapons use. I refer to the article entitled "Nuclear Weapons and the Atlantic Alliance" that appeared in the Spring 1982 issue of Foreign Affairs and which reflected the thinking of four distinguished Americans who have served the Presidents of both parties in high national security posts.

Provided there is a political will to do so, the authors believe, it is within the capacity of the Atlantic Alliance to raise its conventional forces to a level needed for the adoption of a policy in which our side would pledge not to use its nuclear weapons so long as the other side did not use theirs. And they see compelling arguments, both political and military, and moving toward

such a policy. They would, of course, expect the Alliance to retain all the nuclear armaments that would be needed to insure a devastating response to an unexpected nuclear attack from the other side.

The Alliance-wide debate on the issue of second-use only which the article provoked is now underway. An especially critical issue is the size and nature of the conventional forces that would be required to give us high confidence in our ability to repel a conventional attack without calling for help from nuclear arms.

The question I believe we should now consider is this: Should this ongoing debate not now be broadened and made global in scope? If it would make sense for the Atlantic Alliance to forego the first-use option, would it not make yet greater sense to aim at the adoption of a global no-first-use-policy to which all the world's nations would be invited to subscribe?

Such a policy would be contained in an international treaty that would outlaw the use of atomic weapons and make the first use a crime against the entire world community and provide for automatic sanctions against violators. The sanctions would include nuclear reprisals whose dimensions would reflect the seriousness of the transgression.

Much study, searching debate and lengthy negotiations would be necessary preludes to such a pact, with the issue of when, how and what sanctions would be applied being an especially tough one. There is no real possibility that a treaty of this kind could be signed next year, or the year after, or the year after that, but this does not excuse us from making a start in this direction.

Meanwhile, however, there are peace-serving jobs aplenty that urgently need doing on other fronts of nuclear weaponry. On this score, there must be no slackening of the efforts to arrive at Soviet-American arms reduction agreements. It should be borne in mind in this connection that the nuclear forces needed for strategies based on second-use-only pledges would be much smaller than those that would be required in the absence of such pledges. Both sides already have more than enough weapons to inflict hideous reprisal on the other.

I believe there is a very vital question that is now being overlooked in the Geneva arms cut negotiations: What to do with the fissionable materials contained in the warheads that would be dismantled and not replaced if arms cuts are agreed upon?

The material that had been extracted from dismantled weapons would present the world with both a great danger and a great opportunity.

The danger would be this: As long as the extracted weapons materials remained in the possession of each side, there would be no way for either side or the outside world to verify that one or both of them were not refabricating the material into new weapons. Even on-site inspections of the kind the other side has so far always rejected would probably not suffice to detect clandestine refabrication efforts.

As against this, it would be an easy and straightforward matter to convert this material into oxides for fuel elements for power reactors and thereby confer great benefits on humanity.

There is, therefore, only one good answer to the question of what to do with the material—the answer that Dwight Eisenhower gave thirty years ago. It should be put to work for benign purposes. We should now do in 1983 what Dwight Eisenhower called for in 1953.

I believe that President Reagan should now invite the Soviet Union to join with our country in a pledge to convert into nuclear power plant fuels the weapons materials that would be freed for peaceful uses when our two nations came into agreement on arms reductions.

Each side could disassemble its own warheads in order to protect weapons design data. Under one scenario, the two nuclear superpowers might themselves each convert their weapons materials into uranium and plutonium oxides that would be turned over to the International Atomic Energy Agency. Under another scenario, the two sides might shape their weapons cores into forms suitable for safe shipment and send them to a joint US-USSR weapons material conversion center.

Given the broadly comparable size of the weapons stockpiles of the two nations, parity as is now regarded to be the case, it would simplify negotiations without detracting from either side's security if they agreed to make equal contributions of fissionable material to the program and in this way provide a system of verification of weapons dismantlement after agreement is reached. What more thrilling thing could the Soviets and we do than to become jointly engaged in figuratively turning our swords into plowshares on a 50-50 basis.

With a strengthened IAEA playing a central role in the administration of the program, the fuels would then be made available on concessionary terms for power generation in energy-hungry developing nations.

The cause of peace would be furthered by the very strict safeguards fuel users would be required to accept in partial recompense for the attractive terms on which they were given use of the fuels. These safeguards would be more stringent than those making up today's IAEA-NPT safeguards regime.

There would be an additional peace bonus: An effective impetus toward agreement for arms reductions would be created. Given the benefits they would receive from a program of this kind, it would become apparent to the developing nations that they had as much to gain from arms reductions as did the nuclear superpowers, and important new voices would therefore be added to those already calling for peace-serving arms cuts.

As to how the program would make for a more prosperous world: The difficulties developing nations have historically faced in trying to raise standards of life have been compounded in recent years by a new factor—oil import prices dwarfing those charged in pre-OPEC days. These staggering oil bills are reflected in today's international debt repayment crisis—the most serious since the Great Depression. Foreign exchange that could otherwise be used for debt repayments must now be used instead to buy oil.

A weapons materials conversion program such as I have suggested would do much to ease the dependence of developing nations on oil imports for meeting their energy needs. The fissionable materials contained in only 200 retired weapons would suffice to produce a quantity of electrical power equal to the total of the present annual electricity production of Bolivia and Botswana, Haiti and Honduras, Lebanon and Liberia, Malawi and Mali, Panama and Peru, Senegal and Sri Lanka and Tanzania and Tunisia.

This past September the columnist, David Broder, made public a personal and confidential letter on war and peace that President Eisenhower wrote to a friend in 1956. I consider it to be at once profound, prophetic and providential and I am sure you would want to read it entirely. Its key passage reads as follows:

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die."

Can any of us here today doubt that the world has now reached and passed the point of mortal peril whose coming Dwight Eisenhower so clearly foresaw?

Some may dismiss as impossible, as idle dreams, the accomplishment of my proposals, both the universal outlawing of the use of atomic weapons and the employment of weapons materials in great cooperative programs to raise standards of life. But I say it will be a sad day, indeed, if we stop pursuing worthy goals just because we fear that they may be unattainable.

The hour is late—but by no means too late. Let us get on with the job—and the sooner the better.●

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. MRAZEK (at the request of Mr. WRIGHT), on January 26, on account of illness in the family.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DAUB, for 60 minutes, today.

(The following Members (at the request of Mrs. VUCANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 5 minutes, today.

Mr. WALKER, for 60 minutes, January 30.

Mr. GINGRICH, for 60 minutes, January 30.

Mr. WEBER, for 60 minutes, January 30.

Mr. MACK, for 60 minutes, January 30.

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Mr. DICKS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DREIER of California, to revise and extend in opposition to the amendment of Mr. ANDREWS of Texas.

(The following Members (at the request of Mr. FROST) and to include extraneous matter:)

Mr. OTTINGER in four instances.
Mr. HARRISON in three instances.
Mr. BOSCO.
Mr. ACKERMAN in two instances.
Mr. MATSUI.
Mr. MARKEY.
Ms. FERRARO.
Mr. LOWRY of Washington.
Mr. ROYBAL.
Mr. PEPPER.
Mr. YATRON.
Mrs. BOGGS.
Mr. DOWNEY of New York.
Mr. LEVINE of California.
Mr. ANNUNZIO.
Mr. FLORIO.
Mr. DONNELLY.
Mr. LIPINSKI in two instances.
Mr. BARNES.
Mr. UDALL.
Mr. RALPH M. HALL in two instances.
Mr. DYMALLY.
Mr. JONES of Oklahoma.

(The following Members (at the request of Mrs. VUCANOVICH) and to include extraneous matter:)

Mr. BEREUTER.
Mr. TAUKE.
Mr. BADHAM.
Mr. LEACH of Iowa in two instances.
Mr. GILMAN.
Mr. JEFFORDS.
Mr. LUJAN in three instances.
Mr. CAMPBELL.
Mr. PHILIP M. CRANE.
Mr. CONTE.
Mr. EDWARDS of Oklahoma.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, January 30, 1984, at 12 o'clock noon.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2492. A letter from the Executive Associate Director, Office of Management and Budget, transmitting a report that the appropriation to the Department of Health and Human Services for "Family Social Services" for the fiscal year 1984 has been reapportioned on a basis that indicates the necessity for a supplemental appropriation, pursuant to R.S., section 3679(e)(2); to the Committee on Appropriations.

2493. A letter from the Secretary of State, transmitting certification that the Government of El Salvador is making documented progress on completing its land reform program and has taken no action detrimental to the rights of certain beneficiaries under that program, pursuant to Public Law 98-151, section 101(b); to the Committee on Appropriations.

2494. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Egypt (Transmittal No. 84-20), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2495. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense articles to Saudi Arabia (Transmittal No. 84-23), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2496. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Egypt (Transmittal No. 84-25), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2497. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's offer to sell certain defense articles and services to Egypt (Transmittal No. 84-20), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1,520), Arms Export Control Act; to the Committee on Foreign Affairs.

2498. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 84-23), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520), Arms Export Control Act; to the Committee on Foreign Affairs.

2499. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's offer to sell certain defense articles and services to Egypt (Transmittal No. 84-25), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520), Arms Export Control Act; to the Committee on Foreign Affairs.

2500. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's proposed lease of defense articles to Norway (Transmittal No. 8-84), pursuant to AECA, section 62(a) or (b) (95 Stat. 1525); to the Committee on Foreign Affairs.

2501. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting a report of political contributions by Robert F. Kane, Ambassador-designate to Peru; and members of their families, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2502. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting the annual report for fiscal year 1982 of the Foreign Service retirement and disability system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2503. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed amendments to regulations and regulatory guides involving the training and qualifications of civilian nuclear powerplant operators, pursuant to Public Law 97-425, section 306; to the Committee on Interior and Insular Affairs.

2504. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's fiscal year 1985 budget request, pursuant to Public Law 92-573, section 27(k)(1); jointly, to the Committee on Appropriations and Energy and Commerce.

2505. A letter from the Secretary of Energy, transmitting the annual status report of actions taken during fiscal year 1983 by the Department of Energy, the Nuclear Regulatory Commission, the Department of the Interior, the Environmental Protection Agency, the Department of Justice, and the States and Indian tribes, as required by the Uranium Mill Tailings Radiation Control Act, pursuant to Public Law 95-604, section 114(a); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2506. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report on progress made in achieving lower prices and fair market conditions for imported natural gas, pursuant to Public Law 98-164, section 1009(b)(2); jointly, to the Committees on Foreign Affairs and Energy and Commerce.

2507. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting a notification that the review of Department of Defense procurement actions awarded during the last week of fiscal year 1983, due February 1, 1984 will not be submitted until April 30, 1984, pursuant to Public Law 98-191, section 11(a)(1); jointly, to the Committees on Government Operations and Armed Services.

2508. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 15, United States Code, to authorize the Secretary of Commerce to assert copyright in information products produced by NOAA, and for other purposes; jointly, to the Committees on the Judiciary and Merchant Marine and Fisheries.

2509. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to establish in the Department of Transportation the Office of Associate Deputy Secretary of Transportation; jointly, to the Committees on Public Works and Transportation and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES (for himself, Mr. FASCELL, Mr. KASTENMEIER, Mr. DIXON, Mr. FAUNTROY, Mr. DORGAN, Mr. FEIGHAN, Mr. LELAND, Mr. GRAY, Mr. HOYER, Mr. MATSUI, Mr. FAZIO, Mr. RATCHFORD, Mr. WEAVER, Mr. WILLIAMS of Montana, Mr. FROST, Mr. STUDDS, Mr. ZSCHAU, Mr. MOLLOHAN, Mr. GEPHARDT, Mr. ACKERMAN,

Mr. WALGREN, Mr. BRYANT, Mrs. BOXER, Mr. HUGHES, Mr. MILLER of California, Mrs. HALL of Indiana, Mr. LEVINE of California, Mr. GREEN, Mr. RUSSO, Mr. WOLPE, Mr. GLICKMAN, Mr. PORTER, Mr. STARK, Mr. BOSCO, Mrs. SCHNEIDER, Mr. FRANK, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. BERMAN, Mr. DURBIN, Mr. EVANS of Illinois, Mr. JEFFORDS, Mr. PANETTA, Mr. APPLEGATE, Mr. RICHARDSON, Mr. HOWARD, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. MORRISON of Connecticut, Mr. TORRES, Mr. WEISS, Mr. YATRON, Mr. ROE, Mr. TORRICELLI, Mr. PEASE, Mr. MCKINNEY, Ms. MIKULSKI, Mr. SIMON, Mr. OWENS, Mr. AUCOIN, Mr. CROCKETT, Mr. ROYBAL, Mr. BROWN of California, Mr. BONKER, Mr. NEAL, Mr. DWYER of New Jersey, Mr. MOODY, Mr. KILDEE, Mr. OTTINGER, Mr. OLIN, Mr. PRITCHARD, Ms. FERRARO, Mr. LEACH of Iowa, Mr. MARKEY, Mr. GARCIA, Mr. REID, Mr. GEJDENSON, Mr. ECKART, Mr. KOSTMAYER, Mr. CONTE, and Mr. GILMAN):

H.R. 4656. A bill to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first; to the Committee on Foreign Affairs.

By Mr. BENNETT:

H.R. 4657. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Ms. SNOWE):

H.R. 4658. A bill to prohibit the use of funds appropriated to the Legal Services Corporation for the implementation of regulations, guidelines, or other procedures that are more restrictive with respect to the determination of eligibility of clients than those in effect on January 1, 1983; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Ms. SNOWE, Mr. WALGREN, Mr. PRITCHARD, Mrs. COLLINS, Mr. FRANK, Mr. MATSUI, Mrs. SCHNEIDER, Mr. PEPPER, Mr. KOLTER, Mr. FAUNTROY, Mr. HAYES, Mr. JEFFORDS, Mr. FLORIO, Mr. FAZIO, Mr. CONYERS, Mr. ROYBAL, Mr. ALBOSTA, Mr. LANTOS, Mr. DOWNEY of New York, Mr. BARNES, Mr. SCHEUER, Mr. MURPHY, Mr. RICHARDSON, Mr. SOLARZ, Mr. SIMON, Mr. EDWARDS of California, Mr. CROCKETT, Mr. MCNULTY, Mr. BOEHLERT, Mr. ROE, Mr. MOAKLEY, Mr. MACKAY, Mr. MOLLOHAN, Mrs. SCHROEDER, Mr. RODINO, Mr. FROST, Mr. WYDEN, and Mr. MORRISON of Connecticut):

H.R. 4659. A bill to amend the Legal Services Corporation Act to insure that procedures for determining eligibility of clients are no more restrictive than those in effect on January 1, 1983; to the Committee on the Judiciary.

By Mr. BOSCO (for himself, Mr. SWIFT, Mr. WEAVER, Mr. PANETTA, Mr. CHAPPIE, Mr. BONKER, Mr. AUCOIN, Mr. LOWERY of California, Mr. DENNY SMITH, Mr. MORRISON of Washington, Mr. WYDEN, Mr. ROBERT F. SMITH, Mr. STARK, Mrs. BURTON of California, Mr. CHANDLER, Mr. DICKS, Mr. BROWN of California, Mr. DELLUMS, and Mr. LEVINE of California):

H.R. 4660. A bill to provide that economic injury disaster loans may be made to small business concerns involved in the fishing industry as a result of ocean conditions from June 1982 through December 1983 resulting from El Nino weather conditions; to the Committee on Small Business.

By Mr. CONTE:

H.R. 4661. A bill to change the authorizations of appropriations for the maternal and child health services block grant and the special supplemental food program for women, infants, and children for fiscal year 1984 and thereafter; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. DE LA GARZA:

H.R. 4662. A bill to establish the McAllen Division of the Southern District Court of Texas, and for other purposes; to the Committee on the Judiciary.

By Mr. DICKS (for himself, Mr. GLICKMAN, Mr. DONNELLY, Mr. MOAKLEY, Mr. OWENS, Mr. MARKEY, Mr. WHEAT, Mr. PRITCHARD, Mr. ACKERMAN, Mr. MORRISON of Washington, Mr. SWIFT, Mr. FRANK, Mr. WINN, Mr. FISH, Mr. BONKER, Mr. LOWRY of Washington, Mr. CHANDLER, Mr. COLEMAN of Missouri, Mr. FOLEY, and Mrs. SCHROEDER):

H.R. 4663. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Government Operations.

By Mr. FISH (for himself, Mr. GILMAN, Mr. MCHUGH, Mr. OTTINGER, and Mr. SOLOMON):

H.R. 4664. A bill to amend the Export Administration Act of 1979 to prohibit the exportation of fresh water in bulk by tanker; to the Committee on Foreign Affairs.

By Mr. FOGLIETTA:

H.R. 4665. A bill to name the Social Security building in Philadelphia, Pa., known as the "Mid-Atlantic Program Service Center," the William A. Barrett Social Security Building; to the Committee on Public Works and Transportation.

By Mr. SAM B. HALL, JR.:

H.R. 4666. A bill to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. HANCE:

H.R. 4667. A bill to impose an embargo on trade between Iran and the United States; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mrs. HOLT:

H.R. 4668. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. HUBBARD:

H.R. 4669. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

H.R. 4670. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 4671. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage revenue bonds to be issued; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 4672. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage revenue bonds to be issued; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 4673. A bill to amend title II of the Social Security Act to exempt benefits under such title from State taxation; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 4674. A bill to extend the mortgage subsidy bond authority for 5 years, and for other purposes; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 4675. A bill to require that diet drugs containing phenylpropanolamine be dispensed only upon prescription; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 4676. A bill to amend the Federal Supplemental Compensation Act of 1982 to provide an additional 6 weeks of benefits; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4677. A bill to provide opportunities for higher education in the United States for the people of Central America and the Caribbean; to the Committee on Foreign Affairs.

By Mr. WINN (for himself, Mr. WHEAT, and Mr. SKELTON):

H.R. 4678. A bill to preclude changes in the Federal regional office structure except by statute; to the Committee on Government Operations.

By Mr. YATRON:

H.R. 4679. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself and Mr. JEFFORDS):

H.J. Res. 452. Joint resolution recognizing the important contributions of the arts to a complete education; to the Committee on Education and Labor.

By Mr. DYMALLY:

H.J. Res. 453. Joint resolution designating the week of September 30 through October 6, 1984, as "National High-Tech Week"; to the Committee on Post Office and Civil Service.

By Mrs. JOHNSON (for herself, Mr. ANDREWS of Texas, Mr. VANDERGRIFF, Mr. BONER of Tennessee, Mr. RICHARDSON, Mr. HAWKINS, Mr. BATES, Mr. BEVILL, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. LEVIN of Michigan, Mr. JEFFORDS, Mr. HATCHER, Mr. DUNCAN, Mr. LEHMAN of Florida, Mr. BENNETT, Mr. BROWN of California, Mr. SIMON, Mr. KILDEE, Mr. BROWN of Colorado, Mr. MAZZOLI, Mr. GINGRICH, Mr. LONG of Louisiana, Mr. LOWRY of Washington, Mr. RAY, Mr. FROST, Mr. LUNGREN, Mr. WON PAT, Mr. JACOBS, Mr. FOWLER, Mr. DYSON, Mr. MITCHELL, Mr. HOYER, Mr. BOLAND, Mr. MARKEY, Mr. KOLTER, Mr. EDGAR, Mr. MCDADE, Mr. FLORIO, Mr. GRAY, Mr. HOWARD, Mr. SMITH of New Jersey, Mr. RINALDO, Mr. ROE, Mr. TORRICELLI, Mr. RODINO, Mr. ACKERMAN, Mr. ADDABBO, Mr. MRAZEK, Mr. GREEN, Mr. GARCIA, Mr. FISH, Mr. BRITT, Mr. ROSE, Mr. CLARKE, Mr. CAMPBELL, Mr. TALLON, Mr. GEJDENSON, Mr. MCKINNEY, Mr. BERMAN, Mr. DIXON, Mr. STOKES, Mr. CLAY, Mrs. HALL of Indiana, Mr. OWENS, and Mr. REGULA):

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence; to the Committee on Post Office and Civil Service.

By Mr. LEACH of Iowa:

H.J. Res. 455. Joint resolution to designate the week beginning April 1, 1984, as "National Amateur Wrestling Week"; to the Committee on Post Office and Civil Service.

By Mr. McCANDLESS (for himself, Mr. BROWN of California, Mr. DANIEL, Mr. DIXON, Mr. LEWIS of California, Mrs. HOLT, Mr. LOWERY of California, and Mr. PRITCHARD):

H.J. Res. 456. Joint resolution to designate June 22 through June 28, 1984, as "National Friendship Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.J. Res. 457. Joint resolution designating April 27, 1984, as "National Nursing Home Residents Day"; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.J. Res. 458. Joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week"; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.J. Res. 459. Joint resolution requiring that the Marine Corps contingent presently serving as part of the multinational force in Lebanon be reembarked on ships of the Sixth Fleet not later than April 1, 1984; to the Committee on Foreign Affairs.

By Mr. BROWN of Colorado:

H. Con. Res. 245. Concurrent resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef; to the Committee on Ways and Means.

By Mr. MICHEL:

H. Res. 402. Resolution electing Representative Tauke of Iowa and Representative McCain of Arizona to the Committee on Education and Labor; considered and agreed to.

By Mr. DAUB:

H. Res. 403. Resolution directing the House Committee on Rules to undertake an investigation concerning the matter of proxy voting; laid on the table.

By Mr. HAWKINS:

H. Res. 404. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on House Administration in the second session of the 98th Congress; to the Committee on House Administration.

By Mr. STOKES:

H. Res. 405. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Standards of Official Conduct in the second session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

314. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to the funding of U.S. covert paramilitary operations in Central America; jointly, to the Committees on Foreign Affairs and Permanent Select Committee on Intelligence.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ALBOSTA introduced a bill (H.R. 4680) for the relief of Maria Kopek; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1087: Mr. CONTE.

H.R. 1249: Mr. SABO.

H.R. 1720: Mr. GUARINI.

H.R. 2236: Mr. ACKERMAN, Mr. KOGOVSEK, and Mrs. SCHROEDER.

H.R. 2352: Mrs. SCHROEDER.

H.R. 2732: Mr. BILIRAKIS and Mr. EMERSON.

H.R. 3711: Mr. EDGAR.

H.R. 3713: Mr. PATMAN, Mr. BEVILL, Mr. HANSEN of Utah, Mr. CAMPBELL, Mr. EMERSON, Mr. CLINGER, and Mr. PARRIS.

H.R. 3714: Mr. STANGELAND, Mr. PATMAN, Mr. HANSEN of Utah, Mr. EMERSON, and Mr. PARRIS.

H.R. 3715: Mr. PATMAN, Mr. BEVILL, Mr. EMERSON, and Mr. PARRIS.

H.R. 3716: Mr. BEVILL, Mr. EMERSON, and Mr. PARRIS.

H.R. 4034: Mr. YATES, Mr. BEVILL, and Mr. HUGHES.

H.R. 4049: Mr. APPLEGATE, Mr. BROYHILL, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. ANDREWS of Texas, and Mr. COUGHLIN.

H.R. 4050: Mr. APPLEGATE, Mr. BROYHILL, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. ANDREWS of Texas, and Mr. COUGHLIN.

H.R. 4051: Mr. APPLEGATE, Mr. BROYHILL, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. ANDREWS of Texas, and Mr. COUGHLIN.

H.R. 4078: Mr. LEWIS of Florida.

H.R. 4092: Mr. JEFFORDS, Mr. BROYHILL, Mr. KOSTMAYER, Mr. MARTIN of North Carolina, Mrs. MARTIN of Illinois, Mr. BENNETT, Mr. PORTER, Mr. LOWERY of California, Mr. STANGELAND, Mr. DUNCAN, Mr. VANDER JAGT, Mr. MORRISON of Washington, Mr. GINGRICH, Mr. MOLLOHAN, and Mr. ERDREICH.

H.R. 4243: Mr. BARNES, Mr. GEJDENSON, Mr. PASHAYAN, Mr. BONKER, and Mr. TAUKE.

H.R. 4366: Mr. RUSSO, Mr. ANNUNZIO, and Mr. ERLENBORN.

H.R. 4477: Mr. WEAVER, Mr. RANGEL, Mr. MORRISON of Connecticut, Mr. CLINGER, Mr. RATCHFORD, Mr. MARKEY, Mr. PORTER, Mr. HORTON, Mr. WILLIAMS of Montana, Mr. MCKINNEY, Mr. FORD of Tennessee, Mr. FROST, Mr. EVANS of Illinois, Mr. BARNES, Mr. DYMALLY, Mr. YOUNG of Missouri, Mr. WON PAT, Mr. BERMAN, Mrs. MARTIN of Illinois, Mr. SUNIA, Mr. SKELTON, Mr. GEJDENSON, Mr. VENTO, Mr. WIRTH, Mr. DWYER of New Jersey, Mr. RICHARDSON, Mr. DEWINE, Mr. GINGRICH, Mr. RATCHFORD, Mr. MITCHELL, Mr. KOSTMAYER, Mr. CORRADA, Mr. LEHMAN of Florida, and Mr. WEISS.

H.R. 4594: Mr. BENNETT, Mr. COLEMAN of Texas, Mr. WHITTAKER, Mr. EVANS of Iowa, Mr. SYNAR, Mr. D'AMOURS, Mr. CORCORAN, Mr. HIGHTOWER, Mr. SAM B. HALL, JR., Mr. PETRI, and Mr. SLATTERY.

H.R. 4621: Mr. WOLF, Mr. DANIEL, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. LATTA, Mr. SHELBY, Mr. CORRADA, Mr. DUNCAN, and Mr. WON PAT.

H.J. Res. 71: Mrs. HOLT.

H.J. Res. 121: Mr. PATMAN, Mr. GREGG, Mr. YOUNG of Florida, Mr. BLILEY, Mr. HALL of Ohio, Mr. WYLIE, Mr. DIXON, and Mr. APPLEGATE.

H.J. Res. 356: Mr. MOORHEAD, Mr. BOSCO, Mr. HARKIN, Mr. MARTIN of New York, Mr. HIGHTOWER, Mr. CHENEY, Mr. SMITH of Iowa, Mr. APPLEGATE, Mr. DEWINE, Mr. STRATTON, Mr. HANSEN of Utah, Mr. SHANNON, Mr. BOLAND, Mr. BONER of Tennessee, Mr. FORD of Tennessee, Mr. RODINO, Mr. KEMP, Mr. VANDERGRIFF, Mr. ACKERMAN, Mr. BETHUNE, Mr. ALBOSTA, Mr. MONTGOMERY, Mr. BENNETT, Mr. PETRI, Mr. BEDELL, Mr. AKAKA, and Mr. COOPER.

H.J. Res. 358: Mr. GREEN.

H.J. Res. 418: Mr. MADIGAN, Mr. KINDNESS, Mr. WILSON, Mr. LAGOMARSINO, Mr. EDWARDS of Alabama, Mr. SAWYER, Mr. WAXMAN, Mr. KASICH, Mr. NICHOLS, Mr. HORTON, Mr. OXLEY, Mr. HUGHES, Mr. ROE, Mr. VENTO, Mr. FAZIO, Mr. OWENS, Mr. FORSYTHE, Mr. FRENZEL, Mr. BEVILL, Ms. MIKULSKI, and Mr. RATCHFORD.

H. Con. Res. 83: Mr. FRANKLIN, Mr. ERDREICH, and Mr. MARTIN of North Carolina.

H. Con. Res. 240: Mr. UDALL, Mr. LELAND, Mr. YOUNG of Missouri, Mr. MORRISON of Connecticut, Mr. KOGOVSEK, Mr. SIMON, Mr. BENNETT, Mr. OTTINGER, Ms. KAPTUR, and Mr. BOLAND.

H. Res. 327: Mr. BROYHILL, Mr. BROWN of Colorado, Mr. ANDREWS of Texas, and Mr. COUGHLIN.

H. Res. 373: Mr. VANDERGRIFF.

H. Res. 391: Mr. ANDERSON, Mr. FORD of Tennessee, Mr. ACKERMAN, Mr. MORRISON of Connecticut, Mrs. JOHNSON, Mrs. MARTIN of Illinois, Mr. WOLF, Mr. MITCHELL, Mr. LOWERY of California, Mr. FRANK, Mr. WHITTAKER, Mr. REGULA, Mr. DEWINE, Mr. FISH, Mr. KASICH, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. LIVINGSTON, and Mr. COATES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

304. By the SPEAKER: Petition of the Ad Hoc Executive Committee of U.S. Veterans of World War II, Washington, relative to Turkish aggression in Cyprus; to the Committee on Foreign Affairs.

305. Also, petition of the City Council, New York, relative to a national minimum drinking age of 21; to the Committee on the Judiciary.

SENATE—*Thursday, January 26, 1984*

(Legislative day of Monday, January 23, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk and not faint.—Isaiah 40: 31.

Patient, merciful Father in Heaven, help us to take Thee seriously. We take ourselves so seriously and seldom are our thoughts of Thee. We profess to believe in Thee, but we behave as though Thou art nonexistent. We have time for almost everything else but we are too busy for Thee. Forgive us Lord, for our indifference and the hurried, harried lives which such indifference imposes upon us.

May we remember that Thou art a God who is near—nearer than hands or feet—nearer than breathing. Make us to realize that Thou knowest the end from the beginning and all that is in between—that we can receive from Thee wisdom which comes from knowledge of the future. Help us to seek Thee Lord, to wait upon Thee, to listen to Thee daily. We pray in the name of the man Jesus Christ who lived in unbroken relationship with Thee. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE TODAY

ORDER RESERVING LEADERSHIP TIME

Mr. BAKER. Mr. President, first I ask unanimous consent that the time for the two leaders under the standing order may be reserved for their use at any time during this calendar day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I will reclaim such of my leader's time as I may use.

Mr. President, after the leader's time has expired or is not being utilized, there is a special order for this morning in favor of the distinguished Senator from Michigan (Mr. RIEGLE), and I hope that those involved in such matters will let him know so that he may be on deck in just a few minutes.

Mr. President, there is not yet an order for a period for the transaction of routine morning business, I believe; is that correct?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator is correct.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special order in favor of Senator RIEGLE there be a period for the transaction of routine morning business to extend not past the hour of 12 noon in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1660

Mr. BAKER. Mr. President, at the expiration of the time for the transaction of routine morning business, or in the alternative if the time for the transaction of routine morning business is closed prior to the hour of 12 noon, the Senate will resume consideration of the pending business which is the motion to proceed to the consideration of S. 1660.

Mr. President, based on the conversations I have had so far with the principals engaged in this debate, it would be—I repeat—it would be my expectation that we will have a vote or votes today. And I also would predict that it may or they may come fairly early, so I am asking the cloakroom on this side of the aisle to notify the principals involved and to notify all Republican Senators that a rollcall vote is expected and will probably occur some time between 1 and 2 p.m. absent other circumstances.

SENATE AGENDA

Mr. BAKER. Mr. President, I announced at the beginning of the week that we would devote this week if necessary to the telephone bill and that after we finish the telephone bill or after it was disposed of in some manner, I would ask the Senate to turn to two other measures, first, the Nickles resolution dealing with the 3.5-percent automatic pay increase for Members of the House of Representatives and the Senate, and the other the crime package so-called which is the bill reported by the Judiciary Committee which deals with the Criminal Code but does not include, as I understand it, those provisions dealing with death penalty, habeas corpus, Federal tort claims, and the exclusionary rule.

May I say for the benefit of Members that it is the intention of the leadership on this side to try to reach the crime bill after the Nickles resolution and to follow the crime bill with the other four items.

I have asked the officials on this side of the aisle to attempt to negotiate with their counterparts to see if we can get a unanimous-consent agreement for either a limitation of time or the sequence in which these matters will be dealt with.

I repeat that the order of business for the Senate now is to try to finish the telephone bill this week—I do expect a vote or votes on the matter today—to take up the Nickles resolution today or tomorrow, and to go to the crime package on either Friday or Monday if circumstances will permit that, and after the crime package is disposed of to try to do the four remaining items that were not included in the crime bill.

I urge Senators to consider the wisdom of trying to negotiate time limitations on all of those matters so that we can get on with the business of the Senate.

The time remaining between now and the Lincoln Day recess amounts to 12 legislative days. And it would be the hope of the leadership on this side that we can complete all of these items plus certain other measures that can and should be dealt with before that date.

I will confer with the minority leader on the state of the calendar. There are a number of items on the calendar that I had hoped we might be able to dispose of before we adjourn the first session of Congress. And we did a good deal of that. We did a lot of it. But there are a great number of items that look to me like they ought to clear and I hope can be cleared.

I confess to a petty instinct and that is I would like to see the calendar get smaller. It gives me a feeling of reassurance when I have a small calendar before me on the desk.

Mr. President, that is all I can summon up to enlighten the Senate with this morning.

RECOGNITION OF SENATOR RIEGLE

The PRESIDING OFFICER. Under the previous order, the Senator from

Michigan (Mr. RIEGLE) is recognized for not to exceed 15 minutes.

IN MEMORY OF WILLIAM J. ABERNATHY

Mr. RIEGLE. Mr. President, many were saddened recently to learn of the death of William J. Abernathy, professor of management and technology at the Harvard Business School. Those who knew Bill Abernathy were privileged to know a man of extraordinary insight, dedication, and decency. He made a significant difference.

It is fitting, Mr. President, that the Senate give recognition to the solid contribution Bill Abernathy made to this country.

Bill Abernathy was one of America's leading authorities on the management of technology, innovation, and manufacturing—an internationally recognized expert on the automotive, electronics, and other high-technology industries.

Bill was in the vanguard of those coming to grips with the international challenge to America's basic industries. Too many are willing to approach that challenge with shopworn ideas. Some relied on nostrums about "The working of free markets" in ways that lead to smugness and inaction. Others expressed alarm about recent trends in ways that lead to fear and overreaction.

But Bill Abernathy was a refreshing contrast in that he achieved a penetrating new understanding of the processes that have shaped our industrial growth and that lie at the heart of some of our current problems.

He helped shatter well-entrenched myths. The clarity of his thinking provides a sounder basis for hope and a clearer vision of how the United States can return to industrial leadership.

Mr. President, Bill had a brilliant career.

He was a 1953 graduate of the university of Tennessee with a degree in engineering. Bill began his career as a project engineer with Du Pont's film division and then as a project manager with General Dynamics/Electronics. From 1956 to 1959, he served as a lieutenant in the U.S. Air Force Security Service in West Germany.

By 1967, the Harvard University Graduate School of Business Administration had awarded him both a master of business administration and a doctor of business administration degree. A distinguished teaching career followed at the University of California at Los Angeles, Stanford University and Harvard Business School. It culminated in his appointment as the first William Barclay professor of the management of technology at Harvard.

His many publications included such pathbreaking works as "The Productivity Dilemma: Roadblock to Innovation in the Automobile Industry" (1978) and "Industrial Renaissance: Producing a Competitive Future for America" (1983), which he coauthored with Kim Clark and Alan Kantrow. In 1980, with Robert Hayes, he wrote "Managing Our Way to Economic Decline," winner of the McKinsey and Associates Award for outstanding Harvard Business Review article of the year and the reprint with the largest circulation in the history of the Review.

Mr. President, Bill Abernathy earned enormous respect among his colleagues early in his career, and he had more recently gained a national reputation among leaders in industry and Government. His tragic death, at only 50 years of age, deprives us of a rare talent. I am certain that his influence will be felt for a long time to come.

I have always found him to be one who cared deeply about this country's long-term responsibility to provide good jobs for working Americans. In recent years, I also knew him to be a man with a strongly held personal agenda that reflected his commitment to his work and his love for his family.

I feel a personal loss and want to join with his many colleagues and friends in expressing my gratitude for his life and my sympathy to his wife, Claire, his son, Billy, and his daughters, Lynn and Jan.

Mr. KENNEDY. Mr. President, it is with sadness that I note the untimely passing on December 29, 1983, of William J. Abernathy, the William Barclay Harding professor of the management of technology at the Harvard Business School. He was 50 years old.

Professor Abernathy was one of America's foremost students of corporate organization and management. In his famous article, "Managing Our Way to Economic Decline," coauthored with Robert Hayes and published in the Harvard Business Review, Professor Abernathy argued that the focus of American managers on short-term profits rather than long-run productivity was a fundamental cause of America's industrial decline.

Professor Abernathy's work focused particularly on the automobile industry in which he found innovation and competitiveness lagging as companies grew larger and managers more distant from the production process. His book, "Industrial Renaissance Producing a Competitive Future for America," coauthored by Alan M. Kantrow and Kim. B. Clark, examined these trends and explored their implications for the industrial future of the United States. It remains one of the finest analyses of the problem of industrial strategy.

With the death of William Abernathy, American industry has lost one of its most trenchant analysts, and I join with my colleagues in mourning his passing.

Mr. TSONGAS. Mr. President, I also would like to make a few remarks concerning Dr. William Abernathy. He will be missed by us all, on both a personal and professional level. However, I want to comment on the ideas he so eloquently articulated in his writings. Bill Abernathy, the William Barclay Harding professor of the management of technology at Harvard's Business School, was one of the leading spokesmen on the need for U.S. business to replace the short-term profit orientation so prevalent today, with a longer-term view in its management philosophy. With his Harvard colleague, Dr. Robert Hayes, he examined the current state of our Nation's industrial machine and made startling suggestions for improvement.

Although Bill Abernathy's emphasis on the need to improve productivity, increase innovation, and assume risks sounds commonplace, it is a tribute to his insight that such ideas are accepted and prescribed today. Innovations in the work place such as quality circles, employee profit sharing plans, state-of-the-art technology and innovative product design will make the difference between the survival or demise of U.S. industry. By stressing the need for innovative technology and innovative management styles, William Abernathy has helped point us in the right direction for economic growth and international competitiveness. His legacy will not soon be forgotten.

On a personal note, I would like to express my affection for him. I once had the great privilege of working with him in the classroom in addition to my other contacts with him. The decency and humanity of Dr. Abernathy is what I remember more than the intellectual and professional skills. He was a role model in so many ways. We are fortunate to have had him touch our lives.

Mr. RIEGLE. Mr. President, I ask unanimous consent that three articles attesting to Bill Abernathy's contributions be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Dec. 31, 1983]

A MAN TO REMEMBER

(By Alan M. Kantrow and David Irons)

For Bill Abernathy, who died this past Thursday at the age of 50 after a four-year battle with cancer, the end came in the midst of much work left undone.

Recently appointed the first William Barclay Harding Professor of Management of Technology at Harvard Business School, Bill Abernathy was preparing a report on innovation in the rocket engine industry for the School's 75th anniversary colloquium, running several major research projects on other innovation-related issues (including the computerization of a massive data base

on innovation in the automobile industry), and honoring invitations to speak and consult generated, in part, by the publication of a book last May. He had also just contracted with the publishers for a new book.

What makes this flurry of effort remarkable, especially to those of us who were his colleagues, is that the eight major operations, the chemotherapy, and the pain he endured during those four years never broke his desire to continue working. More remarkable, they never broke his indomitable spirit or good humor.

Most remarkable of all, they never altered the quality of the work he actually did. Whatever his pain or discomfort, Bill continued to be an endlessly fertile source of ideas and an unusually creative researcher. Many of us would be content if we could make complicated data speak at all; even toward the end, Bill never lost his uncanny ability to make them sing.

And quite a noise they made. During his last year, Bill made the happy discovery that the varied concerns that had long shaped his research and writing were coming together into a single coherent view of the central challenges faced by American managers. Long preoccupations with the mechanics of how products and processes evolve, with the detailed ways in which technical change becomes competitively significant, and with the inadequacy of worker-management relationships at many companies—all these increasingly became for Bill inextricable parts of an overriding concern with the competitiveness of American industry. They were not separate issues and could no longer be treated as such.

As Wickham Skinner, a colleague and friend at the Business School, has said, "[He] was one of the first to understand how far behind America was falling in the technology of production. He was able to prove how American industry had become a prisoner of the mass-production process and how workers on the factory floor were as much a key to its salvation as were the decisions of its leaders."

The great irony, of course, is that this confluence of research and idea and insight coincided almost exactly with the course of Bill's illness. Many years of diligent work, which culminated with his The Productivity Dilemma (1978), had earned Bill a position of considerable respect within his profession and, in particular, within the ranks of those regarded as experts on the automobile industry.

A stint teaching at the Business School's Senior Management Program in Switzerland during the late 1970s brought him into a close working relationship with Robert Hayes, a long-time colleague. Out of their discussions came a shared understanding that many of the things they had been teaching no longer applied to the competitive world unfolding about them. And out of that understanding came an influential 1980 Harvard business Review article, "Managing Our Way to Economic Decline."

The article touched a nerve. Its main argument—that many American managers had over the years lost sight of their responsibility to keep their companies truly competitive—became a rallying point for those in industry as well as academia who were committed to change. "The key to long-term success—even survival—in business," they wrote, "is what it has always been: to invest, to innovate, to lead, to create value where none existed before * * *. In our preoccupation with the braking systems and exterior trim, we may have neglected the drive trains of our corporations."

Next came a book, Industrial Renaissance (coauthored with two other colleagues, Kim Clark and Alan Kantrow), which extended the general indictment of "Managing Our Way" into a close and, ultimately, hopeful analysis of the nation's automobile and other production-based industries. What really came next, however, made possible by Bill's growing public reputation, was the opportunity to speak out—in boardrooms, classrooms, conference halls, committee rooms. It was this opportunity to be heard, to make a difference, to be an agent for change that Bill seized with so much vigor during his last years—precisely during the time his health was most rapidly failing.

A common theme in all this work was the uncompromising message that responsibility for failure as well as success rests, in the first instance, with the quality of management, not with labor's bargaining demands or the red-tape of government regulation. He was among the first to say directly to managers, "Physicians, heal thyselves." If American's industrial leaders would give workers more responsibility and allow them to participate in production decisions to their fullest potential, he knew we could surprise ourselves with the results.

People responded to the directness and honesty of his carefully considered opinions. He in turn responded in his bemused and canny way—giving interviews, returning phone calls, always reaching out to others who could work for change. Toward the end he could acknowledge with satisfaction, "I think I've had an impact. That's all a person can ask for."

Many of us who worked with him felt that the joy of being listened to and of seeing the growing acceptance of his ideas helped to invigorate him and keep him active. He spoke occasionally of how his cancer had freed him from worry about challenging the accepted wisdom. We all have our individual memories. Ours is of Bill getting painfully up from the couch in his office, one of the few comfortable places left for him to read, and struggling slowly down to catch a taxi out to Logan Airport for the flight to the next bully pulpit open to him.

His impact has been genuine. American business and American business schools are giving new weight to the importance of manufacturing and, more importantly, to the enormous potential of America's human capital.

Bill's friends and colleagues are the richer for having had him with us. We are all the poorer for his loss.

[Excerpted from "Authors" Harvard Business School Bulletin, April 1983]

INDUSTRIAL RENAISSANCE: PRODUCING A COMPETITIVE FUTURE IN AMERICA

Industrial Renaissance; Producing a Competitive Future in America, by William J. Abernathy, Kim B. Clark, and Alan M. Kantrow, will be published in May by Basic Books. In it the authors systematically demonstrate how completely new technologies have transformed the environment in which business operates, and what this transformation means for the competitive future of American industry.

Prescriptive as well as descriptive, the book is ultimately optimistic about the potential for U.S. industry to regain its competitve edge by recommitting itself to traditional manufacturing excellence. "By making genuine worker participation and more effective management of technology the core of business strategy," Abernathy says, "American industry can emerge once again as the competitive standard by which other economies are judged."

Abernathy, the Business School's first William Barclay Harding Professor of Management of Technology, is one of the country's leading authorities on production management.

In a recent interview with frequent Bulletin contributor David Irons, Abernathy talked about some of the themes developed in their book—and some of the popular myths it debunks.

HARVARD BUSINESS SCHOOL BULLETIN. Some people attribute our industrial competitive gap to the fact that we won the Second World War. We bombed out Japanese and German plants and therefore their facilities and infrastructures are more modern. Industrial Renaissance seems to be saying there's not much to this argument.

ABERNATHY. The problem of competitive decline of U.S. firms is often chalked up to a failure to invest in new plants and advanced manufacturing technology. People run around saying "The Japanese have more robots than we do! Our plant and equipment stock is older! The Japanese turn out more engineers!" The theory is wrong and it can be dangerously misleading.

Believing in what you label the "bombed out" theory simply reinforces the conviction that sufficiently heavy investment in science and advanced technology can fix anything. It offers the false security of the notion that U.S. firms can and should buy their way out of current competitive problems.

The solution to our basic competitive failures in quality and productivity requires more than just an investment in slick technology. We do need to manage the introduction of technology better. We must also make a basic and fundamental investment in people and new modes of workforce management.

What we have tried to do in Industrial Renaissance is to explore both the historical roots and the future potential of improved competitiveness in manufacturing through genuine worker participation coupled with more effective managment of technology.

HBSB. While we're exploding myths—you have some pretty harsh words in your book for theories of industrial maturity.

ABERNATHY. It is common practice in financially sophisticated U.S. firms to manage their manufacturing operations like throughbred horses—according to their stage of maturity. Young firms of technological promise are selected and nurtured through extensive investment like proud young stallions. Later in the stage of full development they must be employed at peak efficiency to secure full utilization. Finally, in the slack years of mature development they are put out to pasture, so to speak, and drained of cash resources and the opportunity for investments or renewal. Their output is used to nurture the stock of younger businesses—or at least so goes the paradigm of portfolio management by maturity that has wrecked the strength of many basic U.S. businesses.

The errors of logic and practice in the management-by-maturity model are numerous and flagrant. First, maturity is totally undefined so that it is impossible to specify whether or not a business is mature. Second, the argument becomes a self-fulfilling prophecy. Once involuntarily drained of resources, the business has no option but to perform in a static fashion. Third, there is

no vision in this concept that a firm can "de-mature." Firms simply are not governed by the biological process that guides human development, although the slipshod rules of this kind of management would make one think so.

HBSB. You say a firm can "de-mature." How would you define "de-maturity?"

ABERNATHY. A company, or even an entire industry, can de-mature by returning to an earlier stage in its development. When that happens, innovation plays a more important role in production, technology is more fluid and diverse, and markets demand segmentation by technology. When production becomes more flexible, a firm is able to adapt and react more quickly to take advantage of competitive opportunities.

There are several things I would recommend to manufacturing management in basic industries as a critical step toward revitalization. The most important would be to restructure to develop the technical capability to make some small fraction of their process equipment in-house. That step is needed not only so that their products can be unique and different, but also so that they can make changes flexibly in the methods of production. That is important for developing labor initiative, fostering product quality, and promoting more effective new product development.

We are the only major industrialized country I know of whose major basic industries do not do that. In Germany they tend more and more often to have their own capital goods producing capability. Every firm I saw in Japan did. It is just one element in what they did, but it can be the critical cutting element.

HBSB. Current interest in Japanese workforce attitudes and management practices seems to reflect the view that the economic miracle in Japan is a result of some great Eastern secret. Do you think their great strides in quality, productivity, and effective product development stem from some cultural advantage that is not found in the workforces of the U.S. and other Western nations?

ABERNATHY. In large part, I just don't think so. While it is true that racial homogeneity and other cultural traits of the Japanese workforce may serve the competitive advantage of their firms, it is also true that much of their economic miracle is the fruit of excellence in management—and particularly in manufacturing management.

In our trip to Japan, Germany, and other countries, we explored pretty deeply the sources of productivity and quality advantages in comparison with U.S. practices, and concluded that much of this advantage can be appropriated by U.S. management.

HBSB. If the introduction of new technology is not the only answer, would you say it is one critically important component in restoring our competitive edge?

ABERNATHY. I think it's widely recognized that the potential bulwark of U.S. industry's competitive advantage is its technology base. While many progressive U.S. firms are striving desperately to close the productivity and quality gap with the Japanese, it's unlikely that this large gap will be completely closed in most cases for the near future, much less reversed to form a competitive advantage.

So if they are to survive, U.S. manufacturing firms must rely much more heavily on a technology-based edge, or flexible adaptive manufacturing, or nimble market response in formulating a competitive strategy. That means we need a turnaround in the capability of U.S. management.

HBSB. What about the half-fashionable idea that the country can get by on its high-tech and service industries and some basic industry—like autos or steel—need necessarily die out?

ABERNATHY. The first part of that idea is nonsense. We are a large economy and we need a balanced industrial profile. We are not Taiwan; we are not Austria; we are not Switzerland. Healthy industrial sectors are interdependent in deriving their sources of innovation and strength. We need to have every important industrial sector represented in our economy.

There is some truth to the argument that not all of basic industry will survive as it is now structured. We must face restructuring, but the message of our book is basically optimistic in this regard. Many of the necessary changes are already taking place.

HBSB. In essence, aren't you also saying that we can relearn to be competitive from our own industrial heritage?

ABERNATHY. We have tried to show in Industrial Renaissance that our history is rich with lessons that are pertinent to today's competitive problems but inadequately applied.

Throughout the nineteenth century and during the early part of the twentieth, U.S. industry was renowned for the production of low cost, standardized, functional products of high quality. Much of this success and our high standard of living rested on the consumer's willingness to participate in that system. It all depended on the productive contribution of the U.S. worker and the world's finest stock of process technology for mass-produced products.

After World War II, U.S. management turned away from past practices and followed a new pattern suggested neither by our history nor by our international competitors. We took a close look at this deviation because there are many reasons to believe that it lies at the root of our recent sharp economic decline.

Management of the post-war firm has relied on analysis rather than experience. Firms were structured to achieve fixed targets rather than to develop through "learning-by-doing." The conduct of research and development has come to rely more on theory and less on empiricism.

Production practice came to involve a pattern of relationships with the workforce that was vastly different from those of an earlier era. The nineteenth century was characterized by a much higher degree of participation and commitment of the worker.

Industrial Renaissance suggests that a few U.S. corporations are already leading a return to greater competitiveness by undoing these post-World War II management deviations.

HBSB. What have you and your colleagues observed that makes you so optimistic?

ABERNATHY. We've visited U.S. auto, industrial-engine, agricultural-machinery, and steel factories where this renewal, this commitment to competitive excellence, is in full swing. The spirit and performance of the workers can be just as impressive as in Japan. Oh, it's not happening everywhere; it's not even the dominant activity. But it has all the potential to become dominant.

HBSB. Can you give any specific examples?

ABERNATHY. We tell the story in the book of one older auto-engine plant where we found a crew of line workers responsible for building water pumps. A year before, they'd been given real encouragement as well as real authority by the plant manager to improve their operations. Well; they got together and modified the layout of their equipment, altered their own job assignments, and changed the material flows. They got some technical support and tinkered with the process machinery. And they did a lot of it on their own time.

When we heard their story, they had already become three times more productive than they had been before. They had improved the quality of their pumps, and had reduced the amount of scrap from their operations by a factor of ten.

There were other cases, too. We visited an automobile-assembly plant where the rejection rates on the fit of hoods and bumpers and the like averaged one out of every sixty vehicles at first. The workers were given a chance to restructure their own operations and they changed a process involving more than 54 separate work stations, which is no easy matter. But over the next eight months they lowered rejection rates from 1 in 60 to 1 in 18,000.

HBSB. That probably not what Karl Marx had in mind when he wrote on workers' control of the means of production.

ABERNATHY. It's probably not. But in a paradoxical sense he was right. I think workers should control the means of production in respect to their particular task because that is exactly what is needed to achieve great improvement in performance and thereby reassert the new future of capitalism. Marx wouldn't like that, but it's true.

Some people might regard that view as an heretical denial of the capitalist system. It is not. But people here are very much on the leading edge of thinking about the restructuring of capitalism. It might be hard for some people to think of the Harvard Business School as suited to the restructuring of U.S. industry, but some of the more exciting people here can be pretty "counter-traditional" in their viewpoints.

MANAGING OUR WAY TO ECONOMIC DECLINE

(By Robert H. Hayes and William J. Abernathy)

[Graphics and charts mentioned in article not reproducible in the RECORD.]

How are we to fix responsibility for the current malaise of American business? Most attribute its weakened condition to the virus of inflation, the paralysis brought on by government regulation and tax policy, or the feverish price escalation by OPEC. Not quite right, say the authors. In their judgment, responsibility rests not with general economic forces alone but also with the failure of American managers to keep their companies technologically competitive over the long run. In advancing their controversial diagnosis, the authors draw on their own extensive work in the production field as well as their recent association with Harvard's International Senior Managers Program in Vevey, Switzerland. Having taken a long, hard look from abroad at how American managers operate, they propose some strong medicine for improving the health of American business.

Mr. Hayes is professor of business administration at the Harvard Business School and has served as faculty chairman of the International Senior Managers Program. He is the author of several HBR articles, the most recent being "The Dynamics of Process-Product Life Cycles" (coauthor, Steven C. Wheelwright, March-April 1979). Mr.

Abernathy, also professor of business administration at the Harvard Business School, is a leading authority on the automobile industry. He is the author of The Productivity Dilemma: Roadblock to Innovation in the Automobile Industry (Johns Hopkins University Press, 1978). This is his second HBR article.

During the past several years American business has experienced a marked deterioration of competitive vigor and a growing unease about its overall economic well-being. This decline in both health and confidence has been attributed by economists and business leaders to such factors as the rapacity of OPEC, deficiencies in government tax and monetary policies, and the proliferation of regulation. We find these explanations inadequate.

They do not explain, for example, why the rate of productivity growth in America has declined both absolutely and relative to that in Europe and Japan. Nor do they explain why in many high-technology as well as mature industries America has lost its leadership position. Although a host of readily named forces—government regulation, inflation, monetary policy, tax laws, labor costs and constraints, fear of a capital shortage, the price of imported oil—have taken their toll on American business, pressures of this sort affect the economic climate abroad just as they do here.

A German executive, for example, will not be convinced by these explanations. Germany imports 95 percent of its oil (we import 50 percent), its government's share of gross domestic product is about 37 percent (ours is about 30 percent), and workers must be consulted on most major decisions. Yet Germany's rate of productivity growth has actually increased since 1970 and recently rose to more than four times ours. In France the situation is similar, yet today that country's productivity growth in manufacturing (despite current crises in steel and textiles) more than triples ours. No modern industrial nation is immune to the problems and pressures besetting U.S. business. Why then do we find a disproportionate loss of competitive vigor by U.S. companies?

Our experience suggests that, to an unprecedented degree, success in most industries today requires an organizational commitment to compete in the marketplace on technological grounds—that is, to compete over the long run by offering superior products. Yet, guided by what they took to be the newest and best principles of management, American managers have increasingly directed their attention elsewhere. These new principles, despite their sophistication and widespread usefulness, encourage a preference for (1) analytic detachment rather than the insight that comes from "hands on" experience and (2) short-term cost reduction rather than long-term development of technological competitiveness. It is this new managerial gospel, we feel, that has played a major role in undermining the vigor of American industry.

American management, especially in the two decades after World War II, was universally admired for its strikingly effective performance. But times change. An approach shaped and refined during stable decades may be ill suited to a world characterized by rapid and unpredictable change, scarce energy, global competition for markets, and a constant need for innovation. This is the world of the 1980s and, probably, the rest of this century.

The time is long overdue for earnest, objective self-analysis. What exactly have American managers been doing wrong? What are the critical weaknesses in the ways that they have managed the technological performance of their companies? What is the matter with the long-unquestioned assumptions on which they have based their managerial policies and practices?

A FAILURE OF MANAGEMENT

In the past, American managers earned worldwide respect for their carefully planned yet highly aggressive action across three different time frames:

Short term—using existing assets as efficiently as possible.

Medium term—replacing labor and other scarce resources with capital equipment.

Long term—developing new products and processes that open new markets or restructure old ones.

The first of these time frames demanded toughness, determination, and close attention to detail; the second, capital and the willingness to take sizable financial risks; the third, imagination and a certain amount of technological daring.

Our managers still earn generally high marks for their skill in improving short-term efficiency, but their counterparts in Europe and Japan have started to question America's entrepreneurial imagination and willingness to make risky long-term competitive investments. As one such observer remarked to us: "The U.S. companies in my industry act like banks. All they are interested in is return on investment and getting their money back. Sometimes they act as though they are more interested in buying other companies than they are in selling products to customers."

In fact, this curt diagnosis represents a growing body of opinion that openly charges American managers with competitive myopia: "Somehow or other, American business is losing confidence in itself and especially confidence in its future. Instead of meeting the challenge of the changing world, American business today is making small, short-term adjustments by cutting costs and by turning to the government for temporary relief. . . . Success in trade is the result of patient and meticulous preparations, with a long period of market preparation before the rewards are available. . . . To undertake such commitments is hardly in the interest of a manager who is concerned with his or her next quarterly earnings reports." [1]

More troubling still, American managers themselves often admit the charge with, at most, a rhetorical shrug of their shoulders. In established businesses, notes one senior vice president of research: "We understand how to market, we know the technology, and production problems are not extreme. Why risk money on new businesses when good, profitable low-risk opportunities are on every side?" Says another: "Its much more difficult to come up with a synthetic meat product than a lemon-lime cake mix. But you work on the lemon-lime cake mix because you know exactly what that return is going to be. A synthetic steak is going to take a lot longer, require a much bigger investment, and the risk of failure will be greater.". [2]

These managers are not alone; they speak for many. Why, they ask, should they invest dollars that are hard to earn back when it is so easy—and so much less risky—to make money in other ways? Why ignore a ready-made situation in cake mixes for the deferred and far less certain prospects in synthetic steaks? Why shoulder the competitive risks of making better, more innovative products?

In our judgment, the assumptions underlying these questions are prime evidence of a broad mangerial failure—a failure of both vision and leadership—that over time has eroded both the inclination and the capacity of U.S. companies to innovate.

FAMILIAR EXCUSES

About the facts themselves there can be little dispute. *Exhibtis I-IV* documents our sorry decline. But the explanations and excuses commonly offered invite a good deal of comment.

It is important to recognize, first of all, that the problem is not new. It has been going on for at least 15 years. The rate of productivity growth in the private sector peaked in the mid-1960s. Nor is the problem confined to a few sectors of our economy; with a few exceptions, it permeates our entire economy. Expenditures on R&D by both business and government, as measured in constant (noninflated) dollars, also peaked in the mid-1960s—both in absolute terms and as a percentage of GNP. During the same period the expenditures on R&D by West Germany and Japan have been rising. More important, American spending on R&D as a percentage of sales in such critical research-intensive industries as machinery, professional and scientific instruments, chemicals, and aircraft had dropped by the mid-1970s to about half its level in the early 1960s. These are the very industries on which we now depend for the bulk of our manufactured exports.

Investment in plant and equipment in the United States displays the same disturbing trends. As economist Burton G. Malkiel has pointed out: "From 1948 to 1973 the [net book value of capital equipment] per unit of labor grew at an annual rate of almost 3%. Since 1973, however, lower rates of private investment have led to a decline in the growth rate to 1.75%. Moreover, the recent composition of investment [in 1978] has been skewed toward equipment and relative short-term projects and away from structures and relatively long-lived investments. Thus our industrial plant has tended to age . . ." [3]

Other studies have shown that growth in the incremental capital equipment-to-labor ratio has fallen to about one-third of its value in the early 1960s. By contrast, between 1966 and 1976 capital investment as a percentage of GNP in France and West Germany was more than 20% greater than in the United States; in Japan the percentage was almost double ours.

To attribute this relative loss of technological vigor to such things as a shortage of capital in the United States is not justified. As Malkiel and others have shown, the return on equity of American business (out of which comes the capital necessary for investment) is about the same today as 20 years ago, even after adjusting for inflation. However, investment in both new equipment and R&D, as a percentage of GNP,

[1] Ryohei Suzuki, "Worldwide Expansion of U.S. Exports—A Japanese View," *Sloan Management Review*, Spring 1979, p. 1.

[2] Business Week, February 16, 1976, p. 57.

[3] Burton G. Malkiel, "Productivity—The Problem Behind the Headlines." HBR May–June 1979, p. 81.

was significantly higher 20 years ago than today.

The conclusion is painful but must be faced. Responsibility for this competitive listlessness belongs not just to a set of external conditions but also to the attitudes, preoccupations, and practices of American managers. By their preference for servicing existing markets rather than creating new ones and by their devotion to short-term returns and "management by the numbers," many of them have effectively forsworn long-term technological superiority as a competitive weapon. In consequence, they have abdicated their strategic responsibilities.

THE NEW MANAGEMENT ORTHODOXY

We refuse to believe that this managerial failure is the result of a sudden psychological shift among American managers toward a "super-safe, no risk" mind set. No profound sea change in the character of thousands of individuals could have occurred in so organized a fashion or have produced so consistent a pattern of behavior. Instead we believe that during the past two decades American managers have increasingly relied on principles which prize analytical detachment and methodological elegance over insight, based on experience, into the subtleties and complexities of strategic decisions. As a result, maximum short-term financial returns have become the overriding criteria for many companies.

For purposes of discussion, we may divide this new management orthodoxy into three general categories: financial control, corporate portfolio management, and market-driven behavior.

Financial control

As more companies decentralize their organizational structures, they tend to fix on profit centers as the primary unit of managerial responsibility. This development necessitates, in turn, greater dependence on short-term financial measurements like return on investment (ROI) for evaluating the performance of individual managers and management groups. Increasing the structural distance between those entrusted with exploiting actual competitive opportunities and those who must judge the quality of their work virtually guarantees reliance on objectively quantifiable short-term criteria.

Although innovation, the lifeblood of any vital enterprise, is best encouraged by an environment that does not unduly penalize failure, the predictable result of relying too heavily on short-term financial measures—a sort of managerial remote control—is an environment in which no one feels he or she can afford a failure or even a momentary dip in the botton line.

Corporate portfolio management

This preoccupation with control draws support from modern theories of financial portfolio managemant. Originally developed to help balance the overall risk and return of stock and bond portfolios, these principles have been applied increasingly to the creation and management of corporate portfolios—that is, a cluster of companies and product lines assembled through various modes of diversification under a single corporate umbrella. When applied by a remote group of dispassionate experts primarily concerned with finance and control and lacking hands-on experience, the analytic formulas of portfolio theory push managers even further toward an extreme of caution in allocating resources.

"Especially in large organizations," reports one manager, "we are observing an increase in management behavior which I would regard as excessively cautious, even passive; certainly overanalytical; and, in general, characterized by a studied unwillingness to assume responsibility and even reasonable risk."

Market-driven behavior

In the past 20 years, American companies have perhaps learned too well a lesson they had long been inclined to ignore: businesses should be customer oriented rather than product oriented. Henry Ford's famous dictum that the public could have any color automobile it wished as long as the color was black has since given way to its philosophical opposite: "We have got to stop marketing makeable products and learn to make marketable products."

At last, however, the dangers of too much reliance on this philosophy are becoming apparent. As two Canadian researchers have put it: "Inventors, scientists, engineers, and academics, in the normal pursuit of scientific knowledge, gave the world in recent times the laser, xerography, instant photography, and the transistor. In contrast, worshippers of the marketing concept have bestowed upon mankind such products as new-fangled potato chips feminine hygiene deodorant, and the pet rock. . . ."[4]

The argument that no new product ought to be introduced without managers undertaking a market analysis is common sense. But the argument that consumer analyses and formal market surveys should dominate other considerations when allocating resources to product development is untenable. It may be useful to remember that the initial market estimate for computers in 1945 projected total world-wide sales of only ten units. Similarly, even the most carefully researched analysis of consumer preferences for gas-guzzling cars in an era of gasoline abundance offers little useful guidance to today's automobile manufacturers in making wise product investment decisions. Customers may know what their needs are, but they often define those needs in terms of existing products, processes, markets, and prices.

Deferring to a market-driven strategy without paying attention to its limitations is, quite possibly, opting for customer satisfaction and lower risk in the short run at the expense of superior products in the future. Satisfied customers are critically important, of course, but not if the strategy for creating them is responsible as well for unnecessary product proliferation, inflated costs, unfocused diversification, and a lagging commitment to new technology and new capital equipment.

THREE MANAGERIAL DECISIONS

These are serious charges to make. But the unpleasant fact of the matter is that, however useful these new principles may have been initially, if carried too far they are bad for U.S. business. Consider, for example, their effect on three major kinds of choices regularly faced by corporate managers: the decision between imitative and innovative product design, the decision to integrate backward, and the decision to invest in process development.

Imitative versus innovative product design

A market-driven strategy requires new product ideas to flow from detailed market analysis or, at least, to be extensively tested for consumer reaction before actual introduction. It is no secret that these requirements add significant delays and costs to the introduction of new products. It is less well known that they also predispose managers toward developing products for existing markets and toward product designs of an imitative rather than an innovative nature. There is increasing evidence that market-driven strategies tend, over time, to dampen the general level of innovation in new product decisions.

Confronted with the choice between innovation and imitation, managers typically ask whether the marketplace shows any consistent preference for innovative products. If so, the additional funding they require may be economically justified; if not, those funds can more properly go to advertising, promoting, or reducing the prices of less-advanced products. Though the temptation to allocate resources so as to strengthen performance in existing products and markets is often irresistible, recent studies by J. Hugh Davidson and others confirm the strong market attractiveness of innovative products.[5]

Nonetheless, managers having to decide between innovative and imitative product design face a difficult series of marketing-related trade-offs. *Exhibit V* summarizes these trade-offs.

By its very nature, innovative design is, as Joseph Schumpeter observed a long time ago, initially destructive of capital—whether in the form of labor skills, mangement systems, technological processes, or capital equipment. It tends to make obsolete existing investments in both marketing and manufacturing organizations. For the managers concerned it represents the choice of uncertainty (about economic returns, timing, etc.) over relative predictability, exchanging the reasonable expectation of current income against the promise of high future value. It is the choice of the gambler, the person willing to risk much to gain even more.

Conditioned by a market-driven strategy and held closely to account by a "results now" ROI-oriented control system, American managers have increasingly refused to take the chance on innovative product/market development. As one of them confesses: "In the last year, on the basis of high capital risk, I turned down new products at a rate at least twice what I did a year ago. But in every case I tell my people to go back and bring me some new product ideas."[6] In truth, they have learned caution so well that many are in danger of forgetting that market-driven, follow-the-leader companies usually end up following the rest of the pack as well.

Backward integration

Sometimes the problem for managers is not their reluctance to take action and make investments but that, when they do so, their action has the unintended result of reinforcing the status quo. In deciding to intergrate backward because of apparent short-term rewards, managers often restrict their ability to strike out in innovative directions in the future.

Consider, for example, the case of a manufacturer who purchases a major component from an outside company. Static analysis of production economies may very well show that backward integration offers rather substantial cost benefits. Eliminating certain purchasing and marketing functions, cen-

[4] Roger Bennett and Robert Cooper, "Beyond the Marketing Concept," *Business Horizons*, June 1979, p. 76.

[5] J. Hugh Davidson, "Why Most New Consumer Brands Fail," HBR March-April 1976, p. 117.

[6] Business Week, February 16, 1976, p. 57.

tralizing overhead, pooling R&D efforts and resources, coordinating design and production of both product and component, reducing uncertainty over design changes, allowing for the use of more specialized equipment and labor skills—in all these ways and more, backward integration holds out to management the promise of significant short-term increases in ROI.

These efficiencies may be achieved by companies with commoditylike products. In such industries as ferrous and nonferrous metals or petroleum, backward integration toward raw materials and supplies tends to have a strong, positive effect on profits. However, the situation is markedly different for companies in more technologically active industries. Where there is considerable exposure to rapid technological advances, the promised value of backward integration becomes problematic. It may provide a quick, short-term boost to ROI figures in the next annual report, but it may also paralyze the long-term ability of a company to keep on top of technological change.

The real competitive threats to technologically active companies arise less from changes in ultimate consumer preference than from abrupt shifts in component technologies, raw materials, or production processes. Hence those managers whose attention is too firmly directed toward the marketplace and near-term profits may suddenly discover that their decision to make rather than buy important parts has locked their companies into an outdated technology.

Further, as supply channels and manufacturing operations become more systematized, the benefits from attempts to "rationalize" production may well be accompanied by unanticipated side effects. For instance, a company may find itself shut off from the R&D efforts of various independent suppliers by becoming their competitor. Similarly, the commitment of time and resources needed to master technology back up the channel of supply may distract a company from dong its own job well. Such was the fate of Bowmar, the pocket calculator pioneer, whose attempt to integrate backward into semiconductor production so consumed management attention that final assembly of the calculators, its core business, did not get the required resources.

Long-term contracts and long-term relationships with suppliers can achieve many of the same cost benefits as backward integration without calling into question a company's ability to innovate or respond to innovation. European automobile manufacturers, for example, have typically chosen to rely on their suppliers in this way; American companies have followed the path of backward integration. The resulting trade-offs between production efficiencies and innovative flexibility should offer a stern warning to those American managers too easily beguiled by the lure of short-term ROI improvement. A case in point: the U.S. auto industry's huge investment in automating the manufacture of castiron brake drums probably delayed by more than five years its transition to disc brakes.

Process development

In an era of management by the numbers, many American managers—especially in mature industries—are reluctant to invest heavily in the development of new manufacturing processes. When asked to explain their reluctance, they tend to respond in fairly predictable ways. "We can't afford to design new capital equipment for just our own manufacturing needs" is one frequent answer. So is: "The capital equipment producers do a much better job, and they can amortize their development costs over sales to many companies." Perhaps most common is: "Let the other experiment in manufacturing; we can learn from their mistakes and do it better."

Each of these comments rests on the assuption that essential advances in process technology can be appropriated more easily through equipment purchase than through in-house equipment design and development. Our extensive conversations with the managers of European (primarily German) technology-based companies have convinced us that this assumption is not as widely shared abroad as in the United States. Virtually across the board, the European managers impressed us with their strong commitment to increasing market share through internal development of advanced process technology—even when their suppliers were highly responsive to technological advances.

By contrast, American managers tend to restrict investments in process development to only those items likely to reduce costs in the short run. Not all are happy with this. As one disgruntled executive told us: "For too long U.S. managers have been taught to set low priorities on mechanization projects, so that eventually divestment appears to be the best way out of manufacturing difficulties. Why?

"The drive for short-term success has prevented managers from looking thoroughly into the matter of special manufacturing equipment, which has to be invented, developed, tested, redesigned, reproduced, improved, and so on. That's a long process, which needs experienced, knowledgeable, and dedicated people who stick to their jobs over a considerable period of time.Merely buying new equipment (even if it is possible) does not often give the company any advantage over competitors."

We agree. Most American managers seem to forget that, even if they produce new products with their existing process technology (the same "cookie cutter" everyone else can buy), their competitors will face a relatively short lead time for introducing similar products. And as Eric von Hipple's studies of industrial innovation show, the innovations on which new industrial equipment is based usually originate with the user of the equipment and not with the equipment producer.[7] In other words, companies can make products more profitable by investing in the development of their own process technology. Proprietary processes are every bit as formidable competitive weapons as proprietary products.

THE AMERICAN MANAGERIAL IDEAL

Two very important questions remain to be asked: (1) Why should so many American managers have shifted so strongly to this new managerial orthodoxy? and (2) Why are they not more deeply bothered by the ill effects of those principles on the long-term technological competitiveness of their companies? To answer the first question, we must take a look at the changing career patterns of American managers during the past quarter century; to answer the second, we must understand the way in which they have come to regard their professional roles and responsibilites as managers.

The road to the top

During the past 25 years the American manager's road to the top has changed significantly. No longer does the typical career, threading sinuously up and through a corporation with stops in several functional areas, provide future top executives with intimate hands-on knowledge of the company's technologies, customers, and suppliers. *Exhibit VI* summarizes the currently available data on the shift in functional background of newly appointed presidents of the 100 largest U.S. corporations. The immediate significance of these figures is clear. Since the mid-1950s there has been a rather substantial increase in the percentage of new company presidents whose primary interests and expertise lie in the financial and legal areas and not in production. In the view of C. Jackson Grayson, president of the American Productivity Center, American management has for 20 years "coasted off the great R&D gains made during World War II, and constantly rewarded executives from the marketing, financial, and legal sides of the business while it ignored the production men. Today [in business schools] courses in the production area are almost nonexistent."[8]

In addition, companies are increasingly choosing to fill new top management posts from outside their own ranks. In the opinion of foreign observers, who are still accustomed to long-term careers in the same company or division, "High-level American executives . . . seem to come and go and switch around as if playing a game of musical chairs at an Alice in Wonderland tea party."

Far more important, however, than any absolute change in numbers is the shift in the general sense of what an aspiring manager has to be "smart about" to make it to the top. More important still is the broad change in attitude such trends both encourage and express. What has developed, in the business community as in academia, is a preoccupation with a false and shallow concept of the professional manager, a "pseudo-professional" really—an individual having no special expertise in any particular industry or technology who nevertheless can step into an unfamiliar company and run it successfully through strict application of financial controls, portfolio concepts, and a market-driven strategy.

The gospel of pseudo-professionalism

In recent years, this idealization of pseudo-professionalism has taken on something of the quality of a corporate religion. Its first doctrine, appropriately enough, is that neither industry experience nor hands-on technological expertise counts for very much. At one level, of course, this doctrine helps to salve the conscience of those who lack them. At another, more disturbing level it encourages the faithful to make decisions about technological matters simply as if they were adjuncts to finance or marketing decisions. We do not believe that the technological issues facing managers today can be meaningfully addressed without taking into account marketing or financial considerations; on the other hand, neither can they be resolved with the same methodologies applied to these other fields.

Complex modern technology has its own inner logic and developmental imperatives. To treat it as if it were something else—no matter how comfortable one is with that

[7] Eric von Hippel, "The Dominant Role of Users in the Scientific Instrument Innovation Process," MIT Sloan School of Management Working Paper 75-764, January 1973.

[8] Dun's Review, July 1978, p. 39.

other kind of data—is to base a competitive business on a two-legged stool, which must, no matter how excellent the balancing act, inevitably fall to the ground.

More disturbing still, true believers keep the faith on a day-to-day basis by insisting that as issues rise up the managerial hierarchy for decision they be progressively distilled into easily quantifiable terms. One European manager, in recounting to us his experiences in a joint venture with an American company, recalled with exasperation that "U.S. managers want everything to be simple. But sometimes business situations are not simple, and they cannot be divided up or looked at in such a way that they become simple. They are messy, and one must try to understand all the facets. This appears to be alien to the American mentality."

The purpose of good organizational design, of course, is to divide responsibilities in such a way that individuals have relatively easy tasks to perform. But then these differentiated responsibilities must be pulled together by sophisticated, broadly gauged integrators at the top of the managerial pyramid. If these individuals are interested in but one or two aspects of the total competitive picture, if their training includes a very narrow exposure to the range of functional specialties, if—worst of all—they are devoted simplifiers themselves, who will do the necessary integration? Who will attempt to resolve complicated issues rather than try to uncomplicate them artificially? At the strategic level there are no such things as pure production problems, pure financial problems, or pure marketing problems.

Merger mania

When executive suites are dominated by people with financial and legal skills, it is not surprising that top management should increasingly allocate time and energy to such concerns as cash management and the whole process of corporate acquisitions and mergers. This is indeed what has happened. In 1978 alone there were some 80 mergers involving companies with assets in excess of $100 million each; in 1979 there were almost 100. This represents roughly $20 billion in transfers of large companies from one owner to another—two-thirds of the total amount spent on R&D by American industry.

In 1978 Business Week ran a cover story on cash management in which it stated that "the 400 largest U.S. companies together have more than $60 billion in cash—almost triple the amount they had at the beginning of the 1970s." The article also described the increasing attention devoted to—and the sophisticated and exotic techniques used for—managing this cash hoard.

There are perfectly good reasons for this flurry of activity. It is entirely natural for financially (or legally) trained managers to concentrate on essentially financial (or legal) activities. It is also natural for managers who subscribe to the portfolio "law of large numbers" to seek to reduce total corporate risk by parceling it out among a sufficiently large number of separate product lines, businesses, or technologies. Under certain conditions it may very well make good economic sense to buy rather than build new plants or modernize existing ones. Mergers are obviously an exciting game; they tend to produce fairly quick and decisive results, and they offer the kind of public recognition that helps careers along. Who can doubt the appeal of the titles awarded by the financial community; being called a "gunslinger," "white knight," or "raider" can quicken anyone's blood.

Unfortunately, the general American penchant for separating and simplifying has tended to encourage a diversification away from core technologies and markets to a much greater degree than is true in Europe or Japan. U.S. managers appear to have an inordinate faith in the portfolio law of large numbers—that is, by amassing enough product lines, technologies, and businesses, one will be cushioned against the random setbacks that occur in life. This might be true for portfolios of stocks and bonds, where there is considerable evidence that setbacks are random. Businesses, however, are subject not only to random setbacks such as strikes and shortages but also to carefully orchestrated attacks by competitors, who focus all their resources and energies on one set of activites.

Worse, the great bulk of this merger activity appears to have been absolutely wasted in terms of generating economic benefits for stockholders. Acquisition experts do not necessarily make good managers. Nor can they increase the value of their shares by merging two companies any better than their shareholders could do individually by buying shares of the acquired company on the open market (at a price usually below that required for a takeover attempt).

There appears to be a growing recognition of this fact. A number of U.S. companies are now divesting themselves of previously acquired companies; others (for example, W.R. Grace) are proposing to break themselves up into relatively independent entities. The establishment of a strong competitive position through in-house technological superiority is by nature a long, arduous, and often unglamorous task. But it is what keeps a business vigorous and competitive.

THE EUROPEAN EXAMPLE

Gaining competitive success through technological superiority is a skill much valued by the seasoned European (and Japanese) managers with whom we talked. Although we were able to locate few hard statistics on their actual practice, our extensive investigations of more than 20 companies convinced us that European managers do indeed tend to differ significantly from their American counterparts. In fact, we found that many of them were able to articulate these differences quite clearly.

In the first place, European managers think themselves more pointedly concerned with how to survive over the long run under intensely competitive conditions. Few markets, of course, generate price competition as fierce as in the United States, but European companies face the remorseless necessity of exporting to other national markets or perishing.

The figures here are startling: manufactured product exports represent more than 35 percent of total manufacturing sales in France and Germany and nearly 60 percent in the Benelux countries, as against not quite 10 percent in the United States. In these export markets, moreover, European products must hold their own against "world class" competitors, lower-priced products from developing countries, and American products selling at attractive devalued dollar prices. To survive this competitive squeeze, European managers feel they must place central emphasis on producing technologically superior products.

Further, the kinds of pressures from European labor unions and national governments virtually force them to take a consistently long-term view in decision making. German managers, for example, must negotiate major decisions at the plant level with worker-dominated works councils; in turn, these decisions are subject to review by supervisory boards (roughly equivalent to American boards of directors), half of whose membership is worker elected. Together with strict national legislation, the pervasive influence of labor unions makes it extremely difficult to change employment levels or production locations. Not surprisingly, labor costs in Northern Europe have more than doubled in the past decade and are now the highest in the world.

To be successful in this environment of strictly constrained options, European managers feel they must employ a decision-making apparatus that grinds very fine—and very deliberately. They must simply outthink and outmanage their competitors. Now, American managers also have their strategic options hedged about by all kinds of restrictions. But those restrictions have not yet made them as conscious as their European counterparts of the long-term implications of their day-to-day decisions.

As a result, the Europeans see themselves as investing more heavily in cutting-edge technology than the Americans. More often than not, this investment is made to create new product opportunities in advance of consumer demand and not merely in response to market-driven strategy. In case after case, we found the Europeans striving to develop the products and process capabilities with which to lead markets and not simply responding to the current demands of the marketplace. Moreover, in doing this they seem less inclined to integrate backward and more likely to seek maximum leverage from stable, long-term relationships with suppliers.

Having never lost sight of the need to be technologically competitive over the long run, European and Japanese managers are extremely careful to make the necessary arrangements and investments today. And their daily concern with the rather basic issue of long-term survival adds perspective to such matters as short-term ROI or rate of growth. The time line by which they manage is long, and it has made them painstakingly attentive to the means for keeping their companies technologically competitive. Of course they pay attention to the numbers. Their profit margins are usually lower than ours, their debt ratios higher. Every tenth of a percent is critical to them. But they are also aware that tomorrow will be no better unless they constantly try to develop new processes, enter new markets, and offer superior—even unique—products. As one senior German executive phrased it recently, "We look at rates of return, too, but only after we ask 'Is it a good product?' "[9]

CREATING ECONOMIC VALUE

Americans traveling in Europe and Asia soon learn they must often deal with criticism of our country. Being forced to respond to such criticism can be healthly, for it requires rethinking some basic issues of principle and practice.

We have much to be proud about and little to be ashamed of relative to most other countries. But sometimes the criticism of others is uncomfortably close to the mark. The comments of our overseas competitors on American business practices contain enough truth to require our thoughtful

[9] Business Week, March 3, 1980, p. 76.

consideration. What is behind the decline in competitiveness of U.S. business? Why do U.S. companies have such apparent difficulties competing with foreign producers of established products, many of which originated in the United States?

For example, Japanese televisons dominate some market segments, even though many U.S. producers now enjoy the same low labor cost advantages of offshore production. The German machine tool and automotive producers continue their inroads into U.S. domestic markets, even though their labor rates are now higher than those in the United States and the famed German worker in German factories is almost as likely to be Turkish or Italian as German.

The responsibility for these problems may rest in part on government policies that either overconstrain or undersupport U.S. producers. But if our foreign critics are correct, the long-term solution to America's problems may not be correctable simply by changing our government's tax laws, monetary policies, and regulatory practices. It will also require some fundamental changes in management attitudes and practices.

It would be an oversimplification to assert that the only reason for the decline in competitiveness of U.S. companies is that our managers devote too much attention and energy to using existing resources more efficiently. It would also oversimplify the issue, although possibly to a lesser extent, to say that it is due purely and simply to their tendency to neglect technology as a competitive weapon.

Companies cannot become more innovative simply by increasing R&D investments or by conducting more basic research. Each of the decisions we have described directly affects several functional areas of management, and major conflicts can only be reconciled at senior executive levels. The benefits favoring the more innovative, aggressive option in each case depend more on intangible factors than do their efficiency-oriented alternatives.

Senior managers who are less informed about their industry and its confederation of parts suppliers, equipment suppliers, workers, and customers or who have less time to consider the long-term implications of their interactions are likely to exhibit a noninnovative bias in their choices. Tight financial controls with a short-term emphasis will also bias choices toward the less innovative, less technologically aggressive alternatives.

The key to long-term success—even survival—in business is what it has always been: to invest, to innovate, to lead, to create value where none existed before. Such determination, such striving to excel, requires leaders—not just controllers, market analysts, and portfolio managers. In our preoccupation with the braking systems and exterior trim, we may have neglected the drive trains of our corporations.

EXHIBIT I.—GROWTH IN LABOR PRODUCTIVITY SINCE 1960 (UNITED STATES AND ABROAD)

[Average annual percent change]

	Manufacturing 1960–78	All industries 1960–76
United States	2.8	1.7
United Kingdom	2.9	2.2
Canada	4.0	2.1
Germany	5.4	4.2
France	5.5	4.3
Italy	5.9	4.9

EXHIBIT I.—GROWTH IN LABOR PRODUCTIVITY SINCE 1960 (UNITED STATES AND ABROAD)—Continued

[Average annual percent change]

	Manufacturing 1960–78	All industries 1960–76
Belgium	[1] 6.9	
Netherlands	[1] 6.9	
Sweden	5.2	
Japan	8.2	7.5

[1] 1960–77.

Source: Council on Wage and Price Stability, Report on Productivity (Washington, D.C.: Executive Office of the President, July 1979).

EXHIBIT II.—GROWTH OF LABOR PRODUCTIVITY BY SECTOR, 1948–78

[Growth of labor productivity (annual average percent)]

Time sector	1948–65	1965–73	1973–78
Private business	3.2	2.3	1.1
Agriculture, forestry, and fisheries	5.5	5.3	2.9
Mining	4.2	2.0	−4.0
Construction	2.9	−2.2	−1.8
Manufacturing	3.1	2.4	1.7
Durable goods	2.8	1.9	1.2
Nondurable goods	3.4	3.2	2.4
Transportation	3.3	2.9	0.9
Communication	5.5	4.8	7.1
Electric, gas, and sanitary services	6.2	4.0	0.1
Trade	2.7	3.0	0.4
Wholesale	3.1	3.9	0.2
Retail	2.4	2.3	0.8
Finance, insurance, and real estate	1.0	−0.3	1.4
Services	1.5	1.9	0.5
Government enterprises	−0.8	0.9	−0.7

Source: Bureau of Labor Statistics.

Note: Productivity data for services, construction, finance, insurance, and real estate are unpublished.

EXHIBIT V.—TRADE-OFFS BETWEEN IMITATIVE AND INNOVATIVE DESIGN FOR AN ESTABLISHED PRODUCT LINE

Imitative design	Innovative design
Market demand is relatively well-known and predictable.	Potentially large but unpredictable demand; the risk of a flop is also large.
Market recognition and acceptance are rapid.	Market acceptance may be slow initially, but the imitative response of competitors may also be slowed.
Readily adaptable to existing market, sales, and distribution policies.	May require unique, tailored marketing distribution and sales policies to educate customers or because of special repair and warranty problems.
Fits with existing market segmentation and product policies.	Demand may cut across traditional marketing segments, disrupting divisional responsibilities and cannibalizing other products.

Mr. RIEGLE. I thank the Chair, and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business until 12 noon, wherein Senators may speak for 10 minutes each.

Mr. RIEGLE. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL PEACE: A STRATEGY FOR THE WEST

Mr. THURMOND. Mr. President, I rise to commend to the attention of the Senate a book entitled Real Peace: a Stategy for the West written by former President Richard M. Nixon.

As a student of international policy during his political career and as the leading administrator of foreign affairs during his Presidency, Richard Nixon is highly qualified to make a responsible statement concerning world affairs. In this new book, former President Nixon has assembled a concise and cogent plan for developing a lasting peace, and I am pleased that he has recorded his ideas and that they will receive the consideration they deserve.

The diametrically opposed philosophies of the Governments of the U.S.S.R. and the United States are generally considered to be the most apparent and potentially the most volatile threat to global peace which exists in the world today. Although the differences and problems between the two countries are extremely complex, frustrating, and seemingly nonnegotiable, President Nixon asserts that we are currently experiencing a highly unique situation, as both the Soviet Union and the United States have a common interest of avoiding a world war that neither country could survive.

In the past few years, the Soviet Union has made significant advances in Asia, Africa, the Middle East and Latin America. It is estimated that the U.S.S.R. has close to 125,000 military personnel throughout the globe, protecting their newly acquired national interest. However, as their holdings expand and the influence of the U.S.S.R. grows stronger, so also does the burden of financing their adventurism. Nixon purports that the U.S.S.R. has clearly endangered their economic stability in the recent past in their attempt to isolate the United States. The threat of overextension has prompted the leaders of the U.S.S.R. to seriously reevaluate their world standing, and Nixon believes that now is the time to deal.

Probably the most insightful and useful principle contained in "Real Peace" is Nixon's belief that the key to attaining peace is to understand and control the national interest of the U.S.S.R. It is certain that when dealing with the leaders of the Communist Party in Russia that they will act, not necessarily according to accepted ethical and moral standards, but always in their own best interests. It has been difficult for the United States to deal effectively with the, at best, amoral foreign policies of the U.S.S.R., because we have an obligation and responsibility to combat their policies with morally responsible deci-

sions rather than self-serving policies to facilitate world domination.

Nixon insists that the most effective and even-handed approach to diminish international tensions and the threat of world war is to take away the profit of war and adventurism. In other words, if the Soviets realize that aggression will not pay and will not be in their best interest, then they will have no choice but to behave with restraint. In practical terms, President Nixon proposes that the United States increase trade with the Soviet Union in significant proportions and in ways that will benefit American industry and satisfy basic needs of the Russian people. As a result of this increase in trade, the Soviet Union will necessarily become dependent upon the United States. The United States will consequently be in a much better position to influence Soviet actions by cutting off trade if the Soviet Union persists in implementing harmful, selfish international policies.

Of course, the complex tensions which exist today cannot be resolved or even explained in a multivolume work, but former President Nixon should be commended for offering many theoretical and practical recommendations in his recently released book. I am certain that those who learn from the experiences and practical wisdom which Richard Nixon has expressed in "Real Peace: A Strategy for the West," will be better able to understand the obstacles to and the challenges of formulating a lasting peace to benefit not only the United States, but also the entire world community.

ROBERT HARDESTY COMPLETES TERM AS MEMBER OF BOARD OF GOVERNORS, U.S. POSTAL SERVICE

Mr. STEVENS. Mr. President, on December 6 of last year, Robert Hardesty completed his term of office as a member of the Board of Governors of the U.S. Postal Service. In 7 years of exemplary service, Bob has been an outstanding leader, ending his term as chairman. We are fortunate that such dedicated individuals give of their time and talent on behalf of a Federal agency that touches the lives of every American. I want to personally salute Bob for his outstanding work and wish him every continued success.

On the occasion of the last meeting he chaired, Robert Hardesty delivered an eloquent statement on the role of the Postal Service and the accomplishments that have come about through the Postal Reorganization Act. I ask unanimous consent to have his comments printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT L. HARDESTY

Before we begin our regular agenda, I would like to ask the indulgence of my colleagues on the Board so that I might make a few personal comments.

Today marks my final meeting as Chairman of the Board of Governors of the United States Postal Service. It is an occasion which has prompted a good deal of personal reflection.

I have served for nearly seven and one-half years on this Board—two of them as Vice Chairman and three as Chairman. During my tenure on this Board, I have served with 17 Governors, 2 Postmasters General, and 4 Deputy Postmasters General. Without exception, these people have worked diligently, and at some sacrifice, to perform a public service they took most seriously. It has, indeed, been a privilege to serve with such men and women.

Let me say at the outset that I have been deeply honored by the confidence that you—my fellow Governors—have placed in me by electing me to those positions of leadership. I hope I have been worthy of that confidence. I know that may job has been made easier by the cooperation all of you have extended to me and the countless hours of hard work that you have all contributed to the operations of this Board. And in Dave Babcock, I have had a superb Vice Chairman who has given me wise counsel and steadfast support throughout my chairmanship.

I have never worked with a more talented or more dedicated group of individuals. Not one of you has ever said, "No," when I asked you, on numerous occasions, to take on special assignments.

Anyone who thinks that service on this Board is easy is sadly mistaken. This is a working Board. Its members put in many, many more hours than they are paid for or given credit for. The two days that we meet each month represents just the tip of the iceberg of our responsibilities. For every hour that we meet, we spend several more hours in between meetings, reading and preparing ourselves for the many complicated issues that we are called upon to consider.

Only the pleasure and honor of serving makes the time and effort worthwhile.

For myself, these have been some of the most stimulating and challenging years of my life.

I love this Postal Service. I have been associated with it, off and on, for twenty years. I wrote speeches for one Postmaster General, served on the advisory board of another, helped a former Postmaster General secure passage of the Postal Reorganization Act, and served on this Board with two more Postmasters General. It s a great and vibrant organization with some of the most dedicated employees and supervisors that you will find anywhere in the world. Don't sell our workers short.

One of the things that collective bargaining has done to us—for all its benefits—has been to force labor and management into adversarial roles. We have lost some of our sense of interdependence—of all of us belonging to a great postal community. Bill Bolger has done a good job of calming the waters in between collective bargaining sessions and I hope this trend continues. We are not "them" and "us". We are the United States Postal Service and everyone of us plays a vital role in making it the finest Postal Service in the world.

Now, when I assumed the duties of Chairman three years ago I had two overriding goals:

First, to strengthen the Board of Governors as an institution, to enable it to be an effective instrument of Postal Policy, as mandated by the Congress; and

Second, to strengthen the Board in such a way that it would be an ally of management, and not an adversary of management.

In other words, we set out to strengthen the Board's policy-making role without infringing upon management's operational role.

I am convinced that we have succeeded.

When President Ford appointed me as a Governor in 1976, this group was known as a "rubber stamp" Board. Every year there was a major threat from Congress to abolish the Board and put the Postal Service back under the Executive Branch.

I must say that there was some truth to the "rubber-stamp" charge. We were a working Board as must then as we are now. But we were not an independent Board. Seldom did we reverse management's recommendations. Seldom did we ever have a split vote on major issues.

Further, it was not a Board in which every member was able to participate with equal weight and effectiveness.

All that has changed.

A major factor in this change has been the way in which the Board has organized itself and in which it goes about performing its functions.

Our committee system, which is now fully functional, allows us a division of labor and specialization. As a result, we can use more effectively the expertise that members bring to the Board and the expertise they develop in service on the Board.

This system promotes the full participation of all Board members in the functionings of the Board, since each member is able to serve on and work with those committees in which he or she has a particular interest or special expertise. Each Governor has become involved in at least one area of major policy-making. For example, no capital investment project is approved without first having been submitted to Governor McKean for his review of the financial implications. Governor Sullivan is as deeply immersed as anyone in the Postal Service in electronic mail matters. Former Governor Hughes worked on budgetary matters. And former Governor Jenkins was instrumental in formulating postal policy on safety, health and equal opportunity.

At this particular time, we are very fortunate to have on the Board members with prior experience in postal operations, business management, financial auditing, and postal rate-making. Indeed, immediately after I became Chairman I went to the White House to urge that the President appoint Governors with these kinds of talents. I believe the representation of diverse skills on the Board is a good thing and I hope this trend will continue.

In addition to the expertise actually represented on the Board, we have also begun to use outside consultants to improve our understanding of the complex issues facing an institution as large and as important as the Postal Service. Since 1980, when Mike Wright was Chairman, the Board has retained independent legal counsel to advise us with respect to the numerous legal issues which our functions involve. Mr. Califano and his colleagues attend our meetings, consult with us, with postal management and with inside counsel between meetings, assist us in the preparation of our decisions and contracts, and advise us with respect to litigation involving the Postal Service.

Also, in the last several years we have commissioned independent studies of the Postal Service's safety programs and equal employment policies and programs in order to maintain and enhance the career opportunities of the postal employees who are the backbone of the Service. In this regard, I am proud to note that just recently the Postal Service won a Presidential safety award.

To coordinate our institutional functioning, we have established an Office of the Board of Governors headed by the Secretary to the Board.

And to establish our independence and improve our effectiveness, through amendment of the Postal Service By-laws, we have reserved certain decisions to the Board, required regular reporting of certain important information and adopted rules to insure that our rate decisions are fair and well-informed. For example, the maximum capital investment project which can be undertaken by the Postal Service without action by the Board has been lowered from $10 million to $5 million; quarterly reports on equal employment policy and progress must now be made to the Board; major litigation strategy decisions made by the Postal Service must be reported to the Board and, in some instances, must be approved by the Board; and procedures have been adopted for putting on the public record communications to the Governors on pending rate and classification issues from interested parties outside the Postal Service.

All of these factors serve to give the lie to the old claim that the Postal Service Board of Governors is a rubber-stamp for postal management. In addition to the expertise and outside advice which affords us our independence, we benefit from a variety of perspectives. Among Board members there are honest differences of opinion on the best policy to pursue. Consequently, our decisions are not always unanimous nor do they always accord with the suggestions of postal management. The most recent example is the new rate filing. The Board postponed this filing for nearly a year after management's initial recommendation. Even when a majority was convinced that we had to file, four Board members voted against the filing because they continued to believe it was premature.

Many observers thought we would be unable to strenghten the Board in the way we have. In fact, we have succeeded in strengthening the Board and increasing its independence and effectiveness without internal division and with the cooperation of postal management.

Without a strong, independent Board, postal reform would almost certainly be doomed. Congress looks to us to protect the interests of all mailers—private mailers who mail just two or three letters a year as well as large corporations that send out millions of pieces each year. Unless we can preserve confidence in our ability and determination to protect the interest of the general public, Congress will take back the responsibility it entrusted to us in 1970, or fashion some new administrative arrangement. I believe we are moving in the right direction and that our efforts to strengthen the Board are beginning to pay real dividends. One indication was the tenor of the House oversight hearings this past October. No one who has attended those hearings over the past few years could fail to note that relations between the Postal Service and Congress are better now than they have been for a very long while.

The Board has to continue efforts to enhance its independence and effectiveness, but it also has to guard against two dangers.

First, the Board cannot try to run the Postal Service on a day-to-day basis. That is, and must remain, the responsibility of the Postmaster General and senior management. The Board has to make the major policy decisions; but we as a Board cannot try to second guess the Postmaster General on routine matters of operation and implementation.

Secondly, the Board must continue to keep partisan politics out of the board room. Politics, I am happy to say, have been thus far completely removed from the deliberations of the Board. During my seven and one-half years on this Board, no vote has ever been taken on partisan lines. During these same years, the country has had three presidents and none of them nor any presidential adviser has tried to influence my vote or, so far as I'm aware, to exert any other pressure on this Board. It is my sincere hope that there will never be any such pressure.

The Postal Reorganization Act of 1970 was the charter for our independence from partisan politics, and it was created as a result of a bipartisan commitment of Presidents Johnson and Nixon. The Act attempts to establish an institution which would provide a public service to the American people in an efficient and business-like way without the interference and handicaps of partisan bickering and patronage hiring. As such, it was an experiment—an experiment in good government. And the experiment has worked. Our capital investments and resource allocation are no longer determined by pork-barrel politics. And management promotion and hiring are no longer determined by party affiliation. Perhaps most importantly rate-setting is no longer paralyzed by electoral concerns nor controlled by the relative lobbying strength of various interest groups.

The reintroduction of politics into postal matters is something against which everyone who has the best interests of the Postal Service at heart should vigilantly guard. The successful insulation of the nation's mail service from partisan bickerings is especially noteworthy in light of how heavily political the old Post Office Department was. The success of the Postal Reorganization Act is something of which we can all be proud, and I think that others would do well to note the success of this innovative way to fulfill a non-political government responsibility.

The success of the Act can be measured by the notable achievements of the Postal Service which the Act created. During the time that I have been on the Board, we have fulfilled our statutory responsibility to break even financially. For that entire period, beginning on October 1, 1976, and ending with the first accounting period of this new fiscal year, the Postal Service has enjoyed an overall net surplus of $10 million. What that demonstrates is that we are keeping our financial house in order and breaking even, as the Act requires. Significantly, we accomplished that result in the face of an overall inflation rate of over 73 percent, while the cost of a First Class stamp was increasing only 54 percent.

During that same time, our volume has increased nearly 32 percent while the size of our workforce is virtually unchanged. This increase in productivity has in part been the result of new methods introduced in the last seven years—such as presortation discounts and increased automation. The recently implemented ZIP Plus Four program is a good example whose benefits are still to come. Also, as a result of careful attention from this Board and postal management, our worker safety record has improved dramatically, and, as I mentioned earlier, the Postal Service this year won a Presidential safety award.

Not only are the old things being done better, but new services have been developed to meet the developing needs of our customers—services such as E-COM and Express Mail Service.

Not all of this success, of course, can be traced simply to institutional reorganization. Much of it is the result of the Reagan Administration's successful fight against inflation. A large part of the credit should also go to excellent and innovative management and the dedication of our employees. Postmaster General Bill Bolger has been a most effective leader of this organization, working tirelessly to improve our operations, and the record shows the kind of success he has achieved. He has earned the respect and affection of thousands of postal employees and every member of this Board. Bill, you will be remembered as one of the best Postmasters General in our history. I appreciate everything you have done to assist me as Chairman and to improve the Postal Service.

Despite the great strides we have made, the years ahead for the Postal Service are going to be difficult. We will need to redouble efforts to improve our service and increase the courtesy with which we serve our customers. At the same time we have to find new ways to cut costs and boost productivity. But that's only the beginning. We are experiencing an unprecedented revolution in communications technology in this country. Each day's newspaper brings fresh reports of new techniques for delivering messages—and new threats, real or imagined, to the traditional postal and telephone systems. The stakes here are enormous, for the Postal Service literally cannot survive as a horse-and-buggy business in a supersonic age. And we must never be afraid to examine innovative roles for the Postal Service just because they are new.

We cannot wish away this communications revolution, any more than King Canute could hold back the tides. We have to face up to the fundamental questions it is forcing onto the public agenda. To discharge our responsibilities to 670,000 employees, millions of mailers and every citizen and taxpayer of this country, we have to be prepared to grapple with these issues and help inform the public debate on them.

Let me comment briefly on a few of the challenges that already confront the Postal Service.

The most controversial and fundamental issue is whether the Private Express Statutes should be kept in place. These statutory provisions generally prohibit private individuals or firms from carrying a letter or package of letters for compensation. The prohibition extends only to letters. It does not cover packages, parcels, newspapers, or magazines.

The Congress included a postal monopoly over letter mail in the first comprehensive postal act in 1792, and it has been preserved continuously to this day. In a report to Congress in 1973, the Board of Governors concluded that the Private Express Statutes should be continued, citing three basic policies:

First, the Private Express Statutes make it economically possible for the Postal Service to comply with the Congressional mandate to provide a uniform rate for First Class Mail;

Second, the Statutes facilitate service everywhere, including daily service in remote rural areas; and

Third, the Statutes support certain public postal services that the Congress has mandated, such as home door delivery, inspection services, and protecting the sanctity of sealed letters.

Some have begun to question whether a case can still be made for the Private Express Statutes. They have suggested that the private sector can do most of our job better than we can, that the present system involves unjustifible cross-subsidization, that wide-open competition can produce better services at lower prices.

That is most emphatically not my view. I consider the public service goals identified by the Board ten years ago to be just as important today as they were then. The consequences for the Postal Service of abolishing the Private Express Statutes would be ominous. To be sure, scores of private postal operators would spring up. But they would limit themselves to high-volume, low-cost areas like Wall Street and similar downtown business districts. The cost to the Postal Service of providing business districts. The cost to the Postal Service of providing service to rural communities, center-city neighborhoods, and other high-cost areas would sky-rocket because of the loss of urban business volume. The Postal Service would either have to raise its rates dramatically or, more likely, look to the Congress for the lost revenue. The mailers or the taxpayers would be left to bear these costs.

Moreover, we would wind up with a balkanized postal service with many delivery systems, a crazy-quilt of constantly shifting zones, rates and service areas. It would become practically impossible to figure the cost of mailing, or the route of, a letter from, say, a New York suburb to rural Montana. The duplication of overhead and capital investments as well as the loss of time and efficiency in transferring mail back and forth between postal operators in different sections and cities would be enormous and would more than offset any supposed advantage of allowing free competition in the carrying of letter mail.

Let me turn to a second major problem area. It concerns the compensation of postal management and the Board of Governors.

The Postal Service is just what the name implies—a service. The quality of the service depends almost wholly on the qualifications of the people who provide it. Because of a Congressionally imposed cap on salaries, there is a disparity—a growing disaparity—between the salaries of senior postal management and the going rate in the private sector for work of comparable responsibility. The cap has made it impossible for us to do what the Postal Reorganization Act requires—maintain compensation for senior management, like all other postal employees, at a level comparable to "the rates and types of compensation paid in the private sector of the economy of the United States." This has made it hard to get and keep the highly qualified people today's Postal Service needs. We have been lucky—very lucky—so far. Not only have we had the services of Bill Bolger for six years, but he and we have had the assistance of many able officials. Only the public-spirited dedication of these people has enabled us to attract them into postal management so far.

But as the disparity grows, the difficulty in attracting and keeping them will also grow. This issue is particularly obvious and onerous now as our Contingency Committee is beginning the search for the next Postmaster General. We are conducting the search with the help of the best talent we can find, and we will look inside and outside the Postal Service for the person best qualified to succeed Bill Bolger. Replacing him will be difficult enough in the best of circumstances. The Postal Service—a $25 billion a year business—should not be shackled by unnecessary constraints on the compensation it can offer qualified candidates.

It is imperative that the caps be removed from management salaries so that we can make them commensurate with those offered by corporations in the private sector, including the corporations that are competing with us for business as well as management talent.

Now that my term as a member of this Board is coming to a close, I feel at liberty to raise a second and related compensation problem on which action is long overdue. While the responsibilities and the time demands placed on Governors have increased steadily since the Postal Reorganization Act was adopted in 1970, their compensation has remained the same. The postal Governors may be the only federal employees not to have received a raise in thirteen years. During that time, prices have climbed by nearly 170 percent, and the value of the Governors' salary—in constant dollars—is barely more than 40 percent of what it was in 1970. In other words, we're doing more than twice the work and getting less than half the pay. If we are going to run the Postal Service like an efficient business enterprise, we have to provide compensation that fairly reflects the amount of work required.

While the Governors' annual salary and compensation for each meeting attended have remained unchanged since 1970, the salaries of other federal employees have increased substantially. Between 1970 and today, the salaries paid to Federal trial judges have gone from $40,000 to $73,100, to appellate judges from $42,500 to $77,300 and Congressional salaries have gone from $42,500 to $69,800. The failure to provide comparable increases—indeed, any increases at all—for Governors of the Postal Service cannot be justified as a matter of logic or fairness.

A third problem that will continue to confront you involves our parcel delivery service. Our Parcel Post business has declined dramatically in recent years—not because shippers are sending fewer parcels overall, but because more of them are turning to our competitors in this area.

Since I first came on the Board, this decline in Parcel Post volume has been a matter of serious concern to management and every member of the Board. And yet it is an area of concern where action and long-range planning always seem to be "just around the corner."

Because we are a universal delivery service, we cannot walk away from regions of the country where deliveries are almost inevitably unprofitable. And we need strong volume in order to sustain nationwide delivery at a fair price.

One suggested course of action—abandoning Parcel Post altogether—is simply out of the question. The Postal Reorganization Act charges us with the duty to "receive, transmit, and deliver . . . written and printed matter, parcels, and like materials." Parcels have always been an important part of our business, and for many of our customers, we provide the only available means of having parcels delivered at a fair and economical price.

Getting a grip on this problem is going to require innovative ideas and many postal employees. We have to find ways to make parcel post more attractive to our customers. It may be necessary to seek legislative changes to allow us greater flexibility in setting rates and establishing experimental services. Without that flexibility to respond to changes in the marketplace, we may be unable to keep up with our competitors. We need to improve our service and ensure that the price remains fair. Postal management and the Board have to make this a top priority.

The issues I have discussed—coping with the revolution in communications technology, preserving the Private Express Statutes, revitalizing the Parcel Post, raising the salaries of senior management and the Governors—are in an important sense tied together. They all relate to one over-arching question: How will the Postal Service adapt to a radically changing environment, an environment in which it will have to compete to survive?

I have worked with this institution in one capacity or another for many years, and I have watched and participated in its transformation from a government agency operating in an intensely political atmosphere, through the process of rethinking that led to postal reform in 1970, and into the current era. I don't believe we have seen the end of this evolutionary process. Indeed, the rate of change may accelerate in the years ahead as we struggle to keep up with the changes in communications technology, demographics, methods of doing business, and the like.

Regrettably, I have no easy solutions to the tough questions that lie ahead. But I want to leave you with one last recommendation that could help you get the information and advice you will need along the way. I would like to recommend that you give serious consideration to retaining an outside consultant who is qualified and available to work with you on long-range issues affecting the Postal Service. Such a consultant could help interpret the implications of major technological and business changes. And he or she could help reduce the risk of our having always to react to developments after they have occurred, which can be embarrassing to us, damaging our employees and costly to our customers.

What I have in mind is an expert adviser who would sit in regularly at your meetings—not a full-time employee of the Board, but an outside expert who could work with you on a continuing basis and keep you informed about technological changes that may affect the Postal Service, and about new ventures and methods of doing business that are being used or are under consideration by our competitors. To do the job properly, the consultant would have to have broad technical knowledge and a good understanding of the economics of the communications business. First-hand experience with one of our aggressive and innovative competitors could be a very desirable qualification. A consultant of this kind could provide a fresh, outside perspective that would complement the excellent projection and planning services already provided by internal postal personnel.

The Board may also want to initiate a more fundamental inquiry into the kinds of

structural changes that ought to be considered as the evoluntionary process continues. What should this institution look like in the next stage of its development? Should it, for example, become an entity that looks and acts more like a private, profit-seeking corporation? I urge you to take an active role in defining the future of this institution, instead of watching anxiously while others try to push and pull it in various directions.

Our responsibilities are awesome, and we cannot continue to set policy for this important institution by "flying by the seat of our pants."

In the years ahead, I look forward to watching how you grapple with the tough issues before you. I know you well and have the greatest respect for your dedication, integrity, and concern forthe Postal Service. For that reason, I can watch this process unfold with the confidence of one who knows that these vital issues are being addressed and resolved by men and women of good will, sound judgment and the best interest of the country at heart.

Thank you.

FACTS ON THE NUCLEAR ARMS BUILDUP

Mr. PROXMIRE. Mr. President, the nuclear data book called the next 10 years; the dangerous decade ahead—Why?

Two years ago the Joint Chiefs gave us the answer: This quote from the U.S. Joint Chiefs of Staff in their military posture report for fiscal 1982 tells why:

For more than 30 years the United States has conducted foreign relations in the shadow of nuclear arms; now the nuclear umbra is darker and more extensive than ever. There are many more weapons than ever before but most significantly, the range, accuracy, targeting flexibility and payload of intercontinental nuclear weapon systems have been marketly improved:

During the past decade, the warhead count of intercontinental nuclear weapons went up 200 percent.

Their estimated explosive power (equivalent megatonnage) grew some 30 percent.

Their pinpoint targeting (hard kill) potential increased 200 percent.

What is the size of our nuclear arms effort? The data book tells us:

There are approximately 26,000 nuclear warheads in the United States arsenal. Well over 200,000 people and an annual budget of over $35 billion are involved in U.S. development of new warheads, the care for those already in the stockpile and the planning for their use.

So the nuclear business is, indeed, a big business. It provided 200,000 jobs and a fat $35 billion in spending.

How has the nuclear stockpile changed? And does the change explain the diminution in the number of nuclear warheads in the stockpile since 1960? The answer is that since 1960 the stockpile has changed. We have sharply reduced the number of tactical nuclear weapons. We have increased the number of strategic nuclear weapons. The data book reports:

While the stockpile was made up predominantly of tactical warheads in the 1960's, the mix is now split about evenly between strategic and tactical weapons.

The fiscal year 1984 report of the DOD says this:

In the early 1960's when the stockpile had between 23,000 and 30,000 warheads, there were only about 7,000 strategic warheads, most of which were bombs carried on B-47's and the new B-52's.

Contrast that with the present strategic nuclear bomb deployment. The data book reports:

In the strategic forces, there are currently 2,149 warheads on more than 1,000 land based strategic missiles, another 4,960 on submarine based missiles, and 2,580 allocated to be carried on strategic bombers.

These figures do not include maintenance, spares or "weapons reserved for restrike—reserve—and weapons on inactive status." This means we now have 9,689 strategic nuclear weapons compared to the 7,000 we had in the early 1960's.

Since strategic nuclear weapons are designed to attack the homeland of the enemy or protect the homeland, and since tactical weapons refer to short range, battlefield weapons, it is clear that from the standpoint of nuclear weapons which we can deliver on the Soviet Union we are far more heavily armed, particularly considering the improvement in accuracy and reliability of delivery for the new weapons.

What is the answer to the charge that we have not only reduced the number of warheads in our nuclear stockpile, but we have also reduced their explosive power? Is this true? How do we explain that in view of the increase in strategic nuclear weapons compared to tactical nuclear weapons? The data book reports:

As new, more accurate weapons have been introduced we have reduced the gross explosive megatonnage.

The improved accuracy increases the killing capability so greatly that we can simultaneously cut down the explosive power and increase the lethal consequences. The data book concludes that:

Old technology was replaced with new capabilities with new warhead designs taking advantage of the latest efficiency, control and safety features. Each new delivery system incorporated additional "improvements": increase range, better accuracy, improved mobility and greater lethality.

Nuclear weapons developments are said by the date book to have progressed through four periods: 1945-55—research oriented; 1955-67—peak production and growth; 1967-80—numerical stabilization with significant operational refinements; 1980 to the present—growth and addition of a new generation of warheads, and adaptation of a new technology.

In March 1982 a Defense Department official stated:

Over the next five years there will be an increase in the total number of nuclear warheads deployed both strategic and tactical on the order of several thousand.

The current fiscal year 1984 nuclear weapons budget request is $6.8 billion, contrasting sharply with the fiscal year 1980 level of $2.8 billion. The increase from fiscal year 1981—$3.7 billion—to fiscal year 1982—$5 billion—represent the largest single increase in the history of the weapons program.

What does all this mean? Does it contradict or confirm President Reagan's reassurance that we have reduced the size and megatonnage of our nuclear arsenal? This data shows that far from reducing our nuclear arsenal we have steadily refined and improved it. Every change has added to its lethality. Certainly we have at times reduced the number of weapons and also cut the total megatonnage. But we have steadily, relentlessly increased the country's capability of delivering nuclear weapons on the Russian homeland and delivering them with constantly improving accuracy and reliability. In the next 5 years we will not only continue to improve the precision and certainty that our nuclear weapons will reach their Russian target, we will actually increase the number of nuclear weapons. It appears very likely that we now not only have far more weapons that we have targets, but the virtual assurance that even after a Russian preemptive strike we could hit every significant target in the Soviet Union and have a massive, redundant force left over.

BAHA'I INJUSTICES CONTINUE

Mr. PROXMIRE. Mr. President, I have received new information involving the atrocities perpetrated against the Baha'is in Iran. In an earlier speech, I made reference to an open letter from the Baha'is appealing to the Iranian Government to end their senseless policy of persecution. The letter mentions how the Khomeini government is selectively prosecuting the Baha'is by labeling them as spies.

As a followup, I would like to include in my statement part of a message sent to me by the American Baha'i community representatives. According to the statement:

Mr. Rahmatullah Hakiman, former official Minister of Agriculture, one of whose brothers had been killed in May 1983, was arrested in early January 1984 and tortured before he died a few days later.

Between November 7 and December 31, 1983, some 180 Bahais, largely former elected members of Bahai organizations that disbanded themselves in early September 1983, arrested and jailed in all parts of Iran. Seventy more were imprisoned on January 1-3, 1984. As of last week, more than 550 Bahais, many of them women, were languishing in Iranian jails.

The statement goes on to detail how revolutionary guards enter Baha'i homes without warrants and confis-

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cate personal possessions. It mentions that imprisoned Baha'is might be released if they repay their lifetime salaries, which in some cases amount to 30 years of wages.

Mr. President, this kind of action must stop. The American Baha'i community is asking the United States for a strong reaction. One measure already before the Senate Foreign Relations Committee is Senate Concurrent Resolution 86 sponsored by Senator HEINZ. It holds Iran responsible for upholding the rights of the Baha'is, and it condemns Iran's decision to destroy the Baha'i faith. The resolution has received bipartisan support and is cosponsored by 31 Senators. I support the resolution and urge its passage.

But if we really want to show our solidarity with the Baha'is we must ratify the Genocide Treaty and make illegal under international law the savage and needless acts committed to destroy the Baha'i people. We must send a signal to the Iranian Government that we will no longer tolerate their barbaric policy of systematic persecution. I call upon my colleagues to ratify the Genocide Convention.

Mr. President, I ask unanimous consent that the full text of the Baha'is statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Mailgram]

BAHAI NATIONAL CENTER,
Wilmette Ill., January 17, 1984.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Received verified information of new barbarities perpetrated against Bahais in Iran.

Mr. Abdul Majid Mutahhar, imprisoned in Isfahan September 4, 1983, died in jail of unknown causes. Mr. Bahman Dehqani, well known and respected Bahai, attacked and killed by mob in Muhammadiyeh, village near Isfahan, November 19, 1983. Since burial not permitted in his village, Bahais carried body to Najafabad for interment. Mr. Rahmatullah Hakiman, former official ministry of agriculture, one of whose brothers had been killed in May 1983, was arrested in early January 1984 and tortured before he died a few days later.

Between November 7 and December 31, 1983, some 180 Bahais, largely former elected members of Bahai organizations that disbanded themselves in early September 1983, arrested and jailed in all parts of Iran. Seventy more were imprisoned on January 1-3, 1984. As of last week more than 550 Bahais, many of them women, were languishing in Iranian jails.

Other despicable acts include the following: Revoluntionary guards allowed to enter Bahai homes without warrants and confiscate any personal possessions. Complaints to authorities unavailing.

Some imprisoned Bahais who had been dismissed from employment promised release if they repay all salaries paid them from beginning their employment, in some cases up to 30 years.

American Bahai community, grief stricken and indignant, hopes for strong reaction United States Government and public opinion.

FIRUZ KAZEMZADEH,
Secretary, National Spiritual Assembly of the Bahais of the United States.

DEFICIT THINKING

Mr. HATCH. Mr. President, the foreseeable future brings with it a series of Federal budget deficits in the $200 billion range if Congress does not act to bring Federal spending under control. With such large differentials between spending levels and revenues now almost certain, a hue and cry is being raised concerning the damage that large deficits would cause. I think it is time to put large deficits in perspective and to spell out what they mean, what effect they have, what they are, and what they are not.

The greatest concern expressed recently about the large deficits is the possibility that they could terminate the current recovery. The alarm here is a bit misplaced. I would argue that it is our current level of Federal spending, something the deficits only indirectly reflect, which harms our economic health. Thus, the deficits themselves should not be the focus of this concern.

Federal spending, instead, is the key because it is our best measure of the fiscal disincentives imposed on the private sector by the Federal Government. By either raising taxes or borrowing funds to support spending, the Government increases the price of labor and capital needed for our economic machine. Increased taxes discourage work and investment. Increased borrowing does likewise through interest-rate increases which raise the cost of borrowing for both investment and consumption. That is, either taxing or borrowing to fund Federal spending takes resources out of the economy, resources that would otherwise be used to purchase goods and services and to create the jobs which Congress so earnestly purports to seek.

This does not mean that jobs are not created by Federal spending—they are. On net, however, there are not more jobs created, nor more economic activity generated, than if the same resources had been left in the private sector. In fact, less productive activity occurs with higher government spending because many Federal expenditures are gifts, grants, and subsidies which discourage aggressive and innovative economic activities beyond the disincentives imposed by higher taxes and interest rates. Thus, the bottom line is lower growth, lower productivity, and a lower standard of living with higher government expenditures.

The size of the deficit simply tells us how Congress and the administration have chosen to fund Federal spending and not how damaging fiscal policy is to the economy. Admittedly, in the short run, there may be implications for interest rates and other variables in the capital markets, but in the long run there will be little discernible difference in the economy because deficit spending was utilized. If the impact of monetary policy and of the business cycle could be removed, and the impact of Federal spending levels themselves eliminated, we might detect some small effect of deficit spending on the rate of our long-term growth trends. But these other issues should be faced first, before raising a hue and cry over the deficits themselves.

Let us look at the first of these more important issues, the conduct of monetary policy and the damage it has done. Two criticisms can be made of the conduct of monetary policy over the last two decades.

First on the average, the rate of growth of the money supply for the past 20 years has been too rapid. This excessive amount of money injected into the economy has caused the inflation experienced since the mid-1960's.

Inflation is obviously damaging to some groups in our society. Clearly, those on fixed incomes suffer, and there are other areas where the damage is well understood. Nevertheless, inflation, which actually undermines the value of our currency as a medium of exchange, eventually will produce a decline in economic activity and thus damage all of society. It is ironic that this inflation, which does so much damage to the economy, is the result of an attempt by the Fed and other influential parties to boost the level of economic activity.

Second, the growth rate of the money supply has been erratic, adding risk to the calculations of the financial markets. By stepping hard first on the accelerator and then on the brakes, the Fed has churned the economy unnecessarily.

The second important issue requiring attention ahead of the size of the deficits is the total amount of Federal spending. That is, a better measure of the burden of Federal fiscal policy than the size of the deficit is the total amount of resources extracted from the economy by Federal spending. We ought to measure the number of jobs destroyed, the number of businesses closed, and the amount of income removed from the economy by Federal spending. Yet, this is a side of Federal spending often overlooked. Recent years, of course, have seen a resurgence of concern about either the negative impact of high tax levels or the damaging effects of deficit spending. Nevertheless, very few concerned observers in Washington focus on the force that drives both these variables—Federal spending.

It has been popular over the last 2 years to claim that the tax cuts of

1981 are the cause of today's large deficits. One way to lay this falsehood to rest is to look at Federal revenues and spending as a percentage of national income. Comparing these figures as percentages of national income measures them against a relatively stable background and also illustrates the increasing burden of Federal financing. In 1973, revenues were 23.8 percent; but in 1983 they had increased, up to 24.3 percent. In contrast, in 1973, Federal spending amounted to 24.3 percent of national income; but in 1983 it surged to 31.2 percent, a 6-point increase. Even taking into account the business cycle's effect on national income, the point is clear. The deficits are not the result of a lack of revenue. Federal spending is to blame.

A second difficulty that I have with current analyses of the economy vis-a-vis Federal policy is the confusion between developments on the cyclical level and developments in variables associated with the longer term expansion of the Nation's income. How many times have we heard reference to either a "cyclical downturn" or "cyclical expansion" explaining a response by the economy to measures that would produce visible changes only in the long term?

Regrettably for those who seek quick responses to various policies from the economy, the measure of success of many Federal actions is masked by the sharper changes in economic indicators over the course of the business cycle. This masking of longer term trends by cyclical changes often leads to false claims or charges by the unwary observer. For example, a sudden contraction in the economic cycle might be cited as an indicator of poor fiscal policy—of, perhaps, too large a deficit. Or, a small reduction in spending at the Federal level might be mistaken as the cause of economic expansion.

A more accurate assessment of the current economic situation would credit an extremely large increase in the money supply in late 1982 and early 1983 for the growth in GNP in calendar year 1983. This expansion was predictable. In fact, I did predict a growth rate for 1983 which was very close to the actual 3.3 percent real growth rate. My estimate, based in part on a review of monetary policy for the preceding 9 months, was a healthy 2.9 percent. That compares favorably to a guess of 2.2 percent made by the majority of the Senate Budget Committee. We would all be better off paying attention to the Fed's execution of monetary policy when trying to predict the course of the economy.

Perhaps even worse than any erroneous after-the-fact analysis is an attempt to adopt a policy of fine tuning the economy through fiscal or monetary policy. Yet this is exactly the argument used as an excuse for excessive Federal spending in the past. Just a few short years ago, the Senate Budget Committee spoke of stimulating the economy through deficit spending. Recalling that, you begin to understand how we got in the mess we are in today.

Another fine-tuning policy was and still is being attempted by the Fed. The Fed seeks to guess what type of monetary policy—restrictive or loose—would help stabilize the economy 9 months to a year down the road. It then sets a growth rate for the money supply to accommodate such goals. Unfortunately, over the years, the Fed has miscalculated a great deal of the time, thereby worsening our economic stability.

Current Fed policy is following this dismal road. The Fed accelerated the growth of M_1 to about 13.5 percent per year from July 1982 to July 1983. Since then, the Fed has not permitted the money supply to grow much beyond the 3-percent rate. This is a prescription for economic disaster. By forcing the economy to suffer such a drastic and abrupt withdrawal from the monetary stimulant, the monetary authorities risk a recession in the first half of 1984. Of course, the excessive monetary growth of last year has already guaranteed a surge in the inflation rate for the second half of 1984. So much for a policy of fine tuning the economy.

While such fine-tuning policies might eventually halt the recovery, to argue that the continued deficits themselves will suddenly halt the expansion is to fail to grasp that the markets are fully aware of the continued existence of the deficits. Quite realistically, most market participants are not expecting any congressional action to alter this unfortunate situation. In any case, the capital markets expects no changes as a result of the current deficit levels which would affect the expansion.

Mr. President, let me conclude by saying that I, for one, will not terminate my attempts to bring Federal spending under control and thereby to reduce the deficits. Through my continued support of a balanced-budget/spending-limitation amendment to the Constitution and through my efforts to help bring about a reasonably disciplined budget resolution, I hope to be able to set Federal fiscal policy on a better, more realistic course.

SENATOR PAUL TSONGAS

Mr. STEVENS. Mr. President, it is with sadness that I learned of the circumstances under which our good friend and colleague the distinguished Senator from Massachusetts announced his decision not to run for reelection to the Senate. His presence will be missed and the enthusiasm with which he conducted his reponsibilities will leave a significant void.

PAUL TSONGAS as Senator from Massachusetts earned my respect many times over his years in the Senate. We have not agreed on every issue—in fact we disagreed severely on an issue that was one of the major pieces of legislation affecting Alaska to emerge from Congress since statehood for Alaska, the Alaska lands bill which passed in 1980. We spent many hours, days, weeks, and months seeking a solution to the issues contained within the Alaska lands bill. Throughout the arduous process, Senator TSONGAS acted in good faith every step of the way. I cannot think of a more honorable adversary. Although we took opposite sides of this critically important issue, my respect for him has grown each day.

There have been many times that we have been on the same side. Off hand, I recall the pay raise/honorarium debates. And, I must confess, having Senator TSONGAS as an ally is much more enjoyable than working against him. He never backed down from his beliefs, nor did he adopt a position because of fleeting popularity. Positions taken by my good friend from Massachusetts have always been well reasoned and justifiable.

But it is PAUL TSONGAS as a husband, and a father whose memory I shall always respect and cherish. His decision to retire, I know, comes from his great love for Nikki, Ashley, Katina, and Molly.

I would like to submit for the RECORD an editorial from the Anchorage Times about the decision of Senator TSONGAS to retire from the Senate. PAUL has been and will continue to be my friend. Catherine and I wish him, Nikki, and their children the very best. We will miss him.

AN HONORABLE ENEMY

With dismay and sorrow we read yesterday that Sen. Paul Tsongas of Massachusetts faces a serious health problem—one so severe he has decided he cannot run for reelection this year.

The Democratic senator is one with whom we often took issue during the course of his six years in office. He was one of the principal thorns in the side of Alaska during the D-2 land battles of recent years. He was a party to the lock-up-Alaska movement. His vision of the environmental issues almost always could be counted upon to overlook what most Alaskans perceived as realistic as opposed to the myths and fear-mongering protestations of the ecology lobbies.

But through all of these battles, those on the Washington scene pointed out that Sen. Tsongas conducted himself as a gentleman. He was, in a sense, an "enemy"—but a nice guy in the process.

The nature of his illness was not disclosed by the senator as he announced he would be unable to run again. Regardless of the specifics, however, we wish him well in his determination to lead a normal life beyond the maelstrom of the Washington political scene. And we're sorry his exit from the

Senate is prompted by so grave a personal crisis.

WORKFARE WORKS IN MILWAUKEE, LET US MAKE IT NATIONAL

Mr. PROXMIRE. Mr. President, one of the most sensible and controversial proposals that has been before the Congress for the last several years is the so-called workfare proposal. Workfare requires able-bodied welfare recipients to earn their welfare check in whole or in part by doing community work. Proponents ask why not? Opponents have a ton of objections. They call such a scheme slave labor. They say it costs far more than it is worth. They contend that it would take work away from thousands of local government employees. They argue that it would demean community work. They say it will depress pay for local government services.

So how about these arguments? Is workfare just another uninformed and uncaring way to kick the poor when they are down? Mr. President, you can find the answers in Milwaukee, Wis. For nearly 50 years Milwaukee County has had this kind of a program. A couple of years ago I spent a day at a Milwaukee center where able-bodied welfare recipients assembled to get their workfare assignments. This is a tough program. Welfare recipients are required to take their assigned jobs as a condition of continuing to receive their welfare checks. They have to provide their own work clothes. They have to work a specific number of hours each month. Frankly, I expected to hear plenty of griping and grumbling. I heard none. When I asked these recipients how they felt about this work requirement, they told me they felt good about it. They said they wanted to earn their welfare check. They did not want a handout.

Oh, yes, there was opposition to this workfare program, but it did not come from the welfare recipients themselves. Complaints and strong and understandable complaints came from the men and women—the regular, full-time county employees who did the essential county work in the parks. In the public buildings and other county establishments where the welfare people were assigned to work. And why not? Those regular employees treasure their jobs. Why would not they feel threatened by the low paid welfare workers? After all these welfare workers threatened them in two ways. First, the regular county workers and their unions felt that if more maintenance and clean-up and pick-up work in the park were required, regular county employees should get the jobs with overtime if necessary. Second, regular employees who are paid $6 or $8 per hour for a job obviously felt undercut when a welfare worker comes in to do the same or a similar job for the $3.35 per hour minimum. This problem has plagued Milwaukee for almost all of the 50 years the workfare program has been in operation. And yet the county has persisted. How have the complaints been met? Regular county workers and their union have been brought into discussions and helped to modify and adapt the program to assure the regular employees that the workfare program would not diminish their work or their pay, that the welfare workers would do work which otherwise would not be done and that the regular employees would have a constant voice in the process.

Of course the frictions have continued. Regular employees still feel uneasy about the program. And, frankly, workfare with this kind of arrangement does not meet the one purpose that many of its advocates had in mind for it. It does not save any money. In fact, it costs some. But it accomplished two ends that are eminently worthwhile. It gives the welfare recipient the dignity of knowing that he or she earn their living, and it enables the county to operate parks and hospitals, recreation areas for the elderly and the handicapped, auxiliary police patrols and many other highly useful local services that otherwise would not be available at all. And the services come at a modest cost.

Undoubtedly workfare also encourages many on welfare to seek regular, full-time employement. The great majority of people on welfare earnestly want to get off welfare and get a job. But they get discouraged. Eventually they stop looking for work. They lose their self-confidence. Workfare restores that confidence. It reminds them of the discipline of work, getting up in the morning, reporting on time, making an effort and getting paid for it. The welfare job usually provides recipients with only 1 week a month of work with their compensation going to meet their welfare grant. If the welfare worker is placed for a couple of days work with a private employer and earns say $20, the worker keeps a very modest 18 percent of that or $3.60 plus a $9 incentive for taking the job. Obviously a regular 40-hour-a-week job at the minimum wage level or a little above becomes very inviting in contrast.

How all this works in Milwaukee was dramatized a few weeks ago by a middle age woman. On Friday morning January 6 the Milwaukee Sentinel carried a front page picture of workfare recipients shoveling snow. Among the shovelers working in subfreezing temperatures was a gray-haired woman. Like thousands of other Wisconsin newspaper readers I was startled and, I must say fascinated, by this incongruous picture of this gray-haired woman hard at work shoveling snow for the county on a cold January day. Obviously the editors of the Milwaukee Sentinel had the same reaction because the next day they ran a story again on their front page by reporter Jeff Cole relating how this happened. The woman was Fern Schwulft, age 50. Her reaction when reporter Cole asked her why she was on a county work crew shoveling snow was:

I'm lucky to be doing this because there isn't anything else to do. The work isn't that hard and you get your breaks and stuff during the day.

Mr. President, President Reagan is not alone among Americans who can react more warmly to the story of the hardships and willingness to work of one person than to volumes of statistics. Fern Schwulft in my judgment speaks for literally millions of unemployed welfare recipients who would feel lucky to have any kind of a job, and grateful for a chance to earn their welfare payments. This Senator has introduced workfare legislation and intends to push it and push it hard. It will help build a better, cleaner, safer country and give a measure of genuine dignity to millions of Americans, all at a very small cost.

Mr. President, I have searched for similar work requirements for welfare recipients in other cities including other Wisconsin cities but I have not found them. Why not? I am sure there are other examples of workfare—unfortunately very few others around the country. But there are very few, indeed. Why should not the Federal Government provide incentives for community work that costs so little, restores a sense of dignity and worth to those on welfare and provides the kind of useful, practical discipline that persuades able bodies welfare recipients to seek work?

I ask unanimous consent that the article to which I have referred from the Milwaukee Sentinel be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOMAN, 50, FEELS FORTUNATE TO BE ON SNOW REMOVAL CREW

(By Jeff Cole)

Standing on the porch of a run-down duplex Friday, Fern Schwulft, 50, tried to explain to a reporter why she was on a county work crew shoveling snow.

"I'm lucky to be doing this because there isn't anything else to do. The work isn't that hard, and you get your breaks and stuff during the day," Schwulft said.

Schwulft, of 1303B S. 7th St., receives general assistance relief from Milwaukee County. Recipients under age 60 are expected to work one week each month for the county, but those 50 and older can take an indoor job.

"I haven't applied for any other kind of work because you never know what kind of supervisor you are going to get," Schwulft said. "The one I've got now is pretty good,

and I like the crew I am working with, so I figure why change."

In April 1983, at age 49, Schwulft qualified for a $175 monthly grant and was assigned to a crew that works in county parks in the summer and clears snow in the winter.

Schwulft worked for Evinrude Motors for five years, was laid off in 1980, went on unemployment, was called back in 1981 for three months, and was laid off again.

"I had exhausted my benefits the first time I was laid off and I didn't work there long enough the second time to run up any unemployment benefits," she said.

So, for the next two years, she survived by doing odd jobs and borrowing money from friends and family members. But her life got to a point where she just couldn't borrow any more or find any more odd jobs, she said. Welfare meant survival.

Schwulft came to Milwaukee about 30 years ago after growing up on a farm near Hartford because "it was the big city and I was young."

She lives in a run-down duplex on the South Side on a street that is held together by its potholes. Sharing her rooms are three stray dogs she found and nursed back to health.

Dressed in a pair of maroon sweat pants, a red sweater, and sturdy brown shoes, she told the dogs to be quiet as she talked.

"I am willing to do almost any kind of work. I ain't fussy," she said. "I would love to find a job where I could work 40 hours a week and the money would be my own.

"The problem is that when you get to be 50 years old, no one wants you."

There may be a way out for Schwulft, said Richard Buschmann, a program coordinator with the Milwaukee County Department of Social Services. After a front-page picture of her shovelling snow appeared Friday in The Milwaukee Sentinel, representatives from the Wisconsin Job Service "pulled her file," he said.

"They found three 'daily labor' jobs that she would be qualified for," Buschmann said. "A daily labor job is where an employer needs someone for one, two or three days of work and they pay that person.

"If the person does a good job, oftentimes the employer will hire the person full time when they have an opening."

Any money the person makes is deducted from the next welfare payment, Buschmann said. Welfare recipients are given an 18% allowance of the money for travel and at least a $9 monthly allowance as an "incentive" to take the job.

The extra money would be welcome, Schwulft said. Right now, she has to pay $144 a month in rent, plus feed herself and her dogs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to the consideration of S. 1660, which the clerk will state.

The legislative clerk read as follows:

A motion by the Senator from Tennessee (Mr. BAKER) to proceed to the consideration of S. 1660, a bill relating to the preservation of universal telephone service.

The Senate resumed consideration of the motion.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, there is a discussion being held now in which I am involved, concerning the future disposition of this matter. I intend to put in a quorum call and ask to be notified if any Senator intends to rescind that quorum call. This is a matter of courtesy. I wish to come back to the Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. STEVENS. Mr. President, the request I am about to make has been cleared with the distinguished minority leader.

Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:28 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EVANS).

Mr. GOLDWATER. Mr. President, the chairman of the Armed Services Committee, Senator TOWER, wrote a letter to the Department of Defense asking about any dangers to our communications systems should S. 1660 be passed.

The Senator received a very interesting report and reply to that letter and I ask unanimous consent that the Senator's letter and that the report that he received from the Department of Defense be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., January 26, 1984.

Hon. BARRY GOLDWATER,
U.S. Senate, Washington, D.C.

DEAR BARRY: As you are well aware, our national security is affected in many ways by the stability of our Nation's telecommunications network. More than 95 percent of the military's domestic command and control communications support is obtained from the private sector.

With legislation currently under discussion on the Senate floor dealing with the future of many aspects of the telecommunications industry, I wrote the Secretary of Defense last week in order to obtain the Department's indication of the involvement of any national security implications. Specifically, I requested an assessment of S. 1660's impact upon our ability to provide effective national security and emergency preparedness communications.

Yesterday I received a response from Richard D. DeLauer, the Under Secretary of Defense for Research and Engineering. As a fellow member of the Armed Services Committee, I thought you might also be interested in the Department's assessment of S. 1660. A copy of these comments is included with this letter.

Sincerely,

JOHN TOWER.

Enclosure.

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., January 25, 1984.

Hon. JOHN TOWER,
U.S. Senate, Washington, D.C.

DEAR SENATOR TOWER: Thank you for your letter of 18 January 1984 which requested the views of the Department of Defense concerning S. 1660 and how it would affect our ability to provide effective national security and emergency preparedness communications. As you know, commercial communications are of major importance to the Department because more than 95% of our domestic command and control communications support is obtained from the private sector. The Department is also almost totally dependent upon the commercial communications industry for providing routine day-to-day communications. Because of this dependence upon commercial communications, we are very sensitive to the impact of legislation, or regulatory or judicial action, affecting the communications industry; hence we greatly appreciate your interest.

The Defense Department believes that legislative action is unwarranted at the present time regarding the Federal Communications Commission's access charge decisions. In particular, the Department opposes enactment of S. 1660, or the related H.R. 4295, for three major reasons:

Legislative action would inject additional years of uncertainty and turmoil into the ongoing restructure of our nation's telecommunications industry, with another cycle of regulatory action, judicial review, and legislative reaction continuing to disrupt effective communications planning and operations.

The proposed legislation imposes unfair and artificial restraints (i.e., penalty fees) upon the use of bypass technology, when both a viable local exchange network and bypass capability are essential to a survivable command and control communications capability.

The proposed legislation will continue to impose access charges upon large users of communications while depriving them of the opportunity to obtain the long promised benefits of reduced regulation, divestiture and increased competition in the telecommunications industry.

A more detailed summary discussing the key factors underlying the Department's views, our critical concerns and a more specific assessment of S. 1660, is enclosed for your information.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

DICK.

Enclosure.

DEPARTMENT OF DEFENSE SUMMARY ANALYSIS OF S. 1660, THE "UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983"

KEY UNDERLYING FACTORS

Three key factors underlie the Defense Department's evaluation of S. 1660, and the related H.R. 4295. These are the importance of the commercial communications industry to the Department, the inability to deal in isolation with a part of the complex changes in the industry, and the effect of the recent turbulence and uncertainty in the industry upon our planning activities.

First, the commercial communications industry is extremely important to the Department of Defense (DoD). More than 95% of the Department's domestic command and control communications support is obtained from the commercial communications industry. Furthermore, while DoD is in the process of developing specialized government-owned systems to handle some of its most critical requirements, these government-owned facilities are not yet available and many of DoD's most critical requirements will continue to be served by the commercial communications industry. Moreover, the Department of Defense will always remain dependent upon the commercial communications industry for satisfying its enormous day-to-day administrative telephone requirements.

Second, the operational impact of the FCC's access charge decisions and related legislation such as S. 1660 cannot be viewed in isolation from other judicial and regulatory activity. They are merely yet another increment added on to the Commission's Computer Inquiry II and related decisions, and the AT&T divestiture and related regulatory actions. All of these decisions or actions interrelate in varying degrees, and the impact of any one of them simply cannot be addressed apart from the impact of the others. Moreover, while each regulatory action, or divestiture, would individually be difficult to address from a communications operations standpoint, their cumulative effect is to make it significantly more difficult for DoD's telecommunications managers to do their jobs. Such multiple regulatory and judicial actions cause substantial transitional disruptions in the provision of service and they create sizable short term cost increases, with long term overall cost increases probable. Furthermore, they significantly increase the Department's current and future needs for personnel qualified to make the necessary technical assessments and management decisions which will be required in the more complex, competitive telecommunications environment.

Third, the recent years of uncertainty and turmoil in the nation's telecommunications industry have made DoD's national security telecommunciations planning activities extremely difficult to conduct. Because of DoD's substantial dependence upon commercial carriers to meet its needs, extensive interaction and a closely coordinated effort with the telecommunications industry are essential if the burden that the current threat has placed upon our national communications resources is to be overcome. DoD is actively moving forward with those efforts, in large part through the President's National Security Telecommunications Advisory Committee. As it does so, however, the most pervasive, and difficult problem encountered is the existence of multiple separate and often conflicting regulatory, judicial and legislative initiatives regarding the structure and organization of, and rules governing, the very industry with which DoD must deal.

CRITICAL DOD CONCERNS

Three major concerns affect DoD's evaluation of S. 1660, or the related H.R. 4295.

First, from a national security and emergency preparedness perspective, reasonable certainty about the current and future structure of and rules governing the telecommunications industry is imperative. Effective planning cannot occur in an environment of repeated changes in regulatory decisions, court appeals, and legislative action to override either or both.

Second, preventing adverse impact upon existing national security and emergency preparedness communications operations is critical. An important segment of the nationwide telecommunications system is the pervasive local exchange network established by the Bell Operating Companies and the independent telephone companies. The Defense Department has come to rely heavily upon that local exchange network to serve many key military bases and other critical installations, and to provide critical command and control communications connectivity. For this reason, it is vital to the nation that the viability of local exchange telephone companies, from both a financial and technological perspective, be preserved.

Finally, while the Defense Department strongly supports actions necessary to preserve a viable local exchange network, at the same time DoD must retain the maximum possible flexibility to structure its communications services and facilities to meet both critical day-to-day command and control requirements and emergency response needs. Moreover, many of these critical command and control requirements are unique, such as our missile warning and space surveillance circuits or the communications supporting the missile and bomber forces. For this reason, DoD is vitally concerned that no artificial restrictions be established, by either regulatory or legislative action, that would prohibit or make economically prohibitive any existing or planned communications systems or networks it may have.

ASSESSMENT OF S. 1660

Judged within the current industry framework and against the concerns discussed above, the Department of Defense believes enactment of S. 1660 would not benefit, and indeed would hamper, its national security communications capability.

Initially, passage of legislation revising or overturning the FCC's access charge decisions is likely to prolong uncertainty and turmoil in the U.S. telecommunications industry. In 1981, when Defense Department representatives testified before the Senate Commerce Committee regarding S. 898, "The Telecommunications Competition and Deregulation Act of 1981", they urged Congress to act to establish the future structure of our nation's telecommunications industry to ensure national security and emergency preparedness needs were met. The Senate passed S. 898, but the House was unable to pass a companion bill, H.R. 5158. Meanwhile, the Federal Communications Commission forged ahead with a regulatory restructuring of the industry, and the AT&T divestiture has been agreed upon and implemented. While the Defense Department did not support many of these actions, the Department has accepted them and has made major efforts to adjust to them. We believe that this period of difficult adjustment is mostly behind us and that what is most needed now is a period of stability to allow all to adjust to the present environment. Were Congress to now act, another cycle of regulatory action, judicial review, and legislative reaction would begin, with the likely attendant disruption of DoD's communications operations.

The Department also believes the provisions of S. 1660 which impose penalty fees upon users which bypass the existing local exchange network are unfair and will adversely affect national security communications. Bypass capability is essential to a survivable command and control communications structure for the same reasons a viable local exchange network is important. Alternate routing and redundant facilities are what provide survivability, and to restrict the Defense Department to using only the local exchange network, or economically penalize it for bypassing it, will reduce survivability. Moreover, penalty fees are likely to retard the development, deployment and use of satellite and mobile communications technology. These are obvious examples of bypass systems and each is becoming much more critical to a survivable and endurable command and control communications structure. Indeed, the Committee Report on S. 1660 recognizes that often users decide to construct bypass systems to obtain unique services or capabilities not being offered by the local exchange network (S. Rept. No. 98-270, p. 13). Many unique Defense Department requirements use bypass systems to achieve the maximum practical survivability, which is an operational necessity, yet S. 1660 imposes penalty fees upon such bypass nonetheless.

Finally, as a large user of commercial communications, the Defense Department views the thrust of S. 1660 as contrary to the basic objectives of reduced regulation, divestiture, and increased reliance upon competition in the telecommunications industry. While the Defense Department has generally opposed the past regulatory and judicial efforts to restructure the industry because we believed they did not consider fully all factors or serve all interests of the Nation, such actions have occurred and are now irreversible. Furthermore, although the Defense Department has some serious concerns regarding the adverse financial impact of the FCC's access charge decisions, and has sought reconsideration of them, DoD believes these changes are an attempt to accommodate the transition to a fully competitive industry structure. Under these circumstances, for Congress to now enact legislation which further complicates the regulatory environment and imposes additional artificial restraints upon the evolving competitive marketplace, will deprive communications users of the opportunity to exercise those additional choices, employ those technological innovations, and seek those lower prices which have been the long-promised benefits of a competitive telecommunications industry.

S. 1660 is of particular concern to the Department in light of the FCC's recent action postponing imposition of residential access charges until 1985. The multi-line business charges and special access charges applicable to the vast majority of DoD's communications will still be imposed under both the FCC's action and S. 1660, but if S. 1660 were enacted the Department would pay more but receive none of the benefits of a competitive telecommunications market.

Mr. GOLDWATER. Mr. President, I shall read one part of the report be-

cause it has a decided bearing on what we are doing.

This is the assessment from the Defense Department of S. 1660, and I think my colleagues will recall numerous times that I have discussed this whole problem of communications, that our armed services depend not 100 percent but very close to it for instantaneous communications worldwide, and should anything happen to the Bell System up in New Jersey that handles these worldwide calls, we would be in very serious trouble because, while radio is very dependable and especially now with satellite use, it is not as dependable as the land line. But their assessment:

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Mr. President, that completes the reading of what I consider to be the most important part of the Department of Defense attitude on this.

While it may seem strange to some of my colleagues to use the Department of Defense attitude, we all realize that without communications we cannot have a working, viable, performing military system. In fact, as adequate as the communications have been which have been provided by AT&T, or "Ma Bell," we still could have improvement and we are improving telecommunications every day.

I doubt that there is any one single facet of our lives that is undergoing as rapid change as communications, and I have said on this floor many times that within a relatively few years, maybe 5, the telephone as we now know it is going to be a rather obsolete piece of equipment. It will be something like the old telephones we can remember when you cranked the crank and waited for some time for someone to answer. Already telephone systems are available and telephone equipment available in which you can talk to a picture and receive a picture back. We are seeing telephone equipment come in forms of computers where you can enter into the computer questions that you want answered daily, such as market reports on certain stocks; even our wives can place orders with the markets through the new telephone system, and the market will fulfill these orders when they are wanted.

So we are living, Mr. President, in probably the most interesting age of communications that man has lived through, and now with the President's emphasis last night on the establishment of a permanent space station, I think that we are beginning to come to the conclusion that there is a new frontier for America, and it is up there in space not just for experimental purposes, not just where we can make new medicine, but where we can develop devices that can make everything we are doing on Earth a lot easier.

I am thinking, for example, of the ability in space to manufacture crystals. About the largest crystal we can manufacture on Earth might be 2 centimeters long. Above that, Earth's gravity causes the crystals to crack. Up there in space where there is no gravity we can make crystals as large as we want, and I am talking now about a crystal around 13 centimeters in length, that can take the infrared rays directed to Earth from a satellite some 5 square miles or larger in size that will gather the infrared from the Sun and direct it to a parabolic antenna near some large cities or between large cities and the infrared transmitted to Earth goes through these large crystals, is transformed either into direct electric current or indirect electrical current with the alternating current that we use in our house.

This is possible now. We can electrify every city in America. In fact, we can provide, with one of these satellites of a size of 5 to 10 square miles, more power than Washington, Philadelphia, and New York can use.

So what the President asked for last night, while not having a direct bearing upon communications, has a very direct bearing on the possibilities that await those people with courage, those people with the ability to see something new and realize that we here on Earth have fairly well exhausted the technological parameters in which we live.

So, Mr. President, I am glad that the chairman of the Armed Services Committee asked for this report. I think the reading of it by my colleagues will help them decide that S. 1660, while well intentioned, while developed in all sincerity and honesty, is not in order because it is not timely. We do not know yet what the problems are going to be. Our telephone users around this country have not received any exorbitant increase in their rates or even increases in their rates. So until that time—and I judge that will be some-

time within 12 months—I hope that we can defeat S. 1660 and be patient and then decide to develop the legislative that might be needed. I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I might announce to those who have been listening, unless there has been some change of plans I do not know about, there apparently will be a motion to table the motion to proceed sometime between now and 3 o'clock, and I assume we will vote on that. I am going to vote against it and hope that we do take up this bill.

There has been some discussion that, if it were tabled, perhaps we could bring up immediately, by unanimous consent, a sense-of-the-Senate resolution not unlike some of the provisions of the bill.

After having talked with many, many people that I have worked with on the bill, I want to say to the Senate that I will object today, or in the next several days, to any effort to bring up by unanimous consent on the floor a sense-of-the-Senate resolution.

If S. 1660 passes, I can assure the Senate that I will go to conference and attempt to stick as strongly as I can with our position. I have talked with JOHN DINGELL, the chairman of the House Energy and Commerce Committee, this morning. He and I, I think, could work out an amicable and acceptable compromise to most of the parties concerned.

But, for the moment, it appears we will vote on the motion to table. I will oppose that. I hope the Senate will be willing to take up this bill. Of course, if the motion to table is defeated, all we are then doing is debating the motion to proceed. We have not even gotten to the bill yet. And if we get to the bill, I hope that we could get to the merits of it relatively soon and vote on the merits and go to conference.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, yesterday the Federal Communications Commission announced its decision to postpone the imposition of access charges on residential and single line businesses until at least June 1985. The FCC's announced changes protect rural telephone companies and low-income consumers, they ease the upward pressure on telephone rates for residential and small business subscribers, they promote efficiency and competition, and they deal responsibly with the potential for bypass.

I am pleased that the FCC modified its access charge decision, and I believe that that action eliminates the need for legislation on telephone rates at this time. I should like to congratulate the distinguished chairman of the Commerce Committee on his successful efforts to bring the issue of telephone service and rates before Congress and the public. The FCC modifications are the direct result of his efforts, and I believe that the Senator from Oregon can claim a well-deserved victory in this matter. I do not believe, however, that legislation is appropriate at this time, and I oppose the motion to bring up S. 1660.

All of us have been troubled by predictions of sharply higher local telephone rates. We have worked for decades toward the goal of universal telephone service, and it is unacceptable to change that goal and to adopt policies which force people who have telephones off the system.

The FCC's original access charge decision gave rise to legitimate fears that affordable telephone service would not remain available to all residents of this country. In a time of uncertainty over telephone rates caused by the AT&T divestiture, the FCC created additional uncertainty in several ways. The original decision shifted all of the nontraffic sensitive costs allocated to interstate long distance to the local customer. This shift would have raised rates rapidly and significantly, and without any limits.

For the average ratepayer, rates were to rise to some unknown "national average". Low income and elderly consumers faced the prospect of telephone bills too high to afford.

For rural, high cost telephone companies, these customer access charges were almost certain to exceed the national average by a considerable amount in some very high cost areas such as Alaska. The FCC addressed this threat to universal telephone service by creating a universal service fund, but rural telephone companies were concerned that the fund was not generous enough to accomplish its purposes.

Over the course of hearings on this subject, one of which took place in my State, and debate in committee, I have formed an opinion on what I believe to be a workable, constructive approach to the problems presented by the FCC's original decision. I am delighted that the FCC has reached an administrative solution which I believe solves the problems it presented originally and which is remarkably similar to my preferred solution.

The reasons behind rising local telephone rates are complex. The problem does not lend itself to easy solutions. At the same time that we want to assure universal telephone service, we want to eliminate the incentive to bypass the local exchange, to encourage the development of new technologies, and to make a transition to a more competitive marketplace. Some of these goals may not be compatible. But, in my view, the FCC has announced its intention to adopt principles which I think ought to be incorporated into any national approach to the problem of rising telephone rates.

First, it seems to me that generous, targeted subsidies to maintain universal telephone service are appropriate, both for low income consumers and for high cost rural areas. I far preferred the high-cost fund in S. 1660 as introduced to that in the same bill as reported. The committee amendment, however, goes a long way toward correcting the deficiencies in this fund.

Among the FCC's options for a rural fund is one which subsidizes 80 percent of a company's costs over 110 percent of the national average. This is almost identical to the proposed committee amendment, and has my strong support, with two qualifications. I understand that the FCC is considering limiting this fund to companies with fewer than 50,000 access lines within a State. I do not believe that the fund should be limited to such small companies. In my State, at least one high cost company which serves rural, low density areas has more than 50,000 lines. A limit of 100,000 lines may be more realistic, if necessary, to separate largely rural companies from suburban ones.

My second qualification is that, if some line limit must be imposed, it apply only at the time the rule is promulgated. In other words, if a company qualifies at the time of rulemaking, it should not be possible to "grow" out of the fund. Without this provision, companies will face substantial, but perverse, incentives not to sign up new customers.

The second principle I am concerned about is that there should be a provision for lifeline service for low income and elderly consumers for whom the existence of a telephone may indeed be a lifeline. I prefer a system administered by the States. The FCC announced its intention to devise an exemption to access charges for those who may not be able to afford any end user charges. This should give the States additional flexibility to devise affordable lifeline telephone rates.

Third, I think that, because we have lived for a period of many years with significant subsidies for residential rates from business users, some retention of this subsidy may be in order. I think it is really quite important, therefore, to cap residential and single

line business access charges at $4 per month.

A limited access fee will reduce the present level of subsidy, estimated at almost $11 billion per year. In my view, maintaining that level of subsidy, granted regardless of need, is not in the public interest, because it keeps long-distance rates high and encourages inventive systems to bypass the telephone system. On this subject I would like to quote Mr. Robert Nichols, who testified at the joint hearings on behalf of Consumers Union and spoke in favor of phased-in, limited, customer access charges:

> Why don't I suggest that we eliminate access charges for everybody? I am concerned, and I think residential consumers are concerned, that we adopt a bill that works, and if we want to adopt a bill that works, we need to address the bypass concern responsibly. We think that if you have a modified access charge plan, funded through an equipment tax or a fee that the FCC places on transmission, and have a targeted but substantial support mechanism for those with low income and the rural areas, you have established the kind of package which will work.[1]

I agree with Mr. Nichols. The FCC's move in the direction of access charges, now made predictable and more gradual, is necessary to deal responsibly with the threat of bypass. Otherwise we are gambling with the quality and affordability in the long run of our telephone system.

For myself, I would be agreeable to putting the FCC's carrier proposals into statutory language. Such a goal, however, seems impossible to attain now, given the unacceptable nature of the House bill on this subject. I hope that the FCC decision will give us breathing room to do the job right during the course of the next year or two.

I believe all of us share the same goal: To maintain the same high quality, affordable telephone service that we enjoyed in the past. We are in a new, competitive environment, however, and the means by which we achieve that end will necessarily differ from those used in the past.

The FCC appears to be reaching a workable, reasonable approach to telephone rates and allocation of costs. If a threat to universal service does develop, the FCC retains the administrative flexibility to deal with that threat. And as we gain more experience with the effects of AT&T's divestiture, Congress will be prepared to step in and legislate, if necessary, to protect universal telephone service. For now, we should leave the subject to the FCC.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

[1] Joint hearings, p. 363.

The assistant legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSAL TELEPHONE SERVICE

Mr. GOLDWATER. Mr. President, I believe the Senate would save itself a great deal of time if we would decide right now to hold off any action on telephone legislation until at least next year. In response to the letters many of us sent to it, the FCC has now given us a whole year to let the industry work out some answers for itself before any residential access charge will go into effect and the Commission has made other changes which are responsive to the interests all of us share in having universal telephone service and a sound telecommunications system for the Nation.

The FCC made a tentative decision last Thursday to delay any access charges for residential and small business customers until 1985. Even if a charge does go into effect next year, it cannot become any higher than $4 a month until 1990. The Commission will meet again this Wednesday to consider whether to make its decision final. Once it is final, this means there will be no access charge for us to legislate against in 1984.

Mr. President, the Commission has also directed its staff to find ways of providing even more funds to support the service of customers in rural areas. And it has decided to reduce a planned increase in the charge that local telephone companies can bill MCI, Sprint and other interstate competitors for connecting with local facilities.

It seems obvious to me that in light of these FCC actions, we should not legislate on telephone matters until we have some actual facts to consider and deal with. We should see how well the telephone companies and AT&T and the competitive interstate carriers do in the first year after divestiture. We should have further results of State commission actions on tariff requests and access charges. Certainly we should wait until we know what the FCC will decide when it develops a new plan, as it has said it will do, by the end of this year.

And, we should await the results of a study of telephone issues which I asked the Congressional Budget Office to make last November and which they have agreed to undertake. I have seen a completed draft of this study. It is still being reviewed within the CBO, but I am hopeful the final paper will be available to us shortly. From what I have seen, I suspect the CBO report will indicate that there is no sound reason for legislatively overturning the FCC's decisions.

Mr. President, although I do not believe we should proceed with the bill, I would like to review with my colleagues the reasons why I opposed S. 1660 in committee.

First of all, the bill is anticompetitive. It reimposes a form of legislative regulation on the telephone industry and reestablishes subsidies, instead of encouraging open market conditions.

Second, I am concerned the legislation will slow up the development and use of technology by interstate carriers and local telephone companies.

Third, I am certain the bill will result in much higher monthly rates for all users who remain with and do not bypass the telephone network.

Fourth, the bill will replace a well-conceived FCC universal service fund with a scaled-down, discriminatory plan that leaves a great many rural residents without any relief at all. I have heard that the proponents of the bill recognize this defect in the measure and may offer an amendment to correct it. Even so, there are many other fundamental defects in the bill which are not answered.

Mr. President, I voted against S. 1660 in the Commerce Committee and I would vote against it again, if the bill should be brought to a final vote. The bill will harm the very customers it claims to help and it poses a serious threat to universal service by forcing large users to set up their own communications systems.

To put the subject in context, we should keep in mind the complete restructuring which has taken place in the telecommunications industry in the last 15 years. Some of these changes came about because of FCC decisions and some of them because of court decrees or settlements. Whatever we may think about these developments, the result is that competition in long-distance service and the breakup of AT&T are now realities. We must recognize and understand the impact of what has occurred and not act in haste.

The purpose of the latest FCC decision is to move the telephone industry toward a cost-based pricing system appropriate for the deregulated, competitive future. The huge cross subsidies of past years will no longer work in the new competition. The large customers of the telephone companies will not pay the higher price. All they have to do is leave the network and build their own system.

The fact is that the cost of operating the local telephone exchange plant is significantly greater than the present charge for local service. During the monopoly era, the Bell System, acting on the direction of State and Federal regulators, had priced its long-distance rates significantly higher than cost in order to provide more and more funds to subsidize the cost of the local facilities. This arrangement kept long-distance rates higher and local rates

lower than they would have been otherwise.

But if the subsidies continue, the technology is now available to allow the large users of long-distance service to build their own systems or turn to alternate suppliers and thereby bypass and weaken the local or national telephone system in order to avoid these built-in subsidies. The threat of bypass is not a futuristic concern. It is a real and present danger for most local companies.

The FCC's access charge decison would withdrawn most of the long-distance subsidy over a gradual transition period, leaving in place only a small subsidy for rural and high-cost areas and for low-income customers. In order to allow the newly-divested local operating companies to cover the actual expense of their local exchange plants, the Commission proposed a system designed to charge users of the local loop for the true cost of their local service over a period of 6 years. These so-called access charges are to be assessed by the local companies to both residential and business users.

The monthly residential access charge was scheduled to start at $2 in 1984 and rise to $3 in 1985 and to $4 in 1986. The FCC's tentative decision of January 19 puts any such charges off until the FCC completes a study later this year and caps any residential charge at $4 until 1990. The monthly business access charge will continue to be $6 in this period, except for small businesses which will pay the same lower rate as residential users. Long-distance rates are to be reduced proportionately as the access charges are put into effect.

In fact, long-distance charges may come down by 15 percent as soon as an access charge is implemented and by as much as 40 percent at the end of the transition period. This would benefit the big majority of telephone customers.

At present, 55 percent of all long-distance calls are made by residential, not business customers. Industry figures show that 97 to 98 percent of all homes make long-distance calls each year. The average residential customer actually pays more now for long-distance service than for basic service. If S. 1660 passes, these planned interstate savings will not occur.

In addition to providing for major reductions in long-distance rates, the FCC plan would help smooth the transition to cost-based pricing by setting up a universal service fund. The fund would contain approximately $900 million made up of a surcharge on long-distance interstate calls, perhaps 1 cent a minute. High-cost companies would be reimbursed from the fund for the part of their costs exceeding 115 percent of national average costs. Also, the FCC announced last week it will find additional ways to provide even more support to these small companies and small exchanges.

The Commission also is concerned that its decisions will not cause low-income people to drop telephone service. To prevent this from happening, the Commission decided that State regulators can and will be encouraged to set up lifeline services under which the poor or unemployed are completely exempt from paying the monthly access fee.

The burden of absorbing the cost of lifeline service does not have to be shifted to all other residential customers. It is possible to put a small charge of about one-half cent a minute on interstate service to support such a program for the poor.

S. 1660 also includes a lifeline program, but the bill expands the subsidy to qualify moderate income persons as well as people at the poverty level. This is too expensive, and it would subsidize people who can afford to pay themselves.

Mr. President, I think we should pay some attention to the issue of bypass. Bypass may be the single most significant threat facing the national telephone network. Bypass is the capability of a customer or interexchange carrier to provide long-distance or local service without access to the local operating company facilities. Many bypass technologies and services already exist: high power satellite systems, private microwave systems, coaxial cable used in two-way cable television systems, optical fiber, cellular radio, teleports, FM subsidiary radio, multiple access radio, common carrier paging, specialized mobile radio systems, and private carrier paying systems.

One reason the potential impact of bypass is so great is that only 5 percent of a typical local operating company's business customers generate 50 percent of the company's total business revenue, and 1 percent of these business customers generate 30 percent of that revenue. These customers are precisely the ones who can and will seek alternatives to the switched network if they are required to pay subsidy costs well beyond the true costs of service. If a local telephone company loses a substantial number of these largest users, rates for remaining customers, both business and residential, will be raised drastically to recover the expenses of operations.

The answer to bypass is not a total prohibition on the use of new technology, nor is it a penalty or tax on alternative communications, as the bill would impose. The only sound way to deter bypass is to do away with the present massive subsidy that long-distance users pay to prop up local operations. As mentioned earlier, the FCC would gradually remove most of this subsidy, about 90 percent of it. S. 1660, however, would retain most of this subsidy for at least 2 more years. Passage of the bill may cause long-distance users to doubt that Congress would allow the subsidy to end even then. Once Congress passes a bill, businesses might assume Congress would extend the prohibition after 1985. This uncertainty would encourage bypass to increase even faster than it already is.

Mr. President, I will close my remarks by discussing a final issue, the claim that local rates may double and triple.

In the first place, increases of this magnitude have not happened. And, the pressures for increases do not come from the latest decisions of the FCC, which are an effort to adapt the telephone industry to the competitive situation resulting from divestiture.

The nationwide average customer's bill is $37. About half, or $18.50, is long distance. The rest is the basic local rate, the fee to lease a phone, an installation charge, local and Federal taxes, and any special services, such as an unlisted number. Customers can bring down these costs by purchasing their own phones and doing their own installation.

The FCC decision may add $2 to that monthly bill. Long-distance reductions may offset all or most of that increase, especially if a 15-percent reduction is approved. More people will likely make long-distance calls, or make more calls, if rates are cut.

The FCC issued a report on December 21 that found most States are not granting massive rate increases. The Commission examined 351 rate cases from 296 companies and another 125 pending cases and discovered that State utility commissions approved only 40 percent of the total requests applied for by the Bell companies and major independents in 1983. These increases would raise rates by less than 6 percent, not by 100 or 200 percent. In any event, local rate increases are not related to FCC decisions. Local rates are influenced by other factors, especially inflation of wages and maintenance costs.

Mr. President, if any further study is needed, the FCC has given us another year to do it in. I urge we set the bill aside and move to other business.

Mr. President, I suggest the absence of a quorum.

Mr. PACKWOOD. Mr. President, will the Senator withhold?

Mr. GOLDWATER. Yes.

Mr. PACKWOOD. Mr. President, I will announce for the information of Senators who were not here earlier that there will be a vote on the motion to table the motion to proceed about 3 o'clock, give or take 5 minutes. That will be a rollcall vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand that at this point we are mainly prepared for a brief statement from the distinguished Senator from New Jersey (Mr. LAUTENBERG). If not, maybe the Senator from Alaska is prepared.

Mr. STEVENS. Will the Senator yield to me?

Mr. DOLE. I am happy to yield to the Senator.

ORDER FOR STAR PRINT—SENATE RESOLUTION 308

Mr. STEVENS. Mr. President, I introduced a resolution on this matter when it was before the Senate earlier this week. I would like unanimous consent to modify that resolution. I ask unanimous consent that a star print of my previous resolution, Senate Resolution 308, be printed. It incorporates changes that have been made in the discussions here. I am not going to ask for consideration of it today. I think that it is something that we need to study.

I am hopeful we shall be able to bring it up soon, hold a day's hearings on it or whatever, if that is necessary. I do not really think it is. In any event, I want to make certain everyone sees it before the vote.

It is still my position that we should take steps to notify the Federal Communications Commission that the Congress is watching what it does in the postdivestiture period other than the access charge. That is what this resolution covers. I do ask unanimous consent that a star print be made of my resolution, Senate Resolution 308.

Mr. BAKER. Mr. President, reserving the right to object, do I understand correctly that the Senator is asking only for a star print?

Mr. STEVENS. That is right.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that that resolution stay at the desk in the event any Senator wishes to cosponsor it today before it is printed as a star print.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the Senator from New Jersey is ready now.

Mr. LAUTENBERG. Mr. President, we shall soon be turning to a vote on this matter. The vote will be on a tabling motion, but the question before the Senate is simply—should this Senate legislate? Does this Senate believe now is the time to legislate on telecommunications policy?

Given the uncertainty; Given the fallout of confusion after divestiture; and, most importantly, given the welcome, if belated recognition of our concerns by the FCC.

Should we legislate?

Or should we stay our hand instead? Should we stay our hand knowing that there will be no access charges for 1½ years on residential and small business consumers; knowing that finally the FCC will establish a program of mandatory relief for impoverished users of telephone service; knowing that the FCC will enhance support for the smallest and neediest rural telephone systems; knowing that we can exercise oversight; knowing that we have made a point at the FCC?

I say we should stay our hand.

Mr. President, I sponsored legislation on telecommunications. In S. 1677, I originally sought a 1-year delay of the FCC's access charges. I sought the guarantee of lifeline support for the needy—wherever they may live—in order to assure universal access to our all-important information network—the telephone system. The principle of a moratorium is the heart of the bill we have before us. S. 1660 is, simply, a moratorium.

Why a moratorium? To enable the Commission and the Congress to ask the questions that need to be asked.

We need time to see what the scope of rate increases will be on the local level, and what the added burden of any access charge would be.

We need time to investigate the threat of bypass. How likely are people going to be to build private networks, bypassing the public network, if we do not offer them service priced close to cost?

We need time to pace the transition down the road that began with divestiture and will be marked by competition. But no one said how fast we had to travel. No one said we had to travel at breakneck speed, with too little regard for those who might be left behind.

Mr. President, the principle of a moratorium, embodied in the legislation before us, is the principle that the FCC adopted last week, and confirmed just yesterday. The FCC, after threatening to push ahead with access charges, after threatening to move too quickly down a new regulatory road, has decided to step back to ask more questions; to opt for a more deliberate approach; and to move more gradually. What the legislation seeks, a moratorium, Mr. President, the FCC has delivered.

I cannot help but think of what people have said, time and time again about the AT&T breakup itself. They have said, "If it ain't broke, don't fix it." I propose a corollary. "If it was just fixed, don't fix it again." The FCC cannot fix the breakup that, for better or worse, is behind us—but they did fix their access charge decision.

They fixed access charges at zero for 18 months.

The Commission pledged that in no event would such charges exceed $4 per month before 1990. That is a far cry from $4 a month in 1984 as was possible under its original decision last February. Savings to consumers in those years could amount to well over $200.

The Commission has pledged to conduct an appropriate study of the threat of user charges on universal service and bypass.

The Commission is going to solicit comments from all quarters.

And the Commission said it will conclude its proceeding in December. That would provide Congress ample time to exercise its oversight function.

The Commission proposed the creation of a mandatory system of rate relief for the poor.

The Commission proposed enhanced relief for the smallest rural telephone companies, where relief is most needed.

Mr. President, the Commission has come very far. And lest we think they will backslide, I would like to refer to a letter I received today from the chairman of the FCC, Mark Fowler, in which he affirms his commitment to critical elements of the Commission's most recent decision.

I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., January 25, 1984.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUTENBERG: This letter is in response to your request for an update on the Commission's actions with respect to access charges.

The Commission today affirmed its January 19 Tentative Decision to delay collection of the $2 end user charge after reviewing the pleadings filed in response to our invitation seeking comment upon the January 18 access charge letter signed by 32 United States Senators. Some 24 parties filed pleadings, and the comments were generally supportive of the proposals in the letter and the Commission's Tentative Decision.

Accordingly, collection of end user charges from residential and single line business customers will be delayed until after the completion of further proceedings. The proceedings to be conducted include: (1) a further rulemaking to devise exemptions or target assistance for subscribers who may not be able to afford end user charges; (2) a further inquiry into the effects upon universal service of end user charges as well as federal decisions in general; (3) a further inquiry to compile more detailed data upon the extent and dangers of bypass; (4) a further rulemaking to adopt

more effective mechanisms to meet the needs of smaller telephone companies for more assistance; and (5) a further rulemaking to examine how best to implement an end user charge for residential and single line business customers. The Commission has voted to establish a gradual transition stretching to 1990 with a $4 cap during the phase in, and I am personally committed to implementing that plan. Although no precise schedule was set, the Commission directed its staff to attempt to complete these further proceedings by December 1, 1984, so that it would be possible for any new plan and tariff arrangements to be put into place by June 1985.

Regarding exemptions from end user charges, the Commission was concerned that it had received "life line" proposals from only two states, New York and California. The Commission felt that a more comprehensive approach was required to assure the availability of any necessary assistance to residents in more states before end user charges could be implemented, and we will use the additional time to devise such a program.

The Commission said that it was important to examine the effects upon universal services of the dramatic changes presently occuring in the telephone industry, especially those pertaining to the divestiture of AT&T. It expressed special concern about large users building private communications systems to "bypass" local telephone exchanges. As such users abandon the public network, the general public has to pick up more costs in the form of higher rates which could pose the most immediate threat to maintaining universal telephone service.

The Commission noted that it was critical to ensure that small telephone companies received additional assistance in light of their smaller bases of business subscribers and less flexibility to recover above average costs. It said the immediate focus of the rulemaking in this area would be upon two options: (1) giving smaller telephone companies latitude to collect end user charges or not; or (2) increasing assistance for local exchange carriers with less than 50,000 loops in a study area to cover 80 percent of loop costs between 110 percent and 200 percent of the national average. However, the Commission welcomes other options in addition to the Commission's two alternatives.

The Commission's decision also affirmed its action establishing a 55% total differential for OCCs with "unequal" access, expanding the exemption categories for the private line surcharge, and clarifying that access charges are not applicable to radio common carriers. Although some other issues under reconsideration remain, the Commission directed the staff to expedite work so that the text of a comprehensive Commission decision could be released as soon as possible.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

MARK S. FOWLER,
Chairman.

Mr. LAUTENBERG. Mr. President, at this point in my remarks I would like to address a question to my colleague from Kansas on the issue of pension portability rights. As the Senator knows, concern has arisen among those workers affected by the consent decree implementing the AT&T divestiture about their ability to transfer pension rights between companies. Because this issue was addressed in the decree, Federal legislation is necessary to revise the Court's order. No Federal money is involved.

I have been given assurances by officials at AT&T and major operating companies that they have no objection to legislation addressing this issue. Indeed, a vice president for Bell Atlantic, the regional operating company that serves my State, had said: "Bell Atlantic does not object to these portability provisions as they are defined in H.R. 4102,"—that is the House telephone legislation—"and further, would support such provisions were they placed in appropriate legislation." I repeat, Bell Atlantic "would support such provisions."

I ask unanimous consent that the letters I have received from AT&T, the Central Services Organization on behalf of all seven regional operating companies, and from Bell Atlantic—be printed in the RECORD at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AT&T,
New York, N.Y., January 26, 1984.

DEAR SENATOR LAUTENBERG: This refers to discussions on S. 1660 and the difficulty which it would cause the telephone industry and its customers.

I am concerned at this late hour about two specific items. The first is efforts to urge passage of S. 1660 because it could provide a vehicle for attainment of the Union's objective of pension portability between companies of the former Bell System. I can speak for AT&T to say that we have no objection to pension portability. And I believe the divested Bell companies do not regard this as a difficult issue when compared to others at stake in this legislation. What is disturbing is that it is extremely shortsighted and a long-run detriment to the individual employees to endorse the destructive features of S. 1660 and its companion H.R. 4102 in order to attain a pension feature that is not in dispute.

The second item is the discussion about accommodating the advocates of S. 1660 and H.R. 4102 by providing for an additional delay before a reconsidered FCC order could be made effective. This idea merely prolongs the high costs and uncertainty which now exist because of the FCC postponements. And it re-injects the Congress into the telephone rate-makeup debate on into 1985 and possibly beyond. This industry is going through a bad period now and needs to be able to plan its way through the next few years. Rate-making belongs in the regulatory commissions and legislative action can always be taken if actual harm is discovered.

Please let me know if I can furnish further information.

Sincerely,

C. L. BROWN.

CENTRAL SERVICES ORGANIZATION,
January 24, 1984.

HON. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUTENBERG: This letter is written at the request and on behalf of the seven companies which now own and operate the Bell operating telephone companies. It is written for the purpose of answering questions and dispelling any confusion which may exist with regard to the position each of them has taken with respect to the "pension portability" proposal which is being advanced to the Congress. We understand that proposal is generally designed to protect certain employment rights of qualified employees of the former Bell System in the event of future employment moves between employer corporations which formerly were, but now are not, related.

Their position is simply this:

(1) There is no substantive quarrel with the objectives or specific goals of such a proposal.

(2) The inclusion of this kind of issue in a bill like S. 1660 is inappropriate, untimely and unnecessary.

(3) There would be no objection on behalf of these companies to the inclusion of such a proposal in an otherwise appropriate legislative vehicle.

Of course, this position has been explained by each of these companies to each of the labor organizations which represent their employees.

I hope this explanation is helpful to you.

Very truly yours,

MICHAEL D. BAUDHUIN,
Vice President, Government Affairs.

BELL ATLANTIC,
January 25, 1984.

Hon. FRANK R. LAUTENBERG,
U.S. Senator, Senate Hart Office Building, Washington, D.C.

DEAR SENATOR LAUTENBERG: This is in regard to the issue of pension portability provisions as represented in the House bill, H.R. 4102. We understand the expressed desire of the labor unions representing Bell Atlantic employees to have similar provisions introduced in legislation.

Bell Atlantic does not object to these portability provisions as they are defined in H.R. 4102, and further, would support such provisions were they placed in appropriate legislation other than S. 1660.

Thank you for the opportunity to clarify our position on this matter. Please do not hesitate to contact me.

Sincerely yours,

SAM FORD.

Mr. LAUTENBERG. As the Senator from Kansas knows, this is an issue of deep concern to me. I understand that the Senator from Kansas has had the opportunity to discuss this issue with the distinguished majority leader and the chairman of the Labor and Human Resources Committee, the Senator from Utah (Mr. HATCH), today.

I ask what assurances the Senator can offer at this point that the Senate will have an early opportunity to take action on legislation which addresses the pension portability issue, and which would have been offered as a committee amendment to S. 1660.

The Senator from Kansas can well understand that many, many workers will be left uncertain about the security of their hard-earned benefits until we can take such action. The Senator knows that we will have a very short session this year, with the bulk of our work done essentially by this summer.

Can the Senator extend his assurances to early consideration of such an

amendment, to be considered on a piece of legislation that will go to the White House and be signed by the President? As my colleague well knows, there are only a few such vehicles available to us this year. Can the Senator assure me on that score?

Mr. DOLE. Mr. President, the Senator from New Jersey has made known his concern about pension portability rights to me, and I share his commitment to early Senate action on this issue.

The general issue of pension portability, as it would affect all qualified pension plans, has been the subject of several hearings and much debate. However, the advisability of pension portability as a general matter is not at issue here, and this Senator sees no reason why this limited issue could not be resolved without undue delay. With the AT&T divestiture, we are dealing with an extraordinary situation that has been caused by divestiture itself. The issue we are addressing is one of placing former Bell System employees in the same position, with respect to the transferability of their service credits for pension purposes, that they were in before the divestiture.

Prior to divestiture, it is my understanding that employees of AT&T could transfer from one AT&T subsidiary to another AT&T subsidiary without losing any service credits for pension purposes. As a result of the divestiture, doubt has been cast on the ability of former employees to transfer from one unit of the former Bell System or its newly renamed entities to another without losing certain prior service credits for pension purposes. It should be pointed out that all that is being debated is postdivestiture service credits. All the affected parties, have agreed to full portability of predivestiture service credits, as well as portability for postdivestiture.

The position of the Department of Justice is reflected in the comments the Department filed in the district court on March 24, 1983, concerning AT&T's plan of reorganization. At that time, the Department of Justice did not oppose the AT&T plan of reorganization, and I have been assured by the Department of Justice that they do not oppose legislation providing for the transferability of service credits for pension purposes for former Bell System employees.

I might add that I have just received a letter from the Department of Justice, which I ask unanimous consent to have printed in the RECORD following this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, as I understand it, the Senator from New Jersey is correct in that AT&T and the local operating companies have all agreed to allow employees to transfer from one operating company to another without losing service credits for pension benefit purposes, which is the same service credit transfer rights that these employees had prior to divestiture.

I have had an opportunity to speak with the majority leader; with the chairman of the Committee on Labor and Human Resources, the Senator from Utah; and with the chairman of the Subcommittee on Labor, the Senator from Oklahoma. I have received personal assurance from the majority leader that an early opportunity will be made available for the Senate to act on such legislation after consultation with the appropriate committee chairmen. The distinguished chairman of the Labor and Human Resources Committee and the distinguished chairman of the Subcommittee on Labor have also agreed to work with us to have this issue considered at the earliest opportunity.

Let me emphasize that we would not be addressing the general question of pension portability, but only in the limited context of Bell System employees who transfer from one unit of the former Bell System to another and who may be adversely affected by divestiture.

I certainly understand the Senator's concern on this issue, and I know that his support for deferral on legislation today was arrived at with the understanding that such assurances could be given. I wish to put his mind to rest. I can assure the Senator that he has my commitment to the earliest possible consideration of this issue.

Mr. LAUTENBERG. I deeply appreciate the assurances of the Senator from Kansas.

Mr. DOLE. This Senator believes there will be an appropriate vehicle which would allow Senate consideration of this issue before this summer.

Mr. LAUTENBERG. I thank the Senator from Kansas for his assurances. For the information of my colleagues, if the tabling motion of S. 1660 does succeed, my good friend from Kentucky, Senator FORD, and I will be introducing the pension portability language to which I have referred. We will introduce it as a bill, or as an amendment to another bill, so that, consistent with the assurances made clear today, we can secure speedy resolution of this remaining problem. We welcome the sponsorship of other interested Senators, and we will be working with the leadership to secure scheduling of this matter at the earliest convenience of the Senate.

Mr. PACKWOOD. Mr. President, will the Senator from Kansas yield to me for a question?

Mr. DOLE. I should like to conclude.

Mr. PACKWOOD. All right.

Mr. RIEGLE. Mr. President, will the Senator yield before he does that, so that this point may be discussed, or does he wish to finish?

Mr. PACKWOOD. I want to talk about this point.

Mr. RIEGLE. So do I.

Mr. PACKWOOD. I want to ask the Senator from Kansas a question about this issue.

Mr. DOLE. Let me finish the one point.

The Senator from New Jersey has just indicated that he is going to introduce legislation, and I was asked to respond to that.

Mr. LAUTENBERG. Mr. President, I think I still have the floor. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. I want to yield to the Senator from Kentucky, who wishes to participate in this colloquy.

Mr. FORD. I thank my distinguished colleague from New Jersey.

Mr. President, I should like to take a moment to thank the distinguished Senator from New Jersey (Mr. LAUTENBERG) and the distinguished Senator from Kansas (Mr. DOLE) for their efforts in this matter.

I think Senator LAUTENBERG has devoted the better part of the last 3 days to trying to resolve the pension portability question.

To my knowledge, there is not any disagreement on the pension portability question. The question is how the Senate will act on the matter and the need to act immediately.

I believe that Senator LAUNTENBERG and Senator DOLE have reached an agreement that will satisfy the Senate and that the issue of pension portability will be resolved expeditiously.

I commend the Senators again. I think both Senators were aware of my interest in the pension portability question. I look forward to working with both of them and to the joint sponsorship with Senator LAUTENBERG of a bill or an amendment as it relates to pension portability. I again compliment my two colleagues.

Mr. LAUTENBERG. I thank the Senator.

Mr. President, I believe the Senator from Kansas wishes to add something.

Mr. DOLE. Mr. President, I just want to confirm what I indicated to the Senator outside the Chamber a few moments ago, that we have the language of the proposal the Senator from New Jersey intends to introduce.

I have indicated to him that, obviously, I am not an expert in that area, but I have had staff go over it. We have no quarrel with the concept. It may be necessary to make technical adjustments to the legislation. The intent of the legislation is very clear; it is what we have agreed on.

I also indicate that it is also confirmed—not the specific legislation but the principle—in a letter from the De-

partment of Justice, dated January 26, in which they say:

We would not object to consideration of legislation that provides for the continued transfer of such service credits, provided that such legislation in no other way affected the modified final judgment entered in *United States* v. *AT&T.*

That will be part of the record.

Mr. LAUTENBERG. I thank the Senator for the clarification and the assurance.

I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE, ASSISTANT ATTORNEY GENERAL, LEGISLATIVE AFFAIRS,
Washington, D.C., January 26, 1984.

Hon. ROBERT J. DOLE,
Chairman, Committee on Finance,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter responds to your inquiry concerning the position of the Department of Justice concerning the transfer, following the divestiture on January 1, 1984, of service credits of employees of AT&T and the Bell Operating Companies as of December 31, 1983, among AT&T and the new regional operating companies. As reflected in the enclosed comments the Department filed with the Court on March 24, 1983, the Department of Justice did not object to the free transfer of service credits (i.e., pension portability rights) as provided in the AT&T Plan of Reorganization as submitted to the District Court.

Accordingly, we would not object to consideration of legislation that provides for the continued transfer of such service credits, provided that such legislation in no other way affected the modified final judgment entered in *United States* v. *AT&T* or otherwise departed from the terms of the plan of reorganization as approved by the Court in that proceeding.

I wish to emphasize that the Department of Justice remains strongly opposed to any legislation, such as S. 1660, that would in any way alter the telephone regulatory system established by the FCC.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

[United States District Court for the District of Columbia, Civil Action No. 82-0192]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* WESTERN ELECTRIC COMPANY, INC., AND AMERICAN TELEPHONE AND TELEGRAPH COMPANY, DEFENDANTS

RESPONSE OF THE UNITED STATES TO PUBLIC COMMENTS AND ACTION ON AT&T'S PROPOSED PLAN OF REORGANIZATON

William F. Baxter, Assistant Attorney General, Antitrust Division; Ronald G. Carr, Deputy Assistant Attorney General, Antitrust Division; Richard O. Levine, Director, Office of Policy Planning, Antitrust Division; James P. Denvir; Michael F. Altschul; Luin P. Fitch; Michael D. McNeely; J. Philip Sauntry, Jr.; Jack D. Sidorov; Alan L. Silverstein, Attorneys, Antitrust Division, United States Department of Justice, Washington, D.C.

MARCH 24, 1983.

* * * * *

rights will be the obligation of the company for which a retired employee last worked or to which an active employee is assigned. Plan at 282.

3. *Portability of benefits*

The BSPP interchange agreements provide for the recognition of service credit between AT&T and the participating BOCs for the purpose of preserving the pension levels and benefits of employees who transfer between companies. As described by the CWA (p. 5) in its comments,

"Portability . . . provides the labor force with a full measure of security and mobility, and also enables all participating employers to meet their staffing requirements with trained and experienced workers. Such flexibility is particularly important during cycles of business growth and change, such as are likely to occur during and after the transition to a competitive market."

As mentioned above, the Department believes that the Decree requires the cancellation of the Bell System's interchange of benefits agreement.[1] However, since the current interchange of benefits agreement is contained in a contract that is scheduled to expire in August 1983,[2] the parties may negotiate the portability terms of the post-divestiture BSPP this summer. In that regard, we view Section I(D)(4)(a)(iii) of the Plan ("Recognition of Bell System Service Credit") as descriptive of a portability provision that is consistent with the Decree. In approving this section of the Plan, we do not intend that the Plan proscribe the parties' collective bargaining on this point.

The Department agrees, therefore, with the CWA that the interchange of benefits agreements can be the subject of collective bargaining.[3] Of course, a private agreement between the CWA and the BOCs must yield to the Court's equitable power to enforce its judgments. *See* AT&T Response at 399-400 n.[3] Accordingly, the non-discrimination requirements contained in Section II(B) of the Decree bind the BOCs and may not be superseded by collective bargaining—as would be the case if the current Bell System interchange of benefits agreement were continued after divestiture. Thus, so long as the interchange agreements do not involve favored economic relationships between AT&T and the BOCs, they may be agreed to by the BOCs.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD other letters in connection with this matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

New York, N.Y., January 24, 1984.

DEAR SENATOR BRADLEY: You inquired as to AT&T's reaction to the "portability of pension" matter in connection with the Bell System divestiture.

I believe that the interest of the various Unions in H.R. 4102 and S. 1660 relates primarily to their desire that if a member transfers from one unit of the former Bell System to another, his or her pension eligibility remain intact. This is a feature of H.R. 4102 and could be introduced as an amendment to S. 1660.

AT&T has no objection to "portability" if defined this way and would not be concerned if it were enbedded in some other legislation. Our concern relates to the other features of these particular two bills. We would regard it as a tragedy if "portability" were attained at the expense of legislation which saddled us all with features far more destructive and important to employees.

Although I do not speak for the divested units of the Bell System, I have no doubt that they feel the same way about this matter.

Please let me know if I can provide any further information on this subject.

Sincerely,

CHARLES L. BROWN,
Chairman of the Board.

SOUTHWESTERN BELL,
Washington, D.C., January 24, 1984.

Hon. ROBERT J. DOLE,
Senate Hart Office Building, Washington, D.C.

DEAR SENATOR DOLE: This is in regard to the issue of the pension portability provisions in the House bill, H.R. 41002, and the expressed desire of the Communications Workers of America and other unions to have similar provisions introduced as an amendment to S. 1660.

Southwestern Bell does not object to the portability provisions as they are defined in H.R. 4102, and further, would not object if these provisions were placed in another piece of legislation other than S. 1660.

If I can be of any further assistance in this matter, or if you have any questions, please do not hesitate to contact me.

Sincerely yours,

ROBERT A. DICKEMPER,
Vice President, Federal Relations.

MOUNTAIN BELL,
NORTHWESTERN BELL,
PACIFIC NORTHWEST BELL,
January 25, 1984.

Hon. ROBERT DOLE,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOLE: This letter is written for the purpose of answering questions and dispelling any confusion which may exist with regard to Mountain Bell, Northwestern Bell, and Pacific Northwest Bell's position taken with respect to the "pension portability" proposal which is being advanced to the Congress. We understand that proposal is generally designed to protect certain employment rights of qualified employees of the former Bell System in the event of future employment moves between employer corporations which formerly were, but now are not, related.

Our position is simply this: (1) There is no substantive quarrel with the objectives or specific goals of such a proposal; (2) the inclusion of this kind of issue in a bill like S. 1660 is inappropriate, untimely, and unnecessary, and (3) there would be no objection on behalf of our company to the inclusion of such a proposal in an otherwise appropriate legislative vehicle.

I hope this explanation is helpful to you.

Very truly yours,

EUGENE L. PFEIFER,
Vice President.

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[1] AT&T proposes to eliminate the current interchange agreements. Plan at 285. Limited interchange agreements will be executed to facilitate certain post-divestitute transfers. Plan at 286-88.

[2] Contracts negotiated in 1980 are scheduled to expire in August 1983, at which time the parties may renegotiate the terms of the BSPP. Comments of CWA at 2 n.3.

[3] As the Court stated in its August 11, 1982 Opinion, "it is clear that, notwithstanding the separation of the operating companies from the Bell System, there will be no obstacle either to adherence by any of the restructured segments of the Bell System to the terms of existing collective bargaining agreements or to their abiding by such memoranda of understanding as may have been or may hereafter be negotiated with the union." *Opinion,* 552 F. Supp. at 210.

BELLSOUTH CORP.,
Atlanta, Ga., January 25, 1984.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate, Washington, D.C.

DEAR SENATOR BAKER: This is in regard to the issue of pension portability and the concerns expressed by the Communications Workers of America. BellSouth Corporation, and its operating telephone subsidiaries Southern Bell and South Central Bell, have no substantive objections to the pension portability provision as outlined in H.R. 4102. As we understand it, such portability would ensure that if an employee of one former Bell System unit transfers to another, that employee's pension eligibility would not change.

We do, however, strongly believe that if such a provision were incorporated into legislation it should not be as an amendment to S. 1660. The recent action of the F.C.C. obviates the need for legislation as outlined in S. 1660 and H.R. 4102. Passage of such legislation would add further confusion and uncertainty at a time when stability is sorely needed, and would work to the detriment of both our customers and employees.

Perhaps the best solution is for a pension portability provision to be attached to some other appropriate piece of legislation.

If I can be of further assistance in clarifying BellSouth's position, please let me know.

Sincerely,

JOHN L. CLENDENIN,
President.

AMERICAN INFORMATION TECHNOLOGIES,
Washington, D.C., January 25, 1984.

Hon. ROBERT J. DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR SENATOR DOLE: As the regional holding company for Bell Operating Companies in Indiana, Illinois, Michigan, Ohio, and Wisconsin, Ameritech would like to make our position clear as to the issue of "pension portability" as it relates to current congressional attention.

As you know, the concept of "pension portability" is designed to protect certain employment rights of qualified employees of the pre-divested Bell System in the event of future employment moves between employer corporations which formerly were, but now are not, related.

Our position on this issue is clear: (1) There is no substantive quarrel with the objectives or specific goals of such a proposal; (2) the inclusion of this kind of issue in a bill like S. 1660 is inappropriate, untimely, and unnecessary; and (3) we would not object to the inclusion of such a proposal in an otherwise appropriate legislative vehicle.

In other words, while we continue to strongly oppose enactment of S. 1660, we support "pension portability."

I hope this explanation is helpful to you.

Sincerely,

JOHN J. CONNARN,
Vice President, Federal Relations.

NYNEX CORP.,
Washington, D.C., January 25, 1984.

Hon. ROBERT DOLE,
Member of the Senate, Washington, D.C.

DEAR SENATOR DOLE: Regarding the issue of pension portability and the concerns expressed by the Communications Workers of America, NYNEX Corporation and its operating telephone subsidiaries New York Telephone and New England Telphone and Telegraph have no objection to the pension portability provisions as outlined in H.R. 4102. We understand that such portability would ensure that if an employee of one former Bell System unit transfers to another, that employee's pension eligibility would not change.

We do believe that if such a provision were incorporated into legislation, it should not be as an amendment to S. 1660. We suggest instead that such pension portability provision be introduced as a separate measure or that it be made part of other legislation.

If I can be of further assistance in clarifying NYNEX' position on this matter, please feel free to call on me.

Sincerely,

D. C. STALEY.

Mr. ABDNOR. Mr. President, if our action here in the Congress, or the action of the Justice Department or the FCC, results in forcing rural people to discontinue service, I will be dissatisfied. For that reason, I want to make sure that we keep the telephone industry on a sound footing. In fact, I would like to help improve the industry, and to that objective, I am here offering my thoughts, ideas, and recommendations.

I wish I was convinced beyond a reasonable doubt that S. 1660, the Universal Telephone Service Preservation Act, was the best solution. Then I would be not only supporting the legislation, but also offering amendments to improve it. As my colleagues heard me say 2 days ago in my opening remarks on this issue, this legislation does not offer small rural companies enough financial assistance during a time of uncertainty and change in the industry. I do not want to see rural areas disadvantaged by deregulation. Furthermore, I do not want to see rural areas "left in the dust" if the so-called information age or telecommunications revolution brings about a national computer network like many people are predicting.

Mr. President, I wish to discuss briefly the two proposals I think would improve S. 1660 considerably. By revealing them in the RECORD, it is my hope and expectation that this body and the Federal Communications Commission will take notice. This independent agency can expect my watchful and dutiful attention of its action. I shall not tolerate lip service. The Commission now has to prove to me that it means business.

ASSISTANCE FOR HIGH-COST SMALL RURAL EXCHANGES

The first of them deals with assisting small rural telephone companies who have high costs. It would have focused additional revenue support to exchanges having small customer bases over which costs may be spread. Mr. President, very small, isolated exchanges typically have higher unit costs than other small exchanges, such as those adjoining cities. I would have proposed that a separate high cost factor formula be established to add greater assistance for those who are susceptible to greater cost exposure. Residents in outlying areas rely heavily on the telelphone because they have no alternative, except distant travel, to communicate.

Much of the revenue allocation of the universal service fund of S. 1660 would have gone to rapidly growing new suburban residential areas. the economic conditions of these areas are quite different, and quite a bit better as a rule, I might add, from the conditions of truly rural areas.

My proposal would have left the high cost factor formula of S. 1660 in place. Here is a comparison of the two. I ask unanimous consent to have printed in the RECORD the comparison.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1660—High cost factor formula for qualifying companies

Costs exceeding national average:	*Percent*
110 to 150 percent	90
250 percent and greater	100

Amount of incremental cost recovery.

Abdnor proposed high cost factor formula for qualifying small rural telephone companies

Costs exceeding national average:	*Percent*
100 to 160 percent	90
160 to 250 percent	95
250 percent and greater	100

Amount of incremental cost recovery.

Mr. ABDNOR. Mr. President, to qualify for this new formula, a telephone company would have to have exchanges with fewer than 4,000 access lines and also have fewer than five subscribers per mile of line. The formula would begin revenue support at 100 percent of the national average instead of 100 percent; from 100 to 160 percent of the national average, cost recovery would be 90 percent. From 160 to 250 percent of the national average, cost recovery would be 95 percent, and for costs exceeding 250 percent of the national average, cost recovery would be a full 100 percent.

While this new formula is only slightly more generous, it would provide revenue relief where Americans are most susceptible to rate increases due to changes in the telephone industry. Rural American households earn $3,500 a year less than their urban counterparts on average. Consequently, they are not in as good a financial position to absorb additional expense.

If we are sincere in our promises to protect rural, high cost area sucscribers, then I feel we must put action and money behind our words and offer substantial yet reasonable assistance. My proposal would accomplish that objective, and not at tremendous cost because the number of subscribers affected by this assistance is relatively small compared to the total number nationwide. I hope the

FCC gives this formula serious consideration.

It is regretted that I cannot provide my colleagues with documentation of the cost associated with my amendment. However, perhaps a broad estimate would give us an idea of what it would cost. Suppose that 800 of the 1,400 telephone companies qualified for this formula, and that they averaged 2,500 access lines each. If my amendment provided these companies with $2 per month per access line additional assistance than does the formula in this legislation, then the total extra cost would amount to about $48 million. This is a very liberal estimate. Considering that phone revenues exceed $65 billion annually, it is not that much, either. In all fairness, I think that would be a small price to pay to insure telephone service in outlying areas.

HIGH COST TOLL ROUTE SUPPORT FUND AMENDMENT

Mr. President, my second proposal addresses a prediction of mine, an outcome which I think would be affirmed by anyone who has paid attention to what is happening to the telephone industry. If competition is to be pursued in the long-distance market, prices are going to have to be more flexible than regulators currently allow. That is, regulators are going to have to consider deaveraging toll rates if competitors are going to have something to compete about. I predict that within 5 years, this body will be dealing specifically with the deaveraged toll rate issue.

It was easy for me to be pretty bold about my prediction, because to a certain degree, it already has become a reality. Since other common carriers such as MCI are allowed to charge lower rates in certain cities than is AT&T, some select and favored phone users are afforded the chance to pay lower rates, and that in essence, is rate deaveraging.

If regulators allowed AT&T to compete pricewise with other common carriers, I am convinced they would do so. And if that occurred, I am sure that rates would drop for customers in New York, Boston, Washington, Miami, Chicago, Denver, Phoenix, Los Angeles, and hundreds of the other cities now served by other common carriers.

But at the same time, what would happen to rates in areas where no competition existed? There is no incentive for any interexchange carrier to lower rates where no competition exists. If toll rate deaveraging were to occur to the degree that a truly competitive market would allow it to, the pricing structure for telephone service, both local and long distance, would be far different from what it is today. For that matter, I fear that this kind of competition carried to an extreme would jeopardize universal service.

To be perfectly honest with my colleagues, I do not endorse or support toll rate deaveraging. But in the spirit of fairness my proposal is not an attempt to preserve the current pricing system.

My proposal would not—let me repeat, will not—stand in the way of competitive forces. Competitive forces must be allowed to take their course if consumers are to be treated properly—or at least that is what economists want us all to believe. I want to make sure the FCC is prepared for adverse effects of toll rate deaveraging before it occurs.

Let me read the language of this proposal:

Before considering the deaveraging of interstate toll rates, the Joint Board shall implement a plan to provide financial support from the Fund for interstate toll routes which exceed 100 percent of the national average of interstate toll routes throughout the United States.

While toll rate deaveraging may have benefits to offer most telephone customers, I do not think anyone here can deny that deaveraging will also require considerable adjustment of the way we price all of our telephone services today. We will have to take special pains to insure that all telephone customers are protected from serious price increases or service disruption which might occur because of deaveraging. Let me outline my concerns and the reasons for bringing this matter to our attention today.

Interstate toll charges provide a tremendous amount of revenue support for local telephone service. If toll rates decrease, local support also will decrease, implying that local charges will have to rise to accommodate the change. If deaveraging occurs, it first will occur where competition exists, and rates likely will fall in these markets.

Where no competition exists, typically lower volume and rural routes, toll rates probably will rise for two reasons: First, actual costs for providing service on a per-call or per-mile basis may be higher; second, where prices are based on value and not costs, and no countervailing competitive force is present, rate increases are very possible. While this proposal does not attend to this problem specifically, I would hope that the FCC would adopt appropriate monitoring procedures to guard against unwarranted and unjustifiable rate increases.

Again, I would suggest to my colleages that my amendment is not an impediment to competition or to market forces, or contrary to consumer's best interest. Rather, it is a safeguard to protect all telephone customers from undue rate increases. To that extent, my proposal is a necessary ingredient to maintaining universal telephone service.

IT'S OK FOR BUSINESS, BUT NOT OK OTHERWISE

Mr. President, in good conscience I must discuss another aspect of the telephone issue which is kept very quiet in this reversed Chamber. We avoid talking about it because it has a $2 billion string attached to it. Does it not seem unusual that the entire Congress is outraged by imposing an unfair $2 fee on residential customers while we really have not given any consideration of consequence to the ill-effects of imposing a fee triple that size on small businesses?

The backbone and pillar of cities and towns across the country are Main Street stores and businesses, and we have pinned on them a $6 monthly fee. Sure, we generously and benevolently exempted one-line businesses, but big deal. Compared to the number of businesses with two or three telephone lines, one-line businesses would seem small. How can we be so inconsiderate about imposing an additional $144 or $216 or more in annual costs on mom-and-pop stores when our public policy toward access charges is so inconsistent? If we do not have the courage in this body to address this fundamental inequity, then I hope the FCC will.

I would like to give the FCC another idea. If an exemption on one-line businesses is justifiable, then why were not all businesses allowed an exemption on their first line, and let them pay the $6 charge on all extra lines? Would that not have been a fair and equitable way to treat the public? It seems reasonable to me, but we have got the phantom of a finance problem if we allow more exemptions for the unfair access charge.

In the final analysis, Mr. President, all persons engaged in providing and using telephone network are going to have to work together in improving the telecommunications industry. It is a task of monumental proportions and we must be cooperative. State regulators, Federal regulators, lawmakers, telephone service providers and customers must be responsible and fair with each other if we are to insure the continuation of the world's finest telephone system.

There is no conspiracy taking place as some would like us to think. But there is plenty of blame, accusation, rivalry, scapegoating, and exaggeration going on, and it has got to stop. I believe the problems accompanying the changes in the telephone industry are manageable. I believe we can solve the problem satisfactorily. My involvement in this important issue will be devoted to protecting rural and small town residents from suffering the ill effects of competition and deregulation. And I pledge my support to our goal of achieving and preserving universal telephone service.

Mr. President. I am committed to action that truly and adequately protects the rural, the poor, the elderly, and the handicapped. Basic telephone service is a necessity for the social, economic, and psychological well-being of not just people in high-cost rural areas.

Universal telephone service benefits all of us. The telephone is that link which connects children with their parents, businesses with their customers, friends with friends, and even Senators with the people who hired them. Without universal service, our Nation will have lost that vital link that helps bind us all.

So long as the telephone issue is unresolved, you may all be assured that I will be at the forefront to protect rural America.

Mr. PACKWOOD. Mr. President, I ask the Senator from Kansas this question: In the House bill there is a provision taking care of pension portability, which is of great interest to the communication workers of America. It has been agreed to by the Bell operating companies and AT&T. At the time, there was no controversy over the provision. It had been my intention, when we got to this bill, to offer that pension portability provision as a committee amendment.

I do not know whether that agreement between the Bell operating companies and AT&T and the communication workers has come apart. It may not have. But several Senators have expressed to me objections to one portion or another of that particular provision in the House bill.

I want to make sure of what we were talking about when the Senator from New Jersey and the Senator from Kansas had their colloquy. Are they talking about accepting—with the exception of what they call technical amendments—the provision relating to portability that is in the House bill?

Mr. DOLE. If I correctly understand, the answer is, "Yes." There may be some technical changes.

I understand that the agreement has not fallen apart. In fact, we have a number of letters—which I think have already been made part of the record by the distinguished Senator from New Jersey—from AT&T and other operating companies to indicate that they are in accord.

I must confess that I have not read the exact language in the House measure, but I have gone over very quickly what may be proposed here, and I understand that they are pretty much the same.

Mr. PACKWOOD. I hope we can defeat this motion to table and if we get on the bill, I will offer, as a committee amendment, the amendment that is in the House bill. If by chance we do not get on this bill, I put the Senate on record, for those who think they will get the portability amendment easily, that there are other objections by other Senators. The agreement may not have fallen apart between the CWA and AT&T, but there are Senators who are going to oppose it. We are talking about a short session this year. We are talking about the possibility of adjourning in June. We are talking about all the budget problems that we faced before. I do not want anyone to think that because this particular issue is laid aside now that portability is just going to zip through on some other bill with no objections from other Senators.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. RIEGLE. I thank the Senator for yielding.

I share his concern about this pension portability issue and ask the Senator to yield for the purpose of my presenting a further question to the chairman of the Finance Committee?

Mr. PACKWOOD, I am happy to yield to my distinguished colleague from Michigan.

Mr. RIEGLE. I do not question the earnestness of the commitment of the Senator from Kansas that he has made in terms of consideration of this issue.

But unfortunately, as we found on other matters, the Senator cannot, any more than the rest of us can, guarantee that the Senate will act or a committee will act on a particular issue.

I am wondering specifically if Senator HATCH and Senator NICKLES have given personal commitments themselves that they can support this provision and in fact will be a party to moving it through the Human Resources Committee. Have the other Members on the majority side given commitments, and I mean by that each one having been polled on this issue. I have a great concern that anything less than personal commitment, and I am not sure that even that gives us an iron-clad guarantee, could result in this portability issue vanishing very quickly. The Senate knows we moved down the road on the health benefits for the unemployed workers and the objection of one Senator prevented that from coming forward.

We had an agreement more or less on the change in disability under social security and then there was a late-blooming objection from a Senator to block that.

I can envision that same thing happening here, and I am very concerned about it. So I am wondering if Senator NICKLES is either in the Chamber or can address that question? Is he aboard and are the rest of the majority (Human Resources Committee) members in support of this provision as contained in the House bill and are they prepared to expedite passage in that committee.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. RIEGLE. I yield.

Mr. DOLE. Certainly the Senator from Michigan understands that none of us can indicate what the other 99 may do. But I have just been reassured by the Senator from Utah, the chairman of the Labor Committee, that his only concern is we do not open this up to some broad-based change in the pension system. We have gone over that carefully in the colloquy.

I also respond that I have now just learned that as I understand the provision we are now looking at, I say to Senator PACKWOOD——

Mr. PRYOR. Mr. President, could we have order in the Senate? I cannot hear the distinguished Senator.

The PRESIDING OFFICER (Mr. ABDNOR). There will be order in the Senate so we can all hear the Senator.

Mr. DOLE. It may be a bit broader than the House provision. It may cover some employees who have been excluded under the House provision which I think would be in their interest.

I yield to the Senator from Utah, or perhaps the Senator from Michigan will yield to the Senator from Utah to underscore his commitment to early consideration in trying to move this unlimited change through the Senate.

Mr. RIEGLE. I yield.

Mr. HATCH. I thank the distinguished Senator from Michigan and the distinguished Senator from Kansas.

I am very interested in this portability issue. I think it is an extremely important issue. I know that a number of others are here as well. I think it is something that should be resolved, and certainly we will move with expedition in the Labor Committee to consider it and try to resolve it.

But I am also concerned with it being a Christmas tree problem because we have lots of problems in the pension area and I would like to see us move on other pension issues as well, but I want to do it in an orderly way and efficient way, and I would like this issue to be basically limited to the portability aspect.

I think we can do that. If there is any concern, I know Senator LAUTENBERG has been very concerned. I want to compliment him for his concern and express this assurance here in the Chamber today.

I believe Senator NICKLES will move on this issue.

Mr. RIEGLE. Will the Senator repeat that?

Mr. HATCH. I believe Senator NICKLES, the chairman of the Labor Law Subcommittee, will move on this issue and is certainly moving on the other issues concerning pension reform.

Mr. RIEGLE. Can the Senator tell me whether Senator NICKLES indicated to the chairman that he is in support of the House provision on pension portability, which is the focus of the discussion?

Mr. HATCH. He has not indicated that to me, but I believe I can assure the distinguished Senator from Michigan that we will hold hearings and move expeditiously on this matter.

Mr. RIEGLE. I do not want to delay my friend from Arkansas getting into this, but I am on that subcommittee, as the Senator knows——

Mr. HATCH. I understand.

Mr. RIEGLE [continuing]. As ranking Democrat on it, I am very much concerned about this. Again, I am not questioning the Senator's good faith. That is not the issue here. The question is are we going to be able to get this enacted?

Mr. HATCH. The answer is I believe so.

Mr. RIEGLE. I want to say based on the assurances that are here the situation is uncertain. Because I have heard other assurances given at other times that had a great deal more weight simply because the matter was farther down the legislative track and there was a specific legislative vehicle to which people were cosponsors and which lends an altogether different sense of feeling and certainty that it will move.

I think in this situation it is very uncertain, despite what I take to be the pledge of the Senator from Utah and the chairman of the Finance Committee to move on this matter. There is absolutely no assurance that in fact it will move, whether it will get to the floor, whether one or two or three Senators might not somewhere along the line sabotage this process. In fact it may never see the light of day.

Mr. HATCH. Mr. President, if the Senator will yield, I am willing to work with the distinguished Senator from Michigan to make sure it moves. I think that the distinguished Senator from Kansas will work with the members of his committee to see that it moves.

I cannot believe that our distinguished Senator from Oklahoma will not work with us on this matter, but I think we have the ability to move this and resolve this portability issue, and I intend to do so.

Mr. RIEGLE. I just finally say I appreciate those assurances from both chairmen and those are meaningful. They are something I value.

I wish we had them from the rest of the Senators that we need them from.

May I just ask, has the Senator talked to the CWA directly about this?

Mr. HATCH. I have not.

Mr. RIEGLE. Because they representing all of the communications workers, at the moment do not feel that they have such an ironclad commitment beyond just the assurances that have been given by the two chairmen.

Mr. HATCH. Mr. President, if the Senator will yield, I have not talked with the representatives of the CWA, but I can express my personal commitment to resolving that issue I think in a favorable manner because I think it is a very big problem and I do not think it is fair to the employees, and I think it is something that has to be resolved. I am committed to get it resolved. I think they will be very happy with the resolution.

Mr. PRYOR. Mr. President, will the Senator yield?

Mr. PACKWOOD. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. PACKWOOD. I thank the Chair.

I am happy to yield to my distinguished colleague from Arkansas.

Mr. PRYOR. Mr. President, before the distinguished Senator from Utah leaves the Chamber, I wish to ask him a question.

I wish to pose a question to the distinguished Senator from Utah. The Senator from Utah has been very gracious and magnanimous in responding to the question posed by the distinguished Senator from Michigan on the issue of portability as it relates to those employees in the system.

Mr. HATCH. Within the Bell System.

Mr. PRYOR. Through no decision of their own or no fault of their own whatever, they are now going to be very, very adversely affected by the AT&T breakup unless we specifically address this concern.

A moment ago the distinguished Senator from Oregon, Senator PACKWOOD, said that he had visited with several Senators who had opposed this section of S. 1660. Am I not correct?

Mr. PACKWOOD. The Senator did not quite phrase it correctly. It is not in S. 1660 at the moment. It is a committee amendment that will be offered to S. 1660. There are some Senators who object. If S. 1660 is not taken up, Senators will try to bring the portability amendment up as a separate bill 3 months down the road. If those objections are still there, the Senate is running a risk of never passing the portability provision.

I do not doubt anyone's good faith, but I am looking at a 6-month session and unlimited debate.

Mr. HATCH. Mr. President, will the Senator from Oregon Yield?

Mr. PACKWOOD. I yield.

Mr. HATCH. As I understand it, this provision on portability is not in S. 1660.

Mr. PACKWOOD. That is correct.

Mr. HATCH. The Senator is going to offer an amendment.

Mr. PACKWOOD. To offer a committee amendment.

Mr. HATCH. Mr. President, to make it clear in this Chamber here today, my basic position is we will hold hearings in the Labor Committee upon the resolution of this issue. I think it would have to be limited to the context of the Bell System employees who transfer from one unit of the former Bell System to another who are adversely affected by that transfer.

Now, I think it would be unjust for us not to resolve this issue. I cannot imagine anyone not being willing to work to resolve that issue. I wish to clarify it.

Mr. PACKWOOD. Mr. President, I have not heard anyone who said he or she would not be. I do know some Senators do not like this provision and will probably fight this provision.

Mr. PRYOR. We basically have provision of language embodied in the House bill.

Mr. PACKWOOD. That is the language that will be offered as a committee amendment if we take up this bill.

Mr. PRYOR. I see.

I thank the distinguished Senator.

Mr. PACKWOOD. I might remind my fellow Senators all we are trying to do at the moment is to vote on a motion to table the motion to take up. If the motion to table passes that is the end of the bill. If the motion does not pass, we have not taken up the bill and we still will be debating the motion to take it up. That would take the vote to pass the motion to proceed to get the bill up.

If we get the bill up, all I am asking this Senate to do is to adopt this CWA amendment and put the FCC's latest order into statutory language. We would send the bill to the House and I will stand firm in conference on a 1-year moratorium and a 6-month review period. This is in essence what the FCC said they will do. I simply want to codify that so we know we will all be sticking to it.

Mr. JEPSEN. Mr. President, will the Senator from Oregon yield?

Mr. PACKWOOD. I yield.

Mr. JEPSEN. Mr. President, the legislation we are deliberating today no doubt is one of the most important consumer issues facing the Congress this election year. It is as important an issue as the natural gas deregulation issue. Because the root of the telephone issue is imbedded in economic considerations, the Joint Economic Committee became involved, under my chairmanship and the attention of my able subcommittee chairman, Mr. ABDNOR.

Mr. ABDNOR. I thank the Senator from Iowa for this opportunity to share with our colleagues and the public the findings of our Joint Economic Committee initiative. During

the past 4 months, some 55 witnesses have appeared in Washington and in field hearings in the Upper Midwest. These witnesses represented all walks of life—young and old, business and residential, commonsense people and so-called industry experts. They shared their views on the changes in the telephone industry and how it affects them. In addition, the committee has prepared two staff studies which explain in as simple terms as possible the economic side of this complicated issue.

Mr. JEPSEN. If a single thread could connect all these witnesses, it is that everyone wants to be fair in supporting and maintaining the world's finest communications network. In particular, all witnesses want special attention devoted to the elderly, the poor and disadvantaged, and to residents in high cost areas.

Mr. ABDNOR. That unanimous message came through loud and clear. In calling our phone system the world's best, one witness called it a national resource which is becoming as important to our economy as our vast natural resources. I think that underlines the importance of maintaining universal telelphone service.

Mr. JEPSEN. The Congress must now take steps to insure that our telephone network remains high in quality and at the same time, affordable to all who desire the service. The telephone industry has been changed dramatically in recent years because of advances in technology and the actions of the Justice Department and the Federal Communications Commission. This industry is becoming more competitive after being regulated as a monopoly for decades. Despite these changes, our goal of universal service at reasonable rates will be maintained if not strengthened. My fellow Iowans can count on my support for that goal.

Mr. ABDNOR. I echo my commitment to that goal as well. Let us share a few of the thoughts of our witnesses, whose presentations were very thoughful and constructive. The FCC access charge decision was the focus of their remarks, but they were just as interested in rate increases from any direction, not just access charges. In fact, most of the witnesses acknowledged that a $2 increase or a slightly larger amount phased in over several years would be acceptable if it resulted in insuring universal service assistance and lower long distance rates. However, their fear is that the $2 fee is just the tip of the iceberg, and that rates will skyrocket above what is affordable to too many citizens.

Elderly persons have unique needs and deserve special consideration. Many are on fixed incomes and price increases would put a strain on the budget. About 13.5 percent of Iowa's and South Dakota's population is over the age of 65. That is higher than the national average of 11.4 percent and a reason why we are making sure their needs are properly addressed.

Mr. JEPSEN. one of our best witnesses was Ms. Kathryn Moon of Iowa City, who represented senior citizens at an Iowa field hearing. She articulated and demonstrated how elderly people cherish their independence, and showed how the telephone plays a big role in ensuring that independence. Besides being important for emergencies, the telephone is an integral part of the social side of senior citizens. For many, the telephone is the sole means of regular contact with other friends, family and loved ones.

Other witnesses further emphasized the importance of phone service for immobilized persons. Regarding the need to keep phone service affordable, many witnesses discussed the merits of "lifetime" service. This special service and other inexpensive alternatives are working well in many States.

Mr. ABDNOR. The business community is concerned that many of these changes in the telephone industry are going to disrupt service for a while, but none of the witnesses had experienced major difficulties personally. However, many expressed that long delays in implementing access charges or other rate changes were frustrating because they disrupt budget planning. Large businesses generally were more in favor of access charges than smaller ones, because bigger businesses make some extensive use of long distance rates and will benefit from the promised rate reductions.

Mr. JEPSEN. We received very valuable insights from the public service commissioners, who are the State-level regulatory counterparts to the FCC.

Mr. ABDNOR. I would like to extend a special note of appreciation to the South Dakota Public Utilities Commission. Their willingness to participate was above and beyond the call of duty. Many of their comments evoked the need for additional study by the Joint Economic Committee.

Mr. JEPSEN. In particular, they brought to our attention the controversy over the accuracy of cost studies and cost allocation formulas. In addition, their concern about ever-increasing rates approved by Federal regulators would be a big problem, especially since Bell operating companies in the aggregate filed for the highest rate increases ever last year. While a great deal of those requests has not been allowed by the State commissions, their concerns for rate increases at the Federal level were legitimate.

Mr. ABDNOR. It would be fair to say that representatives of the telephone industry prepared the most amount of information for these hearings, and they are to be commended for their willingness, cooperation and attention to detail. And, it goes without saying that all telephone companies—independents, cooperatives, and Bell—have a big stake in the changes taking place. A considerable portion of our discussion involved how independents are going to be affected by these changes.

Mr. JEPSEN. With good reason we devoted much attention to their concerns. Our home States contain over 13 percent of all independent phone companies in the United States. Iowa alone has nearly 160. We have got all kinds—profit making and nonprofit, big and small, high cost and low cost. All phone customeres are equally important to us and it is our hope and intention that any Federal action—either congressional or FCC-initiated—will treat all customers and companies equitably.

Our current phone pricing system is such that revenue from long distance supports local service to some degree. Rural companies tend to be more reliant on that support. If that revenue flow is cut, many companies will face severe financial difficulties. In Iowa, the independents have estimated that if 25 percent of the toll revenue support was lost, about 20 percent of the phone companies would have to raise rates about 20 percent in order to break even. If toll support were halved, 85 percent of the companies would have to raise rates by 35 percent or more. Even worse, if 75 percent of toll revenue support were lost, 96 percent of the independents would show major losses. Those are sobering statistics.

Mr. ABDNOR. The Bell operating companies serve rural and high cost areas, too, and their small exchanges deserve support. Regrettably, however, the legislation we are considering today excludes them from obtaining assistance from a universal service fund. If some of my constituents were denied reasonably priced service because their phone company was located in a high cost area but did not qualify for assistance, I would find that objectionable. Certainly, our actions are intended to assist customers, and I hope that is the accomplishment.

Mr. JEPSEN. Perhaps the most disturbing fundamental question raised during our telephone issue initiative is this. Is competition in the telephone industry incompatible with the goal of universal telephone service, or can we achieve both satisfactorily and to the benefit of society? I am afraid we do not have a clear, decisive answer to this question, and I do not think my colleague from South Dakota or myself or any of our other colleagues are willing to sacrifice universal service for the sake of competition. It is up to the Congress to see that universal service is preserved.

Mr. ABDNOR. One of our Washington witnesses was Dr. Alfred Kahn, eminent scholar, economist and regu-

lator. He made a statement at my October 3 Joint Economic Committee hearing that is worth repeating again. He said:

. . . there was never the same clear case for deregulation of communications that, in my opinion, there was for airlines and trucking. . . . I said many times we may find 20 or 30 years from now we wished that we were back at the monopoly stage. But if we go the way of competition, . . . we must be consistent. We can't try to push water uphill.

And being consistent means that if we had wanted to continue the present system of subsidization, we should not have introduced competition. Once you introduce competition you've got to find other ways of helping rural people . . . or poor people who would drop off the system.

Well, we are stuck with the changes made by the Justice Department and the FCC, and it is up to us now to insure universal and affordable phone service.

Mr. JEPSEN. At this time, I ask unanimous consent to have printed in the RECORD excerpts of a Joint Economic Committee staff study entitled, "The Economic Issues of a Changing Telecommunications Industry." The study presents many of the economic considerations facing regulators and the Congress. The study received "high marks" from hearing witnesses and many other consultants, journalists and the general public.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE ECONOMIC ISSUES OF A CHANGING TELECOMMUNICATIONS INDUSTRY

The impact of a changing telecommunications industry has been ushered into the arena of national attention recently, and the interest of Americans was captured finally by one of the most persuasive and powerful influences of everyday life—the pocketbook. After years of rigorous discussion confined to academic, government and industry circles, the issue is now of central concern to consumers, who will express their views to and expect action from industry officials, regulators and the Congress.

Today's telecommunications industry is the product of technology and public regulations. Formerly, government policy was focused on regulating a monopoly. The result of this governmental involvement, along with major technical advancement fostered by the industry, has been the provision at very reasonable user cost of a universal communications network unequaled in the world. In the past few years, however, federal policy has made a departure from its previous regulatory practice. In response to market forces, the Justice Department and the Administration recently have exposed the industry to competition. This action, while considered inevitable by many industry and government spokespersons, poses a number of difficult economic problems. The colloquial expression, "why fix something that ain't broke," appropriately comes to mind, especially if the end result may be the doubling or tripling of residential rates. Nevertheless, due to changes in the telecommunications industry, traditional regulatory practices have become increasingly ineffective in serving the public interest. Consequently, many Americans may face for the first time the threat of loss of service.

To formulate sound public policy, the goals for the telecommunications industry should be revised, redefined or established to accommodate for changes in the industry. Congress has the duty to determine what is in the public interest and establish a legal framework to attain those goals. First and foremost, consumer wants should be satisfied in an economic environment that allows the industry to satisfy those wants efficiently—at lowest possible cost and with the best utilization of resources. Second, the strengths and weaknesses of the economic environment, or market structure, should be identified so that the public interest can be monitored. Third, technical change should be allowed to progress umimpeded and unrestricted (except by economic feasibility), thereby allowing the benefits of improved and expanded services to fall on consumers. Finally, the commitment to building, improving and maintaining a comprehensive, extensive national telephone network should be preserved. The phrase "universal service" has been used in many different ways in the 100 year history of the telephone industry, for both selfish and public-minded reasons. In this report, the concept of universal telephone service is to mean the availability of access to a national telecommunications network at its current level of penetration, and providing for greater penetration as improved technical and economic conditions permit.

Achieving these goals is indeed the challenge before the Congress. A desirable policy is to allow the free market to do what it does best: allocate resources optimally with accurate price signals prompting consumers to use services wisely and with profit signals prompting the entry and exit of firms to supply services as consumers dictate. This portrayal of a competitive market is not the structure of the telecommunications industry, however. The current structure is characterized as a monopoly because one firm dominates the industry and for that reason it is regulated. Abuse of monopolistic power is detrimental to society because prices are higher and the amount of goods and services offered is lower than what would occur in a competitive environment. Monopolies are also characterized as being slow to respond to changing and expanding consumer demands, since they are sole providers and hence face few ill-effects for neglecting consumer preferences.

The government's response and rightful role when the market fails to allocate resources efficiently is regulation and other forms of intervention in the marketplace. Regulation of rates of return, pricing structures, and cost accounting takes place at both the federal and state level, and the Justice Department gets involved with antitrust matters. Regulatory agencies have not been entirely successful in safeguarding the interests of consumers or treating fairly the providers of the service. The failure of government involvement to correct the problems of market failure plagues not only the telecommunications industry, but all industries facing regulation.

A PROFILE OF THE TELECOMMUNICATIONS INDUSTRY

Fast growing and fast changing, the telecommunications industry in its 100 year history has been exposed to dynamic economic pressures, and its performance record, for the most part, is very good. The use of telephone services, viewed as a luxury even 50 years ago, is a vital and important part of personal lives and the business world. Over 1,450 telephone companies offer service; 25 are a part of the Bell System. The Bell network, however, serves about 80 percent of all customers. In 1982, total investment amounted to over $200 billion, annual revenues approached $80 billion and over one million people were employed by the industry, indicating its significant size. In 1981 over 287 billion local and 34 billion toll (long distance) calls were made from the 182 million phones in service; on average, each telephone was used to make nearly 2,000 calls.

Industry growth has been phenomenal, far outpacing overall economic and population growth trends, indicating the greater role telecommunications plays in our society. Table 1 shows the twelve-year trend for several industry characteristics.

TABLE 1.—PATTERNS OF GROWTH IN THE TELEPHONE INDUSTRY

Year	Independents	Bell	Total
Number of telephone companies:			
1982	1,432	25	1,457
1981	1,459	25	1,484
1980	1,483	25	1,508
1975	1,618	25	1,643
1970	1,841	25	1,866
Access lines (in thousands):			
1982	21,672	86,921	108,593
1981	21,429	85,987	107,416
1980	20,808	83,854	104,662
1975	16,855	69,880	86,735
1970	13,125	58,829	71,954
Operating revenues (thousands omitted):			
1982	$13,978,858	$65,698,356	$79,677,214
1981	12,206,000	59,384,614	71,590,614
1980	10,475,000	51,865,610	62,340,610
1975	5,500,000	29,590,723	35,090,723
1970	2,891,814	17,368,544	20,260,358
Total plant:			
1982	41,941,431	160,198,838	202,140,269
1981	38,298,000	148,812,635	187,110,635
1980	35,300,000	135,524,245	170,824,245
1975	21,200,000	89,194,378	110,394,378
1970	12,390,327	56,171,376	68,561,703
Construction expenditures:			
1982	4,713,987	17,071,139	21,785,126
1981	4,852,000	18,442,408	23,294,408
1980	4,544,000	17,627,000	22,171,000
1975	2,422,000	9,525,000	11,947,000
1970	1,665,000	7,314,000	8,979,000

Source: USITA.

Rapid expansion prompted economies of scale and cost-saving technological advances. As a result, the relative cost of phone service has fallen dramatically through the years. In 1940 the average American worker had to work nearly six hours to pay for his monthly local service charge. The typical worker in 1983 had to work just one hour and twenty minutes. Telephone services have not increased in price as much as other goods and services in recent years. Since 1960, telephone service has increased about 60 percent. For comparison, the Consumer Price Index increased 226 percent in the same time frame, indicating that phone costs have not been a significant contributor to inflation.

Telephone industry characteristics reflect population and geographic traits of the United States. Population density, for example, varies dramatically. About 74 percent of the population resides in urban areas occupying just 1.5 percent of total land area. Urban centers generate the lion's share of telephone activity as a result. They also are characterized by large local exchanges, where local calls can be made by basic service customers at no extra charge over a wide area, and for a nominal flat fee or small usage charge to adjoining suburbs.

Rural areas face a different set of circumstances, obviously. Small towns have rela-

tively few persons on a local exchange and some thinly populated rural areas have fewer than one subscriber per mile of telephone line. Over 1,400 telephone companies serve rural and residential areas. These companies are both profit-making firms and non-profit cooperatives. Independent, or non-Bell companies serve about 20 percent of the population, and generate about 18 percent of total telephone revenues, but provide service to nearly 60 percent of the land area of the U.S. As a result, investment costs per telephone are dramatically higher for those companies. This additional cost burden will be discussed later in the report.

Any phone company can qualify for financial assistance through the rural telephone programs of the Rural Electrification Administration (REA), U.S. Department of Agriculture. About 1,000 companies participate, and comply with the requirement that service cannot be denied to anyone desiring service in the area the company serves.

The REA established its rural telephone program in response to a 1949 act of Congress. Legislators recognized the benefits of promoting universal telephone service and promoted it as a social and economic goal. Congressmen and government officials realized that no profit signals or other market incentives existed to attract private industry to high cost areas. A low cost loan program was funded to encourage investment and development in those areas not served. The REA's involvement was a large success, indicated by the fact that over 96 percent of all households now have telephone service.

Besides dealing with a highly skewed distribution of people, the industry is confronted by a skewed distribution of phone usage, which contributes to a skewed revenue distribution as well. A very small percentage of customers account for a sizeable portion of total revenues. In 1981, one-half af all residential interstate long distance and three-fourths of all business interstate long distance revenue was generated by 10 percent of the customers in each category. In addition, 60 percent of WATS revenue came from 10 percent of the WATS locations.

As could be expected, a strong correlation exists between population and concentration of revenues. Most heavy users reside in large urban centers. This fact gives credence to the potential of bypass of local exchanges, or the establishment of private networks, which has profound implications for the other customers remaining on the public exchange. This issue will be discussed in greater detail in Chapter IV.

The nation as a whole shows wide variation in population density and phone usage, and most states demonstrate this trait as well. Almost all states have clusters of population in metropolitan areas and light density rural areas, with corresponding variation in telephone traffice. The following table demonstrates that revenue concentration exists in 38 states for which information was available.

TABLE 2.—BELL OPERATING COMPANY BUSINESS CUSTOMER REVENUES

[MTS, WATS, and Private lines by State]

State	Percent of business customers	Percent of business revenues
Alabama	10.0	77
California	1.2	30
Connecticut	1.0	45

TABLE 2.—BELL OPERATING COMPANY BUSINESS CUSTOMER REVENUES—Continued

[MTS, WATS, and Private lines by State]

State	Percent of business customers	Percent of business revenues
Florida	.5	47
Georgia	.5	50
Iowa	6.3	24
Kentucky	10.0	83
Louisiana	10.0	73
Maine	3.0	39
Massachusetts	3.0	55
Minnesota	6.4	28
Mississippi	10.0	69
Nebraska	.3	28
New Hampshire	3.0	44
New Jersey	3.0	36
New York	.3	33
North Carolina	.4	45
North Dakota	.9	9
Ohio	.5	45
Pennsylvania	1.0	40
Rhode Island	3.0	51
South Carolina	.5	41
South Dakota	2.0	50
Tennessee	10.0	81
Vermont	3.0	42
Washington	.5	40
Missiouri, Oklahoma, Kansas, Arkansas, Texas	1.0	33
Arizona [1]	.3	30
Colorado [1]	.5	30
Idaho [1]	.6	30
Montana [1]	1.2	30
New Mexico [1]	.8	30
Utah [1]	.6	30
Wyoming [1]	1.0	30

[1] These figures were calculated to demonstrate the percentage of total business customers representing 30 percent of business revenues. Source: AT&T.

Obviously the telephone industry is big business. The large cost and revenue bases are complicated by multiple and overlapping services, shared facilities, non traffic sensitive costs (fixed investment costs which do not vary with telephone usage) and traffic sensitive costs (which do vary with usage). In a market economy, industries attract resources by offering a rate of return commensurate to their value. Over $200 billion in assets, $63 billion of which is equity, generated some $80 billion in revenue and over $8 billion in net income in 1982, giving a rate of return on equity of about 13 percent. That return is regulated by law, but is comparable to rates of return for unregulated industries, allowing for risk-factor differences. This is not to imply that the telephone industry is risk-free, however; in fact, Moody's bond rating service recently has downgraded the ratings of many Bell Operating Companies.

Because a huge amount of fixed investment is required in the telephone industry, the financial requirement necessary to sustain the network is enormous. Total investment per phone in service is about $1,100. The phrase "subscriber plant costs" is used to describe the cost of providing phone service to customers. In 1981 the Bell System faced an average cost of $26 per phone line per month. Twenty-nine states have average costs exceeding the national average. However, because costs vary dramatically by location, the costs for individual states differ from $20 to $45. Within each state tremendous variation occurs also. Some rural cooperatives have per phone costs exceeding $100 monthly.

To help defray these costs, a portion of interstate and intrastate revenues are designed to help offset them, the remaining being satisfied by basic monthly service charges. Data for intrastate revenue support for total plan costs were not readily available, since that is a matter of state jurisdiction. The following table shows on a statewide basis the average plant cost per line, and the contribution to that cost that the FCC-mandated interstate allocation makes toward that cost. The third column shows what percentage the interstate allocation is of average cost. A higher percentage indicates a greater reliance on cross-subsidization of fixes costs.

TABLE 3.—TOTAL BOC SUBSCRIBER PLANT COSTS AND INTERSTATE ALLOCATION OF SUBSCRIBER PLANT COSTS PER SUBSCRIBER LINE PER MONTH 1981 BELL SYSTEM AT 10.92 PERCENT RETURN

[Rounded to nearest dollar]

Study area	Total subscriber plant cost per subscriber line	SPF interstate allocation subscriber line	SPF Factor 1981 average (percent)
Alabama	$32	$7	20.8
Arizona	28	12	42.6
Arkansas	33	9	28.8
California	27	6	24.0
Colorado	30	13	42.2
Connecticut	23	8	33.4
Delaware	24	8	34.0
Florida	35	13	36.2
Georgia	31	9	28.5
Idaho-MTN	27	9	35.3
Idaho-PNB	28	11	37.8
Illinois	22	6	26.4
Indiana	24	6	23.1
Iowa	25	7	28.2
Kansas	27	8	29.8
Kentucky-SCB	32	7	20.3
Kentucky-Cinn	22	3	13.0
Louisiana	34	7	19.9
Maine	25	7	29.9
Maryland	23	5	21.1
Massachusetts	23	6	27.5
Michigan	24	4	16.9
Minnesota	25	7	26.6
Mississippi	36	9	25.0
Missouri	25	7	26.3
Montana	27	12	44.5
Nebraska	27	10	36.9
Nevada	42	26	62.1
New Hampshire	28	12	43.0
New Jersey	22	7	31.5
New Mexico	27	10	36.0
New York	27	7	27.4
North Carolina	28	7	24.1
North Dakota	30	10	32.4
Ohio-Ohio Bell	23	4	19.0
Ohio-Cinn	23	4	18.7
Oklahoma	26	8	31.8
Oregon	27	9	32.8
Pennsylvania	20	4	21.1
Rhode Island	22	6	28.4
South Carolina	32	7	22.0
South Dakota	28	10	36.2
Tennessee	27	6	22.2
Texas-SWB	30	7	22.6
Texas-MTN	21	7	33.0
Utah	24	8	31.4
Vermont	29	13	43.9
Virginia	26	7	26.7
Washington	24	7	30.1
West Virginia	32	7	21.5
Wisconsin	21	5	21.7
Wyoming	45	25	56.5
District of Columbia	23	10	41.9
System average	26	7	26.0

Since the Bell System serves the more populated areas of each state, the same information for independent companies would show even higher average costs and a much greater reliance on cross-subsidization.

High cost areas are not necessarily rural-dominant states, as casual observation may lead one to conclude. High growth areas such as Florida are subject to high costs as well. New towns and suburbs are requiring phone installation for the first time. This new investment is extremely costly because of inflation and the high cost of debt service these days. Where older, established parts of the U.S. are depreciating cheaper equipment and retiring low-interest debt, overall costs are lower.

This presentation of the cost structure is simplistic at best, but it illustrates the considerations and magnitude involved. Regrettably, the customer is usually not aware of the total cost picture, because his monthly bill does not itemize out and require direct payment for all costs incurred. The average monthly cost for providing a phone to a Bell System subscriber in 1981 and $26 (the figure for non-Bell subscribers would be even greater) when the cost charged to the subscriber for basic service was about $9.16. The difference, almost $17, comes in large measure from cross-subsidies from long distance calling. Most residential customer's bills fall way short of generating the revenue support required to support phone service. Table 5 shows that in 1980, 40 percent of residential customers had long distance bills of less than $5, and about 58 percent had bills under $10.

TABLE 5.—*Distribution of residence message toll service (MTS) billing (second quarter, 1980)*

Average billing per month per household:	Percent
0.00	10.4
$0.01 to $0.99	7.4
$1.00 to $1.99	6.8
$2.00 to $2.99	6.0
$3.00 to $3.99	5.3
$4.00 to $4.99	4.6
$5.00 to $5.99	4.3
$6.00 to $6.99	3.7
$7.00 to $7.99	3.3
$8.00 to $8.99	3.2
$9.00 to $9.99	2.8
$10.00 to $10.99	2.8
$11.00 to $11.99	2.5
$12.00 to $13.99	4.7
$14.00 to $15.99	3.6
$16.00 to $17.99	3.2
$18.00 to $19.99	2.9
$20.00 to $22.99	3.4
$23.00 to $24.99	1.9
$25.00 to $29.99	3.9
$30.00 to $34.99	3.0
$35.00 to $39.99	2.1
$40.00 to $44.99	1.6
$45.00 to $49.99	1.3
$50 and greater	5.3

Source: AT&T.

If 1981 billing characteristics were similar to 1980, about 90 percent of all residential customers would not have paid for the average cost of having phone service. In a purely competitive environment, the cost causer would be the cost payer. Advances in technology have allowed the FCC and Justice Department to permit competitive market forces in the telephone industry. While this change offers many advantages, most residential customers would face the certain consequence of higher prices for services that have been subsidized in the past.

BYPASS: A THREAT TO THE PUBLIC TELEPHONE NETWORK

The era of private communications networks began years ago with the advent of satellites. Now, other technological advances are offering economically feasible communications alternatives which are within the reach of many information-intensive businesses. The profile of the telephone industry shows that conditions are ideal for an increasing number of customers to leave the public phone network. Growth in private communications systems is accelerating, and coinciding with this trend is the inevitability of financial problems for the remaining customers on public phone exchanges.

Problems can appear on two fronts. First, operating revenues would decline dramatically as the largest customers drop off the line. To maintain revenue requirements for the network, the cost of all other customers would have to increase significantly. For the purpose of illustration, the following associations demonstrate how rates or charges for customers would rise if a few large customers discontinued service: if 10 percent of revenues are lost, the cumulative revenue from remaining customers would have to increase by 11 percent to maintain the same amount of revenue as before; if 20 percent of revenues were lost, costs to the remaining customers would increase 25 percent; a 30 percent loss would mean a 43 percent increase to the remainder; a 40 percent loss would require a 67 percent rise for all others and a 50 percent loss of revenue would mean the remainder would see rates go up to a full 100 percent to maintain a constant level of revenues. This analysis, of course, assumes that costs do not change with subscriber "dropout." Because of the nature of the industry, in all likelihood costs will not fall, which is the second part of the bypass problem.

The telephone industry has a tremendous amount of fixed investment; these sunk costs cannot be recovered easily if bypass causes a surplus of capacity in a local or long distance network. In addition, the industry has a "natural monopoly" distinction. Because of certain economies of scale, average costs may rise as the exchange contracts. This extra cost would increase further the revenue problem illustrated in the preceding paragraph.

If bypassing becomes a widespread occurrence, the cost of both local and long distance service would rise, and that may give rise to "dropout" among typical or average telephone users. Obtaining empirical information on the responsiveness of customers to price increases is extremely difficult. At some point, customers can become sensitive to price increases and will elect to either decrease phone usage or discontinue service altogether. Large increases in price, thus, can lead to a significant decrease in the number of customers. Although dropout among typical phone users does not cause nearly as large a revenue problem as does bypass, the current level of telephone penetration can decrease substantially if it occurs.

Universal service is jeopardized by both dropout and bypass, but bypass is the largest threat to the economic feasibility of the public phone network. The profits generated by large volume customers subsidize all other customers whose revenue contribution falls short of the cost of providing service. This applies to all areas of the country, high cost and low cost alike.

In the extreme, a combination of bypass and dropout could destabilize the existing public network to the point that providing any service would not be economically feasible.

RURAL AREAS: A SPECIAL CONSIDERATION

Almost all states have sizeable rural areas with relatively few people. About one-quarter of the population—some 53 million people—reside on over 98 percent of the land area of the United States. Population density in rural areas is 15 persons per square mile on average. In constrast, urban areas house about 2,800 persons per square mile.

When legislators determine that market forces would not automatically extend telephone service to rural areas, the authority of a Rural Electrification Administration was expanded to provide assistance and incentives. The REA currently has about 1,000 participants located in 46 states. This agency has been given challenging objectives: its participants must provide service to all persons desiring it within the area served by the company, offer comparable service and quality to that of urban areas, and charge reasonable and affordable local and toll rates.

Providing service in rural areas is indeed a costly proposition. Local exchanges receiving REA assistance average fewer than 900 subscribers, and half of all exchanges have fewer than 700 subscribers. Independent companies, some of which receive REA assistance, are also small in size typically. About half of the 10,300 non-Bell central offices have fewer than 1,000 subscribers. Rarely can exchanges of this size achieve any kind of economies of scale or take advantage of the leading edge of technical innovation. On the customer side, the value of basic monthly service is reduced because so few others can be reached in contrast to urban areas where local service places subscribers in touch with a large number residing in a large area. Hence, long distance charges are incurred to contact a larger audience in rural parts.

Costs on a per telephone basis are higher in rural areas because (1) the length of the local loop (telephone wire from the central office attached to telephone poles to serve customers along that route) is much longer than in urban areas, (2) the length of drop wire (the wire that comes from the telephone pole into individual homes and businesses) is much longer, and (3) the cost per customer or per minute for the switching function (the mechanical connection that puts two phones in contact with each other) is much higher.

Rural telephone service is not only most costly in absolute terms, but also in relative terms when income considerations are made. Annual household farm income in 1982 was $3,500 less than the non-farm median. Hence, phone expenses are a much greater share of personal income for rural residents than for their urban counterparts.

To balance out high overhead costs, rural phone systems are heavily reliant on toll charges to achieve revenue requirements.

The contemplated changes in the separations and settlements system would have a severe impact. For every $1.00 of long distance calls charged to a customer, the telephone company uses about $.35 to help defray the costs of local service.

Not only is local service more expensive, but also toll service is more expensive for the following reasons: (1) distances between local and toll office are greater than in urban areas; (2) economies of scale are not attained because of light population densities, and few if any high volume toll routes exist; (3) the cost for switching to access toll routes is relatively higher; and (4) people in rural areas can access far fewer people in a local exchange and therefore have to use toll routes to contact those not on the local exchange. Some urban areas have local service providing toll-free access to areas of several hundred square miles.

Competition in the long distance market almost certainly will cause local rates to increase as current cross-subsidies are eliminated. Long distance rates, too, probably will increase, not decrease as is the contention of competition advocates. Competition simply is not likely to come into play in rural areas. Since the volume of long distance usage is relatively small and the cost of providing service is high, no signals are

present for competitive elements to move in and lower prices.

A general analogy to the price effects of airline deregulation can give an indication to what may happen to prices of long distance calls. Like phone service, airlines service is characterized by high density routes. Competitive forces and price decreases were directed at those heavy routes. Service to branches off main routes saw no competition and dramatic increases in prices and curtailed schedules resulted instead. For a time, coast-to-coast air travel between New York and Los Angeles cost just $99, while the fare from a small city to another one half the distance away, was often double or triple that amount. Some analysts argue that airlines actually overcharge customers requiring service from some areas where little competition exists to sustain operations incurring a loss because of fierce competition and price wars.

The availability of telephone service in rural areas has greatly enhanced social and economic well-being. During the past 40 years, productivity in agriculture has exceeded all other industries, due in part to the connection to electricity and communications made possible by the REA. Social reasons cannot solely justify the provisions of phone service, but this external benefit cannot be ignored, since improved living and working conditions generally improve economic productivity.

Rural areas have no practical alternative to telephone service. In urban areas, alternatives do exist. If an urban resident elects not to be a subscriber, public pay telephones are available virtually everywhere. Another communication alternative is contact in person. Rural neighbors are often separated by great distance. When an emergency arises and quick communication is crucial to the situation, the telephone is irreplaceable and indispensable in rural settings.

Rural areas and residential areas have been the prime beneficiaries of government intervention, in the communications market. The Congress can be credited with making great advances on its goal of universal service, and the REA played a vital role in carrying out legislative direction.

THE CASE FOR UNIVERSAL SERVICE

Economic facts of life cannot be denied even if human nature for ever desires "getting something for nothing." Providing telephone service has costs—costs which vary by location—and those costs must be recovered if resources are to remain in use. That is how the marketplace works and works well. Because of the direction public policy has gone over the past few decades, some of those costs have been hidden or displaced or averaged among millions of customers. Some uniformity in price was pursued, and a desire to ensure that the price of basic service was within the reach of almost all Americans caused the price of that service to fall below the cost of providing it. The problem with below-cost pricing is that the service tends to be overused and undervalued. For this reason, the mechanism used to promote universal service in the past may jeopardize the concept in the future.

A strong case for universal service still exists. Although hard and conclusive evidence is difficult to obtain, the following observations are worthy of discussion:

The value of telephone service to all customers is enhanced by a complete nationwide network.

Quality of life measures, indicating the value of services such as emergency communications, entertainment and pleasure calls, and security checks, show that the well-being of phone users is greatly improved.

Basic contact with the outside world should be available to virtually all Americans at similar prices on the equity grounds of equal opportunity.

The basic phone link is but a conduit to a wide and growing array of communications and information services. As our economy becomes more computer-oriented, this connection becomes evermore important.

National security requirements and the public interest are served by keeping an extensive phone network intact.

Regional isolation of radically different prices by region run counter to policies promoting a united nation. Just as a uniform first class postage rate assures all Americans, regardless of location, access to written communication, persons in different locations should have the ability to communicate orally at roughly the same prices. Also, first class postage prices are independent of distance. As technology improved telephone service, costs have become less sensitive to distance. Where variable rates are justified based on distance, all customers should face about the same pricing schedule.

Gains through new technologies and competitive advantage need not be sacrificed to preserve universal service.

Business depends heavily on being able to contact the public at large. Universal service plays an important part in keeping the macroeconomy running smoothly and strong.

Conflicting goals are emerging in telecommunications policy: on one hand, universal service is hailed as essential and on the other, competition is being promoted. While competition has merits and rewards, it has explicit consequences which jeopardize the continuation of universal service. Cost recovery would be imposed on the source of the costs, prices would vary by volume, and high profits from certain services would disappear, reducing the revenue base of the network. Clearly a large share of residential customers and nearly all rural and high cost area customers will not share in the benefits of competition.

Fortunately, the two goals need not be mutually exclusive if flexibility is introduced. If price and profit signals are free to operate without distortion, efficiency and optimal allocation of resources will result. These signals are the most important aspect of the competitive market structure. Governmental involvement could assist those adversely affected by competition, and so long as intervention does not interfere with market signals (small taxes or fees are not likely to create irreparable distortion), everyone could share in the benefits of a changing telecommunications industry.

Regulators and legislators are favoring the creation of an access charge system supplementary Universal Service Fund (USF) to replace the current separations and settlements system of keeping basic service "affordable" (for most Americans it is cheap). How that USF is funded is the important question. As discussed earlier, the FCC favors imposing access charges on all users; legislators prefer imposing fees on providers of long distance services. Too high an access charge will hurt small usage customers. Too high a fee on providers will cause the fee to be passed onto high volume users and the bypass problem may be accentuated.

Other revenue sources can be initiated as well. For example, since public interest and national security issues are raised, general revenue funding could be considered. State funding could also be instituted for states which elect to promote universal service and affordable rates at levels different from national standards. Government funding is a clear departure from traditional subsidy sources, which industry and public officials may not endorse. They are mentioned as alternatives to give a broader perspective on what options are available to promote universal service.

The issue of bypass is central to the entire discussion of providing universal service and who should contribute toward sustaining this public goal. Private networks currently exist and contribute little or nothing to the public network, even though as private citizens they benefit from the merits of public availability. The great likelihood of increased private networking will have a profound effect on revenue bases of the public network, as explained earlier, causing rates and charges to sky-rocket for those remaining on the public. Although assessing a fee on bypassers may be protested because no association may exist between private and public networks, such a fee may be defended because a compelling interest exists.

Regulators and industry officials complain that detection and measurement of bypassers is nearly impossible. However, this problem is not insurmountable. Bypassers must file with the FCC, so they can be identified. Second, if the bypasser leases from a communications firm the economic value of that lease can serve as a proxy for usage. If the bypasser owns the private network, its cost and capacity can be ascertained; then an economic value can be estimated. These economic values could then be used as a base from which a tax assessment could be made.

Another essential ingredient for preserving universal service is promoting efficiency. Many regulatory and industrial practices discourage efficient use of the phone network. Among them are the following:

Flat fee charges for local services keep customers from being cost-conscious, because the added cost of making an extra call now is precisely zero. Some customers make few local calls, and others make hundreds per month. Tempering a flat charge with a variable charge based on usage would optimize utilization of the local network.

Local phone usage, like long distance, varies by time of day. Accommodating peak times of demand requires substantial investment. If customers who make optional or pleasure calls during peak time were induced to make those calls during off-peak hours, the local system would be better utilized. Peak-demand pricing schemes would sensitive customers to this economic consideration, and they already are familiar with this practice in long distance pricing.

Marketing and pricing strategies can be altered to maintain adequate revenues. Besides introducing variable usage and peak demand rates, "package" pricing could be offered to encourage usage of all types of services, local, intrastate and interstate. Phone utilization would help to ensure the availability of the service.

Regulatory agencies have for years imposed impractical and uneconomic depreciation schedules for telephone plant and equipment. Little regard has been given to the "economic life" of equipment. Technological change has shortened the practical life of much equipment, and has made some obsolete, even though it still works. Where new equipment may lower costs to the customer, its introduction can be postponed because the old equipment is still imposing a cost to the company. Many depreciation schedules are 30 and 40 years in length

where economic feasibility may be one-third to one-fourth that time span. An often-made comment is that a car can be used and made to last indefinitely if enough time, effort and money is invested in it. However, diminishing returns set in quickly after a few years and most people find it more practical and economical to replace them. However, if depreciation schedules are too liberal, then overinvestment is likely to occur, and that action is costly to the customer as well.

Rate-of-return regulation can cause investment distortion. If companies are guaranteed by law to earn a return on equity or assets, an incentive to overinvest is created, if those resources would not earn as great a return in alternative uses. In rural areas where fixed investments are naturally very high, by rewarding that investment with guaranteed returns and subsidies, other forms of communication technology may be discouraged. For example, radio telephone systems in rural and remote areas may be cheaper to install than wired systems, but the lure of guaranteeed returns may encourage the local exchange to install wires instead.

In summary, maintaining universal service can be accomplished through making regulators and customers more sensitive to the economic principles and considerations governing the provision of telephone service, and through establishing an adequate universal service fund. A compatible blending of economic solutions and social goals will make the telecommunications industry stronger and more responsive to the desires of consumers.

Mr. ABDNOR. The Joint Economic Committee inquiry did not end with this publication and a set of hearings. The question of whether universal service and competition were both achievable required more investigation. As a result, another staff study was prepared. While I was withholding my full endorsement, this study suggests that either with or without an access charge, the pricing system of telephone service, both local and long distance, is flawed. Making the problem more complicated is the nature of the cost structure of the industry.

Mr. President, I ask unanimous consent that the following excerpts from the staff study entitled, "Public Policy Considerations of Pricing Telephone Services in the New Telecommunications Market Structure," be printed in the RECORD at this time.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE PRICING PROBLEM

1. Because of the nature of costs in this industry, a new pricing structure probably would result in higher local service charges and lower long distance charges. Yet, the universal telephone service goal was accomplished in part by keeping basic local service affordable. However, this service is priced below the actual cost of providing it, and that difference must be made up by charging more for other services long distance) than would otherwise occur. while it generally is agreed that local service is underpriced and long distance is overpriced, the dispute now centers around the degree to which that is true. Settling the dispute would be easier if additional, comprehensive cost analyses were performed.

2. Different types of telephone service use commonly shared facilities. For example, local, long distance, WATS and toll-free calls all make use of local exchanges. If prices are to reflect the costs of providing these different services, then the costs associated with the shared facilities should be allocated among those services. This cost allocation practice is inherently arbitrary, and the validity of existing cost and cost allocation studies is challenged by many government, industry and regulatory officials.

3. The costs of providing telephone service are largely fixed. In other words, a substantial portion of the cost of building and maintaining the phone network does not have to do with actually using it. After a local switching exchange is hooked up and the wiring has been strung to each phone, the additional cost of making and receiving calls is small by comparison. The current pricing systems allowed by state regulators generally do not reflect this because the "correct" pricing solution would call for high monthly service charges. "Nontraffic sensitive costs" anount to $26 per month per phone line on average, and that level is considered to be prohibitively high and thereby a threat to universal service. (Some local exchanges have very high fixed costs; for example, Bell System costs in Wyoming averages $45 per month per line. Non-Bell may be even higher.)

4. Long distance rates vary by distance and duration, while local calls generally do not. Since local calls are unlimited under a basic monthly fee, customers probably use the phone more than they would if local charges were usage-sensitive. However, as stated earlier, a large portion of costs are not traffic sensitive, and thus usage-based pricing is not entirely valid. Nonetheless, if policy makers want to continue the universal service objective by keeping basic monthly service affordable, a pricing system for local service employing some usage charges would be a way to generate revenue to support the phone network.

5. While toll rates vary by distance, technical advances are making costs much less distance-sensitive. With the advent of microwave, satellite, fiber-optic cable and other developments, it costs but slightly more to call 3,000 miles than to call 300 miles. Because state regulators control rates on intrastate calls and use these rates to help support local exchange costs, short-haul long distance charges sometimes exceed longer interstate calls.

6. The interstate long distance pricing structure presently is uniform throughout the continental United States. A customer making a 1500 mile call from Cody, Wyoming pays the same rate as the customer from Boston calling an equal distance. However, the costs related to long distance calling are not uniform nationwide. High-volume routes tend to have lower costs per call than slightly lower-volume routes. In other terms, routes connecting metropolitan areas generally have lower unit costs than rural areas or small towns. If prices were to reflect the costs of service, toll rates would not be uniform as they are presently, and rural and residential areas already characterized as having high local exchange costs would be further burdened by higher long distance charges. Rate de-averaging almost certainly would result in higher rates along low-usage, non-competitive routes (especially sparsely populated areas) and in lower rates along higher-usage, highly competitive routes.

ECONOMIC PRINCIPLES, PUBLIC POLICY AND THE TELEPHONE INDUSTRY

Because of technical change in the telecommunications industry, traditional regulatory practices are not sustainable if consumers are to be served and public goals are to be preserved. Whether the long distance service industry can operate optimally, or even satisfactorily, in a competitive environment is not known, but the FCC appears confident that it can. However, the characteristics of this industry do not match perfectly with the requisite conditions of a competitive market structure. Those imperfections will prevent some of the acclaimed benefits of competition from materializing fully and may indeed jeopardize the universal service concept. The following counterpoints demonstrate the problems associated with subjecting the industry to competition and subjecting customers to greater exposure to true costs.

1. Recent entrants to the long distance market—other common carriers (OCCs) such as MCI, Sprint and SBS, regional WATS resellers, etc.) may have only a slight economic advantage which allows them to offer lower rates. Rather, it is largely a regulatory advantage. The FCC and state regulators allow these new entrants to charge a rate different from AT&T, the dominant carrier. AT&T's long distance customers are required to contribute more financial support to all local exchanges. In essence the presence of OCCs offers customers in selected locations an opportunity to take advantage of markets allowing deaveraged rates. If AT&T were allowed to compete fully and equally in those markets, the competition may not survive. Thus, the market may not be able to support many competitors.

2. A fundamental question regarding fairness can be posed about offering certain customers a price advantage. This possibly discriminatory practice allows some preferred customers to escape certain regulatory rates designed to help finance the national phone network regardless of whether they pay their own full cost of having telephone service.

3. Current prices for telephone services do not reflect the costs associated with them. It is estimated that 90 percent of all residential subscribers—urban and rural alike—do not pay the full cost of local service. If customers were to pay the full cost, the price for having a dial tone, that is access—before a single call is made or received—would be $26 per month per line on average. Both public and industry officials are concerned that if all these fixed costs were imposed on customers equaly, then a sizeable portion of them may elect to discontinue service, which is contrary to the universal service objective.

4. A large proportion of total costs are fixed costs which may distort the principle of aligning prices with marginal costs. Marginal costs, to be applicable to this industry, should refer to long-run marginal costs. Besides variable costs associated with usage, long run marginal costs would include return on investment, depreciation and allowances for upgrading and expanding services. It this cost approach were taken, a price based on usage could be built into an overall pricing structure.

5. Pricing according to marginal costs also requires that each cost causer be his own cost payer if a perfectly competitive environment is to be maintained. If each customer were to pay specifically the true cost of having service, telephone service charges

would vary widely, from about $20 per month in some densely populated urban settings to $100 and more in sparsely populated rural areas. This cost variance is another threat to universal service.

6. Nearly all types of telephone service use commonly shared facilities. This makes cost allocation difficult and arbitrary. Long distance calls must have access to local exchanges to complete the connection, and customers on local exchanges from long distance interconnection to contact persons on other local exchanges. This mutually beneficial and interdependent relationship makes both services more valuable but presents a challenging pricing problem.

7. Appropriate pricing policies are obscured further due to peak-demand calling time periods and the purpose for calling, be it business- or pleasure-related. The business community is arguably the prime beneficiary of the national phone network, and higher rates for basic service reflect the regulators' affirmation of this perceived greater value. However, small business appears to carry a greater burden of supporting the national network than most users. In order to qualify for lower WATS rates, a large revenue commitment must be met, and most businesses do not make the volume of calling necessary to make WATS attractive. Small businesses make their calls principally during the business day when direct-dial rates are the highest. Most small businesses will be facing dramatically higher basic local service charges because Congressional action to prohibit or limit access charges does not include most businesses. However, many businesses will benefit by subscribing to WATS reselling firms and OCCs if these alternatives are offered in the area in which they reside.

8. Despite the state's rights argument, no economic rationale or technical reason can support a distinction between intrastate and interstate toll rates. Furthermore, regulation at the federal and state levels tends to confuse both the customer, for whom rate increases are perennially unpopular, regardless of which regulator is responsible, and also the industry, which must accommodate enormous compliance requirements.

9. Because usage of local phone service varies tremendously, a usage-based fee would generate revenue from those who derive great value from using the service. An allowance could be made such that a certain minimum number of calls (30 or 60 per month for example) could be made before measured rates were charged.

Mr. ABDNOR. Although I do not necessarily endorse its contents in its entirety, this study has another section which I think has some good "food for thought" not only for the Congress, but also for the FCC. It suggests that there are other ways to raise revenue for a universal service fund than the proposed flat-rate access charge. In fact. other pricing systems may make better use of the phone network while insuring adequate revenues and pursuing the goal of universal service. Mr. President, I ask unanimous consent to have printed in the Record the following material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALTERNATIVE FUNDING SOURCES

This section was prepared to stimulate new approaches to designing a telecommunications pricing system which provides support for universal service. A comprehensive pricing system could take into account varying combinations of fixed charges; usage-based charges; differential treatment for residential and business customers; high cost area support funds; targeted support funds to assist the disadvantaged, poor and disabled; and an assortment of other considerations deemed appropriate by policymakers. For this exercise the following data base is used:

TABLE 1.—*Telephone industry statistics*

Number of residential lines (millions)	85
Number of business lines (millions)	25
Number of local calls (annual) [1] (billions)	290
Number of toll calls (annual) [1] (billions)	35
Number of minutes, local (annual) [1] (billions)	1,500
Number of minutes, toll (annual) [1]	300
Local service revenue [1] (billions)	$30
Long distance revenue [1] (billions)	$35
Revenue distribution (percent):	
Residential	55
Business	45

[1] Combined residential and business.

These figures are round-number estimates of industry statistics from the FCC, USITA, AT&T and other sources. The data demonstrate that a considerable amount of revenue can be generated for cross-subsidies using low rates. An important feature of low rates is that the preferences of contributors to subsidies are not distorted greatly; thus the likelihood for uneconomical decisions is minimal. The following table shows how substantial amounts of revenue could be generated by small charges and rates:

TABLE 2.—*Telephone revenues, based on table 1 statistics*

[In billions]

Type of change	Total annual revenue raised
$1 monthly residential rates	$1.0
$1 monthly business rates	.3
$0.01 charge per local call	2.9
$0.01 charge per local call allowing customers 30 calls without charge [1]	2.5
$0.001 (1/10th cent) per minute local call	1.5
$0.001 per minute charge allowing 30 calls averaging 7 minutes duration [1]	1.2
$0.10 charge per toll call [2]	3.5
$0.02 charge per toll call minute [2]	6.0
2 percent excise tax on local service	.6
2 percent excise tax on toll calls [2]	.7
2 percent excise tax on residential bills	.7
2 percent excise tax on business bills.	.5

[1] Assumes all customers made at least 30 calls.
[2] Includes both intra, and inter-state.

More statistical detail would allow for greater flexibility in targeting revenue sources for cross-subsidy purposes. For example, different rates for business and residential use could be employed. Local measured service is implied in the above example as a way to construct a usage-based charge for a subsidy source. This study makes no attempt to endorse or oppose any of these examples. Instead, this table should be viewed as a demonstration of possible alternative funding sources.

Mr. ABDNOR. I wish to thank the manager of the bill now before the Senate for allowing us to present the findings and concerns revealed by the work of the Joint Economic Committee, and I thank its distinguished chairman for his big part in making it possible.

Mr. JEPSEN. I, too, wish to thank the manager and author of S. 1660, the Universal Telephone Service Preservation Act. Public policy makers and regulators are faced with maintaining the time-honored and essential goal of universal telephone service while attempting to make an industry competitive, and trying to keep rates affordable at the same time. These goals certainly will be difficult to keep in balance; at times they even may be conflicting. Thus, continued keen regulatory oversight is imperative.

An extensive national telecommunications network available at relatively uniform and reasonable rates is as essential and important to the U.S. economy as are the national transportation network, and the Postal Service. Indeed, if the economy of the Western world is entering the information age, then a telephone network readily available to all is a prerequisite. The network can be maintained in part through approximately uniform local and long distance rates, just as uniform postal rates have served the Nation well for two centuries.

In the final analysis, customers and the Nation as a whole will be better served by maintaining an extensive and modern telecommunications network. As a supporting service industry to all other industries, as a vital communication link in times of national disaster or personal emergency, and as a means to bring people together for pleasure, the telephone is central to the well-being of our country. Now is the time to make this important part of our lives stronger and capable of making the future even better.

This concludes the colloquy between the Senator from South Dakota and myself. Thank you, Mr. President.

Mr. President, my message to my colleagues is simple and brief: Now is not the time to impose an access charge. To many changes are taking place and the public is so confused. Let us not make matters worse for them.

During the recent holiday recess, I continued to hold meetings to find out what was on the minds of telephone users in Iowa. They asked me an entire shopping list of questions. Among the ones asked most often were these:

Why am I getting two or three monthly statements instead of one like I use to?

Who do I call if my phone is broken or service is disrupted?

Do I buy or lease a phone—which is best for me?

Where and to whom do I return my phones if I decide to get different ones?

My phone has been in my house for years. Why must I buy it? Is it not mine anyway?

Why did the Government break up the phone company anyway?

Well, I do not think Congress or the FCC or the Justice Department should confuse the public any more than they are already by forcing more changes on them right now.

I firmly believe the Congress and FCC should pause and reflect before proceeding any further. Let us assess the situation before continuing. Until the full effects of divestiture are known and the adverse effects are corrected, we should not implement more changes. We certainly have a tiger by the tail.

At the same time, we need to study alternatives to the access charge. I am confident that the FCC can devise new and fairer ways to pay for telephone service while insuring that it is reasonable and affordable.

My constituents have my word that I will continue to work with my colleagues and Federal officials in creating a pricing system which has universal service as its No. 1 priority.

There has been too much misinformation and rumor circulating around on this issue. The world is not coming to an end, nor is phone service going to be denied to millions. I am hearing some tall tales here on Capitol Hill and we have got to replace this hot air with constructive and cooperative efforts.

Congress alone cannot solve this problem—we need the support of the FCC, the Justice Department, State regulators, telephone companies, and telephone users. If we get together in good faith, I am convinced we can resolve this problem fairly and satisfactorily.

I thank the distinguished Senator from Oregon.

Mr. PACKWOOD. The Senator is entirely welcome.

Mr. TOWER. Mr. President, as you are well aware, most of us have been watching the Federal Communications Commission's actions surrounding the divestiture of AT&T over the last several years with a great deal of skepticism. Last May, as the FCC was in the midst of considering what changes must be made as we faced the impending breakup of AT&T, I wrote Chairman Mark Fowler to express my concerns about the tentative FCC plan. At that time, I indicated my agreement with the need for some type of access charges, but was concerned that the plan lacked an appreciation for the important balance between the needs of rural communities and those lower-income consumers who are dependent on phone services and cannot afford the increased rates contemplated. In spite of such warnings, the FCC presented its new plan a few months later including $6 access charges for both business and residences.

It was then my view that while the FCC was heading in the right direction, the Commission, even after receiving our warnings, was still trying to accomplish too much too fast. Again it had not paid adequate attention to the needs of high cost rural areas. Convinced that the FCC was going to stand firm on its decision, I joined a large number of my colleagues in signing on with the bill proposed by my colleague from Oregon and chairman of the Commerce Committee, Senator PACKWOOD. As I expressed at that point, I was hopeful that our legislation would serve to slow down the changes proposed by the FCC so that telephone customers would not be victims of a two-pronged assault—divestitures and $2 access charges in the same month. Yet, it has always been my hope that our efforts here in the Senate would serve to spread out the FCC proposed changes in our telecommunications policies in a more sensible way, but not to totally change directions.

On January 19, the FCC changed its order and, in my view, has adequately addressed the concerns shared by many of my colleagues. Now that the Commissioners have accomplished by regulatory order essentially what Congress hoped to do by legislation, I see no further need for such legislation and wish to withdraw as a cosponsor of S. 1660.

In short, S. 1660 would have put off the access charges for 24 months. The FCC suspension amounts to about 12 to 18 months. That 6-month difference will have a very minimal impact on phone rates, yet, will help substantially in more quickly establishing some much needed certainty in our Nation's telecommunications policy.

The Commission also capped access charges. Until 1990, they can go no higher than $4 a month for consumers and small businesses with single line service. In my view, that decision was a significant indication that the Commission has taken a hard look, and rightfully so, at the fact that this Nation is deeply committed to universal telephone service. The chairman of the Commerce Committee, Senator PACKWOOD, has worked diligently to reaffirm the commitment of Congress to provide universal service at reasonable rates. The chairman of the Finance Committee, Senator DOLE, has taken the leadership role in communicating to the FCC the specific ways the original order could be amended to adequately protect the future of universal service. Both efforts were essential in convincing the FCC that changes in its original order would benefit the Nation.

So, now that the FCC has amended their order to take into account many of our mutual concerns, where do we go from here? In short, further legislation on access charges is not required at this point.

The FCC possess the technical expertise necessary to conduct a proper study of the access charge issue. The Commissions have agreed to study the issue until next December and then make their recommendations. They have agreed to cap the charges at $4 and they know now that Congress would be wary of any order that would endanger the universal nature of telephone service.

Those who continue to argue for legislation to go beyond the FCC's new order are not, in my view, primarily interested in postponing access charges for 6 more months. It is clear that such an action would only prolong the uncertainty which has surrounded our telecommunications industry and 6 more months of study will not reveal significant trends different from those that can be discerned in the next year-and-a-half. Based upon what is contained in the House bill, H.R. 4102, which bans access charges altogether, and based upon the arguments of those who still support legislation in the Senate, ultimately resulting in a conference with the House, it is apparent that those who support continued legislation are opposed to access charges in any form.

It is unfortunate that the American public has been led to believe that if access charges are banned by Congress, then telephone rates will not increase, and the issue will be settled. The real consumer issue in telecommunications policy is not access charges. The most pressing and crucial issue for consumers is bypass of the public network by large business.

Technological advances have made total bypass of the public network easier and cheaper. If we continue the policy of long-distance rates subsidizing local rates to the same degree as has occurred in the past, a large number of businesses will pull out of the network. By pulling out of the network, these companies can avoid paying the built-in subsidies. Yet, when a company bypasses the long-distance carriers, they also bypass the local telephone company.

Big customers account for a huge portion of the local companies' revenues. In fact, 5 percent of the largest business customers are said to account for half the local companies' annual revenues. As these big companies who can afford the initial investment to bypass leave the public network, the local exchange companies will lose the tremendous revenue they currently provide. Who will make up for that

loss? Residence consumers, small business consumers, rural consumers, and poor consumers will have to make up for it with rate hikes far beyond any that might ever come about as a result of the access charge plan.

The bypass threat is very real and increases with every technological advance in the telecommunications field. I have not seen any legislation, whether in the House or the Senate, that has seriously addressed this problem. Experts who have studied this problem indicate that enforcement policies to prevent bypass are technologically impossible and otherwise impractical. A tax on those who bypass only involves the Federal Government more and more in an industry that could be much more efficient without it. In the long run, to pursue these two means as a way of dealing with the bypass problem will stifle the industry and seriously endanger our telephone network.

The only practical way to address this bypass problem is to reduce the incentive to bypass. The only way to practically reduce those incentives is to lower the costs of long distance. To lower long distance rates, cross subsidy between long distance rates to local rates must be decreased. Access charges are the only viable means to adequately redirect the method by which these local exchange companies can recover their costs, and thus, directly address the bypass problem.

In essence, access charges are the only way proposed so far that address the real problem of bypass head-on, and the FCC is heading in the right direction. Congress has already established the limits as to how far the FCC should go. We have clearly indicated that universal service must be preserved and the Commission has responded with a proposed universal service fund that provides more for rural areas than even S. 1660. Most importantly, now that Congress has set the parameters and the FCC has agreed, the Commission is in a better position to work out the highly complex technical details of our telecommunications policy. Of course, we should monitor very closely these actions to insure that the best interests of the Nation's consumers and businesses are served.

There exists an additional concern that I would like to address. In my responsibilities as chairman of the Armed Services Committee, I am particularly interested in the effect this legislation might have upon those national security and emergency preparedness communications that rely so heavily on our Nation's telephone network. Commercial communications are of major importance to our national security since more than 95 percent of our domestic command and control communications support is obtained from the private sector. On January 18, I wrote the Secretary of Defense requesting an assessment of the impact, if any, of S. 1660 on our national security.

Yesterday I received a response from Richard D. DeLauer, the Undersecretary of Defense for Research and Engineering. The Department concluded that S. 1660 provided problems for our Nation's command and control communications capability so much so that it opposed enactment of the legislation. In particular, the Department believes that S. 1660, or the related H.R. 4102, would be detrimental in three respects.

Legislative action would inject additional years of uncertainty and turmoil into the ongoing restructure of our Nation's telecommunications industry, with another cycle of regulatory action, judicial review, and legislative reaction continuing to disrupt effective communications planning and operations.

The proposed legislation imposes unfair and artificial restraints, such as penalty fees upon the use of bypass technology, when both a viable local exchange network and bypass capability are essential to a survivable command and control communications capability.

The proposed legislation would continue to impose access charges upon large users of communications while depriving them of the opportunity to obtain the long promised benefits of reduced regulation, divestiture and increased competition in the telecommunications industry.

I ask unanimous consent that the text of the letter from Under Secretary DeLauer be printed in its entirety at the conclusion of my remarks.

Given the FCC's recent actions in response to our requests, coupled with the views of the Department of Defense, there exists no compelling reason for the Senate to consider S. 1660.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., January 25, 1984.

Hon. JOHN TOWER,
U.S. Senate, Washington, D.C.

DEAR SENATOR TOWER: Thank you for your letter of 18 January 1984 which requested the views of the Department of Defense concerning S. 1660 and how it would affect our ability to provide effective national security and emergency preparedness communications. As you know, commercial communications are of major importance to the Department because more than 95% of our domestic command and control communications support is obtained from the private sector. The Department is also almost totally dependent upon the commercial communications industry for providing routine day-to-day communications. Because of this dependence upon commercial communications, we are very sensitive to the impact of legislation, or regulatory or judicial action, affecting the communications industry; hence we greatly appreciate your interest.

The Defense Department believes that legislative action is unwarranted at the present time regarding the Federal Communications Commission's access charge decisions. In particular, the Department opposes enactment of S. 1660, or the related H.R. 4295, for three major reasons:

Legislative action would inject additional years of uncertainty and turmoil into the ongoing restructure of our nation's telecommunications industry, with another cycle of regulatory action, judicial review, and legislative reaction continuing to disrupt effective communications planning and operations.

The proposed legislation imposes unfair and artificial restraints (i.e., penalty fees) upon the use of bypass technology, when both a viable local exchange network and bypass capability are essential to a survivable command and control communications capability.

The proposed legislation will continue to impose access charges upon large users of communications while depriving them of the opportunity to obtain the long promised benefits of reduced regulation, divestiture and increased competition in the telecommunications industry.

A more detailed summary discussing the key factors underlying the Department's views, our critical concerns and a more specific assessment of S. 1660, is enclosed for your information.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

DICK.

DEPARTMENT OF DEFENSE SUMMARY ANALYSIS OF S. 1660, THE "UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983".

KEY UNDERLYING FACTORS

Three key factors underlie the Defense Department's reevaluation of S. 1660, and the related H.R. 4295. These are the importance of the commercial communications industry to the Department, the inability to deal in isolation with a part of the complex changes in the industry, and the effect of the recent turbulence and uncertainty in the industry upon our planning activities.

First, the commercial communications industry is extremely important to the Department of Defense (DOD). More than 95 percent of the Department's domestic command and control communications support is obtained from the commercial communications industry. Furthermore, while DOD is in the process of developing specialized government-owned systems to handle some of its most critical requirements, these government-owned facilities are not yet available and many of DOD's most critical requirements will continue to be served by the commercial communications industry. Moreover, the Department of Defense will always remain dependent upon the commercial communications industry for satisfying its enormous day-to-day administrative telephone requirements.

Second, the operational impact of the FCC's access charge decisions and related legislation such as S.1660 cannot be viewed in isolation from other judicial and regulatory activity. They are merely yet another increment added on to the Commission's Computer Inquiry II and related decisions, and the AT&T divestiture and related regu-

latory actions. All of these decisions or actions interrelate in varying degrees, and the impact of any one of them simply cannot be addressed apart from the impact of the others. Moreover, while each regulatory action, or divestiture, would individually be difficult to address from a communications operations standpoint, their cumulative effect is to make it significantly more difficult for DoD's telecommunications managers to do their jobs.

Such multiple regulatory and judicial actions cause substantial transitional disruptions in the provision of service and they create sizable short term cost increases, with long term overall cost increases probable. Furthermore, they significantly increase the Department's current and future needs for personnel qualified to make the necessary technical assessments and management decisions which will be required in the more complex, competitive telecommunications environment.

Third, the recent years of uncertainty and turmoil in the nation's telecommunications industry have made DoD's national security telecommunications planning activities extremely difficult to conduct. Because of DoD's substantial dependence upon commercial carriers to meet its needs, extensive interaction and a closely coordinated effort with the telecommunications industry are essential if the burden that the current threat has placed upon our national communications resources is to be overcome. DoD is actively moving forward with those efforts, in large part through the President's National Security Telecommunications Advisory Committee. As it does so, however, the most pervasive, and difficult problem encountered is the existence of multiple separate and often conflicting regulatory, judicial and legislative initiatives regarding the structure and organization of, and rules governing, the very industry with which DoD must deal.

CRITICAL DOD CONCERNS

Three major concerns affect DoD's evaluation of S. 1660, or the related H.R. 4295.

First, from a national security and emergency preparedness perspective, reasonable certainty about the current and future structure of and rules governing the telecommunications industry is imperative. Effective planning cannot occur in an environment of repeated changes in regulatory decisions, court appeals, and legislative action to override either or both.

Second, preventing adverse impact upon existing national security and emergency preparedness communications operations is critical. An important segment of the nationwide telecommunications system is the pervasive local exchange network established by the Bell Operating Companies and the independent telephone companies. The Defense Department has come to rely heavily upon that local exchange network to serve many key military bases and other critical installations, and to provide critical command and control communications connectivity. For this reason, it is vital to the nation that the viability of local exchange telephone companies, from both a financial and technological perspective, be preserved.

Finally, while the Defense Department strongly supports actions necessary to preserve a viable local exchange network, at the same time DoD must retain the maximum possible flexibility to structure its communications services and facilities to meet both critical day-to-day command and control requirements and emergency response needs. Moreover, many of these critical command and control requirements are unique, such as our missile warning and space surveillance circuits or the communications supporting the missile and bomber forces. For this reason, DoD is vitally concerned that no artificial restrictions be established, by either regulatory or legislative action, that would prohibit or make economically prohibitive any existing or planned communications systems or networks it may have.

ASSESSMENT OF S. 1660

Judged within the current industry framework and against the concerns discussed above, the Department of Defense believes enactment of S. 1660 would not benefit, and indeed would hamper, its national security communications capability.

Initially, passage of legislation revising or overturning the FCC's access charge decisions is likely to prolong uncertainty and turmoil in the U.S. telecommunications industry. In 1981, when Defense Department representatives testified before the Senate Commerce Committee regarding S. 898, "The Telecommunications Competition and Deregulation Act of 1981", they urged Congress to act to establish the future structure of our nation's telecommunications industry to insure national security and emergency preparedness needs were met. The Senate passed S. 898, but the House was unable to pass a companion bill, H.R. 5158.

Meanwhile, the Federal Communications Commission forged ahead with a regulatory restructuring of the industry, and the AT&T divestiture has been agreed upon and implemented. While the Defense Department did not support many of these actions, the Department has accepted them and has made major efforts to adjust to them. We believe that this period of difficult adjustment is mostly behind us and that what is most needed now is a period of stability to allow all to adjust to the present environment. Were Congress to now act, another cycle of regulatory action, judicial review, and legislative reaction would begin, with the likely attendant disruption of DoD's communications operations.

The Department also believes the provisions of S. 1660 which impose penalty fees upon users which bypass the existing local exchange network are unfair and will adversely affect national security communications. Bypass capability is essential to a survivable command and control communications structure for the same reasons a viable local exchange network is important. Alternate routing and redundant facilities are what provide survivability, and to restrict the Defense Department to using only the local exchange network, or economically penalize it for bypassing it, will reduce survivability.

Moreover, penalty fees are likely to retard the development, deployment and use of satellite and mobile communications technology. These are obvious examples of bypass systems and each is becoming much more critical to a survivable and endurable command and control communications structure. Indeed, the Committee Report on S. 1660 recognizes that often users decide to construct bypass systems to obtain unique services or capabilities not being offered by the local exchange network (S. Rept. No. 98-270, p. 13). Many unique Defense Department requirements use bypass systems to achieve the maximum practical survivability, which is an operational necessity, yet S. 1660 imposes penalty fees upon such bypass nonetheless.

Finally, as a large user of commercial communications, the Defense Department views the thrust of S. 1660 as contrary to the basic objectives of reduced regulation, divestitute, and increased reliance upon competition in the telecommunications industry. While the Defense Department has generally opposed the past regulatory and judicial efforts to restructure the industry because we believed they did not consider fully all factors or serve all interests of the Nation, such actions have occurred and are now irreversible. Furthermore, although the Defense Department has some serious concerns regarding the adverse financial impact of the FCC's access charge decisions, and has sought reconsideration of them, DoD believes these changes are an attempt to accommodate the transition to a fully competitive industry structure.

Under these circumstances, for Congress to now enact legislation which further complicates the regulatory environment and imposes additional artificial restraints upon the evolving competitive marketplace, will deprive communications users of the opportunity to exercise those additional choices, employ those technological innovations, and seek those lower prices which have been the long-promised benefits of a competitive telecommunications industry.

S. 1660 is of particular concern to the Department in light of the FCC's recent action postponing imposition of residential access charges until 1985. The multi-line business charges and special access charges applicable to the vast majority of DoD's communications will still be imposed under both the FCC's action and S. 1660, but if S. 1660 were enacted the Department would pay more but receive none of the benefits of a competitive telecommunications market.

Mr. GRASSLEY. Mr. President, I have been genuinely intrigued by the controversy, confusion, and general chaos that have permeated this debate over the future direction of our telephone service. This state of affairs is hardly unexpected in view of the changing arguments and positions of the key players involved and the conflicting figures and estimates that have been offered.

By no means do I want to be critical of my colleagues, the FCC, the telephone and business interests, and other groups and Government agencies involved with this debate. I claim no expertise in this matter, and with over 160 Iowa telephone companies and their customers with a stake in the outcome, the task of determining what is best for my State is no small order.

But before we proceed to cast our votes on what apparently will prove key as to whether or not we will have legislation at this point in time, I would like to share some observations and comments with my colleagues.

The situation with which we find ourselves today certainly did not happen overnight. For several years, we were aware of the court battle between the Justice Department and AT&T. We all knew of the possibility of major changes in our telecommunications system in the event that dives-

ture were to occur. This awareness, and the desire to preserve the integrity of the best telephone system in the world, the Senate took major action in 1981 in passing S. 898 which was aimed at avoiding a breakup of AT&T and its operating companies. I supported this bill, as did most of my colleagues. It is important to remember that most of our telephone companies supported this legislation also.

Had Congress passed that legislation, we may have avoided the problems and confusion we face today. Unfortunately, instead of taking up S. 898, the House decided to draft its own version. The delicate compromise fell apart and Congress failed to stop the breakup.

During 1983, the question of universal telephone service arose once again, unfortunately, during the Senate consideration of S. 66, our cable legislation. The major telephone companies were pushing hard for an amendment to this bill in the name of protecting telephone companies from bypass and preserving universal telephone service at affordable costs. Since this concern was raised at the 11th hour, no hearings had been conducted and it was inappropriate to accept amendments of such magnitude.

Like many of my colleagues, I was torn for my concern about the need to preserve universal telephone service at affordable prices, while at the same time sensitive to the need for more thorough consideration of the issue. Upon receiving assurances from my good colleague, the chairman of the Senate Commerce Committee, that he would offer legislation addressing this problem of universal telephone service, I voted against related amendments to the cable bill. I know many of my colleagues shared my concerns and did likewise.

As promised, the chairman offered legislation, and I joined as a consponsor. I did so because most of Iowa's telephone companies felt the FCC has been insensitive to the needs of Iowa telephone users. I also cosponsored because AT&T and its Bell affiliates, as well as other large telephone companies, had expressed such a strong concern for universal telephone service during the debate of the cable legislation.

Unfortunately, not uncharacteristic of the House leadership, they decided they would "doctor" legislation so they could turn it into a "political football" for the upcoming elections. This irresponsible action clearly was a disservice to all telephone users and their companies.

Consequently, most of the telephone companies from Iowa that had supported legislation were frightened. They supported S. 1660, but were now afraid that we would end up with something closer to the House bill. They realize that the House bill would cause irreparable damage to our phone system and would unnecessarily and unfairly burden the small business and residential users in the long term.

At first glance, the request to the FCC initiated by my good colleague from Kansas, seemed to be a better alternative than risking a bad bill out of conference committee. Moreover, an executive of the Iowa Telephone Association pointed out that since the FCC seems willing to cooperate, perhaps we ought to see what they come up with during the next few months. This logic is appealing and persuasive.

On the other hand, I am concerned that the FCC may not follow through with a recommendation beneficial to Iowa's telephone companies. I am more concerned about this possibility than I am with the prospects of facing the House bill out of conference. I spoke to the chairman about the apprehensions of Iowa telephone companies. I was pleased to have his assurances that he would not accept the House version.

Consequently, I feel that the best interests of our telephone customers and companies can be best served to proceed with legislation. I urge my colleagues to join in this support.

I would also like to share with my colleagues comments forwarded by the Iowa Commerce Commission to the FCC addressing their plans to reassess their earlier decision. I associate myself with these concerns and am urging the FCC to address these matters in any future deliberations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IOWA STATE COMMERCE COMMISSION,
January 25, 1984.

Re CC Docket No. 78-72, "In the Matter of MTS and WATS Market Structure."

WILLIAM J. TRICARICO,
Secretary, Federal Communications Commission, Washington, D.C.

DEAR SECRETARY TRICARICO: Enclosed for filing is an original and twelve copies of the "Comments of the Governor of the State of Iowa and the Iowa State Commerce Commission" relating to recent Federal Communications Commission action in the above-captioned docket.

Would you please file-stamp one copy and return it in the enclosed self-addressed, stamped envelope?

Thank you for your assistance.

Very truly yours,

PHILIP E. STOFFREGEN,
General Counsel.

BEFORE THE FEDERAL COMMUNCIATIONS COMMISSION
Washington, D.C. 20554
(CC Docket No. 78-72)

IN THE MATTER OF MTS AND WATS MARKET STRUCTURE

COMMENTS OF THE GOVERNOR OF THE STATE OF IOWA AND THE IOWA STATE COMMERCE COMMISSION

Reconsideration of policy objectives

The Governor and the Iowa State Commerce Commission believe that since the FCC has delayed implementation of the end user charges to residential and single line business customers, the FCC should take this opportunity to reevaluate its basic policy decision to remove nearly all of the contribution made by toll to the provision of joint or nontraffic sensitive plant. It appears obvious that the major obstacle to full implementation of the FCC access charge plan is the inequitable transfer of NTS costs to end users as a flat monthly charge.

One must consider why all of the proposed Congressional actions in one way or another attempt to mitigate the devastating effects of transferring all of interstate NTS costs to flat, end user access charges. Surely, since all toll telecommunications require local investment, an equitable pricing system calls for some contribution from toll to the nontraffic sensitive, joint cost aspects of telecommunication services.

Iowa asks that the FCC consider an approach which places some of the NTS costs on usage via access charges to interexchange carriers and some on end users. There is economic value in collective access to the exchange customers beyond purely incremental costs. This value should be captured through usage sensitive charges to carriers.

Increased bypass incentive

We are also concerned about the seemingly contradictory actions of the FCC in its tentative decision of January 19, 1984, regarding the effects on threats of bypass. The January 19 increase of the proposed access rate differential for the other common carriers to 55 percent, the resulting delay of any decrease in AT&T rates, and the selected application of end user charges to large business customers will certainly increase the incentives for uneconomic bypass. The action recommended in the Senate letter would provide the same increase in bypass incentives.

We have shared your past concern that uneconomic bypass can threaten the existence of service to the remaining customers through ever-increasing rates. Of particular concern to us is the potential for uneconomic bypass of existing systems such as AT&T and the BOC's. Iowa's telephone customers are very dependent upon the services provided by these traditional carriers.

There are few incentives for alternative carriers to invest in new equipment to reach an exchange with a limited customer base. As discount access rates are provided to the alternate carriers, the most lucrative, high volume traffic routes will be inundated with competition while these lower volume, higher cost routes will be left to the traditional carrier. This carrier will have the need for higher rates to replace revenues lost to competition on other routes, which will further encourage bypass.

We are concerned that when private systems or alternate carriers are chosen for interstate service, they directly affect the choice for intrastate service. The interaction of these markets cannot be ignored. Regulation of one carrier's service and rates and deregulation or induced competition for other carriers is not sound economics. The long term impacts must determine our short range goals. If full competition is deemed the ultimate goal for interstate traffic, the FCC should be cognizant that competition may not be the best solution for intrastate services.

Universal service fund

Economic theory would predict that carriers would continue service on all existing routes so long as operation and maintenance

costs do not exceed revenues on those routes. However, when the time for replacement of equipment on a low volume, high unit cost route arises, it is doubtful that it will generate toll revenues sufficient to recover the investment over its normal life. No universal service fund will provide the safety net necessary for maintaining service on all such routes.

Estimates indicate that the State of Iowa is a net benefactor in all of the many variations of the universal service fund and high cost fund proposed. This income transfer would be from a very average, generally rural state of 3 million people with 1 million phone lines, where 161 phone companies provide local exchange service, where 18 percent of the population is age 60 or older, where the 1979 median household income was $16,809 and where the lower income population tends to live in the more rural areas. These low income households are the very population most likely to pay higher long distance rates, higher local rates, and eventually end user charges in order to shift the NTS support away from toll usage.

It is difficult to see how these funds would sufficiently target assistance, while it is probable that they could encourage inefficient operation. We are generally opposed to trying to solve geographic, social, and economic inequities through the regulation of telephone utilities. The FCC should focus its attention on striking a balance between end user charges and the revenue requirement to be met by toll carrier changes.

Net impact for Iowans

There are generally no gains to low traffic areas and to intrastate rates for Iowans from the FCC plan. Since AT&T customers must bear the burden of discounted rates to OCCs for the sake of competition, the FCC is indeed creating the crisis situation whereby public outcry for the traditional carriers' toll rates to be relieved of the burden of NTS costs must surely result.

The only clear goal of the plan is the minimization of toll rates to selected, high traffic areas. This goal will be met given continuation along the FCC chosen path. At the same time, certain sectors of the market may be placed into such jeopardy that the future of telephone service is severely threatened. We ask that the FCC consider the full impacts of its action.

Respectfully submitted,

Terry E. Branstad, Governor, State of Iowa; Andrew Varley, Chairman and Commissioner; Christine Hansen, Commissioner; Paul Franzenburg, Commissioner, Iowa State Commerce Commission; Philip E. Stoffregen, General Counsel, Counsel for Iowa State Commerce Commission.

January 25, 1984.

Mr. BAUCUS. Mr. President, I need remind no one that the phone industry is in turmoil—the same phone industry that has brought over 90 percent of American households the most reliable and the least expensive phone system in the world. It is time for Congress to take a step forward and make sure that we not undo the achievements of the past 50 years.

I believe S. 1660 is such an attempt. It is not the perfect bill, but it is an honest attempt to deal with many of the problems that face us today and will face us tomorrow.

I wish everyone of my colleagues could have been with me at a recent meeting I attended with the managers of the rural telephone systems in Montana. The folks at that meeting were not economic theorists working for a Federal bureaucracy. They simply were the individuals responsible for making sure that their customers in Montana's small communities, farms, and ranches have a dial tone when they pick up their telephone to call a doctor, a veterinarian, or a neighbor.

These rural telephone managers are now faced with staggering uncertainty and confusion about what will happen tomorrow with the phone systems with which they are entrusted. And the customers they serve share the same uncertainty and confusion.

I believe we need to stop and look where we are headed. Too few people understand the effects of recent Government decisions affecting the telecommunications industry. S. 1660 will give us that chance.

I realize that those who oppose S. 1660 have said many times that the most recent FCC action provides us with a period for review and study without dramatic increases in phone rates. My answer to that has to be that it is time for Congress to act; to stop sitting on the sidelines while Federal bureaucracies decide the fate of rural and urban telephone systems and rates.

I have lost track of the number of times AT&T and the Department of Justice have gone to court to decide and redecide hundreds of issues involving the divestiture of AT&T.

And it has been almost impossible to keep up with the changes the FCC has authored in their access charge orders. It is time for elected representatives of this Nation to write into law some certainty for the future.

S. 1660 will insure that the FCC-ordered access charge on residential and small business customers is delayed until January 1, 1986. This gives us the time to consider carefully the effects of such charges on rural telephone systems and the effects on this Nation's poor and those living on fixed incomes.

S. 1660 guarantees that payments from the Universal Service Fund will actually assist in keeping phone service available for small, rural, and high cost telephone companies and their customers.

I do not have to emphasize the importance of universal service not only to those individuals in rural America, but to everyone connected to the phone system including large and small businesses alike.

In addition, S. 1660 authorizes and supports the establishment of lifeline telephone service rates for those individuals and families who would have no choice but do without a telephone if rates are increased dramatically. Lifeline service is an essential part of a universal telephone service system.

Mr. President, I urge my colleagues to support the efforts of Chairman PACKWOOD and the members of the Commerce Committee and vote for S. 1660. We should not and must not duck this issue any longer. Telephones and telephone service are an essential part of everyone's daily lives. It is time for Congress to take direct action to insure that universal service is preserved and local rates are kept affordable.

Mr. MATTINGLY. Mr. President. Although the debate of the past several days has been filled with rhetoric and technical jargon, the matter before us is simple and straightforward. All of us in this body recognize the merit and the necessity of preserving universal telephone service and are committed to doing our part to insure that such service is preserved. At issue is the proper method of accomplishing that goal. Like a number of my colleagues who have already spoken on this issue, I firmly believe that the best course of action for this Senate to take is to refrain from enacting legislation at this time. A decision to do so is not an abrogation of our responsibility, as the supporters of S. 1660 assert. It is instead a prudent response, a wise action.

Last week I joined 31 of my colleagues in sending a letter to the Federal Communications Commission (FCC). That letter expressed some of the concerns we had with the Commission's access charge plan and requested that the FCC reconsider and modify the plan. We asked specifically that access charges not be imposed on residential and single-line business customers in 1984 and that, if imposed, they be capped at $4 per month through the end of the decade. In a final order handed down yesterday, the FCC responded positively to our requests by agreeing to postpone any access charges at least through mid-1985 and to hold them to $4 or less. In addition, the Commission agreed to conduct further study into providing support to small rural telephone companies in order to insure accessible, quality service to customers in low-income and remote areas and into providing so-called lifeline service to the poor. Of particular importance, I believe, was the FCC's agreement to study the impact of the changes occurring in the telephone industry on the preservation of universal service. As the majority of the citizens to whom I have spoken recognize, and as the FCC has reiterated in its order, the telephone industry is currently in a state of flux. Things are changing. We have indeed entered a new era, and no one—not the industry, the FCC, the courts, and least of all the Congress—knows what the future holds. We need facts

and we need flexibility. The FCC's new plan provides for both of these. Mr. President, I submit that if we do not know what the problem will be, or even whether or not one will exist, we should not prescribe a solution.

The Commission's responsiveness to our requests and its commitment to continued monitoring and evaluation of the developments in a changing telephone industry remove the need for legislative action at this time. Mr. President, I firmly believe that the Congress, the FCC, the telephone industry, and the American people all share the same goal—the preservation of universal telephone service in our Nation and the growth and advancement of a superior telecommunications system. I am equally convinced that the plan which the FCC has formulated is the proper avenue to take in arriving at our goal.

Mr. CHAFEE. Mr. President, a reliable and extensive communications network is essential for the continued prosperity of the United States. We are fortunate to have the best telephone service in the world. The developer of that system—the American Telephone & Telegraph Corp.—has helped us to attain high quality telephone service which has been affordable for virtually all Americans.

While AT&T was a regulated monopoly, we came to take this service for granted. Rapid technological developments and a series of regulatory and court decisions in recent years have brought an end to the AT&T monopoly and ushered in a new era of competition in the telecommunications marketplace.

More has been eliminated than the corporate monopoly over telephone service: We have also lost the subsidy mechanism by which long distance telephone revenues had been used to keep local service rates low. In the resulting confusion over our Nation's telephone pricing structure, many doubts have understandably been expressed about the wisdom of making this transition from monopoly to competitive environment.

The transition is now an accomplished fact. AT&T and other companies will compete for long distance telephone business and continue to develop a variety of new communications technologies. While this will benefit consumers, the effect of recent developments on local phone service remains unclear. The settlement leading to the divestiture of AT&T stripped local phone companies of many of their profitmaking assets. Other factors, such as inflation and a drive by telephone companies to modernize equipment, could also lead to pressure to increase local rates. In addition, higher long distance revenues will no longer be available to offset the fixed costs which local companies incur in providing access to the telephone network for residential and business customers.

The challenge is to make the transition from a monopoly to a competitive system without jeopardizing the availability of affordable and reliable phone service. Meeting this challenge will be extremely difficult for two reasons. First, it will require maintaining a delicate balance between competition, which can thrive best when services are priced at their true costs, and universal service, which could be threatened if true-cost pricing results in massive rate increases. Second, we are operating in new and unfamiliar territory, proceeding down a complex public policy path which is fraught with uncertainty. Assumptions we make today could be easily called into question tomorrow as the implications of changes in the telecommunications field continue to be expanded.

As we strive to attain this balance between competition and universal service, it is essential that the telephone—a basic necessity for most Americans—be kept within easy economic reach. After analyzing the complex questions surrounding this issue, the Federal Communications Commission in February of 1983 released its so-called access charge order. The order would have accomplished the monopoly-to-competition transition through adoption of a "cost-based" pricing structure, assigning to phone users a larger share of the fixed costs which phone companies incur in providing network interconnection. The FCC's order was based upon the assumption that decreases in long-distance rates would sufficiently offset the access charges to prevent burdensome local rate increases.

In July of this year, I joined with 30 other Senators in expressing grave misgivings about the size and timing of the access charges prescribed by the FCC. In cosponsoring S. 1660, I sought to underscore my concern that the end user charges then scheduled to be imposed on January 1, combined with significant telephone rate increases attributable to other factors, could seriously jeopardize the availability of universal service. S. 1660 correctly sets forth as national policy that the FCC should strive to insure the universal availability of basic telephone service at reasonable rates.

A plan which abruptly shifts all local phone service costs onto consumers could clearly threaten universal service, and must be rejected. However, a plan which permanently assigns all local service costs to long-distance carriers could also harm consumers if the resulting high rates lead large long-distance users to set up their own communications systems, bypassing the phone network and eroding the rate base.

Last week, I joined in urging the FCC to reassess its decision to impose monthly end user charges of $2 for residential and $6 for single-line business customers, beginning April 3. I believe strongly that these access charges should not be imposed without a more thorough analysis of how changes in the telephone pricing structure will affect American consumers. At the same time, we must work to insure that any plan for the reallocation of phone service costs contains adequate protections for low-income phone users to insure that they are not denied access to quality service.

On January 19, the FCC announced a tentative decision to delay the imposition of end user charges on residential and single-line business customers until 1985, and to establish a limit of $4 per month on any end user fee imposed during a transition period stretching to 1990. The FCC's previous order would have permitted the imposition of a $5 fee by 1987. The Commission intends to devote further study to the whole question of a user-based cost allocation plan and its potential effect upon universal service. This decision, which was made final yesterday, constitutes a more reasonable approach to phone pricing policy than the Commission had originally proposed.

The FCC has clearly begun to heed the message which underlies S. 1660—the transition to a competitive telephone pricing system should not be accomplished abruptly, or at the expense of universal service. The Commission remains convinced that bypass of the local network, which could result without some user-based distribution of costs, might ultimately drive large volume users of long distance service off the local phone network. We need to know more about the prospects for such instances of bypass, as well as its long-term ramifications for erosion of the local telephone rate base. The FCC intends to compile additional data about the bypass threat, and I believe it should weigh this information carefully when determining how costs can be most equitably distributed. I am also extremely interested in reviewing the study which the Congressional Budget Office is soon to release on this subject.

In amending its previous access charge order, the Commission has acknowledged that the massive restructuring of our Nation's telecommunications system has complex policy implications. The FCC now appears to be proceeding with caution. I believe Congress should do likewise. If we press forward with legislation at this time, the result could be the adoption of a telecommunications policy which does not adequately take into account the possible long-term harm to consumers from steps which in the short term are intended to be beneficial.

What will be the impact of divestiture and other factors upon local phone rates? Can a portion of fixed plant costs incurred by local phone companies be assigned to phone users without jeopardizing universal service? Do sufficient protections exist for the provision of service to needy Americans? Would the continued long distance revenue subsidy of local rates result in bypass of the local network by large users? Would such bypass be significant enough to bring about drastic local rate increases?

As an independent regulatory agency, the Federal Communications Commission is best equipped to examine these questions and to respond to developments in the telecommunications arena which will affect telephone rates. Since the FCC indeed intends to postpone implementation of its access charge order and explore the situation further, I believe we should set aside consideration of S. 1660. This will enable Congress to provide guidance to the FCC in a more carefully considered way, without preempting the Commission's ability to respond to issues which have yet to be fully addressed.

Some have suggested that the Senate should proceed with consideration of S. 1660 because the FCC, they argue, having adjusted its position on this issue several times, cannot be relied upon to act responsibly to protect the interests of telephone users. I do not believe Congress should abandon its own responsibility to insure an equitable phone pricing system. However, we must insure that our legislative actions are guided not by a mistrust of the FCC but by a determination to best serve the interests of telephone users. At this time, I believe those interests can best be served by allowing the Commission to continue to exercise jurisdiction over telecommunication pricing structures. It should be noted that each time the FCC has changed its position in this matter, it has come closer to embracing the principle embodied in S. 1660.

Congress should continue to stress the principle that, in considering plans for the assignment of fixed local service costs, the long-term preservation of universal service must receive the highest priority. We must carefully monitor the FCC's future actions in this area which is so vital to millions of Americans. We should remain fully prepared to challenge the FCC vigorously and to pursue telecommunications policy legislation if the Commission is unresponsive to the concerns of Congress and consumers.

Leadership entails an understanding of when not to act as well as when to press ahead. The circumstances which once seemed to compel passage of S. 1660 are no longer the same. I believe the Senate should recognize this and exhibit true leadership by agreeing to set the measure aside.

LIBRARY TELEPHONE RATES AMENDMENT

Mr. PRESSLER. Mr. President, earlier this week I filed an amendment to S. 1660 which addresses a problem faced by hundreds of not-for-profit libraries around the country.

The FCC's access charge decision and pending divestiture-related tariffs will have a major impact on library phone bills and data communications costs. In the last 15 years, a quiet revolution has taken place in libraries as more services and processes have become automated. Caught in the double bind of tighter budgets and increased dependence on telecommunications networks, libraries have adapted data processing and resource sharing through telecommunications to increase their efficiency and provide cost-effective library services to the widest possible population.

The most important factor in this pattern service is affordable communications. The availability of voice-grade telephone lines adapted to data transmission has irreversibly changed the nature of library services. With affordable telecommunications—and often with Federal incentives and support—libraries have accessed very large-scale computer systems for sharing information resources, linked branch locations to a central computer system for tracking materials availability, and developed centralized online catalogs and community information systems which will inevitably extend library resources to more people.

Public and academic libraries, especially in remote rural areas, cannot always afford multiple copies of books, magazines, and academic journals. However, through these new data bases, librarians can provide their clients with a wide choice of information materials. Students and teachers certainly rely on these library resources. But the general public also has a big stake in effective and widely available library services. In this past year, the South Dakota State Library has covered a wide range of requests. People drop by, call in or write to get information on many subjects such as the installation of wood stoves, vocational agriculture, the use of lie detectors as legal evidence and even one question about how to repair a rotary telephone. The State library could not possibly answer all these questions without a dependable and affordable data base network.

In South Dakota the State library serves directly as the public library for nearly 200,000 of the State residents, and as a back-up resource for all library users. The State library uses the OCLC (Online Computer Library Center) system for cataloging and interlibrary loan. It maintains a 15-library interlibrary loan network which handles nearly 50,000 requests annually. I ask unanimous consent that the membership of South Dakota's interlibrary loan network be printed in the RECORD immediately following my remarks. The South Dakota State Library also contracts with a tristate library network, including North Dakota and Minnesota, called MINITEX—communicating through computer terminals—for document delivery to all libraries in South Dakota. It provides the only library access in the State to over 300 commercial electronic data bases. The results of data base searches can be sent electronically to the 15-library network and by mail to all other public and private libraries.

In the next year, South Dakota will be implementing a statewide computerized bibliographic data base linking all types of libraries for online cataloging, an online circulation system, interlibrary loan, and control of periodical subscriptions. Individuals with personal computers will be able to dial up an get direct access to this statewide data base. The direct benefits to the State include increased use of all library materials throughout the State, sharing of resources among libraries, and statewide collection development.

Mr. President, I have been contacted by a number of South Dakota librarians who predict a serious cutback in services should all the proposed rate increases filed with the FCC go into effect. I ask unanimous consent that copies of this correspondence be printed in the RECORD immediately following my remarks. If these rate requests go into effect without serious consideration, our libraries' effectiveness will be hurt at the very time when demand is increasing and budgets are shrinking. We are not simply talking about the well-known $6-a-business-line access charge. Included in the tariffs filed with the FCC last fall are drastic rate hikes for private lines which connect the libraries to these national and regional data bases. Hidden away in these hundreds of pages of tariff filings are rate requests which could devastate not-for-profit libraries who cannot pass along these increased costs to their patrons.

If rate requests are approved, the telecommunications costs for the State library's four OCLC terminals will increase from $7,200 per year to $11,304—a 57-percent increase. Similarly, the University of South Dakota, which will have five terminals by April, will see costs increase from $9,000 to $14,130. For some of the smaller libraries with only one terminal, the impact is even more severe. The Rapid City Public Library, which now pays $1,800 yearly, will pay $3,006—a 67-percent increase for telecommunications. Nationwide, the average increase is 73 percent for libraries which connect to the merged catalog of the Online Computer Library

Center in Columbus, Ohio. In the Washington, D.C. area, the increase is 138 percent. One library system in the Chicago area will see a 183-percent jump.

These enormous rate increases would work serious, perhaps irreparable, damage to the Nation's libraries. These institutions are typically pubicly funded and supported, operating on fixed budgets, often on a biennial cycle. They cannot pass additional unbudgeted expenses on to their patrons, nor do they have access to the capital needed to develop alternative technologies quickly. The larger libraries in South Dakota, as elsewhere, will probably divert book budget funds to pay telecommunications costs, thus cutting back on their regular acquisitions. Smaller libraries may have to discontinue their automated services or postpone plans to begin them.

For these reasons I filed an amendment to S. 1660 which would direct the FCC to make a specific finding that additional charges for communications services beyond those in effect on December 31, 1983, would not harm the facilities needed to provide adequate service. The test for such a finding is taken from the Communications Act of 1934 regarding universal service. It does not prohibit new charges but requires the Commission to take a long, hard look at the public interest served by libraries. The December 31, 1983 date would insure that library services would not be affected by the access charges or other recent filings such as the pending private line tariffs until the Commission makes such a finding.

The amendment refers to "entities providing not-for-profit bibliographic services" which means library services provided by public libraries as defined by the Library Services and Construction Act, libraries in institutions of higher education as defined by the Higher Education Act, libraries in elementary and secondary schools as defined by the Elementary and Secondary Education Act, and cooperative library networks as described in title III of the Library Services and Construction Act, and medical libraries as defined by the Medical Library Assistance Act. At the request of several of my colleagues, orphanages have also been included in this provision.

Mr. President, libraries provide unlimited information services to a universal audience. They are the common carriers of information in a democratic society. Libraries provide invaluable resources to all Americans, regardless of social background or economic status. These services are radically endangered by the unprecedented rate increases pending at the Commission. Congress has an opportunity, with my amendment, to direct the Commission's priorities. The Senate has decided not to consider S. 1660 at this time. However, I remain committed to pursuing this issue and intend to ask the Senate to debate my amendment when I offer it to other relevant legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA LIBRARIES INVOLVED IN THE ELECTRONIC INTERLIBRARY LOAN PROGRAM

Fort Meade—VA Hospital.

Springfield—University of South Dakota/Springfield.

Madison—Dakota State College.

Rapid City—Public Library, Rapid City Regional Hospital, South Dakota School of Mines and Technology.

Sioux Falls—Public Library, VA Hospital, Sioux Falls College.

Vermillion—University of South Dakota.

Brookings—South Dakota State University.

Sturgis—Black Hills State College.

Yankton—Mount Marty College, Yankton College.

Aberdeen—North State College, Public Library.

RAPID CITY PUBLIC LIBRARY,
Rapid City, S. Dak., December 23, 1983.

Senator LARRY PRESSLER,
105 Rushmore Mall, Rapid City, S. Dak.

DEAR SENATOR PRESSLER: I am writing to get your support for the libraries of South Dakota and the nation in the matter of telecommunication rate increases. I understand that S. 1660 is expected to come up for a floor vote early in 1984 and that, in its present form, the bill provides no relief for libraries.

As fellow South Dakotans we are both aware of the problems of size and distance that exist here. Our libraries are small, as are our budgets. But our citizens have information needs that match those of the rest of the country. Resource sharing is our answer to that problem and we are working hard to improve our service through inter-library cooperation within the state, within our regional networks (MINITEX or BCR), and with the nation as a whole.

But before we can share, we need to be aware of what materials other libraries have. Computers are playing a significant role in this effort today and can be even more useful in the future. A task force composed of librarians representing academic, school, public, and private libraries have been working with the State Library for two years to develop an automation plan for South Dakota to improve our ability to cooperate. To function properly, however, our libraries need—our citizens need—reasonable telecommunication rates.

We are told by the Online Computer Library Center (OCLC), the bibliographic utility currently providing us with inter-library and cataloging services, that under the proposed rate structure, our library can expect an increase in our telecommunication bills of approximately 68%. This on top of hefty increases we have already received in our utility bills. Such an increase leaves few alternatives. We can pull the terminal plug and return to pre-OCLC days. For the patrons of the Rapid City Public Library this means diminished access to materials that could be borrowed from other libraries and a return to delays in getting materials out on the shelves. Or, we can pay the increased rates by finding ways to trim the budget. This invariably means cutting the materials budget and/or reducing the size of the library staff. And once again the people who use the library suffer. They don't get the service they deserve.

Should we somehow be able to assume the increases, our patrons are still at risk of losing service because we will lose contact with libraries unable to do so. Therefore, anything you can do to help us hold down our telecommunications costs will be greatly appreciated. If we can't be spared the increases, surely there must be some way to phase them in over a period of years, giving us time to develop budgets that can handle them.

I, and any librarian in the country interested in automation, would be more than happy to discuss this matter with you further. Thank you for your time.

Sincerely,

BRUCE G. MEHLHAFF,
Associate Library Director.

SAINT MARY'S HOSPITAL,
Pierre, S. Dak., November 25, 1983.

Re Docket No. 83-1145, Tariff FCC No. 3, private line service.

Senator LARRY PRESSLER,
Senate Office Building, Washington, D.C.

DEAR SENATOR PRESSLER: I have recently received information concerning the telecommunications cost increases being considered by the F.C.C. and by the Congress. Since your Committee on Commerce, Science and Transportation, and the Communications Subcommittee will be vitally involved in this issue, I wanted to point out how much more difficult library service will be in future with regard to this issue. South Dakotans rely heavily on telecommunications because of our small (relatively) library collections. Thousands of computerized literature searches and tens of thousands of interlibrary loans are performed each month in South Dakota, in keeping our citizens as well informed as those in more urban areas. Increasing telecommunications charges, as requested by A.T.&T., will cause South Dakotans to fall behind. The enclosed discusses more fully the plight of the library community and South Dakota when faced by these charge increases. I hope you will be able to halt or at least modify the proposed changes.

Sincerely,

DEANN HILMOE,
Medical Librarian.

SAINT MARY'S HOSPITAL,
Pierre, S. Dak., November 25, 1983.

Re A.T. & T. telecommunications tariff, Docket No. 83-1145, Tariff FCC No. 3, private line service.

I have just received information concerning the proposed telecommunications tariff, and felt compelled to respond. This is a very difficult time for libraries, and particularly hospital libraries, due to budget problems and federal regulations governing hospitals. It is an especially poor time to suddenly expect increases of 60% on data communication costs. Hospitals of 100 beds and up in South Dakota use various private lines to connect with the MEDLARS databases at the National Library of Medicine for computerized literature searching of medical information, ultimately for patient care needs. At present, hospitals pay approximately $22.00 per hour for online searching including telephone charges—an increase of 60% for those charges puts even more pressure on our budgets. St. Mary's is a small hospital, and we use over $1000 per year in online time. In the event of an increase, those charges have to be funded by decreas-

ing the number of books or journals purchased as well as other services. The net would be a loss to the patient whose medical personnel need access to current information. Budgeted funds for an increase couldn't be available until August, and many larger institutions couldn't budget for such an increase for two to five years.

Many types of libraries in South Dakota access OCLC and other private line vendors for cataloging and interlibrary loan traffic, giving South Dakotans the ability to be equal to other citizens of the country in current information. Because of our rural locations, South Dakota libraries are great sharers of information—but services will need to be cut there also, if a large increase is passed. An increase will impact directly and indirectly as we access computer banks and as our loans are referred to larger collections.

My recommendations for dealing with the tariff are:

(1) Cut down the percentage of increase to a more reasonable level

(2) Postpone implementation until complete analysis is possible, and phase in any changes

(3) Exempt library and educational institutions from the private-line tariff.

I am in favor of telecommunications corporations receiving just compensation, but not at the cost of hospital library services.

Sincerely,

DEANN HILMOE,
Medical Librarian.

SIOUX FALLS PUBLIC LIBRARY,
Sioux Falls, S. Dak., November 28, 1983.

In reference to: Docket No. 83-1145, Tariff FCC No. 3, Private Line Service.

MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. FOWLER: I understand that the Commission has received a request from AT&T to put in place its new tariff for telecommunications charges, and that you will shortly be reviewing this request.

As it has been estimated that the proposed tariff could allow for increases averaging 60 percent, I am writing to express my concern.

Our public library is depending more and more on telecommunications to maintain basic and essential information services to its citizens. The sharing of information between libraries makes it possible for us to provide our users with resources not available locally and which, many times, we cannot afford to acquire. Now, within our own state we are beginning to develop an even more complex statewide resource network which will rely even more on telecommunications. Even without increases in the telecommunications charges, these same charges are the major cost item facing development of our system. To see these charges put in place would substantially reduce the amount of money we could continue to spend locally on our own library collection.

With our budgets for years and years constantly stretched so very much in efforts to put new materials on the shelves for an education-hungry audience, the sharing of resources with other libraries has been very important. Increased charges would almost certainly set our progress back instead of allowing to move forward.

I encourage the Commission to postpone any decision until such time as a thorough analysis is made of long range impacts of this proposed increase.

Thank you for your attention to my concern.

Sincerely,

JAMES L. DERTIEN,
City Librarian.

MOUNT MARTY COLLEGE,
Yankton, S. Dak., November 21, 1983.

Hon. LARRY PRESSLER,
Communications Subcommittee, Washington, D.C.

DEAR SENATOR PRESSLER: Several recent telecommunication developments—the levying of access charges for local connections to long distance circuits and the proposed tariffs filed by AT & T for its telecommunication services—will have a major impact on our library at Mount Marty College. Preliminary analysis just available indicates that this means an average increase of 60% in the cost of lines used by libraries for data communication as a result of the proposed tariff. Our library has used an automated cataloging and interlibrary loan system since 1977. This increased tariff would mean an increase of approximately $60 a month on our OCLC terminal. Since our library is on a small, fixed budget, we would not be able to pay for this increase. This would probably mean that we would be forced to discontinue use of our terminal, which would be detrimental to our patrons.

In order for a thorough analysis to be performed, the FCC should consider postponing the access charge and tariff. The increase seems too severe for private line users. If it must be implemented, it should be phased in to allow libraries time to develop budgets that would accommodate this increase. If the tariff is approved, an exemption should be granted to library and educational users. Since libraries are set up to provide information and service to its patrons, an exemption would help libraries fulfill their mission.

Sincerely,

GLENN SUNDVOLD,
Director of the Library.

THE BROOKINGS PUBLIC LIBRARY,
Brookings, S. Dak., November 22, 1983.

Sen. LARRY PRESSLER,
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR PRESSLER: As director of a small public library, I fear the effect of the AT & T proposed access charges and accompanying tariff for long distance telecommunications service on our library's ability to keep pace with the community's growing demands for information and other library services.

In South Dakota, low budgets, great distances, and heavy use of library resources have necessitated a healthy spirit of cooperation among all of our libraries. We are, as of this fall, at the exciting stage of developing a statewide, multi-type automated library network. One unanswered question, however, remains crucial to our plans: Will telecommunications cost increase to prohibitive levels for most of the small libraries and thus dash our hopes for including all sizes and types of libraries in this network?

Most assuredly the estimated 60 percent increase in telecommunications costs indicates that more time is needed to study its impact on library budgets and, consequently, to library patrons. While I feel that AT and T's proposal is so severe that it should not be implemented, I would add that a more reasonable access charge and tariff should be phased in over a number of years so that library directors, budget directors, and citizen governing boards would be able to plan for the effects of these increases. Assuredly, a 60 percent increase in a telecommunications budget within the next few months would necessitate the reduction or elimination of existing library services.

Sincerely,

SANDRA K. NORLIN,
Library Director.

AUGUSTANA COLLEGE,
MIKKELSEN LIBRARY,
Sioux Falls, S. Dak., November 21, 1983.

LARRY PRESSLER,
U.S. Senate, Washington, D.C.

DEAR SENATOR PRESSLER: As the new Director of the Mikkelsen Library at Augustana College, I am greatly concerned about the proposed tariffs filed by AT&T for its telecommunications services. Our library currently pays $200/month in telecommunications charges. A preliminary analysis indicates that the requested tariff would result in a 60% increase in these costs.

Libraries are doing more and more of their information handling via computers and telecommunications. At the Mikkelsen Library we catalog all materials, process all interlibrary loans, and initiate our book orders using our OCLC terminal.

The State of South Dakota is currently sponsoring a task force investigating ways in which to connect all libraries in the state creating a statewide database of library holdings. The future of libraries in the area of increased automation to better serve their users may be cut short if the costs become prohibitive.

Your consideration of these concerns will be greatly appreciated, especially in your role on the Communications Subcommittee.

Sincerely,

RONELLE K. H. THOMPSON,
Director.

YANKTON COLLEGE,
Yankton, S. Dak., November 16, 1983.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, D.C.

DEAR MR. PRESSLER: We are very concerned about the increased telecommunications charges and the impact those charges will have on this library. An average increase of 60% or $120 per month would make it very difficult for this small library in a small private college to continue using the automated cataloging system and interlibrary loan system which we have had since 1977. The 60% figure was sent to us by Carol C. Henderson, Deputy Director, ALA Washington Office. We are sharing an OCLC terminal with the other small private college in Yankton and although the increase would be $60 for us personally, it is still far too much for us to pay. This increase would mean, at this point, that we would not be able to use the terminal, but would have to save the money that the use costs us in order to pay the telecommunications charges. Since we operate on a very small and very tight budget, it seems unfair to bill us at a rate comparable to a much larger, far richer institution.

We feel that the FCC should postpone the access charges and the accompanying tariff long enough for a thorough analysis to be performed. The impact on private line users seems disproportionately severe and should not be implemented in the present form. Any imposition of access charges and tariffs should be phased in with sufficient time be-

tween the steps for library managers to develop realistic budgets.

Should the private line tariff be approved, an exemption should be granted for library and educational users. The mission of libraries is to bring information resources and services of all types—print-based, audiovisual, and computer-based—to all segments of the population in all areas of the country. An exemption for libraries from the private line tariff would go a long way toward bringing access to the information age to that half of the population which makes no use or minimal use of long-distance facilities.

Sincerely,

PATRICIA MCDONALD,
Library Director.

NORTHERN STATE COLLEGE,
Aberdeen, S. Dak., November 17, 1983.

Hon. Larry Pressler,
Senator from South Dakota,
Washington, D.C.

DEAR SENATOR PRESSLER: I am enclosing a copy of my comments to the Federal Communications Commission on the divestiture of AT&T and the proposed access charges and tariffs for leased line telecommunications. All citizens and their libraries in South Dakota will become the information poorly if these proposals become a reality. I hope these comments will assist you in your work with the Communications Subcommittee of the Committee on Commerce, Science, and Transportation.

Sincerely,

ELIZABETH J. MCNEER, PH. D.,
Director of the Library.

COMMENTS OF ELIZABETH J. MCNEER, DIRECTOR, WILIAMS LIBRARY, NORTHERN STATE COLLEGE, ABERDEEN, S. DAK.

As a citizen, a librarian, and the director of a college library, I am concerned about the divestiture of AT&T. I am most concerned about the proposals for access charges and tariffs for leased line telecommunications because libraries have become dependent on networks linked by dial up and leased line equipment.

The Williams Library is a member of the OCLC network which provides access to the cataloged collections over other libraries through a dedicated leased line. This information is used to catalog our own collection and to locate and request books from other libraries through interlibrary loan arrangements. No library can purchase all the books needed by its users; and this cooperative system shares resources, expanding our capability to serve our users.

Through dial-up access to commercial services, the Williams Library provides information from indexes other than the ones we can afford to purchase and house in the library building. For a small college in a remote part of the country, this feature assists the College in recruiting faculty and students. Any large increase in charges for long distance service would eliminate our access to these sources of information.

Publically funded libraries such as the one I manage ooperate on budgets prepared eighteen to twenty-four months in advance. A sixty percent increase in telecommunications charges would require a severe cut in the book budget and staff cuts as well. I have no mechanism to pass these charges on to my users: the students and faculty at Northern State College.

I would urge the Federal Communications Commission to postpone the access charges and accompanying tariff long enough for a thorough analysis of the effects upon library and other educational users. The mission of the college library is to provide access to all forms of information to its students and faculty. As more of that information is transmitted through the long distance telecommunications lines, the Federal Communications Commission can determine which libraries can serve which users by its actions on this issue.

SIOUX FALLS COLLEGE,
November 22, 1983.

Senator LARRY PRESSLER,
Attention: Ms. Mary Pat Bierle,
Russell Senate Building,
Washington, D.C.

DEAR SENATOR PRESSLER: This is in regard to the telecommunications development caused by the divestiture of AT&T. There are two changes which will have effect on libraries: the access charge and the proposed tariffs on private/leased lines.

In the information provided to us from the American Library Association, it appears that the cost of our telecommunications may rise as much as 60 percent on the private/leased lines used for data transmission. For Sioux Falls College and the other twenty libraries which participate in OCLC, an on-line resource sharing, bibliographic data base, that means the current rate of $24,000 per year will more than double April 1, 1984.

Libraries are willing to accept increasing costs, but (1) it seems disproportionately applied to private/leased line users and (2) we have no way to absorb or pass on those kinds of increases all at once. Alternate, more cost-effective options are not available, especially on such short notice.

The purpose of libraries is to provide all kinds of information to users from all segments of the population and in all areas of the country. New technologies have greatly enhanced that capacity and, in most cases, there are no alternatives. Perhaps there is a way libraries and educational users could be exempted from the proposed private line tariff. In any case, there must be some better way than to, as one librarian noted, "eat the elephant all at once."

Thank you for your consideration. If I can provide further information, please contact me.

Sincerely,

JANE KOLBE,
Head Librarian.

REMARKS CONCERNING DOCKET NO. 83-1145, TARIFF FCC NO. 3, PRIVATE LINE SERVICE

(By Bob Carmack)

I am Dean of Library Services at the University of South Dakota, a small liberal arts university in Vermillion, South Dakota. Our enrollment is 6,001, and the university serves professional schools of law and medicine in addition to its predominately liberal arts curriculum.

As you are probably aware, the Northern Great Plains is characterized by lots of land and space and few people. But what we lack in quantity, we make up for in quality, and because we have quality people, they deserve to have the finest of libraries to provide them with information that they need to improve the quality of their lives. Because we do have limited resources, it provides challenges to us to creatively and innovatively meet the information needs of our students, faculty, and citizens. We have done some good things in this regard and are continually striving to improve our efforts. However, because of our geography and demographic distribution, much of our activities rely upon telecommunications. The proposed tariff of AT&T has real potential to penalize libraries' ability to provide and access information quickly and effectively for our users, and I must express some very real concerns.

Let me give you an example: The libraries at the University of South Dakota are heavy users, relatively speaking, of the services of OCLC in Dublin, Ohio. This corporation, through collective efforts of its nationwide members, provides cost effective bibliographic and related services to its participant libraries. This service is provided over telephone lines which are "dedicated" for this purpose. I have just received my bill from my network for OCLC services next year, as well as information from them that suggest my telecommunications costs will increase by some 68 percent next year if the tariffs are approved. This 68 percent adjustment will mean that I must find an additional $4,896 in order to continue to participate meaningfully in resource sharing and networking. Budget cycles are such that it will be difficult for me and many other publicly supported libraries to build this cost into our fiscal management structure. Further, being publicly supported entities, it will not be possible for us to pass along these increases to our users.

More often than not, we will have to absorb them internally, and the prime target for absorbing these costs is the book budget. By so doing, however, we initiate again the vicious circle of depriving information for both my immediate users, students and faculty, and other citizens of the State. We take some pride in South Dakota in considering all of our libraries to be a library of the whole; thus, what hurts one library hurts us all. At an average cost of $30.59 per book, the $4,896 would provide some 160 books for use by students and faculty. If you compound that number by other OCLC users across the state of South Dakota, the potential for deprivation becomes rather significant.

Lest I be misunderstood, I firmly believe in technology as both a source of relief for many of our costly day-to-day means of doing things, as well as a means to expand our capabilities to provide needed information. Our participation in OCLC is an example. We view this participation as an efficient, economical way for us to minimize costs while helping to maximize service and information to, and for, our students, faculty, and other users. Technologies continue to develop which will make our task even easier and, perhaps, more cost effective. We look forward to their continuing development. However, they are not in place now, and they will not likely be by April, 1984, when the proposed tariff would go into effect. I would thus urge the FCC to postpone the proposed tariff adjustments until not only the long-range implications of new technology can be further assessed, but also to give entities such as the University of South Dakota time to build such cost increases into its budget structure.

I find myself also feeling, with some intensity, that because libraries and educational institutions do play such vital roles in providing for an informed citizenry that they should be exempt from the proposed tariff altogether. Libraries provide information resources and services to a lot of people, and at the point of being redundant, in South Dakota we have to cover a lot of land, using telephones to do so, to provide needed information. An exemption for libraries from the

tariff would be a significant step in improving the education and quality of life of our citizens. The returns on such an exemption are obvious, and I certainly urge this as a postive alternative for your consideration.

In summary, I believe the proposed tariff of AT&T as it would impact telecommunications for private/leased lines would have a significant negative impact upon the entire citizenry in their need to have information that will improve the quality of their lives. I urge quite strongly at least postponement of this tariff until more meaningful analysis can be made of the long-range impact of this radical adjustment in rate structures.

Thank you for your time.

AMERICAN LIBRARY ASSOCIATION,
Washington, D.C., January 23, 1984.

Hon. LARRY PRESSLER,
U.S. Senate, Room 407A, Russell Senate Office Building, Washington, D.C. 20510

DEAR SENATOR PRESSLER: I am writing on behalf of the 40,000 members of the American Library Association to express ALA's support of the amendment you intend to offer to S. 1660, the Universal Telephone Service Preservation Act of 1983. The amendment, as we understand it, would insert a new subsection on page 17 of S. 1660 immediately after line 21:

"(j) The Commission may not impose on any entity providing not-for-profit bibliographic services or any orphanage any charge for telecommunications services which was not imposed on such an entity or orphanage on December 31, 1983, unless the Commission has made a finding that those entities have adequate facilities at reasonable charges."

It is our understanding that you plan to define entities providing not-for-profit bibliographic services as library services provided by public libraries as defined by the Library Services and Construction Act, libraries in institutions of higher education as defined by the Higher Education Act, libraries in elementary and secondary schools as defined by the Elementary and Secondary Education Act, cooperative library networks as described in Title III of the Library Services and Construction Act, and medical libraries as defined by the Medical Library Assistance Act.

It is also our understanding that this amendment will provide a mechanism for libraries to continue to provide their bibliographic, research, reference, and access to information functions as technologies change and as telecommunications become essential to the provision of those functions.

The drastic increases in telecommunications costs facing libraries could prevent them from performing their historic role of providing universal access to information to the public. As much information becomes available only electronically, libraries are the one institution which makes access to electronic information universally available.

Your amendment is consistent with the universal service philosophy of both the 1934 Communications Act and of S. 1660. It is also consistent with the philosophy of several existing federal programs which encourage and support libraries in the use of available technologies to share resources and provide cost-effective services.

The American Library Association strongly supports the amendment, and with the amendment added, S. 1660 as well. We appreciate your support on behalf of libraries and their users.

Sincerely,

EILEEN D. COOKE,
Director, ALA Washington Office.

ASSOCIATION OF RESEARCH LIBRARIES,
Washington, D.C. January 24, 1984.

Hon. LARRY PRESSLER,
U.S. Senate, Room 407A, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR PRESSLER: On behalf of the Membership of the Association of Research Libraries (ARL), I am writing to support the amendment you intend to offer to S. 1660. As I understand the proposed amendment, it will require that the Federal Communications Commission find that non-profit providers of bibliographic services have adequate telecommunications facilities at reasonable charges before any new charges are imposed on them.

Librarians are seriously concerned that the rate increases proposed to the FCC by AT&T in connection with the divestiture decision would impose Draconian hardships on their budgets, especially if these charges are imposed without thorough study of the effects. They fear that their only recourse in order to be able to pay the proposed charges will be to cut back on book and periodical purchases, to curtail services to patrons, or both. The historic role of the library in the United States has been to provide access to information to all who seek it. Much information is now available only in electronic form, and this trend is growing. Therefore, the cost of electronic communications is becoming a critical component of what information will (or will not) be made available to the public.

The ARL is appreciative of your commitment to the philosophy of universal service which is embodied both in the Communications Act of 1934 and S. 1660. We applaud your effort to help libraries to continue providing telecommunications-based information services at reasonable cost to all information-seeking Americans.

Yours truly,

SHIRLEY ECHELMAN,
Executive Director.

Mr. GLENN. Mr. President, I rise in opposition to the motion to table consideration of S. 1660, the Universal Telephone Service Preservation Act. I do so because I believe it is time for Congress to accept responsibility for setting telecommunications policy.

For the past 20 years, Congress has stood on the sidelines while telecommunications policy was set by the courts, the Justice Department, and the FCC. We stood and watched when competition was injected into the system, although it was clear that such action would have serious consequences. We stood and watched as technology advanced at a rate far too rapid to be accommodated by the guidelines set in the 1934 Communications Act. We stood and watched as the world's best telephone company was broken apart, with no one providing a clear understanding of how the transition would be managed.

Do not misunderstand me. I am not here to speak against competition or technological advancement, or to argue that we should try to put the Bell System back together. All I am saying is that throughout this period—as decisions were made that affected jobs, trade, and the future of universal service—Congress stood silent.

Today we are paying the price for our silence. Decisions made by those outside this body over the past two decades are coming together, seemingly all at once, in a way that has placed tremendous upward pressure on local telephone rates. Some of this pressure is real, some is rhetoric. Much of it could be eliminated if Congress would speak with a clear voice and would lay out some guidelines for the FCC and state regulatory bodies to follow.

In the absence of congressional action, these decisions will be left to the FCC. Unfortunately, the FCC has demonstrated an inability to send a clear signal on these issues, when a clear signal is sorely needed. Let us look at the record:

July, 1983: on the eve of Joint House-Senate hearings in the access charge decision, the FCC voted to reduce the first-year charges and to extend the transition period.

October, 1983: just prior to consideration of H.R. 4102, the FCC voted to suspend access charges until April, 1984.

December, 1983: the FCC issued a study that attempted to minimize the role of access charges and other FCC-mandated changes in the escalating local rates.

Yesterday, the FCC tentatively decided to extend its own moratorium on access charges until after the 1984 elections.

The FCC's on-again off-again record of the past year has not removed uncertainty; it has compounded it.

I believe the time has come for Congress to assume its responsibility for setting telecommunications policy. Without legislation, there is no certainty for the consumer that universal service will be preserved. Without legislation, State regulatory bodies will be unable to accurately evaluate rate requests. Without legislation, telephone companies will be unable to accurately determine their legitimate capital and operating costs. Like other businesses, telephone companies need to remain financially viable, and their employees need to have their hard earned pension rights protected.

In fact, if we fail to act today, only one thing is certain: the 99th Congress will be guaranteed its No. 1 domestic issue—telecommunications. A consumer revolt over dramatically higher and more complicated telephone bills will force its consideration. We will be forced to plow the same furrow, but a lot deeper next time.

Mr. DOLE. Mr. President, both the proponents of legislating at this time and those of us who believe that legislation is no longer necessary, agree that bypass may pose a real threat to universal telephone service. On page 14 of the committee report it states:

Despite the uncertainties, the committee remains concerned about the potential impact of bypass on universal telephone service. The committee, like the FCC, has

not been able to compile complete information on when and why users bypass. . . .

The committee's approach to the bypass issue is consistent with the overall context of this bill. At the heart of this bill is the firm judgment that much significant information is lacking and that precipitous action is unwise.

This Senator agrees. Now is not the time to be making final judgments on bypass. At the time the committee report was drafted the access charge orders were set to take effect on January 1, 1984, and it was highly appropriate to counsel restraint and delay in the imposition of those orders. Today We have accomplished what we set out to accomplish. The FCC has imposed a moratorium on the imposition of their access charge orders pending further study on a number of issues—including the bypass issue. No precipitous action will be taken. In fact, no action will be taken at all for 14 months at the earliest.

TAXING BYPASS

If we assume though, that bypass is a real and present danger we must be prepared to meet that danger. As I see it there are three possible approaches. First, the FCC approach, which would move toward cost-based pricing for long distance and eliminate the perverse economic incentive that exists today to bypass the telephone network. The second approach, advocated by virtually no responsible citizen, is to outlaw bypass of the telephone network and bring technological advancement in telecommunications to a screaming halt. Clearly, discouraging the development of economical new technology is not good policy. Frankly, it is un-American.

The third approach is suggested by the committee in S. 1660. To discourage bypass during the moratorium period the committee advocates assessing a new tax on bypassers to penalize them for taking advantage of more economical communications methods. The tax, presumedly, would duplicate the current overcharge for long-distance service that bypassers seek to avoid.

We ought to consider at length whether the committee's approach to the bypass threat is sound. The Senator from Kansas, who just happens to have some experience in tax matters, believes that the bypass tax is absolutely unworkable. First of all, there is a very real problem in simply defining bypass. The most common bypass technologies today include high power satellite systems, private microwave systems, coaxial cable used in two-way cable television systems, optical fiber, cellular radio, teleports, FM subsidiary radio, multiple access radio, common carrier paging, specialized mobile radio systems, and private carrier paging systems. Should we tax all of them? If so, how much?

The committee concluded for reasons that are not given that certain of these systems are not close substitutes for the telephone network and therefore, should not be taxed. Record communications services are not taxed, neither are broadcaster's program transmissions, systems used for public service purposes, radio common carriers, private land mobile services and carriers that offer mobile services that connect to the local exchange. Why? What distinguishes those alternative forms of communication from those that would be subject to the bypass tax? It may be necessary to consider and vote on each of these exemptions before we establish such a precedent. In addition, the distinguished members of the House of Representatives believed that other forms of communication should be exempt from the bypass charge. We ought to affirmatively consider each of those as well.

Assuming we know enough to make decisions today on who should be taxed as a bypasser and who should not, and I do not believe we do, we have to consider at what rate we should tax these bypassers so as not to discourage technological advancement. Bypass systems are not metered today, nor are bypassers required to identify themselves. So, how are we going to establish a charge which duplicates the long-distance charges they seek to avoid? I ask the finance committee staff to try and figure out a way to impose such a tax. They could not do it without truly raising the specter of "1984," with Government bypass agents running from business to business insuring that they were using the telephone and that if they were not they were metered.

Mr. President, this Senator already has enough problems with tax compliance. The last thing I want to do is try and enforce a bypass tax. I particularly do not have any desire to try and collect a bypass tax from the distinguished senior Senator from Arizona for his use of private radio communication. Someone else can do that job.

Mr. President, the committee obviously recognized the problems I have raised here today. Their solution was to leave the imposition and calculation of bypass taxes to the Joint Board. I am not entirely sure we can do that under the Constitution. I have seen several legal briefs which suggest that this is an unconstitutional delegation of taxing authority.

Courts have consistently distinguished between taxes and other types of charges based on the purpose for which the charges are imposed. Where charges are assessed in return for goods or services, or to recoup the cost of services provided by the Government for individual benefit, such charges have been characterized as "fees." However, where charges have been imposed for the benefit of the public, or for the benefit of any person other than the person assessed, such charges have been characterized as "taxes."

Levying charges against private interstate communications systems which do not utilize local telephone company facilities seems to me to be an attempt to levy a tax. Such private systems would receive nothing in return for the charges they would be forced to pay since they do not utilize the facilities of the telephone companies who would receive the proceeds. Courts have ruled unequivocally that the power to set taxes cannot be delegated by Congress to any person. The attempt to delegate authority to establish the appropriate charge levied against such private interstate communications systems appears to be an unconstitutional delegation of congressional taxing power.

Moreover, if Congress feels we really need to legislate on this issue, then we ought to feel the same way with respect to the bypass tax. It seems to me that on the one hand we are saying to the FCC that their moratorium is not good enough and that we feel compelled to legislate and provide them with guidance. While on the other hand we are saying we do not know how to make the bypass solution work so we will leave that up to you. This Senator cannot accept that approach. If we know enough to enact legislation today, then we ought to finalize this bypass tax as well. In fact, I am prepared and willing to offer a number of possible bypass tax solutions before we let this bill go.

THE INCENTIVE TO BYPASS

Perhaps we should digress for a moment and consider why we are spending all this time talking about bypass? The reason is that if we guess wrong today, and enact legislation which encourages bypass, we will send telephone rates sky high. The Senate has to understand that a very few bypass projects could cause the doubling, tripling, or quadrupling of telephone rates we have sought to avoid. We know now that phone rates are not going to increase by 200 or 300 percent as we had feared earlier. It would be an absolute tragedy if we go ahead and enact legislation that produces rate increases of that magnitude in the future.

It is important to understand that when we speak of the threat posed by large-scale bypass, we are actually talking about bypass by a very small percentage of telephone users. A very small percentage of total users, but a very high percentage of long-distance revenues.

Briefly look at a few examples: In Connecticut 1 percent of the customers account for 45 percent of the revenues, in Kentucky 10 percent of the customers account for 83 percent of

the revenues, in Florida a mere one-half percent of the customers provide 47 percent of the revenues.

If that half percent or 1 percent or 10 percent chooses to bypass those revenues will be made up of those who do not have the capability of bypassing—residential and small business users. The lost revenues from bypassing cover substantial fixed costs which will have to be divided up over fewer and fewer customers. To the extent that heavy interstate callers bypass the telephone network, local telephone rates would increase substantially because local customers would be forced to make up for the revenue lost as a result of not receiving compansation for use of local time sensitive facilities—13 cents per minute.

Moreover, interstate telephone rates would rise dramatically because the 7-cents-per-minute contribution to local service that would have been paid by the bypasser would be paid instead by those interstate callers who continue to use the regular long-distance network. Local and interstate telephone rate hikes that would result from the loss of just one major interstate telephone user to bypass system would spur additional interstate users to bypass, which would lead to even higher local and interstate telephone rates. Spiraling increased in local and interstate telephone rates would eventually be devastating to residential customers who cannot afford to construct private interstate communications systems. The result would be a threat to universal telephone service in the United States.

PRESERVING OPTIONS

Clearly, bypass is not a threat we can choose to ignore. By the time big business makes the investment necessary to bypass the system, it will be too late for us to stop phone rates from increasing. We must be able to discourage today, uneconomic bypass—bypass which exists because long-distance rates today are set substantially over the cost of providing that service. The current long-distance overcharge is described in several ways, but one easy way to understand it is that 17 cents of the average 42-cents-per-minute charge for long distance is the overcharge that encourages uneconomic bypass. That is a substantial incentive.

As I mentioned earlier, there are three approaches to the problem of uneconomic bypass. If we enact legislation we endorse an approach which is absolutely unworkable—taxing away the incentive. And, while S. 1660 simply calls for a 2-year moratorium, the House has passed a forever prohibition on end user charges. In conference someone has got to give. Splitting the differences between two and infinity is a difficult task. Regardless of the outcome, we will have made the policy statement that we should tax bypassers rather than eliminate the perverse economic incentive to bypass.

We do not have to make that choice yet. The FCC has admitted that we do not yet know enough to go forward with access charges. Can we as U.S. Senators honestly claim that we know enough today to make the choice between taxes and access charges? I think not. The bottom line is that we do not have all of the answers yet. The best information available suggests that uneconomic bypass is a very real danger. At least four members of the Federal Communications Commission agree. They also believe the issue deserves further study. We ought to endorse that decision. We can always legislate in the future. Let us not foreclose any of our options by making a hasty decision today.

Mr. DIXON. Mr. President, I rise in support of the motion offered by my distinguished colleague and friend from Arizona, Senator GOLDWATER. As many of you know, I have had serious reservations from the start about the wisdom, or necessity, of Congress attempting to legislate a solution for a problem it has yet to define.

Our Nation is blessed with the world's most advanced system of telecommunications. I am fully committed to the principle of maintaining the availability of affordable basic telephone service for all Americans. Telephones play a vital role in linking our diverse and widespread population. This is evident by the fact that close to 93 percent of all American households have telephones. Telecommunications will play an increasingly important function in business, as our Nation's economy moves into the information age. Clearly, we do not want to jeopardize our economic future by tinkering with something we do not fully understand.

Motivated by concerns about the lack of input from economists during the committee's hearing process, I took the initiative and wrote 16 of our Nation's leading economic experts, asking them to comment on the economic implications of this legislation. In an earlier "Dear Colleague" letter, I shared with you some of their responses. I have now received replies from Leland L. Johnson, an economist with the Rand Corp., Alfred E. Kahn, former chairman of the Council of Economic Advisers, William B. Garrison, Jr., an expert in the telecommunications field, Prof. Robert Willig of Princeton University, Dr. Kenneth J. Arrow, Nobel Prize winner in economics, and Lee L. Selwyn, president, Economics and Technology, Inc., and also a frequent consumer representative in State ratemaking cases. Each and every one of them is unanimous in their opposition to S. 1660 or any legislation which artificially attempts to shift costs. I ask unanimous consent that their responses be included in their entirety in the RECORD.

These responses have only confirmed my earlier suspicion that S. 1660, and similar approaches, are pennywise and pound-foolish—that in the long run, everyone will lose, whether big or small business, AT&T or MCI, one of Chicago's poor, or residents of rural America.

I am fully supportive of efforts to minimize the disruptive impact that a move to cost-based telecommunications pricing would have on residential and small business users, on the poor and rural consumers. I believe the Federal Communications Commission (FCC) has been responsive to our concerns, preempting the need for any legislation at this time. In addition, I understand that we have assurances from the majority leader and the chairman of the Labor and Human Resources Committee that we will have the opportunity, in the very near future, to address the pension portability issue which greatly concerns employees of AT&T and the Bell operating companies. In short, the major impetus for legislation at this time is gone. Congress will have the opportunity to carefully monitor the situation as it develops, appropriately exercising its oversight function.

I firmly believe that legislation is unnecessary and ill-advised—S. 1660 simply cannot deliver what it promises. I urge my colleagues to join me in supporting the motion to table.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAND,
Santa Monica, Calif., January 23, 1984.

Hon. ALAN J. DIXON,
U.S. Senate, Washington, D.C.

DEAR SENATOR DIXON: Thank you for your letter of January 4 inviting me to comment on a number of issues relating to H.R. 4102 and S. 1660. Of the six issues you identify, I shall respond to the four about which I am most knowledgeable. Let me emphasize at the outset, however, that these views are my own and do not necessarily reflect the opinions or policies of The Rand Corporation or of its research sponsors.

The economic rationale for an end-user access plan and the justification for the allocation of interstate and intrastate fixed operating costs as proposed by the FCC—who would pay and who would benefit under such a scenario.

The economic rationale for end-user access charges is to bring rates more closely into line with underlying costs. The cross-subsidies built into the present system are becoming increasingly difficult to sustain in the competitive telecommunications industry. Attempts to maintain these subsidies, embodied for example in provisions of H.R. 4102 and S. 1660, distort market signals to both users and providers of telecommunications services, and encourage socially undesirable behavior including uneconomic bypass of existing local telephone networks.

Because Mark Fowler, Chairman of the Federal Communications Commission, and others have testified in great detail about

the rationale for these access charges, I shall not elaborate here. Suffice it to say that, as an economist, I fully support the FCC's approach to the problem. Regulatory commissions are frequently easy targets for criticism. This is one case, however, where an agency is heading in exactly the right direction. Consequently, I am distressed that many in Congress are trying to derail or delay the FCC's access plan. And I am dismayed that even as this letter is being written, the FCC has voted to postpone to mid-1985 the imposition of residential end-user access charges, and to impose a four-dollar ceiling on interstate access charges to residential subscribers.

With respect to who would pay and who would benefit the answer is clear. Those who heavily use long distance service—such as government agencies and large businesses—will gain the most. Those who use only local service, such as some residential users, will pay more than they do today. Such shifts in benefits and burdens are inevitable in any dynamic industry, as we have seen throughout the course of our nation's economic growth. Nevertheless, even those who pay more will not be unreasonably burdened, as I will discuss below. Moreover, it is important to remember that the reduced telecommunications costs to businesses will, to a degree at least, be passed on to their customers, while benefits to government agencies will help taxpayers.

The impact of FCC access charge plan on the relative affordability of local telephone service for residential users.

For four reasons, the FCC's plan will not seriously affect the affordability of local telephone service. First, according to a recent FCC study, its plan would result in an average increase of six percent per year in local rates through 1989. This increase, compounded over six years, would amount to about 42 percent. Because the cost of living has far outpaced the price rises for telephone service, the real price of telephone service has drastically fallen during the last several decades. I compute that the FCC's projections would put real rates in 1989 at about the level we experienced in the 1960's. I recall nothing from the history of the 1960's to suggest that telephone service was not affordable at that time. Indeed, for decades, telephone service has generally been regarded as one of the great bargains available to the American consumer. It would remain so under the FCC's plan.

Second, these projected increases do not take into account the vastly expanded availability in types of lower priced telephone terminals, triggered by intense competition in telephone equipment. Continued competition will help to keep basic telephone service affordable by making terminals progressively less expensive, as well as providing new, improved services to consumers.

Third, continued technological advances in local loop technology (such as the installation of concentrators in residential areas) and reductions in local trunking costs through use of fiber optics and other advanced technologies will help both residential and business customers. During the transition period in the FCC's plan, these advances may well reduce costs well below those suggested by current data.

Fourth, increases in local rates will be accompanied by commensurate reductions in long distance rates. In March, a representative of Pacific Telephone, testifying before the House Subcommittee on Telecommunications, Consumer Protection, and Finance, noted that the average customer of his company who subscribes to lifeline service also spends over $13 a month for long distance service. He went on to suggest that a 20 percent reduction in long distance charges would keep the average lifeline customer's total monthly bill at roughly today's level. Both AT&T and its competitors are contemplating significant long-distance rate reductions—depending on whether and how the FCC's access charge plan is implemented.

As you have undoubtedly heard, many point out that these reductions will not help those customers who make few or no long distance calls. However, these commentators ignore the fact that reductions in rates will stimulate the volume of incoming calls, redounding to the benefit even of those who originate few or no long distance calls.

The likelihood of "bypass" of local telephone systems by high-volume, long distance customers.

In congressional testimony and elsewhere, many examples have come to light of bypass that exist today. Depending upon technological advance, relative costs, and service needs, we have good reason to expect more and more organizations—government as well as business—to establish their own networks independent of local telephone lines. I understand, for example, that the State of California is seriously contemplating establishing its own network to reduce its large current telecommunications charges.

The disparities between rates and underlying costs caused by today's rate structures encourage bypass even where it is not economic; that is, where the cost to the bypasser exceeds the cost to the telephone company of providing the same service. It is the threat of uneconomic bypass that is largely responsible for the FCC's access plan. By forcing adjustments in prices to more accurately reflect underlying costs, the FCC hopes to discourage uneconomic bypass. It correctly emphasizes that uneconomic bypass, stimulated by distortions in current market signals, may more seriously harm residential and other telephone subscribers than would imposition of end-user access charges.

The relationship, if one exists, between end-user charges, "bypass" by large volume users, and the viability of universal telephone service.

Many have argued that imposition of end-user access charges will threaten the viability of universal service. For five reasons, I regard this view as nonsense. In the first place, econometric studies—especially a recent one by Richard Perl, (Telecommunications Reports, December 26, 1983)—show that the demand elasticity for local telephone service is low; that is, even a substantial increase in rates would cause a relatively small reduction in the number of subscribers.

Second, as emphasized by many within and outside of the telephone industry, the use of customer rate options, including low lifeline rates to provide basic service to the poor, will suffice to keep most subscribers on the network. Today the vast majority of subscribers, even those with low incomes, prefer and are willing to pay for premium telephone service at rates far above the lifeline offerings of telephone companies. Responding to increases in rates, some subscribers will likely shift downward from premium service. But very few will disconnect from the network.

Third, the concomitant reduction in long distance rates, benefiting those who originate and receive long distance calls, will help to keep subscribers on the network.

Fourth, over the long transition period extending to 1990 in the FCC's plan, we can expect continued increases in per capita real income, as the general economy continues to grow, which will further encourage continued and expanded telephone use.

Fifth, technological advances over this same time period may permit reductions in telephone rates, as I noted earlier, below those based on current projected data.

To conclude, I appreciate the opportunity to express my views on this most important subject. For further background material I am enclosing two documents you may find useful. One is a Rand study I authored dealing with issues of cross-subsidization in both long distance and local telephone markets. The other is an article in Regulation, published by the American Enterprise Institute, that deals specifically with local telephone rates.

If there is any other way I can be of help, please let me know.

Sincerely yours,

LELAND L. JOHNSON,
Senior Economist.

CARRUTHERS, DEUTSCH,
GARRISON & WILLIAMS, INC.,
January 24, 1984.

Hon. ALAN J. DIXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIXON: I very much appreciate your good letter of January 4 and am delighted to have the opportunity to share with you my views on matters related to the FCC's access charge plan. I hope that my responses to your questions will be of assistance to you and to your colleagues during the deliberations on S. 1660. I have attempted to offer my views in a reasonably concise manner; however, because of the complexity of these issues, brevity is difficult to usefully accomplish.

For the record, I should tell you that I am an attorney, not an economist. However, my firm combines economics, technology and law in consulting services regarding the telecommunications industry. Consequently, the enclosed materials reflect views derived from a perspective which encompasses these three disciplines.

My views have been substantially influenced by studies which my firm has conducted for the States of Illinois and North Carolina on the changes facing both long-distance and local exchange telephone companies. These changes are being driven by technology. In our view, the alterations of public policy reflected in the AT&T divestiture and the FCC's access charge plan are necessary readjustments in an industry undergoing radical technical and economic alteration. Any legislation adopted by Congress must permit the regulatory process to change in response to this altered marketplace; attempts to legislatively maintain outmoded regulatory schemes will be ultimately unsuccessful and will be destructive to our industry.

I am grateful for your interest in these issues and for your solicitation of my views.

With kindest regards,

Sincerely,

WILLIAM B. GARRISON, Jr.

Question 1: What is the economic rationale for an end-user access plan and the justification for the allocation of interstate and intrastate fixed operating costs as proposed by the FCC—who would pay and who would benefit under such a scenario?

Response: The term "access charges" has given rise to a very serious misperception of the nature of end-user charges as proposed by the FCC. The current general understanding is that these charges must be paid by the consumer in order to make long-distance calls (i.e., to "access" the long-distance net-work) and that these charges must be paid regardless of whether a consumer actually uses long-distance service. End-user charges are not so intended. Instead, they are simply one aspect of a larger cost allocation plan designed to recover the cost incurred by telephone companies in providing the equipment required to deliver all telephone services, local and long-distance.

The recovery of these non-traffic sensitive (NTS) costs has been accomplished in the past through a system which has artificially increased the percentage of these fixed costs recovered from long-distance services. This allocation process has resulted in long-distance rates that are artificially higher than the actual costs of providing long-distance service. These inflated rates have encouraged market entry by toll carriers competing with AT&T and have created incentives for large-volume toll users to bypass the public network.

The economic rationale of end-user charges is relatively simple. Costs allocated to any given service should more closely reflect the actual cost of providing that service. Such a rationalized scheme of cost allocation should permit the telecommunications market to develop on the basis of economic reality instead of on the basis of artificially inflated toll rates and inefficiently subsidized local service offerings.

Under a monopoly scheme of service provision, artificial allocation of costs between services is largely sustainable because the revenue generated from each service offering flow to the monopolist. The monopolist could sustain a loss relative to the cost of a given service because that loss could be made up from revenues derived from another service. However, as competition develops in the service sector characterized by artificially inflated costs, the monopolist faces revenue erosion and loss of subsidy for those services priced below cost. In order to sustain a truly competitive marketplace in one service sector, the cost allocation for all services must then be restructured to more accurately reflect true costs.

The FCC's access charge plan is designed to provide a transition to a more accurate allocation of costs among telephone services. This alteration in cost allocation should allow competition in toll services to more closely operate according to free market factors.

To the degree that this reallocation of costs may cause some local service consumers to be "priced out of the market," regulators, and perhaps legislators, should implement subsidy mechanisms which will target those consumers on the basis of actual need and thereby prevent the loss of "universal telephone service."

Question 2. What is the impact of the FCC access charge plan on the relative affordability of local telephone service for residential users?

Response. The critical issue regarding the impact of the FCC's access charge plan on local service affordability is whether flat-rate access charges, when added to flat-rate service charges, will be so burdensome to low-volume users as to force some of those users to abandon telephone service. Last year our firm conducted a study of the changes in the telephone industry for the state of North Carolina. In that study, we projected a worst case effect from the recovery of NTS costs through end-user access charges. We believe that the increase in subscriber-based revenue requirements represented by end-user access charges might cause 4.4 percent of the subscriber population in N.C. to abandon telephone service.

Because of N.C.'s very low average wage, this projection might reasonably be viewed as a worst case projection for the nation. "Fall-off" may well be less severe on a national basis because of the relatively higher average income of almost all the other States.

A drop-out of 4.4 percent should not be viewed as a dramatic or critical threat to universal service. Regulators have several options, through rate-making and subsidies, to ameliorate the full-impact of shifting cost allocations and increasing revenue requirements.

A number of studies have shown that telephone pricing is significantly inelastic relative to demand. One can reasonably expect that the overwhelming majority of consumers would continue telephone service even if local rates substantially increase.

Question 3: What effect will postponing legislation or prohibiting residential end-user charges have on research and development and technological innovation in the telecommunications industry?

Response: The long-term health of all competing long-distance companies will depend upon a more equitable allocation of NTS costs. Until toll rates more accurately reflect costs, true competition in long-distance service will be forestalled. Current rate-making policies encourage inefficient use and misallocation of economic resources among competing carriers.

Legislation postponing the necessary shift of costs will retard the economic benefits which can be derived from competition. Legislation prohibiting residential end-user chargers would threaten economic efficiency and competitive growth in the long-distance market. If carriers are to take full advantage of technological innovation and if consumers are to receive the maximum benefit from such innovation, the long-distance market should be allowed to operate in an economically efficient environment.

Question 4: What is the likelihood of "bypass" of local telephone systems by high-volume, long distance customers?

Response: Bypass occurs when traffic is diverted from the local telephone network through alternative systems generally utilizing technologies other than copper-wire facilities. When bypass systems are deployed in a local market, they generally siphon concentrated business traffic from the local exchange company. The vulnerability of telephone companies to bypass is heightened by the high percentage of toll revenues generated by a very small number of customers. Bypassers need only to capture a small percentage of the major long-distance users to substantially erode the toll access revenues which would flow to local telephone companies.

Bell System statistics offer some instructive examples: in Alabama, 10 percent of the toll customers generate 77 percent of the toll revenues; in Tennessee, 10 percent of the toll customers generate 81 percent of toll revenues, and in New York, 0.3 percent of the toll customers generate 33 percent of the toll revenues. More alarming are the statistics gathered in Texas, where 1 percent of the toll customers generate 33 percent of the toll revenues; 39 percent of major toll customers in that state are bypassing the local network and 17 percent more are planning to do so within the next three years. Particularly ironic is the fact that increasing numbers of state governments are considering state-operated bypass systems. New York, North Carolina, Virginia, Oregon, California and Kentucky presently own or are designing such systems.

Bypass arrangements can be obtained from common carriers other than the local exchange carriers or through privately-owned systems. Because the cost of telecommunications technology has been so dramatically reduced over the past several years, large users can now afford to invest capital in a system to meet their own communication needs. The marginal costs of operating such systems are generally not significant so that the initial capital investment can be recovered in a relatively short time period. Substantial savings in telecommunications costs, therefore, can be realized over the long term. The prospect of considerable long-term savings in overhead expenses through the operation of a telecommunications system makes bypass an increasing likelihood among large users.

Question 5. What is the relationship, if one exists, between end-user charges, "bypass" by large volume users and the viability of universal telephone service?

Response: Bypass is generally categorized as "economic" and "uneconomic." Economic bypass occurs when price differences for services offered over competing systems can be derived from actual cost differences. Economic bypass is the natural result of technological innovation and of a competitive market. Such bypass should be permitted and encouraged for the good of the economy and the country.

A legitimate public policy concern, however, arises in the case of uneconomic bypass. Such bypass systems are profitable when price differences for services are not based on actual costs and are not derived from differences in technological performance. Under current regulatory policies, uneconomic bypass is encouraged because large toll users have incentive to escape the continually escalating long-distance rates from which subsidies for local service have been derived. As pointed out above in the response to the preceding question, a very small percentage of business users produce an inordinately high percentage of interexchange calls. If those users leave the network, telephone companies will face severe revenue loss without accompanying loss of NTS costs. Consequently, these costs must be recovered in higher percentage from low-volume users. The natural result of this economic phenomenon is ever-rising local service rates for marginal or low-volume users.

The FCC's access charge plan is designed to shift the recovery of some, not all, NTS costs to the end-user, both business and residential. These end-user charges would be flat-rate instead of usage-based. As a result of such a recovery scheme, high-volume users would no longer pay for fixed costs through charges that escalate with use. This alteration in cost recovery should significantly reduce incentives to large-volume toll users to bypass the public telephone system.

If the economic incentives to large users to bypass are not altered, consumers will soon pay significantly higher (and ever-increasing) rates. Where large amounts of revenue are displaced through bypass the burden of the sunk costs must rest with

those remaining subscribers. This problem is the real challenge to universal service, not the modest reallocation of costs to be accomplished through end-user charges.

Question 6. What is the projected impact of telecommunications services on the cost of doing business, by size and sector, and in influencing business locational decisions?

Response. I am not aware of any data that ties telecommunications to the cost of doing business in a particular location. Since at present long distance message rates are averaged nationwide, there is no historic data. Should rates be deaveraged, they will follow the costs and competition. Large communication centers where information is concentrated will be able to take advantage of economies of scale, thus driving down costs. At the same time, because of these concentrations more businesses will enter the marketplace.

NATIONAL ECONOMIC RESEARCH ASSOCIATES, INC.,
Ithaca, N.Y., January 16, 1984.

Hon. ALAN J. DIXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIXON: I am delighted that you have undertaken to solicit the views of professional economists about H.R. 4102 and S. 1660. As someone who has been involved in studying the communications industry and its regulation over the last 15 years, in a wide variety of capacities—academic, regulatory and consultative—I applaud your venture.

I believe that the answers I am going to give to your questions will reflect the views of a very substantial majority of academic economists.

The economic rationale for end-user access charges has two major components. The first is that it comes closer to basing telephone pricing on genuine economic costs (as distinguished from various arbitrary accounting allocations that define costs in ways having nothing to do with casual responsibility), by removing from the prices of long-distance usage costs that do not vary with usage and imposing them in the transaction that causes those costs to be incurred—namely, the decision of individuals or businesses to become subscribers.

The second rationale is closely related to the first: our national policy of opening the communications industry to competition makes the previous pattern of overpricing long-distance usage relative to its cost no longer sustainable. So long as the Bell System had something like a complete monopoly, they could overcharge long-distance usage with impunity, and use the proceeds to hold down the basic monthly charge. Now that competitors are moving into the former field, this kind of internal subsidization has become decreasingly sustainable. It is, indeed, one of the virtues of competition that it forces inefficiently high prices down to cost, and inefficiently low prices up to cost.

It is difficult to say definitively who pays and who benefits from the previous arrangement. At the first instance, quite obviously, the beneficiaries of the FCC's plan would be the people and businesses that make a disproportionately large number of long-distance calls, and the additional burden would be borne by the people and businesses that make relatively few. This is, however, a short-sighted view. The preponderant use of long-distance is by businesses, which as a general matter, pass on to their customers the cost of doing business. It is a vulgar misconception that taxes on businesses do not fall on people—real people. In a very real sense the present overcharging of long-distance communications amounts to a kind of sales tax, which gets passed on to consumers in proportion as they buy the products—hamburgers as well as steak, gasoline and heating oil as well as home computers or television sets—produced by the businesses that use a great deal of long-distance communications.

Moreover, it is true only on average that wealthy people tend to place more long-distance calls than people of modest incomes. There is clear evidence that many rural customers of very limited means do a great deal of long-distance calling, precisely because they live in rather isolated places. Moreover, one of my colleagues did a study of the telephone bills of a sample of over 5,000 California families, and found that the 25 percent of those families with incomes of less than $10,000 a year accounted for over 16 percent of the toll billings. So there are a great number of people of modest income who would benefit, on balance, from the FCC's access charging plan.

There is no question that the FCC's plan would tend to make telephone service less affordable for those residential users who make few long-distance calls. The significant questions are (1) how many of them would, unless something were done about it, drop off the system—the most definitive studies show that it would be only a few percentages of households; (2) whether that possibility was a sufficient reason over the last 20 years to have prevented basic telephone charges from increasing as much as the cost of providing a dial tone, and far less than the Consumer Price Index; and (3) whether holding prices down below cost at this point—at the expense of discouraging the use of long-distance communications—is an efficient or sensible way of keeping on the system the few percentage of families that would otherwise drop off. I believe most economists would say that it is not.

While it is impossible to prove it, I believe the overwhelming majority of economists would respond to your third question that putting off the FCC's proposed very modest access charging plan must inevitably discourage the further development and exploitation of our most dynamic technology; that it has been bad for productivity, bad for our national economic progress to have so grossly overcharged long-distance communications.

While there are inevitably differences of opinion about how rapidly bypass of local telephone systems is occurring or may be expected to occur in the near future, I believe there can be no doubt whatever that our national policy heretofore of charging far above cost to large volume users (this observation may well apply to local calling charges as well as long distance) has constituted an artificial and inefficient encouragement to bypassing of the telephone companies. To the extent that we attempt to continue to obtain this subsidy by charges to long-distance users, whether directly or indirectly by imposing these "access" charges on interexchange carriers, we weaken the telephone companies and in the long run their ability to provide good service. To the extent we do so, we will not succeed in the long run in overcharging high-volume users—they will find their way around such charges, using the most modern technology; the question is whether we do indeed preserve high-quality universal telephone service if we deny the telephone companies the ability to hold on to that business, where they could do so economically, by requiring them to continue to overcharge it.

I have not made a sufficient study to be any more specific in response to your last question. I reemphasize only the enormous importance of telecommunications in resuming our national economic progress, in recovering the secret of productivity growth, and therefore in combatting the disease of stagflation from which we have suffered so severely over the last 15 years.

I should point out in closing that I have at times in the past been an academic advisor to the Bell System, and have during the last two years or so testified on behalf of some of the Bell operating companies in state regulatory proceedings. In fairness to myself and the integrity of these answers, however, I must also emphasize that they follow economic principles that I have been teaching for 30 years, that they are things I have been saying and writing long before I had any association with the Bell System, and that I also have a long record of opposing the Bell System in various public forums in major instances in which I have disagreed with them.

I wish you success in your inquiry.

Sincerely,

ALFRED E. KAHN,
Special Consultant.

Mr. LEVIN. Mr. President, I will vote against tabling the motion to proceed to S. 1660, the telecommunications bill. By going ahead with this bill, the Senate would have the opportunity to debate its merits and to improve it in several respects.

I support delay or repeal of the access charge which the Federal Communications Commission has proposed imposing on residential telephone users. However, I also support ending the subsidy that users of AT&T long distance—which constitute the vast majority of Americans—provide to the users of the long-distance services of other common carriers, like Sprint and MCI. The difference between the amount which AT&T contributes to the local operating telephone companies, such as Michigan Bell, and that which the other common carriers contribute, is much larger than can be justified by the difference in the quality of long-distance service which those common carriers provide their customers. I am also concerned that the portability of pension rights of the Communication Workers of America who were employed by AT&T has not yet been adequately addressed, unless that portability is clarified by an amendment to S. 1660.

This bill, introduced by Senator PACKWOOD, is basically consistent with my position on the access charge. Further, Senator PACKWOOD has indicated his intention to offer an amendment to clarify the issue of portability of pension rights if we proceed to the bill. However, this legislation does not address the subsidy of long-distance service from AT&T to other long-distance carriers. If we proceed with S. 1660, I intend to offer an amendment to eliminate that subsidy. If this

amendment is passed, I would be inclined to support S. 1660 on final passage.

Mr. PELL. Mr. President, I would like to indicate my support for the motion to proceed to consideration of S. 1660. The question of telephone service, and the tremendous changes that have resulted from the breakup of AT&T, is one of the most pressing concerns on the minds of my constituents. In my view, we in the United States have the finest telephone communications network in the world, and I believe the Congress has a responsibility to insure that all consumers continue to receive service at the lowest possible cost.

I recognize that the AT&T divestiture signals an end to the massive cross subsidization that held down the cost of providing local telephone service. Clearly there are now higher costs associated with local service, and these costs must be recovered if the local operating companies—now the foundation of our entire telephone system—are to remain strong and healthy. In my view, however, the necessary move toward cost-based pricing must proceed cautiously, and for that reason I have opposed the imposition of residential and business access charges until more is known about the impact of the Bell breakup on universal service. I believe it will take many months, if not years, before it is possible to determine whether divestiture, coupled with other changes already underway in the telephone industry, will endanger universal service.

Because of this uncertainty, I believe that the access charges originally proposed by the FCC were premature. I am particularly concerned about the fairness of the proposed access orders in relation to senior citizens and those living on fixed incomes for whom telephone service is an essential lifeline. I am pleased that the Commission agreed to delay these charges pending further study and a report to Congress. Indeed I wrote to Chairman FOWLER last week urging such a delay. At the same time, I am firmly convinced that other issues remain which require congressional action despite the FCC's welcome decision to delay the access charges. S. 1660 contains constructive provisions on providing targeted lifeline telephone service to elderly and low-income citizens most threatened by runaway increases in telephone rates. We all know that local telephone rates will rise with or without the access charges, and I think the Senate should proceed to debate S. 1660 and act on these important provisions not covered by the FCC's modified order.

I urge my colleagues to join me in supporting the motion to proceed to consideration of S. 1660.

Mr. MITCHELL. Mr. President, the divestiture of AT&T is the largest in our Nation's history. Over $120 billion in assets and 750,000 employees were involved in this massive transfer of funds and personnel.

During the lengthy and complex debate on how best to continue to provide universal telephone service, many conflicting proposals and solutions to the problem were considered by the Federal Communications Commission, the courts, and the Congress.

The major consequences of the breakup of AT&T are still unknown. The only point that all parties involved agreed upon was the uncertainty of the consequences of the breakup. It is known, however, that increased costs for local telephone service was assured by the original FCC order. In an attempt to address this and other issues of concern raised by the FCC ruling, legislation was introduced in both Houses of Congress.

The most controversial issue was the FCC's access charge decision which was scheduled to add $2 to the price of local residential telephone service on April 3, 1984. Additional fees would have been phased in up to a level of $6 by 1989.

One of the primary objectives of the Senate bill, S. 1660, was to delay the access charge for 2 years. On January 25, 1984, the FCC issued a ruling which revised its access charge decision. There will be no access charge on residential and small business customers until June 1985, while the Commission reevaluates the issue.

I will vote to table the motion to proceed on S. 1660 because I believe it is preferable to have more time to study all of the complicated issues involved and to assess the consequences of divestiture, some of which we cannot now foresee. Next year we will still have an opportunity to develop any legislation that may prove necessary.

Mr. BOSCHWITZ. Mr. President, we have all heard the wise advise "if it ain't broke, don't fix it." If only those who sought to break up AT&T had listened.

I am one who believes that the efforts to break up AT&T were wrong. While I am probably one of the Senate's strongest advocates of free enterprise, I disagree that this regulated monopoly, which grew into the greatest communications system in the world, needed to be split up. But, unfortunately, split up it is. At this point complaining about it is a little like complaining about closing the barn door after the horses get out. The damage has been done.

Now the question before the Senate is whether or not we should proceed to consider a bill designed to prevent the imposition of access charges on residential and small business telephone customers in this country. I believe that the key difference of opinion on this bill is one of philosophy.

For years we have had a policy in this country of charging more for long distance calls than they actually cost and allocating the extra revenues to local telephone companies. This policy was followed to insure that universal phone service was available to all people at reasonable rates.

However, the Federal Communications Commission [FCC] wants to change this policy. Through its access charge decision the FCC seeks to reduce long-distance rates by having local consumers pay an access charge. To make up the total revenue that had been recovered through long-distance rates, the access charge needed would average $8 per local consumer. The FCC did not seek to apply this charge all at once, however, it is clear they intend, over time, to shift these charges from long-distance users to local users. Unfortunately, they not only want to shift over the excess long-distance charges but also charges for services that are necessary to make long-distance calls.

I disagree with this approach. I continue to believe that it is important to keep local phone rates affordable so that certain consumers, particularly senior citizens and people in certain rural areas, do not find their phone bills so high as to force them to give up their phones.

Providing telephone service to rural areas is obviously more expensive. The cost of getting service to each phone customer is higher and the profits to phone companies are lower. In 1945 only about 30 percent of rural homes had telephone service. Today, approximately 90 percent of rural Americans have phone service. I cannot and would not support any plans that would jeopardize that trend.

Therefore, I support this legislation. I am a cosponsor of it. I believe the intentions of the FCC are clear. They want to shift charges from long-distance users, and a large majority of long distance calls are generated by major corporations. The FCC wants those charges paid by the local consumer. This would be a costly shift for my State.

The Northeast-Midwest Coalition has studied this issue, with help from the Congressional Research Service, and using numbers provided by AT&T. They conclude that if the FCC plan is adopted rather than our legislation it will cost Minnesota $20 million.

I realize that not everyone agrees with me and that the efforts to keep the Senate from considering this bill may succeed. If that happens, certainly the forum for considering this issue will shift from the Senate to the FCC, but my interest will not. I will continue to work to insure that telephone service be available to all of our citizens at affordable rates.

Mr. SPECTER. Mr. President, on August 4, 1983, I introduced Senate Joint Resolution 151 to impose a moratorium on an FCC order imposing access fees on residential telephone customers. It was my thinking that such a moratorium would allow the FCC and Congress to study further the potential impact of such access charges. I believed then as I believe today that any across-the-board imposition of residential access fees posed a risk that the poor and elderly might be unable to afford basic phone service.

Yesterday, the FCC finalized an order that will impose such a moratorium. During this 18-month moratorium, period, the Commission will "vigorously study all possible effects of (access) proposals upon the universality of telephone service." I commend the Commission for their action, and urge that the Congress take full advantage of this moratorium period to reexamine the many complex technological issues posed by the breakup of AT&T.

Today, I do not know how best to resolve these questions. I do know, however, that under Senate bill S. 1660, the citizens of the Commonwealth of Pennsylvania would be disadvantaged.

For example, if S. 1660 is enacted, the citizens of my State will pay $74 million to subsidize telephone customers in other States. Even under the FCC's original order, the price tag would have been some $40 million less in outflow subsidies than under S. 1660.

Under the rural subsidy afforded by the universal service fund in S. 1660, Pennsylvania would receive $630,000. On the other hand, the FCC plan now on hold would have provided twice that amount.

It is uncertain how the bypass provisions of S. 1660 would be applied or what impact those provisions will have. However, the FCC's January 25 order directed the Commission to "use the additional time provided by the delay of the end user charge proposal to compile more detailed information upon the extent and dangers of bypass."

One percent of the telephone customers in Pennsylvania constitute 40 percent of telephone revenues; if these major customers begin to bypass the network, the cost of telephone service to all users could rise dramatically. In a State where 67,000 households are suffering the consequences of long-term unemployment and another 350,000 subsist on AFDC and SSI payments, we cannot afford to enact legislation which offers the potential of encouraging such severe systemic disruption.

The U.S. Government brought its antitrust action against AT&T to increase competition and thereby lower costs. This bill, S. 1660, was introduced in that same spirit.

I commend Senator PACKWOOD for focusing the attention of the Senate and the FCC on the need to insure universal and competitive telephone service. I cannot support S. 1660 in its present form, however, because I believe that it does not serve the best interests of my constituents. Nonetheless, given the 18-month moratorium afforded by the FCC's latest order, I am confident that the Congress, working with the benefit of the recently ordered FCC studies, can provide for a restructured telephone network that will fairly distribute costs among the citizens of all States and that will insure the continuation of universal telephone service.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PACKWOOD. I am prepared to yield the floor.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, I move to lay on the table the motion that we have been discussing by Senator PACKWOOD, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the motion of the Senator from Tennessee to proceed to the consideration of S. 1660.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DECONCINI (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Vermont (Mr. LEAHY). If he were present and voting, the Senator from Vermont would vote "nay." I have already voted "yea." Therefore, I withdraw my vote.

Mr. STEVENS (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Georgia (Mr. MATTINGLY). If he were present and voting, he would vote "yea." I have voted "nay." Therefore, I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Georgia (Mr. MATTINGLY), the Senator from Delaware (Mr. ROTH), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Georgia (Mr. MATTINGLY) would each vote "yea".

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. MATSUNAGA) is absent because of illness.

I also announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in the family.

The result was announced—yeas 44, nays 40, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—44

Baker	Ford	Nickles
Biden	Garn	Nunn
Boren	Goldwater	Percy
Bradley	Gorton	Quayle
Chafee	Hawkins	Rudman
Cochran	Hecht	Simpson
D'Amato	Heflin	Specter
Denton	Helms	Stafford
Dixon	Humphrey	Tower
Dodd	Lautenberg	Trible
Dole	Laxalt	Wallop
Durenberger	Long	Warner
East	Lugar	Weicker
Evans	Mitchell	Wilson
Exon	Moynihan	

NAYS—40

Abdnor	Grassley	Packwood
Andrews	Hatch	Pell
Baucus	Heinz	Pressler
Bingaman	Huddleston	Proxmire
Boschwitz	Jepsen	Pryor
Bumpers	Kassebaum	Randolph
Burdick	Kasten	Riegle
Byrd	Kennedy	Sarbanes
Chiles	Levin	Sasser
Cohen	Mathias	Thurmond
Danforth	McClure	Tsongas
Domenici	Melcher	Zorinsky
Eagleton	Metzenbaum	
Glenn	Murkowski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

DeConcini, for.
Stevens, against.

NOT VOTING—14

Armstrong	Hollings	Mattingly
Bentsen	Inouye	Roth
Cranston	Johnston	Stennis
Hart	Leahy	Symms
Hatfield	Matsunaga	

So the motion to lay on the table the motion to proceed was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I regret the action of the Senate today in voting not to consider S. 1660. The issues which are addressed in this legislation need to be considered and to be considered now. The issues raised by the divestiture of AT&T have been clear for some time—the affordability of local service, the loss of cross subsidies, bypass, worker pension protection, and others.

We have a responsibility to our constituents to deal with these matters without delay. Instead of passing a bill, what we have done today is pass the buck. It is the responsibility of Congress to set communications policy and we ought to do that. There are fundamental questions here.

One of the basic tenets of our national telecommunications has always been universal service at affordable rates. And we have always achieved both, and in the process developed the finest telephone system in the world.

The AT&T divestiture case and the resulting FCC rules have called into question the affordability of that service. It is plain fact that residential service has always been, in effect, subsidized by higher profit services—such as long distance. In the new, unregulated world of telecommunications much of the cost of residential and small business service will be borne by those customers.

I think it would be foolish of us to think that we can deal with all the side issues of divestiture without considering their impact on our basic national policy. If we wish to maintain universal service at affordable rates then we must honestly admit that a mechanism must be found to offset the high costs of residential service. We can put a phone into virtually every house in this country. The question is: Will anybody be able to afford to pick it up?

Mr. President, I am under no illusion that S. 1660, or indeed any bill is a panacea for the problem of increased phone rates. Phone rates will go up whatever Congress does. What we can do is mitigate those increases and to reverse agency decisions which have the effect of undoing our national telephone policy of universal service at affordable rates.

This week's Federal Communications Commission decision on the telephone rate issue was a refreshing breath of realism from an agency that has shown an appalling lack of concern for the consequences of its actions. However, I believe the FCC's decison was but a necessary first step.

The FCC still maintains its wrongheaded commitment to imposing access charges on residential customers merely for the privilege of connecting the long-distance network—a service they may or may not ever use. Under the latest proposal no access fees would be imposed in 1984 and thereafter a maximum of $4 per month could be charged between now and the end of the decade.

Last July, I introduced legislation which would ban access charges permanently, an approach that was adopted by the House when it passed its bill last fall. I still support such a ban and I believe the vast majority of the people of Tennessee agree.

I am also concerned by the FCC's lack of any concrete plan to assist small rural phone companies. In its statement yesterday the Commission said it would study proposals to aid such companies, which have higher than average costs. Given the FCC's actions and attitudes on other issues connected with the divestiture of AT&T, I believe rural companies need protection which is enacted into law and not left to the whims of a regulatory agency which has shown such utter disregard for the best interests of the American consumer.

In addition, there are other issues which the FCC fails to address. One is provision for nonprofit institutions such as hospitals and libraries. There were plans to include in the Senate bill a section which would moderate the large cost increase anticipated by these organizations, many of which are already under severe budget restraints.

Depreciation is another area where changes are necessary in the FCC's decision. The Commission would set depreciation rates for telephone equipment at a national average. I believe such decisions are better left to the State regulatory commissions which are better equiped to judge whether a particular market justifies a faster or slower depreciation rate. This was the approach I took in my bill and the approach taken by the House in theirs. If Congress does not act the FCC's plan will stand.

Finally, to do nothing simply leaves too much decisionmaking power in the hands of the Federal Communications Commission. It says in effect "go ahead, we are content with whatever you do." Well, I have not been content with the FCC's handling of these issues in the past and see little reason for optimism that I will be any more content with their actions in the future.

I am disappointed at the action taken by this body today. The consumer, ultimately, will pay for our mistake.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, if I may have the attention of the Senate, I shall repeat what I just said to the minority leader privately.

Mr. President, in a moment, I intend to yield the floor so the distinguished assistant majority leader may be recognized for the purpose of acknowledging distinguished guests in the Chamber. May I say first, however, that, after we do that, as I indicated to the minority leader a moment ago, it will next be my intention to ask the Senate to turn to the consideration of the Nickles bill dealing with pay, which is on the calendar and on which there may be a rollcall vote.

Mr. President, I yield the floor.

VISIT TO THE SENATE BY MEMBERS OF THE NORTH ATLANTIC ASSEMBLY—SUBCOMMITTEE ON DEFENSE COOPERATION

Mr. STEVENS. Mr. President, it is my privilege to introduce to the Senate the Subcommittee on Defense Cooperation of the North Atlantic Assembly. I call attention to the fact that Patrick Duffy, the chairman, from the United Kingdom; Sir Patrick Wall, United Kingdom, President of the Assembly; Louis Darinot of France; Peter Petersen of Germany; Durk van der Mei of the Netherlands; Per Hysing-dahl of Norway; and Jose Manuel Lello Ribeiro de Almeida of Portugal, are in the back of the room.

[Applause, Senators rising.]

RECESS

Mr. STEVENS. I ask unanimous consent that the Senate stand in recess for 2 minutes so Members of the Senate may meet these gentlemen who have joined us from the North Atlantic Assembly.

There being no objection, the Senate, at 3:38 p.m., recessed until 3:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

ORDER OF BUSINESS

Mr. BAKER. Mr. President, once again, I wish to say that, having joined in welcoming to the Senate these distinguished guests, it is time to get on with the business at hand for now.

It was the announced intention of the leadership on this side, after we disposed of the telephone bill, to try to raise the Nickles bill; that is S. 2211, Calendar Order No. 640.

I hope no one feels they have been taken by surprise, because I have announced it each day since Monday—on Tuesday, Wednesday, and Thursday. In a moment, I shall ask unanimous consent that the Senate turn to consideration of that item. If we dispose of that bill today, and I hope we shall, it is the intention of the leadership on this side to ask the Senate to turn to consideration of the crime package. I do not expect that we can finish debate on that today or tomorrow, but I do expect that we ought to be able to finish that bill and the ancillary bill, death penalties and the like, during the span of next week.

Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 640, S. 2211.

Mr. BYRD. Mr. President, reserving the right to object, and I should have told the majority leader this, I have not been able to clear this yet. Would the majority leader be willing to withhold his request momentarily?

Mr. BAKER. Yes, Mr. President. I withdraw the request.

I suggest the absence of a quorum.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TESTING OF THE F-15 ASAT SYSTEM

Mr. PELL. Mr. President, I was distressed to learn of the first U.S. test on Saturday of a new antisatellite weapon based on an F-15 aircraft.

On December 21, I wired President Reagan to urge that the test not be conducted. I respectfully urged the President to halt the imminent test of the F-15-based ASAT system. I cautioned him that a test would give the Soviets an excuse to abandon the ASAT moritorium Andropov announced to a Senate delegation I led to the Soviet Union. I expressed my concern that development by both sides of aircraft-based ASAT's would jeopardize chances for agreement on a ban and undermine our national security. I have not received a response. However, it is clear now that the advice was not taken.

The delegation I led is the only congressional delegation Soviet Chairman Yuri Andropov received since taking office. At that session, which lasted nearly 2 hours, he announced new initiatives on ASAT weapons.

First, he told us, the Soviet Union was declaring a unilateral moritorium on the launching into space of antisatellite weapons, so long as the United States and other nations also abstained. Second, Mr. Andropov said, the Soviet Union was prepared to dismantle existing ASAT weapons and to ban new ones.

I and other Members suspected the motivation behind the moritorium declaration. We were concerned that it might be little more than an effort to increase pressure on the United States, while causing no inconvenience to the Soviets, who have a fully capable, but limited, ASAT system.

The Andropov offer to dismantle existing ASAT's and ban new ones was more interesting. This was the first time the Soviets had made such an offer. They had never before shown any interest in dismantling their own system, and they had avoided any reference to an ASAT ban in their 1981 draft treaty submitted to the United Nations.

Our delegation made this recommendation:

We urge that the administration move expeditiously to reopen negotiations on an ASAT ban. Only negotiations will determine whether the Soviets are genuinely interested in banning ASAT's and weapons in space. Only through negotiations can we find whether the Soviet Union will agree to a strong and effective verification regime.

Mr. President, I have urged the President to move toward an ASAT ban, and I have discussed the possibilities in some detail with administration witnesses. Unfortunately, the administration is simply not interested in actively seeking a ban on ASAT weapons. The oft-expressed need for verification is being used by some as an excuse for doing nothing. I recognize the importance of verification, and I questioned Chairman Andropov about his willingness to agree to effective verification. He seemed forthcoming. It seems to me that the smart approach would be to open bilateral negotiations so that we can put the Soviet initiative to the test. Nothing but disaster can be gained by continued inaction.

It was in this context that I urged the President to halt the ASAT test. I fear development and deployment by both sides of aircraft-based ASAT weapons could prove such a difficult verification problem that a ban could be impossible. A delay in testing while negotiations are being conducted on an urgent basis would not threaten our national security. If the negotiations fail, we would still have the option of moving ahead.

We would be very wise to follow the example of President Kennedy, who, during the Cuban missile crisis, seized on the positive, rather than the unacceptable, aspects of the Soviet position and built toward a successful resolution.

SISTER EILEEN MURPHY—A LEGACY OF CARING

Mr. PELL. Mr. President, I would like to share with my colleagues the sad news of the death of Sister Eileen Murphy, whose dedication and hard work created a haven for society's forgotten.

Sister Eileen, 48, founded Amos House in South Providence, R.I., to feed and comfort the poorest of the poor.

She mobilized contractors, union tradesmen, and dozens of citizens to create a building housing a kitchen and dining room with adjoining shelters for homeless men and women.

The Amos House started in 1976 in an old home on Somerset Street and now is a bright new building that offers hope to literally hundreds of people.

It is a continuing legacy and a testament to the faith, skill and love of Sister Eileen.

I ask unanimous consent that an article from the Providence (R.I.) Journal of December 6, 1983, titled "Sister Eileen Murphy, 48; Founded Amos House," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SISTER EILEEN MURPHY, 48; FOUNDED AMOS HOUSE

PROVIDENCE.—Sister Eileen Murphy, 48, who founded Amos House to feed and comfort the poorest of the poor in South Providence, was found dead yesterday morning at the house.

Her haven for society's forgotten, founded on a prayer and run for years without knowing where the next day's food would come from, was modeled on the Catholic Workers Movement started by Dorothy Dix.

Although the home was always something of a miracle, it was in the last two years that Sister Eileen's dream came true.

The old home on Somerset Street, in the bleakest section of a forlorn strip of South Providence, was replaced by a bright new building housing a kitchen and dining room with adjoining shelters for homeless men and women.

Sister Eileen mobilized contractors, union tradesmen, and dozens of citizens to construct a home that the down-and-out could call their own.

"It is sort of unique that her vision and dream for the place is just about complete," Rep. Elizabeth Morancy, a friend and fellow Sister of Mercy said last night.

Discounting the volunteer labor, the day-to-day feeding operation runs on small contributions from hundreds of citizens—usually received just after Social Security checks arrive—and donations from food suppliers and restaurants.

Sister Eileen was a native of Fall River, Mass., a daughter of the late Dr. James E. Murphy and Gertrude (Leary) Murphy.

She grew up in Tiverton and joined the Sisters of Mercy in 1953 after graduation from Mount St. Mary's Academy, Fall River.

Sister Eileen first chose the traditional career path of a Sister of Mercy, teaching elementary school in the Providence and the Fall River-New Bedford areas.

By the late 1960s, she was coordinator for the order's Inner-city programs and spent 1971 at Project Hope in Central Falls. She was later attached to the Diocesan Community Affairs Office, where she spent much time at McCauley House, which, like Amos House, is a soup kitchen for the down-and-out.

She began Amos House in 1976 and began her dream—although she would joke that her mother always warned: "Don't blow your bubbles so big that they burst."

Daily, she fussed over men with shaggy beards and women with dirty dresses, burying their troubles temporarily under mounds of meat, vegetables and beans.

The home feeds upward of 300 persons a day.

When businessmen and labor leaders joined together to build a new Amos House, the list read like a roll of the state's major construction firms and building trade unions.

Sister Eileen expressed her ambition: "We want a cathedral there, a cathedral to people. We want something that says to people, 'You really make a difference.'"

Sister Eileen's friends were unanimous last night that she achieved her goal. Although no one knew specifically how Amos

House will now be administered, all were confident it will survive her passing.

She leaves three sisters, Mrs. Maureen Gill, Mrs. Gertrude McDermott, both of Providence, and Mrs. Patricia Sousa of Tiverton.

The funeral will be held Friday at 10 a.m. at the Cathedral of SS. Peter and Paul, Cathedral Square, Providence. Burial will be in Gate of Heaven Cemetery, East Providence.

THE MORTGAGE REVENUE BOND PROGRAM SHOULD SURVIVE

Mr. PELL. Mr. President, last year, I was one of over 400 Members of Congress who joined in sponsoring legislation to continue a program that has made homeownership possible for thousands of American families. Unfortunately, Congress failed to complete action last session on bills reauthorizing the mortgage revenue bond program and, on December 31, 1983, the legal authority for issuing these bonds expired. I am deeply concerned that without prompt action to continue this program, we will see a sharp downturn in the Nation's housing industry, causing jobs to be lost and forcing many American families to defer their goal of homeownership.

The benefits of the mortgage revenue bond program have been well demonstrated during its brief history. Over 700,000 families in the United States have been assisted in owning their own home through the issuance of some $40 billion in bonds. My own State of Rhode Island was among the first to make use of this program, and over 30,000 families in my State alone have purchased homes through the issuance of mortgage revenue bonds by the Rhode Island Housing and Mortgage Finance Corp. In 1983, the families assisted by this program in Rhode Island had an average annual income of just under $20,000, and clearly the personal satisfaction and investment benefits of homeownership would have been unattainable to these families in the absence of mortgage revenue bonds.

This program has been refined, improved, and carefully overseen by the Congress since its inception during the 1970's. In addition to giving thousands of first time home buyers their only opportunity to enter the housing market, mortgage revenue bonds have created jobs for those employed in homebuilding and related industries. In 1982 alone, for instance, it is estimated that 150,000 units of housing were financed by mortgage revenue bonds, generating 80,000 jobs directly through bond proceeds used in the construction of new housing. These jobs generated a considerable amount of State, Federal, and local tax revenue. The downturn in our economy during the peaks in the interest rate cycle in 1981–82 would have been even more catastrophic without the mortgage revenue bond program.

Mr. President, I think the very fact that 76 Members of the Senate ultimately joined in cosponsoring the bill to reauthorize morgage revenue bonds speaks of the broad support that this program enjoys throughout the United States. I have seen very few bills receive that level of endorsement prior to coming to the Senate floor for a vote. I also recognize that extension of the mortgage revenue bond program was not enacted, in large part, becuase of concerns with other unrelated tax issues. Because of the very high degree of interest and support for this program, it would be my sincere hope that the Finance Committee would make the continuation of mortgage revenue bonds a high priority in the first weeks of this new session.

Mortgage revenue bonds are an efficient means of making homeownership possible for low- and middle-income families who are effectively shut out of the mortgage credit pool by stubbornly high interest rates. I can think of few actions that would bring greater credit to this new session of Congress than prompt action insuring the survival of this highly successful program.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

CONGRESSIONAL PAY REDUCTION

Mr. BAKER. Mr. President, I have been advised by the staff of the minority leader that he has completed his clearance process on the request I made, and then withdrew, in respect to S. 2211. I now understand that the minority leader has no objection to proceeding with that request, and I once again ask unanimous consent that the Senate proceed to the consideration of calendar No. 640, S. 2211.

Mr. METZENBAUM. Mr. President, reserving the right to object, is that the Nickles matter?

Mr. BAKER. It is.

Mr. METZENBAUM. I have no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2211) to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, the Senator from Oklahoma is the principal sponsor of this bill, and I will yield to him shortly. Let me say, however, that I do not know of any debate that may ensue on this matter. While there is no time limitation on debate, it is my hope that, in order to accommodate the greatest number of Senators, we can get on with the vote as soon as possible, if indeed there is to be a record vote.

Mr. NICKLES. Mr. President, at the outset, I thank the majority leader for his cooperation and assistance in bringing this matter to the floor of the Senate. Also, in fulfilling the commitment he made to me in November when I first brought up this issue.

For the benefit of my colleagues, this is the bill that would repeal the 3.5-percent pay raise we received on January 1 of this year. Quite frankly, it would have been more appropriate to repeal it before it had gone into effect, which we tried to do last November. Senator GARN led an effort to this by proposing an amendment to the Omnibus Reconciliation Act of 1983. However, the bill never reached the floor of the Senate for consideration.

Most of us did not find out that we were going to receive the 3.5-percent pay raise until about the last week or two that we were in session before adjournment last November. At that time, I tried to attach this amendment to the Department of Defense Appropriation Act for fiscal year 1984, but I deferred consideration of it at the request of the majority leader. He stated to me at that time, and to the Senate, that he would help us bring this matter before the Senate as soon as we returned. I appreciate his fulfilling that commitment. I know it is easier said then done, because there is a lot of pressure from a lot of people to keep this issue suppressed.

Mr. BAKER. Mr. President, will the Senator yield.

Mr. NICKLES. I yield.

Mr. BAKER. I was pleased to do that. In turn, I thank the Senator from Oklahoma for forebearing to press this matter on the last day of the last session and, instead, in agreeing to take it up now.

Mr. NICKLES. Joining me as original cosponsors are Senator JEPSEN, who introduced an identical bill, and Senator BAKER, Senator GARN, Senator KASSEBAUM, Senator KASTEN, Senator BOREN, Senator DECONCINI, Senator EXON, Senator DOMENICI, Senator BURDICK, Senator PRESSLER, Senator HUMPHREY, Senator GRASSLEY, and Senator THURMOND. I appreciate their cosponsoring this legislation.

Mr. President, this will take no time to debate—at least, on this Senator's part. I have no intention to tie up the Senate with debate. It is simple and straightforward. It repeals the 3.5-percent pay raise for Representatives and

Senators that went into effect on January 1. It will repeal it from the date of enactment and applies only to Representatives and Senators. It does not apply to members of the judiciary or other employees of the Federal Government.

Mr. President, quite frankly, my reason for pushing this bill to repeal this pay raise is this: We have enormous deficits, and in my mind we will not be successful in addressing those deficits unless we really cut spending in every area.

It would be very hard for us to go to the American people and ask them to take some spending reductions if we, ourselves, are not willing to make some sacrifices on our own part.

It is in that area of fairness which I think is important for us to cut in every area, including our own, if we are to be successful in getting Federal spending under control.

I am happy to yield to the Senator from Utah.

Mr. GARN. I thank the Senator for yielding, and I appreciate his willingness to bring up this matter.

Mr. President, it was mentioned that I was successful in getting an amendment, in committee, attached to the reconciliation bill to stop this before the fact. But the reconciliation package did not even get to the floor of the Senate.

I will not take long, because I see no reason to bore the Senate with any lengthy debate on this subject.

Just to add to what the Senator said, I think there is a more fundamental reason for opposing this, and that is the way it went into effect. I am not one who is here to argue that Representatives and Senators are overpaid. I do not think they are. If you look historically, the pay is not in pace with inflation. It is way behind.

But if Congress wants a pay raise they ought to be willing to have it up on the floor for everyone to see and vote up or down.

We have had sneaky ones over the years but this is the worst one. It has nothing to do with the amount. It does not make any difference whether it is 3.5 percent, or 5, or what.

But to go into effect when we are in a 2-month recess with no publicity about it, the procedure bothers me. And so, if for no other reason, I think it should be defeated on that basis alone. It went into effect on January 1 of this year while we were out of session.

I suppose a lot of our membership, particularly in the House of Representatives who are very, very good at that sort of thing—they normally do not have votes on issues of this kind—would just hope that it would go into effect very, very quietly and no one would know.

So I thank the Senator from Oklahoma for pursuing this particular matter, and I hope the Senate will remove this pay raise, and if Congress wants a pay raise let it be brought up in the normal course of legislative events and have debate on it and cast a vote but not do it secretly.

Mr. NICKLES. I appreciate the comments of the Senator from Utah.

Mr. President, if it had not been for his leadership and notifying us this pay raise was going into effect, it is very likely many of us would not have known it before we adjourned.

I appreciate his cosponsoring this legislation and also his leadership in bringing it to the forefront. He makes a very good point that I eluded to earlier. I think it is important that we should vote on any pay raise that we receive and not have pay raises go into effect without a vote by the majority of Members of Congress.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. BOREN. I commend my colleague from Oklahoma for the remarks he made on the floor and taking the leadership in presenting this particular piece of legislation. I am proud to join with him as a cosponsor of it.

As he has said, we are facing terrible problems with the budget, huge deficits that must be controlled if we are going to return our economy to fundamental and lasting health.

Last night, after comments were made by the leaders of both political parties, I heard one commentator say that there was one item that was not really addressed in any detail. He said that the $200 billion deficit was somehow relegated to the corner, hidden away somewhat like the uninvited guest at a family reunion with no one really saying exactly what we were going to do with that specter that was hanging over this session. I thought it was an apt comment.

I think all of us realize that we simply must face up to the problem. We must find a way to deal with it this year. If we are going to deal with it realistically, we are going to have to ask every single American to make some sacrifice. As Americans we are all going to have to get into the same boat together.

The only way we are going to be able to reduce those deficits by sufficient amounts to really make a difference to our economy is for every single American to sacrifice a little. I am one of those who believes in the patriotism of our people. I think our people are willing to make those sacrifices. I think our people understand the economic consequences of not making them. I think our citizens care enough about their country to do whatever is necessary as long as the sacrifice is fair and as long as the sacrifice is shared by everyone, and included in that shared sacrifice must be the Members of Congress themselves.

If we are to have any credibility in asking others to make that sacrifice, to help us get these deficits under control, Congress must be the very first group that steps up and makes some sacrifice itself, and I can think of no better way for us to get the first week of this session underway than for Congress to take that step, send that message to the American people and say it is going to be a difficult year, we are going to be asking you to make sacrifices, and before we ask you we are going to go on record by doing at least a small part of it ourselves in an area that affects ourselves directly, I think it is a good step.

I am delighted that this has been expedited for consideration. I am glad that it is very possible that the Senate will now act this week, and hopefully the entire Congress might act this week, so that we can send that very important message to the American people.

I commend my colleague from Oklahoma for his leadership in this matter.

Mr. NICKLES. I thank my friend and my colleague from Oklahoma for his kind remarks and also for his cosponsoring this resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have not normally risen to take the floor with respect to this issue. When I heard it was coming to the floor today, I just sort of got fed up and I said:

> What kind of a Senator am I that I would sit by and permit this to pass in what I call an exercise in kidding the American public, because that is all this is.

I happen to be a Senator who came to the Senate from the business community, and frankly I do not need the increase, and I am not concerned about the increase for myself.

But I am aware of the fact that there are a number of Members of this Senate, one of whom within the last several days told me he had just borrowed $18,000 to send two of his children to college.

And I know, as a matter of fact, that there are Members of this body and Members in the House of Representatives who, although it may be difficult to understand, do have difficulty in making ends meet living as a Senator or a Congressperson, and paying some of the additional expenses, and meeting some of the obligations that we have as a consequence thereof, and doing it on the salary we receive.

I think this is just unadulterated malarkey, telling us we are going to balance the budget. I have to say to my good friend from Oklahoma, if he wants to balance the budget, he wants to address himself to the issue, why

does he not go after his President, who just within the last 3 days or 2 days reversed himself in connection with the Western water projects that will cost the American people about $500 million? But no, he will not do that. He does not have that kind of courage. He has the courage to come out here and put some people on the spot. Sure, this will pass overwhelmingly, because the Senate does a great job of self-flagellation and masochism.

We are all proud to be here. We are not proud enough to stand up and say we ought to be paid an adequate salary.

If we were increasing our salary 40 or 50 percent, I agree with the Senator that the American people would look askance at our action. But the facts are the increase is 3.5 percent. And the facts are the inflation rate for 1983 was 3.8 percent. And the Consumer Price Index is predicted for fiscal year 1984, the DBO, says 4.7 percent, the administration says 4.5 percent, and Data Resources says 4.7 percent. And the CPI for fiscal year 1985 the CBO says 5.1, the administration says 4.8, and Data Resources says 4.8.

But we are great. We are going to deny the Members of the Senate and the Members of Congress $2,400.

If the Senator from Oklahoma does not want to take it, that is fine. If he wants to go down that road, I am willing to join with him. If he wants to give it to some charity, I am willing to join with him in giving him my share to give to his favorite charity. But what he is doing is he is making it awfully difficult for a lot of the Members of this body who have difficulty in making ends meet. Maybe he does not have that problem, and I know I do not have that problem. But a lot of the Members do have that problem.

I wonder how many Members who are willing to enact and pass this taking away 3.5 percent do not have any difficulty in accepting $2,000 for a speech from some group that is advocating a particular legislative postion.

There are no great heroes in that respect. That is not quite fair. There are quite some heroes in that respect but a lot less than the number of votes that will be cast for the Senator's proposal today.

This is not one of those measures that anyone can vote for and stand tall in my opinion.

If the Senator wants to do something to really balance the budget, come out and take the leadership in closing some tax loopholes. Now we are talking about billions and billions and billions of dollars. We are talking about the banks and we are talking about the insurance companies and we are talking about the oil companies and we are talking about some of the President's closest friends, who find a way not to pay any taxes.

That takes some courage, because that means the Senator might step on some toes of some of his political supporters. But it does not take a whole lot of courage to come out here and put Members of this body on the spot as to whether or not they will accept 3½-percent increase. The Senator could go back and say to his constituents, "Yes, we did take a 3½-percent increase," and not be embarrassed about that.

If the Senator wants to do something that really cuts into the Federal budget and save some money, let me hear his voice be raised with respect to the consultants whose end line in every consultant report is that further study is needed, so they better have more consultant reports. That involves billions upon billions of dollars that this Government spends annually, and no one pays any attention to it.

If you want to provide some real leadership and provide some balancing of the budget let me hear your voice and come out against some of the wasteful Department of Defense spending and some of the practices that that body uses. That takes some courage, because that steps on the toes of some that may be political supporters.

But to come out here and say we are going to do a great job, we are going to save all of $1.3 million—$1.3 million; a million, $300 thousand. I think my mathematics are correct, that is 535 times about $2,400 a year. The Pentagon is going to have close to a $50-billion increase this year, $50 billion. You are going to do a great job. You are going to save $1.3 million. It may be worth a headline back in some paper in your State, but, in this Senator's opinion, the effort is not a very meritorious one.

I have sat through these debates and heard them before. We all run for cover. And candidates are open, I understand that. They have to vote with you and you are going to get a tremendous vote and you are going to pass it overwhelmingly. But that does not make it right. This action is wrong.

My good friend from Utah is on his feet and he is ready to jump into the fray, but the fact is, let him come to this floor and bar any honorariums being paid for speeches and I will vote for that. I will vote for that. Then you are really talking about the legislative process, because that has to do with groups that are advocating legislation or opposed to it paying Senators for making a speech.

There is one organization that never wanted to hear my voice but suddenly a bill came before my committee and they suddenly thought I was a great speaker. I did not go. But the fact is it is crass and it is crude.

This is not crass or crude. This is logical. This is reasonable. Win the battle. Get the headline. But I am not sure that the day will not come when Senators will just be leaving this body or unwilling to run for it because they cannot afford to run. It has too often now been described as a "rich man's club." And that is not the way it ought to be. It ought to be that every American has a right and privilege of serving in this body regardless of his or her economic condition.

So I say to my good friend, Senator, you are going to win this battle, but I am not sure that the victory is not rather shallow.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I do not think the Senator from Ohio helped his cause by making a personal attack on the motives of the Senator from Oklahoma. I do not agree with the Senator from Oklahoma——

Mr. METZENBAUM. Will the Senator yield?

Mr. CHAFEE. Mr. President, I have the floor.

Mr. METZENBAUM. If it was a personal attack——

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. CHAFEE. Mr. President, it was a personal attack on the Senator from Oklahoma, questioning his motives, questioning his courage.

He has come on this floor and taken tough vote after tough vote on a whole series of issues. He brings this motion—and I do not agree with him. I am not voting with him, but I certainly am not attacking the motives of what he is doing on this floor, suggesting that he is taking an easy way out or that he avoids tough votes.

He makes all kinds of courageous votes here and we do not need anybody from any other State standing up and accusing him of certain motives or lacking the guts or courage to take the tough ones here, which he does all the time.

So I think that the Senator from Ohio has not done any help for his cause.

Mr. GARN. Will the Senator yield?

Mr. CHAFEE. I am glad to yield to the Senator from Utah.

Mr. METZENBAUM. Mr. President, I object to the yielding. I seek the floor to respond to a matter of personal privilege.

Mr. GARN. Mr. President, go ahead and reconize the Senator from Ohio. I will wait.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. CHAFEE. No, I yielded to the Senator from Utah.

Mr. METZENBAUM. Mr. President, the rules do not permit the yielding of the floor——

The PRESIDING OFFICER. The Senator from Rhode Island has the floor and the rules permit his yielding for a question.

Mr. CHAFEE. I yield for a question from the Senator from Utah.

Mr. GARN. Mr. President, I will yield the floor and give the Senator from Ohio the time to speak and then I will seek the floor in my own right.

Mr. CHAFEE. Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. CHAFEE. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, the Senator from Oklahoma is a good personal friend of mine. If I made a personal attack upon him, which I did not think I did, then I got overly enthused and I had no intention of doing that. But if I did, and it is so interpreted by the Senator from Rhode Island, and it was a personal attack, then I apologize openly to him. I certainly do not question his motives, nor his integrity. If it came out in that manner, I apologize publicly.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, the Senator from Utah also detected it as personal. I will give the Senator from Ohio the benefit of the doubt that he did not mean it that way. But when we start talking about courage on this floor, the Senator from Ohio is entitled to his opinions and is given the right to express them. Certainly he has exercised that right on this floor over and over again on small items, holding up this body interminably over issues that put this body to tough votes. That is his right. And it is the right of the Senator from Oklahoma to bring up his amendments.

But I am getting a little bit tired of the demagoguery that goes on on this floor. And I am not referring to the Senator from Ohio. I am referring in general to the demagoguery on this floor over these issues of pay.

The Senator from Ohio referred to me about honorariums and, boy, is he right. I have stood on this floor and defended the right of Senators and Congressmen to earn legal income that is fully disclosed to their constituents.

The Senator from Ohio said that if the Senator from Oklahoma did not want to take the money, he did not have to. And that is the same issue on legally earned outside income. The key is "fully disclosed." Senators in this body, as I expressed last year to the late Senator Jackson, if they do not like honorariums, if they think there is something wrong with them, they do not have to impose that judgment on the rest of this body. They simply have to say, "I don't take them."

That is the amazing thing, the number of Senators in this body who last fall voted to reestablish an honorarium cap and yet they took them even after they talked about how evil they are. What kind of demagoguery is that, to accept honoraria but then, for political purposes, to stand out here and criticize them?

I am going to repeat what I have said before, and I think it is the key point on that particular issue. It is disclosure.

I went through a campaign in 1980 where my opponent could not find much else to talk about so he talked about my outside earned income. He did not refer to it as honoraria. He referred to it as corporate tips—corporate tips. Great. That is a good phrase the Senator from Ohio could use. Corporate tips. He knows something about the corporate world, I do not. I was not in business. I do not have wealth. I do not have an inheritance. I do not have a rich wife. I have seven kids, three of them in college and No. 4 will be in college next September.

But I went through a whole campaign, and my opponent even had TV ads, black and white so they looked sinister. A bald-headed guy holding out his hand, kind of in the dark, sort of resembled me, and talked about my "corporate tips." My response was they are fully disclosed in great detail. My constituents know where every dollar came from on what date and from where.

Even so, I received 74 percent of the vote. I guess the other 26 percent did not vote for me because I took outside earned income.

But another key point is the disparity between earned and unearned income. I will guarantee you that this body, sometime during this year, will face this issue again as they did last fall. If there is a limit on legally, fully disclosed outside earned income, we are going to have a limit on unearned income. Nobody can stand on this floor and convince me that $2,000, fully disclosed to your constituents, is influencing legislation. And yet wealthy Senators can take $50,000, $100,000, a half-million dollars, a million dollars in dividends and interest and shares in their businesses without it even being fully disclosed as to where it comes from or the amount, but in broad categories. Yet it is suggested that Senators can have unearned incomes between a half-million dollars and a million and a half dollars and that does not influence them, has no impact whatsoever on their decisions in this body, but a couple of thousand dollars, fully disclosed, does.

Baloney. If this were not the floor of the Senate, I would use another word that starts with a B but would not be acceptable. I think everybody knows what I am talking about. The first part of the word is "Bull," and I will leave off the last part.

So we will see about rich boys versus poor boys in this body and sneaky $2,500 picayunish pay raises in the middle of a recess. I would think the Senator from Ohio would really be upset about that, as I have listened to him with respect, and I mean that sincerely. I might not agree, but I respect him. I cannot imagine you condoning it going into effect without a vote in the middle of a recess.

But, at the very least, this body is going to face votes on full disclosure if we cannot place some kind of a limit so that earned and unearned income, the rich and the poor Senators are treated the same whatever the rules are, either no limits or some limits or disclosure or no disclosure, except I would not favor no disclosure. Our constituents are entitled to see that. But there are going to be lots of votes in this body about the wealthy Members of this body disclosing every dime and source of their income, where it came from, on what date, so that their constituents can judge whether they are influenced or not.

That is the key—disclosure. Anytime anybody wants to talk about these issues of pay, I am certainly willing. But we are not going to continue to put up with double standards in this body. We have a cap now of $20,800. That is $4,200 less than it was shortly after I got here 9 years ago.

Well, if that is fair, let us put a cap on unearned income, as well. Otherwise, this will turn into a body of 100 Senators who have great wealth, either from their work before they got here, inheritance, a rich wife, of whatever. But we will not know what the sources of it are, except in these big, broad categories.

I do not understand the distinction. I really cannot comprehend the distinction between 2,000 bucks that is fully disclosed and everybody knows about it and you have to face your constituents, but if you get those old dividend coupons, you can clip them. It does not matter how many there are, it does not matter whether it is a half million bucks, somehow that money is pure.

You could not influence the wealthy, I suppose. Just those who go out and fully disclose what is going on.

There is one other matter that was brought up and that is the issue of Western water projects. Boy, if that is not one to whip all the time. Boy, is that not popular and great. Just come out here and talk about big oil, big banks and Western water projects. Boy, that covers it all. It makes everybody heroes.

Well, I wish the Senator from Ohio would come out and see what hap-

pened where one of those Western water projects was not built last year. It was authorized when I was the Salt Lake City water commissioner in 1968 for $30 million. We never had the money appropriated for it because certain Senators complained about Western water projects. Well, we had floods in the streets of Salt Lake City last year, floods that caused over $100 million worth of damage. Most of that would have been averted if that dam and other elements of the central Utah water project had been in place. We could have controlled that runoff.

Now I am trying to get $5.5 million from us here to see that that dam is built. It is still going to be too late for this spring. This year we have 250 percent of normal snowfall. Wait until you see the floods this spring and wait until FEMA goes in there and spends far more money than the cost of that dam.

It is interesting, in 1968 we could have built a 50,000-foot reservoir for recreation, culinary water supply, and flood control. Now a 30,000-foot reservoir in the same spot costs $80 million. It is still a good bargain compared to the floods we experienced. We are out there diking Interstate 80 across the Great Salt Lake. It used to be south of the Great Salt Lake; now it is in the Great Salt Lake. So we are spending a few million dollars to dike it.

We are diking around the airport at a cost of a few million dollars. We are diking the airport because it can be flooded.

We had flooding that devastated communities all over Utah last year because western water projects were not built.

I just get a little bit tired of western water projects being the whipping boy.

You know, it is dry out there. We get 18 inches of water a year in Utah, most of it in the winter. Sometimes in the summer we can go 3 months and get a half-inch of rain. You do not have to be too bright to figure out that you have to store the water from the winter to get you through the summer. In Ohio, Virginia, and other places you know it rains a lot, the water comes all year round.

Well, it does not in Utah, Arizona, Nevada, Idaho, and some of the other States out there. We are the second most arid State in the country. Only Nevada is drier. But, boy, we still have to hear about our western water projects.

When we get on that subject, I will bring out a string of statistics and show you how much it has cost the American taxpayers from flood damage as a result of not building some of those projects. Boy, if that is not penny wise and pound foolish. I sure wish we had spent $30 million for that dam back in 1968 and all that recreational use and culinary water so we did not have rationing during some summers. Usually we do not have water out there. Now we have too much. Our Governor termed it well. He summed up all the property damages the last 2 years, and said, "It is a hell of a way to run a desert."

Well, we are a desert. We need ability to store that water so it will last us during the summer. But I guess Eastern Senators will always use that as a great whipping boy.

Sometime when some of your kids come out there and want to visit or live and cannot get a drink of water in the summer and the crops are dried up, there is not enough even for the dry farmers to exist, they might learn something about water projects they cannot learn while they're surrounded by green trees all over like in Virginia.

You know, they refer to rivers in Utah. Rivers in Utah are little diversion streams back here. There is probably more water in the Potomac than there is in the entire State of Utah. But I understand that nothing changes. We will still hear from the press and from certain Senators about Western water projects.

Well, we will trade you. Send us some of your rain evenly spread throughout the year, rather than the massive amounts of snow in the winter that we wait to melt and flood us, and then we will not need the Western water projects. Maybe we can get along without them, if you can figure out a way to do that.

We have gotten far afield from the pay raise, but I wanted to respond to some of the statements made. The Senator from Oklahoma is serious about what he is doing and so is the Senator from Utah. The American people will certainly agree that a pay raise should not go into force while we are out of session on January 1 with no rollcall vote, no guts on the part of the Senate or House to vote it up or down. I think the majority of the American people would agree also that if it is right to limit legally earned, fully disclosed income, maybe it ought to be right to limit, or at least fully disclose the unearned income. I assure you we will have some votes on that as this session goes forward, too. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I kind of wish I had not wandered by. I did, unfortunately.

I have always voted against pay increases, but it is true I have always taken them.

I was interested that there was no time limit on this bill. I now know why.

I was startled at the intensity of the Senator from Ohio with what my colleague from Rhode Island has said is a personal attack. I certainly heard it that way.

I have great regard for the Senator from Ohio, though he has peculiar views about Western water projects. I think it is unfortunate when he does not direct his remarks to the Chair and instead directs them across the Chamber and then indicates that that is not occurring.

In my 5 years here, I have watched the Senator from Ohio and I have seen him in his prowess win the battle and win the headlines many, many times.

It is ironic to hear that phrase, the Western water issue.

I heard another part of the debate. I heard the words crass and crude enter the debate, and I would certainly say it was.

Western water projects. Just one little touch on that.

How fascinating, as we struggle with that issue in the arid States, and we "toadied up" our own bucks to do it, and then a Federal water project will go in under the main street of Cincinnati and nobody is coughing up any of the bucks out there. So that is what we end up with while we "toadied up" the bucks. We put ours in. We just have approved a dam in Wyoming where the State legislature put up 44 million bucks, which is in escrow, and the dam will cost $116 million. That sent tremors through this place back here because no State wants to put up that kind of bucks. They just want to sit there and take them.

When I hear the business of the Western water projects, remember that coalition of those who struggle for Western water consists of the Western coalition which consists of Democrats and Republicans with Senator PAUL LAXALT and Senator DENNIS DECONCINI as chairmen.

I guess I often think of the great phrase when President Grant sent one of his loyal members of the Cabinet off to the West. He said, "Write me back and tell me what it is they need out there."

The general wired back and said, "All this place needs is good people and water." Grant wired back and said, "That is all hell needs."

(Laughter.)

So the easiest thing to do in this body or in these United States is to grab a microphone and get everybody all juiced up, and there are some magnificent proponents of that in this place. And then it takes thoughtful Republicans and Democrats to come along and kind of police up behind them like coming after the mounted posse after the Fourth of July parade. It is easy to do. It does not take any brains to criticize. That is why there are so many critics.

I guess I see in myself—whenever I let it rip on somebody or see somebody

else really rip off or emote—I find often when I am making those criticisms in that situation that it is often something I do myself, when I do not deal with it well in my own life so I lay it out on somebody else. I would portray this last exercise as very much like that—very much like that. Maybe we will get to the point where we can say the same things in our offices that we say in public. Then this country will begin to make progress instead of hearing little snipe shots, partisanship, and partisanship for partisanship's sake. Who cares if it is a Republican amendment or Democratic amendment? The people of America do not give a whit whether it is a Republican or Democratic bill or a Republican amendment or a Democratic amendment. They just say, "Why don't you get off your duffs and do something?"

So that is what we do here, travel on into the vapors and hope, I guess to heaven, that somebody will pick it up and put it into the paper.

I do not spend any time on that stuff. I cannot possibly. The only two guys who will never be President are my chum Boschwitz and myself. He was born in Germany and I have 3 electoral votes.

(Laughter.)

So I just say I am glad I walked by, but I wish I had not. I never heard so much guff in all my life. Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, this has turned into a fuller-fledged debate than perhaps many anticipated. I find myself in the most unusual position of siding with the very able Senator from Ohio against very distinguished colleagues from Ohio, Utah, and Wyoming. I see my distinguished senior colleague from North Carolina looking at me with interest and concern. So when METZENBAUM and EAST speak to the same subject, there is some concern as to whether the recess has not been too long and we have lost touch with what has been going on in this body. He probably did make an obviously infelicitous choice in suggesting cutting water projects. The only thing that could have been worse is if he had mentioned the tobacco program. That would have brought the wrath of the gods down upon him, of course. But he did not do that.

I do, again, respect both sides of the position on this and respect the distinguished gentlemen involved. I would like to offer a thought or two of my own on what I think are valid points the Senator from Ohio raises.

I do wish to acknowledge that Senator METZENBAUM does have the candor and forthrightness frequently to walk in where angels fear to tread and thereby stir up considerable interest, debate, and controversy. I think he is correct in suggesting what, in the long run, we are talking about here. We run the danger in the Senate, and I think the American people ought to know it and I wish the media were a little more helpful in making the American public understand this, of turning the Senate into a club of basically independently wealthy people. Many may say that is a good thing, that people who have inherited wealth, people who have made great money on the outside in the business community, ought to be running the country and people of ordinary income and ordinary means ought not to be serving in this body. I question the wisdom of that, and I think many might legitimately question it.

The problem we face is how do we adequately compensate our elected Representatives in the Senate and in the House? It is a very difficult question to answer. It is my considered opinion that what we ought to do in the long run is pay them a fair and adequate salary, understanding that they must maintain two homes, understanding that they must maintain additional expenses that would not otherwise be encountered without having to maintain two homes, and that one of those two homes must be maintained in one of the most expensive cities in the country in which to live. That is generally known. As an alternative to being, if you will, reasonably compensated for that through salary, often the answer is given, let us not pay too well in salary, and let Senators earn their money through honararia. I question the wisdom of that.

First, there is always the implication that we might be bought, if you will. Also, let us be candid, those who benefit the most from this are those who have been here some time and are chairmen of major committees—Finance, Budget, et cetera. This puts them in an infinitely stronger position, in which they can go out and draw rather large salaries, sometimes double that which they would make in their employment here in the Senate. If you do not pay adequately in terms of salary, you simply encourage moonlighting. That is what it is. That may be a good thing. I do not know. I question whether it is.

I have many constituents in North Carolina tell me that what the U.S. Congress ought to do is pay itself a fair and reasonable salary for what it is doing, for the sacrifices made, and put a cap on outside honoraria and thereby prevent the group from becoming one that is exclusively the province of the independently wealthy or those who have, perhaps, in the business community made considerable if not, in some cases, outright enormous wealth. I am surprised—and I do not blame them; we often pick on the media—that the national media have not been too helpful in bringing this into perspective, the problem that we face in trying to find a balanced and reasonable solution for this problem for Members of Congress.

I am sure, as the Senator from Ohio has indicated, that this measure will pass. It will pass. I shall vote for it. Perhaps the timing in poor. We are going to have to be cutting the budget in other areas. We are going to have to do some restructuring in entitlement programs, and we have to begin, perhaps, at home, so we shall cut out the cost-of-living increase for ourselves for this year, and so it will be. What will remain in the long run is the fundamental problem of how we pay Members of the Senate and the House fairly in terms of salary, limiting the amount of money they can make moonlighting so they can concentrate on their primary responsibility of taking care of the legislative business of this country.

I think any employer should understand that the best thing to do is pay your employees well so they do not have to spend a great deal of time out moonlighting. We should pay law enforcement personnel well, firemen well, all employees of Government—Federal, State, and local—a fair and adequate salary so they do not have to resort to moonlighting. I think we ought to have the courage to do that with the U.S. Congress.

My final point is this: I suspect the distinguished Senator from Louisiana, RUSSELL LONG, and the distinguished majority leader, HOWARD BAKER, as I understand it, have become interested in proposing a constitutional amendment through which an independent outside body would be established that would determine adequate compensation for the U.S. Congress. Perhaps we are incapable of doing it ourselves. I, for one person, would like to go on record as saying I do not think it good to underpay Members of the Senate and the Congress. I am not saying that has occurred at this point. I am saying I do not think it wise to underpay us in terms of the economic realities, of salary, then unleash us to go out and make as much money as we possibly can in terms of honoraria.

I fail to see the integrity in that. I fail to see that that is a responsible position to take in terms of compensation for our services and our attendance to the public business. I shall happily, myself, support in the long run a constitutional amendment to that effect.

I think this debate this afternoon has been going on ever since I have been here in the Senate—that has been a short period of time—on the simple inability of this body, along with our distinguished colleagues in the House of Representatives, to come to some sort of reasonable agreement

on how we ought to be paid. I do think that the Senator from Ohio, with all due respect to the good motives and the courage of the Senator from Oklahoma, raises a valid point whether, by continually reducing our salary, we make it a salary that maybe, by a reasonably objective standard, is not adequate unless you give unlimited honoraria. Again, and I conclude on this note, if we do not deal with it soon and in time in a responsible way, I think we shall continue to see this body degenerate into one which is simply the playpen and the province of the wealthy, the independently wealthy—inherited wealth, perhaps earned wealth. I question whether, in a representative democracy, that is in the best interest of our country and its great traditions and its great history, founded upon the premise of representative government.

I thank the Chair, I yield the floor.

Mr. JEPSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, we are experiencing at this time in the country a national renewal across the board in a number of ways, not just economically. We are on the down side of a 3-year pounding national financial headache, a headache still here, but going away and getting better. We are a lot stronger today than we were 3 years ago, for many reasons. The fires of adversity sometimes form the strongest of alloys. We have become a lot stronger people, a lot stronger nation, because of the tough problems we have had in the last several years.

We find labor and management sitting down together throughout the country where, in an individual business or a company, they are faced with doing a better job of increasing productivity if they are going to keep the doors open. Labor and management together have made decisions based on the fact that, to keep the business open, they are going to have to work together, to tighten their belts and become more productive. The employees made the decision that they wanted to keep working, they wanted to stay in the town where they had their homes, their children going to school; the employers cut corners in every way that they could, and together, they kept the doors open.

Today, we have a sustainable economic recovery that, finally, even the most vicious of critics admits is a broad, a deep, and a lasting one.

In fact, getting control of the budget is about the only item left. Of all the economic indicators that measure the health of the economy, all have been in place since December 1982, or about 1 year ago this time, and all have been pointing in the right direction. In addition, many positive actions have been taking place. But we have the deficit today, a deficit which is caused by a budget that is not in control. A deficit, whether it be psychological or real, that causes 2 to 5 points additional—some say double-digit interest rates compared to single-digit inflation. A deficit that, because of the perception people have that the budget is out of control, is harmful to many in my State who operate on borrowed capital for putting in their crops and harvesting them in the fall.

Whether the budget actually is out of control or whether the deficits actually are all that harmful is not the point. Politically and psychologically, the perception is there, and therefore that makes it so. The political perception, right or wrong, is that the U.S. Congress should not raise salaries of its Members at this time. They should set an example. Others have had to do so across this Nation.

We should bite the bullet in Congress and get control of this budget. Whether we have a freeze or whether we have a reduction and set priorities is open to debate. The fact is, we must get to work on all the various agencies of Government across the board, to make sure that we work toward a balanced budget and reducing these deficits.

One thing we really do not need is some excess baggage, or finger pointing, or having at each other, or the people of the country having at us; and we are saying: "Don't do as we do, just do as we say."

So, Mr. President, I rise in support of the bill introduced by my distinguished colleague from Oklahoma, Senator NICKLES, which would rescind the pay raise Members of Congress received as of January 1, 1984; and I strongly urge my colleagues to join Senator NICKLES, Senator BAKER, and me in supporting this effort.

Last evening, I listened closely to President Reagan's call for a bipartisan approach to reducing the deficit. Indeed, he has offered to begin negotiations on congressional reductions, to put a downpayment on reduction of the deficit. I can think of no better way to send a signal to the President and to the American people that we are ready to join in that effort than by supporting the repeal of this pay raise.

Some have suggested that this action is just an election-year ploy. It has been stated in the media that the amount of money saved by repeal of this pay raise is so small that it probably would be better to simply let it go through. When I heard this, it reminded me of a former Senator who served in this body for a number of years with great distinction—Senator Everett Dirksen of Illinois. Senator Dirksen is reported to have responded to a question about Federal spending with the following remark:

A million here, a million there, and pretty soon we're talking about real money.

Repeal of the congressioal pay raise would save the American taxpayer approximately $1.39 million over the next year. This may not seem like much to some people, but I think it is a good start on the downpayment President Reagan was talking about.

I am prepared to vote on the Nickles bill. The American people are waiting to see who is serious about controlling spending.

Congress has a reputation for controlling spending that can be likened to putting Dracula in charge of the blood bank. It never has shown the discipline to do the things that are necessary.

So I again urge my colleagues to join Senator NICKLES, Senator BAKER, and me in repealing this pay raise.

President Harry Truman was fond of saying: "The buck stops here," when referring to the decisionmaking process in Government. For the most part, he was quite accurate. With respect to this pay raise, I submit that Congress has an opportunity to assert its position and say emphatically that the buck indeed stops here with respect to congressional salaries, until we get this budget under control.

Mr. NICKLES. Mr. President, I thank my colleagues who join me in this measure.

I also wish to mention to the Senator from Ohio that I understood his comments, that no malice is intended, and I accept his apology. We do have a good relationship and a good friendship, and I understood where he is coming from in this matter.

We have had a much longer debate than I thought would take place.

I will mention what made up my mind to introduce this bill—the fact that the company I was working for before taking office had financial problems and their employees did not get a raise.

As a matter of fact, a lot of companies across the country are having a hard time, and their employees are taking pay cuts—not forestalling raises, but they are actually making reductions.

I think we are in hard times. Our country is going broke with deficits. This is one little increase, and it is hard for those of us who like to see cuts made in every area, including defense, to accept a raise.

I appreciate the majority leader's support.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I had announced earlier that when we finish this bill, we would go on to the crime package, but it is too late to do that, in my opinion. I have sent word to the minority leader that that will not be

the intention of the leadership on this side. When we finish this matter, it will be the intention of the leadership to go out.

Mr. President, I once said that I am afraid Congress is institutionally incapable of establishing its own salary, and I think we have demonstrated that time and again. That is one reason why I have joined the distinguished Senator from Louisiana (Mr. LONG) in trying to define a constitutional process which will relieve much of that conflict of interest—that is, to vote on our own salary. But that is not likely to happen right away, and I recognize that. So I will support Senator NICKLES' bill.

May I say one thing, Mr. President. I always risk delivering a full lecture when I get on this subject. I do not think we should be paid as full-time employees of the Federal Government. I really do not think that is what it is all about or the way it should be.

I would be perfectly willing to be paid on a per diem basis, if that were coupled with an arrangement so that we acted as a board of directors, a policysetting agency; if we were permitted to continue as our Founding Fathers were and until recently Members of Congress were, as architects or shop stewards, as lawyers or farmers, as doctors or railroad engineers, or whatever; to continue our activity in the mainstream of our community's life, together with a full, total, complete, and timely disclosure of the source of our income.

Those are the things we cannot do today. All we can do today is vote on the Nickles measure, and I am prepared to do that at this time.

Mr. President, I am advised that there may be one other Senator who wishes to speak, and while we check back, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, because there are a few moments, I might explain that I am going to vote against this measure because many of us, unless we receive this raise, are going to earn less money than we earned before.

I happen to receive military retirement, and thanks to the Senator from Alaska, I have to give part of that back. I have been paying social security for 50 years, and thanks to the social security business, I am now paying more social security than I ever did, and I am 75 years old.

So I am going to vote against this. I do not think it is an astronomical sum. I think that if we really want to get down to the core, we will get into the areas where we are really spending money. Take a hard look at the welfare state.

I promise that, in my service with the Armed Services Committee, we are really going to tackle those expensive items. But to say that paying 3.5 more is going to aid with respect to the bankruptcy of this country—it could be true, but I doubt it.

I recall that in my first year, I believe I made $12,500, had four children in school, had a wife living here, and I made money. Now, making almost $70,000, doing all my own cooking and all my own cleaning up of the house, which I happen to like, I not only am not making money but am losing money; and I have not gone through a year in about 15 years that I have not had to go to the bank and borrow.

I think we are entitled here to make enough money to support ourselves in this terribly expensive community. I realize that what we are paid is a lot of money, but when you look around this town and you see secretaries, stenographers, and so forth, making $40,000 or $50,000, I do not think $70,000 for a Senator is outrageous.

I think of my own business, which is old and was a small business and now is very big, and salaries are much bigger than we are paid; and they are responsible for a handful of money, compared to our responsibilities in having to look at $100 billion and $200 billion every year.

So, much as I dislike voting against my friend from Oklahoma, I am going to do so.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, once again the Senate finds itself in the middle of a decision that we should not be making. I will vote for the Nickles bill to repeal the 3.5 percent increase we received in January. I do so for two reasons. First, because I agree that our pay should not be increased at this time. Second, because there is no other method currently available to limit congressional salaries. I do not believe, however, I should be able to cast any vote that determines how much taxpayer money I should receive.

I believe that the continuing source of this conflict is that the public finds it difficult to trust any decision made by anyone, including Senators and Congressmen, who personally benefit from their own actions.

It is purely and simply a conflict of interest for us to determine our own salaries. We would not give anyone else the privilege to write a check to himself drawn on the taxpayers of the United States. There is no reason we should have that authority.

I call the attention of my colleagues to a constitutional amendment proposed by me and by the distinguished majority leader, Mr. BAKER, that is cosponsored by Senators CHILES, CRANSTON, DOLE, MOYNIHAN, INOUYE, DANFORTH, LAXALT, WARNER, BENTSEN, FORD, NUNN, PRYOR, and GARN.

This constitutional amendment removes the current authority vested in Congress to set its own salaries. Under the provisions of Senate Joint Resolution 1, salaries would be determined in the following manner.

By July 1 of each even-numbered year, a nine-member independent commission appointed by the President would determine salaries for all Members of Congress, including Delegates and Resident Commissioners. Salaries for congressional officers, the Speaker of the House of Representatives, and the majority and minority leaders of both Houses would be set by the Commission at the same time. These salary levels would go into effect when the Members of the new Congress take the oath of office in January of the following year and would remain in effect during both sessions of Congress.

The Commission would have the authority to decrease, increase, or make no change in Members' salaries. In determining the appropriate salary level for congressional positions, members of the Commission could look at any factors they deem appropriate. This could include fringe benefits available to Members, the state of the economy, and the level of the Federal deficit.

The constitutional amendment mandates that Members of Congress be paid at the rate set by the Commission. A separate vote by Congress would not be required to appropriate funds for congressional salaries.

Conversely, an appropriation rider concerning salaries would not be in order. Members would continue to have the right to return to the Treasury any portion of their salary they feel is inappropriate or excessive. Members could not, however, take any action that would result in a salary increase.

I urge my colleagues to examine the provisions of Senate Joint Resolution 1. I do not claim it is the perfect solution. I would be pleased to hear of any

improvements other Senators can suggest. I do believe however, we will not resolve this problem until we eliminate the conflict of interest in setting our own salaries. We should take action to end this conflict now.

I hope the Senate Judiciary Committee will give further consideration to Senate Joint Resolution 1 as soon as possible.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. LONG. I yield.

Mr. BAKER. Mr. President, I mentioned in my earlier remarks my support for the Senate resolution to propose an amendment to the constitution authored by the Senator from Louisiana and which I am privileged to cosponsor.

Mr. President, I hope the Judiciary Committee will report that resolution, and let me say that the leadership on this side will attempt to schedule that for early consideration if it is reported by the committee.

I commend the Senator from Louisiana once again for his initiative. I associate myself with his remarks and agree with every word he said.

Mr. LONG. I thank the Senator. I hope that I will not offend the distinguished occupant of the chair if I simply quoted something he told me about the pay raise one time. He said:

It is just not worth the grief to vote for a pay raise if you look at all the snide remarks and insinuation and innuendoes and all the rest of it that come from various people in the media and whatever sources. It is just not worth all the grief to vote for a pay raise. It is far better to resolve this conflict of interest by putting it with someone else.

We do not hear of people terribly upset about the pay of corporate officers and matters of that sort because usually someone else sets it, the board of directors or whoever.

In our case, we have an impossible situation. It is an irreconcilable conflict of interest. It plagues us constantly. It makes us look terrible in the eyes of people. This is always our worst hour. Never do we look worse than when we consume time talking about our own salaries. It is inappropriate. It is not in good taste. The debate gets acrimonious. It just puts us in a bad light every time we get into it.

Why do we do these things? Why do we not just get rid of it?

That is why, Mr. President, I hope in due course the Judiciary Committee will report the proposed constitutional amendment.

I thank the Senator.

Mr. HEFLIN. Mr. President, I rise in support of S. 2211, a bill to repeal the 3.5-percent pay raise for Members of Congress which went into effect January 1, 1984. As my colleagues well know, we did not have an opportunity to vote on this pay raise before it became effective.

I strongly oppose this pay increase as I have opposed every pay increase since coming to the Senate. The Federal deficit in 1984 will reach a staggering $200 billion. A pay increase for Members of Congress would be the wrong signal to send to the American people. If we are to bring the Federal budget deficit under control, we must show restraint and refuse to give ourselves this pay increase.

During the recent recession, many Americans endured hardships through their hope in a coming economic recovery. We have seen indications that that recovery is now here—at least for a time. We simply cannot afford to add to the Federal budget and to the ever-growing deficit that threatens to choke off economic recovery. As our fellow citizens tightened their belts, so we, too, must exercise restraint.

I urge my colleagues to repeal this pay increase.

Thank you, Mr. President.

Mr. EXON. Mr. President, I rise to add my voice of support for the measure before us of which this Senator from Nebraska is a cosponsor.

On many, many occasions I have stood on the floor sometimes almost alone in opposition to increasing the pay of Members of this body regardless of whether or not we can justify that because of the situation that confronts this Nation today with skyrocketing deficits and an ever-ballooning national debt.

Mr. President, we can argue this pro and con, up and down, sideways. The facts of the matter are, I think that we are going to have to do some belt-tightening of our own here as Members of the Senate to set an example for the belt-tightening we must do as far as the whole budget of the United States is concerned.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I support the legislation currently before the Senate to rescind for Members of Congress the 3.5-percent cost-of-living pay increase which was granted on January 1, 1984.

Mr. President, in June of last year, the Senate voted its Members a substantial pay increase, thereby bringing Senate salaries up to the level of House Members. After a number of "test votes" on related issues, it became apparent that an increase in Senate salaries would be necessary in order to also impose a reasonable ceiling on outside earned income from speaking engagements, a limitation I have long favored.

In 1984, when the country is facing the very real prospect of a $200 billion budget deficit, it would be unreasonable for Congress to accept this "automatic," additional 3.5-percent pay raise. Congress must set an example of leadership and frugality for the citizens of this Nation, and we can best do this by promptly rescinding this cost-of-living increase.

Mr. President, I hope the Senate will overwhelmingly repeal this recent 3.5-percent pay raise for Members of Congress. We must demonstrate for ourselves the same fiscal restraint which, in this time of limited financial resources, we are asking and expecting of the citizens we serve.

Mr. GRASSLEY. Mr. President, as a cosponsor of this bill, S. 2211, I wish to urge my colleagues to support this effort to rescind the salary cost-of-living adjustments received by Members of Congress on January 1, 1984. At the beginning of this year, Members' salaries were increased 3.5 percent, the same increase granted to other Federal workers, which raised our pay to $72,243. Not only do I oppose a salary increase for us when deficits threaten our economic stability, but I also strongly disapprove of the manner in which this adjustment was automatically provided—without debate and without a rollcall vote.

As my colleagues are aware, the Executive Salary Cost-of-Living Adjustment Act of 1975 provides that the President's recommendation for cost-of-living adjustment raises for Federal employees becomes effective for Members of Congress automatically, unless either House adopts a resolution of disapproval within 30 calendar days. As a Member of the House of Representatives at that time in 1975, I remember well how the Congress initiated this approach of taking its pay hikes through the back door. This body attached this automatic pay increase mechanism to a minor House-passed postal service bill. On July 30, 1975, when the bill returned to the House for final approval, the House leadership attempted to obtain its passage by unanimous consent and with no debate. I objected and forced a rollcall vote. The measure, however, was still carried by a 214 to 213 margin.

I opposed that automatic pay adjustment then, and I continue to oppose it now. I have introduced legislation in the past to eliminate this automatic provision and require specific rollcall votes, to insist that any action to increase our salaries be a matter of public record. Such a straightforward approach would provide open debate and insure that any pay adjustment would be easily understood by Members and the public alike. Additionally, it would demonstrate that this body has no double standard between actions it takes for others and actions it takes for itself. This legislation, unfortunately, received no action by this body.

We now have the opportunity to rescind a pay increase we received by this back door approach and I hope my colleagues have the integrity to approve this bill. I do not know about

the other Members of this body, but I have a hard time at home explaining the necessity of sacrifice by all in order to lower Federal deficits and maintain our economic health at the same time these Members attempt to escape any personal pain from fiscal restraint. I think we owe the American people our willingness to sacrifice and our commitment to serious budget cutting.

Mr. PRESSLER. Mr. President, I would like to voice my support for S. 2211 which would repeal the 3.5-percent pay raise given Members of Congress on January 1, 1984. I urge the Senate to pass this legislation.

Since coming to the Congress in 1975, I have consistently opposed pay raises for Members of Congress. However, this year, there is an even stronger need for holding the line on congressional salaries. This country is in the midst of a serious budget crisis. With enormous Federal deficits, it is highly inappropriate for Members of Congress to receive a pay raise. We, as leaders of this Nation, should be setting an example of fiscal responsibility for the rest of America. Instead, it appears to the public that we are paying our salaries at the expense of our struggling economy.

There have been many fine speeches in the last few months by members of both political parties calling for action to reduce the deficit. I think repeal of the 3.5-percent raise would make a very appropriate first step. A permanent change in the way that congressional salaries are adjusted should be the second one. I am very disturbed with the manner in which this raise and some past raises have occurred. It is wrong to receive the pay raise through the "back door", though an automatic process. Any raises should be decided by an "up or down" recorded rollcall vote by the Members. We only discredit this institution and our own integrity by allowing pay raises this way.

I do not believe the American taxpayer will tolerate these practices any longer. My South Dakota constituents have always been highly critical of the way the House and Senate have raised their own pay. We cannot ask our senior citizens, farmers, small business people, and other Americans to make the sacrifices necessary to balance the budget unless we, too, are willing to make them. Quite frankly, repeal of the pay raise is the least we can do to show the American people that our concern for the Federal budget does not end on payday.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call to roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I come to this today with somewhat different perspective than my colleagues. I will not be in the Senate next year so the economic implications are irrelevant.

For the 2 weeks since I decided not to run, I look at this body differently because 1 year from now I cannot effect change and you all can.

So I care about the quality of the Senate. There are a lot of millionaires in this group. I have no objection to that. If I had my choice I would do it, also.

But the fact is that people should not be in a position who have quality and substance that they are in the same situation that I was in and a lot of other people in this body and in the House of Representatives in which you constantly sacrifice your family for public service.

Next year I am going to go out and make some money—big deal. But why we go through these things is beyond me.

If there is one thing I am proud of in the 10 years I have been here in Washington is I never made this kind of a motion before. The country is served by the quality of the people in this body and in the House. And I care in terms of what that represents about my future, the future of this country and of my family.

If this body is not worth a significant and substantial salary, then just say it. But if we are going to attract people who do not happen to be wealthy, then we should not engage in this kind of exercise and we should look at ourselves and try to figure out what we are really worth as a country.

I have been through these votes before, scared stiff. I remember the great expression on the House side. "Vote no, take the dough." I finally got to the point in my own view of my job where I could not stomach my doing that any more. So it is easy for me now and it was easy for me a year ago when I finally turned my position around.

But this is the U.S. Senate. These kinds of votes should not happen. We should not have this self-image; this sort of agonizing about these kinds of things.

The trust of this country is in this body. I hope that we would show confidence in ourselves and respect for this institution, and not go through this kind of thing, reject the motion, and say to those good people around the country without substance: "There is a place for you. You don't have to go out and make your money first and then come in here as a wealthy person."

I was the poorest Senator in the U.S. Senate, according to People magazine, in my first year here. I am pleased that is no longer the case. But for those who are in the same economic position, I think we do serve a purpose, have a different perspective, perhaps, and there is no point in making it any more difficult than it already is.

So I would urge that the amendment be defeated.

SEVERAL SENATORS. Vote.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Georgia (Mr. MATTINGLY), the Senator from Delaware (Mr. ROTH), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD) and the Senator from Georgia (Mr. MATTINGLY) would each vote "yea."

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. MATSUNAGA) is absent because of illness.

I also announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in the family.

The result was announced—yeas 66, nays 19, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—66

Abdnor	Danforth	Hecht
Andrews	DeConcini	Heflin
Baker	Denton	Heinz
Baucus	Dixon	Helms
Biden	Dodd	Huddleston
Bingaman	Dole	Humphrey
Boren	Domenici	Jepsen
Boschwitz	Eagleton	Kassebaum
Bradley	East	Kasten
Bumpers	Exon	Lautenberg
Burdick	Ford	Laxalt
Byrd	Garn	Levin
Chiles	Grassley	Long
Cochran	Hatch	McClure
Cohen	Hawkins	Melcher

Mitchell	Proxmire	Specter
Moynihan	Pryor	Thurmond
Nickles	Quayle	Trible
Nunn	Randolph	Wallop
Pell	Riegle	Warner
Percy	Sasser	Wilson
Pressler	Simpson	Zorinsky

NAYS—19

Chafee	Lugar	Stafford
D'Amato	Mathias	Stevens
Durenberger	Metzenbaum	Tower
Evans	Murkowski	Tsongas
Glenn	Packwood	Weicker
Goldwater	Rudman	
Gorton	Sarbanes	

NOT VOTING—15

Armstrong	Hollings	Matsunaga
Bentsen	Inouye	Mattingly
Cranston	Johnston	Roth
Hart	Kennedy	Stennis
Hatfield	Leahy	Symms

So the bill (S. 2211) was passed.

Mr. STEVENS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, there will be no further rollcall votes tonight.

The distinguished minority leader, the Democratic leader, and I have some housekeeping actions to attend to and some important requests.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTION OF SENATE LEGAL COUNSEL TO INTERVENE IN BARNES, ET AL. AGAINST CARMEN, ET AL.

Mr. STEVENS. Mr. President, on behalf of the majority leader and for the distinguished Senator from West Virginia (Mr. BYRD), I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 313) to direct the Senate Legal Counsel to intervene in Barnes, et al. v. Carmen, et al.

Mr. BAKER. On November 17, 1983, the Senate passed without amendment H.R. 4042, a bill to extend during fiscal year 1984 the requirement that the President certify to the Congress that the Government of El Salvador is making progress on human rights. The bill was presented to the President on November 18, the day on which the Congress adjourned its first session. On November 30, the President announced that he was withholding his approval of the bill but he did not return the bill to the Congress with his objections.

The Constitution grants to the President only a qualified negative over acts of Congress, subject to the power of Congress to enact bills over the President's veto. To assure that the Congress has the final authority on the passage of legislation, the Constitution provides that the President must exercise his disapproval of a bill by returning the bill with his objections to the House which had originated it. Article I, section 7, clause 2 of the Constitution provides for a limited exception to this procedure:

If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Thus, the Congress may not obstruct the President from exercising a qualified negative by an adjournment which prevents him from returning a disapproved bill to the House which had originated it.

There may be considerable doubt about the interpretation of any law but there should be no doubt about when a bill has become a law. Unfortunately, there is considerable uncertainty about the constitutional rules which govern the exercise of the pocket veto. In the *Pocket Veto* case (279 U.S. 655 (1929)), the Supreme Court questioned whether the Houses of Congress could authorize their officers to receive veto messages from the President during adjournments. Nine years later, in *Wright* v. *United States* (302 U.S. 583 (1938)), the Court reconsidered the broad language of the Pocket Veto case. In an opinion by Chief Justice Hughes, the Court sustained a procedure by which the Secretary of the Senate received a veto message during an adjournment of the Senate, ruling:

In returning the bill to the Senate by delivery to its Secretary during the recess there was no violation of any express requirement of the Constitution. The Constitution does not define what shall constitute a return of a bill or deny the use of appropriate agencies in effecting the return. (Id. at 589.)

Ten years ago, in *Kennedy* v. *Sampson* (511 F. 2d 430 (D.C. Cir. 1974)), the U.S. Court of Appeals for the District of Columbia Circuit held that all pocket vetoes were unconstitutional where arrangements had been made for the receipt of Presidential messages during intrasession adjournments. Two years later, in 1976, Attorney General Levi announced that President Ford would use the return rather than pocket veto both during intrasession and intersession recesses, as long as the House to which the President's objections must be returned had authorized an officer to receive return vetoes during those periods. (122 Cong. Rec. 11202 (1976)). The issue of the pocket veto thus appeared to have been settled, until the President used the pocket veto during intersession adjournments in 1981 and 1983.

Thirty-three Members of the House have brought suit to challenge the pocket veto of H.R. 4042. The underlying issue involves the consititutional powers of both Houses and does not touch upon the merits of the human rights certification question. Both Houses authorize their officers to receive veto messages from the President and from the other House during adjournments. In the House there is standing authority under House Rule III(5) for the Clerk to receive messages from the President at any time that the House is not in session. In the Senate, during the past adjournment, that authority had been provided to the Secretary by unanimous consent. (129 Cong. Rec. S17192-93 (daily ed. Nov. 18, 1983).) As long as an officer in the House which originates a bill is authorized to receive a veto message from the President during an adjournment, that adjournment would not prevent the President from returning a bill with his objections.

The Senate appeared as a party in the legislative veto case, Immigration and Naturalization Service against Chadha, which also involved the distribution of legislative powers under article I, section 7, of the Constitution, and in which the Supreme Court emphasized the "limited and qualified power [of the President] to nullify proposed legislation by veto * * *" (No. 80-1832, slip op. at 26-27 (U.S. June 23, 1983).) In this case also, the legislative authority of both Houses will be affected by the judgment of the Court, and both the Congress and the President share an interest in the definitive resolution of the issue. Accordingly, this resolution directs the Senate Legal Counsel to intervene in this litigation in the name of the Senate to support the power of the Houses of Congress to authorize their officers to receive veto messages from the President during their adjournments. In so doing, the Senate will be protecting the constitutional authority of the Congress to enact laws over the objections of the President. The Senate

Legal Counsel would not be making arguments to the Court on the merits of the human rights certification issue but would be concerned solely with the constitutional issues in this case.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 313

Whereas, in the case of Barnes, et al. v. Carmen, et al., No. 84-0020, pending in the United States District Court for the District of Columbia, the powers of the President and the Congress under article I, section 7, clause 2 of the Constitution have been placed in issue;

Whereas during the intersession adjournment of this Congress officers of both Houses were authorized to receive veto messages from the President and the President was not prevented from returning bills with his objections to the House which had originated them;

Whereas adherence to the requirements of article I, section 7, clause 2 of the Constitution is essential to the prerogative of the Congress to enact legislation over the objections of the President;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(c), 288e(a), and 288l(a) (1982)), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate legal counsel is directed to intervene in the name of the Senate in the case of Barnes, et al. v. Carmen, et al.

ALASKANS ARE UNITED TO SAVE SKAGWAY

Mr. STEVENS. Mr. President, on December 15, 1983, the Canadian Transport Commission (CTC) completed an exhaustive inquiry into the transportation requirements of the Yukon and issued a draft report for comment by affected Canadian and Alaska interests. The formal comment period does not conclude until February 15. But public comment on certain findings and recommendations of the Commission is necessary and appropriate at this time.

It is possible that certain major shippers in the private sector will make fundamental transport decisions—perhaps as early as next week—which will profoundly affect Alaska. Those decisions should not be made without a full understanding of the probable consequences.

BACKGROUND

Mr. President, the city of Skagway is the closest year-round tidewater port for the Yukon Territory. For the past 84 years, the principal transportation system serving the Yukon has been the White Pass & Yukon Railway, providing passenger and freight service between Skagway and the territorial capital of Whitehorse. Of the total railway length, 59.1 miles are located in Yukon, 30.9 miles in the Province of British Columbia, and 20.4 miles in the State of Alaska.

As a private sector business enterprise, the railway, to say the least, is unique. It is owned and operated by the White Pass & Yukon Corp. Ltd., and the railway business in Alaska is carried on by a U.S. subsidiary, the Pacific & Arctic Railway & Navigaion Co. (PARN). The PARN operates under a certificate of public convenience and necessity issued by the ICC. The Canadian operations are certificated by the CTC. Operations in Canada, of course, are governed by Canadian transport law.

The conflicting regulatory requirements of the United States and Canadian Governments have never been a serious problem. The challenges have been overcome by good-faith negotiations, and relations between the United States and Canada remain most harmonious in respect to the international railway system which serves vital interests in both countries.

Although owned by Canadian interests, the railroad's principal employment base is in Skagway. The maintenance shops are located in Skagway. The majority of the operating personnel are Alaskans. Alaskans for four generations have served the transport requirements of Yukon through the facilities at Skagway.

Unfortunately, Mr. President, railway operations between Whitehorse and Skagway were suspended following the closure of the Cyprus Anvil Mining Corp.'s (CAMC) open pit lead/zinc/silver mine and mill near Faro, Yukon Territory, in June 1982.

As noted in the CTC draft report—

[T]he main difficulty faced by the WPY Rail Division is that it is essentially a captive railway—captive to CAMC. Without CAMC traffic, it does not have the economic power to operate. Some believe it should operate even without the high volume bulk freight but that would be impractical, for the fair rate to cover costs would be astronomical. (CTC draft report, p. 81).

Under controlling Canadian law, according to the CTC, the—

WPY Rail Division is a regulated mainline rail carrier and as such * * * it cannot set rates which are less than the compensatory rate (that is the rate must cover the long run variable cost of operation). (Id.)

In the last full year of operations prior to the closing of CAMC—

More than 69,900 tons of freight, 44,500 tons of petroleum products, 416,000 tons of (CAMC) mineral concentrate and approximately 55,000 passengers were carried by the railway. (Id., p. 26).

The Skagway employees, for the most part, have been without jobs since June 1982. The situation these employees now face is quite simple: if the CAMC resumes operations and converts to trucking rather than rail service for its ore concentrate transportation requirements, the White Pass & Yukon Railway, after all these years, will probably be abandoned under controlling Canadian law. Of course, PARN cannot operate a viable railroad from Skagway to a point on the Canadian border—so PARN will be abandoned as well.

The city of Skagway, under those circumstances, will have had a glorious past—but no future.

THE ALASKAN PUBLIC INTEREST

Mr. President, I am pleased and gratified to note that the Alaskan public interest was considered by the CTC inquiry officers in the preparation of their report. The CTC met with State and local officials, and made the following observation:

The Alaskan Government realizes the historic role which the port of Skagway has played in the development of Yukon. A commonality is viewed between the region about Skagway and Yukon in terms of remoteness and reliance on the transportation industry. If the WPY railway is abandoned, there is serious concern about the continued existence of Skagway. *There is also doubt that Skagway could survive solely on the basis of seasonal tourism.* Even if the WPY railway was abandoned and trucking was permitted on the Alaskan portion of the South Klondike highway, the railway jobs would not be replaced in number by jobs in trucking—*most trucking jobs would go to Canadians.* As well, if major trucking to Haines or elsewhere was adopted and the WPY railway was abandoned and there was no trucking on the South Klondike Highway, *that would be the beginning of the end for Skagway.* (Emphasis supplied). Id., p. 47.

The American employees of the railway, rail and longshore units are represented by General Teamsters Local 959, State of Alaska. Railway trainmen and engineers in Alaska are represented by the United Transportation Union (UTU) Local 1757. And Teamsters Local 213 represents all Canadian employees of the White Pass and Yukon.

According to the draft report, "every attempt was made to meet with the Union representatives and spokesmen for the employees" of the railroad. In addition the CTC met with the United for Skagway Committee, a group composed of municipal officers and community leaders, as well as the Teamsters Union and the UTU.

The Alaskan public interest, therefore, was taken into consideration in the development of the CTC report, along with, obviously, the interests of Canada in general, and the Yukon in particular.

THE CAMC POSITION

The CAMC is not only the dominant and controlling shipper on the White Pass and Yukon, it is also the dominant industrial enterprise in the Yukon Territory. Accordingly, in order to facilitate the reopening of mining operations on the initial target date of

June 1983, the Canadian Federal Government and the Yukon Territorial government extended approximately $25 million in aid to CAMC. The mine and mill, however, remain closed. According to the draft CTC Report.—

CAMC requires 6 months lead time, after a decision to reopen the mill is made, in order to finalize marketing, to staff operations, to make capital expenditures and to secure supply contracts. CAMC will not start up the mill during the winter due to the harsh Yukon climate. Consequently, the earliest time for mill start up would be late 1984, and the decision to do so would have to be made in or before April 1984 * * *. *In this context all transportation arrangements including trucking approvals (if necessary) must be in place by mid-March 1984 or it will be unlikely that the mill would reopen and that shipments would resume prior to the fall of 1985."* (Italic supplied). (Id., p. 7).

Mr. President, CAMC informed the CTC that—

Trucking either to Skagway or Haines results in CAMC costs being reduced, and that the preferred route for trucking will be Faro to Skagway. In the event the Skagway road is not open to traffic, CAMC would pursue trucking to Haines. (Id., p.14)

With respect to the prospective Faro-Skagway trucking operation, CAMC stated that there are no physical restrictions which would require limiting the gross vehicle weight to levels below 134,500 lbs, and that operations would be based on—

70 foot, 7-axle B-train trucks with facility to handle loaded and empty ore containers and loaded backhaul containers for such items as coal, in combination with lime, soda ash, fuel, rods and balls, and general freight * * *.

And with respect to the alternative Faro-Haines route, CAMC stated:

The Haines route is not restricted * * * and appears capable of facilitating 134,500 lb. loads. (Id., p. 14).

The final CAMC position was characterized by CTC as follows:

If the 134,500 lb. load is not permitted on the Alaska sections of either the Skagway or the Haines alternative, a shuttle operation (i.e., the splitting of B-train configurations to a single trailer operation in order to meet Alaskan road weight limits) was recognized by CAMC to be a possible requirement. (Id., p. 15.)

Mr. President, the best evidence available to me indicates that CAMC will reopen its mining and mill operations at Faro later this year. Thus, CAMC must decide in the immediate future whether to pursue its trucking option. I am informed that meetings will be held in Whitehorse next week, involving railroad management, CAMC, the Canadian Federal Government, and the Yukon Territorial government. Alaskan interests, I am further informed, will not participate in those meetings.

I wish to stress, therefore, the intolerable burdens that Alaska and the United States will bear if the decision is made by CAMC, for whatever reason, to pursue the trucking option for transportation from the Faro mining facility to tidewater Alaskan ports.

THE ALASKA BURDENS OF CAMC'S TRUCKING OPTION

First, the conversion to trucking—if successfully implemented—will mean the forced abandonment of the White Pass & Yukon Railway in the United States and Canada.

Second, the conversion to trucking will mean the elimination of the Skagway employment base, and the export of most of the available jobs from Alaska to Canada.

Third, the tourism industry in southeastern Alaska will suffer irreparable harm. Not only will the scenic railway trip be eliminated permanently as an attraction for up to 55,000 visitors annually, but if the South Klondike Highway is used for ore concentrate trucking and backhaul, the scenic value of that highway system will be lost to virtually uninterrupted movements of B-train trucks 7 days a week, 24-hours per day. One estimate is that these trucks would pass a point on the highway every 15 minutes, round the clock. If B-train trucks were split at the border, every 7½ minutes, around the clock.

Fourth, the Federal-aid primary route from Skagway to the U.S. border, now closed between October 15 and May 1, will require upgrading to meet the transportation requirments of the mine. These costs, of course, will be borne by U.S. Federal and Alaska State taxpayers. After upgrading, according to the CTC draft report, the increased annual maintenance cost for the Alaska section of the highway will be $375,000.

Fifth, if the alternative Faro-Haines route is selected by CAMC, in addition to upgrading of the highway, the incremental increased maintenance cost in Alaska, on an annual basis, will be at least $420,000.

Sixth, U.S. Customs apparently will be required to man a post at the border, 7 days per week, 24-hours per day, in order to accommodate the traffic orginating at the Canadian mine. This extraordinary cost will be borne entirely by U.S. Federal taxpayers.

Seventh, the U.S. Federal Government and the State government will be required to bear the social costs of massive long-term unemployment in southeastern Alaska caused by the elimination of the railroad as a viable trasnportation component and the destruction of the underlying economic base of Skagway.

Mr. President, Alaskans have the capability, as a practical matter, to protect themselves against these massive losses as a result of an inappropriate decision by one major private sector shipper. Alaskans, after all, control the configurations of the vehicles that travel on their Federal-aid primary highways. That is part of the police power inherent in every State and nation.

CONCLUSION

Mr. President, the CTC draft report recognizes that CAMC has grossly understated the actual costs, and the indirect social costs, of converting to highway transportation operations when the mine is reopened later this year.

The CTC recognizes, as Alaskans do, that the White Pass & Yukon Railway is a national treasure which Canada and the United States cannot afford to lose. I have met with representatives of railway management; they are determined to reopen the railroad and serve all shippers at rates that are fair and compensatory. I have discussed the problems with representatives of the railroad's employees; they are committed to reopening the railroad, as are the community leaders of Skagway and other vitally affected interests in southeastern Alaska.

There have been differences between labor and management on the railroad in the past—now those differences must be resolved in good-faith negotiations. I believe they will be resolved.

Mr. President, in view of these facts, I believe that the citizens of Alaska have every right to resist the abandonment of the White Pass & Yukon Railway. I believe they have every right to resist the use of their roads—at massive Federal and State cost—by an endless stream of B-train combination trucks from the mining operations in Yukon. I shall join them in this effort. The financial costs to the U.S. Treasury, to the Alaska State treasury, and to the community of Skagway are too great if the trucking option is pursued by CAMC when mining operations resume.

Most important of all, Mr. President, the human and social costs of the trucking option are intolerable to Alaska and to the U.S. interests.

If a decision is made in the coming days or weeks by CAMC regarding its future transportation requirements, I hope that my views, which are shared by virtually all affected Alaskan citizens, are taken into consideration.

Thank you, Mr. President.

SOUTH DAKOTA QUESTIONNAIRE RESULTS

Mr. PRESSLER. Mr. President, I ask unanimous consent that my 1983 annual questionnaire of South Dakotans' views on various important national issues be printed in the RECORD.

I have conducted this survey each year for the past several years. Although it is not a scientifically perfect random survey of public opinion, it is a useful barometer of constituent views on a wide range of key subjects.

Over 4,500 people responded voluntarily to my 1983 questionnaire, and I appreciate their taking the time to inform me of their views. I hope that inclusion of the questionnaire results in the RECORD will be of value to readers in South Dakota and throughout the Nation. In addition to the percentage responses indicated here, many individuals offered other ideas and written comments. Unfortunately, it is not possible to quantify or print them in the RECORD.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE

GOVERNMENT SPENDING

1. The federal budget is divided into functional categories for planning purposes. If you could decide where your tax dollars should go, which of the following budget categories would get your tax dollar first? Which would you give the lowest priority? Please number these categories, 1 through 7, in order of the importance you place on them:

—National Defense and International Affairs.
—Education, Training, Employment, Health.
—Agriculture.
—Social Security.
—General Science, Space and Technology, Energy.
—Commerce and Housing Credit, Transportation, Community and Regional Development.
—Veterans Benefits and Services.

2. Some countries finance a large segment of their public services through borrowing. How do you rate the impact of budget deficits on the rate of inflation or high interest rates?

83%—Extremely important.
16%—Fairly important.
1%—Not very important.

ECONOMY

3. A law scheduled to go into effect in 1985 ties tax rates to the inflation rate so workers won't move into higher tax brackets when inflation pushes their salaries up. Because this law, called indexing, would reduce the government's income, some say it should be repealed. Others say that, because inflation has pushed average taxpayers into tax brackets designed for the wealthy, indexing is needed to protect them from continuously steeper tax rates. Do you favor keeping tax indexing or do you favor abolishing indexing?

77%—Keeping indexing.
23%—Abolish indexing.

4. Should the United States government impose tariffs or quotas on imported goods to protect American jobs in industries seriously threatened by imports, even though it could mean somewhat higher prices for the consumer and possible retaliation by the foreign countries to whom we export goods?

37%—Yes.
63%—No.

INTERNATIONAL MONETARY FUND

5. The International Monetary Fund (IMF) provides loans to help stabilize the economies of member nations. Economic problems in some foreign countries have increased the demand for these funds, in many cases to help out with old loans. Supporters of IMF claim that it is in our national security interest to promote stable economies in countries like Mexico. They also say this will help Americans sell goods overseas. Opponents say we would be bailing out bankers who have made unwise loans to these countries. Such banks will suffer large losses if these countries cannot pay existing loans.

How do you feel about the matter? Should we increase our contribution to the International Monetary Fund?

1%—Yes.
99%—No.

NUCLEAR ARMS FREEZE

6. Some people have proposed an immediate nuclear arms freeze requiring the United States and the Soviet Union to keep arms at current levels, arguing that each side already has enough nuclear weapons. Others oppose this proposal, saying it would freeze the U.S. in an inferior position and guarantee a Soviet nuclear advantage. Others stress the difficulty of verifying that the provisions of arms control agreements are being respected. How do you feel?

7%—Favor an immediate nuclear freeze.
39%—Favor a freeze if tough verification provisions can be negotiated.
28%—Favor nuclear arms reductions instead of a freeze.
25%—Oppose a freeze under any conditions.

DEFENSE

7. For 1983-84, the Administration proposed an increase of approximately 15 percent in defense spending. Congress approved an increase of approximately 10 percent. How much of an increase in defense spending do you think the nation needs?

28%—None.
13%—Five percent.
31%—Ten percent.
27%—Fifteen percent.

VETERANS

8. Some of the disability claims brought by Vietnam veterans have not been resolved, although that conflict ended 10 years ago. Which of the following solutions to this problem would you favor?

43%—Grant Vietnam veterans exposed to the herbicide Agent Orange the presumption of service-connected disability and award them disability compensation.
57%—Wait until more medical evidence is gathered specifically linking specific ailments to exposure to Agent Orange.

FOREIGN AID

9. In recent years, our allies have asked for increasing amounts of aid to "compensate" them for the presence of our air and naval bases. Some argue that our bases protect the host nations as well as the U.S. and that the host nations should bear a higher percentage of defense costs. Others point to the convenience and cost savings associated with overseas bases. What solution to the question would you favor?

82%—More pressure on our Allies to share defense costs.
18%—Continued aid, at present rates, to the countries that host our naval and air bases to protect our interests worldwide.

EDUCATION

10. The National Commission on Excellence in Education has found that the quality of education in America's public schools has seriously declined. In your view, what are the key problems in our education system today? Please rank the following, 1 through 8.

1—Discipline and control.
3—Emphasis on extracurricular activities.
7—Low teacher salaries.
5—Poor teacher preparation in colleges.
2—Lack of parental involvement and poor communication between parents and teachers.
8—Inadequate funding for educational materials and programs.
6—Lack of universal educational standards.
4—Lack of effort by schools and businesses in providing curriculum that gives students skills and knowledge necessary in the working world.

SMALL BUSINESS

11. In your opinion, what has been the greatest drawback to small businesses in the past year? Please rank the following, 1 through 4.

1—High interest rates.
2—Too much government regulation.
3—Inflation.
4—Competition from foreign imports.

12. Legislation has been proposed to require businesses to provide health insurance, for a limited time, for employees who have been laid off. What is your opinion of this proposal?

50%—Agree.
50%—Disagree.

PROPOSED NATIONAL HOLIDAY

13. Some individuals are requesting a national holiday honoring the late Martin Luther King Jr. Others cite the cost of a holiday in terms of lost production and vacation pay. What is your position on the proposed holiday?

25%—In favor of the holiday.
75%—Opposed to the holiday.

PROPOSED CONSTITUTIONAL AMENDMENT

14. Would you favor a Constitutional amendment which would permit individual states to determine abortion laws?

47 percent—Yes.
53 percent—No.

WATER

15. At present water projects are financed under different formulas, depending on the type of project and the repayment capability of the beneficiaries. Do you feel this system is equitable, or would you favor the establishment of a new uniform cost-sharing policy for all water projects?

46 percent—Continue the present pattern.
54 percent—Establish a uniform policy.

BROADCASTING

16. Many AM radio stations must stop broadcasting at sunset in order to protect the radio signals of larger stations from interference. The Senate is thinking about eliminating some of these restrictions. Do you favor removal of restrictions so that local stations can broadcast later in the evening? Or would you prefer to receive national programming from distant stations?

78 percent—Prefer more local radio service.
22 percent—Prefer continued national nighttime service.

SOCIAL SECURITY

Congress passed the big Social Security financing package last session, but reactions and suggested changes are still coming in. What are your views on the following:

17. Do you agree or disagree with the decision to ecourage older workers to delay retirement by increasing Social Security benefits from 3 to 8 percent for each year they delay retirement prior to age 70?

58%—Agree.
42%—Disagree.

18. Do you agree or disagree with the decision to gradually raise the age at which full

retirement benefits are paid from 65—beginning in the year 2000—until it reaches 67—in the year 2027?

60%—Agree.

40%—Disagree.

FARM

19. The PIK program has been a great success in terms of reducing crop acreage, but it has created other problems in PIK crop distribution, management of PIK acreage, taxation of PIK benefits, etc. Which of the following possibilities would you favor regarding the future of PIK:

14%—Continue the program another year without change.

33%—Continue the program with modifications.

53%—Discontinue the program at the end of the year.

20. The cost of price support programs has increased dramatically in recent years. Current law establishes annual increases in one such program, covering target prices for wheat and grains. Proposals have been made to eliminate these. Farmers, however, depend on target prices to help them maintain income when farm prices are low, as they have been in recent years. How do you feel about the problem? Would you favor a freeze on target price increases, or other price support programs, at current levels?

52%—Yes.

48%—No.

21. In your opinion, what would be the most effective means of reducing dairy production and bringing supply in line with demand? Please rank these choices 1 through 5.

4—A diversion program similar to that used for feed grain

2—A reduction in the dairy price support level

1—Restricted dairy imports combined with sales of surplus dairy products on the world market at competitive prices—even if these are below the U.S. support level.

5—An increase in the percent of solids—not fat that are required in milk to increase consumption and utilize surplus non-fat dry milk

3—Limit size of dairy herds that would qualify for subsidies

PROPOSAL TO ISSUE POSTAGE STAMP OF MOUNT RUSHMORE, S. DAK.

Mr. PRESSLER. Mr. President, I recently proposed a new postage stamp of our Nation's largest, and one of our most inspirational national monuments—Mount Rushmore. Located in the picturesque Black Hills of South Dakota, Mount Rushmore is our national shrine to democracy, a powerful symbol of America's past, present, and future.

Gutzon Borglum, the sculptor, chose the beautiful Black Hills of western South Dakota as the place to realize his patriotic and sculptural dream. Borglum dreamed of carving a mountain memorial to some of our country's greatest leaders, upon whose principles and actions our Nation was founded, expanded, and sustained.

In the words of Borglum:

I want somewhere in America • • • a few feet of stone that bears witness to the great things we accomplished as a nation, placed so high it won't pay to pull it down for lesser purposes.

The men Gutzon Borglum chose are great symbols of America: George Washington, the Father of our Nation; Thomas Jefferson, the author of our Declaration of Independence; Theodore Roosevelt, the conservationist and expansionist; and Abraham Lincoln, the great emancipator who preserved this Union in one of its most critical hours. These men were chosen because they represent what America was, what it is, and what it can become.

Gutzon Borglum did what many said could not be done. Sculpturing four gigantic heads of a granite mountain was an immense technical feat. His dream was often opposed, criticized, and slandered. But when it became a reality, the world stood in awe of its splendor, majesty, and patriotic symbolism.

The monument tells a portion of America's story in dimensions that stagger the imagination. The Presidents are nearly 60 feet high, scaled to men who would stand 465 feet tall.

Calvin Coolidge stated at Mount Rushmore's dedication in 1927:

Mount Rushmore will constitute a distinctly national monument • • decidedly American in conception, in its magnitude, and in its meaning.

Two million people a year visit Mount Rushmore. Each leaves with a little better understanding of our Nation's history and ideals. These people see the hopes, dreams, determination, and will of a nation emblazoned in the magnificent shining white granite. Many of the visitors are foreign tourists who, through Mount Rushmore, can get a real feeling of what America is and what it stands for. Many of those visitors are our own citizens who realize for the first time the true meaning of that eternal shrine, and are richer Americans because of it.

A postage stamp would serve as a great catalyst to communicate the message of Mount Rushmore to those not fortunate enough to have made the pilgrimage, and encourage others to share in that personal inspiration by visiting this historic masterpiece. A postage stamp is an effective method of focusing world attention on America's history, achievements, and cultural assets, and a reminder of the heritage of the United States.

The 1952 Mount Rushmore stamp is no longer in circulation. Because it has been over 30 years since the first and only Mount Rushmore stamp was issued, this is an especially good time to tell the story again—to a new generation of Americans and foreigners alike—to help them understand the American dreams that have been so instrumental in forging the greatest nation on Earth by commemorating one of our Nation's most beautiful and historical national monuments.

Our heritage is written in eternal granite on that mountain in South Dakota. It deserves to be told throughout the world for generations to come.

HOOT McINERNEY, HUMANITARIAN OF THE YEAR

Mr. RIEGLE. Mr. President, on February 11, 1984, the March of Dimes Foundation will honor one of Michigan's outstanding citizens with their Humanitarian of the Year Award. It will be given to a wonderful man, and a dear friend, Hoot McInerney, and is in recognition of his many contributions to the March of Dimes, and to a wide variety of civic endeavors in the Detroit area.

Hoot McInerney is well known as one of the most successful auto dealers in America. He owns automobile outlets in Michigan, Florida, and in Hawaii, and is deeply respected for his knowledge and insight into the workings of the automobile business, especially from a retail perspective. Another side of Hoot is one that he does not advertise, and that is his deep devotion and efforts on behalf of many vital organizations including the March of Dimes, the American Cancer Society, St. Mercy Hospital, Focus Hope, and many others.

The honor that the March of Dimes Foundation will bestow on Hoot at their annual sweetheart ball is well deserved, and provides recognition of the tremendous influence for good that Hoot has in his community, and in the lives of countless citizens. I am greatly pleased that the March of Dimes has recognized Hoot's contribution in this fashion, and in behalf of all 9 million citizens of Michigan I join them in saying thanks to Hoot for all he has done and for his tremendous personal example. He is a true humanitarian who believes that service to humanity is the greatest work of life.

CONGRESS LOSES ONE OF ITS BEST—THE RETIREMENT OF DICK OTTINGER

Mr. KENNEDY. Mr. President, I would like to take this opportunity to pay tribute to my good friend and colleague from New York, Representative DICK OTTINGER, who announced his decision earlier this month to retire from the House of Representatives after two decades of outstanding public service.

DICK OTTINGER's extraordinary record of consistent leadership and high accomplishment have served Congress and the country well, and have earned him the well-deserved respect of all of us on both sides of the aisle in both Houses of Congress. His achievements have been substantial. The Environmental and Energy Study Conference, which he founded a

decade ago, is now composed of 278 Representatives and 83 Senators and has established a reputation for excellence for its continuing analyses and farsighted initiatives in these two critical areas for the future well-being of our Nation.

DICK OTTINGER is equally renowned for his commitment to economic progress on social justice. He has been a lifelong progressive in the truest and proudest sense of the word. Most recently, he formed the national economic recovery project to develop specific proposals to aid the unemployed, the disabled, and the elderly.

DICK OTTINGER came early to public service. At the beginning of the 1960's, he served as regional director of the Peace Corps for the west coast of South America. Throughout his service in the Congress, he never lost those principles of leadership and compassion, and unselfish commitment to others that President Kennedy saw as the hallmark of Peace Corps volunteers.

We almost had him as a colleague in the Senate in 1970, and what a Senator he would have made, a worthy successor in the seat held by Robert Kennedy. But instead, that year, we shared the pain of his narrow defeat in that divided Senate race.

It is sad that DICK OTTINGER is leaving the House of Representatives at the peak of his career. But the silver lining is that DICK is not now, and never really will be, leaving public service. We will miss him in these Chambers, but we look forward to his new career in teaching and writing, and to all the contributions still to come that will help make this country a better land. The people of Westchester County have been fortunate to have this able leader as their Representative, and so have the people of America.

SENATOR DANFORTH'S REPORT ON FAMINE IN AFRICA

Mr. KENNEDY. Mr. President, for those of us who have been following the alarming reports of famine in many areas of southern Africa, our colleague from Missouri, Senator DANFORTH, has provided this week a compelling report on the need for urgent action.

This week Senator DANFORTH released the findings of his recent 15-day trip to Africa, and reported on his firsthand observations of devastating famine conditions in east Africa, particularly in Mozambique and Somalia.

His field visit confirms the scattered reports from several voluntary agency and U.N. officials that starvation is occurring in major portions of Mozambique and that acute hunger conditions loom in many countries of western Africa in a few months.

Mr. President, I want to commend Senator DANFORTH for his report to the Senate, and for the humanitarian mission he has undertaken—as he did in similar circumstances in 1979 when famine stalked the people of Cambodia. I remember well his report at that time, at a special hearing of the Judiciary Committee which I called as chairman. His report on the Cambodian border crisis—his photographic evidence of the tragic face of starving women and children—served as a catalyst for greater congressional action in support of famine relief.

I hope his report this week on similar conditions in Mozambique will do the same, and I want to join in support of his plea. More importantly, I want to indicate my strong support for his three principal recommendations—

First, "that the administration begin an immediate emergency relief effort for Mozambique * * * where some 300,000 Mozambicans are in immediate peril."

Second, "that Congress increase American food aid to Africa in order to avert widespread loss of life in the coming months in nations afflicted by the Sahelian drought."

And, third, "that U.S. development assistance emphasize greater self-sufficiency in food production in Africa, with aid targeted to nations with the best prospects for expanded agricultural output."

Mr. President, I would like to share with my colleagues Senator DANFORTH's report on famine conditions in Africa and, in particular, to emphasize his concluding thought. He asked why a practical budget-conscious America should "bother about Africa?" His answer:

Why spend a dime on a continent so far away when we have our own problems right here at home? The answer, I think, has to do with who we are and how we perceive ourselves as a country. America is more than a place to hang your hat. It represents a value system most of us believe in very strongly. That value system has to do with the worth of human beings, whoever they are, wherever they are. We believe that lives are worth saving, that our fellow humans must be fed. But it is not enough to profess this belief. We must act on it.

Mr. President, I ask unanimous consent that the report by Senator DANFORTH in yesterday's Washington Post be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Jan. 25, 1984]

AFRICA: DOES ANYBODY REALLY CARE?

(By John C. Danforth)

Politicians argue about the extent of hunger in the United States, but for Africa there can be no debate. No food has reached the drought-stricken, guerrilla-plagued settlement of Changanini in Mozambique since November. The people are eating leaves from the trees, roots and cashew nuts, and the results of such a diet are predictable. One need not be a physician to diagnose starvation: emaciated bodies, distended bellies, discolored hair and haunting eyes are symptoms anyone can recognize. As of last week, such infrequent aid as has arrived from international donors was sporadic and unsupervised. Unlike the Thailand-Cambodia border of 1979, volunteers from organizations such as CARE, Catholic Relief Services or World Vision had not yet arrived.

Elsewhere in Africa, the combined efforts of donor countries and private voluntary organizations have averted widespread starvation in a desolate landscape. A three-year drought in the Sahel has created what might be the setting for an Ingmar Bergman movie. One drives for miles through a land with no ground cover and scattered scrub trees to the dust-shrouded village of Maffe. No rain has fallen for more than a year. No crop has been produced. Once the villagers owned 300 head of cattle. Now they own six. Of 40 families that lived in Maffe several years ago, only five remain. They are hanging on with cash and in-kind gifts sent by relatives who have gone to the hard-pressed city of Dakar in search of jobs. One of the most generous statements I ever heard was made to me by Maffe's village elder: "We don't have much to offer, but you are welcome to stay the night."

In the immediate future, conditions in Africa can only get worse. Even in the unlikely event that drought in the Sahel were broken immediately, it would be months before a new crop could be harvested. In the meantime, the United States, always generous with food aid, will be called upon to do more. Mozambique must be addressed as an immediate crisis, requiring on-sight personnel and a systematic effort to get food to the hungry on a predictable schedule. The administration's expected request for a supplemental appropriation to increase food aid to Africa should be acted on by Congress on a priority basis. While any call for more spending will be subjected to careful scrutiny in light of our budgetary difficulties, a relatively modest increase in our commitment to Africa can help that continent survive the present crisis.

But what of the long run? Food aid can meet a crisis. It can keep people alive who otherwise would perish. It can sustain refugees in Sudan or help Senegal survive a drought. But food aid, by itself, does not help countries become self-sufficient. It does not help them solve the long-term problem of feeding growing populations on land that, by any standard, is unproductive. When traveling in Africa, one looks for some light at the end of what appears to be an endless tunnel of food dependency. There is an occasional glimmer.

In Somalia, a team from the University of Wyoming is working on new methods of growing sorghum in an arid climate. The team believes that production can be doubled by relatively modest changes in the timing and density of planting. In Senegal, a major international effort has begun to irrigate the Senegal River basin. Many expressed to me the need for more research into improved seeds suitable for dry-land agriculture and for better extension services to educate African farmers in new techniques. While flying at a low altitude over Somalia, it appeared to these untrained eyes that much could be done to bring under production fertile but undeveloped river valleys.

To develop Africa's resources and move it toward self-sufficiency would require long-term commitments by donor countries, and

would be far more expensive than shipping in food aid. Irrigation is especially costly; however, in places such as Senegal it offers the best hope of increased production. But the only alternative to development assistance is a continent that will forever live from hand to mouth and forever be dependent on the generosity of others.

America's own budget difficulties have forced us to question all forms of government spending, including development assistance. Unfortunately, this budgetary restraint has resulted in a deep cut in our commitment to the one program that has been the most help in developing countries and through which we can best leverage contributions from other donor nations: the World Bank's International Development Association.

My own view is that development assistance for Africa should be increased, but that it should not be squandered. Whatever investment we intend to make in Africa could easily be wasted by spreading our resources too thin on a host of minor projects in a host of unpromising countries. It would be better to target our efforts—to do a few things well.

A key to effective targeting is to concentrate our development assistance on a limited number of countries that would make the best use of our investment.

After gaining independence in the past quarter of a century or so, some African countries looked to the east, adopting the Soviet model of state farms and collective farms with no meaningful role for the individual farmer. As Somalia and Mozambique are beginning to realize, such a model has not worked in the Soviet Union and it cannot work elsewhere. While I do not believe that food aid should be conditioned on the political or economic philosophy of the recipient, development assistance is a different matter.

To offer food to hungry people is a matter of principle. To offer development assistance to a country whose own policies discourage production is to pour water into the sand. For the sake of food production, and not to make a philosophical point, America should direct development assistance to those countries whose governments do not control farming.

Finally, a practical, budget-conscious American might ask, "Why bother about Africa?" Why spend a dime on a continent so far away when we have our own problems right here at home? The answer, I think, has to do with who we are and how we perceive ourselves as a country. America is more than a place to hang your hat. It represents a value systm most of us believe in very strongly. The value system has to do with the worth of human beings, whoever they are, wherever they are. We believe that lives are worth saving, that our fellow humans must be fed. But it is not enough to profess this belief. We must act on it.

THE PRESS

Mr. MOYNIHAN. Mr. President, this afternoon a number of us leaving a Democratic Caucus in the LBJ room learned that members of the press are evidently to be forbidden access to the hallway that leads from the top of the Senate steps to the Senate Chamber.

This presumably is a measure being taken, or being contemplated, as part of the general tightening up of access to various parts of the Capitol following the detonation of a bomb outside the Senate Chamber on the night of November 7, 1983.

I am sure this is being done, or is being planned with the best of intentions, but I would suggest to the Senate that it is the very worst of responses.

The subject of terrorism is one that is much on our minds at this moment; possibly, perhaps likely to become even more so as the decade progresses. It is all the more important, then, that we should think clearly about it.

I do not present myself as someone with any greater knowledge of the subject than the next person, but it may be that having served in several ambassadorial posts, and for 7 years now, on the Select Committee on Intelligence, I have been somewhat more involved with the matter. In any event, I have written and spoken on the subject on a number of occasions of late.

My small thesis has been as follows. Generally speaking, there are two kinds of terrorism, one new, one old.

The new form of terrorism may be called State-sponsored terrorism. It is the kind we associate with the present regime in Iran; it was almost certainly involved in the bombing of our Embassy and our Battalion Landing Team billet in Beirut. As Clausewitz said of war, it is merely an extension of diplomacy.

Congress, by legislation, has acknowledged this phenomenon, and our present statutes provide for the designation of states involved with state terrorism.

An older form of terrorism, more or less a century old both here and in Europe, is a form of violence directed not by a state but against a state, having as its object the overthrow or transformation of the regime in power.

I assume this was the nature of the recent Senate bombing. It was the nature of the bombing of the U.S. Mission to the United Nations when I was Permanent Representative in 1975. It is almost a daily occurrence in the world.

If the object of this form of terrorism is understood, the response follows logically.

The object is to change the constitutional order of government, in the large sense of the term. The response should be to see that, no matter what, this is not allowed to happen.

No nation has shown this understanding with greater courage or greater success in recent years than that of Italy. The object of the Red Brigades was to bring about a massive repression that would kill the Italian democracy. At great cost, but with perfect firmness, the people and the government of Italy declined.

So must we decline.

I believe I was the first Senator to visit the Capitol after the November 9 bombing. It was election day, and I was taking an early flight to New York to vote and then return to the day's session. On the way to the airport, I stopped at the Capitol to inspect the damage. Coming down the steps thereafter I was asked over by a group of journalists who had not yet been allowed inside the building. I described what I had seen. I was asked what I thought. I answered simply: "They can bomb the Capitol, but they cannot bomb the democracy."

Surely I was not wrong. But I would be if as a result of that event we suddenly restricted the free informal movement of members of the press in the various hallways and lobbies that surround the Senate Chamber. Not for nothing were the members of the Press Gallery in the House of Commons once referred to as the Fourth Estate. A constitutional status if ever there was one.

To cut off access—free, spontaneous, adventitious, and often calamitous—between Senators and the accredited members of the Press Gallery would be to change our institution. It would begin to cut us off from the people who send us here. The only possible advantage would accrue to the lobbyists who are sent here—well, not exactly by the people.

May I ask that we reconsider this matter and make no changes whatever where the press is concerned. That would give victory to our common, if secret enemies, enemies, that is, of our democracy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

AMERICA IS BACK

Once again, in keeping with time-honored tradition, I have come to report to you on the state of the Union. I am pleased to report that America is much improved, and there is good reason to believe that improvement will continue through the days to come.

You and I have had some honest and open differences in the year past. But they didn't keep us from joining hands in bipartisan cooperation to stop a long decline that had drained this Nation's spirit and eroded its wealth. There is renewed energy and optimism throughout the land. America is back—standing tall, looking to the eighties with courage, confidence, and hope.

The problems we are overcoming are not the heritage of one person, party, or even one generation. It is the tendency of Government to grow, for practices and programs to become the nearest thing to eternal life we'll see on this Earth. There is always that well-intentional chorus of voices saying, "with a little more power and money, we could do so much for the people." For a time we forgot the American dream isn't one of making Government bigger; it's keeping faith with the mighty spirit of free people under God.

As we came to the decade of the eighties, we faced the worst crisis in our post-war history. The seventies were years of rising problems and falling confidence. There was a feeling Government had grown beyond the consent of the governed. Families felt helpless in the face of mounting inflation and the indignity of taxes that reduced reward for hard work, thrift, and risktaking. All this was overlaid by an ever-growing web of rules and regulations.

On the international scene, we had an uncomfortable feeling that we had lost the respect of friend and foe. Some questioned whether we had the will to defend peace and freedom.

But America is too great for small dreams. There was a hunger in the land for a spiritual revival; if you will, a crusade for renewal. The American people said: Let us look to the future with confidence, both at home and abroad. Let us give freedom a chance.

Americans were ready to make a new beginning and together we have done it. We are confronting our problems one by one. Hope is alive tonight for millions of young families and senior citizens set free from unfair tax increases and crushing inflation. Inflation has been beaten down from 12.4 to 3.2 percent, and that is a great victory for all the people. The prime rate has been cut almost in half, and we must work together to bring it down even more.

Together, we passed the first across-the-board tax reduction for everyone since the Kennedy tax cuts. Next year, tax rates will be indexed so inflation can't push people into higher brackets when they get cost-of-living raises. Government must never again use inflation to profit at the people's expense.

Today, a working family earning $25,000, has $1,100 more in purchasing power than if tax and inflation rates were still at 1980 levels. Real after-tax income increased 5 percent last year. And economic deregulation of key industries like transportation has offered more choices to consumers and new chances for entrepreneurs, while holding down costs and protecting safety. Tonight, we can report and be proud of one of the best recoveries in decades. Send away the handwringers and doubting Thomases. Hope is reborn for couples dreaming of owning homes and for risktakers with vision to create tomorrow's opportunities.

The spirit of enterprise is sparked by the sunrise industries of high-tech, and by small business people with big ideas—people like Barbara Proctor, who rose from a ghetto shack to build a multimillion-dollar advertising agency in Chicago; and Carlos Perez, a Cuban refugee, who turned $27 and a dream into a successful importing business in Coral Gables, Fla.

People like these are heroes for the eighties. They helped 4 million Americans find jobs in 1983. More people are drawing paychecks tonight than ever before. And progress helps everyone. In 1983, women filled 73 percent of all new jobs in managerial, professional, and technical fields.

But we know many of our fellow countrymen are still out of work, wondering what will come of their hopes and dreams. Can we love America and not reach out to tell them: You are not forgotten; we will not rest until each of you can reach as high as your God-given talents will take you.

The heart of America is strong, good, and true. The cynics were wrong—America never was a sick society. We're seeing rededication to bedrock values of faith, family, work, neighborhood, peace, and freedom—values that help bring us together as one people, from the youngest child to the most senior citizen.

The Congress deserves America's thanks for helping us restore pride and credibility to our military. I hope you are as proud as I am of the young men and women in uniform who have volunteered to man the ramparts in defense of freedom and whose dedication, valor, and skill increases so much our chance of living in a world at peace.

People everywhere hunger for peace and a better life. The tide of the future is a freedom tide, and our struggle for democracy cannot and will not be denied. This Nation champions peace that enshrines liberty, democratic rights, and dignity for every individual. America's new strength, confidence, and purpose are carrying hope and opportunity far from our shores. A world economic recovery is underway. It began here.

We have journeyed far. But we have much farther to go. Franklin Roosevelt told us 50 years ago this month: "Civilization cannot go back; civilization must not stand still. We have undertaken new methods. It is our task to perfect, to improve, to alter when necessary, but in all cases to go forward."

FREEDOM'S NEXT STEP: FOUR GREAT GOALS

It is time to move forward again, time for America to take freedom's next step. Let us unite tonight behind four great goals to keep America free, secure, and at peace in the eighties. Together:

—We can ensure steady economic growth.

—We can develop America's next frontier.

—We can strengthen our traditional values.

—And we can build a meaningful peace—to protect our loved ones and this shining star of faith that has guided millions from tyranny to the safe harbor of freedom, progress, and hope.

1. Ensuring steady economic growth

Doing these things will open wider the gates of opportunity and provide greater security for all, with no barriers of bigotry or discrimination. The key to a dynamic decade is vigorous economic growth, our first great goal. We might well begin with common sense in Federal budgeting: Government spending no more than Government takes in.

We must bring Federal deficits down, but how we do that makes all the difference. We can begin by limiting the size and scope of Government. Under the leadership of Vice President Bush, we have reduced the growth of Federal regulations by more than 25 percent, and cut well over 300 million hours of Government-required paperwork each year. This will save the public more than $150 billion over the next 10 years.

The Grace Commission has given us some 2,500 recommendations for reducing wasteful spending, and they are being examined throughout the Administration. Federal spending growth has been cut from 17.4 percent in 1980 to less than half that today. We have already achieved over $300 billion in budget savings for the period 1982–86. But that is only a little more than half what we sought. Government is still spending too large a percentage of the total economy.

Some insist any further budget savings must be obtained by reducing the portion spent on defense. Well, this ignores the fact that national defense is

solely the responsibility of the Federal Government. It is its prime responsibility; yet defense spending is less than a third of the total budget. During the years of President Kennedy and before, defense was almost half the total budget. Then came several years in which our military capability was allowed to deteriorate to a very dangerous degree. We are just now restoring, through the essential modernization of our conventional and strategic Forces, our capability to meet our present and future security needs. We dare not shirk our responsibility to keep America free, secure, and at peace.

The last decade saw domestic spending surge literally out of control. But the basis for such spending had been laid in previous years. A pattern of overspending has been in place for half a century. As the national debt grew, we were told not to worry, we owed it to ourselves.

Now we know deficits are a cause for worry. But there is a differnce of opinion as to whether taxes should be increased, spending cut, or some of both. Fear is expressed that Government borrowing to fund the deficit could inhibit the economic recovery by taking capital needed for business and industrial expansion. I think that debate is missing an important point. Whether Government borrows or increases taxes, it will be taking the same amount of money from the private sector, and, either way, it is too much. Simple fairness dictates Government must not raise taxes on families struggling to pay their bills. The root of the problem is that Government's share is more than we can afford if we are to have a sound economy.

We must bring down the deficits to ensure continued economic growth. In the budget I will submit on February 1, I will recommend measures that will reduce the deficit over the next 5 years. Many of these will be unfinished business from last year's budget. Some could be enacted quickly if we would join in a serious effort to address this problem. I spoke today with Speaker of the House O'Neill and Senate Majority Leader Baker. I asked them if they would designate representatives to meet with representatives of the administration—to try to reach prompt agreement on a bipartisan deficit reduction plan. I know it would take a long and hard struggle to agree on a full-scale plan. So what I have proposed is that we first see if we can agree on a downpayment.

I believe there is a basis for such agreement—one that could reduce deficits by about $100 billion over the next 3 years. We could focus on some of the less contentious spending cuts that are still pending before the Congress. These could be combined with measures to close certain tax loopholes—measures that the Treasury Department has previously said to be worthy of support. In addition, we could examine the possibility of achieving further outlay savings based on the work of the Grace Commission.

If the Speaker and the majority leader are willing, my representatives will be prepared to meet with theirs at the earliest possible time. I would hope the leadership might agree on an expedited timetable in which to develop and enact the downpayment.

But a downpayment alone is not enough to break us out of the deficit problem. It could help start us on the right path. Yet, we must do more. So I propose that we begin exploring how together we can make structural reforms to curb the built-in growth of spending.

I also propose improvements in the budgeting process. Some 43 of our 50 States grant their Governors the right to veto individual items in appropriation bills without having to veto the entire bill. California is one of those 43 States. As Governor, I found this "line-item veto" was a powerful tool against wasteful or extravagant spending. It works in 43 States—let's put it to work in Washington, D.C., for all the people.

It would be most effective if done by constitutional amendment. The majority of Americans approve of such an amendment, just as they and I approve of an amendment mandating a balanced Federal budget. Many States also have this protection in their constitutions.

To talk of meeting the present situation by increasing taxes is a Band-Aid solution which does nothing to cure an illness that has been coming on for half a century—to say nothing of the fact that it poses a real threat to economic recovery. Let's remember that a substantial amount of income tax is presently owed and not paid by people in the underground economy. It would be immoral to make those who are paying taxes pay more to compensate for those who aren't paying their share.

There is a better way: Let us go forward with a historic reform for fairness, simplicity, and incentives for growth. I am asking Secretary Don Regan for a plan for action to simplify the entire tax code, so all taxpayers, big and small, are treated more fairly. I believe such a plan could result in that "underground economy" being brought into the sunlight of honest tax compliance; and it could make the tax base broader so personal tax rates could come down, not go up. I have asked that specific recommendations, consistent with these objectives, be presented to me by December 1984.

2. Developing America's next frontier

Our second great goal is to build on America's pioneer spirit and develop our next frontier. A sparkling economy spurs initiative and ingenuity to create sunrise industries and make older ones more competitive.

Nowhere is this more true than our next frontier: space. Nowhere do we so effectively demonstrate our technological leadership and ability to make life better on Earth. The Space Age is barely a quarter of a century old, but already we've pushed civilization forward with our advances in science and technology. Opportunities and jobs will multiply as we cross new thresholds of knowledge and reach deeper into the unknown.

Our progress in space—taking giant steps for all mankind—is a tribute to American teamwork and excellence. Our finest minds in Government, industry, and academia have all pulled together, and we can be proud to say: We are first, we are the best, and we are so because we are free.

America has always been greatest when we dared to be great. We can reach for greatness again. We can follow our dreams to distant stars, living and working in space for peaceful, economic, and scientific gain. Tonight, I am directing NASA to develop a permanently-manned space station, and to do it within a decade.

A space station will permit quantum leaps in our research in science, communications, and in metals and lifesaving medicines which can be manufactured only in space. We want our friends to help us meet these challenges and share in the benefits. NASA will invite other countries to participate so we can strengthen peace, build prosperity, and expand freedom for all who share our goals.

Just as the oceans opened up a new world for Clipper ships and Yankee Traders, space holds enormous potential for commerce today. The market for space transportation could surpass our capacity to develop it. Companies interested in putting payloads into space must have ready access to private sector launch services. The Department of Transportation will help an expendable launch services industry to get off the ground. We will soon implement a number of executive initiatives, develop proposals to ease regulatory constraints, and, with NASA's help, promote private sector investment in space.

Preserving Earth's Resources

And as we develop the frontier of space, let us remember our responsibility to preserve our older resources here on Earth. Preservation of our environment is not a liberal or conservative challenge, it's common sense.

Though this is a time of budget restraints, I have requested for EPA one of the largest percentage budget increase of any agency. We will begin the long, necessary effort to clean up a productive, recreational area and a special national resource—the Chesapeake Bay.

To reduce the threat posed by abandoned hazardous waste dumps, EPA will spend $410 million this year and I will request a supplemental increase of $50 million. And because the Superfund law expires in 1985, I have asked Bill Ruckelshaus to develop a proposal for its extension so we will have additional time to complete this important task.

On the question of acid rain, which concerns people in many areas of the U.S. and Canada, I am proposing a research program that doubles our current funding. And we will take additional action to restore our lakes and develop new technology to reduce pollution that causes acid rain.

We have greatly improved the conditions of our natural resources. We'll ask the Congress for $157 million beginning in 1985 to acquire new park and conservation lands. The Department of the Interior will encourage careful, selective exploration and production of our vital resources in an Exclusive Economic Zone within the 200-mile limit off our coasts—but with strict adherence to environmental laws and with fuller State and public participation.

3. Strengthening traditional values

But our most precious resources, our greatest hope for the future, are the minds and hearts of our people, especially our children. We can help them build tomorrow by strengthening our community of shared values. This must be our third great goal. For us, faith, family, work, neighborhood, freedom and peace are not just words. They are expressions of what America means, definitions of what makes us good and loving people.

Families stand at the center of our society. And every family has a personal stake in promoting excellence in education. Excellence does not begin in Washington. A 600-percent increase in Federal spending on education between 1960 and 1980 was accompanied by a steady decline in SAT scores. Excellence must begin in our homes and neighborhood schools, where it's the responsibility of every parent and teacher and the right of every child.

Our children come first. That's why I established a bipartisan National Commission on Excellence in Education, to help us chart a common sense course for better education. Already, communities are implementing the Commission's recommendations. Schools are reporting progress in math and reading skills. But we must do more to restore discipline to schools; and we must encourage the teaching of new basics, reward teachers of merit, enforce tougher standards, and put our parents back in charge.

I will continue to press for tuition tax credits to expand opportunities for families, and to soften the double payment for those paying public school taxes and private school tuition. Our proposal would target assistance to low- and middle-income families. Just as more incentives are needed within our schools greater competition is needed among our schools. Without standards and competition there can be no champions, no records broken, no excellence—in education or any other walk of life.

And while I'm on this subject—each day, your Members observe a 200-year-old tradition meant to signify America is one Nation under God. I must ask: If you can begin your day with a member of the clergy standing right here to lead you in prayer, then why can't freedom to acknowledge God be enjoyed again by children in every schoolroom across this land?

America was founded by people who believed that God was their rock of safety. He is ours. I recognize we must be cautious in claiming that God is on our side. But I think it's alright to keep asking if we are on His side.

During our first 3 years, we have joined bipartisan efforts to restore protection of the law to unborn children. I know this issue is very controversial. But unless and until it can be proven that an unborn child is not a living human being, can we justify assuming without proof that it is not? No one has yet offered such proof. Indeed, all the evidence is to the contrary. We should rise above bitterness and reproach. And if Americans could come together in a spirit of understanding and helping, then we could find positive solutions to the tragedy of abortion.

Economic recovery, better education, rededication to values all show the spirit of renewal gaining the upper hand. And all will improve family life in the eighties. But families need more. They need assurance that they and their loved ones can walk the streets of America without being afraid. Parents need to know their children will not be victims of child pornography and abduction. This year we will intensify our drive against these and other horrible crimes like sexual abuse and family violence. Already, our efforts to crack down on career criminals, organized crime, drug-pushers, and to enforce tougher sentences and paroles are having effect. In 1982, the crime rate dropped by 4.3 percent, the biggest decline since 1972. Protecting victims is just as important as safeguarding the rights of defendants.

Opportunities for all Americans will increase if we move forward on fair housing, and work to insure women's rights, provide for equitable treatment in pension benefits and individual retirement accounts, facilitate child care, and enforce delinquent parent support payments.

It is not just the home but the workplace and community that sustain our values and shape our future. So I ask your help in assisting more communities to break the bondage of dependency. Help us to free enterprise by permitting debate and voting "yes" on our proposal for enterprise zones in America. This has been before you for 2 years. Its passage can help high-unemployment areas by creating jobs and restoring neighborhoods.

A society bursting with opportunities, reaching for its future with confidence, sustained by faith, fair play, and a conviction that good and courageous people will flourish when they are free—these are the secrets of a strong and prosperous America, at peace with itself and the world.

4. Building a meaningful peace

A lasting and meaningful peace is our fourth great goal. It is our highest aspiration. And our record is clear: Americans resort to force only when we must. We have never been aggressors. We have always struggled to defend freedom and democracy.

We have no territorial ambitions. We occupy no countries. We build no walls to lock people in. Americans build the future. And our vision of a better life for farmers, merchants, and working people, from the Americas to Asia, begins with a simple premise: The future is best decided by ballots, not bullets.

Governments which rest upon the consent of the governed do not wage war on their neighbors. Only when people are given a personal stake in deciding their own destiny and benefiting from their own risks—do they create societies that are prosperous, progressive, and free. Tonight, it is democracies that offer hope by feeding the hungry, prolonging life, and eliminating drudgery.

When it comes to keeping America strong, free, and at peace, there should be no Republicans or Democrats, just patriotic Americans. We can decide the tough issues not by who is right, but by what is right.

Together, we can continue to advance our agenda for peace. We can:

—Establish a more stable basis for peaceful relations with the Soviet Union,
—Strengthen allied relationships across the board;
—Achieve real and equitable reductions in the levels of nuclear arms;
—Reinforce our peacemaking efforts in the Middle East, Central America, and Southern Africa;
—Assist developing countries, particularly our neighbors in the Western Hemisphere; and
—Assist in the development of democratic institutions throughout the world.

The wisdom of our bipartisan cooperation was seen in the work of the Scowcroft Commission, which strengthened our ability to deter war

and protect peace. In that same spirit, I urge you to move forward with the Jackson Plan to implement the recommendations of the Bipartisan Commission on Central America.

Your joint resolution on the multinational peacekeeping force in Lebanon is also serving the cause of peace. We are making progress in Lebanon. For nearly 10 years, the Lebanese have lived from tragedy to tragedy, with no hope for their future. Now, the multinational peacekeeping force and our Marines are helping them break their cycle of despair. There is hope for a free, independent, and sovereign Lebanon. We must have courage to give peace a chance. And we must not be driven from our objectives for peace in Lebanon by state-sponsored terrorism. We have seen this ugly spectre in Beirut, Kuwait, and Rangoon. It demands international attention. I will forward shortly legislative proposals to help combat terrorism, and I will be seeking support from our allies for concerted action.

Our NATO Alliance is strong. 1983 was a banner year for political courage. And we have strengthened our partnerships and friendships in the Far East. We are committed to dialog, deterrence, and promoting prosperity. We will work with our trading partners for a new round of negotiations in support of freer world trade, greater competition, and more open markets.

A rebirth of bipartisan cooperation, restoration of economic growth and military deterrence, and a growing spirit of unity among our people at home and our allies abroad underline a fundamental and far-reaching change: The United States is safer, stronger, and more secure in 1984 than before. We can now move with confidence to seize the opportunities for peace—and we will.

Tonight, I want to speak to the people of the Soviet Union to tell them: It's true our governments have had serious differences. But our sons and daughters have never fought each other in war. If we Americans have our way, they never will.

People of the Soviet Union, there is only one sane policy, for your country and mine, to preserve our civilization in this modern age: A nuclear war cannot be won and must never be fought. The only value in our two nations possessing nuclear weapons is to make sure they will never be used. But then would it not be better to do away with them entirely?

President Dwight Eisenhower, who fought by your side in World War II, said the essential struggle "is not merely man against man or nation against nation. It is man against war."

Americans are people of peace. If your government wants peace, there will be peace. We can come together in faith and friendship to build a safer and far better world for our children and our children's children. And the whole world will rejoice. That is my message to you.

AMERICA'S HEROES—AMERICA'S VISION

Some days when life seems hard, and we reach out for values to sustain us, or a friend to help us, we find a person who reminds us what it means to be Americans.

Sergeant Stephen Trujillo, a medic in the 2nd Ranger Battalion, 75th Infantry, was in the first helicopter to land at the compound held by Cuban forces on Grenada. He saw three other helicopters crash. Despite the imminent explosion of the burning aircraft, he never hesitated. He ran across 25 yards of open terrain through enemy fire to rescue wounded soldiers. He directed two other medics, administered first aid, and returned again and again to the crash site to carry his wounded friends to safety.

Sergeant Trujillo, you and your fellow servicemen and women not only saved innocent lives, you set a nation free. You inspire us as a force for freedom, not tyranny; for democracy, not despotism; and yes, for peace, not conquest—God bless you.

And then there are unsung heroes: single parents, couples, church and civic volunteers, their hearts carry without complaint the pains of family and community problems. They soothe our sorrow, heal our wounds, calm our fears, and share our joy.

A person like Father Ritter is always there. His Covenant House programs in New York and Houston provide shelter and help to thousands of frightened and abused children each year. The same is true of Dr. Charles Carson. Paralyzed in a plane crash, he still believed nothing is impossible. Today, in Minnesota, he works 80 hours a week without pay, helping pioneer the field of computer-controlled walking. He has given hope to 500,000 paralyzed Americans that someday they may walk again.

How can we not believe in the goodness and greatness of America? How can we not do what is right and needed to preserve this last, best hope of man on Earth?

After all our struggles to restore America, to revive confidence in our country and hope for our future; after all our hard-won victories earned through the patience and courage of every citizen—we cannot, must not and will not turn back, we will finish our job. How could we do less; we are Americans.

Carl Sandburg said, I see America, not in the setting sun of a black night of despair . . . I see America in the crimson light of a rising sun fresh from the burning, creative hand of God . . . I see great days ahead for men and women of will and vision.

I've never felt more strongly that America's best days, and democracy's best days, lie ahead. We are a powerful force for good. With faith and courage, we can perform great deeds and take freedom's next step. And we will. We will carry on the traditions of a good and worthy people who have brought light where there was darkness, warmth where there was cold, medicines where there was disease, food where there was hunger, and peace where there was only bloodshed.

Let us be sure that those who come after will say of us that, in our time, we did everything that could be done: We finished the race, we kept them free, we kept the faith.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1984.*

AGREEMENT BETWEEN THE UNITED STATES AND SWEDEN ON PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(d)), the text of the proposed Agreement for Cooperation Between the United States of America and Sweden Concerning Peaceful Uses of Nuclear Energy and accompanying annexes, agreed minute, and exchange of notes; my written approval, authorization and determination concerning the agreement; and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretaries of State and Energy, which includes a summary of the provisions of the agreement, and the views and recommendations of the Director of the United States Arms Control and Disarmament Agency and the Members of the Nuclear Regulatory Commission are also enclosed.

The proposed revised agreement with Sweden has been negotiated in accordance with the Nuclear Non-Proliferation Act, which sets forth certain requirements for new agreements for peaceful nuclear cooperation with other countries. In my judgment, the proposed agreement for cooperation between the United States and Sweden, together with its accompanying agreed minute, meets all statutory requirements.

The proposed bilateral agreement between Sweden and the United States reflects the desire of the Government of the United States and the Government of Sweden to establish

and confirm a framework for peaceful nuclear cooperation between our two countries in a manner which recognizes both the shared nonproliferation objectives and the friendly and harmonious relations between the United States and Sweden. The proposed agreement will, in my view, further the non-proliferation and other foreign policy interests of the United States.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.
THE WHITE HOUSE, *January 26, 1984.*

AGREEMENT BETWEEN THE UNITED STATES AND NORWAY ON PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM-101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(d)), the text of the proposed revised Agreement for Cooperation Between the United States of America and Norway Concerning Peaceful Uses of Nuclear Energy with an accompanying annex and agreed minute. The Agreement is accompanied by my written approval, authorization and determination concerning the Agreement and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the Agreement. The joint memorandum submitted to me by the Secretaries of State and Energy, which includes a summary of the provisions of the Agreement, and the views and recommendations of the Director of the United States Arms Control and Disarmament Agency and the Members of the Nuclear Regulatory Commission are also enclosed.

The proposed revised agreement with Norway has been negotiated in accordance with the Nuclear Non-Proliferation Act and in order to strengthen the basis for continuing and close cooperation between our countries. In my judgment, the proposed revised agreement for cooperation, together with its accompanying agreed minute, meets all statutory requirements.

I am pleased that this agreement is with Norway, one of the strongest supporters of the Non-Proliferation Treaty and of international nonproliferation efforts generally. We have a long history of close cooperation with Norway, particularly in nuclear research and in the critical area of reactor safety work. The agreement reflects our deep interest in strengthening international nuclear safety and in supporting Norway's important work in that area. The agreement will, in my view, further the nonproliferation and other foreign policy interests of the United States.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.
THE WHITE HOUSE, *January 26, 1984.*

TAX AGREEMENTS BETWEEN THE UNITED STATES AND CANADA MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Government of Canada which consists of five separate instruments negotiated and signed over a period of several years.

The U.S.-Canada agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, and Switzerland and to proposed agreements with Belgium and Norway which were recently submitted to Congress for review. Such bilateral agreements, generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection, and of dual coverage and taxation for workers who move from one country to the other.

I also transmit a comprehensive report prepared by the Department of Health and Human Services. This report explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Canada Social Security Agreement and related documents.

RONALD REAGAN.
THE WHITE HOUSE, *January 26, 1984.*

SCIENCE INDICATORS, 1982—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to submit to the Congress the 15th report of the National Science Board, entitled *Science Indicators—1982.* This report is the sixth in a continuing series in which important aspects of the status of American science and engineering are examined.

The importance of scientific and engineering research and development to the well-being of our Nation is widely recognized. The science and technology policies which our Administration is implementing will ensure the continued preeminence of the United States in the various measures of national scientific and technological vigor reported here. We have provided for significant increases in Federal R&D support, especially in basic research, and encouraged scientific and engineering education. These will provide the basis for continued investments by both Government and industry, which will strengthen our national security and our international competitiveness.

I commend *Science Indicators—1982* to the attention of the Congress. It will provide a useful reference to all who are involved with this Nation's R&D enterprise.

RONALD REAGAN.
THE WHITE HOUSE, *January 26, 1984.*

FISHERY AGREEMENT BETWEEN THE UNITED STATES AND BULGARIA—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265;

16 USC 1801), I transmit herewith a governing international fishery agreement between the United States and the People's Republic of Bulgaria, signed at Washington on September 22, 1983.

This agreement is one of a series to be renegotiated in accordance with that legislation. I urge that the Congress give favorable consideration to this agreement at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1984.*

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 2615. An act to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2615. An act to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2286. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on Alcohol Fuels for fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-2287. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report entitled "Marine Minerals: An Alternative Mineral Supply"; to the Committee on Energy and Natural Resources.

EC-2288. A communication from the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on NASA's Upper Atmosphere Research Program; to the Committee on Environment and Public Works.

EC-2289. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a proposed lease prospectus; to the Committee on Environment and Public Works.

EC-2290. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "The Price-Anderson Act—The Third Decade"; to the Committee on Environment and Public Works.

EC-2291. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1983; to the Committee on Environment and Public Works.

EC-2292. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the state of knowledge of the Earth's atmosphere and progress of the Upper Atmosphere Research Program; to the Committee on Environment and Public Works.

EC-2293. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a proposed lease prospectus; to the Committee on Environment and Public Works.

EC-2294. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Climate and Apportionment and Interstate 4R Apportionment"; to the Committee on Environment and Public Works.

EC-2295. A communication from the Chairman of the Defense Policy Advisory Committee on Trade, transmitting, pursuant to law, a copy of the first report of the Committee; to the Committee on Finance.

EC-2296. A communication from the Secretary of Labor, transmitting pursuant to law, a report on the amount of funds expended during the first three quarters of fiscal year 1983 for trade adjustment assistance training and a report on the demand for funds during the fourth quarter; to the Committee on Finance.

EC-2297. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a Combined Statement of Receipts, Expenditures and Balances of the United States Government for the Fiscal Year Ended September 30, 1983; to the Committee on Finance.

EC-2298. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on natural gas imports; to the Committee on Finance.

EC-2299. A communication from the President of the United States, transmitting, pursuant to law, a report on his intent to designate nine Caribbean countries as beneficiaries of the trade liberalization measures provided for in the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC-2300. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on Agency for International Development Program Allocations for fiscal year 1984; to the Committee on Foreign Relations.

EC-2301. A communication from the Secretary of State, transmitting, pursuant to law, a report on certain payments to Poland by the Commodity Credit Corporation; to the Committee on Foreign Relations.

EC-2302. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 28, 1983; to the Committee on Foreign Relations.

EC-2303. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on International agreements, other than treaties entered into by the United States in the sixty days prior to January 5, 1984; to the Committee on Foreign Relations.

EC-2304. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 30, 1983; to the Committee on Foreign Relations.

EC-2305. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a determination by the Secretary of State that furnishing assistance to Mozambique would further the interests of the U.S.; to the Committee on Foreign Relations.

EC-2306. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, various actions the President intends to take to assist the Peacekeeping Force for Grenada; to the Committee on Foreign Relations.

EC-2307. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a Presidential finding that furnishing defense articles and services to Equatorial Guinea is in the interest of the U.S., together with the confidential justifications for such a Presidential finding; to the Committee on Foreign Relations.

EC-2308. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties, entered into by the U.S. within the 60 days previous to December 8, 1983; to the Committee on Foreign Relations.

EC-2309. A communication from the Chairman of the National Bipartisan Commission on Central America transmitting, pursuant to law, the Commission's report on long-term policy toward Central America; to the Committee on Foreign Relations.

EC-2310. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to law, international agreements, other than treaties, entered into by the U.S. within the 60 days previous to January 12, 1984; to the Committee on Foreign Relations.

EC-2311. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the 60 days previous to December 15, 1983; to the Committee on Foreign Relations.

EC-2312. A communication from the President of the United States transmitting, pursuant to law, a report on the situation in Lebanon and the participation of U.S. armed forces in the multinational force there; to the Committee on Foreign Relations.

EC-2313. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a secret report on the provision of emergency military assistance to Chad; to the Committee on Foreign Relations.

EC-2314. A communication from the D.C. Auditor transmitting, pursuant to law, a report on the District of Columbia's Historic

Preservation Program; to the Committee on Governmental Affairs.

EC-2315. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law; the semiannual report of the Inspector General of the VA for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2316. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, his report for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2317. A communication from the Secretary of Defense transmitting, pursuant to law, the Inspector General of the Department of Defense's report for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2318. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the Department's Inspector General's report for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2319. A communication from the Secretary of Agriculture transmitting, pursuant to law, the Inspector General's report for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2320. A communication from the Secretary of Labor transmitting, pursuant to law, the Inspector General's report for the period ending September 30, 1983; to the Committee on Governmental Affairs.

EC-2321. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949; to the Committee on Governmental Affairs.

EC-2322. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, notice of the implementation of a computer matching program by the VA and the OPM; to the Committee on Governmental Affairs.

EC-2323. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the Board's annual Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-2324. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of the Inspector General for the period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2325. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of DC ACT 5-86; to the Committee on Governmental Affairs.

EC-2326. A communication from the Deputy Administrator of GSA transmitting, pursuant to law, a report on personal property donated under the Federal Property and Administrative Services Act; to the Committee on Governmental Affairs.

EC-2327. A communication from the Inspector General of the Veterans Administration transmitting, pursuant to law, notice of a VA matching program; to the Committee on Governmental Affairs.

EC-2328. A communication from the Secretary of Commerce transmitting, pursuant to law, the Inspector General's report for the period ended September 30, 1983; to the Committee on Governmental Affairs.

EC-2329. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a study entitled "Charging for Federal Services"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1329. A bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes (Rept. No. 98-349).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 310. An original resolution authorizing expenditures by the Committee on the Judiciary; referred to the Committee on Rules and Administration.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 311. An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 1764) to amend title 18 to limit the application of the exclusionary rule (with additional and minority views) (Rept. 98-350).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 314. An original resolution authorizing expenditures by the Committee on the Budget; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN:

S. 2214. A bill to require that certain assistance may be furnished to El Salvador only if the President reports to the Congress on plans of the Government of El Salvador to control indiscriminate violence, and for other purposes; to the Committee on Foreign Relations.

S. 2215. A bill to amend the Clean Air Act to control acid deposition; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 2216. A bill entitled the "Criminal Asset Forfeiture Reform Act"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 2217. A bill entitled the "Tandem Truck Safety Act of 1984"; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. PELL, Mr. PROXMIRE, Mr. KENNEDY, Mr. EAGLETON, Mr. TSONGAS, Mr. GLENN, Mr. MITCHELL, Mr. EXON, Mr. BINGAMAN, Mr. CRANSTON, Mr. LAUTENBERG, Mr. BURDICK, Mr. HATFIELD, Mr. SASSER, Mr. RIEGLE, Mr. ZORINSKY, Mr. BIDEN, Mr. LEVIN, Mr. BUMPERS, Mr. LEAHY, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. CHILES, Mr. HART, Mr. METZENBAUM, Mr. SARBANES, Mr. DIXON, Mr. FORD, Mr. MELCHER, Mr. DECONCINI, and Mr. WEICKER):

S. 2218. A bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first; to the Committee on Foreign Relations.

By Mr. BOREN:

S. 2219. A bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM:

S. 2220. A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration; to the Committee on Veterans' Affairs.

S. 2221. A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes; to the Committee on Labor and Human Resources.

S. 2222. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Finance.

By Mr. PELL (for himself and Mr. INOUYE):

S. 2223. A bill to provide for an independent evaluation of the impact of metric conversion on the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MITCHELL:

S. 2224. A bill to repeal section 140 of Public Law 97-92, 95 Stat. 1200, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2225. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands in Pickens, Anderson, and Oconee Counties, South Carolina, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself, Mr. HOLLINGS, and Mr. NICKLES):

S.J. Res. 213. A joint resolution designating 1984 the "Year of the Secretary"; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. LAXALT):

S.J. Res. 214. A joint resolution to designate April 22, 1984, as "Queen Isabella I Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 310. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. PERCY:

S. Res. 311. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on

Foreign Relations; to the Committee on Rules and Administration.

By Mr. HUMPHREY:

S. Res. 312. A resolution to honor Comdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.; to the Committee on the Judiciary.

By Mr. STEVENS (for Mr. BAKER (for himself and Mr. BYRD)):

S. Res. 313. A resolution to direct the Senate Legal Counsel to intervene in Barnes, et al. against Carmen, et al.; considered and agreed to.

By Mr. DOMENICI:

S. Res. 314. An original resolution authorizing expenditures by the Committee on the Budget; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN:

S. 2214. A bill to require that certain assistance may be furnished to El Salvador only if the President reports to the Congress on plans of the Government of El Salvador to control indiscriminate violence, and for other purposes; to the Committee on Foreign Relations.

VIOLENCE IN EL SALVADOR

● Mr. GLENN. Mr. President, over the past few months we have witnessed a growing consensus that the activities of El Salvador's right-wing death squads pose the gravest threat to democratic development in that country. Vice President BUSH said on December 11, 1983:

> These rightwing fanatics are the best friends the Soviets, the Cubans, the Sandinista commandantes, and the Salvadoran guerrillas have. Every murderous act they commit poisons the well of friendship between our two countries and advances the cause of those who would impose an alien dictatorship on the people of El Salvador. These cowardly death squad terrorists are just as repugnant to me, to President Reagan, to the U.S. Congress, and to the American people as the terrorists of the left.

The U.S. Ambassador in San Salvador, Thomas Pickering, and the Under Secretary of Defense, Fred Ickle, have both condemned the death squad's activities. The report of the National Bipartisan Commission on Central America stated "It is not only for the sake of democratic reform and human rights that we oppose the death squads. Their violent attacks upon Salvadoran Democrats handicap the struggle to resist the armed insurgency of the guerrillas." The Commission specifically recommends the conditioning of military assistance to the Government of El Salvador on progress in the effort to bring death squads under control. The Department of State's January 16, 1984 report on the Situation in El Salvador cities "a significant increase in death squad activity against prominent individuals, especially academic and labor leaders."

Despite this consensus of concern the question remains what can we and should we do about it? Last year the Senate Foreign Relations Committee unanimously adopted my amendment to the foreign assistance authorization bill which conditioned our military assistance to El Salvador pending a demonstration of a good-faith effort to begin the process of eradicating the terrorism of the death squads and the ultraright. My amendment was a supplement to, not a substitute for, the then existing certification requirement. I proposed this approach because I firmly believe that reform is not possible without an end to the death squads and that we must have some better measure of progress. The best way to accomplish this was by using El Salvador's own plan to measure their commitment and their progress.

Because the foreign assistance authorization has never reached the Senate floor I am introducing the substance of my amendment as a separate piece of legislation. Specifically, the bill would require the Salvadorans to produce a plan to establish control over their security forces, disarm private armies and paramilitary groups, end the violence practiced by the death squads, establish an effective judicial system and bring to justice those responsible for indiscriminate violence, including those responsible for the murders of U.S. citizens in El Salvador. In addition, the President would be required to report the plan fully to the Congress along with his assessment of its strengths and weaknesses. The legislation further requires the executive branch to report to the Congress every 6 months on the progress achieved in implementing the plan. I stress that this bill is the same provision which was unanimously agreed to by the Senate Foreign Relations Committee last year.

If the Government of El Salvador is not prepared to make this effort it does not, in my opinion, deserve our help. We should do our part to promote peace and stability in that nation, but only if, and as long as, the Government of El Salvador demonstrates that it will do what it must to protect its people from the atrocities perpetrated by the ultraright death squads.●

By Mr. GLENN:

S. 2215. A bill to amend the Clean Air Act to control acid deposition; to the Committee on Environment and Public Works.

ACID DEPOSITION CONTROL AND COST SHARING ACT OF 1984

● Mr. GLENN. Mr. President, I rise to introduce a bill, the Acid Deposition Control and Cost Sharing Act of 1984.

Mr. President, on April 14, 1983, I made a speech on the Senate floor presenting my views on the problem of acid rain. I outlined an approach that I thought was both practical and affordable; an approach that would allow us to reduce acid rain significantly, and allow us to avoid the bitter regional disputes occasioned by other proposals.

Since then, I have talked to environmentalists, industrialists, labor representatives, and Governors about this issue, and about my proposal. Those discussions have been useful in refining the details of my proposal, which I now introduce in the form of legislation.

Mr. President, there are still those who claim we do not know enough about acid rain to require its reduction. "Do more research," they say, "until all the gaps in our knowledge have been resolved, and then we shall see about a cleanup program."

Now, I do not know anyone who denies that we should increase our knowledge of acid rain production. We still do not fully understand source-receptor relationships, especially the impact on a particular receptor of emissions from a particular source many hundreds of miles away. These deficiencies, and some ambiguities in a number of scientific studies, do exist. But to use them as an excuse for not proceeding with an emissions reduction program would be a grave mistake—and that conclusion is supported by no less than three major reports released within the last year.

The first report was that of the national acid precipitation assessment program, an interagency Federal task force. In its first annual report to the President and the Congress, the task force states that "manmade pollutants are probably the major contributors to acid rain in northeastern North America, but that current data and available methods are not sufficient to quantify the relationship between pollutant emissions and acid rain on a regional scale or under varying conditions."

Less than 3 weeks later, another report was released—this one by the nine-member Acid Rain Peer Review Panel of the White House Office of Science and Technology Policy. Its basic thrust was that the phenomena of acid deposition are real—and must be addressed. Among the report's findings were that:

First. Emissions of SO_2 and NO_x in eastern North America are at least 10 times greater from human activities than from natural processes.

Second. In eastern North America the areas receiving the largest amounts of these acids are found within and downwind from the major source regions.

Third. The acidity of precipitation in some streams and lakes in these major receptor regions are greater than the natural levels.

Fourth. Although certain lakes have always been marked by acidity, others

located in principal receptor areas have become appreciably more acid during the past 10 or 20 years.

Fifth. These changes in lake acidity have been accompanied by major changes in the biological activity within them, often including the disappearance of some species of fish.

Sixth. Extensive evidence exists that forest damage has increased in eastern North America during the past few decades. While there is some evidence of some acid deposition as the primary cause for such harmful effects, this evidence is much less compelling than that for aquatic damage.

The Peer Review Panel admitted that the overall scientific understanding of the various aspects of acidic precipitation was presently incomplete and would probably remain so well into the future. In fact, some of these gaps in knowledge may well be permanent, since necessary comparative measurements were not taken 10, 20, or 50 years ago. For that reason, the panel states that any recommendations derived from scientific evidence must of necessity be based upon an imperfect body of data—data whose quality and completeness will steadily improve. But as the panel itself pointed out:

> Recommendations based upon imperfect data run the risk of being in error; recommendations for inaction pending collection of all of the desirable data entail even greater risk of damage.

In short, the White House's own panel concluded that the risk of long-term or irreversible acid rain damage was so great that action should be taken immediately.

And then there is the third report. On June 29, 1983, a committee of the National Academy of Sciences reported on its investigation of the relationship between deposits of acid compounds and emissions of acid precursors like SO_2 and NO_x. Like the others, this report bolsters the case for a significant cleanup program. The committee found that the occurrence of acid rain in eastern North America is roughly proportional to the average annual emission of sulfur dioxide from powerplants, industrial facilities, and other sources in that region. The committee admitted that scientific models describing the movement of acid-forming pollutants over long distances are not yet precise enough to allow analysis of the effects of particular emission control strategies. According to the committee, current models can only predict the effects of reducing emissions of sulfur dioxide by the same percentage from all sources throughout eastern North America. This uniform reduction, it said, is likely to produce a similar percentage reduction in acid rain throughout the region. In other words, we cannot predict whether reducing emissions in specific areas like the Midwest would lead to proportionate reductions in acid rain in the Northeast or Southeastern Canada. But we do know that controlling emissions throughout eastern North America would significantly reduce acid rain in that region.

And in testimony before the Congress, a representative of the administration's Acid Rain Peer Review Panel stated that the panel agreed with the major and representative conclusions of the National Academy report.

Mr. President, it is clear that the weight of the scientific evidence is clearly on the side of instituting a program of emission reductions now, and that we risk significant additional damage to lakes, streams, forests, crops, and possibly our agricultural soils if we do not attack this problem.

But that does not mean that we can afford to ignore the costs of solving it. We will have only traded one problem for a host of others if we deal with this problem by further damaging our coal markets and throwing even more people out of work in our already ravaged industrial heartland. The fact is that any acid rain proposals which do not provide for cost-sharing—or which allow utilities to meet mandated emission reductions by fuel-switching—will, in my judgment, be politically unacceptable. They will allow us to argue a little longer—but not to solve the problem.

And that is why I believe that any acid rain proposal should be judged by the following criteria:

First, what degree of cleanup is proposed, and by what date?

Second, what will the program cost, and who will pay for it?

And third, what impact will the proposal have on the coal industry?

With my proposal, the answers are clear. I hope others will provide them for their proposals.

With regard to the degree and timing of cleanup, my bill requires a reduction of sulfur dioxide emissions by fossil fuel-burning electric powerplants in a 31-State region of the Eastern United States (the "acid deposition impact region") of 8 million tons per year as expeditiously as possible, but no later than January 1, 1996. The reduction is from 1980 levels, and represents a cut of approximately 50 percent of SO_2 emissions from utilities in the United States. Except under very special circumstances that are spelled out in the bill, the reductions must be accomplished using technological means. Each State is required to prepare a control plan to reduce emissions within its borders by an amount proportional to the amount of sulfur dioxide emitted in that State in excess of 1.5 pounds per million Btu's. State plans may include tradeoffs, as long as emission limits are met. Should a State control plan not be approved by the EPA by January 1, 1989, a federally enforced limit on emissions of sulfur dioxide from fossil-fueled electric powerplants of 1.5 pounds per million Btu's will apply in that State. In States which control plans are delayed or ignored, utilities will still be responsible for reducing their sulfur dioxide emissions. As part of the emphasis on technological solutions, the bill encourages utilities to install innovative control technologies, that is, those not yet fully demonstrated on a commercial scale. Innovative control technologies are those which are likely to achieve greater reductions of emissions of sulfur dioxide or sulfur dioxide and nitrogen oxides combined, and at less cost than fully demonstrated existing technologies. Limestone injection multistage burners (LIMB), a retrofit control technology under development, is an example of an innovative control technology.

The bill also provides for the National Academy of Sciences to issue another report on the risks, effects, and sources of acid deposition as well as on control strategies to mitigate effects and risks. This report is due in 1996, and the Administrator of EPA must submit draft legislation to Congress to require, if necessary, further emission reductions consistent with the report.

With respect to cost, you may remember that last summer I asked the Congressional Budget Office to analyze the cost of an acid rain emission control program like the one I have proposed. The CBO report has now been completed and I am releasing it today. It shows that a program of acid rain cleanup involving an emission reduction of 8 million tons per year of SO_2 by 1996 on all fossil fuel electric powerplants, with the use of emission bubbling allowed—that is, substituting low-cost emission reductions for high cost ones within each State—would cost on the average, in 1983 dollars, $1.25 billion per year over the period 1985-2005, using current technology. That, then, is the cost ceiling on my bill.

To insure that money is available to build emission controls, and to make sure such construction does not create severe impacts on capital markets or electric bills, my bill establishes an acid rain trust fund to finance capital as well as operating and maintenance costs. The trust fund is created with a phased-in 3-mill-per-kilowatt-hour fee on electricity generated from fossil fuels in the acid deposition impact region. Moneys collected in the trust fund will be invested in public securities until needed to finance emission controls. If utilities use technological control systems for emission reduction, 90 percent of the capital expenses and 50 percent of the operating and maintenance O & M expenses (90 percent of O & M in the case of innovative technology) for such equipment will be paid from the trust fund, which

begins collecting money in 1985, begins payout in 1992, and nominally ceases payout in 2005. Fifty million dollars is provided annually from the trust fund for the purpose of accelerating the development and demonstration of new sulfur dioxide emission control technologies, as well as to support research on causes, effects, and amelioration of acid deposition.

The CBO study presents figures for each State in the acid deposition impact region as the the State's emission reduction requirements, the payment by each State into the trust fund, the payout from the trust fund to each State, and the total cost of the cleanup program for each State. Table 10 of the study shows that even if the utilities pass on all the costs of the program to ratepayers, the percent increase in electric rates in the peak year of the program ranges from less than 1 percent in the New England States to a peak of 3.5 percent in the State of Missouri with a median of 1.5 percent in the 31-State region. Electricity rates in my home State of Ohio would rise by 2.5 percent in 1996. I ask that table 10 be inserted into the RECORD at this point in my remarks.

The table follows:

TABLE 10.—EFFECT ON 1996 ELECTRICITY PRICES OF BASE CASE PROGRAM WITH EMISSIONS TRADING, BY STATE

[In nominal mills per kilowatt-hour]

	Average State costs across all types of electricity	Projected 1996 electricity rates without program [1]	Percent rate increase attributable to program
Alabama	2.3	121.9	1.9
Arkansas	1.6	108.7	1.5
Connecticut	1.4	196.5	0.7
Delaware	1.9	195.7	1.0
District of Columbia	2.1	114.0	1.9
Florida	1.9	156.5	1.2
Georgia	2.3	113.3	2.0
Illinois	2.4	140.0	1.7
Indiana	4.2	122.9	3.4
Iowa	2.8	135.8	2.1
Kentucky	2.9	105.8	2.7
Louisiana	1.6	115.5	1.4
Maine	1.4	148.8	.9
Maryland	2.1	133.0	1.6
Massachusetts	1.4	171.6	.8
Michigan	2.1	127.0	1.6
Minnesota	1.9	126.1	1.5
Mississippi	2.3	117.5	2.0
Missouri	4.1	117.3	3.5
New Hampshire	1.4	169.3	.8
New Jersey	2.1	118.1	1.1
New York	1.5	232.4	.6
North Carolina	1.5	128.0	1.2
Ohio	3.6	142.9	2.5
Pennsylvania	2.1	158.6	1.3
Rhode Island	1.4	166.0	.8
South Carolina	1.5	130.0	1.2
Tennessee	2.5	101.2	2.5
Vermont	1.4	152.6	.9
Virginia	1.5	140.8	1.1
West Virginia	3.2	114.5	2.8
Wisconsin	3.5	113.7	3.0

[1] Based on 1982 average electicity prices recorded by the Department of Energy, adjusted by an assumed 6 percent inflation rate.

Source: Congressional Budget Office.

Notes: The emissions control program involves an 8-million-ton per year reduction from 1980 utility sulfur dioxide emission levels, based on imposing an equivalent maximum emission rate of 1.5 pounds of sulfur dioxide per million Btu on all power plants in a State, but allowing some to be controlled more than others, depending on cost. Revenues based on 1 mill per kilowatt-hour fee in 1985, 2 mills per kilowatt-hour fee in 1986, and 2.5 mills per kilowatt-hour fee in 1987 through 1999 on electricity generated by coal, oil, and gas. The annual interest rate assumed is 8 percent.

Mr. GLENN. It is important to note that the CBO figures allow one to see the total cost of my bill. Cost estimates given for other proposals featuring a trust fund have included only the costs of the trust fund, without recognizing that there are emission controls that go beyond the money paid into the fund. Under my bill, States producing the most emissions will end up paying the most, but there will be some sharing of costs so that States which receive the most benefit from the reduction of emission contribute to the cleanup as well. I believe that this is not only fair, but reasonable and workable.

I urge my colleagues to examine all other acid rain proposals on the same basis as this one, and see just what the costs of proposed cleanup programs really are State-by-State.

Because my bill prohibits fuel-switching except under very special circumstances, there will be no adverse impact on coal mining employment or on the coal industry generally. Indeed, I believe this bill could produce real benefits for the mining and other hard-hit industries. By using technology, the program may help stop the loss of domestic and international markets for U.S. coal, especially our abundant reserves of higher sulfur coal. Using our technical knowhow will give this industry a new lease on life. Moreover, the jobs associated with building the equipment for this technology will also help our depressed steel and heavy manufacturing industries, many of which are located in regions where our unemployment problems are most acute.

Mr. President, I hope my colleagues will compare this approach with those contained in other legislation allowing emission reduction by fuel-switching.

On May 16, 1983, the Congressional Research Service of the Library of Congress issued a report by Dr. Larry B. Parker, entitled "Mitigating Acid Rain: Implications for High Sulfur Coal Regions." This 62-page document examines the impact an annual reduction of 8 million tons of SO_2 would have on high sulfur coal regions, over a 12-year period, when fuel-switching is allowed. The regions studied were the Eastern Interior Basin (consisting of portions of southern Illinois, southwestern Indiana and western Kentucky;) and the Northern Appalachian Coal Basin (consisting of portions of eastern Ohio, western Pennsylvania, and northern West Virginia.) The results of this study are sobering. It shows that in the absence of reemployment, between 68,000 and 103,000 direct and indirect jobs would be lost in the affected States. The CRS study points out that if fuel-switching were allowed, unemployment rates in the coal-producing areas of Illinois, western Kentucky and Ohio would rise between 11 and 18 percentage points. In the Coal-producing counties of Indiana, the projected increase in employment is 9 to 10 percentage points. Even in States where the total job loss might not be great, severe intrastate dislocations could occur because jobs in low sulfur coal areas would be absorbed by unemployed miners in those areas, thereby simply shifting the burden of misery from one part of the State to another. In June 1983, the United Mine Workers of America produced a pamphlet entitled "Employment Impacts of Acid Rain." This pamphlet quotes Department of Energy projections indicating that if fuel-switching is allowed in whatever acid rain program is finally adopted, utilities will use that method to achieve between 50 and 75 percent of their reductions. The UMW estimates that this would mean a loss of between 39,000 and 60,000 direct high sulfur coal mining jobs. When resulting unemployment in industries dependent on coal mining are included, this represents a loss of somewhere between 100,000 and 150,000 jobs.

When you consider the social disruption and increased public assistance costs this would cause—to say nothing of the inevitable rise in low sulfur coal prices that would occur—it is arguable at best that unrestricted fuel-switching is a least-cost solution to the problem of acid rain. When the Congress considers other proposals for mitigating acid rain, I hope that the cost estimates of those proposals will include the expenses of dealing with the additional unemployment they would create.

Mr. President, I have outlined what I believe is a workable, practical approach to the problem of acid rain. I urge my colleagues to examine this proposal carefully. I believe we need legislation on acid rain, and I believe we should not wait until after the 1984 elections to pass it. I ask unanimous consent that a section-by-section analysis of the bill, as well as the bill itself, be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acid Deposition Control and Cost Sharing Act of 1984".

SEC. 2. Title I of the Clean Air Act is amended by adding at the end thereof the following new part:

"PART E—ACID DEPOSITION CONTROL AND COST SHARING PROGRAM

"FINDINGS AND PURPOSES

"SEC. 180. (a) The Congress finds that—

"(1) the atmospheric deposition of acidic compounds in the eastern United States is threatening public welfare and is potentially threatening to public health;

"(2) the atmospheric emissions of sulfur oxides have been identified as being directly related to the atmospheric deposition of acidic sulfur compounds in the eastern United States;

"(3) a significant reduction in the atmospheric emissions of sulfur oxides in the eastern United States will reduce the threat to public welfare and the potential threat to public health caused by the deposition of acidic compounds;

"(4) existing fossil fuel-fired electric power plants will emit most of the sulfur oxides which are projected to be emitted in the eastern United States during the remainder of this century;

"(5) the long-range transport of sulfur oxides and their transformation products and the effect of these air pollutants on the commerce of the United States is of interstate and international concern;

"(6) a Federal program to limit the emission of sulfur oxides and their transformation products is necessary and appropriate to reduce the threat to public health and welfare caused by the deposition of acidic compounds;

"(7) emission control technologies which are economically feasible are presently available to reduce emissions of sulfur oxides;

"(8) new emission control technologies which are more efficient are likely to be available in the near future to reduce emissions of sulfur oxides, and should be encouraged;

"(9) the costs of achieving necessary reductions in sulfur oxide emissions in the eastern United States should be distributed equitably within the region; and

"(10) in order to better understand the mechanisms of acidic deposition, source and receptor relationships, and the impact of emission reduction programs, further research should be encouraged.

"(b) the purposes of this part are—

"(1) to protect public health and welfare from actual and potential adverse effects caused by the atmospheric deposition of acidic compounds in the eastern United States;

"(2) to foster a unified and equitable effort among the States in the eastern United States to fulfill the purpose of this part, by providing for sharing of the costs of implementing this part among those States; and

"(3) to facilitate additional research on the causes and effects of acidic deposition, and to aid the Congress in refining programs and proposals for emission reduction.

"DEFINITIONS

"SEC. 181. For purposes of this part:

"(1) Acid deposition impact region means the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

"(2) 'BTU' means a British thermal unit.

"(3) 'Sulfur dioxide' when used with respect to emissions means total sulfur emissions expressed as sulfur dioxide emissions.

"(4) 'Existing major emitting electric power plant' means any fossil fuel-fired steam electric power plant consisting of one or more steam generating units——

"(A) which is a major emitting facility (as defined in section 169(1)), and

"(B) which had been in commercial operation, on or before December 31, 1980.

Steam generating units not in commercial operation on or before December 31, 1980, shall not be considered part of an existing major emitting electric power plant.

"(5) 'Enforceable' means enforceable by the Federal Government, States other than those in which the emission occur, or citizen under section 304.

"(6) 'Innovative emission limitation system' means a technological system of continuous emission reduction (as defined in section 111(a)(7)) which—

"(A) has not been adequately demonstrated on a commercial scale (within the meaning of section 111(a)(7));

"(B) has a substantial likelihood of—

"(i) achieving greater continuous emission reduction of sulfur dioxide than any system which has been adequately demonstrated; or

"(ii) achieving greater simultaneous reduction of sulfur dioxide and nitrogen oxide emissions than any system which has been adequately demonstrated; and

"(C) has a substantial likelihood of achieving reduction of sulfur dioxide emissions at lower cost interms of energy, economic, or nonair quality environmental impact than any system which has been adequately demonstrated.

Limestone injection multistage burners ('LIMB') is an example of an innovative emission limitation system.

"SULFUR DIOXIDE EMISSION REDUCTIONS

"SEC. 182. (a) No later than January 1, 1996, the total annual sulfur dioxide emissions from existing major emitting electric powerplants in the acid deposition impact region shall not exceed a level 8,000,000 tons less than the actual level of sulfur dioxide emissions from existing major emitting electric powerplants between January 1, 1980, and December 31, 1980. This emissions level shall be achieved in accordance with subsection (b) of this section, section 183, and section 184.

"(b)(1) No existing major emitting electric powerplant in the acid deposition impact region shall increase its annual emissions of sulfur dioxide (measured in tons per year) above the highest actual annual rate of emissions experienced by the plant during the calendar years 1978, 1979, or unless—

"(A) there has been identified for such plant an enforceable, contemporaneous and equivalent reduction in actual emissions not otherwise required under this Act at one or more points within the same State or (with the permission of the Governors of such States) within other States within the region;

"(B) the increase is authorized in an approved plan under section 183 or 184; or

"(C) the increase is due to a conversion completed pursuant to the Energy Supply and Environmental Coordination Act of 1974, the Fuel Use Act of 1978, or the Omnibus Budget Reconciliation Act of 1981, to the extent that such a conversion does not result in emission exceeding 1.5 pounds of sulfur dioxide per million British thermal units of heat input on an annual average.

"(2) Violations of this subsection shall be violations of requirements of an applicable implementation plan for purposes of sections 113 and 120, and an emission limitation for purposes of section 304.

"(c) No expenditure of funds on an existing major emitting electric power plant in order to satisfy an emission limitation under this part shall be deemed a reconstruction of that plant (or part thereof) for any purpose under this Act.

"STATE SULFUR DIOXIDE REDUCTION PLANS

"SEC. 183. (a)(1) Each State shall be required to achieve within its borders a reduction in annual sulfur dioxide emissions equal to that fraction of 8,000,000 tons which is the ratio of all the actual emissions in such State during 1980 from existing major emitting electric power plants which are in excess of 1.5 pounds of sulfur dioxide per million Btu's to the total in all States in the region of all the emissions during 1980 from existing major emitting electric power plants which are in excess of 1.5 pounds of sulfur dioxide per million Btu's.

"(2) After consultation with the Governors of each State in the acid deposition impact region, the Administrator shall publish a list for each State (A) identifying each existing major emitting electric power plant and its emissions during 1980, and (B) specifying the sulfur dioxide emissions reductions which each State must achieve under subsection (a)(1). This list shall be published not later than 6 months after the date of the enactment of this part.

"(3) The Governors of any two or more States within the acid deposition impact region may by agreement reallot among agreeing States the reductions required under this subsection provided that the total reductions equal the total required under this subsection.

"(4) Any list published under subsection (a)(2) and any agreement under subsection (a)(3) shall not be subject to review in any court.

"(b)(1) Not later than three years after the date of the enactment of this part, each State shall submit a plan to achieve the reduction in sulfur dioxide emissions required by subsection (a). A State may thereafter submit modifications of its plan. Such plan and any modification thereof shall be reviewed by the Administrator in accordance with paragraph (2), and shall be submitted to the Governors of all other States in the acid deposition impact region for comment.

"(2) The Administrator shall approve within 12 months after submission by the Governor any plan or plan modification submitted under paragraph (1) if, taking into consideration the comments of Governors of other States in such region, the Administrator finds that the plan or plan modification—

"(A) contains schedules for compliance and emission reduction methods or programs authorized under section 185;

"(B) contains requirements for monitoring which are adequate to assure that the emission limitations are being met; and

"(C) is adequate to achieve the reduction in sulfur dioxide emissions for such State required by this section within the time specified in subsection (C).

"(c) The total emission reduction required by subsection (a) for each State shall be achieved by each State as expeditiously as practicable, but no later than January 1, 1996.

"(d) Each emission limitation, schedule for compliance or other measure approved under this section shall be a requirement of an applicable implementation plan for purposes of sections 113 and 120, and an emission limitation for purposes of section 304.

"ALTERNATIVE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 184. (a)(1) If a State plan under section 183 which fully satisfies the requirements of this part has not been approved by January 1, 1989, an annual average emission limitation of 1.5 pounds of sulfur dioxide

per million Btu's shall apply to each existing major emitting electric power plant within such State.

"(2) The owner or operator of each major emitting electric power plant within such State shall, by July 1, 1989, submit to the Administrator a plan for achieving the emission limitation required under paragraph (1). The Administrator shall approve such plan or plan modification within 12 months if it—

"(A) contains schedules for compliance and emission reduction methods or programs authorized under section 185;

"(B) contains requirements for monitoring which are adequate to assure that the emission limitations are being met; and

"(C) is adequate to achieve the emission limitations required by this section as expeditiously as practicable, but not later than January 1, 1996.

"(b) Any requirement, emission limitation, schedule of compliance or other measure approved under subsection (a) shall be a requirement of an applicable implementation plan for purposes of sections 113 and 120, and an emission limitation for purposes of section 304.

"(c) Any failure of an owner or operator to submit an approvable plan within the time prescribed, failure to comply with the plan, or failure to achieve the emission limitation required by this section as expeditiously as practicable (but no later than January 1, 1996) by a method or program authorized in section 185(b), shall be a violation of the requirements of an applicable implementation plan for purposes of sections 113 and 120, and a violation of an emission limitation for purposes of section 304.

"AUTHORIZED EMISSION REDUCTION PROGRAMS

"SEC. 185. (a)(1) For the purposes of section 183, any emission reduction methods or programs are authorized, if—

"(A) such methods or programs comply with subsection (d);

"(B) emission limitations under such methods or programs are enforceable; and

"(C) emission reductions occur within the State submitting the plan under section 183, or (with the permission of the Governors of such States) within other States in the acid deposition impact region.

"(2) Authorized methods or programs may include—

"(A) any technological system of continuous emission reduction as defined in section 111(a)(7);

"(B) least emission dispatch to meet electric generating demand at existing generating capacity;

"(C) retirement of existing major emitting electric power plants or portions thereof at an earlier date than provided in schedules on file with the Federal Energy Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies;

"(D) investments in energy conservation where quantifiable reductions in emissions can be identified with such investments; and

"(E) trading of emissions reduction requirements imposed under this part and actual reductions not otherwise required under this Act.

"(3) A plan or plan modification may require emission reductions at sources other than existing major emitting electric power plants, provided that the reductions are actual emission reductions not otherwise required under this Act.

"(b)(1) For the purposes of section 184, only the emission reduction methods or programs listed in paragraph (2) are authorized, and only if—

"(A) such methods or programs comply with subsection (d);

"(B) emission limitations under such methods or programs are enforceable;

"(C) emission reductions occur within the State which failed to submit an approvable plan under section 183, or (with the permission of the Governors of such States) within other States in the acid deposition impact region; and

"(D) emission reductions occur at sources owned or operated by the person who submits the plan under section 184(b) (except as otherwise provided).

"(2) Authorized methods or programs include only—

"(A) technological systems of continuous emission reduction as defined in section 111(a)(7);

"(B) least emission dispatch to meet electric generating demand at existing generating capacity;

"(C) retirement of existing major emitting electric power plants or portions thereof at an earlier date than provided in schedules on file with the Federal Energy Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies; and

"(D) trading of emission reduction requirements under this part and actual reductions not otherwise required under this Act (whether or not the requirements or reductions occur at sources owned or operated by the person who submits the plan under section 184(b)).

"(c) In order to facilitate trading in emission reduction requirements imposed under this part and actual reductions not otherwise required under this Act, States and the Administrator shall establish emission reduction banks or brokerage institutions.

"(d) For purposes of sections 183 and 184, no emission reduction method or program may be used under which an emission limitation is achieved, in whole or in part, through the use by an existing major emitting electric power plant of coal having a significantly lower sulfur content than the average sulfur content of coal used by that plant during any six-month period in the five-year period ending December 31, 1983, except as provided in section 188. Any reduction in sulfur content accomplished through precombustion cleaning of coal shall be disregarded for purposes of this subsection.

"SCIENTIFIC REVIEW

"SEC. 186. (a)(1) The Administrator shall, prior to October 1, 1989, contract with the National Academy of Sciences to study and report on—

"(A) the significant adverse effects on public health and welfare which may reasonably be associated with atmospheric deposition of acidic compounds;

"(B) the areas of the country which are experiencing these effects or are exposed to a significant risk that they may experience these effects;

"(C) whether and to what extent particular sources in particular areas can reasonably be associated with the atmospheric acidic compounds associated with these risks and effects; and

"(D) the availability of controls for these sources and the social and economic costs of controlling them so as to eliminate or significantly mitigate these risks and effects.

"(2) The contract pursuant to this subsection shall require the National Academy of Sciences to submit its report to the President and the Congress prior to December 31, 1996.

"(b) The Administrator shall submit to the Congress, prior to June 1, 1997, draft legislation to require, if necessary, further emission control strategies that are consistent with the report of the National Academy of Sciences under subsection (a).

"INNOVATIVE CONTROL ORDERS

"SEC. 187. (a) The Administrator may issue an innovative control order to an existing major emitting electric power plant if (after consulting with the Governor of the State where the plant is located) the Administrator determines that—

"(1) the owner or operator of such plant will expeditiously use an innovative emission limitation system which the Administrator determines is reasonably likely to be adequately demonstrated (within the meaning of section 111(a)(1)) upon expiration of the order, at one or more of his facilities;

"(2) the innovative system of emission limitation is not likely to be used at such plant unless an order is granted under this subsection;

"(3) the owner or operator of the plant has demonstrated to the satisfaction of the Administrator that the proposed system will not cause or contribute to an unreasonable risk to public health, welfare or safety in its operation, function, or malfunction; and

"(4) the granting of the order is consistent with subsection (g).

"(b)(1) An innovative control order shall specify a final date of compliance with emission limitations under this part, which shall be not later than January 1, 1996, except as provided in subsection (f).

"(2) An innovative control order shall set forth compliance schedules containing increments of progress which require compliance as expeditiously as practicable with emission limitations under this part.

"(c) During the period covered by an innovative control order, a source shall comply with such interim requirements as the Administrator determines are reasonable and practicable, and specifies in the order.

"(d) No enforcement action shall be pursued based upon noncompliance with any emission limitations under this part which is covered by the order during any period for which an innovative control order is in effect.

"(e) Any compliance schedule or interim requirement imposed in an innovative control order shall be a requirement of an applicable implementation plan for purposes of sections 113 and 120, and an emission limitation for purposes of section 304.

"(f)(1) The Administrator may revoke an innovative control order if he determines, on the record after notice and opportunity for a hearing, that the findings required to issue an order can no longer be made, or that the owner or operator is not attempting in good faith to comply with the order or to develop and install the innovative emission limitation system covered by the order. An order terminating an innovative control order may include a delayed effective date, if the interests of justice so require.

"(2) The Administrator may extend or modify the terms of an innovative control order if he makes the findings required under this section with respect to the proposed modification or extension. A modification which may substantially increase compliance costs shall be accomplished in a proceeding on the record after notice and opportunity for a hearing.

"(3) The Administrator may grant a modification to an innovative control order, including an indefinite extension of the final compliance date, if he finds—

"(A) that substantial good faith efforts have been made to develop the innovative control system covered by the order; and

"(B) that further efforts to develop the system are unlikely to be successful, or would impose costs which are unreasonable in light of the increment of additional control which might be achieved.

Any such modification to an innovative control order shall include as an interim measure an emissions limitation which the Administrator finds that the source is capable of achieving using the new system of emissions limitation, and such other measures as the Administrator deems appropriate.

"(g) The number of orders granted under this section with respect to an innovative emission limitation system shall not exceed such numbers as the Administrator finds appropriate to ascertain whether or not such system has been adequately demonstrated, or will achieve an equivalent continuous reduction at lower cost in terms of energy, economic or nonair quality environmental impact.

"COMPLIANCE COAL ORDERS

"SEC. 188. (a) The Administrator may issue a compliance coal order to an existing major emitting electric power plant allowing that source to comply in whole or in part with an emission limitation under this part by using coal having a significantly lower sulfur content than coal used by the source during any six-month period in the five-year period ending December 31, 1983, if the Administrator determines that—

"(1) the plant is subject to an emission limitation under this part;

"(2) the only feasible way of complying with such emission limitation which is authorized under section 185 would involve the installation and use of a technological system of continuous emission reduction (within the meaning of section 111(a)(7)); and

"(3) the costs of installing and operating that system would be grossly disproportionate to any local or regional economic disruption or unemployment which would result from the use by that plant of coal having a significantly lower sulfur content than coal used by that plant during any six-month period in the five-year period ending December 31, 1983.

"(b)(1) Notwithstanding the other provisions of this section, no compliance coal order shall be granted unless the annualized capital and operating costs of a technological system of continuous emission reduction as determined by the Administrator are at least 20 percent greater than the baseline model estimate (BME) of the annualized capital and operating cost of the system as calculated under paragraph (2).

"(2) Within six months after the date of the enactment of this part, the Administrator shall develop a baseline model to estimate representative retrofit capital and operating costs of technological systems of continuous emission reduction as follows:

"(A) The Administrator shall choose representative technological control systems and system designs.

"(B) The Administrator shall develop capital and operating cost estimates for the designs, varying such estimates by the sulfur content of the coal being burned and boiler size, and other factors considered in the judgment of the Administrator to be necessary to produce a reasonable baseline.

"(C) The Administrator shall develop and apply retrofit cost penalty factors to the estimates developed under subparagraph (B) which relect reasonable but not extraordinary difficulties in retrofitting the designs.

"(D) The Administrator shall annualize the costs developed under subparagraph (C) assuming a 15-year usable equipment life. This result will represent the BME.

"(3) For purposes of this section, capacity or energy losses resulting from the retrofitting of an emission reduction system shall not be considered a cost.

"(c) For purposes of this section, a reduction in the sulfur content of coal accomplished through precombustion cleaning shall be disregarded for purposes of determining the average sulfur content of coal used by plant during any six-month period in the five-year period ending December 31, 1983.

"(d) Prior to issuing a compliance coal order under this section, the Administrator shall consult with the Governor of the State where the plant is located, and the Governor of the States where the coal used by that plant is mined.

"(e)(1) A compliance coal order under this section shall have a duration of five years, and may be extended for additional five-year periods.

"(2) A compliance coal order may include such terms and conditions as the Administrator determines are reasonably necessary to assure that the objectives of this section are accomplished.

"(3) The Administrator may extend or modify a compliance coal order if he makes the findings required under this section with respect to the modification or extension. A modification which may substantially increase compliance costs shall be accomplished in a proceeding on the record after notice and opportunity for hearing.

"(4) The Administrator may revoke a compliance coal order if he determines, on the record after notice and opportunity for a hearing, that the findings required to issue an order can no longer be made. An order terminating a compliance coal order may include a delayed effective date, if the interests of justice so require.

"(f) A term or condition of a compliance coal order shall be a requirement of an applicable implementation plan for purposes of sections 113 and 120 and an emission limitation for purposes of section 304.

"ACID DEPOSITION CONTROL TRUST FUND

"SEC. 189. (a)(1) There is established in the Treasury of the United States a trust fund to be known as the 'Acid Deposition Control Trust Fund' (hereinafter referred to in this section as the 'Fund').

"(2) The Fund shall be established by the Secretary of the Treasury within one year after the date of the enactment of this part, and shall continue in existence until all distributions have been made in accordance with paragraph (5).

"(3) The Fund shall consist of such amounts as are transferred to the Fund as provided in subsections (b) and (c).

"(4) Payments shall be made from the Fund only as specified in subsection (d).

"(5)(A) Any amount remaining in the Fund on January 1, 2006, shall be used to make additional payments which may be required on account of past underpayments as required by subsection (d).

"(B) After such additional payments have been made, and all repayments into the Fund required by subsection (d) on account of past overpayments have been collected, any amount remaining in the Fund shall be distributed to the owners and operators of existing major emitting electric power plants in proportion to the amount of the fees paid by the owner or operator under subsection (b) during the lifetime of the Fund.

"(C) Any payment under subparagraph (B) shall be made only if the owner or opertor passes on such payment to its current customers in the form of a rebate or rate reduction. Such rebate or reduction shall be made in accordance with regulations promulgated by the Administrator, which shall include a determination of the time period over which such rebate or reduction is to be made.

"(6) The Secretary of the Treasury shall be the trustee of the Fund, managing it in accordance with the provisions of subsection (c), and shall report to Congress annually, in association with the budget submitted to Congress by the President, on the financial condition of the Fund, including a statement of revenues received by and payments made from the Fund during the previous fiscal year and projected for the subsequent two fiscal years.

"(b)(1) Beginning January 1, 1985, and continuing until December 31, 1999, the owner or operator of any existing major emitting electric power plant located within the acid deposition impact region, shall pay, in accordance with regulations issued by the Secretary of the Treasury, an acid deposition impact region user fee (hereinafter referred to in this subsection as the 'fee') into the Fund in the amount of—

"(A) 1.0 mills per kilowatt hour of electricity generated by such plant during 1985;

"(B) 2.0 mills per kilowatt hour of electricity generated by such plant during 1986; and

"(C) 3.0 mills per kilowatt hour generated during the years 1987 through 1999.

"(2) Any unit at such a plant which operates a technological system of continuous emission reduction which was not installed to meet the requirements of section 183 or 184, and which operates such emissions control equipment to remove 70 percent or more of potential combustion emission of sulfur dioxide, shall not be considered part of such plant for the purposes of this subsection.

"(c)(1) The Secretary of the Treasury shall credit to the Fund at least monthly and revenues received by the United States pursuant to subsection (b).

"(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current obligations on the Fund as specified in subsection (d). Such investments shall be in public debt securities with maturities suitable for the needs of the Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to, and form a part of, the Fund.

"(3) The Administrator shall make payments from the Fund in accordance with the provisions of subsection (d), and shall, within six months after the date of the enactment of this part, and after consulting with the Secretary of the Treasury, issue regulations governing the conditions under which such payments will be made.

"(4) At the termination of the Fund, the Secretary of the Treasury shall provide to Congress a final report on, and accounting of, the operation of the Fund since its establishment.

"(d)(1) Beginning after January 1, 1992, and ending by December 31, 2005, the Administrator shall make payments from the Fund to the owners or operators of existing major electric power plants according to regulations promulgated by the Administrator under this section. Payments shall be made on an annual basis and should be sufficient to cover—

"(A) 90 percent of all annual capital costs, and 50 percent of all annual operating costs, of control technology which the Administrator determines to be necessary to comply with the requirements of section 183 or 184; or

"(B) 90 percent of all such capital costs and 90 percent of all such annual operating costs as the Administrator determines to be necessary to comply with the requirements of section 183 or 184 if an innovative control technology (as defined in section 181(7)) is used to comply with such requirements.

"(2) Annual capital costs shall consist of equal yearly costs representing all capital, construction, and financing expenses associated with the control technology, amortized over a period not to exceed 14 years and ending on or before December 31, 2005.

"(3) Annual operating costs for each year shall consist of an amount equal to the average ongoing operation and maintenance costs incurred during the first 12-month period in which the control technology is in operation. The period over which such payment shall be made shall not exceed ten years and shall end on or before December 31, 2005.

"(4) Payments shall not be made from the Fund to cover—

"(A) costs not essential to the construction, retrofit, and operation of the control equipment;

"(B) financing costs above the acceptable range of interest costs available to the utility; or

"(C) capacity or energy losses resulting from the retrofitting of an emission reduction system.

"(5) Within 18 months after the date of the enactment of this part, the Administrator shall publish regulations specifying procedures for approving and making payments from the Fund to cover all applicable costs according to the criteria specified in this section.

"(6) If a State has a State plan approved under section 183(b)(2), the Administrator may delegate to such State, at its request, the authority to approve the payments called for under this subsection, subject to approval by the Administrator.

"(7)(A) No annual operating cost payment shall be made during any period in which the major existing electric power plant is not in compliance with any applicable requirement under this part, and any operating costs incurred during any such period shall not be considered in determining whether any overpayments or underpayments have been made.

"(B) No annual capital cost payment shall be made during any period in which the major existing electric power plant is not in compliance with any schedule of compliance under this part, unless such plant is making a good faith effort (as determined by the Administrator) to achieve compliance.

"(8) Within 24 months after the date of the enactment of this part, and after consultation with the Secretary of the Treasury, the Administrator shall promulgate regulations governing the making of payments from the Fund and the collection of overpayments. These regulations shall provide for—

"(A) the making of annual capital cost payments starting after commencement of construction of control equipment and after compliance (or good faith effort to achieve compliance) with the requirements of this part, based upon the Administrator's estimate of the total capital costs for the class or category of control equipment;

"(B) the making of annual operating cost payments starting after initial compliance with the requirements of this part, based upon the Administrator's estimate of annual operating costs for the class or category of control equipment;

"(C) procedures for determining, after completion of all capital expenditures by an owner or operator, whether an overpayment or underpayment of annual capital costs has been made, and for making any additional payment or collecting any overpayment, as may be necessary; and

"(D) procedures for determining, after December 31, 2005, whether an overpayment or underpayment of annual operating costs has been made, and for making any additional payment or collecting any overpayment, as may be necessary.

"(e)(1) Any owner or operator of a major emitting electric power plant subject to the fee specified in subsection (b) which fails to pay any amount of that fee, or any repayment required under subsection (d), shall, in addition to liability for any unpaid amount of such fee (and interest on any such unpaid amount), be liable for a civil penalty of not more than $50,000 for each day during which such failure continues.

"(2) The Administrator shall bring a civil action against any owner or operator of a major emitting electric power plant which fails to pay any amount of such fee or repayment. Civil actions under this subsection shall be brought in the same manner and in accordance with the same procedures as are applicable to civil actions brought under section 113(b) against any person who violates any provision or requirement of an applicable implementation plan.

"(3) Any owner or operator of a major emitting electric power plant who knowingly fails to pay any amount of a fee required under subsection (b), or repayment required under subsection (d), shall, in addition to the civil liability under this subsection, be subject to a criminal penalty of $100,000.

"(f) An amount not to exceed $50,000,000 per year of the amounts available in the Fund may be used for the development and demonstration of sulfur dioxide emission control technologies and to conduct research authorized under title VII of the Energy Security Act of 1980.

"(g) No payments made from the Fund pursuant to subsection (d) shall be considered as 'income' for purposes of the Internal Revenue Code of 1954, or as 'rate relief' for purposes of any State regulatory system. No capital or operating expenses which are compensated under this part shall be used to reduce any tax obligation under the Internal Revenue Code of 1954.

"(h) The Administrator shall make payments from the Fund of not to exceed $40,000,000 to the National Academy of Sciences for the services performed by the Academy pursuant to the contracts provided for in section 186.

"(i) If a State has a State plan approved under section 183(b)(2), the Administrator may delegate to such State, at its request, the authority to approve payments required under this section.".

THE ACID DEPOSITION CONTROL AND COST SHARING ACT OF 1984: SECTION-BY-SECTION ANALYSIS

The bill amends Title I of the Clean Air Act by adding at the end a new part, entitled "Part E—Acid Deposition Control and Cost Sharing Program," with nine sections as follows.

SECTION 180 ("FINDINGS AND PURPOSES")

This section is self explanatory.

SECTION 181 ("DEFINITIONS")

This section defines eight terms which are used elsewhere in Part E.

Subsection (1) defines "Acid Deposition Impact Region" as the thirty-one states east of or bordering on the Mississippi River, and the District of Columbia.

Subsections (2) and (3) define "BTU" (British Thermal Unit) and "Sulfur Dioxide."

Subsection (4) defines "Existing Major Emitting Electric Power Plant" as any fossil fuel fired electric power plant consisting of one or more steam generating units (boilers) which had been in commercial operation on or before December 31, 1980, and which is a major emitting facility within the meaning of section 169(1) of the Act, i.e., it emits or has the potential to emit one hundred tons per year or more of any air pollutant regulated under the Act, and it had a heat input of more than two hundred and fifty million BTU's per hour. New units at a plant—units which were not in commercial operation on or before December 31, 1980—will not be considered for purposes of determining whether a plant is an existing major emitting power plant or as part of an existing major emitting electric power plant.

Subsection (6) defines "Innovative emission limitation system" to mean a technological system of continuous emission reduction which has not been adequately demonstrated on a commercial scale and which satisfies two other tests. The first is that the system must have a substantial likelihood of achieving either greater reductions of sulfur dioxide alone or sulfur dioxide and nitrogen oxides (NO_x) combined than any adequately demonstrated system. The second test requires that the system have a substantial likelihood of achieving sulfur dioxide emission reductions at lower costs in terms of energy, economic, or non-air quality environmental impact than any adequately demonstrated system. "Adequately demonstrated" and "technological system of continuous emission reduction" have the meanings given to them in Section III of the Clean Air Act.

SECTION 182 (SULFUR DIOXIDE EMISSION REDUCTIONS")

This section establishes emission reduction requirements for the Acid Deposition Impact Region, and requires owners or operators to offset emissions increases from existing major emitting electric power plants in certain circumstances.

Subsection (a) provides that total annual sulfur dioxide emissions from existing major emitting electric power plants shall not exceed a level eight million tons less than the actual level of sulfur dioxide emissions from such sources during calendar year 1980. This must be accomplished by January 1, 1996, in accordance with the requirements and procedures of Part E.

Subsection (b) establishes offset requirements which owners or operators of existing major emitting electric power plants must satisfy if they desire to increase sulfur dioxide emissions of the plant above the highest

actual annual level of emissions from the plant during any of the calendar years 1978, 1979, and 1980. If an owner or operator desires to increase annual sulfur dioxide emissions above this level, the owner or operator must offset the increase with enforceable, contemporaneous and equivalent actual emission reductions. These reductions must be reductions not otherwise required under the act and must occur within the same state as the plant increasing its emissions, unless the permission of the governor of another state has been given to use reductions occurring in that state.

The offset requirement does not apply in certain circumstances. It does not apply to increases in emissions resulting from adding a new steam generating unit (boiler) to a plant. The offset requirement also does not apply to increases which are authorized in an approved plan under other sections of part E, or to increases due to fuel conversions completed prior to the date of enactment of part E pursuant to Department of Energy orders under the Energy Supply and Environmental Coordination Act of 1974, the Fuel Use Act of 1978, or the Omnibus Budget Reconciliation Act of 1981. Violations of the offset requirement would subject the owner or operator of the plant to enforcement actions under Section 113, noncompliance penalties under Section 120, and citizen suits under Section 304.

Subsection (c) provides that no expenditure of funds by an owner or operator of an existing major emitting electric power plant in order to satisfy requirements under part E would be deemed a reconstruction for any purpose under the Act. The new source performance standards under Section III may apply if large amounts of money are spent on these plants in order to bring them into compliance with requirements under this part. This subsection allows owners or operators to spend funds to meet control obligations under this provision without having to worry about the possibility that these expenditures will trigger requirements under Section III.

SECTION 183 ("STATE SULFUR DIOXIDE REDUCTION PLANS")

This section contains requirements governing state planning to achieve the required sulfur dioxide emission reductions.

Subsection (a) establishes a formula for determining the emission reductions which each State in the Acid Deposition Impact Region must accomplish. To apply this formula, the Administrator will first determine the actual emissions from existing major emitting electric power plants in the region during calendar year 1980. The Administrator next will determine the emissions in the region which are in excess of an emission rate of 1.5 pounds of sulfur dioxide per million BTU's, by determining what the emissions of existing major emitting electric power plants would have been in 1980 if no plant had emitted at a rate in excess of 1.5 pounds of S02 per million BTU's, and subtracting this number from the actual emissions from such plants in 1980. He will then go through a similar calculation to determine the excess emissions for each State in the region. He will determine each State's share of the 8 million emission reduction by multiplying 8 million tons by a fraction the denominator of which will be the excess utility emissions for the region and the numerator of which will be the excess utility emissions for the state in question.

Subsection (a) requires the Administrator to publish within six months after the enactment of Part E a list specifying each state's sulfur dioxide emission reduction requirement, and identifying each existing major emitting electric power plant in the state and its emissions during 1980. The Administrator is required to consult with the governors of each state prior to publishing this list. The governors of two or more states may agree to reallocate emission reduction requirement. State emission reduction requirements determined pursuant to these procedures are not reviewable in any court.

Subsection (b) requires States in the Acid Deposition Impact Region to submit plans for achieving required sulfur dioxide emission reduction. These plans must be submitted not later than three years after the date of enactment of part E. The Administrator is required to submit plans for comment to governors of other states in the regions, and to act on the plans within one year after they are submitted. The Administrator must approve a plan if:

The plan contains schedules for compliance and emission reduction methods or programs which are authorized under Section 185 (these requirements are discussed below);

The plan contains adequate monitoring requirements;

The plan is adequate to achieve the state emission reduction requirement as expeditiously as practicable, but no later than January 1, 1996.

Subsection (d) provides that violations of requirements in approved plans would subject the owner or operator of a plant to enforcement actions under Section 118, noncompliance penalties under Section 120, and citizens suits under section 304.

SECTION 184 ("ALTERNATE SULFUR DIOXIDE REDUCTION REQUIREMENTS")

This section establishes an alternate mechanism for achieving necessary emission reductions which applies in a State, if a State plan for that State has not been approved by a specific date.

Subsection (a) establishes an emission limit of 1.5 pounds of sulfur dioxide per million BTU's (annual average), which will apply to each existing major electric power plant within a state, if a plan fully satisfying part E requirements has not been approved by January 1, 1989. The owners or operators of such plants are required by July 1, 1989, to submit a plan to the Administrator for achieving this emission limitation.

The Administrator is required to approve these plans within one year if:

The plan contains schedules for compliance and emission reduction methods or programs which are authorized under Section 185 (these requirements are discussed below);

The plan contains adequate monitoring requirements;

The plan is adequate to achieve the state emission reduction requirement as expeditiously as practicable, but no later than January 1, 1996.

Subsection (b) provides that violations of Part E requirements (including the planning requirement) or requirements of plans approved under this section would subject the owner or operator to enforcement proceedings under Section 113, noncompliance penalties under Section 120 and citizen suits under Section 304.

SECTION 185 ("AUTHORIZED EMISSION REDUCTION PROGRAMS")

This Section sets out emission reduction methods or programs which are authorized for purposes of part E. There are three categories: Emission reduction methods or programs authorized for purposes of Section 183 (state plans); emission reduction methods or programs authorized for purposes of Section 184 (Emission limits applicable when adequate State plans have not been approved by January 1, 1989): and emission reduction methods or programs which generally are prohibited.

Subsection (d) sets out emission reduction methods or programs which generally are prohibited. This subsection provides that no emission reduction method or program may be used which depends in whole or in part on the use by an existing major emitting electric power plant of coal having a significantly lower sulfur content than the lowest average sulfur content of coal used by the plant during a specified period. This specified period is any six-month period in the five-year period ending December 31, 1983.

Generally, this provision will prohibit owners or operators of coal-fired boilers from complying with an emission reduction requirement under Section 183 or 184 by switching to lower sulfur coal.

However, relief from this prohibition can be obtained if the owner or operator qualifies for a Compliance Coal Order under Section 188. The conditions which must be satisfied to qualify for a Compliance Coal Order are discussed below. The sulfur content of the coal previously used by an existing major emitting electric power plant is determined without regard for any reductions in sulfur content accomplished through precombustion cleaning. In other words, the focus is on the sulfur content of the coal as it is mined, and not as it is burned.

Subsection (a) sets out the authorized emission reduction methods or programs for purposes of state plans under Section 183. In general this provision authorizes any method or program other than switching to lower sulfur coal (see the discussion of subsection (d)), provided that emission limitations under the method or program are enforceable, and that the emission reductions occur within the state submitting the plan or within another state within the acid deposition impact region, provided the governor of that state has given permission. Examples are provided of methods or programs which may satisfy these conditions. Subsection (a) makes it clear that states have the authority to require sulfur dioxide emission reductions at sources other than existing major emitting electric power plants, provided that the reductions are actual emission reductions, not otherwise required under the Act.

Subsection (b) defines authorized emission reduction methods or programs for purposes of Section 184 (the section which applies in the event a State plan has not been approved by January 1, 1989). For purposes of Section 184, only specifically listed methods or programs are authorized, and only when these programs satisfy specific conditions. Authorized methods or programs are: technological systems, least emission dispatch, early retirement and trading of emission reduction requirements and actual reductions not otherwise required under the Act. In all cases, any method or program must result in emission limitations which are enforceable, and any emission reductions must occur within the state which fails to submit an approvable plan under section 183 and may occur within another state in the Acid Deposition Impact Region provided the governor of that state has given permission. Fi-

nally, emission reductions must occur at sources owned or operated by the person who submitted the plan under Section 184, except that trades of emission reduction requirements or actual reductions not otherwise required under the Act may occur involving sources owned by other persons.

Subsection (c) requires the Administrator and States to establish emission reduction banks or brokerage institutions to facilitate trading in emission reduction requirements imposed under Part E.

SECTION 186 ("SCIENTIFIC REVIEW")

This section provides for further study of acid deposition phenomena by the National Academy of Sciences to facilitate a decision by the Congress on whether measures beyond those required by Part E are necessary.

Subsection (a) requires the Administrator to contract with the National Academy of Sciences to study and report on a number of issues relevant to determining whether Congress should impose acid deposition mitigation requirements beyond those contained in Part E. The contract is to be awarded prior to October 1, 1989, and the report of the National Academy of Sciences is to be submitted to the President and the Congress prior to December 31, 1996.

Subsection (b) requires the Administrator to submit to Congress prior to June 1, 1997, draft legislation providing for further controls (if further controls are necessary), which is consistent with the report of the National Academy of Sciences.

SECTION 187 ("INNOVATIVE CONTROL ORDERS")

This section authorizes the Administrator to issue Innovative Control Orders to owners and operators of existing major emitting electric power plants and establishes substantive and procedural requirements for these Orders.

Subsection (a) authorizes the Administrator to issue an Innovative Control Order if:

The owner or operator will use an innovative emission limitation system which is reasonably likely to be adequately demonstrated when the Order expires;

The owner or operator would not likely have used the innovative system without an Innovative Control Order;

The innovative system won't cause or contribute to an unreasonable risk to public health, welfare or safety;

The innovative system is not already covered by a sufficient number of previously granted Innovative Control Orders for its development and evaluation.

Subsection (b) requires Innovative Control Orders to specify final compliance dates, compliance schedules, and increments of progress.

Subsection (c) provides that during any period that an Innovative Control Order is in effect, a source must comply with any interim control requirements which the Administrator has determined are reasonable and practical and which he has specified in the Innovative Control Order.

Subsection (d) insulates owners of sources subject to Innovative Control Orders from enforcement proceedings based on noncompliance with emission limitations imposed pursuant to Part E during any period for which the Order is in effect.

Subsection (e) authorizes enforcement actions under Section 113, noncompliance penalties under Section 120 and citizen suits under Section 304 for violations of compliance schedules or interim control requirements specified in Innovative Control Orders.

Subsection (f) provides for modification and revocation of Innovative Control Orders in appropriate circumstances. Revocations and any modifications which significantly or substantially increase compliance costs must be accomplished using formal, trial-type procedures. A modification including an indefinite extension of a final compliance date may be granted if the Administrator determines that substantial good faith efforts have been made to develop an innovative control system and that further efforts to develop the system are unlikely to be successful or would impose costs which are unreasonable in light of the increment of additional control which might be achieved. Such extensions, however, must be accompanied by emission limitations which the Administrator finds the source is capable of achieving using the innovative system and such other measures as the Administrator deems appropriate.

SECTION 188 ("COMPLIANCE COAL ORDERS")

This section authorizes the Administrator to grant relief from the general prohibition contained in Section 185(d) against reducing emissions by using coal having a lower sulfur content.

Subsections (a) and (b) provide that the Administrator may issue a Compliance Coal Order authorizing an existing major emitting electric power plant to use lower sulfur coal to comply with the requirements under Part E if he determines that:

The plant is subject to an emission limitation under Part E;

The only authorized, feasible way of complying with that emission limitation would involve the use of a technological system of continuous emission reduction;

The cost of installing and operating the technological system would be grossly disproportionate to any local or regional economic disruption or unemployment which would result if the plant used coal having a lower sulfur content;

The annualized capital and operating costs of the technological system are at least 20 percent greater than a baseline model estimate (BME) of the annualized capital and operating costs of the type of technological system which would be used.

Subsection (b) also contains substantive and procedural requirements governing the Administrator's BME determinations.

Subsection (c) contains the requirement that sulfur reduction by percombustion cleaning shall not affect the determination of average sulfur content of coal used by a plant, for purposes of this section.

Subsection (d) requires the Administrator to consult with governors of affected states prior to issuing a Compliance Coal Order.

Subsection (e) provides that a compliance coal order shall have a duration of five years and authorizes extensions for additional five-year periods. The Administrator is authorized to impose terms or conditions which he determines are reasonably necessary to assure that the objectives of Section 188 are met. Subsection (e) also authorizes modifications and revocations of Compliance Coal Orders and provides that revocations or modifications which may substantially increase compliance costs must be accomplished using formal, trial-type proceedings.

Subsection (f) authorizes enforcement actions under Section 113, noncompliance penalties under Section 120, and citizen suits under Section 304 for violations of requirements of Compliance Coal Orders.

SECTION 189 ("ACID DEPOSITION CONTROL TRUST FUND")

This section establishes a trust fund for the payment of certain capital and operating expenses incurred in achieving emission reductions required under Part E; establishes a fee on electricity generated in the Acid Deposition Control Region to provide revenue for the trust fund; and provides for the administration of the fund.

Subsection (a) establishes an Acid Deposition Control Trust Fund in the Treasury of the United States. The fund will consist of revenues generated by the emissions fee imposed under subsection (b) and income earned by investing fund balances by the Secretary of the Treasury as provided in subsection (c). The Secretary of the Treasury is designated trustee of the fund. The Secretary is required to report to the Congress annually in accordance with the President's budget submission on the financial condition of the fund. No provision is made for a date of termination of the fund, although provisions are made in other subsections terminating the period during which certain disbursements can be made from the fund. The Administrator is to promulgate regulations to make suitable disposition of any balance in the fund remaining after all such authorized disbursements have been made. Such balance is to be returned to the owners and operators of existing major emitting power plants in proportion to the amount of fees paid by the owner or operator into the trust fund, provided that such returned balance is passed on to current customers in the form of a rebate or rate reduction.

Subsection (b) requires that the owner or operator of an existing major emitting electric power plant located in the Acid Deposition Impact Region pay an Acid Deposition Impact Region user fee into the fund. Payments are to begin January 1, 1985, and continue through December 31, 1999. The amount of the fee is as follows:

One mill per kilowatt hour of electricity generated during 1985.

Two mills per kilowatt hour of electricity generated during 1986.

Three mills per kilowatt hour of electricity generated during the years 1987 through 1999.

Electricity generated at units of an existing major emitting electric power plant which operates a technological system of continuous emission reduction that was not installed to meet the requirements of Sections 182, 183, or 184 of this Act and that operates such emissions control equipment to remove 70 percent or more of potential emissions of sulfur dioxide is exempt from the fee.

Subsection (c) governs administration of the fund by the Secretary of the Treasury. The Secretary is required to credit to the fund at least monthly any payments of electricity generation fees which have been received and must invest balances not necessary to meet current obligations in public debt securities with suitable maturities.

Subsection (d) governs payments from the fund, which are to be made by the Administrator. (However, the Administrator may delegate to a state which has an approved plan under Section 183 the authority to approve payments.)

Within two years after the date of enactment, the Administrator, after consultation with the Secretary of the Treasury, is required to promulgate regulations governing

payments under the fund and the collection of any overpayments.

Annual payments are to be made from the fund to the owners or operators of existing major electric power plants for installation and operation of necessary control technology to meet the requirements of Section 183 or 184. Such payments should be sufficient to cover 90 percent of all annual capital costs and 50 percent of all annual operating costs (90 percent of annual operating costs in the case of innovative control technology). Annual capital cost payments are limited to a period of no more than 14 years ending on Decemeber 31, 2005. Annual operating cost payments are limited to a period of no more than ten years ending on or before December 31, 2005.

Capital cost payments begin after commencement of construction of control equipment, and operating cost payments begin after initial compliance with requirements of this Part.

No payments are made for operating costs during any period that the power plant is not in compliance with any applicable requirement under this Part; nor are payments made for capital costs during any period in which the power plant is not in compliance with any schedule of compliance unless the Administrator has made a determination that a good faith effort to achieve compliance is being made.

Subsection (e) establishes civil and criminal penalties for owners or operators of existing major emitting electric power plants for failure to pay the electricity generation fee or required repayments to the fund and failure to file required records or reports. (Criminal penalties are only available for "knowing" failures.) The Administrator is required to bring a civil action for violations; criminal actions are discretionary.

Subsection (f) authorization payments not exceeding $50,000,000 per year from the fund for development and demonstration of sulfur dioxide emission control technologies and for research authorized under Title VII of the Energy Security Act of 1980.

Subsection (g) prevents payments from the fund from being treated as "income" for Federal income tax purposes or as "rate relief" for state utility rate regulation. It also ensures against "double" subsidies by providing that capital and operating expenditures paid by the fund cannot also be used by electric utilities to reduce their Federal income taxes.

Subsection (h) authorizes payment not exceeding $40,000,000 from the fund for the National Academy of Sciences studies required under Section 186.●

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 2216. A bill entitled the "Criminal Asset Forfeiture Reform Act; to the Committee on the Judiciary.

CRIMINAL ASSET FOREFEITURE REFORM ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Criminal Asset Forefeiture Reform Act (CAFRA). This legislation will improve the effectiveness of our civil and criminal forefeiture laws significantly. It amends these cumbersome and ineffective laws so that they will do what they were intended to do when passed: Strip the drug kingpins of their empires and take the profit out of the drug trade.

The need for reform in this area could not be more clear. According to a 1981 GAO report entitled "Asset Forfeiture—A Seldom Used Tool in Combating Drug Trafficking," the value of assets forfeited under the racketeer influenced and corrupt organizations (RICO) statute was a mere $2 million between 1970 and 1980. Total civil forfeitures under all statutes between 1976 and 1979 were valued at less than $30 million. At the same time, the illegal drug business was growing into an $80 billion a year industry.

The major vehicle for reform of the forfeiture laws now before us is S. 1762, the Comprehensive Crime Control Act, which I have cosponsored. It is my hope that the bill I introduce today will be accepted as an improving amendment to S. 1762 when the Senate takes up that bill.

The Criminal Asset Forfeiture Reform Act contains three important improvements. It amends our drug laws to empower the Justice Department to seize the broadest possible range of profits and property controlled by drug traffickers. It provides for a consolidated civil forfeiture action to replace the current requirement of a separate action in each judicial district where forfeitable property is found. Finally, my legislation creates a new Federal criminal offense of reinvesting the proceeds of even a single felony drug violation.

Section 102 of CAFRA is the direct result of the landmark Supreme Court decision in the case of Russello against United States, handed down on November 1, 1983, after S. 1762 was approved by the Judiciary Committee. In Russello, the Supreme Court gave a very broad reading to the RICO statute's provision (18 U.S.C. 1963(a)(1)) for forfeiture of "any interest (the defendant) has acquired * * * in violation of section 1962." The Court held that the insurance proceeds the petitioner received as a result of his arson activities constituted a forfeitable "interest" under RICO.

The Court attached considerable importance to one particular clause of RICO: "The provisions of this title shall be liberally construed to effectuate its remedial purpose." Section 102 attaches this important clause to the drug abuse prevention and control statutes to insure that the excellent holding in Russello will not be limited to RICO, but will apply to all of our drug laws. It took 13 years for a clear rule on the meaning of a forfeitable interest under RICO to emerge. CAFRA seeks to insure that the forfeiture provisions of our other drug laws avoid this delay and the narrow interpretations that plagued RICO litigation for far too long.

Section 103 of CAFRA provides for a single consolidated civil forfeiture action in the judicial district where the defendant is found or is being prosecuted. Under current law, when the Justice Department seeks civil forfeiture of the assets of major drug dealers, it must bring a separate action in each judicial district where forfeitable property is found. This leads to a multiplicity of lawsuits and a backlog in civil cases that is great enough to prevent most forfeitures.

We must amend the law, therefore, to correspond to reality. At a time when the extensive property holdings of drug kingpins are scattered across many States, the traditional rule that in rem actions must be brought in the district where property is found is an anachronism. I strongly believe that this change is constitutional. It seeks merely to change the venue rules to provide a more convenient forum for both the Government and the defendant-claimant. It serves the interest of judicial economy and provides better notice to defendants.

Finally, section 104 creates a new Federal crime, that of reinvesting the proceeds of even a single drug transaction. This new offense is punishable by imprisonment for up to 10 years or fine of up to $50,000, or both. This will enable law enforcement agencies to secure longer prison terms for all drug law violators, not only just those convicted under RICO.

Mr. President, I have made the war on crime my highest legislative priority. The Comprehensive Crime Control Act contains many of the tools our law enforcement agencies need to wage an effective war on crime. Title III, the forfeiture title, is one of those important weapons. My bill is offered in a fully cooperative spirit. I have studied S. 1762 and many of the forfeiture cases. I believe that I have found a few improvements which will help us do the job we must do if we are to have any chance of winning the war on crime and securing domestic tranquility. By taking more of the profit out of the drug trade, we may yet cripple it and begin the rebuilding of our communities now beseiged by this blight.

Mr. President, I am pleased that the Department of Justice has given its wholehearted endorsement of this legislation. I am confident that we can pass it this year.

By Mr. MOYNIHAN:

S. 2217. A bill entitled the "Tandem Truck Safety Act of 1984"; to the Committee on Commerce, Science, and Transportation.

TANDEM TRUCK SAFETY ACT OF 1984

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to address an issue of considerable concern to New York City and other urban areas in my home State of New York and elsewhere. I refer to the problem posed by double bottom trailers and other exceptionally long truck-trailer combinations traversing urban interstate highways. The legislation I

offer would permit the Secretary of Transportation to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles. My good friend and colleague, Representative GERALDINE FERRARO, has introduced the companion bill in the House of Representatives.

Mr. President, before I outline the legislation, permit me to discuss the background of this matter.

In the Surface Transportation Assistance Act of 1982, Congress required the States to allow tractor-double trailer combinations and longer single trailers on all interstate highways and on certain Federal-aid primary highways designated by the Secretary of Transportation. We all assumed, I believe, that the entire Interstate Highway System possessed the necessary safety features—adequate shoulders, acceleration and deceleration lanes, ample radii on curves and the like—to make operation of the long trucks safe. This turns out not to be the case.

In some of our major metropolitan areas, New York, Boston, and Philadelphia, for example, highways that had been built long before the interstate design standards were promulgated, were incorporated into the interstate system. Some of these roads do not even possess the 12-foot lane width that is the minimum standard for interstate highways. The problem, in short, is that many of our urban interstate highways are just incapable of safely accommodating the larger vehicles.

The Surface Transportation Assistance Act of 1982 also mandated that the larger trucks be granted reasonable access to downtown terminals, food, fuel, repair, and rest stops. That, at first glance, seems appropriate. But many of the terminals and stops are located more than a mile from highway exits. In order to reach the stops, then, the larger vehicles will have access to local streets in some of our most densely populated urban areas. I need hardly elaborate on the potential problems the large trucks could cause in some of the most congested areas of New York and elsewhere.

The New York City Department of Transportation Commissioner, Anthony R. Ameruso, addressed the problem of the larger trucks on the New York City interstate highways during hearings before the Surface Transportation Subcommittee of the House Public Works and Transportation Committee on June 16, 1983. Commissioner Ameruso observed:

New York City's interstate system is unique in many respects and is distinguished from other urban areas in that it is made up of pre-interstate era roadways dating back to the 1930's. They were linked together for the purpose of route continuity and thus do not conform to modern highway standards. Connections between many of New York City's interstates can only be made by traversing city streets.

There are significant hazards associated with operating tandem trailers on an interstate system such as ours. In an extremely high density urban area such as New York City, the risks of truck operation are substantially greater and simple tasks such as lane changing become more difficult. Lane changes require longer gaps for tandem trailers. Sidesweeping accident risks are increased. Accident potential rises as density increases and unstable flow and capacity are reached. Characteristics of tandem trailers make them potential hazards on densely populated highways. They have a greater accident involvement when empty than loaded; a larger potential for encroachment on adjacent traffic lanes and almost twice the crash rate of straight trucks.

Commissioner Ameruso also noted in his testimony the following specific defects of the urban interstates:

Lane widths are inadequate, acceleration and deceleration lanes are too short or nonexistent, shoulders are substandard or missing altogether and climbing lanes have not been constructed. Slight distances are inadequate, overhead clearances are posted below 13 ft. 6 in. and grades are excessive. Because of these and other deficiencies, operation of tandem trailers on New York Interstates are inherently dangerous to the motoring public.

Mr. President, it is clear to me that the problems confronting the city of New York and other urban areas are not going to go away by themselves. The Congress must resolve the issue.

I understand that the Department of Transportation and the Federal Highway Administration assert that the States can mitigate the safety problems posed by the double and longer trailers through the exercise of State police power regulation. Federal officials have suggested, for example, that the States might issue and enforce regulations restricting the hours of operation, or limiting the use of certain lanes.

Permit me to inform the distinguished Members of this body, however, that counsel to the Environment and Public Works Committee questions whether such State regulations would be permissible, considering that Federal law, arguably, now has preempted State powers. And indeed, when the State of Florida attempted to enforce hour-of-operation regulations similar to those suggested by the FHWA and DOT, the U.S. Justice Department and the Transportation Department responded by filing an action in Federal court on September 26, 1983, to secure an injunction against the State regulations.

Mr. President, on April 13, 1983, I introduced S. 1048, a bill to establish Federal-State consultative procedures to resolve this problem. The legislation I offer today, developed with my good friend Congresswoman FERRARO, takes a somewhat different approach to the matter to help mitigate the safety problems posed by the larger vehicles. My new bill would permit the Governor of a State, after consulting with local governments, to seek an exemption for any segment of the interstate highways that could not safely accommodate the larger trailers. The Governor would transmit all evidence to the Secretary of Transportation, who then would determine within 45 days whether the larger trucks could safely travel on the interstate section. The Secretary then would exempt those unsafe sections from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act.

I would also like to point out that this legislation requires the Secretary to consult with local governments to determine whether an alternative, and safe, route can be found for the larger trucks, substantially limiting the potential for disrupting the flow of interstate commerce upon which this Nation's great economy relies.

Mr. President, this legislation represents an entirely reasonable response to the problems posed by longer trucks on certain interstate highways. The Secretary of Transportation will have the authority to approve, or disapprove, any request. In addition, the legislation addresses the legitimate concerns of interstate commerce. I note with approval that the measure has been endorsed by the U.S. conference of mayors, the National Council of State Legislators, the American Association of Highway & Transportation Officials, and the American Automobile Association.

Mr. President, over the past several months the distinguished chairmen of the Commerce Committee and the Environment and Public Works Committee have expressed their concern over this matter, and I am most appreciative of their continued interest. I look forward to working with the committees during the 2d session of the 98th Congress in order to solve this problem for the States.

I urge my colleagues to support this needed legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 441(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out the comma after "Secretary".

(b) Section 441(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment ex-

empted under subsection (i) of this section)" after "Defense Highway".

(b) Section 441 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, believes that such segment is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such belief and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit all evidence supporting such determination with such notification.

"(2) If the Secretary determines that any segment of the Interstate System for which a Governor requests an exemption under this subsection is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than forty-five days after receipt of notification under paragraph (1) with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining whether an alternative route exists which (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) which serves the area through which such segment of the Interstate System passes.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i))" after "Interstate and Defense Highway System".●

By Mr. DODD (for himself, Mr. PELL, Mr. PROXMIRE, Mr. KENNEDY, Mr. EAGLETON, Mr. TSONGAS, Mr. GLENN, Mr. MITCHELL, Mr. EXON, Mr. BINGAMAN, Mr. CRANSTON, Mr. LAUTENBERG, Mr. BURDICK, Mr. HATFIELD, Mr. SASSER, Mr. RIEGLE, Mr. ZORINSKY, Mr. BIDEN, Mr. LEVIN, Mr. BUMPERS, Mr. LEAHY, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. CHILES, Mr. HART, Mr. METZENBAUM, Mr. SARBANES, Mr. DIXON, Mr. FORD, Mr. MELCHER, Mr. DECONCINI, and Mr. WEICKER):

S. 2218. A bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first; to the Committee on Foreign Relations.

CERTIFICATION REQUIREMENTS FOR EL SALVADOR

Mr. DODD. Mr. President, I am introducing a bill to reauthorize the legislation which places essential conditions on military aid to El Salvador. Its purpose is to extend the certification process for the remainder of the fiscal year or until other legislation addressing this issue is passed in the coming months.

As my colleagues are well aware, Mr. President, this legislation is less than popular with the Chief Executive and his coterie at the White House. To prove it, President Reagan on November 30 exercised a "pocket veto" to prevent the reauthorization of the legislation which I am reintroducing today. Keep in mind that the President took this action despite the fact that both the Senate and the House of Representatives had, just days earlier, approved extending the certification legislation and had done so without a single dissenting vote. Also keep in mind that the President's opposition to the certification legislation stands in stark contrast not only to the expressed will of the Congress, but in addition to the specific endorsement of such legislation by his own handpicked Commission on Central American Issues. The so-called Kissinger Commission stated its recommendation in these unequivocal terms:

With respect to El Salvador, military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. These conditions should be seriously enforced.

Mr. President, there are a number of reasons why reauthorization of the certification measure is essential. First, it assures congressional involvement in a highly controversial foreign policy issue and provides for regular oversight and review of that policy. Second, it offers a mechanism and a framework for keeping the American public informed and up to date on a matter of growing national concern. And, third, it exerts continuous pressure on the Salvadoran Government to meet minimal human rights standards, to pursue basic economic and political reforms, and to continue to investigate and/or prosecute those responsible for the murders of the American citizens in El Salvador.

At a time when the situation in El Salvador is deteriorating and when the administration is planning to seek millions more in military aid, it is absolutely essential that the certification legislation be reauthorized as soon as possible. In the closing weeks and days of the last session, Congress sought to do just that. It must not allow its will to be thwarted by the questionable use of a pocket veto.

Mr. President, I ask unanimous consent that the text of the legislation I am offering today, along with section 728 of the International Security and Development Cooperation Act of 1981, be inserted at this point in the RECORD.

I might also mention that my former colleague in the House, the distinguished Representative from Maryland, Mr. BARNES, the chairman of the House Subcommittee on Western Hemisphere Affairs, is today reintroducing identical legislation in the other body to deal with this matter. Both pieces of legislation are without any difference whatsoever.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements of section 728 of the International Security and Development Cooperation Act of 1981 (including the last sentence of subsection (e) of that section) shall continue to apply after the end of the fiscal year 1983 until such time as the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until September 30, 1984, whichever occurs first.

SECTION 728 OF THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

RESTRICTIONS ON MILITARY ASSISTANCE AND SALES TO EL SALVADOR

SEC. 728. (a)(1) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in El Salvador has caused great human suffering and disruption to the economy of that country, and that substantial assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. Moreover, the Congress recognizes that the efforts of the Government of El Salvador to achieve these goals are affected by the activities of forces beyond its control.

(2) Taking note of the substantial progress made by the Government of El Salvador in land and banking reforms, the Congress declares it should be the policy of the United States to encourage and support the Government of El Salvador in the implementation of these reforms.

(3) The United States also welcomes the continuing efforts of President Duarte and his supporters in the Government of El Salvador to establish greater control over the activities of members of the armed forces and government security forces. The Congress finds that it is in the interest of the United States to cooperate with the Duarte government in putting an end to violence in El Salvador by extremist elements among both the insurgents and the security forces, and in establishing a unified command and control of all government forces.

(4) The United States supports the holding of free, fair, and open elections in El Salvador at the earliest date. The Congress notes the progress being made by the Duarte government in this area, as evidenced by the appointment of an electoral commission.

(b) In fiscal years 1982 and 1983, funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if not later than thirty days after the date of enactment of this Act and every one hundred and eighty days thereafter, the President makes a certification in accordance with subsection (d).

(c) If the President does not make such a certification at any of the specified times then the President shall immediately—

(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

(2) withhold all approvals for use of credits and guarantees, for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 and during fiscal year 1983 until such time as the President makes a certification in accordance with subsection (d).

(d) The certification required by subsection (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador—

(1) is making a concerted and significant effort to comply with internationally recognized human rights;

(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(A) a renouncement of further military or paramilitary activity; and

(B) the electoral process with internationally recognized observers.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(e)[21] On making the first certification under subsection (b) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders. The second certification required under this section may be made only if it includes a determination by the President that the Government of El Salvador (1) has made good faith efforts since the first such certification was made to investigate the murders of those six United States citizens and to bring to justice those responsible for those murders, and (2) has taken all reasonable steps to investigate the disappearance of journalist John Sullivan in El Salvador in January 1981.[22]

Mr. PELL. Mr. President, as the first cosponsor of this resolution introduced by Senator DODD, I rise once again to emphasize the importance of having a certification process for El Salvador. The President's pocket veto on November 30, 1983, which thwarted the will of both Houses of Congress as well as the American public, if allowed to prevail, could permanently set back the cause of peace and justice in El Salvador. This cause can be set back on its rightful track by the passage of this measure.

This measure does not throw any new element into the national debate on El Salvador. It merely reauthorizes the legislation that has been the law of the land for the past 2 years. It reaffirms the principles which have been supported by the Congress and the American people concerned about U.S. policy toward El Salvador. It reasserts that the Congress has a major role to play in the formulation of policy toward El Salvador. It reconfirms the American public's concern that military assistance to El Salvador be linked to human rights progress, to political and economic improvements such as land reform, and to the investigation and prosecution of those guilty of the murders of the American churchwomen and the other American citizens in El Salvador. It restates a process which administration officials themselves acknowledged to be helpful in dealing with the Government of El Salvador on human rights issues.

The certification process itself certainly has its flaws, as I have pointed out many times in the various hearings in the Foreign Relations Committee. At the same time, however, certification has become an important instrument in U.S. policy. It has been a means to pressure the Government of El Salvador and the administration to improve a tragic human rights situation. It has resulted in actions by the Salvadoran Government to confront the violations of human rights, to implement the land reform system, and to move in a concrete way toward the prosecution of those guilty of the murder of the American citizens.

These are only small beginnings when considering the magnitude of the problems in El Salvador but they would not have taken place without this leverage exercised by the Congress. I certainly do not want to discount the fine work done by Ambassador Hinton nor do I want to fail to acknowledge the exemplary job being done by Ambassador Pickering. Our new Ambassador's courageous stance on the death squads and his admonitions for substantial improvement in the human rights area are very encouraging. I fear, however, that without the linkage of military assistance to improvement of the situation in El Salvador, the administration's urgings will fall on deaf ears. I fear that the ending of certification has already sent signals to the Salvador right that the United States has dropped the reins and no longer considers human rights and reform as the tenets of U.S. policy. The signal must be made extremely clear again. The United States must insist that human rights abuses be seriously addressed, that death squad activity end, that political, economic, and judicial reform proceed, and that those charged with the murders of the American citizens be prosecuted. U.S. policy in El Salvador needs the help and support provided by the Congress and that help is embodied in the certification process which is being reintroduced today.

I urge all my colleagues to get behind this measure in a bipartisan fashion because as we see by the Kissinger Commission recommendation, and by the previous votes in the Congress, certification is truly a bipartisan instrument. It is in the cause of a just and coherent policy toward El Salvador that the certification be once again established as the law of the land.

By Mr. BOREN:

S. 2219. A bill to amend the Internal Revenue Code of 1954 to remove requirement for filing returns regarding payments of remuneration for services, and for other purposes; to the Committee on Finance.

REMOVING REQUIREMENT FOR FILING RETURNS REGARDING REMUNERATION FOR SERVICES

● Mr. BOREN. Mr. President, today, I am introducing legislation which

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[21] By memorandum of Aug. 10, 1982, the President delegated the functions conferred upon him under subsec. (e) to the Secretary of State (47 F.R. 38099, Aug. 30, 1982).

[22] This sentence was added by Public Law 97-233 (96 Stat. 260).

would repeal new tax reporting requirements which are placing a heavy and costly new paperwork burden on small businesses.

The new reporting requirements, which became effective on January 1, 1984, will force small businesses to begin filing informational returns reporting payments received for services rendered by independent contractors. This means that if any person engaged in a trade or business pays any person that is an independent contractor for services performed in the course of that business, the payor must file an information return with the IRS, if it is $600 or more for the year. The return must contain the amounts of the payments and the name and address of the person receiving them. In addition, the payor must give the payee, by January 31 of the year after the year the return was made, a statement setting forth the name, address, identification number of the service recipient, and the amount of payments. This requirement was added by the TEFRA.

The penalty for failure to provide such papers is the same as for other failures to provide information returns which was increased under the Tax Equity and Fiscal Responsibility Act (TEFRA) to $50 per failure to report—up from $10—up to a maximum of $50,000. If the failure is due to intentional disregard of the rules, the penalty will not be less than 10 percent of the amount not properly reported and there is no $50,000 limitation.

In addition to the penalty, the payor business may be required to withhold 20 percent of these reportable payments if the person performing the service as an independent contractor fails to provide the payor with his taxpayer identification number. This was enacted as part of the backup withholding provisions which replaced interest and dividend withholding. I doubt many of us realized that backup withholding was drafted by staff to cover any income other than from interests and dividends.

This additional paperwork burden was brought home to me by a newspaper in my own hometown. This small newspaper which accepts advertisements will be required to submit the newspaper's taxpayer identification number in a timely manner to every company purchasing an ad. Otherwise, the newspaper would face having part of every payment for an ad being withheld. Advertisers must take the identification number, send it to the IRS and report all payments above $600 made to the paper.

This needlessly increases the paperwork burden on small businesses. I urge my colleagues to join in taking swift action to repeal the requirement.●

By Mr. METZENBAUM:

S. 2220. A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration; to the Committee on Veterans' Affairs.

S. 2221. A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes; to the Committee on Labor and Human Resources.

S. 2222. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Finance.

LEGISLATION DEALING WITH ALZHEIMER'S DISEASE

● Mr. METZENBAUM. Mr. President, Alzheimer's disease or senile dementia of the Alzheimer type is one of the most pervasive and devastating health problems facing the American public today. It is estimated that somewhere between 5 and 10 percent of the over-65 population of 25 million suffers from Alzheimer's disease and related disorders. Alzheimer's currently afflicts between 1.5 and 3 million adults in this country and cause over 120,000 deaths per year. With the elderly population expected to double by early next century, the disease will shortly reach epidemic proportions. In 1979, the annual cost of nursing home care for persons with Alzheimer's was $6 billion—one-half of the cost of all nursing home care in that year. It is estimated that these costs will rise to $30 billion by the 1990's.

Alzheimer's is a degenerative, neurological disorder which, in its early stages, results in a progressive loss of memory and other intellectual functions. Eventually the disease leaves its victims physically disabled and totally incapable of caring for themselves. Although not always acknowledged on death certificates, Alzheimer's disease is the fouth leading cause of death in the country.

There in no cure for Alzheimer's disease at the present time. There is not even any treatment except for sedation. The disease exacts a costly toll on our society, both in its devastating psychological impact on the victims and their families and in the overwhelmingly burdensome cost of care.

Congressional testimony has indicated that around-the-clock care for an Alzheimer's victim can cost a family over $30,000. Few families have such resources. Typically, they care for the Alzheimer's patient themselves with little or no professional help.

In the final stages of the illness, the victim is completely dependent and families often confront yet another hurdle when nursing homes and veterans hospitals refuse to accept the Alzheimer's patient.

During the last session of Congress, I introduced an amendment to the Labor, Health and Human Services Appropriations bill which allocated $3.5 million to establish up to five specialized research centers on Alzheimer's disease. Increased funding for research is critical to our effort to finally master this devastating disease.

In the meantime, however, families are undertaking terrific financial and emotional burdens in caring for a relative stricken by Alzheimer's disease.

The legislative package which I am introducing today is an attempt to alleviate some of this hardship. These bills have already been introduced on the House side by Congresswoman SNOWE who has a longstanding commitment to this issue.

As I have already indicated, the financial demands of caring for an Alzheimer's victim can be enormous. The first bill in this legislative package provides for a tax deduction from the gross income for individual taxpayers who maintain a household that includes a dependent with Alzheimer's disease. The bill allows deductions of expenses, other than medical, which are related to the home care of an Alzheimer victim, including home health services, custodial, and respite care.

The second bill aims to facilitate the treatment of Alzheimer's victims who are also veterans by initiating a consistent, nationwide policy on treatment within the Veterans' Administration. The bill would require the Administration to undertake comprehensive screening, counseling, treatment, and information programs on Alzheimer's disease and related disorders. The bill would also lower the age of eligibility of any veteran suffering from Alzheimer's disease to 50 and designate a fourth eligibility priority category calling for hospital and or nursing home care for Alzheimer victims.

The third bill in the package would amend title IV of the Older Americans Act to authorize the Commissioner of the Administration on Aging to give priority for student grants to those who will specialize in custodial or skilled care of Alzheimer's patients. Although 50 percent of the individuals admitted to nursing homes suffer from Alzheimer's, many facilities are unable to admit Alzheimer victims due to a chronic shortage of individuals trained to provide custodial and skilled care. This bill would encourage the training of such individuals who could then be employed in nursing homes, veterans hospitals, and community home health programs. This bill would also authorize State area agencies on aging and service providers to address the needs of Alzheimer's patients through training and special demonstration

projects. To implement the provisions of this bill an additional $5 million is authorized for fiscal year 1985.

I urge my colleagues' support for this legislative package, which, along with increased research funding to determine the cause and cure of Alzheimer's, offers us a chance to strike a significant blow against the pain and hardship caused by this devastating disease.●

By Mr. PELL (for himself and Mr. INOUYE):

S. 2223. A bill to provide for an independent evaluation of the impact of metric conversion on the United States; to the Committee on Commerce, Science, and Transportation.

METRIC EVALUATION ACT OF 1984

Mr. PELL. Mr. President, I am pleased today to join with my good friend and colleague, Senator INOUYE, in introducing legislation that we believe will help pave the way for removing a longstanding and major obstacle to the improvement of U.S. trade opportunities. This legislation, the Metric Evaluation Act of 1984, will direct the Science and Technology Adviser to the President to undertake a comprehensive, one-time study of the current status of metric use in the United States. The study will analyze the extent and impact of conversion to the metric standard in the United States, including such important factors as the costs of conversion, export, and import implications, and—perhaps most significantly—the trade opportunities that have been lost as a result of our failure to join the rest of the world in adopting metrics.

In that regard, I was struck recently by some statistics contained in a publication of the American National Metric Council entitled, "What Do Brunei, Burma, and the United States Have In Common." The answer, of course, is that these are the only three nations in the world not committed to using metric measurements. The ANMC, a private sector organization, highlighted several industries where significant business opportunities are lost by not using metric measurements. Our machine tool industry, formerly the world's leader, has slipped badly in international competition and major European buyers no longer invite U.S. firms to bid for tooling contracts because our firms produce tools manufactured to inch standards. All members of the European Economic Community, our principal trading partners in most areas, are fully committed to the metric standard. U.S. lumber producers have lost sales to Canadian firms because we produce our wood in inches rather than millimeters; ANMC estimates that this could be costing the U.S. forestry industry as much as $2 billion annually. The ANMC study also found that 16 percent of the Fortune 1,000 industrial firms acknowledged a loss in sales because their products are not supplied in metric measurements. Conversely, the ANMC publication highlighted several companies, including IBM, General Motors, Caterpillar Tractor, and Du Pont, that have documented major cost savings associated with metric transition. Many of these firms found that the move to metric provided the opportunity to reassess present business practices, resulting in cost savings through reductions in required parts, number of sizes, and inventory.

In a world where 95 percent of the population uses or is committed to using the metric system, Americans must learn—and are learning—to trade, travel, communicate, and compete in metric terms. Almost without realizing it, Americans are using metric measurements every day. Metric measurements on cigarettes, soda cans and bottles, food packages, gasoline pumps, auto and truck tires, cameras, film, and hundreds of other items are an accepted part of our everyday lives. The metric system is being taught in most of our schools. And yet despite the slow evolution toward conversion that is taking place, we have surprisingly little hard data on the economic implications of conversion. If it were conclusively demonstrated, for instance, that major U.S. industries are losing billions of dollars annually in lost trade opportunities, I believe this finding would lead to much stronger Government leadership and commitment to conversion. The study our legislation authorizes directs the Science and Technology Adviser to the President to appoint a seven-member panel to define the scope of the evaluation study and select an impartial private firm to conduct it; panel members will include an equal number of representatives from the public sector and the private sector. At the end of a 2-year period a report on the study would be submitted by the President to the Congress. Our bill authorizes a total of $700,000 for this one-time study.

Mr. President, I strongly believe that any enlightened industrial program for the United States must include a clearer national policy on metric conversion. As firms rebuild, modernize and adopt new technologies, the development of a full metric capability enables all current markets to remain available as well as creating new trading opportunities. A full assessment of the extent and impact of conversion—and of the economic implications of our present failure to convert in a number of areas—can be an essential part of a national policy on reindustrialization, and I hope that my colleagues will join Senator INOUYE and me in supporting this study. Our legislation is identical to a bill, H.R. 4490, introduced last November by Congressman GEORGE BROWN JR., of California. That bill is currently pending before the House Subcommittee on Science, Research, and Technology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metric Evaluation Act of 1984."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the use of the metric system of measurement was recommended by Thomas Jefferson and John Quincy Adams at the time of the founding of the United States;

(2) in 1866 the Congress of the United States stated it was lawful to employ the metric system in the United States;

(3) the 1971 Report on the United States Metric Study conducted by the Department of Commerce at the request of the United States Congress recommended a ten-year phase in by which time the United States should be predominently, though not exclusively, metric;

(4) in 1975 the Congress of the United States passed and the President signed Public Law 64-168 (the Metric Conversion Act of 1975) which declared that "the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States, and to establish a United States Metric Board to coordinate to the metric system";

(5) in 1978 a Report by the United States General Accounting Office raised doubts with regard to the economic need for and the feasibility of converting to the SI metric system;

(6) the majority of the trading partners of the United States, including the members of the European Economic Community, Japan, Canada, and Mexico either currently use or are committed to the SI metric standard of measurement; and

(7) there is a need to objectively evaluate the data bearing on conversion to the SI metric standard of measurement in the United States.

(b) It is the purpose of the Act to authorize an independent study of all factors relating to the conversion to the SI metric standard of measurement in the United States.

AUTHORIZATION STUDY

SEC. 3. (a) The President shall appoint a panel of not to exceed seven persons to establish criteria for eligible bidders to perform the study authorized by this Act and to act in an advisory capacity to the selected study contractor. Among persons appointed to the panel the President shall include an equal number of representatives from the public sector and the private sector. Such a panel shall report to the Science and Technology Adviser to the President.

(b) Members of such panel, other than full-time employees of the Federal Government, while attending meetings of such panel shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title V, United States Code, for individuals in the Government serving without pay.

(c) Not later than 90 days after the date of enactment of this Act, the President,

through the Science and Technology Adviser to the President, shall promulgate the protocols and criteria for eligible bidders to conduct the study described in section 4.

(d) Not later than 120 days after the date of enactment of this act, the President, through the Science and Technology Adviser of the President, shall enter into a contract with a qualified nongovernmental entity to conduct the study described in section 4.

STUDY AND REPORT

SEC. 4. (a) The study authorized by this Act shall include—

(1) an analysis of the extent and impact, present and prospective, of conversion to the SI metric system in the industry, including the minerals industry (ferrous and nonferrous), the nonmetallic materials industry (concrete, plaster board, and other similar items), the forest product industry, the petrochemical industry, and the agricultural industry (cotton, wool, and other similar items);

(2) an analysis of the extent and impact, present and prospective, of conversion to the SI metric system in the machinery industry including motors, complex machine tools, instruments, and other similar items;

(3) a cost/benefit analysis, to include the cost of not converting to the predominant use, of the SI metric system;

(4) an analysis of potential export opportunities if United States suppliers use the SI metric system of measurement;

(5) an analysis of the benefits and problems which the conversion to the SI metric system of measurement in the materials and machinery sectors would have upon small business; and

(6) any other topics which may be pertinent to such study as may be determined by the panel.

(b) In conducting such study the contractor shall conduct in depth discussions with corporate executives and labor movement officials in both large and small enterprises, and other appropriate individuals to obtain a clear picture of the attitudes toward and effects of metrication.

(c) Not later than two years after the date of enactment of this Act the President shall submit a report to the Congress on the results and conclusions of the study conducted pursuant to this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated $700,000 to carry out the purpose of this Act, such sums to remain available until expended.

By Mr. MITCHELL:

S. 2224. A bill to repeal section 140 of Public Law 97-92, 95 Stat. 1200, and for other purposes; to the Committee on the Judiciary.

REPEAL OF COMPARABILITY PAY PROVISIONS FOR JUDGES

Mr. MITCHELL. Mr. President, I am introducing today legislation to remedy a serious problem which arose during the recess following the first session. As of January 1, the salary of every officer and employee of the U.S. Government was to have been increased 3.5 percent in accordance with President Reagan's recommendation of August 31, 1983 (Presidential Message No. 74, H.R. Doc. No. 98-97), and the "comparability adjustment provisions" of title 5, United States Code.

One distinct class of Government officers, however, has been denied that 3.5-percent adjustment. Judges of the Federal courts, including the Justices of the Supreme Court who have agreed to serve for the duration of their lifetimes, have been excluded from the benefits of the salary adjustment. That inequitable consequence is directly attributable to a series of Comptroller General interpretations of an amendment added to a continuing resolution passed in December 1981, Public Law 97-92.

I have examined the history of efforts by the Administrative Office of the U.S. Courts and the Comptroller General's Office to avoid potential problems inherent in section 140 of Public Law 97-92. I am convinced that the dangers in section 140 were not fully comprehended in 1981. I am also confident that the Senate will not permit the existing situation to stand without correction.

In 1975, Congress included within annual payroll comparability adjustment machinery embodied in title 5, United States Code, through Public Law 94-82, the Executive Salary Cost of Living Adjustment Act, a group of Government officers not previously covered by that law: the highest ranking officers of the executive branch, Members of the House of Representatives, Senators, Justices of the Supreme Court, and judges of the courts of appeals and the district courts of the United States. That action was taken to remove adjustments in salaries for Members of Congress from the political arena.

I think we can all agree that application of the 1975 purpose to Members of Congress really has not worked at all. Year after year, we have struggled with the question of exempting ourselves from participation in the annual adjustment arrangement. In our efforts to fashion exemptions for ourselves, we have often rendered complex a question which need never have been complicated and we have dragged our Federal jurists along with us.

Our actions eventually spawned Supreme Court consideration of claims by individual Federal judges who believed themselves legally entitled to salary adjustments denied them by our efforts to exempt ourselves. In its opinion in *U.S.* v. *Will*, 449 U.S. 200 (1980), the Court awarded judges two of four contested adjustments. The Court's decision turned on its finding that, when Congress had acted in full compliance with statutory provisions, its actions were valid. But in two instances, Congress' failure to meet its own statutory deadline for action rendered invalid application of its actions to judges because they were taken after that statutory deadline and because Article III of the Constitution expressly prohibits any reduction in Federal judicial salaries.

In response to the Supreme Court's decision in U.S. against Will, many individuals, who misread the Court's opinion, said that judges had conferred upon themselves a "backdoor salary increase." That characterization is inaccurate. In my opinion, that misunderstanding may have resulted in approval of section 140 of Public Law 97-92, which has now been held to preclude the most recent salary adjustment for judges and Justices when all other officers and employees have been accorded it.

As the Comptroller General has interpreted section 140, Public Law 97-92, judges, and judges only, are singled out. Judges, and judges only, are precluded from the operation of statutory provisions applicable to all others employed by the Federal Government. Judges, and judges only, have to overcome the hurdle of affirmative congressional action that no other Federal employee need face. That prejudicial treatment is precisely what article III was intended by our Founding Fathers to prevent.

We have now arrived at a point where those Federal judges, who have agreed to serve for their lifetimes, have been singled out as a disadvantaged class in terms of application of the law. Yet our Constitution clearly contemplates the insulation of judges from that type of coercive discriminatory treatment. When salaries payable to our Federal judges become the stuff of political manipulation, we threaten the independence of the Federal judiciary which we support in rhetoric.

Before assuming my current office, I was a Federal judge. Perhaps because I have served as a Federal judge, I heard, directly or indirectly, from or about many judges all over this country. What I began to see ever more clearly on the part of the Federal judiciary is an increasingly concentrated apprehensiveness over action or inaction on the part of Congress vitally affecting their security and their ability to plan for their families. So intense is this focus of apprehensiveness becoming that we, perhaps unintentionally, are well along toward achieving precisely what the Constitution seeks to avoid: A judiciary in fear of a retributive Congress.

If we fail to correct this situation quickly, we may see the judiciary lose the services of those individuals who serve it best: Those who will not permit their performance in office or their personal integrity to be compromised or questioned.

I believe it is by inadvertance that we have made available a routine cost-of-living adjustment to every employee and top official in the legislative branch, to every employee and top official in the executive branch and to every employee in the judicial branch, except Federal judges. Decency and

commonsense require immediate remedial legislative action to confer upon judges the same adjustment all others are already receiving. Commonsense also requires corrective action to insure that this situation does not arise again.

The bill I introduce today achieves those two commonsense objectives. It expressly repeals section 140, Public Law 97-92, which is the immediate source of the dilemma, and it expressly authorizes a 3.5-percent salary adjustment retroactively effective to the date upon which most Federal employees became entitled to the same adjustment, January 1, 1984.

I urge Senators to support this commonsense remedy to this immediate problem.

By Mr. THURMOND:

S. 2225. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands in Pickens, Anderson, and Oconee Counties, S.C., and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands; to the Committee on Agriculture, Nutrition, and Forestry.

RELEASE OF UNITED STATES INTEREST IN CERTAIN LAND

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would release the reversion interest presently held by the U.S. Government in approximately 770 acres owned by Clemson University in South Carolina. These lands are part of a larger area granted to Clemson Agricultural College in 1954 under authority of the Bankhead-Jones Farm Tenant Act of 1937.

Mr. President, upon release of the Government interest to Clemson University, it is the intention of the university to then transfer title to the South Carolina Research Authority. The research authority, an entity recently established by the South Carolina Legislature, will use this acreage to develop an industrial research park designed to benefit the university and to enhance the economic well-being of that region.

This is a vital part of an overall, statewide scheme originated by business, industrial, and educational leaders in South Carolina. Two other sites in the State have been targeted for development of similar research parks. These research sites will improve the working relationship between the private industrial sector and institutions of higher learning in South Carolina. Together, they will initiate efforts to study and resolve major economic development problems facing the Southeast.

Mr. President, I view this as a worthwhile project. This legislation will simply release the reversionary right of the Federal Government with respect to the land in question and allow Clemson University to go forward with this program. I hope that the Senate Agriculture Committee will expeditiously review this bill and report it to the full Senate for consideration in the near future.

By Mr. D'AMATO (for himself, Mr. HOLLINGS, and Mr. NICKLES):

S.J. Res. 213. Joint resolution designating 1984 "The Year of the Secretary"; to the Committee on the Judiciary.

THE YEAR OF THE SECRETARY

● Mr. D'AMATO. Mr. President, may we take the time today to consider what shape our Nation would be in without the continued availability of skilled secretaries? There are currently over 3.6 million secretaries in the United States, constituting the largest segment of the white-collar work force. The Bureau of Labor Statistics has projected that the secretarial profession will be the career field with the most job openings in the 1980's. Without these hard-working, dedicated people, U.S. commerce and industry, as we know it, would come to a complete standstill.

I know that I could not effectively fulfill my duties as a U.S. Senator without the assistance of my dynamic secretarial staff. These people are vital to the proper functioning of my office. I am certain that most members of Congress share this view.

Put simply, this Nation would not progress without these technically trained and talented people. Good secretaries are in constant demand to help run our industries, our hospitals, our schools, and our Government.

To be a good secretary means to be well versed in new technology. Secretaries have mastered the computer, making them the most vital member of any organization. In addition, they constitute the focal point of information and productivity. From transcribing physicians' orders in a busy city hospital to preparing a lawyer's brief for an important case to typing a speech for a head of state, a secretary is one of the most valuable members of any office.

Mr. President, because secretaries are such vital contributors to the productivity of this Nation and the functioning of our economy, I am today introducing a joint resolution to designate 1984 as the "Year of the Secretary." I believe this resolution, once adopted, will be a fitting tribute to these vital members of the American work force. Thank you, Mr. President.●

Mr. BYRD submitted the following statement for Mr. HOLLINGS:

● Mr. HOLLINGS. Mr. President, today I join with my distinquished colleague from New York in introducing a joint resolution proclaiming 1984 as the "Year of the Secretary". No one doubts the vital role secretaries fulfill in the day to day operation of offices all over this Nation. As my colleague points out, and I readily agree, the professional assistance provided me by my secretarial staff not only enables my office to function efficiently, it allows me to fullfill my responsibilities as a U.S. Senator.

Since 1952, we have recognized the last week in April as "Secretaries Week" but in this day and time of office automation and rapid productivity increases, the dedicated professionals that cause the modern office to function deserve more. Secretaries have adapted rapidly to changes in business procedures and office automation. Their ease and enthusiasm in mastering new technologies has aided employers in increasing productivity. Computer literacy has become an ability where secretaries are excelling and assisting managers and executives to become more productive and compete more aggressively. These professionals deserve respect for the important job they perform, and compensation for their knowledge, effort, and contribution to the successes enjoyed by their employers and our Nation.

Mr. President, the joint resolution we introduce today pays fitting tribute to the dedicated effort and outstanding contribution these men and women bring to any office. I feel it is particularly appropriate in this day of rapid change that we call attention to the ever-expanding role of the secretary. Mr. President, I encourage my colleagues to join Senator D'AMATO and me in recognizing the secretary, upon whose skills, loyalty, and efficiency the functions of business and government offices depend.●

By Mr. D'AMATO (for himself and Mr. LAXALT):

S.J. Res. 214. Joint resolution to designate April 22, 1984, as "Queen Isabella I Day"; to the Committee on the Judiciary.

QUEEN ISABELLA I DAY

● Mr. D'AMATO. Mr. President, the time has come to pay our respects to an often overlooked participant in the history of America, a woman who helped open a new chapter in world history. I am referring, of course, to Queen Isabella I of Spain, a rare and gifted leader who gave Christopher Columbus the necessary support for his historic voyage of 1492.

Americans know her as the queen who financed that famous odyssey to the New World. She even offered to sell her jewels if sufficient funds could not be raised elsewhere. But, there is more to Queen Isabella than merely her role in the discovery of America.

Isabella was a circumspect and refined Castilian lady of the 15th century who proved herself one of Europe's

most capable rulers. Sister of King Henry IV, she was acquainted with the court life from early youth. Together, with her husband Ferdinand, she managed to succeed in the difficult task of uniting the Iberian Peninsula.

It was only after several other monarchs had refused him audience that Columbus approached Isabella with his scheme of sailing west to reach the East. Isabella was willing to listen to him and to lend him support. Her interest in America did not end with its discovery. When she died in 1504, her words from her deathbed were "take care of our America." In her last will and testament, she anticipated many later reformers by her appeal for just treatment of the American Indians.

Queen Isabella I merits recognition alongside of Columbus for her role in American history. For these reasons, Mr. President, I am introducing a resolution today which would set April 22, 1984, as a day honoring Queen Isabella I, on the 533d anniversary of her birth. In this way, we can partially pay her back for her daring initiative of 1492.●

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 625

At the request of Mr. PELL, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 625, a bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes.

S. 888

At the request of Mr. DURENBERGER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 888, a bill entitled "The Economic Equity Act".

S. 1063

At the request of Mr. DECONCINI, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1063, a bill to exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes.

S. 1201

At the request of Mr. MATHIAS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1407

At the request of Mr. EXON, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1407, a bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the names of the Senator from Rhode Island (Mr. PELL), and the Senator from Virginia (Mr. TRIBLE) were added as cosponsors of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1531

At the request of Mr. RIEGLE, the names of the Senator from Florida (Mrs. HAWKINS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 1593

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit.

S. 1676

At the request of Mr. DURENBERGER, the name of the Senator from Wyoming (Mr. SIMPSON), was added as a cosponsor of S. 1676, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania (Mr. HEINZ), was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

S. 1757

At the request of Mr. LUGAR, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1757, a bill to provide for the establishment of U.S. diplomatic relations with the Vatican.

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. HELMS) was withdrawn as a cosponsor of S. 1757, supra.

S. 1826

At the request of Mr. DANFORTH, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1826, a bill entitled the "Hunger Releif Incentives Tax Act of 1983".

S. 1930

At the request of Mr. DURENBERGER, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1930, a bill to amend title 5, United States Code, to provide for equitable support of former spouses, spouses, and children of Federal employees.

S. 1939

At the request of Mr. WALLOP, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1948

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1948, a bill to establish a national minimum drinking age of 21.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nebraska (Mr. EXON), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. QUAYLE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2065

At the request of Mr. EXON, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 2065, a bill to provide equitable adjustments in the natural gas market and consumer relief.

S. 2102

At the request of Mr. ROTH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2117

At the request of Mrs. HAWKINS, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 2117, a bill entitled the "National

Childhood Vaccine-Injury Compensation Act".

S. 2119

At the request of Mr. SASSER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2119, a bill to provide for cash incentive awards for citizens whose disclosure of fraud, waste, or mismanagement in the Government results in substantial cost savings to the Government.

S. 2131

At the request of Mr. DECONCINI, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2131, a bill to provide for the temporary suspension of deportation for certain aliens who are nationals of El Salvador, and to provide for Presidential and congressional review of conditions in El Salvador and other countries.

S. 2165

At the request of Mr. DANFORTH, the names of the Senator from Oregon (Mr. PACKWOOD), the Senator from California (Mr. WILSON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2196

At the request of Mr. MOYNIHAN, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2196, a bill to establish a National Commission on Deficit Reduction.

S. 2206

At the request of Mr. KASTEN, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 2206, a bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984; to require a recorded vote on each legislative measure providing for an increase in such rates of pay, and for other purposes.

S. 2211

At the request of Mr. NICKLES, the names of the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Dakota (Mr. PRESSLER), the Senator from Utah (Mr. GARN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Alabama (Mr. HEFLIN), were added as cosponsors of S. 2211, a bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes.

SENATE JOINT RESOLUTION 87

At the request of Mr. TSONGAS, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Joint Resolution 87, a joint resolution designating a day of remembrance for victims of genocide.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week".

SENATE JOINT RESOLUTION 182

At the request of Mr. SASSER, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 182, a joint resolution designating the week beginning February 12, 1984, as a time to recognize those volunteers who give of their time to become Big Brothers and Big Sisters to single parent youth.

SENATE JOINT RESOLUTION 209

At the request of Mr. BOREN, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Joint Resolution 209, a joint resolution to establish a Joint Select Committee on Congressional Operations.

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a consponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education".

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. DURENBERGER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution expressing the sense of the Congress regarding the need for a uniform symbol of identification, specifically the International Symbol of Access, to be used either on special license plates or on dashboard placards of vehicles carrying handicapped persons desiring the use of special parking privileges, and that all States be encouraged to honor this uniform symbol and grant reciprocity between the several States to those persons displaying this symbol and properly using the parking spaces reserved for handicapped persons.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. DURENBERGER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues.

SENATE RESOLUTION 100

At the request of Mr. WALLOP, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Resolution 100, a resolution relating to the building of weapons for deployment in space.

SENATE RESOLUTION 285

At the request of Mrs. HAWKINS, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that medicare reimbursement for hospital care be at reasonable levels.

SENATE RESOLUTION 287

At the request of Mr. HUDDLESTON, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Resolution 287, a resolution establishing a task force on agricultural credit.

SENATE RESOLUTION 292

At the request of Mr. PRYOR, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Pennsylvania (Mr. SPECTER) were added as a cosponsors of Senate Resolution 292, a resolution expressing the appreciation of the Senate to certain organizations for their efforts in carrying out an emergency food distribution and shelter program provided for in Public Law 98-8.

SENATE RESOLUTION 308

At the request of Mr. STEVENS, the names of the Senator from Kansas (Mr. DOLE), the Senator from Idaho (Mr. MCCLURE), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 308, a resolution expressing the sense of the Senate that the Federal Communications Commission should take further steps to safeguard universal telephone service in the wake of the American Telephone & Telegraph Co. divestiture.

SENATE RESOLUTION 310—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 310

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable basis the services of pesonnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,670,827 of which amount (1) not to exceed $36,000 may be expended for procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 311—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 311

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,757,275, of which amount (1) not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 312—HONORING COMMANDER ALPHONSE DESJARDINS

Mr. HUMPHREY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 312

Whereas Commander Alphonse Desjardins observed a lack of adequate banking facilities for most working Americans and undertook an active role in encouraging interested groups to develop a useful community-based alternative;

Whereas the objectives of credit unions are to encourage economy and financial responsibility among members, to promote Christian and humane values, to combats usury, to provide capital for local individual enterprise, and to help borrowers achieve economic independence through self-help;

Whereas the credit union movement in the United States began on a note of high idealism: its purpose service, its motivation religion, and its essence the practicality of the association of individuals; and

Whereas Commander Desjardins responded to the request of Monsignor Pierre Hevey, priest of Ste. Mary's parish, Manchester, New Hampshire, to organize a credit union among a group of Franco-American citizens, resulting in the first incorporation of a credit union in this Nation, La Caisse Populaire de Ste-Marie: Now, therefore, be it

Resolved, That the Senate recognizes and honors the effort of Commander Alphonse Desjardins, who, in this important way, did so much to bring credit unionism to the United States.

● Mr. HUMPHREY. Mr. President, in submitting this resolution, I am honoring the efforts of Comdr. Alphonse Desjardins, who established the first credit union in the United States 75 years ago, La Caisse Populaire de Ste-Marie.

Commander Desjardins, a Canadian citizen, played a prominent role in the early credit union movement in North America. He founded numerous credit unions in Canada before coming to the United States to establish St. Mary's Bank in Manchester in 1909. This year, as we recognize the 50th anniversary of the first Federal credit union law, I believe it is important to salute the origins of this movement.

To this end, I am offering this Senate resolution which details the importance of this financial institution. Perhaps Congress can learn from the principle objectives set forth by Desjardins when he established St. Mary's Bank:

The objectives of credit unions are to encourage economy and financial responsibility among members, to promote Christian and humane values, to combat usury, to provide capital for local individual enterprises, and to help borrowers achieve economic independence through self-help.

Indeed, we should take note of these high ideals.●

SENATE RESOLUTION 314—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 314

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department of agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,222,971 of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED

COMPREHENSIVE CRIME CONTROL ACT

GRASSLEY AMENDMENT NO. 2676

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983"; as follows:

On page 349, strike out lines 1 through 24 on page 353 and insert in lieu thereof the following:

PART O—PHARMACY ROBBERY AND BURGLARY

SEC. 1018. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1983".

SEC. 1019. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of Federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, any truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal Government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1020. It is the purpose of this part—

(1) to assist State and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1021. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413. (a) (1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) As used in this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(c) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"Sec. 413. Robbery of a controlled substance from a pharmacist.".

COLLECTION OF DATA

SEC. 1022. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and include pertinent results in its annual Uniform Crime Report for the first three years following the enactment of this section.

● Mr. GRASSLEY. Mr. President, it is my hope as it is that of the distinguished chairman of the Judiciary Committee that the Senate will soon proceed to the consideration of S. 1762, the Comprehensive Crime Control Act of 1983.

At that time, it is my intention to ask the unanimous consent of my colleagues that an amendment relating to the pharmacy robberies section of the bill be adopted. That amendment is the product of negotiations between the Department of Justice, the National Association of Retail Druggists, the National Association of Chain Drugstores, and the National Wholesale Druggists Association. The amendment has the unanimous support of each of these groups and is necessary to alleviate some of the concerns raised by the Department of Justice to the original provisions which I authored.

I might add that the Judiciary Committee recently reported to the Senate a similar bill sponsored by my good friend and senior colleague from the State of Iowa, Senator JEPSEN, S. 422. Senator JEPSEN participated in these negotiations and this amendment is necessary so that these bills conform in their substantive provisions.

Specifically, the amendment would: First, bring the penalty for pharmacy robbery into line with the penalties for bank robbery; this would mean that the crime would contain a maximum sentence of 20, 25 if a person's life was threatened, a life-term if death resulted, and a minimum mandatory sentence of 5 years if a firearm was used; second, restrict the use of Federal prosecutors to only those cases where help was requested by local law enforcement officers, or where a high-ranking Department of Justice official in Washington orders an investigation; third, define the pharmacists's property to include delivery and transport vehicles which store federally registered drugs; and, fourth, sunset the bill's reporting requirement after three years.

Mr. President, I will, at the appropriate time, ask unanimous consent that it be adopted.●

TARIFF TREATMENT OF CERTAIN ARTICLES

GRASSLEY AMENDMENT NO. 2677

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes; as follows:

On page 28, after the table following line 15, insert the following new section:

SEC. 141. CERTAIN MAGNETRON TUBES.

Subpart B of part I of the Appendix is amended by inserting in numerical sequence the following new item:

"Magnetron tubes not exceeding one kilowatt output (provided for in item 684.28, part 5, schedule 6).	Free	No change	On or before 12/31/86".

● Mr. GRASSLEY. Mr. President, today I am offering an amendment to S. 2019, a bill which I offered during the last session of this congress. The bill's intent was to permit until December 31, 1986, the duty-free entry of magnetron tubes used in microwave cooking appliances. Unfortunately, since magnetron tubes are used in other applications other than microwave cooking appliances the bill as originally drafted was not narrowly enough defined to only cover those tubes used solely in cooking appliances.

Therefore, this amendment defines for the purpose of S. 2019 magnetron

tubes as those not exceeding one kilowatt output. Under this definition only those magnetron tubes used in microwave cooking appliances are to receive duty-free entry and no others. It is important to note that during the last round of Multilateral Trade Negotiations it was agreed that the rate of duty applicable to component parts of cooking appliances would be phased out by January 1, 1987. This legislation merely advances the date upon which the duty applicable to magnetron tubes will be eliminated.●

COMPREHENSIVE CRIME CONTROL ACT

LAXALT AMENDMENT NOS. 2678 AND 2679

(Ordered to lie on the table.)

Mr. LAXALT submitted two amendments intended to be proposed by him to the bill S. 1762, supra; as follows:

AMENDMENTS TO TITLE I (BAIL) S. 1762

On page 19, lines 15 and 16, delete "the defendant" and insert in lieu thereof "he".

On page 21, line 1, after "section." insert the following:

To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated.

On page 28, delete lines 7 and 8, and insert in lieu thereof the following:

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and"

On page 29, line 5, insert "under" before "18".

AMENDMENTS TO TITLE II (SENTENCING) S. 1762

On page 80, line 10, delete "3671" and insert in lieu thereof "3673".

On page 82, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 83, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 84, line 23, delete "c" and insert in lieu thereof "e".

On page 93, delete line 9 through 12, and insert in lieu thereof the following:

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18

On page 96, after line 8 insert the following and reletter subsequent subsections accordingly:

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 96, delete lines 11 and 12, and insert in lieu thereof the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.

"(a) Correction of a sentence on remand.

"(b) Correction of a sentence for changed circumstances.".

On page 97, delete "12" from the beginning of the page and insert "9" in lieu thereof.

On page 97, insert a quotation mark at the beginning of line 4.

On page 121, after line 12, insert the following:

Redesignate subsections in section 4082 accordingly.

On page 124, line 10, delete "3667" and insert in lieu thereof "3669".

On page 124, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 128.

On page 126, line 8, after "(g)" insert "and redesignating (h) to (g)".

On page 126, lines 13 and 14, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 127, line 14, delete "(4)" and insert in lieu thereof "(3)".

On page 127, line 15, delete "title."." and insert in lieu thereof "title."; and".

On page 127, after line 15, insert the following:

(F) by redesignating paragraphs accordingly.

On page 130, line 24, after "(1)" insert "by adding "and" after paragraph (2) and,".

On page 131, line 15, delete "Board" and insert in lieu thereof "the Board".

On page 131, delete lines 21 through 24, and insert in lieu thereof the following:

fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

On page 132, after line 22, insert the following:

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

AMENDMENTS TO TITLE III (FORFEITURE)

On page 164, line 4, delete "remove" and insert in lieu thereof "and remove".

AMENDMENTS TO TITLE IV (MENTAL DISEASE OR DEFECT)

On page 178, delete line 8, and insert in lieu thereof the following:

vincing evidence.".

(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

On page 189, lines 16, 20, 23, 24, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 3, delete "release" and insert in lieu thereof "transfer".

On page 190, lines 3, 8, 15, 18, 19, 20, and 25, delete "defendant" each time it appears and insert in lieu thereor "person".

On page 190, line 22, delete "his" and insert in lieu thereof "the".

On page 191, lines 1, 6, 9, and 10, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 201, delete lines 11 through 18, and reletter subsequent subsections accordingly through page 203.

AMENDMENT TO TITLE V (DRUG ENFORCEMENT AMENDMENTS)

On page 211, lines 6 and 8, delete "I(b)" and insert in lieu thereof "I(c)".

On page 211, lines 7 and 10, delete "II(a)(5)" and insert in lieu thereof "II(a)(4)".

On page 212, after line 15, insert the following new section:

SEC. 505A. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives.".

On page 215, line 3, delete "201(g)(1)" and insert in lieu thereof "201(g)".

On page 215, line 4, delete "811(g)(1)) is amended to read:" and insert in lieu thereof "811(g)) is amended to add the following new paragraph:".

On page 215, line 5, delete "(g)(1)" and insert in lieu thereof "(3)".

On page 215, delete lines 10 through 14, and redesignate subsequent paragraphs accordingly.

On page 218, delete line 17, and insert in lieu thereof the following:

on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

On page 218, line 19, after "by" insert the following: deleting "or" at the end of subsection (2), by

On page 220, lines 3 and 4, delete "(f)" and insert in lieu thereof "(g)".

On page 220, delete after "by" on line 18 through line 19, and insert in lieu thereof the following:

deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

On page 220, line 20, delete "(e) Enter" and insert in lieu thereof "(6) enter".

On page 221, line 9, after "by" insert the following: deleting "or" at the end of subpart (A), by

On page 221, line 11, delete "is".

On page 221, line 12, delete "exclusively." and insert in lieu thereof "exclusively,".

On page 221, delete line 20, and insert in lieu thereof the following:

may be regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

On page 222, line 7, delete "and".

On page 222, line 12, delete "prescribe."." and insert in lieu thereof "prescribe; and".

On page 222, after line 12, insert the following new paragraph:

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

On page 222, line 17, delete "V." and insert in lieu thereof "V,".

AMENDMENTS TO TITLE VI (JUSTICE ASSISTANCE)

On page 228, after line 10, delete "TITLE I" and insert in lieu thereof "TITLE I—JUSTICE ASSISTANCE".

On page 228, Part B of the Table of Contents, delete "Sec. 201. Bureau of Justice programs." and insert in lieu thereof "Sec. 201 Establishment of Bureau of Justice Programs.".

On page 228, Part B of the Table of Contents, delete "Establishment, duties and functions." and insert in lieu thereof "Duties and functions of Director.".

On page 229, delete everything in "Part G" of the Table of Contents and insert in lieu thereof the following new "Part G";

"Part G—CRIMINAL JUSTICE FACILITIES

"Sec. 701. Establishment of the Bureau of Criminal Justice Facilities.
"Sec. 702. Functions of the Bureau.
"Sec. 703. Grants authorized for the renovation and construction of criminal justice facilities.
"Sec. 704. Allotment.
"Sec. 705. State plans.
"Sec. 706. Basic criteria.
"Sec. 707. Clearinghouse on the construction and modernization of criminal justice facilities.
"Sec. 708. Interest subsidy for criminal justice facility construction bonds.
"Sec. 709. Definitions.

On page 229, Part H of the Table of Contents, delete "rules," in the first line and insert in lieu thereof "rules".

On page 229, delete "PART M—EMERGENCY ASSISTANCE" and insert in lieu thereof "PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE".

On page 230, delete "PART N—TRANSITION—REPEALER" of the Table of Contents and insert in lieu thereof "PART N—TRANSITION".

On page 241, line 7, delete "and".

On page 245, line 6, delete "local" and insert in lieu thereof "and local".

On page 248, line 18, delete "STATE/LOCAL" and insert in lieu thereof "STATE AND LOCAL".

On page 255, after line 9, insert the following:

"DISTRIBUTION OF FUNDS

On page 262, line 14, after "GRANTS" insert "AUTHORIZED".

On page 262, delete line 16.

On page 264, line 21, delete "706" and insert in lieu thereof "705".

On page 267, line 23, delete "707" and insert in lieu thereof "706".

On page 268, line 16, delete "708" and insert in lieu thereof "707".

On page 269, line 5, delete "709" and insert in lieu thereof "708".

On page 270, line 10, delete "710" and insert in lieu thereof "709".

On page 282, after line 7, insert the following:

"DEFINITIONS

On page 290, after line 13, insert the following:

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

On page 300, line 20, after "surplus" insert "real and related personal".

On page 301, line 3, after the word "real" insert "and related personal".

On page 301, line 16, after the word "real" insert "and related personal".

On page 302, line 9, delete "or" and insert in lieu thereof "for".

On page 302, line 25, delete "personal or real" and insert in lieu thereof "real and related personal".

AMENDMENTS TO TITLE X (MISCELLANEOUS VIOLENT CRIME AMENDMENTS)

On page 317, delete line 12, and insert in lieu thereof the following:

the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not

On page 317, line 19, after "section" insert "and section 1952B".

On page 318, line 2, delete "of" and insert in lieu thereof "of,".

On page 318, line 3, delete "pay" and insert in lieu thereof "pay,".

On page 318, line 13, delete "kidnapping" and insert in lieu thereof "kidnaping".

On page 319, line 2, delete "murder" and insert in lieu thereof "murder or kidnaping,".

On page 322, line 19, after "five" insert "nor more than ten".

On page 325, line 1, delete "as" and insert in lieu thereof "on".

On page 325, line 12, delete "title" and insert in lieu thereof "section".

On page 326, line 19, insert "INVOLUNTARY" before the word "SODOMY".

On page 327, after line 20, insert the following:

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

On page 329, delete line 2, and insert in lieu thereof the following:

Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.".

On page 331, after line 5, insert the following:

(f) Table of Chapters is amended to add:

"210. INTERNATIONAL EXTRADITION 3191".

On page 331, line 6, delete "(f)" and insert in lieu thereof "(g)".

On page 334, line 7, delete "court." and insert in lieu thereof "court;".

On page 334, line 8, delete "The" at the beginning of the line and insert in lieu thereof "the", and indent lines 8 and 9 to align with lines 2 and 11.

On page 353, line 7, delete "Except" and insert in lieu thereof "(a) Except".

AMENDMENTS TO TITLE XI (SERIOUS NONVIOLENT OFFENSES)

On page 361, delete line 10, and insert in lieu thereof the following:

Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned not more than five years, or both;

(b) by adding a new paragraph as follows:

On page 368, after line 12, delete "entities."." and insert in lieu thereof "entities." then add the following new line:

"511. Forging endorsements or signatures on securities of the United States.".

On page 371, line 16, delete "repealed." and add the following: repealed, and the section analysis of Chapter 11 for section 216 be amended to read: "216. Repealed.".

On page 373, delete line 5 and all that follows through the item relating to possession of contraband articles after line 10 on page 374, and insert in lieu thereof the following:

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows:

"1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a) (3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.

"1791. Providing or possessing contraband in prison.

"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

On page 374, line 15, delete "after section 665 a new section 666" and insert in lieu thereof "a new section 667".

On page 374, line 17, delete "666" and insert in lieu thereof "667".

On page 374, line 22, delete "benefit to" and insert in lieu therof "benefit of".

AMENDMENTS TO TITLE XII (PROCEDURAL AMENDMENTS)

On page 376, line 11, delete "925(a)" and insert in lieu thereof "952(a)".

On page 376, line 22, delete "fifteenth," and insert in lieu thereof "fifteenth".

On page 380, delete lines 3 through 6, and insert in lieu thereof the following:

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

On page 380, line 9, insert "or" after the semicolon.

On page 380, delete line 25, and insert in lieu thereof "deleted, and amend section analysis accordingly.".

On page 382, after line 11 and before line 12, delete "'3523. Civil action to restrain witness or victim intimidation." and insert in lieu thereof "'3523. Penalty for wrongful disclosure.".

On page 382, line 15, delete the words "in a official proceeding" and insert in lieu thereof "in an official proceeding concerning an organized criminal activity or other serious offense".

On page 382, at the end of line 23, insert the following:

The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.".

On page 383, line 23, before "refuse" insert "disclose or".

On page 383, line 24, after "other" insert "matter".

On page 384, line 4, delete the period and insert "except that the Attorney General shall, upon the request of State of local law enforcement officials, promptly disclose to such officials the indentity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.".

On page 385, between lines 7 and 8, insert the following:

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime 120 days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2)(A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current indentity and location of the protected persons with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to affect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The cost of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.".

On page 385, after line 13, insert the following:

"§ 3523. Penalty for Wrongful Disclosure

"Whoever, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

On page 387, after line 24, insert a new Part I as follows:

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

1. Amendment to Title II, S. 1762.

On page 132, lines 8 through 10, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978, (29 U.S.C. 927(b))" and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

2. Amendment to Title VI, S. 1762.

On page 287, line 12, after the word "this" and before the word "person's" insert "part if such".

3. Amendment to Title X, Part K, "Assaults Upon Federal Officers," to include United States Magistrates in 18 U.S.C. 1114, "Protection of Officers and Employees of the United States."

On page 329, line 14, insert "or any United States magistrate," after "ficer,".

4. Amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform to analogous provisions of the Senate-passed labor racketeering bill, S. 336:

On page 306, line 22, delete "and" and substitute in lieu thereof "or".

On page 310, line 15, insert ", other than in his capacity as a member of such labor organization," after "capacity".

On page 310, line 23, delete "and" and substitute in lieu thereof "or".

On page 312, lines 7 and 8, delete "or employee benefit plan".

On page 313, line 1, delete "1102" and substitute in lieu thereof "802".

On page 313, line 2, delete "1103" and substitute in lieu thereof "803".

On page 313, line 11, delete "1103 and 1104" and substitute in lieu thereof "803 and 804".

5. Amendment adding to Title XII of S. 1762, a new part relating to Department of Justice Internal Operating Guidelines.

At the end of the bill, add the following:

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon the criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

6. Amendment to Title XII, Part F, S. 1762, "Witness Security Program Improvements" relating to United States Marshals Service.

On page 385, insert line 21, the following:

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

7. Amendments to Title III, "Forfeiture."

On page 150, line 19, delete "section 413" and insert in lieu thereof "sections 413 and 414".

On page 162, delete the quotation mark and second period on line 4, and insert after line 4 the following:

" '(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.' ".

On page 162, insert before line 5 the following:

" 'INVESTMENT OF ILLICIT DRUG PROFITS

'SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

'(b) Whoever violates this section shall be fined not more than [$50,000] or imprisoned not more than [ten] years, or both.

'(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

'(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.' ".

On page 164, delete the quotation mark and second period on line 16, and insert after line 16 the following:

" '(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.' ".

On page 165, line 5, delete "item" and insert in lieu thereof "items".

On page 165, delete the item after line five and insert in lieu thereof the following:

" 'Sec. 413 Criminal forfeitures.

'Sec. 414 Investment of illicit drug profits:' ".

On page 165, line 22, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 166, delete line 1 and all that follows through line 6 on page 169, and insert in lieu thereof the following:

"SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

'(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

'(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department or Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

'(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 8000 *et seq.*) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 *et seq.*), the discretion of the Attorney General;

'(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

'(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

'(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

'(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

'(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

'(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

'(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

'(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

'(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

'(A) any criminal forfeiture proceeding;

'(B) any civil judicial forfeiture proceeding; or

'(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.' ".

8. Amendment to Title XII, part A, "Prosecution of Certain Juveniles as Adults," relating to the use and confidentiality of juvenile records.

On page 378, delete line 12 through line 4 on page 379, and insert in lieu thereof the following:

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), or 955 or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 592(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

9. Amendment to title XI, S. 1762, relating to 18 U.S.C. 219.

On page 375, after line 15, insert a new Part J as follows:

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph: "For the purpose of this section:

"public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government, thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

10. Amendment to Title VII, S. 1762, "Surplus Federal Property Amendments."

On page 301, at the end of line 2, insert "If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance."

11. Amendments to Title VI, S. 1762, "Justice Assistance."

On page 253, after line 15, add the following:

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of Section 501."

On page 257, after line 2, add the following:

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds."

AMENDMENTS TO TITLE VI, JUSTICE ASSISTANCE

12. On page 250, line 9, insert after "ers;" the following:

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures; and improve court system management.";

On page 250, line 10, strike "(12)" and insert "(13)".

On page 257, strike lines 16 through 17 and insert in lieu thereof "within such State giving priority to those jurisdictions with greatest need.".

13. Amendment to title II, S. 1762, "Sentencing Reform," relating to the collection of criminal fines.

On page 40, between lines 19 and 20, insert the following:

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 42, between lines 9 and 10 insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 49, line 13, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 50, strike out lines 16 through 20 and insert in lieu thereof the following:

"(d) Time and Method of Payment.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

On page 51, between lines 9 and 10, insert the following:

"(g) Responsibility to Provide Current Address.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) Stay of Fine Pending Appeals.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) Delinquent Fine.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) Default.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

On page 51, strike out line 10 through line 7 on page 52 and insert in lieu thereof the following:

"§ 3573. Modification or remission of fine

"(a) Petition for Modification or Remission.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentences only after payment of a reasonable portion of the fine.

"(b) Order of Modification or Remission.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 63, line 18, strike out "and".

On page 63, between lines 18 and 19, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 63, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 67, after line 12, strike out the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.

"3614. Resentencing upon failure to pay a fine.

"3615. Criminal default.

On page 68, strike out lines 2 through 19 and insert in lieu thereof the following:

"(a) Disposition of Payment.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) Certification of Imposition.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 68, line 20, strike out "(b)" and insert in lieu thereof "(c)".

On page 68, after line 26, add the following:

"(d) Notification of Delinquency.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) Notification of Default.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) Interest, Monetary Penalties for Delinquency, and Default.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) Interest.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) Monetary penalties for delinquent fines.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

On page 69, strike out line 1 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine

On page 71, after line 23 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) Resentencing.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) Imprisonment.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

On page 79, line 2, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 133, line 10, strike "and".

On page 134, line 12, strike the period, and insert in lieu thereof "; and".

On page 134, after line 12, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 138, between lines 15 and 16, insert the following:

Sec. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years,

except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for deliquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of a court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pendency appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pending of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592 (e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 13 working days after a fine is determined to be in default as provided in section 3592 (f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provision of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323 (f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristic of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) Liability to pay a fine expires—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)((I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508 (a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

14. Amendment to Title X, Part B, S. 1762, "Solicitation to Commit a Crime of Violence."

On page 320, line 3, delete "crime of violence" and insert in lieu thereof "felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another".

15. Amendment to Title VI, S. 1762, "Justice Assistance," relating to rural crime.

On page 236, line 23, delete "successful." and insert in lieu thereof "successful;".

On page 236, after line 23, insert the following:

"(6) developing improved strategies for rural areas to better utilize their dispersed resources in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention."

On page 245, line 13, insert "rural crime," after "quents,".

On page 250, after line 9, insert the following:

"(12) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;".

On page 250, line 10, delete "(12)" and insert in lieu thereof "(13)".

On page 291, line 3, after "criminals." insert "In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government.".

16. Amendment relating to the status of Puerto Rico in the Justice Assistance part of S. 1762 (Title VI).

On page 262, line 24, delete "3" and insert in lieu thereof "one and one-half".

On page 262, line 25, delete "the Commonwealth of Puerto Rico,".

On page 263, line 4, delete "97" and insert in lieu thereof "ninety-eight and one-half".

On page 264, line 17, delete "the Commonwealth of Puerto Rico,".

17. Amendment to Title VI, S. 1762, "Justice Assistance."

On page 300, between lines 7 and 8, insert the following:

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to—

"(1) reduce the redundancy and duplication of identification systems by providing

information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

● Mr. LAXALT. Mr. President, I send to the desk two amendments to S. 1762, the Comprehensive Crime Control Act of 1983, and ask that each be assigned a number. Each of the two is made up of a group of amendments that has already appeared in the RECORD. The purpose of introducing them again at this time is to make minor corrections in the two groups, to supply the text of one provision that was inadvertently deleted from the text printed in the October 26, 1983, RECORD, and to include a new set of amendments to the forteiture provision proposed by Senator D'AMATO.

These two groups of amendments are considered noncontroversial by the sponsors of S. 1762. When S. 1762 is brought up, I plan to move the immediate consideration and adoption of both groups.

Mr. President, I ask unanimous consent that an explanation of the amendments be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF AMENDMENT 2678

Page 19, lines 15-16—Technical Amendment.

Page 21, line 1—Expressly requires to the extent practicable that a person who violates the pre-trail release condition not to commit further crimes while on release be brought back before the same judge who released the person in the first instance to consider appropriate further action.

Page 28, Lines 7-8—Technical Amendment.

Page 29, Line 5—Technical Amendment.

Page 80, Line 10—Technical Amendment.

Page 82, Lines 3-19—This is a non-substantive clarifying amendment concerning appellate review of a sentence by the defendant where the sentence is above the applicable guideline or where no guideline for the offense existed.

Page 83, Lines 3-19—This a non-substantive clarifying amendment concerning appellate review of a sentence by the government where the sentence is below the applicable guideline or where no guideline for the offense existed.

Page 84, Line 23—Technical Amendment.

Page 98, Lines 9-12—Technical Amendment.

Page 96, line 8—This amendment creates, in Rule 6(e) of the Federal Rules of Criminal Procedure, a procedural mechanism whereby a Federal prosecutor could seek a court order to notify State authorities of facts relating to the commission of a State offense. Such a procedure was recently approved by the Judicial Conference's Advisory Committee on Criminal Rules.

Page 96, line 9—Technical Amendment.

Page 96, line 11-12—Technical Amendment.

Page 97, preceding line 1—Technical Amendment.

Page 97, line 4—Technical Amendment.

Page 121, after line 12—Technical Amendment.

Page 124, line 10—Technical Amendment.

Page 124, lines 13-19—This amendment deletes amendments to 18 U.S.C. 1963 that were inadvertently carried over from prior criminal code bills (S. 1630) and not appropriate in the context of this bill.

Page 124, lines 20 and 22—Technical Amendments.

Page 125, lines 5 and 19—Technical Amendments.

Page 126—Technical Amendments.

Page 127—Technical Amendments.

Page 128—Technical Amendments.

Page 130, line 24—Technical Amendment.

Page 131—Technical Amendment.

Page 132, after line 22—Clarifying amendment to make it clear that the new 18 U.S.C. 3559(b) is not intended to repeal the current death penalty and related procedures applicable to aircraft hijacking, where death results.

Page 164, line 4—Technical Amendment.

Page 178, after line 8—Technical Amendment.

Page 189—Technical Amendments.

Page 190—Technical Amendments.

Page 191—Technical Amendments.

Page 201—This amendment deletes new 18 U.S.C. 4246(g) as redundant since it covers the same subject area as Rule 12.2(c) of the Federal Rules of Criminal Procedure, which took effect August 1, 1983. Moreover, Rule 12.2(c) sets forth a more accurate standard, in light of recent Supreme Court decisions, for determining under what circumstances a defendant's statements made in the course of a mental examination are admissible in evidence.

Page 201, lines 19 and 23—Technical Amendments.

Page 202, line 11—Technical Amendment.

Page 203, line 6—Technical Amendment.

Page 211, lines 6 and 8 and lines 7 and 10—Technical Amendments.

Page 212—An amendment to conform Schedule II (a)(4) to other points of the bill.

Page 215—Clarifying amendment to make it clear that this bill does not intend to change in any way the current mandatory exemption of over-the-counter nonnarcotic drugs from the controlled substances schedule process. It does this by retaining the mandatory provisions of current 21 U.S.C. 201(g)(1) and eliminating over-the-counter nonnarcotic drugs from the new permissive exemption authority proposed by this bill.

Page 218, line 17—Necessary language to continue current law inadvertently left out of S. 829.

Page 218, line 19—Technical Amendment.

Page 220—Technical Amendments.

Page 221, lines 9, 11, and 12—Technical Amendments.

Page 221, line 20—Language that in essence, appears in current law that is necessary to meet U.S. obligations under the Convention on Psychotropic Substances.

Page 222, lines 12-13—Technical Amendments.

Page 222, line 17—Technical Amendment.

Page 228—Technical Amendments.

Page 229—Technical Amendments.

Page 230—Technical Amendment.

Page 241, line 7—Technical Amendment.

Page 245, line 6—Technical Amendment.

Page 248, line 18—Technical Amendment.

Page 255, after line 9—Technical Amendment.

Page 262, lines 14 and 16—Technical Amendment.

Page 264, line 21—Technical Amendment.

Page 267, line 23—Technical Amendment.

Page 268, line 16—Technical Amendment.

Page 269, line 5—Technical Amendment.

Page 270, line 10—Technical Amendment.

Page 282, line 7-8—Technical Amendment.

Page 290, lines 13-14—Technical Amendment.

Page 300, line 20—Clarifying Amendment.

Page 301, lines 3 and 16—Clarifying Amendments.

Page 302, line 9—Technical Amendment.

Page 302, line 25—Clarifying Amendment.

Page 317, line 12—This amendment would conform the "consideration" clause of proposed section 1952A to that in proposed section 1952B (at page 318, lines 2-2).

Page 317, line 19—The amendment makes the definition of "anything of pecuniary value" applicable both to section 1952A and 1952B as is appropriate.

Page 318—technical Amendments.

Page 319, line 2—Amendment corrects inadvertent omission of a penalty for an attempt or conspiracy to kidnap another person.

Page 322, line 19—The proposed new offenses for committing a crime of violence with or while carrying a handgun loaded with armor-piercing ammunition inadvertently omitted a maximum prison term. this amendment sets the maximum term for the offense at ten years.

Page 325—Technical Amendments.

Page 326—Technical Amendment.

Page 327—Section 114 punishes maiming. Except for murder and rape, maiming is probably the more serious crime of violence against the person in the criminal code. The penalty for this offense, however, is anomalously low. Whereas the more modern assault statute involving serious bodily injury, 18 U.S.C. 113(f), carries a ten-year and $10,000 maximum sentence, 18 U.S.C. 114 is only punishable by seven years in prison and a fine of $1000. The amendment would elevate the penalty for maiming to twenty years and $25,000.

Page 329, line 2—Amendment to exclude interstate transmission facilities from this general offense concerning destruction of energy facilities, because such facilities are already protected under title 49.

Page 331—Technical Amendments.

Page 334—Technical Amendments.

Page 353, line 7—Technical Amendments.

Page 361—Amendment to further amend 18 U.S.C. 2232 (relating to interferring with a search or seizure) to raise the penalty to a five year felony for unlawfully impeding or preventing a search or seizure by destroying or removing property.

Page 368—Technical Amendments.

Page 371—Technical Amendments.

Page 373, line 5 through 374, line 10—This amendment strikes the new prison contraband provision proposed in Part H of title

XI and substitutes a total unified approach to prison contraband.

The prison contraband amendments of the bill (section 1109) were designed primarily to cure a defect in current law under which introduction of contraband into, or movement of such articles within, a prison facility is an offense, but possession of contraband items by a prisoner is not covered. To cure this defect, section 1109 of the bill added a new 18 U.S.C. 1793 to reach possession in a prison facility of escape tools, narcotic drugs, and weapons. Present statutes concerning prison contraband, 18 U.S.C. 1791 and 1792 (which also reaches inciting a prison riot), were unchanged.

A number of problems have been noted with the approach adopted in section 1109 of the bill. For example, the ten-year penalty for existing offense remains the same, irrespective of whether the contraband article is a gun or a pack of cigarettes; no penalty is provided for the possession of non-narcotic drugs such as LSD or PCP; a prisoner found carrying an escape tool would be subject to a ten year penalty if charged under existing section 1792 but to only a one year penalty if charged under the new proposed offense. Also, this section of the bill fails to provide needed statutory authority to summarily seize and forfeit contraband articles in Federal correctional institutions. (See, *Sell* v. *Parratt*, 548 F.2d 753 (8th Cir.) *cert. denied*, 434 U.S. 873 (1977); but see *Lowery* v. *Cuyler*, 521 F. Supp. 430 (E.D. Pa. 1981) (upholding confiscation of contraband money and declining to follow *Sell*).

The amendment of section 1109 addresses these problems by creating a single, unified offense to address both the introduction of contraband articles into prisons, and the procurement and possession of these items by prisoners. This new offense is to appear as a new 18 U.S.C. 1791, and it is based on the prison contraband offense included in the criminal code revision bill approved by the Judiciary Committee in the last Congress (S. 1630). Under this new offense, the severity of the penalty would depend on the relative dangerousness of the article involved, with the most severe penalty imprisonment for ten years and a $25,000 fine) applicable to offenses involving firearms and explosives. In all, five levels of penalties are provided.

The aspects of current 18 U.S.C. 1792 concerning prison contraband are deleted so that the offense deals solely with conduct involving prison riots and mutiny. Currently, no fine is prescribed for this offense: therefore, a $25,000 fine has been added.

Finally, a new section has been added to title 28, United States Code, to authorize the summary seizure and forfeiture of contraband articles by Bureau of Prisons personnel. A virtually identical amendment was included in the criminal code revision bill approved by the Judiciary Committee in the last Congress (S. 1639).

Page 374, lines 15, 17, and 22—Technical Amendments.

Page 376, lines 11 and 12—Technical Amendments.

Page 380—Technical Amendments.

Page 382, after line 11—Technical Amendments.

Page 382, line 15—This amendment establishes, as a predicate for witness protection, the requirement that the official proceeding involve an allegation of organized criminal activity or other serious offense. This reflects the view that witnesses should be afforded protection only in serious cases.

Page 382, line 23—The first paragraph and subsection (1) reflect the finding that there has been no sufficient delineation of the guidelines for placing persons in the witness protection program. The amendment requires the Attorney General to issue formal guidelines. Subsection (2) requires a written assessment by the Attorney General in each case of the need for protection versus the danger to the community posed by placing a relocated witness in its midst. Subsection (3) requires a determination that the need for protection outweighs the risk of danger to the community. The final sentence makes clear that no civil liability attaches to a decision to afford protection to a witness.

Page 383, line 23—This amendment provides that the Attorney General may disclose as well as refuse to disclose the identity of a protected witness after weighing danger to the witness, detriment to the effectiveness of the program, and the benefits to the community or the person seeking the disclosure.

Page 384, line 4—This amendment mandates disclosure to law enforcement authorities of relevant information about a protected witness when the witness is charged with a felony or a violent misdemeanor. Disclosure remains discretionary when the charge involves a non-violent misdemeanor. This comports generally with present practice in the administration of the program.

Page 385, after line 7—Subsection (d) establishes a procedure by which an individual with a judicial order or judgment for money or damages may petition a federal court for the appointment of a master to enforce his or her rights against the protected person. This does not apply to child custody order.

This procedure assures that the identity of the protected person is not publicly disclosed while providing an opportunity to an individual with a legitimate order or judgment to have it enforced.

Under current law it is difficult, if not impossible, for individuals to collect judgments against persons who have entered the Witness Security Program because their location is unknown.

Subsection (e) requires the Attorney General to establish guidelines and procedures for the resolution of complaints by protected persons about the administration of the program.

Page 385, after line 13—This amendment establishes as a felony offense the disclosure of the identity or location of a protected witness when such information is provided by the Attorney General to assist a state or local investigation.

Page 387, after line 24—This amendment to S. 1762 adds a new Part I to title XII to amend 18 U.S.C. 7 to provide United States extraterritorial jurisdiction of serious crimes committed by or against United States nationals, as when such crimes are committed in Antarctica or on an ice flow. A similar proposal was adopted by the Judiciary Committee in S. 1630 in the 97th Congress. In addition, a similar amendment to 18 U.S.C. 7 with respect to offenses committed aboard space craft was enacted in the 97th Congress (see P.L. 97-96, December 21, 1981).

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EXPLANATIONS OF AMENDMENT 2679

1. On page 132, lines 8 through 10.

The reference to the Comprehensive Employment and Training Act of 1973 is outdated becuase that Act has been superseded by the Job Training and Partnership Act.

2. On page 287, line 12.

This amendment restores three words that were inadvertently omitted.

3. On page 329, line 14.

This amendment includes United States Magistrates in 18 U.S.C. 1114 and thus brings this part of the bill in conformity with Title X, Part G.

4. Explanation of amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform this title to the analogous provisions of the Senate-passed labor racketeering bill, S. 336:

The Judiciary Committee Report on the labor racketeering amendments of S. 1762 (Title VIII) notes that, with the exception of a provision regarding law enforcement authority of the Labor Department not included in S. 1762, the provisions of Title VIII are identical to S. 336 as passed by the Senate by a vote of 75 to 0 on June 20, 1983 (S. Rep. No. 98-225, 297, n. 1). The following minor amendments are necessary, however, to make these provisions identical. A set of technical amendments is also needed to reflect correct section numbers.

On page 306, line 22.

Under present law, persons who have been disbarred from serving in certain labor or management organization positions or pension or benefit plan positions by virtue of conviction for certain crimes may obtain relief from disbarment either (A) upon restoration of citizenship rights revoked as a result of the conviction or (B) upon a determination by the Parole Commission that the person's service in one of the designated positions would not be contrary to the purposes of the applicable disbarment statute. Both S. 1762 and S. 336 increase the possible period of disbarment under the ERISA and LMRDA statutes from five to ten years, but also allow the sentencing court to reduce the period to a minimum of five years. S. 336 makes it clear that relief by the sentencing court is a separate avenue in addition to the existing bases for relief. However, S. 1762, by virtue of its use of "and" rather than "or" (as is used in S. 336), makes it appear that relief from the sentencing court is available only if one of the two existing bases for relief, restoration of rights or a favorable determination by the Parole Commission, is also met. Moreover, relief under one of the two existing bases does not appear to be independently available.

Thus, as presently formulated, S. 1762's amendments to 29 U.S.C. 1111 and 504 not only increase the possible period of disbarment, but also appear to make relief from disbarment more difficult (or at least procedurally more complex) than under current law. There is no indication that such a result was ever intended. Instead, authority for the trial court to reduce the ten-year period to one not less than five years was added to accommodate situations in which the new ten-year period might not be merited under the facts of a particular case. The Committee on Labor and Human Resources amended S. 336 to achieve this result and preserve the other avenues of relief provided under current law (S. Rep. No. 98-83). This amendment to section 802 of the bill, which amends the disbarment provision of ERISA (29 U.S.C. 1111), is identical to that adopted by the Committee on Labor and Human Resources and included in S. 336 as passed by the Senate. An identical amendment of the disbarment provision of the LMRDA (29 U.S.C. 504) is set out below.

On page 310, line 15.

This amendment brings this provision of S. 1762 into conformity with the analogous provision of S. 336. It makes it clear that the disbarment provision of the LMRDA

does not apply to a convicted person's mere membership in a labor organization. The purpose of the disbarment provision is to deny to persons convicted of certain serious crimes the ability to serve in decision-making or fiduciary positions within a labor organization. It is not intended to deny union membership to such persons. The Committee on Labor and Human Resources added language to S. 336 to clarify this issue. This amendment to section 803 of S. 1762 is identical to that made to S. 336.

On page 310, line 23.

This amendment to the disbarment provision of the LMRDA is identical to the amendment of the analogous ERISA disbarment provision, discussed above. (Amendment #1.)

On page 312, lines 7 and 8.

The reference to "employee benefit plan" is inappropriate in this part of the bill, since it is an amendment to the LMRDA (29 U.S.C. 504) which does not encompass employee benefit plans. The amendment brings this provision of S. 1762 into conformity with the analogous provision of S. 336 as passed by the Senate.

On page 313, line 1.

On page 313, line 2.

On page 313, line 11.

These are technical amendments to section 804 of the bill to provide for correct references to other sections of Title VIII of S. 1762. (In the "Comprehensive Crime Control Act of 1983" as introduced, the labor racketeering amendments appeared as Title XI; in S. 1762, as reported, they appear as Title VIII.)

5. Explanation of proposed Part J. Title X, S. 1762 requiring studies by the Department of Justice of its Internal Operations Guidelines at the end of the bill.

This amendment requires the Attorney General to report to Congress on a number of issues concerning defendants' use of Department of Justice internal operating guidelines in challenging the legality of indictments. The Attorney General is asked to report on the extent to which violations of such guidelines are invoked as the basis for due process challenges to prosecutions and on the extent to which courts sustain such challenges. Further, the Attorney General is required to report on measures taken to ensure that internal operating guidelines are followed and on the advisability of new legislation in the area.

6. Explanation of amendment to Title XII, Part F, of S. 1762 to permit the United States Marshals Service to credit to its appropriations account fees, commissions, and expenses collected for service of process and other similar activities.

On page 385, after line 21.

The United States Marshals Service collects fees and commissions for litigation-related services that it prforms such as service of civil process and executions against property to satisfy civil judgments. However, the Marshals Service is not permitted to credit these fees and commissions to their appropriations account. The Department of Justice Authorization bill, S. 1192, which has been reported by the Judiciary Committee, amended section 568 of title 28, United States Code to allow the Marshals Service to credit to its appropriations account fees and expenses collected "for the service of civil process, including complaints, summonses, subpoenas, and similar process". This amendment also adds such authority to 28 U.S.C. 568. Unlike the authorization bill, however, it makes it clear that the Marshals Service may also credit to its appropriation account fees and commissions collected from private litigants for the performance of such services as seizures, levies, and sales associated with judicial orders of execution.

7. Brief explanation of amendments to forfeiture title of S. 1762:

1. DOJ forfeiture fund amendments. Page 166 line 1 to page 169 line 6.

The Department has already transmitted amendments to the forfeiture fund in S. 1762 to expand its scope from a drug-assets fund only to a fund to encompass all forfeiture activities of the Department. This amendment was published in the Nov. 2 Congressional Record. This version of the fund amendments includes certain refinements agreed upon after consultation with OMB. The changes concern only paragraphs (3) and (7) of the fund provision.

The change in paragraph (3) is intended to clarify the fact that the amounts to be placed in the fund are those remaining after payment of any other expenses with respect to a particular forfeiture that are authorized by law. The purpose of the fund is to allow the proceeds of profitable forfeitures to offset the expenses incurred in unprofitable forfeitures, not to limit current authority to offset expenses in profitable forfeitures.

Paragraph (7) of the fund provision concerns authorization levels for fund appropriations and the fiscal mechanics of the fund. OMB's suggested changes accomplish the following: (1) deletion of certain superfluous language concerning carry-over from year to year and the closeout of the fund; (2) assuring that there is start-up money at the beginning of the fiscal year up to an amount of $5 million (otherwise the fund starts at zero each year); and (3) removing the authorization level ceilings. This final change reflects the fact that with the expansion of the purposes of the fund, it is very difficult at this juncture to know how large a fund appropriation should be sought each year. It was OMB's view that it would be better to remove the authorization ceilings.

2. Liberal construction clause amendment. On page 162, after line 4.

In part, the Supreme Court's willingness, in the recent *Russello* decision, to accept the government's argument that racketeering profits and proceeds are forfeitable under RICO was due to the application to Rico of a liberal construction clause. This amendment adds the same liberal construction clause to the new drug-assets criminal forfeiture provision created in section 303 of the bill, and may prove equally useful in avoiding overly narrow applications of this provision by the courts.

3. Civil drug forfeiture venure provision. On page 164, after line 16.

Under current law, civil forfeiture actions must be brought in the judicial district in which the property to be forfeited is located. Thus, if a defendant or defendants in a single criminal case have property subject to forfeiture that is located in several districts, it is necessary, if the government is to pursue civil rather than criminal forfeiture, to file separate actions in each district. In such a case, this amendment would permit the forfeiture actions to be brought in the single district in which the defendant is found or is being prosecuted.

Traditionally, in rem actions must be brought in the district in which the res is located. While this amendment would depart with tradition, it should not be viewed as unconstitutional since it is likely not only to provide a more convenient forum for both the government and the defendant-claimant, but also better notice to the defendant-claimant.

This amendment is taken verbatim from Representative Hughes' forfeiture bill H.R. 3299. The Department has never expressed opposition to this provision.

4. Drug profit investment offense amendments. On page 162, before line 5.

RICO (18 U.S.C. 1963 (a)) currently makes it criminal to invest the proceeds of a pattern of racketeering activity (which includes drug offenses) in an enterprise engaged in, or whose activities affect, interstate or foreign commerce. However, where there is a single drug violation, rather than a pattern of violations, this investment prohibition does not apply. This amendment would penalize investment of the income of a single felony drug violation, and is drawn, with only minor variations concerning the nature of the underlying offense, from 18 U.S.C. 1963 (a).

8. Explanation of amendments to Title XII, Part A, of S. 1762 relating to the use and confidentiality of juvenile records.

Page 378, line 12. Under current law, all juvenile records must be sealed and can be released only by court order; this gives a judge the discretion to deny a legitimate request or at least delay acting. Therefore, courts and prosecutors generally do not have access to the records of younger criminals to aid in charging, bail, plea bargaining, and sentencing decisions. In effect, then, many juveniles are already career criminals but get a clean slate at age 18.

These amendments would make access to juvenile records automatic for courts, law enforcement authorities, and other qualifying persons. Moreover, after a juvenile's second delinquency adjudication for a felony crime of violence or drug offense, require transmittal of the information to the FBI.

9. On page 375, after line 15.

This amendment clarifies the intent of 18 USC § 219 by substituting the words "public official" for "officer or employee" thereby maintaining consistency with 18 USC § 201 (Bribery of Public Officials and Witnesses).

10. On page 301, at the end of line 2.

This amendment provides for reimbursement to State and local governments that have bought surplus property for correctional purposes from the Federal government during the limited period preceding enactment of this surplus property donation provision for such property. This is intended to encourage State and local governments that plan to acquire surplus Federal property through purchase not to delay their acquisition merely because legislation is pending that would donate such property to the States.

11. On page 253, after line 15.

This amendment requires a State to include in its grant application assurances that the needs of local government have been considered, and that local initiative in the development of programs has been encouraged.

On page 257, after line 2.

This amendment makes clear to the States that as much grant money as possibly is to be distributed to local units of government.

12. On page 250, line 9.

This authorizes grants to states for programs to improve court management of cases involving violent crime and career criminals. In short, states would be allowed to spend block grant funds on this type of

program in addition to the twelve already in the legislation.

On page 250, line 10.

Technical amendment.

On page 257, lines 16 and 17.

This amends the section that requires block grant funds for which the state does not qualify to be distributed to local units of government within that state. The present provision allows distribution to localities "on the basis of criteria to be established." This amendment would provide a broad criterion for distribution of funds. This does not limit the Attorney General's discretion; it simply requires him to give priority to those jurisdictions with greatest need.

13. This amendment incorporates S. 1976, the Criminal Fine Collection Act, introduced October 19, 1983, by Senators Percy and Thurmond, into Title II of S. 1762. The purpose of this amendment is to improve the collection of criminal fines and otherwise make the fine sanction an effective sentencing alternative.

14. On page 320, line 3.

Part B of Title X is designed to crimi nalize the offense of solicitation to commit a federal crime of violence. This amendment is intended to avoid any possible concern that such an offense might impinge on constitutionally protected speech, petition, and assembly rights under the First Amendment by limiting Section 1003 to "felonies that have as an element the use, attempted use, or threatened use of physical force against the person or property of another."

15. This amendment emphasizes the need to focus on rural crime in the Justice Assistance title of S. 1762 by (1) specifying rural crime as a target for the National Institute of Justice for the purpose of research and demonstration projects; (2) requiring the gathering and promulgation of rural crime statistics by the Bureau of Justice Statistics; (3) authorizing and encouraging federal matching grants for training, technical assistance, and programs to assist state and local authorities with the fight on rural crime; and (4) clarifying specific rural crime goals for FBI-assisted local and regional training programs for law enforcement officers.

16. Explanation of amendment relating to the states of Puerto Rico in Title VI of S. 1762.

The purpose of this amendment is to treat Puerto Rico as a State for the purpose of Title VI, Part G, "Criminal Justice Facilities." Puerto Rico is treated as a state throughout the rest of this Title. The amendment, therefore, conforms Part G to the rest of the Title. The amendment also adjusts from 3 percent to 1½ percent the allotment of money for renovation and construction of criminal justice facilities among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands each fiscal year. The decrease reflects the removal of Puerto Rico from this group of islands.

On page 262, line 24.

This amendment provides for up to one and one-half percent of the sums appropriated annually for the renovation and construction of criminal justice facilities to be alloted to Guam, American Samoa, the Virgin Islands, the Pacific Trust Territory, and the Northern Mariana Islands.

On page 262, line 25.

This amendment deletes Puerto Rico from the list of islands originally eligible for an amount of up to three percent of the sums appropriated annually for the renovation and construction of criminal justice facilities.

On page 263, line 4.

Technical amendment.

On page 264, line 17.

This amendment removes Puerto Rico from the list of lands not to be considered as States for the purpose of Section 704.

On page 300, between lines 7 and 8.

17. This amendment directs the various federal agencies and departments utilizing federal identification systems to scrutinize, make recommendations, and implement changes in current identification systems. The intent of the legislation is the development of a uniform federal identification policy providing for positive identification of persons holding federal identification documents. The amendment also directs the President within three years of enactment of this act and upon consultation with various groups to make recommendations to Congress for the enactment of comprehensive legislation with regard to Federal I.D. systems.●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Budget Committee business meeting originally scheduled for 10 a.m. on Thursday, January 26, 1984 has been rescheduled. The business meeting will convene at 9:15 a.m. The meeting will be held in room 608 of the Dirksen Senate Office Building as originally planned.

Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1985 on Thursday, February 2, 1984 at 9:30 a.m. in room 608 of the Dirksen Senate Office Building. The Honorable David Stockman, Director, Office of Management and Budget is scheduled to testify.

For further information, contact Carolyn McCallum at the Senate Budget Committee at 224-0849.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy and Mineral Resources.

On Friday, February 10 at 9:30 a.m., the subcommittee will receive testimony on S. 2186, to establish a State mining and mineral resources research institute program, and for other purposes.

On Friday, March 2 at 9:30 a.m., the subcommittee will receive testimony on the subject of recovering oil by mining.

Both hearings will be held in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Bob Terrell of the subcommittee staff at 224-5205.

LABOR-HHS-EDUCATION APPROPRIATIONS SUBCOMMITTEE

Mr. WEICKER. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1985 public witness hearings on Thursday, April 12; Tuesday, April 24; Wednesday, April 25; Thursday, April 26; and conclude on Tuesday, May 1. These hearings will be preceded by a hearing on Wednesday, April 11 when the subcommittee will take testimony from Members of Congress.

The deadline for interested groups and individuals to submit their requests for an opportunity to testify is Wednesday, March 7. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, SD-131, Washington, D.C. 20510.

Those persons whose requests are received by March 7 will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who only wish to submit statements for the hearing record will be Friday, May 4. Such statements must be no longer than seven double-spaced pages, and three copies should be sent to me in care of the subcommittee.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and public, the scheduling of a public hearing before the Senate Subcommittee on Public Lands and Reserved Water.

On Thursday, February 9, 1984, at 2 p.m. in room SD-366 Dirksen Senate Office Building, Washington, D.C., the subcommittee will hear testimony on S. 1611, the "Arizona Strip District Wilderness Act of 1983" and S. 2155, to designate certain national forest system lands in the State of Utah for inclusion in the national wilderness preservation system to release other forest lands for multiple-use management, and for other purposes.

Those wishing to testify should contact the Senate Subcommittee on Public Lands and Reserved Water, room SD-308 DSOB, Washington, D.C., phone (202) 224-0613. Those wishing to testify should notify the subcommittee no later than February 7, 1984.

Because of the number of witnesses expected to testify, oral testimony may be limited to 3 minutes per witness. Written statements may be longer. Witnesses will be placed in panels. Witnesses are requested to submit 25 copies of their testimony 24

hours in advance of the hearing to the subcommittee.

For further information, please contact the Subcommittee on Public Lands and Reserved Water, Mr. Tony Bevinetto, phone (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in closed session, during the session of the Senate on Thursday, January 26, to discuss NATO defense efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, January 26, in order to consider and act on the committee budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, January 26, to hold a hearing on organized crime in the Midwest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, January 26, to hold a joint hearing with the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Agriculture Committee, and the Subcommittee on Elementary, Secondary, and Vocational Education of the House Education and Labor Committee, to review the proposal of the President's Task Force on Food Assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT AMENDMENTS OF 1983

● Mr. ABDNOR. Mr. President, I join in expressing my appreciation to President Reagan for signing into law the Tribally Controlled Community College Assistance Act Amendments of 1983.

This legislation marks an important milestone in efforts to improve and enlarge educational opportunities in Indian country. As a cosponsor of this legislation and a strong supporter of Indian education programs, I should like to commend the distinguished chairman of the Select Committee on Indian Affairs, Mr. ANDREWS, for his efforts to fashion a bill which would meet the concerns expressed by all parties involved in the crafting of this legislation.

I was proud that I could play a small part in gaining passage of this legislation and look forward to the development of a strong and vibrant community college program which will address the special needs of our native Americans.

In closing, I should like to submit the following letter which I received from a student at the Sisseton-Wahpeton Community College located in Sisseton, S. Dak. It is a wonderful keynote to the passage of this legislation and I submit it for my colleagues consideration.

The letter follows:

JANUARY 3, 1984.

Hon. JAMES ABDNOR,
U.S. Senate,
Washington, D.C.

DEAR MR. ABDNOR: You recently took action that extended the life of Tribally Controlled Community Colleges. This is no doubt one of many issues that confront you over a period of time. It was, however, one of the single, most important issues affecting me and others like me.

A little over a year ago I sat in on a Careers workshops sponsored by the local community college along with a few other Educational Institutions. I guess college has always been somewhere in the back of my mind, maybe that's why I was there.

There has always been a wide gap between me and higher education. For years this gap has never been bridged, at least not in my case. There have been many obstacles, a lot of them were obstacles of my own making. I learned to survive by doing other peoples work for them. I was long on experience and short on education. I watched other people benefit from my labor, and the harder I worked, the more work was given to me. I saw less qualified and less capable men moved in ahead of me because of educational requirements.

Education has never been on my priority list, but I seem to do well on those things to which I give priority. I decided to get an education.

I investigated the major colleges and universities, but for one reason or another just couldn't get things to work out. I went to my limits, but it was still out of reach. One of their advisors told me to check into the Tribal Community College.

This was the answer. They could meet me at the halfway point. They were friendly, helpful and encouraging. I needed all of that especially the encouragement. I could relate to the students and staff. They could afford, to be patient with me.

I can honestly say that if it was not for this Tribal College I would not be attending college at all. One year after I sat, in curiosity, at a college workshop, I'm looking forward to graduating with a degree in Business Administration. All the hard earned experience gained over the years, will not be wasted.

Thanks to you, and people like you, who have ears to listen, and courage to act, people like me pursue our visions. Tribal Community College may not be the answer for everyone, but for me it was the only one.

Sincerely,

ELDEN LAWRENCE,
Student, Sisseton-Wahpeton Community College.●

ATCHISON'S JOHN AND WINNEY ALLINGHAM

● Mr. DOLE. Mr. President, this weekend, two of Kansas' premier newspaper legends passed away. Within 2 days of each other, minutes from the paper they had owned and run together for years, John Paul and Winney Allingham died of pneumonia.

The Allinghams were in large part responsible for the ascension of Atchison's respected newspaper, the Daily Globe.

Paul worked for a Howe family newspaper, the Amarillo Globe-News, from 1927 until 1937, when he moved to Atchison for the first time. Paul returned to Amarillo a few years later, where he rose to the position of associate publisher. In 1948, he married Winney Fain, who was the paper's national advertising manager.

The Allinghams moved to Atchison in 1951 and ran the Daily Globe for 28 years. Mr. Allingham was the co-owner and publisher, and Mrs. Allingham the women's editor.

Mr. President, they came from Texas, but Paul and Winney Allingham were Kansans to their many friends and readers in Atchison and throughout my State. We will miss them both.●

WHERE TO SEND COMPLAINTS ABOUT FEDERAL PAPERWORK

● Mr. DANFORTH. Mr. President, the Paperwork Reduction Act requires each Federal agency to designate a single senior official to be responsible for the paperwork generated by that agency. Anyone who has a complaint or concern about an agency's requests for information from the public should address his or her comments to these officials.

The Office of Management and Budget recently provided to the Subcommittee on Information Management and Regulatory Affairs an updated list of the officials responsible for the paperwork in their agencies. In order to share that information with other congressional offices and with the public, I ask that the list be printed at this point in the RECORD.

The list follows:

Mr. Mark Blitz, Director of the Office of Policy and Planning, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20503, 254-7630.

Mr. Frank L. Suman, Administrative Officer, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, 254-3967.

Mr. R. T. Rollis, Jr., Assistant to the Administrator for Management, Agency for International Development, Bureau of Management, 320 21st Street, NW., Washington, D.C. 20523, 632-9888.

Mr. William Montgomery, Administrative Director, Arms Control and Disarmanment Agency, 320 21st Street, NW., Washington, D.C. 20451.

Mr. Michael D. Sherwin, Managing Director, Civil Aeronautics Board, Washington, D.C. 20428, 673-5980.

Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006, 566-1066.

Ms. Helen Lukas, Acting Assistant Staff Director for Program Planning and Evaluation, Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425, 254-6644.

Mr. Charles W. Fletcher, Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, Suite 1102 Crystal Square 5, 1755 Jefferson Davis Highway, Arlington, VA 22202, 557-1145.

Mr. Donald L. Tendick, Acting Executive Director, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, 254-3350.

Mr. Bert Simson, Deputy Executive Director, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207, 492-6529.

Honorable John J. Franke, Deputy Assistant Secretary for Administration, Department of Agriculture, 14th and Independence, S.W., Washington, D.C. 20250, 447-5538.

Honorable Arlene Triplett, Assistant Secretary for Administration, Department of Commerce, Washington, D.C. 20230, 377-4951.

Honorable Vincent Puritano Assistant Secretary of Defense (Comptroller), Department of Defense, Washington, D.C. 20301, 696-3237.

Mr. Charles Heatherly, Deputy Under Secretary for Management, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, 245-8703.

Mr. William S. Heffelfinger, Director for Administration, Department of Energy, Washington, D.C. 20585, 252-5940.

Honorable Dale W. Sopper, Assistant Secretary for Management and Budget, Department of Health and Human Services, Washington, D.C. 20201, 245-6396.

Honorable Judith L. Tardy, Assistant Secretary for Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 755-6940.

Mr. Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530, 633-3101.

Assistant Secretary for Administration and Management, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 523-9086.

Honorable Thomas M. Tracy, Assistant Secretary for Administration, Department of State, Washington, D.C. 20520, 632-1492.

Honorable Russell D. Hale, Assistant Secretary of the Air Force for Financial Management, Department of the Air Force, Washington, D.C. 20330.

Honorable Joel E. Bonner, Jr., Assistant Secretary of the Army for Installations, Logistics and Financial Management, Department of the Army, Washington, D.C. 20310, 695-2254

Honorable J. Robinson West, Assistant Secretary for Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240, 343-6181.

Honorable Robert H. Conn, Deputy Undersecretary of the Navy, Department of Navy, Washington, D.C. 20350, 697-2325.

Honorable Cora P. Beebe, Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220, 566-5391.

Honorable Robert L. Fairman, Assistant Secretary for Administration, Department of Transportation, Washington, D.C. 20590, 426-2332.

Associate Administrator for Policy and Resource Management, Environmental Protection Agency, Washington, D.C. 20460, 382-4332.

Mr. John Seal, Management Director, Equal Employment Opportunity Commission, Room 4214, 2401 E Street, N.W., Washington, D.C. 20506, 634-6814.

Ms. Helen H. Wall, Vice President-Administration, Export-Import Bank of the United States, 811 Vermont Avenue, N.W., Washington, D.C. 20571, 566-8111.

Mr. Larry H. Bacon, Deputy Governor, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20544, 755-2181.

Mr. Edward J. Minkel, Managing Director, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20544, 632-6390.

Ms. Margaret L. Egginton, Deputy to the Chairman—Public Affairs, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, 389-4203.

Mr. Fred A. Newton, Director, Office of Program Analysis & Evaluation, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472, 287-0423.

Mr. William G. McDonald, Executive Director, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, 357-8300.

Mr. Richard L. Petrocci, Director of Administration, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, 377-6072.

Mr. Lawrence G. Pedersen, Deputy Director for Finance and Administration, Federal Labor Relations Authority, 1900 E Street NW., Washington, D.C. 20424, 382-0731

Mr. James K. Cooper, Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, 523-5800

Mr. Danny W. Funkhouser, Director of Administrative Services, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, D.C. 20427, 653-5310.

Ms. Mary Masulla, Attorney, Federal Mine Safety and Health Review Commission, 1730 K Street, N.W., Sixth Floor, Washington, D.C. 20006, 653-5648.

Governor Emmett J. Rice, Member of the Board of Governors, Federal Reserve System, 20th & Constitution Avenue, N.W., Washington, D.C. 20551, 452-3285.

Mr. Christian S. White, Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, 523-3906.

Mr. Robert L. Maddex, Supervisory Attorney, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579, 653-5883.

Mr. Frank J. Carr, Assistant Administrator, Office of Information Resources Management, General Services Administration, Washington, D.C. 20405, 566-1226.

Mr. Malcolm C. McCormack, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006, 395-4831.

Mr. Leon M. Parker, Executive Officer, Inter-American Foundation, 1515 Wilson Boulevard, Rosslyn, VA 22209, 841-3870.

Mr. James Hackett, Associate Director for Management, U.S. Information Agency, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547, 724-9136.

Mr. William R. Johnson, Managing Director, Interstate Commerce Commission, Washington, D.C. 20423, 275-7480.

Mr. Richard Redenius, Managing Director, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, 653-6842.

Mr. Walter W. Boyd, Associate Administrator for Management Operations, National Aeronautics and Space Administration, Washington, D.C. 20546, 755-3708.

Mr. Malcolm L. Trevor, Assistant Executive Director for Administration, National Capital Planning Commission, Washington, D.C. 20576, 724-0187.

Dr. Toni Carbo Bearman, Executive Director, National Commission on Libraries and Information Science, 1717 K Street, N.W., Washington, D.C. 20036, 653-6252.

Mr. Ted Bacino, Director, Office of Services, National Credit Union Administration, Washington, D.C. 20456, 357-1055.

Mr. Nicholas C. Maravell, Director of Administration, National Endowment for the Arts, Washington, D.C. 20506, 634-6365.

Mr. Victor J. Loughnan, Director of Administration, National Endowment for the Humanities, 806 15th Street, NW, Washington, D.C. 20506, 724-0308.

Mr. Rowland K. Quinn, Executive Secretary, National Mediation Board, Washington, D.C. 20572, 523-5920.

Mr. Thomas Ubois, Assistant Director for Administration, National Science Foundation, Washington, D.C. 20550, 357-9482.

Mr. B. Michael Levins, Director, Bureau of Administration, National Transportation Safety Board, Washington, D.C. 20594, 382-6700.

Ms. Patricia G. Norry, Director, Office of Administration, Nuclear Regulatory Commission, Washington, D.C. 20555, 492-7335.

Ms. Candy Bryant, Associate Director for Administration, Office of Management and Budget, Washington, D.C. 20503, 395-7250.

Mr. William Hunt, Acting Associate Director for Administration, Office of Personnel Management, Washington, D.C. 20415, 632-6108.

Mr. John P. Giacomini, Director, Office of Management, Office of the United States Trade Representative, Washington, D.C. 20506, 395-5123.

Mr. Fernando Manfredo, Jr., Deputy Administrator, Panama Canal Commission, APO Miami 34011 52-3103.

Mr. Robert T. Spencer, Associate Director for Management, Peace Corps, Washington, D.C. 20526, 254-7394.

Mr. Robert E. Geiger, Director, Office of Management Services, Pension Benefit Guaranty Corporation, Room 4320, 2020 K Street, NW, Washington, D.C. 20006, 254-4776.

Mr. David F. Harris, Secretary, Postal Rate Commission, Washington, D.C. 20268, 254-3880.

Mr. William A. Oczkowski, Director of Planning and Information Management, Railroad Retirement Board, 844 Rush Street, Chicago, Ill 60611.

Mr. Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, Washington, D.C. 20549, 272-2700.

Mr. David A. Cox, Associate Director for Management, Information Systems, Selective Service System, Washington, D.C. 20435, 724-0872.

Mr. Robert A. Turnbull, Associate Deputy Administrator, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 653-6431.

Mr. John W. Thompson, Manager of Management Services (E4B30), Tennessee Valley Authority, Knoxville, Tennessee 37902, (615) 632-4095, FTS 856-4095.

Colonel William E. Ryan, Jr., Director, Operations and Finance, The American Battle Monuments Commission, 20 Massachusetts Avenue, NW, Washington, D.C. 20314, 272-0536.

Mr. Walter C. DeVaughn, Assistant Public Printer for Administration, U.S. Government Printing Office, Washington, D.C. 20401 Stop AP, 275-2388.

Mr. Charles W. Ervin, Director of Operations, U.S. International Trade Commission, Washington, D.C. 20436, 523-4463.

Mr. Dominick Onorato, Associate Deputy Administrator, Veterans Administration, 810 Vermont Ave., N.W., Washington, D.C. 20420, 389-5458.●

FIFTH ANNIVERSARY OF GAO FRAUD HOTLINE

● Mr. SASSER. Mr. President, less than 2 weeks ago I had the opportunity to visit what is indisputably the most cost-efficient, valuable piece of U.S. Government-owned real estate in the Nation—a 331.5 square-foot room on the sixth floor of the headquarters of the General Accounting Office at 441 G Street, NW., here in Washington, D.C.

The room is the headquarters of the GAO fraud hotline. The occasion was to commemorate the establishment of the hotline 5 years ago on January 18, 1979.

BEGINNING OF THE HOTLINE

The toll-free, nationwide General Accounting Office Hotline (800-424-5454; 633-6987 in the D.C. metropolitan area) was established on January 18, 1979 in order to allow concerned citizens nationwide to report instances of fraud, waste and abuse in the Federal Government. Creation of this hotline followed Appropriations Legislative Branch Subcommittee hearings which I conducted late in 1978; these hearings focused on the issue of waste, fraud, and abuse in the Federal Government. During these hearings I suggested to then Comptroller General Elmer B. Staats the establishment of a hotline through which citizens could report instances of waste, fraud, and abuse in the Federal Government. The GAO moved quickly, and the hotline was born on January 18, 1979.

Since then, the hotline has enjoyed the continued support and involvement of GAO's management, most notably that of Comptroller General Staats and his successor, Charles Bowsher. I want to take this opportunity to commend Mr. Bowsher and his senior staff in the Agency's division of Accounting and Financial Management: Wil Campbell, Fred Wolf, George Egan, Jeff Steinhoff, and others such as Congressional Relations Director Tom Hagenstad, who have helped to make the hotline the force that it has become.

For those unfamiliar with the hotline, what it is, and how it works, I would like to provide a brief background.

HOW THE HOTLINE WORKS

The GAO Fraud Task Force which operates the hotline screens all hotline allegations for substance and prospective investigative or audit merit based on an interview with the caller and analysis of any documentation that may be submitted. A summary of the allegation, as well as key statistical information, is entered into a computer data base.

Depending upon the seriousness of the allegation and its credibility—GAO has investigators who are sent to the field to verify the substance of some allegations—the allegation is sent to the Inspector General of the agency in question. The Inspector General is expected to advise GAO within 60 days of the initial disposition of the allegation. An allegation may prompt a formal investigation, an audit, a change in a particular program or a regulation: For instance, the hotline last year began to receive a spate of calls regarding the use of bonus travel tickets, handed out by airlines to individuals who travel frequently, by Federal employees for private or pleasure traveling. Upon learning of this practice from the hotline, the General Services Administration changed regulations in order to prohibit this practice.

Reports of the disposition of referrals are necessary in order for GAO to close out a case. These reports are entered into the hotline computer data base for analaysis of patterns and trends.

As of January 12, 1984, the latest date for which information is available, the GAO Fraud Hotline had received over 53,000 calls, and after screening, had written up 14,000 allegations which require classification as to materiality, agency and program involved, and geographic location. Of these, 10,000 allegations were believed serious enough to warrant further review.

Mr. President, I shall submit for the RECORD, at the conclusion of my remarks, the text of the January 12, 1984, hotline report to be printed at the conclusion of my remarks, along with examples of hotline allegations which were substantiated and which saved money for the Federal Government.

In addition to these activities, the hotline referral system is used to refer and track potential criminal wrongdoing uncovered during traditional GAO interviews such as those conducted in a program audit.

PRACTICAL VALUE OF THE HOTLINE

By any measure, the hotline has developed into the most cost-efficient weapon available against waste, fraud, abuse, and mismanagement in the Federal Government. The task force which operates the hotline has a staff of 14. Its annual budget is approximately $750,000; a firm figure is unavailable because the hotline is not a line item. In the words of Comptroller General Bowsher:

> Substantiated cases (of hotline allegations) has saved the Federal Government, and thus the taxpayer, millions of dollars. In addition, there is definitely a deterrent effect.

There is no way to calculate the deterrent effect alluded to by Mr. Bowsher. Who knows how much was saved, for instance, when GAO reports to an agency's Inspector General that workers for a Government contractor were making items for themselves while employed under a Government contract and when they were supposed to be working on that contract? One can safely speculate that the potential for savings to the Government represented in such a case could run into millions, even hundreds of millions of dollars, if one chooses to consider the possibility that such an episode would alert contract officers government-wide to the potential for the same behavior. In this instance, the one-time savings are almost inconsequential in the face of the long-term benefits of a hotline allegation.

THE HOTLINE'S FUTURE VALUE

Clearly, the hard savings of dollars for the Federal Government wrought by the GAO hotline is in and of itself ample testament and testimony for its future utility. The hotline can and should, however, do more. Some agencies have their own hotlines but these operations are peculiar to, and responsible to, each agency. The GAO hotline is a creation of Congress and helps Congress to perform its oversight responsibility. With over 53,000 allegations reported since its inception—over 10,000 of a serious nature—the hotline has the only government-wide data base on waste, fraud, and abuse in the Federal Government's many departments and agencies.

The data base is now sufficient to begin to tell us those points in the system at which waste, fraud, and mismanagement are likely to occur—on a government-wide basis. It can and should become a principal instrument for effecting the systemic reforms that will prevent waste, fraud, abuse, and mismanagement before they occur—not merely report such instances after they occur. Such a direction is more in keeping with the overall mission of the GAO. The GAO seems to recognize this and has already made some

improvements in the program which digests the hotline information.

On the occasion of the fifth anniversary of the hotline's beginning, I cannot emphasize enough the long-term potential of the hotline for, ultimately, this will likely prove its greatest value of Government.

THE HOTLINE PEOPLE

In marking the fifth anniversary of the hotline, I want to point out that there would be no hotline to commemorate were it not for the people who operate it, and I feel today that they should be mentioned. They are: the group director, Gary Carbone, Harvey Gold, Barney Gomez, Sam Holland, Woodrow Hunt, Ray Leibrecht, Tom Luttrell, Yvonne MacDonald, Terri Matson, Warren Martin, Gerald Thomas, Clarence Whitt, Jerry Wilburn, Glenn Wilcott, and the administrative staff of Trudy Moreland, and Yvonne Prince.

Mr. President, I expect to comment further on the beneficial effect of the hotline in future months—especially as the hotline becomes more instrumental in its role as preventor of waste and fraud in Government. For now, I want to commend those who have made it work and continue to make this valuable instrument of oversight work. Additional background information on the hotline follows.

The material referred to follows:

FRAUD TASK FORCE HOTLINE SUMMARY—JANUARY 12, 1984

VOLUME OF CALLS AND GEOGRAPHIC AREA—FIRST 5 YEARS OF OPERATION

We announced the hotline telephone number on January 18, 1979, and after the first 5 years of operation (January 12, 1984), had written up over 14,000 allegations which require classification as to materiality, agency and program involved, and geographic location. In addition to the above, we have received numerous calls that were more appropriately the concern of other Federal agencies or State or local officials that were referred but not written up. we have received over 53,000 calls in total. Computer Analysis of the calls written up to date is complete and the follow-up on these hotline leads continues.

Calls have been received from all 50 States, the District of Columbia, and overseas locations.

A geographic breakdown based on the 10,005 allegations believed to warrant further review in our screening of 14,291 cases is as follows:

LOCATION OF REPORTED ACTIVITIES

Washington, D.C., 678; Alabama, 170; Alaska, 37; Arizona, 112; Arkansas, 115; California, 1,282; Colorado, 151; Connecticut, 52; Delaware, 13; Florida, 428; Georgia, 415; Hawaii, 30; Idaho, 39; Illinois, 274; Indiana, 132; Iowa, 77; Kansas, 71; Kentucky, 185; Louisiana, 123; Maine, 41; Maryland, 287; Massachusetts, 148; and Michigan, 323.

Minnesota, 73; Mississippi, 97; Missouri, 236; Montana, 48; Nebraska, 48; Nevada, 44; New Hampshire, 24; New Jersey, 167; New Mexico, 84; New York, 441; North Carolina, 195; North Dakota, 35; Ohio, 472; Oklahoma, 113; Oregon, 79; Pennsylvania, 403; Rhode Island, 24; South Carolina, 91; South Dakota, 31; Tennessee, 368; Texas, 562; Utah, 48; and Vermont, 12.

Virginia, 436; Washington, 238; West Virginia, 88; Wisconsin, 88; Wyoming, 12; Overseas, 68; and Missing Codes, 197.

AFFECTED GOVERNMENT ENTITY: EXECUTIVE BRANCH

Department of Agriculture, 538; Department of Commerce, 116; Department of Defense (other than Air Force, Army, Navy), 194; Department of the Air Force, 351; Department of the Army, 551; Department of the Navy, 542; Department of Energy, 119; Department of Health and Human Services (formerly HEW) (other than SSA, NIH), 828; Social Security Administration (Welfare, SSI), 1,974; Department of Education, 104; National Institute of Health, 22; Department of Housing and Urban Development, 641; Department of the Interior, 243; Department of Justice (other than FBI), 234; and Federal Bureau of Investigation, 14.

Department of Labor, 557; Department of State, 16; Department of Transportation, 211; Department of the Treasury (other than IRS), 93; Internal Revenue Service, 948; Community Services Administration, 81; Environmental Protection Agency, 118, Equal Employment Opportunity Commission, 29; Federal Emergency Management Agency, 34; General Services Administration, 260; National Aeronautics and Space Administration, 35; Small Business Administration, 80; Tennessee Valley Authority, 37; Office of Personnel Management, 58; United States Postal Services, 264; Veterans Administration, 425; and Agency for International Development, 14.

LEGISLATIVE BRANCH

Congress, 18; General Accounting Office, 27; Government Printing Office, 11; and Library of Congress, 8.

OTHER

D.C. Government, 17; Other Federal Agencies, 164; and Missing Agency Codes, 29.

TYPES OF ALLEGATIONS RECEIVED

Approximately 27 percent of all calls received appear to have some substance and are written up for further evaluation. After additional screening approximately 70 percent of those written up appear to have some substance for investigation or audit. For example, of 14,291 allegations that have been screened, 10,005 appear to have some substance for investigation or audit. Of the 10,005, about 21 percent are in the "mismanagement" category, while the remaining 79 percent appear to involve intentional wrongdoing.

In summarizing the allegations of wrongdoing, we found it useful to categorize them according to participants in the alleged improper activity. We established the following five activity participant categories:

1. Federal employees only.
2. Federal employees in conjunction with others.
3. Federal contractors or grantee organizations.
4. Individual and corporate recipients of Federal financial assistance.
5. Other individuals or corporate entities.

Of the 7,883 allegations of wrongdoing, the highest proportion, 36.2 percent, was in the participant category "Individual and corporate recipients of Federal financial assistance." The table below shows the number and proportion of total wrongdoing allegations falling in each of the five participant categories.

Participating category	No. of allegations	Percent of total
Federal employees only	1,975	25.0
Federal employees in conjunction with others	427	5.4
Federal contractors or grantee organizations	1,502	19.1
Individual and corporate recipients of Federal financial assistance	2,851	36.2
Other individuals or corporate entities	1,128	14.3
Total	7,383	100.0

Looking first at the "Federal employees only" category, we found that there were 270 allegations of theft, 418 allegations of private use of Government property, 588 reports of employee working hour abuses, 375 reports of improper financial transactions, and 324 reports of other improper activities.

In the second category, "Federal employees in conjunction with others," there were 176 allegations of a bribe or kickback having been paid, 6 allegations of extortion and 245 miscellaneous other allegations.

In the "Federal contractor/grantee" category there were 594 allegations of improper expenditure of Government grant funds, 278 allegations of contract nonperformance, 119 reports of the theft of Government funds or property and 511 other allegations of various natures.

The fourth category, "Individual and corporate recipients of Government financial assistance," included 924 allegations of welfare cheating, 441 of cheating on social security benefit eligibility, 641 on collecting inappropriate disability benefits, 133 of cheating on veterans benefits, 185 instances of food stamp cheating, 76 of medicare/medicaid cheating, and 451 miscellaneous allegations.

The fifth and final category, "Other individuals or corporate entities" included 856 allegations of personal and corporate income tax cheating and 272 other allegations of improper activity.

The allegations of wrongdoing that were received to date involve the funds of every one of the 13 cabinet departments of the Federal Government and involve activity in Washington, D.C., and all 50 States.

In 70 percent of the cases, the informant was anonymous. Twenty-nine percent of the informants were Federal employees.

Referrals made as of January 12, 1984

HHS	2,916
DOL	624
HUD	681
DOD	1,631
IRS	1,054
VA	481
GSA	352
USDA	531
Post Office	245
Interior	334
EPA	120
NRC	8
FEMA	42
D.C. Government	16
Office of Personnel Management	88
State Department	15
DOT	218
DOE	113
Commerce	107
Justice	269
Treasury	145
SBA	85
NASA	38
GAO	212
CSA	99
TVA	34
Legal Services Corporation	21
Department of Education	112

Other agencies	10
AID	15
Total referrals	[1] 10,616

[1] Total cases referred is greater than the number of substantive cases received because some allegations were referred to more than one agency.

EXAMPLES OF SUBSTANTIATED HOTLINE ALLEGATIONS

An informant alleged to GAO that four service contractors were conspiring to inhibit competition and increase contract prices by deciding among themselves who would bid on a particular contract. For each service contract only one firm would bid, forcing the agency to award the contract to the sole bidder. The four contracts totaled over $1 million.

An investigation by the Department of Interior Inspector General confirmed irregularities in the handling of the contracts. Future service contracts will be formally advertised to obtain competitive bids. In addition, it was recommended that two service contractors not be awarded any further contracts because they did not fully qualify under the set-aside guidelines. Prosecution was declined by the United States Attorney based on corrective actions taken by the agency.

An anonymous caller claimed that an individual was receiving AFDC benefits improperly for about three years. According to the caller, the subject had been denied benefits because her husband lived with her so she later reapplied under her maiden name.

An investigation verified the husband's presence in the home as well as his employment and other income. There was an overpayment of $23,115. The subject was prosecuted, convicted and received five years probation as well as an order to make full restitution.

The U.S. Army IG, acting on an allegation received by GAO, determined that the government was receiving defective equipment on a $25 million contract and that no action was being taken. The IG investigated and substantiated the charges. The matter was referred to the Department of Justice but prosecution declined because there was insufficient evidence that the company intended to defraud the government. The government, however, did reach settlement whereby the company would re-inspect the equipment and replace any defective equipment at no cost to the government.

An informant familiar with the industry told the hotline that two contractors were not supplying GSA with the type of box material that they had bid on. The contractors allegedly were providing other materials which did not meet the required specifications. The informant felt the contractors were allowed to perpetrate the fraud because GSA failed to inspect the goods.

Portions of the allegation were found to be valid by GSA's OIG Office of Audits. Material from all previous procurements was not available for checking. However, on one order it was found that the boxes in question were made from a lesser grade of fiber board than that mandated by specifications. The contractor admitted a mistake had been made, and offered a price reduction. In addition, GSA's Regional Procurement Division was requested to require inspection of the contractors goods until such time as an acceptable quality history is established.

An anonymous informant alleged to the GAO hotline that a disabled veteran was collecting 100 percent disability because he could not work when he had working for a number of years. The Inspector General at the Veteran's Administration (VA) was notified and an investigation initiated. As a result of the investigation the veteran admitted to falsifying statement made to the VA over a 7 year period. The U.S. attorney agreed to criminally prosecute the individual. The veteran, however, agreed to repay the $48,000 he had illegally collected in order to avoid prosecution.

GAO received an allegation from an anonymous individual stating that on a visit to a government contractor he had been left unattended where missiles were being assembled. He was also allowed to wander around a confidential area without proper identification or a security clearance. The DOD-IG was notified and found that the contractor had been generally lax in security precautions. The contractor was warned that adverse actions would be taken if security was not improved.

A caller to the hotline reported misuse of HUD funds in the construction of a housing project. Previously, HUD inspectors discovered that the foundation was not stable and requested that two buildings be torn down and reconstructed. Although management had the necessary funds, allegedly the land was not stablized before building.

Audit review determined that numerous construction deficiencies exist in the project. Local officials were leasing the land for the project to the developer and the initial mortgage estimate was overstated. Additionally, the interest earnings on tax-exempt funds were not being used to offset project costs. The investment of the tax-exempt funds provided the underwriter with an additional income of $363,000, which if used to reduce the mortgage, would reduce the Section 8 subsidy assistance by $950,000 over the 20-year period of the Housing Assistance Payment contract. The GAO is following up to determine what corrective action has been taken.

A government employee reported that the manager of a Social Security Office in Colorado employed his thirteen year old grandson for several weeks and paid him with federal funds. The grandson allegedly performed clerical work and was also permitted to operate the computer inquiry system.

An OIG investigation revealed that these allegations were correct. Federal funds in the amount of $507 were used to pay for the grandson's "casual labor". SSA stated that administrative action would be taken and the funds would be recovered. GAO is following up on the final action taken in this case.

An investigation by the Fraud Referral and Investigative Group (GAO) of one allegation received from an anonymous government employee over the hotline resulted in a Comptroller General Decision. The Decision stated that a Chairman of one agency must reimburse $21,250.37 he received for travel and transportation expenses incurred in reporting to his first duty station.

A recent GAO hotline caller alleges that a Navy Supply Center is stocking rubber gaskets which are use as seals for circuit breakers and which caller estimates sell for about $0.03 a piece. Navy Supply has been procuring these, according to the caller, for $154.00 each. Someone in the Supply Center brought this to callers attention because it appeared improper. The National Stock number and the manufacturer's number was obtained and the allegation was referred to the DOD-IG for further review.

An anonymous informant alleged that a Navy Captain was falsifying the time his secretary was working. GAO referred this complaint to DOD's Inspector General for investigation. As result of the investigation, the Navy Captain was formally reprimanded, restricted to his quarters and suspended from duty for 15 days. The secretary was also suspended for 10 days without pay.

An anonymous caller reported that a hospital in Florida was keeping Medicare patients in the hospital much longer than necessary to maintain a high occupancy rate. A review by Blue Cross of Florida revealed unnecessary services resulting in a $6,513 overpayment.●

S. 2065—THE NATURAL GAS MARKET ADJUSTMENT ACT

● Mr. ABDNOR. Mr. President, today I have added my name as a cosponsor of S. 2065, the Natural Gas Market Adjustment Act. This bill, introduced by our distinguished colleague from Nebraska (Mr. EXON) attempts to address some of the most severe dislocations which exist in the natural gas markets which currently impose a heavy burden on our elderly, our farmers, our small businessmen and everyone else that is dependent on natural gas.

I have decided to cosponsor this legislation after carefully reviewing the alternatives. I do not believe that full deregulation or imposed reregulation will address our constitutents', concerns. Having traveled throughout my home State of South Dakota during the congressional recess I learned firsthand of the anger and frustration that exists over higher and higher bills.

It is not enough to point fingers and blame just utility companies, suppliers or pipeline companies. Much of the blame lies right here with us. Congress helped create these problems and it is up to us to help solve them.

My constitutents in the western part of the State have seen their natural gas bills increase by 29 percent in 1 month. Combined with record cold weather and record usage, gas bills of $200 to $500 are not unusual. Yet people read about the glut of natural gas, read about "take or pay" clauses, and find it hard to comprehend how such actions are allowed to continue. One can certainly understand the frustration of the elderly, young farmers, small businessmen, and young couples struggling to raise children as they attempt to pay bills that stagger the imagination.

In the 11 years that I have been in Congress the situation has not improved. I believe we owe the people that we represent, prompt action to address the most glaring shortcomings which now exist in the gas marketplace. My friend from Nebraska has proposed three steps which will lead to quick relief for most consumers: First, reduction of "take or pay" obligations; second, elimination of the indefinite price escalator clauses; and third, im-

plementation of a "prudent purchase" rule for pipeline purchased gas adjustments which have created such havoc for my constituents.

I do not mean to imply that Congress should not address other issues involving natural gas. However, serious divisions exist in this body over what actions should be taken with regard to a national natural gas policy. Prompt action on S. 2065 does nothing to preclude continued consideration of these issues. I urge my colleagues to support this legislation so that we can provide relief for the people we represent.

I commend Senator EXON for his continued contributions in this area and look forward to working with him to achieve passage of this legislation.●

ADDRESS OF SENATOR RICHARD G. LUGAR TO THE NATIONAL FORUM ON EXCELLENCE IN EDUCATION

● Mr. HATCH. Mr. President, I would like to provide the Senate Members with a copy of a singularly helpful speech which was given recently by one of our distinguished colleagues, Senator RICHARD G. LUGAR, before the National Forum on Excellence in Education in Indianapolis, Ind., December 8, 1983. I would hope that all Senators would take the time to peruse his insightful comments on the important issues of education in America. I ask that the text of his speech be printed in the RECORD.

The speech follows:

KEYNOTE ADDRESS OF SENATOR RICHARD G. LUGAR

The National Commission on Excellence in Education recently reported that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments."

The Commission report concludes the next paragraph with the dismal funding that "we have, in effect, been committing an act of unthinking, unilateral educational disarmament."

Thus the stage is set for another national discussion of educational reform and the roles and responsibilities which levels of government and other actors in the education drama should assume if we accept the reality of the crisis and are determined to address it. Some skeptics may experience a sense of deja vu in the demands for urgent reforms. But I will argue that the current criticisms are compelling in their emphasis on international interdependency and the underlying premise that the United States will suffer a severe decline in employment, in the standard of living for most citizens, and perhaps even in an eroding defense capability if we are insufficiently bright and competitive as a people.

The truth of our predicament has not sunk in for most Americans. The extent of our peril is not well understood. For many years, the federal government of the United States has entertained no hope of paying the bills which we have accumulated in our democracy for services and supports which we have demanded and promised to one another.

At the national level, we have established a social security system and supplemented that program with Medicare, Medicaid, and other extensive income supplement, health, and nutrition programs. Over half of the federal budget, or over $400 billion, is spent on social programs and supplementary income payments to individuals. Only about half that much is spent on defense. More than $100 billion a year is required to pay interest on a national debt of roughly a trillion and a half dollars. In the last fiscal year, we fell short of paying our bills by $195 billion.

A few educators will suggest that the federal government should cut defense spending and raise taxes in order to narrow an intolerable deficit. I have no doubt that defense expenditures will be scrutinized even more carefully in years to come and our fervent attempts to reach arms control accords with the Soviet Union will be pursued vigorously. But the majority of dollars in the defense budget go to pay and support directly 2.1 million Americans employed in a volunteer armed service. As a nation, we have opposed the draft. As a nation, we have committed ourselves to pensions and health care for those who have served our country in the past.

We are also committed to keeping the peace through continuous development of credible deterrence to attack on our country. Credibility implies an invulnerable deterrent capability and that requires scientific genius and money.

I have found few persons at education reform meetings who advocate substantial cuts in social security, Medicare, Medicaid or food stamp payments. I have found equally few who support cutting veterans benefits or reinstituting the draft and paying active duty personnel lower wages to save money.

The difficult truth is that we have made fundamental decisions in our democracy and have committed long and sizable streams of income to tens of millions of our fellow citizens who claim legal entitlement to these funds now and in the future.

Other citizens have suggested that raising taxes on individuals and businesses will generate revenues necessary for a variety of worthy programs. Each such suggestion assumes that further taxes will have no harmful impact on economic growth, and that modernization and job creation can proceed effectively with smaller returns on capital investment.

The jury may still be out on the question of whether lower taxes stimulate individuals and firms to produce more, to invest more, and to risk more—factors which will surely be required for maintaining our standard of living. But we have embarked on this course because our economic growth in recent years had come to a virtual halt and because we saw no better alternative. No growth means no prospect for ever paying the bills we have now, to say nothing of the downstream consequences of our promises of income and health care to all who are legally entitled.

Now into this general predicament comes a national inquiry into education. At almost the same time that our country has been staggered by the realization that firms in other nations may be producing cars and various steel products at less cost than we are, and that many Americans judge the quality of foreign products as superior to some American entries, we note that American high school students are compiling achievement scores which rank well behind students in other nations. They rank behind those nations whose populations are currently producing goods and services which threaten to overwhelm many American firms and to eliminate jobs for millions of American wage earners. What, then, does the future hold?

Of course, many Americans do not see a crisis in industry or in education. The America which they choose to see is our country at a time when exports and imports were less than 5% of the Gross National Product. When informed of our extraordinary interdependence with the rest of the world, they wish to go back. Some Americans demand simply that we build tariff walls and other protectionist devices to save American industry, American jobs, American prices and, unfortunately, American economic stagflation. This is a policy of no growth, and it will not pay our bills.

I believe that a majority of Americans know that our country will thrive only to the extent that we are successful in the competition of ideas and ideals and to the extent that we maximize freedom of trade and the laws of comparative advantage. In our domestic economic policies, we are now undertaking substantial deregulation of transportation, financial institutions, and energy resources because we believe that a majority of Americans will receive better services and better values from this stimulation of competition.

But expanded trade internationally and deregulation at home have created enormous and often wrenching adjustments for millions of Americans. Many Americans are demanding protectionism and re-regulation by the federal government in order to restore economic advantages which were enjoyed by some groups before the new rigors of competition were felt so keenly.

My own suggestions for what we ought to do carry the burden of certain experiences which have emboldened me to speak up. I attended the public schools in the City of Indianapolis, manufactured capital machinery for world competition with a brother who was an engineering genius, served for three years on the Indianapolis School Board from 1964–1967, a time of ferment in civil rights activity and compensatory education ideas in our city, served as Mayor of Indianapolis for eight years, and have served as United States Senator for the last seven years. As one who has survived this sequence of public and private careers, I speak today with conviction that compassion, intelligence, and successful political action can be combined and will be combined to meet our educational challenges.

My first suggestion is that public education should be clearly understood as a responsibility of local school districts and state governments. For many years, educational reformers have fixed their eyes on the federal government and federal revenues. That fixation is bound to be futile, because the federal government will be hard pressed within the foreseeable future to meet the safety net and defense needs of the country and to maintain sufficient credibility to borrow hundreds of billions of dollars to meet those obligations.

Federal legislators have authorized educational expenditures in the past. The G.I. bill in 1944, science and mathematics instruction in the National Defense Education Act of 1958, emphasis of disadvantaged students

in 1965, and subsidized and guaranteed student loans in the 1970's were important national programs. In 1981–2, the federal government supplied 10% of school dollars. But substantial new monies will not be forthcoming. Dynamic national economic growth will be required even to meet the obligations we have already undertaken.

The role of state governments will increase both from an organizational and financial standpoint. Our constitutional system gives states the ability to reorganize school districts and to help equalize the flow of expenditures per child. States also have the opportunity to reorganize the civil governments of urban areas and to maximize the efficiency with which the governments, special and general, work together. Such political reorganization is hard and politically dangerous work. Raising revenues to pay for more services is equally dangerous. Without economic growth, many state governments will face strong taxpayer resistance and most states will not be able to afford large increases in educational funding. Each request for funds will be weighed carefully against demands for road and bridge repair, prison reform, and environmental reform, important objectives which have well organized constituencies.

Local school systems will compete for funds with local governments with priorities similar to state governments, plus the imperatives of better police and fire protection and more efficient waste collection.

Capital is scarce throughout the world. It will be difficult to borrow money at any level of government and the interest costs will be high even in recovery periods such as the present one. These are realities.

In my judgment, the administration will not request substantial new funds for education, the Congress will not appropriate $7 billion or $11 billion, or $21 billion of new money, and teacher salaries will not be increased by 25% across the board. These things will not happen because the federal government will be deep in deficits which have arisen in connection with other public policy objectives. I would predict, too, that taxpayers at the state and local level will not wish to pay every teacher, regardless of talent or merit, more money just for the sake of it. Given skepticism about the ways in which educational time is spent, the idea of extending the school day or the school year will most likely be debated case by case.

Having said all that, I predict that citizens will decide to spend more money on education and I believe it is important to note that record of support in recent years.

The National Journal of July 9, 1983 sets forth the following report:

"For whatever the current complaints about the schools, the problems cannot plausibly be laid to neglect. Precisely the opposite is true. Since the end of World War II, Americans have lavished money and attention on education. Consider:

"Between 1945 and 1975, the share of the nation's output (gross national product, of GNP) spent on all schools, including colleges and universities, rose from 2 to 8 percent. Although it declined to 6.8 percent in 1981, much of the slide reflects a shrinkage of the traditional school-age population—an aging of the "baby boom" generation—rather than a fall-off in per capita spending.

"More students than ever have remained in school—and gone further. Between 1940 and the 1970's, the proportion of students graduating from high school rose from 42 to about 75 percent. About half of all high school graduates (or about three-eighths of all young Americans) now attend college, in contrast with a fourth (or an eighth of young Americans) in 1940.

"The teaching resources committed to students in public schools have risen significantly. Between 1959 and 1980, student-teacher ratios declined 27 percent. According to the National Center for Education Statistics, per pupil spending—adjusted for inflation and expressed in 1979–80 dollars—rose from $395 in 1929–30 to $2,275 in 1979–80 before slipping to $2,228 in 1980–81. The growth in spending reflects more teachers, higher salaries, more remedial courses and a growing proportion of high school students, who are more expensive to educate. On paper, teachers are better qualified than ever; nearly half of the primary and secondary schoolteachers hold masters' degrees, compared with less than a fourth in 1960.

"School buildings are generally more elaborate and better-equipped than they once were. As recently as 1940, more than half the nation's public elementary schools were small, one-teacher schools. Now, one-room schools make up less than 1 percent of the total.

"Compared with all but a few advanced industrial countries—Canada, the Netherlands, Sweden—the United States spends more on education. For most countries, the gap is significant. While public spending on education in the United States was 5.7 percent of GNP on schools in 1979, France's spending was 5.3 percent and Gemany's 4.6 percent. Japan's on the other hand, was about the same as for the United States."

My second suggestion is that we should go a little easier on predictions that the sky is falling on public educational achievement in this country. In saying this, I do not wish to define the crisis in achievement out of existence. To the contrary, the drop in Standard Achievement Test scores is real and the secular decline has been dismal. It is apparent that many students in other nations are learning faster and learning more.

In part the decline in achievement scores has come because we have asked the schools to widen responsibilities for instruction and opportunity to all Americans. It is not enough now that schools teach reading, writing, and arithmetic. They are also asked to teach children how to drive, how to cook, what to feel about emerging sexuality, how to respond to pressures regarding alcohol, tobacco, and drugs, and what to think about the prospects for nuclear war. This is a tall order for all institutions, and if schools are not succeeding fully, it is fair to say that parents, churches, and other institutions are not either.

The other—and more profound—problem associated with declining test scores and declining capabilities to perform simple intellectual tasks, is exemplified by the "greening of America" period through which our country has passed. I believe that most of us survived this period, but it is apparent that not everyone has.

The question for many people has not been preparation for a life of competitive work, family support, or the sophisticated enjoyment of pleasures such as music, art, world literature, or civic involvement. Instead, many young and not-so-young people accepted as permanently given the affluent status of the nation and prepared to enjoy leisure alternatives which did not include serious academic discipline or achievement.

Until recently, many Americans had lost or never gained the desire to compete successfully in intellectual pursuits. A common assumption was that our large and wealthy economy would provide employment for those who wished to work and would accept them in the work force at any level of preparation they offered. Those who did not wish to work could enjoy other self-chosen pursuits with an ever-widening safety net to support them.

In fact, many Americans have never been enamored with academic work for themselves or for others. The notion that one could get by without learning to spell, read, or write very well had wide appeal. In such an atmosphere, many Americans also saw no need to serve the nation by volunteering for the armed services, or teaching school children, or entering into even modest public service.

Now all of this is changing because we are a nation at risk. We are locked in a struggle with the Soviet Union which will continue for many years and in which we must keep the peace through a credible deterrent. Our ability to keep the peace will be directly proportional to our talents as scientists, physicists, and broad-gauged diplomats with strong preparation in the liberal arts, languages, Soviet and other international studies. We will put bread on the tables of this country if our engineering, machining, and quality control is superior and if we innovate and modernize rapidly and continuously. We shall make wise decisions at all levels of government only if we learn to read and write again at all ages and to entertain serious subjects with better recognition of how scarce resources should be allocated and examine continuously the promises we have made to each other in public policy.

Achievement scores will improve when and if students really want to learn. As parents and sports fans, we stand on our heads to stimulate athletic achievement and our children achieve in a spectacular fashion. Underpaid or even unpaid coaches bask in community esteem. But when it comes to academic achievement, we have still not caught the spirit. That is the crisis of American education. We are able to appreciate the need for endless calesthenics, weight training, wind sprints, and any other preparation needed to outrun or outplay an opponent at a Friday night high school game, the NFL, or the Olympic games. But as a nation we have not grasped the significance of the sheer drudgery, the repetition, the discipline to read, to speak, and to write in clear sentences, to master foreign languages, to analyze economic and social relationships, and to master higher mathematical skills.

The plaudits of each of us in this nation had better be directed toward academic achievement and to the successful competitors on the intellectual playing fields. Great moments in sport will come and go, but the academic achievers are those who will keep international peace, provide jobs for the American people, and enrich the cultural life of this country. And we are talking about millions of achievers. It is the strength and breadth of participation in our democracy which will be of the essence.

There is a national interest in this. Young Americans ought to be concerned about it, because it is their future which is at stake. But so ought older Americans. If we cannot produce steel and automobiles and other products efficiently, who is going to pay the bills for social security? If we cannot create new products and attain new advances in productivity, who will pay for the ever-increasing demands for better and fuller health care? If we cannot remain at the cut-

ting edge of technological developments, who will insure our security against nations which threaten us? Our national leadership has every reason to be concerned about the quality of American education. Our cultural life, our commercial life, our health, and our very survival depend upon it.

If there are dangers of elitism in the encouragement of excellence, there is surely a far greater elitism in pretending that standards make no difference—when we all know that they do. Is it fair to a poor, unemployed youth to pretend that his inability to command the English language is of no hindrance to him? This pretense is really the province of those who have already "made it," and it is as far from the hungry desire for learning that characterized people who are striving to better themselves as anything could be.

Those who cannot do well, those who are weak or infirm, depend the most upon a system which encourages success and creativity. Our compassion for the weak and the poor and the handicapped will be empty if we are not able to provide real help to them.

If we capture this vision for the future of American education, will highly motivated, heavily supported students achieve as much as they should with the present group of American teachers?

Obviously, teachers had better feel the warmth of our esteem, too. To recruit and to keep the best teachers for our children, we will need to pay those teachers more money and we will want to do so.

The embattled outlook of teacher organizations is understandable. The role of a protective organization in a field of declining numbers and demand might be to circle the wagons, protection of all members, demand the same for all so as not to threaten unity, and to use political action to try to negate market place supply and demand equations. The United Auto Workers, the United Steelworkers, and a host of other embattled unions are attempting similar tactics. With full appreciation for the strength of teacher organizations, I pray that they will come to favor higher compensation for superior teachers and will cooperate with those who wish to remove the barriers to entry for many intelligent citizens in many walks of life to teach our children.

And while in an attitude of prayer, I will blurt out two additional pleas. Surely a nation at risk can support fast track, accelerated learning opportunities for very bright and capable students. And surely a nation at risk can encourage examination of school policies which restrict the ability of a teacher to expel troublemaking students from a classroom of students who want to learn and listen and which restrict administrators from expelling from schools various students who vent their antipathy to school attendance by disrupting the general atmosphere of the school. It will not do to point to a crisis in American education and sidetrack the whole thrust of the discussion by asserting that current arrangements are beyond challenge.

There are some hopeful signs. Many parents are demanding more homework and are pledging to spend more time encouraging study for their children. Courageous school superintendents at the local and state levels are demanding competency testing. Some students haven't been doing much reading and writing for a while, but in coming years they will, because diplomas will rest on passing a reasonable test. Bold Governors and State Legislators are spelling out concrete steps which will take planning, adjustment, and money, and they are seeking support for all three with good chances for success. Private citizens donated approximately $2 billion to public education last year, a small contribution when measured against the $116 billion of public monies. But this is a harbinger of good deeds and additional resources for the future. There must be no prohibition or discouragement of endowing public education at every level with private means.

We have been a nation at risk because we have not cared enough about learning. But this is changing, because it has dawned on many Americans that the world does not owe us obeisance and congratulations. It is now dawning on many Americans that we must compete in the world today. Once upon a time, many American firms could rest content with a broad national market in the United States. That is no longer possible. American businesses are confronted by foreign firms which are eager to succeed. Societies which do not educate their children will confront even more difficult challenges in the world. We need to foster those people who will dream what is new, who will take risks, and who will succeed. Merely "getting by" is no proper standard at all, and those who aim no higher should not be surprised to see themselves eclipsed by others who aim at a higher goal.

In Germany, recently, a leading political figure mentioned to me that he believed that we had entered into an era in which nothing much new was happening, or would happen. The automobile had been invented, he said; all that remained was the question of how to squeeze out marginal improvements in mileage. The telephone had been invented, he said; all that remained was to make telephones in different colors and shapes. And so forth.

I find this way of thinking to be simply incredible. We are on the verge of some of the most fundamental changes in years. The transition from an industrial society to one marked more by information; the implications of all this for de-centralization (or centralization); the need for new products; the development of new generations of computers; genetic engineering; space exploration and travel—the world is as large as one's imagination.

But the thought is sobering, for it reminds us that there are two different visions of the future before us. The one, represented by the political figure I have mentioned, is tired and seeks to withdraw. It is uncertain of itself and of its abilities and of its right to play a role in the world; it is one of resignation, where the chief task of politics, economics, and education is to distribute and re-distribute a limited number of goods and services.

The other view is, I think, more in tune with the spirit of the American people. It holds that it does matter whether one does well or ill, and that one can tell the difference between the two. It holds that it is better to know than not to know, to strive than to accept, to make something well rather than poorly, to create rather than to take.

Our task is not just to distribute and to redistribute; our task is to help to forge a new ethos in which learning is important. We need to say at the national level, at the state level, and at the local level in no uncertain terms: Scholarship is important. Learning is important. Education is important.

We may take hope from the spirit of young people who can be motivated in many different ways. Students, after all, often survive even anti-intellectual parents, mediocre teaching, and haphazard educational administration if somewhere there is one family member, one teacher or dean, one employer or coach, or even one public servant who cares deeply and lights sparks with regularity.

The nation will not be at risk if our children are determined to succeed as family members, career makers, citizens, and sensitive individuals who are in awe of nature and the best works of man. Only those who themselves know why learning is important can possibly teach important lessons to others. Our job is to light the sparks.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Ms. Annie Lesher of the staff of Senator PRYOR to attend a seminar in Israel, sponsored by the Hebrew University, from January 2 to 13, 1984.

The committee has determined that participation by Ms. Lesher in the seminar in Israel, at the expense of the Hebrew University, is in the interest of the Senate and the United States.●

NATIONAL WATER PROJECT FINANCING POLICY

● Mr. ABDNOR. Mr. President, yesterday Interior Secretary Clark came to Capitol Hill to discuss with a number of Congressmen and Senators the important issue of national water development policy. He brought with him a letter from the President of the United States in response to correspondence initiated by our esteemed colleague from Nevada, Senator LAXALT, and reinforced by my own separate correspondence, dated May 5, 1983.

President Reagan states in rather clear terms what has become obvious to me as a chairman of the Water Resources Subcommittee; namely, that, "new partnership arrangements will be necessary to finance any additional projects in the future," and he expresses his gratitude that Congress is now addressing the key issues related to water project cost sharing and financing.

Just as importantly, in fairness, the President recognizes that, "the Feder-

al Government has made prior commitments to individual States with regard to water development within their borders," and he states as one of the official policies of the administration, "Prior commitments to individual States with regard to water development within their borders must be considered and shall be a factor in negotiations leading up to project construction."

Finally, I urge my colleagues to heed the President's admonition: It is time to conclude the discussion and to establish a national water project financing policy so that we can get on with the job of completing projects where commitments already have been made and undertaking new construction starts to meet the country's future needs.

I ask unanimous consent that the President's letter, along with Senator LAXALT's and mine, be printed in the RECORD.

The letters follow:

THE WHITE HOUSE,
Washington, January 24, 1984.

DEAR PAUL: Some time ago, you and 14 of your colleagues wrote to me expressing your concerns regarding water project development. I appreciated receiving this valuable counsel which has helped crystallize the extensive discussions within the Administration on this vital subject.

We all agree on the goals. These goals are to revitalize the magnificent water development programs launched early in our Nation's history. The Federal-State partnership has succeeded even beyond the dreams of those who developed the concept so many decades ago. This partnership has helped create abundant year-round water, electric and food supplies; reduced flooding, and provided low-cost inland, coastal and oceanic waterborne transportation. In addition, millions of Americans have enjoyed vast new opportunities for water-related recreation.

Providing enough high quality water promptly to those who need it is a task that has confronted Americans since the earliest days of our national experience. In the first summer at Plymouth, the Pilgrims experienced a summer drought that nearly ruined their crops. More than 350 years later, Americans had to contend with flooding on the Mississippi and the Colorado, and drought throughout most of the rest of the Nation. The lesson of these events is clear. Providing enough high quality water where and when it is needed is a never-ending process.

This Administration is committed to working with the States, local entities and those private sector interests concerned with water development all across America. We are rebuilding the Federal-State partnership so that we can resume water development efforts to avert water crises in the coming decades. We have accomplished the following:

Re-established the policy of State primacy in water rights resulting in less interference from the Federal government in water resources management.

Reinforced State primacy by the repeal of a Federal non-reserved water rights opinion.

Established and successfully implemented a process for negotiated settlements of Indian water rights disputes.

Offered States the option of having Federal reserved water rights within their boundaries expeditiously inventoried and quantified to enhance their management capability.

Implemented the Reclamation Reform Act of 1982 to recognize advances in agricultural technology and the market economy based on the family farm, giving these farmers an opportunity to build commercial operations without unrealistic limitations on their access to land and irrigation water.

Established new Principles and Guidelines for water project planning to remove cumbersome regulations and promote flexibility in planning, thereby encouraging water resources development.

Elevated water resources decisionmaking to the level of the Cabinet Council on Natural Resources and the Environment, whose Chairman Pro Tempore is the Secretary of the Interior.

Presented to Congress new project construction proposals incorporating increased non-Federal financing based on the tangible economic returns produced by the projects.

All of these actions have helped to rebuild and strengthen the foundations of the Federal-State partnership so we can move forward to develop much needed, environmentally sound and economically prudent water resources projects. We have made numerous studies and conducted extensive discussions within the Administration in quest of ways that the Administration, the Congress, the States, and the American people can develop true partnership arrangements that recognize the realities of today's economics and tomorrow's environment. We are gratifed that Congress is now addressing the key issues related to water project cost sharing and financing.

Water development needs, geography, climate, economy, fiscal capacity, and Federal interests all vary from State to State, and from region to region. Furthermore, the Federal Government has made prior commitments to individual States with regard to water development within their borders. During the past months, I have fully considered the views expressed by you, your colleagues, the Cabinet Council on Natural Resources and the Environment, and many of the Governors regarding how the Federal government might participate in water project development and project financing under these conditions. Traditionally, many Federal water project beneficiaries have repaid the construction costs of their projects, but we all agree new partnership arrangements will be necessary to finance any additional projects in the future.

It is time to conclude the discussion and to establish a national water project financing policy so that we can get on with the job of completing projects where commitments already have been made and undertaking new construction starts to meet the country's future needs.

Indeed, the construction of storage reservoirs has not kept pace with the increasing demand for water. As a result, our water supply is less reliable and more vulnerable to drought than it was a decade ago. We must develop even better ways to work together effectively. We will have to make the best use of the water we have if we are to avoid serious future problems. I am convinced that by working with State and local governments we can solve the problems of flood, drought, and quality.

The water project financing and cost-sharing policy of this administration is:

All Federal water development agencies will continue to seek out new partnership arrangements with the States and other non-Federal interests in the financing and cost sharing of all proposed projects. Each such agency will negotiate reasonable financing arrangements for every project within its respective area of responsibility.

Prior commitments to individual States with regard to water development within their borders must be considered and shall be a factor in negotiations leading up to project construction.

Consistency in cost sharing for individual project purposes, with attendant equity, will be sought.

Project beneficiaries, not necessarily governmental entities, should ultimately bear a substantial part of the cost of all project development.

Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary. Criteria to determine dam safety designation shall be developed by an interagency technical team in consultation with non-Federal parties.

The costs incurred by the Federal government in project planning generally will be shared with project sponsors. Specific arrangements will differ among agencies because of their differing planning, authorizing, and funding procedures.

Once financing, cost sharing, and cost recovery arrangements have been agreed to, they will be reviewed by the Office of Management and Budget and submitted to the Congress for ultimate disposition.

This process will result in arrangements that are workable, fair, just, and practical. It will put into place the final building blocks in an improved program to meet America's current and impending water needs while recognizing Federal budgetary realities.

I sincerely appreciate your cooperation on this subject. Working together, we can move ahead into a new era of water project development for the benefit of the Nation and all Americans.

Sincerely,

RON.

UNITED STATES SENATE,
Washington, D.C., May 5, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is in support of the letter addressed to you by Senator Laxalt and 12 of my Western Republican colleagues urging your careful consideration of water project cost-sharing. But for one sentence I agree wholeheartedly with the thrust of their letter, and for that reason I have chosen to send my views separately on this important issue.

The single sentence in my colleague's letter with which I disagree is: "The bottom line here is that we have nothing to gain politically or fiscally from moving on the issue of cost-sharing at this time."

I do agree and feel very strongly that there is nothing to be gained by pressing the adoption of arbitrary cost-sharing percentages which must be met by all projects in each of the various functional categories. I do not agree, however, that we should avoid any attempt to bring into Federal public works programs additional non-feder-

al revenues in an effort better to meet the important needs for which these programs have been authorized. In my view that is what the cost-sharing debate is all about, and I don't believe even my Western colleagues are suggesting that no effort should be made to recover additional revenue from the beneficiaries of new Federal water projects, according to their ability to pay.

Mr. President, as Chairman of the Water Resources Subcommittee, I know very well that it will be impossible to enact a substantial omnibus authorization bill for the Corps of Engineers and to provide for continuation of the civil works program at an adequate level without also providing for the receipt of additional non-federal revenues. At the same time, however, I concur completely with my Western colleagues that such additional non-federal cost-sharing contributions must be considered on a case-by-case basis. For practical political reasons, as well as on the basis of equity, ability to pay simply must be taken into account. Without such consideration it is my estimation additional cost-sharing requirements cannot be enacted, and if they could be, they would result in a case of the rich getting richer and the poor getting poorer.

Moreover, Mr. President, arbitrary cost-sharing percentages are not required to bring in the additional revenues needed for a more effective Federal water development effort. What is needed is a project-by-project analysis of ability to pay and a requirement that project beneficiaries pay according to their ability, as determined in such analysis during the feasibility study process. In many cases beneficiaries will be able and should be expected to pay even more than would be imposed under arbitrary, uniform standards, but no meritorious project should be denied funding simply because of the inability of non-federal sponsors to pay.

I believe a sound and effective public works investment program should be based upon the following principles and that these principles, coupled with an omnibus project authorizations bill, can be enacted:

(1) Annual construction authorization ceilings should be enacted for a sufficient number of years ahead to facilitate planning and to provide an effective limitation on the appropriation of general revenues;

(2) Within each annual overall civil works program ceiling, functional program limits should be set, perhaps on a bi-annual basis;

(3) Each functional program limit should be increased by the amount, or some percentage thereof, of any additional non-federal cost-sharing contributions made for the construction of projects within that functional category;

(4) The Corps and the Bureau should be explicitly authorized and directed to attempt to negotiate cost-sharing agreements with non-federal sponsors, on a case-by-case basis, according to ability to pay and subject to a requirement that no project be denied funding simply because of the inability of a non-federal sponsor to pay;

(5) Authorized projects for which repayment ability is identified but for which no non-federal cost-sharing agreement can be reached should be reported to Congress as such, along with the reasons cited by the non-federal sponsor(s);

(6) It should be left to Congress, through the appropriations process, to decide which projects are to be funded within the effective overall program limits established by the general revenues authorization ceilings and the availability of additional non-federal cost-sharing monies;

(7) By establishing limits on the amounts by which each functional program can be increased with non-federal revenues, Congress could indirectly set and the agencies could promulgate general guidelines for cost-recovery for projects in each category, but these numbers would be programmatic targets only. Individual project repayment and/or cost-sharing would be based upon repayment ability, with Congress as the final arbiter.

Mr. President, there are different ways to "skin a cat." It is the bottom line which should concern us, and in my mind the bottom line is the need to break the stalemate in our Nation's water development programs without "busting the budget" still worse than it's already "busted." In my view that can only be done through the establishment by Congress and the Executive Branch, working cooperatively, of explicit policies based upon the principles I've enumerated. I believe not only that these principles can constitute a workable formula for progress in water development but that, contrary to the assertion of my colleagues, there is a great deal to be gained, both politically and in a fiscal sense, through an effective demonstration of leadership in breaking the impasse.

I trust my colleagues' letter is ample evidence the course the Administration is currently pursuing is a dead end, and I hope you'll agree the principles set forth in this letter can lead to a more productive outcome.

With best wishes,

Sincerely,

JAMES ABDNOR,
United States Senator.

UNITED STATES SENATE,
Washington, D.C., April 27, 1983.

DEAR MR. PRESIDENT: Your Cabinet Council on Natural Resources will, in the near future, be sending to you for consideration a new policy for cost-sharing on Western water projects. The purpose of this letter is to urge you to carefully consider the political as well as fiscal ramifications of such a policy before deciding whether or not it should be adopted.

As you know, the concept of cost-sharing for Western water projects is nothing new. For the past 81 years the Interior Department's Bureau of Reclamation has been seeking and receiving repayment of the money spent up-front to construct water projects. The issue currently under discussion is how much money States and other beneficiaries of these projects must come up with on the front end.

Frankly, Mr. President, we are deeply concerned about some of the policies currently under consideration that would mandate States to pay a fixed percentage of a water project's cost before construction could begin. Such a policy would automatically preclude future water development in States with a low tax base and would be widely viewed to be just as anti-West as the infamous Carter "Hit List."

We believe that the decisions regarding up-front financing of water projects should be made on a case-by-case basis by the Congress and the Administration. States and other beneficiaries should be encouraged to come forward with up-front financing proposals and allow Congress and the Administration to study them and make a decision. Inflexibile formulas should be absolutely avoided.

As Republican Senators representing Western States, we are deeply concerned that your Administration is going to be painted as "anti-water" in the 1984 election campaign. The perception exists, fueled by Democratic Western Governors, that the Reagan Administration has been long on talk and short on substance when it comes to water development. We have yet to initiate construction on any new Western projects in the past 2 years, and we are now contemplating an up-front financing scheme even more Draconian than that proposed by Jimmy Carter. Furthermore, the Administration's current policy of requiring cost-sharing on dam safety modifications is proving to be a big political minus.

In conclusion, Mr. President, we would urge you to address up-front cost-sharing on case-by-case basis, reevaluate the Administration's position on dam safety, and move expeditiously to initiate construction on new Western water projects. The bottom line here is that we have nothing to gain politically or fiscally from moving on the issue of cost-sharing at this time. We urge you to carefully consider these thoughts before putting forth a policy that will be harmful to your Administration and your base of support in the West.

Sincerely,

Paul Laxalt, Malcolm Wallop, Orrin Hatch, Barry Goldwater, Jim McClure, Pete Domenici, Pete Wilson, Steve Symms, Chic Hecht, Ted Stevens, Frank Murkowski, Slade Gorton, Larry Pressler, Mark Andrews.●

HISPANIC SUPERIOR BASKETBALL LEAGUE

● Mr. D'AMATO. Mr. President, I rise today to draw your attention to an organization, the Hispanic Superior Basketball League of New York, whose devotion and commitment to an athletic program for inner-city youths in New York City is truly commendable.

The league provides many young people with a positive alternative to the street life and the oppression of poverty that surrounds them. The athletic programs run by the Hispanic Superior League, as well as many others run under the auspices of the National Hispanic Amateur Athletic Council, promote the improvement of skills through workshops, as well as the instillment of sportsmanlike conduct through fair and supervised competition.

I commend the Hispanic Superior League and its members, coaches, players, and supporters. I hope they will continue their programs and their efforts to make the difficult path of inner-city youths easier and the futures of many members of our next generation brighter. Selflessness such as that displayed by those who give willingly, indeed eagerly, of their time deserves the recognition of this body.●

REED LARSON: A REMARKABLE AMERICAN

● Mr. HELMS. Mr. President, this past week marked the 25th anniversary of Mr. Reed Larson's leadership of the National Right To Work Commit-

tee, a broad-based citizens' coalition dedicated to the proposition that workers have the right, but must not be compelled, to join a labor union.

Years of service on behalf of individual rights in labor relations have earned for Mr. Larson the respect and admiration of millions of Americans who are concerned about the menace of compulsory unionism and its attendant ills of corruption, violence, and oppression. He is without a doubt one of this Nation's foremost champions of freedom and liberty. He is a remarkable American.

Mr. President, Mr. Larson first attracted the attention of the National Right To Work Committee, which he now serves as president, in 1958, when as head of the committee's affiliate in Kansas he spearheaded the campaign for a right to work law in that State. While five other States were rejecting right-to-work, Kansas was the only State to pass it, thereby guaranteeing its citizens the right to decide for themselves whether to join a labor union.

Since that time, Mr. Larson has never let pass an opportunity to do battle with those who would deny American workers the freedom to join or not to join a labor union. In his tenure at the National Right To Work Committee, he has done more than any other American in my memory to restore labor relations to the course originally envisioned by the Founding Fathers.

Through his dedicated leadership, the committee has won many key victories for workers' freedom, including the preservation of section 14(b) of the Taft-Hartley Act in 1965, the defeat of common situs picketing in 1976 and 1977, and the halting of the phony labor law reform bill in 1978.

Reed Larson's creative guidance and dedication have increased committee membership to more than 1.7 million, giving workers an effective, broad-based citizens' lobby to defend their rights against compulsory unionism.

In 1968, he helped found the National Right To Work Legal Defense Foundation, a charitable, nonprofit organization that provides free legal aid to victims of compulsory unionism abuse.

Mr. Larson's vigilance on behalf of the right to work without compulsion has never wavered. For more than two decades now, workers who balk at paying union dues before they can earn a living have known they can count on Reed Larson and the National Right To Work Committee for help.

I congratulate Reed Larson for his efforts on behalf of working Americans everywhere. More than any other individual I know, Reed Larson has diligently and effectively worked to protect the right of individual workers to join or not to join a union without fear of losing their jobs—and for that he will always be appreciated and remembered.●

MICHAEL SLOMINSKI

● Mr. D'AMATO. Mr. President, I rise today to extend my sincere congratulations to Mr. Michael C. Slominski on the occasion of his 50th anniversary as a leading choral director in western New York State.

I take pride in acknowledging his contributions to the musical achievements of many of Buffalo's Polish-American choral groups. After 4 years of semiretirement in California, he has returned to Buffalo and resumed leadership of the prestigious Paderewski Singing Society, the choir he founded in 1939.

Throughout his 50 years as a choral director, he has led numerous musical societies in the Buffalo area, including the Echo Society of Niagara Falls, the Symphonic Choir of Hamilton, Ontario, the Niagara University Glee Clubs, and the Fredo Singing Society, as well as numerous high school and church choirs. His musical talents have added to the quality of life wherever he performed. His talents have been used in such diversified roles as directing the dedication of Buffalo's renowned Kleinhaus Music Hall to leading a glee club during World War II at General MacArthur's headquarters in Manila.

I offer my heartfelt congratulations to Mr. Slominski on his half century of accomplishments and express my wishes for his continued prosperity in the years to come.●

LETTERS TO THE PRESIDENTS

● Mr. LUGAR. Mr. President, I ask to have printed into the RECORD letters written to the President of the United States and the President of the Senate by Bankruptcy Judges Nicholas W. Sufana and Robert L. Bayt of the Southern District of Indiana, U.S. District Court and Bankruptcy Judges Robert K. Rodibaugh and Russell H. Nehrig of the Northern District of Indiana, U.S. District Court. Their letters are acting as notice to protect retirement benefits and conform to title 5, United States Code, section 8331 (22)(A).

The letters follow:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, COURT OF BANKRUPTCY,
Indianapolis, Ind., December 21, 1983.

The VICE-PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in conformity with Title 5, United States Code, Section 8331(22)(A) that I have agreed to accept an appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

NICHOLAS H. SUFANA,
U.S. Bankruptcy Judge.

Enclosure.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, COURT OF BANKRUPTCY,
Indianapolis, Ind., December 21, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In conformity with Title 5, United States Code, Section 8331(22)(A), I wish to advise that I agree to accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

While I am aware of the fact that the future of the bankruptcy courts is in doubt because of the failure of Congress to approve legislation to meet the constitutional problems presented in *Northern Pipeline Construction Company* v. *Marathon Pipeline Company,* 102 S.Ct. 2858 (1982), this notice is being given to protect the retirement benefits contained in 5 U.S.C. Sec. 8339(n).

Very truly yours,

NICHOLAS W. SUFANA,
Bankruptcy Judge.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, COURT OF BANKRUPTCY,
Indianapolis. Ind., December 29, 1983.

The VICE PRESIDENT OF THE UNITED STATES,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Pursuant to the definition of "bankruptcy judge" contained in 5 U.S.C. § 8331(22), I hereby agree to accept an appointment as a judge of the United States Bankruptcy Court.

Respectfully,

ROBERT L. BAYT,
Judge of the U.S. Bankruptcy Court.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, COURT OF BANKRUPTCY,
Indianapolis, Ind., December 12, 1983.

The PRESIDENT OF THE UNITED STATES,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to the definition of "bankruptcy judge" contained in 5 U.S.C. § 8331(22), I hereby agree to accept an appointment as a judge of the United States Bankruptcy Court.

Respectfully,

ROBERT L. BAYT,
Judge of the U.S. Bankruptcy Court.

U.S. BANKRUPTCY COURT, NORTHERN DISTRICT OF INDIANA,
South Bend, Ind., December 12, 1983.

PRESIDENT OF THE SENATE,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in conformity with Title 5, United States Code, 8331(22)(A) that I have agreed to accept an appointment as Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

ROBERT K. RODIBAUGH,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF INDIANA,
South Bend, Ind., December 9, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In conformity with Title 5, United States Code, Section 8331(22)(A), I wish to advise that I agree to accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

As you know, the failure of Congress to approve legislation to meet the constitutional problems presented in *Northern Pipeline Construction Company* v. *Marathon Pipeline Company,* 102 S. Ct. 2858 (1982), has caused considerable confusion in the bankruptcy courts, with even the future of the bankruptcy courts being in doubt.

This notice is being given to protect retirement benefits contained in 5 U.S.C. Section 8339(n).

Very truly yours,

ROBERT K. RODIBAUGH,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF INDIANA,
Gary, Ind., December 20, 1983.

GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Notice is hereby given in conformity with Sec. 8331(22)(A) that I have agreed to accept an appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Yours very truly,

RUSSELL H. NEHRIG.

U.S. BANKRUPTCY COURT,
NORTHERN DISTRICT OF INDIANA,
Gary, Ind., December 20, 1983.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Title 5, United States Code, Section 8331(22)(A), I wish to inform you that I agree to accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978. (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

This notice is being given to protect the retirement benefits contained in 5 USC Sec. 8339(n).

Yours very truly,

RUSSELL H. NEHRIG.●

STOP BAHA'I PERSECUTION

● Mr. D'AMATO. Mr. President, I rise today to express my support for and cosponsor Senate Concurrent Resolution 86 which denounces the actions of the Iranian Government toward members of the Baha'i religion and calls upon the President to take an active role in appealing to the Government of Iran to end their persecution of the Baha'is.

The Baha'is are persecuted by the Iranian Government solely because of their religious beliefs. At present, there are over 300,000 Baha'is in Iran who live under the constant threat of imprisonment and murder by the Government. They have been denied employment, their life's savings have been confiscated, and thousands have been forced to leave Iran. All of this is due to a single fact: they do not pledge allegiance to Islam.

People of the Baha'i faith are constantly being accused of crimes against the Government, such as treason, corruption, and subversion. Yet noninterference is one of the fundamental dogmas of their religion. According to Abdu'l Baha, successor of the founder of the Baha'i cause:

> Any abasement is bearable except betraying one's own country, and any sin is forgivable other than dishonoring the government and inflicting pain upon the nation.

How, then, can the Iranian Government justify the continued persecution against a religious faction that respects the laws of the nation as the Baha'is do?

The Baha'is have been plagued with the effects of this persecution throughout history, but the culmination of this unwarranted discrimination occurred last August 29. On that date, Iran's prosecutor general declared that Baha'i religious organizations were illegal and membership in them was a criminal offense.

In effect, this legalizes the arbitrary detainment and execution of innocent human beings. It is one of the most heinous discriminatory actions toward one group of people because of their religious beliefs since the Nuremburg laws of the Nazi regime.

The Baha'i faith is founded on the principle of peace and equality. They acknowledge all religious sects and claim superiority to none. They are a pacifist faction of Islam and offer the least threat of all real or imagined enemies to the Ayatollah Khomeini's regime.

It is an outrage to allow this type of human rights violation to exist anywhere in the world. The Iranian Government has consistently ignored persistent requests to cease its persecution of the Baha'is by the United States. It is time we acted accordingly to secure the rights of those who are being continually repressed in Iran.●

USDA'S NATIONAL COMMODITY PROCESSING SYSTEM

● Mr. HUDDLESTON. Mr. President, I am pleased to report that the national commodity processing program established by the Department of Agriculture on June 17, 1983, is being favorably received by the private sector and beginning to work in the manner envisioned by Congress. During the first 6 months of the program, 46 national food companies applied for participation. Thirty-seven companies have been approved by the Department of Agriculture, nine applications are pending, and only one company has had its application denied.

The national commodity processing program allows the Food and Nutrition Service to ship USDA processed and cheddar cheese, butter, nonfat dry milk, rice, and honey directly to commercial food processors for use in the manufacture of processed foods. These foods then are sold to eligible schools and charitable institutions at lower prices than reflect the value of the donated commodities contained in them.

Mr. President, I believe that Congress can, on balance, be pleased with the national commodity processing program and the administration of the program by the Department. The Food and Nutrition Service is to be commended for the effort it has made in getting a new program off the ground. Food processors are participating, commodities are being moved out of Federal storage, and recipient agencies, including school lunch programs throughout the country, have an additional option on how to benefit from U.S. agricultural surpluses.

In my judgment, however, it might be possible to increase the amount of dairy products being donated under the national program if the Department addressed two important questions.

The first question relates to the duration of the program. Section 203 of Public Law 98-8, which established the commodity processing program, requires the Department to encourage consumption of "bonus" agricultural commodities, whenever they are made available, through national commodity processing agreements. Nevertheless, when the Department issued its regulations, it interpreted section 203 of Public Law 98-8 as "encouraging processing agreements" rather than encouraging consumption on a permanent basis "whenever a commodity is made available without charge or credit." As a result, the program was initiated for only a limited period. This has minimized the attractiveness of the program to potential participating companies. I also recognize that Congress, in extending section 203 of Public Law 98-8—and other provisions of the Temporary Emergency Farm Assistance Act of 1983—in Public Law 98-92, provided that section 203 would terminate on September 30, 1985. The Department, however, has authority under other provisions of law to operate a national commodity processing program on a permanent basis.

On three separate occasions, the Committee on Agriculture, Nutrition,

and Forestry has supported the execution of national commodity processing agreements. We did so in the belief that such agreements would result in an expansion of surplus commodity usage and benefit participants in the Department's food assistance programs.

As the author of the language that became section 203 of Public Law 98-8, I believe that the national commodity processing program should be permanent and activated whenever the appropriate conditions exist.

Second, when issuing the regulations on June 17, 1983, the Department stated that:

In an effort to maintain consistency between the State processing program and the NCP system, the Department will be soliciting comments on requiring 100 percent yield factors for the State processing program.

Unfortunately, the Department has yet to solicit comments. As a result, companies participating in a State processing program have a distinct, competitive financial advantage over those companies participating in the national commodity processing program system.

For the national system to have a fair opportunity to succeed, the ground rules must be uniform with State processing programs. Most State systems only require a 95-percent yield. This means that only 95 percent of the donated commodity must be accounted for by the processor in order to replenish its inventory. While this may sound like a bureaucratic difference, I am informed that companies producing pizza under a State contract with a 95-percent yield can charge as much as 90 cents per case less to its customers than those companies operating under the national program with 100-percent yield. Without expressing an opinion on what percentage represents a realistic yield, I urge the Secretary to act expeditiously in making the yields under State contracts and Federal contracts uniform.

I ask that a progress report prepared by USDA on the national system showing the companies that are participating and the amount of commodities being donated be printed in the RECORD.

The report follows:

NATIONAL COMMODITY PROCESSING SYSTEM STATUS REPORT, JAN. 10, 1984

Company	Date received	Date approved
1. Better Baked Food, Inc	Aug. 1, 1983	Aug. 17, 1983.
2. Pillsbury	do	Aug. 10, 1983.
3. Michigan Fruit Canners, Inc	do	Sept. 12, 1983.
4. Chi-Chi Foods, Ltd	Aug. 9, 1983	Aug. 17, 1983.

NATIONAL COMMODITY PROCESSING SYSTEM STATUS REPORT, JAN. 10, 1984—Continued

Company	Date received	Date approved
5. Camino Real Foods, Inc	Aug. 10, 1983	Aug. 29, 1983.
6. Tony's Foods Service Division	do	Sept. 1, 1983.
7. Mass Feeding Corp	Aug. 11, 1983	Sept. 12, 1983.
8. American Cheesemen, Inc	Aug. 15, 1983	Sept. 15, 1983.
9. Maple Crest Foods	do	Oct. 12, 1983.
10. Blue Morrow Sales, Inc	do	Aug. 29, 1983.
11. Sunshine Biscuits	do	Sept. 27, 1983.
12. Roney Icecream Co	do	Aug. 24, 1983.
13. Sabatasso Foods, Inc	do	Sept. 2, 1983.
14. Tharp Bros., Inc	do	Sept. 12, 1983.
15. Welcome Dairy, Inc	Aug. 16, 1983	Sept. 16, 1983.
16. Merritt Food Division	Aug. 17, 1983	Sept. 20, 1983.
17. Larry's Food Products	Aug. 22, 1983	Denied.
18. Orange Bakery, Inc	do	Sept. 27, 1983.
19. D'Alterio Foods Corp	Aug. 23, 1983	Nov. 2, 1983.
20. Colebrook Farms, Inc	do	Oct. 12, 1983.
21. Stauffer Chem, Inc	Aug. 25, 1983	Sept. 27, 1983.
22. Juice Services	Aug. 29, 1983	Oct. 7, 1983.
23. Major Smith, Inc	Sept. 1, 1983	Oct. 27, 1983.
24. Farmland Dairies	Sept. 9, 1983	Dec. 2, 1983.
25. Ho-Mai, Inc	Sept. 12, 1983	Nov. 23, 1983.
26. Hi-Brand Foods	do	Oct. 27, 1983.
27. Butcher Boy Food Products	do	Holding.
28. Treasure Isle, Inc	do	Oct. 12, 1983.
29. National Sea Products	Sept. 15, 1983	Dec. 9, 1983.
30. Real Fresh, Inc	Sept. 16, 1983	
31. MCI Foods, Inc	Sept. 19, 1983	Oct. 12, 1983.
32. Zartic, Inc	Oct. 4, 1983	
33. Three Rivers Dairy, Inc	do	
34. Thompson Bakery Supplies	do	Nov. 8, 1983.
35. Lucille Farm Products	do	
36. Clovervale Foods	Oct. 11, 1983	Nov. 1, 1983.
37. Amboy Speciality Foods	Oct. 11, 1983	Dec. 15, 1983.
38. Ellio's Pizza	Oct. 14, 1983	Nov. 14, 1983.
39. Penn Maid Foods, Inc	Oct. 24, 1983	Nov. 21, 1983.
40. Mott's Inc	Nov. 4, 1983	
41. Rich SeaPack Corp	Nov. 8, 1983	Dec. 13, 1983.
42. Hamilton Meat Pie Co., Inc	Nov. 18, 1983	
43. Prestige Food, Inc	Dec. 1, 1983	Dec. 23, 1983.
44. Valor Foods	Dec. 15, 1983	
45. Kansas Food Packers	Dec. 20, 1983	
46. Frioner Norwegian Frozen Fish, Ltd.	Dec. 27, 1983	

NCP SYSTEM SUMMARY REPORT, JAN. 10, 1984

Activity	August	September	October	November	December	January	Total to date
Processor agreements:							
Received	22	9	8	3	4		46
Approved	6	11	7	6	5		35
Denied				1			1
Pending	16	14	15	11	10	10	10
RA Masterfile							13,500
Commodity orders (pounds):							
Cheddar cheese	2,100,000	980,000	320,000	400,000	2,200,000	80,000	6,080,000
Processed cheese	37,200		37,200	74,400	74,400		223,200
NFDM	40,000		40,000	240,000	160,000	40,000	520,000
Butter			40,000	160,000	40,000	40,000	280,000
Butter oil	40,000						40,000
Honey				72,600	40,000	40,000	152,600
Total	2,217,200	980,000	437,200	947,000	2,514,400	200,000	7,295,800
Commodity orders (using CCC values per pound):							
Cheddar cheese	$3,045,000	$1,421,000	$464,000	$580,000	$3,190,000	$112,000	$8,812,000
Processed cheese	54,684	0	54,684	109,368	109,368	0	328,104
NFDM	38,400	0	38,400	230,400	153,600	37,200	498,000
Butter	0	0	60,800	243,200	60,800	58,400	423,200
Butter oil	68,000	0	0	0	0	0	68,000
Honey	0	0	0	50,820	28,000	28,000	106,820
Total	3,206,084	1,421,000	617,884	1,213,788	3,541,768	235,600	10,236,124

Source: USDA.●

COMMITTEE ON THE BUDGET RULES

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the rules governing the Committee on the Budget for publication in the RECORD as required by rule XXVI, paragraph (2) of the Standing Rules of the Senate.

The rules follow:

RULES OF THE COMMITTEE ON THE BUDGET—NINETY-EIGHTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disagree or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an act of Congress requires the information to be kept confidential by Government officers and employees, or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one third of the membership of the entire committee: *Provided,* That proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: *Provided,* That proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded: except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure of recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.●

PRESS ACCESS TO COMBAT OPERATIONS

● Mr. ANDREWS. Mr. President, this month's issue of Presstime, the official publication of the American Newspaper Publishers Association, contains an excellent commentary by the president of the ANPA, William C. Marcil of Fargo, N. Dak.

Mr. Marcil's insightful piece is on the limited press access to American combat operations in Grenada, and I submit it for inclusion in the RECORD at this time.

The article follows:

[From the Presstime, January 1984]

THE NEWS BLOCKADE IN GRENADA MUST NEVER BE REPEATED

(By William C. Marcil)

Last month, ASNE President Creed Black and I called together a special committee of senior news executives to consider the limited press access to American combat operations in Grenada. This group has been working in recent weeks to help our business develop positions and to interrelate with the several government entities involved.

We expect this effort to be a long-term one, and we will be guided by the basic principle that the Grenada news blockade was an unnecessary government mistake that thoughtful officials should promise will not be repeated.

Obviously, a small press pool could have had access to those military operations under voluntary reporting restrictions that would have, as in the past, protected both troop safety and mission security.

Because our government bruised the constitutional process during the Grenadian mission, it is important that we remind ourselves—and our readers—why real national security lies in constant observation of the check-and-balance spirit of or constitutional process. This process provides for the public to be served by a free and vigorous press rather than to be reliant only on government-supplied news.

The First Amendment gives us two kinds of protection. It protects individuals who wish to express opinions and pursue truth. And it protects society so the country may decide and carry out wise actions.

The protection of society is particularly crucial in wartime when there inevitably is a confused mixture of good and bad news. Truth in a battle situation can be sorted out only if special efforts toward open-information flow are made; only an open-information flow can permit the citizenry to cross-examine, to mull over and to judge the actions and pronouncements of government.

There is no more dangerous time than wartime to censor criticism and discourse. The two cardinal principles of national security and pursuit of truth must both be served in war, as they are in peacetime.

Any wartime limits on free speech and discourse should be emplaced only temporarily—and then only when security really is truly imperiled. The flow of battle news to a free society should be limited only when that might cause direct and dangerous interference with the conduct of the war; and throughout history we in this country always have been able to find ways to permit news to flow without such interference.

So let's remind all concerned that freedom of speech in a democracy is not just a nicety. It's a necessity without the which self-government won't work.

As James Madison said: "Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

Americans can be trusted with both the good and the bad news of wartime. Openness enriches us. Ignorance of reality—because government somehow thinks that best or timely—imperils us. That's why the First Amendment is our society's shield, and why the Grenada news blockade must never be repeated.●

CHILD SUPPORT ENFORCEMENT

● Mr. DOMENICI. Mr. President, a major problem facing Congress is to devise appropriate policies concerning child support. We all share a concern that, without an effective child support enforcement program, absent parents may neglect their responsibilities. They may shift the burden of support to the taxpayer through such Government programs as AFDC, food stamps, and medicaid.

The Census Bureau, for example, reports that 8.4 million American women are raising children whose fathers are absent. Over 30 percent of these women and children live in poverty. In addition, 87 percent of AFDC cases are eligible due to the father's continued absence from the home.

More important than budgetary effects, however, are the effects this has on our Nation's children. They suffer economically, emotionally, and socially when parents abandon the moral responsibility to provide for the upbringing of their children.

There is a growing consensus that Congress must strengthen the child support enforcement program. The administration has proposed legislation to this effect. The House passed a bill last session. The Senate Finance Committee is now working on legislation.

To help Congress determine the best policy in enforcing child support obligations, the Budget Committee requested that the General Accounting Office (GAO) review the performance of child support enforcement agencies. Preliminary results of this study are now available. The full study will be available in the spring.

Mr. President, I ask that a letter from the GAO which presents those preliminary results be entered into the RECORD following my remarks.

The General Accounting Office found that:

State and local support enforcement agencies acted in only 45 percent of the sample cases in which they could have taken an enforcement action.

When the enforcement agency did act, more than 90 days on average had

elapsed since the support payment was due.

Absent parents whose children receive AFDC pay less than one-third of the support owed to their children.

Lack of enforcement deprives needy children in AFDC families of over $1 billion per year in support payments.

This is only the tip of the iceberg. GAO examined only the easy cases, those in which paternity already was established and a court order for support already was in effect.

Mr. President, these GAO findings justify our concern that the child support enforcement program is not as effective as it could be. I urge my colleagues to study this report. It should help convince them to support legislation which would make this good program better. Surely the children of our Nation deserve this kind of help.

The letter follows:

GENERAL ACCOUNTING OFFICE,
Washington, D.C., January 24, 1984.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate.

DEAR MR. CHAIRMAN: At the request of the Senate Budget Committee, we are evaluating federal, state, and local efforts to collect child support authorized under title IV-D of the Social Security Act. Recently, members of my staff briefed committee staff on the preliminary results of our on-going evaluation. The following summarizes the results of the briefing.

PROGRAM ACCOMPLISHMENTS

The Child Support Enforcement Program collects child support from absent parents for families receiving public assistance from the Aid to Families with Dependent Children (AFDC) program and families not receiving AFDC. Support collected for AFDC families is turned back to the AFDC program.

The Child Support Enforcement program can point to significant accomplishments since its beginning in fiscal year 1976. By the end of fiscal year 1982 total collections had tripled to almost $1.8 billion, 2.1 million support orders were established and paternity determined for more than 800,000 children. In addition, the program helped to locate more than 3 million absent parents over five years ending in fiscal year 1982.

Despite these accomplishments, unpaid child support for AFDC children totals about one billion dollars annually. Also, there are concerns that families not receiving AFDC do not receive child support services on an equal basis.

GAO'S WORK

We have reviewed collection efforts at five State Child Support offices (California, Florida, Maryland, Michigan and New York) and six local offices (Sacramento County, CA; Jacksonville, FL; Montgomery County, MD; Oakland and Wayne Counties, MI; and Schenectady County, NY). At each local agency, we reviewed how the agency managed selected child support cases for a 1 year period beginning around January 1982. To date we have completed preliminary analysis of 222 cases (127 AFDC and 95 non-AFDC) cases at 5 locations where the agency first became responsible for collecting support.

PRELIMINARY OBSERVATIONS

Absent parents do not frequently pay their child support

We examined the paying habits of the 222 absent parents. Besides determining the total amount of support due compared to the amount paid for the study year, we identified when payments were late by more than 10 days indicating the need to initiate collection action. Absent parents paid 50 percent of the support that was due for the study year. Absent parents associated with non-AFDC sample cases showed better payment performance than absent parents whose children received AFDC.

	Type of case		
	AFDC	Non-AFDC	Combined
Percent of child support due that was paid	31.1	64.0	49.8
Percent paying all support due	6.3	17.9	11.3
Percent making no payments	29.9	20.0	25.7

About 88 pecent of the sample absent parents were delinquent by more than 10 days at least once during the study year. This included 121 (95 percent) of the AFDC cases and 74 (78 percent) of the non-AFDC cases. The average period of nonpayment was 3 months. Three-fourths of those who resumed paying experienced at least one more delinquency period.

The delinquency usually occurred when the very first payment to the child support agency was due. Eighty-one (64 percent) of the first payments due for AFDC cases were late. Fifty-seven (60 percent) of the non-AFDC absent parents were late in making their first payment.

There are few collection standards for the enforcement of child support orders

Though the Child Support Program is a federal, state and local partnership, the local jurisdictions are the principle program managers. The federal and state governments have chosen to allow the local agencies wide latitude in determining how and when support orders will be enforced and monies are to be collected from the absent parent.

Although the Federal Office of Child Support Enforcement (OCSE) has encouraged agencies to develop standards to measure their work products, services, or tasks, the only enforcement related operating standard required by Federal regulations is that delinquencies be identified within 30 days and payors contacted "as soon as possible." However, there is no time limit to follow up an identified delinquency. Also, the local agencies exercise discretion in selecting methods of contacting obligors and determining appropriate enforcement actions.

Action to collect past due child support was for the most part non-existent

Discussions with responsible collection officials indicate that timely follow-up on past due child support payments is essential to (1) curb the development of poor payment habits among first-time delinquents, (2) promote the public perception that program enforcement is persistent and effective, and (3) optimize collections. For the purposes of our analysis, we measured how quickly if at all an agency initiated enforcement action once payments were more than 10 days late.

AFDC cases

Of the 127 AFDC cases reviewed, 121 involved 309 instances where support payments were late by more than 10 days. During the 1-year study period we found that the local agencies did not take any action nearly 60 percent of the time. When the agencies took action, an average 91 days had passed since the last payment was received from the absent parent.

We examined how the agencies reacted when for the first time the 121 absent parents were overdue by more than 10 days in making their payments. Local agencies took no action in 51 cases (42 percent). In the other 70 cases, the agency usually did not act until more than 30 days passed, and in about half of these cases no action was taken until more than 60 days passed.

Non-AFDC

Policies on services to non-AFDC clients vary among States. Some States require all child support matters to be managed by the child support agency. Other States will assist only clients who know of and apply for services. One State we visited sets a quota on the number of non-AFDC clients that can be served. Individuals needing services are placed on a waiting list if the local agency is already serving its quota of non-AFDC clients. Another State we visited has allowed counties to limit services by imposing a "means test."

The local agencies were no quicker to act on non-AFDC child support that became past due. There were 194 delinquency periods (payments overdue longer than 10 days) involving 73 cases. The agencies took no action in 126 (64 percent) of the instances. When they did act, an average of 93 days had lapsed since the last payment was received from the absent parent.

Enforcement techniques used were limited

The six local child support offices generally employed few enforcement techniques. Local agencies were more likely to use enforcement techniques involving the court system rather than an administrative measure such as a letter or telephone call. Court actions are more expensive, slower, and not always effective, and court expenses are normally defrayed from state and local budgets rather than reimbursed as a Federal child support enforcement program expense.

Two counties visited preferred a court order—requiring delinquent parents to "show cause" why they should not be found in contempt of court—as a main collection technique because they had deputy sheriffs on staff to arrest those who did not comply with the order. Officials from these two counties stated the show cause order was an effective technique because they had the resources to carry out an arrest threat. Another local office used letters or telephone calls as principle techniques. The agency director said the show cause order was not an effective technique because there was no staff assigned who had arrest authority.

The withholding of support payments from wages, known as "wage assignment," was described by child support officials we spoke to and in some literature as being the most effective collection technique for cases involving employed absent parents. Of the 127 AFDC cases reviewed, wage assignments were used in 30. Overall, 64 percent of support due was collected. This compares to the average of 50 percent of the support collected from the entire sample group.

Poor control over case files and records

Only one of the locations we visited performed case inventories on a regular basis or reconciled hard copy file information to the automated system. In the one location that

is reconciling hard copy files to the automated system, the reconcilation has disclosed instances where:

Support orders were not always billed, and

Arrearage balances were understated.

At the other locations, agency officials could only provide estimates of their total case inventories or expressed reservations about the accuracy of the case counts or the completeness of information in their automated systems. In one of these locations, for example, an OCSE Regional Office review found that approximately 15 percent of the case files could not be located for various reasons. The review also disclosed that necessary information is not always entered on the automated system and if entered, it is not always timely, current, complete or accurate.

We plan to issue our report later in the year. Our report will include analysis of about 325 cases at seven locations where the local agency became responsible for collecting support around January 1982. Also, we will discuss collection activities on 145 cases at five locations where the local agencies had collection responsibility prior to January 1982 and where past due child support had accrued.

Sincerely yours,

RICHARD L. FOGEL,
Director.●

THE ECONOMIC EMERGENCY LOAN PROGRAM

● Mr. HUDDLESTON. Mr. President, in October of last year, the U.S. District Court for the District of Columbia, in the case of Kjeldahl against Block, found that the Department of Agriculture had erred in refusing to implement the economic emergency loan program for farmers in fiscal year 1982. Congress had provided for the operation of the program in the 1981 farm bill.

The court stated that the Department's refusal to implement the program in 1982 was abritrary, capricious, and an abuse of discretion. As its remedy for the Department's wrongful action, the court ordered the Farmers Home Administration to make assistance under the economic emergency loan program available to farmers beginning December 22, 1983.

Acting under the court's order, the administration announced in December that $600 million in economic emergency loan funds would be made available through the Farmers Home Administration, to assist farmers facing severe economic conditions.

On the basis of that announcement and with the encouragment of administration officials, thousands of farmers have already applied to FmHA for economic emergency loans.

However, the administration recently decided to alter its earlier announcement by severely limiting the availability of FmHA direct loans under the program.

At the direction of the Office of Management and Budget, FmHA has stated that, in place of direct loans, it will rely, for the most part, on Federal guarantees of bank financing, if such financing can be obtained by the hard-pressed farmers eligible for assistance under the court order.

The administration plan is to make only $50 million available for economic emergency loans and provide up to $550 million in guarantees for bank loans. The proposed allocation of $50 million for direct loans will not be sufficient to cover the applications already submitted. As a result, the Farmers Home Administration has announced that any application for a loan not obligated by January 13 will not be approved for a direct loan. This means that, for the remainder of the court-ordered program, farmers who were not lucky enough to be first in line will only have access to the loan guarantee part of the program whether or not loan guarantees are appropriate to their circumstances.

I believe this belated policy decision is a classic attempt by misguided bureaucrats in the Office of Management and Budget to circumvent the court order.

Farmers who have already applied for direct loans at their local FmHA county office will now be told that they must submit another application for a bank loan that will be 90-percent guaranteed by FmHA. The OMB bureaucrats don't seem to care that guaranteed loans have a much higher rate of interest, that many small rural banks refuse to participate because of the paperwork, or that for many borrowers a bank will not accept the 10-percent risk required. It seems that, as far as OMB is concerned, the less use made of the program the better.

Further, although administration officials decided before Christmas that only $50 million of the $600 million allocated for the program would be made available for direct loans, Department of Agriculture officials neglected to advise FmHA loan officers of the situation until January 13. Since Christmas, many county offices have been flooded with applications for direct loans.

As the sponsor of the provision contained in the 1982 farm bill that provided authority for the economic emergency loan program during fiscal year 1982, I have advised the court that issued the judgment that I do not believe it was the intent of Congress to restrict the availability of FmHA direct loans and rely on the guarantee authority. The guarantee authority should be used only as a supplement to the direct loan program, as has historically been the case for the FmHA farm programs.

I have asked the court to direct the Farmers Home Administration to implement a significant direct loan program that will provide the substantive assistance that should have been available to our Nation's farmers during fiscal year 1982.

In addition, Senator BOREN and I have requested Senator HELMS to schedule hearings on this matter before the Senate Agriculture Committee.

I ask consent that copies of the letters to the court and Senator HELMS be printed in the RECORD.

The letters follow:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., January 25, 1984.

Re *Kjeldahl* v. *Block*, Civil Action No. 82-2745.

Hon. THOMAS A. FLANNERY,
U.S. District Judge, U.S. District Court for the District of Columbia, Washington, D.C.

DEAR JUDGE FLANNERY: As one of the sponsors of the provision in the Agriculture and Food Act of 1981 (Public Law 97-98, Sec. 1605, 95 Stat. 1346) providing authority for the economic emergency loan program in fiscal year 1982, I respectfully urge you to reject the Farmers Home Administration plan for allocating economic emergency funds that was submitted to you on January 16, 1984, in response to the Final Judgment and Order in *Kjeldahl* v. *Block* issued on October 5, 1983.

The Farmers Home Administration proposes to implement an economic emergency loan program that provides $550 million in loan guarantees and only $50 million in direct loans. I believe that the economic emergency loan program, if implemented under the FmHA plan, will be of no benefit to many farmers and not fulfill the intent of Congress in enacting the authorization for the 1982 program.

Historically, the Farmers Home Administration farm loan guarantee programs have been used only to supplement the direct loan programs. For example, under the operating loan program, during fiscal year 1983, $1.685 billion in direct loans were made while only $50.5 million in loan guarantees were issued. During the years the economic emergency loan program was carried out, only $181.4 million in loan guarantees were issued compared to the $4.7 billion in direct loans that were made.

With respect to the reference in the Department of Agriculture submission to the "apportionment" decision by the Office of Management and Budget, I would point out that never in the past has there been an administrative "apportionment" of economic emergency loan program funding between loan guarantees and direct loans.

Further, what the Office of Management and Budget has done in this case, I believe, will not result in the effective operation of the economic emergency program, but will violate the purposes and objectives of the Emergency Agricultural Credit Adjustment Act of 1978.

I understand that, since the reopening of the economic emergency loan program was announced in December, the Farmers Home Administration has received numerous applications for direct loans. The proposed allocation of $50 million for direct loans will not be sufficient to cover the applications already submitted. As a result, the Farmers Home Administration has announced that any application for a loan not obligated by January 13 will not be approved for a direct loan. This means that, for the remainder of this fiscal year, farmers who were not lucky enough to be "first in line" will only have

access to the loan guarantee part of the program whether or not loan guarantees are appropriate to their circumstances. This hardly makes for the effective operation of the program, and will unfairly deprive some farmers of access to the program.

My concern over the merits of loan guarantees versus direct loans under the economic emergency loan program is not new. Enclosed is a letter I sent to members of the conference committee on H.R. 7072, appropriations legislation that authorized the operation of the economic emergency loan program during fiscal year 1983 (Public Law 97-370, 96 Stat. 1799). In my letter urging the conferees to adopt the provision approved by the Senate authorizing both insured loans and loan guarantees under the 1983 program, I stated that "a guaranteed economic emergency loan program would only raise hopes and provide the illusion of a helpful Federal initiative".

Unfortunately, because the Department of Agriculture adamantly opposed making insured economic emergency loans available in fiscal year 1983, the Senate position did not prevail in conference. Public Law 97-370, in authorizing the economic emergency loan program for fiscal year 1983, specifically stipulated that the program provide only loan guarantees. Nonetheless, I would note that Congress did not include, in the Agriculture and Food Act of 1981, a similar stipulation that the 1982 program be run as a loan guarantee program. I believe that Congress intended that the direct loan and loan guarantee authorities under the 1982 program be used in whatever combination would best serve the needs of our Nation's hard-pressed farmers.

Based on the precedent of how Farmers Home Administration farm loan programs have been administered, what I believe was the intent of Congress in enacting the Agriculture and Food Act of 1981, and the equities involved here, I believe that the Farmers Home Administration should be directed to implement a significant direct loan program that will provide the substantive assistance that should have been available during fiscal year 1982.

I am providing copies of this letter to the attorneys for the parties in *Kjeldahl v. Block.*

Sincerely,

WALTER D. HUDDLESTON.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., January 25, 1984.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I strongly urge you to support the Senate provision of H.R. 7072 that provides $600 million in insured loan funds for the Farmers Home Administration's economic emergency loan program in fiscal year 1983. I offered this provision when the Senate considered the bill in September.

I understand that a proposal is under consideration that would provide only guaranteed loan authority for the economic emergency loan program in fiscal year 1983. If adopted, such a proposal would not be of significant assistance to the thousands of farmers who are in desperate need of emergency operating credit at a reasonable rate of interest. A guaranteed economic emergency loan program would only raise hopes and provide the illusion of a helpful Federal initiative.

I believe that this will be the case for the following reasons:

(1) The Farmers Home Administration has never been able to fully use even the relatively small amounts of loan guarantee authority provided for existing farm loan programs. For example, the $50 million authorized for the operating loan guarantee program in fiscal year 1982 was not fully used. Lenders object to the paperwork involved in guaranteed loan programs. In addition, the secondary money market, which is the key to successful guaranteed loan programs, is most responsive to Government guarantees that exceed $1 million.

(2) The decline in the value of farm assets will greatly reduce the ability of farmers to acquire any type of loan from commercial lenders in 1983. At the Agricultural Outlook Conference on December 1, 1982, the Department of Agriculture released a startling report on the decline of farm sector wealth. That report stated that 1982 will be the first time in thirty years that both nominal and real farm sector wealth declines. In addition, in terms of real farm sector wealth alone, in 1981, there was a decline of 11 percent and in 1982 another 8 percent decline has been forecast. This unprecedented erosion in the value of farm assets will make it difficult for thousands of farmers to provide the collateral necessary to acquire even a Government guaranteed loan from a commercial lender.

(3) An insured economic emergency loan program would provide credit at the Federal cost of borrowing, currently 11½ percent. The interest rate on a guaranteed loan would be negotiated between the borrower and lender. Historically, such interest rates have been at the commercial market rate or higher. The interest rate differential between a guaranteed loan and an insured operating loan would be the margin of profit for many family farmers.

(4) During fiscal year 1982, the administration had the discretionary authority to implement a guaranteed economic emergency loan program as well as an insured loan program. Neither program was implemented. In addition, the administration has failed to use other USDA guaranteed loan programs provided for in appropriation legislation. It is the administration's opinion that guaranteed loan programs are not covered by the Budget Control and Impoundment Act and, therefore, may be impounded without Congressional approval.

Implementation of the insured economic emergency loan program as provided in the Senate provision would furnish much needed emergency assistance to our Nation's farmers. However, it would be a great mistake, in my judgment, to substitute the illusion of assistance for real help. No economic emergency loan program is preferable to a program that does nothing more than create new regulations and Government forms.

Sincerely,

WALTER D. HUDDLESTON.

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., January 25, 1984.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We urge you to schedule immediate hearings on the implementation of the Economic Emergency Loan Program.

If properly administered, the Economic Emergency Loan Program can greatly assist eligible farmers in maintaining their farming operations and obtaining credit to finance the production of their 1984 crops.

However, at the direction of the Office of Management and Budget, the Secretary of Agriculture is attempting to operate the Economic Emergency Loan Program strictly as a guaranteed loan program except for $50,000,000.

We submit that such action by the Department is contrary to the method of operating the program in the past and contrary to the court order of October 1983 requiring the implementation of the program in the amount of $600,000,000. We believe the court assumed that the great proportion of the funds it was directing be obligated would be made available to farmers through insured or direct loans. The Department's announced in November 1983 that it would resume making economic emergency loans referred to both direct loans and guaranteed loans but, significantly, did not mention that the Department intended to make only a small proportion of the loans as direct loans.

Moreover, not only has the Administration announced its intention to operate the Economic Emergency Loan Program strictly as a guaranteed loan program except for $50,000,000, the Administration has announced that any application for a loan not obligated by January 13 will not be approved for an insured loan. This clearly discriminates against those loan applicants who live in counties where the county supervisor and support personnel may have been absent from their offices during the holidays. It also discriminates against applicants who live in counties where a large number of applications were filed and the lack of adequate personnel resulted in delayed processing of applications. All of these things are clearly beyond the control of the farmers. In the Department's November 1983 announcement that it would resume making economic emergency loans, no mention was made of a deadline for submitting applications. We hope you share our view that farmers should not be penalized for something they cannot control.

We, therefore, believe it imperative that the Committee on Agriculture, Nutrition, and Forestry hold hearings as soon as possible to assure that the Secretary of Agriculture properly implements the Economic Emergency Loan Program.

Sincerely,

DAVID L. BOREN.
WALTER D. HUDDLESTON.●

CANOE TRIP ACROSS NORTH AMERICA

Mr. LEVIN. Mr. President, last December Verlen Kruger and Steven Landick, two Michiganites, completed a 3½ year, 28,000 mile canoe trip around and across the North American continent.

Three and a half years, 28,000 by canoe. "What on Earth for," some may ask.

I have never met either Mr. Kruger or Mr. Landick. But I got a sense of what may have motivated them when I read their answer to one of those inevitable journalistic questions that are directed at people who become the

subject of human interest stories. What, they were asked, would they say to all those people who never took such a journey; what advice might they offer to all those who are stuck behind a desk in a 9-to-5 job with an hour off for lunch and 2 weeks a year off for dreams. Their answer was concise, self-deprecating and right on target. "There should come a time," they said, "when everyone should reach out and do something irrational."

Mr. PRESIDENT, I do not think what Kruger and Landick did was irrational. As Kruger said, "There was a spark in me that needed to be brought alive." That spark illuminates the inner recess of evey human being. It does not take a canoe trip to make it shine. We can see its light when we explore any number of alternative paths, we can feel its warmth when we reach beyond ourselves to meet any number of challenges, we can sense its power when we rediscover—in any number of ways—the ability to be surprised and excited and involved.

For Kruger and Landick, the exploration took them into the wilderness; the challenge led them into an encounter with a grizzly bear; but the discovery—in a journey through the wild—brought them back to people. They told a reporter that what struck them most was their realization that "there seems to be an instinct in people; when they see someone cold and tired and hungry, far from home, it brings out something good. Whether we were in New England, Mexico, the West Coast or Canada, the response was universal."

Under current conditions, some might debate the claim that the response to hunger is universal, but surely no one would dispute the fact that our response to the kind of trek Kruger and Landick undertook is. Every human being who has ever dreamed, every person who has ever wished, every adult who was once a child—we all know what might move two men to glide through the rivers and portage over the land. We might not make the same journey, but we have all explored the same geography.

Kruger and Landick did the kind of thing that most of us only dream about. And in the doing, they made our dreams live. We thank them for that. We congratulate them on their effort and achievement. And we wish them God speed on their next journey.●

RECESS UNTIL TOMORROW, JANUARY 27, 1984

Mr. STEVENS. Mr. President, has there been a convening hour ordered?

The PRESIDING OFFICER. The Senate is scheduled to convene at 12 noon.

Mr. STEVENS. Mr. President, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 12 noon tomorrow.

There being no objection, the Senate, at 5:47 p.m., recessed until tomorrow, Friday, January 27, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 26, 1984:

DEPARTMENT OF STATE

William A. Wilson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

EXTENSIONS OF REMARKS

HOW CAN WE GET OUR OVERBLOWN FEDERAL DEFICITS UNDER CONTROL?

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, January 26, 1984

● Mr. ANDREWS. Mr. President, as we begin this 2d session of the 98th Congress, one question dominates our agenda: How can we get our overblown Federal deficits under control? That question, as Hamlet would say, "puzzles the will," and especially in an election year when difficult choices are more difficult than ever to make.

But it is a question that the Congress cannot duck. We must confront it quickly and we must do our best to answer it honestly. If there are among us any who doubt the urgency of the need to control Federal deficits, I commend to their attention an article by our colleague, the distinguished senior Senator from Maryland, Mr. MATHIAS, which appeared in the Outlook section of the Washington Post on January 22.

Mr. MATHIAS is chairman of the International Economic Policy Subcommittee of the Foreign Relations Committee, and knows whereof he speaks when he warns that—

> We are living in an economic fantasy world, and the longer we indulge ourselves in illusions, the more danger there is of a truly terrible comeuppance.

His conclusion, following a penetrating analysis of the potentially catastrophic domestic and international repercussions of unbridled deficits, is that—

> No industrialized country, particularly the United States with its special responsibilities, can afford to conduct its economic policies oblivious to their effects on the international economy. Our economic health depends on the health of the world economy. The medicine needed to sustain the good health of both of them is the same: a major reduction in U.S. deficits.

I commend Mr. MATHIAS' wise counsel to the attention of my colleagues and I woud also urge them to read the companion piece in the Post written by Governors Richard Lamm of Colorado, William Janklow of South Dakota, Scott Matheson of Utah, and Richard Snelling of Vermont. These distinguished political leaders—two Republicans and two Democrats—see the Federal deficits as "a prescription for disaster." They too call on the Congress and the President to act now to rein them in. I ask that the articles be printed in the RECORD.

The full texts of Mr. MATHIAS' article and the Governors' article follow:

WE'RE IGNORING THE OUTSIDE WORLD, BUT FOREIGNERS CAN CLOBBER OUR DOLLAR

(By Charles McC. Mathias, Jr.)

By now, most Americans are aware that the huge federal deficit poses enormous dangers to the country's future economic health. But many of them, I fear, still do not realize what dire consequences the deficit may have for the world economy and for the currency on which the international financial system is based: the dollar.

As we enter 1984 there is a real danger that the deficit crisis could turn into a dollar crisis, complete with a financial panic, rekindled U.S. inflation and soaring interest rates. A dollar crisis will bring global recession and perhaps the permanent erosion of America's international competitive position.

Warnings of the impending storm already are coming from international financial markets and foreign governments. They are dumbfounded that the glaring defects in the present recovery seem invisible to a U.S. administration responsible for the world's largest economy and principal currency.

The failure to react forcefully to the threat posed by a dollar that is now grossly overvalued in relation to other major currencies illustrates all too vividly the tendency of this administration to view the U.S. economy in isloation from the rest of the world.

The dollar is used in about 80 percent of all international transactions in the noncommunist world. Dollars make up three-quarters of the reserves of central banks. And, of course, dollars are used to measure this country's economic "bottom line": the balance between the funds that are going out and the funds that are coming in.

The relative strength of the dollar compared to other currencies determines our balance of trade, the cost of oil to all industrial nations, and much else besides.

Despite its overriding importance, though, this administration pursues domestic and international economic policies that treat the dollar as just another free-floating commodity, like pork bellies or orange juice. It ignores the damage such policies do to the competitiveness of U.S. business, to trade relations with Europe and Japan and to finances of Third World nations.

The immediate reason Americans should be greatly concerned about an overvalued dollar is clearcut: it hurts U.S. companies that are trying to sell their products abroad.

True, we derive some benefits from the situation. When we go abroad, we can exchange our dollars for more pounds, francs and marks than we could several years ago because of the exchange rate advantage of our "strong" dollars. Ski trips to the Alps or a gourmet tour of France have suddenly become much cheaper. (The dollar has risen 89 percent against the franc since 1980.)

The overpriced dollar also makes our imports cheaper, since we now need fewer dollars than we once did to buy goods that are priced in pounds or lira. This helps hold down U.S. inflation.

But the overvalued dollar hurts U.S. companies that live off exports, including many of our most dynamic, innovative firms. It's as if U.S. companies suddenly marked up all their prices by 25 to 50 percent while competitors in Italy or Germany were holding the line on theirs. Obviously, we lose business, billions of dollars worth. Unless we can sell abroad, we will see further growth in our merchandise trade deficit, which is estimated unofficially to have reached $70 billion in 1983—the largest in history.

We could all rejoice if the "strong" dollar were a sign of the underlying strength of our economy—but it isn't. This brings me to my real worry. We are living in an economic fantasy world, and the longer we indulge ourselves in our illusions, the more danger there is of a truly terrible comeuppance.

The dollar has been rising steadily in value principally because real interest rates are high in this country. (Real interest is the difference between the rates borrowers pay or lenders receive and the rate of inflation in any economy. With out prime rate now at 11 percent and inflation at about 3.2 percent, the real interest rate in America is roughly 7.8 percent. In Japan today it is 3.2 percent.)

One reason real interest rates are high is that they have to be, in order to lure to our shores the quantities of foreign money needed to finance our monstrous federal deficit.

To be sure, some people abroad have been exchanging their own currencies for dollars because they view America as a secure place, a "safe haven." The United States' political stability makes it attractive to investors throughout the world. But most analysts agree that high interest rates are the main reason foreigners have been rushing to buy dollars. The stampede into dollars (which are then used to buy U.S. Treasury bills, certificates of deposit and so forth) naturally forces up the price of the dollars that are being bought, compared to the prices of the currencies being sold to buy them.

A herd instinct is at work in the financial markets. As the dollar continues to rise, it is smart speculation to buy that currency. And this is precisely what money managers, treasurers of big corporations and speculators have been doing—thereby adding to the demand for, and raising the value of, the dollar.

This is where the future begins to look really scary. What goes up *must* come down. Eventually, currency traders will get nervous about the fundamental contradiction between a "strong" dollar and a huge American trade deficit—a sign the United States isn't paying its own way. At some point—the experts all disagree about when—the fundamentals will assert themselves. Foreigners who are holding dollars will decide that the stampede has run its course, or that they have made enough money, or that investment opportunities are more attractive elsewhere. They will begin to switch out of dollars and back into other currencies.

Why should we care? Because a stampede by the financial markets *away* from the dollar would expose this country for the

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

first time to the full extent of its fiscal folly.

We are already in a terrible bind. The government has been relying on foreign funds to help it finance the deficit. It is no exaggeration to say that we are being propped up by foreign loans—the loans that foreigners make when they buy Treasury bills or commercial CDs.

But if foreigners suddenly pulled out of dollars—if they stopped helping us finance our government debt—the pool of funds available for borrowing by the U.S. government and business would shrink drastically.

As long as interest rates stay high, some argue, we don't have to worry about foreigners switching their money out of dollars and setting off a panic. But consider what happened in 1977, as described by British economist Stephen Marris in the Dec. 26 issue of Fortune: "In October 1977, investment in U.S. securities paid roughly 3 percentage points more than comparable investments in West Germany. Yet over the following 12 months the dollar fell against the mark by 23 percent. . . . To most international observers, therefore, it seems that the dollar could well go down as fast as it came up."

For the manager of a giant multinational corporation's cash, the great fear must be that he'll be caught holding dollars when the dollar's value tumbles 20 or 25 percent. If that happens, the fact that the dollar is earning 10 or 12 percent interest won't provide much comfort. That's why the people who control movable capital will be watching the dollar carefully, and will join a stampede away from it if one begins.

If foreigners do decide to take a significant amount of their money out of dollars but our deficits remain high, the federal government would be competing with private investors for a much smaller amount of borrowable dollars. Obviously, interest rates would rise, perhaps sharply, just when corporations urgently need to borrow money for the long-term investment required to sustain the recovery. At the same time, the decline in the dollar's value would suddenly make foreign goods much more expensive to us—just as our goods are expensive to foreigners now. That would fuel U.S. inflation.

In other words, we could have the worst of all worlds: higher interest rates, inflation and probably another recession, starting in the United States but inevitably spreading to the rest of the world.

All of this comes back to the deficit. If there was not a huge deficit to finance, we could take a more relaxed view of the fluctuations in the financial markets. We would not have to worry about foreigners pulling out, because we would not need them to shoulder a big portion of our debt. But as long as business and government have to compete for loanable funds, as they do now, we are at the mercy of the financial markets.

It is worth noting one other disturbing trend related to the deficit and the dollar. This country is reaching a point where it can no longer count on its investments abroad, and the services it provides abroad, to make up for its trade deficit.

Traditionally, we have been able to offset some of the trade deficit by the earnings generated overseas by U.S. corporations and investors. In 1982, this country had $168 billion more invested abroad than foreigners had invested here. But the situation is changing. In 1983, the advantage slipped to $128 billion. In just a few years, the United States could squander its foreign investment position—and with it a major piece of its financial security.

But these economic doomsday scenarios are not inevitable. Indeed, the workings of the international economy are so intricate and complex that a host of factors could change the way events unfold.

A much brighter scenario could be written if some elementary precautions were taken by the administration to prevent a dollar crisis. By steadily reducing the deficit and allowing the dollar to decline slowly to a more realistic value, we could prevent this bubble from bursting.

The first step is to do something immediately about the deficit. A group of responsible and concerned members of the U.S. Senate has repeatedly offered to work with the administration on a deficit reduction package. These overtures have been ignored. The administration refuses to consider taxes in an election year and seems content to preside over another 12 months of declining trade and escalating deficits.

The U.S. Treasury should be less reluctant to intervene actively in the currency markets by using its considerable resources to hold the value of the dollar down. The Treasury can do this by selling dollars or buying foreign currencies on the open market.

Treasury officials have stated that they are now more willing to intervene when they think such action can have a positive effect. This is welcome news. More welcome would be a clear statement that such intervention was part of a comprehensive U.S. policy to do something about the exorbitantly priced dollar. But that would require, first of all, a deficit reduction package. Instead, the U.S. Treasury applauds and encourages foreign financing of federal deficits.

From my vantage point as chairman of the subcommittee on international economic policy of the Senate Foreign Relations Committee, I have often seen foreign governments make short-sighted decisions at the expense of the world economy for brief domestic advantage. But the sheer size of the U.S. economy (we represent about 25 percent of world industrial production) and the continued role of the dollar in world commerce gives the United States special responsibilities.

The old adage is true: When the U.S. economy gets a sniffle, the world economy gets pneumonia. We are recklessly buying today's federal services by embezzling from our children and grandchildren. Our towering deficits demonstrate to our friends and partners that we do not take our global responsibilities seriously—that we are willing to let the world economy suffer with pneumonia and pleurisy to get short-term relief from the sniffles.

No industrialized country, particularly the United States with its special responsibilities, can afford to conduct its domestic economic policies oblivous to their effects on the international economy. Our economic health depends on the health of the world economy. The medicine needed to sustain the good health of both of them is the same: a major reduction in U.S. budget deficits.

In many areas, President Reagan has had the luck associated with his Irish ancestry. I hope for all our sakes that his luck will continue. But if, as I fear, by St. Patrick's Day he has not begun to work with Congress to deal seriously with the deficits, no amount of luck will prevent the economic disaster ahead.

A Cry From the Heartland: Deficits Will Impoverish Our Grandchildren

(By Richard D. Lamm, William J. Janklow, Scott M. Matheson, and Richard A. Snelling)

The Federal deficits facing this country are a prescription for disaster. We are borrowing from our children to give ourselves tax relief, borrowing from our grandchildren to pay medical benefits that we really can't afford, borrowing from our great-grandchildren to give pensions that we know very well are chain letters to the future.

We are four governors—two Democrats and two Republicans—who believe there is no higher priority on the American political scene than to form a bipartisan coalition to bring reality therapy to our delusional belief that we can continue on this road to ruin. As the Congress returns Monday, and the President addresses the state of the union Wednesday, we offer this modest proposal as an agenda for our return to fiscal sanity.

Neither we nor any serious economist believes that the United States economy can sustain the long-term mismatch between federal revenues and expenditures. The existing debt is $1.2 trillion; the annual federal deficit has grown from 2 percent of the gross national product in 1981 to more than 6 percent in 1983. In the next six years an accumulation of another $1.3 trillion in debt is projected. These two factors—the size of the debts we currently are undertaking and the size of the already enormous cumulative debt—create a problem of unique proportions.

Through repetition and familiarity, we are in danger of becoming inured to the dimensions of the dollars we are dealing with. How much is a billion, anyway?

A billion seconds ago was 1951. A billion minutes ago Jesus Christ was walking the earth. A billion hours ago no one on this planet was walking erect on two feet. But in Washington, a billion dollars ago was only 10.3 hours.

Deficits of these magnitudes may strand real interest rates at historic highs and will seriously interface with private reinvestment. There is general agreement that the national economy will gain strength for a good part of 1984. But there is equally broad agreement that by late 1984 or early 1985, this recovery will weaken. If the recession of 1985 combines the typical cyclical weakness with an unprecedented credit crunch, the result could be catastrophic.

In light of this danger, it is astounding that both the Congress and the administration seem to have drifted toward a conclusion that no decisive action be considered until after the next presidential election. We cannot understand how those in Washington can accept a planned policy which exposes the nation to such risk for another 15 months.

There is plenty of blame to distribute. Every president and every Congress for the last 25 years is partially at fault, as is a public that tolerated this policy. While we can debate which party is most at fault, we all agree that—Democrat or Republican—it clearly is easier to be a politician in times of plenty than in times scarcity.

That is why we urge formation of a coalition of political people to do unpolitical things. The nation desperately needs a bipartisan group to make the decisions that are so difficult in the current climate. In short, we need to create an environment in

which our nation's leaders can use that most unpopular of political words—"no."

The imperative is even more demanding because the U.S. economy is not breaking new ground. Circumstances have improved in the last year, but in 1973, median household income—adjusted for inflation—was $11,397. By 1982, it had slipped to $11,326. Very quietly, the United States has seen its economy falter and stagnate.

Yet our political reach continues to exceed our grasp. We have formed platforms, goals and agendas based on an economic system that once ranked first in the world. We are now fifth in the world in per-capita income, however, and we may well have suffered an irreversible loss of industrial might. Politics is the management of expectations, but our expectations are out of the 1960s while the realities are those of the 1980s.

A society cannot consume and public policy cannot distribute what a society has not produced. When public decisionmakers are faced, not with spending new wealth, but with reallocating existing wealth, they experience a whole new set of pressures. All four of us have faced these pressures on the political stump. We know how hard it is to say no to constituency groups, to deflate expectations, to disappoint people. These are not the decisions on which political careers are made. Nevertheless, we believe the nation needs a bipartisan solution to these problems.

One of the most influential constituency groups is the defense establishment. We believe that defense spending should be increased—but not at the 7 percent real growth rate suggested by the Reagan administration. Congress is on the same wavelength. A bipartisan consensus seems to exist for an annual increase in defense spending between 3 and 5 percent. We fear that the president's proposed level of spending would build a 1980s Maginot line—a large and impressive military establishment atop an economy in shambles.

If defense appropriations are increased by 1 percent in real growth over the next four years, only $1 billion would be added to the deficit in fiscal year 1984. But by fiscal year 1988, because of the long defense pipeline and the compounding effect, these 1 percent increases will have added $11 billion to the deficit. Holding defense spending to 4 percent real growth, rather than the president's proposed level, could save a cumulative $52 billion by fiscal year 1986.

National politicians also have a difficult time saying no to entitlements. They call these expenditures "uncomfortable." But Congress should not be permitted to pretend that nothing can be done about these programs. The Congress created them and it can contain them. There should be no higher priority.

The dialogue must begin by making it clear that a common characteristic of the so-called entitlement programs is eligibility standards which do not test the financial need or capacity of those who will receive the benefits. The politics of entitlement are clearly hazardous; nevertheless, we urge changes in the sensitive areas of Medicare and federal pensions.

The cost of Medicare has risen 17 percent a year for the last 10 years. This program for older Americans has recently been doubling approximately every three and a half years. Even under the president's proposed budget, Medicare will increase $57 billion over the next five years. These outlandish and unsustainable increases can't go on. There are two basic ways to reduce the cost of Medicare: to push more of the costs into beneficiaries, and to limit payments to providers. We suggest both.

We essentially have given providers a blank check for all Medicare patients. Then we react in surprise when they fill in large amounts. Medical science is inventing treatments faster than public policy can pay for them. Overall, 10 cents of each dollar spent in America goes to health care costs, rising at 2½ times the rate of inflation.

The well-meaning kidney dialysis program, started in 1976 for a first-year cost of $150 million, is already up to $2 billion and growing dramatically. We are transplanting organs in operations thought impossible only a few years ago and are now inventing artificial organs. Less dramatic but equally important is the staggering cost of some of the great advances in medicine. Take cataract surgery, for example. Since 1965 the incidence per 100,000 people over the age 65 of operations for cataracts has tripled and virtually all of them are paid for by Medicare.

If inefficiencies in our current health care system are corrected, we believe a reformed health care system can deliver the existing level of care to most Medicare patients for several years. However, we cannot delude ourselves that even increased efficiency can control the current program in the long term. Hard choices about access to medical care are going to have to be made.

As recently as Jan. 1, 1983, the Veterans' Administration every month sent out pension checks to 41 widows of Civil War veterans and 26 widows of Indian War veterans, as well as paying benefits to 9,182 widows of Spanish-American War veterans and 52 veterans of that war. We will be paying pensions to dependents of Vietnam veterans until the year 2097. Pensions clearly are forever and this fiscal implication has not been accepted by politicans.

We rapidly are becoming a four-generation society. Social Security, including Medicare, roared past the $100 billion mark in 1977; only five years later it went over $200 billion. The long-term unfunded liability of Social Security, which does not appear in the normal $1.2 trillion federal deficit, stands somewhere between $3 trillion and $5 trillion. The unfunded debt of the military pensions alone has hit $590 billion; add the unfunded liability of federal civil service pensions and you have a pension amount that almost equals the national debt.

Generals can retire and, two years after retirement, receive more as a pension than the people who, replaced them make. These pensions are indexed by generous cost-of-living provisions. All of these groups are organized, all of them vote and all of them contribute to political campaigns.

Nevertheless, we think it better to rock the boat than to sail it under false colors. We propose that Congress adopt a measure—not original with us—to hold Social Security and federal pension increases 2 percent below the inflation rate beginning in 1985. This measure alone would reduce governmental spending more than $40 billion over four years with only minimal impact on most Americans.

We also would propose raising the retirement age by at least three years on a gradual basis—three months per year starting in 1990. Even with the new eligibility age, the average retired person would enjoy benefits for a long period than did their parents or grandparents.

We also propose taxing a portion of Social Security retirement benefits received by individuals whose incomes are above $12,000 and families whose incomes exceed $18,000. Lower-income Social Security beneficiaries would not be affected. This proposal would help to correct the current indefensible situation in which 18 percent of Social Security benefits go to families which have retirement incomes over $30,000 per year.

We recognize that this would introduce means testing to Social Security, but we believe that this solution is inevitable. Some actuarial tables show that by 2020, it may take as much as 40 percent of the average paycheck just to support Social Security. Today it takes 100 tax-paying workers to support about 30 Social Security beneficiaries. By the year 2050, because our population is aging, the same 100 workers may have more than 70 beneficiaries to support. It isn't a question of if we change this program; the question is when.

In the federal retirement systems, both military and civil service, we would advocate changes in such things as early retirement and urge similar indexing 2 percent below the rate of inflation. Reforms also should be sought in other programs such as railroad retirement benefits, the Foreign Service Retirement and Disability Funds, Coast Guard Retirement Fund, Tax Court Judges' Survivors Annuity Fund and the Public Health Service Officers Retirement Pay and Medical Benefits Fund.

Finally, although raising taxes is the most hazardous thing that a politician can do or even suggest, we believe imposing new taxes is better than continuing to borrow from our children to avoid making hard decisions today. We believe that taxpayers would be less antagonistic about paying new taxes if some dramatic reform of the federal system was taking place and they were no longer being asked to fund a government long out of control.

One way to make our tax system fairer and generate additional revenues is to prune the tax deductions and credits granted to one group or another—the "tax-expenditure budget." The Joint Committee on Taxation estimates these costs will be almost $330 billion in 1984 and that they will exceed $490 billion by fiscal year 1988. In the face of enormous deficits, we would suggest selecting items from the tax expenditure budget to close loopholes in our existing system.

We would further propose modification of the new tax-indexing law that goes into effect in 1985. Instead of fully indexing tax brackets to inflation, we propose indexing 2 percent below the inflation rate. This would force taxpayers to pay a little more than they would otherwise, but no individual would be badly hurt. The additional revenue from just this procedure would be more than $37 billion over four years.

Our thesis is that the current course of federal deficits is unsustainable and will lead this country into another recession and, possibly, into a depression. To finance deficits of the magnitude of $200 billion to $300 billion a year, every American worker would have to save $2,000 to $3,000 and loan it all to the federal government.

A deficit this large makes the federal government a competitor with private business, which needs to borrow funds for new plants, equipment and inventory. Such a large deficit also competes with consumers seeking funds for housing and other durable goods and with state and local governments needing to finance capital outlay. The extent of the borrowing tends to increase interest rates, depress both investment and consumption and traumatize our economy.

In the end, we must find a way for our common interests as Americans to override our conflicting interests as retirees, doctors, military people, federal employees and so on. America's future is at stake and we must be willing to make hard decisions. We, as practicing politicians, have put ourselves on the line with these preliminary suggestions in hopes that others will surface their own proposals and that soon a bipartisan coalition, dedicated to fiscal sanity, will arise.●

PLAYING WITH THE END

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. OTTINGER. Mr. Speaker, as we struggle to find the answers to the complex question of how best to defend the country and prevent catastrophic international conflict, the Pentagon planners continue to plot a nuclear war in which the United States can prevail. I commend to my colleagues' attention the excellent analysis of this paradox and the problems and dangers it entails by Mr. Arthur Cox, from the New York Times op-ed page.

END THE WAR GAME

(By Arthur Macy Cox)

American strategic planners have been thinking the unthinkable for more than 25 years: trying to make nuclear warfare controllable and even winnable. The result has been an escalating nuclear arms race that has increasingly reduced our security and endangered our survival.

Why is it so dangerous? Because a war-fighting doctrine is fundamentally incompatible with a policy of unclear deterrence: The greater the capacity to fight a nuclear war, the more likely it is that deterrence will fail because of increased chances that a war will start through accident, miscalculation or pre-emption in a time of crisis.

The struggle between the war fighters and the advocates of stable deterrence began in the late 1950's. Then, as now, the deterrence advocates believed that nuclear weapons must never be used and that the best way to insure that they won't is for each side to have the assured capacity to destroy the other. This threat—of mutual national suicide—has for years prevented war between the United States and the Soviet Union.

The war fighters have ridiculed the notion of mutual assured destruction. They call it MAD and they claim that it is immoral because it would mean destroying cities. They also argue that it won't deter war because the Russians don't believe in it and are prepared to fight a unclear war; that it doesn't provide an alternative in case deterrence fails; and, perhaps most important, that it doesn't permit us to build the military power with which to coerce the Soviet Union.

In 1962, these arguments persuaded Secretary of Defense Robert S. McNamara to adopt a strategy for a controlled and flexible nuclear response aimed at military targets rather than cities—a counterforce strategy. This was the first attempt to make nuclear war more rational and moral. It was also the first attempt to develop a war-fighting strategy—a plan for a limited nuclear war. Such a theory made no sense then and it makes no sense today.

Our allies Britain and France have no illusions about the apparent morality of counterforce doctrine. Both aim their nuclear missiles at Soviet cities in the hope that this will deter a Soviet attack. As one French nuclear expert recently said: "In a half hour, the submarines alone could kill 50 million people. That should be enough to dissuade any adversary." The Kremlin, too, targets cities. In contrast, Washington asserts that its nuclear targets are military, including military industry. yet, inevitably, this means cities—including 60 military targets in Moscow alone.

There can be no relative degree of morality about the use of nuclear weapons. The principles of "just war" theory and proportionality are irrelevant to nuclear war. Nor will there ever be a limited nuclear war: It would take two to play and the Kremlin won't. Its policy is very explicit: Moscow will not be first to use nuclear weapons, but if attacked with such weapons, its response will not be limited.

Yet, for some years, our policy has been based on the notion that Moscow would try to fight a limited nuclear war. When Harold Brown became Secretary of Defense in 1977, he categorically rejected the idea of such a war. But in August 1980, he joined Zbigniew Brzezinski in drafting Presidental Directive 59, which adopted a war-fighting theory that included plans for limited nuclear war. Why? Because, in his view, the Soviet leadership appeared to think a nuclear victory was possible.

In fact, during the 1950's and 1960's, Soviet military leaders did assert that if their country were ever attacked with nuclear weapons, it would fight and ultimately win the war. But for the past decade, Soviet leaders including Leonid I. Brezhnev; Yuri V. Andropov; the Defense Minister, Marshal Dmitri Ustinov; and Chief of Staff, Marshal Nikolai Ogarkov, have agreed that there can be no winners in a nuclear war—only holocaust.

Mr. McNamara has also changed his view and today rejects the concepts of flexible response and limited nuclear warfare. He now says: "Nuclear weapons serve no military purpose whatsoever. They are totally useless—except only deter one's opponent from using them."

Secretary of Defense Caspar W. Weinberger, in contrast, clearly believes that the United States should be prepared to fight a protracted nuclear war and to prevail, as outlined in the five-year Defense Guidance he signed in 1982. At the time, he said: "You show me a Secretary of Defense who is not planning to prevail and I'll show you a Secretary of Defense who ought to be impeached." Yet even Secretary Weinberger has acknowledged on several subsequent occasions that nuclear wars are not winnable.

Nevertheless, the Reagan Administration is vigorously pursuing a doctrine that would theoretically allow us to prevail by "decapitating" the Soviet state. This would mean destroying the Soviet civilian and military leadership and the communication system that controls the lauching of Soviet nuclear weapons. But the main value of the decapitation threat, it is claimed, would be to coerce Moscow. This is a dangerous fantasy—a self-deluded effort to restore a political advantage that was lost forever when the United States lost strategic nuclear superiority.

The other argument that the war fighters use against deterrence is the possibility that it may break down. Some 20 years ago, the influential nuclear strategist William Kaufmann argued that a counterforce strategy was justified if there was so much as a 5 percent change that deterrence would fail. Today, Mr. Kaufmann, like his former boss Mr. McNamara, has apparently come to doubt the wisdom of this calculation. Mr. Weinberger, however, has no doubt. He recently wrote: "when deterrence fails . . . the dividends of a viable war-fighting defense are unquestionable." This is an illogical, desperate thesis that will almost inevitably lead to catastrophe—for the more we rely on a war-fighting strategy, supposedly in order to back up our deterrent, the more likely it is that deterrence will fail. This is particularly true as technology advances, leaving less and less time for human decision-making and encouraging strategists to rely on computers—thus increasing the risk of accident or pre-emptive strike.

If we want to survive, we must try to make deterrence as stable as possible. This means acknowledging that nuclear weapons are of no value in our competition with the Soviet Union except for deterring a nuclear exchange. It means rejecting all theories of nuclear war-fighting. It means getting back to genuine arms control negotiations with the Soviet Union. Other useful steps include moving away from multiple-warhead missiles and returning to single warheads. Bombers with air-launched cruise missiles are also relatively stable: They are slow, can be turned back and don't pose a first-strike threat. So are submarines, which are not so vulnerable to attack.

Other measures to enhance the stability of deterrence would include a continuation of the Anti-Ballistic Missile Treaty, a mutual ban on the testing and deployment of anti-satellite weapons, a mutual ban on space-based weapons, a comprehensive ban on nuclear-weapons testing, a ban on the deployment of nuclear weapons that impede arms control by making adequate verification more difficult or impossible and, finally, efforts to improve communications between the superpowers.

Such measures are indispensable if we are to avoid accidental or unintentional nuclear war. And in the end, if the superpowers can't find a more stable basis for our competition, we probably won't survive.●

CATHOLIC WAR VETERANS POST 1419

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. HARRISON. Mr. Speaker, on Saturday evening, January 28, the Catholic War Veterans Father Albanese Post No. 1419, of Berwick, Pa., will conduct its annual dinner dance.

This is a significant event not only for the officers and members of the Father Albanese Post but for the entire greater Berwick community. Since 1947, Post 1419 has upheld the highest ideals in patriotism and community service. This year, as Lyle Augustine is installed as commander, it renews its dedication to God and country.

This organization has been in the forefront of bringing to light the concerns of veterans. They conduct and participate in ceremonies honoring those who have served their country. Among their activities are a Veterans' Day parade and ceremony, a Memorial Day observance through the placing of flags on veterans graves, and a Columbus Day parade.

Post 1419 receives State and national recognition for its distribution of over 600 potted shamrocks, on St. Patrick's Day to the patients of the Veterans' Administration Hospital and Nursing Home in Wilkes-Barre. This project has been a tradition for 20 years and is financed totally through contributions for the Catholic War Veterans' "Cross of Peace."

Additionally, the post is active in youth programs and, at the local level, conducts the National Catholic War Veterans spelling contests and oratorical contests.

Post 1419 has over 250 regular members, ranking seventh in the State and 20th in the Nation. Its members are active on both the State and national level and, most recently, Past Post Commander Joseph (Jiggs) DiPasquale has served for two consecutive terms as State commander for the Department of Pennsylvania.

It is a pleasure and an honor, Mr. Speaker, for me to congratulate Father Albanese Post 1419 on this occasion of its annual dinner dance and the installation of its officers. The pleasure is all the greater, Mr. Speaker, because I am a member of that post and have, for the past 5 years, been privileged to observe and participate in an outstanding record of service to God, country, and community.●

LUJAN SUPPORTS JUDICIAL REVIEW FOR VETERANS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LUJAN. Mr. Speaker, I am pleased to add my name as a cosponsor of a bill which would provide for judicial review for veterans. The legislation, H.R. 1959, the Veterans' Administration Adjudication Procedure and Judicial Review Act, would give veterans access to the judicial system if a veteran disagrees with the final decision of the Board of Veterans Appeals and feels that a court review of the decision is necessary.

The bill would also provide for reasonable attorney's fees which had previously been limited to $10. Thus a veteran will be able to obtain the services of an attorney at a fee affordable to the veteran.

Under the current law, a veteran's claim for benefits is decided upon entirely within the framework of the Veterans' Administration and may not be brought before the courts for review or adjudication. This bill would restore to veterans their fundamental constitutional rights. The Senate has passed similar legislation for the last three sessions of Congress and it is time for the House of Representatives to act.

H.R. 1959 should be considered as soon as possible. The Veterans' Affairs Subcommittee on Oversight and Investigations has already completed hearings on the bill and I hope the full Veterans' Affairs Committee will take up consideration as quickly as possible. It is time to remedy this situation and provide veterans with the right to judicial review and the right to be represented by counsel.●

A CONGRESSIONAL SALUTE TO WALTER E. GARRISON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Walter E. Garrison who is retiring from his post as chief engineer and general manager of the Los Angeles County Sanitation Districts.

Engineers usually do not inspire great poetry or great praise, probably because most engineers are doers, practical men and women of daily business and straight-forward problem solving. And this is necessary because, more than any other profession, engineers make the world go around. But some very few engineers are even more: they are people with vision. They have the talent, the training, the careful know-how, nurtured over the years, to put their vision into being. Walter Garrison is one of these persons, a dedicated public servant, who has translated his vision into reality and who has helped southern California grow in the past four decades that his career spans.

A native of New Jersey, Walt earned his bachelor of science degree from the Cooper Union in 1942. He served 4 years during World War II in the U.S. Army Corps of Engineers, and joined the engineering staff of the county sanitation districts of Los Angeles County in 1948.

Walt worked in various capacities in the sanitation districts, and pioneered wastewater recovery and refuse systems—and simultaneously the modern sewerage disposal methods—that have made available, affordable and sustainable water resources for Los Angeles County.

In 1979, he was appointed chief engineer and general manager of the districts. In this position Walt has general oversight of the organization that provides sewerage, wastewater reuse, and refuse disposal sites for approximately 4 million people living in all or part of 75 cities and large tracts of unincorporated land within a 730-square-mile area in Los Angeles County. In conjunction with the water supply agencies and the health agencies, Walt has developed a system of reclaiming almost 100 million gallons of freshwater daily. Under his tutelage, engineers in Los Angeles County have pioneered methods of recovering methane gas from landfills to produce electricity.

Walt has somehow found time to become actively involved with numerous national, State, and local organizations in the field. These include the Water Pollution Control Federation, the American Society of Civil Engineers, the California Association of Sanitation Engineers, the Joint Technical Advisory Committee, the American Academy of Environmental Engineers, and the American Public Works Association. In addition, he has worked as a consultant to many municipalities, has published numerous papers in the field and is on the management advisory group to the construction grants program of the U.S. Environmental Protection Agency.

Mr. Speaker, over the years, Walter Garrison has faced many tough problems and has been asked to make hard decisions. He has, however, viewed these situations as challenges, incentives to convert liabilities to assets. My district and 4 million people in southern California are better off because of him.

My wife, Lee, joins me in congratulating Walt Garrison on a job well done. We wish him and his wife, June, their six children, John, Paulette, Richard, Teresa, Chris, and Jan all the best in their future endeavors.●

LSC REGULATIONS ON ELIGIBILITY MUST BE ELIMINATED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BIAGGI. Mr. Speaker, today, I am joined by my colleague OLYMPIA SNOWE and our colleagues in introducing legislation that would repeal the new client eligibility regulations promulgated by the Legal Services Corporation on November 30.

This bill is necessary if we are to preserve legal services for the poor elderly of this Nation. The existing regulations which serve to restrict eligibility for seniors are ill-founded. There is no good reason why the regulations should have been changed in the first place given the fact that they were successful in assuring the availability of legal services for senior citizens

who, in many cases, have no where else to turn for such help.

Let me provide my colleagues with the history which brings us to this point today. It is a point which has not been arrived at without significant debate and consideration. On September 22, my Subcommittee on Human Services of the House Select Committee on Aging conducted hearings on proposed client eligibility regulations put forth by the Legal Services Corporation on August 29. At the hearing, we received testimony from 18 witnesses representing the poor elderly and disabled communities, on the impact of these proposed regulations upon the existing legal services network. The testimony was overwhelmingly opposed to these regulations. I was joined by my colleague and our ranking minority member Mrs. SNOWE, in calling for these regulations to be withdrawn.

We also received testimony from the Legal Services Corporation which assured us that they would consider our recommendation. Despite several subsequent requests of the LSC Board that they cease their plans to go forth with the new guidelines, they nonetheless determined to publish the original regulations in final form on November 30 which are only slightly modifies from the original proposals.

These final regulations, which we seek to overturn, would mandate assets tests upon elderly clients—which for the first time in the history of the program—could include such nonliquid assets such as the value of a home—up to $15,000—work-related equipment—such as farm tractors and trailers—as well as any transportation vehicle used for employment or other means, such as medical purposes. This counting of nonliquid assets is a clear violation of the LSC authorizing statute which only allows the counting of liquid assets. Many, if not most elderly citizens, even those with low or fixed incomes, will have accumlated at least $1,500 in nonliquid assets over the course of their lifetime—which would disqualify them under these rules.

Group representation services to elderly nursing home residents would be eliminated. Despite the clear mandate in the LSC statute—which I authored in the 1977 amendments that directed the Corporation to place a priority upon serving the elderly and disabled—the poorest and most vulnerable of our seniors residing in nursing homes could not be served unless the group which sought to represent them was primarily composed of eligible individuals under the new guidelines. This attempt to stifle advocacy groups from protecting the institutionalized and disabled must not be allowed to happen. Many advocacy groups have been critical in assuring nursing home residents have access to legal services in the event their rights are threatened or eliminated in any fashion.

Finally, the provision in existing law which makes those persons receiving public benefits automatically eligible for legal services is eliminated. This "public benefits exemption" was critical to minimizing the paperwork in this program and assuring that attorneys spend the bulk of their resources serving needy clients—not filing additional and unnecessary forms. Instead of reducing paperwork under these regulations—we have added to the existing paper chase that can only serve to hinder services to needy clients.

At the subcommittee hearing, the justification for moving forth with new eligibility regulations at this time was that inadequate funding was available to carry out the LSC mandate. This is not the case at all given the fact that Congress increased the appropriation in fiscal year 1984 for the Corporation from $241 million in fiscal years 1982 and 1983 to $275 million for this year. At the same time, its own Board of Directors recommended a $68.3 million increase over fiscal year 1983 of $325.3 million for fiscal year 1985. Clearly, if the cornerstone of the Corporation's arguments in support of these new rules was lack of funds—this request has clearly diluted if not effectively destroyed their original argument.

I must also point out that these eligibility regulations were proposed by a Board of Directors which was composed of four "recess" appointees which were not approved by the traditional Senate confirmation process. Just last week, two more "recess" appointees were added to the Board. Given the fact that the entire method of selection is being challenged, it appears that to make major revisions in programs at this time is to thwart the role of Congress in exercising its role in approving those individuals who are making these decisions.

Mr. Speaker, this bill is a bipartisan effort to reverse these regulations and to assure that those rules which were in effect previously are retained. I should point out, for the benefit of my colleagues, that we are taking two concurrent and complementary approaches in this legislation. The first is a bill to amend the LSC authorizing statute that would bar the new rules from taking effect. This bill will be offered as an amendment to the LSC reauthorization bill as considered by the House this year.

The second bill seeks to eliminate these rules through the appropriations process. We will offer this amendment when LSC appropriations legislation is considered this year. This two-prong approach, we feel, will assure that these regulations are overturned and that legal services to the poor, elderly, and disabled are retained.

For the benefit of my colleagues, I wish to insert into the RECORD at this point the texts of these two bills. I urge all those who share our concern for the elderly to join with us in cosponsoring this most important legislation.

H.R. 4659

A bill to amend the Legal Services Corporation Act to insure that procedures for determining eligibility of clients are no more restrictive than those in effect on January 1, 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)) is amended—

(1) in subparagraph (B)(iv) by striking out "and" after the semicolon;

(2) in subparagraph (C) by adding "and" after the semicolon at the end thereof; and

(3) by adding at the end thereof the following:

"(D) insure that income levels, guidelines, and procedures established pursuant to this paragraph do not exclude persons from being eligible for or provided legal assistance under this title who would not be so excluded under the income levels, guidelines, and procedures in effect under this paragraph on January 1, 1983;".

H.R. 4658

A bill to prohibit the use of funds appropriated to the Legal Services Corporation for the implementation of regulations, guidelines, or other procedures that are more restrictive with respect to the determination of eligibility of clients than those in effect on January 1, 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds appropriated to the Legal Services Corporation may be used to implement any regulations, guidelines, procedures, or instructions issued by the Legal Services Corporation which would exclude any person from being eligible for or provided legal assistance under the Legal Services Corporation Act who would not be so excluded under the regulations, guidelines, procedures, and instructions of the Corporation in effect on January 1, 1983.●

LEGISLATION TO REPEAL NEW ELIGIBILITY GUIDELINES FOR LEGAL SERVICES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Ms. SNOWE. Mr. Speaker, I join my colleague Congressman BIAGGI in sponsoring two measures today which will prevent the Legal Services Corporation (LSC) from implementing eligibility requirements that are more restrictive than those required for all other Federal social programs.

When these new, seemingly overly stringent regulations were first proposed by LSC last August, Congressman BIAGGI and I, as chairman and

ranking minority member of the Select Committee on Aging Subcommittee on Human Services, conducted a hearing to Investigate their impact upon the elderly and disabled communities. Over 18 witnesses, representing the most vulnerable constituency groups in the country, strongly recommended withdrawal of the proposed regulations. It was predicted that the proposals would eliminate up to two-thirds of current eligibile elderly clients, a most compelling argument to those of us concerned with the overall well-being of our Nation's older population.

Based upon such predictions, Chairman BIAGGI and I repeatedly petitioned the LSC Board to reconsider its proposals. Nevertheless, on November 30, the Board published their final guidelines. We were surprised to note that despite almost unanimous criticism, the guidelines were only slightly modified from their original form.

I seriously question the wisdom of this action by LSC in view of the fact that the present Board of Directors is composed of four members who are merely recess appointments, none of whom are included in the list of 11 nominees presently pending confirmation by the Senate.

Moreover, I am puzzled why LSC insists on this attempt to streamline eligibility rolls at a time when there are actually more dollars for LSC activities this year than there have been the preceeding 2 years—$275 million in fiscal year 1984 versus $241 million in fiscal year 1982 and fiscal year 1983.

I would like to briefly point out only a few of the serious consequences of the final regulations for those Members who are also concerned with the elderly poor's access to legal services. The primary change is the establishment of a maximum national income level for eligible clients. All income, including Government income-maintenance benefits, as well as liquid and nonliquid assets—including equity in a home over $15,000—will now be examined in determining whether an individual is eligible for legal services. Previously, Government income-maintenance benefits were excluded when computing income and only liquid net assets were examined. The practical effect of the old rules was to enable people who already qualified for food stamps or welfare to be automatically eligible for legal services, thus eliminating a time-consuming and expensive process already required by other Government programs.

Although the Corporation stresses its desire to maximize scarce resources as a rationale for these regulations, additional individual eligibility determinations will, in fact, use up valuable resources on unnecessary paperwork and reduce the level of services available to clients. Furthermore, these new limitations will probably disqualify many people whose income is slightly over the maximum income limits, even if that income is derived solely from other Government assistance programs which are already means tested.

In addition, because the regulations require that the income of all resident family members be considered, elderly or disabled people living with relatives could be disqualified from legal assistance if the income and assets of those relatives are only slightly higher than the regulations allow. The only alternatives for these people is to move out on their own, which may be physically impossible and/or emotionally undesirable, or move into institutions, or to simply forgo legal services. Is this what the LSC Board has in mind as it insists on such dramatic new regulations?

The measures that Chairman BIAGGI and I have introduced today would guarantee that procedures for determining eligibility of clients are no more restrictive than those in effect on January 1, 1983. The first measure, already cosponsored by 36 members, amends the Legal Services Act to that effect. The second bill would prohibit the use of funds appropriated to the LSC if the client eligibility guidelines are more restrictive than those in effect on January 1, 1983. We plan to introduce this second bill to offer as an amendment to the Justice Department appropriations measure later this year.

I am convinced that these regulations are more injurious to the poor in this country than they are helpful, and I invite the support of my colleagues for this legislation which would prevent the imposition of these new guidelines recommended by four temporary, unconfirmed LSC Board members.●

DON'T DEPORT SALVADORAN REFUGEES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. OTTINGER. Mr. Speaker, on November 17 last year, I joined with Representatives JIM MOAKLEY, JOEL PRITCHARD, BARNEY FRANK, TED WEISS, JIM JEFFORDS, ED TOWNS, and MIKE LOWRY to introduce needed legislation delaying the deportation of Salvadoran nationals residing in the United States. Citizens in El Salvador, particularly displaced persons, are the first to be victims of violence. That violence comes not only from the "death squads," but from a general breakdown of law and order: Essential services are not available, the judicial system is nonexistent, and citizens who become victims of the civil strife have no safe haven to which they can run.

Despite documented evidence of the dangers in El Salvador, the Reagan administration maintains a policy of deporting Salvadoran nationals who have sought refuge in the United States. The Salvadorans who have fled to this country fear the generalized violence inherent in civil war. They do not ask for a new home here; they need temporary protection.

Staying deportation until Congress determines that conditions in El Salvador have reached a point that allows the safe return of its citizens is a reasonable approach to a dire problem. All other North and Central American countries now refrain from forcibly returning Salvadorans. The United States should follow suit.

I would like to call to my colleagues' attention an editorial from the New York Times in support of such a policy:

WHY POLES BUT NOT SALVADORANS?

This is a story about a case of bureaucratic doubletalk, which is harmless, and a double standard, which is not. The doubletalk is "extended voluntary departure," which means giving visitors to this country a port in a sudden storm. The double standard is that the United States gives such refuge to people from most of the world, but not to people from El Salvador. Why not?

There are refugees and there are refugees. Some come here precisely to find a permanent haven from persecution—Jews fleeing Hilter in the 30's, boat people fleeing Vietnam in the 70's. But others come here as visitors and are turned into refugees, while here, by events at home. To force them to return before the turmoil ends might be a death sentence.

The Ugandans, for example, who were here during Idi Amin's bloody last days . . . or the Iranian students in colleges across the country when the Ayatollah came to power . . . or the Poles visiting in this country when martial law was declared in theirs . . . or, now, the Salvadorans.

Some societies provide for temporary safe haven by law. American law makes no such provision but this country has evolved an informal one, under the Attorney General's prosecutory discretion: extended voluntary departure. That means if you are in a class of people found to need temporary haven in an emergency, you can stay. Even if your visa expires tomorrow morning, you have an extra six months, say, to wait out the storm back home, maybe longer.

For instance, if you are a Pole who was caught here when martial law was declared in your homeland in December 1981, your extended voluntary departure deadline is about to be extended yet again, to December 1983. Over the years, the Government has granted this kind of haven to other nationalities, too—Cubans, Czechs, Chileans, Ethiopians, Nicaraguans, Ugandans and Afghans. Why does this Administration refuse to grant such safe haven to Salvadorans?

One explanation concerns danger. State Department officials contend that the violence in El Salvador is not sufficiently intense or widespread to justify extended voluntary departure. It's a puzzling argument, coming just at the time the Administration

wants Congress to spend much more to help end the Salvadoran violence.

It would appear to be precisely in our foreign policy interest to affirm that conditions in El Salvador are dangerous, not to deny it. Nor would acknowledging the violence disparage the Government that the United States wishes to assist.

A second, more plausible explanation is numbers. There are only about 5,000 Poles affected by extended voluntary departure but probably 100,000 Salvadorans—or more. Not many Poles are able to sneak into this country to take advantage of the grant of temporary haven. But officials fear that a great many Salvadorans would try sneaking in if they became eligible for it, turning it into a de facto amnesty for illegals.

Perhaps so, but what does that have to do with peril? If El Salvador is dangerous, as the State Department reports in other contexts, then forcing Salvadorans to return home may subject them to danger and death. Why does the Reagan Administration err on the side of peril? Why not, temporarily, err on the side of safety? Why let Poles stay but not Salvadorans?

Fairness, not to mention humanity, calls for a better answer.●

BOOSTING SMALL BUSINESS AT THE FEDERAL RESERVE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. NOWAK. Mr. Speaker, a major problem confronting our Nation's small business community during this period of continued high interest rates is how to raise capital for modernization and expansion.

As another step in seeking to enhance the capital formation opportunities for small business, I have cosponsored H.R. 2566 which would require small business representation on the Board of Governors of the Federal Reserve System. In support of that legislation, today I presented a statement for the record to the Subcommittee on Domestic Monetary Policy of the Committee on Banking, Finance and Urban Affairs.

Following is the text of that statement, which I hope will broaden understanding of the current needs and concerns of the small business community that is so vital to our Nation's economic well-being:

Thank you, Mr. Chairman and distinguished Colleagues for this opportunity to express my views on H.R. 2566 and to impart some underlying observations concerning this proposal to include small business and agricultural representatives on the Board of Goverors of the Federal Reserve System.

In view of the fact that other Members will specifically discuss the need for agricultural representation, I will confine my remarks to the importance of small business representation generally.

As chairman of the House Small Business Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I have attempted to develop measures designed to enhance small business capital formation both externally and internally. Pursuant to these efforts, I have become increasingly aware of the critical importance of small firms to the job generation process and technological innovation of this country.

In order to ensure that the small business community is able to perform its proper function in the future economic vitality of our Nation, it is essential to understand the unique problems faced by small business in raising necessary capital. Specifically, small business has traditionally been denied access to commercial paper and bond markets and has consistently relied on commercial bank credit as a key source of credit financing. In fact, a survey of bankers by the Interagency Task Force on Small Business Finance indicates that small firms obtain approximately 70% of their credit from commercial banks. With small business often paying two to three percentage points above prime, the high rate of interest rates of the last few years have been prohibitive to small business capital access.

Cognizant of the economic reality of small business' interest rate sensitivity, I have held numerous investigatory hearings on the impact of interest rates on small business capital formation. As a result of my early efforts regarding this issue, my Subcommittee prepared a report detailing the effects of Federal Reserve Monetary Policy on small business. One of the salient recommendations to surface from this effort was that the Congress should endeavor "to ensure that the Federal Reserve conduct monetary policy in a manner which will minimize the negative effects such policies may have on small business."

This proposition, I believe, is still well-founded. While admittedly, the country has embarked on the road to economic resurgence, we must keep in mind that many economists contend that the rekindling of this Nation's economic spark was initially spurred, in large degree, by the relaxation of the tight monetary policy of the Federal Reserve in the fall of 1982. The result of this action was a moderate reduction in interest rates still historically high when viewed from the "real" interest rate perspective. These positive signals of economic growth should be closely scrutinized, especially in view of the fact that the Federal Reserve may be unable or unwilling to take the initiative through monetary policy adjustment to check a future resurgence of interest rates resulting from a clash between the present and projected Federal deficit and increase in business' borrowing demands. A return to high and volatile interest rates could wreak havoc on the already tenuous capital access position of small business.

Therefore, the proposal before us today to require small business representation on the Federal Reserve Board would be a tremendous boost in the continuing struggle to maintain an affordable flow of funds to the small business community.

Another area of vital concern to small business and its relationship to credit access is the revolution occurring in the financial services industry and the evolution of bank deregulation.

In my capacity as Chairman of the Subcommittee, I have held hearings to investigate the impact of these trends on small business financing. As these financial developments occur it is essential that those of us concerned with the economic health of small business closely monitor these changes concentrating on achieving a balanced plan of financial deregulation which recognizes the special credit needs of small firms.

It should be noted that witnesses and others have expressed fears concerning the effect of the present and projected bank deregulation on the ability of small firms to maintain an adequate flow of capital.

One of the most frequently mentioned difficulties in assessing the impact of the deregulation scenario on small business is a lack of suffient data regarding small business loan practices. In order to effectuate sound policy and the future viability of small business credit, we must institute procedures to develop a sound data base on small business financing.

Another source of small business apprehension concerning bank deregulation is the disappearance of the small community-based banks which could result from the elimination of interstate banking restrictions. Many small business advocates claim community-based banks are in a better position to service small firms' credit needs due to the fact that they personally know the business applicant and the particular nuances of the community in which he or she operates.

These innovations in financial products, locations and services have caused alarm not only in the small business community, but throughout the financial community as a whole. For example, Federal Reserve Board Chairman Paul A. Volcker and Treasury Secretary Donald T. Regan, at a recent Senate Banking Committee hearing in Salt Lake City, urged Congress to act immediately to restore some semblance of order to the existing state of turmoil in the financial services industry.

In view of this erratic transformation in the financial community, and the lack of data concerning small business credit, it becomes increasingly urgent that the interests of small business be represented at the Federal Reserve as well as other policy making bodies.

In conclusion, let me point out that in these times of economic uncertainty and financial instability, we must prevent an economic scenario which could threaten irreparable harm to our small business sector. In addition, I would like to commend Mr. Mavroules for introducing this measure and my other colleagues who have consistently attempted to implement proposals on behalf of the small business community, the cornerstone of our Nation's economic stability.●

TRIBUTE TO CHET "CONKY" PRUSHINSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. HARRISON. Mr. Speaker, the young people of the city of Nanticoke lost a great friend when Chet Prushinski died on October 30, 1983. For almost 40 years, Chet, whom everyone knew as "Conky," served as a volunteer trainer for the Nanticoke area football team. He taped the youngsters before each game; he tended to their minor injuries and, perhaps even

more important, he gave them advice and listened to their problems.

And so, on November 18, the Greater Nanticoke Area School Board renamed the fieldhouse at the John S. Fine High School. From now on, it will be known as the Conky Prushinski Fieldhouse in fitting tribute to a man who for two generations gave of himself to the kids of the Nanticoke area.

It was a fitting tribute to a great man, Mr. Speaker, and I am happy for the opportunity to share this significant event with my friends and colleagues in the House.●

25 YEARS OF FAVARH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mrs. JOHNSON. Mr. Speaker, I would like to take a moment to draw attention to the fine work that is occurring in my district for developmentally disabled children, undertaken by a unique group of parents organized into the Farmington Valley Association for Retarded and Handicapped, Inc. (FAVARH). FAVARH is celebrating its 25th anniversary this year, and the success of this organization is a testimony to the power inherent in grassroots organizations and the valuable role they play in our community life. I think the following statement appropriately sums up the substantial accomplishments of a quarter of a decade of service to our Connecticut community and beyond.

TWENTY-FIVE YEARS OF FAVARH

Parent Power is amazing. When parents work together to help their developmentally disabled children, wonderful things happen—sometimes beyond their expectations; like FAVARH (The Farmington Valley Association for Retarded & Handicapped, Inc.) as it is today.

One day in 1958 a parent who had a retarded youngster advertised in a local paper in Connecticut's Farmington Valley asking other parents to meet with her. Seven families responded. They met for support, strengthening each other to feel less lonely, less like outsiders. As discussions led to action, they discovered that together they possessed an important commodity that they lacked individually—POWER. From that nucleus which gradually linked with similar groups grew a movement, leading to state and then the national Association for Retarded Citizens. They were swept along on the tide of common purpose—fostering education, habilitation, and rehabilitation services for their family members, resulting in service agencies nationwide such as FAVARH.

Today, the agency offers an extensive range of services for developmentally disabled and physically handicapped persons and their families.

FAVARH's Adult Vocational Program includes a Clerical Bindery, an Industrial Workshop and a Food Service Program in its own 125 seat restaurant.

A vocational rehabilitation department conducts in-depth evaluation and career exploration, and places clients each year in positions in private business and industry.

An extended counseling program pairs counselors with clients on a one-to-one basis, with the ongoing goal of helping clients to learn more about themselves.

Family counseling is also a vital part of the overall program. Project COPE, Concerned Outreach to Parents of Exceptional Children, assists parents of newborn or newly diagnosed developmentally disabled and physically handicapped children. Family counseling is available for those parents needing to examine their feelings and solve problems that arise as their children grow to adulthood.

FAVARH currently provides residential opportunity for six mentally retarded adults in its group home. It can also help locate independent or supervised apartments for appropriately qualified participants.

Now with silver in our hair and some tough battles and success stories for our base we are forging ahead with new programs aimed at maximizing the emotional, mental, physical and social potential of those here in the Valley who need us. We anticipate the challenge of the next 25 years as we glance back and realize what individual courage can overcome when sustained and marshaled through the support of friends.●

THE FUTURE UNDER PRESIDENT REAGAN

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LUJAN. Mr. Speaker, last night we were given a glimpse of the future as President Reagan sees it, as he proposes to shape it if he is elected to a second term in the White House.

I find it somwhat ironic that while younger men seeking the Presidency have murky, often gloomy visions of our present and future, our incumbent President is the only candidate who has a clear, positive, and progressive view of where we are going and where we can go.

President Reagan has proposed setting up a manned space station, for example, at an estimated cost of $8 to $12 billion over several years. This would be a boon to all mankind—we all know how our investment in the space program under President Kennedy benefited us beyond our wildest hopes.

But the President's younger, supposedly future-oriented opponents have attacked the space station proposal. Why, Mr. Mondale even led the opposition to the space shuttle while he was in the Senate. To his credit, Senator GLENN agrees with the President on the space station question, but he is the exception rather than the rule.

Throughout last night's speech and his term of office, Ronald Reagan has backed fresh ideas for the future—from enterprise zones to tax indexing, from the line-item veto to space-based defense systems.

The present is great under President Reagan. America is back and getting better. The future can only improve if the President is allowed to turn 4 great years into 8 great years.●

UNDERSTANDING ALZHEIMER'S DISEASE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. ANDERSON. Mr. Speaker, each year 2 million people in the United States contact Alzheimer's disease. Five percent of our senior citizens suffer from it. Yet few people understand how this disease, for which there is no cure, affects its victims and their families.

Glenn and Grace Kirkland, a Bethesda, Md. couple, are the subjects of a documentary on Alzheimer's disease, "Living With Grace," which will air in April on Public Broadcasting System stations throughout the country.

In anticipation of the showing of this film, Lon Rains has written a touching article about Alzheimer's disease and the Kirklands. His article appeared in this morning's Washington Post and I believe it is must reading for every American. I also hope that all of us will view "Living With Grace."

The article follows:

[From the Washington Post, Jan. 26, 1984]

INSIDE AN ALZHEIMER'S FAMILY

FILM DOCUMENTS A BETHESDA COUPLE'S STRUGGLE WITH DISEASE

(By Lon Rains)

A woman stands in her kitchen staring with growing agitation at a frying pan filled with hamburgers. She knows she can cook but somehow cannot remember what to do.

In frustration and anger, she cries out for her husband, asking him whether it is time for breakfast or dinner and what she is supposed to do.

As members of a camera crew move in and out of the picture to offer assistance, Glenn Kirkland patiently soothes his wife and completes the task for her.

Grace Kirkland, 73, who once would have handled a pan of hamburgers with skill and pleasure, is a victim of Alzheimer's disease, which is robbing her of memory. Houshold chores can be a frustrating experience for the Kirklands, Bethesda residents who are the focus of an award-winning documentary called "Living With Grace." It was filmed last summer by William A. Whiteford and Susan Hattery Cohen of the Department of Physical Therapy at the University of Maryland School of Medicine in Baltimore.

"Living With Grace" won the grand prize at the International Rehabilitation Film Festival in New York three months ago, competing against 200 entries. A precious winner of the festival, sponsored for seven years by the U.S. branch of the Rehabilitation International organization, was "Ele-

phant Man," which also won an Academy Award.

"Living With Grace" will be shown April 30 on Public Broadcasting System stations.

Glenn Kirkland, 65, who is a shy and retiring physicist at the Johns Hopkins University Applied Physics Laboratory, said that at first he declined to make the film. But he later agreed to this invasion of their private lives because, as president of the Alzheimer's Disease and Related Disorders Association of Baltimore and Central Maryland, he knew that it was useful for the public to learn about Alzheimer's.

A native of Atlanta and a former Treasury Department clerk who has lived in this area since 1945, Grace Kirkland raised a daughter, Evelyn Smith, and has two grandchildren. She was once a skilled cook and seamstress who loved to cook for company and make her own clothes and bridesmaid gowns for friends. She also sang in her church choir. She never had been seriously ill.

After meeting her, Whiteford and Cohen said, they knew they wanted to make her the subject of their documentary. "We just fell in love with her," Cohen said.

But the filming was not easy for the crew or for the Kirklands.

"It was a very emotional experience," Whiteford said. "Initially it was very uncomfortable. But we began to establish a rapport and she began to know us."

Alzheimer's disease affects more than 2 million people a year in the United States. Although sometimes identified as "senility," Alzheimer's is not the fading of memory that often comes with age, but a progressive, incurable degeneration of the brain. Other signs include loss of short-term memory, confusion, bizarre behavior and, eventually total dependency.

While Alzheimer's occasionally affects those in middle age, it is far more prevalent among the elderly. The disease affects 5 percent of those over 65 and 10 percent of those over 80, the film-makers said.

With 12 hours of videotape in hand to make their 30-minute documentary, Whiteford and Cohen decided to take a nontraditional approach: Rather than integrate footage of the Kirklands with facts, statistics and statements from professionals, they chose to portray Alzheimer's from the victim's perspective.

Every scene in the film focuses on Grace as she tries to cope with her loss of memory. She works word puzzle games and visits a day-care center, her doctor and her grandchildren. Following the Kirklands through the events of one summer, the film focuses on the confusion and frustration that characterize the existence of an Alzheimer's victim existence.

"Grace knows that something is wrong with her but she does not know what, and it gets her flustered and embarrassed," her husband said. In one scene she exhibits loud and seemingly drunken behavior—typical of those who suffer the disease—while watching a magician perform at Baltimore's Inner Harbor.

"Actually, she is just a very beautiful person. By portraying Grace as she is, we hope people will understand that it is important to help people like Grace," Whiteford said.

But "Living With Grace" also focuses on Glenn Kirkland's role. Although his wife's moods change abruptly and without warning, he remains a calm and steadying influence.

"He never reacts to her on an emotional level," Cohen said. "He uses distraction as a management technique almost to perfection."

Glenn Kirkland said that there is little point in getting upset with an Alzheimer's victim. "But I have to force myself to stay on an even keel when she says and does things that would normally upset me," he said.

"It gets frustrating, but I try to turn problems into challenges to see how I can implant my idea in her so she won't get embarrassed. Sometimes we just spell out words together or I will make up a song we can sing to remember it."

The impact of Alzheimer's disease can be as devastating for the victim's family as it is for the victim. As the disease advances—it can take up to 12 years—victims eventually lose the ability to take care of themselves. Full-time care is expensive and is not usually covered by medical insurance, Kirkland said.

"I will probably have to retire early," he said. "I am anxious that we stay together as a family. You would think that this would cause families to break up, but it makes marriages much tighter. I have seen a lot of people showing great love for one another.

"People in our age bracket seem to have a different attitude than the younger generation. Our marriage vows said 'for better or worse, in sickness and in health.' It never occurs to us that it should by any other way."

As an official of an Alzheimer's Association chapter, Kirkland said that he is in frequent contact with families of other victims. He said that one of the reasons he agreed to do the documentary was to help people understand the difficulty and challenge that the families face.

"Frequently, a 'care-giver' is ostracized—just as the victim is. The general public just does not understand. Friends and acquaintences float away and you find yourself becoming isolated," Kirkland said.

For all that has happened, he considers himself a lucky man. "When I visit others [with Alzheimer's] I get a preview of coming attractions, but I cannot let that worry me. I will worry when the time comes.

"I am very fortunate that she has all of her capabilities—we can walk together and still talk together. I am just delighted that she is no further along. It hurts, but no more than if she had cancer or heart trouble."

Kirkland said that he and his wife have not been isolated. When Grace had eye surgery last year, friends and family rallied to their support. Nearly a dozen women from the Kirklands' church went to their home, cleaned the rooms, and washed, mended and pressed clothes.

Church remains an important part of their lives, Kirkland said. They attend services each Sunday at the Fourth Presbyterian Church of Bethesda. "I am convinced the Lord knows what he is doing," Kirkland observed. "Although I do not understand why, I just have to find out what he is teaching us."

In the closing moments of the film, Grace Kirkland is sitting in a front pew. She is surrounded by friends who join the choir in singing an old, familiar hymn. "Amazing grace, how sweet the sound that saved a wretch like me . . . ."

And Grace Kirkland wipes away a tear.●

A NEW COURSE FOR CENTRAL AMERICA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. OTTINGER. Mr. Speaker, with the recent recommendation for increased aid to El Salvador, Mr. Reagan's attempt to eliminate human rights certification, and the announcement that the military will stage another powerful extravaganza in Honduras next summer, it is clear that the administration has learned nothing from its lack of progress in Central America.

I commend to my colleagues' attention an analysis of this no-win situation by Mr. Wayne Smith, a senior associate at the Carnegie Endowment for International Peace. The article appeared in the New York Times last fall.

NEEDED IN CENTRAL AMERICA

(By Wayne S. Smith)

WASHINGTON.—President Reagan's approach in Central America brings to mind an image of a man long accustomed to driving nails who is given the opportunity to use a screw. Ignoring the more sophisticated option, he just keeps banging away and calling for a bigger hammer—and blaming Congress when his pounding doesn't work. Mr. Reagan's "secret" war against Nicaragua has accomplished nothing. It has not interdicted a single rifle. Certainly it has no chance of getting rid of the Sandinistas. On the contrary, by providing a external threat against which they can rally the Nicaraguan people, it may have helped them more than it has harmed them. Yet, the President is determined to go on with it.

He also clearly intends to press on for a military victory in El Salvador—even though the chances of success are slight without the eventual expenditure of United States blood as well as treasure.

A far more promising approach would be built around multilateral diplomacy. It could be based principally on the Contadora process, although not necessarily limited to it. The aim would be to produce verifiable and enforceable accords (enforced by an international peacekeeping force, if necessary) that would end all activity by one country in support of guerrillas operating against a second, limit arms and armies and reduce foreign military involvement.

Meanwhile, negotiations should begin in El Salvador, possibly under international supervision and aimed at bringing about an immediate cease-fire and then conditions for really meaningful elections in which all sides could participate. If the left is to lay down its arms before elections, so must the right-wing death squads. There must be give and take on both sides—and since neither would trust the other to oversee an electoral process, they would have to work out some way to share the responsibility. The Administration rejects this as "power-sharing." In fact, it would be a perfectly reasonably arrangement if the limits of the shared mandate were made absolutely clear—to oversee a political process culminating in elections.

But the Administration has no intention of trying a diplomatic approach. It insists, for public relations purposes, that it favors negotiations, while doing everything it can to avoid them. The proof is in what it does, not in what it says. It says, for example, that it supports the Contadora process. Yet representatives of the Contadora countries—Mexico, Venezuela, Panama and Colombia—have stated openly that the Administration is undermining their efforts.

And what of the Cuban and Nicaraguan proposals for negotiations put forward in July? They are far from perfect, but they do address several of our key concerns, including the halting of support for guerrillas and the withdrawal of foreign advisers. At the very least, they seemed to offer a useful first step in a negotiating process. Did we open such negotiations? Of course not. President Reagan said Fidel Castro's proposals were "encouraging" and Secretary of States George P. Shultz assured Congressional leaders that they would be thoroughly explored. But that was the end of it. Less than 10 days later, President Reagan dismissed the Cuban proposal as "not serious" and made it clear that we had no intention of discussing them. The Nicaraguan proposals received even shorter shrift: Mr. Reagan responded almost immediately that there was little hope of a regional settlement so long as the Sandinistas were in power.

Nor, predictably, have contacts with the Salvadoran opposition produced anything useful. They could not, for the Administration and the Salvadoran Government continue to insist that the only thing there is to talk about is the opposition's participation in a political process organized and overseen exclusively by the Government. Not being fools, the opposition will never agree to that.

Why is the Administration avoiding serious negotiations in Central America? Largely because it believes that talks might get in the way of its real objectives—to get rid of the Sandinista Government one way or another and to force a military victory in El Salvador. By the time the Administration realizes that neither of these goals is achievable and that its policies are leading toward a dangerous dead end, it will probably be too late. We will already have a regional conflagration on our hands.

What's needed in Central America is diplomacy, but the Reagan Administration has shown no sign that it is capable of competent diplomacy. It has no durable diplomatic achievement to its credit—not in the South Atlantic, not in the Middle East, not in Namibia. Why should Central America be any different?●

FOUNTAIN VALLEY BOARD OF REALTORS HONORS OUTGOING PRESIDENT NANCY RHYME

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BADHAM. Mr. Speaker, on February 3, 1984, the Huntington Beach—Fountain Valley Board of Realtors will honor its outgoing 1983 president, Nancy Rhyme.

As president of the board, Nancy has demonstrated her outstanding commitment to the real estate industry and provided leadership for the 1,500 members of this board, which is one of the largest boards in the State of California.

During her presidency, the board has been an active participant in community activities, working on such important issues as the revision of the county housing element, initiation of redevelopment in the city of Huntington Beach, and sponsorship of a successful community carnival which raised $11,500 for the Paramedics units in the cities of Huntington Beach and Fountain Valley.

Nancy has also overseen an increase in services for members of the board, including implementation of a new "high-tech" computerized MLS system, a restructuring of the professional standards manual, and initiation of an ombudsman program to assist consumers with real estate related questions.

She has represented the board members at the State level at meetings of the California Association of Realtors, and at the national level at meetings of the National Association of Realtors.

Nancy has been an active realtor for more than 10 years, and is currently a broker associate with real estate by McVay. She is a director of the California Association of Realtors, a member of the RPAC "99 Club," serves on the Board's Government and Political Affairs Committee, and is a BORPAC trustee.

As the Congressman representing the Huntington Beach—Fountain Valley area, I take great pride in commending Nancy Rhyme on a job well done and wish her a most successful future.●

MARITIME POLICY FOR 1984

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mrs. BOGGS. Mr. Speaker, during the 1980 campaign, President Reagan promised to pursue a maritime policy to "reestablish the U.S. flag commercial fleet as an effective economic instrument to support U.S. interests abroad." At the time he indicated that this policy would include a unified Navy-merchant marine shipbuilding program, that he would maintain a strong shipbuilding base and that he would insure that U.S. ships carry an equitable portion of our foreign trade. Unfortunately, these promises have not yet been translated into reality.

Since 1981 the state of our shipbuilding industry and our U.S.-Flag merchant marine has declined, not improved. This is having an impact not only on the maritime sector of our economy; it is seriously affecting our defense posture as well.

Lee Rice, president of the Shipbuilders Council of America, provides a serious evaluation of President Reagan's maritime policy in a year-end newsletter. The text of his comments follows:

MARITIME POLICY ADRIFT

At the beginning of 1983 the domestic shipbuilding and ship repair industries were in overall rapid decline. It was deemed improbable, even then, that the capacity and capability of the industries was sufficient to meet the requirements which would be imposed by mobilization and a major war. These facts and conclusions were not the result of labored analyses held in the secret councils of the government. They were known to anyone reasonably knowledgeable of the status of these industries and the requirements which would be imposed by mobilization and the demands which would occur during a war.

Paralleling the loss of capability and capacity of the domestic shipyard mobilization base was the predictable future rapid decline of the sealift capacity of the nation. Even limited analysis by those knowledgeable about the status of the international shipping industry and the ability of U.S. flag operators to compete and be able to expand or renew their fleets indicated that sharp reduction in the size of the operating fleets was likely. This reduction will cause a contraction in the pool of available manpower which would be required to crew vessels in time of national emergency. Futher, projection of the commercial demand for militarily useful tanker tonnage into the next decade indicated that this fleet would be smaller than required to meet national security needs.

The nation and its leaders had been shown by the British compaign in the Falklands that both naval and commercial shipping is needed to protect vital interests. This is particularly true when defined vital interests may not be in concert with those either of allies or other nations whose support and maritime assets may be essential for use in the pursuit of national interests.

During 1983, broad-ended discussion of maritime needs occurred in the Congress and in the deliberations of numerous groups of citizens active in maritime affairs. That the problem must be faced and solutions found was a universal conclusion whenever the innate linkage between the national security and maritime power was debated. Indeed, studies conducted by the Administration concluded that sealift capacity was marginally inadequate and likely to decline and that the shipyard mobilization base could not support the tasks of mobilization and a major war.

Is it not reasonable, therefore, that the citizenry should have expected the Administration, which has espoused as basic policy the need for vigilant military preparedness and has consistently developed and supported defense budgets alleged to correct deficiencies in our military capability, would have directed that these problems be addressed and corrected?

Against this background, examine the Administration's actions and the policy initiatives which have been proposed.

Early in the year the Department of Transportation proposed that tanker vessels built with Construction-differential Subsidy and which were, in the main, chartered under long term commitments to interna-

tional petroleum companies be allowed to repay the unamortized portion of the construction subsidy by using government guaranteed loans and gain status as qualified Jones Act vessels. The Department admitted to the Congress that no consideration had been given to the national security implications of the proposed rule. Further, DOT stated to the Congress that if the rule caused a significant negative effect to the national security that the rule must be reconsidered as to its appropriateness. Shortly, after the completion of hearings in the House of Representatives on the proposed rule, the Deputy Secretary of Defense, Paul Thayer wrote to Secretary of Transportation Elizabeth Dole stating that the rule would cause significant harm to the national security. The position of the DOD was that the rule would reduce both the shipyard mobilization base and the number of militarily useful tankers. Yet, at present, the rule is still under active consideration for implementation and is strongly advocated by certain officials within the Department of Transportation.

In midyear, the Administration proposed to the Congress that vessel operators holding Operating-differential Subsidy contracts be given the permanent right to retain these contracts and to be able to purchase vessels abroad. Further, it was proposed that the ad valorem duty on foreign repairs on U.S. flag vessels be eliminated and thus remove an important underpinning of the domestic ship repair industry. Other initiatives sought in the legislation included the use of tax deferred CCF monies to finance the purchase of foreign built vessels, the immediate ability of foreign purchased U.S. flag vessels to carry preference cargos and a major increase in the allowable ownership of U.S. flag vessels by foreign nationals. Thus, in these initiatives the Department of Transportation proposed that the domestic capability to build commercial vessels be abandoned beyond Jones Act demand. Ironically, this very demand will be effectively eliminated for many years due to the overtonnaging of the trade which will occur if the CDS repayment scheme is implemented.

Throughout the latter half of the year the potential that Alaskan crude oil would be allowed to be exported to Japan and other Pacific Rim countries was under active consideration within the Administration. Once again, little, if any, consideration was given to the loss of business to domestic shipyards and the resulting negative effect on the national security. Also, the fact that the proposal would result in the layup or scrapping of many handy size tankers has been ignored.

To the dismay of the maritime community, the Department of Transportation announced that even though existing law required otherwise, cargos shipped under the Department of Agriculture's blended credit program would not be required to be shipped under the cargo preference law because compliance with the law would frustrate the plan under which this program was to operate. Thus, the Administration chose to flout compliance with existing law. Again, national security was sacrificed to other objectives.

In a further action, the Department of Transportation published proposed guidelines under which the holders of Operating-differential Subsidy contracts could terminate these contracts in exchange for prepayments by the government of future obligations. No showing that such actions would have a positive effect on the national security was made. Indeed, no test that at least the national security would not be harmed was even proposed.

As we have stated repeatedly throughout 1983, there exists an obvious and highly dangerous void in policy development. The policy actions cited above clearly demonstrate that a dichotomy of purpose exists within the Administration. The President is, of course, responsible for both the national security and the development of effective maritime policy. He alone remains responsible because no delegation of authority has been made.

What is most disconcerting about this void in policy development is that we live in a very unstable and volatile world. Indeed, 1983 witnessed heightened international tensions between the United States, the Soviet Union and her satellite states. Nuclear arms limitation talks were broken off in Geneva. The conflict in Lebanon continues and ongoing direct involvement using military forces of the United States has been recently reaffirmed by the President. Finally, closer to home, the rescue operation in Grenada was carried out, and it remains highly probable that the Caribbean Basin will remain unstable. Seapower will remain a high priority and a vitally needed resource.

The fundamental question is whether or not the President, having stated so strongly and positively his support for the industry as a vital element of national security during the 1980 presidential campaign, is aware of the detrimental effect of the actions of his Administration or the growing threat to national security which they represent. We continue in our belief that he does not. We cannot believe that this situation would continue if the President knew how dangerous the present course has become. This view is supported by the strong advocacy by the President for the need to continue the program to rebuild and maintain the strength and capability of the Navy. We support completely the President's policies in regard to the Navy, but find these deficient and too narrow to meet present and future overall security needs.

1984 will be a new year. Will it finally mark the beginning of the fulfillment of the promises of candidate Reagan given in 1980? Time is short for the initiation of actions to reduce the risks to the nation caused by failures of the past.

Let us begin the New Year with the resolve that we will continue to insist that our message cannot be ignored.

M. LEE RICE,
President.

In addition to Mr. Rice's critique of the current state of our maritime policy, I would also like to share an article from the current issue of Sea Power magazine entitled "The Challenge of Soviet Shipping." This article describes what steps the Soviet Union is taking to expand its merchant fleet. It provides a graphic commentary on the need for this administration to adopt and implement a positive maritime policy for the United States.

THE CHALLENGE OF SOVIET SHIPPING

(By Edwin M. Hood)

The Soviet merchant marine, by almost every standard of measurement, has now surpassed the U.S.-flag shipping fleet. In tonnage it stands sixth on the world scale, ranking well ahead of the United States, and indications are that the enlargement of Russian sealift capabilities will continue indefinitely.

"How is it that Russia, whose shipbuilding and shipping industries are less technically advanced and commercially efficient than Western shipbuilding and shipping, have expanded to a point where their carrying capacity is considerably more than twice what they need for the carriage of their overseas liner trade?"

That rhetorical question is posed by Sir Ronald Swayne, former chairman of Overseas Containers Ltd., on the first page of a new collection of informative essays on *The Challange of Soviet Shipping*, published by the National Strategy Information Center (NSIC) in New York in association with Aims of Industry, a London-based organization. The NSIC/Aims publication includes a number of timely reports and commentaries by maritime authorities in the United States and overseas who collectively argue for restraints—quotas, revenue/cargo ceilings, "equilization taxes," countervailing duties, or licensing—on Russian participation in cross trades (which never touch Soviet ports) between Free World countries. In the absence of such restraints, says Swayne, "the damage to Western shipping will become increasingly serious."

Swiss journalist Jurg Dedial, in his essay "The Threat of the Soviet Merchant Fleet," notes that "the Soviet merchant fleet has succeeded in cutting deeply into what was once the private preserve of Western lines." For example, he writes, in recent times Soviet shipping carried 13 percent of the general cargo between the United States and Western Europe and 25 percent of the goods traffic between the United States and Germany. Moreover, in the "highly profitable" trade between the U.S. West Coast and the Far East, the Vladivostok-based FESCO (Far East Shipping Co.) "has risen rapidly to clearly dominate a field of 24 competing firms, with a 23 percent lead in sales volume over its nearest competitor." At one point, vessels flying the hammer and sickle were observed in more than 70 U.S. ports, and only the refusal of U.S. longshoremen to handle Russian vessels in early 1980 and again in 1983 has slowed this disturbing and disruptive trend.

Unrealistic pricing—reflecting communist-state vs. market-economy-state philosophies—accounts in large part for what Swayne calls the opportunistic Soviet undermining of the price structure "in any trade in which the Russians seriously operate." Soviet ship deployments follow no consistent pattern and seem to be dictated more by political developments rather than by commercial considerations—rates 26 percent to 38 percent lower than so-called conference rates governing Free World shipping have been reported. Dedial describes this phenomenon as "a cutthroat rate policy that has shaken the structure of commercial shipping worldwide and in some places subjected it to severe pressure."

Sir Ronald, in his discerning introduction, states: "It is not enough to blame the Russians for subsidizing shipping services and undercutting us. We must understand how this is done." The real difficulty, he says, is the absence of a common economic language in which the various terms for profit and loss have the same meaning and are similarly calculated in both the Soviet Union and the Free World. It would appear, he adds, that "to some extent in their planning [the Soviets] attempt to quantify social, strategic, or other objectives" both in

the allocation of state funds and in computing the rate of return on those funds.

NO RELATION TO REALITY

Although real economic factors—high social costs, for example, offset by the low cash wages endemic to the Soviet system—are probably factored in to some extent, a primary purpose of Soviet shipping services is to earn a maximum of foreign exchange. One result is that the USSR's "favourable balance of earnings on currency," as Sir Ronald points out, "bear[s] no relation to accounts based on international parities, and Western methods of accounting."

The strategic and political motivations for expanding the Russian Navy, merchant marine, fishing fleet, and research fleet to global range also are touched on in Challenge. Fleet Admiral Sergei G. Gorshkov has declared that "maritime transportation, fishing, and scientific research on the sea are part of the Soviet Union's naval might." His thinking is obviously in lockstep with Mahan's and there are, in fact, a growing number of experts who believe that the collective strengths of the Soviet and U.S. naval and other fleets are today roughly equivalent and that, in a larger context, the buildup of the various Soviet fleets is a high-priority factor in advancing the global strategy of the Kremlin.

In an essay on "The U.S. Longshoremen's Boycott," Rear Adm. William Mott, USN (Ret.), former Navy judge advocate general and now NSIC's vice president and general counsel, points to clear signs that "Soviet expansionism, using Cuban and East German surrogates, controlled by the USSR, seeks . . . to dominate and eventually take over southern Africa." Why? Another good question. In Adm. Mott's words: "There is an umbilical cord between control of littoral real estate and naval penetration."

The Soviet process of expansionism, Mott points out in another essay ("The Soviet Maritime Offensive"), evidently begins with the negotiation of fishing agreements—he says 23 are now in force—as a step toward attainment of needed ports, repair facilities, and land-based airfields. Angola on the Atlantic Ocean side of Africa and Mozambique on the Indian Ocean side are cited as examples of the new Soviet strategic presence in southern Africa. Mott notes sadly that, "The West, on the other hand, has no dry docks and no naval facilities on the African mainland."

Mott quotes, and emphasizes, Gorshkov's statement that the United States "imports fully or partly 69 of the 72 materials" without which U.S. industry and the U.S. military could not function. Equally foreboding is Gorshkov's additional point that "more than 99 percent of these materials are transported by sea." (And by other than U.S.-flag shipping.) In that context, the prospect of Soviet interdiction of shipping, to the subsequent detriment of U.S. national interests, is both plausible and chilling to contemplate.

SERIOUS NEGLECT BY THE WEST

These facts, unfortunately, seem to command only cursory attention in the councils of the U.S. government. There still has been no comprehensive long-range plan developed to neutralize what Dedial refers to as Soviet "political goals, such as the weakening of Western transport capacity and the extortionist creation of serious dependencies."

"Seen as a whole, the Soviet merchant marine is one of the few fleets capable of effectively pursuing both commercial and military objectives," the Swiss journalist also asserts. The great weakness of the West, in his view, "is to be found precisely in those areas where the Soviets are strongest: in organization and integration with the military apparatus."

Here is perhaps his most pertinent comment, however: "Since World War II the West has seriously neglected the use of civilian ship capacity for military purposes—though NATO is now working on a requisition plan which would permit it to mobilize 400 to 600 freighters in a very short time. But the Soviet Union, thanks to the strict, centralized organization of its merchant fleet, has a unified, quickly mobilizable apparatus at its disposal. Outwardly, the merchant fleet is under the jurisdiction of a separate ministry. But the construction of both military and civilian craft is controlled by the Ministry of Shipbuilding, and close links to the Foreign and Defense ministries ensure immediate availability of merchant vessels for missions of a political or military nature."

"By comparison," Mr. Dedial contends, "the West seems hopelessly disorganized. The example of the USA shows that there is hardly any harmonization of equipment between military and civilian fleets; in fact, rivalry between the various responsible authorities makes this almost impossible. The civilian Maritime Administration and the U.S. Navy . . . have spent years passing the buck to one another, when it comes to the responsibility for designing a credible strategy to counter the Soviet Union's maritime buildup."

The 10 authors represented in the NSIC/Aims publication provide an informative and reasonable well balanced appraisal of *The Challenge of Soviet Shipping.* Their major focus, however, seems to be on the commercial aspects of that challenge. In the closing essay, Dominique Peugniez, secretary general of the European Community's Committee of Shipowners' Associations, pleads for state support in dealing with Russian competition. He concludes with this hopeful remark: "We do not want a confrontation with the Soviets, but somehow we must arrive at a modus vivendi by which we can all compete freely and fairly."

There are few who would disagree with the desirability of obtaining that goal. There are, however, many who believe that the Soviet "shipping" challenge is much more than that, and provides such great benefits to the Soviet Navy, and to Soviet diplomacy, that attainment of any modus vivendi such as that so optimistically described will be impossible to achieve-freely, fairly, or otherwise.●

TRIBUTE TO THE YOUNG PEOPLE IN NANTICOKE, PA.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. HARRISON. Mr. Speaker, all too often we hear what is wrong with American youth. There is a lot that is right, too, but unfortunately that often escapes our attention.

I, therefore, rise today to acquaint my colleagues in the House with some very fine young people in Nanticoke, Pa., for an outstanding job which they performed for their community on a very cold morning.

On Friday morning, November 25, there was a parade in Nanticoke bringing Santa Claus to town. For some time plans had been made for a military color guard but, at the last moment, that did not materialize. It looked for a short while as if the parade would have to march through the streets of Nanticoke without a color guard at the head.

Then four young men from Troop 410 of the Boys Scouts of America stepped into the breach. On a cold day and against a strong wind, these young men carried their Nation's colors proudly and well throughout the hilly line of march. And so I rise, today, to commend Thomas S. Dennis of 184 West Broad Street, Mike and Brian Garvey, both of 222 Enterprise Street, and Eric Grabowski of 129 Loomis Street, Nanticoke, for service above and beyond the call of duty. A similar recognition must go to their Scout master, Michael J. Karpinski, of 163 Park Street.

I would be remiss, Mr. Speaker, if I did not mention as well my friend, Col. Frank G. Koronkiewicz, who was the marshal of that parade and two volunteers, Keith Holtslander and Eddie Bieda, who assisted him in organizing the line of march.

Thanks must go also to the parade cochairman, Brenda Jarolin and Sharon Walters Sheruda of the Nanticoke Chamber of Commerce, who are responsible for putting the whole parade together. All of these people, Mr. Speaker, are examples to us of what a community, working together, can do.●

MILITARY APPRECIATION DAY

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BADHAM. Mr. Speaker, all across this land citizens of the United States of America appreciate the sacrifices of those among us who serve their country in time of war and peace. With this in mind, I would like to call the attention of this honorable body to an event in the 40th Congressional District on February 11, 1984.

This special occasion is known as Military Appreciation Day, and the citizens of my district in Orange County, Calif., have banded together to honor a number of outstanding young men and women who have served their country well in peacetime and several others who have received the Nation's highest honor for wartime service, the Congressional Medal of Honor.

Honored at this event will be the "Sailor of the Year, Marine of the

Year, Coast Guardsman of the Year and Airman of the Year." At least four recipients of the Medal of Honor will be present for recognition of their selfless service in wartime.

The Newport Harbor Post No. 291 of the American Legion is responsible for this superb civic effort for our veterans and men and women in uniform. Elected public officials throughout Orange County are joining me in this salute to our men and women, plus top rank commanders of military units which are based in the area in and around the 40th District.

As a member of the House Armed Services Committee, who has spent countless hours visiting military installations at home and around the world, talking to our people in uniform, I have the utmost respect and admiration for those who have chosen to serve their country in our Nation's armed services.

I salute Newport Beach American Legion Post No. 291 for their efforts in bringing our Nation's service men and women and our past heroes together on February 11.●

THE 1984 ELECTION YEAR MAILING RESTRICTIONS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. UDALL. Mr. Speaker, with the 1984 election year upon us, the House Commission on Congressional Mailing Standards wishes to remind Members of the House about the franking statutes, rules, and regulations governing mass mailings by candidates prior to elections.

Generally, Members of the House seeking reelection are prohibited from sending franked mass mailings during the 60-day period immediately before the date of any public election—whether primary, general, special, or runoff—in which the Member's name appears on the ballot.

Further, any Member who is a candidate for other public office may not frank mass mailings outside of the congressional district from which the Member was elected, beginning at the time the Member is certified for candidacy.

Members should ensure that staff persons responsible for mass mailings are knowledgeable concerning State election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable State election laws.

Mr. Speaker, I cannot emphasize strongly enough the importance of compliance with these regulations. I urge my colleagues to insure that their staffs are familiar with the statutes, rules of the House, and pertinent regulations and guidelines governing the proper use of the franking privilege.

The Commission staff is ready to assist in every possible way.

A detailed explanation of the mass mailing provisions, along with a listing of cutoff dates for the congressional primaries in the various States, follows:

LIMITATIONS ON THE USE OF THE FRANK BY CANDIDATES FOR PUBLIC OFFICE

39 U.S.C. 3210(a)(6)(A) provides that, "it is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected to; or

(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member-elect is a candidate for any other public office.

Mailings made through the facilities of the Publications Distribution Service of the House of Representatives (House folding room) shall be deemed in compliance with this statute if such mailings are delivered to the House folding room not less than 62 days before the date of such election, with instructions for immediate dispatch.

DEFINITIONS

Mass mailings

Mass mailings are defined by law [39 U.S.C. 3210 (a)(5)(D)] as newsletters and other similar mailings (including town meeting notices) of more than 500 pieces in which the content of the matter mailed is substantially identical. Mail matter is deemed to be a mass mailing when the total number of pieces exceeds 500, whether in a single mailing or in cumulative mailings during the 60-day period.

Candidate for election or reelection to the House of Representatives

For purposes of the subject statutes and regulations, a Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at any election if his or her name appears anywhere on any official ballot to be used in a public election.

Candidate for "any other public office"

For the purpose of 39 U.S.C. 3210(a)(6)(A)(ii), "any other public office" means any local, State, or Federal office. (Examples: President, Governor, U.S. Senator, State Supreme Court Justice, State Senator, Assemblyman, etc.) "Candidate" means a Member who has qualified under State or local law for the official ballot in a primary, runoff, special, or general election, or who has been certified for candidacy by an appropriate State or local election official.

EXCEPTIONS

The subject statutes, rules, and regulations provide three exceptions to the mass mail prohibition prior to elections, as follows:

(i) mailings which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) mailings to colleagues in Congress or to government officials (whether Federal, State, or local); and

(iii) mailings of news releases to the communications media.

The Commission believes the latter two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "direct response to inquiries or requests". Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a follow-up letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 60-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to any inquiry or request.

The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee. [39 U.S.C. 3210(a)(6)(B)]

TIME OF MAILING

Processing by a postal facility

Mass mailings as defined under 39 U.S.C. 3210(a)(5)(D) may not be mailed as franked mail by a Member of or a Member-elect to the House of Representatives when the same is mailed at or delivered to any postal facility other than the Publications Distribution Service of the House of Representatives, hereinafter referred to as the House folding room, less than 60 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for any public office.

Processing by the House folding room

Such mass mailings, if processed through the House folding room, shall be deemed to be in compliance with the subject rule and these regulations, if delivered to the House folding room, with instructions for immediate dispatch, not less than 62 days immediately before the date of any such election. In the case of mass mailings delivered to the House folding room prior to the 62 day cutoff period, the requirement of instructions for "immediate dispatch" may be modified to the extent that instructions are given for delivery of the mailing to the addressee not later than the 60th day immediately before the date of such election.

The House folding room shall issue a receipt, which shall specify the date and time of delivery and a brief description of the matter to be processed, to the Member at the time he or she delivers such mass mailings to the House folding room.

1984 CONGRESSIONAL PRIMARY DATES—CHRONOLOGICAL LIST BY ELECTION DATES

State	Primary date	60-day cutoff (Postal facility)	62-day cutoff (Folding room)
Illinois	Mar. 20	Jan. 20	Jan. 18.
Pennsylvania	Apr. 10	Feb. 10	Feb. 8.
District of Columbia	May 1	Mar. 2	Feb. 29.
Texas	May 5	Mar. 6	Mar. 4.
Indiana	May 8	Mar. 9	Mar. 7.
Maryland	do	do	Do.
North Carolina	do	do	Do.
Ohio	do	do	Do.
Nebraska	May 15	Mar. 16	Mar. 14.
Oregon	do	do	Do.
Idaho	May 22	Mar. 23	Mar. 21.
Arkansas	May 29	Mar. 30	Mar. 28.
California	June 5	Apr. 6	Apr. 4.
Iowa	do	do	Do.
Mississippi	do	do	Do.
Montana	do	do	Do.
New Jersey	do	do	Do.
New Mexico	do	do	Do.
South Dakota	do	do	Do.
West Virginia	do	do	Do.
Maine	June 12	Apr. 13	Apr. 11.
North Dakota	do	do	Do.
South Carolina	do	do	Do.
Virginia	do	do	Do.
Tennessee	Aug. 2	June 3	June 1.
Kansas	Aug. 7	June 8	June 6.
Michigan	do	do	Do.
Missouri	do	do	Do.
Georgia	Aug. 14	June 15	June 13.
Utah	Aug. 21	June 22	June 20.
Alaska	Aug. 28	June 29	June 27.
Kentucky	do	do	Do.
Oklahoma	do	do	Do.
Guam	Sept. 1	July 3	July 1.
Alabama	Sept. 4	July 6	July 4.
Florida	do	do	Do.
Nevada	do	do	Do.
Delaware	Sept. 8	July 10	July 8.
Arizona	Sept. 11	July 13	July 11.
Colorado	do	do	Do.
Connecticut	do	do	Do.
Minnesota	do	do	Do.
New Hampshire	do	do	Do.
New York	do	do	Do.
Rhode Island	do	do	Do.
Vermont	do	do	Do.
Virgin Islands	do	do	Do.
Wisconsin	do	do	Do.
Wyoming	do	do	Do.
Massachusetts	Sept. 18	July 20	July 18.
Washington	do	do	Do.
Hawaii	Sept. 22	July 24	July 22.
Louisiana	Sept. 29	July 31	July 29.
1984 general election	Nov. 6	Sept. 7	Sept. 5.

Note: The 60-day and 62-day cutoff regulations also apply to runoff elections in which the Member is a candidate.

1984 CONGRESSIONAL PRIMARY DATES—ALPHABETICAL LIST BY STATE

State	Primary date	60-day cutoff (Postal facility)	62-day cutoff (Folding room)
Alabama	Sept. 4	July 6	July 4.
Alaska	Aug. 28	June 29	June 27.
Arizona	Sept. 11	July 13	July 11.
Arkansas	May 29	Mar. 30	Mar. 28.
California	June 5	Apr. 6	Apr. 4.
Colorado	Sept. 11	July 13	July 11.
Connecticut	do	do	Do.
Delaware	Sept. 8	July 10	July 8.
Florida	Sept. 4	July 6	July 4.
Georgia	Aug. 14	June 15	June 13.
Hawaii	Sept. 22	July 24	July 22.
Idaho	May 22	Mar. 23	Mar. 21.
Illinois	Mar. 20	Jan. 20	Jan. 18.
Indiana	May 8	Mar. 9	Mar. 7.
Iowa	June 5	Apr. 6	Apr. 4.
Kansas	Aug. 7	June 8	June 6.
Kentucky	Aug. 28	June 29	June 27.
Louisiana	Sept. 29	July 31	July 29.
Maine	June 12	Apr. 13	Apr. 11.
Maryland	May 8	Mar. 9	Mar. 7.
Massachusetts	Sept. 18	July 20	July 18.
Michigan	Aug. 7	June 8	June 6.
Minnesota	Sept. 11	July 13	July 11.
Mississippi	June 5	Apr. 6	Apr. 4.
Missouri	Aug. 7	June 8	June 6.
Montana	June 5	Apr. 6	Apr. 4.
Nebraska	May 15	Mar. 16	Mar. 14.
Nevada	Sept. 4	July 6	July 4.
New Hampshire	Sept. 11	July 13	July 11.
New Jersey	June 5	Apr. 6	Apr 4.
New Mexico	do	do	Do.
New York	Sept. 11	July 13	July 11.
North Carolina	May 8	Mar. 9	Mar. 7.
North Dakota	June 12	Apr. 13	Apr. 11.
Ohio	May 8	Mar. 9	Mar. 7.
Oklahoma	Aug. 28	June 29	June 27.
Oregon	May 15	Mar. 16	Mar. 14.
Pennsylvania	Apr. 10	Feb. 10	Feb. 8.
Rhode Island	Sept. 11	July 13	July 11.
South Carolina	June 12	Apr. 13	Apr. 11.
South Dakota	June 5	Apr. 6	Apr. 4.
Tennessee	Aug. 2	June 3	June 1.
Texas	May 5	Mar. 6	Mar. 4.
Utah	Aug. 21	June 22	June 20.
Vermont	Sept. 11	July 13	July 11.
Virginia	June 12	Apr. 13	Apr. 11.
Washington	Sept. 18	July 20	July 18.
West Virginia	June 5	Apr. 6	Apr. 4.
Wisconsin	Sept. 11	July 13	July 11.
Wyoming	do	do	Do.
District of Columbia	May 1	Mar. 2	Feb. 29.
Guam	Sept. 1	July 3	July 1.
Virgin Islands	Sept. 11	July 13	July 11.
1984 general election	Nov. 6	Sept. 7	Sept. 5.

Note: The 60-day and 62-day cutoff regulations also apply to runoff elections in which the Member is a candidate.●

THE REMOVAL OF OUR TROOPS FROM LEBANON

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. OTTINGER. Mr. Speaker, our troops were sent to Lebanon to help keep a fragile peace together while negotiations continued to form a reasonable and lasting settlement. Such a goal may have seemed beyond our reach at the time, but now the situation has clearly changed.

Our troops have not been in a position to act as a peacekeeping force for many months; there has been no peace in Lebanon. After the tragedy of the bombing at the marine barracks, I sent a letter signed by 50 of my colleagues demanding to know exactly what the troops were there to accomplish and how soon they would be withdrawn. We never received an adequate answer to those questions from this administration. Mr. Reagan still insists that our presence in Lebanon is a peaceful and humanitarian one. I am appalled at the deliberate ignorance of fact displayed by this kind of rhetoric.

It is time to bring our troops out of this impossible and hazardous situation. We will gain nothing by losing more marines, and if they stay we are guaranteed to lose more innocent lives. I commend the following article by Mr. Tom Wicker from the New York Times:

TIME TO CUT LOSSES

(By Tom Wicker)

WASHINGTON, December 8—President Reagan's folly in pledging American "credibility" on keeping the Marines in Lebanon is now beginning to come clear. So is the Senate's shortsightedness in approving a war powers resolution that permits him to keep U.S. forces in that impossibly fractious land for 18 months.

As personnel losses edge up and U.S. involvement in a Middle Eastern war inevitably creeps ahead, merely moving the marines to a safer base isn't enough. Mr. Reagan has only one sensible option: Get the Marines out of Lebanon as fast as he can, while his and their losses can still be cut. U.S. credibility will be better served by such prudence than by continued wastage of lives and effort in a vain, dangerous cause.

In the first place, the Marines' "mission"—to the extent Mr. Reagan has made it clear—is one of cross-purposes. A U.S. force cannot in fact be a mere "peacekeeping" force if it is also in Lebanon to help President Gemayel consolidate his shaky regime. That dubious goal converts what began as a unit of a peacekeeping force into an armed instrument of U.S. policy, and one that presents a fair target to those who oppose that policy.

Other units of that force—British, French, Italian—also represent NATO nations. But the situation in Lebanon has too many East-West overtones for a peacekeeping force so constituted to be effective. If a peacekeeping force could be helpful, which is doubtful, units from third-world nations and perhaps Sweden and Ireland would be more appropriate.

Aside from the peacekeeping function, however, the political mission of the Marines—helping Mr. Gemayel extend his control over a unified Lebanon—seems all but impossible. So deep are the political and religious divisions of the Lebanese people and so determined is Syria to play a strong role in Lebanon's political development that reconciling the one and driving out the other probably would require a real war—with the Soviet Union lending full support to the Syrians.

Nor are the Marines contributing to the security of Israel, which knows how to take care of itself anyway. Israelis are not now being shielded by the Marines; on the contrary, they would undoubtedly be drawn into an escalating U.S.-Syrian war, the consequences of which can hardly be calculated.

Risking such a war, risking those consequences—almost certainly including a full-scale confrontation with the Soviet Union—offers far greater dangers than anything the Marines and U.S. naval power can conceivably accomplish in Lebanon. And even if the worst consequences could somehow be avoided, there still would be a high price to pay in the valuable lives of honorable young Americans, who deserve better of their country than a futile mission and a lot of brave talk from Washington about credibility and determination

And if Mr. Reagan is too high-minded to think about domestic political consequences, his aides certainly should; for the longer he insists that the Marines stay in Beirut, taking casualties though accomplishing nothing, the more they will open for him the kind of bleeding political wound that the hostages in Iran did for President Carter in 1980.

Mr. Carter was for a year unable to get the hostages home. If Mr. Reagan seems unable to get the Marines home, and can "protect" them only at the cost of an ever-rising American body count—not to mention the risk of involvement in a Middle Eastern war, or of Soviet intervention—he may pay next year the same kind of political price Mr. Carter did. American voters like to see problems solved, even abandoned, rather than being allowed to drag on endlessly.

The difficulty for Mr. Reagan, of course, is that he does not want to admit defeat in his pursuit of a Gemayelk Government

ruling a Lebanon in which Syria has no involvement; and he does not wish to appear to have backed away from a confrontation with Syria's Soviet backers. These are not idle concerns for a world leader.

But the fact is that Mr. Reagan has put the Marines in an untenable position. He has pursued a political goal in Lebanon that he had little chance of achieving. In his televised speech following the bomb blast that killed 240 marines, he gave undue and exaggerated importance to the need for keeping them there. And while the necessity for a showdown with the Russians may someday arise, Lebanon—so bitterly divided, so peripheral to true American interests—presents no such apocalyptic crisis.

Mr. Reagan can say, and most of the world would believe, that the U.S. tried to bring peace and unity to Lebanon, but that this proved to be an impossible task, risking larger war. That would only be the truth, which occasionally has more diplomatic and political power than any face-saving device.●

THE ULTIMATE MARATHON

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LUJAN. Mr. Speaker, 1984 will be noted for more than just the Los Angeles Olympics. It will also be the year of the ultimate marathon. Barry Ward, a friend and constituent from my district in New Mexico, is president of Vision Sports, Inc. They are hoping to enlist thousands of runners in a trans-American marathon race. The great foot war will begin on September 3 in Runnemeade, N.J., and end October 22 at Pasadena, Calif.

The great race is a direct descendant of the "Corns and Bunion Derby" that was run in 1928 and 1929. Entries will be limited to 5,000 people with two first place awards for $150,000.

The technical adviser for the race is University of New Mexico Coach Del Hessel. Del is a leader in the field of track and field and is nationally recognized for this work with the university.

There will be separate divisions in the race for individuals and teams. The city of Albuquerque has entered a team and Mayor Harry Kinney is wagering a bushel of fine green chile if, "in the unlikely event," the team loses.

I urge my colleagues in the House to get behind teams in the their districts and make the ultimate marathon the greatest sporting event in America. Of course, along with Mayor Kinney, a friendly wager could be made.●

A TRIBUTE TO JAMES E. LOGAN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BADHAM. Mr. Speaker, James E. Logan will be recognized at the February 3, 1984, Huntington Beach—Fountain Valley Board of Realtors awards program for his outstanding service as 1983 regional vice president for District 32 of California Association of Realtors. As the regional vice president, he was responsible for providing leadership and liason with six Orange County real estate boards representing more than 6,000 realtors. (These six boards are: Huntington Beach-Fountain Valley, Newport Harbor-Costa Mesa, Irvine, Saddleback, Laguna, and South Orange County.) When you review the brief report of Jim's career in the real estate industry, as well as his outstanding record of service to our local board and to the California Association of Realtors, you will agree that he is deserving of a special commendation.

Jim has been an active member of the Huntington Beach-Fountain Valley Board of Realtors since 1970. During his 13 years of service on this board, he held office as board president, was elected to three terms of office as secretary/treasurer, and served as chairman of the building committee, finance and budget committee and grievance committee. He has twice received the President's Annual Service Award, and in 1977, was named "Realtor Associate of the Year."

Jim has been involved in statewide to C.A.R. for 11 years, and has served as 32d district chairman of the Professional Standards Committee, sergeant at arms, chairman of the bylaws committee, and as a member of the home protection committee, chairman of the membership subcommittee on membership promotions, and regional vice president. He is continuing to play an active role at both the local and State levels.

Prior to entering the real estate profession in 1970, Jim was a captain in the U.S. Marine Corps and was awarded the Navy commendation, the Purple Heart and other decorations.

From 1970 to 1976, while stationed with the Marine Corps unit at Seal Beach, he participated each year in the "Toys for Tots" program. He served as commanding officer from 1974-76 and in 1976 raised 118,000 toys for needy children in Orange County. This record has never been broken.

During 1982-83, he served as president of the University High School Basketball Boosters Club in Irvine. In 1983, he also chaired the promotions committee for the football boosters club. And of course, as a member of the Huntington Beach-Fountain Valley Board of Realtors, he has participated actively in the board's annual fundraising efforts for the paramedics.

As the representative of the Huntington Beach-Fountain Valley area, I take great pride in joining the board of realtors in commending James E. Logan for his commitment and dedication to the community.●

REVIVE THE MORTGAGE REVENUE BOND PROGRAM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BIAGGI. Mr. Speaker, earlier this week I introduced a bill (H.R. 4619) to revive the now defunct single-family mortgage revenue bond program, a major source of low-interest, fixed rate mortgage financing. Under this legislation, the mortgage bond program, which expired on December 31, would be reauthorized for another 5 years.

Tax-exempt mortgage revenue bonds have been used by the States and localities to provide below-market financing for some 1 million homebuyers. The reauthorization of this program is vital to the homebuilders and potential homeowners of our Nation, particularly those of low and moderate income.

In 1983, the issuance of mortgage revenue bonds provided some $11 billion to finance the sale of 220,000 housing units nationwide. In addition to financing nearly 15 percent—90,000 units—of all new single-family home sales in 1983, these bonds generated about 100,000 new construction jobs, producing about $1.7 billion in wages, and approximately $800 million in Federal, State, and local taxes.

My home State of New York, through Sonny Mae, issued $376 million in tax-exempt mortgage bonds in 1983, which was used to finance 6,000 mortgage loans—most of which went to first-time homebuyers. New York State is expected to receive $1 billion in economic benefits from their 1983 bond issuance, including 2,000 new construction jobs.

Mortgages financed by these tax-exempt bonds are typically 2 to 3 percentage points below conventionally financed mortgages, making the cost of a home much more affordable to low and moderate-income Americans. For example, the median income of homebuyers using mortgage bond financing was $23,511 in 1982, compared to the $39,196 median income of conventional-loan homebuyers.

Sonny Mae was providing 9.75 and 9.90 percent fixed rate, 30-year loans

as a result of last year's mortgage bond issuance. If these low-interest, fixed rate mortgage loans were no longer available in 1984, as many as 7,000 New York State residents would be prevented from buying homes.

As Federal housing assistance continues to dwindle, State and local governments are faced with greater responsibility in meeting housing needs. Mortgage bonds have proven highly successful in responding to that challenge and are one of the only home financing tools available at the State and local level. My bill would assure that this success story can continue for at least the next 5 years. I urge that it be given prompt and favorable consideration.●

DON MITCHELL OF ROCKWALL COUNTY, TEX.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. RALPH M. HALL. Mr. Speaker, for the past 10 years, my friend Don Mitchell has maintained his home and studio in my home county, Rockwall. This special Rockwall edition of "Texas: Its Lore and Its Lure" is his tribute in word and watercolor to the Rockwall lifestyle to which he gives credit for much of his success as an artist and author.

Rockwall County is the smallest county in Texas. It is even smaller when you measure only that portion not submerged beneath Lake Ray Hubbard. The clay content of the soil is so heavy that trees have difficulty growing to full stature. The best specimens grow in the creek bottoms; so when a creek is dammed to create a private lake, the largest trees wind up under water.

The overall effect may appear somewhat gaunt to the newcomer. To those of us who call it home, Rockwall County has an open, wind-swept charm which grows with the years. My home county cradles an unusual mixture of those of us who were born there—and many many other wonderful families who have moved into the county. Don Mitchell is one of the latter and we are truly blessed to have him as our neighbor.

Most creative people, artists and authors in particular, seem to find inspiration from simple, rustic locations. Without comparing painting styles, it would be correct to say that Rockwall County is to Mitchell what Chadd's Ford, Pa. is to Andrew Wyeth. Every painting in the first chapter of the book, together with the one on page 97, is an actual, not merely typical, Rockwall County setting. Don Mitchell's love for Rockwall and Hubbard's east shore shines through every one of them. The following is an excerpt from the Rockwall chapter:

It was early November, an exciting season in Rockwall County.

Out of the dense morning fog which mantled my lake in mist and enshrouded my hill in mystery, my geese were talking. About what? To whom? As I stepped out onto the patio, I could hear the other end of the celestial conversation. Out of the mist came unseen voices from above, hurtling through the heavens on instrument, guided by urges which didn't depend upon computer input. Down the Trinity flyway they came as unerringly as they had come in other Novembers for countless generations past. And hopefully as they would come for countless generations into the future.

No other sound in nature can quite match autumn's trumpets of heaven for mystery, romance, blood-tingling excitement and the feeling of sheer joy of just being alive and hearing it. Just why does the primordial chorus of gobbling geese weave such a magic spell in the heart of man? Is it an unconscious yearning in all of us for the freedom of the wilderness? Is it the mystery of faraway places? Is it the assuring, comforting constancy of uniform patterns in nature? Is it simply one more evidence of the power and provision of our Creator?

Show me a man who isn't thrilled to the depths of his being by the sound of migrating geese and I'll show you a man who doesn't react to much else in life either, who on a scale of one-to-ten, lives his life at about five.

By eight a.m. on the same November morning, I was enjoying one of the highlights of the day, a leisurely no-stop-light sun-at-my-back journey from home and studio to gallery and marketplace, from one exciting world to another just as exciting but quite different. Usually, in true Walter Mitty fashion, I enjoy imagining myself at the helm of a cabin cruiser for the three mile trip across water as the I-30 causeway spans Lake Ray Hubbard from Rockwall to Faulkner Point. This morning I chose the back road, FM-740 down the east shore to I-20 below the dam.

The mist had burned away. The air sparkled with the brilliant freshness of morning and a new day as yet unsullied. Out over Lake Ray Hubbard I could gradually detect movement, first gray, then white, first darker than the blue of the morning sky, then lighter. The movement was drifting slowly southward about 500 feet above the water. Gradually as I drew nearer, the undulating cloud materialized into a flock of more than a thousand geese, caught in an agonizing moment of indecision. The lake beckoned. They wanted to land but the experienced leaders in the flock were opposed to the north Texas stopover. The Gulf was still hundreds of miles away.

So they circled around and around, first their breasts, gradually drifting southward as they argued. Suddenly, a second and more purposeful flock, heading straight, down the middle of the lake with no intention of stopping, came speeding through their uncertain formation, spearing it like an arrow. Immediately they recognized new and stronger leadership. The clamor ceased. The two flocks become one. Wing beats developed power and rhythm. The traditional V-formation developed and their journey continued, across the dam, across I-20 and on south until at last they were merely an undulating, wavering hyphen on the horizon.

Once again the open vistas and limitless skies of Rockwall county had worked their charm in the heart of a grateful resident. What a way to start a new day! What thrills could the City of Dallas offer that day which could possibly match those I had just experienced?

Mr. Speaker, I submit that this very sensitive and talented man be extended the congratulations of the U.S. Congress—as a great citizen—a gifted artist—and a wonderful friend.●

TAX EXEMPT MORTGAGE REVENUE PROGRAM

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. SAWYER. Mr. Speaker, because some 334 of the Members of this body were cosponsors of a measure to extend the tax exempt mortgage revenue program, I think we're probably all aware and distressed about the expiration of that program on December 31, 1983. The termination of this program occurred because the measure was never presented to the Congress as a solitary issue. Obviously, it could easily have passed on the suspensions calendar, but it is instead being held hostage as a sweetener in a tax package which itself was never considered last year due to the rule the measure was assigned.

State housing finance agencies have utilized tax-exempt financing mechanisms and Federal subsidies to lower the cost of housing for low- and moderate-income families for the past 25 years. In the State of Michigan, the Michigan State Housing Development Authority was established in 1966, and began a single family program in 1971. Since that time, approximately 13,213 families have received mortgage assistance. In addition, MSHDA finances construction and/or substantial rehabilitation of rental units for families and seniors. It also issues low-interest home and neighborhood improvement loans, and is involved in administering some of the section 8 rental housing in the State. In 1983, over 1,600 families were assisted, and some 3,573 single family homes were constructed with MSHDA moneys. In Michigan, we are very proud of the job MSHDA is doing, and we want to see its successes continue.

The mortgage revenue bond program is a valuable source of affordable housing for many of this country's first-time home buyers. It has helped stimulate the home construction industry and provided many thousands of jobs. A healthy housing industry is a stimulus to our economy, and as we continue to climb out of the recession, the value of the mortgage revenue

bond program cannot be underestimated.

I urge my colleagues to insist on early action on the extension of the mortgage revenue bond program. Let us not hold it hostage to a tax bill which is susceptible to the politics of an election year. This program is too valuable to subject it to this type of treatment.●

TRIBUTE TO FATHER KEITH B. KENNY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. MATSUI. Mr. Speaker, with the death on Tuesday December 20, of Father Keith B. Kenny, administrator and pastor of Our Lady of Guadalupe Parish, the Sacramento Diocese and the State of California lost an ardent and exceptional champion of the Hispanic community, the disadvantaged, the poor, and the oppressed. Reverend Kenny supported those who needed support the most and while it would be difficult to express the gratitude of the people he helped, I would like to review some of his many deeds and accomplishments.

Born an Irish Catholic in Nebraska, Reverend Kenny spent virtually all of his 30-year career in Spanish-speaking parishes. He spoke the Spanish language and understood the needs of the Hispanic community.

Reverend Kenny served briefly as assistant pastor in Red Bluff and Colusa, Calif., then in 1955 came to Our Lady of Guadalupe Parish. He began as assistant pastor, advanced to administrator and finally to pastor, serving from 1969 to 1973. During that time he was active in local Catholic youth programs and served as director of Catholic social services.

In 1975, he served as director of social welfare for the California Catholic Conference, and in 1981, he was named director of the Diocesan Office of Research and Planning. He formally sat on the Sacramento Planning Commission, simultaneously serving as president and chairman of the board for the Sacramento Area Economic Opportunity Council. He traveled in South America and was a thoughtful and articulate critic of America's intervention policy in that region.

Always, Reverend Kenny tried to stop the injustices he saw in this world. He fought the cause of the migrant farmworkers and marched against discrimination. He spoke for the poor when other voices were silent.

For those who know him, our prayers and thoughts go out to his sister, Margaret Mary, his brother, Tom, and his aunt, Mary Reynolds.

But as a Bishop who knew him well said:

Because he was a prayerful and compassionate man, he will be no stranger to God, nor God a stranger to him.●

FELICIA'S FELICITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. FRANK. Mr. Speaker, one of the pleasanter aspects of breakfast on Sundays in Massachusetts is the chance to read the weekly topical poem written by Felicia Lamport. Her poetry shows that humor and insight go very well together, and her ability to weave both of these qualities into intricate and delightful rhyming patterns is one of our State's great literary resources.

On December 11, Felicia Lamport turned her attention to the situation in Central America with her usual intellectual and verbal felicity, a word which ought to mean the ability to write like Felicia. I ask that her poem be reprinted here, because it is a brilliant comment on our Central American policy, as well as very reading.

CENTER DENTER

(By Felicia Lamport)

"We've tried dozens of devices to defuse our backyard crisis."
Reagan stated, "but it's getting out of hand."
Guatamala and Honduras prove unable to secure us
From the Marxist Sandinista burning brand.
Though we struggle to upgrade them and covertly C.I.Aid them,
Our Contras are a no-good, worthless band.
Yet the Salvador guerrillas are encroaching on the villas
Of the pillars of our allies' High Command.
"But the Nicaraguan devil doesn't play it on the level
He's made hay of my Grenada derring-do.
And is starting to make more hay with his propagandist, Borge,
Spouting peace talk that is patently untrue.
Though we muffled this appeaser by denying him a visa,
Still he manages to get his message through."
Staffers sighed in desperation, but a sudden inspiration
From their leader raised their spirits in a bound,
"Boys, I've just thought up a practical and innovative tactic
That is sure to get this tangled skein unwound.
We will take our Contra morons and the rebel Salvadorans
And just switch the two guerrilla bands around;
Then we'll have those Sandinistas sprawling flat-out on their keisters!"
Came a cheer that made the Oval Room resound.●

LEE HAMILTON: CONSCIENTIOUS LEADERSHIP FOR A RESPONSIBLE U.S. FOREIGN POLICY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BARNES. Mr. Speaker, a great many of us in the Congress, struggling with the tough foreign policy agenda before us, are exceedingly thankful for the leadership and insight that Representative LEE HAMILTON has given to us on these issues. Yesterday, the Wall Street Journal carried a profile of Representative HAMILTON entitled, "Hamilton Questions Reagan Policies."

I would urge my colleagues to read the article, and I would say to my colleague from Indiana that it expresses the sentiments of many of us who look to him for guidance and highly value his opinions.

HAMILTON QUESTIONS REAGAN POLICIES—INDIANA CONGRESSMAN PLAYS GROWING ROLE IN U.S. FOREIGN AFFAIRS

(By David Rogers)

WASHINGTON.—He is a quiet man who can make himself heard, a minister's son who sits at the right hand of power. Almost unnoticed, Lee Hamilton has come of age in Congress, and after two decades in the House, the cautious Democrat from southern Indiana is assuming a prominent role in shaping foreign policy.

"He has great credibility with me," says House Speaker Thomas O'Neill.

As Congress begins debate on the two divisive issues that will dominate this session—Central America and the continued presence of U.S. Marines in Lebanon—Mr. Hamilton is perhaps the most important single adviser to the House Democratic leadership.

"There are accents to the speaker's voice," says Majority Whip Thomas Foley (D-Wash.) describing Mr. O'Neill's tone at leadership meetings. "He will say, 'Lee, what have you got to say on this?' "

Rep. Hamilton is taken seriously at the White House, too. Just last week President Reagan answered Mr. Hamilton's queries about the Marines' presence in Lebanon with a lengthy reply that amounted to a major policy statement on the administration's determination to keep them there.

Last summer he got the White House's attention on Central American policy when he helped lead an unprecedented challenge to the administration's covert war in Nicaragua. And now he is expressing reservations about the Kissinger Commission report on Central America, which the Reagan administration intends to use to bolster its plea for more military aid to its allies in that region.

"The biggest disappointment is the lack of emphasis on negotiations," he says of the Kissinger Commission report. "There's not enough emphasis on political solutions."

With the death of Chairman Clement Zablocki (D., Wis.) last year, Mr. Hamilton is the ranking Democrat on the Foreign Affairs Committee, and in combination with the feisty new chairman, Rep. Dante Fascell (D., Fla.) his rise is seen by Democrats as an

opportunity for the House panel to reassert itself in foreign policy.

His three years on the Intelligence Committee have added to his stature and aggressiveness so that the Indiana Democrat is a critical barometer of the White House's ability to win bipartisan support for its foreign policy initiatives.

At 52 years old, Mr. Hamilton is part of a new generation of leaders who fall between the post-World War II and post-Vietnam eras. He is less apt to apply either of those historic analogies to foreign policy. Instead, he draws lessons from both. He often seemed a bridge between Mr. Zablocki and younger Democrats because he shares not only the late chairman's commitment to an American role abroad but also the younger generation's suspicion of military entanglements.

His rural district in southern Indiana gives him unusual freedom from the ethnic voting blocks that often influence Congress on foreign policy, and this has added to his credibility. Under President Carter, he took the lead in a difficult fight for military aid to Turkey opposed by Greek-Americans, including his powerful Indiana colleague, former Majority Whip John Brademas. In 1980, Mr. Hamilton made a less successful effort to salvage $3.5 million in economic funds for Syria, opposed by Jewish voters and members aligned with the pro-Israel lobby.

He prefers diplomacy to military solutions. For instance, he is far more willing to approve economic aid to Central America than a substantial increase in arms assistance, He insists on human-rights conditions on arms for El Salvador, and last year he played a critical role in preserving Democratic unity on that issue.

While Mr. Reagan may dismiss liberal opposition in Congress, to lose Mr. Hamilton is to lose a crucial bridge between the left and right.

This was most evident in the debate on Nicaragua last summer, and in both Intelligence and Foreign Affairs committees, the CIA-backed incursion provoked a sharp partisan split. Though Mr. Zablocki wavered, Mr. Hamilton was firmly allied with Intelligence Committee Chairman Edward Boland (D., Mass.), and their victory laid the groundwork for a later compromise limiting funding for the operation.

In a rare secret session of the full House, it was Mr. Hamilton who delivered what many described as the most damaging speech. The Congressman built his case by turning the CIA's recently completed National Intelligence Estimate against the CIA and administration. "The two most careful guys in the House are probably Eddie Boland and Lee Hamilton," said Rep. Leon Panetta (D., Calif.) after the closed door session. "If they're concerned about a policy, you'd better be concerned."

Even as Mr. Hamilton helped draft the Lebanon war powers resolution last fall allowing the Marines to stay in Beirut for 18 months, he warned the administration it couldn't expect continued support from the House for the full period. Unless diplomatic progress is made, he said, his backing of the Marine presence could wane after March, and he was clearly disappointed that Mr. Reagan gave no encouragement of an earlier withdrawal in his letter to Mr. Hamilton last week.

This exchange between the president and Mr. Hamilton is a striking illustration of the Democrat's importance and style. Always cautious, the congressman didn't consider even writing a letter until encouraged by Rep. Les Aspin (D., Wis.), who has a greater flair for publicity and political maneuvering. The first and final drafts were Mr. Hamilton's in substance, however.

A tall scholarly man who neither drinks nor smokes, Mr. Hamilton is a striking contrast to the burly, cigar smoking Mr. O'Neill. His graying crewcut and flat-toned voice suit his Midwest reserve, but underneath is the more physical, engaging style of the six-foot-four-inch center who starred in basketball in high school and at DePauw University.

Evansville, the congressman's boyhood home, is a river port city on the Ohio. After years of campaigning and post office tours in small hamlets, Mr. Hamilton's picture can be found on the walls of rural gas stations, and the district has put its own stamp on him.

Careful not to move too far away from domestic concerns, he has balanced his foreign policy interest with a long tenure on the Joint Economic Committee, which he will head in 1985. He has separated himself from the Great Society and New Deal liberalism of Lyndon Johnson and Mr. O'Neill, and he almost painfully cultivates the image of the independent who cannot be captured by any interest.

He shrinks from the suggestion that he might have had a mentor or patron in his first years in Congress. As if embarrassed by idealism, he takes refuge in the "pragmatist" label. "it is a liberalism that is almost uniquely Midwestern," says former Rep. Abner Mikva (D., Ill.) of his friend's politics. "It is reform liberalism, not ideological."

A key figure in the early years of the House Ethics Committee, Mr. Hamilton has a lawyer's passion for process, and running back through the Vietnam War, the Congressional Record is laced with his correspondence questioning the State Department on foreign policy, "I think every administration has a tendency not to articulate foreign policy," he said. "They don't like to answer questions on the record and one of the obligations of a member of Congress is to make them do it."●

CONGRESSIONAL ARTS CAUCUS HONORS PEARL BAILEY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. DOWNEY of New York. Mr. Speaker, yesterday the Congressional Arts Caucus was proud to honor the great entertainer Pearl Bailey. Ms. Bailey has starred as a singer, actress, and author. She has been a recording artist, nightclub headliner, film actress, television performer, and winner of Broadway's Tony Award for her starring role in "Hello Dolly."

A Special Advisor to the U.S. Mission to the United Nations, she has served her Government by furthering human understanding and international relations. Her accomplishments have earned her numerous honorary degrees including a doctorate in music from Howard University and a Doctor of Law degree from Seton Hall University.

Throughout all her activities shines her exceptional musical talents and her great concern that others be given the opportunity for a complete education. Her early ambition to be a schoolteacher, her continued advocacy for educational issues, and her recent entry as a student at Georgetown University are evidence of her life-long involvement with education.

The Congressional Arts Caucus was pleased to honor Pearl Bailey for her outstanding achievements in music and education at a special reception, where the Caucus also announced the introduction of a joint resolution recognizing the important contribution the arts make to education.

Mr. Speaker, I include the text of this resolution and urge all my colleagues to join as cosponsors:

H.J. RES.—

Recognizing the important contributions of the arts to a complete education

Whereas historically the arts have provided societies with a truly human means of expression that goes well beyond ordinary language;

Whereas the arts serve as a powerful expression of thoughts and feelings, as a means to challenge and extend the human experience, and as a distinctive way of understanding human beings and nature;

Whereas few areas of life are as important to a free, democratic society as education;

Whereas a country in which pluralism and individual expression are an essential part of its character must rely on a high level of shared education to foster a common culture;

Whereas public discussion following recent studies of education in America indicates an increasing desire to strengthen our Nation's schools;

Whereas the arts provide an important aspect of a complete education and have been included as one of the six basic academic subjects by the College Board;

Whereas practice and preparation in the arts can develop discipline, concentration, and self-confidence;

Whereas participation in the arts helps to develop the higher levels of skill, literacy, and training essential to enable individuals to participate fully in our national life;

Whereas exposure to the arts is an integral part of the understanding and appreciation of the diverse cultures of the world;

Whereas the arts serve to preserve our uniquely American culture and provide a particularly effective means to present it to other nations; and

Whereas the arts enrich our lives by offering fulfillment through self-expression and aesthetic appreciation: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we recognize the important contribution of the arts to a complete education and urge all citizens to support efforts which strengthen artistic training and appreciation within our Nation's schools.●

STATES SHOULD RAISE THE DRINKING AGE TO 21

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. GOODLING. Mr. Speaker, after 18 months of exhaustive study, the Presidential Commission on Drunk Driving has issued its final report—the product of 100 hours of hearings across the country at which medical experts, law enforcement officials, safety authorities, and victims of drunk driving accidents testified about the tragedy of drunk driving.

One of the Commission's key recommendations: States should immediately adopt 21 years as the minimum legal purchasing and public possession age for all alcoholic beverages.

In the last two Congresses, I have sponsored a concurrent resolution advocating just this point. House Concurrent Resolution 23, which currently has 83 cosponsors, simply expresses the sense of the Congress that all States and the District of Columbia should raise the minimum legal age for drinking and purchasing all alcoholic beverages to 21.

House Concurrent Resolution 23 is endorsed by the Departments of Transportation and Health and Human Services, the Office of Management and Budget, the National Transportation Safety Board and the National Safety Council. It is supported by Mothers Against Drunk Drivers (MADD), the American Medical Association (AMA), the American Automobile Association (AAA), the International Chiefs of Police, and numerous health and insurance organizations.

This approach does not: establish a Federal drinking law, deny highway funds to States which do not comply, or provide incentive grants to States which adopt 21. It encourages this debate to take place in individual State legislative chambers, since traditionally the States have had jurisdiction in the regulation of the sale and distribution of alcohol.

Once again, I am asking for the support of my colleagues in the House in what I consider to be the first step Congress should take in establishing 21 as the nationwide legal age for drinking.

Thank you.●

TRIBUTE TO MR. TOM McCARTHY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. YATRON. Mr. Speaker, I would like to pay special tribute to Mr. Tom McCarthy who recently attended the World Cup Gymnastic Competition as a coach of the U.S. national team.

Mr. McCarthy is the head coach of the Berks Gymnastic Academy in Wyomissing, Pa. He has coached State, national and international champions including Michelle Goodwin, Gina Stallone, and Cheryl Weatherstone, the national champion of Great Britain. He has also coached the Pennsylvania team in interstate competition and coached in Tokyo, Japan, representing the United States.

The Berks Gymnastic Academy has ranked in the top four teams for several years and currently is ranked third in the Nation. Much of this success is due to the talents of Tom McCarthy.

I know that my colleagues will join me in paying tribute to Mr. McCarthy. He has contributed tirelessly to his profession, his community, his State and his Nation. His special talents have greatly enhanced American gymnastics and he is clearly deserving of national and international recognition. I want to wish him continued success in the future.●

BANKERS MUST HELP IN ALLEVIATING THE DEBT BURDEN

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BEREUTER. Mr. Speaker, many in this country refuse to focus their attention to a dangerous and growing problem. While this country awakens from a profound economic slumber, developing nations continue to struggle against high fuel prices, spiraling inflation, depressed export markets, and unemployment. Investment projects are heaping ruins of unfinished construction, food stores are being looted and the small middle class is quickly disappearing. Meanwhile, conversion from military dictatorship to a true democracy will be forced to pay over 10 percent of GNP in debt repayments this year.

American commercial banks have refused to accept a share of the burden of a longstanding problem which is partly of their making. Banks are insisting on extremely high rates of interest, which although quite profitable, create enormous pressures on Latin American governments. A Washington Post editorial of last month points out that Brazil is forced to pay about 14.5 percent interest on its rescheduled loans. Our inflation rate is now 3.4 percent yearly, making the real (nominal interest rate minus inflation) interest rate charged by banks to Brazil about 10.7 percent. This is far above a traditionally good rate of return.

The editorial points out that when a domestic company gets into trouble, bankers usually lower interest rates to help the company through the squeeze. That might squeeze immediate profits somewhat, but it makes good economic sense. Why, then, do not the banks apply the same rationale to their beleaguered customers abroad? It would serve their own long-term interests, as well as those of this country and all other countries hoping to grow and prosper in a healthy international economic environment. May I, Mr. Speaker, commend this article to my esteemed colleagues?

The article follows:

AMERICAN BANKS, LATIN DEBTS

In their lending to Latin America, the American commercial banks have not demonstrated any great degree of either caution or foresight. First they lent far more than they intended. Now they are insisting on extremely high interest rates on those loans.

The present level of interest is highly profitable for the banks as long as it is paid. But it is creating gigantic pressures in Latin America for moratoriums and unilateral action by Latin governments—action that would disrupt not only the world economy in general but the stability of the international banking system itself.

The crucial case is Brazil, which currently owes more than $90 billion. Of that, about $63 billion is financed at floating rates. Those rates are generally two percentage points above either the London interbank rate, now about 10.5 percent a year, or the New York prime rate, which is 11 percent. That brings the average close to 13 percent a year.

That's a swinging rate for debt that is demoninated in U.S. dollars, in which inflation is now running about 5 percent a year. It means that the real interest rate—the nominal rate minus inflation—is in the vicinity of 8 percent. That's four times the traditional return on this kind of loan. In addition, the banks have been charging a point and a half in fees on each rescheduling. On the substantial part of the Brazilian debt that has been rescheduled this year, that brings interest currently to about 14.5 percent. The Brazilians have fallen behind in payments. Is that surprising?

One expert witness, Arthur Burns, the former chairman of the Federal Reserve and now American ambassador to Germany, touched on the subject recently in talking with reporters at the American Enterprise Institute. Mr. Burns observed that the banks are not treating foreign governments as they do domestic borrowers. When a domestic company gets into trouble, its bankers usually lower rates to see it through the squeeze. They reason that it makes good economic sense to sacrifice some interest in order to save a customer. Mr. Burns wondered why the banks don't apply the same logic to their customers abroad.

Some of the big banks argue that they have to keep rates high so the smaller banks will continue to participate in the loans. That's open to question. Some American bankers also note that many of the loans to Latin America come from European and Japanese banks. That's true, but irrelevant. Any leadership is going to have to come from the Americans.

Lower rates mean lower risks. Instead, the bankers seem to be pressing blindly in the opposite direction. Perhaps statesmanship is too much to ask. But the great American

banks have come to a point at which they would serve themselves, as well as their customers, by considering more carefully where their own real self-interest lies.●

STATEMENT ON THE UKRAINIAN NATIONAL DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Ms. FERRARO. Mr. Speaker, it is an honor and a privilege for me to join the Ukrainian people in commemoration of the 66th anniversary of the proclamation of independence of the Ukrainian National Republic. The continued struggle for independence with courage and tenacity of these people reminds us once again that human dignity and freedom are most precious and that, to regain them, ultimate sacrifices are being made by the oppressed people of the Ukraine today.

On January 22, 1918, the Ukrainian people proclaimed their national independence in defiance of the will of their mighty neighbor to the north, the Soviets. After a 3-year-long and heroic struggle, the Ukrainians were overpowered by the Russians and their republic was incorporated into the Soviet Socialist Republic.

Mr. Speaker, the spirit of the Ukrainian people has not been crushed at the hands of the Soviet soldiers, their love for and determination to regain and preserve their right to self-determination, their distinct history, language and culture has not been dimmed by the Russian domination, and their optimism for the ultimate independence has not been diminished. Each year goes by with an ever higher hope and an increasingly more strengthened conviction to live their lives free of external interference and control.

Through their dedication and struggle, the Ukrainian people have inspired peoples around the world in their own strive to preserve and protect their treasured independence, human dignity and national sovereignty. The Ukrainian people deserve our encouragement and support in the hope that the day come sooner when their own national independence will be restored.●

GRENADA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. GEKAS. Mr. Speaker, a few months ago when the President authorized a military intervention on the island of Grenada, he did so to preserve freedom and to save not only the Americans residing on the island, but also the citizens of Grenada from the oppression of an undemocratic government that was supported by Cuba and the Soviet Union.

At a time when our President is being criticized by his political opponents, it is encouraging to know that the citizens of the United States stand behind him and support his decision to remain firm in defending America and the freedoms we so cherish.

A citizen of the 17th District of Pennsylvania recently wrote to President Reagan expressing not only his support for this move but also support for the presence of our troops in Lebanon. This letter, by Samuel Sherron, reminds the President and his critics that the price of freedom is never too high. I would like to submit this letter to the RECORD for the review of my colleagues.

HARRISBURG, PA.,
October 30, 1983.

Hon. RONALD REAGAN,
President of the United States, White House, Washington, D.C.

DEAR MR. PRESIDENT: I do not know whether or not this letter will reach your desk, but in case it does, I would like to express my feelings and the feelings of many Americans who live in central Pennsylvania with whom I have spoken and who have expressed their opinions to me about the military action you have ordered in both Grenada and Lebanon.

Mr. President, you have our support to the fullest, and we agree that freedom is something that must constantly be fought for and cannot be taken for granted.

I personally immigrated to the United States exactly 35 years ago to this date, and I have been exposed to Communist terror at the age of 8 in my native Lithuania, when the Soviets occupied our town in 1940. A year later, when the war broke out and the Germans occupied Lithuania, I was taken by the Nazi dictatorship and survived the Holocaust (Auschwitz, Warsaw and Dachau). My mother, my sisters and 72 members of my family were shot by the Nazis. Therefore, I feel I am perhaps a little more qualified to render an opinion about your military decisions than most. There is absolutely no gift greater than that of freedom, and people who had always had it are not as apt to realize it's value. We do not want to lose our dearly cherished liberty, because I know what it means to live under dictatorship. Those few politicians who do not agree with your decisions have never, thank God, lived under a dictatorship and have no perception of what is at stake.

Anything you do, Mr. President, in order to preserve that freedom and insure that communism will not come to our shores is not too big a price to pay.

May God give you the health and strength to continue to lead us for the next five years with the same policies as you have followed in the past, and then our country will survive and continue to lead the world in the kind of freedom that allows a plain citizen like myself to sit down and write a letter to his President.

Respectfully yours,

SAMUEL SHERRON.●

JUSTICE, 1984

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. FRANK. Mr. Speaker, the recent announcement that President Reagan intends to appoint Edwin Meese as Attorney General indicates that the President intends to continue the tradition he began by naming James Watt Secretary of the Interior and Anne Gorsuch Administrator of the Environmental Protection Agency. Mr. Meese has been identified throughout his tenure in Washington with opposition to Federal efforts on behalf of the constitutional rights of Americans in and out of Government. Moving him from the inner workings of the White House to the Department that is supposed to be able to provide some objective view of Government legal controversies compounds the error of this administration's policies in the fields which come under the jurisdiction of the Justice Department.

A recent editorial in the Boston Globe makes the case against this unfortunate degradation of the Justice Department quite forcefully and I ask that it be printed here. Those who have to look to the U.S. Justice Department for vindication of their constitutional rights will gain no comfort from the appointment of Mr. Meese.

The editorial follows:

JUSTICE, 1984

For proponents of civil rights and civil liberties there is no solace in the news that Attorney General William French Smith is resigning and that President Reagan is nominating his friend and White House counselor Edwin Meese for the post.

While Smith gets some points for strengthening the federal attack on drug traffic and for keeping hands off the work of US district attorneys, he has been anything but a forceful presence in the Job.

That is not to say that during his tenure the Justice Department has been invisible. On the contrary, the last three years has seen a virtual about-face in the department's commitment to civil rights enforcement, a substantial weakening of antitrust activity and a woeful willingness to encourage the invasion of the private lives of individual citizens and to restrict the free-speech rights of thousands of government workers.

The appointment of Meese means that those efforts will only be redoubled. Smith, a socialite and corporate lawyer, seemed somewhat out of his element in government; Meese by contrast is a veteran inside player and will push his ideas with considerably more force than Smith ever could muster.

Meese has been the driving force in the Reagan Administration efforts to reverse the philosophical views of the US Civil Rights Commission on busing and affirmative action; he has been a leader in the efforts to cripple the Legal Services program; he is a strong critic of "judicial activism."

More broadly the Meese nomination continues a bad tradition—a tradition that with the notable exception of President Ford's appointment of Edward Levi goes back at least to the appointment of Robert Kennedy—of the selection of close presidential associates as attorney general. This practice tends to undermine the standing of the Attorney General as a special-quasi-independent post in the federal government.

While Meese's confirmation by the Republican-controlled Senate is all but assured, liberals and moderates on the Senate Judiciary Committee should use his confirmation hearings to display before the country the peculiar Meese-Reagan view of what justice means to them in 1984.●

NATIONAL NURSING HOME RESIDENTS DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. PEPPER. Mr. Speaker, as a member of the Select Committee on Aging since its inception and as chairman of its Subcommittee on Health and Long-Term Care, I have worked side by side with my colleagues to improve the health and well-being of all older Americans. Older Americans are the foundation of our great country. Our elderly people have done more for this country than anybody else because they have been here longer. They have fought its wars, tilled its soil, reared its families, and upheld its ideals. They have played, and continue to play, a vital role in our society, and it is important to develop a greater public awareness of their many contributions.

In calling for National Nursing Home Residents Day, I would like to honor the more than 1 million Americans who reside in nursing homes. These American citizens are often outside the mainstream of society, isolated from their friends and relatives. Mr. Speaker, in order to commemorate these individuals, I am today introducing a joint resolution designating April 27, 1984, as "National Nursing Home Residents Day."

I believe that the Congress of the United States wants to tell nursing home residents around the country that we do care about them and acknowledge the work they have done to build this country.

With this thought in mind, I offer this resolution at this point in the RECORD.

H.J. RES. 457

Joint resolution designating April 27, 1984, as "National Nursing Home Residents Day"

Whereas over one million older Americans reside in nursing homes and one in five older Americans likely will reside in a nursing home at some time;

Whereas nursing home residents have contributed to the growth, development, and progress of this Nation and, as elders, offer a wealth of knowledge and experience;

Whereas Congress recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation;

Whereas in an effort to foster reintegration of these citizens into their communities Congress encourages community recognition of and involvement in the lives of nursing home residents;

Whereas the Congress recognizes the importance of safeguarding the rights of nursing home residents; and

Whereas it is appropriate for the American people to join in support of nursing home residents to demonstrate their concern and respect for these citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 27, 1984, is designated as "National Nursing Home Residents Day", a time of renewed recognition, concern, and respect for the Nation's nursing home residents. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.●

ARNIE WEINMEISTER: THE GENTLEMAN IS A TEAMSTER

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LOWRY of Washington. Mr. Speaker, four fine "Washington" connected football players were recently elected into the Pro Football Hall of Fame. My congratulations go to Charley Taylor and Willie Brown, both formerly of the Washington Redskins. I also would like to extend my congratulations to Mike McCormack, who is currently president and general manager of the Seattle Seahawks, for his election into the Hall of Fame. Mike McCormack's leadership was a valuable part of the Seattle Seahawk's successful season.

The last Washington player elected to the Hall of Fame was my friend, Arnie Weinmeister. Arnie is currently president of Teamsters Council 28 and vice president of the Teamsters International Union. Arnie has been a strong advocate for the working people of the Northwest and the country. He was a five-time all-pro lineman in professional football. As a player, he played hard on the field and sought just treatment for he and his fellow players off the field.

I insert into the RECORD a profile of Arnie written in the Seattle Times by Don Duncan and to again congratulate Arnie, Mike McCormack, Charley Taylor, and Willie Brown on their accomplishments.

ARNIE WEINMEISTER: THE GENTLEMAN IS A TEAMSTER

(By Don Duncan)

"Because of my size, which had been fine in pro football, I was tabbed as a union goon . . . When you are as big as I am, there is always somebody who wants to challenge you, simply because of who you are. I've been able to avoid most of it."

They are among thousands of nameless neighbors whom we may not know, yet whom we might be rich for having known.

Of many careers, retired or still active, single or dedicated to their families, they are the people who have tried to live their lives well—following dreams, making choices, turning the accidents of fate into foundations rather than stumbling blocks.

This is another in a series of portrayals of "Extraordinary Lives," in which such people speak in their own words of dreams, choice and chance, as recorded and re-created from interviews by Don Duncan.

Arnie Weinmeister, 58, five-time All-Pro football tackle and now Seattle's top Teamsters official, is a study in contrasts.

The enormous hands, 6-4 height and bear-like torso are at odds with the catlike grace, feather-light footstep and gentle voice.

Halfway expecting "deze and doze," the listener finds, instead, literacy and obvious intelligence. Rather than being the ultimate Macho Man, he comes across as sensitive and understanding.

Other union leaders may fret about obtaining ever-better contracts. He wonders out loud if some unions haven't negotiated so well that employers can't meet the conditions imposed upon them.

By everything that is right and honest in sports, his record entitles him to be in the National Football League's Hall of Fame. Second-teamers have been inducted and he has been ignored.

Maybe it's because Weinmeister is the only NFL player ever to break a contract, legally, in court. And that, for a man who lives by the contract, may be the ultimate contradiction.

Back when I was playing, I was supposed to be the highest-paid lineman in the National Football League. My best year, I got $12,000.

Now you might say, gee, compared to today, that's pretty puny. But think back to 1950. You multiply it by inflation factors and you're really talking about what the average pro-football lineman plays for today. It wasn't all that bad, even though the extras and endorsements available today were practically nonexistent then.

Not many people remember that I started out at the University of Washington as an end one season, as a fullback the next and as a tackle my last year.

That year, as a fullback, they had high hopes for me. I ran pretty good in the first game, against St. Mary's. In the very next game, against UCLA, I got my knee injured on a blind-side block in the third quarter. At the time, they didn't have knee operations perfected as they do today. It took me about a year to recover. Because cutting on the knee was too much of a strain, they moved me to tackle. It must have been a good move, because I was picked for the East-West game.

You heard about pro football very remotely when I was a kid, but I didn't even think about it until 1946, after the war. I'd been in the field artillery in Europe, chief of a gun section on a "Long Tom." We were headed back, scheduled for more action in the Pacific, when the war ended. On VJ Day, we were about a day-and-a-half out of New York.

Anyway, pro football was breaking into the news when I returned to the university. I'd changed, too. Before the war, I'd been willing to just get by in the classroom. When I got back, I really buckled down. I

majored in economics and minored in math, and I took lots of speech and labor courses. I got a degree.

I was drafted by the New York Yankees in the old All-America Conference—a team owned by Dan Topping and Del Webb, with Ray Flaherty as coach. I played with the Yankees in '48 and '49. When the All-America Conference merged with the National Football League in 1950, one of the concessions to allow the Yankees to play in Yankee Stadium was that the New York Giants were to get their pick of the top six players off the Yankee roster.

Tom Landry (now coach of the Dallas Cowboys) and I were two of them. I played '50 through '53 with the Giants. Frank Gifford wasn't there at the beginning; he came in '52. Charlie Conerly was our quarterback.

I'd been All-Pro for five years—two in the All-America and three times in the NFL—and at the end of the 1962 season I was negotiating a contract for 1953.

I'd been getting a $1,000-a-year increase for making All-Pro every year. I started with the Giants at $10,000, moved up to $11,000 and then to $12,000. It turned out they would agree to only $12,000 for the next year, which was in violation of letters that the Giants' owner Wellington Mara, had sent me confirming the arrangement.

I thought, "OK, I'll play for $12,000 and that will be my last year." That's how I got involved in this big case in Seattle. My lawyer was Charlie Horowitz, who later went to the State Supreme Court, and Lloyd Shorett was the judge. It all hinged on the written agreement, and the court decided the Giants had waived any right to my services for the following year.

So, I went to the Canadian Football League, where the B.C. Lions signed me to a two-year contract for $15,000 each year. The proximity to Seattle was very nice, because I'd been maintaining two residences when I played in New York, and that was very costly. You didn't wind up being able to save much. I think the first year in pro football netted me a car—a Pontiac sedan, deluxe model, one of those big, heavy brutes.

They always listed me at 235 pounds, although I was really more like 250—up or down 10 pounds. But those clippings showed me at just 235, which is what I weight (laugh) when I first showed up at the University of Washington.

I stayed up in Canada for just two years, and I had some injuries. Because I had started later than some because of the war, and was already 33, I had to decide what to do next. Should I go into business for myself or accept an offer that I had received from the Teamsters? I picked the union, but I honestly don't think I expected to stay with it very long.

They assigned me to the San Francisco Bay area, to organize nonunion plants.

Being a former football player was quite an experience for me. Almost everyone loves football. But when you walk into a plant and announce you are there to organize the employees, you scare everybody to death—the boss and the people working there. You find yourself a controversial figure.

The other thing, and it can't be ignored, is that because of my size, which had been fine in pro football, I was tabbed as a union goon. It's a tag that persists through today. You develop an armadillo hide in this business. If those things bothered you, you'd be really troubled.

When you are as big as I am, there is always somebody who wants to challenge you, simply because of who you are. I've been able to avoid most of it. I worked for a while for Rainiers Brewery as a beer salesman, and I couldn't go into one of those beer joints without somebody finding out who I was, wanting to challenge me physically.

Most of the time they were somewhat under the influence, and I always figured I'd be wrong no matter what I did. I certainly had nothing to win or to prove. I got rid of most of my aggressions through all the years of football. On the field, I was a very aggressive player. That's where it stayed.

Weinmeister obviously is pleased to be a part of the labor movement, and he talks about it with enthusiasm.

It's one of the few jobs that I'm aware of that you feel that almost every day you are doing some good for people who are unable to do themselves any good. You do it even by accident, and you feel a sense of accomplishment.

People who work for a living are unable to represent themselves. You start there. College professors aren't able to represent themselves, unless they are organized. Policemen aren't either. It has taken some people a long time to realize that the only reason they earn less than one of our drivers is that they lack organization and representation.

They may be better educated. They may appear to be better qualified to represent themselves. But, in this society of ours, unless you are a part of a group to be represented, the individual gets lost.

Human beings are pretty much the same. I've always said that if I were in business, I'd pay the people who worked for me enough to keep them productive and happy enough to stay. But I wouldn't be paying them any more than that unless there was somebody telling me that I had to pay them more. In which case, I'd have to cough it up.

That's really the whole nature of the bargaining game. Nobody wants to pay money out of his profits voluntarily to spread it around. That's not human nature. Oh, I suppose there are some exceptions, but very few.

There was an article in Business Week, a year or so ago, that said we had done our job too well. Perhaps we have. We have negotiated such outstanding contracts and fringe benefits that we don't have as many people working under them anymore. The companies are going outside, nonunion, using any deception they can to avoid paying those contracts.

Our master freight agreement is one. We had to open it prematurely this year in an attempt to just hold the line. Essentially what we have done is to have a contract that is negotiated so well that very few trucking companies can stand it and stay in business. That's a difficult posture to be in.

That's pretty much what the UAW (United Auto Workers) did, too. They have conditions and 26 personal holidays leave, and that's 26 days of no work being performed. How can you possibly compete with foreign competition and produce cars when you're paying your people not to work?

There's a happy medium in there somewhere. Where, before, we were always looking for advancement to keep up with inflation, it's now a worldwide industrial conglomerate, a world market—not a U.S. market. It's productivity that counts now.

One of my assignments was community relations when I worked for the Western Conference (of Teamsters) in the San Francisco area. I'd speak at service clubs, schools and universities, discussing the Teamsters organization.

Most of the people in the audience were pretty receptive. I'd say, though, that those Kiwanians and Rotarians in the small communities had never seen or heard a union organizer before. They only knew what they had conjured in their minds. I tried to give straightforward answers.

After doing some organizing in Southern Oregon, I came to Seattle as a business representative for Local 117 (Driver Salesmen & Warehousemen), which was headed by my brother, Bill Williams, who had just been named as a general organizer at the international level. So I went to work for 117, and Bill went to the international.

Weinmeister's rise, if not meteoric, certainly was swift. He ran for, and was elected to, his first major union office as secretary-treasurer of Local 117 in the early '60s. He's been re-elected ever since. He was elected recording secretary of the executive board of the statewide Joint Council No. 28 in 1966, and was appointed president to replace the late Don Ellis in 1969. He's been re-elected ever since. He was named to fill a vice president's vacancy on the international board in 1973. And, again, he's been re-elected ever since.

In earlier times, the No. 1 Teamster here was much more visible than Weinmeister seems to be now. Dave Beck, for example, started in Seattle and became the controversial international president. Weinmeister seems happy that the cult of personalities is past.

In the days of Beck, the manner in which the structure was established, he was able to be more of a policy determining chairman. In other words, if he set policy, that was it.

Each local union today has its own autonomy and really runs its own affairs. I don't really have the authority to say they must follow a certain policy, other than they are supposed to abide by the national constitution. As long as they are within that framework, that's all that's really required.

Rather than dictating policy, my job is to establish policy through persuasion, salesmanship and trying to get them all heading in the same direction. It is quite a difficult task. Each local is headed by quite a strong individual. They have their own thoughts about the way things should be done.

So, I don't have any of the power or authority that existed in Beck's time. As for being a personality that's out front, sounding off on every issue, I'm not that either. I don't think that every issue that hits the newspapers obligates me to jump in the middle and express the feelings of our organization, one way or another.

Most individuals who do this, and there are some I won't bother to name, certainly have not had the opportunity to discuss things with their own colleagues to find out what their interests really are.

The primary function of our organization is to negotiate contracts on behalf of our members, to keep the membership happy. That's basic and fundamental. When you lose sight of that, people begin to wonder if you're a union representative or some kind of a politician.

Weinmeister doesn't consider himself any more of an expert at reading contracts than at interpreting the Teamsters' constitution. When there's a contract grievance or some question about the constitution, he goes to the language that's down on paper, reads it and tries to make an honest appraisal." He harbors a suspicion that his appraisal of an NFL contract he thought was being abused has been instrumental in keeping him out of pro football's Hall of Fame.

There's no question I would like to be in the Hall of Fame. I personally feel that those who controlled the NFL at the time I was playing—and certainly the Giants were one of those controlling teams, an old established ownership—had a lot of say about league policy.

I think that as a result of my having defeated the Giants and the National Football League, when they tried to prevent me from going to Canada, I was simply left in limbo.

Now, we'll have to see whether time has taken care of it. There are an increasing number of articles by sportswriters, and comments from coaches, and the fact that I was on the All-Opponent teams selected by so many of the big-name players of my era. That might change things.

Certainly a number of players are in the Hall of Fame who were second-team All-Pro at the same position for which I was selected on the first team. Leo Nomellini is an example. He was always selected behind me. He's in the Hall of fame.

Such Hall of Famers as Chuck Bednarik, Dante Lavelli and Mac Speedie picked me on their All-Opponent teams. Tom Landry recently said I should be in the Hall of Fame.

The truth is, I'd long since forgotten about it, until a fellow on Sporting News began writing about what a shame it was and others began talking about it. If it's to be, fine. If it isn't, so be it. It's not going to alter me one way or another.

Although he's always willing to talk football, Weinmeister invariably returns to his work.

People outside still think of the Teamsters as truck drivers. They are now the smallest percentage of our overall membership. We have 55,000 members in our Joint Council. I think the warehouse, production and food employees are the largest group.

Nationally, we're a 2-million-member organization. In our master freight agreement, which covers the drivers, we now have maybe 275,000 members.

We're everywhere—bakeries, production plants, nursing homes, retail stores, almost any job you can name.

One of my favorite labor stories was told by a dear, departed friend, Ray Moyer, who used to represent Hiram Walker distillers. He'd been transferred to Mill Valley, California, and I had started to work for the Teamsters in Oakland, and since we'd been friends and neighbors up here, he was trying to locate me.

Ray got hold of a large trucking local down there, Local 70, dialed the number and when the phone was picked up the guy said, "What's your beef?" (laugh).

Ray never could get over that. He told the story a thousand times. The guy didn't say, "Hello," or "How are you," just, "What's your beef?"

And I thought to myself at the time, "Well, that's what my business is."●

NONTARRIF BARRIERS ON BEEF IMPORTS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. BROWN of Colorado. Mr. Speaker, today I am submitting a concurrent resolution expressing the sense of the Congress that Japan should dismantle its nontariff barriers to beef imports.

Japan maintains strict barriers against U.S. beef imports. One of the major barriers is a quota system that currently limits imports of high quality beef—most of which is produced in the United States—to 30,800 tons a year.

These barriers are injurious and unfair to our beef producers, who are prevented from developing a market with unusual potential for expansion. These barriers are contributing to a trade deficit with Japan that reached $18 billion last year. These barriers violate the principles of fair trade established in the General Agreements on Trade and Tariffs (GATT) to which Japan is a signatory.

While the Japanese have relatively open access to our markets, they put unfair limits on our products going to Japan. As a result, beef in Japan costs up to three times what it does in the United States.

The Japanese beef market has an unusually large potential for expansion, due to the fact that beef currently is so small a part of the Japanese diet. The average Japanese eats approximately one-tenth as much meat as Americans do. An open beef market in Japan would bring more aggressive marketing, as well as lower beef prices for the Japanese consumer.

In 1978, the Japanese agreed to a gradual increase in their beef import quotas. This agreement will expire on March 31, 1984. Negotiations are currently in progress to extend this agreement. U.S. negotiators are asking for additional quota increases with the goal of total elimination of beef quotas.

The Congress of the United States must send a clear signal to Japan—and to our trade negotiators—that these barriers to fair trade will not be tolerated.

Senator MAX BAUCUS and I are introducing concurrent resolutions expressing the sense of the Congress that U.S. trade negotiators insist that Japan dismantle all nontariff barriers to U.S. beef imports. Failing that, the resolutions call on the U.S. trade representative to seek appropriate relief under United States and international law.

Mr. Speaker, I hope that my colleagues will cosponsor and support this resolution.●

THE FUTILITY OF WAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. ACKERMAN. Mr. Speaker, the Washington Post ran a column by Richard Cohen on January 23, 1984, which provides an interesting perspective on the escalation of tensions between the superpowers, and the way that some defense executives looked at this situation. It is worthwhile to note that these individuals, who are undoubtedly supporters of a strong national defense, cautioned restraint and negotiations during a crisis simulation conducted by the Georgetown Center for Strategic and International Studies. I think that President Reagan would do well to take the advice of these experts seriously. I comment this article to President Reagan and to my colleagues in Congress.

The article follows:

[From the Washington Post, Jan. 23, 1984]

DEFENSE CONTRACTORS COULD TEACH OFFICIALS ABOUT WAR'S FUTILITY

(By Richard Cohen)

The crisis began when the Palestine Liberation Organization simultaneously attacked Israeli civilian settlements on the West Bank and blew up an Israeli military headquarters in southern Lebanon—killing both the visiting Israeli defense minister and the chief of staff.

It escalated when terrorists sneaked into the Pentagon through its underground tunnels and set off an explosion. Then Iran, always unpredictable, inexplicably sank two oil tankers, closing the Strait of Hormuz, blocking the flow of oil to the West. America mobilized. The Soviet Union countered. War seemed inevitable.

But no one would fight. At least that's what happened when a Washington think tank, the Georgetown Center for Strategic and International Studies, held a war game recently.

Its players were coporate executives from around the country, many employed by defense contractors—just the types, the planners thought, who would fight a war. They were told they were advisers to the president. They told the president to negotiate.

Their response was something of a surprise to the strategic thinkers who had planned the exercise. They anticipated that defense executives, of all people, would counsel the president to turn on the military pressure—send a fleet here, the Marines there and maybe give the Ayatollah Khomeini the martydom he richly deserves. Nothing doing, though. They all told the president to talk with the Soviets.

This, though, was a game. But as Fred Kaplan reminds us, the same thing happened in real life. Kaplan, author of "The Wizards of Armageddon," recounts in his book that during the Berlin crisis of 1961, the White House reluctantly reached the conclusion that no war with the Soviet Union could, in realistic terms, be won.

Back then, Kaplan writes, the United States had the Soviet Union incredibly outgunned. Instead of the Soviets having the almost 1,000 ICBMs Kennedy had once thought, it was discovered that they had four—and those would have taken hours to be made operational. Nevertheless, the White House was told that even an overwhelming American strike at Soviet air bases and missile installations could not guarantee complete success. Some Soviet bombers would probably get through. America would surely win; if you count losing 10 to 15 million people winning.

Now, though, things are dramatically different. The Soviet Union has 1,400 land-based missiles; the United States 1,052. The

Soviet Union has 7,750 strategic warheads; the United States 9,975. Our Missile superiority is a thing of the past. And regardless of how many missiles or warheads are added to the arsenals of either nation, a horrible parity has been achieved. Either nation can obliterate the other.

So what, you might ask, is the point of new missiles—the MX in this country and the Pershings being installed in Europe? The answer was provided by the executives who recommended negotiations with the Soviets. There is no point. The additional weapons provide neither additional security nor any tactical advantage. They are too horrible to be used. And as horrible as they are, they are even more horrible when you consider that they will be answered in kind.

Tragically, the reality that confronted the game-players has eluded both the Soviet and U.S. governments. They both seem addicted to nuclear missiles, although neither knows what to do with them or is talking to the other about reducing them. Both the Geneva and the Vienna arms talks are in suspension while we and the Soviets huff, puff and posture. The immediate cause for the breach was the installation of the Pershings—missiles that serve none but a political purpose and add nothing but redundancy to our deterrent capabilities.

The nuclear armament issue is, of course, more complicated than that—but it is also that simple. The executives who played at war had some knowledge of the subject, but not the expertise of defense intellectuals. Yet they quickly realized that there is no longer such a thing as nuclear superiority or, for that matter, a winnable war.

In reality, as in simulation, the game is over.●

THE 15TH ANNIVERSARY OF THE MARTYRDOM OF JAN PALACH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LIPINSKI. Mr. Speaker, January 19 marked the 15th anniversary of the martyrdom of Jan Palach. On that day, the 21-year-old Prague philosopy student died in support of liberty in Eastern Europe. Three days earlier, Palach had set himself on fire in protest of the Soviet invasion of Czechoslovakia. January 25, 1968, was an unofficial day of mourning that saw tens of thousands of Czech citizens participate in the funeral march on St. Wenceslaus Square.

We honor his memory today not only as an inspiration to enslaved people around the world, but as a warning to their oppressors. the courage and dedication of this young man survives to this day in the people of Czechoslovakia and other enslaved countries. Lech Walesa in Poland is of the same spirit of Jan Palach, as are the freedom fighters of Afghanistan. These are leaders who, like Palach, are willing to fight any battle and make any sacrifice in support of freedom. Dictators everywhere must be put on notice that freedom-loving peoples such as the Czechs and the Poles will not stand by while their liberties are stripped away. Let us hope that their fight against tyranny championed by Jan Palach, Lech Walesa, and other courageous men and women is soon won.

The memory of Jan Palach lives on in the minds of oppressed people everywhere. Let his example continue until all people are free of the despotism Palach died resisting.●

DEFICIT SUMMIT

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. JONES of Oklahoma. Mr. Speaker, with the opening of Congress, two of our distinguished colleagues have made important calls for immediate action on the deficit. Majority Leader JIM WRIGHT, a Democrat from Texas, and ED ZSCHAU, a Republican from California, have come separately to a conclusion I share.

This Nation needs an immediate, bipartisan summit meeting including the President, Speaker O'NEILL, and the congressional leadership of both parties. That meeting should be at a place where true work and negotiations can occur and not just rhetoric.

A deficit reduction agreement concentrating on military spending, nonmeans tested entitlements, and revenues should be hammered out and accepted by all parties.

That must be done this year.

If it is not done, deficits are likely to rise to more than $300 billion by 1989. Such deficits will drive up interest rates, destroy the recovery, wreck our export industries and ruin our productivity.

It is important to note here that the call for a summit comes not from Democrats or from Republicans alone. It comes from responsible members of both parties.

The House already has passed legislation on a domestic economic summit. That bill, which I sponsored, has 105 cosponsors from both parties.

It is time now for the Senate to act on this legislation and for the President to convene a summit. We must act now. Next year may be too late.

Following are excerpts from the speech by Majority Leader WRIGHT and the article by Congressman ZSCHAU:

ADDRESS OF HOUSE MAJORITY LEADER JIM WRIGHT ON THE STATE OF THE NATION, JANUARY 24, 1984

The American people know that we cannot indefinitely continue to mortgage our children's futures with annual deficits in the range of $200 billion.

We cannot afford to indulge ourselves the expensive luxury of a tax cut which adds $135 billion to the already astronomical annual deficit, and put it on our grandchildren's bill.

In 1980, President Reagan was elected on the promise to balance the budget by 1983. But the 1983 deficit was the highest in history—three times higher than the worst suffered under any previous administration.

How serious are the Reagan deficits? They add more to the national debt in four years than all seven post-war administrations from Truman through Carter added in 35 years.

Before 1981 the annual deficit always consumed less than 2 percent of the gross national product for the year. Last year it consumed 6 percent.

In the past three years we have borrowed nearly $500 billion from our grandchildren or our great-grandchildren to help finance about $600 billion in current military spending.

Last year in the Budget Reconciliation bill, the House adopted a provision which directs the President to convene a summit meeting, to be composed of himself and the bipartisan leadership of both houses of Congress. This group would be directed to develop an across-the-board adjustment in the three things most responsible for the deficits—revenue losses, military spending growth, and entitlement spending growth—sufficient to reduce the projected deficit for the coming year by at least one-half.

The Senate has not acted on that bill. Today I call upon the Senate to pass that legislation, with that mandate intact. I call upon the president to sign it, to convene the meeting, and to join us in an honest acknowledgement of the enormity of the problem in order that together we may begin to solve it.

Obviously something needs to be done. And it needs to be done this year.

Rhetoric will not suffice. Stonewalling the excessive tax windfalls for the wealthy and threatening to veto any adjustment will not get the job done. Refusing to acknowledge the role of military spending as a major contributor to the deficit will not avail.

Simply blaming these gaping deficits on imaginary increases in domestic spending will not wash. Martin Feldstein knows that is not true. David Stockman knows that it is not true. George Will knows that is not true.

If Ronald Reagan does not know that is not true, there is something seriously wrong in the White House.

DEFICIT REQUIRES SURPLUS OF POLITICAL COURAGE

(By Ed Zschau)

Although 1984 should be a banner year for the U.S. economy, fasten your seat belts for another rocky economic slide in 1985-86 unless we in Congress and those in the White House get personality transplants in the next 90 days. If the rascals like me in Washington can't muster up some political courage early in the upcoming (election) year, you'll be back in the economic soup.

I have mixed feelings about the economy's current good performance: It's wonderful except that it lulls us into a euphoric state. The annual GNP growth rate recently has been 6 to 7 percent. Housing starts are up 70 percent over last year and domestic auto sales are expanding. The index of leading economic indicators has climbed consistently each month for the past year, unemployment has fallen to 8.4 percent (faster and farther than most predicted) and inflation

has been held in check—below 5 percent. So, what's the worry?

STREAM OF DEFICITS

The worry—really the danger—is the stream of $200 billion annual federal deficits as far as the eye can see. They are unprecedented, not just in their magnitude, but because they are expected to increase—or at least not decrease—during a period of improving economic conditions. As such, they can't be explained away as the "normal effect of an economic slowdown." Rather, they result from a total absence of fiscal responsibility—Congress and the White House wanting to spend far more on you than we're willing to tax you. It's that, pure and simple.

If we don't make substantial reductions in federal deficits, interest rates will be driven up, the hard-fought and costly gains against inflation will be lost and the fragile economic recovery that we're currently enjoying will be short-lived.

Curiously, most people in and out of Washington—except those "avant garde" economists whose theories defy reality—agree with this analysis. The debate has not been whether these deficits will destroy the recovery. The debate has been whether its destruction will begin to take place before or after the November 1984 elections. Because it's unlikely that we'll see signs of the next recession in 1984, we can expect politicians to speak out harshly against deficits in 1984 but wait until 1985 (or later) before facing up to the problem.

TIME TO ACT

But this is dumb and irresponsible. Waiting will worsen the problem and increase the pain of solving it. In a faltering economy it's harder to take the always difficult actions of reducing spending and increasing taxes. Therefore, the time to act is now, when we have the momentum of the recovery to help us.

The key to making substantial decreases in the deficits is the willingness to seek spending cuts throughout the entire budget (defense and entitlements that compose three-fourths of our expenditures can't be "off limits") and to enact appropriate tax increases. We can't solve the deficit problem by cutting only discretionary domestic spending, through cuts there are still possible.

Happily, with the momentum of the recovery, we can get leverage out of our efforts to reduce the deficit. Let's suppose we cut the spending growth in 1985 by $30 billion ($8 billion in defense, $15 billion in entitlements and $7 billion elsewhere) and increase taxes by $20 billion. That would reduce federal borrowing by $50 billion or 1.2 percent of the Gross National Product. The extra $50 billion available for private borrowing, plus the reduced expectations for inflation, could result in interest rates falling 1 to 2 percent. That alone would save $10 billion in interest on the national debt. It might also have a favorable effect on employment. A one-half percent greater reduction in unemployment throughout the year would reduce the deficit by about another $15 billion. The total impact could be a $75-billion deficit reduction. That would send a strong signal to financial markets and business that future prospects for lower interest rates and economic growth are bright.

FEAR OF FALLING

What's stopping us from acting? It's fear—the fear that the proposals we make to cut spending or raise taxes will be used against us in our election campaigns. Concern for our own political skins prevents us from acting responsibly. Clearly, taking the proper fiscal actions is a political problem rather than a budget or tax policy dilemma.

Accordingly, the solution must be a political solution. I'm optimistic because I believe the American people now understand that our present course will damage the economy for everyone. I believe they're ready to sacrifice individually to create a strong economic future so long as everyone shares the sacrifice fairly. But we politicians must act.

SPREAD THE WEALTH OF BLAME

The political solution requires depoliticizing the deficit reduction issue. To avoid partisan finger pointing, we've got to get everyone's fingerprints on spending cuts and tax increases.

One way is for the president to call a major economic summit meeting attended by the leadership of both parties in the Senate and House, his Cabinet and advisers, and Chairman Paul Volcker of the Federal Reserve Board. It should be held in a secluded spot such as Camp David, away from the press, to promote open discussion. The summit should continue until a consensus plan is developed to make a significant reduction in the 1985 deficit—$50 billion or more.

You can help. Tell your congressmen, senators and the president to put politics aside and do what's right for the nation's future prosperity. The tough part: Tell them that you would support cuts in your own favorite government programs (name them) and increases in your taxes as part of a comprehensive and fair program to achieve significant deficit reductions in 1985 and beyond.

Let's do what's right for a change.●

THE MANZIEL OIL PALACE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. RALPH M. HALL. Mr. Speaker, Tyler oilman Bobby Manziel, Jr. saw his father's dream come true last month with the opening of the Oil Palace, the largest sports arena between Dallas and Shreveport, 28 years after construction began.

Manziel had his dream in 1955. He dreamed of a stadium to seat 20,000 people, be managed by heavyweight champion Jack Dempsey and rival Madisons Square Garden in size and splendor. Manziel died in 1956, 3 months before completion.

It sat nearly dormant until 1968 when Manziel's son, Bobby, Jr. bought it and used it commercially. This year, the building was completed.

An engineering marvel, the Oil Palace is built entirely of brick with no inner columns or beams to support the domed roof. It will be booked for sporting events, concert, and trade shows.

A Lebanese immigrant, Manziel became a bantamweight professional boxer and, somewhere early in his career, he met Jack Dempsey. In 1932, the east Texas oil boom drew Manziel to Tyler. Dempsey loaned Manziel $400 for his first oil lease and the well became a gusher. His discovery of nine major oil fields made him one of the richest men in Texas. His love for boxing never ceased and Manziel and Dempsey remained friends until Manziel's death.

I commend Bobby Manziel, Jr. for seeing that his father's dream came true—and for making the Oil Palace an east Texas landmark—known nationwide for sporting events.

Surely this dutiful son can look up and somehow see a smile on his dad's face—and on the face of the old Manasa Mauler.

I am proud of Bobby, Jr., Tyler is proud, Texas is proud—and sports fans everywhere will be reminded that old dreams do sometimes come true.●

THE IMPORTANT CONTRIBUTIONS OF THE ARTS TO A COMPLETE EDUCATION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. JEFFORDS. Mr. Speaker, I would like to alert this distinguished body to the House joint resolution, introduced today by Mr. DOWNEY and myself, that recognizes the important contribution of the arts to a complete education.

As chairman and vice-chairman of the Congressional Arts Caucus, my colleague and I believe that this legislation will lead to the recognition of the need to promote arts education in our Nation's schools.

Few of us here would dispute that artistic expression and appreciation promote confidence, intellectual challenge and emotional well-being in our society. But we legislators must recognize that art will not continue to be such an important element unless we commit ourselves to putting it back into our children's education.

We are currently ignoring our responsibility to our children to provide them the opportunity to explore and develop their artistic talents and interests. Fiscal year 1982 was the last year that the Federal Government provided grants specifically for arts in education. Similarly, we have essentially level funded the only other two national programs of this nature, the Kennedy education program and the National Committee on the Arts for the Handicapped. In short, we legislators have not recognized the importance of arts in education, and we have neglected our responsibility to its continuation.

People will argue that art will never die, and they are correct. There will always be talented people. However, without introduction, instruction, encouragement, and criticism, talent will

not develop into creative ability. There is a need for professionally qualified teachers to help students become artistically literate. Schools must have sequential curriculums to develop the skills and knowledge that artists need in order to develop their talents.

This Nation is only beginning to realize these needs. The National Commission on Excellence in Education's, "A Nation at Risk" clearly states that the arts are included in the six basics essential to a complete education. The College Board and the Carnegie Foundation for the Advancement of Teaching also published studies that cite the importance of arts in education. I firmly believe that it is time we legislators do the same.

In closing, then, Mr. Chairman, I strongly urge my distinguished colleagues to take note of this resolution—to recognize the issue it addresses, and to assume the responsible it calls for.●

A MEANINGFUL PEACE

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. CAMPBELL. Mr. Speaker, last night President Reagan outlined his perception of a lasting and meaningful peace.

Americans resort to force only when we must. But in the post-Vietnam era, our Government did not act at times when it should have, on behalf of peace and freedom in the world. The image of America was that of a pitiful, helpless giant whose nose could be twitted by a Khomeini or Qadhafi with impunity.

But no more. Ronald Reagan has brought meaning back into the word "peace." Peace does not just mean the absence of war. You could say that during President Carter's and Vice President Mondale's years in office, America was at peace. But can any one call that time of the Iran crisis, Afghanistan, and Nicaragua peaceful? Did peace have any real meaning then?

Under President Reagan, we have not been afraid to use force judiciously. We have a more credible deterrent to Soviet aggression today under Reagan than when Carter and Mondale left office.

We now have the will, Mr. Speaker, and the people know it. They believe in a strong America as a force for peace, and so we have supported President Reagan in most of his initiatives for peace. I trust we have turned back from the fear of using our strength. Peace through strength, and negotiating from strength, have given us the meaningful peace President Reagan spoke of. They will continue to serve us well should Ronald Reagan be returned for another 4 years as our Nation's leader.●

WEAKENED PROTECTION FROM FALSE ADVERTISING CONDEMNED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. FLORIO. Mr. Speaker, the administration majority at the Federal Trade Commission recently issued a statement reflecting a more permissive attitude toward false advertising and other deceptive practices. This initiative is particularly troubling because the Commission is attempting to do administratively what it recently tried unsuccessfully to get Congress to do by legislation.

This controversy was well summarized in a recent column by Sylvia Porter, which I am here inserting in the RECORD.

NEW POLICY ON DECEPTIVE ADVERTISING ERODES CONSUMER PROTECTION

(By Sylvia Porter)

It's like conducting a complete physical exam in order to prescribe an aspirin. That's one critic's description of the recent Federal Trade Commission (FTC) policy change under which it is much more difficult to prove claims of deceptive advertising and to find certain advertising claims illegal. In essence, it represents a new erosion of consumer protection, a continuation of this administration's attitude toward consumer rights overall.

The policy, adopted by a vote of 3 to 2, sets new guidelines for deciding whether an advertisement is deceptive. Under the new guidelines, a "reasonable" consumer will have to have suffered injury or some other, unspecified ill effect as a result of the ad. Previously, the FTC could take action against ads that appeared to deceive consumers, without proving injury or restricting the ads to "reasonable" individuals.

The commission contends its ability to protect consumers remains undiminished—but oh, no! Its argument that it can now focus more successfully on real problems of deceptive advertising that face consumers is "deceptive" on the face of it.

For the irony is that in recent years, the FTC has used its powers with increasing timidity. The emphasis has shifted from aggressive efforts to clamp down on deceptive advertising practices to a policy in which no effort seems to be spared to avoid actions that could be interpreted by business as harassment. In brief: In case of doubt, throw it out.

Merely a glance at the number of tests handled in all categories of action on ads confirms this trend: 12 in 1980; 18 in 1981; 9 in 1982 (new administration); 16 in 1983; to date in fiscal 1984, a puny 2.

When the commission files a complaint against an advertiser, a long, drawn-out procedure follows that can end in a consent agreement or court injunction (to name only two possibilities).

According to an FTC spokesman, a deception now has to be "material"—that is, make a negative difference to you, the consumer. It's not clear whether an actual injury must be demonstrated. It appears that the commission is narrowing its focus to cases where a problem exists and trying to avoid cases in which no one is hurt. Sounds fine—if you accept the commission's claim that the previous standard was so broad that it inhibited advertisers from providing more information because they feared the vague prohibitions against deception.

By narrowing the definition, according to this view, advertisers can clearly see whether their ads will or will not be considered deceptive and can thus provide additional information to help you, the consumer.

If you are not completely persuaded by this argument, you'll find your self in illustrious company. Of the five members of the FTC, two weren't persuaded of the advisability of changing the standard—and this is just one indication. Commissioners Michael Pertschuk, a Democrat who chaired the FTC under President Carter, and Patricia Bailey, a Republican member, voted against the change in policy.

In Congress, some members are sufficiently disturbed to be planning hearings on the matter, perhaps early next year. Rep. James J. Florio, D-N.J., who chairs a House Subcommittee that oversees the FTC, and Rep. John Dingell, D-Mich., who chairs the full House Energy and Commerce Committee, issued strong statements of dismay at what they view as defiance of the intentions of Congress on the FTC all along.

A year ago, in fact, the commission's chairman, James C. Miller 3rd, a Reagan appointtee, tried to push Congress into passing legislation that would have made the same policy change the commission has just made itself. Consumer groups, along with commissioners Bailey and Pertschuk, successfully opposed that scheme.

The FTC has now accomplished by administrative fiat what Congress flatly turned down.

If the net effect is a cut in the number of consumer complaints to the commission, a top consumer watchdog will have been defanged. If the FTC takes the view that false advertising hurts legitimate business more than it hurts you, the consumer, the watchdog will have not only lost its fangs but also its bite and bark. This is the unmistakable trend.●

MAINTAINING THE INTEGRITY OF THE INTER-AMERICAN FOUNDATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. DYMALLY. Mr. Speaker, after attending an oversight hearing on the Inter-American Foundation, I feel compelled to join my colleagues in lamenting the turn that the Foundation seems to have taken under the current administration.

I listened as each of the witnesses failed to address, with any degree of seriousness, the most fundamental question concerning the Foundation: Will it continue to exist as one of this country's finest examples of a grassroots, bottom up economic develop-

ment institution, with programs targeted to the poor in the Caribbean and Latin America who are most in need of such assistance.

I came away from the hearing with the uneasy feeling that the Foundation was in imminent danger of fulfilling my worst fear, the fear that it would become an institution concerned with short-term, politically expedient economic assistance, to the total detriment of fundamental long-term development goals.

This cannot be allowed to happen. I urge my colleagues here in the Congress to go on the record in every possible way as being opposed to the politicization of the Foundation.

The Foundation's purposes should not be subverted. The Foundation should continue, unencumbered by partisan or ideological concerns, to implement programs consistent with its legislatively mandated goal of providing, "support for developmental activities * * * to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential to seek through gainful and productive work the fulfillment of their aspirations for a better life."●

LOCAL MUSICIAN DONATES MUSIC TO AREA SCHOOLS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. ANNUNZIO. Mr. Speaker, I am pleased to bring to the attention of my colleagues the recent contribution of two original jazz compositions and a brass ensemble work by my constituent, Mr. Ross Anderson, to Steinmetz High School and Wright College, both located in Chicago, and to the U.S. Navy School of Music.

Mr. Anderson contributed these works in a gesture of thanks for his years of education at these institutions, and he hopes that these compositions will serve as an inspiration for aspiring musicians.

Mr. Anderson's original compositions have been performed in Europe and the United States, and he has traveled across the country for 10 years with the "Ross Anderson Band."

I congratulate Ross Anderson on his achievements in his profession, and especially commend him for his generosity to the community and his dedication to the field of music.

His example is an inspiration to others, and at this point in the RECORD, I would like to include an article from a November 1983 edition of the Passage paper entitled, "Artist Conducts Melody of Musical Thanks to Area Schools," which reports on Mr. Anderson's unique donation of music.

The article follows:

ARTIST CONDUCTS MELODY OF MUSICAL THANKS TO AREA SCHOOLS

(By Mary Pat Byrne)

A local artist is giving back to local schools a bit of what he took from them. Ross Anderson, of the 6000 block of N. Austin, calls Steinmetz High School, Wright College and the U.S. Navy School of Music his alma maters. To honor them, he recently donated two books of original jazz compositions and a brass ensemble work to their music departments.

His original compositions have been performed in Europe and across the U.S. The first time an orchestra performed from Anderson's compositions though, was at Wright College, back when the composer was a book-toting college student. Anderson admits that the performance was most memorable.

"When I was at Wright, I did a composition for their jazz band. You always enjoy hearing or reading something of your own. It's exciting!" he explained. It's also exciting to be able to add former students' creative achievements to your music library, according to Wright College President Ernest V. Clements who sent a letter of gratitude to the musician for his unique donation.

After completing his studies, Anderson left the northwest side to travel across the country for 10 years with the "Ross Anderson Band." He returned in the 1970's to write, teach and record. Anderson is currently working in educational publishing, back in the neighborhood where he grew up.

For today's aspiring musicians, Anderson encourages them to choose a musical career. "If they have the talent, there are a lot of opportunities for them—a lot more than there were a few years ago," he said.

Local music students at Wright and Steinmetz can now use some of this professional musician's work as inspiration. The two books of original compositions and the brass ensemble work entitled "Blast for Brass," are available for their use.

When asked whether students can look for additional works by Anderson, the musician and composer replied, "I'll probably do it again. I'm working on new things all the time."●

MASSACHUSETTS WELCOMES ARCHBISHOP BERNARD F. LAW

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. MARKEY. Mr. Speaker, on Tuesday, January 24, 1984, the appointment of Bishop Bernard F. Law as the eighth leader of the Nation's third largest archdiocese was announced in Boston. I join with my fellow Catholics of Boston and the citizens of the entire commonwealth in wishing Archbishop Law every success and blessing as he undertakes the responsibilities of spritual leadership in our State and region. Archbishop Law follows in the path of the eminent and charismatic Cardinal Richard Cushing and of the kind and respected Cardinial Humberto Medeiros. During the time between the untimely death of Cardinal Medeiros and the new appointment, the archdiocese has been ably administered by the Most Reverend Thomas V. Daily, who has warmly introduced Archbishop Law to his new flock.

Archbishop Law comes to us from the diocese of Springfield-Cape Girardeau in Missouri, but he is no stranger to Boston. He holds undergraduate and law degrees from Harvard University, and he has returned often as a lecturer. More important, it appears that the Holy Father Pope John Paul II recognized the deep understanding of the American people that Archbishop Law has gained from his experiences all over this Nation.

Beginning with his work in Jackson, Miss., after his ordination to the priesthood in 1961, Archbishop Law has established a consistent and solid commitment to civil rights. He has written, preached and taught often of the human values reflected and nurtured in the family. He has defended peace and stressed the importance of tolerance. He has provided a model of humility but has not shied away from straightforward statements of spiritual and moral principles.

Archbishop Law will be formally installed on Friday, March 23, 1984, at a ceremony in Holy Cross Cathedral in Boston. I extend my sincere welcome to the new Archbishop, and I eagerly anticipate his leadership and involvement in our community.●

EMERGENCY UNEMPLOYMENT COMPENSATION LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. OBERSTAR. Mr. Speaker, the unemployment compensation passed by Congress in October was and is inadequate to the needs of America's long-term unemployed.

Because of opposition from the Senate and the administration, the House agreed to a weakening of its strong reachback provisions which would have added people laid off for more than a year.

While the legislation extending the Federal supplemental compensation program was better than nothing, this House should remain aware of the serious defects in Federal unemployment compensation law.

Both the permanent extended benefits program and the quasi-temporary FSC program are triggered to the insured unemployment rate, a measure of severity of unemployment which has proven enormously inappropriate during periods of deep and prolonged

recession as we experienced in the period 1981-83. The use of IUR produces the anomaly that the longer the recession, the lower the IUR.

The Omnibus Reconciliation Act of 1981 gutted the extended benefits program. At present, only unemployed persons in Puerto Rico and Alaska are receiving EB. In about half of the States, unemployed persons receive only the minimum number of benefits under FSC—8 weeks.

The House this year should reform the Federal unemployment program.

As an interim measure, we should act to alleviate those who are unemployed now and who have been unemployed a year, 2 years, and even longer, as have thousands of iron ore miners in my district.

President Reagan's state of the Union message, while touching just about every subject here on Earth and in outer space, gave little intention to the brave men and women struggling to cope with the tragedy of long-term unemployment. Optimistic about the future, the President was characteristically vague about the present.

I am today introducing legislation to address the immediate, specific and painful problems of those who are now unemployed. My bill which would increase eligibility under the FSC program by 6 weeks.

It would increase benefit weeks for current and future FSC recipients and would provide reach-back for unemployed Americans who have suffered as the result of both the recession and the inadequacies in the unemployment compensation program.

I urge Members to join with me in cosponsoring this legislation.●

WHO WRITES THE BUDGET?

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. EDWARDS of Oklahoma. Mr. Speaker, President Reagan yesterday proposed a bipartisan commission to find ways to make a downpayment on the Federal deficit. This constructive approach was answered with statements warning the President not to attempt to turn blame for deficit away from where that blame really lies.

Now we all know who is responsible for the deficit—it is this body, the Congress, which passes the budget. Since the 1974 Budget Act, Budget Committees in both Houses of Congress have ostensibly been working to control spending. The sea of red ink indicates we have not done our job very well.

The blame is squarely on our shoulders. Last year on September 22, the distinguished majority leader, the gentleman from Texas, told the House, and I quote:

Congress makes the budget; the President does not. That is a very important distinction.

Now imagine my surprise when our distinguished Speaker went on television yesterday and told us that the President makes the budget, not Congress.

Who is responsible for the budget? Whoever is, is also responsible for the deficit.●

MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. CONTE. Mr. Speaker, I am introducing legislation today to increase the authorization for appropriations for the maternal and child health services block grant program (MCH) from the current $373 million to $499,500,000. This figure will allow the program to respond to the critical needs of low-income mothers and children.

The maternal and child health block grant allots funds to the States to promote the health of low-income mothers and children by providing prevention and primary care services to children and prenatal, delivery, and postpartum care for mothers; 85 percent of the block grant is used for allocations to the States, while 15 percent is set aside for use in special projects of regional and national significance.

Although the infant mortality rate has continued to fall steadily throughout the past 30 years, a study by the children's defense fund (CDF) reports that in 1982 the death rate for all infants rose in 11 States. In addition, the 1983 annual report by the Department of Health and Human Services shows an alarmingly high and disparate infant death rate between blacks and whites. The women and children served by this program are the most exposed group in our society, and their health reflects directly the health of the entire Nation. MCH can provide the type of thorough care to combat these problems.

In both the past 2 years we have surpassed the authorization level for MCH. This legislation therefore provides a vehicle not only to address that trend, but allows room in which for us to respond to these people and the rising concern for infant death rates.

As part of this legislation I have also asked that there be authorized $1.5 billion in fiscal year 1985 for the special supplemental food program for women, infants, and children (WIC). This program provides supplemental food, nutrition information, and prenatal care to mothers, infants, and children who qualify as low-income individuals and are shown to suffer nutritional risk. The $1.5 billion figure is consistent with past years' incremental increases.

Hunger and its effects are a problem in this country. In my own State the department of public health has shown that a significant number of low-income, preschool children suffer one or more signs of malnutrition. At the same time, a study covering such diverse areas as California, Minnesota, Michigan, Kentucky, and Pennsylvania has uncovered the growing numbers of Americans who are underfed and undernourished.

The WIC program is a proven defense against chronic malnutrition, and one of the most effective and essential programs run by this Government. A study by the Harvard School of Public Health showed not only a marked decrease in the incidence of low birth weight by those enrolled in the WIC program, but also that each dollar spent on the kind of prenatal care that WIC provides saves $3 in future infant hospitalization costs. Would that every program we run was as broadly and clearly beneficial as this one. I urge you all to support this legislation and the sound, solid investment it makes in the future of this country.●

U.S. DISTRICT COURT IN BROWNSVILLE, TEX., IS OVERBURDENED

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. DE LA GARZA. Mr. Speaker, in the interest of facilitating the judicial process in the south Texas Rio Grande Valley area, I am today introducing legislation which would create a Federal district court within the southern district court system of Texas.

It has become increasingly evident that the existing U.S. district court in Brownsville, Tex., is overburdened. The large caseload statistics for that court, and the accompanying magistrate activity, are due to the extraordinary population growth in the Rio Grande Valley during the last decade.

In the area, the Brownsville court serves Willacy, Cameron, Hidalgo, and Starr Counties. The legislation which I am today introducing would create another U.S. district court to exclusively serve judicial needs in Hidalgo and Starr Counties, allowing the Brownsville court to serve Willacy and Cameron Counties.

This new court would reside in McAllen in Hidalgo County. At present, the Brownsville court handles nearly half of all judicial action originating in Hidalgo and Starr Counties—

and the creation of a McAllen court would ease the Brownsville caseload.

As well, there will be a savings of nearly $24,000 in expenses associated with juror transportation to the Brownsville court, not to mention the reduced security headaches of transporting prisoners from Hidalgo and Starr Counties down to Brownsville for trial.

Economy, security, and caseload reduction are all factors which speak in favor of a McAllen division of the southern district court system of Texas. And I hope, Mr. Speaker, that our colleagues will give their serious consideration to my bill in the interest of a more orderly judicial process in my area.●

IN SUPPORT OF THE VISTA OF OUTER SPACE PROGRAM

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. AKAKA. Mr. Speaker, I want to take this opportunity to commend President Reagan for his farsighted vision of the new frontier offered to this Nation by the great vista of outer space. In the state of the Union address last night, President Reagan announced a comprehensive plan for space, with three major initiatives: First, the President proposed that we build a permanently manned space station so that Americans can live and work in space within a decade; second, he extended an invitation to America's friends and allies to participate in the space station program; and, third he promised us a program to stimulate cooperation by Government and industry in developing the full commercial potential of space.

When the President directed the National Aeronautics and Space Administration to begin the development of the space station immediately, he put this Nation back on the map where space is concerned. A space station will stimulate new technologies and enhance U.S. productivity. Construction of a space station will finally demonstrate that we have found, once again, our leadership role in space. Construction of a space station will make possible the exploration and conquest of yet a new frontier, the final frontier of space. And, just as importantly, a space station will give us new and unexplored capabilities as we set about a systematic exploration of the universe in the years ahead.

A space station will serve as a national scientific and technological laboratory in space for industry and government. A space station will serve as an operation base, a base from which satellites can be serviced and large structures assembled. And, a space station will serve as base for future space initiaitves.

I commend the President on this initiative, for I strongly believe in the long-term economic importance and value of space to our Nation. And, the simple fact is that a space station is not only the next logical step in our space program, but it also represents a sound economic investment in our own future.

Mr. Speaker, historically, an investment in space and space-related technologies has been one of the soundest economic investments we have ever made. For every $1 we have invested, we have gotten a return of approximately $7 to $14. Clearly, spending money on our space program generates income for our Nation.

Our space program also generates many jobs for our Nation's people; it is estimated that by the year 2000, commercial space activities may be worth as much as $200 to $300 billion to our national economy and may account for as many as 10 million jobs. The space program is also a people program. It provides jobs and opportunities today and insures us of a competitive posture in the international arena in the years ahead. And, furthermore, as anyone who has read anything about the Apollo program can tell you, our space program provides us with a strong sense of national identity and prestige.

Mr. Speaker, I intend to lend my full support to the space station initiative and I strongly urge all of my colleagues to do the same. There is nothing but good that can come out of it. This new initiative will be an important building block for our house of national prosperity; it is indeed worthy of the wholehearted bipartisan support of this Congress.●

WE HAVE A SPENDING GAP—NOT A REVENUE GAP

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, yesterday the President reminded this body that whether we reduce Federal deficit spending through raising taxes or borrowing from the private sector, this Government is still spending too much of our Nation's wealth.

In the 15 years before Ronald Reagan was elected, Federal taxes had grown so much that they had nearly quadrupled. In just the 5 years before his inauguration, Federal tax revenues actually doubled—and he still inherited a deficit from the Carter-Mondale administration.

We do not have a revenue gap. We have a spending gap between what the Government takes in and what this Congress spends each year.

We cannot tax away the deficit and balance this budget on the backs of ordinary working people whose tax burden has grown through the record inflation and bracket creep of the past decade.

We have to take a hard look at the so-called uncontrollable elements of the budget—now estimated at approximately 75 percent of all Federal spending.

We have to admit that our spending and taxing policies have been unfair to working Americans. While we tied cost-of-living increases to almost all Federal entitlement programs during the last decade, beginning with the retired pay of Federal civil servants, we denied the same relief to taxpayers. Their taxes have yet to be indexed to inflation, which thanks to the President will finally take place in 1985. But now just as promise of relief from the unfair policies of the past is finally in sight, my Democratic colleagues on the stump and in this Chamber want to rob working people of the same benefits of indexing they have already given to those who receive benefits from their hard-earned tax dollars.

The Grace Commission has identified 2,500 areas where $424 billion can be saved in the next 4 years. We owe it to the taxpayers to take a hard look at each of those 2,500 suggestions for reducing the deficit before we take away indexing of taxes to inflation.●

AN EXAMPLE OF EXCELLENCE IN EDUCATION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. TAUKE. Mr. Speaker, the report of the National Commission on Excellence in Education and other recently issued studies have spurred our reexamination as a nation of the challenges facing education and of the ways in which our Nation's schools are responding to those challenges. As we participate in this assessment and strive to perfect our schools, we need examples of excellence before us. The realization of excellence requires, first, the understanding of its qualities and the imagination of its possibility.

Today, I wish to share with you one example of excellence in education—Wahlert High School, in Dubuque, Iowa, on the occasion of Wahlert High's 25th anniversary.

Located in the oldest established city west of the Mississippi River, Wahlert High School was founded in 1959. Dedicated to its primary benefactor, Mr. Harry Wahlert, the school fulfills and exceeds the high ideals we as a nation hold for education. The Wahlert education is a complete one, merg-

ing academics, the fine arts, extracurricular activities, athletics, and religious studies in devotion to the concept of the whole person. Education at Wahlert is value centered, with the goal of helping each individual grow not only in mind but also in spirit.

Each year, Wahlert High's administrators set a theme to guide the school's activities. Recent themes of excellence, service, and community epitomize the Wahlert experience. The Wahlert community—students, parents, faculty, and administrators—take these themes to heart and realize them through reaching outward to make an impact on the surrounding community and on society as a whole through such activities as an annual Service Day and through a host of other outreach activities.

Wahlert High School helps foster, in the Dubuque community, the diversity which has traditionally characterized American education and which, through the partnership of the public and private schools, has strengthened education in America overall.

As a Wahlert alumnus, I have had the privilege of experiencing excellence in education. I have profited from the commitment of the Wahlert community to the development of the whole person. I am one of the over 10,000 students who received from Wahlert the opportunity to develop to our fullest potential, our minds, our hearts, and our spirits.

As we assess the state of education in America and set forth goals and plans for achieving those goals, we must each have before us not only an awareness of what is wrong with American education, but also an awareness of what is very right about our current system and schools. We must have before us examples of excellence.

There are many, many Wahlerts, I am convinced, among both the public and private schools of our land. Let us seek them out and be guided by their example as we strive to perfect American education.●

PLIGHT OF ANATOLY SHCHARANSKY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. DONNELLY. Mr. Speaker, Anatoly Shcharansky is wasting away in the Soviet prison Chistopol. The latest, most distressing report of the brave dissident's condition has been relayed to the West by Anatoly's mother, Ida Milgrom. Mrs. Milgrom was able to visit her son January 5, and left that 2-hour meeting aghast at Shcharansky's failing health. As related in a New York Times article of January 12, she described his appearance as—

Totally unrecognizable, his cheeks were sunken, his lips were withered, his eyes were sunken and deeply ringed with black. For the entire 2 hours, I could not talk, I just looked.

Anatoly Shcharansky was sentenced in 1978 to 3 years in prison followed by 10 years in a labor camp. Precious years of this great man's life have been squandered in prison, not because he committed any crime, but because he refused to stay silent in the face of repulsive state-sponsored oppression. He has already suffered tremendously for speaking out for basic human rights and the just cause of Soviet Jewish emigration.

Anatoly Shcharansky's spirit remains alive and unbroken, but the cruel confinement is taking an increasing tool on his physical well-being. It is doubtful he can survive the harsh conditions of imprisonment any longer. The medical care afforded him has been negligible, and an ailing heart now causes him constant pain.

It is time to raise our voices in his behalf, and call once again upon the Soviet authorities to let Shcharansky go free. The Soviets risk irreversible damage to their already tarnished international image by keeping him in prison, and turning a deaf ear to the humanitarian appeals for his release. Let Shcharansky go free and be reunited with his wife Avital in Israel. If the Soviet leadership is seriously interested in improving its relations with Western nations, freeing Shcharansky would be a significant, positive step in the right direction.●

TRIBUTES TO BEIRUT MARINES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 1984

● Mr. LIPINSKI. Mr. Speaker, while many of us have expressed sorrow and outrage at the October 23 massacre of our marines in Beirut, the village of Lyons, Ill., has gone one step further. Last December, village of Lyons President William G. Smith, in union with the American Legion Emil Scheive Post No. 699 of Lyons, sent a package of letters, newspaper clippings, and pictures to the wounded marines and the families of the deceased marines to honor the fighting men that were killed in Beirut. I understand that this may be the first of any recognition of this kind.

This is a truly touching tribute to the 230 brave men who gave their lives in defense of freedom in a war-torn land far from home. In honor of the victims of the Beirut blast, I insert in today's RECORD the articles and one of the letters sent to the surviving marines, and the victims' families:

PEACE ON EARTH—GOOD WILL TO ALL MEN

That is the message of every Holiday Season.

We, the people of the Village of Lyons, Illinois in union with the American Legion, Emil Scheive Post 699, know the price you have paid for those words—"Peace On Earth". That sacrifice has not been forgotten.

On November 11 (Veterans' Day) The American Flag and a Marine Color Blue Ribbon were flown on all flag poles within our village and remained flying for the following week. The Marine Color Blue Ribbon has been made available, at no charge, to all our residents and the response has been tremendous. Those blue ribbons will continue to be displayed on village private homes thru the Holiday Season.

We are a village that is proud of our country, proud of our men in service and proud to show our respect for the men who have suffered and also those who have sacrificed their lives so that all men may be free.

[Excerpted from the Suburban Life Newspapers]

POST SAYING THANKS TO RELATIVES OF MARINES KILLED IN BEIRUT

Emil Scheive Post, American Legion, will team up with the village of Lyons to send expression of thanks to the relatives of the 230 Marines killed in a terrorist attack Oct. 23 in Lebanon.

Robert Kucera, past commander of the post, told the board Tuesday he sent a letter to President Ronald Reagan requesting the addresses of the dead soldiers. Kucera said he wrote the letter after Village President William Smith suggested a personal expression of sympathy and thanks to the relatives of the Marines would be a fitting ending to the legion's memorial to the Marines.

This week the village and residents have been flying the flag with a blue ribbon attached as a tribute to the servicemen killed when an Arab terrorist drove a truck load of explosives into Marine headquarters in Beirut. The memorial suggested by Kucera to the post following the attack, was to be for Veterans Day only. But when public interest started to peak, Kucera asked the village to continue the flag flying until Monday. Trustee Harold Novak, chairman of the Public Works Committee, gave his approval to the idea, Kucera said.

"I want to thank Trustee Novak for his assistance and Trustee (Carl) Duffek who recommended the village buy ribbons and give them to the residents."

The village has ribbons and residents may receive one at the Village Hall during its regular business hours. There is no charge for the ribbon.

Kucera said residents need not fly the flag to participate in the memorial. He said many residents have taken the ribbons and made bows out of them which they place on the front doors of their homes.

He said he hopes residents will follow that idea and keep the bows up after the observance ends.

In other action, the board named a director for the Emergency Services and Disaster Agency.

James Pilipchuck replaces Myron Keel.

MARINE MEMORIAL CONTINUED IN LYONS

Veterans Day may be over for the rest of the country but not in Lyons.

As a tribute to the 230 Marines who died in the terrorist bombing of their headquar-

ters in Lebanon, the village at the request of the Emill Schelve Post. American Legion, will continue to fly the flag from its light poles until Monday, according to Robert Kucera, former commander of the post.

The flags will have one addition added this Veterans Day, a ribbon the color of Marines dess blue.

That touch was added at the request of the post for Nov. 11 after Kucera suggested the idea to his fellow veterans.●

"The response has been good to the idea from the people. The more people see the ribbon, the more questions we get asking what it's all about," Kucera said.

Kucera said the post hopes the lengthened veterans observance will increase public awarness and participation in the memorial program.

Lyons residents who still wish to participate in the memorial may obtain the blue ribbon at the Village Hall. According to a spokesman for the village, a steady flow of residents came to the hall seeking the ribbon once the word spread through the town last week. More than 150 ribbons were distributed.

"Many times the first question from residents seeking ribbons was how much does it cost. The village isn't charging anything for the ribbons," the spokesman said.

The Village Board approved purchasing the ribbons at its Nov. 1 meeting.

ARTICLE EXPRESSED FEELINGS

(By Robert Kucera, Lyons)

Being a member and a past commander of the Emil Scheive Post, American Legion, I wish to thank The Suburban LIFE for your excellent article written by Bill Conkis in reference to our program for honoring the 230 Marines who were killed in Beirut, Lebanon.

The article has received many compliments from our membership and the citizens of Lyons.

The Suburban LIFE newspapers can be proud they have an editor such a Conkis, who has the ability to express the deep feelings of an individual in newspaper article.

MARINE BLUE TO FLY HIGH

(By William Conkis)

Beirut isn't exactly next door to Lyons. And the political debate about the importance of Lebanon as a key to a peaceful middle east may seem just as removed as the country to many Americans.

What does matter to the Emil Shieve Post, American Legion, Lyons, is the death of 230 marines Oct. 23 when a lone terrorist destroyed their headquarters in Beirut by driving a truck load of explosive into it.

What matters, Robert Kucera, past commander of the post, told the Village Board Tuesday is that "something" be done to acknowledge the dedication and commitment of those dead and wounded servicemen.

"I was watching the reports of the bombing on television and suddenly I thought we need to do something as a community to honor those men. I couldn't help thinking something needed to be done," Kucera said.

With that in mind, Kucera offered a suggestion to the post membership which it quickly endorsed.

The post through Kucera asked the village to proclaim that everyone flying a flag Veterans Day, Nov. 11, and a small token of remembrance, ribbon the color of marine dress blue to the poles flying the flag.

Lyons trustees were just as quickly as the post membership to support the idea.

To encourage the ribbon flying and ensure uniformity, the board also approved purchasing ribbons and making them available at the Villa Hall for any resident wishing to participate. Ribbons are expected to arrive Tuesday morning and will be issued on a first come first serve basis.

The village will do its part by adding the ribbons to all flags to be flown from street lights on Veterans Day.●

SENATE—*Friday, January 27, 1984*

(Legislative day of Monday, January 23, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be delivered by the Reverend Richard Christian Halverson, Jr., son of the Chaplain of the Senate.

PRAYER

The Reverend Richard C. Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, Va., offered the following prayer:

Let us pray.

Gracious God, our Heavenly Father, we ask that Your unsearchable charity be personally experienced by those for whom this prayer is made; that being loved by You, we may be taught to love our spouses and children, our friends and associates, our country and world, as written:

"Love is patient and kind; love is not jealous or boastful; it is not arrogant or rude. Love does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrong, but rejoices in the right. Love bears all things, believes all things, hopes all things, endures all things. Love never ends."—I Corinthians 13: 4–8.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

A WARM FEELING FOR NEPOTISM

Mr. BAKER. Mr. President, I congratulate the distinguished guest Chaplain, the son of our regular Chaplain, who has been with us before. I may say that as the son of a father who was a Member of Congress and a mother who was a Member of Congress, I have a distinctly warm feeling for nepotism.

ORDER OF PROCEDURE TODAY

Mr. BAKER. Mr. President, I believe that the announcement on last evening to the effect that we would take up the crime package today is still the order of business. I will consult with the acting minority leader, as I have with the minority leader on the telephone prior to convening the Senate, about other arrangements that may be made to provide for the consideration of ancillary matters to the crime package after disposition of the Comprehensive Crime Control Act. It would be my hope that we might be able to obtain a unanimous-consent agreement, which I have not yet cleared on my side but which we are going to work on, which would provide that we will take up the crime package today and that no amendments dealing with capital punishment, the exclusionary rule, habeas corpus, or the Federal Torts Claim Act would be eligible, in exchange for the assurance, which I have already given and now repeat, that after we dispose of the comprehensive crime package it is the intention of the leadership on this side to ask the Senate to turn to those four items, one at a time.

As I say, Mr. President, I have not yet asked the Cloak Room on this side to try to clear that agreement, but I will do so now. I hope we can complete that before it is time to turn to the consideration of the crime package. I have described this at some length now so that Members who may hear me in their offices may be aware of it. The hotline will issue from our office shortly, and I hope that we can have a reply by 12:30.

ORDER RESERVING LEADERSHIP TIME

The distinguished acting minority leader indicates to me that he has a requirement for 15 minutes of time which I am most happy to request the Senate to provide, but first I ask unanimous consent that the time remaining to me and the time available to the minority leader under the standing order may be reserved for our use at any time during the course of this calendar day.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

ORDER FOR ADDITIONAL TIME FOR ACTING MINORITY LEADER

Mr. BAKER. Now, Mr. President, I ask unanimous consent that for this day there be 15 minutes of additional time for the acting minority leader to be available immediately after I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is not an order for routine morning business today, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the acting minority leader, pursuant to the order just entered, there then be a period for the transaction of routine morning business to extend no longer than 1 p.m. in which Senators may speak for no more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1762

Mr. BAKER. Now, Mr. President, at no later than 1 o'clock today and perhaps earlier, if there is no further requirement for morning business, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of S. 1762, the Comprehensive Crime Control Act of 1983. It is also hoped that we can get the unanimous-consent agreement that I have just described prior to that time.

I anticipate, Mr. President, that the Senate will only have time for opening statements on this matter today, assuming that we get to it, and very limited debate. I would expect the Senate to recess until Monday at about 3 p.m. this afternoon.

ORDER FOR RECESS UNTIL MONDAY, JANUARY 30, 1984

Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. May I say in that connection, Mr. President, I wish to repeat the statement I made on Monday, the opening day of the second session of this Congress. Members should not assume that Mondays and Fridays will not be business days. We will be in session during those days and probably will have business to transact and votes on those days as we try to take maximum advantage of the few days that we have available during this legislative session.

So once again, do not assume that Mondays and Fridays are going to be days off. The fact that I do not anticipate votes today should not be thought of as a precedent for the balance of this session. It simply is the best way to arrange the affairs of the Senate in the judgment of the leadership on this side on this particular occasion.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO PRAYER IN PUBLIC BUILDINGS—SENATE JOINT RESOLUTION 218

Mr. BAKER. Mr. President, today I am introducing a constitutional amendment which would restore the right of individuals to pray in schools and other public buildings. For those who shared my early tenure in the Senate and that of my father-in-law before me, the language that I am proposing today is not new. This bill is identical to the only constitutional amendment on prayer that received the necessary two-thirds support of this body and similar to my father-in-law's proposal which garnered a majority of the Senate at that time.

For those who were not around to witness these earlier events, a short rendition of history might be in order. On October 13, 1970, I offered this language on the floor of the Senate. At that time I stated:

> Godliness is not the issue in this debate. The question is whether or not the Constitution or the several amendments to it prohibit the utterance of nondenominational prayers on a voluntary basis in public buildings, including our schools and other public buildings.
>
> The Supreme Court, in its landmark decision of Engel, decided in the October term in 1961, held that it did. I believe that it does not. But, being a part of the legislative department of Government, instead of the judicial part of Government, it is not within my province to interpret the Constitution in this respect. That is the purview and the responsibility of the Supreme Court. . . . I agree with the dissent of Justice Potter Stewart, but there is nothing I can do about it under the scope of our system of government except what I am doing now, and that is to offer to the Senate an amendment to the Constitution which is calculated to produce a different jurisdictional result.

Mr. President, I believe that being able to pray in schools is a fundamental right that should be enjoyed by all children. I do not wish to force anyone to hold my religious beliefs or participate in prayer if they choose not to—I only seek to allow those children to pray who wish to. And, Mr. President, I am not alone in this body or this great country in that belief. An overwhelming majority of our citizens support a constitutional amendment reinstating prayer in schools. Indeed, there are relatively more people in my State that support such a proposition than in any other State in the Union. It should be clear, however, that I am not simply trying to appease my constituents so that I might be reelected, but rather to accomplish what the people of this country believe to be a fundamental right that they have lost.

As Senator Dirksen put it during the course of hearings he conducted on the subject:

> We have had every sophisticated argument except an argument from the common man of this country, who was defined as one who works and prays and pays his bills and goes to church, rears his family in decency as law-abiding children. Strange, in all of this, we have not heard from any of those, and we are beginning to hear from him by the millions, and he is going to have his say.

I submit, Mr. President, that nothing since my father-in-law spoke those words has mitigated his observations—in fact, just the opposite.

There are several measures in the Senate dealing with this subject. The President, who reiterated his support for prayer in schools last Wednesday in the state of the Union, has proposed a constitutional amendment that would allow States to administer a program of voluntary school prayer. My colleague from South Carolina (Mr. THURMOND), along with Senators HATCH and GRASSLEY, has introduced a constitutional amendment that would allow States to institute a program of voluntary silent prayer. Both of these measures were reported by the Judiciary Committee earlier this week and are pending on the Senate calendar.

My amendment differs from these proposals in one fundamental way—it restores the right to prayer in schools and would form the basis for action if that right were denied to any individual. The other amendments would essentially leave it up to the States to decide if the children within their boundaries would be allowed to pray in schools. I have little doubt, given the popular support for prayer in schools, that most, if not all, of the States would take advantage of this right. However, Mr. President, I believe that prayer is such a fundamental right of our citizens that I would prefer to guarantee that right to each individual.

I certainly have no quarrel with the President or my colleagues in their initiatives. And it may well be that when I schedule debate on this subject later in this session, one of those propositions will be the vehicle for the debate and the vehicle that we send to the House. It is my hope that one of these constitutional amendments will be passed by both bodies this year and submitted to the States to begin the ratification process.

Mr. President, I ask unanimous consent that this proposed amendment be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 218

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.".

Mr. BAKER. Mr. President, I believe that concludes the announcements I can make this morning, and I now yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. It is my understanding under the agreement just reached by the gracious majority leader that I have 15 minutes, is that correct?

The PRESIDING OFFICER. The Senator is correct.

WHY THE PRESIDENT DOES NOT DESERVE CREDIT FOR THE LEVEL OF INFLATION

Mr. PROXMIRE. Mr. President, we have enjoyed a sharp and encouraging fall in inflation in the last 3 years. President Reagan has held office during the past 3 years. What if any connection is there between these two developments? The answer is none. The President, together with the Congress, has had responsibility for spending and taxing policies. The President proposes; the Congress disposes. It is an obvious fact of life that the President—any President—exerts about 75 percent of whatever effective legislative leadership we have in our Government. Congress can turn its back on an ineffective President but except for unusual circumstances we may have seen once or twice in the past 200 years, without Presidential leadership our legislative ship sits dead in the water. Congress more or less accepts the budget recommendations of most Presidents. With President Reagan, it has been more, not less. Mr. Reagan recommended reductions in nonmilitary spending. The Congress followed those recommendations very largely but not to the letter. The President recommended changes in Tax Code. The Congress followed the President's recommendations, chapter and verse. The President recommended increases in military spending, and the Congress reduced the recommended level of increases, but overall it appropriated about the same amount in total spending that the President had recommended.

Now, what was the result of all this? The result of these Presidential/congressional recommendations has been a fiscal disaster, an outrage. There is overwhelming agreement these colossal deficits will increase interest rates. Will they push up prices in the long run? Of course they will. What contribution did these deficits make to bringing inflation under control? The answer is absolutely none. This is an inflationary budget. It is a budget that has the stamp of President Reagan all over it. We deserve full credit or blame for the budget. But did it contribute to the slowdown in the rate of inflation? Obviously, of course not. No possible way. The fact is it is the most inflationary budget any President has ever advocated. The biggest economic accomplishment of the past 5 years has undoubtedly been bringing inflation under control. It is fair to say that it was achieved in spite of, not because of, the policies recommended by the President and adopted by the Congress. Maybe you ask, so what? You point out that inflation has come under control in spite of the big deficit and tens of millions of Americans are grateful to the President. Think of it: He has won a tax cut for the American people. He has built up the Nation's military strength. And whether he had anything to do with it or not, he was President when the rate of inflation fell more sharply than in any peacetime period in the history of our country.

A week or so ago, we had bitter cold here in Washington. Today it is beautiful and balmy outside. I was not here a week ago. I am here today. It is just as grotesque for me to take credit for this beautiful day as for the President to take credit for bringing inflation under control. Of course, if I were to claim credit for the fact that we have a beautiful and balmy day and it is no longer freezing, people would laugh and think I were joking. But the President takes credit for lowering inflation, and people accept it.

And he gets away with it. Certainly, the President cannot be blamed for rising inflation in his term of office. That is true. But it is true because there is an economic lag here. It may be a year or several years before we resume double-digit inflation. But these colossal deficits are sowing the seeds of a potential inflation. And in no way can these Reagan deficits win any credit for the temporary improvement in the inflation picture that we are now enjoying.

In fact, Mr. President, yesterday it was called to my attention that the Office of Management and Budget, the President's own Budget Director, told the Grace Commission to assume that over the next several years, the inflation rate will be 10 percent. That is the administration's estimate, quietly told to the Grace Commission. That was not released publicly, but it is a fact. So they admit that the inflation is going to be resumed.

It is logical, and I am sure the overwhelming majority of economists have agreed that these deficits are going to be an element in causing that 10 percent or more inflation.

In no way can these Reagan deficits win any credit for the temporary improvement in the inflation picture that we are now enjoying.

In fact it is laughable, a big fat joke, that we could even consider that an administration of a Congress responsible for our biggest deficits could have the monumental brass to claim credit for the fall in the inflation rate. The fact is that the President and the Congress had absolutely nothing, nothing, nothing, nothing to do with the improvement in inflation. In fact, the Federal Government has followed policies that will promote inflation in the future. If we have a serious explosion in inflation beginning in 1985 or 1986, it will be the policies of the Federal Government in the past 3 years that will have to take a big share of the blame for it. Perhaps the administration can take some credit for the pace of the drop in unemployment. Temporary as that is, it is, indeed, partly the fruit of a super stimulative fiscal policy. Certainly if there has been a significant improvement in the strength of our military, the administration can lay claim to it. But inflation? No way!

CAN WE VERIFY NUCLEAR EXPLOSIONS UNDERGROUND DOWN BELOW A SINGLE KILOTON?

Mr. PROXMIRE. Mr. President, expert opinion may differ on the critical issue of verifying Soviet nuclear testing. Some experts contend that while we could detect underground nuclear explosions below the present 150-kiloton level provided in the Nuclear Test Ban Treaty, there is some question whether we could detect tests below the 4- or 5-kiloton level.

Detection may depend on the proximity of the detection devices to potential explosion sites. If that is the case, we should simply negotiate with the U.S.S.R. the location of detection sites on the borders or, if necessary, inside the borders of the Soviet Union as well as the United States. Those detection sites could be manned by rotating groups of international monitors with sufficient balance in each inspection team so that both the United States and the Soviets could have vigorous representation. We should also press hard for unannounced on-the-spot inspection to follow up any indication of nuclear explosions.

Yes, indeed, such negotiations would be difficult, maybe impossible. Here is why: The Soviet Union is a closed society. They have refused to permit travel within their country even for their own citizens. The power of the ruling Communist elite in Russia depends on that elite maintaining control of travel and especially of intelligence of any kind, but especially about Soviet nuclear weapon activity. So why would they be willing to surrender such vital intelligence? The answer is that for both the United States and the Soviet Union, a treaty stopping the arms race is essential. In effect, it would guarantee that both countries remain the exclusive superpowers on Earth. That is not a bad motivation for the Soviet Union to agree to ending the arms race.

Even more important, it would greatly increase the chance of both countries surviving at all. This country has had many of its citizens and some of its leading officials deeply concerned about nuclear proliferation. Unfortunately, we have not been able to win sufficient support to this cause. We have not been able to place our country squarely and firmly on the side of stopping nuclear proliferation at any cost. In my judgment, that is a tragedy. Our Government itself has been blithely and carelessly scattering nuclear weapons materials and equipment about the world like a New Year's Eve drunk tossing away $20 bills. We have been providing nuclear materials and equipment as well as know-how to South Africa, to Argentina, to Brazil, to India, and to Pakistan, as well as to other countries. Has the Soviet Union done likewise? No. They have not permitted the export of any materials, equipment, or know-how that could be used to produce weapons. In part, this may be because the Soviet state controls every aspect of all production including nuclear production. They do not have the same profit motive, certainly not the profit motive that drives our defense contractors and motivates them to seek markets in other countries for the nuclear weapons they produce for our Government. But it is more than that, much more.

The Soviet Union holds its sway over many other Communist countries, except China, exactly because it does have the monopoly control of nuclear weapons, except for China. No small part of the Soviet's ability to intimidate a Poland, or a Hungary is the fact that the U.S.S.R. has the bomb and especially that the countries they dominate do not. Indeed, the Soviet's domination of Eastern Europe could vanish like a mist on a sunny morning if Eastern European countries had the kind of atomic arsenal that the United Kingdom and France possess.

So the Soviets have a special interest in stopping an arms race that could lead to the dissemination of small nuclear weapons and especially of cheap

nuclear weapons throughout the world. Of course, if the dissemination of small nuclear weapons would simply end the Communist domination of Eastern Europe and stop there, we could make a case for nuclear proliferation. Unfortunately, the proliferation of nuclear weapons will lead without question to a small-scale nuclear war which no one, in all likelihood, could end until it became a major nuclear war. Certainly terrorists would acquire such weapons. Certainly no city would be safe. Indeed, no human being would be safe. The hit man would have the supreme power. Retaliation would be impossible.

Unfortunately, hatred and desire for revenge are common human traits. We keep them in check with a law enforcement system that, however clumsily or long delayed, often brings punishment to the criminal. But once the terrorist acquires nuclear devices, he would have a new impregnability. Life on this Earth would be perilously close to an end in a wide variety of ways. Generations have had missions and responsibilities before. But never has any generation had a more vital responsibility than ours to stop the testing that lies at the heart of the technological nuclear arms race.

ELIE WIESEL: A DESERVING CANDIDATE FOR THE NOBEL PEACE PRIZE

Mr. PROXMIRE. Mr. President, earlier this week, it was my pleasure to join the senior Senator from New York in nominating Mr. Elie Wiesel for the 1984 Nobel Peace Prize.

This remarkable man has devoted his life to the cause for peace as a witness to the inhumanity of the world's most devastating war. Wiesel personifies the German concentration camp experience, reminding all races and peoples of the recent horrors of the Holocaust, and the prospects of genocide happening again.

In his million-selling memoir "Night," Wiesel writes:

> Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. . . . Never shall I forget those flames which consumed my faith forever. Never shall I forget that nocturnal silence which deprived me, for all eternity, of the desire to live.

But we learn not only of Holocaust atrocities from this survivor of anguish and agony, we also learn of singing and dancing in the face of heartache. We learn of the triumph of survival. We learn of the sacredness of human life. And we learn of the universal hope of peace.

In addition to having written over two dozen books, Wiesel chairs the U.S. Holocaust Memorial Council and has conducted a New York lecture series for 17 years.

He is an avid spokesman for peace, speaking out against the insanity of the nuclear arms race and against human rights violations around the globe. In addition, he has been an important voice of conscience for a world too prone to thoughtless and hasty action.

In a recent article on Wiesel in the New York Times magazine, David Halivni, a professor of religion at Columbia University illustrates this point:

> Since the Holocaust, we're convinced the universe is not the same. There is a blemish on creation and that blemish may lie dormant, but who knows when it will erupt and devour us? There is a crack in the earth hasn't healed. That notion sets survivors apart. And Elie gives it expression in literature.

The most important lesson Wiesel teaches us through his holocaust experience is that genocide is the most horrible crime committed against humanity, and that it must be guarded against in the future.

We have a chance to do our part by ratifying the Genocide Convention. We must make this heinous crime illegal under international law by putting the force of the United States behind it. We must add to the contributions of Elie Wiesel, a most deserving candidate for the Noble Peace Prize, by stating we will not tolerate any future crimes against humanity. Let us move promptly to ratify the Genocide Convention.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 98-162, appoints the following Senators to the Commission on the Eleanor Roosevelt Centennial: the Senator from New York (Mr. D'AMATO) and the Senator from New York (Mr. MOYNIHAN).

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

ADDRESS BY SENATOR THURMOND ON FOREIGN POLICY

Mr. BAKER. Mr. President, our distinguished colleague from South Carolina and the Senate's President pro tempore, Mr. THURMOND, recently made a major foreign policy address to the student body of Presbyterian College in his home State.

The address focused on the U.S. missile deployments in Western Europe, the spread of Communist insurrection in the Caribbean and Central America, and the conflict in Lebanon.

The importance and currency of Senator THURMOND's address makes it deserving of thoughtful attention by all Senators and other readers of the CONGRESSIONAL RECORD. I, therefore, ask unanimous consent that a copy of this address be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR STROM THURMOND

President Orr, Faculty, Students, Ladies and Gentlemen:

It is a great pleasure for me to be with you today on the beautiful campus of Presbyterian College. I always look forward to an opportunity to address future leaders of America, especially when the students have such a fine reputation for excellence as do those at P.C. I am proud to have been the recipient of an honorary Doctor of Laws degree from your fine institution in 1960 and feel a close bond of kinship with you.

This morning I want to discuss with you briefly three important foreign policy issues on which public attention is currently focused. These issues are the United States missile deployments in Western Europe, the spread of Communist insurrection in the Caribbean and Central America, and the conflict in Lebanon.

It has always been my belief that the first and most important responsibility of our Federal Government is the maintenance of a national defense sufficient to safeguard our precious freedom and to help keep the peace in areas of the world vital to our interests. In this regard, certainly there is no area of the world more important to our Nation than Western Europe, our largest trading partner and with whom we share a common heritage and love for freedom.

There are many Americans and Western Europeans who have serious misconceptions about the current program to deploy a total of 108 U.S. Pershing II ballistic missile launchers in West Germany and 464 U.S. ground-launched cruise missiles in five European countries. The Soviets and some well-intentioned, but nonetheless misinformed, West Europeans and Americans would have us believe that the United States is somehow forcing Europe to accept weapons which are both unnecessary and which will increase the likelihood of a nuclear war. The reality is very much to the contrary. These weapons are necessary as a deterrent, are being deployed at the specific request of our NATO allies, and will not increase the threat of nuclear war.

No informed person may dispute the fact that the U.S.S.R. presently enjoys clear cut conventional military superiority over the Atlantic Alliance. The Warsaw Pact has almost twice as many men in uniform as does NATO. They have twice as many ground force divisions, more than three times the number of main battle tanks and artillery, and almost six times as many fighter interceptors. Few dispute the widely held belief that Western Europe, if attacked, would be in danger of being quickly overcome by the conventional military might of the Soviets and Warsaw Pact members.

The best military minds agree that it has been the nuclear force of the United States and NATO which has thus far deterred the Soviets from exercising the military option against Western Europe. In 1978 the Soviet Union initiated a theater nuclear force mod-

ernization program which, if it is allowed to continue unchallenged, threatens the effectiveness of our deterrence. The most significant Soviet development has been the deployment of the SS-20 missile, with its three independent warheads.

Today, the Soviet Union possesses an intermediate nuclear force of over 200 SS-4 and SS-5 launchers and more than 300 mobile SS-20's, with a combined initial delivery capability of some 1,200 nuclear warheads. Of the total number of launchers, more than two-thirds are presently located within range of NATO.

Clearly, it is the Soviets, and not the United States and our NATO allies, who are seeking to destabilize the military balance in Western Europe. Without our new Pershing and cruise missiles, NATO will most assuredly relinquish its only viable measure of defense. Strength, not weakness, will guarantee peace. Until the Soviets are willing to sit down at the negotiating table and talk seriously about a reduction of their ominous missile threat to Western Europe, we have no viable, realistic choice but to proceed with the planned deployment of our missiles within the NATO defense system.

One of the greatest gifts we could give to our children and to future generations is a world free of the nightmare of nuclear war. No one yearns more than I for a world dedicated to the pursuit of humanitarian goals rather than mass destruction. The money we spend on weapons of war could be used to cure diseases, alleviate famine, educate our children, and improve our cities.

There should be no mistake about who truly seeks peace. The efforts of the Reagan Administration in arms reduction talks show conclusively that we are ready to begin the long, arduous process of disarming our nuclear arsenals and committing our efforts instead to prosperity for us and the rest of the world. We are waiting for the Soviets to join in this effort.

The Soviets, however, continue to pursue a policy of expansionism and world domination. The Soviet Union alone has close to 125,000 military advisory personnel stationed throughout the globe. Soviet military presence is evident in at least three Latin American countries, eleven Central and Southern African countries, five Mideast and North African countries, and three Asian countries. The Soviet subjugation of Afghanistan also continues to be pursued.

CENTRAL AMERICA

The spread of Communist insurrection in the Western Hemisphere should be of grave concern to the United States. Few people realize that Nicaragua and El Salvador are closer to Texas and Florida than those two states are to New York. The Reagan Administration remains dedicated to promoting democratic forms of government and fostering the social and economic betterment of the people in the Caribbean and Central America.

That was one of the primary reasons for the October 1983 rescue mission in Grenada. American Armed Forces entered Grenada because the island was without a government. Two successive Communist-linked, Cuban-supported military coups had replaced a democratic government and jeopardized the lives of about 1,000 American citizens. Today, the United States is not suffering from the humiliation of another Iranian-type hostage situation in Grenada because our President was willing, when it proved absolutely necessary, to act quickly and appropriately to protect American citizens and interests.

Critics of the Reagan Administration state that the United States influence in Central and Latin America has prevented democratic development and that the spread of Marxist/Leninist regimes is part of the unavoidable tide of history. The fact is that the trend toward democracy has continued in that part of the world to our South. Among the 32 independent states of Latin America and the Caribbean, 17 are now democratic. Since 1978, at least five countries have made a peaceful transition from military regimes to elected democratic governments. Argentina provides the latest example.

Critics charge that current U.S. policies are weighted too much toward a military solution of the problems of Central America. The facts are that the Soviets are giving 10 times as much military assistance to Cuba and Nicaragua as we are providing to all of Latin America. Three out of four dollars the Reagan Administration has sought for El Salvador have been for economic aid. Clearly, the failure of the Communist-backed insurgents in El Salvador to lay down their arms and participate in free and open elections shows that it is they who are determined to pursue a military course, just as the Sandinistas were determined to pursue in Nicaragua. Nevertheless, we continue to use every reasonable means available to encourage a peaceful resolution that will allow the people of El Salvador to control their own destiny.

I firmly believe that or governmental leaders have an obligation to educate the American people on the threat posed by the Soviet Union, Cuba, and Nicaragua. These countries are determined to develop military superiority in the region and to promote terrorism and insurrection.

Americans cannot ignore the pleas for help from nations under siege. We are a global power and have global responsibilities. Whether it be Grenada, El Salvador, or Lebanon, we must not shirk from our duty to assist those nations which request our aid in the fight for freedom, especially when it is clearly in our own best interests to offer such assistance.

LEBANON

Lebanon, a country plagued by war for many years, craves peace. It is only natural that the Lebanese would turn to the United States for help. The United States has been a peacemaker in the Middle East for many years. We helped negotiate the disengagement agreements between Egypt and Israel, as well as the 1974 agreement between Israel and Syria. Our country was and remains a mediator in the agreement between Israel and Lebanon.

Our current policy in Lebanon is aimed at helping the Lebanese to save their country as a free and independent State. Our purpose in participating in the Multinational Peacekeeping Force is to assist the Lebanese Government in extending its sovereign authority throughout the country, with the withdrawal of all foreign forces. A stable, democratic Lebanon, free of foreign forces, is vital not only to Israel and the moderate Arab states, but to our own security and that of the other industrialized democracies as well.

There are, to be sure, inherent dangers in playing the role of peacemaker. Two hundred and fifty eight Americans have paid the supreme price for a reunited Lebanon. I fervently hope and pray that those Americans who have lost their lives for Lebanon are the last to do so.

Some of my colleagues in Congress are now calling for an immediate American withdrawal from the Multinational Peacekeeping Force. While I obviously share a desire for our Marines to return home as soon as possible, we must not forget the purpose for which they have served as members of the Multinational Force. Nor can we ignore the message of encouragement which a unilateral withdrawal would send to terrorists, the Syrians (who have countenanced terrorist attacks from behind their lines), and the Soviets (who are supplying the Syrians with arms). Moreover, I have always believed that the President of the United States, regardless of his party affiliation, should be given broad latitude in conducting a unified international policy for the government and citizens of this great nation. If we project the image of being weak and divided at home, then our foreign policies have little chance of succeeding abroad. It is just that simple.

I am hopeful that our servicemen will be able to return home soon. However, now is not the time to undermine the President and our negotiators in the Middle East by withdrawing support for our policy toward Lebanon. We must prove to the proponents of radicalism throughout the world that the quest for a comprehensive and just peace will not be abandoned because of attacks on those seeking to promote peace, and we must pursue the goal of peace in the Middle East with renewed vigor.

CONCLUSION

In conclusion, let me state that I fully realize that the issues of foreign policy and military preparedness are often matters of controversy about which reasonable people can differ. Certainly there is no better forum for debate and discussion concerning important issues of the day than the college environment.

As the debate proceeds, however, we must not lose sight of the great common bond, hopes, and aspirations which all of us share as Americans. We yern for peace, freedom, security, and opportunity, and we wish other peoples of the world to enjoy these same precious values.

I believe that, for the most part, the foreign policy course which President Reagan and our government have set out is in the best interests of our Nation. It is a foreign policy course which works to reestablish an effective military deterrent, ultimately reduce the threat of nuclear war, actively counter terrorism and insurrection, and promote world peace. With your interest and support, not only the future of our Country, but of all mankind will indeed be bright.

Thank you for the opportunity to speak with you today. May God bless each of you.

GSA INTENTION TO SELL MONTAUK AIR FORCE BASE

Mr. MOYNIHAN. Mr. President, I should like to address a matter of very great concern to the people of the State of New York, and, I dare think, to the people of the United States. That is the intention, incredible as it may seem, of the General Services Administration to sell at public auction the Montauk Air Force Base at the eastern tip of Long Island, abutting the Montauk Lighthouse, which is one of the most prominent and well-known landmarks of our Nation.

Mr. President, in spite of extraordinary efforts by Congress to encourage the General Services Administration to give surplus property to State and local governments for public purposes, the GSA refuses. In spite of legislation I have introduced to direct that it be done, the GSA refuses.

The New York State Office of Parks and Recreation offered to give to the National Park Service a portion of Fire Island, that long reef that extends out to Montauk on the Atlantic side of Long Island which the Park Service wants. There is a gap in the National Park on Fire Island. It is one of the few National Parks we have, the only of any size. That property is probably worth at market price three times the value of Montauk.

All we are saying is we will give to the Federal Government this piece of land we own if you will give us the piece of land you own, which is adjacent to a State park. We have a State park, a national park. It is sensible, good government. But not sensible to the GSA, which seems in this matter to have lost its senses.

More important, Mr. President, I state with great caution but genuine concern there is an issue of possible fraud in the brochure that the General Services Administration has sent out in the thousands for the sale of this property.

It says "Montauk Air Force Station, town of East Hampton, Suffolk County, N.Y., Public Auction, 11 a.m. in room 112, 26 Federal Plaza, New York, N.Y., on February 8, 1984."

Mr. President, this Congress has gone to some lengths to enact truth-in-advertising statutes for the private sector. This is an advertisement, an advertisement of a sale and I say to you there is a pronounced and altogether unacceptable misstatement of fact in this brochure.

It states, according to information provided by the town of East Hampton, the property lies in an area zoned for single-family detached residential use with a minimum lot size of 2 acres. In other words, this is a valuable developers prize, the most prominent land in the United States for sale, 2-acre lots, half-million dollar homes, lots of money to be made, excepting it is not true.

I know the distinguished Presiding Officer has the greatest concern in our dealings in the committee, which we share, with the General Services Administration and their shocking mismanagement of public buildings policy and often now, it turns out, of public properties, but we have not yet found them misrepresenting the facts. The fact is, Mr. President, that the town of East Hampton under the leadership of Councilman Tony Bullock, and others, have some time ago rezoned this property to the standard of a park and conservation district.

You may not put up a gazebo on this property. It is for park and for conservation.

And the GSA is proposing to sell it as if it could be developed to family housing.

Mr. President, there really does arise a question of integrity here.

Mr. President, I ask unanimous consent to have printed in the RECORD this brochure announcing the sale and the description from the statutes of the town of East Hampton of a park and conservation district.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[GSA]

PUBLIC AUCTION OF GOVERNMENT PROPERTY

MONTAUK AIR FORCE STATION, TOWN OF EAST HAMPTON, SUFFOLK COUNTY, N.Y.

A public auction will be conducted at 11:00 a.m. in Room 112, 26 Federal Plaza, New York, New York on February 8, 1984.

Only the highest bid received at the auction will be considered for award.

This Invitation for Bids is issued subject to, and bids submitted pursuant to this Invitation for Bids must be in compliance with and subject to, the provisions of this Invitation for Bids, including the Schedule portion thereof, and (1) the General Terms of Sale; (2) the Instructions to Bidders and (3) the Provisions of the Bid Form and Acceptance, all of which are attached to this Invitation for Bids and by this reference made part thereof.

Prospective bidders are urged to inspect the property before submitting an offer. The property may be inspected on week days by appointment made 24 hours in advance. Arrangements may be made by contacting the caretaker at the site at 516-668-2321, the New York Field Office, Disposal Division, Office of Public Buildings and Real Property, General Services Administration at 212-264-2650, or the Boston Regional Office, Disposal Division, Office of Public Buildings and Real Property at 617-223-2651.

[For Sale: Public Auction—Government Real Property—Invitation number GS-01-DR-E-4-0108—Name of property, Montauk Air Force Station—Location, Town of East Hampton, Suffolk County, N.Y., Consisting of Approximately 278.86 acres of fee land and Improvements, as described in the attached invitation for bids]

Date: February 8, 1984; Time: 11 a.m. local time; Location: Room 112, 26 Federal Plaza, New York, N.Y.

PUBLIC AUCTION, INVITATION FOR BIDS, BID AND ACCEPTANCE FOR SALE OF GOVERNMENT PROPERTY—INVITATION NO.: GS-01-DR-E-4-0108

SCHEDULE

Location and description

The property offered for sale consists of an irregularly-shaped parcel of fee land comprised of approximately 277.81 acres at the Main Station and 1.05 acres of the adjoining Housing Area. Improvements consist of 61 buildings containing 163,011 square feet of space in aggregate, including 23,914 square feet of dormitory space and 2,194 square feet of administrative space. The property is also improved with an electric generating plant, central overhead steam heating plant, wells, water treatment plant, sewage treatment plant, roads, walkways, fencing, utility distribution systems, and other miscellaneous facilities. About ⅓ of the site has been developed and intensively used while the remaining ⅔ of the property is covered with dense foliage and trees.

The property lies along the south side of Montauk Highway and north of Old Montauk Highway, in the Village of Montauk, the last incorporated village on the south fork of Long Island. Montauk is situated in the Town of East Hampton, about 106 miles from New York City. The Station lies roughly 500 feet from the shore of the Atlantic Ocean and is separated from it by New York State parkland.

According to information provided by the Town of East Hampton, the property lies in an area zoned for single-family detached residential use with minimum lot size of two acres. This information is furnished pursuant to Section 803 of the Federal Property and Administrative Services Act of 1949, as amended. The Government does not guarantee that this zoning information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in the above zoning information shall not be cause for the adjustment or recission of any contract resulting from this Invitation for Bids or Sales Agreement. Verification of the present zoning of the property and determination of the permitted uses thereunder, along with the conformance of the property therewith for present or any proposed future use, shall be the responsibility of the bidder. Bidders are urged to contact appropriate Town of East Hampton officials to obtain information on present zoning or any contemplated changes in zoning.

Utilities

Utilities were supplied by the Station's self-contained infra-structure. Potable water was provided by on-site wells which suffer from intermittent salt intrusion. In addition to a water distribution system, the Station possesses storage capacity of 150,000 gallons of water and a back-up supply of 5,000 gallons in the water treatment plant. The sewage system is a secondary treatment facility consisting of a scum pit, clarifying trickle filter, pump pit and chlorine detention chamber. The resulting wet sludge was pumped through a pipeline with an Atlantic Ocean outfall. Electricity can be obtained from the Station's electric power station which includes four generators or from the Long Island Lighting Company. Telephone service is supplied by the New York Telephone Company.

The Government makes no representation or guarantee that existing utility systems are in a condition to be used for the purposes intended. Procurement of utility service is the responsibility of the successful bidder.

Small portions of the property have been designated as wetlands by the Department of the Interior. Consequently, use of the property will be subject to Federal, State and local regulations regarding wetlands, including but not limited to the Federal Clean Water Act, the State of New York Freshwater Wetlands Act and Protection of Water Laws Act, and the Town of East Hampton Zoning Ordinance.

Since the property lies within the coastal zone as defined by New York State, use of the property will also be governed by the Coastal Zone Management Act of 1972, and the New York State Coastal Management Program.

MONTAUK AIR FORCE STATION SCHEDULE
METES AND BOUNDS DESCRIPTION

PARCEL NO. 1 (MAIN STATION)

All that tract or parcel of land situated in the Town of East Hampton, County of Suffolk, State of New York, and more particularly described as follows:

Beginning at a New York State monument at coordinates N 313,417.161, E 2,583, 590.997 in the Long Island Lambert coordinates system; proceeding thence N 52° 39' 29" E 720.79 feet to a New York State monument; thence northeasterly along a curve to the right 620.095 feet to a point; thence along the boundary of the Family Housing Area the following nine (9) courses: (1) S 03° 46' 36" E, 506.10 feet along the easterly line of the access road right-of-way to a point; (2) S 03° 04' 09" W, still along said line, 387.06 feet to a point; (3) N 59° 50' 49" E, 438.53 feet to a point; (4) N 49° 53' 20" E, 228.16 feet to a point; (5) N 68° 31' 22" E, 1099.33 feet to a point (6) N 01° 21' 19" E, 317.09 feet to a point; (7) N 47° 00' 29" E, 242.85 feet to a point; (8) N 12° 24' 38" E, 229.45 feet to a point; (9) N 25° 06' 00" W, 74.97 feet to a point; thence northeasterly along a curve to the right 300.92 feet to a New York State monument; thence N 76° 42' 56" E, 592.66 feet to a ¾-inch pipe; thence S 14° 27' 54" W, 257.53 feet to a ¾-inch pipe; thence southeasterly along a curve to the left 201.999 feet to a point; thence southeasterly along a curve to the left 118.665 feet to a point; thence S 89° 25' 40" E, 386.84 feet to a ¾-inch pipe; thence S 87° 09' 57" E, 190.31 feet to a monument; thence S 80° 03' 07" E, 203.39 feet to a monument; thence southeasterly along a curve to the left 141.438 feet to a point; thence N 89° 22' 22" E, 147.29 feet to a monument; then southeasterly along a curve to the right 189.159 feet to a point; thence S 45° 24' 07" E, 204.26 feet to a point; thence S 64° 18' 09" W, 210.51 feet to a point, S 77° 01' 59" W, 66.03 feet to a point; thence S 35° 32' 22" W, 259.35 feet to a point; thence S 04° 58' 15" E, 57.22 feet to a point; thence S 28° 08' 11" E, 63.53 feet to a point; thence S 29° 42' 00" E, 215.60 feet to a monument; thence S 27° 15' 10" E, 374.70 feet to a monument; thence along the northerly line of the Old Montauk Highway right-of-way the following twenty-seven courses; (1) S61°34'12"W, 257.77 feet to a monument; (2) S53°01'02"W, 129.07 feet to a monument; (3) S39°34'00"W, 82.44 feet to a stake; (4) S06°09'28"E, 126.49 feet to a stake; (5) S37°20'48"W, 172.47 feet to a stake; (6) S20°54'35"W, 261.96 feet to a stake; (7) S46°26'28"W, 386.62 feet to a stake; (8) S65°59'52"W, 286.11 feet to a stake; (9) S44°15'25"W, 206.78 feet to a pipe in concrete; (10) S49°50'42"W, 176.47 feet to a stake; (11) S66°18'31"W, 146.98 feet to a stake; (12) S74°26'00"W, 134.78 feet to a stake; (13) N81°57'36"W, 153.96 feet to a stake; (14) S73°20'21"W, 170.01 feet to a stake; (15) S89°32'29"W, 200.93 feet to a stake; (16) S80°49'02"W, 111.08 feet to a ½-inch pipe; (17) S52°08'28"W, 97.89 feet to a stake; (18) S70°00'08"W, 70.57 feet to a stake; (19) S80°50'42"W, 165.21 feet to a stake; (20) S36°48'22"W, 75.01 feet to a stake; (21) S23°36'36"W, 51.23 feet to a stake; (22) S09°11'11"W, 238.94 feet to a stake; (23) S00°50'04"W, 45.85 feet to a stake; (24) S09°24'33"E, 227.38 feet to a stake; (25) S07°11'08"E, 46.95 feet to a stake; (26) S38°47'58"W, 61.06 feet to a stake; (27) S77°21'35"W, 80.49 feet to a ½-inch pipe; thence N39°34'53"W, 2597.2182 feet to a point; thence N50°24'11"E, 400.00 feet to a stake; thence N39°35'23"W, 1441.22 feet to the point of beginning.

Containing 281.85 acres, more or less.

PARCEL NO. 2 (PORTION OF TRACT "F")

All that tract or parcel of land situate in the Town of East Hampton, County of Suffolk, State of New York, and more particularly described as follows:

Beginning at Corner No. 1, a point on the southerly side of the right-of-way of Old Montauk Highway; thence N64°51'23"E along the southerly side of the right-of-way of Old Montauk Highway 50.52 feet; thence S16°53'25"E, 110.88 feet; thence S73°06'35"W, 150.00 feet; thence N16°53'25"W, 110.88 feet; thence N81°21'47"E along the southerly side of the right-of-way of Old Montauk Highway 75.78 feet; thence N64°51'23"E along the southerly side of the right-of-way of Old Montauk Highway 25.26 feet to Corner 1 or point of beginning.

Containing 0.35 of an acre, more or less.

PARCEL NO. 4 (SEWAGE OUTFALL EASEMENT)

All that tract or parcel of land situate in the Town of East Hampton, County of Suffolk, State of New York, and more particularly described as follows:

Beginning at a point in the centerline of the right-of-way of Old Montauk Highway known as Point C having coordinate values of N312,110.24 and E2,588,342.95 in the Long Island Lambert System as established by the Coast and Geodetic Survey in this area and shown on Map File FNY 19 dated April 1941 thence S25°00'00"E, 40.70 feet to a point (cor. 1) on the southerly side of the right-of-way of Old Montauk Highway, said point being the point of beginning; running thence east along the southerly side of the right-of-way of said highway along a curve to the right 90.08 feet having a radius of 855.12 feet, thence east along the southerly side of the right-of-way of said highway along a curve to the right 56.99 feet, having a radius of 855.12 feet, thence east along the southerly side of said highway along a curve to the right 82.13 feet, having a radius of 855.12 feet, thence S25°00'00"E, 238 feet to the shore of the Atlantic Ocean, thence running 216 feet, more or less, along the MHW line of the Atlantic Ocean, thence N25°00'00"W, 211.30 feet to Corner 1.

Containing 1.6 acres, more or less.

Reserving to the U.S. Coast Guard the right to review and approve any new construction within a radius of one thousand (1,000) feet, and use of existing structures or buildings within four hundred (400) feet from a point whose coordinate values are N313, 673 and E2, 589, 795 and a point whose coordinate values are N313, 960 and E2, 589, 707 and a point whose coordinate values are N313, 745 and E2, 589, 530, that may effect the radiation pattern, radiated power, or result in increased receive noise.

Deleting there from, Parcel A, described as follows:

All that certain part, piece or parcel of land lying, being and situate at Montauk Point, Town of East Hampton, County of Suffolk and State of New York.

And being, more particularly, bounded and described as follows:

Beginning at a point on the division line between Land of the United States Government) Montauk A.F.S.) and the Housing Areas Site (Montauk A.F.S.), said Point of Beginning being distant the following four (4) courses and distances from a point on the southerly side of Montauk Point State Boulevard (N.Y.S. Rout 27) where the same is intersected by the division line between Land of the United States Government (Montauk A.F.S.) and Land of Montauk Point State Park:

(1) South 76° 42' 56" West, 592.66 feet.

(2) Along the arc of a curve bearing to the right, having a radius of 2,714.93 feet, a distance of 300.92 feet.

(3) South 25° 06' 00" East, 74.97 feet.

(4) South 12° 24' 38" West, 229,45 feet.

Running thence from said Point of Beginning southerly and westerly, within Land of the United States Government (Montauk A.F.S.), the following three (3) courses and distances:

(1) South 12°24'38" West, 631.58 feet.

(2) South 71°12'54" West, 1,286.45 feet.

(3) North 86°22'43" West, 25.88 feet to a point.

Running thence easterly and northerly, along the division line between Land of the United States Government (Montauk A.F.S.), and the Housing Area Site (Montauk A.F.S.), the following four (4) courses and distances:

(1) North 49°53'20" East, 224.06.

(2) North 68°31'22" East, 1,099.33 feet.

(3) North 1°21'19" East, 317.09 feet.

(4) North 47°00'29" East, 242.85 feet to the Point or Place of Beginning.

Containing Within Said Bounds 4.390 Acres.

Conveyance of the property listed in this schedule is subject to a permanent access easement granted to the Town of East Hampton and described as follows:

All that certain part, piece or parcel of land lying, being and situate at Montauk Point, Town of East Hampton, County of Suffolk and State of New York.

Being, more particularly, bounded and described as follows:

Beginning at a point on the division line between Land of the United States Government (Montauk A.F.S.) and the Housing Area Site (Montauk A.F.S.), said Point of Beginning being distant the following six (6) courses and distances from a point on the southerly side of Montauk Point State Boulevard (N.Y.S. Route 27) where the same is intersected by the division line between Land of the United States Government (Montauk A.F.S.) and Land of Montauk Point State Park:

(1) South 76° 42' 56" West, 592.66 feet.

(2) Along the arc of a curve bearing to the right, having a radius of 2,714.93 feet, a distance of 300.92 feet.

(3) South 25° 06' 00" East, 74.97 feet.

(4) South 12° 24' 38" West, 861.03 feet.

(5) South 71° 12' 54" West, 1,286.45 feet.

(6) North 86° 22' 43" West, 448.63 feet.

Running thence from said Point of Beginning northerly, within Land of the United States Government (Montauk A.F.S.), the following three (3) courses and distances:

(1) North 3° 37' 17" East, 84.00 feet.

(2) Along the arc of a curve bearing to the left, having a radius of 800.00 feet, a distance of 107.50 feet.

(3) North 4° 04' 39" West, 441.48 feet to the southerly side of Montauk Point State Boulevard (N.Y.S. Route 27).

Running thence easterly, along said southerly side of Montauk Point State Boulevard (N.Y.S. Route 27), along the arc of a curve bearing to the right, having a radius of 1,283.267 feet, a distance of 54.46 feet to a point;

Running thence southerly, along the division line between Land of the United States Government (Montauk A.F.S.) and the Housing Area Site (Montauk A.F.S.), the following two (2) courses and distances:

(1) South 3° 46' 36" East, 506.10 feet.

(2) South 3° 04' 09" West, 140.42 feet to a point.

Running thence westerly, within Land of the United States Government (Montauk A.F.S.), North 86°22'43" West, 52.89 feet to the Point or Place of Beginning.

Containing Within Said Bounds 0.775 Acres.

Conveying further—the remaining portion of Housing Area, Montauk Air Force Station.

All that certain part, piece or parcel of land lying, being and situate at Montauk Point, Town of East Hampton, County of Suffolk and State of New York,

Being, more particularly, bounded and described as follows:

Beginning at a point on the division line between Land of the United States Government (Montauk A.F.S.) and the Housing Area Site (Montauk A.F.S), said Point of Beginning being distant the following six (6) courses and distances from a point on the southerly side of Montauk Point State Boulevard (N.Y.S. Route 27) where the same is intersected by the division line between Land of the United States Government (Montauk A.F.S.) and Land of Montauk Point State Park:

(1) South 76°42'56" West, 592.66 feet.

(2) Along the arc of a curve bearing to the right, having a radius of 2,714.93 feet, a distance of 300.92 feet.

(3) South 25°06'00" East, 74.97 feet.

(4) South 12°24'38" West, 861.03 feet.

(5) South 71°12'54" West, 1,286.45 feet.

(6) North 86°22'43" West, 25.88 feet.

Running thence from said Point of Beginning southerly, along the division line between Land of the United States Government (Montauk A.F.S.) and the Housing Area Site (Montauk A.F.S.), the following two courses and distances:

(1) South 49°53'20" West, 4.11 feet.

(2) South 59°50'49" West, 438.53 to a point.

Running thence northerly, along the division line between Land of the United States Government (Montauk A.F.S.) and the Housing Area Site (Montauk A.F.S.), North 3°04'09" East, 246.64 feet to a point;

Running thence easterly, South 86°22'43" East, 369.86 feet to the Point of Place of Beginning.

Containing Within Said Bounds 1.051 Acres.

The entire property described in this schedule is offered for sale together with the appurtenances and improvements thereon and all the estate and rights of the Grantor in and to said premises.

The sale and conveyance of the entire property offered for sale shall be made subject to the following:

1. Subject to existing easements for public roads and utilities, railroad and pipelines, shown and/or not shown of record.

2. Subject to any state of facts that may be disclosed by a physical examination of the property.

3. Subject to any state of facts that an accurate and adequate survey of the premises may disclose.

4. Subject to all Federal, State and local regulations regarding wetlands.

GENERAL TERMS OF SALE, PUBLIC AUCTION

1. TERM—"INVITATION FOR BIDS"

The term "Invitation for Bids" as used herein refers to the foregoing Invitation for Bids, and its schedule; the Instructions to Bidders; the general terms of sale set forth herein; and the provisions of the Bid Form, and Acceptance; all as may be modified and supplemented by any addenda that may be issued prior to the time fixed in the Invitation for Bids for the Auction.

2. DESCRIPTION IN INVITATION FOR BIDS

The descriptions of the property set forth in the Invitation for Bids are believed to be correct, but any error or omission shall not constitute grounds or reason for nonperformance of the contract of sale or claim by purchaser for allowance, refund, or deduction from the purchase price.

3. CONDITION OF PROPERTY

The property is offered for sale and will be sold "As Is" and "Where Is" without representation, warranty, or guaranty as to quantity, quality, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose for which intended, and no claim for any allowance or deduction upon such grounds will be considered after the auction.

4. CONTINUING OFFERS

The high bid received shall be deemed to be a continuing offer after the date of the auction for 90 calendar days, unless the bid is accepted or rejected by the Government before the expiration of the specified number of calendar days. If the Government desires to accept a bid after the expiration of the specified number of calendar days, the consent of the bidder shall be obtained prior to such expiration.

5. TERMS

a. Upon acceptance by the Government, said acceptance to be subject to antitrust and credit clearances as specified in the General Terms of Sale, the successful bidder agrees to deposit 10% of the bid price as an earnest money deposit. The said 10% earnest money deposit shall be in the form of certified or cashier's checks, and shall be paid to the General Services Administration within 10 calendar days of the Government's conditional acceptance of the offer to purchase. At the time of sales closing, all monies paid by the purchaser will be credited, without interest, toward the total purchase price or down payment if a credit sale is authorized.

b. Bids to purchase the property may be for cash or on credit. In the event a credit sale is proposed, an extension of credit will be on the following terms:

(1) A cash down payment of not less than 25% of the purchase price, with a balloon note payment of the balance of the purchase price due and payable in or within three (3) years of the date of closing.

(2) Quarterly interest on the unpaid balance of the purchase price will be due and payable during the term of the balloon note. Interest rate to be computed based on the yield of ten (10) year United States Treasury maturities as reported by the Federal Reserve Board in "Federal Reserve Statistical Release H.15" plus 1½% rounded to the nearest one-eighth percent (⅛%) as of the date of acceptance of the bid by the Government.

6. RISK OF LOSS

As of the date of conveyance the bidder assume responsibility for care and handling and all risks of loss or damage to the property and have all obligations and liabilities of ownership.

7. INSURANCE

a. In the event a bid to purchase on credit terms is accepted, the successful bidder shall procure and maintain insurance at his expense during the term credit is extended as of the date of conveyance, for the benefit of the Government in such kinds and amounts as may be required by the Government.

b. Fire, extended coverage, and vandalism and malicious mischief insurance shall be maintained on the real and personal property covered by the bid, and such other property insurance as required to protect the Government's interest, and shall be in such amounts which, after taking into account the coinsurance provision, if any, of the insurance policies, will protect the unpaid indebtedness. All property insurance policies furnished in connection with credit sales shall be written in the name of the bidder, but shall name General Services Administration, as loss payee under a Standard Mortgage Clause (noncontributing) for real property and as a loss payee for personal property.

c. Insurance required by the Government shall be in companies acceptable to the Government and shall include such terms and provisions as may be required to provide coverage satisfactory to the Government. The original insurance policies or binders of insurance for the required insurance shall be provided as of the date of closing of the sale and all insurance policies or binders shall include a thirty (30) calendar day notice of cancellation to GSA.

d. Information concerning insurance requirements will be furnished by the Office of Administration, General Services Administration issuing office, J. W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

8. CONDITIONS APPLICABLE TO CREDIT SALES

a. In the event bid to purchase on credit terms is proposed, financial data, references, and such other information as may be requested by the Government, shall be promptly furnished by the bidder.

b. No bid will be considered that proposes either a down payment in an amount less than the minimum requirements as stated in 5a above, or a greater period of time for payment than as stated in 5a above.

c. The Government's acceptance of any bid to purchase on credit terms may be rescinded by the Government, in the event of an adverse finding by the Government as to the bidders financial responsibility, without liability on the part of the Government other than to return the earnest money deposit without interest.

d. Contemporaneously with the delivery to the successful bidder of documents conveying the property purchased, he shall execute and deliver to the Government:

(1) A bond or note, in the form and substance satisfactory to the Government, evidencing his obligation for payment of the balance of the purchase price; and

(2) A purchase money mortgage, vendor's lien and mortgage, or deed of trust, in conformity with the practice of the State in which the property is located, the document in any case, however, to be in the form and substance satisfactory to the Government, and in any event to include:

(a) A restriction against sale, lease (unless the property was offered without leasing restrictions), or other disposition of the mortgage property or any part thereof without prior written consent of the Government;

(b) A requirement for provisions of insurance coverage satisfactory to the Government as to types or risks, amounts, and insurers;

(c) A provision that the principal obligation may be prepaid in full, or in part, at any time, without penalty;

(d) A provision that partial payments made in advance of the scheduled payment

shall be applied against the principal obligation in inverse order of maturity; and

(e) Agreement on the part of the mortgagor to allowance of reasonable attorneys' fees and costs to the Government in the event of foreclosure, and to a deficiency judgment (where not prohibited by State law) after foreclosure sale or exercise of power of sale in the mortgage.

e. Interest shall be computed in accordance with 5b above.

ANTITRUST LAWS

The contract made by acceptance of a bid by the Government may be transmitted to the Attorney General of the United states for his advice as to whether the sale would tend to create or maintain a situation inconsistent with the antitrust laws. The acceptance of any bid by the Government may be rescinded by the Government, in case unfavorable advice is received from the Attorney General, without liability on the part of the Government other than to return all monies paid by the purchaser, without interest.

10. REVOCATION OF BID AND DEFAULT

In the event of revocation of a bid after the auction but prior to acceptance, or in the event of revocation of a bid after notice of acceptance, or in the event of any default by the successful bidder in the performance of the contract of sale created by such acceptance, or in the event of failure by the successful bidder to consummate the transaction, the deposit, together with any payments, subsequently made on account may be forfeited at the option of the Government, in which event the bidder shall be relieved from further liability, or without forfeiting the said deposit and payments, the Government may avail itself of any legal or equitable rights which it may have under the bid or contract of sale.

11. TITLE EVIDENCE

Any title evidence which may be desired by the successful bidder will be procured by him at his sole cost and expense. The Government will, however, cooperate with the successful bidder or his authorized agent in this connection, and will permit examination and inspection of such deeds, abstracts, affidavits of title, judgements in condemnation proceedings, or other documents relating to the title of the premises and property involved, as it may have available. It is understood that the Government will not be obligated to pay for any expense incurred in connection with title matters or survey of the property.

12. TITLE

If a bid for the purchase of the property is accepted, cnnveyance of the Government's interest therein will be made by a good and sufficient deed without warranty, express or implied.

13. TENDER OF PAYMENT AND DELIVERY OF INSTRUMENT OF CONVEYANCE

The successful bidder shall on a mutually agreeable date not later than 90 days after acceptance of the bid, or such longer period as may be agreed upon in writing, tender to the Government the balance of the purchase price (if a cash sale), or (if a credit sale) the successful bedder shall pay the balance of the down payment, and shall execute and deliver to the Government the instruments described in 8d, above, and furnish evidence of insurance coverage. Upon such tender being made by the successful bidder, the Government shall deliver to the successful bidder the instrument, or instruments, of conveyance.

If the successful bidder fails to tender to the Government the balance of the purchase price if a cash sale, or, if a credit sale, the balance of the downpayment, and execute and deliver to the Government the instruments described in 8d, above, and in case of a credit sale to furnish evidence of insurance coverage within 90 days of acceptance of the bid, then the Government shall have the option whether to terminate the contract for default pursuant to section 10 and keep the deposit and other payments or whether to charge interest on the outstanding balance until such time as the conditions of sale are fulfilled by the successful bidder, or until the Government determines the successful bidder has defaulted. The interest rate shall be determined as in section 5. (2) above.

14. DOCUMENTARY STAMPS AND COST OF RECORDING

The successful bidder shall pay all taxes imposed on this transaction and shall obtain at his own expense and affix to all instruments of conveyance and security documents such revenue and documentary stamps as may be required by Federal and local law. All instruments of conveyance and security documents shall be placed on record in the manner prescribed by local recording statutes at the successful bidder's expense.

15. CONTRACT

The Invitation for Bids, and the bid when accepted by the Government, shall constitute an agreement for sale between the successful bidder and the Government. Such agreement shall constitute the whole contract to be succeeded only by the formal instruments of transfer, unless modified in writing and signed by both parties. No oral statements or representations made by, or for, on behalf of either party shall be a part of such contract. Nor shall the contract, or any interest therein, be transferred or assigned by the successful bidder, without consent of the Government, and any assignment transaction without such consent shall be void.

16. OFFICIALS NOT TO BENEFIT

No member of or delegate to the Congress, or resident commissioner, shall be admitted to any share or part of the contract of sale or to any benefit that may arise therefrom, but this provision shall be construed to extend to the contract of sale if made with a corporation for its general benefit.

17. COVENANT AGAINST CONTINGENT FEES

The successful bidder warrants that he has not employed or retained any person or agency to solicit or secure this contract upon any agreement or understanding for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract without liability or in its discretion to recover from the successful bidder the amount of such commission, percentage, brokerage, or contingent fee in addition to the consideration herewith set forth. This warranty shall not apply to commissions payable by the successful bidder upon the contract secured or made through bona fide established commercial agencies maintained by the successful bidder for the purpose of doing business. "Bona fide established commercial agencies" has been construed to include licensed real estate brokers engaged in the business generally.

18. OFFERS

Any bid accepted hereunder and any contract resulting therefrom shall be binding upon the bidder, his heirs, executors, administrators, assigns, representatives or successors in interest.

INSTRUCTION TO BIDDERS, MONTAUK AIR FORCE STATION, INVITATION NO. GS-01-DR-E-4-0108

1. REGISTRATION OF BIDDERS

On the date set forth for the auction, each prospective bidder at the sale will be required to register. At the time of registration, immediately preceding the auction, each bidder will be furnished the General and Special Terms and Conditions of Sale, and will be requested to sign a brief statement to the effect that they were received prior to the actual commencement of the auction. Each bidder will also be required to have in his possession and exhibit upon request the bid deposit in the amount and form specified herein.

2. BID FORM

a. The highest qualified bidder at the public auction will be required to complete and execute the bid form attached to this Invitation for Bids, and all information and certification called for thereon must be furnished. Bids submitted in any other manner or which fail to furnish all information or certifications required may be summarily rejected.

b. Bids shall be filled out legibly with all erasures, strike overs, and corrections initialed by the person signing the bid and the bid must be manually signed.

c. Negligence on the part of the bidder in preparing the bid confers no right for withdrawal or modification of the bid.

3. BID EXECUTED ON BEHALF OF BIDDER

A bid executed by an attorney or agent on behalf of the bidder shall be accompanied by an authenticated copy of his Power of Attorney or other evidence of his authority to act on behalf of the bidder.

a. Corporation. If the bidder is a corporation, the Certificate of Corporate Bidder must be executed. The certificate must be executed under the corporate seal by some duly authorized officer of the corporation other than the officer signing the bid. In lieu of the Certificate of Corporate Bidder, there may be attached to the bid copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies.

b. Partnership. If the bidder is a partnership, and all partners sign the bid, with a notation that they are all the partners, the Government will not ordinarily require any proof of the existence of the partnership. If all the partners do not sign the bid, then the names of all those except limited partners must be furnished on the bid and the Government, in its discretion, may require evidence of the authority of the signer(s) to execute the bid on behalf of the partnership.

4. BID DEPOSIT

Each prospective bidder shall be required to possess and exhibit upon request a bid deposit in the amount of $100,000 in the form of an Irrevocable Letter of Credit or certified or cashier's check made payable to the order of General Services Administration. The bid deposit shall be applied toward payment of the successsful bidder's obligation to the Government. Failure to so provide such bid deposit shall require rejection of the bid.

5. ADDITIONAL INFORMATION

The Disposal Division, Office of Public Buildings and Real Property, General Services Administration, J. W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109, Telephone No. (617) 223-2651, will upon request, provide additional copies of this Invitation for Bids, Bid and Acceptance, and answer requests for additional available information cnncerning the property. The high bid submitted shall be deemed to have been made with full knowledge of all the terms, conditions, and requirements contained in this Invitation for Bids. The failure of any bidder to inspect, or to be fully informed as to the condition of all or any portion of the property offered will not constitute ground for any claim or demand for adjustment or withdrawal of a bid.

6. NOTICE OF ACCEPTANCE OR REJECTION

Notice by Government of acceptance or rejection of a bid shall be deemed to have been sufficiently given when telegraphed or mailed to the bidder or his duly authorized representative at the address indicated in the bid documents.

7. WAIVER OF INFORMALITIES OR IRREGULARITIES

The Government may, at its election waive any minor informality or irregularity in bids received or reject any or all bids, or portions thereof.

PUBLIC AUCTION

Invitation To Bid No.: GS-01-DR-E-4-0108.

GSA Control No.: D-NY-592D

Property: Montauk Air Force Station, Town of East Hampton, Suffolk County, New York.

BID FOR PURCHASE OF GOVERNMENT PROPERTY

Date:

Place:

To: General Services Administration.

Subject to: (1) the terms and conditions of the Invitation for Bids identified above, and its schedule; (2) the Instruction to Bidders, (3) the General Terms of Sale, all of which are incorporated as part of this bid, the undersigned bidder hereby offers and agrees, if this bid be accepted within sixty calendar days after date of bid opening, to purchase the property described in said Invitation for Bids for which bid price is entered below:

Amount Bid:

Bid deposit enclosed: $100,000.

Note: See Paragraph 4 of Instructions to Bidders for information concerning amount and form of deposit.

To Be Completed Only By the Highest Bidder At the Action.

In the event this bid is accepted, the instruments of conveyance should name the following as Grantee(s):

Bidder Represents:

1. That he operates as: an individual doing business as or a partnership consisting of or a corporation, incorporated in the state of or a trustee, acting for .

2. (a) That he has/has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure this contract, and (b) that he has/has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage, or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above, as requested by the Contracting Officer. (For interpretation of the representation, including the term "bona fide employee," see FPMR 101-45.313.4 (41 CFR 101-45.313.4).

Name and Address of Bidder:

Name:

Street:

City:

Country:

State:

Zip code:

Telephone No.:

Signature of person authorized to sign bid:

Signer's name and title:

CERTIFICATE OF CORPORATE BIDDER

I, , certify that I am (Secretary or other official title) of the Corporation named as bidder herein; that who signed on behalf of the bidder, was then of said Corporation; that said bid was duly signed for on behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

ARTICLE IV: DISTRICT USES

§ 153-17. Park and Conservation District. [Added 5-15-68]

A. Land in public and private ownership used for golf courses, tennis courts, nature preserves, hunting preserves, parks, recreational areas and beach areas. Such land in private ownership shall only be considered for inclusion in the Park and Conservation District after approval for such designation is requested in writing by the fee owner.

B. No buildings are to be allowed except customary structures relating to the particular use, such as golf clubhouse, tennis club, bathhouse, park administration and maintenance buildings, etc.

C. No building permit shall be issued unless a site plan showing the location of buildings, structures, driveways, parking areas, landscaping, fencing, drainage facilities, and pavement specifications has been approved by the Town of East Hampton Planning Board, and unless the method of sewage disposal and water supply has been approved by the Suffolk County Department of Health.

D. Nonflashing signs identifying the facilities in which they are located, not aggregating more than twenty (20) square feet, and provided that the top of any freestanding sign shall not extend more than ten (10) feet above the grade of land on which said sign is located, and provided further that no sign shall extend more than three (3) feet above the average ceiling level height of the building.

Mr. MOYNIHAN. Mr. President, I simply want to say I stand here on the floor of the Senate and I say caveat emptor, let the buyer beware. Anyone who bids for this property on the basis of this brochure is going to be swindled of his money by the U.S. Government, a pretty sight that, an edifying example to the rest of the Nation.

What is the matter with the GSA? We have spoken to Mr. Carmen who evidently expects to be before this body for confirmation for an ambassadorial appintment in the near future. We have said to him that the U.S. Government closed down the Montauk Air Force Base. That was a blow to the community. It was an active base and had been for some years. It was reasonable to close it down. It was no longer in the inventory of the Defense Department. No one protested that and it was just assumed it would be incorporated in the State park to the north and it would abut the Montauk Lighthouse which is a national lighthouse. But then to add insult to injury, having closed the installation and left the $1 million payroll missing, which is necessary—it has to be done, those things have to be done, you have to accept them—they say we will turn this property over to developers and take away a singularly visible part of our history. When you see a big photograph of Montauk Lighthouse you know where you are, you are arriving from Europe. It is the landfall on the United States. You have come to the New World. Now, that was not the New World of the 17th century but the New World of the 18th century when we put the lighthouse up for just exactly that reason.

So, Mr. President, I would like to let buyers know and let the CONGRESSIONAL RECORD record, GSA has misstated the facts. It is acting contrary to certainly the wishes of the New York State delegation in this matter, contrary very much to the wishes of the attorney general of New York State who feels that two major Federal statutes are being violated and it would take this matter to court, contrary to the wishes of the Governor, contrary to the wishes of the town, as if a caricature of the bumbling bureaucracy it is so often and perhaps unjustly being described as being. Mr. President, it is one thing to be a bumbling bureaucracy, it is another thing to participate in a sale of property which is misrepresented, and I am sure there was no deliberate intent to do this, and I do not suggest any deliberate intent to do this.

But it is nonetheless fact that on February 8, we propose to sell at auction property described as zoned for two-acre lots, which is in fact zoned for park and conservation use only. There will be no water made available to this place. There will be none of the facilities. Only that which the town can provide will be provided. And if only there would be a show of reason on the part of GSA, things would be extremely better and everyone could end up happy and no one, no one would question the integrity of the Federal Government, our integrity as well as that of the executive branch.

MORE ON SCOOP JACKSON AND CENTRAL AMERICA

Mr. WILSON. Mr. President, those of us who were privileged to serve with Scoop Jackson as colleagues were only part of a broader bipartisan audience nationally who came to respect and rely upon his extraordinary grasp of

national security and foreign policy matters. Accordingly, Scoop's death was an extraordinary loss to all of us in that broader audience and the countless others who unknowingly were the beneficiaries of the knowledge and wisdom he shared with us on the floor of the Senate.

You will recall that just prior to his death Scoop focused his concern about the threat to vital American interests in the Western Hemisphere by proposing a plan for Central America. For those of you who missed it, I have enclosed a brief article by Ben Wattenberg that relates the recommendations of the Kissinger Commission to the actions which Scoop saw as so necessary (op ed A23 Washington Post Jan. 26, 1984). Wattenberg observes that in addition to Marshall plan like economic assistance, Jackson felt that Central America, like Western Europe, needed a military shield behind which to develop. Jackson knew that military power could not be bought on the cheap. He did not believe in shields made of paper or even tinfoil. I will not repeat more of Wattenberg's fine article, but instead urge that you take the brief amount of time required to give it careful reading.

I respectfully urge that you pay special attention to the words with which Scoop expressed his remarkably clear vision of the importance of American actions in Central America to a larger world peace and the future of individual liberty. I hope that you will agree with Ben Wattenberg's conclusion that all that remains to fulfill Scoop's idea is to sell it to a recalcitrant Congress. It is my hope that we will honor Scoop's memory by acting quickly upon the wise prescription that was one of his final and most important legacies to us and to the Nation. Let us be not a recalcitrant Congress, but a responsible Congress.

Mr. President I ask unanimous consent that Ben Wattenberg's article, "More on Scoop Jackson and Central America" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 1984]

MORE ON SCOOP JACKSON AND CENTRAL AMERICA

(By Ben J. Wattenberg)

The Kissinger Commission report on Central America is dedicated to the late Sen. Henry Jackson.

Already President Reagan is referring to it as the "Jackson Plan."

Columnist Philip Geyelin—never previously known as a great supporter of Jackson's views on foreign policy—has written [op-ed, Jan. 20] that because the report calls for substantial military aid, it violates the spirit of what Jackson felt.

Perhaps it's time to set the record straight on Jackson's position on the Central American situation.

Jackson was not for a "Kissinger Plan." He was not for a "Reagan Plan." He was too unassuming to think of it as a "Jackson Plan."

He was for a "Marshall Plan."

He had something very specific in mind when he used that term back in April 1983 to surface his commission idea.

He knew, of course, that the Central America of the early 1980s was very different from the Western Europe of the late 1940s. But there were some commonalities that resonated with Jackson. Central America today, like Western Europe then, needs massive amount of economic aid.

Roads, bridges, power, hospitals, public health—just to begin a long list. These things don't come about overnight, and they are not inexpensive. It is, in fact, impossible to make them happen while guerrillas are purposefully trying to destroy an economy.

Accordingly, Jackson felt that Central America, like Western Europe, needed a military "shield" behind which to develop. Jackson knew that military power could not be bought on the cheap. He did not believe in shields made of paper, or even of tinfoil. Geyelin imputes such a view to him, but it is contrary to the spirit of everything Jackson said about Central America or, for that matter, about the rest of the world.

Finally, Jackson was attracted to the Marshall Plan because of politics. The problem, then as now, was on the home front. Gen. George Marshall saw to it that an "independent" commission was formed to sell the bold, controversial and expensive idea to a recalcitrant and timid Congress.

That commission was chaired by Secretary of War Henry Stimson. It included notable Americans: Dean Acheson, Mrs. Wendell Wilkie, labor leader David Dubinsky. They sold the idea. And it worked.

Where are we today?

There has been a commission. Like Stimson's, it included many distinguished Americans. Some key members are people in whom Jackson placed great trust. Lane Kirkland and Bob Strauss are heavy hitters from the Democratic "A Team," and both were longtime admirers of Jackson and his views. Jackson felt Richard Scammon knew how the world worked—at home and abroad. Kissinger and Jackson had some titanic policy struggles in earlier years, but recently were in general agreement and had great respect for each other.

There has been a commission report. It echoes Jackson's call. It asks for $8 billion in economic aid during a five-year period. It talks approvingly of the administration's request for more funds for military aid—about $400 million per year for the next two years. (Note that the economic aid far surpasses the military aid.)

Ryan Malarkey, who was Jackson's staff man on Central America, says the commission's proposal "is fully in keeping with what Sen. Jackson had in mind."

So, all that remains to fulfill Jackson's idea is to sell it to a recalcitrant Congress. In the course of doing that, it will be wise to remember some of Jackson's words. He had a broad vision.

"Think of what destabilization of the whole Central American isthmus, including Mexico, could mean to our ability to meet our commitments. . . ." Jackson said. "Confronting hostile neighbors . . . any U.S. government would be faced with demands to bring our troops home from Europe and reduce our commitments in the Pacific. . . . The manner in which we meet the challenges in Central America affects profoundly our abilities to safeguard world peace and the future of individual liberty."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

SECOND ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I hereby transmit the second annual report of the Tourism Policy Council covering fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1984.*

REPORT OF ACTIVITIES OF THE UNITED STATES GOVERNMENT IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies, as required by the United Nations Participation Act (Public Law 264, 79th Congress). The report covers the calendar year 1982, the second year of my Administration.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1984.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-2330. A communication from the Federal Cochairman of the Appalachian Regional Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2331. A communication from the Chairman of the Commodity Futures Trading Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2332. A communication from the Comptroller General of the United States transmitting, pursuant to law, a list of GAO reports for December 1983; to the Committee on Governmental Affairs.

EC-2333. A communication from the Secretary of the Commission on Fine Arts transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2334. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2335. A communication from the Chairman of the Civil Aeronautics Board transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2336. A communication from the Administrator of the Agency for International Development transmitting, pursuant to law, the semiannual report of the Agency's Inspector General; to the Committee on Governmental Affairs.

EC-2337. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2338. A communication from the Director of the Selective Service System transmitting, pursuant to law, a report on the System's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2339. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2340. A communication from the Administrator of the Health Care Financing Administration (HHS), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2341. A communication from the Assistant Attorney General of the U.S. for Administration transmitting, pursuant to law, a report on four new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2342. A communication from the Chairman of the Federal Mine Safety and Health Review Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2343. A communication from the Secretary of Education transmitting, pursuant to law, a report on surplus real property disposed of to educational institutions; to the Committee on Governmental Affairs.

EC-2344. A communication from the Chairman of the Copyright Royalty Tribunal transmitting, pursuant to law, the Tribunal's annual Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-2345. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2346. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, the annual report on Indian education for fiscal year 1982; to the Select Committee on Indian Affairs.

EC-2347. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the Court's order in re *Rincon Band of Mission Indians of Calif.* v. *the United States;* to the Committee on Judiciary.

EC-2348. A communication from Judge Nims, U.S. Bankruptcy Court, western district of Michigan, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2349. A communication from Judge Speer, U.S. Bankruptcy Court, northern district of Ohio, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 316. Original resolution authorizing expenditures by the Select Committee on Indian Affairs; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2226. A bill to amend the Internal Revenue Code of 1954 to extend mortgage subsidy bond authority through 1990; to the Committee on Finance.

By Mr. GORTON:

S. 2227. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 2228. A bill to amend the Trade Act of 1974 to authorize the President to negotiate an agreement establishing a joint commission to resolve trade and other economic disputes between the United States and Canada; to the Committee on Finance.

By Mr. BOSCHWITZ:

S. 2229. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction; to the Committee on Finance.

By Mr. PRESSLER:

S. 2230. A bill to provide a means to correct imbalances in the natural gas market in order to restrain prices charged to natural gas users; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. LEVIN, and Mr. STEVENS):

S.J. Res. 215. Joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 216. Joint resolution to affirm the policy of the United States to advance human rights in El Salvador by taking all measures that may be necessary or appropriate to assure that those responsible for the murders of four American churchwomen and other U.S. citizens are brought to justice; and for other purposes; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself, Mr. GLENN, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. CHILES, Mr. MELCHER, Mr. PRYOR, Mr. BRADLEY, Mr. BURDICK, Mr. DODD, Mr. ABDNOR, Mr. CHAFEE, Mr. HOLLINGS, Mr. PELL, Mr. SARBANES, and Mr. LUGAR):

S.J. Res. 217. Joint resolution to authorize and request the President to designate the week of May 6, through May 12, 1984, as "Senior Center Week"; to the Committee on the Judiciary.

By Mr. BAKER:

S.J. Res. 218. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S Res. 315. Resolution relating to the funding of college work-study programs; to the Committee on Appropriations.

By Mr. ANDREWS:

S. Res. 316. Resolution authorizing expenditures by the Select Committee on Indian Affairs; from the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2226. A bill to amend the Internal Revenue Code of 1954 to extend mortgage subsidy bond authority through 1990; to the Committee on Finance.

MORTGAGE REVENUE BOND REAUTHORIZATION

● Mr. DOMENICI. Mr. President, today I am introducing legislation which would reauthorize State mortgage finance authorities to issue mortgage revenue bonds for 6 years, until the end of 1990. The bill is retroactive to January 1, 1984, thereby eliminating any break in the authority for the bonds to be issued. This is necessary because the program sunsetted on December 31, 1983.

I would like to tell you briefly how important I think this program is and

why I think the Congress should reauthorize it. I also would like to indicate why I think we should extend the program for a limited period of time, rather than indefinitely, and to comment on a number of issues pertaining to the program.

There is no doubt in my mind that we have a housing affordability crisis of major proportions. It is made worse by the fact that there is a wedge driven between one generation that saw hard work rewarded by homeownership and the next generation frustrated by spiraling inflation in the 1970's which raised the price of homes to a point where many families today feel priced out of the ownership market. This could not come at a more inopportune time. The baby boom generation will be in the prime home buying ages of 25 to 45 during the 1980's. One and one-half million prospective first-time home buyers will entering the marketplace each year during the 1980's. It has been estimated that the demand for mortgages for the remainder of the decade will be approximately $1.6 trillion. The magnitude of these housing needs is a challenge to our housing policy and demands careful and creative legislation.

Interest rates, cost of homes, and inflation have interacted over the years to create the affordability gap. For the past few years, two-salary families with sizable incomes have found themselves shut out of the home buying market because their disposable income has not kept up with the housing prices.

We have not always had an affordability gap. In fact, it used to be that low and moderate families could buy a typical new house if they wanted one. This is not the case any longer. In 1956 the median family income for a household headed by an individual under 35 was just $4,700. A median-priced new home sold for $16,739. With a 25-percent downpayment and limiting monthly mortgage payments to the standard 25 percent of income, the median-income family could easily qualify for the typical home.

A broad base of affordability continued throughout the 1960's and we experienced a dramatic gain in the national rate of homeownership. These were the golden years of housing affordability and millions of Americans made the most of this opportunity.

The decade of the 1970's by contrast, brought the first jolting aberrations to homeownership opportunity. Incomes doubled between 1970 and 1980, but housing prices tripled. By 1981 the median-income household could not qualify to buy the typical new home at the interest rates and terms available in the conventional lending marketplace. As of July 1983 the average family faced a $16,250 deficit between the cost of the house it could afford to buy and the median cost new house the marketplace offered.

This affordability gap is the reason why American homeownership is on the decline. This gap is the reason why Congress must reauthorize the mortgage revenue bond program as well as look carefully for other solutions to our housing needs.

The mortgage revenue bond program's role has been vital to the housing industry and the home-buying public. A headline that I saw some time ago summarized it well; save a program, help a home buyer. For many home buyers, mortgage revenue bonds meant the difference between qualifying and not qualifying for a mortgage loan. In practical terms, the program has meant that 150,000 young families were able to move into their own homes because of this program.

As I mentioned, there are 1½ million first-time home buyers entering the marketplace each year. I do not want to see these low- and middle-income families priced out of the market, and that may happen if this program is not reestablished.

This administration has made encouraging progress regarding inflation and interest rates; however, there is still a vital need for mortgage revenue bonds. Deregulation of the financial institutions has raised questions of how the mortgage credit needs, especially for low and moderate housing, will be met.

I like this program's approach because it allows each State to respond to its particular housing demands. In my own State of New Mexico the program has provided mortgages for close to 13,000 home buyers since the New Mexico Housing Authority was created in 1975.

The average income for families receiving a mortgage under the New Mexico program is $23,582 and the average purchase price for a new home is $48,916. The program has provided 3,298 new jobs in my State and generated $25,541,733 in tax revenues based on figures provided by the mortgage finance authority in New Mexico.

Some Members of Congress have suggested an indefinite extension of the program. I have several reasons for advocating a temporary rather than an indefinite extension. First of all, I believe that it is good public policy to require the Congress to review all Federal programs periodically. Keeping a sunset on the program will allow us to evaluate the program periodically and to consider options.

The second reason for a limited extension is the fact that we do not know the outcome of the revolutions now occurring in our country's mortgage finance system. I feel that because the secondary market is undergoing a major change, and because there are some questions as to the efficiency and targeting capability of this program, that we should continue to look for ways to improve its efficiency.

A proposal, closely linked to the mortgage revenue bond program is the creative option of allowing mortgage credit certificates to be used by States as a option to mortgage revenue bonds. This tax credit option was introduced last year as the First Time Homebuyer Assistance Act of 1983 which I cosponsored. The mechanics of that proposal are being refined by the Finance Committee and I would hope that at the time Congress enacted a reauthorization of the bond program it will also enact the tax credit option.

The course of action that I have outlined today is good housing policy and I urge other Senators to cosponsor this bill, get it passed, and let the mortgage fianance authorities get on with providing help to home buyers.●

By Mr. MITCHELL:

S. 2228. A bill to amend the Trade Act of 1974 to authorize the President to negotiate an agreement establishing a joint commission to resolve trade and other economic disputes between the United States and Canada; to the Committee on Finance.

ESTABLISHMENT OF INTERNATIONAL JOINT ECONOMIC COMMISSION

● Mr. MITCHELL. Mr. President, today I am introducing a bill that calls for the creation of an International Joint Economic Commission, which would aid in resolving disputes between the United States and Canada. Specifically, the bill calls on the President to negotiate with Canada to establish this new institution. I believe this Commission could enhance the quality of the economic relationship between the United States and Canada by resolving differences in a fair and impartial manner.

Our relationship with Canada has, by and large, been a very positive one. As each other's largest trading partner, the United States and Canada engage in extensive two-way trade in many sectors. But many irritants arising from policy differences threaten to block further progress. The uniqueness of our relationship, which is characterized by close social and political ties, gives hope that we can deal with our bilateral economic disputes in a constructive way.

As a Senator from a border State, I witness the influence that trade problems can have on public attitudes on overall United States-Canadian relations. Maine has strong economic ties to the Eastern Provinces in Canada, but complaints from important regional industries, such as the fishing, lumber, and potato industries, have produced in some cases an ambivalent or even hostile attitude regarding fur-

ther economic dealings with the Canadians.

The proposed International Joint Economic Commission would be modeled after the International Joint Commission, which has dealt successfully with boundary water problems since 1909. The responsibilities by the new commission would be similar to those of the IJC.

The case for a new institution to help manage our bilateral problems is a relatively straightforward one. Trade frictions will continue to occur, just as they have occurred throughout the history of our commercial relations. Now, however, I believe that conditions have changed so that our bilateral disputes are not as conducive to settlement.

The extensiveness of our commercial relationship with Canada is one major source of disputes. As each other's largest trading partner, Canada and the United States engage in a substantial volume of trade in many agricultural, industrial, and service sectors. Roughly 70 percent of Canada's total trade is with the United States, while just under 20 percent of U.S. trade is with Canada. Economic integration is further strengthened by the extent of investment in each other's economy. The U.S. share of foreign direct investment in Canada is approximately 80 percent, while Canada in turn accounts for 13 percent of foreign investment in the United States. While this close relationship is generally beneficial, it also creates many opportunities for frictions.

Exacerbating the natural tensions that arise from substantial trading is the differing ideologies embodied in the economic policies of each government. Although the current administrations of each country accentuate these differences, U.S. economic policies have always tended to involve a less active role for the Government than those in Canada. Contrasting ideologies can produce conflicts when initiatives undertaken for domestic purposes have international consequences. Canada's national energy program and its various policies designed to encourage regional development are good examples of this.

A more recent phenomenon is the growing U.S. merchandise trade deficit with Canada. In 1982, that deficit reached a record $9.7 billion. As the experience with Japan has shown, the existence of a large and growing trade deficit, along with a high foreign exchange value of the U.S. dollar, can contribute to trade conflicts.

The factors that have produced disputes in the past can be expected to continue for the foreseeable future. Disputes will be more difficult to resolve than in the past, I believe, partly because of the declining relative economic status of the United States in the world. As other countries have begun to match U.S. economic progress, there has developed in the United States a much less tolerant attitude regarding foreign economic relations. Consequently, the United States is likely to take harder bargaining positions in future negotiations.

For many years, the United States had with Canada a "special relationship" in which it acknowledged the unique status of Canada in various foreign and economic policy initiatives. This relationship has gradually eroded, as the two governments have reacted to global and domestic pressures. At the same time, Canada has followed a course of deemphasizing trade with the United States and diversifying its export markets. Under these conditions, settling bilateral disputes will be more difficult.

Although we probably have closer governmental ties with Canada that with any other nation, I believe that our process of settling disputes can be improved. The current process tends to be highly political, and there is significant linkage among issues. Because of the dominance of the United States, Canadian negotiators sometimes feel disadvantaged in this process. Less powerful interests in each country become suspicious that their interests are being traded off and that their positions are not judged on their merits. Furthermore, there is nothing to compel the United States and Canada to resolve their disputes.

Of course, these drawbacks characterize most bilateral relationships. But the close ties and harmonious relationship the United States has with Canada suggest that a more effective method of dispute settlement may be possible. I propose to create a new entity, the International Joint Economic Commission, whose purpose would be to facilitate the settlement of bilateral disputes involving economic issues. Modeled after the successful International Joint Commission, the new Commission would have an equal number of Commissioners appointed by each country and would have three basic powers.

First, it would conduct factfinding investigations and analyses of major bilateral issues. Disputes are often characterized by disagreements over facts, so the exercise of this function could help establish a common factual basis in controversial issues. Furthermore, an independent analysis of the issues involved in a dispute could highlight possible solutions overlooked by each country.

Second, the International Joint Economic Commission could give advisory opinions or recommendations on issues referred to it by both governments. This function would obviously be most useful when each government follows the recommendation. The IJC has been especially successful in this regard. Because the decisionmaking process of the IJC is well respected, its recommendations are usually adopted.

Third, the International Joint Economic Commission could actually arbitrate disputes, again on a referral basis. While arbitration is a useful method of dispute settlement, this function would not likely be used very much. The IJC has never employed its arbitral responsibility, probably because this requires each country to yield part of its autonomy. Nonetheless, the new Commission should be given this responsibility in the event that the United States and Canada determine that arbitration would be useful in settling certain disputes.

Some observers of United States-Canadian affairs have expressed skepticism with the notion of creating an agency like the IJC to handle economic issues. It is fair to ask whether economic disputes will lend themselves to the same kind of United States-Canadian cooperation as water pollution issues have through the IJC. I believe, however, that a workable institution can be developed if each country is committed to an improved dispute settlement process.

Many experts on United States-Canadian relations have commented on the need to improve methods of managing our bilateral economic affairs. While few have endorsed this specific proposal, some have embraced even more ambitious plans for dispute settlement. In 1979, a joint working group of the American Bar Association and the Canadian Bar Association issued a report entitled "Settlement of International Disputes Between Canada and the U.S.A." This report contains valuable information and recommendations on dispute settlement procedures. It proposes two draft treaties which would establish compulsory and optional arbitration in various legal and nonlegal areas and new procedures dealing with transfrontier pollution. Although my proposal is not drawn from this report, the proposals of the two bar associations and my proposal for a new commission reflect a common belief that the complex United States-Canadian economic relationship demands an improved method of resolving disputes.

My proposal addresses those conflicts that have defied resolution through normal channels. Yet another aspect of managing our bilateral economic affairs is to prevent disputes from arising in the first place. This can be attempted through various methods of prior notification of government actions of more extensive consultations and negotiations on issues identified as potentially controversial.

One mechanism which could be employed for this purpose is a Council comprised of U.S. Cabinet Secretaries and Canadian Ministers. Such a Coun-

cil could serve as a forum for discussions on issues of mutual concern, with the hope that regular consultations can prevent differences from escalating to major disputes.

The United States has successfully used this mechanism to achieve progress on important bilaterial issues with Japan and the European community. In fact, in recent years the United States has had, with varying degrees of activity, bilateral economic commissions comprised of goverment officials with over two dozen countries. It seems unusal that we have found this approach so useful with so many countries but have not established such a Council with Canada, our largest trading partner. I believe that the creation of such a Council merits the attention of trade policy officials in both the United States and Canada.

I recognize that the new institutional arrangment I am proposing is not a substitute for specific trade and investment policies dealing with Canada. The International Joint Economic Commission would be intended to facilitate the relaxation of tensions that threaten to undermine the mutually beneficial aspects of our extensive commercial, social, and political relations.

Our relations with Canada have improved somewhat in recent months and the Canadians are in the midst of a reevaluation of their policy toward the United States. Now may be the appropriate time for each country to demonstrate its commitment to a strong bilateral relationship by creating a new method of resolving economic disputes.●

By Mr. PRESSLER:

S. 2230. A bill to provide a means to correct imbalances in the natural gas market in order to restrain prices charged to natural gas users; to the Committee on Energy and Natural Resources.

NATURAL GAS PRICE REDUCTION ACT OF 1984

● Mr. PRESSLER. Mr. President, I rise today to introduce legislation designed to lower our ever-increasing natural gas prices. Since enactment of the 1978 Natural Gas Policy Act, which I opposed, we have been faced with an impossible market situation where natural gas prices keep rising even though there is a glut of natural gas on the market. Artificial price categories create "cheap" gas and "expensive" gas when there is no discernible difference in the product sold. Gas pipelines are guaranteed automatic price increases to compensate for any gas they buy—no matter how expensive or what alternatives are available. Pipelines have entered into long-term "take-or-pay" contracts which lock them into purchasing a set amount of expensive gas, regardless of their demand needs or the alternative cheap gas available.

This bizarre combination has resulted in increasing gas prices for the consumer at a time when they should be decreasing. Huge reserves of "cheap" gas remain untapped, while the "expensive" new gas is being pumped out, leaving the captive consumers holding the bag.

To worsen matters, there is scant information available to prove or disprove business transactions that are not made in the best interest of the public. My recent experience in my home State of South Dakota, where gas prices rose almost 30 percent at a time when wellhead prices around the country were going down, and my ensuing investigation of that case, dramatically illustrated the real problems in this area.

Mr. President, it is unfortunate that Congress failed to address this problem when we were debating the various proposals last year. At that time, I asked that we stay in session until this vital issue was resolved. We must have a long-term solution to this problem. I am very hopeful that we can accomplish that this year. But it has proven to be very difficult to reach a consensus on this issue. The American consumer deserves relief now—especially in the Midwest where we are experiencing one of our coldest winters.

For this reason, the legislation I am offering today does not include all the elements of a long-term proposal. I will still strive for that end, but experience has shown that to be impossible in the near term. This bill would, however, address the key problems we are facing in this area and provide consumer relief now. In essence, this legislation would do the following:

First, allow gas purchasers to market out of current "take-or-pay" obligation;

Second, impose a "least cost mix" obligation to require pipelines to purchase and transport gas which is the cheapest available under current contracts;

Third, expand the definition of "fraud and abuse" to include business practices which are not in the public interest or which are determined to be imprudent; and

Fourth, improve pipeline and gas company reporting requirements so policymakers have adequate evidence upon which to base their decisions.

I urge my colleagues to take swift action to approve this measure soon so we can provide much-needed relief for natural gas consumers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Market Correction Act of 1984."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) problems of market imbalance threaten the natural gas industry;

(2) such problems are likely to result in natural gas users being burdened by excessively high prices;

(3) interstate commerce is significantly affected by such problems;

(4) an urgent need exists to provide immediate relief from natural gas contract provisions which cause those problems; and

(5) adequate information regarding the operation of the natural gas market is not available to the Congress and the public.

(b) It is the purpose of this Act to reduce the cost of natural gas supplies to end users which would otherwise occur under "take-or-pay" and other minimum charge contract provisions—

(1) by permitting natural gas pipeline companies to adjust volumes of high-price natural gas they would otherwise be required to take from producers and other suppliers, thereby facilitating new contracts (and renegotiation of existing contracts) for lower-price natural gas; and

(2) by treating any failure by such pipeline companies to provide to their customers the least-cost natural gas available under contract as if such failure were "fraud, abuse, or similar grounds" for purposes of the Natural Gas Policy Act of 1978.

NATURAL GAS PURCHASE CONTRACTS DEEMED TO INCLUDE VOLUME ADJUSTMENT OPTION

SEC. 3. (a)(1) Any contract for the first sale of natural gas shall be deemed to include a volume adjustment option (as defined in subsection (b)) with respect to any natural gas the first sale delivery of which would occur pursuant to such contract at any time after the effective date of this section and before July 1, 1984.

(2) Such option shall be in addition to, and not in lieu of, any other provision of such contract; except that such option shall supersede any other provision of such contract to the extent such other provision would prohibit or restrict the operation of such option.

(b) For purposes of this section, the term "volume adjustment option" means a contract provision under which the purchaser may elect to refuse to take delivery under such contract of any volume of natural gas (or portion thereof) without incurring an obligation to pay any fee or charge with respect to the natural gas not delivered pursuant to such election.

(c) Subsection (a) shall only apply to natural gas produced in the United States (including the Outer Continental Shelf).

(d) This section shall take effect beginning on the 15th day after the date of the enactment of this Act.

FAILURE BY A PIPELINE TO ACQUIRE THE LEAST-COST NATURAL GAS UNDER CONTRACT CONSIDERED AS FRAUD, ABUSE, OR SIMILAR GROUNDS FOR PURPOSES OF FEDERAL ENERGY REGULATORY COMMISSION REVIEWING PASS-THROUGH OF COSTS

SEC. 4. (a) Except as provided under subsection (d), the purchase by any natural gas

pipeline company of any natural gas which is delivered on any day on or after the effective date of this section and before July 1, 1984, at an excessive price shall be considered as fraud, abuse, or similar grounds for purposes of section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)(2)).

(b) For purposes of subsection (a), the price of natural gas delivered to any natural gas pipeline company on any day shall be considered excessive if that price exceeds the price of any other natural gas not delivered to such pipeline company on that day but which could have been acquired by such pipeline company for delivery on that day under any contract to which the pipeline company is a party. Any modification of such contract after December 31, 1983 shall not be taken into account for purposes of the preceding sentence to the extent such modification results in a higher price, lower delivered volume, or earlier termination of such contract than would otherwise occur under the terms of such contract as they were in effect December 31, 1983.

(c) The purchase of any natural gas, by any natural gas pipeline company, which is not determined to be in the interest of the public, or which is the result of careless or otherwise imprudent business practices, shall be considered as fraud, abuse, or similar grounds for purposes of section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)(2)).

(d) Subsection (a) shall not apply to the acquisition of any natural gas if—

(1) such acquisition is determined by the Federal Energy Regulatory Commission to be justified because of field drainage requirements, because of peak-shaving demands of any pipeline, local distribution company, or end-user, or because of similar reasons; and

(2) a filing for such exception is included with the first filing made by such company under section 5(a) of this Act.

(e) This section shall take effect beginning on the fifteenth day after the date of the enactment of this Act.

MODIFICATION OF COSTS UNDER PURCHASED GAS ADJUSTMENT CLAUSE

SEC. 5. (a) Within fifteen days after the date of the enactment of this Act, and monthly thereafter, such natural gas pipeline company shall file with the Federal Energy Regulatory Commission—

(1) a statement explaining how such pipeline company has used and will use the contract rights available under section 3, as well as other steps it has taken and proposes to take, to achieve the lowest possible weighted average acquisition cost of natural gas; and

(2) a modification of the costs to be recovered by such pipeline under a purchased gas adjustment clause, if the weighted average acquisition cost of natural gas by such pipeline company is lower by reason of the exercise of the contract rights available under section 3 or other steps taken by such pipeline company.

(b) Any modification made under subsection (a)(2) shall take effect on and after the date it is filed.

(c) The filings made under this section shall specify, with respect to each contract under which the pipeline company can acquire natural gas during the period covered by section 3—

(1) the parties to such contract;

(2) the volumes subject to such contract;

(3) the price or prices for the natural gas subject to such contract; and

(4) the point of delivery under such contract.

DEFINITIONS

SEC. 6. For the purposes of this Act—

(1) the term "natural gas pipeline company" means a natural gas company, as defined in section 2(6) of the Natural Gas Act;

(2) the terms "first sale," "deliver," and "Outer Continental Shelf" have the meanings given such terms by the Natural Gas Policy Act of 1978; and

(3) the term "purchased gas adjustment clause" has the meaning given such term under regulations issued under the Natural Gas Act.●

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. STEVENS, and Mr. LEVIN):

S.J. Res. 215. Joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week"; to the Committee on the Judiciary.

NATIONAL STUDENT LEADERSHIP WEEK

Mr. THURMOND. Mr. President, it is my pleasure to introduce Senate Joint Resolution 216, which calls upon the President to proclaim April 23 through April 27, 1984, as "National Student Leadership Week."

In view of the several recent commission reports which have been highly critical of the quality of public education in our country, it is all the more important to encourage the kind of student leadership which goes hand in hand with quality education. This particular week in April would be set aside in order to increase public awareness of outstanding student leaders and to encourage them in their various cocurricular activities.

During this week, students who have been selected by their peers will be participating in a variety of activities designed to further develop their leadership skills. Around the Nation, these young people will be conducting debates on local, State and national issues; inviting government officials to speak in assembly meetings; holding student elections; and sponsoring "city official for a day" programs. This latter activity is an exercise in civic responsibility in which students assume the role of their mayors, police chiefs and city council members.

Other programs that have been implemented to encourage social responsibility include "Social Awareness Day," "Senior Citizen Awareness Day," youth career days and voter registration week. By participating in cocurricular activities such as these, our youth are developing a sense of responsible citizenship that helps mold the future leaders of our Nation.

Specially designed programs such as these involve a strong community effort and are designed and implemented at the local level. By restoring parents, local governments and community leaders to their rightful place in the educational process, the responsibility for quality education will rest with those who can best influence our schools.

Mr. President, my commitment to education has been a lifelong one. Having had the experience of teaching vocational agriculture, mathematics, and physics, and coaching athletics, as well as having served as Edgefield County superintendent of education in my State, I feel that I have an understanding of how important it is to encourage young people in their endeavors, and to promote excellence in education.

Congressional enactment of this commemorative resolution, Mr. President, is symbolic of our support for the paramount goal of promoting excellence in education. I encourage my colleagues to join me in demonstrating their support for these student leaders by cosponsoring this resolution.

By Mr. MOYNIHAN:

S.J. Res. 216. Joint resolution to affirm the policy of the United States to advance human rights in El Salvador by taking all measures that may be necessary or appropriate to assure that those responsibility for the murders of four American churchwomen and other U.S. citizens are brought to justice, and for other purposes; to the Committee on Foreign Relations.

HUMAN RIGHTS IN EL SALVADOR

● Mr. MOYNIHAN. Mr. President, I rise to introduce a resolution which would provide a clear and unequivocal declaration that the United States will insist on respect for human rights in El Salvador. In furtherance of this purpose, it would require the President to take all measures which may be necessary or appropriate to assure those responsible for the brutal murders of four American churchwomen and other U.S. citizens are brought to trial. To this end, the President would be authorized to provide protection for the participants in the judicial process. This measure also includes a broader authorization to permit U.S. assistance to El Salvador to improve the professionalism and human rights performance of its criminal justice system.

Mr. President, of the problems plaguing that turbulent region of the world we call Central America, none are more complex and challenging than those in El Salvador. In saying this, I do not wish to be understood as failing to credit Nicaragua for its destabilizing influence in this isthmus. The Sandinista government—intent as it is on exporting its Marxist-Leninist revolution to its neighbors—is the major direct source of the tumult in the area. But there, at least, our adversaries and their intentions are readily discerned—which tends to make our choices among possible policies at once narrower and somewhat easier to make. We cannot but respond firmly

to Nicaraguan violations of the OAS Charter's prohibition on intervention in the affairs of other nations.

While the situation is not better in Nicaragua than El Salvador, it is surely simpler. Whereas Nicaragua's fundamentally democratic revolution was captured and dishonored by totalitarians thereby prompting an insurgency, El Salvador is a fledgling democracy being torn apart by two civil wars in which the motivations and frequently the identities of the various participants and factions are unclear or unknown. Moreover, even if the Sandinistas were to cease their support for guerrillas in El Salvador, the deprivation and strife would surely continue.

El Salvador has been embroiled in violent conflicts since 1979. One of these conflicts pits persons seeking democratic government and reform against those trying to frustrate these efforts through use of death squads and other violations of basic human values. The second involves guerrillas—backed by Nicaragua and Cuba—who seek the overthrow of the Salvadoran Government. Terrorist tactics have been widely employed by both right and left wing factions. Undisciplined military and security forces have committed murders and other abuses. The fragile democratic institutions cannot long survive this kind of dual assaults. There has been some progress, but the path traveled has been a tortuous one. Despair seems to be the constant companion of hope.

One cannot visit El Salvador without developing a case of melancholy. I was there in December as part of a trip to Central America which also took me to Honduras, Costa Rica, and Nicaragua. One can see something of the character of the countries in the cathedrals in their capitals. To call the one in San Salvador austere is to flatter it. While the country is without doubt poor, it is not so poor that its oligarchs would be unable to provide the funds required to give the cathedral the most basic of whitewashes. Indeed, Honduras is a much poorer nation and yet its national cathedral is obviously meticulously cared for. However, at least the cathedral San Salvador stood, in contrast to Managua which lost its cathedral in an earthquake and replaced it with votive lights and icons depicting its new "saints," Sandino and the founders of the FSLN. But how long can the Salvadoran edifice endure? It has already withstood the assassination of an archbishop while saying mass. How much more can it take? The final, awful prophecy of William Butler Yeats' poem, "The Second Coming," came to mind:

> Things fall apart;
> The centre cannot hold;
> Mere anarchy is loosed upon the world.

This country named after the Saviour is, indeed, in direful need of one. However, it will have to find the stuff of salvation from within.

While the United States can provide important assistance, there are limits to what it can achieve. If El Salvador wishes to see its way through the woods, its leaders must end the right-wing deathsquads and the abuses of civil liberties by its army and security forces. I put this proposition: If Salvadoran democracy cannot be protected from the predators on the right, it surely will not withstand the assault from the left. The center must hold.

I spoke to President Magana about the brutal 1980 murders of four American churchwomen in his country and the prosecution of the five former national guardsmen who have been charged with these crimes. I consider this a major test of Salvadoran resolve to make its woefully deficient judicial system work—a system which has been plagued by the ever present potential for intimidation and corruption. It is in the interests of both our countries that justice be done in this case. He agreed.

Unfortunately, it is the reality of El Salvador that its own leaders cannot be confident that justice will be done, especially in cases with political overtones. Our State Department's January 16, 1984, situation report on El Salvador refers to the "lack of respect and faith in the law" and the "effective collapse of the administration of criminal justice"—a system which manages a conviction rate of only 10 to 20 percent even in less sensitive cases of murder and other felonies.

While I was on my trip, press articles appeared which commented on the Tyler Commission report on the churchwomen's case. The New York Times—December 14, 1983—said that the report rebuts criticism that the administration failed to press for swift prosecution of the case. From my review of the matter, I can say that our Government has indeed pressed the case. It is my opinion that without the pressure from our Government, the prosecution would not have gone forward.

The Times also said that the Tyler report found "substantial evidence" that the five national guardsmen arrested are guilty of the murders, but "expressed concern that political pressures in El Salvador would undermine the government's ability to bring the murders to justice."

It is important to keep in mind that the military exerts a significant influence in society and that it is relatively rare to have a prosecution of members of the Salvadoran military in civil courts for crimes committed on duty. Whether a jury can be assembled and have the courage to vote their consciences remains an open and most troubling question. In this connection, the State Department's January 16 report made this comment concerning the Salvador judicial system in general, but it appears especially applicable to the churchwomen's case:

> The problem of intimidation is subtle and pervasive. Adjudication of a complaint against a Security Force member, for example, would simply be assumed to court a risk of retaliation, even if unstated. In this climate, physical security measures for participants in sensitive cases—judges, lawyers, jurors, witnesses—are necessary and urgent. There are now none.

Mr. President, I cannot understate the distressful circumstances in El Salvador. Nor can I understate the importance of the case against those charged with murdering the churchwomen proceeding to trial—a trial which must be insulated to the maximum extent possible from intimidation. The successful conduct of such a trial cannot but be considered a critical test of the resolve of El Salvador to establish the rule of rule. A failure will do far more than dash the hopes of the families and friends of the other Americans murdered in El Salvador that their killers will be apprehended and brought to justice: It will raise serious doubts whether El Salvador is capable of achieving any substantive progress toward reform.

Mr. President, the joint resolution I offer affirms that it is U.S. policy to insist on respect for human rights in El Salvador and our Nation's determination to take all measures that may be necessary or appropriate to bring to justice the persons responsible for the murders of the churchwomen and other U.S. citizens.

Section 2 of the resolution specifically authorizes the President to provide assistance to El Salvador for the protection of participants in the prosecutions of those charged with the murders of the churchwomen and other U.S. citizens. It would be for the President to determine the particular type of assistance. However, he would have an array of options at his disposal, which might include teaching the Salvadorans the security techniques employed in our Justice Department's witness protection program, such as relocation assistance. Funds for the purpose could be drawn from the $3 million authorized in the continuing resolution for fiscal year 1984 for, among other things, projects in El Salvador to promote "protection for key participants in pending judicial cases." (Sec. 101(b)(1), Public Law 98-151.)

Section 3 would provide a standing authorization for the President to give assistance to El Salvador for programs and projects to promote the creation of judicial investigative capabilities, protection for key participants, in pending judicial cases, and modernization of penal and evidentiary codes. As indicated, the current authority will expire at the end of this fiscal year.

Section 4 provides an authorization for appropriations necessary to carry out sections 3 and 4.

Mr. President, I strongly urge my colleagues to support this resolution.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 216

Whereas there are two separate armed conflicts raging in El Salvador, one pitting persons seeking democratic government and reform against those trying to frustrate these efforts through use of deathsquads and other violations of basic human values, the other involving guerrillas—supported by Nicaragua, Cuba and ultimately the Soviet Union—seeking to overthrow the Government of El Salvador;

Whereas demonstrable progress by El Salvador toward democratic reform and respect for human rights is essential if it is successfully to resist subjugation by Marxist-Leninist revolutionaries.

Whereas at least nine United States citizens, including four churchwomen, have been murdered in El Salvador in the past few years;

Whereas the investigations and prosecutions of these, as well as other crimes, have been plagued by a criminal justice system which is woefully inefficient and susceptable to political pressure, intimidation and corruption: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to insist on respect for human rights in El Salvador and, in furtherance of such policy, the United States is determined to take all measures which may be necessary or appropriate to assure that those responsible for the murders in that country of United States citizens, including four American churchwomen, are brought to justice.

SEC. 2. In furtherance of the purposes of section 1, and notwithstanding section 660 of the Foreign Assistance Act of 1961, the President is authorized to provide assistance to El Salvador for the protection of participants in the prosecutions of those charged with the murders of the American churchwomen and other United States citizens.

SEC. 3. Notwithstanding section 660 of the Foreign Assistance Act of 1961, the President is authorized to provide assistance to El Salvador for programs and projects to promote the creation of judicial investigative capabilities, protection for key participants in pending judicial cases, and modernization of penal and evidentiary codes.

SEC. 4. There are authorized to be appropriated such sums as are necessary to carry out the provisions of sections 2 and 3.

SEC. 5. This joint resolution may be cited as "Declaration of United States Policy Concerning Human Rights in El Salvador."●

By Mr. HEINZ (for himself, Mr. GLENN, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. CHILES, Mr. MELCHER, Mr. PRYOR, Mr. BRADLEY, Mr. BURDICK, Mr. DODD, Mr. ABDNOR, Mr. CHAFEE, Mr. HOLLINGS, Mr. PELL, Mr. SARBANES, and Mr. LUGAR):

S.J. Res. 217. Joint resolution to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week"; to the Committee on the Judiciary.

SENIOR CENTER WEEK

● Mr. HEINZ. Mr. President, I am proud to offer today, along with my distinguished colleague and ranking member of the Senate Special Committee on Aging, Senator GLENN, and 19 cosponsors, a Senate joint resolution designating the week of May 6 to be "Senior Center Week."

Mr. President, traditionally, May of each year is designated as Older Americans Month. It is a month set aside to acknowledge and honor older persons for their valuable contributions to our Nation. Older Americans Month is celebrated across the country by senior citizen organizations, local governments, and other community groups. Senior Center Week will illustrate that communities and older citizens are increasingly accepting senior centers as the primary source in the community for meeting the social as well as service needs of the older person.

Today, local communities support over 8,000 centers operating across our Nation. Senior center programs serve over 5 million older persons and range from small programs in church halls to extensive multipurpose centers, offering services from nutrition and counseling to information on employment and community service opportunities for older persons. Whatever their size or scope, all senior centers have one thing in common—their programs provide services and activities which enhance and, in many cases, extend the quality of life of older persons.

Congress recognized the value of senior centers when it established a separate program under the Older Americans Act to develop multipurpose senior centers as a place where older persons could receive a variety of services, such as health and legal services, under one roof. This program continues today under the auspices of title III-B of the Older Americans Act, and as chairman of the Senate Special Committee on Aging, I will work to insure that senior centers remain a visible part of the Older Americans Act.

The theme of this year's Older Americans Month is health and physical fitness. Senior Center Week will provide an opportunity to call attention to the creative ways in which centers across the country are responding to the needs of older persons who are at-risk of institutionalization, those who are more frail and more dependent than their able-bodied counterparts. The work senior centers do complements, in a very real sense, our efforts to promote alternatives to institutionalization for older persons. These centers supply the health promotion and preventive services which are so critical to those older persons who need only a small amount of help in order to remain active and independent. Mr. President, I am proud to sponsor this resolution on senior centers to promote the recognition they so richly deserve.

I ask unanimous consent that the joint resolution be printed in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 217

Joint Resolution to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week".

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth and independence of older persons by facilitating their decisions and action, tapping their experiences, skills and knowledge, and enabling their continued contribution to the community;

Whereas, encouraged and supported by the Older Americans Act, senior centers function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them; and

Whereas the national theme for Older Americans Month is Health and Physical Fitness, and senior centers nationwide are viewed as centers of wellness and activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested, as part of the proclamation for Older Americans Month, to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week" and to call upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.●

● Mr. GLENN. Mr. President, I am pleased to join my distinguished colleagues in introducing this joint resolution to designate the week of May 6 as "Senior Center Week."

The senior center of today is a community focal point, a place where older Americans can meet, receive services, and participate in activities that will enhance their dignity, support their independence, and encourage their involvement in the community.

Since 1943, when the first senior center was established in New York

City, the senior center concept has grown into a service system of more than 8,000 centers located in communities throughout the country. In facilities ranging from storefronts to mobile units to modern new buildings, these locally initiated operations tap the skills, knowledge, and experience of older persons and focus them on activities that benefit themselves, their families, and their communities.

The multipurpose senior center acts as a bridge to the community. Older people have the same basic needs that all people have—for meaningful relationships and for opportunities to be participating members of our society. Regardless of economic status, opportunities to fulfill these needs lessen as individuals age. The senior center provides opportunities for establishing new roles for the former employee, employer, student, parent, and homemaker. The senior center helps older persons feel that they can and should continue contributing to their communities, and that they are valuable members of their communities.

The senior center originally directed its activities to older persons who came to the facility, but today's centers increasingly are developing services to meet the needs of all older persons within a given geographical area. Such activities include services to the homebound, first identifying them through outreach efforts and then following up with friendly visiting, home-delivered meals, chore services, and escort services.

The growth of senior centers closely corresponds to the flow of Federal dollars made available to senior centers after passage of the Older Americans Act of 1965. Authorized by title III-B of the act, senior centers have become firmly established in the fabric of American social agencies. This year we will reauthorize the Older Americans Act, and we will strongly reaffirm our support for senior centers as a prominent part of the act.

There is no limit to the roles that senior centers, their dedicated staff and volunteers, and their participants can perform in any community. I am honored to sponsor this resolution which recognizes senior centers and their important mission—to provide a broad spectrum of services, including provision of health, social, nutritional and recreational services for older persons. As older persons and those who work with them through the senior center gain attention as a viable resource, the image of aging begins to take on a more positive thrust. I urge my colleagues to support this resolution for "Senior Center Week."●

ADDITIONAL COSPONSORS

S. 1086

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1086, a bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguishers in all aircraft lavatories and galley areas.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 2003

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2003, a bill to amend the Tariff Schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick.

S. 2089

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 2089, a bill to extend section 167(k) of the Internal Revenue Code for 10 years.

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. MOYNIHAN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln 175th Anniversary Commission.

SENATE JOINT RESOLUTION 167

At the request of Mr. HUDDLESTON, the names of the Senator from Idaho (Mr. MCCLURE), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the names of the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the names of the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Ohio (Mr. METZENBAUM), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Michigan (Mr. RIEGLE), the Senator from Utah (Mr. HATCH), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Rhode Island (Mr. PELL), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Missouri (Mr. EAGLETON), the Senator from Illinois (Mr. DIXON), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE RESOLUTION 287

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

At the request of Mr. HUDDLESTON, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. ZORINSKY), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Resolution 287, supra.

SENATE RESOLUTION 315—RELATING TO FUNDING OF COLLEGE WORK-STUDY PROGRAMS

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 315

Whereas the fiscal year 1984 budget did not contain adequate funding for college work-study programs under part C of title IV of the Higher Education Act of 1965;

Whereas the fiscal year 1983 budget contained college work-study program funding which was seven percent higher than the fiscal year 1984 budget;

Whereas fiscal year 1984 appropriations for college work-study programs were inadequate to meet the needs of lower- and middle-income students wishing to obtain a postsecondary education;

Whereas the college work-study program has proven a wise investment for our country by giving students valuable work experience;

Whereas the college work-study program has contributed to our nation's economic health by supplying our workforce with well-trained personnel; and

Whereas funding for the fiscal year 1985 budget should expand in proportion to the needs of students across the Nation: Now, therefore, be it

Resolved, That, it is the sense of the Senate that the fiscal year 1985 appropriations for college work-study programs under part C of title IV of the Higher Education Act of 1965 should be increased to not less than the amounts available in fiscal year 1983.

● Mr. PRESSLER. Mr. President, I would like to offer a resolution which would increase the fiscal year 1985 appropriations for college work-study programs under part C of title IV to the Higher Education Act of 1965, to not less than amounts available in fiscal year 1983.

The fiscal year 1984 appropriations for college work-study programs were inadequate to meet the needs of lower- and middle-income students wishing to obtain a postsecondary education. The time has come for us to realize the full potential of this fine program.

As a student at the University of South Dakota, I qualified for work-study funds and was employed at the Governmental Research Bureau. This program enabled me to help pay for my college education. I performed legal work for the city of Boston as a law student at Harvard University under the work-study program. The college work-study program helped me gain experience and additional money to continue my studies.

The college work-study program has long been a means by which low-income college students can earn money while in school. The students under the program perform productive work for pay. These earnings are usually put right back into the students' educational institution for such things as tuition, books, and housing. Not only does the program provide students with an earned income, but it also allows them to gain valuable job experience while still in school.

Carolyn Clague, a 4-H youth specialist at South Dakota State University, has told me the work-study students she supervises write booklets, prepare materials for workshops, do research, compile data, handle correspondence, review literature, and many other important jobs. These are just a few examples of the jobs that college work-study students perform throughout a school year. Jobs such as those I have mentioned give students skills which can be applied to a postgraduation job. Many students use their work-study jobs as a stepping stone to their future career goals.

By supplying our country's work force with well-trained young people, we not only improve productivity, but also contribute to the good economic health of our Nation.

Many colleges across the country use work-study students to perform tasks which free the permanent staff members to operate various educational programs which otherwise may not have been able to function. Students not only earn money and learn job skills, but they also enable these necessary programs continued existence.

The college work-study program has proven a wise investment for our country. I encourage my distinguished colleagues to continue their support for this essential program by supporting my resolution to bring the fiscal year 1985 appropriations up to the fiscal year 1983 levels.●

SENATE RESOLUTION 316—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 316

Resolved, That, in carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended and under a unanimous consent agreement of November 18, 1983, and in exercising the authority conferred on it by such authority, the Select Committee on Indian Affairs is authorized from March 1, 1984, through July 1, 1984, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $276,746.00, of which amount (1) not to exceed $667.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,667.00 may be expended for training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power in Woodward, Okla., to examine the deteriorating ground water supply situation in the northwestern part of Oklahoma, and to receive testimony on S. 1811 and H.R. 71, authorizing the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes.

The hearing has been scheduled for Friday, February 17, beginning at 9 a.m. in the Civic Center's Pioneer Room, located at 1218 Ninth Street, Woodward, Okla.

Those wishing to testify or who wish to submit written statements for the hearing record should contact Ms. Cheryl Fletcher, office of Senator NICKLES, 1916 Lake Road, Ponca City, Okla. 74601, telephone: 405-767-1270; or Mr. Russ Brown, Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510, telephone: 202-224-2366.

For further information regarding this hearing, please contact Ms. Fletcher or Mr. Brown at the above-listed numbers.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's organizational meeting scheduled for January 30, 1984, has been canceled.

ADDITIONAL STATEMENTS

COMMEMORATING THE PROCLAMATION OF THE INDEPENDENCE OF THE UKRAINE

● Mr. BURDICK. Mr. President, for a number of years now, at the beginning of a new session of Congress, I have risen in this body to call to the attention of the American people the anniversary of the Proclamation of the Independence of the Ukraine.

This has always been a very special moment for me. My State has benefited enormously from the contributions made by citizens of Ukrainian heritage. I am proud to speak for them today. I am proud that the devotion to freedom, which has already taken the lives of millions of Ukrainians, drives the Ukrainian community in the free world to keep the fires of hope burning by observing January 22 as Ukrainian Independence Day.

So, Mr. President, it is an honor for me to speak on this subject, but I also speak with pain. Another year has passed in which the people of the Ukraine remain under the cruel domination of the Soviets. I speak with greater sadness this year because Dr. Anthony Zukowsky, honorary president of the North Dakota branch of the Ukrainian Congress Committee of America, lies critically ill in a Michigan hospital.

Dr. Zukowsky has immersed himself in the struggle for a free Ukraine. The knowledge and energy he brings to his

work are an inspiration to all. He is sorely missed.

As a tribute to Dr. Zukowsky, let me again this year remind the American people about the special place January 22 holds on the calendar for the free world.

On January 22, 1918, in Kiev, the people of the Ukraine proclaimed their independence. For 3 years, they engaged in a fierce struggle against the Bolsheviks to establish their independence. Tragically, the Bolsheviks prevailed, and the punishment that has been inflicted on the people of the Ukraine has been terrible indeed.

In the 1930's, a man-made famine caused the deaths of millions of Ukrainians. Over the years, the churches in the Ukraine have been destroyed, and the clergy and faithful subject to persecution. Most recently, members of the Helsinki accord monitoring group have been the victims of unfair trials and harsh prison sentences.

Still, many in the Ukraine refuse to accept the political and cultural domination of their land. As they continue their unrelenting struggle against a powerful adversary, we in the free world pay tribute this month to their unflinching courage and devotion to the principles of freedom and justice.●

ALBUQUERQUE JOURNAL INVESTIGATES DEATH SQUADS

● Mr. DOMENICI. Mr. President, I wish to call to the attention of the Senate an outstanding example of investigative journalism by the Albuquerque Journal. Between December 18 and December 22, 1983, the Albuquerque Journal published five articles by Craig Pyes that described for the first time the rationale and actual operating procedures behind "death squad" killing in El Salvador.

The result of 10 months of investigation and extensive interviews with individuals associated with Salvadoran political parties and security forces, the Albuquerque Journal articles offer an insight into a significant element behind the violence in El Salvador. The findings may not be correct in every single respect, and further investigation into the death squads may modify details of these accounts, but the Journal deserves our thanks for investing the resources needed to complete this bold undertaking.

Mr. President, the findings of this investigation support my own conclusion that future U.S. cooperation with the Government of El Salvador is dependent upon the establishment there of an effective judicial system. Without the detention and conviction of the persons behind the death squads it will be difficult for the American people to provide the assistance needed to turn around the economic deterioration. If the death squads continue their activity, it will be impossible to do so.

The so-called rightist elements in El Salvador have no monopoly on violence in that country. The insurgents can be equally brutal and often are, but this fact cannot be used to conceal the death squad activities associated with elements of the security forces and Government of El Salvador. Some of the associates of the death squads label President Reagan and Congress as Communist for opposing them. Such statements only confirm the primitive mentality of the individuals who bankroll mass killings of their own neighbors and countrymen.

Mr. President, I ask to have printed at this point in the RECORD, the articles in the Albuquerque Journal that I referred to earlier.

The articles referred to follow:

[From the Albuquerque Journal, Dec. 18, 1983]

A DIRTY WAR IN THE NAME OF FREEDOM

(By Craig Pyes)

They believe in Jeffersonian Democracy and death squads. Their colors are red, white and blue. They are strident Salvadoran nationalists who have built the country's second-largest political party from a violent and anti-communist paramilitary network.

And in perfect English they learned in American schools, they defend the killing of thousands of civilians as necessary to preserve democracy and the free market.

In short, they are fighting for what Americans cherish most with the methods Americans value least.

Uncontrolled killing of civilians is at the center of debate about growing U.S. involvement in El Salvador. Since 1979, and after nearly a billion dollars in U.S. aid, the commitment of U.S. advisers and training programs, 40,000 Salvadorans—the majority of them non-combatants—have been killed. Many died at the hands of leftist guerrillas and their sympathizers. But most were killed by forces allied with a government supported by the United States.

The so-called rightist death squads use terror as a weapon to forestall economic reform and prevent negotiations with leftist guerrillas to bring an end to the four-year-old civil war.

Recent statements by President Reagan, Vice President Bush and Secretary of State George Shultz have described the death-squad issue as a major problem for continued United States support of El Salvador, after Congress trimmed $22 million from U.S. military aid in response to renewed right-wing terror.

Yet the actual mechanism and rationale behind these killings have, until recently, largely been ignored.

Many times the only statements were the bodies themselves; bubbling in acid, bones broken, sexually mutilated, heads severed so cleanly that the efficiency of slaughterhouse machinery was suspected.

But why does tiny El Salvador, a largely agrarian society of fewer than five million, continue to produce death in such industrial quantities? And why, despite multiple changes in the Salvadoran military and government, does this grisly assembly line of violence continue after four years of U.S. concern?

A 10-month investigation by the Albuquerque Journal has traced the responsibility for many of the killings and disappearances to a political-military network established by rightist in the aftermath of the October 1979 U.S.-backed reformist coup. Today, the network has an aboveground alter ego in the Nationalist Republican Alliance (ARENA), El Savador's largest right-wing political party.

This alliance of both military and civilians was established to be a highly organized counterforce to the revolutionary organizations of the left. Its methods were to fight terror with terror, organization with organization, intelligence with intelligence.

"If Americans think this is a war with one army fighting another army, they are wrong," explained coffee grower Alberto Bondanza, one of ARENA's founders. "This is not a conventional war. The only way to fight it is the way they (the left) have fought us. Once you identify your enemy, probably he will die. Luckily, the army is not against us. The death squads, they are fighting the war."

The death squads were at first groups of highly motivated civilians aided by a few sympathetic soldiers. But later, as the right re-established its dominance in the military, the actual killing was carried out more by members of the security forces, with the knowledge of the highest levels of the Salvadoran military.

The most visible member and the primary organizer of this paramilitary party is current Salvadoran Assembly President Roberto D'Aubuisson. Elected in 1982, he is a former intelligence officer who has made a dramatic bid to be El Salvador's savior from communism.

Expected to be ARENA's presidential candidate in next spring's election, D'Aubuisson said last week that Bush's death squad denunciation was "correct as he described it."

D'Aubuisson was asked why he was so often linked to death squads by his critics.

"Because I started to publicly attack everything that smelled of communism," he replied. D'Aubuisson said he was against the squads "because they don't favor the country, the armed forces or economic reactivation at all."

Asked where the squads originated, D'Aubuisson said: "If they belong to the left, I congratulate them because they are carrying out their objective. If they're from the right, I think they are mistaken, and if they're uniformed people (the government security forces) I also want to tell them they're mistaken."

But by D'Aubuisson's recollection a year ago, the summary executions had begun in government forces even before the 1979 coup, due at least in part to the deterioration of the Salvadoran justice system.

D'Aubuisson told the Journal in a long interview, that when he was in the security forces, "we began to act incorrectly and not take them (those they picked up for interrogation) to the judge, but make them disappear instead, so the same chain (of having them set free after leftist threats) wouldn't continue."

D'Aubuisson's climb to public prominence came primarily after the 1979 coup.

His financial backing came from the families of El Salvador's monied elite, an oligarchy whose grip on the government and the military was served in the 1979 coup.

With more than 100 interviews in Central America, Mexico and the United States—including talks with 40 ARENA party activists, some admitted death-squad members—and with documentary evidence including rightist internal intelligence files and classi-

fied U.S. Government cables, the Journal has confirmed that some members of ARENA's leadership collaborated with the national security forces in the planning and operation of a "dirty war" of counterinsurgency to physically eliminate their political enemies. An ARENA member said this meant polarizing the country and eliminating their enemies from the left to the political center.

This war "by assassination," which was made to appear the random violence of independent groups of fanatical rightist, was in many cases organized with high-ranking regular army officers and operated out of the intelligence offices of the National Guard, National Police and Treasury Police, as well as out of many military garrisons.

The *Journal's* investigation confirmed that, before the 1982 election, D'Aubuisson was associated with a clique of active-duty officers involved in underground paramilitary groups, such as the Maximiliano Hernandez Martinez Brigade, which took credit for a series of political murders. Other members of the paramilitary right who worked closely with D'Aubuisson took credit for Christian Democrates, the Social Democratic left and its sympathetic media.

D'Aubuisson—a retired army major—is not the highest figure in an organization that reached to the top levels of the Salvadoran armed forces, however.

"(There is) one man in particular, very strong—who is over him (D'Aubuisson) and let him risk himself," explained a foreign military expert close to the National Guard.

The "one man," the highest ranking officer in the network mentioned by insiders, was former Vice Minister of Defense Col. Nicolas Carranza. Carranza was the number-two man in the Salvadoran military until December 1980, when U.S. concern about human-rights abuses helped to pressure him from his post. Today Carranza heads the Treasury Police.

The other primary agency of counterterror with which D'Aubuisson had worked was the National Guard's G-2 central intelligence office while the Guard was headed by Gen. Carlos Eugenio Vides Casanova, currently minister of defense.

During the time Vides commanded the guard, active-duty military officers working with the G-2 were linked in State Department cables to the March 1980 assassination of Salvadoran Archbishop Oscar Arnulfo Romero and to the January 1981 killing of two American labor leaders.

These clandestine operations were made all the more lethal by foreign advisers.

These included French veterans of the Algerian Secret Army Organization's (OAS) terrorism of the late 1950s. They counseled D'Aubuisson's group on directing military violence for political ends.

Also brought in were Argentinian and other South American members of secret police organizations, to train the Salvadoran security forces in the murderous techniques of Argentina's "dirty war" against subversion in the 1970s.

The operations coached by the Argentinians were conducted out of safe houses that D'Aubuisson and others said they established. The safe houses were residences where prisoners were interrogated, tortured and executed.

Aiding those operations were many middle-class civilians in the towns and cities, and a rural paramilitary informants' organization with members numbering in the tens of thousands.

The purpose of the strategy was to shape, accelerate and direct police and military violence toward destroying the civilian infrastructure of the leftist movements in El Salvador. Toward this end, young members of the right-wing groups told the Journal, they, too, had organized in underground cells, attempting to build a network that would be an organizational mirror image of the leftist groups they were fighting.

In that civilian network were businessmen who killed people and young men in their 20s who bombed buildings. There were private pilots who smuggled in special weapons designed for covert purposes, such as Ingram submachine guns with silencers, night-vision scopes, combat-style bulletproof vests: good for self-defense but also the tools of the trade for political murder.

Even inexperienced teen-agers were used to disseminate propaganda and act as couriers for their fathers and brothers.

Well-to-do neighbors in their high-walled houses started calling each other by aliases, communciating in code and stockpiling automatic weapons and explosives.

As the Salvadoran election of March 1982 drew closer, the paramilitary underground began the job of fashioning a legitimate political party. Members made contact with and received advice and assistance from members of the new right in the United States.

The Salvadoran rightists admired the Reagan right of the U.S. Republican Party and modeled their party at least partially on the Republican Party platform of 1980.

When the returns of the March 1982 Salvadoran elections came in, it was clear the violent right had completed its transformation from an illegitimate, clandestine force to a strongly entrenched power in the Salvadoran government. ARENA captured 25 percent of the vote and D'Aubuisson the presidency of the Constituent Assembly.

With these electoral successes, party members had accomplished at least some of their goals: they had forced out the U.S.-backed Christian Democrats and completely disarmed and dismantled the progressive sectors of the army. And although they hadn't stopped the reforms, there were the March 25, 1984, presidential elections to look forward to.

As one U.S. State Department official remarked, "The right is still deadly, but now it is legitimate."

The *Journal's* interviews disclosed that the history of ARENA from the 1979 coup to the 1982 election triumph had been diligently recorded and secretly stored in boxes and files and on video cassettes in El Salvador, Guatemala and Miami.

At the movement's head were wealthy Salvadorans living in luxurious exile. They consist of a small number of families fancifully labeled "The 14," linked by intermarriage, and who control the banks, the major businesses and foreign trade.

But the movement's heart is what the wife of one wealthy Salvadoran exile called the "second families," the American-educated managers who administer the holdings of "The 14."

They are the implementers and expediters: cordial, smartly dressed in designer jeans and the latest fashions. They would not look out of place in Beverly Hills or Santa Fe, except for the .45s bulging from the waistbands of their "Calvins" or the revolvers tucked away in their handbags.

Except for the crowded Salvadoran slums lapping up to their hilltop neighborhoods, they live in an island of Americana. They take their kids in bulletproof cars to McDonald's, nod to the machine gun-toting guard protecting the Golden Arches.

"This emerging middle class has a greater fear of communism than anything even our ideologues can imagine," explained one member of the U.S. National Security Council, who, like most officials, refused to be quoted by name in El Salvador. "D'Aubuisson is not an isolated case. He's not a power seeker for himself or for 14 families. He symbolizes a new development. There's a hell of a lot more here than we (U.S. policymakers) ever talked about."

ARENA Vice President Hugo Barrera, who bears a bullet scar inflicted by a labor agitator in his factory, experienced such an outpouring of emotion after joining D'Aubuisson that he composed a war hymn, still sung by ARENA faithful, called "Tremble, Tremble Communista!"

"If you had communists there (in the United States) blowing up your Golden Gate Bridge and your factories," said Barrera, "you would hate the communists, too."

Barrera himself never admitted engaging in any paramilitary activity. Other ARENA party members who did, however, told how they progressed from hating communists to killing them. But they complained bitterly that their actions were distorted by the international press.

"The left can do these things, but we're not the Robin Hoods, that's all," complained Mario Redaelli, a former high ARENA official.

The Journal's interviews with ARENA members took place over austere dinners in empty mansions, at the poolsides of luxury hotels and at rightist gatherings where coups and military uprisings were discussed openly.

Within this constantly changing montage, moods alternated between trust and paranoia. The interviews generally started on a philosophical level, then moved to remembrances of specific events.

Only after months of interviews was the subject of death squads approached, what the right euphemistically called the "military side."

"Even among ourselves, no one had the full picture," said Ricardo Paredes, a former ARENA vice minister. "Because we knew some of us would be captured by the enemy. . . . You are not killed here because of what you do, but because of what you know."

That point was driven home in Miami, when Orlando De Sola, a scion of one of El Salvador's wealthiest families, became concerned because the Journal had penetrated what he called "our inner circle."

"What you know is dangerous," De Sola said. "People get killed for knowing what you know."

It may be years before the full picture is ever known, but what emerges from these interviews and related material is a glimpse into the inside story of one of the most overtly violent episodes of Central American history.

[From the Albuquerque Journal, Dec. 18, 1983]

RIGHT BUILT ITSELF IN MIRROR IMAGE OF LEFT FOR CIVIL WAR

(By Craig Pyes)

El Salvador's Nationalist Republican Alliance (ARENA) first made its appearance as an organized political party in the fall of 1981, behind the charismatic leadership of former army intelligence major Roberto D'Aubuisson.

The "Nationalist" in its name emphasized the predominant importance of the state,

typical of other violent anti-communist political movements which have used the term, such as the German Nazi (National Socialist) Party and the Guatemalan National Liberation Movement (MLN). The "Republican" was added in recognition of the right wing's resurgence in the United States, signaled by the victory of Reagan Republicans in 1980. And the term "Alliance" recognized the pooling of interests of sympathetic members of the oligarchy, military men, civilian businessmen and conservative peasants who, until four years ago, exercised El Salvador's only recognized political power.

ARENA is the vehicle by which its backers seek to reassert their traditional hold over Salvadoran society. Its emergence came four years after the Oct. 15, 1979, Young Officers Coup that set out to end corruption and human-rights abuses and topple the traditional power structure.

But unlike the rest of El Salvador's parties, ARENA is not just a political organization: it is a political-military organization, modeled after the revolutionary communist parties of the extreme left.

ARENA insiders describe a theory of counterinsurgency (anti-guerrilla) warfare which parallels the development of the party.

The theory explains El Salvador's epidemic of death-squad killings as the implementation of a philosophy of selective and mass assassinations carried out in an organized manner.

D'Aubuisson is perhaps only the most public figure in ARENA, a political movement that contains others more powerful than he. The party organization spans all of El Salvador's 14 departments (provinces). It is divided into sectors that correspond roughly to the traditional divisions of Salvadoran society, such as youth, peasants and farmers.

But the party also embraces local military officers, security-force operations and a broad vigilante network of civil defense units suspected of being used to eliminate the party's political opposition.

Current U.S. intelligence indicates that ARENA may be connected to a single countrywide death-squad network, consisting primarily of three loosely knit regional organizations which in total do not exceed 50 persons.

In San Salvador the names of the operating groups are the Secret Anti-Communist Army, the Maximiliano Hernandez Martinez Anti-Communist Brigade and the Comando Metropolitano, whose commander is known only as Comandante Leopoldo.

In the eastern part of the country, the death squad is known as the Gremio Anti-Communists Salvadorena. In western El Salvador, it is called the escuadron de la muerte (literally translated, "the death squad"), which operates under the trademark "EM."

Federal authorities have been ordered by the administration to determine whether affluent Salvadoran exiles in Miami might be financially linked to the death squads, and if so, whether they could be deported from this country.

D'Aubuisson told the *Albuquerque Journal* the group's underground organization was copied from the Taiwanese, with whom he studied special counterinsurgency courses in 1978. The Taiwanese teach, according to Rand Corporation analyst Brian Jenkins, that civilians should be organized in a political structure to support their own military, to give it "a flow of intelligence." The result, he says, is a military at the service of a political party, not just the state.

"The Taiwanese really insist on this 'war of organizations,'" D'Aubuisson explained in a long interview with the *Journal*. "If an infantry battalion isn't adequate to combat guerrillas, let us design an organization that works."

The plan, explained one D'Aubuisson aide, was to establish a three-tiered organization containing a "political or propaganda level . . . to encourage and protect the military level; . . . a financial system where we would always have money to attack; and a military level—what the United States called right-wing death squads—people who go out and kidnap and kill the communists the way they were doing it to the rightists."

"We divided into a Salvadoran group and a Miami group," said the D'Aubuisson aide. "The Miami group was finances."

In the Miami group were members of El Salvador's oligarchy. They felt dangerously exposed after the 1979 coup broke its hold on the military and upset the old power structure.

At the beginning, said a D'Aubuisson associate, "everybody (on the right) was jockeying for position. The people who had money were putting up the money, and the people who had the guts were doing it by putting themselves up."

Those who put up the money at first, and who later became key financial backers of ARENA, which emerged later, were primarily planters with agribusiness and banking interests and who live in condominiums in Miami.

The identities of most of them are as well known in El Salvador as the names Rockefeller and Getty are in the United States. They include: Guillermo "Billy" Sol, Orlando De Sola, and relatives of Guatemalan rightist leader Mario Sandoval Alarcon.

Within the Salvadoran exile community in Miami, Journal sources said, there was talk in 1979 about hiring military men and foreign advisers to re-establish "a security network" that would operate its own death squads. Names of participants weren't revealed, but rumors put the fund-raising goal for this endeavor as high as $10 million.

The general plan was confirmed by former Salvadoran president and Christian Democratic Party leader Jose Napoleon Duarte.

"The people in Miami started to get military people," Duarte said. "I know at least three of the men they called. They were looking for people to create a structure outside the army, to do the things the army could not do." They wanted to find someone to put together a "military and guerrilla force, the same as the left had . . . They were concerned about the intelligence work in particular."

"Terrorism cannot be fought with conventional methods," asserted Guillermo "Billy" Sol, a financier and right-wing activist and one of D'Aubuisson's earliest backers. The only answer, he said, is "destroy it." And to accomplish its destruction, "you need excellent intelligence. D'Aubuisson is excellent on that. He's U.S.-trained."

In fact, the intense, chain-smoking intelligence officer has spent most of his 20 years of military service tracking down enemies of the state.

Those who knew D'Aubuisson in ANSESAL, El Salvador's executive intelligence agency, where he worked until a few months before the coup, described him as an eager, energetic political policeman, whose photographic memory contained the information from file cards, computer printouts and dossiers on the political opposition.

In 1978, fresh from special training courses in Taiwan, D'Aubuisson composed a 64-page intelligence report for the National Guard which became the text on the relationships between social reformers and Marxist guerrillas for the various Salvadoran governmental intelligence services.

D'Aubuisson was assigned to the elite of those services, the Salvadoran National Security Agency, ANSESAL.

ANSESAL was formed of the heads of the military services and internal security forces and answered directly to the president. From its offices in the Presidential Palace, it functioned as the brain of a vast state security apparatus that reached into every town and neighborhood in the country. By conservative estimate, at least one Salvadoran out of every 50 was an informant for the agency.

In addition to gathering intelligence, ANSESAL was used to carry out death-squad activities before the coup, according to Salvadoran and U.S. officials.

After the coup, ANSESAL was ordered disbanded.

Rebuilding that intelligence system, and using its data base for identifying the enemy, became a central goal of D'Aubuisson's nationalist movement.

"It is not a civil war, an open war, a legal war," explained Ricardo Paredes, a former ARENA vice minister of education. "We don't want to fight a fair war. We have to go and beat their pants off."

Because the ultimate leadership of the communist organizations is always hidden, the intelligence services must be turned into "services of combat" to uncover the "the secret brain" and destroy it, D'Aubuisson explained.

"If you destroy the (civilian) organization, the guerrillas will starve up in the mountains," Paredes said.

In addition the abolishing ANSESAL, when the young officers came to power in their bloodless 1979 coup, they retired or transferred nearly 60 senior officers and ordered the disbanding of a controversial rural paramilitary National Democratic organization, known by its Spanish acrynym ORDEN.

They also established a commission to investigate the fate of political prisoners and the "disappeared."

D'Aubuisson said he resigned from the military two weeks after the coup, his superiors before the investigating commission.

But the Journal found that D'Aubuisson maintained a close relationship with high military authorities even after he resigned the service and while paramilitary units tied to his organization were carrying out a widespread terrorist campaign.

Before the coup, almost 200 people a year were being killed, allegedly by government security forces. El Salvador was known in the international community as one of the world's worst violators of human rights.

After the coup, the rate of killing rose steadily to 800 a month.

Both U.S. and Salvadoran officials attribute most of the increased post-coup violence to "independent anti-communist death squads" financed by the oligarchy and directed by the right-wing paramilitary underground. The Salvadoran military leadership said that D'Aubuisson was running these paramilitary operations from Guatemala and that they had issued an arrest warrant to be served should he re-enter El Salvador.

D'Aubuisson said that, after he left the army, his activities were directed toward building a network, both within and outside

the armed forces, which he said had been compromised by pro-Marxist elements supporting the coup.

Initially, he said, he met with former intelligence operatives and right-wing political leaders to salvage the intelligence system of the pre-coup regime.

Three members of the Salvadoran high command at that time said D'Aubuisson was employed by the military for at least six weeks after he formally resigned, reorganizing the central ANSESAL intelligence files for the army general staff.

D'Aubuisson filched a duplicate set of the reorganized files, which became the basis of a central enemies list used to orient the death squads.

"Only a small circle of us saw the files," said Paredes.

They were loaned to the security forces and consulted like scripture, and used in video tapes circulated in the barracks in an effort to link the young officers with the communists.

And to make sure the intelligence files had the widest public exposure, D'Aubuisson used portions as the basis for an unusual "guerrilla TV" series in which he would recite the names of civilian opposition leaders, in much the same manner that former U.S. senator Joseph McCarthy produced lists of alleged American communist sympathizers in the 1950s.

But unlike McCarthy's victims, those denounced by D'Aubuisson lost not only their jobs—some lost their lives, and others were forced to flee the country.

D'Aubuisson's video presentations were praised by Col. Nicolas Carranza, then deputy minister of defense and number-two man in the military. Carranza said he had helped D'Aubisson with the files.

The military "thought what he (D'Aubuisson) was doing was right," said Carranza, now head of the Treasury Police. "There was no reason to prosecute him while he was fighting communists."

Later, he added, when D'Aubuisson began "to attack the Christian Democrats . . . we held off a little. The army had a pact with the PDC."

D'Aubuisson's files contained the names of most of the civilians of the popular opposition who had been invited to join the government after the coup.

D'Aubuisson said he considered the civilians in the new government communists or their "useful fools," and wrote that conclusion in an intelligence report for the army high command a few months after his ostensible resignation from the military.

In December 1979, only 11 weeks after joining the government, virtually the entire civilian Social Democratic opposition resigned over the question of death squads tied to senior military officers. The Social Democratic moderates had been viewed by many as the last chance to avert a violent revolution.

Within five months, government resignations from center-left democratic parties protesting the violence surpassed 30. Many subsequently allied themselves with leftist guerrillas.

D'Aubuisson's "new ANSESAL" was moved under the army general staff and, until late 1981, operated as a political police against the Christian Democrats then in power and did little else, according to military officials from the United States and El Salvador.

Rightist insiders involved with the paramilitary underground said that D'Aubuisson remained in contact with about 100 mostly low- and mid-level officers from the security forces, working closely with 15 to 20.

These sources pointed out the National Guard and Treasury Police, particularly their intelligence units, as the rightists' two main bases of support in 1980, which they called "a big paramilitary year." Both agencies have been accused by U.S. officials of conducting mass assassination campaigns.

The biggest target was the Christian Democrat Party (PDC), whose right wing maintained power with U.S. support after the civilians of the first junta resigned at the end of 1979. The PDC remained in power until the elections of March 1982.

ARENA party leaders told the *Journal* that they recognized the need for the moderate facade of Christian Democratic President Duarte during the junta period, in order to get military support from Washington.

But to the extreme right-wing network being assembled by D'Aubuisson, the rank-and-file Christian Democrats also were the foe. According to PDC spokesmen, more than 260 of the party's leaders, including 35 Christian Democratic mayors, have been murdered in the past three years. Many of these killings have been traced to former members of ORDEN. This group of rag-tag, machete-wielding peasants and conservative farmers formed the base of the government's disbanded ANSESAL internal espionage network.

But D'Aubuisson said he recruited and paid about eight of ORDEN's 14 departmental officials to maintain ORDEN's structure down to the local level, and rechristened the organization the "Democratic Nationalist Front."

The ORDEN network was formed in the mid-1960s by D'Aubuisson's mentor, former National Guard chief (now retired) Gen. Jose Alberto "Chele" Medrano, who was identified by U.S. officials as both a CIA liaison and head of the Salvadoran "White Hand" death squads in the 1960s.

Medrano fashioned ORDEN to support his own political aspirations, building the organization around paramilitary power and political control. ORDEN recruited vast numbers of civilian agent-volunteers, put a chief in every town and a political leader in every area, who reported to the National Guard.

By the late 1970s, the governmental spy network was estimated to employ more than 80,000 "ears" and 6,000 paramilitary troops. A report by the Organization of American States recommended in 1978 that the government abolish the vigilante group for its participation in killings, torture, voter fraud and political intimidation.

Much of that network now has been absorbed into ARENA. Retired Col. Mario Rosales y Rosales, one of ORDEN's original organizers, controlled the organization and "all military for ARENA," said a high party official. The official, who asked not to be named, said Rosales put an ORDEN man in each province to run the party.

At the beginning, D'Aubuisson said, ORDEN was the foundation of the mass movement he was about to build.

To counter leftist support groups, D'Aubuisson said he began to put together an umbrella "civic organization to support the armed forces politically and to extend military intelligence capabilities.

Called the Broad National Front (FAN), its membership was made up of private enterprise associations, such as the coffee growers, cattle ranchers and young executives, plus the Women's Front and a youth organization called the Salvadoran Nationalist Movement (MNS).

Each of these elements was later fused into the ARENA party.

MNS was one of the most idealistic segments of the burgeoning right-wing nationalist movement. Its young members were mostly American-educated aspiring businessmen who were the sons of upper-middle-class Salvadorans. They had sworn a "blood oath" dedicating their souls to the battle against communism. They were also one of the first groups to join D'Aubuisson.

Paredes, one of the founding members of MNS, described the civilian organizations as "counterparts to the army, giving it information (about persons ranging) from the peasants to very high-up people" to help destroy the urban guerrillas.

MNS members said the organization did not participate in paramilitary activities but, for safety's sake, "decided to copy the enemy's strategy operating with (other) secret groups in a combination of cell and chain."

A number of these cells formed civilian defense groups which patrolled the upper-class neighborhoods, linked by CB radios and initiating actions under cover of their defense units.

The system was helped into place by Carranza, who explained the network with obvious pride. He said he personally organized Civil Defense Committee No. 1, which had about 20 people, mostly doctors, lawyers and businessmen, who patrolled in "sophisticated groups with radio systems hooked up to the National Police" and the armed forces.

These groups, said D'Aubuisson, we integrated into FAN and formed "levels of defense more or less in leadership with me."

Beneath FAN was an underground network of civilian-military death squads. According to information contained in the organization's private files, members of its "clandestine army at one point considered calling themselves "The Army of National Salvation."

The name was never generally used in public, but one former Salvadoran junta member said that "The Army of National Salvation" was known to some of "the highest people in government" who thought it may have been the high command of the right controlling all the other paramilitary groups.

A few months before the March 1982 elections, the metamorphosis of FAN into ARENA was completed. ARENA burst into the open as a new Salvadoran political party. Its motto was "The Party of National Salvation."

D'AUBUISSON'S FLEDGLING PARTY FINDS A MENTOR IN GUATEMALA

(By Craig Pyes)

Four years ago, a meeting took place in the baroque headquarters of Guatemala's ultra-right-wing National Liberation Movement (MLN) in downtown Guatemala City.

Presiding was MLN leader Mario Sandoval Alarcon, a man whose name has become synonymous with right-wing terrorist violence in Central America.

The meeting was the beginning of an extended program of aid and guidance from Guatemala's MLN to a group which would later become the Nationalist Republican Alliance (ARENA) in El Salvador.

Sandoval spoke in an electronic rasp caused by a cancer operation. He told his audience, a group of young Salvadoran businessmen worried by the leftist direction

their country was taking, about the bloody history of the MLN and the sacrifice each of them would have to make to form a party like the MLN in El Salvador.

Sandoval's own political organization has earned him the nickname "godfather" and the vice presidency of Guatemala. That organization is one of the largest and most disciplined in Central America.

Its origins go back to 1953, when the party was formed hastily as a mercenary army by the U.S. Central Intelligence Agency for the successful overthrow of Guatemalan reformist president Jacobo Arbenz Guzman the next year.

During the 1980 Guatemalan presidential elections, the MLN advertised itself as "the party of organized violence."

Sandoval is an important figure in the rise of ARENA. He not only advised it politically, but loaned the Salvadorans advisers to train them in underground techniques.

And Sandoval said he gave ARENA the MLN slogan: "*Dios, Patria y Libertad,*" ("God, Fatherland and Liberty"), which the MLN received from the assassinated Dominican dictator Rafael Trujillo.

Both parties fly the same colors: blue for God, white for country and red for the bloodshed in obtaining liberty.

The MLN sword was appropriated by the Salvadorans but later muted into a cross.

But the most important advice Sandoval said he gave his Salvadoran counterparts was to organize themselves politically.

The Guatemalan leader told the *Albuquerque Journal* that at first, when Roberto D'Aubuisson and the other Salvadorans came to see him in 1979, they were concerned only with getting arms and organizing their paramilitary underground.

Sandoval said he tried to restrain them "from falling into the error of (becoming only) a terrorist organization . . . . If they kill you, you kill back," he said. But he warned that without a political organization they would lose within a year.

To help them get started, Sandoval said, he raised money for D'Aubuisson's group, making "several trips to Miami to visit relatives." The sum was far less than $10 million, he said, and was earmarked for political purposes.

The MLN also aided the Salvadoran rightists in smuggling weapons into El Salvador, according to a former highly placed Guatemalan offical who asked not to be identified.

At one point in 1980, Sandoval and D'Aubuisson briefly collaborated in a project intended to expand the anti-communist war throughout Central America. Their project targeted Nicaragua, in what turned out to be a prototype of the paramilitary organizations reportedly later funded by the CIA.

Their organization was to be called the "Anti-Communist Front for the Liberation of Central America" (FALCA).

"It's not new," Sandoval explained. "It's a copy of the communists. The parties of the right in Central America have to have single political organization. . . ."

The organization, however, never got off the ground.

D'Aubuisson first met Sandoval through a group of young Salvadoran rightists who had formed a group called the Salvadoran Nationalist Movement (MNS). One of its members, David Ernesto "Neto" Panama, who became a D'Aubuisson aide, is Sandoval's nephew.

Panama proudly describes his "uncle Mario" as "the biggest anti-communist leader in the world, now that Chiang Kai-shek (the former leader of Taiwan) is dead."

When the MLN was established under Carlos Castillo Armas ("The Liberator") in 1953, the group began as a paramilitary force and only later became a political party.

In the mid-1960s, the MLN leadership integrated anti-communist civilians into the military's security apparatus to wage an anti-guerrilla campaign in eastern Guatemala.

In the cities, according to a well-informed Guatemalan politician, the MLN began a new organization called the *Mano Blanca,* or "White Hand," which began issuing death threats, followed by assassination teams.

During the ensuing terror campaign, a program of mass political assassinations was directed against those who spoke out in favor of the poor. It was the first such terror campaign in Central America.

During the two years of its duration, human-rights organizations estimate that between 3,000 and 8,000 Guatemalans were killed by rightist forces.

When the Guatemalan guerrilla movement reappeared in the late 1970s, the Guatemalan death squads also returned, and thousands more were killed. Each time the death squads appeared in Guatemala, similarly named killing groups appeared in neighboring El Salvador.

The inspiration for the spread of militant anti-communist parties worldwide can be credited in part to the Taiwan-based World Anti-Communist League (WACL). Sandoval has long been a leader of WACL's Latin American branch, which is dominated by anti-semitic, neo-fascist groups, and has received support from countries like Paraguay and Argentina.

In early 1980, Mario Sandoval sent two of his nephews—Panama and Carlos Midence, a Guatemalan from his own party—to visit top military and political leaders in the Southern Cone of South America (Argentina, Chile, Paraguay) to gather information and political support for a right-wing counteroffensive in Central America.

Sandoval provided them with introductory letters to high officals in the Argentine Army, the commander-in-chief in Paraguay, the head of Uruguayan intelligence (where D'Aubuisson had studied), and officials in Chile.

Panama said they took extensive notes in each of the meetings on methods of psychological war and other anti-guerrilla strategies. Afterward, he said, he wrote a report of about 25 pages for D'Aubuission, who relayed it "to the right people in the (Salvadoran) Army."

The military officers who favored these aggressive methods had been hindered from employing them through the armed forces, D'Aubuisson said, because of the reforms following the 1979 young officers coup. But as the influence of the reformers waned in 1980, D'Aubuisson said "the anti-subversive operations began to turn out better" because the military could take them over directly.

Documentary confirmation of this strategy by Salvadoran rightists was further provided by their own internal reports viewed by the Journal.

A June 1980 analysis of the Salvadoran military from the private files of a group working closely with D'Aubuisson quotes an analyst writing under the code name "Alpha:"

"The military operations of the armed forces now are more effective and they are attacking neurological points of the enemy, destroying important sections of their organizational structure. Finally, the Salvadoran army is making battle outside the framework of conventional war."

"ARENA, that's my baby," exclaimed Midence, a roly-poly former MLN organizer who sports a Nazi swastika medallion he says was given to him by the private secretary of Hitler's former propaganda minister in Argentina.

Like other MLN members, he refers to ARENA as a "a copy" of the MLN in organzation, in ideology and in symbolism.

Said Midence, who advised the Salvadorans on underground techniques, 1980 was a year that the Salvadoran rightists spent studying how to get the army to work with them.

"In 1981, they got their diploma," he said.

TWO DINNER PARTIES MEET, AND TWO AMERICANS DIE

(By Craig Pyes)

They had been looking for a chance to get Salvadoran land-reform chief Jose Rodolfo Viera for a long time. On Jan. 3, 1981, they did.

Viera and two Americans were dining that evening in the Sheraton Hotel in San Salvador, at the same time as a group of ultra-right-wing businessmen and army officers.

Accounts differ as to exactly who ordered it, but the result became three of the most notorious homicides of the more than 40,000 committed during the last four years by death-squad terrorists of both the left and the right in El Salvador's bloody civil war.

Two National Guard privates burst into the Sheraton dining room and sprayed Viera's table with machine-gun fire. Viera and his two companions fell to the floor mortally wounded.

The other victims were American advisers to the land-reform program, Michael Hammer and Mark David Pearlman. Both were employees of the American Institute for Free Labor Development (AIFLD), an AFL–CIO affiliate. The three men personified governmental reform, central to U.S. policy in El Salvador.

Members of the civilian-military dinner party were all part of a self-described "brotherhood" of right-wing Salvadorans combined in a ruthless campaign of political kidnapping and murder to save their country and the fortunes of its oligarchy from those they perceived to be their enemies.

The right-wing political movement was formed behind the political leadership of a former intelligence major, Roberto D'Aubuisson. Ten months after the killings, the alleged perpetrators, D'Aubuisson and others would form ARENA, now El Salvador's second-largest political party.

"They killed our own people, our friends, our own goddamned people, and what can we do about it? asked Howie Lane, U.S. embassy public affairs officer at the time of the shootings. "One day Mark (Pearlman) is giving us a briefing on agrarian reform, and the next day he's killed by these mad-dog types who are supposed to be on our side!"

Today, almost three years later, no one has gone to trial for the crimes. The cases of two of the suspects withered in a maze of legal technicalities, official reluctance to prosecute and intimidation and threats against the judiciary.

The case offers an intriguing glimpse into the heretofore secret world of El Salvador's death squads, whose resurgence has caused a crisis in this country's relations with El Salvador.

It underscores the contradictory objectives of U.S. policy: pursuit of the military war against the left by the Salvadoran government, and the goal of neutralizing the hard-line elements in the military who pursue the policy of indiscriminate violence.

"The issue is, which war do we think we're winning? asked a U.S. House Intelligence Committee aide.

The contradictory nature of the situation couldn't be better illustrated than by the AIFLD slayings, where the military officers involved also had official military liaison and intelligence contacts with the U.S. embassy, according to U.S. officials and classified government cables.

The officers also were among a select group including Salvadoran Assembly President D'Aubuisson, which is suspected of directing a deliberate campaign of selective and mass assassination. Some targets have been progressive sectors of the Catholic Church and the Jesuit order, an archbishop, Christian Democratic Party leaders and labor union activists.

A 10-month investigation by the *Albuquerque Journal* into rightist violence included interviews with admitted death-squad members, Salvadoran military officers and U.S. officials with access to current U.S. intelligence as well as to classified U.S. cables.

The investigation traced responsibility for much of this death-squad violence to Salvadoran military intelligence units which direct special teams of assassins from within government security forces and most army garrisons.

Some of these teams are politically motivated hit squads connected to far-right interests; others are simply military operations bent on gathering intelligence and eliminating the enemy.

Until recently the Reagan administration was reluctant to challenge this system of political killings for fear that an investigation could destroy the dehicate alliances within the military, further setting back the faction-ridden Salvadoran Army in its struggle against left-wing guerrillas.

Those interviewed by the *Journal*—including well-placed Salvadoran military contacts—constantly emphasized that death squads on the government's side could not operate without some cooperation or support in the military high command.

The Hammer-Pearlman-Viera assassinations illustrate involvement by the Salvadoran military in what seems to be a policy of official murder. The case touches on highly placed army officers and prominent right-wing businessmen, and their use of government intelligence agencies to identify political opponents for assassination.

Within the Salvadoran military, the killings emphasize the difference between two main groups on how the "war on subversion" should be fought: those who believe communism is countered through reforms, and the hard-liners who believe communism is countered by killing subversives—and who are convinced that those who support the reforms are communists.

Salvadoran military authorities interviewed said they believe that today 15 to 20 percent of the officer corps supports a philosophy of unconventional war, and that this support is present at the highest levels of the command structure.

Those cases involving the killing of Americans have become a special concern of Congress.

Progress in solving the case—like that of the four American churchwomen killed by National Guardsmen the month before—had been made a condition of continued aid to El Salvador. But President Reagan recently vetoed a requirement that the administration certify progress in human rights as a condition of continued aid, and a specific restriction regarding the AIFLD case was exempted from a recent funding resolution.

The officers and businessmen thus far implicated in the Sheraton killings are all close associates of D'Aubuisson. The army officers are among those recently identified by the U.S. embassy as still running death squads.

Their base of operations then was the National Guard's G-2 intelligence section.

The commander of the National Guard at the time was El Salvador's current defense minister, Carlos Eugenio Vides Casanova. No information has surfaced to suggest that Gen. Vides actually ordered any death-squad killings. Both U.S. and Salvadoran rightist sources say, however, that the National Guard commander followed a strict policy of official ignorance.

In a normal military intelligence operation, operatives gather information, categorize and analyze; then make reports to other agencies of government for responses and countermeasures. In El Salvador, the same military intelligence services that gathered the information acted on it.

"They were both the collectors of intelligence and the action people. . . . They also handled raids," said a U.S. source familiar with the G-2 operations of the Salvadoran National Guard.

One U.S. diplomat described the military intelligence-death squad network and the officers who ran it as "the most efficient killing machine in the whole National Guard."

The G-2 headquarters is in an isolated wing of the National Guard headquarters building in San Salvador.

According to reports from international human rights organization members who toured the area shortly before the 1979 coup, it contains a warren of cells, one-way mirrors in interrogation rooms, torture paraphernalia and radio equipment to monitor "subversive" broadcasts from Russia, Cuba or the Catholic Church.

After the 1979 coup, the National Guard continued to operate as the country's most active political police force.

Its "enemies list" of clerics, union leaders, Christian Democrats and agrarian reformers was compiled by D'Aubuisson, who was chief of the operation before the coup.

The former major resigned from the military shortly after the coup but continued to work in an advisory capacity with G-2, re-establishing its intelligence contacts and building an auxiliary civilian network.

The head of G-2 at the time was then-Maj. Mario Denis Moran, a military classmate of D'Aubuisson. Moran was described by paramilitary activists as D'Aubuisson's main contact in the National Guard, and "of our line."

Moran and his wife were in the dinner party at the Sheraton the night of the triple slayings.

Moran was cleared by FBI-administered polygraph tests of any role or foreknowledge in the killings, but the polygraph showed deception regarding a cover-up.

A businessman accompanying Moran was Ricardo Sol Meza, part-owner of the hotel, director of Coca-Cola El Salvador and closely aligned with D'Aubuisson. Sol Meza was originally a suspect in the slayings and jailed for 10 months in 1981, but was released.

Also in the party was Lt. Rodolfo Isidro Lopez Sibrian. A lanky young redhead, Lopez is called by his nickname, "the little match." U.S. officials describe him as the G-2's "action man," commanding about 40 men, with 15 to 20 engaged in regular killing.

The two privates who were the triggermen said Lt. Lopez gave them their orders.

Lopez arrived at the hotel first, accompanied by Sol Meza's brother-in-law, Hans Christ, a young Salvadoran executive now living in Miami. Christ was named by the triggermen as the one who led them through the hotel lobby and pointed out the victims.

Christ has denied he was involved, asserting he only accompanied the intelligence officers and his brother-in-law to the hotel the night of the killings for a social evening.

As a student in Marietta, Ga., in 1974, information from police sources there indicates, Christ was closely involved with Mitchell WerBell III, famous for his international anti-terrorist training school and other activities on the fringe of international intrigue.

While in WerBell's employ, Christ surreptitiously obtained a copy of WerBell's file from police intelligence by convincing an employee of that division that he worked for the CIA. He was arrested for threatening the officers when the ruse was discovered, but the charges were dropped before trial.

A third military officer who joined the group at the hotel that night was Capt. Eduardo Alfonso Avila. Avila, in his mid-30s, had regular contact with the G-2. He is from one of El Salvador's most prominent families. His uncle is an ARENA founder and Supreme Court justice; a cousin runs the powerful McCann-Erickson advertising firm in San Salvador, which handles the party's public relations; and another cousin married former U.S. Ambassador Deane Hinton.

Avila also worked closely with D'Aubuisson. He was known by various nicknames: "Baldy," for his naked pate fringed by dark hair; and "Eddy," because of his fluent English learned in American and British schools. But he was more commonly called "El Loco," for his volatile temperament and his bravado on risky assignments.

One of those assignments, he bragged, was the March 24, 1980, assassination of Salvadoran Archbishop Oscar Arnulfo Romero, according to a U.S. government cable. Avila is quoted in the dispatch as saying he planned the assassination and had two others help him carry it out.

The triggermen in the Hammer-Pearlman-Viera assassinations said Avila also participated with Lopez in planning the killings.

All those who met at the Sheraton had loyalties to the large landowning families dispossessed in 1980 when the army seized the country's largest estates and converted them to peasant-run cooperatives.

Sol Meza and Christ married sisters whose lands were later expropriated by the reforms. Maj. Moran also married into one of the large landowning families. Avila and Lopez both were close associates of D'Aubuisson and were arrested with him in May 1980 on suspicion of plotting a right-wing coup.

Within this group of military officers and powerful businessmen, agrarian-reform leader Viera, who headed the Salvadoran Institute for Agrarian Transformation (ISTA) under the Christian Democratic junta, had become "Public Enemy Number

One," according to statements attributed to Capt. Avila in U.S. government memoranda. The army captain said Viera's killing had been planned for some time and that Christ helped in the planning. Before the encounter at the Sheraton, sources close to the case said, there had been at least three prior attempts against the land-reform leader, and one of those attempts had been traced to Lopez underlings.

By all accounts, the Americans—Hammer and Pearlman—never were meant to be targets. On the night of Jan. 3, 1981, the two groups met by chance in the Sheraton coffee shop, and the Americans happened to be with Viera. The occasion was termed a "golden opportunity" because the labor advisers "meant nothing but trouble," said a rightist source close to D'Aubuisson.

According to the labor institute's investigation and the gunmen's public statements, Christ spotted Viera and the two Americans as they entered the restaurant and remarked, "Look at that "son-of-a-bitch (Viera)—he has let his beard grow. I wish he were dead."

About an hour and a half later, Avila and Lopez met outside in front of the hotel where their bodyguards were waiting, and Lopez handed the two privates Ingram submachine guns. The two, now corporals, said Lopez ordered them to go into the hotel and kill Viera and the "two other fair-skinned men who are not from this country."

Christ then led the guards to the door of the Salon de Las Americas and gestured toward Viera's table. After some hesitation, the two gunmen carried out their orders.

"They didn't have any qualms whatsoever about carrying it out," explained an American close to the case. "I don't think it (getting caught) ever entered their minds, really. There never would have been a problem about it if they hadn't killed an American . . . ."

But after almost three years of investigation and political maneuvering, the prosecution of the case against the perpetrators not only has stalled but has begun to unravel, sorely testing U.S. patience and influence.

Even after the political powerful Sol Meza and Denis Moran had been peeled from the case, the next ranking and well-connected officer, Capt. Avila, was not prosecuted, so he could be used as a witness against Lopez and Christ.

A Salvadoran appeals court this year upheld a lower court decision finding that there was insufficient evidence to charge Christ or Lopez with the crime. The case is being appealed by the Salvadoran attorney general to the Supreme Court on procedural grounds.

Though President Reagan vetoed the El Salvador human-rights certification resolution this month, Democratic congressmen say the issue will be revived in the next session of Congress, beginning in January.

But in El Salvador, those involved on the right can't understand American revulsion of their activities.

"Almost to a man, these people (the terrorists) can't understand the problem we have because they're out there killing communists," said a U.S. source close to the embassy. "These people are basically very, very pro-American. They have close ties to the United States.

And the underground ultra-right's entrenchment in the government of El Salvador has given U.S. policy-makers pause as they cope with the sometimes opposing objectives of winning the military war against the left and the internal war against the violent right.

"If you push this case (of the AIFLD labor advisers), you will destroy the Salvadoran government as it exists today," asserted one well-informed U.S. source.

"If you pressed it—the investigation—you would destroy the institution of the military."

A POLICEMAN'S INITIATION: "WE PUT TWO BULLETS IN HIS HEAD"

(By Craig Pyes)

The young policeman described watching the small group of self-important men coming and going at El Salvador's National Police headquarters. He said he knew what they did, even before he got a chance to go with them.

The men, called "especiales," were members of CAIN, he said, a Spanish acronym standing for the National Center for Analysis and Investigations. It is a special political intelligence unit located in the National Police headquarters.

"A small group that the captain has is the only one that knows about how it works," the young policeman explained. But, he said, "you can tell who they are, because they are always in cars . . ."

Then one day, "I saw how they did it. They took me with them so I could learn," he said.

Their specialty was summary execution.

He said he and the *especiales* "were supposed to kill a businessman in a big house" in San Salvador. The man, he said, had been arrested by the National Police a week earlier, but the police had released him after he refused to sign a confession.

"But a week later we came out to get him."

The young apprentice said he waited in the small pickup while the others pulled the man out of the house. They were followed out by the victim's mother, who "came out screaming, 'Don't take him, don't take my boy!'

"She kept screaming and screaming," he said, "But we blindfolded him. He was strong."

They put him face-down in the pickup, he said, and drove to another suburb. There "we put two bullets—.38-caliber—in his head." Then, he said, they drove back and dumped the body. The businessman was another victim of an anonymous death squad.

Until a few months ago, U.S. officials publicly called the National Police the most moderate of El Salvador's security forces. Its director, Col. Carlos Reynaldo Lopez Nuila, is a member of the government's Human Rights Commission and he has frequently been commended by U.S. officials for his attempts to professionalize his forces

Lopez claims that a list of regulations is read once a week to his police to prevent abuses.

"Before, the people viewed us with a certain apprehension," he said. "But now they seem happy to see us . . . When we detain a person in the street, we get his phone number and call back to see how he was treated."

Despite Lopez's statements, human-rights groups received an increasing number of testimonials during the last year accusing the National Police of abductions, torture, detentions and killings of Salvadorans working in health care and church-sponsored relief activities.

During this period, the *Albuquerque Journal* learned, officers aligned with extreme right-wing leader Roberto D'Aubuisson achieved increasing power within its ranks.

Recent public comments by D'Aubuisson denouncing the head of El Salvador's largest peasant union as a "communist" are believed to have been based upon a National Police intelligence investigation leaked to the rightist leader.

U.S. officials who support the peasant union leader termed D'Aubuisson's comments "a beacon for the death squads."

After D'Aubuisson's most recent denunciations, coming in an upsurge of rightist violence, U.S. pressure was followed by the removal of three top police officials.

One of those transferred, criminal investigations director Lt. Col. Aristedes Alonso Marquez, recently was identified by U.S. embassy officials as one of the security force officers involved with death squads.

Another officer implicated in death squad activity is CAIN chief Lt. Col. Rafael Antonio Lopez Davila.

The situation raises questions about how deeply institutionalized is the violence.

National Police Director Lopez Nuila says some brutality is an unavoidable byproduct of civil war.

During an interview last year, Lopez Nuila replied to questions about violence in the internal security functions by saying he was puzzled at American disapproval.

"El Fair play," he said, using the English "in a civil war" *no se puede dar.* One can't give it. Nor is it given. War by definition is inhumane."

He conceded some of his officers might communicate with the death squads.

"When someone has an important bit of information, they don't want to consign someone to a judge. They want to eliminate him," the colonel said. He theorized that National Police officers perhaps passed information to private groups and to ex-agents who kill for pay.

Lopez Nuila also defended his agents' use of civilian dress when making arrests, saying that civilian clothes are worn to prevent recognition by suspects. But an agent in the National Police told a different story.

"Only in special cases do you use a uniform, because you don't always know if you've got the right man," explained the young detective who acknowledged being a death-squad veteran. "Sometimes you get very involved and you kill him."

On occasion, he said, the names of victims came from CAIN Chief Lopez Davila.

"He will tell his little group, and they tell us. We call it a commission. It's an order . . . We don't know whether it's a personal thing for him or whether it's a subversive," the detective said "When he gives the word 'shoot,' we shoot."

The young officer, who asked not to be named for fear of reprisals against his family, is no longer with the National Police.

From his first ride-along experience to when he left El Salvador, he claimed to have killed 16 people.

He said he first received a gun and credentials in 1980.

With that, he said, "you begin to feel powerful. Big . . . superior to a civilian . . . you can do anything".

If a new recruit rejected the torture which was part of all investigations, they would say *"No sirve"*—he won't do.

Those who protested social injustice were suspected of being infiltrators.

When he killed for the first time, he said, it was to show his friends he could do it. He said there was nothing wrong with killing subversives.

His first victim was a woman.

She was a subversive, he explained, who was lying in a hammock with a pistol and some hand grenades. He said he made her get on the ground and turned her head to the side on the dirt, holding it steady with his foot. When he pulled the trigger, blood and bone flew up in his face and stained his shirt.

He said, "The next time I shot somebody, I put the gun close to his head so he wouldn't splatter."

Killing was not something he liked, he said, but it didn't bother him, either.

A CHILLING PLAN MAPS A TERROR ROAD TO RULE

(By Craig Pyes)

A group of diehard veterans of French colonial Algeria helped right-wing leader Roberto D'Aubuisson map a secret plan for a campaign of terror aimed at seizing control of El Salvador's government.

The plan was drafted in Guatemala in April and May of 1980, D'Aubuisson said, when he met with former members of the French Secret Army Organization (OAS) who had been contacted by "Salvadoran millionaires."

D'Aubuisson said he and his French consultants laid out a political and operational strategy of counterterror adopted from techniques OAS developed in its struggle against Algerian nationalists in the late 1950s. The OAS veterans also had served as advisers to the ultra-right-wing National Liberation Movement (MLN) in its bloody anti-guerrilla campaigns in the 1960s.

After the October 1979 coup in El Salvador by a group of reform-minded young military officers, D'Aubuisson and other Salvadoran rightists moved to Guatemala and began working closely with the MLN in regional "anti-communist" paramilitary operations, including attacks on officials of El Salvador's U.S.-backed government.

D'Aubuisson's plan outlines organizational and operational guidelines for assassinations, kidnappings and military assault teams, to be coupled with a political organization engaged in international diplomacy and public relations.

D'Aubuisson called it "a good plan," based in part on "how we have been operating from October 1979 to May 1980." The Salvadoran leader never said how much of the plan had become operational, acknowledging only that "later the initial idea that we had seized on in that document became more consolidated." He added that it contained the organizational diagram that resulted in the Nationalist Republican Alliance (ARENA).

The document was seized from D'Aubuisson's attache case during his May 7, 1980, arrest at a farmhouse northwest of San Salvador by forces loyal to Army Chief of Staff Col. Adolfo Arnoldo Majano, one of the army officers D'Aubuisson was working to overthrow. The plan—a copy of which has been obtained by the Albuquerque Journal—was among a number of compromising documents seized at the time.

The others included a datebook containing the names and addresses of right-wing businessmen and military officers and records of payments to active-duty army officers, for weapons, notations of meetings, vehicles, prostitutes and safe houses.

"I believe this is a whole terrorist plan—it was a miracle to have captured this," said Majano. "Everything that was planned in this has come to be in these past years . . . the kidnappings, the dragging people out of their homes at night. It's all here."

Though the datebook was shared with authorities in the United States, U.S. officials claim they were never given a copy of the D'Aubuisson plan.

(The Journal obtained its copy from Heather Foote of the Washington Office on Latin America, a non-profit organization that monitors human-rights developments for church, press and congressional committees.)

The paramilitary organizational structure described in the document resembles a political death-squad network that U.S. officials today say is linked to D'Aubuisson's ARENA and high-ranking military officers strategically placed in intelligence sections of the Salvadoran security forces and army commands.

Some of these officers were among those arrested with D'Aubuisson at the farm, but all were released quickly "for insufficient evidence" by a military commission.

A few days after D'Aubuisson's arrest, seven of El Salvador's most notorious death squads issued a proclamation announcing their unification under the banner of the "Secret Anti-Communist Army" (ESA)—one of the death squads operating in El Salvador today. The proclamation called for joining the extreme right's political groups with the military death squads, as outlined in the plan.

After his release, D'Aubuisson sent an explanatory letter to a member of the high command, asking permission to put the anti-guerrilla plan into effect. The *Journal* was allowed to see a copy of the May 25, 1980, letter, which is in the private files of a close D'Aubuisson associate. The letter concluded with an appeal to the Armed Forces Command for help and protection to "develop an anti-communist campaign in the country that is quite similar to that carried out in Guatemala, (a campaign that) would not signify any embarrassment for you because we don't plan to leave any tracks in that campaign."

D'Aubuisson publicly has denied any involvement with Salvadoran death squads.

The plan is the most significant documentary evidence so far to link the Salvadoran nationalist and his supporters to the planning of paramilitary terrorist groups.

It illustrates how terrorist actions could be carried out by tightly controlled but seemingly independent death squads which display no visible ties to either the military or political organizations.

The story of the document was gleaned from *Journal* interviews with Salvadoran and Guatemalan rightists who were involved with D'Aubuisson and the former OAS operatives.

Those operatives were veterans of the same organization popularized in "The Day of the Jackal," a fictionalized account of an attempt on the life of the late President Charles de Gaulle of France. They were specialists in economic analysis, propaganda and military operations.

D'Aubuisson said they also had advised anti-communist groups throughout Latin America and helped opposition forces in Chile overthrow the elected leftist government of Salvador Allende Gossens.

At the time the plan was drawn, Salvadoran rightists believed Marxist infiltrators in the Christian Democratic civilian-military junta were preventing the government's security forces from vigorously pursuing the battle against subversion.

Some of D'Aubuisson's OAS advisers came from Paris, others from South America, said a Salvadoran close to the operation. They were very "tight-lipped more professional, more serious," he said, than other foreign advisers they had contacted.

He said the French had been promised funds to establish a commando school in Guatemala, including "weapons, and bullets, and arms and uniforms, and all those implements that are used to train people to be commandos," but the funds were not delivered.

D'Aubuisson said that, before meeting with the French, he received assurances from friends in Argentina and France that "they were honorable, motivated, trustworthy and that they had a lot of experience in these things."

"I laid it out to them how we had been working from October 1979 to May 1980," D'Aubuisson said, "how FAN (the Broad Nationalist Front, a right-wing civilian coalition he headed) was organized, what we had managed to achieve in these few months and what kind of economic help we had, with what infrastructure—that was my idea with respect to making political war.

"Then they told me that all we had done was good, that we were knowledgeable about our cause, but they recommended that I be more specific. Then they explained to me about the guerrilla war in Algeria," he added.

D'Aubuisson said the French advised the Salvadorans to form an organization which would operate independently of the government. "What we had to do was not to wait for the politicians to give the orders," D'Aubuisson explained.

At the top, according to the plan, would be a political directorate and a general staff made up of representatives of the military and right-wing civilians.

The general staff was divided into four departments and a chief of combat operations:

One department was charged with collecting funds through its agents and accounting for the expenditures.

The description matches the datebook seized during D'Aubuisson's 1980 arrest.

Another department had responsibility for "psychological action," which was defined as maintaining liaison with international support groups in Europe, South America and the United States, and distributing analysis and propaganda to local and international media. The press, the plan advises, "will be manipulated intelligently," suggesting "getting close to journalists, paying them, exploiting their professional ambitions. . . ."

The department of "Mass Organization" would be a civilian group to oversee food supplies, provide hideouts, distribute leaflets and obtain identity papers for the rightists. The civilian groups also would serve as an intelligence net, turning in the names of "subversives" to the brain of the organization: the Department of Searches and Information (DBI).

DBI's functions were to collect and analyze data and to direct the combat networks. The plan calls it "the point of the spear" in the anti-guerrilla war. Only the highest officers of the organization were to be allowed direct personal contact with DBI.

The director of combat would operate out of DBI. He would be the top of an organizational pyramid delivering orders to cells through post office box safe-drops down through its levels of command to individual combat cells of three soldiers each.

The DBI also would direct its urban combat units in assassinations, ambushes, military-type assaults, kidnappings, fund collection and sabotage.

For the countryside, the document prescribes guerrillas in heavily armed small groups to disrupt the "red gangs" in their own territory, while trying to win over peasant families "in their tiny little towns" with gifts of money and food.

The actions of the urban and rural guerrillas would have to increase gradually, the plan says, until the organization's support in the armed forces was sufficient to seize power.

During the Algerian war, French soldiers who joined the OAS operated in secret terrorist cells against the Algerian nationalist movement, even as the French government was working to reach a political accord for Algerian independence.

The politicians, the OAS believed, had betrayed France in surrendering Algeria to the nationalists, and it vowed to kill De Gaulle and bring down his government.

But, after more than half a dozen failed attempts at killing the French president, the OAS was broken up by French intelligence agents.

Members of the secret terrorist organization dispersed, some to South America to become military advisers in the international anti-communist movement.

In the mid-1960s, at least one of the officers who worked with D'Aubuisson was in Guatemala to coach the MLN.

The MLN carried out a counterinsurgency campaign similar to that later waged in El Salvador, using techniques that became the model for the Salvadorans.

[From the Albuquerque Journal, Dec. 20, 1983]

"THE DOCTOR" PRESCRIBES TORTURE FOR THE HESITANT

(By Craig Pyes)

They called him "The Doctor." Some likened him to "Larry" of "The Three Stooges," with his high forehead rising into a jumble of curly hair. A black, decayed front tooth showed when he smiled.

But behind that countenance, his colleagues said, resided the mind of a genius.

His fame as a practitioner of the specialty of extracting information was known throughout Latin America, particularly in his native Argentina.

What made The Doctor so famous was his technique, said a cohort.

He told how Argentine authorities once asked The Doctor to apply his skill to the "biggest of (leftist) bigwigs" they had captured. The prisoner "was a very sick man. He had a heart that was about to give in. He has a pacemaker, the whole thing."

And The Doctor was able to interrogate him with convulsive electric shocks "for something like 24 hours, and the guy never died on him!"

The Albuquerque Journal learned that The Doctor was among a group of foreign advisers invited to El Salvadkr three years ago tk train and supervise Salvadoran security forces in a program of interrogation involving torture and death.

They were invited into the country by high-ranking officers of the National Guard, after an initial contact by rightist leader Roberto D'Aubuisson.

The activities of the Argentines in El Salvador are one of the least-talked-about aspects of the entire war.

The trainers were part of a sensitive Argentine military intelligence operation headquartered in Honduras. Its mission there included tracking down Argentine leftists who had escaped to Central America, conducting intelligence and advisory activities with regional anti-communist groups and directing sabotage and assassination missions against Nicaraguan and other leftist targets.

The Argentines' assignment in El Salvador, D'Aubuisson said, was to establish safe houses for working with and training intelligence officers of the National Guard.

Aides close to D'Aubuisson said the interrogation techniques practiced by the Argentines were so brutal that the aides feared to go near the houses.

"I never went. I wouldn't. You knew they were killing your own people," said one D'Aubuisson intimate.

The safe houses were secret strongpoints immune from interference by Salvadoran authorities and untraceable to their users.

Neither the United States nor Argentina has acknowledged Argentine assistance to the Salvadoran security forces, which have been blamed for the majority of the more than 40,000 civilian deaths since the start of the Salvadoran civil war.

But a 10-month investigation by the Journal into rightist violence in El Salvador, which included interviews with Central Americans close to the Argentine operations, confirmed the Argentines' presence. It further confirmed that they had been recruited through an international anti-communist organization, with ties to neo-Nazi movements in Europe and South America, to train Salvadorans engaged in a virtual war of extermination against the leftist opposition.

A National Guard building visitors' register produced in an investigation into the January 1981 slayings of two American labor workers and the head of the Salvadoran agrarian reform program indicated that about eight Argentines had been in the building.

Salvadoran sources said the advisers had been working in the country in November and December 1980, just before the slayings. The sources were careful not to mention specific assignments inside El Salvador, but National Guard participation in the killings of two Salvadoran priests and four American churchwomen occurred during that period.

The commander of the National Guard at the time was Gen. Carlos Eugenio Vides Casanova, now El Salvador's defense minister.

The National Guard ordered the advisers out of the country after one of them allegedly stole a large ransom he was hired to deliver by a prominent Salvadoran family.

Within 15 months of their arrival in Central America, five of the advisers were reported killed in internal feuds. Rightist sources said some of the survivors went to Honduras in 1981 to aid U.S.-supported rebels trying to overthrow Nicaragua's leftist Sandinista government.

The Argentines originally were contacted by D'Aubuisson in September 1980 in Buenos Aires at a congress of the Latin American branch of the Taiwan-based World Anti-Communist League (WACL), an ultra-right-wing international organization.

D'Aubuisson said he put them in contact with senior officers of the Salvadoran National Guard who invited them to El Salvador.

The Argentines had impressed the Salvadorans by their success in defeating their own Montonero guerrillas a few years before.

"Here they are, professionals who had come to teach the Guardia Nacional how to do things," said one Salvadoran rightist who knew the advisers well. "The Argentines are the only ones in the world who fought an urban guerrilla war and won it. So they're just recognized naturally as the best."

In El Salvador, the program was never as coordinated as in Argentina, where the central government directed "wholesale captures, full-fledged detention camps. . . . Any Argentine would have thrown up his hands at the Salvadoran operation," said one U.S. military expert.

The Salvadoran operation centered around the National Guard, which functioned as one of the military arms of the Salvadoran right, and about 100 civilian supporters. It was loosely organized in a very conservative business and civic coalition called the Broad National Front (FAN). The coalition, formed by D'Aubuisson, later became part of the Nationalist Republican Alliance (ARENA), El Salvador's largest right-wing political party.

When the Argentines arrived in El Salvador, small groups of civilians were organized to support their activities.

"The idea was to work in cells like the communists work," explained a middle-aged businessman close to D'Aubuisson. He related how one day The Doctor showed up at his house to interview him to see if he was "de confinanza"—trustworthy.

"My general ideas were their general ideas," he said.

He said he was chosen to start a group which functioned as a virtual death caucus, compiling and checking out suspicions about employees, school teachers, neighbors.

"Once in a while we would get a hit," he said. The "subversive" would be abducted and taken to a safe house for interrogation.

In each house, D'Aubuisson said, "there would be two or three persons from the National Guard" working with the Argentines who supervised the operation and taught them how to analyze information.

But, according to members of the civilian cells, the Argentines also taught the Salvadorans more efficient methods of extracting the information.

They taught the National Guard the right way of doing things "without being medieval about it," said another Salvadoran who knew the advisers personally.

"The Guardia (had been) using all these stupid methods of dunking you in water . . . and beating you up—the old methods," he explained with a touch of contempt.

They used the "capucha," a hood filled with powdered ant poison and tied over the prisoner's head. And they used the "aviador," tying the prisoner's hands behind his back and then hoisting him off the floor by the hands with the rope through a pulley.

But the Argentines, he said, taught their Salvadoran disciples how to temper this brutality with psychology, to make the prisoner feel weak and impotent, rather than increase his resistance by making him angry.

This was accomplished by emphasizing the prisoner's sense of isolation, he said. The prisoner would be tied to a chair and left naked, blindfolded and alone for hours with the air conditioning turned up. Then the first interrogator would come in and try to coax the information from him nicely.

But if the prisoner didn't respond to the psychological approach, "somebody would come in and tie him to a little iron bed or whatever the hell and give him electric shocks until he decides to talk' he said.

Even those who supported the Argentine method as "the only way" to defeat the

communists wondered where the chains of suspicion and murder would end.

According to former Christian Democrat minister Hector Dada Herezi, the National Guard had been instructed in an Argentine manual on counterinsurgency war to "liquidate all those who could bear a grudge against you."

The proposed list of victims, according to both leftists and rightists, originally included everyone in a guerrilla's family, as in Argentina.

"But here we can't do that," asserted Alicia Llovera, a fervent rightist who has known D'Aubuisson since his infancy. "I have a cousin, for example, who is a communist. But can they kill me? No. This country is too small. Everybody is related. We'd all be dead."

The Argentines' skills came from what they called their "dirty war" in the mid-1970s, that had as its objective the extermination of even the seed of leftist opposition.

Human rights groups estimate that between 6,000 and 15,000 Argentines still are missing from the military insurgency campaign.

"The Argentines fight on the same level as the guerillas," explained a former member of a Salvadoran paramilitary group. "When they work tough, they work tough. There's no other way."

The young rightist commando told the Journal that the Argentine method was to conduct essentially an "intelligence war."

The cycle begins with interrogations and follows a geometric progression of torture and death, building upon each level of extracted information.

"You get one (guerrilla), you get three; you get three, you get 10; you get 10, you get 50. You are not just shooting whoever comes along, but are going to the heads," the young rightist said.

The interrogations are followed by "cleaning operations," explained another of the Salvadorans in a separate interview. "It's very bloody and very unfair. . . . When you get the information you have to get rid of these people. That's how stuff like (the movie) 'Missing' comes about."

The Argentine advisers in El Salvador reported to a Col. Villegas, who was part of the Argentine command attached to the Honduran military general staff, said informed Salvadoran sources.

Villegas was charged with organizing Central American rightist groups for terrorist attacks against Nicaragua, according to an Argentine defector.

Among the paramilitary groups organized by Villegas' command were squads of ex-Somoza guardsmen who had clustered around ultra-right-wing National Liberation Movement (MLN) leader Mario Sandoval Alarcon in Guatemala and D'Aubuisson's organization in El Salvador.

One Salvadoran said the Argentines were supplied false passports by their own military intelligence and made to understand "before they came, if something happened to them, the Argentine government would not help them at all."

D'Aubuisson called them "self-financing" volunteers. Others said they financed themselves by kidnapping members of wealthy families and then blaming the kidnapping on the left.

Such allegations may explain the disappearance of The Doctor, together with another Argentine adviser and a friend in Guatemala on Jan. 29, 1982. The three were reportedly executed by Guatemalan security forces after being denounced by a competing Argentine intelligence service.

Many of The Doctor's associates reached an equally violent end:

In December 1980, an Argentine adviser named Jorge was slain in El Salvador, allegedly on orders from another of his group who had absconded to Miami with a $500,000 ranson he was hired to deliver.

Then another Argentine adviser, Emilio, was killed because his comrades thought "he had been in cahoots" with the one who stole the money, said a Salvadoran who said Emilio was his friend.

The last of the Argentines left shortly thereafter.

Although some Salvadorans interviewed were disillusioned by the killing, most still maintain that the Argentines were motivated by a great spirit of anti-communism and an idealism that superceded the drive for monetary gain.

Most of the Argentines were said to be members of a neo-fascist splinter group of Argentina's Peronist Party. That group tended to see Latin America "like Germany before the rise of the Nazis" and preached a "guerra santa" or holy war against communists.

"For them," explained one Salvadoran, "the bad guys are the Jews."

A number of the Salvadorans and Guatemalans expressed sympathy for fascist doctrines, but many were uncomfortable with the anti-Semitism.

Some Salvadorans think the Argentines' stay in El Salvador was not all bad. When asked what they had accomplished, D'Aubuisson said that though they were in El Salvador only a short time, "this time was well spent."

One young Salvadoran went further, saying the National Guard "liked the system so much that, even after the Argenties left, they kept doing it. . . . I think they still do it," he said.

[From the Albuquerque Journal, Dec. 20, 1983]

TO THE BROTHERHOOD, REDS INFECT EVERY NICHE OF EL SALVADOR

(By Craig Pyes)

When there is a pointing out of a 'communist,' there is always a fanatic who will kill him."

—Morales Ehrlich, Salvadoran Christian Democratic Party leader.

It is as easy as calling the exterminator.

Only the targets are human. They're neighbors, cousins, business rivals or former friends.

They're teachers, medical personnel, union members, land reformers, refugee camp operators, priests, nuns.

They are, above all, in the eyes of some Salvadorans, "subversivos"—those accused of helping the communists.

The violent right wing's rules of the game are clear: identify your enemy, probably he will die.

More than 40,000 civilians have been killed during four years of civil war. But a fact-finding mission from the New York Bar Association could not find a single case in which either a Salvadoran civilian or military court had sustained charges against any member of the security forces or their civilian allies for killing, torturing or kidnapping anyone alleged to be a subversive.

The problem bothers U.S. policy-makers. By virtually all credible accounts, those responsible for the vast majority of the deaths are from the pro-American segment of Salvadoran society.

"I think that we're making some progress in narrowing the universe of people it is okay to kill," said a high State Department official, defining the permissible universe as "active combatants within the guerrillas.".

But, State Department officials hasten to add, things could be worse if El Salvador's fragile coalition government breaks apart and the extreme right takes complete control. In that event, an even worse bloodbath could follow.

During 10 months of interviewing leading members of the ultra-right-wing Nationalist Republican Alliance (ARENA), there emerged a startling profile of who is considered a communist subversive.

ARENA party members consider themselves experts on the subject, and many of those interviewed referred to a deep spiritual bond of anti-communism they share.

They call it *"la mistica."*

The concept is difficult to translate into English, but those who had *la mistica* included the original underground cells of right-wing collaborators who started the party, members of the outlawed rural paramilitary organization ORDEN and a group of South American secret police who advised the Salvadoran military on interrogation and torture techniques.

"You have to be in it to feel it. It's like a brotherhood," explained Guillermo "Billy" Sol, a party founder. Together, he said, the inner core of ARENA risked the odds trying to accomplish its goals of free elections, free enterprise and getting "rid of the reds."

Billy Sol, like most ARENA leaders, had his own list of reds. But unlike others in the party linked to the death squads, Billy Sol figures actuarial odds on the survival of his friends and enemies. Billy Sol sells life insurance in a company run by another of ARENA's backers.

"We choose very carefully who we're going to insure," he said. For example, agrarian reform workers are uninsurable.

Residents of certain guerrilla-infested areas of the country, such as Morazan and Chalatenango, are uninsurable. "The Christian Democrats were never insurable."

With Salvadoran presidential elections set for next March, hopes of a viable coalition government are not encouraged when ARENA, El Salvador's second-largest political party, considers El Salvador's largest party—the Christian Democrats—the same as the communist enemy.

"The Christian Democrats are communists," explained ARENA leader Roberto D'Aubuisson during an interview with the *Albuquerque Journal.* By his definition, "Communists are those or that which directly or indirectly aid Soviet expansionism." He said the collectivist policies of the Christian Democrats fell into this category.

D'Aubuisson's view of the Christian Democrats apparently as shared by members of a local death squad calling itself the "Secret Anti-Communist Army" (ESA). This spring that group dumped a body in a San Salvador hotel parking lot with a typed warning to a Christian Democratic assemblyman that he, too, faces "the same penalty as the civilian and military individuals who collaborate in a direct or indirect form with the communist guerrillas."

In 1980, the ESA published a list of those it termed communist subversives deserving extermination. It included "all the heads of the Salvadoran Communist Party, all international agents responsible for murders, all junta members involved with leftist groups, all leaders of popular and guerrilla organizations, all common murderers, thieves, assailants, rapists, pickpockets, homosexuals, prostitutes, drug addicts, false priests, mili-

tary traitors, shameless lawyers, poisonous professors, officials of corrupt governments, unscrupulous moneylenders and all the good-for-nothing pus of El Salvador."

Also high on the list of subversives, D'Aubuisson said, were the Jesuits, who were "the worst scum" of all.

Francisco Guirola is one of the original young rightists who banded with D'Aubuisson and who acquired la mistica in Guatemala. He said one can recognize a communist because "eventually their ideas come out, and they're not your ideas."

One high ARENA official described himself as an expert in identifying communists.

"I'll tell you one thing, I never missed," he said. "On two or three occasions I was given information on very close friends of mine who were involved in the communist movement. One of my friends, it turned out, was against free enterprise—talked about social injustice, private property being taken away (land reform)."

He explained, "If you investigate people like we did, you find everybody has some communist ties if you look for them hard enough."

And, he said, "We have investigated everybody."

When he said everybody, he meant everybody. He had even investigated D'Aubuisson before getting involved with him.

D'Aubuisson passed the test, he asserted.

[From the Albuquerque Journal, Dec. 21, 1983]

THE BUSINESSMEN INVEST IN THE MURKY SIDE OF WAR

(By Craig Pyes)

The young government worker removed his coat to make himself more comfortable, lifted the gun from his shoulder holster and removed the pistol tucked in the back of his belt.

He explained how he and his "boys" had made repeated attacks against the Jesuit-run Central American University (UCA), had bombed the Catholic radio station that broadcast the homilies of slain Archbishop Oscar Arnulfo Romero, and had sprayed the Nicaraguan Embassy with machine-gun fire. After each attack, they had left communiques crediting their actions to El Salvador's secret anti-communist armies.

The young man was a longtime veteran of the movement. He had lived underground in El Salvador and Guatemala with Roberto D'Aubuisson in the early days.

He was one of D'Aubuisson's top civilian lieutenants during the terrorist phase of the ultra-right movement in 1980 and 1981.

Last year the young man, Gato (a pseudonym), talked to the Albuquerque Journal about his terrorist activities.

"I think they (death squads) have done a good job," he said, although he doubted the killing by itself could bring about the desired goal of rightist domination. The terror organizations had been dormant for nearly a year.

But, Gato warned in 1982, the death squads are "going to begin again."

A few months ago, Gato's prediction came true. Organizations calling themselves the Maximiliano Hernandez Martinez Anti-Communist Brigade and the Secret Anti-Communist Army reappeared. They initiated a fresh wave of kidnappings, bombings and assassinations against trade unionists, religious leaders and those who favored economic reforms and negotiations with the left.

These new acts of rightist political violence have been decried by the U.S. State Department as "doing more to destroy El Salvador than the communist guerrillas could ever hope to accomplish."

The origins and personalities behind this right-wing terrorism have been little explored. A recently declassified U.S. analysis termed rightist terrorism the most elusive, shadowy and murky of all the myriad forms of Salvadoran violence.

More than a dozen participants in this paramilitary underground were interviewed during a 10-month investigation by the Journal. The investigation traced the responsibility for many of the terrorist acts to a civilian-military network that formed following the 1979 young officers' reformist coup and later evolved into El Salvador's second-largest political party: the ultra-right-wing Nationalist Republican Alliance (ARENA).

D'Aubuisson is the undisputed leader of ARENA, which nominated him Sunday to be the party's candidate in the presidential elections next March. He was named leader of the Constituent Assembly in March 1982, when ARENA captured about 25 percent of the vote. Tuesday he resigned that post to pursue his campaign for the nation's presidency.

Those interviewed included top party officials and close associates of D'Aubuisson. Some spoke candidly about their deeds, describing the genesis of the paramilitary underground and their personal motivation for joining it. They outlined its structure of secret cells and explained why and how victims were selected to die.

The roots of the current paramilitary underground were formed in civilian vigilante groups, but the underground later spread back into the military.

At the beginning, explained one foreign military expert close to Salvadoran death squads and the National Guard, the death squads generally were composed of about 75 percent civilians from the professional ranks. The military minority generally retained command, however. In mid-1980, after the military was purged of reformers, insiders said death squads became 90 percent military.

The story of the deadly patriots begins with the oligarchy and its sympathetic middle class who, after the 1979 coup, found they had lost the use of the army to defend their interests.

They said their choice was simple: to stay and fight or to leave El Salvador. Since most lacked the financial resources to live comfortably in another country, their choice was that much easier.

But most believed they had to do something because they believed the military lacked the motivation, discipline and skill to successfully challenge the guerrillas and terrorists of the left. The civilians organized around the principle that the only way to fight terror was with more terror.

"You have to live (with terrorism) to understand it. You have to suffer the effects of terrorism to realize you have to act the same way against them," said Gato, whose bombing career began while he was a member of El Salvador's Chamber of Commerce.

Gato said he worked in two cells, whose members were of different age groups and didn't know each other. They drew their members from the upper-middle and middle classes of El Salvador, most of them American-educated and fluent in English. He said he had "25 guys" who were on call and who sometimes did actions on their own.

"I organized them," he said. "I don't know if anybody was hurt (by his group's operations). I know some people left the country."

Alonso (also a pseudonym) is a close friend of Gato and typical of those who joined the clandestine organizations. He was a member of the same military group which worked with D'Aubuisson in the underground following the coup. Like all the participants in this story, he was interviewed separately from the others.

Alonso was in his late 20s and had studied business administration in the United States. In his own eyes he saw himself as one of the shock troops of the counterrevolution.

When he returned home in 1979, he found that El Salvador's leftists were in the ascendancy. The communists had occupied the churches and turned them into forts, he asserted. They struck against businesses, so no money was coming in.

The military stayed in its barracks, so the disorder kept increasing.

To go to work, Alonso said, he had to drive through downtown San Salvador, but the demonstrators blocked his way. He stopped going to work. There seemed nothing he could do, nobody to turn to.

The country seemed to him to be "falling apart," and he was afraid. That fear turned to a "deep anger coming out of your gut," he said, until "something inside you clicks very softly and says, 'By God, I'm not going to take that any more!' All of a sudden something sends you very cleanly and very precisely over the edge."

He began reaching out to friends, people who thought as he did.

A few months later, Alonso was admitted into Gato's group.

"We all went out and bought uniforms and Marine boots and camouflage outfits, and training books on how to do commando raids—and ski masks," Alonso said. They were promised military training by the National Guard.

There was no big organization, he said, just a multiplicity of groups.

The groups never were organized as tightly as the left's, said another member, because they were all from private enterprise and "used to competition. We don't trust each other enough," he said.

Estimates vary, but those involved say they knew of, at most, about 100 civilians organized in about a dozen militarily active cells. Later, those cells joined the political movement that formed around D'Aubuisson.

"Say I live in San Benito and I form the Maximiliano Brigade, and somebody else forms a different group in Escalon. That's the way it started," said Alonso. "Roberto (D'Aubuisson) had his group together, and we had ours."

One former ARENA officer said when his group formed he was escorted by a banker to a "safe house" in San Salvador to obtain weapons. At the house, D'Aubuisson was meeting with another group. It was two blocks from the U.S. ambassador's residence.

"Everybody sort of did their own deadly thing," recalled one U.S. diplomat. The groups aligned with D'Aubuisson's group "probably took out the church."

"'Major Bob and his merry band,' We used to call them," the diplomat said. They "took out the UCA (Central American University) library and faculty quarters."

The Catholic radio station also was bombed.

"The first time they didn't do it right, so they went back," the diplomat said.

"You do it, because who the hell else is going to do it?" declared Gato.

"We just wanted to do some acts of terrorism. So we started with UCA."

The elite, Jesuit-run Central American University is where most of the young right-wing terrorists had gone to school. They now blame it for spawning the guerrilla movements of the left.

The terrorists started with the computer center—the jewel of the university—which they blew up, he said, because they thought "it had communist names in it."

Fifteen days later they returned to their alma mater and shot up the residence of the Jesuits. Nobody was injured. Gato chuckled. "I wonder where they hid?"

Gato said he had been involved personally in at least 30 separate terrorist attacks—many of them made to seem the work of the secret death squads by leaving fliers at the scene. His targets included newspapers, radio stations, churches and secular church properties. In general, he believed the right-wing terrorist offensive had been successful.

He boasted that on some nights one might hear as many as 20 bombs going off in San Salvador. The targets were buildings, usually the homes or businesses of moderates or leftists.

The bombs, bullets and Molotov cocktails were warnings to the inhabitants.

"When your front door blows up . . .," said Gato, "you choose to move or you change your strategy."

Some interviewed were uncertain if any of their actions had killed anyone. They made a distinction between bombing a house occupied by suspected leftist terrorists and going out with the specific intention of killing someone "because you have the information."

The premeditated taking of a human life was a threshold each of them faced. Many in Gato's group seemed hesitant about crossing it. Not Gato.

"I'll tell you this, I have never killed anyone yet, but I wouldn't mind," said Gato. "Communists tell you this: 'I have nothing to lose except my life.' I feel the same."

To kill someone meant graduation to a higher rung in the hierarchy of terror. Some civilian death-squad members were idolized by the young terrorists for having reached a consummate professionalism like a James Bond, capable of killing in a "clean way."

These belonged to the much admired and imitated escuadron de la muerta or "EM," the collective title (Spanish for death squad) under which about a half-dozen groups took revenge on the left.

"They found real guerrillas . . . and captured them, and put a single bullet through their heads," Alonso said. "'You're a communist,' they would say, and boom: they would shoot them, and throw them out in the road somewhere. The next day, everybody would know a communist was dead."

In the summer of 1981, there was a variation. The bodies of more than 80 beheaded youths were dumped at the outskirts of Santa Ana, El Salvador's second-largest city. The heads had been neatly severed, not hacked off.

"I don't want to believe they were really doing that," Alonso said. "They must have shot them first. At least, I hope they shot them first."

Alonso said he had been "proud" to meet some of the real professionals, like a former ARENA party manager, Constantino Rampone, who was described by Journal sources as one of the most important civilian death squad leaders before his own death by heart attack.

Rampone, a middle-aged civil engineer, had been a founder, financier and arms supplier for Salvadoran death squads and a liaison between civilian and military groups in western El Salvador. In the opinion of those interviewed, Rampone was far more effective and involved militarily than D'Aubuisson, who they said was given credit for things he didn't do.

Members of Gato's group said they became acquainted with Rampone in 1979 and just "started talking about same things."

They met in his office, which they described as being "like a strongbox, with thick steel doors and grenades."

"People would listen to him about the ways things should be done," said Alonso, who described the middle-aged businessman as having a unique outlook gained from being a former member of the Hitler Youth in Europe. "That was like a credential saying he was anti-communist."

Rampone used his wealth to finance his own groups and his factory to produce weapons for others in the paramilitary network.

Rampone's own commando group was made up of hotel owners, doctors, lawyers and, conveniently, a funeral parlor owner.

Parts of Rampone's operation, Journal sources said, may still be in place.

Members of these groups referred to their activities as "intelligence operations."

One businessman who worked closely with Rampone and D'Aubuisson talked about his activities as a civilian death-squad member. For purposes of this story, his name will be Gordo.

Gordo is a family man whose children attend Catholic school. By profession he is an engineer. He said his specialty was explosives, particularly how to prepare blasting material when dynamite was scarce.

He described himself as the leader of a group of five young people, "you've probably seen around the (ARENA) party." Besides his group, he said, he personally knew of only eight to 10 other civilians who could legitimately be considered members of death squads.

The squads had leaders, he said, but did not respond uniformly to leadership.

"Roberto (D'Aubuisson) never has controlled his group; I have never controlled mine," he said.

When asked how a person was chosen to die, Gordo cited the example of a union member who might arouse suspicion if he exhibited too much influence, or spoke out of line, or was too involved in organizing.

When somebody came under suspicion, he said, members of the groups compared information, trying to gauge the suspect's anti-communist sentiments, who his associates were, who he came to meetings with.

"If sombody was too far involved, there was only one way to get him out of the picture." And that, Gordo said, "was to get him out of the picture."

Once, he said, he "had orders to kill" Ernesto Rivas Gallont, El Salvador's ambassador to the United States.

The attempt, which took place while Rivas Gallont was jogging near the Central American University, was made under Salvadoran military protection, said Gordo. The police were there to "show their IDs and say 'It's OK, they're with us,'" in case the operation was interfered with by officers unaware of the plot.

The operation involved four cars, among them a Toyota panel truck with sliding doors so "it would have been easy to grab him by the hair and pull him in" as he went jogging past. But on the appointed day, Gordo said, Rivas Gallont was "running against traffic for safety's sake," and the conspirators couldn't get to him.

The ambassador retuned to the United States a few days later, he said.

Contacted in Washington last week, Rivas Gallont said he was unaware of the attempt but had often jogged near the university.

"But I won't do it any more," he said.

Although Gordo termed Rivas Gallont a personal friend, he said he had no qualms about carrying out the oders to "kidnap and eliminate" him. It was not because he thought the Salvadoran ambassador was a guerrilla, he said, but because he believed he was an intellectual and posed more of a threat than the person carrying the gun.

And once one is involved, he said, "you can't back away. If you do that, then you can't expect anyone else to go through with it, either."

Gordo got in it for revenge. His first terrorist action was a retaliatory attack against what he called a guerrilla safe house. Everyone in the house was killed.

"Anybody in that house, to me, was an enemy," he said. "I'm not going to say it was right. I'm not going to say it was wrong. War is war."

But after the first time, he said, it was easier.

Nobody likes to do it," he admitted. "After you do it . . . you go out and get a couple of drinks and get drunk. For three, four or five days I wouldn't talk to anyone. I didn't like anyone to know I'd done it.

"Like my children. Yet I know they knew it. I suspect that they knew, because I'd be gone for a night and they'd know an attack was carried out, and I'd come back the next day and grab some clothes and walk out."

"A Regular Americano" Joins the Kidnappers

(By Craig Pyes)

Salvadoran right-wing activist Mario Redaelli was four months old in 1932 when rebellious peasants dragged his father from the house by his thumbs and tortured him for 18 hours in the streets before killing him.

Since then, half a century has passed, and civil strife is still rending El Salvador.

And though most of Redaelli's life over the intervening years was spent in the United States, indistinguishable from that of an American youth, the violence of El Salvador's civil war pulled the adult Redaelli right back into the Salvadoran struggle that took the life of his father.

Late one night last year, Redaelli, the 48-year-old former high official of Roberto D'Aubuisson's Nationalist Republican Alliance (ARENA), described the acts of political violence he committed on behalf of his ultra-right-wing cause.

"I have kidnapped," he admitted, during a wide-ranging interview with the Albuquerque Journal in his San Salvador home. "Even people of my own social circuit," and "sacrificed . . . so fewer may die."

The words came softly from the more-than-six-foot, nearly 200-pound businessman, whose fluent English was punctuated with American slang.

On the bookshelf in the well-appointed living room lay a black AR-15 automatic

rifle; on the nightstand in the bedroom a .45 and a hand grenade.

In the late-night interview, Redaelli said his views are typical of the "hard core of ARENA," a party itself considered hard-core in El Salvador's spectrum of political parties.

After the March 1982 elections, the military imposed relatively moderate Alvaro Magaña as president. Redaelli stormed out of the Constituent Assembly chamber in response, calling D'Aubuisson a traitor for acquiescing to the compromise.

Until then, the American-educated construction engineer had served as D'Aubuisson's spokesman to the English-speaking media.

"Roberto and I are very close," Redaelli said. "He has lived here (at Redaelli's house) for months and months. We have hidden together." But shortly after the "traitor" remark last year, Redaelli quietly left his party post. Insiders said his public comments tended to make policy rather than interpret it.

Redaelli's motivating preoccupations have alternately been fighting communism and making money, reflecting his childhood in the post-World War II United States and his experiences upon his return to Central America.

He says he graduated from Hollywood High School in California in 1948, and he jokingly refers to himself as "a regular Americano" and "a real gringo."

And just like a gringo, he says, he used to spend his time thinking only about his credit rating. On his left arm is a tattoo of an American eagle alighting on the shield of the U.S.A.

But U.S. authorities are somewhat wary of his political fervor. A U.S. Customs check showed Redaelli is listed as a suspected terrorist who has threatened the life of an American official and is considered persona non grata in the United States.

Redaelli made the "undesirables" list because of his activities during a May 1980 sit-in at the San Salvador residence of then-U.S. Ambassador Robert White. The sit-in was to demand the release of D'Aubuisson, who had been arrested with other army officers and civilians for plotting a rightist coup.

Last year, on "Good Morning, America," Redaelli startled television host David Hartman by telling him that the former ambassador had been linked to communists in South America and was a chronic alcoholic. The implication was that "Americans" like Redaelli fight communism; Robert White did not.

Redaelli told the Journal that White, during his confirmation hearings, was vigorously opposed by Sen. Jesse Helms, D-N.C.

"That's why Robert White had my visa taken, because I read all that stuff," he said.

Redaelli laid out his credentials:

"I'm one of the eldest anti-communists in El Salvador. . . . I've always been interested in communists. I've always tracked them down. It's one of my pet schemes, to see what they're doing. I have a lot of friends in military intelligence, to tell you the truth."

The Journal interview was interrupted by a knock on the door. A major and his wife were shown into the house and ushered out to the front patio. Redaelli returned to the living room.

"You know how (the military) are: they don't want to be seen. Will you excuse me?"

During the next 20 minutes, bits of the conversation filtered through an open door. The mayor told Redaelli of secret arms movements by subversives he had seen near San Vicente in eastern El Salvador.

After the major left, Redaelli explained that the officer had passed him information to give to certain trusted military men so the subversives could be taken care of.

The exchange between military man and civilian seemed typical of the interaction common in the far-right coalition headed by D'Aubuisson.

Redaelli related how FAN (the Broad National Front)—ARENA's right-wing predecessor—had been accused of running death squads. That was not true, he said: FAN was a patriotic organization.

"We were passing off information to the National Guard and the Treasury Police and the National Police on what they (the communists) were planning and who they were."

Redaelli was asked if he, too, had participated. Being careful not to name names, he described how he had assisted in kidnappings.

"The same way they (the left) do it," he continued. "With careful planning.

"You watch them. You follow them. You study your man. What time does he leave the office? Is it the same time every day? What kind of car does he drive? Does he have security? How many bodyguards? When he leaves the office, does he have a gun? Does he have the guts to use it? Will he shoot first?"

"Some of the victims," he continued, were "even people of my own social circuit. One was a close acquaintance, not a very close friend exactly, but somebody—well, that I socialized with, that I saw at cocktail parties."

When asked why he did it, Redaelli said it was because "I had to. . . . When you realize the people who are doing these things—they would cost more lives, so they are the ones who have to be sacrificed, so fewer may die."

Relaxed in his chair, Redaelli looked like any middle-aged businessman in any upper-middle-class home in the United States. That illusion was shattered when an unexpected knock brought him leaping to his feet, grabbing the automatic rifle.

"It's late," he explained.

The unexpected visitor was the reporters' cab driver, who had becomes frightened waiting alone on the deserted street.

The situation was resolved, and the interview continued.

Mario Redaelli said he later realized he was destined to become an anti-communist when angry peasants killed his father in 1932. He was born four months before that event, about the time communist organizer Augustin Farabundo Marti and a small group planned what was to be called the fist communist peasant uprising in the Western Hemisphere. The uprising started among Salvadorn coffee workers who were hit hard by the worldwide depression.

Mario's father, Emilio Redaelli, was an Italian immigrant and mayor of Juayua in western El Salvador. He was not a member of the oligarchy, but he was identified with them, managing a coffee-processing plant for the Daglio family of El Salvador's coffee aristocracy.

Historical accounts differ on how the local people viewed Emilio Redaelli. But on Jan. 22, 1932, when Indian coffee workers staged their abortive revolt, Emilio Redaelli was among the few civilians killed by the rebels.

The uprising claimed 100 lives.

The response of the Salvadoran government of Gen. Maximiliano Hernandez Martinez was the Matanza of "Massacre." Government forces killed between 10,000 and 30,000 peasants in the area of the revolt within a few weeks.

The response of the Redaelli family was to leave El Salvador for the United States.

Mario Redaelli remembers his mother once telling him about "the incident." However, "no politics were ever discussed when I was growing up on the States. We were just Democrats, period," he added.

He went to elementary school, junior high, high school and engineering school, each time adding a new coat of American varnish.

It wasn't until 1958, when he was back in El Salvador with a Nicaraguan wife and his own construction business, that he first got involved in Latin American politics, or, as he put it, "a revolution—against Anastasio Somoza," Nicaragua's dictator.

At that time, Central America was undergoing a series of revolutionary nationalist convulsions similar to today's. The ferment gripped just about every country in the region as the young men and women of one generation banded together to challenge the U.S.-backed dictators of the generation before.

Redaelli said he was attracted to the struggle in Nicaragua for a number of reasons:

Like many Salvadorans, he considered himself a "unionist" in support of a single Central American confederation of nations. Also—and more important—his wife's family was among the Nicaraguan exiles then in El Salvador plotting to overthrow the Somoza family dynasty.

Had that early anti-Somoza plot succeeded, Redaelli said, they intended to use Nicaragua as a base to mount an invasion with Fidel Castro's forces to free Cuba in 1958. But the key to the plan was to first hijack a Lanica (Nicaraguan Airline) plane at Miami International Airport and then fly to Honduras, where an attack force of anti-Somoza exiles was making ready.

The May 1958 hijacking, Redaelli claimed, was the first airplane hijacking in history.

"I planned it," he said. "I've done a lot of things!"

But to pilot Ali Salomon, the only one of the actual hijackers still alive, Redaelli is "a big liar."

"This Mario Redaelli," Salomon recalled, had nothing to do with the actual hijacking of the plane. Redaelli's job was to get the passports needed for the mission.

The rendezvous between the stolen cargo plane and the invasion force in Honduras was broken up by the arrival of the Honduran Air Force. Redaelli escaped the roundup of would-be rebels.

Fifteen years later, visiting El Salvador, Salomon said he was surprised to find that Redaelli's rebel brother-in-law had become the consul for Somoza and Redaelli "was in the high society of the 'Somocistas'—supporters of Somoza—in El Salvador."

When asked how he accounted for the change, Salomon paused, then said: "Maybe he was spying on us all along?"

After the hijacking misadventure, Mario Redaelli might have been perfectly content to leave politics behind him and return to his credit statements and account books and his yearbook from Hollywood High.

Like his father, he got a job in the business of a wealthy Salvadoran family—in his case, selling tractors. He became "the number-one sales promoter" for John Deere in Latin America.

But then, he explained, he began to perceive a bigger picture: something insidious, something invisible, slowly eating away the Salvadoran political structure from inside.

Redaelli embraced the "worldwide communist conspiracy" view of international events.

"I think the thing that most impressed me," he said, was when President Harry Truman pulled Gen. Douglas MacArthur back from the Far East during the Korean War "when (MacArthur) wanted to stop communism back then."

That's when, he said, "I began seeing the communist threat to the United States."

Further study convinced Redaelli it had all begun when the United States surrendered half of Europe to the "Russkies" at Yalta; then the "loss in Korea, followed by the loss in Vietnam, and "that really did it."

At the same time, there was the "loss of moral values" caused by the hippie movement of the 1960s.

Redaelli lit a Diplomat cigarette and asked, "Do they still salute the flag in the United States?"

"I realized then it was shot . . . the whole moral stability of the States was lost," he said. "That's one of the ways communist infiltrate society."

He said the same pattern was apparent in El Salvador, through changes in the education curriculum. "Morality, civics and proper conduct in schools" were eliminated from study during the 1950s, he said.

But it was not until his own earth-moving construction business became a target of the unions that Redaelli decided to become involved personally.

At first he tried trained attack dogs to keep organizers from the "communist" union away.

But the dogs were not enough.

About a month after the October 1979 U.S.-backed coup led to a group of reform-minded young army officers, militant union organizers vandalized Redaelli's equipment and held him hostage for a time.

Sometime after that, Redaelli heard about Roberto D'Aubuisson and decided to seek him out.

Redaelli said he didn't know D'Aubuisson because he was 12 years older than the intelligence officer and "I mixed with colonels; D'Aubuisson with majors."

But D'Aubuisson was actively fighting communists. So Redaelli brought D'Aubuisson the names of people he believed were ringleaders in the construction union. The burly contractor had decided D'Aubuisson's approach was the only solution to his labor problems.

He joined D'Aubuisson's party, quit work for two years, changed houses for security reasons four times. He became one of the group's main fund-raisers and procurers of transportation. And, "whether I earned it or whether I stole it, I had enough to live off for a while."

The diminutive size of El Salvador makes the cycle of political terrorism a personal experience for most of its citizens.

"I've lost friends at this. Not by kidnapping, but by being tortured and murdered," Redaelli said.

Eight out of 10 Salvadoran families could say the same.

The clandestine activity of terrorists "is perhaps more cruel than war itself," Redaelli said, "because it's more cold-blooded."

In El Salvador you're not just shooting from a foxhole, but you're up close doing it to people you know, he said.

"Why is the left always glorified when they do these things? I'm not ashamed. It had to be done."

THE NEW AMERICAN RIGHT COOKS UP A HOT POTATO

(By Craig Pyes)

Representatives of the New Right in the United States helped a group of ultra-right-wing Salvadorans form a political party which has become the second-largest political force in El Salvador—and a hot potato for the Reagan administration.

The Nationalist Republican Alliance (ARENA) headed by ex-Maj. Roberto D'Aubuisson, was formed after meetings with aides of Sen. Jesse Helms, R-N.C., with valuable Washington contacts arranged by the staff director of the Republican Conference, and with the advice and services of a Washington public relations man who once represented the government of deposed Nicaraguan dictator Anastasio Somoza.

Acting on the advice of their American friends, Salvadoran rightists used to living underground and committing acts of terrorism came out to campaign for the March 1982 elections sounding much like the "Grand Old Party." They merged the Republican Party's 1980 platform with principles from more authoritarian nationalist parties, such as the German Nazis, to form the ARENA creed. They even borrowed the name "Republican" in christening the Nationalist Republican Alliance.

"ARENA did in five months what it takes most Salvadoran political parties at least five years to do," claimed one ARENA founder after the March 1982 election results were in.

ARENA had won 25 percent of the vote, making it the largest of the right-wing political parties in El Salvador.

The party's electoral triumph marked a significant reversal of Carter Administration efforts to isolate the right from the Salvadoran mainstream it had dominated for so long.

Although many ARENA leaders said they personally preferred the hard-line anti-communist governments of Latin America, they credited much of last year's electoral success to the guidance they received from ultra-conservatives in the United States.

The Albuquerque Journal learned that Sen. Helms' aides maintained telephone contacts to the private residences of wealthy Salvadoran backers of ARENA living in Miami. And party leaders in El Salvador receiving cables from Washington reporting on closed-door U.S. State Department and congressional activity affecting the Salvadoran right. When asked the origin of the cables, an ARENA Party founder referred the question back to a Helms' aide.

Although D'Aubuisson's power may have ebbed since the March 1982 elections, when he won the presidency of the Constituent Assembly, the party is still seen as strong, and contacts remain with some Washington conservatives.

Last December, the party's information director was one of four Salvadorans who traveled to the United States to receive a course in how to deal with the U.S. media—a course contracted by the United States Information Agency (USIA) and paid for by American taxpayers. And shortly after the March 1982 elections, D'Aubuisson told a private gathering of ARENA youth that he had two scholarships from the Republican Party for English speakers to "go to the U.S. of Gringos" for a week's instruction on how to develop a political campaign in preparation for the upcoming Salvadoran presidential election, now scheduled for March 25, 1984.

D'Aubuisson will be ARENA's candidate to oppose Christian Democrat Duarte on the ballot. D'Aubuisson Tuesday resigned as head of the Constituent Assembly so he could campaign for the presidency.

According to one U.S. official on the National Security Council, members of El Salvador's extreme right were able to gain their conservative American backing by using "buzz words" that would appeal to their ideological brethren in the United States.

A State Department source said the conservative American network of politicians, public relations men, lawyers and trade associations behind ARENA has been able to lend El Salvador's party of the violent right legitimacy in American political circles.

In San Salvador, a foreign service officer formerly stationed at the U.S. Embassy explained that, in the past, backing from influential conservatives in the United States has affected the ability of the embassy to deal with demands from the extreme right.

Following the Reagan election victory, the Salvadoran right was convinced that the United States would never withdraw support from an anti-communist government.

"I don't think it's the embassy that's at fault as much as Ed Meese and Ron Reagan and Jesse Helms," said one U.S. diplomat last year. "Unless they see a guy like D'Aubuisson running a machete through somebody, they're inclined to ignore it . . . . There is absolutely zero conception of what these people are like, how evil they really are."

Recently, however, in the face of renewed death-squad violence, the uncritical support of the Salvadoran right wing by conservative Republican interests in this country has begun to change.

President Reagan, Vice President George Bush and Secretary of State George Shultz all have denounced vigorously the death-squad violence in recent weeks. The Reagan administration's slow about-face on D'Aubuisson and ARENA come in the aftermath of increasing reports linking D'Aubuisson and his party to the violence.

Rep. Jack Kemp, R-N.Y., formerly considered a staunch friend by ARENA, said the National Bipartisan Commission on Central America, headed by former Secretary of State Henry A. Kissinger, told D'Aubuisson bluntly that military death squads would not be tolerated by any U.S. political factions, including ultra-conservatives.

Less than a year ago D'Aubuisson was granted a U.S. visa by the State Department, which claimed then that it had no evidence linking him to rightist violence.

However, when D'Aubuisson reapplied for U.S. entry this month, the State Department turned down his visa request.

There is no evidence that any of the U.S. politicians or conservative groups had independent knowledge that ARENA and its supporters had been involved with death squads.

But Salvadorans made much of the ideological similarities—and fervent anti-communism—shared by the right wings in El Salvador and the United States.

"All modesty aside, we did a helluva job with Washington," explained a former Salvadoran diplomat who is a resident of Miami. "In 1976, we began making contacts with U.S. congressmen and senators

through ANEP (National Association of Private Enterprise)," and through business ties who "helped us bring information into high levels (of the U.S. government). . . ." These connections, he explained, were invaluable in generating political support for the right during the 1982 elections.

One important bridge between El Salvador and Washington was Orlando De Sola, the young scion of one of El Salvador's most wealthy families, who now lives in Miami.

De Sola told the Journal his job was meeting with private U.S. cnnservative policy groups like the Heritage Foundation, the American Security Council, the Council on Inter-American Security (which lists Sen. Pete Domenici, R-N.M., as an adviser) and its offshoot, the Committee of Santa Fe. Domenici said his title was strictly honorary and that he had never attended any functions or rendered any advice.

Chairman of the Committee of Santa Fe is retired Lt. Gen. Gordon Sumner of New Mexico, who is an adviser to both the State Department and the Kissinger Commission.

In Sumner's opinion, not all the killings in El Salvador can be attributed to death squads. He thinks that at least one-third of the slaying are simple crimes of passion. It cost $300 if you wanted to divorce your wife, Sumner remembers hearing once, and only $50 to kill her.

He said the deterioration of the Salvadoran system of justice in the face of threats and attack from the left and the right created the atmosphere for El Salvador's epidemic of murder.

But death squads were not an important issue in the early contacts between the Salvadorans and sympathetic New Right members in this country.

De Sola said he set up a series of meetings for D'Aubuisson in Miami and Washington during 1980.

D'Aubuisson came away from these meetings apparently convinced that the Republicans would endorse his militant brand of anti-communism after they won the November election. As early as May 1980—after his first U.S. trip—D'Aubuisson recorded a message for his hard-line supporters in El Salvador:

"We have spoken with various senators in the Capitol, and they asked us that we maintain until November, contact with the new government that the Reagan Republicans will win, our luck will change.

One of the senators on D'Aubuisson's list whose aides took a keen interest in the Salvadoran right was North Carolina Republican Helms. Two of his aides, John Carbaugh (who left the senator's service last year) and Christopher Manion, maintained a close relationship with D'Aubuisson's followers.

Manion met with D'Aubuisson in Central America even before ARENA existed, according to a knowledgeable source.

After the election, Carbaugh maintained contacts with ARENA leaders, who were disgruntled about the military's imposition of interim President Alvaro Magana.

A State Department source said Carbaugh was asked to travel to El Salvador and urge D'Aubuisson to mute his claims of election fraud.

Another Republican functionary playing a role in building support for ARENA was Margo Carlisle, a legislative aide to Sen. James McClure, R-Idaho, and the staff director of the Republican Conference of the U.S. Senate. The conference functions as the party's coordinating machine.

Ms. Carlisle's involvement began when she met Ricardo Valdivieso at an anti-communist convocation in Buenos Aires in late 1981.

Valdivieso—a D'Aubuisson intimate—is a Salvadoran who had two farms expropriated under the land reform and was among those arrested with the rightist leader in May 1980. Valdivieso grew up in New York, speaks Spanish with a Brooklyn accent, is a former U.S. paratrooper and frequently has been named to undertake party missions in the United States.

The first such mission was on March 12, 1981, when he was sent by D'Aubuisson and others to Washington to get political advice.

The Salvadoran right was being criticized because of remarks attributed to D'Aubuisson at a San Salvador press conference intimating Reagan Administration officials would back a right-wing military coup against the Christian Democrats.

In Washington, Valdivieso said he asked American friends what to do.

"They suggest we make a political party," he said, to give them legitimacy under the Christian Democrat government.

Carlisle invited Valdivieso to Washington, and he stayed in the capital for five days, according to Alberto Bondanza, an ARENA party leader from Santa Tecla.

"She set up all these meetings," he said. "She has helped us since Argentina."

When the Journal asked Ms. Carlisle about her role with ARENA and its functionaries, she declined comment.

"Margo officially works for Sen. McClure," explahned a Republican insider. "But she can influence a lot of things, like the New Right."

To help Valdivieso, Ms. Carlisle held a dinner party for 16 key conservatives, at which chicken crepes and chocolate mousse were served. Among the guests were Helms people and some people from the House.

Valdivieso—called "Rick" by the conservative Washingtonians he met—spoke about the inequities of land reform, the right of the individual and the values of the New Right.

"Rick just sounded like a Republican," said one of the dinner guests. "He just struck the right philosophical chord. Like the Sagebrush Rebellion moved very far south . . .

"Margo squired him all over to different meetings to get him more exposure on the hill," said the source, and convinced Paul Weyrich, the New Right's elections specialist, to let Valdivieso and Bondanza attend his political campaign seminars.

Both men attended the course as guests of the committee on Jan. 24, 1982, along with 120 potential Senators and Congressmen; they were the only foreigners.

Valdivieso, rattled off techniques he said were new to El Salvador—techniques he thought would assure victory in the upcoming presidential elections:

"Phone banks in cities (Wonderful thing, phone banks!), direct mail, more door-to-door work—which is basis of politics—organize cities into precincts, day care and getting out the vote on election day."

A few days after Weyrich's course, on February 1, Valdivieso was brought over to hearings of the Senate Foreign Relations Committee chaired by Helms.

"I was standing in the Senate hallway," Valdivieso recalled. "I felt something had to be done, and I introduced myself (to Helms), gave him a little history about myself, told him I used to be a member of the U.S. paratroopers and I thought things (in El Salvador) were going against what the U.S. paratroopers stood for. And he said, 'Good. You're going to speak.'"

From the Foreign Relations Committee, Valdivieso was taken to the congressional offices of Rep. Kemp by Kemp aide Michele Van Cleve to meet the staff. Valdivieso had met Kemp before ARENA had become a party, and the congressman had given him a copy of his book. "American Renaissance."

Another important liaison for D'Aubuisson's party in Washington was Ian MacKenzie, head of the Washington-based MacKenzie-McCheyne public relations firm. The firm specializes in promoting the interests of right-wing Latin American businessmen and politicans, and included the late Nicaraguan dictator Anastasio Somoza and a group of Guatemalan businessmen close to ultra-rightist Mario Sandoval Alarcon among its clients.

MacKenzie said he helped convince about 10 wealthy Salvadoran exile families in Miami to form an organization like the Guatemalans had, called the Salvadoran Freedom Foundation, in June 1980.

Most of its members became key financial backers of ARENA, and some are now under U.S. investigation as suspected financial backers of death squads.

Foreign agent registration records show that, over the next 16 months, the Salvadorans paid the MacKenzie-McCheyne firm about $140,000 in fees and expenses.

The Salvadoran Freedom Foundation lasted only until October 1981 when, MacKenzie said, the money went instead to finance rightist parties for the March 1982 Salvadoran elections.

MacKenzie said he convinced D'Aubuisson to drop his Broad National Front (FAN), tainted as being too far right. A friend of his, a conservative American columnist, said she sent a copy of the 1980 Republican Party platform to the Salvadorans who wanted to use it as a model for ARENA. "They copied it as closehy as they could," she said.

The Nationalist Republican Alliance was officially started in Guatemala on May 2, 1981, with 35 members and a stirring anti-communist anthem, played by a Guatemalan orchestra which party members said had been carefully screened for communists.

The party's founders signed the roll at the house of Salvadoran Supreme Court Justice Dr. Ricardo Avila Moreira. He is the uncle of Capt. Eduardo Avila, implicated in the assassinations of two U.S. labor advisers and of archbishop Oscar Arnulfo Romero.

The mother of Lt. Rodolfo Isidro Lopez Sibrian—Avila's alleged accomplice in the assassinations of the labor leaders—is ARENA's Betsy Ross, having sewn its first tricolored flag.

On its coming out, ARENA announced itself as "The Party of National Salvation"—the salvation meaning from communism.

Its Salvadoran debut was a large gathering at the end of October 1981 at the Sheraton Hotel in San Salvador billed as the "Dinner of National Salvation."

D'Aubuisson Says He Recruited Uncle Sam for a Civil War

(By Craig Pyes)

Who really supplied the original documents for the controversial "White Paper" on communist influence in El Salvador issued by President Reagan in early 1981?

Though administration spokesmen insist the documents came from material gathered by a State Department official during a trip to El Salvador, Salvadoran rightist Roberto D'Aubuisson and his aides said some of the

materials first passed through their hands on the way to the Pentagon.

Whichever account is true—and both may be—the accuracy of the Feb. 23, 1981, White Paper entitled "Communist Interference in El Salvador" was attacked from many quarters almost as soon as it was made public.

By Salvadoran accounts, the material that eventually provided the key documents in the White Paper was sought to justify what was already being planned—increased U.S. involvement in El Salvador—by aides close to then presidential hopeful Ronald Reagan.

A Reagan-campaign adviser, retired Lt. Gen. Daniel O. Graham, asked D'Aubuisson in 1980 to furnish proof that would justify greater American intervention in Central America, according to Salvadoran rightists. D'Aubuisson and his backers had been told by U.S. representatives and senators during the 1980 U.S. election campaign that a Reagan presidency would lend strong support and increased aid to anti-communist forces in El Salvador.

D'Aubuisson said he chatted with Graham at a gathering in Miami where both he and the retired general had been invited to speak by affluent Salvadoran exiles who were to be some of the principal backers of the new extreme-right Salvadoran political party, the Nationalist Republican Alliance (ARENA).

Graham said he vaguely remembered the Miami meeting with a group of Salvadoran exiles but doesn't recall if D'Aubuisson was there.

During the conversation, a member of Salvadorans present remembered Graham asking D'Aubuisson if he could find proof that the Salvadoran guerrillas were being manipulated by outside forces, because the incoming Reagan Administration believed proof of such manipulation was what was needed to "influence American public opinion . . . to increase military and economic support for El Salvador."

Graham said he could neither confirm nor deny the conversation, although he did say that at the time he was making general exhortations to exile groups to gather proof of their allegations about communist backing in Nicaragua.

In response, D'Aubuisson said he later delivered to a "CIA and FBI agent" in Miami Salvadoran intelligence allegedly exposing communist plans for domination in Central America.

But more significantly, D'Aubuisson said he provided the United States with captured guerrilla documents identical to those that formed the basis of the State Department's controversial White Paper on El Salvador.

The materials D'Aubuisson said he supplied allegedly showed in the guerrillas' own documentation that the Soviet Union and its Cuban surrogate were meddling in Central America by channeling arms to the Salvadoran guerrillas through Nicaragua from Ethiopia, Vietnam and various Arab and Communist Bloc countries.

This, according to the conclusions in the White Paper, proved that "the insurgency in El Salvador has been progressively transformed into a textbook case of indirect armed aggression by communist powers . . ."

Reagan Administration officials cited the White Paper as justification for sharp increases in American military and economic aid to the Salvadoran military.

Although members of D'Aubuisson's group have admitted to forging guerrilla documents as part of their "black propaganda" campaign to discredit the left, the documents used in the White Paper are genuine, they assert.

"We were asking them (the police), 'Do you have something that can be of any help,' because we knew what was being planned (by the Reagan Administration)," said Ricardo Paredes, a former ARENA vice minister of education.

D'Aubuisson said he located the key documents pigeonholed in a police substation, where they had lain unanalyzed since their seizure from a San Salvador art gallery in November 1980.

The cache was then transferred to a safe house in Guatemala, D'Aubuisson said, where the papers were studied by "four friends more versed in analysis."

Paredes, who said he was present, said they spent several days sifting through the material to "put together the things that were the most helpful."

After the most conclusive documents were assembled, D'Aubuisson said he wrote "a conclusion of analysis," then passed the papers through an intermediary to the military attache at the U.S. Embassy in San Salvador. From the embassy, the documents were reportedly forwarded to the Pentagon for analysis in this country.

A State Department official said he had no knowledge of any role by D'Aubuisson in the acquisition of the papers.

The documents arrived at the Pentagon during the last months of the Carter Administration.

According to the official account, Jon Glassman, a State Department official then working in the U.S. Embassy in Mexico, traveled to El Salvador in January 1981 to gather information on the types and quantity of weapons the guerrillas were using for their "final offensive" and acquired the documents from Salvadoran military officials.

The translation of the documents took some time, according to a Carter State Department official who asked to not be identified.

"Then Reagan came in and found the project, magnified it as the White Paper, and tried to stretch it," the official said.●

DR. CHARLES BREECHER

● Mr. LAXALT. Mr. President, during the period the Senate was out of session, a man I have worked with and known well for many years passed away. His name was Dr. Charles Breecher. He was a patriotic and honorable man whose advice was sound and respected even as the ravages of an extended illness plagued him toward the end. It is a fitting honor to note his passing in the CONGRESSIONAL RECORD. Dr. Breecher loved this country. Those of us who knew Dr. Breecher loved him as well.

Mr. President, I ask that my remarks and the eulogy delivered by Dr. Herbert W. Dodge be printed in the RECORD.

The eulogy follows:

REMARKS MADE ON THE OCCASION OF THE DEATH OF DR. CHARLES HERMAN BREECHER BY DR. HERBERT W. DODGE, WASHINGTON, D.C., DECEMBER 5, 1983

Mrs. Breecher, Francoise, Mr. Herschberg, ladies and gentlemen. In all the eighteen years that I knew Dr. Breecher, there was not one contact I had with him that did not require me to do some serious thinking. When one loses a good friend, it is difficult to properly translate feelings into appropriate words because the emotions overpower the thought process. So, before I try to describe what the life of Dr. Charles H. Breecher stands for, permit me to make some personal observations and remarks.

First, to Mrs. Breecher. I want you, and all, to know that you honor me greatly in asking that I make these remarks, and I deeply appreciate this.

Charles Breecher was a very private person, but I came to know him and his family during these past few years on a close, personal basis. His wife and their daughter, Francoise, are truly charming women. My wife, Clarice, and I were delighted and grateful to get to know them.

If Charles has suffered during these last cruel months of his life, so has Mrs. Breecher. For 37 years, she has lived vicariously through her husband. His triumphs have been hers and his pain, also hers. In the difficult months in which Charles approached death, she had no realistic hope that he would be reprieved. The joys of his companionship became less as the grim, depressing regimen of an invalid's demands swallowed up her days. His paralysis was gradual, and sometimes for weeks at a time, imperceptible, as his condition seemed to stabilize. This protracted process without hope of a return to good health had to be worse than the grief of death itself. Dr. Breecher knew this, and all during his illness his greatest concern was what this was doing to his wife. He told me this, and I know he would want me to say it to you now. Your devotion, loyalty and love have to be here recognized.

Mr. Breecher treasured his friendship with Senator Laxalt and Senator Roth. They were frequently in his thoughts, and the frequent subject of his conversations. I know he would want me to tell you how much he appreciated the fact that they took his counsel.

How proud he was of Senator Laxalt's recent remarks about him before the Judiciary Subcommittee of the Senate.

How proud he was of the part Senator Roth allowed him to play in the formulation of the Roth-Kemp Program. He always corrected anyone who described it as Kemp-Roth.

What do I say about the life of Dr. Charles H. Breecher? I could outline his accomplishments, cite his six earned academic degrees and his professional licenses, list his awards, but you can find all this in "Who's Who in America" or "Who's Who in Government" or in "The National Social Directory" or in "Men of Achievement" or in "The International Register of Profiles."

What would he want me to say?—What he stood for, what he was against.

I met him in 1966 when he became the director of The Far East Office of Development Planning in AID. He became my master and I have served him ever since. I have had good and poor bosses in my professional life, but he was the only one who became my master. This happened grudgingly, at first, and only as I came to perceive his goals and motives.

He mastered me with the depth of his intellect and the high degree of his cognitive skills. We in his office all came to realize that here was a boss who could do anything he asked us to do and do it better.

He was a tough, demanding boss. It was not easy to work for him because he insisted

on our best and would take nothing less. When we finished a task for him, we had the satisfaction of knowing we had done well.

While he was exacting, he was fair. His humaneness and sense of humor tempered his demands. Our office came quick to appreciate that his orderly, systematic demands resulted in completing the work well and on time. Seldom was it necessary to work overtime. We took pride in working for him. He brought out the best in us.

Dr. Charles H. Breecher was a champion, and he stood for truth and accuracy. He fought many battles during his lifetime. His enemies were always the same. . . Mendacity and Sham, Incompetence and Delusion. Now in AID and the State Department, we had our share of mendacity and sham, incompetence and delusion.

He frequently found many opponents of high rank in the lists against him. More recently, in his struggles in the advisory councils of The Republican National Committee, he took an Alan Greenspan, Herbert Stein and David Stockman. Personalities did not matter with him. He always insisted that one's position on an issue, regardless of who they were, had to be supported by a respectable, logical, rational argument that was accurate.

One time in AID, the powers that be wanted to put together some charts for Congress. The process called for tracing the historic aid levels to Vietnam and projecting those figures into the future, calculating an index based on this future projection and then using that to show the then current budget request represented a decline in real terms.

They knew better than to give such an assignment to Charles H. Breecher. So they temporarily transferred one of his particularly bright and imaginative subordinates to the Vietnam Office, had him make the charts and hide the fact from Mr. Breecher. Suffice to say that the subordinate zealously kept the secret and his part in it because he knew what Mr. Breecher's reaction would be.

Truth and accuracy were such categorical imperatives for Charles H. Breecher that it was impossible for him to resist entering conflict when they were at risk.

I am reminded of those endless numbers of seemingly idiotic R.I.G.C. proposals of the Technical Assistance Bureau that we used to struggle against. We never seemed to win those fights, but he would always insist that we review those proposals for reasonableness and accuracy.

When I would complain to him that it was a waste of staff time and that we might better use the effort elsewhere, he would say,

"We have to do it, Herb. At least we can minimize the damages."

Dr. Breecher was a patriot. He was especially concerned with our country's foreign affairs and especially what he perceived as our foreign affairs delusions:

Delusions about free trade;
Delusions about oil;
Delusions about investments abroad;
Delusions about the balance of payments;
Delusions about government statistics;
Delusions about the Russians;
Delusions about Europe;
Delusions about Arab States;
Delusions about our allies' defense;
Delusions about foreign aid; and
Delusions about the Panama Canal Treaty.

Since about 1978, Dr. Breecher suffered from peripleural neuropathy, a form of paralysis that the doctors don't seem yet to be able to cure. It remains a mystery how he contracted it. But this did not deter him in his struggle for truth and accuracy. This struggle led him to make appearances before a number of congressional committees.

Mrs. Breecher deplored the expenditure of his strength and energy in this way. He recognized this and did not want to worry her, but he had to do it. It was a categorical imperative for him.

He enlisted my support. It was not my cause, but I could not resist him.

"Why," I asked him, "do you do this? Nobody cares anymore about the Panama Canal Treaties. Isn't it a waste of time? I'm willing to help you, but I don't understand why you insist on beating your head against the wall."

This really made him angry! "I care about it! And, you should care about it! Is it a waste of time to defend the Constitution? I've taken an oath too many times to defend the Constitution to stop now! Every member of Congress, Senators and Representatives, and the President have taken such an oath, and I intend to point this out if it kills me! Panamagate is a lot worse than Watergate!"

Before the House Panama Canal Subcommittee in March of 1981, he agonizingly struggled on his deteriorating legs to give his testimony.

At the Hearing before the Joint Economic Committee, Subcommittee on Trade Productivity and Economic Growth in June of 1981, he came in a wheel chair.

And, as recently as this past June, he was brought on a stretcher to appear before the Separation of Powers Subcommittee of the Senate Judiciary Committee to give testimony on the status of the Panama Canal Treaties.

My wife and I witnessed these performances. All were good, what he said was profound, but his last appearance was magnificent!

Allow me to read to you what Senator Laxalt said about him at this last session:

"Mr. Chairman, I thank you for conducting these hearings, and most especially for inviting my good friend, Dr. Charles Breecher. Dr. Breecher comes here not only as a concerned American, but also as an expert in international treaty law. During the course of working on the treaty myself, I had occasion to talk to a lot of experts and I must say that I did not find anybody really in the class of Dr. Breecher as a student of treaties generally, and certainly as a student of this particular treaty.

"His devotion and persistence are largely responsible for this hearing today. I think I can say without fear of contradiction that if it had not been for this gentleman, this whole matter could have easily been interred and forgotten. But he persisted, despite the fact, as is obvious, he is in very ailing health.

"Dr. Breecher came to this country from Austria over 40 years ago. Since that time, he has honorably served this government in many ways. Not only has he served in the United States Army, but he has worked for many years in the State Department and the Agency for International Development.

"He has written extensively on international and domestic issues, and I might say I consider him a trusted adviser as well as good friend.

"Dr. Breecher's health has not daunted his incredible spirit and drive. His analysis is as sharp and incisive today as when we met many years ago. His scholarship and expertise are evident from a close reading of the testimony he is here to present.

"His rational and considered judgment is that the Panama Canal Treaties are invalid primarily because the ratification process was not properly followed. He cites our constitutional law, as well as norms of international law, to bolster this claim.

"I might say sometimes we lawyers think in terms of doctrines like laches. That does not apply to this man because almost from the outset, he has voiced considerable concern about where it was going in terms of the validity of that ratification process. And while it has taken a long while to arrive at the time of this hearing, I can say without qualification that it has not been due to any degree of dereliction of the part of this fine American.

"Dr. Breecher has gone to considerable lengths to delve into the legal and procedural points he will make in his statement. I want to personally thank the chairman of this subcommittee for giving him the opportunity to testify under oath for the record. This record may be of considerable historical significance.

"I applaud Dr. Breecher for his hard work and devotion to the fundamental principles for which this country stands. We are all more fortunate for his having chosen the United States as his home and a life of service to this country as his career."

What an exertion this must have been for Dr. Breecher, but he remained undaunted. As recently as Thanksgiving he was planning new campaigns, he was writing a book, He enlisted my wife and me to help him. He would not quit!

Charles H. Breecher's life stands for truth. He recognized that the perception of truth might be relative. He knew that it might not be fixed, but he also knew it was not free either. He knew it was hard and painful. But he was perceptive, diligent, industrious, and tenacious so he embraced it.

So, I would like to close these remarks about his life with the words of James Russell Lowell:

"Many loved truth, and lavished life's best
oil amid the dust of books to find her,
"Content at last, for reward of their toil,
with the cast mantle she hath left
behind her.
"Many in sad faith sought for her,
"Many with crossed hands sighed for her:
"But this, our brother, fought for her,
"At life's dear peril wrought for her,
"So loved her that he died for her,
"Tasting the raptured fleetness of her
divine completeness:
"His higher instinct knew those love her
best who to themselves are true.
"And what he dared to dream of, dared to
do,
"He followed her and found her where all
may hope to find,
"Not in the ashes of the burnt-out mind,
"But beautiful, with danger's sweetness
round her.
"Where faith made whole with deed
"Breathes its awakening breath into the
lifeless creed,
"He saw her plumed and mailed, with sweet,
stern face unveiled
"And all-repaying eyes, look proud on him
in death."●

OUR DEBT TO INFACT

● Mr. DURENBERGER. Mr. President, I am delighted that the Nestle Corp. has finally adopted the volun-

tary code of conduct for the marketing of synthetic infant formula which was developed some years ago by the World Health Organization. This action by Nestle's brings to an end the consumer boycott which was organized by INFACT—Infant Formula Action Coalition—a group organized some years ago by a dedicated Minnesotan, Doug Johnson.

The story behind INFACT bears repetition, for it is full of twists and turns which made a straightforward matter of commonsense into an issue of high politics. It also shows once again that one or two people of good will can accomplish great deeds in the face of major obstacles.

Synthetic infant formula has grown in popularity over the past few decades. It is convenient; it can provide a supplement to normal diets; it is even required for those infants who are unable to digest mother's milk. But, if it is not used correctly, it can starve rather than nourish young children. For instance, when the formula is watered down by parents anxious to save money, it causes diarrhea. For a small child, this is more than an inconvenience. It is a life-threatening malady, for it can quickly cause massive dehydration and malnourishment.

Such instances are not uncommon; they have occurred with frightening regularity in various Third World countries where synthetic infant formula has been misused. Nor are such consequences the unfortunate side effects of a needed health supplement. Except for those few infants who simply cannot digest mother's milk, synthetic infant formula is at best an acceptable diet, not a superior one. Mother's milk is almost invariably more healthy and nutritious for infants than any alternative. It contains vital antibodies which can increase resistance to disease. It is readily digestible and nutritious.

Unfortunately, a number of manufacturers of synthetic infant formula developed marketing campaigns which suggested to mothers in Third World countries that their products were superior to breast milk. An equally common marketing theme was that the use of synthetic formula was somehow more "modern" or "sophisticated" than reliance on breast-feeding. In several instances, sales people wore the white uniforms of doctors and nurses to add to the image of synthetic superiority. In other cases, promoters arranged for pediatricians and other health professionals to distribute free samples of synthetic formula to new mothers.

There is nothing wrong with marketing. And there is certainly nothing wrong with synthetic infant formula, provided it is used properly. But the net effect of marketing practices in several Third World countries was to convince people who did not have the necessary clean water or the necessary reading skills to adhere to instructions that synthetic infant formula was crucial to their infants' health.

Worse still, many people who had become accustomed to synthetic formula in the belief that they were helping their children found that they could not afford to purchase regular supplies. In the mistaken belief that something was better than nothing, they would resort to thinning the formula with extra water—water which in many Third World countries is contaminated—in order to stretch supplies. The result was that literally hundreds of thousands of infants died of malnutrition, diarrhea, and dehydration.

Some years ago, this situation came to the attention of a young graduate student in Minneapolis, Doug Johnson. He founded the Infant Formula Action Coalition to bring the facts to the attention of appropriate people in business, government, and public health agencies. Starting with nothing more than his desire to help, Doug made astounding progress. Within a few months, he was regularly consulting with officials of the World Health Organization, with senior executives at the firms involved, with public officials, and others who could lend their help.

Because the case for action was so compelling, industry, health, and government officials jointly worked out a voluntary code of conduct to end the kinds of marketing practices which had resulted in such needless tragedy. The code was a model of commonsense. It was fair to all parties; it was adaptable to local circumstances; it was based on cooperation.

Not surprisingly, therefore, it was guaranteed swift passage before the World Health Organization. Quite surprisingly, however, the United States cast the only vote against it in the mistaken belief that somehow the code was directed at the concept of the free market. It was a case of fanaticism and ignorance winning out over compassion and commonsense. If the issue had really been a test between market economies and command economies, the United States would not have been the only country to vote against the code. Virtually everyone familiar with the details was embarrassed.

That is why a resolution which I introduced on June 17, 1981, along with Senators DOLE and LEAHY passed the Senate 1 day later by a lopsided margin of 89–2. The resolution expressed grave concern over the U.S. vote in the World Health Organization and called for support of the purpose of the code. Passage of the resolution was aided by two things. First, of course, the issue was compelling. Second, Doug Johnson and Linda Kelsey, the television actress, spent a great deal of time visiting Members of the Senate and explaining the issue. These two Minnesotans exemplified the best of volunteerism.

There the issue remained for the next 3 years. Every member of the World Health Organization except the United States abided by the code. Virtually every producer of synthetic infant formula did likewise. The Nestle Corp. undertook substantial compliance with the code, although some rough spots remained. In the interim, Doug Johnson and the other members of INFACT kept the issue before the public, chiefly through publicity and the device of a consumer boycott.

Nestle's has now agreed to implement the code in its entirety, and INFACT has renounced the boycott. The battle is largely over, and we can be assured that infants will not suffer starvation in the name of nutrition. Obviously, this by no means ends the problem of starvation and malnutrition around the world. As the latest reports from Africa indicate, large sections of the world now face mass famine. But we now have a means by which to control the greatest of ironies, starvation resulting from well-intentioned efforts to nourish.

Mr. President, I want to call the attention of my colleagues to the entire staff of INFACT and the International Nestle Boycott Committee, both of which are based in Minnesota. While ultimately hundreds of thousands of persons played a role in this issue, we owe special thanks to Ed Baer, Leo Cashman, Douglas Clement, Nancy Cole, Grace Egeland, Glenn Geissinger, Lila Gross, Linda Koch, Elaine Lamy, Leah Margulies, Sister Regina Murphy, Jackie Orr, Dan Pederson, Ola Shobowale, William Thompson, and Patricia Young. These people, of course, were assisted by many others, and were inspired by Doug Johnson. To all of them, we owe a great moral debt.

Mr. President, I ask, unanimous consent that the article in today's Washington Post concerning the ending of the Nestle's boycott be reprinted in the RECORD.

The article follows:

[From the Washington Post, Jan. 27, 1984]

6½-YEAR BOYCOTT OF NESTLE IS ENDED AS FIRM ADOPTS BABY-FORMULA CODE

(By Philip J. Hilts)

A 6½-year boycott against the Nestle Co. that spread from Minnesota to Finland ended yesterday after Nestle agreed to comply in virtually every detail with the World Health Organization's (WHO) infant formula sales code.

Protesters dropped their boycott of the company's chocolate bars and popular Taster's Choice coffee after Nestle agreed to four final points of a code designed to curb aggressive sales tactics that boycotters said threatened the health of babies in the Third World.

In a statement yesterday, Nestle said it had tried to comply with the code in 1981, "but it meant different things to different people." Yesterday's agreement, the company said, is proof that its efforts to comply "have finally been recognized. This controversy is now resolved."

The baby formula fight, which eventually involved the State Department, a presidential appointee and Congress, was characterized by Nestle in 1978 as a test of the free enterprise system.

"The U.S. Nestle Co. has advised me that their research indicates this is actually an indirect attack on the world's free economic system," a Nestle spokesman told Congress.

The spokesman, Oswald Ballarin of Brazil, later apologized for the remark, but Nestle maintained its opposition to a code until after WHO passed one in May, 1981, on a 118-to-1 vote, with the United States casting the sole negative vote.

But as the boycott wore on, Nestle began to take positions closer to compliance with the code from the point of view of WHO, at the same time that the company vigorously fought the boycott.

The boycotters estimate that they have spent about $3.5 million, and that Nestle has spent over $100 million fighting the issue.

The issue also brought down the Reagan administration's nominee for assistant secretary of state for human rights, Ernest W. Lefever. He was charged with conflict of interest when it was said he had accepted $25,000 from Nestle and distributed an article supporting the company's position on marketing baby formula. He was rejected by the Senate, then withdrew his nomination.

A State Department official said yesterday that the administration still opposes the code, though it has complied with WHO requests for information on efforts to improve infant nutrition in this country.

Nestle, a Swiss-based company that controls almost half the world market in baby formula, is the first formula maker to agree to abide by the letter of the international code.

The code was written by WHO to combat marketing practices such as using doctors and hospitals to dispense free samples and persuade millions of mothers to switch from breast- to bottle-feeding.

Advocates of the code said that shifting from breast to bottle, especially in less-developed countries, threatens the health of the infant and strains the finances of its family. In addition, illness can result when the formula is misused, such as when it is mixed with contaminated water, or when concentrated formula is given undiluted or is diluted too much so it will last longer.

The boycott was organized in 1977 by a few activists and church groups seeking to put pressure on infant formula makers. Nestle was the chief target because it was the largest seller of formula in the affected areas. The boycott was run by the Infant Formula Action Coalition (INFACT).

The boycott ended symbolically at a news conference yesterday when INFACT Chairman Douglas Johnson took a bite of a Nestle's Crunch bar, offered by Nestle's Niels Christiansen, as a way "to end this conflict."

The key point conceded by Nestle yesterday concerned the way free cans of formula were given to hospitals to pass on to mothers. Nestle previously agreed not give free promotional samples to mothers through the hospitals, unless the infants "have to be fed" formula.

Nestle interpreted very broadly the definition of babies who "have to be fed" formula, but agreed yesterday to let WHO define the term so that it will be limited to those who need formula for medical or other serious reasons.

Other concessions by Nestle include an agreement to promote breast-feeding explicitly in the company's educational literature as the superior method of feeding. The company agreed to point out the negative effects of simultaneous bottle and breast-feeding, and the difficulty of reversing the decision to breast-feed once it is made. If a child does not feed enough at the breast, the mother's milk production stops.

The company also agreed to strengthen its label warning against misuse of formula.

Nestle said yesterday that it supported the aims of the code from the time it was passed, and eventually stopped public advertising of infant formula, changed its labels to remove mother-and-baby pictures and stopped giving out samples freely to mothers. But the company drew up its own instructions for its distributors and salesman, which WHO officials criticized.

Until yesterday, neither the boycotters nor WHO was satisfied that Nestle intended to abide by the code, and the U.N. International Children's Emergency Fund (UNICEF) at one point rebuked Nestle for the "possibly harmful" way the company chose to interpret the WHO rules.

Sporadic discussions between the boycotters and Nestle were carried out over the last 18 months, without success. The negotiations became intense and serious only after a chance meeting on a train between Johnson and Christiansen.

After that meeting, and a letter to Nestle management from the boycotters saying that there were now very few points separating them, intense negotiations were approved by Nestle in Switzerland.●

PROTECTING PENSION PORTABILITY OF COMMUNICATIONS WORKERS

● Mr. LAUTENBERG. Mr. President, as a result of the AT&T divestiture, many employees who are transferred and who have not yet achieved the 10 years required for vesting, could lose their accrued years of service credited toward pensions. An employee of AT&T, an AT&T subsidiary, or one of the new seven regional Bell operating companies may lose accrued service credit unless legislation is passed to allow for continuation of the tradition of portability between the various parts of the telephone companies after divestiture. The modified final judgment of the Court in the AT&T divestiture solves this problem for 1 year, but the Congress must act immediately so that employees will not risk losing their pension when they move to a new position. This is not a matter that legally can be resolved by the Federal Communications Commission.

The Congress has, in the past, protected the pensions and other rights of employees who are affected by major Government action to restructure an industry. This was the case with airline deregulation and railroad deregulation. The Senate passed employee protection rights for communication workers when S. 898 was considered during the 97th Congress. While the Multi-Employer Pension Act (ERISA) does offer some protection, the divestiture of AT&T is a unique situation that warrants protecting communication workers' pension portability.

As Senator FORD and I stated on the floor yesterday, we are committed to insuring pension portability for AT&T and Bell System employees. Resolving the pension portability problem has the support of: AT&T, the Central Service Organization (on behalf of the new seven regional Bell operating companies), the Department of Justice, and the Communications Workers of America.

We are prepared to offer an amendment to resolve the pension portability problem on the first appropriate bill before the Senate. During the debate on S. 1660, the telecommunications legislation considered by the Senate on Thursday, we received assurances from the leadership and the involved committees that the Senate would address this issue at its earliest convenience. There is an immediate need for this amendment so we may be offering it in the near future.

For the information of my colleagues, I ask that the proposed text of the amendment be published in the RECORD along with letters from AT&T, Central Services Organizations, and Bell Atlantic indicating no opposition to this course of action.

The material follows:

EMPLOYEE PROTECTION

SEC. . Section 221 of the Communications Act of 1934 (47 U.S.C. 221), is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment shall be governed by the provisions of the modified final judgment as such provision applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection, the term—

"(A) 'consumer price index' means the Consumer Price Index (all terms—United States City average) published monthly by the Bureau of Labor Statistics;

"(B) 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2 (11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(C) 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

BELL ATLANTIC,
MANAGEMENT SERVICES, INC.
Arlington, Va., January 25, 1984.

Hon. FRANK LAUTENBERG,
U.S. Senator, Washington, D.C.

DEAR SENATOR LAUTENBERG: This is in regard to the issue of pension portability provisions as represented in the House bill, H.R. 4102. We understand the expressed desire of the labor unions representing Bell Atlantic employees to have similar provisions introduced in legislation.

Bell Atlantic does not object to these portability provisions as they are defined in H.R. 4102, and further, would support such provisions were they placed in appropriate legislation other than S. 1660.

Thank you for the opportunity to clarify our position on this matter. Please do not hesitate to contact me.

Sincerely yours,

SAM FORD.

CENTRAL SERVICES ORGANIZATION,
January 24, 1984.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LAUTENBERG: This letter is written at the request and on behalf of the seven companies which now own and operate the Bell operating telephone companies. It is written for the purpose of answering questions and dispelling any confusion which may exist with regard to the position each of them has taken with respect to the "pension portability" proposal which is being advanced to the Congress. We understand that proposal is generally designed to protect certain employment rights of qualified employees of the former Bell System in the event of future employment moves between employer corporations which formerly were, but now are not, related.

Their position is simply this:

(1) There is no substantive quarrel with the objectives or specific goals of such a proposal.

(2) The inclusion of this kind of issue in a bill like S. 1660 is inappropriate, untimely and unnecessary.

(3) There would be no objection on behalf of these companies to the inclusion of such a proposal in an otherwise appropriate legislative vehicle.

Of course, this position has been explained by each of these companies to each of the labor organizations which represent their employees.

I hope this explanation is helpful to you.

Very truly yours,

MICHAEL D. BAUDHUIN,
Vice President, Government Affairs.

AT&T,
New York, N.Y., January 26, 1984.

DEAR SENATOR LAUTENBERG: This refers to discussions on S. 1660 and the difficulty which it would cause the telephone industry and its customers.

I am concerned at this late hour about two specific items. The first is efforts to urge passage of S. 1660 because it could provide a vehicle for attainment of the Union's objective of pension portability between companies of the former Bell System. I can speak for AT&T to say that we have no objection to pension portability. And I believe the divested Bell companies do not regard this as a difficult issue when compared to others at stake in this legislation. What is disturbing is that it is extremely shortsighted and a longrun detriment to the individual employees to endorse the destructive features of S. 1660 and its companion H.R. 4102 in order to attain a pension feature that is not in dispute.

The second item is the discussions about accommodating the advocates of S. 1660 and H.R. 4102 by providing for an additional delay before a reconsidered FCC order could be made effective. This idea merely prolongs the high costs and uncertainty which now exist because of the FCC postponements. And it re-injects the Congress into the telephone rate-makeup debate on into 1985 and possibly beyond. This industry is going through a bad period now and needs to be able to plan its way through the next few years. Rate-making belongs in the regulatory commissions and legislative action can always be taken if actual harm is discovered.

Please let me know if I can furnish further information.

Sincerely,

C. L. BROWN.●

THE PUBLICATION OF JUDGE WINNER'S OPINION

● Mr. ARMSTRONG. Mr. President, the events surrounding the publication of a court opinion issued by a Federal district judge in Denver, Colo., has been the subject of a number of recent news accounts and editorials. Briefly, the Justice Department sought and received a temporary restraining order blocking publication of an opinion rendered by Federal District Court Judge Winner. The fact that the Justice Department would seek, and another Federal court would grant such an order is remarkable. But, the temporary restraining order has not been revoked and the opinion will be published in the near future.

However, in all this flap over the attempt to block publication, we should not lose sight of the larger issues raised by Judge Winner. In essence, he is blowing the whistle on questionable conduct of government prosecutors. After reading Judge Winner's decision, my first reaction was to call for hearings to shed additional light on the issues raised in his opinion. I understand that both the Federal district court and the 10th Circuit Court of Appeals have different aspects of this case under review. With that in mind, the proper course may be to wait for the findings from these hearings before we begin our examination of what action Congress should take to insure protection against government misconduct.

In the meantime, I comment to my colleagues the following articles and other accounts of this important issue:

[From the Denver Post, Jan. 27, 1984]

JUSTICE DEPARTMENT TRIES TO GAG JUDGE WINNER

(By William R. Ritz)

The U.S. Department of Justice, in a move angrily derided as "blatant federal arrogance" and "unshirted censorship," is attempting to stop publication of an opinion by a Denver federal court judge in which he accuses three federal prosecutors of misconduct.

The Justice Department's request for a temporary restraining order quietly was approved by the 10th U.S. Circuit Court of Appeals earlier this month. The order bars West Publishing Co. of St. Paul, Minn., from printing a decision by U.S. District Judge Fred Winner in the Federal Supplement, a hard-bound compilation of federal-court decisions.

A decision by the appellate court on whether to make the order permanent could come as early as this week.

But the decree could be anti-climactic because, whatever the outcome, the battle pitting lawyers and civil libertarians against the Justice Department and appellate court already will have been going strong.

At issue are three important constitutional points, say opponents of the restraining order: prior restraint of the publisher, censorship of a federal judge, and the separation of branches of the government.

"We're talking about a First Amendment right of a judge to publish his opinion and the Department of Justice trying to suppress that right, which we believe to be absolute," said Richard Rufner, one of the attorneys in the case.

"Then you have a separation-of-powers problem with the executive branch trying to ride herd over the judicial branch and prevent it from carrying out the judicial branch's rights and responsibilities.

"It's astounding," he said.

"When the indictment came down in 1982, the Department of Justice issued a four-page press release without worrying about the reputations of the accused before they had their day in court. Now, suddenly, they are extremely worried about the reputations of their attorneys . . . claiming they have not had their day in court.

"What's good for the goose is good for the gander," he said.

(Glenn L. Archer Jr., the head of the Justice Department's tax division, said in an interview with The New York Times that the prior restraint on publication was necessary because the "slanderous" judicial opinion unfairly criticized three of his prosecutors.

(Lawyers involved in the case and other legal experts said they knew of no previous instance in which a private publisher had been barred, on pain of contempt of court, from publishing a judicial opinion.)

"THIS IS A GAG ORDER"

If the restraining order is upheld, legal officials told The Denver Post, it could have a chilling effect on the independence of American judges.

"This is a gag order, pure and simple. It's blatant federal arrogance," snapped lawyer Donald E. Van Koughnet of Naples, Fla.,

who was involved with the defense of the case in its early stages.

"What we're saying here is 'the judge has discretion, but (Winner's opinion) is an abuse of that discretion," countered Justice Department spokesman John Wilson.

"Since when does the executive branch decide what is or isn't proper for the judicial branch," questioned a Denver lawyer who asked not to be identified.

"It's the same kind of abuse of power that resulted in the Pentagon Papers case," said Edwin Kahn, a Denver lawyer whose firm frequently does work for the American Civil Liberties Union, "except here, instead of trying to suppress information critical of the government's conduct of a war, they apparently are trying to suppress a judge's written opinion critical of government prosecutorial misconduct in the courtroom."

Is it illegal?

"Yes, in the sense it involves an unlawful attempt by the government to suppress information," Khan said.

Kahn said he and David Miller, director of the Colorado ACLU chapter, will review the case file Monday and make a recommendation to the ACLU about "what, if anything, it ought to do."

CASE STARTED IN 1982

The problem goes back to 1982 when the Department of Justice, concluding a 21-month investigation by its tax diversion and the Internal Revenue Service, indicted seven persons and the Bank of Nova Scotia on as many as 27 counts each of conspiracy, mail fraud, obstruction of justice and, * * *

Eventually, all but one of the counts, an obstruction-of-justice charge against William A. Kilpatrick of Littleton, were dismissed. In a trial in U.S. District Court in Denver last spring, Kilpatrick was convicted of obstruction of justice.

But defense attorneys, alleging misconduct by IRS agents and three prosecutors from the Department of Justice in Washington, asked for dismissal of the indictment or a new trial.

Six days of hearings on the defense motion were held last summer and, on Aug. 25, Winner granted Kilpatrick a new trial in a lengthy, scathing opinion on which the legal imbroglio is centered.

Winner described Kilpatrick's trial as "an ill-starred case which had its first questionable conduct during the opening two minutes of grand jury investigation and which had conduct suspect under the Canons of Professional Responsibility lasting into post-trial hearings."

The bulk of his wrath was aimed at three Justice Department prosecutors: Stephen "Jake" Snyder, Jared Scharf and Thomas Blondin, who directed the government's case from the grand jury through the criminal trial.

Among the examples of alleged misconduct were:

The use of two IRS agents as sworn "agents of the grand jury," dubbed by Winner as "IRS special agent/grand jury agents/prosecutor's helpers."

Abuse by prosecutors of rules governing grants of immunity for prosecution witnesses.

WITNESS RELEASED

The release by prosecutors of a subpoenaed witness, although court rules specify that the witness can be released only by a judge.

At the direction of two prosecutors, letters were written on the letterhead of the U.S. attorney for Colorado without the U.S. attorney's permission.

Disclosure by prosecutors of secret grand jury testimony to unauthorized persons.

Intimidation by prosecutors of defense witnesses in front of the grand jury.

Winner said the government described many of the accusations of misconduct by defense attorneys as "silly, but they aren't either silly or frivolous. And if the overlords of the tax division think this whole mess is just a ploy, I recommend that they take a second look."

In addition to being printed for the local news media, Winner's opinion was sent off routinely to West Publishing, a private firm, for inclusion in the next volume of the Federal Supplement. Each volume of the Federal Supplement, a thick book of decisions rendered by federal judges around the country, is purchased by thousands of law firms and legal libraries around the country.

Initially, all of the submitted decisions are printed in so-called "advance sheets," unbound paperback volumes that are widely circulated. Several weeks after the "advance sheets" are published, they are reprinted in hardback volumes.

On Sept. 6, almost two weeks after Winner's decision was issued and after it was sent to West Publishing for inclusion in the Federal Supplement, the Justice Department asked in a motion that Winner's opinion either be withdrawn or amended by deleting all names of prosecutors and information identifying them. Winner rejected that request the next day.

That rejection was the subject of another government appeal, filed about 10 days later. But the government's supporting documents weren't filed with the court until Nov. 29.

Meanwhile, Winner's decision already had been published in the "advance sheet" for volume 570 of the Federal Supplement and circulated throughout the country.

On Dec. 27, the government said it was told by Charles Nelson, editor-in-chief of West Publishing, that the deadline was Dec. 30 for the hardback edition of volume 570 containing Winner's decision. In addition, Justice officials said they were told the only way to stop hardback publication of an opinion from the "advance sheet" was by order from the district court or appeals court.

Two days later, on Dec. 29, the Justice Department filed an emergency motion with the 10th U.S. Circuit Court of Appeals, asking for an order forbidding West Publishing from including Winner's opinion in the hardbound version of volume 570 of the Federal Supplement.

Winner's allegations of prosecutorial misconduct "are defamatory and potentially harmful to the prosecutors named in the opinion," Assistant Attorney General Archer wrote in the emergency motion. Winner's discussion and identification of the prosecutors "was unnecessary" in ruling on the defendant's motion for a new trial, Archer said.

For filing with the 10th Circuit Court in Denver, Justice officials electronically transmitted Archer's motion from Washington to the U.S. attorney's office in Denver, which relayed it to the appellate court. But copies of the motion for the defense attorneys, instead, were mailed and didn't reach their offices until Dec. 30, which left defense attorneys little time to develop responses to the motion.

On Jan. 3, Judges William Holloway Jr. of Oklahoma City, Okla., and Stephanie Seymour of Tulsa, Okla., both appellate judges, and Senior U.S. District Judge Luther Bohanon of Oklahoma City, who had been appointed to sit temporarily on the appellate bench, granted Archer's request. Their temporary restraining order forbade West Publishing from including Winner's opinion in the hardbound volume until further evidence could be studied by the appellate judges.

Few involved in the case would comment on it.

Judge Holloway and U.S. District Judge John Kane Jr., who must hear the re-trial of Kilpatrick, refused comment because the case was pending before them.

Winner, who retired from the bench last September, declined comment pending final resolution of the case.

West Publishing Editor-in-Chief Nelson and Managing Editor James Corson refused to return telephone calls.

"I'm utterly shocked that as responsible a publisher as West Publishing Co., which publishes the national reporter system used by the entire American legal profession and judiciary, would not stand up and be counted on to challenge this gag order," said defense attorney Van Koughnet.

Contacted at his Minneapolis office, Vance Opperman, an attorney for West Publishing, said the company "always follows court orders."

The Supreme Court has ruled on several occasions, including its 1971 Pentagon Papers decision rejecting the Nixon administration's effort to bar newspapers from publishing a classified Defense Department study of the Vietnam War, that any "prior restraint" on publication "comes to this court bearing a heavy presumption against its constitutional validity."

WINNER'S OPINION/EXCERPTS

"* * * I don't think that an IRS special agent can act in the combined capacity of IRS agent, 'agent for the grand jury,' and recipient of grand jury information . . . for the sole purpose of helping out the prosecutor. This is a confusion not of apples and oranges. It is confusing apples, oranges and bananas."

"* * * the government is playing with fire in arguing that good motive excuses making one's own law."

"Mr. (Stephen) Snyder's good intentions don't excuse his arrogation of a power that he didn't have. And, even if the illegal 'oath' doesn't amount to serious error, it started the case downhill on a course of repeated excesses on the part of the prosecution."

"I don't know how it can be argued that this language permits disclosure to IRS agents to work as 'agents for the grand jury' unless it is argued that the grand jury is simply an arm of the prosecutor's office, and if that be the argument, almost 800 years of history is going to have to be forgotten. The document King John signed at Runnymede contains no such concept, nor does our Constitution."

"It seems pretty clear to me that the IRS agents to whom disclosure was made were hired guns of the prosecutor and the IRS—not of the grand jury."

"No 'oath' of secrecy was administered, but an obligation of secrecy was imposed by instructions from government counsel to witnesses. This foolishness may or may not have been intentional, but ignorance of the law is not a defense available to a prosecutor . . . This misconduct is established by the record, and it will prove difficult for the government to deny . . ."

"Intimidating witnesses by telling them that their testimony disgraces them and im-

plying that the Tax Division of the Department of Justice will take after the witness . . . because an expert testified to his expert opinions does no credit to our government."

"Usually when a case goes to the jury, there are no more difficulties to be encountered, but that's not so in this ill-starred case which had its first questionable conduct during the opening two minutes of grand jury investigation and which has conduct suspect under the Canons of Professional Responsibility lasting into post-trial proceedings."

BAN ON JUDGE'S OPINION ATTACKED—QUESTIONS RAISED OVER PUBLICATION BLOCK

(By Mark Thomas)

A precedent-setting order blocking the publication of an opinion by a former Denver federal judge has prompted accusations of unauthorized censorship and raised questions about First Amendment privileges.

The order, which the American Civil Liberties Union began studying Friday for possible constitutional violations, is attracting national attention and is under fire for being "an attempt to muzzle a federal judge."

Issued earlier this month by a three-judge panel of the Denver-based 10th U.S. Circuit Court of Appeals, the order stopped an opinion by former U.S. District Judge Fred M. Winner from being published in the Federal Supplement.

At issue is Winner's Aug. 25, 1983, opinion ordering a new trial for William Kilpatrick of Littleton, who was convicted in federal court in Denver last summer of obstruction of justice charges in connection with an alleged tax-shelter fraud.

Winner found that Kilpatrick should get a new trial because of a "preliminary factual showing of serious misconduct" on the part of three U.S. Department of Justice Tax Division attorneys during grand jury proceedings.

The prosecutors were accused of intimidating witnesses before the grand jury, failing to keep secret grand jury testimony in a secure place, and offering unauthorized "pocket immunity" to witnesses.

"Winner's highly critical opinion stopped short of finding them guilty of prosecutorial misconduct of dismissing the indictment. Winner left that decision to U.S. District Judge John L. Kane, Jr., who took over the case after Winner's retirement in October.

After Winner rejected a government motion requesting that the opinion be withdrawn—or that the names of the prosecutors be deleted—the government asked the 10th Circuit court to block West Publishing Co. of St. Paul, Minn., from printing it in a permanent volume of the Federal Supplement.

The government claimed that Winner had failed to keep the opinion free of "impertinent, defamatory and scandalous matters," and that his comments on the allegations of misconduct were potentially harmful to the three prosecutors.

On Jan. 4, just a few days before the opinion was to be printed, the 10th Circuit ordered West Publishing to postpone its publication. The panel of 10th Circuit Judges William J. Holloway Jr., Stephanie K. Seymour and U.S. District Judge Luther L. Bohanon of Oklahoma City ruled that further hearings on the misconduct allegations should be completed before the opinion was published.

The 10th Circuit also has directed attorneys for Kilpatrick and other defendants in the case to show cause why the order should not be made permanent. A ruling on the permanent prohibition is pending.

Edwin S. Kahn, a volunteer attorney with the ACLU in Denver, said the order "calls into question some very important First Amendment principles."

Kahn said the order apparently violates not only Winner's First Amendment rights, but also the right of the public to know what was decided by the trial court.

"Judges say a lot of nasty things about people in their opinions, it's their job to evaluate how cases are presented. They have to call them how they see them. If he saw it wrong he'll be reversed. That doesn't mean you shouldn't be able to read about his finding," Kahn said.

The ACLU will have to review the case filed before deciding whether to intervene, but Kahn said "if the factors are as reported, it certainly appears to be highly irregular. It's not the function of the appeals court to tell a publisher what he can and cannot print."

John Wilson, a Justice Department spokesman in Washington, said the government does not see the 10th Circuit's order as having anything to do with First Amendment issues.

We're saying he abused his discretion by including the names of the attorneys who we say are victims of allegations that are not correct. What we wanted to do was prevent the disclosure of their names. That's all there was to it. We aren't attempting to muzzle anyone," Wilson said.

Wilson said that if Winner agreed to delete the attorney names—Steven L. "Jake" Snyder, Thomas Blondin and Jared Scharf—the government would not oppose the publication of the opinion.

Winner, currently working as an adviser to a law firm, declined to comment about the 10th Circuit's order. But in response to Wilson's statements about deleting the names, he said, "If they want to talk about it they can call me."

William C. Waller, Kilpatrick's attorney, said he believes the order sets "a dangerous precedent."

"Its important to realize that we have a common-law system which relies on previous opinions in deciding questions of law. The government's conduct in a case is a developing area of the law, and courts have the right to see how other courts have dealt with it," Waller said.

Motions filed by Waller and attorneys for other defendants still involved in the case said the government's attempt to block publication "is a classic example of an effort to obtain prior restraint.

[From the Wall Street Journal, Jan. 25, 1984]

ROCKY MOUNTAIN LOW

All right, it's no Pentagon Papers case. The Justice Department's Tax Division recently got a federal appeals court to postpone publication of an opinion by a Colorado district court judge. The incident is full of sides and ambiguities. It is not the kind of trumpeting outrage that should summon forth the civil liberties soldiers to battle under the flag of high morality. But the case does pose a danger to free speech, and gives us a lesson in where similar dangers are liable to arise in the future.

In 1982 the Tax Division got a grand jury to indict a bank and various individuals for tax fraud in connection with an allegedly illegal shelter. The Justice Department issued a press release, as is its practice, announcing the indictment and naming names. This past summer, the district court judge ordered a new trial for the by-then last remaining defendant and called for hearings on whether the whole indictment should be thrown out.

The judge said preliminary evidence indicated that Justice Department laywers had railroaded the grand jury. They allegedly had falsely told witnesses that testimony had to be kept secret, had threatened an attorney with prosecution to make him breach lawyer-client confidentiality, and had browbeaten an expert witness. The judge, too, named names, this time the names of the allegedly guilty department attorneys. He had his opinion printed and disseminated in preliminary form.

The Tax Division thought the judge's accusations, presented without giving the lawyers any chance to respond, were slanderous. The department got the appeals court to prevent the opinion from becoming part of the permanent volume of record until the court had finished further consideration of the whole matter. A department official says this was not prior censorship because the opinion is available in preliminary form.

This distinction between the preliminary printing of the opinion and the final printing does make the issue of prior censorship a little murky—but not much. What is important about the freedom to print is not just the ability to put your view before people for a given day or a given week. It is also—and even more important—the chance to form the record to which people will refer years from now. Closed societies do not just censor newspapers; they censor the history books as well, and for good reason. Prior censorship is as obnoxious in the latter case as in the former.

We sympathize with the Justice Department's wish to protect the reputations of its lawyers against accusations involving truly obnoxious prosecutorial practice. It is awful to be dragged publicly and unjustly through this kind of mud. In fact, this may be the time to remind these energetic prosecutors that public mudslinging before all the facts are in is just as awful for a private citizen whom the department has just visited with an indictment and a press release.

Judges should be very careful when leaning on prosecutors this way with the full weight of judicial authority. Prosecutors should be just as careful when leaning on the rest of us.●

LAUNCHING OF A NEW SUBMARINE

● Mr. TOWER. Mr. President, the submarine *Augusta* (SSN-710), a 688-class nuclear-powered attack submarine, was launched this past Saturday in Groton, Conn.

This date also marked the 30th anniversary of the launching of the U.S.S. *Nautilus*, the world's first nuclear-powered submarine, which was also built by Electric Boat.

The principal speaker was the senior Senator from Maine, who is also the chairman of the Sea Power and Force Projection Subcommittee of the Committee on Armed Services.

His remarks are not only entertaining, but more importantly, they are a valuable reminder of the tremendous

importance to our Nation of seapower and superior naval forces.

I commend his speech to your attention, and request unanimous consent that it be inserted in the CONGRESSIONAL RECORD at this point.

The remarks follow:

THE "AUGUSTA" (SSN-710)

(Remarks by Senator William S. Cohen)

Mr. Conn, Admiral Thunman, Mr. Lewis, Officers and Men of the United States Navy, executives and workers of the Electric Boat Division of General Dynamics, Mayor Thompson and Members of the Augusta City Council, fellow citizens of Maine, Ladies and Gentlemen.

First, let me thank you for inviting my wife, Diane, and me to join you for this very special day and to extend our congratulations to the management of Electric Boat Shipyard and especially to the employees who have built this magnificent ship. It will be named after Maine's capital which has a great seafaring tradition and which (not coincidentally) happens to be Diane's birthplace. It will become one of the finest weapons in our Navy's arsenal of antisubmarine warfare.

The people of Maine historically have played a crucial role in our Nation's defense and, indeed, in at least one incident they produced a product that played a highly unusual one as well.

During the Second World War, the destroyer USS *O'Bannon* was patrolling in the western Pacific one night. It was clear; the waters were calm; the moon hung like a large wafer in the midnight sky. A messcook was getting some potatoes—some Maine potatoes—out of the "spud locker" up on the signal bridge level. The potatoes were stored outside so they would remain fresh longer. As that messcook was conducting his business, he saw a miniature Japanese submarine surface in the water next to the ship. He became excited, of course. He started shouting "Submarine!" to attract attention and simultaneously decided to attack. The closest things nearby were Maine potatoes, so he began throwing them at that submarine.

That submarine was sunk. As best the Navy could reconstruct the events of that night, the men on that Japanese submarine heard dull "thuds" on their hull, and thought they were in great danger, perhaps under a depth charge attack. We will never know for certain, because they commenced an emergency dive without shutting the hatch. The ocean flooded in, and the submarine sank.

Apparently, those Maine potatoes were the cause of that sinking. Later on, the Maine Potato Growers awarded a brass plaque to the destroyer, and it was mounted near the quarterdeck.

In the world of anti-submarine warfare, it is quite an honor to move from potatoes to nuclear powered submarines like the *Augusta*, armed with the Mark 48 torpedo and the Harpoon and Tomahawk cruise missiles, but I must say I am proud of the contribution made by Maine Potato Farmers and let me add that I have requested the Secretary of Defense to continue to feed our sailors Maine potatoes and to add Maine blueberries to that diet as well.

All of us are here to celebrate a special event—the birth of a new ship. It is a special ship that has as its mission the very gravest of responsibilities, the very noblest of goals—the protection of our homeland and the preservation of our freedom.

Just as the birth of a child comes not without pain, so the launching of this ship comes not without controversy and challenge by some. Of course, the freedom to question and challenge ideas, policies or programs is at the very heart of the American political system. We should not condemn or chasten critics but rejoice in the opportunity to listen and possibly learn from them—for none of us have yet monopolized truth and wisdom. But we should be equally eager to hold up history's flickering lamp to the trail of the past so that we can reconstruct how nations have been led into war, how and at what cost victory has been secured, and how *peace*—fragile as it may be—has been maintained for the past forty years.

We are blessed to live and work in a land of plenty and opportunity. Our skies, rivers and highways are crowded with commerce. Our industrial heartbeat has begun to pound with renewed vigor. Our soils are fertile. Our farmers productive. The song of economic recovery is beginning to ring again. A sense of optimism has begun to fill the veins of Americans once more as we move into 1984.

But even as the light of plenty and promise is upon our brows, we know that the dark shadow of peril has been cast over much of the globe. For as free as we are, most of the world's people are cast in physical or intellectual chains. In too many countries, there is poverty, discord, and danger. In too many nations, either tyrants or terrorists seek to destroy moral values that free men and women everywhere hold dear. And for all mankind, the fear of nuclear annihilation remains in the corners of our consciousness.

Those of us who believe in and support a strong national defense do not mean to diminish or trivialize this fear of nuclear war. We are all aware that human existence is now hostage to the hair trigger of science and that we can slip back into the Stone Age as easily as we can glide toward the mysteries of the 21st Century.

But fundamental to reversing the arms race must be a mutuality of desire, a mutual call for peace that is matched with visible and verifiable deeds and not soothing words and talismanic phrases.

As President Eisenhower said to us more than a quarter of a century ago, "the building of such a peace is a bold and solemn purpose. To proclaim it is easy, to serve it, will be hard. And to attain it, we must be aware of its full meaning—and ready to pay its full price."

Our freedom has provided us with the opportunity for unprecedented economic prosperity and fundamental to maintaining that prosperity is having free and open access to the corridors of commerce, the trade routes of the world. A cut in the sea lines of communication is equivalent to a cutoff of oxygen supply to our lungs, for economically and geographically, we are essentially an island nation.

The Soviet Union, on the other hand, is basically a continental power. In theory, they have no need for either a navy or a merchant marine. But theory is contradicted by reality. The fact is that the Soviet Union has been continually expanding its naval forces in scope and mission since the end of World War II—a pace of naval growth that has accelerated over the past decade and one that we have not come close to matching. While their submarines are not as quiet or as capable as ours, quantity eventually comes to have a quality of its own. They are also exceeding us in the growth of their Merchant Marine and moreover, we are feeling the pressure not only from the Soviets themselves but from the many surrogates operating at their command.

The Sea Power and Force Projection Subcommittee plays a major role in reviewing the Navy's shipbuilding budget and, of course, we receive intelligence briefings on Soviet naval developments.

Let me review briefly the submarine portion of the Soviet threat that faces us.

In a moment, I am going to release information that has not been declassified until now.

Last year, the Defense Department issued a booklet called "Soviet Military Power." It shows that the Soviet Union has been building 12 submarines per year, up until 1982, when the number decreased. What was the reason for the decrease? There were two alternatives: either the Soviets were retooling for new production, or else production actually slowed down.

The verdict should never have been in doubt. The Soviet Union was retooling for production of newly designed submarines. Our intelligence sources expected to see two or three new classes of submarines, and they were right, in part. Three new classes did appear—the *Oscar*, the *Alfa* and the *Typhoon*—but they were surprised by the unexpected early appearance of two additional new classes, the *Mike* and the *Sierra*. The *Mike* appears to be a follow-on to the very high-speed deep diving *Alfa*, while the *Sierra* appears to be a follow-on to the *Victor*.

It is clear that the Soviets are building a blue water navy in order to project power to distant lands and to be in a position to challenge our naval capability whenever they see it expedient to do so.

And none of us should ever forget the sight of Soviet ships trying to frustrate and intimidate our vessels in the Sea of Japan; the ships that were engaged in the search for the wreckage of the Korean airliner that they had shot down. It was an act of arrogance and contemptuousness and it is but a sign of what we can expect to see in the future if we allow our domination of the seas to slip into a state of neglect and inferiority.

Today's ceremony and christening of the *Augusta* is evidence that naval supremacy has been our history and will continue to be our future. The price is high but in the final analysis, a soldier's pack, in President Eisenhower's words, is not as heavy as a prisoner's chains. If we are strong, we will have the freedom to negotiate a lasting and durable peace with our adversaries. If we are weak, there will be no negotiations; no pipes will play of peace, only of appeasement.

As we search for a true and lasting peace, let us remain vigilant and strong so that no adversary will confuse our moral quest with a policy of slow capitulation or be misled into calculating that we would ever placate an aggressor by trading our principles for our privileges.

The people of Maine are known for their pride, their integrity, and their fierce independence.

May the *Augusta* help us to keep all of America and her allies proud, principled, and free.●

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNANIMOUS-CONSENT AGREEMENT—S. 1762

Mr. BAKER. Mr. President, earlier I had announced that I hoped we could reach the Comprehensive Crime Control Act of 1983 at this time, and to enter a unanimous-consent request that would limit the amendments that might be in order.

Since that announcement, I have had the opportunity to check our cloakroom and to confer with the minority leader and his staff. Apparently there is no objection to such a request. I have been authorized to say the minority leader has reviewed this arrangement and does not object.

Mr. President, let me now put the request.

Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of Calendar No. 391, S. 1762, the Comprehensive Crime Control Act of 1983, it be considered under the following agreement:

I ask unanimous consent that no amendment dealing with the death penalty, the exclusionary rule, the control of firearms, the Hobbs Act, habeas corpus, an Office of the Director of National and International Drug Operations and Policy, a Select Commission on Drug Interdiction and Enforcement, or the Federal Tort Claims Act be in order.

Finally, I further ask unanimous consent that no amendment dealing with a proposed limitation of jurisdiction of authority of the Federal judiciary be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, there is no objection to this agreement on this side. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, it is my understanding that the minority leader will allocate specific times for Members the first of the week.

The PRESIDING OFFICER. Will the Senator use the microphone, please?

Mr. BAKER. Mr. President, I understand the Senator asked if time will be provided next week, or at the conclusion of the consideration of the crime package, for the consideration of other items. Is that correct?

Mr. MATHIAS. Under the original agreement on this matter, we did provide for a specific time for various members of the Committee on the Judiciary to be assured that all Senators had the opportunity to speak.

Mr. BAKER. Mr. President, I would say to my friend from Maryland there is no restriction on time, no limitation on time. Any Senator who wishes to speak will be entitled to do so. There will be no effort by the leadership on this side to try to limit the time for debate.

Mr. MATHIAS. Mr. President, if there should be an effort made by any Member of the Senate to limit time on this matter, I would appreciate it if the leadership will advise Members.

Mr. BAKER. I thank the Senator, and I can assure him that we will make a notation to that effect. Members will be notified if there is any subsequent agreement affecting this arrangement at all.

I might say, Mr. President, that while it is not part of this agreement, it is clearly a part of the understanding—and I have made assurances to this effect to the minority leader and other Senators—that as soon as we finish the crime package we are going to the ancillary measures which have been excluded from this package, and do so immediately.

I see the Senator from Pennsylvania is also on his feet. I have indicated to him that I will include in that scheduling subsequent to this action the career crime bill, which I believe the distinguished chairman of the Judiciary Committee has agreed might be scheduled along with these other items.

Mr. SPECTER. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. SPECTER. Under the arrangements I discussed with the chairman of the committee, Senator THURMOND, it was projected that the career criminal bill would be taken up immediately following the crime package. I would like to have that scheduled, if it is agreeable to the leadership.

Mr. BAKER. Mr. President, I do not personally have any problem with that. The minority leader is not here on the floor. When he left, I indicated to him that we would immediately go to the four excluded items. If I can be relieved of that commitment to him, I will be glad to do that.

Mr. SPECTER. That would be acceptable to the Senator from Pennsylvania, pending agreement with the minority leader, that the career criminal bill follow the current package.

Mr. BAKER. I am perfectly willing to do that. Once again, I have to check with the minority leader before I can specifically agree to that. But I can assure the Senator that we will either do it that way or we will do it before we end the consideration of this package.

Mr. SPECTER. Will the majority leader put the career criminal bill at the end of the package, if possible?

Mr. BAKER. I will try to do that, yes.

The PRESIDING OFFICER. Without objection, the unanimous consent is agreed to.

The text of the agreement is as follows:

Ordered, That during the consideration of S. 1762, the Comprehensive Crime Control Act of 1983, no amendment dealing with the following matters shall be in order: the death penalty, the exclusionary rule, the control of firearms, the Hobbs Act, habeas corpus, an Office of the Director of National and International Drug Operations and Policy, a Select Commission on Drug Interdiction and Enforcement, the Federal Tort Claims Act, or a proposed limitation of jurisdiction of authority of the federal judiciary.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 430, Senate Resolution 218, the Budget Act waiver.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BYRD. Mr. President, there is no objection.

There being no objection, the resolution (S. Res. 218) was considered and agreed to as follows:

S. RES. 218

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 1762. Such waiver is necessary because S. 1762, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Further, the package was not presented by the administration to the Senate Committee on the Judiciary for consideration until March 23, 1983. Due to the volume of the proposals, the committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration of S. 1762 which amends title 18 of the United States Code by revising Federal criminal laws, reorganizing administrative procedures and civil proceedings and changing terms of imprisonments and fines. Some new offense categories are specified and certain existing offenses are redefined. The bill also allows the detention of defendants believed to present a danger to the community and requires additional prison time for individuals who commit offenses while on release. In addition, a United States Sentencing Commission is created for the purpose of establishing sentencing policy guidelines. Authorizations are also provided for a

number of new and existing programs within the Office of Justice Assistance.

The estimated cost to the Federal Government for S. 1762 is $96,000,000 for fiscal year 1984, $126,000,000 for fiscal year 1985, $137,000,000 for fiscal year 1986, $146,000,000 for fiscal year 1987, and $84,000,000 for fiscal year 1988.

COMPREHENSIVE CRIME CONTROL ACT

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983."

The Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary without amendment and from the Committee on Foreign Relations with amendments, as follows:

On page 340, line 11, strike "rape" and insert "forcible sexual assault".

On page 344, line 12, strike "pursuaded" and insert "determines".

On page 344, line 24, after ". . . (3) is" insert "final and is".

On page 345, line 1, strike "review: Provided, however, That in" and hnsert "review. In".

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am privileged today to stand with the distinguished Senators from Nevada (Mr. LAXALT), chairman of the Subcommittee on Criminal Law, and Delaware (Mr. BIDEN), ranking minority member of the Committee on the Judiciary, to support Senate passage of S. 1762, the Comprehensive Crime Control Act of 1983.

Mr. President, we simply must do a better job as a nation in controlling crime. It is imperative that the Federal Government have the tools needed to be effective in its crime fighting role, two prominent aspects of which are organized crime and illegal narcotics trafficking. Our citizens have a right to expect Congress to act on these important matters; and these are important matters. Mr. President, in my judgment, if this bill can be enacted in substantially the same form as now presented to the Senate, it will make the most important legislative contribution to effective Federal law enforcement efforts, particularly against organized crime, violence, and illicit drug trafficking, since the Omnibus Crime Control and Safe Streets Act of 1968, the Organized Crime Control Act of 1970, the Controlled Substances Act of 1970, and the Controlled Substances Import and Export Act of 1970.

Mr. President, this measure has broad bipartisan support. Not only is the bill strongly supported by the administration, but Senator LAXALT and I have worked closely with Senators BIDEN, the ranking member, and Senator KENNEDY, a former chairman of the committee, to finally provide an opportunity for the Senate to consider a major anticrime proposal that includes improvements on such matters as bail, sentencing, forfeiture, drug penalties, the insanity defense, justice assistance, surplus Federal property for correctional purposes, foreign currency transactions, and miscellaneous violent and nonviolent crime and procedural issues. Senators BIDEN and KENNEDY have played an important role in the development and processing of this bill, particularly with respect to bail reform, sentencing reform, and forfeiture. Their interest and expertise in comprehensive improvements to Federal law enforcement statutes date back many years and have proved most helpful.

I sincerely hope that these distinguished Senators, as members of the other party, will use their good offices to encourage key members of the House to promptly consider and act on this measure when it reaches that body. It would be tragic indeed if we miss again an opportunity to better equip our Federal law enforcement establishment in a major way with the tools to make their task more effective.

Mr. President, I should also note for my colleagues that S. 1762 draws heavily upon the recommendations for major crime legislation made by the President of the United States that I introduced, along with Senator LAXALT, as S. 829 on March 16, 1983. Certainly, without the help of the chairman of the Subcommittee on Criminal Law, Senator LAXALT, and the cooperation of the Department of Justice, we would not be on the threshold of Senate passage of this important measure. Again I would like to emphasize that passage of this bill by the Senate is not enough. I strongly urge the President and the Attorney General, following action by the Senate, to focus on the importance of the crime issue to the American people and to use their influence to encourage the House to act on the full scope of this bill rather than some watered-down inadequate response to the problems confronting us.

Mr. President, I have not touched upon the details of this bill because an extensive summary was included in the RECORD with my remarks when the bill was reported by the Committee on the Judiciary on August 4, 1883 (See 129 CONGRESSIONAL RECORD S11680-S11706). In addition, the provisions of the bill are explained in detail in the committee report, Senate Report No. 98-225, filed September 14, 1983.

Mr. President, this is a good bill that should be promptly passed. I hope we can finish the measure as soon as possible with a vote that will send a message to the House that now is the time to act on major crime legislation.

● Mr. LAXALT. Mr. President, I am indeed pleased to join my chairman, Senator THURMOND, and our colleagues on the Judiciary Committee, Senator BIDEN and Senator KENNEDY, to speak on behalf of S. 1762, the Comprehensive Crime Control Act of 1983. I am pleased not only because the 41 parts of the act embody the most significant, far-reaching reforms to the criminal justice system made in over a decade, but also because this act results from tremendous bipartisan efforts that have shown our institution at its very best. The Comprehensive Crime Control Act is the product both of unstinting work by the Reagan administration, whose efforts to combat crime are unsurpassed in recent history, and of yeoman endeavor by Senators on both sides of the aisle.

It is impossible here to catalog all the hearings, both last Congress and this, that laid the groundwork for S. 1762, just as it would be impractical to commend by name every Senator who toiled long and hard over its provisions. Rather, to illustrate the wide-ranging cooperation that went into shaping this bill, let me cite just a few of our colleagues whose diligence made such monumental reform possible.

Without the absolute dedication of Senator THURMOND, of course, criminal justice reform would only be a dream, and a misty, unfocused dream at that. As Chairman of the Judiciary Committee, he has provided the political impetus needed to get S. 1762 to its present state; he also played an enormous role in shaping the substance of the bill. He has worked on every aspect of the crime package, and has paid special attention to the provisions relating to the insanity defense, wiretapping, and extradition.

Senators BIDEN and KENNEDY have also provided tremendous leadership in molding S. 1762 and bringing it to this point. Their sustained interest in these issues dates far back; Senator KENNEDY's and Senator BIDEN's work on sentencing reform, for example, spans four administrations. Senator BIDEN played a key part, too, in formulating the drug forfeiture provisions contained in this bill; and both he and Senator KENNEDY were very actively involved in drawing up the justice assistance sections of S. 1762 and in working with Senator SPECTER on the parts of the bill relating to juvenile offenders.

Senator HATCH has also worked very hard on the bill, taking the lead, for example, on the vital issue of bail reform, as well as on a number of other issues. Senator SPECTER, too, has been mightily involved, helping to shape the insanity defense provisions; working with the administration, Senator DOLE, and Senators BIDEN and KENNEDY on the Justice assistance

provisions; joining with Senators DOLE, GRASSLEY, and D'AMATO to increase Federal aid for State prison facilities; and combining with Senator GRASSLEY again on the child pornography problem. I should note that Senator GRASSLEY was also responsible for the arson sections of the bill and worked with Senator JEPSEN to devise the pharmacy robbery provisions.

Senator EAST also labored hard on the bill, and, with Senator HELMS, was instrumental in formulating the tough drug enforcement sections. Senator DENTON was a major contributor to the bill, working on sentencing reform, crimes by foreign agents, and a number of other areas. Senator SIMPSON was essential in crafting the bill, and I have already mentioned Senator DOLE's great help.

Senator BAUCUS should be noted for this work on livestock fraud and on making improvements in the witness security program, along with Senator COCHRAN. Senator HEFLIN, too, was of great help; I single out, for example, his work on crimes involving damage to energy facilities. Senator ROTH's foreign currency amendments, Senator NUNN's labor racketeering amendments, and Senator PERCY's help on the extradition problems should all be recognized, as should the efforts of Senators DECONCINI, HAWKINS, BENTSEN, and CHILES. I salute the work of these Senators, and of all the others who helped create this historic piece of legislation.

The reason for such unusual bipartisan consensus is not hard to be define: This country continues to be ravaged by a crime epidemic of tremendous magnitude, and citizens insist upon action. The urgency of the threat confronting our Nation does not, of course, make our near unanimity on this anticrime package any less gratifying, but it does demand that we complete action on this bill in short order.

According to the latest crime data, a murder is committed every 23 minutes, a rape every 6 minutes, a robbery every 58 seconds, and a burglary every 8 seconds. Almost one-third of the Nation's households were touched by a crime of violence or theft in 1982 alone. While this statistic has been somewhat in decline since 1980, it remains a horrifying figure. Even more shocking is the fact that so many of these facts of violence are carried out by criminals who, once arrested, are quickly loosed on society again to continue their depredations. There is no instant Federal panacea for the problem, but, as S. 1762 demonstrates, we can take a number of concrete steps to increase a criminal's likelihood of being caught, and to insure that once captured and convicted, he faces swift, firm, and just punishment.

Justice Rehnquist recently made a very perceptive speech in which he commented on a mood abroad in the land that has been sensed by everyone from the editors of the Wall Street Journal to the writers of Hollywood scripts. What Justice Rehnquist and the others have noted is that people are demanding that our justice system dispense justice. We do not want an authoritarian state, and we certainly desire to insure that the rights of all are protected, but we have had our fill of rules that coddle criminals and punish the rest of us. Despite what that small, entrenched minority of citizens opposing criminal justice reform will say, the rights of the victimized are not less important than the rights of the attackers, and sure, quick, and fair punishment of criminals is not somehow inconsistent with civil liberties. It is essential that our Federal Government continue to accord due process of law to its criminal defendants, but—and here I quote Justice Rehnquist—"equally important, is the extent to which a society succeeds in vindicating the moral judgments of its members as they are embodied in its criminal laws. A breakdown in the criminal justice system leads eventually to a state of anarchy, and no society will long tolerate anarchy."

S. 1762 is designed to make a start toward putting our Federal criminal justice system in order and toward warding off the dangers to which Justice Rehnquist refers. We will soon have occasion to debate other bills already passed by the Judiciary Committee that, I believe will help to carry this process further. The bill currently before us encompasses, as I say, a wide variety of long awaited Federal reforms. It limits the insanity defense, allows Federal judges to consider danger to the community when setting bail, and seeks to insure that criminals who commit similar Federal offenses receive similar sentences and serve similar terms. It contains criminal forfeiture proposals, provisions to combat the sexual exploitation of children, labor racketeering amendments, and a wide assortment of other urgently awaited Federal criminal code improvements. Additionally, it increases technical and financial aid to the State and local law enforcement agencies that fight 90 percent of our battle against crime.

The 40-plus proposals presented in S. 1762 reflect a consensus not only among the administration and Republican and Democratic Senators, but—and far more importantly—among the American people in general. I am confident that we in the Senate will continue to fulfill our obligation to help make these reforms become law.●

● Mr. BIDEN. Mr. President, the Senate Judiciary Committee has worked for over a decade to develop a comprehensive crime bill which would make the reforms essential to a fair and effective Federal criminal justice system. Unfortunately, partisan concerns and the unwillingness of some Members of the Senate, the House, and representatives of the administration to compromise prevented enactment of substantial reform legislation in the past.

Last Congress, a criminal law reform package met with a degree of success many thought impossible. Everyone in this Chamber knows how far the crime package progressed: The Senate passed the Violent Crime and Drug Enforcement Improvements Act of 1982 (S. 2572). Although we sent the bill to the House very late in the session, the members of the House Judiciary Committee demonstrated a willingness to devote long hours to reach agreement on substantial portions of the bill. In addition to the final package, many compromises were reached in bail and sentencing reform. In fact, insufficient time at the end of the session may have been the major factor which prevented final agreement in bail and sentencing. Although the President vetoed the final package, he expressed strong support for substantial portions of its contents.

I believe Chairman THURMOND will agree with me that successful Senate and House passage of comprehensive anticrime legislation last Congress taught us some very important lessons.

First, under Chairman THURMOND's leadership, the members of the Judiciary Committee and ultimately the Senate recognized the need to compromise and develop comprehensive legislation with bipartisan support. To achieve that goal Senators have agreed to process important anticrime bills as separate legislation because they recognize that one controversial provision could slow or halt progress on the entire package.

Second, we found substantial agreements in our negotiations with Members of the House by deleting from the package those provisions which would be so controversial that they would jeopardize House passage.

The lessons of last Congress have brought us to the point we are at today with this comprehensive anticrime package.

This bill, similar to the bill last Congress, is the product of iany years of work in this Congress by nearly every member of the Judiciary Committee. Those efforts have resulted in a package consisting of many of the most important crime bills before the Congress. The most significant of these bills make substantial changes in current law in the areas of sentencing, bail, and forfeiture.

The proposed new sentencing procedures will, for the first time, establish a structure for the imposition of sentences—a structure which will include harsh sentences for the repeat and

violent offenders who cause a disproportionate number of crimes, and prison sentences which will be served without early release on parole. The bail reform proposals will give courts the power to protect the community from dangerous persons who have been arrested and are awaiting trial. The forfeiture reform will strengthen prosecutors' authority to reach the money and assets acquired with the profits from illegal activities.

When the Senate considered the crime package during the 97th Congress, Senator LEVIN introduced an amendment to establish a mandatory minimum sentence for the commission of a Federal felony with the use of a firearm.

The Levin amendment provided for at least 1 year in prison on the first offense and at least 5 years in prison for second and subsequent offenses.

As modified by Senator BUMPERS to provide 2 years for a first offender, this amendment was ultimately adopted by the Senate.

S. 1762 includes a mandatory minimum provision which further modifies the Levin/Bumpers amendment of the 97th Congress.

The proposal initiated by Senators LEVIN and BUMPERS will strengthen the current law and have a greater deterrent effect, thereby discouraging the use of firearms.

Additionally, legislation which I very strongly support, the establishment of a Cabinet level position to coordinate and direct policy for the 9 Cabinet Departments and 33 Federal agencies involved in the Federal narcotics effort falls into the category of proposals which could slow or possibly prevent enactment of a comprehensive crime package. I have therefore moved that legislation separate from this package.

Many of my colleagues on both sides of the aisle strongly support legislation which they would have liked to have included in this package. They have also agreed to move those bills which are controversial as separate legislation because they recognize that passage of a comprehensive crime package is the most important goal.

The bipartisan package before us today is nearly identical to the bill which passed the Senate last Congress. It is my hope that we can work together with our colleagues in the House and build upon the substantial progress we made last Congress so that we will finally see this essential legislation enacted.●

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Maryland (Mr. MATHIAS), a distinguished member of the Judiciary Committee.

Mr. MATHIAS. I thank the distinguished chairman of the Judiciary Committee, the President pro tempore, for yielding to me.

Mr. President, today, the Senate turns to consideration of S. 1762. This is an omnibus bill, characterized by its proponents as a consensus package of improvements needed to respond to the challenge of violent crime. There may be a consensus in support of this bill, but, if there is, it seems to me that it is a consensus based in great part on less than a full understanding of the provisions of the bill.

I suspect that, at the beginning of this debate, there are very few Senators who are fully aware of the dozens of dramatic changes in the Federal Criminal Code with which the pages of this bill are studded. Many of these departures from current practices are, in my view, ill advised. But some of the major problems with this legislation are not too difficult to ferret out. The longest single part of the bill, which is title II, contains sentencing reform proposals which are ill conceived and inflexible and potentially quite costly. In earlier debate on a similar proposal, I called it a budget buster. I suspect the same epithet would be applicable to this bill. It is to this title that I address most of my remarks today and probably, without unduly limiting myself, in the days that will be consumed by the debate ahead of us.

I wish to advise the Senate that I plan to offer four amendments to the sentencing provisions which are contained in title II of the bill before us.

It is my hope that these amendments would correct some of the deficiencies in the sentencing guideline scheme which would be created by the bill. The proponents of the sentencing reform contained in S. 1762 base their proposals on two observations about the criminal justice system with which hardly anyone disagrees.

First, there is too much disparity in criminal sentencing. Second, sentences to imprisonment are too indeterminate in duration.

In stating the problem in this way, I have tried to choose my words with some care. Any fair sentencing system would necessarily have to contain some degree of disparity. No two offenses, no two offenders, are identical. Any system which would treat them as if they were identical would be arbitrary, not equal.

Similarly, some degree of indeterminacy is desirable, in order to give an offender an incentive to stay out of trouble after conviction, or in order to be flexible enough to accommodate unexpected fluctuations in prison population.

Having said that, Mr. President, I think there is, again, no disagreement that there is too much disparity and too much indeterminacy. But disagreement arises with respect to the best way to reduce the disparity and the indeterminacy. I would have to offer it as my humble and respectful opinion that the solution provided by title II is illusory. It would replace today's unstructured sentencing practices with an inflexible and potentially very costly guideline system.

The Federal judges and the U.S. Parole Commission are two of the most visible actors in the current sentencing system. Not surprisingly, therefore, they are the targets of this bill. The bill would abolish the Commission and it would consign the judges to the task of operating a sentencing decision machine designed and built by someone else.

I have to say that one of my problems with title II is the fact that I read in it a profound mistrust of the Federal bench. I would like to be wrong on this—perhaps I shall be corrected in the course of debate. But as we enter the debate, I read in title 2 an underlying mistrust of the Federal bench. It is an attitude which assumes that Federal judges, acting through the Judicial Conference, would be unwilling or unable to draw up sentencing guidelines even if they were instructed to do so by the Congress of the United States.

It seems to me that title II further assumes—I hope that the sponsors of the measure can convince me otherwise—that Federal judges would not conscientiously apply voluntary guidelines but, instead, must be stripped of their traditional sentencing discretion and instructed to adhere to preordained guidelines except in the most extraordinary circumstances.

All of this seems to me to overlook the obvious, that the cooperation of the bench is an essential ingredient of any effective sentencing reform.

The Judicial Conference is skeptical about this bill. The committee has rejected the sensible alternatives that the judges have proposed. We thus have a climate which does not augur well for the success of this experiment.

I think we should recognize that simply drastically reducing judicial discretion in sentencing, as title II proposes to do, will in no way eliminate discretion from the system. It will merely displace discretion from the courtroom, where it is now exercised before God and the company assembled there, where it is now exercised under the scrutiny of the press and the public, and relegate it to other venues.

Now, that discretion displaced from the courtroom will turn up in other places. It will turn up in the offices of the U.S. attorneys, whose individual charging and plea bargaining policies will dictate the sentence for the vast majority of defendants, certainly for those who plead guilty. It will creep into the work of the probation officers who, under this bill, will have the awesome responsibility of transforming a

very complex array of facts about the offender and about the offense into one box on a grid of offense and offender characteristics—the typical kind of bureaucratic paperwork. And of course this discretion will become the daily bread of the new U.S. Sentencing Commission, which is a body that is proposed to be appointed by the President of the United States but not given life tenure, not insulated in that way from the kind of pressures that have so often corrupted the administration of justice.

I seriously doubt that the public will be better served when instead of reposing responsibility is a U.S. district judge, approved by the Attorney General of the United States, nominated by the President of the United States, and confirmed by the U.S. Senate, there will be a kind of collective responsibility exercised by the U.S. attorney, by the probation officers, and by the members of the Commission. All of these people will become responsible, and therefore as is the human experience with collective responsibility that really means none of these people will become responsible for the sentence imposed on a Federal criminal defendant.

I think we have to recall that the Sentencing Commission's responsibilities will not end with the creation of the sentencing guidelines because this is a new bureaucracy. This bill is not only a budget buster, it creates new bureaucracy. This new bureaucracy will be empowered to promulgate regulations on a vast array of issues which today are confided to judicial discretion.

There is no evidence that the Federal bench is incompetent to decide questions such as when sentences should be modified on humanitarian grounds. So there is no justification for the powers which the bill would give to the Sentencing Commission in these collateral areas. I think it is ironic that some of the Senate's most vociferous foes of big government and of unbalanced budgets have lent their support to this proposal to create yet another Federal bureaucracy with a sweeping charter to impose solutions for problems that have not been proved to exist.

Now, again, I have called this bill a budget buster, and there is nothing in the consideration that we have given it that has caused me to modify this view. If enacted, title II will increase Federal expenditures in several ways. It would create a multimillion-dollar sentencing commission with a permanent charter. It would transfer the responsibility for post-release supervision from the relatively efficient parole commission to the Federal courts, necessitating hundreds, maybe thousands, of jury trials a year on contempt petitions. This comes at a time when the Chief Justice of the United States is pleading with the Congress to do something about the workload of the courts. This action was not, I believe, what the Chief Justice has in mind when he made that plea.

Most significantly, I cannot see that the bill would do anything to reverse that alarming trend toward more and more indiscriminate use of incarceration in the Federal prisons which are already bulging with the highest prison population in history, despite the recent evidence of a leveling-off or a decline in crime rates.

Just this morning, this very morning, the Washington Post reported that the average Federal prison sentence increased from 43.1 months in 1978 to 55.3 months in 1982. As a result, the Washington Post reports today that Federal facilities now house 25 percent more prisoners than they were designed to contain. Senate bill S. 1762 will do nothing to reverse this trend. I believe that it would accentuate it.

The report accompanying the bill professes neutrality toward the appropriateness of incarceration. The committee rejected an amendment which would have required the imposition of the least severe appropriate sanction in each case and the committee also refused to direct the sentencing commission to design its guidelines to avoid increases in the prison population or in the average sentence served by Federal prisoners. And, finally, the committee rejected safety valve provisions which would have permitted even the modification of sentences where that action may be needed to prevent serious overcrowding of prison facilities.

So this course of action suggests that the proponents of this legislation should reconsider the need to build in the safeguards which will protect against the fiscal and social costs of over-reliance on incarceration.

If there is any Member of the Senate who thinks that I may be exaggerating this possibility, I suggest that they merely look at the most concrete evidence that I can think of. I use "concrete" not as a figure of speech but as a noun, because there are today private corporations going into the prison business. Private corporations are pouring concrete and building prisons which they intend to rent to Government as a profitmaking enterprise because they see the growth of the prison population. They see that this is a need, they want to get in on the action, and they are pouring the concrete today.

When you have private corporations planning to enter the business of housing prisoners for profit, it seems to me the Senate wants to take a very careful look at the projections of the size of the prison population.

Anticrime rhetoric we all love to utter. Everybody is against crime, and we like to make the speeches to prove it. But anticrime rhetoric for consumption today seems to me to be more evident in this bill than the prudent planning that is necessary to minimize the burden on tomorrow's taxpayers.

Title II occupies less than a third of the bill. Some of the remainder of S. 1762, particularly the justice assistance provisions of title VI, include important initiatives in the fight against crime. Other provisions will offer the public more rhetoric than useful resources. What most strikingly characterizes title II are the unanswered questions about the intentions and the likely effects of this sweeping reform.

Now that the Senate has turned to this legislation, I hope that every Senator will join in posing these questions, in giving thorough consideration to the responses that committee members may make, and, most important, in helping to shape the final answers which may someday be embodied in the statutes of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Maryland, I just want to say that the provisions to which he is objecting were contained in S. 2572, which passed the Senate on September 30, 1982, by a vote of 95 to 1. The able Senator from Maryland at that time spoke against the bill and was the only Senator who voted against it.

Also, the provisions he is objecting to in this bill were added to H.R. 3963, which passed the Senate unanimously on the same day. Ultimately, a small number of crime proposals passed the House and Senate as H.R. 3963, but these major sentencing provisions were not included in the bill as finally passed. The President, of course, pocket-vetoed H.R. 3963 because of so-called drug czar provisions. The point I want to emphasize here is that the sentencing title in S. 1762 has been acted on by the Judiciary Committee a number of times and passed the Senate as a part of S. 2572 in September 1982 by a vote of 95 to 1.

Mr. President, I will not take a lot of time now. I may answer the Senator in more detail next week. But the point is that these provisions have been carefully studied by the Judiciary Committee, and this package was reported by the committee. We have worked hard on this bill. We think we have an excellent bill. We hope that

when the Senate votes on this bill next week, it will see fit to pass this package, which has already had much consideration.

I might add that the Jusitice Department has carefully studied this bill. They approve of this package. The President of the United States has advocated this package. He approves the bill. The ranking minority member, Senator BIDEN, and the minority on our committee, approve it. We are all together on this bill. I hope the Senate will see fit to pass it without delay when it comes up again next week.

I yield to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Senator.

Mr. President, in a short time from now, I shall ask the permission of our distinguished chairman, the President pro tempore, to submit a colloquy between myself and the distinguished Senator from Nevada (Mr. LAXALT) regarding the legislation I have introduced concerning what are called cop-killer bullets—bullets that are able to penetrate the protective equipment that is now issued by the force.

Senator LAXALT has generously suggested that if we do not offer it as an amendment to this important legislation, he will hold hearings at a later date. But for the moment, we need to get his signature, and it will be here in a short while, within a matter of moments.

HANDGUN AMMUNITION PROVISIONS OF S. 1762

Mr. President, I had planned to offer an amendment to the Comprehensive Crime Control Act, an amendment to strengthen the bill's provision on armor-piercing handgun ammunition. As currently written, S. 1762 provides criminal sanctions for the use of armor-piercing handgun bullets in a crime of violence. My amendment would modify this section by imposing a ban on the import, manufacture, and sale of these bullets. I quite agree that anyone who uses armor-piercing handgun ammunition for criminal purposes should be punished severely. I fear, however, that criminal sanctions alone will not provide police with the degree of safety they deserve.

For that reason, on February 17, 1983, I introduced the "Law Enforcement Officers Protection Act of 1983" (S. 555). This legislation would limit the availability and use of armor-piercing handgun ammunition, bullets of use only to penetrate the bullet-resistant vests worn by police. There is an urgent need for this measure. The development of bulletproof vests in the mid-1970's provided law enforcement officers with significantly more protection than had previously been the case. These vests have been credited already with saving the lives of some 400 law enforcement officers. However, these vests are rendered virtually useless by a new type of bullet, one that recently has entered the market in large numbers.

These high-velocity, small-caliber, pointed bullets, made of hard alloy or steel-jacketed lead, have no legitimate commercial value. Tests have shown that a single one of the most powerful of these bullets can penetrate the equivalent of four bulletproof vests. An FBI report issued in 1982 identified eight different bullets capable of penetrating the most commonly worn police vests.

The bill I have introduced would require the Department of the Treasury to determine which handgun bullets, when fired from a handgun with a barrel 5 inches or less in length, are capable of penetrating the equivalent of 18 layers of Kevlar, the standard composition of most police vests. Kevlar is a trade name.

I note, Mr. President, that with a barrel of 5 inches or less, we are not talking about target practice pistols or competition pistols, we are talking about the handguns that criminals use to kill police officers when the encounters come.

My legislation would ban the further manufacture, import, sale, or use of these bullets, except when authorized by the Secretary of the Treasury for law enforcement or military purposes. Any licensed importer, manufacturer, or dealer who violated this act would be subject to a fine, imprisonment, and revocation of his Federal license. Persons carrying an illegal bullet during the commission of a felony would be subject to mandatory minimum sentences.

The companies presently manufacturing armor-piercing handgun bullets claim they are intended for police use, yet not one police department in the country will employ them—not only because of their awesome penetration capacity, but also because they pose greater ricochet hazards than more conventional ammunition. Only a few months ago, on September 13, 32 armor-piercing handgun cartridges were found in the home of a bank robbery suspect arrested by Nassau County police in my own State of New York. What legitimate reason, may I ask, did he have for possessing these lethal bullets? In my view, none whatsoever.

The Nation is slowly awakening to the senseless danger posed by these bullets. Already, 11 States have enacted laws against armor-piercing handgun bullets. I understand that at least seven more States are considering such legislation. Police officers are pleading for protection. This amendment has the public support of the International Association of Chiefs of Police, the Fraternal Order of Police, the International Union of Police Associations, as well as dozens of other national and State law enforcement organizations. As sentiment across the country builds against "cop killer" bullets, it is incumbent on the Senate to address the issue. In the interest of allowing all Senators to act upon this measure from a position of maximum knowledge, I am willing to not offer this amendment at this time, as my distinguished colleague from Nevada has agreed to schedule a hearing at the earliest possible date on the matter and proliferation of "cop killer" bullets and my proposal, S. 555.

This hearing will provide the Department of Justice with an opportunity to inform the Senate on the Department's own efforts to provide a definition of armor-piercing ammunition suitable for legislation to ban these bullets. It will also give law enforcement officials a chance to present their views to Congress.

Mr. LAXALT. I thank my distinguished colleague from New York for his interest in providing our law enforcement officers with the maximum degree of protection against the use of armor-piercing ammunition. The provisions of S. 1762 concerning this type of ammunition are directed at the criminal use of armor-piercing handgun bullets. The Judiciary Committee hopes that these provisions will provide an effective means of deterrence to those who may consider using armor-piercing handgun bullets during the perpetration of crimes. S. 1762 does not, however, ban the manufacture, import, or sale of these bullets. As my colleague from New York is aware, many law enforcement officials remain concerned that, with no restrictions on the availability of lethal armor-piercing handgun ammunition, criminal sanctions alone will not provide police with sufficient protection. I recognize the need to address their concern and have agreed to schedule a hearing in my Subcommittee on Criminal Law as soon as possible. I understand that the Department of Justice has completed its research on the formulation of a definition of armor-piercing handgun ammunition which could be used to limit the availability of these bullets. A hearing on the issue of armor-piercing handgun ammunition will afford the Department a chance to report its findings to Congress.

Mr. MOYNIHAN. Mr. President, I thank my colleague from Nevada for his gracious cooperation on this matter. I am grateful that he has agreed to give the issue of "cop killer" bullets the attention it so deserves.

Mr. SPECTER. Mr. President, I wish to add my strong support for the core provisions of the President's crime package contained in S. 1762. As a person who has spent much of his life in law enforcement—as an assistant

district attorney, staff member of the Warren Commission, and district attorney of Philadelphia—I have a deep familiarity with the important issues raised by this legislation. And as a member of the Judiciary Committee, I have had opportunities to chair and participate in hearings, to review and draft language, and to have input on many titles of this final product.

It is time that we recognize, as the bail provisions of S. 1762 do, that courts should be permitted to consider danger to community in making bail decisions. At the present time, many courts routinely impose high money bonds under the guise of risk of flight in order to hold defendants they believe to be dangers. Frank recognition of danger as a legitimate consideration, with appropriate procedural safeguards, is overdue.

At the same time, where these new bail laws serve to authorize pretrial detention of defendants without any bond, we have a special obligation to insure a speedy trial. In my view, pretrial detention is constitutional only when coupled with a speedy trial requirement.

Another important title of this bill makes significant reforms in the insanity laws. Following the Hinckley verdict, I held several hearings to explore the various reform options. Our final approach in my view is a sound one: First, put the burden of proof on the defendant; second, provide for automatic commitment to a secure mental hospital for those acquitted by reason of insanity; and third, restrict psychiatric testimony on ultimate issues. I am also gratified that the committee has included a provision that the insanity defense will apply only to those with severe mental illnesses and not those with mere personality disorders such as antisocial personalities.

The Justice assistance provisions of S. 1762 will provide much-needed financial assistance to State and local law enforcement agencies for focused support of anticrime programs of proven effectiveness. This bill originally was approved by the committee as S. 53, which I introduced on January 26, 1983. I can assure my colleagues that the Justice assistance program will provide benefits for every State and district.

I wish also to mention a new provision dealing with juvenile records in title 12 of S. 1762. Under present law, all juvenile records are sealed and can be opened only by the often cumbersome and time-consuming process of a court order. At a hearing held by the Subcommittee on Juvenile Justice on July 19, 1983, witnesses detailed the importance of the records to prosecutors for charging and plea-bargaining decisions and to courts for bail and sentencing decisions. It is unfortunate but true that at 15 or 16 years of age many young persons are already career criminals by any definition. To keep this information from prosecutors and courts can result in a miscarriage of justice.

Under the new provisions, access to these juvenile records would be automatic rather than discretionary for qualifying persons. Second, where a juvenile has been twice adjudicated a delinquent for a felony crime of violence or a drug offense, that information would be transmitted to the FBI for inclusion in their records. In no way would the amendments change the legal effect of a delinquency adjudication on a juvenile; it would only provide accurate information for those who need it.

I also support the other titles of S. 1762 which strengthen criminal forfeiture provisions, revise drug laws, permit donation of surplus property for prison space, and strengthen child pornography laws. I urge this bill's speedy passage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business to extend not past the hour of 2:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 98-13

Mr. BAKER. Mr. President, as in executive session,

I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Treaty Document No. 98-13), which was transmitted to the Senate today by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. The Department of State has prepared a report with respect to the Convention which is attached. I also transmit to the Senate, for its information, the Protocol to the Convention Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region and the Final Act of the Cartagena Conference which adopted the Convention and Protocol.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region will create general legal obligations to protect the marine environment of the Caribbean Sea, the Gulf of Mexico and areas of the Atlantic Ocean immediately adjacent thereto. It covers a variety of forms of marine pollution including pollution from ships, pollution by dumping, pollution from land-based sources, pollution from seabed activities, and airborne pollution. It includes provisions on specially protected areas, cooperation in emergency situations, and environmental impact assessment. The Convention also contains an annex outlining non-compulsory procedures for the peaceful settlement of disputes arising under the Convention.

The Convention, which was concluded within the framework of the United Nations Environment Program's Regional Seas Program, is intended to be supplemented, where necessary, by the development of specific protocols to it, such as the Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region (which extends to other hazardous substances as well), providing for more concrete obligations. In areas where there are existing international agreements, such as on marine pollution from ships and by dumping, the Convention provides for the application of the relevant international rules and standards developed under those agreements.

The entry into force of the Convention, augmented by its Protocol, will be an important step in creating, in the region, marine pollution standards which are generally higher, more uniform, consistent in character, and closer to our own than presently exist. Consequently, the Convention and its Protocol will provide new protection for United States territory, the Gulf States, as well as the Commonwealth of Puerto Rico and the Virgin Islands.

The United States played a leading role in the negotiation of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. Expeditious United States ratification of the

Convention would demonstrate our concern for the protection of the marine environment of the Caribbean region and our commitment to the region as a whole. It is my hope that the United States will also play a leadhng role hn the effective implementation of the Convention, which we expect to enter into force in a short period of time. To this end, it is important that the United States be represented at the first meeting of the Contracting Parties, which will be held no later than 2 years after entry into force of the Convention, following the deposit of the ninth instrument of ratification, acceptance, approval, or accession.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1984.*

ORDERS FOR MONDAY, JANUARY 30, 1984

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. BAKER. Mr. President, earlier I asked, and the Senate granted, unanimous consent that the Senate stand in recess until Monday, January 30, 1984. I would like to change that to adjournment, Mr. President. However, before I do so, may I inquire of the distinguished minority leader if he is prepared to clear a unanimous-consent request for the usual, as we say, boilerplate language in respect to adjournment at this time.

Mr. BYRD. I apologize for the delay. I have no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that when the Senate convenes on Monday, January 30, 1984, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be special orders in favor of the Senator from West Virginia (Mr. BYRD), the Senator from Rhode Island (Mr. PELL), and the Senator from New York (Mr. MOYNIHAN), for not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

BEN FIRSHEIN, OFFICIAL REPORTER OF DEBATES, U.S. SENATE

Mr. BAKER. Mr. President, it is my sad duty to inform the Senate of the death of Ben Firshein, one of the Official Reporters of the Debates.

Ben has reported debates and proceedings in the Senate Chamber for nearly the past 10 years. Prior to joining the Official Reporters, for many years he reported proceedings before the Foreign Relations Committee and numerous other committees on Capitol Hill. Outstanding assignments in his reporting career were the Watergate hearings and the hearings concerning the assassination of President Kennedy.

On behalf of the Senate I extend our sincere condolences to his wife Ruth and all the members of their family.

Mr. BYRD. Mr. President, I associate myself with the remarks just made by the distinguished majority leader concerning the death of this outstanding reporter of debates.

Mr. President, it is with great sadness that I, too, wish to comment on the passing of a distinguished individual, Ben Firshein.

Ben served the U.S. Senate as an Official Reporter of Debates for the past 10 years. He began his career in New York City as a court reporter during the Great Depression and arrived in Washington, D.C., in the early forties. Before coming to the Senate, Ben served as an official reporter for the House Committee on Un-American Activities, the White House, the Supreme Court, and both national party conventions. He was one of the leaders in his profession.

Ben was also a very proud man, proud of his work, his family, and the friendships he cherished. He always had a kind word and humorous story for any police officer, Doorkeeper, page, or Senator. His humor, professionalism, caring nature and most of all his friendship will be deeply missed. On behalf of my colleagues and myself, I wish to extend our deepest sympathy to his wife, Ruth, and their three children, Margie, Jan, and Steve.

Mr. MATHIAS. Mr. President, I join with the majority leader in expressing my sympathy to Mrs. Firshein and to her family on the death today of Benjamin H. Firshein.

Ben was more than an official reporter of Senate debates. He was a keen observer of the congressional scene and a connoisseur of Senate style. He often heard the humor that others missed and saw the gap in logic that others overlooked. To him the Senate was a human institution in which he was an essential part.

Since he was a citizen of Maryland, we had a special bond. But his profession was the Senate and it is the Senate that will miss him.

ADJOURNMENT UNTIL MONDAY, JANUARY 30, 1984

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move now, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to, and the Senate, at 2:49 p.m., adjourned until Monday, January 30, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 27, 1984:

DEPARTMENT OF COMMERCE

Irving P. Margulies, of Maryland, to be general counsel of the Department of Commerce, vice Sherman E. Unger, deceased.

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the provisions of sections 593 and 8371, title 10, United States Code.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Allan, Andrew A., xxx-xx-xxxx
Attebury, John C., xxx-xx-xxxx
Batchelder, Harry C., Jr., xxx-xx-xxxx
Berkey, Thomas S., xxx-xx-xxxx
Blair, Jack W., Jr., xxx-xx-xxxx
Blanton, Daniel L., xxx-xx-xxxx
Branch, Edward A., xxx-xx-xxxx
Bridges, Clayton I., Sr., xxx-xx-xxxx
Bryant, Clarence J., xxx-xx-xxxx
Bubel, Howard L., xxx-xx-xxxx
Burnham, Hathorne A., xxx-xx-xxxx
Canavan, Gregory H., xxx-xx-xxxx
Cantrell, George F., xxx-xx-xxxx
Chatham, Charles C., xxx-xx-xxxx
Choplin, John R., xxx-xx-xxxx
Chrisman, Albert E., xxx-xx-xxxx
Cruz, Humberto G., xxx-xx-xxxx
Davison, Donald E., xxx-xx-xxxx
Dean, Donald E., xxx-xx-xxxx
Debussy, Robert P., xxx-xx-xxxx
Dicaprio, Patrick R., xxx-xx-xxxx
Dickinson, Joseph W., Jr., xxx-xx-xxxx
Didlake, Willaim W., Jr., xxx-xx-xxxx
Dutrow, George F., xxx-xx-xxxx
Eckard, Roy C., xxx-xx-xxxx
Elman, Howard L., xxx-xx-xxxx
Fisher, Earl M., xxx-xx-xxxx
Garner, Jerry L., xxx-xx-xxxx
Garrison, Durrell W., xxx-xx-xxxx
Gault, James A., xxx-xx-xxxx
Gorman, Haven D., xxx-xx-xxxx
Greider, Gordon C., xxx-xx-xxxx
Grose, Andrew P., xxx-xx-xxxx
Hall, George A., xxx-xx-xxxx
Hammond, Bobby L., Jr., xxx-xx-xxxx
Hannon, Lawrence H., xxx-xx-xxxx
Harper, David J., xxx-xx-xxxx
Harrington, David R., xxx-xx-xxxx
Hasler, Dwight F., xxx-xx-xxxx
Hendry, Charles, xxx-xx-xxxx
Henny, Robert W., xxx-xx-xxxx
Hoop, Charles C., xxx-xx-xxxx
Houk, James L., xxx-xx-xxxx
Hunsucker, George E., Jr., xxx-xx-xxxx
Jackson, Bobbie G., xxx-xx-xxxx
Jernigan, George W., xxx-xx-xxxx
Johnson, Benny L., xxx-xx-xxxx
Johnson, Elsie M., xxx-xx-xxxx
Johnson, Russell C., xxx-xx-xxxx

Jones, Conway B., Jr., xxx-xx-xxxx
Jones, Robert H., xxx-xx-xxxx
Jordan, Donald L., xxx-xx-xxxx
Kezar, Charles A., xxx-xx-xxxx
Kinsella, Robert W., xxx-xx-xxxx
Krizek, Donald T., xxx-xx-xxxx
Lightfoot, Thomas E., xxx-xx-xxxx
Lincoln, Edward F., xxx-xx-xxxx
Livingston, Donald B., xxx-xx-xxxx
Macdowell, David M., xxx-xx-xxxx
Martin, Laura M., xxx-xx-xxxx
Maurer, James, xxx-xx-xxxx
Maxwell, Tom B., xxx-xx-xxxx
Mccracken, Theodore E., xxx-xx-xxxx
McDonald, Bross K., Jr., xxx-xx-xxxx
Mcfrye, James E., xxx-xx-xxxx
Mitchell, Samuel P., Jr., xxx-xx-xxxx
Mitchelmore, Garry E., xxx-xx-xxxx
Morgan, John, xxx-xx-xxxx
Morris, Charles M., xxx-xx-xxxx
Ness, Buford D., xxx-xx-xxxx
Neubauer, Charles H., Jr., xxx-xx-xxxx
Neubert, Thomas L., xxx-xx-xxxx
Nichol, Harry G., Jr., xxx-xx-xxxx
Olson, Thomas H., xxx-xx-xxxx
Osborne, Charles E., xxx-xx-xxxx
Parsons, Reginald, xxx-xx-xxxx
Peck, Frank E., xxx-xx-xxxx
Pfister, Robert E., xxx-xx-xxxx
Phillips, Francis M., xxx-xx-xxxx
Pitts, Rex A., xxx-xx-xxxx
Raymer, James A., xxx-xx-xxxx
Reardon, Michael P., xxx-xx-xxxx
Reich, Michael D., xxx-xx-xxxx
Rodriguez, Rodolfo F., xxx-xx-xxxx
Roewer, William H., xxx-xx-xxxx
Sample, Travis L., xxx-xx-xxxx
Sapp, Edwin G., xxx-xx-xxxx
Schultz, Neil H., xxx-xx-xxxx
Seal, Galen E., Jr., xxx-xx-xxxx
Seemann, Arthur D., xxx-xx-xxxx
Severson, Richard R., xxx-xx-xxxx
Shelok, Thomas C., xxx-xx-xxxx
Sherrard, James E., III, xxx-xx-xxxx
Siebrch, Eugene P., xxx-xx-xxxx
Smith, David R., xxx-xx-xxxx
Smith, Donald J., xxx-xx-xxxx
Steele, Clifford W., xxx-xx-xxxx
Svarverud, Dale M., xxx-xx-xxxx
Symmes, Robert O., xxx-xx-xxxx
Tate, Robert L., xxx-xx-xxxx
Teasley, Martin M., xxx-xx-xxxx
Thurlow, John S., xxx-xx-xxxx
Tracy, William D., xxx-xx-xxxx
Vogel, Richard K., xxx-xx-xxxx
Wagner, Frederick J., Jr., xxx-xx-xxxx
Wallenmeyer, Robert L., xxx-xx-xxxx
Watson, Frank D., xxx-xx-xxxx
Webster, James K., xxx-xx-xxxx
White, Jerry E., xxx-xx-xxxx
White, Milton J., II, xxx-xx-xxxx
Whittemore, John D., xxx-xx-xxxx
Williams, Walker M., III, xxx-xx-xxxx
Winebarger, Forrest S., xxx-xx-xxxx
Winters, Walter L., Jr., xxx-xx-xxxx
Woolley, Verlin R., xxx-xx-xxxx
Worthington, Daniel J., xxx-xx-xxxx
Wylie, Bruce A., xxx-xx-xxxx

CHAPLAIN, CORPS

Chancellor, Gerald R., xxx-xx-xxxx
Harder, Jon G., xxx-xx-xxxx

DENTAL CORPS

Cheney, George K., III, xxx-xx-xxxx
Hale, Robert H., xxx-xx-xxxx
Hickory, John E., Jr., xxx-xx-xxxx
Jones, Thomas M., xxx-xx-xxxx
Kaiser, David A., xxx-xx-xxxx
MacDonald, Gerald B., xxx-xx-xxxx
Mayo, George E., III, xxx-xx-xxxx
Studt, Kurt H., xxx-xx-xxxx
Wong, Shannon, xxx-xx-xxxx

JUDGE ADVOCATE

Bovington, George G., xxx-xx-xxxx
Burton, Claytkn B., xxx-xx-xxxx
Degurse, John L., Jr., xxx-xx-xxxx
Hain, Elwood B., Jr., xxx-xx-xxxx
Kelly, Thomas P., Jr., xxx-xx-xxxx
McCarthy, Michael W., xxx-xx-xxxx
Neville, William V., Jr., xxx-xx-xxxx

MEDICAL CORPS

Baldwin, John L., xxx-xx-xxxx
Bentlage, Charles H., xxx-xx-xxxx
Bice, Clarence M., xxx-xx-xxxx
Board, Thomas M., Jr., xxx-xx-xxxx
Boyce, Merle H., xxx-xx-xxxx
Cambier, Jacob W., xxx-xx-xxxx
Carroll, Mark G., Jr., xxx-xx-xxxx
Carson, James G., xxx-xx-xxxx
Cook, Clarence T., xxx-xx-xxxx
Curran, John S., xxx-xx-xxxx
Hafner, Peter A., xxx-xx-xxxx
Hongladarom, Thaworn, xxx-xx-xxxx
Jensen, Eric H., xxx-xx-xxxx
Johnson, Albert, Jr., xxx-xx-xxxx
King, William J., xxx-xx-xxxx
Knauf, Daniel G., xxx-xx-xxxx
Lobritz, Richard W., xxx-xx-xxxx
Long, Paul D., xxx-xx-xxxx
McHargue, Anna M., xxx-xx-xxxx
Miller, Albert A., xxx-xx-xxxx
Neal, Ronald H., xxx-xx-xxxx
Peters, John W., xxx-xx-xxxx
Polonsky, Leonard., xxx-xx-xxxx
Rettek, Seymour, xxx-xx-xxxx
Rose, Howard Richard, xxx-xx-xxxx
Sanders, Gerald E., xxx-xx-xxxx
Scott, Jack, xxx-xx-xxxx
Sherrer, Edward L., Jr., xxx-xx-xxxx
Siegel, Donald C., xxx-xx-xxxx
Sundareson, Alistair S., xxx-xx-xxxx
Tallant, Arthur N., xxx-xx-xxxx
Turner, Jerald B., xxx-xx-xxxx
Vinoski, Bernard B., xxx-xx-xxxx
Wherry, David C., xxx-xx-xxxx
Williams, Josie R., xxx-xx-xxxx
Willis, Marshall R., xxx-xx-xxxx
Willoughby, William P., xxx-xx-xxxx

NURSE CORPS

Darmody, William C., xxx-xx-xxxx
Hartnett, Joan T., xxx-xx-xxxx
Henderson, Nancy A., xxx-xx-xxxx
Hofer, Joan M., xxx-xx-xxxx
Hoffmaster, Joan E., xxx-xx-xxxx
Kautz, Joan E., xxx-xx-xxxx
Macko, Ollie M., xxx-xx-xxxx
Mansour, Georganne, xxx-xx-xxxx
Myli, Alice R., xxx-xx-xxxx
Pohlman, Vivian C., xxx-xx-xxxx
Ray, Marilyn A., xxx-xx-xxxx
Strain, William C., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Carlile, Bruce E, xxx-xx-xxxx
Chester, Thomas M., xxx-xx-xxxx
Hays, Henry H., xxx-xx-xxxx
Lacy, James A., xxx-xx-xxxx
McIntosh, Stuart S., xxx-xx-xxxx
Merwin, Carl A., xxx-xx-xxxx
Pace, Joseph B., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Klemm, William R., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for promotion to the grade indicated in the Reserve of the Air Force, under the provisions of section 307, title 32, United States Code, and sections 8363 and 593, title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Braig, Jacob L., xxx-xx-xxxx
Campbell, Gordon M., xxx-xx-xxxx
Cano, Ramon, xxx-xx-xxxx
Cory, Lester W., xxx-xx-xxxx
Desforges, Paul R., xxx-xx-xxxx
Emerson, Richard A. G., xxx-xx-xxxx
Hegg, Wallace D., xxx-xx-xxxx
Helsing, Joseph D., xxx-xx-xxxx
Kottak, Joseph L., xxx-xx-xxxx
Marty, Cecil W., xxx-xx-xxxx
Page, William H., xxx-xx-xxxx
Robb, John M., xxx-xx-xxxx
Robertson, William G., xxx-xx-xxxx
Schantz, Bruce M., xxx-xx-xxxx
Slifer, John A., Jr., xxx-xx-xxxx
Sobzack, Kenneth J., xxx-xx-xxxx
Vanwinkle, David L., xxx-xx-xxxx
Villano, Salvatore, Jr., xxx-xx-xxxx
Washington, Joseph A., xxx-xx-xxxx
Williams, John M., Jr., xxx-xx-xxxx

MEDICAL CORPS

Ellerby, Richard A., xxx-xx-xxxx
Kuhn, John E., xxx-xx-xxxx
Kwan, Joseph H., xxx-xx-xxxx
Lindgren, Ivan T., xxx-xx-xxxx
Schwartz, Edward S., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be lieutenant colonel

Hodge, Curtis D., xxx-xx-xxxx

To be captain

Leech, David F., xxx-xx-xxxx
Marcelis, Michael R., xxx-xx-xxxx
McCloud, Gary R., xxx-xx-xxxx
Nichols, William D., xxx-xx-xxxx
Records, William E., II, xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Donald R. Allen, xxx-xx-xxxx
Maj. Russell C. Axtell, Jr., xxx-xx-xxxx
Maj. Joseph C. Carr, xxx-xx-xxxx
Maj. Lawrence M. Dicus, xxx-xx-xxxx
Maj. Aldor J. Dubois, xxx-xx-xxxx
Maj. Duane H. Ellingson, xxx-xx-xxxx
Maj. Jerry W. Gillean, xxx-xx-xxxx
Maj. Bruce E. Hansen, xxx-xx-xxxx
Maj. Larry K. Hansem, xxx-xx-xxxx
Maj. Johnny J. Hobbs, xxx-xx-xxxx
Maj. Dickey W. James, xxx-xx-xxxx
Maj. Jennings W. Moore, xxx-xx-xxxx
Maj. Tim E. Moreland, Jr., xxx-xx-xxxx
Maj. John P. Silliman, Jr., xxx-xx-xxxx
Maj. William H. Strom, xxx-xx-xxxx
Maj. Robert B. Till, xxx-xx-xxxx
Maj. Robert K. Webb, xxx-xx-xxxx
Maj. Rowland R. Wilson, xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Michael A. Armour, xxx-xx-xxxx
Maj. Richard L. Bailey, xxx-xx-xxxx
Maj. Spencer C. Bridgman, xxx-xx-xxxx
Maj. Robert E. Canter, xxx-xx-xxxx
Maj. Robert L. Cochran, xxx-xx-xxxx
Maj. James A. Egizii, xxx-xx-xxxx

Maj. Robert F. Gray, xxx-xx-xxxx
Maj. Andrew G. Gross, xxx-xx-xxxx
Maj. Stephen L. Hebbard, xxx-xx-xxxx
Maj. Richard E. Hoyt, xxx-xx-xxxx
Maj. Patrick J. Hurley, xxx-xx-xxxx
Maj. Richard C. Jameson, xxx-xx-xxxx
Maj. William J. Mason, xxx-xx-xxxx
Maj. William L. Maxson, xxx-xx-xxxx
Maj. James A. McCoy, xxx-xx-xxxx
Maj. Robert K. Mintz, xxx-xx-xxxx
Maj. Ernest R. Oliveira, xxx-xx-xxxx
Maj. Thomas W. Powers, xxx-xx-xxxx
Maj. Charles P. Rogers, xxx-xx-xxxx
Maj. George H. Rogerson, xxx-xx-xxxx
Maj. Larry A. Smith, xxx-xx-xxxx
Maj. William J. Stockwell, xxx-xx-xxxx
Maj. Alfred H. Tichenor, xxx-xx-xxxx
Maj. Hugh H. Wilson, Jr., xxx-xx-xxxx

LEGAL

Maj. Dan E. Dennis, xxx-xx-xxxx
Maj. Karl W. Kristoff, xxx-xx-xxxx
Maj. Donald A. LaBar, xxx-xx-xxxx
Maj. Avrum M. Rabin, xxx-xx-xxxx
Maj. Terry D. VanHorn, xxx-xx-xxxx

CHAPLAIN

Maj. John M. Wendel, xxx-xx-xxxx

MEDICAL CORPS

Maj. Stephen M. Kranz, xxx-xx-xxxx
Maj. Krikor O. Partamian, xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Amels, Bernard J., xxx-xx-xxxx
Carter, Robert W., xxx-xx-xxxx
Felker, Richard I., xxx-xx-xxxx
Hale, Edward R., xxx-xx-xxxx
Liebner, Manfred A., xxx-xx-xxxx
Obrien, David F., xxx-xx-xxxx
Schwab, Charles F., xxx-xx-xxxx
Skarke, Richard J., xxx-xx-xxxx

To be major

Descoteaux, Louis L., xxx-xx-xxxx
Madley, Stephen D., xxx-xx-xxxx

JUDGE ADVOCATE

To be major

Hill, William A., Jr., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366, 3367, 3370, and 3383:

ARMY PROMOTION LIST

To be colonel

Davis, Ronald C., xxx-xx-xxxx

CHAPLAIN

To be colonel

Toland, William L., xxx-xx-xxxx
Vogel, George B., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Acevedo, Rafael A., xxx-xx-xxxx
Adair, William H., xxx-xx-xxxx
Alanis, Daniel C., xxx-xx-xxxx
Aldrich, Merritt J., xxx-xx-xxxx
Alexander, Raymond, xxx-xx-xxxx
Allen, David J., xxx-xx-xxxx
Allen, John W., Jr., xxx-xx-xxxx
Allen, Ronald F., xxx-xx-xxxx
Allen, Thomas L., xxx-xx-xxxx
Anders, Dwane A., xxx-xx-xxxx
Anderson, Henry A., xxx-xx-xxxx
Anderson, Robert M., xxx-xx-xxxx
Andrews, Sidney B., xxx-xx-xxxx
Appleby, Landry K., xxx-xx-xxxx
Archbold, William F., xxx-xx-xxxx
Archiable, James L., xxx-xx-xxxx
Arizu, David F., xxx-xx-xxxx
Armstrong, Frank D., xxx-xx-xxxx
Arnovitz, Benton M., xxx-xx-xxxx
Atherton, Peter L., xxx-xx-xxxx
Atkins, Robert M., xxx-xx-xxxx
Atkinson, Thurman, xxx-xx-xxxx
Austin, Fredrick E., xxx-xx-xxxx
Ayers, Curtis P., III, xxx-xx-xxxx
Bachman, David D., xxx-xx-xxxx
Baer, Terry B., xxx-xx-xxxx
Baker, Charles W., xxx-xx-xxxx
Baker, Frank L., xxx-xx-xxxx
Baker, William A., xxx-xx-xxxx
Balamaci, William, xxx-xx-xxxx
Baldwin, Roger H., xxx-xx-xxxx
Baldwin, Ted L., xxx-xx-xxxx
Balmer, Robert J., xxx-xx-xxxx
Banaitis, Jerome L., xxx-xx-xxxx
Banjanin, Thomas G., xxx-xx-xxxx
Banks, Ralph K., xxx-xx-xxxx
Barham, Leslie W., xxx-xx-xxxx
Barker, Geoffrey T., xxx-xx-xxxx
Barkes, David H., xxx-xx-xxxx
Barlow, Paul C., xxx-xx-xxxx
Barner, Bruce E., xxx-xx-xxxx
Barner, Byron L., xxx-xx-xxxx
Barnes, William J., xxx-xx-xxxx
Barnette, Charles J., xxx-xx-xxxx
Barrera, Fabricio, xxx-xx-xxxx
Bartosch, Richard E., xxx-xx-xxxx
Bass, Henry E., xxx-xx-xxxx
Batista, Armand J., xxx-xx-xxxx
Beaman, William J., xxx-xx-xxxx
Bean, Robert J., xxx-xx-xxxx
Bechtel, Charles M., xxx-xx-xxxx
Bechroge, John H., xxx-xx-xxxx
Bedell, James K., xxx-xx-xxxx
Beggs, George H., xxx-xx-xxxx
Bellah, James D., xxx-xx-xxxx
Bellavia, Carl F., xxx-xx-xxxx
Bellhouse, Robert E., xxx-xx-xxxx
Berich, Milos M., xxx-xx-xxxx
Berl, Herbert E., xxx-xx-xxxx
Bertagnolli, Frank, xxx-xx-xxxx
Biber, Brian F., xxx-xx-xxxx
Biddy, James H., Jr., xxx-xx-xxxx
Bielen, Richard W., xxx-xx-xxxx
Biermann, Hugo C., xxx-xx-xxxx
Biggs, Danny J., xxx-xx-xxxx
Biles, James T., xxx-xx-xxxx
Billings, Clarence, xxx-xx-xxxx
Birmingham, Michael, xxx-xx-xxxx
Bishop, Gary R., xxx-xx-xxxx
Blake, Thomas A., xxx-xx-xxxx
Blanchard, Bruce, xxx-xx-xxxx
Blomgren, George H., xxx-xx-xxxx
Bodde, David L., xxx-xx-xxxx
Boehnke, Gary J., xxx-xx-xxxx
Boling, Joseph L., xxx-xx-xxxx
Bond, Ottis W., xxx-xx-xxxx
Bondi, Hart E., xxx-xx-xxxx
Bondurant, Herbert, xxx-xx-xxxx
Bonesteel, Murl T., xxx-xx-xxxx
Borjes, Jackson F., xxx-xx-xxxx
Bottomley, Bruce B., xxx-xx-xxxx
Bouchard, Lee H., xxx-xx-xxxx
Boyd, Calmar A., xxx-xx-xxxx
Boyd, Joe E., xxx-xx-xxxx
Boyd, Roger E., xxx-xx-xxxx
Bozeman, Michael L., xxx-xx-xxxx
Bozin, John M., xxx-xx-xxxx
Bozzelli, William M., xxx-xx-xxxx
Braafladt, Charles, xxx-xx-xxxx
Brady, Edward T., xxx-xx-xxxx
Brady, John M., xxx-xx-xxxx
Brandon, Curtis G., xxx-xx-xxxx
Bray, Frank R., xxx-xx-xxxx
Breedlove, James A., xxx-xx-xxxx
Breedlove, James L., xxx-xx-xxxx
Breitung, John C., xxx-xx-xxxx
Breuer, Thomas E., xxx-xx-xxxx
Brezovec, Richard T., xxx-xx-xxxx
Briggs, Lyle K., xxx-xx-xxxx
Brightwell, Bobby J., xxx-xx-xxxx
Brock, Kenneth D., xxx-xx-xxxx
Brock, Roger J., xxx-xx-xxxx
Brock, William H., xxx-xx-xxxx
Brockinton, William, xxx-xx-xxxx
Brockliss, John A., xxx-xx-xxxx
Brodzinski, Theodore, xxx-xx-xxxx
Broome, Cecil A., xxx-xx-xxxx
Brown, James C., xxx-xx-xxxx
Brown, Ralph P., xxx-xx-xxxx
Brown, Stephen M., xxx-xx-xxxx
Brownell, Michael D., xxx-xx-xxxx
Browning, Robert C., xxx-xx-xxxx
Browning, Ronald J., xxx-xx-xxxx
Brownlee, Robert J., xxx-xx-xxxx
Brummett, Norman H., xxx-xx-xxxx
Brunner, George S., xxx-xx-xxxx
Bucek, Gerald C., xxx-xx-xxxx
Budreau, Joseph L., xxx-xx-xxxx
Bugielski, Dennis E., xxx-xx-xxxx
Burgamy, Ronnell O., xxx-xx-xxxx
Burgess, Leland H., xxx-xx-xxxx
Burke, John P., Jr., xxx-xx-xxxx
Burkhalter, Richard, xxx-xx-xxxx
Burkhardt, Albert R., xxx-xx-xxxx
Burson, Donald A., xxx-xx-xxxx
Buss, Allan C., xxx-xx-xxxx
Bye, Robert H., xxx-xx-xxxx
Byrns, John W., xxx-xx-xxxx
Cable, Larry C., xxx-xx-xxxx
Cagley, Lonnie L., xxx-xx-xxxx
Caldwell, Raymond G., xxx-xx-xxxx
Calhoun, Wesley E., xxx-xx-xxxx
Calior, John H., II, xxx-xx-xxxx
Cameron, David G., xxx-xx-xxxx
Campbell, Charles G., xxx-xx-xxxx
Campisano, Peter P., xxx-xx-xxxx
Campos, David A., xxx-xx-xxxx
Candlen, Thomas P., xxx-xx-xxxx
Cantrell, James H., xxx-xx-xxxx
Cardosi, Joseph J., xxx-xx-xxxx
Carlisle, Byron, Jr., xxx-xx-xxxx
Carlson, Donald N., xxx-xx-xxxx
Carlson, Terrance J., xxx-xx-xxxx
Carneal, Samuel D., xxx-xx-xxxx
Carrero, Antonio, xxx-xx-xxxx
Carriger, John C., xxx-xx-xxxx
Carroll, James J., xxx-xx-xxxx
Carson, Robert L., xxx-xx-xxxx
Carter, James S., xxx-xx-xxxx
Carver, Stephen G., xxx-xx-xxxx
Cary, James S., xxx-xx-xxxx
Cash, William A., xxx-xx-xxxx
Cassidy, Joel T., xxx-xx-xxxx
Castlen, John C., xxx-xx-xxxx
Celosse, Herman A., xxx-xx-xxxx
Cerchio, Nicholas L., xxx-xx-xxxx
Chandler, Richard H., xxx-xx-xxxx
Chapa, Arthur A., xxx-xx-xxxx
Chapman, Edsel V., xxx-xx-xxxx
Charlton, Michael A., xxx-xx-xxxx
Chauvin, Henry L., xxx-xx-xxxx
Chevis, Ronald A., xxx-xx-xxxx
Christenot, Paul F., xxx-xx-xxxx
Christensen, Marth, xxx-xx-xxxx
Christy, Samuel L., xxx-xx-xxxx
Cieslowski, Richard, xxx-xx-xxxx
Cimeley, Roy J., Jr., xxx-xx-xxxx
Clapp, James G., xxx-xx-xxxx
Clark, Donald E., xxx-xx-xxxx
Clark, Donald W., Jr., xxx-xx-xxxx
Clark, Richard H., xxx-xx-xxxx
Clarke, Cortlandt J., xxx-xx-xxxx
Cleaver, Robert A., xxx-xx-xxxx
Clemetson, James C., xxx-xx-xxxx
Cleveland, Frank R., xxx-xx-xxxx
Cloaninger, Charlie, xxx-xx-xxxx
Clotfelter, Robert, xxx-xx-xxxx
Cluck, Larry N., xxx-xx-xxxx
Coker, Fletcher C., xxx-xx-xxxx

Cole, Floyd B. III, xxx-xx-xxxx
Collins, Seth W., xxx-xx-xxxx
Collins, Thomas C., xxx-xx-xxxx
Connor, William R., xxx-xx-xxxx
Cook, Edward V., xxx-xx-xxxx
Cook, Glyn M., xxx-xx-xxxx
Cooper, David H., xxx-xx-xxxx
Cooper, Gary L., xxx-xx-xxxx
Cooper, Larry E., xxx-xx-x...
Cooper, Phillip R., xxx-xx-xxxx
Cooper, Robert E., xxx-xx-xxxx
Coppolino, Peter J., xxx-xx-xxxx
Corcoran, Patrick J., xxx-xx-xxxx
Cordova, Carlos A., xxx-xx-xxxx
Corley, John A., xxx-xx-xxxx
Cormier, Paul E., xxx-xx-xxxx
Cornelison, Lee T., xxx-xx-xxxx
Court, Francis M., xxx-xx-xxxx
Covington, Wayne R., xxx-xx-xxxx
Cowan, Jack V., xxx-xx-xxxx
Cox, John R., xxx-xx-xxxx
Cox, Paul L., xxx-xx-xxxx
Crane, Gerald L., xxx-xx-xxxx
Crawford, Robert F., xxx-xx-xxxx
Crommelin, Quentin, xxx-xx-xxxx
Crook, Martin N., xxx-xx-xxxx
Crosby, David K., xxx-xx-xxxx
Crow, John W., xxx-xx-xxxx
Crowder, Jerry L., xxx-xx-xxxx
Cueria, Joseph S., xxx-xx-xxxx
Cummings, Lee E., xxx-xx-xxxx
Cummins, Clarence R., xxx-xx-xxxx
Curtis, Donald F., xxx-xx-xxxx
Cusick, Raymond T., xxx-xx-xxxx
Czeczok, Robert E., xxx-xx-xxxx
Dahms, Denis L., xxx-xx-xxxx
Daltry, Robert P., xxx-xx-xxxx
Damelia, Ronald P., xxx-xx-xxxx
Damron, Ronald K., xxx-xx-xxxx
Davie, James M., xxx-xx-xxxx
Davies, Benjamin N., xxx-xx-xxxx
Davis, James K., xxx-xx-xxxx
Davis, James W., xxx-xx-xxxx
Davis, Michael J., xxx-xx-xxxx
Day, James F., xxx-xx-xxxx
Deason, Jesse T., xxx-xx-xxxx
Decatur, Wallace W., xxx-xx-xxxx
Decker, Dennis M., xxx-xx-xxxx
Dee, Orville D., xxx-xx-xxxx
Dehanas, Jack M., xxx-xx-xxxx
Demars, Fred P., xxx-xx-xxxx
Demmler, Richard G., xxx-xx-xxxx
Demora, Stephen J., xxx-xx-xxxx
Demott, Thomas A., xxx-xx-xxxx
Dengler, Laurence G., xxx-xx-xxxx
Denman, David G., xxx-xx-xxxx
Deverse, Frederick, xxx-xx-xxxx
Dewing, Judith A., xxx-xx-xxxx
Dewitt, George G., xxx-xx-xxxx
Diakiw, Nicholas J., xxx-xx-xxxx
Dickinson, Alfred W., xxx-xx-xxxx
Dickinson, James D., xxx-xx-xxxx
Dixon, Perrion D., xxx-xx-xxxx
Dorrington, Thomas, xxx-xx-xxxx
Dowdy, Newton G., xxx-xx-xxxx
Dreisbach, Farrell, xxx-xx-xxxx
Drew, Robert J., xxx-xx-xxxx
Driscoll, John M., xxx-xx-xxxx
Driscoll, Raymond F., xxx-xx-xxxx
Druding, James J., xxx-xx-xxxx
Dubois, James R., xxx-xx-xxxx
Duncan, Boyd J., xxx-xx-xxxx
Dunn, George E., xxx-xx-xxxx
Dunn, James B., xxx-xx-xxxx
Dunne, James P., xxx-xx-xxxx
Duval, John G., xxx-xx-xxxx
East, Charles M., xxx-xx-xxxx
Easterwood, Richard, xxx-xx-xxxx
Easton, William C., xxx-xx-xxxx
Eckert, Terry L., xxx-xx-xxxx
Eckles, Larry K., xxx-xx-xxxx
Edenfield, James B., xxx-xx-xxxx
Edwards, James M., xxx-xx-xxxx
Eggleston, Darry D., xxx-xx-xxxx
Eichenberg, William, xxx-xx-xxxx
Eisenbraun, Warren, xxx-xx-xxxx
Ellerbe, Edward B., xxx-xx-...
Ellis, Donald J., xxx-xx-xxxx
Elmore, George T., xxx-xx-xxxx
Ely, Cameron A., xxx-xx-xxxx
Emerson, James W., xxx-xx-xxxx
Ensien, Bruce D., xxx-xx-xxxx
Evans, Stephen C., xxx-xx-xxxx
Evans, William C., xxx-xx-...
Everhart, Richard L., xxx-xx-xxxx
Eward, Marshall K., xxx-xx-xxxx
Eyre, James M., xxx-xx-xxxx
Falletti, Robert J., xxx-xx-xxxx
Faris, Jerry L., xxx-xx-xxxx
Farquhar, George, xxx-xx-xxxx
Faure, Robert J., xxx-xx-xxxx
Fellencer, Paul B., xxx-xx-xxxx
Feltus, John F., xxx-xx-xxxx
Ferrandino, Marjorie, xxx-xx-xxxx
Fiarkoski, Joseph A., xxx-xx-xxxx
Fincham, Maury W., xxx-xx-xxxx
Fischer, Paul G., xxx-xx-xxxx
Fisher, Alva C., xxx-xx-xxxx
Fitzer, William, xxx-xx-xxxx
Florczak, Robert J., xxx-xx-xxxx
Florice, Waymon C., xxx-xx-xxxx
Flynn, James T., xxx-xx-xxxx
Flynn, Ronald B., xxx-xx-xxxx
Foley, David V., xxx-xx-xxxx
Fonseca-Cedeno, M., xxx-xx-xxxx
Forbes, James C., xxx-xx-xxxx
Ford, Samuel W., xxx-xx-xxxx
Foster, Richard A., xxx-xx-xxxx
Foster, William B., xxx-xx-xxxx
Fournier, Eugene H., xxx-xx-xxxx
Fowler, Calvin M., xxx-xx-xxxx
Fox, Harry J., xxx-xx-xxxx
Fox, John P., xxx-xx-xxxx
Fralix, Henry E., xxx-xx-xxxx
France, Jimmy E., xxx-xx-xxxx
Francisco, Sidney C., xxx-xx-xxxx
Francisco, William, xxx-xx-xxxx
Francoeur, Armand C., xxx-xx-xxxx
Frederickson, Robert, xxx-xx-xxxx
Fredette, William J., xxx-xx-xxxx
Frew, David L., xxx-xx-xxxx
Fritz, Ronald E., xxx-xx-xxxx
Fugit, Edward F., xxx-xx-xxxx
Furgess, John, Jr., xxx-xx-xxxx
Furlow, Jewel L., xxx-xx-xxxx
Fusilier, Ronald L., xxx-xx-xxxx
Gage, Edwin L., xxx-xx-xxxx
Galbierczyk, Edward, xxx-xx-xxxx
Galt, John S., xxx-xx-xxxx
Gamblin, Hoyt L., xxx-xx-xxxx
Garcia-Viera, L., xxx-xx-xxxx
Gardner, James R., xxx-xx-xxxx
Gardner, Ralph D., xxx-xx-xxxx
Garrette, Lyle N., xxx-xx-xxxx
Gaston, James P., xxx-xx-xxxx
Gatewood, Oscar C., xxx-xx-xxxx
Geiger, William P., xxx-xx-xxxx
Gengenbach, Dolton, xxx-xx-xxxx
Gentry, William O., xxx-xx-...
Germer, Thomas G., xxx-xx-xxxx
Gibbs, Joseph A., xxx-xx-xxxx
Gillaspie, Richard, xxx-xx-xxxx
Gillrup, Theodore V., xxx-xx-xxxx
Ginal, Thomas J., xxx-xx-xxxx
Glaske, Neal R., xxx-xx-xxxx
Glaspey, Ruth E., xxx-xx-xxxx
Gleason, Thomas J., xxx-xx-xxxx
Glennon, John, xxx-xx-xxxx
Godshall, Michael L., xxx-xx-xxxx
Goff, Lawrence E., xxx-xx-xxxx
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Vaughan, George P., xxx-xx-xxxx
Veale, William C., xxx-xx-xxxx
Verravas, Jack, xxx-xx-xxxx
Voecks, William J., xxx-xx-xxxx
Vollrath, Bernard K., xxx-xx-xxxx
Vosseller, Robert P., xxx-xx-xxxx
Vraa, Calvin W., xxx-xx-xxxx
Wade, Robert B., xxx-xx-xxxx
Wade, Wallace R., xxx-xx-xxxx
Wade, William J., Jr., xxx-xx-xxxx
Waldron, Preston L., xxx-xx-xxxx
Walker, Dale L., xxx-xx-xxxx
Walker, Phillip E., xxx-xx-xxxx
Walker, Richard C., xxx-xx-xxxx
Wall, Jerry L., xxx-xx-xxxx
Walsh, William D., xxx-xx-xxxx
Ward, Billy L., xxx-xx-xxxx
Ward, Henry G., xxx-xx-xxxx
Ward, Larry W., xxx-xx-xxxx
Ward, Richard O., xxx-xx-xxxx
Warden, William H., xxx-xx-xxxx
Warf, Jack D., xxx-xx-xxxx
Warr, Steven P., xxx-xx-xxxx
Wartick, Edward J., xxx-xx-xxxx
Warzecha, Robert J., xxx-xx-xxxx
Wasserman, Edward P., xxx-xx-xxxx
Watts, Charles A., xxx-xx-xxxx
Watts, John A., xxx-xx-xxxx
Weck, Jon A., xxx-xx-xxxx
Weihs, Kenneth F., xxx-xx-xxxx
Weintritt, Wallace, xxx-xx-xxxx
Wells, Robert C., xxx-xx-xxxx
Wenz, Larry B., xxx-xx-xxxx
Werner, Clinton R., xxx-xx-xxxx
Westbrook, James W., xxx-xx-xxxx
Whatley, James E., xxx-xx-xxxx
Whetsel, Neal C., xxx-xx-xxxx
Whitcomb, David C., xxx-xx-xxxx
White, Aubrey H., xxx-xx-xxxx
White, Joseph R., xxx-xx-xxxx
White, Thomas E., xxx-xx-xxxx
Whitley, James R., xxx-xx-xxxx
Whitlock, James E., xxx-xx-xxxx
Whitney, Victor D., xxx-xx-xxxx
Wicklow, Joseph F., xxx-xx-xxxx
Wieting, Gary L., xxx-xx-xxxx
Wiles, Thomas R., xxx-xx-xxxx
Wilkens, Karl F., xxx-xx-xxxx
Williams, Dean S., xxx-xx-xxxx
Williams, Jerry F., xxx-xx-xxxx
Williams, John R., xxx-xx-xxxx
Williams, John R., xxx-xx-xxxx
Williams, Mark A., xxx-xx-xxxx
Williams, Robert L., xxx-xx-xxxx
Williams, Ronald G., xxx-xx-xxxx
Williams, Thomas R., xxx-xx-xxxx
Williams, Tommy L., xxx-xx-xxxx
Williamson, Charles, xxx-xx-xxxx
Willis, Garry L., xxx-xx-xxxx
Wilson, David E., xxx-xx-xxxx
Wilson, Gordon P., xxx-xx-xxxx
Wilson, Robert L., xxx-xx-xxxx
Wilson, Robert W., xxx-xx-xxxx
Wilson, Walter D., xxx-xx-xxxx
Winkler, Dana J., xxx-xx-xxxx
Wishart, Ronald K., xxx-xx-xxxx
Wittorff, William D., xxx-xx-xxxx
Woehler, Darrell A., xxx-xx-xxxx
Wolfe, Richard F., xxx-xx-xxxx
Wolff, Robert D., xxx-xx-xxxx
Wolk, John J., xxx-xx-xxxx
Wood, Bennett B., Jr., xxx-xx-xxxx
Wood, Frederick E., xxx-xx-xxxx
Wood, Kenneth D., xxx-xx-xxxx
Wray, William E., xxx-xx-xxxx
Wrede, Ryland E., xxx-xx-xxxx
Wun, Ronald M. G., xxx-xx-xxxx
Wynne, Thomas J., xxx-xx-xxxx
Yates, Eduardo, xxx-xx-xxxx
Youmans, Harold W., xxx-xx-xxxx
Young, Fred D., xxx-xx-xxxx
Zachry, Charles C., xxx-xx-xxxx
Zavos, Peter G., xxx-xx-xxxx
Zukus, Ronald G., xxx-xx-xxxx
Zurcher, Thomas D., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Alimena, Leonard S., xxx-xx-xxxx
Bader, David H., xxx-xx-xxxx
Bearinger, Charles, xxx-xx-xxxx
Bohn, Donald M., xxx-xx-xxxx
Clemmons, Amos E., xxx-xx-xxxx
Collins, Paul C., xxx-xx-xxxx
Cooke, James P., xxx-xx-xxxx
Duffy, Leonard T., xxx-xx-xxxx
Eubanks, Charles D., xxx-xx-xxxx
Fouse, Clarence D., xxx-xx-xxxx
Gerstein, Stanley R., xxx-xx-xxxx
Haga, Henry M., xxx-xx-xxxx
Halford, Seymour D., xxx-xx-xxxx
Hallman, Harry W., xxx-xx-xxxx
Hildebrandt, Robert, xxx-xx-xxxx
Hoffman, Marshall L., xxx-xx-xxxx
Hosford, John S., xxx-xx-xxxx
Hudnall, Billy J., xxx-xx-xxxx
Hurd, Joe C., xxx-xx-xxxx
Jordahl, Vern T., xxx-xx-xxxx
Kirtley, Stephen E., xxx-xx-xxxx
Marcom, Jack A., xxx-xx-xxxx
McCaskey, Charles W., xxx-xx-xxxx
Minton, Phillip L., xxx-xx-xxxx
Poteet, Jerry M., xxx-xx-xxxx
Powell, Robert Z., xxx-xx-xxxx
Rankin, James H., xxx-xx-xxxx
Richardson, Charles, xxx-xx-xxxx
Schwantes, George W., xxx-xx-xxxx
Secker, Philip J., xxx-xx-xxxx
Senter, Alfred H., xxx-xx-xxxx
Snider, Neal E., xxx-xx-xxxx
Stinson, Richard L., xxx-xx-xxxx
Trott, Marvin W., xxx-xx-xxxx
Tumpkin, Joseph L., xxx-xx-xxxx
Wood, Joe, xxx-xx-xxxx
Young, Jerry R., xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Aleandri, John V., xxx-xx-xxxx
Bach, Albert P., xxx-xx-xxxx
Bushnell, Van L., xxx-xx-xxxx
Caldwell, Ellis M., xxx-xx-xxxx
Cloe, John H., xxx-xx-xxxx
Merrill, Francis E., xxx-xx-xxxx
Moore, Bobbie J., xxx-xx-xxxx
Morgano, Vito, xxx-xx-xxxx
Pieraldi, Luis F., xxx-xx-xxxx
Rinaman, James C., xxx-xx-xxxx
Rolfson, Erling O., xxx-xx-xxxx
Thompson, James B., xxx-xx-xxxx
Wagner, Wayne F., xxx-xx-xxxx
Wheeler, Leonard M., xxx-xx-xxxx

DENTAL CORPS

To be colonel

Chubb, William E., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Meimaridis, Stavros, xxx-xx-xxxx
Sabio, Andres R., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Denker, Roger W., xxx-xx-xxxx
Lewis, John T., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Agler, Herman R., xxx-xx-xxxx
Barkley, Clifford B., xxx-xx-xxxx
Beans, Joseph P., xxx-xx-xxxx
Berry, Ronald G., xxx-xx-xxxx
Bunn, David B., xxx-xx-xxxx
Burke, John P., Jr., xxx-xx-xxxx
Coad, Gary H., xxx-xx-xxxx
Cox, John R., xxx-xx-xxxx
Dixon, David R., xxx-xx-xxxx
Dowse, Malen E. xxx-xx-xxxx
Driscoll, Michael D., xxx-xx-xxxx
Eggleston, Darry D., xxx-xx-xxxx
Farley, John B., xxx-xx-xxxx
Fisher, Alva C., xxx-xx-xxxx
Giering, Edmund J., xxx-xx-xxxx
Harrison, James T., xxx-xx-xxxx
Havard, James C., xxx-xx-xxxx
Holden, Terry L., xxx-xx-xxxx
James, Michael A., xxx-xx-xxxx
Kennett, James A., xxx-xx-xxxx
Klepp, Frederick W., xxx-xx-xxxx
Krueger, Paul A., xxx-xx-xxxx
Lipscomb, James H., xxx-xx-xxxx
Madden, John L., xxx-xx-xxxx
Mathis, Bobby S., xxx-xx-xxxx
Medina-Malave, S., xxx-xx-xxxx
Miles, Gerald W., xxx-xx-xxxx
Myers, Jonathan H., xxx-xx-xxxx
Nakashima, Earl M., xxx-xx-xxxx
Nolla, Jose A. M., xxx-xx-xxxx
Peterson, Weston W., xxx-xx-xxxx
Robinson, Stephen R., xxx-xx-xxxx
Rodriguez, Alberto, xxx-xx-xxxx
Rosa-Agosto, Antonio, xxx-xx-xxxx
Runnebaum, Ralph D., xxx-xx-xxxx
Sasser, Preston C., xxx-xx-xxxx
Singleton, Cyrille, xxx-xx-xxxx
Stacks, Jesse T., III, xxx-xx-xxxx
Tobin, Alfred E., xxx-xx-xxxx
Walker, Thomas B., xxx-xx-xxxx
Wever, Robert C., xxx-xx-xxxx
Wheel, George S., xxx-xx-xxxx
White, John M., Jr., xxx-xx-xxxx
Wright, Richard A., xxx-xx-xxxx
Yliniemi, Arthur D., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Anderson, Dennis L., xxx-xx-xxxx
Aragones, Jaime V., xxx-xx-xxxx
Cirelli, John J., xxx-xx-xxxx
Jefferson, Thomas C., xxx-xx-xxxx
Law, Ivan P., xxx-xx-xxxx
Muckala, Kenneth A., xxx-xx-xxxx
Von Feldt, Francis, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Belt, Dick I., xxx-xx-xxxx
Lech, Robert P., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Alexander, William, xxx-xx-...
Alm, Dennis C., xxx-xx-xxxx
Anderson, Robert E., xxx-xx-xxxx
Cerhan, Keith A., xxx-xx-xxxx
Chandler, George K., xxx-xx-xxxx
Colton, John P., xxx-xx-xxxx
DePauw, John W., xxx-xx-xxxx

Grigg, Ausie B., Jr., xxx-xx-xxxx
Hillhouse, Kent H., xxx-xx-xxxx
Jeffries, John R., xxx-xx-xxxx
Johnson, Andrew, xxx-xx-xxxx
Knipper, William A., xxx-xx-xxxx
Mahle, Clarence E., xxx-xx-xxxx
Mataranglo, Francis, xxx-xx-xxxx
Ritchie, James E., xxx-xx-xxxx
Rostron, Ira R., xxx-xx-xxxx
Schmitt, Frederick, xxx-xx-xxxx
Selig, John S., xxx-xx-xxxx
Sullivan, James J., xxx-xx-xxxx
Thom, William H., xxx-xx-xxxx
Wheeler, Leonard E., xxx-xx-xxxx
Whitten, William J., xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Shields, Elizabeth, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Cheatham, William M., xxx-xx-xxxx
Gibaldi, Andre V., xxx-xx-xxxx
Larson, Arthur W., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Sauer, Richard L., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Austin, Harry R., xxx-xx-xxxx
Barnette, Roy E., xxx-xx-xxxx
Benedict, Anthony J., xxx-xx-xxxx
Bevilacque, Alfred, xxx-xx-xxxx
Bondi, Hart E., xxx-xx-xxxx
Bowman, David K., xxx-xx-xxxx
Bradley, Darrell, xxx-xx-xxxx
Browning, Ronald J., xxx-xx-xxxx
Cameron, David G., xxx-xx-xxxx
Chalustowski, George, xxx-xx-xxxx
Clark, Richard H., xxx-xx-xxxx
Cormier, Paul E., xxx-xx-xxxx
Crain, James M., xxx-xx-xxxx
DeHanas, Jack M., xxx-xx-xxxx
Desjardens, Arthur, xxx-xx-xxxx
Dickinson, John W., xxx-xx-xxxx
Diehm, Larry V., xxx-xx-xxxx
Finch, Charles S., xxx-xx-xxxx
Fishman, Robert J., xxx-xx-xxxx
Furlow, Jewel L., xxx-xx-xxxx
Gallo, Gary G., xxx-xx-xxxx
Gentry, Ronald R., xxx-xx-xxxx
Geyer, Richard E., xxx-xx-xxxx
Greene, Ralph N., xxx-xx-xxxx
Hajime, Ronald T., xxx-xx-xxxx
Hardwick, Joseph R., xxx-xx-xxxx
Harman, William E., xxx-xx-xxxx
Hemphill, Robert F., xxx-xx-xxxx
Isenhath, Donald M., xxx-xx-xxxx
Jahrling, John C., xxx-xx-xxxx
Johnson, Alva V., xxx-xx-xxxx
Jones, Michael M., xxx-xx-xxxx
Jones, Stuart H., xxx-xx-xxxx
Jones, Thomas L., xxx-xx-xxxx
Kensic, Stanley V., xxx-xx-xxxx
King, Frederick L., xxx-xx-xxxx
Kurowski, Dennis E., xxx-xx-xxxx
Lent, Richard V., xxx-xx-xxxx
Lester, James M., xxx-xx-xxxx
MacPherson, Gordon, xxx-xx-xxxx
Mancini, Philip, xxx-xx-xxxx
Marcotte, Joseph E., xxx-xx-xxxx
McCarthy, Robert, xxx-xx-xxxx
Melancon, Roger D., xxx-xx-xxxx
Meyersburg, Richard, xxx-xx-xxxx
Miller, Gary G., xxx-xx-xxxx
Moravec, James A., xxx-xx-xxxx
Morita, Hiroaki, xxx-xx-xxxx
Mascato, Richard F., xxx-xx-xxxx
Motz, William P., Jr., xxx-xx-xxxx
Mullinix, Jerry D., xxx-xx-xxxx
Mundy, Andrew J., xxx-xx-xxxx
Munhoto, Manuel A., xxx-xx-xxxx
Nobles, Harold L., xxx-xx-xxxx
Orrock, Stanley O., xxx-xx-xxxx
Ostenberg, Robert B., xxx-xx-xxxx
Paternoster, Peter, xxx-xx-xxxx
Porath, William H., xxx-xx-xxxx
Quinlan, Kevin E., xxx-xx-xxxx
Ritchie, Robin P., xxx-xx-xxxx
Ross, John E., xxx-xx-xxxx
Rowell, John E., xxx-xx-xxxx
Skaggs, John J., xxx-xx-xxxx
Smith, Charles K., xxx-xx-xxxx
Strain, Albert R., xxx-xx-xxxx
Takamiya, George, xxx-xx-xxxx
Taylor, Howard T., xxx-xx-xxxx
Tenney, Garry R., xxx-xx-xxxx
Turney, Robert W., xxx-xx-xxxx
Vance, Richard D., xxx-xx-xxxx
Vandegrift, Thomas, xxx-xx-xxxx
Vanrengen, Jules G., xxx-xx-xxxx
Walkush, Thomas J., xxx-xx-xxxx
Waller, Thomas S., xxx-xx-xxxx
Yessen, Joseph B., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Fitzgerald, Joseph, xxx-xx-xxxx
Keating, Robert M., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Johnson, Helen D., xxx-xx-xxxx
Neumann, Mildred K., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Danton, Jack A., xxx-xx-xxxx
Michelsen, C. B., xxx-xx-xxxx
Mukerjea, Dwarika N., xxx-xx-xxxx
Murphy, Edward C., xxx-xx-xxxx
Snowdy, Harry A., Jr., xxx-xx-xxxx
Toth, Elizabeth A., xxx-xx-xxxx
Williams, Wilbur D., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Baron, Ronald F., xxx-xx-xxxx
Lozeau, Gerard A., xxx-xx-xxxx
Phillips, Glenn A., xxx-xx-xxxx
St. Aubin, Forrest, xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Buckingham, John L., xxx-xx-xxxx
Hill, George C., xxx-xx-xxxx
Loeb, Richard O., xxx-xx-xxxx
Wilke, Louis, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Anderson, Harold F., xxx-xx-xxxx
Cuison, Eduardo C., xxx-xx-xxxx
Donahoo, Stanley E., xxx-xx-xxxx
Dubin, David B., xxx-xx-xxxx
Durden, Walter D., xxx-xx-xxxx
Gehring, David A., xxx-xx-xxxx
Gerkin, David G., xxx-xx-xxxx
Hilbun, Glyn R., xxx-xx-xxxx
Mittelmann, Michael, xxx-xx-xxxx
Robinson, William A., xxx-xx-xxxx
Rundle, T. J., xxx-xx-xxxx
Vuckovich, Dragomir, xxx-xx-xxxx
Willaims, Charles, xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Ando, Takashi, xxx-xx-xxxx
Boggs, Thomas W., xxx-xx-xxxx
Canard, Granville C., xxx-xx-xxxx
Carpenter, Ansel D., xxx-xx-xxxx
Day, Benjamin W., Jr., xxx-xx-xxxx
De Iorio, Charles W., xxx-xx-xxxx
Dhionis, George C., xxx-xx-xxxx
Gay, David W., xxx-xx-xxxx
Hamilton, Johnnie C., xxx-xx-xxxx
Martin, Jesse M., xxx-xx-...
McNair, Charles L., xxx-xx-xxxx
Michaud, Louis C., xxx-xx-xxxx
Olsen, James J., xxx-xx-xxxx
Padgett, Uriel B., xxx-xx-xxxx
Park, Clarence C. W., xxx-xx-xxxx
Tierney, Henry L., xxx-xx-xxxx
Vasquez, Leopoldo M., xxx-xx-xxxx
Vozzella, Anthony P., xxx-xx-xxxx
Walsh, John P., xxx-xx-xxxx
Winstead, Henry G., xxx-xx-xxxx
Witzelhoser, Frank, xxx-xx-xxxx
Zenner, Gary L., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Gropper, Arthur L., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Acklin, Travis H., xxx-xx-xxxx
Baker, Howard N., xxx-xx-xxxx
Baxter, Robert A., xxx-xx-xxxx
Beermann, Allen J., xxx-xx-xxxx
Blanchard, Bruce, xxx-xx-xxxx
Boegli, Wilbur J., xxx-xx-xxxx
Brennan, Michael W., xxx-xx-xxxx
Brooks, Daryl T., xxx-xx-xxxx
Callahan, Danny B., xxx-xx-xxxx
Conover, Charles R., xxx-xx-xxxx
Corbin, Jerry N., xxx-xx-xxxx
Cruce, Robert A., xxx-xx-xxxx
Dalrymple, Terrance, xxx-xx-xxxx
Dalton, James E., xxx-xx-xxxx
Davis, Charles E., xxx-xx-xxxx
Davis, James D., Sr., xxx-xx-xxxx
Deyo, Eugene L., xxx-xx-xxxx
Easterling, Sherrill, xxx-xx-xxxx
Faczan, Raymond D., xxx-xx-xxxx
Fonger, Michael F., xxx-xx-xxxx
Frazier, Charles J., xxx-xx-xxxx
Gaudry, Jordan B., xxx-xx-xxxx
Godwin, Joseph W., xxx-xx-xxxx
Gruetzemacher, E., xxx-xx-xxxx
Hanford, Joseph P., xxx-xx-xxxx
Harper, Henry E., xxx-xx-xxxx
Hollifield, Paula E., xxx-xx-xxxx
Howard, Robert M., xxx-xx-xxxx
Kelly, James E., xxx-xx-xxxx
Lant, Clifford W., xxx-xx-xxxx
Lee, Robert E., xxx-xx-xxxx
Lentz, Richard E., xxx-xx-xxxx
Locklear, Raymond H., xxx-xx-xxxx
Martin, John S., xxx-xx-xxxx
McAffee, Ronald R., xxx-xx-xxxx
McCall, James R., xxx-xx-xxxx
Meadows, Maberon P., xxx-xx-xxxx
Miranda-Marin, W., xxx-xx-xxxx
Neill, David S., xxx-xx-xxxx
Nugent, William G., xxx-xx-xxxx
Ott, Paul T., xxx-xx-xxxx
Palfreyman, Clifford, xxx-xx-xxxx
Palmer, Fred A., III, xxx-xx-xxxx
Pitts, Orville E., xxx-xx-xxxx
Plunk, Robert L., III, xxx-xx-xxxx
Roman, Donald P., xxx-xx-xxxx
Rowe, Roger E., xxx-xx-xxxx
Rugg, David, S., xxx-xx-xxxx
Savo, Raymond L., xxx-xx-xxxx
Schaffer, William C., xxx-xx-xxxx
Sharp, James L., xxx-xx-xxxx
Sheridan, George F., xxx-xx-xxxx
Sintzenich, Henry D., xxx-xx-xxxx
Stewart, John T., Jr., xxx-xx-xxxx
Taylor, Robert V., xxx-xx-xxxx
Vavala, Francis D., xxx-xx-xxxx
Vesely, Ervin, Jr., xxx-xx-xxxx

Vick, William A., xxx-xx-xxxx
Walsh, William D., xxx-xx-xxxx
Wilkins, Edgar E., xxx-xx-xxxx
Williams, Thomas R., xxx-xx-xxxx
Zabriskie, Cedric J., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Plant, Kathryn A., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Bird, Stephen C., xxx-xx-xxxx
Rodriguez, Herman A., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Anderson, Ian R., xxx-xx-xxxx
Velazquez-Capo, W., xxx-xx-xxxx
Wierzbinski, Joseph, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Stewart, Robert D., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366, 3367, 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Ackerman, Duane V., xxx-xx-xxxx
Adkison, Donald L., xxx-xx-xxxx
Agent, Kenneth, N., xxx-xx-xxxx
Albanese, Joseph J., xxx-xx-xxxx
Albrecht, Jerald N., xxx-xx-xxxx
Alexander, Richard, xxx-xx-xxxx
Allen, Riley N., xxx-xx-xxxx
Alm, Dennis C., xxx-xx-xxxx
Ambrose, William P., xxx-xx-xxxx
Amoroso, Francis J., xxx-xx-xxxx
Anderson, Laird B., xxx-xx-xxxx
Anderson, Walter M., xxx-xx-xxxx
Andrew, Michael A., xxx-xx-xxxx
Apostle, Basil N., xxx-xx-xxxx
Argo, Ulon C., xxx-xx-xxxx
Armstrong, Henry A., xxx-xx-xxxx
Armstrong, Robert R., xxx-xx-xxxx
Arnett, Daniel L., xxx-xx-xxxx
Arnett, Jack D., xxx-xx-xxxx
Arnwine, Billy C., xxx-xx-xxxx
Arroyo, Wilmer A., xxx-xx-xxxx
Atherton, James T., xxx-xx-xxxx
Babb, Franklin R., xxx-xx-xxxx
Baker, John H., xxx-xx-xxxx
Baker, Maylon C., xxx-xx-xxxx
Banister, George H., xxx-xx-xxxx
Barbosa, Jose E., xxx-xx-xxxx
Barker, Larry C., xxx-xx-xxxx
Barnhart, Fred P., xxx-xx-xxxx
Barton, Billie R., xxx-xx-xxxx
Bates, Phillip H., xxx-xx-xxxx
Bauduccio, Anthony, xxx-xx-xxxx
Beauchamp, Thomas E., xxx-xx-xxxx
Becker, John B., xxx-xx-xxxx
Bell, Byron H., xxx-xx-xxxx
Bellizzi, John P., xxx-xx-xxxx
Benham, Paul K., xxx-xx-xxxx
Bennett, Robert W., xxx-xx-xxxx
Benson, Charles D., xxx-xx-xxxx
Benson, Joseph A., xxx-xx-xxxx
Beretta, Ronald J., xxx-xx-xxxx
Bielot, Richard J., xxx-xx-xxxx
Bilisoly, John L., xxx-xx-xxxx
Bingham, Gary D., xxx-xx-xxxx
Bishop, Donald M., xxx-xx-xxxx
Bishop, Martin R., xxx-xx-xxxx
Bishop, Michael C., xxx-xx-xxxx
Bisset, Stephen C., xxx-xx-xxxx
Bland, Francis H., xxx-xx-xxxx
Bludworth, David H., xxx-xx-xxxx
Bochniowich, David, xxx-xx-xxxx
Boerschel, August P., xxx-xx-xxxx
Bolton, Ernest W., xxx-xx-xxxx
Boone, William F., xxx-xx-xxxx
Borchardt, David T., xxx-xx-xxxx
Boudoucies, John A., xxx-xx-xxxx
Boutz, Frederick O., xxx-xx-xxxx
Bowden, Alan B., xxx-xx-xxxx
Boyd, Robert S., xxx-xx-xxxx
Boyle, Robert O., xxx-xx-xxxx
Bradshaw, Philip L., xxx-xx-xxxx
Brady, Edward J., xxx-xx-xxxx
Brandriff, Arthur V., xxx-xx-xxxx
Brandt, Robert J., xxx-xx-xxxx
Brannon, James E., xxx-xx-xxxx
Brantley, Shelby K., xxx-xx-xxxx
Brantley, William E., xxx-xx-xxxx
Brick, Samuel T., xxx-xx-...
Briggs, Arnold B., xxx-xx-xxxx
Broadway, Buddy S., xxx-xx-xxxx
Brockman, Estes D., xxx-xx-xxxx
Brogdon, Alven L., xxx-xx-xxxx
Brookhart, Charles, xxx-xx-xxxx
Brown, Gerald V., xxx-xx-xxxx
Brown, Richard G., xxx-xx-xxxx
Bruck, John D., xxx-xx-xxxx
Brune, Basel H., xxx-xx-xxxx
Bruner, Thomas J., xxx-xx-xxxx
Brunk, Gordon L., xxx-xx-xxxx
Bryan, J. Gid, xxx-xx-xxxx
Buchanan, Gale A., xxx-xx-xxxx
Buckley, John R., xxx-xx-xxxx
Burgess, Frederick, xxx-xx-xxxx
Burn, Robert C., xxx-xx-xxxx
Burrill, Lawrence P., xxx-xx-xxxx
Burse, Richard L., xxx-xx-xxxx
Bushee, James W., xxx-xx-xxxx
Bushnell, Van L., xxx-xx-xxxx
Butts, Clark M., xxx-xx-xxxx
Byard, Robert B., xxx-xx-xxxx
Byars, Byron R., xxx-xx-xxxx
Byrd, Floyd E., xxx-xx-xxxx
Byrd, William L., xxx-xx-xxxx
Byrne, Michael E., xxx-xx-xxxx
Calagaz, Frank J., xxx-xx-xxxx
Camacho, Salvador L., xxx-xx-xxxx
Campbell, Hugh B., xxx-xx-xxxx
Campbell, James A., xxx-xx-xxxx
Canfield, Allan R., xxx-xx-xxxx
Cantrell, Jerry L., xxx-xx-xxxx
Capps, Richard G., xxx-xx-xxxx
Carberry, James A., xxx-xx-xxxx
Carmack, Douglas W., xxx-xx-xxxx
Carmickle, Marion A., xxx-xx-xxxx
Carpenter, Robert C., xxx-xx-xxxx
Carr, George L., xxx-xx-xxxx
Carr, Samuel M., xxx-xx-xxxx
Carre, Gary L., xxx-xx-xxxx
Carro-Medina, Juan, xxx-xx-xxxx
Carter, Billie C., xxx-xx-xxxx
Carter, Donald R., xxx-xx-xxxx
Cary, John B., Jr., xxx-xx-xxxx
Casellas-Jovet, R., xxx-xx-xxxx
Casey, Fred H., xxx-xx-xxxx
Casey, Patrick H., xxx-xx-xxxx
Cassetty, John T., xxx-xx-xxxx
Catlett, James L., xxx-xx-xxxx
Champlin, Charles P., xxx-xx-xxxx
Chapman, Michael G., xxx-xx-xxxx
Chilton, Charles B., xxx-xx-xxxx
Christensen, Lester, xxx-xx-xxxx
Christy, Donald E., xxx-xx-xxxx
Christy, William S., xxx-xx-xxxx
Clayton, Marvin C., xxx-xx-xxxx
Clifton, Charles E., xxx-xx-xxxx
Cluck, Gary D., xxx-xx-xxxx
Cococcia, Ronald J., xxx-xx-xxxx
Coley, Arthur G., xxx-xx-xxxx
Considine, Dean E., xxx-xx-xxxx
Cook, Maurice G., xxx-xx-xxxx
Cooper, Franklin D., xxx-xx-xxxx
Corey, Ronald T., xxx-xx-xxxx
Corriere, Paul L., xxx-xx-xxxx
Cox, Donald D., xxx-xx-xxxx
Crane, Morris R., xxx-xx-xxxx
Crawford, Walter K., xxx-xx-xxxx
Cresswell, Douglas, xxx-xx-xxxx
Crittenden, James M., xxx-xx-xxxx
Croix, Alfred A., xxx-xx-xxxx
Crox, John F., Jr., xxx-xx-xxxx
Crutcher, Donald R., xxx-xx-xxxx
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Westfield, Arnold D., xxx-xx-xxxx

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To be lieutenant colonel

Douglas, Robert N., xxx-xx-xxxx
Laclare, Edward J., xxx-xx-xxxx
Ochsenhirt, James S., xxx-xx-xxxx
Ramey, William T., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

VETERINARY CORPS

To be colonel

Imes, George D., Jr., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Lazarini, Jose A., xxx-xx-xxxx
McCreary, Maurice L., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Kellogg, Aurora G., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Casey, Linda J., xxx-xx-xxxx
Fellows, Annabelle L., xxx-xx-xxxx
Norgan, Robert, xxx-xx-xxxx

MEDICAL CORPS

To be major

Russell, Howard, xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

To be colonel

Jackson, Claude K., xxx-xx-xxxx
Liepis, William J., xxx-xx-xxxx

To be lieutenant colonel

Bernath, Clifford H., xxx-xx-xxxx
Eldridge, Gary W., xxx-xx-xxxx
Jeffries, William C., Jr., xxx-xx-xxxx
Karig, Martin R., xxx-xx-xxxx
Magers, David H., xxx-xx-xxxx
Spence, Avery C., xxx-xx-xxxx
York, John F., xxx-xx-xxxx

To be major

Clausi, Enrico A., xxx-xx-xxxx
Crosby, Gordon E., III, xxx-xx-xxxx
Hoggatt, Lawrence W., xxx-xx-xxxx
Kichen, Lee F., xxx-xx-xxxx
Munson, Charles A., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in promotion grade lieutenant colonel, under the provisions of section 531, 532, and 533, title 10, United States Code:

Anthony, Jeffrey D., xxx-xx-xxxx
Bass, Garry M., xxx-xx-xxxx
Backer, Stephen C., xxx-xx-xxxx
Boucher, Jeffrey A., xxx-xx-xxxx
Brown, Charles, xxx-xx-xxxx
Brown, Leneld E., xxx-xx-xxxx
Buirge, David C., xxx-xx-xxxx
Bunnett, Thomas F., xxx-xx-xxxx
Butcher, Steven W., xxx-xx-xxxx
Coleman, John F., xxx-xx-xxxx
Davis, Joseph P., xxx-xx-xxxx
Downey, James E., xxx-xx-xxxx
Drozd, Henry J., xxx-xx-xxxx
Frew, Russell E., xxx-xx-xxxx
Gragiulo, Mario, xxx-xx-xxxx
Garrison, Lee E., xxx-xx-xxxx
Glanville, Robert L., xxx-xx-xxxx
Griffith, Craig A., xxx-xx-xxxx
Haugan, Thomas F., xxx-xx-xxxx
Hodson, Michael E., xxx-xx-xxxx
Hoehne, William F., xxx-xx-xxxx
Houlihan, John T., xxx-xx-xxxx
Kayes, Theodore O., xxx-xx-xxxx
Kissinger, Wayne E., xxx-xx-xxxx
Knox, Paul G., xxx-xx-xxxx

Lamm, Frederick W., xxx-xx-xxxx
Lemones, Gerald W., xxx-xx-xxxx
Michelson, Aaron D., xxx-xx-xxxx
Pearson, Robert L., xxx-xx-xxxx
Prechtel, Earl C., xxx-xx-xxxx
Prostack, Thomas S., xxx-xx-xxxx
Rooney, James W., xxx-xx-xxxx
Schmid, John W., xxx-xx-xxxx
Schmidt, Ronald E., xxx-xx-xxxx
Shannon, John C., xxx-xx-xxxx
Shuck, Kenneth L., xxx-xx-xxxx
Skinner, Albert C., xxx-xx-xxxx
Smith, Wayne S., xxx-xx-xxxx
Sprayberry, James A., xxx-xx-xxxx
Stanley, Stanley F., xxx-xx-xxxx
Umbarger, Joseph H., xxx-xx-xxxx
Vangorp, Philip E., xxx-xx-xxxx
Volk, Arthur J., xxx-xx-xxxx
Waggoner, Carroll M., xxx-xx-xxxx
Waldman, Jay H., xxx-xx-xxxx
Waller, Luther O., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

To be lieutenant colonel

Sempek, Robert A., xxx-xx-xxxx
Wilson, Gale D., Jr., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Boecher, Frederick W., xxx-xx-xxxx
Jackson, Walter F., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Morrill, Kenneth F., xxx-xx-xxxx

To be major

Bowman, Rodney H., Jr., xxx-xx-xxxx
Wright, Stafford E., xxx-xx-xxxx

MEDICAL CORPS

To be major

Burner, Scott H., xxx-xx-xxxx

DENTAL CORPS

To be major

Pitchford, John H., xxx-xx-xxxx

IN THE ARMY

The following-named officer for appointment in the Regular Army of the United States under the Defense Officer Personnel Management Act (DOPMA), in his active duty grade, under the provisions of sections 531, 532, and 533, title 10, United States Code:

To be major

Reinoehl, Jerry B., xxx-xx-xxxx

The following named-officers for appointment under automatic integration in the Regular Army of the United States under the provisions of sections 531, 532, and 533, title 10, United States Code:

To be colonel

Mabry, Richard M., xxx-xx-xxxx
Perlow, Joyce S., xxx-xx-xxxx

To be lieutenant colonel

Robertson, William L., xxx-xx-xxxx
Wright, Frank R., xxx-xx-xxxx

To be major

Szabados, Paul D., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, section 531, 532, 533:

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

Bartholomew, Heman B., xxx-xx-xxxx
Betsacon, Nicholas J., xxx-xx-xxxx
Byczek, Marilyn C., xxx-xx-xxxx
Drummond, Constance A., xxx-xx-xxxx
Dunn, Malinda E., xxx-xx-xxxx
Fernandez-Greczmiel, Maria C., xxx-xx-xxxx
Gallagher, Michael G., xxx-xx-xxxx
Gilmore, Maureen E., xxx-xx-xxxx
Gordon, Richard E., xxx-xx-xxxx
Hilmo, Orin R., xxx-xx-xxxx
Hinton, John, III, xxx-xx-xxxx
Hollis, Wendell A., xxx-xx-xxxx
Hunter, Willis C., xxx-xx-xxxx
Ivandick, Mark J., xxx-xx-xxxx
Lawson, Jerry A., xxx-xx-xxxx
Littleton, Robert L., Jr., xxx-xx-xxxx
Llewellyn, Thomas S., xxx-xx-xxxx
Meyer, Jack L., xxx-xx-xxxx
O'Conor, Elizabeth W., xxx-xx-xxxx
Pohl, James L., xxx-xx-xxxx
Rigrish, Robert E., xxx-xx-xxxx
Sandul, Michael L., xxx-xx-xxxx
Siemer, Stephanie W., xxx-xx-xxxx
Skennion, Michael G., xxx-xx-xxxx
Spero, Norman R., xxx-xx-xxxx
Stevenson, Samuel T., xxx-xx-xxxx
Sylvester, John V., xxx-xx-xxxx
Thieman, James L., xxx-xx-xxxx
Vanderboom, Kathleen A., xxx-xx-xxxx
Warren, Gerald L., xxx-xx-xxxx
Will, Clark B., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

Adams, Paul F., xxx-xx-xxxx
Allen, Charles M., xxx-xx-xxxx
Berry, Dean C., xxx-xx-xxxx
Bivins, Demetrius K., xxx-xx-xxxx
Chute, Alan D., xxx-xx-xxxx
Ditton, Michael H., xxx-xx-xxxx
Gsteiger, Urs R., xxx-xx-xxxx
Hutter, Paul T., xxx-xx-xxxx
Ibbotson, William H., xxx-xx-xxxx
Killham, Michael A., xxx-xx-xxxx
La Force, Glen W., xxx-xx-xxxx
Lamb, Robert M., xxx-xx-xxxx
Lisowski, Patrick W., xxx-xx-xxxx
Lowe, Craig W., xxx-xx-xxxx
Mc Farland, John M., xxx-xx-xxxx
Medsger, William R., xxx-xx-xxxx
Melvin, Bobby D., xxx-xx-xxxx
Pointer, David L., xxx-xx-xxxx
Romaneski, Mark J., xxx-xx-xxxx
Wagner, Carl M., xxx-xx-xxxx
Warner, Andrew M., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major, under provisions of title 10, United States Code, Section 628:

Biser, Mark H., xx...
Rucks, Charles H., xx...

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Anderson, Truman O., III, xx...
Chin, Calvin A., xx...
Etter, Raymond W., xx...
Fitzgerald, Gary B., xx...
Frische, Ellen M., xx...
Grace, James C., xx...
Hall, John A., Jr., xx...
Hollar, Blake D., xx...
Kilroy, Robert L., xx...
Manning, Mary E., xx...
McDavid, Dwayne T., xx...
Miles, Darryn S., xx...
Porter, William B., xx...
Sharrock, Jeffrey J., xx...
Toth, Robert J., xx...
Viezer, Stephen L., xx...
Vinson, Jonathan L., xx...
Young, Steven J., xx...
Zimmerman, Joan F., xx...

The following-named Marine Corps Enlisted Commissioning Education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Beale, Michael K., xx...
Emery, Jeffery L., xx...
Kelley, Elizabeth A., xx...
Ritchie, Robert F., IV., xxxx
Row, Lisa A., xx...

IN THE NAVY

The following-named commanders of the reserve of the U.S. Navy for permanent promotion to the grade of captain in the Staff Corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

Albritton, John Thomas
Bogart, Sydney David
Britton, Melvin Creed, Jr.
Buchta, Richard Michael
Canada, Catherine Farrar
Casebeer, Harvey Lee
Chapman, Charles K.
Conte, Stephen John
Davis, Thomas Stanley
Davis, William Eugene
Fogle, Philip Richard
Friebel, Harry Thomas
Fussell, Macea Eugene
Goetz, John Richard
Hipol, Manuel Abuan
Irving, Buster L.
Iskowitz, Robert
Jensen, Joseph Edgar, Jr.
Johnson, Charles Loren
Kao, Grace F.
Klarman, Edward Lawrence
Kohl, Ernest James
Krieg, Earl Michael
Kunz, Arthur Ernest, Jr.
Leatherman, Edward Hopkins
MacDonald, Vance Douglas
Macon, Philip Fredericke
McIntyre, John Duncan
Meade, Clyde Kingstone
Meltz, Fred
Mixon, William Alfred
Moore, Vernon J., Jr.
Morris, Drewry Hampton
Newman, Benjamin Goodrich
Panek, Henry Francis
Reisenweber, Harvey Donaldso
Rivera, Paul
Rothenberg, Harold Jay, II
Rousseau, David Victor
Stewart, James Andrew
Storey, James David
Tate, James Edward
Taylor, Benjamin Thomas
Thieman, Phillip Warner
Thomas, Herbert Cushing, Jr.
Thomas, Roger Bernard, Jr.
Tinker, John Harry
Vickerman, Robert Lynn
Wettach, George Edward

Wilcox, John Dudley, Jr.
Williams Edward D.
Winsky, Arlen Duane

SUPPLY CORPS

To be captain

Allen, Wayne Lawrence
Bell, James Judd
Benko, David Frank
Blankenfeld, Richard K.
Bodour, Haig
Chandler, Martin McCoy
Copeland, Stuart William
Cronin, John Love, Jr.
Dunlap, Clarence Craton
Fulghum, Robert Eugene
Hewitt, Cullen
Howell, Thomas William
Humphreys, Keith Cordell
Knoesel, Donald Erwin
Lamb, Donald Lawrence
Lilly, Gerald Edward
Lutz, Harold Gilbert, Jr.
McGahey, Gerald Martin D.
Peterson, Lowell Harold
Pierce, Vernon Lynn
Piotrowski, Roman Eugene
Rutherford, David Ames
Sheffield, Charles Harwell
Smith, Richard Dwight
Steuben, Robert Wilkes
Vellenga, Daniel Richard
Vellenga, David Bernard
Woodard, Richard Lee

SUPPLY CORPS (TAR)

To be captain

Ridgway, Evan L.

CHAPLAIN CORPS

To be captain

Anderson, Sherwood William
Armerding, Carl E.
Cox, Douglas William
Davis, William Clayton
Force, Daniel Lawrence
Goldburg, Jay Bernard
Griffith, John Duff
Handley, Thomas Beck
Heino, Jack Lercy
Hodder, Kenneth Laslett
Poerschke, James Paul
Rawden, John Arthur
Spittler, Russell Paul, Jr.

CIVIL ENGINEER CORPS

To be captain

Bedenbaugh, Garnett Franklin
Bergstrom, Robert Russell
Ferriter, Robert Lawrence
Frenkel, Robert Leland
Gutierrez, Rosendo, Jr.
Gutzwiller, Kenneth Joseph
Hanna, Bruce Edward
Hanson, Martin Philip
Haupt, Robert Richards
Hudspeth, Robert Turner
Long, Richard Rice
Lukshin, Dimitri Alexander
Smith, Sherrill Edwin
Stratbucker, Gerald Leigh
Vandiver, Earnest Lucian

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

Adams, Jared Hopestill
Birkmeyer, Roy James
Blackmon, Robert Max
Burnette, Frank Le Russell
Calise, Nicholas James
Coffman, Aldine Jacob, Jr.
Corr, John William
Davey, Francis Leslie, Jr.
Dunbar, John D.
Duncan, Stephen Mack
Fitzgerald, James Austin
France, Ralph Hayward, II
Friedman, Howard
Furgason, David Wallace
Gardner, James Knoll
Holland, Tommy Travis
Hopkins, Alton Hunter
Howarth, John Noble
Huss, William Weissman, Jr.
Johnston, Burrell Dean, Jr.
Johnston, Robert Griffin
Katz, Myron Baer
Keisman, Howard, IRA
Kniep, Francis Gillen
Knoll, John Philip
Lenehan, George Thompson
Loser, Robert Walter, II
Martinez, Jose Expedicto
Mauck, William Lacy
McGavran, Francis Johnston
McLeod, Walton James, III
McNamar, David Fred
McNertney, William John
Meyers, Gerson E.
Miller, Clarence Phillip
Mobley, Keith Arnold
Montagna, Anthony Louis, Jr.
Morgan, William Frank
Rapps, Richard Edward
Rosenthal, Joseph Meyer
Rowe, Larry R.
Simpson, Robert Michael
Solomon, Robert Harris
Steffens, Theodore C.
Strong, David Bruce
Teborek, James S.
Vacca, Fred William
Williams, Neil Carson, III

DENTAL CORPS

To be captain

Allen, James Richard
Barnes, Edward Dorsey
Becker, William John
Caldwell, Clifton Ormond, Jr.
Campbell, Bowen, Jr.
Carroll, Roy B.
Clendenin, George Gary
Detrick, Mark
Devereux, James Lawrence
Dickinson, George Ernest, II
Gier, Ronald Eldon
Grace, Edward George
Graupner, John Graham
Hall, Richard Lee
Harnett, Jeffrey H.
Hatcher, Fredric Ford
Howell, Gerald Lewis
Jacobs, Morton Saul
Lindsay, Joseph Lloyd, III
Manning, Dennis Edward
McCarthy, Terrence Francis
Roller, George Stewart
Rosenberger, Jay Norman
Sternberg, Neil Victor
Sweeney, William John
Vaillant, Dennis Peter
Ward, George Howell
Wenck, Frederick, Jr.

MEDICAL SERVICE CORPS

To be captain

Anthony, John Raymond
Bowers, Richard Ronald
Brookes, John A. H.
Brown, William King
Dunn, Robert Fowler
Gaines, Richard Noel
Jones, John Goff
Lewis, Alan Laird
Miener, Clyde John
Sullins, William David, Jr.
Thorpe, Bert Duane
Vingoe, William Charles
Wheeler, John Rollins

NURSE CORPS

To be captain

Bauer, Catherine Marie
Cavanaugh, Mary Bradley
Meissner, Sonya K. L.
White, Sylvia Ethel

IN THE NAVY

The following-named lieutenant commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the Staff Corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

To be commander

Abaya, Constante U.
Alvarez, Franco
Arcacha, Miguel Angel, Jr.
Baldo, Edna R.
Banerjee, Timir
Batchelder, Barron, M.
Braun, Robert Arthur
Brown, Douglas W.
Buck, David Richard
Bundy, Walter Edward, III
Burgess, William Thomas
Burnett, Clifford Franklin
Byington, Donald Paul
Carpenter, Robert James, Jr.
Carrillo, Robert P.
Crawley, David Bruce
Cuison, Eduardo Castro
Davis, John Michael
Deweerd, James H., Jr.
Dohrmann, Mary Lea
Domaguing, Macario Deleon, Jr.
Drew, Melving
Gerrie, Marshall James, Jr.
Guico, Mercedes Favis
Hagler, Donald Joseph
Hart, Benjamin A.
Hayhurst, Edward Guerard
Head, Rufus A.
Hoelzer, Dennis James
Holmes, William E.
Honaas, Trygve Olaf
Irelandpeters, James Joseph
Irwin, James Robert
Islam, Mohammed Shahidul
Jassir, Carlos
Johnson, David Butler
Jones, Jun Young
Jones, Robert Dennis
Jones, William Dugmore, III
Kallingal, Sebastian
Kayan, Sabih
Kearney, Gary Paul
Kelley, Roger D.
Koen, Lyle D.
Krantz, Leland Kenneth
Krueger, Gordon Earl
Kucharchuk, Andrew
Kurtz, Kenneth John
Lamb, Ronald Bruce
Lapenta, Michael James
Lee, Doris Chan
Locke, Charles J.
Majewski, James Wieslaw
Maley, Thomas Joseph, Jr.
Maltes, Edward Herbert
Marshall, Vaughn G.
Mazzara, Sauveur Vincent
McCoid, Gerald R.
McLeod, Timothy Lee
Mismanos, Teresita Lascano
Moretz, Joseph A., III
Neal, William Albert
Osburne, Robert C.
Overton, Eugene W.
Parker, Edward W., Jr.
Patterson, Jeffrey D.
Patton, Robert Clyde

Pierce, Allyn Michael
Rees, James Hunter
Riverapietri, Jose Luis
Rolniak, Wallace Anthony
Sellek, Julian A.
Sharp, Donald A.
Sharp, Jimmy F.
Shumaik, George M.
Somaskanda, Ambalavanar
Sprague, Donald Eldon
Steffen, Thomas Edward
Strasburger, Arthur Kaufman
Tate, Emmett Lee.
Thane, Thane T.
Toffle, Roger C.
Tomas, Peter P.
Turner, James Ethridge
Vastola, James Watts
Weimar, George W.
White, James R.
Wilder, Thomas L.
Williams, Clemmie Lee, Sr.

SUPPLY CORPS

to be commander

Aldrich, Robert Hervey
Anunson, Merton Gregory
Armentor, Jesse Joseph
Beagle, Brian L.
Beeman, Terry Neal
Beplat, Richard G.
Bigbee, Dalton L.
Boone, Paul Robert
Bottger, Ronald Ray
Brockmeier, Frederick, IV
Budway, John J.
Campbell, Thomas Andrew
Carrothers, Timothy Wilder
Clapper, Anthony Gerrard
Conklin, Michael Douglas
Crawford, Douglas Allen
Dawson, Howard Wesley, Jr.
Dunlap, Gene Harvey
Farthing, Larry Eugene
Ferris, William Michael
Fowler, George Oliver, III
Grier, Charles Hubert, Jr.
Groff, David Arthur
Groom, John Clifton
Gust, Bryan Darrell
Haffner, John Graham, Jr.
Haverty, John L.
Hult, Andrew Lee
Johnson, Earl Winslow, Jr.
Johnson, Terry Deane
Joyce, Robert Joseph
Kelsen, Christopher Brandt
Kennedy, George William
Kilpatrick, James Angelo
Koppenhaver, Larry Neil
Kriger, Milton Nora
Lamb, James H.
Mason, Edward Frank
Mason, William Forrest
McDonald, Douglas Hugh
McKinnon, Bill Hull
McVicar, Ronald Charles
McWhorter, Robert N.
Metzger, Steven D.
Morgan, Steven Robert
Mumma, Donald Charles
Nolan, Richard T.
Ochs, Larry Robert
Peck, David Critchfield
Phillips, Harold William
Potts, David Grayson
Puckett, Kenneth Brawn
Ramsey, Brenton Lee
Ratzman, Michael Neil
Rickards, John Douglas
Schuber, Fred J. III
Shaffer, Wayne Henderson
Shepherdson, Howard Grant
Solli, Richard Eugene
Stamberg, Allan John
Staple, Fitzhugh Dudley, Jr.
Strubel, Michael T.
Tepper, Joel Barry
Toft, Carl Emil
Triplett, William H., Jr.
Underwood, Edward Seymour, Jr.
White, Thomas Morgan
Woods, Charles Johnathan
Yonemoto, Ronald M.
Young, Ronald

SUPPLY CORPS (TAR)

To be commander

Johnson, Robert C.
Young, Clement C., II

CHAPLAIN CORPS

To be commander

Alexander, George Valentine
Austin, Alan Kenneth
Beckwith, Peter Hess
Bedsole, Billy Clarke
Charnov, Bruce Hirschl
Collins, Robert Stuckey, Jr.
Crabb, Glen Ernest
Cuny, Ronald E.
Kaiser, Ralph Leroy
Krogen, Richard Arne
Liston, Jonathan Miller
Manley, Wilford Clinton, Jr.
Mays, Lowell H.
Moran, James Francis
Nauman, Stelmo Harry, Jr.
Payne, John Douglas
Pestrue, Darell William
Russell, Peter Hastings
Strittmatter, Lawrence Richard
Wright, William Baskin

CIVIL ENGINEER CORPS

To be commander

Antoniak, Peter Richard
Armstrong, Glenn Michael
Bartlett, James Vincent, Jr.
Battles, Lolie Dean, Jr.
Brooks, Arthur Neal
Burrus, David Lane
Cambron, George Keith
Corbin, Homer Allen, Jr.
Cowan, Richard Franklin
Dore, George Thomas, Jr.
Feck, Denis John
Fluharty, Larry William
Fowden, James Albert, III
Franz, David Loewen, Jr.
Furukawa, Robert Masashi
Goltz, Kenneth Earl
Gorman, Thomas Patrick
Hobbs, Delbert Leonard
Hodnik, Terrence John
Holliday, Robert Olander, Jr.
Huckaby, Ernest David L.
Iannotti, John Peter, Jr.
Johnson, Thomas T.
Marlay, Robert Charles
Mazzeo, Russell Angelo
McAndrew, Robert Gavin, III
McGee, Edgar Cason
Mink, Charles Edward
Reim, Kenneth Ray
Rosberg, Dennis Oliver
Rosenbaum, David Eugene
Smith, Lauren Arthur
Smith, Thomas Givens, Jr.
St Clair, Harry
Thaemert, Ronald Lee
Wagner, Gary Lynn
Weyler, Michael Ernest
Wolfington, Thomas Carl

JUDGE ADVOCATE GENERAL'S CORPS

To be commander

Albro, Thomas E.
Ball, Dallas Dale
Bingman, Terrence Lee
Bryant, Julian Albert, Jr.
Clark, Joseph Talmage
Cole, Ford Robert
Deegan, Kenneth Arthur
Feist, Raymond Frank, Jr.
Fiske, Ronald Neil
Fortino, Paul Thomas
Hebert, George Stephen
Hinckley, Robert C.
Jozus, Ivars Andris
Kilgore, Ronald W.
King, Malvern Francis, Jr.
Landers, David Talbot
Max, Jack Stephen
McMullen, James R.
Ripple, Kenneth Francis
Rivers, Lucius Mendel
Scully, John Joseph
Simpson, William Beck
Stevens, John Alden
Vanlue, Donald Gilbert
Vreancic, Joseph Bruce
White, Douglas G.
Yates, Joseph W., III

DENTAL CORPS

To be commander

Anderson, John Edward
Barna, Gerard Joseph
Benjamin, Dannie George, Jr.
Betz, Robert S.
Boone, Jack Lee
Breuleux, Philip S.
Buchinc, Joseph John
Demaggio, Bernard Robert
Dombrow, Donald Roman
Getz, Edwin Salager
Gudger, James Howard
Gurson, John J.
Harrison, Vernon Paul
Heiss, William Charles
Hill, Maurice Bernard, Jr.
Ingle, Charles Roemer
Johnson, Dennis Douglas
Karols, Margrieta M.
Keiran, Joseph Patrick
Kucharz, Kenneth Michael
Lockwood, Jeffrey Lynd
Munn, James Wesley
Nannfeldt, Nicky Wayne
Pasciucco, John Joseph, Jr.
Reever, John Standish
Roberts, Thomas Cullen, Jr.
Sedlak, Mark F.
Sloan, Bruce Walter
Taylor, James W.
Tontz, Russell Clyde, Jr.
Twesme, Albert Theodore
Weny, Bruce Michael
Westover, Bruce Edwin
Willoughby, Joseph H.
Zillner, Robert J.

MEDICAL SERVICE CORPS

To be commander

Bailey, Larry H.
Bogel, Dorothy Stevens
Brechtel, Lynn Yvonne
Brehl, Robert J.
Bronson, Gene
Burkart, Hanes Aleen
Coleman, William M., III
Flanagan, Robert Anthony
Gambce, Thomas Edward
Kau, Melvin Edward Mung K.
Milavickas, Louis Rimvydas
Mills, Dyann Jorgens
Myers, Calvin Peter
Nolan, Janiece Simmons
Rolfs, James Dean
Schuh, Marlin Darwin
Stahl, Archie Alan
Starr, Betty Wattles
Wilson, George Richard

NURSE CORPS

To be commander

Clanton, Shirley Ruth
Cline, Joanne Zerbe
Coates, Michael Kal
Dennis, Karen Elaine
Dias, Dawn Marie
Doris, Karen Elizabeth
Hackett, Margaret E.
Majors, Mary Odwyer
McKinzie, Dorthy Ann
Mottet, Elizabeth Ann
Nelson, Deborah McLogan
Peck, Edith D.
Pettit, Diane Italia
Rheiner, Neil Warren
Riddlebarger, Rose
Robinson, Barrara Jean
Saylor, Mary Margaret
Schafer, Marie Annette
Schwichtenberg, Linda F.
Stock, Mary Ellen
Tackitt, Patricia Hyland
Wheeler, Mary Case

IN THE NAVY

The following-named Naval Reserve officers to be appointed permanent lieutenant commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Clapper, Mark F.
Deafenbaugh, Martin K.
Walker, James H.

The following-named Naval Reserve officers to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Anderson, Deryk L.
Bailey, Steven L.
Beardsley, David J.
Cassano, Victoria A.
Collins, John J.
Conaty, Kelly R.
Ebersole, Russell E.
Faison, Clinton F., III
Fischer, Robert J.
Gilbert, Russell C.
Holtel, Michael R.
Jorgensen, Nathan H.
Lundy, Diane C.
McQueston, John A.
Maxwell, James M.
Nugent, Sharon K.
Osgood, John C.
Pickett, Mark
Prager, Laura A.
Rascona, Dominick A.
Roush, Timothy S.
Russo, Deborah
Schraml, Frank V.
Sheraden, Jennifer R.
Thom, Franklin T.
Tomasic, Paul V.

IN THE NAVY

The following-named officers of the staff corps of the Navy for promotion to the permanent grade of lieutenant commander pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

Lieutenant commander

MEDICAL CORPS

Callahan, Joseph A., II
Fish, Hamilton Rutledge
Quigg, Robert William
Watt, George Hilary

IN THE NAVY

The following-named Naval Academy midshipmen to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abbot, John Fincher
Abell, David Gross
Abramson, Alan John
Adams, Daniel Joseph
Adams, Frederick Charles, Jr.
Adamus, Daniel Eugene
Aguilar, Tomas Jose
Aiken, Robert Lustre
Alabata, Al Anthony Ozoa
Alber, John David, Jr.
Albergo, Joseph Robert
Alberto, Glen
Alicea, Pedro Ramon
Allen, Scott Andrew
Allman, Bernard Frederick
Allman, James Michael
Amerine, Jeffery Lee
Amiga, Carl Edward
Andersen, Kevin Robert
Anderson, David Paul
Andrews, Frank
Andrews, Jeffrey Alan
Andrews, Tae Wan
Aquilino, John Christopher
Arends, Paul Matthew
Armistead, Edwin Leigh
Armstrong, Robert Bronson
Arnoso, Joseph Manuel
Astrup, Kevin John
Atkin, Scott Cody
Augustine, John Martin
Aumuller, David Francis
Avila, Matthew Raymond
Babicz, Richard Joseph, Jr.
Bagwell, Charles Howard
Baker, Beverly Muriel
Baker, Dennis Keith
Baker, Eric Gene
Baker, Miles Cortland
Baker, Rosser Owen, Jr.
Baker, Thomas Wood
Baldwin, Justin David
Balon, Michael James, Jr.
Bandarra, Brian Edward
Barker, Lee Allen
Barr, Paul Verner, Jr.
Barranco, Mark William
Barrish, Rebekah Ruth
Bartkoski, Jeffrey Scott
Bates, John Stacy
Beach, Robert Allen
Beagle, Ronda Jean
Beasley, Ronald Thomas
Beaumont, Paul Michael
Beck, Thomas Emmett
Becker, Max Andrew
Beese, Larry Wayne
Belland, Kris Matthew
Belt, Warren Curtis
Benson, David Russell
Berko, David Edward
Bernard, Peter Charles
Berninger, Steven John
Bertolett, Craig Randolph, Jr.
Bibeau, Steven Karl
Biel, William Scott
Biefbrauer, Andreas Paul
Bigelow, Andrew David
Birdsong, Timothy Fred
Bishop, James Howard
Bishop, Joel Gardner
Blau, Stephen Luther
Blue, William Douglas
Blum, Kevin Mark
Bollinger, Paul Robert
Bomberger, Douglas Jay
Bond, Byron Edward
Booth, David Alan
Borden, Susan Christine
Borrebach, Douglas Steven
Boucher, Daniel Mark
Boulden, Mark Stephen
Bournes, Jeffery Loring
Bovington, Samuel Roderick
Bower, Ralph Waldo
Bowie, John Brendon
Bowman, Tracy Wade
Bowman, William Stevenson
Bradley, Brunhilde Kempf
Brady, Eugene Giles, III
Braithwaite, Kenneth John, II
Brand, Gregory Robert
Brandquist, Kurt Andrew
Brannigan, Peter Owen
Brawley, Stephen Craig
Brennan, James Joseph
Bressler, Yvonne Ginger
Briggs, Tod Patrick
Broadston, Robert Dean
Broadowicz, Mark Edward
Brown, Conrad Nelson, Jr.
Brown, Douglas James
Brown, Jeffrey Carryl
Brumley, David Andrew
Bruner, Turney Andrew
Brunger, Clifford Allan
Buck, Nicholas Vincent
Buckley, Patrick Edwin
Budicin, Robert John
Bunker, David Byron
Burg, David Louis
Burgess, Michael Ian
Burke, Kevin Thomas
Burns, Daniel Paul
Busmire, Terence Edward
Butler, Bryan Franklin
Bulter, Edward George, II
Byrne, Eric Blanchard
Cable, John David
Calabrese, Thomas Matthew
Caldwell, David Matthew
Callaghan, Daniel Patrick
Callahan, Thomas Patrick
Camron, Michael James
Campbell, Donald Berlin, Jr.
Campbell, Lundy John
Campbell, Scott Raeside
Campbell, Thomas Michael
Campbell, William Kevin
Canady, Kerry Brent
Cannice, Mark Vincent
Capasso, Anthony Thomas
Caraveo, Byran Thomas
Carothers, Franklin Tudela
Carpenter, Glenn Joseph
Carr, Lance Steven
Carradini, George Steven
Carrington, Heather Elise
Carroll, Joseph Lawrence
Casimes, Alexander Theodore
Cassetta, Richard Paul
Cassidy, Douglas Patrick
Castaneda, William Gregory
Catlin, Gordon Paul
Cebak, William Theodore
Cebulski, Mark Victor
Cedrun, Mark Edward
Ceraolo, Salvatore Joseph
Chachula, Stephen Donald
Chaffee, Colin Brett
Chase, Donald Frank
Chase, Michael Barry
Chen, Clement Chiping
Chesson, Scott David
Chimiak, Mark Walter
Chinn, Jan Elizabeth
Chipkevich, Mary Beth
Christopherson, Ruth Ann
Churbuck, James Forrest, Jr.
Clark, James Ashley
Clark, Lawrence John
Clark, Michael Thomas
Clark, Raymond Schoenling
Clark, Robert Edward, II
Clayton, Eric Von
Clemency, Steven Charles

Cochran, Paul Rosser
Cochran, Steven Michael
Collazo, Ramon Antonio, Jr.
Collins, Christopher Clay
Collins, Donald Edward
Collins, Edward Leroy, II
Collins, James Joseph
Collins, Michael Joseph
Comstock, Brett Alan
Conkey, Douglas Phillips
Conklin, Jeffery Alan
Coogan, James William
Cock, Joseph Richard
Coomber, Allen Charles
Cooper, Christopher Riggan
Cooper, David Owen
Cordle, John Parker
Coucoles, Claude John
Coulter, Shawn Michael
Cox, Charles Ward, II
Cox, Richard Erian
Crabtree, Gregory David
Crabtree, Gregory Wayne
Greevy, Lawrence Edward
Crespo, Frank Joseph
Crisp, Daniel Eric
Crow, Lowell David
Crump, Gwyn Norman, Jr.
Cuff, Thomas James
Cunningham, James Doyle
Curbeam, Robert Lee, Jr.
Cusumano, Cary Allen
Czechowski, Richard Brian
Dacruz, Daniel Nicholas
Dahl, Leif Alan
Dallman, Peter Karl
Dalton, Thomas Richard, Jr.
Dandrea, Victor Brian
Daniel, John Michael
Darden, Ronald Karl
Daseler, Timothy Neil
Daverede, Alex Joseph
David, Gerral Keith
Davis, Jacqueline Renee
Deal, James Russel
Debode, Gary Scot
Decker, Christian Curtis
Degroff, Ereck Allen
Deitz, Thomas Devlin
Deleon, Carlos Eugene
Dempsey, William John
Denneny, Douglas James
Dennin, Edward Paul
Depman, David Matthew
Deppe, Martin William
Derdall, James Goodwin
Deroche, William Henry, Jr.
Desens, Mark James
Desjardins, Philip James
Devin, Michael Gilbert
Diantonio, Mark Joseph
Dickerson, Cris Lemastus
Dimitro, Gregory James
Dinicolo, Gina Maria
Dion, Larry Donald
Ditton, David Anthony
Dixon, kurt Laurence
Dobbs, Michael John
Dobbs, Philip Raymond
Dohoda, Richard Stanley
Donlan, Vencent Allen
Donnelly, Charles Richard, Jr.
Dorbin, James Jonathan
Doster, Daniel Gerard
Douglas, Gary Lee
Downing, Thomas Milnor
Doyle, Brian Edward
Doyle, Joseph Arthur
Doyle, William Gerard
Draper, Thomas Paul
Drummond, Brad Campbell
Dua, Tito Prem
Duff, Andrew James, Jr.
Duffy, Neil Vincent
Dugan, Donald Richard, Jr.
Dukes, Curtis Craig
Dunn, Eric Scott
Dunson, Jarrell Ridley
Dvorak, Mark Joseph
Eash, Scott Anthony
Eason, Richard James
Faves, Kathy Lee
Edson, Mark Wendell
Edwards, Michael Earl
Ehlers, Mark Alan
Eldrege, Daniel Everett
Elkin, Edmund Lee
Elliott, William Dewey
Ellis, Lantz Clifford
Embestro, Audieame Sarte
English, Gary Emery
Ennis, John Joseph
Enriquez, Noel Molina
Eppers, Cynthia Lynn
Erickson, Philip John
Ernst, Robert William
Esch, Paul Stephen
Escobar, John David
Espinosa, Rafael
Etkins, David John
Evans, Todd William
Everill, Kenneth Alan
Everist, Robert Edwin
Eves, Matthew Michael
Fairley, Maurice Anthony
Fallot, Mark Alan
Farnett, Kathleen Marie
Farrell, Alexander Edward
Farrell, Richard Edwin
Faucher, William Joseph
Fegan, Frederick Morris
Fellowes, John Heaphy, Jr.
Few, William Virgil, Jr.
Fierro, Jesus Jacobo, Jr.
Fijalkowski, Joseph Anthony
Fillis, Michael Joseph
Finney, Peter Todd
Fippinger, Eric Kent
Fish, Charles Michael
Fisher, Thomas Edward
Flaggs, Moreatha Yvette
Flock, Bradley Evan
Flood, Christopher Hamilton
Flores, Edward Achilles
Fluhart, John Eryan
Flynn, Michael Christopher
Fogerty, James Edward
Forehand, Mary Virginia
Forney, David Neal
Forrestal, Thomas Patrick
Fortune, Idean Josephine, II
Foster, James Thomas, II
Frake, William Joseph, IV
Franke, Robin Edward
Frasse, Christopher Lee
Frederick, Charles Andrews
Freeman, Linus Walter
Freeman, Nicholas Edward
Freeman, William Howard
Frey, Gary Robert
Fricker, Carl Joseph
Froncillo, Robert Eugene, Jr.
Funk, John Walter
Fusto, John William
Futcher, Priscilla Ann
Gabion, Vergilio Baylon
Gacusan, Leonardo M., Jr.
Gaines, Leonard Salmon
Gallaer, David George
Gallagher, Thomas William
Gallotta, Andrew Richard
Galsgaard, Allan Gunnar
Garbelotti, Carl John
Garcia, Manuel
Garland, Robert Wayne
Gass, Robert Lee
Gattuso, Douglas James
Gawryszewski, Paul Mark
Gehan, Thomas Kelly
Gehringer, Bryan Thomas
Gelinne, John Patrick
Gellene, David Joseph
Gerhardt, Michael David
Giangiuli, Jeffrey Edward
Gibson, Henry King, II
Gillies, Anne Marie
Gilbreath, Harold Lee, Jr.
Gibon, Janet Marie
Glaeser, John Alden
Goaley, Thomas John, Jr.
Goff, Jan Thomas, Jr.
Goff, Timothy Lin
Goins, David Allen
Goins, Gregory Allen
Gomez, Armando
Gonzalez, Robert, Jr.
Goodlett, Timothy Rene
Goodrow, Erian Douglas
Gordon, Scott Stephen
Grabarek, Jeffrey Joseph
Gradel, Robert Steven
Graham, Jeffrey Roger
Grammer, Laurie Jo
Granier, Marc Edward
Graves, Jay Paul
Gravini, Stephen Michael
Graziano, Andrew James
Griffin, Donald Lee
Griffin, Scott Fitzgerald
Gromek, Christine Maria
Groody, Michael Edward
Grosskurth, Alfred John, Jr.
Gueprero, William Andrew
Gufford, Joseph David, Jr.
Guieas, Israel
Gundlach, Robert John
Gurbach, Glenn David
Gustafson, Randall Scott
Gwin, Mary Elizabeth
Haberlin, Gail Maureen
Hacker, Rudolph Ernest
Haddad, Richard Elias
Hagan, Michael Francis
Hale, Andrew Martin
Hall, David Charles
Halpin, Douglas Craig
Hamann, John Frederick
Hamilton, Leonard Joseph
Hamm, James Joseph
Hammett, Robert Alan
Hamner, Craig Alan
Hannan, James William, Jr.
Harber, Jonathan David
Hardin, Dianne Arlene
Hafkey, John Patrick
Harms, William Thomas
Harris, David Woodard, II
Harrison, William Meade
Hartman, John Budd
Hartman, Jonathan Edward
Hasbrouck, John Thomas
Hastings, Todd Ernest
Hatcher, Charles Sidney, Jr.
Haugen, Christian Nicolas
Hawley, Brian Christopher
Haynes, Larry Norman
Hays, Kevin Austin
Heaphy, Mark Patrick
Hedges, Stephen Eric
Hein, August Howard
Heiss, John Charles
Helinski, Mary Jean
Hemmen, John Martin
Herlong, George Harveson
Herron, John Rowe
Heruth, Gregory Alan
Heys, William Scott
Heyward, Alexander Shannon
Higgins, Perry Gene
Hile, Michael Karl
Hilferty, Sean Thomas
Hinen, James William

Hiponia, Lorenzo Sison
Hirst, James Joseph
Hobaugh, Charles Owen
Hoffman, Harold William
Hogan, Patrick Robert
Holcomb, Ross Douglas
Holderied, Kristine
Hollenbeck, Ronald Scott
Hollingsworth, Alan Lance
Hollingsworth, Charles T.
Holloway, Dawn Marie
Holtkamp, Louis Martin, Jr.
Honan, Susan Lynn
Hock, Gregory Scott
Hoover, David Andrew
Horn, Thomas William
Hosch, Willie Hill, Jr.
Howard, James Heyward
Howard, Kevin Thomas
Howe, Philip Gardner
Hoy, Gary Frederick
Hudak, William Patrick
Hudson, Derek Dewitt
Huff, Thomas William
Hullinger, Paul David
Inman, Richard Frank, II
Intintold, John Augustine
Intoy, Bienvenido Perez, Jr.
Ivan, Thomas Robert
Jacobson, Matthew Christian
Jelepis, Michael Chris
Jenkins, Robert Brent
Jennings, Kevin Charles
Johns, Michael Frederick
Johnson, Daniel Ronald
Johnson, Jeffery Alan
Johnson, John Edward, Jr.
Johnson, Perry Edward
Johnson, Richard Eldon
Johnson, Thomas Parrent
Jones, Brian Todd
Jones, Michael Lawrence
Jones, Steven Robert
Jones, Thomas Milton
Jordan, John Joseph
Jorgensen, John Miles
Joseph, Peter Anthony, Jr.
Judy, John Lee
Jung, David Gregory
Kalisch, Mark Robertson
Kametz, Robert Andrew
Kan, Jonathan Hideo
Karabin, Andrew John
Karditzas, William C.
Karnbach, Christopher Ross
Karpick, Gregory John
Kasprzak, Mary Antoinette
Keller, Glenn Marcus
Kelly, Michael Joseph
Kent, Rosemarie Theresa
Kerr, Cheryl Lee
Kiehl, David Lawrence
Kilburn, Charles Dale, II
Kilday, Kent Lewis
Kim, Andrew Chul
King, John Graham
King, Kelly Ann
King, Thomas Randolph
Kirby, Melanie Virginia
Kircher, Konrad
Kirschner, Gregory Scott
Kirschten, Christopher R.
Kizzee, Carlos Perry
Knapper, Roger Kurt
Knudson, Wade Edward
Kocher, Bruce David
Koehler, Kent Edward
Kolbas, Patrick Joseph
Konicki, Joseph Stephen
Koprucu, Feza Suayip
Kowalick, David Jude
Kramer, Christian Francis
Krause, Russell Alan
Kriete, David Matthew
Krueger, Bernard Joseph
Krueger, Glen Douglas
Kumangai, Billy Bedal
Kumangai, Danny Bador
Kushino, Scott Tetsuo
Kutelmach, Michael Peter
Kymn, Thomas Soryang
Laing, Andrew Gerard
Lamade, John Dietrick, II
Lamontagne, James Alfred
Lamson, Allen Howard
Lancaster, George Michael
Landess, David John
Lanier, Stephen Coleman
Lara, James Christopher
Larson, Norvan James
Lasell, Horace James
Laufer, Richard John
Laughlin, James Alan
Law, Letitia Lynne
Lawrence, Richard Tilton
Lawver, Philip James
Lazevnick, James Francis
Leach, Thomas Sumner
Leanhart, Jack Eugene, Jr.
Lee, Richard Dana, Jr.
Lee, Walter Chunwon
Lenda, John David, Jr.
Lengyel, Peter Nicholas
Lerchbacker, John Henry, Jr.
Levitt, Adam Shawn
Lewis, Lance Erich
Lewis, Rebecca Lynne
Lihani, David Laddy
Lindsay, Charles Taliaferro
Lindsey, James Edward
Lipphardt, Bruce Lee, Jr.
Litton, Andrew Clifton
Lluy, Paul Andrew
Lochner, Jane Thayer
Long, Joseph Vincent, Jr.
Lopez, Arturo Antonio
Lopez, Michael Ray
Lott, Steven Andrew
Luke, Thomas Charles
Lutton, Todd Caldwell
Lynch, Charles Bartholemew
Lyon, John Harvey, II
Lyons, Mark Randall
Malloy, Karen Allene
Manley, Thomas Hamilton
Mann, Kent Christopher
Manning, Cameron Alan
Marcum, Donald Gregory
Marin, Brian John
Marin, David Victor
Marnane, Thomas Christopher
Marr, Douglas Conrad
Marron, Matthew Michael
Marshall, Lawrence Eugene
Martin, Bradford Laurence
Martin, Brion Robert
Martinez, John Christian
Martinez, Michael Manuel
Martinez, Vernon Marks
Martini, Charles Joseph, Jr.
Marvil, Gregory Peterson
Massee, Michael Joseph
Matlosz, Henry Peter
Matteo, Michael Donald, Jr.
Matts, Robert Edward
Maurer, Clifford McIntire
Mauro, Anthony John
Mayer Peter Clark
Mazanec, Warren Anthony
McArthur, Stuart Russell
McBride, Richard Michael
McCabe, Patrick Clarke
McCallum, Kevin Kit
McCann, Mark William
McCarthy, Edward Charles
McCawley, Peter Vincent
McClary, David Bruce
McClellen, Jeffrey Harold
McConnell, James Joseph
McCormick, John Scott
McCracken, Michael Edward
McCreary, Jeffrey Errol
McCutcheon, Michael Scott
McDevitt, Peter Henry
McDonald, Ronald Keith
McDowell, Mark
McGann, Kenneth Daniel
McGann, Stephen Andrew
McGarrity, Robert Jude
McGaugh, Steven Lee
McGee, James Michael
McGinty, Sean Patrick
McGivney, Michael James
McGregor James Andrew
McIlvaine, Brian Andrew
McIntyre, Trevor Andrew
McKelvey, Matthew John
McKenna, Christopher Thomas
McKinney, Billy Lynn
McLean, Angus Laughton
McMasters, William Charles
Meadows, Thomas Alan
Melcher, Charles Paxson
Menendez, Arsenio Klecker
Menzel, Anthony Henry
Mergen, William Lynnwood, Jr.
Merino, Donald William
Merk, Heidi Marianne
Mesora, George Thomas, Jr.
Meurer, Andrew Mark
Mew, Wendell Quan Yau
Meyer, Eric Charles
Michael, Craig William
Michaud, Mark Edward
Midas, Michael Thomas
Miller, Dean Alan
Miller, Joseph Pearce
Miller, Marc James
Miller, Nathan Hills
Miller, Steven Jerome
Miller, Terry Wayne
Miller, Thomas Henry
Miranda, Ricardo Franco
Mitchell, Douglas Paul
Mize, Ralph Daniel
Mohle, Robert Edgar
Mohr, Mark Camillus
Mohs, Samuel David
Mologne, Timothy Scott
Monahan, Kevin John
Mongan, Joseph William
Montgomery, John Wesley
Mooney, James Hendrix
Moore, Lawrence Robert
Moore, Michael Lydane
Moran, Michael Thomas
Morrow, John Kevin
Mortensen, Thomas Charles
Mosher, Terry Daines
Moulton, Jospeh Russ, Jr.
Mueller, Michael Dean
Muilenburg, Bret James
Muldoon, Richard Charles
Mullen, Michael Donald
Mullenhard, Peter Marshall
Munoz, Andres Dario
Murdock, Hal Crawford
Murphy, Brian Patrick
Murphy, Gerard Francis
Murphy, Michael John
Murray, Glenn Andrew
Murray, Joseph Barney
Murray, Mary Kathleen
Murray, Michael James
Murtha, Brian Charles
Myers, Robin Keith
Myre, David Daniel
Naeyaert, Laurence John
Nardi, Peter Andrew
Navin, Gregory Stuart
Neal, Sherman Levon
Nedry, Douglas Brence

Neely, David Todd
Nelson, Scott Kemper
Nenna, David Lawrence
Nepf, Hans Joseph
Nesta, Lou Anne
Nevins, Michael James
Newman, Mark Charles
Newman, Scott Michael
Newton, Robert Forrest
Nichols, Alan Ross
Nichols, Michael John
Nicoson, Daniel Ray
Nielsen, Erik Wayne
Nixon, Randall Lamar
Noah, Christian Thomas
Nolan, Timothy Joseph
Nolen, Thomas Daniel, Jr.
Noreika, Scott Richard
Nowell, John Blackwelder
Nowicki, Jonathan Scott
Oakenell, Robert Frederic
Oberle, John Hampton
O'Connell, William Michael
Ogara, Michael Vance
Oh, Sehun
Ohlhaver, Michael James
Olds, Robert Barnard, Jr.
Olivier, Patrick Dean
Olsen, Kurt Brian
Olsen, Robert Miller, Jr.
Ondrey, Larry Patrick
Onorati, Anthony Beach
Openshaw, Mark Falge
Orren, Scott Charles
Orton, William David
Osen, David Monroe
O'Sullivan, John Patrick
Oswald, Peter George
Otis, Glen
Owens, Thomas Michael
Pagano, James Jerome
Pagel, Rick Alan
Pagnanelli, Marco Antonio
Palmiotto, Nicholas
Panico, Earl Anthony
Parillo, John George
Parsons, Marshall Clay, Jr.
Pasola, Joseph John
Pasternak, Joseph Francis
Patterson, Mark Alan
Paulk, Robert Reason
Paulson, William Anton
Pease, Gregory William
Pease, Michael Ray
Peckenpaugh, Kent Thomas
Peffers, Stephen Byrle
Pence, Timothy Barry
Pendola, John Joseph
Peoples, Gerald Keith
Perkins, Charles Kenneth
Peters, Gerald Antony
Peters, Steven Bradley
Petersen, Deborah Kay
Peterson, Ray Aldin
Petitt, David Glenn
Petrosino, Frank Michael
Pfeiffer, Sharon Esther
Phifer, Christine Ann
Pickerill, Theodore Oren, II
Pierce, Randall David
Pitpit, Michael Callueng
Plaisance, Marc Charles
Ploeger, Terry Lee
Poindexter, Scott Herndon
Pollak, John Creighton
Ponseigo, Andrew Craig
Ponturiero, Augustine John
Porter, Mark Emmett
Porter, Scott Russell
Potochniak, Michael Petro
Povlock, Paul Anthony
Powell, Kerim Lamar
Poynter, Brent Eugene
Pratt, Victor Dwight
Pregel, George Anthony
Price, Gary David
Price, Lenny Francis
Prokopiak, John Alexander
Prusinski, Mark Allen
Przybyszewski, John Michael
Pulliam, Andrew Joseph
Purcell, Michael Eugene
Quick, Natalie Ada
Quigley, Mark Robert
Quigley, Timothy James
Quinn, Mark Christopher
Quinn, Thomas Jude
Quint, John Howard
Quintong, Artemio P., Jr.
Quist, Gary Alan
Rabun, Patrick Coffier
Rabuse, Robert Ben
Rahn, Martin
Rainey, Charles Andrew
Randolph, Scott Howard
Ransom, Thomas Simmler
Rasbury, Stanley Okoye
Rasplicka, Scott Herrin
Ratcliff, Blake Dale
Ratte, David Scott
Rawhouser, Marjorie Ann
Ray, Tod Gene
Reape, John James, Jr.
Refs, Jon Rhodes
Reimer, Jon Eric
Renda, Edward Michael
Rice, Eric Rodney
Rich, Nelson Judson, III
Richardson, Robert Rollin
Richmond, Clay Allen
Ridder, Samuel Melvin, II
Riley, John James
Ringel, Jeffrey Thomas
Ripley, Scott David
Roberts, Julie Marie
Robinson, Mark Douglas
Rodriguez, Jorge Emilio
Rogers, Timothy Joel
Romaine, Robert Kenneth, Jr.
Romero, Glenn Robert
Roper, Dallas Roy
Roquebert, Javier Enrique
Rosa, Ivan Rosa
Rosen, Eric David
Roskey, Sean Thomas
Rowe, Barton Michael
Rowsey, Robert Royce
Ruedi, David Holt
Russell, Robbin Alan
Ryan, Leslie Robert
Saccavino, Anthony Ralph
Sakaniwa, Mark Steven
Salach, Michael
Samoa, Arthur Kevin
Sanchez, David Allen
Sanders, William Duward
Sauer, James Anthony
Saunders, Clayton Douglas
Sawitsky, Joseph Michael
Sawyer, Robert Landel
Scannell, James Andrew
Schaefer, Thomas Alfred
Schlegel, John Henry
Schleicher, Donald Harry, Jr.
Schmidt, Dean Christopher
Schmieley, Donald Allen, Jr.
Schmitt, Jeffrey Reed
Schmitz, Joanne
Schmode, David Michael
Schofield, James McKenna
Scholl, Jonathan Wade
Schultz, Glen Andrew
Schumacher, Linda Marie
Schwenker, Carl Emerson
Scioli, Blaise Elliott
Scott, Kurt Venard
Selas, David Andres
Selbrede, Craig Michael
Seutter, Lawrence Wayne
Sexton, Roy Dale
Sharp, Alexander Vincent
Sheldahl, Richard James
Shepherd, Michael Andrew
Shepherd, Stephen James
Sheppard, Deborah Lynn
Shibe, Robert Bruce
Shoemaker, Robert Lyle
Shore, Gregory Allan
Shupinski, Douglas Francis
Sichau, Ronald Peter
Sichler, Robert Alan
Sileo, Daniel Michael
Silva, Raul
Skinner, Steven Gregory
Slawson, Alton Clayton, Jr.
Smith, Alexander Peterson
Smith, David Hanson
Smith, Jonathan Jerome
Smith, Norman Paul
Smith, Steven Michael
Smith, Thomas Michael
Smyers, Tracy Dean
So Johnson, Pineda
Soleng, Sonja Patricia
Sonderman, Christopher James
Sousa, David Richard
Spearing, Scott Steven
Speer, Robert David
Spooner, Scott Grove
Spradlin, Michael David
Springer, Phillip Wayne
St. Pierre, Albert Leonard
Stahl, Glenn Earl
Stamos, John Peter
Standard, Kari Ann
Starling, Scott Gregory
Steckel, John Conard
Stefanko, Jerome Stephen
Steindl, David Frank
Stender, David William
Stephens, Carla Renee
Stephens, Robert Alex
Stephens, William Harrison
Sterling, Glen Reay
Sternberg, Charles Andrew
Stevens, David Walter
Stevens, Monica
Stevick, Robert Kevin
Stewart, John Albert
Stoddard, Daniel Gene
Stolarski, Mark Anthony
Stolley, Erian Keith
Storey, Kurt Duncan
Storto, Mark Daniel
Stovall, Lawrence Samuels, II
Stowe, Robert Weston
Strand, Michael Anthony
Stuart, Allan James
Stubblefield, Robert A., Jr.
Stubbs, Thomas David
Stys, Mark Vincent
Sullivan, Michael Daniel
Sullivan, Sean Michael
Summerfield, Harry Michael
Summers, Timothy Wayne
Suriano, Douglas Anthony
Sutton, Frank Erwin
Swain, Gary Thomas
Swift, Charles Davidson
Sylvester, John Alfred
Sympson, William G. A., III
Syring, Robert George, Jr.
Szymanski, Scott Edward
Taff, William Bayly
Tajiri, James Shizuo
Talamantes, Clarence Scott
Taverna, Joan Teresa
Taylor, James, Jr.
Teclaw, Daniel Edward
Terwilliger, David Charles
Tettelbach, Clayton Graham
Thatcher, Steven Jeffrey

Thien, Joseph Raymond
Thomas, Amy Elizabeth
Thomas, Douglas Peter
Thomas, Greg Alan
Thompson, Jeffrey Scott
Thompson, Mark Alan
Tillery, Robert Kevin
Tillman, Willard, Jr.
Tirman, Kerry Robert
Todd, Stevenson Lancaster
Tolg, Anne Maureen
Turner, Jeanfrancois
Turner, Stacy Lee
Ulloa, Rafael Emilio
Vagnoni, Adrian Francisco
Vandenberg, Gerard Michael
Vanderschoot, David Allan
Vann, James Roger
Vautier, James Wilson
Vermaat, Maarten
Vinzon, Noel Garcia
Vogel, Scott Owen
Vogelsang, Scott David
Wach, Raymond Penafort
Wagoner, Keith Leonard
Waldschmidt, Matthew Guy
Wall, Victoria Anne
Wallace, Donald Joseph
Wallace, Matthew Thomas
Walsh, Patrick Jay
Walton, Stephen Bradford
Walton, Terrance Bernard
Ward, Harry Paul
Wasko, James Matthew
Waters, Gregory Thomas
Watson, Gary Howard, Jr.
Watson, William Doster
Waugh, James Lawrence
Weber, Jeffrey James
Webster, Allison Dee
Weidenhammer, William Harvey
Weigold, John Frederick
Weires, John Edmund
Weistroffer, Joseph Kenneth
Wertz, Trent "L"
Westerbeke, John Bradley
Whalen, Kent David
Wharton, Jason Scott
White, Ira Russell, II
Wiegert, Robert Nikolaus
Wiggins, John Wesley
Wilcox, John Brian
Wilhelm, James Walter
Wilhelm, Ross Michael
Wilkes, Dana Scott
Willette, Perry Neal
Williams, Gary Harmon
Williams, Scott Jeffrey
Williams, Terrance
Williamson, Timothy Lee
Wills, Eric Gardner
Willson, James Griffin
Wilson, Edward Paul
Wilson, Gregory Patterson
Wilson, Michael Murphy
Wilson, Woodrow, III
Winering, Karen Anne
Wing, Thomas Mathias
Wise, Timothy Alan
Witte, Barry Robert
Wittick, Brian David
Wix, Roseann Leonie
Woessner, Scott Brenton
Wojtkiewicz, Paul Joseph
Woltersdorf, Kurt Dustin
Woods, John Chester
Wright, Darin Claude
Wright, Steven Roland
Wright, William David
Wrzeszcz, Branch Owen
Wuestenberg, Diane Marie
Yablunosky, David Eric
Young, Jeffrey Alan
Young, Maude Elizabeth
Young, Steven Gregory
Yu, Michael David
Zamka, George David
Zaun, Jeffrey Norton
Zevotek, Dale Jeffrey
Ziemian, Joseph Brandon
Zimmer, Geoffrey Alan
Zublic, Charles Boden
Zwirner, John William, Jr.

IN THE NAVY

The following named chief warrant officers, W-4 to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Crawford, James W.
Phillips, Kim A.

The following named chief warrant officers, W-3 to be appointed permanent chief warrant officer, W-2 in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Spellman, Frank R., Jr.
Tesnow, Ronald L.

The following named Navy enlisted candidates to be appointed permanent chief warrant officer, W-3 in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Bartlett, John Gary
Conklin, Alan Gregory
Cunliffedwen, James D.
Danico, Edward Loyola
Dean, Robert Anthony
Ethridge, James Walker
McMahon, David Charles
Meyer, Allen Leslie
Music, Lucian, Jr.
Nielsen, David Elmer
Orvis, William Arthur
Pitchford, Robert G.
Reed, Edward Albert
Rosenthal, Stanley W.
Thompson, Davis Lawrence
Warren, James Carlton, Jr.

The following named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2 in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Agcaoili, Bonifacio Kidipan
Allcock James Earl
Allen, Gale Leslie
Anderson, Ricci Ray
Argandona, Arnond Gordon
Arrington, David Eugene
Bailes, David Keith
Bamberg, Brady Lawrence
Bargar, David William
Barnes, Thomas Emerson, Jr.
Beltran, Romeo Magallanes
Blasingame, Edward Otto
Bond, John Howard, Jr.
Bone, Richard Dean
Booe, Charles Joseph
Booth, John David
Booth, Richard Arthur
Boutin, Raymond Paul, Jr.
Brooks, Rocky Lee
Brown, James Oliver
Brown, Louis William
Buentello, Daniel
Burgess, Richard Paul
Burnett, John Timothy
Burns, James Dee
Bush, Norman Kenneth, Jr.
Bush, Wilfred Leo
Butler, Charles Granville
Butz, Barry Philip
Cameron, Robert Allen
Campbell, Tony Lammar
Capito, George Raymond
Carandang, Leonidas Morada
Carothers, Kent Edward
Carter, Gregory Alan
Carter, William Keith
Casas, Arturo Antonio
Castro, Reynaldo Ebred
Catletti, Anthony
Chandler, Lara
Claiborne, Edmond Leon
Clark, Merrill Marvin
Clayton, Brooks F.
Colada, Roberto Buhay
Cole, Bradoc Alan
Coleman, Charles Wadsworth
Connolly, Timothy Michael
Cooper, Clyde, Jr.
Cradit, David Neil
Cramer, Michael Ray
Crotty, James Thomas
Cruz, Francisco Quidachay
Cullen, Paul Pierce
Cummings, Joe Willie
Cunningham, Ronald Keith
Darby, Donald Eugene
Daughenbaugh, John Lester
Davis, John Wesley
Deguzman, Bernardo Baniqued
Deibler, Richard Galen
Depauw, Steven Douglas
Deweerd, Gregory J.
Diehl, Stephen A.
Dobbs, John Dalton
Dolsak, Frank Steven
Duame, Thomas John, III
Eaton, Norman Douglas
Eberhardt, Joseph D.
Eccard, David Gerald
Ellis, Wilfred Eugene, II
Erickson, Jon Kristian
Evans, Robert Eldon, II
Everette, Terry Lamar
Faris, James Carroll
Faulk, Cecil Ray
Fite, Karl Dwayne
Flynt, Barry Paul
Fong, Wayne Yel
Free, Reginald Phillip
Galietti, Frank Anthony
Gandolfo, Dennis Leroy
Gand, William Howard
Gehrlich, John Richard
Gibbons, Karl Edward
Giltz, Theodore Paul
Granillo, Manjel, Jr.
Green, Gregory Lee
Grinstead, Barry Malcom
Gunnett, Robert Eugene
Hains, Dan Stillery
Hamilton, Harold Ralph
Hanshaw, Robert Bayliss
Hawkins, Donald Lee
Hayes, Glenn Perry
Hedrick, Thomas Wellington
Hennessy, William Joseph
Henry, Barry Lee
Hewlette, Ronald Eugene
Hilborn, Roy Clifford, III
Hill, Paul Edwards, Jr.
Hollis, James Walter, Jr.
Holmes, Jack William
Holt, Edwin William, Jr.
Hock, Rober Anthony
Hughes, William Joseph
Iverson, Kenneth Lee
Jackson, Charles D., Jr.
Jewell, Hilda Elaine
Johnson, Kenneth Oliver
Johnson, William Arthur
Jones, Larry Maylan
Jones, Thomas Elwood
Juris, Jon Harley
Keidel, Herman Lee
Ketchum, Jerry Morrell
Kiehlmeier, James Richard
Killingsworth, James R.
Kirkpatrick, Stephen Lawrence

Kleemann, Richard Frederick
Klippel, Kurt Vohn
Klotz, William Frank
Kock, Lindbergh, Jr.
Kolstee, Robert Charles
Koski, Bruce Melvin
Krass, Robert James
Krull, Charles Albert, Jr.
Krumland, John August
Laflamme, Wayne Alfred
Langlois, David Marc
Laughing, Gerald Angus
Law, Raymond George
Lawrence, Anthony James
Lemley, Julian Roger
Lessard, Vance Vernon
Lippolis, John
Logsdon, Michael Ernest
Loos, James Otto
Lopez, Eduardo Diaz
Maines, Henry Allen
Malone, Charles Lee
Marcelo, Froilan Roan
Maresca, Louis Dominic
Marsh, James Elmer
McCartney, Michael Allen
McDermott, Edward Michael J.
McGarrigle, Geoffrey William
McGrath, Charles William, Jr.
McLean, David Milton, Jr.
McShane, Michael Joseph
Mikovits, Patrick Louis
Miller, Dale Lee
Mitchell, James Craig
Moon, Alfred Wayne
Moreno, Juan Ramon
Morgan, Steve
Morrow, James Carl
Molvoy, Michael Joseph, Jr.
Myaer, Leslie Gale
Myatt, William Frederick
Nahitchevansky, Antony Herv
Netherton, Ian Wayne
Noteware, David James
Obrien, William Joseph, Jr.
Osborn Michael Bonner
Pack, Robert Duane
Parker, Ronald Evan
Parson, Gaylon Wayne
Pasco, Reynaldo Durumpili
Patterson, Clyde Lenard, Jr.
Payne, Forrest Weldon, Jr.
Pease, Stephen Lane
Peck, Joseph Settle
Pelletier, Albert Joseph II
Perkin, Charles Emil, Jr.
Pinkham, Aflred Douglas, Jr.
Piwko, John James
Poisson, Phillip Thomas
Pollick, Arthur Lee
Poole, Roger Wade
Pope, Rufus, David
Porter, James Philli
Quinto, Mariano Albarillo, J.
Quiroz, Eduardo Leonardo
Radwan, Robert Joseph
Reed, William Gordon
Resolme, Felix Abdon, Jr.
Revels, Benny Curtis
Robinson, Walter Cleve
Rogers, William Kilduff
Rohan, James Robert
Roof, Donald John
Rose, Michael Bernard
Rowley, Clyde E.
Rugen, Raymond Wesley
Ruizosuna, Hector
Rummans, Danny Charles
Rutledge, Virginia Blanche
Ryan, Jean Ann
Salazar, Arnoldo Arturo
Samford, Dennis Wayne
Sanborn, Vaughn Kimball
Sanders, Berdell
Santiago, Martin, Jr.
Scalpi, Joseph Michael
Schneider, Steven Paul
Scruggs, Ted Junior
Seaman, Franklin B.
Setler, Rubert Lee, Jr.
Shaffer, Robert Noel
Sharp, Daniel Joseph
Singer, Alois Nicholas, Jr.
Smith, Andrew
Smith, Henry Lee
Smith, James D.
Smith, Willard Gerald, Jr.
Spaid, Thomas Carl
Spain, John Charles
Stevens, Douglas B., Jr.
Stidham, George William
Strohl, Donald Duane
Styskal, Theodore Joseph
Sullivan, Charles Schuyler
Sullivan, Robert John
Thompson, Richard Francis
Timms, James Rayferd
Touset, Miguel Angel
Tripp, Francis Stanley
Tucker, James Lee
Tyler, Robert Allen
Uptergrove, Joseph Edward
Valdillez, Ramon
Vega, Jose Rodolfo
Waller, John Patrick
Walsh, Kevin Michael
Ward, Thomas Alan
Way, Clyde Wesley
Weatherman, James Keneeliou
Weber, Gary Robert
Wertman, Eugene Thomas
West, John Lamont
Westbrook, Oscar Clyde
Wheeler, Henry Charles
Wheeler, Paul Alan
White, Murray, Jr.
White, Roy David Castro
Whitfield, John Edward
Widener, Jerry Wayne
Wilde, Stephen Lee
Wilkins, S. Glen Dale, Jr.
Wilkins, William David
Wilt, Steven Michael
Withee, Theresa Ann
Wolff, Joseph Steven
Woltemath, Charles Robert
Wujcik, Michael Alan
Wyman, George Steven
Wyninger, John David
Yeargain, Dennis Robert

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to commodore:

Capt. Howard B. Thorsen
Capt. Alan D. Breed
Capt. John W. Kime

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Joseph P. Cooley, Jr.
Henry D. Casey
Vincent G. Dipasqua
Harry W. Brown
Richard J. Kiessel
Robert D. Markoff
George H. Geller
Martin E. Johanson
Michael V. Leahy
Carl M. Trovato
Donald L. Pulket
Gary J. Ausman
Richard L. Skok
Charles J. Zammit
Karl L. Reichelt
Ray A. Heller
Wayne W. Pulley
Benjamin B. Baker
Herbert J. Spiegel
Paul S. Schooler
Warren G. McDonald
John F. Rump
Tad D. Kelley

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be captains

Walter F. Forster II
Jeffrey G. Carlen
Phillip C. Johnson

To be lieutenants

Federico R. Diaz
V. Dale Ross
Frederic R. Plotkin
Michael Mallette
Brian P. Hayden
Eric Secretan
Robert W. Maxson
Gary D. Petrae
James C. Gardner, Jr.
James L. Long

To be lieutenants (junior grade)

Kenneth P. Peters
Victor M. Rodriguez
Grady H. Tuell
Frederick M. Rossmann
Perry N. Glickman
Robert D. Henegar
Susan D. McKay
Elizabeth A. Steigerwald
Michael R. Mathwig
Frank A. Wood
Steven R. Barnum
James R. Morris
Andrew J. Aldridge IV
Arthur E. Francis
Bobby L. Coakley
Sharon K. Christopherson
Richard B. Koehler
Joanne F. Flanders
Craig L. Bailey
Roslyn B. Harris
Paul J. Ruiz
Frank J. Migaiolo

To be ensigns

Russell E. Brainard
Timothy D. Tisch
Thomas G. Callahan
Andrew J. Allen
Wendy A. Stephenson
Steven A. Thompson
William E. Sites
Daniel E. Clements
George A. Galasso
Nancy L. Crews
Janet L. Hendrix
Debra M. Davis
Jonathan C. Garvin
Kenneth W. Barton
Wayne E. Mitchell
Beth A. Brackett
Jason H. Maddox
Jeffrey F. Salmore
Randal J. Shruell
Paul X. Burt

Mark P. Ablondi
Rae M. Allen
Michael F. Cholko
Bruce R. Voorheis
Victoria A. Barnum
Duane A. Timmons
Clifford C. Wilson

DEPARTMENT OF STATE

Walter Leon Cutler, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Thomas W. M. Smith, of Maine, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

HOUSE OF REPRESENTATIVES—*Monday, January 30, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We gather each day, O God, as people seeking to do the right, the good, and the true. We speak and act in ways that we pray will give hope to the anxious and ease the burden of hurt or pain. Yet, we know that we too often miss the mark through what we have done or what we have left undone. Forgive us, O God, our faults and instill in us Your spirit of reconciliation and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2211. An act to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes.

The message also announced that the President pro tempore, pursuant to the provisions of Public Law 98-162, appointed Mr. D'AMATO and Mr. MOYNIHAN to be members, on the part of the Senate, of the Commission on the Eleanor Roosevelt Centennial.

NATIONAL FEDERATION OF THE BLIND

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, this week marks the sixth consecutive year that members of the National Federation of the Blind have gathered for their annual march on Washington.

The federation is the oldest and largest organization of the blind in the United States and represents blind persons from all walks of life including students, professionals, sheltered workshop employees, and—all too often—the unemployed.

Many of us will be visited this week by members of the federation seeking to present their concerns on such fundamental issues to the blind as nondiscrimination in employment, adequate insurance coverage, and equality of opportunity in business. I am confident my colleagues will give their attention and serious consideration to these proposals to insure that blind persons receive the equal treatment and opportunities that are their right as citizens of our Nation.

DISCRIMINATORY INSURANCE PRACTICES AGAINST THE BLIND

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, blindness can be, and often is, a severe obstacle in life. Rather than make their lives more difficult, we should do what we can to eliminate the unnecessary burdens such as discriminatory insurance practices imposed on the blind.

Today about 300 members of the National Federation of the Blind have come here to urge your support of the Fair Insurance Coverage Act, a bill I introduced to prohibit discrimination in insurance on the grounds of any degree of blindness. To illustrate the type of discrimination my bill would correct, I cite a case where a husband and wife attempted to buy flight insurance before boarding an airplane. Although the man was permitted to purchase $325,000 in flight insurance for his sighted wife, he could only obtain $20,000 coverage for himself because he could not see. Based on this example, a commercial airline is more likely to crash if there is a blind person on board than if all the passengers are sighted. My bill would correct this type of discrimination.

The need for legislation to prohibit discrimination in insurance based on blindness was documented by the National Association of Insurance Commissioners. As the commissioners noted, there is no factual basis for the "belief" that blindness constitutes an increased risk. If the blind were a greater risk, and if the actuarial tables justified a different form of treatment for the blind, this would not be discrimination. But mere classification of the blind into a category of increased risk without sound actuarial evidence constitutes discrimination.

The National Federation of the Blind supports this legislation. I urge my colleagues to join me in supporting the Fair Insurance Coverage Act. (H.R. 4642).

OUR NOTORIOUS FEDERAL WELFARE LAWS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, our current Federal welfare laws are notorious for the ways they help to disrupt the families of recipients. For example, the Government actually encourages minor unmarried parents to move away from home by providing substantially higher welfare benefits if they do so.

Clearly, children who have children need the guidance of their parents. The Government should not tempt them into leaving home in order to receive larger welfare payments.

In the near future I intend to propose legislation that will require unmarried minor parents to stay with their parents or legal guardian in order to receive AFDC benefits. Naturally, there is an exception for children whose health or safety would be endangered if they stayed with their parents.

Mr. Speaker, Senator MOYNIHAN developed this idea and Senator DOLE has included it in legislation which has passed the committee level in the other body. I am inviting my colleagues to join me in cosponsoring this bill in the House. A change in the law is long overdue.

□ 1210

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, the other night when the President of the United States came before us he suggested that one of the things that this Congress should pass in this year was a balanced budget amendment to the Constitution.

Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an

amendment to require a balanced budget.

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leadership.

This request has been cleared by the minority leadership.

I would now be happy to yield to any spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a balanced budget: The Democratic leadership of this House.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, this morning as we started our session and as we do every morning as we start our session, we started with a prayer. It also reminds me that every day that I started my class in school I also started with a prayer.

As many people have asked time and time again: If it is good enough for Congress, why is it not good enough to continue in our schools today? Certainly, the President brought it to the attention of the American people the other night during his state of the Union message.

Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to permit voluntary school prayer.

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leadership.

This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for an appropriate clearance.

Mr. Speaker, hearing no response, I guess it is clear once again that it is the Democratic leadership that is blocking this important legislation.

FOOTBALL IN FLORIDA IS NO. 1

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, there can be little doubt—considering the achievements of the past year—that football in Florida is No. 1 in the United States.

Floridians only have to point to a collegiate national championship team, which lost its only game to another Florida university, the bowl game victories of all three of our football-playing universities, and the selection of nine Florida players to Parade's All-America High School Football Team.

I am especially proud because three of my constituents were named to the Parade magazine team.

Cleveland Gary of South Fork High School in Stuart, Wycliffe Lovelace of Clewiston High School in Clewiston, and Rhondy Weston of Glades Central High School in Belle Glade have made their communities, their counties, and the 12th Congressional District of Florida very proud.

We will long remember the excitement and thrills these fine young men provided us and we will continue to cheer for their success both on the playing field and in life.

IN MEMORY OF PRESIDENT WILLIAM McKINLEY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, in his state of the Union address last week President Reagan said, "People everywhere hunger for peace and a better life. The tide of the future is a freedom tide, and our struggle for democracy cannot and will not be denied."

Today I rise to honor the memory of another President, William McKinley. He, too, was a man of peace and I believe he would have endorsed President Reagan's comments. His own words, spoken 77 years ago, echo a similar sentiment and speak to us now with even greater meaning: "Our interest is concord, not conflict * * * our real eminence rests in the victories of peace, not those of war."

Yesterday, January 29, marked the anniversary of President McKinley's birthday. Each year, as many of you know, we honor his memory with the red carnation, the Ohio State flower and a particular favorite of the former President. The carnations you see in the House dining room today pay tribute to President McKinley.

This man, who won fame for his Canton, Ohio, front-porch campaigns, ably served 13 years as a Member of this body from Ohio's 16th District, including 2 as chairman of the Ways and Means Committee. He also had a distinguished career as a trial lawyer and served as Governor of Ohio prior to becoming the Nation's 25th President.

It has been said that more than any President since Lincoln, McKinley was a man of the common people, close to their aspirations and able to articulate their deepest yearnings.

He left behind him a legacy of trust, affection, and honor such as few statesmen have inspired and it is this legacy to which we continue to pay tribute today. Visiting today is Dawn Boyce, reigning Carnation Queen of the Carnation City, Alliance, Ohio, who graciously helped distribute the carnations. The carnations were donated by Anderson Floral Co., of Alliance.

GRACE COMMISSION REPORT

(Mr. ZSCHAU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZSCHAU. Mr. Speaker, last week the Grace Commission released its final report. Based on 18 months' work of more than 2,000 private sector volunteers, the report contains nearly 2,500 specific recommendations for reducing Federal spending.

Critics of the report say these money saving ideas are "nothing new" and that many are "politically infeasible." They also claim that the estimated savings of $400 billion over 3 years are "grossly exaggerated."

Maybe such criticisms are valid—I do not know for sure. But rather than dismiss the Grace Commission report out of hand I hope that each committee of this House will immediately review those recommendations under its jurisdiction and pass any legislation needed to implement those that are feasible and that could have a near term impact.

Mr. Speaker, the enormous Federal deficits that we face will not disappear by wishful thinking or be eliminated by a single stroke. It will take thousans of individual actions by all of us in government. The Grace Commission volunteers have done their job. Now it is time to do ours.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I understand that the Chair has ruled that in order for a unanimous-consent request to be made that we must obtain the clearance of both the minority leadership and the majority leadership.

The SPEAKER. The gentleman is correct.

Mr. GEKAS. In that regard, then, having had the good fortune to have received the clearance of the minority to offer a unanimous-consent request to consider line-item veto legislation, I would now ask if the majority leadership, through one of its spokesmen, would also concede a unanimous-consent request for that purpose.

The SPEAKER. Has the gentleman's leadership put that request in writing?

Mr. GEKAS. No; it has been represented to me.

The SPEAKER. It would be nice to get him on record.

31-059 O-87-24 (Pt. 1)

Mr. GEKAS. Is there someone here representing the leadership who can?

I represent to the Speaker that that consent has been given to me.

The SPEAKER. I thank the gentleman.

Mr. GEKAS. I hear no response from the majority leadership, however.

If that be the case, I would have to then say that the case for the line-item veto has met with an obstacle from the failure of the majority to respond to this unanimous-consent request.

THE DEFICIT "DOWN PAYMENT"

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, today's Wall Street Journal reports some Democratic leaders remain unconvinced of the President's sincerity in seeking to achieve a down payment reduction of deficits. No party has a patent on sincerity when it comes to the welfare of our Nation.

It would be a tragedy if progress toward reducing the deficit is halted by pressures emanating from Presidential candidates. This House must not be held hostage to the ambition of Presidential candidates no matter what party.

I hope we will be willing to put aside partisan considerations and end the sniping about the possibility of a down payment. When the American people see such sniping before we have even begun to sit down and talk, they may sadly conclude that some of our Members are more concerned about partisan politics than reducing the deficit.

Our citizens deserve better.

RESIGNATION AS CHAIRMAN AND APPOINTMENT OF CHAIRMAN OF HOUSE DELEGATION TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER laid before the House the following resignation as Chairman of the House delegation to the Canada-United States Interparliamentary Group:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., January 27, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as Chairman of the House delegation to the Canada-United States Interparliamentary Group.

With best wishes, I am,
Sincerely yours,
DANTE B. FASCELL,
Chairman.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

□ 1220

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276d, the Chair appoints as Chairman of the U.S. delegation to attend the 25th meeting of the Canada-United States Interparliamentary Group March 8 through 12, 1984, in Puerto Rico the gentleman from Maryland, Mr. BARNES.

APPOINTMENT AS MEMBER OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to clause 6(f), rule X, and clause 1, rule XLVIII, the Chair appoints the gentleman from California, Mr. BEILENSON, as a member of the Permanent Select Committee on Intelligence to fill the existing vacancy thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *January 27, 1984.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 12:45 p.m. on Friday, January 27, 1984 and said to contain a message from the President wherein he transmits the 37th Annual Report on U.S. participation in the U.N.; and

(2) At 12:45 p.m. on Friday, January 27, 1984 and said to contain a message from the President wherein he transmits the 2nd Annual Report of the Tourism Policy Council.

With kind regards, I am,
Sincerely,
BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN THE UNITED NATIONS DURING 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of Friday, January 27, 1984, at page page 673.)

SECOND ANNUAL REPORT OF TOURISM POLICY COUNCIL, FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of Friday, January 27, 1984 at page 673.)

TWELFTH ANNUAL REPORT ON ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Monday, January 30, 1984.)

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, January 31, 1984.

AGENT ORANGE AND ATOMIC VETERANS RELIEF ACT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1961) to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases related to exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era, as amended.

The Clerk read as follows:

H.R. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agent Orange and Atomic Veterans Relief Act".

SEC. 2. The purpose of this Act is to provide certain benefits—

(1) to veterans and the survivors of veterans who served in Southeast Asia during the Vietnam era and suffer from diseases that may be attributable to exposure to Agent Orange; and

(2) to veterans and the survivors of veterans who participated in atomic tests or the occupation of Hiroshima and Nagasaki and suffer from diseases that may be attributable to ionizing radiation,

notwithstanding that there is insufficient medical evidence to conclude that such diseases are service connected.

SEC. 3. (a) Title 38, United States Code, is amended by inserting after chapter 13 the following new chapter:

"CHAPTER 14—DISABILITY AND DEATH ALLOWANCES FOR CERTAIN VETERANS AND SURVIVORS

"Sec.
"451. Agent Orange veterans and survivors.
"452. Atomic veterans and survivors.
"453. Rates of disability and death allowances.
"454. Other benefits.
"455. Termination of chapter.

"§ 451. Agent Orange veterans and survivors

"(a) In the case of a veteran who served on active duty in Southeast Asia during the Vietnam era and who after such service suffers from a disease described in subsection (b) of this section, the Administrator shall pay a disability allowance to the veteran and, if the veteran dies from such disease, a death allowance to the survivors of the veteran. Such allowances shall be paid at the rates prescribed in section 453 of this title.

"(b) The diseases referred to in subsection (a) of this section are the following:

"(1) Soft-tissue sarcoma becoming manifest within twenty years from the date of the veteran's departure from Southeast Asia.

"(2) Porphyria cutanea tarda becoming manifest within one year from the date of the veteran's departure from Southeast Asia.

"(3) Chloracne becoming manifest within one year from the date of the veteran's departure from Southeast Asia.

"(c) Benefits may not be paid under this section with respect to a veteran—

"(1) where there is affirmative evidence that the disease described in subsection (b) of this section was not incurred by the veteran during service in Southeast Asia during the Vietnam era; or

"(2) where there is affirmative evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases described in subsection (b) of this section has been suffered between the date of the veteran's separation from service and the onset of such disease.

"§ 452. Atomic veterans and survivors

"(a) In the case of a veteran who while on active duty participated in the testing of an atomic bomb or device, or who while on active duty participated in the occupation of Hiroshima or Nagasaki during World War II, and who within twenty years from the date of the veteran's participation in the test or occupation suffers from a disease described in subsection (b) of this section, the Administrator shall pay a disability allowance to the veteran and, if the veteran dies from such disease, a death allowance to the survivors of the veteran. Such allowances shall be paid at the rates prescribed in section 453 of this title.

"(b) The diseases referred to in subsection (a) of this section are the following:

"(1) Leukemia.

"(2) Polycythemia vera.

"(3) Carcinoma of the thyroid.

"(c) Benefits may not be paid under this section with respect to a veteran—

"(1) where there is affirmative evidence that the disease described in subsection (b) of this section was not incurred by the veteran during service described in the first sentence of subsection (a) of this section; or

"(2) where there is affirmative evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases described in subsection (b) of this section has been suffered between the date of the veteran's separation from service and the onset of such disease.

"§ 453. Rates of disability and death allowances

"A disability allowance payable to a veteran under this chapter shall be paid at the rates provided in chapter 11 of this title, based upon the degree of disability of the veteran attributable to the disease establishing eligibility for such allowance. A death allowance payable under this section to the survivors of a veteran shall be paid to such survivors based upon the eligibility requirements and rates applicable to payments uner chapter 13 of this title.

"§ 454. Other benefits

"A disease establishing eligibility for a disability allowance under this chapter shall be treated for purposes of all other laws of the United States (other than chapters 11 and 13 of this title) as if such disease were service connected, and receipt of a disability allowance under this chapter shall be treated for purposes of all other laws of the United States as if such allowance were service-connected compensation under chapter 11 of this title. Receipt of a death allowance under this chapter shall be treated for purposes of all other laws of the United States as if such allowance were dependency and indemnity compensation under chapter 13 of this title.

"§ 455. Termination of chapter

"This chapter shall terminate on the first day of the first month beginning after the end of the one-year period beginning on the date the Administrator submits to the appropriate committees of Congress the first report required by section 307(b)(2) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151).".

(b) The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part II of such title, are amended by inserting after the item relating to chapter 13 the following new item:

"14. Disability and Death Allowances for Certain Veterans and Survivors ..... 451".

SEC. 4. This Act shall take effect on October 1, 1983. No benefit may be paid for any period before such date by reason of the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the subject of the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, following extensive hearings by the Committee on Veterans' Affairs, I am pleased to bring to the floor of the House H.R. 1961, a bill that would provide a temporary disability, or death, allowance for veterans who served in Southeast Asia during the Vietnam era and were exposed to agent orange, and who later suffered from three specific disabilities.

The bill would also provide a disability, or death, allowance for veterans who participated in the testing of nuclear devices or in the occupation of Hiroshima or Nagasaki during World War II, and who later suffered from three serious conditions.

Mr. Speaker, there has been much controversy concerning the long-term health effects that may be related to service in Vietnam and exposure to agent orange. The reported bill is a compromise measure that we worked out in the full committee. The bill we bring to the floor today passed the full committee by vote of 30 to 0. Some Members feel the measure is inadequate, and they will speak later in the debate. Some Members feel we should not enact legislation until the agent orange study, now being conducted by the Centers for Disease Control in Altanta, has been concluded.

Mr. Speaker, the CDC study is not expected to be completed until 1988 or 1989. The measure before us today is clearly a compromise pending the final results of the CDC study. This bill is not an expensive measure. The first full year cost of this bill would be $4.7 million. Those costs are assumed in the first concurrent budget resolution adopted by the Congress.

As chairman of the committee, I am pleased with the progress we have made to bring to the floor a measure focusing attention on this issue. I want to thank the ranking minority member of the full committee, Mr. HAMMERSCHMIDT, for his cooperation; the distinguished chairman of the subcommittee, Mr. APPLEGATE, for the leadership he has shown; for the cooperation and support given by the distinguished gentleman from Ohio, the ranking majority :nember of the subcommittee, BOB MCEWEN.

Finally Mr. Speaker, I want to compliment the chief sponsor of the bill, TOM DASCHLE, a distinguished member of the committee, for the major role he played in this legislation. He has certainly been a strong advocate in the committee to move the bill to the House floor. In addition, I want to thank Dr. ROY ROWLAND, the distin-

guished gentleman from Georgia, who has just completed his first year as a member of our committee.

I am most grateful to all members of the committee who have given so much of their time attending hearings, and markup sessions in order to get this bill to the floor. The attendance of our members has been outstanding.

I now yield 4 minutes to the distinguished gentleman from Ohio (Mr. APPLEGATE), the chairman of the Subcommittee on Compensation, Pension and Insurance.

Mr. APPLEGATE. Mr. Speaker, thank you, Chairman MONTGOMERY, for yielding to me this time.

Mr. Speaker, I am very happy to be able to stand here today and present the bill, H.R. 1961, to my colleagues in the House of Representatives.

When I came here in 1977, I made a commitment to the Vietnam veterans that there should be some kind of a compensation program to take care of a disease which was first officially diagnosed many years after service but undoubtedly had its start during that service. Although this is not something new, the highly complex medical questions presented by agent orange are so novel and unique that innovative approaches by the Congress are warranted.

Unlike injuries incurred during conflict, medical problems which might be related to exposure to this toxic chemical may not surface many times until years after the veteran has returned home. It is these veterans, our Vietnam veterans, who were exposed to agent orange and who suffer from the specific disabilities listed in the bill which are our concern today.

Members of our committee have demonstrated their strong desire to respond to the apprehension and concern among some Vietnam veterans and their families. During the 97th Congress, we enacted legislation giving medical care to Vietnam veterans whose medical problems could possibly be related to exposure to agent orange or to radiation while in service. We are spending close to $100 million on a study by the Centers for Disease Control to find the answers. But these answers will not be available for several years.

The bill we are considering today is a stopgap measure. As Chairman MONTGOMERY said, it will provide a temporary disability or death allowance for veterans who served in Southeast Asia during the Vietnam war and may have been exposed to agent orange or who were exposed to low-level ionizing radiation while participating in testing of nuclear devices or in the occupation of Hiroshima or Nagasaki. The bill would provide effective October 1, 1983, monetary benefits for agent orange veterans if they are shown to have soft tissue sarcoma within 20 years from the time they left Vietnam or if they have a liver condition called PCT or the skin condition chloracne within 1 year from leaving. Similarly, benefits would be provided for veterans who participated in the testing of nuclear devices while in service or occupied Hiroshima or Nagasaki and who suffer from leukemia, cancer of the thyroid, or polycythemia vera, a bone marrow disease, within 20 years from their exposure to such radiation. If the disabilities are shown to exist within the time limits in the bill, payments would be at the same rates as if the disabilities were service connected.

I also want to point out that this bill has a sunset clause. Benefits would terminate 1 year after the agent orange study is received by the Congress. This means that we will have 1 full year in which to decide what we need to do after we have what we hope will be the answers to a lot of our questions.

The bill has a modest cost of $4.7 million for the first year, increasing to only $5.4 million 5 years from now.

Mr. Speaker, as Chairman MONTGOMERY said, this has been a highly emotional issue, but I want to point out again that the Veterans' Affairs Committee is nonpartisan and proveteran and while we had considerable disagreement during our consideration of the bill, we recognized that something had to be done. We worked out a compromise which some members of the committee feel does not go far enough. Others feel maybe it goes too far. But in the end, we all knew we had to act and it was in this spirit that agreement was reached. I just want to say that the final committee vote on ordering the bill reported was 30 to 0, once again showing how the Veterans' Affairs Committee works together for veterans.

I would be remiss if I did not say at this time how much assistance I received from my colleague from Ohio, BOB MCEWEN, the ranking minority member on the subcommittee as well as Chairman MONTGOMERY and Mr. HAMMERSCHMIDT, the ranking minority member of the full committee. Mr. ROWLAND of Georgia gave us the benefit of his experience in the field of medicine. And it goes without saying that without the perseverance and vigor of the gentleman from South Dakota, TOM DASCHLE, this bill would never have gotten off the ground.

Mr. Speaker, this is a reasonable and limited approach to a problem which will not go away. It is a good bill and I urge my colleagues in the House to join me in giving overwhelming approval of H.R. 1961.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my colleague, the distinguished chairman of the House Veterans' Affairs Committee, the gentleman from Mississippi (Mr. MONTGOMERY), in support of the legislation before the House, H.R. 1961. My colleague from Mississippi has, as usual, provided diligent and responsible leadership in shepherding this matter through the committee, and I offer only the highest praise for his efforts.

Many members of the committee are to be commended for their contributions in bringing this legislation to the floor.

The gentleman from Ohio (Mr. APPLEGATE), chairman of the Subcommittee on Compensation, Pension, and Insurance, has worked long and diligently toward the resolution of a very complicated issue. His leadership has been of great value.

The Subcommittee's ranking member, the gentleman from Ohio, Mr. BOB MCEWEN, has also contributed much time, energy, and guidance in assuring that this bill is the best possible solution to a complex problem.

The gentleman from South Dakota, of course, has played a major role on H.R. 1961. He and others have had and retain very strong concerns about one of the most perplexing veterans issues of our time. They would have gone further on this bill than most of us.

On the other hand, Mr. Speaker, there are many—and I am among them—who feel strongly that we ought to legislate very cautiously in a field of medicine that thus far is devoid of the scientific expertise that ought to be available before laws are passed by the Congress.

Mr. Speaker, a sense of cooperation and compromise caused a broad committee consensus on this bill. We cast a 30-to-0 vote to report the bill to the floor. We did this after hearing many witnesses from the Veterans' Administration and other Government and civilian medical experts. Veterans appearing alone or represented by the several major veterans organizations, offered valuable testimony and insight into this important matter.

Mr. Speaker, during the hearings on this bill, I made it very clear that I had serious reservations about providing compensation for diseases not yet scientifically linked to the dioxin known as agent orange.

I reminded my colleagues that the Congress, through previous legislation, had authorized comprehensive studies to be carried out to determine the relationship, if any, between those diseases and agent orange, and that we ought to be very cautious as to preempting the study results. But, Mr. Speaker, we all knew that data from many of these studies would not be available for some time and that some data already existed even though it was not accepted by some as being actually valid and even though it was

said to be in need of further scientific analysis.

Simply stated, our committee was faced with setting a precedent in veterans legislation by providing compensation to a limited number of veterans prior to conclusive evidence about the source or etiology of their disease. The question therefore came down to whether or not we ought to wait for those study results or whether we ought to do at least that which is called for by the bill before us. We chose the latter course. In so doing, we recalled that a spokesman from the Veterans' Administration testified before our committee—and I quote him.

It may well be that the Congress cannot wait for scientific answers in the short term, in which case it may well be that the sociopolitical aspect of this problem will have to be addressed.

We do that addressing in this bill.

There is another aspect of the bill, Mr. Speaker, that, in my view, was not as difficult to resolve, and that is the relief sought for certain veterans exposed to ionizing radiation, either during atomic testing or while part of the Armed Forces occupying Hiroshima and Nagasaki. Medical evidence has detailed many health and life-threatening aspects of such radiation exposure although again, even on this issue, we do not have a complete scientific picture.

But certainly, Mr. Speaker, it is well-known that radiation exposure has caused some types of cancer. I think that the proponents of this aspect of H.R. 1961 stand on a well-built platform of knowledge as compared to the one still under construction for agent orange. In this connection I want to commend the gentleman from Georgia, Dr. ROWLAND, for this contribution as to this aspect of the bill.

Finally, Mr. Speaker, the sunset provision of this bill does offer the Congress an opportunity to reexamine the issue upon completion of the studies now underway. At that time, we may see that our action here today was both beneficial and foresighted and even that much more will have to be done. Of course the opposite may be true and we hope that it is, for then the very real fears and apprehensions of a large number of veterans and their families would be overcome.

Mr. Speaker, the Veterans' Affairs Committee is dedicated to serving the best interests of the men and women who served their country. They did not ask for the conditions military duty imposed on them, but accepted those conditions without hesitation. They stood tall and many endured hardships and suffered disabilities beyond description. Sometimes those disabilities came into view later in life and this may be true of the Vietnam and atomic veterans covered by H.R. 1961. These kinds of individuals are the very special charges of the Congress of the United States and we ought to resolve reasonable doubt in their favor as to the origin of their difficulties. Just as their service is record of faith in this Government, we have a duty to stand tall with them. It is therefore my position on H.R. 1961 that, while it is imperfect as to science, it is mandated by our country's obligation to a special group of veterans and I urge its passage by the House.

Mr. Speaker, I reserve the balance of my time.

□ 1240

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from South Dakota (Mr. DASCHLE), the chief author of H.R. 1961.

Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. This legislation is the culmination of several days of often contentious hearings and a great deal of hard work. It is far from a perfect bill and I alert my colleagues to a special order at the close of business on Tuesday, where we hope to elaborate on this legislation. But this is a beginning and its adoption will further the reconciliation process between this Government and the veterans who fought in the unpopular Vietnam war. House approval will be a landmark decision and an implicit acknowledgment that their are long-term health effects from exposure to the dioxin contaminated defoliant, agent orange.

Is agent orange really the culprit? The experts say they do not know for certain as exposure is difficult to measure. There were many new, experimental drugs, herbicides, and insecticides used in large quantities in Southeast Asia that could be combining to have a synergistic effect on these men and women. Though these chemicals may very well have saved lives in the short term, they may be responsible for a national tragedy in the long term. Studies conducted over the next 5 years should greatly improve our existing knowledge of the chemicals used in Vietnam as well as about the health of the Vietnam veteran as a population.

Despite the nay-sayers claims that the modest benefits awarded in H.R. 1961 are not deserved, one thing is for sure, the past few years have produced a legitimate list of scientific evidence and professional concern to indict both the herbicide agent orange, and its chemical contaminant, dioxin, to the degree that it will probably never be used nor produced in this country again.

If this fact, coupled with unusual circumstances where young men who served their Nation valiantly in an unpopular war, are now sick with old men's diseases, is not enough basis to warrant compensation, this Nation has no title to the greatness we all claim for it.

Veterans with soft-tissue cancer, liver disorder known as porphyria cutanea tarda, and a skin condition called chloracne will be eligible for compensation and other benefits from the Veterans' Administration.

I have been contacted by a number of veterans who have these conditions: veterans like Thomas Radon, of Orlando, Fla.; David Maier, of Bay Village, Ohio; Monte Baird, of Sacramento, Calif.; Bill Poe, of Mesquite, Tex.; Jim Blackmore, of Oak Forest, Ill.; Sandy Buselli of Dunmore, Pa., who has only a few months to live, and others. These are men who have been permanently disfigured, in some cases are unable to work, and have accumulated staggering medical costs. This legislation will help defray future medical costs and provide a modest income for those unable to provide for their families.

Though very few will benefit, an important addition to this legislation is congressional recognition of certain claims filed by World War II and Korean era veterans with conditions related to radiation exposure. Veterans who served in Japan with the occupation forces or witnessed nuclear testing during the 1950's and early 1960's who have leukemia, thyroid cancer, or polycythemia-vera—a blood disorder—will also be eligible for compensation. Such recognition is overdue as medical science has long recognized these conditions as radiation related.

It has been nearly 6 years since the concerns about possible long-term health effects from exposure to the dioxin-contaminated defoliant, agent orange, first came to light. Concern continues to grow about the potential health effects of exposure to dioxin as exemplified by the Government's decision to buy out Times Beach, Mo. We also know from the Air Force that over a 9-year period—late 1961-71—herbicides containing 368 pounds of pure dioxin were dumped in Vietnam on an area the size of Connecticut. Dioxin, known as the most toxic synthetic chemical known to man, has caused cancer in test animals at the parts per trillion level. For these reasons and others, concerns among Vietnam veterans about the effects of this chemical on their health have justifiably heightened as well. I wish my speech on the House floor today could signal the end of these concerns about agent orange, but unfortunately it cannot.

We nonetheless have taken an important interim step today, a step which builds on earlier actions required by Congress which include: authorization of the largest epidemiology study ever attempted, and authorization of priority health care in the VA system for veterans who believe

their health infirmities were caused by exposure to toxic chemicals during the war.

Despite the limited scope of this legislation, there are those who insist that we should have incontrovertible proof that agent orange is the culprit before awarding benefits. Unfortunately, as former HHS General Counsel Joan Bernstein has testified, "even the best efforts of which our scientists are capable may not produce definitive, incontrovertible scientific information about the medical effects of agent orange" and that "full answers may never be found." The principal tool of scientists studying agent orange and dioxin, epidemiology studies, are not even designed to elicit a cause and effect relationship, rather they try instead to determine risk levels. Those who desire vigorous, incontrovertible proof are expecting more than science can deliver and are therefore setting standards that will be virtually impossible to meet. Those who thus insist on incontrovertible proof before providing the modest benefits available in H.R. 1961 in my opinion would probably also insist on witnessing the second coming of Christ before believing in God.

I salute Members of the House for not requiring such impossible standards.

This is not to say that we do not have a substantial record of evidence which already links agent orange to long-term health effects. We do. The current record reveals herbicide-related cancers in Western Europe, cancers in occupationally exposed U.S. workers, excessive cancers among white women in Midland, Mich.—where herbicides have been produced—and cancer in multiple animal species by multiple routes of exposure. This record will expand as a number of scientific studies currently underway provide additional information over the next few years.

I would also like to comment on the Ranch Hand study, which many people believe will be an important indicator in determing the health effects of agent orange. Though I do not believe that one can casually assume that the type, level, and length of exposure of these Air Force personnel can be extrapolated to the exposure experience of ground units, important information will nonetheless result from this study. Though it is too soon to draw firm conclusions on mortality figures, initial findings are of interest. Enlisted personnel, which the Air Force admits were "far more exposed than the officer personnel," had a less favorable mortality rate than their nonherbicide exposed peers. In addition, there was an excess of digestive disorder deaths. The Air Force claims, however, that digestive mortality and a paucity of cancer deaths are statistically nonsignificant. Morbidity data from this study of those who dispensed agent orange in Vietnam will be available late in February and should provide further information on these concerns.

Though I support the bill we approved today, I do have some concerns about it as it now exists.

One significant addition to the bill will result in compensation for a modest number of World War II and Korean era veterans suffering from leukemia, thyroid cancer, and polycythemia-vera—a blood disorder—conditions related to atomic radiation exposure. This is a long-overdue action that should greatly assist a few very ill veterans.

Unfortunately, the bill significantly restricts eligibility for benefits to these "atomic veterans" by limiting payments to those whose condition first originated within 20 years of their services discharge. The vast majority of veterans with radiation-induced conditions were discharged during the 1940's and 1950's. The 20-year restriction for initial manifestation of these conditions has expired for the vast majority of these men a long time ago. In my view, the Veterans' Committee should seriously consider extending the 20-year limit by at least 10 years.

Similar restrictions were applied to agent orange claims as well. Though I believe a 20-year "presumptive period" is reasonably accurate for soft-tissue cancer, I am concerned about 1-year limitations on porphyria cutanea tarda and chloracne. Hearings on H.R. 1961 revealed that most soldiers in Vietnam did not bother to have what were considered at the time, minor ailments, such as skin conditions and rashes, recorded in their service records. Though a 1-year "presumptive period" perhaps accurately reflects the time when the condition would ordinarily first occur from the point of exposure, chloracne is known to persist for 25 to 30 years. Thus, a chloracne-type condition may have originated well within the 1-year limitation period but was never recorded. I believe we could have been more generous in this instance.

Finally, Representative CHRIS SMITH and I offered an amendment to require establishment of an independent advisory committee and guidelines for resolution of agent orange claims. Though our amendment was defeated in a committee vote, I would like to have printed in the RECORD the additional views of several committee members in support of this effort.

ADDITIONAL VIEWS

The Veterans' Affairs Committee took an important first step in reporting an amended version of H.R. 1961. However, even with the passage of this legislation, questions relating to Agent Orange compensation will be considered for some time. Many veterans will continue to be frustrated by the inability of this legislation to meet their legitimate needs.

Two steps in our view would greatly address these concerns. One is the creation of an independent advisory committee to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure. The second would create an open, public procedure by which the VA can clarify how much and what kind of proof is still necessary before additional Agent Orange claims can be approved. These proposals were offered in the form of an amendment to H.R. 1961 during committee consideration of the bill. They were rejected on a 17-13 vote of the committee.

Results from several scientific studies are expected in the months ahead which should reveal a great deal more about Agent Orange and its effects on humans. Yet, in the words of the Congressional Research Service the impact of these studies will be unclear, as "the VA has not established any formal criteria for how their policies might be altered by scientific findings." Therefore, the discovery of illness in a medical or scientific study could easily go ignored. The proposal offered in the committee would have ensured that as these new studies are published there will be a certain and orderly process to determine study conclusions and their relevancy to veterans' compensation claims.

There is also a great deal of concern about the decisionmaking process within the Veterans Administration with respect to Agent Orange compensation. There are no standards or guidelines available by which the agency justifies its position that no illness, except chloracne, results from Agent Orange exposure. The Daschle/Smith amendment would have established a procedure by which the agency would provide justification for their decision with regard to compensation for various disease categories. Other federal agencies such as the Environmental Protection Agency and Occupational Safety and Health Administration involved in assessing toxic chemical risk follow clear and established guidelines for making such determinations. It is a matter of sound policy and we see no reason why the Veterans Administration should be exempt from such a requirement.

After several days of hearings on H.R. 1961 it became abundantly clear that an Advisory Committee was necessary simply to sort out the conflicting viewpoints on the many scientific studies and their relationship to Agent Orange claims. Independent analysis of this information would ensure that viewpoints contrary to agency positions receive fair and expeditious consideration.

There are also distinct advantages in this approach for the Veterans Administration. The VA Administrator ultimately selects Advisory Committee members, determine when they meet and whether or not compensation is even warranted. Agency decisions on compensation could be corroborated by Advisory Committee recommendations.

It is therefore our belief that as additional scientific studies are released, the Advisory Committee would have ensured fair and expeditious analysis of information directly relevant to Agent Orange claims. It is our hope that the committee will renew consideration of these proposals duirng the second session of the 98th Congress.

Tom Daschle, Christopher Smith, Robert Edgar, Marcy Kaptur, Matthew Martinez, Harley Staggers, Jr., Jim Slattery, Bill Richardson, John

Bryant, Frank Harrison, Tim Penny, Lane Evans.

Though there were disagreements about the scope of this legislation, a number of individuals deserve recognition for helping this legislation get to where it is today. The distinguished and able chairman of the committee, SONNY MONTGOMERY, as well as the ranking minority member, JOHN PAUL HAMMERSCHMIDT, deserve much credit for insuring unanimous committee approval of the bill. Compensation and Pensions Subcommittee chairman, DOUG APPLEGATE, and ranking minority member, BOB MCEWEN, were active hearing participants and instrumental in seeing the bill through subcommittee. Also deserving thanks is BOB EDGAR for his commitment and support during this lengthy process.

Finally, the Vietnam Veterans of America, American Legion, Veterans of Foreign Wars, AMVETS, Jewish War Veterans, and Vietnam Veterans Agent Orange Victims, deserve a great deal of credit for their support and efforts on behalf of H.R. 1961.

It is my hope that these members and organizations will now commit themselves to encourage Senate passage and President Reagan's endorsement.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the very able chairman of the Subcommittee on Hospitals and Health Care, the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, as an original cosponsor of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, I rise in full support of the legislation.

As chairman of the House Veterans' Affairs Subcommittee on Hospitals and Health Care and a member of the committee since 1975, I can attest to the fact that the subject of agent orange has been one of the most serious and persistent problems we have faced.

In 1978, our colleague, the gentleman from California, DON EDWARDS, and I were the first members of the committee to call for hearings on the issue of agent orange.

We have, since that time, held at least nine hearings reviewing scientific data, and the concerns of veterans and their families in attempting to reach a consensus on the issue.

Where the scientific community was uncertain as to the range of disabilities which could be attributed to exposure to agent orange in humans, there was general agreement on three basic points:

Dioxin is one of the most highly toxic substances known to man.

Second, during a 10-year period from 1961 to 1971 approximately 52 million pints of the herbicide were sprayed in South Vietnam.

Third, there was a growing concern among the Vietnam veteran population that not only their health, but the welfare of their families had been adversely affected by exposure.

The VA has conducted over 130,000 agent orange health screening examinations.

Nearly 11,000 Vietnam veterans in my own State of Pennsylvania have gone to the Veterans' Administration for examinations and agent orange counseling.

During the 97th Congress the Congress approved our legislation, now law, Public Law 97-72 which provides health care in VA medical facilities for veterans who have disabilities which could be associated with exposure to agent orange and ionizing radiation.

Based on far less evidence than this, last year, the present administration awarded $33 million to relocate the families of Times Beach, Mo., who only may have been exposed to dioxin in the soil around their homes.

On these precedents and further scientific evidence it only seems appropriate that we move forward at this point with the presumptions for compensation for three specific diseases: Chloracne—a skin condition, porphyria cutanea tarda—a liver disorder, and soft tissue sarcomas.

In the same vein, our committee has attempted to deal with the residual effects of exposure to ionizing radiation among the "Atomic Veteran" population. Between 1945 and 1963 the U.S. Government exploded approximately 235 atmospheric nuclear devices. Approximately 200,000 American service personnel were exposed to ionizing radiation during that time, or during the clean-up operations in Hiroshima and Nagasaki. Again, as with the agent orange question, there has been disagreement in the scientific community as to the exact disabilities brought on by varying degrees of radiation. But still, the existing evidence was strong enough to warrant, at a minimum at this time, a presumption of disability for three specific diseases: Cancer of the thyroid, polycythemia vera—a bone disease, and leukemia if those disabilities appear within 20 years of exposure.

Mr. Speaker, it is very clear that we have taken an important first step in bringing this bill to the floor. It does not go as far as the bill we originally introduced nor does it include additional means of requiring that the VA submit additional disabilities which could be compensable as a result of exposure to these environmental hazards that was contained in an amendment before the committee. There are many of us on the committee who are also concerned that the presumptive periods called for, for both Vietnam veterans and atomic veterans, are unrealistically short. Still, the bill is a beginning, and the House, at least, is taking this important first step in behalf of those who have served their country and now seek our help.

I would like to express my deep appreciation to the gentleman from South Dakota, the original author of this legislation, TOM DASCHLE for his persistence and his dedication to this issue.

I would also like to thank the leadership of the committee, Chairman MONTGOMERY, and Ranking Minority Member JOHN PAUL HAMMERSCHMIDT for their leadership and willingness to compromise to seek this solution.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, today we are considering legislation that will provide a measure of relief that is long overdue for the thousands of veterans suffering from illnesses attributable to agent orange and atomic radiation exposure.

These veterans provided our country with patriotic service under hazardous conditions. Indeed, the full extent of the hazards faced by Vietnam veterans exposed to toxic herbicides containing dioxin, such as agent orange, and who suffer from illnesses linked to that exposure is not yet fully known. Likewise, veterans who served in the occupation forces in Hiroshima and Nagasaki immediately following World War II and those who have since participated in atmospheric nuclear tests were serving in the midst of hidden dangers that are only now coming to light.

This legislation, which provides disability benefits to these veterans or their survivors, is only the first step we must take to insure that this type of hazard is never faced by our service men and women in the future. There is a growing concern and interest in Congress to find out all we can about the potential health effects of exposure to nuclear radiation and agent orange—both manmade environmental hazards of military service. These veterans served their country in good faith and honorably fulfilled their obligations. With the passage of H.R. 1961 Congress can demonstrate that we will not turn our backs on our responsibilities to those who served their country at a great personal sacrifice.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ROWLAND), a member of the committee, who has been very helpful on this legislation.

Mr. ROWLAND. Mr. Speaker, I thank my good friend and distinguished chairman of the full committee for his strong support and for giving me this time. I also thank my good friend, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), for the great part that he has played in this, as well as the gentleman from Ohio

(Mr. APPLEGATE), the gentleman from New York (Mr. MCHUGH), and other members of the committee for the work that they have done.

Mr. Speaker, I rise today in support of the Agent Orange and Atomic Veterans Relief Act. Legislation which I introduced with my good friend and colleague, Mr. HAMMERSCHMIDT, H.R. 3909, has been incorporated, in part, in this legislation.

While I am fully supportive of the provisions in the bill pertaining to veterans exposed to agent orange, I want to address the portions of H.R. 3909 that have been made a part of this important legislation.

The bill represents a landmark in that, at long last the Government is recognizing the unknown risks to which some of our soldiers were exposed in the line of duty. Over 220,000 military personnel have been exposed to varying levels of ionizing radiation. Even though we do not know the name of every person who was exposed, and in most cases, we do not know the extent of the exposure, the carcinogenic effects of radiation have been accepted for many years. In 1934, after prolonged exposure to X-rays, Madame Curie died from leukemia. Radiation exposure has a documented effect on the reticulo endothelial system.

H.R. 1961 establishes a temporary disability program for veterans who have manifested one of three diseases within 20 years of their exposure to radiation: Leukemia, which is the proliferation of the white cell producing elements in bone marrow; polycythemia vera, the proliferation of the red blood cell producing elements in bone marrow; and thyroid cancer. Studies by the Center for Disease Control in Atlanta have shown the incidence of leukemia to be three times as high for veterans exposed during the Smoky nuclear test in Nevada, and for polychthemia vera, 10 times as high.

It is interesting to note that during the Baker tests in the South Pacific, contaminated salt-water was ingested by military personnel. Saltwater which has a heavy concentration of iodine, when radiated turns to I_{131}, a radioisotope. This radiated iodine is then stored in the thyroid glands of those who ingested the salt-water spray.

The problem with identifying the cause and effects of radiation induced cancers and disorders is that it takes years for the original injury to manifest itself as an observable malignant neoplasm. Beta emitters can even be incorporated into parts of the body to irradiate internally. These problems with just identifying the disorders in a timely manner are compounded by the factors other than scientific which have entered into the research on this subject.

However, it is the responsibility of the Government to at least give the benefit of the doubt to those veterans who have risked their lives for our common good. Although the 20-year manifestation period is too short to do many veterans any good, perhaps their survivors will find some solace in the inclusions of death benefits in this legislation.

This is a bipartisan bill that offers hope to a large group of patriotic veterans who have for too long felt that their pleas for recognition and accounting have gone unheeded.

The Agent Orange and Atomic Veterans Relief Act is the cornerstone upon which we can build the truth, determine responsibility, and provide appropriate compensation. I urge my colleagues' support of this modest bill.

□ 1250

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to a very able member of our committee, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, as a cosponsor of the Agent Orange and Atomic Veterans Relief Act, I rise to urge my colleagues to vote for this vital piece of legislation and compliment our distinguished chairman, the gentleman from Mississippi (Mr. MONTGOMERY), for his strong leadership on this, as well as the ranking minority member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and the gentleman from South Dakota (Mr. DASCHLE).

Mr. Speaker, I must admit that I am both pleased and saddened to be standing here today speaking in support of this bill. I am pleased that we in Congress are taking a step to try to help the Vietnam and atomic veterans. But I am saddened that it has taken so long to take such a small step. Passage of this bill must be only the first step in a series of moves to bring justice to these veterans. I am also saddened that the Veterans' Administration, the Government agency which is supposed to abide by its motto, "To care for him who shall have borne the battle," seems to care very little.

The plain and hard fact is that we have not been keeping our commitment to Vietnam and atomic veterans. It is not enough for statements to be issued each and every Memorial Day or each and every Armistice Day on behalf of these people who bravely served their country. It is time for action and the action should be passing this legislation.

Many of us in Congress have heard from Vietnam and atomic veterans who are discouraged, disappointed, and disgusted with the inertia exhibited by the VA. Regrettably, their outrage is extremely justified. These veterans have been turning to their Government for answers and assistance, and they have received neither. The result has understandably been anxiety and despair.

Some people who oppose this bill have argued that it has the potential for alarming millions of veterans and perhaps the population as a whole. But we are alarmed already, and not only at the specter of dioxin and radiation. We are also alarmed at the specter of an indifferent Government which inflicts enormous suffering and is too callous to assume responsibility. Rather than alarming Americans, passage of this bill will bring relief. Americans will be relieved to know that we are finally taking action on this lingering problem which will not disappear.

Others who oppose this bill argue that we are abandoning reason for the sake of compassion. They want us to wait until all the evidence is in, which perhaps will never occur for some opponents. This House must draw a distinction between what is scientifically proven "beyond a shadow of a doubt," and what is morally responsible under the laws of this land. I believe that at some point a line must be drawn as to how much evidence must be obtained, before action can be taken to assist dying and seriously ill Vietnam and atomic veterans. I need only to point to the massive cleanup and relocation effort at Times Beach, MO, following the discovery in that community of the same deadly dioxin known to have been present in agent orange. Clearly, other branches of the Federal Government recognize the serious health risks associated with dioxin exposure.

At issue is the integrity and credibility of the VA's compensation program. Enactment of this bill would restore credibility to the VA's policies and to our commitment to compensate veterans for injuries incurred in the service of our country. It is time to shift the burden of proof from the veteran to the VA in awarding service-connected disability claims for illnesses attributable to dioxin and radiation.

In my home area of Toledo, Ohio, I have heard more individual horror stories from families, concerning exposure to radiation and agent orange, than I can recount here. Tragically, suicide has been the answer for some. Others have withstood the pain and medical bills, both of which are deadly. The problems, of course, are compounded by the high unemployment rate in the area.

Repeatedly, my constituents have explained to me that this legislation would do more than provide them with desperately needed benefits. For the first time, they say, it would begin to relieve some of their anxiety. I know many Vietnam veterans currently suffering from chloracne, who served with others who are currently dying of soft-tissue sarcoma. Since cancer often does not show up for quite a while, many veterans justifi-

ably worry that chloracne is only the beginning of their problems. This legislation would relieve some of their anxiety, by proving that Americans are concerned about them, and that they will be able to afford proper treatment if further service-connected disabilities appear.

I urge my colleagues on both sides of the aisle to support this vital legislation. For as Mr. Harry Walters, the Administrator of the VA, has so aptly stated: "America is No. 1 thanks to our veterans." In appreciation of their valiant service, we must insure that they receive the care, support, and recognition they have earned. The Agent Orange and Atomic Veterans Relief Act is long overdue.

The SPEAKER pro tempore. The Chair will advise that the gentleman from Mississippi has 6 minutes remaining and the gentleman from Arkansas has 9 minutes remaining.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the chairman of the Congressional Vietnam Veterans, the gentleman from Michigan, Mr. DAVE BONIOR.

Mr. BONIOR of Michigan. Mr. Speaker, I would like at this time to commend the distinguished chairman of the full committee, the gentleman from Mississippi (Mr. MONTGOMERY), and the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. APPLEGATE), for their leadership and active support of this legislation, as well as the gentleman from Arkansas (Mr. HAMMERSCHMIDT), particularly for his interest in the atomic veterans part of this legislation.

Mr. Speaker, I would also like to commend the distinguished gentleman from South Dakota, the present chairman of the Vietnam Veterans in Congress TOM DASCHLE, and the author of the original bill, for his persistent work on behalf of Vietnam veterans.

Mr. Speaker, H.R. 1961 addresses the dual problem of exposure to agent orange and atomic radiation. The bill is not the hurried answer to a new problem. It does not open the flood gates to future claims nor does it reject science in the name of compassion.

At a yearly cost of just $6 million or less, the bill's agent orange presumptions are carefully focused on only three specific disabilities: Soft tissue sarcomas, chloracne, and prophyria. In each case, substantial evidence exists relating the disabilities to exposure to agent orange.

Some 4 years ago, two independent Swedish studies related exposure to 2,4,5-T—a main ingredient in agent orange—and soft tissue cancers.

Following the Swedish studies, an independent review of four additional groups of exposed American workers found the same correlation.

In the distinguished New England Journal of Medicine, two doctors from Emory University completed the circle, reporting on three Vietnam veterans with soft tissue sarcomas.

Yet even today, the Veterans' Administration repeats its call for more research—and more delays—before any compensation is granted.

Mr. Speaker, there is much we do not know about agent orange. Aggressive research is required. Nevertheless, there are some things we do know and some things we can do.

For Vietnam veterans to trust the call for more research, they must believe that new findings will produce new policy.

They must believe that new evidence will not disappear behind an ever escalating burden of proof and the constant call for yet more research.

For Vietnam veterans to trust their Government, they must believe that somewhere, somehow, there will be an end to delays and a time for action.

It is possible to argue that the evidence supporting the disabilities addressed in H.R. 1961 is not adequate. It is not possible, however, to avoid the next question.

If this evidence is not enough, then how tall a mountain of material will finally be required?

H.R. 1961 will insure compensation for several thousand Vietnam veterans. This is an important step, but the bill's importance goes beyond the aid it offers individuals.

H.R. 1961 seeks to demonstrate that whoever else may hesitate, Congress, at least, is prepared to draw a line and act.

I urge adoption of the measure.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased that Congressman DASCHLE and the Committee on Veternans' Affairs has brought to the House H.R. 1961, legislation which addresses the problems suffered by our veterans from exposure to agent orange during the Vietnam war, as well as those veterans who were exposed to radiation after the atom bombings of Japan and during the nuclear testing until 1963. As an original cosponsor of this legislation I believe that it addresses a major problem which our veterans are suffering. My only criticism is that it needs to go much further but it is definitely a major step forward.

The committee acted wisely in adding the section concerning atomic veterans and survivors. Just a few years ago I visited a neighbor of mine in the hospital who had been diagnosed as having cancer. This man had served his country for many years as an enlisted man in the Air Force until his retirement. While I was talking with him he told me for the first time that he had participated in several nuclear tests in Nevada. During these tests he and his fellow soldiers were required to stand up with their backs to the blast. The shock wave was so strong that it knocked his helmet off even though he was holding on to it. Before this person was stricken with cancer he was one of the most robust men I have known. He could engage in hard physical labor all day without slowing down. After the blast this individual and his colleagues were given sandwiches which they ate and ingested the radioactive dust which covered them. Late in the day they were loaded in trucks and driven many miles away to an Air Force base. While they were in the truck they passed other soldiers going through decontamination. Finally, late in the evening when they marched in the barracks, they had an opportunity to clean up. They did not go through any formal decontamination procedures. This was not the only test that this individual participated in.

At my recommendation this individual filed a claim for service-connected disability with the Veterans' Administration. He claimed service connection for the cancer he was suffering as a result of the nuclear tests he participated in during the 1950's. This case, under the guidelines then in effect, was denied by the regional office of the Veterans' Administration. During this period I did everything I could to assist my constituent and friend. When the case was before the Board of Veterans Appeals I appeared personally at the hearing with this individual to assist him. The Board of Veterans Appeals remanded the case to the regional office for the development of further information. The long and the short of this was he was denied by the Veterans' Administration after he died. I considered at that time, and I still do, that the denial of this individual for service connection is arbitrary and capricious. I believed at that time, as I still believe, that the denial of benefits to people like this individual, as well as the other atomic veterans, was based upon calculations by so-called budget analysts as to its impact on the Treasury of granting these veterans the benefits they deserve. I asked the General Accounting Office to investigate and see if they could find evidence of this occurring. GAO reported back to me that they could not document that this was the case although one individual at GAO privately told my assistant that he believed I was correct but they could not find the necessary proof.

I hope that this legislation will be passed unanimously. It is a step forward. The people who will benefit have served their Nation and have been stricken with dread diseases

caused by chemicals and nuclear radiation. It is indeed a tragedy that such legislation is necessary. The denial of benefits to the victims of agent orange and to the victims of nuclear radiation is an inhumane act. I hope that this legislation will speedily become law and will send a message to the Veterans' Administration that they are to serve the veterans and not some individual's misguided opinion as to budgetary priorities.

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Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Connecticut for his patience and I now yield 2 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, I rise in strong support of H.R. 1961, legislation proposed by my friend and colleague from South Dakota to provide a presumption of service connection for certain diseases related to agent orange exposure in veterans of the Vietnam era.

Mr. Speaker, there are an estimated 50,000 to 60,000 Vietnam veterans in the State of Connecticut alone. The experiences of many of those veterans, in my own district, and throughout the State have been a source of concern for many years. A statewide investigation into the problem, mandated by Connecticut's Legislature in 1982, has already begun to bear fruit in data which cannot be ignored. Although H.R. 1961 is a good beginning, I believe it will need to be broadened, and that analysis of the growing national data will support it. In addition to liver and skin disorders, in Connecticut birth defects among exposed veterans' children are alarmingly frequent, and yet this bill unfortunately does not include them among the compensable diseases. Several veterans in my own district, who were crew members for Operation Ranch Hand, the agent orange spraying missions, have had children with severe multiple birth defects. These tragedies have occurred in many families with no previous history of birth defects on either side. The individual horror stories of chronic maladies among veterans exposed to agent orange, and severe birth defects among their children, are forming a pattern typical of findings across the country. They may very well represent only the tip of the iceberg.

The Government has not been fulfilling its obligations to its citizens in Connecticut or the rest of the country. It is time for Congress to step in and fill the gaps, and H.R. 1961 is a good beginning. Veterans are asking themselves: If the Government is offering presumptive treatment, why not presumptive compensation? And if the citizens of Time Beach, Mo., were compensated, citizens exposed to dioxin at 120th the level in agent orange, why not the citizens who served in Vietnam? Let the studies continue, by all means, and I regret that the bill as reported does not provide for a special advisory committee to analyze the evidence. But let us not quibble. Dioxin is a killer and a crippler, and compensation is needed now. I urge my colleagues to support this legislation, which takes a thoughtful and balanced approach to a very difficult problem.

● Mr. UDALL. Mr. Speaker, I rise today in support of the bill, H.R. 1961, Agent Orange and Atomic Veterans Relief Act. This legislation is a first step toward acknowledging the suffering of many of our Vietnam veterans. Specifically, it will provide relief for those individuals who served in Southeast Asia during the Vietnam era and were exposed to the herbicide, agent orange.

The bill provides benefits to Vietnam veterans and/or their survivors, who within 20 years of their departure from Vietnam, must show to have soft-tissue sarcoma cancer. It provides benefits to the Vietnam veteran, who within 1 year of his departure from Vietnam, is shown to have either prophyria cutanea tarda (PCT, a liver condition) or chloracne (a skin condition).

The bill also provides the same disability relief to veterans who participated in the testing of nuclear devices or in the occupation of Hiroshima or Nagasaki; if within 20 years from time of participation they suffer from cancer of the thyroid, leukemia, or polycythemia vera (a bone marrow disease).

The Government's position on exposure to agent orange or the participation in the testing of nuclear devices has frankly been dispiriting. A great many injustices have been inflicted on our Vietnam veterans, high unemployment, inadequate training programs, and unfilled promises of rehabilitation and career counseling.

It is time for us to fulfill our obligations to those who served our country in the Vietnam war. This legislation recognizes the long-range effects of exposure to agent orange or nuclear radiation and allows this small group of veterans to receive service-connected disability treatment and benefits. These veterans were willing to risk their lives in Vietnam because they cared; we the Congress should be willing to take the necessary actions to allow for the treatment of their illnesses without requiring them to fight for many years in the courts.

I urge my colleagues to give this legislation favorable support and passage.●

● Mr. PATTERSON. Mr. Speaker, I rise in support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. This legislation addresses serious problems that began for some veterans nearly 40 years ago.

H.R. 1961 provides assistance to veterans who served their country, contracted illnesses which may be service-related and have not received disability compensation. After years of waiting for help, these veterans were told that they should continue to wait, possibly until the end of this decade, before their eligibility for disability compensation would be determined. This is too great a burden to place on veterans suffering from disabling ailments.

This measure provides much needed relief for two very specific groups of veterans—those who were exposed to agent orange in Southeast Asia, and those who were exposed to atomic radiation, either during the occupation of Japan after the Hiroshima and Nagasaki bombings, or during atmospheric testing of nuclear devices between 1945 and 1963.

Numerous scientific studies are currently underway related to the effects of exposure to agent orange. The Center for Disease Control is currently conducting an extensive study with results expected between 1987 and 1989. While I am hopeful that this and other studies will provide important answers to the agent orange question, there are some veterans who cannot wait that long for our help. H.R. 1961 will provide interim disability compensation to veterans with certain specified illnesses which may have been caused by agent orange exposure. These disability payments will be valid until completion of the CDC study, at which time Congress will have an opportunity to review the findings to determine if further action is needed.

While questions still remain about the effects of exposure to low-level radiation, some evidence has emerged which links such exposure to certain diseases. H.R. 1961 would compensate veterans who contracted these illnesses after exposure to radiation during their time of service. As with the agent orange program, these benefits are temporary pending the results of additional studies.

The legislation before us today takes a balanced approach to a highly complex and controversial issue. It compensates a carefully defined group of veterans who have contracted the diseases considered most likely to result from exposure to agent orange or atomic radiation. The bill includes a sunset provision stating that the compensation provided is temporary, contingent on the final outcome of studies on these situations. This legislation provides a long overdue remedy for America's veterans and takes an important step toward insuring that our Government fulfills its promise to those who served their country, as stated in the motto of the Veterans'

Administration: "To care for him who shall have borne the battle and for his widow, and his orphan."●

● Mr. BONER of Tennessee. Mr. Speaker, I rise in support of the Agent Orange and Atomic Veterans Relief Act.

This bill addresses a problem that many veterans now face as a result of their service either in South Vietnam or the Southwest United States and the South Pacific.

From 1961 until 1971 the herbicide agent orange was used in South Vietnam to eliminate jungle growth. Agent orange contains one of the most highly toxic substances known to man—dioxin. The medical community is unable to come to terms on how dangerous dioxin is to the health, or to what extent exposure results in long-term health problems. There is considerable evidence, however, that dioxin does increase the likelihood of three types of disease: Soft tissue sarcoma, a form of cancer; PCT, a liver condition; and a skin condition known as chloracne.

During the years of 1945 through 1963 the United States exploded approximately 235 nuclear devices in the atmosphere in the Southwest United States and the Pacific Ocean. The Department of Defense estimates that 220,000 military personnel participated in those tests. Additionally, other personnel were exposed to radiation while participating in the occupation of Hiroshima and Nagasaki. Many studies indicate that those participating in the tests have a higher than expected rate of leukemia, as well as a bone marrow disease.

Mr. Speaker, in both of these instances the scientific and medical communities cannot decide if dioxin or radiation has led to the suffering that many of our veterans now experience. Several studies have been conducted and several more are to be completed by 1987 and 1989.

I do not feel that the veterans should wait any longer to receive the benefits that they so rightly deserve. We have waited and researched long enough, it is time we compensate these special Americans and their survivors in some way.

I commend Mr. DASCHLE for introducing this bill, and especially the chairman of the committee, my friend, SONNY MONTGOMERY, for his work on this legislation in addressing this problem and bringing it to the attention of the American people.●

● Mr. KOSTMAYER. Mr. Speaker, I rise in support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. I am proud to be a cosponsor of this important legislation.

Recognition of the medical needs of those veterans who served our country in Southeast Asia during the Vietnam era and who participated in the testing of nuclear devices between 1945 and 1963 is long overdue.

I believe that we, as Members of Congress, must respond to the apprehension and concern among Vietnam veterans and their families about the possible long-term health effects that may have been caused by exposure to agent orange while serving in Southeast Asia. In addition, this bill addresses the health concerns of atomic veterans and their families who were exposed to low-level ionizing radiation.

The herbicide agent orange was used extensively in Vietnam over a 10-year period to reduce or eliminate jungle foliage. Agent orange contains dioxin, one of the most toxic substances known to science. At this time, we do not know all the long-term effects of dioxin on humans, nor do we know how much exposure can be expected to harm human health. However, agent orange has been linked to at least three types of disease: a form of cancer known as soft-tissue sarcoma, a liver condition known as porphyria cutanea tarda or PCT, and a skin condition known as chloracne.

It is estimated that 220,000 military personnel may have been exposed to radiation effects between 1945 and 1963. Studies have shown that those persons involved in the nuclear testing have a higher than expected rate of leukemia and bone marrow disease known as polycythemia vera.

This bill provides that retroactive to October 1, 1983, a temporary disability (or death) allowance would be payable to veterans who served in Southeast Asia during the Vietnam era and who later suffer from one of three conditions—soft-tissue sarcoma, porphyria cutanea tarda, or chloracne. The soft-tissue sarcoma must be shown to exist within 20 years from date of departure from Southeast Asia while the other two conditions must be shown to exist within 1 year from date of departure.

The bill also provides that retroactive to October 1, 1983, a temporary disability (or death) allowance would be payable to veterans who participated in the testing of nuclear devices or who participated in the occupation of Hiroshima or Nagasaki immediately after World War II and, within 20 years from time of participation, suffer from cancer of the thyroid, leukemia, or polycythemia vera.

Under the bill, these benefits would be terminated 1 year after the Veterans' Administration submits to Congress a study now being prepared by the Centers for Disease Control on the effect of agent orange exposure on veterans' health. This study is expected to be completed between 1987 and 1989. Public Law 98-160, which was signed into law on November 21, 1983, already requires the Administrator of Veterans' Affairs to consider the feasibility of conducting an epidemiological study on the effects of low-level ionizing radiation on veterans who participated in the testing of nuclear devices or who were in the occupation forces at Hiroshima and Nagasaki immediately after World War II. It is estimated that this study, if undertaken, would be completed before the agent orange study.

I am concerned, as are others, Mr. Speaker, about the fact that the benefits authorization in this bill terminates 1 year after the agent orange study is completed. Therefore, it will be important for the Veterans' Affairs Committee and the Congress to carefully follow the progress of the studies to insure their objectivity and accuracy, and then to be prepared to pass the appropriate legislation expeditiously upon learning of the findings.

This legislation is an important first step regarding compensation for exposure to agent orange and low-level radiation. However, this bill is not a cure-all and questions relating to this compensation for veterans will continue after the bill is passed. I join several of my colleagues on the Veterans' Affairs Committee in urging the creation of an independent advisory committee to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure. I believe this would insure that viewpoints contrary to VA positions receive fair and expeditious consideration. In addition, I support an open, public procedure by which the VA can clarify how much and what kind of proof is still necessary before additional agent orange claims can be approved.

Mr. Speaker, I know as a cosponsor of this bill that it has been carefully examined by veterans and veterans' groups throughout our Nation. The bill is supported by such veteran organizations as the Vietnam Veterans of America, the American Legion, and the Veterans of Foreign Wars. Many of the veterans I represent from Bucks County and eastern Montgomery County in Pennsylvania have impressed upon me the importance of this bill.

Vietnam and atomic veterans' loyal service to America was without question a display of courage, strength, and devotion. As elected representatives, we have an obligation to defend the interests of veterans who have already made great sacrifices in serving and protecting our country and I encourage my colleagues to support H.R. 1961.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act which establishes a presumption of service-connection for certain diseases present in Vietnam veterans and veterans who participated in the detonation of an atomic bomb or device or in the occupation of Hiroshima or Nagasaki, that may be attribut-

able to the exposure to agent orange or ionizing radiation.

I believe that it is only fitting and just to compensate veterans who suffer certain diseases which have been reasonably linked to the veterans' exposure to agent orange and atomic radiation during their time in military service. While these illnesses stand officially unrecognized due to the lack of conclusive scientific evidence of their service connection, they are real, they are painful, they have been reasonably established as service-incurred diseases and therefore, during the absence of scientific proof to the contrary, the ailing veteran should be compensated.

The Federal Government has the responsibility to compensate our soldiers for all service-connected disabilities and whenever we are in doubt as to the service connection of a disease, the benefit of the doubt should rest with the veteran; they have rightfully earned this deference.

I urge my colleagues to vote for the passage of this legislation which places the responsibility for the health damaging results the use of herbicides and ionizing radiation yielded where it belongs.●

● Mr. STARK. Mr. Speaker, I support the passage of this legislation. It is becoming increasingly clear that the costs of the Vietnam war will be even more horrendous than we realized—but they are costs which all of society must share, not just those who served their country by going to Vietnam.

The full magnitude of the health disaster created by agent orange is still unfolding. One of my constituents was in a supply company (the 570th) in Vietnam in 1967 and 1968, which was involved in fighting a chemical fire in which a huge cache of agent orange was burned. He has come down with a very serious skin and nerve (and possibly other) disorders. In contacting other members of his unit, he has found four out of the approximately 200 men of the unit to be seriously ill. He had not found any of his colleagues who are fully well. I have asked the VA to find the men of this unit and poll them as to their health, to determine whether this is a cohort which should be especially watched over the years.

I suspect that this bill will be the first of several we will need over the years to be fair to the men and the families of those who served in Vietnam.

To reject this bill would be the most serious breach of faith.

I urge its passage.●

● Mr. DORGAN. Mr. Speaker, for more than a decade veterans of the Vietnam war had been neglected veterans.

Recognition for their deeds and actions has finally come with the dedication of a Vietnam Veterans Memorial in Washington. But that is not enough. Congress must take action now to help those men and women who suffer physical ailments from exposure to the toxic herbicide "agent orange" during the Vietnam war.

I am proud to vote for the Agent Orange and Atomic Veterans Relief Act, H.R. 1961, because I believe it is critically important. This legislation provides compensation to veterans who served in Southeast Asia during the Vietnam era and who suffer from certain agent orange-connected conditions. It also provides benefits to veterans who participated in the testing of nuclear devices or who served in the occupation of Hiroshima or Nagasaki and who suffer from certain cancers.

Although I support H.R. 1961, the legislation—particularly in the case of Vietnam veterans—could have been better. I backed proposals before the U.S. House Veterans' Affairs Committee to strengthen the legislation and supported many members of the committee who pushed for more comprehensive legislation.

Agent orange will continue to be of great concern to veterans in North Dakota and across the country. A special agent orange hearing I held in Bismarck, N. Dak., in 1982 showed the need for stronger legislation.

Although rejected by the Veterans' Committee, I continue to support the following two additions to the legislation.

First, an independent advisory committee must be established to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure.

Second, an open, public procedure should be set up by which the Veterans Administration can clarify how much and what kind of proof is still necessary before additional agent orange claims can be approved.

Results from several scientific studies are expected in the months ahead which should reveal a great deal more about agent orange and its effects on humans. Even the Congressional Research Service concludes the impact of these studies will be unclear because the Veterans Administration has not established any formal criteria for how their policies might be altered by scientific findings.

The discovery of illness in a medical or scientific study could easily go ignored.

If the committee had adopted our proposal, veterans would have been assured that as new studies are published, there would have been an orderly process to determine study conclusions and their relevancy to veterans' compensation claims.

There is also a great deal of concern about the decisionmaking process within the VA with respect to agent orange compensation. While the Environmental Protection Agency and the Occupational Safety and Health Administration follow clear and established guidelines in assessing toxic chemical risks, the VA does not.

After my hearing in Bismarck and congressional hearings in Washington, it became clear that an advisory committee is necessary simply to sort out the conflicting viewpoints on many scientific studies and their relationship to agent orange claims. Independent analysis of this information would insure that viewpoints contrary to VA positions receive fair and expeditious consideration.

It is my hope that the Veterans Affairs Committee will renew its consideration of these two important proposals during the 2d session of the 98th Congress.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 1961, the Agent Orange and Atomic Relief Act.

Veterans exposed to nuclear weapons testing and the defoliant agent orange have unique needs that ought to be addressed by the Federal Government. Their concerns about the health effects from exposure to radioactivity and dangerous herbicides—as a result of military service—are sincere and have merit.

Between 1945 and 1963, the U.S. Government conducted hundreds of nuclear weapons tests in various parts of the world. Approximately 235 nuclear devices were detonated over the American Southwest and the Pacific Ocean. As a result of these experiments, about 220,000 Department of Defense personnel were potentially exposed to low levels of ionizing radiation. Additional personnel may have been exposed during the occupation of Hiroshima and Nagasaki.

Even though there is no conclusive scientific evidence connecting this exposure to disease, the incidence of certain cancer seems to be higher among the "atomic veterans" than the national average. As the Veterans' Administration studies this connection, however, there should be some compensation for veterans who served under these special circumstances.

Military personnel exposed to agent orange also served under special circumstances that should be recognized by the Federal Government. During a 9-year period from 1961 through 1969, agent orange and other herbicides were used by the military in Vietnam as a defoliant. Thousands of our servicemen were exposed to this chemical. To assess the possible connections between the use of agent orange and diseases among veterans, the Center for Disease Control with the Veterans' Administration, is conducting a comprehensive study that began in January of last year.

Even though testing and studies have not been completed, Vietnam veterans seem to suffer a higher inci-

dence of cancer, skin conditions, and liver ailments. Some veterans experience nervousness, headaches, or fatigue along with paralysis or numbness. Considering these symptoms, significant evidence exists, in my mind, to warrant benefits for these servicemen.

This legislation provides temporary disability compensation or death allowances to Vietnam-era veterans if they suffer from any one of these named illnesses, within a specified time period. H.R. 1961 also provides the same benefits to veterans who participated in the testing of nuclear devices or the occupation of Hiroshima and Nagasaki who can demonstrate symptoms of certain ailments.

These benefits terminate when the C.D.C. report is finally submitted to Congress. At that time, a program based on conclusive scientific data can be developed for these veterans.

There is, however, a need to address the special problems of Vietnam veterans exposed to agent orange and nuclear radiation during this interim period. H.R. 1961 addresses these special problems. I urge my colleagues to support this legislation.●

● Mr. McGRATH. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. The Committee on Veterans' Affairs is to be commended for bringing this important measure to the floor for a vote early in the session, and I hope the other body will be convinced to complete action on it as well.

H.R. 1961 provides relief to two groups of veterans, from different wars, whose disabilities or medical problems would appear to be service connected, atomic veterans and those who were exposed to agent orange. In both these cases, relief seems to be long overdue.

During the 1960's, countless thousands of Americans were exposed to the herbicide agent orange, which contains dioxin, one of the most toxic substances known to man. Studies which have been commissioned to study the effects of agent orange have not been completed, much to everyone's regret, but it is clear that Vietnam veterans who have been exposed to the defoliant have experienced a higher than normal incidence of chloracne, PCT, and soft-tissue sarcoma.

Mr. Speaker, in the years 1945 to 1963, 220,000 U.S. military personnel participated in nuclear weapons tests in the Southwestern United States and the Pacific, and still others were exposed to radiation as a result of participation in the occupation of Hiroshima and Nagasaki. Conclusive findings have been hard to establish because most of the personnel involved in the tests were exposed to low levels of radiation and the amount of radiation was poorly monitored or not monitored at all. But the fact is that some studies have shown a higher than expected rate of certain types of cancer.

To those who have served their country in time of conflict, we owe the best care we can possibly afford. This legislation provides to atomic veterans and those exposed to agent orange care which they have been too long denied. It sets fair standards for the payment of compensation for medical conditions which may be directly attributable to service in the military. It denies payment to those who cannot establish a reasonable link between their service and their disability.

Mr. Speaker, a $25 million, 5-year cost is not too much to pay to keep faith with our veterans.●

● Mr. COLEMAN of Texas. Mr. Speaker, I rise today in strong support of H.R. 1961 and commend the chairman and members of the House Committee on Veterans' Affairs as well as the gentleman from South Dakota (Mr. DASCHLE), for their leadership on this important issue.

As a cosponsor of this legislation, I believe it is incumbent upon Members of this body to provide service-connected disability benefits to our American military personnel who served in Southeast Asia during the Vietnam era and later suffered from exposure to agent orange. This herbicide was used extensively in South Vietnam as a jungle defoliant over a 10-year period to the detriment of human health in still unknown proportions. Exposure to agent orange has manifested itself in the occurrence of certain diseases such as cancer, liver ailments, and skin conditions. Questions still exist about the complete ramifications of agent orange dioxin exposure.

This bill also recognizes for disability compensation the hazardous exposure to nuclear testing suffered by thousands of veterans between 1945 and 1963. It is believed that participation in these tests has greatly enhanced the likelihood of leukemia, certain bone marrow diseases, and cancer of the thyroid. This recognition is long overdue and proper.

H.R. 1961 sets reasonable criteria for compensation eligibility and encompasses ongoing studies on the effects of exposure to agent orange.

I urge my colleagues to support this vital piece of legislation and the veterans who fought for our country.●

● Mr. JEFFORDS. Mr. Speaker, on behalf of the veterans of my great State of Vermont, I urge my colleagues to join in full, unqualified support of the Agent Orange and Atomic Veterans Relief Act.

At long last, veterans exposed to agent orange in Vietnam, and those exposed to ionizing radiation during atomic testing and during the occupation of Hiroshima and Nagasaki, will be entitled to disability compensation. Our moral obligation to these men is clear, and the years we have wasted at their expense are tragic. Vermont veterans have worked hard to inform one another of the consequences of exposure to agent orange and atomic testing, and can take great pride in their diligence. But there are times when they become discouraged because their Government has failed to respond to their great needs. By passing this bill, we will tell veterans from Vermont, and from every other State in the Union, that we care, and that we will do whatever can be done in the effort to right a wrong.

Last summer, hearings were held on this bill before the Subcommittee on Compensation, Pension, and Insurance of the House Veterans' Affairs Committee. An impressive number of experts stepped forward to pass their findings on to the subcommittee.

I became even more convinced of the clarity of our obligation on this issue when I read the information sent by the Environmental Protection Agency, which stated that, "The Agency began its risk/benefit evaluation of 2,4,5-T in 1978 due to evidence from laboratory studies indicating that the chemical posed risks of tumor formation, birth defects and other adverse reproductive effects." The real experts, our veterans, have been telling us this for years.

Our obligation to atomic veterans is similarly clear. During an 18-year period, 235 nuclear devices were exploded with nearly a quarter of a million military personnel participating. Scientific studies show that veterans involved in nuclear testing have a higher risk of leukemia and bone marrow disease. Unfortunately, these veterans have had a more difficult time in proving their claims because the amount of their exposure was either poorly monitored or not monitored at all.

It is axiomatic that we, as a society, can never adequately repay our debt to those who have made great personal sacrifices for our Nation. But we have to try. We have to do what we can. This bill is a step in the right direction.●

● Mr. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange Relief Act. I want to commend our distinguished colleague from South Dakota, Mr. DASCHLE, for his outstanding and tireless work on this important legislation which was unanimously approved by the Committee on Veterans' Affairs.

On September 16, 1983, veterans from all across the Nation gathered in Washington to bring this issue to the attention of all Americans and to encourage the Congress to enact H.R. 1961. As an original cosponsor and strong supporter of this bill, I attended that rally on the steps of the Capitol. And there was no ambiguity in

the message I heard that day—Vietnam veterans are indeed suffering and they need help now. I stood next to Mr. Dwight Scaffinger, representing my home State of New Mexico. He told me about the hundreds of New Mexicans who were exposed to agent orange in Vietnam. There are over 45,000 Vietnam veterans in New Mexico. Twenty-six thousand fought in ground combat zones and many of them were exposed to this deadly poison. I have heard from victims of agent orange whose health problems include a rare form of cancer, skin disease, liver ailments, depression, and birth defects in their children. But time and time again, their claims for compensation are denied by the Veterans' Administration. They faithfully and honorably served their Government, but their pleas for assistance go unanswered. This legislation will make certain that the victims of agent orange are no longer ignored.

H.R. 1961 provides disability benefits to veterans who served in Vietnam and who later suffered from one of the afflictions associated with exposure to agent orange—soft-tissue sarcoma, porphyria cutanea tarda, and chloracne. Furthermore, this legislation provides compensation to veterans who are suffering from cancer as a result of being present during the testing of nuclear weapons or serving in the occupation of Hiroshima or Nagasaki.

Mr. Speaker, the effects of agent orange have been studied and restudied. I think we should continue to study the effects of agent orange and the many other chemicals veterans were exposed to in Vietnam. I am disappointed that the Veterans' Affairs Committee rejected, by a vote of 17 to 13, an amendment to H.R. 1961 to establish a special advisory committee to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure. This committee would have assured effective and coordinated analysis of the many forthcoming agent orange studies.

Nevertheless, the harmful effects of agent orange can be seen in thousands of veterans who served in Vietnam. They answered the call of their Government. Let us act today to answer the call of these veterans and their survivors by passing H.R. 1961.●

● Mr. STOKES. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. This legislation would compensate veterans who served in Southeast Asia during the Vietnam era and who later suffered from serious and debilitating diseases which may be a result of their exposure to toxic herbicides containing dioxin while serving in Vietnam.

Initially, I would like to take this opportunity to commend Representatives TOM DASCHLE and LEON PANETTA for their outstanding leadership in the development of this legislation, now cosponsored by more than 200 Members of the House.

Mr. Speaker, the possible adverse health effects of exposure to agent orange is and has been of great concern to Vietnam-era veterans, their families and the general public. The deadly contaminant dioxin, present in certain herbicides used in Vietnam, including agent orange, has been labeled the most toxic synthetic chemical known to man. During the period of 1961 to 1971, thousands of Vietnam veterans were exposed to this phenoxy herbicide by virtue of the widespread use of the defoliant by U.S. military forces in Vietnam.

According to the Vietnam Veterans of America in Ohio, more than 120,000 Vietnam veterans in this State may have been exposed, to one extent or another, to agent orange.

In 1979, following reports of various health problems in some Vietnam veterans, widespread concern about the possible health effects of agent orange was expressed to the Congress. The Congress responded to these alarming reports by enacting Public Law 96-151, which mandated the Veterans' Administration to conduct a worldwide literature review of research conducted on phenoxy herbicides and dioxin. This review documented a number of adverse health effects resulting from exposure to dioxin and related compounds. These include soft-tissue, lymphatic and stomach cancer, liver abnormalities, nerve damage, neurasthenia—insomnia and fatigue—and others.

However, despite this evidence, the Veterans' Administration (VA) has continually dismissed Vietnam veterans' claims that their adverse health problems resulted from exposure to dioxin and other chemicals in Vietnam. Instead, the VA and the Reagan administration have chosen to deliberate over still more studies, searching for more "conclusive" evidence of the dangers of agent orange. Meanwhile, as the VA conducts its studies, the lives of thousands of Vietnam veterans and their families hang in the balance.

Mr. Speaker, the sponsors of H.R. 1961 do not claim to correct all of the problems associated with agent orange. H.R. 1961 would, however, provide limited compensatory relief to Vietnam veterans based on the evidence we have now. Most importantly, the bill begins by shifting the burden of proof from the veteran to the Government.

Specifically, H.R. 1961 would provide disability benefits to veterans who served in Southeast Asia during the Vietnam era and who later suffered from one of three conditions—soft-tissue sarcoma, PCT, and chloracne. Under the legislation, if a veteran had died from any of these conditions, the veteran's survivors would receive a death allowance. In addition, the bill would provide benefits to veterans who participated in the testing of nuclear devices or who served in the occupation of Nagasaki, Japan. Under this provision, benefits would be available to these veterans or their survivors if the veteran suffered from cancer of the thyroid, polycythemia vera, or leukemia, and would be payable as of October 1, 1983. The Agent Orange and Atomic Veterans Relief Act would terminate benefits 1 year after the Veterans' Administration submits to Congress its report on the effect of agent orange exposure on the veteran's health as mandated by the Veterans Health Programs Extension and Improvement Act of 1979.

According to estimates by the House Veterans' Affairs Committee, as many as 3,000 veterans would benefit from this modest effort. Moreover, H.R. 1961, would cost less ($20 million) than what will be paid the residents of Times Beach, Mo.

Mr. Speaker, those who participated in the Vietnam conflict risked their lives to uphold the honor of our country. This Nation has never really acknowledged their efforts and in fact, many of our Vietnam veterans feel that their problems have been ignored. It is time that we not only say "Thank you" but also provide economic assistance to help Vietnam veterans overcome the serious health problems many of them now face.

I urge my colleagues to stand behind the Vietnam veteran and vote yes on H.R. 1961.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. This measure is long overdue, and is but one small step in the compensation by this Government of those who have served our country without question during times of conflict.

The bill before us provides a presumption of service connection for the occurrence of certain diseases related to exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era, as well as those who participated while on active duty in the testing of an atomic device or in the occupation of Hiroshima or Nagasaki during World War II. Compensation or death allowances are authorized for those who suffer from any of three illnesses from which it has been found that veterans contract more so than the population at large. Soft tissue sarcoma, porphyria cutanea tarda (PCT) and chloracne have plagued many veterans since their return from Vietnam.

The exposure to such deadly herbicides such as agent orange, used to defoliate vegetation and destroy crops, has taken its toll on otherwise healthy

young men. In addition, the passage of time has made clear that some of our military personnel serving in the South Pacific during World War II have contracted serious illnesses as a result of their occupation of Hiroshima and Nagasaki, in concert with those who were present at the detonation of atomic weapons during testing.

H.R. 1961 formulates a payment schedule based on the degree of disability attributable to the disease, and benefit eligibility will terminate 1 year after the study authorized by Congress is submitted. This study, currently being conducted by the Centers for Disease Control in Atlanta, is expected to be completed before the end of this decade. However, the measure before us provides temporary disability presumption beginning immediately—fiscal year 1984.

Mr. Speaker, last Congress, I introduced legislation that would have mandated a study of agent orange, and was extremely pleased that my colleagues joined me in that effort. As a result, in January 1983, the Veterans' Administration entered into an agreement with the CDC to study the adverse health effects resulting from exposure to phenoxy herbicides such as agent orange. H.R. 1961 is the subsequent step in helping to alleviate this serious health problem, and I urge my colleagues' support for its passage.●

● Mr. LELAND. Mr. Speaker, I rise in wholehearted support of H.R. 1961, the Agent Orange and Atomic Relief Act. This bill will provide a temporary disability allowance for veterans who were exposed to agent orange or radiation by their own Government while serving that Government and its people during the Vietnam era and World War II.

Because the administration has once again failed to respond in a just, humane, and expeditious manner, Congress must move to reassure our veterans that the American people have not forgotten their selfless dedication to the public welfare.

This bill is not unlimited in its scope. It will terminate when the administration files its report to this body as required by public law since 1979—5 years ago. Until that time, however, it is up to us to see that veterans exposed to these hazards are treated fairly, and therefore I urge my colleagues to support this bill.●

● Ms. OAKAR. Mr. Speaker, yesterday the House took an important step toward remedying a calamitous problem. H.R. 1961 provides remedies for Armed Forces personnel exposed to some of the worst horrors of 20th century warfare—radiation and chemical contamination. In many instances we are talking about vets or their families fearing to have children or examining newborn babies for deformities, despairing about their future and constantly living with their "peculiar problem." However, the bill we passed falls far short in both money and mercy. It is commendable, but $4.7 million during the next fiscal year hardly reassures those bearing the mental and physical traumas.

We have all heard constituents tell us and the House of literally "bathing" in agent orange while serving our country in Vietnam. We now know that there was no adequate testing for long-range effects of dioxin, nor were soldiers given any special protection from this potentially lethal weapon. No one expected long term effects. Yet here are our courageous men and women faced with a silent killer of bodies and minds.

When they came home, they had to fight a longer—and in many ways a more difficult—battle with the Veterans' Administration and others to recognize their grievance. How ironic that in a war that was so visible, the combatants returned to near anonymity.

When I review the bill I am struck by the small amount of money concerned. The Pentagon spent almost as much money advertising for new enlistees during the last two Super Bowls as the bill will cost in the upcoming fiscal year. Yet some would begrudge our veterans even this amount. What are we afraid of? How do we honor people who have been described as "an army waiting to die."

I have always believed that the touchstone of a society is how it treats its most needy and aggrieved citizens. Our veterans earned much more in the way of responsibility from us than this bill allots to them.●

● Mr. HILLIS. Mr. Speaker, H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, was approved by the House Committee on Veterans' Affairs in early November by a vote of 30–0. The overwhelming support for this bill reveals the concern that members of the committee have for the thousands of veterans who may be suffering adverse side effects from a chemical defoliant we know little about.

I am happy to join my colleagues in support of this bill which addresses a problem that is both controversial and difficult to solve. The Committee on Veterans' Affairs worked long and hard to produce this legislation, recognizing the need to view this situation from both a humanitarian and a practical standpoint.

What we are doing here is quite unusual. We are providing compensation to a select group of veterans for three specific ailments which may or may not be service connected. While we lack conclusive evidence that agent orange has led to the development of soft-tissue sarcoma, PCT, and chloracne, we acknowledge that these diseases do not tend to immediately manifest themselves following contact with the defoliant.

In the next few months, we should know a great deal more about the effects of agent orange. It is my hope that the Congress will view these results scientifically and compassionately—not politically. A real possibility exists that the results from the second phase of the Ranch Hand study will show that Congress needs to amend H.R. 1961. But we cannot, in good conscience, wait for the Ranch Hand study to come out before taking some action. Numbers can be deceiving but, in this case, they are revealing.

The National Cancer Institute estimates up to 650 Vietnam-era veterans have developed soft-tissue sarcoma—about twice the national average for that age group. We do not know that agent orange caused this significant difference but we do not know it did not either.

The effects of radiation exposure are much easier to chronicle and I am pleased the committee chose to address them in H.R. 1961. The 230,000 military personnel exposed to ionizing radiation deserve to be helped by a grateful nation if, indeed, they are suffering from service-connected illnesses.

America owes no greater obligation than that to the men and women who have served the cause of freedom. These brave soldiers went into an unpopular war and many of them came home with terrible disabilities. We do not know what agent orange did to them and we may never really know.

But I think we owe them the benefit of the doubt which is why I urge all of you to give favorable consideration to H.R. 1961. Thank you, Mr. Speaker.●

● Mr. PANETTA. Mr. Speaker, as vice chairman of the Vietnam-era veterans in Congress and an original sponsor of H.R. 1961, I rise in strong support of the Agent Orange and Atomic Veterans Relief Act. I would like to thank the distinguished chairman and ranking minority member of the Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. HAMMERSCHMIDT, for the leadership they have shown in bringing this legislation to the floor of the House. I would also like to pay a special tribute to the chairman of the VVIC, TOM DASCHLE, for his foresight and commitment to the needs of our Nation's veterans.

Mr. Speaker, today we are considering legislation that attempts to return a modicum of fairness to the compensation policies of the Veterans' Administration. The enactment of this bill would restore credibility to the VA's policies and to our commitment to compensate veterans for injuries incurred in the service of our country. It is high time to shift the burden of proof from the veteran to the VA in awarding service-connected disability claims for illnesses attributable to dioxin and radiation.

However, it is my hope that the bill we are considering today is just the first step in the painful but necessary effort to recognize our Government's responsibility for the exposure of our service people to agent orange and low-level ionizing radiation. I know that many members of this body shared my hope that we would be able to approve more comprehensive and long-term compensation for these veterans, but I am pleased that we are making a concerted effort to address this issue.

As amended by the Committee on Veterans' Affairs, H.R. 1961 would provide a retroactive temporary disability or death allowance for veterans who served in Southeast Asia during the Vietnam war and may have been exposed to agent orange. Effective October 1, 1983, the bill would provide compensation for victims of agent orange if they are shown to have soft tissue sarcoma within 20 years from the time they left Vietnam, or if they have a liver condition known as PCT or the chronic skin condition chloracne within 1 year after leaving Southeast Asia. While I am pleased that the committee adopted a 20-year presumptive period for the soft-tissue sarcoma, I believe that the 1-year limitation on PCT and chloracne compensation is simply not adequate. Testimony from many Vietnam veterans indicates that minor skin rashes and irritations they experienced during service in Vietnam were thought to be inconsequential, and as a result were never recorded on their service records. Thus, while their chronic chloracne may persist for more than 25 years, many exposed veterans will have no hope for compensation if we continue to mandate the 1-year presumptive period.

H.R. 1961 would also provide temporary compensation to those veterans who were exposed to low-level ionizing radiation during Government testing of nuclear devices or in the occupation of Hiroshima or Nagasaki, and who later suffered from one or more of three specific conditions. Though very few will benefit from this provision, it represents an important step in the effort to have Congress recognize the validity of claims filed by World War II and Korean-era veterans with conditions attributable to radiation exposure. Under this provision, compensation would be provided for those who suffer from leukemia, polycythemia vera, and carcinoma of the thyroid within 20 years from the time they were first exposed to radiation. While I am encouraged by this attempt to formulate an honest policy with respect to these atomic veterans, the fact remains that the vast majority of veterans exposed to radiation were discharged 30 or more years ago. In this connection, it is my sincere hope that in the future, we will consider extending the 20-year limit by another 5 to 10 years.

Mr. Speaker, this legislation is indicative of the progress we have made in recognizing our responsibilities to the victims of agent orange and radiation exposure. But I urge my colleagues not to stop here. Let us go forward from this initial step, and with the help of medical science, fully examine the effects of agent orange and radiation exposure on those who proudly served our country. It is our duty not only to provide temporary compensation to veterans exposed to these deadly substances, but to adopt a long-term policy of education, treatment, and compensation for the veterans and their families. I strongly urge my colleagues to support H.R. 1961, and to fulfill the mandate "To care for him who shall have borne the battle and for his widow, and his orphan."●

● Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, and its objectives. Just last week before this body, the President pointed out that one of the principal responsibilities of the Federal Government is to provide for the common defense. I submit to my colleagues that if provision for the common defense is a paramount responsibility, then provision for the care of our defenders must be equally as important.

Today we face a complicated question. How do we care for our defenders when we do not have incontrovertible evidence that health problems—both mental and physical—they may have are directly related to their service? The answer is simply this: We review the facts that we do have and fashion our response accordingly. I believe the Agent Orange and Atomic Veterans Relief Act is the result of such an analysis.

The facts as we have them regarding agent orange are:

Between 1961 and 1971 approximately 52 million pounds of 2,4,5-T containing dioxin were sprayed in South Vietnam.

As evidence of the growing apprehension among some veterans of the Vietnam conflict, more than 18,000 claims had been filed with the Veterans' Administration for disorders believed to have been caused by exposure to agent orange.

Current law provides that treatment be provided for veterans whose disorders may have been caused by such exposure.

Over $300 million are expected to be spent by at least five Federal agencies over the next 10 years to determine the link between agent orange and its long-term health effects.

Until the results from the studies are submitted to the Congress, I believe that the committee is justified in proposing temporary payments of benefits for certain disabilities.

The facts for atomic veterans are as follows:

Between 1945 and 1963 approximately 235 nuclear devices were tested in the atmosphere over the Southwest United States and Pacific Ocean.

More than 200,000 military personnel participated in those tests.

In the aftermath of the atomic bombings of Hiroshima and Nagasaki, additional personnel may have been exposed to low-level ionizing radiation while in occupation there.

Tests of the participants of one explosion indicated a higher incidence of leukemia and polycythemia—inappropriate increase in number and production of red blood cells.

Current law requires the Administrator of the VA to consider the feasibility of conducting a study on the long-term effects of exposure to this low-level radiation.

If the study is conducted, its results will not be available in the near future.

For too long have the veterans who participated in these events waited for their Government to recognize their difficult situations. Many have suffered their pain and anguish in private; others have bounced from office to office seeking relief for ailments that often were nonspecific by medical terms but very real to the men and women who suffered from them, ailments that sometimes proved fatal.

The Veterans' Administration has a clear record of foot dragging in its mandated responsibility to study the effects of agent orange, in particular. Now this study has been shunted off to the Center for Disease Control for who knows how much longer.

In the meantime, we have enough evidence to show that we must certainly provide these temporary benefits for our atomic veterans and Vietnam veterans. This legislation goes far toward providing some peace of mind to the thousands of men and women who saw their duty to fight for their country. Mr. Chairman, it is time that we in Congress do our duty and adopt this legislation. I urge my colleagues here today to support this effort.●

● Mr. DOWDY. Mr. Speaker, I rise in support of the Agent Orange and Atomic Veterans Relief Act.

H.R. 1961 provides relief for those Vietnam veterans who served in Southeast Asia during the Vietnam-era and were exposed to the herbicide agent orange.

Although the study now being conducted by the Centers for Disease Control in Atlanta will not be complete until 1988 or 1989, I feel the measure reported by our committee and approved by the House is clearly a compromise pending the final results of the CDC study. There are serious reservations about providing compensation for diseases not yet scientifical-

ly linked to the dioxin known as agent orange. Chloracne is the only condition contained in the bill to which a link has been definitely established. I believe we should be very cautious in what we do until the study results of the relationship between the health effects of agent orange are made available to the committee and to the Congress.

This measure provides much needed relief for two very specific groups of veterans—those who were exposed to agent orange in Southeast Asia, and those who were exposed to atomic radiation, either during the occupation of Japan after the Hiroshima and Nagasaki bombings, or during atomospheric testing of nuclear devices between 1945 and 1963.

I believe that we have the obligation to compensate veterans who are suffering from the disabilities contained in the bill.

All benefits would terminate 1 year after the results of the epidemiological study is submitted to Congress, which is now being conducted by the Centers for Disease Control in Atlanta.

As others have stated, the bill is a good begining and I strongly support its passage.

Mr. Speaker, I want to compliment the very able and distinguished chairman of the committee, my colleague from Mississippi, SONNY MONTGOMERY, for the strong leadership he provided in working out a compromise in the committee that is supported unanimously in the House. We had some heated debate in the committee and there were times when we were split on the issue, but the chairman and ranking minority member of the full committee (Mr. HAMMERSCHMIDT), and the chief sponsor of the bill, the distinguished gentleman from South Dakota (Mr. TOM DASCHLE), worked things out and brought us all together. I applaud the efforts of all our Members and am delighted to join my colleagues in the House in support of the bill.●

● Mr. MCEWEN. Mr. Speaker, as a cosponsor of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, I rise in strong support of this legislation. It addresses perhaps the most perplexing issue to confront the Veteran Affairs' Committee, the House of Representatives, and, indeed, all veterans during the 98th Congress.

Mr. Speaker, this legislation is the work of many members of our committee. The distinguished chairman, Mr. MONTGOMERY; Mr. HAMMERSCHMIDT, the committee's ranking member; Mr. APPLEGATE, chairman of the Subcommittee on Compensation, Pension, and Insurance, have all demonstrated responsible leadership and have put forth a concerted effort to resolve this issue.

The bill's principal sponsor, the gentleman for South Dakota, TOM DASCHLE, deserves much credit for his dedication and perseverance to this cause. I commend him for his efforts.

This bill has had a long and arduous history. It has had very dedicated supports and enthusiastic opponents. This bill is an effort by our committee to arrive at a compromise that recognizes the needs of the affected veterans as well as the responsibility to protect America's compensation program through the Veterans' Administration.

Under the provisions of this legislation, H.R. 1961 would provide a temporary disability or death allowance for veterans who served in Southeast Asia during the Vietnam war and may have been exposed to agent orange. Additionally, veterans who were exposed to low-level ionizing radiation while participating in the testing of nuclear devices or in the occupation of Hiroshima or Nagasaki, would also receive the same monetary benefits as if the disabilities were service connected.

Vietnam veterans would receive benefits if they are shown to have soft tissue sarcoma within 20 years from the time they left Vietnam or if they have a liver condition called PCT or the skin condition chloracne within 1 year of leaving Vietnam.

Also, veterans who suffer from leukemia, cancer of the thyroid, or polcythemia vera, which is a bone marrow disease, within 20 years from their exposure to ionizing radiation would also be eligible.

As the distinguished chairman of our subcommittee has indicated, these benefits would be effective October 1, 1983, and would terminate 1 year after the agent orange study is completed and received by the Congress. The Congress will then utilize the scientific evidence provided by the study to decide what action may be necessary.

Mr. Speaker, I believe that the scope and limits of this bill are fair. It is an effort to show compassion where compassion is needed. And I believe that our committee has done the right thing by going as far as it has in an area in which there is still much question.

The committee on Veterans' Affairs held several hearings on agent orange. Many in the Congress have an open and very inquisitive mind on this issue. We want to do what is right. As the ranking member of the Subcommittee on Compensation, Pension, and Insurance. I have heard the testimony of men of science, veterans organizations, and combat Vietnam veterans. All of these exceptional people have afforded the committee the opportunity to make the best informed judgment we can. The elements of this measure are medical in nature, scientific in nature, and statistical in nature. Moreover, they involve resolving reasonable doubt in favor of veterans.

Mr. Speaker, I would be remiss if I did not express my personal appreciation and thanks for the dedication of the various veterans organizations and the contribution that they have made under very difficult circumstances. These fine people reminded us that our responsibility is to all veterans, and in so doing we here today protect the interests of all veterans as well as the special needs of the Vietnam veteran and the agent-orange affected veterans.

I urge my colleagues to support this worthwhile legislation.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise today in strong support of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. This legislation is particularly important to the Second Congressional District of Rhode Island which has one of the largest per capita populations of veterans in the Nation. Clearly, passage of this bill is long overdue for many of the 16,000 Rhode Island veterans who served in Vietnam who are now, as they approach middle age, discovering that their health and their children's health may be threatened by the effects of exposure to a chemical which they came in contact with 12 to 20 years ago.

The concern about agent orange, a highly potent chemical widely used as a herbicide during the Vietnam war, is very real. The substance was sprayed from airplanes to defoliate trees and deprive the enemy of cover. Since the war, more than 95,000 Vietnam veterans have reported debilitating health effects ranging from cancer and birth defects to liver damage and skin disease which they believe were caused by exposure to agent orange.

Unfortunately, the Federal Government's response to these veterans claims had been both shoddy and lethargic. It was not until 1979 that the Department of Defense (DOD) even admitted that American soldiers had been exposed to the chemical. After the DOD admitted that as many as 2 million Americans had come in contact with agent orange, the Veterans' Administration (VA) was directed by Congress to begin a comprehensive study of the long-term health effects of exposure to the substance. For the next 3 years, the VA dragged its feet until finally, in the fall of 1982, the General Accounting Office chastised the VA for conducting inadequate physical examinations of veterans exposed to agent orange, and for keeping unreliable documentation of the results of those physicals. Veterans groups were outraged by the fact that 3 long years had been wasted. Their anger was further inflamed when Robert Nimmo, the former director of the VA, compared the health effects of agent orange to teenage acne.

Over the past year, veterans have finally begun to hear some good news about agent orange. Responding to pressure from myself and 100 other

Members of Congress, the VA agreed to transfer the agent orange study to the Center for Disease Control (CDC) in Atlanta, Ga. The CDC is a highly respected institution, noted for their scientific research. This study is scheduled for completion by 1987. In addition, the VA has also begun to give veterans who have been exposed to agent orange priority in receiving medical treatment for their health problems.

While treatment may be easier to obtain now than it was 5 years ago, many veterans justly believe that they also deserve some type of monetary compensation for the physical disabilities and emotional trauma associated with illnesses such as cancer, liver disease, and birth defects. More than 13,000 veterans have been denied compensation because the VA has placed an impossible two-step burden on veterans to prove they deserve compensation. First, the individual veteran must prove that he personally came in contact with agent orange in Vietnam. This is virtually impossible because the DOD has never provided information detailing the specific troops which were exposed to the chemical. According to the calculations of the American Medical Association, as many as 2.4 million Americans definitely came in contact with the substance. And, even if the soldier could prove that he swam in agent orange, he would be denied compensation because the VA refuses to accept any connection between the presence of certain illnesses and exposure to agent orange until the CDC study is completed. Is this fair? It may be for many diseases that have yet to undergo vigorous scientific testing. Yet, in the case of agent orange, independent scientific studies conducted over the past 10 years have, time and time again, shown a link between agent orange adn three specific illnesses: Chloracne, soft tissue cancer, and liver disorder.

The legislation before us today would mitigate this injustice by removing the two-pronged burden of proof currently imposed by the VA. H.R. 1961 recognizes the existing evidence that connects service in Vietnam with exposure to agent orange and the subsequent development of these three specific illnesses. This presumption of service connection will allow Vietnam-era veterans to receive the disability payments which they have sought for so long. Benefit eligibility under H.R. 1961 is only temporary expiring 1 year after the CDC submits to Congress the results of its agent orange study. It does, nevertheless, represent an important first step toward meeting the legitimate and long unanswered demands of the men and women who served our country in Vietnam.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of this bill and yield back the balance of my time.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 1961, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide disability and death allowances to veterans and the survivors of veterans who served in Southeast Asia during the Vietnam era and suffer from diseases that may be attributable to exposure to the herbicide known as 'Agent Orange' and to veterans and the survivors of veterans who participated in atomic tests or the occupation of Hiroshima and Nagasaki and suffer from diseases that may be attributable to ionizing radiation."

ANNUAL REPORT OF PIPELINE SAFETY FOR CALENDAR YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation.

(For message, see proceedings of the Senate of today, Monday, January 30, 1984.)

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 397 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2878.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, with Mr. FAZIO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in support of H.R. 2878, the authorization for the Library Services and Construction Act Amendments of 1983. This important piece of legislation provides funding through fiscal year 1988 to continue services and to provide access to these services for unserved and underserved population groups.

Since 1956, this program has provided 17 million Americans with library services for the first time, and another 90 million Americans have received improved and additional services through the provisions of this legislation. Even though we are close to our original goal of providing geographic access to libraries for all Americans—96 percent of the Nation now has access to library services—we know there are still millions of Americans who need to have these services continued and expanded if we are to provide the kinds of informational services and special programs that are needed for today's world.

This bill has attempted to meet that challenge by focusing on underserved and unserved groups with an emphasis on the kinds of services and programs needed by these special populations. That is why we have added two new titles to this bill and changed an existing title to serve another underserved group, native Americans.

Some of our colleagues like to say we have met our goal, and we no longer need to provide Federal support for libraries, but I would like to point out that we have new needs, as well as expanding technologies which must be made accessible to all Americans, not just those citizens who can purchase these technologies and services privately.

Briefly, I would like to comment on two of these special population groups who need special materials and library programs which are not adequate today. In the new title V of H.R. 2878, provisions are made to provide discretionary grants to libraries for purchasing foreign language materials. This acquisition is needed for the increasing number of Americans who speak English as a second language.

The other underserved population group is composed of those Americans who have inadequate literacy skills for our complex society. It is estimated that there are over 23 million Americans who are illiterate or functionally illiterate, and Mr. Harold McGraw, Jr., chairman of McGraw, Hill, Inc., and founder of the New Business Council for Effective Literacy, states that there are another 47 million Americans who are only marginally compe-

tent in performing basic literacy-related tasks. Also, estimates project that an additional 2 million Americans are being added to this group yearly. We have created title VI to provide support for libraries to become an important adjunct to our national effort to reduce illiteracy by instituting literacy training programs through libraries.

I do not see how we can say that we do not need to provide all the available resources possible toward helping this large and growing group of citizens in becoming more productive members of our society.

Some additional provisions of H.R. 2878 include funds for library construction and remodeling. Libraries, like much of the public infrastructure of this country, are in dire need of repairs, renovations, and remodeling. This bill will give flexibility to local libraries to improve their access for those groups who are now limited by the physical conditions of the buildings.

Forward funding is added to H.R. 2878 in order to provide more stability and continuity in improving planning for the increased and demanding role of libraries as we move rapidly into the information age with increased demands for improved literacy and better technology. I sometimes think we are not always thoughtful about the implications of our decisions as we sit at the threshold of the 21st century.

This is a major reason for the emphasis on libraries as community information centers and with a continued effort to support resource sharing among all libraries.

This bill is a modest attempt to continue our national commitment to provide vital learning resources for all of our citizens, but especially those special population groups who are still in need of access and special learning programs which can best be provided by public libraries. I urge my colleagues to support H.R. 2878.

□ 1310

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today is an important one, for it represents the major Federal effort to assist our Nation's public libraries. The stimulation of Federal funds provided by the Library Services and Construction Act has greatly strengthened State library agencies and made it possible to serve communities that were previously poorly served or without the benefit of any library services. I believe few programs of Federal assistance have won such widespread support as has the Library Services and Construction Act.

H.R. 2878 encompasses the strengths of the present law and identifies new or emerging needs that this legislation should address. The bill contains several amendments to broaden, improve, and extend the original act.

A new title would be established to help provide public library services for Indians living on or near reservations. Funding for this program would be 2 percent of the total appropriated dollars for the act. We found that most Indian tribes receive very little funding for libraries and that the majority of Indians living on reservations have little or no access to libraries. They are seldom eligible for direct allocations from the States. The lack of a tax base on reservations and isolation have exacerbated the problem. We have, therefore, included a new title IV to promote the extension of library services to Indian peoples living on or near reservations.

Provision and extension of services to older Americans would be strongly encouraged. The current law includes title IV, library services to older readers program, but this title has never been funded. The reauthorization would authorize the extension of library services to older readers as part of the current title I, library services. By including services for older readers in this title, we hope that libraries will concentrate more of their efforts on serving senior citizens.

We also expand the library services title to encourage libraries to become community information centers and to help the public understand and process the vast amounts of information available to them today. In addition, this title would support assistance to libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations.

In title II, H.R. 2878 clarifies exactly which are allowable construction expenses and states that the Federal share of the cost of construction shall not exceed 50 percent. Up until inclusion of a $50 million appropriation in Public Law 98-8, which provided emergency appropriations for fiscal year 1983, the construction title of LSCA had not been funded since fiscal year 1973. H.R. 2878 authorizes to be appropriated $50 million for each of the fiscal years 1984 through 1988.

In title III of the bill we aim to increase interlibrary cooperation, resource sharing, and networking at the local, State, regional, and national levels. This is a very effective way of disseminating information and cutting costs.

In a new title, the legislation will provide for discretionary grants directly to libraries to be used for purchasing foreign language material.

Another new title addresses the worsening problem of illiteracy. The seriousness of the situation demands special emphasis. Under the provisions of this title, both State and local libraries can apply directly to the Secretary of Education for grants to be used to provide and coordinate literacy programs.

Illiteracy is both a serious problem to the Nation and a debilitating handicap to the individual. It is a problem of very special concern to me. In fact, I have joined with the distinguished chairman of the Postsecondary Subcommittee, the gentleman from Illinois (Mr. SIMON), and others in a bipartisan initiative on adult illiteracy. We are trying not only to focus increased attention on the enormity and consequences of the problem, but also to initiate new approaches for combating it.

Mr. Chairman, the Library Services and Construction Act has been an unusually successful program. We have seen 25 years of limited Federal assistance to libraries under this act with a solid record of benefits derived from the stimulation of Federal grants matched by State and local tax effort. This is the only Federal program providing aid to the thousands of public libraries across the country. Since its enactment by the 84th Congress, there have been dramatic improvements in both the quality and availability of library services.

The passage of H.R. 2878 is needed in order to extend LSCA past its present expiration date of September 30, 1984, and broaden its scope to encompass changing needs. I urge my colleagues to approve this bill so that our libraries can continue to meet the increasing demands placed upon them.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

I have a couple of questions. I am looking through the committee report here and, taking a look at the required reports with regard to the Budget Office, it is indicated here that the cost of this bill falls within function 500, but that, as I understand it, when the Budget Committee was asked to take a look at this they did not have the final draft of the bill available.

Can the gentleman assure us that all of the authorization levels within this bill do not put the spending in function 500 over the levels that were included in the congressional budget?

Mr. PERKINS. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. PERKINS. It does not.

Mr. WALKER. It does not?

Mr. PERKINS. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

It also indicates under the inflationary impact that the committee estimates enactment of H.R. 2878 will

have a modest inflationary impact on prices and costs in the operation of the national economy.

Could the gentleman give me an idea of what the definition of "modest" is? Many of us have a feeling we ought not be doing things which do hike up the inflationary impact. Can the gentleman tell me what we mean by "modest"?

Mr. PERKINS. Let me say to the gentleman that to define precisely would be very difficult in this case, but it is contemplated here only reasonable increases. We think the increases that we have provided fall within the terminology the gentleman is questioning me about.

Mr. WALKER. I thank the gentleman. I guess the problem is that one man's reasonable increase is another man's questionable increase. A couple of years ago we were running inflation at 12 and 13 percent a year as we expanded all of these programs. Is the gentleman saying we are going to increase the overall inflation rate of the economy by a tenth of a percent or by 1 percent or what?

Mr. PERKINS. Let me say to the gentleman we are not serving all of the rural people or all of the metropolitan areas of the country today that need these services. We are way behind. But today we are spending $65 million under general assistance. But the authorization that we are expending for 5 years only goes up to $95 million. We may never appropriate the $95 million. We may never appropriate more than $80 million or $85 million or maybe $75 million.

I would say to the gentleman from Pennsylvania these figures are very modest in my judgment.

Mr. WALKER. If the gentleman will yield further, is he telling us there is an inflation tradeoff here and that, in fact, the passage of this bill, according to the committee report, will cause some increase in inflation? Is that correct?

Mr. PERKINS. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

Mr. PERKINS. But it also provides additional services.

Mr. WALKER. I thank the gentleman.

Of course, we have been raising inflation rates for years around here on the idea that what we are doing is providing more services.

But one more question, if I could. Under the construction portion of the bill is it anticipated that the Davis-Bacon wage rates would apply to all construction, thereby reducing the amount of construction that we could have of libraries for a certain amount of money, and also limiting the number of jobs that would be made available?

Mr. PERKINS. That is true.

Mr. WALKER. I thank the gentleman.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. BARTLETT).

□ 1320

Mr. BARTLETT. I thank the gentleman for yielding.

I have a good deal of respect for both the chairman of the committee and the ranking Republican on the subcommittee but I rise to oppose this bill, H.R. 2878, and I do not rise to oppose libraries. I support libraries in this country.

Libraries in this country are funded at the current rate at the local level of approximately $1.5 billion a year. What I oppose, Mr. Chairman, is the refusal of this Congress in bills such as this, including this bill, to prioritize Federal programs and Federal spending as to what is the most appropriate and the best use of Federal funds.

We have a widespread availability of quality libraries and widespread availability throughout the country. And that is important. But I oppose the extension of $684 million in additional spending over the next 4 years.

Mr. Chairman, I oppose the bill primarily because of its perpetual life feature. Should this bill pass perhaps we should title it, instead of its current title, we should title it the Perpetual Federal Spending Program Act of 1984. I think we should examine what this act would purport to do. I believe the chairman and the gentleman from Missouri eloquently gave us reasons not to reenact this act and pass this bill, because at best, this program over the past 25 years has already accomplished its mission. Beginning 25 years ago, this House, this Federal Government set out to assure the availability of libraries throughout the country and we have largely accomplished that with libraries available in 96 percent of the communities in this Nation. Those libraries are locally administered and locally funded, and their priorities are locally set. Ninety-five percent or more of all funds for libraries in this country, $1.5 billion annually, come from local needs and we need quality libraries. But that quality should be built in at the local level. So, it is a case of a misson has been attempted, beginning 25 years ago, and the mission has been largely accomplished. But at worst, Mr. Chairman, at worst this is a case of a Federal program which is unnecessary, redundant and costly, a Federal program which has assumed a life of its own.

Now, certainly one could make a case that some of the funds in this bill will do some good. There are few Federal programs that cannot make that case. But what the country is asking us to do, what the American people would have us do in 1984 is to prioritize the spending of American taxpayers' money and to say is this $684 millon the best use of those funds? We just passed a bill on agent orange, Mr. Chairman, which over a 4-year period would expend $30 million. and I would ask who among us would say that Federal aid to libraries is 20 times more important than dealing with agent orange? I would ask this Congress today to make a real case for the future, a future of the continued recovery, a future of increasing employment and decreasing inflation and decreasing interest rates. I would ask this Congress to think about, very carefully, the last recession that we have just gone through, the recession that was caused by excessive nonprioritized spending of this body, and I would ask us to take steps to avoid that next recession.

Mr. Chairman, $180 billion deficits are not created in the aggregate. At no time does a bill's sponsor stand here or in the well and ask for this House to pass $180 billion expenditure and label that expenditure deficit. No, sir. The Members of this body bring that $180 billion to us one bill at a time, one act at a time, $1 billion in one, $5 billion in another; sometimes they ask for $684 million. But it is the cumulative effect of each of those pieces of legislation, of each of those perpetual Federal programs that cause that deficit. And the risk, and the effect then, is not so much that there is red ink on the budget or that it shows up in someone's campaign expenditure. The result is in the lives of real American families who cannot find jobs, are thrown out of work. The result of this bill and others like it, the result of this lack of prioritizing responsibility is that more Americans are thrown out of work and more senior citizens cannot cope with inflation and more young families are unable to buy homes. I noted the cries last week that the White House should somehow show sincerity in making a downpayment on the deficit. It is now Congress opportunity today with this legislation, to show that sincerity to the American people, to prove to the American people and to ourselves, that we are serious about a deficit, that we are serious about avoiding the next recession, that we are serious about the future, we are able to prioritize.

The President likes to make remarks to this effect, and his favorite quote is:

> There is nothing so immortal in the history of the world as the perpetual life of a Federal program.

And this act, today, is evidence of those words. I urge this House to prove that at least there is one Federal program that does not have to be immortal, that it can be sunsetted, that we can say we have accomplished our goals and we will prioritize public spending of Federal dollars.

I would urge this House to defeat the Perpetual Spending Act of 1984.

Mr. COLEMAN of Missouri. Mr. Chairman, I have no additional requests for time, but I would like to close before I yield back the balance of my time.

Mr. Chairman, I point out to the membership that we are experiencing an explosion of information, an explosion which many of us feel we have not sufficient resources to get a handle on, to refine, to understand. And that means that the libraries of this Nation are going to have more and more of a task in the years ahead in trying to assimilate this information, make some sense of it, put it in form that is useable for people in this country. It is one of the most important things we have facing us in this country and one which we can take a good deal of credit for creating. The fact that man now has the ability to know more things about himself and this world is a good thing. But to put it in some sort of resource fashion that it can be used by individual citizens in making decisions in their own individual lives is still another challenge we must meet. That is what this Library Services Act attempts to do. It has a sunset provision. This is not just ad infinitum, continuing on; it goes through the year 1988 when Congress can reauthorize and question it again. Talking about illiteracy again, there is $20 million in this bill to try to deal with that problem of illiteracy. We have 26 million Americans who cannot read or write who are a drag on our economy because they cannot fill out job applications, let alone read manuals and information dealing with their job. We have a number of people in our armed services who cannot read the field manuals to operate the sophisticated weapons and arms that are there to defend this country.

So, it is a national problem. This is just a little bit of the national resource we are putting in to try to help libraries come up with volunteer efforts and to organize themselves to help try to reduce down that illiteracy rate.

So, it is an important bill. I do not think it is going to create any inflationary pressures considering the size of the outlays, with respect to the rest of the Federal budget. It was negligible. That is what the report says. I think it is a good bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Chairman, I do want to make clear that I am reading out of the RECORD where it says that:

The Committee estimates that the enactment of H.R. 2878 will have a modest inflationary impact on prices and costs in the operation of the national economy.

Now, the gentleman quotes from the next sentence which says that: "as a component of the Federal budget," the whole thing is negligible.

But, nevertheless, the committee does say this is going to have a modest inflationary impact. That means inflation is going up as a result of this bill. I do not think we want to mislead the Members that there is not some impact here; that is described by the committee.

Mr. COLEMAN of Missouri. I think the gentleman read the statement correctly but I also think we are not going to create any economic manifestations out of this bill; it is just simply not that big a bill as far as dollars go.

I think it is always wise for the gentleman to point out and remind the membership, however, as we go through the spending bills exactly what we are doing and we know what are doing on this one.

Mr. Chairman, I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I can understand the viewpoint of the gentleman from Texas (Mr. BARTLETT). He comes from one of the most beautiful, most wonderful, and one of the richest cities of the whole country.

□ 1330

It is true that they may have adequate library services in Dallas. I recall when that city was 100,000, and I do not know of any city in this whole country that has grown like Dallas since the early days of World War II.

It is true that most money for libraries comes from State and local sources. In fact, 95 percent comes from these sources, but the money that we first spent on libraries when we enacted this legislation in the fifties was more or less seed money that caused the local governments and the States to participate to a greater degree. It served as an incentive. And as I stated, so many people in those days did not have access to libraries.

The 5 percent from the Federal level is vital. It provides services to the people left behind—rural areas, depressed urban communities, Indians, and as the gentleman from Missouri (Mr. COLEMAN) went into, the illiterate population.

We may be reaching 96 percent of the population, but we cannot forget those people we left behind. And that is the true objective of this bill.

I respect what the gentleman from Texas is saying, but I have to tell him I heard the same point of view when they were opposing this legislation in the 1950's and 1960's. And if we had not gone against that point of view, we would not have had the success that we had, and we would have never enacted the legislation in the first place.

While we may be reaching 96 percent of the people with library services, we cannot neglect the people that we are not presently reaching. And I just wish the gentleman from Texas would apply his standards to the entire Federal budget and not just the libraries for the poor and underserved.

I think I read last week that the Department of Defense spent hundreds of dollars for a screwdriver that cost a few cents. Let us apply a fair standard to all programs and not to just those for the poor.

This legislation should be supported, Mr. Chairman, and I think that all the Members will support this modest increase in the authorizations that we are proposing here today.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield.

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for his kind words about my city of Dallas and, in fact, we are fortunate. With the strong economy, the State of Texas as a whole, as the gentleman may know, is lower than the national average in unemployment.

I would also join with the gentleman at any time; as he knows, I do oppose extensions of Federal spending in most areas not out of an opposition to the programs, but out of concern for the double-digit inflation, the tax load, and the double-digit interest rates. So I would join with the gentleman in his concerns about the Defense Department and the procurement procedures which cost taxpayers money, either in taxes or in inflation. And I will join with the gentleman at any time in assisting and working together in demonstrating efficiency by the reduction of tax funds.

I would also comment to the gentleman that I have some experience from Dallas with this program. And these funds just do not go to rural schools. When I was on the Dallas City Council, we had a request at year end from this program, in 1 year in years past, in which they had some money left over. And they called Dallas and wanted to know if we could spend it. We declined, incidentally. But they were apparently making calls all over the country just to see if we could get the money spent.

So I would say to the gentleman we do have good libraries in Dallas and in Texas. They are primarily locally built—many of them with private funds. But also, I commend the gentleman for his concerns about the deficit and Federal spending throughout the Federal budget. And I will join with him in examining each and every area of Federal spending.

● Mr. SIMON. Mr. Chairman, I rise in support of H.R. 2878, the Library Services and Construction Act amendments of 1983. Since the Federal Gov-

ernment began to assist our Nation's libraries in 1957, some 17 million Americans have received library services for the first time. Another 90 million individuals have benefitted from improved services. During the last Congress, the Subcommittee on Postsecondary Education conducted extensive oversight hearings around the country to prepare for reauthorization of the act. We learned that, in general, LSCA programs were very highly regarded and valued. Certain suggestions were made, however, to improve library services under the act. Numerous witnesses pointed out, for example, that:

The focus of LSCA needed to be changed from providing geographic access to a strong emphasis on providing access to services for a wide range of populations;

Libraries should be considered community information centers, not just repositories for books;

There are no provisions for library services for American Indian tribes;

Increased emphasis is needed on interlibrary cooperation; and

Funding is desperately needed for title II construction programs.

H.R. 2878 addresses these needs. It expands the definition of libraries to reflect their new role as information centers; it increases the authorization for library construction and redefines permissible projects to include handicapped access and energy conservation projects; and it encourages greater interlibrary cooperation. One new program in title IV will permit Indian tribes to receive funding directly from the Secretary of Education for the purposes of developing library services. Title V creates a second new program which provides for discretionary grants directly to libraries for the purpose of purchasing foreign language materials. Finally, there is a new program created by a new title VI which allows libraries to apply directly to the Secretary of Education for grants to be used in the coordination of literacy programs.

The administration has expressed its opposition to this bill. Libraries, it argues, are the responsibility of State and local governments and, in spite of the acknowledged success of LSCA programs over the past 25 years, all Federal support should be cut. LSCA, however, requires that States and communities must match the Federal contribution to libraries. In no case can the Federal share of programs on titles I and II be more than 66 percent. Still, Federal funds have proven to be a tremendous stimulus to State and local governments. Often, States over match Federal funds.

In spite of a record of opposition to libraries on the part of the administration, Congress has consistently given library programs strong bipartisan support. In fiscal years 1983 and 1984, the administration recommended zero funding for library programs. Nonetheless, Congress has kept authorization levels above $80 million. Given the tremendous cost increases that libraries have faced in recent years, it is time we reconfirm our commitment and put authorization levels for libraries back in step with their needs.

The average cost of a periodical in 1969 was $9.31. Today it is $50.23. The average book in 1969 was priced at $19.37. Today the price tag is over $25.

If our Nation's libraries are to meet the growing challenge of the new era of information, if they are to attain their full potential as social services to all American citizens, we cannot back down now. We must continue our history of support. I urge you to vote yes on this bill.●

Mr. PERKINS. Let me say in conclusion, Mr. Chairman, that I feel this modest increase in this authorization will strengthen America and will in the long run reduce the Federal budget by increasing the productivity of our people.

There is nothing here that is bloated. It is modest, and if we are going to have this program at all, we must come forth with some reasonable increases to take care of people who are not presently being served—Native Americans, handicapped, illiterates, and the unserved. It is one of the most worthwile programs that we have ever enacted in this Congress. And I would hate to see us fail to increase to a modest degree these authorizations.

Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DASCHLE) having assumed the chair, Mr. FAZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, had come to no resolution thereon.

□ 1340

ORDER OF PRECEDENCE OF SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, would there be a way I could allow the gentlewoman from Colorado (Mrs. SCHROEDER) to go ahead with her special order, and then come back to my special order later on?

The SPEAKER pro tempore. Without objection, the gentlewoman from Colorado (Mrs. SCHROEDER) may proceed.

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. WALKER) for his very magnanimous agreement to allow my special order to go first, because it is a tribute to a deceased Member of this body who served an incredible amount of time, and I am very touched and moved by his allowing this to be taken up as the first order of business during special orders today.

LET'S GET THE MARINES OUT OF BEIRUT

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Thursday I introduced House Joint Resolution 459, designed to get the marines out of Lebanon on or before April 1, 1984. My resolution would do this by requiring that by the April 1 date the marines currently ashore in Beirut would be reembarked on designated ships of the 6th Fleet. This action would remove the marines from the continuing risk of another terrorist attack, similar to what occurred on October 23, 1983. But we are not "cutting and running." The basic assignment of this Marine unit is on board various ships of the 6th Fleet. By putting the marines back at sea, they are no longer sitting ducks. And if some emergency situation should arise, they can quickly be brought ashore.

Two other crucial points. The current mission of the marines is to be a peacekeeping force. But after 2 years there is still no peace in Lebanon. The Marine visible presence has not brought an end to the fighting. And after months of futile negotiation, it is obvious that a reconciliation of all the diverse religious groups in a Lebanese Government is virtually impossible.

Second, House Joint Resolution 459 is based on article I, section 8, of the U.S. Constitution, that gives Congress "the power to raise and support armies; to provide and maintain a Navy;" and "to make rules for the Government and regulation of the land and naval forces."

Some Members have felt that redeploying the marines would infringe on the powers of the President as Commander in Chief. But the Constitution clearly gives Congress specific authority to make rules for the regulation of the marines. That is precisely what House Joint Resolution 459 does.

One final point: The House Armed Services Subcommittee's investigation of the October 23 bombing also made it clear that our top military experts, the Joint Chiefs of Staff, never approved the Lebanon mission for the

Marines. They considered it a political, not a military, mission.

I would welcome your cosponsorship of House Joint Resolution 459, which I am sure reflects the majority sentiments of the people of your district, as in mine.

Under leave to extend my remarks, I include the text of House Joint Resolution 459:

H.J. RES. 459

Joint resolution requiring that the Marine Corps contingent presently serving as part of the Multinational Force in Lebanon be reembarked on ships of the Sixth Fleet not later than April 1, 1984

Whereas the Constitution (article I, section 8) provides that "Congress shall have the power . . . to raise and support Armies . . . to provide and maintain a Navy; to make Rules for the Government and Regulation of the land and naval Forces";

Whereas since September 1982, a contingent of United States Marines, numbering between 1,600 and 2,000, has been stationed ashore in Lebanon as part of the Multinational Force in Lebanon with the mission of providing a "visible presence" for the purpose of providing "stability" to Lebanon;

Whereas during that period approximately 258 United States military personnel participating in the Multinational Force have lost their lives in Lebanon, including 241 as a result of a single suicide terrorist attack on the Marine battalion landing team headquarters building at the Beirut International Airport on October 23, 1983;

Whereas the Subcommittee on Investigations of the Committee on Armed Services of the House of Representatives conducted a detailed and in-depth inquiry into this terrorist bombing and concluded that "serious errors" had occurred on the part of individuals in the military chain of command and running through the chain of command all the way to the top as a result of a contradictory "mission" assigned to the Marines participating in the Multinational Force in Lebanon;

Whereas the subcommittee, in its report entitled "Adequacy of U.S. Marine Corps Security in Beruit", dated December 19, 1983, concluded that "Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress";

Whereas the subcommittee further concluded that "Diplomatic pressure of the most serious sort must be brought to bear on the Gemayal government to reach an accord with the warring factions. The solution to Lebanon's problem will only be found at the bargaining table. We must not in any way encourage the perception that a solution can be found on the battlefield with the participation of U.S. Armed Forces.";

Whereas the initial mission of the Marines participating in the Multinational Force in Lebanon was not approved by the top United States military experts, the Joint Chiefs of Staff, nor by the Secretary of Defense, but was primarily dictated by the political leadership;

Whereas the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October 1983 (known as the "Long Commission"), in its report dated December 20, 1983, confirmed the conclusions of the report of the Subcommittee on Investigations of the Committee on Armed Services with respect to the flaws in the basic mission assigned to the Marine contingent participating in the Multinational Force in Lebanon, and also spelled out the failure of top officials in the chain of command to recognize the greatly changed circumstances in the position of the Marines in late 1983 as compared with the situation when they were first sent to Beirut and cited the continuing failure even now to provide adequate protection to the Marine contingent in Lebanon;

Whereas a high level of fighting (including increased acts of terrorism) continues in Lebanon, despite the presence of the Marine contingent;

Whereas no substantial progress toward national political reconciliation in Lebanon has occurred and does not appear to be in sight in the immediate future; and

Whereas the continued presence of the Marine contingent in Lebanon under these circumstances is highly likely to result in still further casualties to the Marines: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to its constitutional authority to raise and support armies and "to provide and maintain a Navy; to make Rules for the government and Regulation of the land and naval Forces," the Congress determines that the United States Marine Corps contingent participaing in the Multinational Force in Lebanon not be subjected to further dangers in an unpredictable military environment. Therefore, the United States Marine Corps contingent presently serving as part of the Multinational Force in Lebanon shall be reembarked on ships of the Sixth Fleet not later than April 1, 1984.

MERCHANTS OPPOSE CREDIT CARD SURCHARGES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the prohibition against surcharges on credit card purchases was imposed in 1976, extended in 1978, and extended again in 1981. The ban is up for reconsideration again this year. In 1981, much debate focused on the impact surcharge legislation would have upon merchants and retailers. Now, the results of a survey conducted by the Federal Reserve are in.

In its study, Credit Cards in the U.S. Economy, the Federal Reserve reports that 71 percent of all merchants believe removing restrictions on credit cards surcharges is a bad idea. The study directly compared the benefits of the cash discount system already inplace with a system which would allow surcharges instead. The retailers preferred to keep the cash discount system intact, and not allow surcharges.

In the Federal Reserve's study of retailer attitudes, retailers were asked whether they thought that a credit card surcharge was a good idea or a bad idea compared to discounts for cash. Seventy-one percent of all retailers responding to the survey replied that a surcharge is a bad idea.

Among gasoline retailers, 67 percent expressed disapproval of a surcharge. In other words, two out of three gasoline dealers oppose surcharges. While I do not find this surprising, it may come as something of a shock to those in the gasoline retail industry who have claimed that dealers would rather be able to impose surcharges upon consumers.

Among other retailers, the opposition to surcharges is even greater. Seventy-two percent of all other retailers oppose surcharges. Strong opposition exists regardless of the size of the retailer. Of those retailers with sales volume in excess of $100 million, 74 percent thought surcharges were a bad idea. Retailers with volume between $10 million and $100 million preferred cash discounts over surcharges by four to one, with 80 percent opposing surcharges. For retailers with sales between $1 million to $10 million, the percentages of those who thought surcharges a bad idea are virtually identical, with 79 percent opposed. And among retailer with sales under $1 million, fully two-thirds, or 67 percent, opposed surcharges.

During the original debate on this legislation, cash discounts were approved to benefit both consumers and merchants. Consumers who choose to pay cash for goods can receive a discount, and merchants can offer discounts to attract customers and avoid the paperwork and assorted costs associated with credit cards. I fully support the cash discount system and think it has functioned well in our economy. I cannot see any reason to disrupt the efficient system already in place by approving credit card surcharges.

There are many potential disadvantages in allowing merchants to tack on a surcharge to their customers who pay with credit cards. The possibility of price confusion regarding an advertised item would be enormous. And while many argue that allowing surcharges would benefit merchants by passing the cost of credit card operations directly to the credit customer, the Federal Reserve study found no evidence to support that claim. In fact, many merchants benefit by permitting customers to use charge cards in their stores. The amount of business in some stores has actually increased because customers may use credit cards, and the effect of the increased business has been lower prices.

Allowing the credit card surcharge prohibition to expire would create a distressful situation. Consumers would be confused by the array of cash,

credit, and regular prices offered. And prices would not necessarily be lower than the prices now. As is evidenced by the survey conducted by the Federal Reserve, merchants would not benefit from surcharges and, in fact, do not want the credit card surcharge prohibition to expire. Our current system of encouraging cash discounts and banning credit card surcharges has been in place and working for over half a decade. There is no reason to disrupt our present successful system.

THE LATE HONORABLE BYRON ROGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER), is recognized for 60 minutes.

Mrs. SCHROEDER. Mr. Speaker, today I take this time to praise the memory and good works of Byron Rogers, who died on December 31. He was a man who took more pride in public service than personal image. Byron held this seat, the First District of Colorado, from 1951 to 1971, longer than any other person. Those 20 years, however, are only one span in a public service career that bridged over 50 years.

Byron served in the U.S. Army Infantry during World War I. After graduating from the University of Denver Law School in 1925, he practiced law in Las Animas, Colo., and in 1929 became the city attorney for Las Animas.

He was elected to the Colorado House of Representatives in 1932 and served until 1935, being elected speaker of the house in 1933. During that same period, he joined the Roosevelt administration, on the legal staff of the Agricultural Adjustment Administration and the National Recovery Administration.

From 1934 to 1936 he was assistant U.S. attorney of Colorado and from 1936 to 1941 he was the attorney general for the State of Colorado. He ran for Congress in southern Colorado in 1940 and lost. In the early 1940's he chaired the Colorado State Democratic Party. He loved Colorado and the city of Denver and worked hard for them. He was a real person. He fought hard for civil rights and handled much of the civil rights legislation we celebrate today on the floor for the Judiciary Committee. His care and concern for his wife and children was very moving. I often saw him shopping in the grocery store in Denver after he left office. That is real life. We will miss him.

In 1950, Byron ran for Congress again, this time in Denver, and won. He was reelected nine times, before being bested in a tight primary race in 1970.

Those are the facts and the statistics.

Byron Rogers career in the House of Representatives was marked by his service on the House Judiciary Committee. He was a stalwart defender of the Constitution and the Supreme Court. If anyone deserves to be an honorary "Founding Father" for devotion to preserving our government from angry assaults, it is Byron Rogers.

I will remind my colleagues of two examples, and then I will rest my case.

During the 1964 debate on the Tuck amendment, which would have deprived the Supreme Court and the Federal judiciary of jurisdiction over reapportionment cases, Byron was a leader in the fight against the amendment: I quote from a floor speech he made:

> Is there anybody so simple-minded as to feel we can deprive the U.S. Supreme Court of the right to protect our constitutional rights? [In attaching the Tuck Amendment] we say then that the Supreme Court shall not have the authority to interpret the Constitution or protect your constitutional rights.

In 1970, in another time of angry assaults on the Constitution and the Supreme Court, an impeachment resolution was introduced in the House against Justice William O. Douglas. Byron was appointed to a special Judiciary subcommittee to investigate the charges, which amounted to nothing more than a partisan, divisive attack on the Court itself. Byron's subcommittee disposed of the matter.

Let me refer to James Madison. Of all the Federalists, Madison was the realist, the expert on human nature. He knew that the fledging government, to survive, had to take into account the corruptions of power, the tyranny of the majority. He argued for a separation of powers and an ingenious system of checks and balances.

A strong judiciary is key to Madison's plan. "The great difficulty," Madison said, "lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on people, is no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

Consider this: That more than 200 years after our revolution we are still living a revolutionary ideal—the rule of law.

We should take a moment here to thank Byron Giles Rogers, for 20 years a defender of the Constitution in the House of Representatives.

Mr. Speaker, I am going to include in the RECORD the very, very touching remarks made by the Honorable William H. McNichols, Jr., former mayor of Denver, at services for the Honorable Byron Rogers, on January 3, 1984.

Mr. McNichols was the mayor during much of Byron Rogers' tenure and knew him very well. At the services, he went into much detail about the care and concern Mr. Rogers always had for the city of Denver and what he did for them.

REMARKS MADE BY W. H. MCNICHOLS, JR., JANUARY 3, 1984—SERVICES FOR THE HONORABLE BYRON G. ROGERS

We all know Byron Rogers was an outstanding public servant. He served with distinction in every public trust he undertook.

His 20 years as Congressman from Denver was the task he like best and one he excelled in.

He gave the same careful and meticulous attention to all his legislative efforts and he successfully completed scores—like Water Diversion Projects, Post Offices, Federal Buildings, Airport Funds, and especially his handling the legislation that ultimately transformed Denver into the vibrant city it is. I'm referring of course to the Skyline Urban Renewal—had he not achieved credit for Currigan Hall for Denvers match for Federal Urban Renewal Funds that tremendous re-vitalization of lower downtown Denver could never have happened.

But Byron was just as proud of helping some deserving Veteran get a just pension or some widow getting her proper Social Security rights as he was of the more highly publicized projects that he made possible.

He was kindly and easy to approach. He liked people and they liked him. He was highly regarded by his colleagues in the Congress and they respected his considerable legal and legislative abilities.

It's difficult to say goodbye to a friend like Byron—and even more difficult for his family—but it is certainly made easier for all knowing that his lifeswork resulted in tangible things that will endure for many many years—and in intangible memories etched in the hearts of so many remembering his unpretentious demeanor—his kindness and concern for his fellow man.

He was a thoroughbred American and had a deep and abiding love for this great nation.

The Supreme Speaker has called our faithful Chairman to serve a perpetual term in Eternal Peace.

Mr. Speaker, I am also inserting in the RECORD the very moving remarks of former Congressman Donald G. Brotzman, who served with Byron in the House.

REMARKS OF FORMER CONGRESSMAN DONALD G. BROTZMAN

I would like to join my former colleagues in paying tribute to Byron Rogers. It was my good fortune to have known him and his family over a period of 25 years. He was a man of compassion who genuinely cared about his fellowman. He was an able and skillful lawyer and legislator, which enabled him to serve the people of Colorado in its General Assembly, as its Attorney General, and as a long time member of the U.S. House of Representatives. He was a man who had a genuine love for this Nation and it basic institutions. We have all lost a dear friend and our country has lost a faithful and dedicated servant.

Mr. BROWN of Colorado. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker, today we rise to honor the memory of Byron G. Rogers, who served his State and his Nation through 42 years in public service.

Byron started his public career in 1928 when he sought election to the Colorado General Assembly. He lost that first election but persevered and was elected to the statehouse in 1932. Throughout his life, he pursued those things he knew to be right even though the odds were sometimes against him.

Born to a farm family in Texas on August 1, 1900, he and his family moved to Oklahoma by covered wagon when he was 2 years old. Young Byron had decided as a schoolboy that politics was for him and was actively involved with his family in local political pursuits. He served in the Army during World War I. He attended the University of Arkansas and the University of Oklahoma, but fell victim to tuberculosis. Like thousands others afflicted by this disease, Byron moved to Colorado, where the climate was considered good for the lungs. He finished his education at the University of Colorado and the University of Denver law school and set up his legal practice in the southern Colorado town of Las Animas, where he became city attorney.

He spent 3 years in the Colorado House of Representatives, including one session as speaker. In 1935, Governor "Big Ed" Johnson appointed Byron as Colorado's attorney general, the youngest man in the State's history to hold that post. He was elected to that office in 1936 and reelected in 1938. Between terms in elected office in the 1930's, Byron was an assistant U.S. attorney and was an attorney for the National Recovery Administration and the U.S. Department of Agriculture.

Although he ran unsuccessfully for Congress in 1940, he kept his hand in politics as chairman of the State and Denver Democratic Parties. He finally was elected to Congress in 1950, representing Denver. He served in this House for the next 20 years.

Byron Rogers did not posture for television cameras or conduct fancy reelection campaigns. Elected to 10 terms, his approach to campaigning was to stand on street corners in downtown Denver, talking to his constituents and asking for their vote. The people of Denver knew their Congressman was in Washington the rest of the time doing his work. The evidence of that is visible today throughout Denver.

Because of Byron Rogers, Denver has a new Federal office building, a new U.S. courthouse, an Air Force Accounting and Finance Center and a post office terminal annex. He also was an advocate for construction of the Chatfield Dam, the conversion of an old Army post at Fort Logan to a mental health center, an expansion of Stapleton International Airport, and Federal funding of Denver's skyline urban renewal project.

In 1970, he lost the Democratic primary for his seat by 30 votes. Even though he had entered his seventh decade, he continued to work in Washington as a lobbyist for Jack Beaty & Associates, a public relations firm that represents wholesale tobacco dealers.

He passed away on the last day of 1983, survived by his wife of 50 years, the former Helen Kepler; a daughter, Mrs. Shirley Ann Martin of Leawood, Kans.; five grandchildren and one great-grandchild.

In 1983, Colorado lost two great veterans of this House, Wayne Aspinall and Byron Rogers. Both had devoted their lives in service to their communities and the Nation. We in this body are richer for their service and poorer at their loss.

Mrs. SCHROEDER. I thank the gentleman for his remarkds.

● Mr. PEPPER. Mr. Speaker, I am pleased to join my colleagues in paying tribute to our late distinguished colleague Byron Rogers. Byron was a distinguished and respected Member of this House from 1948 to 1970. The period of his service was one of the critical periods in our Nation's history and Byron played an honorable part in the effort of Congress as it strove to serve America during those crucial days. Byron was a man of great industry, of deep devotion to his duties, proud of the privilege of serving his country in the Congress, a man of outstanding ability, and a fine gentleman. He was not only revered and respected by his colleagues, but loved. He leaves behind him a legacy of which his loved ones can always be proud in the distinguished service he rendered as a Member of this House. Every one of us who knew and served with Byron will always honor his service, revere his name, and cherish the memory of his friendship.●

● Mr. SCHAEFER. Mr. Speaker, today I wish to join my colleagues and the people of Colorado in honoring the memory of one of our State's most distinguished citizens, Congressman Byron Rogers.

Congressman Rogers became involved in public service to the people of Colorado early in his life. After coming to Colorado from Texas in 1923 to attend school, Congressman Rogers practiced law in Las Animas until his election to the Colorado House in 1931. After serving two terms in the house, including holding the post of speaker from 1933-35, Congressman Rogers served as assistant U.S. attorney in the mid-thirties before becoming attorney general in 1936. Congressman Rogers also worked for the Department of Agriculture and the War Labor Board before being elected to the 82d Congress in November 1950.

Congressman Rogers served with distinction throughout his 20 years in Congress. As a member of the Judiciary Committee, Congressman Rogers was at the forefront of the great civil rights debate of the 1960's. However, he never forgot his Colorado ties, and was instrumental in getting funding for the Chatfield Dam and the Big Thompson transmountain irrigation project.

Although we have lost a good friend, those of us who knew Byron Rogers can take consolation that we are better off for that friendship. For those who did not know him, they will be better off because of the work he did in his years of public service.●

● Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Byron Rogers, who passed away on December 31, 1983, in Denver.

Byron Rogers had a tremendous record of public service spanning over 40 years. His political career began in 1929 when he was elected to the Colorado Legislature. In 1934 he became the youngest person ever to serve as attorney general of Colorado and in 1950 he was elected to the U.S. House of Representatives.

I had the pleasure and privilege of serving with Byron Rogers during most of the time he worked in this body. I knew him to be a man of high integrity, deep personal conviction, and sound judgment. He labored tirelessly and effectively on behalf of civil rights as a member of the House Judiciary Committee and the Committee on Civil Rights. While never neglecting the particular needs of the people of Colorado who sent him to Congress, Byron Rogers never lost sight of the needs of the Nation. He was a most dedicated public servant whose many achievements will be long remembered, not only in Colorado, but in the Congress as well.

I know that the people of Colorado have been saddened by his passing. I extend my deepest sympathy to the Rogers family.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in paying tribute to the Honorable Byron G. Rogers, former Member of Congress from the State of Colorado, who died on December 31, 1983, at age 83, after a long and brilliant career of public service spanning more than 40 years. Byron was my friend, and I always shall cherish his advice and counsel during my first 6 years in Congress when we were colleagues in the House of Representatives.

Byron Rogers served our country with distinction in the Army during World War II. After his graduation from the University of Denver Law School in 1925, he became the city at-

torney of Las Animas, and then the county attorney of Bent County, Colo. As a member of the Colorado General Assembly from 1931 to 1935, he earned a reputation as an effective legislator, and was elected speaker of the general assembly in 1933.

During the 1930's, Byron served on the legal staffs of the Agriculture Adjustment Administration and the National Recovery Administration. He was assistant U.S. attorney for the district of Colorado from 1934 to 1936, and attorney general of Colorado from 1936 to 1938.

Byron was also an active leader in his party, serving as State chairman of the Democratic State Central Committee of Colorado from 1941 to 1942, and as the county chairman of the Denver Democratic Central Committee from 1945 to 1950.

Elected to Congress in 1950, Byron Rogers represented his constituents from the First Congressional District of Colorado with distinction for 10 consecutive terms, and was a consistent champion of civil rights and civil liberties as a member of the House Judiciary Committee. He was a conscientious legislator, and one of the most respected and effective Members of the House of Representatives.

Mr. Speaker, Byron was a dedicated American, and a Congressman of outstanding ability, deep compassion, and courage, who served his constituents with a personal touch. He devoted his life to the betterment of his citizens, and compiled an outstanding record of achievement as a Member of the House of Representatives. His dedication to high standards was an inspiration to his friends and all Americans, and his commitment to civil rights and his exemplary service will long be remembered by those of us who had the privilege of working with him.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Helen; his daughter, Shirley; his sister, Mabel; and the other members of his family.●

● Mr. ADDABBO. Mr. Speaker, it is with fond memories that I rise to commemorate the achievements of Byron Rogers. First elected to Congress in 1950, he served this country at a time when many of our basic beliefs were being questioned. As a Member of Congress until 1970, Byron Rogers stood out as a leader who helped steer this country through the midst of turbulent social change.

I had the privilege of serving with Byron in Congress for 10 years. I looked to him as a leader, a teacher, a friend.

In Colorado, his work may be remembered through the physical evidence of the Chatfield Dam and the Colorado Big Thompson transmountain irrigation project.

But Byron was more than just a Member of Congress from Colorado. He was truly a leader of the people throughout the Nation. As a member of the Judiciary Committee, he was influential in the civil rights debate. He was a mover and was instrumental in many of the great strides made in civil rights in the 1960's.

As we mourn the death of Byron Rogers here today, it is evident that many of his accomplishments will live on. For Byron Rogers helped lay a strong and important foundation on which later Congresses have already expanded. It is a doctrine that seeks to guarantee the civil rights of all people throughout this Nation.

I would like to extend my deepest sympathy to his wife, Helen, his daughter, and others that knew him. Byron Rogers will be remembered in our hearts.●

● Mr. NATCHER. Mr. Speaker, I join with my colleagues in the House of Representatives in paying tribute to Byron Rogers, who was an able and dedicated Member of the House of Representatives.

Byron Rogers was a devoted public servant who demonstrated a tremendous loyalty to and love of his country. In all of his assignments as a Member of Congress, Byron Rogers' service was marked by a high sense of conscience and duty. He established an outstanding record in the House of Representatives and on many occasions was commended for his leadership, judgment, and perseverance. We all considered Byron Rogers one of the outstanding legal authorities and called upon him on more than one occasion for his opinion on complicated legislative proposals.

It was a distinct honor and a privilege to serve with Byron Rogers in the House of Representatives. I regret his death and extend my deepest sympathy to the members of his family.●

● Mr. RODINO. Mr. Speaker, in the death of Congressman Byron G. Rogers this body has lost an illustrious former colleague and a courageous champion of civil rights.

Byron Rogers and I became close personal friends during our years of service together on the House Judiciary Committee. Those were years of difficult conflict. Throughout that period, Byron worked tirelessly to bring about historic changes in the law to guarantee justice and equality to all our citizens.

While serving this broader constituency, Byron was always attentive also to the requirements of the people of his district. Like the civil-rights laws he helped create, the much-needed Federal conservation projects he brought to Colorado stand as monuments to his effectiveness as a lawmaker.

Through it all, whatever the cost or consequences, Byron would never bend on principle or alter his course from what he thought was right. He was a model legislator, a modest gentleman, a wise colleague, and a good friend.

My deepest sympathies go to his wife, Helen, and to his daughter, Shirley Ann.●

● Mr. DE LA GARZA. Mr. Speaker, I join today in expressing sorrow at the passing on New Year's Eve of Byron Rogers, an outstanding public servant and a member of this body for 22 years. When I came to Congress Byron Rogers had already been a Member of the House for 16 years—liked and respected by his colleagues and his constituency of the First District of Colorado to whom he rendered distinguished service. I benefited greatly from my association and want to say how proud I am to have served with him.

The contributions Byron Rogers made to his country were tremendous—his good work extending far beyond the Colorado district he represented so outstandingly. He will be remembered as a distinguished legislator, an innovator, a community stalwart, and a fine American.

Byron Roger's vision was great, his labors unselfish, and his dedication complete. Such a man always stands tall in the eyes of his fellow Americans and such a man never dies.●

● Mr. BENNETT. Mr. Speaker, I take this opportunity to speak with a heavy heart in the knowledge that former Congressman Byron Rogers passed away this past December 31. However, I do so with the feeling that a tribute to him is well in order. I had the privilege of serving in Congress with Byron Rogers and felt that he was one of the most natural and able leaders that I have seen here in the House since I came here myself in 1949. He was a very kind and delightful friend to everyone who served with him and on behalf of all those who had some problem that he could solve or help to solve.

Congressman Rogers began his political career in 1929 by serving in the Colorado Legislature, became the State attorney general, and was elected to Congress in 1950, with eight more successful elections to Congress. He was a down-to-earth man with great concern for people who needed help and he gave of his energies and efforts with all the strength that he had to help wherever he could. It was a pleasure to serve with him and I join with all of my colleagues here in sending our deepest sympathy to his beloved family.●

● Mr. KRAMER. Mr. Speaker, I appreciate the efforts of my colleague, Mrs. SCHROEDER, to offer an opportunity for this body to memorialize the life and career of former Representative Byron Giles Rogers of Colorado, who died early Saturday morning on December 31, 1983.

Although Byron Rogers' tenure in the House preceded that of every member of our State's current delegation, his work on behalf of Colorado, especially the city of Denver, will most certainly last well beyond the tenure of each of us. His work is perhaps best summarized by former Denver Mayor Bill McNichols, who called Rogers a "quiet and extremely effective man who brought Denver from town to city with urban renewal legislation that never would have gotten through Congress without his guidance."

Mr. Speaker, if there is one thing that the life of Mr. Byron Giles Rogers symbolizes it is that he was a man who, despite the pressures of public office during his 10 terms, never forgot about the folks back home. There can be no better reward for service in this body than the gratitude and respect of one's constituents. Mr. Speaker, Byron Giles Rogers was without doubt a man appreciated and respected by his constituents.●

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public service of the late Honorable Byron Rogers.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

ADDRESSING CONCERNS OF LEGISLATION ON THE HOUSE CALENDAR THIS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am just going to take a few minutes this afternoon to talk a little bit about the schedule for this week, given the fact that some of us announced last week that we would be attempting, insofar as we could, to see to it that the concerns of the American people with regard to the liberal welfare state get addressed on this floor in the course of our legislative scheduling.

So, Mr. Speaker, I thought what I would do today is indicate that as we go through the schedule this week and are looking at bills that have been brought before us by the House leadership this week, I would say that we will attempt in the course of the week to also talk about some of those issues that we believe are more reflective of a conservative opportunity society than the liberal welfare state practices that are so often represented on this floor.

For example, earlier today we debated in general debate only the library services bill that will come onto the floor for amendment tomorrow. When that bill comes out for amendment, it would seem to me that we from the conservative opportunity society point of view will want to speak to the issue of jobs in that bill. One of the issues that the chairman from the committee admitted in the debate today that is in that bill is something called Davis-Bacon Act provisions. Those are special interest, big labor provisions that are in there that limit the number of job opportunities and also limit the number of facilities that can be purchased with the money that we spend out of this Congress for libraries.

We will come to the floor tomorrow with a jobs amendment that will indicate that where the States see a potential of creating more jobs as a result of eliminating things like Davis-Bacon, that we will in fact allow them to do that, we will allow them to get a waiver of those provisions, thereby creating more jobs.

Our idea behind the conservative opportunities society is to provide greater job opportunities. This will be a job-opportunity-oriented amendment, and it will be done as a contrast to the bill before us, which specifically has provisions in it which limit the number of job opportunities to be made available with Federal money.

We also understand that tomorrow we will debate a bill and have an opportunity to amend the bill on educational excellence. And that also is something that I think both the liberal welfare state and a conservative opportunity society probably share, but we come at it from different directions. For example, in the conservative opportunity society, we believe that people ought to be judged on their merit. So, therefore, I am certain that there will be amendments brought to the floor that will deal with the merit pay issue and also with the school discipline issue, since one of the things that is impacting on the ability of teachers to do a good job is the fact that we have had a breakdown in discipline within the schools.

□ 1350

So those are amendments that will seek to address some of the agenda that we would like to see brought to this floor.

Later on in the week we are going to be discussing the Earthquake Reduction and Fire Prevention Act. There I think one of the things that we would want to emphasize from the standpoint of the Conservative Opportunity Society is the whole idea of the contribution that volunteer fire companies make in this country. One of the things that we often hear on this floor is that the only way that we can protect the health and safety of people is with some kind of Federal program, and yet for 300 years or so out across America volunteer fire companies have made a direct contribution to the health and safety of the people of their local communities through their work.

It seems to me that we want to recognize that, and recognize that here is one way where communities are providing for their own needs and providing for it in a way that ought to be commended, so we will probably want to have some language dealing with the outstanding work the volunteer fire companies have done over a period of 100 years or 200 years in providing just that kind of service to their communities.

Then later, Mr. Speaker, scheduled on the floor is a bill dealing with child abuse. I think there, again, all of us share the desire to do those things which are necessary to prevent child abuse in this country. However, I think we would want to address a couple issues that do not seem to be addressed in the bill.

For example, the issue of abortion is not addressed at all in the bill, and yet one of the cruelest forms of child abuse that exists in this country is when we literally take the life of children through the abortion process. So that aspect of child abuse will certainly be something that we will want to deal with in the bill that comes before us.

Also, while the bill deals with the issue of child pornography, which is one of the more horrendous examples of child abuse in our society today, where commercial exploitation uses children in sexually deviant kinds of ways in order to exploit them for profit, those kinds of things, of course, are important to us all and that is addressed in the bill. However, the bill does not deal with another aspect that we have become aware of in recent years, and that is the whole issue of child prostitution, where runaways and other children sometimes are kidnaped for purposes of being forced into prostitution in the streets of our cities, and this is done by organized crime. We may well in that bill want to address that issue as well as the child pornography issue.

Those are some of the things that, I think, from the standpoint of our view of the world that we will want to see the House debate and probably vote upon. Those are things which I think we can do in a way that will assure the American people that they do begin to see a record and a contrast between two differing points of view on this floor.

THE 10TH ANNIVERSARY OF THE CRUSADE FOR EDUCATION OF THE KNIGHTS OF DABROWSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the 10th anniversary of the Crusade for Education of the Knights of Dabrowski which will be celebrated at the Starlight Inn in Chicago on February 4. This charitable organization based in Chicago for the last decade has provided financial assistance for needy Polish-American students to allow them to obtain a higher education.

The work and the contributions to our community of the Knights of Dabrowski are commendable indeed. The guiding principle of the Crusade for Education is that all children regardless of their family's social or financial status, are entitled to a quality education, and the members of the crusade have devoted endless hours and have obtained countless monetary donations to help talented students of Polonia, who lack the necessary resources, to meet ever-rising tuition requirements. The Knights of Dabrowski are most active in providing help at the graduate level, and have pursued their goals under the motto, "Dedication, Service, and Sacrifice on Behalf of Others."

During the past 10 years, the Crusade for Education has served the community by providing information on educational and career opportunities, as well as up-to-date information on available sources of financial aid. Also, members of the crusade have participated in documentary and special programs on Polish history and culture on local television stations.

Most importantly, the Crusade for Education has provided financial assistance in the form of interest-free loans and scholarships to full-time students at accredited colleges and universities, and has sponsored the Annual Crusade for Education Telethon which not only serves as the primary source of funding, but also provides an opportunity for local performers to showcase their talents.

At this year's 10th anniversary celebration, Dr. Edward J. Wajda, founder of the crusade, posthumously will receive the Cross of the Black Knight, the highest honor the Knights of Dabrowski can bestow, in recognition of his many years of community service to Polania. Dr. Wajda, known affectionately as "Doc," came to this country in 1945 with a group of 30 other refugee boys, after spending his adolescent years in a Soviet labor camp, a victim of Soviet conducted mass deportations of Poles into Siberia, and later in various refugee camps in Iran, Pakistan, and India.

Doc completed his secondary education at the Orchard Lakes Schools, and 7 years later obtained a medical diploma from the University of Illinois Medical School in Chicago. For the next 2 years he served the United States with distinction as a captain in the U.S. Army, and in 1958, returned to Chicago, where he entered private practice.

Back in Chicago, he resumed an active role in the Boys From Poland Fraternity, a charitable organization founded by the 31 Orchard Lake alumni, which later evolved into the Knights of Dabrowski. Through Doc's dedicated leadership and guidance, the Crusade for Education was founded and won the support of the Polish community.

Doc was a caring, kind, compassionate man, sensitive to the needs of the Polish-American community, and recognized that helping needy college students finance their education was crucial to enable Poles to advance in America, to integrate Poles in the mainstream of American life, and to make America strong.

Mr. Speaker, on the 10th anniversary of the Crusade for Education of the Knights of Dabrowski, I join with Americans of Polish descent in the 11th Congressional District of Illinois which I am honored to represent, in paying tribute to the great humanitarian efforts and achievements of Doc Wajda, and I congratulate the Knights of Dabrowski on their contributions to our community and wish them continued success in the years ahead in providing financial assistance to educate our country's youth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORSYTHE (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTLETT) to revise and extend their remarks and to include extraneous material:)

Mr. MCDADE, for 60 minutes, on January 31.

Mr. WALKER, for 60 minutes, on January 31.

Mr. GINGRICH, for 60 minutes, on January 31.

Mr. WEBER, for 60 minutes, on January 31.

Mr. MACK, for 60 minutes, on January 31.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. JEFFORDS.

Mr. CORCORAN in four instances.

Mr. SHUMWAY in two instances.

Mr. LENT.

Mr. LEWIS of Florida.

Mr. KEMP.

Mr. CLINGER.

The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FRANK.

Mr. LANTOS in three instances.

Mr. CONYERS.

Mr. UDALL.

Mr. BEILENSON in two instances.

Mr. STARK in two instances.

Mr. WAXMAN in two instances.

Mr. RANGEL.

Mr. DASCHLE in 10 instances.

Mr. MACKAY.

Mr. BROOKS.

Mr. HARKIN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2211. An act to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. FAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 31, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2510. A letter from the Director, Defense Security Assistance Agency, transmitting a report of the impact on U.S. readiness of the Navy's propsed sale of certain defense articles to Australia (Transmittal No. 84-26), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2511. A letter from the Director, Defense Security Assistance Agency, transmitting a report of the impact on U.S. readiness of the Air Force's proposed sale of certain defense articles to Saudi Arabia (Transmittal No. 84-21), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2512. A letter from the Director, Defense Security Assistance Agency, transmitting a report of the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Italy (Transmittal No. 84-27), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2513. A letter from the Director, Defense Security Assistance Agency, transmitting a report of the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Egypt (Transmittal No. 84-28), pursuant to Public Law 94-106, section 813 (91 Stat. 337); to the Committee on Armed Services.

2514. A letter from the Secretary of Defense, transmitting the operational test and evaluation report covering fiscal year 1983, pursuant to 10 U.S.C. 136(g)(1) (97 Stat. 685); to the Committee on Armed Services.

2515. A letter from the Secretary of Education, transmitting a report on the progress being made toward the provision of a free appropriate public education for all handicapped children, pursuant to Public Law 91-230, section 618(d)(1) (89 Stat. 792); to the Committee on Education and Labor.

2516. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 84-24), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2517. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's offer to sell certain defense articles and services to Australia (Transmittal No. 84-26), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2518. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's offer to sell certain defense articles and services to Italy (Transmittal No. 84-27), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2519. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 84-21), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2520. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's offer to sell certain defense articles and services to Egypt (Transmittal No. 84-28), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2521. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed offer to sell certain defense articles and services to Lebanon (Transmittal No. 84-30), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31, 34; 95 Stat. 1520) Arms Export Control Act; to the Committee on Foreign Affairs.

2522. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other then treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2523. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report of political contributions by Ambassador-designate to the Holy See, William A. Wilson, and members of his family, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2524. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes in fiscal year 1983, pursuant to the act of June 30, 1949, chapter 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

2525. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the annual report of the Commission's activities under the Government in the Sunshine Act during calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2526. A letter from the Chairman, Federal Trade Commission, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2527. A letter from the Executive Director of the Board for International Broadcasting, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2528. A letter from the Governor, Farm Credit Administration, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect during the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2529. A letter from the Secretary, Mississippi River Commission, transmitting the Commission's activities for calendar year 1983 under the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2530. A letter from the Secretary of Health and Human Services, transmitting a report on the evaluation of the system of internal accounting and administrative control in effect for the year ended December 31, 1983, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2531. A letter from the Director, Federal Judicial Center, transmitting the annual report of the Federal Judicial Center for 1983, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

2532. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the league's annual report for fiscal year 1983, pursuant to Public Law 88-378, section 14(b); to the Committee on the Judiciary.

2533. A letter from the Secretary of Commerce, transmitting the 12th annual report of the National Advisory Committee on Oceans and Atmosphere, together with comments and recommendations, pursuant to Public Law 95-63, section 4(b); to the Committee on Merchant Marine and Fisheries.

2534. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report indicating that no professional and scientific positions were established in the National Aeronautics and Space Administration during 1983, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

2535. A letter from the Postmaster General, U.S. Postal Service, transmitting the annual report of the Postal Service for fiscal year 1983, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

2536. A letter from the Secretary of Energy, transmitting the seventh annual report of the activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to Public Law 94-413, section 14 (93 Stat. 1336); to the Committee on Science and Technology.

2537. A letter from the Secretary of Energy, transmitting the third annual report of activities under the Methane Transportation Research, Development, and Demonstration Act of 1980, pursuant to Public Law 96-512, section 9; to the Committee on Science and Technology.

2538. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1985; to the Committee on Ways and Means.

2539. A letter from the Chairman, U.S. Synthetic Fuels Corporation, transmitting the annual report for fiscal year 1983 including the activities, progress, and financial statements of the Corporation, pursuant to Public Law 96-294, section 177(d)(1); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 4681. A bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies; to the Committee on Post Office and Civil Service.

By Mr. DASCHLE:

H.R. 4682. A bill entitled: the "Home Buyers Assistance Act of 1984"; to the Committee on Ways and Means.

By Mr. FRANK (for himself, Mr. DWYER of New Jersey, Mrs. COLLINS, Mr. SIMON, Mr. DANIEL, Mr. DORGAN, Ms. MIKULSKI, Mr. RATCHFORD, Mr. SOLOMON, Mr. SCHUMER, Mr. BEDELL, Mr. TALLON, and Mr. WON PAT):

H.R. 4683. A bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MACKAY (for himself, Mr. BROWN of California, and Mr. WALGREN):

H.R. 4684. A bill to establish a coordinated national nutrition monitoring and related research program, and a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; jointly, to the Committees on Agriculture and Science and Technology.

By Mr. SHELBY (for himself, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 4685. A bill to amend title 38, United States Code, to increase certain dollar limitations under Veterans' Administration housing programs; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. DASCHLE, and Mr. PENNY):

H.R. 4686. A bill to amend title 38, United States Code, to require that grave markers in national cemeteries be upright; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 4687. A bill to require that not more than one-fifth of the budget authority of any department or agency of the executive branch may be obligated during the last 2 calendar months of a fiscal year; to the Committee on Government Operations.

By Mr. WISE:

H.R. 4688. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. FRANK:

H.J. Res. 460. Joint resolution designating the week of November 12 through November 18, 1984, as "National Reye's Syndrome Week"; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H. Res. 406. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the District of Columbia in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. WALKER:

H. Res. 407. Resolution providing for the consideration of the joint resolution (H.J. Res. 84) proposing an amendment to the Constitution guaranteeing the right of life to the unborn; to the Committee on Rules.

H. Res. 408. Resolution providing for the consideration of the joint resolution (H.J. Res. 100) proposing an amendment to the Constitution permitting prayer in public schools; to the Committee on Rules.

H. Res. 409. Resolution providing for the consideration of the joint resolution (H.J. Res. 243) proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on Rules.

H. Res. 410. Resolution providing for the consideration of the joint resolution (H.J. Res. 404) proposing an amendment to the Constitution allowing item veto in appropriation bills; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

315. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to a citizenship petition; to the Committee on the Judiciary.

316. Also, memorial of the Senate of the State of Washington, relative to the Grays Harbor improvement project; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. CHAPPELL introduced a bill (H.R. 4689) for the relief of Horst Bliedung; and his wife, Ellen Bliedung; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 501: Mrs. SCHROEDER.

H.R. 507: Mr. CLARKE and Mr. ROWLAND.

H.R. 1377: Mr. COLEMAN of Texas.

H.R. 1607: Mr. MADIGAN and Mr. HANSEN of Idaho.

H.R. 1797: Mr. WHITTAKER.

H.R. 1965: Mr. BOUCHER.

H.R. 2380: Mr. SHELBY, Mr. ERDREICH, Mr. REID, and Mr. FLORIO.

H.R. 2468: Mr. BOLAND, Mr. ADDABBO, Mr. SMITH of New Jersey, Mr. PRICE, Mrs. SCHNEIDER, and Mr. CONTE.

H.R. 2495: Mr. MCEWEN.

H.R. 3140: Mr. PETRI.

H.R. 3265: Mr. DOWDY of Mississippi.

H.R. 3277: Mr. FRANK, Mr. LOWRY of Washington, Mr. MORRISON of Connecticut, and Mr. LEVIN of Michigan.

H.R. 3282: Mr. HAMILTON and Mr. MCCLOSKEY.

H.R. 3985: Mr. HAWKINS and Mr. JEFFORDS.

H.R. 4049: Mr. WON PAT, Mr. BARNARD, and Mr. FEIGHAN.

H.R. 4050: Mr. WON PAT, Mr. BARNARD, and Mr. FEIGHAN.

H.R. 4051: Mr. WON PAT, Mr. BARNARD, and Mr. FEIGHAN.

H.R. 4105: Mr. RICHARDSON, Mr. VANDER JAGT, Mr. ECKART, and Mr. VOLKMER.

H.R. 4155: Mr. RIDGE, Mr. RATCHFORD, and Mr. MCEWEN.

H.R. 4447: Mr. SOLARZ, Mr. ROYBAL, and Mr. LEHMAN of Florida.

H.R. 4594: Mr. DURBIN, Mr. HARKIN, Mr. DORGAN, Mr. DASCHLE, Mr. ERDREICH, Mr. SIMON, and Mr. HANCE.

H.R. 4642: Mr. ROE, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. LEVIN of Michigan, Mr. FAZIO, and Mr. DASCHLE.

H.J. Res. 154: Mr. GREEN.

H.J. Res. 247: Mr. MCNULTY, Mr. BARNES, Mr. TALLON, Mr. MARTIN of New York, Mr. WOLPE, Mr. SMITH of Florida, Mr. ASPIN, Mr. PACKARD, Mr. PASHAYAN, and Mr. STUDDS.

H.J. Res. 327: Mr. FAZIO, Mr. DASCHLE, Mr. MAVROULES, Mr. DONNELLY, Mr. ORTIZ, Mr. LIPINSKI, Mr. NIELSON of Utah, and Mr. LEVIN of Michigan.

H.J. Res. 382: Mr. BENNETT, Mr. CORRADA, Mr. GORE, Mr. MARTIN of New York, Mr. ROBINSON, and Mr. TAUKE.

H.J. Res. 389: Mr. DWYER of New Jersey.

H. Res. 327: Mr. WON PAT, Mr. BARNARD, and Mr. FEIGHAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

306. By the SPEAKER: Petition of the Italian-American Labor Council, Inc., New York, relative to continued support of NATO; to the Committee on Foreign Affairs.

307. Also, petition of the Joint Baltic American National Committee, Rockville, Md., relative to the Baltic States; to the Committee on Foreign Affairs.

308. Also, petition of the PROTEST Group, Takoma Park, Md., relative to the imprisoned leaders of Solidarity and members of the Committee for Social Self-defense-KOR (KSS-KOR); to the Committee on Foreign Affairs.

309. Also, petition of the Italian-American Labor Council, Inc., New York, relative to the Immigration Reform Act; to the Committee on the Judiciary.

310. Also, petition of the Italian-American Labor Council, Inc., New York, relative to foreign trade; jointly, to the Committees on Ways and Means and Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1904

By Mr. LUNGREN:

—Page 2 line 18, insert "between abortion, between child pornography," after "unemployment,".

SENATE—*Monday, January 30, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O praise the Lord, all ye nations: praise him, all ye people. For his merciful kindness is great toward us: and the truth of the Lord endureth forever. Praise ye the lord.—Psalm 117.

Almighty God, Lord of Heaven and Earth, we thank Thee that history is not capricious, that it is not absurd as one existentialist noted—that in the word of one of Shakespeare's characters, history is not a "tale told by an idiot, full of sound and fury, signifying nothing." We thank Thee that history has meaning and purpose—that it is going somewhere because Thou dost have a plan. We thank Thee that we are part of that plan. Give us the humility to acknowledge this and to conform our lives to Thy purpose.

We want to thank Thee, gracious Heavenly Father, for the long years of service in this Chamber of Ben Firshein, Official Reporter of Debates, and commend his loved ones to Thee in their loss. May they enjoy Thy comfort and peace. In the name of Him who is the Lord of life and history, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, pursuant to the order issued on Friday by the Senate, the reading of the Journal has been dispensed with; the call of the calendar has been dispensed with; no resolutions shall come over under the rule; and the morning hour is deemed to have expired. After the two leaders are recognized, Mr. President, under the standing order, special orders have been provided in favor of three Senators for 15 minutes each, to be followed by a period for the transaction of routine morning business.

Mr. President, at the conclusion of the time for routine morning business, the Senate will resume consideration of S. 1762, which is the so-called crime package, at which time, committee amendments will be taken up and considered, to be followed by amendments that may be offered from the floor. I understand that the distinguished Senator from Maryland (Mr. MATHIAS) has a number of amendments that he will offer, but that it should not require an excessive length of time to consider them. It is the hope of the leadership then that we may be able to finish this bill today; if not today, by tomorrow.

I anticipate a regular session today, extending until 5:30 or 6 o'clock. There may be votes today, depending on disposition of several amendments that may be offered.

PROPOSED SCHEDULE

After this bill is disposed of, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of five other measures that may be ancillary to the consideration of this package. They are the death penalty bill, the habeas corpus bill, the exclusionary rule bill, the Federal Torts Claim Act, and the career criminal bill—not necessarily in that order. I believe it is important that we try to dispose of this entire package, including these five items, before we go out for the Lincoln Day break, which begins on February 10. I hope that we can do some other things as well.

For instance, the Export Administration Act comes to mind and perhaps a nomination or two. I am thinking particularly of the nomination of Ambassador Wilson to be the President's representative to the Vatican, which has been submitted but not yet reported.

Mr. President, that concludes the outlook as I can identify it at this time. I plan to ask the minority leader if he will agree to meet with me sometime before our caucuses on Tuesday and we shall discuss this matter further at that time. That is an overview, as I see it, through February 10.

THE PRESIDENT'S DECISION TO STAND FOR RENOMINATION AND REELECTION

Mr. BAKER. Mr. President, I take this opportunity to commend the President of the United States and the Vice President of the United States for the announcement that was made last evening by the President that they will both stand for renomination and reelection. I was asked by the press how I felt about that, and I told them what I would like to repeat now: I think the President has earned the right to continue with undertakings that he has begun in his first term. I hope that he will be reelected. I shall work hard for that purpose.

I also hope that we may see the resumption of what I think of as a normal two-term cycle for Presidents and Vice Presidents of the United States.

This is not the time to explore in detail nor argue at length the political ramifications of this matter, but I wish the record to show that I enthusiastically support the President's decision made last evening. I shall have more to say on that subject in the course of the day and certainly in the course of the next few weeks and months.

Mr. President, I believe I have nothing further to say at this moment. If I have any time remaining, I reserve it. I yield now to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MATTINGLY). Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may combine my 10 minutes under the standing order with my 15 minutes under the special order and have both run together so that I shall have 25 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that any portion of that 25 minutes that I have not used be under the control of Mr. MOYNIHAN and, following that, by Mr. PELL if there is anything remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. We shall be spending it by talking in concert about a certain matter.

THE REPORT OF THE LONG COMMISSION

Mr. BYRD. Mr. President, the situation in Lebanon has been marked by agony, anguish and mounting confusion since last summer. American marines, as part of a peacekeeping force, have gradually found themselves embroiled in factional warfare and seemingly endless political turmoil. It has become more and more clear that a peacekeeping force cannot, by definition, perform its mission successfully if a number of parties to the fighting do not perceive that force as neutral.

Last September the Senate engaged in a major debate over the wisdom of keeping U.S. Marines in Lebanon as

part of a multinational peacekeeping force there. I and the overwhelming remainder of Democratic Senators had serious misgivings over giving the President an 18-month authorization to keep our men on the ground in Lebanon. We viewed this as essentially an open-ended commitment for a task which the distinguished senior Senator from Georgia, the ranking Democrat on the Armed Services Committee (Mr. NUNN), has aptly termed "mission impossible."

The 18-month authorization for U.S. Armed Forces in Lebanon was passed on the Senate floor on September 29, 1983, by a vote of 54 to 46; 43 of 45 Democratic Senators voted no.

Our marines, over the weeks and months of 1983, became targets for sniper and artillery attacks and then for terrorism which culminated in the terrible tragedy on October 23, 1983—a calculated act of destruction which claimed the young lives of 241 marines.

The same week of that tragedy, on October 29, 1983, the conference of Democratic Senators adopted, without opposition, a resolution that the administration make every effort to replace the current multinational force with other forces which would be perceived as more neutral, or by a U.N. force.

Mr. President, the Senators on this side of the aisle continue to urge the President in the strongest possible terms to begin the process—diplomatically and in concert with our partners in the multinational force—necessary to get our troops off the ground in Lebanon.

Time and time again, Senators came to this floor to voice their reservations over the rather vaguely defined and apparently changing mission of the multinational force in Lebanon. Time and time again I and other Senators wrote the President and questioned his representatives in congressional hearings as to the nature of, first, our policy objectives in Lebanon and, second, the role of American Armed Forces in fulfilling those policy objectives by virtue of their participation in the multinational force.

In the midst of the growing national restlessness and confusion over the situation in Lebanon, we now have the benefit of a report by a Pentagon commission established to conduct an independent inquiry into the attack on the Marine headquarters in Beirut on October 23, 1983. The report is thorough, candid, and remarkably tough. It is an exceptional document, produced by highly respected professional soldiers and analysts, primarily retired military flag officers whose integrity and judgment are unquestioned. It deserves the close study of every Senator and every citizen who is concerned about where we have been in Lebanon, the nature of the problems we confront in that land, and the kind of difficulties we will continue to face there.

The Commission examined in great depth the security measures in place both before and after the October bombing, the adequacy of the intelligence available to us and how well we digest and use it in a real-time operational environment, the handling of the casualties, the problems with the chain of command from top to bottom, and the general problems we confront in an era of state-sponsored terrorism. The report contains lessons which go beyond Lebanon. It includes findings of fact and recommendations which pertain to Lebanon which I believe should be addressed during this session of the Congress.

Mr. President, I believe that if the administration and the Congress follow up on the conclusions and recommendations of the product delivered by Adm. Robert Long's team in a way which matches that report's professionalism, thoroughness and toughness—we can begin together to construct sounder American policies, goals and missions throughout the Middle East.

The key findings of the Long report, findings which disturb me greatly, include the following—and here I am paraphrasing for the sake of conciseness:

First, U.S. policy in Lebanon has relied too heavily on military power and too little on diplomacy, and because of this skewed emphasis, the role of our marines needs reassessment on an urgent basis.

Second, the marines had been placed in a position of unusually great physical risk, and the security precautions in place were inadequate.

Third, the security precautions in place at the time the report was written—that is, as of November 30, 1983, 5 weeks after the bombing—were still inadequate.

Fourth, our intelligence was inadequate, but even that which was available was not followed up properly.

Fifth, accountability for procedures outlined in the rules of engagement and developed in practice should be shared all the way up the chain of command. Since the essence of command is the accountability of responsible officers, the Secretary of Defense should take appropriate "administrative or disciplinary action."

Lastly, the United States is not prepared to deal in an effective way with state-sponsored terrorism—of which the Beirut attack is apparently an example.

So these are just the bare bones of a report which contains a critical analysis of a thinly stretched mission rationale, military inattention to the risks at hand, and lack of preparation for the problem of terrorism. Overall, the report is a devastating critique of a policy in the Middle East which is vague and confused. When policy is muddled, then it is understandable why the military mission is confused. Clearly, the officers in the military chain of command did not understand their role—the military mission was rather vaguely defined and subject to differing interpretations up and down the command chain.

Mr. President, we need to have some assurances that the administration is giving more than lipservice toward meeting the inadequacies of the United States in countering terrorism abroad. The vulnerability of U.S. facilities and forces must be squarely faced. Our intelligence gathering network, processing and followup action needs major revamping. The basic preparation of U.S. Armed Forces to defend against and to effectively counter terrorist warfare must be addressed on an urgent basis.

The Long Commission recommended that DOD "develop a broad range of appropriate military responses to terrorism for review, along with political and diplomatic actions, by the National Security Council." The Senate should be informed and consulted as this process moves along.

The Central Intelligence Agency should also present the Intelligence Committee with its proposals as to how it will upgrade our human intelligence gathering capabilities, and the timely processing of the intelligence gathered to make it quickly usable for our on-scene military commanders. The Commission recommended that the Secretary of Defense establish an "all source fusion center, which would tailor and focus all-source intelligence support to U.S. military commanders involved in military operations in areas of high threat, conflict or crisis." This appears to be a valuable recommendation which should be acted upon.

The Commission also recommended the Secretary of Defense establish a "joint CIA/DOD examination of policy and resource alternatives to immediately improve human intelligence support to our forces in Lebanon and other areas of potential conflict." Progress on this matter should be made in the near future.

Cooperative action with other governments to prepare for and counter the action of state-sponsored terrorism would, I think, be helpful. I believe the administration should upgrade its efforts to work with our allies on this question.

The Long Commission concluded that the security system, weeks after the October attack, was still inadequate. Perhaps it will be necessary to conduct a second review by this same Commission sometime in the near future to evaluate the progress that has been made. It cannot matter what the merits of any policy may be: If

there is not basic protection for our men in a situation of obvious threat, then keeping them in that environment is irresponsible and unjustifiable.

I would hope that the appropriate committees of the Senate will act on the full range of matters raised by this important document.

I ask unanimous consent that a copy of the unclassified portion of the report of the Long Commission be printed in the RECORD following the remarks of Mr. MOYNIHAN and Mr. PELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, under the order as entered, I now yield the remainder of my time to Mr. PELL or to Mr. MOYNIHAN, who in turn will yield the remainder of the time to the other.

Mr. PELL. I thank the minority leader.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. BYRD. Was the request agreed to?

The PRESIDING OFFICER. The request has been agreed to.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the minority leader very much indeed. I listened very carefully to his words, with which I agree.

THE LEBANON CRISIS

Mr. President, in the next several weeks the Senate and the House of Representatives will once again be striving to deal with one of the most vexing problems we face—the need, on one hand to do what we can realistically to move Lebanon toward peace and, on the other hand, to extricate our marines from their present untenable situation.

I fear that, left to its own devices, the administration will continue to drift in its quest for a solution in Lebanon, expressing constant hope for the future, but with little upon which to base that hope.

I have long believed that the United States should do what it can to help Lebanon regain full sovereignty over its territory and achieve internal reconciliation. But there are limits to what we can do.

On January 6, the New York Times quoted an unnamed White House official as saying that "the President wants to stay in Lebanon until there is stability and until there is a plan for the withdrawal of foreign forces."

But except for the period between the two World Wars and sporadically after World War II, since the time of the Crusades, when some of the Christian knights fought and tarried in a sea of Muslims, there has been instability in the area and bloody intercommunal conflict. In the last 8 years, Lebanon has been torn apart as continued instability and chaos have taken a relentless toll. Given that background, the idea of staying until there is stability in Lebanon is not realistic. Moreover, United States and French forces are not perceived as being neutral, but rather as supporters of the status quo involving Christian dominance of the government. The evidence is in the casualty figures. U.S. forces have suffered 258 killed, including 9 from my State of Rhode Island, and 76 French soldiers have been killed. In contrast, the Italians have only suffered two deaths, and the British none. We and the French are targeted and are paying a terrible price.

The administration has not made a persuasive case that U.S. forces can achieve anything in Lebanon; nor has it even explained what would constitute success. Because of this and the fact that U.S. forces are perceived as protagonists in a civil conflict, I believe U.S. forces should be withdrawn and if possible replaced by a U.N. peacekeeping force or by some other truly neutral force.

I am not alone in questioning the wisdom of a continued U.S. military presence in Lebanon.

Mr. President, anyone reading the Long Commission report on the tragic bombing of the marine barracks in October would have to conclude that our marines face continuing hostility and risk. The Long Commission report underscored the need for emphasis upon the diplomatic, rather than the military, with its call for "a more vigorous and demanding approach for pursuing diplomatic options."

Congressman SAM GIBBONS of Florida was recently quoted as saying that, "if the marines are in Lebanon to fight, they are too few; if they are there to die, they are too many."

Last year, during the debate on the war powers authorization for U.S. forces in Lebanon, I proposed both in the Foreign Relations Committee and on the floor of the Senate, that the authorization be reduced from 18 months to 6 months. I lost by 1 vote in the committee and by 24 votes on the floor, and the situation has deteriorated. Shortly before the Senate adjourned, I again renewed my effort in the Foreign Relations Committee to shorten the authorized time period, and I believe my motion is still the pending business before the committee.

It is simply not fair to the marines, their families, or to the American people to have 1,500 young men serving as hostages to vague and perhaps unachievable policies. If the marines are to remain in Lebanon it should be only on the basis of a clear and achievable mission, not a mission impossible.

Mr. MOYNIHAN. Mr. President, I hope now to continue and conclude this colloquy, which our distinguished minority leader has made possible in cooperation with the eminent ranking minority member of the Committee on Foreign Relations. I would like to offer for the record a brief review of the efforts made on this side of the aisle in debate last autumn to modify a policy that was clearly seen to be headed for catastrophe.

We spoke then about the realities of the Middle East and to what we perceived as the leakage of reality in American policy with respect to the Middle East.

It seemed to us that, at the heart of the administration's policy, there was one overwhelming misconception. In the joint resolution Congress adopted, which was drafted originally by officials of the administration, it is declared at the outset that—

> The Congress finds that * * * the removal of all foreign forces from Lebanon is an essential U.S. foreign policy objective in the Middle East.

Mr. President, that was not mere overstatement. It was a declaration of war on the Government of Syria. The joint resolution that became Public Law 98-119 asserted it to be "essential" that we force the Syrian Army out of Lebanon. For it surely cannot be talked out. The only way it can be removed is if it is forced out. This is the task the United States has set for itself by adopting the joint resolution authorizing an extended deployment of marines in Lebanon. If we adopt such language casually, others in the world do not read it casually. They take it very seriously.

Several times during the debate on this floor last September, I felt it necessary to make the simple observation that we do not have the power to achieve that objective. And, as I said then, to declare as essential what cannot be achieved is to insure failure.

In his great book of 1943, "U.S. Foreign Policy: Shield of the Republic" Walter Lippmann said:

> A foreign policy consists in bringing into balance, with a comfortable surplus of power in reserve, the Nation's commitments and the Nation's power.

What we did instead was to commit ourselves to objectives we did not have the power to achieve and to bring us into conflict with an absolutely ruthless Syrian regime. Who murdered our marines and sailors in their barracks in Beirut last October. The Government of Syria did. Everybody knows that. I have just returned from four countries of the region. No one suggested to me that any power other than Syria was responsible for the terrorist incidents that have beset the United States in Lebanon.

The October 23 explosion at the U.S. Marine compound in Beirut was

among the largest manmade explosions in the history of the world. There have been nuclear explosions that were smaller.

Among conventional explosions, I believe only the Black Tom Island explosion in Jersey City Harbor in 1916, if I recall correctly, was greater. Other than that, the Beirut bombing was the largest conventional explosion known to demolitions experts. It was accomplished with a complex chemical called hexagen. Now is available, yes, but only to governments. It is not to be bought in drugstores, not to be found in bazaars. No; it was provided to the suicide bombers by a government. And that government was Syria.

State-sponsored terrorism, the Long Commission called it. Why do we have to use such a word, as if it were a new or novel phenomenon? State-sponsored terrorism is war. As Clamsewitz has described it, war is an extension of diplomacy. So is State-sponsored terrorism.

We declared that we were going to drive Syria out of Lebanon, and Syria set about instead to drive us out. Were we on this side of the aisle wrong in pleading in those days for the administration to consider: What are we committing overselves to? Do we have the power? Is this within our range of real options? Do we know with whom we are getting into conflict? For we are now at odds with Syria. Not factions in the Beirut region, but a nation which has never acknowledged the existence of Lebanon, and which has occupied half of it with its armed forces for a decade.

Yet, though we be embarked upon this course of conflict, the administration seems not to understand who these people are.

In this week's issue of Business Week, it is reported that the Syrian President, Hafez Assad, has had a heart attack, as we know, and is ailing. There is a certain amount of maneuvering as to who will succeed him. I read from the article:

> The U.S. candidate is President Assad's 46-year-old brother, Rifaat, who heads the internal security forces.

Mr. President, do we know where we are? The president's brother is his regime's chief executioner.

In the spring of 1982, irked with the continued activities of the Moslem Brotherhood in the city of Hama—a city of about 15,000 persons, probably the oldest continuously occupied site on Earth—this man, our candidate for the next Syrian presidency, murdered every living creature in that city. That is a very simple way to make sure that you get the persons you are after. They just murdered them all, as they murdered our marines, and with the same indifference to life. yet, there is apparently talk in the administration as if that man is to be considered our candidate.

This kind of indifference to the nature of Rifaat Assad is reminiscent of the broader failure to grasp reality. It was this failure that caused the United States to assist in the boldest manner a formal challenge to a ruthless regime and then not to anticipate that that regime would react in a ruthless manner. Where is the perception of reality, and where is responsibility?

I think the minority leader has made a strong and compelling statement, as has the ranking minority member of the Foreign Relations Committee, the senior Senator from Rhode Island.

I hope that as this debate continues—because it has only just begun. The record will be clear that when it came to analyzing what were America's interests and what was America's power, the Members on this side of the aisle were responsible, were clear, and have not been proved wrong. To the contrary, it is with no pleasure that anyone can say that what the Senator from Rhode Island anticipated last autumn has painfully, cruelly, come to pass.

Mr. BYRD. Mr. President, I wish to thank Senator PELL, the ranking member of the Committee on Foreign Relations, for his comments, and I wish to thank Mr. MOYNIHAN, the ranking member on the Committee on Intelligence, for his very astute and incisive observations and comments.

I know that other Senators will read those statements with great interest. And as the distinguished Senator from New York has said, these comments do not end the debate. It will be a continuing one, and I think as the days come and go, the attitudes and the viewpoints of those Senators who will speak will reflect, in turn, the deep concerns of the American people.

I commend the two Senators for having performed a service.

(EXHIBIT 1)

(NOTE.—Diagrams, photographs, and charts contained in the report are not reproducible in the RECORD.)

REPORT OF THE DOD COMMISSION ON BEIRUT INTERNATIONAL AIRPORT TERRORIST ACT, OCTOBER 23, 1983

PREFACE

On 23 October 1983, a truck laden with the equivalent of over 12,000 pounds of TNT crashed through the perimeter of the compound of the U.S. contingent of the Multinational Force at Beirut International Airport, Beirut, Lebanon, penetrated the Battalion Landing Team Headquarters building and detonated. The force of the explosion destroyed the building resulting in the deaths of 241 U.S military personnel. This report examines the circumstances of that terrorist attack and its immediate aftermath.

EXECUTIVE SUMMARY

Introduction

The *DOD Commission on Beirut International Airport (BIA) Terrorist Act of 23 October 1983* was convened by the Secretary of Defense on 7 November 1983 to conduct an independent inquiry into the 23 October 1983 terrorist attack on the Marine Battalion Landing Team (BLT) Headquarters in Beirut, Lebanon. The Commission examined the mission of the U.S. Marines assigned to the Multinational Force, the rules of engagement governing their conduct, the responsiveness of the chain of command, the intelligence support, the security measures in place before and after the attack, the attack itself, and the adequacy of casualty handling procedures.

The Commission traveled to Lebanon, Israel, Spain, Germany, Italy and the United Kingdom, interviewed over 125 witnesses ranging from national policy makers to Lebanese Armed Forces privates, and reviewed extensive documentation from Washington agencies, including the Department of State, Central Intelligence Agency, National Security Council and the Federal Bureau of Investigation, as well as all echelons of the operational chain of command and certain elements of the Department of the Navy administrative chain of command.

The Commission focused on the security of the U.S. contingent of the Multinational Force through 30 November 1983. Although briefed on some security aspects of other U.S. military elements in Lebanon, the Commission came to no definitive conclusions or recommendations as to those elements.

The Commission was composed of Admiral Robert L. J. Long, USN, (Ret), Chairman; the Honorable Robert J. Murray; Lieutenant General Lawrence F. Snowden, USMC, (Ret), Lieutenant General Eugene F. Tighe, Jr. USAF, (Ret), Lieutenant General Joseph T. Palastra, Jr. USA.

Background

U.S. military forces were inserted into Lebanon on 29 September 1982 as part of a Multinational Force composed of United States, French, Italian and, somewhat later, British Forces. The mission of the U.S. contingent of the Multinational Force (USMNF) was to establish an environment that would facilitate the withdrawal of foreign military forces from Lebanon and to assist the Lebanese Government and the Lebanese Armed Forces (LAF) in establishing sovereignty and authority over the Beirut area. Initially, the USMNF was warmly welcomed by the local populace. The environment was essentially benign and continued that way into the spring of 1983. The operation was intended to be of short duration.

The destruction of the U.S. Embassy in Beirut on 18 April 1983 was indicative of the extent of the deterioration of the political/military situation in Lebanon that had occurred since the arrival of the USMNF. By August 1983, the LAF were engaged in direct conflict with factional militias and USMNF positions at Beirut International Airport began receiving hostile fire. Attacks against the Multinational Force in the form of car bombs and sniper fire increased in frequency. By September, the LAF were locked in combat for control of the high ground overlooking Beirut International Airport and U.S. Naval gunfire was used in support of the LAF, at Suq-Al-Gharb after determination by the National Security Council that LAF retention of Suq-Al-Gharb was essential to the security of

USMNF positions at Beirut International Airport.

Intelligence support for the USMNF provided a broad spectrum of coverage of possible threats. Between May and November 1983, over 100 intelligence reports warning of terrorist car bomb attacks were received by the USMNF. Those warnings provided little specific information on how and when a threat might be carried out. From August 1983 to the 23 October attack, the USMNF was virtually flooded with terrorist attack warnings.

On October 1983, a large truck laden with the explosive equivalent of over 12,000 pounds of TNT crashed through the perimeter of the USMNF compound at Beirut International Airport, penetrated the Battalion Landing Team Headquarters building and detonated. The force of the explosion destroyed the building, resulting in the deaths of 241 U.S. military personnel.

The Federal Bureau of Investigation (FBI) Forensic Laboratory described the terrorist bomb as the largest conventional blast ever seen by the FBI's forensic explosive experts. Based upon the FBI analysis of the bomb that destroyed the U.S. Embassy on 18 April 1983, and the FBI preliminary findings on the bomb used on 23 October 1983, the Commission believes that the explosive equivalent of the latter device was of such magnitude that major damage to the Battalion Landing Team Headquarters building and significant casualties would probably have resulted even if the terrorist truck had not penetrated the USMNF defensive perimeter but had detonated in the roadway some 330 feet from the building.

Summary of general observations

1. Terrorism.—The Commission believes that the most important message it can bring to the Secretary of Defense is that the 23 October 1983 attack on the Marine Battalion Landing Team Headquarters in Beirut was tantamount to an act of war using the medium of terrorism. Terrorist warfare, sponsored by sovereign states or organized political entities to achieve political objectives, is a threat to the United States that is increasing at an alarming rate. The 23 October catastrophe underscores the fact that terrorists warfare can have significant political impact and demonstrates that the United States, and specifically the Department of Defense, is inadequately prepared to deal with this threat. Much needs to be done, on an urgent basis, to prepare U.S. military forces to defend against and counter terrorist warfare.

2. Performance of the USMNF. The USMNF was assigned the unique and difficult task of maintaining a peaceful presence in an increasingly hostile environment. United States military personnel assigned or attached to the USMNF performed superbly, incurring great personal risk to accomplish their assigned tasks. In the aftermath of the attack of 23 October 1983, U.S. military personnel performed selfless and often heroic acts to assist in the extraction of their wounded and dead comrades from the rubble and to evacuate the injured. The Commission has the highest admiration for the manner in which U.S. military personnel responded to this catastrophe.

3. Security following the 23 October 1983 Attack.—The security posture of the USMNF subsequent to the 23 October 1983 attack was examined closely by the Commission. A series of actions was initiated by the chain of command to enhance the security of the USMNF, and reduce the vulnerability of the USMNF to further catastrophic losses. However, the security measures implemented or planned for implementation as of 30 November 1983 were not adequate to prevent continuing significant attrition of USMNF personnel.

4. Intelligence Support.—Even the best of intelligence will not guarantee the security of any military position. However, specific data on the terrorist threats to the USMNF, data which could best be provided by carefully trained intelligence agents, could have enabled the USMNF Commander to better prepare his force and facilities to blunt the effectiveness of a suicidal vehicle attack of great explosive force.

The USMNF commander did not have effective U.S. Human Intelligence (HUMINT) support. The paucity of U.S. controlled HUMINT is partly due to U.S. policy decisions to reduce HUMINT collection worldwide. The United States has a HUMINT capability commensurate with the resources and time that has been spent to acquire it. The lesson of Beirut is that we must have better HUMINT to support military planning and operations. We see here a critical repetition of a long line of similar lessons learned during crisis situations in many other parts of the world.

5. Casualty Handling Procedures.—The Commission examined the adequacy of casualty handling procedures, with the advice and support of professional medical staff.

The Commission found that, following the initial, understandable confusion, the response of the U.S., Lebanese and Italian personnel in providing immediate on-scene medical care was professional and, indeed, heroic. The CTF 61/62 Mass Casualty Plan was quickly implemented: triage and treatment sites were established ashore, and medical support from afloat units was transported to the scene. Evacuation aircraft were requested.

Within thirty minutes of the explosion the British offered the use of their hospital at the Royal Air Force Base in Akrotiri, Cyprus, and this offer was accepted by CTF 61. The additional British offer of medical evacuation aircraft was also accepted. Both offers proved invaluable.

Offers of medical assistance from France and Israel were subsequently received but were deemed unnecessary because the medical capabilities organic to CTF 61 were already operational and functioning adequately, the hospital at Akrotiri was by then mobilized and ready, and sufficient U.S. and Royal Air Force medical evacuation aircraft were enroute. The Commission found no evidence to indicate any considerations but the desire to provide immediate, professional treatment for the wounded influenced decisions regarding these offers of outside assistance.

The Commission found no evidence to indicate that deaths among the wounded in action resulted from inadequate or inappropriate care during evacuation to hospitals.

The Commission did find several serious problem areas in the evacuation of casualties to U.S. military hospitals in Germany. Actions were taken that resulted in some seriously wounded patients being delayed about four hours in arriving at hospital facilities. The Commission believes that these actions warrant further investigation. The Commission found no evidence, however, that any patient was adversely affected by these delays.

6. Accountability.—The Commission holds the view that military commanders are responsible for the performance of their subordinates. The commander can delegate some or all of his authority to his subordinates, but he cannot delegate his responsibility for the performance of the forces he commands. In that sense, the responsibility of military command is absolute. This view of command authority and responsibility guided the Commission in its analysis of the effectiveness of the exercise of command authority and responsibility of the chain of command charged with the security and performance of the USMNF.

The Commission found that the combination of a large volume of unfulfilled threat warnings and perceived and real pressure to accomplish a unique and difficult mission contributed significantly to the decisions of the Marine Amphibious Unit (MAU) and Battalion Landing Team (BLT) Commanders regarding the security of their force. Nevertheless, the Commission found that the security measures in effect in the MAU compound were neither commensurate with the increasing level of threat confronting the USMNF nor sufficient to preclude catastrophic losses such as those that were suffered on the morning of 23 October 1983. The Commission further found that while it may have appeared to be an appropriate response to the indirect fire being received, the decision to billet approximately one-quarter of the BLT in a single structure contributed to the catastrophic loss of life.

The Commission found that the BLT Commander must take responsibility for the concentration of approximately 350 members of his command in the BLT Headquarters building thereby providing a lucrative target for attack. Further, the BLT Commander modified prescribed alert procedures, thereby degrading security of the compound.

The Commission also found that the MAU Commander shares the responsibility for the catastrophic losses in that he condoned the concentration of personnel in the BLT Headquarters building, concurred in the relaxation of prescribed alert procedures, and emphasized safety over security in directing that sentries on Posts 4, 5, 6, and 7 would not load their weapons.

The Commission found further that the USCINCEUR operational chain of command shares in the responsibility for the events of 23 October 1983.

Having reached the foregoing conclusions, the Commission further notes that although it found the entire USCINCEUR chain of command, down to and including the BLT Commander, to be at fault, it also found that there was a series of circumstances beyond the control of these commanders that influenced their judgment and their actions relating to the security of the USMNF.

CONCLUSIONS AND RECOMMENDATIONS

All conclusions and recommendations of the Commission from each substantive part of this report are presented below.

1. Part One—The Military Mission

A. Mission Development and Execution

(1) Conclusion: (a) The Commission concludes that the "presence" mission was not interpreted the same by all levels of the chain of command and that perceptual differences regarding that mission, including the responsibility of the USMNF for the security of Beirut International Airport, should have been recognized and corrected by the chain of command.

B. The Expanding Military Role

(1) Conclusion: (a) The Commission concludes that U.S. decisions as regards Leba-

non taken over the past fifteen months have been, to a large degree, characterized by an emphasis on military options and the expansion of the U.S. military role, notwithstanding the fact that the conditions upon which the security of the USMNF were based continued to deteriorate as progress toward a diplomatic solution slowed. The Commission further concludes that these decisions may have been taken without clear recognition that these initial conditions had dramatically changed and that the expansion of our military involvement in Lebanon greatly increased the risk to, and adversely impacted upon the security of, the USMNF. The Commission therefore concludes that there is an urgent need for reassessment of alternative means to achieve U.S. objectives in Lebanon and at the same time reduce the risk to the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense continue to urge that the National Security Council undertake a reexamination of alternative means of achieving U.S. objectives in Lebanon, to include a comprehensive assessment of the military security options being developed by the chain of command and a more vigorous and demanding approach to pursuing diplomatic alternatives.

2. Part two—Rules of engagement (ROE)

A. ROE Implementation

(1) Conclusions: (a) The Commission concludes that a single set of ROE providing specific guidance for countering the type of vehicular terrorist attacks that destroyed the U.S. Embassy on 18 April 1983 and the BLT Headquarters building on 23 October 1983 had not been provided to, nor implemented by, the Marine Amphibious Unit Commander.

(b) The Commission concludes that the mission statement, the original ROE, and the implementation in May 1983 of dual "Blue Card—White Card" ROE contributed to a mind-set that detracted from the readiness of the USMNF to respond to the terrorist threat which materialized on 23 October 1983.

3. Part three—The chain of command

A. Exercise of Command Responsibility by the Chain of Command Prior to 23 October 1983

(1) Conclusions: (a) The Commission is fully aware that the entire chain of command was heavily involved in the planning for, and support of, the USMNF. The Commission concludes, however, that USCINCEUR, CINCUSNAVEUR, COMSIXTHFLT and CTF 61 did not initiate actions to ensure the security of the USMNF in light of the deteriorating political/military situation in Lebanon. The Commission found a lack of effective command supervision of the USMNF security posture prior to 23 October 1983.

(b) The Commission concludes that the failure of the operational chain of command to correct or amend the defensive posture of the USMNF constituted tacit approval of the security measures and procedures in force at the BLT Headquarters building on 23 October 1983.

(c) The Commission further concludes that although it finds the USCINCEUR operational chain of command at fault, it also finds that there was a series of circumstances beyond the control of these commands that influenced their judgment and their actions relating to the security of the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the USCINCEUR operational chain of command to monitor and supervise effectively the security measures and procedures employed by the USMNF on 23 October 1983.

4. Part four—Intelligence

A. Intelligence Support

(1) Conclusion: (a) The Commission concludes that although the USMNF Commander received a large volume of intelligence warnings concerning potential terrorist threats prior to 23 October 1983, he was not provided with the timely intelligence, tailored to his specific operational needs, that was necessary to defend against the broad spectrum of threats he faced.

(b) The Commission further concludes that the HUMINT support to the USMNF Commander was ineffective, being neither precise nor tailored to his needs. The Commission believes that the paucity of U.S. controlled HUMINT provided to the USMNF Commander is in large part due to policy decisions which have resulted in a U.S. HUMINT capability commensurate with the resources and time that have been spent to acquire it.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense establish an all-source fusion center, which would tailor and focus all-source intelligence support to U.S. military commanders involved in military operations in areas of high threat, conflict of crisis.

(b) The Commission further recommends that the Secretary of Defense take steps to establish a joint CIA/DOD examination of policy and resource alternatives to immediately improve HUMINT support to the USMNF contingent in Lebanon and other areas of potential conflict which would involve U.S. military operating forces.

5. Part five—Pre-attack security

A. Command Responsibility for the Security of the 24th MAU and BLT 1/8 Prior to 23 October 1983

(1) Conclusion: (a) The combination of a large volume of specific threat warnings that never materialized and the perceived and real pressure to accomplish a unique and difficult mission contributed significantly to the decisions of the MAU and BLT Commanders regarding the security of their force. Nevertheless, the Commission concludes that the security measures in effect in the MAU compound were neither commensurate with the increasing level of threat confronting the USMNF nor sufficient to preclude catastrophic losses such as those that were suffered on the morning of 23 October 1983. The Commission further concludes that while it may have appeared to be an appropriate response to the indirect fire being received, the decision to billet approximately one quarter of the BLT in a single structure contributed to the catastrophic loss of life.

(b) The Commission concludes that the BLT Commander must take responsibility for the concentration of approximately 350 members of his command in the BLT Headquarters building, thereby providing a lucrative target for attack. Further, the BLT Commander modified prescribed alert procedures, thereby degrading security of the compound.

(c) The Commission also concludes that the MAU Commander shares the responsibility for the catastrophic losses in that he condoned the concentration of personnel in the BLT Headquarters building, concurred in the modification of prescribed alert procedures, and emphasized safety over security in directing that sentries on Posts 4, 5, 6, and 7 would not load their weapons.

(d) The Commission further concludes that although it finds the BLT and MAU Commanders to be at fault, it also finds that there was a series of circumstances beyond their control that influenced their judgment and their actions relating to the security of the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the BLT and MAU Commanders to take the security measures necessary to preclude the catastrophic loss of life in the attack on 23 October 1983.

6. Part seven—Post-attack security

A. Redeployment, Dispersal and Physical Barriers

(1) Conclusions: (a) The Commission concludes that the security measures taken since 23 October 1983 have reduced the vulnerability of the USMNF to catastrophic losses. The Commission also concludes, however, that the security measures implemented or planned for implementation for the USMNF as of 30 November 1983, were not adequate to prevent continuing significant attrition of the force.

(b) The Commission recognizes that the current disposition of USMNF forces may, after careful examination, prove to be the best available option. The Commission concludes, however, that a comprehenive set of alternatives should be immediately prepared and presented to the National Security Council.

(2) Recommendation: (a) Recognizing that the Secretary of Defense and the Joint Chiefs of Staff have been actively reassessing the increased vulnerability of the USMNF as the political/military environment in Lebanon has changed, the Commission recommends that the Secretary of Defense direct the operational chain of command to continue to develop alternative military options for accomplishing the mission of the USMNF while reducing the risk to the force.

7. Part eight—Casualty handling

A. On-Scene Medical Care

(1) Conclusion: (a) The Commission concludes that the speed with which the on-scene U.S. military personnel reacted to rescue their comrades trapped in the devastated building and to render medical care was nothing short of heroic. The rapid response by Italian and Lebanese medical personnel was invaluable.

B. Aeromedical Evacuation/Casualty Distribution

(1) Conclusions: (a) The Commission found no evidence that any of the wounded died or received improper medical care as a result of the evacuation or casualty distribution procedures. Nevertheless, the Commission concludes that overall medical support planning in the European theater was deficient and that there was an insufficient number of experienced medical planning staff officers in the USCINCEUR chain of command.

(b) The Commission found that the evacuation of the seriously wounded to U.S. hospitals in Germany, a transit of more than four hours, rather than to the British hospital in Akrotiri, Cyprus, a transit of one

hour, appears to have increased the risk to those patients. Similarly, the Commission found that the subsequent decision to land the aircraft at Rhein Main rather than Ramstein, Germany, may have increased the risk to the most seriously wounded. In both instances, however, the Commission has no evidence that there was an adverse medical impact on the patients.

(2) Recommendations: (a) The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff, in coordination with the Services, to review medical plans and staffing of each echelon of the operational and administrative chains of command to ensure appropriate and adequate medical support for the USMNF.

(b) The Commission further recommends that the Secretary of Defense direct USCINCEUR to conduct an investigation of the decisions made regarding the destination of aeromedical evacuation aircraft and the distribution of casualties on 23 October 1983.

C. Definitive Medical Care

(1) Conclusion: (a) The Commission concludes that the definitive medical care provided the wounded at the various treatment facilities was excellent, and that as of 30 November 1983, there is no evidence of any mortality or morbidity resulting from inappropriate or insufficient medical care.

D. Israeli Offer of Medical Assistance

(1) Conclusion: (a) The Commission found no evidence that any factor other than the desire to provide immediate, professional treatment for the wounded influenced decisions regarding the Israeli offer; all offers of assistance by Israel were promptly and properly referred to the theater and on-scene commanders. At the time the initial Israeli offer was reviewed by CTF 61, it was deemed not necessary because the medical capabilities organic to CTF 61 were operational and functioning adequately, the RAF hospital at Akrotiri was mobilized and ready, and sufficient U.S. and RAF medical evacuation aircraft were enroute.

E. Identification of the Dead

(1) Conclusion: (a) The Commission concludes that the process for identification of the dead following the 23 October 1983 catastrophe was conducted very efficiently and professionally, despite the complications caused by the destruction and/or absence of identification data.

Recommendation: (a) The Commission recommends that the Secretary of Defense direct the creation of duplicate medical/dental records, and assure the availability of fingerprint files, for all military personnel. The Commission further recommends that the Secretary of Defense direct the Service Secretaries to develop jointly improved, state-of-the-art identification tags for all military personnel.

8. Part nine—Military response to terrorism

A. A Terrorist Act

(1) Conclusion: (a) The Commission concludes that the 23 October 1983 bombing of the BLT Headquarters building was a terrorist act sponsored by sovereign states or organized political entities for the purpose of defeating U.S. objectives in Lebanon.

B. International Terrorism

(1) Conclusion: (a) The Commission concludes that international terrorist acts endemic to the Middle East are indicative of an alarming world-wide phenomenon that poses an increasing threat to U.S. personnel and facilities.

C. Terrorism as a Mode of Warfare

(1) Conclusion: (a) The Commission concludes that state sponsored terrorism is an important part of the spectrum of warfare and that adequate response to this increasing threat requires an active national policy which seeks to deter attack or reduce its effectiveness. The Commission further concludes that this policy needs to be supported by political and diplomatic actions and by a wide range of timely military response capabilities.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff to develop a broad range of appropriate military responses to terrorism for review, along with political and diplomatic actions, by the National Security Council.

D. Military Preparedness

(1) Conclusion: (a) The Commission concludes that the USMNF was not trained, organized, staffed, or supported to deal effectively with the terrorist threat in Lebanon. The Commission further concludes that much needs to be done to prepare U.S. military forces to defend against and counter terrorism.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense direct the development of doctrine, planning, organization, force structure, education and training necessary to defend against and counter terrorism.

FOREWORD

I. The report

A. Organization

Organization of the report of the DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983 into ten parts reflects the Commission's conviction that a thorough understanding of the circumstances surrounding the bombing of the BLT Headquarters on 23 October 1983 requires comprehension of a number of separate, but closely related, substantive areas. The order of presentation of the several parts is designed to provide a logical progression of information.

Part one of the report addresses the development of the mission assigned to the USMNF, assesses mission clarity and analyzes the continued validity of the assumptions upon which the mission was premised. Part two addresses the adequacy of the rules of engagement that governed the execution of the mission. Part three outlines the chain of command that was tasked with the accomplishment of the military mission and assesses its responsiveness to the security requirements of the USMNF in the changing threat environment. Part four examines the threat to the USMNF, both before and after the attack, and assesses the adequacy of the intelligence provided to the USMNF commander. Part five analyzes the security measures that were in force prior to the attack. Part six provides a comprehensive recapitulation of the tragic events of 23 October 1983. Part seven describes the security measures instituted subsequent to the bombing and assesses their adequacy. Part eight is a reconstruction and evaluation of on-scene casualty handling procedures, aeromedical evacuation and definitive medical care provided to the victims of the attack. Part eight also addresses the circumstances surrounding the Israeli offer of medical assistance and examines the basis for its nonacceptance. Part nine addresses the 23 October 1983 bombing in the context of international terrorism and assesses the readiness of U.S. military forces to cope with the terrorist threat. Part ten lists the Commission's major conclusions and recommendations.

Parts one through nine consist of one or more subparts providing a recitation of the Commission's principal findings of fact in that substantive area, a discussion of the significance of those findings, and, as appropriate, conclusions and recommendations.

B. Philosophy

In preparing this report, the Commission, analyzed those factors bearing upon the security of the USMNF in Lebanon in general, and the security of the BLT Headquarters building in particular. The Commission began with the premise that U.S. participation in the Multinational Force was designed to support the efforts of the United States and its allies to facilitate the withdrawal of foreign military forces from Lebanon and to assist the Lebanese Government in establishing sovereignty and authority over the Beirut area. The Commission did not question the political decision to insert the Marines into Lebanon and did not address the political necessity of their continued participation in the Multinational Force following the 23 October 1983 terrorist attack. Athough those political judgments are beyond the purview of the Commission's Charter, and are not addressed in the report, that fact did not impede the work of the Commission in examining the impact of those policy decisions on the security of the USMNF.

The Commission reviewed the responsiveness of the military chain of command as it pertained to the security requirements of the USMNF. The Commission did not conduct an administrative inspection of any headquarters element during the review process.

The Commission's focus was on the bombing of 23 October 1983 and the security of the USMNF both prior to and subsequent to that catastrophic event. The security of offshore supporting forces was not reviewed in depth by the Commission. The security of other American personnel in Lebanon was not considered, being outside the Commission's Charter.

II. The commission

A. Charter

The five member DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983 was established by the Secretary of Defense on 7 November 1983 to conduct a thorough and independent inquiry into all of the facts and circumstances surrounding the 23 October 1983 terrorist bomb attack on the Marine Battalion Landing Team (BLT) Headquarters at the Beirut International Airport (BIA).

The Commission was established pursuant to the Federal Advisory Committee Act (Public Law 92-463) and was governed in its proceedings by Executive Order 12024 and implementing General Services Administration and Department of Defense regulations. The Charter provided that the advisory function of the Commission was to be completed within 90 days.

The Commission was tasked to examine the rules of engagement in force and the security measures in place at the time of the attack. The Commission was further charged to assess the adequacy of the security measures established subsequent to the explosion and to report findings of facts, opinions, and recommendations as to any changes or future actions.

The Charter specified that the Commission was to be granted access to all information pertinent to its inquiry and authorized the Commission to visit such places as it deemed necessary to accomplish its objective.

The Secretary of Defense directed the Commission to interpret its Charter in the broadest possible manner and tasked the Department of Defense, including the Services, the Joint Chiefs of Staff, and the Defense Agencies, to provide such overall support and assistance as the Commission might require.

B. Members

The Commission was composed of the following five members:

Admiral Robert L. J. Long, U.S. Navy (Ret.) Chairman.—Admiral Long retired as the Commander in Chief Pacific in July 1983, after 40 years of commissioned service which included combat duty in World War II and the Vietnam conflict. He has commanded the USS *Sea Leopard*; USS *Patrick Henry*; USS *Casimir Pulaski*; the Submarine Force, U.S. Atlantic Fleet; Submarines, Allied Command; and Submarine Force, Western Atlantic Area. Admiral Long has served as Executive Assistant and Naval Aide to the Under Secretary of the Navy; Deputy Chief of Naval Operations (Submarine Warfare); and Vice Chief of Naval Operations.

Honorable Robert J. Murray.—Mr. Murray is on the faculty of Harvard University. He is a former Under Secretary of the Navy and former Deputy Assistant Scretary of Defense (International Security Affairs) with responsibilities for U.S. policy toward the Middle East. Mr. Murray has served in various positions in the Defense and State Departments since 1961.

Lieutenant General Joseph T. Palastra, Jr., U.S. Army.—Lieutenant General Palastra is currently the Deputy Commander in Chief, and Chief of Staff, United States Pacific Command. The Commander in Chief, United States Pacific Command is responsible to the President of the United States and the Secretary of Defense, through the Joint Chiefs of Staff, and is the U.S. military representative for collective defense arrangements in the Pacific Theater. Lieutenant General Palastra's 29 years of Commissioned service include multiple combat tours in Vietnam, among than duty as an Infantry Battalion Commander. During the past eight years, Lieutenant General Palastra has commanded an air assault infantry brigade and a mechanized infantry division. He has served as Senior Military Assistant to the Deputy Secretary of Defense.

Lieutenant General Lawrence F. Snowden, U.S. Marine Corps (Ret).—Lieutenant General Snowden retired as Chief of Staff, Headquarters, U.S. Marine Corps, in May 1979, after 37 years of active service which included combat duty in World War II, Korea, and Vietnam. Lieutenant General Snowden served as a regimental commander in Vietnam; Director of the Marine Corps Development Center; Chief of Staff, U.S. Forces, Japan; and Operations Deputy of the Marine Corps with the Joint Chiefs of Staff. Upon his retirement, Lieutenant General Snowden joined Hughes Aircraft International Service Company in Tokyo where he is currently Vice President, Far East Area.

Lieutenant General Eugene F. Tighe, Jr., USAF (Ret).—Lieutenant General Tighe retired from the Air Force and as Director of the Defense Intelligence Agency on 1 September 1981 after 39 years of Active and Reserve USAF and U.S. Army duty, which included service in the Southwest Pacific, Korea and Vietnam. Lieutenant General Tighe served as Director, Defense Intelligence Agency for 4 years and as Deputy Director and Acting Director for 2 years. He also held the senior intelligence position at Headquarters, United States Air Force; Strategic Air Command; the U.S. Pacific Command; and Headquarters, Pacific Air Force.

A complete biography of each Commission Member is provided in Annex A.

C. Methodology

The Commission convened on 7 November 1983 in Washington, D.C., and developed its plan for conducting the inquiry. Liaison was established by the Chairman with key members of Congress to ascertain any particular areas of interest that they considered useful for the Commission to explore.

The Commission assembled a staff of experts to advise the Commission in the various technical areas that would be encountered. Experts in the fields of intelligence, planning, operations, special warfare, terrorism, command relations, medicine, and international law were assigned as full time staff assistants. Liaison was also established with non-DOD governmental agencies which were involved in, or had special knowledge of, the events leading up to and following the 23 October 1983 terrorist attack.

The substantive information to be gathered necessarily involved highly classified matters of national security concern. Because these matters could not reasonably be segregated into separate classified categories, all witnesses were interviewed in closed session. Principal witnesses with direct knowledge of the circumstances leading to the formulation of the Multinational Force, the development or execution of the mission of the USMNF, or the events of the October attack and its aftermath, were interviewed by the full Commission. Collateral witnesses were interviewed by individual Commission members accompanied by appropriate staff experts.

The Commission and staff assistants were authorized access to all levels of classified information.

The Commission visited USCINCEUR Headquarters in Stuttgart; CINCUSNAVEUR Headquarters in London; COMSIXTHFLT in USS PUGET SOUND at Gaeta, Italy; CTF 61 in USS AUSTIN offshore Lebanon; and CTF 62 ashore in Beirut. Commission members and staff also visited Tel Aviv, Israel; Rota, Spain; Akrotiri, Cyprus; and Wiesbaden, Germany. During these visits, the Commission received command presentations and technical briefings, interviewed witnesses and acquired written documentation of the events leading up to and following the 23 October 1983 attack.

The Commission arrived in Beirut before the rotation of the 24th MAU from Lebanon. The Commission toured USMNF positions on the perimeter of Beirut International Airport and inspected the rubble of the BLT Headquarters building. Eyewitnesses to the explosion were interviewed in depth. The Commission also met with Ambassador Bartholomew and members of the U.S. Embassy staff; the Commanding General of the Lebanese Armed Forces; and the French, Italian and British MNF Commanders.

The Commission approach to the inquiry was to avoid reaching any preliminary conclusions until the fact finding portion of the mission was completed. The Commission recognized, however, that some of its preliminary findings were time-sensitive, and, upon the Commission's return from Beirut, provided the Secretary of Defense with a memorandum regarding existing security procedures for the USMNF.

A second memorandum was forwarded to the Chairman of the Joint Chiefs of Staff recommending that the Federal Bureau of Investigation's comprehensive briefing on the nature of the explosive devices used in the terrorist attacks on the United States Embassy Beirut and the BLT Headquarters building be received by the Joint Chiefs of Staff at the earliest opportunity.

All written documentation, including planning documents, operational orders, witness interview summaries, Congressional hearings, media reports, technical analyses and after action reports, was assembled and reviewed by the Commission members or staff assistants. All principals involved in the planning and execution of the USMNF mission, and in the events that preceded and followed the explosion, were interviewed.

The analytical work of the Commission was accomplished by first reviewing all available material in each area of inquiry and then compiling a list of principal findings related to that area. Following discussion of the principal findings, conclusion and recommendations were postulated by individual Commission members and discussed in detail. Using this deliberative process, the Commission reached agreement on each conclusion and recommendation.

BACKGROUND

I. Lebanon Overview

A. Geography and history

Lebanon, a country approximately the size of Connecticut, contains three million people, seventeen officially recognized religious sects, two foreign armies of occupation, four national contingents of a multinational force, seven national contributors to a United Nations peace-keeping force, and some two dozen extralegal militias. Over 100,000 people have been killed in hostilities, in Lebanon over the past eight years, including the 241 U.S. military personnel that died as a result of the terrorist attack on 23 October 1983. It is a country beset with virtually every unresolved dispute afflicting the peoples of the Middle East. Lebanon has become a battleground where armed Lebanese factions simultaneously manipulate and are manipulated by the foreign forces surrounding them. If Syrians and Iraqis wish to kill one another, they do so in Lebanon. If Israelis and Palestinians wish to fight over the land they both claim, they do so in Lebanon. If terrorists of any polictical persuasion wish to kill and maim American citizens, it is convenient for them to do so in Lebanon. In a country where criminals involved in indiscriminate killing, armed robbery, extortion, and kidnapping issue political manifestos and hold press conferences, there has been no shortage of indigenous surrogates willing to do the bidding of foreign governments seeking to exploit the opportunities presented by anarchy in Lebanon.

Yet a picture of Lebanon painted in these grim colors alone would not be complete. Lebanese of all religions have emigrated to countries as widely separated as the United States, Brazil, Australia, and the Ivory Coast, where they have enrighed the arts, sciences, and economies of their adopted nations. Lebanon has, notwithstanding the events of the past eight years, kept alive the

principle and practice of academic freedom in such institutions as American University Beirut and Saint Joseph University. No one who visits Lebanon can resist admiring the dignity and resiliency of the Lebanese people and their determination to survive.

There is no sense of national identity that unites all Lebanese or even a majority of the citizenry. What it means to be Lebanese is often interpreted in radically different ways by, for instance, a Sunni Muslim living in Tripoli, a Maronite Christian from Brummana, a Greek Orthodox Christian from Beirut, a Druze from Kafr Nabrakh, or a Shiite Muslim from Nabatiyah. This is because the Lebanon of antiquity was Mount Lebanon, the highland chain running north-south through the center of the country, where Maronite Catholicism had over 1,000 years of relative isolation to develop its own national identity. In 1920, France which acquired part of the Levant from the defeated Ottoman Empire, added non-Maronite territory to Mount Lebanon in order to create Greater Lebanon, a new state in which Maronites comprised but 30 percent of the population rather than the 70 percent of Mount Lebanon that they had previously constituted.

B. Religious and political factions

Most politically-conscious non-Maronites, especially Sunni Muslims and Greek Orthodox Christians, were opposed to integration into the new state. The idea of being ruled by Maronites was particularly objectionable to the Sunni Muslims who had been preeminent in the Ottoman Empire; hence their attraction to the concept of a unified Greater Syria. When the French were prepared to leave Lebanon, however, the Maronite and Sunni elites were ready to strike a deal. The unwritten "National Pact" of 1943 stipulated that the Maronites would refrain from invoking Western intervention, the Sunnis would refrain from seeking unification with Syria, and Lebanon's political business would be premised on the allocated of governmental positions and parliamentary seats on the basis of the sectarian balance reflected in the 1932 census, i.e. confessionalism. The National Pact set forth what Lebanon was not. It was not an extension of Europe, and it was not part of a pan-Arab state. It did not establish in positive terms what Lebanon was. As a Lebanese journalist once put it, "Two negations do not make a nation."

Much has been made of the outward manifestations of Lebanese confessionalism. The President of the Republic and Armed Forces Commander-in-Chief are always Maronites; the Armed Minister must be a Sunni; the Speaker of the Chamber of Deputies will be a Shiite; and for every five non-Christian deputies there must be six Christians. This allocation reflects the recognition of the founders of independent Lebanon that sectarian cooperation was the key to the country's survival. Lebanese confessionalism was the mechanism which they hoped would facilitate compromise.

The central government rested not only on confessionalism, but on localism as well. Political power in Lebanon traditionally resides in the hands of local power brokers, i.e. Maronite populists, Druze and Shiite feudalists, and Sunni urban bosses. These local leaders draw their political power from grass-roots organizations based on sectarian and clan relationships. Local leaders periodically have come together in Beirut to elect presidents and form governments, but none of them are prepared to allow the central government to penetrate their constituencies unless it is to deliver a service for which they have arranged and for which they will take credit. They guard their turf jealously against unwanted encroachments by the central government, whether it is in the form of the civilian bureaucracy or the military. If one of their Maronite number becomes President, the rest tend to coalesce in order to limit his power. The basic institutions of government, i.e. the army, the judiciary and the bureaucracy, are deliberately kept weak in order to confirm the government's dependency. If the local chiefs argue among themselves, especially over issues that tend to pit the major sects against one other, the central government simply stops functioning.

This, in essence, is exactly what has happened. Lebanon had survived earlier crises, but the Arab-Israeli confrontation proved to be a fatal overload for this fragile system. Over 100,000 Palestinian refugees fled to Lebanon in 1948, and over time an armed "state within a state" grew on Lebanese territory, a process accelerated by the arrival from Jordan in 1971 of several thousand fighters and the leadership of the Palestine Liberation Organization (PLO). The PLO fired and raided across the border into Israel, and shored up its position in Lebanon by forming alliances with dissident Lebanese groups which hoped to harness Palestinian firepower to the cause of social revolution. This in turn encouraged the more conservative elements of Lebanese society, mainly from the Maronite community, to organize militarily. From 1968 on, the PLO-Israeli confrontation in southern Lebanon caused the progressive polarization of the Lebanese along confessional lines, with Maronite Christians in particular opposing the PLO presence and Muslims in general supporting it. It also caused many of the local power brokers to fall back onto their own resources and to seek support from foreign sources. The central government, deprived of its lifeblood, was left debilitated. In the civil warfare of 1975-1976 it ceased to exist in all but name.

Syria had historically supported the PLO and its Lebanese allies but in June 1976, fearing that a revolutionary regime in Beirut would drag it into a war with Israel, intervened on behalf of the Maronite militias. A stalemante was created, and from 1976 until June 1982 Lebanon lay crippled under the weight of de factor partition and partial occupation by Syria. The basic issues underlying the Lebanese civil war were left unresolved.

On 6 June 1982, Israeli forces launched a massive operation against Palestinian forces based in southern Lebanon, an invasion which brought the Israel Defense Forces to the outskirts of Beirut within three days. The three considerations that prompted Israel's assault were (1) putting an end to the military capabilities and political independence of the PLO; (2) putting Israeli population centers in Galilee beyond the threat of hostile actions emanating from Lebanon; and (3) breaking the internal Lebanese political paralysis in a manner that would facilitate official relations between Israel and Lebanon.

Notwithstanding the evacuation of PLO and Syrian forces from Beirut—an event made possible by American diplomacy backed by U.S. Marines acting as part of a Multinational Force—Lebanon slipped back into chaos and anarchy. No sooner had the PLO departed Beirut than the new Lebanese President-Elect, Bashir Gemayel, was assassinated. That tragedy was followed by the massacre of hundreds of unarmed civilians, Lebanese as well as Palestinians, by Christian milita elements in the Sabra and Shatila refugee camps; an atrocity which, along with similar acts perpetrated by all sides, has come to symbolize the nature of sectarian hatred in Lebanon. This bloodletting, as well as the outbreak of fighting between Druze and Maronite militias in the mountainous Shuf area overlooking Beirut, demonstrated that the reconciliation. Long hoped for by most ordinary Lebanese was not at hand. Exacerbating the political ills that have afflicted Lebanon over the past several years, a new element of instability and violence has been added: the ability of Khomeini's Iran to mobilize a small, but violently extremist portion of the Lebanese Shiite community against the government and the LAF.

In summary, the Government of Lebanon is the creature of confessionalism and localism. Without consensus, any controversial stand taken by the central government will be labeled as sectarian favoritism by those who oppose it.

II. Major events

A. June 1982-October 1983

The 6 June 1982 Israeli invasion into Lebanese territory reached the outskirts of Beirut within three days, and by 14 June the Israeli Defense Forces (IDF) had linked up with the Christian Lebanese Forces (LF) militia in East Beirut. The 32d U.S. Marine Amphibious Unit (MAU) deployed to waters off Lebanon and on 23 June 1982 conducted the successful evacuation of U.S. citizens from the port city of Juniyan. On 28 June, the LF began moving up the Beirut-Damascus Highway past Jumhur, and on 29 June entered Alayh, killing twelve Druze militiamen. On 30 June, two key "firsts" occurred: the LF entered the Shuf for the first time, and the first Druze-LF artillery duel occurred.

On 2 July 1982, the IDF instituted a military blockade of Beirut, causing intense diplomatic activity aimed at averting an all-out battle for the capital. Ambassador Habib's efforts were successful and some 15,000 armed personnel (Palestinians and Syrians) were evacuated from Beirut under the auspices of a Multinational Force (MNF) consisting of French and Italian contingents and the 32nd MAU. All MNF forces were withdrawn by 10 September 1982.

The assassination of President-Elect Bashir Gemayel on 14 September 1982, followed by IDF occupation of West Beirut and the massacre of Palestinian and Lebanese civilians in the Sabra and Shatila camps on 16-18 September 1982, resulted in the agreement of France, Italy and the United States to reconstitute the MNF. On 26 September, the French and Italian contingents reentered Beirut, and on 29 September, the 32d MAU began landing at the Port of Beirut.

The 1,200-man Marine contingent occupied positions in the vicinity of Beirut International Airport (BIA) as an interpositional force between the IDF and populated areas of Beirut.

On 3 November 1982, the 24th MAU replaced the 32d MAU. By 15 November, a DOD team had completed a survey of Lebanese Armed Forces (LAF) capabilities and requirements. Marine Mobile Training Teams (MTT) from the USMNF began conducting individual and small unit training for the LAF at BIA. Training of a LAF rapid-reaction force by the USMNF began during the week of 21 December. The last

significant event of 1982 was the beginning of negotiations between Lebanon and Israel on 28 December calling for the withdrawal of foreign forces.

On 5 January 1983, the IDF began conducting patrol operations (including reconnaissance by fire) south of Marine positions along the Old Sidon Road. Stray IDF rounds landed on USMF positions, and there were at least five IDF attempts to penetrate Marine positions during the month. On 2 February, a USMC officer felt obliged to draw his pistol in order to stop an IDF penetration. On 20 January 1983, the Office of Military Cooperation, which had been established in late 1982, was formally opened. On 15 February, the 24th MAU was relieved by the 22d MAU. From 20–25 February, the USMNF, at the request of the Government of Lebanon, conducted emergency relief operations in the Lebanon Mountains in the wake of a mid-winter blizzard and sub-zero temperatures. On 16 March, five Marines were slightly wounded by a terrorist hand grenade in the southern Beirut suburb of Ouzai. Incidents involving IDF elements and USMNF patrols were recorded during the month of March and April as USMNF patrolling was expanded in support of LAF deployments.

On 18 April 1983, the U.S. Embassy in Beirut was destroyed by a massive explosion which took the lives of 17 U.S. citizens and over 40 others. The bomb was delivered by a pickup truck and detonated. U.S. Embassy functions were relocated to the British Embassy and to the Duraffourd Building. The USMNF established a detachment to provide security for both locations.

Fighting between Christian LF and Druze militias in the Shuf spilled over into Beirut in the form of artillery shelling between 5 and 8 May. On 17 May 1983, Israel and the Government of Lebanon signed an agreement calling for the withdrawal of the IDF and the institution of special security measures for southern Lebanon. Israel, however, predicated its own withdrawal on the simultaneous withdrawal of Syrian and Palestine Liberation Organization (PLO) forces from Lebanon, parties which had not been included in the negotiations, Syria refused to initiate withdrawal of its forces while the IDF remaind in Lebanon. The stage was set for renewed violence.

On 30 May 1983, the 24th MAU relieved the 22nd MAU. On 25 June, USMNF personnel conducted combined patrols with the LAF for the first time. On 14 July, an LAF patrol was ambushed by Druze militia elements, and from 15 to 17 July, the LAF engaged the Shia Amal militia in Beirut over a dispute involving the eviction of Shiite squatters from a schoolhouse. At the same time, fighting in the Shuf between the LAF and Druze militia escalated sharply. On 22 July, BIA was shelled with Druze mortar and artillery fire, wounding three U.S. Marines and causing the temporary closing of the airport.

In July 1983, President Amin Gemayel traveled to Washington and obtained a promise of expedited delivery of military equipment to the LAF. On 23 July, Walid Jamblatt, leader of the predominantly Druze Progressive Socialist Party (PSP), announced the formation of a Syrian-backed "National Salvation Front" opposed to the 17 May Israel-Labanon Agreement.

In anticipation of an IDF withdrawal from the Alayh and Shuf districts, fighting between the Druze and LF, and between the Druze and LAF, intensified during the month of August. Druze artillery closed the BIA between 10 and 16 August, and the Druze made explicit their opposition to LAF deployment in the Shuf. The LAF also clashed with the Amal militia in Beirut's western and southern suburbs.

As the security situation deteriorated, USMNF positions at BIA were subjected to increased fire. On 10 and 11 August, an estimated thirty-five rounds of mortar and rocket fire landed on USMNF positions, wounding one Marine. On 28 August 1983, the USMNF returned fire for the first time. On the following day, USMNF artillery silenced a Druze battery after two Marines had been killed in a mortar attack. On 31 August, the LAF swept through the Shia neighborhood of West Beirut, establishing temporary control over the area.

On 4 September 1983, the IDF withdrew from the Alayh and Shuf Districts, falling back to the Awwali River. The LAF was not prepared to fill the void, moving instead to occupy the key junction at Khaldah, south of BIA. On 4 September, BIA was again shelled, killing two Marines and wounding two others. As the LAF moved slowly eastward into the foothills of the Shuf, accounts of massacres, conducted by Christians and Druze alike, began to be reported.

On 5 September, a Druze force, reportedly reinforced by PLO elements, routed the Christian LF militia at Bhamdun and all but eliminated the LF as a military factor in the Alayh District. This defeat obliged the LAF to occupy Suq-Al-Gharb to avoid conceding all of the high ground overlooking BIA to the Druze. USMNF positions were subjected to constant indirect fire attacks; consequently, counterbattery fire based on target acquisition radar data was employed. F-14 tactical airborne reconnaissance/DoD (TARPS) missions were conducted for the first time on 7 September. On 8 September, naval gunfire from offshore destroyers was employed for the first time in defense of the USMNF.

On 12 September 1983, the U.S. National Command Authorities (NCA) determined that the successful defense of Suq-Al-Gharb was essential to the safety of the USMNF. On 14 September, an emergency ammunition resupply to the LAF was instituted. On 19 September, Navy destroyers provided gunfire support of the LAF defenders at Suq-Al-Gharb. The battleship USS NEW JERSEY arrived in Lebanese waters on 25 September. A ceasefire was instituted that same day and Beirut International Airport reopened five days later.

On 1 October 1983, the LAF began to receive additional shipments of APC's, M–48 tanks, and howitzers from the U.S. training of LAF recruits and units by the USMNF resumed. On that date, Walid Jumblatt announced a separate governmental administration for the Shuf and called for the mass defection of all Druze elements from the LAF. Nevertheless, on 14 October the leaders of Lebanon's key factions agreed to conduct reconciliation talks in Geneva, Switzerland.

Although the ceasefire officially held into mid-October, factional clashes intensified and sniper attacks on MNF contingents became commonplace. On 19 October 1983, four Marines were wounded when a USMNF convoy was attacked by a remotely detonated car bomb parked along the convoy route.

B. 23 October 1983

At approximately 0622 on Sunday, 23 October 1983, the Battalion Landing Team (BLT) Headquarters building in the Marine Amphibious Unit (MAU) compound at Beirut International Airport was destroyed by a terrorist bomb. This catastrophic attack took the lives of 241 U.S. military personnel and wounded over 100 others. The bombing was carried out by a lone terrorist driving a yellow Mercedes Benz stakebed truck that accelerated through the public parking lot south of the BLT Headquarters building, crashed through a barbed wire and concertina fence, and penetrated into the central lobby of the building, where it exploded. The truck drove over the barbed and concertina wire obstacle, passed between two Marine guard posts without being engaged by fire, entered an open gate, passed around one sewer pipe barrier and between two others, flattened the Sergeant of the Guard's sandbagged booth at the building's entrance, penetrated the lobby of the building and detonated while the majority of the occupants slept. The force of the explosion ripped the building from its foundation. The building then imploded upon itself. Almost all the occupants were crushed or trapped inside the wreckage. Immediate efforts were undertaken to reestablish security, to extricate the dead and wounded from the building's rubble, and to institute a mass casualty handling and evacuation operation.

Almost simultaneously with the attack on the U.S. Marine compound, a similar truck bomb exploded at the French MNF headquarters.

C. 24 October–30 November 1983

As cleanup and rescue operations continued at the bombing site in the ensuing days, the USMNF came under sporadic sniper fire. Deployment of forces to replace those lost began on the day of the bombing. By the day following, replacement personnel had been airlifted into Beirut. On 28 October, The Secretary of Defense approved the assignment of an additional Marine rifle company to the USMNF. That augmenting force was airlifted into Lebanon and deployed at BIA by the end of October.

On 4 November 1983, the Israeli Military Governor's Headquaters in Tyre was destroyed by a suicide driver in a small truck loaded with explosives. There were 46 fatalities. The Israeli Air Force conducted retaliatory strikes later that day against Palestinian position east of Beirut.

On 8 November 1983, the BLT Company located at the Lebanese Scientific and Technical University was withdrawn to BIA, and subsequently redeployed aboard ship as the USMNF ready reserve.

Ambassador Rumsfeld, appointed by the President on 3 November 1983 to replace Ambassador McFarlane as The President's Special Envoy to the Middle East, began his first Middle East mission on 12 November.

On 16 November 1983, the Israelis conducted additional retaliatory air strikes, hitting a terrorist training camp in the eastern Bekaa Valley. The next day, the French conducted similar strikes against another Islamic Amal camp in the vicinty of the northern Bekaa Valley town of Baalbak.

Throughout the 23 October to 30 November period, USMNF positions at BIA were the target of frequent sniper attacks, and occasional, but persistent, artillery, rocket, and mortar fire. On 16 November, our 122mm rockets impacted at BIA. The MAU received small arms fire several times on 19 November, the date the turnover by the 24th MAU to the 22nd MAU was completed.

Persistent and occasionally heavy fighting between the LAF and Shia militias in the southern suburbs of Beirut continued through November. As the month ended,

the mountainous Shuf continued to be the scene of frequent artillery and mortar exchanges between the LAF and Druze forces.

PART ONE—THE MILITARY MISSION

I. Mission development

A. Principal findings

Following the Sabra and Shatila massacres, a Presidential decision was made that the United States would participate in a Multinational Force (MNF) to assist the Lebanese Armed Forces (LAF) in carrying out its responsibilities in the Beirut area. Ambassador Habib, the President's Special Envoy to the Middle East, was charged with pursuing the diplomatic arrangements necessary for the insertion of U.S. forces into Beirut. His efforts culminated in an Exchange of Diplomatic Notes on 25 September 1982 between the United States and the Government of Lebanon which formed the basis for U.S. participation in the MNF. The national decision having been made, the Secretary of Defense tasked the Joint Chiefs of Staff (JCS) to develop the mission statement and to issue the appropriate Alert Order to the Commander in Chief United States European Command (USCINCEUR). Commission discussions with the principals involved disclosed that the mission statement was carefully drafted in coordination with USCINCEUR to ensure that it remained within the limits of national political guidance.

The Joint Operational Planning System (JOPS) Volume IV (Crisis Action System) provides guidance for the conduct of joint planning and execution concerning the use of military forces during emergency or time-sensitive situations.

The mission statement provided to USCINCEUR by the JCS Alert Order of 23 September 1983 read as follows:

"To establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area. When directed, USCINCEUR will introduce U.S. forces as part of a multinational force presence in the Beirut area to occupy and secure positions along a designated section of the line from south of the Beirut International Airport to a position in the vicinity of the Presidential Palace; be prepared to protect U.S. forces; and, on order, conduct retrograde operations as required."

The wording ". . . occupy and secure positions along . . . the line . . ." was incorporated into the mission statement by the JCS on the recommendation of USCINCEUR to avoid any inference that the USMNF would be responsible for the security of any given area. Additional mission-related guidance provided in the JCS Alert Order included the direction that:

The USMNF would not be engaged in combat.

Peacetime rules of engagement would apply (i.e. use of force is authorized only in self-defense or in defense of collocated LAF elements operating with the USMNF.)

USCINCEUR would be prepared to extract U.S. forces in Lebanon if required by hostile action.

USCINCEUR repromulgated the mission statement, essentially unchanged, to Commander United States Naval Forces Europe (CINCUSNAVEUR) on 24 September 1982. That OPREP-1 message designated CTF 61 (Commander Amphibious Task Force) as Commander, U.S. forces Lebanon and provided the following concept of operations:

". . . land U.S. Marine Landing Force in Port of Beirut and/or vicinity of Beirut Airport. U.S. forces will move to occupy positions along an assigned section of a line extending from south of Beirut Airport to vicinity of Presidential Palace. Provide security posts at intersections of assigned section of line and major avenues of approach into city of Beirut from south/southeast *to deny passage of hostile armed elements* in order to provide an environment which will permit LAF to carry out their responsibilities in city of Beirut. Commander U.S. Forces will establish and maintain continuous coordination with other MNF units, EUCOM liaison team and LAF. Commander U.S. Forces will provide air/naval gunfire support as required." Emphasis added

The USCINCEUR concept of operations also tasked CTF 61 to conduct combined defensive operations with other MNF contingents and the LAF and to be prepared to execute retrograde or withdrawal operations.

The USCINCEUR OPREP-1 tasked CINCUSNAVEUR, when directed, to:

Employ Navy/Marine forces to land at Beirut.

Provide required air and naval gunfire support to forces ashore as required.

Be prepared to conduct withdrawal operations if hostile actions occur.

Provide liaison teams to each member of the MNF and to the LAF.

That OPREP-1 also included tasking for other Component Commands and supporting CINC's.

On 25 September 1982, JCS modified USCINCEUR's concept of operations for CTF 61 to read ". . . assist LAF to deter passage of hostile armed elements . . ." (vice "deny passage of hostile armed elements . . .").

The original mission statement was formally modified by directive on four occasions. Change One reduced the estimated number of Israeli Defense Force (IDF) troops in Beirut. Change Two, issued on 6 October 1982, defined the line along which the USMNF was to occupy and secure positions. The third change (undesignated) was issued on 2 November 1982, and expanded the mission to include patrols in the East Beirut area. The fourth change (designated Change Three), was issued on 7 May 1983 and further expanded the mission to allow the USMNF to provide external security for the U.S. Embassy in Beirut.

B. Discussion

Although some operational details were added, the original mission statement was repromulgated unchanged down the chain of command through Alert/Execute Orders and OPREP-1's. CINCUSNAVEUR provided position locations for the USMNF forces ashore in Beirut. Commander Sixth Fleet (COMSIXTHFLT) designated CTF 61 as On-Scene Commander and CTF 62 as Commander U.S. Forces Ashore Lebanon and defined the chain of command. CTF 61 promulgated detailed operational procedures for amphibious shipping, boats and aircraft to facilitate ship-to-shore movement. CTF 62 provided the detailed ship-to-shore movement plan for the MAU and the concept of operations for the initial three days ashore.

USCINCEUR engaged in some mission analysis (e.g., crafting the concept of operations and working operational constraint wording with JCS) and provided detailed tasking to subordinates and to supporting CINC's. However, the mission statement and the concept of operations were passed down the chain of command with little amplification. As a result, perceptual differences as to the precise meaning and importance of the "presence" role of the USMNF existed throughout the chain of command. Similarly, the exact responsibilities of the USMNF commander regarding the security of Beirut International Airport were not clearly delineated in his mission tasking.

Clarification of the mission tasks and concepts of operations would not only have assisted the USMNF commanders to better understand what was required, it would also have alerted higher headquarters to the differing interpretations of the mission at intermediate levels of command. The absence of specificity in mission definition below the USCINCEUR level concealed differences of interpretation of the mission and tasking assigned to the USMNF.

The commission's inquiry clearly established that perceptions of the basic mission varied at different levels of command. The MAU commanders, on the ground in Beirut, interpreted their "presence" mission to require the USMNF to be visible but not to appear to be threatening to the populace. This concern was a factor in most decisions made by the MAU Commanders in the employment and disposition of their forces. The MAU Commander regularly assessed the effect of contemplated security actions on the "presence" mission.

Another area in which perceptions varied was the importance of Beirut International Airport (BIA) to the USMNF mission and whether the USMNF had any responsibility to ensure the operation of the airport. While all echelons of the military chain of command understood that the security of BIA was not a part of the mission, perceptions of the USMNF's implicit responsibility for airport operations varied widely. The U.S. Ambassador to Lebanon, and others in the State Department, saw an operational airport as an important symbolic and practical demonstration of Lebanese sovereignty. On television on 27 October 1983, the President stated: "Our Marines are not just sitting in an airport. Part of their task is to guard that airport. Because of their presence the airport remained operational." The other MNF commanders asserted to the Commission that, while BIA is not specifically the responsibility of any one MNF contingent, an operational airport is important to the viability of the MNF concept. The MAU Commanders interviewed by the Commission all believed they had some responsibility for ensuring an open airport as an implicit part of their mission.

C. Conclusion

The Commission concludes that the "presence" mission was not interpreted in the same manner by all levels of the chain of command and that perceptual differences regarding that mission, including the responsibility of the USMNF for the security of Beirut International Airport, should have been recognized and corrected by the chain of command.

II. The changing environment

A. Principal Findings

The mission of the USMNF was implicitly characterized as a peace-keeping operation, although "peace-keeping" was not explicit in the mission statement. In September 1982, the President's public statement, his letter to the United Nations Secretary General and his report to the Congress, all conveyed a strong impression of the peacekeeping nature of the operation. The subject lines of the JCS Alert and Execute Orders read, "U.S. Force participation in Lebanon Multinational Force (MNF) *Peacekeeping* Operations." (Emphasis added) Alert and Execute Orders were carefully

worded to emphasize that the USMNF would have a non-combatant role. Operational constraint sections included guidance to be prepared to withdraw if required by hostile action. This withdrawal guidance was repeated in CINCUER's OPREP-1.

A condition precedent to the insertion of U.S. forces into Beirut was that the Government of Lebanon and the LAF would ensure the protection of the MNF, including the securing of assurances from armed factions to refrain from hostilities and not to interfere with MNF activities. Ambassador Habib received confirmation from the Government of Lebanon that these arrangements had been made. These assurances were included by the Government of Lebanon in its exchange of notes with the United States.

It was contemplated from the outset that the USMNF would operate in a relatively benign environment. Syrian forces were not considered a significant threat to the MNF. The major threats were thought to be unexploded ordnance and possible sniper and small unit attacks from PLO and Leftist militias. It was anticipated that the USMNF would be perceived by the various factions as evenhanded and neutral and that this perception would hold through the expected 60 day duration of the operation.

The environment into which the USMNF actually deployed in September 1982, while not necessarily benign was, for the most part, not hostile. The Marines were warmly welcomed and seemed genuinely to be appreciated by the majority of Lebanese.

By mid-March 1983, the friendly environment began to change as evidenced by a grenade thrown at a USMNF patrol in 16 March, wounding five Marines. Italian and French MNF contingents were the victims of similar attacks.

The destruction of the U.S. Embassy in Beirut on 18 April, was indicative of the extent of the deterioration of the political/military situation in Lebanon by the spring of 1983. That targic event also signaled the magnitude of the terrorist threat to the U.S. presence. A light truck detonated, killing over 60 people (including 17 Americans) and destroying a sizable portion of the building. An FBI investigation into the explosion later revealed that the bomb was a "gas enhanced" device capable of vastly more destructive force than a comparable conventional explosive. Although the technique of gas-enhanced bombs had been employed by Irish Republican Army terrorists in Northern Ireland and, on at least two occasions, in Lebanon, the magnitude of the explosive force to the device used in the Embassy bombing was, in the opinion of FBI explosive experts, unprecedented.

During August, rocket, artillery and mortar fire began impacting at BIA. On 28 August 1983, the Marines returned fire for the first time. Following the deaths of two Marines in a mortar attack the following day, the USMNF responded with artillery fire. On 31 August, Marine patrols were terminated in the face of the sniper, RPG and artillery threats.

Fighting between the LAF and the Druze increased sharply with the withdrawal of the IDF from the Alayh and Shuf Districts on 4 September 1983. Two more Marines were killed by mortar or artillery rounds at BIA on 6 September 1983. By 11 September, the battle for Sug-Al-Gharb was raging. The USMNF, under frequent attack, responded with counterbattery fire and F-14 tactical air reconnaissance pod TARPS missions were commenced over Lebanon.

On 16 September 1983, U.S. Naval gunfire support was employed in response to shelling of the U.S. Ambassador's residence and USMNF positions at BIA. On 19 September, following a National Command Authority (NCA) decision, Naval gunfire support was employed to support the LAF fighting at Suq-Al-Gharb. On 20 September, the F-14 TARPS aircraft were fired on by SA-7 missiles.

During the period 14-16 October 1983, two Marines were killed on the BIA perimeter in separate sniper incidents.

By the end of September 1983, the situation in Lebanon had changed to the extent that not one of the initial conditions upon which the mission statement was premised was still valid. The environment clearly was hostile. The assurances the Government of Lebanon had obtained from the various factions were obviously no longer operative as attacks on the USMNF came primarily from extralegal militias. Although USMNF actions could properly be classified as self-defense and not "engaging in combat", the environment could not longer be characterized as peaceful. The image of the USMNF, in the eyes of the factional militias, had become pro-Israel, pro-Phalange, and anti-Muslim. After the USMNF engaged in direct fire support of the LAF, a significant portion of the Lebanese populace no longer considered the USMNF a neutral force.

B. Discussions

The inability of the Government of Lebanon to develop a political consensus, and the resultant outbreak of hostilities between the LAF and armed militias supported by Syria, effectively precluded the possibility of a successful peacekeeping mission. It is abundantly clear that by late summer 1983, the environment in Lebanon changed to the extent that the conditions upon which the USMNF mission was initially premised no longer existed. The Commission believes that appropriate guidance and modification of tasking should have been provided to the USMNF to enable it to cope effectively with the increasingly hostile environment. The Commission could find no evidence that such guidance was, in fact, provided.

III. The expanding military role

A. Principal Findings

The "presence" mission assigned to the USMNF contemplated that the contending factions in Lebanon would perceive the USMNF as a neutral force, even handed in its dealings with the confessional groups that comprise Lebanese society. The mission statement tasked the USMNF to "establish an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area." When hostilities erupted between the LAF and Shiite and Druze militias, USMNF efforts to support the LAF were perceived to be both pro-Phalangist and anti-Muslim.

USMNF support to the LAF increased substantially following their arrival in September 1982. The first direct military support to the LAF was in the form of training which the USMNF began to provide in November 1982.

In August and September 1983, the U.S. resupplied the LAF with ammunition. The LAF were engaged in intense fighting against the Druze and various Syrian surrogates. The ammunition came from MAU, CONUS and USCINCEUR stocks and was delivered by Military Sealift Command, Mobile Logistic Support Force (CTF 63), and CTF 61 ships.

On 19 September 1983, naval gunfire was employed in direct support of the LAF at Suq-Al-Gharb.

Following the U.S. action in providing Naval gunfire support for the LAF at Suq-Al-Gharb, hostile acts against the USMNF increased and the Marines began taking significantly more casualties. A direct cause and effect linkage between Suq-Al-Gharb and the terrorist bombing on 23 October 1983, cannot be determined. The views of the senior civilian and military officials interviewed by the Commission varied widely on this issue. Some believe that it was not a consequence of our relationship with any faction; that regardless of its actions, the USMNF would still have been targeted by terrorists. Others believe that certain factions wanted to force the MNF out of Lebanon and that the bombing of the BLT Headquarters building was the tactic of choice to produce that end. The prevalent view within the USCINCEUR chain of command, however, is that there was some linkage between the two events. Whether or not there was a direct connection between Suq-Al-Gharb and the increase in terrorist attacks on the USMNF, the public statements of factional leaders confirmed that a portion of the Lebanese populace no longer considered the USMNF neutral.

B. Discussion

The Commission believes that from the very beginning of the USMNF mission on 29 September 1982, the security of the USMNF was dependent upon the continuing validity of four basic conditions.

(1) That the force would operate in a relatively benign environment;

(2) That the Lebanese Armed Forces would provide for the security of the areas in which the force was to operate;

(3) That the mission would be of limited duration; and

(4) That the force would be evacuated in the event of attack.

As the political/military situation evolved, three factors were impacting adversely upon those conditions. First, although the mission required that the USMNF be perceived as neutral by the confessional factions, the tasks assigned to the USMNF gradually evolved to include active support of the LAF. A second factor was the deep-seated hostility of Iran and Syria toward the United States combined with the capability to further their own political interests by sponsoring attacks on the USMNF. And finally, the progress of diplomatic efforts to secure the withdrawal of all foreign forces from Lebanon faltered. The combination of these three factors served to invalidate the first two conditions and to complicate the third.

U.S. policy makers recognized that the conditions upon which the mission of the USMNF was premised were tenuous and that the decision to deploy the USMNF into Beirut involved considerable risk. The military mission was directed in concert with extensive diplomatic initiatives designed to shore up the Government of Lebanon and establish a climate for political reconciliation. At the same time that the political/military conditions in Lebanon deteriorated, the U.S. military role expanded in the form of increased USMNF training and logistic support for the LAF and in the form of changes to the rules of engagement of the USMNF to permit active support of LAF units engaged in combat with factional forces. That expanded role was directed in an effort to adjust to the changing situation and to continue to move toward realization of U.S. policy objectives in Lebanon. On the diplomatic front, achieving the withdrawal

of foreign troops proved to be more difficult than had been anticipated. The overall result was the continued erosion of the security of the USMNF.

C. Conclusion

The Commission concludes that U.S. decisions regarding Lebanon taken over the past fifteen months have been to a large degree characterized by an emphasis on military options and the expansion of the U.S. military role, notwithstanding the fact that the conditions upon which the security of the USMNF were based continued to deteriorate as progress toward a diplomatic solution slowed. The Commission further concludes that these decisions may have been taken without clear recognition that these initial conditions had dramatically changed and that the expansion of our military involvement in Lebanon greatly increased the risk to, and adversely impacted upon the security of, the USMNF. The Commission therefore concludes that there is an urgent need for reassessment of alternative means to achieve U.S. objectives in Lebanon and at the same time reduce the risk to the USMNF.

D. Recommendation

The Commission recommends that the Secretary of Defense continue to urge that the National Security Council undertake a reexamination of alternative means of achieving U.S. objectives in Lebanon, to include a comprehensive assessment of the military security options being developed by the chain of command and a more vigorous and demanding approach to pursuing diplomatic alternatives.

PART TWO—RULES OF ENGAGEMENT

"Rules of Engagement: Directives issued by competent authority which delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered."—JCS Pub. 1.

I. Rules of engagement develoment

A. Principal Findings

The basic Rules of Engagement (ROE) for USMNF forces in Beirut have been in effect since the second USMNF insertion on 29 September 1982. The ROE were promulgated on 24 September 1982 by USCINCEUR, the responsible authority for contingency operations in the Eastern Mediterranean. They are consistent with the guidance provided in the JCS Alert Order of 23 September 1983. The ROE developed by USCINCEUR are derived from U.S. European Command Directive 55-47A, "Peacetime Rules of Engagement." They were tailored to the Lebanon situation by the adaptation of ROE developed through the summer of 1982 for use in the evacuation of PLO elements in Beirut from 24 August to 10 September 1982. There had been extensive dialogue on ROE up and down the European Theater chain of command during July and August 1982.

JCS guidance to USCINCEUR was that USMNF forces were not to engage in combat and would use normal USEUCOM peacetime ROE. Force was to be used only when required for self-defense against a hostile threat, in response to a hostile act, or in defense of LAF elements operating with the USMNF. USCINCEUR incorporated the JCS guidance and elaborated thereon. Reprisals or punitive measures were forbidden. USMNF elements were enjoined to seed guidance from higher authority prior to using armed force for self-defense unless an emergency existed. The ROE defined "hositle act" and "hostile force," and designated the Combined Amphibious Task Force Commander (CTF 61) as the authority to declare a force hostile. "Hostile threat" was not defined. If non-LAF forces infiltrated or violated USMNF assigned areas or lines, they were to be informed they were in an unauthorized area and could not proceed. It they failed to depart, the USMNF Commander (CTF 62) was to be informed and would determine the action to be taken. The LAF had resonsibilility for apprehension and detention of any intruders. The USMNF was authorized to use force only if the intruder committed a hostile act. Finally, commanders were to be prepared to extract forces if necessary.

By message to subordinate commands on 28 September 1982, CINCUSNAVEUR elaborated on the ROE provided by USCINCEUR and directed that further ROE development for U.S. forces ashore be for self-defense only. Detailed ROE, consistent with command guidance, were issued by CTF 62 on 27 October 1982, and again on 12 November 1982.

Following the terrorist bombing of the U.S. Embassy in Beirut on 18 April 1983, a USMNF unit was formed to provide external security for U.S. Embassy functions relocated at the Duraffourd, Building, the British Embassy, and the U.S. Ambassador's Residence at Yarze. On 1 May 1983, CTF 62 requested specific ROE to counter the vehicular and pedestrian terrorist threat to those buildings. On 7 May 1983, USCINCEUR promulgated ROE specifically for that security force which expanded the definition of a hostile act to encompass attempts by personnel or vehicles to breach barriers or roadblocks established on approaches to the Duraffourd Building, the British Embassy or the U.S. Ambassador's Residence.

Following the 4 September 1983 IDF pullback to the Awwali River, fighting intensified in the mountainous Shuf region southeast of Beirut. Phalange and Druze militias fought for control of the territory vacated by the IDF. LAF units also moved to gain control of the strategically important Shuf high ground, and were engaged by Druze forces in heavy fighting at Suq-Al-Gharb. When defeat of the LAF appeared imminent, the National Command Authorities (NCA) authorized the use of naval gunfire and tactical air strikes in support of the LAF at Suq-Al-Gharb. Occupation of the dominant terrain in the vicinity of Suq-Al-Gharb by hostile forces would pose a danger of USMNF positions at BIA. Direct support of the LAF in those circumstances was to be considered as an act of self-defense authorized by the existing ROE. Early on 12 September 1983, the acting CJCS notified USCINCEUR of that decision. Later that day, USCINCEUR directed CINCUSNAVEUR to inform his subordinate commands to provide fire support to the LAF when the U.S. ground commander (CTF 62) determined that Suq-Al-Gharb was in danger of falling to an attack by non-Lebanese forces. USCINCEUR directed in the same message, "Nothing in this message shall be construed as changing the mission or ROE for USMNF."

In the aftermath of the 23 October 1983 terrorist attack at the BLT Headquarters, review of the basic USMNF ROE was conducted at virtually every level of command. ROE were promulgated to govern the use of electronic warfare, and reviews of specific ROE for F-14/Tactical Aerial Reconnaissance PODS (TARPS) flights, for air defense, and for defensive activities of afloat elements of the U.S. presence (i.e. CFT 60 and CTF 61) were conducted. Late on 23 October, CTF 61 submitted a ROE change request to COMSIXTHFLT requesting that USMNF personnel at BIA be authorized to take under fire any civilian vehicle which approached USMNF positions at a high rate of speed and failed to acknowledge signals to stop. COMSIXTHFLT forwarded the request up the chain of command. On 25 October 1983, USCINCEUR responded that the authority requested was already covered under the self-protection rules of the ROE in effect. The USCINCEUR response noted that the promulgation in early May 1983 of additional ROE for the U.S. Embassy security tasking was considered necessary because the USMNF had been assigned an additional mission which went beyond its self-defense. On 26 October 1983, CINCUSNAVEUR approved the ROE modification requested by CTF 61. On 26 November 1983, COMSIXTHFLT proposed to CINCUSNAVEUR that the ROE be further changed to authorize the taking of prompt, forceful action against any unauthorized attempt to gain entry into an area occupied by the USMNF. CINCUSNAVEUR and USCINCEUR responded on 27 November 1983 that such action was already authorized by existing ROE. USCINCEUR, however, agreed to provide specific rules in a forthcoming revision of the original ROE.

B. Discussion

The ROE were developed in accordance with established JCS guidance, and promulgated by the appropriate command authority, USCINCEUR. Although the rapid deterioration of the situation in Beirut which led to reinsertion of the USMNF caused understandable compression in the process, each command echelon participated in the development of the ROE provided to the USMNF.

The environment into which the USMNF was inserted on 29 September 1982 was clearly permissive. The judgment that the USMNF was perceived as a neutral, stabilizing presence by most, if not all, factions in the Beirut area can be drawn from the general absence of hostile reactions in the initial months of their presence. The ROE were appropriate for such a permissive environment. But the environment proved to be dynamic, and became increasingly hostile to the USMNF component as the U.S. presence stretched beyond the brief stay envisioned by the original Exchange of Notes.

The Commission believes that for any ROE to be effective, they should incorporate definitions of hostile intent and hostile action which corresponds to the realities of the environment in which they are to be implemented. To be adequate, they must also provide the commander explicit authority to respond quickly to acts defined as hostile. Only when these two criteria are satisifed do ROE provide the on-scene commander with the guidance and the flexibility he requires to defend his force. By these measures, the ROE in force at BIA subsequent to the U.S. embassy bombing in April were neither effective nor adequate. That event clearly signaled a change in the environment: the employment of terrorist tactics by hostile elements.

The emergence of the terrorist threat brought the guidance and flexibility afforded by the ROE into question. The modified ROE promulated for the security force assigned to U.S. Embassy facilities were necessary. For the first time, threatening actions

such as attempts to breach barriers or checkpoints were specifically defined as hostile acts justifying the use of military force. USMNF personnel providing security for the Embassy were authorized to take adequate defensive action in those circumstances. But the commander of the USMNF perceived that the new ROE from USCINCEUR were for use only by the Embassy security element. The presumption at HQ USEUCOM, subsequently apparent in both messages and discussions with principals, was that the USMNF Commander had already been given sufficient guidance and authority to respond to vehicular terrorist attacks against his forces at BIA in the original ROE promulated on 24 September 1982. In the view of the Commission, the ROE provided in May for the Embassy security contingent should have been explictly extended to the entire USMNF.

The Commission believes that ROE developed for the insertion of the USMNF into Lebanon in late September 1982, were appropriate to the relatively benign environment that existed at that time. That environment, however, was dynamic and became increasingly anti-USMNF. The Commission also believes that development by the chain of command of ROE guidance for the USMNF at BIA did not keep pace with the changing threat.

II. Rules of engagement implementation

A. Principal Findings

The ROE contained in the 24 September 1982 USCINCEUR OPREP-1 were implemented Commander Amphibious Task Force/Commander U.S. Forces Lebanon (CTF 61), and Commander 32d Marine amphibious Unit-Commander U.S. Force Ashore Lebanon (CFT 62), upon inserting of the USMNF into Beirut on 29 September 1982. CTF 62 implemented the ROE for the USMNF through the issuance of specific instructions to his personnel on 27 October and 12 November 1982. (COMSIXTHFLT and CTF 61 were information addressees on that traffic.) The central guidance for implementation of the ROE was that USMNF elements would only engage in defensive actions.

Briefly summarized, the following points constitute the ROE guidance utilized by the individual members of the USMNF from 29 September 1982 until 7 May 1983.

Action taken by U.S. forces ashore in Lebanon would be for self-defense only.

Reprisal or punitive measure would not be initiated.

Commanders where to seek guidance from higher headquarters prior to using armed force, if time and situation allowed.

If time or the situation did not allow the opportunity to request guidance from higher headquarters, commanders were authorized to use that degree of armed force necessary to protect their forces.

Hostile ground forces which had infiltrated and violated USMNF lines by land, sea, or air would be warned that they could not proceed and were in a restricted area. If the intruder force failed to leave, the violation would be reported and guidance requested.

Riot control agents would not be used unless authorized by the Secretary of Defense.

Hostile forces would not be pursued.

A "hostile act" was defined as an attack or use of force against the USMNF, or against MNF or LAF units operating with the USMNF, that consisted of releasing, launching, or firing of missiles, bombs, individual weapons, rockets or any other weapon.

Following the 18 April 1983 destruction of the U.S. Embassy, USCINCEUR promulgated an expanded set of ROE for use by USMNF personnel assigned to provide security for the British Embassy and the Duraffourd Building where U.S. Embassy functions had been relocated. Those expanded ROE were implemented by CTF 62 through the issuance to each Marine assigned to Embassy security duty of an ROE card, the so called "Blue Card". Since the USCINCEUR expanded ROE were promulgated for specific use of those members of the USMNF assigned to provide security for the Embassy, USMNF elements at BIA continue to operate under the ROE previously provided. In order to ensure that each Marine of the USMNF understood what set of ROE were applicable to him at any given time, CTF 62 issued a "White Card" delineating the ROE for those not assigned to Embassy duty, as follows:

"The mission of the Multi-national Force (MNF) is to keep the peace. The following rules of engagement will be read and fully understood by all members of the U.S. contingent of the MNF:

When on post, mobile or foot patrol, keep a loaded magazine in the weapon, weapons will be on safe, with no rounds in the chamber.

Do not chamber a round unless instructed to do so by a commissioned officer unless you must act in immediate self-defense where deadly force is authorized.

Keep ammunition for crew-served weapons readily available but not loaded in the weapon. Weapons will be on safe at all times.

Call local forces to assist in all self-defense efforts. Notify next senior command immediately.

Use only the minimum degree of force necessary to accomplish the mission.

Stop the use of force when it is no longer required.

If effective fire is received, direct return fire at a distinct target only. If possible, use friendly sniper fire.

Respect civilian property; do not attack it unless absolutely necessary to protect friendly forces.

Protect innocent civilians from harm.

Respect and protect recognized medical agencies such as Red Cross, Red Crescent, etc.

These rules of engagement will be followed by all members of the U.S. MNF unless otherwise directed."

All USMNF personnel were required to carry the appropriate card and know its content at all times while on duty. The practical result was that USMNF elements operated under two sets of ROE from early May 1983 until after the 23 October 1983 bombing of the BLT headquarters building.

The Blue Card/White Card ROE guidance continued in effect until 24 October 1983 (the day following the BLT headquarters bombing) when CTF 62 sought a ROE change from USCINCEUR, via the chain of command, to allow USMNF personnel to take under fire speeding vehicles approaching USMNF positions at BIA. On 26 November 1983, COMSIXTHFLT requested that USMNF personnel be authorized to fire, without warning if necessary, on vehicles attempting unauthorized access to an area of USMNF positions. As noted in Section I of this Part, on both of those occasions CINCUSNAVEUR and USCINCEUR held the view that the original ROE (24 September 1982) authorized CTF 62 to take such actions as he, the on-scene commander, considered necessary to defend his force against hostile action. Nonetheless, approval was provided to CTF 62.

B. Discussion

CTF 62 determined that restraint in the use of force was key to accomplishing the presence mission he was assigned, and that strict adherence to the ROE was necessary if his forces were to maintain the "neutral" stance that the presence role entailed.

The Commission views with concern the fact that there were two different sets of ROE being used by USMNF elements in Beirut after the Embassy bombing on 18 April 1983. Those ROE used by the Embassy security detail were designed to counter the terrorist threat posed by both vehicles and personnel. Marines on similar duty at BIA, however, did not have the same ROE to provide them specific guidance and authority to respond to a vehicle or person moving through a perimeter. Their "White Card" ROE required them to call local forces to assist in all self-defense efforts.

Message transmissions up and down the USCINCEUR chain of command revealed that COMSIXTHFLT subordinate elements had different perceptions of the commander's latitude in implementing ROE than did CINCUSNAVEUR and USCINCEUR. The latter believed authority to forceably halt vehicles attempting unauthorized entry into the area of USMNF positions was inherent in the original 24 September 1982 ROE. CTF 62 obviously did not share that view.

The Commission believes there were a number of factors which cumulatively affected the "mind-set" of the Marines at BIA. One factor was the mission, with its emphasis on highly visible presence and peace-keeping. Another was the ROE, which underscored the need to fire only if fired upon, to avoid harming innocent civilians, to respect civilian property, and to share security and self-defense efforts with the LAF. Promulgation of different ROE for those performing Embassy security duties contributed to a sense among the officers and men at BIA that the terrorist threat confronting them was somehow less dangerous than that which prevailed at the Embassy. The "White Card-Blue Card" dichotomy tended to formalize that view. Interviews of individual Marines who performed duty at the two lacations confirm this mind-set. In short, the Commission believes the Marines at BIA were conditioned by their ROE to respond less aggressively to unusual vehicular or pedestrian activity at their perimeter than were those Marines posted at the Embassy locations.

C. Conclusions

The Commission concludes that a single set of ROE providing specific guidance for countering the type of vehicular terrorist attacks that destroyed the U.S. Embassy on 18 April 1983 and the BLT Headquarters building on 23 October 1983 had not been provided to, nor implemented by, CTF 62.

The Commission further concludes that the mission statement, the original ROE, and the implementation in May 1983 of dual "Blue Card"—"White Card" ROE contributed to a mindset that detracted from the readiness of the USMNF to respond to the terrorist threat which materialized on 23 October 1983.

PART THREE—THE CHAIN OF COMMAND

I. Exercise of command responsibility by the chain of command

A. Principal Findings

The operational chain of command for the U.S. Multinational Force (USMNF) in Lebanon illustrated in Figure 3-1. Command authority and responsibility flows from the President to the Secretary of Defense, through the Joint Chiefs of Staff to Commander in Chief, U.S. Forces Europe (USCINCEUR). In the theater, operational command runs from USCINCEUR to Commander in Chief, U.S. Naval Forces Europe (CINCUSNAVEUR), and from CINCUSNAVEUR to Commander, Sixth Fleet (COMSIXTHFLT). Operational command flows from COMSIXTHFLT to Commander, Amphibious Task Force (CTF 61), who is designated Commander, U.S. Forces Lebanon. The MAU Commander, CTF 62, is Commander, U.S. Forces Ashore Lebanon; subordinate to him is the Battalion Landing Team (BLT) Commander, who has immediate command of the Marine combat Companies assigned to the MAU. CTF 62 is also Commander, USMNF.

The Commission sought to determine the degree of command involvement in supporting the USMNF throughout the period of its development, with particular emphasis on the initial thirteen months, from September 1982 through 23 October 1983. The several areas of specific concern to the Commission correspond to the major Parts of this report. Detailed findings and discussion on each Part pertain in varying degrees to the findings in this Part.

As has been described in the text addressing the mission and rules of engagement (ROE), each level of the chain of command recognized that the environment in which the USMNF was operating changed from generally benign to increasingly hostile through the spring and summer of 1983. The assigned mission, however, remained unchanged. ROE were modified by USCINCEUR at the request of CTF 62 following the bombing of the U.S. Embassy, but the modifications (at least in CTF 62's view) applied only to USMNF elements providing external security to the Embassy buildings. Although the tasks assigned to the USMNF increased in scope, to include training the LAF, patrolling jointly with them, and eventually providing naval gun fire support to the LAF at Suq-Al-Gharb, the Commission was unable to document any alteration of the original mission. USCINCEUR did recommend to CJCS on 18 October 1983 that long term objectives of the USMNF presence be reassessed in light fo the increasing threat and that withdrawal of the force be considered.

Security measures taken by the USMNF elements at BIA prior to 23 October 1983 are described in detail in PART FIVE of this report. Documentation available to the Commission contains little to indicate that these measures were subject to effective scrutiny by the operational chain of command. In fact, the Commission's inquiry revealed a general attitude throughout the chain of command that security measures in effect ashore were essentially the sole province of the USMNF Commander and that it would somehow be improper to tell him how best to protect his force. As a consequence, the chain of command promulgated no direction to USMNF elements ashore with respect to physical security at RIA prior to 23 October 1983.

The Commission was apprised of a HQ USEUCOM staff element with specific responsibility for analyzing security against terrorist attack. The Special Assistant for Security Matters (SASM) went to Beirut following the terrorist bombing of the U.S. Embassy to evaluate the security of the operations of the Office of Military Cooperation (OMC) against terrorist actions. SASM subsequently initiated a number of anti-terrorist actions designed to enhance the security of OMC personnel. (This effort is more fully described in PART NINE of this report.) The SASM survey team was not charged by USCINCEUR to evaluate the anti-terrorist defenses of the USMNF elements at BIA, and did not do so.

Principals and senior staff officers within the operational chain of command visited the USMNF at BIA prior to 23 October 1983. There is no evidence that any visit resulted in recommendations through the chain of command to enhance the security of the USMNF there. (Specific security measures in effect at the MAU compound preceding and at the time of the 23 October 1983 attack are addressed in PART FIVE of this report.)

B. Discussion

The Commission holds the view that military commanders are responsible for the performance of their subordinates.

The commander can delegate some or all of his authority to his subordinates, but he cannot delegate his responsibility for the performance of any of the forces he commands. In that sense, the responsibility of military command is absolute. This view of command authority and responsibility guided the Commission in its analysis of the effectiveness of the exercise of command authority and responsibility of the chain of command for the USMNF in Lebanon.

The Commission believes there was a fundamental conflict between the peace-keeping mission provided through the chain of command to the USMNF, and the increasingly active role that the United States was taking in support of the LAF. The Commission believes that as the political/military situation in Lebanon evolved, aggressive follow-up and continuing reassessment of the tasks of the USMNF and the support provided by the chain of command were necessary. As the environment changed, the unique nature of the "presence" mission assigned to the USMNF demanded continuing analysis and the promulgation of appropriate guidance to assist the USMNF Commander to take those actions necessary to protect his force.

Although the documentation gathered by the Commission clearly established that every echelon of the chain of command was concerned with the safety of the USMNF in the deteriorating political/military environment of Beirut, the Commission's investigation revealed a lack of systematic and aggressive chain of command attention to the anti-terrorist security measures in use by the USMNF on the ground at BIA. This was in sharp contrast to the direct involvement of the USCINCEUR SASM team in the security posture of the OMC in Beirut against terrorist attack. The prompt, positive action taken by USCINCEUR to improve the security of the OMC is illustrative of the aggressive command involvement that could and should have been directed toward the USMNF as well. We note here and in our findings and discussion on terrorism in PART NINE of this report that USCINCEUR has taken action subsequent to the 23 October 1983 attack to include the security of the USMNF in the charter of the SASM. A further example of how its aggressive involvement might have assisted the USMNF Commander, was the positive action of the chain of command prior to 23 October 1983 to enhance the protection of ships of CTF 61.

C. Conclusions

The Commission is fully aware that the entire chain of command was heavily involved in the planning for, and support of, the USMNF. The Commission concludes, however, that USCINCEUR. CINCUSNAVEUR, COMSIXTHFLT and CTF 61 did not initiate actions to effectively ensure the security of the USMNF in light of the deteriorating political/military situation in Lebanon. In short, the Commission found a lack of effective command supervision of the USMNF prior to 23 October 1983.

The Commission concludes that the failure of the USCINCEUR operational chain of command to inspect and supervise the defensive posture of the USMNF constituted tacit approval of the security measures and procedures in force at the BLT Headquarters building on 23 October 1983.

The Commission further concludes that although it finds the USCINCEUR operational chain of command at fault, it also finds that there was a series of circumstances beyond the control of these commanders that influenced their judgement and their actions relating to the security of the USMNF.

D. Recommendation

The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the USCINCEUR operational chain of command to monitor, and supervise effectively the security measures and procedures employed by the USMNF on 23 October 1983.

PART FOUR—INTELLIGENCE

I. The threat

A. Principal Findings

Intelligence assessments available to the National Command authorities and the military chain of command, and produced in support of this Commission, divided the spectrum of threat to the USMNF into two broad categories: conventional military action, and terrorist tactics. These assessments highlight the complexity of the threat environment confronting U.S. military units in Lebanon.

The potential use of terrorist tactics against American targets in Beirut—The USMNF, U.S. Embassy offices in the Duraffourd Building and co-located with the British Embassy, the U.S. Ambassador's Residence, apartments housing U.S. military and Embassy personnel, hotels housing U.S. officials, and even American University Beirut—is not the exclusive province of Iranian-backed Shiite terrorists. Radical Palestinian and Lebanese groups, some in conjunction with or with the support of Syria, could also employ terrorist tactics against the USMNF or other American targets. Stockpiles of explosives, built up over a decade prior to the Israeli invasion of June 1982, are reportedly still in place and available for future terrorist operations in and around Beirut.

B. Discussion

As demonstrated elsewhere in this report, political and military developments on the ground in Lebanon caused the USMNF to be viewed in some quarters not as a peacekeeper, but as a belligerent.

An abundance of open-source statements by Syrian and Druze spokesmen makes it clear that there is a widespread belief among its adversaries that the key actors within the Government of Lebanon—the President of the Republic and the Commander in Chief of Lebanese Armed Forces—are Maronite Phalangists first and foremost, and that Muslim and Druze officials and soldiers in the government or serving in the LAF are either traitors, opportunities, or unwitting dupes of the Maronite establishment. The factual basis of this perception is moot. What counts is that certain measures undertaken by the USMNF, such as training the LAF and providing naval gunfire support to the defenders of Suq-al-Gharb, has—in the eyes of the LAF's opponents—confirmed their belief that by 23 October 1983, the USMNF had long since abandoned its peace-keeping/presence position.

A number of watershed political/military events marked the steady evolution of the threat from the relatively benign environment of August-September 1982 to that which confronted the USMNF on 23 October 1983. Lebanon's current military predicament began during the last week of June 1982, when the Maronite-dominated Lebanese Forces (LF) militia began to move steadily up the Beirut-Damascus highway toward Alayh, where it engaged militia elements of the Druze Progressive Socialist Party (PSP). The LF, in an effort to establish its presence in new areas, moved into Saida and the western fringes of the Shuf by the end of the month. It was in the Shuf, under the watchful eyes of the IDF occupation force, that the LF and PSP maneuvered toward an inevitable confrontation. The significance of the LF advance is that it rekindled the Lebanese civil war.

Political lines within Lebanon were hardened considerably by the Israel-Lebanon Agreement of 17 May 1983. The agreement had, among other things, established Lebanese-Israeli security arrangements for southern Lebanon, and made provision for the withdrawal of the IDF. Yet the IDF predicated its own withdrawal upon that of two parties not included in the negotiations: Syria and the PLO.

Israel began in July 1983 to plan for the withdrawal of its forces from the Alayh and Shuf Districts to the Awwali River line. In anticipation of this withdrawal, the PSP, LAF, and LF began to maneuver for position. LAF-PSP clashes in the Shuf resulted in Druze shelling of BIA on 22 July which closed the airport and wounded three Marines. LF-PSP fighting spilled over in the form of artillery attacks that closed BIA from 10-16 August. During the same timeframe (15-17 July) the LAF engaged the Shiite Amal militia in Beirut following the LAF's eviction of Shiite squatters from an area near the Holiday Inn.

As the LAF struggled to establish control over the Shiite neighborhoods (a process which eventually failed), the IDF prepared to evacuate Alayh and the Shuf. On 4 September 1983, the IDF withdrew to the Awwali River and the Lebanese civil war resumed in earnest in the hills overlooking BIA.

On 5 September 1983, the LF began to feel the full impact of its ill-considered move into the Alayh District over a year before, as its forces were routed in Bhamdun. The disaster was later extended to the Shuf, as an estimated 1,000 LF fighters were trapped in Dayr-Al-Qamar.

These then, were the events that led to the LAF's stand at Suq-Al-Gharb. In the view of the Commission, U.S. support of the LAF in that operation, timely and effective though it was, nevertheless confirmed definitively, in the eyes of the LAF's enemies, the belligerent status of the USMNF.

The Commission recognizes that there was abundant evidence that Syrian, Druze, and some Shiite leaders had come to consider the USMNF as a partisan participant on the Lebanese scene well before Suq-Al-Gharb. CINCUSNAVEUR advised the Commission that "by mid-to-late August 1983, Druze, Shia, and Syrian leaders had begun making statements to the effect that the Multinational Forces, especially the U.S. element, was one of 'the enemy'." On 25 August PSP leader Walid Jumblatt claimed that "the Marines have bluntly and directly threatened us. This is proof of the U.S. alliance with the Phalange Party."

The Conventional threat to the USMNF—land, sea, and air—is largely a function of the progress (or lack thereof) toward an internal Lebanese political settlement acceptable to Syria. All data available to the Commission suggest that a strong relationship exits between Lebanon's steady slide back toward anarchy and the tendency of some parties to label the USMNF a belligerent. It is obviously not the intention of the United States to place its power and prestige at the disposal of one or more of Lebanon's sectarian-based political factions. It is undeniable, however, that the facts of political life in Lebanon make any attempt on the part of an outsider to appear nonpartisan virtually impossible. The Government of Lebanon is not an antiseptic instrument of a collective Lebanese will; nor is it a collection of disinterested public servants isolated from the forces of family, clan, religion, and localism that are fundamental to life in Lebanon. President Gemayel is a Maronite Phalangist who is the son of the Phalange Party's founder and the brother of the man who built the LF militia. General Tannous is likewise a Maronite who has a history of close connections with the Phalange Party and the LF militia. Whatever their true intentions may be concerning the future of Lebanon, they are caught in the same tangled web of distrust, misunderstanding, malevolence, conspiracy, and betrayal that has brought Lebanon to political bankruptcy and ruin. Whatever good will, decency, competence and dedication they now bring to bear in the execution of their duties, they can neither undo that which they have been in the past nor renounce their origins. No Lebanese can easily escape the rigid categorizations that begin with the circumstances surrounding his birth. For someone named Gemayel, the escape is all the more difficult.

The Commission views Lebanon as an ideal environment for the planning and execution of terrorist operations. For over eight years, Beirut has been an armed camp featuring indiscriminate killing, seemingly random acts of terror, and massive stockpiling of weapons and ammunition. We are told that it is difficult, if not impossible, to find a Lebanese household which does not possess firearms. Notwithstanding the opportunity presented the Government of Lebanon by the evacuation of the PLO and the dispersal of LNM militias in September 1982, there are still neighborhoods in and around Beirut's southern suburbs which the LAF dare not enter.

The Iranian connection introduces a particulary ominous element to the terrorist threat in that the incidence of Iranian-inspired terrorism need not be connected directly with the reconciliation process in Lebanon. Iranian operatives in Lebanon are in the business of killing Americans. They are in that business whether or not the USMNF trains the LAF or provides indirect fire support to the defenders of Suq-Al-Gharb. If the reconciliation process succeeds in restoring domestic order and removing foreign forces, it may be more difficult for Iranian inspired terrorists to avail themselves of the support mechanisms (personnel, basing, supply, training) now so readily available. It is clear, however, that progress toward reconciliation in Lebanon will not dissuade Iran from attempting to hit American targets; indeed, any evidence of such progress may spur new Iranian-sponsored acts of political violence as a means of derailing the progress. The only development which would seriously impede the terroriest activites of Iranian-dominated Shia groups in Lebanon, short of a change of regime in Tehran, would be a decision by Syria to shut down the basing facilities in the Bekaa Valley and sever the logistical pipeline.

In the wake of the 23 October 1983 bombing, intelligence reporting continues to be voluminous regarding the plans of various groups to use terrorist tactics against the USMNF. None of the reports specify the date or time of the purported operations. Moreover, most individual reports cannot be independently verified. It is difficult to overstate the magnitude of the intelligence problem in a milieu where high casualty terrorist acts are relatively easy to perpetrate yet hard to stop. The types of attacks mounted thus far in Beirut—and those most likely to be attempted, according to available reporting—require little in the way of material resources or manpower, making them particularly difficult to intercept in the planning stage. The fact that political and sectarian affinity is reinforced by family and clan solidarity, particularly among radical Shiites, makes timely intelligence penetration problematical at best.

As noted above, the entire spectrum of threat—conventional and terrorist—is further complicated by something which, over the past eight years, has assumed the character of a national pastime in Lebanon: covert provocation. "X" hidden from view, hits "Y" with the expectation that "Y" will lash out at "Z", who is the mortal enemy of "X". The USMNF and other American personnel in Lebanon are ideal targets for this sort of activity. The USMNF is well aware of this prospect, which constitutes yet another threat multiplier in what amounts to a veritable jungle of threats.

The Commission believes it important to recognize that the "threat" to the USMNF, as described above, did not exist in that form when the USMNF was inserted into Lebanon in the wake of Sabra-Shatila refugee camp massacre by Christian militia forces. A good many Lebanese Shiites were among the victims of that massacre, and American Marines arriving to position themselves between the largely Shiite populace of the southern Beirut suburbs and the IDF were initially welcomed by that populace as heroes and protectors. Clearly, important segments of that citizenry no longer regard them as such, to say nothing of the hostility manifested toward the USMNF by Iranian-inspired fanatics and Syrian-supported Druze gunners. In the view of the commission, the threat confronting the USMNF evolved incrementally to its present alarming state, and reflects the fact that internally, Lebanon continues to suffer from

violent political competition among a number of domestic sectarian groups, some of whom consider the MNF troops to be less peace-keepers than supporters of the Maronite Christian faction of the Lebanese ethnic fabric.

The warmth of the reception first accorded the USMNF did not, however, reflect the U.S. intelligence community's estimation of the likely pitfalls that awaited American peace-keepers in Lebanon. The Commission considers the following passage from a study dated 23 July 1982 (weeks before the first insertion of U.S. Marines) to be particularly instructive:

"If a peacekeeping force is to avoid the problems of divining the intentions of armed elements and avoiding entrapment in Lebanese internal conflicts, it will be essential for the question of extralegal armed presence in the area to be settled before its deployment. If a multinational force is to be used, basic issues affecting its ability to accomplish its mission must be settled in advance. If these issues are not clarified and resolved during a predeployment phase, no one should be surprised if the peacekeeping force encounters intractable political and military problems on the ground (as was the case with UNIFIL)."

In short, the experience of the United Nations Interim Force in Lebanon (UNIFIL) demonstrated that a peace-keepiong force requires certain conditions to be present if it is to operate effectively. In the context of Lebanon, this meant that extralegal militias could not be allowed to operate in or near the MNF area of responsibility. There was, however, no force in being to prevent them from doing so.

II. Intelligence support

A. Principal Findings

Intelligence provided over 100 warnings of car bombings between May and 23 October 1983, but like most of the warning information received by the USMNF, specific threats seldom materialized. Seldom did the U.S. have a mechanism at its disposal which would allow a follow up on these leads and a further refinement of the information into intelligence which served for other than warning.

The National Command Authorities and the chain of command received regular updates on the broadening threat to the USMNF.

Although intelligence was provided at all levels that presented a great deal of general information on the threats, there was no specific intelligence on the where, how and when of the 23 October bombing.

It should be noted that the FBI report on the 18 April 1983 bombing of the U.S. Embassy in Beirut, a report which described the use of explosive-activated bottle bombs in that incident, stayed within FBI, CIA, and Department of State channels. The report demonstrated that the gas-enhancement process, which requires only small amounts of explosives to activate the explosion of ordinary gas bottles, introduces a sizeable blast multiplier effect, and is relatively simple to employ. The necessary materials are readily available throughout the world and are relatively easy to deliver to the target. Indeed, oxygen, propane and similar gas bottles are common in most parts of the world. With regard to the BLT Headquarters bombing, FBI forensic experts have stated that it was the largest non-nuclear blast that they have ever examined; perhaps six to nine times the magnitude of the Embassy bombing.

Intelligence support to conventional, tactical military requirements received praise from many in the administrative and operational chains of command. The ability to locate hostile artillery positions, tanks, and militia strong-holds was considered excellent.

At the direction of the Deputy Under Secretary of Defense for Policy, the DOD conducted a survey from 13 to 27 May 1983 to determine whether there was a need to improve military intelligence or counterintelligence support to the USMNF.

B. Discussion

Intelligence provided a good picture of the broad threat facing the USMNF in Lebanon. Every intelligence agency in the national community and throughout the chain of command disseminated a great amount of analysis and raw data. Key Defense officials and the military chain of command were alert to, and concerned with, the insights it provided them. There was an awareness of the existing dangerous situation at every level, but no one had specific information on how, where and when the threat would be carried out. Throughout the period of the USMNF presence in Lebanon, intelligence sources were unable to provide proven, accurate, definitive information on terrorist tactics against our forces. This shortcoming held to be the case on 23 October 1983. The terrorist threat was just one among many threats facing the USMNF from the many factions armed with artillery, crew served weapons and small arms.

Technical intelligence was responsive to the USMNF Commander's conventional tactical needs. Organic CTF 61/62 intelligence, reinforced by national level support, were able to keep track of the growing conventional military threat.

The intelligence staffs at various echelons within the European Command initiated some innovative measures and, in general, tried to improve U.S. intelligence capabilities against adversaries in the region. The situation as of 30 November 1983, shows improvement as a result of the chain of command's efforts.

The USMNF was operating in an urban environment surrounded by hostile forces without any way of pursuing the accuracy of data in order to head off attack. The intelligence structure should be reviewed from both a design and capabilities standpoint. We need to establish ourselves early in a potential trouble spot and find new techniques to isolate and penetrate our potential enemies. Once established, our military forces (and especially ground forces) need to have aggressive, specific intelligence to give the commander the hard information he needs to counter the threats against his force. U.S. intelligence is primarily geared for the support of air and naval forces engaged in nuclear and conventional warfare. Significant attention must be given by the entire U.S. intelligence structure to purging and refining of masses of generalized information into intelligence analysis useful to small unit ground commanders.

It is also essential that all government agencies develop a heightened awareness of the potential intelligence significance to the USMNF commander of information they develop or hold for their own needs. If DOD elements had been provided the relevant data pertaining to the characteristics of the explosive device employed against the U.S. Embassy in Beirut on 18 April 1983, specifically with regard to the capacity terrorists have to greatly enhance destructive effects through relatively simple means, the USMNF Commander may have acquired a better appreciation of the catastrophic potentialities arrayed against him.

In summary, the U.S. did not have the specific intelligence, force disposition or institutional capabilities sufficient to thwart the attack on the BLT Headquarters building on 23 October 1983. The USMNF commander received volumes of intelligence information, but none specific enough to have enabled the prevention of the attack or provide him other than general warning. There was no institutionalized process for the fusion of intelligence disciplines into an all-source support mechanism.

C. Conclusions

The Commission concludes that although the USMNF commander received a large volume of intelligence warnings concerning potential terrorist threats prior to 23 October 1983, he was not provided with the timely intelligence, tailored to his specific operational needs, that was necessary to defend against the broad spectrum of threats he faced.

The Commission further concludes that the HUMINT support to the USMNF commander was ineffective, being neither precise nor tailored to his needs. The Commission believes that the paucity of U.S. controlled HUMINT provided to the USMNF commander is in large part due to policy decisions which have resulted in a U.S. HUMINT capability commensurate with the resources and time that have been spent to acquire it.

D. Recommendations

The Commission recommends that the Secretary of Defense establish an all-source fusion center, which would tailor and focus all-source intelligence support to U.S. military commanders involved in military operations in areas of high threat, conflict or crisis.

The Commission further recommends that the Secretary of Defense take steps to establish a joint CIA/DOD examination of policy and resource alternatives to immediately improve HUMINT support to the USMNF contingent in Lebanon and other areas of potential conflict which would involve U.S. military operating forces.

PART FIVE—PRE-ATTACK SECURITY

I. 24 MAU, BLT 1/8 Headquarters compound

A. Principal Findings

The USMNF/MAU Headquarters compound primarily occupied three buildings in the administrative area of the Beirut International Airport (BIA). BIA is an active international airport which serviced an average of some 35 flights and 2,400 passengers a day during the two-week period preceding the bombing of the BLT Headquarters building. Approximately 1,000 civilians are employed at BIA, and ground traffic to and from the area is estimated at about 3,000 vehicles daily.

Figure 5-1 depicts the major features referred to hereafter. The MAU Headquarters was located in the former Airport Fire Fighting School facilities at Beirut International Airport. The structure is a two-story building with floors, ceiling, and walls constructed of reinforced concrete. The first (ground) floor consists of six vehicle bays accessed by metal doors, several offices and a utility room.

The second floor, accessed by a circular staircase, consists of administrative offices. Exposed openings had been reinforced with protective sandbag walls. The roof, accessed

by an exterior ladder, was used as an antenna farm. The MAU Service Support Group (MSSG) Headquarters was located immediately across the road to the northwest of the MAU Headquarters building. The structure is a single story, reinforced concrete and steel building which was reinforced at exposed openings by protective sandbag walls.

The Battalion Landing Team (BLT) Headquarters was located in a four-story building southwest of the MAU Headquarters. (The BLT Building is described in detail in the following section).

Buildings utilized by Lebanese Civil Aviation Authorities in the immediate vicinity of the USMNF facilities included the Civil Aviation School directly west of the MAU Headquarters, the airport maintenance building directly east of the MAU Headquarters, and the airport power Plant and the air conditioning building directly east of the BLT Headquarters. These buildings, along with other buildings throughout the area, were facilities utilized by Lebanese nationals in the daily activities of airport business. Normal access to the compound area on 23 October 1983 was via public roads into and within BIA, and then through a gate in the immediate vicinity of the MAU Headquarters building. (A complete description of the security posts and barriers in the area is found in Section IV, Security Guard Organization and Execution.) Overall security for BIA was the responsibility of the LAF. Between the hours of 2100 and 0600 daily, civilian traffic into BIA was not permitted. This prohibition was controlled by the LAF checkpoint known as "Cocodee" on the main airport access road.

B. Discussion

Interviews with personnel of the LAF liaison element and with LAF soldiers who manned checkpoint "Cocodee" on the morning of 23 October 1983 confirm the restricted access to BIA. Vehicles already in the BIA administrative area by 2100, however, were not required to depart. In fact, because of the extensive repair and construction activity at BIA, many vehicles, including large trucks similar to the vehicle utilized in the bombing, routinely remained in the area overnight.

II. BLT Headquarters building

A. Principal Findings

The BLT Headquarters was located in a bombed-out, fire-damaged, four story building located north of the BIA terminal building and just south of the building utilized as the 24th MAU Headquarters (See Figure 5-2). The building was constructed of steel and reinforced concrete. At one time large plate glass windows encompassed the second, third and fourth stories. All of the windows on the upper three floors had been replaced with an assortment of plywood, sand bag cloth, screen, and plastic sheeting. The ground floor was an open area which has been enclosed with substantial sand bagging and barbed wire. At the center of the building was an open courtyard extending to the road with a ventilated covering to ward off rain while providing for cooling and illumination of the building's interior. There were two inoperable elevator shafts which had been fire damaged. Access to upper stories was gained via two concrete stairwells located on the east and west ends of the courtyard.

The building originally housed the headquarters of the Government of Lebanon's Aviation Administration Bureau. It has been successibly occupied by the PLO, the Syrians, and finally by the Israelis, the latter using it as a field hospital during their 1982 invasion. The first U.S. Marine Corps unit ashore in September 1982 occupied the building as the command post for a Battalion Landing Team (BLT).

Initially, security for the force was not the paramount consideration of the USMNF. The Marines, for the most part, were welcomed, particularly so in clearing up mines and unexploded ordnance left behind as a result of the PLO/Israeli conflict. Tactical security was established appropriate to mission tasking and the perceived threat. Subsequently, as military involvement between warring Lebanese confessional groups worsened, LAF training was halted, mobile patrols were reduced and security enhancements were instituted as follows: Bunkers were hardened; the number and depth of defensive positions were increased; and perimeter security was improved.

Security provisions from 29 September 1982 to 22 October 1983 were such that, despite occasional light to heavy hostile artillery, rocket and sniper fire, Marine casualities were relatively light. The limited number of casualties was attributable in part to the fact that the reinforced concrete construction of the BLT headquarters building provided good protection from the attacks by fire that the BLT Headquarters received. During this period, no one was ever wounded or killed in that building.

Starting on 29 MAY, BLT 1/8 (24th MAU) relieved BLT 2/6 (22d MAU) in place at the BIA. During this relief period from 26 May to 30 May, Commanding Officer, BLT 1/8, and the Commanding Officer, BLT 2/6, conferred extensively on the situations at BIA, at the U.S. and British Embassies, and at the Lebanon Scientific and Technical University.

The changeover of the two BLTs at the airport was normal. The infantry companies occupied previously prepared defensive positions on the airport perimeter and the U.S. Embassy responsibility; "B" Company assumed the eastern and northern airport perimeter and check points 76 and 11; and "C" Company located at the Lebanese Scientific and Technical University and check points 35 and 69. The Weapons Company was put into a supporting role; its 81mm morter platoon occupied a position on the eastern perimeter, slightly west of check point 11. Subsequently, the companies were rotated, and on 23 October 1983, BLT 1/8 was positioned as shown on Figure 5-3.

Upon assuming BIA defensive positions, BLT 1/8 continued the security enhancement work of BLT 2/6. Sandbags were filled and emplaced within all positions. It is estimated that from 29 May to 23 October 1983, some 500,000 sandbags were filled and emplaced in addition to 10,000 feet of concertina wire, and 1,000 engineer stakes. This equates to approximately 20 tons of materials.

On 30 May 1983, BLT 1/8 (24th MAU) occupied the building. The 1st Battalion, 8th Marine Regiment formed the nucleus of BLT 1/8. The battalion consisted of three infantry companies, a weapons company, and a headquarters and service company. BLT 1/8 had a strength of approximately 1,250 personnel. This figure remained relatively constant. On any given day from 30 May 1983 until 23 October, BLT 1/8 consisted of approximately 59 Marine officers, 1,143 enlisted Marines, 3 Navy officers, 52 Navy enlisted, 3 Army officers and 28 Army enlisted.

B. Discussion

The mission of the USMNF at the time of its deployment at BIA was to be one of presence. The decision to occupy BIA was based upon several factors:

BIA was an important symbol of the new Lebanese government's influence and control.

Israel would not agree to withdraw from BIA unless replaced by U.S. units.

The airport was a comparatively favorable position for the USMNF, away from the refugee camps and inner city of Beirut. Yet it enabled the Marines to visibly assist the Lebanese government in an area of practical and symbolic importance. The airport location also facilitated both ingress and egress for U.S. Forces ashore.

The BLT Headquarters building was occupied from the outset for a variety of reasons. The steel and reinforced concrete construction of the BLT Headquarters building was viewed as providing ideal protection from a variety of weapons. The building also afforded several military advantages that could be gained nowhere else within the BLT's assigned area of responsibility. First, it provided an ideal location to effectively support a BLT on a day-to-day basis. Logistic support was centrally located, thus enabling water, rations and ammunition to be easily allocated from a single, central point to the rifle companies and attached units. The Battalion Aid Station could be safeguarded in a clean, habitable location that could be quickly and easily reached. Motor transport assets could be parked and maintained in a common motor pool area. A reaction force could be mustered in a protected area and held in readiness for emergencies. The building also provided a safe and convenient location to brief the large numbers of U.S. Congressmen, Administration officials, and flag and general officers who visited Beirut from September 1982 to October 1983. In sum, the building was an ideal location for the command post of a battalion actively engaged in fulfilling a peace-keeping and presence mission.

Second, the building was an excellent observation post. From its rooftop, a full 360 degree field of vision was available. From this elevated position, forward air controllers, naval gunfire spotters and artillery forward observers could see into the critical Shuf Mountain area. Also from this position, observers could see and assist USMNF units in their positions at the Lebanese Science and Technical University. Further, this observation position facilitated control of helicopter landing zones that were critical to resupply and medical evacuation for the MUA. In sum, many of the key command and control functions essential to the well-being of the USMNF as a whole could be carried out from the building. No other site was available within the bounds of the airport area which afforded these advantages.

Third, the building provided an excellent platform upon which communications antennae could be mounted. In that the supporting ships were initially as far as 3,000 to 6,000 yards off shore, antenna height was a major factor in maintaining reliable communications with the supporting elements of the 6th Fleet. Reliable communication with the ships of CTF 60 and CTF 61 was critical to the defense and safety of not only the USMNF, but to the U.S. Embassy, the U.S. Ambassador's residence, the Duraffourd building, and our allies in the MNF as well. Reliable communications meant that naval gunfire missions could be directed at hostile

artillery and rocket positions in the Shuf Mountains when they fired into the airport. Line-of-sight communications are also essential in calling for and adjusting air strikes. Moreover, such communications were key to the rapid evacuation of casualties via helicopter to secure medical facilities offshore.

In summary, the Commission believes that a variety of valid political and military considerations supported the selection of this building to house the BLT Headquarters. The fact that no casualties were sustained in that building until 23 October 1983, attested to its capability to provide protection against the incoming fire received by the BLT Headquarters, while simultaneously providing the best available facility to allow the USMNF to conduct its mission.

III. BLT Headquarters organization, operation and security

A. Principal Findings

The basement of the building consisted of two larger rooms connected by an east-west passageway (See Figure 5-4). The west room was basically a storage area for foodstuffs for the field mess to include produce, dry storage, canned goods, paper materials, and dairy products. The east room was divided between a troop recreation area and the battalion aid station. An access tunnel into this room was securely blocked and guarded 24 hours a day (See Figure 5-5). In the recreation area were picnic chairs and tables, pool and ping-pong tables, video games, and a television set with a video cassette recorder for movies. Beer, soda and snacks were stored and sold in this area. In the aid station, the battalion's medical equipment was arranged to handle normal sick call, emergencies, and, if required, casualty triage. All battalion medical records were stored in this area.

The ground floor lobby (See Figure 5-6) was kept clear for security reasons. Should the building be penetrated, fire could be directed from the upper stories down into an open area. The field mess was located beneath the extreme western side of the building overhang, behind a sandbag and screen wall which completely enclosed the area. Seating capacity for the mess was approximately 150 personnel. Adjacent to the mess, and within the building proper, were the armory and S-4 (logistics) storage areas. A small number of anti-tank missiles prepositioned here for use in building defense and on foot and mobile patrols. A definitive listing of ordnance involved cannot be compiled until the final results of the FBI's forensic investigation are made available. From available information, however, it appears that the only other ordnance in the building was the basic load of ammunition carried by individual Marines.

The TOW (anti-tank missile) section was billeted behind a sandbag wall beneath the overhang on the extreme eastern side. Adjacent to the TOW section, and within the building, was the Lebanese vendor's shop. The vendor sold soda, candy, souvenirs, and health and comfort items. He often slept in his shop's storage area and is believed to have been killed in the explosion on 23 October. Adjacent to the vendor's area was another storage room used for beer and soda.

In the northeast corner of the lobby was a weight lifting machine; in the southeast corner was a storage area for portable food (pre-packaged) containers. In the southwest corner were battalion storage and work areas partitioned off by stacked supply bosed. The S-4 (logistics) working area was located in the northwest corner. The Sergeant of the Guard's post was located in a small structure beneath the overhang at the main entrance on the south side of the building.

The first floor housed the key personnel of the battalion's command structure (See Figure 5-7). In the western-most offices were the Battalion Commander, the Intelligence Officer, the Operations Officer, and the Sergeant Major. Adjacent to their offices was the Combat Operations Center from where the battalion's day-to-day functions were controlled and coordinated. The eastern section of the first floor housed the battalion's administrative offices, classified material storage, and postal services. In the southern connecting hallway were the quards' quarters. There were small rooms in the northern hallway where company grade officers and staff NCO's lived and worked.

The second floor (See Figure 5-8) was more open then the first floor. The battalion's communications platoon worked and resided in the west section which contained their maintenance, battery, and wire shops. The east section housed the engineers and their portable equipment storage area. The north hallway housed the reconnaissance platoon and the south hallway housed that portion of the weapons company which had not been attached to the outlying rifle companies or deployed to general support positions (81mm mortar platoon).

The third floor (See Figure 5-9) was the most open and least populated of the three floors. The west section contained a small chapel, and a recreation area and movie room for staff NCO's and officers. The west section also housed the cook and messmen. The east section contained a small library and the chaplain's office. The battalion medical officer and senior enlisted members of the medical platoon also resided in this area. Medical supplies were stored there, and sick call had been held in the southeast corner room until early August. Both the north and the south hallways housed a variety of key personnel who manned roof top positions. They included teams of artillery forward observers, naval gunfire spotters, forward air controllers, and counter-battery radarmen. At each corner of this floor on the exterior balcony were sandbagged machinegun (7. 62mm) emplacements.

On the roof (See Figure 5-10) were several sandbagged observation positions used by the various team members. Also on the roof were over a dozen communications antennae, including those on HF, VHF, and UHF frequencies.

Two enlisted Marines from the Forward Air Control (FAC) team were asleep on the roof on the morning of the explosion and escaped unharmed. They testified that the IOS was manned 24 hours a day, everyday. These team members manned the position on the extreme eastern end of the roof in order to observe their area of primary interest: the Shuf Mountains. It should be emphasized that these teams were not responsible for security in the immediate vicinity of the building proper; that was the responsibility of the Security Guard Force.

B. Discussion

The interior of the building was utilized in a manner that facilitated command, control, coordination and communication both within the battalion and to senior, subordinate and supporting units. Effective use was made of the rooftop by key supporting arms team members. The total number of personnel billeted and working in and around the building averaged approximately 350 out of an average BLT strength of 1250. Since the BLT Headquarters building contained the only field mess in the 24th MAU, the number of personnel in and around the building during meal hours may have exceeded 400.

Notwithstanding the utility derived from the use of the building in question, and acknowledging the fact that the building did provide protection to personnel from incoming fire, the BLT commander failed to observe the basic security precaution of dispersion. The practice of dispersion is fundamental and well understood by the military at every echelon. It basically is the spreading or separating of troops, material activities, or establishments to reduce their vulnerability to enemy action. The BLT commander did not follow this accepted practice and permitted the concentration of approximately one-fourth of his command in a relatively confined location thereby presenting, a lucrative target to hostile elements. The MAU commander condoned this decision.

IV. Security guard organization and execution

A. Principal Findings

The BLT Commander was responsible for the security of the MAU/BLT compound and the BLT Headquarters. The Officer of the Day (OOD) was appointed on a 24-hour rotational basis to represent the BLT Commander in his absence. The BLT Commander designated the H&S Company Commander as the permanent Guard Officer. A noncommissioned officer was designated as the permanent Commander of the Guard and was directly responsible to the Guard Officer for the instruction, discipline and performance of the guard. The Sergeant of the Guard (SOG) was directly accountable for the instruction, discipline and performance of the guard force during his twenty-four hour tour of duty. The three Corporals of the Guard (COG) rotated on four-hour shifts as the direct supervisors of the guard reliefs. These posts were manned by sentries organized into three reliefs, each of which stood four-hour rotational shifts. Like the COG, the sentries were appointed for two-week tours. The MAU/BLT compound security chain of command is illustrated in the following diagram.

BLT Commander—Officer of the day
H&S Company Commander (Guard Officer)
Commander of the Guard
Sergeant of the Guard
Corporal of the Guard (3)
Sentries of the Guard (3 Reliefs)

Battalion Landing Team Order 1601.8, dated 15 July 1983, was the basis for the security guard at the 24 MAU/BLT compound (Annex F). This order provided a coordinated structure of the various MAU/BLT elements within the compound to establish security. Instructions common to all posts were covered in the basic order. Special orders were provided for each position and post in separate enclosures. Modifications and changes to the guard order were promulgated from the BLT Commander, through the Executive Officer and Guard Officer, for implementation by the Commander of the Guard. Additionally, the MAU Commander (CTF 62) issued two directives in message form that prescribed four alert conditions with required specific actions for each condition. Changes were to be logged by the Commander of the Guard.

Permanently designed posts on the MAU/BLT compound are indicated on the diagram at figure 5-11. Specific actions for

each post were determined by the designated alert status and the guard order. There were four alert conditions, with Alert Condition I being the highest state of alert. The appropriate level of alert was determined in the Combat Operations Center (COC).

In practice, modification were made to the guard order. For instance, only sentries at Posts 1, 2, and 3 kept magazines in their weapons at all times. Post 4, 5, 6, and 7 were manned with one sentry during daylight hours. Post 8 was not manned at the time of the attack. The BLT Order specified that such modifications would be noted in the Guard Logbook, which is presumed to have been destroyed in the explosion. The security posture on 23 October 1983 at the MAU/BLT compound, as described in testimony by surviving witnesses, was not in compliance with published directives for Alert Conditions II or III.

Marines assigned to the BLT guard wore the utility uniform with helmet, flak jacket, belt suspenders, M16 rifle, flashlight and a cartridge belt containing two filled canteens, first aid kit, two magazine pouches with six magazines and a total of 120 rounds. The SOG was armed with a .45 caliber pistol. All personnel carried an ROE card in their flak jacket. During hours of darkness, night vision goggles were issued. There were no anti-tank weapons on any post. Anti-tank missile launchers (TOW) were, however, positioned on the roof.

B. Discussion

Every Marine interviewed expressed concern over the restrictions against inserting magazines in weapons while on interior posts during Alert Condition II, III, and IV. The most outspoken were the sentries on posts 6 and 7 where the penetration of the compound occured on 23 October 1983. The MAU Commander explained that he made a conscious decision not to permit insertion of magazines in weapons on interior posts to preclude accidental discharge and possible injury to innocent civilians. This is indicative of the emphasis on prevention of harm to civilians, notwithstanding some degradation of security. The threat to the MAU/BLT compound was perceived to be direct and indirect fire, ground attack by personnel, stationary vehicular bombs and hand grenade/RPG attack. In accordance with existing ROE (White Card), instructions pertaining to moving vehicles involved search and access procedures at gates. Hostile penetration of the perimeter by cars or trucks was not addressed in these instructions provided by the BLT guards.

The testimony of the Marines who stood post at the MAU/BLT compound was consistently in agreement concerning the activities of the guard force. Guard duty appears to have been professionally performed. All sentries interviewed were knowledgeable of the unique requirements of the various posts where they had performed duty.

Whether full compliance with the actions prescribed for Alert Condition II would have prevented, in full or in part, the tragic results of the 23 October 1983 attack cannot be determined, but the possibility cannot be dismissed. (See also PART SIX of this report).

V. Command responsibility for the security of the 24th MAU and BLT 1/8 prior to 23 October 1983

A. Principal Findings

The Commanders of the 24th MAU and BLT 1/8 took a number of actions to enhance the security of their forces while performing the assigned USMNF mission. The 24th MAU Commander was aware of the deteriorating situation in the late summer and early fall of 1983 which resulted in a wide spectrum of threats to his command, ranging from conventional military threats to the use of terrorist tactics. Although deluged with daily threat information, the MAU Commander received no specific warning of the time, place or technique of the 23 October 1983 attack. Moreover, he was not briefed on the 18 April 1983 bombing of the U.S. Embassy in specific terms until after the BLT Headquarters bombing. He was not apprised of the detailed information derived by the analysis of the Embassy bombing as to the destructive potential of gas-enhanced explosive devices.

B. Discussion

Competing with the MAU commander's reaction to the growing threat to his force was his dedication to the USMNF mission assigned to his command and his appreciation of the significance of peace-keeping and presence in achieving U.S. policy objectives in Lebanon. He perceived his mission to be more diplomatic than military, providing presence and visibility, along with the other MNF partners, to help the Government of Lebanon achieve stability. He was a key player on the U.S. Country Team and worked closely with the U.S. leadership in Lebanon, to include the Ambassador, the Deputy Chief of Mission, the President's Special envoy to the Middle East and the Military Advisor to the Presidential Envoy. Through these close associations with that leadership and his reading of the reporting sent back to Washington by the Country Team, the MAU commander was constantly being reinforced in his appreciation of the importance of the assigned mission.

Given his understanding of the mission, coupled with the perception that the greatest real threat to the MAU and to the BLT Headquarters personnel was from conventional small arms, mortar, rocket, and artillery fire, the BLT Commander enacted security procedures concurred in by the MAU Commander which resulted in billeting approximately 350 personnel in the BLT Headquarters building. Similarly, guard orders and procedures were characterized by an emphasis on peaceful neutrality and prevention of military action inadvertently directed against the civilian population using the airport. The security posture decisions taken by the MAU and BLT Commanders were further reinforced by the absence of any expression of concern or direction to change procedures from seniors in the military chain of command during visits to the MAU prior to 23 October 1983.

C. Conclusions

The combination of a large volume of specific threat warnings that never materialized, and percieved and real pressure to accomplish a unique and difficult mission contributed significantly to the decisions of the MAU and BLT commanders regarding the security of their force. Nevertheless, the Commission concludes that the security measures in effect in the MAU compound were neither commensurate with the increasing level of threat confronting the USMNF nor sufficient to preclude catastrophic losses such as those that were suffered on the morning of 23 October 1983. The commission further concludes that while it may have appeared to be an appropriate response to the indirect fire being received, the decision to billet approximately one-quarter of the BLT in a single structure contributed to the catastrophic loss of life.

The commission concludes that the Battalion Landing Team Commander must take responsibility for the concentration of approximately 350 members of his command in the Battalion Headquarters building thereby providing a lucrative target for attack. Further, the BLT Commander modified prescribed alert procedures, degrading security of the compound.

The Commission also concludes that the MAU Commander shares the responsibility for the catastrophic losses in that he condoned the concentration of personnel in the BLT Headquarters building, concurred in modification of prescribed alert procedures, and emphasized safety over security in directing that sentries on Posts 4, 5, 6, and 7 would not load their weapons.

The Commission further concludes that although it finds the BLT and MAU Commanders to be at fault, it also finds that there was a series of circumstances beyond their control that influenced their judgement and their actions relating to the security of the USMNF.

D. Recommendation

The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the BLT and MAU Commanders to take the security measures necessary to preclude the catastrophic loss of life in the attack on 23 October 1983.

PART SIX—23 OCTOBER 1983

I. The terrorist attack

A. Principal Findings

Five eyewitnesses described a large yellow Mercedes Benz stakebed truck traveling at a speed reportedly in excess of 35 MPH moving from the public parking lot south of the BLT Headquarters building through the barbed wire and concertina fence, into the main entrance of the buildings where it detonated at approximately 0622, Beirut time on Sunday, 23 October 1983. The truck penetrated the perimeter barbed and concertina wire obstacle (See Figure 6-1), passed between guard Posts 6 and 7 without being engaged, entered an open gate, passed around one sewer pipe and between two other pipes, flattened the Sergeant of the Guard's sand bagged booth, entered the interior lobby of the building and exploded.

An eyewitness was defined as an individual who actually saw the truck but not necessarily its driver. Four of the eyewitnesses are Marines who were members of the guard: three lance corporals and a sergeant. The other eyewitness was a Marine corporal who had just returned from a security patrol. Their accounts are detailed and corroborative.

In general, based on descriptions provided by the eyewitnesses who saw him, the driver of the truck was a young adult caucasian male with black hair and mustache and wearing a blue or green shirt, open at the front. No other individuals were seen in the truck by the eyewitnesses.

A similar yellow Mercedes Benz type truck was observed at about 0500 by the sentry on Post 6 entering the parking lot south of the BLT Headquarters building. The truck circled once, then exited to the south. Because that truck did not stop, it was not reported.

A truck was observed by the sentry on Post 6 accelerating westward and parallel to the wire barricade (See Figure 6-2). The truck then abruptly turned north, ran over the wire barricade, and accelerated northward between Posts 6 and 7.

The sentry on Post 7 heard the truck as it ran over the wire, then observed it and immediately suspected it was a vehicle bomb. He inserted a magazine in his M-16 rifle, chambered a round, shouldered the weapon, and took aim but did not fire because by that time the truck had already penetrated the building.

Both sentries realized the truck was, in fact, a "car bomb" and therefore took cover within their respective bunkers. One sentry hid in the corner of his bunker and did not observe the detonation. The other sentry partially observed the detonation from behind the blast wall to the rear of the bunker. He saw the top of the building explode vertically in a V-shape. He then took cover inside his bunker for protection from the falling debris.

The sentry on Post 5 also spotted the truck as it accelerated northward into the building. The truck passed so quickly that he could not react in any way although he understood the truck's purpose. He was unable to take cover in his bunker and was knocked to the ground by the blast; however, he escaped uninjured.

A reconnaissance NCO was standing near a water trailer located approximately 25 meters east of the southeast corner of the building. He had just returned from a security patrol. He was facing east when he heard an accelerating engine behind him. Thinking it was a large Marine truck speeding, he turned westward and saw the terrorist's truck accelerating from left to right in his field of vision. He, too, immediately suspected the truck's hostile purpose. As the vehicle entered the building, he turned to run for cover in a nearby shower gutter but was knocked down by the blast.

Meanwhile, the Sergeant of the Guard was at his post located at the building's main entrance (south). His post was a small booth-shaped structure, similar in size and positioning to that of a ticket vendor's booth in a movie theater. The structure had been reinforced with a double-wall of sandbags around its girth.

The Sergeant of the Guard was alone at his post, facing inward (north) toward the lobby, when he heard noises to his rear, to include a high-revving engine. He turned and saw the truck closing rapidly on his post as it passed through the open gate of the permanent (Lebanese-constructed) fence (See Figure 6-3). His first reaction was a surprised question: "What is that truck doing inside the perimeter?" or thoughts to that effect. Immediately thereafter he realized the truck was hostile and ran out of his post and across the lobby toward the rear entrance (north). As he ran, he repeatedly yelled "Hit the deck! Hit the deck!" and glanced back over his shoulder as the truck continued toward the front entrance. He saw the truck breach the entrance (the cab was apparently too tall for the height of entrance archway) and without hesitation, run easily over his guard post and come to a halt near the center of the lobby. As the Sergeant of the Guard continued to run, there was an interval of one to two seconds between the truck's halt and its detonation. He actually saw the detonation which he described as being "more orange than yellow." He was then blown through the air, struck the ground, and was seriously injured. He came to on the roadway on the north-west side of the building's rubble as the debris fell around him.

When the truck exploded (See Figure 6-4), it created an oblong crater measuring 39' by 29'6" and 8'8" in depth (See Figure 6-5). The southern edge of the crater was thirteen feet into the lobby. To create such a crater, the explosion penetrated and destroyed the concrete floor which measured 7 inches in thickness and which was reinforced throughout with 1¾" diameter iron rods. Because of the structure of the building—it had a large covered courtyard extending from the lobby floor to the roof—the effect of the explosion was greatly intensified. This was caused by the confinement of the explosive force within the building and the resultant convergence of force vectors. This "tamping effect" multiplied the blast effect to the point that the bottom of the building was apparently blown out and the upper portions appeared to have collapsed on top of it. The force of the explosion initially lifted the entire building upward, shearing the base off its upright concrete columns, each of which was 15 feet in circumference and reinforced throughout with 1¾" diameter iron rods. The building then imploded upon itself and collapsed toward its weakest point—its sheared undergirding.

The Federal Bureau of Investigation (FBI) assessment is that the bomb employed a "gas-enhanced" technique to greatly magnify its explosive force which has been estimated at over 12,000 pounds effective yield equivalent of TNT.

The FBI Forensic Laboratory described the bomb as the largest conventional blast ever seen by the explosive experts community. Based upon the FBI analysis of the bomb that destroyed the U.S. Embassy on 18 April 1983, and the FBI preliminary findings on the bomb used on 23 October 1983, the Commission believes that the explosive equivalent of the latter device was of such magnitude that major damage to the BLT Headquarters building and significant casualties would probably have resulted even if the terrorist truck had not penetrated the USMNF defensive perimeter but had detonated in the roadway some 330 feet from the building.

B. Discussion

Many individuals of the USMNF performed selfless and often heroic acts to assist their fellow Soldiers, Sailors and Marines. The response of the Lebanese citizens and the Italian MNF was superb. An example of this spontaneous outpouring of help was the response of a Lebanese construction company, which arrived with more heavy equipment than could physically be employed at one time and began immediate salvage and rescue efforts. The Italian soldiers assisted by moving the wounded and dead to Lebanese ambulances for evacuation to Lebanese hospitals or to the helicopter landing zones.

The MAU Commander remained concerned with his depleted security posture until he was reinforced with an additional rifle company deployed from the United States several days later. The MAU Commander properly perceived that his command was extremely vulnerable to a follow-on attack during the rescue/salvage operation.

The Commission takes particular note that the monumental demands placed upon the MAU Commander in the immediate aftermath of the attack required virtually superhuman effort. His situation was not enhanced by the large number of important visitors who arrived at his command in the days that followed. Throughout, the MAU Commander carried these burdens with dignity and resolve. In short, he performed admirably in the face of great adversity.

II. The aftermath

A. Principal Findings.

The aftermath of the attack left a scene of severe injury, death and destruction (See figure 6-6). the dust and debris remained suspended in the air for many minutes after the explosion, creating the effect of a dense fog. There was a distinct odor present, variously described as both sweet and acrid, which one individual remembered as being present after the bombing of the U.S. Embassy in April 1983. The carnage and confusion made it difficult to establish control immediately. The explosion had eliminated the entire BLT Headquarters command structure. The initial actions of individual survivors were in response to their first impression of what had happened.

In his headquarters, the MAU Commander thought the MAU COC had been hit and went downstairs to investigate. The sentries closest to the BLT Headquarters building thought the compound was being subjected to a rocket attack and tried to report by telephone to the Sergeant of the Guard. Some personnel at the MSSG Headquarters area thought an artillery attack was in progress and went to Alert Condition I.

Once it was realized that a catastrophe had occurred, the independent actions of individual Marines in various stages of shock and isolation began to meld into coordination, teamwork and cooperation. Lebanese civilians in the immediate area, the Lebanese Red Cross, Italian soldiers (engineers) from the Italian MNF, and Lebanese construction crews with heavy equipment converged on the scene and went to work, acting instinctively from their many previous experiences in Beirut.

The MAU Commander assumed operational control of the remaining BLT elements. He determined his priorities to be the rescue/medical evacuation effort and the re-establishment of the fire support coordination function. Because he anticipated the possibility of a follow-on attack, he charged the MAU Operations Officer with coordination of security on the scene. Additionally, an effort was made to preserve as much evidence as possible through photography and preliminary EOD work. Resources continued to arrive on scene and by early afternoon order was re-established. The last survivor extricated from the rubble was found at approximately 1300 that day.

PART SEVEN—POST-ATTACK SECURITY

I. Redeployment, dispersal, and physical barriers

A. Principal Findings

Since the 23 October 1983 bombing of the BLT Headquarters building, numerous security measures and actions have been planned and implemented by the operational chain of command to increase the security of U.S. military forces in Lebanon against recurrence of a catastrophic terrorist attack. USMNF and other U.S. forces have been repositioned and dispersed within the Beirut International Airport area. Many support personnel have been returned to ships offshore. Major construction by U.S. Navy Seabees of perimeter positions, protective bunkers, barriers and obstacles is ongoing. Security procedures in the areas of access control, searches, and response to threat warnings have been examined and improved. Additionally, more responsible ROE, similar to those previously approved for use at the Embassy, have been issued to all personnel.

The enhanced security measures were taken in the face of a steadily growing threat. Intelligence assessment of 1 December 1983 determined that the threat to U.S. personnel and facilities in Lebanon remains extremely high and is increasing. The political, military, cultural and religious environment in and around Beirut is inherently conducive to a broad spectrum of options for states, indigenous factions and extremist groups seeking to thwart U.S. objectives in Lebanon by attacking the USMNF. That environment makes the task of detecting and defending against threats in general, and terrorist attacks in particular, extremely difficult. It therefore becomes increasingly costly for the UNMNF to maintain and acceptable level of security for the force while continuing to provide a visible peace-keeping presence in Beirut, to sustain the Government of Lebanon, and to actively support the LAF.

The USMNF has remained essentially static, occupying the same terrain since its insertion into Lebanon in September 1982. The Marines continue to be positioned at the BIA, bounded on the west by the Mediterranean Sea and the heavily traveled coastal road, on the north by the slums of the Shia and Palestinian suburbs of Beirut, and on the east and south by the old Sidon Road and the Druze controlled coastal mountains (Shuf) that dominate the whole airport area. BIA serves a cosmopolitan city of one million and the daily vehicular traffic to the airport facilities, which are literally interspersed among USMNF positions, is very heavy. Security for the BIA is the responsibility of the LAF who are also present in the area.

BIA is undermined by a labyrinth of tunnels. Prior to the recent Israeli invasion, numerous factions, including the PLO and Syrians, occupied BIA and the BLT Headquarters building. The static nature of the USMNF under the continuous observation of numerous hostile factions and within range of their weapons, results in a constant high threat environment for the USMNF. This threat is exacerbated by the familiarity with, and access to the dominant terrain, and to BIA itself, by hostile factions.

B. Discussion

Activities to reduce the vulnerability of the USMNF fall into six categories: Dispersal of troops; construction of protective structures; improved security procedures; key weapons employment; rules of engagement; and physical barriers.

Dispersal of troops has taken the form of redistribution of activities within the BIA area to present a less concentrated target, and the removal to ships offshore of all personnel whose presence is not considered immediately required to operate the USMNF ashore. The redistribution is proceeding as protected work and living spaces are constructed, but has the disadvantage of placing some troops in structures which are more vulnerable to indirect fire than the concrete buildings which they vacated.

Construction of protective structures, including work spaces, living accommodations and fighting positions, has received attention by utilizing a variety of protective measures. Traditional sandbagging, dirt berms, locally fabricated wooden frames to support sandbags and a dirt covering, and large SeaTrain containers (obtained from the Government of Lebanon) that are dug in and reinforced to provide modular protected work spaces, have been utilized in this effort. Much of the proposed construction, however, has been hampered by a shortage of material and labor.

Actions taken to improve security procedures include closing two lanes of the main airport road which runs adjacent to the MAU area, thereby creating a buffer zone; restricting vehicular access in the MAU perimeter to U.S. vehicles only; blocking all but essential entrances to the area; excluding non-essential civilians; relocating LAF personnel outside of the perimeter; and employing spot U.S. roadblocks and vehicle searches on the main airport road.

ROE are addressed separately in PART TWO of this report.

An integrated obstacle and barrier plan has been devised to complement the other security measures discussed above.

C. Conclusions

The Commission concludes that the security measures taken since 23 October 1983 have reduced the vulnerabiluty of the USMNF to catastrophic losses. The Commission concludes, however, that the security measures implemented or planned for implementation for the USMNF as of 30 November 1983, are not adequate to prevent continuing significant attrition of the force.

The Commission recognizes that the current disposition of USMNF forces may, after careful examination, prove to be the best available option. The Commission concludes, however, that a comprehensive set of alternatives should be immediately prepared and presented to the National Security Council.

D. Recommendation

Recognizing that the Secretary of Defense and the JCS have been actively reassessing the increased vulnerability of the USMNF as the political/military environment in Lebanon has changed, the Commision recommends that the Secretary of Defense direct the operational chain of command to continue to develop alternative military options for both accomplishing the mission of the USMNF and reducing the risk to the force.

PART EIGHT—CASUALTY HANDLING

I. (U) Introduction

At approximately 0622 local Beirut time on 23 October 1983, an explosion of enormous magnitude destroyed the BLT Headquarters building. This catastrophic event resulted in 241 deaths and approximately 112 wounded in action (WIA). The only medical officer ashore was killed and a majority of the hospital corpsmen billeted at the building were either killed or wounded. The battalion aid station was destroyed.

Within minutes of the explosion, the CTF 61/62 Mass Casualty Plan was implemented. The remaining medical assets of the MAU Service Support Group (MSSG) were organized into two triage teams. Additional medical support was mobilized from afloat units and rapidly transported ashore. As wounded were recovered from the rubble they were immediately treated. Many were initally taken to local civilian hospitals or to the Italian military field hospital while U.S. forces were recovering from the first shock and were regrouping.

The majority of the wounded were transported by helicopter to the USS *Iwo Jima*, an LPH (Amphibious Helicopter Platform) which served as the primary casualty receiving and treatment ship. Necessary resuscitation and surgery were accomplished. After appropriate stabilization, and as air evacuation aircraft arrived, the wounded were transferred to the airport runway area for evaucation to definitive medical care facilities.

Within 30 minutes of the explosion, the British offered the use of the Royal Air Force hospital at Akrotiri, Cyprus. The offer was accepted. The support of the RAF proved to be invaluable. Aeromedical evacuation aircraft of the USAF, USN and RAF were directed to BIA. Casualties were evacuated to Cyprus, Germany and Italy, where there had been virtually a total mobilization of all major medical treatment facilities. Following definitive medical treatment at these overseas facilities, patients were returned to hospitals in the United States as their condition permitted.

II. On-scene medical care

A. Principal Findings

On-scene medical personnel and resources were both ashore and afloat. Ashore were a General Medical Officer, two Dental Officers, a Medical Preventive Medicine Officer (entomologist), two Dental Technicians and almost 70 Hospital Corpsemen. The explosion killed the Medical Officer and killed or wounded 19 Hospital Corpsmen.

Aboard the ships of the Amphibious Task Force there were, as part of normal ships' and embarked aircraft squadron's complement, seven General Medical Officers (including one Flight Surgeron) and 62 Hospital Corpsmen. In addition, a Surgical Team was embarked aboard the USS *Iwo Jima*, the principal afloat medical facility. The Surgical Team consisted of a general surgeon, an orthopedic surgeon, an anesthesiologist, a nurse anesthetist, an operating room nurse, a medical adminstrative officer, and thirteen Hospital Corpsmen. Medical spaces aboard the USS *Iwo Jima* included two operating rooms.

There were ample medical supplies available both ashore and afloat. Despite the destruction of the battalion aid station, sufficient supplies were initally available in the MSSG Headquarters building, and, prior to 23 October, the USS *Iwo Jima* had received additional medical supplies ensuring the capability to manage at least one hundred casualties for several days.

Immediately following the explosion, the Mass Casualty Plan was implemented by CTF 61. Before help arrived from the ships, other actions were underway. Marine and Navy personnel turned immediately to rescuing the wounded from the wreckage and giving them first aid. The two Navy dentists and the remaining corpsmen established one triage and casualty receiving stations adjacent to the demonolished building and another one at the MSSG Headquarters. Ambulance, medical personnel, and volunteers from the Italian contingent, of the MNF, and from local Lebanese medical facilities, arrived and evacuated casualties to their hospitals. These patients were later transferred to U.S. facilities, the last one arriving onboard USS IWO JIMA on 2 November 1983.

By 0640B (local Beirut time), approximately twenty minutes after the explosion, radio communication was established between the MSSG casualty receiving station and the helicopter landing zone at the airport (LZ Brown). By 0800B, all surviving casualties at the MSSG had been triaged, treated, and sent to LZ Brown for medical evacuation (MEDEVAC) to USS *Iwo Jima* by helicopter. By approximately 0730B, as medical personnel arrived from the ships, another triage and casualty receiving station was established close to the destroyed BLT Headquarters building. Here too, pa-

tients received immediate treatment, were triaged, and then moved to LZ Brown for subsequent MEDEVAC to the ship. The first wounded arrived aboard USS *Iwo Jima* at 0740B, approximately one hour and twenty minutes after the attack, having first been triaged and provided field medical treatment ashore.

The goal of the medical personnel on USS *Iwo Jima* was to treat, stabilize, and evacuate the casualties as rapidly as possible, in order to be prepared for the arrival of subsequent casualties.

Triage aboard USS *Iwo Jima* was performed on the hangar deck. Several surgical procedures were required aboard ship, but the main task was to stabilize and prepare the wounded for subsequent aeromedical evacuation. Of the 62 WIA's brought to the USS *Iwo Jima* on 23 October, one died onboard and the remainder were evacuated to the RAF hospital in Akrotiri, Cyprus, or to U.S. military hospitals in Landstuhl, Frankfurt, and Wiesbaden, Germany and Naples, Italy.

At 1000B, the Red Cross, in conjunction with U.S. military personnel, set up an emergency field treatment unit in a parking lot adjacent to the bombed BLT Headquarters building. This facilitated the remaining casualty care required.

The last survivor was recovered at approximately 1300B, 23 October 1983. The total number of WIA, including those treated for relatively minor wounds and returned to duty, was approximately 112. Of these, seven subsequently died. The total number of deaths resulting from the bombing attack is 241 as of the date of this report.

On-scene immediate medical care appears to have been appropriate, adequate, and timely.

B. Discussion

The Commission's inquiry confirmed that CTF 61/62 executed a well-understood, and frequently exercised, mass casualty plan. Execution of the plan provided timely response to the mass casualty requirement for on-scene medical care despite the destruction of the battalion aid station and the death of the only doctor ashore.

The immediate aftermath of the massive explosion was, understandably, a scene of disorientation and initial confusion. This sudden, unexpected attack of enormous destruction devastated an entire unit. (It was during this initial period that numerous Lebanese and Italian volunteers arrived on-scene and provided early, needed casualty assistance.) The recovery of the shattered unit was rapid. There was a heroic rescue effort to pull survivors from the rubble and efficient and appropriate field medical treatment was instituted without delay. There were ample assets for the rapid transfer of the wounded from the disaster site to the treatment areas. No delays were encountered in the helicopter transfer of patients to the ship.

The CTF 61/62 Mass Casualty Plan for the MAU ashore placed the BLT medical officer and/or the Leading Chief Petty Officer in charge of triage and medical regulating. When both were killed, there was no longer a well-defined medical command structure ashore. Future medical planning should anticipate such losses. A medical regulating team should be included in the normal CTF 61 medical complement.

C. Conclusion

The Commission concludes that the speed with which the on-scene U.S. military personnel reacted to rescue their comrades trapped in the devastated building and to render medical care was nothing short of heroic. Additionally, the rapid response by Italian and Lebanese medical personnel was invaluable.

III. Aeromedical evacuation/casualty distribution

A. Principal Findings

Standard EUCOM operating procedures were in effect prior to 23 October 1983 to enabling CTF 61/62 to call upon EUCOM medical evacuation (MEDEVAC) aircraft as needed. No medical evacuation aircraft were specifically deployed for full time support to CTF 61/62.

CTF 61 called for aeromedical evacuation support within 15 minutes of the explosion. Fortuitously, the nearest U.S. MEDEVAC aircraft, a USAF C-9, was in Incirlik, Turkey. CTF 61 was given an ETA of 1030B for its arrival in Beriut. The ETA proved inaccurate; the actual time of arrival of the C-9 was 1240B.

The British offer to provide MEDEVAC aircraft was accepted at 1029B, when it became clear that the original ETA for the Incirlik C-9 was in error. A RAF C-130 aircraft arrived at 1310B, thirty minutes after the arrival of the USAF C-9 aircraft from Incirlik.

Two additional MEDEVAC aircraft were used on 23 October 1983: the first, a U.S. Navy C-9 from Sigonella, Italy arrived at BIA at 1340B, while the second, a USAF C-141, arrived at BIA at 1940B.

Aeromedical evacuation of patients out of the Beriut area began at approximately 1230B with the initial helicopter lift of casualties to BIA from USS *Iwo Jima*. The fixed wing MEDEVAC aircraft departed BIA as follows: The RAF C-130 left at 1421B for Akrotiri; the USAF C-9 left at 1512B for Germany; the USN C-9 left at 1551B for Naples, Italy; and the C-141 left at 2249B for Germany. It is apparent to the Commission that all patients received excellent care by medical personnel enroute.

The early British offer of the RAF hospital at Akrotiri, Cyprus was important. Since CTF 61 medical officers had visited and were familiar with the RAF hospital at Akrotiri, its use was immediately incorporated into the evacuation plan. Life-saving medical care and support were provided to some of the most seriously wounded by British doctors, medical staff and volunteers.

The initial intention of CTF 61 was to transport the seriously wounded patients to Akrotiri. At some point, however, a decision was instead made to transport many of the seriously wounded to Germany. The Commission has been unable to determine who made this decision.

The evacuation of patients to U.S. military hospitals in Germany and Italy was in accordance with existing procedures, but was deficient in several respects: First, erroneous ETA's (Estimated Time of Arrival) were initially provided to CTF 61 regarding the C-9 MEDEVAC aircraft being dispatched from Incirlik, Turkey; this aircraft arrived two hours later than the initial ETA provided. Logistical considerations (obtaining medical supplies) appear to have been the delaying factor. Second, seriously wounded patients were flown to Germany, a flight of just over four hours, while a competent and closer Royal Air Force facility was available and ready at Akrotiri, Cyprus just one hour away. And, third, the first MEDEVAC aircraft was directed to Rhein-Main air base, rather than Ramstein air base, resulting in additional transport time for the most seriously wounded.

There was no evidence to indicate that any patients were adversely affected from the longer evacuation flights. The Commission is concerned, however, that under other circumstances the outcome could have been less favorable.

Aeromedical evacuation and medical support plans do not recognize or provide for the peculiar and unique situation of CTF 61/62. USCINCEUR's aeromedical evacuation plans and resources are designed for routine, peacetime operations.

There was a lack of adequate numbers of experienced medical planning staff at all levels of the theater chain of command from CTF 61 up through COMSIXTHFLT, CINCUSNAVEUR, and USCINCEUR. In consequence, responsibility for medical support for the USMNF as diffuse, knowledge of regional medical facilities and potential sources of support was poor, and overall medical planning was inadequate.

B. Discussion.

Naval Warfare Publications, such as The Amphibious Task Force Plan (NWP 22-1) and Operational Medical Dental Support (NWP 6) provide an adequate framework for effective planning of operational medical support. The end result of the process should be a plan addressing such items as a statement of the medical situation; a statement of the evacuation policy (including alternate plans); clear delineation of medical responsibilities throughout the operational of medical responsibilities throughout the operational and administrative chains of command; and procedures for keeping necessary records and reports of the flow of casualties. Directives from higher echelons should provide the guidance and support to permit effective execution of the plans. Responsibilities for casualty evacuation medical regulating must be clearly defined, sufficiently detailed for comprehension at all levels, capable of implementation, and regularly exercised.

Inflight medical care for the first 56 patients evacuated from Beirut was uneventful, with the exception of one patient who expired approximately 20 minutes after departure for Germany. This patient died of massive injuries sustained in the explosion and had not been expected to live.

The last MEDEVAC flight of 23 October 1983 departed at 2249B for Germany with 13 wounded. Subsequent MEDEVAC flights on following days moved patients who had been treated in local civilian hospitals to U.S. treatment facilities in Germany.

Distribution of patients among medical facilities in Germany was directed by USAFE personnel at Rhein Main vice the appropriate Joint Medical Regulating Office (JMRO). Procedures used were not in consonance with current directives. There is, however, no evidence that this patient distribution irregularity affected patient care or outcome.

C. Conclusions

The Commission found no evidence that any of the wounded died or received improper medical treatment as a result of the evacuation or casualty distribution procedures. Nevertheless, the Commission concludes that the overall medical support planning in the European theater was deficient and that there was an insufficient number of experienced medical planning staff officers in the USCINCEUR chain of command.

The Commission found that the evacuation of the seriously wounded to U.S. hospitals in Germany, a transit of more than four hours, rather than to the British hospi-

tal in Akrotiri, Cyprus, a transit of one hour, appears to have increased the risk to those patients. Similarly, the Commission found that the subsequent decision to land the aircraft at Rhein Main rather than Ramstein, Germany, may have increased the risk to the most seriously wounded. In both instances, however, the Commission has no evidence that there was an adverse medical impact on the patients.

D. Recommendations

The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff, in coordination with the Services, to review medical plans and staffing of each echelon of the operational and administrative chains of command to ensure appropriate and adequate medical support for the USMNF.

The Commission further recommends that the Secretary of Defense direct USCINCEUR to conduct an investigation of the decisions made regarding the destination of aeromedical evacuation aircraft and the distribution of casualties on 23 October 1983.

IV. Definitive medical care

A. Principal Findings

Medical care provided to the wounded by the various treatment facilities was excellent. The disaster plan of the Princess Mary RAF hospital at Akrotiri, Cyprus was exceptionally effective in concept and execution. The ability to use this facility, under these extreme circumstances, significantly minimized mortality and morbidity.

Mortality and morbidity sustained by casualties could be predicted on the basis of the injuries and does not appear to have been adversely affected by any of the definitive medical care.

B. Discussion

The RAF effort was extraordinary. During the flight on their C-130 to Akrotiri, one patient received intubation and ventilation. The entire base was prepared to facilitate the casualty care. Patients were rapidly triaged and moved by ground ambulances to the hospital where further resuscitation was continued and surgery performed. Approximately 150 people volunteered to donate blood, and 50 units were drawn. There were thirty nurses and two physicians from amongst the spouses of the military personnel who also volunteered their services. Back-up medical personnel and supplies were flown to Cyprus from the U.K. One patient died shortly after arrival at the Akrotiri facility, but his wounds were of such magnitude to preclude survival.

In Europe, patients were transferred either to U.S. Army hospitals in Frankfurt and Landstuhl, the U.S. Navy hospital in Naples or the U.S. Air Force hospital in Wiesbaden. These hospitals had implemented their disaster plans, recalled their entire medical staffs, organized resuscitation teams, discharged ambulatory inpatients to provide extra beds, prepared additional blood for use and prepared ground and air ambulance capabilities. Their efforts were complete, dedicated and professional. Throughout the night of 23 October, and well into the following day, the performance of the U.S. military medical community in Europe was outstanding.

C. Conclusion

The Commission concludes that the definitive medical care provided the wounded at the various treatment facilities was excellent, and that as of 30 November 1983, there is no evidence of any mortality or morbidity resulting from inappropriate or insufficient medical care.

V. Israeli offer of medical assistance

A. Principal Findings

The Government of Israel communicated an offer of medical assistance to the United States Government approximately two hours (0830 Israel/Beirut local time) after the bombing attack. The initial offer of assistance was made by telephone from the IDF Chief of External Affairs to the U.S. Defense Attache in Tel Aviv who immediately directed the Duty Officer to report to the Embassy and send a message to CTF 61 informing him of the offer. The offer was general in nature and specifics were not requested because the Duty Officer was not aware of the enormity of the disaster or the nature of the non-scene requirements.

The Israeli offer of assistance was relayed within an hour (0922B) by flash message to CTF 61 stating: "Reference the attack on the BLT HQ at BIA this morning. Per telecom with Col Alter, Chief of External Relations, IDF, the GOI offers whatever assistance may be desired by the USG in the evacuation/medical treatment of casualties."

CTF 61 saw the message at approximately 1030 to 1045 local time. His message response, after consultation with his medical staff, to the U.S. Defense Attache Office in Tel Aviv at 1145B stated: "Offer of assistance reference (a) sincerely appreciated. Currently have ample assets enroute or on station to meet requirements."

Similar Israeli offers were subsequently transmitted by telephone calls involving the Secretary of Defense, Chairman of the Joint Chiefs of Staff, USCINCEUR and COMSIXTHFLT.

CFT 61 asked separately for Israeli support in providing 200 body bags for the dead. Israeli authorities in Tel Aviv immediately provided the bags which were forwarded to Beirut by U.S. Navy aircraft.

Although there had been informal government-to-government level discussions in 1981 concerning Israeli medical support for U.S. forces, no agreement existed, and very few in the chain of command were familiar with those discussions or with Israeli military hospital facilities.

B. Discussion

The Commission found no evidence that any considerations other than a desire to provide immediate, professional care for the wounded influenced the decision not to take advantage of the Israeli offer of medical assistance. The Commission's interview with CTF 61 revealed that his only concern was for the appropriate care and evacuation of the casualties. He did not review the message from Tel Aviv immediately upon receipt because of the large volume of critical traffic requiring his attention. When he did review it (between 1030 and 1045 local time) he had a reasonable estimate of the casualty situation (including the number of wounded requiring further care); of the estimated time of arrival of aeromedical aircraft then enroute; and of the fact that the RAF Hospital at Akrotiri, Cyprus, was prepared to receive the most seriously wounded. Thus, after consultation with the medical staff, CTF 61 felt that adequate capabilities were already available or enroute.

CTF 61 and his medical staff had no direct communications with the Israelis (as they did with the British through the British liaison officer onboard USS IWO JIMA). Further, CTF 61 had no details about the Israeli offer; whether, for example, it included MEDEVAC aircraft, or the nature of available hospital facilities in Israel.

When asked why he did not pursue these questions, CTF 61 replied that there was no need—the facility at Akrotiri was already mobilized and evacuation to Cyprus had been arranged.

Subsequent offers of assistance to U.S. representatives conveyed by Israel were promptly and properly referred down the chain of command. By this time, however, evacuation was well underway to hospitals in Cyprus, Germany and Italy.

Discussions between a Commission member and senior officials of the IDF confirmed the substance and spirit of the offers. The discussions also revealed, however, that the Israeli authorities were not really aware of the resources CTF 61/62 had available locally or enroute.

C. Conclusion

The Commission found no evidence that any factor other than the desire to provide immediate, professional treatment for the wounded influenced decisions regarding the Israeli offer; all offers of assistance by Israel were promptly and properly referred to the theater and on-scene commanders. At the time the initial Israeli offer was reviewed by CTF 61, it was deemed not necessary because the medical capabilities organic to CTF 61 were operational and functioning adequately, the RAF hospital at Akrotiri was mobilized and ready, and sufficient U.S. and RAF medical evacuation aircraft were enroute.

VI. Identification of the dead

A. Principal Findings

Current USCINCEUR instructions direct that the handling of deaths occurring in Lebanon will be the responsibility of United States Air Forces Europe (USAFE). Following the bombing attack on the BLT Headquarters and the resultant mass casualties, HQ USAFE was appointed by USCINCEUR as the executive agent responsible for coordinating the evacuation, identification, and preparation of the human remains.

The decision was made at Headquarters Marine Corps, in coordination with the Naval Medical Command and Army Mortuary Affairs personnel, to use the Frankfurt mortuary facility. Once the estimate of human remains requiring processing was reasonably established, a split operation was established to accomplish initial identification at a temporary facility at Rhein Main Air Base, with completion of the process and final preparation of the remains at the Frankfurt mortuary.

The first 15 remains were returned to the United States on 28 October. The final shipment occurred on 9 November. The total number of remains processed at Frankfurt was 239. Of these, 237 were U.S. military personnel, one was a French soldier, and one is believed to be a Lebanese civilian. Two additional remains were sent on 10 November to the U.S. Army Identification Facility in Hawaii for final identification.

B. Discussion.

The decision to process the remains of the U.S. military personnel in Germany was premised on the fact that the Frankfurt facility is the largest of the U.S. mortuaries in the EUCOM area, and that it is located near a major USAF air terminal (Rhein Main AB). (When that decision was made, it was estimated that the total KIA would be less than 100.)

The one other facility actively considered was Dover Air Force Base in Delaware,

where mass casualties had been processed in the past. It was considered, however, that the slow, detailed identification process required could best be accomplished away from the anguish and inquiries of families and friends. The Commission found no evidence of manipulation of the processing of remains for political or media relations purposes.

When it became apparent that additional support facilities would be required, the split operation utilizing a temporary identification facility at Rhein Main, was a logical and practical solution to the problem of saturation of the Frankfurt facility. The Commission wishes to make special note of the superb and spontaneous offers of support from virtually every quarter. Personnel augmentation was rapidly provided by all the services and included assistance from the Federal Bureau of Investigation. Invaluable assistance was provided by approximately 800 volunteers from local commands.

Positive identification of human remains is a slow, detailed, and laborious process. Even so, over 98 percent of the human remains were processed within one week of the bombing. Identification of the dead was accomplished expeditiously and precisely.

Complicating factors in the identification process included the destruction or temporary loss of medical and dental records, and the fact that most of the casualties did not have dog tags on their person. The medical and dental records were stored in the building that was bombed. Duplicate medical and dental records are no longer maintained by the Services, and this complicated and prolonged the identification process. Fingerprint files were not available for all personnel; the FBI team provided critical support to obtain fingerprints.

One set of human remains have been tentatively identified as those of a Lebanese civilian, presumably the custodian who lived in the building.

The respective Services notified and assisted the families involved in a sensitive and timely manner. No noteworthy problems in this area were identified to the Commission.

C. Conclusion

The Commission concludes that the process for identification of the dead following the 23 October catastrophe was conducted very efficiently and professionally, despite the complications caused by the destruction and/or absence of identification data.

D. Recommendation

The Commission recommends that the Secretary of Defense direct the creation of duplicate medical/dental records, and assure the availability of fingerprint files, for all military personnel. The Commission further recommends that the Secretary of Defense direct the Service Secretaries to jointly develop improved, state-of-the-art identification tags for all military personnel.

PART NINE—TERRORISM

I. 23 October 1983—A Terrorist Act

A. Principal Findings

DOD Directive 2000.12 defines terrorism as "the unlawful use or threatened use of force or violence by a revolutionary organization against individuals or property, with the intention of coercing or intimidating governments or societies, often for political or ideological purposes." The terms are not further defined, but unlawful violence commonly refers to acts considered criminal under local law or acts which violate the Law of Armed Conflict.

The bombing of the BIT Headquarters building was committed by a revolutionary organization within the cognizance of, and with possible support from two neighboring States. The bombing was politically motivated and directed against U.S. policy in Lebanon in the sense that no attempt was made to seize Marine positions or to drive the Marines from the airport.

The BLT Headquarters building provided the greatest concentration of U.S. military forces in Beirut. The lawless environment in Beirut provided ideal cover for collecting intelligence on the target and preparing the attack. The experitise to build a bomb large enough to destroy the BLT Headquarters building existed among terrorist groups in Lebanon, as did the necessary explosives and detonating device. The availability of a suicide driver to deliver the bomb significantly increased the vulnerability of the BLT Headquarters building.

For the terrorists, the attack was an overwhelming success. It achieved complete tactical surprise and resulted in the total destruction of the headquarters, and the deaths of 241 U.S. military personnel.

B. Discussion

The Commission determined that the 23 October 1983 bombing met the criteria of a terrorist act as defined in DOD Directive 2000.12. While those responsible appear to qualify as a revolutionary organization, the Commission notes that the formal DOD definition of terrorism does not include conduct or participation in such acts by sovereign States. Since at least indirect involvement in this incident by Syria and Iran is indicated, the Commission believes that the DOD definition should be expanded to include States which use terrorism either directly or through surrogates.

The use of terrorism to send a political or ideological message can best be understood when viewed from the mindset of a terrorist. The strength of that message depends on the psychological impact generated by the attack. This, in turn, largely depends on the nature and breadth of media coverage. The political message in the 23 October 1983 attack was one of opposition to the U.S. military presence in Lebanon. An attack of sufficient magnitude could rekindle political debate over U.S. participation in the MNF and possibly be the catalyst for a change of U.S. policy. There were ample military targets in Beirut that were vulnerable to terrorist attack, but the symbolic nature of the BLT Headquarters building, and the concentration of military personnel within it, made it an ideal terrorist target of choice. The building was extremely well-constructed and located inside a guarded perimeter.

This apparent security, however, may have worked to the advantage of the terrorists because the target, in fact, was vulnerable to a very large truck bomb delivered by a suicidal attacker. The first challenge would be to gain access to the USMNF perimeter at the parking lot south of the BLT Headquarters building. Once there, the barbed wire barriers could not prevent a large truck from penetrating the perimeter into the compound. Civilian traffic around the airport aided in reaching the parking lot undetected. From that point on, the terrorists had reasonable confidence of succeeding. First, there would be the symbolic success of penetrating the guarded compound. Second, the bomb carried was of such size that once through the perimeter, it would cause sufficient damage and casualties to have a major psychological impact and receive worldwide media coverage.

From a terrorist perspective, the true genius of this attack is that the objective and the means of attack were beyond the imagination of those responsible for Marine security. As a result, the attack achieved surprise and resulted in massive destruction of the BLT Headquarters building and the deaths of 241 U.S. military personnel. The psychological fallout of the attack on the U.S. has been dramatic. The terrorists sent the U.S. a strong political message.

C. Conclusion

The Commission concluded that the 23 October 1983 bombing of the BLT Headquarters building was a terrorist act sponsored by sovereign states or organized political entities for the purpose of defeating U.S. objectives in Lebanon.

II. International terrorism

A. Principal Findings

While the figures vary according to collection criteria, overall there has been a three to fourfold increase in the number of worldwide terrorist incidents since 1968. The Defense Intelligence Agency (DIA) notes that over the past decade, 53 percent of all recorded terrorist incidents were directed against U.S. personnel and facilities. Terrorism against military personnel and facilities is becoming more frequent. According to DIA figures, incidents in which U.S. military personnel or facilities were targeted jumped from 34 in 1980, to 57 in 1981, to 67 in 1982.

In addition, there is a growing lethality of terrorism. According to the Rand Corporation, the number of terrorist incidents involving fatalities has been increasing about 20 percent a year since the early 1970's. Of this number, incidents involving multiple fatalities have risen approximately 60% this year, as compared to a 37% average increase of the previous three years. Through November 1983, there have been 666 fatalities due to terrorism, compared to 221 in 1982 and 374 in 1981. Even excluding the massive carnage of the 23 October 1983 bombing of the BLT Headquarters building in Beirut, terrorism has already killed more people in 1983 than in any other year in recent history (See Figure 9-1).

B. Discussion

Terrorism is deeply rooted in the Eastern Mediterranean region. Mr. Brian Jenkins, a recognized expert on terrorism, calls this area "the cradle" of international terrorism in its contemporary form. He notes that the ideological and doctrinal foundations for campaigns of deliberate terrorism, which exist today in Lebanon, emerged from the post-World War II struggles in Palestine and the early guerrilla campaigns against colonial powers in Cyprus and Algeria.

Certain governments and regional entities which have major interests in the outcome of the struggle in Lebanon, are users of international terrorism as a means of achieving their political ends. Such nationally-sponsored terrorism is increasing significantly, particularly among Middle Eastern countries. The State Department has identified 140 terrorist incidents conducted directly by national governments between 1972 and 1982. Of this total, 90 percent occurred in the three year period between 1980-1982. More importantly, 85 percent of the total involved Middle Eastern terrorists. As an integral part of the political/military landscape in the Middle East, international

terrorism will continue to threaten U.S. personnel and facilities in this region.

C. Conclusions

The Commission concludes that international terrorist acts endemic to the Middle East are indicative of an alarming worldwide phenomenon that poses an increasing threat to U.S. personnel and facilities.

III. Terrorism as a mode of warfare

A. Principal Findings

The political/military situation in Lebanon is dominated by a host of diverse national, subnational and local political entities pursuing their own ends through an expedient but orchestrated process of negotiation and conflict. The spectrum of armed conflict in Lebanon is bounded by individual acts of terrorism on one end and formal conventional operations on the other. Within these boundaries, warfare continues on three levels: conventional warfare, guerrilla warfare and terrorism. As discussed in part four of this report, the conflict in Lebanon is a struggle among Lebanese factions who have at their disposal regular armies, guerrillas, private militias and an assortment of terrorist groups. The terrorist groups themselves are openly assisted or covertly sponsored by sovereign states, political and religious factions, or even other terrorist groups.

There is little about conflict in Lebanon that reflects the traditional models of war. The distinctions between war and peace are blurred. The use of military force varies from constrained self-defense by the MNF participants, to terrorism by others. Military successes are therefore temporary and hard to measure. Ceasefires have become an inherent part of the process, providing exhausted belligerents with needed respite to regroup, mobilize patron support or switch to a more suitable form of struggle; all of which ensure that the armed struggle will continue in this open-ended fashion.

In Lebanon, violence plays a crucial role in altering an opponent's political situation. Therefore, the solutions are political ones in which the losers are not defeated, but maneuvered into a politically untenable position. Terrorism is crucial to this process because it is not easily deterred by responsive firepower or the threat of escalation. Terrorism, therefore, provides an expedient form of violence capable of pressuring changes in the political situation with minimum risk and cost.

The systematic, carefully orchestrated terrorism which we see in the Middle East represents a new dimension of warfare. These international terrorists, unlike their traditional counterparts, are not seeking to make a random political statement or to commit the occasional act of intimidation on behalf of some ill-defined long-term vision of the future. For them, terrorism is an integrated part of a strategy in which there are well-defined political and military objectives. For a growing number of States, terrorism has become an alternative means of conducting state business and the terrorists themselves are agents whose association the state can easily deny.

The terrorists in Lebanon and the Middle East are formidable opponents. In general, they are intensely dedicated and professional. They are exceptionally well-trained, well-equipped and well supported. With State sponsorship, these terrorists are less concerned about building a popular base and are less inhibited in committing acts which cause massive destruction or inflict heavy casualties. Armed with operational guidance and intelligence from their sponsor, there are few targets beyond their capability to attack. Consequently, they constitute a potent instrument of State policy and a serious threat to the U.S. presence in Lebanon.

B. Discussion

The Commission believes that terrorism as a military threat to U.S. military forces is becoming increasingly serious. As a super power with world-wide interests, the United States is the most attractive terrorist target and, indeed, statistics confirm this observation. Terrorism is warfare "on the cheap" and entails few risks. It permits small countries to attack U.S. interests in a manner, which if done openly, would constitute acts of war and justify a direct U.S. military response.

Combating terrorism requires an active policy. A reactive policy only forfeits the initiative to the terrorists. The Commission recognizes that there is no single solution. The terrorist problem must be countered politically and militarily at all levels of government. Political initiatives should be directed as collecting and sharing intelligence on terrorist groups, and promptly challenging the behavior of those states which employ terrorism to their own ends. It makes little sense to learn that a State or its surrogate is conducting a terrorist campaign or planning a terrorist attack and not confront that government with political or military consequences if it continues forward.

U.S. military forces lack an effective capability to respond to terrorist attacks, particularly at the lower ends of the conflict spectrum. The National Command Authorities should have a wide range of options for reaction. Air strikes or naval gunfire are not always enough. The whole area of military response needs to be addressed to identify a wider range of more flexible options and planning procedures.

State sponsored terrorism poses a serious threat to U.S. policy and the security of U.S. personnel and facilities overseas and thus merits the attention of military planners. The Department of Defense needs to recognize the importance of state sponsored terrorism and must take appropriate measures to deal with it.

C. Conclusion

The Commission concludes that state sponsored terrorism is an important part of the spectrum of warfare and that adequate response to this increasing threat requires an active national policy which seeks to deter attack or reduce its effectiveness. The Commission further concludes that this policy needs to be supported by political and diplomatic actions and by a wide range of timely military response capabilities.

D. Recommendation

The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff to develop a broad range of appropriate military responses to terrorism for review, along with political and diplomatic actions, by the National Security Council.

IV. Military preparedness

A. Principal Findings

Not only did the terrorist's capability to destroy the BLT Headquarters building exceed the imagination of the MAU and BLT Commanders responsible for the Marine security of the USMNF at BIA, it also surprised the chain of command. From the beginning, the mission statement development and ROE formulation for the USMNF failed to recognize that terrorism is endemic to Lebanon and would constitute a long term threat to the security of the USMNF. The ROE, and supporting instructions, were all written to guide responses to a range of conventional military threats.

Preparatory training for a deploying MAU focuses little on how to deal with terrorism. The only instruction the Commission was able to identify was a one-hour class presented to the infantry battalions by the attached counterintelligence NCO and segments of a command briefing by the U.S. Army 4th Psychological Operations Group. USMC counterintelligence personnel are considered qualified in counterterrorism after attendance at a 5 day Air Force course titled "The Dynamics of International Terrorism." This course provides an excellent overview of terrorism for personnel being assigned to high threat areas, but does not qualify an individual to instruct others regarding terrorism, nor does it provide sufficient insight into the situation in Lebanon to prepare an individual for that environment.

Terrorism expertise did exist at EUCOM Headquarters in the form of the Office of the Special Assistance for Security Matters (OSASM). OSASM had responsibility for the Office of Military Cooperation's (OMC) security in Lebanon. The director of that office understood well the terrorist mindset. After inspecting and evaluating the 18 April 1983 bombing of the U.S. Embassy, the SASM concluded in his report that the Embassy bombing was the prelude to a more spectacular attack and that the U.S. military forces present the "most defined and logical target."

Based on that report, USCINCEUR took a number of initiatives to improve the security of the OMC against terrorists. An OMC Lebanon Security Working Group was established under the chairmanship of OSASM, to track the threat on a day-to-day basis and to take appropriate measures to enhance security when the circumstances warranted. Second, a counterintelligence/security specialist was sent TDY to the OMC to assist the Commander in his anti-terrorism efforts and to keep EUCOM advised of the security situation. Third, a major effort was initiated to reduce the number of OMC personnel billeted in individual buildings. This action was based on the OSASM conclusion that regardless of the security provided by the hotels housing U.S. personnel, determined terrorists of the caliber operating in Lebanon would find a way to penetrate them. OSASM's strategy was to reduce the attractiveness of the target by reducing its political value. Small concentrations of OMC individuals, while vulnerable, would not provide the spectacular results the terrorists were seeking.

The SASM stated that he met with the USMNF Commander and discussed with him the terrorist threat and his plan to disperse OMC personnel. The SASM did not look at the MAU's security, because he considered it improper to ask an operational commander if he could inspect his security. In addition, the SASM did not have a charter to look at MAU security. This changed on 1 November 1983, when DCINCEUR directed that the OMC Lebanon Security Working Group be redesignated the Lebanon Security Working Group and that its charter be expanded to include all U.S. forces in Lebanon.

B. Discussion

Of great concern to the Commission is the military's lack of preparedness to deal with the threat of State sponsored terrorism.

The Commission found two different mindsets in Beirut regarding the nature of the threat and how to counter it. The USMNF units at the airport, behind their guarded perimeter, perceived the terrorist threat as secondary and could not envision a terrorist attack that could penetrate their base and cause massive destruction. The Commission found nothing in the predeployment training provided to the MAU that would assist them to make such an assessment. In the Commission's judgment, the Marines were not sufficiently trained and supported to deal with the terrorist threat that existed on 23 October 1983. At a minimum, the USMNF needed anti-terrorism expertise of the caliber that supported the OMC.

OSASM conducted a responsive anti-terrorist campaign that tried to anticipate changes in the threat and take appropriate measures to counter them. Unfortunately, neither USCINCEUR, the MAU nor OSASM saw the need to coordinate their anti-terrorist efforts, nor did they seem aware that different approaches to security were being pursued by the MAU and by the OMC. Approximately 350 Marines were concentrated in the BLT Headquarters building on the premise that it offered good protection against shelling and other small arms fire, the primary threat. The OMC, however, was dispersing its people on the premise that a large concentration of Americans offered an attractive target which a determined terrorist would find a way to attack. The Commission does not suggest that coordination of the security efforts of the MAU and the OMC would have prevented the disaster of 23 October 1983 because there were many other considerations. It does, however, concur with DCINCEUR's recent decision to expand OSASM's anti-terrorism responsibilities to include all U.S. forces in Lebanon.

Terrorism will continue to be an integral part of conflict in Lebanon and will present difficult challenges to our military forces.

The effective use of military forces in an environment like that in Lebanon needs to be studied and emphasized in our professional military schools. Doctrine, mission development and ROE formulation need to consider the terrorist dimension, particularly as it pertains to the security of U.S. personnel. In the Commission's judgment, organizational support for the USMNF was not sufficiently responsive to the changes in the political/military situation. For missions like this, military organizations have to be tailored to the local environment in a way not required for conventional warfare. If a large intelligence staff or more area specialists are needed, then the organizations need to quickly provide them. Normal programming and budgeting procedures may not be suitable and could delay necessary responses to the point that mission and security are compromised.

The Commission believes that the responsibility for countering terrorists, or operating in terrorist areas, should not be exclusively assigned to special units. Special units are necessary for certain types of responses, but terrorism is a threat to all U.S. forces and all military personnel assigned overseas can expect to encounter terrorism in some form. Consequently, they need some understanding of the terrorist threat and how to combat it. It is a common practice to send personnel to special survival schools when their duties put them in arctic or jungle environments. The same philosophy should apply for hostile environments like that in Lebanon. Such training currently exists in some services for Central America. A similar effort should be considered for Lebanon.

In its inquiry into terrorism, the Commission concluded that the most effective defense is an aggressive anti-terrorism program supported by good intelligence, strong information awareness programs and good defensive measures. Each element plays a critical role in the overall program and none can stand alone. Responses must be commensurate with the threat and the value of the targets. Not everyone or everything can be fully protected. The object is not absolute security, but reduced vulnerability for the individuals and facilities, and diminished chances of success for the terrorist.

In the Commission's judgment, too much faith is put in physical defenses. The British heavily fortified their positions in Palestine after World War II but the terrorists continually came up with ingenious methods to penetrate and attack them. The same is true today. Israel, with its excellent intelligence and capability to fight terrorism, still had its security breached and its military headquarters in Tyre bombed.

C. Conclusion

The Commission concludes that the USMNF was not trained, organized, staffed or supported to deal effectively with the terrorist threat in Lebanon. The Commission further concludes that much needs to be done to prepare U.S. military forces to defend against and counter terrorism.

D. Recommendation

The Commission recommends that the Secretary of Defense direct the development of doctrine, planning, organization, force structure, education and training necessary to defend against and counter terrorism.

PART TEN—CONCLUSIONS AND RECOMMENDATIONS

All conclusions and recommendations of the Commission from each substantive part of this report are presented below.

1. Part one—The military mission

A. Mission Development and Execution

(1) Conclusion: (a) The Commission concludes that the "presence" mission was not interpreted the same by all levels of the chain of command and that perceptual differences regarding that mission, including the responsibility of the USMNF for the security of Beirut International Airport, should have been recognized and corrected by the chain of command.

B. The Expanding Military Role

(1) Conclusion: (a) The Commission concludes that U.S. decisions as regards Lebanon taken over the past fifteen months have been, to a large degree, characterized by an emphasis on military options and the expansion of the U.S. military role, notwithstanding the fact that the conditions upon which the security of the USMNF were based continued to deteriorate as progress toward a diplomatic solution slowed. The Commission further concludes that these decisions may have been taken without clear recognition that these initial conditions had dramatically changed and that the expansion of our military involvement in Lebanon greatly increased the risk to, and adversely impacted upon the security of, the USMNF. The Commission therefore concludes that there is an urgent need for reassessment of alternative means to achieve U.S. objectives in Lebanon and at the same time reduce the risk to the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense continue to urge that the National Security Council undertake a reexamination of alternative means of achieving U.S. objectives in Lebanon, to include a comprehensive assessment of the military security options being developed by the chain of command and a more vigorous and demanding approach to pursuing diplomatic alternatives.

2. Part two—Rules of engagement (ROE)

A. ROE Implementation

(a) The Commission concludes that a single set of ROE providing specific guidance for countering the type of vehicular terrorist attacks that destroyed the U.S. Embassy on 18 April 1983 and the BLT Headquarters building on 23 October 1983 had not been provided to, nor implemented by, the Marine Amphibious Unit Commander.

(b) The Commission concludes that the mission statement, the original ROE, and the implementation in May 1983 of dual "Blue Card-White Card" ROE contributed to a mind-set that detracted from the readiness of the USMNF to respond to the terrorist threat which materialized on 23 October 1983.

3. Part three—The chain of command

A. Exercise of Command Responsibility by the Chain of Command Prior to 23 October 1983

(1) Conclusions: (a) The Commission is fully aware that the entire chain of command was heavily involved in the planning for, and support of, the USMNF. The Commission concludes, however, that USCINCEUR, CINCUSNAVEUR, COMISXTHFLT and CTF 61 did not initiate actions to ensure the security of the USMNF in light of the deteriorating political/military situation in Lebanon. The Commission found a lack of effective command supervision of the USMNF security posture prior to 23 October 1983.

(b) The Commission concludes that the failure of the operational chain of command to correct or amend the defensive posture of the USMNF constituted tacit approval of the security measures and procedures in force at the BLT Headquarters building on 23 October 1983.

(c) The Commission further concludes that although it finds the USCINCEUR operational chain of command at fault, it also finds that there was a series of circumstances beyond the control of these commands that influenced their judgment and their actions relating to the security of the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the USCINCEUR operational chain of command to monitor and supervise effectively the security measures and procedures employed by the USMNF on 23 October 1983.

4. Part four—Intelligence

A. Intelligence Support

(1) Conclusion: (a) The Commission concludes that although the USMNF Commander received a large volume of intelligence warnings concerning potential terrorist threats prior to 23 October 1983, he was not provided with the timely intelligence, tailored to his specific operational needs, that was necessary to defend against the broad spectrum of threats he faced.

(b) The Commission further concludes that the HUMINT support to the USMNF Commander was ineffective, being neither precise nor tailored to his needs. The Commission believes that the paucity of U.S. controlled HUMINT provided to the USMNT Commander is in large part due to policy decisions which have resulted in a U.S. HUMINT capability commensurate with the resources and time that have been spent to acquire it.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense establish an all-source fusion center, which would tailor and focus all-source intelligence support to U.S. military commanders involved in military operations in areas of high threat, conflict or crisis.

(b) The Commission further recommends that the Secretary of Defense take steps to establish a joint CIA/DOD examination of policy and resource alternatives to immediately improve HUMINT support to the USMNF contingent in Lebanon and other areas of potential conflict which would involve U.S. military operating forces.

5. Part five—Pre-attack security

A. Command Responsibility for the Security of the 24th MAU and BLT 1/8 Prior to 23 October 1983

(1) Conclusion: (a) The combination of a large volume of specific threat warnings that never materialized and the perceived and real pressure to accomplish a unique and difficult mission contributed significantly to the decisions of the MAU and BLT Commanders regarding the security of their force. Nevertheless, the Commission concludes that the security measures in effect in the MAU compound were neither commensurate with the increasing level of threat confronting the USMNF nor sufficient to preclude catastrophic losses such as those that were suffered on the morning of 23 October 1983. The Commission further concludes that while it may have appeared to be an appropriate response to the indirect fire being received, the decision to billet approximately one quarter of the BLT in a single structure contributed to the catastrophic loss of life.

(b) The Commission concludes that the BLT Commander must take responsibility for the concentration of approximately 350 members of his command in the BLT Headquarters building, thereby providing a lucrative target for attack. Further, the BLT Commander modified prescribed alert procedures, thereby degrading security of the compound.

(c) The Commission also concludes that the MAU Commander shares the responsibility for the catastrophic losses in that he condoned the concentration of personnel in the BLT Headquarters building, concurred in the modification of prescribed alert procedures, and emphasized safety over security in directing that sentries on Posts 4, 5, 6, and 7 would not load their weapons.

(d) The Commission further concludes that although it finds the BLT and MAU Commanders to be at fault, it also finds that there was a series of circumstances beyond their control that influenced their judgment and their actions relating to the security of the USMNF.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense take whatever administrative or disciplinary action he deems appropriate, citing the failure of the BLT and MAU Commanders to take the security measures necessary to preclude the catastrophic loss of life in the attack on 23 October 1983.

6. Part seven—post-attack security

A. Redeployment, Dispersal, and Physical barriers

(1) Conclusions: (a) The Commission concludes that the security measures taken since 23 October 1983 have reduced the vulnerability of the USMNF to catastrophic losses. The Commission also concludes, however, that the security measures implemented or planned for implementation for the USMNF as of 30 November 1983, were not adequate to prevent continuing significant attrition of the force.

(b) The Commission recognizes that the current disposition of USMNF forces may, after careful examination, prove to be the best available option. The Commission concludes, however, that a comprehensive set of alternatives should be immediately prepared and presented to the National Security Council.

(2) Recommendation: (a) Recognizing that the Secretary of Defense and the Joint Chiefs of Staff have been actively reassessing the increased vulnerability of the USMNF as the political/military environment in Lebanon has changed, the Commission recommends that the Secretary of Defense direct the operational chain of command to continue to develop alternative military options for accomplishing the mission of the USMNF while reducing the risk to the force.

7. Part eight—casualty handling

A. On-Scene Medical Care

(1) Conclusion: (a) the Commission concludes that the speed with which the on-scene U.S. military personnel reacted to rescue their comrades trapped in the devastated building and to render medical care was nothing short of heroic. The rapid response by Italian and Lebanese medical personnel was invaluable.

B. Aeromedical Evacuation/Casualty Distribution

(1) Conclusions: (a) The Commission found no evidence that any of the wounded died or received improper medical care as a result of the evacuation or casualty distribution procedures. Nevertheless, the Commission concludes that overall medical support planning in the European theater was deficient and that there was an insufficient number of experienced medical planning staff officers in the USCINCEUR chain of command.

(b) The Commission found that the evacuation of the seriously wounded to U.S. hospitals in Germany, a transit of more than four hours, rather than to the British hospital in Akrotiri, Cyprus, a transit of one hour, appears to have increased the risk to those patients. Similarly, the Commission found that the subsequent decision to land the aircraft at Rhein Main rather than Ramstein, Germany, may have increased the risk to the most seriously wounded. In both instances, however, the Commission has no evidence that there was an adverse medical impact on the patients.

(2) Recommendations: (a) The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff, in coordination with the Services, to review medical plans and staffing of each echelon of the operational and administrative chains of command to ensure appropriate and adequate medical support for the USMNF.

(b) The Commission further recommends that the Secretary of Defense direct USCINCEUR to conduct an investigation of the decisions made regarding the destination of aeromedical evacuation aircraft and the distribution of casualties on 23 October 1983.

C. Definitive Medical Care

(1) Conclusion: (a) The Commission concludes that the definitive medical care provided the wounded at the various treatment facilities was excellent, and that as of 30 November 1983, there is no evidence of any mortality or morbidity resulting from inappropriate or insufficient medical care.

D. Israeli Offer of Medical Assistance

(1) Conclusion: (a) The Commission found no evidence that any factor other than the desire to provide immediate, professional treatment for the wounded influenced decisions regarding the Israeli offer; all offers of assistance by Israel were promptly and properly referred to the theater and on-scene commanders. At the time the initial Israeli offer was reviewed by CTF 61, it was deemed not necessary because the medical capabilities organic to CTF 61 were operational and functioning adequately, the RAF hospital at Akrotiri was mobilized and ready, and sufficient U.S. and RAF medical evacuation aircraft were enroute.

E. Identification of the Dead

(1) Conclusion: (a) The Commission concludes that the process for indentification of the dead following the 23 October 1983 catastrophe was conducted very efficiently and professionally, despite the complications caused by the destruction and/or absence of identification data.

(2) Recommendation: (a) The Commission recommeds that the Secretary of Defense direct the creation of duplicate medical/dental records, and assure the availability of fingerprint files, for all military personnel. The Commission further recommends that the Secretary of Defense direct the Service Secretaries to develop jointly improved, state-of-the-art identification tags for all military personnel.

8. Part nine—Military response to terrorism

A. A Terrorist Act

(1) Conclusion: (a) The Commission concludes that the 23 October 1983 bombing of the BLT Headquarters building was a terrorist act sponsored by sovereign States or organized political entities for the purpose of defeating U.S. objectives in Lebanon.

B. International Terrorism

(1) Conclusion: (a) The Commission concludes that international terrorist acts endemic to the Middle East are indicative of an alarming world-wide phenomenon that poses an increasing threat to U.S. personnel and facilities.

C. Terrorism as a Mode of Warfare

(1) Conclusion: (a) The Commission concludes that state sponsored terrorism is an important part of the spectrum of warfare and that adequate response to this increasing threat requires an active national policy which seeks to deter attack or reduce its effectiveness. The Commission further concludes that this policy needs to be supported by political and diplomatic actions and by a wide range of timely military response capabilities.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense direct the Joint Chiefs of Staff to develop a broad range of appropriate military responses to terrorism for review, along with political and diplomatic actions, by the National Security Council.

D. Military Preparedness

(1) Conclusion: (a) The Commission concludes that the USMNF was not trained, organized, staffed, or supported to deal effectively with the terrorist threat in Lebanon. The Commission further concludes that much needs to be done to prepared U.S. military forces to defend against and counter terrorism.

(2) Recommendation: (a) The Commission recommends that the Secretary of Defense direct the development of doctrine, planning, organization, force structure, education and training necessary to defend against and counter terrorism.

AFGHANISTAN: THE FORGOTTEN WAR

Mr. BYRD. Mr. President, 4 years after the Soviet invasion of Afghanistan we hear and read very little about that brutal war. But, after 4 years of courageous struggle, the Afghan resistance fighters have overcome traditional rivalries and are forming a unified front against Soviet aggression. A recent issue of Newsweek quotes U.S. intelligence sources as saying that the freedom fighters are working together and fighting better. In some areas, the Afghan rebels so completely control the countryside that isolated Soviet garrisons must be resupplied by air because freedom fighters control all roads.

Two articles in the Wall Street Journal of January 17, 1984, point out the importance of continued attention to the gallant struggle underway in Afghanistan. As one points out, the Afghan freedom fighters are making great gains, though world attention for their plight has declined. The other article reports that the Soviets are engaged in massive efforts to strip Afghanistan of its natural resources.

Mr. President, I believe it is important that the American people be aware of the heroism and the progress of the freedom-loving peoples of Afghanistan.

I believe that we should not let this sordid and brutal invasion by the Soviets be forgotten. We should not let the memory of Afghan students standing before the rifles of Soviet soldiers and being shot down in cold blood fade from our view. We should not let the indications that chemical warfare is being utilized against the Afghans go uncriticized and unnoticed.

There was much ado about the American press not being allowed to go to Grenada. I hope that the press throughout the world will rise up in indignation and ask to report from an inside view what is going on in Afghanistan. Not that that expression of indignation by the world press would be heeded by the Soviets, but nevertheless in good conscience it should be made, and even though we may anticipate the negative response from the Soviet Union, yet that response should be spread on the records of history.

The Afghans have very bravely stood their ground and with great losses. Millions of Afghans or at least hundreds of thousands have been forced to leave the country and they have done so rather to subject themselves to the slavery that would be imposed upon them by the Soviet aggressors.

The Soviet Union bit off more than it thought it would have to chew, and I am quite sure that there has been disappointment and chagrin within the Soviet hierarchy as to the results of the invasion. I think the Soviets met with greater resistance than they anticipated. It is taking longer than they anticipated for them to subjugate the very independent and brave people of Afghanistan.

Nor can I understand why the Moslem world does not rise up in anger and in righteous indignation against the Soviet invasion of Afghanistan. I cannot understand why the Moslem population inside the Soviet Union has not become very restive as they see their fellow Moslems in Afghanistan being maimed and killed by Soviet soldiers.

It is something which we should talk about more, and, as far as I am concerned, I have tried to call attention frequently on this floor to what is going on before the eyes of the world, which the eyes of the world to a considerable extent fail to see. It is a kind of international glaucoma which removes from the periphery of the vision something that is very sordid, very brutal, and we should not allow this to be the case.

I think it is our duty to continue to talk about this brutal invasion, and continue to support in whatever way we can, continue to urge that the world press be allowed into Afghanistan. Why do not the Soviets wish the press to see and to be able to report on what is going on? Surely the Soviets perfer to keep hidden that which should be brought to light.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from the Wall Street Journal of January 17, 1984, entitled "Unheralded Afghans In Their Finest Hour," and "Afgan Resources Flowing to U.S.S.R. Despite the War; Hungary Seek Dollars."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNHERALDED AFGHANS IN THEIR FINEST HOUR

(By Maggie Gallagher and Charles Bork)

Afghanistan used to be news. When the Russians invaded in 1979, the U.S. government was shocked, the American people were outraged and the U.S. media were interested. In the years since, Russian brutality in Afghanistan has become passe. One of the most important conflicts of the decade has all but disappeared from public view.

For the first eight months of 1980, the year following the Soviet invasion, the index to the New York Times lists more than 15 pages of articles devoted to Afghanistan. But during the same period in 1983, the listings for Afghanistan drop to only 1½ pages.

Over the past year, stories the media deemed the most newsworthy were either that the Soviets are invincible, or that the U.S.-sponsored peace negotiations between Pakistan and Kabul were progressing very nicely. After three years of threadbare, mostly third-hand coverage of the war itself, the barons of public opinion suggested that peace for Afghanistan was soon to be arranged between representatives of Pakistan and the Soviet-controlled regime of Babrak Karmal. Now, as these speculations become untenable, some journalists attribute the failure of the negotiations to lack of U.S. support.

The indirect talks between the governments of General Zia and President Karmal aim to find a diplomatic solution that will bring about a peaceful withdrawal of Soviet troops from Afghanistan. Pakistan is a party to these negotiations because three million Afghan refugees have settled within its borders. Pakistan is also the main route through which what outside military aid the mujahedeen receives is channeled. It is one of those polite diplomatic fictions that President Karmal, whose government remains in power only by virtue of Soviet tanks, is the representative from Afghanistan in these negotiations.

The Soviets have adroitly used these negotiations to mitigate the political damage they incur from their occupation of Afghanistan. The invasion caused the Soviet Union to lose credibility in much of the Third World and blunted its carefully cultivated image in Europe as the peace-loving superpower. By allowing the Karmal government to negotiate, the Soviets raise hopes that a peaceful resolution to the war is just around the corner—making the U.S. appear the aggressive power for continuing to urge the mujahedeen to resist.

There are many problems with the peace plan under discussion, but the insurmountable stumbling block is the Soviet Union's insistence on its right to maintain a government in Kabul that is "friendly" to it. A friendly government is one that would retain Soviet military advisers and could be counted on to reissue the famed "invitation" to an invasion should the Afghan freedom fighters become too successful.

But how can Afghanistan have a government that is at once acceptable to the Soviet Union and the Afghan people? There is, after all, some difference of opinion between the two sides: One will tolerate only a Soviet-controlled regime, and the other wants to kill every Russian in Afghanistan, along with the Russians' collaborators and sympathizers.

Hundreds of thousands of Afghans have died since the Soviets began their war on Afghanistan. The fighting hasn't been limited to soldiers. Because the vast majority of Afghans oppose the Soviet presence, the Soviets bomb whole villages and round up and massacre unarmed civilians. In the long run, the cruelest practice of the Russians is the firebombing of harvest-ripe fields. A country that five years ago was on the brink of agricultural self-sufficiency now faces massive starvation. The Afghanistans will not soon forgive the Soviet Union.

One headline announced earlier this year that the occupiers were "Nearing a Pullout From Afghanistan." Accompanying this optimism regarding Soviet intentions in the area are some oddly pessimistic accounts of

the chances of the Afghan resistance. Here, for example, is an excerpt from a piece by Drew Middleton that recently appeared in the New York Times:

"... Afghanistan is not the Russians' Vietnam. The Soviet Union faces many military and political problems in the country, but none are of a magnitude to suggest that the Russians face military defeat or political turbulence."

Stories like these imply that, in the long run, the Afghan freedom fighters are sure to be crushed, and that the people of Afghanistan had best be satisfied with concluding a quick deal with the Soviet Union.

It is true that without the kind of substantial military assistance the U.S. seems unwilling to provide, the Afghan resistance won't be able to reach its ultimate goal: the retreat of Soviet troops and the overthrow of the Karmal regime. Neither, however, has the Soviet Union been able to defeat the freedom fighters and bring Afghanistan under Russian control. The 1983 edition of "Soviet Military Power," published by the Pentagon, concludes that the Soviets "find themselves embroiled in a counterinsurgency campaign that cannot be won with current force levels."

In reality, the military success of the Afghan resistance has been extraordinary. Although they lack weapons, money and organization, the mujahedeen have fought more than 100,000 Soviet troops to a standoff. Most of the countryside is under resistance control; the mujahedeen control more territory now than they did immediately following the Soviet invasion. In addition, close to one-third of the provincial capitals are in resistance hands. In the larger cities, the mujahedeen are unlikely to surrender at the negotiating table victories won at great cost on the battlefield.

During the 1920s and 1930s, in the course of subduing Central Asia, the U.S.S.R. killed more than four million people. The events in Afghanistan prove that such brutality didn't die with Stalin. The success of the Afghan rebels demonstrates that—even in this technological age—courage, patriotism and faith are still the most valuable resources a people can possess.

The French journalist Gerard Chaliand wrote, "one must admire the courage of the Afghans who, alone among peoples overrun by the Russians, have refused to acknowledge this foreign occupation and continue to fight against all odds." In their own backward, ignorant, uneducated way, the Afghan freedom fighters have refused to realize that their defeat is inevitable.

AFGHAN RESOURCES FLOWING TO U.S.S.R. DESPITE THE WAR; HUNGARY SEEKS DOLLARS

(By Amity Shlaes)

Being bogged down for four years in a military campaign against Afghanistan's Moslem tribesmen hasn't stopped the Soviet Union from exploiting and importing Afghanistan's natural resources—gas, copper and, reportedly, uranium.

The extent of this exploitation isn't known for certain. The Afghan rebels, including former officials of the Soviet-backed government's Ministry of Mines, say the Soviets credit the value of the resource imports against Afghanistan's large debt to Moscow. Even so, sources agree that the value of the Afghan exports don't come close to repaying Moscow for the cost to it of propping up the communist government in Kabul. The State Department estimates that cost to be $12 billion since the Soviets invaded Afghanistan in December 1979.

Natural gas, Afghanistan's largest export, is piped from two large fields in northern Afghanistan to Soviet Central Asia. Radio Kabul, the government radio station, reported recently that 84 billion cubic feet of gas was exported to the Soviet Union last year. But according to the Washington-based Institute of Strategic Trade, the Soviets have pumped as much as four times that amount of Afghan gas annually in recent years.

No one outside the Soviet Union knows for sure, perhaps not even the Afghan regime, because the meters that measure the gas flow are on the Soviet side of the border. The Soviet Union developed Afghanistan's natural gas fields in the late 1960s, and it has been the principal customer.

The rebel tribesmen have blown up part or all of the pipeline at least three and perhaps as many as seven times since the invasion, according to the Center for Afghanistan Studies, affiliated with the University of Nebraska.

"What keeps the Soviet Union so interested in (Afghanistan's) gas is that they need it for development in the Central Asian Soviet republics," says Thomas Gouttierre, the center's director. Some of the gas, he says, serves to replenish gas that is piped from the Soviet Union to Western Europe.

More recently, the Soviets have launched a copper mining and smelter project near Kabul, according to the center. If the project is completed in the next several years it could give Afghanistan about 2 percent of world production, John F. Shroder of the center said in a report. Some predictions put Afghanistan's copper ore reserves at 3.5 million metric tons.

And according to a former member of the Afghan Ministry of Mines who defected recently to Pakistan, the Soviets have begun mining uranium at newly discovered fields near Kabul.

Hungary is the Soviet bloc's most successful exporter of farm products—and it appears to be seeking recognition of that fact from Moscow.

American economists who monitor Soviet bloc affairs read that interpretation into a recent article on Hungary's agricultural achievements in the Budapest newspaper Nepszava (People's Voice). The newspaper noted that Hungarian farms increased production 42 percent between 1970 and 1981, one and a half times better than the next best East bloc agricultural exporter, Bulgaria. The article said that even such relatively high growth was "inadequate" and that more should be done to increase exports of farm goods.

The article is part of a Hungarian campaign to get the Soviet Union to renew an 8-year-old trade agreement under which Moscow pays U.S. dollars to Hungary for agricultural shipments above a certain level. In turn, the Hungarians pay dollars for Soviet petroleum above a certain amount.

Hungary earned $719 million from this arrangement in 1982, according to Northwestern University economist Michael Marrese, who studied Hungarian government statistics. Without this hard-currency windfall, the Hungarians would have faced an overall dollar trade deficit of about $200 million, Mr. Marrese said.

The Hungarians are particularly eager to renew the Soviet agreement, which expires next year, because of their tenuous credit position with Western banks.

But the Soviets aren't sure. Faced with slowing economic growth and lower world market prices for farm goods, they aren't interested in continuing such high subsidies to Hungary, according to Mr. Marrese.

The good news for Poles is that their government has bowed to public pressure and trimmed food-price increases that were scheduled for the new year. But the bad news is that some food, specifically meat, may be harder to get when the higher prices go into effect next month.

This at least is the suggestion in the Polish daily Zycie Warszawy (Warsaw Life). An article by university professor Ryszard Manteuffel notes that Poland's 1983 summer animal census showed that the cattle population since the previous summer had dropped 5.4 percent, while the number of pigs was down 20 percent. This situation would probably result in distribution of more lower-quality meat products and shortages at restaurants and stores that sell processed meats, he said. Prof. Manteuffel predicted the government, the nation's main meat distributor, would purchase 16 percent less meat this year.

The February price increase will vary from a low of 8 percent for lard to as high as 42 percent for ham, the state-controlled news media announced last week. Prices will rise for such staples as bread and butter, but won't be increased for some basic food items such as margarine, vegetable oil and low-quality beef, the government said.

Rationing will continue for such staples as rice, sugar, meat, and grains, which remain in short supply, the Associated Press reported from Warsaw.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining under my control?

The PRESIDING OFFICER. The Senator has 18 minutes and 50 seconds remaining.

Mr. BYRD. I thank the Chair.

THE ADMINISTRATION'S LATEST RECORD: OUR $69.4 BILLION TRADE DEFICIT

Mr. BYRD. Mr. President, last Friday, we learned from the Department of Commerce that the Nation suffered a merchandise trade deficit of $69.4 billion in 1983. This is the largest trade deficit in our history, and its cause can be found in an administration policy which promotes high interest rates, high deficits, and an overvalued dollar.

There is a real danger that the nearly $70 billion trade shortfall will strike most people as one more numbing, huge dollar figure cooked up in Washington. There is a temptation to think of a trade deficit as being like the national debt. Both are at record levels but it is very hard for most of us

to appreciate how these enormous numbers translate into the economic realities that govern our daily lives. I was not surprised to read in a recent public opinion poll that deficits figured near the bottom of a list of the concerns that people have. It is hard to be concerned about a problem that seems to have nothing to do with our lives and our pocketbooks. Fifteen percent of the people in my State are unemployed, as of the last report. They are concerned about finding a job, and keeping their families fed in the meantime. A trade deficit seems very far away, indeed, when you are in their situation.

But we should not deceive ourselves. One of the reasons that so many Americans are out of work is precisely because of these enormous trade shortfalls. High interest rates have given us a dollar that is overvalued against other currencies by as much as 20 percent. This artificial strength means that foreign buyers must pay more for American goods. Even though our companies are struggling to stay competitive and our workers have been forced to accept wage increases that last year averaged below the rate of inflation, we cannot make our products competitive in the international market. In fact, the high dollar has made American firms 28 percent less competitive than they were in 1979. This has caused a major slowdown in domestic output. Companies cannot sell their products overseas, so they do not increase production capacity. Workers are laid off.

The Department of Commerce estimates that a $1 billion decline in exports results in the loss of 25,000 American jobs. West Virginia ranks third in the Nation in the percentage of its total manufactured shipments which go to export. When you put those two facts together, it becomes a great deal easier to understand why the trade deficit has a very real impact on our lives. And it is easy to see that last year's record trade deficit has had a profound effect on the lives of West Virginians, and of all Americans.

Many of the issues I have raised were discussed by my colleague from Maryland, Senator CHARLES MATHIAS, in his address last week to the Conwest Conference on the U.S. Economy and the International Marketplace. As chairman of the Foreign Relations Subcommittee on International Economic Policy, Senator MATHIAS brings a deep insight to this problem of high trade deficits and high interest rates. He challenges the policies of the current administration and brings home the very real dangers that those policies hold for the economic life of this country.

Mr. President, I ask unanimous consent that the statement by Senator MATHIAS be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE U.S. ECONOMY AND WORLD ECONOMIC RECOVERY: ENGINE OR CABOOSE?

(By Senator Charles McC. Mathias, Jr.)

I would like to congratulate Conwest-USA, Vice-chairman John Buchanan, and the Bank of America for putting together this important conference. Any effort to expand the economic horizon of U.S. policymakers beyond our shoreline is to be applauded.

Economics has always been known as the "dismal science" and one accepted method of making it seem less dismal is by the use of metaphor. As a result, the language of economists is rich in metaphor. They speak of economic expansions and economic contractions; credit balloons and credit crunches; bear markets and bull markets, and booms and busts. Even that dreaded word "inflation" is a metaphor.

So when I was asked to talk today about whether the U.S. economy is the engine or the caboose for world economic recovery, I was not surprised. As a layman, I welcome such metaphors. If I had to substitute for the word "inflation" the phrase "the annual percentage increase in price levels" or—worse yet—the "fixed-weighted GNP price deflator", you and I would really be in the dismal depths.

On the whole, I like the engine/caboose image. It suggests that the United States economy cannot be analyzed in isolation from the rest of the world. Nor can the world economy be analyzed isolated from the United States. But, in a world of growing interdependence, the engine/caboose metaphor has its limitations. The U.S. economy certainly is powerful enough to be the locomotive for the world recovery, but in many ways it needs to be pulled along by others. Our economic security depends on the economic policies of other nations; their economic security depends to an enormous degree on us. That's what interdependence means. So we really need a more organic image for the world economy than the linear metaphor of a train.

Few Americans realize what a tremendous capacity for good or bad U.S. economic policies have for world economic performance. We represent about 25 percent of total world production of goods and services. The dollar is the currency of exchange for about 80 percent of the transactions in the noncommunist world and it comprises three-quarters of central bank reserves. Despite our recent abysmal trade performance the United States still exports about half of all goods and service exported in the world. Obviously the United States has a greater influence on the world economy than any other country. And, even if that doesn't necessarily make us the engine for world recovery, it does give us special responsibilities.

I wish I could report that in the present U.S. recovery we are living up to those responsibilities, but I cannot.

U.S. domestic and international economic policies are imposing a terrible burden on the world: High interest rates, skyrocketing dollar exchange rates, misleading low U.S. inflation, and exploding U.S. trade deficits. Our economic partners are up in arms about these policies, and we should pay attention to their complaints. Eventually the distortions U.S. economic policies are creating in the global economy will rise up to smite us too.

Three years ago the Administration and Congress enacted a domestic economic policy of massive tax cuts combined with a massive shift of federal spending toward defense procurements. The supposition was that this policy would produce a high savings, high investment economy. I didn't buy that supposition and was the only Republican in the Senate to vote against the 1981 Economic Recovery Tax Act. At the time, I took a lot of heat for that vote, but things have worked out just as I feared they would. That policy produced the worst recession in post-war history.

Now, we are again embarked on a dangerous economic course. We are buying recovery with the misguided tactic of encouraging high consumption at the price of low investment. The time-bomb tied to this policy is the enormous federal deficit programmed for this year and for every single year in the foreseeable future.

The heart of the problem with the deficits, of course, is the record high real interests rates they produce and the resulting record high dollar. No one seems to know exactly why real interest rates are so high, but at least three factors, all deficit-related come into the equation:

First, is the "crowding out" fear of financial markets. The expectation that the borrowing needs of the government will clash with the borrowing needs of the private sector.

Second, markets are apprehensive that, with so demonstrably little leadership in Washington, we will succumb to the temptation of trying to inflate our way out of this deficits crisis.

Third, financial markets may be pricing interest rates at the point necessary to attract the foreign capital necessary to finance budget shortfalls.

Whatever the reason for high interest rates, they have attracted foreign capital to this country like ants to a picnic. Billions and billions of converted foreign currencies have flooded into the United States, driving up the dollar to the point where U.S. exporters can no longer compete abroad and U.S. manufacturers must compete against a surge of cheaper imports.

I am sure you have already heard the statistics. We will have a merchandise trade deficit of around $70 billion for 1983—the largest in history—and we can expect it to be well above $100 billion for 1984. Data Resources Inc., reports that, because of the high dollar, American companies are about 28 percent less competitive today than they were in 1979.

You've no doubt also already heard some vivid, anecdotal testimony today about the damage being done to U.S. firms by the high dollar. But I'd like you to think for just a minute about what a high dollar means for Third World debtor countries and oil importers. Most international debts are reckoned in dollars. High dollar interest rates already have the poor countries on their knees, now the high dollar exchange rate is crushing them. As the dollar skyrockets, Third World debtors must sell more and more commodities to meet the same dollar loan payments. Attempts to sell more commodities tends to lower their price, which makes the debtor nation's predicament even worse.

Oil is also priced in dollars, so most oil importers have not been able to enjoy the lower price of petroleum which, incidentally, helps to keep our inflation rate down. West Germany, for instance, now must pay three-and-a-half percent more in Deutsche Marks for oil in the spot market than it did

five months ago, even though the dollar cost of oil has dropped three percent.

The massive influx of foreign capital into the United States, which has bid the dollar so high and wrought such havoc, has had at least one dramatic short-term benefit. It provides all the capital we need to finance our huge deficits, thus delaying any "crowding out" phenomena. So far, there is no shortage of investment capital in the United States and the cheaper imports created by the over-priced dollar also hold down inflation.

But these so-called benefits are a dangerous illusion.

Foreign capital could leave this country as fast as it came in. Eventually currency traders are going to get cold feet contemplating the fundamental contradiction between a high dollar and a dangerously flawed U.S. trade position. If they decide to move out of the dollar quickly, billions could leave our country, worsening the expected crunch between the credit demands of the U.S. Treasury and the private sector. Double digit interest rates like those of the Carter years would be a distinct possibility, and we would be headed toward another global recession.

The bottom line to all of this is that unless we get the U.S. budget deficits under control there is little hope for healthy, extended economic expansion for either the United States or the world—both engine and caboose will be derailed.

By steadily reducing the deficit and allowing the dollar to decline slowly to a more realistic value, we could prevent the train wreck ahead. But that brings us to the question of political will. The old adage "where there's a will, there's a way" is operative here. And, regrettably, all evidence points to a lack of political will at both ends of Pennsylvania Avenue this year. Raising taxes, one of the bitter pills that must be swallowed to bring the deficits down, doesn't play well in New Hampshire or anywhere else in an election year.

Nonetheless, a group of responsible and concerned members of the Senate has repeatedly offered to work with the Administration on a deficit reduction package. Their overtures have been consistently spurned. And, until the President's State of the Union address last night, the Administration seemed determined to stick with a policy that insures another 12 months of declining trade and rising deficits.

I welcome the President's apparent change of heart on this because the country, and the rest of the world, cannot afford to wait another year for action. We must confront the deficits now.

Of course, this is also a delicate issue for the Congress, the kind of issue that is usually saved for a lame-duck session where political damage can be minimized. So, perhaps we should pursue an ingenious solution Senator Tsongas proposed earlier this week. Confronting the lack of political will issue directly, Senator Tsongas suggested that the Majority Leader convene a mini-lame-duck session immediately to come up with a deficit reduction package. As he pointed out:

There are four of us in this body not running for reelection—myself, Senator Baker, and the distinguished Senators from West Virginia and Texas, Mr. Randolph and Mr. Tower.

One liberal, two moderates, one conservative. Two Democrats and two Republicans. The symmetry is rather clear. . . .

We are a uniquely positioned foursome. Perhaps we can provide a desperately needed service to our country before we return to private life.

I endorse Senator Tsongas' proposal. Such a service is so desperately needed that I predict that winged ducks as well as lame ducks will flock to the cause. I hope all of you here today will do your part pushing for action now to curb these fatal deficits.

The deficits are like a drug. We are enjoying the high right now, but we will pay a price for them far beyond any transitory pleasure they might give us. And like drug abusers, we hurt not only ourselves but those around us. The world economy, along with the United States economy, is going to pay the price for our folly.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

SPEAK ENGLISH, PLEASE!

Mr. BURDICK. Mr. President, last September, I cosponsored Senate Joint Resolution 167, an amendment to the Constitution to designate English the official language of the Nation. I take pride in my cosponsorship, for I know that the protection of our common language is an urgent item worthy of my colleagues' attention.

I have been asked several times just what it is that this amendment would do, and I want to take this opportunity to respond to this important question. The answer may well disappoint those who believe that a constitutional amendment should bring about profound and fundamental changes in our society. The English language amendment—the ELA—will alter very little in the lives of most Americans. Elegant French restaurants will continue to print French menus; seminarians will continue their Latin studies; our Jewish youngsters will continue to attend Hebrew school; opera lovers will still hear their favorite works in Italian, German, or French; as before, immigrant families and friends will meet and greet each other in their native tongue; high schools and colleges will go on teaching foreign languages as an academic subject—hopefully to more students and in better ways in the future than in the past. Our precious first amendment will continue to protect free speech, as it always has and as it always must.

The ELA, then, will not create any great upheavals in American society, and that, indeed, is precisely our intention. It will formally grant a measure of legal protection for English, our historic language, and thus assure that its primacy does not ever slip away from us.

The ELA is the path of prudence. The English language has been the centripetal force in American society, bringing together in the rewards and obligations of citizenship people from all races, religions, and cultural traditions. Americans know instinctively that, without a common language, our differences, now a source of national strength and personal pride, would become unmanageable and irreconcilable. For that reason, our definition of American citizenship has always included an acceptance—though not necessarily full mastery—of our language.

We now find ourselves in the midst of the largest immigration wave in American history. Because so many new immigrants speak the same language, we are drifting toward ever greater quasi-official recognition of that language. For too long, we have allowed ourselves to be pressured into giving up on the time-tested ways of acculturating new immigrants. In too many cases, we have permitted English to take a back seat in the public schools, while we instruct non-English-speaking students in their native language. We have acquiesced to separating English from the essence of citizenship, and while our naturalization laws still call for a knowledge of simple English, our voting laws require us to provide ballots and voting materials in certain foreign languages. Instead of expecting applicants for publicly subsidized benefits to struggle with standard application forms, we have taken on the burden of translating these government forms into the applicant's native language.

The same trends are at work in State and local governments. In 30 States, an applicant for a driver's license need not know English to get an operator's license—the test is given in the applicant's preferred language. Some States have given civil service examinations in a foreign language, as well as professional licensure examinations in such fields as medicine, engineering, and nursing.

What started out nearly two decades ago as a gesture of good will and courtesy toward those newly joining our society has been reinterpreted as a matter of "language rights" and, all too often, this has been accompanied by resistance to the learning of our common language. In the absence of any protection or formal acknowlegement of the uniqueness of English, the trend toward the total acceptance of non-English speaking citizens into every facet of society will continue to grow. On the contrary, that trend must be stemmed.

The suggestion that the English language amendment is the antithesis of bilingualism is unfounded. Bilingualism—and indeed multilingualism—is absolutely necessary, if not the primary ingredient, in bringing together

the peoples of the various nations and cultures of this world. We must continue to encourage such interaction. What must be discouraged are practices which allow citizens of this country not to learn English.

Therefore, in fact, the ELA is opposed to monolingualism where the language is not English. In order for this country to strengthen and in order for its individual citizens to progress, to achieve higher goals, and to compete with fellow citizens in education, in employment, and in political stature, we must all know English. Our former colleague, Sam Hayakawa of California, said it best when he noted:

> The language we share is at the core of the identity as citizens, and our ticket to full participation in American political life. We can speak any language we want at the dinner table, but English is the language of public discourse, of the marketplace, and of the voting booth.

An indication of the support for Sam Hayakawa's position on the language issue is the extraordinary success of U.S. English, a national public interest organization founded just a year ago by him, upon his retirement from this body. The organization has publicized the plight of English and the growth of language separatism, and the response from the American people has been most extraordinary. People all over the country are coming to the fore to defend our common language from further displacement, and we are beginning to see the protection of English arise as a potent political issue that we would ignore at our peril.

Prudent legislators will look at all these trends—the record immigration we are experiencing, the new resistance to the acceptance of English, the laissez-faire language policies now in effect; they will note the strong desire of American people to preserve the language that holds us together; and they will review available options, see the benign effect of a constitutional amendment, and they will decide that the national interest will be well served by such legislation.

We have the opportunity to leave behind, as a permanent legacy to generations of Americans yet unborn, the instrument of our social cohesion and of our national unity. A greater gift no Congress can ever hope to bestow.

I urge all my colleagues to join me in this endeavor.

Mr. BURDICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DANFORTH). The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 98th Congress, to be held in Puerto Rico, on March 8-12, 1984: the Senator from South Carolina (Mr. THURMOND), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), the Senator from Idaho (Mr. MCCLURE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from North Dakota (Mr. ANDREWS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. TRIBLE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. BURDICK), the Senator from Vermont (Mr. LEAHY), and the Senator from Maryland (Mr. SARBANES).

THE ANNIVERSARY OF GANDHI'S DEATH: POIGNANT REMINDER OF THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, 36 years ago today, Mohandas Gandhi, affectionately known by his people as the Mahatma or great soul of India, was tragically slain by a young Brahmin extremist. The loss that day was not just India's alone; it was a loss shared by the entire world.

And who was Gandhi? In a phrase, he was a man of peace. One of those rare individuals who refused to accept the world as he found it. Determined to make it a better place. Determined to raise the level of self-respect of his fellow countrymen. Determined to unite and free his people from colonial rule.

One of the great humanitarians of our time, Gandhi's philosophy was a complex amalgam of passive resistance and active cooperation—a pacifist philosophy which won the hearts of the British people and freedom for an entire subcontinent.

But as the Oscar-winning movie, "Gandhi," so accurately portrayed, emancipation came only at a great price. The violence borne of the iron colonial grip was all too quickly supplanted by violence based on religious hatred.

To the very end Gandhi used every means at his disposal to quell the religious and political in-fighting to permit his people to get on with the tasks of development. Tragically, Gandhi was killed by the very forces that he so energetically opposed. And today those forces—religious rivalry, ethnic hatred—still hold sway in far too many parts of the globe.

But Gandhi's life is not a story of futility. It is a life which is both an inspiration and a challenge. If one man can face such overwhelming odds, with such courage and determination, what more can we do to further these same goals of peace and respect for human rights?

Mr. President, each of us in this room have a unique opportunity to contribute to the development of human rights law, which will help to safeguard the very principles for which Gandhi ultimately gave his life.

We can give our advice and consent to the numerous human rights treaties that are still awaiting Senate ratification, beginning with the Genocide Convention. That treaty is a particularly appropriate starting point.

Why? Because it begins with the most fundamental and sacred right known to man—the right to live—for all ethnic, racial, religious, and national groups.

Approved by the United Nations at the urging of the American delegation, the Genocide Convention was endorsed by the General Assembly the same year as Ghandi's death. And despite numerous endorsements from successive administrations and careful consideration and support from the Senate Foreign Relations Committee we have yet to act.

Mr. President, former Chief Justice Earl Warren once remarked, "We should have been the first to ratify the Genocide Convention."

My prayer today is that we will not be the last.

ONE PERSON CAN MAKE A DIFFERENCE

Mr. PROXMIRE. Mr. President, one of the enduring strengths of our Nation is the willingness of one neighbor to help another in time of need. That spirit of voluntarism is so much a part of the fabric of America that we often fail to recognize it.

At a time of overreaching Government bureaucracy it is important to once again recall that one person can make a difference. One such person living and working in Wisconsin is Dr. Bill Needler.

For the past 7 years Bill Needler has devoted hundreds of hours of his own time in volunteer service in helping the unemployed obtain jobs. His job forum organization has no paid staff and yet provides thousands of hours of job search training and counseling for jobseekers through seminars and support groups. All of these activities cost the taxpayers absolutely nothing.

Bill Needler is a management training consultant. But much of his time is devoted to volunteer work with the

unemployed. Each week in the Milwaukee area there is a group meeting that is attended by hundreds of jobseekers. Each week Bill Needler and a volunteer guest speaker discuss different aspects of the job market with the unemployed. He has also established smaller job-seeking support and networking groups throughout southeastern Wisconsin.

Dr. Needler also meets with individuals who desire or need one-on-one assistance. He encourages people to call him at home as well as in his office.

He conducts seminars for the families of unemployed workers. These workshops offer employment and psychological counseling to both the unemployed worker and his or her spouse. He has presented job-seeking skill workshops for disabled persons who may face unusual problems in the job market.

Bill Needler has a weekly TV show called Job Search on a local public broadcasting station. On this show Dr. Needler helps jobseekers in the audience and answers questions phoned in by people watching the program at home. This is truly a great story of one man's enthusiastic dedication to helping others and I am pleased to call it to the attention of my colleagues.

Mr. President, I have worked with the Wisconsin Job Service and I am aware of the fine job it does. There are also a number of outstanding private job consulting and placement services in my State. But there is something very special in the kind of private sector voluntarism exemplified by Dr. William Needler that is essential if all the unemployed are to be helped. This is exactly the kind of constructive volunteer work that will keep our Nation great and growing.

NUCLEAR ARMS CONTROL VERIFICATION: AN OPPORTUNITY AND A PROBLEM

Mr. PROXMIRE. Mr. President in the Friday, January 27 issue of the New York Times, Joel Wit writes a brief article designed to put verification of nuclear arms control agreements into perspective. Mr. Wit is the deputy director of the project on arms control of the Association of the Bar of the city of New York. Verification has become a central arms control issue. Indeed, by far the biggest objection to nuclear arms control has constantly been that the Russians would cheat. Critics argue that they would use the arms control agreement to deceive the United States into abandoning its nuclear arms program. Then they would proceed to move vigorously ahead with research, testing, production, and deployment of nuclear weapons. This would ultimately give the Soviet Union a massive advantage and make their nuclear power supreme. The Soviets like many nations throughout history indeed do have a long record of justifying any kind of lying, cheating, and surreptitious violations of treaties if they think they can get away with it. The whole purpose of verification is a recognition of this fact and the provision of sufficient monitoring and inspection to assure that neither side can get away with cheating. A verification system does not have to be perfect. It does not have to provide an ironclad 100-percent assurance that any departure from any clause of the treaty will be instantly exposed. It does have to be sufficiently strong and effective to detect any violation which as Mr. Wit argues could be detected before posing a threat to our national security. This should be the hard, practical test of any verfication system: Would the verification alert this country to any cheating on the part of the Soviet Union that would give the Soviets a significant nuclear advantage and would it alert us to the cheating in time to permit us to take those steps necessary to prevent the U.S.S.R. from achieving decisive nuclear superiority? This should not be difficult. Former CIA Director William Colby has testified that satellite reconnaissance can be counted upon to give us the kind of direct intelligence we need to determine whether the Soviet Union was in the process of producing or deploying sufficient nuclear weapons in violation of an arms control treaty to consitute a threat to our national security. And William Colby as a tough and competent former head of this Nation's Central Intelligence Agency is about as well qualified a witness to make this judgment as this country has. Also we have the technological capability to monitor far smaller tests than the 150 kiloton underground nuclear test now permitted by agreement. We could negotiate a lower limit and effectively verify compliance. But overall this Senator would also press hard for on-the-spot inspection without notice by international investigators with both United States and Soviet representatives included. Many argue that the Soviets will not agree to such verification. This Senator believes that for many reasons especially because an effective nuclear freeze would be to the great interest of both the U.S.S.R. and the United States—that they would agree.

Mr. President there is another reason why the superpowers should strive to achieve on the spot inspection as part of a nuclear arms control treaty. The most serious threat of nuclear war will come from nuclear proliferation. As more and more countries develop nuclear arsenals, the prospects of preventing a nuclear war somewhere, sometime initiated by some country sharply decrease. The one safeguard we have established to prevent the spread of nuclear arms is the International Atomic Energy Agency, its one tool, onsite inspection of nuclear facilities to determine whether or not there has been any diversion of peaceful nuclear material to weapons purposes. Unfortunately the three or four countries most suspect of such diversion have refused to sign the nonproliferation treaty and refuse to permit international onsite inspection. The single, most persuasive action the superpowers could take to persuade these countries to agree to the treaty and the necessary inspecton would be for the superpowers themselves to submit to on-the-spot investigation to determine if they are abiding by a nuclear freeze. Incidentally this may also constitute the most persuasive argument for the Soviets to agree to onsite inspection. The U.S.S.R. has consistently demonstrated a far stronger concern about the dangers of nuclear proliferation than the United States for the obvious reason that nuclear proliferation represents the biggest threat to Russia's superpower status.

Mr. President, I would agree with those who contend that there will never be a perfect, no-risk solution. We are going to have to live with the terrible reality and danger of nuclear weapons as long as mankind inhabits this planet. As Mr. Wit wisely observed: "There is no such thing in arms control as 100 percent perfect assurance. Doubts concerning Soviet compliance with arms control will persist as long as we pursue arms control."

Mr. President, I ask unanimous consent that the article in the Friday, January 27 New York Times to which I have referred by Joel Wit be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

VERIFICATION MYOPIA

(By Joel S. Wit)

WASHINGTON.—A Reagan Administration report has charged the Russians with committing "violations or probable violations" of several arms control agreements. The report's conclusions are disturbing. But the Administration's tendency to use the issue for its own purposes—to mollify conservative critics at home, for example—is also disturbing. Why? Because verification is quickly becoming the single most important standard by which all arms control proposals should be judged. The day may be approaching when our obsession with verification overwhelms and defeats our desire for arms control.

Over the past two decades, the United States has often had doubts about Soviet adherence to arms control agreements, including the limited test ban treaty, the first strategic arms limitation agreement, the antiballistic missile treaty, the threshold test ban and the second strategic arms limitation agreement. Until recently, however, the question of Soviet compliance has not been black or white. In most cases, intelligence data has been ambiguous, and categorical accusations of cheating difficult. Nor

have the alleged violations been militarily dangerous enough to jeopardize the arms control process by outright public accusations.

The Reagan report thus marks a significant departure from past practice. Earlier administrations pursued compliance issues through normal diplomatic channels and a confidential commission set up by the anti-ballistic missile treaty. The success of these efforts has varied. The Kremlin has never been particularly forthcoming. When superpower relations have been good the Russians have been more responsive. When bad, they have not been responsive.

Increasingly, however, despite the uncertain nature of past Soviet "violations," verification has become a politically volatile issue. During the debate over the first strategic arms limitation treaty, verification was mentioned only in passing. Eight years (and numerous violations) later, verification became a major issue in the debate over the second strategic arms limitation treaty.

Why did the issue become so much more controversial? Most Americans were unprepared for what turned out to be standard Russian operating procedure—generally to abide by agreements while probing their ambiguities—and, when this practice became clear, many Americans were shocked. On top of all this, it has been alleged since that past administrations covered up Soviet violations in order to preserve the arms control process.

The net result is that most Americans have been disillusioned by the whole experience. Whereas verification was viewed, once upon a time, as merely one standard by which agreements were judged, it has now become the sine qua non of arms control efforts.

The next generation of small, more mobile nuclear weapons will complicate matters even further. In particular, the cruise missiles that we are about to deploy in Western Europe and small mobile weapons such as the American Midgetman and the Soviet SS-X-25 are difficult to monitor with satellites and other so-called national technical means.

How, then, can simplistic notions be dispelled and verification brought back into its proper perspective? First, we must remember that there are no clear-cut "good guys" and "bad guys" when it comes to following arms control agreements. The United States has also skirted the edge of treaty violations, although less often than the Soviet Union has. Between 1963 and 1974, for example, radioactivity from several American underground tests leaked into the atmosphere and crossed national boundaries, apparently in violation of the limited test ban treaty.

Even more important, the United States must ask itself what it wants out of arms control, how much risk it is willing to accept and how much uncertainty it can tolerate. Is it wise to strive for increasingly air-tight verification if that means foregoing important arms control provisions? Or should we learn to live with less verifiable agreements, whose violation could nevertheless be detected before posing a threat to our national security?

There is no such thing, in arms control, as 100 percent perfect assurance. Doubts concerning Soviet compliance will persist as long as we pursue arms control. Public and official charges of Soviet violations, except in those instances where the abuses constitute a direct threat to American security, are likely to make matters worse. They will only detract from America's ability to promote national security.

SENATOR MATSUNAGA AWARDED HONORARY DOCTOR OF LAWS DEGREE BY UNIVERSITY OF HAWAII

Mr. INOUYE. Mr. President, our colleague and my dear friend, SPARK MATSUNAGA, was recently awarded an "Honorary Doctor of Laws" degree by the University of Hawaii. This distinction is especially significant because SPARK, as a University of Hawaii undergraduate in the late thirties, overcame obstacles of economic hardship and social injustice. He not only overcame these barriers; he removed them for countless others.

The struggle to succeed shaped SPARK MATSUNAGA as a man of character and a leader of courage. In honoring SPARK, we honor a scholar, war hero and dedicated public servant.

Hawaii is fortunate to have SPARK as a Senator; I am privileged to know Senator MATSUNAGA as a colleague and a friend. This occasion provides an excellent opportunity to reflect on the fascinating background of this esteemed individual. I ask unanimous consent that the following two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Star-Bulletin, Dec. 16, 1983]

THOSE DAYS OF TOUGH LESSONS

(By Lois Taylor)

At 3:30 Sunday afternoon, another class will graduate from the University of Hawaii in a formal commencement ceremony at Blaisdell Center. The commencement address will be given by U.S. Senator Spark Matsunaga, who will also receive an honorary Doctor of Laws.

Matsunaga is a 1941 graduate of the university, having attended in those difficult last few years of peace and the easing of the Great Depression. One evening late last month in his Washington, D.C., office, Matsunaga discussed with two of his aides his four years as an undergraduate on the Manoa campus.

The recollections were taped and replayed this week in his Honolulu office, and they proved to be an insight on a time when university educations weren't taken for granted.

The background sound is a crackling noise, explained as the rattling of the wrappers on the take-out fried fish sandwiches everybody was eating. But otherwise, the tape is occupied by a steady monologue in the senator's sterling diction. This came not from his years at Harvard Law School, but from coaching from a University of Hawaii speech teacher when he was a 20-year-old freshman. Matsunaga explains:

"All freshman were required to take a speech course in those days. So I registered, and I happened to get into Lucinda Bukeley's class. (Widow of Honolulu businessman Rudolph Bukeley, she was a member of the UH speech department between 1936 and 1943, and was founding president of the Footlights Club, forerunner of Honolulu Community Theater.)

"There was, at that time, a visiting professor of speech at the university, a Dr. Larrie. She came forth with the theory that you could not teach Orientals in Hawaii good English. There was a difference in the voice mechanism, she said.

"Mrs. Bukeley was aghast. She would challenge this, and she picked me as her guinea pig. I spoke pidgin—I'm from Kauai. I couldn't sound 'th' or distinguish between the long 'i' and the short 'i' ("teek" for "thick").

She became my Pygmalion. She took me into her house on Diamond Head and had me listen to her collection of Shakespeare recordings by Maurice Evans and John and Lionel Barrymore. She let me sit there and listen to the recordings, and then asked me to repeat the sounds, reading from Shakespeare. She really worked with me.

"I was in a play at the UH Theater Guild in 1939. Every year there was a diction award, a gold medal for the actor or actress with the best diction. I won in my sophomore year. It was like getting an Academy Award. Nobody knew who won until they brought in the envelope. It was given at the school assembly at Farrington Hall.

"When it was announced that I was the winner, I went onstage to get my award. Mrs. Bukeley ran up on the stage, she hugged me and she said, 'We did it, Sparky, we did it.' She proved that an Oriental could be taught to speak English. After graduation I volunteered for the service, and when the Honolulu Battalion went overseas, she wrote me regularly at the battlefront."

Asked by an aide how he got to the university in the first place, Matsunaga paused, and then said, "I lived at the Okumura Home. Rev. Takie Okumura ran a dormitory where I stayed. I was from a poverty-stricken family. I could never have gone to the university if I hadn't won a contest that the Garden Island Publishing Co. ran every two or three years, a subscription contest.

"In 1937, I won $1,000. I gave my folks $600 and I kept $400, and I begged them to let me go to the University of Hawaii. The family was so in debt, but the $600 paid a substantial part of it. The minister and his family at the Hanapepe Christian Church were so impressed that they arranged for me to stay with Rev. Okumura.

"I had free room and board if I would supervise the boys' dorm. I had graduated from high school at 16 and been out of school for four years—and was now 20. I had worked as a stevedore and was strong as hell. I could command the respect of the boys. We had to chop wood every day for the community baths, one for the boys, one for the girls. We heated the water with firewood.

"I also had to teach Sunday school, so I studied the Bible, and I came from a family where my father was a Shinto priest."

Okumura was the first Christian missionary from Japan sent to Hawaii, arriving in the islands in 1894 on a three-year contract with the Hawaiian Board of Missions to work among the early Japanese immigrants to the Hawaiian kingdom. He served at the Nuuanu Congregational Church before founding the Makiki Christian Church in 1914.

When the present building was erected in 1931, it was his proposal to follow the example of Lord Hisahide Matsunaga, a Christian feudal lord who built a castle in Japan in 1560 for use as a church. The new church was also designed as a Japanese castle, and is a landmark on Pensacola Street across from McKinley High School.

"I got up at 6 every morning," Matsunaga continued. "I was in the ROTC program and had to be on campus by 7 a.m. Rev. Okumura really liked me. He owned a banana wagon—you know, a station wagon. He knew I was having a rough time and needed money.

"He told me, 'If you will pay for the gas and oil, you can charge the dorm students 5 cents each way for a ride to school.' That was cheaper than HRT (the bus) in those days, and then I'd have the use of the station wagon. So I drove two trips each morning and made $16 a month. (The dorm, Matsunaga explains later, was located on King Street across from the old Civic Auditorium.)

"When I was in advanced ROTC in my junior year, I earned $8 a month, and I had a job feeding white mice in a (nutrition) program on food. I became so conscious of what to eat. If the mice has starch only, they lost all their hair. I was paid $14 a month, so I was earning in excess of $35 a month. I has free room and board, so I sent home $25 of that to my mother.

"When I graduated, she presented me with a bank passbook with all those deposits in it. It added up to $2,000, my graduation gift. It was all the money I had sent home, plus the money from the eggs she sold from the stock of chickens I raised before I went to the university. She saved all of it. It hit me when she showed me the passbook."

Matsunaga, one of seven children, was the first in his family to attend the University of Hawaii. His brothers and sisters raised the funds to send their parents to the commencement ceremony.

"That was a big thing, to go to Oahu. You went on the Waialeale inter-island steamship," Matsunaga said. "I used to go by steerage. They put you up on the deck with the freight, and you paid $4 each way. First class was $8 or $10, big money in those days.

"I graduated with honors. We didn't have Phi Beta Kappa then—it was required that the university president must be a member of Phi Beta Kappa to have a chapter on the campus. When I applied for admission to Harvard Law School, Gregg Sinclair had become president of the university. He wrote a letter of recommendation and said that if we had had a chapter, I would have been elected to it.

"I majored in education and speech. I had already set my mind on politics. In my junior year at Kauai High School, Robert W. Clopton was a teacher and counselor, and he was later dean of education at the University of Hawaii. He was preaching about American democracy in school one day, the principles of equality.

"I asked him, 'Is it in the name of American democracy to pay a white man doing the same work as an Oriental three times the wages paid to the Oriental?' Much to his credit, he did his own investigation. One week later he called me in and said, 'Sparky, you were right. You know how to change this situation?

"'Change the laws. You become a lawmaker, a legislator. Get yourself elected to office.' This was in 1933. 'You know,' he said, 'Hawaii will become a state some day and I'll like to see you become a state senator.' By God, he put the bug in me.

"If you took a word to his class from your reading—if he could not define it and use it in a sentence, and you could, he gave you a nickel. That bought lunch. I used to win every time. I though I was a smart kid, but I learned subsequently—I used to bring musubi for lunch every day, a rice ball with ume in the center—he felt sorry for me. Clopton was subsidizing me. Afterwards, I thanked him."

Matsunaga was chief justice in the high school student government, but held no elective office at the university. "We had a very heated student-body election, but Walter Chuck beat me by six or seven votes. After the election, a friend said, 'Masayuki Matsunaga,' (the way he was listed on the ballot). 'Is that your brother?' The votes I missed were the people who didn't know that Masayuki was Sparky," he said.

"I was a member of the debate club. I was a cheerleader, I played inter-class football. (Chief Justice) Bill Richardson played on the same team. I was in the Theater Guild, and I kept up my scholarship." But Matsunaga wouldn't join the fraternity for Japanese students.

"I refused. I said, 'What we should be doing is doing away with racial clubs.' Hakuba Kai's constitution limited membership to boys of Japanese ancestry. Then I thought, 'While I'm on the outside, I can do nothing.' So I joined and set out to be president.

"In my junior year, I did. I talked to all of the members about changing the name to Sigma Lambda, which stood for 'white horse,' the translation of Hukuba Kai. I got 90 percent of the membership to go along with me, and we struck out the restrictive racial clause.

"I then took on the project for Sigma Lambda, to expatriate all Japanese in Hawaii. We set up tables in Hemenway Hall for all Americans of Japanese ancestry who were born before 1924. The law said they were of dual citizenship. I was a dual citizen. You had to be expatriated from Japan (deny Japanese citizenship) to gain full U.S. citizenship, and the federal service refused to employ dual citizens. We had a whole lot, more than 1,000, register with us."

The senator was slowing down—the crackling on the tape had ceased, suggesting that the sandwiches had been eaten, and one of the aides mentioned a committee meeting. The recorder was turned off, the reminiscences were over, but the memory somehow persists of a hungry kid from a loving family who worked hard and made it.

[From the Honolulu Advertiser, Dec. 18, 1983]

SPARK: MAN OF PEACE

U.S. Senator Spark Matsunaga is a war hero with a long commitment to peace.

Today he returns to his alma mater, the University of Hawaii, where he will be awarded an honorary doctor of laws degree at graduation exercises. Peace will be among the topics of his address.

Indeed, that topic also represents a homecoming for the senator, who was graduated in the class of 1941.

Photos from that era show Cadet Major Spark Matsunaga, ROTC Battalion Commander. In World War II he went on to become a captain and was wounded twice in combat while serving with the 100th Infantry Battalion in Italy.

But before that, in January of 1938, Matsunaga wrote an English class essay that is especially interesting in light of his activities today. Titled "Let Us Teach Our People to Want Peace," it reads in part:

"What makes Americans so pugnacious? What in America makes it so easy for the recruiting officer and so hard for the pacifist? My answer is this: 'Because the feelings of the people are with the recruiting officer.' Why? Because the process by which we are educated, in the home, in the church, in the school and in the community at large, results in attitudes favorable to war . . .

"Other agencies in the community serve their share. War trophies in museums and parks, parades, over-emphasis of the sensational by newspapers and magazines, all tend to bring out the warlike feelings of the people.

"We are living in a society based too largely on a militaristic foundation. The peace-loving emotions of the people have not been cultivated.

"Wants are the drives of all human action. If we want peace we must educate people to want peace. We must replace attitudes favorable to war with attitudes opposed to war . . ."

Matsunaga later fought in World War II. He has since supported other wars when considered necessary. His views have evolved since 1938, to be sure.

Yet his concern for peace and educating public attitudes clearly remains. He is the chief sponsor of the bill that would have the Federal Government launch a Peace Academy.

It is fashionable in some circles to say that peace is like motherhood; everybody is for it, so there is no need to train people in its pursuit.

But peace is not simply the absence of war, or something that can be perched forever on concepts such as the balance of nuclear terror or Mutual Assured Destruction.

We need military people who think about defense, and obviously they are also interested in peace, even in courses at the War College.

But we also need people who approach peace from other angles, not in fuzzy-headed terms but as a demanding "major," so to speak. The State Department and other civilian agencies have some, but this country and world could clearly use more persons better trained to think hard and imaginatively about options beyond armed confrontation.

Presidents and other world leaders deserve to at least have better options available, and to have them advanced by respected advocates in and out of government

Hawaii, in fact, has not just one but two U.S. Senators who are highly decorated war heroes, who are not pacifists but strong realists who support defense, yet who, in their somewhat different ways, see the need for peaceful answers in a world that could drift into nuclear war. In that, we are fortunate.

This is Senator Matsunaga's day at the university, just as the Peace Academy is his special project. And he deserves to be honored as one who realizes that peace must be made more than a motherhood issue.

JAPAN'S EDUCATIONAL SYSTEM

Mr. INOUYE. Mr. President, recent interest in Japan as a model for productivity and economic growth has approached near religious proportions in the United States. Books and college courses purporting to explain the reasons behind the Japanese miracle are being generated at a rate far surpassing the Shogun and sushi boom. Consider the extraordinary popularity of a paperback entitled "The Book of Five Rings: The Real Art of Japanese Management." The subtitle, as it turns out, is very misleading—the book is actual-

ly a text on fighting by a Japanese samurai of the 17th century. A literal translation of a few of the sections includes such headings as "To Stab at the Face," "To Stab the Heart," "The Slapping Away Parry," and, "The Order of Opponents When Fighting Alone." At a conference on Japanese management in New York City, an esteemed professor from a prestigious business school read sections of this book to corporate managers. One passage he read was as follows: "When you want to see, see right at once. When you begin to think, you miss the point."

The rather sorry spectacle of a business school professor telling corporate managers not to think could well lend credence to the latent fear that Japan's ascendancy to awe-inspiring economic heights is evidence of an infectious "yellow peril" inching its way into the nervous system of corporate America. One is forced to wonder whether America's fascination with Japan will become yet another reason for the decline in our productivity.

Perhaps as a result of these excesses, a backlash has begun to set in, and people are focusing on the fact that there are certain disadvantages to the Japanese approach. Still there is no doubt that there is much to be learned from Japan about people and productivity. A good place to begin is the Japanese educational system, which, according to several experts in the field, is the major reason for Japan's success.

Japan has most distinguished itself in education by developing a system which is perfectly tuned to meet its national needs. It has become apparent that adjustments will have to be made to accommodate trends such as the entry of more women into the work force and less docile compliance with an inherently rigid system. There is no doubt, however, that Japan's post-war educational system has contributed greatly to their productivity.

Education, for the Japanese, is a national priority. With the possible exceptions of math and science, there are very few differences in curricula between secondary education in Japan and the United States, yet Japanese secondary school students score among the highest in the world on achievement and intelligence tests. Since there are no discernible differences in the quality of instructional resources available to American educators and their Japanese counterparts, what accounts for the superior performance of Japanese students? Dedication, respect for, and commitment to education. This commitment is carried through on a national scale according to guidelines set by the powerful Ministry of Education—Mombusho.

From an American viewpoint, there is something disturbingly Orwellian about the image of thousands of high school juniors throughout Japan reciting the contents of the same page, from the same textbook at nearly the same hour on any given day. This approach has its obvious drawbacks—it does not encourage the development of imagination or creativity. What it does do, however, is succeed in creating a uniformly high standard of achievement. And, as one Japanese educator phrased it so succinctly, "We don't need creativity in Japan." What they do need and have been so successful in producing, is a remarkably well-trained and well-diciplined work force—probably the best pool of human capital in the world.

By American standards the Japanese produce legions of passive, docile workers who are incapable of thinking for themselves. This may be accurate, but highly irrelevant since Japanese society neither encourages nor abides must "thinking for oneself." This is why, at least in the grossest general sense, that the Japanese have proven to be so adept at training workers in industries utilizing proven technology and less successful in turning out Nobel prizewinners.

The negative aspects of the Japanese educational system have, however, become cause for concern among the Japanese themselves. As an illustration, children are required to take exams to enter junior and senior high school, and the competition to get into the best publicly funded schools is intense. The odds against gaining admittance to the top universities are even more intimidating. As a result the psychological pressure is sometimes overwhelming, and violence and suicide among youth are problems.

The Japanese system is also not designed to incorporate women, who are viewed by industry as part of the temporary work force until marriage. Japanese women are gradually becoming a force to be reckoned with, however, and there will be increasing pressure on Japanese corporations to hire and advance more women.

Japanese corporations do have a good record of working closely with high schools and universities to recruit graduates. Unlike the United States where corporate ties to educational institutions are tenuous at best, in Japan the two have a cooperative relationship. This is in part attributable to the insular nature of Japan itself and the traditional intimacy which exists between the educational and corporate echelons.

In addition to recruitment, Japanese business also contributes substantially to formulating educational policy. For example, in the immediate post-war period, the business sector in the form of a national federation provided considerable input to the Government on how best to tie in educational policy with economic growth.

The pressing need to rebuild in the sorry aftermath of World War II reinforced the drive and direction which is so apparent in the Japanese system. Stark necessity gave rise to startlingly clear objectives, and, bolstered by a highly self-contained and homogeneous work force, the Japanese have reached the pinnacle of economic success.

I predict that with even a small percentage of such commitment and dedication we could work miracles, both on the educational front and beyond.

THE HOUSING OPPORTUNITY FINANCING ACT OF 1983

Mr. LEAHY. Mr. President, a year ago, I cosponsored S. 137, the Housing Opportunity Financing Opportunity Act of 1983, which would repeal the December 31, 1983, sunset date on single-family mortgage revenue bonds. Seventy-six of my fellow Senators joined me in supporting this essential housing assistance program. Yet for reasons totally unrelated to its merits, the program was allowed to expire.

I cannot overemphasize the importance of the single-family mortgage revenue bond program in meeting the housing needs of low- and moderate-income home buyers. Historically, mortgage bonds have served the lowest-income segment of home purchasers, with incomes well below the median, and well below incomes of home buyers who have obtained other types of financing, such as FHA-insured loans.

The median income of State mortgage bond beneficiaries was $18,467 per year in 1981 and $23,511 in 1982. In contrast, the median income of home buyers served by conventional loans was $39,196. The need for this program is especially great in light of the dramatic cuts in Federal housing assistance to low- and moderate-income people over the past several years.

The mortgage revenue bond program, like all Federal spending, must be examined for its budgetary impact. The Joint Committee on Taxation estimates that the program will result in a revenue loss of $59 million in fiscal year 1984. Based on the committee's economic assumptions, it can be estimated that the Federal Government will lose approximately $20 per year for every billion dollars of revenue bonds issued through fiscal year 1988.

However, this estimated revenue loss ignores the positive impact of revenue bonds. According to the National Association of Homebuilders (NAHB) $1 billion in revenue bonds provides financing for approximately 8,200 new homes; generates 8,670 jobs and $160 million in wages; and results in $73 million in Federal, State, and local taxes. The total positive economic

impact is estimated by the NAHB at $724 million. The program is definitely a good buy for the American taxpayer.

The mortgage bond program has been instrumental in making affordable home loans available in my home State of Vermont. Last year, the Vermont Housing Finance Agency (VHFA) provided $48 million in mortgage money from the sale of revenue bonds. This figure represents roughly 15 percent of the total mortgage business in the State. Since 1974, the VHFA has provided below-market rate loans to 6,901 home buyers for the purchase of single-family homes.

I have been contacted by housing officials, homebuilders, realtors, and potential home buyers throughout Vermont in support of the single-family mortgage revenue bond program. I hope the leadership in the Senate and my fellow Senators will join me in making the speedy passage of S. 137 one of our top legislative priorities.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR PAULA HAWKINS—CHAIRMAN OF THE SENATE DRUG ENFORCEMENT CAUCUS

Mr. ABDNOR. Mr. President, as we enter into the new year, I want to pause to pay tribute to the historic efforts and accomplishments of Senator PAULA HAWKINS to address youth drug abuse and narcotics trafficking. As chairman of the 46-member Senate Drug Enforcement Caucus, Senator HAWKINS has become our Nation's leading force in the fight against illegal drugs.

Few threats are more dangerous to the future of America than illegal drugs. Its deadly impact is felt in failed education, violent crime, impaired national defense, reduced productivity, addiction, and death. No community is untouched by what has become a $100 billion illegal industry. Only last month, officials of the Aluminum Co. of America said in Vancouver, Wash., that they were amazed that a full half of the job applicants in the last 3 months failed urinalysis tests to detect drug use.

During 1983, the Senate Drug Enforcement Caucus under Senator HAWKINS' leadership was a lightning rod for legislative and administrative action against illegal drugs.

The work she has done is extremely important. Specifically, her accomplishments include the following:

Amending the Posse Comitatus Act to allow the military to assist in fighting drugs.

Restoring $20 million for drug abuse prevention, education, and rehabilitation.

Forming the South Florida Task Force.

Holding hearings on drug trafficking in New York, Mississippi, Arizona, Florida, Washington, and Alabama.

Removing the ban on the spraying of Paraquat abroad.

Because over 90 percent of the illegal drugs abused in the United States are produced in foreign countries, I recently joined Senator HAWKINS in a narcotics control mission to the major heroin-producing countries to demand action. For the first time in 5 years, there are now over 500,000 heroin users in the United States.

The most cost-effective means of addressing the problem of illegal drugs is to attack them at their source. Through hearings held in the Senate Drug Enforcement Caucus last year, we learned that nearly 100 percent of the illegal methaqualone abused in the United States was produced in the People's Republic of China. Eighty-five percent of the teenagers arrested for drunk driving in Broward County, Fla., last year tested positive for this dangerous drug. After Senator HAWKINS went to China in 1981 to demand that the country cease its production of methaqualone, Deng Xiaoping, vice-chairman of the Chinese Communist Party, immediately agreed to stop production and, subsequently, during the past year, emergency room mentions of this dangerous drug dropped 67 percent, and its illegal street price increased 400 percent. Another important step was the passage of the Hawkins amendment, which links U.S. foreign aid to drug eradication. Major drug producing countries are now required to destroy their illegal crops as a condition for U.S. foreign aid and multilateral development bank loans. We know we are already starting to see the result of this legislation.

It was in this context that Senator HAWKINS and I and our delegation went to Turkey, Pakistan, Thailand, Burma, and Hong Kong. Through our discussions with the foreign heads of state and U.S. Ambassadors, these important accomplishments were gained:

First, President Zia of Pakistan signed into law a new narcotics amendment that greatly aids financial investigation of herion trafficking and provides for tougher penalties.

Second, President Zia also indicated that he would take action against any herion refineries or money-laundering banks identified by the United States.

Third, new Turkish Prime Minister Ozal pledged Turkey's continued strong opium poppy control efforts and expressed interest in closer drug enforcement cooperation with the United States.

Fourth, Burmese officials indicated that they would consider using herbicidal sprays against opium poppy cultivation if the United States would supply environmental impact information.

Fifth, we obtained a commitment from Dr. Di Gennaro, Secretary General of the UNDAC, to take more aggressive action against South American coca cultivation.

Sixth, we also identified a highly effective drug education/prevention program being used by the Hong Kong Government that could serve as a model (the number of addicts has been reduced from 250,000 in 1959 to 30,000 today.)

Senator HAWKINS has made a courageous effort to halt the corrosive effect of drugs on such basic institutions of society as the family, the school, and the community. As chairman of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government, as well as a member of the caucus, I call upon my colleagues to join Senator HAWKINS in her efforts to fight illegal narcotics through education, diplomacy, and law enforcement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO ROBERT LAWRENCE APPLING

Mr. HEFLIN. Mr. President, today I rise in recognition of a great man who has rendered outstanding service to his community, the State of Alabama and our Nation.

Robert Lawrence Appling, of Irvington, Ala., a retired Mobile County sheriff's deputy and court baliff, was recognized on December 10, 1983, by the National Fraternal Order of Police as "Mr. Fraternal Order of Police for the United States." The award was made for his contributions to the association and the quality of law enforcement at ceremonies in Mobile, Ala., and was presented by national FOP president, Richard Boyd.

The Mobile Press Register recognized Mr. Appling with an editorial praising him for his outstanding career and presented him with its M. O. Beale Scroll of Merit for his latest honor.

Mr. Appling was also recently honored by Gov. George Wallace when he named him as a member of the stand-

by Alabama Selective Service Board No. 69.

Mr. Appling is a combat veteran of World War II who served in the U.S. Army from 1943 to 1948; he was wounded in the Battle of the Bulge and so gravely as necessitated his hospitalization for more than 5 years and the eventual amputation of a leg.

He is also an organizer and charter member of the 100 Club of Mobile; a member of the American Legion Post No. 3, in which he has held numerous offices; a life member of the Disabled American Veterans and Veterans of Foreign Wars and a member of the Alabama Peace Officers and Alabama Deputy's Association.

Mr. Appling is the recipient of numerous awards and honors including the 1973 Mobile Jaycee outstanding law enforcement award, 1973 Exchange Club deputy of the year, received the 1981 American Legion Governor's Alabama veteran of the year award.

Last year the State of Alabama house of representatives and the State senate passed resolutions honoring Mr. Appling for his outstanding contributions.

Mr. President, I conclude my remarks in recognition of Mr. Appling with congratulations to him on his latest award and for his outstanding service. He is truly a great American.

Mr. President, I ask unanimous consent that various newspaper articles relating to Mr. Appling and the resolutions from the senate and house of representatives of the State of Alabama to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Mobile Press]

APPLING NAMED MR. FOP

Retired Mobile County Sheriff's Deputy R. Lawrence Appling Tuesday was named "Mr. Fraternal Order of Police of the United States" at the national FOP convention in Phoenix, Ariz.

Appling, who has been active in civic and veteran affairs in the Mobile area for a number of years, was cited for his contributions to the community, the area and the state by the 1983 Alabama Legislature.

Wounded in World War II during the Battle of the Bulge, Appling has held offices in the Azalea City Lodge of the FOP, the American Legion, Disabled Veterans of America and the 100 Club of Mobile.

He will be honored at a testimonial dinner in Mobile later to be attended by national FOP officers and local dignitaries.

RETIRED DEPUTY CONGRATULATED

Our heartiest congratulations go to Lawrence Appling, retired Mobile County sheriff's deputy, on being honored by the National Fraternal Order of Police.

The former deputy was named "Mr. Fraternal Order of Police for the United States" as a result of his contributions to the association and the quality of law enforcement.

Appling has long been active locally and statewide in civic and veteran affairs as well as law enforcement.

He has received numerous awards for his achievements.

We join the National Fraternal Order of Police in honoring this outstanding Mobilian.

DECEMBER 23, 1983.

LAWRENCE APPLING,
Irvington, Ala.

Dear Sir: Let me congratulate you on your many honors and awards, including your appointment as a member of the standby Alabama Selective Service Board No. 69 and your recognition by the National Fraternal Order of Police as "Mr. Fraternal Order of Police for the United States."

I am aware that you are a retired deputy sheriff of Mobile County, a post commander of the American Legion, a former president of the Azalea City Lodge of the Fraternal Order of Police, and the 1981 recipient of the Governor's Alabama Veteran of the Year Award. You have played an outstanding role in the civic, law enforcement, and veteran affairs of this city and county.

Your list of achievements is long and most impressive. I take pleasure at this time in adding to your many honors with the M.O. Beale Scroll of Merit.

Civically yours,

M. O. BEALE.

[From the Alabama Legionnaire, September 1983]

APPLING HONORED AS "MR. F.O.P." IN UNITED STATES

Hard work in his chosen profession paid dividends for a retired Mobile County Deputy Sheriff and active American Legion member when Lawrence R. Appling was honored at a national convention in Phoenix, Arizona who was named "Mr. Fraternal Order of Police of the United States."

With more than 1,800 delegates representing law enforcement officers on almost every level attending, Appling received his honor. He will be recognized at a testimonial dinner in Mobile later to be attended by national FOP officers as well as local dignitaries.

Appling, who is a past commander of his American Legion post, was cited in June by the Alabama Legislature for his work in civic, veterans and fraternal organizations in Mobile. A World War II veteran, he was wounded in the Battle of the Bulge and hospitalized for five years.

A past officer of the Azalea City FOP lodge in Mobile, Appling is a charter member of the 100 Club in Mobile.

RESOLUTION 67

Whereas, Mr. Robert Lawrence Appling of Irvington, Alabama, is a distinguished Alabamian who has rendered outstanding service to the community, the State of Alabama and our Nation; and

Whereas, a retired deputy sheriff and court bailiff in Mobile County, Mr. Appling is a veteran of World War II, who served in the United States Army from 1943 to 1948; he was wounded in the Battle of the Bulge and so gravely as to necessitate his hospitalization for more than three years and the eventual amputation of a leg in 1954; and

Whereas, Mr. Appling, who is a member of the Fraternal Order of Police, served the organization as vice president, 1975-1976, and as president in 1977-1978, during which tenures the numerous accomplishments and advances of FOP Lodge #17 were directly related to Mr. Appling's dedicated leadership; and

Whereas, he also is an organizer and charter member of the 100 Club of Mobile; a member of the American Legion Lamar Y. McLeod Post #3, in which he has held numerous offices; a Life Member of both the Disabled American Veterans and Veterans of Foreign Wars organizations; and a member, as well, of the Alabama Peace Officers and the Alabama Deputy's Associations; and

Whereas, Mr. Appling is the recipient of numerous awards and honors including the 1974 Jaycee Outstanding Law Enforcement Award, 1973 Exchange Club Deputy of the Year, 1981 State Legionnaire of the Year, 1981 American Legion Veteran of the Year, 1981 Certificate of Merit from the Mobile County Commission and congratulations from M. O. Beale, also in 1981; he also is responsible for the establishment of the Alabama and National Mr. FOP Awards and, on December 10, 1983, was honored as FOP National Man of the Year: Now therefore,

Be it resolved by the Senate of the Alabama Legislature, That we most highly commend Mr. Robert Lawrence Appling of Irvington, Alabama, for outstanding service to the community, the State of Alabama and the Nation; we further direct that Mr. Appling receive a copy of this resolution in expression of our sincere warm praise, appreciation and esteem.

RESOLUTION—H.R. 417

Whereas, Mr. Robert Lawrence Appling of Irvington, Alabama, is a distinguished Alabamian who has rendered outstanding service to the community, the State of Alabama and our nation; and

Whereas, a retired deputy sheriff and court bailiff in Mobile County, Mr. Appling is a combat veteran of World War II, who served in the United States Army from 1943 to 1948; he was wounded in the Battle of the Bulge and so gravely as to necessitate his hospitalization for more than three years and the eventual amputation of a leg in 1954; and

Whereas, Mr. Appling, who is a member of the Fraternal Order of Police, served the organization as vice president, 1975-1976, and as president in 1977-1978, during which tenures the numerous accomplishments and advancements of FOP Lodge #17 were directly related to Mr. Appling's dedicated leadership; and

Whereas, he also is an organizer and charter member of the 100 Club of Mobile; a member of the American Legion Lamar V. McLeod Post #3, in which he has held numerous offices; a life Member of both the Disabled American Veterans and Veterans of Foreign Wars organizations; and a member, as well, of the Alabama Peace Officers and the Alabama Deputy's Associations; and

Whereas, Mr. Appling is the recipient of numerous awards and honors including the 1973 Jaycee Outstanding Law Enforcement Award, 1973 Exchange Club Deputy of the Year, 1981 State Legionnaire of the Year, 1981 American Legion Veteran of the Year, 1981 Certificate of Merit from the Mobile County Commission and congratulations from M. O. Beale, also in 1981; he also is responsible for the establishment of the Alabama and National Mr. F.O.P. Awards: Now therefore,

Be it resolved by the House of Representatives of the Legislature of Alabama, That we most highly commend Mr. Robert Lawrence

Appling of Irvington, Alabama, for outstanding service to the community, the State of Alabama and the Nation; we further direct that Mr. Appling receive a copy of this resolution in expression of our sincere, warm praise, appreciation and esteem.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE CRIME CONTROL ACT

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983."

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, as I indicated this morning, it is my hope that we can finish this bill today. That may or may not be possible, but I would like to do that. If not, we will, of course, continue until we do.

Mr. President, after we finish with this bill, we will go to the five ancillary bills that I described earlier in my remarks.

Mr. President, the distinguished chairman of the committee, the President pro tempore, is here to manage the bill and I now yield the floor.

● Mr. CHILES. Mr. President, today the Senate takes up one of the most pressing legislative items that we will consider this session of Congress. This bill is of critical importance to the American people and frankly its passage by the Congress is long, long overdue. S. 1762, the Comprehensive Crime Control Act is the culmination of years of effort by a number of Senators. After many hours of hearings and evaluation of the best thinking available, we have developed a program of action to combat the insidious problem of crime in America. Enactment of this legislation will mean a stronger hand for law enforcement officials in fighting criminal activity. It will mean increased penalties for illegal narcotics offenses which is the key to so much violent crime. It will result in an improved criminal justice system that will work to punish the guilty and protect the victims of crime.

Obviously, one piece of legislation is not going to solve our crime problem but it is an important step forward and a signal to the American people that Congress is serious in doing something about crime.

Mr. President, in recent years I have talked often of what I call "domestic defense." I view the fight against crime as part of our national security program. It is every bit as important to the security of our citizens as a strong national defense. Any public opinion survey in recent years reveals a deep concern and apprehension about crime on the part of most citizens. Other issues come and go but crime remains in the forefront of concern. In cities and in smaller communities, people feel unsafe in their neighborhoods. Parents are horrified at the escalating flood of illicit drugs that threatens their children and breeds violence and corruption. Many have lost faith in a criminal justice system that often appears to work to the advantage of the criminal element.

Crime statistics give credence to the concern of the public and provide a strong argument for a strengthened "domestic defense" program. In the first 6 months of 1983 there were almost 140 violent crimes per hour and over 50 murders per day. This represents an encouraging decrease from the previous year but it remains amply clear that we are a nation at risk in terms of the criminal threat.

The legislation now before us is a constructive effort to decrease that risk. It is a compromise measure. Frankly, it does not contain all the elements I feel are necessary to revitalize our law enforcement capability. I am particularly regretful that the package does not include provisions to reform the habeas corpus law in order to limit frivolous appeals which bog down the courts and unnecessarily delay justice. That measure has been reported by the Judiciary Committee as a separate bill. Habeas corpus reform and other significant provisions were left out of the bill in order that we not become embroiled in controversy and so that we will not face another Presidential veto as was the case with the omnibus crime bill of last Congress.

However, the bill which the Judiciary Committee has reported to the Senate is a significant and far-reaching measure. Among its key provisions:

For the first time ever, Federal courts could deny bail to a defendant on the basis that release would pose a threat to the community.

Parole and good-behavior credits would be limited. A new sentencing commission would be created to promote more uniform sentencing procedures.

The insanity defense would be limited to those unable to appreciate the nature or wrongfulness of their acts. The burden of proof of insanity would be on the defendant.

Federal penalties for narcotics offenses would be strengthened.

Seizure of the profits and proceeds of organized crime and drug trafficking operations—or substitute assets where crime-related assets are beyond the reach of Government—would be allowed.

To limit crime money laundering, existing laws prohibiting transportation of currency out of the country would be expanded and strengthened.

Murder-for-hire and crimes aiding racketeering would be made Federal offenses, thus involving the investigative capabilities of the FBI.

Federal laws regarding child pornography and fraud and bribery related to Federal programs would be beefed up.

Donations of surplus Federal property to State and local governments for urgently needed confinement facilities would be facilitated.

Mr. President, if we can get S. 1762 enacted into law in this Congress we will have accomplished a great deal for this country. The Senate should act promptly and we must do all we can to assure quick House passage and an expeditious conference. The people already waited too long for a meaningful crime bill.

I want to take this opportunity to congratulate the very able chairman, Senator THURMOND, and the distinguished ranking Democrat, Senator BIDEN for their leadership and tenacity in bringing this package to the floor of the Senate. I have worked with them now over a number of years to get action on a crime package and I very much admire the effort they have made and the bipartisan cooperation they have evidenced in moving this legislation. It has not been an easy fight.●

Mr. THURMOND. Mr. President, I call up two amendments by Senator LAXALT, amendments Nos. 2678 and 2679, and suggest they be considered en bloc.

The PRESIDING OFFICER. The Chair will remind the Senator that there are committee amendments pending. It would take unanimous consent to lay them aside.

Mr. THURMOND. Mr. President, these are the committee amendments.

The PRESIDING OFFICER. There are amendments that have been reported by the Committee on Foreign Relations. Those amendments would have to be disposed of or set aside.

Mr. THURMOND. Mr. President, I move to call them up at this time and move their adoption.

The PRESIDING OFFICER. Is there objection to agreeing to the amendments reported by the Committee on Foreign Relations en bloc?

Mr. THURMOND. Mr. President, I move the adoption of those amendments.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are agreed to.

The amendments of the Committee on Foreign Relations were agreed to, as follows:

On page 340, line 11, strike "rape" and insert "forcible sexual assault".

On page 344, line 12, strike "pursuaded" and insert "determines".

On page 344, line 24, after ". . . (3) is" insert "final and is".

On page 345, line 1, strike "review: Provided, however, That in" and insert "review. In".

AMENDMENTS NOS. 2678 AND 2679

The PRESIDING OFFICER. Is it the Chair's understanding that the Senator for South Carolina wishes to have his amendments considered en bloc as well?

Mr. THURMOND. Mr. President, I would like to have them considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for Mr. LAXALT, proposes amendments numbered 2678 and 2679.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 2678

AMENDMENTS TO TITLE I (BAIL) S. 1762

On page 19, lines 15 and 16, delete "the defendant" and insert in lieu thereof "he".

On page 21, line 1, after "section." insert the following:

To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated.

On page 28, delete lines 7 and 8, and inserting in lieu thereof the following: (1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and insert in lieu thereof "§§ 3142 and

On page 29, line 5, insert "under" before "18".

AMENDMENTS TO TITLE II (SENTENCING) S. 1762

On page 80, line 10, delete "3671" and insert in lieu thereof "3673".

On page 82, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 83, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 84, line 23, delete "c" and insert in lieu thereof "e".

On page 93, delete line 9 through 12, and insert in lieu thereof the following: (9) by deleting "imposition of sentence is suspended, or disposition is had under 18

On page 96, after line 8 insert the following and reletter subsequent subsections accordingly:

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision: "(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 96, delete lines 11 and 12, and insert in lieu thereof the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.

"(a) Correction of a sentence on remand.

"(b) Correction of a sentence for changed circumstances.".

On page 97, delete "12" from the beginning of the page and insert "9" in lieu thereof.

On page 97, insert a quotation mark at the beginning of line 4.

On page 121, after line 12, insert the following: Redesignate subsections in section 4082 accordingly.

On page 124, line 10, delete "3667" and insert in lieu thereof "3669".

On page 124, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 128.

On page 126, line 8, after "(g)" insert "and redesignating (h) to (g)".

On page 126, lines 13 and 14, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 127, line 14, delete "(4)" and insert in lieu thereof "(3)".

On page 127, line 15, delete "title."." and insert in lieu thereof "title."; and".

On page 127, after line 15, insert the following: (F) by redesignating paragraphs accordingly.

On page 130, line 24, after "(1)" insert "by adding "and" after paragraph (2) and,".

On page 131, line 15, delete "Board" and insert in lieu thereof "the Board".

On page 131, delete lines 21 through 24, and insert in lieu thereof the following: fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

On page 132, after line 22, insert the following:

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

AMENDMENTS TO TITLE III (FORFEITURE)

On page 164, line 4, delete "remove" and insert in lieu thereof "and remove".

AMENDMENTS TO TITLE IV (MENTAL DISEASE OR DEFECT)

On page 178, delete line 8, and insert in lieu thereof the following: vincing evidence.".

(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

On page 189, lines 16, 20, 23, 24, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 3, delete "release" and insert in lieu thereof "transfer".

On page 190, lines 3, 8, 15, 18, 19, 20, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 22, delete "his" and insert in lieu thereof "the".

On page 191, lines 1, 6, 9, and 10, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 201, delete lines 11 through 18, and reletter subsequent subsections accordingly through page 203.

AMENDMENTS TO TITLE V (DRUG ENFORCEMENT AMENDMENTS)

On page 211, lines 6 and 8, delete "I(b)" and insert in lieu thereof "I(c)".

On page 211, lines 7 and 10, delete "II(a)(5)" and insert in lieu thereof "II(a)(4)".

On page 212, after line 15, insert the following new section:

SEC. 505A. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives.".

On page 215, line 3, delete "201(g)(1)" and insert in lieu thereof "201(g)".

On page 215, line 4, delete "811(g)(1)) is amended to read:" and insert in lieu thereof "811(g)) is amended to add the following new paragraph:".

On page 215, line 5, delete "(g)(1)" and insert in lieu thereof "(3)".

On page 215, delete lines 10 through 14, and redesignate subsequent paragraphs accordingly.

On page 218, delete line 17, and insert in lieu thereof the following:

On a ground specified in section 304(a). Article 7 of the Convention on Psychotropic

Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

On page 218, line 19, after "by" insert the following:

On page 220, delete lines 3 and 4, delete "(f)" and insert in lieu thereof "(g)".

On page 220, delete after "by" on line 18 through line 19, and insert in lieu thereof the following: deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

On page 220, line 20, delete "(e) Enter" and insert in lieu thereof "(6) enter".

On page 221, line 9, after "by" insert the following: deleting "or" at the end of subpart (A), by

On page 221, line 11, delete "is".

On page 221, line 12, delete "exclusively." and insert in lieu thereof "exclusively,".

On page 221, delete line 20, and insert in lieu thereof the following:

May by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

On page 222, line 7, delete "and".

On page 222, line 12, delete "prescribe."." and insert in lieu thereof "prescribe; and".

On page 222, after line 12, insert the following new paragraph:

"(3) In any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

On page 222, line 17, delete "V." and insert in lieu thereof "V,".

AMENDMENTS TO TITLE VI (JUSTICE ASSISTANCE)

On page 228, after line 10, delete "TITLE I" and insert in lieu thereof "TITLE I—JUSTICE ASSISTANCE".

On page 228, Part B of the Table of Contents, delete "Sec. 201. Bureau of Justice programs." and insert in lieu thereof "Sec. 201 Establishment of Bureau of Justice Programs.".

On page 228, Part B of the Table of Contents, delete "Establishment, duties and functions." and insert in lieu thereof "Duties and functions of Director.".

On page 229, delete everything in "Part G" of the Table of Contents and insert in lieu thereof the following new "Part G":

"PART G—CRIMINAL JUSTICE FACILITIES

"Sec. 701. Establishment of the Bureau of Criminal Justice Facilities.
"Sec. 702. Functions of the Bureau.
"Sec. 703. Grants authorized for the renovation and construction of criminal justice facilities.
"Sec. 704. Allotment.
"Sec. 705. State plans.
"Sec. 706. Basic criteria.
"Sec. 707. Clearinghouse on the construction and modernization of criminal justice facilities.
"Sec. 708. Interest subsidy for criminal justice facility construction bonds.
"Sec. 709. Definitions.

On page 229, Part H of the Table of Contents, delete "rules," in the first line and insert in lieu thereof "rules".

On page 229, delete "PART M—EMERGENCY ASSISTANCE" and insert in lieu thereof "PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE".

On page 230, delete "PART N—TRANSITION—REPEALER" of the Table of Contents and insert in lieu thereof "PART N—TRANSITION".

On page 241, line 7 delete "and".

On page 245, line 6, delete "local" and insert in lieu thereof "and local".

On page 248, line 18, delete "STATE/LOCAL" and insert in lieu thereof "STATE and LOCAL".

On page 255, after line 9, insert (in small caps) the following:

"DISTRIBUTION OF FUNDS

On page 262, line 14, after "GRANTS" insert (in small caps) AUTHORIZED.

On page 262, delete line 16.

On page 264, line 21, delete "706" and insert in lieu thereof "705".

On page 267, line 23, delete "707" and insert in lieu thereof "706".

On page 268, line 16, delete "708" and insert in lieu thereof "707".

On page 269, line 5, delete "709" and insert in lieu thereof "708".

On page 270, line 10, delete "710" and insert in lieu thereof "709".

On page 282, after line 7, insert the following (in small caps):

"DEFINITIONS

On page 290, after line 13, insert the following (in small caps):

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

On page 300, line 20, after "surplus" insert "real and related personal".

On page 301, line 3, after the word "real" insert "and related personal".

On page 301, line 16, after the word "real" insert "and related personal".

On page 302, line 9, delete "or" and insert in lieu thereof "for".

On page 302, line 25, delete "personal or real" and insert in lieu thereof "real and related personal".

AMENDMENTS TO TITLE X (MISCELLANEOUS VIOLENT CRIME AMENDMENTS)

On page 317, delete line 12, and insert in lieu thereof the following: "the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not".

On page 317, line 19, after "section" insert "and section 1952B".

On page 318, line 2, delete "of" and insert in lieu thereof "of,".

On page 318, line 3, delete "pay" and insert in lieu thereof "pay,".

On page 318, line 13, delete "kidnaping" and insert in lieu thereof "kidnaping".

On page 319, line 2, delete "murder," and insert in lieu thereof "murder or kidnaping,".

On page 322, line 19, after "five" insert "nor more than ten".

On page 325, line 1, delete "as" and insert in lieu thereof "on".

On page 325, line 12, delete "title" and insert in lieu thereof "section".

On page 326, line 19, insert "INVOLUNTARY" before the word "SODOMY".

On page 327, after line 20, insert the following:

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

On page 329, delete line 2, and insert in lieu thereof the following: Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.".

On page 331, after line 5, insert the following: (f) Tables of Chapters is amended to add:

"210. International Extradition..... 3191".

On page 331, line 6, delete "(f)" and insert in lieu thereof "(g)".

On page 334, line 7, delete "court." and insert in lieu thereof "court;".

On page 334, line 8, delete "The" at the beginning of the line and insert in lieu thereof "the", and indent lines 8 and 9 to align with lines 2 and 11.

On page 353, line 7, delete "Except" and insert in lieu thereof "(a) Except".

AMENDMENTS TO TITLE XI (SERIOUS NONVIOLENT OFFENSES)

On page 361, delete line 10, and insert in lieu thereof the following: Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2,000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned not more than five years, or both;

(b) by adding a new paragraph as follows: On page 368, after line 12, delete "entities."." and insert in lieu thereof "entities." then add the following new line:

"511. Forging endorsements or signatures on securities of the United States.".

On page 371, line 16, delete "repealed." and add the following: repealed, and the section analysis of Chapter 11 for section 216 be amended to read: "216. Repealed.".

On page 373, delete line 5 and all that follows through the item relating to possession of contraband articles after line 10 on page 374, and insert in lieu thereof the following:

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows: "1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(C) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device', have the meaning given those terms, respectively, in 18 U.S.C. 921(a)(3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(C) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following: "4012. Summary seizure and forfeiture of prison contraband.".

On page 374, line 15, delete "after section 665 a new section 666" and insert in lieu thereof "a new section 667".

On page 374, line 17, delete "666" and insert in lieu thereof "667".

On page 374, line 22, delete "benefit to" and insert in lieu thereof "benefit of".

AMENDMENTS TO TITLE XII (PROCEDURAL AMENDMENTS)

On page 376, line 11, delete '925(a)" and insert in lieu thereof "952(a)".

On page 376, line 22, delete "fifteenth," and insert in lieu thereof "fifteenth".

On page 380, delete lines 3 through 6, and insert in lieu thereof the following:

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

On page 380, line 9, insert "or" after the semicolon.

On page 380, delete line 25, and insert in lieu thereof "deleted, and amend section analysis accordingly.".

On page 382, after line 11 and before line 12, delete "'3523. Civil action to restrain witness or victim intimidation." and insert in lieu thereof "'3523. Penalty for wrongful disclosure.".

On page 382, line 15, delete the words "in a official proceeding" and insert in lieu thereof "in an official proceeding concerning an organized criminal activity or other serious offense".

On page 382, at the end of line 23, insert the following:

"The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or care in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

On page 383, line 23, before "refuse" insert "disclose or".

On page 383, line 24, after "other" insert "matter".

On page 384, line 4, delete the period and insert ", except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.".

On page 385, between lines 7 and 8, insert the following:

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTERS.—(1) Anytime 120 days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2)(A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to effect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

On page 385, after line 13, insert the following:

"§ 3523. Penalty for Wrongful Disclosure

"Whoever, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

On page 387, after line 24, insert a new Part I as follows:

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.".

AMENDMENT No. 2679

1. Amendment to Title II, S. 1762:

On page 132, lines 8 through 10, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978, (29 U.S.C. 927(b))" and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

2. Amendment to Title VI, S. 1762:

On page 287, line 12, after the word "this" and before the word "person's" insert "part if such".

3. Amendment to Title X, Part K, "Assaults Upon Federal Officers," to include United States Magistrates in 18 U.S.C. 1114, "Protection of Officers and Employees of the United States."

On page 329, line 14, insert "or any United States magistrate," after "ficer,".

4. Amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform to analogous provisions of the Senate-passed labor racketeering bill, S. 336:

On page 306, line 22, delete "and" and substitute in lieu thereof "or".

On page 310, line 15, insert ", other than in his capacity as a member of such labor oganization," after "capacity".

On page 310, line 23, delete "and" and substitute in lieu thereof "or".

On page 312, line 7 and 8, delete "or employee benefit plan".

On page 313, line 1, delete "1102" and substitute in lieu thereof "802".

On page 313, line 2, delete "1103" and substitute in lieu thereof "803".

On page 313, line 11, delete "1103 and 1104" and substitute in lieu thereof "803 and 804".

5. Amendment adding to Title XII of S. 1762, a new part relating to Department of Justice Internal Operating Guidelines.

At the end of the bill, add the following:

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

6. Amendment to Title XII, Part F, S. 1762, "Witness Security Program Improvements" relating to United States Marshals Service.

On page 385, insert after line 21, the following:

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

7. Amendments to Title III, "Forfeiture."

On page 150, line 19, delete "section 413" and insert in lieu thereof "sections 413 and 414".

On page 162, delete the quotation mark and second period on line 4, and insert after line 4 the following:

"'(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.' ".

On page 162, insert before line 5 the following:

" 'INVESTMENT OF ILLICIT DRUG PROFITS

'SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

'(b) Whoever violates this section shall be fined not more than [$50,000] or imprisoned not more than [ten] years, or both.

'(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

'(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 164, delete th quotation mark and second period on line 16, and insert after line 16 the following:

" '(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.'.".

On page 165, line 5, delete "item" and insert in lieu thereof "items".

On page 165, delete the item after line five and insert in lieu thereof the following:

" 'Sec. 413 Criminal forfeitures.

'Sec. 414 Investment of illicit drug profits.'.".

On page 165, line 22, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 166, delete line 1 and all that follows through line 6 on page 169, and insert in lieu thereof the following:

"SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

'(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

'(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

'(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

'(C) the compromise and payment of valid liens and mortgages against property that

has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

'(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

'(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

'(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

'(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

'(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

'(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

'(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

'(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

'(A) any criminal forfeiture proceeding;

'(B) any civil judicial forfeiture proceeding; or

'(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.'.".

8. Amendment to Title XII, Part A, "Prosecution of Certain Juveniles as Adults," relating to the use and confidentiality of juvenile records.

On page 378, delete line 12 through line 4 of page 379, and insert in lieu thereof the following:

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director or a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), or 955 or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications."

9. Amendment to title XI, S. 1762, relating to 18 U.S.C. 219.

On page 375, after line 15, insert a new Part J as follows:

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph:

"For the purpose of this section: "public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government, thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government or a juror.

10. Amendment to title VII, S. 1762, "Surplus Federal Property Amendments."

On page 301, at the end of line 2, insert "If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance."

11. Amendments to title VI, S. 1762, "Justice Assistance."

On page 253, after line 15, add the following:

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of Section 501."

On page 257, after line 2, add the following:

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds."

AMENDMENTS TO TITLE VI, JUSTICE ASSISTANCE

12. On page 250, line 9, insert after "ers;" the following:

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures; and improve court system management.";

On page 250, line 10, strike "(12)" and insert "(13)".

On page 257, strike lines 16 through 17 and insert in lieu thereof "within such State giving priority to those jurisdictions with greatest need.".

13. Amendment to Title II, S. 1762, "Sentencing Reform," relating to the collection of criminal fines.

On page 40, between lines 19 and 20, insert the following:

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 42, between lines 9 and 10 insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 49, line 13, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 50, strike out lines 16 through 20 and insert in lieu thereof the following:

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

On page 51, between lines 9 and 10, insert the following:

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

On page 51, strike out line 12 through line 9 on page 52 and insert in lieu thereof the following:

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 63, line 18, strike out "and".

On page 63, between lines 18 and 19, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 63, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 67, after line 12, strike the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.

"3614. Resentencing upon failure to pay a fine.

"3615. Criminal default.

On page 68, strike out lines 2 through 19 and insert in lieu thereof the following:

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 68, line 20, strike out "(b)" and insert in lieu thereof "(c)".

On page 68, after line 26, add the following:

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572 (i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3572 (j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

On page 69, strike out line 1 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine

On page 71, after line 23 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

On page 79, line 2, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 133, line 10, strike "and".

On page 134, line 12, strike the period, and insert in lieu thereof "and".

On page 134, after line 12, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 138, between lines 15 and 16, insert the following:

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organizaiton, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 13 working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323 (f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323 (f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(B) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) Liability to pay a fine expires.—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed an ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed.".

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

14. Amendment to Title X, Part B, S. 1762, "Solicitation to Commit a Crime of Violence."

On page 320, line 3, delete "crime of violence" and insert in lieu thereof "felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another".

15. Amendment to Title VI, S. 1762, "Justice Assistance," relating to rural crime.

On page 236, line 23, delete "successful." and insert in lieu thereof "successful;".

On page 236, after line 23, insert the following:

"(6) developing improved strategies for rural areas to better utilize their dispersed resources in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention."

On page 245, line 13, delete "rural crime," after "quents,".

On page 250, line 9, insert the following:

"(12) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;".

On page 250, line 10, delete "(12)" and insert in lieu thereof "(13)".

On page 291, line 3, after "criminals." insert "In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government.".

16. Amendment relating to the status of Puerto Rico in the Justice Assistance part of S. 1762 (Title VI).

On page 262, line 24, delete "3" and insert in lieu thereof "one and one-half".

On page 262, line 25, delete "the Commonwealth of Puerto Rico,".

On page 263, line 4, delete "97" and insert in lieu thereof "ninety-eight and one-half".

On page 264, line 17, delete "the Commonwealth of Puerto Rico,".

17. Amendment to Title VI, S. 1762, "Justice Assistance."

On page 300, between lines 7 and 8, insert the following:

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to:

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

Mr. THURMOND. Mr. President, these two groups of amendments appeared in the CONGRESSIONAL RECORD on January 26. Explanations of the amendments also appeared in that issue of the RECORD. With two exceptions, each of these groups is identical to amendments No. 2436 and No. 2481 which appeared with explanations in the RECORD on October 26 and November 2 of last year.

In amendment No. 2346, the October 26 RECORD had inadvertently deleted the proposal for a comprehensive prison contraband statute that is intended to replace the provisions at pages 373 and 374 of S. 1762. Amendment No. 2678 corrects this error by setting forth the comprehensive proposal.

Second, amendment No. 2679 includes a further refinement of the proposed Department of Justice forfeiture fund and includes also a set of amendments to forfeiture by Senator D'AMATO. Apart from these two changes, the amendments are the same as those printed and explained in the RECORD last year.

These two groups of amendments consist of corrections and clarifications suggested by those who have studied S. 1762 and also of substantive proposals by more than 10 Senators. All of the amendments have been accepted by the managers of the bill.

The first package includes mostly technical amendments. It also contains substantive amendments regarding prison contraband, the witness security program, and the establishment of extraterritorial criminal jurisdiction in cases where no other nation has jurisdiction.

The second package contains two technical amendments. The remaining 15 parts are amendments proposed by Senators COCHRAN, D'AMATO, DENTON, GLENN, DOLE, LEAHY, PERCY, and SPECTER. These amendments are considered noncontroversial by the managers of the bill, and I urge their approval.

● Mr. D'AMATO. Mr. President, I urge that these amendments to the Comprehensive Crime Control Act be passed by unanimous consent. Over the recess, I worked with the Department of Justice and the Judiciary Committee to fashion three provisions relating to civil and criminal forfeiture now contained in this amendment to the crime package. I thank the very distinguished chairmen of the Judiciary Committee and the Criminal Law Subcommittee for their support and acknowledgment of my efforts. I also wish to express my appreciation to the distinguished ranking minority member of the Judiciary Committee for his acceptance of these amendments.

I refer my colleagues to the CONGRESSIONAL RECORD of January 26, 1984, for a full discussion of these provisions, which go to the heart of today's crime and drug abuse epidemics. By denying drug kinpins of the profits and proceeds of their drug transactions, we will deprive them of their enormous profits and, in turn, increase the funds available to wage a meaningful and effective war on crime.

Following the lead of the Supreme Court in Russello against United States, my provisions amend the drug laws to empower the Justice Department to seize the broadest possible range of profits and property controlled by drug traffickers. It is my hope that these amendments will enable the Justice Department to pierce the veil that drug dealers now raise to avoid forfeiture. Under current law, a drug dealer who places property he acquires through illicit drug trafficking in the name of friends or relatives can easily avoid forfeiture. The time has come for us to destroy this particular defense of the drug czars. My amendment will assist in this effort.

I have also reviewed with the Justice Department the need for a reform of our civil forfeiture venue rules. My amendment replaces the current requirement of a separate action in each judicial district where forfeitable property is found. The current rule has led to a mutiplicity of lawsuits that has, in turn, caused an unmanageable backlog of civil forfeiture cases and reduced dramatically the effectiveness of civil forfeiture as a weapon against drug traffickers. I propose, therefore, to permit a single civil forfeiture action in the district where the defendant is found or is being prosecuted.

Finally, my legislation creates a new Federal offense of reinvesting the proceeds of even a single felony drug violation. This new offense is punishable by imprisonment of up to 10 years or fine of up to $50,000, or both. This will enable law enforcement agencies to secure longer prison terms for all drug law violators, not just those convicted under RICO.

By depriving drug kingpins of their vast estates, planes, boats, cars, and bank accounts, we can deprive them of everything they truly value. In doing so, we can cripple their ability to run their empires. We also can reduce their ability to corrupt public officials and infiltrate legitimate businesses. An effective forfeiture system will provide law enforcement agencies with sizable transfusions of money and equipment to wage war on crime. Boats and planes used to smuggle heroin can instead be used to pursue and arrest the drug smugglers. The enormous profits from the $80-billion-a-year illegal drug industry can be used to hire the agents needed to break the drug rings.

Mr. President, these amendments are an important first step in building such a system. By passing them today, the Senate will be signaling that, at long last, it is ready to substitute action for rhetoric in waging war on crime. I urge my colleagues to adopt these amendments by unanimous consent.●

Mr. BIDEN. Mr. President, the chairman has set this out very clearly. These amendments are not controversial. They do enhance the bill and I urge their adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendments.

The amendments (No. 2678 and No. 2679) were agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are off to a pretty good start here. This piece of legislation is not only fairly comprehensive and broad but it has been, up to now, very controversial. I would like to once again, as I did on Friday, compliment the chairman of the committee, Senator THURMOND, for the way in which he has pursued this Comprehensive Crime Control Act of 1983. We had the Comprehensive Crime Control Act of 1982 which we had passed. We had one of a similar nature in 1981. We have been attempting to do a number of these things in a bipartisan fashion for a number of years.

In 1980 when Senator THURMOND became chairman of the full commit-

tee and I became the ranking member of the committee, I approached Senator THURMOND about the prospect of us maybe being able to do this in a little different way than it has been done in the past. That is for us to basically agree on what we agreed on and agree on what we disagreed on and move forward with the parts on which we agreed.

That sounds like a simple, very commonsense approach. But in light of the way the body has acted in the past, it turned out to be fairly novel. It has taken a couple of years for the rest of our colleagues to be of a state of mind to be willing to go along with this approach. I hope this fast start we are off to is a consequence of the leaders, the majority leader, and the minority leader, putting this matter high on the agenda, considering all the things we must deal with in this Congress. I hope this fast start is an indication that we will have a quick finish. I hope we will move forward on all aspects of this bill including sentence reform, forfeiture, insanity, drug enforcement amendments, drug assistance acts, labor racketeering amendments, foreign currency transaction, violent crime amendments, serious nonviolent crime amendments, and various procedural amendments, some of which are controversial and we have already moved on them.

Some of the people know of my deep interest from the time this bill was originally drafted and know of my deep interest now in establishing the Cabinet-level drug officer. They will observe that is not part of this package. That in no way indicates that I have lost my feeling that that is one of the most important things we can do. But in the interest of comity and in the interest of legislative activity and action on a very important piece of legislation, I, like Senator THURMOND, put aside some of the things which were very controversial, this being one of them. The President does not like the idea very much of a drug coordinator of the nature that I propose, and we dropped it from this bill.

I want to be fair to my colleagues and anyone who bothers to read the RECORD. It is my intention to pursue this matter in a separate piece of legislation just as we, myself and other of my colleagues, have agreed to pursue their interests, whether it be the death penalty or the exclusionary rule, or whatever it may be. In the interest of moving against what is one of the most pernicious elements of our society, the criminal element, I believe it is urgent that we provide our judicial system and our police officers with a greater capability to deal with what is a real life problem in our society. The Comprehensive Crime Act of 1983 goes a long way in doing that.

We are not going to eradicate crime with this bill. We are not going to see to it that all Americans are now safe in their homes and on the streets with the passage of the bill. But what we do, assuming this bill will be passed, and I have every hope it will be, and that the House will act on it, will pass it, and the President will sign it, assuming it becomes law of the land I can assure my colleagues that it will, in fact, aid in diminishing the incidences of violent crime, drug abuse and abuse of the criminal justice system.

Merely because it does not eradicate crime does not mean that it is not very important. It is very important. We at the Federal level and at all levels of Government, I would argue, in the last 15 years have had the great tendency to overpromise. The public is somewhat skeptical about major pieces of anticrime legislation passed by the Congress or by their State legislatures or proposed by their Governors or Presidents because they have heard it before. They hear about waging wars on crime, eradicating crime in our lifetime, and all those kinds of things, which they are smart enough to know is not realistic unless you can figure out a way to change human nature.

I am not sure we can do that. If we can, I am not sure we want to change human nature too fundamentally.

So, Mr. President, without overstating the importance of it, it is not incorrect to say that this, if passed, will be the single most significant piece of anticrime legislation that has passed in the 11 years I have been a U.S. Senator. It will be the most significant piece of anticrime legislation passed since the late sixties, in my view.

Although it passed in even slightly stronger form in the last Congress, that was vetoed, for reasons I shall not go into now. I am hopeful that, with some of the changes that have been made and the willingness of some like myself to delete from this package certain provisions—in my case, the establishment of a cabinet-level drug officer—that will encourage the President when this is passed to sign this bill into law assuming we can get it through the House of Representatives. I am not inclined to put the cart too much before the horse here. We have a long way to go. I hope my colleagues will reflect upon several points. Then I shall yield the floor.

The first is that the vast majority, if not everything that is in this bill, was overwhelmingly passed by the U.S. Senate in the last Congress in the so-called Thurmond-Biden crime bill; almost every piece of this legislation has had the imprimatur of the Senate in an overwhelming manner. It was not even close.

Do not be confused or diverted by staff members who may want to impress you with the fact that they have read it all and write you new memos. Just go back and get the old memos. You have already voted for this. I hope we are not going to spend a lot of time debating what we have already debated and voting on what we have already overwhelmingly voted for. That is not in any way to attempt to inhibit the debate. People will speak on this. It is to try to put this into perspective.

I see the distinguished senior Senator from West Virginia on his feet. I am always anxious to hear what he has to say about matters. I shall yield the floor in just a moment.

Let me conclude by saying that the more rapidly we can dispose of this measure in the U.S. Senate, the more rapidly we can send it to the House of Representatives. The one thing the chairman of this committee and I do not want to see happen is to have the clock beat us. We do not mind being beaten on the merits on occasion, though we do not like that. We do not mind, although we understand political realities, that when it goes to the other body, they may, for some reason exceeding the four corners of the document, decide they do not like the legislation. We can cope with that. The one thing we would like to have happen and the reason we are so glad the leadership has followed through with Senator THURMOND's request that this be right up on the front of the agenda when we got back, is that we get this bill over there as rapidly as we can so we can have the debate begin to take place over there and put as much pressure and enlightenment, if you will, on House Members as we can to consider this legislation.

With that, Mr. President, while we are waiting for other Senators who may wish to speak on this bill, I yield the floor.

(Mr. COHEN assumed the chair.)

Mr. THURMOND. Mr. President, I just want to say that the distinguished ranking member of the committee (Mr. BIDEN) and I have worked on this package a great deal. We have eliminated what we think are controversial provisions of the package as it came from the Justice Department. We have those in separate bills which will follow this package. He and I may not agree on all of those but on this package we are agreed, the committee has agreed—I do not know of anyone who is opposed to this package except, I understand, the distinguished Senator from Maryland (Mr. MATHIAS), who has some amendments he wants to offer to the package. We hope we can get through this package and pass this bill today, if possible.

Mr. President, the distinguished Senator from West Virginia desires to make a few remarks on the birthday of Franklin Roosevelt, which is today. I yield to him at this time.

Mr. RANDOLPH. Mr. President, I am grateful for the opportunity to

speak at this time while we are considering the Comprehensive Crime Control Act of 1983.

In speeches and articles, I have often used the phrase "there should be no closed season on criminals." In other words, if you are hunting birds in South Carolina or Delaware, or deer, perhaps, in West Virginia, there is an open season when you hunt. There is the closed season when you do not hunt. The words, "no closed season on criminals," is meant to indicate what the two Senators now in charge of this measure would, I am sure, want to indicate. That is that criminals must be hunted down at all seasons of the year. I believe that is the intent, at least in the overall, of the strengthening of our Criminal Code in connection with the pending measure. I commend the Senator from South Carolina (Mr. THURMOND) and the Senator from Delaware (Mr. BIDEN) for their diligent work in bringing this vital bill to the Senate.

IN MEMORY OF FRANKLIN D. ROOSEVELT

Mr. RANDOLPH. Mr. President, 102 years ago today, Franklin Delano Roosevelt was born in Hyde Park, in the State of New York. Think with me of Franklin Roosevelt, as our leader who shaped and shared a period of American history underscored by the Great Depression and World War II.

I was on this Hill, with Mary, my wife, on the 4th of March, 1933 when he urged faith and the abandment of fear.

In that time, as my colleagues, Senator THURMOND and Senator BIDEN, know, that Representatives took their oath of office on March 9.

On that date we passed without a dissenting vote in the House, the emergency banking bill. In the Senate the vote was 73 for and 7 against. We were a Congress of units.

I was a participant in those dark first 100 days of the initial administration of Franklin Roosevelt. I continue to recall the day when he went away from us by his death in Warm Springs, Ga. I was in Lima, Ohio, having flown from Washington to Dayton and had then been driven to that city for a speech at the annual chamber of commerce dinner. I went to the hotel, had a shower and laid down for a rest before the dinner. In 10 or 15 minutes, the telephone rang, and Miss Marie Lantz, my secretary, was calling me from Washington. She had difficulty in speaking. I could understand that she was crying. She said:

Our President has died, and I'm crying.

I replied:

Marie, the people of this country, I am sure, are crying too.

Our President had died. He left his imprint for better humanity in this Republic as a legacy. He was a Chief Executive who had a rapport with, and the understanding of, people, even those who opposed the policies and issues which he and the Congress brought into being.

Yes, this peerless leader, was born on January 30, 1882. This is 1984, more than a century later. F.D.R. was the 32d President of the United States. Between and including the Presidencies of George Washington and Ronald Reagan we have had 40 Chief Executives in the White House. He served three complete terms. He was elected in 1932. He was reelected in 1936. He was again reelected in 1940. And then he was chosen in 1944.

My colleagues, Franklin Roosevelt was a leader who believed in the mission that he championed during 11 years, 3 months, and 12 days as the Chief Executive of the United States of America. He was an achiever. He was a humanitarian. He was a man of bold ideas.

He demonstrated in the position he held in the Federal Government before he came here as President and in his governorship of New York the quality of brilliance, that character of leadership which was to benefit, long after he had died, humankind not only of this Republic but throughout the world. His substance, vision, and compassion for the common people will continue to benefit Americans for generations yet to be.

COMPREHENSIVE CRIME CONTROL ACT

(The Senate continued with the consideration of the bill.)

AMENDMENT NO. 2680

(Purpose: To Establish the Crime Victim's Assistance Fund)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 2680.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 387, after line 24, add the following:

PART I—CRIME VICTIM'S ASSISTANCE FUND

SEC. 1210. (a) Part II of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 239—CRIME VICTIM'S ASSISTANCE FUND

"Sec.
"3801. Establishment of the Crime Victim's Assistance Fund.
"3802. Distribution of fund to State programs.
"3803. Distribution of fund to victim and witness assistance programs.
"3804. Return of funds to Treasury; report to Congress.

"§ 3801. Establishment of Crime Victim's Assistance Fund

"(a) There is established in the Treasury of the United States a revolving fund, to be administered by the Attorney General and to be known as the Crime Victim's Assistance Fund. The fund shall be the depository of—

"(1) fines paid by all individuals convicted of Federal offenses in the amount of—

"(A) $10 to $100 for each misdemeanor and $25 to $500 for each felony; and

"(B)(i) an additional surcharge of up to 100 per centum on all Federal fines paid in the courts of the United States; or

"(ii) double any gain by the defendant or loss by the victim in any case where the fine authorized by clause (i) is less than the gain realized by the defendant or the harm suffered by the victim; and

"(2) all forfeitures with the exception of those required by Federal law enforcement agencies.

In imposing a fine under clause (1)(B)(ii) the court shall consider the ability of the defendant to pay. In any case where a fine is not imposed under this section or any other provision of law the court shall state for the record the reasons a fine was not imposed.

"(b)(1) If a fine is imposed under this section or any other provision of law, the sentencing court shall promptly certify to the Attorney General—

"(A) the name of the person fined;

"(B) his last known address;

"(C) the docket number of the case;

"(D) the amount of the fine imposed;

"(E) the time and method of payment specified by the court;

"(F) the nature of any modification or remission of the fine; and

"(G) the amount of the fine that is due and unpaid.

The court shall thereafter promptly certify to the Attorney General the amount of any subsequent payment that the court may receive with respect to, and the nature of any subsequent remission or modification of, a fine concerning which certification has previously been issued.

(2) The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in paragraph (1).

"(c)(1) A fine imposed pursuant to the provisions of this section or any other provision of law is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of paragraph (2).

"(2) A lien becomes unenforceable and liability to pay a fine expires—

"(A) twenty years after the entry of the judgment; or

"(B) upon the death of the individual fined.

The period set forth in clause (A) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in clause (A) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant

to section 6503(b), 6503(c), 6503(f), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(g), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(3) The provisions of sections 6323, other than subsection (f)(4), 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a), 7506, 7508, 7602 through 7605, 7622, 7701, 7805, and 7810 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a), 7506, 7508, 7602 through 7605, 7609, 7610, 7622, 7701, 7805, and 7810), and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by paragraph (1) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(4) A notice of the lien imposed by paragraph (1) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by paragraph (3).

"§ 3802. Distribution of fund to State programs

"(a) Fifty per centum of the funds in the fund established by section 3801 shall be distributed to qualifying State crime victim's assistance funds by the Attorney General.

"(b)(1) In order to qualify for funds under this section, a State shall establish a crime victim's assistance fund to distribute such funds. Such State fund shall provide—

"(A) compensation to all victims of crime within such State; and

"(B) psychological counseling to any crime victim who needs such counseling.

"(2) No State shall receive funds under this section until the crime victim's assistance fund of such State has been operational for a year.

"(c)(1) A State shall receive funds under this section on an annual basis based on the percentage of total compensation awards made by the crime victim's assistance fund of such State during the previous year. No State shall receive more than 10 per centum of total amounts awarded in the previous year from the Crime Victim's Assistance Fund.

"(2) The victim of a crime of exclusive Federal jurisdiction may apply to the convenient State for compensation. States shall be reimbursed dollar for dollar plus actual administrative costs not to exceed 25 per centum of the award for any award made to the victim of a crime of exclusive Federal jurisdiction. Awards made under this paragraph shall be excluded from the 10 per centum cap provided in paragraph (1).

"§ 3803. Distribution of fund to victim and witness assistance programs

"Fifty per centum of the funds collected by the Crime Victim's Assistance Fund shall be used to support victims and witness assistance programs. Fifty per centum of such funds shall be distributed at the discretion of the Attorney General to support Federal activities including—

"(1) training of law enforcement officials;

"(2) technical assistance to States for purpose of this chapter;

"(3) supporting ongoing or established new Federal witness and victims assistance programs;

"(4) improving facilities for victims and witnesses;

"(5) establishing a victim's advocate in the Department of Justice; and

"(6) administration of Crime Victim's Assistance Fund.

§ 3804. Return of funds to Treasury; report to Congress

"(a) Any funds deposited into the Crime Victim's Assistance Fund during a fiscal year not paid out during such fiscal year shall be returned to the general fund of the Treasury of the United States.

"(b) The Attorney General shall report to the Congress three years after the date of enactment of this chapter concerning the effectiveness of this chapter and any necessary modifications or other legislative action.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding the following new item:

"239. Crime Victim's Assistance Fund ..... 3801".

Mr. HEINZ. Mr. President, the Special Committee on Aging, which I am privileged to chair, has over the past several years conducted numerous hearings on how older Americans are victimized by crime and how this criminal victimization of the elderly is often more devastating to them emotionally and financially than younger crime victims. One result of the interest in this issue generated by our committee was the establishment of the Attorney General's task force on violent crime in 1981. That task force reported later in that year, and its report included recommendations on how we should improve our treatment of the victims and witnesses of crime. After all, the victim of crime is usually the principal witness whose willing and informed testimony is absolutely essential to the successful conclusion of any criminal case.

One result of the task force's recommendations was that Senator PAUL LAXALT and I introduced the Heinz-Laxalt Omnibus Victim Protection Act of 1982 which was passed by the Congress and signed into law by President Reagan on October 13, 1982. That bill subsequently became Public Law 92-271. It represents the first Federal legislation to address the problems of victims and witnesses.

Subsequently, the President's task force on victims of crime, created in 1982, concluded that the treatment of victims by our criminal justice system has been careless and shameful. In the words of the task force:

Innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds—personal, emotional, and financial—have gone unattended.

This task force recommended that Congress enact legislation to provide Federal funding to assist State crime victim compensation programs and victim witness assistance agencies.

In order to implement these task force recommendations, I, along with my distinguished colleague from Iowa, Senator GRASSLEY, introduced on March 8, 1983, legislation, S. 704, the Federal Crime Victim Compensation Act. I think it is worth noting that 39 States and the District of Columbia currently have crime victim compensation programs, virtually all of which are experiencing financial problems.

The Comprehensive Crime Control Act of 1983, the legislation that is before us, does not address the victim compensation issue. Therefore, the amendment that I have sent to the desk is an amendment that is, for all intents and purposes, the same as the bill that Senator GRASSLEY and I introduced earlier, namely S. 704.

What the legislation does, in short, for those of our colleagues who are not familiar with it, would be to provide Federal funds to State victim compensation programs and support State and Federal victims-witness assistance programs. It does so, however, without any increase in the Federal budget deficit because it would not require any appropriation of Federal funds. In fact, the funding elements would generate funds sufficient to accomplish the purposes of the act and a potentially significant surplus.

As observers of this legislation probably already know, the changes called for by this legislation are thoroughly consistent with the recommendations of the President's Task Force on Victims of Crime.

Since most people like to know how much this means in dollars, let me take a moment to review the economics of the bill.

Based on the experience of 36 States with existing compensation programs and the 1981 crime statistics, our estimate is that a total of $30 million—not billion—will be required for victim compensation during 1984. That is an extraordinarily modest amount.

However, the fact is that we are talking about State awards that currently range anywhere from $500 in emergency funds to perhaps $50,000 in maximum benefits. State programs received 34,586 claims in fiscal 1981. More than 17,000 awards were made totaling about $49 million.

The average award was about $2,900.

The funding elements I have referred to above would generate a minimum of $45 million to support and extend these efforts and for victims and witnesses assistance programs. They have the potential of generating

more than $125 million for these purposes.

Mr. President, for those who have followed the mathematics, I think it should be clear that we are not talking about the Federal Government paying all the costs of these programs. What we are talking about is the Federal Government supplementing the revenues that already exist to fund existing programs. That requirement, to the best of our ability to estimate it, would come to about $30 million a year.

Funding would be through several mechanisms inducting a specific one-time compensation fee authorized for all Federal crimes. What would happen is that the courts would be authorized to levy fees from $10 to $100 for misdemeanors and $25 to $100 for felonies.

Based on our review of 1981 statistics, that would generate up to $10 million in new revenue. There would also be an authorization for courts to order up to a 100-percent surcharge on all Federal fines depending on the criminal's ability to pay, over and above the 93 million that was ordered last year.

This surcharge would be directed to the crime victims assistance fund. We also anticipate that the provisions of the legislation designed to improve collection of fines and direct forfeiture successes, to the fund would result in substantial revenues.

That is a brief description of how the money would be obtained. But I would be remiss if, in reviewing this legislation, I did not share with my colleagues one of the many real-life case histories which underlines our belief in the critical nature of this legislation.

In September 1981, the Senate Committee on Aging held a hearing on older Americans and their fear of crime. One of the witnesses at that hearing was Mrs. Harriet Cunningham of Chester, Pa., one of my constituents.

Mrs. Cunningham was 77 years old at that time. She was a victim of a robber who snatched her shoulder bag and threw her to the ground. As a result of her fall, her shoulder blade and upper arm were shattered. Mrs. Cunningham's assailant was caught and convicted. He received a sentence of 2 to 4 years of incarceration, did his time, and was released.

One might say he paid his debt to society and was allowed thereafter to get on with his life. But what about Mrs. Cunningham? What about his debt to her?

Well, in December 1982, Mrs. Cunningham died. Pat Johnstone, the director of the senior safety project of Delaware County, Pa., informed me that the robbery and its repercussions were substantial contributing factors to Mrs. Cunningham's death.

Mrs. Cunningham never knew a day free from pain after her assault. She had extensive surgery on her shoulder. She was hospitalized for 49 days and had outpatient therapy twice a week for more than 11 months. She was treated by several doctors but never regained the use of her hand. Because of the cost of these medical procedures, she had to give up her house and relocate.

Mrs. Cunningham had an enormous number of medical bills. She is 1 of the more than 40 million Americans who are victimized each year. She is one of the many whose lives are shattered and fundamentally altered by random acts of violence and other crimes.

Do you know how much restitution went to Mrs. Cunningham? The attacker was ordered to pay restitution in the grand total of $126. Mr. President, that is the right number—$126.

Perhaps the court was correct in judging this to be reasonable, based on the criminal's ability to pay. I do not know all of the facts. But this sum does not begin to reflect the financial impact of this crime on this Mrs. Cunningham or the other millions of Mrs. Cunninghams in this country each year. Her medical bills alone were 100 times greater than the restitution ordered. They were more than $12,000.

Mr. President, I wish I could say that Mrs. Cunningham's story was an isolated instance, but this was not an isolated instance. There are thousands upon thousands of Americans who are running up huge medical bills and whose lives are being ruined by virtue of their status as victims. They do not chose that status. For reasons that are best understood by those most familiar with the intricacies of our criminal justice system, we are making a totally insufficient attempt to address these problems. We are not asking the Federal Government to compensate these victims for pain and suffering, but just to compensate them to the extent of their real and out-of-pocket losses.

There is a lot more I could relate about the Cunningham case. There are more wrinkles to it. It is an even uglier story under the surface than on the surface. For those who are interested, I refer them to my remarks in the CONGRESSIONAL RECORD at pages S. 2293 and S. 2295 on March 8, 1983.

Suffice it to say, Mr. President, I was delighted when the President, in his state of the Union message, said that we have done plenty for defendants' rights; now it is time we did something about victims' rights. Amen, I say to that, Mr. President; right on.

I believe that our President, Ronald Reagan, needs our support on this issue; and I think it is time for the Senate to go on record as addressing this national concern.

Mr. BIDEN addressed the Chair.

Mr. HEINZ. May I be among the first to congratuate the Senator from Delaware on his new-found allegiance to this side of the aisle.

Mr. BIDEN. Mr. President, I am going to be proud. I am going to oppose the Senator's amendment, and I am only kidding.

Mr. HEINZ. Would the Senator please return to the other side of the aisle.

Mr. BIDEN. I am only kidding.

Actually, I am speaking on behalf of Senator THURMOND who just walked into the Chamber. I yield the floor to Senator THURMOND.

Mr. THURMOND. Mr. President, in response to the able Senator from Pennsylvania, I understand he has introduced a bill on victim compensation that has been referred to the Subcommittee on Criminal Law. I am also informed that the administration is now considering this matter and may have a proposal shortly.

The distinguished chairman of the Criminal Law Subcommittee of the Judiciary Committee has indicated he will hold hearings on victim compensation. I think consideration of this matter in an independent bill would be the best way to approach it. We have tried to limit this package to noncontroversial questions, and victim compensation is a controversial matter; therefore, I feel it should be retained in a separate bill.

If that is agreeable to the distinguished Senator from Pennsylvania, we will handle it that way.

Mr. HEINZ. Mr. President, may I respond to my good friend from South Carolina. I support the notion that this legislation should contain only matters on which there is general agreement. We do not want to attract a filibuster because there is an amendment that might slow down the legislative process.

So I am amenable to the Senator's suggestion, but I inquire of my good friend from South Carolina, the distinguished chairman of the Judiciary Committee, what he anticipates might be his schedule for bringing Senator GRASSLEY's and my bill to the Senate floor or acting on some similar piece of legislation. Although there are four relatively controversial individual bills following this crime bill, a victim compensation bill is not one of them. Does the Senator from South Carolina have a timeframe in mind?

Mr. THURMOND. Mr. President, after the subcommittee acts, I will be pleased to bring whatever bill they have acted on favorably to the Senate.

Mr. HEINZ. If the chairman will yield further, does he have any idea at this point whether the subcommittee has scheduled hearings?

Mr. THURMOND. The session has just begun, of course, and I have not talked to the chairman of the subcom-

mittee on this particular matter, but I know he is aggressively going after these bills that are before his subcommittee and I wanted him to do that. So within a reasonable time I am sure that he will do so.

Mr. HEINZ. The chairman of the subcommittee is Senator LAXALT, is that correct?

Mr. THURMOND. Senator LAXALT.

Mr. HEINZ. I had the distinct pleasure and great privilege of working with Senator LAXALT on a related piece of legislation, as the Senator will recall, 2 years ago. He is a total gentleman and I would anticipate that he would move ahead on this. I hope to the extent that there is a busy schedule in the Judiciary Committee, and listening to our majority leader the other day I got the impression that the Judiciary Committee was going to be carrying a lot of water this spring, some of it up and some of it downhill, the chairman can facilitate any effort by Senator LAXALT to hold hearings or generally move ahead with this legislation.

With that understanding, I would not persist in offering my amendment, and I will withdraw it.

Mr. THURMOND. Mr. President, I wish to commend the Senator from Pennsylvania. I think really that is the proper way to proceed on this particular matter.

I wish to inquire of the Senator one question about this legislation. Does the Senator have in mind Federal compensation for crimes against Federal law or did he have in mind Federal compensation for all crimes committed under State jurisdiction or local jurisdiction.

Mr. HEINZ. The answer is that the principal benefit of the legislation would be to help fund a portion of the costs of existing State victim assistance programs. Those programs, for reasons that are very difficult for most of us to understand, are woefully underfunded. It is this Senator's intention not to replace them with a Federal program, but to supplement them and to do so for only as long as it takes for the States to emulate the funding mechanisms that we would use in order to assist them. That is, we would levy, in effect, a series of fines or charges on convicted defendants.

The purpose would be to encourage the States to do more in that regard and to pursue restitution a good deal more aggressively than they now do so that they can take over the funding by assuming the same funding streams that we would create by fines and levies on convicted criminals for this purpose.

Mr. THURMOND. Mr. President, a good many States now have legislation of this nature to compensate victims, and it is generally considered that if it is a crime within the State jurisdiction the State should assume that responsibility, and there might be serious constitutional questions arise if the Federal Government attempted to take over that field.

If the Senator would confine his legislation, and I just suggest this for his consideration, to Federal jurisdiction for Federal crimes, I think it would stand a much better chance to go through and encourage the States to do likewise. If we once pass a Federal law on a subject, frequently the Federal law is a model for the States or encourages the States to act.

But I can foresee that if he pursues it otherwise, to make the Federal Government responsible for victims of all crimes committed in all the States and all the local jurisdictions, that would be a tremendous burden on the Federal Government and would take tremendous amounts of money from the Federal Treasury and then, further, I think the matter of the constitutional jurisdiction would arise which would be a serious question, also.

So, I just thought I would suggest to the Senator that he may want to consider that approach.

Mr. HEINZ. Mr. President, will the Senator yield further?

Mr. THURMOND. I yield.

Mr. HEINZ. I listened with care to the excellent suggestions of my friend, the chairman of the Judiciary Committee, whose wisdom is quite considerable, indeed perhaps unsurpassed in these matters.

Let me just state, so that the record is clear on this point, that this legislation does not set up any program at the State level. It would permit States to seek funding in addition to the funding that they have or that they will create for a victim compensation program. It does not mandate that any State do anything, and on those grounds I think the Senator from South Carolina would find it constitutional.

He might have some objection. I do not know and I do not say he does. But he might have some objection to there being any additional Federal role in this beyond the one he suggests, which is that the Federal Government undertake a victim compensation program solely for Federal crimes. That certainly is a valuable and worthwhile action that we could take.

But I would only add that there are relatively few Federal crimes of violence that would really involve any substantial need for victim compensation. Most of our Federal crimes, other than possibly interstate bank robberies, involve white-collar crimes, such as antitrust, where there is no identifiable individual victim.

I have listened carefully, indeed, to what the Senator from South Carolina, the distinguished chairman of the Judiciary Committee, has said. I would like to take the opportunity, at the appropriate time, if he will so permit me, to work with him, Senator LAXALT, and members of his committee, to draft and develop committeewide support for legislation that goes beyond the notion of solely a Federal victims compensation program for the victims of Federal crimes.

Mr. THURMOND. I thank the Senator from Pennsylvania very much.

Mr. HEINZ. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator's amendment is withdrawn.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Pennsylvania.

Mr. President, the bill is open to further amendment. If any Senator has any amendment, I suggest he come forward right away, as we expect to proceed with this bill.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. THURMOND. I was just waiting a minute to see if anybody had any amendment.

Mr. President, we will ask for a quorum for a few minutes and then we expect to go forward. I hope that the word would get out to Senators that, if any of them have any amendment, now is the time to come forward. The majority leader does not want a delay on this bill, and we expect to go forward with it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, in this last year, we have all been heartened by reports that the violent crime rate has diminished slightly. This slight drop in the violent crime rate must be read, however, in a larger context. In 1971, Americans could expect a murder to occur somewhere in the United States every 30 minutes, according to FBI statistics. The same figures showed a rape occurring every 13 minutes and a violent crime every 29 seconds; 10 years later the same FBI survey showed a murder occurring every 23 minutes, a rape every 6 minutes, and a violent crime every 24 seconds. The slight declines in violent crime rates witnessed this last year can hardly be compared to the enormous increases in violent crimes that occurred in the prior decade. S. 1762 will be a welcome tool to combat this tragic American epidemic.

A 1981 Justice Department study revealed that 25 million American households—30 percent of the total—were victims of crime in the prior year.

U.S. families are more apt to have a member fall victim to a serious crime like rape or aggravated assault than to have a member injured in a car accident, and are more apt to have a member robbed than stricken by cancer or heart disease, the Nation's leading health problems. Needless to say, any amount of crime would be a tragedy for the victims, but a tragedy of this proportion cries out for the remedies provided by this legislation.

Mr. President, in that regard, I really want to compliment the members of the Judiciary Committee, and particularly Senators THURMOND and LAXALT, for the work they have done on this particular piece of legislation.

Mr. President, I am extremely pleased to be able to cosponsor the Violent Crime and Drug Enforcement Improvements Act of 1982. It has been a privilege to have worked with Senator THURMOND, Senator BIDEN, and Senator LAXALT in developing this legislation. In addition, there are a large number of Senators on both sides of the aisle who have been instrumental in the development of individual provisions of this measure. The provisions in this omnibus legislation are taken from several primary sources: From provisions of the Criminal Code Reform Act of prior Congresses, from provisions of other legislative proposals that have been considered by the committee during this Congress or in recent Congresses, and from the recommendations of the Violent Crime Commission.

With this measure being placed directly on the Senate Calendar, I am looking forward to considering it in the near future. There is no legislation that I can recall that promises to do as much to curb the growth of violent crime in this country as the proposed measure. While I recognize the inherent limitations upon Federal criminal jurisdiction I am confident that the Violent Crime and Drug Enforcement Improvements Act will serve not only to improve Federal law enforcement efforts, but to provide encouragement to State and local authorities in the development of similar efforts.

While this measure standing on its own represents a major step toward enhancing Federal law enforcement efforts, there are a number of additional criminal law provisions that may be considered shortly, and which I would enthusiastically support—including the restoration of capital punishment, abolition or reform of the exclusionary rule, and reform of habeas corpus procedures.

Mr. President, there is no more important legislative effort than the immediate one in attempting to restore the respect of the American people for the Nation's criminal justice system. The time is long overdue that this body undertake the kinds of substantial reforms proposed in this legislation. I congratulate every Member of this body who has contributed to this measure, and those who have chosen to cosponsor it.

While S. 1762 does not represent a panacea for the problems that beset our criminal justice system, I do believe that it represents a significant first step toward restoring a proper balance between solicitude for the criminal elements in this country and solicitude for those who are preyed upon by these elements. It represents a significant first step toward restoring as the primary function of the criminal justice system the pursuit of truth rather than the present search for the perfect procedural trial. It represents a significant first step toward restoring the integrity and respect of the Federal criminal justice system, a system badly in need of such renewed integrity and respect.

Mr. President, I do not want to comment at length upon the specific provisions of S. 1762 now, with two exceptions. Suffice it to say that I have supported virtually every provision of this measure in the context of individual legislation that has been before the Judiciary Committee at one time or another in recent years. Virtually every provision in this measure has been the subject of careful and thorough scrutiny during this period.

BAIL REFORM

The problem of crime committed by individuals free on bail is a problem created by the current state of the law. When judges are only permitted to consider conditions of release to assure appearance at trial, a dangerous defendant, one likely to commit other crimes, is required to be released if he can demonstrate an excellent past record of responding to court summons.

Unfortunately the law permits this to happen all too often. For instance, a defendant was recently apprehended after two plainclothes policemen watched the suspect beat and rob an unsuspecting victim. At the time of his arrest, this defendant had four pending cases in the judicial system for charges of armed robbery—for which he had been arrested only 4 days prior to this last arrest—second degree burglary, grand larceny, receiving stolen property, and attempted unwarranted use of a vehicle. In another case, a 17-year-old was apprehended for the fatal shooting of a 68-year-old in the course of a robbery. This defendant had two armed robbery cases pending at the time of the killing. Finally, a defendant stabbed a man at a bar who refused to buy him a drink. This victim is still only barely clinging to life in a hospital intensive care unit. At the time of the crime, the defendant was on pretrial release for another charge of assault with intent to kill for another incident in the same bar under identical circumstances. In addition, he was under grand jury investigation for at least one other unprovoked stabbing.

I mention these actual cases so that we do not make the mistake of concentrating on statistics that fail to account for the human suffering involved in crime. These types of stories become even more alarming, however, when we realize that a study compiled last year in 12 jurisdictions around the country found that 16 percent of all defendants released pending trial were later arrested for other charges while on bail. Thirty percent of these were arrested more than once while on bail and the average number of arrests before trial was 1.4.

Title I of S. 1762 is a rewrite of the Bail Reform Act of 1966. The Subcommittee on the Constitution, provoked by some of the considerations mentioned above, held hearings and approved this language last Congress and again last year. During its consideration of this question, the subcommittee particularly explored the meaning of the eighth amendment in order to recommend to the Senate language which would address the national problem of crimes committed by persons free on bail without the slightest conflict with the letter or spirit of the Constitution. As chairman of the Constitution Subcommittee, I can confidently announce that title I of S. 1762 implements constitutional authority to resolve this crime problem. My remarks today are designed to assure the Senate that the Constitution fully authorizes these changes in our bail policy.

The primary change in current bail policy made by this title would allow Federal courts to consider community safety in setting pretrial conditions of release. This language expands the list of conditions which the court may impose upon a defendant to assure his appearance for trial. In the event that a judicial officer does not ascertain that these release conditions will assure the safety of the community or of other persons or that conditions will assure the defendant's appearance at trial, he may opt to detain the suspect pending trial. This title also permits temporary detention of individuals who are arrested while subject to some form of conditional release stemming from an earlier arrest. This will allow the authorities to notify the jurisdiction from which the arrestee has fled.

The current policy of the Bail Reform Act presents Federal judicial officers with a genuine dilemma. Without legal authority to deny bail on grounds of dangerousness, courts are in a dilemma. Many judges apparently resolve this difficulty by setting a financial condition of release that exceeds the defendant's ability to pay.

The Attorney General's Task Force on Violent Crime recognized this subrosa form of pretrial detention with the terse observation that "there is a widespread practice of detaining particularly dangerous defendants by the setting of high money bonds to assure appearance." In testimony before the Senate Judiciary Committee a few years after the enactment of the 1966 act, former Judge Tim Murphy of the District of Columbia Court of General Sessions explained the reasons judges may resort to high money bail:

An unreasonable law has the ultimate effect of forcing those who administer it to ignore it, calloused of the consequences, or else to make extreme rationalization in circumventing it; this applies to judges. You cannot expect judges to follow the letter of a law that requires them to turn many dangerous criminals loose day after day.

The ultimate irony of this situation is that the Bail Reform Act of 1966, enacted to protect individuals against detention "because of their financial inability to post bail," placed courts in the posture of regularly setting bail beyond a defendant's financial ability. By forbidding any weighing of the suspect's dangerousness, the statute, in continuing to rely on the category of "capital" offenses to describe the gravest crimes, despite the limitation over time of that category to virtually the sole offense of first degree murder, and in conjunction with the demographical factors undermining the classical surety system, had the unintended effect of making the detention of defendants on high money bail a "widespread practice."

To remedy this situation, the Chief Justice had stressed the need to provide for greater flexibility in our bail laws to permit judges to give adequate consideration to the issue of threats to community safety. His recommendation is joined by the American Bar Association Standards Relating to the Administration of Justice, the National Conference of Commissions on Uniform State Laws, and the National Association of District Attorneys.

Statutory provisions granting courts the discretion to weigh risk to community safety as a factor in pretrial release decisions, however, have been vaguely criticized as requiring judges to predict future behavior. Although this approach to the problem would involve the courts in weighing as a factor the potential for future behavior based on the defendant's past record, this is not an unusual burden for the courts. The Bail Reform Act itself allows a judge to examine the suspect's proclivity for future violence when determining bail in a capital case. Moreover, the same bail law requires the courts to predict the potential for flight by the defendant in all instances of pretrial release. When balancing protection of the public against the first amendment right to hold a mass demonstration, the courts also must weigh the potential for violence. Thus, projecting potentialities and tendencies in the interest of public safety is not beyond the capability of the courts.

When the court makes a determination about the likelihood of dangerous conduct between arrest and trial, it is not idly gazing into a nonexistent crystal ball, but instead examining a reliable record of past conduct. The current bail act, in effect, blacks out that aspect of the record most relevant to public safety, dangerousness of the defendant, and leaves the court to make its projection based solely on the risk that the suspect will not appear for trial. The current law does not prevent courts from predicting but only withdraws that part of the record that would make the forecast reliable.

SENTENCING REFORM

Of equal importance to the provisions of title I reforming our bail laws are the provisions of title II reforming our arbitrary sentencing laws. Mr. Edwin Meese, soon to be appointed to serve as the Attorney General of the United States, captured the problem with our current confusing sentencing structures in a few sentences:

Similar conduct is often treated with such gross disparity that the principle of equality before the law is entirely lost. The current discredited and unpredictable parole system should be replaced with a streamlined system that classifies offenses and sets a fixed sentence according to their severity. This would replace the current uncertainties with an assurance to both the public and the criminal that the penalty pronounced by the judge is actually going to be carried out. Meese, "Combatting the American Epidemic," Criminal Justice Reform (McGuigan and Rader, ed.) Regnery, 1983.

Under our current Federal Criminal Code, there are no standards or guidelines to inform a judge's sentencing discretion. There is no appellate review of sentences. For obvious reasons, judges often sentence convicted individuals to widely divergent penalties for the same offense. A repeat offender may avoid serving any time behind bars, while a first-time offender may serve a lengthy prison term for the same crime. Needless to say, this undermines public confidence in the penal system and encourages criminals to try to "beat the system."

For too long, sentencing laws have been structured around an outdated and discredited rehabilitation model. Thus, some are sentenced too leniently and others too harshly based on a judge's arbitrary decision that one criminal or another may be curable. Moreover, the parole board has been endowed with authority to release a prisoner ahead of schedule on the judgment that he has been cured.

Attorney General William French Smith concisely stated the objective of title I:

These provisions introduce a totally new and comprehensive sentencing system that is based on a coherent philosophy. They rely upon detailed guidelines for sentencing similarly situated offenders in order to provide for a greater certainty and uniformity in sentencing.

In short, the Attorney General and this legislation recognize that curability is totally unpredictable. Criminologists have been unable to find any standards that predict with certainty that a prisoner has been rehabilitated. This has been the cause of the disparities.

Under this legislation, certain guidelines for sentencing will be established. The kinds and lengths of sentences will be set by these guidelines. This will allow the public and the offender to know the severity or leniency of the sentence and the reasons for that particular sentence. A judge may depart from the determinate sentence only by specifically justifying his departure, a justification that can be reviewed on appeal. Since sentencing will take place in accord with stated and reviewable standards, there is no need for a parole commission to second-guess the judicial sentence.

This certainty in the law has long been lacking. This provision is one I have worked long and hard to see enacted alongside my colleagues Senator KENNEDY and Chairman THURMOND. This could well do more to restore public confidence in the criminal justice system than any other reform we might consider.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the distinguished Senator from Iowa has a statement to present.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank our distinguished chairman for yielding to me.

Mr. President, I share the belief of many of my colleagues that our Nation's crime problem is a matter of prime importance. Our society is increasingly plagued by a small group of career criminals who use our Nation's criminal laws and the Bill of Rights as another weapon in their arsenal against innocent Americans.

Because of this concern, I cannot express how pleased I am that the Senate is now taking up consideration

of the Comprehensive Crime Control Act, S. 1762. This bill is the result of a serious effort on the part of the Judiciary Committee to make measured changes in our Federal Criminal Code that will protect the rights of victims as well as criminals. In order to prevent this bill from being jeopardized by highly controversial provisions, those provisions, including one which I am the principal sponsor of, were taken out of the core bill.

I am aware that the time agreement also bars certain other issues from being brought as amendments to this bill which could jeopardize the bill's eventual passage and engender a Presidential veto. In this respect, we owe a great deal of gratitude to Chairman THURMOND, Senators BIDEN, LAXALT, and KENNEDY.

But if the past is prolog, this bill faces rough sledding, or no consideration at all, in the House. I want to stress to this body and any members of the House Judiciary Committee who hear or read these remarks that it is imperative that a crime control measure that the President can sign reach his desk in this Congress. The safety of our citizens is too important a matter to fall victim to election-year politics and our own pet bills.

Members of the Judiciary Committee have dropped some of their proposed amendments in order that a bill might be passed in this Congress. I know that Senator BIDEN is deeply concerned about the need to control the import of illegal drugs into this country, but he has agreed not to seek inclusion of a drug-czar provision in the crime package in this session. Senator MOYNIHAN has agreed not to include a teflon-bullets provision for this same reason.

But all of our efforts will be for nought if the House does not act in a responsible manner. Mr. President, I am honored to have authored several of the provisions of S. 1762, and am grateful for this opportunity to share with the Senate my concerns.

AMENDMENT NO. 2681

(Purpose: To amend title 18 to limit the insanity defense and to establish a verdict of not guilty only by reason of insanity)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 2681.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 177, strike out line 18 through line 24 on page 204 and insert in lieu thereof the following:

SEC. 401. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 20. Insanity defense

"(a) STATE OF MIND.—It shall be a defense to a prosecution under any Federal statute, that the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged. Mental disease or defect does not otherwise constitute a defense.

"(b) APPLICATION OF THIS SECTION.—This section applies to prosecutions under any Act of Congress other than—

"(1) an Act of Congress applicable exclusively in the District of Columbia;

"(2) the Canal Zone Code; or

"(3) the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

"§ 21. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC EXAMINATION.—Upon the filing of a notice, as provided in rule 12.2 of the Federal Rules of Criminal Procedure, the court, upon motion of the attorney for the Government, may order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court pursuant to the provisions of section 24 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in rule 12.2 of the Federal Rules of Criminal Procedure on a motion by the defendant or by the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find, the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 22. Hospitalization of a person acquitted by reason of insanity

"(2) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (d) of this section. The court shall order a hearing to determine whether the person is currently suffering from a mental disease or defect and that his release would create a significant risk of bodily injury to another person or serious damage to property of another.

"(b) PSYCHIATRIC EXAMINATION AND REPORT.—Prior to the date of the hearing, the court shall order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court, pursuant to the provisions of section 24 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 24(d), and shall be conducted not later than forty days after the date of the finding of guilty only by reason of insanity.

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the acquitted person is currently suffering from a mental disease or defect and that his release would create a significant risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a state will assume such responsibility; or

"(2) the person's mental condition is such that his release would not create a significant risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE FROM SUITABLE FACILITY.—When the director of a facility determines that an acquitted person, hospitalized pursuant to subsection (d), has recovered from his mental disease or defect to such an extent that his release would no longer create a significant risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to such person's counsel and to the attorney for the Government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 24(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of evidence that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a significant risk of bodily injury to another person or serious damage to property of another, the court shall order his immediate discharge.

"§ 23. Hospitalization of a convicted person suffering from mental disease or defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant. Such motion must be supported by substantial information indicating that the defendant may currently be suffering from a mental disease or defect and that he is in need of custody for care or treatment in a suitable facility for such disease or defect. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order a hearing on its own motion if the court deems that there is reasonable cause to believe that the defendant may currently be suffering from a mental disease or defect and that he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court, pursuant to the provisions of section 24 (b) and (c). In addition to the information required to be included in the psychiatric report pursuant to the provisions of section 24(c), if the report includes an opinion by the examiners that the defendant is

currently suffering from a mental disease or defect but that such disease or defect does not require his custody for care or treatment, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best provide the defendant with the kind of treatment needed.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 24(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to probation or imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence to the maximum term authorized by law for the offense of which the defendant was found guilty.

"(e) DISCHARGE FROM SUITABLE FACILITY.—When the director of the facility determines that the defendant, hospitalized pursuant to subsection (d), has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing, and may modify the provisional sentence.

"§ 24. General provisions

"(a) DEFINITIONS.—As used in this title—

"(1) 'insanity' means a mental disease or defect of a nature constituting a defense to a Federal criminal prosecution; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC EXAMINATION.—A psychiatric examination ordered pursuant to this title shall be conducted by a licensed or certified psychiatrist, or a clinical psychologist and a medical doctor, or, if the court finds it appropriate, by additional examiners. Each examiner shall be designed by the court if the examination is ordered under section 21, 22, or 23. For the purposes of an examination pursuant to an order under section 23, the court may commit the person for a reasonable period not exceeding thirty days, in order to conduct such examination, or pursuant to section 21 or 22, the court may commit such person to the custody of the Attorney General for placement in a suitable facility for a reasonable period, but not to exceed forty days. Unless impracticable, the psychiatric examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension not exceeding fifteen days under section 23, or not exceeding twenty days under section 21 or 22, upon a showing of good cause that additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC REPORTS.—A psychiatric report ordered pursuant to this title shall be prepared by the examiner designated to conduct the psychiatric examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychological and medical tests employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 21, whether the person was insane at the time of the offense charged;

"(B) if the examination is ordered under section 22, whether the person is currently suffering or in the reasonable future is likely to suffer from a mental disease or defect which would create a significant risk of bodily injury to another person or serious damage to property of another; or

"(C) if the examination is ordered under section 23, whether the person is currently suffering or in the reasonable future is likely to suffer from a mental disease or defect for which he is in need of custody in a suitable facility for care or treatment.

"(d) HEARING.—At a hearing ordered pursuant to this title the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to law. The person shall be afforded an opportunity to testify, to present evidence, to subpena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS FOR SUITABLE FACILITIES.—(1) The director of the facility in which a person is hospitalized pursuant to section 22 or 23, shall prepare annual reports concerning the mental condition of such person, and shall make recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility, and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 22, 23, or 24, shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) ADMISSIBILITY OF A DEFENDANT'S STATEMENT AT TRIAL.—A statement made by the defendant during the course of a psychiatric examination pursuant to section 21 is not admissible as evidence against the accused on the issue of guilt in any criminal proceeding, but is admissible on the issue of whether or not the defendant suffers from a mental disease or defect.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 22 precludes a person who is committed under such section from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE FROM SUITABLE FACILITY.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of either section 22 or 23, counsel for the person or his legal guardian may, during such person's hospitalization, file a motion with the court ordering such commitment for a hearing to determine whether the person should be discharged from such facility. Such motion may be filed at any time except that no such motion may be filed within one hundred and eighty days after a court determines that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the Government.

"(i) Authority and Responsibility of the Attorney General.—(1) Before a person is placed in a suitable facility pursuant to section 22 or 23, the Attorney General shall request the director of each facility under consideration to furnish information describing rehabilitation programs that would be available to such person, and, in making a decision as to the placement of such person, shall consider the extent to which the available programs would meet the needs of such person.

"(2) The Attorney General may contract with a State, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this title.".

(b) The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following:

"20. Insanity defense.
"21. Determination of the existence of insanity at the time of the offense.
"22. Hospitalization of a person acquitted by reason of insanity.
"23. Hospitalization of a convicted person suffering from mental disease or defect.
"24. General provisions.".

INSANITY DEFENSE AMENDMENT

Mr. HATCH. Mr. President, the amendment I am proposing to the Senate today is designed to return sanity to the insanity defense. It is identical to S. 283, which is identical to legislation I introduced last Congress many months before Hinckley attempted to assassinate President Reagan. The Senate Judiciary Committee has considered this amendment in several hearings. This amendment has been endorsed by the current Attorney General in those hearings. This amendment has also been supported by the American Medical Association's house of delegates. At this point in the RECORD, I ask unanimous consent that the report of the board of trustees of the American Medical Association be included in full. As I mentioned, this report was adopted by the house of delegates.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE BOARD OF TRUSTEES

Subject: The Insanity Defense in Criminal Trials and Limitation of Psychiatric Testimony (Resolutions 15 and 21, I-82).

Presented by: John J. Coury, Jr., M.D., Chairman.

Referred to: Reference Committee G (Mylie E. Durham, M.D., Chairman).

At the 1982 Interim Meeting, the House referred to the Board of Trustees Resolution 15, which asked the Board to draft a policy statement on insanity as a full or partial defense for or circumstance in mitigation of criminal acts, and Resolution 21, which recommended that the AMA support the concept that mental capacity be separated from the determination of guilt or in-

nocence, and that psychiatric testimony be limited to the penalty phase of the trial.

The Board of Trustees submitted Report G (A-83) to the House of Delegates at the 1983 Annual Meeting, informing the House of progress made by the Board's Committee on Medicolegal Problems in studying the issues raised by Resolutions 15 and 21. Report G noted that while a strict limitation on psychiatric testimony of the kind suggested by Resolution 21 would violate defendants' Constitutional rights, less restrictive limitations under study by the Committee would be incorporated into its final report as appropriate.

The Committee on Medicolegal Problems has completed its Report of Conclusion and Recommendations Regarding The Insanity Defense. The Board of Trustees agrees with the report and recommends that the following policy positions be adopted by the House of Delegates:

(1) That the American Medical Association support, in principal, the abolition of the special defense of insanity in criminal trials, and its replacement by statutes providing for acquittal when the defendant, as a result of mental disease or defect, lacked the state of mind (*mens rea*) required as an element of the offense charged.

(2) That the American Medical Association support the concept that legal standards of civil commitment should apply to commitment of defendants acquitted by reason of insanity under statutory *mens rea* provisions, with the due allowance being made for a presumption of continuing dangerousness with respect to those acquitted of offenses involving violence.

(3) That the American Medical Association support the concept that absolute or conditional release of defendants acquitted under statutory *mens rea* provisions be based on concurring medical certification and judicial determination that release poses no substantial public risk; and that revocation of conditional release status should be permitted if the defendant fails to comply with release conditions, including those relating to continued psychiatric treatment.

(4) That the American Medical Association support the concept that mental illness of a defendant who fails to satisfy the criteria of acquittal under statutory *mens rea* provisions should be considered as a factor in mitigation of sentence, permitting hospitalization for treatment in lieu of imprisonment up to the maximum term prescribed by law for the offense of which he was convicted.

The full report of the Board of Trustees' Committee on Medicolegal Problems follows for information of the House of Delegates.

AMERICAN MEDICAL ASSOCIATION COMMITTEE ON MEDICOLEGAL PROBLEMS

REPORT OF CONCLUSIONS AND RECOMMENDATIONS REGARDING THE INSANITY DEFENSE

I. History of the insanity defense

Prior to development of a formal system of criminal justice in England, the blood feud was the method by which individuals were punished for their injurious acts against others. Under the Anglo-Saxon practice of payment of reparation, or *bot*, to the kinsmen of the deceased victim to preempt their vengeance, insane killers were treated differently than others, however. While insanity did not serve to absolve the accused of liability, it was recognized as grounds to shift to his kinsmen the burden of paying compensation. Furthermore, the kinsmen of the insane were charged with the responsibility to keep and secure him from further mischief.

In pre-Norman England, the law was based upon strict liability; *i.e.*, liability without fault or evil intent. No distinction was drawn between crime and tort. Accidental or unintended killings by "misadventure," as well as killings in self-defense, were punishable by death as ordinary felonies.

By the twelfth century, powerful intellectual and religious currents had begun to move the law from a concept of absolute liability to one based on fault. Two factors provided the impetus for this movement: the increasing interest in the Roman law, which was spreading throughout Europe after being revived in the universities during the eleventh and twelfth centuries, and the increasingly significant influence of the clergy in law and government. Both sources emphasized concepts of subjective blameworthiness as the proper foundation of legal guilt, rather than guilt based on injurious acts alone.

The Roman law, heavily influenced by the moral philosophy of Plato and Aristotle, accentuated the concepts of *culpa* (fault or negligence) and *dolus* (fraud or deceit). Application of these concepts required close attention to the mental elements in crimes and torts. The ecclesiastical jurisprudence of canon law similarly insisted upon moral guilt, for in the determination of sin, the mental element must be scrutinized as closely as the physical act itself. The mutual influences and reactions of the old Anglo-Saxon laws with the ascendant Roman and canon law emphasis on moral fault, led gradually to the development of the concept of intent, or *mens rea*, as a prerequisite to criminal responsibility.

During the twelfth century, the judges in the English royal courts, who primarily were clergymen, were responsible for the administration of justice. Under their control, the common law became increasingly marked with the canonists' influence. The most notable instance of ecclesiastical dominance was the jurist Bracton, whose major work, *De Legibus et Consuetudinibus Angliae* (c. 1250) borrowed liberally from Roman and canon law concepts and powerfully influenced the subsequent development of English common law.

A. Evolution of Mens Rea

In keeping with the moral imperative of the Roman tradition, Bracton argued that punishment should depend upon the moral guilt. Accordingly, he argued, a requirement of *mens rea*, or criminal intent, must be recognized as an essential element of a crime, for the very essence of moral guilt is a mental element. Those incapable of forming criminal intent, including the infant and the insane, should not be held responsible for their acts, because it is only the culpable intent that gives meaning to the act.

Bracton's work represents a watershed in the development of the criminal law of England. His emphasis on the mental element in criminality took root and became established law with the increasingly frequent insistence upon moral blameworthiness, expressed as a requirement of *mens rea*, in the definitions of criminal offenses. This new concept of criminal responsibility led not only to progressive refinement of the types and graduations of intent by which crimes are classified according to their nature and degree, but also to the genesis of a body of defenses based specifically upon absence of intent.

With respect to the former, for example, the law came to recognize that a different type of criminal intent characterized the felonies of larceny and burglary. Furthermore, the felony of burglary was distinguishable from the tort or "misdemeanor" of trespass by virtue of the actor's state of mind at the time of the offense. The general offense of homicide as it existed at the beginning of the fourteenth century underwent gradual evolution over the next four hundred years, with eventual transformation into a scheme of distinguishable crimes, each defined by a specific *mens rea* component. By 1550, for example, the capital offense of murder had become differentiated from the lesser degree of homicide, which later came to be called manslaughter, by the *mens rea* element of malice aforethought.

With respect to general defenses, Bracton's influence provided a major impetus to the recognition of exculpatory doctrines based on lack of mental capacity to harbor evil intent. Defenses of insanity, infancy, and compulsion were acknowledged as logical applications of the principle of moral fault that underlay criminal law; there could be no criminality in the sense of moral fault if there were no free will capable of voluntary choice between evil and good.

B. Development of Formal Procedures to Deal With Insane Offenders

Refinement of the fault-based system of criminal jurisprudence that began to take root in the twelfth and thirteenth centuries, however, was accomplished very slowly and often by indirection. Early judges found themselves in the predicament of having to condemn to death, under the the Anglo-Saxon law of homicide, those who killed in self-defense or caused another's death through pure misadventure. Their quandry became all the more acute as the canonist ideas of moral guilt gained ascendancy.

Early on, this problem was avoided, not by a change in the substantive law, but by resort to a procedural device made possible by the growing power of the king. The offender was convicted of felony and imprisoned, but the king could grant him a charter of pardon to save this life. This had become established custom by the thirteenth century, and such pardons came to be granted liberally. By 1278, the procedure had been formalized by the Statute of Gloucester.

Gradually, insanity, like self-defense or misadventure, became not a bar to criminal conviction, but a recognized ground for the granting of a royal pardon. As was true in cases of self-defense and misadventure, however, the pardon did not relieve the offender against the forfeiture of land and chattels. When a statute was passed in 1310 restricting the Crow's use of pardons, "madness" was included with self-defense and misadventure as a circumstance justifying pardon in homicide cases.

It is impossible to identify the precise point in time at which it became an accepted practice to acquit insane offenders rather than rely upon charters of pardon from the Crown. It appears, however, that the first recorded instance of a jury rendering a verdict of unsound mind occurred in 1505 in a murder case. By the seventeenth century insanity had become well established as a defense rooted in the criminal law's *mens rea* foundation and deterrence objective. Thus, relying heavily on Bracton's formulation, Lord Coke stated in *Beverley's* case, 76 Eng. Rep. 1118, 1121 (K.B. 1603): "The punishment of a man who is deprived of reason and understanding cannot be an example to

others. No felony or murder can be committed without a felonious intent and purpose. . . ."

The test of insanity that prevailed in the English courts through the eighteenth century, known as the "wilde beast" test, also was derived from the thirteenth century writings of Bracton. Only total insanity of the grossest form—impairment of cognitive capacity so severe that the accused could not distinguish good from evil—sufficed to relieve one of criminal responsibility. The use of the insanity defense increased during this period, however, due to the growing number of capital offenses prescribed by the law. As a consequence, more formalized procedures were developed for seeking acquittals by juries, and the concept of legal insanity began to expand.

In 1800 the judge in *Hadfields'* case, 27 How. St. Tr. 1281 (K.B. 1800) directed that the defendant be acquitted (with the understanding that would be committed) on a charge of capital treason growing out of the attempted assassination of King George III. Hadfield acted with intent to kill, but did so out of an insane delusion that his "martyrdom" by the state in retribution for the act was necessary to fulfill his destiny as the saviour of all mankind. His acquittal resulted in passage by Parliament of the Criminal Lunatics Act of 1800 which first codified the verdict of not guilty by reason of insanity. The Act abolished general verdicts of not guilty in cases involving insanity, and provided for automatic commitment of those adjudged not guilty by reason of insanity.

C. Modern Legal Tests of Insanity

The case of Daniel M'Naughten in 1843 led to a substantial transformation of the legal rule used to determine insanity. In the wake of a public outcry following M'Naughten's acquittal on insanity grounds, the House of Lords was asked to render an opinion on five questions designed to clarify the legal definition of unsound mind and determine the circumstances under which the insanity defense would apply in future cases. In response, Lord Chief Justice Tindal announced what have come to be known as the M'Naughten rules:

"[T]o establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defeat of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong."

Thus passed the eighteenth century "good and evil" standard into the "right and wrong" test of the nineteenth century. Moreover, *M'Naughten's* case marks the advent of the psychiatric expert witness as the key figure in defenses based on insanity. Henceforth, psychiatrists would be accorded special latitude in offering retrospective opinions as to whether the accused suffered from a disabling mental disease at the time of the offense, whether his action was the product of that disease or delusion, and whether he was conscious of the wrongfulness of his action.

The M'Naughten rule became the basic test of insanity in the English and American courts for nearly a century. It remains in effect with little modification in over a dozen states today. Notwithstanding its expansive language, however, the M'Naughten formula came to be narrowly interpreted as an inquiry into the defendant's cognitive capacity to differentiate right from wrong. Furthermore, its scope of application was influenced heavily by the view of many psychiatrists that the concept "disease of the mind" encompassed only psychosis, to the exclusion of less serious infirmities.

As new psychiatric theories developed, the M'Naughten rule increasingly was criticized as obsolete. The basis of this criticism was the contention that some forms of equally serious mental illness effect volition without impairing the victim's cognitive functions; *i.e.*, although many victims of mental illness can distinguish between right and wrong, they cannot control their wrongful actions. To rectify this perceived deficiency, a number of states broadened their M'Naughten-based tests of insanity to embrace the "irresistible impulse" standard. That standard exculpates a defendant whose mental illness compels him to action that he recognizes is legally or morally wrongful.

Even this hybrid test was perceived as too narrow to comport with advances in psychiatry, however. In *Durham* v. *United States*, 214 F.2d 862, 874 (D.C. Cir. 1954), the United States Court of Appeals for the District of Columbia Circuit found the irresistible impulse test ". . . inadequate in that it gives no recognition to mental illness characterized by brooding and reflection and so relegates acts caused by such illness to the application of the inadequate right-wrong test." Accordingly, the court articulated a broader standard that provided that ". . . an accused is not criminally responsible if his unlawful act was the product of a mental disease or defect." *Id.*, at 874–75.

The "*Durham* rule," as this standard became known, proved so vague and laden with semantic distinctions of dubious import as to be unworkable in practice. In the early 1960's the American Law Institute proposed a standard designed to offer a reasonable accommodation between the narrow M'Naughten rule and the overly broad *Durham* approach. The ALI rule, incorporated into the Model Penal Code, states:

"A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law."

Since its promulgation, a majority of the states has adopted the ALI test. In one form or another, its application is required by judicial decision in all federal criminal proceedings. Accordingly, the ALI test recently was used as the governing test of insanity in the trial of John Hinckley, Jr.

The ALI test differs from the strict M'Naughten rule in at least two crucial respects. Most importantly, like the "irresistible impulse" standard, it recognizes volitional impairment due to mental illness as an exculpatory factor apart from cognitive deficiencies. Mentally ill offenders who understand the wrongfulness of their actions, but are driven to criminal behavior by delusions or compulsions, are absolved from criminal liability. Second, the ALI test substitutes "substantial capacity" to "appreciate" the wrongfulness of conduct for M'Naughten's focus on actual lack of cognitive understanding of the nature of quality of the act. Thus, the ALI formula is much broader in its approach to mental illness that affects a defendant's congnitive functions. Finally, the ALI test arguably permits exoneration on the basis of a broader range of psychiatric disorders by recognizing defenses based on mental "defects" in addition to disease.

II. Criticisms of the insanity defense and proposals of reform

For a variety of reasons, public disenchantment with the insanity defense has increased dramatically in recent years. Since 1975 several states have enacted legislation to modify or abolish it, largely as a result of perceived abuses in cases of local notoriety. The June 1982 jury verdict of acquittal in the John Hinckley case served to focus national attention on the insanity defense, and revived the long-standing controversy over its proper role in the American criminal justice system.

Widespread public outrage at the verdict has prompted an ongoing debate in which the defense has been subjected to severe criticism, not only in the particulars of its application, but in principle as well. Some critics have focused their attention on deficiencies highlighted by the Hinckley case as a rationale for limited reforms of the existing ALI formulation. Others have advanced various procedural reforms to remedy perceived inconsistencies and inequities in its application and administration—again concentrating on the Hinckley trial as an illustration of the way in which existing procedures encourage capricious results. A third group, however, has expressed more compelling criticisms of the defense—criticisms that challenge persuasively the asserted legal and moral foundations of the concept of a special defense based on insanity. This group has advanced the abolition of the defense to the extent permitted by the Constitution and consistent with moral imperatives. Each of the foregoing viewpoints is reflected in recent legislative initiatives in Congress and state legislatures.

A. Limited Reform Proposals

Experience in the Hinckley case underscores five major issues that lie at the core of the insanity problem under current practice: the legal definition of insanity; the form of verdict to be employed; the burden of proof; the permissible limits of expert testimony; and procedures for disposition of the mentally ill offender. The various reform measures advanced by interested commentators and organizations, as well as competing legislative approaches, differ significantly in the importance they attach to each of these issues.

(1) The legal definition of insanity

John Hinckley's acquittal was attributable to the second prong of the ALI definition of insanity—the "volitional" part of that test which exculpates an offender who "lacks substantial capacity . . . to conform his conduct to the requirements of the law." Consequently, legal scholars and other critics have begun to re-examine the "irresistible impulse" rational for exoneration. In February, 1983 the American Bar Association's Standing Committee on Association Standards For Criminal Justice and Commission On the Mentally Disabled issued its Report to the ABA House of Delegates recommending modifications in the insanity defense. Its chief recommendation, adopted as ABA policy, was that the "volitional" element of the ALI test be abandoned in favor of a definition that rests exclusively on the issue of "whether the defendant, as a result of mental disease or defect, was unable to appreciate the wrongfulness of his or her conduct at the time of the offense charged."

This proposed standard, derived from the writings of Professor Richard J. Bonnie of the University of Virginia Law School, also is viewed as an acceptable alternative to cur-

rent tests by the American Psychiatric Association. In its 1982 Statement on the Insanity Defense, the APA recommended that the defense be retained in some form, perhaps with modifications in the definition of insanity and the scope of expert testimony; the APA suggested, however, that the definition may be of little practical significance because the exact wording of the defense has never been shown to be the major determinant of whether a defendant is acquitted by reason of insanity. Moreover, the APA Statement viewed the volitional test as "superfluous" in practice asserting that most persons who would fail such a test would qualify for exculpation under a purely cognitive test in any event.

The ABA Report stated flatly that ". . . it is just this volitional or behavioral part of the ALI test that has brought the insanity defense under increasing attack." The Report attributed incorporation of a volitional test into the ALI standard to a "wave of clinical optimism" during the 1950's regarding the potential contribution of psychiatry to understanding of behavioral control. The Report rejected such optimism as illusory, however:

"Yet, experience confirms that there still is no accurate scientific basis for measuring one's capacity for self-control or for calibrating the impairment of such capacity. There is, in short, no objective basis for distinguishing between offenders who were undeterrable and those who were merely undeterred, between the impulse that was irresistible and the impulse not resisted, or between substantial impairment of capacity and some lesser impairment."

Unlike the ABA Report, the APA Statement conditioned its endorsement of a purely cognitive test of insanity on the further adoption of the second element of Professor Bonnie's proposed reform. That provision would define "mental disease" to include ". . . only those severely abnormal mental conditions that grossly and demonstrably impair a person's perception or understanding of reality and that are not attributable primarily to the voluntary ingestion of alcohol or other psychoactive substances." Bonnie, R.J., "The Moral Basis of the Insanity Defense," American Bar Association Journal 69:194-97, p. 197 (February, 1983). In its Statement, the APA emphasized that any mental disorders considered potentially exculpatory under a cognitive standard "should usually be of the severity (if not always of the quality) of conditions that psychiatrists diagnose as psychoses."

(2) The burden of proof and limitations on the scope of expert testimony

The ABA proposals also focused on the burden of proof and expert testimony issues highlighted by the hinckley case. A major portion of that trial was devoted to receipt of expert testimony by psychiatrists called by the prosecution and the defense. As often occurs where insanity is raised as a defense, the jury was confronted with massive amounts of conflicting, confusing, and irreconcilable evidence based on imprecise and speculative theories, and retrospective diagnoses of the defendant's state of mind. Although the trial lasted 56 days, the prosecution required only two days to present its case on chief. Hinckley's counsel then placed his sanity in issue with an exhaustive presentation of lay and expert testimony; direct and cross examination of the experts alone consumed more than eleven days. Expert witnesses were permitted to usurp the jury's function by offering opinions regarding the ultimate factual question in the case—whether Hinckley was "insane" under the controlling ALI definition.

Under the federal law applied in the Hinckley case, and the laws of about half the states, the prosecution bears the ultimate burden of persuasion on the issue of insanity. Once the defendant introduces some evidence of insanity, the burden of producing evidence shifts to the government. Thus, Hinckley's presentation of psychiatric testimony required the prosecution to present its own experts as well as other evidence to establish the defendant's sanity. Moreover, the prosecution was required to prove the defendant's sanity beyond a reasonable doubt. At the close of all the evidence the jury was instructed that the formal verdicts available to it were guilty, not guilty, and not guilty by reason of insanity. Furthermore, it was instructed that it could not consider a verdict of not guilty by reason by insanity unless it concluded, beyond a reasonable doubt, that all elements of the offense charged, including Hinckley's intent or *mens rea* had been proved. Accordingly, the jury's verdict confirms that Hinckley was acquitted solely because the jury was left with a reasonable doubt of his sanity.

The ABA Report suggested that allocation of the burden of proof to the prosecution produces risks of mistaken results primarily when the volitional prong of the current ALI formulation is the test employed. Accordingly, it recommended that in jurisdictions continuing to utilize the ALI test, the burden be shifted to the defendant to prove his claim of insanity by a preponderance of the evidence. Conversely, in jurisdictions adopting the ABA's proposed cognitive test, the burden should remain with the prosecution to prove the defendant's sanity beyond a reasonable doubt.

Neither the ABA nor the APA recommendations incorporated explicit restrictions on the use of psychiatric testimony, but both recognized limitations implicit in suggested modifications of the legal definition of insanity. The ABA Report, in particular, argued that jury confusion engendered by the experts' conflicting theories and diagnoses is a problem rooted in the vague and expansive terminology of the volitional aspect of the ALI standard. Since considerable disagreement exists among psychiatrists regarding the "normal" capacity for self-control, and given that no objective scientific basis can be devised for measuring the degree of impairment of such capacity, expert testimony in this area must inevitably consist of unstructured subjective speculation regarding the psychological causes of criminal behavior. Abandonment of the volitional test, of course, would render such testimony irrelevant, and thus circumvent the major source of jury confusion.

The APA Statement noted that psychiatric evidence relating to a defendant's capacity to control his behavior generally is less reliable, and less scientifically supportable, than evidence relating to cognitive capacity. In the APA's view, the problem of jury confusion stems primarily from the relevancy of such volitional evidence, and from the allowance of conclusory psychiatric testimony on ultimate issues. With respect to the latter, the APA maintains that the seemingly contradictory and irreconcilable psychiatric testimony that emerges in criminal trials is less the product of differences in clinical diagnoses of the nature and extent of the defendant's mental disorder, than of conflicting judgments regarding the moral and legal significance of that disorder. Accordingly, the APA is not opposed to the concept of legislative restrictions on psychiatric testimony concerning ultimate issues under the insanity defense.

(3) Modifications in the form of verdict

In recent years, several states have attempted to reform use of the insanity defense by modifying the form of the verdict available to juries in these cases. Michigan pioneered this approach when, in 1975, it enacted a statute providing for a verdict of "guilty but mentally ill" in addition to the traditional "not guilty by reason of insanity" verdict. Since 1975 at least eight other states have adopted such optional verdicts. Reform legislation pending in a number of other states would adopt "guilty but mentally ill," or "guilty but insane" verdicts, either as optional forms, or as replacements for "not guilty by reason of insanity" verdicts. Legal scholars and insanity defense study groups uniformly have rejected these proposals.

The ABA Report correctly maintained that some forms of legislation purporting to supplant the traditional insanity verdict of acquittal with a "guilty but insane," or "guilty but mentally ill verdict" are unconstitutional. Measures that would permit the government to obtain a conviction by proving all the elements of crime except intent or *mens rea*, as well as those that would preclude exculpation on grounds of insanity even where the defendant's mental condition would negate a finding of the necessary *mens rea*, violate the defendant's rights to equal protection and due process.

Statutes establishing an optional verdict of "guilty but mentally ill" typically provide that the jury may return such a verdict upon finding that the defendant is guilty of an offense and that he was mentally ill, but not legally insane, at the time of commission of the offense. Many of these statutes are modeled after the Michigan law, which retains the ALI definition of "insanity," and defines "mental illness" as "a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life." Mich. Comp. Laws Ann. § 768.36(1) (1982).

A defendant found "guilty but mentally ill" is sentenced in the same manner as one found guilty of the offense, and is remanded to the custody of the Department of Corrections. Upon evaluation the Corrections Department may itself provide necessary psychiatric treatment, or it may transfer the defendant to the state Department of Mental Health for such treatment. If the latter course is followed, the defendant is returned to the Department of Corrections to serve out the balance of his sentence after discharge from a mental facility. Thus, the "guilty but mentally ill" verdict is legally a conviction, the purpose of which is to ensure that the defendant be sentenced as a prisoner but provided with psychiatric treatment because the jury found him mentally ill.

The optional "guilty but mentally ill" approach offers no solutions to the major problems posed by the insanity defense; the legal (ALI) definition of insanity is retained intact, and the abuses associated with its application are not addressed. Moreover, the optional verdict introduces a host of new problems and logical inconsistencies. The distinction between "insanity" and "mental illness" is a difficult one to draw, especially by jurors who are instructed that they must

be convinced "beyond a reasonable doubt" of the defendant's sanity before they may find him "mentally ill." Confronted with these nebulous concepts, the jury is encouraged to view the "guilty but mentally ill" option as a convenient compromise verdict that permits it the retributive satisfaction of a conviction while gratifying its urge to express sympathy for the defendant's condition.

Logically, no purpose is served by interjecting the issue of "mental illness" into the trial, since the law itself declares mental impairments short of insanity irrelevant to the essential determination of moral and legal responsibility. A finding of mental illness ostensibly serves the purpose of identifying those offenders who presently are in need of psychiatric treatment, but in this regard the verdict is both inconsistent and unnecessary. It makes little sense to condition commitment procedures on a jury verdict based on evidence of the defendant's mental condition at the time of the offense rather than the disposition phase of the trial. Moreover, the "guilty but mentally ill" verdict is not necessary to ensure that persons unsuccessfully claiming the insanity defense receive mental health screening. Such defendants may present evidence of present mental impairment at the sentencing stage of the trial.

Ensuing that appropriate treatment actually is delivered to insanity acquittees and mentally disordered prisoners is a serious problem dealt with more fully in the section that follows. Obviously its solution is not dependent on the form of verdict. Statutes in many states establish detailed, albeit inadequately funded programs of mental health care for prisoners. A recent Michigan study of defendants found "guilty but mentally ill" concludes that such prisoners are not more likely to receive treatment than those sentenced pursuant to conventional guilty verdicts. G. A. Smith and J. A. Hall, "Evaluating Michigan's Guilty But Mentally Ill Verdict: An Empirical Study," 16 U. Mich. J.L. Reform 77,104-05 (Fall 1982). Statutes establishing an optional verdict of "guilty but mentally ill" thus fail to accomplish meaningful reform, either in the use of the insanity defense, or in the disposition of mentally ill offenders.

The later criticism applies equally to statutes that would supplant the insanity acquittal with a verdict of "guilty but mentally ill" or "guilty but insane." Such statutes would abolish insanity as a special exculpatory criterion, thus resolving many of the problems endemic to present application of the defense. This they would accomplish, however, at the unacceptable risk of invalidation on constitutional grounds. Furthermore these statutes are intellectually objectionable in that they abolish the insanity defense under the pretense of preserving the moral values upon which it supposedly is based. Abolition should be accomplished openly and forthrightly, not by subterfuge.

(4) Disposition of mentally ill offenders

John Hinckley, Jr. was tried in the United States District Court for the District of Columbia rather than a local court pursuant to a recently enacted federal anti-assassination law. He was accused of violating both federal and District of Columbia statutes. Three formal verdicts were available to the jury: guilty, not guilty, and not guilty by reason of insanity. In all other federal courts, the only formal verdicts available to the jury in cases raising a defense of insanity are guilty and not guilty. Since no formal verdict of not guilty by reason of insanity exists in the federal system, there is no procedure for commitment of insanity acquittees. Accordingly, had John Hinckley been tried in any other federal court in the country, and raised a reasonable doubt regarding his sanity, he would have been entitled to release at the conclusion of the trial. He was committed to Saint Elizabeth's Hospital only becasue his case was governed procedurally by the insanity acquittees provisions of the District of Columbia Code.

State laws in this area vary considerably in the treatment options available to insane offenders, and the degree of protection from potentially violent individuals afforded society. In the past, the states provided for detainment and treatment of defendants found not guilty by reason of insanity ("NGRI") through statutes mandating immediate commitment of such persons to state mental hospitals. Often these persons were confined permanently, or for periods substantially in excess of the prison sentences they otherwise would have served if found guilty of the offenses charged.

With respect to persons committed civilly there has been a shift in emphasis from institutional treatment to outpatient management of mental illness in recent years, and legal pressures have been applied to obtain equivalent treatment for NGRI acquittees. The degree to which equal protection and due process principles require that committed NGRI acquittees be treated on a par with those confined under civil commitment procedures largely is unresolved.

The insanity defense is premised on the notion that the mentally ill offender bears no criminal responsibility for his acts; he lacks moral blameworthiness and is not an appropriate subject for criminal sanctions. Since the NGRI acquittee is analogous to the person committed civilly in this regard, many courts and commentators have suggested that both should be subject to substantially identical commitment and release provisions. Clearly they are not. State statutes generally subject NGRI acquittees to more lenient commitment standards and more stringent release standards than those applied to the civilly committed patient.

In the last twenty years, courts and legislatures have implemented extensive reforms in mental health laws, resulting in the recognition of the basic constitutional rights of civilly committed persons to a hearing in which the state bears the burden of establishing a present mental condition warranting commitment; to appropriate treatment during hospitalization; and to access to release procedures that comport with due process requirements. Civil commitment requires, as a constitutional minimum, "clear and convincing" evidence of mental illness. *Addington* v. *Texas*, 441 U.S. 418 (1979). Increasingly, state statutes emphasize the police power rationale for civil commitment by requiring proof of dangerousness to self or others in addition to present mental illness. Indeed, it is questionable whether the states may involuntarily confine mentally ill individuals who present no danger to themselves or others. *See* generally, *O'Connor* v. *Donaldson*, 422 U.S. 563 (1975). Several jurisdictions exceed the constitutionally mandated minimum standard, and condition civil commitment upon proof of mental illness and dangerousness "beyond a reasonable doubt."

Current state "criminal commitment" laws applicable to defendants found NGRI vary considerably in form and content from one jurisdiction to another. While major disparities between civil and criminal commitment standards still exist, there has been movement toward more equal treatment of NGRI acquittees and those committed in civil proceedings.

Less than a dozen states continue to mandate automatic indefinite commitment of defendants acquitted by reason of insanity without regard to their present mental state. Although no hearing is required to determine present mental illness under these statutes, the courts generally have upheld them against due process and equal protection attacks on a variety of theories. The most common of these is the questionable proposition that the defendant's insanity, supposedly proven at trial, may be presumed to continue thereafter.

Another common justification for upholding disparate treatment of NGRIs is that they, unlike civil committees, have demonstrated dangerous propensities by committing the physical elements of violent crime. State statutes, however, rarely distinguish between acquittals in felony and misdemeanor cases, or even between violent and non-violent felonies; an irrebuttable presumption of dangerousness applies to all acquittees equally. The logic and necessity of such a broad presumption are questionable. Moveover, the relevancy of dangerousness as a basis for maintaining an entirely different scheme of commitment and release applicable to NGRIs continues to diminish as states increasingly require proof of dangerousness as a condition to involuntary civil commitment.

Some courts have declared statutes requiring indefinite mandatory commitment of NGRIs unconstitutional for failure to provide a hearing on the issues of mental condition and dangerousness at the time of disposition, *see e.g.*, *Benham* v *Edwards*, 678 F.2d 511 (5th Cir. 1982), while others have upheld their validity by construing them to require some form of hearing. *See eg.*, *People* v *McQuillan*, 221 N.W. 2d 569 (Mich. 1974). The attitude favoring parity of treatment for NGRI acquittees expressed in these decisions has been reflected in recent legislative enactments as well. These vary widely in the degree to which civil commitment safeguards and standards are incorporated into the criminal commitment process.

Several jurisdictions have enacted reform measures that expressly abolish the distinction between civil and criminal commitment altogether by directing that disposition of NGRIs be governed by the general civil commitment laws of the state. Others incorporate certain features of the civil commitment process into the criminal trial itself. Many of these states make commitment of an NGRI defendent either mandatory, or discretionary with the trial judge, upon finding that the accused is dangerous and suffers from a continuing mental illness. A few states require commitment upon a separate finding of present insanity by the criminal trial jury or a second jury selected to determine that issue alone.

Many jurisdictions provide for temporary mandatory commitment of NGRIs, followed by a full hearing on present mental state similar to that afforded civil committees. Statutes of this type commonly permit the NGRI acquittee to be confined for a stated maximum period (usually thirty to ninety days) during which psychiatric evaluation must be completed. Civil commitment standards may or may not govern the subsequent hearing.

Many unresolved legal issues remain with respect to differences in the commitment and release standards applicable to NGRIs

and civilly committed persons under such statutes. The Supreme Court recently held by a 5-4 vote that where an individual acquitted by reason of insanity has proven mental illness at trial by a "preponderance of evidence," he may be committed on a lesser standard than "clear and convincing evidence" required in civil commitment proceedings. *Jones* v. *United States*, 103 S.Ct. 3043 (1983). In that case the Court upheld the constitutionality of provisions of the District of Columbia Code which require indefinite commitment of NGRIs, followed by a judicial hearing within fifty days to determine eligibility for release, at which the acquittee bears the burden of proving by a preponderance of the evidence that he no longer is mentally ill or dangerous.

In *Jones*, the defendant was found not guilty by reason of insanity to a charge of attempted petit larceny—a misdemeanor punishable by a maximum one year prison sentence—later he and the government stipulated to his insanity under the controlling ALI test. Jones failed to prove his fitness for release at the fifty day hearing required by statute; after being confined for more than one year he demanded that he be released unconditionally or recommitted pursuant to civil standards. A lower court refused this demand and ordered that Jones' commitment be continued. An appellate court rejected his claim that his continued confinement beyond the maximum one year he would have served had he been convicted, without clear and convincing proof by the government of his present mental illness and dangerousness, violated his rights to due process and equal protection.

In affirming, the Supreme Court held that the statutes' presumption of continuing mental illness and dangerousness was not unreasonable given the legal definition of insanity under the District of Columbia's law, and the procedure by which the insanity defense may be asserted successfully. The Court repeatedly emphasized that automatic commitment follows only if the acquittee himself advances insanity as a defense and "proves that his criminal act was the product of his mental illness." 103 S.Ct., at 3051. Thus, the court reasoned that it ". . . comports with common sense to conclude that someone whose mental illness was sufficient to lead him to commit a criminal act is likely to remain ill and in need of treatment." *Id.*, at 3050. It also concluded that "[t]he fact that a person has been found, beyond a reasonable doubt, to have committed a criminal act certainly indicated dangerousness"—regardless of whether the criminal act was violent or nonviolent, or directed at property rather than person. *Id.*, at 3049.

The *Jones* decision thus leaves open the question of whether due process and equal protection require application of civil standards for commitment of defendants who, like John Hinckley, Jr., merely raise a reasonable doubt regarding their sanity and the causal relationship between their mental condition and their crimes. *See, Bolton*, v. *Harris*, 395 F.2d 642, 649 (D.C. Cir. 1968). Neither does it apply to the many states in which the prosecution bears the burden of proving the defendant's sanity by some lesser standard than "beyond a reasonable doubt." Accordingly, *Jones* would not apply were the ABA's proposed cognitive test of insanity adopted.

More importantly, the Courts' reliance on the finding of insanity under the ALI definition to justify departure from civil commitment standards, and inferences of continuing mental illness and dangerousness, casts serious doubt on the utility of its reasoning in other contexts. Such inferences may be wholly proper where a defendant's violent criminal behavior is found to be the "product of" irresistible impulses, or other serious volitional impairments resulting from mental disease. The risk of an erroneous commitment decision in such a case appears sufficiently remote to justify relieving the state of is burden of demonstrating the necessity for confinement by clear and convincing evidence. Such inferences are less compelling, however, and the propriety of a diminished burden of proof is less obvious, where a defendant is excused because he "lacks substantial capacity" to appreciate the criminality of his non-violent acts. This is especially so where the source of the individual's cognitive impairment is a mental "defect" (*i.e.*, retardation) rather than "disease."

The Court in *Jones* did not state whether the basis of the defendant's insanity stipulation was the volitional or the cognitive element of the ALI test, nor did it suggest that such a distinction was central to its analysis. Its emphasis on the proven causal connection between mental illness and commission of the criminal act may be significant however. For example, it is questionable whether the *Jones* rationale would apply to commitment of a defendant acquitted under the substitute definition of insanity endorsed by the ABA and the APA, even if the defendant were allocated the burden of proof on the issue of insanity. That test is directed to the causal connection between the defendant's mental condition and his ability to "appreciate the wrongfulness" of his conduct, rather than his commission of the criminal act itself. Like the cognitive element of the ALI test, the ABA formulation excuses a person who "knows" in an intellectual sense that his conduct is wrongful or criminal, but who lacks a deeper comprehension of the fact. Only in the broadest sense can it be said that an acquittal under such a test establishes that the defendant "committed the act because of mental illness." *Jones, supra*, 103 S.Ct., at 3049. These ambiguities regarding the scope of the *Jones* decision suggest that disparities between civil and criminal commitment standards will continue to be challenged in the courts.

Differences in release provisions applicable to civilly and criminally committed persons may be subjected to judicial scrutiny as well. In nearly all states, the power of discharging or conditionally discharging a civilly committed patient is vested in the superintendent of the mental hospital where he is confined. More than half of the states, however, require a court order for discharge of an NGRI acquittee. Conditional and temporary releases also are controlled by the court rather than the hospital director, and courts commonly place restrictive conditions on NGRI release orders similar to those contained in criminal paroles. Such disparities in the D.C. Code were never addressed by the court in *Jones* because their constitutionality was never raised as an issue.

Individuals who have been committed civilly often are entitled to automatic periodic review of their commitment, while NGRI committees generally are not. The formal release applications that NGRIs must file to secure court review are strictly limited in number and frequency by statute. Moreover, many jurisdictions subject NGRIs to a heavier burden of justification in release hearings than that imposed on patients confined under the civil commitment statute.

Few reform proposals have considered, much less emphasized questions of the appropriate disposition of NGRI acquittees. The most thorough treatment of these issues to date is found in the APA Statement, which urged that valid distinctions between civil committees and defendants acquitted of violent crimes by reason of insanity justify more restrictive confinement and release provisions applicable to the later group.

The APA Statement suggested that future dangerousness of these defendants may be assumed "at least for a reasonable period of time." It criticized states that have, through application of civil commitment standards and procedures to NGRIs, required periodic redeterminations of dangerousness and need for confinement.

The APA cautioned, moreover, that inhospital treatment of NGRIs cannot be viewed as a guarantee of "cure"; inpatient treatment offers effective means of management of the overt symptons of mental illness, but in most cases long term psychiatric care will be required following release. Accordingly, the APA concluded that the public interest in safety, as well as the acquittee's interest in receiving appropriate therapy, will be served by programs of conditional release based on the recognized needs for careful supervision and continuing outpatient treatment.

Furthermore, the APA Statement endorsed the view that confinement and release decisions should not be left to psychiatrists alone, nor should they be based solely on opinions of mental health professionals regarding present mental condition and future dangerousness. Rather, it supported procedures such as those adopted in Oregon permitting a "quasi-criminal" approach to NGRI confinement—release decisions that are controlled by a multidisciplinary body analogous to a parole board.

Where available resources are insufficient to ensure effective close supervision of NGRI acquittees, or where contingent release presents an unacceptable degree of risk to society, the APA favors continued confinement. If hospital confinement cannot be justified on therapeutic grounds, transfer to a "non-treatment facility that can provide the necessary security" is viewed as an appropriate alternative.

The thrust of the APA Statement was that insanity acquittees who have committed violent acts should be governed by commitment and release provisions that are more restrictive than those applied to civilly committed persons. While many of the APA proposals are cogently formulated and persuasively presented, some appear fundamentally inconsistent with the often-asserted moral basis of the insanity defense. Constitutional guarantees of due process and equal protection, moreover, pose insurmountable obstacles to preserving substantial disparities between civil and criminal commitment schemes—at least so long as insanity is recognized as a special exculpatory criterion.

Protection of the public safety is a legitimate legislative concern increasingly recognized as the primary, if not the sole constitutionally permissible rationale for detainment of the mentally ill under civil and criminal commitment schemes alike. The position embraced by the Court in *Jones*—that acquittal of *any* crime on grounds of insanity is an accurate and permanent predictor of dangerousness, hence a constitutionally adequate basis for indefinite commitment—is unpersuasive, extreme, and un-

necessarily harsh as a means of accommodating the state's interests. It disregards the liberty interests of non-violent offenders, and will, in practice, seriously impede efforts to provide needed psychiatric treatment to a large class of mentally ill persons. Carried to its logical conclusions, it invites curtailment or reversal of enlightened reforms in the civil commitment area as well.

As explained more fully in the following sections, reforms of the kind envisioned by the APA Statement can be accomplished consistently with sound policy, and without sacrificing constitutional interests of the mentally ill. To do so, the law must first discard the notion that insanity short of that which negates *mens rea* absolves a defendant of moral and legal responsibility for his acts. This basic shift of legal policy will facilitate the incorporation into sentencing and parole mechanisms of meaningful reforms in the procedures governing confinement and release of mentally ill offenders.

B. Abolition of the Special Defense of Insanity—The Mens Rea Approach

At least two states have enacted laws that abolish the special defense of insanity. In 1979 Montana amended its Code of Criminal Procedure to delete that section recognizing an insanity defense substantially identical to the ALI test. A new section was added that limits the relevancy of mental disease to the determination of *mens rea*. Mont. Code Ann. § 46-14-102 (1979). That section provides:

"Evidence that the defendant suffered from a mental disease or defect is admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense."

Idaho enacted a law in 1982 that explicitly abolishes insanity as a separate defense to charges of criminal conduct. Idaho Code § 18-207(a). Like Montana, however, the Idaho statute recognizes that mental condition may be relevant to the issue of criminal intent: "[n]othing herein is intended to prevent the admission of expert evidence on the issues of *mens rea* or any state of mind which is an element of the offense, subject to the rules of evidence." *Ibid*, § 18-207(c).

Both the Montana and the Idaho statutes permit consideraton of mental disease or defect as a factor in mitigation of punishment at the sentencing stage of the trial. Moreover, these statutes authorize the court to order treatment during the period of confinement or probation specified in the sentence if it concludes by clear and convincing evidence that the defendant suffers from a mental disease or defect that renders him unable "to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law," and that treatment is available and needed. Finally, they provide that mentally ill prisoners may be transferred to noncorrectional facilities for such treatment.

In 1982 the Reagan administration endorsed a similar *mens rea* approach to govern insanity in federal criminal trials. The proposed Criminal Justice Reform Act of 1982 contained provisions that would have introduced a special verdict to "not guilty only by reason of insanity" to be returned upon a finding that ". . . the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged." Otherwise, mental disease or defect would not constitute a defense. This 1982 proposal provides an exemplary model of comprehensive reform legislation based on the *mens rea* concept; it is referred to in the following discussion to illustrate the manner in which a *mens rea* framework could be structured to replace the insanity defense in practice.

Under a statute like the 1982 proposal, mental illness would, in the vast majority of cases, be considered only at the sentencing stage as a mitigating factor. The bill contained detailed provisions for commitment of NGRI acquittees as well as hospitalization of mentally disordered persons convicted of crime. These will be considered in some depth in the following sections; for the present it suffices to note that the dispositional aspects of the proposals appear to strike a reasonable balance between the public's concern for safety and the offender's constitutional rights.

The *mens rea* approach to the problem of crime and mental illness, appropriately implemented by statutes providing flexibility in sentencing and a range of treatment options, is the one avenue of reform that permits society to address, effectively and comprehensively, the major administrative, constitutional, and policy issues associated with the insanity defense. By narrowing the relevancy of defendant's mental condition, it resolves or avoids many problems of administration that complicate the current use of the defense. It facilitates the maintenance of adequate mechanisms to prevent the premature release of dangerous offenders, while harmonizing the deepening social and legal tensions between civil and criminal commitment schemes. In so doing it promotes public confidence in the legal system's fairness and capacity to protect law-abiding citizens from harm. It restores a consistent philosophy of criminal responsibility, thus enhancing the credibility and acceptance of the criminal justice system. The *mens rea* approach, moreover, may accomplish these objectives without resort to artifice or subterfuge.

Most significantly perhaps, abandonment of the moral pretense of the insanity defense in favor of *mens rea* concept may lead to a more realistic appreciation of the relationship between mental impairment and criminal behavior. Some observers of the criminal justice system maintain that this relationship extends far beyond its manifestation in the cases of those few offenders acquitted on claims of insanity; recognition of a special defense applicable to these few detracts attention from the legitimate treatment needs of the many. *Mens rea* proposals seek to correct this myopic focus of the insanity defense by emphasizing considerations of mercy and appropriate treatment for all mentally disordered offenders.

(1) Administration of the defense

The two primary problems associated with administration of the insanity defense in its present form—allocation of the burden of proof and demarcation of the permissible limits of expert testimony—would be ameliorated substantially, if not avoided altogether by adoption of the *mens rea* approach. No issue regarding allocation of the burden of proof would arise since insanity *per se* would no longer be recognized as a distinct exculpatory criterion. Evidence of mental illness would be relevant to the extent that it tends to negate the intent necessary for conviction; it would thus be given the same exculpatory effect as other adversities that bear upon state of mind.

In its Report the ABA suggested that explicit limitations on the use of psychiatric testimony may well be unnecessary if the legal test of insanity is limited to mental conditions affecting cognition. Adoption of a strict *mens rea* approach would accomplish precisely this result by rendering evidence of volitional defects irrelevant. Mental illness that impairs a defendant's cognitive functions would be probative of whether he formulated the intent required for the offense, but a disease or defect that impairs only his ability to control his actions would not be. As a consequence, the chief source of much of the contradictory and irreconcilable psychiatric testimony that plagues insanity defense trials will be eliminated. As a practical matter, moreover, only those mental disorders that grossly and demonstrably impair perception or understanding of reality—those equivalent in severity to pyschoses as the APA statement suggested—would be exculpatory under the *mens rea* approach.

The *mens rea* proposal also would diminish the scope and importance of psychiatric testimony relating to cognitive impairment in the vast majority of cases. Often the defendant's intention is clear and readily may be established by examining his actual course of conduct and other objective evidence. A showing of mental disorder in such cases will not negate a finding of *mens rea*. Nor will a diminished capacity approach to *mens rea* be countenanced to authorize admission of psychiatric testimony suggesting that the defendant's mental capacity to entertain the requisite intent was impaired by mental illness. The controlling issue will be whether the defendant's mental abnormality in fact prevented him from harboring the necessary conscious intent; mental illness, standing alone, will not suffice to negate the existence of mental processes manifested by conduct or other evidence.

The issue of *mens rea* in such cases would be one that lies within the common experience and knowledge of the community. Accordingly, the jury should be able to resolve the issue without the assistance of expert opinion evidence; psychiatric testimony, therefore, may be subject to exclusion or limitation under the ordinary rules of evidence relating to the use of expert witnesses. Even if deemed admissible, such testimony may be viewed as sufficiently lacking in logical weight or credibility as to preclude its use in cases where the defendant's contemporaneous declarations and actions provide strong evidence of planning and premeditation.

When such objective evidence of *mens rea* is lacking, as in cases involving bizarre or seemingly inexplicable criminal behavior, expert testimony introduced by the prosecution and defense alike would be relevant to elucidate intent. Such testimony would be admissible if it described some consciously entertained thought or perception, the presence of which directly negated or confirmed the requisite state of mind.

Since the *mens rea* elements of crime are defined in terms of the cognitive functions of the conscious mind, expert testimony regarding the defendant's mental impairment also would be relevant to the extent that it negates the minimal functional capacity required to form the requisite intent. Psychiatric testimony describing the defendant's impaired capacity to appreciate the gravity of the act, or to control his behavior, would merely explain rather than negate the existence of his conscious intent, and thus would not constitute admissible evidence. Nor would expert evidence be admissible to show that an actor's consciously entertained *mens rea* was the product of an unconscious disease process. For example, psychiatric testimony would not be permitted to establish that a defendant's conscious premeditation

or deliberation was the consequence of a mental disorder, or that his intent to kill was motivated by unconscious aberrational influences.

Some critics of the *mens rea* approach, confusing the issue of incapacity to harbor the requisite *mens rea* with the doctrine of "diminished responsibility" recognized in a line of California court decisions, contend that its adoption would result in a significant expansion of the scope of psychiatric testimony. Actually, the California doctrine bears little if any resemblance to the issue of capacity to form criminal intent that may be relevant under the *mens rea* approach.

Under California law, the crime of murder is distinguished from that of manslaughter by the existence of "malice aforethought." Judicial opinions construing "malice" as an additional mental element, distinct from premeditation or deliberation, have resulted in an expanded notion of *mens rea* in that state. The California Supreme Court has defined malice to mean the mental state of an actor who is capable of comprehending the duty society places on all persons to act within the law. That court has permitted psychiatric testimony to reduce homicide convictions from murder to manslaughter by showing that, even though the actor premeditated or intended to kill, he lacked substantial capacity to harbor legal malice due to mental illness. Furthermore, where a defendant's mental disease leaves him with some capacity to comprehend his duty to obey the law, it may so diminish his ability to "maturely and meaningfully reflect upon the gravity of his contemplated act" as to reduce his culpability. Thus, evidence that a defendant suffered from an unconscious disease process that impaired his volitional controls has been deemed relevant and admissible on the question of malice.

Through this doctrine of diminished responsibility the California court has shifted the focus of the *mens rea* inquiry from assessing whether the defendant in fact entertained a specific intent to evaluating the subjective quality of his intent, and how and why he entertained it. Nearly any psychiatric evidence that tends to establish a substantial defect of the defendant's mental processes is admissible under the California doctrine for purposes of this qualitative evaluation. The strict *mens rea* approach, however, would reject this evidence as irrelevant to the factual issue of conscious intent.

Approximately 25 states or federal courts have adopted a narrow *mens rea* concept in cases of mental disease falling short of legal insanity. Many of these have expressly rejected the broader California doctrine of diminished responsibility, recognizing the substantial legal and logical differences between the two defenses.

Moreover, at least 21 states, as well as the District of Columbia and the federal judicial system, have adopted definitions of *mens rea* based upon the scheme formulated by the American Law Institute's Model Penal Code. This scheme abolishes the common-law definitions of *mens rea* that incorporate the "malice aforethought" concept from which the California doctrine is derived. As the states increasingly embrace the Model Penal Code approach, California's diminished responsibility doctrine, together with the expansive psychiatric theories it encourages, will become less and less germane to the task of defining the relationship between mental illness and *mens rea*. Instead, that relationship may be defined by narrowly circumscribed psychiatric testimony relating to severe mental disability that interferes substantially with the defendant's reality-testing functions.

By stripping away the psychiatric overtones implicit in the use of "insanity" as the determinant of criminal responsibility, the *mens rea* limitation will avoid another major source of jury confusion. As expert witnesses psychiatrists will be called upon to offer only medical information and opinions regarding the defendant's mental state; they will have no occasion to make, in the words of the APA Statement, "Impermissible leaps in logic" from medical concepts to ultimate legal conclusions.

(2) The moral basis of the special defense of insanity

Many critics of the *mens rea* proposals, while conceding or not seriously questioning their potential to circumvent the difficulties of administering the present insanity defense, urge their rejection on principle. The insanity defense, they contend, must be retained because it is "essential to the moral integrity of the law," and is deeply ingrained in our legal tradition.

In fact, the insanity defense is not as deeply anchored in history as some might imagine. As set forth in the Part I of this Report, insanity did not come to be recognized as an independent ground for exculpation until the nineteenth century. Prior to that time, insanity was considered relevant to the issue of guilt, or moral blameworthiness only insofar as it bore upon *mens rea*. Creation of the special defense was a departure from the traditional moral basis of the criminal law—embodied in the concept of *mens rea*—that had prevailed for centuries before.

Proponents of the insanity defense overemphasize the degree to which modern criminal law rests upon traditional moral imperatives. While criminal administration can never be divorced entirely from the concept of moral fault, the policy of the law tends more and more in the direction of promoting social and public interests rather than punishing moral wrongdoing. The evolution of the concept of *mens rea* reflects this trend quite clearly.

Under the dominating influence of the canon law *mens rea* was conceived of as a mind bent on evil-doing in the sense of moral wrong. As the law evolved, the requisite mental elements of the various felonies developed along divergent lines to meet exigencies and social needs that varied with each felony. The original requirement of an underlying evil motive derived from the canonists' conception of moral guilt was supplanted by the requirement of specific forms of intent developed separately for each felony. Thus, *mens rea* came to acquire a technical significance—it is less indicative of a mind bent on evil-doing than an intent to do that which unduly endangers social or public interests. An insanity defense justified solely or primarily on moral grounds is an anachronism in the modern scheme of criminal administration.

Central to the moral argument favoring retention of the defense is the notion of fundamental fairness it purports to further. Tests of criminal responsibility are rooted in a presumption of free will; individuals normally possess the capacity to choose voluntarily to abide by the rules of law, and failure to do so implies moral culpability or blameworthiness. However, where individuals lack the minimal capacity for voluntary and rational choice from which this legal expectation of personal accountability is derived, it would be unjust to assign blame and impose punishment for their actions. Thus the insanity defense, it is argued, affirms and reinforces the law's expectation of accountability. In reality, the insanity defense does not promote this fundamental purpose of the criminal law, nor can it be reformed, in piecemeal fashion, to do so.

A defense premised on psychiatric models represents a singularly unsatisfactory, and inherently contradictory approach to the issue of accountability. By necessity, psychiatrists tend to view all human behavior as a product of deterministic influences. This deterministic orientation cannot be reconciled with the concept of free will; indeed, to a very great extent psychiatry denies the fundamental notion of individual responsibility that lies at the heart of the criminal law.

The essential goal of an exculpatory test for insanity is to identify the point at which a defendant's mental condition has become so impaired that society may confidently conclude that he has lost his free will. Psychiatric concepts of mental illness are ill-suited to this task, even assuming the reliability of the highly subjective diagnostic criteria of mental illness. Because free will is an article of faith, rather than a concept that can be explained in medical terms, it is impossible for psychiatrists to determine whether a mental impairment has affected the defendants' capacity for voluntary choice, or caused him to commit the particular act in question. Accordingly, since models of mental illness are indeterminant in this respect, they can provide no reliable measure of moral responsibility.

Furthermore, psychiatric concepts of mental disease are so vague and elastic that they readily may be expanded to accommodate virtually every offender who has committed a violent act without justification or excuse. Some view homicide without apparent justification as evidence *per se* of mental abnormality. Public perception that many, if not most criminal defendants could satisfy psychiatric criteria of mental illness undermines the law's expectation of accountability. Insanity acquittals in publicized cases, such as that of John Hinckley, Jr., further pervert the concept of moral responsibility in the eyes of the public; they heavily influence the citizen's perception and acceptance of the rationality, fairness, and efficiency of the entire criminal justice process.

These problems cannot be solved by limited reform proposals addressed to administration of the defense. They will continue to exist as long as insanity is considered an exculpatory factor—one that negates responsibility altogether—rather than a circumstance germane to the degree of responsibility, the appropriateness of mercy, and the form and severity of punishment to be imposed. To retain the moral paradigm of exculpation is to ensure that criminal trials will continue to degenerate into misdirected and fruitless efforts to resolve the unresolvable issue of free will.

Even under a truncated test of insanity limited to cognitive impairments, the inscrutable cause and effect relationship between mental illness and free will remains the central question. Shifting the burden of proof does nothing to legitimize the nature of the inquiry. Reforms providing for express limitations on the scope of psychiatric testimony are inadequate because juries are no more capable than psychiatrists of divining a lack of free will from diagnoses of mental disease or defect. Meaningful reform can be achieved only if the focus of the inquiry into responsibility is shifted away from the

elusive notion of free will, and its relationship to mental disease, and back to the relatively objective standards of *mens rea* where it fell traditionally.

The moral argument fails for other reasons as well. Resting on the premise that substantial impairment of the capacity for voluntary choice should negate responsibility, the fairness rationale proves far too much to be taken seriously. Alcoholism and drug addiction, for example, are widely regarded as diseases that palpably impair the affected individual's capacity for voluntary choice. However, the law does not excuse crimes of theft or violence committed by a alcoholics or addicts as a consequence of the powerful physicial and psychological dependence associated with their conditions. Rather, drug or alcohol intoxication is considered relevant to the extent that it negates the requisite state of mind made an element of the offense.

Norval Morris, Professor of Law and Criminology at the University of Chicago argues persuasively that a number of social deprivations are more deserving of exculpatory status under the moral fairness principle than is mental illness. Social adversities such as poverty, unemployment, and lack of a stable familial environment surely are more criminogenic than psychosis; yet, these demonstrably potent predisposing circumstances are not credited to exonerate violent criminal behavior, nor should they be. Rather, social adversities and psychological adversities alike should be taken into account in sentencing. To ignore the former while elevating the latter to the status of a special defense creates a morally false classification.

Professor Morris also maintains that the insanity defense fails even to serve its stated purpose of shielding the mentally impaired offender from punishment. In practices it applies only to a few mentally ill criminals, excluding many others with equally serious mental impairments requiring treatment. Insanity acquittals do not even remotely approximate the relationship between mental retardation or disease and criminal behavior. Given the widespread conviction and punishment of the mentally ill, Professor Morris condemns the insanity defense as "an ornate rarity, a tribute to our capacity to pretend to a moral position while pursuing profoundly different practices." It is, he contends, a testament to our hypocrisy rather than our morality.

Critics of the *mens rea* concept often illustrate their moral objections by reference to cases in which obviously psychotic individuals deliberately kill under the influence of insane delusions. The assassin acting under "instructions" from God, and the individual who kills in the irrational belief that the victim is demonically possessed and represents a threat to his life are frequently cited as examples.

Such cases, admittedly rare, hardly justify a general rule of non-responsibility. Ordinarily, a defendent's motivation for a criminal act is considered irrelevant to the insance of guilt or innocence of the offense charged, although it may be taken into account by the judge at the time of sentencing if deemed to involve mitigating circumstances. Cases of "mercy killing" are so treated, for example. An assassin's genuine belief that his act is morally necessary to promote a superior social order or to end injustice, however, is properly viewed as irrelevant and provides no basis for exculpation.

In some exceptional instances involving self-defense, duress, and necessity the law does allow consideration of the actor's motivation in adjudicating liability. This forebearance is rooted in the recognition that under some circumstances, conduct that would otherwise be considered criminal must be condoned or even encouraged to further values that society wishes to preserve, or to avoid a greater harm it seeks to prevent. No clear countervailing benefit accrues to society as a consequence of the exoneration of one who intentionally kills another as a result of an insane delusion, and alternatives far less drastic than a general doctrine of non-responsibility are available to avoid societal condemnation of such persons as murderers.

To the extent that prosecutorial discretion and plea negotiation are considered inadequate, special legislative provisions could be enacted to reduce the offense from murder to manslaughter, for example. Following the Model Penal Code, a few states provide for such mitigation where a homicide is committed under the influence of extreme mental disturbance for which there is reasonable explanation or excuse, as determined from the viewpoint of a person in the defendant's situation, under the circumstance as he believes them to be. *See eg.* Model Penal Code § 210.3(1)(b) (Proposed Official Draft 1962). If moral concerns require exceptional treatment in this small class of isolated cases, such a rule of formal mitigation, rather than a general doctrine of exculpation, is the reasonable response.

(3) The balance of public and private interests in disposition

Covertly at least, continued recognition of the insanity defense is justified on grounds of expediency rather than morality. Traditionally, it has been used less as a defense than as a device to accomplish indeterminant custodial restraint of those who were mentally ill at the time of the crime but presently are not civilly committable. The *Jones* decision cryptically supports this punitive rationale for the defense. Even accepting the dubious proposition that involuntary confinement in a mental institution does not constitute "incarceration" or "punishment" in a technical legal sense, its consequences are no less serious. In many respects hospitalization is even more intrusive than incarceration in a prison. Under *Jones*, moreover, an acquittee may suffer permanent deprivation of liberty and autonomy for commission of a crime no more serious than attempted shoplifting. Apologists of the defense, in fact, often point out that insanity acquittees have usually suffered longer periods of confinement as a result of its successful use than they would have if sentenced conventionally. These are curious benevolences of a policy ostensibly aimed at protection of the mentally ill from punishment.

Furthermore, as civil commitment and release standards are liberalized; and civil and criminal dispositional schemes continue to converge as a result of legislative and judicial pressures, it will become progressively more difficult to accommodate the conflicting interests of defendants and society within the exculpatory framework of the insanity defense. More potentially dangerous individuals may be released upon acquittal if civil commitment standards and procedures govern disposition. Others may secure release after short periods of confinement by virtue of civil release provisions guaranteeing periodic review of the continuing necessity of confinement—especially if the state is allocated the burden of proof.

These early releases undermine legitimate concerns for public safety. Even if the *Jones* decision is construed liberally to govern commitment of defendants acquitted under purely cognitive tests of insanity, public insecurity will persist. In that case, the Court was not called upon to resolve the constitutional issues raised by disparate release provisions applicable to NGRIs and persons committed civilly. If equal protection is held to require parity between the two groups, NGRIs will be eligible for unconditional release upon certification of recovery by attending psychiatrists and hospital superintendants, without court involvement or approval. Contrary to the recommendation of the APA, release decisions will be vested in psychiatrists exclusively or primarily. Given the generally acknowledged inaccuracy of predictions of future dangerousness by mental health professionals, the likely result is further erosion of confidence in the law's ability to protect the public from harm.

Apart from the question of release, the *Jones* decision is unlikely to restore public confidence in the adequacy of criminal commitment procedures, or to promote the goal of providing suitable treatment to mentally disordered offenders. If applied broadly, its practical effect will be to abolish use of the insanity defense with respect to a wide range of violent and non-violent crimes carrying maximum sentences of short and intermediate duration. The *Jones* Court was careful to admonish that the D.C. Code permitted automatic indefinite commitment only of those NGRIs who pleaded and proved insanity as a defense. Accordingly, many mentally ill defendants will be encouraged to forego use of the insanity defense and plea bargain for reduction of charges or recommendation of diminished sentence by the prosecution. With credit for time served awaiting trial and good behavior while incarcerated, many of these individuals will be eligible for parole after short periods of confinement. Defendants faced with capital or life sentences will continue to avail themselves of the insanity plea of course, and, if acquitted, will be entitled to early release upon recovery "no matter how serious the act committed." *Jones* v. *United States*, 103 S.Ct., at 3052.

Conviction of one of who has elected not to assert the insanity defense would not authorize the state to classify the offender as mentally ill and subject him to involuntary psychiatric treatment without affording due process protection. *Vitek* v. *Jones*, 445 U.S. 407, 493–94 (1978). Since neither mental illness nor a causal connection between the defendant's mental condition and the crime would have been established at the criminal trial, the *Jones* decision implies that the government would have to justify transfer from a penal to a mental institution under civil commitment standards. Similarly, upon expiration of the defendant's prison sentence he could be committed only as would any other candidate for civil commitment. In the federal system, no mechanism for civil committment currently exists. Even if one were established, however, it is reasonable to expect that many mentally ill prisoners in need of institutional care will go untreated while incarcerated and following release.

The APA Statement raised yet another consideration to be borne in mind. It emphasized that institutional care of the mentally disordered offender depends heavily on psychopharmacological management, and this form of treatment usually must be con-

tinued following release. The courts have recognized generally, however, that involuntarily committed mental patients have a constitutional right to refuse treatment with antipsychotic drugs. Whether a guardian must be appointed to make non-emergency treatment decisions on behalf of the incompetent patient is an unresolved issue. The circumstances under which state interests might overcome the liberty interests of the patient also are undefined at present.

Developments in this area raise the distinct possibility that the state's latitude in treating insanity acquittees will be curtailed. Conceivably, the courts could require that the state seek a judicial determination that there exists an overwhelming state interest justifying compelled treatment. Although the need to prevent violent behavior may be held sufficient in this regard, it cannot be predicted whether the offender's general "dangerousness" will be considered sufficiently indicative of an imminent risk of violence to justify forcible medication.

Statutory *mens rea* provisions deal with these issues of treatment and premature release directly while maintaining a balanced respect for the constitutional rights of mentally disordered offenders. Under a statute such as the 1982 Reagan proposal, for example, a defendant acquitted by reason of insanity would be temporarily confined but entitled to receive, within 45 days of the verdict, a hearing to determine whether he should be committed for involuntary treatment. The burden would rest with the government to establish, by clear and convincing evidence, that the acquittee suffers from a mental disease or defect that creates a substantial risk of harm to the public. Clear and convincing evidence of such risk would be presumed, subject to rebuttal by the acquittee, in cases involving an insanity acquittal on charges involving bodily injury or serious damage to property of another, or a substantial risk of such injury or damage. Thus, civil commitment standards would apply to require proof of present mental illness and dangerousness; however, a rebuttable presumption of continuing dangerousness would be allowed with respect to those acquitted of offenses involving violence.

Absolute or conditional release (under a prescribed regimen of treatment) would be available based on concurring medical certification and judicial determination that release no longer poses a substantial public risk. A preponderance of the evidence standard would apply to the courts' deliberation on release. Revocation of conditional release status would be permitted if such risk is renewed by a failure to comply with release conditions.

The *mens rea* proposals also emphasize treatment of the mentally ill offender who fails to satisfy the criteria of acquittal. They authorize the court to determine whether the guilty defendant is so mentally disabled, or was at the time of the offense, that in carrying out the sentence the policy of retribution should be subordinated to the goals of providing treatment to the offender and protection to the public.

Under the 1982 Reagan proposals, either the prosecution or the convicted defendant may file a motion for a hearing on the questions of current mental condition, and the court may order a psychiatric examination and report in response thereto, or upon its own initiative. Psychiatrists could testify free of the constraints imposed by formal rules of evidence, and could inform the judge directly of the kind of treatment the defendant requires. Hospitalization may be ordered if the court finds, by a preponderence of the evidence, that the defendant presently suffers from a mental disease or defect and should, in lieu of imprisonment, be committed for treatment. Such commitment constitutes a provisional sentence of imprisonment to the maximum term prescribed for the offense for which the defendant was convicted. Medical certification that the defendant has recovered to the point that custody for care or treatment is no longer necessary allows the court to proceed finally to sentencing if the provisional sentence has not expired. The court may modify the provisional sentence, however, to permit parole on appropriate conditions, including continued psychiatric treatment.

The Reagan Administration's proposal also contained detailed procedures for hospitalization of mentally ill persons currently serving sentences in prisons, and for extension of treatment opportunities to mentally disabled prisoners due for release. These provisions sought to extend necessary care to such individuals through incorporation of appropriate civil commitment standards, and to ensure that society is protected from potentially violent individuals beyond the control of the criminal justice system.

The *mens rea* statutes in force in states such as Idaho and Montana reflect the same philosophy as the Reagan proposals but differ some what in form. The court is required to pronounce sentence as required by law, but current and past mental illness are factors to be considered in mitigation of sentence. Treatment is to be authorized if the court finds, by clear and convincing evidence, that the defendant suffers from a mental illness affecting either cognitive or volitional capacities. Once committed the defendant may be confined for treatment in facilities operated by the state department of health and welfare rather than the department of corrections. If the course of treatment is concluded prior to expiration of the sentence imposed, the offender remains liable to serve the balance of the sentence, having received credit for the time confined for treatment.

These statutes also seek to address the emerging issue of the right to refuse treatment. Idaho's law, for example, amends its prior provisions relating to suspension or revocation of civil rights during imprisonment to state expressly that those sentenced under its *mens rea* statute forfeit their right to refuse treatment authorized by the sentencing court during any period of confinement, probation, or parole.

The *mens rea* statutes currently in force or proposed contain provisions that expressly implement most of the dispositional guidelines recommended by the APA in its Statement on the Insanity Defense. The 1982 Reagan proposal is particularly noteworthy in this respect. Special procedures applicable to acquittees charged with violent offenses are set forth. As the APA Statement suggests, a presumption of continuing dangerousness is permitted with respect to such individuals, and the burden of proof on suitability for absolute or conditional release is allocated to the proponent of such release. Repetitive adjudication of the acquittees' dangerousness, therefore, is not required to justify continuing confinement.

Release decisions are not committed solely to mental health professionals under the 1982 proposal, nor are they to be made solely on the basis of psychiatric testimony concerning present mental condition and future dangerousness. Although the legislation does not attempt to create a special Psychiatric Security Release Board similar to that in use in Oregon, it delegates ultimate decisionmaking authority to the courts. The input of psychiatrists is guaranteed, but psychiatrists would not have primary responsibliity for confinement determinations. The views and recommendations of other experienced professionals may be presented in hearings on discharge or modification of release conditions.

A statute such as the Reagan proposal also would satisfy the APA recommendation that release be conditioned on having a treatment supervision plan in place. The court's discharge order would contain express conditions of compliance with a regimen of medical, psychiatric or psychological treatment approved both by the court and by the director of the facility in which the individual is confined. Furthermore, the court having initial jurisdiction would retain clear authority to reconfine through revocation of conditional discharge.

III. Conclusions and recommendations

The conventional insanity defense has long been subjected to intense and well-deserved crticism. It has outlived its principal utility, it invites continuing expansion and corresponding abuse, it requires juries to decide cases on the basis of criteria that defy intelligent resolution in the adversary forum of the courtroom, and it impedes efforts to provide needed treatment to mentally ill offenders. As a result, it inspires public cynicism and contributes to erosion of confidence in the law's rationality, fairness, and efficiency. The defense is conceptually flawed because it attempts to resolve issues of moral responsibility premised on the intuitive concept of free will through application of psychiatric models grounded in the contradicatory philosophy of determinism. Accordingly, repeated efforts to rationalize its administration through limited substantive and procedural modifications have failed to accomplish meaningful reform.

Based upon the foregoing, the following recommendations should be considered:

RECOMMENDATION ONE

The special defense of insanity should be abolished and replaced by statutes providing for acquittal when a criminal defendant, as a result of mental disease or defect, lacked the state of mind (*mens rea*) required as an element of the offense charged.

RECOMMENDATION TWO

Legal standards of civil commitment should apply to commitment of defendants acquitted by reason of insanity under statutory *mens rea* provisions, with the due allowance being made for a presumption of continuing dangerousness with respect to those acquitted of offenses involving violence.

RECOMMENDATION THREE

Absolute or conditional release of defendants acquitted under statutory *mens rea* provisions should be based on concurring medical certification and judicial determination that release poses no substantial public risk; revocation of conditional release status should be permitted if the defendant fails to comply with release conditions, including those relating to continued psychiatric treatment.

RECOMMENDATION FOUR

Mental illness of a defendant who fails to satisfy the criteria of acquittal under statutory *mens rea* provisions should be consid-

ered as a factor in mitigation of sentence, permitting hospitalization for treatment in lieu of imprisonment up to the maximum term prescribed by law for the offense of which he was convicted.

Mr. HATCH. I have consistently supported S. 1762 and commend each of the sponsors who have worked diligently to bring this vital legislation to the floor of the Senate. As an ardent supporter of any legislation to address our crime crisis, I am enthusiastic about the prospects of enacting these important reforms, Nonetheless I feel that the improvements this bill makes in the insanity defense do not sufficiently reform this area of the law.

In the wake of the extensive media coverage of the Hinckley assassination attempt and trial, the public outcry for changes in the insanity defense has been clear and sustained. Unfortunately I fear that the reformed standard for the insanity defense in S. 1762 may have also acuitted Mr. Hinckley. Under the standard currently in S. 1762, Hinckley would have to be acquitted if he "was unable to appreciate the nature and quality or the wrongfulness of his acts."

Mr. Hinckley alleged in trail and supplied psychiatric testimony to bolster his contention that his delusional relationship with an actress prevented him from appreciating the nature and quality of his act. The breath and ambiguity of the term "appreciate," still a part of the current S. 1762 provision, allowed Mr. Hinckley to escape culpability for deliberately attempting to kill the President. The jury was persuaded that his behavior was sufficiently aberrational to prevent him from appreciating the nature and quality of his murder attempt. The former president of the American Academy of Psyciatry, Dr. Abraham Halpern, analyzing the Hinckley case in light of the "appreciation" test, also concluded that the test in S. 1762 would be likely to acquit Hinckley if he were retried under its standards.

It is important for the Congress to know that under the insanity rules proposed in S. 1762, the trial of John Hinckley would have taken the same course and ended with the same verdict as it did under the American Law Institute rule employed in the court in which he was tried. The same members of the faculty of Harvard Medical School would have testified that he was "severely mentally ill and that "brain scans show that his brain is slightly shrunken and has more folds and ventricles than is usual in people his age." The same University of Maryland professor of psychiatry would have told the jury that Hinckley suffers from "process schizophrenia, a disease marked by a very severe and very grave course." The same Yale University psychiatrist would have testified that Hinckley has a major "depressive disorder, borderline schizophrenia and paranoid personality disorder" The same District of Columbia psychiatrist would have informed the jury that the defendant had a "Schizotypal personality disorder with regression under stress to psychosis." Thus all the defense experts would have testified as they did in the actual trial, that Hinckley had a severely abnormal mental condition that grossly impaired his understanding of reality rendering him unable to appreciate the wrongfulness of his conduct. It is evident that the rule proposed in S. 1762 to "narrow the insanity defense" would do nothing to lessen the tarnishing of the public sense of justice engendered by the typical insanity trial in federal courts.

Dr. Halpern's conclusion is bolstered by the experience of New York State which has had a test remarkably similar to that found in S. 1762 for the past 20 years. Under that test, approximately 100 defendants—primarily accused of violent offenses—have been acquitted by the insanity defense each year. Nationwide, over 1,000 yearly escape conviction by pleading insanity.

Under my amendment, however, Mr. Hinckley could not be acquitted. My amendment would not allow Mr. Hinckley to argue that his appreciation was impaired. With regard to insanity, Hinckley could only argue that he lacked the state of mind requirement, the mens rea, necessary for offense of attempted murder. Since Hinckley actually intended to kill the President, an act he referred to as "historic" in one of the letters he wrote prior to the attempt, he would have been guilty of the offense. Hinckley admitted in his trial that he intended to kill the President, but contended that he "lacked substantial capacity to appreciate" the wrongfulness of his acts.

Under my amendment, the exhaustive pyschiatric testimony presented by Hinckley would have been irrelevant to the question of guilt. It would have been, however, relevant to the question of sentencing. This alternative to insanity reform would have allowed a separate hearing entirely on the subject of Hinckley's mental condition prior to sentencing. The judge could then have modified Hinckley's sentence to insure that he received proper treatment. This alternative is not harsh. It insures that someone alleging mental impairment gets both a chance to assert that the mental illness prevented him from committing the crime and the chance to receive hospitalization and appropriate sentencing for the nature of the impairment in the event the illness did not impair his intent to commit a crime.

John Hinckley deliberately chose the only six exploding (devastator) bullets he had from among 37 other bullets when he loaded his pistol. With the specific intention of killing the President, he went to where he knew the President would be and, in full view of the American public, almost succeeded in accomplishing his purpose. He did severely wound the President and three other persons, some of whom are not likely to ever return to the same quality of life. This event is primarily responsible for our effort to reform the insanity defense. Under the current bill, Hinckley would, in all likelihood, still be acquitted. Under my amendment, Hinckley would most certainly be convicted. At the very least, we should insure that our effort today is sufficiently effective to change the result in the Hinckley case.

Generations of Federal judges have struggled to define the circumstances under which mentally abnormal offenders should be held responsible for their conduct, without notable success. As Dr. Abraham Halpern, the distinguished psychiatrist, has noted, "insanity has come to mean anything anybody wants it to mean."

The traditional insanity defense is both a legal anachronism and a concept ill-suited to modern psychological theory. It presents issues—important issues—that are not susceptible of intelligent resolution in the courtroom environment. Trials in which the insanity defense has been raised have often degenerated into swearing contests between opposing teams of expert witnesses, all of whom are forced to translate the language of the psychiatric profession into the quite alien language of the legal profession. It is this attempt to marry these two incompatible disciplines that has created the current confusion.

The insanity defense evolved principally as a means by which English jurists could avoid—in a legally rational manner—the discomfiture of condemning to death a felon who was so mentally deranged that his execution would affront ordinary moral sensibilities. As Lord Erskine stated in the earliest years of the 19th century, "delusion . . . is the true character of insanity." Individuals suffering in this manner could not truly be considered "responsible" in the legal sense.

Although the criminal law over the years substituted imprisonment and lesser penalties for capital punishment and substituted judicial discretion for mandatory penalties, the insanity defense, as an exception to the ordinary consequences of criminal conduct, survived the former strict legal requirements which it has been designed to avoid.

Even within the psychological community, the insane asylum, which once served as a warehouse for the criminally insane, has become just a brief steppingstone back to the street.

In the United States, the Congress has never enacted legislation on the insanity defense. Its development has largely been left to the courts, particularly the courts of appeals. The foundation of the present defense was laid down in M'Naghten's case (8 Eng. Rep. 718 (House of Lords, 1843)) in which it was stated—

To establish a defense on the ground of insanity, it must be clearly proved that at

the time of the committing of the act, the party accused was laboring under such defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or, if he did know it, he did not know he was doing what was wrong.

The so-called "right-wrong" test of insanity posited in M'Naghten has gradually, but steadily, been broadened over the years.

Most importantly, the M'Naghten test, a purely cognitive test, was supplemented by a volitional test stating that an individual who could discern right from wrong, yet who, for reasons of mental disease, could not control his actions, could avail himself of the insanity defense. As it came to be known, the "irresistible impulse" rider to M'Naghten inquired into whether an offender was able to restrain his actions once having been shown to appreciate the wrongness of such actions, see *Davis* v. *United States*, 165 U.S. 373 (1897). In that case the court held—

An accused is not criminally responsible if his unlawful act was the product of mental disease or defect.

After nearly two decades of interpreting the provisions of this rule, provisions whose meanings were by no means widely agreed upon, the District of Columbia Court in 1972 adopted a formulation that had previously been adopted by other circuits.

The American Law Institute's model panel code (section 4.01 proposed official draft 1962) stated that—

First, A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to appreciate the criminality of his conduct or to conform to the requirements of the law.

Second, The terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

It is this language that serves today as direction for the insanity defense in the Federal courts.

With widely divergent psychological theories on the origin of behavior, it is no wonder that standards like the ALI test become completely unmanageable when interpreted by different psychiatric experts representing opposing sides of a legal dispute. Even in the absence of the adversarial context of the courtroom, psychiatrists wage academic wars over questions like what conduct is the result of mental disease or how individuals learn to appreciate the criminality of their conduct. Adding the courtroom atmosphere to the internecine conflicts of the field of psychology only complicates the jury's task of making fine legal distinctions. The unfortunate result of this confusion is that some individuals are able to avoid responsibility for committing heinous crimes by exploiting disagreements in the field of psychology. Perhaps this explains to some degree the reason that acquittals on the grounds of insanity have risen to more than 50 per year in New York State—seven times the number in the late 1960's.

The current insanity defense has also become a "rich man's defense." Only the wealthy are able to pay a battery of expensive expert psychiatric witnesses from the best universities around the country to provide testimony likely to help exculpate the defendant. The hundreds of thousands of dollars spent on Hinckley's defense is an excellent case in point. Less well-to-do defendants, on the other hand, often lack the resources to hire experts to provide favorable testimony and must instead rely on court-appointed experts whose reports are available to both sides in litigation. This disparity of judicial treatment and results also argues strongly for change in the defense.

This brief introduction about the history of the special insanity defense sets the scene for our legislative task—finding a legislative solution for the unjust consequences of the lack of definition in current legal policy. Today I am introducing this amendment to provide a foundation for our consideration of this vital topic. My amendment would add a new section to title 18 of the United States Code that would read as follows:

It shall be a defense to a prosecution under any Federal statute, that the defendant, as a result of mental disease or defect, lack the state of mind required as an element of the offense charged. Mental disease or defect does not otherwise constitute a defense.

This language has the effect of eliminating insanity as a special defense, but leaving in place the argument that a defendant could not be held criminally responsible because he lacked the capacity to form a wrongful intent, which itself is an element of serious criminal offenses. This demands a little more explanation.

Except for a few minor offenses—such as parking violations—there is no such thing as a crime per se. An act is not in and of itself criminal. For instance, any killing is not murder. A killing only becomes murder when each element of the carefully defined criminal offense is established in a court of law. These elements of a crime have developed over centuries of Anglo-American common law to define which individual acts endanger the safety and survival of the community and require society's intervention to protect itself. One of these elements is, in nearly every instance, the mens rea, or state-of-mind requirement. The current Federal code states that, "Murder is the unlawful killing of a human being with malice aforethought"—section 1111 of title 18 of the United States Code. The mens rea in this crime requires the prosecution to show that the defendant planned the killing in advance of executing it and did so with a wrongful motivation. Until a killer is found by a court to have demonstrated this mens rea, he is not a murderer subject to punishment for first degree murder.

The amendment allows the introduction of evidence by a defendant to show that he did not posses the proper mens rea because of a mental disease or defect. In other words, a claim of insanity is only valid in a criminal proceeding to the degree that the defendant can show that his mental condition at the time of the purported crime negated the requisite state of mind requirement. In the case of first degree murder, the defendant might defeat the prosecution's case by showing that he did not possess adequate mental control of capacity to maliciously plan to kill. The jury's deliberations would be limited to the same deliberations undertaken in any criminal trial: Did the prosecution prove each element of the offense beyond a reasonable doubt?

The court would not become involved in a juridical circus with "Experts" trying to convince the jury that the defendant would appreciate right and wrong—the M'Naghten rule—or that the defendant was subject to an "irresistible impulse"—Davis case addition to M'Naghten—or that the defendant's act was the product of mental disease and that the defendant was unable to conform his actions to the requirements of the law—the ALI test. Instead, the jury would make the same strictly legal judgment that juries have been making for centuries: Did the prosecution prove each element of the offense beyond a reasonable doubt?

Under this amendment, the "Insanity Defense"—I put that in quotes because, strictly speaking, there would be no "insanity defense" but only an argument by the defendant that the crime was not committed because one of its elements; namely, mens rea, was absent—would be confined to legal issues. The complexity of modern psychological theory with its unknowns would be irrelevant, except to the degree that these theories might shed some light on whether the defendant demonstrated a mens rea. In the words of Chief Justice Burger, who commented while still a circuit judge: "No rule of law can possibly be sound or workable which is dependent on the terms of another disciple whose members are in profound disagreement about what those terms mean."—*Campbell* v. *United States* (307 F. 2d 597, 612 (1962)). This bill makes contentions about the mental state of the defendant a question to be addressed within the legal terms of the state of mind requirements of any criminal offense.

Perhaps I should specifically address what this means about burdens. Cen-

turies of criminal procedure would continue to dictate this course as well. The prosecution, of course, has the initial burden to demonstrate that each legal element is present in the act that is purported to be a crime. If it fails to show that each element is present, the defense could move for a directed verdict before it even presents its arguments and the court would be compelled by the law to dismiss the case.

Once the prosecution has established that the elements are present, the defense makes its argument that one or more of the elements are not present based on the facts of the case. Each side gets one more chance to rehabilitate its contentions and undermine the other's arguments before the jury takes over. The jury must decide if the prosecution has established each element of the offense beyond any reasonable doubt.

Let us take the Hinckley case for an example. The prosecution presented probative evidence that Hinckley intended to kill the President—which Hinckley referred to as a "historic act" in a letter recovered after his arrest—and that he planned the killing in advance—Hinckley even went to the trouble to purchase special exploding bullets. Unless the defense could have shown that Hinckley's mental condition made it impossible for him to plan or to form an intent—facts which the defense did not contest—Hinckley would have been found guilty if this bill had been law in time for his trial. Instead Hinckley was allowed to contend that he "lacked substantial capacity to appreciate criminality • • • or to conform to the requirements of the law." The jury in Hinckley's trial was so baffled by the hours of psychiatric testimony that they acquitted him on this standard.

Current criminal procedure handles perfectly well the question of burdens of proof in criminal adjudications. We have no need to alter centuries of precedents on that subject. We need only confine the scope of the insanity defense to the mens rea requirements of any criminal offense. As I mentioned earlier, this means, in effect, that there will be no affirmative insanity defense. Instead the defendant will be able to argue that the crime was not committed because its state of mind element was not proven beyond a reasonable doubt. Since this bill, in effect, abolishes the insanity defense, neither the defendant nor the prosecution has the burden of proof.

Upon proof beyond a reasonable doubt that an individual committed the prohibited conduct with the required state of mind, the individual would be found guilty of the offense. At the time of sentencing, however, the court would hear whatever further psychiatric testimony was available to assist it in determining the conditions under which the defendant would be committed to a prison, mental hospital, or some other facility.

These points in favor of this amendment are covered very concisely by a letter from the Attorney General endorsing this title of the Crime Control Act:

> This proposed reform of the present insanity defense would strictly limit sanity issues which may be raised at trial to those bearing upon the one truly relevant mental element involved in every criminal prosecution: whether the defendant had the mens rea or legal state of mind necessary for the offense. . . . Under the mens rea approach, psychiatric testimony to the effect that the defendant did not know right from wrong or was acting in response to an irresistible impulse would be irrelevant and inadmissible during the guilt determination phase of a criminal trial. Of course such evidence could be admitted during the sentencing stage if the defendant is found guilty.
>
> By limiting the insanity defense to the one truly legal issue, we would avoid the miscarriages of justice and the gross deviations from basic rules of semantics which occur when a defendant is found "not guilty by reason of insanity" even where it is clear that he committed the offense and had the requisite legal state of mind. This, we believe, is the cause of the recent public outrage over the verdict in the Hinckley case.
>
> Adoption of the mens rea approach would also avoid the unseemly "battle of psychiatric experts," the waste of judicial, prosecutorial, and medical resources and the unfairness arising from the present insanity procedure. On this last point, present law favors well-to-do over economically disadvantaged defendants. Furthermore, limitation of the insanity defense to the one legal issue—mens rea—avoids the necessity of further complicating the law by shifting burden of proof or by reducing the standard of proof; in fact, the government must always, under our constitution, bear the burden of proof beyond a reasonable doubt as to the state of mind element of every criminal offense. (Letter of Attorney General William F. Smith, July 1, 1982, 128 Cong. Rec. S. 7869.)

This insightful letter from our Attorney General restates with precision the reasons that this approach is the most reasonable way to solve the dilemmas created by the current insanity defense procedure.

Finally, permit me to recount a number of arguments that weigh in favor of the changes in this amendment:

First, those individuals suffering the most serious forms of mental disabilities are unlikely to be criminally convicted under any circumstance. Such individuals will either be found incompetent to stand trial in the first place or continue to be acquitted under the proposed amendment's mens rea test. It is in the case of borderline sociopaths or antisocial personalities that this test differs from the American Law Institute and other tests.

Second, it has become very difficult to separate mental illness from environmental and economic conditioning, due to the determinist ideology of the 20th century. The objective of this proposal is to keep the insanity defense an exception, not a rule.

Third, the present insanity defense is an imprecise way for determining whether individuals ought to be institutionalized and, if so, to what type of institution. My proposed change would allow this question to be faced directly and explicitly by the court, rather than focusing only upon some elusive and fluctuating concept of responsibility at the time of the offense, the focus would be upon insuring proper means of treatment of the underlying mental problem. Under the amendment, it is likely that the number of truly abnormal individuals assigned to traditional prisons would be reduced since the sentencing options of the sentencing judge would be increased. This would keep the jurisdiction of the case in the hands of the criminal court and not pass it on to the second-hand knowledge of civil authorities.

Fourth, the amendment would encourage more effective use of professional psychiatric resources, as well as legal resources. Highly trained psychiatrist and psychologists could devote more of their time as clinicians and advisers, not tying up their valuable talents in courtroom battles.

Fifth, the present insanity defense, it has been suggested, encourages juries to overlook the fundamental question of whether or not defendants may simply not be guilty by virtue of lacking in mens rea.

Finally, and in some respects the most important, the insanity tests, as they have become increasingly broad in application, have undermined significantly public respect for and confidence in the criminal justice system as they have resulted in the release of individuals clearly dangerous to society.

Proponents of the insanity defense argue that there is no need to change the existing insanity defense laws, because criminal defendants plead insanity in only a small fraction of the cases around the country, but the number of such cases has been growing rapidly. In addition, the insanity defense, once invoked almost exclusively in cases where the defendant was charged with murder, is now being used in trials for less serious offenses with increasing frequency. The most tragic example of this extension is surely the use of the insanity defense in cases of rape and child abuse, where repeated acquittal may be gained on grounds of insanity, for offenses which are generally held as crimes having high rates of recidivism and low rates of success in the ability to treat and cure those known to have a tendency to commit these offenses.

Mr. President, there are, in my opinion, few legislative acts in the area of criminal justice that this body can take that will do more to restore public confidence in our system than

by reforming the present antiquated insanity defense.

The proposed amendment would concentrate trial exploration of the defendant's mental state in the sole area in which it is legally meaningful—the evaluation of the necessary mens rea—while enabling the post-trial process to concentrate upon the question of disposition of the defendant, free from the artificial fetters of evidentiary rules.

This amendment would end the insanity charade that has demeaned the Federal courts too long. It would establish an effective means by which offenders could appropriately be channeled into either the punitive-correctional system or the medical-legal system. Most importantly, it would insure that this determination took place in an environment that is suited for making it, rather than, as is presently the case, in an environment in which legal and psychiatric questions are confusingly and inappropriately interwined.

There is among psychiatrists simply nothing that even remotely approaches a consensus on what constitutes insanity or on how such a condition is to be medically determined, much less legally determined.

To emphasize once more, the proposed reform of the insanity defense would promote better than any present insanity defense two objectives that are critical to a sound system of criminal justice: First, it would promote the integrity of the system, and promote protection of the community, by insuring that individuals who are found guilty of an offense with the requisite mens rea are treated as blameworthy criminals. Second, it would promote genuine promise of rehabilitation by allowing the court to focus upon their legal guilt. Nebulous and extraneous issues would be removed from the consideration of each of these questions. For these very important reasons, I strongly recommend that my colleagues support this most crucial proposal.

Mr. President, the present bill is a carefully crafted bill, it is a compromise bill where people on both sides have tried to work together to resolve the differences. Although I do not like the application and approach toward the insanity defense, on this particular occasion, I really believe that it is important to get this bill passed and get it through.

I believe that, sooner or later, we do have to address this issue. We do have to resolve these problems. We do have to face the problems that we have here. I hope we do that sooner rather than later.

I understand with regard to this bill that this carefully crafted compromise, in which I have played a part, is extremely important in the overall hope that we can do a better job with regard to criminal activities in this country, especially those regarding violent crimes.

Mr. BIDEN. Mr. President, will the Senator yield for a moment?

Mr. HATCH. I am happy to yield. I notice Senator MATHIAS is here.

Mr. BIDEN. I am not going to take any time on it other than to suggest that I concur with the Senator from Utah. I agree with his standard. I supported that standard in committee.

I compliment him on what I think he is about to do; that is, not upset the compromise. I hope he and I and others who share the view he has expressed today will be able to add that later and make changes along these lines in the insanity defense. What we have in the bill is clearly better than what exists. I think ours is even better, but I shall not press it.

Mr. HATCH. I thank my colleague. I agree with him that the amendment in the bill is better than present law. It is not sufficient to solve instances like the Hinckley matter. My amendment would solve those problems and I think still be compassionate and humane with regard to those who do suffer from mental illness and get them the treatment they need without some of the bizarre approaches to the law that we have had to face in the past.

Mr. THURMOND. Will the Senator yield?

Mr. HATCH. Mr. President, I yield to the distinguished chairman.

Mr. THURMOND. Mr. President, I commend the able Senator from Utah for the great work he has done on this crime package and on the particular matter before us now. He has given a great deal of attention to it. Originally, the Justice Department, I believe, took that position. The Justice Department now feels, after study—as others of us do—that the provision we have now as a compromise position may be preferable. I do commend the Senator for the fine work he has done on this bill.

Mr. HATCH. I thank the distinguished chairman of the committee. As I have said before, he and Senator LAXALT, Senator BIDEN and I, and a lot of others have worked hard on this bill. I do not want to upset the compromise we have because I think it is a major step forward in this matter.

THE INSANITY DEFENSE

Mr. LAXALT. Mr. President, as the Hinckley matter and other recent cases have so forcefully demonstrated, Federal law concerning the insanity defense is in desperate need of reform. The spectacle provided by the more highly publicized of these cases hardly engenders widespread respect for court procedures; indeed, the confusion that presently surrounds the Federal insanity plea demeans our entire criminal justice system. Despite the great significance of this issue, Congress has never before enacted legislation concerning the insanity defense, thus leaving development of the doctrine to the Federal courts. We in the legislative branch can delay action no longer: changes are necessary.

Title IV of this bill significantly narrows the Federal insanity defense; moreover, it places the burden of proving insanity where the burden belongs—on the defendant who asserts the plea. Also importantly, this title, for the first time in the Federal system outside the District of Columbia, insures that a defendant found not guilty by reason of insanity remains in custody for so long as he or she presents a danger to the community. Further, title IV sets out procedures for determining a defendant's competency to stand trial, and precludes opinion testimony on the ultimate issue of whether a defendant is legally insane. All of these changes are the result of very extensive hearings on the subject conducted up through the 97th Congress.

Title IV limits the insanity defense to those cases in which the defendant, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense. Thus, the highly indeterminate irresistible impulse test is eliminated, as are claims of diminished capacity; the focus of the defense is returned to the fundamental question of whether or not the defendant had an understanding of his actions. Title IV requires defendants to prove their insanity by clear and convincing evidence, so that society may be fairly confident that those who are exonerated have clearly satisfied the elements of the defense. For those who do satisfy the defense, the title does, at long last, establish a Federal civil commitment procedure.

The reforms embodied in title IV help move the Federal insanity defense into accord with commonsense, and constitute a major and necessary part of this anticrime package.

HATCH INSANITY AMENDMENT

I absolutely agree with Senator HATCH that current Federal law on the insanity defense seriously weakens public confidence in our criminal justice system, and has to be remedied. While Senator HATCH's proposal makes much sense, I am also convinced that the Judiciary Committee reforms as already embodied in title IV constitute a tremendous improvement over present law. Title IV is the product of many hours of hearings on the insanity defense at which the views of the most eminent legal and psychiatric experts in the area were fully aired. In significantly narrowing the Federal insanity defense, title IV incorporates some of the best thinking

on the subject and responds to recent case law.

S. 1762 as reported limits the insanity defense to those cases in which the defendant can prove by clear and convincing evidence that he was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense. Thus, for example, the "irresistible impulse" test, which has provided so much confusion over the last several years, will be eliminated. Under S. 1762, the focus of the insanity defense is returned to the specific and fundamental question of whether or not the defendant had an understanding of his actions. Moreover, the burden of proof is placed where it belongs—with the defendant who chooses to assert the plea.

Title IV also takes a huge step forward by insuring, for the first time in the Federal system outside the District of Columbia, that a defendant found not guilty by reason of insanity remains in custody for so long as he or she poses a threat to the community at large. The title also seeks to reduce the battle of the expert psychiatrists by prohibiting opinion testimony on the ultimate issue of whether a defendant is legally insane. All of these changes are desperately needed.

In summary, I concur with Senator HATCH's assessment of the abysmal state of current Federal law on the insanity defense, and I am extremely glad that title IV contains the far-reaching reforms I have outlined. Thoughout its history, Congress has never enacted legislation concerning the insanity defense; in my opinion, title IV of this bill is long overdue and will help to restore public respect for criminal court procedures.

Mr. HATCH. Mr. President, with that statement, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The amendment (No. 2681) was withdrawn.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I have heretofore proposed four amendments to title II of Senate bill 1762. For the information of Senators, these amendments were printed in the CONGRESSIONAL RECORD on November 18, 1983, so the Senate should be thoroughly familiar with the text of these amendments. I am sure they are engraved on the heart of every Member. They deal with the sentencing system which is proposed by S. 1762 and with the clarification of the legislative intent of the bill.

AMENDMENT NO. 2648

(Purpose: To modify sentencing procedure)

Mr. MATHIAS. I am not sure, Mr. President, just how far we can get today in considering these amendments. I shall certainly try. For that purpose, I first call up amendment No. 2648.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS), for himself and Mr. CRANSTON, proposes an amendment numbered 2648.

On page 34, strike out lines 13 through 18 on page 36, and insert in lieu thereof the following:

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

"(2) the need for the sentence imposed—

"(A) to reflect the seriousness of the offense, and the culpability of the offender, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant;

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and

"(E) to provide restitution to victims of offenses;

"(3) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

"(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court, in determining the particular sentence to be imposed, shall consider—

"(1) the kinds of sentences available under section 3551; and

"(2) the kinds of sentences and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines that are issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2), that are in effect on the date the defendant is sentenced.

If such guidelines or policy statements differ from those in effect on the date of commission of the offense, the court shall consider only the less severe of the two. The court shall impose a sentence that accords with the applicable sentencing guidelines and policy statements, unless the court finds that departure from the guidelines is warranted on the basis of the circumstances of the offense or on the basis of information about the defendant. In the absence of an applicable sentencing guideline, the court shall impose a reasonable sentence, having due regard for its relationship to sentences prescribed in guidelines applicable to similar offenses and offenders.

"(c) CONSIDERATION OF SENTENCING OPTIONS; STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—

"(1) The court, at the time of sentencing, shall consider the following sentencing options or a combination of such options when applicable:

"(A) Probation under subchapter B of this chapter without supervision and with only such conditions as are required by that subchapter.

"(B) Probation under subchapter B of this chapter, with supervision by a probation officer and with only such conditions as are required by that subchapter.

"(C) Probation under subchapter B of this chapter with any condition or combination of conditions authorized under that chapter other than confinement in the custody of the Bureau of Prisons.

"(D) Probation under subchapter B of this chapter, with any condition or combination of conditions authorized under that chapter, including confinement in the custody of the Bureau of Prisons.

"(E) Imprisonment under subchapter D of this chapter.

The court shall not impose a sentence of imprisonment unless the court has considered all other authorized sentences and rejected such sentences as inadequate to achieve the purposes of sentencing set forth in section 3553.

"(2) When imposing sentence, the court shall—

"(A) make such findings as are necessary to resolve any material fact in controversy that may affect sentencing, parole, or in-prison treatment of the defendant;

"(B) impose the least severe appropriate measure or measures necessary to achieve the purposes of sentencing, as set forth in section 3553(a) of this title; and

"(C) state on the record the reasons for the imposition of the particular sentence and the reasons why such sentence is the least severe appropriate measure or measures.

If the sentence does not include an order of restitution, the court shall include in the statement the reason therefor. The clerk of the court shall provide a transcription of the court's statement of reasons to the Probation System, and, if the sentence includes a term of imprisonment, to the Bureau of Prisons.".

Mr. MATHIAS. Mr. President, the amendment has as its goal two principal provisions. One is greater flexibility in applying the guidelines in cases of specific individual defendants. The second is to receive the punishment of incarceration for those who most deserve it, for those who merit it, by requiring the imposition of the least severe appropriate sanction in each case.

Now, on the first question of greater flexibility, the bill before us requires—it does not authorize—it orders judges to sentence within the sentencing guidelines to be established by the new Sentencing Commission, with a very narrow exception. That exception is:

Unless the court finds that an aggravating or mitigating circumstance exists that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described.

Now, this is a rather tenuous kind of proposition, "that there was an aggravating or mitigating circumstance that

was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines." That is going to be a very difficult proposition for judges, and for the courts in general, to apply. This seems to require that the sentencing judge read the minds of the "Sentencing Commission." At the very least, every judge presiding in a criminal case which results in a conviction and a sentence will have to delve very deeply into the working papers of the "Sentencing Commission" in order to determine whether a factor which is present in the case that is before the judge and which will justify departure from the guideline, either more strict or less strict, was adequately taken into consideration. Of course, when you say adequately taken into consideration, that becomes subjective because what is adequate to one may not be adequate to another. If the judge simply decided to depart from the guideline because the facts in the case before him would make it unjust to adhere to the guideline, then he would be committing under the law, under this bill, reversible error.

Now, I have to ask Senators this question: If that is the result, would not that distort the purpose of the sentencing guidelines? Because unless the purpose is to impose the kind of spurious uniformity which I mentioned in my opening statement last week, in which different defendants and different crimes are treated identically for the sake of eliminating disparity, now this provision exalts obedience to a guideline over all other values, values that perhaps should be more important in the imposition of a sentence. And this provision is one reason that I refer to this bill as creating a sentencing machine.

This is an area in which we ought to listen very carefully to the judges, to the people who have a daily experience in this most difficult of human activities, the sentencing of other humans.

The judges are men and women who have today the awesome responsibility of passing sentence on those defendants who are convicted in their courts, and I think many of them have misgivings about a scheme as rigid as that which is proposed in the bill. One perceptive commentator from the bench is Judge Lois Forer, of the Court of Common Pleas of Philadelphia. She has written a book entitled "Criminals and Victims: A Trial Judge Reflects on Crime and Punishment."

I think it is worth taking just a minute to quote briefly from that book. She says:

> In the complicated relationships among the criminal and the victim and society no scheme, regardless of how sophisticated the design or how rigorously and undeviatingly it is applied, can provide fairness or justice. There must be a human mind and spirit that can weigh and assess needs, frailties, and differences among individuals and situations, as well as similarities. The judge who hears the evidence, sees the defendant, the victim, and all the witnesses and has the benefit of pre-sentence and psychiatric reports has the best information about the crime and all the parties involved. It is for that obvious reason that sentencing has been a judicial function under the common law for more than a thousand years.
>
> A judge operates in a public arena, subject to direct criticism from the parties and the press. This may often be uncomfortable for the judge. It is not pleasant to be assailed as a fool, a dupe, a well-meaning bleeding heart, a hanging judge, a chauvinist, or any of the other epithets that are hurled at judges whose sentences diplease some members of the press or the community. But it is far better to have the responsibility—credit or blame—placed on a public official who makes the sentencing decision than to have these decisions made by a nameless, faceless bureaucracy which has never seen the criminal or the victim and who is not responsible to the public. Nor should offenders be denied individualized consideration.

Now, that states the concern. It is stated by a judge, but the concern is not limited to judges. There are many experts in the field of criminology who share it. For example, Prof. Alfred Blumstein of Carnegie-Mellon University has written in an essay entitled "Crime Control: The Search for Predators" that:

> As the research on selective incapacitation begins to identify the patterns associated with high rate offenders, there may be a tendency to move to the creation of a sentencing decision machine. Such a prospect should be viewed with alarm. The factors that do and should enter into the sentencing decision are far more numerous and complex than can be captured by any simple formula. Rather than trying to create a sentencing machine, research should gain insights into the patterns of behavior that are associated with the most serious offenders and in turn these should be communicated to judges and prosecutors. If officials insist that the information is reliably and completely gathered, they will then be in a good position to use these variables. Most importantly, the newly validated variables will hopefully serve to displace some of the less valid indicators that prosecutors and judges currently use in their private sentencing calculations.

Professor Blumstein envisions a system of guidelines that will help judges to do their jobs, but that is not what we are presented with in this bill. In this bill we have a guideline system that will strip judges of the discretion that they have exercised for centuries. That will force judges to hand down sentences that are less individualized, less sensitive to the myriad factors that ought to be taken into account when one human being orders another to be incarcerated or to be fined or to suffer some other punishment.

I believe that the amendment I offer will allow the guidelines to become a help to the judges rather than a hindrance. It will promote the performance by the bench of this particular duty. The amendment would direct the judges to sentence within a guideline, unless departure is warranted on the basis of the circumstances of the offense or on the basis of information about the defendant. If it is a heinous offense, if it goes beyond the normal crime, the judge can take that into account. That would permit the guidelines to do what they ought to do, which, by definition, is to guide, while reserving sufficient flexibility to the judges for rational sentencing.

Moving on to the second goal of the amendment, let me refer to the committee report on S. 1762, which professes to be neutral on the question of reserving incarceration for the most serious cases.

Mr. President, it is, of course, lofty and desirable to be above the fray when that is possible. It is also sometimes safer to be above the fray. But in this case, I am not sure that the Committee on the Judiciary or the Senate can long maintain the posture of being above the fray, because the Federal prisons are in the midst of a population explosion, and to be silent on the question of incarceration is simply to invite further overcrowding, to invite unnecessary friction and, I think you have to say, to invite the possibility of a prison disaster.

This is not a matter of opinion. This is a matter of fact with which we have to deal. Statistics tell the tale.

According to the Bureau of Justice Statistics, the number of State and Federal prisoners rose by 13,288 during the first quarter of 1983. I did not say it rose by 13,288 in 1983. I said it rose by 13,288 in the first quarter of 1983. The total is 425,678 inmates.

In some previous years, the State prisons expanded faster than the Federal prisons, but this is no longer the case. According to the Bureau of Justice Statistics, the number of Federal prisoners grew at more than twice the rate of the State prisoner increase during the first quarter of 1983. As of March 30, 1983, there were 31,537 prisoners in Federal institutions, which is the highest number since the Bureau of Justice Statistics began to keep records, and which is 11-percent higher than the previous year. I do not have the current statistics—so far as I know, they are not yet available—but according to the Bureau of Justice Statistics' midyear 1983 figure, there were 32,142 prisoners in Federal institutions. So the growth rate is apparently continuing. It seems to me that this is particularly troubling in view of the reported decreases in crime rates in recent years.

In fact, the Washington Post reported on this on the 24th of October 1983 in a story headline "U.S. Crime Rate Down Sharply in 1983," 1983 was the second year in a row that the FBI has reported decreases in the number of reported crimes. I am happy to say that there is a similar trend in the vic-

timization surveys conducted by the Bureau of Justice Statistics.

However, it is paradoxical, as the Post notes, that the Bureau of Justice Statistics reported that the State and Federal prison population grew by 4.2 percent during the same period. So we have the phenomenon that the rate of crime seems to be going down and the number of prisoners seems to be going up.

We know that Federal institutions are now overcrowded by a factor of 25 percent, and that overcrowding affects the efficiency and ability of penal institutions to perform the function of rehabilitation. I do not know if crime rates will continue to decline, but we do know that there is evidence of overreliance on incarceration as a criminal sanction. Obviously, there are times when imprisonment is the only appropriate punishment, but not in every case. In some cases, it may be inappropriate, and in all cases it is expensive.

It is very easy for an outraged citizen to say, "Lock him up for 20 years." I think all of us have been tempted to say, "Lock him up for 20 years," upon hearing of one crime or another. But how many citizens contemplate that locking him up for 20 years is imposing on the taxpayers a burden of about a quarter of a million dollars, computed on the basis of about $12,000 per year "tuition"? That, I believe, is a modest sum, by the current standards of prison maintenance.

There are a number of Senators who have shown a very sophisticated understanding of this very important issue.

I note that the distinguished Senator from Georgia (Mr. NUNN) and the distinguished Senator from Colorado (Mr. ARMSTRONG) introduced a bill which is known as Senate bill 1644, which would attempt to limit incarceration to those cases in which it is most appropriate.

What I am attempting to do by this amendment is to do the same thing, to instruct the courts to impose the least severe appropriate sanction and to incarcerate when no less severe sanction is appropriate.

This is the rule that has long been advocated by the American Bar Association. The American Bar Association has debated it, has considered it, and has adopted it.

It seems to me that it not only has the virtue of that expert opinion but the virtue of commonsense.

So I urge Senators, particularly those who have supported the Nunn-Armstrong bill, to join with me to incorporate this commonsense provision into sentencing reform rather than simply to say that we are going to be neutral on one of the most important questions that confronts us as we consider this bill.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, this amendment is objectionable because it would permit the sentencing judge to depart from sentencing guidelines any time he feels some circumstance of the offense or information about the defendant warrant such departure. It is also deficient because it clearly imposes upon the judge the duty to consider sentencing in a lockstep fashion so as to impose the least onerous forms of probation or, as a last resort, a sentence to imprisonment. The judge may not impose a sentence of imprisonment until he has considered all other sanctions, namely, a fine or restitution, as well as probation, and affirmatively rejected such other sentences as inadequate to achieve the purposes of sentencing.

By contrast, the bill provides the appropriate statutory guidance for sentencing policy to the Sentencing Commission. Hopefully, this system will result in the issuance of reasoned sentencing guidelines to be applied within relatively narrow ranges so as to insure fairness and eliminate unwarranted disparity. Admittedly, general discretionary guidelines for the judiciary might have some improving effect. However, the sponsors of this bill have long felt that effective sentencing must incorporate generally binding guidelines unless the judge finds "that an aggravating or mitigating circumstance exists that was not adequately taken into account by the Sentencing Commission in formulating the guidelines and that should result in a sentence different from that described." (See 18 U.S.C. 3553(b).) Otherwise, the guidelines are likely to become merely advisory information for the judiciary to accept or reject based on each individual judge's view of the appropriateness of the guideline sentence. If we are ever to reach a reasonably consistent sentencing process, I believe we must at least try—and, if necessary, fine tune later—sentencing principles in the form of guidelines and policy statement that have teeth in them. The bill as drafted best enhances that objective.

In addition, Mr. President, I am disturbed by the point of view that each offense and offender should necessarily be approached from the lenient perspective. Obviously, many offenses and offenders naturally impell a decisionmaker toward minimum sanctions and a hope for rehabilitation. For example, a youthful first-time offender convicted of a nonviolent crime. There are situations, however, that are so heinous and outrageous that society must demand that departure from the maximum imposable sentence be affirmatively justified. Mr. President, only recently two Federal prison guards were murdered by repeat killers serving consecutive life terms. I do not know what else can be done with them—we do not seem able to enact a death penalty statute—but I find it totally objectionable to apply presumptions of leniency to these cases as this amendment would philosophically accomplish. Our diligent search in each case should be for the "appropriate" sentence based on the circumstances of the case and the characteristics of the offender.

This amendment should be rejected.

I might say that the Judiciary Committee considered this bill, considered this sentencing provision, and has fine combed this matter. It has gone over it very carefully.

The Justice Department is in accord with the position taken in this provision of the crime package and we hope that the Senate will adopt the provision of the Judiciary Committee.

I now yield to the able Senator from Delaware.

Mr. BIDEN. Mr. President, as usual the Senator from Maryland raises some legitimate points and makes his case well.

What we are about here after, I might add, a decade of arguing about sentencing procedures that exist in this country today, is in fact a fundamental change in the way in which we approach the sentencing process, and to the extent that the Senator from Maryland implies that he is absolutely correct, and to the extent that he argues that this could under certain circumstances increase the prison population, he is correct about that.

But let me tell you why I believe, after having worked on this particular portion of this bill since I got here in the Senate, there are chances we have to take and acknowledge that points raised by the Senator from Maryland are legitimate at least to the degree that some of them could come to fruition, namely, increased prison population. But I would argue that the opposite is just as likely to occur and that is to decrease prison population.

Let me explain just very briefly how we got to where we are in this bill. Senator KENNEDY and myself years ago concluded that one of the most serious failures of our sentencing system was that it was based upon the notion that someone would be incarcerated for as long as it took to rehabilitate them and put them back out into society, and that is a noble notion and idea that I would like to subscribe to, if we were able to determine what constituted rehabilitation, when it occurred, and, if it occurred, why it occurred.

But as we found out over a long experience, we do not know how to rehabilitate. I would argue that we do not make enough effort to do that. But even beyond not knowing how to rehabilitate, we are not even sure when rehabilitation occurred and, when it occurred, we did not know why it occurred. We do not know if it is—not to be facetious—whether they saw God,

whether their mother passed away and that so affected them that it altered their psyche and that, in turn, altered their behavior, or whether it is because of the skills they learned in prison, learning how to read or write or fix that 1948 Buick they keep putting back and forth together in most prisons. We just do not know why it occurs.

We have a tremendous amount of testimony over the years in the Judiciary Committee on the question of rehabilitation and what it means.

So there is a fundamental shift here. We found that what we had under the present sentencing system, and it is just kind of coincidental, most of the people who wind up in jail are people who are poor and people who are black and people who are from a minority, and some racists among us will say that is because that is how those folks are. In fact, you could say all right, let me accept that for sake of argument. Let us look at the next step, that the comparative studies, many of which have been done and I will not bore the body with them, because I made this argument time and again on the floor, the comparative studies that say all right take a white middle-class guy that commits the same crime as the black economically deprived guy and get him before the same judge, and it turns out, by and large, the studies show the white middle-class guy gets a more lenient sentence than the black guy, and you know that is kind of disturbing.

So what we try to put into this sentencing bill, and Senator KENNEDY and I compromised out an awful lot of things that I quite frankly would like to be tougher about in the sentencing process, we compromised out so that we allowed some discretion which I was not inclined to give any increase so that there would be some discretion but nonetheless uniformity.

Very bluntly, I say to the Senator from Maryland, he quoted two very noble judges, and one, I believe, psychiatrist or psychologist. He is correct. If we believe what the judges said, we would not be here on the floor. If I had confidence in the judges being able to do this thing, there is no need for us to be here. But the reason we are here with sentencing is we do not like the way the judges are doing it.

Now some judges are good at it; some judges are bad at it. But if we are happy with the way the judges are imposing the sentences, that is the best way to do it, I agree. If every judge was a Solomon and stood before us, I have no problem with that.

I agree that that judge not only sees the person, as the Senator from Maryland says, and we do not see the person as we pass a broad law here and then the sentencing commission further refines it—neither the sentencing commission nor JOE BIDEN nor STROM THURMOND see that victim and/or defendant, in this case the criminally convicted defendant.

But one of the problems we found out is the judge sitting there does see him. We find out judges are not color blind and judges do not leave their baggage at home. Judges do not leave their prejudices at home. And we found there is significant disparity in how the judges apply the sentences when they see the defendant.

So this notion that if you see the defendant you are in a better position to be able to know what is right or wrong for the defendant and right or wrong for society sound very reasonable, except the past several decades of history—and I would suggest longer than that—indicate that it does not work all that well.

I will speak to a second point the Senator raised. He said somewhere along the line a judge may come up and say, "Look, I have got to deviate from these guidelines." I understand they are only guidelines. He can already deviate from them.

The committee did not accept the Biden proposal which says: "Same time for the same crime, Jack. Bam, you go to jail if, in fact, it is a crime that warrants incarceration."

They did not like that, so they said: "Okay, let's have some flexibility here."

Well, flexibility was a guideline and then we have within the guidelines which are broader, we have a further flexibility. A judge can deviate from the guideline.

Now, the Senator from Maryland is disturbed that the court would be required, in his deviation from the guideline, to find that "An aggravating or mitigating circumstance extends beyond that which was not adequately taken into consideration."

I assume that worries him that it puts an extra burden on the judge to know what in fact was or was not taken into consideration. Well, that is a problem with judges, among others. They do not know the law sometimes. I do not consider it any burden at all when this law passes and the guidelines are issued by the Commission for every judge to have required homework to memorize the guidelines, to know them, to know the details of them. If it is a two-page report, read it. If it is a 5,000-page report, read it. I like judges doing homework. Why should they not know?

So if the Senator is implying it is a burden for a judge to have to know whether or not that factor was taken into consideration, I do not consider that a burden at all. It is a burden for a judge in a complicated antitrust case—and the Senator from Maryland and I tend to agree on that issue—to know the details and complexity of antitrust law. We understand the judge should have that burden. I think it is no burden for the judge to understand the guidelines.

Next, Mr. President, I point out that if, in fact, the guidelines were adhered to and, further, the guidelines come down with all of what we expect—incarceration only for violent crime or primarily for violent crime—then we will maybe reduce the prison population because judges in Philadelphia, an area I know well, in Baltimore, which I know less well but the Senator from Maryland knows very well, in Wilmington, Del., which I know very well, judges will not now under the guidelines hopefully, be able to put people in jail for nonviolent offenses when there is an alternative suggested by the commission, which a lot of judges do now.

So the Senator worries that what is going to happen, with the guidelines putting emphasis on imprisonment for violent offenders, what is going to happen is that is going to increase the prison population. I would argue it is just as likely the guidelines will reduce prison population because the guidelines, hopefully, will be such that they say, for nonviolent offenses, maybe it is not such a good idea to put someone in jail. So if now a judge wants to put someone in jail for a nonviolent offense, and it is not within the guidelines, the judge is taking a chance that he could have reversible error. I would argue that this is an equalizer, a positive equalizer.

The last point I would like to make—and obviously there is much more to say because the points the Senator from Maryland raises are important and they are significant—the last point, though, I would like to speak to, and I will only do it for a moment, is this notion of additional prisons. He is absolutely right the $12,000 college tuition for a Federal prisoner is not cheap—probably it is closer to $30,000 a year depending on how you add it up. It is a big ticket item.

But I would argue that life is a matter of alternatives. One of the alternatives we are faced with here is whether or not we are going to pay the price to keep violent people off the street. Now if a society's judgment is that the price is not worth it, then I would argue, fine, do not do it, vote those of us out of office who think we must pay to keep the violent person off the street. But I want to conclude that point by saying I am not at all sure this will increase prison populations, because the guidelines will inhibit judges from putting nonviolent offenders in jail as opposed to encouraging that, but it will encourage them to put the violent offender in jail.

I yield the floor.

Mr. LAXALT. Mr. President, the first amendment offered by Senator MATHIAS has two purposes: First, to provide the sentencing judge with a

large number of options from which he can select an appropriate penalty for the defendant before him, and, second, to make sure that the least severe appropriate sentence is in fact imposed. Both of these are proper goals for sentencing reform. I must oppose the amendment, however, because title II already incorporates these purposes to the maximum practicable extent consistent with the overriding purpose of eliminating unwarranted disparity and uncertainly in sentencing.

The Senator agrues that the proposed bill will bind Federal judges to the sentences prescribed by the Sentencing Commission guidelines and that occasionally the guidelines will not provide a sentence appropriate to a particular case. The amendment is intended to provide the judge with authority to depart from the guidelines in such cases.

However, title II presently provides just this authority. Section 3553(b) permits the court to depart from the guidelines in cases where an aggravating or mitigating factor exists that was not adequately considered by the Sentencing Commission in the promulgation of the sentencing guidelines. The court is required by section 3553(c) to state the rationale for its selection of penalties and, where the sentence is outside of the guidelines, to set forth the specific reason for imposing that particular sentence.

On review, the court of appeals is required to accept the trial court's findings unless it finds them to be clearly erroneous. And further, in cases where the sentence is outside of the guidelines, the appellate court must find the sentence to be unreasonable in light of all the factors to be considered by the trial court in imposing a sentence and in light of the reasons given by the trial court in support of its decision (section 3472(d)).

These provisions of title II clearly indicate that the trial judges are not locked into the guidelines in cases where the prescribed sentences are not appropriate. The appellate courts are required to give due regard to the decision and the justification of the trial court to go outside the guidelines.

I must add that to give any greater deference to the trial judges in the area of sentencing would defeat one of the primary purposes of this legislation—namely, the elimination of the unwarranted disparity in sentencing due to the present failure of Federal judges to sentence similarly situated defendants with any semblance of consistency. Title II provides a framework for sentencing decisions and also permits judges to impose appropriate penalties in those cases where the guidelines will, as any guidelines sometimes must, fail to give a pertinent factor adequate weight.

But the present sentencing mess makes it quite clear that what is desperately needed in sentencing reform at the present time is a statutory scheme that encourages—and that will actually result in—greater uniformity in sentencing. When a judge departs from the recommended sentences, the burden should be on him to justify his decision. This is what title II will accomplish.

The second part of the proposed amendment requires the judge to proceed in lockstep fashion through all of the sentencing alternatives, from unsupervised probation up to a term of imprisonment, in order to make certain that a term of imprisonment is imposed only when all other alternatives have been rejected as inappropriate. Again, I agree with the general thrust of this amendment, but again I say that the proposed bill already accomplishes this purpose without sacrificing the guidelines system that is necessary to eliminate the gross disparity in sentencing under existing law. Section 3553 requires the judge to consider the kinds of available sentences in general and the specific sentences recommended in the guidelines and to state the reasons for each sentence imposed. In turn, section 994, which sets forth the duties of the new Sentencing Commission, contains a series of directives to the Commission concerning the formulation of the sentencing guidelines. Section 994(j), for example, directs the Commission to "insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment where the defendant is a first offender and the crime is not a crime of violence or an otherwise serious offense." Section 994(i) directs the Commission to insure that the guidelines do not prescribe prison terms where rehabilitation is the appropriate purpose of sentencing.

However, we all recognize that imprisonment is very appropriate for many repeat offenders, for professional criminals, and for those convicted of major drug offenses and violent or serious crimes. It would be an empty gesture in cases involving these crimes to require the courts to consider formally each sentencing alternative from the most lenient to the most severe. In fact, title II directs the Sentencing Commission to recommend stiff prison terms for such offenders. See for examples section 994 (h), (i), (j), and (l).

Finally, I believe that underlying this amendment there is an assumption that imprisonment is by definition "severe" and that any penalty other than imprisonment is something less than severe. This assumption overlooks the wide range of sentencing alternatives authorized by title II. Thus, in a given case, the Sentencing Commission may recommend a penalty of probation with conditions that the defendant pay a fine and serve evenings and weekends in prison. For certain offenders, this may be far more punitive than a light prison sentence. Title II does away with the idea that "probation" means the absence of punishment. Under this bill, probation may be subject to conditions and fines in order to permit the courts to fashion sentences that are appropriate to each convicted offender.

The Senator's amendment also adds language requiring the sentencing judge to consider restitution as an option in each case. This language is not necessary because section 3553 (c) and (d) and section 3556 of title II already provide the authority for imposing a restitution requirement on the defendant. In fact, if the court does not order restitution, the court is required by these sections to include a statement explaining why restitution was not ordered. Clearly, this encourages the courts to give serious consideration to restitution in each criminal case. Because this amendment regarding restitution adds no more than what title II already includes, the amendment is unnecessary.

In sum, the substance of the Senator's amendment is already reflected in title II. Insofar as the proposed amendment goes further than title II in freeing Federal judges from the framework of the sentencing guidelines, however, the amendment seriously detracts from the main purpose of title II and the guidelines system—that is, to eliminate the present unwarranted disparity in the sentences imposed by the Federal courts. The amendment should be rejected.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the Justice Department opposing this Mathias amendment and the other two, which I understand he will offer.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., October 27, 1983.

HON. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to express the strenuous objection of the Department of Justice to a package of amendments that we have been advised Senator Mathias intends to offer to the comprehensive sentencing reform title of S. 1762. Title II of S. 1762 represents a consensus regarding sentencing reform that is the product of more than a decade's effort. These amendments either strike or drastically alter certain core concepts of this consensus sentencing package.

The proposals incorporated in these amendments are ones to which the Judiciary Committee has given full consideration and has rejected not only in the context of

S. 1762, but in similar sentencing reform legislation in past Congresses. These include retention of parole, and thus of the concept of indeterminate sentencing; placing the function of promulgation of sentencing guidelines in the Judicial Conference rather than in an independent Sentencing Commission; a wholesale revision of the provisions of the bill which govern the scope and content of sentencing guidelines, including an instruction to the Commission to, in effect, recommend imprisonment only as a last resort; and establishment of further legal barriers to imposition by judges of sentences of imprisonment even for violent offense and irrespective of whether such sentences are deemed appropriate under sentencing guidelines.

The strong bipartisan support for the comprehensive sentencing reform package of Title II of S. 1762 is well deserved. We strongly urge that these amendments be defeated so that S. 1762's much needed consensus sentencing reform package remains intact.

Sincerely,

ROBERT A. MCCONNELL.

Mr. THURMOND. The view of the Justice Department is in line with the committee view.

I might say on this particular Mathias amendment in the committee, I just looked up the report, the committee voted 15 to 2 against this amendment in the committee.

Mr. MATHIAS. Mr. President, the Honorable James K. Stewart, Director of the National Institute of Justice, made an interesting speech at the Conference of State Chief Justices and the Conference of State Court Administrators in which he praised the voluntary guidelines which have been so criticized by the majority of the committee. I believe that if the majority of the committee would read Mr. Stewart's remarks, it would be illuminating.

I offer that for the RECORD, as well as remarks by the Attorney General of the United States, Mr. William French Smith, on alternatives to incarceration, which I think are pertinent to this debate.

I ask unanimous consent that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY HONORABLE JAMES K. STEWART, DIRECTOR, NATIONAL INSTITUTE OF JUSTICE, U.S. DEPARTMENT OF JUSTICE

I am especially pleased to be participating in the 1983 Annual Meeting of the Conference of Chief Justices. It is an honor to be the first Director of the National Institute of Justice to address your distinguished group.

As a career police official who rose to chief of detectives in Oakland, I bring to the job of institute director a firsthand knowledge of the consequences of crime control policy. I've seen what happens when policy collides with reality on the streets.

As justices you view the parade of cases that pass before you from a different vantage point. Judges are not one more valve in the pipeline of criminal justice. Rather you stand apart, with a different purpose and thus a different perspective. The Framers of our Constitution recognized the judicial branch as separate so as to give reality to the guiding principle that we are a government of laws, not of men.

While judges fulfill a separate and unique function, you and I also recognize that all parts of the criminal justice system are highly interdependent. The effects of changes in one area ripple throughout the system. And the scarce resources available must be shared throughout the separate units of our justice system.

The pressures of change and constrained resources make communication within the justice system more important than ever before. That is why I particularly welcome the opportunity to meet with you today to begin what I hope will be continuing dialog between the National Institute of Justice and the Chief Justices.

Since its inception in the early 1970's, the Conference of Chief Justices has taken an increasingly active role in influencing national policy affecting State Courts. Today your insights are particularly powerful and necessary.

The Reagan administration is committed to revitalizing state and local leadership in fighting crime and improving our nation's delivery of justice. We look to the great laboratories of the individual state, as Justice Brandeis referred to them 50 years ago, to foster progress and to help guide our search for policies and practices that can better serve the American people.

The President also recognizes your special role and the insights you have into the complexities of crime and justice. That is why he appointed Justice Cameron of Arizona, a member of your Conference, and Justice Richardson of California, to serve on the Advisory Board to the National Institute of Justice. These distinguished justices provide the valuable judicial perspective and advice that is helping us create a more policy-relevant research policy.

In addition to the counsel of our Advisory Board, the Institute has actively sought the direct input of state and local practitioners in other ways. For the first time ever, the Institute has conducted hearings at conferences of major criminal justice associations, including the American Bar Association, to help identify areas of research inquiry.

We have learned of the problems you face in dealing with the realities of crime. The testimony, much of the best of it from judges, has helped us to understand the questions policy makers faced and design research that will focus on helping to answer those concerns.

Certainly a major concern expressed by Judges is public perception of the courts. Our justice system requires public support. But public opinion polls show that support has been eroding.

Citizens see their lives increasingly restricted and regulated by crime. What can be done? According to recent polls, the public answer is to punish criminals to the full extent of the law. Yet only three percent of those polled viewed the courts' performance as very good in this area, and nearly a third considered court performance to be poor.

A number of reasons contribute to the low rating. One is confusion over the way courts operate. Citizens don't understand, for example, why there is so much delay. The media cite cases that take years to be resolved. Victims and witnesses complain that delays exact a second penalty on lives already marred by crime.

Judges have a special place in the minds of citizens. You stand as guarantors of fairness in our society. And so you often bear the blame for the cumbersome and costly procedures of the justice system.

Disparate sentences also undermine public confidence. Widely different sentences are given front-page coverage by the media. A husband, convicted of brutally murdering his wife, is sentenced to two years in a work release program. An autoworker and his stepson receive fines and probation for viciously beating to death a young Chinese-America. Sentences such as these are impossible for the public to reconcile in their personal context of justice. Lacking an understanding of the complexities of sentencing and the issues involved in exceptional cases, public frustration increases.

Public criticism has had a severe impact. Our State legislatures have stepped in, revising sentencing laws to include mandatory minimum terms. Citizens are taking responsibility for reviving justice by forming court watching groups.

And so our greatest institution for justice, the courts, have come under increasing pressure to change. As the symbols of deliberative fairness, judges ought to take the lead in implementing positive changes. Change is inevitable, but it must be enlightened and informed. We need to understand the consequences of particular policies—both intended and unintended.

And that is where the National Institute of Justice comes in. It supports research that can help give you empirical information on current practices and on new options for improving the administration of justice in America.

The power of research is recognized in many fields. Medicine, for example, has a long tradition of looking to research to find new ways of solving old problems. In criminal justice, too, we are at a new threshold of recognition of the power of the experiment.

Perhaps nowhere is this more apparent than in my field, policing. Long considered the part of the system most traditional and resistant to change, police have led the way in opening up their operations to the rigors of the experiment. Today, many of the time-honored assumptions that guided my performance 15 years ago in Oakland, have been challenged by research findings.

Through research, the National Institute of Justice has given police empirical information to change the way police patrol, respond to calls for service and manage criminal investigations. This is the power of the experiment: It provides the hard knowledge needed to pierce through accepted wisdom and examine issues of fundamental concern.

The power of research can also be harnessed to benefit the courts. The National Institute of Justice expends millions of dollars each year on research. We want to make sure that these funds are wisely spent. And that is why we have reached out to the judges to help guide the investment of Federal funds in research that will reflect judicial policy concerns and information needs.

The National Institute of Justice has already made significant advances. You and your court administrators have opened your courts to researchers to analyze traditional practices and to test and advise on changes for your improvement. The results have been fresh and successful approaches to reducing court delay, creation of workable sentencing guidelines and cost-saving jury management techniques.

Through our research at the Institute we now know that delay stems from many sources; not just from judges granting continuances as the public perceives. By implementing relatively straight-forward procedures case processing time can drop dramatically.

Working closely with the Institute, judges aided in the initial implementation of voluntary sentencing guidelines. From this pioneering effort, guidelines have gained acceptance and are now used by over half of the states. These guidelines increase equality of treatment of similar offenders yet include a mechanism for individual treatment in exceptional cases. Thus, the guidelines preserve our system of individualized justice while making sentencing policy more explicit and accessible to the public.

Research in jury management lead to the development of the "one-day or one-trial" system now used in over 60 courts. Among the key concepts identified and refined under the program are use of drivers license lists rather than voter registration records to obtain more complete and accurate listings of potential jurors, and jury call-in systems for last minute verification on need to report.

These practical results illustrate the promise of research. But much remains to be done. With your leadership, you can influence other judges to look to research for ways to improve the courts effectiveness. At these annual meetings you can discuss and debate research on the issues and practices of the courtroom, and feed those valuable insights back to us.

We at the National Institute of Justice stand ready to aid you with new and pragmatic research. Courts are a high priority for the Institute and we have a number of new projects on our agenda. We are studying the use of sentencing enhancement laws and evaluating the multidoor courthouse concept developed by the American Bar Association to increase court accessibility and reduce cost and delay. In November we will co-sponsor the first national victim training conference for judges. This is a project initiated by concerned judges to bring together at least two judges from each state to make recommendations on how the victim can appropriately participate in the justice process. This project shows how the judges are taking the lead in innovation rather than reacting to legislative modifications.

As the chief judicial officers of the states, you have the ultimate responsibility for maintaining the integrity of the truth-finding process. The courtroom is the focal point of the system and you are the personification of justice. Working with the National Institute of Justice, you can collaborate in the development of policy-relevant research that will benefit the criminal justice system and the public we serve.

The Institute is eager to join with you in a working partnership to direct research inquiries that can help you with the critical and esteemed task of rendering justice in our complex society.

COOPERATION NEEDED TO EASE CROWDING, IMPROVE THE NATION'S PRISON SYSTEM

But while we move forward in our efforts to improve our nation's prisons, we must recognize that we cannot continue to rely exclusively on incarceration and dismiss other forms of punishment. Prisons serve important functions—they deter criminal behavior, they incapacitate and punish known offenders, and they avert private vengeance. In many cases, an expenditure of well over $10,000 a year to keep a criminal in jail and off the streets is worth it. In other cases, it is too high a price. It is important that we examine alternatives to imprisonment that exact a punishment from the less serious offender without the exorbitant costs of incarceration.

We are studying alternative forms of punishment for nonviolent offenders that will deter criminal behavior and reduce the chance that an inmate will return to criminal activity, without placing an unnecessary burden on the taxpayer. Alternative forms of punishment include ordering an offender to repay the victim for property and personal damage suffered through a supervised program of restitution. Another approach would be to compel the offender to perform community service. Again, I emphasize, such punishment options should be available only in limited cases for nonviolent criminals where the sanction is sufficient to punish the offender.

The Adminstration has supported legislation to provide funding for projects that will help states devise alternatives to incarceration as part of their criminal justice programs. We simply cannot afford to ignore alternative forms of punishment.]

We are committed to improving this country's prison system. Some will undoubtedly object to these efforts. They will claim that working to improve prison conditions and spending money on prison programs makes life too easy for or "coddles" the criminal. To spend money to improve our correctional efforts is not "coddling" prisoners, but a wise investment in the safety and welfare of every citizen.

We have already taken important steps to create better prisons. Federal, State, and local law enforcement and corrections officials have been working together to expand prison capacity, train personnel, and share resources and knowledge. The combined dedication of federal, state, and local officials will enable us to find creative solutions to the problems presently facing our prison systems.

Improving the effectiveness and efficiency of the our nation's prisons is an important challenge. It is a challenge this Administration intends to meet by working toward a model system, by continuing federal, state, and local cooperation, by encouraging innovative state and local ideas, and by fostering public concern and government action.

Mr. MATHIAS. Mr. President, the Senator from Delaware said very truly that prison populations may go up or they may go down. It is the nature of human events that it is impossible to predict with total accuracy what will happen. I do not pretend to predict what will happen. But there is a straw in the wind that I think may be helpful to the Senator from Delaware in determining what will happen. That is that private corporations, organized for profit, organized to make money, see an opportunity here. They are so sure that the prison population is going to increase that they have blueprints drawn and are ready to go to put up prisons for rent, cells for hire.

Mr. BIDEN. Would that be for their employees?

Mr. MATHIAS. They are proposing to lease them to the Government.

These entrepreneurs who have done very well in building the hotel system in the United States know what they are doing. They see the prison population is probably within the limits of human tolerance and probably will increase. They see an opportunity to make a profit. There is certainly nothing wrong with that. So they are going to have prisons for rent.

So that is a straw in the wind which I think may be illuminating to the Senator from Delaware.

I would agree with the Senator from South Carolina, the distinguished chairman of the Judiciary Committee, that an assault on a prison guard is a heinous event, one that shocks the conscience of the country. But I would say to the distinguished chairman of the Judiciary Committee that the more prisons are overcrowded the more we are risking a repetition of that kind of event. Unless this bill contemplates the necessity for relieving that overcrowding of prisons, which may be aggravated by the bill, the more we are risking that danger.

The Senator from Delaware in his very rational and thoughtful remarks drew attention to the experience of various jurisdictions. I am sure that before this debate goes on much longer we will hear about Minnesota, so we might as well bring Minnesota up right now because there are some lessons to be learned from the Minnesota sentencing guideline system.

The Minnesota system has been relatively successful in reducing the disparity of sentences and in reducing indeterminacy without, I note for the benefit of the Senator from Delaware, drastically increasing prison populations.

I know the Senator from Delaware is going resist the temptation to say that Senate bill 1762 is similar to the Minnesota statute because he is too good a lawyer to fall into such a misconception. Senate bill 1762 is not similar.

We do have a lot to learn from Minnesota. I think that in Minnesota they have achieved many successes which we would like to emulate. They have avoided many of the pitfalls that threaten any reform of the Federal system of the administration of justice. But I think we have to take a very careful look at those successes and at the many shortcomings of the Minnesota system before we conclude what the lessons are that we should observe.

It seems to me that the successes in Minnesota derive from several factors. One that is cited time and again is a principle that the proponents of this bill have consistently and resolutely refused to adopt.

The Minnesota Legislature ordered the State commission to consider the State's correctional resources in developing sentencing guidelines. The Minnesota commission made a deliberate decision to interpret this as a mandate

not to increase prison population beyond 95 percent of the State's prison capacity. This interpretation of the law as imposing an absolute limit on the prison population has been a key to the Minnesota system's success; whereas, Senate bill 1762 is, of course, open ended. It imposes no limit on prison population.

The National Center for State Courts recently published a detailed study of several State sentencing guideline systems. Incidentally, it is interesting to note that the study was entitled "Sentencing by Mathematics." Here is how the Deputy Director of the Center characterized the Minnesota experience.

In creating its Sentencing Guidelines Commission, the Minnesota legislature required that the capacity of the state's penal institutions be used as a factor in deciding what sentences to specify in the guidelines. Using a simple computer program, the Commission staff was able to project the consequences for state penitentiary populations of different severity levels of guidelines sentences for major crimes. The Commission decided to set the sentences at a level that would result in inmate populations of no more than 95 percent of the capacity that the prisons were expected to have when the guidelines went into effect. This criterion forced the Guidelines Commission to make choices among crimes.

While we are on that subject, I would note that another researcher, Susan E. Martin, in an article entitled "The Politics of Sentencing Reform," published by the National Research Council, concluded:

The interpretation of the legislative mandate to "consider . . . correctional resources" as an absolute limit was central to the commission's work for several reasons. First, it facilitated the development of a viable research methodology which, once adopted, reinforced the need to consider the population constraint.

So it seems to me that any Senator who is truly interested in following the Minnesota example should be willing to follow that example to its logical conclusion; that is, to write into the Federal legislation the principle that has made possible the success of the Minnesota commission's work. That principle is that the sentencing guidelines should be designed to avoid overcrowding of prisons. Since we are already 25 percent over rated capacity, the logical step would be to provide guidelines which would reduce prison population. I do not advocate that. I think it would be futile to do it. But I think the very minimum we should do is to indicate that the guidelines should not increase the Federal prison population.

As the Senator from South Carolina has pointed out, that proposition was overwhelmingly defeated in the Judiciary Committee. But I still think that anyone who is going to cite Minnesota as an example ought to be willing to support this amendment which is now before the Senate.

Mr. BIDEN. If the Senator will yield, in light of his last statement I must say that I still will be able to oppose the amendment because I have not mentioned Minnesota. Maybe I will respond later to the Senator's arguments.

All kidding aside, let me read from the statute again.

Again, this relates to the Senator's concern about the impact upon the facilities.

The statute says, reading from page 106, section (g):

"(g) The Commission, in promulgating guidelines pursuant to subsection (a)(1) to meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code, shall take into account the nature and capacity of the penal, correctional, and other facilities and services available, and shall make recommendations concerning any change of expansion in the nature or capacity of such facilities and services that might become necessary as a result of the guidelines promulgated pursuant to the provisions of this chapter.

Although that does not answer the question whether or not there will in fact be an increase or decrease in prison population, we are cognizant of the fact that the Commission, in setting the guidelines, could and should make recommendations. If, in fact, they conclude that, with the guidelines they will promulgate, they are convinced they will increase the required number of spaces in the prison system, they will come forward and say, "By the way, Congress, we are going to need X number of beds," or whatever.

The second point I would like to make relates to the fact that the private corporations are considering getting into the business of building or leasing prison facility space. I respectfully suggest that that does not necessarily mean that they are counting on an increase in population. They would be doing that even if there were going to be a decrease in prison population because they have concluded a trend that is under way, and I compliment the President of the United States for instituting this trend; that is, that what can be done cheaper by the private sector, there is no reason for the public sector to do as well. With all due respect to civil rights and civil liberties, that should in fact not be something that there would be a need for. So I argue that the motivation for being involved in the prison leasing business relates as much or more to their ability to make a buck by performing the same services for less money as it is as a consequence of a State or Federal facility being so overcrowded that they are going to need additional space.

I know that in my State of Delware, if in fact a private contractor could convince my State legislature that they could provide incarceration facilities for the State at a cheaper per capita investment than that which is there, I do not believe it would take long for my State to scrap its whole prison system if they could.

It does not mean they need extra beds necessarily. I must admit I do not know a lot about which corporations are providing or contemplating going into this business. Again, I argue that it does not necessarily mean we shall need additional space.

Also, on page 137, reading from line 21:

(2) Within one month of the start of the study required under subsection (a), the United States Sentencing Commission shall submit a report to the General Accounting Office, all appropriate courts, the Department of Justice, and the Congress detailing the operation of the sentencing guideline system and discussing any problems with the system or reforms needed. The report shall include an evaluation of the impact of the sentencing guidelines on prosecutorial discretion, plea bargaining, disparities in sentencing, and the use of incarceration, and shall be issued by affirmative vote of a majority of the voting members of the Commission.

In short, what we are going to know fairly quickly is whether or not the Senator from Maryland is correct about the impact on the prison system. Let us assume for the sake of argument that he is correct about the impact on the system. Then we either go back and pass a law altering Commission guidelines, No. 1; or, No. 2, we go ahead and build the additional prisons that they say they need or think they are going to need; or, No. 3, we adhere to a report that says we are not going to need any additional prisons. In short, I think the most appropriate way to deal with this is to wait rather than to move now.

I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I do not intend at this moment to answer the substance of the statement of the Senator from Delaware. I merely say that a lot of the ultimate outcome of this conundrum that he and I have been discussing depends on the interpretation that would be placed on that language which he read which appears at page 106 of the bill. The question is whether or not it would be interpreted to require that there would be no increase in prison population. I propose that we resolve that question once and for all in a way which properly discharges congressional responsibility.

Mr. President, at my back I see the Senator from North Carolina. I understand the Senator from North Carolina has an amendment he would like to propose. I therefore ask unanimous consent that we may lay aside the pending amendment.

The PRESIDING OFFICER (Mr. HECHT). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2682

(Purpose: To include crimes involving obscene matter under the provisions of RICO)

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. I am deeply grateful to my good friend from the great State of Maryland. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2682.

On page 353, after line 24, add the following:

PART P—RACKETEERING IN OBSCENE MATTER

SEC. 1031. Section 1961 (1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

Mr. HELMS. Mr. President, anyone living in the United States in 1984, who has his or her eyes open, knows that we are experiencing an explosion in the volume and availability of pornography in our society. Today it is almost impossible to open mail, turn on the television, or walk in the downtown areas of our cities, or even in some suburban areas, without being accosted by pornographic materials. The sheer volume and pervasiveness of pornography in our society tends to make adults less sensitive to the traditional value of chaste conduct and leads children to abandon the moral values their parents have tried so hard to instill in them.

It is not easy to raise children these days, given the corrupting influences all around. Drug and alcohol abuse as well as irresponsible sexual behavior abound, even among our young people. But parents, being parents, still quite naturally want nothing less than the best for their children. This certainly includes passing on to them the moral values which they themselves have received and which make for a happy and humane life. The scourge of widespread pornography complicates in no small degree the already difficult task of raising children in 1984.

Mr. President, while it is difficult to measure precisely the adverse effects of pornography in society, commonsense tells us that the consequences are enormous. Surely it is not just coincidential that, as a time in our history when pornography and obscene materials are rampant, we are also experiencing record levels of promiscuity, veneral disease, herpes, acquired immune deficiency syndrome (AIDS), abortion, divorce, family breakdown, and related problems. At a minimum, pornography lowers the general moral tone of society and contributes to social problems that were minimal or nonexistent in earlier periods of our history.

In essence, pornography degrades the dignity and worth of human beings by presenting a false picture of human sexuality. It holds sexuality out as an end in itself, totally removed from its proper and normal place as a means in marriage for conjugal love and the procreation of children. Pornography demeans because it rejects the true meaning of sexuality.

And, Mr. President, the true meaning is the one that is reflected in our most ancient cultural tradition. It is the one that binds human sexuality inseparably to marriage and sees its fruit in the family. This is the proper context for sexuality, and when it is removed from such context, injury is invariably done both to the individuals involved and to society at large.

Mr. President, in recent times pornography has been condemned as a particular offense against women. It has been said that pornography is nothing less than the rank exploitation of women and femininity for the illegitimate pleasure of men. I totally agree.

But, Mr. President, this is only part of the truth. The whole truth is that pornography not only offends against women, but it also constitutes an offense against men and children and human dignity and common decency as well. In short, it is a scourge to all of society, and Congress should act promptly and effectively to help eliminate it.

Mr. President, in the last decade the pornography industry has grown to mammoth proportions. Currently profit from this material is estimated to be the third largest source of income for organized crime after drugs and gambling.

The amendment I propose is very simple. It merely adds "dealing in obscene matter" to the list of offenses in the racketeer influenced and corrupt organizations (RICO) statute. The RICO statute, as is well known, was enacted in 1970 as a means of dealing with organized crime. According to its preamble, the purpose of the act is "to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime." While the RICO statute is not perfect and probably needs some reform, it has proved useful in curbing organized criminal activity and in combating the specific crimes usually associated with such activity.

Within the term "racketeering activity" the RICO statute includes murder, kidnaping, gambling, arson, robbery, bribery, extortion, and dealing in narcotics. It does not, however, include "dealing in obscene matter."

In 1984, with the heavy involvement of organized crime in the pornography trade, it seems only appropriate that RICO include the crimes of "dealing in obscene matter" already in State and Federal law. Such crimes would then not only be State or Federal crimes in themselves, but they would also be RICO crimes, thereby opening the door to Federal investigation of an area of substantial interest to the criminal community.

The additions to RICO contemplated by my amendment would have a threefold effect: One, they will enable Federal prosecutors to expand their investigations into the involvement of organized crime in the illicit sex industry; two, they will make prosecutions possible along the chain from adult theater, peepshow, or bookstore employee to the owner, distributor, financier, and producer of obscene materials; and three, they will send a strong warning to organized crime and obscenity profiteers that the exploitation of women, children, and others through pornography will not be tolerated by the American people.

Mr. President, in order to show further the need for this legislation, I would like to include certain materials in the RECORD to document that fact that organized crime is heavily involved in the pornography business. I therefore ask unanimous consent that the following materials be printed in full in the RECORD at the end of my remarks:

First, an excerpt from a report of July 1982 by Morality in Media, 475 Riverside Drive, New York, N.Y. 10115, on the multibillion dollar traffic in pornography.

Second, a series of articles from the June 1982 issues of Calendar magazine, the Sunday supplement of the Los Angeles Times, on so-called pornbrokers.

Third, an article from the August 19, 1979, issue of Parade magazine on organized crime and the pornography trade.

Fourth, an article from the September 18, 1978, issue of Forbes magazine on the so-called X-rated economy.

Fifth, an excerpt from a report of December 1976 by the Task Force on Organized Crime, published by the Law Enforcement Assistance Administration, on organized crime and pornography.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE BUSINESS OF PORNOGRAPHY

Pornography is big business. The estimated $6 billion gross for 1981 amount to almost as much as the gross of the conventinal movie and record industries combined.

In Los Angeles alone, a police official estimates pornography out-grosses the Sears, Roebuck operation.

There are thought to be between 15,000 and 20,000 "adult" bookstores in the United States (several times more than McDonald's restaurants). Most of these contain "peep Shows," booths with coin-operated machine in which patrons can see two minutes of a 15-minute hardcore 8mm film for 25 cents. Many feature live peep shows, in which a nude girl behind a glass partition undulates, touches herself and speaks erotically to the patron via a telephone hook-up. "Skin" or "porno" magazines on the market are estimated at 400, running the gamut from Playboy and Penthouse to bestiality and bondage.

"The Adult Film Association of America" places the number of affiliated pornographic movie houses at 780. This does not include those movie houses which show pornographic homosexual movies exclusively.

Pornographic video cassettes have moved from the lobbies of pornographic movie houses into legitimate electronics stores and even boutiques.

There are some 12 "adult" programming services operating on cable television; and over-the-air subscription television services with "adult tiers" (late-night porn films) are available in 11 cities.

In two cities in the country hard-core films are offered on cable TV on a pay-per-view basis. On a lease access cable TV channel in Manhattan in New York City, the publisher of a pornographic tabloid produces a sex program that falls just short of hard-core pornography. It is syndicated and segments of it are cablecast by at least one of the "adult" programming services. Mail order businesses make up a large part of the pornography traffic, as do sales of sex paraphernalia.

EXORBITANT PROFITS

Profits are exorbitant in the pornography business because the product is generally cheaply produced, and then is retailed at a phenomenally high markup. And with federal prosecutions at an all-time low, there is no great expenditure for legal fees.

For example, some film laboratories can produce literally thousands of prints of 15-minute 8mm films daily. Prints will wholesale for $3 to $4 and retail for $20 and up depending on the subject matter. These are also used in peep-show machines for 25¢ per two minutes. Peep show machines can bring in anywhere from $1,000 to $10,000 weekly depending on the number of machines and the area of the country in which they are operating—all in cash. A mid-seventies raid on a wholesale-distribution operation in the Mid-West yielded records indicating the peep-show operation of the firm grossed $6,000 a day.

The performers in the films (the only persons in pornography who don't make a lot of money) draw $80 to $100 a day for 8 to 10 hours work. In that time, three to five films can be shot. During the filming, 35mm stills are being shot for magazines, so one or the other becomes a clear profit item. Magazines cost $1.75 to $2.00 to produce. The bookstores charge $8 to $15 for them.

Full-length 35mm pornographic motion pictures now cost on an average of $200,000 to produce and disseminate. According to "The Adult Film Association," its 780 movie houses are patronized by 3 million customers per week, bringing in $10 million per week, or half a billion dollars annually from theater showings alone. "Video rights" for each film can bring in from $40,000 to $100,000 from video cassette operators and cable TV programming services. Today, so-called "adult" video cassettes are estimated to be a two billion dollar annual business.

ORGANIZED CRIME INVOLVEMENT

It is a known fact that organized crime is deeply involved in the hard-core pornography traffic in the country. Law enforcement officials in Dade County (Miami), Florida began seeing evidence of mob involvement in the hard-core video cassette business as early as November of 1975, just a few weeks after the first home video cassette recorders went on the market. Its involvement in other areas of the hard-core business goes back a long way farther.

Two grand juries in the last decade (1972 and 1973) found that organized crime controls 90% of the hard-core pornography traffic in the country (New York and Bexar County, Texas). In 1977 an Orange County (Orlando), Florida grand jury, investigating pornographic films and their links to organized crime, issued a report that said, "a large percentage of the pornographic film business throughout the nation" is controlled by organized crime. It further reported that organized crime "has controlled and still directly influences pornographic film distribution in Florida."

Involved in the production in Florida of the hard-core film "Deep Throat" in the early 1970s were the Peraino family: Anthony, his sons Louis (Butchie) and Joseph C., and Anthony's brother Joseph S. (Joe the Whale). Anthony and Joseph S. are allegedly members of the Brooklyn Colombo crime family; and in the 1960s Anthony and Michael Zaffarano, reputed member of the Bonnano crime family, ran a Brooklyn plant which processed 8mm films. It was known as All-State Film Labs. Anthony was sentenced in February of 1982 to 9½ months in prison and $15,000 in fines for a 1976 "Deep Throat" conviction in Memphis and for a subsequent bail-jumping charge. Zaffarano, who rose to be the reputed "czar" of the underworld's pornographic empire, died of a heart attack in 1980 as law enforcement officers were on their way to arrest him. He was considered the nation's major distributor of 8mm and 35mm pornographic films. He owned or had financial interests in "adult" movie houses in Washington, D.C., New York, Boston and San Francisco, and exported porn movies to Japan. He had allegedly been involved in numerous shakedowns and extortions of West Coast pornography dealers, and was reputedly an arbiter in territorial and other disputes involving the mob's porn interests.

Some law enforcement officials believe he may have been succeeded by Robert (Debe) DiBernardo, chief officer of Star Distributors, which is a pornography conglomerate with outlets all over the world. Jospeh S. Peraino and his son Joseph, Jr. were felled by a barrage of shotgun blasts on a Brooklyn street last January. Joseph, Jr. was killed, and Joseph S. was wounded and is believed to be in hiding in upstate New York. Police attributed the shooting to an intramural dispute over Peraino's pornography operations.

According to the Los Angeles Times, some law enforcement officials estimate that organized crime's take (of the $6 billion traffic) is roughly half, making pornography the mob's third biggest moneymaker, behind narcotics and gambling.

Robert K. Aberle, an Investigator with the Solicitor General's Office in Fulton County (Atlanta), Georgia, said in a report at a seminar on obscenity conducted by the National College of District Attorneys in November of 1981:

"The tremendous profits that are made (by organized crime) in the pornography business are used in several ways.

"1. A large portion of the profits are taken by the top people within the organizations in the form of salaries and fringe benefits.

"2. Much of the money made stays within the organization because of constant expansion and the large overhead costs of maintaining warehouses, stores, inventories . . .

"3. Money is invested in legitimate businesses such as real estate, record companies, night clubs, restaurants and others.

"4. A percentage of the profits is funnelled into other illegal ventures including drugs, gambling and loan sharking."

Hard-core pornography is illegal, but openly available in every state of the Union, in cities and towns, and it is invading rural areas. It is openly available in the Nation's Capital. Where its outlets proliferate, it attracts and breeds violent crime, devalues property, deteriorates entire sections of cities. Shocking examples are New York City's Times Square and Boston's Combat Zone.

[From the Calendar, June 13, 1982]

FAMILY BUSINESS—EPISODE 1: "THE PORNBROKERS"

(By Ellen Farley and William K. Knoedelseder Jr.)

On the evening of Jan. 4 this year, a Brooklyn neighborhood suddenly exploded with gangland violence.

A car chase broke the quiet of the residential section of Gravesend shortly after 8 o'clock. The pursued car stopped and its two male occupants leaped out and ran up the stairs onto the front porch of a modest brick duplex at 431 Lake St.

One of the fleeing men was a reputed mobster named Joseph S. Peraino, 55; the other was his son, Joseph Jr., 31. They were pounding on the front door of the home, apparently seeking refuge, when a barrage of shotgun blasts fired from the pursuing car cut them down. The father was seriously wounded in the buttocks and legs; the son was hit six times in the head and killed.

Inside the house, Veronica Zuraw, 52, was hanging up her husband's shirt in the front-hall closet when high-powered magnum loads of buckshot ripped through the solid-wood front foor and struck her in the head. She died instantly.

New York Police Department investigators say that Mrs. Zuraw, a social worker who had just moved into the house two weeks earlier, was the innocent victim of a bungled Mob "hit." It was the second attempt on the elder Peraino's life in recent months. Last November, he reportedly was wounded outside his Brooklyn home by men armed with 9-millimeter handguns.

Joseph S. Peraino is a reputed member of the Brooklyn-based Joseph Colombo crime family—one of the infamous "Five Families" of La Cosa Nostra, or Mafia, centered in New York City.

He's also a kingpin pornographer whose operations reportedly produce an estimated annual income of $20 million. He's one of the principals behind "Deep Throat," the most successful porno movie ever, estimated to have earned anywhere from $30 million to $100 million since its first release in 1972. It is considered to be the best-selling adult video-cassette—more than 300,000 copies sold at approximately $60 each, as of last year.

"Deep Throat" began as a kind of Peraino family business. It was financed for $22,000 by Joseph S. Peraino's brother, Anthony Peraino, now 67, and Anthony's son Louis 42.

Like his brother, Anthony is reputed to be a "made" (officially initiated) member of the Colombo family. Louis Peraino, who produced "Deep Throat" under the alias Lou Perry, generally is regarded in law enforcement circles as a Colombo family associate, primarily because of his many business dealings with his father and uncle.

All three men were involved with the distribution of "Deep Throat" and consequently, all three became millionaires.

With the huge profits from "Deep Throat," the Perainos built a financial empire in the mid-1970s. For a time, they either owned or controlled a score of diverse businesses—garment companies in New York and Miami, investment companies (and a 65-foot yacht) in the Bahamas, a string of porno-movie theaters in Los Angeles and record and music publishing companies on both coasts.

From 1973 to 1976, the Peraino corporate network also included what was then "the most highly touted independent movie company in the motion-picture industry, called Bryanston Distributors Inc.

"Bryanston Boffo," proclaimed the entertainment industry paper Variety in a 1974 article declaring that the company had earned $20 million in its rookie year in the movie business.

During its three years of operation in Hollywood, Bryanston either financed, produced or distributed more than two dozen legitimate (meaning non-porno) motion pictures, including the following:

"The Devil's Rain," a horror movie starring Ernest Borgnine, Eddie Albert, William Shatner, Ida Lupino, Keenan Wynn and a then teen-age actor making his screen debut, John Travolta.

"Echoes of Summer," a family drama starring Richard Harris, Lois Nettleton, Geraldine Fitzgerald and a 12-year-old newcomer named Jodie Foster. Both "Devil's Rain" and "Echoes" were produced by Sandy Howard, whose credits include "A Man Called Horse" and, more recently, "Vice Squad."

"Return of the Dragon," the last film made by the late kung-fu king Bruce Lee. It co-starred Chuck Norris.

"Dark Star," a science-fiction fantasy that was the first effort of director John Carpenter ("Halloween," "Escape From New York," "The Thing") and screenwriter Dan O'Bannon ("Alien").

"Coonskin," an animated feature directed by Ralph Bakshi of "Fritz the Cat" fame and produced by Al Ruddy, who produced "The Godfather."

"The Texas Chain Saw Massacre," one of the most successful and influential exploitation movies ever, with worldwide box-office earnings that have been estimated as high as $50 million.

A 1975 article in the Christian Science Monitor described Bryanston president Louis Peraino as a "new kind of movie tycoon" who was intent on making "family-oriented" pictures. Peraino was "one of the successful new breed of independent distributors," said the Hollywood Reporter.

However, law-enforcement officials had a different view. In a 1976 confidential intelligence report, the California Department of Justice put Bryanston at the top of a list of "key corporations" believed to be "controlled" by the Mob.

"It appears that Bryanston coordinates the nationwide distribution of full-length films for organized crime," the intelligence report states.

Still, Louis Peraino's public recognition as the president of Bryanston in the mid-1970s symbolized the Peraino family's peak of prominence and power. (The Hollywood years will be explored in subsequent articles.)

"SOMEBODY WANTED HIM OUT OF WHATEVER HE WAS INTO"

But by December of 1981, it was a different story. The personal fortunes of the Perainos were crumbling.

In poor health with a heart condition, Anthony Peraino was awaiting trial in Memphis on federal bail-jumping charges stemming from his 1976 conviction for transporting obscene materials ("Deep Throat"; article on the trial on Page 7) across state lines. He would be sentenced to a total of 9½ months in prison and fined $15,000.

At the same time, Anthony's son Louis was set to begin six months in prison for his conviction in the same Memphis obscenity case. In addition, Louis and his brother, Joseph C. Peraino, 49, just had been convicted in Miami on another federal obscenity charge, for which they would receive prison sentences totaling six and three years, respectively.

As the Perainos' legal problems increased, the management of the family's business affairs increasingly fell to Joseph S. Peraino and his (now dead) son Joseph Jr.

Veteran NYPD investigators believe that the January 4 shotgun slayings in Brooklyn were the result of an intramural power struggle—some rival Mob faction attempting to take over the Perainos' seemingly vulnerable pornography operations.

"That's what I'd say it was," said detective Edward (Frenchy) Croissant, the man in charge of the police investigation of the shooting.

"If I was to take an educated guess," Croissant said, "somebody wanted him (Joseph S. Peraino) out of whatever he was into."

"For whatever reason—whether they wanted to take it over (the porno business) or he was making too much money and somebody else wanted it or he wasn't operating it properly—they just wanted him out of it," said the detective, adding, "But we don't have any idea what family it (the hit order) came from."

As Joseph S. Peraino lay bleeding outside the Zuraw home that evening, his first-born son horribly murdered at his side, he refused to tell police who had fired the shots, what kind of car they were driving or which way they went.

FROM BROOKLYN MOB TO HOLLYWOOD MOGUL—AN AMERICAN DREAM

But there is much to tell, for the powerful forces that brought the Perainos to Veronica Zuraw's doorstep had been building for years. The Brooklyn housewife was a tragic footnote in a human drama that spans half a century, with chapters played out in the underworld of pornography and the glamorous Hollywood movie business.

In a gray metal desk somewhere in New York police headquarters, there is a fat intelligence file on the Perainos of Brooklyn.

Complete with genealogical chart, rap sheets and sullen-looking mug shots, the dossier's dog-earred pages trace the criminal events of a real-life Italian-American family saga—one not unlike that of the fictional Corleone clan immortalized in Mario Puzo's Mafia novel, "The Godfather."

The NYPD intelligence file follows three generations of Peraino men as they rose from petty street crime and pennyante pornography to become the multimillionaire owners of the most successful sex film in the history of cinema. One of them even became a Hollywood movie mogul—an American dream realized, if only for a time. (Family tree, Page 5.)

The Perainos' story—their remarkable climb up the American socio-economic ladder, their glory days in Hollywood and their fall—never has been fully told. It has remained buried in bits and pieces in hundreds of pages of confidential intelligence reports compiled over the years by federal, state and municipal law enforcement investigators. Some of the story is public record—scattered through volumes of trial testimony and court documents stored in dusty cartons at courthouses in Brooklyn, New York City, Memphis, Miami, Los Angeles, Austin, Tex., and federal archives in Bayonne, N.J.

As told by law-enforcement documents, the Peraino family saga begins violently in 1931 during the bloody Brooklyn gang conflict known as the Castellammarese War.

Named for one of the warring factions—immigrants from the town of Castellammare del Golfo in Sicily—it was the first great Mafia power struggle in this country. It brought to power such legendary mobsters as Lucky Luciano and Vito Genovese and it left scores of *mafiozi* dead on the streets of New York.

One of them was Giuseppe Peraino, allegedly a member of the Profaci crime family, a forerunner to the Colombo family. Giuseppe's brother-in-law, Peter Leone, an alleged Genovese family member, also was murdered during the Castellammarese War. But the intelligence files don't say how or by whom the two men were killed.

Giuseppe Peraino left a wife, Grazia (Leone), and two sons, Anthony, 16, and Joseph, 5. Anthony Peraino's first arrest came the same year that his father was killed. According to his New York police "yellow sheet" (official record of arrests), the teen-ager was charged with homicide by auto. The charges later were dismissed.

Anthony's yellow sheet shows six more arrests between 1945 and 1960—for tax evasion, receiving stolen property, and gambling ("dice")—with no convictions.

Nonetheless, New York law-enforcement officers long have considered Anthony and brother Joseph S. as "made" members of the Colombo crime family. In law-enforcement circles, the brothers often are referred to as "Big Tony" and "Joe the Whale." Weighing an estimated 300 pounds, Joseph S. invariably is described as "about as big as that door there."

Anthony first was linked publicly to the Mafia in 1969 when Newsday published a lengthy article about the Colombo's criminal activities on Long Island.

Written by Pulitzer Prize-winning investigative reporter Tom Renner, the article identified Anthony Peraino as a "family soldier" who was "allied with garment racketeer and Luchese (family) soldier Andimo Pappadio and (late) crime boss Joseph Colombo."

(In the Mafia hierarchy, soldiers rank lowest among "made" men. Also called "button men," they take orders from family "capos," who in turn take orders from the family heads, or "dons.")

According to a NYPD intelligence memo, Anthonly Peraino once had a "violent argument" with mob chieftian Albert Anastasia and subsequently "was told to get out of

New York City and relinquish all his holdings," which included a company called Fine Grade Oil and Fuel Co. in Brooklyn.

Anthony complied with the banishment order, the document says, and he moved to Erie, Pa., with his wife and two sons, Louis (called "Butchie") and Joseph.

Peraino returned home to Brooklyn from exile in 1957, shortly after Anastasia was shot to death in the barber shop of New York's Park Sheraton Hotel. (Anastasia' murder is one of the most notorious hits in the annals of organized crime—carried out as he reclined in a barber chair, his face wrapped in a hot towel, waiting for a shave.)

ALL-STATE LABS: 50,000 REELS OF HARD-CORE FILMS A MONTH

In the late 1960s, Anthony Peraino became involved in the burgeoning pornography business. He got in on the ground floor of what turned out to be organized crime's most profitable new business venture since it got into narcotics, in the 1950s. Today, pornography is a $5 billion to $6 billion-a-year business. Some law enforcement officials estimate that organized crime's take is roughly half, making porn the Mob's third-biggest moneymaker, behind gambling and narcotics.

The Colombo family pioneered the Mafia's move into porno movies. According to law enforcement officials, it started when alleged Colombo member John (Sonny) Franzese saw the potential profit in supplying the 8-millimeter hard-core "stag" movies for the coin-operated peep show machines in adult bookstores around New York's Times Square.

The Colombo family soon controlled its own plant for processing the 8-millimeter movies, according to law enforcement intelligence reports. Located in Brooklyn, it was called All-State Film Labs.

But All-State was owned by Louis (Butchie) Peraino, then 26 years old, with a high-school education and previous business experience as an insurance broker.

Brooklyn criminal court records show that Louis Peraino was arrested at All-State in September, 1966, and charged with possession of obscene movies. It was his first arrest.

Police raided the plant on a tip that approximately 2 million feet of pornographic movie film had been delivered to All-State.

But they found only 14 reels of pornographic film on the premises, valued at less than $10,000. The charges against Louis Peraino later were dismissed when a Brooklyn judge ruled that there had been "insufficient evidence to warrant search and arrest."

"All-State wasn't set up solely for the purpose of processing porno films," said one of the arresting officers in the case. "He (Louis Peraino) was doing legitimate work there, too."

"Sure, they were legit from 9 to 5 and they ran the garbage at night," explained a former FBI agent who specialized for years in porno investigations. According to the now retired agent," All-State was turning out 50,000 reels of 8-millimeter hard-core films a month, easily."

Both FBI and California Department of Justice intelligence reports say that the porno operations at All-State were run by Michael Zaffarano, also known as "Mickey Z" and reputed to be a *capo* in the Bonnano crime family.

The activities of Anthony Peraino would seem to offer some explanation as to how his son Louis, with no apparent related professional experience, came to own an expensively equipped film lab allegedly run by Michael Zaffarano.

At the time, Anthony Peraino and Michael Zaffarano were the major purveyors of porno films to Mob-controlled outlets in New York City, according to a sworn affidavit by an FBI agent who monitored their operations for five years. Their films were sold clandestinely out of automobile trunks, coffee catering trucks, unmarked warehouses, several restaurants, a chain of meat markets and a Brooklyn candy store, according to FBI information.

Peraino's and Zaffarano's primary porno sales representative was a Brooklyn man named Cosmo Cangiano, a convicted pornographer with a record of arrests for larceny, forgery, mail theft and interstate shipment of stolen securities.

According to the FBI affidavit, Cangiano became "a millionaire at least four times over" from a variety of illegal activities. Besides conducting a booming porno movie business (with customers in Pittsburgh, Baltimore and South Carolina), Cangiano dealt in "counterfeit Chanel perfume, Omega wristwatches and Department of Motor Vehicle documents."

Cangiano also furnished "false identification (licenses, registrations, birth certificates and Social Security cards) for the underworld in the New York area and other places in the United States." The FBI document paints a colorful picture of the Peraino-Zaffarano-Cangiano commerce, which was carried on by street characters with names like "Fat Dave" and "Cueball Kelly."

In 1971, Cangiano was questioned by a U.S. Senate subcommittee investigating organized crime involvement in stolen securities traffic. An uncooperative witness, he was introduced at the hearings by a subcommittee investigator who reported that "information received from law-enforcement intelligence agencies states that Cosmo Cangiano works for one Anthony Peraino, who has been identified as a member of the Joseph Colombo family in Brooklyn, New York."

Anthony Peraino was further identified by the subcommittee investigator as one of a number of organized crime figures "who have been involved in stolen securities traffic."

THE "GODFATHER" THEME: "YOU DON'T GET OUT"

As it turned out, All-State Film Labs was Louis Peraino's foot-in-the-door of the legitimate movie business. Later, when he was president of Bryanston Distributors in its Hollywood heyday, a company promotional brochure would explain how it all began back in 1965 when "Mr. Peraino combined a hobby and a deep interest in cinema techniques by forming his own motion-picture processing laboratory known as All-State Film Labs, specializing in processing and editing facilities and high-speed animation techniques. . . ."

Even so, the suspected involvement in the company of Anthony Peraino and Michael Zaffarano forever branded Louis as "Mob-connected" in the eyes of law enforcement investigators. Along with his older brother, Joseph C. Peraino, he generally is considered to be a Colombo family "associate," not a "made" man.

One veteran organized-crime investigator seemed to echo a consensus among his colleagues when he said of Louis Peraino, "His grandfather was in organized crime, his father is in it, his uncle is in it, his brother is in it, so he's in it. That's the way it is. You don't get out."

You don't get out—it's a theme that is at the very heart of "The Godfather" saga, the book and movie that defines the Mafia in the minds of millions of Americans.

Widely regarded as an accurate depiction of traditional New York Mafia lifestyle, "The Godfather" has had a tremendous impact on the public consciousness—about 10 million books sold, two hit movies and a third on the drawing boards.

It's perhaps a reflection of the impact that "The Godfather" cropped up constantly in interviews with individuals acquainted with the Peraino family.

"A scene right out of 'The Godfather'" was a common refrain. One person interviewed characterized a longtime family attorney (now deceased) as "a sleazy version of Robert Duvall," the actor who portrays the Corleone family's counselor, *or consigliere*, in "The Godfather" movies.

What's more, a number of people who claim to know Louis Peraino described him as a kind of real-life Michael Corleone figure: the brightest of the Peraino men, gruffly charming, contagiously energetic, generous to a fault. Above all, the individuals said, Butchie was driven by a desire to be respected as a legitimate businessman, to disassociate himself, at least publicly, from his father's alleged ties to the Mafia.

In director Francis Coppola's movies, actor Al Pacino portrays Michael Corleone, the college-educated favored son of Mafia boss Vito Corleone (Marlon Brando). Michael wants no part of the family business. Which is just fine with "Don" Corleone, who hopes that one day his son will carry the family name to the height of American respectability.

As he tells Michael in one scene, he wanted sons and grandchildren "who could be, who knows, a governor, a president even. Nothing's impossible here in America."

But Michael is sucked into the family business, nonetheless, first avenging the near-fatal shooting of his father and ultimately inheriting the old man's responsibilities as head of the family—becoming the godfather himself.

"There is nothing, nothing in all the years I've known him that could remotely be considered ominous regarding Mr. Butchie Peraino," avowed movie producer Frank Avianca in an interview. "He's a big teddy bear. I bite him on the cheek when I see him, OK?"

Avianca's 1975 movie, "The Human Factor" (starring George Kennedy and John Mills) was financed and distributed by Bryanston.

"Lou wanted in the worst way to be a film maker," Avianca said. "He didn't want to stay in that business (pornography). He wanted to get out. He wanted something he could be proud of, something he could put his name on."

As for Louis Peraino's alleged connection to organized crime, Avianca philosophized that in America "you can start out your life as a garbage collector and that doesn't mean you can't one day end up owning the trucks."

Movie producer Sandy Howard came to know Peraino well during the course of Howard's two Byranston-financed films, "The Devil's Rain" and "Echoes of Summer."

"Lou really did want to make an image for himself as a decent man and a decent motion picture producer," Howard said. "He tried his best to build a viable legitimate business."

LOUIS (BUTCHIE) PERAINO: "HE WAS THE BEST, THE NICEST GUY. . . ."

Dallas-based movie distributor Fred Biersdorf sputtered for superlatives on the subject of Louis Peraino: "He was just the best, I mean, the nicest guy. You'd think that you had known him for years when you first met him."

Biersdorf is the president of Dal-Art, the company that sub-distributed all of Bryanston's legitimate movies in the Southwest U.S. "It was the best business relationship I've ever had," Biersdorf said.

Not everyone gives Butchie rave reviews. "Deep Throat" star Linda Lovelace paints a particularly unflattering portrait of the man in her 1980 best-selling book, "Ordeal," which relates the psychological duress that she endured during her porno career.

She recalls Louis Peraino as "heavy and sloppy." She writes, "What I remember most about him was his loud mouth. He was always yelling at somebody about something. And he never went anywhere without his bodyguard, Vinnie."

Lovelace was 22-year-old Linda Traynor when she first met Louis Peraino in 1971. At the time, Peraino was partnered in a porno film production company with a former Brooklyn hairdresser turned porno film director named Gerard Damiano. The company was called Gerard Damiano Film Productions Inc., but Peraino was the two-thirds owner. As Lovelace says in her book, Peraino "was putting up the money and Damiano was doing the (production) work."

Newcomer Traynor made her hardcore film debut in an 8-millimeter cheapie titled "Sex U.S.A.," the first movie produced by the Peraino-Damiano partnership. The film also featured an experienced porno actor named Harry Reems.

Impressed by Traynor's particular sexual talent, director Damiano dreamed up the title "Deep Throat" and concocted a ludicrous storyline to go with it, about a sexually frustrated young woman whose clitoris is located in her esophagus. Damiano also came up with an alliterative new name for his star, Linda Lovelace. Her co-star (the doctor) was Reems.

As the director envisioned it, "Deep Throat" would be a feature-length 35-millimeter motion picture, with a musical sound tract even.

It was an ambitious proposal, practically unheard of at the time in the porno film business, where state-of-the-art still was short, plotless, 8-millimeter stag-type movies.

But Louis Peraino apparently liked the idea. He agreed to furnish $22,000 for production costs in return for two-thirds' ownership of "Deep Throat" and its profits.

Law-enforcement officials believe that the $22,000 actually was provided by Anthony Peraino. And in their view, Big Tony's involvement in "Deep Throat" meant Mob involvement. As a reputed "made" member of the Colombo family, Anthony is not an entirely free agent, the reasoning goes. He takes orders from the family and must cut them in on any outside business venture. Historically, that's how the Mafia works. It's tradition.

There is considerable evidence to suggest that Anthony Peraino had more than a perternal interest in his son's first big porno movie production. For example, when the cast and crew went to Miami to film "Deep Throat" in January 1972, Anthony Peraino went along with them and even stayed in the same hotel. Claiming that "Old Tony" actually drove her to Miami in his car. Linda Lovelace writes in her book that the elder Peraino, "came with his own small army, all wearing dark suits and trenchcoats, looking like they were trying out for an Edward G. Robinson movie."

Later, in a personal net worth statement submitted to a New York bank, Anthony Peraino listed his occupation as an "executive" of Damiano Film Productions at a salary of $50,000 a year. His title was secretary-treasurer.

According to evidence presented at the "Deep Throat" trial, Anthony Peraino received at least 5 percent of the profits from "Deep Throat," as well as at least $500,000 in loans from Damiano Films for a New York garment company that he owned.

"DEEP THROAT"—A GROSS OF $100 MILLION IN CASH

"Deep Throat" made its New York debut in June, 1972, at the New World Theater on 49th Street. What happened was previously unimaginable and still is unparalleled.

It was reviewed by major New York film critics, an unprecedented public recognition for a porno movie. It may have been a dirty movie, but such mainstream media attention conferred a measure of legitimacy. An important dirty movie.

Soon there were lines of eager patrons around the theater—not the usual skinflick crowd, but a whole new audience of seemingly regular folks who were willing to pay $5 each to see oral sex performed on a 40-foot screen.

For acts once considered unspeakable, Linda Lovelace became a national celebrity—deemed suitable for the talkshow circuit and slavered after by some Hollywood deal makers.

"Porno chic" was the phrase coined by one New York newspaper writer to describe the "Deep Throat" phenomenon. In 1973, the title became part of the American language—and U.S. political history as well—when Washington Post reporters Bob Woodward and Carl Bernstein dubbed their confidential Watergate source "Deep Throat."

All of which helped to make "Deep Throat" (the movie) preposterously profitable, as least for a porno movie produced for a piddling $22,000.

The movie reportedly grossed $1.25 million in its first nine months at the New World Theatre alone, and $25 million in its first two years nationwide.

The Perainos were totally unprepared for the volume of profits according to a prominent attorney who represented them on several occasions and who asked not to be identified.

"Here were a couple of guys from Brooklyn who never had much money before and all of a sudden they're millionaires," the lawyer said. "The amount of money coming in was frightening. Nobody could have handled it.

"Whatever you've heard about how much 'Deep Throat' earned, it's underestimated. I'd say that $100 million in gross income would be underestimated," said the attorney, adding "and most of it was in cash." (Article on "Deep Throat" trial, Page 7.)

Dallas movie distributor Fred Biersdorf recalled the heady atmosphere in Louis Peraino's New York office (at 630 9th Ave.) in the wake of "Deep Throat":

"You just wouldn't believe the calls that Lou was getting from people who wanted a print of the movie to watch. You know, prominent people like government officials. And I remember that whenever somebody's secretary would call for them, Lou would get on the phone and say, 'Hey, if he wants a print then he can damn well call me himself.'"

Linda Lovelace recounts in her book that she was in Peraino's office one day when Sammy Davis Jr. called asking for a "Deep Throat" print to screen at his home.

"Sure, Sammy, we can take care of that. . . . Sammy, would I kid you," she quotes Peraino as saying.

In Peraino's office, "There were dozens of phones on the table," recalled Fred Biersdorf, "And at 9 o'clock in the morning there was all this food—sandwiches and cole-slaw and bottles of wine. And Nicky and Dicky were coming in an whispering in his ear and, God, it was just unbelievable, strictly out of 'The Godfather.'

"I was like a kid in Disneyland," Biersdorf continued. "Everything was strictly cash. I mean, if somebody wanted a mink coat they'd just walk into Bonwit Teller and plop down $18,000 or $20,000 in cash."

Biersdorf remembers that he once put the big question to Joseph Peraino Sr.: "In a meeting one day I asked Uncle Joe (as he's affectionately called among family and friends). 'How much money has "Deep Throat" brought in?'

"He didn't say a word, and damn, 10 minutes later they asked me to come out of the room and they said, 'Hey, what do you want to know for?' I said I was sorry I brought it up.

"Later Uncle Joe took me to lunch and ordered me a whole lobster," Biersdorf said. "I was so nervous there was no way I could eat it. You know that Uncle Joe is about as big as the door over there. And he put his arm around me and said, 'Fred, you asked that question this morning. Well, Lou's got eight kids and Joe (Lou's brother) has kids, and their kids and their grandkids have nothing to worry about the rest of their lives. Does that tell you how much the movie brought in?'"

THE MOB BEGINS TO MIGRATE TO LOS ANGELES

However much the movie earned, it was seen as bad news by law enforcement officials. The way they saw it, not only was all that loot going into the pockets of organized crime, but it also was bound to step up the Mob's already heavy infiltration of the porno movie business.

Which is exactly what happened, according to West Coast law enforcement reports. A report by the Administrative Vice Division of the Los Angeles Police Department estimated that by 1976 organized crime controlled 80% of the Los Angeles-based porno movie production and distribution business.

One LAPD intelligence memo written at the time claimed that the success of "Deep Throat" was helping to promote a large migration of major New York Mob figures to Los Angeles. The report warns that, once established in porno movies, the mobsters' next logical move would be into the legitimate Hollywood movie business.

It appears that the report predicted accurately. In September, 1973, the Hollywood show business papers announced that "two New York businessmen" named Louis and Joseph Peraino had established "a major new film production and distribution company" called Bryanston, with big plans for making "at least 10 feature motion pictures within the next year."

Actually, Bryanston was established in New York in July, 1971, shortly after the creation of Damiano Film Productions Inc. The two were "twin companies engaged in the financing, acquisition, production and

distribution of motion picture film products of every kind, nature and gauge," according to a joint company prospectus that Louis Peraino prepared for a New York bank.

They were not identical twins, however. As the prospectus explains, "Damiano will operate within the ambit of sex or 'adult and mature' markets, while Bryanston will be limiting its activities to the general audience or so-called 'commercial' area."

Put more simply, Damiano would handle the porn while Bryanston went legitimate.

As Louis Peraino took his share of "Deep Throat" profits and turned his attention to the legitimate movie business in 1973, the distribution of "Deep Throat" was taken over for the most part by his father and uncle Joseph. At the same time, the base of the distribution operations shifted from the Bryanston-Damiano offices in New York to a network of companies in Miami.

THE WEST COAST OPERATION: A TRUNK-BUSTER FOR "DIRECTOR OF FINANCE"

But Louis Peraino continued to oversee personally the Los Angeles area distribution of "Deep Throat." And even as he pursued respectability in the legitimate Hollywood movie business, he was dealing with sleazy characters in the West Coast porno world.

For example, one of Peraino's key "Deep Throat" representatives in Los Angeles was a former Brooklynite named Joseph (Junior) Torchio. Described by one LAPD investigator as "the best-known trunk-buster (auto break-in artist) in New York," Torchio was employed in Los Angeles in 1973 as "director of finance" for Bryanston.

The California Department of Justice included a short profile and a photo of Torchio in a 1976 report titled "Organized Crime Involvement in California Pornography Operations."

According to that report, "Torchio first came to the attention of police officials 17 years ago when an associate, Alfred Adorno, was found shot in Brooklyn on March 14, 1969. Torchio was considered a prime suspect in setting up Adorno for the killing."

Following his migration to Los Angeles in 1969, Torchio formed a porno movie production and distribution company with Jacob (Jack) Molinas, described in the report as a "con man, swindler, disbarred attorney and former pro basketball player."

An all-American at Columbia University in the 1950s Molinas was convicted in 1963 as the "master fixer" in a point shaving scandal that rocked the world of college basketball in 1961, involving nearly 50 players from 27 colleges.

After his release from prison in 1968, Molinas moved to Los Angeles and into the porno movie business, associating himself with a number of known organized-crime figures including Michael Zaffarano.

Between 1973 and 1974, both Torchio and Molinas received loans of $250,000 from Louis Peraino, according to several sources, and both men defaulted on the loans.

The Molinas loan, in June, 1973, was to establish a fur importing company called Berjac, run by Molinas and his partner, Bernard Gussoff.

Byanston filed a lawsuit against Molinas for non-payment of the loan in September, 1974. Two months later, Gussoff was beaten to death in his Los Angeles apartment. The murder was never solved.

Less than a year later, in August, 1975, Molinas was shot and killed as he stood with a woman companion in the backyard of his Hollywood Hills home.

Three weeks after that, Torchio was struck by a car and killed on the Las Vegas strip.

Originally, law enforcement officials outside Las Vegas (the LAPD, the FBI and the U.S. Department of Justice) suspected the deaths of Molinas and Torchio were related to their involvement with Mob figures in the Los Angeles porno movie business.

However, a man named Eugene F. Connor eventually was convicted of the Molinas murder, which police investigators said resulted from Molinas' refusal to pay off a gambling debt to a Mafia loan shark. Torchio's death was ruled an accident by Las Vegas police. No charges were filed against the driver of the car.

"YOU WANT ME TO GET BOTH MY LEGS BROKEN?"

Beginning in 1969, the Perainos' porn operations were under almost constant investigation by a small army of federal, state and local law enforcement agencies—New York and Los Angeles police, the FBI, the U.S. Justice Department and the Internal Revenue Service, among others.

In August, 1974, armed with information gathered from the various investigations, a federal grand jury in Memphis indicted Louis Peraino, along with his father and uncle Joseph, on charges of transporting obscene materials ("Deep Throat") across state lines.

Damiano Film Productions also was indicted by the grand jury—but not Damiano himself. By that time, the director no longer held an interest in "Deep Throat" or the production company.

Damiano testified at the Memphis trial that he sold his interest in the movie to Louis Peraino in July, 1972. The price was $25,000.

It is a widely held belief in the movie business that Damiano sold his one-third interest in "Deep Throat" under duress, or, as one porno film distributor put it, "with a gun at his head."

The notion no doubt was fueled by an article that appeared on the front page of the New York Times in October, 1975. Written by reporter Nicholas Gage, the article reported on organized crime's infiltration of the U.S. pornography industry, and it described brothers Anthony and Joseph S. Peraino as the "most successful of all Mafia figures involved in the production and distribution of hardcore films."

According to the article, "When a reporter remarked to Mr. Damiano that he seemed to have received unfavorable terms in the ("Deep Throat") deal, Damiano replied, 'I can't talk about it.'

"When the reporter persisted, Mr. Damiano said, 'You want me to get both my legs broken?' "

THE MEMPHIS COMMUNITY STANDARDS VS. "DEEP THROAT"

The celebrated "Deep Throat" trial began in Memphis on March 1, 1976, a year and a half after the first grand jury indictments.

Among the 13 defendants were brothers Anthony and Joseph S. Peraino, Louis Peraino and three Peraino-owned companies—Damiano Film Productions, Bryanston Distributors and Plymouth Distributors. "Deep Throat" star Harry Reems (who played Linda Lovelace's "doctor") also was a defendant.

Anthony Peraino, who was described by the prosecution as "the driving force behind the conspiracy" to distribute obscenity interstate, didn't show up at the trial.

The prosecution claimed that he had fled the country to avoid prosecution. Along with his Florida business partner and co-defendant, Robert DeSalvo, Anthony was living in luxury on a yacht in the Bahamas, from whence the pair continued to direct the "Deep Throat" distribution operation, according to assistant U.S. attorney Larry Parrish, who presented the government's case.

Both Anthony Peraino and Robert DeSalvo were declared fugitives and tried in *absentia*.

The nine-week trial attracted national media attention as a major test of the U.S. Supreme Court's controversial 1973 "community standard" ruling on pornography. The Court ruled that the moral standards of individual communities, not a broad national standard, should determine what constitutes obscenity.

Before the Memphis trial, there had been numerous "Deep Throat" obscenity prosecutions in communities around the country. Most have resulted in acquittals, or, at most, light fines and jail sentences for theater owners, managers or projectionist.

(For example, in October 1975, a municipal court jury in Newport Beach, Calif., acquitted the owner and manager of a theater that had shown "Deep Throat." The jury foreman in that case read a statement to the court saying that they found the penal code section that the defendants were accused of violating to be "not definitive enough" and "not an effective, workable section of law.")

But in Memphis, the government was after the proverbial big fish—the owners, producers and distributors of the most successful porno movie of all. Prosecutor Parris had put together his case with the help of the FBI, the IRS and the U.S. Justice Department organized-crime strike forces in Brooklyn and Miami.

In the end, the government would spend nearly a million dollars protecting the moral standards of the citizens of Memphis.

Or so it seemed. But Bruce Kramer, the Memphis attorney who represented actor Reems in the case, claims that "it wasn't an obscenity trial at all—it was a racketeering and tax evasion trial."

Prosecutor Parrish was 33 years old at the time. A governing member of Memphis' First Evangelical Church, he was an avowed opponent of all forms of pornography and he became a sought-after dinner speaker and anit-smut campaigner in the trial's media wake.

Now in private practice in Memphis, Parrish doesn't precisely deny Kramer's claim that the government's Memphis prosecution was aimed more at organized crime than pornography.

"I've always assiduously avoided saying that was true," the attorney said recently. "But I will tell you this: I took over the investigation of the Brooklyn Strike Force, and the strike force investigates only organized crime."

Prosecutor Parrish introduced only a handful of "expert" witnesses whose opinion was that "Deep Throat" constituted obscenity.

Apparently the movie spoke for itself. The jury viewed "Deep Throat" late in the trial and judged it to be obscene.

On April 30, 1976, the Perainos et al were found guilty of conspiring to distribute obscenity across state lines. Louis and (his uncle) Joseph S. Peraino were given one-year prison sentences and fined $10,000. The three Peraino-owned companies—Bryanston, Damiano and Plymouth—also were fined $10,000 each. The sentencing of fugi-

tives Anthony Peraino and Robert DeSavo was put aside pending their capture or surrender.

BRYANSTON: "THEY JUST PADLOCKED THE DOORS ONE DAY"

Barely a month after the trial, Bryanston closed up its West Coast office and disappeared from the movie business as quickly as it had come, leaving behind a score of puzzled employees and a trail of debt. In addition to nearly $750,000 in taxes, the company owed undetermined millions throughout the international movie marketplace.

Exactly why Bryanston bailed out of the business so abruptly has remained a mystery. "I never could understand it," said one former executive. "We were doing so well. They just padlocked the doors one day."

Following the dissolution of Bryanston, the distribution of "Deep Throat" was carried on through Joseph S. Peraino's company, Plymouth Distributors, which had offices in Old Bridge, N.J., and at 1800 Highland Ave. in Hollywood.

And "Deep Throat" continued to make large sums of money. Playing 13 times a day for 10 years at the Pussycat Theater in Hollywood, it earned $6.4 million at that one location, according to the theater owner.

In the wake of the no doubt unwanted publicity brought on by the Memphis trial, the Peraino family dropped out of public view—for a time.

THE SECOND VALENTINE'S DAY MASSACRE—48 ARRESTS IN MIPORN

Feb. 14, 1980. At noon (EDT), a synchronized force of 400 FBI agents and police swept into porno movie theaters, warehouses, retail stores and businesses offices in 13 major U.S. cities, arresting some of the Mob's biggest names in porn on federal obsenity and racketeering charges.

It's been called the second most famous Valentine's Day in history of organized crime.

(The first is the so-called St. Valentine's Day massacre of 1929 in Chicago—easily the most brutal display of Mob violence ever. On that day, five gunmen dispatched by Al Capone and disguised as policemen entered the bootleg warehouse of Bugs Moran's rival North Siders gang, lined up seven Moran henchmen against a wall and riddled them with machine gun fire, killing them all.)

Among the more than 40 individuals rounded up in the Valentine's Day raids of 1980 were brothers Louis and Joseph Peraino. The pair was arrested in the New York office of their company Arrow Film and Video. They were charged with interstate shipment of obscenity in the form of hardcore videocassettes titled "Liquid Lips," "Candy Stripers." "His Master's Touch" and "Hollywood Cowboy."

The Valentine's Day raids were the culmination of a three-year FBI pornography "sting" operation code-named "Miporn" (from Miami pornography). It was the most extensive, sophisticated and well-financed investigation ever of organized crime involvement in the porno industry. And it may have been the most effective.

Operating out of a Miami warehouse, undercover FBI agents posed as a pair of sleazy porno film-buyers for a company they had set up called Gold Coast Specialities Inc.

For 30 weeks, the agents wore open-necked shirts, sported gold neckchains and diamond pinky rings and tooled around town in rented Cadillacs, sometimes with a pair of flashy-looking women hanging on their arms.

In the course of the investigation the agents claim to have discovered that the sale of hard-core videocassettes and pirated videocassettes of major Hollywood motion pictures in this country was dominated by a nationwide ring of organized-crime figures.

Law enforcement investigators in Dade County, Florida, began seeing evidence of Mob involvement in the hard-core videocassette business as early as November, 1975—just a few weeks after Sony put the first home videocassette recorder on the market.

Today, adult videocassettes are a $2-billion annual business in this country, accounting for half of all film cassette sales, according to LAPD experts. They estimate that a third of that $2 billion, or around $600 to $650 million yearly, winds up in the coffers of organized crime. What's more, the policemen say, the business has "probably doubled" in the last year.

The best-selling sex videocassette of all is "Deep Throat," according to David Friedman, who is considered to be one of the world's foremost experts on the porno film business. Five times the president of the Adult Film Assn. of America, Friedman estimates that more than 300,000 "Deep Throat" videocassettes had been sold as of last year. At the going retail price of about $60 apiece, that adds up to $18 million in gross revenue for the Peraino family business.

Louis and Joseph Peraino were not charged with film piracy in the Miporn case, even though the New York arrest report shows that videocassettes of more than 50 major Hollywood movies, as well as equipment capable of reproducing them in quantity, were discovered during the search of the Arrow offices. The list of films confiscated includes most of the box-office blockbusters of the last decade—"Animal House," "Kramer vs. Kramer," "The Sting," "Star Wars" and ironically, "The Godfather," Parts I and II.

THE DEATH OF MICKEY Z LEFT A POWER VACUUM

There was only one casualty on Valentine's Day 1980—Michael Zaffarano, one of the main targets of the Miporn investigation. In the years since he sold stag films out of coffee catering trucks and allegedly oversaw the porno film processing operation at Louis Peraino's All-State Film Labs, Zaffarano had come to be regarded as the Mob's top man in porn and a multimillionaire.

But when law enforcement officers came to arrest him at his New York office that Valentine's Day, 58-year-old "Mickey Z" suffered a heart attack and died on the spot, clutching a reel of pornographic film that the officers presume he was attempting to destroy.

"Yeah, we killed him for sure," said one case-hardened police officer who witnessed the Zaffarano death scene, "and we saved the taxpayers a bunch of money."

But the death of Zaffarano did more than that. It created a power vaccum in organized crime's now international pornography operations that annually accounted for hundreds of millions of dollars in largely untaxed revenue. Added to the Miporn arrests and convictions of other major Mob figures in porn, the elimination of Zaffarano was bound to touch off maneuvering among the various organized-crime families for dominance in the lucrative porno trade, police believe.

Such were the forces at work, NYPD investigators say, on the evening of Jan. 4, when the barrage of buckshot claimed the lives of Veronica Zuraw and Joseph Carmine Peraino Jr.

OBSCENITY CONVICTIONS—THE COLLAPSE OF THE EMPIRE

In the weeks following the Brooklyn killings, a final chapter may have been written in the Peraino family saga.

In February, brothers Louis and Joseph Peraino were sentenced in Miami to prison terms totaling six and three years, respectively, for their convictions in the Miporn case. (They're appealing the sentences.)

Looking tired and short of breath, their father Anthony was sentenced that same month in Memphis to a total of 9½ months in prison and $15,000 in fines for his original 1976 "Deep Throat" conviction and subsequent bail-jumping charge. After five years as a fugitive, the ailing Peraino family head turned himself in to authorities last year.

Due to his heart condition, Anthony is serving the first 75 days of his term in Gateways Community Treatment Center, a private hospital and halfway house in the Echo Park neighborhood of Los Angeles. He still faces six months prison on the bail violation.

On March 22, 1982, Louis (Butchie) Peraino entered the Allenwood Federal Prison Camp in Montgomery, Pa., to begin serving a six-month sentence for his Memphis "Deep Throat" conviction. (He had appealed the case all the way to the U.S. Supreme Court, which last October refused to overturn his conviction.)

There's a striking irony in the fact that Louis Peraino was sent to Allenwood. The minimum security facility—no walls or fences—once housed convicted Watergate conspirators Jeb Magruder, Egil Krogh Jr., G. Gorden Liddy and E. Howard Hunt.

And now Louis Peraino, institution number 06675-076, formerly the head of his own Hollywood movie company. He too, fell from a position of prominence and power, undone by "Deep Throat."

[From the Calendar, June 13, 1982]

THE "DEEP THROAT" PAYOFF: SUITCASES FULL OF CASH

(By Ellen Farley and William K. Knoedelseder, Jr.)

MEMPHIS.—The story of how "Deep Throat" was booked into the movie theaters of America and how its booty of untold millions was divied up is the stuff of detective novels—a tale replete with stakeouts, stool pigeons, double dealings and death threats.

Between 1973 and 1976, the distribution of the most famous and successful of porno movies was basically a covert operation. It was carried out by a small army of hirelings known as "checkers" and "sweepers." They traveled the country—constantly changing aliases and meeting clandestinely in hotel rooms and public restrooms to exchange information and large sums of cash.

All the while, they were shadowed by federal agents, photographed by hidden cameras and ratted on by informants in their own ranks.

During the 1976 "Deep Throat" obscenity trial in Memphis, U.S. prosecutor Larry Parrish spent most of his time trying to make the jury understand how the movie's distribution system worked. He called more than 50 witnesses who had been involved in some phase of the distribution. The prosecutor supplemented the witness testimony with copious charts and graphs of the operation, laboriously leading the jury through the maze step by step.

Defense attorneys offered little in the way of evidence or cross-examination to dispute the government's description of the distribution system.

Instead, the primary strategy of the defense attorneys was to focus on the issue of whether "Deep Throat" constituted obscenity. That was the heart of the trial, after all. If the jury ruled that the movie wasn't obscene, then it didn't matter who distributed it or how.

As detailed in the more than 15,000-page transcript of the nine-week trial, this is what happened.

After its New York debut in June, 1972, "Deep Throat" was distributed for a time in a fairly straightforward fashion. Prints were shipped to theaters by common carriers (the U.S. mail, parcel post, etc.), through film storage warehouses and sub-distributors. Records were kept and payments were made by check to Damiano Film Productions Inc., which was administered by Louis Peraino from the New York office of Bryanston Distributors Inc.

Even though at the time it was a federal crime to transport an obscene movie across state lines, the risk of prosecution seemed slight—because the law contained no precise definition of obscenity. Thus law enforcement agencies were reluctant to pursue such investigations.

But the situation changed dramatically in June, 1973, when the U.S. Supreme Court handed down its landmark "community standards" decision on pornography.

In an unexpected move, the high court declined to establish a precise definition of obscenity, ruling instead that the moral standards of individual communities should decide what was obscene and what was not.

That was bad news for the distributors of "Deep Throat." It meant in effect that now they were vulnerable to federal prosecution based on the blue-nosed views of any Bible Belt township. And the Supreme Court ruling came just as the "Deep Throat" phenomenon was spreading throughout the country, Bible Belt included.

So a new distribution system was designed to confound law enforcement attempts to trace a print of the film to its source.

"Deep Throat" no longer was shipped openly. It was transported across state lines by "checkers." They delivered the prints to the theaters, then stayed on to count the customers. At the end of the day's showings they collected from the theater owners the distributor's share of the box-office receipts—usually half.

The checkers' instructions were "to get at least half cash in payment (from the theaters), but normally it would be all cash," according to the trial testimony of the man who had been employed to supervise the operation.

Sweepers then went from checker to checker, collecting the money daily and either mailing it or hand-carrying it on plane flights back to company offices in New Jersey and Florida.

One former sweeper testified that he once was told by the manager of the Florida office, "If I don't have the money there that evening, I'm playing with his life."

Another former checker testified that on two occasions he had collected so much cash that he barely managed to fit it into a suitcase. Both times he had to "stomp on" the suitcases to close them.

Checkers and sweepers generally were not recruited from the ranks of movie business professionals. Their number (nearly 50 at one point) included a retired security guard, an unemployed candy salesman, two Philadelphia stockbrokers and an ex-convict whose professional background included burglary and counterfeiting.

The supervisor of the checker-sweeper operation said that employees often were paid partly in cash. His salary was $500 a week, he said, $300 by check and $200 "in green."

The system was effective because it left few traces. If a theater was busted on obscenity charges, investigators would have a difficult time following the distribution trail back to the Perainos.

But the system had at least one flaw—it entrusted the handling of huge sums of cash to a cadre of part-time or moonlighting employees, many of questionable character and some with criminal records. In addition, these employees also handled the prints of the film, which easily could be duplicated and sold on the side.

The prosecution presented evidence indicating that employee piracy was common. Former employees testified that checkers and sweepers routinely were accused by their supervisors of either bootlegging the movie or skimming from the cash receipts.

Piracy was a major problem. According to movie producer-distributor Dave Friedman, considered an expert in the porno field, "Deep Throat" was "pirated to death, probably more than any other movie." Bootleg 16-millimeter prints of "Deep Throat" have been exhibited "in bars all over the country," he said.

In some cases, however, piracy proved a boon to the distribution of "Deep Throat." According to the trial testimony of several "Deep Throat" employees and theater operators, it worked like this:

Theater operators suspected of exhibiting bootleg prints of "Deep Throat" received a phone call or a personal visit from representatives of the distributor. The accused pirate was commanded to make retroactive payment for prior unauthorized showings, then ordered to pay another fee for the right to continue playing the movie.

If the theater operator agreed to the conditions, he was allowed to continue using the bootleg print for as long as he wanted, so long as the distributor collected an agreed-on share of the box-office receipts, usually 50 percent. In fact, provided that payments continued, the theater operator even was allowed to purchase additional bootleg prints from his pirate source when the original bootlegs wore out.

Thus, the distributor was spared shipping costs as well as the expense of making the print. In effect, the movie was distributing itself.

However, theater owners occasionally balked at the idea of paying retroactive royalties—thousands of dollars in some cases. In such instances, the theater owners would be threatened by "Deep Throat" employees who promised to "break their legs," or worse, witnesses testified.

One of the star prosecution witnesses was a man who'd been employed as supervisor of the checker-sweeper operations. The witness, Robert Bernstein, said he was present on one occasion when such threats turned into action. He testified:

"We went to the Flick Theater (in Florida). There was a young boy at the box office who weighed about 75 or 80 pounds soaking wet. We went in and said, 'We want that print,' that it was a green (bootleg) print, to get it off the screen and we wanted to know who the manager was and so forth.

"The kid started yelling at Tony Novello and myself. Tony got angry and grabbed him by the throat and started choking him. I grabbed Tony's arm and said, 'Let's get the devil out of here' and pulled his arm off."

The alleged assailant, Anthony Novello, one of the defendants in the trial, was described by prosecutor Larry Parrish as Anthony Peraino's bodyguard, chauffeur and "strong-arm man, an enforcer."

It was the position of the prosecution (the U.S. government) that "Anthony Peraino, not Louis Peraino, was the driving force behind the conspiracy" (to transport "Deep Throat" across state lines).

As the U.S. prosecutor explained it. When Louis Peraino began turning his attention toward the legitimate Hollywood movie business in mid-1973, the distribution of "Deep Throat" and other porno movies increasingly was taken over by Anthony Peraino. At the same time, the hub of the operation shifted from New York to South Florida, the Fort Lauderdale area. It was then that the checker-sweeper system commenced and "strong-arm" tactics became intrinsic to the operation.

In August, 1973, Anthony Peraino formed a Florida company called AMMA in partnership with a Florida porno movie distributor and theater owner named Robert DeSalvo.

DeSalvo was an ex-convict from New Jersey who settled in Fort Lauderdale in the early 1970s—following his release from prison where he had served time for his part in a multimillion-dollar counterfeiting ring.

With offices in Wilton Manors, Fla., and Spring Lake, N.J., the operation soon was directing the distribution of "Deep Throat" all over the country, including the states of Alaska and Hawaii. The Los Angeles-area distribution remained under the direction of Louis Peraino in New York.

As money from the checker-sweeper network began flowing into the Florida office of AMMA, partners Anthony Peraino and DeSalvo funneled the funds through a succession of companies that came and went in the span of a fruit fly.

One Albuquerque theater owner testified that he had paid "Deep Throat" royalties to seven different compaines over an 18-month period. The prosecution characterized the Florida companies as "corporate facades" set up to further obfuscate the "Deep Throat" distribution trail. The companies differed in name and bank account, but they operated from the same address, with the same employees reporting to the same bosses—Anthony Peraino and DeSalvo.

In addition, the prosecution traced the flow of "Deep Throat" money through another maze of companies. These included:

Regal Fashions, a garment company in Miami owned by Anthony Peraino.

Another garment company in New York called Sal-Lee, owned by Anthony Peraino and funded by at least $500,000 in "loans" from Damiano Films.

Two Bahamian companies owned by Anthony Peraino—Jordan Financial Investments and Caribbean Licensing Ltd.

A New York-based movie company called Haunted House Productions, set up by brothers Louis and Joseph Peraino (Anthony's sons) to produce horror movies.

Bahamian companies called Taurus Investments, owned by Robert DeSalvo, and Gemini Investments, co-owned by DeSalvo and Anthony Peraino.

Another star prosecution witness at the trial was a woman named Barbara Stamp, who had been employed as general secretary to Anthony Peraino and Robert DeSalvo in Florida. She also became an informant for the Internal Revenue Service.

Stamp testified that one of her job responsibilities was to transfer money from the Florida companies' bank accounts to the bank accounts of the Bahamian companies. This was to be done by casher's checks when the Florida balances reached $40,000 or $50,000.

DeSalvo told her the money was being used to buy "bars and liquor licenses" in the Bahamas, Stamp testified.

Ironically, Stamp said that Robert DeSalvo initially got involved with the distribution of "Deep Throat" by bootleging the movie. DeSalvo was exhibiting a pirated print of the film at a theater he owned in Lake Worth, Fla. when he was paid a visit by Louis and Anthony Peraino, she said.

DeSalvo told her that "the old man and his son came down to crack my head," Stamp related. But instead, DeSalvo convinced the pair to take him on as a partner. He would distribute the movie for them using his already established distribution network. What's more, he could ensure that piracy was controlled.

Bernstein, who also was employed at the Florida office, testified that DeSalvo had told him that he'd paid a Bahamian corporation between $1.2 million and $2 million to acquire the distribution rights to "Deep Throat."

Not suprisingly, the testimony of star witnesses Stamp and Bernstein provided some of the most provocative passages in the trial transcripts.

For example, prosecutor Parrish claimed that Stamp was present on one occasion when Anthony Peraino threatend to "personally blow DeSalvo's brains out" if DeSalvo's hiring of Bernstein led to any legal problems with "Deep Throat."

The prosecutor also alleged that Anthony Peraino had threatened to kill Bernstein if Bernstein mentioned Peraino's name before the Memphis grand jury that ultimately ordered the "Deep Throat" indictments.

None of the defendants at the 1976 trials was charged with any threats or acts of violence in connection with the distribution of "Deep Throat." Nonetheless, prosecutor Parrish seemed unflagging in his efforts to introduce testimony that such attempts to intimidate theater owners, employees and potential witnesses had occurred routinely and as recently as "last evening," he said.

The prosecutor's efforts invariably brought forth a barrage of objections from defense attorneys.

At such times, the jury was removed from the courtroom while the opposing sides argued the point in "bench conferences" before the judge. More often than not, the judge agreed with defense arguments that testimony about alleged threats of violence was irrelevant (to the issue of obscenity) and therefore unfairly prejudicial to the defendants.

The prosecutor informed the judge one time that there were "current threats" against witness Bernstein, specifically that "his throat would be cut, that he would be skinned alive" if he cooperated with the prosecution's case. Parrish also told the judge in the jury's absence that defendant Mario DeSalvo (Robert DeSalvo's brother) had "directly threatened Mr. Bernstein's 2-year-old child."

The prosecutor wasn't entirely unsuccessful in his attempts to introduce testimony of threats of violence. For example, Bernstein related that, prior to testimony, Janice DeSalvo had delivered to him a "message" from her husband Robert in the form of an "Italian kiss." (In Mafia mythology, a ritualistic kiss signifies that the recipient has been marked for execution—as in "kiss of death" or "Judas kiss.")

In addition, Bernstein told the court that he and his family had been under constant protective surveillance by law enforcement authorities ever since his first "cooperative" interview with the FBI in January, 1975. The security precautions were enacted, he said, "specifically for my 2-year-old daughter."

On another occasion, when a checker testified that he had physically assaulted a theater owner, one defense attorney promptly pointed out that such an assault and battery "is, under Tennessee law, a misdemeanor."

Although both men were indicted, neither Anthony Peraino nor Robert DeSalvo appeared at the trial. According to several prosecution witnesses, the pair had fled to the Bahamas, where they continued to direct the "Deep Throat" operations while luxuriating on Peraino's 65-foot yacht, the Eldorado.

After the two men fled to avoid prosecution Mario DeSalvo took over managing the Florida office, but not for long. Former Florida employees testified that the operation quickly was taken over by Anthony Peraino's brother, Joseph S. (Joe the Whale) Peraino. The new boss promptly fired both DeSalvo brothers, witnesses said. Shortly thereafter, Joseph Peraino closed down the Florida office and moved the whole operation to the New Jersey office of his company, Plymouth Distributors.

For all its carefully constructed convolutions, the "Deep Throat" distribution scheme didn't fool the authorities for long. With FBI and IRS agents dogging the movies's trail from the beginning (visiting every participating theater), it took only a minor incident for it all to unravel.

On Oct. 30, 1973, an FBI agent investigating pornography confronted a checker named Jim Newman as Newman was loading an Eastern Airlines box into a taxicab in from of the Memphis Holiday Inn. The agent served Newman with a grand jury subpoena and warned him that if the box contained a movie that would be judged obscene (by Memphis community standards), and if Newman transported it across state lines, then he would be breaking federal law.

Newman quickly left town, abandoning the box in a storage room at the Holiday Inn. Discovered by an FBI agent the next day, the box contained two prints of "Deep Throat."

Ultimately, the Memphis jury judged "Deep Throat" to be obscene and found all the defendants guilty of conspiring to distribute it interstate. Anthony Peraino and Robert DeSalvo were convicted *in absentia*, but their sentencing was held in abeyance until their capture or surrender to authorities.

The convictions of all but Anthony Peraino and Robert DeSalvo later were overturned on a technicality. When the case was retried in 1978, Joseph S. Peraino and his company, Plymouth Distributors, were acquitted. All the other defendants were convicted.

The second time around, Louis Peraino drew a three-year prision sentence, with all but six months suspended.

Though the prosecution's case remained basically the same, the 1978 trial contained one dramatic turnabout. The star prosecution witness this time was Janice DeSalvo, the wife of fugitive Robert DeSalvo.

She told the jury that she'd begun cooperating with the FBI after the disapperance of her husband "Bobby" in Europe.

She went to the FBI for help, she said, after her husband's uncle was unable to find him in Europe. "Mr. (Anthony) Peraino and Bob were partners and Bobby was going to Europe to meet with his partner and that's about the crux of it," Mrs. DeSalvo testified.

Robert DeSalvo has never been found. His wife and federal prosecutors in Memphis believe that he is dead.

[From the Calendar, June 13, 1982]

THE JERSEY THEATER ARSON: CLASSIC CASE OF INEPTITUDE

(By Ellen Farley and William K. Knoedelseder, Jr.)

The Joseph Carmine Peraino Jr. killing in a shotgun attack in Brooklyn last January had made newspaper headlines once before. He first made the news for setting fire to the Tilton Theater in Northfield, N.J. (an Atlantic City suburb), on July 15, 1977.

At the time, 27-year-old Joseph Jr. was working for his father's porno film distribution company, Plymouth Distributors. Along with his two 22-year-old accomplices (who also reportedly were employed by Plymouth) young Peraino was easily convicted of the theater torching—a crime remembered by New Jersey authorities for its ineptitude.

"If ever these guys did a dumb arson, this was it," said Jeffrey Blitz, the Atlantic County assistant district attorney who prosecuted the case. The prosecutor's characterization is borne out by the law-enforcement reports on the incident.

The three men, all from the same Brooklyn neighborhood, drove to Northfield in a brand-new, blue Bill Blass designer edition of a Lincoln Continental Mark V. On the way, they stopped to fill a five-gallon gasoline can at a service station less than half a mile from the shopping center where the Tilton Theater is located.

They struck at 11 o'clock on a Friday morning. Peraino remained in the car while the other two broke into the theater, tied up the projectionist and his brother (ages 62 and 65), doused the projection room with gasoline and set it on fire. Then they led the two bound employees from the burning building and left them in a field behind the theater.

Making their getaway, the three men stopped at a nearly drugstore to purchase ointment and bandages to treat the severe burns that one of them had suffered on his face and hands while setting the fire. They were arrested on the Garden State Parkway less than two hours later—their Bill Blass designer car a dead giveaway to a New Jersey state trooper.

The investigation fell to Walter Buzby, an arson expert with the major crime division of the Atlantic County prosecutor's office. But almost immediately, Buzby said, "The FBI got into it and half a dozen other agencies. They felt it was part of the pornographic business of the underworld."

One investigator on the case explained that "with the advent of casino gambling in Atlantic City, we looked on it from the standpoint, "Is this an attempt by this particular group to come in here and permeate this area with X-rated movies?' "

To this day, the motivation behind the arson is a matter of conjecture. The theater's owner, Charles Tannenbaum, vice president of Bally's Park Place Casino Hotel

in Atlantic City, claims that neither he nor his theater has ever been approached or pressured to show porn films. In an interview, Tannenbaum flatly stated that "it was not a retaliatory measure for anything to do with X-rated movies."

According to a federal source. "After the fact, the New York City police told us they thought the younger Peraino had just been made a member of the Colombo family prior to the arson and that he was out of line for having done this without getting the appropriate authority. It was unauthorized and, as a result, he was told that he had screwed up and he would have to bite the bullet."

Joseph Jr. spent two months in jail before he was bailed out. None of the three men would cooperate with authorities. An investigator who attempted to question them recalled, "I asked one of the two guys that did the actual torching of the Tilton, 'What's your position going to be here?' He said, 'I'm going to do exactly what they tell me to do. If they tell me to plead guilty, I will. If they tell me to plead innocent, I'll plead innocent.' It was strictly the by-the-numbers Brooklyn approach."

Peraino's attorney attempted to have his client tried separately from the other two men, but that defense strategy was squelched when the FBI identified Joseph Jr.'s fingerprints on a note found in the front seat of the getaway car. The note gave directions on how to get from Brooklyn to the Tilton Theater.

THE GETAWAY CAR WAS A BRAND-NEW, BLUE, BILL BLASS DESIGNER EDITION OF A LINCOLN CONTINENTAL MARK V

Joseph Peraino Sr. was at his son's side throughout the court proceedings in New Jersey. The father's behavior was "a little bit acrimonious," according to an observer who said he once saw him and another man confront an FBI agent in the hall outside the courtroom where the case was heard.

Asked about the encounter, the FBI agent said, "I wouldn't want to portray it, either verbally or graphically, because it would be very offensive. He was very obscene about the whole thing." Peraino was enraged by the FBI's role in the investigation, the agent explained. "In his mind, he felt that the bureau was behind the scenes pushing to get his son because we were out to get him as well. He told me that his son had just gotten married, and he kept threatening to have me transferred."

Waiving their right to a jury trial, all three men pleaded guilty to four counts of arson and accepted their sentences of not less than four and not more than seven years in prison.

"The strange thing about this case is that there was no plea bargaining at all," said prosecutor Blitz. "They just threw up their hands. They didn't fight. It was almost as if, though I don't know this, somebody didn't want a trial."

[From the Calendar, June 20, 1982]

FAMILY BUSINESS—EPISODE 2: THE HOLLYWOOD YEARS

(By Ellen Farley and William K. Knoedelseder, Jr.)

Bill Kelly still remembers the three-paragraph article buried in the back pages of the show-business trade paper, the Hollywood Reporter, one day in October, 1972.

Kelly was then an FBI agent in Miami investigating organized crime involvement in the porno movie business. The lines that caught his eye reported the formation of an independent movie company called Bryanston Distributors Inc. Its president was a New Yorker named Louis Peraino and its first film project was to be "The Time is Now, Baldassare," described as "a fable about the Pope."

"I couldn't believe what I was reading," said Kelly, now retired from the FBI and living in Florida. "I thought it was the damndest, most ludicrous thing I'd ever heard—a bunch of gangsters making a movie about the Pope with money they made from pornography."

Along with fellow law-enforcement officers in at least four states, Kelly considered Louis Peraino to be an operative of the Joseph Colombo crime family—one of the notorious "Five Families" of the Mafia, centered in New York City.

The lawmen knew Peraino as the producer, distributor and principal owner of the phenomenally successful "Deep Throat," which he'd financed for a mere $22,000 with the help of his father Anthony. Commonly called "Big Tony," the elder Peraino is a reputed "made" (officially initiated) member of the Colombo family.

Now 42, Louis Peraino is in the Allenwood Federal Prison Camp in Montgomery, Pa., inmate No. 06675-076, serving six months for the federal crime of conspiring to distribute obscenity ("Deep Throat.") across state lines. He's appealing another federal obscenity conviction, for which he was sentenced in February to six years in prison.

Not surprisingly then, Louis Peraino's name seldom is heard around Hollywood these days. But not so long ago, he was a mogul:

Within two years of its birth announcement in the trade publications, Bryanston was being heralded as the hottest independent distribution company in the motion-picture industry. On the surface, at least, Bryanston appeared to be operating as a legitimate movie company. In October, 1974, the company was riding a crest of three straight box-office hits—"Andy Warhol's 'Frankenstein,'" "Return of the Dragon" (starring the late Bruce Lee) and "The Texas Chain Saw Massacre."

At its peak, Bryanston had more than 90 employees. Headquartered in the Film Center Building at 630 9th Ave. in New York, the company opened branch offices in Dallas, Detroit, Atlanta, San Francisco, Washington, D.C., Toronto, London, Rome, and Beverly Hills.

Louis Peraino's movie plans and corporate pronouncements received wide play in the entertainment press. Prominent producers and directors sought him out as a partner in their projects.

Moreover, at age 34, Peraino had assured himself of a place in the annals of American movie making—the man who gave the world both "Deep Throat" and "The Texas Chain Saw Massacre," the sex and violence trendsetters of the 1970s.

The rise of Louis Peraino is a kind of hard-core Horatio Alger story: An allegedly Mob-connected pornographer from the mean streets of Brooklyn, he achieved wealth and apparent respectability in the world's most glamorous industry.

That it seemed so easy may say as much about the mores of the movie business as it does about the talent and ambitions of the man.

Whatever else he may have been, Peraino was perceived in Hollywood primarily as a man with millions of dollars to spend and a knack for picking hits. In the movie business, there are no better credentials than that.

Peraino's timing was perfect. There was a recession on. Production at the major Hollywood studios was down. Producers and directors were scrambling (even more than usual) for outside sources of financing. Exhibitors were worried about how they would fill their screens in the coming product crunch.

A 1973 Bryanston prospectus played to those concerns. The colorfully written document is a testament to the lofty legitimate movie ambitions of Louis Peraino, a cocky manifesto. To quote a passage:

"Out of the citadel of giants—the glamorous and never-never Hollywood-came the tinsel, the plasticity and the cult of the superstar and, with this, the notion that anything at all could be spoon-fed or crammed down the throat of a moviegoer sitting enthralled in a pool of his own drooling stupidity and infectious gullibility."

The screen goes on to foretell the downfall of the major studios and the rise of plucky independent companies like Bryanston:

"As the demolition crews bring down the walls of the huge showcase edifices of yesterdays, the 'Last Tangoes' follow in the wake of the 'Deep Throats', and the 'Graduates' and 'Clockwork Oranges' and the 'Nigger Charlies' roll on in the footprints of the little guys who refused to do the 'Paint Your Wagons' and 'Dr. Dolittles'." (The latter two films were notorious big-budget flops.)

Peraino's aspirations were backed by considerable capital. "Deep Throat" reportedly earned $25 million in its first two years of release. In Hollywood, where profligate spending is the norm, Louis Peraino quickly established a reputation as a particularly high roller.

"He'd pay $100,000 for a script that should have cost $10,000," said one prominent entertainment attorney who did not want to be identified. "He didn't know and he didn't care, because he had so much."

Bryanston president Louis Peraino looked like the man of the hour. Between 1972 and 1976, when it somewhat mysteriously ceased operations, Bryanston either financed, produced or distributed more than two dozen legitimate (meaning non-porno) movies. The company announced its planned involvement in at least that many more movie projects, including "Fort Apache, The Bronx" and "The Greek Tycoon." The latter two projects ultimately reached the screen without any Bryanston involvement, according to the producers.

"Greek Tycoon" producer Nicos Mastorakis recalled that he first met Louis Peraino when the producer was trying to sell the U.S. distribution rights to a low-budget movie he'd made in Greece. "The Devil in Mykonos."

"He had just spilled ketchup on his shirt and he was taking the stain out—that's the first thing I remembered about him," Mastorsakis said "I wouldn't say that he was charismatic. Perhaps in his own way he was—he paid me cash for my picture, about $20,000." Bryanston never released "Devil in Mykonos").

As president of Bryanston, Louis Peraino was easily one of the most colorful movie moguls that Hollywood had seen in some time.

Called by the childhood nickname "Butchie," he was rough-edged and physically imposing at better than 250 pounds, with a tattoo of a dagger through the name "Rose" on his left forearm. He was known to carry large sums of cash and he frequently was

accompanied by a brace of burly sidemen—characterized as "gorillas" by several movie professionals who claim to have encountered them.

One of Peraino's near-constant companions was his older brother, Joseph C. Peraino. Now 49, Joseph served as Bryanston's executive vice president, but by all accounts, Louis was the brains behind Bryanston's Hollywood movie operations. Brother Joe is remembered in Hollywood primarily as a natty dresser. "He wore a diamond ring the size of Cleveland," recalled one film industry observer.

"Lou spent a lot of money on clothes, too, but you really couldn't tell," recalled one former company executive. "He'd buy a half dozen suits at a time, dark suits. He would pick up the phone and tell his wife to buy five or six pairs of shoes for him."

Another distinguishing characteristic was the Perainos' heavy Brooklyn patois—"a lot of 'dese' and 'dems' and 'dose'." One producer described them as "'Guys and Dolls' characters."

To some who met them, the Peraino brothers seemed almost caricatures of mobsters. "Straight out of 'The Godfather,'" was the phrase that several Hollywood professionals used to describe the pair.

A prominent movie producer recalled a business meeting he once had with Louis Peraino and company, saying only half-jokingly, "I didn't know if I was negotiating for my picture or my life."

During a business disagreement with Louis Peraino, "There were very definite threats made against me," the producer said, "Let's say that my nose was being threatened, and my ears, etc."

One highly respected studio executive was unnerved when a reporter called to ask him about an experience he supposedly had with the Perainos. "No way," the executive said. "As far as I'm concerned, this phone call never happened." Then he hung up.

Director Tobe Hooper, a master of scare tactics with such films as "The Texas Chain Saw Massacre" and the current "Poltergeist," nervously begged off being interviewed about Bryanston and the Perainos.

"All I know is that about two months after "Chain Saw" was released, I heard a rumor that Bryanston was some sort of Mafia operation," the director said over the phone.

Declining to discuss the matter further, Hooper added, "If these guys are behind door No. 1, then who's behind door No. 2, or door No. 3?"

Some other movie professionals recalled Louis Peraino in warm terms. They described him as a "family man," who lived in a modest Brooklyn home with his wife Sorayda and their eight children.

(Ironically, Peraino was arrested on a misdemeanor weapons charge in Brooklyn in 1971, after allegedly chasing his wife down the street with a gun.)

"Lou wanted to make family pictures; it's true," said producer Sandy Howard. "He really did want to make an image for himself as a decent man and a decent motion-picture producer."

Bryanston financed two PG rated movies produced by Howard. The first was "The Devil's Rain," a horror movie that starred Ernest Borgnine and introduced then teenage star John Travolta. Bryanston co-financed Howard's "Echoes of a Summer," a family drama that starred Richard Harris and a newcomer named Jodie Foster.

"I was impressed by the guy's energy," said producer Frank Avianca, whose 1975 movie, "The Human Factor" (starring George Kennedy and John Mills), was financed and distributed by Bryanston.

"Lou wanted to learn everything (about the movie business), he was like a sponge," Avianca said, "and he was Mr. Generosity—he'd bend over backwards to make a deal with you. I don't know of anyone in my circle who didn't like the guy."

Avianca said that he didn't believe the allegations that Peraino was connected to organized crime. "If he was, then he's gotta be the most biggest exception to the rule I've ever seen in my life, because he's a pussycat.

"I met the father, I met the brother, I met the whole (Peraino) family." Avianca said, "and if that's what organized crime is, then we've got nothing to worry about, because they're pussycats."

Producer Al Ruddy remembered Louis Peraino as "big, heavy-set, kind of bombastic, funny, a good sense of humor, very easy-going and the kind of a guy you felt was quite a sport with money. I must say, he was very easy to take."

Ruddy produced the movie that defines the Mafia in the minds of millions—"The Godfather." Ruddy subsequently produced an animated feature called "Coonskin" that was directed by Ralph Bakshi ("Fritz the Cat) and distributed in 1975 by Bryanston.

"You have to understand that when you met Butchie, you were in the presence of a guy who was *convinced* that he had the next major independent distribution company in the world," said Ruddy. "I mean, he thought, 'Hollywood, boy, this is terrific, I've got Ralph Bakshi of "Fritz the Cat" and the guy that did "The Godfather."' Man, he was *convinced!*" Ruddy said.

In an interview, Ruddy said that he heard rumors that Louis Peraino's father and uncle were connected to the Colombo crime family. But he wasn't concerned.

"First of all, I knew that Lou had done 'Deep Throat' and I know that pornography is generally controlled by certain people, OK?" Ruddy said. "It didn't matter to me, frankly. I didn't get into trying to substantiate it or not. I wanted to know what commitment they had to booking this film ("Coonskin"), how much money they were going to put up to sell it.

"I'm not trying to draw any parallels between Butchie and any other major studio executives," Ruddy said, laughing a little, "but I don't go and start checking out the personal credentials of all the people in our business.

"I'll tell you, there are rumors about a lot of people in this business, one or two who are very powerful and who reputedly have (organized crime) contacts all over the place, and I'm sure they do. And it doesn't impair their ability to function in this business."

Rumors that Bryanston and its president were linked to the Mafia apparently ran rampant in Hollywood from the beginning, but they didn't seem to impair Peraino's ability to function in the movie business.

In general, the film-industry professionals interviewed in the course of this investigation displayed a remarkably casual attitude toward the organized-crime allegations.

That attitude perhaps is epitomized by the comments of producer Jack H. Harris, who sold Bryanston the distribution rights to a science-fiction fantasy called "Dark Star," which marked the directorial debut of John Carpenter ("Halloween," "Escape from New York" and "The Thing," opening Friday).

Said Harris, "Sure I heard the rumors. So what? They didn't ask me to join (the Mafia), nor did I ask them if I could."

A note: Being a member or an associate of an organized crime group is not a crime. There's no law against criminals investing in legitimate business, so long as the money isn't from an illegal source, such as drug trafficking. Nor is it illegal for a legitimate businessperson to accept money from organized crime, provided that he doesn't know the money is illgotten to begin with.

Neither Louis Peraino nor Bryanston ever was charged with any crimes in connection with the legitimate movie business. In interviews for this series, most of the company's former employees and producing partners, as well as one police investigator, claimed that Bryanston was operated legitimately, at least in the Hollywood sense—neither more nor less honestly than any other movie company, major or minor.

Bryanston didn't become a presence in the Hollywood move business until 1973, when the company opened a West Coast office at 177 S. Beverly Drive in Beverly Hills.

Upon its arrival, Bryanston had no record in legitimate movies, but in short order, the company's top management positions were filled by experienced professionals recruited from the major studios.

A Bryanston promotional brochure, circa 1974, boasted that "Employees represent a combined film-industry experience span of 179 years!"

The list included the former assistant to the president of Paramount Pictures, a former director of advertising for 20th Century-Fox, a Harvard-educated former vice president and general manager of Columbia Records, as well as one-time executives of Columbia Pictures, Warner Bros. and Disney.

As a New York-based outsider, Louis Peraino apparently recognized the importance of hiring Hollywood insiders—executives whose personal style was more in synch with the movie establishment than his own. He scored a major coup with the hiring of Ted Zephro.

These days, Zephro probably would be called a "baby mogul." In his early 30s then, he was the assistant (and some say heir apparent) to Paramount Pictures president Frank Yablans. But Zephro resigned from Paramount in October 1973 to become vice president and general manager of Bryanston.

By all accounts, Zephro ran Bryanston's West Coast movie operations. Many movie professionals interviewed credited him as the architect of the company's meteoric rise.

"Teddy was such a hot-shot boy, one of the brightest guys I ever met in distribution," said Al Ruddy.

"I came into the company because of Ted Zephro," said Ira Teller, who joined Bryanston as vice president of advertising and publicity in December 1973, having held similar positions previously at 20th Century-Fox, Columbia Pictures and National General Pictures.

Currently the head of his own publicity firm in Beverly Hills, Teller echoed the words of a half-dozen former Bryanston executives: "To me, Ted Zephro was a legitimate entity," he said. "At the time I joined the company, they were talking to some of the top people in the industry."

Zephro was "the reason I went to the company," said producer Sidney Beckerman, who obtained initial financing from Bryanston for a black exploitation picture called

"Power," which never was made. (Beckerman's credits include "The River Niger" starring Cicely Tyson and James Earl Jones, "Marathon Man" starring Dustin Hoffman, and "Bloodline" starring Audrey Hepburn and Ben Gazzara.)

"I didn't even know who the money people (behind Bryanston) were," Beckerman said in an interview. "I don't think I ever met them. I thought it was just Teddy Zephro promoting somebody."

As Beckerman explained, "There's always someone who's promoting somebody in this business—there's always somebody who finds someone in the oil business or somewhere (to finance films). You can't even think about that (where the money comes from) or you'll never make a movie."

Beckerman said that later he heard some rumors that these guys weren't the kind of people you'd want to have over to your mother's house for dinner, or weren't the kind of people you'd want to cross."

"I laugh about those things," Beckerman said. "I think the Mob is too smart to invest in movies. They don't like to lose money. I think that's why our business is probably one of the cleanest in the world—it's too much of a gamble. Can you imagine if the Mafia had backed 'Heaven's Gate'?"

Despite repeated efforts over several months, reporters were unable to contact Ted Zephro. According to several former Bryanston executives, he fell out of favor with Louis Peraino and left the company in 1975, becoming an independent producer for a time.

Zephro apparently has left the movie business. He was reported to be "somewhere in Las Vegas" and "raising race horses down in San Diego." Neither Zephro's first wife nor his former father-in-law claimed to have any knowledge of his current occupation or whereabouts. One person questioned told reporters that "Ted Zephro has dropped off the face of the earth."

Just as Ted Zephro's reputation enhanced Bryanston's image in Hollywood, the name of Robert Meyers helped the company in the international marketplace. As founder and president of JAD Films, Meyers sold Bryanston's movies to subdistributors around the world until Bryanston's demise in 1976.

Subsequently, Meyers became president of international distribution for Lorimar Productions and president of Filmways Pictures, a post he held until February. For the last two years, he also was president of the American Film Market, the U.S. version of the Cannes Film Festival. Meyers resigned from the AFM presidency on Friday. When interviewed, he said that he is "doing nothing" now, although he keeps an office at Lorimar in New York. Meyers said he had "no idea" of Louis Peraino's alleged organized crime ties when he first became associated with Bryanston.

"Bryanston's producers were reputable people and their films were professional and it's just business," he said. "The other aspect (organized-crime allegations) was unknown to me at the time I started to represent them. I guess by the time it became somewhat known, I was into it sufficiently—I just went on doing my job, my profession.

"I didn't know whether these accusations were correct or not correct," Meyers went on. "When you don't know something, you look at it strictly on the basis of the films being made, and that's it. I don't know who finances films that the majors distribute and a lot of independents distribute. We don't know, we don't inquire actually."

However, movie distributor Fred Biersdorf said of the Perainos, "You knew up front what kind of guys these were. You went into a meeting there (at Bryanston's New York offices) and you knew it wasn't your standard operation. These weren't your everyday good guys coming out of college."

Biersdorf is president of Dal-Art, a Dallas-based company that subdistributed Bryanston's legitimate movies in the Southwest.

Biersdorf recalled that it was Ted Zephro who recruited him for the job: "He (Zephro) told me the story of the company," Biersdorf said. "He told me these guys' names (the Perainos), and he said, "These boys are big time; they're the guys that did 'Deep Throat.'

"And then I went to New York and met them (the Perainos) and I knew they were big time," Biersdorf said.

Asked exactly what he meant by that, Biersdorf smiled and said, "Well, you don't have to go too far in that business (pornography). I mean, if you're dealing in that business you're not going to be no pussycat. You're going to be a substantial tough guy."

Pressed to be more specific, Biersdorf said that he once witnessed a demonstration of Louis Peraino's tough approach to business matters:

"There was this exhibitor (theater owner) in New York who owed Bryanston a lot of money. And Lou kept asking the guy, 'Where's my money?' And finally he calls the guy up and says, I'm going to give you until 4 o'clock this afternoon, and then I'm going to come over there and throw you through the window.'

"I mean, it was yelling and screaming," Biersdorf said. "And a cashier's check arrived by 4 o'clock.

"You didn't screw with these guys; they just wouldn't take it. With other companies, you get into a lawsuit. With Bryanston, there was no lawsuit. They'd just come in and say, 'Hey, what's the problem?' "

Despite what he "knew" about the Perainos, "I made the deal with them," Biersdorf said. "I represented Bryanston like they had their own office here (in Dallas). And it was probably the best business relationship I ever had.

"These boys treated me like I was one of their own kids," he said. "When my daughter was born they sent a new set of clothes every month for two years. They were really personal people, first-class people."

In contrast with Biersdorf, all the former Bryanston employees interviewed claimed to have been unaware of the Perainos' porno activities and alleged connections to organized crime until after they started working for the company.

Said former vice president of production Steve Bono, "I think I worked for the company for three months before I realized they (the Perainos) had made 'Deep Throat.' And we never bothered discussing it even after I found out because I had nothing to do with it; I wasn't making my living off it."

Bono joined Bryanston in 1973 with a 20-year track record of production management in TV ("David Brinkley's Journal") and feature films ("On the Waterfront" and "The Fugitive Kind"). Asked about the allegations that the Perainos and Bryanston were connected to organized crime, Bono responded with a chuckle. "Did it concern me? No," he said, "because I was treated very well and the people I was working with were getting paid, and nothing else was ever brought up. It's like working for any other company—I don't know what the parent corporation does, it's none of my business."

The former Bryanston employees remembered the company as a particularly good place to work. For one thing, Bryanston paid better than the major studios, they all agreed.

When Mike Scagluso joined Bryanston as assistant general sales manager in 1974, "I had several other job options," he said, "but I chose to go with Bryanston and I guess the reason was monetary. The company was a bright star on the horizon at the time."

Currently vice president and general manager of sales at Columbia Pictures, Scagluso declared, "I did not get involved in any kind of hard-core operation (with Bryanston). As far as 'Deep Throat,' I have no knowledge of its distribution, how well it did or who was involved. As far as I was concerned it was a separate operation."

According to Ira Teller, in addition to higher-than-average salaries, Bryanston offered an employee bonus program that was unique in the industry at the time.

"At the end of the year they gave bonuses to everyone," Teller said. "They gave like a $10,000 bonus, depending on where you worked. Secretaries would get several weeks salary.

"It was sort of like when the great movie moguls were in power, when men like Darryl F. Zanuck ran the studios," he said. "They gave bonuses in those days, but it was no longer part of the way things were done."

The company offices were "outstanding," recalled one of Bryanston's four female executives, all of whom are still working in the movie business. "It was the *creme de la creme*, my dear, like driving a Mercedes," she said. "And we were paid what we called 'a man's salary' back then. Those were the good old days."

Said former Detroit branch manager Mitch Blum. "There's no question about it, the company operated in a first-class fashion. When you traveled you went first class and the company put you up at the nicer hotels."

Now a sales executive with Crown International Pictures, Blum said that he was "shocked" when he read in the newspapers that Bryanston was one of the defendants in the "Deep Throat" trial.

"We were never asked to get involved in any of their (the Perainos') X-rated films," said former Midwest division manager Jack Dione. "If they had any, that was their business. We ran a clean company and we had good people."

There was a darker side to Bryanston put forward in numerous law enforcement intelligence reports and presented as evidence during the 1976 Memphis "Deep Throat" trial.

In a 1976 confidential intelligence report, the California Department of Justice placed Bryanston at the top of a list of "key corporations," believed to be "controlled" by the Mob: "It appears that Bryanston coordinates the nationwide distribution of full-length films for organized crime."

It didn't matter that brothers Louis and Joseph Peraino held the titles of Bryanston president and vice president, respectively. Law enforcement officials believed that Anthony (Big Tony) Peraino was the real power behind his sons' company. The elder Peraino is described as the "owner" of Bryanston in intellignece reports of both the New York Police Department and the California Department of Justice.

Anthony Peraino's involvement in Bryanston can be traced back to July 12, 1971—the day the company officially was formed

as a New York corporation. According to records on file at the New York secretary of state's office, one of Bryanston's three incorporators was a woman named Carol Chalafin.

Chalafin was identified by witnesses at the Memphis trial as Anthony Peraino's "girlfriend." U.S. prosecutor Larry Parish charged that Chalafin's name was used on Bryanston's incorporation documents in order to conceal the names of a "hidden partner" in the company—Anthony Peraino.

The prosecutor also charged during the trial that Bryanston was the parent company of a string of "corporate facades" set up by Louis Peraino and his father to handle the distribution and immense cash income of "Deep Throat."

Most of Bryanston's former West Coast employees claimed that they never saw or met Anthony Peraino. But "I met the father and the mother" at the company's New York office, said Jack Wiedenmann, who ran a Bryanston subsidiary called Bryan Records in 1974 and 1975. (See article on Page 8.)

"I saw the father there maybe a dozen times," Wiedenmann said, "I remember that when the father came in, everybody, if they didn't have a suit jacket on, put it on."

Perhaps the strongest examples of Anthony Peraino's active involvement in Bryanston are contained in the company's own financial records from the Chelsea National Bank in New York. Records from Bryanston's account with Chelsea, beginning in May, 1973, through 1975, became part of the evidence in the Memphis case.

Anthony Peraino sat in on the first and other meetings between his sons and the Chelsea Bank, according to the bank vice president who handled Bryanston's account and later testified in Memphis.

The first meeting with the Perainos, and some of the other meetings, took place at an Italian restaurant called Delsomma on 47th Street in New York. Louis Peraino asked to meet there because it was his "favorite restaurant, his lucky restaurant," the banker testified.

"My impression was of a very close-knit family with a warm, loving and respectful relationship between father and sons," the bank officer testified. "And my impression was that both Lou and Joe respected their father, respected his judgment, and that they were interested in his business counsel and they wanted to share their business affairs with him and he with them."

Both Louis and Anthony Peraino submitted personal net worth statements to the bank in support of Bryanston's application for a $300,000 line of credit. Ostensibly, the loan was to help finance Bryanston's expansion into the legitimate movie business.

The loan was approved in the spring of 1973, largely on the bank's belief in the continued earning potential of "Deep Throat." But a year later, bank officers were concerned about the state of Bryanston. As one Chelsea executive explained in an interoffice memo: "When this account opened, they had promised to keep strong balances. At the beginning of this relationship this promise was kept via the profits of 'Deep Throat,' the picture generated a huge cash flow which now has dwindled."

The banker arranged for a meeting to discuss the matter with Louis and Joseph Peraino and Bryanton's accountants. According to the memo, he "questioned where all the money (from 'Deep Throat') had gone."

At first, Louis Peraino "continued to harp on the fact that it had all gone to the purchase of new (movie) productions. However, after an hour or so, he mentioned an entity called Sal-Lee located at 1400 Broadway (New York)."

The memo goes on, "This company is owned by Mr. Peraino's father. The accountants did not want to guess as to how much was ultimately loaned Sal-Lee but, after a while, Louis Peraino stated that it was at least a half-million dollars.

"However, from Mr. Peraino's conversation I feel that much more than $500,000 was indeed put into this dress manufacturer," the bank officer wrote in the memo, dated April 24, 1974.

On that same April day, Anthony Peraino was in Beverly Hills, visiting Bryanston's offices at 177 S. Beverly Drive. He arrived there early in the afternoon in a leased Mercedes, followed surreptitiously by FBI agents.

The Los Angeles agents had been tailing Anthony Peraino from the moment he stepped off a plane from Miami the night before. They'd been alerted to his arrival by a fellow agent in Miami, where an intense federal investigation was under way into Peraino's South Florida business activities—principally the distribution of "Deep Throat."

A total of eight FBI agents put in about 64 man-hours dogging Peraino's trail during his 36-hour stay in Los Angeles. But the stake-out didn't turn up much: Anthony Peraino visited Bryanston's office twice on the trip, and on one occasion he was observed delivering a film cannister marked "Last Flick."

However, the film contained in the cannister is of particular importance to the story of Bryanston in Hollywood. It was a PG-rated comedy called "The Last Porno Flick"—one of the first legitimate movies that Bryanston financed and produced "in-house."

"Last Flick" was filmed in Los Angeles in November, 1973, at a cost of about $600,000. During the filming, "There was a feeling that there were some heavy people behind the movie," according to one of the actors, who didn't want to be identified. "There was that taint to it."

"Last Porno Flick" was released in August, 1974, retitled "The Mad, Mad Moviemakers." It's the slapstick-y story of two cab-driving buddies who scheme to strike it rich by producing their own porno movie. To raise the needed $22,000 production costs, the pals con one of their Italian mothers-in-law and a group of her pious Catholic cronies into investing in the project, telling the ladies that it's a religious movie. Complications arise when the movie becomes a surprise hit.

Ironically, there's a Brando-esque Mafia boss among the movie's cast of characters, which Bryanston promotional posters described as "the wildest bunch of nuts ever to destroy Hollywood with laughter."

If the story sounds suspiciously like a takeoff on the Perainos' experience with "Deep Throat" (which also cost $22,000 to make), circumstantial evidence suggests the parallel is more than an ironic coincidence.

For example, according to a Bryanston press release, "Last Flick" was "based on a story and concept by Joseph Torchio."

Joseph (Junior) Torchio was a reputed minor-organized crime figure from Brooklyn who migrated to Los Angeles and the porno movie business in the late 1960s. According to intelligence information gathered by both the Los Angeles Police Department and the California Justice Department, Torchio was employed in Los Angeles during 1973 as "director of finance" for Bryanston. Specifically, he served as Louis Peraino's representative in the Los Angeles-area distribution of "Deep Throat."

One veteran LAPD investigator described Torchio as a "street hood." Shaking his head in disgust, the officer said, "Here was a guy who couldn't tell the difference between a cartoon and a documentary, and all of a sudden he's out here in Hollywood making movie deals."

An attorney who once represented Torchio agreed that his former client was not very impressive: "Joseph Torchio had an IQ of about 80," the attorney said.

Torchio's movie career was cut short in August 1975 when he was struck and killed by a car on the Las Vegas Strip. His death was ruled an accident by Las Vegas police investigators.

According to a knowledgeable source, Torchio was in default on a $250,000 loan from Louis Peraino at the time. His death was investigated by the FBI, the Los Angles-based Organized Crime Strike Force and LAPD intelligence detectives.

"Mad, Mad Moviemakers" bombed at the box office. "It didn't even earn back its advertising cost," said Jack Dione, then Bryanston's Midwest division manager.

Bryanston produced two more box office flops between 1973 and 1974: "Lord Shango," which featured an all-black cast and a voodoo theme, and "A Knife for the Ladies," a horror-Western that starred Ruth Roman.

In all, Bryanston's first three in-house productions resulted in a loss of at least $3 million, according to the Memphis trial testimony of Louis Peraino's New York bookkeeper-secretary.

"Knife" was produced and directed by Larry Spangler, who produced an independent movie titled "Chanel Solitaire," based on the early life of Coco Chanel. It was released in 1981.

Spangler was one of the first legitimate Hollywood producers to sign a multiple-picture contract with Bryanston. "But I never saw anyone from there," he said recently. "The deal that I made was via Steve Bono, who was my production manager on 'The Legend of Nigger Charlie' at Paramount."

"Knife" was filmed on location in Tucson. "The budget originally was $500,000," Spangler said. "But when somebody saw the dailies they said it really looks good, why not put a little more into it and make it better. So we got another $100,000 that we never asked for."

Bryanston made its mark in the movie business in 1974 by distributing other people's films.

The movie that put Bryanston on the Hollywood map was "Andy Warhol's 'Frankenstein.' " The X-rated 3-D horror spoof had been filmed in England with financing from Italian producer Carlo Ponti, the husband of actress Sophia Loren.

"Frankenstein" was shot back to back with "Andy Warhol's 'Dracula,' " using the same cast and crew, on a combined budget of about $600,000.

Bryanston acquired the U.S. distribution rights to the two films in 1974 for approximately $700,000, according to Paul Morrissey, who directed both pictures.

The executive producer of "Frankenstein" and "Dracula" was Englishman Andrew Braunsberg, whose recent producing credits include "Being There" (starring the late Peter Sellers), "The Postman Always Rings Twice" (Jack Nicholson and Jessica Lange)

and the upcoming "Lookin' to Get Out" (starring Jon Voight)—all from Lorimar Productions.

Braunsberg said he met brothers Louis and Joseph Peraino once in New York. "I saw they were extremely unusual people," he said. Describing the meeting as "very strange," the producer paused for a moment, then added, "It was hats and raincoats. They were just playing out a fantasy."

Braunsberg knew of the Perainos' involvement in "Deep Throat," but he didn't make the deal with them, he said: "I was just informed who was distributing."

The deal was made by a New York financier named Herbert Nitke, who purchased the U.S. distribution rights to "Frankenstein" and "Dracula" and sold the rights to Bryanston.

Nitke had produced "The Devil in Miss Jones," the second most famous porno movie. "Devil" was distributed via the Perainos' "Deep Throat" distribution system.

Braunsberg claimed to have no idea how much money the two Warhol movies made. "There are no books with these people (the Perainos)," he said.

In an April, 1975, article in Advertising Age, Bryanston's Ira Teller boasted that "Frankenstein" had grossed $25 million.

Bryanston's second box-office hit in 1974 was "Return of the Dragon," the last movie of the late kung-fu king Bruce Lee. Bryanston purchased the rights from National General Pictures, which was in the process of withdrawing from the motion picture business. The price was $300,000, paid to Hong Kong film financier Raymond Chow ("The Cannonball Run" and the upcoming "Megaforce," with producer Al Ruddy).

Then came "The Texas Chain Saw Massacre." The now classic cut-em-up was filmed in Austin, Tex., in the summer of 1973, at a cost of about $140,000. It was turned down for distribution by nearly every major studio in Hollywood and many of the minor ones. But legend has it that Louis Peraino screened only 10 minutes of "Chain Saw" before offering $225,000 up front for the worldwide distribution rights. Released in October, 1974, "Chain Saw" reportedly ran up a box-office gross of nearly $1 million during its first two weeks of release in Texas alone.

In all, Bryanston paid a little less than $1 million for the rights to the three independently produced movies ("Frankenstein," "Return of the Dragon," "Chain Saw"), which returned first-year" (1974) profits of "something like $11 million," according to Ira Teller.

"Bryanston Boffo," proclaimed the trade paper Variety in an October, 1974, article stating that the company had earned $20 million in film rentals during its first year of West Coast operations. "Take a gander at the Bryanston bonanza," Variety told its industry readers.

Though $20 million may sound like pocket change in comparison with the inflated figures floated around Hollywood these days, it was a substantial sum in 1974. For a small independent distributor in its rookie year, it was remarkable.

Considering the background of Bryanston's two top executives, brothers Louis and Joseph Peraino, it was astounding: Three years before, Louis (Butchie) Peraino had been producing 8-millimeter stag movies like "Sex U.S.A." with a former Brooklyn hairdresser named Gerard Damiano.

"You've got to remember that they really made a mark for themselves as an independent distributor," said Sidney Finger, one of the most respected and experienced accountants to the movie industry. As president of Solomon, Finger & Newman, Finger figures that he's overseen the auditing of "about 100 movies a year since 1963." He twice audited Bryanston's books, for Raymond Chow on "Return of the Dragon" and for the owners and producers of "The Texas Chain Saw Massacre." That could make him the foremost authority on Bryanston's earnings, outside of the Perainos themselves.

Said Finger, "There have been very few independent distributors—probably none over an extended period of time—that have really had an impact on the film distribution business. The majors control that.

"But these fellows apparently achieved what appeared to be substantial results in a very short time," Finger said. "That's the amazing thing—they made big deals out there."

Putting it in the perspective of the times, Finger explained, "Outside the majors, there really wasn't much of a game in town, and of the independents, Bryanston was obviously, I'd say more apparently successful than any of the others." Taking the producer's point of view, the accountant added. "If a major doesn't take your picture and you have to go somewhere else, you're going to go to what you perceive to be the best of the rest."

In early 1975, Bryanston appeared to be booming: Trade paper headlines heralded the company's every move—"Bryanston Promises 16 Film Releases as Moneymakers Next 18 Months" . . . "Return to Showmanship Theme at Bryanston."

Curiously, though Peraino and Bryanston were propelled to Hollywood by the profits from the most successful sex film in the history of cinema, "Deep Throat" was never mentioned in any of the news reports. There was no explanation how Louis Peraino came to be president of his own movie company.

Despite all the rumors and law enforcement intelligence reports to the contrary, Peraino and Bryanston possessed a public image in Hollywood that was as pure as new-fallen snow.

In January, 1975, Louis Peraino pledged Bryanston's support of an American Film Institute benefit called National Film Day, joining in sponsorship with the major studios—Paramount, 20th Century-Fox, United Artists, Disney and Warner Bros. In trade paper ads from AFI, Louis Peraino's name appeared alongside those of other major studios executives—accompanied by a letter of appreciation from an AFI supporter, President Gerald R. Ford.

In March, 1975, the Christian Science Monitor featured Peraino in an article titled "Movie Industry Draws New Kind of Tycoon." The article reported that Peraino was planning to make "more family-oriented pictures."

But Butchie Peraino never made his promised movie about the Pope. Barely a year after the hoopla, Bryanston was gone from Hollywood, its producing partners were out millions of dollars in profits and its president was bound for prison.

[From the Calendar, June 27, 1982.]

FAMILY BUSINESS—EPISODE 3: "THE FALL"

(By Ellen Farley and William K. Knoedelseder, Jr.)

On Friday, May 30, 1975, a young man named Louis (Butchie) Peraino stood in a banquet room of the Beverly Wilshire Hotel addressing a crowd of 500 movie industry professionals—many of them theater owners flown in at Peraino's expense from around the country.

At 34, Peraino ran the hottest independent movie company in Hollywood. His fledgling Bryanston Distributors earned a reported $20 million on four box-office hits the year before.

Bryanston's impact could be measured that day by the notables of the panel that flanked Peraino as he spoke. On hand to plug their coming Bryanston movies: Al Ruddy, the Oscar-winning producer of the then-box-office record holder, "The Godfather"; Ralph Bakshi, the young director of two recent animated hits, "Fritz the Cat" and "Heavy Traffic"; producer Sandy Howard, who had scored such a success with "A Man Called Horse" (starring Richard Harris), and Sidney Beckerman, who'd recently produced "The River Niger" (starring Cicely Tyson and James Earl Jones).

"Lou was in heaven talking to all those producers," recalled Ira Teller, who was Bryanston's vice president of advertising and publicity at the time.

As it turned out, the Beverly Wilshire "exhibitors conference" marked the high point of Louis Peraino's extraordinary career as a Hollywood movie mogul.

But even as he basked in respectability at the Beverly Wilshire, the collapse was imminent.

He was under a federal indictment in Memphis—along with his father Anthony, uncle Joseph S. Peraino and Bryanston itself—for conspiring to distribute obscenity ("Deep Throat") across state lines.

Eleven months to the day later, the Perainos and company were convicted. One month after that, Bryanston folded its Hollywood movie operations, ingloriously owing nearly $750,000 in taxes and undetermined millions around the movie industry.

What really happened with Bryanston still is the subject of considerable speculation among former employees, producing partners and law-enforcement investigators.

The prevailing view in Hollywood is that the company was undone by the vaulting ambition of its president. Louis Peraino simply overreached. He tried to do too much too soon with too little knowledge of the business. He overextended his company and, like countless other independent distributors before him, went broke.

However, some law-enforcement officers take a darker view of Bryanston's abrupt departure from the legitimate movie business: It looks to me like a bust-out," said one West Coast investigator, referring to a classic maneuver whereby a company is taken over, milked for its cash income, then abandoned.

There are similarly conflicting views of Bryanston's president. In Hollywood, some remember him as oozing goodwill and *bonhomie:* "He took me and my wife out to dinner, one of the two or three times that we went out, and he was terrific," said producer, Marty Richards ("Fort Apache, The Bronx," the Broadway musical "Chicago"). "He was very much a gentleman, very jovial and he really knows how to order Italian food—it was sort of like an Italian banquet feast."

But Peraino's reputation in the world of porno movies, where he's spent most of his career, is anything but benign, according to one West Coast law-enforcement officer: "People are very scared of Louis Peraino," the investigator said. "A lot of people have told us of his strong-arm tactics in taking over other businesses."

Said the investigator, "A guy like Peraino doesn't have to say, 'I'm going to break your arm or break your nose,' because he's walking in there with a reputation you already know."

As president of Bryanston, Peraino resorted to threats of bodily harm during at least one business disagreement, according to the producer involved. And a law-enforcement intelligence report states that he once used a gun as a threat in an attempt to take over a music company. (More on those incidents later.)

It is generally believed in the movie business that Bryanston went bankrupt in 1976. But apparently it did not. Reporters found no record of such a filing in New York or California bankruptcy courts.

But the Hollywood view that Bryanston simply went broke for all the usual reasons is not without supporting evidence. For one thing, it seems certain that a substantial portion of the company's reported $20 million in 1974 earnings was eaten up by escalating overhead costs in 1975. In a little more than a year, Bryanston mushroomed from two offices (in New York and Los Angeles) and about 12 employees to more than 90 employees and offices in Dallas, Detroit, Atlanta, San Francisco, Washington, D.C., Chicago, Toronto, London and Rome.

Having made his mark quickly with low-budget X- and R-rated exploitation movies, Peraino led the company on an ambitious program of upgrading. He supposedly yearned to make family pictures.

At the same time, he launched an aggressive publicity campaign aimed at "establishing the company as a viable organization that exhibitors and producers should do business with," said Ira Teller. "The intent was to create an image, but whether it was an attempt to overcome past images, I don't know."

As Bryanston vice president of advertising and publicity, Teller helped to create the image. In April, 1975, for example, he represented Bryanston at a marketing seminar sponsored by the Eastman Kodak Co. during the Los Angeles International Film Exposition (Filmex).

Teller also served as company spokesman when Bryanston hosted a breakfast at ShoWest '75, an annual convention of movie-industry exhibitors and distributors held that year in San Diego.

An article in the trade magazine Box Office quoted Teller boasting of Bryanston, "No independent company in so short a time has put up so much money on good casts and good productions, with no studio overhead."

Bryanston's conference at the Beverly Wilshire was a pivotal event in the game plan for gaining industry recognition. Peraino spent a bundle on the two-day affair, picking up the tab for meals and accommodations, and even plane fare for many of the theater owners. "You would have thought it was Paramount Pictures," said Dallas-based movie distributor Fred Biersdorf, who attended the conference.

The stated purpose of the conference was to announce Bryanston's movie projects for the coming year—the first fruits of president Peraino's efforts to improve the company's product. The conference also was designed to present the company in a particularly positive light—with established producers sharing the stage with Louis Peraino.

"I'm sure Butchie asked me to come," said producer Ruddy, who was there with Ralph Bakshi to plug their coming Bryanston release called "Coonskin." "I know they wanted me there and Sandy Howard because we had names and some viability. It made them look important."

The trade paper Variety quoted producer Sidney Beckerman as telling the Beverly Wilshire audience. "We need as many Bryanstons as we can have."

Producer Howard had a two-picture deal with Bryanston. The company was co-financing and co-producing his "Echoes of a Summer," a PG-rated family drama starring Richard Harris, Lois Nettleton and newcomer Jodie Foster. Bryanston was fully financing and distributing "The Devil's Rain," a PG-rated horror film starring Ernest Borgnine as the devil incarnate, "who can control men's minds or melt their bodies," according to Bryanston promotional material.

Howard recalled how he first met Louis Peraino: "It was out here in Hollywood. He called me up and said, 'I'd like to introduce myself.' And he came in and sat down and we talked and I liked him. He was a straight fellow."

"Devil's Rain" was the first product of Bryanston's announced "Return to Showmanship" theme. With a budget of "under $2 million," according to Howard, the movie represented the company's most substantial single-project investment to that point.

It was also Bryanston's first movie boasting an "all-star cast." In addition to Borgnine, the film featured Eddie Albert, Keenan Wynn, William Shatner, Tom Skerritt, Ida Lupino and John Travolta, making his movie debut.

According to former Bryanston executives, Peraino was convinced that "Devil's Rain" would be a blockbuster. So the company heavily promoted the picture. "The most incredible ending of any motion picture ever," proclaimed newspaper ads. (The movie climaxes with the devil's disciples melting into puddles.)

Bryanston's pressbook on the movie bespoke a major publicity campaign: "We've got Ernie Borgnine, William Shatner, Ida Lupino, Keenan Wynn and High Priest of the Church of Satan, Anton LaVey, appearing on 'The Merv Griffin Show,' 'The Tonight Show,' 'Mike Douglas,' 'Kup Show,' 'Dinah Shore Show,' Hollywood Squares,' 'Dialing for Dollars,' 'Celebrity Sweepstakes' and the Sammy Davis Jr. (TV) specials."

But the movie wasn't a blockbuster. Rather, it was a modest success with a reported box-office gross of $6 million. In the light of Peraino's high hopes and considerable promotional expenses, former employees say, "The Devil's Rain" proved a major disappointment.

The second movie on Bryanston's 1975 summer release schedule was "Coonskin," an animated feature purported to be a biting satire on life in the black ghetto.

It had been financed by Paramount and produced by Ruddy. But the studio decided against distributing the movie when, after a preview screening at New York's Museum of Modern Art, a number of prominent black leaders denounced it as racist.

In an unusual maneuver, Paramount turned "Coonskin" over to Bryanston to distribute.

It's ironic that a Paramount-Ruddy project fell into the hands of a company with alleged connections to the Joseph Colombo Mafia family.

When Ruddy was preparing to produce "The Godfather" for Paramount in 1971, he personally negotiated with the late Joseph Colombo Sr., the head of the Brooklyn-based crime family. Colombo also was the founder of the Italian-American Civil Rights League, which had targeted the planned production as potentially defamatory to Italian-Americans.

Believe me, the league was very big in New York, as any FBI guy will tell you," Ruddy said. "The problem was, there were no overt threats but I couldn't get locations (for the shooting). So I called Joe Colombo and I told him I wanted to sit down and talk to him about it and he said fine. And that's how my relationship with him started out."

Ultimately, Ruddy appeared at a press conference with league officials to announce his decision to delete the words "Mafia" and "La Cosa Nostra" from the film, at the organization's request, Ruddy also attended a league testimonial dinner honoring Colombo as its man of the year.

In return, Ruddy said, "The league helped me in one enormous sense only, that suddenly any real resistance to the film faded." The organization helped find suitable homes to film in, but Ruddy denied that the league also assisted in casting character actors, as a league spokesman boasted in media stories at the time.

"Joe Colombo did ask once to have somebody put in the movie who was wrong for it," the producer remembered "He wanted a singing group and I said, 'Boy, it just won't work.' But it wasn't, 'Hey, if you don't use this, we're not going to help you out.' "

To law-enforcement officials, the league was a maddening paradox. Thousands of honest citizens supported the league's efforts to fight any association between their Italian roots and organized crime. On the other hand, the moving force behind the organization was a mobster (Colombo) who used the league to create an image of himself as a civic leader.

(In late 1971, Colombo was shot three times in the head during a league rally in Manhattan. He remained in a coma until his death in 1978.)

According to several police intelligence sources, Anthony Peraino was a buddy of Colombo. "He used to hang out with him at a real estate office in Brooklyn," said one investigator.

Producer Ruddy acknowledged that he'd heard rumors that the elder Perainos were connected with the Colombo crime family. "But I never heard that Butchie was a Colombo," he said.

"If you're asking me if there was any correlation at all between Butchie Peraino and the fact that I ever made a deal with Joe Colombo, not in the slightest," Ruddy said.

Ruddy drew a sharp distinction between Colombo and Peraino—in terms of style, at least. "Joe was quiet, very cool; if you didn't know who he was you'd say he was a regular businessman," Ruddy said. In contrast, "Butchie was straight out of 'Guys and Dolls,' a Damon Runyonesque character."

Regarding the "Coonskin" deal with Peraino's Bryanston, Ruddy said, "There is no relationship at all and no obligation on the part of Paramount toward anybody in organized crime." He pointed out that Paramount had squelched "the first deal I made" with the league, to hold a charity screening of "The Godfather" for a league-sponsored hospital.

"The last thing Charlie Bludhorn (the chairman of Paramount's parent corporation, Gulf & Western) could afford was even a suggestion of any kind of alliance—whether holy or unholy—with organized crime in any realm," Ruddy said.

Nonetheless, Paramount turned "Coonskin" over to Bryanston, according to

Ruddy, and on terms that were favorable to Louis Peraino's company.

Paramount had $1 million invested in the production of "Coonskin," and Ruddy had put up $300,000.

To acquire the finished film, said Ruddy, Bryanston paid no money up front—not to Paramount, nor to the producer. That is highly unusual, but, as Ruddy explained it, Paramount was eager to unload "Coonskin" because of adverse publicity associated with the production in the black community. "There were pickets in the lobby of the Gulf & Western building in New York for Christ's sake," he said.

Ruddy said that Paramount screened the film for Bryanston and made the preliminary arrangements for the distribution switch even before he was informed of the deal.

Ruddy could not recall who at Paramount made the decision, but "it was someone in distribution and obviously they all answer to (Paramount chairman) Barry Diller," he said. "It came back to me through my lawyer that if I OK'd the deal with Bryanston, Paramount would make it very attractive to us (Ruddy and director Bakshi)."

Responding to Ruddy's version of the "Coonskin" turnover, Diller said in an interview, "This corporation did not have any dealings with Bryanston. I never made the deal. When we chose not to distribute the film, we gave it back to him (Ruddy). I can't speak with absolute certainty about something that happened some years ago, but I know that this corporation did not make any arrangements with any other company other than as an accommodation to the producers."

(Ruddy stands by his story that Paramount chose Bryanston: "They were contractually obligated to distribute the movie so they were under some obligation to come up with a distributor," he said. "I know there were 20 guys over there scurrying around trying to find one, but it was probably someone very irrelevant who came up with Bryanston. It was no big gun," he said, hastening to add that none of the major studios wanted the movie anyway.)

Diller did not dispute Ruddy's claim that Bryanston put up no money to acquire "Coonskin," but, the Paramount chairman said, "We might have done that because we never expected to get anything out of it."

Paramount was still entitled to a share of Bryanston's distribution profits as the major financier of the film, but as it turned out no one made money from "Coonskin."

Despite considerable New York and Los Angeles press coverage of the racial controversy, the movie played in only a handful of theaters in three cities and did so poorly that Bryanston withdrew it after a few weeks.

Said publicist Ira Teller, "They thought they had another 'Godfather' with 'Coonskin,' because Al Ruddy told them they had another 'Godfather.' "

Like a number of his former Bryanston colleagues, Teller laid much of the blame for the company's ultimate collapse to Peraino's choice of pictures in 1975.

"In our second year, unfortunately, Hollywood invaded," Teller said. "A lot of producers came by and instead of just picking up (purchasing distribution rights) the company started producing, and they made a lot of mistakes.

"The turnaround really came when they started getting involved with more expensive films," Teller continued. "It didn't turn out well in terms of how they were produced, because they had no experience in the production end, and they gave to much latitude to producers who really needed to have more of an iron hand.

"All I knew was suddenly there were problems and the problems were basically internal—there wasn't any cash flow. Pictures were costing much more than they should have; a film that was budgeted at $800,000 suddenly went to $2 million," Teller said.

One veteran LAPD investigator put Teller's postulate in stronger words, opining that the Perainos were "picked clean" in Hollywood. "In two years, the deal makers out here had these guys talking to themselves," he said.

Producer Frank Avianca, a self-described "close friend" of Peraino, bristled at the notion: "Lou is not a dope; he's a bright young man," Avianca said.

Nonetheless, Avianca seemed to reinforce the view that Peraino was taken in by the ways and means of the movie business: "Here's a kid that hired people, that trusted people, that went around the Hollywood community and unfortunately hired a lot of phonies. When they heard Bryanston was in the money, then all of the grabbers come out of the woodwork. He was paying ridiculous salaries, believing in people, buying all the Hollywood baloney.

"I never saw a guy work harder than Lou. I can tell you that," Avianca went on. "He was like a *sponge*. He wanted to learn everything, but he wanted to *do* everything, and it was kind of hard. I remember a lot of people who worked with him would tell him, 'Hey, you know, Louie, Rome wasn't built in a day. Take your time.' "

According to Avianca, Bryanston cofinanced his European production of "The Human Factor" in exchange for the U.S. distribution rights. During filming in Naples, Rome and London, "Anything I asked for or wanted on that picture, I got," the producer said. "And I didn't get it from the European distributor, because they would say, 'Well, that's not necessary to have rockets and tanks.' I got it from Bryanston."

Actor George Kennedy, who starred in "The Human Factor" along with John Mills, said that he vaguely recalled that Louis and Joseph Peraino visited the movie set in Naples. He said that he'd never heard anything about any alleged connections with organized crime. But the actor didn't seem surprised by the reporter's line of questioning: "Look at Hollywood today and some of the studio heads," he said. "As a performer, there's no guarantee that if you're working for any studio, you're working for a bunch of saints."

According to producer Avianca, with advertising costs and "a minimum 200 prints," Bryanston spent about $2.5 million on "The Human Factor." Despite some favorable reviews, the movie flopped in the United States.

"That's the film that really killed us, the last hopeful blockbuster," said Bryanston's former Midwest division manager, Jack Dione. "If 'Human Factor' would have worked, I think the company might still be in business," he said.

Many former employees and producing partners contend that Bryanston was done in by big losses on its 1975 movie releases. But the numbers don't add up.

Consider Bryanston's three big hits of 1974—"Andy Warhol's Frankenstein," "The Texas Chain Saw Massacre" and "Return of the Dragon."

According to the estimates of several former Bryanston executives, "Frankenstein" grossed at least $20 million at the box office between 1974 and 1976.

"Chain Saw" also grossed "around $20 million" in the United States, estimated former Bryanston controller Stanley Bogest. In addition, "Chain Saw" earned "something like $4 million or $5 million" overseas, said Robert Meyers, then Bryanston's foreign sales agent.

"Return of the Dragon" did even better than the other two—it was Bryanston's most successful film, according to Bogest and accountant Sidney Finger, who audited the company's books for the producers of "Dragon" and "Chain Saw."

Figuring a minimum of $20 million for "Dragon," it adds up to a total gross of at least $65 million over a two-year period—from three movies acquired for a total of less than $1 million.

Figuring in advertising and promotion costs—a big campaign cost $250,000, according to former advertising vice president Teller—Bryanston could have earned as much as $30 million from those three movies.

Meanwhile, Bryanston's losses on its 1975 releases don't seem to approach the $30-million figure.

For example, the company had only $2.5 million in "The Human Factor," according to producer Avianca. In the case of "Coonskin," producer Ruddy commented, "What did the film cost them? Nothing. I doubt if they had $100,000 (advertising and distribution expenses) in it." And the production budget for "The Devil's Rain" was less than $2 million, according to producer Howard, who claims that the movie was "extremely profitable."

"It didn't make money because it introduced Tavolta, but it made money later on (in re-release) because he was in it.

"Unfortunately," Howard said, "the problems at Bryanston began very quickly and, as a result, we did not get the money. We were paid for making the movie, but we never got our participation in the profits."

"Bryanston wasn't killed by legitimate producers, but by the amateurs." Howard went on. "Lou put all his relatives and best friends from Brooklyn to work. Bryanston was so disorganized and became so big so fast in so many stupid directions. It was a Marx Brothers movie. If it weren't sad that people lost their money, it would be funny.

"In this case the Marx Brothers were all the buddies from Brooklyn, men who came out here to turn out movies who didn't have a clue of how to make a motion picture," Howard continued, in a joshing vein. "And I told Lou, when I heard about this, I said, 'You're crazy. Do not let anyone whose last name ends in "o" produce a movie.'"

"I didn't know who Bryanston was, and I still don't," said "Devil's Rain" star Ernest Borgnine. "All I know is that somehow or other, they owed me money, in terms of profit, and I never got paid. The picture comes out on a regular basis. It supposedly made quite a lot of money and I never get any residuals."

Even by Hollywood standards, Bryanston had a poor record of paying the profit participants in its profitable movies. The company defaulted on profit payments on all of its 1974 hits, according to the movies' owners and producers.

In January, 1975, for instance, "Return of the Dragon" producer Raymond Chow received a check from Bryanston for $138,000—his stated share of the film's profits for the period ending Dec. 31, 1974.

But the check bounced. So did Bryanston's replacement check a month later. Chow's company, Golden Films, filed suit in New York against Bryanston for "failure to make good on the check and failure to file a current earnings statement." That was in May, 1975—the month that Louis Peraino propounded on Bryanston's bright future at the Beverly Wilshire.

According to court papers from the suit, the audit of Bryanston's books indicated that Bryanston had under-reported (to Golden Films) "Return of the Dragon" revenues by more than $2 million.

At a hearing in June, 1975, New York district Court Judge Inzer B. Wyatt rebuked Bryanston's attorney for the company's continued failure to make good on the $138,000 check.

The attorney argued that Bryanston was a "solvent, growing company, your Honor." The judge shot back, "No, I think it's a deadbeat. I think it's a no-good deadbeat on the papers presented to me.

"Prima facie, there is a cause of action for conversion, and there is a cause of action for fraud," the judge went on, adding, "Now remember that according to the (distribution) agreement this picture belongs to this plaintiff (Golden Films), it doesn't belong to your client."

When Bryanston went out of business in late 1976, attorneys for Chow were still trying to collect on the film.

The owners and producers of "Chain Saw" have a similar tale to tell. The "Chain Saw" backers, a group of good-ol'-boy businessmen and politicians from Austin, Tex., sued Bryanston in May, 1976. Their movie had grossed an estimated $25 million (conservatively) at the international box office. But Bryanston's financial reports defined the Texans' 35% share of profits to be $5,734.

As president of his own accounting firm specializing in movies, Sidney Finger figures he's audited "about 100 movies a year since 1963." Still, he had no trouble recalling Bryanston.

Finger remembered that the "Chain Saw" audit had been "as much of a horror story as the movie." For instance, midway through the audit Finger reported to his "Chain Saw" clients that Bryanston "couldn't provide us with a picture-by-picture breakdown of film rentals billed."

In the world of independent distribution, Finger explained, "Virtually every picture is going to be represented by some independent producer or other profit participant. That's the way these fellas (brothers Louis and Joseph Peraino) went into business" (by distributing other people's movies).

"So you have to gear your books so that you can segregate on a picture-by-picture basis," Finger said. "And we found that Bryanston's books and accounting were just totally inadequate for reporting to profit participants.

"You would think that since Bryanston did prepare financial reports then they would be able to indicate to you exactly how they got those numbers together," Finger said, sounding incredulous. "But they couldn't. I never knew how in the world they got those numbers together."

Appearances rarely reflect reality in Hollywood—almost by definition. Not surprisingly then, the company's underlying financial difficulties were not reported by the entertainment press at the time. What's puzzling, however, is this: Louis Peraino and Bryanston were propelled into Hollywood by the phenomenal profits of the most successful sex film in the history of cinema. His involvement in "Deep Throat" was widely known in the industry. And yet "Deep Throat" was never mentioned in numerous articles about the company's meteoric rise.

(The Times mentioned Bryanston and its president only once, in a five-paragraph item in Film Clips in November 1974. It reported the company's success with the Andy Warhol-titled movies and described Louis Peraino as "a New York financier.")

But on Oct. 12, 1975, Bryanston received a bruising blow to its carefully polished public image. On that day, the New York Times published a front-page article headlined "Organized Crime Reaps Huge Profits From Dealing in Pornographic Films."

Written by investigative reporter Nicholas Gage, the article was a detailed report on the Mob's move into the U.S. pornography industry. Citing the success of "Deep Throat" ("roughly $25 million") Gage wrote that brothers Anthony and Joseph S. Peraino were the "most successful of all Mafia figures involved in the production and distribution of pornographic films."

"Moreover," the article stated, "the great success of these pornographic films has given several porno movie makers with Mafia connections the money to go into the production and distribution of legitimate films."

In the final two paragraphs it was noted that "Louis Peraino has used profits from 'Deep Throat' to help establish a company called Bryanston Distributors, which has become a major distributor of legitimate motion pictures."

The article concluded, "A spokesman for Louis Peraino insisted that neither his father Anthony nor his uncle Joseph is in any way involved with Bryanston."

A day later, a similar report was published by the New York Post, headlined "How the Mob Moved Into Times Square." But unlike the Times, the Post directly linked Louis Peraino to the Mafia, identifying him as a "reputed" member of the Colombo crime family.

According to former Bryanston publicist Patty Zimmerman, the company's Beverely Hills office didn't receive a single inquiry from the West Coast media following the New York newspaper articles

Neither does it appear that the articles' provocative allegations caused much of a stir among Bryanston employees. Former sales manager Mitch Blum recalled the newspaper reports as "just all the rumors that had gone around (the company) before that."

"I never read the article," said former Atlanta branch manager Kathy Sain. "I'm sure people brought it up to me but as far as I was concerned it didn't affect the job I was doing. It was something in their (the Perainos') past that was neither here nor there as far as I was concerned."

According to producer Frank Avianca, the articles had a devasting effect by Bryanston and Louis Peraino. "Especially the way the Post did the story," Avianca said. "The way the Post did they might as well have tied the kid's hands and cut his throat.

"Suddenly all the exhibitors were not so quick to want to book his product," Avianca explained. "And the advertising people and so forth suddenly wanted cash payment instead of a co-op or credit-type thing. And I don't think Lou ever got over it. I don't think he ever got over it."

Two months after the New York articles Variety published a long and largely upbeat report on Bryanston from the perspective of its president. 'Times have been rough,' Peraino told Variety in his New York office, "but nothing we can't overcome.' "

The article made no mention of "Deep Throat," the coming trial or the recent newspaper allegations. Instead, the trade paper revealed that the company was opening four more regional sales offices.

In addition, the article reported that "Peraino revealed Bryanston participation in an approximately $30 million slate of 14-18 pix (movies), 75% of which are budgeted between $750,000 and $1.25 million, plus four pix between $3.5 million and $6 million."

Peraino's rosy revelations were in stark contrast with reality, however. At the same time that Bryanston supposedly had $30 million to invest in 1976 production, the company was seriously in arrears to film labs, ad agencies and exhibitors and even was behind in rent at one branch office, according to a number of employees. Lawsuits were piling up.

But it seems that the worse things got at Bryanston, the more audacious Louis Peraino grew in his efforts to put a positive light on things. During the company's final months, there were announcements and full-page trade-paper ads claiming that Bryanston would distribute "The Greek Tycoon" and produce "Fort Apache, The Bronx."

"The Greek Tycoon," starring Anthony Quinn as an Aristotle Onassis-type character and Jacquiline Bisset in the role modeled after Jacqueline Kennedy Onassis, was ultimately released in 1978 by Universal Studies.

"Fort Apache," which starred Paul Newman and Edward Asner, reached the screen in 1981 as a Time-Life Films project released by 20th Century-Fox.

According to the producers of both films, the only money Bryanston ever invested in their projects was the cost of the ads.

"Tycoon" producer Nicos Mastorakis recalled, "He (Peraino) offered to put up half the budget for the movie, around $3.5 million, in exchange for the U.S. distribution rights. So I said, 'Fine, we'll talk about it.'

"We had no agreement, no arrangement and they took out a trade-paper advertisement announcing they would distribute my picture in the States," the producer went on. As soon as that happened, he said, "I was swarmed with phone calls from all over the world from people I knew and had dealt with. They said, 'What the hell are you doing with Bryanston? Don't you know they're a Mafia outlet or whatever?' "

The "Fort Apache" ads claimed that Bryanston would begin filming the production two months later, in May of 1976.

The ads actually were a ploy to raise money to get the project started, explained "Fort Apache" producer Marty Richards.

The trade papers' positive coverage of Bryanston reached its peak in January, 1976, in a Variety article headlined "Bryanston Expanding Its Operations." The article reported that the company had launched a London production operation called Swadevale Inc., with an initial investment of about $250,000.

"The Bryanston operation is seeking out producers and talent who may have the idea but lack either the capital or the deal," the article said. "Company appears willing to look at anything beyond the fringe and take chances accordingly."

But back to reality. At the same time, Bryanston was trying to raise money to pay its bills by selling or bartering the distribution rights to its already released movies—in

some cases without the knowledge of the films' owners and producers.

In the case of "The Texas Chain Saw Massacre," for example, Peraino assigned the movie's U.S. distribution rights to another distributor to cancel a $10,000 debt. The owners and producers of "Chain Saw" were unaware of the transfer of rights until after the fact.

Sandy Howard said that he learned about Bryanston selling off its movies just as the producer was finishing his second picture for the company, "Echoes of a Summer." Because Howard and his producing partners (including star Richard Harris) had about $750,000 of their own money invested in the project. Howard said, "I refused to turn it over to Bryanston until there was an understanding that it would not be bartered."

"Incredibly enough," Howard said, his refusal resulted in a threatening phone call while he was in Greece, where he was on location with another movie. Howard declined to be specific about the phone call, but "I did feel a certain amount of hot Sicilian breath on my neck," he said. "Let's say my nose was being threatened, and my ears, etc."

The producer didn't report the threat to authorities, he said, "because I felt it was just a performance." Instead, Howard decided on a trip to New York for a face-to-face discussion with Louis Peraino.

Howard jauntily recalled the showdown "on Brooklyn's Avenue M with Lou plus some of his people who, let's say, were not necessarily motion picture makers, who might have been better suited to another job."

"The funniest part about it," he related, "was I had an associate from California with me and we were talking about the situation on the way there. When we got out of the cab (at Peraino's residence), I asked the taxi driver, 'Would you mind waiting?' and he said, 'There's no damn way, mister. I've been listening to you,' and he drove off.

"We walked in and it was pitch black except for one light at the very end, and there were a couple of fellows sitting on either side of the room. My companion nearly had a heart attack and my heart was pounding a little too. It was really a scene right out of 'The Godfather.' I'm not exaggerting."

Then, Howard said, "A little girl came running out of the kitchen into my arms, one of Lou's youngest daughters. All during negotiations I hung onto her like she was my blanket. She was just adorable. We were negotiating—I didn't know if it was for my picture or my life," he joked—"and the little girl kept kissing me and calling me 'Uncle Sandy'."

The upshot was that Howard was able to buy back his picture from Bryanston.

Surprisingly, Howard stressed that "the bottom line is they (Peraino and Bryanston) were wonderful. They handled themselves like gentlemen all the way. I have never fould Lou Peraino or his people to be dishonest. He only was unfair when he got into trouble.

"I came out smelling like a rose," Howard said. "When he (Peraino) was being sued by a lot of people, I unfortunately got involved against my desire, because they knew I had influence with Lou because he liked me. I had to call him in a number of cases to get certain information, but"—he noted with a chuckle—"all of the (Bryanston) documents and all of the files are somewhere in the East River."

Over the years, the producer said, "When I knew that Lou was having a bad time, his wife was ill and they have 9 or 10 kids and so on, I called on several occasions to see how everything was. I'd say, 'Good luck, keep your chin up, it's happened to us all.' "

On March 1, 1976, Louis Peraino and Bryanston went on trial in Memphis, along with father Anthony and uncle Joseph S. Peraino. They were charged with conspiring to distribute obscenity ("Deep Throat") across state lines. At one point during the trial, as if to establish Louis Peraino's merit as a solid businessman, a defense attorney told the court that "William Gallagher, the (former) president of MCA Music" worked for Bryanston. (Gallagher, who says he was a consultant and not an employee, launched Bryan Records, the company's music subsidiary.)

On April 30, Bryanston and all three Perainos were convicted. (The conviction of Joseph S. was later overturned, and, in a retrial, he was acquitted.) Within a month, Bryanston had all but ceased operations.

"I never could understand why the company closed," said one former branch employee. "We had such good product and we were doing so well. It came as a big shock to us. They just padlocked the doors one day."

"This was not a case where they were suddenly in desperate trouble," said Dave Friedman, president of TVX, one of the country's most successful distributors of adult film fare. "Bryanston had movies that were making money hand over fist, one right after another. They had a couple of dogs, but nothing that they spent a lot of money on, nothing they couldn't have overcome with the profits from the others.

"That's the funny thing," Friedman went on. "I've seen companies with not even half of what Bryanston had survive a couple of bad pictures. That's the mystery of the story."

One school of thought has it that Bryanston closed because of "the Memphis heat." In order to prove Bryanston's association with "Deep Throat" money—as the parent corporation of a string of porn-film subsidiaries run by Anthony and Joseph S. Peraino—the U.S. attorney in Memphis put together his case with the help of intelligence agents from the IRS, the FBI and organized-crime strike forces in Miami and Brooklyn.

The Bryanston management point of view was put forward in a June 3 Variety headline: "Peraino Attributes Bryanston Woes to 'Deep' Conviction."

"Who did the government really hurt?" Louis Peraino was quoted as saying. "They prosecute me because I'm Italian, because, as my father (Anthony) says, they wanted to get back at him, and the people who suffer are the people I had to let go."

Reflecting on Peraino's comment in a recent interview, Teller noted, "The sins of the father don't always have to be visited on the son, but that's unfortunately the way things happen.

"I felt that Lou Peraino, aside from his family, that he himself was interested in making this thing work on its own," Teller continued. "He was always very nice to me and very fair to me. And as far as I could see, in all his business dealings, he was trying to operate the company very legitimately. His father and his family were something else again, but we rarely if ever saw anybody on that side."

Al Ruddy shrugged off the collapse of Bryanston: "This town has tended to chew up guys like that (Louis Peraino), who come into town with a quick hit or with millions of dollars.

"The fact that Bryanston didn't last long is prototypical of what generally happens. At the Beverly Wilshire (exhibitors' conference), when I saw Sandy Howard there with 'Rain of Terror' ("The Devil's Rain") and I won't even mention Frank Avianca's picture ("The Human Factor"), I looked around the room and saw dollar bills with wings on them flying out the window.

"Hollywood is a true economic democracy," Ruddy went on. "And I guarantee you that on the bottom line they didn't get Hollywood's money. Hollywood got *their* money."

In August, 1976, Louis Peraino made his last public statement to the movie industry, in the pages of Variety: "Don't worry about it," the quote said. "I can't say more until after the ("Deep Throat") sentencing, but I'll be back in business."

Peraino was back in the legitimate entertainment industry a year later, only this time it was the music business and his approach, as described in police files, was straight out of a gangster movie.

Based on information received from LAPD investigators, a September, 1977, intelligence memo alleges that Peraino loaned $50,000 to the owner of a Los Angeles-based music company in return for a 40% interest.

The memo states that, "Two weeks later, Peraino appeared at the (music company) office and he carried an envelope which contained a revolver and a document naming Peraino sole owner of the company, which he placed on the desk.

"Upon seeing the revolver," the memo goes on, a partner in the company "signed the document and went into hiding with stock certificates."

According to the intelligence memo, Peraino's $50,000 loan was in the form of a check drawn on a bank in Panama. The check "subsequently bounced."

According to an intelligence source involved in the investigation, "As this whole operation was developing, the company obtained a record contract in the $1.5 to $2 million range. Lou ended up owning the company, but after the company was obtained, it was painfully clear that no one had the expertise to follow through on the contracts. Therefore it was operated on a different level. It was a typical bust-out (Meaning the company was "Milked" for its funds) and it went under in a relatively short period of time."

Louis Peraino continued to make millions through the distribution of "Deep Throat" and other pornographic films. In 1978, to capitalize on the lucrative cassette market, he and brother Joseph C. Peraino established Arrow Film & Video with offices in New York City and Van Nuys.

The brothers were arrested in 1980 as part of the FBIs Miporn (code name for Miami pronography) case and charged with conspiring to distribute obscenity across state lines. Louis Peraino's alleged use of strong-arm tactics became public record when an LAPD administrative vice officer testified to his character at the Miporn trial last December.

The officer, Sgt. Joseph Ganley, testified that on two occasions in 1979, Peraino threatened the owners of Los Angeles-area porn film companies with "bodily harm" if the owners continued to reproduce and sell prints of "Deep Throat" without paying the royalties demanded by Peraino. (One of the owners, however, contradicted the officer; he testified that he wasn't threatened.)

The Perainos are appealing their convictions in the Miporn case. Louis was sen-

tenced to six years in prison and his brother to three for interstate shipment of hard-core videocassettes titled "Liquid Lips," "Candy Stripers" and "Hollywood Cowboy."

Louis Peraino's conviction for such low-life film fare marked how far he had fallen since the days of the Beverly Wilshire conference.

One NYPD investigator involved with the 1980 arrests that led to the Miami convictions seemed genuinely surprised to hear that Butchie Peraino once had been a rich and famous Hollywood movie mogul.

"Is that right?" the police officer responded. "Well, he was in his undershirt when I put him in jail."

BUTCHIE, THE MOGUL

With Bryanston, Louis Peraino built a bridge between two very different worlds. Raised in Brooklyn, nicknamed "Butchie," he was the second son in a tightly knit Italian-American family whose men had a long history of alleged membership in the Mafia—his grandfather, great uncle, father and uncle.

While still in his early 20s, Butchie was introduced to the porno movie business by his father, Anthony (Big Tony) Peraino, a reputed "made" (officially initiated) member of the Joseph Colombo Mafia family.

At 26, the son owned a film processing plant in Brooklyn called All-State Film Labs, which law enforcement investigators say was a Colombo operation that played a pioneering role in the Mafia's move into the porno movie business in the late 1960s.

In 1972, father and son financed the production of "Deep Throat." They invested $22,000 and became millionaires.

Louis used his share of "Deep Throat" profits to finance his entry into the legitimate Hollywood movie business via Bryanston. But his father Anthony was described as the "owner" of Bryanston by several law-enforcement sources, leading the California Department of Justice to state in a 1976 confidential intelligence report, "It appears that Bryanston coordinates the nationwide distribution of full-length films for organized crime."

Today Louis Peraino is in federal prison on the Memphis "Deep Throat" conviction. Along with his brother (and Bryanston executive vice president) Joseph C. Peraino, Louis faces another prison term for a subsequent obscenity conviction. His father Anthony is serving a 75-day sentence for his "Deep Throat conviction (he's in a halfway house in Los Angeles and scheduled for release this week) and faces another six months in prison for a bail-jumping conviction. Louis' uncle, Joseph S. Peraino, is recovering from buckshot wounds received in a January assassination attempt that claimed the life of his son (Louis' cousin—Joseph Carmine).

E.F. and W.K.K. Jr.

HOLLYWOOD AS LAUNDROMAT

Organized crime long has been attracted to movie investments, law-enforcement officials say. In addition to potential high returns and attendant show-business glamour, movie investments offer criminals one of the best ways known to conceal the source of ill-gotten income.

It's called "laundering," the process of legitimizing illegally obtained money. Since banks are required by law to report to the IRS all cash transactions in excess of $10,000, the immense profits of organized crime simply cannot be deposited in the bank.

In 1931, the legendary mobster Al Capone went to prison for 11 years, not for bootlegging, bookmaking or murder but for tax evasion. He piled up vast sums of money and couldn't find ways to hide it from the IRS.

The principal way that organized crime has learned to clean up its money is by passing it through legitimate businesses, preferably largely cash businesses, such as restaurants and bars, where receipts easily can be overstated or understated, depending on the need.

Neither the Los Angeles office of the FBI nor the California Department of Justice ever investigated Bryanston's dealings in the legitimate movie business, according to spokesmen for the agencies. However, one Los Angeles-based FBI agent said that he has been involved in investigations of various other activities of Louis Peraino "on and off for the last 10 years."

When Anthony Peraino paid a visit to Los Angeles on one occasion in 1974, eight undercover FBI agents were tailing him around town. During the 36-hour period, Anthony went to Bryanston's Beverly Hills office twice.

Asked why the FBI agents would follow Anthony Peraino, an alleged "made" (officially initiated) Mafia man, to the door of Bryanston's office, but not look inside so to speak, another FBI agent sighed, "Because nobody here felt there was sufficient prosecutive value in pursuing it." Said the agent, "It comes down to a question of 'Does this present a case that the U.S. Attorney is willing to prosecute?' "

"If you find that, in general, the people who should be your witnesses are not willing to give you the sweat off their brow, then you realize that you are faced with a situation where there is a community acceptance of a set of standards that might be offensive in some areas, but not here," the agent said.

"And we have to look at it that way, just like we look at pornography, based on community standards. Unfortunately, we have a set of standards about how to finance motion pictures in Hollywood that is incredibly lax."

The agent spoke with undisguised bitterness about what he claimed is Hollywood's casual attitude toward organized crime. "In the last 10 years or so, we've made six or seven efforts to try to ferret out allegations of organized crime in the movie business. And we got zero support from the industry," the agent said.

"They don't view it as a threat. It's good money to them. It's a way of life, condoned, even embraced. Nobody wants to expose it."

—E.F. and W.K.K., Jr.

[From the Parade, Aug. 19, 1979]

THE BIG BUSINESS OF SELLING SMUT

(By Michael Satchell)

Mention pornography to the average person, and names like Larry Flynt, publisher of Hustler magazine, and Al Goldstein, publisher of Screw magazine, spring to mind. But in the sleazy world of hardcore smut—a fantastically profitable nationwide conglomeration of adult bookstores, peep shows, movie theaters and live-sex emporiums—the names that really count are those like Reuben Sturman, Mickey Zaffarano and Debe DeBernardo.

Few outsiders have ever heard of Sturman, a self-made millionaire who resides in splendor in a Tudor mansion in Shaker Heights, Ohio.

Sturman, the undisputed Prince of Porn, is a man mindful of the civic responsibilities and philanthropy expected of prosperous persons. His prominence secured him a seat on the 1976 inaugural flight of the Air France Concorde to Paris, where he was to dine with French President Valéry Giscard d'Estaing. He didn't make the trip, however, because a federal judge refused him permission to leave the U.S. He was under federal indictment.

Law-enforcement authorities have identified the secretive, publicity-hating mogul as the biggest, most successful pornographer in the country—and probably in the world.

A PARADE investigation of the nation's hard-core pornography industry—aided by access to confidential reports from the FBI, Justice Department and other agencies—reveals an upper echelon of five men who control a major portion of the industry.

Below this group is a second level of two dozen major porn merchants who also produce, import and distribute a veritable "pornucopia" of 8mm. stag films, full-length 16 and 35mm. X-rated motion pictures, books, magazines, rubber goods, "marital aids" and—the newest trend—video cassettes that allow you to watch movies like Deep Throat on your TV.

The porn industry is infested by organized crime, particularly in wholesaling and distribution. Two of the five top leaders, Zaffarano and DiBernardo, have been described in federal and state organized crime reports as members of La Cosa Nostra, and mobsters are known to reap vast profits from involvement in the industry or from extortion, pirating films, skimming cash, and payoff agreements under which independent porn merchants pay financial tribute to operate in certain areas. The following are the nation's leading porn merchants, all of whom refused Parade requests to be interviewed:

Sturman, 54, is easily the biggest national porn dealer. From his Sovereign News Company headquarters in Cleveland—a three-story, redbrick, fortress-like warehouse bristling with television cameras, chain-link fences and barbed wire—Sturman controls a porn import, export and distribution empire that authorities say reaches into all 50 states, the District of Columbia and 40 foreign countries.

Michael (Mickey) Zaffarano. 56, of Wantagh, Long Island, N.Y., is described as a caporegime (captain) in the crime family of Joseph Bonanno and the late Carmine Galante. Zaffarano is considered the nation's major distributor of 16 and 35 mm. adult motion pictures. He owns or has financial interests in adult movie houses in Washington, D.C., New York, Boston and San Francisco, and exports 8 mm, porn movies to Japan. The FBI says he has been involved in numerous shakedowns and extortions of West Coast porn dealers and is an arbiter in territorial and other disputes involving the mob's porn interests, His main business affiliation is Stu Segall Associates, with offices on Broadway in New York, and in Hollywood.

Michael George Thevis, 47, of Atlanta, Ga., enjoyed the premier position in the industry until eclipsed by Sturman's ever-expanding empire. Unlike the secretive Sturman. Thevis flaunted his wealth and position in a vain effort to buy respectability.

Thevis is presently charged with a series of crimes including arson, racketeering and at least two murders—one victim a witness due to testify against him in an earlier homicide case. Although he is incarcerated in the Atlanta federal penitentiary, authorities believe he retains control of his porn business through a subordinate.

Harry Virgil Mohney, 37, of Durand, Mich., a town near Flint, is said to control the third-largest production and distribution network, after Sturman and Thevis, and to be a major importer of European pornography. His Midwestern holdings have included 60 adult bookstores, plus massage parlors, adult theaters and drive-in movies, go-go parlors, and even a topless billiard parlor. Mohney shares Sturman's passion for privacy.

Robert (Debe) DiBernardo, 42, of Hewlett Harbor, Long Island, described as a soldier in the Simone (Sam the Plumber) DeCavalcante organized crime family of New Jersey, runs Star Distributors Inc. of New York, the largest porn wholesaler on the East Coast, with facilities for film processing, printing and publishing. DiBernardo was running an automobile wheel alignment company in Brooklyn in the late 1960's when he suddenly turned up as head of Star Distributors, then a failing business. Large infusions of cash followed his arrival, and Star became a major porn distributor. Authorities have documented business connections between DiBernardo and the Sturman, Thevis and Mohney operations.

No one has been able to measure accurately the size of the U.S. porn industry, although everyone agrees it is very big—and profitable. In a study last year, the FBI estimated that Americans spend $2.4 billion on hard-core erotica. The California Department of Justice believes the annual gross to be around $4 billion.

Top money-maker is the automated peep shows, a small private booth in which a quarter dropped in a slot will bring two minutes of filmed sex. A raid on Stuman's warehouse yielded records indicating his peep-show operations were bringing in $6,000 a day—all in quarters.

X-rated books and magazines that cost 50 cents to produce retail for between $5 and $10. The 15-minute 8 mm. movies wholesale for $3 and retail in this country for $20, and Michael Zaffarano is said to have a thriving business selling these in Japan, where they go for $250 each.

Full-length 35 mm. motion pictures may cost up to $150,000 to produce and will generally return two or three times that amount. Porn film makers have tried without success to repeat the biggest blockbuster in porn history, Deep Throat, which cost only $25,000 to make and which has reportedly grossed $50 million worldwide.

By some estimates, rubber goods and "marital aids" could gross $100 million this year, and erotica aficionados are expected to spend a similar amount on home video cassettes.

Observers also see pornography becoming increasingly available outside of the traditional downtown adult entertainment districts. Hardcore feature-length movies are now shown at many suburban theaters.

The sex industry has come a long way since the early 1960s, when legal pornography was confined to soft-core sex materials in back-alley bookstores and "art" movie theaters.

A series of decisions by the U.S Supreme Court and changes in public attitudes during the so-called "sexual revolution" opened the doors to hard-core pornograpy, gradually wearing down the old barriers.

Not until child pornography began appearing on the nation's adult bookshelves and peep-show screens did the public and Congress show outrage. Today, kiddie porn has all but disappeared from public view, although it flourishes undergound.

Reuben Sturman's rise from comic book salesman—he literally peddled them from the backseat of his car—to smut sultan typifies the experience of many of this cohorts, just as his business methods are a model for the successful porn enterpreneur.

By keeping a low profile, hiding his involvement in a tangle of coroporate legal spaghetti, and maintaining an expensive battery of lawyers skilled in First Amendment (free speech) and Fourth Amendment (illegal search and seizure) issues, Sturman has managed to become the nation's premier porn merchant while being acquitted in six major prosecutions.

One of the biggest difficulties prosecutors face when tackling porn entrepreneurs—apart from the confusion over what is legally obscene—is proving ownership of companies. The porn moguls hide behind phony corporations, constantly change the names of their companies, use false names for corporate officers and names of real people without their consent, or operate their porn businesses as subsidiaries of legitimate corporations.

Following major investigations and a raid on the Sovereign News warehouse, officials determined in 1976 from examining Sturman's records that he owned two warehouses in Cleveland; major porn warehouses in Baltimore, Philadelphia, Chicago, Pittsburgh, Denver, Milwaukee, Buffalo, Toronto, Los Angeles and Detroit; and up to 300 bookstores and peep-show operations.

He also owns a controlling interest, authorities say, in the sexual rubber goods industry, marketed nationwide under the "Doc Johnson" trade name. Three years ago, his annual take was estimated at $20 million; today, his gross is reportedly larger.

How has Sturman, son of a Russian immigrant and neighborhood grocer, been able to build such an empire? While authorities say Sturman is not a member of an organized crime family, he has close ties. An FBI report sets forth Sturman's methods: "Have included the strong-arm shakedowns of other dealers, distributors and suppliers throughout the United States, particularly on the West Coast. Sturman has accomplished almost a total takeover with the assistance of Robert DiBernardo."

Apathy toward porn stems mostly from a widespread public attitude that it is a victimless crime—like gambling or prostitution—and that police resources are better used in other areas. Many state and local ordinances are ineffective, sentences are light, and the huge financial rewards far outweigh the risks.

The FBI points out that in addition to being a major source of finance for the mob, pornography may have a direct relationship to sex crimes. "In one large Western city," an agency report states, "the vice squad advised that 72 percent of the individuals arrested for rape and child-related sexual offenses had in their possession some type of pornographic material."

Anti-porn crusaders—from church groups to local prosecutors to feminist organizations—cite such studies as ammunition for their cause, but it's an uphill battle. Court decisions have made it clear that, in effect, pornography is no longer illegal and prosecution is not to be feared.

Reuben Sturman's lawyers have successfully defended him in six obscenity prosecutions, including two massive efforts by the federal government to put him behind bars and out of business.

Later this year, prosecutors in Boston and Pittsburgh will have a crack at convicting Sturman. But even if local juries find him guilty of peddling smut, it's likely he'll win on appeal.

Said a pessimistic Cleveland law-enforcement officer who has spent years trying to nail Sturman: "It's pointless to waste more time on these cases until the Supreme Court comes up with some decent guidelines. The fact is that with all the recent court decisions, Reuben Sturman is a legitimate businessman operating within the confines of the First Amendment. He prides himself on that."

THE X-RATED ECONOMY

(Pornography is older than the erotic frescoes of Pompeii or the orgiastic temple carvings of Khajuraho. It thrived underground in Victorian England and still does in Communist Russia. What is new is that it has become big business in the U.S. in the eighth decade of the 20th century.)

(By James Cook)

In an earlier time, the indictment handed up against 55-year-old Michael Zaffarano would have been an open and shut case. Owner and operator of the D.C. Playhouse, a plush "adult" movie house only two blocks from the White House, Zaffarano had shipped in from New York and California six motion pictures bearing such titles as Anyone But My Husband and Linda Lovelace Meets Miss Jones. The federal government charged that in so doing Zaffarano and two associates had violated the federal statutes forbidding the movement of obscene and pornographic materials in interstate commerce. Zaffarano did not deny he had shipped in the films and government attorneys obviously thought they had a good case. The films themselves showed not only explicit sexual encounters of a conventional kind but also some decidedly unconventional ones involving sadism and bestiality.

At the end of a week-long trial, a Washington, D.C. jury decided last January that two of the films were not obscene and was unable to make up its mind about the others.

The Zaffarano verdict only confirmed what local prosecutors, the police and entrepreneurs in many places around the U.S. have recognized for years: Pornography is in fact, if not in law, no longer an illegal business. The market for pornographic materials, experts agree, is not confined to perverts or other emotional cripples. To the contrary, the largest part of the market is made up of seemingly solid middle-class people who look and act pretty much like their neighbors. "If this is what they want," Zaffarano announced after his trial, "this is what I'll show."

Of course, pornography is still extremely distasteful to a sizable part of the population. But in an increasingly open and permissive society, those who do enjoy pornography are free to revel in it. Just as the prohibition of alcohol eventually did, the prohibition against pornography is fast becoming unenforceable.

Consider this startling statistic: According to the California Department of Justice, the nation's pornographers do a good $4-billion-a-year business, about as much as the conventional motion picture and record industries combined. That estimate may be grossly conservative. "Two or three times that is more like it," says one West Coast police officer, a veteran of many antipornography drives. "If you're not involved in it in some way, you can't imagine how much money goes into the business."

Who gets all these dollars?

The men's magazines to begin with. With a monthly circulation of 16 million, the ten leading sexually oriented titles—so-called "skin" magazines*—will generate close to $475 million in revenues this year, nearly $400 million from circulation alone.

Then there's the "adult" film business: With 2 million admissions a week at an average of $3.50 a ticket, the 780 adult film theaters in the U.S. will gross over $365 million.

Another $100 million goes into what Duane Colglazier, head of the Pleasure Chest chain of sex shops, calls sexual toys: lubricants, creams, vibrators, massagers and other devices. A sizable portion of such goods moves by mail. How big the mail-order pornography business is—films, magazines, books, toys and other devices—even Postal Service declines to guess, though a 1970 survey indicated the sex merchants pump something like 50 million advertisements into the mails each year.

But by far the biggest component of the U.S. sex business is done in the thousands of adult bookstores and peep shows around the country, which do little in the way of public accounting. How big? Large adult bookstores and peep shows in New York's Times Square area can easily gross $10,000 a day, though they're hardly typical. But even an average-size operation in Hollywood can take in as much as $1,000 a day. Based on a sampling of actual dealer invoices, the Los Angeles Police Department estimates the sex merchants do $125 million a year in the city of Los Angeles alone, which is roughly three times the retail sales of I. Magnin in the Los Angeles area.

In addition to all this, technology is beginning to open up dazzling new prospects: video cassettes that bring X-rated films into the living room; portable video cameras and player-recorders that will enable anyone to produce his or her own—in effect, do-it-yourself—pornography. Polaroid has already put its Polavision instant motion-picture system on the market. Sony will introduce a portable color video camera in the fall. Makers of these devices like to think that they will be used to enable people to watch more cultural and sports events. They are only kidding themselves. It is an open secret that the biggest market is among those for whom visual sex is a turn-on or entertainment or both.

Although pornography is probably as old as civilization, it was, until recently at least, the plaything of the rich and eccentric. What changed all this in the U.S. was a series of Supreme Court decisions that initially applied the protection of the First Amendment to literary works like Ulysses and Lady Chatterley's Lover and ended up extending the Court's concern about free speech to fairly forthright pornography. In the landmark Roth decision of 1957, the Court maintained that sexual content alone was not enough to distinguish obscenity. What mattered was whether the material as a whole appealed to "prurient interests." In 1966, the Court widened the definition to material "utterly without redeeming social value." That single adverb, utterly, meant almost anything would go. The 1974 Miller decision threw the burden of definition back on local community standards, which is what got Washington movie exhibitor Zaffarano off the hook. "For the most part," says Beverly Hills lawyer Stanley Fleishman, a prominent member of what might be called the U.S. pornography bar, "if material is distributed to willing adults under discreet circumstances, there is very little prosecution."

"If I were a pornographer," says one U.S. Customs official, "I would not fear any city, state or federal authority. Once you know what the climate of law enforcement is, you can understand how people get into it."

Which is not to suggest that the pornographer's lot, legally speaking is always, everywhere, an easy one. The federal government continues active in suppressing pornography. It launched 40 obscenity prosections last year and won 57, most of them launched in previous years. The U.S. Customs Service made 15,000 seizures of pornographic material and was able to defend its right to destroy all of it. Even the U.S. Postal Service, acting mainly on citizen complaints, won 11 convictions.

But this kind of harassment does not suppress pornography; it only cuts into the profit margins. "It's a high-profit business, pornography," says Al Goldstein, publisher of Screw, "but it's also high risk. My lawyers made as much as I have."

But Goldstein, who started Screw magazine just ten years ago, says he has been a millionaire for some time now. And that goes to the heart of the matter. The sex business is precisely that—a business—and one in which a lot of money can be made. The sex business made Hugh Hefner rich, $150-million rich at last count. The magazine he founded, Playboy, was in many ways among the prime movers of the sexual revolution that helped legitimize pornography. His success inspired a host of imitators, not only Penthouse, whose circulation of 4.6 million is second only to Playboy's 5 million, and Hustler, which went from 160,000 to over 2 million circulation in three years, but a host of others: Gallery, which had the backing of F. Lee Bailey as Genesis had that of Benihana tycoon Rocky Aoki; Club, Oui, Chic; and a group of more recent and unexpectedly raunchy entrants: High Society, Velvet, Eros and Cheri.

Playboy and its imitators, expensive-looking and expensive to produce, command the highest prices ever charged by large circulation magazines in publishing history—these days an average of $2 a copy. Life, when it expired as a regular periodical, Eoros fetched only 50 cents.

The central element in the sex-oriented magazine business is that sky-high cover price. Individual arrangments vary, but in general the publisher retains close to 50 percent of the cover price. Another 5 percent or so goes to the national distributor, with the rest split between the regional wholesaler and retailer. These percentages are not appreciably different from what other major magazines offer, but other things being equal, to a retailer, 30 percent of $2 is twice as nice as 30 percent of the $1 that Time, Newsweek or Sports Illustrated sell for. So the newsdealers have plenty of incentive to promote these magazines. And they do. Today 30 percent of all newsstand sales come from periodicals that only 20 years ago might not lawfully have been there at all.

The profits are large whoenough to assuage even the most puritan conscience. Pressmen walked off the job when Iowa's staid old Meredith Corp. (Better Homes & Gardens) picked up the Penthouse printing contract two years ago, but with a multimillion-dollar contract at stake, Meredith told the pressmen to get back to their job or look for another. They went back.

Corporate America has pretty much shied away from any direct involvement in the skin-magazine business. Most companies with large printing operations live in terror of some outraged stockholder storming into their annual meeting waving a copy of a skin magazine hot off its press. Philadelphia-based ARA Services, the U.S.' largest magazine wholesaler, inevitably handles a large proportion of such publications. In deference to the attitudes of the communities it serves, ARA requires its distributors to enclose most of the magazine titles in opaque plastic wrappers. "One of the reasons were especially sensitive," says George Epstein, head of ARA's periodical distribution division, "is that we're a public company." Fawcett, which distributes High Society, a skin magazine published by porn-movie star Gloria Leonard, is becoming more sensitive now that they're owned by a big public company like CBS.

For the moment, at least, the men's magazine business seems to have peaked out. Playboy's average circulation has been declining for five years—from 7 million in the last half of 1972 to little more than 5 million in 1977, Viva and playgirl have been declining since 1974, and in the last half of 1977 sales were off again for all the major titles except Penthouse and Gallery, Hustler's circulation in particular has taken an ominous slide—from just under 2 million in the last half of 1976 to 1.7 million last year.

But don't conclude from this that pornography is peaking; the evidence is all to the contary. The business is simply getting more competitive—and more diversified. There are more bidders for the porno patron's dollar. Though filmmakers like Russ Meyer (see box, p. 92) succeeded in distributing soft-core porn to the conventional movie market as far back as the late Fifties, it's only in the last few years that the adult film has emerged as a mass-entertainment medium and as a real competitor to Playboy and Penthouse. Until a few years ago the business consisted primarily of 16-mm cheapies made on a shoestring by amateurs for as little as $4,000 apiece.

But no more.

What happened that an upwardly mobile ex-hairdresser from Queens named Gerard Damiano made a 35-mm movie called Deep Throat and demonstrated for the first time it was possible to reach a mass audience with a hard-core film. Made in 1972 for something like $25,000, Deep Throat has since grossed some $50 million worldwide, with returns still coming in, and, in the process, set the trend that drove the 16-mm cheapies out of the business.

The instant notoriety that Deep Throat achieved made it a kind of "media event." It became respectable, or at least chic, for people aspiring to be "with it" to go to an adult film house—if for nothing else, to find out what all the fuss was about. Having gone once, they come back for more. Deep Throat not only created a new audience, but a porno-star system (Linda Lovelace, Harry Reems) as well, and put X-rated movies into the big money for the first time.

The profit potential inherent in adult films is awesome. According to David F. Friedman, chairman of the 260-member Adult Film Association of America, it costs an average of $115,000 to bring in a porno film these days, including $40,000 for promotion and prints, and the average film will return $300,000 to the producers within 18 months—for a not-quite-200% return on investment. That's the average. Films like The Devil in Miss Jones, Behind the Green Door and Misty Beethoven have returned millions. And the life expectancy of a hard-core movie is considerably longer than the

conventional film, which may die within a few months. Five years after its initial release, a reedited and somewhat less shocking version of Deep Throat is still a box office smash.

As head of Entertainment Ventures, the oldest adult film company in the business, Friedman has been turning out pornographic movies for years, including Seven Into Snowy, a porn version of Snow White, and Close Call, a porn version of A Chorus Line. Friedman explains that certain costs—film stock, processing, equipment rentals and so on—are no less for a $200,000-budget adult film like Misty Beethoven than they are on a $25-million blockbuster like Jaws 2. But where Jaws 2 took months to film with a lot of expensive talent, it takes only two weeks to make a Misty Beethoven with nonunion crews, a writer, director and cast that cost a fraction of what even a second-tier star like Jaws' Roy Scheider commands. And the porn director shoots only two feet of film for every one used, as against four, six or eight for the conventional feature. Says Friedman, "It's a very hard business to lose money in."

About 125 feature films will be made this year, most of them by independent producers. But there are moguls, of sorts, at large these days. In Los Angeles there's not only Friedman's Entertainment Ventures but also Essex Films, which turns out maybe a dozen a year. In New York there is Mature Pictures, which turns out two or three every year, and Audubon Films, which makes one or two hard-core films a year under the name of Henry Paris, soft-core films under that of Radley Metzger.

As in men's magazines, the profit margins are so wide that everybody cashes in all the way down the line; producer, distributor and exhibitor. "X-rated product," says one southern theater operator, "is probably the only film product you can make a profit on anymore. On regular films, most of the profit comes from the concession business: popcorn, candy. But X-rated customers are very poor on concessions. We're in the X-rated product because it's business, and good business, and in some instances our theaters wouldn't be viable with any other type of product. In our theaters, pornographic movies are like 50 percent more profitable than regular movies.

As this southerner well knows, the real advantage is that with X-rated movies the theater owner has the upper hand in bargaining with the distributor. Conventional movies are in such short supply that, with a hit film like Star Wars, the distributor commands 70 percent, 80 percent even 90 percent of the theater gross (after the overhead is covered). But in adult film there is now more product available than theaters to show it, so more leverage lies with the exhibitor. In the Washingon, D.C. area, for example, there are only 5 adult screens out of 200. Nationwide there are 780 out of 16,827. So the result is that in New York the adult film houses reduce the distributors' cut to 50 percent, and in Los Angeles and in most other parts of the country to 35 percent and sometimes considerably less than that.

The market for all manner of sexually explicit films seems certain to grow, not least because the line between hard-core and conventional films is beginning to blur. The Hollywood product is getting more explicit—witness Jon Voight's oral sex scene in Coming Home, an R not an X-rated film. At the same time, the hardcore product is getting some class, with more emphasis on story and production values. Many producers these days are making their films in two or even three versions—hard core, soft core and R—so that their films can play in a variety of markets.

"It's almost like making three pictures at once," says Mature Pictures' President Robert Sumner, who's just getting his new film, Take Off, into release. Take Off is symptomatic of what's happening to hard-core films. Stylishly photographed and handsomely produced, it has a fairly well-developed story line, suggested by The Picture of Dorian Gray, and it imposes a pastiche of Hollywood films and film actors over the past 60 years—Cagney, Bogart, Brando, Gould—on the usual pornographic confrontations. Take Off cost $225,000, and Sumner's confident the film in its three versions will eventually yield him $3 million to $4 million after costs on a box-office gross of $12 million to $20 million. Which would make it the most successful porn film since Deep Throat. Producer's hype? Probably. But Sumner has already sold the German rights for $100,000 and the film has grossed $288,000 in its first six weeks at theaters in six cities around the country.

Sumner believes it to be inevitable that the major motion picture companies will themselves start turning out explicit sex films. He may be right. Paramount, a subsidiary of Gulf & Western, did not hesitate to distribute the soft-core Emmanuelle. Penthouse has a $16-million hard-core version of Gore Vidal's Caligula already in the can, with a cast that includes Peter O'Toole, John Gielgud and Malcolm McDowell.

The hottest topic in the movie business these days is videotape, and the hottest thing in videotape is X-rated movies. So far a dozen or so companies have entered the field, including Sumner's Quality X Video Tape and Friedman's TVX tapes, offering X-rated cassettes for showing on home television sets. Sumner got into the business early last spring—at a cost of $75,000—with the only system, he says, that cannot be pirated.* With a library of 40 X-rated films (Xaviera Hollander, Naked Came the Stranger, Bel Ami, among others). Sumner has been getting 70 inquiries a day since he ran his first ad in Hustler and has already recovered his initial investment. The future, Sumner believes, is in video disks rather than tape, but until then he's hoping to clean up—selling, at $110 each, tapes that cost him just $56 to produce.

At least 10% of the people who buy tapes," David Friedman figures, "will want a collection of hard-core films for their libraries. It's an absolute natural for homes, for parties, when the boys come over for a beer. The man who buys a copy of Patton may look at it one or two times, but one who buys Seven Into Snowy is going to look at it 10 or 15 times."

Magazines, films, videotapes—all these amount merely to the most visible part of the X-rated economy. The bulk of the sex industry operates underground, where hundreds and even thousands of small producers—print shops, film processors, publishers, filmmakers, photographers—feed a vast distribution system that reaches into thousands of adult bookstores and peep shows across the country. The profitability varies considerably from product to product, and from one point in the marketing system to another. But even at its worst, it's still considerable.

The least profitable product at present is probably the pornographic paperback. The production economics of pornographic publishing are the same as in any other kind of publishing. Because their press runs are relatively small, pornographic paperbacks are generally more costly to produce than mass-market paperbacks. At the same time, competition has eliminated the premium price that paperback publishers used to enjoy, so their margins are painfully squeezed.

Many of the independents have long since been absorbed by the big distributors. One survivor is Midwood Books, an arm of New York-based Tower Publications, which produces the Belmont-Tower and Leisure Books lines of mass-market paperbacks as well as a handful of magazines, and which still manages to make money on them. Midwood operates almost like a paperback magazine. Its writers will grind out a pornographic novel for a flat fee of $1,000 to $1,500. Midwood publishes 16 titles a month—192 a year—bearing titles like Naked Caller, Teen Tramp and Blow by Blow. Each book runs around 200 pages, costs about 25 cents a copy to produce and sells about 40 pecent of its 20,000-copy press-run at $2.25 a copy retail.

The really big moneymaker in the sex business is the peep show—a 16-minute loop of 8-mm pornographic film which the customer views in 2-minute segments as he pumps quarter after quarter into the peep machine. The machines are made by outfits like Louisville, Ky.'s Urban Industries. They cost little to produce—maybe $300. They cost less to maintain—an occasional light bulb and a change of film every two weeks. They generally live rent-free in the adult bookstore they occupy. The film loops they use cost maybe $3 to produce.

"There are companies," says Captain Jack Wilson, recently retired commanding officer of the Los Angeles Police Department's Administrative Vice Division, "that will provide the arcade booth, a change of movie and even mop the floors once in a while. You [the store owner] have no capital investment, and you get 50 percent of the take. It's a cash business." Wilson says there are 945 such machines in the city of Los Angeles that take in on average $75 a week—$120 a week in a good location—or $3.7 million a year.

As legal and community standards have grown more permissive, pornography has been evolving slowly but surely into a more sophisticated and more concentrated business. What began as fairly simple distribution systems have tended to grow into large integrated enterprises. At the center has been the distributor, with the capital to finance publishers, filmmakers and store owners. Inevitably this had led them forward into retailing and backward into production. In the U.S. market, U.S. entrepreneurs have taken over. "At one point," says a U.S. Customs official, "most of our pornography came from foreign sources. Now the U.S. can outporn any country in the world."

Competition is everywhere now. Says Beverly Hills porn lawyer Elliot Abelson. "Some very sophisticated people who knew how to market, how to package, how to cut costs, came into the business. A small stag movie used to sell for $50. The price went down to $12.95."

The biggest porn entrepreneur in the U.S. was, until recently, Michael G. Thevis, 46, Atlanta millionaire, purported Carter campaign contributor and convicted pornographer, who walked out of jail in Indiana last April, a day or two before he was indicted for arson and murder, and disappeared. At this writing, he is still at large. A North Carolina boy, Thevis started out with a

single newsstand in Atlanta, discovered that his public had an appetite for sexually oriented material, and over the years built a $100-million pornographic empire.

Thevis operated out of a building occupying one square block of downtown Atlanta—a factory devoted to the mass production of pornography, with printing presses, film-processing laboratories, screening rooms, warehousing facilities. By the time he went to jail in 1974, convicted of transporting obscene materials across state lines, Thevis claimed to have sold his interests in his pornographic enterprises to a former employee, LaVerne Bowden. Law enforcement officials have never believed him. In any case, his firm, Peachtree Discount Distributors, is still busy as ever. An old girlfriend and former secretary, Patricia McLean, has taken over as president of Global Industries, a holding company for his more legitimate businesses.

Thevis' counterpart on the West Coast was Milton Luros. A onetime art director for a number of skin publications, Luros moved into the big time by pirating the line of literary pornography that French publisher Maurice Girodias (whose Olympia Press first published Nabokov's Lolita, Henry Miller's Tropic of Cancer) introduced into the U.S. in the late Sixties. At one time, Luros had a printing plant in Chatsworth, Calif. second only to that of the Los Angeles Times. When Luros was indicted in 1974 on a pornography charge, he agreed to plead guilty if the government dropped the charges against his wife. (Friends always thought she was the real brains of the business.) Having been given three years' probation and a $5,000 fine, Luros, like Thevis before him, has been liquidating his empire. He sold Parliament News, keystone of his operation, to a former executive, Paul Wisner, but at least one unit—a theater chain called Erotic Words & Pictures—has gone to an outsider, a Cleveland sex merchant named Reuben Sturman.

With Thevis gone underground, and with Luros watching his step, Reuben Sturman now ranks as the number one merchant of sex in the U.S. Having got his start peddling second-hand comic books, Sturman now operates out of a large three-story brick warehouse in Cleveland's black ghetto. Sturman's company, Sovereign News, encompasses distribution operations in most major cities in the East and Midwest. In addition, he operates a chain of peep shows under the name of Western Amusements, manufactures his own peep machines (Automatic Vending), provides lie-detector tests for employee security (National Polygraph), distributes and manufactures marital aids (Doc Johnson Products and Marche Manufacturing), owns one of the more successful new men's magazines (Eros), distributes the Lasse Braun films for Dutch pornographer Albert Ferro and runs a chain of 800 retail bookstores in 60 cities, 50 states and 40 foreign countries.

Under Sturman, the adult book shop has become a clean, well-lighted place. "In our stores," he once told a board meeting, "clerks should be upgraded in intelligence, appearance, etc. . . . Our key store in an area will be known as a Doc Johnson store. It will be upgraded as far as interior, etc." He is bullish on the U.S. porn market, and he thinks he knows how to make the most of it. "The future," he says, "is in audiovisual tape."

What worries law-enforcement people these days—state and local police, and the FBI—are the unmistakable signs of organized crime's growing interest in the porn business. What really opened the industry to the godfathers was the increasingly difficult time legitimate operators had in determining what was legally obscene and what was not. Al Goldstein frankly admits he turned to Star Distributors and Astro News, two outfits controlled by organized crime, because he was unable to find a legitimate distributor willing to handle Screw. "The mob influence in distribution," Goldstein says, "is there because nobody else wants to be in the business." Goldstein's view was confirmed in the 1976 Report of the Task Force on Organized Crime of the National Advisory Committee on Criminal Justice Standards and Goals. "Because legitimate distributors were reluctant to handle such potentially illegal material," the report said, "organized crime moved in; first, in the distribution of pornography, and then into all aspects of the industry, literature and films of all types and their production, wholesaling and retailing."

The most notorious presence right now is Screw's national distributor. New York's Star Distributors. Ltd., which a decade or so ago fell under the domination of Robert (Debe) Di Bernardo, a member of New Jersey's DeCavalcante crime family. Star operates out of a massive warehouse on Lafayette Street on the edge of New York's Little Italy, in a building which it shares with a number of related businesses, including Di Bernardo's local distributing organization, Bonate, Inc., and the New York branch of Thevis' Atlanta operation. As a distributor, Star specializes in hard-core material, while an associated company, Model, handles soft core.

Star started out as a producer of nudies and girlie magazines, according to a report of the State of New York Commission of Investigation, and was headed for bankruptcy when Debe Di Bernardo took over as president of the company.

Though he had run only a wheel-alignment shop until then, Di Bernardo proceeded to revamp the company. Star's cash position mysteriously improved, and it began acquiring adult bookstores in New York and Philadelphia. These stores quickly won a competitive edge by being able to get the newest material ahead of their independent competitors. Today, Star has all the trappings of a pornographic conglomerate, controlling film-processing labs, printing and publishing operations, even filmmaking, as well as distribution.

Police officers in New York, Washington and Los Angeles believe that Di Bernardo controls Thevis' operation in Atlanta. ("Don't forget, Mike," a police wire-tap recorded Di Bernardo as saying when Thevis boasted of owning 90 percent of the peep shows in the country, "you manage the machines. The family is in charge.") And Los Angeles Police Department officials are convinced that Di Bernardo has settled in a big way on the West Coast where Milton Luros was once the dominant factor.

Though its influence has waned considerably since 1971, when Joe Colombo was shot, the Colombo family is the other big organized crime influence in New York porn: in peep shows (though Allstate Film Labs), in local periodical distribution (through Astro News) and in filmmaking (through the Perainos, who helped bankroll the spectacularly successful and trend-setting Deep Throat).

Holding an uncertain place in the present U.S. porn market is the aforementioned Michael Zaffarano, onetime bodyguard for Mafia chieftain Joe Bonnano, proprietor of the Pussycat Theater in New York and the D.C. Playhouse in Washington. An assoicate of Bonanno's East Coast strongman, Carmine Galante, Zaffarano was convicted for assault and robbery but has never been convicted on a pornography charge. He paid $1.35 million for the Pussycat property at 49th Street and Broadway in New York 18 months ago, and has since turned it into a porno amusement center—a hard-core theater, which Zaffarano operates, a bookstore and peep show and a homosexual club. Zaffarano is described by the California Organized Crime Commission as a kingpin in pornography in New York and Los Angeles. Some years ago, he pooled the Bonanno-Galante interests with those of Colombo by taking over the managment of the Colombo group's Allstate Film Labs, which produced films for their Times Square peep shows. Among other achievements, he's supposed to have divided the country into regional distributorships, extracted tribute from independents for the privilege of operating. "Zaffarano," the report goes on, "also acts as mediator when disputes arise among the East Coast groups which now control parts of the pornography business in southern California. . . . He's involved in the production and distribution of films and owns theaters. He's also financed the production of films through legitimate fronts." One police officer puts it more bluntly: "He converts money for the mob, puts illegitimate money into legitimate business."

People like Zaffarano, as a rule, don't get involved in operating these businesses. They are usually content just to have a piece of the action. In New York, according to Jeremiah B. McKenna, general counsel to the New York State Select Committee on Crime, the mob's main interest in the sex business is expressed in real estate deals. Organized crime figures lease buildings for ten years from legitimate owners and then sublease them to the fly-by-night operators of massage parlors, adult book shops, peep shows, at $110, $125 a day cash—double what other business would pay. "The shops close up and move on, but that lease stays there until the next fly-by-nighter comes along. The property is held for the sex industry," McKenna says. "A guy can't come in and start selling shoes because the money is too great."

Is the U.S., then, about to be engulfed in a great wave of pornography? Don't bet on it. In the end, the pornography business may become the victim of the very permissiveness that helped it flourish. David Friedman of the Adult Film Association, an apologist for pornography, has something significant to say about the audience for pornographic movies: "Our basic audience is still people over the age of 35, and though we are beginning to attract some young marrieds and younger couples in their middle-to-late 20s; the audience is still composed of people who are probably more sexually repressed than people are today." But that may be merely a marketing problem. If so, it is only a matter of time before someone from Hollywood, *Hustler*, or the Harvard Business School gets to work solving it.

Growth Business

"I can't wait for the federal government to come in and say I have a monopoly," says Ron Braverman. "That's as far as I want to go."

Braverman is vice president and operating head of North Hollywood's Marche Manu-

facturing, and his would-be monopoly is in what is sometimes delicately known as sexual aids: dildos, creams, lubricants, rubber goods, vibrators and massagers. Dildos used to be the mainstay of Marche's business, but they're losing importance beside the booming demand for vibrators and massagers.

"We have taken a line of merchandise." Braverman says, "and given it a trademark: Doc Johnson Products. We developed the name four or five years ago. You go in to buy toothpaste, you don't say toothpaste, you say 'Crest.' We want people to say 'Doc Johnson.' We thought Johnson was a universal type of name that people will relate to. The Doc gave the name credibility."

Traditionally Marche has sold its output to mail-order outfits like Hustler's Leisure Time Products or Frederick's of Hollywood, or to wholesalers who funnel it into sex shops like the Pleasure Chest chain or adult bookstores like those Reuben Sturman runs under the Doc Johnson rubric. But now Braverman is repackaging his line to make Doc Johnson Products acceptable at retail counters all over the U.S.—beauty shops, drug chains and supermarkets. The emergence of large chain stores has already gotten items like Tampax and condoms out from under the counter, and Braverman doesn't see why the same thing can't happen with Marche's line—if they are tastefully packaged. Massagers, which Marche markets in competition with General Electric, Hitachi and Water Pik, are already gaining acceptance, with vibrators just a little behind. "Once we have public acceptance," Braverman says, "we're going to make an entire line of products available."

It costs Marche $2 to import and repackage one of its basic seven-inch elite vibrators, and it sells this at $3.60 to the retailer who marks it up to $7.95 or more. Braverman expects to do over $2.5 million this year, up from $250,000 when he took over. Which makes Doc Johnson a nice little growth business.—J.C.

Losing Battle

Beverly Hills lawyer Elliot Abelson has represented a substantial number of pornographers: the owners of Deep Throat and The Devil in Miss Jones, Los Angeles' Parliament News, as well as some of Reuben Sturman's far-flung interests. "Certain parts of the country are uptight about porn," Abelson says, "and even within states attitudes differ." Los Angeles is so rough that filmmakers have moved to San Francisco, where it's virtually impossible to convict anyone for anything. "Tucson is cool, Phoenix is hot. Dallas is hot, Houston is not. If you're in L.A. city, things are hot. If you're in L.A. county, they're not. And so it goes."

The legal logic of the situation, Abelson argues, is that if it is legal to posses pornography, and it is, then it ought to be legal to sell it. But that's a rationale the Supreme Court has not yet accepted and isn't likely to any time soon. But the balance is a delicate one. "There are five judges on the U.S. Supreme Court who are saying pornography is a no-no," says Abelson, "and until one of those justices leaves the bench, the law will not move or change."

The fight against pornography, Abelson, says, is not only a losing one, it's also costing the taxpayers a great deal of money. He estimates that prosecuting pornography costs Los Angeles $1 million a year, and that nationwide the figure runs as high as $50 million, with an additional $20 million spent in defending the accused. "There's no doubt that the attorneys defending pornography have had a tremendous advantage. The prosecutor must prove not only that the defendant did it, but also that what he did was wrong. Secondly, the attorneys defending porn have been doing it for a number of years, and that's all they do. I can try a pornography case without a note because I've done it so often. But I've come across so many prosecutors trying their first case who didn't know what they were doing. When the client has enough money to pay for expert witnesses, we win 90 percent of the cases."

Abelson has seen the situation from both sides of the fence. Until eight years ago, he was district attorney for Los Angeles County and then gave that up for a chance at the big money in defending pornography.—J.C.

Where The Money Is

What's it like running an adult bookstore in New York's midtown entertainment district? Listen to Vic Rice, a tough, fast-talking cop who used to run one as an undercover agent for the New York Police Department:

"I had a store in the area for a year. We had a very bad spot. It was down by Tenth Avenue. The business is up there by T Square. When I had my store, the bookstore was up front, the machines was in the middle and the massage parlors in the back. I just had the bookstore. Somebody else had the machines. Somebody else had the massage. Everything was owned separately. The bookstores and peep shows and massage parlors are separate lines of business. You don't see the same people. You don't see the bookstore fellows go into the massage parlor.

"I got my store from one of the guys up there. I had to pay him rent—$125 a week. I got to have help, so I had to pay this guy $30. You paid the guy by the day, you paid the rent by the week. In cash. Everything in cash. I never got a receipt for my rent, never a receipt for the stuff I had out. The average that we used to make was something like $200 a day. $200 was our profit. Not every day. It averaged like that. My store was open 24 hours. We had the girls in the back, so we didn't close 10, 12 o'clock.

"I got the stuff from various distributors. At that time we had about nine selling magazines, films, stuff like that. Some of them would sell the same thing. We'd always go for the cheapest. A lot of them operated out of the back of the car. They'd open the trunk of the car and you'd look at their stuff. You pay, say, $3 for a film, you sell the same film for $20. Eight millimeter, 10- or 15-minute things. For children, you'd pay more, maybe $7, then you sell for $25.

"A lot of people think books and films is the money. That's not true. The money is in the machines. I could take a guess with the machines and what the girls made in the back. The machines made more money than the girls. They have these loops and you spend ten quarters for the whole thing. A machine takes in $200 a day, one machine, depending on how good the machine is. The average store has 40 or 50. They come in every hour, every two hours with buckets, and they empty them out. Take them to the banks. The machines is good for you because they're selling the films. Half the stuff in the machines you've got it for sale in the bookstore, so if they want to just buy it, they can buy it. It's like advertising. Good for business.

"The machines in my store were from Marty Hodas. He would service his machines. All I did was hand out change for the machines. I had nothing to do with the machines. Go up to Marty Hodas—his place of business, you never see him, you see somebody else. He wants to find out how much business you're doing before you get a machine in the store—how much you buy, how many people come in.

"We thought there was going to be a lot of extortion. But they don't care if you opened a store tomorrow. You're not cutting into organized crime by opening up a store. Where organized crime comes in is they don't want any dupes. You could put out a line of stuff and have it duped tomorrow, and then you wouldn't have it. You're selling a line for $5. If I duped your line, I'd get $2 and still make money, put you right out of business. So to protect that line you have to go to somebody and make sure your line won't be duped. That's where organized crime comes in. Making sure your line is safe.

"One thing. When you're in the business, I found out you can't ask questions. A guy comes in there with a film, you like it, you take it from him, you never ask him where he got it. If you did, you didn't last long. I lasted a year and a half up there."

Look at All the Naked Ladies!

A hulking, handsomely mustached man of 56, Russ Meyer is by way of being the Hugh Hefner of the adult-movie business. Twenty year ago Meyer made a little landmark of a movie called. The Immoral Mr. Teas, about a deliveryman who emerges from a dentist's anesthetic with the ability to see every girl he runs into stark naked. "It was a very bold picture at the time," Meyer says.

Made for a mere $24,000, Mr. Teas was the first adult film ever to make any really big money. Mr. Teas grossed well over $1 million. Since then Russ Meyer has made 29 other films, all but one of which has made money. By 1975, the last time his accountant added up the figures, they had grossed nearly $60 million, and four of them rank among the 1,000 top-grossing movies of all time: Beyond the Valley of the Dolls, Vixen, Cherry, Harry & Raquel and The Supervixens. "I came calling at the right time," Meyer says modestly.

A combat cameraman in World War II, Meyer made his living after the war shooting pictures of girls for Playboy and making industrial films for companies like Southern Pacific, Crown Zellerbach and Standard Oil of California. "That's where I learned my craft," he says. "You'd go out with three people and do everything."

To a large extent he still does. He's the producer, the director, the screenwriter on most of his films. He owns his own equipment, works with a small crew, does his own distribution and even puts up all of the money. "I make quality films as reasonably as anyone possibly could."

Russ Meyer films are generally not only sexy, they're violent and funny. "Outrageous" is how Meyer puts it. "What I do turns me on," he says. "I essentially make a film to entertain myself. But I think sex on the screen is probably a lot more palatable if it is made outrageous. In my films, the women are always outrageously abundant, the men are their willing tools, so to speak, and they drive around in beat-up old cars. They do that so the cars won't go out of date, because the film will play a long time.

"I've tried several times to do other things, but I wasn't successful. If I don't deliver the kind of picture—the kind of girls—that are synonymous with my motion pictures, the kind of exposure, the kind of sex, it's not going to do well. If you create the monster, you'd better damned well live with him."

The monster has made him a millionaire, though not as big a one as you'd think. The Supervixens (1974), Meyer's most successful film, cost $213,000 to make and grossed over $14 million. Meyer took in $4 million on that one, and then paid most of it out in taxes. "The only salvation now is that limit of 50% of taxation of personal income. I just made my big winner at the wrong time."

Meyer's newest movie is Beneath the Valley of the Ultravixens. Scheduled to be released in January. Beneath concerns the efforts of a number of extravagantly proportioned gentlewomen to cure the hero of a profound sexual maladjustment. "It's a very strong picture," Meyer says calmly. X-rated, that is, but soft core. "I don't do hard-core films," he says. "My competition doesn't come from hard core, it comes from the majors. There's a market for hard core. But it's not my cup of tea."—J.C.

[From Report of the Task Force on Organized Crime, December 1976]

PORNOGRAPHY

Probably the most comprehensive study of pornography was conducted by the Commission on Obscenity and Pornography from 1968 to 1970. The Commission was unable to assess the degree of involvement of organized cime, but assumed that this element might be involved because so many criminals were in the industry.[89] The Commission did find that the pornography industry consisted of several distinct markets and submarkets, some organized, some chaotic.[90] The wares consisted of films, magazines, books, sexual devices, and various "service" establishments. Subdivisions of the industry were production, distribution, and retail outlets. The market was primarily composed of white, heterosexual males. The Commission did not think that the business was overly profitable.[91]

Since that report, a number of studies have indicated that pornography has become organized crime's latest business. It is a logical field for entry given the facts of a prohibited product with a large market; susceptibility to good organization and muscle; and lax law enforcement.[92]

Just when organized crime became involved in pornography is uncertain, but a contributing factor may have been a Supreme Court decision in 1967, *Redrup* v. *New York*. This ruling left unclear what exactly constitutes pornography, thus making it difficult for law enforcement officers to make cases, but also making it hard for legitimate businesses to know if they were handling legal or illegal material. Thus legitimate distributors were unwilling to handle potentially pornographic material.[93]

That development created a situation ripe for organized crime. Al Goldstein, publisher of Screw, one of the better selling publications, admits freely that organized crime businesses distribute his magazine. He says that he has no choice in the matter, because no legal firms will undertake distribution. Although Goldstein has been left editorial independence, his books and production facilities are watched closely.[94]

Organized crime's links to the pornography industry were documented as far back as the early 1950's in the Kefauver committee investigations,[95] but most sources show few links before the late 1960's.

One author says that organized crime got involved in pornography in New York in 1968, when John Franzese, a member of the Colombo family, realized how profitable the peepshows in Times Square were. Subjected to typical strongarm tactics, the owners soon had to give organized crime 50 percent of their profits. From there, it was but a short step to insisting that all outlets use projection machines suppled by organized crime. By 1969, the Colombo family had obtained about 60 percent control of the porno movies in New York.[96]

Organized crime is believed to be in all aspects of the pornography industry: literature and films of all types (i.e., hard core, soft core, art, 16mm, magazines, books), sexual devices, "service" establishments (including live sex shows), production, wholesaling and retailing, and distribution.

For example, Michael Zaffarano of the Bonano family is said to be a major operator on both the east and west coasts. He is involved in the production and distribution of films and owns theaters. He also finances production of films through many legitimate fronts.[97]

The Peraino brothers, informally adopted members of the Colombo family, are said to be the biggest in the business. They, too, operate behind various legal fronts headquartered in New Jersey and Florida. They are said to have put up the money for "Deep Throat," one of the most successful of pornographic films, which has grossed at least $25 million. With the proceeds of that venture, the Perainos set up Bryanston Distributors, which is involved in legitimate films such as Andy Warhol's "Frankenstein."[98] In fact, one New York City police official fears that organized crime eventually could become a major factor in the legitimate film industry.[99]

Organized crime also has become heavily involved in the distribution of pornographic materials. The two distributors of Screw were once legitimate companies that suddenly developed very strong organized crime ties about the time that recent Supreme Court decisions scared off legal distributors. Star Distributors in Manhattan is one of the largest national distributors (its position is enhanced by its exclusive rights to Screw), while Astro News of Brooklyn handles the New York City market.[100]

Some independent producers say they actually prefer dealing with organized crime enterprises because the latter are the most reliable of companies and pay quickly. Others find that they must deal with organized crime in order to protect themselves from extortion or piracy.[101]

Piracy is a big part of organized crime's pornography business. If a producer refuses to allow organized crime figures to distribute a film, those figures threaten piracy, among other actions. If its request is still refused, organized crime elements make their own copies of the film and distribute them widely, very often closing substantial markets to the legitimate producer.

The fate of "Behind the Green Door," another successful porn movie, is a case in point. Organized crime figures approached the producers concerning distribution rights, which the producers continuously refused to grant, despite threats of piracy. Within a short time, hundreds of pirate versions appeared all over the country. The producers lost several key markets—Las Vegas, Miami, and Dallas among them. Also, because the pirated versions were often of poor quality, the movie got a bad reputation, which further reduced its market.[102]

According to one source, few independents in any area of the industry can escape the influence of organized crime. Says this observer: "Combining old-fashioned muscle with sizeable payoffs to cops and politicians, Mafia dons from coast to coast make sure no dirty magazine, hard-core film or peep show machine enters their city without the payment of tribute to the local crime 'family'"[103]

The centers of organized crime's pornography activities are Los Angeles[104] and New York City.[105] The New York police estimate that three out of five Italian crime families are involved in the New York business and are responsible for 90 percent of the pornography in the area.[106]

Organized crime's operations actually blanket the country. A former Dallas chief of police said: "The pornography business in Dallas has all the earmarks of an organized crime operation. We have learned that the organizations in Dallas are linked to an organization which owns and controls the production, printing, distribution and retail sale outlets for pornographic material."[107]

No accurate figures exist on what profits organized crime receives from the industry, but money must be good or organized crime would not be involved. One source puts the gross from peepshows in Baltimore alone at about $10 million a year in 1973,[108] while another says that each peepshow machine earns $10,000 a year.[109] A third source says that a high quality, 12-minute pornographic film takes about an hour to make at a cost of $3 (the actors and actresses are paid in drugs), and sells for about $50.[110]

Prosecution of organized crime pornography operations has been very difficult.[111] In New York City, for example, this legal action has run up against not only the Supreme Court's imprecise definition of pornography, but also the slowness of the court system and the lack of city resources. If a film is declared pornographic, the producer simply doctors it enough to qualify it as a new film, forcing the city to go through a long, expensive court procedure all over again.[112] In the meantime, the film is shown.

Licensing and code violation enforcement has also had little success against pornography, because most violations are eventually corrected. Also, organized crime lawyers file a steady stream of challenges to new laws or regulations, especially zoning laws, and have even sued a city for harassment.[113] All this means more delay and expense for the city and continued operations for organized crime. Some cities have more or less compromised. Boston, for example, has opted for a policy of containment to a certain part of town—the so-called Washington Street "combat zone."[114]

THE BROADER IMPLICATIONS

Much concern over the involvement of organized crime stems from the broader ramifications. First, here is concern over the use to which profits from these crimes are put: possible illegal activities such as loansharking, extortion, consumer frauds, and subversion of the political system. For example, "In recent years it has been possible for organized elements to allocate sufficient financial resources and exert enough influence at the local level to dictate who will or will not be elected."[115]

Footnotes at end of article.

Second is the widespread corruption connected with organized crime. Although most officials are honest, "It is a matter of public record in some cities . . . that certain policemen and police officials—other public officials as well—have protected bookmakers, prostitutes, and narcotics pushers, . . . have favored politicians or other people with 'pull' and have acted in concert with leaders of organized crime."[116] Bribery is a vicious circle in which the briber is in a position to make more demands and the official is not in a position to refuse.

Even honest officials may be reluctant to enforce the laws. The public does not support them, they absorb scarce resources, and the jail sentence may be more harmful than the offense. At best the sentence has no effect.

A third concern is that cynicism toward law enforcement and government generally is engendered by ineffective and arbitrary enforcement, the existence of meaningless laws, and extensive corruption.

FOOTNOTES

[86] Op. cit., Pace and Styles.
[87] Op. cit., Sheehy, "Cleaning Up Hell's Bedroom."
[88] Op. cit., Kiester, p. 40; and Ianni.
[89] The Commission on Obscenity and Pornography, The Report of the Commission on Obscenity and Pornography, Washington, D.C.: U.S. Government Printing Office, Sept. 1970, p. 19.
[90] Ibid., p. 7.
[91] Ibid.
[92] "The Porno Plague," Time, Apr. 5, 1976, pp. 58-63; Gage, Nicholas, "Organized Crime Reaps Huge Profits from Dealing in Pornographic Films," New York Times, Oct. 12, 1975, 1:1; and Gage, Nicholas, "Pornographic Periodicals Tied to Organized Crime," New York Times, Oct. 13, 1975, 1:1.
[93] Op. cit., Gage, and Goldstein, Tom, "Experts Say Two Laws Proposed to Clean Up Times Square Face Constitutional Problems," New York Times, Nov. 3, 1975, 42.
[94] Ibid.
[95] Op. cit., Pace and Styles.
[96] Denison, George, "Smut: The Mafia's Newest Racket," Reader's Digest, Dec. 1971, 157-160.
[97] Op. cit., Gage, "Organized Crime Reaps. . . ."
[98] Ibid.
[99] Ibid.
[100] Op. cit., Gage, "Pornographic Periodicals. . . ."
[101] Ibid.
[102] Op. cit., Gage, "Organized Crime Reaps. . . ."
[103] Barrett, James K., "Inside the Mob's Smut Rackets," Reader's Digest, Nov. 1973, p. 129.
[104] Rafferty, Max, "Crack Down on the Smut Kings!" Reader's Digest, Nov. 1968, pp. 97-100.
[105] Op. cit., Sheehy, "The Landlords of Hell's Bedroom."
[106] Ibid.
[107] Op. cit., Pace and Styles, p. 176.
[108] Op. cit., Barrett.
[109] Op. cit., Time.
[110] Op. cit., Barrett.
[111] Op. cit., Goldstein, "Experts Say . . .," and Goldstein, Tom, "City Is Moving with Difficulty to End Times Square Pornography," New York Times, Nov. 2, 1975, 1, p. 46.
[112] Op. cit., Goldstein, "Expert Say. . . ."
[113] Op. cit., Sheehy, "The Landlords of Hell's Bedroom."
[114] King, Seth S., "Foes of Pornography Winning a Few Skirmishes but Not the Major Battles," New York Times, Nov. 28, 1975, p. 52.
[115] Op. cit., Pace and Styles, p. 25.
[116] Op. cit., President's Commission on Law Enforcement, p. 115.

Mr. HELMS. Mr. President, the above materials demonstrate that organized crime is very much involved in the pornography traffic. One way to help curb this activity is to give Federal law enforcement agencies the additional authority contained in the RICO statute. That is what my amendment does, and I urge its adoption.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, we think the amendment is reasonable, and we are willing to accept it.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND. I am informed that the distinguished ranking minority member of the committee is willing to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, may I ask whether this amendment has been cleared on this side of the aisle?

Mr. THURMOND. The ranking minority member has accepted it.

Mr. METZENBAUM. I have no objection.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2682) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I thank the distinguished managers of the bill, and I also thank the able Senator from Maryland for permitting me to present this amendment.

Mr. THURMOND. Mr. President, as I understand it——

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Maryland.

Mr. THURMOND. Mr. President, is the Senator from Maryland ready to vote on amendment No. 1?

Mr. MATHIAS. Mr. President, since the amendment has been temporarily laid aside, I ask unanimous consent to continue to lay it aside and to call up the last amendment upon which I think we could then have a very prompt vote. That is amendment No. 2651.

Mr. THURMOND. Mr. President, I have no objection.

Mr. MATHIAS. Then, Mr. President, for the advice of Senators, we will return to the other three.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2651

(Purpose: To maintain the current aggregate length of terms of imprisonment)

Mr. MATHIAS. Mr. President, I call up amendment No. 2651.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 2651:

On page 114, between lines 11 and 12, add the following:

"(x) The Commission shall ensure that the guidelines and policy statements issued pursuant to the chapter are not intended to increase, nor likely to have the effect of increasing—

"(i) the aggregate length of terms of imprisonment served by prisoners in the Federal prison system;

"(ii) the average term of imprisonment served by persons convicted of Federal offenses; or

"(iii) the inmate population of the Federal prison system.".

Mr. MATHIAS. Mr. President, this is a very simple amendment. It merely attempts to incorporate into the bill a statement of the intent of the authors, just as simple as that. Where do I get the language stating the intent of the authors? I get it from the authors.

Now, it will be obvious from the date that this is not the first time this subject has been discussed in the Senate because it was on September 30, 1982, that the able and distinguished Senator from Delaware and I were discussing the very same subject. I addressed the Chair and said:

The Senator from Delaware, I think, has served a very useful purpose this afternoon

I might say, parenthetically, Mr. President, as he does on many afternoons——

by stating on behalf of the managers of the bill—and I hope that both of the managers of the bill will concur in what I am about to say—that it was not the intention, or at least that is what I thought I heard him say, that sentences should be increased as a result of passage.

Mr. BIDEN. That is correct.

Mr. MATHIAS. I tend to believe, if that is the intention, that they are going to be disappointed.

Mr. BIDEN. Mr. President, I want to make it clear, overall it is not the intention. There are increases for certain violent crimes, two of which were just accepted, one being on crimes with handgun.

Mr. MATHIAS. We are discussing in general that there should not be a general advance, a general increase, in the length of sentence, which I think will happen and which the Senator from Delaware thinks will not happen. But I think it is of some importance that he has made that statement on behalf of the managers of the bill because the guidelines commission is going to obviously look at the Senate processing for some direction.

Mr. BIDEN. That is my strong conviction and I hope they do read it. I hope they do listen to it. From the beginning, from the outset, that has been the intention of the Senator from Delaware, and prior to that

the Senator from Massachusetts. I want to reiterate for the record that that is exactly our intention.

Now, unfortunately, some of the conversations reported in the CONGRESSIONAL RECORD are not always illuminating, but in this case the signal that is given by the Senator from Delaware is very clear. The pending amendment before the Senate simply writes into the statute exactly what the Senator from Delaware said. It simply spreads upon the statute books the intent as he has described it in as plain and simple and clear English as I could conceive.

The amendment would add an additional instruction to the sentencing commission to just carry out the intention expressed so well by the Senator from Delaware. The commission would be required to develop guidelines which are not intended to increase nor likely to have the effect of increasing any of three measures of the population pressure upon Federal prisons.

The first measure is the aggregate length of terms of imprisonment served by Federal prisoners. In other words, if you added up the number of months served by all prisoners in Federal institutions, that number would not be higher after the inclusion of the guideline systems than it was before. Of course, it is obvious that some kinds of prisoners convicted of some offenses might serve longer sentences than they do now, but that would be offset by decreases in the time served by other prisoners. Obviously, if the aggregate length of terms increases, we will need to build more prisons, because more prisoners will be incarcerated for longer periods than is currently the case.

The second measure is the average term of imprisonment served by persons convicted of Federal crimes. There are several ways to calculate averages. The simplest is just to take the aggregate length of terms figure which is the first measure and to divide it by the number of prisoners.

There may be more sophisticated methods of calculating the average prison term, but I think all of them have in common the fact that, if the average term increases, there will be pressure on prison capacity and new prisons will be needed.

The third measure is perhaps the simplest one: the inmate population of Federal prisons. This calls for a comparison between the number of people imprisoned before the implementation of the guidelines and the number of people imprisoned at an appropriate point of comparison after the guidelines are implemented. I need hardly add that if this count increases, then once again more prison space will be needed.

So this amendment is very simply directed toward intentions and toward what is likely. It is not designed to demand certainty because, as we have discussed already today, no certainty is possible in dealing with the future. But it simply calls on the Sentencing Commission to make sure that its guidelines will not be likely to have the effect of increasing any of the three measures of prison population which I have just discussed.

In making that judgment, the Commission will, of course, make assumptions about demographic trends, about social conditions, about other factors that may have an influence on how many people ought to be incarcerated in Federal prisons and for how long.

All this amendment requires is that given reasonable assumptions, the projected prison population after the implementation of guidelines is unlikely to be higher than at present, and that the projected aggregate and average term of imprisonment are also not likely to increase.

I am advised that from a statistical point of view, these projections are not difficult to make. In fact, I think the Minnesota Sentencing Guidelines Commission relied very greatly upon them in developing the guidelines in that State, which we have already discussed.

Mr. THURMOND. Mr. President, this amendment would require the Sentencing Commission to tailor sentencing guidelines and policy statements so as not to have the probable effect of increasing either: First, the aggregate length of terms of imprisonment currently served by Federal prisoners; second, the average term of imprisonment currently served by persons convicted of Federal offenses; or third, the current Federal inmate population.

Mr. President, the amendment, in essence, attempts to bind the Commission to issuing guidelines that will not increase aggregate and average sentences to imprisonment and inmate population above current levels regardless of whether such a scheme conforms with rational sentencing policy. The sentencing provisions of this bill have been proposed primarily because current sentencing practices are undisciplined and chaotic. Studies cited in the committee report establish that the current system results in totally unpredictable sentencing with wide unwarranted disparity both as to which defendants will be sentenced to any imprisonment and, if sentenced to imprisonment, the length of the term. It would be most unwise to arbitrarily use the results of current sentences and inmate population as an unreasoned yardstick for establishing an ordered sentencing system.

Mr. President, experience under current practices may upon study reveal the application of principles useful to the sound crafting of uniform sentencing guidelines and policy statements. But the appropriate approach is, as provided in this bill, to charge the Commission with the duty to evaluate current practices and to make reasoned judgments as to whether it is desirable to reach a similar result through guidelines.

Mr. President, one further comment should be made concerning that part of the amendment to limit the inmate population of the Federal prisons to current levels. Sentencing policy is only one of many factors that rightfully affects inmate population. For example, success in solving crimes affects the number of convictions. Similarly, prosecution priorities, such as shifting the emphasis from white collar crime to serious narcotics and violent offenses, affect the number of persons properly sentenced to imprisonment. Again, the bill approaches this problem in a sound fashion by requiring the Commission to evaluate the probable impact of the new sentencing system and to make recommendations to Congress concerning the inmate capacity of the system.

Mr. President, for these reasons I believe this amendment is unwise. I hope the Senate will not adopt it.

Mr. President, the administration is opposed to this amendment. The Justice Department is opposed to this amendment. The Judiciary Committee is opposed to this amendment. In the Judiciary Committee, we voted 15 to 1 against it. The Senator from Maryland was the only Senator who voted for it. I hope the amendment will be defeated by the Senate.

Mr. LAXALT. Mr. President, the amendment to bar the guidelines from increasing the aggregate of current prison terms should be opposed. It is far too rigid.

The bill already requires the Sentencing Commission to take the capacity of the prison system, as well as that of other parts of the criminal justice system, into account in promulgating the guidelines. However, rather than lock the Sentencing Commission into current practice, the bill provides that the Commission should make recommendations to the Congress concerning changing that capacity, if the capacity of the system would be exceeded by the guidelines.

Any responsible Sentencing Commission is going to take the capacity of the system into account in promulgating guidelines. The Commission should not, however, be locked into current practice if it finds that the practice does not adequately serve the purpose of sentencing. This is not to suggest that we anticipate that guidelines will cause and increase in the demands on the prison system or other parts of the criminal justice system; it is only to suggest that the Sentencing Commission should be able to recommend guidelines that reflect its best judgment regarding appropriate sen-

tencing policy without having its hands tied by undue restrictions imposed by the Congress.

The whole impetus for sentencing reform stems from the fact that present sentences are often disproportionate and unjust. It makes little sense to lock in the Sentencing Commission to the average sentences of the present system rather than to allow the Commission to improve sentencing. Congress, of course, need not approve the Commission's guidelines.

For these reasons, I urge the Senate to reject this amendment.

Mr. BIDEN. Mr. President, I should like to respond briefly to the Senator from Maryland regarding his amendment.

Although this amendment affects the intent of Congress, it is impossible to predict with certainty whether or not the prison population will increase at any time in the future because of these new guidelines. For example, what if there is a sudden large increase in terrorist activities? What if there is a sudden large increase, such as we had in the 1960's, with respect to violence on campuses, or any number of things that are affected by trends that occur in this country?

Should persons, for example, who are involved in terrorist activities—and I want to make it clear that I am not making a comparison between terrorism and what happened on the campuses in the 1960's, because that is where I was in the 1960's—should those persons who otherwise would be imprisoned be released to accommodate terrorists because there is an influx of terrorism?

If the new guidelines, on their face, would result in a net increase in the prison population, Congress could reject them and ask the Sentencing Commission to draft new ones, more in line with congressional intent, and Congress could face up to the issue of what it is going to do about prison size.

The amendment, though well-intended, is too vague. From what point in time will aggregate terms or average terms be determined? Does inmate population include persons detained in State institutions, in halfway houses, or on furlough?

Mr. President, there is a consistency to all the amendments the Senator has offered. If you accept his basic premise, they all have compelling reasons to be adopted. But I do not think the basic premise on which the Senator from Maryland is proceeding is that sound, which is that, automatically, prison population will increase and that this lack of discretion on the part of the judges will produce this hemorrhaging new statistic.

Mr. MATHIAS. Mr. President, I say to the distinguished Senator from South Carolina, yes, It is true that I fight alone, but I fight on.

I say to the distinguished Senator from Delaware that I express my appreciation to him for saying that this amendment does correctly state the intention of the authors of the bill—that is the important contribution to the legislative history here—and I hope Congress will adopt it in that light.

Mr. President, I ask for the yeas and nays on this amendment.

Mr. THURMOND. Mr. President, I move to table the amendment.

Mr. MATHIAS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. I move to table the amendment.

Mr. MATHIAS. I make the same request on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There is a sufficient second.

The yeas and nays were ordered.

● Mr. LEVIN. I will vote in favor of the Thurmond motion to table the Mathias amendment. However, I would have voted against the Thurmond motion to table the amendment if it had been phrased in neutral terms. If the amendment had stated that it was not the Congress intent to increase or decrease the Federal prison population in implementing sentencing reform, it would have been consistent with the primary purpose of title II of S. 1762—to eliminate disparity in sentencing at the Federal level.●

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. TRIBLE), are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN), would vote "yea".

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Arkansas (Mr. BUMPERS), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 1, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—76

Abdnor	Glenn	Packwood
Andrews	Gorton	Pell
Armstrong	Grassley	Pressler
Baker	Hatch	Proxmire
Baucus	Hawkins	Pryor
Bentsen	Hecht	Quayle
Biden	Heflin	Randolph
Bingaman	Heinz	Riegle
Boren	Helms	Roth
Burdick	Hollings	Rudman
Byrd	Humphrey	Sasser
Chafee	Johnston	Simpson
Chiles	Lautenberg	Specter
Cochran	Laxalt	Stafford
Cohen	Leahy	Stevens
D'Amato	Levin	Symms
Danforth	Lugar	Thurmond
Denton	Matsunaga	Tower
Dixon	Mattingly	Tsongas
Dodd	McClure	Wallop
Dole	Melcher	Warner
Domenici	Metzenbaum	Weicker
East	Mitchell	Wilson
Evans	Moynihan	Zorinsky
Exon	Murkowski	
Garn	Nunn	

NAYS—1

Mathias

NOT VOTING—23

Boschwitz	Goldwater	Kennedy
Bradley	Hart	Long
Bumpers	Hatfield	Nickles
Cranston	Huddleston	Percy
DeConcini	Inouye	Sarbanes
Durenberger	Jepsen	Stennis
Eagleton	Kassebaum	Trible
Ford	Kasten	

So the motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I will state for the majority leader that there will be no further votes this evening.

Mr. LEAHY. Mr. President, when the Judiciary Committee traveled to Burlington, Vt., for a hearing on rural crime in 1982, I called violent crime everyone's nightmare. It still is. Almost one-third of American households are victimized by crime each year, and the national bill for this rampage amounts to $125 billion or more. According to a recent magazine survey, a majority of Americans are afraid to walk in some

areas within 1 mile of their own homes.

In Vermont, as in the rest of rural America, the problems are even more acute. Statistics show that rural crime has risen faster in the last decade than urban crime, and yet relatively little attention has been given to the rural crime problem by Congress. If this has been the year for action in Congress to deal with the effects of crime on our lives and our culture, it is also the year of the shrunken budget and the tightened belt. I have deep concerns about the collision of these laudable goals. Law enforcement is one area where government is indispensable, and where even the appearance of backing away from the war on crime can have the effect of a major retreat.

Any retreat from rural law enforcement can mean not only dramatic increases in the cost of crime to society and government, but a tragic change in the quality of rural life.

The training of local law enforcement officials is the cornerstone of the fight against rural crime, and training is principally a responsibility of State and local jurisdictions, not the Federal Government. But the Federal Government has an important role to play in providing financial and other support to local training efforts. Building the apparatus of enforcement and a climate of safety and civility in our communities takes years of planning and continued nurturing. Once gone they will take a very long time to restore.

The rural crime amendment to S. 1762 is a modest but important step forward. It amends the Justice Assistance title of the bill—title VI—to focus national attention on the problems of rural crime in four specific areas:

First. One of the problems in combating rural crime is identifying it as a specific problem requiring specific strategies and resources. The rural crime amendment would identify and specify rural crime as a specific target for the National Institute of Justice, which is established in title VI—Justice Assistance—and which is directed in part C to provide and encourage research and demonstration grants.

Second. It is difficult to identify and treat the problems of rural crime without comprehensive information about the problem. This is a point that was stressed in our Vermont hearing. There have been some useful studies in the past, but they have served to demonstrate the need for ongoing and comprehensive data about rural crime, with an emphasis on the needs of State and local justice systems. The rural crime amendment would require the Bureau of Justice Statistics, which is established in part D of title VI, to compile, analyze, and publish national statistics concerning rural crime, in addition to the other categories of criminal problems presently enumerated.

Third. In addition to identification and study, the rural crime amendment would seek to fund a certain number of programs and projects that would translate learning into action. Part E of title VI established a Bureau of Justice program, which makes grants to States for specified purposes. The rural crime amendment would establish a new category for grant-eligible programs or projects, to "provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combating crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention."

Fourth. In response to almost every witness at our Vermont hearing on rural crime, part L of title VI provides for FBI training of State and local criminal justice personnel. This training effort does not duplicate the programs initiated under part E, which are designed to help the States and local government units to set up programs of proven effectiveness, using resources specified in the program. Part L seeks to directly transfer FBI skill and know-how to State and local justice officials who are already involved in the fight against rural crime. While rural areas are already eligible for FBI training assistance under part L, the rural crime amendment focuses the training effort on the "effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government."

I believe that in sparse population areas, justice officials must make maximum use of regional capabilities to combat certain problems that might exceed the reach of local enforcement authorities from time to time. For the same reason, high levels of coordination are essential.

The rural crime amendment has wide bipartisan support and is long overdue. I urge its adoption by all of my colleagues, rural and urban. Crime anywhere hurts all of us everywhere. A gain against rural crime will benefit all Americans.

In closing, I would like to express my great appreciation to Senators LAXALT, THURMOND, and BIDEN for their great help on this amendment. Their comments were invaluable and their cooperation in bringing the amendment to the floor was much appreciated by this Senator.

Mrs. HAWKINS. Mr. President, as chairman of the Senate Drug Enforcement Caucus and cosponsor to S. 1762, I want to applaud the hard work and leadership of Senator THURMOND, Senator BIDEN, and Senator LAXALT. This major law enforcement initiative deserves the strong support of the Senate.

Epidemic levels of drug abuse and drug related violent crime threaten to cripple our youth and our Nation, unless we take action now. For too long law enforcement has been outmanned, outspent, and outgunned by drug traffickers.

Last year, Senator THAD COCHRAN and I held an investigative hearing into gulf coast drug interdiction. This joint hearing of the Senate Drug Enforcement Caucus and the Senate Appropriations Subcommittee on Defense revealed shocking facts related to the role of organized crime in drug trafficking.

Mississippi Bureau of Narcotics Director Tom Dial presented the Biloxi, Miss., hearing with a partial list of a drug operation's "standing orders" his office confiscated during one of their investigations. It directed:

Very little drinking, and no drugs allowed during the course of a job.

Two workers per room. Rooms are preregistered by a female advance worker.

No telephone calls allowed from the motel room. Calls must be made on a pay telephone at least 5 miles from both the model and the jobsite. Contact with family will be through a message service.

Eat all meals away from the motel.

Top off the gas tank at every stop en route.

Carry $500 petty cash.

He indicated that drug smugglers have Mississippi law enforcement outfunded, outequipped and outstaffed.

"The entire budget of the Gulfport Police Department is $2.1 Million," said its acting chief, Hayward Hargrove. "But one drug operation can net $40 million."

Reform of our criminal justice laws are desperately needed now.

Narcotic traffickers consider the present bail bond requirements to be a cost of doing business. In May 1983, a kingpin of major underground organization was arrested for smuggling marihuana. The Government requested $1 million bail. The bail, however was set at only $50,000. The suspect posted bail, and fled.

In April 1983, a man who controlled several drug trafficking operations was delivering hundreds of pounds of marihuana from the Gulf of Mexico to the Southeastern United States. He was making between $250,000 and $500,000 a month. He was arrested and bail was set at $21 million. Bail was later reduced to $10 million, and then to $500,000. The man posted bail, fled and is still at large.

In February 1983, two people were arrested in Miami for possession of 20 kilograms of cocaine. The Government recommended that each be held on $5 million bail. A bail of only $500,000 was set for one. The suspect posted bail, fled and is still at large. The recommendation was followed for the other suspect, however. He did remain

in jail, was convicted, and is now serving a prison term.

In recent years, this Nation has been plagued by an outbreak of crime unparalleled in our history and unequaled in any other free society.

The perniciousness of crime in America has been fostered of late by two interrelated developments. Crime has become increasingly organized and sophisticated. And organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc on our communities and our lives. The combination of drug trafficking and organized crime represents the most serious crime problem facing this country today. Directly or indirectly, it threatens each person and institution in this country. It threatens the fabric of society—and the gown of public integrity.

In 1983, illicit retail drug sales are estimated to total more than $100 billion, an increase of about 100 percent from 1977. To give you a little perspective, in 1980, illicit drug sales were about equal to the combined profits of America's 500 largest industrial corporations. It is, however, organized crime that reaps the overwhelming bulk of these profits and more, because drugs are just one of the businesses of organized crime. And no taxes were paid on these enormous sums.

On a human level, the drug problem caused by organized crime is even more staggering. Drugs victimize not only addicts, but also those whom addicts assault, rob, and burglarize to obtain the large sums of money they need to feed their drug habit. There is no doubt that drug trafficking spawns an unbelievable amount of related crime. One recent study demonstrated that over an 11-year period, some 243 addicts committed about one-half million crimes—an average of 2,000 crimes each or a crime every other day—just to support their habits. In fact, half of all jail and prison inmates regularly used drugs before committing their offenses. According to a very recent Rand study, addicted offenders in my home State, for example, committed nearly nine times as many property crimes each year than did nonaddicted offenders.

The drug trafficking that creates these other crimes is itself organized crime. Large-scale drug dealers must organize their operations. They obtain the illicit substances, or the rights to the substances, overseas. In many cases, they make payoffs to foreign officials so that their "foreign operations divisions" run smoothly. They arrange for the processing of drugs overseas—the making of poppy into heroin, the making of coca into cocaine—and they develop operations to smuggle the product into this country. Within our border, the drug dealers have set up elaborate enterprises for cutting the pure imported drugs and distributing them over wide geographical areas.

And the organization does not stop there. Drug money is laundered through legitimate businesses set up as "fronts" for drug dealers. The profits are then plowed back into the drug business, just as in a legitimate major enterprise. Increasingly, some of the profits are actually invested in legitimate businesses, including real estate in Florida, restaurants in California, and other businesses across the Nation.

The popular notion that the syndicate—or traditional organized crime—stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug trafficking networks. Virtually every one of them is involved in drug trafficking in one way or another.

By achieving the amendment of the posse comitatus law, we have been able to utilize the military's resources—and its tracking and intelligence capabilities—in the fight against drug traffickers. Through amendments to the Tax Reform Act, more crucial information is more readily available to law enforcement—and more tax cases are possible against drug dealers and organized crime.

S. 1762, the Comprehensive Crime Control Act, is desperately needed now, as a tool against drug traffickers and organized crime. I call upon my colleagues to join me in passing this important law enforcement initiative. We must become a nation with zero tolerance for illegal drugs and narcotics traffickers.

Mr. NUNN. Mr. President, I first wish to thank my friend and distinguished colleague from South Carolina (Mr. THURMOND) for his outstanding leadership in the area of crime control and for bringing S. 1762, the Comprehensive Crime Control Act of 1983, to the floor of the U.S. Senate. I also wish to thank my friend and distinguished colleague from Delaware (Mr. BIDEN) for his outstanding leadership in this area and for the fine work which he has done on this legislation.

As former chairman and current ranking member of the Senate Permanent Subcommittee on Investigations, I have seen firsthand the serious crime problem facing our Nation. Hearings we have conducted vividly described and portrayed the problems created by drug trafficking, mob violence, and labor racketeering.

In the last Congress, many of us in the Senate introduced tough legislation designed to deal with such nationwide problems as organized crime, narcotics trafficking, juvenile justice, arson, and sentencing reform. Many of these proposals passed the Senate in the Violent Crime and Drug Enforcement Improvement Act of 1982, which was introduced by Senators THURMOND and BIDEN, and which I cosponsored. Several of the proposals contained in that legislation were also passed by the House as amendments to H.R. 3963 in the final hours of the 97th Congress but were vetoed by President Reagan on January 14, 1983.

In this Congress, I have joined my distinguished colleague, Senator CHILES, in introducing S. 117, the Crime Control Act of 1983. Many of the provisions of the legislation now before us, including those provisions affecting contract murder, protection of the families of Federal officers, bail reform and sentencing reform, are identical or similar to those previously included by Senator CHILES and I in S. 117. On June 20, 1983, the Senate passed the Labor-Management Racketeering Act of 1983, a bill which I introduced, in order to combat the problem of labor union corruption. I am pleased that S. 1762 also contains many of the key provisions of that bill. In the last Congress, I introduced a bill designed to reform the insanity defense. I am also pleased to see several of the key provisions of that bill included in this legislation.

We all agree that Congress must take action to combat crime in America. Crime continues to be one of the most serious problems facing our Nation. I am pleased to report that, according to the latest statistics released by the Federal Bureau of Investigation, the crime rate was down 3 percent in 1982. However, the bad news is, even with the decrease, serious crime is up 15 percent over 1978 and 47 percent higher than a decade ago. In 1982, there were 12.9 million serious crimes in our country.

One significant result of the crime epidemic is the paralyzing affect that it has on the American people. Citizens of this country are virtually being held prisoner in their own homes by criminals who operate in the streets with impunity and with little or no fear of arrest or punishment. This is particularly true for those citizens who live in the inner cities, which includes a great many of our elderly and minority citizens. A 5-minute drive through this very city, the Capital of this great Nation, reveals this shocking truth: honest citizens have had to bolt iron bars over their doors and windows for protection from crime. We seem to have reached a complete reversal in our society: The law-abiding citizens lock themselves behind bars and the criminals freely roam our streets. It is as if we have been conquered by an evading army.

A recent study conducted by Reader's Digest and Gallup indicated that 13 percent of all Americans and 31 percent of women living in central cities are afraid to walk in their own neighborhoods during daylight hours. The same survey found that approxi-

mately 50 percent of all individuals are afraid to walk their own neighborhood streets at night.

It is true that over 90 percent of all crime committed in the United States falls within the jurisdiction of State and local law enforcement, including a large part of violent street crime. It is estimated by the FBI that, on the average, a murder is committed in the United States every 24 minutes, a home burglarized every 10 seconds and a woman raped every 7 minutes. Based upon these figures, it can be estimated that in terms of human suffering, over 42,000 people were killed, over 150,000 women raped and over 6 million homes burglarized during the 97th Congress. By and large, these crimes are beyond our direct reach here on the floor of the U.S. Senate. But they are not beyond the reach of our constituents who are in fact the daily victims of this criminal activity.

At the same time, organized crime flourishes as an interstate network of criminal activity which, in some areas of our country, control entire industries. The illegal narcotics trade now does as much business in the United States as Exxon, the largest U.S. corporation. Organized crime and drug trafficking are problems which we can and must directly address in the Chamber. And as we do, we will see that we have had an impact on burglary and murder and many of the other crimes which occur in our Nation. Organized crime and drug traffickers spawn much of the violent crime which now infects our streets. A recent study, which has become all to familiar, found that over an 11-year period 237 addicts were responsible for over a half a million crimes.

We can and must address this most serious problem by taking action in several areas. Specifically, we can and must address the areas of bail and sentencing reform. We must reform the insanity defense and the procedures whereby moneys and properties of criminal enterprises are forfeited to the United States. We also must address labor racketeering, certain violent crimes and certain nonviolent serious offenses. The Comprehensive Crime Control Act of 1983 does address these and other issues in a most forthright manner and deserves our support.

Crime is not a partisan question. This is a bipartisan question which affects all of our constituents. Certainly, while we are struggling over many controversial items in many diverse areas, we should pause and attempt to come together on this important package of criminal law reforms. In doing so, we can help turn the tide against the crime wage which today continues to afflict our people.

AMENDMENT NO. 2330

(Purpose: To clarify the responsibility of the Department of Labor to detect, investigate, and refer civil and criminal violations of the Employee Retirement Income Security Act and related federal laws)

Mr. NUNN. Mr. President, I have an amendment to this Comprehensive Crime Control Act of 1983 that has been cleared on both sides. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Maryland will be set aside.

The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN) proposes an amendment numbered 2330.

On page 313, line 1, insert the following new section:

SEC. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

Mr. NUNN. Mr. President, I rise today, joined by Senators HATCH, RUDMAN, CHILES, NICKLES, ROTH, KENNEDY, DECONCINI, STENNIS, JOHNSTON, PRYOR, HOLLINGS, and EAST, to offer amendment No. 2330 to title VIII of S. 1762, the Comprehensive Crime Control Act of 1983. Title VIII of that bill deals with the critical problem of labor racketeering. Designed to assist law enforcement in their efforts against labor-management racketeering, that title is identical, with one exception, to the Labor-Management Racketeering Act, a bill which I introduced as S. 1785 in the last Congress and again as S. 336 on February 1, 1983. Approved by the Senate Labor and Human Resources Committee during both Congresses, that bill passed the Senate without opposition on three separate occasions: twice during the last Congress and again on June 20, 1983. It is now pending before the House Subcommittee on Labor-Management Relations and is today again before the Senate in the form of title VIII of the comprehensive crime bill.

I want to take this opportunity to thank Senator HATCH, as chairman of the Labor and Human Resources Committee, Senator KENNEDY, as ranking minority member of that committee, and Senator NICKLES, as chairman of the Labor Subcommittee, for their work on the Labor-Management Racketeering Act, including this amendment. I also want to thank Senator ROTH, Senator CHILES, and Senator RUDMAN for their work with the Permanent Subcommittee on Investigations in the hearings on which this legislation was based.

The provisions on labor-management racketeering attempt to remedy serious problems concerning the infiltration of some unions and some employee benefit plans by corrupt officials who have no real concern for the well-being of the honest rank-and-file union members they pretend to represent. Those problems were graphically illustrated in public hearings on waterfront corruption before the Permanent Subcommittee on Investigations in February 1981. The legislative proposals in title VIII are a direct result of those hearings. As ranking minority member and former chairman of the subcommittee, I had the opportunity to direct an extensive staff investigation of criminal activity within both the International Longshoremen's Association, the ILA, and the American shipping industry.

The hearings followed a very extensive investigation of the waterfront and the corruption on the waterfront by the U.S. Department of Justice and the FBI. They did a superb job.

In 1975, the Justice Department launched a nationwide investigation of racketeering on our waterfronts. This sweeping inquiry culminated in the criminal convictions of more than 100 high-level ILA officials and shipping company executives. These persons were charged with a variety of offenses ranging from violating the Taft-Hartley Act to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion.

Spurred by the success of the Department of Justice's UNIRAC investigation, the subcommittee staff interviewed numerous witnesses and reviewed countless other items of evidence in order to convey to the American public an accurate portrait of the American waterfront in the 1980's. That portrait, as presented in 2 weeks of hearings in February 1981, is, unfortunately, a dismal one. Witness after witness described the struggle for economic survival in some ports which are riddled with a pervasive pat-

tern of kickbacks and illegal payoffs to union officials.

Our hearings provided compelling evidence of the corrupt influence of organized crime in labor-management relations. Clearly, the vast majority of union officers, employee benefit plan officials, and rank-and-file union members are honest, hard-working, law-abiding citizens. Unfortunately, however, our hearings have shown that a small group of parasites have fastened themselves onto the body of the labor movement. These parasites are perverting the true interests of the union members they claim to represent through a pattern of payoffs and extortion. The Labor-Management Racketeering Act provides the extra assistance needed for unions to rid themselves finally of those corrupt officials who are motivated not by the welfare of the American worker but by their own greed.

As included in title VIII of the crime bill now before us, this legislation will increase criminal penalties for illegal payoffs and kickbacks in violation of the Taft-Harley Act and will prohibit immediately upon conviction of certain crimes persons from holding certain union and management positions. Both of those provisions have passed the Senate on three previous occasions and have been included in title VIII of the crime package which is before us today.

In previously passing the Labor-Management Racketeering Act, the Senate also approved amendment No. 2330, which I now offer, and which is not included in the crime bill now before us. The amendment, which previously passed in the Senate as the final section of both S. 1785 and S. 336, is designed to clarify the Department of Labor's responsibilities to investigate and refer allegations of criminal activity. The need for this amendment has been clearly established in Senate hearings before the Permanent Subcommittee on Investigations, the Committee on Labor and Human Resources, and the Labor Subcommittee.

I might also point out that, in addition to having been previously passed by the Senate on three occasions, this amendment, as part of the Labor-Management Racketeering Act, has had the strong and enthusiastic support of a wide range of interests. The Labor-Management Racketeering Act has been endorsed by the Department of Labor, the Department of Justice, Lane Kirkland of the AFL-CIO, as well as George Lehr of the Teamsters Central States pension fund.

Of particular note was Lane Kirkland's endorsement of the bill in his testimony before the Permanent Subcommittee on Investigations in October 1981 and his written testimony submitted to the House Subcommittee on Labor-Management Relations of the Committee on Education and Labor in December 1982. We have worked very closely with Mr. Kirkland as well as Larry Gold of the AFL-CIO on this legislation. Their cooperation and support have undoubtedly added significantly to the merits of these proposals and greatly increased the prospects of final enactment into law.

This amendment clearly delineates the responsibility and authority of the Department of Labor to actively and effectively investigate and refer for prosecution criminal activities relating to union or employee benefit plan corruption. This provision responds to the evidence which we found in our investigations that, although the Labor Department is often active in proceeding with civil actions to enforce Federal law, there has been in the past a great deal of confusion as to whether it should or even could engage in criminal investigations and referrals.

As but one example, we found that under past leadership, the Department of Labor had intentionally deemphasized the criminal aspects of its inquiry into the management of the Teamsters Central States pension fund. As a result, we found that persons who allegedly defrauded the fund would never be properly investigated.

Moreover, this amendment speaks to the many witnesses who, during our hearings, testified that the Department of Labor had failed in other investigations to act against labor racketeering on the waterfront and elsewhere.

In 1981, we heard from both Federal prosecutors and the FBI that the Department of Labor had taken no role in the fight against criminal corruption on the New York/New Jersey waterfront. A Federal prosecutor told us that the Department of Labor had simply not addressed the problem of waterfront corruption in south Florida. The chief investigator of the State attorney's office in Dade County told us that no Federal agency, including the Department of Labor, was then monitoring criminal corruption on the Miami waterfront. A witness, convicted in the UNIRAC investigation and familiar with the scope of labor racketeering, suggested that the Labor Department, given its failure to act in the area, should be abolished.

Faced with our criticism on the past lack of effort by the Labor Department, Secretary Donovan assured our subcommittee, in his November 1981 testimony, of a more active enforcement role by the Department in the future. In keeping with the Secretary's statement, the Department has, in fact, vigorously pursued the outstanding civil litigation in the Teamsters Central States pension and health and welfare funds investigations, achieving substantial settlements in some of those cases and the imposition of a judicially enforced consent decree to monitor future asset management in the pension fund. I commend those efforts and am hopeful that this type of strong enforcement effort will continue in the future. In the criminal arena, I am equally encouraged by the fine efforts of the organized crime and racketeering section of the Labor Department's Inspector General's office in investigating and presenting for prosecution major labor racketeering cases. This emphasis on criminal enforcement by the Labor Department has undoubtedly been of tremendous assistance in the total Government effort against organized crime and labor racketeering.

Nevertheless, while Secretary Donovan has gone a long way toward correcting past mistakes and focusing the Department's energies on rooting out crimnal corruption in unions and benefit plans, we cannot and should not rest the future of law enforcement efforts against labor racketeering on oftentimes changing departmental policies. The law should be clarified once and for all to avoid future misunderstandings of congressional intent. This amendment would achieve that purpose by clearly setting forth the Labor Department's responsibility to actively investigate and refer criminal violations in the labor field. Clearly, such action suggests that the directive set forth in this amendment is necessary to insure an active and effective role by the Department in the criminal area.

Some may ask whether this amendment might possibly encroach on the authority of other Federal investigative and prosecutorial agencies to pursue criminal allegations. On that point, there is a specific proviso in this amendment which we intentionally included to avoid such a result. The amendment expressly states:

> Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this subchapter and other related Federal laws.

Moreover, testimony before the Subcommittee on Investigations from representatives of other law enforcement agencies clearly supports the need for the assistance of the Department of Labor in this area. When asked whether the Department of Justice is capable of continually policing the waterfront on the level of UNIRAC, a Federal prosecutor testified:

> • • • It is impossible, Senator. What has happened is, for instance, the agents and attorneys who were first involved in this investigation and prosecution have gone on into other areas and we have other priorities. It takes an enormous amount of resources to be committed to this matter in order to monitor and police the industry.

That some prosecutor testified that the Department of Labor could play an effective role in the effort against labor racketeering, noting that:

They have the authority to monitor this better than the FBI can in terms of constant monitoring. The FBI, I think, has to devote its resources to too many other areas, and the notoriety of the corruption in the waterfront industry and in the ILA * * * should catch the Department of Labor's attention to monitor what is going on in that industry.

In areas of labor racketeering beyond the waterfront, the record of the Permanent Subcommittee on Investigations' 1980 hearings on the investigation of the Teamsters Central States pension fund includes a Department of Justice memorandum from then Deputy Assistant Attorney General John C. Keeney to then Attorney General Benjamin Civiletti. In that memorandum, Keeney states that problems in the Justice Department investigation had resulted from the Department of Labor's "failure to refer evidence of criminal misconduct to us." This amendment would prevent that type of situation by insuring an active and helpful role for the Labor Department in criminal investigations. Rather than inhibit enforcement by other agencies, the bill would assist their efforts by adding the full resources of the Department of Labor to the fight against labor racketeering.

In sum, this amendment, when coupled with the other provisions of title VIII, is a major step toward insuring the integrity of the collective bargaining process and protecting the interests of the honest union member. I again urge the Senate to pass this amendment, as it has so wisely done on three prior occasions, and to work diligently toward its early passage in the House as part of the Comprehensive Crime Control Act of 1983.

Mr. President, this amendment has been cleared on both sides. It has been passed, I believe, three times by the Senate as part of the overall labor-management racketeering bill. The other parts of that legislation are incorporated in this main crime bill. This portion was left out. I do not think it was intentional, but this portion, I think, can best be explained by simply reading the paragraph of what it does.

(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.

This amendment I have sent to the desk is on behalf of Senator HATCH, myself, and Senator NICKLES. It does clarify the responsibilities of the Department of Labor and makes it abundantly clear in the law what I think is already in the Federal law but not as clear as it should be—that the Labor Department has the obligation to detect both civil and criminal violations of what we call ERISA or the Employee Retirement Income Security Act and related Federal laws.

We have had a whole series of hearings on this over the last 3 or 4 years. It is clear that there has been some vagueness and ambiguity as to what the Labor Department's appropriate role is. This makes it absolutely clear that they are to detect both criminal and civil violations and then they refer them to the Justice Department under the appropriate procedures.

Mr. President, I see the distinguished Senator from Utah is here as the prime cosponsor. I yield to him.

Mr. HATCH. Mr. President, I am proud to be a cosponsor of the amendment being offered by my distinguished colleague from Georgia, Senator NUNN. To date we have had a little fortune in getting the other body to take up the Labor Management Racketeering Act, S. 336. By including that bill in the crime control package, I hope that we will be able to break the apparent procedural deadlock we seem to be facing.

As reported out of committee, the crime control package failed to include an important provision found in S. 336, that which concerns the delegation of authority between the Department of Labor and the Department of Justice.

The amendment will make it clear that the Department of Labor has not only the authority but also the responsibility for detection, investigation, and referral of civil and criminal violations of the appropriate Federal labor laws to the Department of Justice. In my view, this is probably the most important provision in S. 336. Unless the Department of Labor not only is committed to the principles of this legislation, but also is actively ridding the labor movement of organized crime and other racketeers, the purpose behind S. 336 may prove fruitless.

Consequently, the amendment makes it clear that it is the intent of Congress that the Department of Labor enforce the antiracketeering statutes aggressively.

By adopting this amendment, the Senate will insure that the Labor Management Racketeering Act found in the crime control package is consistent with the legislation that has been unanimously approved by this body on three previous occasions. I urge my colleagues to vote in favor of this amendment.

Mr. President, I thank the distinguished Senator from Georgia for his leadership in this area. Not only has there been excellent leadership by the Senator from Georgia; I might add many other people, including the distinguished Senator from New Hampshire (Mr. RUDMAN) have led the fight in this body to try to resolve some of the labor racketeering problems. As the distinguished Senator from Georgia has said, this will be the third or fourth time this has passed this full body. This is a very important correction, to correct an oversight that is literally in the bill. I agree with the distinguished Senator from Georgia that it is one of the more important corrections we can put in the bill.

I again wish to pay tribute to those who have worked so hard to try to resolve problems in this area, including the top labor leaders in this country. I want them to know that I personally appreciate it.

I thank the distinguished Senator from Georgia for yielding.

Mr. NUNN. I thank the distinguished Senator from Utah.

Mr. President, I might add that Senator RUDMAN, along with Senator HATCH, is a prime cosponsor of this amendment, along with Senator ROTH, Senator CHILES, Senator NICKLES, Senator KENNEDY, Senator DECONCINI, Senator JOHNSTON, Senator PRYOR, Senator HOLLINGS, and Senator EAST.

This results from a long series of hearings we have had in the subcommittee known as the Permament Subcommittee on Investigations, chaired by myself as well as the Presiding Officer (Mr. RUDMAN), who has been involved in all of these hearings as well as the Senator from Delaware, Senator CHILES, and others. This is a collective effort.

I thank the Senator from South Carolina and the Senator from Delaware (Mr. BIDEN), who have agreed to this amendment. We think it is a very important part of the authority of the Department of Labor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from South Carolina.

● Mr. NICKLES. Mr. President, I wish to take this opportunity to support Senator NUNN on his amendment to S. 1762, the "Comprehensive Crime Control Act." This provision would specifically give authority and responsibility to the Department of Labor to detect, investigate and refer, where appropriate, civil and criminal violations of the Employee Retirement Income Security Act and other related Federal statutes.

Along with other provisions already contained in S. 1762, this amendment completes the Labor Management Racketeering Act of 1983 which has previously passed the Senate on three separate occasions. Senators Nunn and Rudman have both presented compelling reasons at hearings on the Labor

Management Racketeering Act conducted by the Labor Subcommittee, which I chair, to legislate this responsibility and authority to the Department of Labor. As members of the Permanent Subcommittee on Investigations, they have developed and are still developing an extensive record into the problems of organized crime and the need for a united effort by the Federal Government to combat these activities. This amendment mandates cooperation among the responsible Federal agencies.

Again, I commend Senator NUNN for his efforts, and I am confident this amendment as well as the other provisions of the Labor Management Racketeering Act will pass again for the fourth time today.

I sincerely hope that the House of Representatives will take notice of our continued efforts to pass this legislation and act expeditiously to enact these changes into law.●

Mr. THURMOND. Mr. President, the distinguished ranking member of the Judiciary Committee has left the floor. I understand he has caught a train for Delaware. I believe it was understood there would be no more amendments that would come up.

The distinguished minority leader (Mr. BYRD) tells me that this meets the approval of Senator BIDEN. I am told his staff member says it meets his approval to take this up.

So far as I know, Mr. President, there is no objection to it. I have no objection to it. In view of that, it is satisfactory to me, since Senator BYRD says that Senator BIDEN approves it, for us to go ahead and act on it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2330) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank the Senator from South Carolina for his courtesy. I am pleased to have been able to work with our good friend from Georgia on his amendment.

There will be no further amendments offered tonight, as I understand it.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, we have some routine business to attend to. I ask unanimous consent that there be a period for the transaction of routine morning business during which Senators may speak for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 1961 AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House, H.R. 1961, Vietnam Veterans Agent Orange Relief Act, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

REHABILITATION AMENDMENTS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representative on S. 1340.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 1340) entitled "An Act to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Perkins, Mr. Ford of Michigan, Mr. Biaggi, Mr. Andrews of North Carolina, Mr. Simon, Mr. Miller of California, Mr. Murphy, Mr. Corrada, Mr. Willis of Montana, Mr. Kogovsek, Mr. Erlenborn, Mr. Bartlett, Mr. Goodling, Mr. Gunderson, and Mr. Coleman of Missouri be the managers of the conference on the part of the House.

Mr. STEVENS. Mr. President, I move that the Senate disagree with the House amendments, agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Senators HATCH, WEICKER, STAFFORD, HAWKINS, NICKLES, KENNEDY, RANDOLPH, EAGLETON, and MATSUNAGA conferees on the part of the Senate.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 98-14

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Consular Convention between the United States of America and the Republic of South Africa (Treaty Document No. 98-14), which was transmitted to the Senate on January 27, 1984, by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I am transmitting for the Senate's advice and consent to ratification the Consular Convention between the United States of America and the Republic of South Africa which was signed at Pretoria on October 28, 1982. I am also transmitting for the information of the Senate the report of the Department of State with respect to the Convention. This Convention will establish firm obligations on such important matters as free communication between a national and his consul, notification of consular officers of the arrest and detention of their nationals and permission for visits by consuls to nationals who are under detention.

I welcome the opportunity through this Convention to improve the relations between the two countries and their nationals. I urge the Senate to give the Convention its prompt and favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *January 27, 1984.*

SUSPENSION OF PARAGRAPH 2 OF RULE XXVI FOR CERTAIN COMMITTEES

Mr. STEVENS. Mr. President, I ask unanimous consent that paragraph 2 of Rule 26, requiring the printing of committee rules in the CONGRESSIONAL RECORD by March 1 of this year, be suspended for those committees who have made no changes in their rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the

Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Twelfth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *January 30, 1984.*

ANNUAL REPORT ON PIPELINE SAFETY—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of section 16 of the Natural Gas Pipeline Safety Act of 1968, as amended, and Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979, I hereby transmit the Annual Report on Pipeline Safety for calendar year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *January 30, 1984.*

MESSAGES FROM THE HOUSE

At 1:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1097. An act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2714. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2714. An act to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2350. A communication from U.S. Bankruptcy Court judge for the Eastern District of Michigan, George Brody, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2351. A communication from U.S. Bankruptcy Court Judge Krasniewski, Northern District of Ohio transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2352. A communication from U.S. Bankruptcy Court Judge Coleman, Northern District of Alabama, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2353. A communication from U.S. Bankruptcy Court Judge Breland, Northern District of Alabama, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2354. A communication from U.S. Bankruptcy Court Judge Brauer, Eastern District of Missouri, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2355. A communication from U.S. Bankruptcy Court Judge Elliott, Western District of Texas, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2356. A communication from U.S. Bankruptcy Court Judge Glennon, District of Massachusetts, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2357. A communication from U.S. Bankruptcy Court Judge Ecker, District of South Dakota, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2358. A communication from U.S. Bankruptcy Court Judge Skidmore, Western District of Washington, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2359. A communication from U.S. Bankruptcy Court Judge Moore, Eastern District of North Carolina, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2360. A communication from U.S. Bankruptcy Court Judge Lipkin, Central District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2361. A communication from U.S. Bankruptcy Court Judge Goldhaber, Eastern District of Pennsylvania, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2362. A communication from U.S. Bankruptcy Court Judge Rainville, Northern District of California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2363. A communication from U.S. Bankruptcy Court Judge O'Neill, Northern District of Ohio, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2364. A communication from U.S. Bankruptcy Court Judge Lifland, Southern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2365. A communication from U.S. Bankruptcy Court Judge Ryan, Eastern District of Oklahoma, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2366. A communication from U.S. Bankruptcy Court Judge Dooley, Central District of California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2367. A communication from U.S. Bankruptcy Court Judge Paskay, Middle District of Florida, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2368. A communication from U.S. Bankruptcy Court Judge Franklin, District of Kansas, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2369. A communication from U.S. Bankruptcy Court Judge Parente, Eastern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2370. A communication from U.S. Bankruptcy Court Judge Radoyevich Eastern District of New York, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2371. A communication from U.S. Bankruptcy Court Judge Morton, District of Kansas, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2372. A communication from U.S. Bankruptcy Court Judge Balick, District of Delaware, transmitting, pursuant to law, notice of her acceptance of appointment; to the Committee on the Judiciary.

EC-2373. A communication from U.S. Bankruptcy Court Judge Hess, District of Oregon, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2374. A communication from U.S. Bankruptcy Court Judge Hopper, Middle District of Alabama, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2375. A communication from U.S. Bankruptcy Court Judge Davis, District of South Carolina, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2376. A communication from U.S. Bankruptcy Court Judge Norton, Northern District of Georgia, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2377. A communication from U.S. Bankruptcy Court Judge Dahl, Eastern District of California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2378. A communication from U.S. Bankruptcy Court Judge McCormick, Northern District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2379. A communication from U.S. Bankruptcy Court Judge Hertz, Northern District of Illinois, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2380. A communication from U.S. Bankruptcy Court Judge Ford, Northern District of Texas, transmitting, pursuant to

law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2381. A communication from U.S. Bankruptcy Court Judge Mednick, Central District of California, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2382. A communication from U.S. Bankruptcy Court Judge Hess, District of Oregon, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2383. A communication from U.S. Bankruptcy Court Judge Shelley, Eastern District of Virginia, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2384. A communication from U.S. Bankruptcy Court Judge Schneider, District of Maryland, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2385. A communication from U.S. Bankruptcy Court Judge Kelley, Eastern District of Tennessee, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2386. A communication from Judge Eisen, of the Northern District of Illinois, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2387. A communication from Judge Williams, of the Northern District of Ohio, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2388. A communication from Judge Buschman, of the Southern District of New York, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2389. A communication from Judge Sullivan, of the District of Oregon, transmitting, pursuant to law, acceptance of his appointment as a judge of the Bankruptcy Court; to the Committee on the Judiciary.

EC-2390. A communication from the Chief Justice of the United States, transmitting, pursuant to law, a copy of the Proceedings of the Judicial Conference of the United States held in Washington, D.C. on September 21 and 22, 1983; to the Committee on the Judiciary.

EC-2391. A communication from the Administrative Secretary of the National Music Council, transmitting, pursuant to law, the audit report of the National Music Council for the year ended April 30, 1983; to the Committee on the Judiciary.

EC-2392. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council on activities under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2393. A communication from the Chairman of the U.S. Commission on Civil Rights, transmitting, pursuant to law, a report of the Commission entitled "Federal Civil Rights Commitments; An Assessment of Enforcement Resources and Performance;" to the Committee on the Judiciary.

EC-2394. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a summary of the report entitled "Legislative Changes Needed To Financially Strengthen Single Employer Pension Plan Insurance Program;" to the Committee on Labor and Human Resources.

EC-2395. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Legislative Changes Needed To Financially Strengthen Single Employer Pension Plan Insurance Program;" to the Committee on Labor and Human Resources.

EC-2396. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Health Consequences of Smoking—Cardiovascular Disease;" to the Committee on Labor and Human Resources.

EC-2397. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the Department's administration of its responsibilities under ERISA for calendar year 1982; to the Committee on Labor and Human Resources.

EC-2398. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1983 edition of the report entitled "Health, United States;" to the Committee on Labor and Human Resources.

EC-2399. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The Effects of Copayment on Beneficiaries of the United Mine Workers Health Plan and on Their Medical Providers;" to the Committee on Labor and Human Resources.

EC-2400. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the alcohol and drug abuse and mental health services block grant; to the Committee on Labor and Human Resources.

EC-2401. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the eleventh annual report of the National Heart, Lung, and Blood Advisory Council for the year ended November 30, 1983; to the Committee on Labor and Human Resources.

EC-2402. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, an appeal of the so-called passback from OMB of their administrative budget figures for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-2403. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the Senate Building Beauty Shop financial statements for the fiscal years ended February 28, 1983 and 1982; to the Committee on Rules and Administration.

EC-2404. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a copy of the letter to the President regarding the fiscal year 1985 funding; to the Committee on Rules and Administration.

EC-2405. A communication from the Executive Secretary to the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business firms for October 1982 through August 1983; to the Committee on Small Business.

EC-2406. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the first formal report of the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

EC-2407. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 1983, through September 30, 1983, from moneys appropriated to the Architect of the Capitol; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicates:

POM-487. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Agriculture, Nutrition, and Forestry.

"1983 ASSEMBLY JOINT RESOLUTION 41

"Whereas, the federal government, acting through the United States Department of Agriculture, imposes a 50-cent per hundredweight assessment on milk against dairy farmers in April 1983, and a subsequent 50-cent per hundredweight assessment in August 1983; and

"Whereas, the 2 assessments combined will cost Wisconsin dairy farmers as much as $220 million a year and individual farmer an average of $5,000 a year; and

"Whereas, the USDA has proceeded in this matter despite the persistent outcry from dairy farmers from throughout the nation and particularly in Wisconsin; and

"Whereas, a broad coalition of farm groups has worked diligently and conceived the Voluntary Incentive Program (Dairy Surplus Reduction Act of 1983, H.R. 1528) that will achieve the same goals sought by the USDA with the $1 assessment but without the undue hardship on dairy farmers that the assessment will cause; and

"Whereas, the United States senate has passed legislation that would supersede the $1 per hundredweight assessment and address the dairy surplus situation more equitably; and

"Whereas, the USDA and its secretary, John Block, are insensitive to the needs of Wisconsin's dairy farmers and instead seem to be more sensitive to the needs of dairy farmers in other sections of the nation, particularly the south, where dairy farming is not as crucial a part of the economy as it is here; and

"Whereas, the assessments will fail at the stated goals of cutting production and will only transfer the cost of the program from government to producers; and

"Whereas, Secretary Block and the administration seem intent on solving surpluses in other commodities but do not understand the problems faced by dairy farmers; and

"Whereas, Secretary Block and the USDA fail to take into account the thin profitability of many dairy operations and the importance of the dairy industry to the economic infrastructure of the state of Wisconsin; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin condemns the administration of the federal government, particularly the administration of the United States Department of Agriculture and its secretary, John Block, for taking actions that will harm the dairy industry in Wisconsin without solving the problems currently facing the dairy price support program; and, be it further

"Resolved, That the state of Wisconsin and its legislature support implementation of the Voluntary Incentive Program or other programs that address dairy price

support problems without harming the dairy industry; and, be it further

"Resolved, That the state of Wisconsin and its legislature urge the United States house of representatives to immediately schedule and promptly complete action on legislation to supersede the dairy assessments and address the dairy surplus situation more equitably; and, be it further

"Resolved, That a duly attested copy of this joint resolution be immediately transmitted by the assembly chief clerk to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, and to each member of the congressional delegation from this state, attesting the adoption of this joint resolution by the 1983 legislature of the state of Wisconsin."

POM-488. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Agriculture, Nutrition, and Forestry.

"1983 ASSEMBLY JOINT RESOLUTION 41

"Whereas, the federal government, acting through the United States Department of Agriculture, imposed a 50-cent per hundredweight assessment on milk against dairy farmers in April 1983, and a subsequent 50-cent per hundredweight assessment in August 1983; and

"Whereas, the 2 assessments combined will cost Wisconsin dairy farmers as much as $220 million a year and individual farmers an average of $5,000 a year; and

"Whereas, the USDA has proceeded in this matter despite the persistent outcry from dairy farmers from throughout the nation and particularly in Wisconsin; and

"Whereas, a broad coalition of farm groups has worked diligently and conceived the Voluntary Incentive Program (Dairy Surplus Reduction Act of 1983, H.R. 1528) that will achieve the same goals sought by the USDA with the $1 assessment but without the undue hardship on dairy farmers that the assessment will cause; and

"Whereas, the United States senate has passed legislation that would supersede the $1 per hundredweight assessment and address the dairy surplus situation more equitably; and

"Whereas, the USDA and its secretary, John Block, are insensitive to the needs of Wisconsin's dairy farmers and instead seem to be more sensitive to the needs of dairy farmers in other sections of the nation, particularly the south, where dairy farming is not as crucial a part of the economy as it is here; and

"Whereas, the assessments will fail at the stated goals of cutting production and will only transfer the cost of the program from government to producers; and

"Whereas, Secretary Block and the administration seem intent on solving surpluses in other commodities but do not understand the problems faced by dairy farmers; and

"Whereas, Secretary Block and the USDA fail to take into account the thin profitability of many dairy operations and the importance of the dairy industry to the economic infrastructure of the state of Wisconsin; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin condemns the administration of the federal government, particularly the administration of the United States Department of Agriculture and its secretary, John Block, for taking actions that will harm the dairy industry in Wisconsin without solving the problems currently facing the dairy price support program; and, be it further

"Resolved, That the State of Wisconsin and its legislature support implementation of the Voluntary Incentive Program or other programs that address dairy price support problems without harming the dairy industry; and, be it further

"Resolved, That the state of Wisconsin and its legislature urge the United States house of representatives to immediately schedule and promptly complete action on legislation to supersede the dairy assessments and address the dairy surplus situation more equitably; and, be it further

"Resolved, That a duly attested copy of this joint resolution be immediately transmitted by the assembly chief clerk to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, and to each member of the congressional delegation from this state, attesting the adoption of this joint resolution by the 1983 legislature of the state of Wisconsin."

POM-489. A resolution adopted by the Third Congress of the Federated States of Micronesia; to the Committee on Appropriations.

"CONGRESSIONAL RESOLUTION No. 3-102

"Whereas, the College of Micronesia was designated a land-grant college by the United States Higher Education Act of 1980 (United States Public Law No. 96-374); and

"Whereas, in lieu of the College of Micronesia receiving federal land from the United States Government as have other land-grant colleges, the United States Congress in said law authorized an appropriation of $3 million to be placed in a trust fund as an endowment for the College of Micronesia, with the interest from such trust fund to be available to the College of Micronesia for its various programs and projects related to agriculture and other permitted fields of study; and

"Whereas, the College of Micronesia has entered into a Memorandum of Understanding with the United States Department of Agriculture regarding extension services in agriculture and home economics in Micronesia pursuant to the Smith-Lever Act and other applicable laws; and

"Whereas, the College of Micronesia Cooperative Extension Service has entered into a Project Agreement with the Extension Service of the United States Department of Agriculture regarding the organization and administration of the Cooperative Extension Program * * *.

"Whereas, the College of Micronesia has established a College of Tropical Agriculture and Sciences; and

"Whereas, it is the sense of the Third Congress of the Federated States of Micronesia, Second Regular Session, 1983, that the College of Micronesia has done all that it has been requested to do as a result of its designation as a land-grant college; now, therefore,

"Be it resolved by the Third Congress of the Federated States of Micronesia, Second Regular Session, 1983, that the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of Education, the Secretary of the United States Department of the Interior, and the United States Congress be hereby respectfully requested to take all steps necessary to expedite the appropriate of the $3 million authorized by the United States Higher Education Act of 1980 to be used as an endowment for the College of Micronesia as a land-grant college; and

"Be it further resolved that certified copies of this resolution be transmitted to the Secretary of the United States Department of Agriculture; to the Secretary of the United States Department of Education; to the Secretary of the United States Department of the Interior; to the Speaker of the House of Representatives and the following Congressmen: Donald E. Young, Robert J. Lagomarsino, Antonio B. Won Pat, John F. Seilberling, and Sala Burton; and to the Presiding Officer of the Senate and the following Senators: James A. McClure, J. Bennett Johnston, Spark M. Matsunaga, and Daniel K. Inouye."

POM-490. A resolution adopted by the Queens Jewish Community Council, Inc. relating to Israel; to the Committee on Armed Services.

POM-491. A resolution adopted by the Council of the County of Maui, State of Hawaii relating to housing and community development; to the Committee on Banking, Housing, and Urban Affairs.

POM-492. A resolution adopted by the General Assembly of the Universalist Association of Churches in North America relating to the U.S. Capital Government support of the current repressive regimes of El Salvador and Guatemala and elsewhere and urging an end to the U.S. military adviser program in El Salvador; to the Committee on Foreign Relations.

POM-493. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America relating to the arms race; to the Committee on Foreign Relations.

POM-494. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America relating to the military operations in Central America; to the Committee on Foreign Relations.

POM-495. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America relating to the nuclear freeze; to the Committee on Foreign Relations.

POM-496. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America urging Congress to provide funds immediately for the transportation and supporting of Amerasian petitioners for immigration and to facilitate the adoption of Amerasian children into American homes; to the Committee on the Judiciary.

POM-497. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America relating to the equal rights amendment; to the Committee on the Judiciary.

POM-498. A resolution adopted by the General Assembly of the Unitarian Universalist Association of Churches in North America relating to the Peace Academy Commission's report; to the Committee on Labor and Human Resources.

POM-499. A resolution adopted by the Inland Rivers Ports & Terminals, Inc. relating to the flood plain protection regulations; to the Committee on Banking, Housing, and Urban Affairs.

POM-500. A resolution adopted by the American Association of Port Authorities relating to the port authorities independence from Government control of port and terminal use and development; to the Committee on Commerce, Science, and Transportation.

POM-501. A resolution adopted by the Senate of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION No. 108

"Whereas, The telephone has become a standard fixture in American households. * * *

"Whereas, Actions have recently been taken by the Federal Communications Commission and the United States Department of Justice which will create astronomically high telephone rate increases. Involving new charges, new depreciation methodology, equipment deregulation, new accounting treatments, and loss of * * * support, these actions pose a clear and immediate threat to universal telephone service. Many citizens, including residential users, farm and rural customers, the poor, and fixed income elderly may not be able to afford to maintain telephone service. Studies have indicated that the local rate increases resulting from the implementation of these measures will triple the number of households without basic telephone service; and

"Whereas, Recognizing the significance of the telephone and its critical importance in our lives, the members of the Michigan Senate wish to express to the United States Congress our support for the passage of H.R. 4102, a measure which would counteract dramatically high telephone rate increases; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress of the United States to pass H.R. 4102, counteracting telephone rate increases resulting from the actions taken by the Federal Communications Commission and the Department of Justice; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, the Michigan congressional delegation, the Federal Communications Commission, and the Department of Justice."

POM-502. A resolution adopted by the board of directors of the Association of Monterey Bay Area Governments relating to the fisheries off the California coast; to the Committee on Commerce, Science, and Transportation.

POM-503. A resolution adopted by the International Association of Chiefs of Police relating to the highway safety; to the Committee on Commerce, Science, and Transportation.

POM-504. A resolution adopted by the board of directors of the Alaska State Chamber of Commerce relating to obtaining variances or other suitable relief for Alaska mills; to the Committee on Environment and Public Work.

POM-505. A resolution adopted by the board of directors of the Florida Federation of Women's Club relating to cable television legislation; to the Committee on Commerce, Science, and Transportation.

POM-506. A resolution adopted by the assembly of the State of California; to the Committee on the Judiciary.

"HOUSE RESOLUTION No. 28

"Whereas, Vincent Chin, a 27-year-old Chinese American draftsman, was brutally murdered by two white men in Detroit, Michigan, on June 19, 1982; and

"Whereas, Vincent Chin's murder was the result of a racially motivated attack which could have been perpetrated against any Asian person; and

"Whereas, The defendants were initially charged with second degree murder but the prosecuting attorney eventually accepted a guilty plea for the lower charge of manslaughter; and

"Whereas, On March 16, 1983, after hearing arguments only from the defense attorneys, Judge Charles Kaufman sentenced the defendants to three years' probation and a fine of $3,000; and

"Whereas, Judge Kaufman has refused to vacate his sentence; and

"Whereas, It is the criminal justice system which is entrusted to protect the rights of all those concerned, the state, the defendants, and the victim; and

"Whereas, It is the duty and obligation of the criminal justice system to alleviate and rectify all errors occurring in the administration of justice and the enforcement of the laws; now, therefore, be it

"Resolved by the Assembly of the State of California, That the President and Congress of the United States are respectfully memorialized to request the United States Department of Justice to undertake a prompt and thorough investigation of, and prosecution for, all federal civil rights violations that may have been committed against Vincent Chin; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, and to the United States Department of Justice."

POM-507. A resolution adopted by the board of directors of the Florida Federation for Women's Clubs relating to the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM-508. A resolution adopted by the American Association of Port Authorities relating to the deepdraft navigational development legislation; to the Committee on Environment and Public Works.

POM-509. A resolution by the American Association of Port Authorities relating to the Clean Air Act reauthorization; to the Committee on Environment and Public Works.

POM-510. A resolution adopted by the American Association of Port Authorities relating to space economic and environmental factors related to port construction and improvements; to the Committee on Environment and Public Works.

POM-511. A resolution adopted by the Senate of the State of Michigan; to the Committee on Energy and Natural Resources.

"SENATE RESOLUTION 253

"Whereas, Passage of the National Gas Policy Act of 1978 by the United States Congress began the decontrol process for natural gas prices; and

"Whereas, Natural gas is the major source of home heating for Michigan households; and

"Whereas, Despite an oversupply of domestic natural gas, the consumer cost of natural gas rose as much as 60% during the last year; and

"Whereas, Utility companies have entered into long-term contracts with pipelines, which contain certain inflationary and anticompetitive clauses, causing rapid increases in natural gas prices; and

"Whereas, The Federal Emergency Regulatory Commission has created new categories of natural gas which have resulted in increased costs to consumers; and

"Whereas, The current natural gas situation has developed into a crisis for all categories of consumers. Legislation is urgently needed in Congress to alleviate this crisis. H.R. 2154, known as the Natural Gas Consumer Relief Act, represents a reasonable approach to alleviating this dilemma; now, therefore, be it

"Resolved by the Michigan Senate, That we hereby memorialize the United States Congress to enact H.R. 2154, known as the Natural Gas Consumer Relief Act; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Michigan congressional delegation."

POM-512. A resolution adopted by the Legislature of the State of Wisconsin; to the Committee on Energy and Natural Resources.

"1983 ASSEMBLY JOINT RESOLUTION 18

"Whereas, prices for natural gas continue to rise in spite of a surplus of natural gas and a decrease in demand; and

"Whereas, natural gas pipeline companies have little incentive to forcefully negotiate or renegotiate supply contracts with producers, and have entered into contracts with provisions which require pipelines to take or pay for unneeded gas and with provisions which could raise prices dramatically in 1985, when certain controls under the natural gas policy act of 1978 are scheduled to be removed; and

"Whereas, the exercise of the Federal Energy Regulatory Commission's authority to decontrol natural gas by administrative action without the approval of congress is contrary to the interests of consumers; and

"Whereas, the president of the United States has proposed to accelerate the decontrol of natural gas prices beyond the gradual decontrol set forth in the natural gas policy act of 1978; and

"Whereas, the accelerated decontrol of natural gas prices could cause Wisconsin residential, commercial and industrial consumers to pay considerably more for natural gas for heat and process use and could result in higher consumer prices; and

"Whereas, rising natural gas prices result in economic hardship for all consumers, especially unemployed, low-income and elderly residential consumers; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin opposes the accelerated decontrol of natural gas prices beyond what is set forth in the natural gas policy act of 1978, and opposes administrative decontrol of natural gas prices by the federal energy regulatory commission; and, be it further

"Resolved, That the legislature of the state of Wisconsin urges congress to create a regulatory environment to ensure that natural gas pipelines will aggressively negotiate contracts for the purchase of natural gas at reasonable prices and renegotiate imprudent existing contracts; and, be it further

"Resolved, That copies of this resolution shall be transmitted to the president of the United States, the members of the Wisconsin congressional delegation, the speaker of the U.S. house of representatives and the president of the U.S. senate."

POM-513. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 363

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Kitty Baier, a former confidential secretary to departed Department of Interior Secretary James G. Watt, has worked as a secretary for a public relations firm from 1975 to 1977; and

"Whereas, she was the managing editor of a Memphis real estate publication; and

"Whereas, she was chosen for promotion to her present position because her work covered the spectrum of Interior issues and she won the respect of the people in the Interior department; now, therefore, be it

"*Resolved,* That the people of Guam congratulate Kitty Baier on her promotional appointments as Deputy Assistant Secretary for Territorial Affairs; and be it further

"*Resolved,* That the people of Guam express their appreciation to the President of the United States for recognizing the capabilities as well as potential of one of America's young women; and be it further

"*Resolved,* That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Ms. Kitty Baier; to the President and Vice-President of the United States; to Interior Secretary William Clark; to Mr. Richard Montoya, Assistant Interior Secretary for Territorial and International Affairs; to Congressman Antonio B. Won Pat; and to the Governor of Guam."

POM-514. A resolution adopted by the Fifth Chief Executives of the Federated States of Micronesia regarding consideration and approval of the Compact of Free Association by the Government of the United States; to the Committee on Energy and Natural Resources.

POM-515. A resolution adopted by the town of Lincoln, Mass., relating to the deployment of missiles; to the Committee on Foreign Relations.

POM-516. A resolution adopted by the Florida Federation of Republican Women supporting the President and his policies of stopping Communist expansion within the Americas and Carribbean area; to the Committee on Foreign Relations.

POM-517. A resolution adopted by the Church in Society of the Midway Hills Christian Church relating to the need of the people of El Salvador; to the Committee on Foreign Relations.

POM-518. A resolution adopted by the ad hoc executive committee relating to the relief for the United States tax payer and victims of Turkish aggression in Cyprus; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Select Committee on Intelligence, without amendment:

S. Res. 317. An original resolution authorizing expenditures by the Select Committee on Intelligence; referred to the Committee on Rules and Administration.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 318. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; referred to the Committee on Rules and Administration.

By Mr. HEINZ, from the Special Committee on Aging, without amendment:

S. Res. 319. An original resolution authorizing expenditures by the Special Committee on Aging; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1984 (recess appointment).

Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism (recess appointment).

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2231. A bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation and investment tax credit allowable for luxury automobiles; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2232. A bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles; to the Committee on Finance.

By Mr. MITCHELL:

S. 2233. A bill to increase the amount a State may set aside for low-cost weatherization under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2234. A bill entitled the "State Infrastructure Financing Act of 1984"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GOLDWATER, from the Select Committee on Intelligence:

S. Res. 317. An original resolution authorizing expenditures by the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. PACKWOOD, from the Committee on Commerce, Science and Transportation:

S. Res. 318. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. HEINZ, from the Special Committee on Aging:

S. Res. 319. An original resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2231. A bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation and investment tax credit allowable for luxury automobiles; to the Committee on Finance.

LIMIT OF TAX DEDUCTIONS FOR LUXURY AUTOMOBILES

● Mr. BAUCUS. Mr. President, today I am introducing a bill to limit business tax deductions for luxury cars. By doing so, the bill would prevent unfair tax subsidies and would help reduce the Federal deficit.

BACKGROUND

Under Tax Code section 162, a taxpayer can deduct "ordinary and necessary" business expenses. These expenses include the expenses associated with operating a car for business purposes. The expenses associated with operating a car for business purposes, in turn, include not only everyday expenses like gas and repairs, but also an allowance for wear and tear.

For cars purchased after 1981, this allowance may be calculated according to the 1981 tax bill's accelerated cost recovery system, or ACRS. Under ACRS, the cost of a car can be fully deducted in 3 years. When this rapid writeoff is combined with the 6-percent investment tax credit that business cars also generally are eligible for, the overall tax benefit becomes generous indeed. And the more expensive the car, the greater the absolute tax benefit. For example, a taxpayer who bought a Mercedes 380SL for $43,030 and used it entirely for business could write off the entire cost of the car in 3 years and receive a $2,324 investment tax credit in the first year.

For a taxpayer in the 50-percent marginal tax bracket, the total value of these benefits would be more than $20,000.

THE TAX PROBLEM

The existence of such tax benefits, for an asset like a car that frequently has personal as well as business value, creates a variation of the general "three-martini lunch" problem. The general problem is that upper and upper middle-class taxpayers can write off business expenses that have significant personal value.

In the case of business cars, the problem is exacerbated because cars are depreciable assets that can be used for several years. Under the ACRS

system, depreciable assets can be written off even faster than they are used up; consequently, they are eligible for especially generous tax writeoffs.

More specifically, to do their work, many business people need cars, but not necessarily luxury cars. To the extent one of them decides to use a luxury car, it is probably because of the personal satisfaction he gets from driving, say, a Mercedes instead of a Camaro. And since a taxpayer generally can deduct the expense of driving a luxury car just as easily as that of driving a nonluxury car, a substantial part of the cost of this personal satisfaction is subsidized through the Tax Code. For example, a lawyer may need a car to drive to meetings and the courthouse; a $10,336 Camaro Z-28 might serve this limited need as well as a $43,030 Mercedes. If the lawyer decides to buy the Mercedes, a large part of the additional cost is subsidized through the tax system.

THE BASIS LIMITATION PROPOSAL

The bill I am introducing today would reduce this unfair and unnecessary subsidy. Like an identical bill Congressman STARK has introduced in the House, it would limit a business car's tax basis, for ACRS and investment tax credit computations, to $15,000. In other words, a business person could buy as expensive a car as he wants, but only write off a total of up to $15,000 of its value. That way, the bill would have no effect on business people who use cars worth less than $15,000—and this includes almost 95 percent of all the cars sold in the United States in 1982. Instead, it would affect only business people who decide to use luxury cars and to write them off for a tax subsidy.

Two special provisions of the bill are important. First, the bill exempts hearses and limousines or other vehicles operated for hire. Second, the $15,000 basis limitation will be adjusted upward, annually, to reflect inflation.

CONCLUSION

Mr. President, the annual Federal budget deficit has reached unprecedented $200 billion levels. And the Tax Code has become riddled with loopholes, encouraging aggressive tax avoidance and undermining public confidence in our overall tax system. Given these problems, we must close loopholes that create unfair and unnecessary tax subsidies. The legislation I am introducing today would do so. I hope my colleagues will support it and help me enact it into law.

I ask unanimous consent that the full text of the bill be inserted in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 168 of the Internal Revenue Code of 1954 (relating to unadjusted basis; adjustments) is amended by adding at the end thereof the following new paragraph:

"(3) LIMITATION IN CASE OF LUXURY AUTOMOBILES.—

"(A) IN GENERAL.—In the case of a passenger automobile, the basis of such automobile taken into account—

"(i) for purposes of determining the amount of the deduction allowable under this section (and any other deduction allowable for depreciation or amortization),

"(ii) for purposes of determining the amount of the credit allowable under section 38, and

"(iii) for purposes of section 179, shall not exceed $15,000 increased by the automobile price inflation adjustment (if any) for the calendar year in which the automobile is placed in service by the taxpayer.

"(B) PASSENGER AUTOMOBILE.—For purposes of this paragraph—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'passenger automobile' means any 4-wheeled vehicle—

"(I) which is manufactured primarily for use on public streets, roads, and highways, and

"(II) which is rated at 6,000 pounds gross vehicle weight or less.

"(ii) EXCEPTION FOR CERTAIN VEHICLES.—The term 'passenger automobile' shall not include—

"(I) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business, and

"(II) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire.

"(C) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

"(I) the CPI automobile component for November of the preceding calendar, exceeds

"(II) the CPI automobile component for November of 1983.

In the case of calendar year 1984, the automobile price inflation adjustment shall be zero.

"(i) CPI AUTOMOBILE COMPONENT.—The term 'CPI automobile component' means the automobile component of the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(D) COORDINATION WITH SECTION 1031.—In the case of an exchange described in section 1031 where the property received in the exchange is a passenger automobile, the excess of the fair market value of such property over the limitation of subparagraph (A) shall be treated as an amount received in cash for purposes of section 1031."

(b) The amendment made by subsection (a) shall apply to property placed in service after December 31, 1983, in taxable years ending after such date.●

By Mr. MOYNIHAN:

S. 2232. A bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles; to the Committee on Finance.

BUSINESS TAX BREAKS FOR LUXURY AUTOMOBILES

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to limit the amount of depreciation deductions, investment tax credits, and business expenses deductions allowed for the purchase or lease of luxury cars by businesses.

Under present law, the cost of automobiles used in trades or business or in connection with an income-producing activity is deductible, using the 3-year depreciation schedule under the accelerated cost recovery system (ACRS); 25 percent in the first, 38 percent in the second year, and 37 percent in the third year. In addition, a 6-percent investment tax credit (ITC) can be claimed in the first year. The only limit on these tax benefits, under current law, is the purchase price of automobiles. As a result taxpayers receive greater tax benefits if a $100,000 luxury limousine is purchased than if a $10,000 automobile is purchased. My concern is that through these tax benefits, the Treasury is subsidizing the purchase of luxury limousines by many businesses for use by their top executives.

My bill would amend section 168(d) of the Internal Revenue Code to limit the tax benefits, the tax subsidy, for business purchases of luxury passenger automobiles. The basis of such autos would be limited to $15,000, subject to an annual adjustment based on the automobile component of the Consumer Price Index (CPI). Those vehicles engaged directly in providing transportation services, such as ambulances, hearses, and airport limousines, would not be subject to this limitation. Trucks, of course, also would not be affected by this limitation. A business could not avoid the effects of this provision, however, by leasing its limousines—in that situation it would only be allowed to deduct the fair market value of a lease on an automobile costing $15,000.

My bill would not prevent businesses which own luxury cars from depreciating them under ACRS and claiming the ITC credit. It simply would limit the basis used in computing the ACRS and ITC benefits to $15,000. A similar limit would be imposed on long-term leases of such luxury automobiles.

There are two basic reasons to limit the favorable tax treatment currently being accorded businesses for luxury cars. First, many of these luxury cars have become good investments maintaining much of their original value. For example, a Mercedes-Benz 300SD four-door sedan sold in 1979 for $22,000; today that 1979 car sells for $17,500. This represents a depreciation of less than 25 percent over 4 years. After 4 years the vehicle retains over

75 percent of its original value, while current tax law would permit the owner to depreciate it completely in 3 years. Similar statistics apply to BMW's and, of course, to Rolls Royces. Indeed, certain luxury cars have become classics, actually increasing in value. To grant the depreciation allowed by ACRS without a dollar limit for luxury cars fails to account for the nondepreciating quality of some of these cars.

The second reason to place a limit on these luxury cars is to recognize that there are quality automobiles used today which cost well under $15,000 in the United States that provide perfectly suitable business transportation. The average retail price of new cars in 1983 was about $11,000. A luxury car, on the other hand, provides more than transportation—it lends a certain prestige to the occupants of the vehicle. Anyone who wishes to purchase such prestige can do so, with his own money. That is his business. But the additional prestige and comfort associated with luxury cars, used by business executives, should not be subsidized by the rest of the American taxpayers. That is what this bill proposes to change.

The bill would also limit the Treasury subsidies for the use of luxury limousines by business taxpayers who lease luxury limousines rather than purchasing them. The bill imposes a limit on the amount of an automobile lease that can be deducted as an ordinary and necessary business expense. For automobile leases longer than 1 month, a taxpayer would only be allowed to deduct the rental costs attributable to a $15,000 automobile.

Cars used for the transportation requirements of a trade or business properly generate tax advantages. But luxury cars, by definition, provide more than just transportation to the user.

Consider cars manufactured by Mercedes-Benz of Germany, as an example; 46,000 Mercedes were imported into the United States between January and July of 1983. Approximately 50 percent were bought by partnerships and corporations, and used or leased out to various businessmen and professionals for business use.

Now, a businessman can buy a new Chevrolet Impala for $11,000 and claim all current tax benefits. Today, if he buys a Cadillac Eldorado which retails for $23,500 these tax advantages will cost the Treasury nearly double that for the Chevrolet. And a business can claim the same tax breaks if it buys a Rolls Royce for anywhere from $98,000 to $160,000, but these tax breaks are worth 10 to 15 times that for the Chevy.

The Tax Code, quite properly, subsidizes transportation costs incurred in the course of business activity—but should it also subsidize extra prestige and comfort not required by the course of that business activity? It is time to stop the practice of the ordinary taxpayer subsidizing the use of luxury limousines by business executives—limousines, I might add, mainly manufactured abroad.

Mr. President, this worthy legislation, is necessary legislation at a time of spiraling deficits. I urge my colleagues to join me in this legislation.

I ask that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (d) of section 168 of the Internal Revenue Code of 1954 (relating to unadjusted basis; adjustments) is amended by adding at the end thereof the following new paragraph;

"(3) LIMITATION IN CASE OF LUXURY AUTOMOBILES.—

"(A) IN GENERAL.—In the case of a passenger automobile, the basis of such automobile taken into account—

"(i) for purposes of determining the amount of the deduction allowable under this section (and any other deduction allowable for depreciation or amortization),

"(ii) for purposes of determining the amount of the credit allowable under section 38, and

"(iii) for purposes of section 179, shall not exceed $15,000, increased by the automobile price inflation adjustment (if any) for the calendar year in which the automobile is placed in service by the taxpayer.

"(B) PASSENGER AUTOMOBILE.—For purposes of this paragraph—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'passenger automobile' means any 4-wheeled vehicle—

"(I) which is manufactured primarily for use on public streets, roads, and highways, and

"(II) which is rated at 6,000 pounds gross vehicle weight or less.

"(ii) EXCEPTION FOR CERTAIN VEHICLES.—The term 'passenger automobile' shall not include—

"(I) any ambulance, hearse, or combination ambulance-hearse used by the taxpayer directly in a trade or business, and

"(II) any vehicle used by the taxpayer directly in the trade or business of transporting persons or property for compensation or hire.

"(C) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

"(I) the CPI automobile component for December of the preceding calendar year, exceeds

"(II) the CPI automobile component for December of 1983.

In the case of calendar year 1984, the automobile price inflation adjustment shall be zero.

"(ii) CPI AUTOMOBILE COMPONENT.—The term 'CPI automobile component' means the automobile component of the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(D) COORDINATION WITH SECTION 1031.—In the case of an exchange described in section 1031 where the property received in the exchange is a passenger automobile, the excess of the fair market value of such property over the limitation of subparagraph (A) shall be treated as an amount received in cash for purposes of section 1031.

"(E) COORDINATION WITH SECTION 162.—For purposes of determining the amount of the deduction allowed under section 162 for rentals or other payments relating to the rental for longer than one month of a passenger automobile, the amount of the deduction allowed under section 162 shall not exceed the fair market value of a rental or other payment for an automobile costing $15,000, increased by the automobile price inflation adjustment (if any) for the calendar year in which the automobile is placed in the service of the taxpayer."

(b) The amendment made by subsection (a) shall apply to property placed in service after January 30, 1984, in taxable years ending after such date.●

By Mr. MITCHELL:

S. 2233. A bill to increase the amount a State may set aside for low-cost weatherization under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Labor and Human Resources.

ENERGY ASSISTANCE FUNDS FOR WEATHERIZATION

Mr. MITCHELL. Mr. President, I am pleased to introduce legislation today which I believe has both practical and symbolic importance to this country's energy policy. Specifically, I am proposing legislation to amend the Home Energy Assistance Act to allow States to use up to 25 percent of funds distributed under the low income energy assistance program for weatherization in accordance with the Department of Energy's present weatherization program.

This proposal would impose absolutely no new requirements on the States, would require no new appropriations or funding, and would not establish any new programs. Rather this legislation merely allows the States to determine the most effective use of moneys Congress has already appropriated, thereby strengthening their ability to meet the energy needs of low-income families and individuals under the Home Energy Assistance Act.

Both weatherization and fuel assistance are designed to meet the same overall goal; that is, to help low-income families cope with today's energy problems. I firmly believe, Mr. President, that the most effective and commonsense way of insuring that this goal is met is to give States—who are far more familiar with their energy needs than the Federal Government—flexibility to use the programs together.

I recognize that in the short term, low-income fuel assistance funds are indeed necessary to help poor families pay this winter's heating bills. For this reason, my legislation insures that at least 75 percent of low-income fuel as-

sistance funds go for direct fuel assistance. At the same time, however, there are many cases where a minor weatherization investment would not only reduce energy costs this winter, but would reduce both costs and comsumption in the long-term. It is far superior public policy to spend money to insulate and weatherize homes than to continue to spend money to purchase fuel that goes up the chimney, through the cracks and out the window.

In my own State of Maine this winter, approximately $300 is going to be distributed for fuel assistance to 50,000 households when a $100 investment in weatherizing a home would substantially reduce both present and future heating costs. By allowing States to use up to 25 percent of low-income fuel assistance funds for weatherization, States will have the flexibility needed to make the $100 improvement, thereby reducing low-income fuel bills both today and tomorrow.

For far too long we have reacted to energy shortages and increased fuel costs as if the energy crisis were a one time emergency. Our energy policy has focused on treating the symptoms of the disease—our ever increasing energy costs—rather than the disease itself—our excessive energy consumption and reliance on nondomestic energy sources. As the price of heating fuels continues to rise, it becomes more and more apparent that conservation and development of energy alternatives must be the energy policies of the future if we are to ever reduce our dependence on imported oil. Unfortunately, however, we have been painfully slow in coming to this realization.

In fiscal year 1984 for example, Congress has appropriated $1.85 billion for home energy assistance, but only $190 million for weatherization, which is $55 million less than what was appropriated in fiscal year 1983. In other words, Congress has placed more than nine times as much emphasis on meeting immediate low-income energy needs than on implementing long-term conservation measures for low-income households. If we are to continue to ask the people of this country to reduce energy consumption and to work with us in solving our energy problems, we must give them sufficient reason to have faith in our national energy policies. We must show them that Congress recognizes the long-term nature of our energy problems and is prepared to deal with these problems in a long-term manner.

There is perhaps no other region in this country as dependent on foreign oil for the basic necessities of life than my own native New England. And there is probably no other State in New England where the effects of our current energy crisis and the lack of a cohesive national energy policy have been felt as harshly than my own State of Maine. There are Maine homes where the thermostat was kept at 50 degrees and a space heater was used to keep a room where a new baby slept warm. There are elderly Maine citizens who live in fear of not having enough money to pay their fuel bills and having their heating supply cut off. There are Maine people for whom the choice of eating and keeping warm is very real.

These Maine people have made tremendous sacrifices to conserve energy and reduce our dependence on foreign oil. And I for one am committed to doing everything I can to insure that these sacrifices are not in vain; that we at the national level formulate the conservation-orientated energy policies that will see us through our immediate energy problems and the energy alternative program which will stress development of our own indigenous energy resources thereby reducing long-term dependence on foreign oil.

The legislation I am introducing today is hardly a panacea for all our energy problems. But it will send a meaningful message that Congress is prepared to give States flexibility in the weatherization and fuel assistance programs to meet their low-income energy needs as they see best and that Congress is intent on developing an energy policy which stresses long-term conservation rather than short-term assistance.

I strongly urge my colleagues to join me in support of this commonsense approach to our energy policies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (k) of section 2605 of the Low-Income Energy Assistance Act of 1981 (Public Law 97-35; 42 U.S.C. 8624(k)) is amended by striking out "15 percent" and inserting in lieu thereof "25 percent".

By Mr. D'AMATO:

S. 2234. A bill entitled the "State Infrastructure Financing Act of 1984"; to the Committee on Environment and Public Works.

STATE INFRASTRUCTURE FINANCING ACT OF 1984

● Mr. D'AMATO. Mr. President, today I am introducing the State Infrastructure Financing Act of 1984, legislation that would establish an infrastructure bank on a State-by-State basis to be capitalized by Federal and State grants. My bill would establish a public works bank which would provide the necessary financing to begin to repair our Nation's decaying infrastructure.

Today, there is much talk in Washington concerning the plight of America's industries and the Federal Government's role in shaping their future. This debate over industrial policy, however, has become increasingly mingled with partisan politics. As the election campaign heats up, it will be difficult to see the issues through the political rhetoric.

The most vocal proponents of industrial policy believe that a conscious effort by the Federal Government is needed to save America's "smokestack" industries. If left alone, the advocates of industrial policy claim, these industries will gradually become less competitive and, ultimately, will disappear.

The underlying premise of this argument is that the manufacturing sector is in an almost irreversible decline. The Federal Government can forestall this fate only by redirecting massive resources to heavy industry. The ultimate solution, for many, is a multibillion-dollar Federal program to provide loan guarantees or low interest loans to designated industries. Born again New Dealers suggest the creation of another Reconstruction Finance Corporation as the Federal mechanism to select industries deserving of subsidies.

In my opinion, this view of industrial policy is ill-founded. Advocates of this simplistic view ignore the fact that manufacturing production is highly capital intensive. Thus, it is likely to be adversely impacted by any cyclical downturn in economic activity. On the other hand, as economic activity accelerates, manufacturing production generally exceeds growth in the economy at large. It is true that certain industries, for example, autos and steel, have deep-seated problems. However, these industries can, and must, react to changing time by retooling antiquated facilities.

Mr. President, I believe that the Nation's declining infrastructure should be the focus of our industrial policy. If our bridges, roads, and water systems deteriorate, both service and basic industries will be unable to expand. Industry will either decline or move abroad. In the end, jobs will be lost.

The magnitude of the infrastructure problem is mammoth. For the Nation as a whole, the cost of rehabilitating or refurbishing public works could be as high as $500 billion. In New York State, the Joint Economic Committee of Congress estimates that $108.8 billion may be needed for infrastructure repair and refurbishment by the year 2000. This figure includes funding for mass transit, water delivery, wastewater, bridges, highways, rail, and airports.

The problem of a deteriorating infrastructure did not occur overnight. Through years of neglect, the infrastructure dilemma has grown to in-

credible proportions. Declining Federal, State, and local funding of maintenance and refurbishment activities caused the problem. Investment in infrastructure as a percent of GNP in the New York region, for example, has steadily declined: from 1.25 percent in 1970 to 0.7 percent in 1980. This is the source of the infrastructure problem.

No one level of government, however, can afford to be solely responsible for the rehabilitation of our Nation's infrastructure. However, if we continue to ignore the problem and if investment rates continue to decline, sustained economic growth will be impossible. To date, there is still no coordinated plan to mesh the activities of all levels of government for infrastructure financing.

Mr. President, I am, therefore, proposing today that each State develop its own infrastructure bank. Such an institution would be an independent institution directed by State and local officials, as well as members of the private sector. The infrastructure bank would only make loans to local governments for the repair or new construction of bridges, roads, tunnels, water-delivery facilities, solid waste or wastewater facilities, and mass transit equipment or facilities. Since each State could establish its own bank, the unique needs of that region would be addressed. For instance, New York State must stress refurbishment of existing facilities, whereas Texas might wish to concentrate on the building of new systems.

My proposal is modest in size. The purpose is to establish a bank that must face directly the financial and political problems of infrastructure repair or replacement. Once the difficulties facing this bank are ironed out, the model bank could be expanded. Consequently, this legislation only requires a maximum authorization of $440 million, spread over 3 years. The formula for allocation of Federal funds would be $2 per person in each State, divided into three annual disbursements. The Federal contribution to the infrastructure bank would have to be matched by a least a 20-percent State grant.

The Federal and State contributions would be used as capital for the bank. Based upon the capital infusion, the bank would, through leverage, be able to issue tax-exempt bonds equal to 10 times its total capital. The proceeds from these bond sales then would be loaned to local governments for infrastructure repair or replacement. Loans to local entities would be treated as general obligations of the borrowers. Default on these loans would throw a locality into general default. The infrastructure bank's capital, however, would not be used for loans, but, rather, would be invested in high-credit financial instruments. The investment income earned would then be used to reduce interest costs on loans made to localities.

If the State infrastructure bank made loans to entities for nonauthorized purposes, the Federal grant would be recaptured by the Secretary of the Treasury. The State lending institution would also have to make annual reports to the Treasury concerning the quality of the loan portfolio and its investment, as well as the concentration of loans by individual borrowers. Loans to any single borrower could not exceed the total federal capital contribution to the bank.

I believe that Federal and State funding of an infrastructure bank would lead to the institution's debt receiving the highest credit rating available. This would translate into lower interest rates on its bonds, and, thus, reduced rates for borrowers. Furthermore, the investment income earned on the bank's capital would be used to reduce the loans made for infrastructure repair. The net effect would be that local governments would receive loans at more favorable rates than if funds were raised based upon their own credit ratings.

Mr. President, I believe that this infrastructure bank would be the most efficient means of financing the Nation's infrastructure problems. It spreads the costs of necessary repair and refurbishment among local, State, and Federal levels of government. My legislation may be small in scope but it provides a model that could be expanded. I could propose a multibillion-dollar public works repair program, but this would be inefficient and would stand no chance of passage. The legislation I offer instead, is an efficient and practical approach to infrastructure repair. Further study of the issue alone will not solve the problem. If we do not act now, our cities will decay further and more jobs will be lost.

Mr. President, I urge my colleagues to support this legislation and I ask unanimous consent that the bill be printed in the RECORD in its entirety at the conclusion of my remarks. Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State Infrastructure Financing Act of 1984".

GRANTS TO STATES

SEC. 2. The Secretary of the Treasury is authorized to make grants, in amounts determined pursuant to section 5, to States for the purpose of providing capital to State infrastructure lending institutions which meet the requirements of this Act.

ELIGIBILITY

SEC. 3. (a) To be eligible for a grant under this Act, a State infrastructure lending institution must be a State authority headed by an independent board of directors which is appointed by the Governor of the State and which is comprised of State officials, local officials, and representatives from the private sector, provided that none of these three groups independently comprise a majority of the Board of Directors. The Board of Directors of the institution shall establish lending policies and procedures.

(b) A State infrastructure lending institution must be authorized to make loans to units of general local government and agencies and instrumentalities thereof for the repair or new construction of bridges, roads, ports, tunnels, water delivery facilities or systems, solid waste and waste water facilities or systems, and mass transportation equipment or facilities. Any loan made by an institution shall be approved by or pursuant to procedures established by the Board of Directors of the institution and shall be repayable upon such terms and conditions as the Board of Directors shall prescribe. Aggregate loans to an individual borrower cannot exceed the aggregate of the federal grant to the state infrastructure lending institution.

(c) As a condition of a loan under this Act, the unit of general local government or agency or instrumentality thereof shall agree that any default on the loan made by the State infrastructure lending institution shall be deemed to be a default on a general obligation issued by the borrower.

FINANCING

SEC. 4. Grant funds made available under this Act shall be available only for the purpose of capitalizing State infrastructure lending institutions. Any such institution may invest grant funds under this section only in obligations rated in a category above investment grade by a nationally recognized statistical rating organization. Any amounts realized by a State infrastructure lending institution under such investments shall be available to reduce the interest costs to borrowers. Each such institution may issue its own obligations, pursuant to its charter, based on the capitalization provided under this Act and the State's contribution under section 5.

GRANT AMOUNT

SEC. 5. (a) The Federal grant under this Act to a State infrastructure lending institution shall not exceed the lesser of $2 per resident of the State or four times the State's capital contribution to the State lending institution. The population of recipient states will be determined by the most recent census.

(b) No grant funds may be made available to any State infrastructure lending institution unless the Secretary of the Treasury determines that the institution meets the requirements of this Act, and has established and will enforce policies and procedures to assure compliance with this Act. The Secretary of the Treasury is authorized to take appropriate action to recapture any funds made available under this Act which are used for purposes not authorized by this Act.

REPORTING REQUIREMENTS

SEC. 6. State infrastructure lending institutions, as defined in section 3 of this Act, must report annually, by January 1 for the twelve month period ending the previous September 30, to the Secretary of the

Treasury on the following: (1) Quality of the loan portfolio; (2) Quality of the investment portfolio; (3) Matching of the tenor of assets and liabilities; (4) Concentration of loans by individual borrowers as percentages of total loans; (5) Operating expenses, and (6) Certification that all loans were extended for the purposes described in Sec. 3(b) of this Act. The form of this annual statement will be prescribed in regulations issued by the Secretary of the Treasury.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $440 million.●

ADDITIONAL COSPONSORS

S. 591

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 1059

At the request of Mr. DENTON, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1504

At the request of Mr. BENTSEN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1504, a bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States.

S. 1730

At the request of Mr. DIXON, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Alabama (Mr. HEFLIN), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1762, a bill entitled the "Comprehenisive Crime Control Act of 1983."

S. 1816

At the request of Mr. THURMOND, the names of the Senator from Illinois (Mr. DIXON) and the Senator from Virginia (Mr. TRIBLE) were added as cosponsors of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1921

At the request of Mr. MATTINGLY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1921, a bill to allow the President to veto items of appropriation.

S. 2031

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2049

At the request of Mr. HEFLIN, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2049, a bill to amend the Federal Rules of Civil Procedure to provide for certain service of process by mail.

S. 2145

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2159

At the request of Mr. BAUCUS, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2159, a bill entitled the "Hazardous Air Pollutant Control Act of 1983."

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2207

At the request of Mr. BRADLEY, the names of the Senator from Kentucky (Mr. FORD), the Senator from Oklahoma (Mr. BOREN), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 2207, a bill to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.

SENATE JOINT RESOLUTION 70

At the request of Mr. GARN, the names of the Senator from Illinois (Mr. PERCY), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. GLENN), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 70, a joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. LONG), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 205

At the request of Mr. GLENN, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Joint Resolution 205, a joint resolution authorizing and requesting the President to designate the second full week in March of each year as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the names of the Senator from Washington (Mr. GORTON), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Illinois (Mr. DIXON), the Senator from Arizo-

na (Mr. GOLDWATER), the Senator from Nebraska (Mr. ZORINSKY), the Senator from New York (Mr. MOYNIHAN), the Senator from Oklahoma (Mr. BOREN), the Senator from Georgia (Mr. NUNN), the Senator from Vermont (Mr. STAFFORD), the Senator from Alabama (Mr. HEFLIN), the Senator from Washington (Mr. GORTON), the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. ABDNOR), the Senator from Nebraska (Mr. EXON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE JOINT RESOLUTION 215

At the request of Mr. PELL, his name was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. BAKER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 218, a joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. BAUCUS, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Montana (Mr. MELCHER), the Senator from Texas (Mr. TOWER), the Senator from South Dakota (Mr. ABDNOR), the Senator from Arkansas (Mr. PRYOR), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. WILSON), the Senator from Florida (Mrs. HAWKINS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. MCCLURE), the Senator from South Dakota (Mr. PRESSLER), the Senator from Michigan (Mr. RIEGLE), the Senator from Nebraska (Mr. EXON), the Senator from Oklahoma (Mr. BOREN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Concurrent Resolution 87, a concurrent resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the names of the Senator from Mississippi (Mr. STENNIS), and the Senator from Louisiana (Mr. LONG) were added as cosponsors of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the names of the Senator from Mississippi (Mr. STENNIS), and the Senator from Louisiana (Mr. LONG) were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE RESOLUTION 287

At the request of Mr. HUDDLESTON, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Resolution 287, a resolution establishing a task force on agricultural credit.

SENATE RESOLUTION 294

At the request of Mr. RIEGLE, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Iowa (Mr. JEPSEN), the Senator from Maine (Mr. COHEN), the Senator from Wyoming (Mr. SIMPSON), the Senator from Florida (Mr. CHILES), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. DIXON), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 294, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE RESOLUTION 317—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. GOLDWATER, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 317

Resolved, That, in carrying out its powers, duties and functions under S. Res. 400, approved May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,089,000.00, of which amount (1) not to exceed $20,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 318—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 318

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,648,174, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $16,960 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 319—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. HEINZ, from the Special Committee on Aging, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 319

Resolved, That, in carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1984 through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the special committee under this resolution shall not exceed $1,089,755 of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The special Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED

COMPREHENSIVE CRIME CONTROL ACT

THURMOND (FOR LAXALT) AMENDMENTS NOS. 2678 AND 2679

Mr. THURMOND (for Mr. LAXALT) proposed two amendments to the bill, S. 1762, entitled the "Comprehensive Crime Control Act of 1983," as follows:

AMENDMENT No. 2678

AMENDMENTS TO TITLE I (BAIL) S. 1762

On page 19, lines 15 and 16, delete "the defendant" and insert in lieu thereof "he".

On page 21, line 1, after "section." insert the following:

To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated.

On page 28, delete lines 7 and 8, and insert in lieu thereof the following:

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and

On page 29, line 5, insert "under" before "18".

AMENDMENTS TO TITLE II (SENTENCING) S. 1762

On page 80, line 10, delete "3671" and insert in lieu thereof "3673".

On page 82, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 83, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 84, line 23, delete "c" and insert in lieu thereof "e".

On page 93, delete line 9 through 12, and insert in lieu thereof the following:

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18

On page 96, after line 8 insert the following and reletter subsequent subsections accordingly;

(f) Rule 6(e)(3)(C) is amended by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 96, delete lines 11 and 12, and insert in lieu therefore the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.

"(a) Correction of a sentence on remand.

"(b) Correction of a sentence for changed circumstances.".

On page 97, delete "12" from the beginning of the page and insert "9" in lieu thereof.

On page 97, insert a quotation mark at the beginning of line 4.

On page 121, after line 12, insert the following:

Redesignate subsections in section 4082 accordingly.

On page 124, line 10, delete "3667" and insert in lieu thereof "3669".

On page 124, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 128.

On page 126, line 8, after "(g)" insert "and redesignating (h) to (g)".

On page 126, lines 13 and 14, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 127, line 14, delete "(4)" and insert in lieu thereof "(3)".

On page 127, line 15, delete "title."." and insert in lieu thereof "title."; and".

On page 127, after line 15, insert the following:

(F) by redesignating paragraphs accordingly.

On page 130, line 24, after "(1)" insert "by adding "and" after paragraph (2) and,".

On page 131, line 15, delete "Board" and insert in lieu thereof "the Board".

On page 131, delete lines 21 through 24, and insert in lieu thereof the following:

fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a),";

On page 132, after line 22, insert the following:

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

AMENDMENTS TO TITLE III (FORFEITURE)

On page 164, line 4, delete "remove" and insert in lieu thereof "and remove".

AMENDMENTS TO TITLE IV (MENTAL DISEASE OR DEFECT)

On page 178, delete line 8, and insert in lieu thereof the following:

vincing evidence."

(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity Defense.".

On page 189, lines 16, 20, 23, 24, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 3, delete "release" and insert in lieu thereof "transfer".

On page 190, lines 3, 8, 15, 18, 19, 20, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 22, delete "his" and insert in lieu thereof "the".

On page 191, lines 1, 6, 9, and 10, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 201, delete lines 11 through 18, and reletter subsequent subsections accordingly through page 203.

AMENDMENTS TO TITLE V (DRUG ENFORCEMENT AMENDMENTS)

On page 211, lines 6 and 8, delete "I(b)" and insert in lieu thereof "I(c)".

On page 211, lines 7 and 10, delete "II(a)(5)" and insert in lieu thereof "II(a)(4)".

On page 212, after line 15, insert the following new section:

SEC. 505A. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers derivatives, and salts of isomers and derivatives.".

On page 215, line 3, delete "201(g)(1)" and insert in lieu thereof "201(g)".

On page 215, line 4, delete "811(g)(1)) is amended to read:" and insert in lieu thereof "811(g)) is amended to add the following new paragraph:".

On page 215, line 5, delete "(g)(1)" and insert in lieu thereof "(3)".

On page 215, delete lines 10 through 14, and redesignate subsequent paragraphs accordingly.

On page 218, delete line 17, and insert in lieu thereof the following:

on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

On page 218, line 19, after "by" insert the following:

deleting "or" at the end of subsection (2), by

On page 220, lines 3 and 4, delete "(f)" and insert in lieu thereof "(g)".

On page 220, delete after "by" on line 18 through line 19, and insert in lieu thereof the following:

deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

On page 220, line 20, delete "(e) Enter" and insert in lieu thereof "(6) enter".

On page 221, line 9, after "by" insert the following:

deleting "or" at the end of subpart (A), by

On page 221, line 11, delete "is".

On page 221, line 12, delete "exclusively." and insert in lieu thereof "exclusively,".

On page 221, delete line 20, and insert in lieu thereof the following:

may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

On page 222, line 7, delete "and".

On page 222, line 12, delete "prescribe."." and insert in lieu thereof "prescribe; and".

On page 222, after line 12, insert the following new paragraph:

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

On page 222, line 17, delete "V." and insert in lieu thereof "V,".

AMENDMENTS TO TITLE VI (JUSTICE ASSISTANCE)

On page 228, after line 10, delete "TITLE I" and insert in lieu thereof "TITLE I—JUSTICE ASSISTANCE".

On page 228, Part B of the Table of Contents, delete "Sec. 201. Bureau of Justice programs." and insert in lieu thereof "Sec. 201 Establishment of Bureau of Justice Programs.".

On page 228, Part B of tlie Table of Contents, delete "Establishment, duties and functions." and insert in lieu thereof "Duties and functions of Director.".

On page 229, delete everything in "Part G" of the Table of Contents and insert in lieu thereof the following new "Part G":

"PART G—CRIMINAL JUSTICE FACILITIES

"Sec. 701. Establishment of the Bureau of Criminal Justice Facilities.
"Sec. 702. Functions of the Bureau.
"Sec. 703. Grants authorized for the renovation and construction of criminal justice facilities.
"Sec. 704. Allotment.
"Sec. 705. State plans.
"Sec. 706. Basic criteria.
"Sec. 707. Clearinghouse on the construction and modernization of criminal justice facilities.
"Sec. 708. Interest subsidy for criminal justice facility construction bonds.
"Sec. 709. Definitions.

On page 229, Part H of the Table of Contents, delete "rules," in the first line and insert in lieu thereof "rules".

On page 229, delete "PART M—EMERGENCY ASSISTANCE" and insert in lieu thereof "PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE".

On page 230, delete "PART N—TRANSITION--REPEALER" of the Table of Contents and insert in lieu thereof "PART N—TRANSITION".

On page 241, line 7, delete "and".

On page 245, line 6, delete "local" and insert in lieu thereof "and local".

On page 248, line 18, delete "STATE/LOCAL" and insert in lieu thereof "STATE and LOCAL".

On page 255, after line 9, insert (in small caps) the following:

DISTRIBUTION OF FUNDS

On page 262, line 14, after GRANTS" insert (in small caps) AUTHORIZED".

On page 262, delete line 16.

On page 264, line 21, delete "706" and insert in lieu thereof "705".

On page 267, line 23, delete "707" and insert in lieu thereof "706".

On page 268, line 16, delete '708" and insert in lieu thereof "707'.

On page 269, line 5, delete "709" and insert in lieu thereof "708".

On page 270, line 10, delete "710" and insert in lieu thereof "709".

On page 282, after line 7, insert the following (in small caps):

"DEFINITIONS

On page 290, after line 13, insert the following (in small caps):

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

On page 300, line 20, after "surplus" insert "real and related personal".

On page 301, line 3, after the word "real" insert "and related personal".

On page 301, line 16, after the word "real" insert "and related personal".

On page 302, line 9, delete "or" and insert in lieu thereof "for".

On page 302, line 25, delete "personal or real" and insert in lieu thereof "real and related personal".

AMENDMENTS TO TITLE X (MISCELLANEOUS VIOLENT CRIME AMENDMENTS)

On page 317, delete line 12, and insert in lieu therof the following:

the receipt of, or as consideration for a promise or ageement to pay, anything of pecuniary value, shall be fined not

On page 317, line 19, after "section" insert "and section 1952B".

On page 318, line 2, delete "of" and insert in lieu thereof "of,".

On page 318, line 3, delete "pay" and insert in lieu thereof "pay,".

On page 318, line 13, delete "kidnapping" and insert in lieu thereof "kidnaping".

On page 319, line 2, delete "murder," and insert in lieu thereof "murder or kidnaping,".

On page 322, line 19, after "five" insert "nor more than ten".

On page 325, line 1, delete "as" and insert in lieu thereof "on".

On page 325, line 12, delete "title" and insert in lieu thereof "section".

On page 326, line 19, insert "INVOLUNTARY" before the word "SODOMY".

On page 327, after line 20, insert the following:

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

On page 329, delete line 2, and insert in lieu thereof the following:

Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.".

On page 331, after line 5, insert the following:

(f) Table of Chapters is amended to add:
"210. International Extradition..... 3191".

On page 331, line 6, delete "(f)" and insert in lieu thereof "(g)".

On page 334, line 7, delete "court." and insert in lieu thereof "court;".

On page 334, line 8, delete "The" at the beginning of the line and insert in lieu thereof "the", and indent lines 8 and 9 to align with lines 2 and 11.

On page 353, line 7, delete "Except" and insert in lieu thereof "(a) Except".

AMENDMENTS TO TITLE XI (SERIOUS NONVIOLENT OFFENSES)

On page 361, delete line 10, and insert in lieu thereof the following:

Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned not more than five years, or both;

(b) by adding a new paragraph as follows:

On page 368, after line 12, delete "entities."." and insert in lieu thereof "entities." then add the following new line:

"511. Forging endorsements or signatures on securities of the United States.".

On page 371, line 16, delete "repealed." and add the following:

repealed, and the section analysis of Chapter 11 for section 216 be amended to read: "216. Repealed.".

On page 373, delete line 5 and all that follows through the item relating to possession of contraband articles after line 10 on page 374, and insert in lieu thereof the following:

SEC. 1109. (a) Section 1791 of title 18, United States Code is amended to read as follows: "1791. Providing or possessing contraband in prison

"(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

"(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

"(A) a firearm or destructive device;

"(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

"(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or an alcoholic beverage;

"(E) United States currency; or

"(F) any other object; or

"(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or othewise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

"(b) GRADING.—An offense described in this section is punishable by—

"(1) imprisonment for not more than ten years, a fine of not more than $25,000, or both, if the object is anything set forth in paragraph (1)(A);

"(2) imprisonment for not more than five years, a fine of not more than $10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

"(3) imprisonment for not more than one year, a fine of not more than $5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

"(4) imprisonment for not more than six months, a fine of not more than $1,000, or both, if the object is any other object.

"(c) DEFINITIONS.—As used in this section, 'firearm' and 'destructive device' have the meaning given those terms, respectively, in 18 U.S.C. 921(a)(3) and (4).".

(b) Section 1792 of title 18, United States Code, is amended to read as follows:

"1792. Mutiny and riot prohibited

"Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal or correctional facility, shall be imprisoned not more than ten years or fined not more than $25,000, or both.";

(c) The analysis at the beginning of chapter 87 of title 18, United States Code, is amended to read as follows:

"CHAPTER 87

"Sec.
"1791. Providing or possessing contraband in prison.
"1792. Mutiny and riot prohibited.";

(d) Chapter 301 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"4012. Summary seizure and forfeiture of prison contraband

"An officer or employee of the Bureau of Prisons may, pursuant to rules and regulations of the Director of the Bureau of Prisons, summarily seize any object introduced into a Federal penal or correctional facility or possessed by an inmate of such a facility in violation of a rule, regulation or order promulgated by the Director, and such object shall be forfeited to the United States."; and

(e) The analysis at the beginning of chapter 301 of title 18, United States Code, is amended by adding after the item relating to section 4011 the following:

"4012. Summary seizure and forfeiture of prison contraband.".

On page 374, line 15, delete "after section 665 a new section 666" and insert in lieu thereof "a new section 667".

On page 374, line 17, delete "666" and insert in lieu thereof "667".

On page 374, line 22, delete "benefit to" and insert in lieu thereof "benefit of".

AMENDMENTS TO TITLE XXI (PROCEDURAL AMENDMENTS)

On page 376, line 11, delete "925(a)" and insert in lieu thereof "952(a)".

On page 376, line 22, delete "fifteenth," and insert in lieu thereof "fifteenth".

On page 380, delete lines 3 through 6, and insert in lieu thereof the following:

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

On page 380, line 9, insert "or" after the semicolon.

On page 380, delete line 25, and insert in lieu thereof "deleted, and amend section analysis accordingly.".

On page 382, after line 11 and before line 12, delete "'3523. Civil action to restrain witness or victim intimidation." and insert in lieu thereof "'3523. Penalty for wrongful disclosure.".

On page 382, line 15, delete the words "in a official proceeding" and insert in lieu thereof "in an official proceeding concerning an organized criminal activity or other serious offense".

On page 382, at the end of line 23, insert the following:

The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psychological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

On page 383, line 23, before "refuse" insert "disclose or".

On page 383, line 24, after "other" insert "matter".

On page 384, line 4, delete the period and insert ", except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevent information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in this paragraph.".

On page 385, between lines 7 and 8, insert the following:

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime 120 days after a decision by the Attorney General to deny disclosure of the current identity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2)(A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to affect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petititoner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of

such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

On page 385, after line 13, insert the following:

§ 3523. Penalty for Wrongful Disclosure

"Whoever, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

On page 387, after line 24, insert a new Part I as follows:

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1210. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

AMENDMENT No. 2679

1. Amendment to Title II, S. 1762.

On page 132, lines 8 through 10, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978, (29 U.S.C. 927(b))" and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

2. Amendment to Title VI, S. 1762.

On page 287, line 12, after the word "this" and before the word "person's" insert "part if such".

3. Amendment to Title X, Part K, "Assaults Upon Federal Officers," to include United States Magistrates in 18 U.S.C. 1114, "Protection of Officers and Employees of the United States."

On page 329, line 14, insert "or any United States magistrate," after "ficer,".

4. Amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform to analogous provisions of the Senate-passed labor racketeering bill, S. 336:

On page 306, line 22, delete "and" substitute in lieu thereof "or".

On page 310, line 15, insert ", other than in his capacity as a member of such labor organization," after "capacity".

On page 310, line 23, delete "and" and substitute in lieu thereof "or".

On page 312, line 7 and 8, delete "or employee benefit plan".

On page 313, line 1, delete "1102" and substitute in lieu thereof "802".

On page 313, line 2, delete "1103" and substitute in lieu thereof "803".

On page 313, line 11, delete "1103 and 1104" and substitute in lieu thereof "803 and 804".

5. Amendment adding to Title XII of S. 1762, a new part relating to Department of Justice Internal Operating Guidelines.

At the end of the bill, add the following:

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

6. Amendment to Title XII, Part F, S. 1762, "Witness Security Program Improvements" relating to United States Marshals Service.

On page 385, insert after line 21, the following:

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

7. Amendments to Title III, "Forfeiture."

On page 150, line 19, delete "section 413" and insert in lieu thereof "sections 413 and 414".

On page 162, delete the quotation mark and second period on line 4, and insert after line 4 the following:

" '(p) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".

On page 162, insert before line 5 the following:

" 'INVESTMENT OF ILLICIT DRUG PROFITS

'SEC. 414. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title or title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

'(b) Whoever violates this section shall be fined not more than [$50,000] or imprisoned not more than [ten] years, or both.

'(c) As used in this section, the term 'enterprise' includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

'(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.'.".[4]

On page 164, delete the quotation mark and second period on line 16, and insert after line 16 the following:

" '(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.'.".

On page 165, line 5, delete "item" and insert in lieu thereof "items".

On page 165, delete the item after line five and insert in lieu thereof the following:

" 'Sec. 413 Criminal forfeitures.

'Sec. 414 Investment of illicit drug profits.'.".

On page 165, line 22, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 166, delete line 1 and all that follows through line 6 on page 169, and insert in lieu thereof the following:

"SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

'(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeit-

ure Fund (hereinafter in this subsection referred to as the "fund") which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

'(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

'(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

'(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

'(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

'(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

'(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

'(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

'(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

'(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

'(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the General Fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

'(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

'(A) any criminal forfeiture proceeding;

'(B) any civil judicial forfeiture proceeding; or

'(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.'.".

8. Amendment to Title XII, Part A, "Prosecution of Certain Juveniles as Adults," relating to the use and confidentiality of juvenile records.

On page 378, delete line 12 through line 4 on page 379, and insert in lieu thereof the following:

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of Juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), or 955 or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony, a crime of violence or an offense described in section 841, 952(a), or 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

9. Amendment to Title XI, S. 1762, relating to 18 U.S.C. 219.

On page 375, after line 15, insert a new Part J as follows:

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph:

"For the purpose of this section: "public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government, thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

10. Amendment to Title VII, S. 1762, "Surplus Federal Property Amendments."

On page 301, at the end of line 2, insert "If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance."

11. Amendments to Title VI, S. 1762, "Justice Assistance."

On page 253, after line 15, add the following:

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of section 501."

On page 257, after line 2, add the following:

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds."

AMENDMENTS TO TITLE VI, JUSTICE ASSISTANCE

12. On page 250, line 9, insert after "ers;" the following:

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, and improve court system management.";

On page 250, line 10, strike "(12)" and insert "(13)".

On page 257, strike line 16 through 17 and insert in lieu thereof "within such State giving priority to those jurisdictions with greatest need.".

13. Amendment to Title II, S. 1762, "Sentencing Reform," relating to the collection of criminal fines.

On page 40, between lines 19 and 20, insert the following:

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 42, between lines 9 and 10 insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 49, line 13, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 50, strike out lines 16 through 20 and insert in lieu thereof the following:

"(d) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

On page 51, between lines 9 and 10, insert the following:

"(g) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) STAY OF FINE PENDING APPEALS.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(i) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

On page 51, strike out line 12 through line 9 on page 52 and insert in lieu thereof the following:

"§ 3573. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 63, line 18, strike out "and".

On page 63, between lines 18 and 19, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 63, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 67, after line 12, strike the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.

"3614. Resentencing upon failure to pay a fine.

"3615. Criminal default.

On page 68, strike out lines 2 through 19 and insert in lieu thereof the following:

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a line exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 68, line 20, strike out "(b)" and insert in lieu thereof "(c)".

On page 68, after line 26, add the following:

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) INTEREST, MONETARY PENALTIES FOR DELINQUENCY, AND DEFAULT.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) MONETARY PENALTIES FOR DELINQUENT FINES.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

On page 69, strike out line 1 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine

On page 71, after line 23 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.

On page 79, line 2, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 133, line 10, strike "and".

On page 134, line 12, strike the period, and insert in lieu thereof "; and".

On page 134, after line 12, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 138, between lines 15 and 16, insert the following:

SEC. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

SEC. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for delinquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) FACTORS TO BE CONSIDERED IN IMPOSING A FINE.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed; a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) TIME AND METHOD OF PAYMENT.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) INDIVIDUAL RESPONSIBILITIES FOR PAYMENT.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) RESPONSIBILITY TO PROVIDE CURRENT ADDRESS.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) STAY OF FINE PENDING APPEAL.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) DELINQUENT FINE.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) DEFAULT.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due within 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) PETITION FOR MODIFICATION OR REMISSION.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) ORDER OF MODIFICATION OR REMISSION.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) DISPOSITION OF PAYMENT.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) CERTIFICATION OF IMPOSITION.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) RESPONSIBILITY FOR COLLECTION.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) NOTIFICATION OF DELINQUENCY.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) NOTIFICATION OF DEFAULT.—Within 10 working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) INTEREST.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) Monetary penalties for delinquent fines.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) LIEN.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) EXPIRATION OF LIEN.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) APPLICATION OF OTHER LIEN PROVISIONS.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) EFFECT ON NOTICE OF LIEN.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) ALTERNATIVE ENFORCEMENT.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) DISCHARGE OF DEBTS INAPPLICABLE.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) RESENTENCING.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) IMPRISONMENT.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

§ 3598. Statute of limitations

"(a) LIABILITY TO PAY A FINE EXPIRES—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed."

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

14. Amendment to Title X, Part B, S. 1762, "Solicitation to Commit a Crime of Violence."

On page 320, line 3, delete "crime of violence" and insert in lieu thereof "felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another".

15. Amendment to Title VI, S. 1762, "Justice Assistance," relating to rural crime.

On page 236, line 23, delete "successful." and insert in lieu thereof "successful;".

On page 236, after line 23, insert the following:

"(6) developing improved strategies for rural areas to better utilize their dispersed resources in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention."

On page 245, line 13, insert "rural crime," after "quents,".

On page 250, after line 9, insert the following:

"(12) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;".

On page 250, line 10, delete "(12)" and insert in lieu thereof "(13)".

On page 291, line 3, after "criminals." insert "In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government.".

16. Amendment relating to the status of Puerto Rico in the Justice Assistance part of S. 1762 (Title VI).

On page 262, line 24, delete "3" and insert in lieu thereof "one and one-half".

On page 262, line 25, delete "the Commonwealth of Puerto Rico,".

On page 263, line 4, delete "97" and insert in lieu thereof "ninety-eight and one-half".

On page 264, line 17, delete "the Commonwealth of Puerto Rico,".

17. Amendment to Title VI, S. 1762, "Justice Assistance."

On page 300, between lines 7 and 8, insert the following:

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to:

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

HEINZ AMENDMENT NO. 2680

Mr. HEINZ proposed an amendment to the bill, S. 1762, supra, as follows:

On page 387, after line 24, add the following:

PART I—CRIME VICTIM'S ASSISTANCE FUND

SEC. 1210. (a) Part II of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 239—CRIME VICTIM'S ASSISTANCE FUND

"Sec.
"3801. Establishment of the Crime Victim's Assistance Fund.
"3802. Distribution of fund to State programs.
"3803. Distribution of fund to victim and witness assistance programs.
"3804. Return of funds to Treasury; report to Congress.

"§ 3801. Establishment of Crime Victim's Assistance Fund

"(a) There is established in the Treasury of the United States a revolving fund, to be administered by the Attorney General and to be known as the Crime Victim's Assistance Fund. The fund shall be the depository of—

"(1) fines paid by all individuals convicted of Federal offenses in the amount of—

"(A) $10 to $100 for each misdemeanor and $25 to $500 for each felony; and

"(B)(i) an additional surcharge of up to 100 per centum on all Federal fines paid in the courts of the United States; or

"(ii) double any gain by the defendant or loss by the victim in any case where the fine authorized by clause (i) is less than the gain realized by the defendant or the harm suffered by the victim; and

"(2) all forfeitures with the exception of those required by Federal law enforcement agencies.

In imposing a fine under clause (1)(B)(ii) the court shall consider the ability of the defendant to pay. In any case where a fine is not imposed under this section or any other provision of law the court shall state for the record the reasons a fine was not imposed.

"(b)(1) If a fine is imposed under this section or any other provision of law, the sentencing court shall promptly certify to the Attorney General—

"(A) the name of the person fined;

"(B) his last known address;

"(C) the docket number of the case;

"(D) the amount of the fine imposed;

"(E) the time and method of payment specified by the court;

"(F) the nature of any modification or remission of the fine; and

"(G) the amount of the fine that is due and unpaid.

The court shall thereafter promptly certify to the Attorney General the amount of any subsequent payment that the court may receive with respect to, and the nature of any subsequent remission or modification of, a fine concerning which certification has previously been issued.

(2) The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in paragraph (1).

"(c)(1) A fine imposed pursuant to the provisions of this section or any other provision of law is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of paragraph (2).

"(2) A lien becomes unenforceable and liability to pay a fine expires—

"(A) twenty years after the entry of the judgment; or

"(B) upon the death of the individual fined.

The period set forth in clause (A) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in clause (A) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(g), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(3) The provisions of section 6323, other than subsection (f)(4), 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a), 7506, 7508, 7602 through 7605, 7622, 7701, 7805, and 7810 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a) 7506, 7508, 7602 through 7605, 7609, 7610, 7622, 7701, 7805, and 7810), and section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by paragraph (1) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(4) A notice of the lien imposed by paragraph (1) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by paragraph (3).

"§ 3802. Distribution of fund to State programs

"(a) Fifty per centum of the funds in the fund established by section 3801 shall be distributed to qualifying State crime victim's assistance funds by the Attorney General.

"(b)(1) In order to qualify for funds under this section, a State shall establish a crime victim's assistance fund to distribute such funds. Such State fund shall provide—

"(A) compensation to all victims of crime within such State; and

"(B) psychological counseling to any crime victim who needs such counseling.

"(2) No State shall receive funds under this section until the crime victim's assistance fund of such State has been operational for a year.

"(c)(1) A State shall receive funds under this section on an annual basis based on the percentage of total compensation awards made by the crime victim's assistance fund of such State during the previous year. No State shall receive more than 10 per centum of total amounts awarded in the previous year from the Crime Victim's Assistance Fund.

"(2) The victim of a crime of exclusive Federal jurisdiction may apply to the convenient State for compensation. States shall be reimbursed dollar for dollar plus actual administrative costs not to exceed 25 per centum of the award for any award made to the victim of a crime of exclusive Federal jurisdiction. Awards made under this para-

graph shall be excluded from the 10 per centum cap provided in paragraph (1).

"3803. Distribution of fund to victim and witness assistance programs

"Fifty per centum of the funds collected by the Crime Victim's Assistance Fund shall be used to support victims and witness assistance programs. Fifty per centum of such funds shall be distributed at the discretion of the Attorney General to support Federal activities including—

"(1) training of law enforcement officials;

"(2) technical assistance to States for purpose of this chapter;

"(3) supporting ongoing or established new Federal witness and victims assistance programs;

"(4) improving facilities for victims and witnesses;

"(5) establishing a victim's advocate in the Department of Justice; and

"(6) administration of Crime Victim's Assistance Fund.

§ 3804. Return of funds to Treasury; report to Congress

"(a) Any funds deposited into the Crime Victim's Assistance Fund during a fiscal year not paid out during such fiscal year shall be returned to the general fund of the Treasury of the United States.

"(b) The Attorney General shall report to the Congress three years after the date of enactment of this chapter concerning the effectiveness of this chapter and any necessary modifications or other legislative action.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding the following new item:

"239. Crime Victim's Assistance Fund ..... 3801".

HATCH AMENDMENT NO. 2681

Mr. HATCH proposed an amendment to bill S. 1762, supra, as follows:

On page 177, strike out line 18 through line 24 on page 204 and insert in lieu thereof the following:

SEC. 401. (a) Chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 20. Insanity defense

"(a) STATE OF MIND.—It shall be a defense to a prosecution under any Federal statute, that the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged. Mental disease or defect does not otherwise constitute a defense.

"(b) APPLICATION OF THIS SECTION.—This section applies to prosecutions under any Act of Congress other than—

"(1) an Act of Congress applicable exclusively in the District of Columbia;

"(2) the Canal Zone Code; or

"(3) the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

"§ 21. Determination of the existence of insanity at the time of the offense

"(a) MOTION FOR PRETRIAL PSYCHIATRIC EXAMINATION.—Upon the filing of a notice, as provided in rule 12.2 of the Federal Rules of Criminal Procedure, the court, upon motion of the attorney for the Government, may order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court pursuant to the provisions of section 24 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in rule 12.2 of the Federal Rules of Criminal Procedure on a motion by the defendant or by the attorney for the Government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find, the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity.

"§ 22. Hospitalization of a person acquitted by reason of insanity

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (d) of this section. The court shall order a hearing to determine whether the person is currently suffering from a mental disease or defect and that his release would create a significant risk of bodily injury to another person or serious damage to property of another.

"(b) PSYCHIATRIC EXAMINATION AND REPORT.—Prior to the date of the hearing, the court shall order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court, pursuant to the provisions of section 24 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 24(d), and shall be conducted not later than forty days after the date of the finding of guilty only by reason of insanity.

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the acquitted person is currently suffering from a mental disease or defect and that his release would create a significant risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release would not create a significant risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE FROM SUITABLE FACILITY.—When the director of a facility determines that an acquitted person, hospitalized pursuant to subsection (d), has recovered from his mental disease or defect to such an extent that his release would no longer create a significant risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to such person's counsel and to the attorney for the Government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 24(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of evidence that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a significant risk of bodily injury to another person or serious damage to property of another, the court shall order his immediate discharge.

"§ 23. Hospitalization of a convicted person suffering from mental disease or defect.

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the Government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant. Such motion must be supported by substantial information indicating that the defendant may currently be suffering from a mental disease or defect and that he is in need of custody for care or treatment in a suitable facility for such disease or defect. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order a hearing on its own motion if the court deems that there is reasonable cause to believe that the defendant may currently be suffering from a mental disease or defect and that he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric examination of the defendant be conducted, and that a psychiatric report be filed with the court, pursuant to the provisions of section 24 (b) and (c). In addition to the information required to be included in the psychiatric report pursuant to the provisions of section 24(c), if the report includes an opinion by the examiners that the defendant is currently suffering from a mental disease or defect but that such disease or defect does not require his custody for care or treatment, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best provide the defendant with the kind of treatment needed.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 24(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to probation or imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence to the maximum term authorized by law for the offense of which the defendant was found guilty.

"(e) DISCHARGE FROM SUITABLE FACILITY.—When the director of the facility determines that the defendant, hospitalized pursuant to subsection (d), has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect

with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the Government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing, and may modify the provisional sentence.

"§ 24. General provisions

"(a) DEFINITIONS.—As used in this title—

"(1) 'insanity' means a mental disease or defect of a nature constituting a defense to a Federal criminal prosecution; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC EXAMINATION.—A psychiatric examination ordered pursuant to this title shall be conducted by a licensed or certified psychiatrist, or a clinical psychologist and a medical doctor, or, if the court finds it appropriate, by additional examiners. Each examiner shall be designated by the court if the examination is ordered under section 21, 22, or 23. For the purposes of an examination pursuant to an order under section 23, the court may commit the person for a reasonable period not exceeding thirty days, in order to conduct such examination, or pursuant to section 21 or 22, the court may commit such person to the custody of the Attorney General for placement in a suitable facility for a reasonable period, but not to exceed forty days. Unless impracticable, the psychiatric examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension not exceeding fifteen days under section 23, or not exceeding twenty days under section 21 or 22, upon a showing of good cause that additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC REPORTS.—A psychiatric report ordered pursuant to this title shall be prepared by the examiner designated to conduct the psychiatric examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the Government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychological and medical tests employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 21, whether the person was insane at the time of the offense charged;

"(B) if the examination is ordered under section 22, whether the person is currently suffering or in the reasonable future is likely to suffer from a mental disease or defect which would create a significant risk of bodily injury to another person or serious damage to property of another; or

"(C) if the examination is ordered under section 23, whether the person is currently suffering or in the reasonable future is likely to suffer from a mental disease or defect for which he is in need of custody in a suitable facility for care or treatment.

"(d) HEARING.—At a hearing ordered pursuant to this title the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to law. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS FOR SUITABLE FACILITIES.—(1) The director of the facility in which a person is hospitalized pursuant to section 22 or 23, shall prepare annual reports concerning the mental condition of such person, and shall make recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility, and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 22, 23, or 24, shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) ADMISSIBILITY OF A DEFENDANT'S STATEMENT AT TRIAL.—A statement made by the defendant during the course of a psychiatric examination pursuant to section 21 is not admissible as evidence against the accused on the issue of guilt in any criminal proceeding, but is admissible on the issue of whether or not the defendant suffers from a mental disease or defect.

"(g) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 22 precludes a person who is committed under such section from establishing by writ of habeas corpus the illegality of his detention.

"(h) DISCHARGE FROM SUITABLE FACILITY.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsections (e) of either section 22 or 23, counsel for the person or his legal guardian may, during such person's hospitalization, file a motion with the court ordering such commitment for a hearing to determine whether the person should be discharged from such facility. Such motion may be filed at any time except that no such motion may be filed within one hundred and eighty days after a court determines that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the Government.

"(i) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—(1) Before a person is placed in a suitable facility pursuant to section 22 or 23, the Attorney General shall request the director of each facility under consideration to furnish information describing rehabilitation programs that would be available to such person, and, in making a decision as to the placement of such person, shall consider the extent to which the available programs would meet the needs of such person.

"(2) The Attorney General may contract with a State, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to this custody pursuant to this title.".

(b) The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end thereof the following:

"20. Insanity defense.
"21. Determination of the existence of insanity at the time of the offense.
"22. Hospitalization of a person acquitted by reason of insanity.
"23. Hospitalization of a convicted person suffering from mental disease or defect.
"24. General provisions.".

HELMS AMENDMENT NO. 2682

Mr. HELMS proposed an amendment to the bill S. 1762, supra; as follows:

On page 353, after line 24, add the following:

PART P—RACKETEERING IN OBSCENE MATTER

SEC. 1031. Section 1961(1) of title 18, United States Code, is amended—

(1) in clause (A) by inserting after "extortion," the following: "dealing in obscene matter,"; and

(2) in clause (B) by inserting after "section 1343 (relating to wire fraud)," the following: "sections 1461-1465 (relating to obscene matter),".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on S. 1279, the Food Stamp Optional Block Grant Act of 1983.

The hearing will be held on Wednesday, February 1, 1984, at 10 a.m. in room 328-A, Russell Senate Office Building.

Anyone wishing further information, please call the committee staff at 224-2035.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. JEPSEN. Mr. President, the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on H.R. 4198, the Vermont Wilderness Act of 1983.

The hearing will be held on Wednesday, February 1, 1984, at 10 a.m. in room 562, Dirksen Senate Office Building.

Anyone wishing further information, please call the committee staff at 224-2035.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings on the First Concurrent Budget Resolution for Fiscal Year 1985 on Friday, February 3, 1984 at 9:30 a.m. and at 1:30 p.m. in room 608 of the Dirksen Senate Office Building. The Honorable Donald Regan, Secretary, U.S. Department of the Treasury is scheduled to testify at 9:30 a.m., and the Honorable Martin Feldstein, Chairman, Council of Economic Advisers, is scheduled to testify at 1:30 p.m.

For further information, contact Carolyn McCallum at the Senate Budget Committee at 224-0849.

Mr. President, the Senate Committee on the Budget will hold a hearing on the First Concurrent Budget Resolution for fiscal year 1985 on Monday, February 6, 1984, at 9:30 a.m. in room 608 of the Dirksen Senate Office

Building. The Honorable Caspar W. Weinberger, Secretary of Defense, and Gen. John W. Vessey, Chairman of the Joint Chiefs of Staff, are scheduled to testify.

For further information, contact Carolyn McCallum at the Senate Budget Committee at 224-0849.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session during the session of the Senate on Tuesday, January 31, to receive a briefing on United States and U.S.S.R. military capabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, January 31, at 11 a.m., to hold a business meeting to consider the committee's budget resolution for the second session of the 98th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, January 31, to hold a hearing on organized crime in the Midwest.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE DOMESTIC SHOE INDUSTRY

● Mr. D'AMATO. Mr. President, because of my concern for the well-being of the domestic footwear industry, I have recently become a member of the Senate Footwear Caucus. Today, nearly 10 percent of the total footwear production in the United States takes place in New York State. An estimated 8,400 New Yorkers are directly employed in the manufacture of footwear. This represents a reduction of over 50 percent since 1968. In addition, thousands of other residents in my State are employed in jobs closely related to this important industry.

The major cause for the significant reduction in employment in this area is the flood of foreign imports entering the country. Currently, over 64 percent of the nonrubber footwear in the Nation is made abroad. In 1983 alone, the level of imports increased by an estimated 20 percent. As a result, unemployment in the domestic shoe industry now stands at 14.9 percent.

I am seriously concerned about the prospects faced by the employees of the 80 footwear facilities located in my State. As a member of the footwear caucus, I will work to insure the viability of the domestic footwear industry.●

THE NEW KING HOLIDAY

● Mr. DOLE. Mr. President, on November 2, 1983, President Reagan signed the Martin Luther King holiday bill into law. The event marked a culmination of 15 years of effort to bestow our Nation's highest honor on both the man who died in Memphis, and his dream, which lives on. The task now is to insure that we celebrate each third Monday in January in a way which will best further the cause of racial equality, harmony, and justice for which Dr. King fought and gave his life. Recently, Mrs. Coretta Scott King sent me her statement on this subject, which I submit for inclusion in the CONGRESSIONAL RECORD. In it, she expresses her hope that the holiday will serve as a focal point for improved race relations and the use of nonviolent means to achieve social and economic progress.

The statement follows:

HOW WE CAN OBSERVE THIS HOLIDAY

(By Coretta Scott King)

Now that the Martin Luther King, Jr. holiday bill has been passed by Congress, and signed into law by the President, it is important to consider the meaning of the holiday and how it can best be observed.

In terms of significance, the King holiday is unique. There is the obvious fact that this will be the only holiday in honor of a Black American. The holiday can be a way to honor the contributions of Black citizens of America and to remind us that racial equality must always be a cornerstone of our democracy.

However, this must not be celebrated as only a "Black holiday." Martin Luther King, Jr. was deeply committed to racial integration. He believed that Americans of all races must learn "to live together as brothers, or we will perish together as fools."

The movement was not just for the liberation of Black people. Martin believed deeply that it was equally important to free white people from the moral burden of forced racial segregation. The Civil Rights Movement itself was a multi-racial endeavor that reflected the interracial solidarity Martin sought for our society.

No other holiday serves as a focal point for encouraging improved race relations. The holiday can help unify America in the spirit of Martin's dream.

The holiday will have special meaning for young people, who will be inspired by the courageous example of a man who began to lead a historic reform movement at the age of 26 and who was awarded the Nobel Peace Prize at age 34. We must begin to convince our young people that you don't have to carry a gun to change history, and Martin's life and work provide the preeminent example that demonstrates this truth.

Young people in particular need nonviolent role models like him. In many ways, the Civil Rights Movement was a youth movement. Young people of all races, many who were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It has never been done before; it has not been duplicated since.

For me, the overriding importance of the holiday is that it can help America focus on forging a new commitment to nonviolence. With few exceptions; the history book has gloried in the dubious achievement of the generals and warriors who have supposedly "solved" the great conflicts of American history.

However, in just 13 years of organized nonviolent struggle, Black Americans achieved more genuine freedom than the previous four centuries had produced. This is an impressive testament to the power of nonviolence. The efficacy of the philosophy and strategy of nonviolence is the most important lesson we can draw from the life and work of Martin Luther King, Jr.

From his study of history, he believed that violence always sows the seeds of bitterness, resentment and ultimately more violence. He saw that retaliatory violence was a vicious cycle that carried with it the seeds of its own destruction. He reasoned that the only way to break the cycle of violence was for someone to refuse to retaliate. He read of the historic nonviolent movement for independence led by Gandhi in India, and fused Gandhi's tactics with the religious principles of unconditional love, truth and forgiveness even for one's adversaries that he learned in his Christian training. "Man must evolve for all human conflicts a method that rejects revenge, aggression and retaliation," Martin said. "The foundation of such a method is love."

Until the American Civil Rights Movement, many people believed that nonviolence was something that could only be applied in Eastern cultures like that of India. But Martin saw that nonviolence was at the heart of our Judeo-Christian heritage and was entirely consistent with democratic values.

Today his legacy of nonviolence action for social, political and economic progress is more relevant and desperately needed than ever. The price of violent conflict between individuals, communities and nations has become unbearably high in this nuclear age, and only nonviolent conflict resolution offers a viable alternative.

For this reason the holiday must be substantive as well as symbolic. It must be more than a day of celebration. To many Americans a holiday means a "day of rest." Let this holiday be a day of reflection, a day of teaching nonviolent philosophy and strategy, a day of getting involved in nonviolent action for social and economic progress.

For more than 15 years, The Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta, the official national and international memorial, has observed his birthday with this commitment and has conducted activities around his birthday in many cities. The week-long observance has included a series of educational programs, policy seminars or conferences, action-oriented workshops, strategy sessions

and planning meetings dealing with a wide variety of current issues, from voter registration to full employment, to citizen action for nuclear disarmament. This January, The Center's observance will focus on achieving and implementing the legislative agenda issued by the New Coalition of Conscience at the August 27th March on Washington.

As it chooses its heroes and heroines, a nation intepret its history and shapes its destiny. The commemoration of the life and work of Martin Luther King, Jr. can help this nation realize its true destiny as the global model for democracy, economic and social justice, and as the first nonviolent society in human history.●

UNWAVERING SUPPORT OF THE AMERICAN LEGION

● Mr. COHEN. Mr. President, on November 5, 1983, the national commander of the American Legion, Keith Kreul of Fennimore, Wis., visited the State of Maine and spoke to an American Legion, Department of Maine banquet that was held in his honor.

Mr. Kreul delivered his remarks just a few days after the tragic truck bombing of our Marines in Beirut and the successful rescue mission of American students in Grenada and he stresses the American Legion's unwavering support for those who have served, and are serving America today in our armed services around the world.

Characterizing the American Legion as "more and more * * * becoming recognized as a voice of main-street America," Mr. Kreul explains the American Legion's support for this country's policies in the Middle East, the Caribbean Basin, and Central America.

At the request of Dan Lambert, Maine State Adjutant of the American Legion, I commend Keith Kreul's statement to the attention of my colleagues in the Senate and I ask that his remarks be printed in the RECORD.

The remarks follow:

REMARKS BY KEITH KREUL, NATIONAL COMMANDER, THE AMERICAN LEGION, DEPARTMENT OF MAINE BANQUET

Thank you Dan Lambert, distinguished guests, ladies and gentlemen, fellow Legionnaires and Auxiliary.

It is truly a pleasure for me to be with you this evening. We've had a wonderful three days here in the Department of Maine and you all certainly have shown some real "Down East" hospitality. You have much to be proud of in this fine state and your contributions to national defense certainly should be listed among them. I am extremely impressed by what I have seen during this all-too-brief visit.

The subject of national defense and national foreign policy is very much with us this evening. The rapid development of events in the world over the past weeks have sailed straight to the very core of every American and they particularly have struck the very core of The American Legion. We all, of course, are deeply saddened by the recent turn of events in Lebanon. As The American Legion indicated to the president immediately after the tragedy, this country must seek out and punish those responsible for the bombing of the Marine headquarters in Beirut. The wholesale slaughter of young men whose only purpose was to bring stability to a small portion of a fragmented society can never be rationalized or explained away. Service to our country is a common bond we share with those young men and we understand what great loyalty and dedication it takes to bravely face antagonists who will resort to sadistic butchery to destabilize the situation in Lebanon.

We also share with them a resolve, a resolve to bring peace and stability to the world and to the people who long for freedom and democracy. We will never support a faintness of heart that would, in the face of adverse circumstances, call for us to turn tail and run. That is why this coming veterans week I am calling on all Americans, led by Legionnaires and Auxiliary, to send letters to our service people now serving in Lebanon and throughout the world. And let them know that we love them, we respect them, and we are fully behind them in their service to this nation.

Immediately after the bombing in Beirut and the invasion of the Caribbean Island of Grenada, I was called to Washington for a private briefing on those situations by key members of the White House staff. Ladies and gentlemen, as we have stated in our resolutions on the Middle East and Lebanon, the restoration of Lebanese soverignty and withdrawal of all foreign troops from Lebanon will contribute to the stability of the entire Middle East. My belief in those resolutions was reinforced by that briefing and anyone who thinks Syria and the PLO will be inspired to pull out if the United States pulls out first is just plain simple-minded. Our troops are there as part of the multinational force to facilitate the withdrawal of other foreign forces, they are not there to cut and run when some barbaric fanatics decide to make tough going even tougher.

My friends, this is a time for The American Legion to lead this nation once again. Some of our traditional concerns have taken on a new meaning here in the 1980s and much to our gratification. The American Legion more and more is becoming recognized as a voice of main-street America. Today, we are being viewed nationally as a professional, well respected organization representing those who put their lives on the line to defend this nation's interests and in support of its policies.

Those interests and policies include Lebanon and the recent situation that developed rapidly on the tiny Caribbean island of Grenada. The president acted wisely and decisively and now that the facts about what was happening on Grenada are coming to light we can see how immediate action by the United States was so necessary. Just think, under the guise of tourism, a sleepy little piece of real estate was swiftly being turned into a Soviet-Cuban military base capable of exporting terrorism and threatening a major choke point for sea traffic. I agree with the president, we got there just in time.

We are at a turning point in this nation. With the events of recent weeks, the citizens of this great land are being awakened to the reality of the threat to this country posed by Soviet and Cuban interference in Central America. A moment ago I spoke of The American Legion being a respected voice in America. As an example of that respect, I was allowed to testify recently before the National Bipartisan Commission on Central America, sometimes known as the Kissinger Commission. We are the only veterans organization to do so and the commission acknowledged the deep concerns The American Legion has for that critical area of the Western Hemisphere. The issues involved cover a broad range of topics, but the bottom line is this: U.S. inability to prevent the emergence of unfriendly regimes in an area so close to our shores would cause grave harm to this nation.

In Grenada we demonstrated our ability to respond quickly to a situation that was hazardous both to our security and to American citizens residing there. The situation is not quite the same in other areas of the Caribbean basin, although certainly no less threatening or harmful.

One of the major contributing factors to this potential harm is an inability on the part of the American people . . . and their elected legislators. Now wait, perhaps inability is too harsh a word. Let's say it's a lack of consensus. What this country lacks is a national consensus—a national will—about what is going on in Central America and what to do about it.

According to some statistics I saw recently, most Americans are very poorly informed of the situation in Central America. Yet, almost 50 percent say the reports they see on television are true and an equal number feel it is right for the U.S. to intervene, however, most don't want to do anything.

And those attitudes are reflected in Congress. They waver from one position to another, offering no sense of unity as to where this country should go.

Well, ladies and gentlemen, The American Legion has told the Kissinger Commission we will help change that. We are going to our strength, to our membership, to help educate and properly inform the citizens of America as to the right course in Central America.

Let me explain how this lack of consensus is so dangerous. It's as simple as pure survival. Indecision is an open invitation to aggression. Indecision indicates weakness, an absence of determination for survival, a lack of willingness to take necessary steps for strong self defense.

The recent turn of events in Grenada has given this country an opportunity to demostrate its resolve. But that moment is in danger of slipping away. We have a golden opportunity available to us. We have the opportunity to prevent any more Grenadas from threatening this hemisphere.

But, when Congress fails to rally and support strong leadership . . . it is our duty to galvanize the populace of this great land and communicate our desire for unity and strength on this crucial issue.

The United States has drawn a line in Central America and we must demonstrate our ability to do what we say in this instance, or suffer humiliation and have our reliability as an ally seriously called into question before the world community.

We agree that the administration is proceeding in the right direction, but it has not been completely adequate. Although economic aid to Central America has accounted for about three-fourths of all U.S. support, it has not been up to the levels needed to counter the economic downturn caused by guerrilla plundering and world recession.

We outlined a course for the commission during our testimony. The American Legion proposed a Marshall plan approach of economic and security aid to the entire Caribbean Basin. The plan would be a compre-

hensive one, addressing economic, social, political and security needs.

It would be a specific program, with designated principles, and explicit goals. It would be a broad, clear, and definite plan that is understandable by our countrymen, our allies in Central America, and, very importantly, our adversaries.

The security aid would act as a shield behind which the endangered nations can protect their people from external threats, like Soviet and Cuban military adventurism. Those countries then could work to rectify social injustice, build democratic institutions and increase economic opportunities.

All countries of the area would be involved in this multilateral effort. It would be cooperative, without the United States dictating, imposing, or directing solutions.

And, the plan would be a long-term one, based on multi-year funding. It would be an indelible commitment to forever rid that area of our hemisphere from Marxist meddling.

Such a plan also would have a morale-building effect on this nation and the nations of the Caribbean Basin. It would be a loud and clear statement that we will not abandon our allies there or ignore a threat to our shores.

History shows us that such a plan is possible only when Congress provides strong bipartisan support for U.S. foreign policy and national security policy.

It is time for The American Legion to take the lead in forming this national consensus by informing our neighbors about the clear and present danger to this nation and by telling them of this key plan to offset that danger.

My friends, if the Communist influences in Central America succeed, the threat to this country would, literally, be only hundreds of miles and a few hours away. Did you know that it takes only 24 hours to drive from the Rio Grande to Nicaragua?

That's less time than it takes to drive from here to Milwaukee.

Did you know that El Salvador is only 1,000 miles from Miami? That's closer than from here to Charleston, West Virginia.

That's why The American Legion has pledged to gather together a groundswell of support and form it into a national consensus that will send a clear message to our leaders that we will not tolerate such clearly anti-democratic activity so close to our borders and that we will actively support the Marshall plan approach to helping our southern neighbors secure freedom and liberty for themselves.

The issue is a critical one, because if we are not safe within our own hemisphere, we will no longer be able to continue the other equally important programs of The American Legion. Our children and youth activities, our veterans affairs programs, the total spectrum of community involvement and service.

So I want you to go to your fellow Legionnaires and neighbors and become properly informed about this vital Central American issue and then help build grass roots support for our Caribbean Basin policy. Inform our senators and representatives about this growing national consensus in favor of a strong and long-term economic plan for Central America.

Begin the effort right here in the pine tree state. Then, with a united foreign policy in place to eliminate the threat from the south, we can actively pursue our mandates to build from within this country, a new Americanism, a new pride in community life, and a better country in which we all can grow and prosper.

We have the strength, we have the determination, to see that this country remains the champion of those everywhere who would seek the blessings of freedom, justice, and democracy. Let's show that it can be done.

Thank you all very much and God bless you.●

S. 2031—TO LOCATE U.S. EMBASSY AND RESIDENCE OF AMBASSADOR TO ISRAEL IN JERUSALEM

● Mr. D'AMATO. Mr. President, I rise this afternoon to join as a cosponsor of S. 2031, legislation which would require the U.S. Embassy and the residence of the American Ambassador to Israel to be located in the city of Jerusalem, the true capital of Israel.

Historically, Jerusalem has always been the capital of the Jewish people and the focal point of Judaism. Since 1000 B.C., when it was the capital of the Kingdom of David, until the present, no other nation has laid claim to Jerusalem as being its capital. The Jewish people pray three times a day to Jerusalem and believe strongly in Psalm 137: "If I ever forget you, Jerusalem, may my right hand lose its strength."

However, when Israel proclaimed its independence following the termination of the Palestinian mandate by the British in 1948, five Arab nations joined in a war against Israel with the primary intent of abolishing the Jewish State. They did not succeed, although Jordan did succeed in seizing the eastern part of Jerusalem.

On April 5, 1949, Israel and Jordan signed an armistice calling for a cease-fire. This agreement also partitioned the city, giving neither country control of the city until further negotiations could settle the dispute peacefully.

On December 13, 1949 Prime Minister Ben Gurion, in making the proposal that all Israeli Government Ministries move from Tel Aviv to Jerusalem, stated:

> Ever since the establishment of the Provisional Government, our principal care has been the security and economic consolidation of Jerusalem. In the stress of war, when Jerusalem was under seige, we were compelled to establish the seat of Government in Ha-Hirya, Tel Aviv. For the State of Israel, however, there has always been and will always be, the Eternal Jerusalem. Thus it was 3000 years ago and thus it will be, we believe, till the end of time.

From that point on, Jerusalem has officially been the capital of Israel, 2 weeks later, Israel's democratically elected parliament, the Knesset, convened there for the first time. Subsequently, all Government ministries have been located there. In April of 1950, however, Jordan annexed the eastern part of Jerusalem and, although Pakistan was the only nation to recognize this annexation, controversy began over who was really in control of Jerusalem.

Under Jordanian rule, the city was markedly divided with barbed wire fences and concrete walls. The Jordanian Government denied Jews access to the holy places; 58 synagogues were either destroyed or severely damaged. In addition, legislation was passed which restricted ownership or possession of land by Christians within the walled city.

In 1967, Israel was again faced with hostilities with Egypt and Syria which were intent on abolishing the State of Israel. Israel requested that Jordan remain neutral, promising in return that Israel would not take action against them. One day later, however, Jordan attacked the western part of Jerusalem. This conflict, known as "the Six Day War," ended with Israel gaining control of the whole of Jerusalem.

With the unification of Jerusalem, Israeli rule was extended to the eastern part of the city. This unification put an end to the repressive religious practices of the Jordanian Government. The "Protection of Holy Places Law" was immediately passed by the Knesset. This law guarantees the protection of the holy places of all religions and the freedom of access to them by all.

As an article in the London Daily Telegraph on June 25, 1967, stated:

> There is no essential incompatibility between these different needs, Jewish political possession of Jerusalem and absolute freedom to it by Moslems and Christians—these have been declared principals of the State of Israel.

Today, 34 years after Jerusalem was officially proclaimed the capital of Israel and 16 years after it was united, the United States, by retaining its diplomatic headquarters in Tel Aviv, still refuses to treat it as the capital of Israel.

To this day, American officials are denied certain diplomatic activities solely due to the fact that they take place in the eastern part of the city, which the United States refuses to acknowledge as part of Israel. This is no way to maintain relations with a friend and ally. The exchange of diplomatic envoys is the primary method of acknowledging one another's existence and of conducting political and commercial negotiations.

What can be said of the quality of diplomatic relations with a country whose capital does not exist in our eyes?

It has always been the right of a country to choose the city in which all diplomatic missions are located. When Brazil moved its capital to Brazilia, the diplomatic corps of all countries followed. And when the Dutch Government requested that The Hague be

the diplomatic capital, rather than Amsterdam, Holland's official capital, nations agreed to situate their Embassies there. Although the United States does not recognize East Germany's claim to Berlin as its capital, the U.S. Embassy is nevertheless located in East Berlin.

So why does the United States not have its Embassy in Jerusalem, that country's capital, as is the wish of the Isareli Government, when we so strongly support their democratic way of life? Why do we bow to the wishes of all other countries in the placement of diplomatic envoys, yet refuse to grant Israel this freedom of choice?

I believe that the United States should allow Israel this fundamental right of choosing its own capital and adhere to that right by relocating the U.S. Embassy there. In doing this, the United States will demonstrate its commitment to Israel, a free and independent nation. The present location of the U.S. Embassy in Tel Aviv serves only to reject Israel's legitimate claim to sovereignty over the whole of Jerusalem.

Mr. President, the time has come for the United States to show its full support for the State of Israel by locating our Embassy in Jerusalem, the Israeli capital.●

STRENGTHENING CHILD SUPPORT ENFORCEMENT

● Mr. MITCHELL. Mr. President, I rise today in support of S. 2207, legislation designed to strengthen the Federal child support enforcement statue, which I have agreed to cosponsor. I commend my distinguished colleague from New Jersey, Senator BRADLEY, for introducting this bill which was passed by the House unanimously on November 16. It underscores the need for concrete action to insure that both parents, living apart, are fulfilling their financial obligation toward their children.

There is compelling evidence showing that many parents, legally required by court or administrative order to make child support payments, are ignoring their obligation. The Census Bureau's figures reveal that in 1981, 8.4 million women were raising children alone in this country. Of that number, 4 million women had established a legal right to child support. And yet, 53 percent of them received either partial payment or no payment at all, with lost child support payments totaling $4 billion—a staggering amount.

The result of such inaction on the part of noncustodial parents has been to force custodial parents, the vast majority of whom are women, into poverty. Fully 30 percent of the 8.4 million women raising children on their own live below the poverty level. And it is estimated that 80 percent of the cases on the aid to families with dependent children (AFDC) program seek assistance because of inadequate or nonexistent child support.

Clearly, then, the failure of some to fulfill their legal support obligation must be borne in part by American taxpayers in the form of welfare payments or publicly financed collection efforts.

It is also evident that such delinquency in obligations is contributing to the feminization of poverty. In 1981, more than 42 percent of poor families were maintained by women. Families headed by a woman experience a poverty rate that is six times that of male-headed households. Women encounter discrimination in the workplace, in arranging for child care, and in pensions. They suffer materially from lost child support, and so do their children who are least able to fend for themselves.

Congress enacted the current child support enforcement program in 1975 in an effort to improve the payment and collection of child support obligations. However, compliance with such obligations has declined since 1978 and it has become clear that more stringent methods of enforcement are necessary to make delinquent parents live up to their responsibility toward their children.

The legislation just introduced in the Senate has a number of important provisions. It requires the States to institute mandatory wage withholding whenever there is 1 month of arrearage in child support payments. It also requires the States to make reasonable efforts to expedite and improve compliance with and enforcement of legal support obligations. States must withhold State income tax refunds from noncustodial parents who are delinquent in their support payments in AFDC cases, and can do so at their option in non-AFDC cases. Further, individuals with a practice of delinquency will be required to post bond or some other guarantee to secure payment of past due child support. An important provision changes the incentive formula which currently pays States on the basis of collections made for AFDC families. The new provision rewards States on behalf of both AFDC and non-AFDC cases, thus giving new incentives for collecting support for families not receiving welfare payments. Finally, the bill provides $15 million a year for demonstration grants so States can experiment with improved methods of collection in interstate cases, clearly one of the most important and troublesome areas of child support delinquency.

In my own State of Maine, the enforcement program uses the full complement of seven enforcement techniques, including attachment and garnishment, currently in use, in whole or in part, by other States. Total child support collections have been increasing yearly, and the collections per dollar of total administrative expenditures was at 2.84 in 1982, just under the national average. Of the 32,000 families nationally removed from the AFDC rolls in 1982 as a result of child support collections, fully 1,000 were in Maine.

While there are many virtues to the legislation, I nonetheless am concerned about several items which it either does not address or addresses insufficiently.

First, the issue of visitation has been raised by many parents who do not have custody of their children. Their grievance is the arbitrary denial of visitation by the former spouse. Feeling extreme frustration, they cease making child support payments altogether, contributing to the economic hardship of the custodial parent and the children.

While both parents have legal responsibilities to provide for their children, they equally have rights to see and spend time with them. The act of denying visitation is reprehensible conduct, conduct that simply cannot be condoned. At the same time, however, frustration of visitation rights does not absolve the noncustodial parent of his or her legal obligation for support.

The problems presented by visitation can be vexing indeed. But the solutions to those problems appear beyond the scope of this legislation. I would therefore hope that the States will address this subject in greater detail, through the State commissions on child support enforcement legislation created by this legislation, and devise ways in which to insure visitation rights.

Second, the imposition of joint custody has been advocated by some as a standard for custody disputes. This may in a number of cases be a desirable means of resolving questions of access to children by both spouses. However, the concept is not universally endorsed and is one which is under the sovereignty of State law. I would similarly hope that the State commissions would examine the feasibility of establishing joint custody and look at the impact which joint custody would have on child support collections. My understanding is that States presently having joint custody enjoy fewer collection problems and less relitigation on custody matters.

Third, collection of child support payments in interstate cases is perhaps the most troublesome and confounding problem facing custodial parents. While the legislation adds incentive for such cases and provides funding for demonstration grants on methods to improve interstate collection, I hope the State commissions will examine the nature of the problem in ex-

tensive detail and recommend legislative changes, if appropriate.

Other amendments to this bill may be desirable. For instance, there should be expedited administrative or judicial review mechanisms at the State level to speed up disputes over levels of child support payments. It should be made clear that there can be no discharge in bankruptcy of child support obligations assigned to a State for collection purposes by applicants for non-AFDC services. States should with the aid of Federal assistance maintain clearinghouses or similar management systems through which child support payments would be paid. And AFDC mothers receiving child support payments from their former spouses, but indirectly through State agencies, should be advised of the contributions being made by those former spouses.

I am hopeful that the amendments to the Child Support Enforcement Act will have a salutary effect on collections and that more noncustodial parents will, as a result of stronger enforcement measures, undertake to fulfill their legal and moral responsibilities to their children on a voluntary and timely basis. That obligation rests squarely on their shoulders and should be borne by them, not by American taxpayers. The health and welfare of their children is too vital a personal as well as a national resource to ignore.●

COSPONSORSHIP OF S. 2050—RELATING TO SALE AND RELOCATION OF PROFESSIONAL SPORTS FRANCHISES

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 2050, a bill which would protect communities from the sale and relocation of professional sports franchises by giving all potential purchasers who would keep the team in its original city or locality the right of first refusal to buy and operate the team.

While I am generally hesitant to interfere in the smooth operation of the marketplace, I believe that sports franchises are a unique commodity for a number of reasons. Foremost among those is the fact that the Federal Government has embodied in statute an exemption from the antitrust laws for our national pastime, major league baseball. That antitrust exemption was granted because of the unique nature of sports: Teams that enter a league together are competitors on the field, but business associates at the turnstile.

Thus, we have already taken action which specifically recognizes a status for sports teams different from all other enterprises. S. 2050, therefore, which also accepts the premise that sports enterprises are significant for reasons other than their economic contributions, is not exceptional. There exists a clear legal precedent for treating sports teams differently from other businesses.

Additionally, I take this action because, like many New Yorkers, I have always been a sports fan. If the owner of a team were prevented by this bill from receiving the fair value of the team, I would not support it. But this bill allows only the right of first refusal, not a reduced price, to any consortium that will keep the team in the city where it has been located. I think that this is a moderate approach to the problem and one which I would urge my fellow Senators to adopt.●

ACCEPTANCE OF APPOINTMENT AS JUDGE OF U.S. BANKRUPTCY COURT

● Mr. DIXON. Mr. President, I ask that correspondence from the White House to Judge Edward B. Toles, U.S. Bankruptcy Judge for the Northern District of Illinois, indicating acceptance of his letter as a notice of agreement required by 5 U.S.C. 8331(22), be printed in the RECORD in its entirety.

The correspondence follows:

THE WHITE HOUSE,
Washington, January 10, 1984.

Hon. EDWARD B. TOLES,
U.S. Bankruptcy Judge, Northern District of Illinois, 219 South Dearborn Street, Chicago, Ill.

DEAR JUDGE TOLES: Thank you for your recent letter to the President informing him that you are willing to accept an appointment as a judge of a United States Bankruptcy court established under Section 201 of the Bankruptcy Reform Act of 1978. Your letter has been accepted as a notice of agreement required by 5 U.S.C. 8331(22)(A). We appreciate your attention to this matter.

Sincerely,

FRED F. FIELDING,
Counsel to the President.●

COSPONSORING THE LINE ITEM VETO, S. 1921

● Mr. D'AMATO. Mr. President, I rise today to cosponsor and to lend my firm support to S. 1921, legislation introduced by my distinguished colleague from Georgia, to provide a Presidential line item veto.

As the President pointed out in the state of the Union address, America is healthy and well on the road to prosperity. However, continued economic progress is threatened by overly large Federal budget deficits. The President stated, quite correctly, that how deficits are reduced is as important as the actual reduction. There is little difference between financing increased Government spending through the issuance of new debt or by the imposition of higher taxes. Both methods are equally damaging to the continued vibrance of the economy. Deficit financing and increased taxes both redirect private funds to the Federal Government. The result of either action is that the pool of investment capital is depleted and industrial expansion is stifled.

The root cause of mammoth Federal budget deficits is runaway Government spending. Since fiscal year 1965, Federal spending has increased at an annual average rate of 11.2 percent. Since that time, the deficit has grown from $1.2 billion to $194.5 billion. Continued efforts to reduce the deficit through higher taxes have failed.

The Federal budget is a disaster in need of drastic action. Giving the President line item veto authority would be an important first step toward getting control of Government spending. This would allow the President to reject specific appropriations without vetoing an entire piece of legislation as we must now do. Under S. 1921, however, Congress would still have the power to overrule any veto by a two-thirds vote.

Currently, Congress adds pork barrel programs to important legislation with virtual impunity. The President often hesitates to veto an entire bill which includes wasteful programs for fear of destroying the vital underlying legislation. The line item veto, therefore, would allow the Chief Executive to eliminate waste without destroying critical policy initiatives.

At this time, 43 Governors have line item veto authority over State budgets. Many of these States are required by statute to annually balance their books. I can think of no greater tool we can give the President to control wasteful Government spending than the line item veto. It has been proven effective at the State and local levels and now should be implemented by the Federal Government.

Mr. President, I urge my colleagues on both sides of the aisle to lend their support to S. 1921.●

SENIOR CENTER WEEK

● Mr. ABDNOR. Mr. President, I am pleased to cosponsor the joint resolution to designate the week of May 6-12, 1984, as "Senior Center Week."

More than 8,000 senior centers across our Nation provide older Americans the opportunity for social interaction and continued involvement in their communities, in addition to making available vital nutrition and counseling services. These centers are helping to facilitate a higher quality of life for our senior citizens.

In my own State of South Dakota, 243 senior centers serve the needs of elderly individuals, many of whom reside in small, rural communities. The Federal Government, through the Older Americans Act, assists these community-based facilities in providing access not only to federally funded

programs, but also to locally sponsored services.

Mr. President, it is only fitting, that during the month of May, which has historically been designated "Older Americans Month," we should honor our senior citizens and these community organizations which exist to serve their needs by designating the week of May 6, "Senior Center Week." I wish to commend my distinguished colleagues from Pennsylvania and Ohio, Mr. HEINZ and Mr. GLENN, for initiating this important resolution.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. William N. LaForge of the staff of Senator COCHRAN, to participate in a program sponsored by the European Community's visitors program in Western Europe from January 9 to February 9, 1984.

The committee has determined that participation by Mr. LaForge in the program in Western Europe, at the expense of the European Community's visitors program, to discuss trade agreement programs and customs matters in which the interests of the European Community are involved, is in the interest of the Senate and the United States.●

YEAR OF THE BIBLE

● Mr. ARMSTRONG. Mr. President, Congress declared, and the President proclaimed 1983 as the "Year of the Bible." Far from being a routine gesture by Congress, this resolution, which encouraged Americans to voluntarily study and apply the teachings of the Holy Scriptures, launched truly remarkable events that encouraged millions to read and study the Bible.

It would be impossible to list all of the events held in 1983 to honor the Bible as the Word of God. But I thought my colleagues would want the enclosed initial report summarizing the activities of the Year of the Bible. To mention just a few highlights:

Four million Americans responded to nationally advertised offers of free material highlighting key Biblical principles.

Year of the Bible activities were held in every State of the Union. More than 25 States and 500 cities issued their own Year of the Bible proclamations. More than 2,000 cities sponsored prayer breakfasts, special ecumenical services, seminars, parades, discussion groups, and other events. For example, plans are complete to distribute a free Bible to each home in Kentucky and Hawaii. In Oklahoma, 2,600 volunteer hours coordinated 40 Year of the Bible activities. Fort Lauderdale, Fla., attracted 20,000 to its Year of the Bible rally. In Minnesota, a Year of the Bible celebration at the Cathedral of St. Paul attracted 1,000 worshippers. Some 25,000 Bibles were distributed to homes in Carrollton, Tex.

Yugoslavia, Korea, and the Republic of China issued their own Year of the Bible resolutions.

Seven million pieces of literature were requested by, and sent to churches, synagogues, and religious organizations throughout the United States.

Sales of Bibles and Biblical literature increased between 15 and 40 percent. Nonprofit Bible societies reported their distribution of material increased as much as 100 percent.

These statistics show that 1983 was, truly, the Year of the Bible. Perhaps more indicative of the personal impact that this special year has had are the personal anecdotes. A schoolteacher in New York took the year off to raise $7,000 to buy Bibles for those who work in downtown Manhattan. A Washington, D.C., lawyer said the Year of the Bible resolution gave him the courage to hold a neighborhood Bible study. An unemployed heavy equipment operator said the Year of the Bible had encouraged him to read the Scriptures, and has given me hope and a reason to live.

It was a remarkable year, a year which truly honored the Word of God. Since this resolution passed the Senate unanimously, I am grateful for my colleagues help in making 1983 the Year of the Bible. Perhaps my colleagues will join the New Mexico Year of the Bible Committee, and read the Bible more in 1984.

I ask that the initial report of the Year of the Bible be printed at this point in the RECORD.

The report follows:

YEAR OF THE BIBLE—IMPACT REPORT

I. ADVISORY BOARD; NATIONAL COMMITTEE; NATIONAL SPONSORS

After the Presidential signing of the Joint Resolution of Congress, one of the first actions was the enlistment of broad national support from religious and business leaders from across the country. The list (attachment 1) identifies those who agreed to publicly endorse the legislation which designated 1983 as the year of the Bible. By years end, 448 leaders from every field were serving on these three Committees. These people have contributed significantly to the success of this program by developing strategies and policies, generating financial support, requesting proclamations from Governors and Mayors, and using their influence to inform their constituencies of the Year of the Bible.

The National Committee met on *four* different occasions to determine policy and hear reports of Year of the Bible activities, twice in Washington, D.C., once in Dallas, and once in Chicago. These historic gatherings of leading Christians and Jews were characterized by cooperation and enthusiasm, covering a broad spectrum of views from many differing persuasions, yet in one accord: "the Bible is good for America and we will encourage all to read it." (For minutes of these meetings see attachment 2.)

II. GOVERNOR'S PROCLAMATIONS

Very soon after President Reagan made public his Proclamation designating 1983 as the Year of the Bible at the February 3, 1983 Congressional Prayer Breakfast, governors began issuing State Proclamations similar to the President's. Many proclamations were issued at the request of private citizens of the state, or at the urging of legislative bodies.

At least 25 Governors, have issued Year of the Bible proclamations: Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, and Wyoming.

Probably others have done so without our knowledge and efforts are being made to locate such proclamations.

III. CITY AND COUNTY PROCLAMATIONS

In a further effort to strengthen the impact and influence of the Year of the Bible, local citizens were encouraged to approach their mayor and request a year of the Bible Proclamation.

Some states took this challenge very seriously and requested that each Mayor issue such a Proclamation. For example, Florida had 152 Mayors make Proclamations, California divided along Congressional district lines, creating Year of the Bible Committees in each district.

Over 500 Proclamations have been verified, but probably twice that number exist across the country.

IV. NATIONAL OVERVIEW

Probably the most dramatic national effort was sponsored by the Arthur S. DeMoss Foundation in celebration of the Year of the Bible. Nancy DeMoss, serving on the National Committee, developed a national media campaign utilizing TV spots and print media to distribute a book especially created to celebrate the Year of the Bible, *Power for Living*. The campaign was designed for 100% exposure across the country and has already generated nearly 4 million responses. Each respondent is being mailed a free copy of *Power for Living* and a Gospel of John, from the New Testament.

State Directors in over 40 states actively promoted Year of the Bible activities.

At least 300 City Coordinators generated activity in over 2,000 communities throughout America (attachment 3).

Two direct mailings to every church, synagogue, and religious organization created requests for over *seven million* pieces of Year of the Bible literature.

Six thousand billboard papers, 12,000 posters, and 100,000 postcards were distributed by the *Back to the Bible Ministry*, each promoting the Year of the Bible.

The cover story of December 27, 1982 *Newseeek*, "The Bible in America", made note of the Year of the Bible.

Senator Bill Armstrong was featured on the Phil Donahue show in a debate over the constitutionality of the Year of the Bible.

"The Year of the Bible" was the theme of two major national conventions in 1983: National Religious Broadcasters and Christian Booksellers Association. "The Year of the Bible" also presented exhibits at several other national and regional conventions:

National Association of Evangelicals Convention.

American Booksellers Association Convention.

Texas Sunday School Association Convention.

Greater Los Angeles Sunday School Association Convention.

Campus Crusade for Christ Staff Training.

Detroit Sunday School Association Convention.

Assemblies of God National Convention.

Fellowship of Christian Companies.

Southern Baptist National Convention.

Full Gospel Businessmen's Fellowship International.

Edwards Baking Company of Atlanta, Georgia distributed 3,780,000 pies nationally with the Year of the Bible logo imprinted on the pie pans.

The Greater American Race featured a Year of the Bible antique car entry. The race covered 2,700 miles from Buena Park, California to Indianapolis, Indiana from May 21 to 27, 1983.

Reader's Digest placed a full page ad in over 15 million issues during the months of October and November.

Guidesposts Magazine featured a four month series on "How the Bible Came to Us" for its seven million monthly readers.

Many other national publications featured Year of the Bible articles or advertisements: *Worldwide Challenge, Foursquare World, Advance, Pentecostal Evangel, Command, Christ for the Nations, Catholic Library World, Timeless Insights, The Daily Walk, Religious Broadcasting, New Covenant, The Sower, Good News Magazine, The Presbyterian Journal, Evangel News Digest, Charisma, The Christian Courier, Missionettes Memos, Bookstore Journal, A.D. Magazine, Vision, Young Ambassador, Today's Single, Rock Church Proclaims, Floodtide, Christianity Today, Prison Ministry, Christian Times Magazine.*

The Christian Booksellers Association and Standard Publishing offered $5,000.00 in prizes for the best Year of the Bible display by a bookstore.

The International Evangelism Association distributed 100,000 "Year of the Bible Devotional Guide" booklets to be given to Bible buyers in religious bookstores.

The Walk Through the Bible Organization developed, printed, and distributed 50,000 "Year of the Bible Official Reading Guides" based on 20 beloved passages of the Bible.

The NBC and ABC television networks approved the George Washington Year of the Bible telespot for national placement.

Over seven million pieces of Year of the Bible publicity materials (newsletters, posters, bumper stickers, worship bulletins, TV and radio spots, lapel pins and buttons, etc.) have been distributed by the Planning and Media Office in Nashville, Tennessee.

Every church, synagogue, and ministry (350,000 total) received two mailings announcing the Year of the Bible and encouraging involvement.

Many businesses and ministries have used the Year of the Bible logo on their postage metering machines.

Many other businesses have also produced Year of the Bible momentos and products.

The International Prison Ministry is placing a Bible display of free New Testaments in each of the 6,000 prisons and jails across the country.

The National Coaches Committee for the Year of the Bible encouraged 30 seconds of silent prayer for the year of the Bible and the nation during the last 45 major college and professional football games of the season.

Bible sales companies have reported increases of between 15 and 40 percent.

The non-profit Bible distribution societies indicated increases of up to 100% over previous years.

Several national Bible sales and distribution campaigns have emerged as a result of the Year of the Bible, including:

The Christian Broadcasting Network has developed "The Book" campaign to sell 2-5 million Living Bibles in the non-religious marketplace.

The Christian Heritage Readers Club developed "Project 10 Million" to distribute 10 million *The Way Home* New Testaments through displays in local businesses, churches, and hospitals.

Maranatha Campus Ministries took advantage of the year of the Bible to distribute Bibles to 300,000 international students on 100 college campuses.

Many Year of the Bible committee members have appeard on hundreds of television, radio, and committee programs. Col. Glenn Jones, Executive Director, had 84 speaking engagements in twenty states, reaching an estimated 3 million persons with news of the Year of the Bible.

More than 500 newspapers are known to have featured stories on the Year of the Bible.

V. INTERNATIONAL ACTIVITY

At the request of the U.S. Forces Command in Korea, Col. Jones traveled for one week in Korea, speaking primarily to servicemen and their families on eight military installations. In addition, he appeared on their "Today Show" to explain the purposes of the Year of the Bible to the Korean viewing audience.

The Republic of China celebrated the Year of the Bible concurrently with the United States. Col. Jones traveled to Taipai to be the Keynote Speaker for their final rally on December 30, 1983 in the Sun Yet Sen Memorial Hall.

By newsprint (attachment 4) we also learned that Yugoslavia celebrated the Year of the Bible during 1983.

VI. STATE ACTIVITY

Examples of activities by various states follow. While every state did have some activity, (attachment 3) some states took an active role in promoting the Bible in unique ways. We've synopsized a few examples, but have presented the Oklahoma report (attachment 5) *en toto* to show a sample of true grass roots support for the Year of the Bible.

California

Mr. Robert Woods, Chairman for the California State Committee for the Year of the Bible, developed a Statewide Committee and initiated resolutions in both legislative houses which resulted in a Gubernatorial Year of the Bible Proclamation.

California was divided into 17 districts with District Coordinators. Each district held at least one major Year of the Bible event. Approximately 100 Mayors throughout the state signed Year of the Bible Proclamations.

U.S. Congressman Carlos Morehead was the guest of honor at an event in Los Angeles on November 20, 1983.

An essay contest, "What the Bible Means to Me", was held throughout the state.

Public service radio spots were run in all of the major markets.

TV spots were aired in San Francisco, Sacramento, Uricca, Bakersfield, Los Angeles, Santa Barbara.

Press releases went to every major newspaper. Several radio and TV talk shows have run 15-20 minutes Year of the Bible segments.

Georgia

At the request of Year of the Bible Regional Coordinator Darrell Chatraw, Governor Joe Frank Brown issued a Year of the Bible Proclamation soon after the Presidential Proclamation.

Georgia State Director, Rooks Boynton, then began a coordinated thrust to affect the entire state.

At least 30 year of the Bible Proclamations were issued by Mayors and County Commissioners.

Radio spots were sent to approximately 145 stations for public service air time.

At least 46 newspapers carried Year of the Bible articles, and UPI and AP carried the Georgia story of the Year of the Bible, throughout the Southeast.

In recognition of the Year of the Bible, Bibles were presented to Governor Harris, the Georgia legislators and other state officials. Bibles were also presented to the Justices of the U.S. Supreme Court.

State Director Boynton spoke frequently to religious, civic, radio and TV audiences, reaching at least 200,000 people personally.

A special presentation of the Year of the Bible Proclamation was made by Mr. Fred Davidson, President of the university of Georgia, to 84,000 fans at the university of Georgia vs. Auburn football game.

"Atlanta A Live" and Jimmy Swaggart TV programs featured the Year of the Bible National, Regional, and State Directors at various times during the year.

Florida

Mr. Lon Smith served as the State Director and worked as a catalyst to organize much of the Year of the Bible work in the state of Florida.

At the request of Year of the Bible supporters, the Governor issued a Year of the Bible Proclamation, as did at least 152 Mayors.

Florida and Ft. Lauderdale committees sponsored a Year of the Bible parade and a Year of the Bible rally which attracted some 20,000 people. United States Congressman Clay Shaw presented a greeting from President Reagan.

A Year of the Bible anniversary parade and rally are already being planned for 1984 and following years.

Many churches and organizations are involved in Bible distribution. A single church in Coral Ridge has ordered 150,000 scriptures for distribution in their area.

At least 15 newspapers carried Year of the Bible articles and 45 radio stations made local announcements or provided public service time for Year of the Bible spots. At least four television interviews brought attention to the Year of the Bible on a state level.

Hawaii

The Year of the Bible efforts in Hawaii were greatly enhanced by the Youth With A Mission workers who organized the Hawaii state committee and the Year of the Bible promotional efforts.

The Governor responded to the committees request with a Year of the Bible Proclamation, encouraging Bible reading and application in the Year of the Bible.

A state-wide media campaign using radio, TV, and newspapers reached an estimated 70% of the population with the news of the Year of the Bible.

A brochure entitled "The History of the Bible in Hawaii" was mailed to every home in the state.

Plans are now being made for a state wide distribution program to take place in the spring of 1984.

25th anniversary incorporated year of the bible.

In 350,000 homes every mayor has proclaimed the year of the bible. Offer every homeowner a bible—most aggressive bible distribution.

Kentucky

State Representative Tom Riner, serving as the State Director for the Year of the Bible, reported the following Year of the Bible highlights in Kentucky.

Governor John Brown, Jr. signed an official Year of the Bible Proclamation and agreed to serve as the Honorary Chairman for the Kentucky Committee for the Year of the Bible.

The Year of the Bible sponsored a Year of the Bible display at the Kentucky State Fair. More than 500,000 passed by the booth and 3000 signed a petition encouraging the citizens of Kentucky to read their Bibles.

Ten thousand Year of the Bible bumper stickers were distributed throughout the state.

Fifty-one Mayors in the state of Kentucky issued Year of the Bible Proclamations.

More than 25,000 New Testaments were mailed to each home in Louisville.

A plan to distribute Scripture portions to the 1.2 million households will be completed in 1984.

The Louisville Courier-Journal newspaper, with 385,000 circulation across the state carried ¼ page Year of the Bible advertisements on four different dates.

In an effort to meet special needs of the poor 100 food baskets were distributed at Thanksgiving and a similar plan is being expanded for Christmas and for 1984.

A 14'×48' billboard promoting the Year of the Bible was placed on Interstate 65 in Louisville.

Six hundred Year of the Bible plaques with the Ten Commandments and Presidential Proclamation were distributed to the public school system for placement in school libraries.

Several radio stations aired public service spots for the Year of the Bible.

Minnesota

Mankato, Minnesota responded quickly to the President's Year of the Bible Proclamation by calling some 5,000 residents in the community to ask if they were familiar with the Proclamation. Several Bible study groups were formed by interested people.

Miss Loretta Grizaitis of the National Committee, requested and received Proclamations from both the Governor and the Mayor of Minneapolis.

Miss Grizaitis also was the catalyst for forming a local interfaith committee which promoted the Year of the Bible in the Twin Cities with strong Catholic involvement and a television talk-show panel.

The Cathedral of St. Paul held a Year of the Bible celebration service for about 1,000 worshippers.

Seventy-five billboards encouraging Bible reading and recognizing the Year of the Bible are being posted in December in the Twin Cities and another 20 are being offered for smaller metropolitan areas.

New Mexico

Mr. Ron Griffith serving as the State Director for New Mexico, initiated the Governor's Year of the Bible Proclamation which was featured in the two major papers in New Mexico.

Nine Mayors have issued Year of the Bible Proclamations and a special Mayors Prayer Breakfast in Carlsbad for 600, brought the Year of the Bible to the attention of everyone in attendance.

At least eight newspaper articles have appeared, and four television interviews have publicized the Year of the Bible.

Radio spots were distributed to 54 radio stations for public service time.

About 25 billboards will be posted to remind everyone of the Year of the Bible.

Many churches have taken advantage of the Year of the Bible to promote Bible reading, study, and application from the pulpit and with worship bulletins. Other individual ministries have emphasized the Year of the Bible on a broad basis.

Bible displays have been placed throughout the state.

The New Mexico Year of the Bible Committee has ongoing plans to "Read it More in '84"! Bible distribution and reading and study guides will be distributed.

Texas

The state of Texas, home of the National Offices, wishes to report the following highlights for the Year of the Bible in 1983.

Governor Mark White proclaimed 1983 as the Year of the Bible, encouraging all Texans "to read the 'Good Book' not only during this special observance, but to make Scripture reading a part of their daily lives."

Mayor Starke Taylor of Dallas signed a Year of the Bible Proclamation and challenged all Dallas County Mayors to do the same, with 18 Mayors responding. Mayor Taylor also hosted a Year of the Bible Celebration Banquet for more than 200 prominent citizens of Dallas.

The Dallas JayCees have designated the Year of the Bible as their annual project, and placed a 14'×48' billboard on Central Expressway. Several churches in the Dallas-Ft. Worth Metroplex honored the Year of the Bible with special Year of the Bible worship services.

Twenty-five thousand New Testaments were distributed in Carrollton and Farmers Branch by the local Year of the Bible Committee with 700 people requesting Bible Study information.

Citizens of several other Texas cities requested and received Year of the Bible Proclamations from their mayors including Nacogdoches, Chireno, and Burleson, for a total of 26 Mayor Proclamations.

The Mayor of Waco, Jim Mathis, presented the Waco Year of the Bible Proclamation to Waco Chairman Bob Lilly, with good coverage by local TV stations and the newspaper. TV spots, radio spots, billboards, and worship services have produced wide awareness in Waco.

The Bauman Company in El Paso placed ten Year of the Bible public service billboards.

Twelve billboards were posted in East Texas, and the Lufkin TV station, KTRE, ran the Year of the Bible public service spot over 100 times; 10 articles or ads were printed in the Nacogdoches Daily Sentinel Newspaper; a Year of the Bible display was featured the week of July 4, 1983 at University Mall.

The Houston Committee for the Year of the Bible systematically contacted every school, church, newspaper, social service business, professional organization, radio, and TV station in their area.

The Kiwanis Club of South Amarillo sponsored a Bible Reading Marathon which was televised from November 18 through 22 for 90 hours, featuring Senator John Tower, Senator Lloyd Bentsen, Dr. W. A. Criswell, Coach Tom Landry, Roger Staubach, and local personalities.

Mrs. Mary Ann Hollitick used the Year of the Bible in conjunction with the National Day of Prayer and the Ministerial Alliance in Tyler. Media exposure was given through TV, radio and newspapers.

Rev. Elmer Franks of Devine, Texas informed the national office that the Mayor signed a Year of the Bible Proclamation, and that all surrounding communities were informed of the Year of the Bible through radio spots, newspaper articles, bumper stickers, and a Year of the Bible parade float.

ATTACHMENT 1

THE NATIONAL COMMITTEE FOR THE YEAR OF THE BIBLE

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Dr. William Ackerman, International Director, World Home Bible League.

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Dr. F. Russell Esty, Businessman, and President, The Presbyterian Layman.

Dr. Anthony Evans, Pastor, Oak Cliff Bible Fellowship, Dallas.

Dr. Buckner Fanning, Pastor, Trinity Baptist Church, San Antonio, Texas.

The Very Reverend James A. Fischer, C. M., Rector, St. Louis Roman Catholic Theological Seminary.

Mr. Paul Flowers, Bloom Advertising Agency, Dallas.

The Reverend Monsignor John P. Foley, Editor, The Catholic Standard and Times.

Mr. Tim Foli, California Angels.

The Honorable Joseph J. Foss, Former Governor of South Dakota.

The Reverend Jerry Franz, President, The Evangelical Mennonite Brethren Conference.

The Reverend Terry Fullam, Rector, St. Paul's Episcopal Church, Darien, Connecticut.

Dr. George C. Fuller, President, Westminster Theological Seminary.

Mr. and Mrs. Bill Gaither, Christian music writers and recording artists.

Mr. John Galvin, Businessman, Paradise Valley, Arizona.

Coach Joe Gibbs, Washington Redskins.

The Reverend Vincent Giese, Editor-in-Chief, Our Sunday Visitor.

The Reverend Anne Gimenez, Co-pastor, The Rock Church, Virginia Beach, Virginia.

Mr. James Gittings, Editor-at-Large, A.D. Magazine.

The Reverend Joe Hale, General Secretary, The World Methodist Council.

Miss Danniebelle Hall, Christian recording artist.

Mr. David R. Hannah, Director, Athletes in Action Campus Crusade for Christ International.

Mrs. Jane Hansen, President, Women's Aglow Fellowship.

Dr. Jack Hayford, Pastor, The Church on the Way, Van Nuys, California.

Dr. Michael E. Haynes, Pastor, Twelfth Baptist Church, Roxbury, Massachusetts.

Mr. James V. Heidinger, II, Editor, Good News Magazine.

Mrs. Robert Herring, Christian layperson, Dallas.

Mr. Tom Hess, Editor, Progressive Vision.

Mr. John Heyman, President, The Genesis Project, Inc.

Mr. Gilman A. Hill, Petroleum Geologist, Independent Oil, Englewood, Colorado.

The Reverend James Hill, Pastor, The Pentecostal Evangelical Church, Bremerton, Washington.

The Honorable John L. Hill, Partner, Hughes & Hill, Dallas.

Dr. Samuel Hines, Pastor, Third Street Church of God, Washington, D.C.

Dr. Harold W. Hoehner, Educator, author, Dallas Theological Seminary.

Dr. Oswald C. J. Hoffman, Speaker, "The Lutheran Hour."

Dr. C. B. Hogue, Pastor, Eastwood Baptist Church, Tulsa, Oklahoma.

Dr. Donald E. Hoke, Pastor, Cedar Springs Presbyterian Church, Knoxville, Tennessee.

Mr. Franklin D. Houser, Attorney, Tinsman and Houser, Inc., San Antonio, Texas.

Dr. David A. Hubbard, President, Fuller Theological Seminary.

Mr. Albert D. Huddleston, 3H, International, Inc., Houston.

Mr. Richard Huff, President, Huff Enterprises, Tucson, Arizona.

Mr. Nelson Bunker Hunt, Chairman, Hunt Energy, Corporation, Dallas.

Mr. Bill Hunter, Attorney, Dallas.

Dr. George G. Hunter III, Dean, E. Stanley Jones School of Evangelism and World Mission.

Mr. and Mrs. John Hunter, Capernwray Missionary, Fellowship.

Mr. Henry Hwang, President, Far East National Bank, Los Angeles.

The Reverend Bill Hybels, Pastor, Willow Creek, Community Church, South Barrington, Illinois.

Dr. Richard Jackson, Pastor, North Phoenix Baptist Church, Phoenix.

Mrs. Charlotte Jacobson, Chairman, Soviet Jewry Research Bureau.

Mr. Jerry B. Jenkins, Director, Moody Press.

Mrs. Rosemary Jensen, General Director, Bible Study Fellowship.

Mr. Edward L. Johnson, Chariman of the Board Financial Federation, Inc., Los Angeles.

Mr. Dean Jones, Actor.

Dr. Andrew Jumper, Pastor, Central Presbyterian Church, St. Louis, Missouri.

Walter C. Kaiser, Jr., Ph.D., Academic Dean, Trinity Evangelical Divinity School.

Dr. Robert B. Kamm, Professor and past president, Oklahoma State University.

Evie and Pelle Karlsson, Christian recording artists.

The Reverend Ilia Katre, Vicar General, The Albanian Orthodox Diocese of America.

Dr. D. James Kennedy, Pastor, Coral Ridge Presbyterian Church, Fort Lauderdale, Florida; President Evangelism Explosion International.

The Reverend Jay Kesler, President, Youth for Christ/USA.

The Reverend Charles W. Keysor, Pastor, Countryside Covenant Church, Clearwater, Florida.

Mr. Louis L. King, President, The Christian and Missionary Alliance.

Pastor Violet Kitely, Shiloh Christian Fellowship, Oakland, California.

The Reverend Robert Kline, General Superintendent, Churches of Christ in Christian Union.

Dr. Edwin J. Kolb, Executive Secretary, Board for Evangelism Services, The Lutheran Church—Missouri Synod.

The Reverend John F. Kunkle, General Superintendent, The Evangelical Methodist Church.

Mr. Raymond L. Kuns, President, Sunrise Development Co., Inc., Yuma, Arizona.

Dr. Vincenzo La Bella, Filmmaker.

Dr. and Mrs. Tim LaHaye, Founders, Family Life Seminars.

Dr. James Latimer, Pastor, Central Church, Memphis, Tennessee.

Mr. Craig Lawrence, Partner, Lawrence and Schiller, Sioux Falls, South Dakota.

Mr. Loren W. Lillestrand, Director, U.S. Field Ministries, Campus Crusade for Christ International.

The Reverend Freda Lindsay, President, Christ for the Nations.

Homer G. Lindsay, Jr., D. Min., Pastor, First Baptist Church, Jacksonville, Florida.

Harold Lindsell, Ph.D., Editor Emeritus, *Christianity Today*, and author.

Eddie Lo, Ph.D., Senior Pastor, First Evangelical Church, Glendale, California.

Mr. Crawford W. Loritts, Jr., National Director, Here's Life, Black America, Campus Crusade for Christ.

Mr. Russell Lortz, Builder, Sarasota, Florida.

Dr. Carl H. Lundquist, President, Christian College Consortium.

Mr. James E. Lyon, Chairman, River Oaks Bank and Trust, Houston.

Mr. Ford Madison, President, Gibraltar Investments, Inc., Dallas.

Mr. Hugh O. Maclellan, Sr., Chairman of the Finance Committee, Provident Life and Accident Insurance Co.

Dr. Warren R. Magnuson, General Secretary, Baptist General Conference.

The Reverend David P. Mains, Director, "The Chapel of the Air."

Mrs. Karen Mains, Christian author.

His Eminence Archbishop Torkom Manoogian, Primate, Eastern Diocese of the Armenian Church of North America.

Mr. David Manuel, Christian author.

The Reverend Peter Marshall, Christian author.

Mr. George Martin, Editor, God's Word Today.

Dr. John Maxwell, Pastor, Skyline Wesleyan Church, Lemon Grove, California.

Mr. Allan C. Mayer, Former Officer and Director, Oscar Mayer Company, Phoenix.

Mrs. Campbell McAlpine, President, Lydia Fellowship International.

William S. McBirnie, Ph.D., President, Community Churches of America.

Mr. Harold McClain, Jr., Christian layperson, Saint David's, Pennsylvania.

Mr. Red McCombs, McCombs Foundation, San Antonio, Texas.

Mr. William T. McConnell, Attorney, Louisville, Kentucky.

Dr. James I. McCord, Chancellor, Center of Theological Inquiry.

Dr. Thomas A. McDill, President, The Evangelical Free Church of America.

Mr. Josh McDowell, Christian author, speaker, Campus Crusade for Christ International.

Dr. Donald A. McGavran, Senior Professor of Missions and Dean Emeritus, School of World Missions, Fuller Theological Seminary.

Mr. David L. McKenna, President, Asbury Theological Seminary.

George D. McKinney, Ph.D., Pastor, St. Stephen's Church of God in Christ, San Diego.

Colonel Nimrod McNair, Director, Executive Ministries, Campus Crusade for Christ International.

Rolf K. McPherson, D.D., President, International Church of the Foursquare Gospel.

Dr. J. Robertson McQuilkin, President, Columbia Bible College and Columbia Graduate School of Bible and Missions.

Bishop John L. Meares, Pastor, Evangel Temple, Washington, D.C.

Dr. Thomas Patrick Melady, President, Sacred Heart University.

Bruce M. Metzger, Ph.D., George L. Collord Professor of New Testament Language and Literature, Princeton Theological Seminary.

Dr. Kenneth M. Meyer, President, Trinity Evangelical Divinity School.

The Honorable J. William Middendorf II, Permanent Representative of the United States to the Organization of American States.

The Reverend Stanley E. Milewski, Rector, SS. Cyril and Methodius Seminary.

Mr. Keith Miller, Christian author, speaker.

Dr. Jess Miranda, Vice-Superintendent, Pacific Latin District, The Assemblies of God.

Dr. John Warwick, Montgomery, Ph.D., D. Théol., Dean, Simon Greenleaf School of Law.

The Reverend Paul Moore, National Director, Here's Life, Inner City, Campus Crusade for Christ International.

Mr. Sam Moore, President, Thomas Nelson Publishers.

The Reverend T. M. Moore, Senior Vice-President, Evangelism Explosion International.

Marabel Morgan, Christian author.

Mr. Jewel Morris, Partner, Gentry and Morris Properties, Fort Smith, Arkansas.

Mr. L. Allen Morris, Chairman of the Board, The Allen Morris Company, Realtors, Miami.

Mr. W. Allen Morris, President, 1000 Brickell, Incorporated, Miami.

Mr. George Mott, President, Mott Media Milford, Michigan.

The Reverend Alberto Mottessi, Evangelist.

The Reverend J. E. Moyer, Presiding Bishop, The Evangelical Congregational Church.

The Reverend Norman J. Muckerman, C.SS.R., Editor, Liguorian.

Mrs. Anne Murchison, Christian author, speaker, Dallas.

Mr. Clint Murchison, Owner, Dallas Cowboys.

Rabbi Judah Nadich, Park Avenue Synagogue, New York.

Mr. Hugo V. Neuhaus, Jr., Architect, Houston.

Mr. Jess P. Odom, President and Chairman of the Board, Odom Enterprises, Inc., Little Rock, Arkansas.

Dr. Stephen F. Olford, President, Encounter Ministries, Inc.

Dr. V. N. Olsen, President, Loma Linda University.

Dr. Glenn F. O'Neal, President, Talbot Theological Seminary.

Dr. Raymond C. Ortlund, Director, Renewal Ministries.

Mr. Merrill J. Oster, Oster Communications, Cedar Falls, Iowa.

The Reverend Roger W. Ottersen, General Overseer. The Christian Catholic Church.

Mr. Cruise Palmer, Christian Layman, Kansas City, Missouri.

Mr. D. Leland Paris, Director, North and South America, Youth With a Mission.

The Reverend A. Louis Patterson, Jr., Pastor, Mt. Corinth Baptist Church, Houston.

Dr. Paige Patterson, President, Criswell Center for Biblical Studies.

Dr. J. Allan Petersen, Director, Family Concern.

Mr. William J. Petersen, Editor, Eternity.

Mr. Robert M. Pittenger, Executive Director, The STEP Foundation.

Dr. Larry W. Poland, Vice-President, Creative Services, Here's Life Communications, Ltd.

Dr. O. W. Polen, Editor-in-Chief, Church of God Publications.

Mr. Julius Poppinga, Attorney, Newark, New Jersey.

Miss Sara Jordan Powell, Christian recording artist.

The Reverend Winky Pratney, Evangelist.

The Honorable Paul Pressler, Associate Justice, 14th Court of Civil Appeals, Houston.

Mr. Donald Preston, Vice-President, United Metal Service, Inc., Greenville, South Carolina.

Mr. Arlis Priest, President, Arlis Priest and Associates, Inc., Phoenix.

Dr. Rochunga Pudaite, President, Bibles for the World.

The Honorable Albert Quie, Former Governor of Minnesota.

Dr. Earl Radmacher, President, Western Conservative Baptist Theological Seminary.

Dr. Theodore Raedeke, Midwest Director, Lutheran Bible Translators.

Chaplain Ray, International Prison Ministry.

Mr. Jerry Regier, Associate Commissioner/ACYF, Office for Families, U.S. Department of Health and Human Services.

Mr. John Reno, President, Fleming H. Revell Company.

Dr. Charles F. Restelle, Dentist, retired.

Dr. Ross S. Rhoads, Pastor, Calvary Church, Charlotte, North Carolina.

Mr. Bobby Richardson, President, Baseball Chapel.

Mr. Don Richardson Missionary, author, speaker.

Dr. Robert Ricker, Pastor, Grace Church, Edina, Minnesota.

Mr. Lawson Ridgeway, President, Great Southwest Homes, Dallas.

Dr. Wesley A. Roberts, Assistant Dean for Academic Programs, Gordon-Conwell Theological Seminary.

Mrs. Dede Robertson, Christian Broadcasting Network.

The Very Reverend Dr. John H. Rodgers, Jr. Dean/President, Trinity Episcopal School for Ministry.

The Reverend Juan Romero, Evangelist.

Mr. Kyle Rote, Jr., Executive Vice-President, Memphis Americans.

Mr. George Rowan, Vice-President, R.A. Rowan and Co., Pasadena, California.

Coach Sam Rutigliano, The Cleveland Browns.

Dr. Charles Ryrie, Theologian, author, Dallas Theological Seminary.

Mr. Jim Ryun, Jim Ryun Sports Camps.

The Reverend Dr. Carmine Saginaro, General Overseer. The General Council, Christian Church of North America.

Dr. Fred Sampson, Pastor, Tabernacle Missionary Baptist Church, Detroit.

Archbishop Mar Athanasius Y. Samuel, Primate, Archdiocese of the U.S.A. and Canada, Syrian Othodox Church.

The Very Reverend R. J. Schiefen, C.S.B., Dean. School of Theology University of St. Thomas Houston.

The Reverend David E. Schoch, Pastor, Bethany Chapel, Long Beach, California.

Mr. Richard F. Schubert, President, The American Red Cross.

Mr. Willard Scott, NBC Television.

Bishop Don Shafer, Moderator. The Brethren in Christ Church.

The Reverend Morris Sheats, President, Leadership Institute.

The Reverend Dennis F. Sheelan, S.T.D., Rector, Pope John XXIII National Seminary.

The Reverend Monsignor Michael Sheelan, J.C.D., Rector, Holy Trinity Seminary.

Mr. and Mrs. John Sherrill, Christian authors.

Mr. Ronald J. Sider, President, Evangelists for Social Action.

The Reverend Charles Singleton, Pastor, Loveland Baptist Church, Fontana, California.

Mr. T. J. Sively, Investor, Artesia, New Mexico.

The Reverend Ray E. Smith, General Superintendent, Open Bible Standard Churches.

Mr. Stan Smith, Professional tennis player.

Mrs. Mildred Sponsel, Christian layperson, Edina, Minnesota.

Dr. Ray C. Stedman, Pastor, Peninsula Bible Church.

Bishop Leon O. Stewart, General Superintendent, Pentecostal Holiness Church.

Mr. Stephen Strang, Editor and Publisher, Charisma.

Dr. Richard Strauss, Pastor, Emmanuel Faith Church, Escondido, California.

Miss Kathie Sullivan, Christian recording artist.

Mr. Doc Swalwell, EVEMCO Corporation, Dallas.

The Honorable A. Starke Taylor, Jr., Mayor of Dallas.

Dr. Kenneth N. Taylor, President, Tyndale House Publishers.

Mr. John M. Templeton, Director, Templeton Foundation, Inc.

Mr. Carroll M. Thomas, Petroleum Consultant, Midland, Texas.

Bishop M. A. Tomlinson, General Overseer, The Church of God and Prophecy.

Dr. Paul E. Toms, Pastor, Park Street Congregational Church, Boston.

Mr. Robert L. Toms, Attorney, Caldwell & Toms, Inc., Los Angeles.

Mr. Jack A. Turpin, Chairman, Hall Mark Electronics Corp., Dallas.

Mr. Abe Van Der Puy, President, HCJB.

Mrs. Rexella Van Impe, National television Hostess.

Dr. C. Peter Wagner, Educator and author, School of World Mission, Fuller Theological Seminary.

Mr. Edmund F. Wagner, President, American Bible Society.

Mr. Robert Walker, Editor, Christian Life.

Dr. Ralph E. Walls, Dentist, Indianapolis.

The Reverend Dolphus Weary, Executive Director. The Mendenhall Ministers.

Mr. Bob Weiner, Director, Maranatha Campus Ministries.

Dr. Armand Weiss, President, Associations International, Washington, D.C.

Dr. Howard A. White, President, Pepperdine University.

Mr. Bruce M. Wilkinson, President Walk Thru the Bible Ministries, Inc.

Bishop J. Floyd Williams, Traveling Speaker, Pentecostal Fellowship of North America.

Bishop Smallwood Williams, Presiding Bishop, Bible Way Church.

Mr. George Wilson, Executive Vice-President, Billy Graham Evangelistic Association.

Dr. David K. Winter, President, Westmont College.

Dr. Ralph Winter, Director, U.S. Center for World Mission.

Dr. Sherwood Wirt, Author.

Mr. Marshall Wolke, President, United Synagogue of America.

The Reverend William E. Yaeger, Senior Minister, First Baptist Church, Modesto, California.

Dr. Billy Zeoli, President, Gospel Films, Inc.

Miss Norma Zimmer, Singer and author.

Rabbi Sheldon Zimmerman, Central Synagogue, New York.

STATE REPORT ON 1983 YEAR OF THE BIBLE ACTIVITIES

1. Do you have a State Proclamation? Yes.

2. How many City Proclamations do you have? Estimate 60.

3. List your major Year of the Bible activities/events (include locations) such as exhibits/displays, parades/rallies, Bible-reading marathons, Bible distributions, dinner parties/banquets, telephone blitz, etc.:

ATTACHMENT 2

1983 YEAR OF THE BIBLE—OKLAHOMA INTERFAITH COMMITTEE, BETHANY, OKLA.

[Dec. 19, 1983]

Dated and activity/event (Location)	People reached press release
April 27, 1983:	
(1) Governor Nigh sings proclaimation declaring 1983 to be the Year of the Bible. (State Capitol, Oklahoma City, Okla.)	500,000
(2) Governor Nigh signs proclaimation declaring May 5 as the Oklahoma Day of Prayer (coincide with National Day of Prayer). (State Capitol, Oklahoma City, Okla.)	500,000
(3) State Interfaith Committee appointed by Governor Nigh Col. Robert D. Bob Anderson, Chairman; Rabbi Charles Shalman, Jewish-Vice-Chairman; Father John Petusky, Catholic-Vice Chairman; Committee consist of 43 individuals from 11 cities and towns, plus Tinker AFB	500,000
May 1983: (4) Year of the Bible March Coordinator: Rev. Billy Joe Clegg. (Shawnee to Meeker.)	x 100,000
May 5, 1983: (5) Many events acknowledging the National/State Day of Prayer, Mayor Coats, Okla. City signed proclaimation Coordinator: Mrs. Glen (Linda) Vance. (Oklahoma City, Yukon.)	500,000
June to December 1983: (6) A 90 page booklet was developed, "Introduction to the Bible," with 17 study lessons on old and new testament, including President and Governor proclamations, Oklahoma Inter-faith Committee members names, bumper stickers, lapel buttons and membership card for those donating $15 to become honorary members of the Oklahoma Inter-faith Committee. Coordinators: Drs. W. R. Corvin, Floyd M. Shealy. (State wide.)	Over 330
June to July 1983: (7) 53 individuals to be county chairman for the Year of the Bible. (Out of 77 counties) (Have 12 city chairman)	1,000,000.
October to December 1983: (8) YMCA Year of the Bible lobby display of various translation of the Bible. Vice President for student affairs at Oklahoma State University promoting The Year of the Bible, Coordinator: Dr. Bob Kamm. (Stillwater, Oklahoma.)	1,000
October 4 to December 6, 1983: (9) 2 special courses offered at Oklahoma Baptist University commenorating the Year of the Bible "Introduction to the Bible" Coordinator: Dr. Bob Agee, President OBU. (Shawnee.)	5,000
August to December 1983:	
(10) (a) Articles placed in Oklahoma State Educators newspaper Coordinator: Dr. Leonard Bates. ((a) All State teachers.)	
(b) Many teachers had bible displays during school open house. ((b) Mustang, Oklahoma City, Edmond.)	
(c) Many teachers request for more information on the Year of the Bible. ((c) More than 12 towns.)	

1983 YEAR OF THE BIBLE—OKLAHOMA INTERFAITH COMMITTEE, BETHANY, OKLA.—Continued

[Dec. 19, 1983]

Dated and activity/event (Location)	People reached press release
June 1983:	
(11) Kentucky poster with Presidential proclamation and 10 commandments was accepted by Tulsa Kiwanis to distribute to Tulsa Schools. School Superintendent has approved. (Tulsa.)	(2)
(12) Ordered copies of "Communicating a Christian World View in the Classroom," by Dr. Robert Simonds, and distributed to educators on Oklahoma Interfaith Committee. Coordinator: Helen Anderson. (State Superintendent, O.U., O.S.U., O.C.C., O.B.U., O.R.U.)	
(13) Year of the Bible booth at Christian Businessman's Show Sold bumper stickers, buttons, posters. Showed 60 s George Washington telespot. Showed 60 s Oklahoma telespot. (Oklahoma City.)	15,000
(14) Have 20 newspapers which have agreed to print 15 to 20 verses of scripture—daily in newspapers. Coordinators: Ron Griffeth, Doc Brinkley	1,500,000
(15) Adopted the National Year of Bible Committee Bible study guide. Ordered 600 copies and distributed to 20 counties for a concerted 30 day study	1,000
(16) A complete transcribing of the Bible was done in Tulsa, Oklahoma with over 300 people participating. The completed Bible will be leather bound and presented to President Reagan as "The Tulsa Contribution of the Year of the Bible" Coordinator: Mrs. Lee (Gladys) Harrington. (Tulsa.)	
November 1983: (17) Countywide Year of the Bible Ralley. Coordinator: Sam Langley. (Adair County.)	5,000
October to November 1983:	
(18) Over 36,000 scriptures were ordered and distributed to 7 counties that had scripture distribution programs. (Major, Muskogee, McCurtain, Johnston, Beaver, Hughes, Oklahoma.)	100,000
(19) Nov. 14 to 18 declared as week of the Bible with daily Bible Study—Special Sunday services—Booth at County Fair and Mayor signing proclamation. Coordinator: Rev. Arthur Cunningham. (Enid.)	250,000
Dec. 9, 10, 1983: (20) Linda Haley, of Shawnee, Okla., after reading about "The Year of the Bible was inspired to write a play which she entitled "The Book." The play was based on Luke 1–4:20. The play was directed by Carl Corrick and sponsored by the Zeta Gamma Sorority, a Chapter of Episolon Sigma Alpha and the Central Okla. Arts and Crafts Show. This outstanding production gave excellent honor to the Year of the Bible. (Shawnee.)	300
November 12, 1983: (21) An outdoor public reading of the Gospels was held in a shopping center in Oklahoma City. Coordinator: Dr. James Taylor. (Oklahoma City.)	300
December 1983: (22) Over 200 churches were contacted to have a special day for "The Year of the Bible at Years End". Coordinator: Rabbi Charles Shalman. (Throughout State.)	10,000

[1] 50 to 100,000 marched.
[2] All schools.

4. Publicity Activities (newspaper articles, radio, T.V., billboards, etc.)

Date and activity event (Location)	People reached press release
A. May 1983: Sent press release with picture of Governor signing Proclamation to all State newspapers. 15 to 20 towns printed.)	1,500,000
B. May 1983: 30 min. television interview with Bob Anderson and Tony Cavener telling about the Year of the Bible—goals, programs, and activities. Coordinator: Allen Brown and Angela Margessy. (Oklahoma City, channel 14.)	10,000
C. June to December 1983: Developed a 60 s tape announcement and sent to 200 radio stations in Oklahoma. Coordinator: Tony Cavener, Radio Station KJIL. (Statewide.)	1,000,000
D. June to December 1983: Developed 2 tapes (60 s and 30 s) used for television. Coordinator: Allen Brown, channel 14, Oklahoma City, delivered to 10 TV stations in Oklahoma. (Tulsa, Oklahoma City.)	1,000,000
E. October to December 1983: Weekly articles in newspaper "What the Bible Means to Me" written by laymen. (Stillwater.)	50,000
F. December 1983: Billboards received from National Committee placed in several towns and cities. (Enid, Stillwater, Shawnee, Oklahoma City.)	100,000

5. Volunteers:

A. It is estimated the 43 members of the state Interfaith Committees contributed 820 hours.

B. The 53 County Chairmen contributed approximately—1,271 hours.

C. The 12 City Chairmen contributed an estimated—120 hours.

D. Volunteers at office, fairs, etc.—414 hours.

Total Volunteer hours—2,626 hours.

6. Oklahoma will continue the organization and activities in 1984 with a goal to: "Read it More in 1984". Specific goals are:

(a) Encourage people to read, study and apply the Holy Scriptures to our every day lives.

(b) Encourage daily prayer.

(c) Dedicate one day as the Oklahoma Day of Prayer.

(d) Expand the newspaper scripture publication program.

(e) Place billboards at key locations in state.

(f) Hold neighborhood Bible read-a-thons.

(g) Encourage people to pledge to read the entire Bible in 1984.

(h) Encourage and support scripture distribution programs.

(i) Encourage and support public school teachers to bring a biblical basis back to the classroom.

ATTACHMENT 3

NUMBER OF COMMUNITIES ORDERING YEAR OF THE BIBLE RESOURCES

Alabama	29
Alaska	7
Arizona	19
Arkansas	22
California	182
Colorado	27
Connecticut	31
Delaware	7
Florida	61
Georgia	41
Hawaii	6
Idaho	8
Illinois	96
Indiana	71
Iowa	35
Kansas	42
Kentucky	23
Louisiana	22
Maine	13
Maryland	39
Massachusetts	40
Michigan	88
Minnesota	39
Mississippi	20
Missouri	48
Montana	9
Nebraska	29
Nevada	4
New Hampshire	13
New Jersey	59
New Mexico	10
New York	108
North Carolina	42
North Dakota	16
Ohio	110
Oklahoma	52
Oregon	20
Pennsylvania	169
Rhode Island	5
South Carolina	30
South Dakota	12
Tennessee	29
Texas	100
Utah	3
Vermont	4
Virginia	53
Washington	44
West Virginia	19
Wisconsin	44
Wyoming	7
Washington, D.C.	1
Foreign	11
Total	2,019

ATTACHMENT 4

15,000 BIBLES DISTRIBUTED FREE!

The Year of the Bible Proclamation by our own President, Ronald Reagan, has stirred the hearts of many Bible believing Americans. But few have tangibly acted on this opportunity as has the local church at Chrisian Retreat.

In the past 60 days, Christian Retreat Laymembers have distributed over 15,000 special edition New Testaments to the local public through an innovative program of "Take-on-Free" display racks.

Imprinted with a familiar photograph of our President, dozens of Bible display racks have been located through a tri-county area: in banks, department stores, doctor's offices, hospitals, rest homes, laundromats, prison compounds and wherever there is general public, with an invitation to reach for a free Bible during this Year of the Bible.

The special edition New Testament displays the "Blessings" logo of Christian Retreat, the Tabernacle and a brief explanation of the Ministry. Special pages inside contain the entire proclamation delivered by President Reagan as well as a section of the Plan of Salvation, a commitment prayer and exhortation to find a good local church.

Two months ago the idea was presented to the Sunday morning congregation at Christian Retreat. A $50 contribution would sponsor a rack of 100 Bibles. Each sponsorer would be given the rack of Bibles to place wherever he could get permission to do so.

Hands were raised in response to the appeal and in minutes over 15,000 Bibles were sponsored. The Bibles were prayed over before going out, and exciting testimonies already are coming in!

Christian Retreat is freely giving the Word of God, believing that it will not go forth void. You also can participate. The opportunity is now . . . . in this Year of the Bible. If you or your Church would like to get involved, write to Phil Derstine at Christian Rereat for further information.

YOGOSLAV YEAR OF THE BIBLE

Martha Edwards, our dear missionary to Yugoslavia, reports she has received news that the Year of the Bible is also being celebrated as the 50th Jubilee Year of the Bible in Yugoslavia.

Yugoslav friends and relatives living anywhere may send a copy to their loved ones by writing to Gospel Missions for Yugoslavia, P.O. Box 2832, Pheonix City. AL 36867. The complete cost and delivery of a Servo-Croatian or Slovene Bible is $10. Please make checks payable to G.M.Y. and receive the blessing of a lifetime!●

UNIVERSAL TELEPHONE SERVICE

● Mr. HOLLINGS. Mr. President, last week, the Senate voted to table S. 1660, the Universal Telephone Preservation Act. But that does not mean we have laid to rest the issue of universal telephone service.

As this Congress and the American people venture into the vast uncertainties divestiture and increased competition will bring to our Nation's telecommunications industry, we must be forever mindful of our duty as legislators to protect the public interest and, in particular, universal telephone service.

While our Nation stands to benefit greatly during this new era of competition, there is also the obvious need for vigorous congressional oversight.

This Nation not only has the world's greatest and most extensive telephone system, but it also has the most universally affordable one. Access to telephone service is far more a necessity than a luxury, and it is imperative that Congress insure that all Americans are offered a reasonable opportunity to use this service.

And there is absolutely no doubt in my mind that this Congress has met and will continue to meet this goal. People who believe that Congress acts only by passing legislation do not understand this body. In this case, we have accomplished our aim not by making law, but rather by pressing our own resolve on the Federal Communications Commission and forcing it to act. Just look at what has happened. When the FCC decided to impose on the telephone customers of this Nation end-user charges of about $8 a month by 1990, it became clear that Congress would have to intervene on behalf of the public. And we did. The Commerce Committee acted quickly to hold hearings and move legislation. I voted to send S. 1660 to the Senate floor. And had the FCC not dramatically changed its position and adopted a 1½-year moratorium on these charges and a $4 cap until 1990, we would have gotten it through the full Senate.

But the fact is the FCC did adopt its own moratorium and $4 cap. In addition, it resolved the ENFIA situation, providing the opportunity for long distance service competition to flourish. This action brought the Commission in line with our own aims. Congress has had its way.

Such is the preemptive power of the legislative branch. Faced with the certainty that this body would take swift action to preserve universally affordable telephone service, the FCC had no choice but to see it our way. Do you think that the Reagan administration's Commission adopted the moratorium and $4 cap out of sheer beneficence? Do you really believe it acted out of a great concern for all the telephone users of this Nation who might not be able to afford the higher charges? Of course not. The Commissioners acted because they knew that if they did not, we would.

Some people now ask, "But what if the FCC suddenly reverses its moratorium?" I, for one, am satisfied that this will not happen. We have the written personal assurance from Chairman Fowler to this effect. Others ask, however, "What if the leadership of the Commission changes, and thus brings about a change in policy?" My answer to that is that if such a case were to arise, I have no doubt that this or any Congress would spring into action faster than ever before.

And so I now direct my comments to the FCC Commissioners, and I give them this warning: If you do not insure a gradual phasein of end-user charges when the moratorium expires, Congress will act. If you back off of your commitment to provide further assistance to rural telephone companies and their customers, Congress will act. If you fail to guarantee that the poor of our Nation always have access to telephone service they can afford, Congress will act. And if you lift the $4 cap on end-user charges without first conducting a complete and thorough review to insure that such action will not jeopardize universal telephone service, Congress will act.

Congress will act because, as representatives of the people, we are deeply aware of the harmful consequences of higher local charges and we will pull out all the stops in order to maintain a telephone system with basic services that everyone can afford. I know this is true, because I will personally lead the charge.●

EXEMPTION OF BLENDED CREDIT FROM CARGO PREFERENCE

● Mr. BOSCHWITZ. Mr. President, my concerns about the negative consequences of applying cargo preference to the blended credit program are well known. I was understandably pleased when I received a letter from Gary D. Myers of the Fertilizer Institute. It enclosed a copy of a "Friend of the Court" brief filed in support of the decision made by USDA and DOT to exempt blended credit from the cargo preference requirements. Eighteen agricultural organizations joined together in this effort.

So that my colleagues may see it, I am asking that the letter, the brief, and DOT's decision of July 27, 1983 be printed in the RECORD.

The information follows:

THE FERTILIZER INSTITUTE,
Washington, D.C., December 19, 1983.

Hon. RUDOLPH E. BOSCHWITZ,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR BOSCHWITZ: On December 14, 1983, the agricultural organizations listed below filed a "Friend of the Court" brief, in support of the USDA and DOT decision to exempt farm commodities, shipped under USDA's blended credit program from the 50 percent U.S. flag vessel rate requirement in the 1954 Cargo Preference Act. On October 14, 1983, the Seafarers International Union and the Transportation Institute filed a suit in the U.S. District Court against the Administration's decision.

It is our belief that a severe impact on American agricultural exports will result if the Court rules in favor of the plaintiffs. The dramatically increased shipping costs associated with U.S. flag carriage of farm commodities under the blended credit program would seriously curtail the shipment of these commodities and thus thwart the objective of the program of increasing U.S. agricultural exports. Therefore, we believe blanket imposition of the Cargo Preference Act of 1954 would hurt rather than assist the purposes of the blended credit program while doing little, if anything, to further the maritime industry.

Enclosed is a copy of the "Friend of the Court" brief and a copy of DOT's July 27, 1983 decision.

Sincerely,

GARY D. MYERS.

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION NO. 83-3048—AMICUS CURIAE BRIEF

Transportation Institute, 923 15th Street, N.W., Washington, D.C. 20005 (202) 347-2590; and Seafarers International Union of North America, Atlantic, Gulf, Lakes and Inland Waters District, AFL-CIO, 5201 Auth Way, Camp Springs, Maryland 20746 (301) 899-0675; plaintiffs.

Elizabeth H. Dole, in her capacity as Secretary of Transportation; United States Department of Transportation, Nassif Building, Room 10200, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-1111; H. E. Shear, in his capacity as Administrator, Maritime Administration; Maritime Administration, U.S. Department of Transportation, Nassif Building, Room 7216, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-5823; and John R. Block, in his capacity as Secretary of Agriculture, U.S. Department of Agriculture, Administration Building, Room 200A, 12th Street and Jefferson Drive, S.W., Washington, D.C. 20250 (202) 447-3631; defendants.

AMICUS CURIAE BRIEF

The agriculture organizations listed below hereby file this brief as Amicus Curiae in support of the government's answer to plaintiff's complaint in the above-captioned action. These agricultural organizations include:

The Fertilizer Institute; National Council of Farmer Cooperatives; National Cotton Council; Florida Phosphate Council; Grain Sorghum Producers Association; National Broiler Council; American Soybean Association; National Grain Trade Council; National Association of Wheat Growers; National Grange; National Corn Growers Association; Rice Millers' Association; National Forest Products Association; National Soybean Processors Association; National Sunflower Association; North American Export Grain Association; Terminal Elevator Grain Merchants Association; and Protein Grain Products International.

The foregoing agricultural organizations support the government's answer which supports and confirms the decision of the Secretary of Transportation to hold in abeyance discretionary cargo preference requirements authorized by the Cargo Preference Act of 1954 as amended, 46 U.S.C. § 1241(b) ("the Act"). That decision will have no impact on plaintiffs' interests while having a dramatic negative impact upon the Agriculture Department's agricultural export "blended credit" program under Public Resolution 17, 46 U.S.C. § 1241-1 ("P.R. 17").

The agricultural organizations listed have a significant interest in the outcome of this litigation. The increased shipping costs associated with U.S. flag carriage of commodities under the "blended credit" program would seriously curtail if not end the

"blended credit" program. Thus imposition by the Secretary of the U.S. flag requirement would thwart the Congressional objective of the "blended credit" program of increasing U.S. agricultural exports. Therefore, blanket imposition of the Cargo Preference Act would hurt significantly rather than assist the "blended credit" program while still not accomplishing the Congressional objectives of the Cargo Preference Act of 1954.

We support defendant's answer to plaintiff's complaint in this action and feel that no long recitation of facts or law is necessary for this court's disposition of plaintiff's complaint.

First, reviewing court's must be guided by the construction given a statute by an agency charged with its execution unless there are compelling indications that it is wrong. *Pension Benefit Guarantee Corporation* v. *Ouimet Corporation*, (D.C. Mass. 1979), 479 F. Supp. 945, aff'd, 630 F. 2d 4, cert. den., 101 Sup. Ct. 1356, 450 U.S. 914, 67 L. Ed. 2nd 339. We feel that plaintiff has presented no compelling factual or legal arguments which undercut the Secretary of Transportation's decision.

In this case, the issue presented is whether the Secretary of Transportation has the authority to suspend the operation of the cargo preference program established by the Cargo Preference Act of 1954. The Secretary's decision was based upon the conclusion that imposition of the cargo preference program, in conjunction with the United States Department of Agriculture's "blended credit" program, will frustrate the Congressional purposes and interests of both programs.

When determining whether the Secretary concerned properly exercised the authority to suspend a certain program, this court must consider not merely whether the Secretary had a rational basis for believing that enforcement of a program would disserve Congress' purposes and policies but also, whether having those policies in mind and considering the consequences to be expected, it was reasonable to discontinue it. *Browner Building, Inc.* v. *Shehyn*, 143 U.S. App. D.C. 125,130, 442 F.2D 847,852 (1971), *Commonwealth of Pennsylvania et al.* v. *Lynn*, 501 F.2d 848,862 (1974).

While the question of permissive statutory language versus mandatory language in a statute does not necessarily indicate Congress' intent to bestow or withhold discretion to suspend a program in its entirety, logic and precedent require more. *Minor* v. *Mechanics' Bank*, 26 U.S. (1 Pet.) 46, 64, 7L. Ed. 47 (1828). Whether Congress gave the Secretary the discretion here claimed is preeminently a question of intent. We feel that the Act and P.R. 17 clearly afford the Secretary such discretion.

The Cargo Preference Act obviously gives the Secretary discretion in that it requires in pertinent part that agencies take such steps "as may be necessary and practical" to obtain the specified U.S. flag carriage. Moreover, P.R. 17's application to the "blended credit" program also leaves significant discretion to the Secretary. P.R. 17 is discussed in a 1965 opinion of the Attorney General (42 Op. A.G. 301), which states in its last paragraph:

"Such agencies are not required by the Resolution, however, to provide in all loans that such products shall be carried exclusively in vessels of the United States, *but only if it is feasible to do so . . .*" (Emphasis added).

The foregoing expression of Congressional intent and the Attorney General's analysis clearly give to the Secretary flexibility in the administration of the Cargo Preference Program and the "blended credit" program. Nevertheless, the real issue, as stated above, is whether the Secretary has the discretion, *or indeed the obligation*, to suspend the cargo preference program's operations when there is adequate reason to believe that they are not serving Congress' purpose of enhancing the export of agricultural commodities or supporting the U.S. Maritime industry.

When the Secretary has evidence sufficient that a particular agricultural commodity export program has come into conflict with a program designed to increase U.S. flag carriage, but the Secretary has concluded that enforcing the cargo preference requirements will be doing a disservice to both programs, it would be unreasonable to conclude that enforcement is a requirement of the laws relevant to these particular circumstances.

Plaintiff's here suggest that the only course open to the Secretary is the familiar one of continuing to administer the programs as well as can be accomplished. However, if enforcing the cargo preference program is indeed disserving Congressional policy with regard to the cargo preference program and the "blended credit" program, the enforcement of the cargo preference program would implicate the Secretary in a massive frustration of the policies which are the bases of the programs.

The Secretary's sound decision based on the discretion which is afforded in The Cargo Preference Act recognized that the "blended credit" program stimulates $1.75 billion in agricultural exports and that applying cargo preference to these exports would destroy the program. However, not only would such action destroy the export program, but in so doing it would, at best, do nothing to assist the cargo preference program. We believe that a court should be reluctant to conclude that Congress forbade the Secretary to withhold commitments of so vast a magnitude when the Secretary has good reason to believe that the exercise of authority would be contrary to the purposes for which Congress authorized her to act.

Moreover, even if the court is unclear as to whether the Cargo Preference Act gives the Secretary the discretion we support here, the court should endeavor to give statutory language that meaning that nurtures the policies underlying legislation when circumstances not plainly covered by the term of a statute are subsumed by the underlying policies to which Congress was committed. *United States* v. *Sisson*, 399 U.S. 267, 297-298, 90 Sup. Ct. 2117, 2133, 26 L. Ed. 2d 608 (1970).

We are aware that the Secretary of Transportation is obliged to follow the policies imposed by legislation and regulations, and that action taken without consideration of them, or in conflict with them, will not stand. *Shannon* v. *United States Department of Housing and Urban Development*, 436 F.2d 809 (3d Cir. 1970); *Garrett* v. *City of Hantramck*, 335 F. Supp. 16, 26 (E.D. Mich. 1971). Nevertheless, the Secretary also has the responsibility to administer the programs and activities related to the Cargo Preference Program and the "blended credit" program in a manner affirmatively to further the policies of the United States respecting those programs. See *Otero* v. *New York City Housing Authority*, 484 F.2d 1122, 1133-1134 (2d Cir. 1973).

Requiring that agricultural products exported under the "blended credit" program be shipped under the Cargo Preference Program would surely thwart the interest in Congress in establishing those programs, *Commonwealth of Pennsylvania et al.* v. *James T. Lynn, Secretary of Housing and Urban Development et al.*

For the foregoing reasons, the Fertilizer Institute and its companion agricultural organizations support defendant's answer in this litigation and request that this court dismiss plaintiffs' complaint.

(Respectfully submitted, by Lawrence M. Farrell—McKenna, Conner & Cuneo; 1575 Eye Street, NW., Washington, D.C. Attorney's for The Amicus Curiae.

I hereby certify that the following Motion for Leave to File an Amicus Curiae Brief and the Amicus Curiae Brief were mailed to:

John W. Angus, III, Esq., Preston, Thorgrimson, Ellis & Holman, 1735 New York Avenue, NW., Suite 500, Washington, D.C., Attorneys for Plaintiff, Transportation Institute.

Richard Kirschner, Esq., Kirschner, Weinberg, Dempsey, Walters & Willig, 1100 Seventeenth Street, NW., Suite 800, Washington, D.C, and James M. Aliman, Esq., Schulman & Abarbanel, 358 Fifth Avenue, New York, N.Y., Attorneys for Plaintiff, Seafarers International Union of North America, Atlantic, Gulf, Lakes and Inland Waters District, AFL-CIO

On this 14th day of December, 1983.●

MR. SCOUT MAN

● Mr. CHILES. Mr. President, at a time when daily reports of juvenile crime, violence and drug-related activities are so common place and are given so much media attention, it is indeed refreshing and encouraging to hear and read accounts of individual courage and excellence on the part of young men and women in our country. These personal achievements, whether scholastic, professional, or personal illustrate that basic values of self-respect, patriotism, and justice are not absent in our society.

What we hear about even less frequently, however, are media accounts of the individuals who play key roles in shaping the attitudes and values of young men and women. These individuals are the true unsung heroes, ones who devote time and energy, offer instruction and encouragement, and ones whose only rewards, in most cases, come by standing alongside and watching proudly as a young person develops into a mature young man and woman, encompassing important values that one day will make the difference in his or her life.

Such a counselor, adviser, and friend to many young men is W. A. "Bill" Walker of Palatka, Fla. Bill, who is known as Mr. Scout Man around Palatka, has earned his nickname by turning out 86 Eagle Scouts during his 33-year service as Scoutmaster. As a former Boy Scout myself, I know the rigid requirements necessary to earn the Eagle Scout designation. An Eagle Scout must exemplify qualities of discipline and leadership, qualities which are learned through both group expe-

riences and individual challenges. I know first-hand the importance a Scoutmaster can make in challenging young men to achieve their best. Bill Walker has devoted time and energy to work with young men in his community, and his personal investment has resulted in significant rewards for both the community and our country.

I was extremely pleased that the local Palatka newspaper chose to seek out Bill Walker and focus much-deserved attention on his work and his accomplishments over the years. Too many times, for all the bad news we have to cope with, we fail to recognize and appreciate the more positive activities in our community and, more importantly, the men and women who have such an important, positive influence on our youth today.

I congratulate Bill Walker on the work he has done with young men in Palatka, and I share the article on Bill Walker with my colleagues in the Senate.

The article follows:

MR. SCOUT MAN

(By Jack Harper)

PALATKA.—He is known as "Mr. Scout Man" in Palatka because he has turned out 86 Eagle Scouts in a 33-year career as Scoutmaster.

But W. A. "Bill" Walker, looking at the plaques on the wall over his desk at Gem City Cleaners with the names of his 86 Eagles on them, does not remember the numbers.

He recalls the boys, what they have become, and what Boy Scouting means to them and to him.

"The Boy Scouts of America is one of the few organizations still standing up for duty, God and country. That basic principle has never changed and I hope it never does," Walker said as he tried to put the faces to all those names.

He guessed that he got his nickname years ago when he had just moved his cleaning business into its new quarters at 1210 St. Johns Avenue.

He was out trimming the shrubbery when a young boy, crippled with polio, hobbled from across the street, and asked:

"Mr. Scout Man, can I be a Boy Scout?"

That boy was Caca Smith, who later became one of Walker's Eagle Scouts. He is now owner-manager of Plantsmiths Florist and Garden Center, former Palatka Junior Chamber of Commerce president and active in civic affairs.

The nickname stuck.

Walker has been the only scoutmaster ever for Troop 62, sponsored by the St. James Methodist Church of Palatka. The troop was organized in September 1950.

"His record of 86 Eagle Scouts, the highest honor a Boy Scout can obtain, is the best in the 16-county North Florida Council and one of the highest—if not the highest—in Florida," David Davies, field director for Boy Scouts North Florida Council, said.

Walker was given the council's Silver Beaver Award for outstanding service to Scouting in January 1958, and throughout the years he has collected many local honors for his Scout work.

Dressed in his Scout uniform, with a chest full of decorations set off by his rugged square-jawed face, he is an impressive sight, especially to young Scouts.

Walker does not talk much about himself, but he will quickly tell you about his Scouts.

Army Lt. Asa Kelley, 1962 Eagle Scout, was in Vietnam when his sergeant told him a cable was broken and a road-clearing machine was out of action, Walker said.

When he found there was no replacement cable, Kelley took eight men and spliced the cable himself, tying it with a knot right out of the Boy Scout Manual, Walker said.

Kelley said the cable was still holding when he left Vietnam, Walker said.

He also said that Tommy Harper, a 1961 Eagle, was working as a carpenter during construction of Rodman Dam in the 1960s when a landslide occurred, burying one of the workers. Harper helped dig the man out, then breathed life into him with mouth-to-mouth resuscitation he had learned in earning his lifesaving badge in the Scouts.

Just last year, Jamie Sheehan, one of Walker's current crop of Scouts, was in the principal's office at Palatka High School when a girl student was brought in choking on a piece of ice.

"Sheehan jumped up and struck her on the back (the first step in the lifesaving section of the Scout manual) and the ice popped out," Walker said.

Walker said Scouting teaches leadership that stays with a boy all his life.

"They elect their own officers. They really run it. They know who is working and who isn't," he said.

A Boy Scout himself, Walker remembers a 1927 summer camp at Camp Francis near Interlachen. Ross Allen, reptile expert from Silver Spring, was one of the Scout leaders.

"Hogs broke into our tent that year," Walker recalled. "They ate mine and Glenn Stephens' food supply." Stephens owns a bookkeeping service in Palatka now.

Walker said when he became a Scoutmaster 33 years ago, he thought at the time he would do it for only a year or so.

"Now they tell me I'll retire when the troop has graduated 100 Eagle Scouts. Maybe I will," he said.

Why so many Eagle Scouts?

"We have good boys and we challenge them," Walker said.

He said Troop 62 did not lower its standards a few years back when the national Boy Scout organization dropped pioneering (knot-tying skills), cooking and camping merit badges in order to attract and keep boys from urban areas in Scouting.

"We kept the rigid requirements because the boys wanted them," Walker said.●

SOVIET TREATY VIOLATIONS

● Mr. SYMMS. Mr. President, I ask that a Department of Defense document dated November 5, 1962, entitled "Soviet Treaty Violations," be printed in the RECORD. This document will be useful to all Senators preparing for the special secret session of the Senate on Wednesday to consider Soviet SALT violations. It shows that the Soviets violated over 50 treaties, mostly nonaggression pacts, between 1917 and 1962. In light of the President's recent report on seven Soviet violations of SALT and other arms control treaties, we need to keep in mind the diplomatic history of Soviet compliance with treaties. This was originally placed in the RECORD by the late Senator Russell of Georgia in 1962.

The article follows:

[ALERT No. 5—Soviet Treaty Violations, published by Armed Forces Information and Education, Department of Defense, Nov. 5, 1962]

SOVIET TREATY VIOLATIONS

Officials of the Soviet Union, from the 1917 Bolshevik revolution onward through 45 years of Communist rule, have established an undisputed reputation for breaking their most solemn pledges.

The Soviet regime's consistent viewpoint on the relative unimportance of promises is not restricted to its dealings with other countries, but extends with equal force to its relationships with the Russian people and the various minority groups which comprise the U.S.S.R.

Only 3 days after the November 7, 1917, revolution placed it in power, the Communist regime abolished freedom of the press as a privilege too dangerous to be entrusted to the people. The people were promised however, that the decree would be rescinded just "as soon as the new regime took root." This 45-year-old promise notwithstanding, the order still applies today.

Other instances in which the Soviet Republic has broken faith with its own people are legion. The revolution of 1917 was carried out in the name of democracy, and ever since "democracy" has been one of the most frequently used words in the Communist lexicon. But while the Communists have capitalized on the word, they have radically altered its definition—from "government by the people" to "government for the good of the workers." Since the Communists keep for themselves the right to determine what is "good" for the workers, the Soviet definition of democracy in fact has become "government by Communists."

After 1917, the Russian people wanted not only democracy but its specific institutions: a constitution, a parliament, elections, a secret ballot, trade unions, etc. They were given all these things, but in name only.

The Soviet Constitution is an interesting document to read. However, it is violated or ignored by the regime as a matter of course. The Soviet parliament meets regularly, but it possesses neither power nor function. Elections are held every 4 years, but the single-slate ballot gives the voters no choice. A secret ballot is provided, but its purpose is to identify dissenters rather than protect them. Trade unions flourish, but only to make the worker more subservient to his employer, the state.

A RECORD OF BROKEN PROMISES

That promises mean next to nothing to the Communist official mind has been admitted by Soviet leaders:

V. I. Lenin—

"Promises are like pie crust, made to be broken."

"It would be mad and criminal to tie one's hand by entering into an agreement of any permanence with anybody."

J. V. Stalin—

"Words have no relation to actions—otherwise what kind of diplomacy is it?

"Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

G. E. Zinoviev (first head of the Communist International)—

"We are willing to sign an unfavorable peace—it would only mean that we should put no trust whatever in the piece of paper we should sign."

The Soviet Communist regime has entered into hundreds of international agreements. The following list shows how well the Soviet leaders keep their promises when it no longer appears to be in their interest to do so.

THE AGREEMENT

May 7, 1920: Soviet regime signs treaty with independent Georgian Republic, pledging no interference in Georgia's internal affairs.

March 16, 1921: In trade agreement with Britain, Soviet Union pledges not to engage in propaganda in that country.

June 5, 1922: Soviet Union concludes, friendship agreement with Czechoslovakia.

December 12, 1943: U.S.S.R. and Czech government-in-exile sign treaty of friendship and mutual assistance.

December 17, 1925: U.S.S.R. signs nonaggression and neutrality pact with Turkey.

August 31, 1926: Soviet Union concludes nonaggression pact with Afghanistan.

September 28, 1926: Soviet Union makes nonaggression pact with Lithuania, later extending this agreement through 1945.

September 27, 1928: Soviet Union adheres to Kellogg-Briand pact for renunciation of war.

January 21, 1932: U.S.S.R. agrees to nonaggression pact with Finland.

February 5, 1932: Soviet Union signs nonaggression pact with Latvia.

May 4, 1932: Soviet Union pledges nonaggression in agreement with Estonia.

July 25, 1932: Soviet Union signs nonaggression pact with Poland.

May 5, 1934: U.S.S.R.-Poland extend nonagression pact for 10 years.

June 9, 1934: U.S.S.R. recognizes Rumania, guarantees her sovereignty.

September 15, 1934: U.S.S.R. enters League of Nations, pledging thereby "the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another."

August 21, 1937: Soviet Union signs nonagression pact with Republic of China.

July 30, 1941: U.S.S.R. concludes agreement with Polish Government-in-exile, pledging mutual aid and cooperation.

September 24, 1941: Soviet Union pledges adherence to Atlantic Charter, which provides that agreeing countries seek no aggrandisement, that the countries desire no territorial changes not made in accord with freely expressed wishes of the people concerned, and that they respect the right of all peoples to choose their own form of government.

January 29, 1942: Soviet Union with Iran and Britain, signs treaty of alliance, providing for military use of Iranian territory only until end of military operations against Germany.

February 4-11, 1945: At Yalta Conference, U.S.S.R. agrees on various postwar measures, including adoption of a resolution that the liberated peoples of Europe should have the opportunity to solve their economic problems by democratic means.

February 11, 1945: U.S.S.R. at Yalta Conference agrees to declaration that Polish provisional government "shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot."

April 11, 1945: U.S.S.R. signs 20-year treaty of friendship, mutual aid, and cooperation with Yugoslavia.

June 14-18, 1945: President Truman and Premier Stalin agree, in an exchange of letters, to "free access by air, road, and rail from Frankfort and Bremen for U.S. forces."

July 17 to August 2, 1945: At Potsdam Conference, U.S.S.R. agrees that there should be uniform treatment of the German people throughout Germany.

August 14, 1945: The Soviet Union enters into treaty with Republic of China, containing these pledges: "Each high contracting party undertakes not to conclude any alliance and not to take any part in any coalition directed against the other high contracting party * * *. The treaty comes into force immediately * * * and shall remain in force for a term of 30 years."

March 10, 1947: Council of Foreign Ministers, meeting in Moscow, agrees that all German prisoners of war should be repatriated by December 31, 1948.

May 4 and June 20, 1949: Four-power agreements of New York and Paris guarantee United States, British, French, and Soviet joint control of Berlin, all access routes to and from the city, and freedom of movement within the city.

July 27, 1953: Military armistice established between United Nations command and opposing Communist forces, assisted by U.S.S.R., of China and North Korea. Armistice agreement pledges signers to "cease introduction into Korea of reinforcing military personnel."

January 14, 1956: U.S.S.R. signs agreement with Yugoslavia, pledging $110 million in credits for industrial construction.

August 4, 1956: U.S.S.R. pledges an additional grant of $175 million, bringing total to $285 million.

October 19, 1956: U.S.S.R.-Japanese joint declaration pledges the Soviet Union to refrain from interference in Japan's internal affairs.

THE RESULT

February 11 and 12, 1921: Soviet troops invade Georgia, in step leading to absorption of republic into U.S.S.R.

May 26, 1927: Britain ends agreement because of Soviet violations, including failure to stop propaganda as promised.

June 29, 1945: U.S.S.R. compelled Czechoslovakia to cede Carpatho-Ukraine to the Soviet Union.

February 25, 1948: Czechoslovak Government forced to accept Communist ultimatum, as Soviet Union completes arrangements to force country into its satellite empire. Ultimatum compels appointment of a cabinet of Moscow followers and climaxes Soviet postwar drive to absorb once-independent Czechoslovakia.

March 20, 1945: U.S.S.R. denounces this pact, begins campaign to secure control of Black Sea straits.

June 14, 1946: U.S.S.R. forces Afghanistan to cede border territory of Kushka.

June 15, 1940: Soviet troops invade Lithuania.

August 3, 1940: Lithuania is annexed by Soviet Union.

Soviet Union violates this pledge by 1939-40 invasions of Poland, Lithuania, Latvia, Estonia, Rumania, and Finland.

November 30, 1939: Soviet military forces invade Finland.

June 16, 1940: Soviet troops invade Latvia.

August 5, 1940: Latvia is forcibly incorporated in the U.S.S.R.

June 16, 1940: Soviet military forces invade and occupy Estonia.

August 6, 1940: Estonia is annexed by U.S.S.R.

September 17, 1939: Soviet troops invade Poland.

September 29, 1939: U.S.S.R. signs agreement with Nazi Germany to partition Poland.

June 27, 1940: Soviet army invades Rumanian provinces of Bessarabia and Northern Bukovina. Soviet occupation of these areas completed in 4 days.

August 23, 1939: U.S.S.R. makes treaty with Nazi Germany, termed "a joint conspiracy" to deprive Poland, Estonia, Latvia, Lithuania, Finland, and Rumania of their independence and territorial integrity.

October 2, 1949: U.S.S.R. breaks relations with Republic of China, after recognizing Communist Chinese regime it helped to gain power.

April 25, 1943: U.S.S.R. breaks relations with Polish Government-in-exile on pretext of Polish request for Red Cross investigation of Katyn Forest massacre.

Against these promises stands the Soviet Union's record of occupation and domination of Rumania, Estonia, Latvia, Lithuania, Czechoslovakia, Tennu Tuva, Afghanistan territory, Hungary, East Germany, Albania, Bulgaria, Poland, North Korea, Mongolia.

Soviet Union refused to withdraw its troops from Iran at the end of World War II.

In violation of this agreement stands the U.S.S.R.'s record of domination in Bulgaria, Rumania, Poland, East Germany, Hungary, and Czechoslovakia, and other countries which were forced into postwar roles as satellites of the Soviet Union.

January 5, 1947: Soviet Union refuses to participate in meeting with Britain and United States to secure compliance with the 1945 agreement pledging free elections in Poland.

January 19, 1947: Communist-controlled fraudulent election carried out under conditions of Soviet military occupation.

September 29, 1949: Soviet Union denounces this agreement.

April 1, 1948 to May 12, 1949: The Soviet Union imposes the Berlin blockade by severing all land and water routes between Berlin and West Germany. Western Allies supply Berlin by airlift. March 1962: Soviet Union harasses flights by Allied airplanes between Berlin and West Germany.

East Germany today continues to be a rigidly controlled Soviet satellite. Its people have been denied free elections, isolated from the people of West Germany, and victimized by the same kind of regimentation, police rule, and economic restrictions imposed on the peoples of all the Soviet bloc states in Europe.

February 14, 1950: These pledges were broken when the U.S.S.R. made a new agreement with the Communist Chinese regime it had helped create. The Soviets did not even bother to change the basic wording. The new treaty also pledges: "Both, high contracting parties undertake not to conclude any alliance against the other high contracting party and not to take part in any coalition or actions or measures directed against the other high contracting * * *. The present treaty will be valid for 30 years.

August 3, 1955: Soviet regime furnishes West German Red Cross with data on the health and whereabouts of only 20 of the approximately 14,000 Germans known to be still held in the U.S.S.R.

September 20, 1955: U.S.S.R. unilaterally transfers Soviet control over all access routes to and from Berlin to East German regime.

August 13, 1961: Construction of Berlin wall completely prohibits free passage from the Soviet sector to the Western sectors.

July 11, 1965: U.N. command details long list of armistice agreement violations by Communist parties.

May 6, 1957: U.N. command, in another of series of official complaints, charges that Communists have sent troops in Korea's demilitarized zone six times in period of less than 4 months.

May 26, 1958: Yugoslav sources disclose that the Soviet Union has postponed for 5 years the grant to Yugoslavia amounting to $285 million. This represented an attempt to retaliate against Yugoslavia for its refusal to accept the Soviet Communist Party's ideological leadership.

1958: During the weeks preceding Japanese elections of May 22, Soviet radio beams propaganda at Japan violently opposing the reelection of Premier Kishus government.

1959-60: U.S.S.R. threatens Japan with the possibility of nuclear war if Japan ratifies United States-Japan security treaty, signed January 19, 1960.●

HUMAN RIGHTS IN EL SALVADOR

● Mr. LAUTENBERG. Mr. President, I am pleased to join Senator DODD in cosponsoring S. 2218, a bill to extend the requirement that the administration certify progress on human rights in El Salvador as a condition of U.S. military assistance. The Congress approved this extension late last year without a dissenting vote, but the President vetoed it while the Congress was in recess. As we continue to review U.S. policy in this vital region, we must insure that there is no erosion of U.S. support for human rights in Central America.

Serious human rights violations are continuing and even worsening in El Salvador. The Department of State reported to Congress on January 16, 1984, that "continued abuse of human rights remains a central problem" in El Salvador and that there was "a significant increase in death squad activity in 1983." The Roman Catholic Archdiocese of San Salvador reported 5,142 death squad murders in 1983 and over 38,000 civilian murders since 1979. The American Civil Liberties Union and Americas Watch jointly announced January 16, 1984, that El Salvador "is still a human rights disaster area."

These are the facts, Mr. President, that have prompted the Congress to continually express its concern for human rights in El Salvador and to condition U.S. military assistance on progress. The Congress almost certainly will consider conditions for continued military assistance to El Salvador later this year. But reinstating the simple requirement that the President certify the success or failure of the El Salvador Government in the human rights area is a step we should take now.

The Kissinger Commission report released earlier this month recommended that military aid to El Salvador, "should, through legislation requiring periodic reports, be made contingent upon demonstrated progress on human rights, an end to death squad activity and the movement toward free elections." The Commission recognized that the stability and friendship we seek in Central America cannot be attained without stronger protection of basic human rights.

The Congress should move quickly to support this recommendation. Bringing S. 2218 to quick approval by the Senate would be a most important step. I urge my colleagues to join in this bipartisan effort to insure that our commitment to the basic rights of people everywhere is clear to the world.●

THE "MILITARY MIND"

● Mr. GOLDWATER. Mr. President, in the February issue of Army, a publication by the Association of the U.S. Army, is an excellent paper written by Lt. Gen. Edward M. Flanagan, Jr., USA (Ret.), entitled, "The Military Mind."

There is a popular saying to that, "War Is Too Important To Be Left to the Generals." I would like to remind the citizens of this Nation that when we have left war to the civilians, we have lost both of them, Korea and Vietnam. The question comes then, What is the military mind? Is it a mind aimed only at battle, a mind aimed only at the destruction of people and property. No, it is not. The military mind probably, in its development, has had more to do with people, how to treat people, take care of people, and protect people than any other facet that might make up the many sided problems of war.

It has always been popular to downgrade the man in uniform. Yet, today, the man in uniform is the most highly regarded individual of all the different groups we have, including the U.S. Congress.

It is going to be a year when the military budgets will be attacked, a year where the man in uniform will be attacked; and, for that reason alone, I am inserting this piece in the RECORD, hoping that my colleagues will read it.

I will admit that I am prejudiced. I spent my formative years in a military school, then I devoted 37 years to service in the Reserve and the Regular Establishment and the National Guard. I will maintain I guess to my grave, an interest and respect and devotion to the men who serve their country.

I ask that the article be printed at this point in my remarks, in the hope that my colleagues will read it and, possibly, improve their opinion of what a man's mind goes through when he puts on the uniform of his country.

The article follows:

THE "MILITARY MIND"

On one of the major network news shows recently, the science reporter was talking about the future of computers on the battlefield and was reminded, he said, of the old adage that "war is too important to be left to the generals." He added, with a knowing and supercilious smile, that war may now be too important to be left to the computers.

The implication which the American listening public presumably is supposed to draw from those two perceptive and astute statements is that if war cannot be left to the generals or to the computers it must, of necessity and by default, be left to someone or something else. But to whom else? The science reporter did not say.

Therefore, the supposedly great unwashed, uncaring, unread and dim-witted American public can only assume when we are asked to think about it—which is not often—that wars must be left either to the brilliant, world-traveled newsreaders of the great networks, those overpaid, supremely confident men and the beautiful, smiling, impeccably turned out young women, or to our duly elected politicians.

Let's assume further for a moment that the newsreaders of the night and morning news are not yet skillful and powerful enough to shape and report the news so adroitly and craftily that they are in a position to declare wars, raise armies, establish budgets for the military forces, lead them in battle, develop and implement foreign policy and create strategy for the accomplishment of the military's objectives. It must be then, by a process of elimination and some free-wheeling deduction, that the newsreaders want our wars to be left to the politicians.

Consider for a moment what the politicians have accomplished in only my generation's wars. The Eastern bloc of Europe is under the domination of the USSR—thanks to the politicians, not the generals; North and South Korea, once an ethnic entity, are now sealed from one another by a fortified, tunneled-under, mine-studded, powerfully defended DMZ—thanks to the politicians, not the generals; the Middle East is a seething cauldron of entangled nationalities, vicious guerrilla warfare, unconscionable devastation and desolation—thanks to the politicians, not the generals; and Vietnam, Cambodia, Laos are under the control of a ruthless, merciless dictatorship—thanks to the politicians, not the generals.

Who put strangling limitations, positively designed to thwart our objectives, on the way our most recent wars—the Korean and Vietnamese—have been fought? The politicians, not the generals. The generals could have achieved our rightful if undeclared goals both in Korea and in Vietnam if they had not been shackled by politicians with impossibly restrictive measures. Who ordered the Marine guards at their headquarters in Beirut not to put clips in their weapons?

Generals do not set foreign policy; politicians do. Generals do not start wars; politicians do. Generals know from firsthand knowledge the horrors of war as only a few politicians do. Generals know their forces' capabilities and limitations and want to operate within them to achieve the goals established for them by properly constituted authority. They do not, however, want to do battle handcuffed.

Very properly, our Founding Fathers were afraid of "the man on horseback" syndrome

and provided that the commander in chief of the military forces of the country be a civilian, duly elected by the people. Even Gens. Ulysses S. Grant and Dwight D. Eisenhower shed their uniforms, rank and military identity when they were elected to the commander-in-chief position. So, in a sense, an elected politician must always be the senior general of the armed forces, theoretically thwarting any attempt by the military forces to take over the reins of the U.S. government either from the back of a horse or the turret of a tank.

All of which leads to these questions: what is it about military leaders, particularly the generals, that causes a liberal (I use that adjective in both its senses) portion of the newsreaders, the columnists, the punsters, the college professors, to think that generals come equipped with tunnel vision, with minds straitjacketed, with an undeviating and inflexible way of thinking about issues and problems and ideas? Why is a so-called military mind so disparaged and ridiculed? ("Don't leave wars to generals—they can't handle them.")

Is there such a thing as a military mind? If so, how does it operate? What guides it? How did it develop? Is it good or bad? Should it be nurtured and trained? Or, if there is one, should it be expunged from the brains of our armed forces' leaders and be replaced by a civilian-like brain? To answer these questions is a fairly large order.

From the vantage point of more than five years' working in a civilian enterprise with constant exposure to the civilian mind, after having served 39 years in a military environment, I feel qualified to guess at some answers. Let's tackle, first of all, the subject of the "military mind" and try to identify some of the fundamentals which may contribute to the maturation of the military mind—if there is such a thing:

First of all, we all know that the military establishment is linked together essentially by a chain of command. The entire military structure is a pyramid, based on individuals who are in turn formed into squads, platoons, companies and so forth up the chain. Each unit has one commander and each member of each unit knows who that commander is. There is no equivocation or quibbling: the captain runs the company, the lieutenant colonel runs the battalion, the colonel runs the brigade, right up the line to the ultimate authority, the commander in chief. There are no dualleaders, no troikas, no command by committee, no voting on decisions.

Each man knows for whom he works and from whom he takes orders—from the squad leader to the chief of staff he knows who is his next higher boss. So the chain of command not only exists in the military establishment, it works. This is one of the first manifestations of a military organization, and that fact is drummed into our still "civilianized" brains from the first day of recruit training or the first day at West Point or the first day of ROTC or Officer Candidate School. That is the first salient feature of the military—an operating chain of command.

Next, there is a fairly well-defined staff system in military units. (The staffs in the Pentagon and those of some of the four-star commands do not have a similar rigidity and permanence.) But at battalion, brigade, division, corps and Army levels there is a staff system developed around the four basic functions which must be controlled in order to make units operational: personnel, intelligence, operations and supply. There is also, of course, an organic special staff, but it varies depending on the unit's level and mission. But, basically, every unit, no matter its level (including the company), must have some sort of a staff to discharge the four primary staff functions.

The third permanent and easily recognizable increment in a military organization is the sometimes cursed and often abused efficiency report system. However, in spite of the deficiencies in the application of the system—inflation the most obvious and reocurring—an officer's OER file, especially after he has been on active duty a few years, is a fairly accurate and legitimate record of his worth, potential and idiosyncrasies. He is graded on many things, but probably the most important is his ability to accomplish a mission.

The fourth easily identifiable and obvious element of a military establishment is the fact that the higher up the ladder of the chain a man of woman goes the more the responsibilities and the more his or her privileges and salary. In the military, we all know that RHIP (rank has its privileges), we know the pecking order, we know the salary structure, we know that given due time and splendid efficiency reports our days in the sun will eventually come (sooner, through below-the-zone promotions) so that we may enjoy the heavier and heavier responsibilities, the inherent headaches and problems, and occasionally the privileges associated therewith. Only the Peter Principle can stop us. And the fact that we wear uniforms makes it fairly easy to sort out the pecking order.

The uniform tells us many things—rank, branch, battles, qualifications and careers—by reading the ribbons and badges. In civilian life, the president and the newest salesman may look and dress alike.

The fifth increment of the military establishment which sets it apart from the civilian environment is the military's inherent sense of orderliness. The military has a penchant for making and observing deadlines; for requiring neatness, operability and serviceability of installations and equipment through regular and frequent inspections; for checking a unit's combat readiness with tests of all sorts; for developing and adhering to schedules—training, budget, personnel or other; and for solving problems by use of the staff study format—or in combat, the estimate of the situation.

What's the problem or mission? What are the facts? What are the possible courses of action? Which is better or best? Why? Recommend. Make a decision.

The sixth increment is the military's propensity for operating within and enforcing rules, regulations and orders. Only in the military do we function constantly under orders—to schools, new posts, new jobs, overseas assignments, to the field, the range, the Pentagon, to Grenada, and finally back to the cluttered, disorganized, undisciplined outside world. One's whole life in the military is ordered and orderly, and one accepts this scheme of things not only as the norm, but also as the desirable and preferred way of life—or gets out. But the "lifers" understand, adjust, prosper, prevail and serve their country.

The final character-building block in the military structure—at least for this discussion—is the relatively short length of most officers' and NCOs' assignments. An officer rarely stays more than three years in one slot, unless he is a doctor or other uncommon specialist, before he moves on or up to another assignment.

Thus, he does not have to wait interminably for the retirement or death of someone above him to unblock a better position. Frequent moves are not altogether advantageous, but at least there is little job stagnation so common in civilian firms and enterprises, especially at the middle and lower levels of management and operations.

These are the basics, the framework, around which the military establishment conducts it business, whether it be training or fighting. The structure is admittedly fairly rigid, formed as it is around a chain of command, a clear-cut staff organization, an OER system, and RHIP and RHI-responsibilities syndrome, a healthy respect for mission accomplishments and a developed habit of logical thought processes, frequent job changes, good order in all things, military discipline and "Yes, sir" and "I'll try, sir."

But do those elements over the years necessarily develop and mold into permanency a "military mind"? Before answering that question, it might be enlightening to compare the military's modus operandi with some civilian ways of conducting business.

While I was on active duty, and above all having witnessed the miracles of American productivity, inventiveness and ability to gear up rapidly to supply our own forces and those of our Allies with the prodigious quantities of equipment which fueled our fighting forces during World War II, I came to believe that American manufacturers and businessmen were masters of management, leadership, improvisation, execution and cost-whittling efficiency. Perhaps they are; they certainly were during World War II. But the course of recent events in our economy seems to indicate that they are no longer the unparalleled water-walking geniuses I had once envisioned.

One has only to review and analyze our trade deficit and the efficiency, productivity and quality control of the Orientals and some Europeans to learn otherwise. Or maybe we have just priced ourselves out of the market. In any event, the great American lead in productivity and inventiveness seems to be falling behind other nations in some areas like automobiles, textiles, electronics and nuclear power.

I cannot report in any detail the way IBM, AT&T or Union Carbide handle their enormously complex and far-flung enterprises. Obviously, they must be fairly efficient. But I can report, with some degree of accuracy, on what I have observed during the five-plus years since I retired from active duty. These observations derive from close association with one firm where I work, from observations of other firms, from reading reports on U.S. productivity and on limited research into the workings of other relatively small firms and businesses.

I am convinced that the points I am about to make are not unique to small, professionally oriented firms (lawyers, doctors, dentists, CPAs). Some of these points apply to all firms, some to a few firms and, I suppose, all to some firms—whether they sell services or manufacture goods:

First of all, many firms are managed by a board of directors, a committee in itself, which reports to partners, another committee. And the board often turns to a committee for solutions to various continuing management matters. Thus, there are standing committees for profit-sharing fund, for public relations, hiring of professionals, finances, salaries, for ethics and conflicts of interest. And to hire a new professional (associate) requires the approval of all partners.

In addition, when something unusual comes up, the board of directors appoints an ad hoc committee to look into such things as whether or not the firm should open an office in another city, how it should expand and redecorate the office buildings, what associates it should bring on board.

I am not necessarily knocking committees as such, especially if they are used to study a problem, come up with a recommendation and then have the board make a decision. But that does not always happen in the civilian environment; often the committee either fails to make a report because it could not come to a definite conclusion, or it never got around to it, or the board does not take the final step and make the decision, or the directors could not agree.

That does not happen in the military; that is the first difference: the military uses a chain of command and some civilian firms use a committee system.

Second, success in civilian organizations is invariably measured by the bottom line. And, in a firm of professionals, success is measured even more pointedly by comparing a professional's fee income to his cost to the firm and determining his profit or loss. This is an important number. When you think about that for a moment, it gives a military man some pause.

The third major difference is the lack of a prescribed system for reporting on a professional member's efficiency, potential and personality. Thus, inevitably, a member's success is measured, for the most part, on his financial contribution to the firm. But because of the lack of a formal ER system, rumors, idle chatter and assorted insignificant incidentals have a way of becoming imbedded in a senior's mind about one of the subordinates.

Thus, it may take a long time to weed out the inefficient or, conversely, based on snap judgments and one-shot deficiencies, it may take only a short a time to fire a good man before he has been given a fair chance to prove himself.

Another difference centers around the fact that over the years professional firms usually have grown slowly from a couple of founders to some 20, 30, 40 or more professionals plus an expanded staff. Because of this slow but steady growth, each professional brought on board considers himself an operational unit with his own billing procedures, collection techniques and method of operating. Initially, there usually was only a shadowy organization with very limited sectionalization, absolutely no chain of command, and little but sometimes benevolent guidance and control from the top.

Typical firms of this sort were essentially X numbers of professionals each with his own rolltop desk operating within his own sphere of clients. Professionals of this sort and managers at middle levels are similar in character and outlook to a group of brand new brigadier generals—feisty, intelligent, cocky, ambitious and somewhat undisciplined. In short, many of these expanded forms had no organizational frameworks.

Difference number five is a lack of constraint on operational procedures. For example, as a firm produced more and more dollars and the bottom line showed a regular profit, the board would add higher and higher salaries and benefits and perks to the professionals that would make any general or admiral in today's military establishment green with envy.

These perks include leased cars, total medical, dental and ocular benefits for the professionals and their families, payment of club dues, home phone bills, newspaper and magazine subscriptions, entertainment expenses and sundry other allowances.

As a result, when times get hard, it is very difficult to cut back. The philosophy among the young partners and associates of many of these firms is typical of today's young professionals: "We want it all, right now. We're not willing to wait."

So they lease Corvettes, Mercedes, Lincolns and Cadillacs. And the champagne taste carries over into houses, schools for their children and vacations. Their attitude is: "Let mother pick up the tab."

In sum, such organizations on close examination and analysis have many organizational and operational deficiencies. Among them are an absence of a clearly defined organization, the lack of a proper budget and/or the failure to be guided by it, the nonexistence of a chain of command and the scarcity of any system for really separating the efficient professionals and managers from the ineffectual.

Admittedly, my observations focus on a small group of professional firms and businesses, loosely organized into business enterprises. But these firms do, in my view, provide a microcosm against which I can compare the military environment.

In all fairness, I must, however, recognize these facts:

The firm with which I am associated has been successful by any standard of measurement in the good times under the kindly leadership of its founder; in the recession of the past couple of years, however, it has had to tighten severely its budgetary belt, get organized, check on professional productivity, client development and case loads, and institute some more up-to-date methods to improve the efficiency of its billing, bookkeeping and accounting procedures.

There are many firms, industries and companies throughout the United States that use efficiency or merit reports of one sort or another, have a chain of command, quality control, discipline, clear-cut organizations, distinct goals, a source of direction, a recognizable strategy, motivated employees and sound equipment and technology investing policies and that are such models of efficiency that they are included in best-selling books like "In Search of Excellence: Lessons from America's Best Run Companies," by Thomas J. Peters and Robert H. Waterman Jr.

The goal of any civilian firm is, naturally, profit; the goal of any military organization is mission accomplishment.

And so we come to the heart of the matter: is there such a thing as a military mind? I say yes. Is it advantageous and desirable? By all means. And I add in the same breath, thank God there is such a thing as a military mind. A military mind is formed through custom, training, education and observation. It is developed within a framework of a clear-cut, closely organized structure with a recognizable, operating chain of command.

One incident of the operation of the chain of command comes to mind. When I was commanding the 1st Infantry Division, we flew to Europe on "Reforger III" from Ft. Riley, Kan. For some obscure reason, when we left Riley, I had the troops wearing their helmet camouflage covers with the desert colors showing. When I got to Germany, the VII Corps commander under whom we were operating rather good-naturedly, but pointedly, suggested that in the green forests of Germany it might be more appropriate to have the green side of the camouflage covers out.

So, at my command and staff meeting that night, I put out the order that by next morning's 0700 troop formation, I wanted the helmet covers turned over with the green side out. And by 0700 the next morning, the mission was accomplished, and some 17,000 "Big Red Oners" were in the proper uniform. Such a chore could never have been accomplished by a committee; they might still be debating the wisdom of such a move.

A military mind is taught to honor suspense dates and deadlines and to answer all the mail—in as short a time as possible. A military mind learns to do the hard job first, to be in command, to assume its rightful responsibilities, to avoid shirking its duties, to feel responsibility for its unit or staff section.

A military man with a military mind thrives on precedent, unit esprit, camaraderie. He believes that his mission transcends in importantance any civilian's, that he is trained to protect the country, that he is the insurance without which we cannot survive as the nation we have come to be.

The military mind is trained to be honest, to honor its word and signiture, to believe in its oath of office, to know that advancement is based on efficiency, not family background, color or religion.

The military mind is taught to be on duty 24 hours a day. It is also taught that all of these attributes, characteristics, fundamentals have their greatest application in combat. The military mind is not lazy; it does not put off until next week; it establishes priorities and does not waffle its ideals.

Thus, in answer to my original questions: there is such a thing as a military mind; it may be rigid, but it is trained for the ultimate purpose of success in combat as measured by mission accomplishment at the least cost in men and equipment. And if that is bad, if we would rather have our wars entrusted to civilians, God help us.

As Sir William Butler once said: "The nation that will insist on drawing a broad line between the fighting man and the thinking man is likely to find its fighting done by fools and its thinking done by cowards."

After I finished this article, I sent it, somewhat innocently, to one of the members of my firm's board of directors for his comments. I had expected that he might take umbrage at what I had written. For one thing, I recognized that comparing the military establishment to small professional firms was perhaps comparing elephants to mice. The comments of the member of the board to whom I sent the article were so well taken that, in the interest of objectivity, I asked him if I might include his comments as a counterpoint to my thesis. He agreed readily. Here are his comments—only slightly edited to eliminate his name, the name of the firm, and to spell out a reference to "an island paradise."

PERSONAL AND CONFIDENTIAL

Memo to: General Flanagan
From:
Date: 3 October, 1983
In re: Your proposed article "The Military Mind"

DEAR FLY: I have read and reread your draft. My initial inclination was to provide comment on style, organization and so forth, but I realized that your publisher will accomplish that more capably than I. Having shirked that responsibility (a defect of the civilian mind?), I will style myself as

critic and, without taking umbrage, will mount a defense.

First my qualifications: while serving only three years on active duty in the military, I rose from the rank UCUI-1 to lieutenant (junior grade), crossed the International Dateline innumerable times, metamorphosed from a poliwog to a shellback on one fateful day at the Equator, and received an early release to return to graduate school.

Operationally, I served with distinction as an admiral's aide, eyeball to eyeball, martini to martini, in the San Diego Naval Station Officers' Club, and can take credit for personally slaughtering not less than 32 (innocent?) civilians at Cap Lay by virtue of my substantially greater firepower in June, 1967. I wrote efficiency reports for senior operational commanders and, in more than a few instances, decided which would make flag rank.

I was a student of the "military mind," and labored under its strengths and weaknesses, contributed to its inefficiency and have marveled at its successes. I have led men in combat and have been shot at, and in a high-tech sense, have engaged the enemy hand to hand.

In general, I spent 30 years in the military (spread out over three), and a millenium under constant, hostile fire in this godforsaken island paradise (an allusion to his current island abode). I will thus not hesitate to criticize your article. Whether it be constructive or not is for you to decide.

While I agree with its basic tenets, empathize with the frustrations you have incurred at your current "duty station," and appreciate the efficiencies extant in the military experience, I do not believe that the benefits derive from the "military mind," any more than the deficiencies accrue from some civilian psyche. Military men and women have minds, civilian individuals have minds, but neither biologically nor functionally does the Army or General Motors, or indeed our firm, have a mind.

Each has its own organization, methodology, means, motivation and general trademark, but no animism of more than one has a mind. Therefore, if you are speaking of the military mind as the collective wisdom of the individuals—recruit through general officer—I think the personification misses its mark. While the collective reaps the rewards or suffers the ignominy, the genesis of all thought is still between the ears of individuals.

Wounded metaphors aside, I agree completely that the military organizational system is far more efficient than most civilian counterparts. I share your appreciation of the chain of command, staff specialization, efficiency reports, punctuality, regulatory authority and well-shined shoes. However, this more or less well-oiled machinery is derivative of the military's charter rather than the specialized brainpower of its cognoscenti. The strength of the military is based upon its clearly defined ends, the existence of which make the selection of means straightforward.

Taking the high ground on Mount Suribachi required thousands of casualties and the utilization of tons of ammunition, but such a goal was clear, singular and, given the collective will of many, attainable.

Placing a man on the moon in this century, an act requiring the utmost in technological skill and commitment of time and money, was accomplished because the goal was real, concrete and, given the requisite commitment, attainable. Conversely, democratizing South Vietnam, reducing the federal deficit, and organizing this firm have proved to be more difficult-perhaps impossible—tasks.

The reason lies not in either the mind of the individual military officer or civilian, nor even their collective methodology. Rather, it is a derivative of a broad disparity between goals and the means of achieving same. In Vietnam, what we really wanted was to maintain the free world's hegemony, but we chose not to admit that. For decades politicians have been elected while they railed against budget deficits and an expanding national debt; but they have delivered an increasingly expensive potpourri of social benefits and military expenditures.

As a nation we have sent out our cat to kill mice and then kicked him for having left a dead and bloody rat on the front porch.

You are quite right in identifying this firm as a microcosm. But no degree of reorganization, scheduling, desk-clearing or shoe polishing will save this small world. Rather, we, like our national analog, must establish goals; goals which are real and attainable; goals which reflect the will of the majority rather than a consensus serving no one; goals which are worthy of our best efforts.

The military does not earn money—it spends it. Civilian politicians do not earn for our country the gross national product—they reallocate it. To some degree each professional in this firm is both producer and consumer. In the past there has been little correlation between what one produces and what one consumes, and we have come to a point where neither the hegemony of the original leadership nor the unbridled cravings of the masses can be served.

Our goals are as grand as our next paycheck, as admirable as a silver Corvette and as worthwhile as a seat on the Town Council. Nationally and locally, civilian and soldier, "Qu'ils mangent de la brioche." (Literally, "Let them eat sweet rolls." Allegedly, this is the correct version of Marie Antoinette's famous and off-repeated line; it was not, "Let them eat cake.")

These end the director's comments. My rebuttal to his rebuttal is that notwithstanding the fact that the military has clearly defined goals it does not necessarily follow that that is what makes the military efficient or, for that matter, any civilian firm efficient. I go back to the basic features of a military organization to explain its efficiency, and to explain the development of the "military mind."

And, I daresay, that any of the 40 or so best-run firms in the United States case studied by Messrs. Peters and Waterman also uses many of the military's operational devices and methods to achieve its successes.

Two closing arguments:

First, in the 14 October, 1983, issue of National Review, Jeffrey Hart comments on a book entitled The Hidden-Hand Presidency: Eisenhower as Leader, by Fred I. Greenstein. Mr. Hart says that first of all Gen. Eisenhower was a great President, and he rates him among the top two—right after George Washington. Mr. Greenstein says that today historians would rate President Eisenhower "in the top ten, if not the top five of all of our Presidents." Mr. Greenstein's book then examines President Eisenhower's management of the Presidency.

Jeffrey Hart says that President Eisenhower "was formidably intelligent." We are not surprised to learn that Gen. Eisenhower "rose to service-wide visibility because he graduated first in a class of 275 officers in 1926 in the Army's elite Command and General Staff School." And, despite the legendary syntax—in fact, everyone knew what he was really saying—"his confidential writings display geometric precision in stating the basic considerations shaping a problem, deducing their implications, and weighing the costs and benefits of alternative possible responses."

Gen. Eisenhower was astonished, for example, when, in the wake of Tet, President Lyndon Johnson halted the bombing of North Vietnam without any quid pro quo from the other side, and President Eisenhower's written analysis of that mistake "allows us to view policymaking through his clear—often icily clear—mental lens."

Second, in the 31 October, 1983, issue of Fortune magazine, there appears an article about William Marriott Jr., the entrepreneur who is vastly expanding the Marriott chain to include the building of a $350 million Marriott Marquis Hotel in New York's Times Square. The article says that "the (Marriott) Co. became one of the industry's most efficient by applying a tightly centralized system of policies, procedures and controls to the slightest operational detail. . . . The more the system works like the Army, the better."

As they say in the law courts, "I rest my case."

MODEL OAS GENERAL ASSEMBLY

● Mr. CHILES. Mr. President, shortly before the holiday recess, I had the pleasure of meeting with students from Father Lopez High School in Daytona Beach, Fla. The students were in Washington to participate in the Organization of American States Second Annual Model OAS General Assembly for High Schools.

The Model OAS General Assembly is the only simulated proceeding of a regional internation institution to take place at the headquarters of the organization itself. Participation in the Model Assembly is, in the words of our Ambassador to the OAS, "a unique opportunity for young people to learn through realistic session at OAS headquarters how the organization functions."

Students participating in the Model Assembly come away with an appreciation for the institutional framework in which member nations attempt to settle their differences. In this age of increasing international tension and increased resorting to arms instead of the negotiating table, what could be more important than promoting diplomacy and communication, rather than isolationism and arms buildup?

Participating in the Model Assembly is an honor, and no easy task. Each school wishing to send a delegation to the Model Assembly selects as its representatives students with outstanding academic and debate skills. Each team is assigned an OAS member nation whose role they will assume in Washington. Many months prior to the actual competition, the selected students must learn the details of the adopted nation's political, economic,

and social climate, as well as the complex international politics between all member nations. As every Member of Congress knows, that's no easy assignment. Equally dedicated is their school sponsor, who spends many hours coaching and advising the team.

Mr. President, every Senator who represents young constituents participating in the Model Assembly should be proud of such students. Participating in the Assembly is the mark of future voters concerned about issues vital to this Nation and its southern neighbors. I am especially proud of the students from Father Lopez High School. Not only did they travel almost 1,000 miles to represent their school, they also captured the national debating championship. In addition to the team debating championship, Bryan Sperber, the team leader, and Adel Aslani-Far, received two of the five individual awards for debate.

The students assumed the role of Honduras, and negotiated with the student delegation representing Nicaragua, persuading it to accept a four-point peace plan. Their peace plan called for withdrawal of all foreign troops and military advisers from Central America, with that action subject to international verification; a pledge not to interfere in the internal affairs of other nations in the region; a reduction of arms in each Central American country; and a pledge to establish democratic institutions in Central America.

I would like to commend Bryan and Adel, as well as Julio Castro, John Byington, Kathy Freeman, Scott Groeshner, Nina Rasdota, Michael Reedich, Michael Sicard, Daniel Sprague, and William Wang. Special recognition goes to Rev. John Hurley, who coached the students in Florida, and accompanied them to Washington. All of them have my heartiest congratulations.●

APPROPRIATIONS STATUS REPORT

● Mr. DOMENICI. Mr. President, I believe it would be useful as we return from recess to bring up to date the tables on fiscal year 1984 appropriation actions that I have inserted in the RECORD over the past several months. I ask to have printed in the RECORD at the conclusion of my remarks two summary tables showing Appropriations Committee spending and credit activities through the end of the 1st session of the 98th Congress.

The first summary table shows spending actions; that is, outlays from prior-year budget authority and other actions completed in prior years; the regular appropriation bills, the further continuing resolution, and the omnibus supplemental which were enacted during the first session; possible later requirements; and adjustments to keep mandatory programs at the levels assumed in the budget resolution.

Compared to the section 302(a) "crosswalk" allocation to the Appropriations Committee under the fiscal year 1984 budget resolution, adjusted for the release of reserve fund items, at this point the committee is under its crosswalk allocation by $9.6 billion in budget authority and right on its crosswalk allocation in outlays.

The second summary table shows credit actions that were contained in the regular appropriation bills, the further continuing resolution, and the omnibus supplemental which were enacted during the first session, and possible later requirements. At this point the Appropriations Committee has approved $0.8 billion less in new direct loan obligations and $1.4 billion less in new primary loan guarantee commitments than the budget resolution assumed.

Mr. President, I would like to commend the chairman of the Appropriations Committee, my distinguished colleague, Senator HATFIELD, for the committee's efforts last year. The committee has adhered to the congressional budget plan and that is indeed good news.

The tables follow:

SPENDING ACTIVITIES—SUMMARY OF SENATE APPROPRIATIONS ACTION TO DATE FOR FISCAL YEAR 1984 [1] AS OF JAN. 26, 1984

[In billions of dollars]

Appropriations subcommittee	President's request		Senate 302(b) allocation [2]		Current status [3]		Current status over(+)/under(−) President's request		Current status over(+)/under(−) 302(b) allocation	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture	34.5	22.2	35.6	23.1	35.4	23.3	0.9	1.1	−0.2	0.3
Commerce	10.1	11.2	10.9	11.4	10.7	11.4	.6	.2	−.2	0
Defense	261.0	229.3	254.2	227.9	250.8	226.6	−10.2	−2.7	−3.4	−1.3
District of Columbia	0.6	.6	.6	.6	.6	.6	0	0	0	0
Energy-water	14.8	14.8	14.9	14.7	14.5	14.6	−.3	−.2	−.4	−.1
Foreign operations	11.7	9.6	12.1	9.8	12.1	9.8	.4	.1	0	0
HUD-independent	50.0	58.2	57.8	58.2	56.4	59.5	6.4	1.3	−1.3	1.2
Interior	6.6	8.3	8.3	9.3	8.6	9.4	1.9	1.1	.3	.1
Labor-HHS	95.7	105.3	109.0	110.5	106.7	110.4	11.0	5.1	−2.3	−.1
Legislative branch	1.5	1.5	1.5	1.5	1.5	1.5	0	0	0	0
Military construction	8.7	7.3	7.3	7.1	7.1	7.1	−1.6	−.2	−.2	0
Transportation	10.9	25.0	10.9	25.4	10.9	25.4	0	.4	0	0
Treasury	11.5	11.3	11.9	11.8	11.9	11.9	.5	.6	0	.1
Subtotal	517.6	504.6	535.0	511.3	527.2	511.5	9.6	6.8	−7.7	.2
Unassigned to subcommittee	.9	.9	2.9	1.3	1.0	1.1	.1	.2	−1.9	−.2
Total	518.5	505.6	537.9	512.6	528.2	512.6	9.7	7.0	−9.6	0.0

[1] Includes all appropriation bills enacted in the 1st session of the 98th Congress and other prior actions.
[2] Includes reserve fund allocations made on Sept. 14 and Oct. 27, 1983.
[3] Excludes in the "current status" column $8,464,000,000 in budget authority for the IMF (no outlays) assumed to be enacted in fiscal year 1983 in the President's request and in the budget resolution, but not enacted until fiscal year 1984 by the Congress.

Note.—Details may not add to totals due to rounding.

CREDIT ACTIVITIES—SUMMARY OF SENATE APPROPRIATIONS ACTION TO DATE FOR FISCAL YEAR 1984 [1] AS OF JAN. 26, 1984

[In billions of dollars]

Appropriations subcommittees	Current status		Budget resolution assumptions		Current status over (+)/under (−) resolution	
	Direct loans	Primary loan guarantees	Direct loans	Primary loan guarantees	Direct loans	Primary loan guarantees
Agriculture	11.2	7.6	11.4	8.8	−0.2	−1.2
Commerce-Justice	1.6	3.6	1.7	3.8	−.1	−.2
District of Columbia	.1		.1			
Energy-Water	.1	.2	.1	.2		
Foreign Operations	6.5	14.7	6.9	14.5	−.4	+.2

CREDIT ACTIVITIES—SUMMARY OF SENATE APPROPRIATIONS ACTION TO DATE FOR FISCAL YEAR 1984 [1] AS OF JAN. 26, 1984—Continued

[In billions of dollars]

Appropriations subcommittees	Current status		Budget resolution assumptions		Current status over (+)/under (−) resolution	
	Direct loans	Primary loan guarantees	Direct loans	Primary loan guarantees	Direct loans	Primary loan guarantees
HUD-Independent [2]	2.2	65.8	2.2	65.8		
Interior	([3])	([3])	([3])	([3])		
Labor-HHS	.7	6.9	.7	6.9		
Transportation	([3])	([3])	([3])	.2		−.2
Not allocated to subcommittee			([3])	.1		−.1
Total	22.4	98.8	23.2	100.2	−.8	−1.4

[1] Includes all appropriation bills enacted in the 1st session of the 98th Congress and other prior actions.
[2] The budget resolution assumes $68,200,000,000 in new secondary loan guarantee commitments in the HUD-Independent Agencies subcommittee. The HUD-Independent Agencies appropriation bill for fiscal year 1984 provided the same amount.
[3] Less than $50,000,000.

Note.—Details may not add to totals due to rounding.●

FLORIDA RECIPIENTS OF THE AMERICAN FARMER DEGREE

● Mr. CHILES. Mr. President, it is with a great deal of pleasure that I submit the following list of recipients from Florida of the American Farmer Degree of the Future Farmers of America. This degree is particularly significant because it is the highest honor that can be bestowed upon an FFA member.

For years, FFA has been helping young men and women improve their leadership capabilities and prepare them for careers in agriculture and related fields. FFA boasts many distinguished alumni including Congressmen DON FUQUA and BILL NELSON of the Florida congressional delegation.

In the years to come, agriculture will continue to play an extremely important role in the economic life of our country. We will continue to look toward FFA to provide the leadership in this critical area and to help train managers and producers who will insure our agricultural system remains the most productive and efficient in the world. The young men and women listed below are such future leaders and producers and I want to congratulate them all on this honor.

The list follows:

1983 AMERICAN FARMER LIST—STATE OF FLORIDA

Brian Banks, Myakka Star Route, Parrish 33564 (Manatee High CH) (Manatee High HS).

Judy Beauchamp, Box 231, Bronson 32621 (Bronson CH) (Bronson HS).

Samuel Bertha, II, Rt. 1, Box 119, Bunnell 32010 (Bunnell CH) (Flagler-Palm Coast HS).

Murray Bertine, Rt. 6, Box 220, Dunnellon 32630 (Crystal River CH) (Crystal River HS).

Edward Biss, Jr., Box 794, Trenton 32693 (Trenton CH) (Trenton HS).

Glenda Brown, 5201 Sawyer Road, Sarasota 33583 (Sarasota Vo-Ag CH) (Riverview HS).

Kenneth Crews, Rt. 1, Box 686, Sanderson 32087 (Baker County CH) (Baker County HS).

Charles Duggar, 202 Hall Street, Marianna 32446 (Marianna CH) (Marianna HS).

Deborah Goodwin, Box 602, Lake Panasoffkee 33538 (South Sumter CH) (South Sumter HS).

Judy Kahelin, Rt. 4, Box 159, Dover 33527 (Plant City Senior CH) (Plant City Senior HS).

James Knight III, 815 S.E. 9th Ct., Okeechobee 33472 (Okeechobee Brahman CH) (Okeechobee HS).

Patrick Martin, 1001 South Tenth St., Haines City 33844 (Haines City CH) (Haines City Senior High HS).

J. Michael McGinnis, 3347 Kingswood Dr., Sarasota 33582 (Sarasota Vo-Ag CH) (Riverview HS).

Daniel Olson, Rt. 1, Box 203, Clermont 32711 (Groveland Senior CH) (Groveland HS).

Terry Porter, Rt. 4, Box 2195, Plant City 33566 (Plant City Senior CH) (Plant City Senior HS).

Jimmie Rogers, 4519 Grenoble Drive, Orlando 32807 (Orlando-Colonial CH) (Colonial HS).

Herman Sanchez, Jr., Box 1296, Cross City 32628 (Trenton CH) (Trenton HS).

William Shaw, Rt. 2, Box 170, Mayo 32066 (Lafayette Senior CH) (Lafayette HS).

O. Scott Stoutamire, Rt. 1, Box 70A, Hosford 32334 (Liberty County CH) (Liberty County HS).

Jed Weeks, Rt. 2, Box 202-C, Wauchula 33873 (Hardee Senior CH) (Hardee HS).

Earl Ziebarth III, Rt. 2, Box 85, Pierson 32080 (Pierson-Taylor Senior CH) (T. Dewitt Taylor Jr.-Sr. HS).

Total Participants this State—21.●

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, if there is not further morning business, I would ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

ORDERS FOR TOMORROW

ORDER FOR RECESS UNTIL 9:30 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR MITCHELL

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the time for the leaders under the standing order, there be a special order for the Senator from Maine (Mr. MITCHELL) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the time allocated to the distinguished Senator from Maine for a special order, there be a special order for my good friend from West Virginia, the distinguished Democratic leader (Mr. BYRD), for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator.

PROGRAM

Mr. STEVENS. Mr. President, let me state for the information of Senators that tomorrow we will convene at 9:30 a.m. After the time of the two leaders, there will be special orders for Senator MITCHELL and Senator BYRD.

It will be the intention of the leadership and the manager of the bill that we would be back on the bill—it is the pending business—at approximately 10 a.m. tomorrow, or slightly before that. It is my understanding that in all probability there will be no votes before 11 a.m., but that order has not been entered. There is just the indication that, that will be the case.

Mr. President, we do anticipate votes throughout the remainder of the day, however, and Senators should be on notice of that. The distinguished Senator from South Carolina, the manager of the bill, wished to proceed this evening but was asked, because of the weather and other circumstances, not to proceed this evening.

There are other pending amendments to be considered in the morning.

Does my good friend from West Virginia have any other matter to take up this evening?

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader. I have nothing.

RECESS UNTIL 9:30 A.M. TOMORROW, TUESDAY, JANUARY 31, 1984

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 5:08 p.m., recessed until tomorrow, Tuesday, January 31, 1984, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 30, 1984:

The Judiciary

James Harvie Wilkinson III, of Virginia, to be U.S. circuit judge for the fourth circuit, vice John D. Butzner, Jr., retired.

Pauline Newman, of Pennsylvania, to be U.S. circuit judge for the Federal circuit vice Philip Nichols, Jr., retired.

John R. Hargrove, of Maryland, to be U.S. district judge for the district of Maryland, vice Shirley B. Jones, resigned.

Bruce D. Beaudin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice John D. Fauntleroy, retired.

Department of Justice

Robert C. Bonner, of California, to be U.S. attorney for the central district of California for the term of 4 years vice Stephen S. Trott, resigned.

Federal Council on the Aging

The following-named persons to be members of the Federal Council on the Aging for the terms indicated:

For a term expiring June 5, 1985:

Ingrid Azvedo, of California, vice Charles J. Fahey, term expired.

For terms expiring June 5, 1986:

Nelda Ann Lambert Barton, of Kentucky (reappointment).

Edna Bogosian, of Massachusetts (reappointment).

James N. Broder, of Maine (reappointment).

Tony Guglielmo, of Connecticut (reappointment).

Frances Lamont, of South Dakota (reappointment).

Foreign Service

The following-named career members of the Senior Foreign Service of the U.S. Information Agency for promotion in the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Eugene J. Friedman, of Ohio.
Leonard L. Lefkow, of Washington.
Lynn H. Noah, of Pennsylvania.
Marlin W. Remick, of Virginia.
Christopher W. S. Ross, of California.

The following-named career members of the Foreign Service of the U.S. Information Agency for promotion into the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, class of Counselor:

Jeffrey Robert Biggs, of the District of Columbia.
Philip C. Brown, of Maryland.
Alan L. Gilbert, of Ohio.
John Philip Harrod, of New Hampshire.
Leon Lederer II, of Virginia.
Donald E. Mathes, of Missouri.
Marilyn McAfee, of Florida.
John M. Reid, of Virginia.
Elton Stepherson, Jr., of California.
Michael Mamoru Yaki, of California.

Senior Foreign Service

The following-named career members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career members of the Senior Foreign Service of the United States of America, class of Career Minister:

Philip Birnbaum, of Maryland.
Irvin D. Coker, of Maryland.
Donor M. Lion, of Virginia.
Leonard Yaeger, of the District of Columbia.

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor:

Dennis P. Barrett, of Washington.
Martin Victor Dagata, of Maryland.
Robert Halligan, of Virginia.
Harlan Haines Hobgood, of Virginia.
Mary C. Kilgour, of Virginia.
Emerson Melaven, of Vermont.
Richard Charles Meyer, of the District of Columbia.
Arthur Mudge, of New Hampshire.
James A. Norris, of California.
Lois C. Richards, of Washington.
John A. Sanbrailo, of California.

The following-named career members of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service to the class indicated, and also for the other appointments indicated herewith:

Career members of the Senior Foreign Service of the United States of America, class of Minister-Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

William Anthony Sigler, of Virginia.
Gerald H. Zarr, of Maine.

Career members of the Senior Foreign Service of the United States of America, class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

John S. Balis, of Virginia.
Janet C. Ballantyne, of California.
John Stuart Blackton, of California.
Terrence J. Brown, of Virginia.
George Carner, of California.
Richard A. Cobb, of Florida.
Harold S. Daveler, of Pennsylvania.
Garber A. Davidson, Jr., of Maryland.
James Patrick Donnelly, of Florida.
B. Loc Eckersley, of Pennsylvania.
Stanley D. Handleman, of the District of Columbia.
Lawrence R. Hausman, of California.
Pamela B. Hussey, of California.
Michael Richard Jordan, of Virginia.
James Dellar Kraus, of Virginia.
Owen J. Lustig, of Indiana.
Roderick Fraser MacDonald, of Virginia.
Mark S. Matthews, of Florida.
William A. Meeks, of Virginia.
Ronald Lemoin Nicholson, of Virginia.
Carol A. Peasley, of California.
Richard J. Peters, of California.
John Daniel Pielemeier, of Indiana.
Robert S. Queener, of Maryland.
John Edward Roberts, of Colorado.
Steven William Sinding, of New Jersey.
Jesse L. Snyder, of California.
Thomas W. Stukel, of Virginia.
Charles E. Vann, of Florida.
Ronald Allen Witherell, of Connecticut.

In the Air Force

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Jimmie V. Adams, [redacted], Regular Air Force.
Col. Joseph W. Ashy, [redacted], Regular Air Force.
Col. Loring R. Astorino, [redacted], Regular Air Force.
Col. Robert H. Baxter, [redacted], Regular Air Force.
Col. Malcolm F. Bolton, Jr., [redacted], Regular Air Force.
Col. Charles G. Boyd, [redacted], Regular Air Force.
Col. Stuart R. Boyd, [redacted], Regular Air Force.
Col. Edward R. Bracken, [redacted], Regular Air Force.
Col. Denis M. Brown, [redacted], Regular Air Force.
Col. George L. Butler, [redacted], Regular Air Force.
Col. Harold N. Campbell, [redacted], Regular Air Force.
Col. Richard E. Carr, [redacted], Regular Air Force.
Col. David M. Cornell, [redacted], Regular Air Force.
Col. Hugh L. Cox III, [redacted], Regular Air Force.
Col. Richard L. Craft, [redacted], Regular Air Force.
Col. Philip M. Drew, [redacted], Regular Air Force.
Col. David B. Englund, [redacted], Regular Air Force.
Col. Larry D. Fortner, [redacted], Regular Air Force.
Col. James E. Freytag, [redacted], Regular Air Force.
Col. Richard B. Goetze, Jr., [redacted], Regular Air Force.
Col. Frank S. Goodell, [redacted], Regular Air Force.
Col. Richard E. Hearne, [redacted], Regular Air Force.
Col. William L. Hiner, [redacted], Regular Air Force.
Col. Frank B. Horton III, [redacted], Regular Air Force.
Col. John E. Jaquish, [redacted], Regular Air Force.
Col. Frank J. Kelly, Jr., [redacted], Regular Air Force.
Col. Robert H. Ludwig, [redacted], Regular Air Force.
Col. Joel M. McKean, [redacted], Regular Air Force.
Col. Raymond V. McMillan, [redacted], Regular Air Force.
Col. Eric B. Nelson, [redacted], Regular Air Force.
Col. Keithe E. Nelson, [redacted], Regular Air Force, Judge Advocate.
Col. Donald A. Rigg, [redacted], Regular Air Force.

Col. Martin J. Ryan, Jr., [redacted], Regular Air Force.
Col. John P. Schoeppner, Jr., [redacted], Regular Air Force.
Col. John Serur, [redacted], Regular Air Force.
Col. Garryl C. Sipple, [redacted], Regular Air Force.
Col. Donald D. Smith, [redacted], Regular Air Force.
Col. Donald Snyder, [redacted], Regular Air Force.
Col. Dale C. Tabor, [redacted], Regular Air Force.
Col. Earl S. Van Inwegen, [redacted], Regular Air Force.
Col. Henry Viccellio, Jr., [redacted], Regular Air Force.
Col. Charles A. Vickery, [redacted], Regular Air Force.
Col. Frank E. Willis, [redacted], Regular Air Force.
Col. Charles P. Winters, [redacted], Regular Air Force.
Col. Mark J. Worrick, [redacted], Regular Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Robert F. Dunn, [redacted], U.S. Navy.

EXTENSIONS OF REMARKS

AMERICAN AFFINITY FOR THE PEOPLE OF CENTRAL AMERICA

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, January 30, 1984

● Mr. MATHIAS. Mr. President, the people of the United States have felt an affinity for the people of Central America ever since independence from our European motherlands made us conscious of each other. At times economic competition has set us at odds. At other times political controversy has created differences between governments. But at no time have the people lost interest in each other or sensitivity for each other's achievements and concerns.

Nowhere have I seen that better illustrated than in an article written by Woody Holton describing his experiences with a church-sponsored group working in Nicaragua. It is a story of people-to-people exchange without the static of ideology. It is a useful addition to our information about the emotional climate in Nicaragua. It confirms the recommendations of the Bipartisan Commission on Central America which call for increased dialog, expanded communication, and social and economic assistance as essential to improvement of both conditions there and our relationship with that vital region.

I ask that this article be printed at this point in the RECORD.

The article follows:

POPULAR PARTICIPATION IN THE NEW NICARAGUA

(By Woody Holton)

The teenagers in Masaya call him Campana—the Bell—because he talks so much. He is a member of the Sandinista militia, and he was showing me how to daub tar over the nails that hold the roof down. Two old ladies brought another roof section on their heads. Teenagers were painting a nearby house.

Jeff Boyer, the anthropologist who had helped bring eleven other North Carolina students and me to Nicaragua for a work-study program, arrived to check on the Masaya contingent. Joking around, Jeff called one of the old workers in the construction cooperative the jefe, the boss.

"No," said the old man, shaking his index finger in the Nicaraguan gesture equivalent to our shake of the head, "We're all equals here."

The land where we worked used to belong to a rancher friend of Nicaraguan dictator Anastasio Somona. After the 1979 revolution, the ranch became Fatima, a neighborhood named for the religious holiday on which 120 poor families received title to it. At first the new residents put shacks together out of wood scraps. The 30 families I worked with were building new homes for themselves using materials provided at cost by the government.

On a visit to Managua, I met a U.S. journalist at the Hotel Intercontinental and told him how exciting it was to see teenagers and old women working hard together. "Why don't you come down and see a little Nicaraguan barnraising?" I suggested.

"Listen, kid," said the reporter, who, like me, is in his mid-twenties, "When you've got Reagan's warships 15 miles off the coast, you don't follow old ladies around."

But I did:

One Saturday while I was in Masaya, AMLAE, the huge women's group, organized a day of dog vaccination at a general store near the house where I lived. Two of the dogs were named Reagan, and there was a Thatcher and a Kirkpatrick.

AMLAE women get most of the credit for the revolution's health successes like cutting the infant mortality rate in half, eliminating polio and setting up a nationwide program of preventive medicine. The World Health Organization uses Nicaragua as a model for Latin American health care.

Using a handful of shovels, volunteers from Comejen—the name of the little rural community means "white ant"—are digging a deep trench for the pipeline that will bring them water. Through CEPAD, the Protestant Development Aid Committee, churches in the United States and other countries supply the pipe and shovels.

Currently Comejen residents must buy water off of oxcarts. It's expensive and unhealthy.

Families do not have to help with the Comejen pipeline in order to receive water from it. But as the afternoon sun beats down on them, the volunteers continue chipping away at the crusty roadside—without any help from machines.

Catarina, whose husband directs the pipelaying cooperative, told me she hopes future projects will bring Comejen a school and a health center. Currently her children make a four-hour roundtrip to school every day, and the nearest doctors and pharmacies are just as far away.

Young volunteers from Holland recently built three schools for communities near Comejen. Western and Eastern Europe are both courting the Sandinistas, and Nicaraguans accept volunteers and aid from both suitors.

Every Saturday, a CEPAD technician comes out to Pacaya, a little community with a breathtaking view of a volcanic lake, to teach the men to vaccinate chickens. Travelling inoculators used to command extortionate fees. But these students will only charge their neighbors a few pennies for each chicken.

Lester, who is now 18, brags about the poisonous snake bite he got in 1980 while teaching literacy in the countryside. A hundred thousand youngsters, most from the cities and many from Nicaragua's narrow upper class, participated in the literacy crusade. In four months, they reduced illiteracy from 51 percent to 12 percent.

Now, like all segments of Nicaraguan society, the kids are politically organized. I sang revolutionary hymns with members of the Sandinista Youth during a seven-hour boxcar ride.

Teenagers probably support the revolution more than any other age group. A number of them fought against Somoza's National Guard, and many volunteer as teachers.

The revolution abolished audiences. Shouting and singing, everyone participates in meetings, funeral processions for war victims, and political rallies. In a typical cheer, one person shouts, "Beyond the Border," and the others respond, "They Won't Pass." Occasionally the group messes up its timing, and everyone laughs.

During some services, each participant who has lost someone in the fighting shouts his or her name. After each name, everyone else shouts Presente!—"I am present to witness it." Sometimes these sessions go on a long time. Nicaraguans estimate that the Somoza family killed 300,000 of them during its fifty-year reign.

One song I taped recounts the history of U.S. intervention in Nicaragua. It starts off with William Walker, who made himself president in the 1850s and re-instituted slavery. The Marine occupation is recalled, along with U.S. military support for Somoza. "Here is my hand holding a gun," the chorus concludes, "In order to give [aggressors] the empty cartridge."

Another song salutes Monimbó, the Masaya neighborhood that made its own revolucionita against Somoza. One night, using some of the paving-stones Somoza's company had sold to his government at an enormous profit, the residents got together and erected barricades all around their neighborhood. National Guardsmen bombed Monimbó, but they never re-entered it. "You will [always] live, Monimbó," the song declares.

Many Nicaraguan artisans worked collectively even before the revolution. The Sandinistas have organized factory, clerical, rural and other workers. Near Masaya my group visited a cooperative that runs a huge cotton farm once owned by a Somocista—a friend of Somoza. The members of the cooperative told us they elect their own leaders and make their own decisions. (Despite the confiscation of Somocista property and fallow land, Nicaragua has a higher percentage of private enterprise than Mexico, Brazil and Venezuela.)

The community spirit I saw in Nicaragua reminded me of a Mississippi delta town bracing for a flood. But far from battling some imminent danger, Nicaraguans are taking control of their lives and trying to make them better. I met many vocal critics of the Sandinistas, but no one who seeks the return of Somoza's National Guard. In Nicaragua, the Guardsmen are synonymous with the contras who this year received millions of dollars from the CIA. The overwhelming majority of Nicaraguans not only support the revolution but take an enthusiastic part in at least one of its self-help programs. When I asked, "What do you think of the

Sandinistas?" the most common response was, "I *am* a Sandinista."

What most struck me about this country that President Reagan labels Communist is the degree of popular participation in decision-making. Every year, each neighborhood elects a five-member Sandinista Defense Committee (SDC) to oversee the distribution of rationed items, guard local buildings against contra sabotage and perform other government functions. Most people whom I asked about Nicaragua's prospects for becoming democratic said, "We already have democracy." They pointed to the SDCs as proof.

Having attended a lot of political meetings in the United States, I was surprised to see over half the participants in SDC zonal meetings speak up at least once. Women comprise about three-fourths of Masaya's SDC membership. Many of these women are the mothers of war victims. They have invested a lot in the revolution, and they are determined to protect it.

My group watched a small rural community elect its five SDC members. The meeting took hours, but no one seemed bored.

Most Nicaraguans I talked to, including many opponents of the current government, feel the national election scheduled for 1985 will be the first free one Nicaragua has ever held.

In the meantime, the Sandinistas have established a number of methods of indirect democracy at the national level. For instance, every Friday night members of the ruling junta, the police and the Sandinista Front head out to a neighborhood to field citizens' questions. Most Latin American governments make their critics disappear. This one lets them appear on national television.

At the "Face the People" broadcast we attended, citizens asked about government services in the neighborhood, shortages and the prospects for peace. One man wanted the government to hand over to the poor a large farm near his home that belongs to a relative of a Somocista. Daniel Ortega, coordinator of the junta, answered that it would be illegal and unjust to punish someone for being a Somocista's relative.

After two hours of questions, requests and complaints, Ortega said, "Don't you want to go home and go to bed? We all have to work tomorrow."

"A few more question!" some people shouted.

"Enough," others said.

Ortega asked for a show of hands. A majority wanted to stay another half hour, so the program continued.

One source of Nicaragua's emphasis on popular participation is the Christian base communities, the organized expression of "liberation theology." Started by progressive priests to bring Catholicism into remote areas where clergy cannot regularly go, the base communities for the first time give poor Nicaraguans a church over which they have some control. The mass I attended with one of these groups reminded me of a Quaker meeting.

The base community re-arranged the front pews in the old Spanish cathedral so they faced each other. Then the conservative local priest, who retains the sole right to break the bread, arrived and gave a homily urging people to boycott the upcoming fourth anniversary of the revolution. The Echo, when each person may interpret the evening's Bible readings, gave the members of the group a chance to discuss what the priest had said.

"There is no one representative of Jesus," a middle-aged participant told me after the service. He meticulously pointed at each of us standing there in a circle. "He's a representative of Christ, and she is, and he is . . ."

In addition to promoting grass-roots organization and democracy, liberation theology gives the revolution spiritual force. Many priests and nuns serve in the government. All over the country, people have put up posters honoring murdered Salvadoran archbishop Oscar Romero and Gaspar Garcia Laviana, a Nicaraguan priest killed by the National Guard.

Nicaragua venerates the mothers of war victims as other revolutions venerate political leaders, and many Catholics associate them with Mary, Jesus's mother. The mothers often predominate at assemblies that blend Christian and revolutionary themes. One of their favorite songs entreats God to

Give us a heart large in order to love,
Give us a heart strong in order to struggle.

Dolores, one of the mothers, gave me the local version of the March mass where it seemed to readers of the U.S. press that Nicaraguans were rude to John Paul II. The pope scolded his audience for taking an activist approach to liberation theology, she explained, and he refused to pray for the souls of recent contra victims. Accustomed to participating in religious services, the dead men's mothers responded by starting the chant, Poder Popular—"People Power."

When one of the mothers shouts, "Between Christianity and Revolution," the others respond, "There is no contradiction."

At the moment, with Nicaragua besieged by a superpower, popular participation there has a darker side—a kind of McCarthyism. I remember a house in Masaya on which someone had scrawled, "Keep an eye on this guy. He's a traitor."

Although Nicaraguans treat U.S. individuals like family (their kindness constantly surprised me), most fear the U.S. government will never accept their departure from the 400-year tradition of foreign domination. Seige mentality is growing.

A member of opponents of the revolution have lost some of their civil liberties. No one has disappeared or been executed—a remarkable fact considering the tortures and massacres in Somoza's Nicaragua and in neighboring countries like El Salvador, Guatemala and Honduras. And nothing on the scale of President Roosevelt's internment of 112,000 loyal Japanese-Americans has happened. But Amnesty International is rightly concerned about a number of brief jailings and some longer ones. One woman told me she can't like Interior Minister Tomas Borge, who brags about forgiving the National Guardsmen who had tortured him, because he is too kind.

Anti-Sandinistas asked me to do what I could to stop the U.S. war against Nicaragua, because they view that war as the principal course of their troubles.

At times I expected to come back from Nicaragua bitter that my country was financing the contra raids on the villages and (mostly new) schools of Nicaragua's northern border. Along with probably 99 percent of Nicaraguans, I of course oppose the contras. But I'm not bitter, because I have picked up some of the enthusiasm most Nicaraguans feel at participating in bettering their lives.

U.S. journalists report Nicaragua's war against the CIA-financed contras ably enough. But they ignore the feeling of self-empowerment that inspires Nicaraguans to defend their revolution so tenaciously. That's too bad, because we North Americans, with our own economic, educational and other problems, could use a dose of Nicaraguan entusiasmo.

As I shouted, "Free Country or Death" with my Nicaraguan friends, I imbibed a little of the spirit of 1776. Now I believe Nicaraguans when they say they will succeed in this moment's most pressing task of popular participation—defending the revolution against the contras, the economic boycott and whatever else the United States throws at them.

Nicaragua does not have nearly as much military firepower as the right-wing dictatorships in the region, but something like a hundred thousand men and women have volunteered for the army, the reserves and the popular militia. "Todas las armas al pueblo," they shout at rallies—"All the guns to the people."

Nicaragua's enemies cannot use that strategy. If Honduras armed the populace, says Interior Minister Tomas Borgé, the contras' host country would have a new government the next morning. (I heard Borgé say that at a speech in Managua. Our government will not let him speak in the United States.)

Most U.S. church denominations and Latin American governments believe the best way to keep Cuban arms out of Nicaragua is to help the people instead of attacking them. And our European allies resent U.S. vetoes of international aid for programs like the ones I have described. They are also angry that the (1A-armed contras have killed a number of doctors and other Western Europeans who dared to help Nicaraguan campesinos. But so far international pressure has not kept U.S. aggression from steadily escalating.

Nonetheless, most Nicaraguans have a deep Christian faith that God supports their revolution against poverty and will protect it. "Graca a Dios y a la revolucion," they say—"Thanks to God and the revolution." As I walked to the AMLAE office in León from a housing cooperative financed by the world's Protestant churches, I saw one more proof of the Nicaraguans' confidence that the National Guardsmen will never return. "They'll die of nostalgia," someone had written on Somoza's pavingstones, "but they won't come back."●

JUSTIN DART

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, January 30, 1984

● Mr. WILSON. Mr. President, last Thursday we learned the sad news of a great loss—the death of Justin Dart.

Justin Dart is one of whom it can be said that they broke the mold. "Jus" was a patriot and passionate believer in his country and in the free enterprise system.

He had not only deep convictions, but the courage of them sufficient to inspire those fainter of heart than he. He was convinced that America, while imperfect, was the greatest of nations because it promised opportunity and hope for all its people. He spent his time and effort and personal fortune

persuading those of less energy and passion that the free enterprise system was the best and fairest ever devised for the creation and distribution of the world's goods.

He had the guts of the lion. And, he was a man who was blessed with great decisiveness. He once told me: "Show me someone who has made no mistakes and I'll show you someone who has made no decisions." "Jus" made a lot of decisions and the country and free enterprise system which he so loved are infinitely stronger because of him.●

NATURAL GAS PRICES

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. DASCHLE. Mr. Speaker, in the past year, the administration and the Congress have been wrestling with the problem of natural gas price increases, and much of the discussion has been waged on the lofty philosophical and ideological planes that are so appealing to many in Washington. However, while we have been filling the air with our rhetoric, the cost to the customers of natural gas keeps increasing and increasing. In my own State of South Dakota, for instance, the two major natural gas utilities have, over the past 5 years, passed on rate increases totaling 79 percent and 90 percent respectively. Only this past November, one, Montana Dakota Utilities, has hit their customers with a 29-percent increase, in the middle of one of the hardest winters in my State's history.

This last instance concerned me to the point that I have conducted a preliminary investigation into what causes these price increases, and how we can stop the rate increase spiral that is strangling so many natural gas customers. I would like to take this opportunity to share the results of my investigation with my colleagues in the House. The following document was prepared as an information sheet for those Montana Dakota Utilities customers who have been hit with this latest rate increase.

As a customer of Montana Dakota Utilities, you have recently experienced a drastic 29 percent rate increase in your natural gas bill. This, coupled with the severe weather we have experienced this winter, has resulted in utility bills which have, in some instances, doubled from a comparable period a year ago. As your Congressional Representative, I have conducted an investigation into the reasons behind this rate increase, and looked for methods whereby the increase could be repealed or at least reduced. I am writing you now to keep you informed of the results of my investigation.

HISTORY OF RATE INCREASES

While my major concern in this investigation has been the most recent price increase, I have found it helpful to also investigate the past history of increases by the two major natural gas utilities in the state—Minnegasco, which services primarily the eastern portion of the state, and MDU, which operates primarily in the West River area. The following figures, obtained from the State Public Utilities Commission, give the total bill charged by these two companies for 30 million CFU, a figure regarded by the PUC as average residential monthly consumption during the heating season.

Date	MDU rate	Minnegas Co. rate
Jan. 1, 1980	$92.14	$89.83
Jan. 1, 1981	108.25	109.32
Jan. 1, 1982	112.83	132.63
Jan. 1, 1983	117.75	161.30
Jan. 1, 1984	175.82	160.60

These figures, of course, have no direct relation to your own individual gas bill, since the amount of gas consumption varies from home to home. But they do provide a standard basis of comparison. What these figures indicate is that, in the past five years, natural gas rates have gone up by a staggering amount. In Minnegasco's case, the increase is 79 percent over the period. MDU's rates have increased by fully 90 percent. Another way of looking at these increases is as a year by year percentage increase. This gives us the following picture:

[In percent]

	MDU increase	Minnegas Co. increase
Year of increase:		
1980	17.5	19.4
1981	4.2	21.7
1982	4.4	21.6
1983	49.3	−.4

As we can see, there are some really erratic fluctuations in rate increases, in both Minnegasco's and MDU's rates. But what causes these increases, how are they approved, and how can we prevent this from happening again in the future?

WHAT CAUSES INCREASES?

Essentially, my investigations have shown that rate increases are generally caused by two factors—increased cost of operations on the part of the utility, and increased costs in the gas they purchase from suppliers. In the most recent MDU increase, for example, a 29 percent increase, only 9 percent of the total was caused by increased operational costs. Fully 20 percent of the increase, on the other hand, was caused by what is known as a Purchased Gas Adjustment (PGA). This PGA is, basically, the increased cost gas producers charge to utilities.

According to estimates provided by the State PUC, over the last 5 years, only a very small portion of MDU's 90 percent increase and Minnegasco's 78 percent increase have been attributable to increased cost of operation. Fully 85 percent of the increases have, instead, been caused by increased cost of the gas they purchase from their suppliers. What is difficult to understand is why the cost the producers charge keeps rising, even though it is generally acknowledged that there is a tremendous surplus of natural gas available on the market. One would think that, according to the law of supply and demand, increased supplies of natural gas would tend to lower the price, rather than increase it, as is now happening.

The reason for this apparent contradiction is not, as some of MDU's paid advertising implies, because federal law somehow mandates increases. The law MDU is apparently referring to, the Natural Gas Production Act of 1978, establishes legal limits to the amount producers can charge for certain types of natural gas. The producers, however, in what appears to me to be a clear violation of the spirit of the law, have nearly unanimously chosen to regard these ceilings as floors, and have charged the maximum amount allowable under the law. There is nothing in federal law which forces these producers to raise their prices, and nothing in federal law which prohibits them from lowering their prices.

The primary reason for rate increases, then, appears to be the fact that producers keep raising their prices, completely ignoring the law of supply and demand. But how can they find purchasers for these supplies of overpriced gas?

The answer to this question lies in the business decisions that many utilities made about 5 years ago. At that time, there was considerable speculation that sometime soon there would be a distinct possibility of shortages in natural gas supplies. In order to assure future gas supplies, many pipelines, among them the one owned by MDU, entered into what are called "take or pay" contracts with producers. Basically, these contracts mandated that the purchaser, in this case MDU, obligate itself to purchase a certain amount of gas. Even if the purchaser did not need all this gas, or could not take delivery of it, it was still obligated to pay the producer the full amount of the contract.

More than this, many of these contracts contained what are called "indefinite price escalator" clauses. These allowed the producers to keep raising their prices as the upper limits of allowable prices were raised, and obligated the purchaser to pay those inflated prices. Notwithstanding MDU's current statements that entering into these contracts made good business sense at the time, it is now increasingly apparent that it is precisely these contracts, a combination of poor business judgment on the part of MDU and greed on the part of the producers, that is largely responsible for the history of rate increases in the past five years.

HOW ARE RATE INCREASES APPROVED?

The natural gas industry, as a monopoly which provides a vital resource, is theoretically regulated in two major ways. On the federal level, under the provisions of the Natural Gas Production Act, the Federal Energy Regulatory Commission (FERC) has the responsibility to examine and approve any rate increases which are caused by increased gas costs from producers. In South Dakota, the State Public Utilities Commission has the final legal obligation to approve all rate increases, and has, at least in theory, the authority to reject completely or scale back rate increase requests. In theory, then, there should be two layers of consumer protection which would guard against unjustified rate increases. Unfortunately, for a variety of reasons, this theory has, in the recent past, not operated in reality.

On the federal level, FERC is now composed almost entirely of Presidential appointees who come from the very energy industries that they are charged with regulating. As a result, rate increase requests are, almost as a matter of routine, automatically approved. In MDU's case, this meant an

automatic approval of the rate increase as part of a Purchased Gas Adjustment of 20 percent. Given the present makeup of FERC, and an Administration which is pushing hard for total deregulation of all gas supplies, allowing producers to charge whatever they want, the likelihood of this Commission acting as a guardian of consumer rights is practically zero.

On the state level, it would appear that the PUC would be in a better position to protect consumers, since it is much closer to them and has a better appreciation of the hardship that large rate increases cause. Unfortunately, however, in 1979 the State Legislature passed a law (SD Code 49-34-A-25) which, for the most part, ties the PUC's hands. Under this law, the PUC must automatically approve any Purchased Gas Adjustment which a utility requests, if that PGA has been approved by FERC at the federal level. The only area that the PUC can exercise its discretion in overseeing rate increases is in that portion of the rate increase which is directly attributable to increased operating costs other than the cost of purchasing gas. In the latest MDU increase, what this meant is that the PUC had no choice but to automatically approve 20 percent of the rate increase, and had jurisdiction over only the other 9 percent.

Given the present law, then, on both the state and federal levels, it appears that the two agencies which theoretically are to act as guardian's of the consumers rights are basically ineffective. On the Federal level, FERC, because of its pro-producer ideological stance, almost never disapproves rate increases. On the state level, the PUC has its hands effectively tied by provisions of state law which force it to approve rate increases if FERC has already approved them. Because of this combination of circumstances, then, South Dakota natural gas customers seem to be caught in a never ending spiral of increase after increase. Obviously, something must be done to protect the consumer from rising prices caused by a combination of poor business judgement on the part of the utilities and greed on the part of the producers.

HOW CAN WE PREVENT FUTURE INCREASES?

Given the above facts, it appears that in order to prevent future increases, and to significantly reduce the damage that past increases have done, changes in both federal and South Dakota law may be necessary. In South Dakota, the repeal of the provision which forces the State PUC to automatically approve Purchased Gas Adjustments approved by FERC would give state regulators who, by and large, are more consumer-oriented than federal regulators, the opportunity to prevent unjustified rate increases caused by producer greed.

On the Federal level, it is very apparent that the regulatory mechanism now in place simply is not doing the job. Under the present law, the Federal Energy Regulatory Commission, in its present makeup, is so producer-oriented that it all but ignores consumer interests. New federal legislation is desperately needed to insure that another doubling of natural gas rates does not occur in the next five years, as it did in the past five.

In the House of Representatives, the House Energy and Commerce Committee has been working on such new legislation for over a year. Unfortunately, the makeup of the Committee is heavily weighted in favor of producer states, who want to deregulate all prices. The Chairman of the Committee, Congressman John Dingell of Michigan, has worked to prevent them from bringing a bill out of Committee which would have the effect of letting producers charge whatever they want for the supplies of gas which they control. He prefers, as I do, legislation which would do the following things:

1. Roll back natural gas rates to 1982 levels.

2. Allow utilities to renegotiate "take or pay" contracts so they would not have to pay artificially inflated prices for gas they cannot use, and pass on those added costs to their customers.

3. Disallow "indefinite escalator" clauses in contracts, which allow producers to keep raising their rates and passing on these raises to utility customers.

While it will be difficult to overcome producer state representatives, and the big money that the oil and gas companies are pouring into their campaign to remove all price controls from these vitally needed natural resources, examples of the ruinous price increases which producers are forcing on utility consumers, such as the recent MDU increase, will, I hope strengthen our hand in passing this urgently needed consumer protection legislation. It is my intention to bring all the pressure I can to bear on both the House and Committee leadership to bring such a bill before the House.

However, for such a bill to become law, it must also pass the Senate. Given the past performance of the Senate on this issue, it does not appear at the present time the outlook for such action is favorable. As a matter of fact, on November 15 of this past year, a vote was held on a piece of legislation (S. 996) offered by Republican Senator Nancy Kassebaum of Kansas. This legislation would have meant for you, as an MDU customer, a rollback to the rates operating in 1982. It would also have forced the producers to renegotiate their unfair "take or pay" contracts, and would have removed indefinite price escalator clauses from all contracts. In short, this legislation would have gone a long way toward correcting the spiralling price increases that natural gas rates have undergone. Unfortunately, a combination of Administration and oil and gas company lobbying pressure resulted in that bill being defeated by a vote of 71-26. The outlook for any future Senate action, given this defeat, is cloudy at best. However, the urgency of the problem may force the Senate to reconsider what I regard as an unfortunate mistake.

THE BOTTOM LINE—WHO IS TO BLAME?

There is probably no less rewarding exercise in public life than the one of attempting to assign blame for unfortunate situations. The MDU rate increase is a fine example of this. In this instance, there is plenty of blame to go around. The Congress is to blame for passing legislation in 1978 which overestimated the good business sense of the utility companies and pipelines, and underestimated the greed of the producers. It attempted by the passage of this legislation to enforce the law of supply and demand on the natural gas industry. What the Congress did not take into account is that utilities and pipelines are basically monopoly industries, and gas producers operate in a manner closely approaching a cartel. As any student of economics knows, supply and demand does not work with either monopolies or cartels.

Second, the administrative agency which is to protect the consumer on the federal level, FERC, has allowed its rigid ideology to blind itself to the real hardships that huge rate increase can cause, and has, as a matter of principle, allowed nearly every rate increase requested.

Third, the laws of South Dakota have, by preventing the state PUC from reviewing rate increases approved by FERC, removed the PUC from an effective oversight role in the area of rate increases.

Fourth, the utility companies and pipelines have, through poor business judgement, allowed themselves to become trapped into "take or pay" contracts with indefinite price escalator clauses. This increases drastically their cost for natural gas, and they, as a monopoly, penalize their customers for their poor business decisions.

Finally, the natural gas producers, by their greed, have destroyed any illusions that they will operate in a free enterprise business system. By their insistence on raising their prices, and controlling supplies to artificially inflate prices even further, they, if anyone, have been the prime cause of rate increases.

But the time for assigning blame is long past. What is needed now, and needed urgently, is the passage of corrective legislation which will roll back price increases, outlaw "take or pay" contracts, and abolish indefinite price escalator clauses. It is my intention to see that such legislation is passed in this session of Congress. I would, of course, appreciate your comments on this investigation.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. CLINGER. Mr. Speaker, on January 26, 1984, I was absent from the floor of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 10: House Resolution 403, privilege of the House, the House agreed to a motion to table the resolution directing the House Committee on Rules to undertake an investigation concerning the matter of proxy voting, "nay";

Rollcall No. 11: H.R. 2714, Agricultural Productivity Act, the House passed the measure to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, "nay"; and

Rollcall No. 13: H.R. 2900, NOAA authorization, the House agreed to the Andrews amendment that directs NOAA to notify Congress and wait for 45 days before contracting out any function or activity presently performed by Federal employees, "no."●

OUTSTANDING COOPERATION IN THE COMMUNITY OF FORESTHILL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. SHUMWAY. Mr. Speaker, at a time when all levels of government face tight budgets, financial cutbacks, and other fiscal challenges, I would like to share with my colleagues an outstanding example of public-private cooperation within my congressional district.

In the small mountain community of Foresthill, some 50 citizens have been seriously hampered by the fact that the primary route to and from their community is a poorly surfaced, substandard wagon trail made by 19th century gold prospectors. While funds are being sought for major reconstruction of the Auburn-Foresthill Road, members of the Foresthill Road Safety Club and other citizens have volunteered their services as flagmen and women and pilot car drivers for the Place County road crew, which maintains the deteriorating road. Due to severe budget shortages, major road improvements have been neglected. However, the addition of the volunteer community work force has freed the county's professional road crew to work on the road more actively. Approximately 2,000 man-hours of labor have been donated by the volunteers—hours that would usually cost the community $10 per hour in tax dollars.

Additionally, similar cooperative efforts from atop the Foresthill divide have resulted in the successful remodeling of a small library and courtroom, as well as establishment of an active search-and-rescue team and ambulance service. Notably, but not surprisingly, funds for the purchase of the ambulance were raised by the safety club, and several citizens have certified as emergency medical technicians and volunteer their abilities to the ambulance service.

My constituents have made an admirable and valuable contribution to their community and country, and I am proud to offer them as an exemplary demonstration of what can be accomplished when the private sector assumes responsibility for its needs, instead of relying solely upon the government for solutions to its problems. It is this spirit of cooperation and self-sufficiency which has contributed significantly to the restoration of our self-reliance and consequent self-respect.●

MORTGAGE REVENUE BONDS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. DASCHLE. Mr. Speaker, on December 31, 1983, the authority for individual States to issue mortgage revenue bonds expired. While there were a variety of reasons for the failure of the Congress to pass reauthorizing legislation for this vitally needed program, the fact remains that States no longer have the authority to institute their own programs to assure housing affordability for low- and middle-income citizens. What appears even more incomprehensible is that reauthorizing legislation was not passed despite the fact over 75 percent of the membership of both this House and the Senate are on record in favor of the continuance of the program.

As I said, there are a variety of reasons for the failure of this Congress to reauthorize. For instance, as late as November 15 of this past year, mortgage bond reauthorization was scheduled to come up as a part of H.R. 4071, the Ways and Means Committee general tax bill. Unfortunately, there were other elements of that bill, particularly in the section dealing with a cap on industrial revenue bonds, that many Members, including myself, opposed. The rule under which consideration of this bill was to be held foreclosed us from the opportunity of addressing the IRB section of the bill and this, along with other reasons, caused the defeat of the rule on the bill.

All of this, however, is past history. What should concern us now is that a program which, in 1983, financed 220,000 homes for low- and middle-income people, and in its history has provided financing for over 1 million home buyers, is no longer in existence. This program, which allows mortgage rates of from 2 to 3 points below conventionally financed mortgages, making homeownership possible for thousands of people who could otherwise not afford it, has effectively ceased to exist.

In some ways, my own State of South Dakota has been relatively fortunate. Proceeds from the last State bond issue will, according to estimates by State housing authorities, be able to provide financing for home purchases until March or early April. However, this small blessing is tempered by the knowledge that on that date, if not sooner, the well will run dry, and the program will be at an end, unless we act expeditiously to do what we all say we want to do, and reauthorize this program.

The benefits that flow from this financing mechanism are not, of course, limited only to those who purchase homes under the program. In 1983, for instance, revenue bond proceeds financed roughly 90,000 new units, almost 15 percent of all new single family home sales. New single family home construction financed by these bonds, in 1983 alone, generated 100,000 new jobs, producing $1.7 billion in wages. Finally, Federal, State, and local taxes generated by the construction of new bond-financed units in 1983 totalled nearly $800 million.

Obviously, this is a worthwhile program that should be reauthorized. As a sign of my own commitment to reauthorization, I am today introducing legislation which would extend the authorization for State mortgage revenue bond provisions for 30 years, until December 31, 2013.

I have chosen this length of authorization for two reasons, one legislative and one symbolic. While I suppose that a 5-year reauthorization, as made in H.R. 4071 is generally acceptable, I would like to avoid, in the future, the situation which we are now in, where this very worthwhile program is being held hostage to other tax proposals. While a permanent authorization of the program would also serve the same purposes, I also believe, in principle, that no Federal programs, or tax laws, should be of a permanent nature.

My second reason for a 30-year extension is a symbolic one. It is essentially the 30-year, fixed rate mortgage which has made homeownership a reality to many of our citizens who could not otherwise afford homeownership. While high interest rates have forced many potential home buyers into creative financing options involving sliding interest rates, balloon payments and the like, it is my firm belief that the 30-year fixed rate mortgage is still the most desirable and efficient mechanism for assuring homeownership. Extending the authorization of the mortgage revenue bond program for this period is a reaffirmation of that belief.

It is my sincere hope that, very quickly, we can do what we say we all want to do and pass a mortgage revenue bond reauthorization. My introduction of this bill today is, as I said, only one small indication of dedication to that end.●

RETIREMENT OF LT. CHARLES FEELEY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. FRANK. Mr. Speaker, earlier this month, one of the most notable careers in Massachusetts law enforcement came to the end of one phase. Police Lt. Charles Feeley retired after 42 years as a member of the Newton

Police Department. Few people in America have done as much as Charlie Feeley to promote the proper respect for law among young people. Few people have devoted themselves as selflessly and cheerfully as Charlie Feeley has over a lifetime to the protection of his friends and neighbors. And Charlie Feeley's friends and neighbors included all of the people of the city of Newton whose happiness for Charlie at his retirement is colored by their sadness that they will no longer have have his services in the Newton Police Department

We know that Charlie's retirement will not keep him from continuing to be an active and respected presence in the city and we know he will be continuing to work in projects related to young people, to law enforcement, and to other issues that have been dear to him. But we all do want to pause at this moment of Charlie's formal retirement to pay tribute to an extraordinary man and the services he has done for all of us. Like his colleagues on the police department of Newton and of police departments elsewhere, Charlie Feeley has given generously of his time and of himself to make his city safe for those who live and work in it.

If I may close on a personal note, Mr. Speaker, when I moved to Newton in May 1980, I found that my neighbor one house away on Floral Street was Charlie Feeley. He went out of his way to welcome me as a neighbor and he has been a good friend and a good neighbor ever since. It is a genuine pleasure for me to be able to extend my own best wishes to Charlie as he ends one phase of his career and thinks about what he is going to do next.

Mr. Speaker, I would like to share with the membership the articles from the Newton Graphic taking note of Charlie Feeley's service to the city of Newton.

The articles follow:

[From the Newton Graphic, Jan. 18, 1984]

KUDOS AND FAREWELL TO CHARLIE FEELEY

When Lt. Charlie Feeley took off his badge last week, after 42 years with the Newton Police Department, the city lost one of its most valuable natural resources and one of its greatest gardeners.

Feeley cultivated minds in the Garden City, the minds of hundreds of young people who turned to him in times of trouble and met a man instead of a badge. His realism, his sensitivity and his wit made him accessible to everyone he met. His vast experience, solving problems of every imaginable sort throughout the city, lent weight to his words that a badge and uniform never could have.

He is a man who seemed to decide early in life what his mission should be—to serve and protect. A policeman's role seemed to him to be the best way to achieve that mission. It is hard to imagine another role that would have allowed him to reach so many people and do so much lasting good over the course of more than four decades.

If it is true "as the twig is bent, so grows the tree;" and if it is true that the city has produced some young men and women with the highest possible promise, which it has, then let's give credit to the man who straightened out so many of those twigs before the turns they took were irreversible.

A facilitator, a mediator, an extraordinary showman whose urbane wit and warmth have turned dull retirement parties into gala affairs and dry lectures into real lessons for living, Feeley has to promise his retirement does not mean he will fade from the public life.

We insist.

The Garden City still needs to be cultivated by the strong, sensitive hands Feeley has developed during his decades of public service.

GOODBY CHARLIE

(By Laura Barrett)

NEWTON.—Lt. Charles Feeley, described as the father of police community services in Massachusetts, friend to countless youths in trouble with the law, master of the master of ceremonies circuit in Newton and all-around humanitarian, retired last week after 42 years with the Newton Police Department.

"It's all been rewarding. I never had a chance to get bored," said Feeley in an interview on his last day on the job. "I walked in here in 1942 in a uniform I had borrowed from Officer Greeley. I'm walking out 42 years later in my own uniform and with very friendly feelings towards everyone."

The feelings around the police department were apparently mutual.

"I've been thinking about him for days," said Chief William F. Quinn. "It's hard to describe how I feel. Charlie Feeley is such a beautiful human being. I know a lot of us felt so bad all week thinking about him leaving, we couldn't even look him in the face. Before he walked out the door I put my arms around him and hugged him and asked him to please continue to be my consultant. I just hope he finds something to do to keep himself busy, because I know he's not the type of person to just curl up in retirement."

Far from "curling up," the 65-year-old lifelong Newton resident intends to continue to offer his safety advice to police departments, stores and institutions, and undoubtedly will still preside over numerous civic functions as storyteller and supreme emcee.

Feeley began his career as a city employee in 1936 when he became a lifeguard at Allison Beach on the Charles River. Six years later he was hired for $28 a week as a temporary reserve officer with the police department.

"I was told by the old timers then it was a temporary job and I shouldn't consider it permanent," he said. "I've kept that in mind ever since then and have never felt a sense of permanency. I never had a proprietory feeling about anything in my life, except perhaps about the City of Newton. About my city I'm like Kevin White with a little bit of Ray Flynn in me."

Feeley may well be the best known man in Newton, according to Sgt. James O'Donnell, his successor as head of the Community Services Bureau. "Charlie knows everybody. Absolutely everybody," he said.

Officer Paul Golden, who worked with Feeley in that office for the past nine years, agreed. "Every time Charlie talked with anybody who has Newton roots, before they were finished talking he would have been able to name at least one member of that person's family."

The public safety position which Feeley founded and held for 33 years was well-suited to his affable and social service-oriented nature. Among his numerous tasks were administering the traffic supervisor program, working with juvenile delinquents, dealing with the press, establishing the bicycle safety program (reportedly the first such program in the country), confronting racial problems in the city, setting up neighborhood watch programs and other crime prevention measures and serving as a liaison between the police department and city institutions, most notably the schools.

What most parents will remember him for is advocating on behalf of their children.

"Charlie didn't have any children of his own," said Capt. Thomas Dargan, "so he made everyone his kids. With him around, kids always had somebody to go to bat for them."

An outspoken liberal, Feeley tried to ferret out the reasons why a youth committed a crime and to remedy the problem through nonjudicial means, if possible. "He always kept the kid's best interest in mind," said Golden. "Sometimes he'd have to deal with an irate parent, but he'd always be quick to remind them that he didn't have any kids of his own and his job was to work for all the kids."

"Charlie was a liberal thinker before anyone else in the police department knew what that meant," Chief Quinn said. "He is a non-violent person who is appalled by any hint of police brutality or violence of any kind."

"He also has a streak of stubbornness in him," the chief continued, "and really didn't care about rank when it came to standing up for something he believed in. He could be a tough guy. I never saw him back down before another lieutenant, a captain or a chief when he thought he was right. And I had a great deal of respect for his advice."

The respect is reciprocated. Said Feeley, "I have been really lucky. The last two chiefs I worked for have been outstanding. Quinn has children of his own and he always supported me in my department and in my work with children. He's a boss that let's you disagree without being disagreeable."

Feeley said that his values were formed during his years growing up in Newton. His family came to Newton in 1830 as artisans to build churches here, and subsequent generations have been deeply rooted in police work. He describes his father as a beloved police officer who was so respected around town he could arrest people by telephone—by merely asking them to turn themselves in.

"I always knew as a boy that most people are good. Even people that my father had to arrest were generally reasonably nice people—except for one or two activities that weren't so nice," he said. "I learned early on that there will always be a percentage of the population who will commit crimes. I never expected society to be perfect, so I was never disappointed."

"I don't think that kids today are much different from kids in my youth," he continued. "There have always been good kids and bad kids, and the bad ones are in the extreme minority. We've always had so many good people in Newton. We still have the candy-stripers at Newton-Wellesley Hospital who work for nothing and young men who

work there who don't even get the recognition that candy-stripers get."

Feeley's police service was interrupted by a three-year stint in the Air Force during World War II when he was an intelligence specialist and ground school teacher who served in the Philippines and Japan.

Following his discharge he returned to patrol work, and during his off-duty hours he helped reorganize the Nonantum Boys Club, an organization he eventually headed.

In retirement, Feeley said he will continue to work for what he believes in just as he did while in uniform. "I'm not the easiest person to get along with," he insisted. "I've often said 'yes' when a 'no' was expected and 'no' when someone wanted me to say 'yes.' But I never said 'yes' when that would be a false answer."

"There's nobody quite like him," said Quinn. "Nobody at all."●

TRIBUTE TO BING WALLACE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. SHUMWAY. Mr. Speaker, I would like to ask that my colleagues join with me in recognizing the outstanding accomplishments and unselfish contributions of Bing Wallace, who has just earned the title of "Stocktonian of the Year for 1983." This coveted award, given annually by the Stockton, Calif., Board of Realtors, recognizes exceptional civic and community-minded service. Few individuals qualify for this tribute quite as much as does Bing Wallace.

In advising her of her selection as "Stocktonian of the Year," board members presented Bing with a large gold key inscribed with the words "You have the key to our city and the key to our hearts." The board believed, rightfully so, that these words reflected the feeling of everyone who has ever had the privilege of knowing or working with Bing. Not only has she contributed to the betterment of the community in virtually every possible area—she has also motivated others to do likewise. Her enthusiasm and dedication are contagious, and she has prompted scores of civic-minded individuals to follow in her footsteps, and to carry on the worthwhile projects she has begun.

Bing Wallace has been a member of the American Red Cross Board for 25 years. She served as a Gray Lady during World War II, and she instructed the first group of black women in San Joaquin County on home nursing. She is a member of numerous boards, from the Children's Home to the YMCA, and her effective leadership has advanced every community cause from the Historical Society to the United Way.

I extend every best wish and my wholehearted congratulations to Bing Wallace, "Stocktonian of the Year," as well as every best wish for continued success.●

NEW WATER POLICIES REVEALED

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. CHENEY. Mr. Speaker, representatives of the administration recently met with Members of Congress from the West to discuss the policies of the executive branch regarding water development programs which are so important to Western States.

So that all of my colleagues will have an opportunity to review the administration's position, I have included in today's CONGRESSIONAL RECORD a copy of a letter from President Reagan to Senator PAUL LAXALT which explains these policies.

THE WHITE HOUSE,
Washington, D.C., January 24, 1984.

Hon. PAUL LAXALT,
U.S. Senate, Washington, D.C.

DEAR PAUL: Some time ago, you and 14 of your colleagues wrote to me expressing your concerns regarding water project development. I appreciated receiving this valuable counsel which has helped crystalize the extensive discussions within the Administration on this vital subject.

We all agree on the goals. These goals are to revitalize the magnificent water development programs launched early in our Nation's history. The Federal-State partnership has succeeded even beyond the dreams of those who developed the concept so many decades ago. This partnership has helped create abundant year-round water, electric and food supplies; reduced flooding, and provided low-cost inland, coastal and oceanic waterborne transportation. In addition, millions of Americans have enjoyed vast new opportunities for water-related recreation.

Providing enough high quality water promptly to those who need it is a task that has confronted Americans since the earliest days of our national experience. In the first summer at Plymouth, the Pilgrims experienced a summer drought that nearly ruined their crops. More than 350 years later, Americans had to contend with flooding on the Mississippi and the Colorado, and drought throughout most of the rest of the Nation. The lesson of these events is clear. Providing enough high quality water where and when it is needed is a never-ending process.

This Administration is committed to working with the States, local entities and those private sector interests concerned with water development all across America. We are rebuilding the Federal-State partnership so that we can resume water development efforts to avert water crises in the coming decades. We have accomplished the following:

Re-established the policy of State primacy in water rights resulting in less interference from the Federal Government in water resources management.

Reinforced State primacy by the repeal of a Federal non-reserved water rights opinion.

Established and successfully implemented a process for negotiated settlements of Indian water rights disputes.

Offered States the option of having Federal reserved water rights within their boundaries expeditiously inventoried and quantified to enhance their management capability.

Implemented the Reclamation Reform Act of 1982 to recongnize advances in agricultural technology and the market economy based on the family farm, giving these farmers an opportunity to build commercial operations without unrealistic limitations on their access to land and irrigation water.

Established new Principles and Guidelines for water project planning to remove cumbersome regulations and promote flexibility in planning, thereby encouraging water resources development.

Elevated water resources decisionmaking to the level of the Cabinet Council on Natural Resources and the Environment, chaired by the Secretary of the Interior.

Presented to Congress new project construction proposals incorporating increased non-Federal financing based on the tangible economic returns produced by the projects.

All of these actions have helped to rebuild and strengthen the foundations of the Federal-State partnership so we can move forward to develop much needed, environmentally sound and economically prudent water resources projects. We have made numerous studies and conducted extensive discussions within the Administration in quest of ways that the Administration, the Congress, the States, and the American people can develop true partnership arrangements that recognize the realities of today's economics and tomorrow's environment. We are gratified that Congress is now addressing the key issues related to water project cost sharing and financing.

Water development needs, geography, climate, economy, fiscal capacity, and Federal interests all vary from State to State, and from region to region. Furthermore, the Federal Government has made prior commitments to individual States with regard to water development within their borders. During the past months, I have fully considered the views expressed by you, your colleagues, the Cabinet Council on Natural Resources and the Environment, and many of the Governors regarding how the Federal Government might participate in water project development and project financing under these conditions. Traditionally, many Federal water project beneficiaries have repaid the construction costs of their projects, but we all agree new partnership arrangements will be necessary to finance any additional projects in the future.

It is time to conclude the discussion and to establish a national water project financing policy so that we can get on with the job of completing projects where commitments already have been made and undertaking new construction starts to meet the country's future needs.

Indeed, the construction of storage reservoirs has not kept pace with the increasing demand for water. As a result, our water supply is less reliable and more vulnerable to drought than it was a decade ago. We must develop even better ways to work together effectively. We will have to make the best use of the water we have if we are to avoid serious future problems. I am convinced that by working with State and local governments we can solve the problems of flood, drought, and quality.

The water project financing and cost-sharing policy of this Administration is:

All Federal water development agencies will continue to seek out new partnership arrangements with the States and other non-Federal interests in the financing and cost sharing of all proposed projects. Each such agency will negotiate reasonable financing arrangements for every project within its respective areas of responsibility.

Prior commitments to individual States with regard to water development within their borders must be considered and shall be a factor in negotiations leading up to project construction.

Consistency in cost sharing for individual project purposes, with attendant equity, will be sought.

Project beneficiaries, not necessarily governmental entities, should ultimately bear a substantial part of the cost of all project development.

Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal Government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary. Criteria to determine dam safety designation shall be developed by an interagency technical team in consultation with non-Federal parties.

The costs incurred by the Federal Government in project planning generally will be shared with project sponsors. Specific arrangements will differ among agencies because of their differing planning, authorizing, and funding procedures.

Once financing, cost sharing, and cost recovery arrangements have been agreed to, they will be reviewed by the Office of Management and Budget and submitted to the Congress for ultimate disposition.

This process will result in arrangements that are workable, fair, just, and practical. It will put into place the final building blocks in an improved program to meet America's current and impending water needs while recognizing Federal budgetary realities.

I sincerely appreciate your cooperation on this subject. Working together, we can move ahead into a new era of water project development for the benefit of the Nation and all Americans.

Sincerely,

RONALD REAGAN.●

THE GRACE COMMISSION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. DASCHLE. Mr. Speaker, the recently released report of the Grace Commission on reducing Federal spending has already caused a great deal of controversy, both in the method which the Commission used to determine the total amounts of savings, and the priorities which it used to determine where those savings could be made. For instance, I would feel that any attempt to charge what are called "market rates" for federally generated hydroelectric power does not take into account the commitment that was made to the recipients of that lower cost power when their land was taken away from them for the construction of such generating facilities.

Similarly, the outright condemnation of all water development projects as "pork barrel" seems to me to overlook the fact that many of these projects contribute significantly to the production of the national wealth, and the preservation of the land.

Nevertheless, it would be as irresponsible to throw out the entire report because we disagree with parts of it as it would be to accept it entirely because we agree with certain parts of it. I would recommend to my colleagues that we carefully study the recommendations of the Grace report to see what portions of it do, in fact point out realizable, equitable savings. As a contribution to the examination, I would like to insert in the RECORD at this point a background article on the Grace Commission report which appeared in the January 29 edition of the Washington Post. I agree with J. P. Bolduc, a Commission member, when he says:

If we have 16 recommendations, and 12 are no good, why can't they just say "Hey, four are good. . . . Whatever is a good idea, let's do it."

The article follows:

EXPERTS CITE FLAWS IN GRACE PANEL'S CLAIMS FOR SAVINGS

(By Spencer Rich)

Republican as well as Democratic budget experts say that President Reagan's Grace Commission greatly exaggerated the savings that would come from its plan—which the president invoked twice last week—to cut government spending.

The commission said its proposals would save $424 billion in three years. Its critics say the savings would be much less, even in the unlikely event that all the proposals could be enacted.

In his State of the Union address and again in a speech the next day, Reagan hailed the report, put together over the past 18 months by a business task force headed by J. Peter Grace of W.R. Grace & Co., as an almost painless way to cut spending and reduce the deficit by eliminating federal waste and inefficency.

The report, formally called The President's Private Sector Survey on Cost Control, says the reductions in spending can be achieved "without raising taxes, without weakening America's defense buildup and without in any way harming necessary social welfare programs."

But experts across the board, including some of Reagan's fellow Republicans, are extremely skeptical of some of its proposals and doubt that it will produce the claimed savings.

"Based on the few cases we have had a chance to investigate, the savings potential of a number of the Grace Commission recommendations may be only a small fraction of the amount stated," said Congressional Budget Office Director Rudolph G. Penner, a former official of the Ford administration, in testimony to Congress recently.

The CBO, General Accounting Office, various departments of government and congressional committees are now evaluating the proposals.

"In the opinion of people who are well informed, the savings estimates are enormously exaggerated," said Herbert Stein, chairman of the Council of Economic Advisers in the Nixon administration. "We've had things like this since the Hoover Commission [in 1949] that purport to save huge amounts that don't materialize."

Frank C. Carlucci, former deputy secretary of defense under Reagan, said he had "the impression" that many of the estimates making up the proposed three-year Pentagon savings of $92 billion to $100 billion are far too high.

As long as six months ago, when the initial defense proposals were outlined, Defense Secretary Caspar W. Weinberger said it would be "cruelly unfair for the American people to perceive that vast savings can be realized within a very short time."

The doubts reach into the White House. Some officials have told The Washington Post that they question whether the savings will be anywhere near projected levels.

One source said even Office of Management and Budget Director David A. Stockman "has great reservations; he thinks some of the numbers are less than perfect."

The doubts stem from three factors: political obstacles to some proposals; the fact that many other proposals would not take full budgetary effect for many years; and a growing conviction among government experts who are studying the proposals that many of the savings have been grossly overestimated.

Many proposals are not feasible politically and some are opposed not just by Democrats but by powerful administration figures within the administration. The notion has gained ground—in part from some of the commission's language—that most of the savings would come from improving government efficiency and eliminating waste.

But as the commission's chief operating officer, J.P. Bolduc, emphasized, the commission has never claimed that. Bolduc is a senior vice president of W.R. Grace & Co.

"To describe it as management changes is misleading," said Stein. "It's policy changes."

In fact, three-quarters of its recommendations would require legislation. Many of the biggest savings would come from longstanding and controversial proposals that previously have been put forward and knocked down—in Congress or by the executive branch.

For example, the commission recommended an overhaul of the military and civil service retirement systems to make people work longer and, in effect, reduce benefits. Eventually it would cut program costs by the equivalent of $58 billion over three years in present-day dollars.

The Pentagon is extremely unenthusiastic about the military part of this proposal.

Weinberger, in his statement last year, said that "tampering with the military retirement system [would] create havoc with the morale and readiness of our troops and would thus damage our ability to deter war."

He also pointed out that Congress "has consistently refused" to enact other proposals, such as closing military commissaries and various other military bases.

"To put a big price tag on things that are undoable doesn't contribute to the process," Carlucci said.

Two other proposals would produce savage fights and seem unlikely to pass in the near future.

One would cap growth of Medicare and Medicaid and convert them to a private-sector program, saving $29 billion over three years.

The other would reduce public aid to the working poor and near-poor by assigning cash values to in-kind income, such as Medicaid and food stamps, and sharply targeting aid to those below the poverty line or 125 percent of the poverty of the poverty line ($59 billion over three years).

There are many other equally controversial proposals. "Some of it has a dream-world quality," one administration official said. "You couldn't screw up your courage to propose it."

The $424 billion net savings figure for three years does not cover any three-year period in the near future. Instead it covers the three-year savings of each of the 2,500 proposals once they are fully in effect, which in some cases would take 20 years. These figures were then translated back into present-day dollars to reach $424 billion total.

As Bolduc points out, the commission made clear that it was using this procedure. But some of the language in its summaries, and much of the media coverage, give the impression that it was talking about $424 billion over the next three years.

For example, the military and federal pension overhaul figure of $58 billion is actually based on savings in the years 2001 to 2003.

Even if this overhaul were enacted by Congress next week, the savings from 1985 to 1987 would total no more than a few billion. Many other claimed savings could not conceivably be achieved for four, five, eight or more years even if enacted immediately.

Finally, a large number of budget experts who are evaluating the proposals believes that the savings on an item-by-item basis are overestimated.

In addition, Penner pointed out, the commission estimate assumes a 10 percent inflation rate, about twice what is expected, and would tend to inflate projected savings.

The consensus seems to be that if everything in the report were approved and initiated immediately, the savings over the next three years would be 25 to 50 percent of the commission's estimates; at the very best they might reach 50 percent for years in the future.

"They have wildly inflated estimates of savings," one Pentagon source said.

Carlucci said, "We laid out a substantial [defense] procurement improvement two years ago with $18 billion savings over five years. I don't know how you can get much more out of it. . . . I don't know of any magic in that area."

One evaluator said many of the savings amounts are "purely speculative," extrapolated from an inadequate date base on nonvalid sample.

Bolduc is not fazed by these criticisms. He sticks by the commission numbers, saying, "We just didn't sit down and pull a number out a hat." And he said that many of the bureaucrats evaluating the numbers have "built-in conflicts of interest."

"Who are the people who are looking at the pension changes?" he asked. "Exactly the people who are going to be affected."

Even if the estimates are off, he said, half of $424 billion would still be a huge amount. "If we have 16 recommendations and 12 are no good, why can't they just say, 'Hey, four are good...Whatever is a good idea—let's do it'?"●

DECLARATION OF FREEDOM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I would like to bring to the attention of my colleagues the "Declaration of Freedom" sent to me by Manolo Reyes, a distinguished Cuban newsman, now residing in Miami, Fla. The declaration was adopted by 1,500 Cuban exiles in Key West, Fla., on January 23, 1966. The declaration exemplifies the dedication of individuals like Mr. Reyes whose efforts are devoted to the principles of democracy and the cause of Cuban freedom.

The declaration follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperalists.

In view of the aforegoing.

WE DECLARE

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present

DECLARATION OF FREEDOM

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignity.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in KEY WEST, FLORIDA, on the 23rd day of January, 1966.●

HONOR MEDAL FOR PAUL EWING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LEWIS of California. Mr. Speaker, it is with deep respect and admiration that I rise to commend to your attention a young hero. Paul Ewing will be awarded the Honor Medal at the annual dinner meeting of the Inland Empire Council Boy Scouts of America, February 4, 1984.

On June 25, of last year, this Scout was boating with his father, Gary Ewing, and a family friend, Raymond Pestana, when they collided with another craft. Because both men were semiconscious from their injuries, they were not readily aware of the situation that was developing. The man in the other boat was injured and drowning. Paul, despite a broken leg, cuts, and bruises, dove from his boat and swam to assist the victim. His father, regaining full consciousness and thinking it was his son that was in danger, swam to the rescue scene approximately 50 feet away. After Paul clarified the situation, his father as-

sisted the injured man to safety and Paul returned to his craft.

Paul Ewing is an 11-year-old sixth grader at the Phelan Elementary School. He is also a member of Troop 53 chartered to the Phelan Ward, Church of Jesus Christ of Latter-day Saints.

The Honor Medal he will receive is the rarest award presented by the national youth organization. Only 22 have been approved in the United States this year by this 4.6-million-member organization. The National Court of Honor has said of Paul's heroic deed, "Ewing's unselfish act saved a life and exemplified the Scouting tradition of selfless service."

Paul is an outstanding example of this country's youth. His courage has earned him the respect of the Nation.

And, Mr. Speaker, I take great pride in commending to my colleagues, Paul Ewing, a truly remarkable and courageous young man.●

WITH VISION WE CAN EMERGE AS A HEMISPHERE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. PEPPER. Mr. Speaker, having just returned with some of my colleagues from a 2-week trip to Central and South America and the Caribbean, I was particularly interested in an excellent article on the importance of Latin America to our country which appeared in the Times of the Americas of December 7, 1983, written by the Honorable Irving G. Tragen, whom I have known for a long time and who has rendered outstanding service in our foreign service in Latin America. I wholly agree with Mr. Tragen's sentiments that we must put more emphasis on our relations with Latin America, we must arrange to give them some relief in interest on their external debt and we must ease the terms of payment of that debt if we are to seriously arrest the growing problem of democracy in almost all of the Western Hemisphere outside of Canada and our own country. I ask unanimous consent to have this article printed in its entirety in the RECORD following my remarks.

The article follows:

[From the Times of the Americas, Dec. 7, 1983]

WITH VISION WE CAN EMERGE AS A HEMISPHERE . . .

(By Irving G. Tragen)

No period of world history has experienced greater and more profound change than that since World War II.

The center of world power shifted from Western Europe; independent nation states have displaced colonial systems. Population has exploded across the planet. A cycle of human endeavor has been generated within countries, and the infrastructure for an interdependent world community has been set in place.

This change has embarked mankind on a new and uncharted course.

For the United States, the change since World War II has been a forced march to leadership.

With respect to Latin America, there is growing awareness of the need for longer-term consistency in our relations—one which avoids the heights of the Alliance for Progress and the depths of benign neglect.

In the Executive Branch, the Caribbean Basin Initiative and the problems of the Hemisphere as a whole have attracted more high level attention than at any time since the era of President John F. Kennedy.

This increased attention flows not merely from today's headlines of perceived security threats in Central American and Caribbean or of the debt crisis which has bound together the solvency of North and South. There is a mixture of other, new ingredients which have emphasized the inter-dependence of the Hemisphere, such as:

The accelerated migration of Latin Americans to the United States and the expanding influence of Hispanic Americans in the U.S. body politic;

The growth of Latin America as a major trading partner; with one of every five jobs in the U.S. now geared to exports, it is significant that Latin America is a larger market for the U.S. than either Western Europe or Japan;

Reliance by the United States on Latin America for essential primary goods, raw materials and energy supplies; and,

The need for Latin American political support in dealing with the increasingly complex world-wide political agenda.

This re-evaluation by the U.S. is happening at a time when Latin America is no longer as dependent on the U.S. political and economic power as it was immediately prior to and following World War II.

Since Alta Gracia in 1967, Latin America has been building its own internal structures for consultation and coordination.

Integration schemes have persisted despite wars, economic crisis and occasional defections. Latin countries have begun to play influential roles in the world-wide arena and have established their own independent positions on issues critical to vital U.S. interests.

There are indeed emerging significant changes in the traditional asymmetry of power in the Hemisphere. U.S. hegemony reflected by the Monroe Doctrine, even as re-defined by the Good Neighbor Policy, began to be displaced with the OAS Charter when the U.S. accepted the doctrine of non-intervention and the concept that collective political and juridical limitations could be placed on the unilateral exercise of its power in the Hemisphere.

Inter-Americanism, flowing from Simon Bolivar's vision in convening the 1826 Congress of Panama, has given us great moments of collective action as, for example, under the Alliance for Progress and the Inter-American Commission of Human Rights but it has also caused frustration such as with the Malvinas.

In a recent paper of "The Crisis in Latin America," Professor Howard J. Wiarda of the University of Massachusetts and the American Enterprise Institute succinctly summarized the seriousness which those of us North Americans who have long been associated with Latin America relate to the problems of our Hemisphere today:

"The fact is that we do consistently misinterpret, disparage, misunderstand, condescend toward, moralize about and underestimate Latin America. But that is only part of the picture. For it is also clear that in this country we (or at least some persons) do pay attention to Latin America; we do care about the area, we are—albeit often dimly—aware of its growing importance to us; we do not treat it wholly as a reflection of our domestic politics; we do recognize the changed circumstances in Latin America; the area has come to press itself upon our consciousness; and we have begun to recognize that our institutional paraphernalia do not always work well in other cultures or societies."

It is with this sense or realism that the Aspen Institute in its June 1982 Report on "Governance in the Western Hemisphere" pointed out that the bases for a new accommodation by the United States with Latin America and the Caribbean must recognize the central role which the area gives to development.

The issue of development, posed in terms of common interest in the improved well-being and enhanced quality of life for our people, can perhaps bridge many of the problems which apparently divide us in the Hemisphere.

The closest links of cooperation have come from our joint efforts to create the Inter-American Development Bank; to build the Pan-American Highway; to expand education, food, health care and jobs under the Alliance for Progress.

In the spirit of Bolivar which pervaded the Congress of Panama, I suggest that our perceptions focus clearly on the seeds of understanding which he sowed.

How can we convert the dangers of our current crisis—the challenges of our era in change—into an opportunity for a better tomorrow?

Obviously, there is competitiveness and disparities in objectives between the North and the South of our Hemisphere.

But the answer is not confrontation.

The tendency of both sides is to turn off new initiatives raised in confrontation. Instead, we need to find, perhaps from the blueprints of Bolivar the Statesman, the formula for addressing, with painstaking care, the issues which face us, disaggregate them to identify points of concordance and to set in motion the process of analysis, negotiation and accommodation which permit us progressively to narrow our differences and harmonize our futures.●

LABOR AND THE POLITICAL PROCESS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. STOKES. Mr. Speaker, in recent months, much attention has been focused on the changing role of labor in the political process. Recently, my distinguished colleague and chairman of the House Labor Management Relations Subcommittee, Mr. CLAY, addressed a Teamsters Union conference on this subject.

I would like to take this opportunity to share Mr. CLAY's eloquent assess-

ment of the challenge facing today's labor movement with my colleagues. the following statement appeared in the St. Louis Post-Dispatch, January 22, 1984:

A CHALLENGE TO LABOR: WORKERS MUST USE POLITICAL ARENA TO PROTECT THEIR RIGHTS

(By Representative William L. Clay)

The precarious state of affairs facing organized labor didn't just come about with the election of Ronald Reagan. It started with the 1968 defeat of Hubert H. Humphrey and continued through the successive presidencies of Ford and Carter.

Each of them chipped away at the cornerstone, at the foundation of the concept and the right of workers to organize and bargain collectively. Nixon's administration began the assault with numerous changes in regulations and rules. Ford reneged on his promise, or should I say, was "blackmailed" into vetoing the Common Situs bill. Carter's vacillation and ineptness on Labor Law Reform was a disgrace.

The appointments by Nixon and Ford of five Justices to the Supreme Court who are either anti-labor or insensitive to the rights of workers leave organized labor without appellate recourse.

All of the presidents, starting with Nixon, have taken the position that if you give big business free reign and unencumbered license, benefits of economic prosperity will trickle down to the workers.

Well, it has not worked and in all probability never will work. While we have been experimenting with this insanity, greedy entrepreneurs have been demanding a freeze in wages, reduction of overtime pay, and decreased health and welfare benefits.

At the same time, the government has been scheming to tax those fringe benefits, transferring inspectors from occupational safety and health to union-busting activities, failing to enforce the Landrum-Griffith and Taft-Hartley laws, and appointing anti-union activists from the Right to Work Committee to key positions in the Department of Labor and on the National Labor Relations Board.

Most of the legislative proposals pending before the Congress were written by the National Right to Work Committee, the Heritage Foundation or the Chamber of Commerce: Repeal of Davis-Bacon, establishment of subminimum wages for youths, attacks on Walsh-Healy, inclusion under the Hobbs Act and lowering of protections against chemicals.

And who are those advocates of such drastic changes in our society? For the most part they are conservative cavemen who know absolutely nothing about the work ethic. Many of those appointed to key positions at the Department of Labor and the National Labor Relations Board are former activists of the National Right to Work Committee. A large majority of those appointed to top level policy-making positions are multi-millionaires who think clipping coupons and engaging in fights to take over other companies is honest work. They don't have jobs, they have hobbies.

But somewhere between the high-sounding phrases of this administration about economic calamity and economic chaos being blamed on the excessive spending of past administrations or Congress, it is becoming abundantly clear that our president is the biggest spender of them all.

In the 1980 campaign, his two biggest issues were the need to balance the federal budget and to put people back to work. The day he was sworn into office, the deficit was $56 billion and the rate of unemployment was 7 percent. The deficit jumped to a staggering $200 billion and the rate of unemployment increased to 10 percent.

You in organized labor and those in the general work force are enduring such suffering because your political game is not together. Archimedes, an ancient Greek, once said, "Give me a place to stand and I will change the world." Well, the place for the men and women in organized labor to stand, united in solidarity, is the political arena.

From that podium you can change not only attitudes of officeholders, but officeholders. From that podium you can demand that they make America what it ought to be.

Too many members of labor unions have become victims of conservative propaganda, believing their improved financial condition is the result of the management generosity. Too many are so smug and secure in their middle-class status that they refuse to identify with the plight of the 16 million unemployed who are suffering disproportionately.

The high standard of living enjoyed by American workers didn't just happen. It's the result of efforts by thousands of crusaders in the labor movement, some known and many unknown. Those rights were established over the dead bodies of hundreds of brothers and sisters who put aside their personal safety to challenge a callous, insensitive system of exploitation.●

NATIONAL REYE'S SYNDROME WEEK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. FRANK. Mr. Speaker, today I introduced legislation that would designate the week of November 7 to 13, 1984, National Reye's Syndrome Week. Reye's syndrome is a deadly illness which primarily attacks previously healthy children under the age of 18. RS strikes up to 1,000 children each year, and more cases are being reported each year as physicians learn to diagnose the symptoms more readily.

The cause of RS is unknown, and there may be multiple causes. It occurs equally in girls and boys. Thirty to fifty percent of the children who contract RS do not survive, and 10 to 25 percent of those who do survive suffer minor to severe disabilities as a result of brain damage. Because of increasing public awareness of this disease, a greater number of children are surviving RS.

The outcome of individual cases depends on how quickly brain swelling can be reduced. Treating the symptoms of Reye's syndrome immediately dramatically increases the child's chances for survival. This is why educating the public about RS is so important. It is my hope that this resolution will encourage increased Federal support for RS research and a greater public awareness of this tragic affliction. I urge my colleagues to show their concern for the present and future victims of Reye's syndrome by cosponsoring this resolution.●

THE SEMICONDUCTOR CHIP PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LANTOS. Mr. Speaker, surely among the most farsighted and important constitutional provisions adopted by the Founding Fathers was that Congress establish regulations for patents and copyrights in order to encourage and protect invention and innovation. One of the most important reasons for our remarkable achievements in the research and development of new technologies is the protection which our laws provide to inventors and developers so they may profit from their innovations for a reasonable period of time.

Protecting developer's rights to rapidly changing new technologies is inherently difficult, and this is particularly true with regard to the semiconductor industry. Existing law does not provide adequate protection to semiconductor chip innovations. The designs of circuits used in small computer components do not fall within the eligible copyright protection because they are not purely ornamental, and do not fall within patent protection since, although original, they do not meet the required standard of novelty.

Since existing law does not provide protection to semiconductor designs, chip innovations by one company are subject to technological piracy by its competitors. The pirate firm can undersell the innovator since it does not have to recover the huge development costs which were borne by the innovator; accordingly, pirate firms can flood the market with inexpensive copies of the chip. This piracy is a clear, present, and unacceptable threat to the economic health of the industry and could, if not prevented, result in the decline of innovation and research. In this era of accelerated transition to a high-technology society, the impact of these developments can negatively impact the entire economy.

Mr. Speaker, in an effort to deal with this serious problem, I am joining the distinguished senior member of the California delegation, Mr. EDWARDS, and my distinguished colleagues Mr. MINETA and Mr. ZSCHAU in sponsoring H.R. 1028, the Semiconductor Chip Protection Act of 1983.

The act will grant copyright protection for the imprinted design patterns on semiconductor chips, by amending section 101 of the Copyright Act of

1976. This will give innovative semiconductor companies legal protection against the economic menace of the pirating competitors. It will also give companies the incentives to invest in research and development, by protecting them against the piracy of the results of that research and development.

H.R. 1028 will also protect the legitimate interests of other companies by immunizing innocent infringers, assuring compulsory and reasonable royalty license when needed and justified, and assuring the right to the practice of reverse engineering for the purposes of education, analysis, or evaluation. It is significant, Mr. Speaker, that this bill enjoys the unanimous support of the affected industry.

No administrative costs will be involved for the Federal Government, nor is there any loss of tax revenue. No new bureaucracy will be required to carry out the provisions of the act, as the existing copyright organization can be employed.

Mr. Speaker, H.R. 1028 is a balanced, reasonable, practical, and needed piece of legislation. It provides for appropriate protection of the legitimate interests of chip designers and users. I strongly encourage my colleagues to support this bill.●

A PREDICTION THAT INEXORABLE MARKET FORCES WILL KEEP FORCING DOWN ENERGY PRICES FOR 10 YEARS

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. CORCORAN. Mr. Speaker, a January 9 Wall Street Journal article by Alan Bayless reports that the outlook for energy pricing may provide good news indeed. Mr. Bayless discusses the predictions of Mr. Arlon Tussing, an economist who has compiled an impressive record in the past few years for accurate forecasts in the area of energy pricing. The article focuses on gas, but also discusses oil, coal, and electricity, particularly in connection with U.S. imports from Canada.

For the benefit of our colleagues, Mr. Speaker, I would like to include in the RECORD the text of the Bayless January 9 Wall Street Journal article.

[From the Wall Street Journal, Jan. 9, 1984]

NATURAL-GAS PRESSURE BUILDS TO A HEAD

(By Alan Bayless)

VANCOUVER.—Arlon Tussing, a maverick, 50-year-old economist, has compiled an impressive record in the past few years for accurate but controversial forecasts in the volatile world of energy pricing.

In the fall of 1980, for example, he predicted correctly that international oil prices were peaking, even though the world-wide consensus was for a continuous and rapid upward spiral throughout this decade. A year later, U.S. gas pipelines put their future in peril by ignoring his criticism of the trend toward high-priced and inflexible gas-purchase contracts with producers.

"The most fashionable slogan in the industry may soon be 'I can't take and I won't pay. So sue me,'" he and colleague Connie Barlow told a meeting of energy economists in November 1981. Within 18 months, the prediction came true as Tenneco Inc. and Columbia Gas Systems Inc. reneged on huge domestic purchase contracts. More recently, Panhandle Eastern Corp. suspended its 20-year contract to buy expensive liquefied natural gas from Algeria.

These days, Mr. Tussing's Seattle-based consulting business is booming, even though he rejects the popular wisdom that recent sluggish energy prices will stabilize or begin rising with continued economic growth and cold weather. Instead, Mr. Tussing confidently predicts that inexorable market forces will keep forcing down these prices for 10 years. Canada could play an important role in the price decline because it has so much excess energy to sell in the U.S.

GAS OVERLOOKED

Mr. Tussing's forecast stems in part from his analysis of natural gas, a fuel usually overlooked in favor of oil when energy price trends are examined. In the past, the oversight has been justified, largely because government regulation made gas-price analysis unnecessary in the U.S., the world's most important energy market.

But major structural changes are creating a powerful and competitive U.S. gas-price market for the first time. The overall, long-term energy-price decline will be caused by a growth of this competition, not just within the gas industry but between gas and other fuels, Mr. Tussing says. The impact on natural-gas pipelines could be particularly painful as they leave their risk-free, regulated environment.

On the surface, the forecast may appear ridiculous, because consumer gas prices are continuing to soar despite a gas-supply glut. In fact, a recent study by the U.S. Energy Information Administration says consumers can expect to pay 10% more for gas during 1984 even though oil prices won't change much. But Mr. Tussing expects these increases to be transitory, because they result not from market pressure, but from errors the gas industry committed after decades of federal price controls were amended by the Natural Gas Policy Act of 1978.

Almost overnight, the new law eliminated the gas shortages of the mid-1970s by creating more market flexibility and by allowing certain limited categories of gas to be sold at very high prices. The gas industry, however, continued to expect the reappearance of shortages. Those ingrained expectations, which haven't fully disappeared, led producers to discover and pipelines to contract for too much of the newly decontrolled supplies. At the same time, the pipelines also invested far too much in new transportation systems for expensive Canadian, Mexican and Algerian gas.

Because old gas prices had been kept so far below their market value, the pipelines combined the expensive and inexpensive gases and transmission rates and passed the increasingly higher average price on to their customers. But the price boosts have infuriated gas users, creating a hot political issue.

In 1983, the Reagan administration proposed to resolve matters with an unprecedented law that would void existing contracts between gas pipelines and producers and permit free negotiations for new and presumably lower average wellhead prices.

Some congressmen, on the other hand, want to extend existing price controls and force a price rollback in time for the 1984 election. If neither side can muster enough votes, as seems likely, all gas discovered since 1978 would be decontrolled next Jan. 1 under the 1978 law, while older gas would remain controlled until the wells run dry.

The last alternative has raised fears that average wellhead prices and consumer prices will be forced up even more. That is because many existing contracts allow decontrolled-gas producers to charge the highest possible rates and because the cushioning effect of inexpensive older gas is gradually disappearing.

But Mr. Tussing doubts that prices can rise much more, because gas already costs so much that users are conserving, closing down or switching to cheaper fuels. The process is creating a "death spiral" for some interstate pipelines and local distributors because the increased cost of transporting smaller amounts of gas in turn causes even more of a decline in demand, he says. To reverse the spiral, pipelines are being forced to change tactics and negotiate a competitive "spot market" price for users that could switch fuels. This, says Mr. Tussing, will quickly lead to a two or three tier gas-user market and even a gas-futures market tied to spot prices.

The first tier would involve households and other small buyers, providing a base level of long-term demand. It would continue to require regulatory protection because such gas users wouldn't have the clout to negotiate prices.

Big industrial customers would make up the second tier. Because of their ability to bargain with pipelines for the cheapest supplies, they wouldn't require any regulatory protection. The third tier would involve the growing "contract carriage" market, in which producers sell directly to end-users and then buy the cheapest available transportation.

Mr. Tussing argues that regulators are more likely to foster competition than to prevent it, because, in any event, they can't stop energy users from seeking the lowest-cost supplier. "A little bit of competition is subversive. It spreads like a cancer," he says. The competition leads him to forecast that some pipelines eventually will be forced to seek Chapter 11 protection from creditors under U.S. bankruptcy laws because he doubts the marketplace will forgive past errors.

"Manville Corp. and Continental Airlines have shown how permissive U.S. bankruptcy laws can be used as a business strategy," he says. "Even if pipelines are showing good profits, they may have to use the same tool to get out of their contracts."

The faster regulators allow the competition to grow, the faster Mr. Tussing expects a weakening not just in gas prices but in such gas substitutes as oil, electricity and coal. All four energy sources are in excess supply at current prices, he asserts. The international oil price, of course, depends on the ability of the Organization of Petroleum Exporting Countries to maintain production at levels far below capacity and far below the needs of most of the cartel's members. Mr. Tussing expects continuing pressure on OPEC to force down the price in the spring.

Less well known is Canada's growing desire to sell cut-rate electricity to the U.S., even though some of the power may replace

gas-fired U.S. generating stations. Provincially owned British Columbia Hydro, for example, recently completed work on a $2.1 billion dam on the Columbia River, only to discover the power had no domestic market. Half the output is still up for grabs, while the rest has been offered to Southern California—in direct competition with utilities in the U.S. Pacific Northwest, which have excess power of their own for sale. Canada's gas sales to the U.S. could also play a pivotal role in the overall price decline. With its huge reserves, overbuilt pipelines and existing export licenses, Canada could increase its share of the U.S. market to about 10 percent from 4 percent overnight, if it cut its price.

Ottawa's government-administered export price for all pipelines is currently $4.40 per thousand cubic feet at the U.S. border, with a discount to $3.40 for monthly takes that exceed 50 percent of contract quantities. Although that is a reduction of as much as 31 percent from the $4.94 last April, it's still higher than the average U.S. wellhead price of $2.59, so Canadian pipelines, U.S. utilities and the U.S. government want further price cuts. They also want Canada to abandon its uniform border price in favor of separate charges geared for individual U.S. markets.

COAL A FACTOR

In the unlikely event that the price is reduced enough to sell all of Canada's licensed exports, the reverberations would probably be felt in energy markets across North America, to the delight of consumers and the consternation of producers. The current price policy expires in October and a decision about replacing it is expected this summer.

But even without a major Canadian price cut, Mr. Tussing expects the competition to continue in the U.S until the least environmentally acceptable fuel, coal, loses a substantial portion of its market. "That is what happened in the 1950s and 1960s—coal lost out everywhere but in the coal-producing regions of the U.S." he says.

"Ten years of energy investments since the 1973 oil shock have created conditions for a 10-year cycle of falling prices. The price of a barrel of oil could fall to between $12 and $20 from $29 currently.

"It is possible that after 10 years, new investments will have been delayed to the point that a new upward price cycle will begin. But there should be a sufficient stock of multi-fuel capacity and a sufficient development of conservation-oriented technology to prevent a repeat of the big 1970s price increases," he says.

(Mr Bayless is Vancouver bureau chief of the Journal.)●

TRIBUTE TO DR. MALCOLM H. KERR

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. BEILENSON. Mr. Speaker, with the assassination of Malcolm H. Kerr, the president of the American University in Beirut, both the Lebanese and American worlds have lost a great man and a great educator. Although he was aware of the many dangers he faced as a prominent American citizen in Beirut, Dr. Kerr was resolved to remain in that troubled city in an attempt to keep the university running smoothly.

Dr. Kerr was born in Beirut in October 1931, the son of Stanley and Elsa Kerr, both of whom were involved with the university. His father was a professor of biochemistry in the medical school, and his mother was dean of women. Dr. Kerr was graduated from Princeton University in 1953, and then returned to his beloved city of Beirut to obtain a master's degree in Middle Eastern studies at the American University. He met his wife, Ann, while both were studying there.

Dr. Kerr went on to teach political science at the University of California at Los Angeles, where he remained a member of the faculty until his appointment as president of the American University. He was renowned as a prominent scholar on the Middle East and wrote many books and essays on the subject.

Although he was known to be sympathetic to the Arab cause, Dr. Kerr nonetheless tried desperately to keep the University in Beirut apolitical. He was an extremely popular figure on campus, loved by both students and faculty.

Mr. Speaker, I deplore the assassination of this man who had only love for Lebanon and its people. These acts of violence must make the United States even more determined to help Beirut become once again the kind of city to which Malcolm Kerr could refer with pride. I extend my deepest sympathy to Dr. Kerr's wife, Ann, and his children, Susan, John, Steven, and Andrew. I also ask permission to include with my remarks an editorial on Malcolm Kerr, which appeared in the New York Times on Thursday, January 19.

The article follows:

MORE MURDER IN BEIRUT

In the murk that is Lebanon, there is a danger that the murder of yet another American might be seen as just so much more savagery. But the killing of Malcolm Kerr, president of the American University of Beirut, is a particularly barbaric challenge. Far from qualifying as a fanatic's "nationalist" gesture, it is a grave assault on civilization everywhere.

From its founding by Protestant missionaries in 1866, the American University has played a vital role in the political rebirth of the Middle East. Its first president, Daniel Bliss, eloquently defined its inclusive character: "This college is for all conditions and classes or men without regard to color, nationality, race or religion. A man white, black or yellow; Christian, Jew, Mohammedan or heathen, may enter and enjoy all the advantages of this institution * * * and go out believing in one God, in many Gods, or in no God."

With the aid of American philanthropy, the university has kept its doors open under Ottoman and European rule, through invasions and civil wars. Always sympathetic to nationalist aspirations, the school was never the captive of any creed or cause. Its graduates span the spectrum of the Middle East's leadership. Its faculty has persistently and passionately pleaded for American understanding of the region's grievances.

In 1982, the university's acting president was abducted and held for a year by pro-Iranian terrorists. It took Syrian intervention to free him. His successor has apparently been slain by "Jihad Islami," or Islamic Holy War, the same nebulous gang that claims responsibility for the killing of 241 American marines and 58 French troops and the kidnapping of Saudi Arabia's consul in Beirut.

Whoever killed Dr. Kerr had larger purposes than driving out the marines. The aim was to banish reason, learning and tolerance. The best reprisal is to find the means to keep this university alive.●

AGREEMENT REACHED ON INFANT FORMULA CONTROVERSY

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. HARKIN. Mr. Speaker, I would like to call your attention and that of my colleagues to a highly significant occurrence which took place this past Thursday, January 26. As you know, the infant formula controversy over marketing practices in Third World countries, in particular, has been the focus of boycott for the past 6½ years. I am happy to inform you of the end of that boycott. Many Members of Congress have been involved in this important issue and will, I know, welcome this news with me.

I would like to commend the leaders and members of INFACT for their perseverance and dedication to the cause of infant health both here and throughout the world. I am certain that the actions they took to bring the issue to public attention and to sensitize public opinion was one of the most important factors in developing the WHO "Code of Infant Formula Marketing." It is safe to say that millions of babies recently born or soon to be will be healthier, brighter, and more capable of surviving due to the campaign of INFACT.

I also want to congratulate the Nestlé Co., for taking the steps necessary to change their production and marketing procedures to comply with the WHO code. I know that a large multinational company, such as Nestlé, can sometimes be impervious to change, not because of bad motives, but simply because a company that large has many interests to protect and simply takes a long time to move in a different direction. So I congratulate the officers and directors of the Nestlé Co., for "taking the bull by the horns" and reaching this agreement. They have set a standard by which other multinational or large corporations should follow.

I only hope that INFACT will join with other groups to insure that other companies also abide by the code so that the Nestlé Co., in abiding by the code will not be put at an unfair economic disadvantage and have its markets undercut by companies who will not abide by the code.

My congratulations to all parties involved. I particularly wish to thank my colleagues whose concerns were so vital to the overall national focus of the infant formula controversy. Let us move forward in a spirit of cooperation in meeting the legitimate health needs of infants throughout the world.

I have personally been honored to serve in the capacity of national honorary chair for INFACT, and with your permission, Mr. Speaker, I would like to additionally insert for your information a joint statement from the International Nestlé Boycott Committee and Nestlé, remarks from Nestlé, INBC, the INFACT organization, as well as a chronology of the infant formula issue.

JOINT STATEMENT OF INBC AND NESTLÉ—JANUARY 25, 1984

The International Nestlé Boycott Committee has decided to suspend its international boycott of Nestlé Company products.

Over the last decade a controversy has grown over the proper role of infant formula in the Third World, ways of marketing the products there, and the health hazards for infants resulting from improper use. Much of this controversy has been directed at infant formula manufacturers, and in 1977 INFACT, supported by other organizations, initiated a boycott of the products of Nestlé, the world's largest manfacturer of infant formula.

Out of concern for the health of infants, the World Health Assembly in May, 1981 adopted the International Code of Marketing of Breast-milk Substitutes (WHO/UNICEF Code) which provides guidelines to industry, governments, health authorities and non-governmental organizations. Nestlé made a firm commitment to implement that code. Since that time there has been considerable pressure on all infant formula companies to fully comply with the Code, and much progress has been made.

INBC continued to express concern about differences it had with Nestle's interpretation of some provisions of the Code. In December, 1983 INBC announced four areas of concern: educational materials, hazard warnings on labels, gifts to health professionals and free supplies to hospitals. Both Nestle and INBC sought further explanation and guidance from WHO and UNICEF on these areas of the Code.

As a result of intensive discussions involving UNICEF, Nestle further clarified its policies in these four areas of concern and INBC has recommended a suspension of the boycott.

Both parties praise UNICEF's assistance in clarifying provisions of the Code INBC commends Nestle for taking the leadership role in industry's compliance with the International Code. Nestle recognizes and supports the commitment of INBC and its members to safeguard the children of the Third World from hazards related to the inappropriate marketing of infant formula.

NESTLÉ NEWS—JANUARY 26, 1984

Nestlé today welcomed the decision by the International Nestlé Boycott Committee (INBC) to end its boycott of the company's products.

"This decision is one more affirmation that Nestlé is making every effort to fully implement the World Health Organization (WHO) Code of Marketing of Breast Milk Substitutes," said Rafael D. Pagan, Jr., President of the Nestlé Coordination Center for Nutrition, Inc.

Partly as a result of this controversy over the proper role of infant formula, the World Health Assembly adopted the International Code of Marketing of Breast Milk Substitutes in May, 1981.

"Nestlé endorsed the WHO Code the day it was passed in May, 1981," said Pagan, "and has taken several steps to implement it."

In March, 1982, Nestlé announced comprehensive policy guidelines (marketing instructions) to implement the Code in countries which had not yet taken measures to put the Code into effect. All companies of the Nestlé Group were then instructed to reinforce their cooperation with governments, pediatricians, and other health professionals with a view of clarifying ambiguities in the WHO Recommendations and encouraging the development of national measures adapting the specific provisions of the Code to the needs of each country.

The following May, 1982, Nestlé announced the formation of the Nestlé Infant Formula Audit Commission (NIFAC), an independent body charged with auditing the company's infant formula marketing practices and investigating allegations that Nestle was in violation of local codes or the WHO Code. This commission is chaired by former Senator Edmund S. Muskie and includes prominent scientists and clergy.

In October 1982, the Commission submitted to Nestlé a comprehensive set of recommended changes to its marketing instructions.

"Now that this controversy has been satisfactorily resolved," Pagan said, "we can concentrate our efforts on the real causes of infant mortality and morbidity in developing nations—contaminated water, ignorance, malnutrition, and inadequate health care."

INBC/NESTLÉS PRESS CONFERENCE.—JANUARY 26, 1984—WASHINGTON, D.C.

REMARKS BY SR. REGINA MURPHY, CHAIRPERSON, INTERNATIONAL NESTLÉ BOYCOTT COMMITTEE

In a town where making history is commonplace, this story stands out. The agreement just announced will have impact on the babies and mothers of the world now and always.

The winners are not here today. They are the babies who have more protection of their basic food supply and tomorrow than they had yesterday because millions of people of all walks of life, around the world, were steadfast of purpose, and because the preeminent leader of the infant formula industry has demonstrated the kind of moral courage and leadership that is expected of those at the top.

As chair of INBC I must express general gratitude to every person who made a commitment to draft and implement a just code of marketing that would protect both customers and markets—to those people of caring, courage and constancy who made today possible.

From the beginning, besides the experts and officials of WHO, there has been sustained and inestimable support from the staff and leadership of UNICEF. That has been especially true in these last few days.

And although INFACT is one of the members of INBC, they are in a special category. The rest of us are endorsers of the boycott. They are the creators and coordinators of our coalition, and all of us would freely and fervently want to pay tribute to INFACT—the group that built an international movement from a small meeting of unorganized advocates. It is they who developed the incredible solidarity of the boycott family.

But mostly this a story of the people—the little people. Babies and grown-ups. Little in the eyes of the world but those whose needs and capacity to serve others is writ large for all to see. We are grateful.

After the hours and days and years that sometimes seemed would never end, the end came quickly. Some of us suspect a nudge from a heavenly source when just before Christmas there was a chance meeting on a metroliner. Things moved swiftly toward the consummation of today's agreement, which was signed on behalf of INBC by Dr. William P. Thompson.

Our 87 endorsing groups, the 35 other major organizations and allies in 9 other countries, are most pleased and grateful to acknowledge the tremendous act of leadership by Nestlé, and we pledge to continue to work with them in our new-found spirit of reconciliation and respect. It is our collective contribution to the UNICEF "childhood survival revolution."

For the purpose of developing plans and strategies on a global scale we will be holding an international conference in Mexico City the first week of February.

Representatives of both boycotting nations and the third world will be present with delegates of INBC members. Monitoring of WHO code violations has been going on for a long time, and periodic publications of examples has been a powerful tool in documenting what can happen regardless of the existence of a world code.

Nestlé will implement, and we will monitor, and in six months, given full compliance, the boycott of Nestle' will come full stop. In the meantime we will work as partners.

STATEMENT BY DOUGLAS A. JOHNSON, NATIONAL CHAIRPERSON, INFANT FORMULA ACTION COALITION (INFACT)—JANUARY 26, 1984

The hope and commitment of virtually millions of people around the world have brought us to this amazing day. The hard work and deeply shared dedication of a 6½ year struggle has brought us to this amazing day. And this day brings the children of the Third World a compelling promise: that a giant has changed its ways.

All of us on this platform—Nestlé, the INBC, and INFACT—believe we have something to celebrate today. The signing of the joint statement yesterday represents a truly historic event in the struggle for "Health for All by the Year 2000." It was perhaps even more important than the passage of the WHO International Marketing Code itself, because it represented the Code's transition from an urgent moral mandate to the accepted business practice by the largest and singly most important actor in the world.

These changes have not come easy. They have developed over time. They have needed many voices, both outside and, I am sure, inside the company. But at last, they have come.

Nestlé have moved forward to become a model for the whole industry, a model which creates a new standard of corporate behavior. This will protect the health and lives of infants around the world from the abuses of marketing at any cost. In this commitment our interests and Nestlé's have become parallel.

The Code must be implemented in effective national programs, and we have pledged to continue and expand our efforts in this behalf. But Nestle's leadership must also be followed by other companies, especially those of the U.S. These companies have relished sitting in the sidelines during the 6½ year Nestlé Boycott, and the responsible commitments won from Nestlé have been unfairly exploited to expand their market share. These companies would like to see this amazing day remain invisible, out of the public eye, to obviate scrutiny of their abusive marketing practices. Today we are serving notice on these companies: now they move to center stage. Nestlé's competitors will be the focus of our attention at the upcoming International Strategy Conference in Mexico City. We will announce our new campaign after that meeting.

On this day, January 26, 1984, INFACT is suspending all boycott related activity against the Nestlé Company. Grocery store campaigns to remove Nestlé products from the shelves in Boston, Chicago, and throughout the U.S. are suspended. Pickets are removed from Nestlé restaurants. The volunteer activist committees that have taken INFACT's work into the smallest towns and the largest cities across the U.S. are being called and informed of this agreement. Endorsers are receiving the INBC recommendation for consideration at the Mexico meeting. We will urge our colleague activist organizations building the Nestlé Boycott in Canada, West Germany, England, Sweden, Norway, Finland, France, New Zealand and Australia to support the INBC recommendations.

Our field monitors will closely watch the implementation steps taken by Nestlé. We believe the commitments are sincere, and will be implemented.

BOTTLE BABY CAMPAIGN; A DECADE OF ACTION—CHRONOLOGY: THE INFANT FORMULA CONTROVERSY

EARLY 1970'S

Public Exposure & the "Bottle Baby": A few voices (primarily in professional journals and at medical congresses) warn against the advance of the bottle and the danger of advertising campaigns by milk firms in the Third World.

Although infant formula manufacturers agree to "discuss" the growing problem, they also increase their promotional activities.

1973

First Public Exposure: British development magazine The New Internationalist published first popular account linking promotional practices of the infant formula industry with infant malnutrition and infectious disease.

1974

Activist Groups Initiate Action: The Baby Killer, a report on infant malnutrition and the aggressive promotion of artificial feeding practices in the Third World, is released by War on Want. The role of the Nestlé Company is prominently featured.

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The World Health Organization (WHO) passes resolutions strongly recommending the encouragement of breastfeeding and calls on countries to review marketing activities related to baby foods.

1975

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Industry Lobby Group Formed: A number of large baby milk companies, led by Nestlé, forms the International Council of Infant Food Industries (ICIFI) to counter increasingly bad publicity regarding their activities. ICIFI publishes a "Code of Ethics" for formula promotion that is criticized as inadequate and vague by the United Nation's Protein-Calorie Action Group (PAG).

1976

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Twenty-nine members of the U.S. Congress co-sponsor a resolution calling for an investigation of the United States formula companies and for development of a nutrition education program in relation to breastfeeding.

1977

INFACT Founded to Mobilize Public; The Infant Formula Action Coalition (INFACT) founded to initiate a national campaign aimed at changing the practices of the American companies and the Swiss giant, Nestlé. A National Clearinghouse is established in Minneapolis to coordinate local and regional infant formula action efforts.

Recognizing that Nestlé has not responded sufficiently to pressure from critics, Minnesota INFACT initiates a boycott of Nestlé products to: stop all promotion of Nestlé artificial formula; stop mass media advertising of infant formula; stop distribution of free samples to hospitals, clinics, and homes of newborn; discontinue Nestlé milk nurses; stop promotion through the medical profession; prevent artificial formula from getting into the hands of people who do not have the means or facilities to use it safely.

A Congressional report states that "businesses involved in the manufacture, marketing or sale of infant formula have a responsibility to conduct their overseas activities in ways which do not have adverse effects on the nutritional health of people of developing nations."

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1978

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Support for Boycott Snowballs: Infant Formula Action Day across the United States is observed by local INFACT groups with demonstrations, leafletting, letter-writing, fasting and other public events to increase pressure on infant formula corporations, particularly Nestlé.

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The 31st World Health Assembly overwhelmingly passes a resolution recognizing breastfeeding as "the safest and most appropriate way to feed infants" during the first months of life.

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TV Documents Infant Malnutrition: Over 9 million people view the CBS presentation of Into the Mouths of Babes, Bill Moyers' half-hour documentary on health problems caused by formula misuse in the Dominican Republic. Moyers also reveals a kickback scheme involving the formula companies paying a percentage of formula sales revenues to the Dominican Medical Association.

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1979

Linda Kelsy, actress of T.V.'s Lou Grant, joins boycott, gives royalties from a Nestlé commercial to INFACT. Dr. Benjamin Spock joins press conference.

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International Nestlé Boycott Committee Formed: INFACT and the National Council of Churches pull together national boycott endorsing organizations. Representatives of more than thirty national organizations agree to form the International Nestlé Boycott Committee (INBC) to coordinate negotiations with Nestlé and work on the boycott. (By 1983, more than 80 national and international organizations participate in the INBC.)

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IBFAN Forms Worldwide Network of Baby Activists: International Baby Food Action Network (IBFAN) is established by consumer groups at WHO meeting to coordinate monitoring and pressure campaigns on the infant formula companies worldwide.

1980

Nestlé Boycott Launches Stouffer's Focus: Nestlé-owned Stouffer hotels and restaurants become prime targets of Nestlé boycott organizing. Organizers in some 40 cities with Stouffer and Rusty Scupper facilities begin to picket and to cut back on their convention business. INFACT organizers coordinate Stouffer Stay-Away and Nestlé Boycott actions. In major cities such as Denver, Chicago, St. Louis, Minneapolis and Toronto, boycott supporters organize marches, demonstrations and Stouffer's pickets. Major conventions cancel reservations at Stouffer's facilities in Ohio, Georgia and elsewhere. Church and school boycott organizers concentrate on Nestlé's Halloween candy sales and Thanksgiving Libby's sales in their fall campaign efforts. Grocery store leafletting, church bulletin notices, and local newspaper articles alert the public to the need for continuing the boycott during these holidays.

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1981

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International Code of Marketing Overwhelmingly Endorsed by World Health Assembly: 118 governments vote to adopt the code in dramatic roll call vote. Only the United States votes "no". U.S. public and Congress are furious that the Reagan administration puts "profits before people."

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Arthur Furer admits that Nestlé will not adopt the WHO code and will follow its provisions only if forced to do so by national legislation. Furer also admits that Nestlé will continue to lobby governments to adopt weak marketing codes.

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1982

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INFACT Wins Human Rights Award: INFACT receives the Letelier-Moffitt Memorial Human Rights Award for its work in educating the public about the Nestlé Boycott and infant formula misuse in Third World countries.

Nestlé Issues "Commitment" to Follow Code, but Instructions are Flawed: In March, Nestlé pledges it will follow the International Code by way of "instructions" to its field staff. But those instructions are condemned by UNICEF and others as inaccurate and inadequate. Revised instructions issued in October are only slightly better.

The Nestlé Infant Formula Audit Commission is set up, selected, and funded by Nestlé to investigate compliants abut its marketing practices. Nestlé hires former U.S. Senator Ed Muskie to head it.

International Nestlé Boycott Mushrooms: With the addition of France and West Germany to the list of boycotting countries, the Nestlé Boycott becomes active in nine countries, including the United States, England, Norway, Sweden, Canada, Australia and New Zealand.

1983

New Boycott Target: Taster's Choice Coffee: To step up economic clout of the boycott once more, INFACT initiates a new boycott focus aimed at Nestlé's Taster's Choice coffee, their most profitable U.S. product. The goal is to bring about real compliance by Nestlé with the International Code.

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INFACT Opens Campaign Centers: In the United States, INFACT establishes two major campaign centers in Chicago (February) and Boston (August) to build a grassroots organization to stop life-threatening practices of transnational corporations. Other campaign centers are slated for major U.S. cities in the near future.

International Nestlé Boycott Grows: In 1983, Norway and Finland (through the Percentage Movement, a Finnish-based coalition of 60 national organizations) join the Nestlé Boycott movement. The number of participating countries in the Boycott is now ten, and it is still growing.●

REMARKS OF POPE JOHN PAUL II TO THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. RANGEL. Mr. Speaker, on January 19, 1984, seven of my colleagues and I had the rare privilege of having an audience with His Holiness, Pope John Paul II at the Apostolic Palace in Vatican City. I think I can speak for each of them in stating that it was one of the highlights of the Select Committee on Narcotics Abuse and Control's six nation factfinding mission to Asia, the Middle East and Europe. We successfully accomplished the aim of our mission in a series of meetings with high ranking officials of host countries, most of whom pledged their support in helping us stamp out international drug trafficking.

During our meeting with the pope he expressed to us his deep concern about the drug trafficking and abuse problem. At our suggestion, His Holiness also indicated he would consider calling a synod of bishops to address the issue.

This problem has become so epidemic that we can no longer rely solely on international law enforcement efforts. We must, in addition, rely on the moral leadership of His Holiness, Pope John Paul and religious leaders throughout the world.

I am pleased to take this opportunity to share with all my colleagues, by inclusion in the CONGRESSIONAL RECORD, Pope John Paul II concerns and suggestions for continuing the war against illicit drugs worldwide:

Dear Friends: It is my pleasure to welcome today the members of the United States House of Representatives Select Committee on Narcotics Abuse and Control. As public officials you are charged with promoting and safeguarding the common good of your fellow citizens, and thus it is your task to protect the good of the whole of your society, while at the same time preserving the rights and liberties of the individuals who make up that society.

Hence it is by no means extraneous to your work as public servants to foster social conditions in which individuals may grow and develop in a way commensurate with their human dignity, unencumbered by threats to their authentic realization as persons. Among those factors which menace the individual and impede the growth of a healthy social climate is the problem which brings you together in this assembly: namely, the scourge of narcotics trafficking and drug abuse. Obviously this problem is not unique to the United States. The flow of narcotics has reached immense proportions, so that no nation is immune from its debilitating effects.

The Church's interest and pastoral concern, both for the individuals whose lives are marked by devastating personal tragedies and for the societies which must come to grips with an increasingly dangerous phenomenon, is focused on the crucial role that the family must play in the solution to the problem.

Faced with a world and a society that runs the risk of becoming more and more depersonalized and therefore dehumanizing, with the negative results of many forms of escapism-a principal one being the abuses associated with drugs-the family possesses "formidable energies capable of taking the individual out of his anonymity, keeping him conscious of his personal dignity, enriching him with deep humanity and actively placing him, in his uniqueness and unrepeatability, within the fabric of society" (Familiaris Consortio, 43).

The family stands at the very foundation of society, and through its role of service to life is vitally linked to society's advancement. It provides the primary forum for the fostering of authentic and mature communion between persons, and is the place of origin and the most effective means for humanizing and personalizing society (cf. ibid). With the conviction therefore that the good of the family is an indispensable value for the civic community, the Church encourages the public authorities to do everthing possible to ensure that families have all the help that the need in order to fulfill their responsibilities.

I would invite you this morning to favor unhesitatingly all initiatives which aim at strengthening the family in American society. As you try to make you fellow citizens more and more conscious of the dangers of drug abuse; as you promote legislation, on the national and international level, which seeks to draw up a comprehensive plan of deterrence against trafficking in narcotics, may you ever strive to meet the needs of the family, for it is a key element in establishing stable, loving relationships and in offering to every person the support needed for a fulfilling life.

May almighty God bless you in your efforts.●

SOVIETS DECRY EVIL INFLUENCE OF U.S. FOOTBALL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. KEMP. Mr. Speaker, I wish President Reagan had not said the Soviet Union was an evil empire, now the Soviets are escalating. They are attacking American football and the Super Bowl as an "evil influence." Not that it is serious.

You will understand, Mr. Speaker, that this hits close to home. I spent a good many years playing this American sport, and I thought it was wholesome. I thought it taught me about the American virtues of fair play, competitiveness, sportsmanship, living within the rules, and the importance of winning.

Now the Russians have opened my eyes. It turns out I was just encouraging betting, selling American beer, corrupting Europe, breaking collarbones, and pushing T-shirts.

One thing, though, really worries me. The Russians say "war is like a football game." What if they demand that we dismantle our goal posts whenever they get around to returning to the START talks? Pretty soon the liberals would begin boycotting Super Bowl TV advertisers, and there goes the economic recovery. They might even demand a freeze on the construction of football fields and before you know it, they would start pushing for complete athletic disarmament.

If they get away with this attack on the Super Bowl, our young people will not have anything left to do. They will have to begin doing the peaceful, friendly, cooperative things Russians do instead of playing football. Like invading Afghanistan.

The article prepared by the Advanced International Studies Institute follows:

SOVIETS DECRY EVIL INFLUENCE OF U.S. FOOTBALL

While Americans have been looking forward to the Superbowl with great anticipation, the Soviets have through an article in the second 1984 issue of the foreign policy journal New Times, attempted to attach violent and imperialistic motives to the U.S. game of football.

The main title of the article is "Uncontrolled Rage," a phrase attributed to a statement made some time ago by Los Angeles Raider Lyle Alzado when he was with the Cleveland Browns. Written by I. Marinov, it pulls together a collection of quotations on football from authors John Updike and Ernest Hemingway, NFL Commissioner Pete Rozelle, and several U.S. football players.

Football a "sickening matter": The article contains a quotation from a Hemingway novel in which the character, who played center on his college team, declares that "war is like a football game" and that "football like war is a sickening matter." The Soviet author comments that Hemingway was a sportsman and participated in three wars and "one can trust his opinion."

The aim is injury: From John Updike's novel "The Centaur," Marinov cites the character George Caldwall who "17 times left the (football) field with a broken nose, twice severely dislocated a kneecap, and fractured a leg and collarbone, one time each."

On high school and college football, Marinov cites the book "Meat on the Hoof" by former player Gary Shaw to the effect: "Sadism, cruelty, spiritual torture and the degradation of feeling—such are the main distinctive features of student football in the U.S.

On professional football, he cites the book "with the no less trenchant title 'Confessions of a Dirty Ballplayer' " by former professional football player Johnny Sample. He paraphrases Sample:

"American football is not a sport, because the only magnet is money and the main aim in the game is to inflict serious injury to the opponent. Someone in the U.S. is not against, however, saying that this game responds to the temperament of the American, almost to the traditions of the grim life of the pioneers of the Wild West, the love of the Yankee for sharp spectacles."

The article uses a statement by former Los Angeles Rams quarterback Pat Haden to take American spectators to task. It cites Haden to the effect that 65,000 fans (presumably in a rival stadium) roared with approval when it was announced on one occasion that he had broken his right arm. Haden is quoted to the effect that they would have thrown javelins at his team if they had them. Comments Marinov: "From this bitter acknowledgement, it is easy to understand what feelings that skirmish on the gridiron arouses in a spectator."

The drug problem: Next, the Soviet author invokes Pete Rozelle:

"There exists yet one more problem of American football, but then as of the whole 'society of equal opportunities.' The scourge of drug addiction. The representative of the National Football League Pete Rozelle admits the use of strong-acting stimulants among the professionals. Judging by his words, it has become an everyday detail of life, the token of a way of life."

"He (Rozelle) is seconded by Ahmad Rashad, who achieved fame as one of the strongest players in recent years. Today there is only talk about NFL players using cocaine. It is well-known that there are several fellows who have gotten into rehabilitation centers as a result of one or another form of chemical dependency—on drugs or alcohol if not both together."

Football Corrupting Europe: This whole section about the evils of football serves as a prelude for the contention that the NFL and corrupt European entrepreneurs are seeking to popularize the game in Europe as part of an overall scheme to impose U.S. values on the old continent.

The Soviet writer says he was told by a French communist correspondent that an NFL representative had tried to organize an Intercontinental Football League with teams in Paris, Vienna, West Berlin, Munich, Madrid, Barcelona, Rome, Milan, Istanbul and Copenhagen.

Who, asks Marinov, helped the representative? His answer: a French entrepreneur named Marcel Leclerc who had unsuccessfully sought to organize a European professional basketball league, most of whose players were to be American and which therefore was simply a scheme for "the expansion of overseas capital."

Leclerc and British entrepreneur Jarvis Aster are said to be interested not so much in the sport but in the "American-style" accompaniment: "betting, the sale of American beer and T-shirts with team emblems."

France under special peril: Evidently stationed in France as New Times correspondent, Marinov focuses on the special threat facing that country from American football:

"France for quite a long time has lost its position as a first-rank sports power; the problems of physical education, the development of sports in schools and universities, at industrial enterprises cost dearly. In these conditions, the advertising uproar around a sports show in the American way plays into the hands of the businessmen and reflects a continuation of the trend toward Atlanticism and Americanism."

Marinov claims that "one of the main leaders of the French military industrial complex, Marcel Dasseau," led the fight against showing the opening of the 1980 Olympics in Moscow on French television and replaced it instead with a rugby match between teams from the UK and "racist" South Africa.

Noting that French television had acquired 15 cassettes and other material explaining U.S. football, Marinov writes:

"One may ask, What is so bad about acquainting people with a new type of sport? Nothing reprehensible, it goes without saying. However, it is not a matter of simple effort to attract views with an exotic enough presentation. What is involved is the social command of those who would like to implant among Frenchmen, especially youth, Yankee standards of culture."

Football part of the export of violence: After a long follow-up discussion on the growing danger to France of Americanization, the New Times article makes the scathing conclusion:

"The propaganda of hate and export of violence, even including such a sphere as sport, which for long was deemed a noble contest of strength and dexterity, have seemingly become the vital credo both of American business and the U.S. administration which is ready to cross out the words peace, friendship, cooperation even from the Olympic charter."

(Press Reports on Soviet Affairs are provided by AISI entirely from Soviet sources as a public service and are available without charge. Request to be placed on the mailing list should be addressed to AISI, 4330 East-West Highway, Suite 1122, Bethesda, Md. 20814. For further information on this Report, contact Morris Rothenburg at (301) 951-0818.)●

IRANIAN PERSECUTION OF BAHA'I CONTINUES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LANTOS. Mr. Speaker, I rise once again to express my outrage—and the outrage of all civilized humanity—at the continuing atrocities committed by the Iranian Government against the Baha'i religious minority.

Since the Khomeini revolution of 1979, the Baha'is have suffered one barbaric violation of their civic and human rights after another. This new round of atrocities only confirms the revulsion that all civilized people share toward the policies of the Iranian Government.

Since November 1983, the Iranian Government has jailed more than 200 Baha'is, this is in addition to the numbers that were jailed and executed earlier. These individuals are largely former elected officials of Baha'i organizations which were disbanded in early September 1983 in response to government decree. There are presently at least 550 Baha'is interned in Iran.

Moreover, a number of Baha'is have been executed in the past few months, including a young woman who had just given birth. The whereabouts and fate of the infant are unknown. Mr. Rahmatullah Hakiman, a former official in the Ministry of Agriculture, was arrested early this year and tortured before he was killed. Another Baha'i man was attacked and killed by a mob on November 19, 1983, in the village of Muhammadiyeh.

There are numerous reports of confiscation of the property, livestock, bank accounts, farms, and businesses of the Baha'is; expulsion of their children from school; torture to make them denounce their faith and espouse Islam; refusals to allow them to bury their dead according to their beliefs; and desecration of their cemeteries. Some imprisoned Baha'is have been promised release only after repaying all salaries earned in their lifetime, sometimes as long as 30 working years.

Together with the world community, we must continue to demand that the Iranian Government cease murdering and persecuting the Baha'is. How long must these peace-loving and law-abiding people suffer? How long will religious bigotry and persecution continue in Iran?

Mr. Speaker, I wish to commend those countries which have publicly condemned Iran for its actions against the Baha'is: Canada, Great Britain, West Germany, Australia, Luxembourg, the Netherlands, and Fiji. This pressure of other countries must continue, and we must persist in our determination to see an end to this disgraceful chapter of human history.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting on legislative matters during Tuesday, January 24 and Thursday, January 26. Had I been present, I would have voted in the following way:

TUESDAY, JANUARY 24

On a motion to agree to the House Journal of Monday, January 23, "yea."

On a motion to table a resolution directing the House Committee on Rules to undertake an investigation concerning the accuracy and protection of the CONGRESSIONAL RECORD, "nay."

On an amendment to H.R. 2615, Weatherization and Employment Act, that sought to prohibit use of funds unless expenditures would not increase the national debt, "paired for."

On an amendment to H.R. 2615 which sought to authorize the President to eliminate or reduce any authorization or appropriation made by this bill if he found that such action would aid in balancing the budget or reducing the public debt (line-item veto), "paired for."

On an amendment that authorizes $200 million for fiscal year 1985 to carry out the weatherization program; a reduction in the committee-passed bill, "aye."

On final passage of H.R. 2615, "paired no."

On a motion to dispense with Calendar Wednesday business of January 25, "no."

THURSDAY, JANUARY 26

On a motion to table a resolution directing the Rules Committee to undertake an investigation concerning committee proxy voting, "nay."

On final passage of H.R. 2714, Agricultural Productivity Act (organic agricultural research), "paired against."

On an amendment to H.R. 2900, NOAA authorization, that directs NOAA to notify Congress to wait for 45 days before contracting out any function or activity presently performed by Federal employees, "paired against."●

THE FEDERAL AGENCY DIET ACT OF 1983

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. STARK. Mr. Speaker, today I am introducing legislation to limit the amount of money that Federal agencies can spend at the end of the fiscal year. I think that, with a projected Federal deficit of about $200 billion, it is time to require a little extra fiscal responsibility by all departments, not just those involved in welfare and social programs.

My bill would allow agencies to spend not more than 20 percent of their appropriated budget in the last 2 months of the fiscal year, thereby reducing some of the wasteful expenditures that occur in September as bureaucrats scramble to unload excess funds before the fiscal clock runs out on them. The bill affects fiscal years 1985, 1986, and 1987. If successful, it can be made permanent.

I believe this bill will move us toward the best of both worlds, allowing the agencies to fulfill their responsibilities but reducing their unnecessary expenditures. Since the spending limit is not enforced until August, it should not affect the agencies most important projects which, presumably, are authorized early in the year. But, the 20 percent cap on the final 2 months should force a more careful analysis of yearend spending decisions and, hopefully, improve their quality. My bill is like a well-balanced diet for these departments, allowing them their meat and vegetables but cutting down on the french pastry at the end of the meal.

Mr. Speaker, on the last day of fiscal year 1983, I was surprised to receive six grant announcements worth $23.5 million for my Ninth Congressional District. While I am sure that those were all wise and good decisions, I was a little worried that that level of activity, multiplied by 435 congressional districts would produce some mistakes. I did some research on the situation, and I must say I was shocked at the scope of this last-minute grantsmanship.

The General Accounting Office report of July 18, 1980, entitled, "Government Agencies Need Effective Planning To Curb Unnecessary Year-End Spending" detailed the level of so-called September surges in spending for selected agencies in 1978 and 1979. They found that in September 1978, HUD spent 956 percent of their average monthly outlay for that year—9½ times their normal monthly expenditures for the first 11 months. The EPA shelled out 436 percent of their average monthly spending in the final fiscal month and the Department of the Interior had a September surge of 214 percent. In 1979, the three leading September surgers were the EPA at 526 percent, the Department of State at 510 percent and HUD at 317 percent. There is no way to dismiss these figures as merely chance fluctuation. Statistically, considering the variation in expenditures for the other 11 months, the odds are virtually nil for something like that to happen as a matter of course. There are clearly structural differences pushing September into a class apart from the other months, and the GAO analyzed some of the reasons for this abberation.

There is a strong incentive for agencies to make sure that they spend their whole budget allocation for two well-known reasons. Managers' success is judged more on their ability to spend the money given them than on the prudence of their allocations. And, of course, any money unspent by September 30 must be returned to the Treasury and may be lopped off their budget request for the next year.

The yearend spending frenzy leads to many forms of waste as planners hustle to get their contracts in on time. There are shortcuts taken in the regulatory process, inadequate negotiation of cost, and quality levels and a rash of noncompetitive contract awards. All this haste opens the Government to fantastic overcharging, intentional, or not, by the private sector, needlessly wasting revenue and overburdening the American taxpayer.

The GAO report makes many recommendations to agency planners to reduce yearend expenditures. I do not believe that legislation could force their implementation but I do think that reducing the opportunity for yearend splurges will force the planners to study those suggestions closely and seek ways to improve their efficiency. Instead of writing complicated regulations that the agencies will spend time and resources trying to evade, we should simply limit their budgets until they improve the quality of their expenditures.

We need to do this because, since that GAO report, there has been no improvement in the situation. The most visible proof of this was furnished by the Department of Defense which handed out 234 contracts, about six times their normal daily diet, worth $4.2 billion, on September 30.

Mr. Speaker, I hate to pick on the Pentagon again because I seem to have done so quite often in the past and I would not want them to think I hold any special enmity toward them. Nevertheless, they do have a reputation for sometimes being less that frugal and I have to believe that somewhere in that slew of sole-source contracts, contract modifications and face-value increases (which just happened to dry up their entire surplus) there was some opportunity for saving. I cannot believe that, had my bill been in effect last August, the Pentagon would have been unable to carry out their vital function of protecting our national defense. I do believe, though, that, if applied to the Department alone, my bill would have knocked some dollars off the Federal deficit.

Perhaps I am being a little unfair. Maybe some of those contracts were not whimsical wastes of money

dreamed up at the last minute to evade the horrifying prospect of returning some of the funds that were shoveled into their coffers last October. Maybe some of those projects were legitimate needs that were postponed until the end of the year when the planners could see that they had funds left over after satisfying their highest priority needs. Maybe. But it would be nice if the Pentagon looked a little harder at the projects it had managed to do without for the whole fiscal year and decided it could do without them for a little longer.

Mr. Speaker, this legislation is not a new idea. There have been other, similar, bills in the past but they have all quickly died from legislative inertia. I believe, though, that there has never been a more pressing time for Congress to act to reduce waste and mismanagement in the Government. My bill is obviously not a miracle cure that will evaporate the deficit overnight, but it is not snake oil either. It is a step toward improving the allocation of Federal funds, toward lightening the tax burden on our citizens and toward reducing the enourmous pressure placed on our economy by the ever-increasing Federal debt. I urge all my colleagues interested in fiscal responsibility to support this bill's passage.●

RESOLUTIONS OPPOSE WINTER NAVIGATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, 1983, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My congressional district borders a major connecting channel of the upper Great Lakes. Across my district, constituents remember all too well the attempts in the 1970's to extend the navigation season. The corps demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did, made it more apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constituents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation.

These people know the destruction of their waterfront property; the murderous impact on fisheries and submerged flora and fauna; the threat to wildlife populations; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred million dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituent's recent correspondence on winter navigation:

CITY OF PORT HURON, MICH.
January 12, 1984.

Re winter navigation.

Representative DAVID E. BONIOR,
Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BONIOR: Enclosed herewith is a certified copy of a resolution adopted by the City Council of Port Huron opposing winter navigation and urging removal of Section 1123 from H.R. 3678.

Sincerely,

JAMES A. RELKEN,
Mayor.

Councilmember Kemp offered and moved the following resolution for adoption:

RESOLUTION 22

Whereas, the City of Port Huron views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels; and

Whereas, such action would be unwarranted and unjustified because of the cost and the adverse effect of such navigation on the environment to the Great Lakes and its connecting channels and especially Lake Huron, the St. Clair River, Lake St. Clair and the Detroit River; and

Whereas, the Congress of the United States has before it legislation under H.R. 3678, Section 1123, to keep the Upper Great Lakes open for year-round shipping; and

Whereas, after a 1971-1979 winter shipping demonstration program, the Army Corps Board of Engineers for Rivers and Harbors determined that year-round shipping, at best, would have only marginal economic benefits; and

Whereas, year-round shipping would create an unreasonable risk of oil and/or chemical spills, endangering fish spawning and feeding areas and threatening the migratory wildlife of the region; and

Whereas, SEMCOG determined that the "Final Environmental Impact Statement, Great Lakes-St. Lawrence Seaway Extension Study," prepared by the U.S. Army Corps of Engineers, was inconsistent with Southeast Michigan's adopted water quality goals and objectives. Potential negative environmental impacts simply were not adequately identified or evaluated; and,

Whereas, although the negative environmental impacts that accrue would fall primarily to Michigan, the economic benefits realized by this state would be negligible; and

Whereas, the financial burden upon the taxpayers and the dangers to the Port Huron area environment are not to be offset by the supposed benefits to be derived from the proposed legislation.

Now, therefore, be it resolved that the City Council of the City of Port Huron continues to oppose the proposal for extended winter navigation and urges the United States Senate and the United States House of Representatives to seek the removal of Section 1123 from H.R. 3678.

MICHIGAN WILDLIFE HABITAT FOUNDATION,
Lansing, Mich., November 8, 1983.

Hon. DAVID E. BONIOR,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BONIOR: The Michigan Wildlife Habitat Foundation has resolved to oppose the extension of navigation on the Great Lakes until all pertinent environmental questions can be answered. It is inconceivable to us that anyone would recommend winter navigation proceed until the possible effects of this action can be determined through research.

The Great Lakes are an invaluable natural resource and something uniquely ours. Thus, it is our responsibility to protect this resource for future generations to use and enjoy. Any use of the Great Lakes system that would preclude future management alternatives would be unwise.

We implore you to use your good office to halt all proposed winter shipping until environmental studies can be completed and impacts known.

Sincerely,

DENNIS FIJALKOWSKI,
Executive Director.

AREAWIDE WATER QUALITY BOARD,
Detroit, Mich., October 5, 1983.

Hon. DAVID E. BONIOR,
U.S. Representative, Michigan 12th District, Longworth Office Building, Washington, D.C.

DEAR REPRESENTATIVE BONIOR: On November 9, 1979, Southeast Michigan's Areawide Water Quality Board, the 27 member monitoring and oversight committee created under the auspices of the Federal Clean Water Act, went on record opposing the Army Corps of Engineers' proposal for an extended winter navigation season on the Great Lakes. Specifically, the Board determined that the "Final Environmental Impact Statement, Great Lakes-St. Lawrence Seaway Extension Study," prepared by the U.S. Army Corps of Engineers, was inconsistent with Southeast Michigan's adopted water quality goals and objectives.

We wish at this time to express our continue opposition to the proposal for extended winter navigation which once again has surfaced in Congress. Potential negative environmental impacts simply have not been adequately identified or evaluated. We cannot subscribed a strategy of an after-the-fact assessment of impacts to Michigan's priceless water resources and valuable shorelands. And although the negative environmental impacts that accrue would fall primarily to Michigan, the economic benefits realized by this state and most others in the Great Lakes region would be negligible.

For the above reasons, we urge the Michigan Congressional Delegation to oppose Section 1123 of H.R. 3678, which would authorize extended winter navigation on the Great Lakes.

Thank you for this opportunity to express our concern.

Sincerely,

JAMES E. MURRAY,
Chair, Drain Commissioner,
Washtenaw County.

CHARTER TOWNSHIP OF
FORT GRATIOT,
Port Huron, Mich., November 21, 1983.

Representative DAVID BONIOR,
12th District, Michigan, Longworth Office Building, Washington, D.C.

DEAR REPRESENTATIVE BONIOR: Late, though this response may be, the Board of Trustees of the Charter Township of Fort Gratiot, St. Clair County, Michigan, unanimously adopted a motion to go on record as opposing any bill or form of legislation that would permit and/or encourage winter navigation on the St. Clair River.

We, too, feel that the costs at this time, are unwarranted. We don't know what the full ecological impact might be or the probable damage to river front facilities. If the time should come that all the available shipping was in use during the warmer months and this proved inadequate to supply the industries concerned; we would possibly reconsider our position. Until that time, however, we are opposed to such action.

Sincerely,

MAURICE J. FOLEY,
Supervisor.

RESOLUTION 83-50, OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the St. Clair County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels.

Now therefore, be it resolved by the St. Clair County Board of Commissioners speaking on behalf of all county citizens as follows:

That by these Presents, the St. Clair County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months.

Be it further resolved: That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.●

FRANKLIN TOWNSHIP'S OUTSTANDING CITIZEN OF THE YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. FLORIO. Mr. Speaker, Mr. Speaker, I am pleased to inform my colleagues of the selection of Mrs. Kathleen Burns as Franklin Township's outstanding citizen of the year by the Veterans of Foreign Wars Franklinville Post and Auxiliary. Honored for her outstanding contributions to her community, Mrs. Burns was praised by Past Commander Frank Joas for her drive and good humor and her ability to accomplish all that she sets out to do. I would like to commend Kathleen Burns for her invaluable contributions to Franklin Township and to invite my colleagues to join me in congratulating her.

Mrs. Burns is a true asset to her community. A past PTA president, Kathleen Burns has been active in the schools of her community demonstrating a constant willingness to help out whenever she is needed. As a bus driver for the Recreation Commission, she has brought joy to the lives of many youngsters. She has given of herself unselfishly as both a member of the Franklin Ambulance Corps and as the cochairman of its fundraising committee. Through her work with the Ambulance Corps, she has demonstrated her undivided devotion to public service by helping provide the necessary emergency service to the sick and the elderly of her community. Not only has Mrs. Burns been active in the PTA and the Ambulance Corps, but she has also taken time from her busy schedule to participate in Franklin Township's Little League as a parent, a coach, and an umpire. This woman of many talents has shown her strength of character and her bright personality in all of her undertakings. She is well deserving of the honor of being named "Outstanding Citizen of the Year" by the VFW.

Mrs. Burns was presented with the honor and with a certificate and check by the Veterans of Foreign Wars at a reception attended by State Senator Dan Dalton and Franklin Township Mayor Astor Giovinazzi, as well as the membership of the Franklinville Veterans of Foreign Wars and the Ladies Auxiliary. I would like to join these well-wishers and extend my congratulations to Kathleen Burns. I am certain that she will continue to pursue her endeavors with the same commendable devotion that she has demonstrated consistently in the past.●

THE SOCIAL SECURITY NOTCH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. ROYBAL. Mr. Speaker, over the past 10 weeks I have received over 1,500 letters, calls, and petitions from 42 States concerning the inequities of the social security notch. What this overwhelming public response demonstrates is the great concern older Americans have over Congress apparent willingness to quietly accept reductions in benefit levels for the average 65-year-old of 10 percent in 1 year and 21 percent by 1985.

On October 5, 1983, I introduced H.R. 4093 as a comprehensive solution to eliminate the inequitable notch in the current benefit formula and create a fairer transition from the old overindexed system to the current one. Before Congress adjourned in November, 35 Members from 15 States and both political parties had cosponsored this legislation. Since that time, 15 more Members have been added to the bill, bringing the total cosponsorship to 50.

Although the notch issue is controversial, it is important to now demonstrate that Congress is concerned with equity and fairness both for beneficiaries as well as the taxpayer. I will continue to advocate this solution to the notch unless or until a better solution emerges.

I think nothing can speak more eloquently about the disappointment—and even the outrage—of older Americans than their own words. With their permission I ask that the following correspondence be reprinted:

ORLANDO, FLA.

I am one of those conscientious and fortunate Americans that had been fully employed from the ages of 16 to 64. During all of those years, I paid my Social Security taxes as required.

I have just found out that as my reward from Social Security and Congress, because I was unfortunately born in the year 1917 which is one of the "notch years" for Social Security recipients, I am receiving less Social Security payment than others with comparable working years.

I wish to register my dissatisfaction with this state of affairs.

If there is anything you can do to help in the correction of this gross injustice, I would be greatly appreciative.

ROSE KELLMAN.

SHERMAN, OAKS, CALIF.

I, like millions of others, have learned about the Social Security "tampering" for persons reaching age 62 after 1978.

This can't happen here, this is America, "the land of the free and the home of the brave"—but it did happen here, and the American people, of course, found out.

The government is so terribly concerned about taxpayers cheating on their taxes,

young men who refuse to register for the draft, etc.

Now we find out about the well-kept secret, that certain age groups will not get their full benefits, due to a secret technicality of our lawmakers, the very persons we did trust to be fair and impartial.

As Emerson once wrote, "when you have lost confidence, there is nothing more to lose."

No, it doesn't affect me personally. I was born in 1904, but I am outraged that this "loophole" exists.

VERLA M. NEAL.

FAYETTEVILLE, ARK.

Thank you for introducing bill H.R. 4093 in the interest of persons who reached age 62 after 1978 and who receive a much lower benefit from Social Security than a person with an identical wage history who reached age 62 in an earlier year.

The present inequity is very discouraging after working 35 to 40 years or more and finding that your benefits have been cut. Please do all you can for us in the "notch" years.

ELISABETH N. SANFORD.

WALLINFORD, CONN.

Congress appears to be dragging its feet regarding the continuing controversy relating to the so-called "notch years" (1917-1921) under the Social Security Program whereby a person born during these years is receiving as much as $110 less in their monthly benefits as those born prior to 1917. I find it difficult to understand, as well as many others, that a worker born on December 31, 1916 and another born on January 2, 1917, and whose earnings have been the same in every year, could have such a difference. This difference is a slap in the face to senior citizens who live on a fixed income and are finding it difficult to make ends meet. These same senior citizens made this country what it is, many served in World War II and make up the major corps of responsible adults who get out to vote.

IRENE SUNDAY.

LARKSPUR, CALIF.

It is not fair when you have two people retired and living on Social Security and knowing that different benefits are being received.

I do hope that Congress will get into action and reform a new bill to help those in this age group to lighten their twilight years.

ROSE M. ZAVAGNO.

ALGER, MICH.

The years of 1917 thru 1921 have become known as the notch years. I have visited my Social Security office several times, and have yet to receive a logical answer why people born in those years receive up to $100 per month less than those born in 1916, 1915, etc. The one case that I have compared relates to my life-long friend and co-worker. We were in the same trade, earning yearly comparable pay all the years until retirement. The only difference is he was born in 1916 and retired one year earlier than I, and he receives $89 per month more than I do. All other present and past circumstances were the same at retirement. Obviously, as the laws have been changed over the years, this must have been an oversight and I'm sure that you must agree that this type if discrimination cannot be tolerated.

My Social Security check is my only source of income and with the heavy property tax burden we carry it cuts our disposable income to almost zero after the necessities of life. I live in a retirement community and have heard of many cases such as mine.

JOHN E. MCCORMAC.●

REALTORS AND HOMEBUILDERS SUPPORT MORTGAGE REVENUE BONDS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. KOSTMAYER. Mr. Speaker, on December 31, 1983, the authorization for the mortgage revenue bond program expired. This program allows State and local governments to issue tax-exempt bonds to raise capital to finance the construction and purchase of single family homes.

The mortgage revenue bond program has played an important role in the recent recovery in the housing and homebuilding industry. In meetings over the winter recess, Mr. Speaker, I met with representatives of both these groups, and this point was driven home.

The Tax Reform Act of 1983 which we were to consider in November contained an extension of the revenue bond tax provision. Unfortunately, the effort to bring this important legislation to the floor was defeated.

Because there is now no authority for the issuance of tax-free mortgage revenue bonds, it is vital we get this legislation to the floor and passed.

In Pennsylvania, the single family program under the Pennsyvlania Housing Finance Agency was begun in 1982. So far the State has issued $380 million of mortgage bonds benefiting some 8,000 homeowners. Local governments have issued another $75 million in bonds, providing another 1,800 mortgages.

The mortgages this program generates are targeted at those who need financial assistance most. In Pennsylvania, the average income of those benefiting is $23,000, and the average home cost is $40,000.

The Governor's office, which strongly supports extension of the tax exemption, estimates that 3,700 construction jobs in Pennsylvania have been created paying $67 million in wages, which in turn have generated $5.6 million in State and local taxes.

In Bucks County in the Eighth Congressional District, mortgage revenue bonds have yielded $10 million in mortgages for some 250 families, all of whom were first time home buyers.

Mr. Speaker, the housing industry is a vital part of our economy. The realtors and homebuilders in Bucks and Montgomery Counties in Pennsyvlania are strongly supportive of this program which provides the means for more Americans to purchase their own homes.

I urge all my colleagues to join me in supporting extension of the mortgage revenue bond program.●

APPROPRIATIONS FOR FISCAL YEAR 1984: THE ADMINISTRATION VERSUS THE CONGRESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. STARK. Mr. Speaker, the score card on legislation affecting women is now in for the first half of the 98th Congress.

On the one hand none of the priority legislation on women's agenda passed during the first half of the 98th Congress. But on the other hand, I am happy to note that the Congress voted in most cases to increase funding or to appropriate the same amount as had been appropriated in fiscal year 1983 for programs affecting women. And in many cases, increased funding by a percentage significantly greater than the rate of inflation.

I would also like to highlight the fact that the Congress rejected all administration proposals to eliminate, or to subsume in block grants, categorical programs of special importance to women. As we all know block granting is synonymous with reducing funding and eliminating programs.

The Women's Research and Education Institute has prepared a convenient table showing what Congress allocated for programs of significant importance to women, based on the appropriation's bill for the Departments of Labor, Health and Human Services and Education—Public Law 98-139. I would like to share the contents of this summary with my colleagues.

The table and notes are as follows:

NOTES ON THE TABLE

INCOME SECURITY AND SOCIAL SERVICES

Aid to families with dependent children (AFDC)

*Note: Four out of five families receiving AFDC are headed by women in poverty. The Administration's request reflected the savings it anticipated from its proposals to: make "workfare" mandatory; end the parent's benefit when the youngest child reaches 16; include all related adults and children in the AFDC assistance unit; and adjust payments for shelter and utility costs in shared housing. Congress has adopted none of these proposals.

Supplemental security income (SSI)

*Note: Because of the way the SSI benefits payment schedule worked out, the FY 84 appropriation was to cover 11 months; the FY 83 appropriation covered 13 months.

Child support enforcement

*Note: Amounts shown on table are program level funding, that is, they include advance funding appropriated in the previous fiscal year.

Social services block grant

*Note: The Administration not only requested less funding for this block grant, which is a major source of support for child day care services, but expressed the view that the funds could be used to provide legal services as they planned to eliminate the Legal Services Corporation. Congress has, however, not only maintained this block grant at its FY 83 funding level, but has also appropriated $275 million for the Legal Services Corporation for FY 84.

Community services block grant

*Note: This is an anti-poverty grant to the states for the purposes of promoting self-sufficiency for poor people, providing emergency food and nutrition services, coordinating pulbic and private social services programs and encouraging the use of private-sector entities in anti-poverty activities. The Administration wishing to kill this block grant requested less than $3 million. In light of the growing documentation of poverty, the Congress rejected the Administration's proposal.

HEALTH

Nursing training programs

*Note: The Administration proposed eliminating Professional Nurse Traineeships, Nursing Research Grants and Nursing Fellowships in FY 84. Congress rejected this proposal with respect to Traineeships and Research grants. Nursing Fellowships are funded under the continuing resolution (at $960,000) pending reauthorization, and are not included in the table.

Title X family planning

*Note: The Administration sought to eliminate the program and requested no appropriation for Title X Family Planning in fiscal year 1984. Instead it proposed combining this program and several other categorical programs in a block grant to the states. Congress has not adopted the block grant proposal.

EMPLOYMENT

Job Training Partnership Act (JTPA)

*Note: JTPA was designed to establish programs that lead to the unsubsidized employment of youth and unskilled adults. In general the appropriations reflect the Administration's requests for programs funded under JTPA. However, no comparison can be made as Congress appropriated funds for 9 months more than the Administration's budget reflected.

Senior community service employment program (SCSEP)

*Note: This program provides part-time employment to economically disadvantaged older persons, a group in which women heavily predominate. The Administration had proposed to combine this program with general social services and meals for the elderly. Congress has not adopted this proposal.

Work incentive program (WIN)

*Note: The objective of this program is to assist welfare recipients to secure employment and get off welfare. Women are 75 percent of WIN participants. Congress has rejected the Administration's proposal to end the WIN program in fiscal year 1984.

EDUCATION

Women's Educational Equity Act (WEEA) grants

*Note: This is the only Federal program targeted toward improving educational equity specifically for women. Priorities for WEEA grants include promoting compliance with Title IX (to end sex discrimination in education). Congress has not only consistently rejected Administration proposals to abolish this program but also has expressed concern about administrative changes in the program that suggest a lack of understanding of and commitment to WEEA goals.

Title IV (of the Civil Rights Act) training and technical assistance

*Note: Title IV helps states and localities comply with Federal non-discrimination laws pertaining to race, sex and national origin. Congress has refused to adopt the Administration's proposal to eliminate funding for this activity in fiscal year 1984.

Vocational and adult education

*Note: The program requires states to earmark funds for promoting sex equity in vocational education. The Administration proposed consolidating vocational and adult education funds in a "simplified" block grant to the states, and substantially reduce funding from the FY 83 level. Congress rejected this proposal.

Financial assistance for students—Selected programs

Pell Grants: Women have been the majority of Pell grant recipients which provides grants to undergraduate students who demonstrate financial need. The figure shown as the "Administration request" for Pell grants actually represents its request for "Self-help" grants, with which it proposed to replace Pell grants. Self-help grant recipients would have been required to contribute 40% or $800 annually (whichever was more) to the cost of thier education as a condition of receiving a grant. Congress has rejected this proposal, and has also raised the maximum Pell grant from $1,800 to $1,900.

Supplemental education opportunity grants (SEOGS)

*Note: The Administration proposed eliminating SEOGs in FY 84, which provide grants to undergradute students who demonstrate exceptional financial need. Women predominate among SEOG grantees. Congress did not accept this proposal.

Guaranteed student loan program

*Note: The Administration's request reflected the savings it expected from its proposals to require all undergraduate, graduate and professional students to demonstrate need and to double the loan origination fee (to 10%) for graduate and professional students. Congress did not adopt these proposals.

Fellowships for graduate and professional study (GPOP's)

*Note: These fellowships are targeted for students from groups, particularly minorities and women, who are underrepresented in graduate and professional study. Congress rejected the Administration's proposal to eliminate this program.

[Dollar amounts in millions]

	Fiscal year 1984 appropriation (Public Law 98-139)	Fiscal year 1983 comparable appropriation	Fiscal year 1984 administration request	(Percent difference) Fiscal year 1984 appropriations compared with—	
				Fiscal year 1983	Administration request
Income security and social services:					
Social security trust funds*	$521.2	$2,155.2	$838.6	NA	NA
AFDC benefits	6,914.0	7,291.2	*5,900.4	−5.2	+17.2
SSI	8,339.0	8,543.6	7,851.5	(*)	+6.2
Low-income energy assistance	1,875.0	1,975.0	1,300.0	−5.1	+44.2
Child support enforcement	*607.0	*471.0	*416.5	+28.9	+45.8
Social services block grant	2,675.0	2,675.0	*2,440.0		+9.6
Community services block grant	352.3	384.1	*2.8	−8.3	(*)
Programs for the elderly:					
State agency on aging activities	21.7	21.7	19.9		+8.8
Supportive services and centers	240.9	240.9	240.9		
Nutrition:					
Congregate meals	321.6	319.1	290.9	+.8	+10.5
Home delivered meals	62.0	62.0	58.2		+6.7
Health:					
Health care trust fund (medicare)	17,682.0	15,347.0	17,291.0	+15.2	+2.3
Medicaid grants to States	15,568.1	14,794.5	15,632.0	+5.2	−.4
Maternal and child health block grants	399.0	478.0	335.0	−16.5	+19.1
Nurse training programs	*51.2	*47.6	13.2	+7.6	+286.9
Title X family planning	140.0	124.1	*124.1	+12.8	+12.8
National Institutes of Health—All*	4,207.4	3,761.5	3,822.1	+11.9	+10.1
Selected NIH's of interest to women:					
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	442.5	393.5	406.5	+12.5	+8.9
National Institute of Child Health and Human Development	265.0	244.9	247.3	+8.2	+7.2
National Institute on Aging	112.3	91.6	97.2	+22.6	+15.5
Alcohol, drug abuse and mental health block grant	462.0	469.0	430.0	−1.5	+7.4
Adolescent family life program	14.9	13.4	16.3	+11.6	−8.6
Employment:					
Job Training Partnership Act (total)*	6,399.0	3,980.7	3,573.5	NA	NA
Oct. 1, 1983 to June 30, 1984	2,793.8			NA	NA
July 1, 1984 to June 30, 1985	3,605.2			NA	NA

	Fiscal year 1984 appropriation (Public Law 98-139)	Fiscal year 1983 comparable appropriation	Fiscal year 1984 administration request	(Percent difference) Fiscal year 1984 appropriations compared with— Fiscal year 1983	Administration request
Selected JTPA programs of interest to women:	3,300.8	2,180.7	1,886.2	NA	NA
Block grants to States	1,414.6			NA	NA
Oct. 1, 1983 to June 30, 1984	1,886.2			NA	NA
July 1, 1984 to June 30, 1985	1,449.1	824.5	724.5	NA	NA
Summer youth programs	724.5			NA	NA
Oct. 1, 1983 to June 30, 1984	724.5			NA	NA
July 1, 1984 to June 30, 1985	317.2	110.0	223.0	NA	NA
Dislocated worker assistance	94.2			NA	NA
Oct. 1, 1983 to June 30, 1984	223.0			NA	NA
July 1, 1984 to June 30, 1985	105.6	70.4	60.4	NA	NA
Migrants and seasonal farmworkers	45.3			NA	NA
Oct. 1, 1983 to June 30, 1984	60.4			NA	NA
July 1, 1984 to June 30, 1985	992.4	618.0	553.2	NA	NA
Job Corps	414.9			NA	NA
Oct. 1, 1983 to June 30, 1984	577.5			NA	NA
July 1, 1984 to June 30, 1985	107.9	108.2	54.7	NA	NA
National activities	46.3			NA	NA
Oct. 1, 1983 to June 30, 1984	61.7			NA	NA
July 1, 1984 to June 30, 1985	317.3	319.4	*277.1	−.6	+14.5
Senior community service employment program	270.8	270.8	0		(*)
Work incentive program					
Education:	995.8	912.0	974.3	+9.2	+2.2
Head Start	3,480.0	3,200.4	3,014.0	+8.7	+15.5
Chapter 1 compensatory education	5.8	5.8	0		(*)
Women's Educational Equity Act	24.0	24.0	0		(*)
Title IV training and technical assistance	831.3	816.5	*492.8	+1.8	+68.7
Vocational and adult education	3,976.9	3,617.8	3,517.8	+9.9	+13.0
Financial assistance for students (total)					
Selected programs:	*2,800.0	2,419.0	*2,713.8	+15.7	+3.2
Pell grants	370.0	355.4	0	+4.1	(*)
SEOG's	550.0	590.0	*800.0	−6.8	−31.3
College work study	*2,256.5	3,100.5	*2,047.1	−27.2	+10.2
Guaranteed student loans	11.0	10.0	0	+10.0	(*)
GPOP's	49.4	44.9	42.1	+10.1	+17.4
Office of Civil Rights/Department of Education					

FLORIDA FOOTBALL IS NO. 1

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LEWIS of Florida. Mr. Speaker, there can be little doubt, considering the achievements of the past year, that football in Florida is No. 1 in the United States. To support that claim, the Sunshine State can point to a collegiate national championship team, which lost its only game to another Florida university, the bowl game victories of all three of its football-playing universities, and the selection of nine Florida players to Parade's All-America High School Football Team.

I am especially proud, because three of my constituents were named to the Parade magazine team, which is widely recognized as the top honor in high school football.

Cleveland Gary, a 6 foot, 1 inch, 210-pound running back from South Fork High School in Stuart; Wycliffe Lovelace, a 6 foot, 2 inch, 212-pound linebacker/defensive end from Clewiston High School in Clewiston; and Rhondy Weston, a 6 foot, 6 inch, 240-pound lineman from Glades Central High School in Belle Glade have made their communities, their counties and the 12th Congressional District of Florida very proud.

These three seniors have distinguished themselves through hard work, dedication, and preparation. Their schools' fans will long remember the excitement and thrills these fine young men provided them during their high school careers. We all will cheer for their future successes, both on the playing field and in life.●

GROWING SUPPORT FOR MINIMUM AGE DRINKING LAW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. LENT. Mr. Speaker, we are all aware of the national problem of drunk driving, the thousands of lives it claims each year, and the recent growing efforts of the public to combat this crime. For too long, the crime of drunk driving has gone relatively unpublicized, the victims merely reported as statistics, and punishment for the perpetrators virtually nonexistent. At last, that sorry situation is changing.

I am greatly encouraged by and pleased to share with my colleagues a report of the civic efforts on the part of the Jericho, N.Y., Public School District to reduce the number of drunk-driving deaths. The establishment of a new chapter of SADD (students against drunk driving) in the Jericho Public School District has been a catalyst for a variety of worthwhile projects to insure public awareness of this national problem and save lives.

Three committees have been formed by students and concerned school officials to target both the students and townspeople of Jericho. These committees are designed to educate the public through meetings and flyers by providing indepth coverage of the problem itself, along with a wide range of steps which may be taken to reduce the numbers of drunk-driving incidents. I congratulate the participants in this impressive civic effort.

This local action within the Fourth Congressional District of New York, which I have the honor to represent, is an outstanding example of the broad public support, even among our youth, for expeditious action to effectively deal with one of the major, and most senseless, causes of death in this country; drunk driving. This is a national disease and we in Congress have the cure. I call upon my colleagues to join me in sponsoring and supporting H.R. 3870, a bill to establish a minimum drinking age of 21. States which have adopted this minimum have significantly reduced the number of drunk-driving fatalities. We must not read the tragic statistics of drunk-driving deaths, instead we must listen to those statistics, to the voiceless victims who tell of an injustice so great that it claims approximately 29,000 people each year.

I urge my colleagues to make the efforts of the citizens of Jericho, and others like them around the country, worthwhile. Please join me in supporting legislation to reduce the number of drunk-driving fatalities and insure the safety and well-being of our traveling public.●

REFORM THE MEDICARE REIMBURSEMENT SYSTEM

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. FRANK. Mr. Speaker, I am today introducing legislation to reform the medicare reimbursement system with regard to the method of payment used for Certified Registered Nurse Anesthetists [CRNA's]. The purpose of this bill is to provide for an efficient and cost-effective method to pay for the provision of anesthesia services to our Nation's elderly who need surgical services. While narrow in scope, the purpose of the bill goes to the heart of our recent attempts to make medicare a more efficient yet fully accessible program for our nation's elderly.

On April 23 of this year the President signed into law the Social Security Amendments of 1983, Public Law 98-21, which created a new system for paying hospitals. This system is the prospective payment system with payments based on diagnostic-related groupings [DRG's] of patients. This new law is clearly the first major reform which has taken place in medicare since it was enacted in 1965. I am very supportive of its purposes. There are, however, still areas where the legislation may result in the quality of care being reduced or more costly types of care being provided. It is these areas which Congress must watch closely. Anesthesia services are one of these areas.

Under the prospective payment system, all services to hospital inpatients, except physician services, are paid for under a fixed price per case. Physician services, however, are billed under part B. This is a separate system where the physician submits bills to the patient or, through assignment, to medicare directly. The physician is then paid on the basis of reasonable charges for his services, even where these services are provided to hospital inpatients.

In certain areas of health care, services ordinarily are performed by physicians but are also provided by nonphysician personnel. In these cases the system provides an unfortunate incentive for hospitals to replace services provided by nonphysician professionals with those provided by physicians on a more costly basis. This incentive exists because the hospital receives a fixed price per case irrespective of which professionals are involved in providing the service. And under this system hospitals can effectively get these services for free when a physician provides the service because the physician gets paid directly whereas the hospital must pay the nurse anesthetist out of its fixed rate payment.

Anesthesia has been administered in this country by certified registered nurse anesthetists for many years. Anesthesia is also administered by physicians, generally anesthesiologists. There are presently 18,000 practicing CRNA's and nearly that number of anesthesiologists. The geographic distribution of the two professions is somewhat different with CRNA's being the predominent provider of service in rural areas. Of the 18,000 CRNA's in practice, approximately 11,000 are employed by hospitals and somewhat more than 1,000 are self-employed but have contractual relationships with hospitals. Both of these categories of CRNA's receive payment for their services under the medicare system through the hospital. Between 5,000 and 6,000 CRNA's are employed by physicians and thus paid through part B of medicare. This form of physician and nonphysician relationship is somewhat unique.

In recognition of this uniqueness, the Health Care Financing Administration, in its September 1 regulations implementing the prospective payment system, has provided on an interim basis that physicians who employ CRNA's may continue to bill for their services under part B of medicare during the 3-year transition period for the prospective payment system. This temporary provision is intended to enable full utilization of nurse anesthetists. If hospitals let go of their nurse anestehtists as a result of the new incentives, some of them can now be picked up under this provision by physicians.

In a measure with similar purposes of encouraging the use of CRNA's and discouraging substitution by physicians, the House Ways and Means Committee recently adopted an amendment which awaits action on the House floor. This proposal would pass the costs of CRNA's incurred by hospitals during this 3-year transition period and enable hospitals to be paid on a cost basis for the costs of employing or contracting with CRNA's. Again without this provision, there would have been an incentive to overutilize physicians and underutilize CRNA's.

All of these provisions are aimed at neutralizing the incentive to use physicians instead of nonphysicians during the transition period while Congress and the administration grapple with the broader issue of how to pay for physician and nonphysician services to hospital inpatients under the prospective payment system. These interim provisions will go a long way toward neutralizing these incentives. Certain problems, however, still remain.

These provisions will expire at the end of the transition period in 1986. The Ways and Means proposal will help resolve the nurse anesthetist reimbursement problem. It does so, however, by establishing an unfortunate precedent of creating a cost passthrough for these services. It is exactly this approach that the prospective payment system seeks to get away from. The HCFA regulations also provide some interim relief by allowing physicians who already pay for some CRNA's to pay for more of them if the hospitals terminate them. But anesthesiologists who do not now employ CRNA's may not expand to this area of practice. In rural areas, CRNA's may be unable to find a qualifying anesthesiologist with the result that these areas may no longer benefit from CRNA services. So, clearly, current proposals are only interim and limited at best.

My legislation provides another alternative. This legislation would pay CRNA's directly under medicare part B. The result of the legislation would be that both anesthesiologists and CRNA's would be paid under a similar system, and there would be no financial incentive for hospitals to utilize one professional rather than the other. Under this legislation, CRNA's could be self-employed, employed by physicians, or by hospitals with the payment made in either case directly to the CRNA under part B. The payment rate would not be based on a fee-for-service arrangement generated by individual professionals but rather determined by the Department. A number of alternatives are possible for the Department including the use of a fixed price per case based on the type of diagnosis or procedure. I do not expect that the system to be developed will cost any more than the pre-DRG payments for CRNA services.

Nothing in this legislation changes existing requirements that relate to supervision by operating room physicians. Nothing in this legislation affects the employment or professional relationships of CRNA's. This legislation would encourage team practice, practice between CRNA's and anesthesiologists, for without such amendments, in 1987 the prospective payment law would essentially prevent physicians from employing CRNA's. At that time, physicians will no longer be reimbursed for CRNA's whom they employ. Thus, it is likely that this type of interdisciplinary group practice will diminish dramatically.

It is important to note that direct reimbursement is not a unique phenomenon with respect to CRNA's. Over 30 percent of the Blue Cross plans reimburse CRNA's directly. There are eight States that reimburse CRNA's directly through medicaid programs. Fifty-seven percent of private insurance plans surveyed indicate they can provide direct reimbursement to CRNA's for anesthesia services. Such reimbursement is also available under the CHAMPUS program cover-

ing active and retired military personnel and their dependents.

Medicare reimbursement was originally designed to conform with existing private insurance plans. Since the enactment of medicare, those plans have changed dramatically so that many private insurers make direct payments to a number of licensed health professionals. Medicare has been recently amended to reflect the current needs for hospital cost containment and should be further modified to insure that medicare reimbursement to health professionals conforms with current trends in nonmedicare programs such as Blue Cross and CHAMPUS.

The major arguments made against nonphysician direct payment is that it may be hard to administer, result in poor quality care, or cost too much. For the following reasons these arguments are irrelevant to this question of direct payment to CRNA's.

First, CRNA's provide a discrete, easily identifiable service which is presently listed separately as a charge under private plans and appears separately as a part of physician's service under part B of medicare. To administer a direct reimbursement program for CRNA's is therefore quite simple.

Second, CRNA's must always practice under a physicians supervision. In addition, hospitals also exercise quality control through their review of hospital privileges.

Third, CRNA's cannot influence the demand for their services since it is the physician who decides to perform surgery.●

H.R. 4616

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. GORE. Mr. Speaker, I am delighted to join with Congressman GLENN ANDERSON to introduce H.R. 4616 a bill to improve child passenger safety.

Over the last three decades we have seen the death rate for preschool children decline by 53 percent. Virtually all of this decline resulted from a 62-percent reduction in death rates from medical illness. In contrast, the rate of child passenger deaths remained unchanged. Highway death is the only major cause of death for these children that has not declined. In fact today it is the single leading cause of death of children. For this reason I believe we must immediately recognize that highway deaths and injuries are the number one public health threat that all our children face.

The bill we are introducing provides a program to meet this challenge. It encourages each State to combine their wisdom and expertise in administering programs within their State to put forth a child passenger safety program that will work best in that individual State.

Last session I introduced the bill H.R. 3483, the Child Highway Safety Act. While I continue to believe the concepts embodied in that legislation are those that we must ultimately strive for, H.R. 4616 represents an important first step on that road.

The Federal Government's interest in protecting the Nation's children has a long and successful history. Federal dollars have been well spent for State programs in maternal and child health, nutrition, primary care, and immunizations. The combined Federal/State programs in these areas have resulted in the significant decline of deaths due to medical illness I cited earlier. We must now turn our attention to motor vehicle safety and put an end to the senseless and easily preventable tragedy of so many of our children needlessly dying on our highways.

I have a special interest in this legislation for two reasons: First, as a father of four young children I have a special empathy for families who have had to suffer the death or crippling injury to a child involved in a motor vehicle accident; and second, this bill builds upon the hard work of many of my fellow Tennesseans, as Tennessee was the first State to enact a law requiring the use of child safety restraints 7 years ago. I particularly would like to note the efforts of Dr. Robert Sanders, Dr. Sam Carney, Dr. Ed Caldwell, and Mr. Edward Casey. Mr. Casey of Nashville, Tenn., first had the idea for a child passenger safety law back in 1975. Dr. Robert Sanders of Murfreesboro, Tenn., with the help of his wife Pat and Drs. Carney and Caldwell, worked tirelessly to see that vision realised.

Through an act that has truly demonstrated unique dedication, they have taken Mr. Casey's idea and today deserve the thanks of all of us for the great strides that have been made. Because of the overwhelming success of Tennessee's child highway safety law, 40 other States plus the District of Columbia have passed similar laws mandating the use of child restraints by preschool children.

Hearings on this legislation will be held before the Subcommittee on Surface Transportation following the February district work period. I am hopeful and optimistic that with the broad, bipartisan support this legislation enjoys, it can become law before the end of year.●

HAS THE ARMS RACE BEEN ONE-SIDED?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. HAMILTON. Mr. Speaker, Last November 22, Defense Secretary Caspar Weinberger wrote an article for the Washington Post entitled, "We Must Not Be Paralyzed by Fear." The article was written in response to the TV production "The Day After," which dramatized the effects of a nuclear war. Secretary Weinberger said in his article that, while in the face of the Soviet nuclear buildup we must improve our existing forces, this does not mean we are seeking to increase our nuclear arsenal. The Secretary also observed that, for the last 15 years, there has been a one-sided arms race: A race the United States has not entered.

I was moved by Secretary Weinberger's thoughtful article to write to him to ask a number of questions about the Soviet military buildup. Just shortly before the Secretary's article was written, the Joint Economic Committee released the CIA's latest revised estimates of Soviet military spending. Secretary Weinberger and other Pentagon officials have frequently referred to the rapid Soviet military buildup and the fact that it failed to slow down in the 1970's despite reduced levels of military spending by the United States. But the recent CIA estimates show that the growth of Soviet defense spending did slow down in the 1970's. It went from a 4–5 percent annual rate of growth in the first half of the decade to a 2-percent growth in the second half. Further, Soviet spending for military procurement leveled off in the period 1977–81, according to the CIA.

My purpose in writing to Secretary Weinberger was to find out how the new estimates may have influenced Defense Department assessments of the Soviet military buildup. It is obvious from his response to my letter that the CIA's latest estimates are being incorporated into the Defense Department's assessments, as they should be. One of the points made by Secretary Weinberger is that, in the period 1976 to 1981, Soviet military investment grew at an average annual rate of 2–3 percent in dollar cost terms compared to a 5.8-percent rate for the United States. In response to my first question, it is stated that U.S. spending for strategic forces grew at an average annual rate of 5–6 percent during that period, while Soviet costs of strategic forces did not grow at all. Elsewhere, he observes that the Soviets have, in the past, spent far more for defense than we have and that the

United States has been reducing the size of its nuclear arsenal in constrast to the Soviet Union which has been enlarging its nuclear arsenal. In closing his letter, the Secretary states:

The most recent trends may be grounds for some encouragement, but they do not provide any basis for diminishing our own efforts.

It is clear from his letter that the Defense Department has not changed its basic assessment of Soviet military power. But it is also clear that the Defense Department accepts the latest CIA estimate of a slowdown in the rate of growth of Soviet military spending.

Secretary Weinberger's letter contains much useful information and is worth careful study. I request unanimous consent to have inserted in the RECORD at the close of my remarks the article from the Washington Post, November 22, 1983, entitled, "We Must Not Be Paralyzed by Fear," my letter to the Secretary dated November 23, 1983, and Secretary Weinberger's response dated January 13, 1984.

[From the Washington Post, Nov. 22, 1983]

WE MUST NOT BE PARALYZED BY FEAR

(By Caspar W. Weinberger)

Millions of Americans have been frightened, angered, horrified or simply drained by a vision of life "The Day After" a nuclear war. They have come face to face with the terrible reality that I, as secretary of defense but also as a father and grandfather, must live with every day. And they are asking themselves—I hope they are asking themselves—what we as a nation can do to make sure television drama never turns into real life.

We must never become numb to the horror of nuclear weapons. There could be no "winners" in a nuclear war. As President Reagan has said on many occasions, and just recently reaffirmed before the Japanese Diet. "A Nuclear war can never be won, and must never be fought."

But neither can we afford to become paralyzed with fear. It is not, tragically, within our power to put an end to the knowledge that could put an end to us. We cannot banish the discoveries of nuclear physics; neither can we leave these discoveries to other nations which may be less appalled by their prospect.

The ABC film did not try to take us into the minds of the Soviet leaders. And in fact we cannot know if those leaders share our vision of nuclear disaster, or how long they will be leaders. What we do know is that over the past two decades the Soviets have developed more, and more powerful and accurate, nuclear weapons than they could possibly need simply to deter attack. And, with the refiring capability of their weapons, which we do not have, and judging by their extensive military literature on the subject, it appears that they believe a nuclear was can be fought and won. I only wish the Soviet leaders would allow their citizens to see a film like "The Day After."

If we cannot return to the world that existed before the secret of the atom was unlocked, and if it appears that the Soviets do not share our conviction that nuclear war is unwinnable, how can we make certain that these terrible weapons are never used?

Every American president since the dawn of the nuclear age has answered this question in the same way: We must convince any potential adversaries that the costs of aggression by them would be far, far higher than any possible benefits. As President Kennedy said in his inaugural address, "only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed." And history has proved that this strategy works.

I often hear the fear expressed that this strategy of deterrence, even if it has prevented nuclear war for almost 40 years, has fueled a dangerous arms race. Well, what we have witnessed for the last 15 years is a one-sided arms race; a race the United States has not entered. In fact, during the 1970s we made a conscious—and public—choice to restrict our nuclear weapons developments, hoping that the Soviets would imitate our restraint. They did not. Today there are 25 percent fewer weapons in our nuclear stockpile than 20 years ago. As recently as two weeks ago, we and our NATO allies agreed to take 1,400 more nuclear weapons out of Europe. By contrast, the size of the Soviet nuclear weapons stockpile has grown significantly during this same period.

We want the Soviet Union to join us in dramatically reducing both sides' nuclear stockpiles. Overall, the president's START proposals would reduce U.S. and Soviet ballistic missile warheads by one-third below present levels. And while, in the face of the Soviet nuclear buildup, we must upgrade and modernize our existing forces to ensure that they will still pose a believable retaliatory threat, this does not mean we are seeking to increase our nuclear arsenal. Indeed, the president has proposed eliminating two ballistic missile warheads for every MX missile warhead we deploy.

A deep reduction in the most terrible weapons ever to threaten mankind is an ambitious but a proper, even noble, goal. And we must accept that the Soviets will test our resolve on this goal. They are tough negotiators. They will not easily give up the hope that we will unilaterally reduce our own strength and allow them uncontested military superiority, which would be the end of peace through deterrence. They will not easily believe that any nation which allows a free and open debate about matters as serious as war and peace can maintain a steady course. We must convince them that we are committed to the pursuit of peace.

In the days after "The Day After," what can each of us do to prevent tragedy on a global scale? We can fight off the temptation to indulge in despair. We can remain strong in our determination to preserve deterrence, and to persevere in our search for genuine, mutual, significant arms reduction. And we can share our conviction that nuclear war has no winners with the individuals whom we most need to convince: the leadership of the Soviet Union. Our petitions and our marches should be directed to that leadership—and quickly.

JOINT ECONOMIC COMMITTEE,
Washington, D.C., November 23, 1983.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I read your article, "We Must Not Be Paralyzed By Fear," in the Washington Post, November 22, 1983. In the article, you say, "well, what we have witnessed for the last 15 years is a one-sided arms race: a race the United States has not entered." In previous writings, you have often referred to what you perceive as the rapid build-up of Soviet military forces relative to our own. For example, in your annual report to the Congress for fiscal year 1983, you discuss the trends in United States and Soviet military investment. You conclude that Soviet military investments have not been deterred by the relatively high ruble cost of those investments. Two charts accompany your discussion. One compares the dollar costs of U.S. and Soviet military investments for the period 1961-1981. The second table shows the ratio of accumulated military investments for 1960-2000. In this chart, you project Soviet growth rates at 5 percent.

You are undoubtedly aware of the CIA's recent revisions of the dollar cost estimates of Soviet defense. As you know it is now estimated that Soviet defense costs have increased at a rate of only 2 percent per year since 1976. Moreover, Soviet procurement has been level during this period. In other words, there has been no increase in Soviet military procurement, which forms the largest share of Soviet military investment.

In light of the new estimates, I would like you to respond to the following:

1. What has been the annual growth rate of the dollar costs of Soviet strategic forces since 1976?

2. What have been the annual U.S. and Soviet additions to nuclear weapons inventories since 1976, in terms of launchers and warheads?

3. What have been the annual U.S. and Soviet growth rates for military investment in terms of dollar costs since 1976?

4. Is it your opinion that, since 1976, there has been a one-sided arms race, a race the United States has not entered, with respect to total defense, strategic forces, and investment?

5. In light of the new CIA revisions, are the statements and conclusions you made in the fiscal year 1983 annual report to the Congress, pages II-4 to II-7, and the accompanying charts, accurate or inaccurate? If there are inaccuracies in the text or charts, will you indicate what they are and how they should be corrected?

6. Do you plan to incorporate the new CIA revised estimates in your next annual report to Congress?

Your cooperation in responding to my requests will be helpful to me in carrying out my congressional responsibilities as a Member of the House Foreign Affairs and the Joint Economic Committee.

Sincerely,

LEE H. HAMILTON,
Vice Chairman.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 13, 1984.

Hon. LEE H. HAMILTON,
Vice Chairman, Joint Economic Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: Thank you for your letter of November 29 citing my Washington Post article of the previous week and recently reported CIA estimates of the growth rate of the Soviet military program. I welcome the opportunity to respond to the issues you have raised.

To address specifically the numbered questions in your letter:

1. What has been the annual growth rate of the dollar costs of Soviet strategic forces since 1976?

The dollar cost of Soviet strategic forces activities (i.e., investments plus operations) was about the same in 1976 as in 1981.

(Note: The most recent completed CIA estimates only go through 1981; CIA is now working on its annual update, which will go through 1982.) By contrast, U.S. expenditures on strategic forces grew at an average annual rate of 5-6 percent during the period.

As a result, the dollar cost of Soviet strategic forces activities in 1981 was about three times as large as that of U.S. strategic forces activities. In 1976 it had been about four times as large.

2. What have been the annual U.S. and Soviet additions to nuclear weapons inventories since 1976, in terms of launchers and warheads?

Since well before 1976, the United States has been carrying out a net reduction in its nuclear arsenal. While many of the detailed figures are highly classified, I can note here that the total number of weapons in the U.S. nuclear stockpile was one third higher in 1967 than it is now, while megatonnage—the total explosive power of our nuclear weapons—has declined even more dramatically, i.e., by 75 percent since 1960. In this same period and particularly from the mid-seventies to the present, the Soviet Union has been steadily increasing the size as well as the capabilities of its nuclear forces.

In the strategic inventory, the U.S. has, since 1976, removed about 200 launch platforms of all types—ICBM's, SLBM's and bombers. During this same period, about 1000 net warheads were added as a result of changes to weapons systems, but this represented a net loss in terms of total megatonnage. For their part, the Soviets maintained a nearly constant number of launch platforms and added over 5000 net warheads to their strategic arsenal as a result of modernization. In the Soviet case, the increase in warheads also represented a net again in terms of megatonnage. The general magnitude and rate of increase in the component categories of the two countries' strategic forces can be seen in the graphs on pages 19, 23 and 26 of Soviet Military Power (1983), which I enclose with this letter.

Similarly, in non-strategic nuclear forces, the Soviets began in the mid-seventies expansion and modernization of their land-based longer-range intermediate-range nuclear forces (LRINF). Deployments of modern, mobile and accurate SS-20 missiles began in 1977 and now number 378, each missile bearing three warheads. (243 SS-20's are based opposite Europe, while the remaining 135 are located in Soviet Asia. However, in view of the range and transportability of the SS-20's, all these missiles constitute a potential threat to our European allies as well as to countries of Africa, the Middle East and the Far East.) In addition, each SS-20 launcher is believed to be equipped with one (triple warhead) refire missile, and the Soviets have retained 248 older SS-4 and SS-5 single warhead LRINF missiles.

Until the end of last year, the U.S. and NATO had deployed no comparable LRINF systems. To redress the imbalance in Europe caused by Soviet SS-20 deployments, NATO began in December 1983 the installation in Europe of U.S. PERSHING II ballistic missiles and Ground Launched Cruise Missiles (GLCM's). Absent a U.S.-Soviet arms control agreement, 108 PERSHING II's and 464 GLCMs (all carrying a single warhead) are scheduled for installation in NATO Europe by 1988.

At the same time, while we recognize the necessity for nuclear force modernization to maintain a credible deterrent and provide an incentive to the Soviets for negotiation of reductions, we are also determined to maintain our nuclear arsenal at the lowest possible level. In this context, my NATO Defense Minister colleagues and I decided in October of this year that we could safely withdraw 1400 nuclear weapons from Europe over the next several years, in addition to the 1000 that the United States withdrew in 1980 and the one-for-one withdrawals that will occur as PERSHING II and GLCM deployments take place. By contrast, the Soviet Union has threatened to increase the numbers of shorter-range INF missiles in Eastern Europe as a reprisal for NATO LRINF deployments.

3. What have been the annual U.S. and Soviet growth rates for military investment in terms of dollar costs since 1976?

In the period 1976 to 1981, CIA estimates that Soviet military investment (procurement, military construction, research, development, testing and evaluation) grew at an average annual rate of 2-3 percent in dollar cost terms. U.S. military investment grew at an average annual rate of 5.8 percent.

As a result, Soviet military investment in 1981 was 70-75 percent larger than U.S. military investment. In 1976 Soviet military investment had been about twice as large as U.S. investment.

4. Is it your opinion that, since 1976, there has been a one-sided arms race, a race the United States has not entered, with respect to total defense, strategic forces, and investments?

As I wrote in the Washington Post, the arms race of the last 15 years has indeed been one-sided. Over the last few years, as is well known, the United States has undertaken to rebuild its defenses. But the figures cited above suggest that the "race" as measured in these terms has not gotten particular close. A slower expansion of the enormous Soviet military program is certainly preferable to a fast expansion of an enormous Soviet program, particularly if this is a permanent trend. But the enormity of that program, compared to ours, should not be overlooked.

5. In light of the new CIA revisions, are the statements and conclusions you made in the fiscal year 1983 annual report to the Congress, pages II-4 to II-7, and the accompanying charts, accurate or inaccurate? If there are inaccuracies in the text or charts, will you indicate what they are and how they should be corrected?

The statements and conclusions in my fiscal year 1983 Annual Report to Congress remain valid. A few of the numbers would be revised in the light of newer estimates, but none of the revisions would be dramatic.

Soviet military investment was said to range between "80 to 90 percent" greater than U.S. investment during the past five years. That would now read "70 to 100 percent" (1976-81).

The rough estimate of "accumulated military assets"—based on the assumption that military investments have a useful life of 20 years and are valued at their initial cost—would remain about the same. The comparison is particularly useful in putting the adjustments in CIA estimates in context: the much greater absolute size of Soviet military investment over a long period of years is a major source of the problems this administration has been trying to overcome. The 5 percent growth projection for the Soviet side was simply an extrapolation of the recent trend; if the graph were being drawn now, we could use the 2-3 percent trend of 1976-81 or the higher rate based on earlier experience. I also include with this letter a graph reflecting more recent information. It confirms the general thrust of our previous presentation.

In comparing the size of Warsaw Pact investment programs to those of NATO and Japan, the citation in the fiscal year 1983 report of WP programs as "15 to 20 percent" larger would be changed to "12 to 13 percent" to reflect more recent information, and the fiscal 1983 reference to a Warsaw Pact advantage in effective investment of "35 to 40 percent" would be scaled downward to "30 to 35 percent."

6. Do you plan to incorporate the new CIA revised estimates in your next annual report to Congress?

CIA's dollar cost comparisons of military investment were included in the fiscal year 1984 Annual Report. The most recent available data will be reflected in the upcoming fiscal year 1985 report.

In closing, let me add a comment on the general question you have raised. It will be good news if the Soviet Union does not expand its military program as rapidly in the coming decade as it did in the 1960's and 1970's. But estimates of slowed Soviet military growth do not change our assessment of the threat posed by the military assets of the Soviet Union. The U.S.S.R. has accumulated these military assets by sustaining a level of investment far surpassing our own over a long period of time. Soviet military investments even now are 70-75 percent larger than ours, while the dollar cost of Soviet strategic forces activities is even now three times as large as ours.

The most recent trends may be grounds for some encouragement, but they do not provide any basis for diminishing our own efforts. We must continue to revitalize America's strength and capabilities to ensure peace with freedom.

Sincerely,

CASPAR W. WEINBERGER.●

VALUE OF AMERICA'S WETLANDS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. SHUMWAY. Mr. Speaker, during the congressional recess late last year, an outstanding article concerning the value of America's wetlands appeared in the Los Angeles Times. Its author is my friend and constituent, Bob Eberhardt, who presently makes outstanding contributions as the president of Ducks, Unlimited. This effective conservation organization is headquartered in Long Grove, Ill., and Bob's article underscores the fine contributions made by "D.U."

Most of all, the article stresses the need to preserve America's wetlands. As its title states so clearly, "Wetlands Are Not Wastelands."

I commend the article to my colleagues' attention.

[From the Los Angeles Times, Nov. 25, 1983]

WETLANDS ARE NOT WASTELANDS, AS WE'LL FIND OUT WHEN THEY'RE GONE

(By Robert Eberhardt)

With an efficiency that is a grim tribute to modern engineering and technology, the United States will lose 458,000 acres of wetlands this year. The marshes, sloughs, swamps and bogs will hardly be missed by most Americans; if they think about wetlands at all, it tends to be as empty real estate that breeds mosquitoes and other pests, attractive only to adventurous children who come home covered with a ripe goo that resists the most miraculous detergents.

Apart from the image problem, arguing the case for wetlands has always been difficult because they seem to be forever standing in the way of progress of one sort or another. You cannot pave or farm a marsh until you drain or dike it. Indeed, controversies between developers and conservationists, like the one involving the Ballona wetlands in Marina del Ray, show that the rightness or wrongness of development is one of perspective that cries out for compromise.

You'd think that activists in the environmental field would be natural allies of wetlands preservation. There often is cooperation on immediate local controversies involving wetlands development. But in general the urban dweller who is quick to criticize the hunter who kills perhaps four ducks in a season will be oblivious to the developer whose bulldozer will be the death of hundreds of waterfowl, mammals and innumerable other critters. Even less appreciated is the idea that the same developer will prevent untold generations of creatures from having a chance to live. And the same person who today may march to save the whales or seals or some such creatures could well be living over what once was a wetland teeming with life. The same pen used to write a check to an organization seeking to shut down the fur industry might well be used to sign a contract to build a home where the muskrat now roam. Outbreaks of avian botulism—like the one that killed nearly 30,000 ducks, geese and shorebirds at Tulare Lake this fall—are often the result of waterfowl crowding caused by lack of suitable wetlands.

The inherent benefits of wetlands go far beyond their ability to support wildlife, however:

Studies by ecologist Eugene Odum showed that Georgia salt marshes produce 10 tons of organic material per acre per year, whereas the most fertile hayfields produce only four tons a year.

A study of Tinicum Marsh, a few miles from the Philadelphia airport, measured pollutants in a broad tidal creek that transects the marsh. Readings were taken before the creek overflowed its banks into the marsh and two to five hours later, when the water returned to the creek. Chemical and bacteriological samplings indicated that the marsh significantly improved water quality by increasing the oxygen content and reducing nutrient load.

A Ducks Unlimited-funded project at the University of Saskatchewan has shown that bulrush and cattail, two common marsh plants, have insatiable appetites for raw sewage. Their roots produce an antibiotic substance that attacks and kill fecal bacteria. The root systems also absorb dangerous chemicals in domestic sewage, trapping the toxic elements in their tissues and in some cases breaking them down into harmless elements.

A 10-acre wetland stores 1.5 million gallons of water when there is a 6-inch rise caused by rain. The damage caused by heavy rain in Mississippi and Texas this year would not have been nearly as severe had the farmers and developers left the swamps and bottomland forests to act as natural sponges during periods of prolonged rainfall.

Environmental economists have estimated that it would cost society $50,000 to $80,000 to replace all of the functions that just one wetland acre performs.

To be sure, no one is suggesting that all development be stopped, or that every wetland remain wet forever. But there are considerable advantages to both wildlife and man in saving some of the wetlands that still exist. The most fertile U.S. wetlands in terms of waterfowl are located in what is called the prairie pothole region of the Dakotas, Montana and Minnesota, where 85% of the nation's waterfowl breed. Losing those wetlands simply for the sake of additional surplus grain or more exurbias would seem to be a ridiculous trade-off.

Even on wetlands that remain untouched there are heavy choices to be made. Wildlife that is generally considered desirable must be managed. Resource managers, faced with escalating costs and stagnant revenues, can't "let nature take its course"—not as long as civilization chooses to constantly alter nature's landscape to suit its own needs. You can denude a mountain knowing that sometime in the not-so-distant future the vegetation will return. You can let livestock overgraze a pasture or a meadow knowing that it, too, will bounce back. You can change the course of a river knowing that time and human neglect will allow it to change back. But once a glacially formed wetlands pothole is drained and leveled it is gone—at least until the next Ice Age.

The nation's wetland inventory, which has been reduced to 95 million acres from 215 million acres since the founding of the Republic, is being depleted at an alarming rate. The question that we must address is whether such losses and all that they entail are worth the societal gains of additional farmland, shopping malls and housing developments. For our children's sake, let us hope that they are not.●

POLYGRAPH LIMITATION AND ANTI-CENSORSHIP ACT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. BROOKS. Mr. Speaker, today I am introducing the Federal Polygraph Limitation and Anti-Censorship Act of 1984. This bill is in response to the administration's initiative to mandate prepublication censorship agreements for over 127,000 Federal officials and contractor employees who have access to certain classified information. These agreements would require the submission for governmental review of all writings, including fiction and speeches, which touch upon intelligence matters. It is a lifelong requirement.

This bill is also in response to the administration's proposals to increase the Government's use of polygraph tests. For example, the Department of Defense would require polygraph exams in pre-employment interviews for positions requiring access to certain classified information. Thereafter, polygraph exams would be given randomly in continuing security checks. Throughout the Government the new polygraph policies would cover over 2.5 million Federal employees.

The Federal Polygraph Limitation and Anti-Censored Act of 1984 will prohibit the Federal Government's use of prepublication review requirements for its employees, except at the Central Intelligence Agency and the National Security Agency. Also, with the exception of those two agencies, this bill will prohibit the use of polygraph tests of Federal employees except in properly developed and focused investigations and under truly voluntary conditions.

My bill incorporates the recommendations of an oversight report issued by the Committee on Government Operations in November, following an extensive review of the administration's proposals. The committee found that there is great risk of mislabeling persons based on polygraph examinations—innocent people may be declared liars; subversives may be allowed access to secret material. There is simply no evidence to support the validity of polygraph use as proposed. The committee also found that the President's prepublication censorship requirements pose a tremendous threat to our constitutional rights of free speech and open public debate.

We all recognize the need to protect sensitive national security information but the administration's polygraph and censorship proposals will not achieve that objective. I hope my colleagues will join me in rejecting these sweeping and dangerous proposals.●

CONGRESS AND THE BUDGET

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. DASCHLE. Mr. Speaker, as we approach the coming congressional session, we are all aware of the absolute necessity to take some action regarding the massive budget deficits that are being projected for the upcoming fiscal year and the years beyond. It is all too easy to finger point and assign blame, particularly in a year that will see another Presidential election. However, it is my sincere hope that we will be able to overcome those temptations, and work in a spirit of cooperative harmony in making the

difficult decisions that we face in attempting to reduce unacceptable budget deficits.

Along those lines, I thought it would be helpful to call your attention to an article in the January 29 edition of the Washington Post. The thrust of this article is to exhibit where the deficits are coming from, and what actions we can realistically expect to take to reduce them. Before plunging headlong into heated budget debates, I feel it would be advisable to find out where the Federal budget is growing, so we can more realistically look at where it can be cut back.

The article follows:

THE MISERS OF CAPITOL HILL—CONGRESS' SPENDTHRIFT IMAGE IS A BAD RAP

(By Norman Ornstein)

It's fashionable to blame Congress and its responsible spending habits for all our current and future economic ills. We can expect plenty of that this election year, even though President Reagan chose not to do so directly in his State of the Union message Wednesday night. Why, even members of Congress line up to volunteer for the blame.

The public is easy to convince. Few images are as fixed in conventional wisdom as that of a Congress populated by profligate, irresponsible, pork-crazed individuals unwilling and unable to control wild domestic federal spending, bending to the whims of any and all special interests.

But there is a problem here: the conventional wisdom is wrong. As the numbers and the history show clearly, it is the critics—not Congress—who are irresponsible.

Of course, none of the critics has accused Congress of irresponsibly hiking *defense* spending. Indeed, President Reagan and like-minded commentators applaud the future budget increases in defense and want considerably more. The attack on Congress is all focused on the domestic side of the ledger. So let's examine the ledger, using administration figures. Table 1 gives budget outlays for 1980, 1983 and up-to-date projections for 1984 and 1988 in constant, 1983 billions of dollars (i.e., adjusted for inflation).

TABLE 1.—BUDGET OUTLAYS IN 1983 DOLLARS

	1980	1983	1984	1988
Total outlays	707.0	795.9	829.5	950.4
Defense	166.6	210.5	235.1	308.1
Net interest	64.7	87.7	100.5	120.1
Social security and medicare	182.9	22.4	229.3	267.0
All other domestic	293.2	275.4	264.6	255.3

There is, obviously, substantial growth built into these budget projections. But look where the growth is coming from. From 1983 to 1988, the total budget is to grow, in constant dollars, by $154.5 billion. Defense is to grow by $97.6 billion, or 63 percent of the total growth. Interest on the debt is to grow by $32.4 billion, or 21 percent of the total. Social Security and Medicare are to grow by $44.6 billion, or 29 percent of the total.

That adds up to 113 percent—because *all other* domestic spending, everything but Social Security and Medicare, declines in constant dollars by $20.1 billion.

In simple terms, then, there are three causes of future growth in government spending: defense, by far the largest; debt interest, and Social Security and Medicare. Congress has reined in the rest of domestic spending.

Our legislators may not have slashed the domestic government in half, but they have brought it to a virtual standstill. Given public attitudes and our system of government, that is noteworthy and praiseworthy.

But there's more. The overall attacks on Congress portray our legislators as greedy servants, both for selfish and conniving "special interests," and for their own parochial districts. There is more than a grain of truth to the description of members of Congress as brokers in pork barrel. Political scientiest David Mayhew in his classic book, "Congress: The Electoral Connection," eloquently described the kinds of parochial, particularized benefits reelection-minded legislators would seek—and we regularly see them doing so on the House floor. But what is lost in the spectacle of members grubbing for dams, bridges and federal buildings is the fact that they are fighting over a steadily shrinking share of the budget—shrinking because Congress decided it should.

If we accept the conventional image of a profligate Capitol Hill, we would expect congressmen to have increased the share of pork barrel-type government programs in the past few years and to have at least protected these beneficial programs for the future. The opposite is true.

By indexing first Social Security and then other entitlement programs, congressmen consciously reduced their abiliity to use federal budget dollars for reelection benefit and leverage. In future, as entitlements grow automaticlly, defense skyrockets and the interest on the national debt accumlates, the share of the budget devoted to the rest of government—which includes most of the items we think of as special interest or parochial pork—declines markedly. Table 2 shows the shares of the federal budget from 1966 to 1968.

TABLE 2.—PERCENT OF FEDERAL BUDGET OUTLAYS

	1966	1976	1981	1986*
National defense	40.7	24.5	24.3	35.8
Benefit payments to individuals	26.9	48.5	48.2	46.9
Net interest	7.0	7.3	10.5	10.7
Grants to State and local governments	6.2	10.4	8.3	4.3
Other Federal operations	19.2	9.3	8.7	2.3
	100.0	100.0	100.0	100.0

*Projection based on President's 1983 budget.

Source: "The Reagan Experiment," John L. Palmer and Isabel Sawhill.

If we add together grants to state and local governments and other federal operations—the category which includes the programs that congressmen can boast about when they are running for reelection—we can see that, at the height of the Great Society, these comprised 25.3 percent of the budget. Entitlement indexing began in 1973; by 1976, other domestic spending was 19.7 percent of the budget. With the first Reagan year, it was down to 17 percent. By 1986, it is projected at 6.6 percent! The portion may, in the end, be greater than that, but it will still be substantially down from the 1960s and 1970s.

In other words, Congress has directly and greatly reduced the areas where congressmen could use spending to their individual advantage.

The largest reason for this, certainly, is the indexation of Social Security, and subsequently of other entitlement payments. Why did Congress make entitlement increases automatic? Was it to appease special interests? To add to the budget? To benefit the individual legislators? No, no and no.

In the years before indexation, Congress faced constant pressures from interest groups and public opinion to increase Social Security dramatically. It complied. Increases in 1969, 1971 and 1972 totaled 45 percent; the 1972 increase alone was 20 percent. These huge increases were double the increase in cost of living.

By voting on each individual increase, of course, members of Congress could take credit for it back home. Making the increase automatic removed that campaign benefit. But Congress did so to save money and to insulate the process from special interest pressure. Republicans joined Democrats in pushing for indexation (fulfilling, incidentally, a pledge made in the 1968 Republican platform). Legislators recognized that other entitlement programs would inevitably be indexed also, further undermining their opportunities to claim credit for voting new benefits to the voters. They went ahead anyway—to act responsibly.

It may be that entitlements should be deindexed, or that yearly increases should be reduced. That has been proposed—in Congress, not by the President. It may be that other domestic spending should be curbed still more. But I have seen few specific proposals from critics of Congress to reduce spending enough to make a real dent in the deficits, since this would mean cutting government in half, a prospect very few Americans would stomach.

The fact is that Congress has been remarkably disciplined and relatively selfless in the past few years. The only courageous and specific proposals to cut the deficit in the future have come from Sen. Bob Dole (R-Kan.) and others in Congress. Congressional critics want to deflect attention from themselves and from the very real need for a major tax increase in coming years. Congress deserves more credit than it has received, and more support for its future efforts at deficit reduction.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 31, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1990, to clarify the circumstances under which a trademark may be cancelled or abandoned.
SR-385

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1279, to authorize States to elect to operate a low-income nutritional assistance block grant program to finance expenditures for food assistance for needy persons.
SR-328A

Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System.
SD-562

Armed Services
To hold hearings on U.S. military posture in review of the fiscal year 1985 Department of Defense military authorization request.
SR-325

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (P.L. 97-424).
SD-406

Finance
Health Subcommittee
To hold hearings on the implementation of the Peer Review Organizations (PRO's) required by the Tax Equity and Fiscal Responsibility Act (P.L. 97-248).
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to review the activities of organized crime in the Midwest, focusing on organized crime influence in the toxic waste industry.
SD-342

Judiciary
Courts Subcommittee
To hold hearings to discuss civil case backlogs in Federal district courts.
SD-226

4:00 p.m.
Conferees
On S. 1340, authorizing funds for fiscal years 1984, 1985, and 1986 for the Rehabilitation Act.
Room to be announced

FEBRUARY 2

9:00 a.m.
Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clear Air Act (P.L. 95-95).
SD-406

9:30 a.m.
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 congressional budget.
SD-608

Finance
To hold hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1985.
SD-215

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on Army programs.
SR-222

Judiciary
Business meeting, on pending calendar business.
SD-226

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of William A. Wilson, of California, to be Ambassador to the Holy See.
SD-419

FEBRUARY 3

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 congressional budget.
SD-608

Finance
To resume hearings on S. 1804, to provide for tax treatment of foreign sales corporations and exports of goods and services.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for January.
SR-325

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Walter L. Cutler, of Maryland, to be Ambassador to the Kingdom of Saudi Arabia.
SD-419

Select on Indian Affairs
To hold hearings on S. 1999, to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs and to eliminate the position of Commissioner of Indian Affairs, and S. 2000, to allow variable interest rates for Indian funds held in trust by the United States.
SD-125

1:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution of the fiscal year 1985 congressional budget.
SD-608

FEBRUARY 6

9:30 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution in the fiscal year 1985 congressional budget.
SD-608

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings to review initiatives by municipalities in solving metropolitan problems on an area-wide basis.
SD-342

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1675, to provide tax incentives for the contribution of real property to conservation organizations.
SD-215

2:30 p.m.
Finance
To hold hearings on proposed legislation to provide for free trade with Israel.
SD-215

FEBRUARY 7

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on H.R. 4278, to extend the prohibition against credit card surcharges.
SD-538

Small Business
To hold hearings on Federal antitrust enforcement and its impact on small business.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Navy and Marine Corps programs.
SD-628

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of the Interior.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-485

2:00 p.m.
Armed Services
To hold closed hearings on the status of the START negotiations.
SR-222

FEBRUARY 8

8:30 a.m.
Labor and Human Resources
To hold hearings on the nomination of Frank X. Lilly, of Maryland, to be Solicitor, Department of Labor.
SD-430

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Labor and Human Resources
To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and to codify certain program improvements.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Finance
To hold hearings to review the proposals of the President's Private Sector Survey on Cost Control (Grace Commission).
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

2:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans' Administration.
SR-418

FEBRUARY 9

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

Governmental Affairs
To hold hearings on S. 1746, to require government agencies to procure goods and services from private sources, except under specified conditions.
SD-342

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Commerce, Science, and Transporation
To hold hearings jointly with the National Ocean Policy Study on S. 2160, to establish a National Fisheries Marketing Council.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1611, to designate specified lands in Arizona and Utah as wilderness, and S. 2155, to designate specified lands in Utah as wilderness.
SD-366

2:30 p.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (P.L. 95-95).
SD-406

Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-124

FEBRUARY 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including College Housing Loans, Special Institutions, Howard University, the National Institute of Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

Veterans' Affairs
To hold hearings on S. 1747, to establish Peacetime Veterans' Career Members Contributory Educational Assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the Veteran's Education Assistant Program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

11:30 a.m.
*Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253

Labor and Human Resources
Aging Subcommittee
To resume oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on title III, long-term care provisions.
SD-430

FEBRUARY 27

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mine Safety and Health Review Commission, ACTION, Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-116

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

FEBRUARY 29

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, Prospective Payment Assessment Commission, and Federal Mediation and Conciliation Service.
SD-116

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the Veterans' Administration readjustment counseling program and the VA loan guaranty program.
SR-418

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Labor, and the Employment and Training Administration, Department of Labor.
SD-116

9:30 a.m.
Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (P.L. 97-219).
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1531, to provide for the establishment and operation of school-age child care services in public schools.
SD-430

MARCH 2

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

MARCH 6

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

MARCH 13

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, Departmental Management, Salaries and Expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Office of Technology Assessment
The Board to hold a general business meeting.
Room to be announced

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73), focusing on Title V, community services employment provisions.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 14

8:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 15

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.
SD-116

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-116

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (P.L. 89-73).
SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

MARCH 21

9:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration..
SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (P.L. 89-73).
SD-430

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health and Human Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (P.L. 89-73).
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (P.L. 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and De-

partmental Management, Salaries and Expenses.
SD-116

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

31-059 O-87-31 (Pt. 1)

SENATE—*Tuesday, January 31, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Heavenly Father, we thank Thee for the recovery and the return of Senator STENNIS and Senator MATSUNAGA.

Merciful Father in Heaven whose love is unconditional, unmerited, unlimited, unchanging, impartial, universal, and eternal, help us to realize that we are loved by Thee in spite of ourselves. Awaken us to the profound truth that we can do nothing to make Thee love us more and we can do nothing to make Thee love us less, for Thou art love. Grant us the grace to receive Thy love and to respond by loving Thee, ourselves, and others. We pray in the name of Him who is love incarnate and whose love put Him on a cross for us. Amen.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER (Mr. EVANS). The acting majority leader is recognized.

Mr. THURMOND. Mr. President, I reserve the majority leader's time.

Does the acting minority leader have any statement?

Mr. MITCHELL. Mr. President, I ask unanimous consent that the minority leader's time be reserved until such time as he may wish to use it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I believe that Senator MITCHELL has 15 minutes at this time, if he wishes to proceed.

RECOGNITION OF SENATOR MITCHELL

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for not to exceed 15 minutes.

AMERICANS ARE WORRIED ABOUT NUCLEAR WAR

Mr. MITCHELL. "Nuclear war cannot be won, and must never be fought."

With those words, President Reagan in his State of the Union address last week drew the most spontaneous, longest, and loudest applause of the evening. That should come as no surprise to anyone. Americans today are more worried than ever about nuclear war, and rightly so.

The United States and the Soviet Union are engaged in an unrestrained nuclear arms race. Each side is increasing the numbers, speed, accuracy, and destructive power of its nuclear arsenal. Each is deploying or developing new and destabilizing first-strike weapons. Each has, under its current leadership, hurled insult and invective at the other.

All this at a time when both sets of United States-Soviet negotiations to limit nuclear arms have been broken off. The drift toward circumstances in which nuclear war would be ignited is as obvious as it is ominous.

The President contends that our massive nuclear buildup makes us safer. But there is no evidence to support this contention. And history and logic are to the contrary. While we are deploying more nuclear weapons aimed at Russia, they are deploying more aimed at us.

This unrestrained buildup makes both sides less secure, and neither safer, especially since some of the new deployments will be of first-strike weapons which increase on each side the fear of a surprise attack. There is no security for Americans, or for anyone else, in an unrestrained nuclear arms race. What is needed is a genuine commitment to serious negotiations to achieve meaningful and effective arms control agreements.

Earlier this month, speaking on the subject of arms control, Mr. Reagan said "Now is the time to move from words to deeds."

It is, of course, long since time to move to deeds and away from words. Unfortunately for the President, in the field of arms control, words are just about all he has ever had to offer. Those words in his State of the Union text are part of a very recent expression of concern about nuclear war and his desire for control of the arms race. What genuinely troubles me is the enormous gap between Mr. Reagan's words and his record during the decades of the nuclear age:

In 1963 he opposed the treaty with the Soviets, negotiated by the Kennedy administration, that eliminated atmospheric nuclear tests and the radioactive fallout they were causing.

In 1968 he opposed the treaty, negotiated by the Johnson administration, by which 118 nations, including the United States and the Soviet Union, have pledged to prevent the spread of nuclear weapons and to obey international safeguards on materials used in nuclear powerplants.

In 1972 Mr. Reagan opposed SALT I and the associated agreements, negotiated by the Nixon administration, that put the first significant restraints on the Soviet-United States nuclear missile race and sharply limited the antiballistic missile defenses which were helping to fuel it.

In 1976 he opposed the SALT II understandings reached by President Ford with the Soviets at Vladivostok. After the Carter administration in its turn had negotiated a SALT II treaty and it had been signed by both governments in 1979, Mr. Reagan opposed its ratification by the Senate.

In 1980, campaigning for the Presidency, he promised if elected to begin strategic nuclear arms talks immediately, but failed to do so until 17 months after taking office. A year and a half later, those negotiations were suspended without a date to resume.

In 1981, after delaying for 10 months, he resumed negotiations begun by Mr. Carter to limit intermediate-range missiles in Europe. That conference also ended in December, without progress of any kind.

Since he has been President, Mr. Reagan and a number of senior associates have made provocative or inaccurate public comments about nuclear weapons and nuclear war. These have created among our friends and opponents alike a damaging and dangerous alarm about the soundness and purposes of U.S. policy. They included talk of prevailing in a nuclear war, firing a weapon for demonstrative reasons, tolerating a limited exchange of tactical nuclear weapons to prevent a wider war, and so on. While some of these remarks were later corrected or clarified by administration spokesmen in an effort to minimize them, their electric effect on the listening public, especially in Europe, was clear. And the Soviets moved quickly to magnify and exploit it.

Early in his administration Mr. Reagan made it clear that he would not continue the effort of his six most recent predecessors to achieve a complete halt of nuclear testing—the comprehensive test ban. Here is the sharpest setback of all—a near-total reversal

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

of the direction every American President for a quarter of a century has followed with success.

Halting the testing of nuclear weapons is the best way to stop the deadly advances in their accuracy, effectiveness and versatility, and to significantly slow the momentum of the arms race. President Eisenhower saw this clearly and began test-ban talks with the Soviets and British. President Kennedy was able to get agreement to abolish tests in the atmosphere. Under President Johnson, tests in outer space were eliminated. On the tougher problem of underground testing, where verification of compliance with a ban is the core issue, Presidents Nixon and Ford signed agreements respectively establishing limits to the explosive yields of underground weapons tests and of explosions for peaceful purposes. President Carter continued the effort in negotiations for a comprehensive test ban in which the Soviets took their first steps toward agreement to onsite inspection—a key issue in verifying compliance.

Even so, and despite major strides ahead in both the political and technical aspects of verification, the Reagan administration said in 1982 it would not reopen the talks; it preferred instead to engage in nontechnical discussions on verification in another forum. No visible result has emerged from those. Late in 1982 the United Nations General Assembly resolved 111 to 1, with 35 abstentions, that all nuclear testing should be outlawed. Of all the nations in the world, only the United States, at the direction of President Reagan, voted against a ban on nuclear testing.

So the Reagan record on arms control is perfectly consistent—and consistently wrong. This is not to say that Mr. Reagan's predecessors never opposed ideas and programs while saying they believed in them. Nor that they never uttered a reckless or ill-considered word on crucial and sensitive issues. One searches in vain, however, for a history of consistent opposition comparable to Mr. Reagan's on arms control, or for a similar sustained string of public comments and actions—a record which cannot help casting doubt on his stated belief in negotiated control of nuclear weapons.

Another element of the President's record unfortunately adds to that doubt. Within the first 3 years of their own administrations, each of our five Presidents between 1960 and 1980 had a negotiated arms control agreement of significance either in hand or actually signed or ratified; some had more than one. Moreover, between 1952 and 1980 each President except Richard Nixon had met personally within the first 3 years of his own term with the top Soviet leadership; Mr. Nixon did so early in his fourth year. But after 3 years in office, Mr. Reagan has achieved neither of these.

Like Mr. Reagan, his six predecessors proclaimed the view that the key to avoiding nuclear war is a combination of strength with the readiness to negotiate and some kind of continuing communication between the two big powers. Unlike him to date, they directed their efforts in equal measure along both of these channels. Mr. Reagan's overinvestment of energy and money in our defenses has meanwhile not produced the compliant Soviet approach to arms talks that he assured us it would. Rather, it has had the opposite—and widely predicted—effect of spurring the Soviets to continue unabated their nuclear buildup, as well as the dangerous side effect of bringing a halt—temporarily, we hope—to any negotiation to achieve restraint.

It would be foolish to pretend that we should ignore the need to protect ourselves militarily. I believe in and have supported a strong defense. It would be equally simpleminded to think that negotiations, arms control and communications are magic solutions that will completely dispel the threat of war and sweeten our dealings with the Soviet Union. On the contrary, history shows that we have much to be wary of in negotiating and agreeing with the Russians, and that realism and robust skepticism must be our watchwords.

To believe otherwise would be naive and perilous; nothing is guaranteed in the complicated mixture of politics, technology, and diplomacy that arms control really is. What does seem certain is that not to pursue arms control in good faith, vigorously, with inventiveness and commitment, virtually guarantees that in trying to keep war away we must rely almost totally on military strength and on trying to win an unwinnable and fiercely expensive arms race. That is neither the wisest nor the safest course for our Nation.

The President said earlier this month that we are in the strongest position in years to establish a constructive and realistic working relationship with Moscow. But, unless we disbelieve our senses, there is no evidence for this—not current Soviet behavior, certainly, nor the absence of any continuous dialog or forum in which such a relationship could be restored.

In fairness, Mr. Reagan's record is not yet complete. When it is, I hope it will contain some measurable progress in arms control, of the kind we find in the achievements of six previous postwar Presidents. We all want to believe Mr. Reagan means what he now says about these matters. And—to paraphrase his own language—actions speak louder than words.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. THURMOND. Mr. President, Senator BYRD has time reserved. I believe he wants to transfer that time to the distinguished Senator from Illinois (Mr. DIXON). So I now yield to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIRED IN LEBANON

Mr. DIXON. Mr. President, a very distinguished newspaper in central Illinois has been carrying a message every day, a message we should take heed of here in the Senate.

The newspaper is the Peoria Journal-Star. The message is quite simple, but quite powerful. Every morning on the editorial page there appears a black box. It has a headline which says, "Americans in Lebanon." It contains two statistics. One is the number of days we have had military forces in Lebanon. The second figure, tragically, lists the number of troops killed.

Because of the killing of another marine within recent hours, that black-bordered box in today's Peoria Journal-Star adds another death to the total, bringing the number of Americans killed to 260.

We have been in Lebanon for 525 days. We have seen 260 dead. That's one marine for every other day we have been there. Are we going to let that pace continue?

How much longer are we going to watch the death toll increase, Mr. President? Are we going to let the casualties rise to 300? to 400? to 500?

How much longer is the Peoria Journal-Star going to have to continue its unhappy duty of reporting this seemingly endless death toll?

We can end this alarming trend, and that is why I wish to share a few observations about U.S. policy in Lebanon.

The first and most important point is that I honestly believe a majority of Members of Congress are willing to take steps to get the marines out of Lebanon.

Since the inception of this debate both here and in my home State, I have been involved in opposing the presence of our marines in that place and the 18-month blank check which keeps them there. Other voices have been raised in Illinois. For example, such well-known conservatives as Congressmen HENRY HYDE and DAN CRANE have expressed a similar view.

Moreover, public opinion polls show consistent and overwhelming support for the removal of the marines from Lebanon.

Mr. President, I am firmly convinced that we need to seek a consensus in this place expressing the will of Con-

gress and of the American people to achieve that goal. Personally, I want that consensus to be as strong as possible, so that the administration will finally realize how imperative it is that we pull the marines out.

My second point is that for various reasons—some political, some policy-oriented, some personal—a consensus has not yet been reached.

Some of us believe that the Congress should use all the tools available to it to bring the marines home. For instance, I am a cosponsor of Senate Joint Resolution 190, which would reduce from 18 to 3 months the authorization for the marines, subject to additional 3-month extensions if events warrant. If this resolution were enacted into law, I believe it would facilitate the return of the marines in short order. I also feel that this approach would reinvigorate Congress role in war powers decisions—a role I believe Congress unwisely forfeited in 18 months for "the Multinational Force in Lebanon Resolution."

Moreover, this solution would bring the President back from the brink of a possible constitutional crisis, which, I regret to say, the White House has precipitated by bobbing and weaving through both the spirit and letter of the war powers resolution.

Thus, some of us feel that the Congress ought either to set a date certain for withdrawal of the marines, or make use of a binding joint resolution or legislation to dictate the same result. In short, we must achieve U.S. goals in Lebanon in a reasonably short time period, or get the troops out of there.

During that time period, I personally feel that the administration should use a full-court diplomatic press on President Gemayel to arrange free elections, or some other means of real power-sharing in that government. Only in that way can all the warring factions in Lebanon be unified. If that does not happen, then frankly, we should bring the troops home immediately.

Someone needs to talk sense with President Gemayel on this point. He needs to be told, in no uncertain terms, that he must do everything within his power to open up the political process in that country. He cannot stall for time; he cannot let the Geneva talks evaporate into thin air and still expect the United States to back him indefinitely. If President Gemayel really wants a free Lebanon, he must mend his fences at home, and if he cannot, we ought to be out of there. President Gemayel has a job to do, and from all I can see, he is not doing it.

Some think it best not to alter fundamentally the 18-month authorization. This group feels that the Congress should stop short of mandating a change in the authorization.

Such a proposal would urge, not require, the President to withdraw the marines as soon as possible.

Those who support this idea argue its adoption on several fronts. First, they say, it avoids the pitfalls which many Members find inherent in any date-certain approach to foreign policy. Second, they assert, it does underline congressional concerns about current policy in Lebanon, without tying the President's hands in foreign relations.

Some who adhere to this viewpoint also feel that such a resolution would best protect the marines' safety in the long run, or would avoid the prospect of Congress being blamed for the loss of Lebanon.

I understand these concerns, Mr. President—I do not share them. I would like to seek a stronger resolution of this problem, but I can accept the fact that others might be hesitant to fix a date certain.

Finally, some support the 18-month authorization, and will oppose any modification of the original congressional authorization given the President.

We all start with a common objective that we believe is in the interest of our country—to bring about a unified, pro-Western Lebanon, to get the Syrians out of that nation, and to safeguard Israel's northern border. How we achieve that objective is at the center of contention in this place.

The three approaches I have outlined here are representative of the views of most Members in this Chamber.

I prefer, as my colleagues know, the option of reducing the authorization period, with an eye toward removing our troops within 90 days. That approach, like the others, is open to debate.

It is imperative that Congress continue to review our policy in Lebanon until an acceptable compromise is reached. I have my ideas. Others have their own views. That is as it should be.

As I stated at the outset, however, I truly believe that there is a majority in this Congress anxious to review U.S. policy in Lebanon.

I am sure that compromises will have to be made between opposing viewpoints on the best method to get the marines home safely, and achieve attainable goals in Lebanon.

We owe it to the American people to go the extra mile to find the right solution. We owe it to the fighting men of this great Nation who are prepared to lay down their lives to reach a consensus.

If we do nothing, as the administration advocates, I fear the American people will not forgive us.

Lebanon is a perfect example of the impotence fostered by factionalism. The leaders in that country are not rising above their differences. We should not be following their example.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to exceed 10 minutes in length, in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER (Mr. ANDREWS). Is there objection? Without objection, it is so ordered.

SUPPORT FOR LIMITED ALASKA EXPORTS

Mr. MURKOWSKI. Mr. President, I am aware that exporting Alaska crude oil is an emotional issue for many people. Over the last year, I have tried to build the substantive case for limited exports and I have often been faced with the task of diffusing highly charged political rhetoric. I regret that this emotional response by the opponents of any export stands in the way of our objective consideration of this issue, causing us to forego some very substantial benefits for the American people. Thus, I would once again like to try to place the issue of limited Alaska oil exports in perspective.

I understand my colleagues in the Senate are concerned about the potential impacts on the U.S. maritime industry which might be associated with large export volumes. That concern has been clearly demonstrated by the level of support they have given to legislation (S. 1159) which would extend the current ban indefinitely.

The Senate will shortly consider the Export Administration Act. At that time, I will offer an amendment to S. 979, the Export Administration Act, which would allow the export of up to 200,000 barrels per day (bbl/d) of Alaska crude oil to our Pacific rim allies with the provision that it be moved in U.S.-flag vessels. My amendment is consistent with the intent of S. 1159 and addresses its sponsors' concerns in two fundamental ways.

First, S. 1159 was premised on the assumption that proponents of easing export restrictions seek to export all 1.6 million bbl/d of North Slope production on foreign tankers. My amendment sets a ceiling on export at 12.5 percent of that production (200,000

bbl/d) and requires transportation on U.S.-flag tankers.

Second, my amendment is specifically designed to minimize adverse impact on maritime industry employees. Although there will be some small reduction in the number of U.S. tankers and crew required—because the trip to Pacific rim markets is shorter and larger tankers can be used—natural attrition in an aging industry will offset this modest reduction in demand. Thus, although some existing positions may be terminated, no one will become unemployed because of export.

Furthermore, limited export will create opportunities for larger U.S. tankers, built with Federal construction subsidies, which are currently unemployed in the glutted world oil trade. Also, the amendment would require that ships transporting Alaska oil be maintained and repaired in U.S. shipyards.

While minimizing the adverse impact on the maritime industry, the amendment would provide five significant benefits to the American people:

First, export would reduce our bilateral trade deficit with Japan. Exporting Alaska oil would have more impact on this problem than other exports—for instance, limited oil exports would reduce the deficit balance of payments by over $2 billion annually, whereas it has been estimated expanded citrus and beef exports would only reduce this balance-of-trade deficit by $500 million to $1 billion over a 5-year period.

Second, expanded market opportunities, through export, and greater transportation efficiencies, would provide an incentive for the development of heretofore marginal oilfields in Alaska. Without such development, Alaska production will start falling dramatically in the early 1990's.

Third, export would enhance our national security by reducing the threat that oil supply disruptions pose to Japan and South Korea, two key allies in the Pacific. Japan, in particular, is heavily dependent on Middle Eastern supplies and imports 60 percent of its crude from the Mideast. The United States, by contrast, imports only 3 percent of its crude oil needs from the Mideast today. In the past, when these supplies have been interrupted, Japan has gone on the world market and bid up the world price of oil in an effort to get sufficient supplies. In 1979, this bidding activity drove the world price higher than warranted by the size of the supply disruption. Thus, the U.S. consumer ultimately paid the price for Japanese energy vulnerability. Exporting Alaska oil would reduce their dependence on the Middle East, helping to stabilize the world oil market.

Fourth, export would further our efforts to open Asian markets to more U.S. goods. Trade negotiations are a process of give and take—Alaska oil exports could be a valuable bargaining chip in this process.

Fifth, finally, export would increase Federal tax and royalty revenues by well over $10 billion. Export has two financial benefits. First, by reducing transportation costs, it increases the taxable value of current ANS production. Export of 200,000 bbl/d would increase Federal windfall profits taxes and income taxes by over $150 million a year. Second, export increases the value of Federal oil and gas leases. Export opportunities would thus increase the prices oil companies are willing to pay for access to Federal oil properties and increase the royalties generated when fields are developed. The Department of Energy estimates that export is worth an additional $10 billion to the U.S. Treasury. It is hard to justify any policy, such as the export ban, which forces the American taxpayer to ignore such substantial revenues as these. Right now, the American people are not receiving the windfall that they deserve from the development of Alaska's oil resources.

Mr. President, my amendment to permit limited oil exports responds to the deeply felt concerns of many of my colleagues, while at the same time insuring that the American people receive the full benefit of the national oil treasure found in Alaska. I urge each of you to give this proposal the most serious consideration it deserves when the Senate considers the Export Administration Act.

Mr. President, if we are indeed serious about the deficit in the balance of payments, which has just been recently released, totaling approximately $64 billion, and recognize that Japan alone is contributing one-third, $21.6 billion, we must recognize we have to look to the energy resources of North America to offset these deficits. Why should our neighboring countries—Japan, Korea, and Taiwan—all depend on energy sources in other areas of the world, such as Australia, South Africa, and Indonesia.

It is time, Mr. President that America begins to adopt the entrepreneurial spirit and use the vast resources of North America so that we will have significant monetary adjustments necessary to address the deficit in the balance of payments.

A BILL FOR THE RELIEF OF AUDUN ENDESTAD—S. 1863

Mr. MURKOWSKI. Mr. President, my colleagues in the House of Representatives will be voting shortly on S. 1863. I am pleased to take this opportunity to encourage the House to give favorable consideration to S. 1863, the bill for the relief of Audun Endestad. This measure passed the Senate on November 18, 1983, and if passed by the House of Representatives will hasten the naturalization of Endestad.

Mr. Endestad is a 30-year-old native of Norway who first came to the United States as a nonimmigrant in 1974. In 1981 he married a U.S. citizen from Fairbanks, Alaska, Judy Rabinowitz. The Rabinowitz family is a very well-respected Alaskan family. Judy's father is a justice on the Alaska Supreme Court. Endestad and his wife, who is considered America's top female cross-country skier, are residents of Alaska. They spend 6 months of the year in Fairbanks and the other 6 with the U.S. cross country ski team.

At the U.S. cross-country skiing trials, Endestad placed first, qualifying him for a position on the U.S. Olympic cross-country ski team. Because Olympic committee rules require that a participant be a citizen of the country that he or she represents, Endestad will not be able to participate in the 1984 winter games unless this private relief bill is passed. Under U.S. immigration laws, Endestad would be eligible for naturalization on October 21, 1984.

Endestad's membership on the U.S. ski team has been instrumental in the development of the strongest cross-country team the United States has ever fielded. According to the team director, Audun is not only an excellent athlete but also a fine person exhibiting strength of character and generosity. He has helped to generate a strong team spirit that has led to the outstanding success of the cross-country ski team in the last few years.

It is without hesitation that I urge the Members of the House of Representatives to give favorable consideration to S. 1863. Endestad would be an outstanding representative of America at the Olympics in Sarajevo, Yugoslavia. Let me point out that there is legislative precedence for this kind of private relief bill. A measure passed the 94th Congress enabling Jana Hlavaty to participate in the 1976 winter Olympics. Passage of this measure will simply expedite the granting of citizenship to Endestad. As I stated earlier, under U.S. immigration law, he will be eligible for naturalization in the fall of this year.

Thank you for giving me the opportunity to speak on behalf of a fine Alaskan.

THE SITUATION IN LEBANON

Mr. BIDEN. Mr. President, I rise this morning to speak very briefly on the situation in Lebanon.

I introduced in the Foreign Relations Committee while we were in recess a concurrent resolution calling for the immediate withdrawal of the marines from Lebanon.

Let me very briefly explain my rationale for this and why I have not introduced it on the floor today.

I think it is very important to see if we can accomplish a consensus on American foreign policy which will be as bipartisan as possible. If there are no other resolutions, I will probably support a time certain for the withdrawal of the marines from Lebanon.

Mr. President, our President is in a very difficult position because he is presently locked into events which can make things very difficult for the United States.

My resolution is a concurrent resolution which has a resolve clause which essentially says, "Resolved, that the Marines no longer serve any useful purpose in Lebanon and they should be removed forthwith."

I have been working with some of my Republican colleagues on and off the Foreign Relations Committee and some of my Democratic colleagues. I hope that we can arrive at a consensus here in the Congress that lets the President understand very clearly that the vast majority of us in both political parties believe that the policy we are pursuing in Lebanon is not a fruitful one, and I hope we can do this without any acrimony or recriminations.

Mr. President, I voted against, and was one of those leading the fight against, the extension for 18 months of the President's authority to have troops in Lebanon. Rather than fight over where we are, how we got there, what mistakes were made, I would rather address ourselves to the present situation. It is untenable.

Mr. President, we in the Congress should go on record as stating that to the President, and give the President all the support we can to allow him to move off of a position that cannot be sustained.

Mr. President, I will continue to meet with my Republican colleagues in the Foreign Relations Committee and others not on the committee, and our counterparts in the House. Hopefully, by the middle of next week we can arrive at a consensus position whereby we can garner a majority from both sides of the aisle on both ends of this building to help the President in a very difficult situation.

Mr. FORD. Mr. President, I join my friend from Delaware in his statement and compliment him on the position he has taken.

Mr. President, I am very hopeful that we can, in a short period of time, arrive at a consensus on both sides of the aisle to indicate the overwhelming belief that our troops in Lebanon serve no useful purpose. It is the feeling of the American people that our troops should be removed.

THE CRUELTY OF HORSES FOR FOOD AND S. 457

Mr. FORD. Mr. President, during the past week people throughout the Nation have been shocked and angered by the news that 2,000 horses were permitted to starve to death in recent weeks in Falls County, Tex. Many have been so moved by the tragedy that they have sent thousands of dollars to pay for hay and feed for the 12,000 to 14,000 horses that remain in difficulty. Others have offered to purchase the survivors and give them good homes. Thanks to their generous help, this tragedy has not claimed more horses.

The horses are part of one of the largest slaughter horse marketing operations in the country. Criminal animal neglect charges are pending against several individuals and one corporation responsible for caring for the animals.

It is not our role to judge who or what may have been responsible for the Falls County tragedy. However, we should learn from it. I hope that we do because horses have a special place in the hearts of Kentuckians.

This session the Senate will almost certainly consider S. 457, a bill that would authorize the Secretaries of Agriculture and the Interior to sell so-called excess wild horses and burros at public auction. There is little doubt that nearly all of the animals would be purchased for slaughter.

The outpouring of concern for the Falls County horses should remind us that many Americans abhor the thought of selling horses to slaughter—legal though it may be. They also have a special affection for the wild horses and burros that roam our public lands. They look on wild horses as a resource to be cherished and protected, not a commodity to be auctioned by the pound by an agency of the United States.

Their response to the needs of the Falls County horses should also show us that the Interior Department's adopt-a-horse program can work to find humane homes for wild horses and burros that must be removed from the public lands.

S. 457 would put the Federal Government in the mustanging business—a business that Congress banned in 1971 when it passed the Wild, Free-Roaming Horses and Burros Act. We cannot turn our backs on the principles of that law, and condemn thousands of wild horses to the slaughter horse market, possibly to meet the same tragic fate that befell the horses in Texas. The American public will not allow us to deal so callously with animals that embody so much of our character, spirit, and frontier heritage.

KENTUCKY BAPTIST CONVENTION RESOLUTION

Mr. FORD. Mr. President, at its annual meeting in Paducah, Ky., on November 17, the Kentucky Baptist Convention passed a resolution on separation of church and State. I have been asked by the Kentucky Baptist Convention to make this resolution known to the U.S. Senate. Because this resolution reaffirms a church groups' belief in a fundamental principle of this Nation—that there be separation of church and State—I wish to bring it to my colleagues' attention.

Mr. President, I ask unanimous consent that the resolution to which I have referred be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON SEPARATION OF CHURCH AND STATE

Whereas, Baptists have historically supported religious liberty, laying the foundations for the Bill of Rights, the first article of which proclaims liberty in religious matters, and have supported the concept of the separation of church and state as the fundamental constitutional guarantee of religious liberty for all; and

Whereas, there is today a growing encroachment of government into religious matters through the authority of local, state and federal taxing agencies to determine or define the religious legitimacy of a church or religious group; to deny federal tax exemption to a private school whose religious views are held to be in variance with "fundamental public policy"; to place the administration of religious and church schools under the jurisdiction of government offices and bureaus; and,

Whereas, the use of public tax monies for tuition tax credits, vouchers and/or other systems of government financial assistance to private, religious and church schools would not only place additional strain on the national budget but would be an alarming intrusion of government into matters historically viewed as protected by the "wall of separation" of church and state; therefore be it,

Resolved, That the Kentucky Baptist Convention, meeting in its one hundred and forty sixth annual session, reaffirms our strong and uncompromising support of the free exercise of religious liberties for all; and

Be it further resolved, That we call upon the members of the Congress of the United States to show by their actions their allegiance to the Constitution of the United States by refusing to sponsor and by opposing any legislation that encourages or allows government intrusion into matters of religion; and,

Be it finally resolved, That we call Baptists and lovers of religious freedom everywhere to renewed support of, and insistence on, the United States Constitution and the First Amendment as adequate and sufficient guarantees to protect religious freedom.

THE JEWISH NEWS SPEAKS ON GENOCIDE

Mr. PROXMIRE. Mr. President, for well over three decades a small forceful minority in the Senate has prevented us from endorsing the first treaty implementing the U.N. Universal Declaration on Human Rights.

The Genocide Convention, a treaty to outlaw inhumanities committed against peoples of the world, has been favorably reported five times by the Senate Foreign Relations Committee. Yet it has been stalled each time despite widespread support. I believe public outcry in support of human rights will eventually compel the Senate to ratify the Genocide Convention.

Recently, I was made aware of an editorial in the Jewish News urging the Senate to approve this historic proposal. The editorial examines the history of the treaty and calls attention to Dr. Rafael Lemkin, a man who lost his family to the Holocaust and who coined the term "genocide."

The Jewish News fashions a constructive argument, concluding:

It is urgent that . . . every member of the august senatorial body should be told that all emphases given to human rights are meaningless as long as a document like Lemkin's is ignored.

I wholeheartedly agree with the Jewish News and appreciate the editorial's timely mention of Rafael Lemkin, whose contributions have helped us understand the origins of the Genocide Convention.

It should be noted that from the time of President Truman to the time of President Carter, President after President, Secretary of State after Secretary of State, Attorney General after Attorney General, have endorsed the Genocide Treaty. As the editorial indicates, President Reagan now has the opportunity to endorse this important human rights document and join his predecessors in favoring the outlawing of genocide.

It is time to recognize the support this document has had, and currently has, in the world today. Let us no longer stand alone. I ask the Senate to move quickly to make the barbaric act of genocide an international crime.

Mr. President, I ask unanimous consent that the full text of the Jewish News editorial of December 16, 1983, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OKING GENOCIDE CONVENTION

A seriously challenging anniversary, which marks the 35th year of the adoption of the Genocide Convention by the United Nations and its proposal for adoption by the nations of the world, revives the demand that the human rights document be given the approval of the United States Senate. As of this date, with 92 nations having endorsed, the ideal projected by Dr. Rafael Lemkin remains rejected by this nation.

More than 50 nations approved it 35 years ago, when it received the UN endorsement. President Harry S Truman commended it in 1949. President Richard Nixon again urged that it be considered by the Senate in 1970. The great document remains ignored, in spite of the consistent proposals by U.S. Senator William Proxmire of Wisconsin.

Renewed attention is called to the Genocide Convention by the display of the Rafael Lemkin paper including eight chapters of the history of genocide and an unfinished autobiography of the eminent author of the term genocide which stems from two words: the Greek Genos, which means race, nation or tribe, and the Latin sufix Cide, meaning killing.

As Senator Proxmire has summarized his appeals for adoption of the Genocide Convention by the Senate, it refers to the crime of barbarity which would include the extermination of racial, religious or social groups; and the crime of vandalism, which would comprise the destruction of artistic and cultural works of such groups.

It was on June 16, 1949, that President Truman submitted the Genocide Convention for action by the Senate. Although 92 nations have already approved it, Soviet Russia being among them, the U.S. is unaccounted for.

Now, with attention called again to the historic document, it is important that Senator Proxmire and all associated with him in the campaign for U.S. approval of the document be given the strongest possible support.

It is yet to be fully explained why the U.S. Senate blocks the road toward international unity to make genocide a proclaimed crime by the world community.

Recognition now given to the genius of Rafael Lemkin, who escaped the Nazi terror and whose entire family was annihilated during the Holocaust, and the courageous attempts to activate the efforts to indict international criminals, combine to demand seriousness in demanding a U.S. signature to the Genocide Convention.

With due appreciation for the consistency with which Senator Proxmire advocates a human decision, he must be given nationwide support. It is urgent that the attention of every member of the august senatorial body should be told that all the emphases given to human rights are meaningless as long as a document like Lemkin's is ignored. Let there be action on a national scale in support of the Genocide Convention.

There is an opportunity now for President Ronald Reagan to be the third President of the United States to express his support for the Genocide Convention. Perhaps, after Presidents Truman and Nixon had failed to induce the Senate to act favorably on the urgent issue, President Reagan can add to his achievements by securing favorable decisions on an important aspect in mankind's striving for just human rights.

SAFIRE CALL FOR MUTUAL DEFENSE PACT WITH SOVIET AS LOGICAL ROAD TO OFFENSIVE NUCLEAR DISARMAMENT

Mr. PROXMIRE. Mr. President, few if any nationally syndicated columnists have more widely respected conservative credentials than William Safire. Safire toiled years ago in the Nixon White House. Safire obviously loves words. I suppose most of those who have followed Bill Safire at all have followed him as a wordsmith. It was Safire, of course, who coined the most memorable phrase ever uttered by Vice President Spiro Agnew. Safire ghost wrote the line for Agnew categorizing Nixon's critics as "nattering nabobs of negativism." For the past 2 or 3 years Safire has written a column in the Sunday New York Times Magazine section discussing words. It is a sheer delight. Safire discusses the origin, the use, the misuse, the development, the mortality and just about every other aspect of language. He also appears in a regular column during the week in the New York Times. That column is generally supportive of both conservatives and conservatism. But sometimes Safire gives conservatives the back of his hand. He usually applauds Reagan's domestic and foreign policy. But at times he delivers criticism of the President.

On Sunday, January 29, Safire proposed a mutual, nuclear defense treaty with the Soviet Union. Such a proposal coming from Paul Warnke or Herbert Scoville would be no surprise. But coming from William Safire, it is a shocker. Safire labels his column: "Up the Laser River." He starts out with a discussion of how the Russians are sneaking in ahead of us in the star wars military space race. He argues the Russians are doing this with a triple threat defense. First they are building a local defense consisting of a combined radar van and launcher, an SA-12 capable of shooting down 10 incoming missiles in a 30-mile zone. The Russians argue this doesn't violate the ABM treaty because these are also antiaircraft weapons—which, of course, are permitted under the anti-ABM treaty. So can they help it if, just incidentally their new weapons can also take out nuclear missiles? Second, the Russians—according to Safire—have six huge battle mangement radars that offer a new precision in the selection of targets. These also fit the purpose of establishing a priority in defense against incoming nuclear missiles. A violation of the ABM Treaty? Sure. But the Russians again rely on the dual use of argument and claim these super radars are only for the purpose of tracking satellites. Finally Safire points to Russian research that aims at "zapping missiles coming out of their silos." The research—if it works at all—is still decades away from deployment.

So what does Safire propose we do about all this? He predicts the "freezenik dovecotes" will close their eyes and poo-poo it, and "the Pentagonians and contractors will slaver at the prospect of interminable R&D with gold-plated laser technology." But Safire rejects both with the observation that "some patellar reflexes are too important to be left to knee jerks." He argues that we are wasting our time and money

planning defenses to be put in place many years from now to counter missiles not yet on the drawing boards. And meanwhile we are undefended.

So Safire finally asks the key question. It is this: "In the coming generation where is the greatest nuclear danger coming from?" Hooray and hallelujah, Safire is on the right track. It has been the contention of this Senator for a long, long time that almost everyone is looking in the wrong direction. The Soviet Union is almost certainly not, I repeat, not going to attack us with a nuclear strike. Deterrence works. We can utterly destroy the Soviet Union—after their most devastating possible preemptive strike. They know it. We know it. We also know they are not insane. They don't have a death wish. So where and what is the greatest nuclear danger? Safire has the right answer. He writes: "Tomorrow's danger is from a terrorist state—like Libya, which could buy a German missile and help Pakistan develop a bomb—that would have less to lose and could well be headed by an audacious blackmailer or kamikaze fanatic." Frankly, this Senator agrees, but the scenario could develop in any of hundreds of ways. As the nuclear technological war races on far ahead of advantages for superpowers in military uses of space will come cheaper, more portable nuclear devices. These nuclear weapons will be cheap enough for widespread sale to scores of countries. They will be small enough for a terrorist to carry undetected. The terrorists will be able to deploy these devices at will. When is all this coming? Some time and soon from any of scores of countries. What is the answer? Simple and very tough: Stop the nuclear arms race. Now that is not what Safire says. It is what I say. But Safire does say something very wise in the last two sentences of this column. It is this:

In such a world, would it not make sense for the superpowers to be able to detect and suppress a terrorist missile? By approaching the idea of defense creatively, we could make possible a mutual-defense pact that is the logical road to offensive disarmament.

Mr. President, I ask unanimous consent that the column to which I have referred by William Safire be printed in the RECORD.

So there being no objection, the article was ordered to be printed in the RECORD, as follows:

[New York Times, Sunday, Jan. 29, 1984]

ESSAY: UP THE LASER RIVER

(By William Safire)

WASHINGTON, Jan. 28.—After failing to achieve offensive nuclear superiority, Soviet leaders are now trying to steal a march on missile defenses. Here is their triple threat:

1. Local defense. The Russians are building hundreds of the SA-12, a combined radar van and launcher capable of shooting down ten incoming missiles in a 30-mile zone. By deploying a thousand of these local defenses against "light" missile attacks, the Soviet Union would weaken our deterrent; to get through with our retalization, we would have to concentrate on 10 percent of the targets, and most Russians would read about our nuclear response to their first strike in their local newspapers.

But isn't this a violation of the Antiballistic Missile Treaty, which forbids defenses "in an ABM mode"? The Russians reply that the SA-12 is designed to shoot down airplanes, which it can also do; the ABM treaty language is circumvented by weaponry capable of more than one mode.

2. Continental defense. We have incontrovertible evidence of six huge battle-management radars, each in "phased array," making possible detailed imaging on the screens and offering extraordinary precision in selection of targets. These are connected to "Flat Twin" radars, which sort out missile tracks and set priority for shooting down incoming missiles. These activate "Pawnshop" radar (so called because of the doohickeys hanging from it), which guides the surface-to-high-altitude interceptor missiles, the SH-4 and SH-8.

Last year, when some of us began banging our spoons on our highchairs about this massive violation of no-defense agreements, the Sanhedrin of self-delusion brushed it off as hawkish alarmism; now even New York Times editorialists concede that one of the emplacements, at Abalakova, "merits discussion." Again, the Russians claim their massive radar shield is for another purpose—tracking satellites—and thereby seek to conceal the most advanced battle-management defense behind a seemingly innocent alternative use.

3. Directed-energy weapons in space—ray guns to shoot down rising missiles. Our National Security Agency and C.I.A., with some overseas help, have gathered evidence of Soviet laser and particle-beam weapons research that would make the most of the vacuum in outer space. Laser research is harder to detect than noisy missile testing, but those with a need to know now know that the Russians are not denigrating as "Star Wars" what is likely to become the most powerful component of their missile defense.

Analysts are putting that intelligence together with pictures of a new Soviet rocket capable of putting a 400,000-pound object in orbit. (Our biggest current payload, for the space shuttle, is 65,000 pounds.) Some genius on Team B at Langley will soon hazard a guess that one of these days the Russians will orbit a large, crude laser device ostensibly for peaceful research but also capable of zapping missiles coming out of their silos.

When the import of these three levels of Soviet defense finally sinks in, what will the reaction here be?

In the freezenik dovecotes, we can expect scientists to downmouth the effectiveness of each level of Soviet antimissile defense: The SA-12's may not all work, the phased-array radars could wind up in disarray, the big booster for the technologically primitive laser might blow up on the pad. Besides, doves will say, fear of Soviet advances is always the warmongers' rationale for new spending.

In the military-industrial-inferiority complex, we can expect Pentagonians and contractors to slaver at the prospect of interminable R & D, with gold-plated laser technology to leapfrog the Soviet's crude space-stationed weaponry sometime in the next millennium.

However, some patellar reflexes are too important to be left to kneejerks.

One fact of life is that the Russians are, no fooling, making real headway in missile defense, and that the defensive phase of the arms race is already well under way. The second fact is that it is dangerous for us to plan defenses to be put in place decades hence, to counter missiles not yet on drawing boards; that leaves us as the only undefended superpower in the meantime.

Instead of hoping the Russians will forgo their advantage, or grimly planning to compete to the bitter end, we might look at the new phase with new eyes. Today we defend ourselves with the threat of devastating retaliation; perhaps a much safer defense for both superpowers would be a real defense.

In the coming generation, where is the greatest nuclear danger? Not from the other superpower, which has much to lose and is likely to act rationally. Tomorrow's danger is from a terrorist state—like Libya, which could buy a German missile and help Pakistan develop a bomb—that would have less to lose and could well be headed by an audacious blackmailer or kamikaze fanatic.

In such a world, would it not make sense for the superpowers to be able to detect and suppress a terrorist missile? By approaching the idea of defense creatively, we could make possible a mutual-defense pact that is the logical road to offensive disarmament.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I do not believe there are any others who wish to make statements.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE 25TH ANNIVERSARY OF ALASKAN STATEHOOD—COMMEMORATIVE STAMP CEREMONY

Mr. STEVENS. Mr. President, on January 3, Postmaster General William F. Bolger officiated at the dedication of a 20-cent commemorative stamp honoring the 25th anniversary of Alaskan statehood. The ceremony was as impressive as is the stamp itself.

After the stamp dedication ceremony, the Postmaster General delivered a major address to the Fairbanks Chamber of Commerce. His words are eloquent testimony to the universal concept embodied in the U.S. Postal Service. I commend his remarks to you and ask unanimous consent for the entire text of Mr. Bolger's January 3 speech to be reprinted at the end of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIAM F. BOLGER, POSTMASTER GENERAL

Good afternoon.

Thank you for inviting me to continue the celebration we began this morning by dedicating the stamp honoring the 25th anniversary of Alaskan statehood.

Although it may seem repetitious to those of you who attended the dedication ceremony, I feel it's important to restate some of the points about your great state that I made this morning. I want you to comprehend that—though it is often difficult to achieve—your Postal Service makes the same commitment to serving Alaskans that it does to the citizens of the "Lower 48", and the state of Hawaii and the other Pacific islands.

Alaska presents many challenges to the Postal Service—just as it does to others doing business here. The most obvious of these difficulties, of course, are the harsh climate and the lack of a well-developed transportation network. They combine to make the business of delivering the mail here a constant, daily challenge.

Yours is a huge state—one which confronts the Postal Service with the challenge of providing service to an area twice the size of the great state of Texas . . .

. . . That's a point, by the way, which still prompts suitably-proud Texans to suggest that the two states will achieve "rough geographic parity" if Alaska is ever subjected to a thaw.

They may have a point, because about a month ago, I was advised by Fairbanks Postmaster Ed Hayes that I might expect today a temperature of up—or perhaps I should say down—to 50 degrees below zero.

(You can imagine my delight when I awoke this morning to discover it was only ——— below!)

The point is, of course, that I think we can all accept that the weather and the sheer size of Alaska demand unique and innovative management techniques from your Postal Service.

Consider, for example, that the Fairbanks Management Sectional Center—which manages all of the area's post offices—serves 290,000 square miles. That equates to about 5,000 square miles for each of the 56 post offices under the Fairbanks' management umbrella.

Although some of the communities within these many square miles are so sparsely populated that another business might not serve them, most get regular service from the Postal Service. That's something they share with citizens in each of our states—whether city dwellers, rural Americans or "last outpost pioneers."

That latter point—"last outpost pioneers"—leads me to the main theme of my remarks today.

There's a story repeated often in Washington, D.C. It concerns a politician who not very long ago was called upon to deliver a speech in our 50th state, Hawaii. He stepped up to the microphone and began his remarks with words that went something like this:

"Citizens of Hawaii, I bring you greetings from your friends back in the United States!"

Well, I'm not suggesting that there are too many Americans who still don't know that the proud stars representing Alaska and Hawaii were added to our Grand Old Flag back in 1959. Rather, I am suggesting that there are a lot of Americans who still believe that every Texan owns a ranch, every New Englander wears Izod shirts, and that Alaskans emerge daily from "last outpost" igloos or log cabins and commute by dog sled down to the great pipeline or out into the wilderness to check their beaver traps.

I think it's a shame that many people in the "lower 48" are so blissfully unaware of the changes occurring here. You might say, in fact, that Alaska suffers a kind of "perception gap." People's perceptions of Alaska have lagged far behind the dynamic realities of your beautiful state.

I suppose I empathize with you over this "perception gap," because like some Alaskans, the Postal Service is also the frequent victim of such insensitive stereotyping.

You see, despite having made incredible strides since being reorganized into the Postal Service in 1971, this nation's mail system has suffered from perceptions which have lagged behind our own dynamic realities.

It is unfortunate that the American public does not know more about how its postal system is managed. For example, the U.S. Postal Service will collect, process and deliver almost 125 billion pieces of mail this year. If people were more aware of the awesome logistical task this presents, they might develop a deeper appreciation for how well we meet this task.

Part of the image problem we face is that we are attempting to deliver almost 400 million pieces of mail each day. If we're only 99 percent perfect, that one percent error factor affects millions of Americans.

We sometimes also suffer from lingering public misconceptions which can be traced back to the final days of the old Post Office Department. Many people—much like the politician who erred in Hawaii—are not aware that 1971 brought a new Postal Service into being. Many Americans don't realize that as Postmaster General, I am no longer a member of the President's Cabinet. Many of our citizens are unaware that postmasters and other top managers are promoted on merit—because of what they know and not who they know.

And, many people do not realize that we are the "new" Postal Service, that we have a clear mandate to deliver the mail to all Americans, that we must deliver our mail as efficiently as possible, that we no longer receive any subsidy from taxpayers, and that we must apply sound business principles to our public service tasks while breaking even financially.

How are we doing?

Well, as a 43-year veteran of this nation's postal system, I can assure you that things have changed dramatically and positively since the Postal Service arrived on the American scene.

We have, since 1970, handled about 40 percent more mail with almost 10 percent fewer employees. Our gross productivity—which is pieces of mail processed per employee—has increased 49 percent. I think you would be sorely pressed to name another firm—foreign or domestic, public or private—which has performed as well in the past 13 years.

However, don't misunderstand my intentions in stating these facts. I'm proud of the job we're doing, but I have not come before you to idly boast or brag.

My intent is to help close the "perception gap" that I mentioned and to help you understand why the Postal Service has been—and is—a successful public enterprise. We are successful because we benefit greatly from three essential tools that more conventional government agencies lack. These tools are:

One, the ability to retain our revenues and to set our own financial course.

Two, the ability to recruit, select, train, retain and promote our people in respect to our specific business needs.

Three, the freedom to operate without partisan political influence.

These three tools allow us to manage our affairs on the basis of what best meets our needs for efficiency and our customers' needs for service. By operating in the environment created through the sensible use of these three tools, the Postal Service has established itelf as one of this nation's most vital public services.

In addition, we have established that we are a financially-sound public enterprise. Let me touch on a few highlights of our record on this score:

First, in the past five years, we have recorded three operating surpluses, have offset our deficit years and—essentially—broken even over the past seven years.

Second, as I mentioned, we have eliminated direct taxpayer subsidies to the Postal Service—well ahead of schedule. Or, said another way, we now pay our own way.

Third, postage rates have become more stable—in fact, by the time our proposed new rates become effective, it will have been at least three years since we last increased the price of a First-Class postage stamp.

Fourth, our rate stability has in turn helped us increase our volume year-by-year. In each of our past four fiscal years, our volume has exceeded 100 billion pieces. That's phenomenal when you consider that only a few years ago—and occasionally today—the "guessperts" were writing us off as a viable component of the future communications mix.

And, finally, since Reorganization we have modernized our plants, improved our employee salaries and working conditions and applied modern technology to the task of moving the nation's mails.

In respect to the latter point—applying technology to our tasks—I predict that our recent move into automation and our new ZIP + 4 code program will keep us a universal, reasonably-priced and vibrant member of the communications industry for decades to come.

The most significant result of the progress we have made as a public corporation is our greatly-increased flexibility in dealing with the challenges of providing service to a state like Alaska, where the population is growing and the geographic centers of business are expanding so rapidly.

You might recall that earlier in this speech I noted that you present us with a challenge for unique and innovative management. So, let me turn to several aspects of how we're meeting the formidable challenges of providing mail service to the people of Alaska. And, as well, let me touch on some of the innovations we're looking into to assure that your mail service will continue to improve in the days, months and years ahead.

That we do improve service is, of course, imperative, for we in the Postal Service realize that in Alaska we are not only a vital communication link. We are also a "second pipeline", if you will, through which the lifeblood of commerce flows. For instance, you have put new meaning into the phrase, "Shop by Mail." We are also quite aware that in the past year, the volume of periodicals and other reading materials entering Fairbanks through the mail system has risen nearly 20 percent. Similarly, the overall volume of first-handled pieces at the Fairbanks Management Sectional Center has jumped by about 15 percent.

I might also mention that in Fairbanks, in particular, the Postal Service is not just a pipeline, but also serves quite literally as a lifeline. A significant percentage of the mail entering Fairbanks is foodstuffs. Therefore,

one of the first challenges we've had to meet here is to confront and conquer the "You can't get there from here" problem. We have worked on improving our transportation system, using every means of transport available.

To further improve our ability to move your mail efficiently, in the past year the Postal Service established a highway contract route for mail transported between Anchorage and Fairbanks. This route, I understand, involved an additional investment on our part of some $160,000 annually.

We've also invested in our physical plants in the Fairbanks service area. You have three new facilities. Others have been upgraded and modernized. We have installed about 115 Neighborhood Delivery and Collection Box Units. We've improved our post office box services—and made them more convenient by providing earlier pickup times for box renters.

All of this adds up to better service for you, our customers.

I think that's a claim backed up by the fact that we've managed to increase our next day delivery standard for mail originating on the west coast and destined for delivery in Alaska by an extraordinary 78 percent!

In the past month, you have received new delivery jeeps. Other service improvements are likely to result this year, because we've been examining new ways of scheduling mail delivery on major air routes.

All of this activity is part of what we call the Alaska Project, a commitment the Postal Service has made to you. The project was undertaken to remedy problems unique to Alaska and to overcome the fact that because of your rapid, unprecedented growth, our services were lagging behind your expectations.

To date, we have identified a number of serious operational deficiences and have assigned specific projects to specialty teams who are working to improve maintenance, retail and delivery services. Throughout the state, this task force has identified 18 post offices or stations which are to be replaced with new facilities. Four additional offices will be expanded. And, several modular offices of the type you're familiar with in Fairbanks will be brought into some of the bush communities.

We expect many of these projects to be under construction by mid-1984. And, by that midpoint of the year, 14 of your fellow Alaskan communities will receive regular mail delivery—rather than picking up mail at the post office.

And, finally, I would be remiss if I did not mention that on June 11, 1983, the Postal Service realigned its management structure to create a new district: the Alaska District. The establishment of this new district moved the supervision of the Anchorage, Juneau and Fairbanks Management Sectional Centers closer to home, and serves as another indicator of the commitment your Postal Service has made to you.

I would like to close with a note of personal comment on that commitment.

If you follow the papers, you might be aware that with increasing vigor, critics of the Postal Service are attacking the Private Express Statutes which grant us a monopoly over the delivery of letters. The volume of these attacks is usually turned up when we request higher rates—which, of course, we have recently done.

The fomenters of these attacks generally sing a siren's song that private business could do a better—and cheaper—job of serving this nation's needs for mail service.

Let me say—as forthrightly as I can—that this is a lot of hogwash!

I can't deny that the emergence of dozens of "privateers" would reduce the local postage rates for mailers in lucrative markets such as New York, Washington, DC, Houston or Los Angeles. But these companies would engage in skimming the cream off the top of the mail delivery market. As "smart" business people, they would serve only high volume, low-cost areas such as downtown business districts or densely-populated residential areas.

But who would deliver mail to higher-cost areas such as rural America or the Alaskan bush? Well, let me answer that with a look at the record. One area in which the Postal Service does compete is parcel delivery. One of our most noted competitors established service in Alaska, although it never came as far as Fairbanks. After a brief run, this firm decided the dollars didn't add up. It withdrew.

By contrast, let me note that in my office in Washington I have a plaque which underscores the Postal Service's commitment to you and every other American citizen. The plaque was presented to me by your very able Senator Ted Stevens and Elaine Childs—our contract stationmaster in Prudhoe Bay. It is fashioned from a piece of surplus steel from the Trans-Alaska Pipeline. On its face is a map of Alaska, with Prudhoe Bay prominently marked as a constant reminder of our uncompromising commitment to serve this Alaskan "outpost."

To me, the plaque is proof that the Postal Service won't pull out of its commitments to you. It is also a visual reminder that we will find Americans in some very remote corners of our great nation. Each of them—whether they're in Prudhoe Bay, Fairbanks, Fort Yukon or Barrow—is entitled to the same essential service we provide in New York, Washington or Los Angeles.

So, let me close both my remarks and the "perception gap" by assuring you that the unrelenting reality of the Postal Service is that we will provide universal service at universal prices to all of America.

And, to each of our citizens we will provide service that is second to none . . . from sea to shining sea . . . among island states or provinces . . . and, certainly, from the last of the Florida Keys to the most remote tip of the Aleutian Islands.

Thank you.

U.S. MARINES SHOULD BE WITHDRAWN FROM LEBANON

Mr. MELCHER. Mr. President, while it is a given truth, to which I subscribe, that it is best that the President enunciate foreign policy for the United States, the circumstances in the Middle East now require that Congress intervene under the War Powers Act to modify that policy by calling for the withdrawal of the U.S. Marines from Lebanon. The President made a mistake by committing them as part of the peacekeeping force and Congress, by majority vote, made a mistake by endorsing his policy under the war powers resolution passed last year.

That was a mistake based on political considerations. It was a faulty premise that the Marine presence would help in securing peace by helping to stabilize the Lebanese Government and which would lead to accommodations and ultimately peace between and among the various religious groups in Lebanon, to be followed by some sort of planned withdrawal by Syrian and Israeli forces from their country. It was a mistake to place the marines, which is an assault force attached to the 6th Fleet, on the ground near Beirut. The decision was not based on any military reasoning and, in fact, was contrary to all military judgment.

Israel's 1982 invasion of Lebanon and occupation as far north as Beirut was their military judgment at the time and appeared to me to be a very bad decision. It has been my judgment from the outset that the United States should have officially and vigorously protested Israel's invasion of Lebanon, warning them that they could not secure a clear military victory leading toward stability in the Middle East. If current reports of official Israeli documents are true, the Begin Cabinet informed us of their intentions and was assured that the Reagan administration would "understand" their invasion of Lebanon.

It should be clear now to the Reagan administration and Congress that keeping the marines in Lebanon is detrimental to our policy and hinders rather than helps peace negotiations. It is also detrimental to Israel, and the dissatisfaction of the people of Israel with their own military presence in Lebanon is being reflected in general dissatisfaction with the Shamir government.

There is no reason to support the President in a bad decision that was made for political reasons in defiance of sound military advice. There is nothing that 1,800 marines or 18,000 marines can accomplish in Lebanon in terms of a meaningful military mission. Those assault marines should be withdrawn now, and there should be no mincing around about correcting an unsound and unwise mistake by our Commander in Chief who disregarded the military facts of life in Lebanon.

DOMESTIC CONTENT

Mr. JEPSEN. Mr. President, we are hearing a great deal these days about "domestic content" legislation and its alleged benefits. Supporters of this legislation which further restricts Japanese automobile imports into the United States claim that thousands of jobs will be created by this bill. Although I support legitimate efforts to create new jobs and strengthen American industry, studies by the Congressional Budget Office and by Wharton Econometric Forecasting Associates show that the domestic content bill (S. 707) would cost far more jobs than it would create. Furthermore, it would add billions of dollars in higher costs of cars to consumers and strike a dev-

astating blow to agriculture and other U.S. exports. And, finally, the trade retaliations which it would trigger could launch the full blown trade war with our major trading partners that would be the final blow to send the world economy reeling toward disaster.

Our major trading partners have already sent signals that domestic content requirements would be recognized as a violation by the United States of its international trading commitments and obligations, and as clear repudiation of the pledges of the Williamsburg summit meeting to avoid such protectionist measures which could further disrupt world trade.

In our commendable efforts to solve the critical problems of unemployment in the American automotive industry, we seem to have forgotten the interests of other workers, of all American consumers and of farmers and other exporters. I would remind my colleagues that Japan imports nearly 7 billion dollars' worth of our agricultural commodities each year and the European Community imports nearly 9 billion dollars' worth. American farmers are already suffering from declining exports, along with high interest and other costs and a further blow such as "domestic content" could add thousands of farmers to the already appalling roster of recent bankruptcies and foreclosures.

American consumers have clearly indicated their liking for the quality, economy, and variety of imported automobiles. Domestic manufacturers are making rapid strides to match foreign productivity and reliability, but further restriction of imports at this point would greatly restrict consumers in their choice of economical and dependable automobiles and make it too easy for the American industry to relax its efforts to improve quality, to lower prices, and to offer consumers the economy models which many American buyers want.

And, as I have pointed out, consumers would not be the only losers, non-UAW factory workers, farmers, and other export-related sectors would suffer as well because of retaliation and other damage to our economy. Our export volume would shrink, world trade would be disrupted, the world economy would suffer—and when this happens, no one prospers. Short-term gains made by autoworkers would be far outweighed by the longer-term economic and other damage to our national interests.

American farmers are especially vulnerable in this situation. Our trading partners know that one of the surest ways to disrupt our equilibrium is to cut back imports of our agricultural goods. Ask any farmer what he thinks about exports and their importance. Ask any farmer what he thinks about embargoes, and then mention domestic content. In a farmer's mind, all three are related because profits in agriculture require exports. When exports are down, for whatever reason, farmers cannot make money. The farmer's loss then cycles into the rest of the economy.

As pointed out in a letter from the Iowa Corn Growers Association:

Figuring that each dollar in farm income turns over several times, this legislation has the potential of removing $1 billion from Iowa's economy.

Mr. President, I ask unanimous consent that the Iowa Corn Growers letter be reprinted in the RECORD at the conclusion of my remarks.

To use a particular example, Iowa is the second leading agricultural export State in the Nation. In 1982, Iowa exported more than three billion dollars worth of commodities. Imagine a substantial drop in those exports in a matter of a few short years, as other nations take their business elsewhere. Compound that loss with an export volume which has been as high as $40 billion in agricultural goods in a recent year. How many farmers would then be able to buy new cars and other products of American industry?

U.S. agricultural leaders are greatly concerned about the threats of further restrictions on our access to foreign markets, such as the European effort regarding corn and soybean products. Passage of the domestic content bill would greatly increase the dangers from such threats. Also, I share the strong desires of our beef and citrus sectors, and of U.S. agriculture in general, that Japan open its markets on a more rational basis to those products. We must continue to press for a lowering of the beef and citrus barriers in every appropriate way, but a GATT-illegal proposal such as the domestic content bill is the wrong negotiating approach, and if passed, would be a critical setback for those sectors as well as all of American agriculture.

Mr. President, I believe it is imperative that we keep the doors of foreign trade open. We are just now beginning to reestablish ourselves as reliable suppliers of grain after the disastrous embargo of 1980. Will we become known as unreliable trading partners on all fronts? Every industry in this Nation will suffer if domestic content requirements are put into effect. Farmers, consumers, and the millions of non-UAW workers deserve better. We must stop domestic content before it leads to irreversible damage to our vital national interests and to the world economy.

In summary, Mr. President, as Wharton Econometrics concluded in their analysis of domestic content proposals, 423,000 jobs would be lost in the U.S. economy. The U.S. economy would suffer slower growth, lower income, and higher unemployment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTING THE PRODUCTION AND MARKETING OF IOWA CORN

IOWA CORN GROWERS ASSOCIATION,
West Des Moines, Iowa, December 5, 1983.

Hon. ROGER W. JEPSEN,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR JEPSEN: Based on our investigation into the House-passed Domestic Content legislation, the bill is diametrically opposed to the increased demand goals of the Iowa Corn Growers Association and I urge you to work for its defeat.

The immediate impact upon Japan, our No. 1 customer, would virtually guarantee drastic reduction in the imports of U.S. corn. And as you can see from the attached background paper, Japan is a $250 million market for Iowa's corn growers.

Furthermore, the measure is certain to be viewed as protectionist by the many other nations importing Iowa corn, providing them with an excuse to further curtail our access to their markets.

The European Economic Community, in particular, does not need such a blatant reason to restrict the imports of our corn gluten feed.

Figuring that each dollar in farm income turns over several times, this legislation has the potential of removing $1 billion from Iowa's economy.

Adding insult to injury are studies showing the cost of American cars would rise at least 10 percent, while much of the competitive incentive for continued improvements in quality and efficiency would be removed. This would hurt all consumers.

In addition, the bill would not likely accomplish its purpose of strengthening the U.S. auto industry. A parallel could be drawn between this potential situation and the past experience of the U.S. maritime industry, which has "enjoyed" government protection for 30 years in cargo shipments. As you know, the end result is a U.S.-flag, dry bulk fleet that has deteriorated to such a degree it is nearly non-existent.

The problem in the U.S. auto industry is a combination of things, including wages more than half again as high as the average for all American manufacturing workers, and a slowness to respond to consumer desires for smaller, more efficient cars.

Shifting the burden from the auto industry to American consumers—particularly those who are corn growers—will not fix the problem. It will, however, have the potential of lowering the standard of living for thousands of Americans.

Sincerely,

DAN STADTMUELLER,
President.

BACKGROUNDER: DOMESTIC CONTENT LEGISLATION

The U.S. House of Representatives on Nov. 3 passed (219-199) H.R. 1234, the Fair Practices and Procedures in Automobile Products Act of 1983. Otherwise known as the Domestic Content Bill. It is expected to be considered by the Senate early in 1984.

Voting for the measure were Democrats Tom Harkin and Republican Jim Leach. Iowa's other four congressmen—Democrats Berkley Bedell and Neal Smith, and Republicans Cooper Evans and Tom Tauke—voted against it.

Similar legislation was approved (215-188) by the House in December of 1982, but did not make it through the Senate.

Under the bill, if a company annually sells more than 100,000 motor vehicles in the United States—beginning with the 1985 model year—a percentage of each vehicle must be of "domestic content."

Domestic content was determined by the House to be everything from parts to advertising. In other words, the entire cost of the vehicle from construction to promotion.

If the firm sells more than 100,000 but fewer than 900,000 vehicles, an increasing percentage would be determined by a formula based on the number sold.

For manufacturers selling more than 900,000 vehicles, the minimum domestic content ratio would be 30 percent in 1985, 60 percent in 1986, and 90 percent in following years.

Proponents say the legislation would stop the erosion of the nation's auto industry. If they want to sell here, they say, let them build here.

Opponents, however, say if the bill became law it would drive up the price of cars and limit model selection. Most importantly, they say the measure would spark retaliatory protectionist actions from other nations, limiting our access to foreign markets and threatening agriculture in general and those jobs related to exports in particular.

The legislation is primarily supported by the United Auto Workers and the AFL-CIO. It is opposed by more than 70 companies and groups, including the National Corn Growers Association.

The administration is against the measure. Commerce Secretary Malcolm Baldridge has said: "Local content legislation will not lead to significant job creation; it could even lead to job destruction."

In fact, a study by the Congressional Budget Office indicates the gain of 107,000 jobs in auto and auto-related industries would be more than countered by the elimination of 173,000 jobs caused by retaliatory measures.

The only country immediately affected would be Japan, the No. 1 customer for Iowa corn.

Japan, under a voluntary export quota recently extended, will annually send 1.85 million automobiles to the United States through March 31, 1985. In 1982, Japan had 22 percent of the U.S. passenger car market. In 1983, that market share is estimated to drop to around 20 percent. And in 1984, the figure is expected to dip to 18.5 percent.

Iowa exported $437,322,900 in agricultural products to Japan during 1982 and $253,525,400 of that was in corn.

Iowa agricultural exports in 1982 totaled $3.026 billion, of which $1.294 billion was corn. If the legislation became law and was viewed as protectionist by other nations producing motor vehicles, it could lead to retaliation. This would especially put our exports of corn gluten to the European Economic Community in further jeopardy.

During House debate, Bill Frenzel, R-Minn., called the bill "an exercise in greed." He went on to say, "it seeks to protect the jobs of a few, to hurt the jobs of the many, and to lay the additional costs of job protection on unwilling American consumers."

At one point, an amendment was offered to change the name of the legislation to the "UAW Wage Differential Protection and Anti-Auto Consumer Act of 1983."

With regards to auto worker jobs, it's interesting to note that in 1978, Flint, Mich., had the highest per capital income of any U.S. city. Early this year, however, Flint had the highest unemployment rate. In the words of an editorial in the Nov. 17 Cedar Rapids Gazette, ". . . auto workers priced themselves out of the job market."

The measure is not given much chance in the Senate. In fact, some observers believe the House passage may be a good thing in that it will send a "signal" to other nations that the U.S. is through fooling around with trade barriers.

Such a signal, however, clashes with recent Reagan administration statements that the future health of American agriculture is heavily dependent upon expanded exports.

The Iowa Corn Growers Association takes it another step, believing that the health of the entire American economy depends in large measure on expanded world trade. That means more freedom to import as well as export.

LEADERSHIP AND TERRORISM

Mr. HATCH. Mr. President, I would like to speak to you and my colleagues about leadership and terrorism. Early this month, a little-noticed article in the Arizona Sun, later reported in the Washington Post, described an apparent attempt in 1981 to assassinate President Reagan and Prime Minister Begin of Israel during his White House visit 3 years ago. According to this report, enough explosives were discovered in connection with the attempt to have destroyed an entire city block.

We can all be faulted for lapses of memory, but it might be well to recall that in 1981 the first reports of a Libyan-trained terrorist squad planning to infiltrate the United States to assassinate President Reagan surfaced.

Perhaps we discounted those reports too readily when no terrorists were apprehended and no assassination attempt materialized. Yet I am struck by the force of the explosives reported in the Arizona Sun account, and the terrorist tactics that were used against our Marines in Beirut and Embassy in Kuwait.

The subject of Prime Minister Begin's discussions with the President in 1981 was peace in the Mideast and an independent Lebanon. It would now appear that the first planned casualties of our initiative in the Mideast were the President and the Prime Minister. Only when this failed did the shadowy occupants of the underworld of terrorism turn against the multinational peackeeping force with their attacks on our Marines and the French contingent.

No one wants our forces exposed to danger, but leadership requires difficult choices. In choosing to pursue an historic opportunity to end Lebanon's tragic civil war and restore a lasting civil government in place of warring factions, the President also risked his own life, as the exposure of the explosives plot shows. He has asked for continued support as long as progress is being made in strengthening Lebanon's democracy and the prospects for lasting peace in the Mideast.

President Anwar Sadat of Egypt paid the ultimate personal price for his courageous leadership. Despite the advice of those who tell him not to risk his reelection and withdraw the Marines immediately, the President has made the difficult personal decision to stand fast while progress can be made. It now appears that he too has been a target of the terrorists. The lesson we all must learn is that handfuls of international assassins, trained hit men, and those who will stop at no atrocity to undermine an opponent—even tragedies like the Christmas bombing in London—count very much on public opinion and the creative dissent of democracies in their strategies of terror. Their goal is to paralyze leadership; and when they cannot do so, to destroy leaders.

The United States must take every precaution to insure the safety of the Marines. But that does not mean that we cannot avoid the burdens of leadership or our role in forging peace because armed fanatics and terrorists have determined to extract their toll on the path to peace in the Mideast.

COMPREHENSIVE CRIME CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983."

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to inquire of the distinguished Senator from Maryland if he wishes to vote now on the first amendment he discussed yesterday or does he wish to proceed to take up some other amendments and then vote on several of them at one time.

Mr. MATHIAS. Mr. President, I think there is a little more to be said about that amendment. I would suspect that the better procedure would be to go ahead with further amendments and then we can dispose of them in an expeditious manner.

Mr. THURMOND. In other words, I understand the Senator would like to discuss three more amendments that the Senator has?

Mr. MATHIAS. Two more amendments to be offered.

Mr. THURMOND. It is agreeable, if he wishes, to go into those at this time and then we can stack the votes, if there is no objection, and let all three

be voted on at one time, if that is agreeable with the Senator.

Mr. MATHIAS. I thank the chairman of the committee.

The PRESIDING OFFICER. It would require a unanimous-consent request to follow that procedure.

Mr. THURMOND. Mr. President, I ask unanimous consent that we proceed to discuss the other two amendments and then vote on the one we considered yesterday plus these two amendments and stack the votes to occur one following the other.

The PRESIDING OFFICER. Is there objections? Without objection, it is so ordered.

The Senator from Maryland is recognized.

AMENDMENT NO. 2648

Mr. MATHIAS. Mr. President, my first amendment is No. 2648. It might be helpful, before we go to the other amendments, to give a brief summary of its provisions.

The amendment, I would reiterate, is based on suggestions made by the American Bar Association to give sentencing judges greater flexibility in passing sentences appropriate to individual offenders. It would also emphasize alternatives to incarcerations by requiring the imposition of the least severe appropriate punishment sanction.

Under this amendment, the court could depart from a sentencing guideline if it finds that the facts about the offense or the facts about the offender warrant such a departure. As currently drafted, S. 1762 makes such a departure a reversible error. A departure would be permitted under the bill only if the court finds the Sentencing Commission failed to give adequate consideration to an aggravating or mitigating circumstance present in the particular case.

Second, under the amendment, the court would be required to consider sentencing alternatives in the order of increasing severity, imposing the least severe appropriate sanction—I emphasize the word "appropriate"—and ordering imprisonment only if no other sanction is adequate to achieve the purpose of sentencing.

I do not propose to repeat all that I said yesterday, but I think it is useful to refresh the memory of the Senate that these amendments are needed to build some flexibility into the sentencing guidelines in S. 1762. The purpose of the amendment is not to abolish the system but to build some flexibility into it, to counteract the tendency for a guideline system in which parole is abolished, to result in longer average prison terms, greater use of incarceration as a punishment and, consequently, an explosion in the prison population.

With regard to the first aspect of the amendment, the proponents of the bill have sometimes argued that the district judge may in fact depart from the sentence mandated by the applicable guideline as long as he or she is prepared to have that decision subjected to scrutiny by the court of appeals. In that sense, of course, any judge may depart from the mandate of any statute that the Congress may enact, confident in the knowledge that his decision may be reversed on appeal.

Here again, we see the divergent views of the nature of the Federal bench. We can assume, in the absence of evidence to the contrary, that if S. 1762 is enacted into law, the judges will make a good-faith effort to abide by its strictures. The judges obey the law. I believe that. They will seek to confine their sentencing decisions within the narrow guidelines handed down by the Sentencing Commission unless—it seems to me this is a rather remote possibility—unless they find that the Sentencing Commission failed to give adequate consideration to a mitigating or aggravating circumstance. So, as the Senator from Delaware suggested yesterday, judges will try to wade through however many thousands of pages of working papers, tentative drafts, and whatever preliminary memoranda or other materials may be produced by the Sentencing Commission in an attempt to glean the answer to the question: Did the Commission give adequate consideration to this factor, whatever adequate consideration may be?

If that is the path down which Congress directs the judiciary in the sentencing process, we should expect that the bench will then seek assistance wherever it is available, the judges will seek whatever help is at hand, in determining whether adequate consideration was given. That leads us to further questions. Does that mean that counsel for the defense could be entitled to discovery of the internal processes of the Sentencing Commission?

Can counsel for the defense subpena the staff of the Sentencing Commission or members of the Sentencing Commission? Could the defense demand production of the papers and files of the Sentencing Commission? Because, after all, what better evidence could there be as to whether or not the Commission had given a certain factor adequate consideration?

I think it further means that counsel for the defense may be entitled to present expert testimony—not on the facts arising in the case or on the circumstances of the defendant, but on whether or not the consideration given by the Commission to a certain factor was adequate. The question of adequacy arises. What the judge, in the long run, is asked to do in this situation is to find a fact—was adequate consideration given? The Federal rules generally allow expert testimony whenever it is useful to the trier of fact. So, by this statute, we are building into the law a whole new question of fact which must be determined.

Frankly, Mr. President, I do not know the answer to these questions. Maybe the managers of the bill do. But it seems to me that these question focus attention on the result of this bill, which would be to require the courts to expend a lot of time and energy in determining facts which are marginal to the decision before the courts. That decision is how to punish an individual or an organization found guilty of a crime against the United States. To make as wise decision on that question, the court needs to know as much as it can about the nature of the offense and the offender. It is simply a waste of time and resources of the Judiciary to look instead at the question of what the Sentencing Commission did or failed to do a year previously or 5 years previously or 10 years previously, or however long it may have be in. The fact that this quest can be continued on appeal only, in my mind, compounds its wastefulness.

AMENDMENT NO. 2649

(Purpose: To place the responsibility for issuance of sentencing guidelines in the Judicial Conference of the United States)

Mr. MATHIAS. Mr. President, if the managers of the bill have nothing further to say at this time, I propose, in conformance with the unanimous consent order that has been entered, that we move on to the second amendment. I call up amendment No. 2649.

Mr. THURMOND. Mr. President, that is agreeable to us.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS), for himself and Mr. CRANSTON, proposes an amendment numbered 2649.

Mr. MATHIAS. Mr. President, since this amendment has been printed in the RECORD, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 15, beginning with "and" strike out all through "28 U.S.C. 994(a)," on line 16 and insert in lieu thereof "promulgated by the Judicial Conference pursuant to chapter 58 of title 28,".

On page 35, line 9, beginning with "issued by the" strike out all through "28 U.S.C. 994(a)(1)" on line 10 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 35, line 12, after the semicolon insert "and".

On page 35, strike out lines 13 through 16.

On page 35, line 17, strike out "(6)" and insert in lieu thereof "(5)".

On page 53, strike out beginning with "In determining" on line 24, through line 3 on page 54.

On page 55, strike out line 10 and insert in lieu thereof "Judicial Conference pursuant to chapter 58 of title 28,".

On page 57, line 13, after the semicolon insert "and".

On page 57, line 16, strike out "; and" and insert in lieu thereof a period.

On page 57, strike out lines 17 through 19.

On page 72, line 22, after the semicolon insert "and".

On page 73, line 5, strike out "; and" and insert in lieu thereof a period.

On page 73, strike out lines 6 through 8.

On page 74, beginning with "and any pertinent" on line 5 strike out all through "994(a)(2)" on line 7.

On page 82, line 2, beginning with "issued by" strike out all through "28 U.S.C. 994(a)" on line 3 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 82, line 8, beginning with "issued by" strike out all through "994(a)(1)" on line 10 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 83, line 2, beginning with "issued by" strike out all through "28 U.S.C. 994 (a)" on line 3 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 83, line 8, beginning with "issued by" strike out all through "994 (a)(1)" on line 10 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28,".

On page 86, line 20, beginning with ", and after" strike out all through "28 U.S.C. 994," on line 22.

On page 91, line 22, strike out "established by" through "28," on line 24 and insert in lieu thereof "the Judicial Conference pursuant to chapter 58 of title 28,".

On page 92, line 3, beginning with "issued by" strike out all through "28 U.S.C. 994 (a)(1)" on line 4 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 92, strike out lines 9 through 11.

On page 92, line 12, strike out "(D)" and insert in lieu thereof "(C)".

On page 92, line 17, strike out "(E)" and insert in lieu thereof "(D)".

On page 92, line 20, strike out "(F)" and insert in lieu thereof "(E)".

On page 94, line 10, beginning with "or policy statements" strike out all through "994(a)" on line 12 and insert in lieu thereof "issued by the Judicial Conference pursuant to chapter 58 of title 28".

On page 97, strike out lines 1 through 25 on page 120, and insert in lieu thereof the following:

SEC. 207. (a) Title 28 of the United States Code is amended by adding the following new chapter after chapter 57:

"CHAPTER 58—SENTENCING GUIDELINES AND GUIDELINES COMMISSION

"Sec.
"991. Sentencing guidelines.
"992. Content of sentencing guidelines.
"993. Guidelines Commission.
"994. Membership and organization of the Guidelines Commission.
"995. Hearings by the Guidelines Commission.
"996. Cooperation of Federal agencies.

"§ 991. Sentencing guidelines

"(a)(1) For the purposes of—

"(A) promoting fairness and certainty in sentencing;

"(B) eliminating unwarranted disparity in sentencing; and

"(C) improving the administration of justice;

the Judicial Conference of the United States shall prescribe and submit to the Congress sentencing guidelines for Federal judges to use in determining the appropriate sentence to impose following conviction of a crime.

"(2) Such sentencing guidelines shall—

"(A) take effect 180 days after the date of such submission, unless the Congress otherwise provides by law; and

"(B) in the case of the initial guidelines, be complete and simultaneously so submitted not later than May 1 of the year in which they are to take effect.

"(b) Together with any sentencing guideline submitted under subsection (a)(1) of this section, the Judicial Conference of the United States shall submit a statement of the expected impact of such guideline on Federal prisons, criminal dockets of Federal courts, and Federal expenditures. In preparing a statement under this subsection, the Judicial Conference of the United States shall seek information and advice from the Federal Bureau of Prisons, the Administrative Office of the United States Courts, the Board of Imprisonment, the Office of Management and Budget, and other relevant Federal agencies.

"(c) Any amendment to an existing sentencing guideline shall be prescribed and submitted and shall become effective in the manner set forth in this section for the prescription of such guidelines.

"(d) The sentencing guidelines prescribed under this section shall be formulated in such a manner as to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons, as determined by the Commission based on information provided under section 993 of this title.

"§ 992. Content of sentencing guidelines

"(a) The sentencing guidelines prescribed under this chapter shall be based on—

"(1) categories of offenders derived from relevant history and characteristics of defendants sentenced in Federal court; and

"(2) categories of offenses derived from the nature and circumstances of the offenses for which such defendants are convicted.

"(b) Each sentencing guideline shall indicate the appropriate range of dispositions of cases within each category of offender and each category of offense.

"(c) The sentencing guidelines shall—

"(1) provide for the imposition of the least severe measure or measures necessary to achieve the purposes of sentencing set forth in section 3993 of title 18, United States Code and

"(2) include provisions governing the aggregation of fines and terms of imprisonment in cases in which a defendant is sentenced at one time for more than one offense.

"(d) The Judicial Conference of the United States may, for appropriate offenses, prescribe guidelines indicating that imprisonment would not serve the purposes of sentencing without providing further guidance as to the sanction to be imposed.

"§ 993. Guidelines Commission

"(a) There is established within the Judicial Conference of the United States a Sentencing Guidelines Commission (hereinafter in this chapter referred to as the 'Commission') which shall—

"(1) obtain and analyze on a continuing basis—

"(A) data on the sentences imposed by Federal courts in criminal cases and the nature and circumstances of the offenses and the relevant history and characteristics of defendants in those cases; and

"(B) judicial opinions of Federal courts that are relevant to sentencing;

"(2) recommend sentencing guidelines to the Judicial Conference of the United States;

"(3) recommend to the Judicial Conference of the United States standards for Fedeal judges to use in determining whether to accept a plea agreement;

"(4) recommend to the Judicial Conference of the United States standards for Federal judges to use in designating youthful offenders under section 3546 (relating to youthful offenders) of title 18;

"(5) recommend to the Judicial Conference a standard to be used for evaluating Federal prison capacity for the purposes of section 991 of this title;

"(6) in carrying out its functions under this chapter, seek the opinions and participation of a broadly representative cross-section of persons interested in and concerned with the operation of the Federal criminal justice system, including representatives of the defense bar, the prosecution, and the academic community;

"(7) at least annually, make available to Federal courts and other interested persons any sentencing guidelines prescribed under this chapter and relevant information concerning patterns and practices in the sentencing of persons convicted of Federal offenses; and

"(8) not later than May 1 of each year, report to the Congress on its activities under this chapter and may include in such report recommendations for appropriate legislation.

"(b) The Commission shall—

"(1) conduct all meetings in sessions open to the public and make available to the public any data, opinions, guidelines, and other information referred to in paragraphs (1), (6), (7), and (8) of subsection (a) of this section, except that information identifying specific individuals shall be withheld to the extent provided in the procedures prescribed under paragraph (2) of this subsection and meetings may be held in closed session for that purpose;

"(2) prescribe internal operating procedures to protect individuals identified in any information system maintained by, or under the authority of, the Commission, including safeguards to ensure that information is accurate, current, and necessary for the purposes of this chapter; and

"(3) print and disseminate, with adequate time to comment, guidelines and standards proposed to be recommended to the Judicial Conference of the United States pursuant to subsection (a) (2), (3), and (4) of this section.

"§ 994. Membership and organization of the Commission

"(a) The Commission shall consist of 9 members appointed by the Judicial Conference of the United States. A member of the Commission may be removed by the Judicial Conference for malfeasance or other good cause.

"(b) The membership of the Commission shall reflect—

"(1) a variety of backgrounds; and

"(2) participation and interest in the Federal criminal justice system.

Five members of the Commission shall be judges of the United States in regular active service and 4 members shall be persons who

are not judges or former judges of the United States or of any State.

"(c)(1) The term of a member of the Commission shall be 4 years, except that of the members first appointed, 3 shall have 3-year terms, as specified by the Judicial Conference of the United States at the time of appointment.

"(2) No member of the Commission shall serve more than 8 years. A member of the Commission who is appointed to fill a vacancy shall be appointed for the remainder of the term involved.

"(d)(1) A member of the Commission who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the Commission.

"(2) A member of the Commission who is not a full-time officer or employee of the United States shall be—

"(A) paid the daily equivalent of the maximum annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 (relating to the General Schedule) of title 5 for each day (including traveltime) during which such member is engaged in the performance of duties vested in the Commission;

"(B) allowed travel and transportation expenses in the manner provided in section 5703 of title 5; and

"(C) deemed a 'special Government employee' within the meaning of section 202 of title 18, United States Code.

"(e) The Commission shall designate one of its members to chair the Commission.

"§ 995. Hearings by Commission

"The Commission may hold hearings and take testimony for the purpose of carrying out its functions under this chapter.

"§ 996. Cooperation of Federal agencies

"The Commission may request services, equipment, personnel, facilities, and information from any Federal agency, including the Administrative Office of the United States Courts, the Board of Imprisonment, and the Federal Judicial Center. Each Federal agency shall comply with such requests to the greatest practicable extent, unless otherwise prohibited by law.

"§ 997. Acceptance of uncompensated services

"The Commission may accept voluntary and uncompensated services, notwithstanding section 1342 of title 31.".

(b) The table of contents for title 28 of the United States Code is amended by adding after the item relating to chapter 57 of the following new item:

"58. Sentencing Guidelines and Guidelines Commission ..... 991".

On page 125, line 8, strike out "28 U.S.C. 994" and insert in lieu thereof "chapter 58 of title 28".

On page 128, line 1, strike out "28 U.S.C. 994(a)(1)" and insert in lieu thereof "chapter 58 of title 28".

On page 128, lines 14 and 15, strike out "28 U.S.C. 994(a)(1)" and insert in lieu thereof "chapter 58 of title 28".

On page 131, lines 23 and 24, strike out "policy statements issued pursuant to 28 U.S.C. 994(a)" and insert in lieu thereof "issued pursuant to chapter 58 of title 28".

On page 133, line 5, strike out "(1)".

On page 133, strike out lines 7 through 16 on page 134 and insert in lieu thereof the following: "after the date of enactment except that the repeal of chapter 402 of title 18, United States Code, shall take effect on the date of enactment.".

Mr. MATHIAS. Mr. President, like the previous amendment, this amendment would make two major modifications in the sentencing reform scheme that is contained in title II of the bill. It would authorize the Judicial Conference, rather than a new sentencing commission, to draw up the guidelines. The Judicial Conference is a body in being. We know what it looks like; we know what its membership is; we know its track record. We can make some projections as to what its course of operation would likely be. The proposed sentencing commission is, of course, an entirely unknown quantity. Besides imposing the responsibility for drawing up the sentencing guidelines on the Judicial Conference, the amendment would also focus the guidelines on the sentencing decision. It would simplify the guidelines primarily by eliminating most of the detailed instructions to the Sentencing Commission as contained in S. 1762.

Guidelines would be prepared by a committee appointed by the Judicial Conference rather than by a new permanent agency, a new bureaucracy, a new big government institution. The guidelines would be submitted to the Congress and take effect in 180 days unless Congress otherwise acted. I would point out that this procedure is similar to that followed in connection with the Federal rules of civil and criminal procedure. The scope of the guidelines would be narrowed to focus exclusively on sentencing rather than on peripheral matters such as the grounds for sentence modification or standards for prison furloughs or transfers, and all the other issues that are contemplated in Senate bill 1762.

This amendment has some features in common with a proposal that was made by the Judicial Conference and which has heretofore been embodied in a legislative proposal known as Senate bill 1182.

The underlying premise of this amendment is very simple, and that is that judges are going to administer the guidelines. After all, the purpose of the guidelines, regardless of who writes them, is to help judges do their job.

We have to ask, why should we exclude judges from the process or give them only minimal representation until the guidelines are totally drafted?

I further have to ask the question, is such a system likely to work? Does it make any sense to present the bench with a fait accompli and tell the judges, "go on and administer the guidelines that have been drawn up for you"? Would it not be more sensible to enlist the skill, experience, knowledge, and cooperation of the judges in the first place?

This amendment would simply empower a committee within the Judicial Conference to draft guidelines. It provides for lay representation. Four of the nine members of the commission will be nonjudges.

In the last analysis, Congress would have the power to review any guideline devised by the commission, to amend it, to block it, to change it, just as we now do with the procedural rules. So the proposal places the power where the responsibility is, which seems to me to be the proper juxtaposition of power and responsibility. It is not unfettered power; it is subject to legislative review. But the drafting will be done by the people who will have to apply the rules and who must understand better than anyone else what the rules mean, what they intend, and how they came about.

The proponents of the bill, who are in opposition to this amendment, argue in essence that judges cannot be trusted. You cannot trust a judge, they argue, you must not trust a judge. Judges cannot write guidelines.

It seems to me that is the wrong attitude. The degree of mistrust of the Federal bench signified by this bill is not warranted.

If I am wrong, that is, if the judges do not write the guidelines that we in Congress would expect that they should, or if we do not like what they have written, then the Congress has an opportunity either to change it or to say at that point, "the judges are hopeless and we should create a new bureaucracy called a sentencing commission."

But I think we should first try with the extraordinary intellectual resources that are available in the Judicial Conference before we conclude that judges are not up to the job and that a permanent new agency is needed to supplant one of the integral functions of the bench.

In this debate, we generally refer to guidelines developed by the sentencing commission as sentencing guidelines, but in fact they cover far more than simply the initial sentencing decision. The sentencing commission will have far more power and far greater responsibilities than the name would imply. I think Senators should be fully aware of that.

The sections of Senate bill 1762 which set forth the duties and powers of the sentencing commission occupy 18 pages of the bill. These sections establish the commission's responsibility for issuing guidelines and also for something else called policy statements.

Now, it is extraordinary to me that some of the proponents of this bill who have argued for years against big government want to create a bureaucracy which is going to issue policy statements. These policy statements will address, to give just a few examples, what conditions of probation should be imposed; what conditions of

postrelease supervision, which is a substitute for parole, should be imposed; when conditions of probation should be modified or unpaid fines remitted; what would constitute extraordinary and compelling reasons for modifying a sentence of a prisoner; under what circumstances the Bureau of Prisons would furlough a prisoner temporarily because of death or serious illness in the family; and when and under what conditions a prisoner would be transferred to a prerelease facility near the end of his sentence.

Do the courts or does the Bureau of Prisons really need to have a permanent agency issue policy statements to which they have to adhere in these areas? Talk about bureaucracy!

Is there really a serious problem with prerelease custody disparity or furlough indeterminacy that would warrant such incursions on judicial discretion or on the discretion of prison administrators? I find very little in the record that would support such a proposition.

The bill also imposes on the Sentencing Commission the duty to follow a long series of congressional mandates. With all due respect to Senators and Members of the other body, these mandates are somewhat confusion and in some cases contradictory.

Again, just for example, the Commission is to consider whether the guidelines should take into account matters such as education and vocational skills of the defendant, and previous record of employment. At the same time, the Commission is enjoined to assure that its guidelines and policy statements are entirely neutral as to socioeconomic status of offenders.

Well, now, how could you be neutral as to socioeconomic status and at the same time take into account education and vocational skills and previous record of employment? I think we can confidently expect that the Commission will spend at least the first few months of its existence trying to figure out what it is the Congress expects it to do.

Finally, I would point out one additional provision of Senate bill 1762 which would impose on the Sentencing Commission a task which would probably prove extremely time consuming and certainly would be expensive. On page 112 of the bill, beginning at line 9, we find the following:

"(r) The Commission shall give due consideration to any petition filed by a defendant requesting modification of the guidelines utilized in the sentencing of such defendant, on the basis of changed circumstances unrelated to the defendant, including changes in—

"(1) the community view of the gravity of the offense;

"(2) the public concern generated by the offense; and

"(3) the deterrent effect particular sentences may have on the commission of the offense by others.

And then there is a provision for the action by the Commission on the petition.

It has been a long time since I have acted as counsel in a case, or tried a case in a court of law. But it seems to me that if this provision is enacted, it will be impossible for a competent defense attorney to resist filing a petition with the Sentencing Commission on behalf of his clients, citing, probably at very great length, the reasons why there are changed circumstances unrelated to the defendant which call for the modification of the guidelines.

In other words, this bill creates a Sentencing Commission which could end up as a kind of administrative court of appeal of last resort which will be open to every convicted defendant, even those to whom the courts of appeal are closed, because they pleaded guilty and had been sentenced within the guidelines.

It is always dangerous to predict what will happen in the future, but I think we can at least ask whether this is going to open a floodgate to a deluge of petitions. I say that we cannot know, but if you make a prediction from the statistics, the possibilities are serious.

In the year ending June 30, 1982, the courts of appeals had 27,946 cases docketed. In the same year, 32,252 defendants were convicted and sentenced in the U.S. district courts. So the appellate docket of the Sentencing Commission thus threatens to dwarf the docket of all the courts of appeals put together in all cases combined, civil and criminal.

In the interest of containing the size of the deficit, we might ask how much this additional litigation is going to cost the taxpayer. Of course, it is possible that proceedings on such petitions could be summary, but the statute mandates a written decision on each and every one of them. The commission cannot just sit there and say, "Petition dismissed." The Commission has to sit down and write a decision.

It is obvious that the filing of petitions for modification of the sentencing guidelines could become a cottage industry among the criminal defense bar, and the processing of these petitions could become expensive and a time-consuming headache for the Commission itself.

I find it somewhat ironic, Mr. President, that some of the very Senators who wish to restrict the avenue of appeal through the writ of habeas corpus are now so eager to open up a new avenue of appeal via the Sentencing Commission.

Compared to the provisions of the bill which invite the establishment of an entrenched bureaucracy within the Federal criminal justice system, the structure proposed by my amendment is a model of simplicity. The Sentencing Commission, within the Judicial Conference, would have a limited mandate to establish categories of offenders and offenses and to indicate an appropriate range of disposition of cases within each category. This guidance could be as simple as a statement that imprisonment generally would not be appropriate, leaving matters of fines, probation, and other details up to the sound discretion of the court.

In place of page after page of confusing instructions which are found in S. 1762, this amendment articulates a few basic principles which should inform the Sentencing Commission's deliberations. One is the principle of least severe appropriate sanction, which was contained in the previous amendment, and which is intended to protect against overreliance on incarceration. Another is the direction to the Commission to minimize the likelihood that the prison population will balloon over the capacity of the prisons.

Beyond that, the amendment leaves details of the guidelines to the Commission, subject to review by Congress before they become effective.

In addition, it leaves the minutia of judicial and prison administration out of the guidelines process altogether, out of the hands of the new bureaucracy, and leaves the decisions in the hands of the judges and prison administrators who have traditionally held that responsibility.

Mr. President, I am happy to yield the floor at this time, if the managers of the bill wish to make a response. Otherwise, I will proceed to the next amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the sentencing reform proposal in this bill has a long history of strong bipartisan support in the Senate. I first introduced sentencing reform in 1975. In 1978, this legislation passed the Senate unanimously as part of the comprehensive Criminal Code reform. In the 96th Congress, it was reported unanimously by the Senate Judiciary Committee. And in the last Congress, sentencing reform passed the Senate 95–1 as part of S. 2572.

I commend Senators THURMOND, BIDEN, and LAXALT for their valuable work on the important issue of sentencing reform, and for guiding this legislation to the floor of the United States Senate.

I appreciate the concerns of the Senator from Maryland, Senator MATHIAS. I know that the Senator from Maryland has strong views about this particular issue.

In this instance, as in others, he has followed correctly the procedures of the Senate. He has raised these issues during the deliberation on this legislation in the Committee on the Judiciary, not only this year but on other oc-

casions as well, when the Judiciary Committee considered the issue of sentencing reform. He brings this amendment to the consideration of the Members of the Senate now, during consideration of sentencing reform and the other measures in the omnibus crime control package.

Mr. President, I take strong exception to the amendment of the Senator from Maryland and to his arguments in support of his amendment.

The basic structure of the amendment offered by the Senator from Maryland is that sentencing ought to be left to the judges, that the problems of crime in our society are not a matter for others in the law enforcement field. The fact is that we have debated the matter of the role of judges in the sentencing process, and specifically include judges in the membership of the Sentencing Commission.

This legislation establishes a seven-person commission, two of whom will be judges. They will have a voice. Their experience, their knowledge, their understanding, and their awareness of the issues involved in criminal sentencing will be brought to the consideration of the Commission.

However, Mr. President, to underline a point that has been made time in and time out, the sentencing procedures in this country are a national disgrace. Those who support this particular measure, the sentencing reform measure, believe that one of the important aspects of our responsibility is for the Senate of the United States to set some guidelines, to set some priorities, to establish a framework within which we can reform the sentencing process in this Nation.

There are many citizens in this Nation who have seen situations in which individuals have received widely disparate sentences for identical crimes. In our Committee on the Judiciary, we have heard from people who have been involved in the sentencing process and sentencing procedures, who have been the perpetrators of crimes, who have served time in Federal penitentiaries, who talk about the system of roulette which exists within the criminal underworld, where the criminals themselves and the defense attorneys understand all too well that if they go before X judge they get a heavy sentence and if they go before Y judge they get a lenient one.

The American people understand that. The victims of the crimes understand that. The prosecuters understand that.

The system of sentencing in this country is a system of roulette. It is a dangerous one. It is about time that we did something about it.

With all due respect to the Judicial Conference, the judges themselves have not been willing to face this issue and to make recommendations and to try and remedy this situation.

The recommendation of the Senator from Maryland to have a part-time Commission made up of judges who are occupied in other endeavors is not going to answer the problem.

We need a full-time Commission made up of judges, prosecutors, victims of the crimes, senior citizens who are too often the victims of the crimes, and others experienced in law enforcement to develop sentencing guidelines. The Sentencing Commission needs an independent staff to assist in the consideration of the wide range of different issues that are involved in sentencing and sentencing guidelines, such as the availability of penal institutions, the situation of crowding in penal institutions, and the interest of the public in certain crimes. Certainly the American people are entitled to have the Senate and Congress establish the framework and articulate the policy considerations for Federal criminal sentencing. Under this legislation, Congress will not just let the Sentencing Commission go unattended or unobserved but will review the Commission's recommendations, and examine the sentencing guidelines before they go into effect. The proposal contained in this bill is the most responsible way of addressing criminal sentencing, an extremely important element of the criminal justice system which is in complete and utter disarray.

Mr. President, the kind of a commission that we have recommended here has been adopted in the State of Minnesota. The Minnesota sentencing commission is virtually identical to the Commission contained in this bill. The Minnesota commission has studied criminal sentencing issues such as the Federal sentencing commission would study under this bill. The Minnesota Sentencing Commission promulgated guidelines and the Minnesota Legislature approved those guidelines. And, Mr. President, sentencing reform in Minnesota has been an extraordinary success.

I daresay if we were to review the sentencing procedures of the 50 States, the State of Minnesota would stand out as exemplary in its success. The Minnesota experience illustrates the strength of the recommendations that we have made in this bill for an independent commission, an independent staff, which will have high visibility and to which the public will have access, to give consideration to the wide range of different interests in the criminal sentencing area. The Commission will make its recommendations, Congress will accept or reject those recommendations, and after the initial guidelines have been approved, the Commission itself becomes part time.

So, Mr. President, I hope, with all respect, that the amendment of the Senator from Maryland, which I know has been given great thought and great attention and which I believe reflects the deep concerns that the Senator from Maryland has on how we should alter and change our sentencing process in this Nation, would be rejected. I do not believe that it will meet the requirements that the public is demanding of us, for the reform in sentencing in this Nation, and I hope that the amendment will be defeated.

Mr. THURMOND. Mr. President, the pending amendment would provide for issuance of sentencing guidelines by the Judicial Conference. Such guidelines would be developed by a part-time nine member Sentencing Commission appointed by the Judicial Conference to be made up of five judges and four nonjudges. Minimal congressional guidance is provided to the Commission. The purposes of the guidelines are to promote fairness and certainty in sentencing; to eliminate unwarranted disparity in sentencing; and to improve the administration of justice. The amendment would require that the guidelines provide for the imposition of the least severe sentence necessary to achieve the purposes of sentencing set forth in the bill and authorize the judicial conference to designate appropriate offenses for which imprisonment would not be appropriate. Such sentencing guidelines are required to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons.

Mr. President, this brief summary of the amendment is sufficient to draw some comparisons with the bill. By contrast the bill provides for a seven-person independent Sentencing Commission to be appointed by the President, with the advice and consent of the Senate, after consultation with representatives of groups interested in the criminal justice process. Two of the seven members may be judges. All positions on the Commission would be fulltime positions for 6 years following the effective date of the first comprehensive set of guidelines; thereafter only the position of chairman would be fulltime. Statutory guidance to the Commission is considerably more detailed in setting forth the factors to be considered and discourages broad judicial discretion by requiring each guideline to be relatively narrowly drawn. The bill, in addition, does not mandate a lock-step consideration of types of sentences from the least severe to the most severe; instead, the bill seeks to have the Commission focus on the proper sanction for each category of defendant for the offense charged. It, therefore, directs the Commission to assure imprisonment in certain types of cases, such as repeat violent offenders, while discouraging incarceration

for others, such as first time nonviolent offenders.

Mr. President, I believe the bill as drafted will provide the best institutional framework for the implementation of a new sentencing guideline system. It gives considerable congressional guidance without being too confining. It provides a measure of prestige and authority likely to attract the best people to serve. Finally, it is an independent body not likely to have a vested interest in perpetuating in the form of overly flexible guidelines the largely uncontrolled discretion of the judiciary today. For these reasons, I urge my colleagues to reject this amendment.

Mr. President, the administration opposes this amendment. The Justice Department is opposed to it. The Judiciary Committee is opposed to it and voted 13 to 3 against this amendment.

Mr. President, I hope the Senate will see fit to defeat this amendment.

● Mr. LAXALT. Mr. President, the Senator is rightfully concerned about the role to be played by Federal judges in the formulation of the sentencing guidelines and about the extent of the discretion to be given to the Sentencing Commission. However, his proposal to make the Commission little more than a committee of Federal judges and to eliminate the directives to the Commission that are included in title II fails to confront the heart of the present problems of disparity and uncertainty in Federal sentencing practices. In order to respond fully to the Senator's proposal, it will be helpful to review briefly the structure of the Sentencing Commission envisioned by title II.

Title II establishes a U.S. Sentencing Commission composed of seven members appointed by the President with the advice and consent of the Senate. The President is directed to consult representatives of each of the major parties—judges, attorneys, victims, law enforcement officers, and others—who are interested in the criminal justice system. Two of the members must be Federal judges. The Commission will be an independent commission in the judicial branch.

Because of the magnitude of the task facing the Commission at the outset, the members will all hold full-time positions. This will permit them to devote all of their energies to formulating the initial set of guidelines and to making the necessary adjustments and alternatives accompanying the institution of the new sentencing system. Six years after the guidelines initially go into effect, the Commission members, other than the chairman, revert to part-time status. The chairman's position remains full time.

The Senator has indicated his concern that title II creates another unnecessary layer of bureaucracy. I respectfully disagree. In addition to the Sentencing Commission itself, title II authorizes the creation of the position of Staff Director and such officers and employees as are needed to do the job. Congress, of course, has control over the Commission's budget. Title II carefully defines and delimits the function of the Commission. And, on a separate but closely related point, title II eliminates the existing multimillion dollar bureaucracy that is presently the U.S. Parole Commission. The size of the Sentencing Commission will be minuscule in contrast to the existing Parole Commission.

The Senator proposes placing the Sentencing Commission within the Judicial Conference in order to avoid creation of a costly bureaucracy. Upon closer inspection, however, it is difficult to see where significant savings would occur. Under title II and the Senator's proposal, the Commission members who are Federal judges will receive no extra compensation for their work on the Commission. The Senator's proposal requires the appointment of four nonjudges: title II calls for five. The Senator's proposal establishes a part-time Commission: title II sets up a full-time body that later reverts to part time.

On this point in particular I believe the Senator's proposal is clearly unrealistic. The formulation of the initial set of guidelines will be a formidable project requiring full-time participation of the Commission members. The monitoring of the system through the years immediately following the promulgation of the guidelines and the adjusting of the guidelines that experience will prove to be necessary will both require several years of full-time performance.

Title II also directs the Commission to submit to Congress reports and recommendations concerning maximum utilization of prison resources, and it authorizes the Commission to expand the present data gathering facilities of the Federal Government regarding sentencing-related information.

Once the Commission promulgates the guidelines and settles into performing its various functions, a part-time basis is advisable. This is what title II does. However, until that routine is established several years after the creation of the Commission, it is prudent to authorize a full-time Sentencing Commission.

The Senator also argues that title II unnecessarily duplicates on the staff level the personnel and functions presently being performed within the Administrative Office of the U.S. Courts. Actually, title II requires the new Commission to utilize as fully as possible the existing resources of the Administrative Office of the U.S. Courts, the Federal Judicial Center, and other Federal agencies. To the extent that further information is needed, the Commission—whether it is independent pursuant to title II or a part of the Judicial Conference as suggested by the Senator—will have to hire sufficient personnel to do the job, and that means that Judicial Conference staff will be expanded, too.

When the points raised by the Senator are looked at in detail, as we have just done, it is difficult to characterize the structure established by title II as a costly new layer of bureaucracy. The proposed amendment may bring some small financial savings, but these will be offset by serious disadvantages. The proposed amendment would place the primary responsibility for the sentencing guidelines on the judges themselves. The present problem with disparity in sentencing, however, stems precisely from the failure of Federal judges—individually and collectively—to sentence similarly situated defendants in a consistent, reasonable manner. There is little reason to believe that judges will now begin to do what they have failed to do in the past. The Senator, in committee, remarked that the bill is, in effect, an indictment of the judiciary. That may be an overstatement. Title II is, however, a clear statement that serious problems presently exist in sentencing and that Congress has decided not to look exclusively to the judiciary for the solution.

A second problem with placing the responsibility for guidelines on the judges is that it represents an abdication of the legislative duties of Congress. The creation of the penalty structures for criminal laws is properly a legislative policy determination. Judicial discretion is appropriate and necessary in order to apply the prescribed penalties to the individuals convicted of crimes. Thus, both the courts and Congress have appropriate functions to perform with regard to criminal sentencing.

Title II provides for full congressional and Presidential participation in the process of selecting the members of the Sentencing Commission. By establishing the Commission as an independent agency and placing it within the judiciary, title II enables judges to participate in, without controlling, the process of establishing and adjusting the sentencing guidelines and to lend their expertise and experience to that process.

Finally, section 994 of title II issues several directives to the Commission regarding the substance of the guidelines. The Commission is instructed to get tough with violent criminals, repeat offenders, and drug traffickers. On the other hand, the Commission shall make maximum use of alternatives to imprisonment in cases of first nonviolent offenders and in cases where rehabilitation is the appropriate purpose to be served by the sentence.

It is totally proper that decisions such as these shall be made by Congress or be closely controlled by Congress. These are policy decisions in the area of criminal law, and Congress, not the courts, is the policymaking branch of the Government that must make these decisions.●

AMENDMENT NO. 2650

(Purpose: To modify the parole provisions of the Sentencing Reform Act of 1983)

Mr. MATHIAS. Mr. President, in accordance with the order previously entered, I call up amendment No. 2650 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS), for himself and Mr. CRANSTON, proposes an amendment numbered 2650.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk is stating the amendment. The Senator will withhold his parliamentary inquiry until the clerk states the amendment.

The legislative clerk resumed reading the amendment.

Mr. MATHIAS. Mr. President, in view of the fact that this amendment has been published for some months in the RECORD, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, between lines 8 and 9, insert the following:

"(e) DESIGNATION OF PAROLE ELIGIBILITY DATE.—When imposing a term or terms of imprisonment in excess of one year, the court shall designate in the sentence the time at which the offender shall be eligible for release on parole. An offender sentenced for a term or terms aggregating one year or less shall not be eligible for parole.".

On page 101, line 21, strike "and".

On page 101, between lines 21 and 22, insert the following:

"(D) determination as to the appropriate date for designation as a parole eligibility date in cases in which a term of imprisonment exceeding one year is contemplated; and".

On page 101, line 22, strike out "(D)" and insert in lieu thereof "(E)".

On page 120, after line 25, add the following new section, and redesignate the subsequent sections of title II accordingly:

PAROLE AMENDMENTS

SEC. 208. (a) Section 4201(5) of title 18, United States Code, is amended by striking out "or deemed as if released on parole under section 4164 or 4205(f)".

(b) Section 4203 of title 18, United States Code, is amended by redesignating subsection (d) as subsection (e) and by adding at the following new subsection:

"(d) The Commission shall make a continuing study of the sentences imposed on offenders within its jurisdiction, and shall report at least annually to the Judicial Conference of the United States and to the Congress on the extent of disparity in the sentencing of such offenders.".

(c)(1) Subsection (a) of section 4205 of title 18, United States Code, is amended to read as follows:

"(a) A person sentenced to imprisonment shall be presumed eligible for release on parole, except as otherwise provided in this Chapter, on the date designated by the sentencing court pursuant to section 3582(e) of this title.".

(2) Section 4205 is amended by striking out subsections (b), (f), and (h).

(3) Subsections (c), (d), (e), and (g), of such section are redesignated as subsections (b), (c), (d), and (e), respectively.

(4) The first sentence of subsection (b) of such section (as redesignated by this subsection) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (c)".

(5) The first sentence of subsection (c) of such section (as designated by this subsection) is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)".

(6) The first sentence of subsection (e) of such section (as redesignated by this subsection) is amended to read as follows: "At any time upon motion by the Bureau of Prisons, and notwithstanding any other provision of law, the court in which a prisoner was sentenced may order the prisoner released on parole without regard to the parole eligibility date established pursuant to subsection (a).".

(7) Such section is further amended by adding at the end thereof the following:

"(f) At any time upon motion of the Commission and notwithstanding any other provision of law, the court in which a prisoner was sentenced may order a prisoner released on parole without regard to the parole eligibility date designated pursuant to subsection (a), if the court finds that such action is needed to—

"(1) correct unwarranted sentencing disparities;

"(2) prevent the occurrence of a correctional emergency due to overcrowded conditions in facilities of the Bureau of Prisons; or

"(3) correct any extraordinary or compelling injustice.

An order may be issued under this subsection only after notice to the United States Attorney of the application of the Commission for such an order, and after an opportunity for a hearing.".

"(d)(1) Subsection (a) of section 4206 of title 18, United States Code, is amended to read as follows:

"(a) If an eligible prisoner has substantially observed the rules of the institution or institutions to which he has been confined, such prisoner shall be released on the date on which the prisoner becomes eligible for parole.".

"(2) Section 4206 is amended by striking out subsection (d).

"(3) Subsections (b) and (c) of section 4206 are redesignated as subsections (c) and (d).

"(4) Section 4206 is amended by adding after subsection (a) the following new subsection:

"(b) If the Commission finds that a prisoner is not entitled to be released pursuant to subsection (a) of this section, or if a prisoner has been released on parole and had the parole revoked, such prisoner shall be released at a time determined by the Commission pursuant to guidelines promulgated by the Commission pursuant to section 4203 (a)(1).".

"(5) Subsection (d) of section 4206 (as redesignated by this subsection) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

"(6) Section 4206 is amended by adding at the end thereof the following:

"(e) If the release date determined under this section falls on a Saturday, a Sunday, or on a Monday that is a legal holiday at the place of confinement, the prisoner may be released at the discretion of the Warden or keeper on the preceding Friday. If such release date falls on a holiday that falls other than on a Saturday, Sunday, or Monday, the prisoner may be released at the discretion of the warden or keeper on the day preceding the holiday.".

"(e) Section 4207 of title 18, United States Code, is amended by—

(1) inserting "and" at the end of paragraph (3);

(2) striking out paragraph (4); and

(3) redesignating paragraph (5) as paragraph (4).

(f) Section 4208 (a) of title 18, United States Code, is amended—

(1) by striking out "eligible for parole pursuant to subsections (a) and (b)(1) of section 4205" in the second sentence;

(2) by striking out "such" in the second sentence;

(3) by striking out "eligible for parole pursuant to subsection (b)(2) of section 4205 or" in the third sentence; and

(4) by striking out "imprisonment or" in the third sentence.

(g) Section 4209(c) of title 18, United States Code, is amended—

(1) by striking out "or release as if on parole";

(2) by striking out "reside in or" and ", or both," in paragraph (1); and

(3) by striking out the last sentence.

(h) Section 4210(b)(1) of title 18, United States Code, is amended by striking out "section 4164 (relating to mandatory release) or".

(i) Section 4214(d)(5) of title 18, United States Code, is amended by striking out "or release as if on parole".

(j) Section 4216 of title 18, United States Code, is repealed.

(k) The table of sections at the beginning of chapter 311 of title 18, United States Code, is amended by striking out the item relating to section 4216 and inserting in lieu thereof the following:

"4216. Repealed.".

On page 121, strike out line 9, and redesignate clauses (6), (7), and (8) as clauses (5), (6), and (7), respectively.

On page 121, strike out line 21, and insert in lieu thereof the following:

(1) chapter 309 to read as follows:

"309. Repealed ..... ";

On page 134, strike out line 23, and redesignate clauses (B) through (G) as clauses (A) through (F), respectively.

The PRESIDING OFFICER. Does the Senator from Massachusetts seek recognition?

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Have we set aside the previous amendments?

Mr. MATHIAS. Yes, in accordance with an order previously entered, the two previous amendments have been set aside.

Mr. KENNEDY. They were discussed and debated.

Mr. MATHIAS. Yes.

Mr. KENNEDY. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, once again, this is an amendment which closely tracks a proposal made by the Judicial Conference. It offers an alternative to the outright abolition of the parole function. When a sentence of more than a year is imposed, the sentencing judge, pursuant to the guidelines, would set a parole eligibility date, on which the defendant would be released on parole if his post-conviction behavior has been good.

By maintaining an alternative to Senate bill 1762's supervised release scheme, which relies on court enforcement of release conditions, I think the amendmet will conserve judicial resources, which is an important aspect of court administration.

The amendment also acknowledges the importance of a safety valve which can be used to correct deformities in the sentencing guidelines regime, by permitting release prior to the parole eligibility date on application of the Bureau of Prisons or, in specified unusual circumstances on application of the Parole Commission itself.

This latter provision, which did not appear in the legislation which set forth the Judicial Conference proposal, would, in my opinion, bolster the independence of the safety valve function.

I know, because we have discussed it here on the floor and we discussed it in the Committee on the Judiciary, that the proponents of Senate bill 1762 are confident that the sentencing reform will work perfectly and that the abolition of parole will not result in increased aggregate prison terms or in an explosion in prison population. But I have to question whether that optimism is entirely justified.

The Senator from Delaware is very knowledgeable in this area and perhaps he may be right in his prediction. But I think that he would have to agree that the experience in States with similar systems is not very encouraging.

On December 13, 1983, the New York Times published a lengthy article entitled "Strict Penalties For Criminals: Pendulum of Feeling Swings."

I ask unanimous consent that the entire article that appeared in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 13, 1983]

STRICT PENALTIES FOR CRIMINALS: PENDULUM OF FEELING SWINGS

(By Stuart Taylor, Jr.)

WASHINGTON, Dec. 12.—In the 1970's, a consensus developed among liberals and conservatives, prisoners' advocates and prosecutors that the wide disparity in the punishment of criminals who had committed similar crimes was unfair and that sentences should be made more nearly uniform.

This provided much of the impetus for new sentencing laws in many states limiting the discretion of judges and parole boards.

But now there is a growing belief among many of these same experts that the new laws have made things worse, and the consensus has disintegrated into a clash of opinions about what should be done next.

Most of the new laws led to longer prison terms, contributing to prison overcrowding and leading to such emergency actions as the release of 610 defendants from New York City's jails last month in response to a Federal judge's order.

Many civil libertarians, defense lawyers and others deplore the trend of increasing penalties that they say were already too heavy. The new laws have also had the effect of increasing the arbitrary powers of prosecutors, critics say, continuing the disparities in punishment that helped spur the changes.

A strong push for new sentencing laws continues nonetheless. A 14-member commission, appointed as part of Governor Cuomo's plan to overhaul New York State's sentencing laws, held its first meeting Nov. 29.

Comprehensive sentencing legislation may soon be adopted in other states and is pending in Congress.

But while some liberals are still pressing for legislative action on sentencing, others who were on the bandwagon in the mid-1970's have jumped off in the last few years, fearing that any new legislation is likely to increase prison terms.

"I think we miscalculated how harshly the public really feels," Alvin J. Bronstein, head of he National Prison Project of the American Civil Liberties Union, said in an interview.

"We were among the so-called liberal reformers who advocated the abolition of parole as a release mechanism and the use of flat or determinate sentencing to eliminate disparity and lead to greater certainty in the minds of the offenders in terms of when they would get out. The problem is that the concept was distorted to mean long and harsh determinate sentencing."

Meanwhile, the public's desire for punishment seemingly continues to exceed its willingness to pay for decently housing all the people it wants to imprison. Conservatives, crime victims' groups and many state legislators deplore lenient judges who sometimes let convicted killers, rapists and robbers go free. They are keeping up the pressure for heavier penalties.

Under the traditional "indeterminate" sentencing system used almost universally until the 1970's state legislatures set very long maximum prison terms for various crimes. Trial judges could then impose much shorter terms or none at all, depending on their view of an individual case. Parole boards could release prisoners they deemed rehabilitated well before they served their full terms.

CURBS ON JUDGES

This system is still used by most states for most crimes. In the last decade, sentencing measures have been instituted to reduce the broad power of judges and parole boards and increase the sentences. The changes have included these:

All but two states, Utah and Vermont, now have mandatory minimum prison terms for some crimes. New York has adopted a complex array of stiff mandatory minimum terms for certain drug offenses, violent felonies, repeated offenses and gun violations, while leaving judges free to impose even heavier maximum terms.

At least six states—Minnesota, Washington, Colorado, New Mexico, North Carolina and Florida—have taken away much of the discretion of judges and the parole authorities by adopting comprehensive determinate sentencing statutes or guidelines drafted by commissions.

At least five other states, including Connecticut, have also eliminated parole release for most prisoners, while leaving broad judicial discretion in sentencing. California has adopted a determinate sentencing law abolishing parole release and setting fixed terms, but leaving to judges the decision whether to imprison defendants for crimes not covered by mandatory-minimum laws.

The Federal system and at least 14 states, including New York and New Jersey, have set guidelines to curb the discretion of parole panels while retaining some form of early release.

NEW YORK LEGISLATURE ACTS

In New York last summer, the Legislature approved the proposal to set up the commission to design guidelines for determinate sentencing, on the basis of the seriousness of the crime and the defendant's criminal record. Judges would have to cite aggravating or mitigating circumstances to justify sentences more heavy or more lenient than the guidelines. Either side could appeal such sentences.

The law was championed by Governor Cuomo to limit sentencing disparities and make punishments more consistent and certain. The commission is to make recommendations by January 1985.

Currently, New York's sentencing law is a complex patchwork mixing traditional indeterminate sentencing with mandatory minimum terms for most serious felonies.

For example, a judge could release on probation someone convicted of unarmed robbery, for which there is no mandatory prison term, but he could also sentence that defendant to as much as seven years in prison. A convict with a seven-year sentence could be paroled at any time after two and a-third years.

On the other hand, someone convicted of robbery with a pistol would fall under a mandatory-term law. The judge would be required to imprison the defendant for a minimum of two to six years, leaving it to the parole board whether to grant parole after two years. If the defendant had a prior conviction for a violent felony, he would face a minimum of six years without possibility of parole.

In either case, the judge would be free to impose a sentence heavier than the minimum.

LITTLE RESTRAINT ON MAXIMUMS

Laws for mandatory minimum terms, unlike comprehensive sentencing guidelines, place little if any restraint on the maximum sentences.

While the mandatory minimum terms championed by conservative legislators have been primarily a product of popular clamor against lenient judges and pressure to get tough on crime, broader sentencing changes have been spurred by diverse factors.

They include widespread concern about arbitrariness and disparities in sentencing, the crumbling of the idea of rehabilitating criminals in prison, and a desire by prisoners as well as law-enforcement officials for more certainty in punishment.

These concerns, along with public alarm about rising crime rates, undermined support for traditional sentencing practices. The most widely shared complaint has been that broad discretion for trial judges and parole boards leads to gross and unjustifiable disparities in the punishment of defendants in similar situations.

DISPARITY ISSUE

Some disparities have long been recognized as unavoidable and to some extent justifiable. Differing sentences for persons convicted on similar charges often reflect differences in their criminal records or in the circumstances of the crimes.

Many authorities, including Chief Justice Warren E. Burger, believe the wide variations in punishment from state to state and county to county are justified by differing community standards in a Federal system.

Inconsistent punishment of similar offenders is also built into the plea-bargaining system, which prosecutors and judges use to negotiate more than 90 percent of all criminal convictions by promising relatively lenient sentences.

Defendants who are induced to plead guilty, and especially those who confess and inform on their accomplices, are generally sentenced much less heavily than those who insist on their rights to jury trials and are convicted of the same crimes. The practices of different prosecutors vary widely.

Criticism of sentencing disparities has centered on the role played by the differing philosophies and moods of different judges and parole authorities.

While some experts say unwarranted sentence disparities are rare, a great many critics including some distinguished judges have compared sentencing to a lottery in which a convict's fate depends on which judge he draws.

This arbitrariness is compounded, some experts say, by discrimination at every stage of the legal process against racial minorities and the poor.

The problems of arbitrary disparities and discrimination have also been central to the debate over the death penalty. Critics say it is unfair and unconstitutional to condemn a small percentage of all convicted murderers, almost all poor and almost half of them black, while thousands of others, equally guilty, receive prison terms.

Criticism of the indeterminate sentencing system in the 1970's was also fueled by the collapse of its philosophical cornerstone—the idea that criminals, like sick people, could be "treated" and reformed in large numbers.

Dozens of studies in the last decade have found that rehabilitation programs in prison have failed, that there is no reliable way of telling whether a prisoner has reformed and that many released early commit new crimes.

This has led experts to conclude that judges should fix prison terms at the time of sentencing and that parole release, usually justified on the basis of rehabilitation, should be abolished.

Critics of indeterminate sentencing also complain that it undermines the goals of certainty and predictability because nobody can foretell how long the defendant will actually be behind bars.

While hard-liners on crime have criticized parole boards for releasing dangerous criminals early, many prisoners have bitterly assailed the uncertainty about when they will be released, under what they consider an arbitrary parole system.

And the fact that many prisoners are locked up for only a fraction of the terms pronounced by trial judges has fostered public confusion and cynicism about the honesty of the system.

For all these reasons, a National Academy of Sciences panel noted this year, "a remarkable consensus emerged among left and right, law-enforcement officials and prisoners' groups, reformers and bureaucrats that the indeterminate sentencing era was at an end."

"Rather less clear was what should replace it," the panel added.

PURPOSE DEBATED

From the start the sentencing reform coalition was roiled by fundamental disagreements about the appropriate penalties for various crimes and the very purpose of punishment. There was wide support for using some form of determinate sentencing, but what the penalties for specific crimes should be became a divisive question.

Conservatives have pushed for heavier punishments to combat crime and curb leniency by judges. Liberals have sought to restrain tough judges and cut down on the use of imprisonment, arguing that "incarceration is a destructive and dehumanizing experience which further alienates the inmate from society and breeds more crime," as Mr. Bronstein puts it.

This liberal-conservative dichotomy has been complicated by philosophical disagreements among experts about the purpose of criminal punishment.

Some say the goal is simply retribution, or making the punishment fit the crime. Others say punishment can and should be used to reduce crime, whether by deterring potential offenders with the threat that crime will not pay or by locking up the most dangerous criminals to "incapacitate" them.

A hodgepodge of systems in different states has emerged from this debate.

Many new sentencing laws, especially the mandatory minimum terms that most states have adopted for certain crimes and the comprehensive measures in California, Pennsylvania, Indiana and elsewhere, have been greatly influenced by popular pressure for heavier penalties. In Indiana, for example, a two-year prison sentence is mandatory for a second conviction for shoplifting.

These laws have pleased some conservatives who want tougher penalties but have horrified many liberals. They have aggravated prison crowding, with the familiar pattern of violence, riots, lawsuits and court decisions finding conditions so squalid that they violate the Constitution.

Combined state and Federal prison populations have soared to a record 431,829 as of June 30 from 196,000 in 1972. Meanwhile the number of prisoners per 100,000 population has nearly doubled, to 177 from 92, continuing to soar despite a drop in reported crime rates in the last two years. Much of this increase is caused by heavier sentencing, though it also reflects the fact that the baby-boom generation has reached the crime-prone ages, 15 to 30, over the last two decades.

MORE POWER TO PROSECUTORS

Critics say the new sentencing laws in many states have also aggravated the problem of disparities, which they were supposed to solve, by shifting power to determine the penalties from judges and parole boards to prosecutors and police officers.

Under the mandatory minimum term laws that have been adopted piecemeal in New York, for example, prosecutors often can effectively set sentences by deciding which of several possible charges to press.

Not all liberals are dismayed by all the new sentencing laws, however.

Minnesota's new sentencing guidelines, designed to prevent both unduly harsh and unduly lenient sentences, have been acclaimed as a model by many experts, including Andrew von Hirsch, a professor at the School of Criminal Justice at Rutgers University in Newark.

A liberal Democrat, he deplores the heavier sentences provided for in the California, Pennsylvania and Indiana guidelines, but he argues that heavier sentences are no less a problem in states that have left their traditional systems intact.

A 1978 Minnesota law established a panel that drafted sentencing guidelines designed to curb unwarranted disparities by limiting judicial and parole board discretion. It was also aimed at jailing more violent criminals but fewer people convicted of property crimes, and at keeping the prison population below the system's capacity.

The Minnesota system also has its critics. Some conservatives say the penalties are not heavy enough. Some liberals say arbitrary disparities and grossly excessive sentences in some cases persist and the discretion taken away from judges and prosecutors necessarily shifts to prosecutors.

In any event, certain conditions in Minnesota have prevented sentencing changes there from taking an unduly punitive turn; the state has relatively low crime rates, moderate public attitudes toward crime and a process controlled largely by the experts on the sentencing commission rather than by legislators seeking to show they are tough on crime. Such conditions seem unlikely to be duplicated in states like New York, where crime is a hot political issue.

Michael Smith, director of the Vera Institute of Justice, who is a member of New York's new sentencing commission, said that no matter what the commission recommends, he fears the Legislature will yield to popular pressure "to increase the severity" of penalties to excessive levels.

EFFORTS TO HALT OVERCROWDING

If there is any remaining common ground among liberal and conservative experts, it is a recognition that the influx of prisoners into the overcrowded systems must be slowed.

At least eight states, including Connecticut, as well as New York City, have been forced to release hundreds of prisoners on an emergency basis in recent years to relieve overcrowding. Some conservatives now agree that it would be prohibitively costly to build prisons enough for all those the public seems to want to incarcerate.

Attorney General William French Smith said this year that while murderers, rapists and habitual offenders belong in prisons, the "expenditure of well over $10,000 a year" to imprison nonviolent offenders is often "too high a price." He urged more "alternative forms of punishment."

This concern about the costs of imprisonment brought Mr. Smith, a leading exponent of the Reagan Administration's hard line on crime, to a position long advocated by liberals concerned about the human costs.

(Mr. KASTEN assumed the chair.)

Mr. MATHIAS. I would read just a paragraph or two at this point:

In the 1970's, a consensus developed among liberals and conservatives, prisoners' advocates and prosecutors that the wide disparity in the punishment of criminals who had committed similar crimes was unfair and that sentences should be made more nearly uniform.

This provided much of the impetus for new sentencing laws in many states limiting the discretion of judges and parole boards.

But now there is a growing belief among many of these same experts that the new laws have made things worse, and the consensus has disintegrated into a clash of opinions about what should be done next.

Most of the new laws led to longer prison terms.

Let me repeat that because I am not sure the Senator from Delaware has fully heard it:

Most of the new laws led to longer prison terms, contributing to prison overcrowding and leading to such emergency actions as the release of 610 defendants from New York City's jails last month in response to a Federal judge's order.

Many civil libertarians, defense lawyers and others deplore the trend of increasing penalties that they say were already too heavy. The new laws have also had the effect of increasing the arbitrary powers of prosecutors, critics say, continuing the disparities in punishment that helped spur the changes.

That is just a straw in the wind that may temper the optimism that has been expressed here on the floor.

As we discussed yesterday, I think we can learn a good deal from the experience in the State of Minnesota. Minnesota has had some success with the sentencing guideline system, and with the abolition of parole. But even there it is not quite as rosy as some would have us believe. It is not a Garden of Eden as far as sentencing reform is concerned. There are, if not a few snakes, a few mosquitoes there. I think it is useful to take a brief look at some of the problems in Minnesota, because they underscore the need for a safety valve on prison population and point up some of the other consequences for the criminal justice system—and, incidentally, for the Congress—of the adoption of Senate bill 1762.

On the 4th of April of last year, the chairman of the Minnesota Sentencing Guidelines Commission reported to the State legislature. He wrote as follows:

The enclosed graph depicting projected male prisoners demonstrates the problem now facing the Legislature and the Commission. Data from our 1980-81 evaluation projected a 1986 prison population within the state's prison capacity. The 1981-82 data project a 1988 prison population of 2,597 males and 101 females—a total of 2,698 Minnesota prisoners. There are approximately 40 out-of-state offenders in the system resulting from interstate transfers which results in a total projected offender population of 2,738. This figure exceeds the maximum program capacity of 2,335 and the maximum cell capacity of 2,441. The projection of 2,738 assumes that no crimes are created by the Legislature and no increased sanctions are imposed by either the Legislature or the Commission.

In other words what the chairman of that commission is saying is that, despite the conscientious efforts of the commission, the nemesis of determinate sentencing systems was creeping in the back door. In other words, they were about to experience a prison population explosion.

Now we have to ask why. And the chairman of the Minnesota commission makes some revealing comments. He said:

Three major factors account for the failure of our 1980-81 data to project this increase:

1. Prosecutors are dismissing fewer felony cases in an apparent and successful effort to build criminal history scores. The percentage of offenders with criminal history scores of four or more has increased greatly. This leads both to more commitments and to longer prison sentences.

2. In 1981 the Legislature increased mandatory minimum sentences for felonies committed with a handgun to three years for the first offense and five years for the second offense. This leads to longer prison durations. A recent Supreme Court decision voiding the necessity of a conviction prior to the commission of a subsequent offense for second or subsequent provisions exacerbate this factor.

3. Although the crime rate is said to have decreased, the number of offenders moving through the system has increased.

So what were the insidious forces undermining the hard work of the guidelines commission? Well, two of them stand out. The first is that sentencing discretion, which had been reduced on the bench, was popping up elsewhere in the system. In particular, it was being exercised by prosecutors, who had acquired skill in manipulating the system.

Second, the fact is that the Legislature of the State of Minnesota was in continuing session. And, like legislatures, it did not reduce sentences; it increased them. It did not encourage alternatives to incarceration; it increased mandatory minimum sentences.

Now, in this background, there is some food for thought. Are we building safeguards into the system which will prevent the exercise of prosecutorial discretion in a fashion that could sabotage the objectives of the sentencing reform? Do we couple our eagerness to restrict judicial discretion with a zeal to prevent a less public, less accountable manipulation of the system? My conclusion is, unhappily, no. I do not think that we have learned the lesson that can be read in the Minnesota experience.

Similarly, what about the intervening acts of the legislature? Certainly, this debate indicates that we are not immune from the same impulses that motivated the Minnesota Legislature to take actions which upset the balance that had been attained by the Minnesota Sentencing Commission.

Is it likely that we will be any more willing to stay our hand in the legislative arena? Are we ready to take a pledge for refrain from legislation that would unbalance the very delicate calculations that the U.S. Sentencing Commission would make? Are we any more likely than the Minnesota legislators to stay our hand?

I think the answer is clearly that we will not take that pledge. And, therefore, I think we ought to ponder the implications of the Minnesota experience.

Now, it is fair to ask how does the retention to a parole function help to prevent the occurrence of the prison population explosion?

Parole serves several important functions in our justice system. It can scale down excessive sentences, and can serve as a safety net to catch gross deviations from realistic sentence levels. It can help to reduce sentence disparity overall. It can also provide an efficient and effective means of maintaining some degree of control over offenders after they leave custody but before they are fully rehabilitated.

The abolition of parole would make it more difficult to achieve these important goals. In many States in which parole has been abolished, sentence length has increased significantly. It is true that appellate review of sentences in some cases may help to correct disparities in sentencing; but it seems unlikely that 12 circuit courts of appeals will be able to do this as efficiently as one centralized administrative agency, operating under a single set of guidelines. As the House Judiciary Committee pointed out in its 1980 report on Criminal Code revision:

The evolution of a national standard from 11 [now 12] disparate circuits is not a realistic expectation in the immediate future.

But the most serious problems with the abolition of parole arise in the area of supervision after release from prison. S. 1762 does not abolish this status; it changes its name from parole to "postrelease supervision," and changes the enforcement agency from the Parole Commission to the district courts. But there is at least a suggestion that something will be lost in this more than cosmetic change.

First, in States which have made the change similar to that which this bill provides for, postrelease supervision has not worked as well as parole release. Allen F. Breed, the Director of the National Institute of Corrections,

summarized the evidence as follows in a recent speech:

Sufficient cases sentenced under previous indeterminate procedures exist in those states which have adopted determinate sentencing to allow for comparative studies of the two groups following release from prison.

In most of the determinant sentence states the law provides for some form of postrelease supervision, which now seems to average about one year. This contrasts with an average period of parole supervision of approximately two years. In spite of this doubling of the period of exposure to possible revocation or recommitment studies completed during the past several years clearly indicate that on the average, the parolees had a "revoke rate" of only 24.8 percent as compared to the mandatory releasees whose return rate was 30.9 percent. This difference in revocation rate is not to be ignored with about one-fourth more of the mandatory releases in the failure category, if the public's protection is to be the yardstick by which we measure penal programs and policy.

It may be, then, that the public will not be as safe if S. 1762's parole abolition plan is enacted. But it seems certain that the taxpayers will suffer in the pocketbook if postrelease supervision replaces parole. That is because releasees who violate conditions will be back in court for contempt proceedings rather than before hearing officers for parole revocation proceedings. It is a matter of record that it costs a lot more to run a court hearing than an administrative proceeding. This is particularly true when the contempt proceeding allows a defendant to invoke the right to a jury trial under the sixth amendment. Here again, Senators who insist that they want to relieve the burdens on the courts are, by their support for this bill, insuring that the district courts will become clogged with what are, in essence, run-of-the-mill parole revocation proceedings. Of course, the courts of appeal will not be immune. There is a lot of talk about relieving the burdens on the courts, but this bill will have the opposite effect.

No wonder the judges, speaking through the Judicial Conference, oppose the outright abolition of parole. As Judge Gerald Tjoflat testified before the Judiciary Committee, "it seems to us that the traditional revocation proceeding is the superior procedure." I would agree. If we look objectively at the cost, the efficiency, and the effectiveness in terms of public safety—that must be a major concern to every Senator—I believe we must agree.

This amendment is based on the Judicial Conference's proposal, embodied in S. 1182, introduced by Senator DOLE. It authorizes the judge, acting pursuant to guidelines from the Sentencing Commission, to set a date, at the time of sentencing, for release on parole. On that date, parole would be granted unless the defendant's post-conviction behavior warranted a denial.

There are two safety valves incorporated into the amendment to correct problems that could arise if the guideline system, contrary to the hopes of the authors of this bill, leads to further overcrowding of prisons than we have today, or if in fact the bill fails to meet the hopes of the authors by failing to correct unwarranted disparities in sentencing. First, as proposed by the Judicial Conference, it would provide that the Bureau of Prisons may at any time ask the sentencing judge to order the release of a prisoner regardless of the parole date. Second, the Parole Commission itself could ask the judge to order release on parole prior to the parole date, but only for compelling reasons, such as to correct gross disparity or to prevent overcrowding or some compelling injustice.

In this regard, my colleagues should note that the Parole Commission, at the request of the Justice Department, has recently established a procedure for selecting cases which the Bureau of Prisons can bring before the sentencing court on a sentence-reduction petition. So, the recognition of the prison overcrowding problem is already there, as is the precedent for cooperation between the Parole Commission and the Bureaus of Prisons in solving it.

Finally, Mr. President, I would just note that the proposed abolition of parole has aroused the concern of a number of organizations with expertise in the area of punishment of crime. These organizations include the American Bar Association, the American Correctional Association, the National Council of Churches, the National Council on Crime and Delinquency, the National Legal Aid and Defenders Association, the American Civil Liberties Union, and the National Urban League.

A number of criminal justice experts, including many who support determinate sentencing, have expressed concern with the abolition of parole.

These include Don M. Gottfredson, of Rutgers; Alfred Blumstein, of Carnegie-Mellin; Marvin Wolfgang, of Penn; Andrew von Hirsch, of Rutgers; Franklin Zimring, of Chicago; Charles Silberman, author of "Criminal Violence," "Criminal Justice"; and many others.

Mr. President, I hope this amendment will be agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment, in effect, would abandon the determinate sentencing system of the bill—no parole with only 10 percent goodtime—in favor of a semideterminate system with a variable indeterminate parole-goodtime component. Thus, for a sentence of more than 1 year, the judge would be required to designate a date for eligibility for early release on parole, as well as a maximum term. The ratio between the length of the preeligibility and posteligibility periods could be very small or extremely large; that is, a ratio of 1 to 10. The "eligibility for release" date is the "presumed" length of the sentence. However, the Parole Commission is retained to review the appropriateness of this "presumed" release date for the purpose of: First, recommending to the sentencing court that it reduce the original release date to correct unwarranted sentencing disparities; to prevent institutional emergency overcrowding; or to correct any extraordinary or compelling injustice; and second to determine pursuant to its own guidelines a proper release date later than the "presumed" date if the prisoner's institutional behavior so warrants. Because institutional behavior governs to increase the release date, the posteligibility period of the original sentence is in reality a variable and openended goodtime credit system.

Mr. President, I agree that the sentencing proposal in this amendment would be some improvement over current law. It is not, however, in my judgment an improvement on the provisions of this bill. The bill as adopted is designed to maximize certainty and minimize unwarranted disparity in sentencing. All of the factors relevant to an appropriate sentence are known to the judge at the time of sentencing. The guidelines provide the framework for eliminating unwarranted disparity. The elimination of parole and all but 10 percent goodtime credits provides the certainty. Provisions in the bill enhance the selection of the proper guideline for a particular case and adherence to the proper guideline, once selected, by providing appellate review of whether the wrong guideline was selected or whether departure from a properly selected guideline was reasonable. At that point, both the defendant and the public know within a 10-percent range the sentence of imprisonment that will be served, unless an "extraordinary and compelling" change in circumstances warrant otherwise.

The pending amendment, on the other hand, eliminates finality. It retains the Parole Commission as a body to continue to second-guess the final sentence imposed in the original judicial proceeding.

In the first instance, such second-guessing takes the form of Commission recommendations to the sentencing court to reduce the original tentative release date. The recommendation and subsequent court action is to be based on criteria that either requires relitigation of the original sentencing decision; places the judge in the position of being a perpetual ombudsman

on the level of Federal prison inmate population; or involves a function better initiated by the Bureau of Prisons.

In the second instance, the Commission would have carte blanche authority under its own guidelines to extend the presumptive release date up to the maximum term imposed by the court. The exercise of this authority is to be based on the failure of the prisoner to substantially observe the rules of the institution to which he has been confined. This either perpetuates the discredited parole theory that prison rehabilitates or unnecessarily transfers the administration of goodtime credits from the Bureau of Prisons to the Parole Commission. In any event, it potentially makes service of virtually all or a substantial part of the sentence dependent upon institutional behavior and the discretion of an administrative authority.

Mr. President, there are other objections to this amendment, but these comments are adequate to make my point. I hope the amendment will be rejected.

● Mr. LAXALT. Mr. President, under current law, when a defendant is convicted and sentenced to a term of imprisonment, that sentence generally bears little relation to the amount of prison time the defendant will actually serve. In fact, within a few months of the date the court pronounces sentence, the Parole Commission gives the defendant a release date that takes into account the likelihood of early release on parole. In figuring out this date, the Parole Commission uses its own set of guidelines and, in effect, resentences the defendant.

However, even the date set by the Parole Commission is subject to fluctuation because the Bureau of Prisons has authority to adjust the prisoner's "good time" credit which depends on the prisoner's conduct in prison. Thus, it is no exaggeration to say that no one—neither the court, the prisoner, the victim, nor even the Parole Commission and Bureau of Prisons—is certain about the date a prisoner will be released until the day the release takes place. This uncertainty makes a mockery of our criminal sentencing system. One of the principal purposes of title II is to eliminate, as much as possible, this uncertainty. The effect of the proposed amendment, I believe, would be to perpetuate it.

Title II phases out the Parole Commission over a period of years. The idea of parole, based upon the discredited theory that sending someone to prison somehow rehabilitates him, is also eliminated. Under title II, the judge imposes a term of imprisonment after considering an elaborate presentence report. The term imposed is generally subject only to a 10 percent per year "good time" credit that prisoners can earn by their conduct in prison. The Bureau of Prisons presently administers the good time allowance and will continue to do so under the bill.

Under the proposed amendment, the judge sets the maximum imprisonment period and also a parole date, and a multi-million-dollar bureaucracy, the U.S. Parole Commission, makes the determination of whether or not a given prisoner should be released on his presumptive parole date.

This idea should be rejected for two reasons. First, there is no evidence that prison regularly rehabilitates prisoners. Without such evidence, parole release makes no sense and should be abolished. There is no reason to give the judge discretion to use the early release date to circumvent the sentencing guidelines. Title II abolishes parole release. Second, if by parole we mean simply "good time," then there is no reason to keep the Parole Commission in place to do what the Bureau of Prisons is presently doing quite competently.

The Senator argues that the system should be able to take cognizance of special circumstances that might properly affect a prisoner's prison sentence. Our bill provides just this authority. Under title II, section 3582, the court may reduce a sentence if the Bureau of Prisons can show the existence of extraordinary and compelling reasons, such as severe illness of the prisoner, and the applicability of relevant policy statements by the Sentencing Commission. The court also retains the authority to modify an imposed term of imprisonment pursuant to Federal statutes or to rule 35 proceedings. Finally, if the Sentencing Commission lowers the guidelines under which a prisoner has been sentenced, the prisoner, the Director of the Bureau of Prisons, or the court itself may seek reduction of the term of imprisonment if reduction is consistent with the policy statements of the Commission.

The Commission, incidentally, is charged with the duty to monitor prison population and to consider it as a factor in formulating guidelines and policy statements. Thus, under title II the courts, the Bureau of Prisons, and the Sentencing Commission can stay within the limits imposed by the availability of prison space.

For these reasons, and primarily for the purpose of instituting truth-in-sentencing in the Federal criminal justice system, I recommend that the Senate reject the proposed amendment.●

Mr. THURMOND. Mr. President, I want to say again that the administration is opposed to this amendment, the Justice Department is opposed to the amendment, and the Judiciary Committee is opposed to the amendment. In the Judiciary Committee, the vote was 13 to 3 against this amendment.

I hope the Senate will see fit to oppose this amendment.

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this, again, is an issue which the Senator from Maryland has brought before the Judiciary Committee where he made many of the arguments he has made today for the continuation of parole.

This would basically undermine the whole reform that is intended in this legislation on sentencing.

Mr. President, I will not delay the Senate by giving examples of the abuses of parole, other than just a couple of examples, because the record is very, very clear.

In a recent Ohio case, a doctor was convicted of 60 violent crimes, including 21 rapes, and was sentenced up to 665 years in prison. Under Ohio law, he was eligible for parole in 9½ years.

In another case, two teenagers were beaten to death. One perpetrator was given 10 years, the other two concurrent life sentences. They will be up for parole in 3½ years and 12½ years respectively.

Mr. President, early release on parole creates a dual system of justice whereby the defendant receives one sentence from the judge, in public, and a shorter, real sentence from the parole board, in private. A prosecutor who is making a recommendation on sentencing tries to anticipate what the parole board is going to do. That is the testimony we have heard in the Judiciary Committee. That is the practical fact of the matter. If the prosecutor believes that the parole board is going to be lenient, then he is going to demand a more extended sentence in many instances. That, of course, is trying to read the minds of what the parole board might do in 2 years from now, 3 years from now, or 5 or 10 years from now.

Once again, it is roulette, and there are too many instances where the victims of the crime or the public have seen individuals who have committed crimes of violence given a lengthy sentence and find that those individuals are back out on the street in a relatively short period of time.

This legislation creates a measure of certainty, of predictability, of consistency of sentencing. The bill provides for some degree of flexibility for the judge, but also achieves some degree of certainty so that crime victims will understand that when a sentence is given, it is the sentence that will be served, so that the defendant who is sentenced will understand that that is the sentence that is going to be served, and so the sentencing judge will understand that that is the sentence that is going to be served. Under the amendment of the Senator from Maryland, we would have one set of guidelines for sentencing, another set

of guidelines for parole. The two sets of guidelines would be contradictory.

Mr. President, under existing State and Federal legislation, individuals are eligible for parole after serving a third of their sentence. Early release on parole makes lengthy sentences meaningless. By abolishing parole, this bill assures that the American public, the victims as well as the defendants, are going to be fairly treated. I hope that this amendment will be defeated, Mr. President.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, the Senator from Maryland merely wishes to observe that his horror is at least equal to the horror of the Senator from Massachusetts, if not greater, with regard to the examples cited by the Senator from Massachusetts. The Senator from Maryland also observes that these were all cases that arose in State courts and the bill before us does not deal with State courts. The bill before us deals with the Federal system of administration of justice.

Mr. KENNEDY. If the Senator will yield on that point, I certainly understand that the Senator from Maryland is no more horrified than the Senator from Massachusetts about this kind of situation. The situations described are situations in State courts, but the principle is exactly the same. The question is as to whether we have parole in the State courts or parole in the Federal courts.

I believe that with the abolition of parole and the establishment of sentencing guidelines, we are going to find that the States are willing to accept the model of success, as the State of Minnesota has been willing to accept this legislation, even prior to adoption by the full Congress. It has been accepted by the Senate on previous occasions, but the fact remains that parole exists within the Federal system, that abuses will continue to exist, and to accept the amendment of the Senator from Maryland will be to continue to perpetuate that particular problem.

Mr. MATHIAS. I have to make a distinction between the State system, in which a 600-year sentence can be reduced to 9 years, and the record of the Federal parole system. I do not believe the Senator from Massachusetts or any other Senator can point to a similar kind of gross abuse by the U.S. Parole Commission.

Mr. KENNEDY. Will the Senator yield for just a moment?

Mr. MATHIAS. Yes.

Mr. KENNEDY. The point the Senator from Massachusetts is making is that under the Federal system, you can still be eligible for parole after a third of your time is served. You cannot get away from the fact that those who commit the same types of crimes that fall within Federal jurisdiction are still eligible for parole after a third of the time is actually served. Whether they are released or not is up to the parole officers. It matters little to those who are going to be on the receiving end of criminal activity whether an individual is put through the Federal system or the State system if he is going to be eligible for parole. We are abolishing parole for certainty and for predictability and for what I consider to be the issue of fairness and equity in terms of the victim as well as of the criminal.

If this process is put into place, and is successful, as exemplified by the State of Minnesota, it will be replicated by, perhaps, the State of Ohio and others and there will be a greater sense of safety and security, real safety and security, for the American people.

I am quick to say that this is not going to resolve all the problems of crime in our society, but it is a major factor.

Mr. MATHIAS. Mr. President, the recommendations of the Judicial Conference Committee have been referred to a number of times in this debate. I think it would be appropriate if the RECORD would include excerpts from the report of the Judicial Conference Committee on the Administration of the Probation System, submitted in March of 1983 to the Judicial Conference of the United States. I ask unanimous consent that that be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT: REPORT OF THE JUDICIAL CONFERENCE COMMITTEE ON THE ADMINISTRATION OF THE PROBATION SYSTEM, MARCH 1983

TO THE JUDICIAL CONFERENCE OF THE UNITED STATES

I. Sentencing Legislation

On September 30, 1981, the Senate, by a vote of 95 to 1, passed in the form of a "Non-germane Amendment to H.R. 3963 (Relating to Drug Aftercare)" the sentencing provisions of the Revised Federal Criminal Code that has been pending in the Senate for over a decade. This sentencing bill was referred to a Senate-House Conference Committee in December, during the "lame duck" session of the Congress, and died there when the Congress adjourned. A copy of the bill is attached to this report as Exhibit A.

This was the third time the Senate passed this sentencing bill. The bill first passed on January 30, 1978, in the 95th Congress, as part of S. 1437, the Criminal Code Reform Act of 1977, by a vote of 72 to 15. The House took no action on the House counterpart, H.R. 6869, and criminal code revision thus failed enactment. The bill was introduced again in the 96th Congress as part of S. 1722, the Criminal Code Reform Act of 1979, but the Senate adjourned without voting on the measure. On July 31, 1981, the bill was reintroduced in the 97th Congress as S. 1555, the Criminal Sentencing Reform Act of 1981; on September 17, 1981, it became part of the Criminal Code Reform Act of 1981, S. 1630. The bill was also made a part of the "Violent Crime and Drug Enforcement Improvements Act of 1982," S. 2572, H.R. 6497.

This Committee, in its September 1981 report to the Conference, commented at length on this Senate sentencing bill and the legislative history of both it and its House counterpart. The Committee stated that the bill would effect a sweeping revision of sentencing procedures in Federal courts.

First, it would establish an independent sentencing commission that would be charged with promulgating guidelines for district judges to use in determining sentences for criminal defendants. These guidelines, covering "each category of offense involving each category of defendant," would prescribe the type and extent of the sentence to be imposed in most cases. The judge would be required to select the type of sanction, i.e., imprisonment, fine, or probation, and to sentence the defendant within the maximum-minimum range specified by the commission's guidelines, unless he found "that an aggravating or mitigating circumstance exists that was not taken into consideration by the Sentencing Commission in formulating the guidelines."

Second, [the bill] would provide for appellate review in the court of appeals of sentences in all felony cases except those in which the sentence resulted from a Rule 11 plea agreement. Review would be available, however, only in those cases in which the sentence fell outside the guidelines. A defendant could appeal a sentence above the guidelines range, the government could appeal a sentence falling below the guideline range. In either case, the court of appeals would determine whether the sentence was "unreasonable"; if it found the sentence to be unreasonable, the court could impose a new sentence or remand the case for resentencing.

Finally, [the bill] would invest the sentencing commission with the responsibility of monitoring the sentencing practices in the Federal courts. The commission would serve, inter alia, as a "clearing house and information center for the collection, preparation, and dissemination of information on Federal sentencing practices." The commission would conduct training programs, seminars, and workshops for judges and probation officers, instruct probation officers in the application of the commission's sentencing guidelines, and monitor probation officers with regard to their sentence recommendations to judges.

The primary purpose of the bill was to eliminate unwarranted sentencing disparity. Though the Committee and the Conference have steadfastly endorsed this goal, the Committee recommended that the Conference disapprove the bill. The Committee noted that both it and the Criminal Law Committee had made the same recommendation to the Conference in April 1976, when the Conference considered an earlier version of this sentencing bill. These Committees, and the Conference, concluded that a sentencing commission would, needlessly, duplicate much of the work already being performed within the judicial branch and that the injustice inherent in disparate sentences could be remedied by straightforward appellate review of sentences in the court of appeals or by three-judge panels (as provided in an amendment formerly proposed to Rule 35 of the Federal Rules of Criminal Procedure).

This Committee, in its September 1981 report to the Conference, further observed that much of the work that would be undertaken by the sentencing commission prescribed by [the Senate's sentencing bill] is now being performed by the Administrative Office of the U.S. Courts and the Federal Judicial Center. The Center, in cooperation with the Administrative Office and the Probation Committee, delivers a comprehensive training program to all probation officers; this training continues throughout the officers' service in the district courts. A considerable portion of this training agenda is addressed to the sentencing process. Sentencing institutes authorized by 28 U.S.C. 334 and periodic seminars and workshops sponsored by the Center and the Administrative Office further the judiciary's effort to bring a greater measure of justice to the sentencing process.

An [independent] sentencing commission would, also, duplicate the efforts, now well underway of the Judicial Conference (operating through the Probation Committee), the Federal Judicial Center, and the Administrative Office to develop a Probation Information Management System (PIMS). The Conference, at its September 1977 meeting, authorized the development of an information system (PIMS) to achieve four goals: (1) to meet the needs of the probation officers in the day-to-day management of their work in the field; (2) to provide up-to-date information to guide judges in selecting sentences for convicted defendants; (3) to provide national statistics for budget, planning, and management control purposes; and (4) to create the data base needed by researchers seeking to improve understanding of the treatment of offenders and offenses. Since the September 1977 meeting of the Conference, the Probation Committee, the Center, and the Administrative Office have been at work designing PIMS, focusing primarily on the day-to-day needs of probation officers in the field and sentencing judges. It is anticipated that a decision whether to take PIMS to the pilot-project stage will be made jointly by the Committee Center, and Administrative Office prior to the September 1981 meeting of the Judicial Conference. In summary, *the Committee concludes that insofar as [the Senate's sentencing bill] (1) would foster the development of an efficient information system that would promote better informed, and fairer, sentencing decisions, (2) would provide the means for comprehensive monitoring of sentencing practices in the Federal courts, and (3) would provide for the periodic training of judicial and parajudicial personnel in matters relating to sentencing, [the bill] would duplicate programs currently being implemented by the judicial branch.*

The Committee also disapproves [the bill] because it provides for the piecemeal appellate review of sentences rather than straightforward appellate review in the court of appeals or in three-judge panels, two methods of sentence review previously suggested by the Judicial Conference as alternatives to the type of scheme proposed by [the Senate bill]. S. 1722, [its] immediate predecessor, was actually designed to provide piecemeal sentence review in the court of appeals. *First, it provided as does* [the bill], *for the appeal of any sentence outside the prescribed sentencing commission guidelines; then, after allowing the government or the defendant subsequently to contest (within 120 days of the imposition of sentence), in a Rule 35(b)(2) motion, the sentencing judge's application of the guidelines, it gave both parties the right to petition the court of appeals to review the Rule 35(b)(2) disposition. These two mutually exclusive modes of appellate review provided by [the bill] were in addition to the appellate review afforded a defendant who claims under Rule 35(a) of the Federal Rules of Criminal Procedure or 28 U.S.C. 2255 that his sentence is illegal. Thus, [the bill] created the real possibility that in a given case a court of appeals could, for example, affirm a defendant's conviction and his above-the-guidelines sentence and later, in reviewing a Rule 35(a), Rule 35(b)(2), or 28 U.S.C. 2255 disposition, set aside the sentence because the sentencing judge applied the commission's guidelines incorrectly or otherwise constructed the defendant's sentence on illegal grounds.*

The drafters of [the bill] eliminated the right of the parties collaterally to attack, under (S. 1722's proposed) Rule 35(b)(2), the sentencing judge's application of the commission's guidelines, but they nevertheless provided for piecemeal appellate review of sentencing. The Committee reaches this conclusion by reading the provisions of S. 1555 in context with Rule 35(a) and 28 U.S.C. 2255. [The bill] would allow the immediate appeal of any sentence outside the applicable guidelines. Rule 35(a) and section 2255 would allow the defendant, at any time after sentencing, to attack his sentence on the grounds, for example, that the guidelines applied by the sentencing judge were facially illegal, were without legal foundation, or were not applicable in the defendant's case and, if unsuccessful, to seek appellate review of the merits of his attack. Consequently, the potential for the seemingly inconsistent, and piecemeal, appellate dispositions inherent in the everyday implementation of S. 1722's sentencing procedures would be present were [the bill] enacted into law. This potential, to the extent it were realized, in the Committee's view, would further erode the public's confidence in the ability of Federal judges to do justice in pronouncing sentence. In addition, the presence of multiple routes to sentence review would create substantial delay in achieving finality.

* * * * *

The Committee concludes that some form of review is necessary if unwarranted sentencing disparity is to be substantially reduced, if not eliminated. The Committee further concludes that review should be accomplished in one proceeding, in either the court of appeals or a panel of three district judges as the Conference recommended at its April 7, 1976, meeting. It is the Committee's judgment that the method of review should be prescribed by legislation initiated by Congress, not the rulemaking process, and that the judiciary should make specific recommendations to Congress regarding the review procedures. To this end, the Committee is prepared to request the Federal Judicial Center for research support on the practical impact the suggested methods of review would have on the operation of the Federal courts.

Finally, because the Senate may take action toward the passage of [the sentencing bill] prior to the March 1982 meeting of the Judicial Conference, the Committee seeks authorization in the interim, to monitor the progress of this legislation, and its House counterpart, if any, and to communicate to the Congress any modifications that would remove the objections to [the bill] cited in this report. [Emphasis added.]

The Conference promptly "authorized the Committee to monitor the progress of (sentencing reform) legislation in the Congress and to communicate to the appropriate Congressional Committees any modifications in the legislation that would remove the objections specified in the Committee's report."

As it reported to the Conference in September 1982, the Committee, through its chairman, has provided Congressional testimony when requested, and has responded to solicitations by Members of Congress and staff for advice on drafting and amendments.

During the 97th Congress, an examination of the pending proposals as well as the extensive committee reports prepared in conjunction with the consideration of such revisions leads to the conclusion that Congress remains deeply concerned about significant occurrences of sentencing disparities in the criminal justice system and about the broad discretion reposed in the Judiciary to impose sentences upon convicted criminals. This concern is coupled with a further recognition that such discretion reposed in trial courts is largely unreviewable, "If there is one rule in the Federal criminal practice which is firmly established, it is that the appellate court has no control over a sentence which is within the limits allowed by a statute." *Dorszynski* v. *United States*, 418 U.S. 424, 440-441 (1974).

The various bills now pending in Congress propose to resolve such concerns through several alternative mechanisms which provide, among other things: (1) the creation of an independent sentencing commission or a sentencing committee within the Judiciary, either of which will be charged with the responsibility of promulgating sentencing guidelines binding upon the district courts and the courts of appeals; (2) the creation of comprehensive statutory sentencing procedures that would replace the sentencing procedures established by Rule 32 of the Federal Rules of Criminal Procedure; and (3) piecemeal review of the sentence in the court of appeals.

The Committee is aware of Congressional prerogatives to rewrite title 18 of the United States Code. Nonetheless, the Committee feels that the projected costs of proposed sentencing mechanisms must be assessed; the Judicial time to be expended in the disposition of criminal cases must be examined; and the finality of sentences must be preserved.

A balancing of the legislative concerns with those of the Judiciary is necessary. Once this is done, in the opinion of the Committee, several conclusions follow.

It is the unanimous view of the Committee that, if it be the will of Congress to adopt significant sentencing revision, legislation should be favored that will create simple and inexpensive sentencing procedures that will ensure finality of sentence while giving full recognition to the due process rights of convicted defendants. Accordingly, *the Committee recommends that the Judicial Conference reaffirm that the Committee continue to monitor the progress of sentencing reform proposals and also communicate past Conference positions to the Congress. It is further recommended that the Conference authorize the committee to draft for Conference consideration alternatives to those already proposed by the Congress. These alternatives would include one or more of the following concepts: (1) sentences imposed under guidelines established by a sentencing committee of the Judicial Conference; (2) sentence review in the court of appeals in conjunction with the review of*

conviction; and (3) parole decisions based solely on post conviction occurrences. [Emphasis added.]

The Conference adopted this recommendation, and the Committee immediately set about the task of drafting a legislative proposal for the Conference's consideration. In drafting this proposal, the Committee has taken into account a firm Congressional consensus that emerged last fall, particularly in December as the Senate-House Conference Committee debated over the Senate bill and several House counterparts, as to the sentencing model that should be prescribed. There is a strong consensus that guideline sentencing, with a single appellate review in the courts of appeals, be prescribed (The Senate, through your Committee's intervention, has now abandoned the piecemeal appellate-review scheme it featured in all previous versions of its bill). The final debate has now boiled down to three points. First, who will draw the guidelines—an independent Sentencing Commission, as the Senate would prescribe (without any federal judge members), with extensive supervision and control over the sentencing judges and their probation officers, or a Judicial Conference committee, as the House would prescribe (with at least four federal judge members). Second, will the Government, as well as the defendant, have the right to appeal. The Senate and Department of Justice say, yes; the House is divided. Third, what will become of parole. The Senate would abolish parole altogether in five years, immediately as to offenses occurring after the bill becomes fully effective. The House would restrict the Parole Commission's role to passing on post-sentencing events. All agree to eliminate the Commission's present role as resentencer.

The legislative alternative your Committee has drafted is attached to this report as Exhibit B. The Committee believes that it prescribes a much more workable sentencing model, at far less cost, than the Senate bill or any of its House counterparts. The following is a general description of the bill and a section-by-section analysis.

GENERAL DESCRIPTION OF THE BILL

The proposed Judicial Conference bill has three major features:

Determinacy of sentences: Under the bill, incarcerated defendants will know at the time of sentencing how long they will serve if they conform to the rules of the institutions in which they are confined.

Sentencing pursuant to guidelines: Guidelines are to be promulgated by the Judicial Conference on the advice of a Committee on Sentencing Guidelines. Sentencing judges may depart from the guidelines if they find, on the basis of circumstances of the particular offense or offender, that the purposes of sentencing are best served by departure.

Appellate review of sentences: Either the Government or the defendant may seek appellate review of a sentence on the ground that it was imposed as a result of incorrect application of the guidelines, or in violation of prescribed procedures, or otherwise in violation of the laws or Constitution. The defendant may appeal from an above-guideline sentence, and the Government from a below-guideline sentence, on the ground that the sentence is "plainly inappropriate." Government appeals will require a personal approval of the Attorney General or the Solicitor General.

The broad outlines of the bill are described in greater detail below, and section-by-section analysis follows the description.

[Section-by-section analysis omitted.]

Determinacy of sentences

The bill provides that the sentencing court shall include in the sentence, if a term of incarceration of more than a year is included, the date on which the defendant is to be released on parole if he or she abides by the rules of the institution of confinement. Hence, unless the defendant is penalized for misbehavior in prison, the release date is fully determined at the time of sentencing. The guidelines to be prescribed by the Judicial Conference are to provide guidance on both the total duration of the sentence and the release date.

Unlike the Senate-passed bill, this bill does not abolish the parole function. The Parole Commission will decide whether—and for how long—a defendant is to be penalized for misbehavior; it will also continue to have responsibility for supervising parolees and making revocation decisions. Unlike the House Judiciary Committee bill, however, the Parole Commission will no longer set parole dates based on the Commission's judgment of the severity of the offense and the offender's risk category. Under the proposed bill, it is the function of the sentencing judge, acting under the guideline system, to select the punishment for the offense; the function of the Parole Commission is to make decisions based on events that occur after sentencing.

The bill repeals the criminal provisions of the Narcotic Addict Rehabilitation Act, thus bringing addicts within the determinate sentencing scheme. It eliminates the indeterminate sentencing feature of the Youth Corrections Act, but preserves the requirement that persons sentenced under the act be confined in separate institutions and the opportunity for them to have the conviction set aside. Both the Narcotic Addict Rehabilitation Act and the Youth Corrections Act would be repealed by both the Senate and House bills.

Sentencing pursuant to guidelines

Under the bill, a sentence is to be imposed that accords with the applicable sentencing guideline unless the court finds, on the basis of the circumstances of the particular offense or information about the particular defendant, that the purposes of sentencing are best served by departing from the guidelines.

The guidelines are to be developed by a committee of the Judicial Conference, consisting of four judges in regular active service and three members who are not, or have not been, either federal or state judges. At least one of the three members must be a nonlawyer. The guidelines are to be submitted to the Congress by the Judicial Conference, and will take effect 180 days thereafter unless Congress prevents that outcome by act of Congress.

The provisions of this bill regarding the structure for developing guidelines are closely modeled on the bill approved by the House Judiciary Committee. In contrast, the Senate-passed bill provides for the guidelines to be developed by a Sentencing Commission appointed by the President with the advice and consent of the Senate. Although earlier versions of the bill provided that some of the presidential appointees come from a list submitted by the Judicial Conference, that requirement was removed by a 1982 floor amendment. The Commission in the Senate bill is expected to be a full-time body, moreover. Although the Senate bill provides that a federal judge may serve on the Commission without resigning his or her judicial appointment, no provision is made for handling the caseload of an active judge should one be appointed to serve.

The Senate bill also contemplates that the Commission is to have its own staff, and is to develop its own data collection, research, and education capabilities. The present bill, following the model of the House bill, contemplates that staff assistance will be provided by the Federal Judicial Center and the Administrative Office.

It is believed that a part-time committee with staff assistance from the Administrative Office and the Judicial Center is much the preferable approach. While there is no doubt that the development of initial guidelines will be a substantial task, it will be far from a full-time job for the decisionmakers if the operation is skillfully staffed. Once the initial guidelines have been promulgated, moreover, there can be no conceivable need for a body of full-time commissioners as the Senate bill would provide. In addition, relying on the existing organs of the Judicial Branch ensures that unnecessary and harmful duplication will be avoided. The Administrative Office already has in place what is widely recognized as one of the best statistical reporting systems in the business; continuing efforts to improve the quality of the data received from the courts would not be aided by requiring court personnel also to provide data for another and different system maintained by a Sentencing Commission. The Federal Judicial Center already has in place a structure for providing education and training to the members of the Judiciary; use of that structure for education and training relating to guideline sentencing will permit sentencing training to be included in programs that also cover other subjects and will facilitate the resolution of potential scheduling conflicts.

Appellate review of sentences

The bill provides that either the Government or the defendant may seek appellate review of a sentence on the ground that the guidelines were incorrectly applied, that prescribed procedures were not followed, or that the sentence is otherwise illegal. It also provides for defendants' appeals of above-guidelines sentences and Government appeals of below-guideline sentences. However, the Government may appeal only with the personal approval of the Attorney General or the Solicitor General. The bill contemplates that all issues about the sentence, as well as any challenge to the conviction, will be raised in a single appeal. The bill includes amendments to the Federal Rules of Criminal Procedure to ensure that the sentence appealed from is the final sentence of the district court.

The House Judiciary Committee's bill would permit appeals only by the defendant. In addition to appeals from above-guideline sentences, the bill authorizes a petition for leave to appeal from a within-guideline sentence on the ground that the sentence is "clearly unreasonable."

The present bill follows the Senate-passed bill in permitting a Government appeal on the personal approval of the Attorney General or the Solicitor General and in denying appeals for within-guideline sentences. However, it permits an appeal from any sentence outside guidelines, while the Senate bill permits an appeal from an outside-guideline sentence only if a felony or Class A misdemeanor (as defined in the bill) was involved.

The present bill follows both the Senate and House bills in denying an appeal from a

sentence that the appealing party has accepted in a plea agreement.

The fundamental motivation for a guideline system is to reduce disparity by producing binding standards for judges' sentencing decisions. The role of appellate review in such a system is to protect the binding nature of the guidelines, permitting departures from them only for legally acceptable reasons. Restricting appeals from sentences for minor offenses would undermine the binding nature of the guidelines for such cases. Moreover, in cases in which imprisonment is imposed in an above-guideline sentence for an offense that is lower than a Class A misdemeanor, it seems anomalous to restrict the defendant's appellate rights on the ground that the offense for which he was imprisoned was too minor to warrant appellate concern.

Similarly, prohibiting appeals by the Government would undermine the binding nature of the guidelines and—to that extent—permit disparity to persist. It would deny the courts of appeals not only the ability to correct unduly lenient sentences, but also the opportunity to enunciate law about the appropriate justification of below-guideline sentences. There is no sound reason for giving a convicted offender an entitlement to the benefit of a sentence imposed in violation of standards developed by the Congress and the Committee on Sentencing Guidelines. The goal of subjecting discretion to enforceable standards would be ill served by such a rule. The requirement that Government appeals be personally approved by the Attorney General or the Solicitor General should provide ample protection against abuse of the Government's right to take an appeal under the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I believe the distinguished Senator from Pennsylvania and the distinguished Senator from Maine have an amendment they wish to bring up at this time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, is it in order to submit the amendment at this time or do I need unanimous consent to lay aside the pending amendment?

The PRESIDING OFFICER. The Senator is correct; it would require unanimous consent to set aside the pending amendment.

Mr. SPECTER. Mr. President, I think this is agreeable to the manager of the bill, the distinguished chairman, Senator THURMOND, so at this time I ask unanimous consent that we set aside the pending amendment so that we may submit an amendment which will take a very brief period of time.

Mr. MATHIAS. Will the Senator withhold his request?

Mr. SPECTER. I do.

VOTES ON AMENDMENTS 2648, 2649, AND 2650

The PRESIDING OFFICER. The question then occurs on agreeing to the amendment of the Senator from Maryland.

Mr. THURMOND. Which amendment, Mr. President? We have three, 2648, 2649, and 2650.

The PRESIDING OFFICER. The question would occur on amendment No. 2648 first.

Mr. MATHIAS. Forty-eight, forty-nine, and fifty.

Mr. THURMOND. The first one would be on amendment 2648.

The PRESIDING OFFICER. The first one would be amendment No. 2648 offered by the Senator from Maryland.

The amendment (No. 2648) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Now 2649.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment numbered 2649 offered by the Senator from Maryland.

The amendment (No. 2649) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we will now take up 2650.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment numbered 2650.

The amendment (No. 2650) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, there is a regular scheduled meeting I must attend, as committee chairman, which begins at 11:45.

Today is Tuesday, and the regular caucuses of Senators on both sides of the aisle will begin at 12 noon or thereabout. As has been our habit in the past, we have recessed for the 2 hours that are necessary for Members to conduct those caucuses, which are unofficial but essential to the operation of the Senate.

Therefore, once again, I ask unanimous consent that at 12 noon the Chair place the Senate in recess, to reconvene at 2 p.m. today.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 2683

(Purpose: To amend bail provisions of crime package)

Mr. THURMOND and Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I now yield to the distinguished Senator from Pennsylvania and then the distinguished Senator from Maine. They have an amendment they wish to take up.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself and Senators BIDEN, MITCHELL, and LEAHY, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. BIDEN, Mr. Mitchell,, and Mr. LEAHY, proposes an amendment numbered 2683.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment is as follows:

On page 29 after line 20, add the following new section:

"SEC. . Section 3164 of title 18, United States Code is amended—

(a) by striking in subsection (b) the phrases "(a)(1) or" and "continuous detention or";

(b) by striking in subsection (c) the words "ninety day", and inserting in lieu thereof "sixty day";

(c) by relettering subsection (c) as subsection (d); and

(d) by inserting a new subsection (c) as follows:

"(c) The trial of any person described in subsection (a)(1) of this section shall commence not later than sixty days following the beginning of such continuous detention. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section."."

Mr. SPECTER. Mr. President, I submit this amendment with the intention of withdrawing it, but I wish to have it as part of the record for the future legislative history on that matter.

The essence of the amendment is to change the period of time for trial under the preventive detention bail provisions from 90 days to 60 days. This amendment was submitted on September 30, 1982, when the same issue was before this body. It was defeated at that time, although there was substantial support for the amendment. Senators BIDEN, MITCHELL, myself, and I believe also Senator

LEAHY, think that the better approach for ultimate success is not to press it for a vote at this time.

The essence of this amendment is that there ought to be a very prompt trial when someone is held in preventive detention without bail. That period of time ought to be 60 days instead of the 90 days now permitted by the Speedy Trial Act.

Preventive detention—and the consideration of danger to the community in holding without bond persons accused but not convicted of crimes—represent a marked change in the administration of criminal justice in this country. Under the Bail Reform Act of 1966, an accused's constitutional right to the presumption of innocence prohibited the consideration of any factor except the likelihood of flight in setting bail.

Through bitter experience we have learned, however, that a certain class of those with criminal records, the career criminals, commit many other offenses while they are out on bail. Indeed, the studies have shown that as few as 10 percent of the defendants who are career criminals commit up to two-thirds of the serious crimes. A career robber may commit up to 100 robberies a year, or a career burglar over 300 burglaries. It is clear that something must be done.

S. 1762, therefore, has taken the sensible step of permitting the courts to assess a defendant's danger to the community in setting bail. No more will judges feel constrained to set high money bonds on the pretext of the defendant's risk of flight in order to protect the community. The courts may now, after granting the defendant appropriate procedural protections, preventively detain a person charged with a crime.

At the same time, we must not lose sight of the important obligations that preventive detention imposes. While it is necessary, regrettably, to have some detention, many of us strongly believe that the detention should be for as brief a time as is possible. In the run-of-the-mill case, there is simply no justification for holding an unconvicted defendant for a full 3 months before his trial. Sixty days should certainly be the standard when we take the drastic step of denying bond altogether.

However, since much of the opposition to this amendment last year centered on concern over what was perceived as an ironclad 60-day rule that would open jailhouse doors for dangerous criminals on day 61, let me hasten to assure my colleagues that such a worry embaces a fundamental misperception. Under my amendment this year, each and every one of the legitimate reasons for a continuance of the time period listed in the Speedy Trial Act will also apply to preventive detention. For example, the court may enlarge the 60-day time period whenever an essential witness is unavailable, the complexity of the case requires more time, the Government or defense attorney need more time for effective preparation, or, more broadly, any time the "ends of justice" would be served by allowing more than 60 days. In short, a continuance can be obtained for some good reason, but not automatically with no reason.

I am greatly concerned that the present 90-day rule, when coupled with a new preventive detention statute, may run afoul of constitutional guarantees. In the District of Columbia, a 60-day period of pretrial detention was upheld from constitutional challenge by the court of appeals' en banc decision in *United States* v. *Edwards*, 430 A.2d 1321 (1981). The court found the 60-day limit to the District's preventive detention statute controlling:

> Significantly, pretrial detention is closely circumscribed so as not to go beyond the need to protect the safety of the community pending the detainee's trial. Such detention is not to exceed 60 days, by which time either the detainee must be brought to trial or bail must be set.

As I say, I hope to pursue this idea at a later time when there is a better opportunity to obtain its passage. Today, there will at least be an expression of concern by some Senators as a matter of legislative history so that prosecutors will know our strong feeling that they should proceed and try these cases in in the briefest period of time.

I thank the Chair. I yield the floor to the distinguished Senator from Maine (Mr. MITCHELL).

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. I thank the Senator from Pennsylvania.

The amendment being offered by Senator SPECTER and myself would amend title I of S. 1762 which deals with bail reform. It seeks to expedite the trial of anyone held under the preventive detention provisions of the bill.

The bill would make broad and sweeping changes to the Bail Reform Act of 1966 to allow a judge to consider a defendant's dangerousness to the community in setting bail. I believe these changes are both necessary and appropriate.

Under the provisions of the Bail Reform Act of 1966, the only factor a Federal judge may now consider in setting bail is the likelihood that a defendant will appear in court for trial or other subsequent proceedings. As difficult as it is for most Americans to believe, a Federal judge may not now consider a defendant's dangerousness to the community in setting bail. As a former Federal judge who has confronted this situation, I am deeply aware of the difficulty current law poses for the Federal judges who must at times choose between inappropriately setting excessively high monetary bail, which the Bail Reform Act specifically discourages, or allowing a dangerous defendant to be released pending trial.

In the 15 years since—it is now 17 actually—the Bail Reform Act was enacted, it has been the object of much criticism because of this inflexibility.

In its final report, the Attorney General's Task Force on Violent Crime summarized the problem in this way:

> The primary purpose of the Act was to deemphasize the use of money bonds in the federal courts, a practice which was perceived as resulting in disproportionate and unnecessary pretrial incarceration of poor defendants, and to provide a range of alternative forms of release. These goals of the Act—cutting back on the excessive use of money bonds and providing for flexibility in setting conditions of release appropriate to the characteristics of individual defendants—are ones which are worthy of support. However, 15 years of experience with the Act have demonstrated that, in some respects it does not provide for appropriate release decisions. Increasingly, the Act has come under criticism as too liberally allowing release and as providing too little flexibility to judges in making appropriate release decisions regarding defendants who pose serious risks of flight or danger to the community.

The need to allow a judge to consider a defendant's dangerousness to the community in setting bail is clear. A study conducted by the Lazar Institute in 1981 found that in the eight jurisdictions studied, approximately one out of six defendants was rearrested pending trial. Of these defendants, one-third were rearrested more than once.

S. 1762 would address the inadequacies contained in current law by allowing a judge to consider a defendant's dangerousness to the community in setting bail. The bill before us would allow a judge, following a detention hearing, to order a defendant detained prior to trial if the judge found that "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." In allowing a judge to consider a defendant's dangerousness to the community we are attempting to strike a balance between the rights of the accused and the legitimate interests of the rights of society.

One of the oldest legal principles—in fact, the principle upon which our criminal law is based—is that a person is innocent until proven guilty. Allowing a judge to order a defendant detained prior to trial does not change this presumption. In so doing, however, we curtail an individual's personal freedom prior to his or her trial. In such cases, I believe we ought to make every effort to expedite the defend-

ant's trial. This amendment accomplishes this goal.

The amendment would amend the Speedy Trial Act to require that the trial of a defendant held in preventive detention commence within 60 days from the time of detention. If such a defendant's trial does not commense within 60 days, the defendant would be released, subject to the least restrictive set of conditions, set forth in subsections (b) and (c) in title I of S. 1762, which would reasonably assure both the safety of the community and the appearance of the defendant in court.

The purpose of this amendment is simply to expedite the trial of those detained under the preventive detention provisions of the bill. In that sense, it attempts to more narrowly define the balance between the rights of the accused and the rights of society.

As a former county and Federal prosecutor—and Federal judge—I am convinced that 60 days is sufficient time for both the prosecution and the defense to adequately prepare their cases.

At the same time, however, I realize there are periods of delay which should not be counted against the 60 days. For this reason, the amendment excludes from counting against the 60 days the periods of delay enumerated in section 3161(h) of the Speedy Trial Act. I ask unanimous consent that a reprint of section 3161(h) be included in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, excluding these periods of delay will insure, for example, that a defendant who must undergo substantial psychiatric testing to determine his or her mental competency, as did John Hinckley, will not simply be released after 60 days. Other examples include those periods of delay resulting from the absence of unavailability of an essential witness; a continuance granted by a judge if the judge determines that "the ends of justice" are best served by the continuance; or from the transportation of a defendant to another district. I believe excluding these periods of delay from the 60-day time limitation should allay the fears of those who fear an absolute time limitation would prove unworkable.

I believe deeply that in certain circumstances, courts should have authority to detain defendants prior to trial. At the same time, I believe equally strongly that the Government has an overriding obligation to expedite the trial of those so detained, because that detention conflicts directly with the presumption of innocence until guilt is proved, which is one of the foundations of our judicial system.

I emphasize to my colleagues that we are talking here about a situation in which an American citizen is put in prison before he or she has been convicted of anything. All that has happened is that a person is charged with a crime. Anyone even remotely familiar with the American judicial system knows that not every person charged with a crime is guilty and subsequently proved guilty.

Frankly, I cannot comprehend opposition to this rather modest proposal, and I am deeply disappointed that there apparently is so little support for this revision in the Senate that it will not even be put to a vote. I think that says something about the Senate and its concern, or lack of concern, about the rights of American citizens. I hope very much that as this bill works its way through the legislative process in the House and in conference, this change will be made.

One final point: One of the arguments against this provision is that we already have in place a speedy trial act that says that a defendant will have to be tried within 90 days, so what is another 30 days to someone who is in jail?

The first answer to that is that if you are in jail and have not been convicted of anything, and you are in fact innocent, 1 day in jail is too much.

The second argument, and I think a more significant argument, is that if this bill passes, as it likely will, it will become a model for the 50 States, many of which are now considering legislation of this type, and very few of those States have a speedy trial act. In fact, most violent crimes in this country are prosecuted under State law, not under Federal law.

Mr. President, we are about to pass a measure which is likely to serve as a model for each of the 50 States, many of which are now considering legislation of this type. The number of crimes of violence prosecuted under Federal law in this country is very small. The overwhelming majority of violent crimes are prosecuted under State law, and appropriately so.

Most States do not have a speedy trial act, and if those States adopt this Federal legislation as a model, we will run the risk of having many, many American citizens in jail without having been convicted of anything, who are in fact not guilty, and without any specific time limit for their trial being set. That, I think, is inconsistent with the objective and the purposes of American justice, and inconsistent with the provisions of the Constitution.

I hope very much, as I have said, that as this legislation proceeds through the legislative process, this very modest change will be adopted, for the reasons I have suggested.

It is a very sad commentary on the Senate that there are so few votes that we will not even put it to a vote.

EXHIBIT 1

(h) The following periods of delay shall be excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence:

(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

(A) delay resulting from any proceeding, including any examinations, to determine the mental competency or physicial capacity of the defendant;

(B) delay resulting from any proceeding, including any examination of the defendant, pursuant to section 2902 of title 28, United States Code;

(C) delay resulting from deferral of prosecution pursuant to section 2902 of title 28, United States Code;

(D) delay resulting from trial with respect to other charges against the defendant;

(E) delay resulting from any interlocutory appeal;

(F) delay resulting from any pretiral motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion;

(G) delay resulting from any proceeding relating to the transfer of a case or the removal of any defendant from another district under the Federal Rules of Criminal Procedure;

(H) delay resulting from transportation of any defendant from another district, or to and from places of examination or hospitalization, except that any time consumed in excess of ten days from the date an order of removal or an order directing such transportation, and the defendant's arrival at the destination shall be presumed to be unreasonable;

(I) delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government; and

(J) delay reasonably attributable to any period, not to exceed thirty days, during which any proceeding concerning the defendant is actually under advisement by the court.

(2) Any period of delay during which presentation is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.

(3)(A) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness.

(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in additon, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence or trial cannot be obtained by due diligence or he resists appearing at or being returned for trial.

(4) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trial.

(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

(7) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

(iv) Whether the failure to grant such a continuance is a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

(C) No continuance under paragraph (8)(A) of this subsection shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses on the part of the attorney for the Government.

Mr. BIDEN. Mr. President, I associate myself with the remarks of the Senator from Maine and the Senator from Pennsylvania.

Mr. President, I would like to compliment the Senator from Pennsylvania and the Senator from Maine. I think this is a good amendment.

The Senator from Maine talked very persuasively not only about the fairness of the amendment, in light of the change taking place in bail, but in light of the fact there were exceptions. Those exceptions in current law are as follows:

18 U.S.C. Section 3161(h). The following periods of delay shall be excluded in commuting the time within which an information or an indictment must be filed, or computing the time within which the trial of any such offense must commerce.

(1) Any period of delay resulting from other proceedings concerning the defendant, including but not limited to—

(A) delay resulting from an examination of the defendant, and hearing on, his mental competency, or physical incapacity;

(B) delay resulting from an examination of the defendant pursuant to section 2902 of title 28, United States Code;

(C) delay resulting from trials with respect to other charges against the defendant;

(D) delay resulting from interlocutory appeals;

(E) delay resulting from hearings on pretrial motions;

(F) delay resulting from the Federal Rules of Criminal Procedure; and

(G) delay reasonably attributable to any period, not to exceed thirty days during which any proceeding concerning the defendant is actually under advisement.

(2) Any period of delay during which prosecution is deferred by the Attorney for the Government pursuant to a written agreement with the defendant with the approval of the court for the purpose of allowing the defendant to demonstrate his good conduct.

(3)(A) Any period of delay resulting from the absence or unavailability of the defendant or an essential witness.

(B) For purposes of subparagraph (A) of this paragraph, a defendant or an essential witness shall be considered absent when his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence. For purposes of such subparagraph, a defendant or an essential witness shall be considered unavailable whenever his whereabouts are known but his presence for trail cannot be obtained by due diligence or he resists appearing at or being returned for trail.

(4) Any period of delay resulting from the fact that the defendant is mentally incompetent or physically unable to stand trail.

(5) Any period of delay resulting from the treatment of the defendant pursuant to section 2902 of title 28, United States Code.

(6) If the information or indictment is dismissed upon motion of the attorney for the Government and thereafter a charge is filed against the defendant for the same offense, or any offense required to be joined with that offense, any period of delay from the date the charge was dismissed to the date the time limitation would commence to run as to the subsequent charge had there been no previous charge.

(7) A reasonable period of delay when the defendant is joining for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.

(8)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph all be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case taken as a whole is so unusual and so complex, due to the number of defendants or the nature of the prosecution or otherwise, that it is unreasonable to expect adequate preparation within the periods of time established by this section.

(iii) Whether delay after the grand jury proceedings have commenced, in a case where arrest precedes indictment, is caused by the unusual complexity of the factual determination to be made by the grand jury or by events beyond the control of the court or the Government.

(C) No continuance under paragraph (8)(A) of this subsection shall be granted because of general congestion of the court's calendar, or lack of diligent preparation or failure to obtain available witnesses on the part of the attorney for the Government.

The Senator from Maine, the former Federal judge, points out that moving it down to 60 days is what we should do, we should include these exclusions.

That was a concern I had about this amendment last Congress. At that time the proposal did not include the above mentioned exclusions.

I compliment the Senators for their foresight in redrafting the amendment and support their effort.

Mr. KENNEDY. Mr. President, I, too, believe that the amendment offered by the Senator from Pennsylvania and the Senator from Maine deserves action by Congress during this session.

I think it is a strong amendment. I supported it the last time it was offered, and I believe this is an even stronger amendment.

I have been one of the strongest proponents of the major bail reform provision in this bill, which would permit judges to consider the dangerousness of the defendant when determining conditions of the pretrial release. I share the concern of the sponsors of the amendment, that in a preventive detention situation we must expedite trial to the maximum extent possible so as to limit the loss of personal freedom during the period when the de-

fendent enjoys the presumption of innocence.

I hope we will have an opportunity to act on it in an expeditious way during this session of Congress. I will do everything I can to see if we can get some action in the House as well. I commend the Senator from Pennsylvania and the Senator from Maine for bringing this matter to our attention.

Mr. NUNN. Mr. President, I have a sense-of-the-Senate resolution which I hope will be accepted on both sides. This started out as a comprehensive bill on sentencing, and we have not had thorough hearings on it. So Senator ARMSTRONG and I have worked on this language.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. NUNN. I yield.

Mr. SPECTER. Will the Senator formally withdraw the amendment? I had not finished.

Mr. NUNN. I will do that.

Mr. SPECTER. Mr. President, I think the Senator from Georgia has formally withdrawn the amendment.

Mr. THURMOND. Mr. President, I thank the Senator from Pennsylvania. This is a very controversial matter and should be considered in a separate bill, on its own merits, and I am sure that will be done if it comes up later.

Mr. President, I would have opposed the amendment if offered by the Senator from Pennsylvania (Mr. SPECTER). It would decrease the time limit for starting the trial under the Speedy Trial Act (18 U.S.C. 3161 et seq.) of a person detained awaiting trial from 90 to 60 days, excluding the periods of delay specified in other parts of the act. Failure to commence trial within the specified time would require release of defendants already determined to be unacceptable flight or danger risks.

Mr. President, the period we are talking about spans the time from arrest through a grand jury indictment to commencement of the trial. The situation would typically involve the most serious crimes and complex drug trafficking cases. Not only must the Government utilize this limited time to locate witnesses, find and evaluate evidence, obtain a grand jury indictment, and generally prepare for trial, there are some districts in the United States that do not even have grand juries sit at frequent enough intervals to meet such a deadline. Others are so congested with large drug and other major cases as to be unable to absorb any more time restrictions. In addition, some districts have relatively high rates of pretrial detention for readily identifiable reasons while other districts do not have such a need. Such comparisons led the Department of Justice to observe that, for example, "[t]he impact of the proposed 60-day deadline in a district such as southern Florida would be devastating."

The point is that no case has been made for changing the original judgment of Congress in the Speedy Trial Act that a 90-day period struck a sound balance between the desire for swift trial of detained defendants and the effective management of serious, complex cases. Indeed, the 90 days is the worst case limit in a country with diverse problems from jurisdiction to jurisdiction.

Mr. President, the amendment is also strongly opposed by the Department of Justice. The reasons are set forth in some detail in a letter to me from the Assistant Attorney General for the Office of Legislative Affairs. I ask unanimous consent to have the letter printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., April 19, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to a request for the views of the Department of Justice on a proposed amendment to S. 215, the bail reform legislation now under consideration by the Judiciary Committee, that would amend 18 U.S.C. 3164, the provision of the Speedy Trial Act which limits to 90 days the period during which a person may be held in detention pending trial. If a detained person is not released within the current 90 day period, he must be released pursuant to conditions set by the court. In addition to this 90 day limit on pretrial detention, section 3164 also requires that the trial of any person held in detention be afforded priority. The proposed amendment would reduce the current 90 day period of limitation to 60 days. The Department of Justice strongly opposes this amendment.

The current 90 day limit established under section 3164 was originally set on an interim basis. In its 1979 review of the Speedy Trial Act, the Congress adopted this period on a permanent basis.[1] Enactment of the bail reform legislation now before the Committee provides no rationale, in and of itself, for the Congress to now reduce the permitted period of pretrial detention by one-third. Although S. 215 would for the first time incorporate statutory procedures for the issuance of pretrial detention orders and permit consideration of defendant dangerousness as a general matter in all release decisions, under our current bail system—the very context in which Congress reviewed and adopted as a permanent provision the present 90 day limit—pretrial detention is not an uncommon phenomenon. In fiscal year 1982, 18.4% of all federal defendants were subject to some period of pretrial detention. While slightly more than half of these defendants (52.2%) were in custody for 10 days or less, 39.5% were in custody from 31 to 90 days.[2] Despite the fact that current bail laws do not permit consideration of defendant dangerousness, many believe it is concerns about dangerousness rather than flight risk that have led to the detention of a good proportion of these defendants because of their inability to meet high money bonds.

Certainly, one of the primary reasons for this Department's strong support of S. 215 is that it would specifically authorize pretrial detention in limited circumstances. We have been very much concerned by instances in which even extremely high money bonds have been inadequate to assure appearance and in which judges, operating under the constraints of current law, have released persons who pose especially severe threats to the safety of others. However, in our support of this legislation we have never asserted that pretrial detention would be appropriate for more than a small minority of federal defendants, and anticipate that enactment of this legislation would result in only a minor enlargement of the present number of persons subject to detention.

Indeed, one of the most laudatory aspects of this legislation is that it recognizes that there is already a substantial incidence of pretrial detention in the federal system, and that it responds to this phenomenon by providing for the first time a set of statutory criteria that define the circumstances in which detention may be appropriate and by requiring a pretrial detention hearing with important procedural safeguards in which the court, government, and defendant may address the issue of pretrial detention squarely. The provisions of S. 215 do not set the stage for a wholesale increase in the incidence of pretrial detention, but rather establish procedures to assure that it is imposed with greater rationality and fairness. In sum, enactment of this legislation will not herald a change in circumstances so significant that the Congress's 1979 determination with respect to detention limits in section 3164 should be overturned.

Aside from the fact that the bail reform legislation under consideration provides no justification for reduction of the Speedy Trial Act's current 90 day limitation on detention, the 60 day proposal is on its own merits objectionable. As noted above, nearly 40 percent of federal defendants subject to some term of detention remain in custody from 31 to 90 days. The number of defendants in this group in fiscal year 1982 was 2,614.[3] Unfortunately no further statistical breakdown is available, so we do not know the exact number of these defendants held in excess of 60 days whose cases would have to be accommodated by substantially accelerated trial dates were the proposed 60 day limit enacted. Nonetheless, it is likely that a good proportion fall into this category.

The potential difficulties in significantly accelerating the trials of such defendants so as to avoid the release of persons who are severe flight risks or pose especially grave dangers to community safety are aggravated by the fact that the incidence of pretrial detention is not uniform across all districts. Instead, there is considerable variation among the districts, with relatively high rates of detention occurring in a handful of districts, primarily those which, because of their geographical location, are particularly concerned about defendants fleeing the

[1] Public Law No. 96-43, section 7, Aug. 2, 1979, 98 Stat. 329.

[2] "Reports of the Proceedings of the Judicial Conference of the United States and Annual Report of the Director of the Administrative Office of the United States Court—1982" (hereinafter cited as "1982 Annual Report"), 352-355 (Table D-13).

[3] Ibid.

country to avoid prosecution. This phenomenon has been noted by the Administrative Office of the United States Courts, in citing the Districts of Southern California, Arizona, and Southern Florida, as the districts with the highest detention rates:

"California, Southern and Arizona are border districts and detention is required to be certain that the defendant will be available for trial. For Florida Southern, many defendants are highly mobile and are being prosecuted for drug law violations.[4]

As the members of the Committee are no doubt aware, some of the most egregious examples of the failures of the current bail system have involved major drug traffickers in South Florida. Experience has shown that with respect to such defendants, money bonds that would, in other contexts, appear adequate to assure defendant appearance have proven ineffective, and this district's high detention rate is understandable in light of this experience. The impact of the proposed 60 day deadline in a district such as Southern Florida would be devastating.

For example, despite an admirable average compliance rate of 96.3 percent with the Speedy Trial Act's 70 day limit on the period from indictment to trial across all districts, South Florida, with a criminal docket that has swelled in response to an alarming crime rate, much of which is associated with the illegal drug trade, had a compliance rate of only 77.5 percent, the lowest rate of any district within the United States.[5] In this setting, there is little leeway to further accelerate trials to accommodate the proposed 60 day deadline, and we are thus very much concerned that imposition of this proposed limit would result in the release of major drug traffickers who are serious flight risks. As our experience in South Florida has shown, these defendants have both enormous resources and foreign contacts that enable them to flee the country almost immediately upon release.

The difficulties in accelerating trial schedules to meet the proposed 60 day deadline must also be understood in the context of other aspects of the Speedy Trial Act. Where a case is commenced with indictment, trial must occur within 70 days. In such cases, the proposed 60 day detention deadline would not require significant advance of the trial date, although we reiterate that in juridictions with particularly crowded criminal dockets such as South Florida even seemingly modest further manipulations of trial schedules may pose significant problems. However, where a case is commenced by arrest and indictment then follows, a substantial acceleration would be required. In these cases, the government must indict within 30 days, and trial must occur within 70 days of the indictment. Thus, the proposed 60 day limit would reduce by 40 percent for pretrial detainees the maximum period that could elapse from arrest to trial.

In cases commenced by arrest, the problem posed by compliance with the proposed 60 day deadline is not confined to the substantial acceleration of trial date that would be required, but also involves the lack of flexibility in setting a trial date within this schedule. After indictment, defendants are afforded under the statute a right to a minimum 30 day trial preparation period.[6] This means that in cases in which indictment occurs at or near the expiration of the Act's 30 day limit on the time that may pass from arrest to indictment, there will be only a few days (or in the case of an indictment falling on the 30th day, a single day) after the defendant's post-indictment trial preparation period has elapsed in which trial may be scheduled so as to avoid the release of a defendant who has been determined to be a serious flight risk or danger to the community.[7] Reserving one of a very limited number of trial dates in advance will be particularly difficult in cases in which pretrial motions and other matters—matters which generally give rise to excludable delay—are being pursued.[8] In these cases, the dates on which the Act's various limitation periods expire will vary from day-to-day as pretrial matters arise and are concluded. In sum, in cases initiated by arrest, the government and the courts will be "boxed in" by the proposed 60 day limit to but a few days in which trial may be held in order to avoid the sanction of release of the defendant. Such inflexibility ignores the scheduling problems the courts and government must now address to comply with the larger scheme of deadlines under the Speedy Trial Act, deadlines which, if not met, entail the sanction of dismissal of the charges against the defendant.

Clearly, the spectre of the proposed 60 day limit operating to require the release of defendants who are significant flight risks or extreme threats to the safety of others will be of greatest concern in cases commenced by arrest rather than indictment. However, it is with respect to these very types of defendants that it will be inadvisable to delay arrest until an indictment is, or is about to be, filed. Obviously, it would ill serve the interests of the public to encourage delay in arresting such persons. Already the arrest to indictment time limitations of the Speedy Trial Act have led to an increase in the proportion of criminal cases commenced by indictment rather than arrest.[9] The proposed 60 day detention deadline would further aggravate this situation and it would do so with respect to the highest risk category of defendants.

In essence, the proposed 60 day limit will present prosecutors with a Hobson's choice. On the one hand, if they choose to delay arrest until indictment occurs or is imminent so as to mitigate the possibility that the defendant will be released because the 60 day limit will elapse before a trial may be set, they then run the risk that the defendant will flee or commit another offense before the indictment is returned. On the other hand, if they choose to arrest immediately and then indict, they may have eliminated the immediate danger, but then run the risk that the defendant will later be released if the crowded criminal docket in their district cannot accommodate a trial date within the very limited number of days that will exist between the expiration of the defendant's statutorily guaranteed trial preparation period and the running of the proposed 60 day period.

We have no doubt that the proposed amendment is well intentioned and agree that a speedy trial is especially important where a defendant must, for the protection of the integrity of the judicial process or the safety of the community, be held pending trial. But the problems posed by the proposed reduction to 60 days of the Speedy Trial Act's present limit on pretrial detention are simply too great to justify its enactment as a means of furthering this principle. We are deeply concerned that this proposed amendment of section 3164 will result in delays in arresting defendants who are significant flight risks or pose grave danger to the safety of the innocent public.

The Department of Justice therefore strongly urges that the Committee retain the current 90 day limit of section 3164. As we noted at the outset, there is no aspect of the bail reform legislation being considered by the Committee that requires that this period, enacted on a permanent basis only four years ago, now be reduced by one-third. Moreover, we stress that superimposed on this current 90 day limit is section 3164's present requirement that all cases involving pretrial detention be afforded priority. Thus, the present 90 day deadline sets only the outer limit of the time in which a detainee must be tried or released. If an earlier trial date may be set, the law currently requires that this be done.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

Mr. SPECTER. Mr. President, I wish to withdraw the amendment.

The PRESIDING OFFICER. The amendment (No. 2683) is withdrawn.

Mr. NUNN. Mr. President, in a moment I shall send this amendment to the desk. First, I wish to explain a brief background.

This is a sense-of-the-Senate resolution and it indicates the direction that the Senate thinks we should move, if this amendment is adopted, in the interim before the Sentencing Commis-

[4] 1982 Annual Report, supra note 2, at 150.

[5] Id. at 149, 348-9 (Table D-11). Of all districts, only the Northern Marianas had a compliance rate lower than Southern Florida's.

[6] Although section 3161(c)(2) speaks of the 30 day trial preparation period commencing with the defendant's first appearance through counsel, this provision has been interpreted to require that the 30 day period commence with indictment if this occurs after the first appearance. See Committee on the Administration of the Criminal Law of the Judicial Conference of the United States, "Guidelines to the Administration of the Speedy Trial Act of 1974, as Amended," 10-11 (August, 1981).

[7] The "worst case" scenario evoked by the proposed 60 day limit under section 3164 would occur in instances in which no grand jury is sitting at the time the defendant is arrested. In such cases, the government is permitted an additional 30 days in which to indict, but this extension does not constitute an excludable delay under section 3161(h), and so does not extend the time limits for detention under section 3164. In such cases, therefore, the defendant could assure his release simply by insisting on his 30 day trial preparation period. Such extensions of the indictment period are, however, extremely rare. (Only 0.3 percent of cases in fiscal year 1981 involved such extensions. Administrative Office of the United States Courts, "Report for the Year Ended June 30, 1981 on the Implementation of Title I of the Speedy Trial Act of 1974," 123.) Nonetheless, the proposed amendment's failure to accommodate such cases, as rare as they may be, is untenable.

[8] It is the position of the Judicial Conference that periods of excludable delay do not apply to the 30 day trial preparation period of which defendants are entitled. See "Guidelines," supra note 6, at 12-13. However, in the *United States* v. *Mers* (No. 81-7777, decided March 21, 1983), the Eleventh Circuit held that periods of excludable delay do apply to extend the 30 day trial preparation period. If this additional scheduling variable must also be considered, setting a firm trial date that will accommodate the existing indictment and trial proposed 60 day deadline on detention may be all the more difficult.

[9] United States Department of Justice, "The Processing of Federal Criminal Case Under the Speedy Trial Act of 1974 (as Amended 1979)," 79-86 (July 1980).

sion comes back and makes their report.

What Senator ARMSTRONG, Senator HATFIELD, and I have done is we have changed our original bill and put it in the form of this very simple resolution to at least indicate the direction for the next 2 years that we think the sentencing should move in, and perhaps even this may serve as a model for other jurisdictions, particularly the State jurisdictions to follow.

Let me read this resolution because I am hoping it will be accepted by both sides of the aisle. It is on behalf of the Senator from Colorado, the Senator from Oregon, and myself.

Whereas, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Whereas, sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Whereas, in cases of non-violent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Whereas, in the two years preceding the enactment of sentencing guidelines, federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentence in cases of nonviolent and nonserious offenders: Now, therefore, be it

Resolved: That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, Federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstance of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

AMENDMENT NO. 2684

Mr. NUNN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia (Mr. NUNN) for himself, Mr. ARMSTRONG, and Mr. HATFIELD, proposes an amendment numbered 2684.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of nonviolent and nonserious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

Mr. NUNN. Mr. President, on behalf of Senator ARMSTRONG and myself, I am today offering a Senate resolution as an amendment to S. 1762, the Comprehensive Crime Control Act. The resolution is intended to express the sense of the Senate that Federal judges consider the need for adequate prison space for violent and serious offenders. With that goal in mind, the resolution sets forth the Senate's desire that, in the 2 years preceding enactment of the sentencing guidelines, Federal judges help insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders.

There is little doubt that many Americans see our current criminal justice system as an abysmal failure. Among professionals—judges, criminologists, probation officers, police officers, and so forth—the consensus is that we have reached a crisis situation in our criminal justice system. The sentencing process is certainly one of the most important components in the criminal justice system today. Sentencing decisions are based on issues of general deterrence, rehabilitation, and incapacitation. They affect not only the victim and the offender but society as a whole. The resolution I offer today addresses our sentencing process in light of the crisis we today face in prison overcrowding. In doing so, the resolution urges Federal judges to consider a different approach to traditional sentencing, one which serves the deterrent purposes of the criminal justice system, yet provides the possibility of rehabilitation while protecting society from the dangerous criminal offender.

Due to the increasing problem of prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants. Sentencing decisions should be designed to insure that those resources are, first and foremost, reserved for those dangerous and violent criminals who pose the most serious threat to society. In cases of nonviolent offenders, the interests of society as a whole as well as the individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service. It is the purpose of this resolution to express the Senate's interest that scarce Federal prison resources are available to house dangerous and violent criminals by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nondangerous criminal offenders.

I point out that I fully support the determinate sentencing provisions included in S. 1762. I want to stress that this resolution is in no way inconsistent with those provisions. S. 1762 provides for sentencing guidelines to be promulgated by the Sentencing Commission 2 years after the bill's enactment. The directives proposed to the Commission echo the same sentencing philosophy present in this resolution. This resolution, however, provides an immediate response to prison overcrowding pending enactment of the sentencing guidelines.

On that point, my staff and Senator ARMSTRONG's staff has worked closely with the staffs of Senators THURMOND, LAXALT, KENNEDY, and BIDEN to insure that this resolution is fully consistent with the sentencing provisions of S. 1762. The approach set forth in this resolution is derived from S. 1644, the Sentencing Improvement Act, which Senator ARMSTRONG and I introduced on July 18, 1983. This resolution is a first step in the direction of the sentencing provisions set forth in that bill. Although this resolution does not carry the weight of law, I believe that it will make Federal judges aware that the Senate agrees with the basic philosophy underlying the provisions of S. 1644. I want to express my appreciation to Senators THURMOND, LAXALT, BIDEN, and KENNEDY for their cooperation with us in working on this resolution, as well as on S. 1644.

Mr. President, the prison system in the United States no longer accomplishes what it is supposed to. Rather than rehabilitate the more than 500,000 men and women in our State and Federal prisons, the system

merely warehouses them. Moreover, our limited prison resources can no longer adequately house our rising prison populations. While it is true that our prison system does keep many offenders off the street and out of society, we have reached the point where we must reassess the cost effectiveness of our current prison system.

If a balance sheet was presented on the cost/benefit of locking up offenders as a solution to the crime problem, the tally would shock the American taxpayer. The Bureau of Prisons reports that it costs over $13,000 to incarcerate just one person for just 1 year. In many States, it is as high as $25,000. In addition, it costs over $70,000 just to build one new prison cell.

Our reliance on prisons and the amount of resources we give them has become a national embarrassment. We currently have over 500,000 men and women in our prisons, excluding jails and lock-ups. Our Nation's rate of incarceration is higher than any in the Western World. It is exceeded only by the incarceration rates of the Soviet Union and South Africa. This is hardly admirable company for an advanced democracy such as the United States. It is especially shocking when we see that many dangerous individuals who truly should be incarcerated for long periods of time are released early or never even jailed because of the crisis in prison overcrowding.

As of October 25, 1983, our total Federal prison population was over 30,254. With our Federal prisons now operating beyond capacity, the continuing yearly increase in our prison population is especially alarming. Last year, the national prison population jumped by a record 12.1 percent, the largest yearly increase since the Government began keeping prison statistics in 1926. The increase in the Federal prison population was even greater, at 16 percent.

It is unmistakably clear that we are marching inextricably to a crisis point. Stronger sentencing practices and more effective law enforcement have increased the number of convicts in our prison system. I applaud better law enforcement and stricter sentencing. But we must recognize that it would be impractical for us to continue to urge Federal law enforcement agencies and Federal courts to carry on with the efforts against crime and at the same time fail to perceive and remedy our growing prison problem. As Attorney General William French Smith stated in a speech at the Vanderbilt Law School on March 3, 1983:

> Much can be done to improve correctional facilities. But while we move forward in our efforts to improve our Nation's prisons, we must recognize that we cannot continue to rely exclusively on incarceration and dismiss other forms of punishment.

It is just such a form of alternative punishment that the resolution I am offering today encourages. Prison space and prison resources are as scarce as they are important; and they must be effectively utilized. This resolution, derived from S. 3109, introduced in the 97th Congress, and S. 1644, as introduced on July 18, 1983, is intended to help insure, in the face of severe prison overcrowding, that scarce Federal prison resources are available to house dangerous and violent criminals.

The resolution encourages judges to utilize restitution and community service sentences in cases of nonviolent and nondangerous offenders. This resolution affirms that dangerous, violent criminals must be locked up in prison to protect society. However, it proposes that society does not necessarily need the same protection from the nondangerous offender. The resolution directs judges to consider the appropriateness of imprisonment for such nonviolent and nonserious offenders. In such cases, the judges are encouraged to sentence defendants to pay back their victims for property damage or for medical expenses, as well as to provide free service in their communities through volunteer work.

In language similar to that found in S. 1762, the resolution states that imprisonment is clearly appropriate for those offenders who pose the greatest danger to society: those convicted of violent or serious offenses. Under our original proposal, S. 1644, on which I am still hopeful that hearings will be held, a judge could clearly find imprisonment appropriate for a wide range of nonviolent, but nevertheless, "serious" offenses, including: those who committed crimes endangering the national security; professional criminals; narcotics traffickers; those convicted of certain illegal firearms or explosives trafficking violations; and those convicted of misuse of public office or public trust.

Mr. President, there are three reasons why this resolution is needed. First, we need to insure that scarce available prison space is used to lock up the dangerous criminals. These are the individuals that are the greatest threat to our society. Moreover, we need to take steps to do so now. There will be no moratorium on prison overcrowding in the 2 years preceding enactment of sentencing guidelines. If we continue down the path we are going now, in 2 years our prisons will not have enough space for those who are truly dangerous because we will have wasted this scarce resource for those who do not pose a danger to society. This resolution is an effort to forestall that crisis. It makes clear that the Senate wants dangerous offenders put in jail. However, it makes equally clear that Congress does not want our prisons filled with nondangerous criminals when, as a result, the dangerous ones will be free to terrorize our streets and citizens.

Second, this resolution, like the Comprehensive Crime Control Act of 1983, recognizes the rights of victims of crimes to be reimbursed for their losses. Too often they are not only unreimbursed, but they end up as taxpayers paying to feed, clothe, and house in prison those same nondangerous offenders who have victimized them.

Third, this resolution offers a much less expensive way of punishing nondangerous offenders while remaining just as effective as the current system. Instead of paying over $13,000 a year to jail a nondangerous offender, that offender can remain in society, repay his victim, and work for the community in a community service program. The cost per person of diversion to alternative sentencing is only about 10 percent of the cost of incarceration, or approximately $1,500 per year, according to the U.S. Courts Administrative Office.

It is time for the Senate to speak to the problem of overcrowded prisons. This resolution insures that the Comprehensive Crime Control Act of 1983 will do so upon enactment, as opposed to 2 years later. To complement the increase in incarceration and other penalties provided by S. 1762, the resolution helps guarantee that there will be enough space for those new offenders. Clearly, there is an impending crisis in prison overcrowding. This resolution gives Federal judges some direction in considering alternative sentencing for nonviolent and nonserious offenders. I urge the Senate to address the problem of our overcrowded and scarce prison resources by the passage of this resolution to the Comprehensive Crime Control Act of 1983.

I would hope, after working with the staff on both sides and going through this for a good many weeks now, this would be accepted as a direction that has really basically taken the exact language of the sentencing bill and instructions to the Sentencing Commission and said during the next 2 years let us have the Federal courts at least consider it.

That is the amendment as I propose it at this time.

Mr. ARMSTRONG. Mr. President, my colleagues Senator NUNN, Senator HATFIELD, and I offer a sense-of-the-Senate resolution today to address the need for Federal sentencing practice to insure adequate prison space for violent and serious criminal offenders. This resolution expresses the need for Federal judges to carefully consider the appropriateness of imposing a sentence other than imprisonment in cases where the defendent has not been convicted of a violent crime. Preceding the enactment of the sentenc-

ing guidelines in 2 years, it is essential that during the interim sentencing decisions reflect consideration of the critical problems in our prisons.

Last year, Senator NUNN and I introduced our Sentencing Improvement Act, S. 1644, to address these critical problems by providing sentencing alternatives of community service and restitution for certain categories of nonviolent offenders. I would like to continue to pursue consideration of this legislation and to encourage hearings on these issues this year.

As a major sentencing reform bill, S. 1762 must respond to the crisis in our Federal and State prisons today. It is now widely known that our prisons, at both the State and Federal level, are chronically overcrowded. Literally dozens of States are under current court order to alleviate chronic overcrowding which orders cruel and unusual punishment, a recent Federal study shows nearly two-thirds of all U.S. prisoners are housed in overcrowded facilities. The same study shows that even new prisons are filling to capacity within 2 years, and reaching 130 percent of capacity within 5.

Since 1969, the U.S. prison population has increased 68 percent. The biggest jump occurred in 1981—12.1 percent, the greatest increase since statistics were first tabulated in 1925. Growing nearly 15 times faster than the general populations, our prison population—more than 1 in every 600 Americans is in prison—is the world's highest, excepting South Africa and the Soviet Union.

If our prison population were a nation, it would be more populous than 18 member countries of the United Nations.

It also is well known by now that our prisons do not reform or rehabilitate; they brutalize and harden. We manufacture dangerous criminals in our prisons which offer an education in assault, theft, vandalism, forced homosexuality, gang war, racial violence, drug abuse, and insanity. And we spend a fortune each year to maintain this shameful rank. The total budget for State and Federal correction services in 1980 was $5 billion. It costs a minimum of $30,000 per bed to build a medium security facility, and up to $70,000 per bed for a maximum security one. The Attorney General's Task Force on Violent Crime estimates that more than $10 billion is needed urgently just to accommodate our current prison population. And the average annual cost of maintaining an inmate in the Federal prison system is over $13,000—more than tuition, room and board at any of our most expensive universities.

It is clear that American prisons must be regarded as scarce resources, with a highly specialized purpose: to confine only those who pose a threat to society. Most Federal programs are in fierce competition for the too few Federal dollars. Pending Senate legislation would spend billions for new facilities for incarceration. In a time of severe fiscal restraint, it is a perfect opportunity to revise current sentencing policies and consider restitution and community service as serious and practical alternatives.

The use of restitution and community service are not new sentencing alternatives. Last year, Congress passed the Victim and Witness Protection Act and went on record as favoring restitution for victims of crime. The restitution procedures of that act will apply where restitution is ordered under our new bill, which for the first time directs judges to increase the use of these more constructive sentences for nondangerous offenders.

Community work orders would provide that, instead of being sent to prison, nondangerous offenders would be required to work in areas of great public need whether it be for a very modest salary, or for free. State and local jurisdictions are well ahead of the Federal Government in this area, as is England, which has utilized this approach for years. Present community work programs are providing useful work opportunities for skilled and unskilled workers alike.

A 1978 survey viewed some 289 local, State, and Federal projects in which restitution and community service were involved. The survey showed that 16 of these projects produced restitution payments for victims exceeding $20 million, of which 134 resulted in free work worth more than $2.5 million. Ongoing programs in Georgia, California, Minnesota, Iowa, and the District of Columbia show this approach works.

Recidivism, or rearrest, rates of people going through these programs are generally better than the rates of those going to prison. This is partly because they have been spared the brutalizing effect of prison conditions, and partly due to a direct connection between offender, victim, and community.

Such programs are also considerably less expensive than incarceration and generally cost no more than parole supervision.

And social service agencies involved have responded very well to the extra help and work accomplished by nondangerous offenders.

We have an opportunity, and because of prison overcrowding, an urgent need, to revise our views on crime and punishment. The best policy is one that protects the safety of law abiding citizens, punishes offenders swiftly and humanely, compensates victims, and establishes an individual offender's responsibility to his victim and community. Only by putting the nondangerous offender to work for those he has victimized can he ever pay his debts to society. No such debt is paid, but a heavier one incurred and no benefit derived, by putting nondangerous offenders behind bars. It is a waste of tax dollars and human resources which we can ill afford.

Most importantly, community work sentencing can insure that there is room to house the violent criminals whose presence on the streets before and after prison haunts Americans as never before.

Attorney General William French Smith has told Congress that the Reagan administration supports restitution and community work for convicted felons placed on probation instead of being put in prison. It is an idea generating strong interest and support from all quarters of the Nation. In an address to Vanderbilt Law School, in March of this year, the Attorney General reiterated his concern for the growth of our prison population and the numerous problems it creates stating:

> The problem of prison overcrowding is serious, and it has no easy solution. Prisons are expensive facilities to build and operate. A new maximum security prison in the United States today generally costs up to $80 thousand per inmate. The average annual cost of simply maintaining an inmate is well over $10 thousand in both the State and Federal prison systems.
>
> In addition, we can expect the demand for prison space to increase for at least the next decade. New sentencing legislation, resulting from the growing public concern over crime, has been enacted to curb judicial inconsistency and leniency. A 1981 survey found that 32 States have enacted mandatory sentencing laws and 30 have enacted determinate sentencing laws.
>
> Another reason to expect the prison population to grow is the increase in the number of people arrested and convicted each year. The Department of Justice's crackdown on crime has increased the Federal prison population by 21 percent in the last 2 years alone. Just last year, there was a 23-percent increase in the number of narcotics offenders sent to Federal prison—an 11-percent increase in the length of their sentences.

This resolution is one step toward recognition of these problems but much more must be done to save taxpayer's dollars and scarce prison space for those criminals who pose a threat to the safety of citizens in homes and communities. It is important that all alternatives be explored before we divert billions of dollars to prisons. I urge the Commission to carefully consider the problems in our prisons and the importance of new sentencing alternatives as it begins the difficult work of developing sentencing guidelines.

Mr. NUNN. Mr. President, I have amended the amendment as I read it and I have changed the word "whereas" to "since." And I have put "declared" at the end instead of "resolved." So the amendment has been changed.

Mr. THURMOND. Mr. President, as I understand the Senator now, he is just offering a sense-of-the-Senate resolution.

Mr. NUNN. A sense-of-the-Senate resolution.

Mr. THURMOND. A sense-of-the-Senate resolution which will not have the force and effect of law.

I just wonder if he felt it would be better, if he offered it, to let it pass the Senate as a separate measure and not be included in this bill.

Mr. NUNN. I would prefer that it be in this bill. I think it is important and it is important as a signal. I am not sure what the outcome will be in conference, but I think it is a signal that the Senate believes in the next 2 years we should move in the same general direction that we have instructed the Sentencing Commission to move in. I hope it would be part of this bill.

Mr. THURMOND. Mr. President, is it understood then that this sense-of-the-Senate resolution is merely the sense of the Senate and is not legislative authority. It is not part of an act on this legislation?

Mr. NUNN. The Senator is correct. I understand the sense-of-the-Senate resolution, and it does not have the binding effect on the courts of the land. It is an indication to the court as to the direction that the Senate believes they should move in sentencing.

Mr. THURMOND. On that condition, Mr. President, that it is not part of the legislation and it is not binding authority, we are willing to accept it just as a sense of the Senate.

Mr. BIDEN. Mr. President, the minority is prepared to accept it also.

Mr. NUNN. I thank my colleague from South Carolina and my colleague from Delaware.

Mr. President, I ask that the amendment be considered.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2684) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I now yield to the distinguished Senator from Mississippi for a little colloquy, after which we will have to recess until 2 p.m.

Mr. HUDDLESTON. Mr. President, is there a chance that the colloquy will be completed in 1 minute so we can handle my amendment?

Mr. BIDEN. Mr. President, I wish to consider asking unanimous consent that we could extend the time by a minute or two so that after this colloquy is completed the amendment, which we are going to accept of the Senator from Kentucky, be considered.

Mr. HUDDLESTON. One minute would be sufficient.

Mr. THURMOND. The order is for noon and we will have to contact the majority leader.

Mr. HUDDLESTON. All right.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 2685

(Purpose: To establish a victims compensation fund in cases involving protected witnesses)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 2685.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 385, between lines 7 and 8, insert the following:

"(d)(1) VICTIMS COMPENSATION FUND.—The Attorney General may pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person provided protection under this chapter.

"(2) Not later than four months after the end of each fiscal year, the Attorney General shall transmit to the Congress a detailed report on payments made under this subsection for such year.

"(3) There are authorized to be appropriated for the fiscal year 1985 and for each fiscal year thereafter, $2,000,000 for payments under this subsection.

"(4) The Attorney General shall establish guidelines and procedures for making payments under this subsection. The payments to victims under this subsection shall be made for the types of expenses provided for in section 3579(b), except that in the case of the death of the victim, an amount not to exceed $50,000 may be paid to the victim's estate. No payment may be made under this subsection to a victim unless the victim has sought restitution and compensation provided under Federal or State law or by civil action. Such payments may be made only to the extent the victim, or the victim's estate, has not otherwise received restitution and compensation including insurance payments, for the crime involved. Payments may be made under this subsection to victims of crimes occurring on or after the date of the enactment of this chapter. Notwithstanding any other provision of this subsection, in the case of a crime occurring before the date of the enactment of this chapter, a payment may be made under this subsection in the case of the death of the victim an amount not exceeding $25,000.

Mr. COCHRAN. Mr. President, early last year, I introduced in the Senate S. 474, legislation to reform the Federal witness security program, an important tool in our fight against organized crime which was created by Congress under the Organized Crime Control Act of 1970. This law authorized the Attorney General to provide protection for Government witnesses testifying against persons involved in organized criminal activity.

My legislation, Mr. President, was the result of hearings I chaired in Mississippi earlier to examine the operation of the witness security program. At that hearing, testimony revealed that in my State alone, in just 3 years, three major felonies, including two murders, were committed by federally protected witnesses who had been relocated by the Justice Department and supported by tax dollars in exchange for their testimony in criminal cases.

I support this program and believe it has been effective in securing convictions in organized crime cases, but, in my opinion, we cannot allow the lives of innocent people to be jeopardized by the Government placing dangerous persons in their midst without strict screening and safeguards. While preserving the program for the important cases against organized crime, my legislation contains reforms designed to reduce the threat to the public. Specifically, my bill proposes, first, changing the procedures used to determine if someone should be admitted into the program; second, requiring the Federal authorities to assist State and local law authorities who are investigating a person whose identity has been changed because of his participation in the program; third, establishing procedures to protect the legal rights of persons who have civil claims against the persons in the program, and fourth, establishing a compensation fund for the victims of violent crimes committed by protected witnesses.

In reviewing S. 1762, this comprehensive crime bill now pending before the Senate, I was pleased to learn that the bill included a section providing for specific statutory authorization for the Federal witness security program. In my view, however, the original language of S. 1762 did not go far enough to improve the operation and administration of the program. Over the last few weeks, I have worked with the managers of this bill to insure that many of the provisions of S. 474 would be incorporated into the bill. Working with representatives of the Department of Justice, I prepared modifications of those provisions which the managers included in the committee amendments that now have been approved by the Senate.

S. 1762 now contains language limiting the scope of the program to organized criminal activity and other serious crimes and requiring the Attorney General to issue guidelines defining the types of cases in which persons may be admitted into the program.

This language is essential to insure that the program will be used only for the most important cases.

Additionally, the Attorney General will be required to make a written assessment of the possible risk of danger to persons and property in the community in which the witness is to be relocated and to determine that the need for his protection outweighs the risk of danger to the public. The Attorney General must make this assessment and determination prior to admitting the witness into the program and must consider the criminal history and a psychological evaluation of the person to be protected in addition to any other information relating to his suitability for inclusion into the program. The implication of this requirement that the Attorney General make a specific written assessment and determination is that no witness should be admitted into the program where the risk of danger he poses to a community outweighs the need for his testimony and for Government protection.

Another improvement that has been incorporated into the bill is the requirement that the Attorney General disclose promptly to State and local law enforcement officials upon their request the identity, criminal records, fingerprints, and other relevant information of persons in the program when those persons are under investigation or have been arrested for a felony or a misdemeanor of violence. The Department of Justice is also directed to establish an accurate and effective system of records concerning the criminal history of persons protected under the program and to resolve any recordkeeping inconsistencies that exist between the FBI and the U.S. marshalls service. This language should help to eliminate instances where State and local law enforcement investigations have been impeded, as were the cases in Mississippi, by the lack of a prompt and accurate response from Federal law enforcement agencies.

Language has also been included to require the Attorney General to establish guidelines and procedures for the resolution of the complaints and grievances of protected persons. In the past, the Department of Justice has not always met its obligations to the witnesses and their families that have been uprooted from their homes, given new identities, and moved to a strange new place. The establishment of specific procedures will provide an avenue for remedy that does not currently exist.

I thank the managers of this bill for their cooperation and assistance in working with me to insure the inclusion in this bill of these most important safeguards.

I also wish to thank the managers for agreeing to include language that establishes procedures by which plaintiffs may pursue civil claims against protected witnesses. Like S. 474, the bill requires the Attorney General to effect the service of process on the protected person and to take reasonable steps to urge his compliance with any judgment that is rendered against him. Should the protected person fail to comply with the judgment, the Attorney General could disclose the protected person's identity and location to the plaintiff so that he could secure enforcement of the judgment.

I also compliment the managers for including additional language that I recommended with Senator BAUCUS to provide an enforcement mechanism for plaintiffs in cases where the Attorney General has denied disclosure of the protected witness' identity and location. In those cases, plaintiffs would be permitted to petition the Federal district court for the appointment of a special master who would be charged with the duty of enforcing his rights while minimizing the danger to the safety and security of the protected witness. This special master would be empowered to take any act that petitioner normally could to secure satisfaction of his judgment against the protected person.

I believe this is a reasonable and practical solution to the dilemma that many innocent citizens have faced when they have pursued legitimate claims against persons whose identity and whereabouts are known only to the Government. I appreciate Senator BAUCUS' efforts in shaping this compromise with the Department and the managers of the bill.

Mr. President, in addition to the provisions I have just outlined, there is one aspect of S. 474 that has not been addressed. That is the provision establishing a victims compensation fund for the payment of restitution or compensation to the victims of violent crimes committed by protected persons, and I offer an amendment to this bill to provide for the establishment of such a fund. I believe that the Government must take responsibility for the violent actions of persons to whom it extends protection and financial and employment assistance.

My amendment authorizes the Attorney General to pay restitution to—or in the case of death, compensation for the death of—any victim of a crime causing death or serious bodily injury committed by a protected person. The amendment authorizes an appropriation of $2 million for the victims compensation fund during fiscal year 1985 and each year thereafter. Payments to victims would be made as provided in the Victim and Witness Protection Act, except that up to $50,000 would be available for payment to a victim's estate in the case of death. Payments would be made only to the extent that the victim or his estate has not otherwise recovered under Federal or State law or civil action, including insurance payments.

Finally, the amendment includes language making a $25,000 compensation payment available, only in the case of death, to the victim's estate in cases occurring prior to the date of enactment.

Mr. President, since 1976, at least 12 persons have been murdered in cases where protected persons have been implicated. Two of those cases occurred in Mississippi. Certainly the most notorious of these heinous crimes were those committed by Marion Albert Pruett, who swept through seven States on a robbery-murder spree that left four people dead. One of his victims was a Jackson, Miss., woman, who was a wife and fine mother of two children. She was kidnaped during a bank robbery and later murdered. Other people were killed by Pruett in Colorado and Arkansas.

It is my view that when our Government admits persons into the witness security program, provides them with a new identity, and financial and employment assistance, and relocates them to a new community without notice, it has a special obligation and responsibility to the victims of those persons. This becomes even more obvious when one considers that 95 percent of the witnesses admitted into the program have criminal records.

We have just approved language requiring the Attorney General to assess specifically the potential danger posed to a community by the relocation of a protected person which will, I hope, eliminate the Marion Albert Pruett from admission into the program. But because the program has been effective in gaining the testimony of those who would not otherwise testify for the Government, witnesses will continue to be placed in the program. Since the Government will be placing witnesses who are criminals among an unsuspecting populace, it must accept at least some of the financial responsibility for injuries sustained by victims of the criminal conduct of those federally protected witnesses.

Mr. President, the fund is authorized at a level of $2 million and would be available only after other possible remedies have been exhausted. The amendment also includes a provision for the payment of compensation to the estates of the victims of Marion Albert Pruett and others murdered by protected witnesses. The Congress may otherwise be faced with considering private relief legislation for the Pruett victims.

Mr. President, I urge my colleagues to support this amendment.

Mr. President, the purpose of this amendment is to establish a victims compensation fund for those persons who are injured by the criminal conduct of persons who are participating

in the witness security program of the Federal Government.

Let me tell very quickly the facts of three cases that occurred in my State of Mississippi involving persons who were put under the protection of the Federal Government, relocated to new communities, and given new identities because they testified in major criminal cases. They ended up committing crimes in my State resulting in the deaths of three different people in three different cases.

We have, I think, expanded through practice the witness security program to the point that violent criminals were being protected by the Federal Government and were using the Federal Government's resources to embark upon a new career of crime under new names, with new jobs, all because of the largess of the Federal Government.

The committee, which I compliment very sincerely, has made changes in this program at my request, and at the request of some other Senators, that will implement new screening procedures that will prevent, in my judgment, dangerous criminals for qualifying for relocation and protection in this witness security program in the future. But I think we need to go further and that is why I have offered this amendment.

Let me thank the managers of the bill, Mr. President, for their cooperation with this Senator. I deeply appreciate the many courtesies they have extended.

Mr. THURMOND. Mr. President, I commend Senator COCHRAN for his interest in improving the Federal witness security program and am pleased that we have been able to include some of his suggestions in the committee amendments.

Certainly, victims compensation is an important issue and one on which the administration may soon offer legislation. It is the intention to hold a series of hearings on this legislation and related issues during this session. The issue of specific compensation for the victims of protected witnesses could be explored in those hearings.

It is hoped the distinguished Senator from Mississippi will participate in those hearings and contribute to them.

Mr. COCHRAN. Mr. President, I am delighted to hear that the Judiciary Committee will be considering the issue of victims compensation at an early date. Those who are the victims of criminal conduct have been neglected too long. I appreciate the invitation to participate in your hearings and to contribute to the development of an overall victims compensation plan.

Based on the floor manager's assurances, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Mississippi for his fine cooperation.

Mr. President, the Senator from Kentucky has an amendment he wishes to offer.

Mr. HUDDLESTON. I thank the distinguished floor manager.

AMENDMENT NO. 2686

Mr. HUDDLESTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an amendment numbered 2686.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 232, line 22, after the period insert "The Board shall include at least one member who is experienced in addressing the unique problem of crime committed against the elderly.".

On page 236, line 20 strike out "and".

On page 236, between lines 20 and 21, insert the following:

"(5) addressing the unique problem of crime committed against the elderly; and".

On page 236, line 21, strike out "(5)" and insert in lieu thereof "(6)".

On page 250, between lines 9 and 10, insert the following:

"(12) address the unique problem of crime committed against the elderly; and".

On page 250, line 10, strike out "(12)" and insert in lieu thereof "(13)".

Mr. HUDDLESTON. Mr. President, the amendment is designed to help address the unique problem of crime against the elderly. S. 1762 would establish a newly reorganized justice assistance program designed to provide a highly targeted program of Federal financial assistance. However, experience has shown that when the elderly are not specifically targeted for assistance or study in Federal programs, they tend to be overlooked. This amendment would make it clear that the elderly of this country will not be forgotten. It would accomplish this in three ways.

First, it would require that at least one member of the Justice Assistance Advisory Board be experienced in addressing the unique problem of crime committed against the elderly.

Second, the National Institute of Justice, which will provide and encourage research and demonstration efforts to combat crime, would be required, among other things, to "address this unique problem of crime committed against the elderly."

Third, the special grant program for States also would be required to, among other things, "address the unique problem of crime committed against the elderly."

The amendment would not impose any additional costs upon the justice assistance program and would assure that the elderly are given the careful consideration they have earned.

The amendment is supported by the American Association of Retired Persons.

Mr. President, there can be no doubt that crime in America is an insidious and prevalent social disease plaguing too many Americans. Crime, whether we experience it directly or indirectly, has profoundly affected and changed the lives of the vast majority of our citizens.

Those who experience crime directly are deserving of our primary concern as they are the ones who know, first hand, the pain and frustration of being victims of crime. The cold statistics tell us little about the effect of crime as it relates to the victims, yet they do reveal that we as a society are staggering under a massive burden of crime.

During the decade of 1960–70, residential burglary increased by 337 percent, robbery by 224 percent and larceny by 245 percent. This appalling increase in crime continued into the beginning of this decade. In 1981 there were 22,516 homicides—1 every 23 minutes—574,134 robberies—1 every 55 seconds—and 643,720 aggravated assaults—1 every 49 seconds. Although I find this level of crime to be totally unreasonable, a recent task force on victims of crime reported that more than 50 percent of violent crime goes unreported. Therefore, in order to have the complete picture of this serious problem, we must double these figures.

Although we can find no comfort in the massive number of crimes being committed, there is some "good news" in the more recent statistics. In 1981 and 1982, the level of crime appeared to "stabilize" because we did not experience the large increases associated with past years. However, given the number of crimes that continue to be committed, I do not believe that we can afford to slacken our efforts to eradicate crime. In fact, I believe that we must increase our efforts at the Federal, State, and local level of government.

The direct impact of crime on our society can be measured with some degree of accuracy by statistics, but the indirect impact remains evasive and therefore more difficult to comprehend. Fear of crime has become so prevalent that it is affecting our living habits and the general state of mind of most of our citizens. This is true because after we have adjusted to the economic loss and injuries associated with the commission of a crime, the

fear of that crime and future crimes lingers in the minds of victims and nonvictims alike. It is this fear that inhibits and debilitates vast numbers of people. In the long run, it is this almost universal fear of crime that may deprive most of our citizens of the ability to move about their communities freely, and to feel safe and secure in their own homes. Increasing numbers of people are retreating behind locked and bolted doors and severely restricting their movements because of their apprehension.

Polls have reflected this changing attitude for a long time. In 1968, a Gallup poll found that crime had become a top domestic problem for the first time since the 1930's. In 1980, the Figgie reports found that "fear of crime in the United States far outstrips the rising incidence of crime and is slowly paralyzing society." Other polls and surveys also reflect these serious fears about crime.

Although the fear of crime is felt in every segment of our society, I believe that it is having a disproportionate impact on the elderly who have a much greater vulnerability to crime, and it is the realization of this unique vulnerability that greatly increases their fear of falling victim to crime. In 1979, George Sunderland, who is affiliated with the American Association of Retired Persons, presented a paper entitled "Crime Against the Elderly in the United States" that contained an excellent outline of the unique vulnerability of the elderly. Mr. Sunderland stated that:

There are strong correlations between certain crime types and frequencies with age, sex, economic status and other factors. Some factors associated with the vulnerability of the older person are noted here.

Physical—Owing to the aging process, the physical capabilities and sensory perceptions of older persons may be less than those of younger persons. This increases their chances of victimization because they—

May be less aware of their surroundings,

May not see or hear approaching danger,

May not realize initial contact with an attacker and thus be unable to react,

May not be able to identify the offender, if apprehended,

May not be able to read and understand the terms of a fraudulent contract.

They may have experienced loss of musculature and coordinating capabilities. They—

Are less able to defend themselves from attack,

Are less likely to retaliate with physical force,

Are less likely to pursue an assailant, are less able to protect their property from attack.

They may have reduced reaction times. They—

May not react to a crime situation immediately

Are less able to understand a fast-talking bunco artist.

Psychological—Again, because of the aging process and the circumstances which surround it, older persons experience psychological changes which can increase their vulnerability to crime. Increased vulnerability occurs because—

They may be preoccupied with economic, physical, or other personal problems. This would reduce their internal warning signals of a confrontation with a potential attacker, or a bunco artist.

They may occasionally lose contact with the immediate situation or circumstances. This could lead to danger in the street environment, or make the older person an easier mark for exploitation by a con artist.

They may be lonely. They may welcome a stranger into their homes for the opportunity for conversation, unknowingly inviting physical harm or property loss.

They may be depressed. This can significantly alter the behavior of an otherwise normal person, and cause erratic and sometimes detrimental decisions.

They may be afraid. The fear of reprisal affects reporting crimes to police.

They may be trusting. This is a luxury many can no longer afford, but older persons have difficulty changing, having grown up during an era of trust.

Environmental—Many older persons live in central city areas where crime is rampant. In 1970, 34% of persons 65 or over lived in central cities. They have been either unable or unwilling to move from their old neighborhoods, or they may have been placed in central city neighborhoods by social welfare programs. In either case their risks of victimization are increased because

Central cities are generally high crime areas with less than adequate police protection.

As neighborhoods change, their older residents become removed from the mainstream.

They may have to rely upon public transportation through areas they normally would avoid, and have to stand at transportation stops for extended periods of time.

The chances of repetition of crimes are likely. Much of the problem is area-related, and definite patterns develop.

Situational—Great numbers of older Americans live alone. This can have negative consequences, since

They face greater risk of physical attack, and less chance of adequate defense.

No one is present to protect their homes or property when they leave, even for short periods.

They have little opportunity for consulting others concerning possible fraud, when being pressed for immediate decisions.

Also, many older persons find comfort in scheduling their daily activities with regularity. Set patterns and routines can be identified, and regular activities discerned. Because of this

Muggers and purse or wallet snatchers soon learn through observation when older persons are likely to be carrying large amounts of cash (such as for grocery-buying or pension check-cashing) and they also learn the points and routes of travel.

The burglar knows when and for how long the older person's residence will likely be vacant.

The con artist knows the best times and places to encounter the older person.

Although the unique vulnerability of the elderly is obvious, there are many in the field of crime analysis who overlook these unique factors and instead concentrate on simple statistics to draw their conclusions about the needs of the elderly. Unfortunately, much of this "tunnel vision" comes from those who exercise some leadership in shaping national policies and programs to combat crime. As a result, I believe that the unique needs of the elderly are not being given due consideration, and that adequate resources are not being directed toward the elderly. In recent publications put out be the U.S. Department of Justice, Bureau of Justice Statistics, there appears to be a downplaying of concern for the elderly because the raw statistics do not show that they suffer from a greater number of actual crimes than other segments of the population.

Another example of this official disregard for the unique problems of the elderly can be found in the final report of the President's Task Force on Victims of Crime. I believe that the task force did a disservice to the elderly when it failed to give adequate attention to their problems.

By looking only at the actual numbers and types of crimes, we completely overlook the very serious consequences of those crimes. Of major concern is the pervasive fear that is generated and spread to those who have not been directly involved. In many ways, it is this constant fear that may result in fewer crimes being committed against the elderly.

Many of the elderly recognize their vulnerability to crime. This, coupled with their strong fear, forces them to make drastic and unreasonable changes in their lifestyles in order to avoid exposure to situations that could involve them as a crime victim. Unfortunately, for many of the elderly these efforts frequently make them virtual prisoners in their own homes. In effect, the criminal is imposing restrictions on the elderly which make them hide behind locked doors and windows, even when this means that they are subjected to other dangers from so doing.

During past summer heat waves, there were numerous cases of the elderly suffering physical injury because they were afraid to open a window for a little fresh air. Chief Clements, who was president of the International Association of Chiefs of Police, put this extreme fear in perspective when he compared it to a:

A Federal law requiring all persons to be inside and off the streets during the hours of darkness. The effect of this would be to lock one's doors at night, and to refrain from going to the movies, to church, to restaurants, to bowling alleys, or to any other activity.

Mr. President, there is no doubt in my mind that the vulnerability of the elderly, coupled with the pervasive fear of crime, create unique problems for the elderly; problems which are not fully reflected in the raw statistics. Further, even if one relies only on the statistics, they show that in regard to certain kinds of crimes, the elderly are

more likely to be victims. In a report entitled "Crime and the Elderly," the Bureau of Justice Statistics states that:

> The ratio of certain more serious crimes to less harmful crimes has been higher among the elderly than among younger persons.

Because of these two factors, I believe that the elderly must be of special concern to us when we attempt to make policy in regard to fighting crime. However, I am concerned that we are not doing this at the Federal level.

The Senate Judiciary Committee has just reported the Comprehensive Crime Control Act, S. 1762, which contains a provision to create a justice assistance program at the national level. The purpose of this program is to create "a highly targeted program of Federal financial assistance" that will provide leadership and direction in our national fight against crime. Unfortunately, this program, which will be the cutting edge of our national effort to stop crime, makes only passing reference to the unique concerns and needs of the elderly. I believe that this is a major oversight, especially for a group of our citizens who comprise approximately 20 percent of the total population.

I am proposing an amendment that would correct this oversight by providing that the elderly be represented on the Justice Assistance Advisory Board, and that the unique problem of crimes committed against the elderly be given specific attention under the various anticrime programs that will result from the legislation.

We have learned from past experience with programs such as this that the elderly are not given the consideration they deserve, and are often overlooked by the experts who find other areas of crime prevention more interesting. Our experience with the old LEAA program clearly demonstrated that, unless the law specifically requires that the unique problems of the elderly be addressed, they are largely ignored when programs are developed.

This problem became so serious that, in 1975, special legislation had to be enacted to require that the needs of the elderly be included in anticrime programs. Hearings on this legislation concluded that:

> Reducing crimes against the elderly and the dread they have for lawlessness can spark a renewed sense of security in older persons and improve the quality of their lives.

However, as the record clearly reveals, even with this specific statutory language there was still a strong reluctance to develop plans that considered the unique problems of the elderly.

For this reason, I believe it is essential that Congress make it perfectly clear that we are concerned about the problems of the elderly, and that we will devote some of the limited resources to their unique needs. I believe that the elderly of this country, who have worked hard all their lives, have earned this respect, and that we have a duty to help free them from their locked and bolted homes. The amendment I am proposing would help accomplish this goal.

S. 1762 would establish a newly reorganized justice assistance program designed to provide a highly targeted program of Federal financial assistance. My amendment would make it clear that the elderly of this country will not be forgotten. It would accomplish this in three ways.

First, it would require that at least one member of the Justice Assistance Advisory Board be "experienced in addressing the unique problem of crime committed against the elderly." Since the Board will be active in helping develop national policies on crime, it is only reasonable that the elderly be represented.

Second, the National Institute of Justice, which will provide and encourage research and demonstration efforts to combat crime, would be required by law to address "the unique problem of crime committed against the elderly."

Third, the special grant program for States also would be required to "address the unique problem of crime committed against the elderly."

Mr. President, in 1971, the White House Conference on Aging offered a series of recommendations for dealing more effectively with the problem of crimes against the elderly. This conference demonstrated that there are many things we can do to help remove some of the crime burden from the backs of the elderly. Some of the recommendations included:

> . . . making physical protection and crime prevention an element of the planning of facilities for the elderly; expanding police protection of minority neighborhoods; establishing formal liaison between social service agencies and police departments so that elderly (who are) victims of crime can obtain all necessary assistance; providing better street lighting; making training grants available to police officers and others to acquaint them with the special situation of the elderly and their special susceptibility to particular types of crime; and granting Federal funds to State and local prosecuting officers to expand or establish fraud units which are well acquainted with schemes used to deceive the elderly.

These are but a few of the ways that we can focus on the unique problem of crime against the elderly, but we cannot do so if we omit any reference to their unique needs in legislation that will establish policies for a national fight against crime. My amendment would prevent this oversight.

Mr. President, this amendment has been cleared, I believe, with both sides of the aisle.

Mr. THURMOND. Mr. President, we have considered this matter and we are willing to accept this amendment and feel it will be helpful.

Mr. BIDEN. Mr. President, the minority accepts the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Kentucky (Mr. HUDDLESTON).

The amendment (No. 2686) was agreed to.

Mr. FORD. Mr. President, I yield the floor.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 o'clock having occurred, the Senate will stand in recess.

Thereupon, the Senate, at 12:03 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COCHRAN).

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise to comment on the present anticrime package that is pending before the Senate. I am very disappointed that, due to the fact that the Justice Department has stonewalled any effort to come up with a meaningful alternative program to sentencing and to develop a meaningful program for community services and diverting would-be prisoners from other than incarceration, we have had to settle for a sense-of-the-Senate resolution rather than, as I say, a meaningful amendment which I had proposed to offer on behalf of Senator ARMSTRONG, Senator NUNN, and myself.

I also would like to observe that I have noted that spokesmen for the Justice Department have been going around the country making very profound comments and statements about the inability to maintain adequate facilities to continue the kind of sentencing, the kind of court action that we have been traditionally following and we have, according to the Justice representatives, a great demand to be creative and come up with some alternatives. And yet, I know that there have been Members of this body who have sat down personally with Justice representatives and have not been able to get anything more than rhetoric from them as far as any kind of specific program or specific plan that we could adopt as a part of this Comprehensive Crime Control Act.

As I say, I am disappointed that that is what we have to settle for. It is not a half a loaf, it is barely a crumb, because a sense-of-the-Senate resolution has some political meaning but is meaningless as far as requiring some

action on the part of the Justice Department.

Mr. President, anticrime rhetoric and politics go back to the dawn of history. There has been a time-tested political maxim to the effect that if you want to get elected, then you had better talk tough on crime.

The Comprehensive Crime Control Act of 1983, S. 1762, involves new, longer sentences for a group of offenses, and in certain cases, mandatory minimum sentences for other offenses. Perhaps this body should pause and consider whether this highly touted anticrime bill will have the impact upon crime that it alleges.

The Department of Justice recently issued a "Report to the Nation on Crime and Justice." This study reveals that of every 100 crimes committed in the United States, only 19 of them result in an arrest. In other words, less than one-fifth of all crimes committed in this country in an arrest, and the other four-fifths go unresolved. Put simply, before crime ever gets to the courtroom, a full 80 percent of it escapes.

And what happens to the unlucky 20 percent who get arrested? Only half of them end up with a conviction. Mr. President, in effect, only 10 percent of all crimes ever reach the sentencing stage. That is all. The odds facing a criminal today are roughly 1 in 10, and as I am sure you would agree, those are hardly prohibitive odds.

It is easy to see why the number of crimes that are committed in this country is so great. Regardless of whether the sentence is 1 year or 100 years, a criminal is looking first and foremost at the odds of getting caught and convicted. That is what deters him. Those are the primary stakes involved. And right now a person faces a 1-in-10 chance of ending up before a sentencing judge.

So when Members of this body claim that a doubled or tripled sentence will deter an individual from committing a particular crime, they neglect to mention the odds of the offender being apprehended and adjudicated guilty. Of course, I am dealing with generalities here, and some crimes have been shown to have higher arrest rates than others. But regardless, what is clear from this analysis is that if one focuses attention only on the sentencing end of our criminal justice system, then one is dealing with a very small percentage of our Nation's crime problem. If we were being truly honest with the public, then we would tell them that tougher sentences are far from the most effective anticrime tools at our disposal.

But at hand here, Mr. President, is a bill which focuses primarily on the sentencing end of our court system. Because we realize that such an approach to crime fighting is perhaps the least effective approach, we must look very closely at the end result of this measure. People will be going to prison for longer periods of time, thus increasing average prison terms for the inmate population as a whole, and our overcrowded prisons will become even more so.

The federal system, depending on how you measure the capacity of each facility, is anywhere from 10 to 25 percent overcrowded. Despite the fact that the federal system is the smoothest, most efficient prison system in this country, it is overcrowded. And when we look to prison systems in our 50 States, we find 30 of them under some form of court order. Eight States have had their entire prison systems declared unconstitutional, and 22 other States have had at least one facility determined unconstitutional.

Mr. President, we have huge budget deficits because this body has spent without any regard to revenues. I submit that we have systemwide prison overcrowding because we have sent people to prison without any regard as to whether there were any beds available for those new prisoners. Such a practice is patently irresponsible. Deficits lead to trillion-dollar national debts; overcrowded prisons lead to trouble—big trouble. Prison inmate explosions and budget-busting construction bills are the sure consequence of sentencing without regard to bed space.

Of course, the easy answer to the prison overcrowding problem is to spend more money. That is a chorus refrain in this Chamber. We already spend about $15,000 a year per prisoner for food and shelter, and now we are going to add on to the bill by building more prisons to house new inmates, at a cost of $50,000 to $80,000 per bed.

As chairman of the Appropriations Committee, I see two problems that loom large. First, the amount of discretionary dollars to our disposal to spend on prison repair and construction is shrinking fast. The annual budget for the federal system is already almost a half a billion, and it is rising each year. The second problem is far greater in terms of both dollars and level of danger. It lies within the borders of each State system in the United States where there are prisons that are about to explode. The States have budget problems of unprecedented magnitudes, and so they have no choice but to turn to the Federal Government for assistance. Experts predict that over $10 billion is needed today to correct the prison overcrowding problem in this country, and it is merely a matter of time before the stampede before the Appropriations Committee proceeds.

Well, I can assure you that this Senator will not be inclined to throw money at a problem which can be dealt with far more effectively through nonmonetary measures. It is time this Nation faces up to the sobering fact that our system of corrections is not working, and adding more beds to the penal system is not the solution. Indeed, such a move would be counterproductive. Chief Justice Burger is no stranger to the area of corrections, and he has been outspoken in criticizing our Nation's correctional practices. My colleague from Maryland, Senator MATHIAS, has been equally vocal.

The recidivism rate alone makes clear the fact that our prisons, far from rehabilitating offenders, are increasing the likelihood that a released convict will resort to crime. It is the rare inmate who can sustain the deadening boredom of a pointless existence for several years in cramped quarters and then return to society better for that experience.

Mr. President, the American concept of corrections must change. Violent criminals and repeat offenders belong in prison, as do criminals for whom anything less than a prison sentence would unduly minimize the seriousness of their offenses. But the time has come to dispel the notion that criminal sentencing necessarily calls for imprisonment.

The amendment that would have been offered by myself and Senators NUNN and ARMSTRONG places specific language detailing the appropriateness of the sentence of imprisonment for violent or serious crimes, and the inappropriateness of the sentence of imprisonment for all other offenses. In a nutshell, we are saying to judges to divert all prisoners not guilty of a serious or violent crime to sentences or restitution, community service, or the like. This amendment acknowledges that prison space is a finite commodity, and that cost of imprisonment is extravagant. Such a legislative acknowledgement has been long overdue.

Mr. President, this amendment falls far short of where I would personally like to see it travel. But it does send a necessary message to the States that the days of stuffing prisons and ever-increasing incarceration rates are over. They are over because we cannot afford them and because the public is sorely victimized by them. There are almost 450,000 people in prison today, and it is time we recognize the fact that over 400,000 of these individuals will soon be our neighbors.

Mr. President, I would have urged the adoption of our amendment as the first step in a long walk toward a new approach to corrections in America. We have dodged the issue long enough and have smothered it in anticrime rhetoric long enough. Our approach to corrections is an unabashed failure. Our prison systems are like ticking time bombs, and it is time this body faces up to the fact that overcrowded

prisons, like trillion-dollar deficits, do not go away by simply ignoring them.

AMENDMENT NO. 2687

(Purpose: To strike out the section dealing with opinion on the ultimate issue)

Mr. HEFLIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

On page 204, strike out lines 11 through 24.

Mr. HEFLIN. Mr. President, the amendment I am offering would strike all of the language in the portion of S. 1762 which would amend rule 704 of the Federal Rules of Evidence. It is my belief that expert witnesses should be allowed to testify to the ultimate issue in cases involving mental diseases and defects. As a former trial lawyer and also as a former judge, I recognize the value of preserving the province of the jury, but I also recognize the value in providing jurors with appropriate assistance when they are confronted with situations beyond their expertise. As the common law has developed, it has become evident that expert witnesses are indispensible when highly scientific or technical matters arise.

In other matters litigated in our State and Federal courts, we rely on expert testimony of engineers, architects, physicians, and others. And yet we seek to deny the jury the use of complete and sufficient expert testimony in dealing with the frailties of the human mind. I submit that it is precisely these cases in which expert testimony is crucial. The intricacies of the human mind and the years of training required by psychiatrists and psychologists indicate that this aspect of medicine extends far beyond the ordinary training, knowledge, intelligence, and expertise of the average juror. To argue that by allowing this testimony the expert usurps the function of the jury, as has been stated by the noted professor on evidence Dean Wigmore, a "mere bit of empty rhetoric."

Mr. President, I would like to turn to the language. For those who have before them a copy of the bill, I would like to suggest that they turn in the bill to page 177, on which the affirmative defense of insanity appears. And I want to read this.

It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

Later, I will read from page 204, which pertains to the expert testimony element of the defense.

At this time I think it would be appropriate to try to evaluate the various elements in the affirmative defense of insanity that has been drafted by the committee and is now before the Senate.

First, it allows for the defense if five elements are present. I think the first element is "as a result"—of the second element, a "mental disease or defect." The third element requires that the mental disease or defect be "severe" and, because of that severity, the fourth element must result—the inability to appreciate.

The fifth element is the inability to appreciate the nature and quality of his acts or, in the alternative, the failure to appreciate the wrongfulness of his acts.

I want to pay particular attention to the fourth and fifth elements combined: inability to appreciate the nature and quality of his acts. And I will refer to those later.

Part A of section 406, of this legislation would retain the language that we already have under rule 704 of the Federal Rules of Evidence. This language was developed through the Judicial Conference of the United States and submitted to Congress. This language provides, under Federal law, that "testimony in the form of an opinion or inference otherwise admissible is not objectionable because it embraces an ultimate issue to be decided by the trier of fact."

Through the development of the law in the Federal courts, as well as in the new rules of evidence, as promulgated under the Federal Rules of Evidence, testimony going to to the ultimate issue has been allowed. That is the way the law is today.

This bill would put one limitation on it. That limitation would involve cases involving mental disease or defects. I will refer to this limiting language as the exclusionary expert witness rule, let us examine the language and see what it does.

No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto.

That says, in effect, that no witness in a criminal case with respect to the mental state or condition may state an opinion or an inference as to the mental state or condition constituting an element of a defense thereto.

I think you have to analyze that language carefully. It states, first, that he cannot state an opinion. Second, he cannot state an inference.

What is an opinion in medical testimony? An opinion is a diagnosis. A diagnosis is clearly an opinion. Any conclusion that a doctor or lawyer, or any person who belongs to any learned profession, reaches is referred to as an opinion.

An inference under this language is much more narrow than an opinion or a diagnosis. It extends to anyone who would give an inference in regards to a diagnosis.

This language is subject to the interpretation that a symptom would be an inference. A coalescing of symptoms would be an inference relative to an opinion or to a diagnosis.

Now we go further and it says that an expert cannot state whether the defendant did or did not have the mental state or condition. Is a mental disease or defect a mental state or condition? Is a mental disease a mental state? Is a mental defect a mental state? Is a mental disease a mental condition? Is a mental defect a mental condition? Undoubtedly, the answer is yes to all of these questions.

This language, is extremely restrictive. Some may say, "Well, we have put into the language of the report certain language that would allow for the doctor to testify as to a diagnosis." But somehow or other, I do not believe that the Department of Justice, who, as Senator HATFIELD a while ago mentioned, stone walled certain things relative to this bill, have carefully reviewed some changes that are occurring and some consequences that will occur to the prosecution as a result of it.

No. 1, only in rare instances has the U.S. Supreme Court ever granted certiorari in a case involving evidence. Trial judges will be the ones reviewing the language of the statute. I have, to my knowledge, never known a trial judge in a trial of a criminal case, to be able to review the report of a legislative committee or to review legislative history. No. 1, he does not have time. It is an unrealistic viewpoint. Perhaps an appellate court might. The language here is extremely restrictive; it clearly provides that an opinion or an inference concerning a mental condition or state of mind cannot be stated. This is certainly a logical interpretation of this language.

I can foresee trial judges, as a result of this language, saying that an expert cannot testify that a defendant, had a mental disease, had a mental defect, or had a mental disorder. Then, under this, he could not name the mental disease or the mental defect. He could not express an opinion or an inference on the severity of it.

The language concerning the severity of a mental disease or defect that has been incorporated by the committee, and I think justly so, and I supported it, is different from the American Law Institute's language. The issue can well come down to whether a person does or does not have a severe mental disease, particularly where the diagnosis of a mental disorder is based on documentary evidence, such as hospital records. This, is going to largely

mean that the prosecution will be deprived more so than the defendant. In cases in which the prosecution relies on court-appointed psychiatrists, to determine whether or not the defendant has a mental disease, and whether it is severe, the language of this bill will close the mouth of the expert and put the prosecution in a most unusual position.

Now, I have talked about opinions. But what about inferences? If symptons are inferences, and I would think it logical to say that symptons are inferences, it may well be that an expert, a physician, cannot testify that the man was nervous or that he was not nervous, that he suffered from delusions or that he suffered from hallucinations, or that they were really not hallucinations or delusions, but simply strange conduct. Or the experts might say, "All right, the defendant told me, he didn't kill his wife, he was choking a dog." That could be an inference on his mental condition, or that he was out of touch with reality.

I would like to try to get the attention of some of the people who, I think, are vitally interested in this—consider the situation in which a doctor saw a defendant 2 hours after he had committed a crime and been incarcerated—let us take the Hinckley case. Doctors saw Hinckley a very short period of time after he was apprehended. If, under the language of this bill, a doctor is not allowed to testify as to the state of mind or the inferences of the state of mind at that particular time, it is going to put the prosecution in a most unusual position. I am directing this to the prosecution, because the Department of Justice is the one that keeps insisting on this. I do not think it is fair to say it is strictly a matter for either the defendant or the prosecution. I think it ought to be fairly applied across the board. But the language of this proposed bill is so broad and sweeping and so limiting as to what experts can testify to that it is going to cause unusual problems.

A doctor who sees him 2 hours later and comes to the conclusion that the man is putting on—can he testify that, "In my opinion, the man was putting on at that time"? Under the language of this bill, he is precluded from testifying to that because that would be an inference of a mental condition or a mental state of mind. Under this, a doctor cannot testify to his diagnosis even if he has treated him for years.

On the other hand, the way this bill is drafted, lay witnesses are not precluded. Lay witnesses, if they are familiar with an individual under existing law, can express opinions that would shed light on the mental state of an individual. They could testify in certain instances if they are well qualified on matters that arise as to their knowledge about an individual.

Lay witnesses will be testifying, if they know particular members of the family and others, "He didn't know what he was doing. He wasn't in his right mind. If he had been in his right mind, he wouldn't have done it."

Now, I have been largely referring to cases involving violent crime—murder, or attempted murder, such as the Hinckley case, or some others. But the vast majority of Federal crimes do not really involve violent crimes or murders.

The Hinckley case is rather an unusual one. The Federal crimes in which insanity will be raised, and this rule will exclude the Government from being able to use testimony, are cases in which a person is accused of income tax evasion, drugs, security and exchange laws, and bribery. This will add, as a result, a new importance to documentary evidence. There will be a new importance to hospital and doctors' records, and nurses' notes. As we well know, in the sequence of events in which diagnoses are made, they are sometimes made for insurance purposes, but they are entered on the record, giving a very important aspect to documentary evidence over and above the opinion evidence of people who have spent years and years in a field of expertise.

Now, consider nurses' testimony. Nurses will not qualify as experts but they will, under this, become the most important witnesses in cases because of the very restrictive language that is contained in this bill. Consider the potential for organized crime—the Mafia—which the Federal Government is out to get—and they should be. Their general counsel reviews this. What does he come up with? He comes up with a book or a memorandum on how to beat a Federal rap. What does he put in his book as to a Federal rap? Go to a sanitarium. Pick a private sanitarium, a mental hospital. Mental hospitals are not very big. They do not have to be the giant hospitals that we know today.

They go to the hospital and have a friendly doctor examination. The friendly doctor writes up the right diagnosis. The friendly doctor in this private sanitarium gets a little consultation from the Mafia and the organized crimes general counsel:

> If you write up this book, no expert can refute it, because he cannot give an opinion under the language of this bill.

So they write up the language. What do they write? They take the language that is contained in this bill, the element of the crime. So they write that Mr. Mafia, because of his severe schizophrenia and paranoia, is unable to appreciate the nature and quality of his acts—a complete defense in a hospital record. What does the prosecution do?

Now, this is not where you have a murder or where you have people on the other side that rally to your cause. You have to find some sort of a lay witness to be able to counter the documentary evidence. If the language of this bill is accepted it will be an open invitation to organized crime to find an escape hatch to get away from the responsibility of the act and to plead insanity in every case that arises.

Now, let us look at mental diseases. I think we know enough about mental diseases to realize that mental diseases come and go. Certainly mental diseases come and go as to their severity. Lucid periods come and go. Numerous charges are given to a jury. Always the prosecution asks for a charge which in effect says: If you are reasonably convinced that the defendant committed the crime during a lucid period, even if he had a severe disease he still would be responsible. There are periods of remission. But remember, under this language an expert cannot give his opinion or his inference as to whether he was lucid, because that affects his mental state. He cannot give his opinion as to whether or not the disease was arrested. He cannot, because that constitutes an opinion as to his mental state. He cannot express an opinion as to whether the disease was severe because again that constitutes an opinion on his mental state. He cannot state that the disease was in a state of remission.

Now, let us look at a hypothetical set of circumstances. Let us get away from the violent crime. A defendent understates his income by $200,000 or $300,000 and he files an income tax return. At the same time, he turns himself into this private sanitarium, and his records reveal that he is suffering from hallucinations. He thinks that he is a pauper, he is oppressed, and he argues about every penny. He says that he is being threatened by people, that people are following him, that he is fearful of being poisoned, and that he is being hounded by his creditors. The records are written up in such a manner and the issue comes down to the defense as to whether the man appreciated the quality or the nature of his acts. Where are you going to find somebody other than an expert witness to rebut it?

The diagnosis he puts down is paranoid schizophrenia or dementia praecox, which are quite similar, as I understand it. He is released. He goes into a state of remission.

Or consider a situation involving the Mafia and drugs. The issue is intent to sell, but the records, the nurses, all establish a defense. The language adopted by the committee and proposed to be adopted by the Senate, places the prosecution in a situation in which an expert cannot testify for the Government that in his opinion the man is a fake or a fraud, because that would

constitute an opinion as to his mental state.

Under these circumstances, how does the prosecution rebut it? The prosecution will have to rely on lay witnesses. You are certainly not going to get any cooperation from friends of the Mafia or friends of organized crime. If you have a murder, as I said before, the family of the deceased will usually give you some cooperation, but in the vast majority of the cases in which the Federal Government will be involved in a Federal offense, you are not going to have those people coming to rally to help the prosecution. Thus, the prosecution cannot rebut the defense, or it will be extremely hard for the prosecution to find witnesses.

Now, let us look at this exclusionary expert witness rule, as it affects the elements of an offense that the prosecution must prove beyond a reasonable doubt.

Under the language of this bill—and rightfully so—the burden of proof is placed on the defendant to prove his insanity, or the elements of the defense of insanity by clear and convincing evidence, a standard which is less than the standard of beyond a reasonable doubt. If you tried to impose the standard of beyond a reasonable doubt, it would probably be held unconstitutional.

But the language of this bill precludes the prosecution from proving the elements that they have to prove beyond a reasonable doubt, such as intent, knowledge, appreciation, all of the others—if it was murder, it would be premeditation; if it was murder, it would be malice—all of these elements would have to be placed upon the State to prove beyond a reasonable doubt.

Looking over some of the cases that are involved, and we see how the Government has used experts to establish intent, knowledge, appreciation of elements that are involved, not in the defense of insanity, but in the elements of the crime which the State must prove beyond a reasonable doubt. We find, for example, an eighth circuit case that shows that the Government has used an expert who examined the man after the arrest to prove the possession of cocaine with the intent to distribute or to sell. In another case, United States against Kelly, the intent was proven by the use of an expert in order to make it a jury case. In another case, the Federal Government brought a case of bookmaking against a person, and had to prove that the man had the mental condition to formulate knowledge of and assistance in the operation. In that case, the Government proved it by an expert witness when the issue was raised.

Now, I would appreciate a little attention from the chairman. I hope he would listen to this. I am trying to convince him. I think he has been listening to the Department of Justice. He at least ought to show the courtesy to listen to a member of his committee.

Another instance in which the State was allowed to use expert testimony was in a case of a man whose blood had a 2.3 alcoholic content. The issue arose as to whether or not he understood that the action he contemplated would culminate in the wrongful death of another human being. In that instance, we find that they used expert testimony. See *People* v. *Martinez,* 38 Cal. 2d 556, 241 P.2d 224 (1952).

I have mentioned the burden that this exclusionary expert witness rule in mental cases places on the prosecution. It has a like burden and harsh effect on the defendant. However, it should not be looked at from the prosecution's viewpoint or from the defendant's advantage but from the viewpoint of the jury, or the trier of the facts. The purpose of the trial is to find the truth—to ascertain whether or not the defendant is criminally responsible for his actions. Will the testimony of experts aid and assist the jury in exercising its function?

First, I think we have to realize and come to the conclusion—and we certainly ought not have any question about it—that the normal 12 individuals who are on a jury know very little about sanity, know very little about psychiatry, know very little about the state of mind.

Second, I think you have to look at the idea that you do have experts. What has been the training of the experts? Look at the training a psychiatrist receives: 4 years of college, 4 years of medical school, 1 year of internship, and 3 to 5 years of residency—12 to 14 years.

Now you have to look at the terminology that comes out in mental state, mental disease, and mental defect cases. How many juries know anything about dementia praecox or schizophrenia or paranoia or advanced stages of depression or frontal lobotomies, delusions, hallucinations, orientation, disorientation, or syndromes of various types? It is most complicated.

I think that as you review the evidence dealing with psychiatry and the human mind, you will find that it is probably the most complicated, and the most inexact, of all the sciences. It is the most inexact in diagnosis and in treatment. We have established that insanity of certain types should be entitled to a defense and that an imbecile or an insane person should not be held responsible for his actions.

The Federal Rules of Evidence have long been studied by Congress and tested through the judicial process. It has been felt that experts ought to aid and assist the jury and that they ought to be allowed to testify to the ultimate issue. The ultimate issue is not binding on the jury. No court has ever held that it is binding on the jury. In most cases, you will end up with one psychiatrist testifying one way as to the ultimate issue and another psychiatrist testifying the other way. Or there may be two on one side and two on the other.

It is pretty hard to find a doctor guilty of malpractice, but occasionally you find those doctors. But in those types of cases, you will find that experts do compete with each other. They have to go through the rigors of cross-examination. Basically, over the years, when they have been allowed to testify to this, the juries have come to the right result. In a few instances, they have not.

The unmistakable trend of authority is to allow expert testimony even if such testimony reaches an opinion upon ultimate facts. In 31 American Jurisprudence 2d, the section on Expert and Opinion Evidence, cites the cases of Watson against Southern Pacific Co., an Arizona case; Bridges against Lintz, a Colorado case; and People against Martinez, a California case.

This is not to say that courts will always permit expert testimony. There is case law in which expert testimony was not admitted.

This exclusion may have been based on insufficient evidence for the expert's opinion or determination that the testimony was prejudicial or too confusing for the jury or that the court may have determined that the testimony would add little to the facts.

The strongest objection to admitting expert testimony is that it invades the province of the jury.

Charles McCormick, in his authoritative work on evidence, responds to this argument by stating:

> The reasons are sometimes given that such testimony "usurps the functions" or "invades the province of the jury." Obviously, these expressions are not intended to be taken literally, which would render them absurd, but merely to suggest the danger that the jury may forgo independent analysis of the facts and bow too readily to the opinion of an expert or otherwise influential witness.
>
> It is believed, however, that this general rule is unduly restrictive, is pregnant with close questions of application, and often unfairly obstructs the party's presentation of his case. Even the courts which profess adherence to the rule fail to apply it with consistency. All such courts, for example, disregard the supposed rule, usually without explanation as to why it should not be applied, when value, sanity, handwriting, and identity are in issue.

Professor Wigmore, a renowned author on evidence, also responds to the argument. He says:

> . . . the phrase is so misleading as well as so unsound, that it should be entirely repudiated. It is a mere bit of empty rhetoric. There is no such reason for the rule, because the witness, in expressing his opinion, is not attempting to "usurp" the jury's function; nor could he if he desired. He is not at-

tempting it, because his error (if it were one) consists merely in offering to the jury a piece of testimony which ought not go there; and he could not usurp it if he would, because the jury may still reject his opinion and accept some other view, and no legal power, not even the judge's order, can compel them to accept the witness' opinion against their own.

The use of expert testimony, even that testimony which reaches the ultimate issue, has been upheld by the Federal courts. In the case of United States against Kelly, a 1982 eighth circuit case, the defendant was convicted of possession of cocaine with the intent to distribute. On appeal, the defendant objected to the use of expert testimony by the prosecution to establish the requisite intent. The court noted:

This court has repeatedly held that "an expert, as distinguished from a lay witness, may express his opinion on the ultimate jury question."

Earlier, the eighth circuit noted that the "admission or exclusion of expert testimony is a matter within the sound judicial discretion of the trial court, and that the trial court's decision should not be reversed unless found to be manifestly erroneous." The eighth circuit has also reiterated the standards behind allowing expert testimony: "Opinion evidence is to be admitted if it would assist the trier of fact." See *United States* v. *Scavo*, 593 F.2d 837 (8th Cir. 1979).

The expert in the case of United States against Scavo was allowed to testify as to the defendant's role in bookmaking operations and the knowledge of assistance in the opertion.

The ninth circuit permitted expert testimony by a physician when the defendant was not prescribing drugs in the usual course of a professional practice, again going to the issue of intent.

In addition, both the fifth and the fourth circuits have supported the use of expert testimony, even though such testimony may reach the ultimate issue.

State courts have allowed it in a number of different cases, and I could cite other cases but the common law development has been such that we have come to realize the importance of trying to aid jurors in every way that we possibly can.

There was testimony before the committee from some psychiatrists, including the president of the American Psychiatric Association. The purpose of this amendment which we are debating, is to eliminate the confusing spectacle of competing expert witnesses testifying to directly contradictory conclusions as to the ultimate legal issue to be found by the trier of facts.

That statement could be true in malpractice, architecture, or any type of case in which experts are needed, and it is very unrealistic to say that you are going to have lawsuits in which you do not have experts on one side testifying to contradictory statements.

But to my utter amazement, the American Psychiatric Association has in their statement this language:

Psychiatrists, of course, must be permitted to testify fully about the defendant's diagnosis, mental state, and motivation (in clinical and commonsense terms) at the time of the alleged act * * *.

I do not disagree with that, but they cannot do it under the language of this bill.

The bill is designed to permit only the jury or the judge to reach the ultimate conclusion about which they, and only they, are experts. They are saying that only the jury is the expert on the issue of insanity.

You know, that language hit me. I said, my Lord, here these people have gone through at least 11 years of training and they say they do not want to get on the stand and be competing with someone in their fellow profession.

Some psychiatrists and some doctors believe they should be above other citizens and not have a spectacle of competing expert witnesses.

Yes, criminal law is dirty, there is no doubt about it, and a criminal trial is an affray; it is tough and it is dirty; as crime is and criminals are. But I say to the psychiatrists, who do not want to have to compete with someone else, if you cannot stand the heat, get out of the kitchen. Now, if you want to be in a medical profession, you can always go to setting bones instead of shrinking heads.

Psychiatrists, in my judgment, are saying here that psychiatrists should not have to testify about the ultimate issues but should allow the judge or the jury to reach the ultimate conclusion about which the judge or the jury and only the judge or the jury are expert.

Could they possibly be honest about that statement—a jury of lay persons more expert than a psychiatrist in dealing with a person with a diagnosis of dementia praecox? When the psychiatrist has received 11 years of formal training in his field, is a jury more expert in dealing with the state of mind where there is a diagnosis of schizophrenia paranoia than a psychiatrist?

Is a jury more expert than a psychiatrist in dealing with an individual, where the individual has a diagnosis of severe depression, than one who is treating that individual to prevent a suicide?

These statements are almost an indictment; no, they are almost a confession, that the field of psychiatry has hired guns within its own profession.

The remedy is not to deprive lay juries of honest straightforward psychiatrists, but the remedy is for the psychiatry field to apply peer discipline to the bad ones in their ranks.

In the vast majority of the cases, the juries of America under the rigors of cross-examination can distinguish the good psychiatrists from the bad.

I believe I have hit upon the meat in the coconut. The psychiatrists just do not want to undergo the rigors of cross-examination.

In summary, let me say this: The language in this bill as drafted, if it is designed to prevent experts from testifying to the ultimate issue, is so narrowly written that they cannot testify as to an opinion or an inference about any element of a state of mind.

If the purpose is only to take from experts the right to testify as to the ultimate issue that a jury should decide, then certainly this language should be rewritten.

I think that the Department of Justice has for many years been trying cases where the burden of proof was not shifted. Because of the Hinckley case and the work of the committee, the burden of proof now is placed on the defendant when he interposes a defense of not guilty by reason of insanity, a defense which we must prove by clear and convincing testimony.

I think they have not realized the problems that are going to arise, the fact that most of their cases are going to be cases that are not crimes of violence in which they can find a lot of lay witnesses rallying to their side or to their support.

I think you ought to consider the development of the common law, the history of the development of the Federal rules of evidence, the fact that mental diseases are very complex and psychiatry is very inexact. But they can be an aid to the jury. I think if you give the jury the evidence, help them to understand the issues in the vast majority of the cases, they are going to do what is right.

We have here a situation in which because of the Hinckley trial, we have felt changes should be made in the Federal law, and I have supported them.

First we started out with the Department of Justice mens rea. Finally, they were convinced to drop this and to change the burden of proof and the burden-of-proof change, in my judgment, is the primary thing that was needed.

But sometimes you overreact—you go too far in cases like this and you do not realize the consequences that arise. I do not think that the Department of Justice realizes the consequences and the position that they are going to be faced with under rebuttal testimony and finding rebuttal testimony.

If experts cannot testify as to the elements of a crime—intent, appreciation, knowledge, and premeditation—

they are going to find they are going to have a hard time being able to rebut the testimony.

It is also, in my judgment, going to open the avenues for documentary evidence to be used to establish a defense of insanity. It is going to mean, in my judgment, that organized crime is going to find a way by which they can escape the law by going to private sanitariums. It is going to mean, in the long term, that you are going to have real problems in convicting people who have been in sanitariums and in hospitals in these matters.

In my judgment, we are making a big mistake. We ought to remove this language and stick with what has been developed by the common law over a long period of time. We ought to stick with what the Federal Judicial Conference has developed through its Federal rules of evidence and we ought not to change the use of expert testimony at this time.

I think we ought to try, under the Federal courts, the new standard with the severity of the mental disease added and with the language dealing with the burden of proof, before we change this expert-witness rule and adopt this exclusionary expert-witness-testimony rule.

I think careful consideration should be given to these changes by those that are interested in the Government, in truth and fairness, in the way a trial ought to be conducted, and the way that a jury ought to try to seek the truth.

I think we should stay with the present Federal rules of evidence and the common law relative to allowing expert witnesses to testify as to the ultimate issue.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment by the distinguished Senator from Alabama.

Mr. President, the bill as reported changes the current Federal rules of evidence as applied to the insanity defense by prohibiting the giving of expert opinion testimony as to the ultimate legal issue of a defendant's insanity, that is, whether this defendant at the time of the crime was "unable to appreciate the wrongfulness of his acts." The amendment of the distinguished Senator from Alabama (Mr. HEFLIN) would continue to permit expert testimony on ultimate legal issues.

Mr. President, as pointed out in the committee report on this policy choice, the purpose of the bill as reported is to—

eliminate the confusing spectacle of competing expert witnesses testifying to directly contradictory conclusions as to the ultimate legal issue to be found by the trier of fact.

I agree with the distinguished Senator that the shifting of the burden to prove insanity to the defendant does a lot from the Government's standpoint to eliminate some criticism of the contradictory contest between experts.

Mr. President, I commend the able Senator from Alabama for his interest in the insanity defense. Because of him, chiefly, we withdrew the insanity defense from S. 2572 last Congress and studied the whole matter. We think that his suggestion to shift the burden to the defense was a wise suggestion and we followed that. But on this particular point, we are not in accord with the able Senator from Alabama.

The American Psychiatric Association has studied this matter carefully. I want to quote from that association and then I want to read a letter from the Justice Department on this matter.

When, however, "ultimate issue" questions are formulated by the law and put to the expert witness who must then say "yea" or "nay," then the expert witness is required to make a leap in logic. He no longer addresses himself to medical concepts but instead must infer or intuit what is in fact unspeakable, namely, the probable relationship between medical concepts and legal or moral constructs such as free will. These impermissible leaps in logic made by expert witnesses confuse the jury. Juries thus find themselves listening to conclusory and seemingly contradictory psychiatric testimony that defendants are either "sane" or "insane" or that they do or do not meet the relevant legal test for insanity. This state of affairs does considerable injustice to psychiatry and, we believe, possibly to criminal defendants. In fact, in many criminal insanity trials both prosecution and defense psychiatrists do agree about the nature and even the extent of mental disorder exhibited by the defendant at the time of the act.

Mr. President, I want to read a letter from the Justice Department on this proposed amendment by the Senator from Alabama. It is addressed to me as chairman.

DEAR MR. CHAIRMAN: It has come to my attention that an amendment will be offered to strike section 406 of S. 1762. As you know, this provision is the part of insanity defense reform title of the bill that prohibits the giving of expert opinion testimony as to the ultimate issue of a defendant's insanity, i.e., whether the defendant did or did not have the mental state or condition constituting an element of the offense charged or of a defense thereto. Section 406 further provides that such ultimate issues are for the triers of fact alone.

The Administration regards the prohibition of expert testimony on these issues as an integral part of its proposal to reform the insanity defense, and we therefore strongly oppose this amendment. Allowing opinion testimony of this sort merely confuses the jury and is one of the key factors which has brought the insanity defense into such disrepute. The basis for our proposed limitation on such expert testimony was succinctly stated by the American Psychiatric Association in its Statement on the Insanity Defense (December, 1982, at p. 14):

Mr. President, still reading from the letter, this is what the American Psychiatric Association says about this matter. I think it is very pertinent because it is these expert witnesses that the Senator is saying should be allowed to say, "Yes, he is sane," or "No, he is not insane." Now here is what the psychiatrists have to say:

[P]sychiatrists are experts in medicine, not the law. As such, it is clear that the psychiatrist's first obligation and expertise in the courtroom is to "do psychiatry," i.e., to present medical information and opinion about the defendant's mental state and motivation and to explain in detail the reason for his medical-psychiatric conclusions. When, however, "ultimate issue" questions are formulated by the law and put to the expert witness who must then say "yea" or "nay," then the expert witness is required to make a leap in logic. He no longer addresses himself to medical concepts but instead must infer or intuit what is in fact unspeakable, namely, the probable relationship between medical concepts and legal or moral constructs such as free will. These impermissible leaps in logic made by expert witnesses confuse the jury. [Footnote omitted.] Juries thus find themselves listening to conclusory and seemingly contradictory psychiatric testimony that defendants are either "sane" or "insane" or that they do or do not meet the relevant legal test for insanity. This state of affairs does considerable injustice to psychiatry and, we believe, possibly to criminal defendants. In fact, in many criminal insanity trials both prosecution and defense psychiatrists do agree about the nature and even the extent of mental disorder exhibited by the defendant at the time of the act.

Psychiatrists, of course, must be permitted to testify fully about the defendant's diagnosis mental state and motivation (in clinical and commonsense terms) at the time of the alleged act so as to permit the jury or judge to reach the ultimate conclusion about which they and only they are expert. Determining whether a criminal defendant was legally insane is a matter for legal fact-finders, not for experts.

I would note also that the American Bar Association in its First Tentative Draft of Criminal Justice Mental Health Standards, July, 1983, opposes the use of expert opinion testimony on the ultimate issue of sanity or insanity in a case where the insanity defense is raised. Draft Standard 7-6.6 entitled "Limitation on opinion testimony concerning mental condition," states:

Expert opinion testimony as to how the development, adaptation and functioning of the defendant's mental processes may have influenced his conduct at the time of the offense charged should be admissible. *Opinion testimony, whether expert or lay, as to whether the defendant was criminally responsible at the time of the offense charged should not be admissible.* (Emphasis added.)

In sum, we strongly urge that the views of the Administration, the American Psychiatric Association, and the American Bar Association that expert opinion testimony not be allowed on the ultimate issue of a defendant's guilt or innocence due to his mental condition be retained in S. 1762 and that the amendment allowing such testimony be defeated.

This is signed by the assistant attorney general, Office of Legislative Affairs, Mr. Robert A. McConnell.

Mr. President, I think this is very clear. The Justice Department has studied this matter in detail and carefully. The Judiciary Committee has studied it carefully. We have reached the conclusion that is set out in this bill. The administration opposes this amendment. The Justice Department opposes this amendment. The American Psychiatric Association opposes this amendment. The American Bar Association opposes this amendment. Finally, we as managers of the bill oppose this amendment.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. I will not prolong this other than to say that the American Bar Association does not oppose this. I will say that a standing committee of the ABA made a recommendation, a very early and preliminary recommendation, at a very early stage. The American Bar Association has not taken any action. I do not want anyone to be misled with regard to that.

The American Bar Association's standing committee's allows for many things that this amendment would not.

The subcommittee of the ABA would allow a person to testify for many reasons which, under this language you could not. The same is true of the American Pyschiatric Association. This means, as it is drafted, that if a psychiatrist can open his mouth it is going to be rare. That is actually what it comes down to.

I realize that it is a difficult thing. This is a very complex issue. I think it calls for somebody who has some expertise to understand and appreciate what is going on. I think some of the arguments I have made today may not have been considered. It is my hope that the Department of Justice will consider some of these arguments and that the bill will go to the House and go to a conference and, hopefully, some changes can be made in this to make it more palatable.

Because of this, I am not going to insist on a rollcall vote at this time, but I think we will be making some serious mistakes in trying to push this language as it is written, even if they do have as their goal the exclusionary rule as it would apply to expert witnesses pertaining to the ultimate issue.

Nevertheless, I hope that the House, the conference committee, and the Department of Justice will review our debate here today.

I would like to offer my services in trying to obtain a more workable rule. As it is now written the rule is going to put the Government, the prosecution, behind the eight ball. I do not think they realize that. But I think they will wake up, and they will certainly wake up after they try a few of these cases. In the meantime, I think there is an opportunity to make corrections in the language of this exclusionary expert witness rule to make it more workable.

Therefore, with that in mind, I am withdrawing my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. THURMOND. Mr. President, I understand the Senator has withdrawn his amendment.

The PRESIDING OFFICER. The Senator is correct. The amendment has been withdrawn.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2688

(Purpose: To make the robbery and burglary of controlled substances from a pharmacy or other Drug Enforcement Administration registrant a Federal offense)

Mr. THURMOND. Mr. President, I send to the desk a group of amendments and ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendments en bloc.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes amendments numbered 2688.

Mr. THURMOND. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 349, strike out lines 1 through 24 on page 353 and insert in lieu thereof the following:

PART O— PHARMACY ROBBERY AND BURGLARY

SEC. 1018. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1983",

SEC. 1019. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, any truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1020. It is the purpose of this part—

(1) to assist state and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1021. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413. (a)(1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, in committing any offense under this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 and imprisoned not more than twenty-five years.

"(c) Whoever in committing any offense under this section kills any person, shall be subject to imprisonment for any term of years or for life.

"(d) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

"(e) For the purposes of this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the

purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(f) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"Sec. 413. Robbery or Burglary of a controlled substance from a pharmacist.".

COLLECTION OF DATA

SEC. 1022. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and submit an annual report for each of the first three years after the date of enactment of this Act, to the Congress with respect to its enforcement activities relating to the offense described in this Section.

On page 288, line 9, after "fire department" insert the following: "and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire or police emergency".

Insert at the appropriate place at the end of title XII the following language:

"(a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

"(b) Subsection (d) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act."

On page 165, insert after line 16 the following:

"(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before 'The proceeds from any sale under paragraph (2)' the following: 'The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.'.".

On page 165, line 17, delete "(b)" and insert in lieu thereof "(c)".

On page 174, insert after line 6 the following: "The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review.".

On page 208, after line 22, insert the following new section and renumber all succeeding sections accordingly:

SEC. 503. Part D . . . that part D of the Controlled Substances Act is amended by adding after section 405 the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule."

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

SEC. 2. (a) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(b) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(c) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

At the end of the bill add: That this Act may be cited as the "Acquisition of Foreign Evidence Improvements Act".

FOREIGN RECORDS ADMISSIBILITY

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by striking out sections 3491 through 3494 and all references thereto and inserting in lieu thereof the following:

"§ 3491. Foreign records of regularly conducted activity

"(a) A document, or copy thereof, which is a memorandum, report, record, or data compilation in any form, of acts, events, conditions, opinions or diagnoses, made or maintained in a foreign country shall be admissible in any criminal action or proceeding in any court of the United States as evidence of the matters set forth therein if a competent person certifies, under circumstances which subject him to the penalties for perjury in that country—

"(1) that the document is made or kept in the course of a regularly conducted business activity;

"(2) that it is a regular practice of that business activity to make or keep a document of that kind;

"(3) that the document was made at or about the time of the occurrence of the matters set forth, by, or from information transmitted by a person with knowledge of those matters;

"(4) his position in the management or employ of the business activity and how he is in a position to know the matters which he certifies under paragraphs (1) through (3) and paragraph (5); and

"(5) if the document is not the original, that it is a true and exact copy of the original.

"(b) A certification in compliance with subsection (a) shall constitute *prima facie* proof of the genuineness and trustworthiness of the document, and of the competency of the person making the certification.

"(c) The memorandum, report, record or data compilation and the statement of the custodian or other qualified witness may not be admitted in evidence unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the custodian or other qualified witness.

"(d) Upon written demand of the proponent of the evidence to be admitted, the adverse party shall serve upon such proponent, within ten days after such demand, a written notice of his intention to object. Such notice of intention shall state the nature and basis for such objection.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by striking out the items relating to sections 3491 through 3494 and inserting in lieu thereof the following:

"3491. Foreign records of regularly conducted activity.".

APPOINTMENT OF MASTERS

SEC. 3. Rule 15 of the Federal Rules of Criminal Procedure is amended by adding at the end thereof the following:

"(h) Masters at Foreign Depositions. A court may appoint a master to attend a deposition taken outside the United States to act on behalf of the court to the extent possible. Such deposition shall be taken and filed in manner consistent with this rule and subject to any additional conditions as the court shall provide, except that, notwithstanding any other provision of law, the Federal Rules of Evidence shall not apply.".

NOTICE TO UNITED STATES AUTHORITY

SEC. 4. Section 1781 of title 28, United States Code, is amended by adding at the end thereof the following:

"(c) No person or entity subject to the jurisdiction of the United States shall take, or cause to be taken, any action in a foreign country to impair, delay, challenge or prevent the execution of a request by the United States or any agency or authority thereof either through letters rogatory, treaty, convention, or any other means, for evidence located in that country, without having simultaneously served the United States or private litigant with copies of every pleading, objection, opposition, or other document submitted to any foreign authority in furtherance of such action.".

LIMITATIONS AMENDMENT

SEC. 5. (a) Chapter 213 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3292. Suspension of limitations to obtain foreign information or evidence

"(a) Upon application to the court in which the offense lies, the running of any period of limitations applicable to any offense shall be ordered to be suspended for such period as provided in subsection (b) of this section to allow the United States to obtain or to seek to obtain information or evidence from one or more foreign jurisdictions if it reasonably appears that material evidence, fruits, or instrumentalities of a crime are in such jurisdictions.

"(b) The period of suspension under this section shall run from the date of issuance of a request for foreign information or evidence, until the foreign authority takes final action upon the request; but in no case shall the period of suspension exceed three years.

"(c) If more than one such request is made, the respective periods of suspension may be aggregated, but not to exceed a total of three years.

"(d) Nothing in this section shall extend the period of limitations if final action on such requests by all foreign authorities is complete before the period of limitations would expire without regard to this section.".

(b) The table of sections for chapter 213 of title 10, United States Code, is amended by adding after the item relating to section 3291 the following:

"3292. Suspension of limitations to obtain foreign information or evidence.".

SPEEDY TRIAL AMENDMENT

SEC. 6. Section 3161(h) of title 18, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) by striking out "paragraph (8)(A)" in paragraph (9) as redesignated herein and inserting in lieu thereof "subparagraph (A)"; and

(3) by inserting the following new paragraph after paragraph (7):

"(8) Any period of delay, for the purpose of obtaining or seeking to obtain foreign information or evidence, which would qualify as a period of suspension of the running of any statute of limitations under section 3292 of this title.".

TECHNICAL AMENDMENT TO CORRECT TITLE OF THE BILL AND THE CITE FOR THE BILL AND THE VARIOUS TITLES

On page 2, lines 2 and 5; page 29, line 23; page 138, line 18; page 177, line 19; and page 205; line 4, delete "1983" and substitute "1984".

On page 228, between lines 7 and 8, insert the following:

SEC. 527. (a) Section 508 of the Controlled Substances Act (21 U.S.C 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) inserting at the end thereof the following new subsection:

"(b) State and local law enforcement officers peforming functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374 (c) of title 5, United States Code.".

(b) Section 503 (a) of the Controlled Substances Act (21 U.S.C 873(a)) as amended by this Act is further amended by—

(1) striking out "and" at the end of clause (5);

(2) striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

Mr. THURMOND. Mr. President, seven of the amendments I am offering are on behalf of Senators interested in the particular matter covered. These amendments have been carefully reviewed by the managers of the bill and are acceptable.

I wish briefly to identify the sponsor of each amendment. Senators JEPSEN and GRASSLEY urge adoption of new provisions to punish robbery and burglary of a pharmacy of controlled substances.

Senator HEFLIN seeks to enlarge the Public Safety Officer Benefit Act to cover a public employee, member of a rescue squad, or ambulance crew who was responding to a fire or police emergency.

Senator HUMPHREY offers an amendment to require forgery warnings on envelopes used to mail social security checks.

Senator SASSER's amendment would make provision for State and local access to forfeiture goods under the drug laws in certain situations.

Senator HAWKINS would increase the penalties for selling drugs near a school.

Senator ROTH offers an amendment to improve U.S. access to foreign evidence.

Senator CHILES seeks to improve the ability of State and local police forces to assist in drug enforcement. The eighth amendment is technical.

Mr. President, I think that in brief describes the eight amendments, and I do not know of any opposition to them. The managers accept these amendments.

Mr. JEPSEN. Our amendment, Mr. President, makes a number of changes in the pharmacy robbery and burglary section of S. 1762. These changes have been agreed to by the distinguished chairman of the Judiciary Committee and they are supported by the Justice Department.

I would point out that this substitute language does not alter the underlying intent of the section. My amendment will retain the main purpose of the pharmacy robbery and burglary section: Making the robbery of burglary of a controlled substance from a pharmacy or other Drug Enforcement Administration registrant a Federal offense.

For the benefit of my colleagues, I would like to just take a moment and outline the major provisions of this amendment.

First, the amendment makes the robbery and burglary of a controlled substance from a pharmacy or other drug enforcement registrant a Federal offense, punishable by varying penalties depending upon the severity of the crime.

Second, the amendment emphasizes that while the primary responsibility for the investigation and prosecution of pharmacy crimes lies with the State and local law enforcement authorities, no truly comprehensive strategy to curb these types of crimes would be complete without the investigative and prosecutorial sources of the Federal Government being made available when appropriate.

Third, outlines the procedure by which the Justice Department can become involved in pharmacy robbery and burglary cases.

Fourth, removes the so-called career criminal and minimum mandatory provisions included in the bill as passed by the Judiciary Committee.

For the benefit of my colleagues who have not been around the Senate for very long, I would point out that this is not a new issue. As the committee report states, this proposal is very similar to a provision passed last year by the Senate as part of the 97th Congress crime package, S. 2572.

The pharmacy robbery and burglary problems are very serious and the idea of making such crimes a Federal offense has enjoyed widespread, bipartisan support in the Senate. Unfortunately, our colleagues in the House have not been as supportive of this proposal.

Robberies of controlled substances from Drug Enforcement Administration registrants has been increasing at an alarming rate over the past decade. More and more reports are coming forth indicating that pharmacists are afraid to carry controlled substances in their pharmacies for fear of being robbed or burglarized. This is not only a tragic situation for the pharmacists, but it is also dangerous for the people living in the neighborhoods surrounding the pharmacy.

Recently, Mr. President, the American Medical Association wrote a story in which it told the problems confronted by a New York City cancer patient who had been released from the hospital only to find that the drugs he needed to live at home were not available. The reason the life-sustaining drugs were not available was because no pharmacist in the area would carry them for fear of being robbed at gunpoint.

I am also reminded of a story I read recently about a pharmacist who now works in the prison pharmacy in San

Quentin. Some of my colleagues may remember that I placed this story in the CONGRESSIONAL RECORD earlier this year as an indication of the seriousness of this problem.

This pharmacist stated that he felt safer dispensing drugs in the prison pharmacy than he did dispensing drugs in his old community pharmacy. What a devastating commentary on life as a neighborhood pharmacist.

Mr. President, I will not take up the Senate's time with a long speech on this topic. I think most of my colleagues are well aware of the seriousness of the problem and are strongly supportive of my amendment. I want to thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his untiring help in achieving this goal.

I would also like to thank my distinguished colleague from Iowa, Senator GRASSLEY, for his tremendous help. It is because of his efforts that the pharmacy language was included in the crime package. His support on this issue is most valued.

Finally, Mr. President, I would be remiss if I did not recognize the important contributions made by the editor of American Druggist magazine, Mr. Stanley Siegelman. Mr. Siegelman's timely and insightful editorials on this subject have been a tremendous help in making the case for this legislation. Pharmacists all over America owe Mr. Siegelman a debt of gratitude for his unwavering support for the pharmacy robbery and burglary legislation.

I would also like to take a moment and thank Miss Debbie Owen, general counsel for the committee, who has been so helpful through the years. Altough Debbie has only been on the Senate Judiciary Committee staff for a relatively short period of time, I would note that she previously served on the House Judiciary Committee where she was an excellent resource person as well as a trusted staff attorney.

I thank the Judiciary Committee for accepting this amendment.

Mr. President, I move the adoption of the Jepsen-Grassley amendment.

RESCUE SQUAD AMENDMENTS

Mr. HEFLIN. Mr. President, there is a serious inequity in coverage provided under the Public Safety Officers' Benefits Act. Today, if firemen or police officers are killed while performing official duties, their survivors are eligible for death benefits. Yet, if rescue squad personnel, who often work directly with police and fire personnel, are killed while performing the same duty, their survivors are not entitled to these benefits.

Today, I am offering an amendment to Senate bill 1762, which would extend to rescue squad members the death benefits available under the Public Safety Officers' Benefits Act. This amendment expands the definition of fireman to include members of officially recognized rescue squad or ambulance crews, whether or not they receive compensation, who risk their own lives in an attempt to save the lives of others.

A great number of rescue squad personnel are volunteers. In my home State of Alabama, approximately 80 percent of the rescue units receive no compensation. They give of their time—to train—to learn—and to serve others. These men and women provide emergency medical treatment, first aid and ambulance service, participate in rescuing persons in wrecked vehicles or burning building—and search for victims of drowning accidents.

These volunteers provide an invaluable service, a service which many small towns and rural areas depend on in emergency situations.

There are operating within the United States today in excess of 15,000 rescue units.

This amendment is intended to close the gap between rescue squad personnel and other public agency officials. It includes members of rescue squads who perform a public service, whether or not these members are compensated. It is not the intention of this amendment to extend coverage to private commercial units.

With the increased emphasis being given to the concept—neighbor helping neighbor—it is time to acknowledge the efforts of those who, working alongside our law enforcement officers and firemen, make the ultimate sacrifice. Members of rescue squads often receive very little compensation. Their reward is simply the satisfaction of possibly saving a life and helping others.

It is fitting that we provide some financial security to the survivors of these men and women and in this small way demonstrate the gratitude of a grateful nation.

Mr. THURMOND. Mr. President, I have no objection to the amendment, but would appreciate some clarification of the intended coverage of the Heflin amendment. Does this amendment intend to cover volunteer rescue squads as well as members of squads who receive compensation?

Mr. HEFLIN. It is the intent of the amendment to cover all rescue squad members, whether or not they receive compensation. The definition of fireman, which has been expanded by this amendment, is to be read in conjunction with the definition of public safety officer. And a public safety officer is defined as a "person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman." As long as the rescue squad members or ambulance crews are serving a public function, whether compensated or not, they are covered.

Mr. THURMOND. Is it intended that rescue squad personnel who are covered under this amendment be public employees which in many jurisdictions would limit the coverage to paid employees?

Mr. HEFLIN. The purpose of the language "public employee" is intended to distinguish members of rescue squads who perform a public duty with or without compensation, as opposed to members of commercial or private rescue or ambulance units. This amendment is not intended to cover commercial or private rescue units. This amendment is intended to cover volunteer rescue squad members, and these members do not necessarily have to be public employees.

Mr. THURMOND. Would the Senator from Alabama also clarify the type of emergencies covered within the language "fire or police emergency"?

Mr. HEFLIN. A fire emergency is a situation or occurrence in which one might normally expect to require the presence of public safety personnel to combat a fire or to reduce the imminent threat of fire or explosion.

A police emergency is a situation or occurrence which one might normally expect to require the presence of police, law enforcement, or sheriff department personnel, to monitor a criminal disturbance or public law enforcement emergency.

Mr. THURMOND. Is this intended to cover situations where ambulance crews are transporting a patient from one place to another?

Mr. HEFLIN. While ambulance crews provide many valuable services, some of these are not generally considered to be related to public safety, such as, the transporting of a hospital patient to his or her residence. The purpose of the term "fire or police emergency" is therefore included to indicate those situations where rescue squad personnel or ambulance crews would be treated as firemen.

Mr. THURMOND. I thank the distinguished Senator from Alabama.

FRAUDULENTLY CASHED SOCIAL SECURITY CHECKS

Mr. HUMPHREY. Mr. President, I am offering this amendment to address the problem of fraudulently cashed social security benefit checks. One area of particular concern is the problem of erroneous social security benefit payments to deceased individuals. Many of our constituents were justifiably angered by the disclosure late in 1981 that over $60 million in benefits had been routinely mailed, for as long as 15 years, to over 8,000 individuals listed as dead on medicare records. In one documented incident, a gulf coast widow forged her deceased husband's signature, cashed his benefit checks, and told investigators that he was at sea on a shrimp boat. In another, a wealthy middle-aged business-

man cashed his father's social security checks for many months after the latter's death, explaining to investigators that he needed to maintain a cash flow for his business. I believe that we need to take action to stem this hemorrhage of the trust funds.

The Social Security Amendments of 1983 includes an amendment I offered directing the Secretary of Health and Human Services to establish a program under which States voluntarily contract with the Secretary to furnish information with respect to individuals for whom death certificates (or equivalent documents) have been filed. The Secretary will compare this information with SSA files and will make necessary corrections. I believe this to be an important step in addressing this problem.

The amendment I am introducing today focuses attention on those individuals who criminally negotiate the erroneously issued checks. The Secretary of the Treasury would be required to provide that all title II benefit checks, and the envelopes in which they are mailed, bear a printed legend warning that the commission of forgery in conjunction with the cashing or attempted cashing of the benefit check violates Federal law. In addition, the notice shall enumerate the maximum penalty applicable under title 18 of the United States Code, which currently permits a 1-year prison sentence and a $10,000 fine. I believe it would be wise to plainly warn potential felons of the nature and consequences of such an act, in order to give them reason to reconsider an act of disrespect both for the dead and for the taxpayers who will fill the trust fund coffers.

Mr. President, at a time when the trust funds have been pulled back from the brink of financial collapse, this unacceptable state of affairs cannot be tolerated any longer.

DRUG DISTRIBUTION IN AND AROUND SCHOOLS

Mrs. HAWKINS. Mr. President, today I am introducing an amendment to S. 1762 to deter drug distribution in and around schools. My legislation contains two provisions: The first makes it a Federal criminal offense to distribute controlled substances within 1,000 feet of a school, the second establishes stiff penalties for this offense.

On January 27, 1982, the Subcommittee on Investigations and General Oversight, which I chaired, of the Senate Labor and Human Resources Committee, held hearings on the problem of drugs in the American school system. The hearing was the result of an extensive investigation by the subcommittee staff. It was learned during our investigation that an alarming number of schoolchildren, often as young as 11 or 12, are smoking marihuana and drinking alcohol. Even more disturbing is that many of these children are using hard drugs such as PCP, quaaludes, and LSD.

Sometimes, these drugs are obtained from other students. However, during the hearing five young reformed drug and alcohol abusers and an undercover policeman testified that these drugs are often sold directly to the juveniles on or near school grounds by adult dealers. These transactions take place in remote outdoor areas, at local hangouts, or at nearby homes or apartments.

One insidious example cited at the hearing involved a 53-year-old mother of three sons who lived across the street from a high school. Often the mother sent one of her children to the school to distribute the drugs. Drugs also could be purchased directly at their home. In the words of one witness:

You could pull up to the house and buy drugs at the house. It was not uncommon to see the 12-year-old kid come out and sell them to you if mama did not feel like it.

All the witnesses interviewed—including school counselors, juvenile judges, and other experts—believe that threatening pushers who approach our children near schools with stiff penalties will help reduce drug use in schools.

This amendment reflects their recommendations and establishes penalties for illegal distribution of drugs near schools. First-time offenders will receive up to twice the current punishment for commission of this crime in areas not adjacent to a school. When a person is convicted of this crime a second time, a mandatory minimum sentence of not less than 3 years, and not more than life imprisonment will be imposed.

Young people suffering from drug abuse need our help. While we cannot legislate discipline in the family, or in the schools, we can assist in their establishment by helping to eliminate outside negative influences. I, therefore, urge my colleagues to support this amendment and send a signal to drug dealers that we will not tolerate their presence near our schools.

DRUG TRAFFICKING

Mr. CHILES. Mr. President, the amendment I am offering represents an effort to promote the vital cooperation between Federal and State local law enforcement in combating drug trafficking. The Chiles amendment will facilitate cooperative efforts between the Drug Enforcement Administration (DEA) and State local law enforcement agencies and serve to improve our drug law enforcement capability.

Currently, deputation of State and local officers involved in task force cases is controlled under procedures spelled out in the U.S. Marshals/DEA Memorandum of Understanding. These procedures fall short of what is needed for the full protection of both the agents and the cases.

The first section of the amendment would authorize the Attorney General to designate selected State and local law enforcement officers as Federal law enforcement officers for the purpose of enforcing Federal drug laws. This would enable the Drug Enforcement Administration (DEA) to maintain and enhance its cooperative effort with State and local law enforcement authorities to combat drug trafficking.

The drug trafficking problem is pervasive and, by its very nature, interjurisdictional. The Controlled Substances Act, 21 U.S.C. section 873, mandates a coordinated approach at all levels of Government to combat effectively drug flow and abuse. For this reason, DEA has entered into cooperative arrangements with State and local law enforcement authorities, under which non-Federal law enforcement officers work with DEA agents in long-term task forces, joint investigations and special enforcement operations, major conspiracy investigations directed at specific trafficking organizations. The future of these cooperative efforts, however, would be enhanced if participating State and local law enforcement agencies can be assured of adequate civil and criminal liability protections for their officers while working with DEA.

The great majority of State and local officers have been under the impression that they are protected by an implied grant of Federal enforcement authority while working under DEA supervision. In fact, any State or local law enforcement officer who travels beyond his authorized jurisdiction while assisting DEA faces potentially substantial criminal and civil liability. Analysis of the law reveals the following conclusions.

First, a State or local law enforcement officer is not a Federal employee for purposes of the Federal Tort Claims Act and, therefore, the United States can neither assume liability nor be held liable for his actions 28 U.S.C 1346(b). Moreover, a State or local officer is not a Federal law enforcement officer as defined by 28 U.S.C. 2680(h) and the United States could not be liable for his intentional torts. Second, when operating beyond the geographic jurisdiction of their parent departments, State and local police officers, in most instances, have no greater law enforcement authority than private citizens. Finally, the possibility for personal civil liability of the State or local officer exceeds that of his DEA counterpart because the United States can only pay a judgment entered jointly against the United States and a Federal employee. Similarly, the potential for criminal liability is greater because the State or local officer could

not defend on grounds of Federal law enforcement authority.

The assignment of a police officer to a task force does not vest that officer with any Federal law enforcement authority. Unless deputized as a Federal officer, a task force officer possesses only that authority conferred by State or local law upon any member of his parent organization. Consequently, where the enforcement responsibility of a task force is not coextensive with that of the officer's jurisdiction, the officer may be called upon to exceed his lawful authority when fulfilling his task force responsibilities.

Except for very limited circumstances, any police officer who operated beyond the jurisdiction of his parent agency has no greater authority than that of a private citizen and his authority to carry weapons, make arrests, execute warrants, and to conduct investigations is similarly limited. When operating beyond his jurisdiction, his potential civil and criminal liability are significantly increased, as the various good faith defenses available to law enforcement officers often cannot be pleaded successfully by private citizens. Nevertheless, task force investigations often cross jurisdictional lines.

In short, State and local law enforcement officers cooperating with DEA agents in law enforcement activities outside their parent jurisdiction do so their own peril. DEA expects that the cooperative arrangements developed over the past several years could be lost in many areas and severely impaired in others unless this disparate liability is corrected.

After a careful review of the liability problem, I believe that the most feasible solution would be to amend existing law, 21 U.S.C. 878, to authorize the Attorney General to confer the Federal enforcement powers of DEA officers upon selected State and local law enforcement officers. Implementation of this authority must be strictly controlled through detailed procedures designed to guarantee full accountability for all actions of any federally designated State or local officer. I have assurances from DEA that such procedures will indeed be promulgated.

In addition, the amendment incorporates by reference section 3374(c) of title 5, United States Code, to insure that important restrictions and controls in the Intergovernmental Personnel Act of 1970, as amended, are applicable to such State or local officers. Specifically, the federally designated officers would be deemed DEA employees for purposes of a variety of Federal statutes pertaining to employment limitations, political activities, foreign gifts, and decorations, misconduct, bribery and graft, embezzlement and theft, disclosure of confidential information, lobbying with appropriated moneys; purchase, use, maintenance or repair of passenger motor vehicles and aircrafts; the Federal Tort Claims Act, and other Federal tort liability statutes. Federally designated officers would also be subject to Executive orders and regulations applicable to section 3375(c) matters. Moreover, the statute indicates that supervision of the duties of such officers could be governed by agreement between DEA and the State or local government concerned. Finally, a detail of a State of local officer to DEA could be made with or without reimbursement by DEA.

Section 2 of the amendment will facilitate the continued funding of the 9-year DEA task force program. For many years, the Drug Enforcement Administration has entered into contractual agreements with various State and local law enforcement agencies for the establishment of joint task forces to enforce the Controlled Substances Act of 1970. These agreements have been based upon the general authority to enter into cooperative arrangements in 21 U.S.C. 873 and more specific authorizations contained in DEA appropriations measures. Congress and the administration have consistently sought specific program legislation support appropriation authority. This housekeeping legislation is designed to provide such specific legislative authority.

Mr. President, in order to maintain the effectiveness of the DEA/State and local cooperation program, I respectfully urge the adoption of this amendment.

Mr. SASSER. Mr. President, I thank the mangers of S. 1762 on both sides of the aisle for their cooperation in adopting the amendment offered by myself and the Senator from Arkansas, Mr. PRYOR. I also want to acknowledge the assistance of Senator PRYOR in the development of both the original bill and this amendment.

This amendment addresses the need for support for our State and local law enforcement agencies in their efforts to assist Federal drug enforcement activities. It directs the Attorney General and the Secretary of the Treasury to develop policies to equitably share the proceeds of drug enforcement operations with State and local agencies which significantly assist Federal agents in combating drug trafficking.

During the last 2 years in this country, 42,000 people have been murdered and 6 million homes have been burglarized. Law enforcement personnel, to a large extent are convinced that this surge in criminal activity is largely drug-related. Drug trafficking is big business for organized crime. The estimated value of the illicit drug trade is $80 billion. That figure would make it the second largest corporation in the United States, behind Exxon and slightly ahead of Mobil.

The byproduct of this illegal industry is more violent crimes each year. In Tennessee there were 19,586 violent crimes in 1982. These included 9,310 assaults, 8,173 robberies, and 452 murders. Other States fared no better. Georgia's violent crime total was 26,963. And Florida is experiencing a virtual crime epidemic due to increased drug activity.

In July 1982, in Cleveland, Tenn., Federal, State, and local law enforcement agents confiscated 1,200 pounds of pure cocaine worth nearly $400 million. Also seized were vehicles, weapons, and $450,000 in cash. This was the second largest cocaine seizure in U.S. history. Law enforcement officials believe the drugs were flown into Tennessee directly from Colombia.

In 1981 there was a similar raid in Sevier County, Tenn., which proves the 1982 seizure was no fluke. This raid netted 600 pounds of pure cocaine with an estimated street value of $200 million. Officials say they only know about less than 1 percent of the illegal drugs coming into Tennessee and estimate that cocaine alone is a $500 million a year business in east Tennessee.

While drug enforcement is primarily a Federal responsibility, our State and local police are increasingly being drawn into the fight, for two reasons. First, many of the most successful drug seizures require close Federal-State cooperation. The work does not begin and end with the arrests. Months and months of groundwork are necessary—surveillance, checking of leads, and building up the record of evidence necessary to obtain a conviction. State and local law enforcement agents are an integral part of the efforts—efforts which require more and more scarce resources.

In the seizure in Cleveland, Tenn., for instance, agents of both the Tennessee Bureau of Investigation and DEA had the major suspects under surveillance for a number of months. Knoxville's organized crime unit had also conducted surveillance operations and officers from Cleveland, Knoxville, and Bradley County were involved in the effort. Without the dedicated effort, without the dedicated involvement of State and local law enforcement personnel, the Federal agents would simply be swamped in the drug flow. This cooperation, however, costs the departments in terms of time and manpower—resources that are in increasingly short supply in these times of budget austerity.

The second reason for the increasing involvement of State and local officials is that they are the ones left to cope with the rising crimewave that results from increasing drug traffic. They are the ones who must cope with the vicious thugs who make our people feel unsafe in their own homes and afraid to walk the streets at night.

These local crimes are the kinds that touch most people's lives—muggings, robberies, thefts, and often murder. While much of their cause and solution lie beyond the resources of local law enforcement, their control is a local responsibility.

Because of the increasing State and local involvement in Federal drug enforcement and the increasing crime which they are called upon to deal with, I am pleased to see the Senate make this statement of support for our State and local law enforcement officials.

ACQUISITION OF FOREIGN EVIDENCE IMPROVEMENT ACT

● Mr. ROTH. Mr. President, I would like to reflect in the RECORD material relevant to one of the group amendments just adopted by the Senate, the one dealing with acquisition of foreign evidence.

Criminal enterprise has followed technology. Taking advantage of modern communications and global mobility, organized crime launders profits, secrets assets and avoids detection through the use of offshore jurisdictions. These foreign jurisdictions can be used both as a staging area as well as a refuge. Since the dollars involved run into the billions, kingpins of organized crime have the best advice that money can buy to direct their use of offshore activities. Tax protestors, fraudulent securities dealers and some terrorists groups have joined the growing army of offshore customers.

Besides technology and mobility, one other ingredient is essential to successful offshore dealings—blocking and secrecy laws. It has been the practice of these nations to provide absolute confidentiality to assets and records sheltered in brass plate banks or fictitious entities. Few questions are asked by local officials as to the source of assets; anonymity is held sacred. Unless the offshore nation is signatory to a mutual assistance treaty or tax convention, U.S. law enforcement is crippled. Insurmountable legal hurdles are imposed in attempts by enforcement officials to acquire evidence offshore. See: Hearings Before the Senate Permanent Subcommittee on Investigations on Crime and Secrecy: The Use of Offshore Banks and Companies, 98th Cong., 1st Sess. (1983).

Detection, investigation, and conviction of internationalized crime is expensive, complex and very time consuming. Generally, there are only three avenues of discovery, when seeking evidence outside the United States—treaties, informal requests, and letters rogatory. Not surprisingly, criminal elements choose foreign jurisdictions that do not have mutual assistance treaties for the exchange of information with us. The alternatives for law enforcement are not ideal even where formal requests for foreign judicial assistance are entertained, such help is frequently not forthcoming. Thus, essential evidence for conviction remains outside the reach of U.S. law enforcement.

At our hearings on the offshore problems it was also astonishing to learn that our own laws and evidentiary rules hamper investigations. Officials from the Justice Department, Internal Revenue, Treasury Department, Securities and Exchange Commission, Comptroller of the Currency, and Customs Service testified in favor of changes in the law to facilitate the investigations of crimes with international ramifications. In addition, they said such changes would reduce the complexity and lower the costs of prosecution and conviction. I have introduced legislation that responds to the needs of these agencies and lowers the cost of their law enforcement efforts. These statutory changes also have deterrent value.

This proposed legislation first, streamlines the procedural steps for the admissibility of properly authenticated foreign business records; second, permits U.S. special masters to attend foreign depositions in aid of gathering evidence; third, requires defendants who invoke blocking and secrecy laws in foreign jurisdiction to file copies of their foreign pleadings with U.S. courts; fourth, when it can be shown that evidence located outside the United States is material to an investigation or trial, the statute of limitations and the Speedy Trial Act is extended a maximum of 3 years to facilitate the acquisition of that evidence.

The Permanent Subcommittee on Investigations which I chair has been probing the criminal use of offshore havens for 2 years. We have found that billions of dollars annually are channeled to offshore jurisdictions that do not cooperate with U.S. law enforcement efforts, Unfortunately. an ever-expanding range of American citizens appear to be utilizing those havens. Their activity and international crime generally will continue to grow unless there is a change in the law. These straight-forward changes in domestic procedural and evidentiary law are the least we can do to relieve complexity, reduce the cost, and shorten the time needed to bring these criminals to justice.

I submit for the RECORD a section-by-section analysis of the bill I introduced recently.

The analysis follows:

SECTION-BY-SECTION ANALYSIS ACQUISITION OF FOREIGN EVIDENCE IMPROVEMENTS ACT

Section 2: Foreign Business Records Authentication. Revises and streamlines the procedural steps for the admissibility of foreign records of regularly conducted activity. Allows foreign custodian, under penalty of perjury pursuant to the laws of the country wherein the record was generated, to certify: (1) that the document was kept in the course of regularly conducted business activity; (2) that it is the regular practice of that business to keep such a document; (3) that the record entry was made at the time set forth therein by a person with knowledge to the matters; (4) that he was in the employ of the business and in a position to know the matters which he certified; (5) that the document is an original or an exact copy of the original.

Such certification shall constitute *prima facie* proof of the genuineness and trustworthiness of the document. As a safeguard, the certification affects admissibility of the evidence and not to its weight. Moreover, an adverse party can challenge both admissibility and weight.

As a further protective measure the adverse party must receive sufficient advance notice of intention to offer these certified documents at trial so that an appropriate response may be developed. In addition an adverse party must file in advance a notice of intention to object to the admission of evidence if the proponent of the evidence makes a written demand therefore. (Amends 18 U.S.C. 3491-3494)

Section 3: Special Masters at Foreign Depositions. This section authorized U.S. District Judges to appoint special masters to attend foreign depositions as provided under Rule 15 of the Federal Rules of Criminal Procedure. This option will greatly facilitate the gathering of evidence outside the United States to that what is obtained is done so under proper procedure and available to the United States Courts.

Section 4: Notice of Pleadings to Block Foreign Judicial Assistance. To the extent that evidentiary requests by a U.S. litigant for foreign judicial assistance are challenged through offshore blocking and secrecy laws, copies of all pleadings, documentation and evidence shall be filed with the United States tribunal which had issued the original letter rogatory or request.

Reliance on blocking and secrecy laws to shield or launder drug profits, racketeering gains and taxable income has become epidemic. See Staff Study, Senate Permanent Subcommittee on Investigations, Crime and Secrecy: The Use of Offshore Banks and Companies, 98th Cong., 1st Sess. (S. Prt. 98-21, 1983). In many instances these practices are no less than the legalized obstruction of justice.

Through this amendment United States Courts will be kept informed in a timely manner of attempts to prevent the acquisition and transmittal of evidence from a foreign country. (Amends 18 U.S.C. 1781)

Section 5: Temporary Suspension of Statute Limitations To Obtain Foreign Evidence. Criminal activity in the United States gains extra advantage by the use of a foreign jurisdiction as a staging area or as a refuge. Sophisticated criminal organizations are inclined to use foreign jurisdictions that have a reputation for being uncooperative with the United States in seeking foreign judicial assistance. Since the acquisition of foreign evidence tends to be a complex, protracted and expensive affair, the statute of limitation serve organized crime by helping them escape trial and conviction while the government spends time seeking vitally needed evidence abroad.

To remedy this the statute of limitations is extended for a reasonable period compatible with the extra effort that is required to obtain evidence from a foreign jurisdiction, provided such evidence is material to the investigation and it can be shown that the defendant made use of such foreign jurisdiction. The maximum extension period in any

case however shall be limited to three years. (New section 18 U.S.C. 3292)

Section 6: Speedy Trial Act Amendment. Offshore criminal enterprise also takes advantage of the Speedy Trial Act to frustrate a fair trial. For the same reasons that the statute of limitations is amended it is also critical that the Speedy Trial Act be amended. (Amends 18 U.S.C. 3161h)●

The PRESIDING OFFICER. Is there further debate on the amendments offered en bloc by the Senator from South Carolina?

The amendments (No. 2688) were agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which these amendments were agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I had an amendment that would make the willful damaging of a cemetery, a building used for religious purposes, or any religious article contained therein a Federal crime.

As Americans there is no right that we cherish more dearly than the right to free exercise of our religious beliefs. That right is among the basic foundations of our Nation.

Some may believe that acts of destruction against religious buildings and cemeteries are isolated and harmless. I do not share that point of view. Few who have lived through World War II can forget that it was a few isolated ripples of violence toward religious minorities in Germany that led to a wave of violence directed toward Jews. That ultimately swept all of Europe and engulfed Catholics and Protestants as well.

The Federal Government is charged with the responsibility of protecting the right of all Americans to freely exercise their religion. However, it does not have adequate power to investigate acts of violence against religious institutions. This power is needed if we are to meet fully that responsibility, for how can Americans worship freely if they must worship in fear and if they must fear violations of the sanctity of their religious institutions?

This bill, Mr. President, is a matter of concern to all Americans. No religious institution is safe if all religious institutions are not fully protected. The rights of all Americans to practice their religion freely is threatened if any American's right is so threatened.

This bill attempts to provide for this Federal responsibility by adding a new section to title 18 of the United States Code. That section would make it a Federal crime for any person to willfully damage a cemetery, a building used for religious purposes or religious articles contained in those places. It would also make the attempt to commit such destruction a crime punishable by Federal law. The penalties are graded on the basis of the seriousness of such offenses. First, there is a general penalty of $10,000 and/or 5 years imprisonment where bodily injury results. Second, $15,000 in fines and/or 15 years imprisonment where bodily injury results. Finally, a maximum sentence of life imprisonment is imposed where death results.

Mr. President, this is a strong bill with stiff penalties aimed at curbing one of the most heinous of crimes. But, the time has come to put those who would destroy or dishonor sacred places on notice that they will be subject to prosecution by the Government of the United States.

Mr. THURMOND. Mr. President, I have discussed this proposed amendment with my friend from Tennessee and have indicated to him that the managers of the bill foresee several problems with it. First, the Justice Department has reservations over this jurisdiction being placed with the Federal Government. The Department feels that should it be responsible for investigating every instance of religious violence its resources would be spread too thin, and would be diverted from areas of Federal law enforcement, such as drug trafficking, which require a more intense Federal effort.

Second, we believe that the States are adequately addressing this issue. Several States have enacted statutes making religious violence and vandalism a crime. Others have provided for public commissions to focus the attention to the public on this deplorable crime.

Finally, Mr. President, no hearings have been held on this bill. I think it would be improper to create this broad and open-ended new area of Federal jurisdiction without a careful examination of the ramifications and increased burdens it would entail for the Justice Department.

For those reasons, the managers of the bill would have serious problems with the present amendment.

Mr. SASSER. Mr. President, I can understand the concerns raised by my friend from South Carolina. However, I still maintain there is a Federal responsibility here. The commendable effort by State and local governments indicates the gains that can be made when government makes it clear it will accept no interference with religious freedom.

The passage of this amendment would permit the resources of the Federal Government to be available to State and local governments when needed to combat religious violence. What I am advocating here is not that the Federal Government needs to be involved in every single case. What I am saying is that the Federal Government does have a role to play both in assisting State and local agencies and in making a statement that religious violence is simply unacceptable in our society.

Mr. THURMOND. Would the Senator concede, however, that it would be better not to create this new jurisdiction until the matter is fully explored and hearings have been held? And would the Senator be willing to withhold his amendment if the Judiciary Committee would assure the Senator that hearings will be scheduled in the near future.

Mr. SASSER. Mr. President, I welcome such hearings and the assurance of the Senator that hearings will be scheduled on this issue.

Mr. METZENBAUM. Mr. President, I rise today to support my friend JIM SASSER'S call for quick action by the Judiciary Committee on S. 486, which would impose stiff criminal penalties on those who willfully damage a cemetery's buildings used for religious purposes, or religious articles contained therein. I am a cosponsor of this important legislation.

These lawless, hateful acts strike directly at the most cherished of American freedoms, the free exercise of religion. It is important that the imprimatur and resources of our Federal Government be brought to bear on this problem, which tears at the fabric of religious tolerance essential to our society.

The perpetrators of these acts vary, but Federal criminal punishment should serve as an effective deterrent for all. Some attacks are well-organized criminal conspiracies by groups such as the Ku Klux Klan. Indeed, Klan members have been indicted with conspiracies to bomb synagogues. The resources of the Federal Bureau of Investigation and the Department of Justice are necessary to cope with this kind of insidious activity.

Other criminals engage in contemptible but less heinous conduct as vandalism. Often, these are teenage thugs whose thoughtlessness can result in significant terror, especially for the elderly. If the Federal Government's power is brought to bear here, it will hopefully have a deterrent effect.

The Anti-Defamation League of B'nai B'rith has compiled shocking statistics about antisemitic attacks, which numbered over 1,800 in 1981 and 1982. But vandalism is not confined to any religion or creed. Members of the American Orthodox Church recently suffered the irreparable loss of precious remains of a saint. Such thefts directly affect the ability of Americans to worship according to their faith.

Several States have adopted legislation similar to S. 486. This legislation aids these particular communities, and creates a climate which makes clear that all Americans cherish religious freedom and tolerance. The Federal Government can do no less.

Mr. D'AMATO. Mr. President, I want to commend Senators THUR-

MOND, LAXALT, BIDEN, and the other members of the Judiciary Committee and the administration for their statesmanlike work in drafting the Comprehensive Crime Control Act.

The need for this legislation is clear. More than 2 million deaths or injuries result from violent crime every year. Dollar losses exceed $11 billion. We experience more than 40 million criminal victimizations every year. S. 1762's several titles insure that the worst felons will be brought to justice.

Title I, the Bail Reform Act, denies bail to a criminal defendant if his release poses a threat to the community. There is so much money being made from drug deals today that almost no amount of bail is adequate to keep some dealers in jail. We must keep in prison the violent repeat offenders—especially the heroin addicts who commit crimes on an almost daily basis to support their habits. We cannot allow the addicts and repeat offenders to roam the streets, preying on our citizens, while they await trial. A 1981 Loyola University study of 237 addicts revealed that they committed more than 500,000 crimes over 11 years, an average of 192 crimes per addict per year. Another study at the Justice Department shows that 71 percent of those with 3 arrests on their record go on to a fourth.

We must also eliminate bail pending appeal and keep violent offenders in prison once they are convicted. This will prevent drug dealers from skipping out on bail and swelling the already large number of fugitives.

Title II, the Sentencing Reform Act, creates a new Sentencing Commission that will enact more uniform sentencing guidelines. Courts will have to explain in writing any departure from these guidelines, and such departures are appealable.

Fixed sentences, also known as determinate sentencing, will eliminate parole for convicted Federal offenders. This will put an end to another national scandal, the wide disparity in sentences from jurisdiction to jurisdiction, and even within the same jurisdiction, from judge to judge, for essentially similar offenses. It will also do away with the current disgrace whereby major heroin dealers get away with serving only one-third of their sentences or less. In short, we need truth in sentencing.

Title III, the forfeiture title, will enable us to strip the major drug dealers of their drug profit empires. Our existing forfeiture laws have proven to be cumbersome and inadequate. The 1981 GAO report on asset forfeiture sums up the problem well. Only $2 million was forfeited under the Rico statute between 1970 and 1980. Less than $30 million in drug-related assets was forfeited under all Federal statutes between 1976 and 1979. At the same time, drug trafficking was growing into an $80 billion a year industry.

If we are serious about reducing drug trafficking, we must enable the Government to take away from the drug dealers all their ill-gotten gains: Their estates, ranches, boats, planes, cars, bank accounts, and even the legitimate businesses they have acquired with drug money. We must remove the protections that allow drug kingpins to place these assets in the hands of friends and relatives, thereby easily avoiding forfeiture. Title III does this.

The Comprehensive Crime Control Act contains a number of other important reforms. The insanity defense would be limited to those "unable to appreciate the nature or wrongfulness of their acts." The defendant will have the burden of proving insanity. Never again should a John Hinckley escape punishment for heinous, violent crimes.

Donation of surplus Federal property to State and local governments for urgently needed prison and jail facilities, and additional Federal assistance to State and local law enforcement agencies are important contributions to a national war on crime.

To limit crime money laundering, existing laws prohibiting transportation of currency out of the country are expanded and strengthened.

Murder for hire and crimes aiding racketeering would be made Federal offenses, thus involving the investigative capabilities of the FBI.

Federal laws regarding child pornography and fraud and bribery related to Federal programs are strengthened.

Mr. President, we need this crime bill. We are far from winning our war on crime.

The Justice Department has just completed a study which reveals that:

Only 6 percent of burglaries, 21 percent of business robberies, 5 percent of forgeries, and less than 1 percent of drug sales ever result in an arrest.

Only a small minority of arrests ever lead to a conviction. Worse still, only a minority of convictions ever lead to time served in prison.

In my own State of New York, the U.S. attorney for the southern district has had to undertake the prosecution of low level drug dealers on New York City's Lower East Side. So infested has that area become with pushers and junkies that the problem simply overwhelms the ability of local law enforcement to cope.

I applaud those responsible for the Comprehensive Crime Control Act not only for the good it will do directly, but for the message it sends. I support this bill for the same reason that I support the work of all the U.S. attorneys in my State in cooperating with local law enforcement. This bill sends a message of hope to those victimized by crime, which, I regret to say, is almost everyone. It says that the Federal Government is at long last going to wage the war on crime with more than rhetoric.

I urge my colleagues to pass this legislation today and to use their influence with our colleagues in the House. The sooner we can get this bill on the President's desk, the sooner will we be able to say, for the very first time, that we do have a chance of winning our war on drugs and crime.

Mr. THURMOND. Mr. President, Senator D'AMATO has taken a very special interest in law enforcement, and I wish to commend him for all his service in this regard.

Mr. DOLE. Mr. President, The Senator from Kansas wishes to take this opportunity to provide some background and detail on his various legislative efforts to strengthen the Federal role in helping the States and local jurisdiction deal with the potentially explosive prison problems facing our Nation. These efforts are now included in S. 1762, the Comprehensive Crime Control Act of 1983. The four primary areas in which this Senator has actively been involved are first, criminal justice facilities improvement, second, reestablishing a national clearinghouse to provide a variety of technical assistance to State and local governments, third, prison industry enhancement, and fourth, making surplus Federal property available to State and local jurisdictions.

An impressive cross section of the Nation's top political and law enforcement leadership have testified at length before Senate Judiciary Subcommittees on the need for a strong, continuing and redirected Federal commitment to justice assistance. The Federal Government must review its resolve to aid the States in attacking the Nation's most serious problems—such as violent repeat offenders—and the crisis of our Nation's dangerously overcrowded and deteriorating prisons and jails. The legislation that I have introduced is aimed at addressing these and other critical crime problems threatening our Nation's safety and welfare.

This Senator is well aware that the war on crime is being waged behind a battleline of dangerously overcrowded and antiquated prisons and jails. In 1982, the National Governor's Association called for the Federal Government to make its No. 1 criminal justice priority more assistance for the construction of new prisons. The Attorney General's Task Force on Violent Crime recommended that Congress appropriate $2 billion over 4 years to help the States build prisons. Gov. James Thompson, cochairman of that task force, urged that most of the recommendations to combat violent crime would be to no avail for a nation left with no place to put violent offenders

because of a lack of safe and humane prison facilities.

Our Nation's prisons and jails are teeming with inmates sleeping in tents, sheds, trailers, and military stockades. Some States are operating prison systems at as much as 30 percent over capacity. As of January 28, 1983, there were 38 States and the District of Columbia either under court order to remedy prison conditions, especially overcrowding, or with legislation on these issues pending. The condition of our Nation's corrections infrasturcture of more than 650 prisons, 3,500 jails, and numerous halfway houses, detention centers, and other correctional facilities, is the critically weak area in the Nation's battle against crime. The problem of prison and jail overcrowding is clearly illustrated by the current conditions in the Los Angeles County jail system. The combined holding capacity of the system is 9,500. However, during the month of January 1984, an average of 13,500 were actually incarcerated daily. Furthermore, prisoners sometimes have to sleep on the roofs of the facilities to alleviate overcrowding.

The table below from the Bureau of Justice Statistics shows that in the 10 years since 1974, the prison population has risen by almost 100 percent. As of June 30, 1983, there were 431,829 persons in our prisons and jails, up from 229,721 in 1974. In my home State of Kansas, the prison population has increased by 10.4 percent in the last year alone.

CHANGE IN TOTAL PRISON POPULATION, 1974 TO MIDYEAR 1983

Year	Number	Percent change
1974	229,721	
1975	253,816	10.5
1976	278,000	9.5
1977 (custody)	291,667	4.9
1977 (jurisdiction)	300,024	[1]
1978	307,276	2.4
1979	314,457	2.3
1980	329,821	4.9
1981	369,388	12.0
1982	414,362	12.0
1983 midyear	413,829	4.2

[1] Not applicable.
[2] Six months.

NOTE. Before 1977, NPS reports were based on the custody population. Beginning in 1977, they were based on the jurisdiction population. Both figures are shown for 1977 to facilitate year-to-year comparison.

State and local jurisdictions must ultimately bear the lion's share of the extremely heavy costs associated with the construction, renovation, and operation of correctional facilities sufficient to adequately house the burgeoning prison population. Toward this end, it was estimated in July of this year that nearly $2 billion in prison building projects were currently underway in some 38 States. However, the Federal Government can no longer fail to address in a significant manner the crisis presented by our Nation's crumbling prison and jail infrastructure. The Federal Government should be prepared to dedicate the kind of energies and resources toward aiding the States in renovating our failing prison and jail infrastructure as have traditionally been reserved for sewer, airport, highway, and other public works.

In an effort to strengthen the Federal Government's assistance to State governments trying to improve their facilities, Senator SPECTER and I proposed the prison assistance amendment to the Justice Assistance Act (S. 53). This amendment has since been incorporated into the Comprehensive Crime Control Act of 1983 (S. 1762) as title VI, part G. Testimony before the Senate Judiciary Criminal Law Subcommittee on my bill, S. 186, the predecessor of S. 53, during the 97th Congress, amply demonstrated that massive construction resources are necessary to salvage our Nation's decaying prisons and jails. Considering that the States are spending nearly $2 billion a year for corrections facilities, the modest funding contemplated by these proposals should primarily serve to encourage a careful review of statewide corrections problems and policies in a construction and nonconstruction context, and stimulate innovative systemwide facility planning to resolve those problems. Among its more important provisions, it would:

Create a Bureau of Criminal Justice Facilities under an Office of Justice Assistance;

Authorize grants for developing State corrections master plans for renovation or construction projects to relieve unconstitutional and substandard prison and jail conditions;

Establish a state-of-the-art clearinghouse for criminal justice facilities with expert technical assistance for facility planning, design, construction, and operations;

Provide for subsidies to reduce interest costs on prison and jail bonds to help move necessary renovation and construction projects off the drawing boards.

CRIMINAL JUSTICE FACILITIES

The section providing for the establishment of a Bureau of Criminal Justice Facilities would be an important indication of the Federal commitment to aiding the States in improving the Nation's prison and jail infrastructure. The Bureau would provide a structure with which significant assistance for prison and jail facilities could be provided as increased revenues become available. While there is no simple linear Federal equation that can be applied by all the States in solving their diverse correctional facility needs, the establishment of the Bureau does provide a means for the Federal Government to use its immense resources to aid the States in developing programs for improving their facilities which are appropriate for their individual needs.

Federal assistance should emphasize aiding State and local governments that are striving to bring their correctional facilities into compliance with Federal constitutional and other legal mandates. The vehicle serving as the application for assistance, the State corrections master plan, would be one of the best resources a State could develop to overcome substandard and crowded prisons and meet constitutional and legal mandates. The application process alone encourages States to begin managing their prison problems in a proactive rather than a reactive manner. No elaborate overlay of statutory of regulatory requirements is provided or intended to require such planning efforts. Application requirements are intended primarily to insure a modicum of fiscal accountability and encourage coordinated system-wide planning efforts. State plans concisely setting out correctional facility needs and describing legislative, executive, and judicial solutions being pursued in a nonconstruction, as well as construction, context will satisfy the purposes intended for such plans.

Nonconstruction initiatives include developing corrections standards, seeking accreditation of institutions and personnel, sentencing reform, emergency overcrowding contingency plans, innovative classification plans, community corrections, enhanced prison education, industry and work release programs and other strategies utilized by a number of States. Such initiatives enhance or supplement construction efforts to improve prison conditions and reduce overcrowding. As such, they, along with construction efforts, would be encouraged by the proposed assistance program directed by the Bureau of Criminal Justice Facilities. Assistance is based not only on need but also on demonstrated efforts and action plans utilizing programs such as I just mentioned. States using such programs will be given priority in allocating assistance over those States which have been least interested in trying to improve their prisons. The diversity of efforts sought to be encouraged by this proposal is an indication of this Senator's strong support for innovative corrections efforts in addition to traditional incarceration.

NATIONAL CLEARINGHOUSE

Another major feature of the legislation is the creation of a clearinghouse on the construction and upgrading of criminal justice facilities. This activity, built on the national clearinghouse concept funded by the Law Enforcement Assistance Administration (LEAA), will collect and distribute information to the public concerning construction and renovation of prisons, jails, police facilities, courthouses, and other similar projects.

LEAA's National Clearinghouse for Criminal Justice Planning and Archi-

tecture, under the direction of Frederick Moyer, professor of architecture at the University of Illinois, proved to be a successful aggregation of professional talent that provided practical and technical assistance to criminal justice planners, builders, architects, and practitioners throughout the country.

The clearinghouse provided technical assistance to more than 2,500 criminal justice projects, ranging from remodeling of halfway houses to State correctional master plans. While many of the clearinghouse perspectives were controversial—such as single-cell occupancy—the clearinghouse was the most influential focus in correctional design and planning in the past decade and perhaps in the entire history of corrections. There is a crying need to reestablish this function.

The clearinghouse's materials and publications, although in need of updating, are still widely read as authoritative. Efforts such as these are vital to the corrections professional or manager and must be continued in order to provide current information to assist States in their efforts to effectively combat crime.

INTEREST SUBSIDIES

This section would authorize the Secretary of the Treasury to pay State or local governments amounts necessary to reduce the cost of bond interest payments to 5 percent for qualifying issue obligations to finance the renovation or construction or corrections facilities. Many jurisdictions faced with the critical need to renovate or replace antiquated prison or jail facilities have had close votes at the polls to approve correctional facility bond issues. The relatively modest interest subsidies which I am proposing will serve to support a significant number of prison or jail renovation or construction projects and enhance the likelihood that needed projects will be approved.

PRISON INDUSTRY ENHANCEMENT

The beneficial effects of productive, well-managed prison industry operations on prison stability have been well documented. In order to encourage the States to improve their prison industry operations, part N of title VI of S. 1762 follows the lead of the distinguished Senator from Illinois, Senator PERCY and his amendment to the Justice Assistance Act of 1979, by authorizing the Director of the Bureau of Criminal Justice Facilities to certify one qualifying prison industry program per State as eligible for a waiver of Federal restrictions on the interstate transportation and sale of prison industry goods. Many States have expressed a strong interest in such an exemption. Roughly 10 percent of the prison population in America are working in prison industries today. The other 90 percent are generally idle, breeding unrest and violence. When these unskilled ex-cons end up back on the streets, they are even more likely to take up crime again.

The legislation I have introduced would not only remove restrictions on the transportation and sale of prison-made goods for approved projects but also provide seed money for the establishment of advanced prison industries.

Just this past week, Mr. President, the ABC national network news show, "Nightline" featured the free venture prison industries programs authorized by the 1979 legislation which the Dole amendment builds upon and expands. Although these reform efforts are not without controversy, "Nightline" focused on the constructive nature of these activities and the success stories associated with them.

DONATION OF FEDERAL PROPERTY

Several States have recently had Federal properties transferred on a nondonation basis for prison use. However, present law does not permit outright donation of such surplus property. Title VII of S. 1762 would authorize the bureau of Criminal Justice facilities to recommend the donation of appropriate surplus Federal properties to the States for use as correctional facilities.

In the 97th Congress, Senator GRASSLEY introduced S. 1422, a bill which also would make surplus facilities and equipment available to the States for correctional use. This bill was favorably approved by the Senate, but regrettably, the other body took no action on the measure. The bill has been reintroduced in this Congress as S. 329 and is currently pending in the Senate Governmental Affairs Committee. The Senator from Iowa is to be commended for his continuing leadership and commitment to this legislation.

Mr. President, one other thought on assistance to corrections, with the limited funds now available for the Bureau of Criminal Justice facilities, the most effective channeling of funds would be directed toward conducting the agency's clearinghouse function and encouraging a State to develop State plans. Funds for bond interest subsidies will also help in bringing a number of significant State or local renovation or construction projects off the drawing boards and into reality at a relatively low Federal cost.

If we do not provide even this small amount of aid soon, our failure to act could well be measured in new outbreaks of violence, thousands of lawsuits, and a criminal justice system which no longer retains any credible deterrent effect as arrests and prosecutions are rendered meaningless by judges' ability to find space in overcrowded prisons. I urge my colleagues to join me in supporting what I consider to be a comprehensive vehicle for addressing the critical needs that must be met in any meaningful Federal justice assistance effort.

FEDERAL IDENTIFICATION SYSTEMS

One of the significant provisions on S. 1762 is a committee amendment containing the features of S. 1706, a bill introduced by the Senator from Kansas. This bill amends the Federal Criminal Code to move toward the positive identification of persons holding identification documents. The amendment is intended to serve as a vehicle to focus, executive and congressional attention on the confusion, conflict, and redundancy which now exists in the various Federal identification systems. The intent is to explore the dimensions of the problem and develop possible solutions.

The May 12, 1983 report of the Senate permanent Subcommittee on Investigations dealing with Federal identification fraud underscores the tremendous need for reforms. The report shows that this fraud is costing the taxpayers, through various Federal, State, and local agencies, in excess of $24 billion annually. Illegal aliens have easy access to identification documents such as social security cards, birth certificates, and drivers licenses. At present, more than 7,000 agencies using more than 1,000 different formats issue original or duplicate birth certificates. These certificates are then used to obtain drivers licenses, passports, social security cards, food stamp identification cards, and innumerable additional documents. These documents then enable fraud artists to collect unemployment benefits, food stamps, tax refunds, student loans, and other Government benefits. The problem is serious and its magnitude expands with each passing year.

Section 605(a) of S. 1762, as reported, would amend the False Identification Crime Control Act of 1982 (Public Law 97-398). This act added new penalties to the Federal Criminal Code for certain false identification-related crimes. The amendment would add new provisions to the law with the following features:

Agencies maintaining identification systems would be encouraged to use common descriptive terms for personal identification information;

A Federal policy would be established to reduce redundancy and duplication in these identification systems;

The systems would be redesigned to encourage "positive identification" of holders of identification documents;

Within 3 years, the President would report to Congress and make recommendations for comprehensive legislation in the area. Among other things, the recommendations must give due consideration to the protection of privacy and the development of appropriate sanctions for misuse of identification information.

In the 97th Congress, legislation was enacted in three diverse areas which suggest the scope of the problem: First, drunk driving legislation in 1982 authorized the establishment in four States of pilot programs to develop an automated national drivers registry. This will be a system within the Department of Transportation which will contain information contributed from several States on bad drivers. Included would be information concerning persons whose licenses have been revoked for drunk driving convictions. The drivers license system has been subject to abuse by those whose licenses have been revoked due to the lack of such coordination. These drivers can simply apply for another license under an assumed name or in another State where their previous record is unknown. In short, lack of positive identification of bad drivers and their records makes widescale fraud and abuse likely.

Second, the Congress passed the Missing Children Act (Public Law 97-272). This legislation authorized expansions of the FBI's National Crime Information Center, to include information contributed from either State or local criminal justice agencies or concerned parents of missing children. Very few children have been fingerprinted. While it is true that in many jurisdictions, a baby's footprint is taken at the time the birth certificate is issued, these prints are seldom used subsequently for identification purposes. This lack of documentation makes it difficult if not impossible to establish the positive identity of a child when a missing report is filed with law enforcement officials.

Third, in the 1982 amendments to the food stamp legislation, Congress authorized the development of automated systems for the dispensing of food stamps. Currently, over $12 billion of this Federal assistance is received by approximately 22 million people. In his State of the Union address last year, President Reagan estimated that over $1 billion of this assistance was wasted through fraud, ineligibility, or other misuse of the system. At the center of the problem is the fact that current methods of dispensing food stamps do not require positive identification of recipients, thus opening the door for abuse of the system.

In this Congress, the Senate passed S. 529, a comprehensive revision of our immigration laws. Included in this bill is a provision which directs the President to develop a secure system within a 3-year period for the identification of those persons lawfully admitted to and entitled to work in the United States as well as those citizens of the United States who would be employed by companies having four or more employees. Criminal sanctions would be imposed on employers who knowingly hire persons not lawfully able to work in the United States.

The recent legislation and pending proposals have a common thread: They involve forms of Federal identification that already extend to tens of millions of our citizens. To say the least, concerted action needs to be taken to reduce duplication and redundancy, to protect the privacy of persons who are subjects of these files, to develop sanctions for unauthorized use of disclosure of the information contained in them, and to provide for coordination of interested Federal, State, and local agencies and authorities who have legitimate uses for this information.

The problem lies in the inability to establish positive identification in the current system. Agencies such as the Social Security Administration, the Internal Revenue Service, the Immigration and Naturalization Service, and the State Department as well as State and local agencies need to develop programs to uncover fraud. The Subcommittee on Investigations in its report listed several projects in which agencies cooperated and were successful in tracking down fraud schemes. However, these projects were limited in scope. If we are to stop this unnecessary waste and criminal activity, it must become a nationwide cooperative effort.

These remarks are intended only to give the briefest description of the problems of Federal identification systems. I have not even mentioned the passport system or various military identification systems. If the truth be known, there are undoubtedly hundreds of these systems serving a multitude of Federal identification needs. And, there are other important factors to be considered, not the least of which are the concerns for the protection of privacy as well as safeguarding identification systems from abuse by unauthorized Government personnel. At the present time, identification systems are rushing headlong into the computer age with inadequate coordination and controls.

S. 1706 was the subject of 3 days of hearings by the Courts Subcommittee. More than 20 witnesses testified, including representatives of several Federal departments and agencies operating major identification systems. Although the administration did not formally take a position on S. 1706, the hearing record is replete with examples of the need to improve, reform, and better coordinate these activities. There must be better coordination and exchange of identification information. A consistent, coherent policy and program must be developed for the operation and interface of these systems.

Mr. President, the need for reform and consistency is long overdue. It is my expectation that this provision will provide the authority and incentive to take a hard look at where we are going and where we ought to be going. This Senator does not profess to have the answers to this complex set of difficult questions and policy options. But we must act now to prevent further abuses. The criminal justice system, in the context of criminal identification activities of the several Federal, State, and local governments, have demonstrated that the computer age can be brought to bear to modernize and upgrade identification systems without sacrificing threshold considerations of privacy and security. The Senator from Kansas wishes to express his thanks to the managers of the crime bill for their courtesy in acceptance of this amendment.

RESEARCH AND STATISTICS

Mr. President, 4 years ago we created independent crime statistics and research units within the Department of Justice. The Department often supported this effort. Now, the Department wants to abandon an independent approach and restructure BJS and the National Institute of Justice to make them fully integrated parts of the Department. The Department's reason for proposing this restructuring is that it will promote agency efficiency. This Senator is certainly sensitive to the Department's concern and under normal circumstances I would be most inclined to accede to their wishes concerning an intra-agency organizational issue.

However, we cannot overlook the reasons why Congress made BJS and NIJ independent. Our purpose then was to emphasize the importance of crime statistics and research.

Mr. President, I recall well the issues and arguments considered in 1979 on the question of the structure of BJS, and the way in which the Senate, and ultimately the Congress, resolved the question. The Senate position is summed up in the following statement from the Committee on the Judiciary:

> In order to protect the Bureau of Justice Statistics from the pressures which could affect the credibility and validity of its statistics, the bill gives the BJS signoff authority for grants and contracts, makes the director of BJS a Presidential appointee, by and with the consent of the Senate, and establishes an advisory board to offer policy guidance with respect to the operations of the BJS.

The same considerations may well be applicable today as in 1979 and that BJS should continue to be an essentially independent agency within the Department of Justice. The House bill would preserve this independence. I hope that, if there is a conference on this bill, the Senate conferees will keep in mind the legislative history on this issue. I believe it is important that the goal of assuring objective crime statistics and crime research not be abandoned.

Mr. MOYNIHAN. Mr. President, as a cosponsor of S. 1762, I rise today to urge my colleagues to support the Comprehensive Crime Control Act of 1983.

This important legislation is the culmination of nearly 20 years of hard work at modernizing the Federal criminal code. It includes much-needed reforms in Federal bail and sentencing procedures, the use of the insanity defense, the creation of a new Office of Justice Assistance to provide financial assistance to State and local law enforcement agencies; and increased penalties for drug trafficking, labor racketeering, and the use of a firearm in a Federal crime of violence, to name a few.

I am most pleased that S. 1762 includes many of the same provisions embodied in the Violent Crime and Drug Enforcement Act of 1982 (S. 2572), which I cosponsored in the last Congress and, I might add, passed the Senate by a vote of 95 to 1 on September 30, 1982. Another measure (H.R. 3963) similar to that legislation was approved later in the session by both the House and Senate, only to be pocket-vetoed by President Reagan following the adjournment of the 97th Congress.

S. 1762, like its predecessor S. 1 in the previous Congress, provides a more comprehensive approach to the problems of combating the scourge of illicit drug activities and violent crime in this country. My personal involvement with the task of fighting drug trafficking goes back to 1969, when, as Assistant to the President for Urban Affairs, I negotiated with the Governments of Turkey and France to reduce the flow of heroin into the United States. This effort succeeded, but the flow then shifted from Europe to Mexico and, currently, Pakistan. Our vigilance against drugs must continue, as an element of our foreign policy and of our domestic initiatives.

S. 1762 will facilitate this effort. Bail reform will reduce the opportunities for pretrial flight by suspected drug offenders, while improved sentencing guidelines will standardize and, in many cases, toughen the penalties received by these criminals.

I also applaud the reform of forfeiture laws, changes which can strike at the heart of racketeering and the illicit drug industry. For years, law enforcement agents have recognized that the threat of prison terms and fines do not deter crime lords, well insulated from the streets, from engaging in activities that net them millions of dollars in illegal profits. S. 1762 would permit the courts, in many cases, to mandate forfeiture of any and all illegally obtained assets. Establish the prospect of losing everything, and much of the profit motive which drives drug lords and organized crime bosses will be eliminated.

This legislation also contains provisions addressing the problems of child pornography, crimes against the family members of Federal officials, counterfeiting, the receipt of stolen property, and dozens of other serious crimes. The Comprehensive Crime Control Act also takes an important, though not complete, step toward addressing the problem of cop-killer bullets. It would become a crime, one punishable by a mandatory, minimum 5-year prison sentence, to use or carry handguns loaded with armor-piercing ammunition during the commission of a crime of violence. These are bullets with but one special characteristic: The ability to penetrate 18 layers of kevlar, the material used in "bullet-proof" police vests. I welcome this tough statute, but I would caution this body that this provision goes into effect only after a policeman already has been shot, or at the very least placed in serious jeopardy. I am gratified that my distinguished colleague from Nevada, Senator LAXALT, has agreed to hold prompt hearings on my bill, S. 555, which ban the sale, manufacture, importation, and use of these bullets. This proposed ban has the public support of the International Association of Chiefs of Police, the Fraternal Order of Police, the International Union of Police Associations, as well as dozens of other national and State law enforcement organizations. Only in this way can we give our law enforcement officers the protection they need and deserve.

I am quite pleased, nevertheless, at the shape this bill has taken, and I would urge all of my colleagues to lend their fullest support of it.

Mr. HATCH. Mr. President, I rise to express my agreement with Senators BIDEN and DOLE on the matter of the downgrading of BJS and NIJ. These agencies perform a vital function and, it is a function that is best performed independently of the agency charged with fighting crime. In a very real sense, BJS, gives the Nation a report card on the functioning of the Department of Justice. If we were to allow DOJ to control BJS, it would be a little like allowing a student to fill out his own report card.

We have made the Bureau of the Census an independent agency within the Commerce Department because of our concern about the quality and objectivity of demographic and business statistics. We have made the Bureau of Labor Statistics an independent agency within the Department of Labor because of our concern about the quality and objectivity of labor statistics. And, just 4 years ago, we made the Bureau of Justice Statistics an independent agency within the Department of Justice because of our concern about the quality and objectivity of crime statistics.

We have no less concern today about the quality and objectivity of crime statistics, and therefore I am most troubled by the step that we are now taking. I am certainly sympathetic to the Department's concern about the efficient operation of these agencies. However, I cannot believe that there is not a way to improve their efficiency and coordination, if this is a problem, without sacrificing their independence.

Our action today, I am afraid, sends the wrong message to the public. And, we are doing this after only 4 years of experience with the operation of independent statistics and research units and despite a record of accomplishment and success by these units. Frankly, I believe this is a questionable action and I am therefore hopeful that this may be remedied in conference.

TITLE VI, S. 1762, JUSTICE ASSISTANCE PROVISION

Mr. BIDEN. Mr. President, with respect to title VI of S. 1762, concerning the Justice assistance program, I would like to make the following comments.

Mr. President, under present law—the Justice System Improvement Act which we passed just 4 years ago—the Bureau of Justice Statistics ("BJS") and the National Institute of Justice ("NIJ") are independent, semiautonomous agencies within the Department of Justice. Bureau of Justice Statistics has primary responsibility for providing the Nation with statistics about crime and the administration of criminal justice. National Institute of Justice has primary responsibility for conducting research concerning the causes and characteristics of crime and the functioning of the criminal justice system.

The independence of these agencies is currently provided for in that their Directors are appointed by the President, with the advice and consent of the Senate; and these Directors have final authority for setting statistical and research policies and priorities. Thus, the agencies which are responsible for reporting and studying the Nation's progress in combating crime have necessary independence from the operational entity charged with combating crime—the Department of Justice.

The omnibus crime bill which I am voting for today, includes a provision that will threaten the independence of Bureau of Justice Statistics and National Institute of Justice by making their Directors Attorney General appointees and by giving a new Assistant Attorney General for Justice Assistance final policymaking authority over their agencies.

The Department of Justice has asked for this restructuring on the grounds that it will promote efficiency

and coordination. However, the Department has neglected to offer any support whatsoever for this proposition. I am concerned that this change may not be a vehicle for coordination; but instead, a vehicle for control by the Justice Department over statistics and research.

The crime statistics and research functions must be independent of the Justice Department in order to insure the objectivity and integrity of their statistical and research product. The House bill, H.R. 2175, retains BJS' and NIJ's independence and I am hopeful that in conference we will be able to work out an approach for the final legislation, which similarly retains this independence.

Mr. HEFLIN. Mr. President, violent crime has reached epidemic proportions in America and is running rampant in every city, county, and State across our Nation. In my home State of Alabama, 17,653 violent crimes were committed in 1982 alone. The statistics are staggering. Consider the impact. One State, 1 year, and 17,653 violent crimes. Nationwide, in 1982, there were 1,285,705 violent crimes. One violent crime was committed every 25 seconds, and one murder was committed every 25 minutes.

The American public has grown weary of the seemingly endless newspaper and television reports recounting gruesome details of murder, assault, rape, and robberies. They are tired of being held hostage in their own homes, changing their lifestyles to protect themselves from the threats of their unseen assailants. They are frustrated by the lack of an effective, coordinated effort on the part of law enforcement officers to combat crime. And it is time that we as lawmakers realize that empty rhetoric will no longer suffice—we must take the offensive.

I am committed to fight for an end to the criminal tyranny flourishing across our country.

The crime bill before this body today represents the combined efforts of many of my colleagues. In particular, I would like to recognize the efforts of the distinguished chairman of the Judiciary Committee, Senator STROM THURMOND, as well as those of Senator BIDEN, the ranking minority member of the Judiciary Committee, for their fine leadership. In addition, I would like to commend the distinguished Senator from the State of Nevada, Senator LAXALT, and Senator KENNEDY from the State of Massachusetts. These Senators have worked endless hours in formulating this legislation.

I do not agree with all of the provisions offered in Senate bill 1762, but several provisions incorporate programs which I feel are vital, if we are serious in our battle against crime.

The bill provides sweeping reform of our bail laws. The bail reform provisions address: First, the need to consider community safety in setting nonfinancial conditions of release; second, the need to permit pretrial detention of defendants if there is concern that they will fail to appear at trial; third, the need for deciding on post conviction release, and fourth, the need to provide procedures for revocation of release for violation of a condition of release. Perhaps the most important provision is one which would allow Federal judges to deny bail to defendants prior to trial, if they are determined to be dangerous to the community.

The forfeiture provision would insure that criminals are not allowed to profit from the criminal activities of racketeering and drug trafficking.

This legislation also addresses the serious problem of drug trafficking. It is a well-known fact that drug trafficking is a very lucrative crime conducted by well organized and sophisticated operators.

Furthermore, this legislation strengthens a number of provisions dealing with violent crime, and also addresses other serious, but not necessarily violent crimes.

Let me mention one final provision, which I believe lies at the heart of any crime legislation—that is the justice assistance program. This provision would create a criminal justice facilities program. It is a known fact that more than 94 percent of crimes are committed at the local level. If we are determined to wage an all-out battle against crime, we must attack all fronts. It is, therefore, proper and necessary for the Federal Government to assist local law enforcement efforts.

As I consider the statistics on crime in this Nation, I am saddened, as all Americans are saddened, at the unnecessary waste and destruction of human lives and property. The crime index total for the United States in 1982 was 12,857,218—not all violent crimes, but crimes nonetheless. But I am not only saddened, I am angered, and determined to work with my colleagues to once again make America safe, for Americans.

Many times during my service in the Senate, I have addressed this body on the crippling problem of crime. In the past, I have sponsored legislation which embodied many of the provisions found in this bill today. In the 97th Congress, we passed a multifaceted crime package, which was later vetoed by President Reagan. As I stated earlier, I do not support all the provisions of this bill, but I wholeheartedly support the spirit behind its formulation. I am proud that we are taking the initiative and I am confident that our combined efforts will be sufficient to meet the challenge before us.

Mr. ROTH. Mr. President, I am pleased to add my full support to the passage of S. 1762, the Comprehensive Crime Control Act of 1983, and particularly to the sections dealing with bank secrecy and fraud, labor racketeering, and child pornography.

The amendments to the Criminal Code which we consider here are carefully designed to close existing loopholes that frustrate the efforts of law enforcement authorities to control the powerful criminal enterprises which seek to destroy us with narcotics, rob our health plans, and exploit our children. We all know too clearly the results of such criminal endeavors. Many millions of dollars in illegal narcotics profits are hidden in offshore banking institutions each year. Union families can no longer safely rely on the solvency of their health plans to care for them in time of medical emergency. And perhaps most disasterous is the exploitation of our youth, many of them runaways, whose delicate lives are further complicated by smut peddlers who lead them into pornography and prostitution with false promises of care and security.

I firmly believe that, through passage of this important legislation, we will give our law officers some much-needed tools to fight these insidious elements and restore public confidence in the Government's ability to protect them from the sorrow and suffering which these evil forces represent.

BANK SECRECY ACT AMENDMENTS

I am particularly pleased to note that the provisions of the "Currency and Foreign Transactions Reporting Act," which I introduced in the last Congress as S. 1907, and this year as S. 902, have been included in S. 1762.

The present Bank Secrecy Act assists law enforcement in monitoring and curtailing the vast flow of illegal drug profits as well as enabling them to track other illegal activities. Yet, various loopholes in the act greatly dilute its usefulness in achieving its intended purpose. One of the most devastating deficiencies of the act is the absence of an "attempts" provision in connection with failing to file a report when taking over $5,000 out of the United States. Clearly, this binds the hands of customs agents, who, without extremely strong evidence, frequently must watch helplessly as drug traffickers leave this country with huge sums of unreported money. S. 1762 makes it illegal to attempt to violate currency reporting requirements, thereby allowing for apprehension prior to departure from the United States. Penalties have also been increased and are more realistic in comparison to the large proceeds realized by those trafficking in narcotics.

The Permanent Subcommittee on Investigations, which I chair, showed in hearings as recently as this year

that there is substantial use by criminal elements of offshore financial institutions and secrecy laws. Treasury and Justice Department officials testified to the urgent need to strengthen the law. In one money laundering scheme we received testimony about, a single individual whose primary objective appeared to be the transfer of narcotics proceeds, laundered more than a quarter of a billion dollars in just 8 months. Hearings chaired by Senator NUNN in previous years have demonstrated similar phenomena. The increased penalties of this bill not only put teeth in the act for law enforcement officials but also send a clear message to potential violators. Through this bill we are announcing the resolve of the Federal Government to deal with the problem of drug trafficking and money laundering by using every means possible to eradicate it.

Additional tools to fight illegal currency transactions are included in the reward and wiretap provisions of S. 1762, sections 901(e) and 1203(c), respectively.

Many of the successes in the investigation of major drug rings stem from informant tips, which are crucial leads to further investigative activity. Indeed, without source information there may be no investigation at all. To encourage the flow of information to law enforcement, this section allows Treasury officials to pay a reward for tips that lead to a recovery, fine, civil penalty, or forfeiture whenever the recovery or penalty exceeds $50,000. The reward would be 25 percent of the net amount of the recovery, or $25,000, which ever is less. This is an especially critical incentive in cases involving organized crime elements.

Of course, the ultimate tool in the detection of illicit international cash flows is the use of electronic surveillance. In the past, successful operations have required tremendous commitments by multiple government agencies in terms of both manpower and money to catch a single violator. Investigations take years to complete and always run the risk of compromise because of the time and number of people required to be effective.

By adding major violations of the Bank Secrecy Act as one of the enumerated statutes under the Federal wiretapping law, we are providing an enforcement tool that matches the sophistication of professional money launderers.

The bill also recognizes that currency transaction violations are inherently part of all major drug racketeering schemes. As such, it is appropriate that such activity should also be subject to the enhanced penalties of the Racketeer Influenced and Corrupt Organizations Act (RICO) (18 U.S.C. 1961). This bill, like mine in S. 902, will also amend RICO to bring criminal violations of the Bank Secrecy Act within the categories of criminal acts which are defined as "racketeering activities."

As we on the Permanent Subcommittee on Investigations have seen over the 2 years we investigated the offshore banking problem, this bill is desperately needed to assist law enforcement officials in obtaining critical information and intelligence information necessary to effectively curtail illegal drug smuggling and the transportation of currency derived from any number of illegal activities.

BANK FRAUD

Another aspect of PSI hearings on illegal currency transactions showed that bogus or shell banks offshore have increasingly become a means of perpetrating major frauds on domestic banks. The considerable delay in collections between domestic and foreign banks makes manipulation of foreign financial transactions an attractive mode of defrauding banks in the United States. That fraud is growing and it is clear that stricter legislation needs to be passed.

Presently there are no statutes that generally proscribe bank fraud; Federal prosecution of such schemes may only be undertaken if the Government can prove the elements of some other offense, such as mail or wire fraud, or a false statement made to a bank in violation of 18 U.S.C. 1014. And because of the recent decision in *Williams* v. *United States*, 102 S. Ct. 3088 (1982), "kiting," one of the most pervasive forms of bank fraud, is no longer a violation under 18 U.S.C. 1014. The bank fraud provisions of S. 1762 are designed to overcome such deficiencies in the current law and provide a straightforward means of preventing the loss of potentially millions of dollars a year.

LABOR RACKETEERING AMENDMENTS

The labor racketeering amendments found in title VIII of this bill are particularly timely in light of the recent convictions of a number of labor union officials for conspiracy and theft from their members' health, welfare, and pension funds, not only to line their greedy pockets but to support the insidious activities of huge organized crime families around the country.

I have chaired hearing upon hearing in the Investigations Subcommittee where scores of witnesses gave sworn testimony about the siphoning of millions of dollars from benefit funds through nonfunctioning administrators and phony service organizations. Department of Labor officials, States' attorneys, and Federal and local law enforcement officers have demonstrated time and time again the connection of these schemes to mob organizations in the United States.

It is clear that current laws are inadequate. Corrupt union officials involved in such thievery remain in office even after conviction, still controlling funds which they have been found guilty of bilking, and allowing them to continue in that trust capacity until the conviction is upheld on appeal—a process, that could take years.

The integrity of the union movement and the funds on which hard working Americans rely for medical care and retirement must not be compromised by corruption. Through the penalty provisions of this section of S. 1762 and by insuring that those convicted of misusing union funds are immediately disbarred from further employee benefit plan activity, we will close the legislative gaps that permit such outrages to occur and endanger the solvency of funds that are supposed to provide security to many thousands of union families.

CHILD PORNOGRAPHY

S. 1762 contains a further section which will go a long way in assisting law enforcement authorities to stamp out a criminal enterprise which is particularly disturbing. Part A of title XI operates to protect our children from the predators who would make them subjects of pornography. The use of children in such enterprises is harmful to both the child and to our society.

My amendment to the Child Pornography Act of 1978 sought to outlaw the interstate distribution of such material. And the Supreme Court, in New York against Feber in 1982, stated that material showing children engaging in such conduct could be banned even though the material might not meet their previous definition of obscenity as set out in Miller against California.

This section of S. 1762 covers the transportation, shipment, sale, or distribution of material visually depicting minors engaging in sexually explicit conduct whether or not the conduct meets the Miller definition of obscenity. However, if the material is only a written description, the Miller standard would apply.

The perverse interests of those adults who prey on exploitable children must be countered. We must no longer tolerate the visual depiction of our youth for the gratification of a sick few. The cost is too great to the health and well-being of our children and the solid moral standards of our Nation. This new statute concerning child pornography has my endorsement and full support.

Mr. President, the legislation contained in S. 1762 benefits every U.S. citizen. Only criminals need fear our actions here. The good and decent people of the United States are fed up with shouldering the financial obligations of this country while others hide millions of dollars offshore. They are tired of having their pension and health plans stolen by mobsters. And

they are revulsed by the exploitation of children to satisfy the desires of unbalanced minds. I therefore urge my colleagues to join in passing this important legislation.

Mr. THURMOND. Mr. President, I ask unanimous consent that the record on this bill remain open until the end of the day's business so that those Senators who wish to offer statements on S. 1762 or amendments to the bill may have a chance to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that part M of title X, pages 330 to 348, be stricken from the bill and placed on the calendar as a separate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, it has come to the attention of the managers of this crime bill that there are several issues about the extradition reform part that remain to be resolved. The interested parties are presently working to iron out their differences. It is in order to permit them to have the time they need to complete their negotiations that I ask that the extradition provision be removed from the package and placed on the calendar as a separate bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, once more I will vote no on the crime legislation that is once more before the Senate. I opposed a virtually identical bill last year, during the 97th Congress, and nothing has occurred since then to change my viewpoint on this legislation. This is not an anticrime bill. This is, for the most part, a bill designed to give the American people the impression that the U.S. Senate is doing something about crime. I believe that there are many more effective ways to express our concern than to pass a 400-page bill, composed mostly of provisions which will have little, if any, impact on the fight against crime.

All of us know the crime problem is serious and real. But we all must recognize the frustrating reality that, under our Federal system, the ability of the Federal Government to attack the crime problem is somewhat limited. This is particularly true with respect to the violent street crime which haunts the inhabitants of our inner cities, and which forces our elderly to withdraw into isolation rather than risk assault on the streets. Such crimes must be combatted primarily at the local level by local law enforcement agencies, State courts, and correctional systems, and most of all, by concerned private citizens.

There is mounting evidence that crime rates have begun to level off, and even, in the past few years, to decline slightly. We in the U.S. Senate can take little credit for this trend. The experts tell us that it is due, in great part, to demographics, to the gradual aging of our population. But they also tell us that much of the improvement in this area is attributable to the success of local, community-based crime-fighting efforts. We are beginning to see the fruits of the efforts of block clubs, of neighborhood watches, and of hundreds of thousands of citizens who are determined to do something about crime in their communities.

The most effective step which we can take to fight the crime which so plagues our people is to support the initiatives which the people themselves are taking at the local level. For that reason, I enthusiastically support the expansion of a justice assistance program which give essential assistance to States and localities in a way that is efficient, fair, and appropriate to the task of mobilizing the citizenry. While I have some reservations about whether the administrative structure created by title VI of S. 1762 is the one best designed to carry out this objective, on balance I support that title, and would be pleased to vote for it as a free-standing bill.

Unfortunately, most of the rest of this bill is unlikely to provide any real help to our people as they fight the growth of violent crime.

I have already discussed at length, earlier in this debate, my objections to the longest single part of the bill, title II. This title contains a sentencing reform proposal which is ill conceived, inflexible, and potentially quite costly. It proceeds from the unstated assumption that the Federal bench cannot be entrusted with sentencing discretion, an attitude which is not likely to encourage the judicial cooperation which will be needed for effective implementation. Instead, it offers the alternative of a U.S. Sentencing Commission, a permanent bureaucracy with a sweeping charter to promulgate rules to govern not only sentencing, but also such ancillary matters as prison furlough policy and postrelease supervision. Notably absent from the detailed legislative instructions to the Commission is any mandate to keep the lid on the Federal prison population, now at its highest level in history and expanding twice as fast as in the State prisons. Yet this sentencing reform threatens to aggravate the population problem, since it abolishes parole and closes off most of the safety valves by which overcrowding might be ameliorated.

In my view, title II is one of the most troubling provisions of the bill. But several other parts are flawed as well. Title I, for example, would imperil the basic principle of the presumption of innocence in an attempt to address a perceived bail problem which has never been clearly demonstrated. The bill's insanity defense reform provisions would discard the lessons of a century and a half of judicial experience since the M'Naghten test was first enunciated, in order to restrict the assertion of a defense which, everyone agrees, enters into only a miniscule fraction of Federal criminal cases. The bill creates a new Federal crime of solicitation which is poorly defined and which may threaten first amendment rights. Other examples could be given, but these should suffice to illustrate the legal and policy landmines with which S. 1762 is studded.

S. 1762 has been vigorously promoted as consensus legislation. I think that its proponents greatly overestimate the degree of unanimity of support for this bill. If there is a consensus in support of this legislation, I believe that it is founded in great part upon ignorance of its provisions. Considering the bulk and the breadth of even this stripped-down consensus package, it is not surprising that so few of my colleagues have plumbed its depths. Upon more careful examination of this 400-page bill, I believe that more Senators would agree with me that many of the radical departures which S. 1762 makes from current practice are not justified.

Mr. President, it may be that on my dissenting vote on S. 1762, I will stand alone in the U.S. Senate. I have stood alone in this Chamber before on this issue; perhaps I will again. But I am heartened by the fact that the consensus in the Senate in support of this unwise legislation is not reflected in the country as a whole. In many circles—among criminal justice experts, among the judiciary, among civil libertarians, among religious and social action organizations, among concerned citizens of all kinds—the voices of dissent are growing stronger.

Some of these voices responded when I proposed amendments to the sentencing provisions of the bill. As I mentioned during the debate on these amendments, they were supported by the American Bar Association, the largest membership organization of the legal profession in the United States. The amendments also received support from numerous religious organizations, including the Board of Global Ministries of the United Methodist Church, the Church of the Brethren, the Unitarian Universalist Association, the Office for Church in Society of the United Church of Christ, and the National Council of Churches.

These critical, questioning voices are also starting to be heard in the Nation's press. I have referred to some

examples during this debate; at this point, two will suffice.

On October 6, 1983, the Atlanta Constitution published an editorial entitled, "U.S. Crime Bill Fatally Flawed." The Constitution's opposition focuses, as does mine, on the ill-conceived sentencing reform provisions contained in title II of the bill. The Constitution noted that this title "would replace an imperfect system with an improbable one." The editorial concludes, "If the full Senate doesn't shoot this idea down in a hurry, the House should." It seems that the editors will have to look to the other body for a positive response.

On October 17, 1983, the New York Times weighed in against S. 1762. In an editorial entitled "Two Strikes Against the Crime Bill," the Times criticized the bail reform and insanity defense provisions of this bill. The editorial observes that "Congress can find more sensible and constitutional ways to fight crime."

Mr. President, I ask unanimous consent the full text of these editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Finally, Mr. President, I believe we must acknowledge that this bill owes much of its support to fear. Violent crime plagues America; but the fear of crime tortures our people. Wherever the cold fingers of fear have insinuated themselves, we feel that we connot rest until we have done something—anything—to strike back at what frightens us. Sometimes it seems as though the bigger and more dramatic the action that we take, the more we can reassure ourselves that we are doing something useful.

This syndrome is at work here in the U.S. Senate. We act as though the bigger the crime bill we pass, the more we are doing to fight crime. We are now about to add another 400 pages of legislation to the United States Code. The proponents consider this only a modest step, since this bill's predecessors were twice as long. Our fears tell us that any response this massive must be a good one.

Mr. President, if we would stop to think about it, we all know better than that. The dramatic gesture, the mammoth bill, will not win the fight against crime. Only the patient, honest efforts of our law-abiding citizens, who do not like what violent crime is doing to their communities, are likely to have a major impact. The war against crime must be fought—and won—gradually and incrementally. Success depends on steady progress more than on dramatic break throughs. The help which the American people need from the Congress may include some incremental changes in the Federal criminal laws. But most of all the American people need a realistic, effective justice assistance program to aid their efforts on the local level. What the American people do not need is blockbuster legislation like S. 1762.

EXHIBIT 1

[From the Atlanta Constitution, Oct. 6, 1983]

U.S. CRIME BILL FATALLY FLAWED

For more than a decade, Congress has wrestled with ideas to streamline federal law so that crime might be better deterred and punished. Until now, it has been paralyzed by strong disagreement. The issue was simply overwhelming.

That, as it turns out, might have been for the best. Because this year, the Senate is doing something: Its Judiciary Committee has sat down and forged a consensus Comprehensive Crime Control Act. Two of the bill's 12 sections promise more harm than good to the criminal-justice system.

One section would establish sentencing guidelines for the nation's 600 federal judges. Then it would abolish paroles. And in so doing, the Senate would replace an imperfect system with an improbable one.

In theory, the new judicial guidelines would adhere to parole commission standards, allowing the federal parole commission to do a quick fade-out. Voila! We would be left with less bureaucracy and more certain (if not swifter) punishment.

Or would we? What if a judge didn't comply with the guidelines? The judge would have to explain his reasoning in writing, and both defendants and prosecutors could appeal deviations. The already overburdened courts would, in effect, assume the work of the parole commission. That's streamlining?

There are other problems. Judges would be left with less flexibility to find punishments tailored to specific crimes and criminals. (Standardization should not be confused with quality.)

And what if the sentencing commission, which would set guidelines, comes up with standards tougher than those used for parole decisions? With paroles scrapped, some terrible prison overcrowding could result. The federal system is already 27 percent over capacity.

If the full Senate doesn't shoot this idea down in a hurry, the House should.

Then, in another section of the bill, is the matter of bail. The Senate proposal would permit a judge to detain before trial a defendant the judge determines to be dangerous. The current statute says the sole purpose of bail laws is to assure a defendant's appearance in court.

The new plan is just the old "preventive detention" idea recycled. The pitfall: It tacitly abandons the precept of "innocent until proven guilty." It could be easily misused—and it is unnecessary. As practical matter, courts usually manage to finesse the current system to retain clearly dangerous defendants, without elevating the perverse concept of prison terms for the unconvicted to the status of law.

To be sure, there are some sound revisions in other sections of this voluminous bill. But the magic-elixir fixes it contains could be worse than the disease.

[From the New York Times, Oct. 17, 1983]

TWO STRIKES AGAINST THE CRIME BILL

DANGEROUS REFORM FOR DANGEROUS OFFENDERS

Should Congress "eliminate release on bail for dangerous criminals awaiting trial"? That's what New York's Senator D'Amato asked his constituents in a recent poll. When the question is put that way, it's hardly surprising that many reply with a hearty yes.

But put it another way: Should Congress require that a person charged with a crime but still presumed innocent prove that he won't commit "another crime" if allowed to remain free until trial?

Those are two ways of talking about the same legislation, which is part of an omnibus crime bill that a bipartisan group of senators calls "uncontroversial." If there isn't any controversy about the bail provision, there ought to be.

The landmark Federal Bail Reform Act of 1966 affirmed that the purpose of jailing someone before trial is to prevent the defendant's flight, not to protect the community from an as yet undetermined dangerousness. Those who are considered good bail risks are supposed to be released, under the least restrictive conditions that assure appearance at trial.

The sponsors of change contend that present law encourages hypocrisy. They say judges who deny bail or set it prohibitively high on the ground that the defendant is likely to flee are actually making an unspoken assumption that the untried defendant is guilty and dangerous.

In their view, the new Senate bill would only ratify reality. It would authorize a judge to take dangerousness into account and make the defendant prove that he isn't dangerous.

But in current practice, high bail or no bail are not usually hypocritical at all. A suspect charged with several violent crimes potentially faces such severe punishment he may well flee before trial. It is a standard judges can invoke without upsetting the presumption of innocence. Nor is it hypocritical to set high money bail, even in the millions, for someone charged with selling narcotics—when the prosecutor is able to show that a suspect's drug-related wealth requires such insurance.

There simply is no bail problem in the Federal courts serious enough to jeopardize a basic civil liberty like the presumption of innocence. The House has wisely resisted such a change, and the Senate would do well to follow suit. Congress can find more sensible and constitutional ways to fight crime.

SHIFT THE INSANITY BURDEN

Another section of the crime bill would virtually abolish the insanity defense in the Federal courts. Nothing so drastic is needed, even in an area so marked by dispute over criminal responsibility and public safety.

The question of which defendants are to be deemed guilty and which acquitted on grounds of insanity has long divided society. Yet it's clear enough that the standard set in 1843 by the British House of Lords won't do for modern America. Too much has been learned about the human mind since Britain adopted a rule based mainly on the defendant's ability to understand the wrongfulness of a criminal act.

American judges have recognized that a person may be fully aware that a killing would be illegal and wrong and yet be insanely driven to commit it. they have there-

fore added another test: Does the defendant lack a "substantial capacity . . . to conform to the requirements of law?". Without that test, all but the most desperately psychotic would be found guilty.

The Senate bill would abandon this humane standard, thereby turning back the American clock 140 years.

There are problems with the insanity defense, but abandoning it is not the remedy. If psychiatrists intimidate juries with clinical mumbo-jumbo, the law should restrict them to describing the defendant's mental processes and leave judgments about guilt and innocence to the jury, where they belong. One useful change in the law would simply forbid medical experts to pronounce from the witness stand their ultimate judgments about sanity or insanity.

Another problem is that current Federal law requires that the prosecution prove sanity, just as it must prove commission of the crime, beyond a reasonable doubt. Shifting the burden of proof to the defense—another provision of the Senate bill—seems sufficient to resolve most public qualms about the insanity plea.

If John Hinckley had had to prove that he was insane when he shot the President rather than simply raise enough doubts about the prosecution's attempt to demonstrate that he was sane, the jury might not have acquitted him or society might have been less dissatisfied with the acquittal.

There is no need for Congress to repeal a century and a half of experience and public understanding. Insanity cannot be determined by a simple right-wrong test.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have conferred with the distinguished chairman of the committee and others and with the minority leader on the telephone just now.

I must say for the minority leader's benefit that I told him that I thought we might be able to work something out and go out for the night, but I was wrong. I think that we are not going to be able to work anything out right now. I urge the managers of the bill just to go ahead and plow through it. I will not ask the Senate to remain in late tonight because there has been no forewarning of that. I expect that we will complete action on this bill for today around 6 o'clock or a little before.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, even though we will not stay past 6 tonight, unless we are making progress on this bill, I do not think we have any alternative except to begin grinding away on it, so Senators should be on notice of the possibility of a late session tomorrow or the next day or as may be required to try to get this bill moving along, because we are sort of running out of the time that is allocated for this measure.

Mr. THURMOND. Mr. Leader, I might say that we have about completed everything. The understanding with Senator BIDEN, Senator KENNEDY, and others was that we would oppose amendments of this kind anyway. In other words, we agreed on this package. The Judiciary Committee worked long and hard to get this package together. We agreed on it. So we are hoping we can carry this package through as it is. I hope that Senators would consider introducing a separate bill on this and not try to attach it to this package.

Mr. BAKER addressed this Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I often find myself in this position, that is, I find it very difficult not to say something that sounds very cynical, but believe me it is not cynical, and that is I have no desire to tell Members what they may or may not offer. I just simply have the responsibility entrusted me by the Senate to keep things going and do the business before the Senate.

So I thank the chairman, and I urge Members to consider that we have to finish this bill; that if there are going to be amendments offered, I hope they would be offered tonight and we could get on with it.

To repeat, I do not expect the Senate to be in late tonight. I anticipate we will go out about 6 o'clock, but since we are not making this schedule that we had informally and unofficially assigned for the completion of this matter and the five ancillary matters that must follow along after it, Senators should be on notice of the possibility of late sessions for the remainder of this week.

Mr. BUMPERS. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. BUMPERS. When the majority leader stated just as he came on the floor it did not look like we were able to work anything out, was he referring to the amendment of Senator METZENBAUM and I?

Mr. BAKER. Yes, Mr. President, I was. I had understood when I came to the floor that negotiations were perhaps underway to see if there was a compromise available on the basis of the issuance of an Executive order or some such, and I understand now there is not, at least for the time being, and it seems to me we could wait around for a day or two trying to unravel that, so instead I wish to say I wish Senators would go ahead and offer the amendment if they care to do so and let us get on with the debate.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2689

(Purpose: To prevent Government officials from secretly taperecording conversations with others)

Mr. METZENBAUM. Mr. President, on behalf of myself, Senators BUMPERS, LEAHY, RIEGLE, RUDMAN, and RANDOLPH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. BUMPERS, Mr. LEAHY, Mr. RIEGLE, Mr. RUDMAN, and Mr. RANDOLPH, proposes an amendment numbered 2689:

On page 375, between lines 15 and 16, insert the following:

PART J—TAPERECORDING BY GOVERNMENT OFFICIALS

SEC. 1120. Section 2511 of title 18, United States Code, is amended by striking out subsection 2(c) and inserting in lieu thereof:

"(c) Under this chapter, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States not described in the following sentence to intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception. It shall not be unlawful under this chapter for a person acting under color of law who is—

"(1) an investigative or law enforcement officer acting within the normal course of his or her employment; or

"(2) performing a law enforcement function under the direction and control of such an officer to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception or where the communication constitutes a criminal or tortious act in violation of the laws of the United States or of any State.

Mr. METZENBAUM. Mr. President, we have before us a very, very modest amendment. It is an amendment that makes it illegal for a Government official, whether elected or appointed, or an employee of the Federal Government or an agent of the United States to intercept a wire or oral communication unless all parties to the communication have given prior consent to such interception.

Then it goes on to provide for appropriate exceptions with respect to the

activities of our investigative agencies or law enforcement officers acting within the normal course of their employment, or if somebody has been called upon to perform a law enforcement function under the direction and control of such an officer. This is very, very limited. This country probably ought to have a broad general law prohibiting anybody from taping a telephone conversation without the consent of the other party. But rather than go to that length in this amendment at this point, Senator BUMPERS, who addressed himself to this issue the other day, and I and the other cosponsors—Senator LEAHY, Senator RIEGLE, Senator RUDMAN, Senator RANDOLPH—are offering this as an amendment to this package bill.

Frankly, it is difficult for me to understand why anybody could be against this proposal. The man who has received the most publicity in connection with this subject and the one who brought it up as a public issue has publicly indicated his own remorse and his apology for the acts in which he was engaged.

We have said to the Justice Department: "If you don't think that this bill is adequate or does it in the manner you think it should be done, tell us what amendments you want, and we will accept those amendments."

They said: "It is a very complicated subject, and there is a great body of law on this subject, and we haven't had a chance to study it."

We have a lot of things on which there is a great body of law. But the simple, elementary proposition of whether or not you tape somebody's telephone conversation without their knowing it is not very complicated. It is unethical, it is improper, it is illicit, and it should now be made illegal.

We have limited the provisions of this bill and will come with other legislation on which we can have full hearings to make it broad based across the country. But how can anybody claim that a member of Congress, a Senator, a public official, an employee of the Government, should have the right to tape a conversation without the consent of the other party?

I do not know the language and I do not know specifically the reference for it, but I am told that the provisions of this proposal actually do not go any further than the General Services Administration directive on this very subject.

As a matter of fact, we should not have to have a law. The President of the United States ought to direct every person on the Federal payroll, except the Members of Congress and the judiciary, that they cannot do that kind of thing. It is an egregious act. It is an act of which nobody can be proud.

We are told: "Wait. Don't offer this amendment. We will have hearings."

We are willing to have hearings on the main thrust of the bill generally, on the overall bill, but what we are talking about now is doing something at this moment about this subject, without delay.

Mr. President, I am happy to interrupt my remarks to indicate that the name of Senator LEVIN is also to be added as a cosponsor of this amendment, and I ask unanimous consent for that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, across the entire Nation there have been editorials, upon editorials, upon editorials on this subject. In the Washington Post there have been articles galore—I do not know how many articles—and in the New York Times, which were right on the target. In fact, that paper should get a lot of credit. Mr. William Safire is entitled to credit for having broken this story in the first instance.

I want to make it clear that this is not an amendment offered in connection with an incident. This is not an amendment that has to do with a particular problem. This is an amendment that says what this Government's policy should be, what the laws of the United States should be; and those laws should prohibit anybody—any Federal employee, official, agent—from taping a conversation without having the consent of the other party.

Before this debate is concluded, I hope to insert into the RECORD some of the language that has been used on this issue—and it has been strong language—by the editorial writers, by the columnists.

I am disturbed. The managers of this bill have not seen fit to accept the amendment. They said to me: "We will be willing to accept it if Justice signs off."

I said: "OK. Let's ask Justice."

We asked Justice, and Justice said they might have some problems.

I said: "Tell me what your problems are, and we will amend the amendment."

I will say it publicly: If Justice does not like the way some particular provision of this measure is drafted and if they think in some way it will interfere with law enforcement activities, we will change it. They will not have to persuade us. They will not have to twist our arms. Not one of the proponents of this amendment wants to interfere in any way with the law enforcement activities of the United States, and we have provided language on that very point. If there is something else they want, we will provide that.

If it passes the Senate and they find that if needs to be changed at a later point, we will agree and urge the House to change it over there.

We do not want to affect the law enforcement activities of this country. What we want to do is to provide a sense of ethic, a sense of decency, a sense of propriety by Federal officials and Federal employees generally.

Need I point out to this body that this Nation has been embarrassed throughout the entire world by the activities of a former President of the United States, causing him to resign? We had this issue up then, it was a problem, and we thought that we would never have this kind of activity to talk about or to be concerned about after Watergate. We thought this kind of activity was behind us.

I am not standing on the floor now to make a cause celebre about the recently publicized incident. I am on the floor to say that the Senate has an opportunity to make it illegal to tape somebody's conversation without that person being apprised of the fact and consenting to it.

What a horrible travesty this Nation went through when its President saw fit to tape all the conversations of people in his office and on the telephones. There was a sense of embarrassment in this Nation and throughout the world. Was not once enough? Did we not learn our lesson? No.

Now we come forward with a bill, and we find an amendment, and we find that there is some feeling that, well, maybe we ought to just go to hearings. Why?

Why? The English language is clear. The amendment is clear. It is a simple amendment. If someone thinks it should be changed let him come forward with an amendment to undo the amendment and we certainly will consider it. Absent that, this amendment should be adopted without delay.

I have more to say on this subject.

The principal author of this amendment with myself is on the floor and ready to speak. I yield the floor to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, I introduced S. 2205 about a week ago which was much broader in its application than is the amendment the Senator from Ohio and I are offering this afternoon.

Lest anyone think that this is going to be the end of it, I can assure you it is not. I recognize that an outright prohibition applicable to all parties might indeed have some complications to it that may not be immediately apparent, and I hope that during the course of the debate on this amendment the Senators from the respective subcommittees in Judiciary will agree to expedite hearings on my bill which, as I say, is much broader than this amendment.

For the moment, I just want to talk about the sort of philosophical argument for the amendment, second, talk about what this particular amendment

does and then, third, talk about the bill I introduced the other day which is broader in scope.

First of all, Members of this body should recognize that this is not a ex post facto effort to get at Charles Wick. We can be indebted to Charles Wick for having been caught tape recording conversation which, in itself, would not have gotten much publicity had he not denied it. As a matter of fact, he denied it twice. And it was his denial, I believe, more than the act which caused the press to blow it up and dramatize it to the American people and to Members of Congress.

But, as I say, the Founding Fathers in their infinite wisdom put a provision in the Constitution providing that Congress may not pass ex post facto laws to prosecute someone who has already perpetrated an act which we wish had been a crime.

I daresay, however, that if Gallup were to take a poll on the question whatever it is now a crime for one party to tape record a conversation with you without your permission, without your consent, and without your knowledge, whether that is now either a State or Federal crime, I think 90 percent of the people would respond by saying; "Certainly." And those 90 percent of the people would be wrong, at least in 37 of our 50 States.

If Gallup were to submit a second question and ask: "Do you think it should be a crime for someone to tape record a conversation with you without your prior consent and without your knowledge?" My guess is that more than 90 percent would say yes.

Let me appeal to the very simple, basic fairness of the Members of this body. Is there not something basically unfair about this practice, is it not kind of like windowpeeping? Have you thought about that? Everyone knows what a windowpeeper is. Only one party knows it is going on. That is a crime.

And in this particular case, can you think of anything more unfair than someone calling you and saying: "How are you getting along, John?"

"Fine. How are you?

"Fine.

"John, someone told me you really tied one on at the Country Club last night.

"Yes, I guess I drank too much. I have gotten to where I do that quite often. I have got to start watching myself."

Is that not the kind of conversation people have every day? Well, it is unless you happen to hear it on the radio the next day. And yet under existing Federal law there is absolutely nothing wrong with the one party tape recording that. And yet someone's privacy has been invaded about as egregiously as possible.

Let me say again that I cannot help but refer to Charles Wick although I do not do so by choice. I do not know him. He may be a perfectly decent man. But it is very difficult for me to believe that Charles Wick thought that what he was doing was entirely appropriate because he denied it when he was confronted with it.

I have never known anyone to tell a lie about something he is proud of, and so it is difficult for me to believe that Charles Wick thought what he was doing was what an ordinary all-American boy would do.

I would also guess that Charles Wick—like anyone else—would have been insulted and outraged if he had found that he was being taped without his knowledge.

Think about this. He called a former President of the United States on the telephone and said: "Mr. President, what do you think about arms control talks?" I do not think President Carter would have objected at all if Mr. Wick had said: "Mr. President, we would like to have your voice recorded to use in USIA's broadcast." My guess is President Carter would have been flattered and honored as any of us would have been. But Mr. Wick didn't do that. Instead, be taped President Carter without telling him.

When I call the radio stations back in Arkansas, they always say: "Thank you, Senator, for returning my call. Let me get a tape rolling here, OK?" I know I am being recorded. I am calling because I know they are going to record my voice. Naturally, I hope, it is heard by every single citizen in the State.

But back to the issue of fairness, can you think of anything as unfair—completely forget the criminal violation whatever penalty may go with recording someone's telephone conversation without their knowledge, just think of the proposition of basic fairness. Is it fair for someone to tape record your conversation without telling you? There can only be one reason for not telling the other party, and that is because you either want to cover yourself or you want to entrap him.

That brings me to the second point. Not only is it unfair, but even law enforcement officers have to be very careful about their right, which they have under the law and which they will continue to have, to record telephone conversations without telling the other party. And they can and should continue to have that right.

But even law enforcement officers have to be very careful if they are trying to make a case about the tone of the conversation and how they lead the party on the other end. Otherwise, they will lose their case because of the law of entrapment. You know, you cannot lead somebody by the hand down to rob the local bank and make a case against him, because that is what is meant by entrapment. That is where a law enforcement officer actually encourages the commission of a crime or an admission against interest in order to build a case against that person. It flies right into the face of the fifth amendment privilege against self-incrimination. And not only is it unfair, it is illegal, and it is immoral.

Somebody asked me the other day: "Well, does your bill exempt the press?" No, my bill, S. 2205, does not exempt the press. Who should have a keener respect for the privacy of the people than the press? I talked with three or four people in the press and every one of them thinks this is the greatest proposal since night baseball. Every one of them told me that they had never taped a conversation with a Senator or anybody else without first letting him know.

It is seldom a member of the writing press records anything without advising the other party. I do not recall ever having had a call from a member of the writing press saying: "Senator, do you mind if I record this?" I have had a lot of members of the writing press walk into my office for interviews and say: "Senator, do you mind if I turn this recorder on?" And the answer is always: "Not at all." I am not going to say anything with that recorder on or off to a reporter that I do not want reported.

But, you see, then we are playing by the same rules. We both know they are recording it. And if I slip up and say something outrageous or improper, then it is just too bad for me. But at least we know what the ground rules are on the front end.

What we are trying to do here with Senator METZENBAUM's and my amendment is to remedy an outrageous situation that has come to our attention. And the remedy is simply that if you are an elected official, or an employee, or agent of the United States, you may not tape record a telephone conversation without prior consent of the person at the other end of that conversation. This is very narrow, very limited, and, for my money, just a first step.

Now when you call the Secretary of the Interior, as I did just last week—and I said some nice things to him, even though I opposed his confirmation on the floor of the Senate; I complimented him on a couple of decisions he has made recently—I did not expect him to be tape recording that conversation. And I will bet you, because he is a former judge, that he did not record that conversation.

But I can tell you one thing: I want to know in the future, when I am talking to people in the bureaucracy, if the call is being recorded. If I call and say: "I know it is going to cost $12 million to do it but I want you to get over to Pennsylvania and start killing all of

those chickens with avian flu, otherwise it is going to get to Arkansas and that is our second biggest industry" I want to know—as anyone would—if that is recorded. I am telling you this now, just in case that call was recorded you have already heard it.

Everyone has unguarded moments on the telephone. He does not expect or she does not expect that to be played on the airways or appear in the press.

I think there are 80 tapes of Charles Wick's sitting over in the Senate Foreign Relations Committee waiting to be examined. And there is not a Member of the U.S. Senate who does not think that those tapes will surface in the press—that is the juicier parts of them; nobody will be interested in about 95 percent of those tapes. But any Member of the U.S. Senate who does not think the juicier parts of those tapes will surface on the front pages of newspapers in this country believes in the tooth fairy.

Jim Baker, the top aide to the President of the United States, has already found out what can happen. Think about it. James Baker III, Presidential Chief of Staff, not only recorded without his knowledge. It just shows that nobody is exempt. The man who sits at the right hand of the President has been taped.

What if somebody called a Member of this body and said, "Senator, do you want me to hit so-and-so up for $1,000 contribution for you?" The Senator says, "Well, I wouldn't mind that."

The voice on the other end: "You voted for S. 924 last year and that probably means a lot of money to him. He sure ought to reciprocate by giving $1,000."

I promise you that that kind of a conversation may not be improper, but it is not unheard of. And I do not think that any Senator around here would want to hear that played back to him the next time he ran. Not very becoming, not anything any Senator would be proud of, and yet the sort of thing that virtually every Member of Congress probably at some time or other has found himself engaged in. Probably just a little banter, meaningless conversation in tone and sound, but devastating in black and white on white paper.

At one time, I almost reached the point where I would not tell a joke at a banquet, because if there is anything the press cannot do, they cannot replicate a joke correctly to save their lives.

I once read the best joke I ever had in the New York Times—one of the best newspapers on Earth—and I have never seen anything as fouled up as that joke was. They got just enough of it right to keep me from ever telling it again, because everybody had read it.

And it is not only reporting errors. There is a lot of humor that is funny on the spot to an audience who will roar with laughter, but when it comes across in the press the next day and 500,000 people see it, there is something about it that makes you sound arrogant, trite, flippant—anything but funny.

Telling jokes as a politician can be a very dangerous business, and I love to do it. To tell you the truth, I would not vote for a justice of the peace who did not have a good sense of humor and know what kind of jokes to laugh at. It is the same situation here. You engage in a telephone conversation in that easygoing banter between parties who are friends maybe, or maybe who are not so close, but hoping maybe to be a little closer than they are. And it is cute, funny, in the conversation, but once you transcribe it, it does not look funny at all.

Mr. President, as I have just told you, the amendment the Senator from Ohio and I are offering here today goes only to Federal employees and officials—elected officials, appointees, Cabinet level on down may not record conversations without people's consent.

Let me state again that this amendment does not impinge upon or affect or imped, or in any way affect law enforcement officers. They can still record, they can tape body recorders on people to go and break up a drug ring, or whatever. They can do all of those things as they always have been able to do. We are just talking about people in the Federal bureaucracy, for the most part. It is a very narrow thing, and yet it is a beginning.

Third, before we finish debate on this amendment and vote on it. I want to go back where I began and say that the bill that I introduced the other day S. 2205, is broader than this. I do not think anybody ought to taperecord any body without their consent and knowledge, because the same arguments that apply for this very limited, narrow amendment apply to a broad cross-section of the public. You just ought not to do it.

Charles Wick has been caught. I daresay there are hundreds who have not been caught in the Federal bureaucracy. What kind of mentality does it take to surreptitiously, deviously, and insidiously carry on a conversation with somebody and not tell them that you are taperecording it? Ninety percent of the laws of this country have been passed as a result of an abuse, an abuse of the public trust, or an abuse whatever. As I say, Charles Wick is not the issue. Nobody should vote for or against this issue because of Charles Wick. He is home free. He is clean. He says, "I am not going to do it anymore." He appears to be fairly contrite, and I take him at his word. But that is not the issue here. The issue here is we ought not to allow people's privacy to be invaded without punishment.

I saw several stories, and you did, too indicating that Charles Wick was told that to record conversations was a violation of GSA rules and regulations. And he ignored that. So it occurs to me that not only did he know he was doing something wrong, not only did he lie about it after the fact, but if we are just going to slap him on the wrist, and anybody else who is willing to take the heat to do it, then we are back to square one.

So what Senator METZENBAUM and I are trying to do is to put some teeth in the law and say, "If you invade somebody's privacy so outrageously, be prepared to be indicted and maybe go to jail or pay a very heavy fine for it." All the objections in the world you can raise to this will not erase the fact that it is an egregious practice. All the arguments in the world will not overcome the proposition that all you have to do is to say, "Do you mind if I record this conversation?" That is decent, that is fair, it is honest. What is wrong with it? Anybody who votes against it should go home and explain to the folks back home why he or she has just voted to allow some bureaucrat to invade their privacy with impunity.

Mr. President, every time I read a biography of Ben Franklin, James Madison, John Adams, or especially Thomas Jefferson, I just think about how lucky we are to have had that many great minds—not just that many great minds in the country, but that many great minds in Government. We have great minds in this country right now. There were only 5 million people in this country at the time of the Revolutionary War, and the best brains were in Government. Now you literally have to plead, beg, and cajole, use every argument known to man, to try to get good, decent, intelligent people to seek public office.

I do not want to get too far afield, but I have always been very proud to say that I came from a family where my father encouraged me to get involved in politics. I daresay there are few parents today who will encourage their children to get involved in the political process. I am amazed that we do as well as we do.

There is no question that the Congress continues to go downhill in public esteem in this country. And why would it not? You tell me somebody who does not run against Congress—instead of for Congress—and I will have his name put in "Believe It or Not." It is not just the President telling the American people that all the evils that have been inflicted upon them, now or ever, were because of Congress. Almost every Member of Congress goes home and runs against the Congress.

So is it any wonder that we have now replaced used car dealers in the 20th spot of the 20 most respected professions in the country?

That brings me back to where I started. Not only were Thomas Jefferson and his contemporaries brilliant people in Government; they were considered by the American people to be the cream of the crop.

You think about those brilliant minds sitting around and drafting a document that says, "You may not invade somebody's privacy; you may not go busting somebody's door down without a search warrant." And I am serving notice right now that I am not going to vote for the bill coming up here which would narrow the exclusionary rule, either.

I know what makes everybody applaud and stand and cheer and brings people to their feet, but not necessarily to their senses. I think the crime rate in this country is a national indictment of everything that is going on in our society. But I know something else: The first thing Adolph Hitler did was get control of the judiciary and get control of law enforcement. When you have law enforcement and the judiciary under your control, then you can forget about all those freedoms that are guaranteed in the Constitution.

I have the utmost respect for law enforcement officers. They go out and risk their lives daily so we can live in a half-safe society. But when you start saying "Yes, you can invade somebody's home or their person without a warrant if you have reason to believe this, or that, or the other," you are treading on dangerous ground.

Those people who wrote the Constitution said you cannot do it. You just cannot go busting into people's homes without a search warrant and good cause. Talk to the Jews who came from Germany and you will find that what kept them in absolute desperation, and unbelievable fear was that midnight knock on the door. Because they knew that the law and the judges would not protect them. There was nobody to protect them from anything that Adolph Hitler ordered.

It amazes me that Madison and Hamilton were wise enough to know that almost 210 years later, we were going to be on the floor of the U.S. Senate, still saying the absolute essential of freedom is freedom from the invasion of your privacy in your own home, freedom not to have your person or your home invaded by people operating under color of law without first giving you a chance to know why.

That is all pretty high-powered stuff just for this Senator, but it goes right to the heart of this amendment. We are talking about people's freedoms. We are talking about their privacy. We are talking about the fundamental guarantee that most people of this country thought they already had and did not. So we are not going to vote on this amendment tonight.

I hope other Senators who may accidentally have heard me in their offices, and the Senator from Ohio who feel equally strong about this amendment and what is involved here, will come to the floor tomorrow and speak their minds on this very important piece of legislation. But I hope it is just a beginning at stopping what has become, in my opinion, a fairly pervasive and dangerous practice in this country.

Mr. President, I am prepared to yield the floor to any Senator who wishes to speak. I know the Senator from Vermont (Mr. LEAHY) is a cosponsor. I see him on the floor. I assume he wishes to speak on this amendment. I yield to him.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield briefly to the Senator from Ohio without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Ohio.

Mr. METZENBAUM. I am very pleased to ask the Chair to add Senator BYRD, Senator CRANSTON, and Senator EXON as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I thank the Chair and I yield back to my good friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know that many of my distinguished colleagues in both Houses of the Congress were as shocked as I was to learn that only a decade after Watergate, a high official of this Government had apparently forgotten the revulsion felt across this country when American citizens learned of wholesale secret taping in the Oval Office. I refer, of course, to the repeated secret taping of telephone conversations by U.S. Information Agency Director Charles Z. Wick.

Mr. Wick's callousness toward the invasion of privacy and decency that he was committing permitted him to ignore both the ethics of his profesion and the advice of his General Counsel. While Mr. Wick's action in making his secret recordings was prohibited under a General Services regulation and would have been a felony under the laws of some States, his secret tapes included—unbeknownst to them—a former President, high White House officials, ambassadors, journalists, and my esteemed colleague, the distinguished senior Senator from Oregon. That Senator, correctly in my view, indicated extreme displeasure when he learned the news.

Ironically, under our current statutes, however, Mr. Wick's secret taping seemingly broke no Federal law. The amendment which I am pleased to cosponsor today will amend that state of affairs by changing the law to prevent such actions from occurring in the future. In light of my longstanding commitment to personal privacy I cannot stand by and allow any ambiguity to remain whether this kind of conduct is acceptable for U.S. Government officials.

The amendment which I join Senator METZENBAUM, Senator BUMPERS, and Senator BYRD in proposing will not interfere with any legitimate work of our Government. It will assure every person of the United States—whether he or she holds a position of high responsibility or visibility, or on the other hand is obscure and relatively unknown—that he or she may converse freely with representatives and officials of the Federal Government, secure in the privacy of those communications unless that person consents to their conversation being preserved and thus accepts the consequent risk of disclosure. This amendment is consistent with other laws passed by Congress in the interest of the privacy of U.S. citizens.

But let me be very clear. Nothing in this bill alters the state of the law with regard to the investigative and law enforcement work of Federal officials. An investigative or law enforcement officer acting within the normal course of his or her employment or a person acting under such an officer's direction may legally continue to record telephone conversations to which he or she is a party or where or of the parties has given prior consent. That is explicitly stated in our amendment. This amendment is carefully drafted not to interfere with crime prevention or the apprehension of criminals. It will catch in its net only those who wrongly use the color of law to cloak their personal invasions of privacy and decency of those with whom they converse.

While I speak on the subject, Mr. President, I call my colleagues' attention to broader aspects of our wiretapping laws that may require revision to keep apace of newly developed and developing technologies. There is at best great ambiguity whether and, if at all, to what extent current law provides protection for privacy of information that is communicated by computers in digital rather than vocal form. I have written to the Attorney General to request his views on the current state of the law.

Attention has recently been drawn to the FBI's use of secret video surveillance in a private residence in order to obtain evidence of crime. A Federal district judge has banned the use of such video tapes as an unreasonable search and seizure, and that ruling is now on appeal, as it should be.

If on review the use of secret video taping were to be upheld, the Congress may well wish to consider whether as a matter of policy—and if so under what limitations—this intrusive form of search may be permitted. It may also be wise to review how well current law is working with respect to more conventional forms of surveillance and wiretapping.

We hear a lot about wiretapping. We hear a lot about surveillance but, quite frankly, we have heard very little about whether it works, how pervasive it is, whether it actually accomplishes something or whether it is a good and valid law-enforcement tool. You have people on one side of the argument saying that it is terrible, it is Big Brother, it really is 1984, and others who say that it is absolutely necessary; that all law enforcement would cease without it. I rather suspect that the facts are somewhat different in both cases and we ought to be able to look at that.

This matter is too large and complicated to expect that we can resolve all these issues in this short and crowded session, especially at a time when the state of the art is constantly changing, and what might be done by surveillance techniques.

Yet, it is none too soon to begin hearings aimed at developing comprehensive legislation designed to deal with the state of the art changes. Mr. KASTENMEIER in the other body has been holding hearings that touch on these matters. Quite frankly, the Senate should do likewise.

Nonetheless, the anticipation of comprehensive legislation should not deter us from adopting our amendment now under discussion. The amendment treats a discrete issue. It serves a purpose vital to the privacy of everyone, and it is directly linked to the respect the citizenry can have for its Government. The amendment is ready. I think it should be passed.

And so with that, Mr. President, I would be happy to yield the floor. But I do not know whether the distinguished drafter of this amendment initially, the Senator from Ohio, wishes to comment further. If he does, then I would yield the floor to him.

Mr. METZENBAUM. I would appreciate it if the Senator from Vermont would yield.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, the amendment pending at the desk I wish to amend by adding, in line 14, the following language:

or foreign intelligence or counterintelligence.

The Senator from Ohio is under the impression that under the rules I am permitted to amend my pending amendment without asking for consent.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. METZENBAUM. I will send a copy, as amended, to the desk.

The PRESIDING OFFICER. If the Senator will send a copy to the desk, the amendment will be so modified.

Mr. METZENBAUM. Mr. President, I am not certain as to whether or not there are certain other Members of this body who are cosponsors or others who wish to be cosponsors or others who are interested in the subject of the bill, but I had heard the leader say at an earlier point that we would recess or adjourn at 6 o'clock. I forget the terms that he used. I have not heard of anybody who wishes to be heard at the present time. I do not know whether or not the Senator from South Carolina wishes to be heard. It is our intention to debate this issue further in the morning and to give other Senators who wish to be heard on the subject an opportunity to be heard. I think that I would probably speak again. My opinion is that the Senator from Arkansas would probably speak again. Upon the conclusion of that and depending upon the position of the Senator from South Carolina and the manager, the Senator from Delaware, we would be prepared to go to and up-or-down vote. I am trying to advise my colleagues of the status of the matter on the floor. We do not intend to keep the debate going unnecessarily, but we do want those who wish to be heard to have an opportunity to be heard on the subject.

If the Senator from South Carolina wishes to be heard at the present time, I will certainly yield the floor to him. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator HUDDLESTON be added as an additional cosponsor to the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I wonder if I may ask the distinguished Senator from Ohio a question about the modification he made to his amendment.

Mr. METZENBAUM. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the Senator from Ohio if I am correct in my understanding that with the modification in the amendment to exempt foreign intelligence or counterintelligence activities, our amendment now will not prohibit tape recording of telephone conversations by U.S. Governmental officials pursuant to activities authorized by the Foreign Intelligence Surveillance Act or any statute authorizing foreign intelligence or counterintelligence activities.

Mr. METZENBAUM. The Senator is right on point. That is exactly the point of the modification I sent to the desk.

I certainly would not want in any way to affect the activities of foreign intelligence or counterintelligence agencies. I said previously that should the Department of Justice or anyone in any of our law enforcement agencies indicate that there is anything in the draft of this legislation that interferes with their normal activities or extraordinary activities, we are prepared to support an amendment.

I think we have covered the point the Senator from Vermont makes, and my answer is, "Yes."

Mr. LEAHY. I thank my friend from Ohio.

Mr. President, I ask the question obviously to make sure that was on the record as part of the legislative history.

I know that was the intent of the Senator from Ohio, and I appreciate that. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, there is an order entered for the convening tomorrow morning at 10 a.m.

The PRESIDING OFFICER. At 10 a.m., the Senator is correct.

Mr. STEVENS. I thank the Chair.

CALENDAR

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 554, and I inquire of my friend if it is agreeable to deal with these two bills en bloc.

Mr. BYRD. Mr. President, I am happy to respond to the distinguished assistant Republican leader in the affirmative.

Mr. STEVENS. I thank my friend.

Mr. BYRD. It is interesting, if I may ask the assistant Republican leader, how I could have answered that question in one word, saying yes indeed, instead of going through all that circumlocution.

Mr. STEVENS. I am sure that my good friend would not use too many words at any time.

CODIFICATION OF RECENT LAWS

The bill (H.R. 2727) to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code, was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF PROXIES BY THE BOARD OF THE PANAMA CANAL COMMISSION

The bill (H.R. 3969) to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission, was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I inquire of my good friend, the distinguished Democratic leader, if it would meet with his approval if I sought to take the Senate into executive session for the purpose of considering Calendar Order No. 444, the nomination for the Corporation for Public Broadcasting.

Mr. BYRD. Mr. President, I shall not give a senatorial answer at this time. I will simply say yes.

Mr. STEVENS. I thank the Senator.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Calendar No. 444 on the Executive Calendar.

There being no objection, the Senate proceeded to consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

CORPORATION FOR PUBLIC BROADCASTING

The assistant legislative clerk read the nomination of William Lee Hanley, Jr., of Connecticut, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEVEN GOLD MEDALS WON

Mr. BYRD. Mr. President, today is special for the Senate and the House of Representatives. This morning in the Cannon House Office Building Caucus Room, the first 11 Congressional Award Gold Medal winners were honored. From Minnesota and Illinois, those 11 winners were recognized for reaching approved individual goals in personal growth, community service, and physical development. I know that all of our Senate colleagues join me in congratulating those young Congressional Award winners.

As Congress intended in establishing this award, the Congressional Award program is expanding and is being received well. Currently, Congressional Award Council presidents are working in several congressional districts in New Jersey, Texas, Wyoming, Pennsylvania, and West Virginia, in addition to those in Minnesota and Illinois. The organizational goal is a Congressional Award network all across the country to give as many young men and women as possible a chance to take on the personal challenges offered by the Congressional Award.

I want to thank the many people who are working to make the Congressional Award program a success. A distinguished Board of Directors includes representatives of government, education, business, labor, communications, science, and the professions. The Chairman of that Board is Mr. John G. McMillian, and the founding Chairman is Mr. W. Clement Stone.

I commend all of those active men and women for the time that they are volunteering to the Congressional Award program, and I look forward, as I know that all of our colleagues do, to the growing importance and effectiveness of the Congressional Award in the lives of young Americans in the years ahead.

REMARKS OF VICE PRESIDENT GEORGE BUSH TO REAGAN-BUSH STATE CHAIRMEN AND FINANCE CHAIRMEN

Mr. STEVENS. Mr. President, this past Sunday night at 10:55 e.s.t., President Reagan made an announcement that we have all been waiting for. He will seek a second term as the President of the United States.

I personally hope and expect that we shall have a Reagan-Bush ticket. Vice President BUSH has done an excellent job these past 3½ years. On Monday, the Vice President made an important speech at a luncheon for Reagan/Bush State chairmen and finance chairmen at the Mayflower Hotel in Washington, D.C.

I would like to commend him for his speech and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY VICE PRESIDENT GEORGE BUSH AT LUNCHEON FOR REAGAN-BUSH STATE CHAIRMEN AND FINANCE CHAIRMEN

We have an incredible President right now—one whose skills in leading this democracy of ours are simply unexcelled. I have a great vantage point from which I see the President meeting the really tough decisions. I am continually amazed at how he gets all the facts and then calmly decides what to do. It's awesome. It's not easy, I'll tell you, to be good at this job.

Do you remember the years before President Reagan? Think back four years ago. Do you recall the last Democratic President talking about America—and his frustration with it? He didn't inspire; in a sense he discouraged the people. These are his own—his very—words. Listen and weep:

"A majority of our people believe that the next five years will be worse than the past five years * * *. The productivity of American workers is actually dropping * * *. We remember when the phrase "sound as a dollar" was an expression of absolute dependability, until inflation began to shrink our dollar and our savings * * *. There is growing disrespect for government and for churches and for schools * * *. (We have) a system of government that seems incapable of action * * *. (All we see is) paralysis and stagnation and drift * * *. It's a crisis of confidence * * * a growing doubt about the meaning of our own lives and in the loss of

unity of purpose for our nation * * *. The symptoms of this crisis are all around us * * *."

Imagine that pessimistic assessment of our great country. We are so much better off now than we were then.

America is back on track, thanks to President Reagan.

In 1980 inflation was 12½ percent. Today it's 3.2 percent.

In 1980 the prime interest rate was 21½ percent. Today it is 11 percent.

In 1980 there were 99 million people working. Today there are 103 million people working—more than ever before in our history.

In 1980 Americans invested $900 million in venture capital. Today they are investing nearly $4 billion.

In 1980 a typical family of four paid $3,800 in Federal income tax. Today that same family pays $3,100—$700 less.

In 1980 Americans built 1.3 million new homes. Today Americans are building 1.7 million homes.

In 1980 the rate of growth of Gross National Product decreased three-tenths of a percent. Today the GNP is growing 6 percent annually.

In 1980 the productivity of American workers was down by one-half percent. Today worker productivity is up nearly 2½ percent.

In 1980 the violent crime rate was rising at the rate of 4 percent a year. Today it is falling 4 percent a year.

In 1980 Americans were beginning to think we were a weak and timid nation, retreating from international affairs. Today we are a strong and confident nation, reassuming its leadership role in the world.

In 1980 21 percent of Americans thought their President was doing a good job. Today 57 percent of Americans are sure their President is doing a good job.

We are going to have fun this campaign. We are a party with real achievements, accomplishments to be proud of. It is a record of representativeness to what Americans want. And when the Democrats start talking about what they don't like, let's ask them how they'd answer the tough questions a real President has to face.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. RUDMAN). The Chair, on behalf of the President pro tempore, pursuant to the provisions of Senate Resolution 286, 98th Congress, 1st session, appoints the following Senators to the Special Committee on Security and Cooperation in Europe: the Senator from Arizona (Mr. DECONCINI), the Senator from Vermont (Mr. LEAHY), and the Senator from Rhode Island (Mr. PELL).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the 23rd Annual Report of the United States Arms Control and Disarmament Agency. The report reviews the important role that arms control and the men and women of the Agency play in strengthening our country's national security.

The United States Arms Control and Disarmament Agency has primary responsibility for leading the Administration's efforts to reduce the world's nuclear arsenals, to negotiate a complete ban or reductions in chemical weapons, to reduce conventional forces in Europe, and to reinforce the barriers against war through confidence-building measures.

Soviet actions in the area of arms control in 1983 were a disappointment. We developed several sound positions, demonstrated our willingness to be flexible, and consistently invited the Soviets to walk through the door to serious negotiations. We hope that the Soviet Union will be willing to do this in 1984.

For its part, the United States will leave no stone unturned in its pursuit of reductions in nuclear arsenals. In 1984 we will renew our efforts to use the arms control process in ways that enhance our national security and improve global stability.

The Arms Control and Disarmament Agency's 1983 report testifies to this Nation's continuing search for a peaceful and more stable world.

RONALD REAGAN.

THE WHITE HOUSE, *January 31, 1984.*

MESSAGES FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1961. An act to amend title 38, United States Code, to provide disability and death allowances to veterans and the survivors of veterans who served in Southeast Asia during the Vietnam era and suffer from diseases that may be attributable to exposure to the herbicide known as "agent orange" and to veterans and the survivors of veterans who participated in atomic tests or the occupation of Hiroshima and Nagasaki and suffer from diseases that may be attributable to ionizing radiation.

The message also announced that pursuant to the provisions of 22 U.S.C. 276(d), the Speaker appoints Mr. BARNES as chairman of the U.S. delegation to attend the 25th meeting of the Canada-United States Interparliamentary Group, March 8 through March 12, 1984, in Puerto Rico, vice chairman Mr. FASCELL, resigned.

At 4:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill without amendment:

S. 1863. An act for the relief of Audun Endestad.

ENROLLED BILL SIGNED

At 5:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1863. An act for the relief of Audun Endestad.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk pursuant to the order of January 30, 1984:

H.R. 1961. An act to amend title 38, United States Code, to provide disability and death allowances to veterans and the survivors of veterans who served in Southeast Asia during the Vietnam era and suffer from diseases that may be attributable to exposure to the herbicide known as "agent orange" and to veterans and the survivors of veterans who participated in atomic tests or the occupation of Hiroshima and Nagasaki and suffer from diseases that may be attributable to ionizing radiation.

ENROLLED BILL PRESENTED

The Secretary reported that on today he had presented to the President of the United States the following enrolled bill:

S. 1863. An act for the relief of Audun Endestad.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2408. A communication from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current programing plans for food assistance; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2409. A communication from the Acting Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on modifications to the Pactola Dam, Rapid Valley Unit, Pick-Sloan Missouri Basin program, S. Dak.; to the Committee on Energy and Natural Resources.

EC-2410. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on the transfer of funds appropriated to the peacekeeping operations program to support the peacekeeping force in Grenada; to the Committee on Foreign Relations.

EC-2411. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the valuation of the U.S. Coast Guard retirement system; to the Committee on Governmental Affairs.

EC-2412. A communication from the Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report of the Administrator of Veterans' Affairs on the audit of outpatient eligibility for treatment; to the Committee on Governmental Affairs.

EC-2413. A communication from the adjutant general of the Military Order of the Purple Heart, transmitting, pursuant to law, the audit report of the order for the year ended June 30, 1983; to the Committee on the Judiciary.

EC-2414. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 15, United States Code, to authorize the Secretary of Commerce to assert copyright in information products produced by NOAA, and for other purposes; to the Committee on the Judiciary.

EC-2415. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend Public Law 87-693 (42 U.S.C. 2651, et seq.) to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

EC-2416. A communication from the Inspector General, National Aeronautics and Space Administration, transmitting, pursuant to law, notice of intent to conduct a computer match; to the Committee on Governmental Affairs.

EC-2417. A communication from the Special Counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on the investigation of alleged violations of law and regulations by the Alaska Railroad; to the Committee on Governmental Affairs.

EC-2418. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the audit report of the American Red Cross for the year ended June 30, 1983; to the Committee on Labor and Human Resources.

EC-2419. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a copy of correspondence with the Office of Management and Budget regarding the fiscal year 1985 budget request; to the Committee on Rules and Administration.

EC-2420. A communication from the Assistant Administrator of the Environmental Protection Agency (Pesticides and Toxic Substances), transmitting, pursuant to law, a copy of a final Agency rule specifying the good laboratory practice standards for the registration of pesticide products; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2421. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, notice of the intent to obligate funds in the Army Stock Fund for War Reserve Stocks; to the Committee on Appropriations.

EC-2422. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion from in-house operation of 30 ships presently under the Military Sealift Command to performance by contract; to the Committee on Armed Services.

EC-2423. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a determination of the Secretary of State that Iran be added to the list of countries repeatedly supporting acts of international terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-2424. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the budget request of the Commission for fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

EC-2425. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to repeal section 203(b) of the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

EC—2426. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a proposed package of amendments to regulations and regulatory guides; to the Committee on Environment and Public Works.

EC-2427. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on the Statement of Liabilities and Other Financial Commitments of the U.S. Government as of September 30, 1983; to the Committee on Finance.

EC-2428. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on a trade agreement between the United States and Taiwan; to the Committee on Foreign Relations.

EC-2429. A communication from the Secretary of Commerce, transmitting, pursuant to law, his extension and expansion of certain export controls maintained for foreign policy purposes; to the Committee on Foreign Relations.

EC-2430. A communication from the Secretary of State, transmitting, pursuant to law, a supplementary report on Grenada's recent steps to restore democracy and reactivate its economy; to the Committee on Foreign Relations.

EC-2431. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the internal control system of the General Services Administration; to the Committee on Governmental Affairs.

EC-2432. A communication from the Governor of the Farm Credit Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls of the Farm Credit Administration in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2433. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative control of the Board in effect during calendar year 1983; to the Committee on Governmental Affairs.

EC-2434. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative control in effect in the Office of Special Counsel during fiscal year 1983; to the Committee on Governmental Affairs.

EC-2435. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, Initiative Measure No. 11 certifying the election results of a D.C. election relating to Rhodes Tavern; to the Committee on Governmental Affairs.

EC-2436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-101 adopted by the Council on December 20, 1983; to the Committee on Governmental Affairs.

EC-2437. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-100 adopted by the Council on December 20, 1983; to the Committee on Governmental Affairs.

EC-2438. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-99 adopted by the Council on January 3, 1984; to the Committee on Governmental Affairs.

EC-2439. A communication from the Chairman of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-97 adopted by the Council on January 3, 1984; to the Committee on Governmental Affairs.

EC-2440. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the condition of the accounting systems of the GSA for calendar year 1983; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 320. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; referred to the Committee on Rules and Administration.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 321. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. Res. 322. An original resolution authorizing expenditures by the Committee on Environment and Public Works; referred to the Committee on Rules and Administration.

By Mr. WEICKER, from the Committee on Small business, without amendment:

S. Res. 323. An original resolution authorizing expenditures by the Committee on small business; referred to the Committee on Rules and Administration.

By Mr. THURMOND (for Mr. BIDEN), from the Committee on the Judiciary, without amendment:

S. Res. 324. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1787; referred to the Committee on the Budget.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 325. An original resolution authorizing expenditures by the Committee on Governmental Affairs; referred to the Committee on Rules and Administration.

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. Res. 326. An original resolution authorizing expenditures by the Committee on Appropriations; referred to the Committee on Rules and Administration.

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 327. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

William H. Taft, IV, of Virginia, to be Deputy Secretary of Defense.

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Air Force there are 26 promotions to the grade of lieutenant colonel (list begins with Paul W. Bishop). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 18, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2235. A bill to authorize Federal financial assistance to the government of Nassau County, N.Y., for necessary security-related expenses associated with hosting the 1984 International Games for the disabled; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND:

S. 2236. A bill to reform the extradition procedures of the United States; placed on the calendar, by unanimous consent.

By Mr. SASSER (for himself and Mr. HUDDLESTON):

S. 2237. A bill to strengthen the Asbestos School Hazard Detection and Control Act of 1980; to the Committee on Labor and Human Resources.

By Mr. McCLURE (by request):

S. 2238. A bill to repeal section 203(b) of the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2239. A bill to amend the Export Administration Act of 1979 to prohibit the exportation of freshwater in bulk by tanker; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BYRD (for Mr. HART):

S. 2240. A bill to amend title 18 of the United States Code with respect to sentencing, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

S.J. Res. 219. Joint resolution recognizing the important contributions of the arts to a complete education; to the Committee on the Judiciary.

S.J. Res. 220. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Arts With the Handicapped Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH, from the Committee on Labor and Human Resources:

S. Res. 320. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

S. Res. 321. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. STAFFORD, from the Committee on Environment and Public Works:

S. Res. 322. An original resolution authorizing expenditures by the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. WEICKER, from the Committee on Small Business:

S. Res. 323. An original resolution authorizing expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. THURMOND (for Mr. BIDEN), from the Committee on the Judiciary:

S. Res. 324. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1787; to the Committee on the Budget.

By Mr. ROTH, from the Committee on Governmental Affairs:

S. Res. 325. An original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. HATFIELD, from the Committee on Appropriations:

S. Res. 326. An original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

S. Res. 327. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2235. A bill to authorize Federal financial assistance to the government of Nassau County, N.Y., for necessary security-related expenses associated with hosting the 1984 International Games for the Disabled; to the Committee on Commerce, Science, and Transportation.

FINANCIAL ASSISTANCE FOR 1984 INTERNATIONAL GAMES FOR THE DISABLED

● Mr. MOYNIHAN. Mr. President I rise today to offer legislation authorizing financial assistance for the government of Nassau County, N.Y., to help defray certain expenses incurred in hosting the 1984 International Games for the Disabled. It is traditional for the host of the winter Olympics to host this competition 4 years later. The State of New York and the village of Lake Placid had the honor of hosting the 1980 winter game, and this summer Nassau County will reciprocate by hosting the games for the disabled. This unique competition will be one of the Nation's most important sporting events and will be widely attended. President Reagan himself is expected to be on hand for the games.

In view of the tremendous costs Nassau County already will be absorbing I believe it would be appropriate to help the county defray the costs of the extensive security arrangements required to host these games. Hosting the games for the disabled is an honor for the entire country, and one that is not often bestowed upon us. The financial burden should not rest entirely on the shoulders of the County of Nassau, N.Y. I encourage my colleagues to support this legislation and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) the 1984 International Games for the Disabled, which are to be held in Nassau County, New York, in June 1984, will provide the citizens of Nassau County, the State of New York, and the United States the unique opportunity to host an athletic competition involving disabled athletes;

(2) the games will bring together for the first time in the United States world-class amputee, blind, cerebral palsy, and other athletes representing dozens of nations in a variety of athletic events;

(3) the games will increase appreciation for lifelong physical fitness and expand competitive sports programs for the disabled throughout the United States;

(4) the fifteen hundred participating athletes and their aides will gain new and significant social and cultural experiences during their stay in Nassau County; and

(5) Nassau County will incur substantial cost in hosting the games, and, because of the substantial national benefit to be derived from these games being held in the United States, it is appropriate for the Federal Government to provide financial assistance.

FINANCIAL ASSISTANCE

SEC. 2. The Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") shall, to the extent of funds approved in appropriation Acts, reimburse the government of Nassau County for all necessary security-related expenses associated with hosting the 1984 International Games for the Disabled.

PRELIMINARY CONSULTATION

SEC. 3. No later than two months before the commencement of the games, the government of Nassau County shall submit to the Secretary a written plan detailing the nature and amount of all anticipated security-related expenses associated with hosting the games. Promptly upon receipt of such plan, the Secretary shall examine such plan and consult with the government of Nassau County so that a consensus can be achieved before the commencement of the games as to which of these expenses shall be considered as necessary security-related expenses associated with hosting the games.

RECORDS AND AUDITS

SEC. 4. The government of Nassau County shall keep accurate and detailed records pertaining to all necessary security-related expenses associated with hosting the games. Such records shall remain subject to audit and examination by the Secretary and the Comptroller General of the United States for three years after the completion of the games.

FINAL REPORT

SEC. 5. Within three months after the completion of the games, the government of Nassau County shall submit to the Secretary a final and detailed report disclosing all necessary security-related expenditures associated with hosting the games. The Secretary shall examine the report and determine the amount of the appropriation which the Secretary shall request pursuant to this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated for any fiscal year beginning on or after October 1, 1984, such funds as may be necessary to reimburse the government of Nassau County for necessary security-related expenses associated with hosting the 1984 International Games for the Disabled.●

By Mr. SASSER (for himself and Mr. HUDDLESTON):

S. 2237. A bill to strengthen the Asbestos School Hazard Detection and Control Act of 1980; to the Committee on Labor and Human Resources.

ASBESTOS SCHOOL HAZARD PROTECTION AND CONTROL ACT AMENDMENTS OF 1984

● Mr. SASSER. Mr. President, today I am introducing legislation which establishes an emergency asbestos hazard control program. I am pleased that my distinguished colleague from Kentucky (Senator HUDDLESTON) has joined me as a cosponsor of this legislation.

S. 2237 amends the 1980 Asbestos School Hazard Detection and Control Act in two significant ways. First, it establishes stricter reporting requirements concerning the States' attempts to implement EPA regulations which required all elementary and secondary schools to be properly inspected for hazardous asbestos by June 1983. Second, it creates an emergency grant program based on the financial need of the local educational agency (LEA), to be determined by the extent of the LEA's asbestos-related problems.

I have worked closely with the National School Board Association who has endorsed my legislation. According to national educational organizations, the removal of asbestos from elementary and secondary schools is an educational priority in 1984.

Mr. President, the asbestos-related deterioration which exists in thousands of elementary and secondary schools nationwide seriously impairs our efforts to provide our children with a superior educational system. The American public is demanding that drastic changes take place to improve our school systems. The national debate over the quality of American education is based on the fundamental assumption that our schools are, at the very least, safe institutions. Unfortunately, this is a false assumption.

Our schools are in desperate need of repair. We know that States have drastically cut their budgets for school maintenance. Nationwide, on average, only 6.7 percent of annual school budgets is currently spent for maintenance and capital improvements. This compares with 8.6 percent in 1970, 9.6 percent in 1960, and 14.1 percent in 1920.

Some estimates place the total bill for repairing the Nation's schoolhouses at $25 billion. I believe that the future success of this country depends, to a large degree, on the quality of education we provide our children. This country simply cannot hope to achieve a superior system of education unless we continuously upgrade, modernize, and refurbish our educational facilities. The task of providing our Nation's school children with safe facilities lies at the very heart of the national challenge to rebuild America's educational system.

The Federal Government should take a leading role in assisting State and local school officals in improving their facilities. We now know that a large percentage of school buildings built between 1942 and 1970 contain friable asbestos. Friable asbestos in forms that are easily crumbled or pulverized releasing inhalable fibers into the indoor air. It is clear that friable asbestos poses an imminent health hazard to those exposed and that there exists schools in every State that contain some degree of the hazardous material.

Asbestos is a known human carcinogen and has been scientifically linked to various types of cancer and other chronic illnesses, including a lung disease called asbestosis. Scientists have not demonstrated a threshold level below which exposure to asbestos can be considered safe.

In 1981, the Attorney General issued a report which clearly outlined the health hazards caused by the presence of friable asbestos. When one inhales asbestos fibers, the particles become entrapped in the lungs. In fact, "inhaled asbestos fibers that are deposited in the lungs remain throughout one's lifetime. Fibers retained by the body do not dissipate or disintegrate."

The dangers posed by asbestos are intensified when small children are exposed. Ironically, our children face a greater risk of developing cancer than do adults exposed to asbestos fibers. Because of the lagtime between the exposure to the hazardous material and the development of disease, the diseases associated with asbestos have ample time to develop in young children by the time they reach middle age.

Children are also at greater risk because they breathe a high volume of air and have a higher rate of metabolism. Since they breathe in more contaminated air, and at a quicker rate than adults, children face an increased chance of developing an asbestos-related disease.

Approximately 3.24 million schoolchildren are exposed to hazardous asbestos each day. According to a report recently released by the Department of Education, 14,000 elementary and secondary schools contain hazardous asbestos. Schools in several of our States have been forced to close due to the health risks presented by friable asbestos.

Mr. President, Congress has indeed taken positive action to control the asbestos levels found in our school buildings. The Asbestos School Hazard De-

tection and Control Act of 1980 established a program to assist in inspecting public, private, elementary, and secondary schools for materials containing asbestos, containing or removing such materials, and replacing them with other suitable building materials. The act established a two-part financial program, authorizing $22.5 million to State and local educational agencies in Federal grants, and $75 million per year for long-term, interest-free loans for abatement and control of asbestos-containing materials. According to regulations issued by EPA under authority of this act, all schools were to be inspected for asbestos by June 1983. There were no rules establishing an acceptable level of asbestos, and there were no requirements that actions be taken by States and local school districts to remove the asbestos.

We are fully aware that there has been only nominal compliance with these EPA regulations. Twenty-three States failed to respond at all to the nationwide survey issued by the Department of Education in 1982. According to a widely accepted report completed by the service employees international union, while 85 percent of our public schools may have attempted some sort of inspection, many of them did so under guidelines no longer considered adequate. Despite the 1980 legislation, there remains 14,000 schools in need of inspection for asbestos and/or asbestos abatement.

My bill attempts to enforce the inspection procedures as established by the EPA regulations. First, States receiving Federal funding are required to submit semiannual reports describing their asbestos control programs. The Secretary is further required to report to Congress annually on the progress of asbestos control procedures throughout the country.

Second, in order to qualify for a Federal asbestos control grant, a local educational agency must submit an application outlining its previous efforts to comply with the 1982 EPA regulations. In this way, those local school districts that have indeed heeded to the regulations, but which have not taken subsequent action to remove the asbestos because of lack of funding, will be eligible to receive Federal assistance.

In addition to the compliance efforts of local educational agencies, S. 2237 outlines several other criteria by which the Secretary is required to review applications for grant money. These criteria include the financial condition of the local educational agency, and the number of schools that have closed within the local school district due to asbestos-related problems.

Finally, S. 2237 authorizes $100 million to be appropriated for the emergency grant program for fiscal year 1985 and each of the three successive years.

The asbestos control program established in 1980 is of little use unless Congress provides the necessary funds to carry it out. We know that $1.4 billion will be required to completely clean up asbestos from this Nation's elementary and secondary schools. We should provide Federal assistance to those schools most desperately in need of financial help.

Mr. President, in my own State of Tennessee, at least 318 schools have been found to contain some degree of hazardous asbestos. The data certifying the actions taken by local school officials to remove the asbestos is scarce. But, according to officials at the Tennessee Department of Education, many of the State's schools should be reinspected because of changes in Federal guidelines. These officials are frustrated because their genuine efforts to comply with Federal regulations have been to little avail. The cost to reinspect Tennessee schools is prohibitive. In the interim, Tennessee school children must attend school in fear of not only their health, but also of their educational well-being.

In one county in Tennessee, six schools have been identified as needing asbestos removed. Two of these schools were forced to close, and one remains closed. The director of schools in Montgomery County has made a determined effort to follow Federal regulations. However, no funding is available to assist these efforts. Parents, school employees, and students are aware of the health hazards presented by the asbestos. Without Federal funding, this school county, and others nationwide, will be forced to close their doors under the threat of asbestos contamination.

As Ernest L. Boyer of the Carnegie Foundation stated, "Quality education does not require a luxurious setting, but surely it should provide adequate facilities. The schoolhouse itself should not place students in harm's way. More than that, it should be a place that is decent and safe."

I urge my colleagues to join me as cosponsors of the Asbestos School Hazard Detection and Control Act Amendments of 1984.

I ask unanimous consent that the text, and a section-by-section analysis of S.2237 be submitted in the RECORD immediately following my remarks.

I also ask unanimous consent that Senator HUDDLESTON's statement be entered immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

FINDINGS AND PURPOSE

Amends the present law by stating that the presence of asbestos in schools located in certain local educational agencies poses a serious threat to the quality of public education. Also establishes the need for Federal financial assistance for asbestos control procedures to be carried out in elementary and secondary schools located in the most needy local educational agencies.

TASK FORCE

The composition of the Task Force as outlined in the 1980 Asbestos School Hazard Detection and Control Act of 1980 remains unchanged. However, S. 2237 requires the Task Force to meet at least four times per year.

Outlines a set of criteria which the Task Force must use when reviewing applications for grant monies. These criteria include:

(1) the extent of compliance, by the local educational agency being reviewed, with the regulations promulgated by the Environmental Protection Agency in May, 1982. These regulations required all schools to be inspected for asbestos by June, 1983.

(2) the number of elementary and secondary schools in the local educational agency which have closed due to asbestos-related problems,

(3) the financial condition of affected localities as determined by asbestos abatement and removal procedures,

(4) the fiscal effort of the community, in which the local educational agency is located, to maintain the public school system of the agency, and

(5) the number of schools in the local educational agency requiring funds for asbestos abatement or removal.

STATE PLAN

The State of any local educational agency receiving grant funding is required to submit a report to the Secretary of the Department of Education certifying the compliance efforts of that local educational agency with the regulations issued by the Environmental Protection Agency in May, 1982, and the procedures used by the State for maintaining records on the presence of asbestos, as well as the control procedures used by the local educational agency. Upon receiving a federal grant, the State is required to submit updated reports to the Secretary semi-annually.

This provision will significantly improve the present statute by requiring States and local educational agencies to report their findings concerning asbestos to the Secretary. It is imperative that Congress receive a complete up-to-date account of the asbestos control procedures undertaken by local school systems.

EMERGENCY ASBESTOS HAZARD CONTROL PROGRAM

A local educational agency is eligible to receive a federal grant, for the purpose of asbestos containment or removal, when the Secretary determines that the local educational agency:

(1) is unable to participate in the loan program, as established in the 1980 Act, due to limited fiscal resources, and

(2) contains schools in which the presence of asbestos presents a hazard to public education.

Grant applications will be submitted by the local educational agency to the Secretary of the Department of Education. These applications will be reviewed by the Secretary in conjunction with the Task Force. The applications will contain information describing the basis for the local educational agency's eligibility in this grant program, a description of the fiscal condition of the

local educational agency, the nature of the asbestos problem, and the methods to be used to contain or remove the asbestos. In addition, grant applications must contain assurances that any employees engaged in the asbestos control procedures shall be notified in writing concerning the hazards of asbestos.

The Secretary is required to rank applications on the basis of:

(1) the financial condition of the local educational agencies, and,

(2) the number of schools in the local educational agency in which an asbestos problem exists, including the nature of the asbestos problem.

No local educational agency that has received a federal loan under the 1980 Act may receive a grant under the Emergency Asbestos Hazard Control Program.

The Secretary is required to prepare an annual report for Congress describing the progress of the grant program.

AUTHORIZATION OF APPROPRIATIONS

S. 2237 authorizes $100 million per year for FY 1985, '86, '87 and '88 for the emergency asbestos hazard control program.

S. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Asbestos School Hazard Detection and Control Act Amendments of 1984".

FINDINGS AND PURPOSE

SEC. 2. Section 2 (a) of the Asbestos School Hazard Detection and Control Act of 1980 (hereinafter in this Act referred to as the "Act") is amended—

(1) by striking cut "and" at the end of clause (9);

(2) by redesignating clause (10) as clause (11); and

(3) by inserting after clause (9) the following new clause:

"(10) the presence of asbestos and the exposure to asbestos fibers in the schools of local educational agencies pose a serious threat to the quality of education available in such schools; and".

(b) Section 2 (b) of the Act is amended—

(1) by striking out "and" at the end of clause (4);

(2) by redesignating clause (5) as clause (6); and

(3) by adding after clause (4) the following new clause:

"(5) provide Federal financial assistance for an emergency program of removal of asbestos from the schools of the local educational agencies most in need of such assistance;".

TASK FORCE

SEC. 3. Section 3 (b)(1) of the Act is amended by adding before the period at the end thereof a comma and the following: "and the Task Force shall meet at least four times each year".

(b)(1) Section 3 (e)(3) of the Act is amended by inserting at the end thereof a comma and the following: "in accordance with the provisions of subsection (f)".

(2) Section 3 of the Act is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) In making recommendations under clause (3) of subsection (e) of this section, the Task Force shall consider—

"(1) the extent of compliance with the Environmental Protection Agency regulations entitled 'Friable Asbestos-Containing Materials in Schools; Identification and Notification' published in the Federal Register, dated May 27, 1982;

"(2) the number of schools in each local educational agency which have closed due to asbestos related problems;

"(3) the financial condition of affected localities as determined by the total cost of abatement or removal, or both;

"(4) the fiscal effort of the community in which the local educational agency is located made to maintain the public school system of the agency; and

"(5) the number of schools in the local educational agency requiring funds for abatement or removal.".

(c)(1) Section 3(e)(4) of the Act is amended to read as follows:

"(4) upon the request of the Administrator of the Environmental Protection Agency, the review of regulations established by the Environmental Protection Agency relating to exposure of asbestos fibers in schools and the identification of schools in which exposure to such fibers poses a health problem and the recommendations of such modifications as the Task Force deems necessary.".

(2) Section 3(e)(5) of the Act is repealed.

(d) Subsection (g) of section 3 of the Act (as redesignated by subsection (b)(2)) is repealed.

STATE PLAN

SEC. 4. Section 4 of the Act is amended to read as follows:

"STATE PLAN

"SEC. 4. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Detection and Control Act Amendments of 1983, the State educational agency of any State which receives applicable funds (as defined under subsection (c)(1)(A) of the General Education Provisions Act) shall submit to the Secretary a plan which—

"(1) describes the extent to which the local educational agencies in the State are in compliance with the provisions of this Act and regulations issued under this Act and the regulations of the Environmental Protection Agency described in section 3(f)(1);

"(2) describes the procedures to be used by the State for maintaining records on—

"(A) the presence of asbestos materials in school buildings of local educational agencies;

"(B) the asbestos detection, containment, or removal activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials); and

"(C) repairs made to restore school buildings to conditions comparable to those existing before the containment or removal activities referred to in subparagraph (B) were undertaken; and

"(3) designates a State agency or other administrative unit with the responsibility for submitting to the Secretary reports described in subsection (h) of this section and provides assurances that such agency or unit shall carry out the duties specified under subsection (b).

"(b) Not later than six months after the submission of the plan described in subsection (a), and each six months thereafter, the State agency or unit designated under paragraph (4) of subsection (a) shall submit to the Secretary a report which describes the actions taken by the State in accordance with its plan under such subsection.".

EMERGENCY ASBESTOS HAZARD CONTROL PROGRAM

SEC. 5. The Act is amended by redesignating sections 8 through 12 as sections 9 through 13, respectively, and by adding after section 7 the following new section:

"EMERGENCY ASBESTOS HAZARD CONTROL PROGRAM

"SEC. 8. (a)(1) Whenever the Secretary determines that a local educational agency—

"(A) is in compliance with the regulations of the Environmental Protection Agency described in section 3(f)(1);

"(B) has such limited fiscal resources that the local educational agency is unable to obtain a loan to carry out the projects described in paragraph (2); and

"(C) the asbestos hazard in the school buildings of the school district of such agency adversely affect the public education in such district,

that local educational agency is eligible to receive an emergency grant under this subsection.

"(2) The Secretary is authorized to make grants to local educational agencies which are eligible under paragraph (1) and are ranked in accordance with subsection (b)(2) to pay all of the costs of carrying out projects for—

"(A) the containment or removal of any materials containing asbestos in school buildings in which such materials pose an imminent hazard to the health and safety of children or employees;

"(B) the replacement of the asbestos materials removed from school buildings with other appropriate building materials; and

"(C) making repairs which the Secretary determines to be necessary to restore school buildings to conditions comparable to those existing before containment or removal activities were undertaken under subparagraph (A).

"(b)(1) No grant may be made under this section unless an application has been submitted to and approved by the Secretary, after consultation with the Task Force. Each application shall—

"(A) contain such information as the Secretary may require, including information describing—

"(i) the basis for the eligibility of the local educational agency for emergency grants in accordance with paragraph (1) of subsection (a);

"(ii) a description of the fiscal condition of the local educational agency including a description of the fiscal effort of the community in which the local educational agency is located to assist the public school system of the agency;

"(iii) the nature of the asbestos problem and the amount of the grant for which assistance is sought under this section;

"(iv) the asbestos content of the material to be contained or removed by the local educational agency, as determined under preliminary testing which was conducted in accordance with the standards established by the Secretary under section 7(a)(1), or, in the case of testing conducted before the effective date of this section, was conducted in a manner which substantially conforms to such standards; and

"(v) the methods which will be used to contain or remove the asbestos materials, in accordance with section 7(b), and any other pertinent details relating to the project or projects to be conducted by the applicant (as described in subsection (a)(2));

"(B) contain assurances that—

"(i) any employee engaged in any activity to carry out programs under this section shall be notified in writing by the local educational agency conducting the program of hazards of working with asbestos, and shall be required to utilize all appropriate safety procedures to minimize health risks;

"(ii) no child or school employee shall be permitted in the vicinity of any asbestos containment or removal activity; and

"(iii) the local educational agency shall pay employees engaged in containment, removal, or replacement activities under this section reasonable rates of pay, as established by the Secretary on the basis of prevailing wage rates in the location of such work; and

"(C) furnish such information as is necessary for the Secretary to make the report required by subsection (c) of this section.

"(2)(A) The Secretary shall rank applications on the basis of—

"(i) the financial condition of the local educational agency including the fiscal effort of the community in which the local educational agency is located to maintain the public school system of the agency; and

"(ii) the number of schools of the local educational agency in which there is an asbestos problem and the nature of the asbestos problem.

"(B) In approving applications under this subsection the Secretary shall approve an appropriation of the local educational agency having the highest rank among applications being considered.

"(3) The Secretary shall provide the Task Force with a copy of any application submitted to the Secretary under paragraph (1).

"(4) No grants may be made by the Secretary under this section for projects described in subsection (a)(2) for which the local educational agency has an approved application under section 6(c).

"(C) The Secretary shall prepare and submit not later than February 1 of each year a report to the appropriate committee in the Senate and the House of Representatives on the emergency grant program authorized by this section. Each report shall—

"(1) describe the number of applications received;

"(2) describe the number of grants made in the preceding calendar year and specify each applicant for and recipient of a grant;

"(3) specify the number of grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

"(4) describe the types of programs for which grants were made;

"(5) specify the estimated total costs of such programs to the recipients of grants and specify the amount of grants made under the program authorized by this section; and

"(6) estimate the number of schools still in need of assistance.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Section 12(a) of the Act is amended by redesignating paragraph (2) as paragraph (3) and by adding after paragraph (1) thereof the following new paragraph:

"(2) There are authorized to be appropriated for the emergency asbestos hazard control program under section 8 $100,000,000 for the fiscal year 1985 and for each of the three succeeding fiscal years.".●

● Mr. HUDDLESTON. Mr. President, I am pleased to join with my colleague from Tennessee (Mr. SASSER) in introducing the Asbestos School Hazard Detection and Control Act Amendments of 1984. This legislation addresses a vital need in our country today—ridding our schools of harmful asbestos contamination.

Schools in my home State of Kentucky are facing the same financial difficulties in dealing with asbestos as are many schools in other States. The Kentucky Department of Education estimated last year that approximately $26 million would be required to take care of the asbestos problems in the State's schools.

Superintendents, school board members, principals, and parents have contacted me over the last year to express their concern about the problem. From these conversations one thing is clear—that everyone wants the asbestos removed to guarantee that the children will not be exposed to this health hazard. It is also obvious that the cost will be expensive.

For almost a year now, the urgency of providing financial assistance to school districts facing asbestos problems has been discussed on a continuing basis in the Senate. Report language I offered to the supplemental appropriations bill for fiscal year 1983 brought this issue to the forefront again by requiring a detailed study by the Department of Education on the extent of asbestos contamination in the schools.

Efforts were made to include funding in the Labor-HHS-Education appropriations bill for fiscal year 1984, but unfortunately, these were unsuccessful. One reason for this result is that it was felt the Senate should await the results of the Department of Education's report on the asbestos situation before appropriating any funding.

This report was finally released in late October last year and it showed that 14,000 schools have some form of asbestos contamination. The Federal Government's share of the asbestos removal costs amounted to $700 million.

We need to realize that the asbestos problem in the schools is severe. We need to remember that the asbestos fibers that are inhaled by young children can cause cancer and other lung diseases that may not show up for 20 to 30 years. And we need to recognize that the Federal Government has a responsibility to help schools abate the asbestos contamination.

The legislation that is being introduced today provides us with an opportunity to help those school districts that are most severely affected. It would authorize grant funds to those local educational agencies that the Secretary of Education determines have limited resources to eliminate asbestos hazards.

Additionally, States that receive grant funding would have to keep the Secretary of Education up to date on the asbestos control procedures being undertaken by local school systems.

Finally, the Asbestos Task Force would be required to meet more frequently than they have in the past to keep current on asbestos removal programs across the country. The task force would also have to follow specific criteria in evaluating applications for grant funding under this legislation.

At a time when the quality of our schools is being questioned, it is ironic that we are asking some school districts to use instructional funds to remove asbestos hazards. Since the Federal Government mandated that schools inspect for these hazards, we have a responsibility to help them with the removal costs. I believe this legislation provides an important step in this process and hope that it will again point out to the Senate the urgency of this task.●

By Mr McCLURE (by request):

S. 2238. A bill to repeal section 203(b) of the Reclamation Reform Act of 1982; to the Committee on Energy and Natural Resources.

REPEAL OF SECTION 203(b) OF THE RECLAMATION ACT OF 1982

●Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to repeal section 203(b) of the Reclamation Reform Act of 1982.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the communication which accompanied the proposal from the Secretary of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of the Reclamation Reform Act of 1982 (43 U.S.C. 371) is hereby repealed.

THE SECRETARY OF THE INTERIOR,
Washington, Jan. 23, 1984.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill, "To repeal section 203(b) of the Reclamation Reform Act of 1982."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The Reclamation Reform Act of 1982 (43 U.S.C. 371), title II of Public Law 97-293, was signed into law on October 12, 1982. Until that time, the ownership of land receiving reclamation water was limited to 160 acres per individual (or 320 acres for husband and wife). There was no limit on the amount of leased land for which an individual could receive a reclamation water supply as long as the owners of the leased land were in compliance with the 160-acre limitation.

The Reclamation Reform Act of 1982 limits the ownership of land receiving reclamation water by a qualified recipient to 960 acres. In addition, the new provisions require that irrigators pay full cost, including interest, for water deliveries to lands leased in excess of a total landholding of 960 acres. Under the new law, districts and individuals have the option of either conforming with the ownership and leasing restrictions of the new law, or remaining subject to the ownership limitation of prior law.

However, section 203(b) of the Act gives districts on four and one-half years from the date of enactment to amend their existing repayment or water service contracts to comply with the provisions of the new law. After April 12, 1987, individuals in nonamending districts who do not execute certain irrevocable elections must pay the full cost of reclamation water supplied to leased lands in excess of 160 acres.

After receiving public comment on the implementation of section 203(b), we have become concerned with the impact of this section on existing obligations between western water users and the United States, and its potentially adverse effects on operations of small family farms throughout the West. Water user entities have, in good faith, entered into valid contracts with the United States for a reclamation water supply. Section 203(b) would change the terms of eligibility for delivery of reclamation water and could prove to be detrimental to individuals within those districts who were in compliance with reclamation law at the time of their contractual arrangements.

We strongly believe in protecting contractual rights and fear that the unintended effect of section 203(b) could be to abrogate such rights. We therefore have concluded that legislation to repeal this provision is essential.

The draft bill would remedy any conflict associated with existing contractual obligations and would provide for a more effective means of bringing all water users under the new provisions of this law. This would be accomplished by allowing those districts with existing contracts to continue to operate under previously agreed upon terms. As these contracts mature, new or amended contracts would be subject to the provisions of the Reclamation Reform Act of 1982.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

BILL CLARK,
Secretary.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2239. A bill to amend the Export Administration Act of 1979 to prohibit the exportation of freshwater in bulk by tanker; to the Committee on Banking, Housing, and Urban Affairs.

EXPORTATION OF FRESHWATER IN BULK BY TANKER

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill addressing a gap in Federal law concerning the withdrawal of freshwater from navigable waters. My colleague in the House of Representatives, Representative HAMILTON FISH of New York, introduced similar legislation on January 26.

My bill would amend the Export Administration Act of 1979 to require businesses to secure a license from the Secretaries of Commerce and Transportation before exporting freshwater in bulk by tanker. The affected State and local governments would have to concur before the license could be granted, and they would be reimbursed for all water withdrawn. The bill, moreover applies to all navigable waters of the United States.

Large vessels such as oil tankers generally carry ballast water when empty of cargo, in order to maintain sufficient depth and stability for navigation. Saltwater can be used for this purpose, and often is; but a carrier can reap economic benefits by using freshwater as ballast, selling it at the destination or using it in shoreside industrial operations. Equity demands that these benefits be shared with the communities whose water is taken. There should be some control over the quantities of water exported, the location of the withdrawals, and other aspects of the activity.

My own State of New York has faced problems illustrating the need for this legislation. Between 1977 and 1983, tankers operated by the Exxon Corp., exported 3 million tons of freshwater from a reach of the Hudson River about 80 miles north of New York City. Exxon transported the water to its refinery in water-short Aruba, saving the costs of securing an alternative supply and selling some of the water to the Government of Aruba. Note Exxon obtained this water free of charge although the State of New York and communities on the Hudson did not maintain the quality of the water for free. This practice also has raised certain problems concerning water quality. Before withdrawing the river water, a tanker must discharge the ballast water already on board. This water, needed for the voyage upriver, was not only saline but contaminated with petroleum. The State of New York is investigating whether any laws have been violated, and Exxon temporarily has halted the withdrawals.

The same practice could occur in navigable freshwater throughout the Nation, including the Great Lakes and the Delaware and Mississippi Rivers. Many of these water bodies serve as sources of drinking water for nearby communities, and their protection and wise use are essential.

I urge my colleagues to support this proposal, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406) is amended by adding at the end thereof the following new subsection:

"(k) EXPORTATION OF FRESH WATER.—(1) No fresh water removed from the navigable waters of the United States may be exported in bulk by tanker except pursuant to a license granted under paragraph (2) of this subsection.

"(2) The Secretary, in consultation with the Secretary of Transportation, may issue regulations providing for the granting of licenses for the export by tanker of specified amounts of water subject to the prohibition contained in paragraph (1). Such regulations may provide for the granting of any such license only if the affected States and units of local government concur in the granting of the license and receive appropriate reimbursement for the water exported under the license. Regulations under this paragraph shall be issued in accordance with the provisions of sections 551 and 553 through 559 of title 5, United States Code, and shall be subject to the provisions of sections 701 through 706 of that title.

"(3) For purposes of this subsection—

"(A) the term 'navigable waters of the United States' means (i) the navigable waters of the United States, and their connecting and tributary waters, shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and (ii) the waters of the Great Lakes, and their connecting and tributary waters, on the United States side of the International Boundary; and

"(B) the term 'tanker' means a vessel constructed or adapted primarily to carry oil or other liquid cargoes in bulk in its cargo space.".

SEC. 2. Section 13(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2412(a)) is amended by striking out "section 11(c)(2)" and inserting in lieu thereof "sections 7(k) and 11(c)(2)".●

● Mr. D'AMATO. Mr. President, today I join with my colleague, the senior Senator from the great State of New York, to introduce legislation to address an issue of deep concern to the people of the Hudson Valley.

Exxon tankers have been taking freshwater from the Hudson River and selling to the Caribbean island nation of Aruba. Although local communities have to pay for this water, Exxon gets if for free.

That is not fair. Exxon has annual sales of $100 billion. People along the Hudson scrimp and save to make do. And yet they have to watch by the riverside as this gigantic corporation exploits this precious natural resource for free. What is really insulting is that Exxon sells the water in a playground of the rich, a place many Hudson Valley citizens could never afford to visit.

This legislation, which is sponsored in the House by five members of my State's delegation, amends the Export Administration Act of 1979 to state that no freshwater removed from the navigable waters of the United States may be exported in bulk by tanker without a license from the Secretaries

of Commerce and Transportation. The bill also states that the affected States and units of local government must concur in the granting of the license and receive appropriate reimbursement for the water exported under the license.

Mr. President, I urge our colleagues to act with dispatch in stopping the practice. This is a matter of simple justice.

Thank you, Mr. President.●

By Mr. BYRD (for Mr. HART):

S. 2240. A bill to amend title 18 of the United States Code with respect to sentencing, and for other purposes; to the Committee on the Judiciary.

SENTENCING ACT OF 1984

● Mr. HART. Mr. President, I am today introducing the Sentencing Act of 1984. This bill was previously introduced in the House of Representatives by the distinguished chairman of the House Judiciary Committee, Congressman RODINO. This legislation will do much to increase fairness and order in Federal sentencing procedures; its introduction marks an important step on the path toward effective—and constitutional—reform of Federal criminal law.

The Sentencing Act of 1984 embodies a moderate program for reform around which Members of both parties can unite. Too often in the past, efforts to reform Federal sentencing procedures have come to naught as politicians of both parties have attempted to use this issue for partisan purposes. Too often, reform efforts have fallen victim to the desire to use the threat of crime as an excuse for unjustifiable restrictions on the liberties of the American people. Too often, the public has been misled into believing that peaceful, crime-free lives are possible if only we repeal the Bill of Rights. Such a view is nonsense. No one commits a crime because of the exclusionary rule or habeas corpus protections. These rights are in our Constitution for the protection of all of us.

In truth, crime is a problem which defies simple solutions, or solutions on the cheap. Many factors make it difficult to move quickly on this issue. And our families, schools, and religious faiths possess a greater ability than the Government to deter people from criminal acts. National leaders have a responsibility to stop offering cheap and easy answers to the crime problem out of a belief that the American people are too uninformed to understand the nature of our difficulties. Only by offering sensible, effective approaches to the crime problem will those of us in positions of national leadership be truly serving the American people.

We need to approach criminal justice reform the same way we should approach economic reform, energy reform, or military reform: by breaking away from the outmoded beliefs and partisan debates of the past and focusing on practical, workable steps to achieve our goals. Crime can be reduced while constitutional rights are observed—if we are prepared to commit the resources and make the changes necessary to do so. The legislation I am introducing today represents a step in that direction.

Almost all experts in the criminal justice system agree that Federal sentencing provisions need revision. The case against the present system is well known.

In the first place, the Federal sentencing process is characterized by unwarranted disparity in sentencing. In the absence of congressional guidance, similarly situated offenders convicted of the same type of offense will often receive different sentences. Such instances of seeming unfairness contribute to popular perceptions that the system is arbitrary and unjust.

Under the current system, Federal judges do not have to declare their reasons for granting a sentence. The present system is driven by the belief that "justice is served by making ad hoc predictions about the likelihood of rehabilitation or probation." Too often, this means that offenders with the same history convicted of the same offense will receive markedly different sentences.

The present regime is also plagued by a lack of clearly delineated procedures for imposing sentences. Present law only authorizes imprisonment and fines. No sentence exists of supervised or unsupervised release; restitution has only recently been added.

Moreover, our current setup relies too heavily on imprisonment—a most expensive method of deterring criminal behavior. Its usefulness is limited to its ability to punish offenders and remove them from society. Prison space should be reserved for violent or career criminals for whom there is no alternative. Our sentencing procedures should be changed to allow for the increased use of alternative sentences for nondangerous offenders. Such a change would encourage the use of traditional incarceration for the truly dangerous.

This legislation incorporates a number of procedural improvements affecting the Federal sentencing process. They include:

Determinate sentencing: With determinate sentencing, the defendant will know at the time of trial how long he will serve.

Sentencing guidelines: The Judicial Conference will be given responsibility to promulgate sentencing guidelines. Unlike other sentencing proposals currently before the Congress, under this legislation, Federal judges may depart from the sentencing guidelines if they find that the purpose of sentencing are best served by such a departure.

Appellate review: Under this provision, defendants may appeal a sentence in violation of the Constitution or one which is "unreasonable."

Parole: This legislation replaces parole with a system of supervised release. The replacement of good time and parole with an integrated system of supervised release within statutory limits should make the sentencing system more rational.

White-collar crime: The bill imposes more severe nonprison forms of punishment for white-collar criminals, including double fines, appointments of special overseers, and disqualification from corporate office.

These changes have been endorsed by a coalition of groups interested in effective but fair criminal justice reform, including the American Bar Association, the National Legal Aid Defense Association, and the American Civil Liberties Union.

The bill I am introducing today contains a number of advantages over other sentencing bills currently before the Congress. It provides an efficient safety valve for prison overpopulation, with the supervised release provisions. It emphasizes procedural due process through the use of a detailed sentencing hearing to consider aggravating and mitigating circumstances affecting the defendant. It controls prosecutorial discretion by means of plea bargaining guidelines. It stresses incapacitation of violent criminals, balanced by the use of alternative sentences for nonviolent offenders.

This approach guarantees that scarce Federal resources would be conserved in the most efficient way possible, as the most severe methods of punishment would be targeted to the most severe defendants.

This legislation provides a coherent and just framework for an effective program to reduce disparities in sentencing, improve the information available to the sentencing judge, and protect against prison overcrowding by insuring that prison space is used efficiently. With our correctional facilities already filled well beyond capacity at all levels of government, we cannot afford a blind leap to the other extreme.

For too long the crime issue in America has been governed by a false debate. While ideologues of the left and right debate theories about criminal behavior, our citizens remain afraid to leave their homes at night or walk the streets by day. It is time we left this debate of yesterday and focused on the future we desire—and the steps we can take to get there. Only by leaving the old answers aside and focusing on new approaches, only by constructing an agenda for progress built upon what works in our commu-

nities, our courts, and our schools, will we be able to move toward real criminal justice reform. This agenda for progress must include methods and values contained in this bill.

Mr. President, the legislation I am introducing today represents a moderate but effective package of reforms. It illustrates that we can make improvements in our criminal justice system without curtailing our civil liberties. This bill will not stop crime. No bill can do that. But in making our criminal justice system more rational and orderly, in reducing unfairness in the sentencing process, in assisting judges in imposing the best sentence possible, in reserving prison space for the most dangerous offenders—this bill will better equip major actors in the system to deal with crime. Its passage will mark a victory for neither the left nor the right, but simply all those interested in a more fair and effective criminal justice system. I urge all my colleagues to support this legislation.

Mr. President, I include a section-by-section analysis of the bill as follows:

SENTENCING ACT OF 1984: SECTION-BY-SECTION ANALYSIS

Section 1 of the bill sets forth the short title of the legislation: the "Sentencing Act of 1984."

Section 2 of the bill would amend Title 18, United States Code, by deleting current chapters 225 (Verdict), 227 (Sentencing, judgment, and execution), 229 (Fines, penalties and forfeitures), and 231 (Probation), and enacting new chapters governing the imposition of sentence following conviction of a crime. The proposed new sections of Title 18 are as follows:

CHAPTER 225 (GENERAL PROVISIONS)

This chapter sets forth the general provisions of law governing the imposition of sentence.

Section 3521 instructs the court to consider certain purposes of sentencing—deterrence, incapacitation, rehabilitation, restitution and reconciliation—when imposing sentencing, but requires that such goals be sought only within the limits imposed by the necessity of assuring that defendants be justily punished and that sentences be equitably imposed.

Section 3522 sets forth the factors to be considered by the court in imposing sentence, including data regarding the defendant and the offense, the purposes of sentencing, sentencing options and sentencing guidelines; and instructs the court to impose a sentence comporting with the sentencing guidelines unless data about the defendant or the offense warrant departure from the guidelines.

Section 3523 sets forth, in order of increasing severity, the sentencing options to be considered by the court before imposing sentencing. Where the relative severity of sanctions can only be determined according to the conditions imposed, the options are listed in the same paragraph. The court must impose the least severe sanction sufficient to achieve the purposes of sentencing. The section also requires that the court make findings resolving any relevant facts in controversy (including whether the defendant is a violent career criminal, as defined in the section), and state on the record the reasons for the the imposition of particular sentence and why it is the least severe alternative.

Section 3524 directs the probation service to provide the court with a presentence report on the defendant, and sets forth the required contents of the report. The section also provides for disclosure of the contents of the report to the defendant, and specifies the circumstances under which a summary by the court may substitute for disclosure.

Section 3525 directs the court to conduct a presentence hearing prior to the imposition of sentence. The section sets forth the rights of the defendant at such a hearing and the procedures for resolving factual disputes.

Section 3526 provides that the court, if it desires more information about the defendant, may commit the defendant to the custody of the Attorney General for a special study as described in 18 U.S.C. 4201(c). Following such study, the court may resentence the defendant.

CHAPTER 227 (IMPRISONMENT)

This chapter provides the procedures for the imposition of a sentence of imprisonment.

Section 3541 prohibits the court's using rehabilitation as a reason for imposing a prison sentence or for imposing a longer prison sentence than would otherwise be necessary to serve the purposes of sentencing.

Section 3542 provides that a sentence of imprisonment commences when the defendant is received in custody for the service of the sentence, and sets forth the circumstances under which a defendant is to receive credit for time spent in custody prior to the commencement of the sentence.

Section 3543 authorizes the court, upon a finding of extraordinary and compelling circumstances, to reduce a sentence of imprisonment if requested to do so by the Board of Imprisonment (which must so request if urged to do so by the Bureau of Prisons) and permits the court otherwise to modify a sentence as elsewhere permitted by law.

Section 3544 sets forth the rules governing the imposition of more than one sentence of imprisonment: sentences are to be concurrent unless the court finds, and states the reasons, that consecutive sentences are appropriate. Consecutive sentences are prohibited for attempts and conspiracies if the defendant has also been sentenced for the object crime, and for two crimes that differ only in that one prohibits the conduct more specifically. Under no circumstances may the total of consecutive sentences imposed at the same time exceed twice the longest of such sentences.

Section 3545 permits a court, in its discretion, to designate as a youthful offender someone under 21 years old who is sentenced to imprisonment.

CHAPTER 229 (FINES)

This chapter sets forth the rules governing the imposition of fines.

Section 3561 sets forth the maximum that can be levied as a sentence. For any offense, the defendant can be fined up to the amount specified in the section defining the offense or up to the amount specified in this section, whichever amount is greater. In the case of individuals, the maximum fines are $250,000 for felonies or misdemeanors resulting in loss of life, and $15,000 to $100,000 for other offenses, varying according to the potential prison sentence for the offense. For organizations, the amounts are $1,000,000 for felonies or misdemeanors causing loss of life, and $50,000 to $250,000 for the other offenses. In addition, if the offense caused a measurable pecuniary loss to the victim, or gain to the defendant, the defendant may alternatively be fined up to twice such loss or gain.

Section 3562 requires the court to consider various aspects of the defendant's financial resources in determining whether, and in what amount, to impose a fine.

Section 3563 provides that a fine may be made payable over a period of time, or in specified installments. The maximum period for payment is the greater of the maximum term of probation or imprisonment for the offense.

Section 3564 requires persons authorized to disburse the assets of an organization to pay any fines imposed on the organization from such assets.

Section 3565 authorizes the court, in the interest of justice, to remit any unpaid portion of a fine if the defendant has voluntarily paid restitution to the victim, or if the defendant has made a good faith effort to pay and circumstances warrant such action by the court.

Section 3566 authorizes the enforcement of fines in the same manner as civil judgments, and directs that amounts received be deposited in the general fund of the Treasury.

CHAPTER 231 (PROBATION AND RESTITUTION)

This chapter sets forth the procedures for the imposition probation and orders of restitution.

Section 3581 provides that a defendant may be placed on probation in lieu of the fine or imprisonment (or both) specified in the definition of the offense, unless the defendant is also ordered imprisoned.

Section 3582 sets forth the maximum terms of probation: 5 years for a felony, 2 years for misdemeanors punishable by more than 5 days imprisonment, and one year for all other offenses. The term commences at the time of sentencing, and runs concurrently with any other term of probation or any other sentence besides imprisonment.

Section 3583 sets forth the possible conditions of probation, which may be unsupervised or supervised by a probation officer. Special provision is made for the appointment of a special master to supervise the probation of an organization, if the court considers such supervision appropriate. Any order of probation must include conditions that the probationer not violate the law and, to the extent the court determines practical, make restitution. Supervised probation must include certain additional conditions (unless the court finds such conditions impractical) designed to facilitate supervision. The court may impose such other conditions of probation as are related to the factors to be considered in sentencing (§ 3522) and do not involve a greater deprivation of liberty than is necessary. The section sets forth numerous examples of such conditions. The section also permits a court to bar persons convicted of offenses arising from a managerial position in an organization from continuing to perform the functions of such a position during the period of probation.

Section 3601 authorizes the court to order a defendant to make restitution to any victim of the offense, but only to such degree as will not unduly complicate or prolong the sentencing process. If restitution is not ordered, the court is required to state on the record its reasons for not doing so.

Section 3602 defines what a court can order as restitution. When the offense involves loss or destruction of property, the court can order return of the property to the rightful owner or, if that is inadequate, payment equivalent to the greater of (1) the value of the property on the date of its loss or destruction or (2) the value of the property on the date of sentencing, less the value of any part of the property that is returned. When the offense involves bodily injury, the court can order reimbursement of (1) the victim's necessary medical expenses, (2) expenses for necessary physical and occupational therapy, and (3) any income lost as a result of the offense. The court, if the victim agrees, may permit the defendant to make restitution in services in lieu of money or to make restitution to any person designated by the victim.

The section also sets forth 2 limitations on the amount of restitution: (1) the court cannot order restitution to the extent that the victim will receive double recovery for a loss, and (2) any restitution paid to a victim will be set off against any amount that the victim later recovers from the defendant in a Federal civil action or in a State civil action (to the extent provided by State law).

Finally, the section requires that the court, in determining whether to order restitution and the amount of the restitution, consider the victim's loss, the defendant's financial resources, the financial needs and resources of the family and dependents of the defendant, and any other factor the court considers appropriate.

Section 3603 regulates the making of restitution payments. The court can order the payment of restitution in one sum or in installments, but if the court says nothing, the restitution must be made immediately. If the court orders installment payments, the last installment cannot be later than (1) the end of the period of probation (if restitution is made a condition of probation), (2) 5 years after the end of a prison term (if imprisonment is ordered), and (3) 5 years after the date of sentencing in any other case. The court is authorized to modify or terminate an order of restitution before the restitution is completed, if the court finds that the purposes of sentencing and the interest of justice justify that action.

Section 3604 sets forth 4 special rules applicable to the court's determination of whether to order restitution and, if so, the amount of that restitution. First, the probation service must collect and give to the court information pertinent to the factors that the court must consider in deciding whether to order restitution. Second, that information must be disclosed to the prosecution and the defendant. Third, if there is a dispute about restitution: (1) the prosecution has the burden of demonstrating the amount of the victim's loss; (2) the defendant has the burden of demonstrating his or her financial resources and the financial needs of his or her dependents; and (3) the burden of demonstrating any other matter that the court considers appropriate falls upon the party designated by the court in the interest of justice. Fourth, the defendant must be given a copy of the order of restitution.

Section 3605 authorizes the victim or the United States to enforce an order of restitution in the same way as a judgment in a civil action is enforced.

Section 3621 authorizes the court, in a case involving fraud or other intentionally deceptive practices, to require the defendant to give notice of the conviction to all readily identifiable victims of the offense.

Section 3622 provides that a conviction in Federal court estops the defendant from denying the essential facts of the conviction in any proceeding in which Federal law governs issues of collateral estoppel, and in other proceedings to the extent consistent with the governing state law.

Section 3 of the bill would amend chapter 235 (Appeal) of title 18, United States Code, to include the following sections:

Section 3731 re-enacts current 18 U.S.C 3731, which permits the United States to appeal orders excluding (or ordering the return of) evidence and orders of dismissal.

Section 3732 authorizes the defendant to appeal sentences that are in violation of the Constitution or laws of the United States, or which are unreasonable. A defendant cannot, however, appeal a sentence as unreasonable if that sentence was pursuant to a plea bargain.

Section 3733 establishes the procedures for the appeal of a sentence by the defendant and sets forth the matters to be considered by the appellate court in such an appeal. The section authorizes resentencing of a defendant after a successful appeal on condition that such sentence not exceed the sentence appealed.

Section 4 adds a new chapter 239 (Sentencing Guidelines) to title 18, United States Code, which would provide procedures for the promulgation of sentencing guidelines and would include the following sections:

Section 3791 requires that the Judicial Conference of the United States promulgate (and submit to Congress) sentencing guidelines for the use of Federal judges. Any proposed guidelines will take effect 180 days after their submission to Congress unless Congress otherwise provides by law. The guidelines must be accompanied by a statement of the expected impact on Federal prisons and courts. The Conference is to seek information from various Federal agencies in preparing the statement. The section also requires that the guidelines be formulated to minimize the probability of prison overcrowding.

Section 3792 requires that the guidelines be based on categories of defendants and categories of offenses, indicating an appropriate sentence for each case falling within each category of offender and each category of offense; indicate the range of any appropriate fine or imprisonment for each category; and indicate the circumstances under which cumulative sentences for various charges are appropriate. The maximum appropriate imprisonment should not exceed 80% of the maximum for the offense, except for persons designated violent career criminals. For violent career criminals, the minimum limit of the guideline range must not be less than two-thirds the maximum imprisonment for the offense. The guidelines should also assist the court in determining the appropriate conditions of probation.

Section 3793 establishes a Sentencing Guidelines Commission within the Judicial Conference charged with recommending sentencing guidelines and plea bargaining guidelines to the Conference. The Commission must also collect, analyze and disburse date to assist in the formulation and evaluation of those guidelines, and recommend various standards to be used in implementation of the guidelines. Meetings of the Commission are, in general, to be open to the public.

Section 3794 sets forth the membership and organization of the Sentencing Guidelines Commission. The 9 members are to be appointed by the Judicial Conference and must reflect a variety of backgrounds. Five of the 9 must be active Federal judges; the remainder cannot be judges or former judges. The section also provides for the terms and compensation of the members.

Section 3795 authorizes the Sentencing Guidelines Commission to hold hearings.

Section 3796 authorizes the Sentencing Guidelines Commission to request assistance from other Federal agencies, and directs such agencies to comply to the greatest practicable extent.

Section 3797 authorizes the Sentencing Guidelines Commission to accept voluntary and uncompensated services.

Section 5 amends chapter 311 of title 18, United States Code, (Parole) by replacing it with a new chapter (Supervised Release), containing the following sections:

Section 4201 directs the Board of Imprisonment (established by new section 4210) to establish, within 120 days of the acceptance of a prisoner into custody, a presumptive release date. The prisoner must be granted supervised release on the presumptive release date, which date must be reviewed at least every two years. The Board may revise the initial decision, setting an earlier or (under new section 4202) later presumptive release date. However, the presumptive release date may not normally be earlier than the expiration of 80 per cent of the minimum term made applicable to the prisoner by the guidelines nor later than the expiration of 80 per cent of the sentence imposed. There are three exceptions: (1) If a person receives a sentence less than the minimum term prescribed by the applicable guideline, the initial presumptive release date must be at the expiration of 80 per cent of the sentence imposed. For such persons, no earlier date can subsequently be set unless, due to guideline amendments, the lower guideline limit falls below the sentence imposed. (2) If the Board finds that prison population exceeds capacity, presumptive release dates may be up to 120 days earlier than the earliest date otherwise permissible. This exception, however, is not applicable to violent career criminals. (3) If a prisoner is found to have violated a criminal law or a significant rule of the correctional institution, the presumptive release date may be later than otherwise permitted.

The section also sets forth the matters that can be considered by the Board in determining a presumptive release date: reports and recommendations of the staff; violations of law or institutional rules by the prisoner; current prison population; and other relevant and available information. However, the Board may consider matters which were considered by the court at sentencing only to the extent necessary to eliminate unwarranted disparity among prisoners sentenced within the same applicable guideline. The Board must establish guidelines for the determination and modification of presumptive release dates, and must follow those guidelines unless good cause for noncompliance is demonstrated and recorded. Presumptive release dates established by the Board must be consistent with the purposes of sentencing.

Finally, the section requires that a study be made of the prisoner by the Bureau of Prisons, in order to assist the Board in setting the initial presumptive release date.

Section 4202 requires the Board to conduct a hearing prior to setting a presumptive release date, unless the date is the earliest authorized or the prisoner waives the hearing. The prisoner has the right to

notice of the hearing, representation by a qualified representative, and disclosure of the adverse evidence (except as limited by section 4210). If the Board finds that the correctional institution, the Board may postpone the release date. However, before the Board can find a violation, it must provide the defendant notice of the alleged violation and the opportunity to confront and cross-examine adverse witnesses.

The section also authorizes the Bureau of Prisons to postpone a presumptive release date up to 60 days if it finds, after a hearing comporting with the requirements above, that the defendant violated a rule of the institution. The Bureau may decline to disclose evidence, or to allow cross-examination, if such a disclosure or confrontation would endanger correctional goals or the security of the institution.

Section 4203 sets forth the rights of prisoners with regard to the setting of the presumptive release date: thirty day notice before any hearing or review of a presumptive release date without a hearing, unless waived; reasonable access to reports and other documents to be used by the Board in making its determination; and consultation with and representation by a qualified representative from the time notice is given through the conclusion of the determination. The rules determining the qualification of representatives cannot exclude attorneys as a class.

Section 4204 requires that the prisoner be given written notice of the Board's determination (including the reasons for the determination) within 21 days of the hearing or, if there was no hearing, the determination. If there was a hearing, a representative of the Board must meet with the prisoner and his or her representative following the hearing and explain the recommendation that the representative will make to the Board. The record of the hearing or other proceeding must be retained and available to the prisoner.

Section 4205 sets forth the possible conditions of supervised release. The Board must provide for supervision to the degree reasonably necessary to protect the community, and in order to make such supervision effective may order the released person to report to and cooperate with the probation officer, to follow the probation officer's instructions regarding the conditions of release, and to refrain from possessing firearms. Supervised release must include a condition that the person released not commit any criminal offense. The Board may impose any additional conditions that are reasonably related to the original offense or to the background of the released person, and may require that the released person reside at or participate in a community treatment program. The conditions of release must be provided to the released person in written form and subsequently explained orally by the probation officer.

The Board may modify conditions of supervised release on its own motion or that of the probation officer. The released person must be given ten days notice of such modification and an opportunity to express views on the modification. If the Board does not act on the modification within 21 days of the expiration of the notice period, the modification is deemed denied. A person on supervised release may also petition the Board for a modification of conditions.

Section 4206 establishes the maximum duration of supervised release (which the Board may shorten): one year, for offenses punishable by up to 5 years imprisonment; two years for those punishable by more than 5 but not more than 15 years; and three years for those punishable by more than 15 years. Supervised release will not end, however, while revocation proceedings are pending or while the person is confined because of a criminal charge or an alleged violation of a condition of supervised release. A term of supervised release is to run concurrently with any other term of supervision resulting from a criminal conviction.

Section 4207 sets forth the preliminary procedures regarding alleged violations of conditions of supervised release. The Board is authorized to summon a supervised person to appear at a revocation hearing if the Board has reason to believe that the person has violated a condition of release. If the Board's information amounts to probable cause to believe a violation has occurred, or if the person fails to respond to the summons, the Board may issue a warrant. Any warrant or summons must be issued without unreasonable delay and must include notice of the alleged violation and the alleged violator's rights. Any Federal officer authorized to serve criminal process must execute the warrant by arresting the alleged violator and turning the person over to the Attorney General. If the alleged violator is otherwise in custody, however, the warrant may be placed as a detainer, thereby preventing such person's release other than to the custody of the Attorney General.

Section 4208 sets forth the procedures for determining whether an alleged violator of the conditions of supervised release has occurred. If the alleged violator is arrested on a warrant, the Board must hold a preliminary hearing to determine if there is probable cause to believe the violation has occurred. If the Board finds probable cause, it may either release or detain the alleged violator pending a revocation hearing, or may terminate the proceedings in the interest of justice. A conviction of a criminal offense satisfies the requirement of a preliminary finding of probable cause.

The Board must conduct a revocation hearing, at a location near the place of the alleged violation, within sixty days of the issuance of a summons or, if a warrant was issued, of the preliminary hearing. However, if the alleged violator admits the violation at the preliminary hearing, the Board may return the violator to a Federal institution and conduct the hearing at that institution. In such a case, the Board has 90 days within which to conduct the hearing. The Board must notify the alleged violator of its decision within 21 days of the hearing.

The section also sets forth the rights of the alleged violator at any hearing under the section: representation by counsel or other qualified representation of the alleged violators choice; disclosure of the evidence of violation and the opportunity to confront and examine adverse witnesses; and the opportunity to appear and testify and to present witnesses and evidence. Any hearing under this section may be waived by the alleged violator.

If the Board decides, by a preponderance of the evidence, that the supervised person has violated a condition of release the Board may restore the person to supervision, with or without a modification of conditions; issue a reprimand; require the person to reside in or participate in a community treatment program; or reimprison the person. A person ordered reimprisoned must be given credit for the time spent on supervised release against the remaining (unserved) portion of the term of imprisonment, unless the granting of such credit would result in reimprisonment for less than one year. In the latter case, the Board may order reimprisonment for the all or part of the remaining term of imprisonment (without the credit), up to one year.

Section 4209 permits a prisoner or supervised person 60 days within which to appeal decisions of the Board to the National Appeals Board. The National Appeals Board must rule on the appeal within 60 days, and must inform the appellant of its decision in writing.

Section 4210 establishes the Board of Imprisonment. It is to consist of 7 members, chosen by the President and confirmed by the Senate, who will serve staggered 6 year terms and may be removed only for good cause. Persons appointed to unexpired terms will serve the remainder of that term and, if the remainder is less than two years, an additional term. No member shall serve more than twelve years.

The section also sets forth the rules governing the powers of the Board and chairman (designated by the President), the delegation of such powers, and the performance of its duties. The Board is directed to issue guidelines for the exercise of its powers. The rules in this section do not vary significantly from those governing the current operation of the Parole Commission.

Section 4211 requires the Judicial Conference and the Board of Imprisonment to issue joint reports evaluating the operation of the sentencing guidelines and the continuing need, if any, for a program of supervised release. Such reports must be filed 5 years after the first guidelines take effect, and at regular intervals thereafter.

Section 6 of the bill would retitle part III of title 18 United States Code as "Postsentence Administration and Procedure" and would add new Chapters 321 and 323. The proposed new sections are as follows:

CHAPTER 321 (ADMINISTRATION AND PROCEDURE RELATING TO PROBATION AND CERTAIN OTHER ASPECTS OF SENTENCE)

This chapter sets forth the provisions of law governing the operation of a sentence of probation and the powers and duties of probation officers.

Section 4361 sets forth the preliminary procedures regarding alleged violations of conditions of probation or restitution. The probation-officer is authorized to summon a supervised person to appear at a revocation hearing if the court or probation officer has reason to believe that the person has violated a condition of probation or restitution. If the court has information amounting to probable cause to believe a violation has occurred, or if the person fails to respond to the summons, the court can issue a warrant. The warrant or summons must be issued without unreasonable delay and must include notice of the alleged violation, the time and place of the preliminary hearing, the alleged violator's rights, and the potential consequences of a finding of violation. Issuance may be delayed until the disposition of any pending criminal charges against the alleged violator. If the alleged violator is otherwise in custody, the warrant may be placed as a detainer, thereby prevent such person's release other than to the custody of the court.

Section 4362 sets forth the procedures for the determination of the alleged violation. The court with jurisdiction or, if that court so orders, a court near the location of the alleged violation, must hold a preliminary

hearing to determine if there is probable cause to believe the violation has occurred. If the court finds probable cause, it can either release or detain the alleged violator pending a revocation hearing, or can terminate the proceedings in the interest of justice. A conviction of a criminal offense satisfies the requirement of a preliminary finding of probable cause with regard to a condition of probation. The court must conduct a revocation hearing within sixty days of the preliminary hearing.

The section also sets forth the rights of the alleged violator at any hearing under the section: representation by counsel; disclosure of the evidence of violation and the opportunity to confront and examine adverse witnesses; and the opportunity to appear and testify and to present witnesses and evidence. Any hearing under this section may be waived by the alleged violator.

Section 4363 sets forth the court's options upon a finding, by a preponderance of the evidence, that the alleged violator has violated a condition of probation or restitution. The court may restore the person to supervision, with or without a modification of conditions; issue a reprimand; or impose a new sentence (other than imprisonment following a violation of an order of restriction). If the court adds to the monetary obligations of the violator, the violator must be given credit for any money paid under the previous sentence. If the court orders imprisonment or additional confinement, the violator must be given credit for any confinement under the previous sentence. Any time spent on probation without a violation must be credited toward an extended sentence of probation and may be credited toward a sentence of imprisonment. The section provides that a court must make its determination in writing, including the reasons for the determination, within 21 days of the revocation hearing.

If a court issues a warrant or summons for a violation prior to the expiration of a term of probation, the court, even though the probation would otherwise expire, may resentence the violator for such violation.

Section 4364 authorizes probation officers to assist witnesses granted protection under the Organized Crime Control Act; persons sentenced to probation under the amended chapter 231 of title 18; persons granted supervised release under the amended chapter 311 of title 18; and juveniles on parole under section 5041 of title 18.

Section 4365 provides for the appointment of probation officers by each district court of the United States.

Section 4366 sets forth the duties of probation officers: instructing supervised persons regarding the conditions of supervision; observing the supervised person, with regular reports to the court or agency; assisting the supervised persons in order to improve that persons conduct and condition; supervising any supervised person within the judicial district; preparing presentence reports; and performing various other administrative and information duties specified in the section.

Section 4367 authorizes a United States marshal, upon order of the court, to provide supervised persons with transportation (and necessary expenses) to any location to which the supervised person must go in order to comply with conditions of release.

Section 4368 authorizes the transfer of jurisdiction over supervised persons to the district court for any district to which the supervised person is permitted or required to move.

Section 4369 authorizes probation officers to arrest persons on probation if the officer has probable cause to believe that the probationer has violated a criminal law in the officer's presence or under exigent circumstances making it impractical to obtain a warrant.

Section 4370 authorizes a court, upon a showing of probable cause to believe that an arrested probationer has violated a condition of probation, to issue to a probation officer a warrant to search for or seize evidence of the violation.

CHAPTER 323 (RESTRICTIONS ON IMPOSITION OF CIVIL LIABILITY)

This chapter sets forth provisions governing civil liabilities imposed on convicted persons.

Section 4391 prohibits, with certain exceptions, restricting a person's participation in Federal elections and Federally supported programs on account of a Federal criminal conviction. Persons serving sentences of imprisonment are denied the right to vote until the completion of the term. The exceptions include restrictions imposed under various securities regulation Acts, imposed by the President with regard to appointed positions, imposed in connection with law enforcement employment, directly related to the activity involved, or otherwise authorized by Federal law. Restrictions under the last category, however, may continue only for five years after the completion of the sentence. The prohibitions of this section do not apply to courts including restrictions as part of a sentence.

Section 4392 prohibits restrictions of governmental employment based on conviction of a Federal offense (if the convicted person has completed any term of imprisonment imposed). The exceptions and limitation on the exceptions are the same as in the previous section.

Section 4393 authorizes a court, if the public interest permits, to prohibit disclosure of the record of a first time felony offender or any misdemeanor offender, unless the offender has previously obtained such an order. The order may be sought three years after the completion of the sentence for a felony, and one year after the completion of the sentence for a misdemeanor. The prohibition does not apply to the disclosure of the record in criminal proceedings, at the request of a court, at the request of a Federal agency, or at the request of a law enforcement agency for employment or criminal investigation purposes. The prohibition serves to restore to the convicted person all rights and privileges denied on the basis of the conviction. A person granted such relief may subsequently deny the existence of the conviction.

Section 7 of the bill makes various miscellaneous and conforming amendments to Federal law in order to accommodate the new provisions contained in the bill.

Section 8 of the bill authorizes the Board of Imprisonment to exercise all functions conferred on the United States Parole Board or United States Parole Commission. The assets and liabilities of the Parole Commission are transferred to the Board of Imprisonment.

Section 9 establishes the effective date of the bill as the third January first following its enactment. The Sentencing Guidelines Commission, however, is established two years earlier. Prisoners sentenced for offenses occurring prior to the effective date of the act will continue to be treated in accordance with the law as it was at the time of sentencing.●

By Mr. KENNEDY:

S.J. Res. 219. Joint resolution recognizing the important contributions of the arts to a complete education; to the Committee on the Judiciary.

SUPPORTING EDUCATION IN THE ARTS

Mr. KENNEDY. Mr. President, I am pleased to introduce a resolution today urging Congress and the Nation to support arts education as an integral part of our Nation's learning curriculum.

It seems that there is overwhelming support for arts education. A recent Harris poll indicates that 90 percent of the country favors increased arts education in the schools. All too often, however, when budget dollars are allocated, the arts have been assigned a low priority, or, left out completely.

I believe we have a responsibility to insure that the arts remain in our schools in a consistent and qualitative manner in order that every student will have the access and ability to observe and participate in the fine arts. Although a small percentage of children possess the extraordinary talent necessary to excel in the arts—similar to performance in any other subject area—we must encourage each child's curiosity. We must also help young people understand the opportunity for self-expression and development through the study of music, dance, and literature, and appreciate the universality and truth embodied in the arts.

The Department of Education now supports two arts education programs; through the Education Department of the Kennedy Center and the National Committee—Arts With the Handicapped. Additionally, the National Endowment for the Arts maintains its arts in education programs. I support the outstanding work of these programs but realize that more can be done.

Recognizing the critical nature of this problem, Congressmen DOWNEY and JEFFORDS are introducing companion legislation in the House. I hope that we can capture the expressed national enthusiasm for arts education and transform it into meaningful programs and adequate funding.

I am especially proud of the new arts education program established in my home State of Massachusetts and hope that we can focus congressional attention on the development of a national policy for all our children.

By Mr. KENNEDY:

S.J. Res. 220. Joint resolution to designate the week of May 20, 1984, through May 26, 1984, as "National Arts With the Handicapped Week"; to the Committee on the Judiciary.

NATIONAL ARTS WITH THE HANDICAPPED WEEK

Mr. KENNEDY. Mr. President, I would like to bring to the attention of my colleagues a resolution I am intro-

ducing today to commemorate "National Arts With the Handicapped Week."

For many youngsters who are challenged by handicaps, the arts provide a unique opportunity. Through the arts, these very special youngsters have been able to learn new self-confidence and develop alternative forms of self-expression. These young lives become more enriched as they develop new artistic enthusiasm and talents. At the same time, these children are able to move closer to the goal of full integration into the mainstream of society.

The National Committee—Arts With the Handicapped, an affiliate of the John F. Kennedy Center for the Performing Arts, has been operating an extremely effective program for these special young people for the last 10 years. The program now operates in 50 States, the District of Columbia, and Puerto Rico, and reaches over a half million disabled young people.

The growth and success of the NCAH has been gratifying. This year the committee celebrates its 10th anniversary and will conduct a very special arts festival here in the Nation's Capital this spring. In conjunction with this festival, I am sponsoring legislation which will designate the week of May 20 as "National Arts With the Handicapped Week."

I am pleased to sponsor this special celebration and know that disabled youngsters across the country will appreciate this well-deserved recognition.

ADDITIONAL COSPONSORS

S. 462

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 500

At the request of Mr. MATHIAS, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 500, a bill entitled the "Christopher Columbus Quincentenary Jubilee Act."

S. 1080

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1285

At the request of Mr. HATCH, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1992

At the request of Mr. KASTEN, his name was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1992, supra.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2102

At the request of Mr. ROTH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2142

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2142, a bill to increase by $500,000,000 the amount authorized to be appropriated with respect to title XX of the Social Security Act, to earmark such increase for the provision of child-care services and activities, and to establish a National Advisory Commission on Child Care.

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the names of the Senator from Virginia (Mr. TRIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the name of the Senator from North Carolina (Mr. EAST), was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 201

At the request of Mr. HATFIELD, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. STENNIS), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. GLENN), the Senator from Arizona (Mr. DECONCINI), the Senator from South Dakota (Mr. ABDNOR), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. BRADLEY), the Senator from Washington (Mr. EVANS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Connecticut (Mr. WEICKER), the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. SYMMS), the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from Indiana (Mr. LUGAR), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Joint Resolution 201, a joint resolution to provide for the designation of the week of November 25 through December 1, 1984, as "National Epidermolysis Bullosa Awareness Week."

SENATE JOINT RESOLUTION 202

At the request of Mr. ARMSTRONG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 202, a joint resolution to designate 1984 as "The Year of Water."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the names of the Senator from Florida (Mr. CHILES), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. RIEGLE), the Senator from Nevada (Mr. HECHT), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MITCHELL), and the Senator from Washington (Mr. EVANS) were added as cosponsors of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary."

SENATE RESOLUTION 183

At the request of Mr. CHAFEE, the names of the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of Senate Joint Resolution 183, a resolution dealing with the prevention of arson.

SENATE RESOLUTION 287

At the request of Mr. HUDDLESTON, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of Senate Resolution 287, a resolution establishing a Task Force on Agricultural Credit.

SENATE RESOLUTION 320—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 320

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department of agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,902,500, of which amount not to exceed $80,000 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 321—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE, from the Committee on Energy and Natural Resources reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 321

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, The Committee on Energy and Natural Resources is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,549,777, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 322—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD, from the Committee on Environment and Public Works reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 322

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the service of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,550,000, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 323—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. WEICKER, from the Committee on small Business, reported the following original resolution; which was referred to the Committee on Small Business.

S. RES. 323

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1984 through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $1,011,678.

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund for the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 324—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND (for Mr. BIDEN), from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 324

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 1787. Such waiver is necessary because S. 1787, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The budget waiver will allow Senate consideration for S. 1787, entitled the "National Narcotics Act of 1983." The bill establishes the "Office of the Director of National and International Drug Operations and Policy."

S. 1787 authorizes the appropriation of $500,000 for fiscal year 1984, and such sums as may be necessary for each of the four succeeding fiscal years.

SENATE RESOLUTION 325—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 325

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction, under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1984 through February 28, 1985 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,964,523 of which amount (1) not to exceed $189,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,750 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of this Act.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of off-shore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of export of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1983, through February 28, 1984, is authorized, in its, his, or their discretion (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to holding hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the Chairman, by deposition.

(d) All subpenas and related legal processes of the committee and its subcommittees authorized under S. Res. 57 of the Ninety-Seventh Congress, first session, and S. Res.

333 of the Ninety-Seventh Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1984.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 326—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. HATFIELD, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 326

Resolved, that, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,317,500, of which (1) not to exceed $95,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 327—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SIMPSON, from the Committee on Veterans' Affairs reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 327

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed nine hundred thirty-five thousand three hundred fifty-seven dollars ($935,357).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED

COMPREHENSIVE CRIME CONTROL ACT

SPECTER (AND OTHERS) AMENDMENT NO. 2683

Mr. SPECTER (for himself, Mr. BIDEN, Mr. MITCHELL, and Mr. LEAHY) proposed an amendment to the bill (S. 1762) entitled the "Comprehensive Crime Control Act"; as follows:

On page 29 after line 20, add the following new section:

"SEC. . Section 3164 of title 18, United States Code, is amended—

(a) by striking in subsection (b) the phrases "(a)(1) or" and "continuous detention or";

(b) by striking in subsection (c) the words "ninety day", and inserting in lieu thereof "sixty day";

(c) by relettering subsection (c) as subsection (d); and

(d) by inserting a new subsection (c) as follows:

"(c) The trial of any person described in subsection (a)(1) of this section shall commence not later than sixty days following the beginning of such continuous detention. The periods of delay enumerated in section 3161(h) are excluded in computing the time limitation specified in this section."."

NUNN (AND ARMSTRONG) AMENDMENT NO. 2684

Mr. NUNN (for himself and Mr. ARMSTRONG) proposed an amendment to the bill S. 1762, supra; as follows:

At the appropriate place in the bill, add the following:

Since, due to an impending crisis in prison overcrowding, available Federal prison space must be treated as a scarce resource in the sentencing of criminal defendants;

Since, sentencing decisions should be designed to insure that prison resources are, first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society;

Since, in cases of non-violent and non-serious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service;

Since, in the two years preceding the enactment of sentencing guidelines, federal sentencing practice should insure that scarce prison resources are available to house violent and serious criminal offenders by the increased use of restitution, community service, and other alternative sentences in cases of nonviolent and nonserious offenders: Now, therefore, be it

Declared, That it is the sense of the Senate that in the two years preceding the enactment of the sentencing guidelines, federal judges, in determining the particular sentence to be imposed, consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant has not been convicted of a crime of violence or otherwise serious offense; and

(3) the general appropriateness of imposing a sentence of imprisonment in cases in which the defendant has been convicted of a crime of violence or otherwise serious offense.

COCHRAN AMENDMENT NO. 2685

Mr. COCHRAN proposed an amendment to the bill S. 1762, supra; as follows:

On page 385, between lines 7 and 8, insert the following:

"(d)(1) Victims Compensation Fund.—The Attorney General may pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person provided protection under this chapter.

"(2) Not later than four months after the end of each fiscal year, the Attorney General shall transmit to the Congress a detailed report on payments made under this subsection for such year.

"(3) There are authorized to be appropriated for the fiscal year 1985 and for each fiscal year thereafter, $2,000,000 for payments under this subsection.

"(4) The Attorney General shall establish guidelines and procedures for making payments under this subsection. The payments to victims under this subsection shall be made for the types of expenses provided for in section 3579(b), except that in the case of the death of the victim, an amount not to exceed $50,000 may be paid to the victim's estate. No payment may be made under this subsection to a victim unless the victim has sought restitution and compensation provided under Federal or State law or by civil action. Such payments may be made only to the extent the victim, or the victim's estate, has not otherwise received restitution and compensation, including insurance payments, for the crime involved. Payments

may be made under this subsection to victims of crimes occurring on or after the date of the enactment of this chapter. Notwithstanding any other provision of this subsection, in the case of a crime occurring before the date of the enactment of this chapter, a payment may be made under this subsection in the case of the death of the victim in an amount not exceeding $25,000.

HUDDLESTON AMENDMENT NO. 2686

Mr. HUDDLESTON proposed an amendment to the bill S. 1762, supra; as follows:

On page 232, line 22, after the period insert "The Board shall include at least one member who is experienced in addressing the unique problem of crime committed against the elderly.".

On page 236, line 20, strike out "and".

On page 236, between lines 20 and 21, insert the following:

"(5) addressing the unique problem of crime committed against the elderly; and".

On page 236, line 21, strike out "(5)" and insert in lieu thereof "(6)".

On page 250, between lines 9 and 10, insert the following:

"(12) address the unique problem of crime committed against the elderly; and".

On page 250, line 10, strike out "(12)" and insert in lieu thereof "(13)".

HEFLIN AMENDMENT NO. 2687

Mr. HEFLIN proposed an amendment to the bill S. 1762, supra; as follows:

On page 204, strike out lines 11 through 24.

THURMOND AMENDMENT NO. 2688

Mr. THURMOND proposed an amendment to the bill S. 1762, supra, as follows:

On page 349, strike out lines 1 through 24 on page 353 and insert in lieu thereof the following:

PART O—PHARMACY ROBBERY AND BURGLARY

SEC. 1018. This part may be cited as the "Pharmacy Protection and Violent Offender Control Act of 1983".

SEC. 1019. The Congress finds and declares that—

(1) robbers and other vicious criminals seeking to obtain controlled substances have targeted federally registered pharmacies and other registrants with increasing frequency;

(2) the dramatic escalation of the diversion of controlled substances for illegal purposes by persons who rob and terrorize federally registered pharmacies is directly related to successful efforts by the Department of Justice to prevent other forms of diversion of such substances;

(3) Congress did not intend that terrorization and victimization of pharmacists and other registrants and their families, employees, and customers should result from the aggressive enforcement of Federal drug laws;

(4) in order to address a discrepancy in Federal law, it is necessary to make robbery and burglary of a pharmacy or other registrant to obtain controlled substances a Federal offense, as is the case when such substances are obtained by fraud, forgery, or illegal dispensing or prescribing; and

(5) although the investigation and prosecution of pharmacy robbery and burglary is primarily the responsibility of State and local officials, and truly comprehensive strategy designed to curb crime must make available in appropriate cases the investigative and prosecutorial resources of the Federal government which are made available when controlled substances are obtained by other unlawful means.

PURPOSE

SEC. 1020. It is the purpose of this part—

(1) to assist state and local law enforcement officials to more effectively repress pharmacy related crime;

(2) to enhance the expeditious prosecution and conviction of persons guilty of pharmacy crimes;

(3) to assure that convicted offenders receive appropriate penalties; and

(4) to provide additional protection for pharmacies, pharmacists, and other registrants against the increasing level of violence which accompanies unlawful efforts to obtain controlled substances.

PROHIBITED ACTS

SEC. 1021. (a) Part D of the Controlled Substances Act is amended by adding at the end thereof the following new section.

"ROBBERY OR BURGLARY OF A CONTROLLED SUBSTANCE FROM A PHARMACY

"SEC. 413 (a)(1) Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, any material, compound, mixture, or prescription containing any quantity of a controlled substance belonging to, or in the care, custody, control, management, or possession of any pharmacy or a person registered with the Drug Enforcement Administration under section 202 shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(2) Whoever enters or attempts to enter the business premises or property of a pharmacy or a person registered with the Drug Enforcement Administration under section 302 with the intent to steal any material, compound, mixture, or prescription containing any quantity of a controlled substance shall be fined not more than $25,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, in committing any offense under this section, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more $10,000 and imprisoned not more than twenty five years.

"(c) Whoever in committing any offense under this section kills any person, shall be subject to imprisonment for any term of years or for life.

"(d) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

"(e) For the purposes of this section, the term—

"(1) 'pharmacy' means the business premises or property, including storage facilities, vehicles, aircraft, trucks, or other means of transport or delivery;

"(2) 'pharmacist' means any person registered in accordance with this Act for the purpose of engaging in commercial activities involving the dispensing of any controlled substance to an ultimate user pursuant to the lawful order of a practitioner; and

"(3) 'controlled substance' has the meaning set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(f) Violators of this section may be prosecuted only upon approval by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General, unless assistance is requested by a State or local law enforcement official.".

(b) The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 412 the following new item:

"SEC. 413. Robbery or Burglary of a controlled substance from a pharmacist.".

COLLECTION OF DATE

SEC. 1022. In order to provide accurate and current information on the nature and extent of pharmacy crime, the Department of Justice shall collect relevant data and submit an annual report for each of the first three years after the date of enactment of this Act, to the Congress with respect to its enforcement activities relating to the offense described in this Section.

On page 288, line 9, after "fire department" insert the following: "and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire or police emergency".

Insert at the appropriate place at the end of title XII the following language:

"(a) The Secretary of the Treasury shall take such steps as may be necessary to provide that all checks issued for payment of benefits under title II of the Social Security Act, and the envelopes in which such checks are mailed, contain a printed notice that the commission of forgery in conjunction with the cashing or attempted cashing of such checks constitutes a violation of Federal law. Such notice shall also state the maximum penalties for forgery under the applicable provisions of title 18 of the United States Code.

"(b) Subsection (d) shall apply with respect to checks issued for months after the ninth month after the date of the enactment of this Act."

On page 165, insert after line 16 the following:

"(b) Section 511(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(e)) is amended by inserting before 'The proceeds from any sale under paragraph (2)' the following: 'The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review.'.".

On page 165, line 17, delete "(b)" and insert in lieu thereof "(c)".

On page 174, insert after line 6 the following: "The Secretary of the Treasury shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Secretary pursuant to paragraph (2) shall not be subject to review.".

On page 208, after line 22, insert the following new section and renumber all succeeding sections accordingly:

SEC. 503. Part D . . . that part D of the Controlled Substances Act is amended by adding after section 405 the following new section:

"DISTRIBUTION IN OR NEAR SCHOOLS

"SEC. 405A. (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

"(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

"(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.".

SEC. 2. (a) Section 401(b) of such Act (21 U.S.C. 841(b)) is amended by inserting "or 405A" after "405".

(b) Section 401(c) of such Act is amended by inserting "405A" after "405" each place it occurs.

(c) Section 405 of such Act (21 U.S.C. 845) is amended by striking out "Any" in subsections (a) and (b) and inserting in lieu thereof "Except as provided in section 405A, any".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acquisition of Foreign Evidence Improvements Act".

FOREIGN RECORDS ADMISSIBILITY

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by striking out sections 3491 through 3494 and all references thereto and inserting in lieu thereof the following:

"§ 3491. Foreign records of regularly conducted activity

"(a) A document, or copy thereof, which is a memorandum, report, record, or data compilation in any form, of acts, events, conditions, opinions or diagnoses, made or maintained in a foreign country shall be admissible in any criminal action or proceeding in any court of the United States as evidence of the matters set forth therein if a competent person certifies, under circumstances which subject him to the penalties for perjury in that country—

"(1) that the document is made or kept in the course of a regularly conducted business activity;

"(2) that it is a regular practice of that business activity to make or keep a document of that kind;

"(3) that the document was made at or about the time of the occurrence of the matters set forth, by, or from information transmitted by a person with knowledge of those matters;

"(4) his position in the management or employ of the business activity and how he is in a position to know the matters which he certifies under paragraphs (1) through (3) and paragraph (5); and

"(5) if the document is not the original, that it is a true and exact copy of the original.

"(b) A certification in compliance with subsection (a) shall constitute prima facie proof of the genuineness and trustworthiness of the document, and of the competency of the person making the certification.

"(c) The memorandum, report, record or data compilation and the statement of the custodian or other qualified witness may not be admitted in evidence unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the custodian or other qualified witness.

"(d) Upon written demand of the proponent of the evidence to be admitted, the adverse party shall serve upon such proponent, within ten days after such demand, a written notice of his intention to object. Such notice of intention shall state the nature and basis for such objection.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by striking out the items relating to sections 3491 through 3494 and inserting in lieu:

"(a) Upon application to the court in which the offense lies, the running of any period of limitations applicable to any offense shall be ordered to be suspended for such period as provided in subsection (b) of this section to allow the United States to obtain or to seek to obtain information or evidence from one or more foreign jurisdictions if it reasonably appears that material evidence, fruits, or instrumentalities of a crime are in such jurisdictions.

"(b) The period of suspension under this section shall run from the date of issuance of a request for foreign information or evidence, until the foreign authority takes final action upon the request; but in no case shall the period of suspension exceed three years.

"(c) If more than one such request is made, the respective periods of suspension may be aggregated, but not to exceed a total or three years.

"(d) Nothing in this section shall extend the period of limitations if final action on such requests by all foreign authorities is complete before the period of limitations would expire without regard to this section.".

(c) The table of sections for chapter 213 of title 18, United States Code, is amended by adding after the item relating to section 3291 the following:

"3292. Suspension of limitations to obtain foreign information or evidence.".

SPEEDY TRIAL AMENDMENT

SEC. 6. Section 3161(h) of title 18, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9);

(2) by striking out "paragraph (8)(A)" in paragraph (9) as redesignated herein and inserting in lieu thereof "subparagraph (A)"; and

(3) by inserting the following new paragraph after paragraph (7);

"(8) Any period of delay, for the purpose of obtaining or seeking to obtain foreign information or evidence, which would qualify as a period of suspension of the running of any statute of limitations under section 3292 of this title.".

TECHNICAL AMENDMENT TO CORRECT TITLE OF THE BILL AND THE CITE FOR THE BILL AND THE VARIOUS TITLES

On page 2, lines 2 and 5; page 29, line 23; page 138, line 18; page 177, line 19; and page 205; line 4, delete "1983" and substitute "1984".

On page 228, between lines 7 and 8, insert the following:

SEC. 527. (a) Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by—

(1) inserting "(a)" before "Any officer or employee";

(2) inserting after "Drug Enforcement Administration" the following: "or any State or local law enforcement officer"; and

(3) inserting at the end thereof the following new subsection:

"(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to section 3374(c) of title 5, United States Code.".

(b) Section 503(a) of the Controlled Substances Act (21 U.S.C. 873(a)) as amended by this Act is further amended by—

(1) striking out "and" at the end of clause (5);

(2) striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(7) notwithstanding any other provision of law, enter into contractual agreements with State and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this Act.".

METZENBAUM (AND OTHERS) AMENDMENT NO. 2689

Mr. METZENBAUM (for himself, Mr. BUMPERS, Mr. LEAHY, Mr. RIEGLE, Mr. RUDMAN, Mr. RANDOLPH, Mr. LEVIN, Mr. BYRD, Mr. CRANSTON, Mr. EXON, and Mr. HUDDLESTON) proposed an amendment which was subsequently modified to the bill S. 1762, supra; as follows:

On page 375, between lines 15 and 16, insert the following:

PART J—TAPERECORDING BY GOVERNMENT OFFICIALS

SEC. 1120. Section 2511 of title 18, United States Code, is amended by striking out subsection 2(c) and inserting in lieu thereof:

"(c) Under this chapter, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States not described in the following sentence to intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception. It shall not be unlaw-

ful under this chapter for a person acting under color of law who is—

"(1) an investigative or law enforcement or foreign intelligence or counterintelligence officer acting within the normal course of his or her employment; or

"(2) performing a law enforcement function under the direction and control of such an officer

to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception or where the communication constitutes a criminal or tortuous act in violation of the laws of the United States or of any State.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, Thursday, and Friday, February 8, 9, and 10, 1984, at 9:30 a.m. each day, in SR-301, Russell Building, to receive testimony from committee chairmen and ranking minority members on their committee funding resolution for fiscal year 1984.

The schedule for the presentation of committee testimony is as follows:

WEDNESDAY, FEBRUARY 8, 1984

9:30 a.m.—Energy.
9:50 a.m.—Armed Services.
10:10 a.m.—Agriculture.
10:30 a.m.—Environment.
10:50 a.m.—Veterans' Affairs.
11:10 a.m.—Labor.
11:30 a.m.—Indian Affairs.

THURSDAY, FEBRUARY 9, 1984

9:30 a.m.—Foreign Relations.
9:50 a.m.—Commerce.
10:10 a.m.—Finance.
10:30 a.m.—Intelligence.
10:50 a.m.—Governmental Affairs.
11:10 a.m.—Judiciary.
11:30 a.m.—Budget.

FRIDAY, FEBRUARY 10, 1984

9:30 a.m.—Appropriations.
9:50 a.m.—Aging.
10:10 a.m.—Banking.
10:30 a.m.—Small Business.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Forestry, and Nutrition be authorized to meet during the session of the Senate on Wednesday, February 1, at 10 a.m., to conduct a hearing on S. 1279, a bill to establish a State block grant option for the food stamp program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 1, to receive testimony on U.S. military posture and review of the 1985, DOD military authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 1, at 10 a.m., to hold a business meeting to consider S. 1132.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, February 1, to hold a hearing on organized crime in the Midwest, and toxic waste disposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry and Environment, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, February 1, at 10 a.m., to consider H.R. 4198, a bill making additional wilderness designations in the National Forest System areas in Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CLERGY APPRECIATION WEEK

● Mr. RIEGLE. Mr. President, when the Senate approved Senate Joint Resolution 33 last year, it voiced its overwhelming support for acknowledging, during the first week of February 1984, the many contributions made by clergy of all faiths.

Today, therefore, marks the first day of Clergy Appreciation Week. I believe this is a most appropriate way to observe the 41st anniversary of the sinking of the U.S. troopship *Dorchester*. When this ship went down on February 3, 1943, in the North Atlantic off the coast of Greenland, it took with it 678 men. Among the victims of that disaster were four chaplains: Rabbi Alexander D. Goode, Father Johnny P. Washington, Clark V. Poling, and George L. Fox.

These four clergymen, in a final gesture, gave up their life jackets so that other passengers might survive. This sacrifice has become symbolic of the humanitarian acts for which clergy of all faiths are known.

In observing Clergy Appreciation Week, we should take time to reflect upon the many ways in which our lives are enriched by the inspiration and good deeds of these men and women. They serve us as counselors and provide comfort in times of crisis. During times of joy, they remind us to be thankful for our good fortune. We also acknowledge the crucial role they play in exploring with us the social and moral issues of our time.

It is my hope, Mr. President, that the commemoration of Clergy Appreciation Week will foster greater awareness of the significant and meaningful contributions made by the clergy of all faiths and nationalities throughout the world.●

COMMEMORATION OF STETSON UNIVERSITY

● Mrs. HAWKINS. Mr. President, I would like to share with my colleagues a special event very important to my State: The centennial anniversary of Florida's oldest private education institution, Stetson University. Since its beginnings as DeLand Academy in the back room of a Baptist church, Stetson has provided its students with a complete intellectual and moral education based on Christian ideals.

This past November the centennial anniversary was commemorated in Stetson's Founder's Day celebration. That day also celebrated the publishing of the school history, entitled, "Stetson University: The First 100 Years." The history of the university tells the story of the school's dedication to educational and moral excellence as well as its deep sensitivity to changes in our economy and in this country's student population. It is the history of an everchanging and ever-improving education institution.

Henry A. Deland founded the school as DeLand Academy on November 5, 1883, in DeLand, Fla. The school's prospects for the future were enhanced by the benevolence of John B. Stetson, the wealthy founder of the hat company. Stetson proved to be such a generous donor and close friend of the university that the board of trustees named the school after him in 1889.

In the school's first 18 years, John Forbes, president of the university, expanded the campus with additional acreage and buildings, founded Florida's first law school, and established an affiliation with the University of Chicago—a very positive influence on Stetson's academic standing.

Stetson's second president, Lincoln Hulley, firmly established its charter as an independent Baptist institution

and secured a grant from Andrew Carnegie for the construction of a library. Hulley served as Stetson's president for 30 years, and his description of the school in the early 1900's still holds true today: "Stetson is Christian in purpose, Baptist in its relations, orthodox in doctrine, and evangelistic in spirit."

William Sims Allen was chosen as the university's third president, and he greatly improved the quality of the faculty as well as strengthened the bond between the school and the Baptist convention. Under Stetson's fourth president, Ollie Edmunds, the university matured with additional land and buildings, including a new library still in use today. Edmunds also headed the movement to relocate Stetson's law school to St. Petersburg, Fla., and was responsible for major improvements in Stetson's art and music programs. More important, racial integration also began at Stetson during Edmund's presidency.

Stetson's seventh and current president, Dr. Pope A. Duncan, has already enriched the university by commissioning a written history of the school's first 100 years. Alert and sensitive to the needs of today's students, Duncan is working toward establishing a school of communications for Stetson as well as attaining accredited status for its school of business.

Mr. President, I salute the past and present of Stetson University, an institution that combines academic excellence with Christian teachings—a traditional institution that is also very much with the times. I would like to extend my sincere wishes for its continued success.●

UNIVERSITY OF WISCONSIN WELL REPRESENTED IN SPACE SHUTTLE PROGRAM

● Mr. KASTEN. Mr. President, I rise today to applaud the most recent mission of the space shuttle *Columbia*, which took place during the congressional recess. Once again, the State of Wisconsin was well represented by several members of the space shuttle crew.

Two crew members, copilot Brewster Shaw and crew-member Robert A. R. Parker, were affiliated with the highly acclaimed University of Wisconsin in Madison. Brewster Shaw, a native of Cass City, Mich., graduated from the university with a degree in engineering in 1968; in 1969, he received his master's from Wisconsin. It was during his stay at Madison that Mr. Shaw learned how to fly.

Bob Parker, on the other hand, came to the University of Wisconsin shortly after receiving his doctorate in 1962. Upon his arrival in Madison, Mr. Parker joined the astronomy teaching staff. It was there that he joined other staff members in building the first Orbiting Astronomical Observatory which NASA eventually sent into space. It was during his tenure at Wisconsin that NASA opened its astronaut corps to scientists. Mr. Parker was one of the first to join.

There is a crucial link between the importance of education in Wisconsin and programs such as NASA. Wisconsin has always maintained a high degree of excellence in education. It is no wonder that two astronauts on one mission would have gotten their starts at the University of Wisconsin.

I would like to call to the attention of my colleagues an article on these two gentlemen which appeared in the Milwaukee Journal on November 27, 1983.

The article follows:

[From the Milwaukee Journal, Nov. 27, 1983]

UNIVERSITY OF WISCONSIN TO BE WELL REPRESENTED ON SHUTTLE

(By Louis Alexander)

HOUSTON, TEX.—The University of Wisconsin will be well represented Monday when the space shuttle Columbia blasts off.

Brewster Shaw, Columbia's co-pilot, earned bachelor's and master's degrees in engineering mechanics at UW-Madison in the late 1960's. Robert A. R. Parker, one of four scientists in Columbia's crew, was an astronomy professor at UW-Madison from 1962 to 1967.

As a designer of telescope equipment, Parker, 46, is a natural for this mission. Columbia will be carrying Spacelab, the European-made work station for scientists.

Shaw, 38, once a combat pilot and test-pilot instructor, is known as a man who keeps his cool. He once survived a fire in a jet by ejecting and parachuting to land.

Shaw grew up on a farm in Cass City, Mich., 90 miles north of Detroit. "My dad was a contractor," he said. "On Sunday nights he'd leave, build highways and bridges all week, and return on Friday nights." Because of that, young Brewster had a major role in managing the farm.

"We had horses, cows, pigs and geese on 500 acres," he recalled.

Shaw chose Wisconsin to study engineering and got his bachelor's degree in 1968. He got his master's the next year, and, meanwhile, married Kathleen Ann Mueller of Madison, an English student who graduated from the UW in 1970.

Another important thing happened in Madison. "I had a friend who was a private pilot," Shaw said. "He taught me to fly."

Previous stories have indicated that Shaw turned down a career as a rock musician to become an airplane jockey. Shaw laughs at reminders of that part of his life.

"I met David and Bob Kenison when their rock band played at our fraternity," he said. "After they finished, we continued singing. They asked me if I would like to sing with their band," which was called The Gentlemen.

The Kenison brothers taught him to play the guitar, and "for two or three years I was the lead singer and guitar player."

"That paid for my education," Shaw said.

Out of school and facing the draft, Shaw enlisted in the Air Force and became a combat pilot. In two tours of duty in Vietnam, he won two Distinguished Flying Crosses. Ironically, it was after Vietnam, while he was instructing a test pilot in 1974, that he had his narrow escape.

"A student was in the front seat when a fuel bladder ruptured and the tail was set on fire," Shaw said. It burned through the controls, and they had to eject.

He was still instructing at Edwards Air Force Base in California when NASA invited applicants for a new generation of astronauts. Out of more than 9,000 people who applied, 34 were chosen in 1978. Shaw is the eighth of that class to get a space mission.

UW—Madison had an outstanding observatory and an active program in astronomy when Bob Parker, with a new doctorate, was looking for a teaching job in 1962. At the UW, he joined other members of the faculty and staff in building the first Orbiting Astronomical Observatory, which NASA later sent into space.

In 1967, despite his accomplishments and a promotion from assistant professor to associate professor, Parker found himself looking for something new.

"If I had stayed at Wisconsin, I would have become the world's expert on one piece of astronomy," he said. But in 1966 NASA had opened the astronaut corps to scientists, and Parker was one of the first to join.

Parker grew up in Shrewsbury, Mass., and graduated from Amherst College with a degree in astronomy and physics. He got his doctorate from the California Institute of Technology.●

COMMENDING MEADE ESPOSITO

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a true public servant, an individual who has won deserved bipartisan acclaim for his kindness, his humanity, and his good deeds. Mr. President, today I rise to commend Meade Esposito, the longtime leader of the Brooklyn Democratic Party.

One of the most pleasant surprises I have had as the junior Senator from New York was the cordial reception afforded me by Chairman Esposito. There was no partisan issue so important that it prevented him from extending the hand of friendship. I would like to take this opportunity, therefore, to acquaint my fellow Members of the Senate with just a few of his fine qualities in the hope that we may all learn a lesson from this venerable political warrior who just recently has hung up his sword.

Mr. Esposito ran a very effective organization for the 16 years in which the stewardship of his party in Brooklyn was entrusted to his care. He worked equally well with Governors from both parties and his advice was welcomed by all who were in a position to hear it. If there is even one person who believes that Mr. Esposito ever failed to keep his promises, I am unaware of him. In an era when pages of legal papers are required before anyone is convinced that a deal has been made, Meade Esposito's word was worth more than any contract. Truly, that is a quality worth emulating.

New York, I am afraid, will be the less for the loss of the chairman.

There can be no doubt that his able and trustworthy handling of one of America's largest political machines benefited thousands of my fellow New Yorkers. I would like to take this opportunity to thank Meade on behalf of all of them.

In closing, Mr. President, I ask that an article from last Friday's New York Times on my good friend, Meade Esposito, be included in the RECORD in its entirety. Even these few words, however, are inadequate to pay fitting tribute to this fine American.

The article follows:

[From the New York Times, Jan. 27, 1984]

ESPOSITO LOOKS BACK AT THE GOOD OLD DAYS

(By Maurice Carroll)

Gruff but welcome advice for Robert F. Kennedy. Legislative votes for Nelson A. Rockefeller, and a Picasso print in return. Promises of six top city jobs to fill—no questions asked—from Abraham D. Beame.

Recollections of his dealings with the politically powerful spilled nonstop from Meade H. Esposito.

Jimmy Carter failed to honor a political promise. Mario M. Cuomo "disdains" politicians. Edward I. Koch talks too much.

Mr. Esposito quit Tuesday after 16 years as head of the Democratic Party in Brooklyn, the nation's biggest Democratic county organization.

Yesterday, he sat in the Water Club Restaurant on the East River at 30th Street in Manhattan, puffing on cigarettes and reminiscing.

WHAT'S MEADE UP TO

The 77-year-ond Mr. Esposito, who once caused a switch in a nomination for state office simply be leaving the room—what, fretted other politicians, can Meade be up to?—was almost as studied in his recollections as in his careful comments while in office.

"If I wrote a book," he explained, "no one would come to my wake."

So he expressed a generalized distaste for the way the political game is played today but said nice things about most of the players. And while promising to "get even" for the untidy way his successor was chosen he declined to say whom he intended to get even with.

Employing a figure of speech he has used often over years of nominating judges, delivering votes, fighting off investigators and frustrating interviewers with calculated dollops of profanity, he said, "Hey, I've been dancing on a charlotte russe for 16 years and I never dented the cherry."

HEY, I DON'T SMOKE CIGARS

Political leadership is often a question of perception, he said.

His cigar, for instance. When he was elected Brooklyn leader in 1969, he remembered, a Republican friend, Mike Chiusano, gave him a box of cigars.

"Hey, I don't smoke cigars," Mr. Esposito said.

"Just carry them," Mr. Chiusano replied. "You're going to go to meetings and there'll be a lot of things you don't understand. Just look at the cigar and keep your mouth shut."

Mr. Esposito laughed. "I didn't know what they were talking about—at first," he said.

"Hey, remember Niagara Falls?" That was where, in the 1974 state convention, he took the Brooklyn delegation off the floor for a conference.

The delegates weren't plotting anything, just talking, but leaders supporting a candidate for lieutenant governor got so skittish at Mr. Esposito's feared machinations that they switched signals and wound up picking Mr. Cuomo. (There was a primary and he failed to hold the designation that year.)

ON CUOMO, KOCH, AND BEAME

"Cuomo's doing a tremendous job as Governor, tremendous," Mr. Esposito said, "but he holds politicians in disdain. He doesn't trust them. I think he'w wrong."

He continued: "Now Eddie Koch. He's underrated. He works. He does talk too much.

"Abe Beame was a personal friend. Jimmy Carter? We worked for him, the Brooklyn organization. And we never got anything. The one thing I wanted was an Italian on the Supreme Court, and he said we'd get it. But we never did. he thought Cardozo was Italian.

"Bobby Kennedy, a good, good, good man." He told how Mr. Kennedy visited a Brooklyn meeting once, leaving after a few minutes. Later, Mr. Kennedy asked him, "How'd I do?" And , according to Mr. Esposito, he replied: "Who are you? You stop in for five minutes. In this business, there are certain things you have to do."

TAKING THE FUN OUT OF POLITICS

Less and less, Mr. Esposito said, are politicians doing the things he was brought up to expect. "There's no more fun in politics," he said, "It used to be a handshake, even a look in the eye, was it."

Still, he rejected the idea that political organizations had outlived their usefulness. "There's not a Republican official left in Brooklyn," he said. "Now who do you think did that?"

But his organization was split in four or five factions, he said. He supported Borough President Howard Golden as his successor, a choice confirmed by the party's executive committee, 24 to 9 to 7. The 9 went to former Assemblyman Thomas Fortune, the 7 to Anthony Genovesi, who is Mr. Esposito's neighbor in Canarsie and who had the active support of Mayor Koch and Assembly Speaker Stanley Fink.

Mr. Esposito did not like the fight. "I don't know why anybody wants to be leader when they stop respecting you," he said. "I saw Howie Golden and I told him, 'Condolences.'"

A HABIT OF GETTING EVEN

He took a long, thoughtful drag on his cigarette. "I'm very disappointed in certain people," he said. "And I've got a habit of getting even."

It was better, he said, when you could deal with a man like Nelson Rockefeller, who kept his word. Once Mr. Rockefeller gave him a Picasso print of an owl and a note describing Mr. Esposito as a "wise old owl."

Once, he said, Mr. Rockefeller told him, "If you were a Republican, I'd make you state chairman." Once Mr. Rockefeller asked for some votes on a piece of legislation stirring controversy. He said he needed two, and that three would be "fabulous." And, Mr. Esposito said, "I called him in half an hour and said, 'You got six.'"

But Mr. Esposito was a Democratic leader. Why was he delivering votes for a Republican Governor?

Mr. Esposito's eyebrows arched. Patiently, he explained, "It was fun."●

TASS REACTION TO THE PRESIDENT'S CAMPAIGN ANNOUNCEMENT

● Mr. GARN. Mr. President, the Soviet news agency Tass reacted to President Reagan's campaign announcement by branding the foreign policy of the United States as "brigandage and terrorism."

This Soviet statement can only be seen as the public reflection of the Politburo's private resolve to use all the means at its disposal to influence this election by calculatedly fostering a war of words while allowing negotiations to falter.

Just as with Britain's and West Germany's elections last year, the Soviets are attempting to influence our Presidential campaign—and they are using nuclear terror to do so.

The United States is removing nuclear weapons from the allied countries for each deployment of Pershing and cruise missiles, but Soviet defense journals point with pride to the SS-22 and SS-23 missiles soon to be added to the 1,200 SS-20 warheads already in the Warsaw Pact countries.

In 1979, our European allies decided to pursue a two-track policy to counter the threat against their people posed by the Soviet deployment of SS-20 intermediate missiles. They moved to maintain the balance of deterrence by asking the United States to upgrade their outdated forces, while at the same time pursuing negotiations to convince the Soviets to remove the threat.

Instead, the Soviet policy is not only to continue to terrorize the population of Western Europe by keeping SS-20's in place, but now to add to that formidable arsenal with yet more missiles targeted on Europe's major cities.

The Soviets recognize that the arms race cannot continue, but they are gambling that belligerent statements will scare enough voters by election today so that we will quit while they are ahead. The Tass statement, with its thinly cloaked allusions to a more dangerous world, is nothing short of a political gambit to alter the outcome of the Presidential election. Tass is trying to scare the American voters because the Soviet leaders know that when Ronald Reagan is reelected they will have to accept an equal and verifiable arms control agreement.●

REFUGEES: MAKING IT ON THEIR OWN

● Mr. KENNEDY. Mr. President, one of the principal voluntary agencies involved in the resettlement of refugees in this country, Church World Service of the National Council of Churches, recently conducted a major survey on the effectiveness of their resettlement program.

Their findings, based upon a scientific sampling of refugees resettled

over a 3-year period, 1980 to 1983—a period when relatively large numbers of refugees were being admitted and the resettlement system was under considerable pressure—are very encouraging. They serve to confirm what many of us involved in the refugee program have known all along—that the refugees are making it on their own. With Federal and voluntary agency help, refugees coming to our shores have become productive and contributing members of countless communities across our land.

As Dale deHaan, the director of the immigration and refugee program of Church World Service writes:

The results were dramatically better news than one might have expected from the general impression one hears about refugees nowadays in the halls of Congress, on the pages of our newspapers and in other professional circles.

The survey found that—

Over time most refugees are finding jobs and are working;

Refugee use of public assistance is significantly lower than is commonly believed; and

Over time most refugees are achieving self-sufficiency.

The survey also documents the substantial sums the private sector is making in support of our Nation's refugee program. Church World Service sponsors and congregations have given an estimated $133 million in cash, goods and services over the past 3½ years alone. And the same can confidently be said about most of the other voluntary agencies involved in the refugee program.

This finding underscores the importance of the partnership that exists between the Federal Government and the private sector—a partnership that was clearly envisaged when Congress enacted the Refugee Act of 1980. It reflects the experience of many years, and proves that working together we can vastly increase our ability to resettle refugees.

Mr. President, I commend to the attention of my colleagues the findings of this recent survey and ask that the summary be printed in the RECORD.

The summary follows:

MAKING IT ON THEIR OWN: FROM REFUGEE SPONSORSHIP TO SELF-SUFFICIENCY

1. MAJOR FINDINGS OF THE SURVEY

The Church World Service Immigration and Refugee Program conducted a mail survey of 4,533 cases during the summer of 1983 in order to determine how well the refugees resettled through our CWS denominations were adjusting to life in this country and how much our sponsors were contributing to the resettlement effort. The sample of cases spanned fiscal year 1980 through the first half of fiscal year 1983. Altogether we got responses from 48 percent of the total sample of refugee cases and from 65 percent of the cases where sponsors or refugees received the mailing.

Our study documented that refugees are doing significantly better than is commonly believed. We also found that our sponsors are making remarkable contributions of cash, goods and time.

Specifically, our major findings were:

1. Over time, most refugees are finding jobs.

2. Refugee use of public assistance is significantly lower than is commonly believed.

3. Over time, most refugees are achieving self-sufficiency.

4. CWS sponsors and congregations have contributed an estimated $133 million in cash, goods and services, and time over the past three and a half years.

Over time most refugees are finding jobs

Allowing a reasonable period of time for adjustment, the great majority of refugees are finding jobs. Almost three-quarters of the cases who arrived three years ago have at least one person in full-time employment. Even among those refugees who arrived in the past six months, almost half (44 percent) have at least one person in full-time employment.

Even our findings on unemployed refugees were heartening. First, the number of cases where no one is employed drops dramatically over time: from 46 percent (fiscal year 1983 arrivals) to 14 percent (fiscal year 1980 arrivals). Second, most unemployed refugees are actively seeking work. Those who are not generally have a legitimate reason. Almost half of them are mothers at home taking care of young children. Another quarter are adults in school. Others are too old (14 percent) or disabled (8 percent). Over the long term, many of the mothers and those in school probably will seek and find employment.

The best news is that only a miniscule 2 percent of refugees are reported by sponsors to be unwilling to work, and an even smaller 1 percent are reported to be not looking for work because they are on public assistance. These are dramatically small numbers of refugees, particularly in light of the widespread assumption that many refugees are unwilling to work, especially if they are on public assistance. The fact is that refugees want to work and given some time and some help, most refugees are succeeding in finding jobs.

Refugees' use of public assistance is significantly lower than is commonly believed

Our survey shows that, contrary to popular impressions, most refugees are not now using public assistance, whether cash, food stamps, medicaid or Social Security. Furthermore, the overwhelming majority of refugees are not using cash assistance for long-term financial support.

Most cases that are using some kind of public assistance are not using full cash assistance. The most commonly-used programs are food stamps and medical assistance. Less than one-fifth (17 percent) of refugee cases are now on full-cash assistance.

In addition, the use of all assistance, including cash assistance, declines significantly over time. For example, the use of food stamps drops from 36 percent (fiscal year 1983 arrivals) to 20 percent (fiscal year 1980 arrivals). Even more dramatic is the reduction in the use of full cash assistance: from 24 percent (fiscal year 1983) to only 7 percent (fiscal year 1980) over the course of just three years.

The use of public assistance falls off sharply as refugees secure full-time employment. Almost half of refugee cases with no employed members are on full cash assistance, but only 5 percent of cases with at least one full-time employee are on it. Since refugees get jobs over time, refugees also stop using public assistance over time. With only 7 percent of cases using full cash assistance three years after arrival, our survey concludes that there is no evidence of any significant, long-term welfare dependency among refugees.

Over time most refugees are achieving self-sufficiency

Our survey found that—allowing a reasonable period of time for the acculturation process—the great majority of refugees are achieving self-sufficiency. With every passing year, more refugees become self-sufficient. When sponsors of refugees who arrived in fiscal year 1980 were asked, "Are the refugees self-sufficient?," 70 percent responded "Yes." Even sponsors of refugees who arrived here as recently as October 1982 responded "Yes" 44 percent of the time. Not surprisingly, full-time employment is the key to self-sufficiency. Fully 78 percent of refugees cases where at least one person has a full-time job and self-sufficient.

When sponsors or refugees said that the refugee case was not self-sufficient, they were asked what the main barriers were to achieving this goal. The most common answers were the need for better English and vocational training. Other important barriers were the lack of jobs in the area of the inadequacy of income from present employment.

Unrealistic expectations on the part of refugees or dependency on sponsors were only cited by about 10 percent of the sponsors. Thus, it is real service needs, not refugees' attitudes, which are at the root of the problems some refugees face in achieving self-sufficiency. Given time and training, refugees are clearly adjusting to and succeeding in the United States. One notable fact is that a majority of refugee cases now own a car.

CWS sponsors and congregations have contributed an estimated $133 million in cash, goods and services, and time over the past three and a half years

Sponsors were asked to estimate the amount of money, the dollar value of goods and services, and the number of hours they contributed to the refugee case. Three-fourths of the sponsors felt they could make reliable estimates, and almost all of them had made some contribution to the case. One quarter of the sponsors said it was impossible to give estimates even though they had made contributions because no records had been kept, too many people had been involved, or too much time had passed.

Over three-quarters of the sponsors gave cash ($1,000 median) or goods and services ($1,200 median value), and 80 percent donated time (445 hours median). The median value of the total of all the contributions by a sponsor and congregation to a single case was $4,850 (cash + value of goods and services plus $5 per volunteer hour).

Extrapolating from these survey results to the entire Church World Service caseload for fiscal year 1980 through the first half of fiscal year 1983 our sponsors have given an estimated $133 million in cash, goods and services and time to our 14,000 refugee cases. This is truly an outstanding contribution by the private sector to refugee resettlement and evidence of deep support in the church community for the resettlement of refugees in this country. It is interesting to note that despite their enormous contributions, sponsors repeatedly insisted that they received more from the refugees than they gave.

Recommendations for improved refugee resettlement

Our survey shows that it takes a few years for refugees to achieve full-time employment and self-sufficiency. We urge that future assessments of refugees' adjustment and the overall program's success take fully into account the fact that meaningful resettlement takes a few years, not a few months. Refugees' unemployment and public assistance use rates measured shortly after arrival (and even through the first year) are not reflective of refugees' longer-term accomplishments.

Our survey also shows that tax dollars expended on refugee resettlement are funds well spent, since they are generously matched by private contributions and since refugees are achieving self-sufficiency. It is vital that this three-way partnership among the public sector, the private sector and the refugees themselves continues.

The two areas where improved services are needed are English and job training. Special programs like overseas ESL, English classes targeting women and the elderly as part of a total family group, and English classes linked to job training (like CETA) are vital to improved refugee resettlement.

In addition, flexibility on the principle of early employment should be explored for two groups of refugees in particular: those coming from cultures profoundly different from our own, especially when they are illiterate in their native language, and those who are highly skilled workers or professionals, who may need re-certification rather than entry-level employment.●

AMENDMENTS TO THE FCC AUTHORIZATION ACT OF 1983 (H.R. 2755)

● Mr. PACKWOOD. Mr. President, on November 18, 1983, amendments were agreed to by the House of Representatives during debate on H.R. 2755, the Federal Communications Commission Authorization Act of 1983 and concurred in by the Senate (Public Law 98-214). These amendments were the result of discussion between the members of the Senate Committee on Commerce, Science and Transportation and the House Energy and Commerce Committee. In order to establish the intention of the committees originating these amendments, I ask that the attached explanation be included in the RECORD at this point. An identical statement was made in the House of Representatives on January 24, 1984, by Representative JOHN DINGELL and his colleagues Representatives TIMOTHY WIRTH and JAMES BROYHILL.

The material follows:

INDUSTRY CERTIFICATION OF TECHNICIANS IN THE PRIVATE LAND MOBILE SERVICES AND FIXED SERVICES

Section 10 of H.R. 2755 amends the Communications Act of 1934 to allow the Commission to endorse industry certification of individuals to perform transmitter installation, operation, maintenance, and repair duties in the private land mobile services and fixed services, if such certification programs are conducted by groups that are representative of users of those services, and are not composed of Federal government employees.

Background

Generally, users in the Private Land Mobile Services utilize communications as an adjunct to their primary activities. Such primary activities would include business, industrial, land transportation and public safety functions, among the many possibilities.

In addition, unlike other communication services, the Private Land Mobile Services make intensive use of a limited amount of spectrum, often sharing allocations not only with other private land mobile users, but other services. Such intensive sharing of spectrum allocations makes technical compliance with accepted standards of engineering a necessity.

At present, only a holder of a General Radiotelephone Operator License may take responsibilty for installation, service or maintenance of transmitters in the Private Land Mobile Services and Fixed Services. The FCC has proposed elimination of this requirement in General Docket 83-322. It is an extension of its earlier elimination of commercial radio operator license requirements in the broadcast services in Docket 20817.

The Commission reasoned in Docket 20817 that in the instance of those engaged in broadcast services, provision of such services are the primary economic focus of their activities, therefore, there is a commercial incentive for qualified personnel to take responsibility for maintaining transmitters in order to assure the success of the broadcast enterprise. In contrast, in the private services, typical private radio service users have neither the technical background or the economic incentive to maintain their transmitters themselves and must rely on third parties.

Elimination of the Commission's requirement of a General Radio-telephone Operator License to perform installation, operation, maintenance and repair duties could result in the possibility of unqualified individuals being made responsible for maintaining key functions of licensed facilities. Installation, servicing, and maintenance of private radio transmitters by unqualified technicians would result in diminished technical performance and increase the possibility of interference with other spectrum users. Therefore, it is in the public interest to retain a uniform public indicia of the qualifications of those individuals charged with service, maintenance and installation of private radio transmitters.

In recognition of the possibility that the Commission may find it in the public interest, convenience, and necessity to reduce the administrative costs and burdens of continuing to require Commission-licensed technicians in the Private Land Mobile and Fixed Services, the Commission is authorized to permit industry groups or committees to implement a comparable substitute. An industry-administered certification program, operating under Commission supervision, and subject to Commission authority, would provide such a comparable substitute. The process of industry certification is recognized in a variety of other fields as reducing the regulatory burden upon the government, and benefiting members of the industry through a self-regulation process. In this respect, utilization by the FCC of frequency advisory committees in the Private Land Mobile Services to assist in the frequency selection process is an already recognized and successful role which industry has played in promoting the efficient operation of these Private Radio Services.

We note that this provision may result in cost savings for the Commission. The provision permits the FCC to rely upon the private sector to aid in the technician certification process, which would free the FCC to direct its resources elsewhere, and reduce the regulatory impact upon the private radio users while maintaining qualification standards upon which such users may rely.

AMATEUR RADIO LICENSE EXAMINATIONS

Section 11 of H.R. 2755 amends section 4 of the Communications Act of 1934 to enable amateur radio groups, when they prepare, process, or administer examinations for amateur station operator licenses, to recover out-of-pocket costs from examinees. The total allowable cost per examinee may not exceed $4.00, adjusted annually for changes in the consumer price index. Amateur radio groups must maintain records of their out-of-pocket expenses, and certify them to the FCC.

Background

The issue of reimbursement of the volunteers' costs has arisen as a result of the Federal Communications Commission's implementation of Public Law 97-259. This law, among other things, permits the Commission to use the uncompensated services of volunteers to prepare and administer amateur radio examinations. It permits transfer of the amateur radio examination process, in whole or in part, to the amateurs themselves. This results in three specific benefits. First, there is a significant savings to the Federal government in both costs and manpower. Second, it solves the problem of increasing unavailability of amateur examinations in many areas of the country due to Commission budgetary constraints. And third, it allows for increasing the examination question data base at the least cost to the Federal Government and thereby decreases the opportunity for applicants to pass the examination merely by memorizing the questions and answers instead of acquiring knowledge of the subject.

This provision is addressed solely to the process of administering examinations for the higher class amateur licenses. The Commission has implemented the authority to accept voluntary uncompensated services from amateurs in such a way that volunteers may incur significant expense. Unlike the regulatory scheme which the FCC applied to the novice examination procedure (vol. 48 Federal Register pp. 45652-45661) to govern examinations for the higher class licenses requires two levels of volunteers. The first level, so-called volunteer examination coordinators (VEC's) would deal directly with the Commission and be responsible for coordinating the examinations within their assigned area. The continental United States is divided into 10 large areas, and each VEC is required to oversee the exams within his entire area.

Under the Commission rules, the examination questions would be selected in advance by the FCC from publicly available lists. The VEC would have to print the exam and distribute them to the local volunteers. The examination would consist solely of questions periodically selected by the FCC and communicated to the coordinator. After the examination is administered, the results would be forwarded to the coordinator for checking, then the papers sent to the FCC for issuance of the appropriate license.

The volunteers on the local level would be responsible for actually administering the

examinations and sending the completed papers to the coordinator.

The organizing of volunteers to give examinations may entail significant costs to the volunteer organizations and individuals. This provision allows the amateur volunteers to recover their out-of-pocket costs. The upper limit to such recoverable costs is $4 per examinee—adjustable for inflation. The volunteers could not be authorized to recover more than their actual expenses, and would be required to certify to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred.

This provision leaves implementation of this provision to the Commission. For example, whether the volunteer coordinators, the volunteer administrators or both will be allowed to recover costs is left to administrative discretion in order to insure the flexibility necessary to meet both present and future situations.

NEW TECHNOLOGIES AND SERVICES

Section 12 of H.R. 2755 adds a new section 7 to the Communications Act of 1934, establishing the policy of the United States, and therefore of the FCC, to encourage the provision of new technologies and services. The policy added by this section is intended to supplement the purposes of section 1 of the 1934 Act.

This section further provides that those, other than the FCC, who oppose a new technology or service must demonstrate that such proposal is inconsistent with the public interest. Finally, the section requires new service proposals to be acted upon by the FCC within one year of the date of a petition or application, or, if a proceeding is initiated by the FCC, within one of that initiation date. In the event that a petition or application proposing a new service was filed prior to the date of enactment of this provision, the Commission shall make a final determination of any such petition or application within 12 months after the date of enactment of this section.

Background

If not blocked by the FCC, the forces of competition and technological growth would bring many new services to consumers. However, in the past, the FCC has often hampered the development of new services. For example, the FCC imposed stringent regulations on cable, pay cable, and subscription television which delayed the introduction of these services for many years. The Commission delayed the important cellular radio service for about a dozen years, and the Commission has yet to make a decision on VHF Drop-Ins, a proceeding in existence for about five years. These delays in authorizing new services have also extended to such other services as low power television, and FM drop-ins. In general, delays in authorizing new services are not isolated events; they have been more the rule at the FCC.

A major reason for delays in authorizing new services is the fact that competitors to the companies proposing to offer to the new service, not wanting to see increased competition, file in opposition to new services. In the past, the broadcast industry, for instance, has often argued that a new licensee or service would have an adverse economic effect on an existing broadcast licensee or licensees, and alleged that this would result in a decrease in service (i.e., public interest programming) to the public.

The claim of economic harm was specifically made by the broadcast industry in the Direct Broadcast Satellite (DBS) and FM drop-in proceedings, and has been made in a number of cases involving individual licenses where an incumbent station has sought to block a new station from being authorized. It is the intent of the new section 7 to preclude the Commission from considering the claim of adverse economic effect on an existing licensee when such claim is raised as it has been to date.

New section 7 places the burden on those who oppose new service proposals. These parties must demonstrate that new service proposals are inconsistent with the public interest. This procedure is intended to shift the balance of the process in favor of new services and technologies, but allow the FCC, on an expedited time frame, to review the application for consistency with the Communications Act of 1934, and take appropriate action.

New section 7 is intended to encourage the availability of new technologies and services to the public. It is not intended, however, to enable a particular person or persons to obtain a license to provide a new technology or service if that person or persons are otherwise precluded from doing so (or may only do so under certain conditions) by the Communications Act of 1934, or by FCC rules or policy. For instance, this section would not enable a television licensee to provide cable service in the community in which he or she broadcasts, because the Commission has banned that kind of cross-ownership.

Nor is it the purpose or intent of this section to undermine the competitive safeguards and prohibitions in such common carrier decisions as the Second Computer Inquiry, or in the rules governing the introduction of competition in the transmission and customer premise equipment markets. Such decisions are designed to encourage the provision of new services and technologies to the consumer in a competitive environment. This section should not be used to justify deregulatory decisions that could reduce competition in the common carrier or other areas.

INTERNATIONAL RADIO COMMUNICATION CONFERENCES

Section 13 of H.R. 2755 provides that U.S. delegations to conferences held under the auspices of the International Telecommunications Union shall have at least three vice-chairpersons. Such vice-chairpersons shall be officers or employees of the Department of State, the Department of Commerce, and the Federal Communications Commission, unless declined by the agency.

Background

Conferences held under the auspices of the International Telecommunications Union are critical to our nation's future communications needs. It has long been traditional for the Executive agencies most concerned with the preparation for these meetings to be represented with vice-chairpersons on the delegations. This long tradition was broken this past summer at the Direct Broadcast Region II Conference, when only one vice-chairperson was named. We believe that multiple vice-chairpersons strengthen our delegations. Much of the work of convincing other nations to support our positions at these meetings is done outside of the meeting itself, in one-on-one discussions with delegates from other countries.

This work, representing the United States positions in these discussions, and at other unofficial events can be critical to our success. The added stature accorded to vice-chairpersons at the ITU meetings is thus important to the success of the mission, and this provision ensures a return to the policy that worked well in the past.

We intend that this provision become effective immediately and apply to the next ITU conference, which is the High Frequency World Administrative Radio Conference in January. We also recommend that the American broadcasters most affected by the decisions of the High Frequency WARC also be represented among the vice-chairpersons. The operations of Radio Free Europe, Radio Free Liberty, and the Voice of America are critical to presenting our way of life across to the people of the world.●

RADIO MARTI

● Mr. CHILES. Mr. President, on Saturday, January 28, 1984, the Cuban-American community celebrated the birthdate of Jose Marti. Marti is revered in Cuba and throughout the world not only as a poet and writer but as a patriot and tireless fighter for Cuban independence. I cannot let this important day pass without commemorating this great man's efforts for a free and independent Cuba. His was a struggle against the colonial rule of tyrannic Spanish Government. His strength for this fight derived from his strong belief in democratic principles and in the dignity of man. He was aware that these were the greatest of weapons.

I cannot let this day pass without expressing my unwavering support of the radio station, recently approved by this Congress, which bears Jose Marti's name. Radio Marti will be broadcasting shortly and like the man it was named after, it will continue the struggle against a tyrannic government. Its strength will derive from the belief in democratic principles: The freedom of speech and the exchange of information and ideas. Radio Marti will serve as a tribute to the principles Jose Marti held most high. Again, the strongest weapons are on Marti's side.

Mr. President, during consideration of the legislation establishing Radio Marti, the Cuban Government distributed a pamphlet which attempted, through very selective quotations, to present Jose Marti as intrinsically anti-American and a man whose ideas are congruent with the Marxist regime. This action can only be seen for what truly is, an attempt to not only discredit Jose Marti, but also to impugn Radio Marti. In defense against this accusation, many of the supporters of this bill, myself included, spoke of the similarities between Jose Marti and the American Founding Fathers. How anyone who shares our Founding Fathers' love of liberty, belief in the tolerance of opposing views, and support of democratic principles can be labeled a Marxist is beyond comprehension.

On the 131st anniversary of his birth, I would like to request that an essay entitled, "Jose Marti and the

American Founding Fathers" be included in the RECORD. This essay, written by Professor Carlos Ripoll of Queens College, New York, appeared in the "Hispanic Presence in Florida," edited by Jose A. Balseiro. The essay contains Marti's homage to American democracy, lest there by any doubt that this man was indeed a true believer in democratic values.

Mr. President, I am glad to have associated myself with the effort to establish Radio Marti. Again, I commemorate the apostle of the Cuban revolution, Jose Marti, whose life was dedicated to the struggle against tyranny. On this he wrote:

Tyranny is the same in all its shapes, even though sometimes it dresses in handsome names and grand deeds.

It is appropriate that we honor his memory at a time when a dictatorship in his homeland attempts to "dress in handsome names and grand deeds" its crimes and failures under the guise of social progress. In honor of this man and the radio station which now bears his name, I salute the efforts toward a free and independent Cuba.

The essay follows:

JOSE MARTI AND THE AMERICAN FOUNDING FATHERS

Strident partisanship has in recent years brought to the fore those writings in which Marti portrayed the defects and errors of the United States he knew. His harsh indictments of the sectors of this nation debased by arrogance and the abuse of power are quoted often and with unwholesome satisfaction. In this oblique campaign to chastise the guilty, the accusers would obscure that Marti's anger was aroused rather by the guilt itself; for Marti, wrong was universally to be censured and deplored, and his words were ultimately intended to instill and encourage the principles and practice of human decency. What Marti abhorred in this country is quintessential today in some adversaries of this country: nothing here did he criticize more severely than the assault on liberty and justice.

Marti admired this nation which "with imperturbable generosity opened its arms . . . to the unfortunate and industrious of the earth," but he did not love it; his love went out to the South, to the peoples who compose what he piously called Mother America. He saw the hopeful looks cast north by the inexperienced republics in search of guidance, and he feared, correctly, that imitation would lead them astray, and that awe would lay open their frontiers to the greed of the very country at which they marveled. And so he used no reserve in uncovering to them "the truth about the United States," and in insisting to them that, "through its vices, through its mistakes, through its failings, it is necessary to study this country, so as not to fail or clash with it."

Exiled because of his activities in favor of Cuban independence, Marti arrived in New York for the first time at the beginning of 1875. He was twenty-two years old. Seven years earlier, Spanish officials had sentenced him to hard labor and then banished him from Cuba; then, in Spain he studied at and graduated from the University of Saragossa, whereupon he fled to Mexico, stopping briefly in New York. In Mexico, he worked as a journalist until, chagrined at the excesses of those in power, he left for Guatemala, where he began a career as a teacher, only to abandon this country too, shortly after, for similar reasons. It was his second expulsion from Cuba that again brought Marti to the United States, in 1880; here he lived until 1895 carrying on the struggle to which he had dedicated his life and which led him to his death on May 19 of that year, at the outset of the independence war he had organized. His first employment in New York was as a journalist, and in some of the earliest articles he wrote for The Hour, a magazine devoted to the arts and letters, he left his impressions as a newcomer who had only recently ended years of instability and wanderings. "I am, at last, in a country where everyone looks like his own master. One can breathe freely, freedom being here the foundation, the shield, the essence of life."

Like no other Hispanic writer of this time, during his fifteen years in this country, Marti came to know and understand the ways and complex problems of United States society: the difficulties and the promise created by immigration; the racial prejudice; the burgeoning labor movement; the corruption in politics. For the newspapers of Central and South America he wrote magnificent chronicles on these and other topics as well as portraits of great Americans: Emerson, Whitman, Longfellow: Courtlandt Palmer—the "millionaire socialist"—, Henry Garnet—the black orator "who hated hate"—, Peter Cooper—"the friend of Man"—, Wendell Phillips—"the ardent knight of human dignity." Marti described the important events he witnessed and everything that in some way could contribute to an accurate and vivid image of the United States, the country that inspired in him both admiration and anxiety. "We love the land of Lincoln, just as we fear the land of Cutting," he said, summarizing his attitude; in the "sublime offspring of the lowly," he found the embodiment of nobility; in the "shameless reporter and adventurer" who maligned Mexico, the embodiment of conceit and malice.

When Marti took pen in hand, it was to enhance his subject, especially when the subject itself was adorned by virtue; and when he wrote in censure, it was with compassion and the sole purpose of bettering the world—never with hate, for few have been so apprehensive as he of that passion he called a poison and a crime. He held at his fingertips every device language and literature offered, and when these were insufficient, he created new and surprising ones, through sheer genius and without the slightest hint of effort or fatigue. And so, through his art were revealed to Spanish America myriad pictures of the United States as a land where the people performed feats worthy of giants but in their hurry seemed a swarm of ants; and through his insight was captured the nation's spirit in the strength of a hero or the smile of a child. The aged Domingo F. Sarmiento, who at the peak of his fame had Marti's "North American Scenes" read to him so that he could savour their inexhaustible expressive wealth, said: "In Spanish, there is nothing that compares with the swell and roar of Marti's prose, nor has anything comparable to his metallic resonance come out of France since Victor Hugo."

While totalitarian regimes are continually making Marti's works available to their people in their native tongues, falsifying through hushed censorship and abridgement the meaning and intent with which they were written, only a handful of Marti's works has been properly translated into English. The integrity of the texts must be restored and their translation encouraged; as Emil Ludwig has said, were they accessible to readers throughout the world, "they alone would suffice to make Marti a source of leadership and guidance for our times." For the United States, Marti's writings have the added significance of providing, through an astute outsider's eyes, a critique of past errors and still-ingrained flaws, and a reminder of the treasures that must be appreciated and safeguarded. In the bicentennial of this nation's birth, it is most fitting that Marti's words inspire American readers to take stock of their shortcomings and their blessings.

"THE APOSTLES OF PHILADELPHIA"

Marti engraved in his memory every turn that history made, and he applied its lessons to the plight of Cuba. His first printed words about the revolutionary period were written in Mexico during the centennial of the Declaration of Independence. There, news reached him of the celebrations in New York, where many of his compatriots lived, like him refugees from Spanish tyranny. On July 4, they marched with the Cuban flag, and their gesture was hailed by sympathetic American observers. Marti took note of the occurrence in an article for the Revista Universal: "As the symbol of the heroic Antillean island was carried on the long parade, it was greeted not with applause, but with ovations. Does the blood shed valiantly by a people seeking freedom deserve less from a sister nation than cheers of affection and love? What nation, itself the offspring of oppression, is not moved and made proud by the exalted emblem of an energetic and revered people in whose glory are mirrored its own past glories?"

In the United States Marti found the cradle of liberty in the Americas, so he set himself to studying it; he inquired how and why the throne of freedom had been built and secured here, for he wanted to enthrone freedom in his native land. "Freedom is the Mother of the earth," "the essence of life," "the definitive religion," he said, and he sought to understand the progeny, the doctrines, and the rituals that made freedom flourish. But beside it, he found slavery: "In 1620 the Mayflower carried the pilgrims to Plymouth, and in 1629 a Dutch ship carried twenty African slaves to Virginia"; and so he was careful in his analysis to separate the two seeds, to set apart the Declaration of Independence from the Federal Constitution. The former was for Marti "the genuine expression of the lofty spirit that moved the heroes and the preachers of liberty, that did battle in Bunker Hill and triumphed in Yorktown." But in the pacts of 1787 among the states, along with the precepts to ensure liberty, he saw guaranteed the iniquitous institution of bondage.

In his evocations of the revolutionary period, Marti captured the excitement awakened by Thomas Paine's "Common Sense" and the animation created in Philadelphia by the arrival of the delegates to the Second Continental Congress, from Pennsylvania, Virginia, the Carolinas, New York, and the rest of the thirteen colonies. He portrayed with equal measures of humanity and immortality the outstanding figures of the moment. Franklin was the "humble man," the "austere ambassador" to the French court "who entered the king's palace dressed in the modest garb of democracy, and spoke and triumphed with the lan-

guage of liberty." He described Jefferson, "who had sworn eternal hostility to all forms of slavery," drawing up the draft of the Declaration, his tiny script "that of a soul contracted in its labors to strike in the hearts of men, like a flagstaff in its base, the ideas with which nations should be formed." And he drew attention to the very words so carefully chosen to convey those principles: "We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." Never before had such brilliant thoughts been pronounced upon the foundation of government among men; as Samuel Eliot Morison has rightly said, "These words are more revolutionary than anything written by Robespierre, Marx, or Lenin, more explosive than the atom, a continual challenge to ourselves, as well as an inspiration to the oppressed of all the world."

Martí studied the Constitution through the two-volume History by George Bancroft, whom he admired as an historian but reproached as the Secretary of the Navy under whose administration California was taken from Mexico. In an article he wrote for the Buenos Aires newspaper LaNación in 1877. Martí borrowed from Bancroft's account to render his own of the lively debates at the Convention and of the conflicting interests that had to be reconciled for the federation to be formed: the South's differences with North, the farmers' with the industrialists, the big states' with the small, the slave states' with the free. And with a few details he characterized the delegates: Hamilton, "the impetuous aristocrat"; Madison, "precise and forthright," leaned in letters and a scholar of history", Gouverneur Morris, "a graduate from Kings College" and "creator of felicitous phrases"; William Paterson, of New Jersey," a firm advocate of states' rights", and Edmund Randolph, "the dramatic and attractive" Virginian "who defended centralism" and was "quicker to declaim than to think"; Nathaniel Gorham, the wealthy businessman who was "a choice enemy of slavery"; James Wilson, "on whose arm Franklin leaned." But before all the founders Martí placed Washington. In him Martí saw incarnate the virtues that lent security to the American republic in its origins, and his praise was exuberant: Washington's steadfastness, his selflessness, his demeanor, all drew applause. Martí's Washington is more radiant after the hostilities ceased than before Newburgh, because he had learned in war the sobriety required to rule his countrymen. Fresh from his victories, he is described arriving at Philadelphia for the Convention, his path strewn with flowers by the women as he passed by; his most difficult battle was there: "The dissension Washington came to quiet was harsh at the time. The pernicious vociferators, the turbid spume that all revolutions arouse, appeared and took control, calling themselves progressive liberals. Others, preoccupied with instituting freedom, forgot to talk of freedom . . ., and there were few heroes of the war whose ambitions for emoluments and sinecures did not tarnish their deeds."

Martí knew that a grandiose portrayal of the forging of the Constitution might cause in the reader a mistaken, idealized impression of the men who framed it. "Corn and beef speak the same tongue," he cautioned: "The fair-haired hates, deceives, and boasts the same as the dark-haired. The North-American becomes fanatic, angered, rebellious, confused, and corrupt just like the Spanish-American. One had only to witness the Convention! . . ." Nevertheless, Martí, fair in his judgments, also knew that freedom presided over that contest; from the open and spontaneous arguments, he drew conclusions profitable to Spanish America: "That debate, natural in the political circumstances that produced it, was as fruitful as it ws forceful. Sincerity is not to be feared; only what is kept hidden is tremendous. The public welfare requires the kind of combat that teaches respect; the kind of blaze that fires good ideas and consumes the useless ones; the kind of breeze that clears away the clouds, exposing in the light of day both the apostles and the rascals."

Martí has been criticized for not formulating a systematic body of doctrines, an outline for a constitution to direct the future of Cuba. His essays on the experience of Philadelphia reveal the reason for his silence: he understood a constitution to be "a living and practical law that cannot be structured with ideological components." The factors that might be comprised in the republic after independence had been won were unforseeable, and it would have been artificial and inopportune to try to build codes of law on thin air, anticipating the outcome. The Constitution of 1789, he said, "radiated the sunlight that, even with all the dark spots, seemed to Franklin the dawn." It was a compromise, a document that answered the specific needs of the nation and that should only be imitated if similar circumstances prevailed, and then not in the criminal concessions that blemished it. But despite its transigence with slavery, that document, in its vitality, proved what Martí proclaimed time and time again: "that only those forms of government that are native to nations take root in them." Still, following what he knew of the U.S. Constitution, with its failings and strengths, as well as what he knew of the failings and strengths the rest of the world had developed through a century of social and political ferment, he did clearly indicate in the program of the Cuban Revolutionary Party the route to follow once independence would be achieved: "to found on the free and honest exercise of the legitimate faculties of mankind a new and sincerely democratic people capable of overcoming, through authority sustained by real labors and by the equilibrium of the social forces, the dangers attendant upon sudden liberty in a society organized for slavery."

"THE STATUES OF PORPHYRY"

Martí truly appreciated the merits of the founders of the United States when in 1884 he saw this country liberate itself from the rule of ineffectual and venal politicians of the Republican party through the exercise of the vote. The electoral fraud and arbitrary acts perpetrated by the government cast serious doubts on the system created in Philadelphia, but without disorder or bloodshed, the American people reclaimed its mandate from those who had betrayed it once in power. For Martí, the elections of that year were vindication and proof of the foresight and wisdom of the Convention of 1787. In the post-bellum era the Republican Party had decayed in its successive terms in high office, while its opposition had weakened; Martí perceived that "as victory rotted, it brought after it disintegration. The manifest of human freedom was turned into a shelter for money-changers." The same had happened earlier with the Democrats, he commented, as he described the period preceding the Civil War." Freedom must be a constant practice else it degenerate into a banal formula. The very soil that produces a garden, produces nettles. All power widely and prolongedly held degenerates. . . . The Democratic Party governed for so long in the past that the Constitution finally became in its hands a mere pile of wrinkled paper."

Living during the period of Republican control under which existed, as Martí said, an immoral consortium of "the magnates of politics" and "the potentates of the barios," he decried the situation: "The vehicle of suffrage was rolling on golden axles." There was also administrative irresponsibility: "Sure of their governmental machinery, and confusing the honest clamor of a tired nation with the shouting of a hungry people, the politicians reached shoulder deep into the coffers and foolishly squandered the treasury, even the huge surplus, in plans of obscure origin."

He watched with interest as dissension grew within the party: the Mugwumps split with the stalwarts at the nominating convention over the Blaine-Logan slate. The former was accused of having used public office for personal gain and of having turned the United States' role as mediator in the War of the Pacific to favor his friends and supporters. Martí was repulsed by the intrigues and unscrupulous maneuvers associated with Blaine and by his imperialist leanings; he was leader of what Martí called "ultraaguilismo" ("ultra-caglism")—the policy of "extending over much of the earth the wings of the American eagle." As Martí saw it, Blaine and his followers maintained that the Constitution was "a moth-eaten cape, a remnant from another time, and that an enterprising people needs roadways along which to expand, not a constable to tie its hands."

The Mugwumps, the rebellious Republicans who rejected the party ticket, were, in contrast, "listening to the solemn dictates of Webster, following the heroic spirit of the sacred apostles of Philadelphia"; they wanted "freedom—simple, respectful, magnanimous, and pure, and they repeated in the press and in their speeches clear, honest words that sounded like those of titans come to sit among men, as in the sublime days when Washington made the peace, Madison plans, and Hamilton, provisions; Franklin counseled, Jefferson urged forward." The ideals and acts of the founding fathers were always Martí's yardstick in appraising the course of the nation and its leaders.

He was filled with enthusiasm by the popular reaction against corrupt and incompetent government and by the proper use of the franchise to channel that reaction:

"Anyone who observes this country without prejudice, no matter how much displeased by the priority it gives the appetites and by its slight, if not disdain, of generosity, must recognize that, with the regularity of a law, whenever it seems that danger to the nation is imminent, that one of its institutions is irremediably corrupted, or that vice has partly devoured it, the men and the systems through which the destruction can be avoided arise, without fanfare, and when the ills can still be cured."

During the campaign for the presidential election of 1884, such a man was Grover Cleveland, the Democratic candidate, who then appeared to Martí "a man of reason and integrity" and "the reformer that the times required." The reaction had become evident with the numerous Democratic victories in the midterm elections of 1882; Martí wrote of them early the following

year. "What a splendid agitation in this country two or three months ago! It is like a sleeping giant that, certain of the strength it will need in time of trial, does not hasten to rise; but it does rise, it wields its enormous hammer, crushes the enemy or the obstacle in its way, and sleeps again. . . . With the majestic and serene show of the magnificent force of peace, the people gave the nation's vote to the new men of the Democratic Party. The weary nation turned its back on the heroes and corrupt advisers. Ah!, it was grand; it made one rejoice in belonging to the human race." Then he described the Democrats who called for reform and change as indignant apostles "brandishing like swords in the face of the vote sellers the texts of Jefferson, Madison, and Jackson. . . . "

In the national election, Marti's hopes that the Republicans would be defeated were fulfilled: Blaine was beaten by Cleveland. Marti mused over the event, which he interpreted idealistically as a sign of moral rebirth for the country:

"Just when the political institutions, in their application, and human nature appeared corrupt, as they are in older nations; when after only a century Washington's wig was mere dust, Franklin's waistcoat, moth-eaten, and Jefferson's figure, leperous decay; when one beheld in the spirit of government insolence, usurpation, and impulse to seize control in and outside the land, under cloak of freedom but contrary to its essence. . . , out of their silence came the vigilant thinkers, who are, like the marrow of the human body, the hidden essence of their peoples; and the Republic showed itself superior to the danger it faced."

Marti asked himself where that strength came from, that marvelous power to rescue from spurious leaders the government of the nation, and to dissolve the immoral pact of government and selfish interests that prospered in democracy's shadow. Inspired by the events he had witnessed, he discerned the answer in the organization of the country provided for by the Declaration of Independence and the Constitution, which gave safe refuge to the law and, more than a century after they had been penned, guaranteed the rights and liberties their authors had fought to secure. Nothing Marti wrote in praise of the United States is more fervent or eloquent than this passage he devoted to the memory of the founding fathers when he saw in the Democratic triumph that of the system, and in Cleveland's victory, that of America's apostles of Philadelphia:

"I would sculpt in porphyry the statues of the extraordinary men who forged the Constitution of the United States of America; I would sculpt them in porphyry in a group as they signed their prodigious work. I would lay a sacred road of unpolished marble blocks leading to a temple of white marble that would guard their remains; and I would declare a week of national pilgrimage every few years, in the autumn, the season of maturity and beauty, so that the reverent—the men, women, and children, their heads enveloped in the fragrant clouds of dry leaves—might go to kiss the hand of stone of the patriarchs. I am not dazzled by great size. I am not dazzled by wealth. The material prosperity of a free people does not dazzle me. . . . Neither men, nor novelties, nor brilliant acts of daring, nor colossal crowds dazzle me. But when one sees this majesty of the vote, this new nobility of which every man is a member, be he obstreperous pauper or owner of gold, this monarch of a multitude of faces, that cannot want to do itself harm, because it is only as great as its domain, which is itself; when one witnesses this unanimous exercise of will by ten million men, one feels as if he were mounted on a steed of light and goading its winged hooves, as if leaving behind an old world in ruins to pass through the gates of a universe of dignity, at the threshold of which a woman beside an open ballot-box cleanses the muddied or beaten brow of those who enter. The ones who lifted and raised on high with serene hands to that new universe the sun of decorum; the ones who sat down to make reins of silk for mankind, and made them, and gave them to man; the ones who bettered man, those are the ones I would sculpt in statues of porphyry for a temple of marble. And I would pave so all might go pay them homage a road of marble, wide and white."●

REFORM OF FEDERAL GOVERNMENT'S ONSHORE OIL AND GAS LEASING SYSTEM

● Mr. CHILES. Mr. President, the comptroller of the State of Florida, Mr. Gerald Lewis, has provided to me a copy of a resolution, on behalf of the Governor and cabinet of Florida, requesting that Congress enact legislation to reform the Federal Government's onshore oil and gas leasing system to require that mineral rights to Federal land be awarded only after competitive bidding. I want to share this resolution with my colleagues in the Senate as I feel Congress needs to examine carefully the existing system of awarding oil and gas leases and explore the possibility of changes to improve the system and insure the public a fair return from legitimate energy exploration on Federal land.

Fraud and abuse uncovered in the present system of noncompetitive oil and gas leasing on public lands last year prompted serious questions about the leasing program and led eventually to the suspension of the Bureau of Land Management lottery system for allocating mineral-drilling rights. The lottery system has been under review by the Bureau of Land Management, and new regulations reflecting policy changes are expected in the near future.

Since last year, the State of Florida comptroller's office has maintained that the lottery system for allocating mineral-drilling rights invited fraud. State Comptroller Lewis has undertaken a major initiative to stop the operation in our State of so-called filing services which offer to help investors obtain oil and gas leases on federally owned land. Abuses of the present Federal leasing system uncovered in the State of Florida include the fraudulent sale of investment contracts purporting to increase investors' chances of winning oil and gas leases in the lottery as well as the traffic in leases acquired over the counter, another noncompetitive activity allowed under present law.

In the U.S. Congress, the House Committee on Interior and Insular Affairs has recently asked the General Accounting Office to investigate the fraudulent activities involved in the existing noncompetitive leasing programs of the Bureau of Land Management. In addition, the committee plans to conduct hearings on this issue early this year. I am pleased the U.S. Congress has begun its examination of this problem and hope these efforts will lead to improvements and possible reform of the program. I also commend the action taken by the Florida comptroller's office to stop violations of Florida's securities laws by companies abusing the present Federal leasing system. I am pleased to share with my colleagues the resolution enacted by the Governor and cabinet of Florida calling for the reform of the onshore noncompetitive leasing program and ask that the resolution be printed in the RECORD.

The resolution follows:

STATE OF FLORIDA—RESOLUTION

Whereas, the State of Florida is committed to stop the operation in this state of "boiler rooms" which illegally solicit investors from batteries of telephones to purchase alleged securities and commodities from unlicensed sales personnel or to otherwise invest money with these firms; and

Whereas, many of these firms induce members of the public to invest money by fraudulently offering to help them obtain oil and gas leases on federally-owned lands under the federal government's non-competitive onshore mineral leasing program; and

Whereas, that program is administered by the Bureau of Land Management of the United States Department of the Interior and consists of "over the counter leasing" whereby mineral rights to public lands which have not been previously leased for oil or gas exploration are given to the first applicant at a fixed annual rent of $1 an acre and the Simultaneous Oil and Gas Lease Lottery in which rights to previously leased parcels are distributed; and

Whereas, operation in the Simultaneous Oil and Gas Lease Lottery has been temporarily suspended, the Bureau's "over the counter" program continues; and

Whereas, none of the public land in the non-competitive program is within the known geologic structure of a producing oil or gas field, but a portion of such land is potentially valuable for exploration; and

Whereas, the State of Florida is entitled to one-half of the bonuses, rents and royalties derived by the federal government from onshore oil or gas leasing of federal land, within this state; and

Whereas, there are over three hundred pending applications for the non-competitive award of "over the counter" oil and gas leases on federal land at Eglin Air Force Base in Northwest Florida; and

Whereas, the federal government's present onshore oil and gas leasing system serves more to provide a product for "boiler room" operators than to encourage development of domestic energy resources; and

Whereas, it is the desire of the Governor and Cabinet that to the extent mineral exploration can occur in this state consistent with protection of the environment that

citizens of Florida receive full value from transfer of publicly-owned mineral rights; and

Whereas, there is proposed legislation in Congress to abolish the non-competitive leasing program in favor of a system of public bidding for rights to extract oil and gas from public land; Now, therefore, be it

Resolved, That the Governor and Cabinet of Florida hereby urge the United States Department of the Interior to direct its Bureau of Land Management to make the current suspension of the Simultaneous Oil and Gas Lease Lottery permanent and to extend that suspension to include all of the onshore non-competitive leasing program; and be it further

Resolved, That the Congress of the United States is requested to enact legislation to reform the onshore oil and gas leasing system to ensure that the public receive full value from the transfer of oil and gas leases on federal land by requiring that such leases be awarded only after competitive bidding. Be it further

Resolved, That copies of this resolution be forwarded to the Secretary of the United States Department of the Interior and the appropriate committees of both Houses of Congress.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reveiwed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in two of the covering letters are available to Senators in the office of the Foreign Relations Committee, SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 26, 1984.

In reply refer to: I-04256/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-20 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $96 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt.

(ii) Total estimated value:

	Million
Major defense equipment[1]	$79
Other	17
Total	96

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 424 AIM-7F Product Optimization Program (POP) Sparrow missiles consisting of 382 all-up-round missiles, 18 all-up-round missiles with AN/DKT-37 telemetry elements, 2 inert operational missiles, and 22 training missiles with containers, 20 spare guidance and control sections, test and maintenance equipment, spare parts, contractor engineering technical services, training, publications, and documentation.

(iv) Military department: Navy (AAF).

(v) Sales commission, fee, etc., paid, offeed, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending September 30, 1983.

(viii) Date report delivered to Congress: 26, January 1984.

POLICY JUSTIFICATION

EGYPT—SPARROW MISSILES

The Government of Egypt has requested the purchase of a quantity of 424 AIM-7F Product Optimization Program (POP) Sparrow missiles consisting of 382 all-up-round missiles, 18 all-up-round missiles with AN/DKT-37 telemetry elements, 2 inert operational missiles, and 22 training missiles with containers, 20 spare guidance and control sections, test and maintenance equipment, spare parts, contractor engineering technical services, training, publications, and documentation at an estimated cost of $96 million.

This proposed sale will contribute significantly to U.S. foreign policy and national security objectives by helping to increase the security of a friendly country of vital interest to the United States.

Egypt intends to buy the Skyguard Air Defense System of which the AIM-7F (POP) Sparrow missile will be an integral part. This system will be used for area defense of cities and military installations against airborne threats.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Company of Lexington, Massachusetts.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Egypt; however, one contractor representative will be required in Egypt for three months to provide technical training and one representative for two years to provide technical services.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 26, 1984.

In reply refer to: I-03099/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-23 and under separate cover the classified annex thereto. This transmittal concerns the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $119 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Million
Major defense equipment[1]	$93
Other	26
Total	119

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 1,600 AGM-65B Maverick air-to-ground missiles and 9 load training missiles, with spares, support equipment, and related logistical support.

(iv) Military department: Air Force (AFU).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense devices proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending September 30, 1983.

(viii) Date report delivered to Congress: January 26, 1984.

POLICY JUSTIFICATION

SAUDI ARABIA—MAVERICK MISSILES

The Government of Saudi Arabia has requested the purchase of a quantity of 1,600 AGM-65B Maverick air-to-ground missiles and 9 load training missiles, with spares, support equipment, and related logistical support at an estimated cost of $119 million.

This proposed sale will be consistent with the stated U.S. foreign policy of assisting other nations to provide for their own self-defense and will contribute to the stability of the Arabian peninsula. These weapons are already in the Saudi inventory as well as the inventories of several of the nations of the region and will not introduce a new capability into the region.

Saudi Arabia requires these additional Maverick missiles to provide a full 60 day war reserve stockage for its F-5 aircraft allocated to the air-to-ground anti-armor mission. The additional missiles can be absorbed and supported by existing capabilities available in Saudi Arabia.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 26, 1984.

In reply refer to: I-04669/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-25, concerning the Department of the Army's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $63 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt.

(ii) Total estimated value:

	Million
Major defense equipment [1]	$57
Other	6
Total	63

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 56 M88A1 full tracked medium recovery vehicles with communications, support equipment, related spare parts, and support.

(iv) Military department: Army (UFC).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: January 26, 1984.

POLICY JUSTIFICATION

EGYPT—M88A1 RECOVERY VEHICLES

The Government of Egypt (GOE) has requested an additional purchase of a quantity of 56 M88A1 full tracked medium recovery vehicles with communications, support equipment, related spare parts, and support at an estimated cost of $63 million.

The proposed sale is consistent with the American foreign policy and national security objectives of assisting the GOE in its program of modernizing its armed forces so that it may provide for its own security and self-defense and contribute to regional security and stability. A strong and independent Egypt will be able to participate in the Middle East peace process and resist incursions of Soviet client states in the region.

The GOE will use these M88A1 recovery vehicles to replace a like number of aging Soviet-origin vehicles that are becoming obsolescent and unmaintainable because of the non-availability of spare parts. This is part of a large-scale military modernization program that has included the purchase of 109 M88A1 recovery vehicles prior to this request.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the BMY Corporation of York, Pennsylvania.

Implementation of this sale will require the assignment of a small number of U.S. Government personnel or contractor representatives to assist in the delivery of these vehicles to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that special orders be entered in favor of the Senator from Mississippi (Mr. STENNIS) and the Senator from West Virginia (Mr. BYRD) following the time under the standing order for the two leaders tomorrow, not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that my colleague, the Senator from Alaska (Mr. MURKOWSKI) be granted a special order following the two I have requested for tomorrow, for not to exceed 15 minutes in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, the Senate will come in at 10 a.m. in the morning. There are three special orders, plus the time for the two leaders under the standing order. That would mean, as I interpret it, that the Senate would be back on the pending business at approximately 11 a.m.

RECESS UNTIL 10 A.M. TOMORROW, WEDNESDAY, FEBRUARY 1, 1984

Mr. STEVENS. Mr. President, is there any further business to come before the Senate? If there be no further business, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 5:59 p.m., recessed until tomorrow, Wednesday, February 1, 1984, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 1984:

THE JUDICIARY

Julian I. Jacobs, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Theodore Tannenwald, Jr., retired.

DEPARTMENT OF JUSTICE

Errol Lee Wood, of North Dakota, to be U.S. marshal for the District of North Dakota for a term of 4 years vice Kenneth B. Muir, deceased.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and resonsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. David E. Grange, Jr., [redacted], Army of the United States.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert Arter, [redacted], U.S. Army,

The Army National Guard of the United States officer named herein for appointment as Reserve Commissioned Officer of the Army, under the provisions of title 10, United States Code, sections 593(a), and 3385:

To be brigadier general

Col. Arthur V. Episcopo, [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1984:

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1984.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, January 31, 1984*

The House met at 12 o'clock noon.

The Reverend Edward L. R. Elson, S.T.D., Chaplain, U.S. Senate, retired, offered the following prayer:

Thanks be to Thee, O God, for this new day, for work to do and strength with which to do it. Invest each moment with sacred meaning and holy purpose that our work may be our worship. Correct what is wrong, confirm what is right, and lead us by Thy truth.

Guide by Thy higher wisdom all who serve this Government. Be especially with the few who serve the many in places of loneliness and danger. Keep us reverent in the use of freedom, just in the exercise of power, generous in the protection of the weak, prudent in the use of money, and wise in the use of natural resources.

Lift all consultations for peace into the higher order of Thy kingdom.

Breathe through the things that are seen the peace of the eternal and the unseen.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1340) entitled "An act to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. WEICKER, Mr. STAFFORD, Mrs. HAWKINS, Mr. NICKLES, Mr. KENNEDY, Mr. RANDOLPH, Mr. EAGLETON, and Mr. MATSUNAGA to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to the provisions of sections 276d-276g of title 22, United States Code, as amended, appoints Mr. THURMOND, Mr. PACKWOOD, Mr. STAFFORD, Mr. MCCLURE, Mr. CHAFEE, Mr. ANDREWS, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. SPECTER, Mr. TRIBLE, Mr. RANDOLPH, Mr. BURDICK, Mr. LEAHY, and Mr. SARBANES as members, on the part of the Senate, of the Canada-United States Interparliamentary Group during the 2d session of the 98th Congress, to be held in Puerto Rico, on March 8-12, 1984.

JOINT RESOLUTION ASKING UNITED NATIONS TO TAKE OVER DUTIES IN LEBANON

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I have introduced today a joint resolution that I would hope would be considered by the Foreign Affairs Committee.

My resolution goes several steps further than the Stratton resolution, which I do support. My document calls on the President to quickly move by asking the United Nations to take over the responsibility or consider other countries to take our place in the multinational force.

Mr. Speaker, my resolution gives the President 60 days after passage of the resolution to work with the United Nations and other nations. If this fails, then under the resolution the President has 30 days to put the marines back on the ships.

This is a reasonable approach to this situation and gives the President three options.

THE DEFICIT—IF YOU DON'T BUY IT, YOU DON'T NEED A DOWNPAYMENT

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, over the years that I have served in Congress, I have seen a lot of economic fool's gold, but none that glitters quite as brightly as this thing called a deficit downpayment that the President has announced.

There is no such thing as a deficit downpayment. There is only a President who asks to spend more each year, but refuses to ask the American people to pay for that increased spending, and therefore is willing to accept the largest deficits in history.

In an attempt to confuse everyone about the deficits, he says, "Let's make a downpayment on the deficits I'm going to create in the future."

Well, where I grew up, you only had to make a downpayment on something you were willing to buy, and this is one Member of Congress who is not going to buy this nonsense that passes for fiscal policy. Let us be clear about what is happening. Last year the President proposed spending $850 billion; this year he proposes spending $920 billion. But he proposes revenues of nearly $200 billion less than what he wants to spend. In fact, he even says he wants a smaller government despite the fact he is asking for a bigger one.

The sad part of it all is that when the President asks for a downpayment plan on a deficit he has not yet created but intends to, nobody even smiles. Washington, the Congress, and the press actually take him seriously. The seriousness of it all is the Nation's continued economic health is at stake here. There appears to be no leadership out of the leaders in this town. I am hoping that enough Members of Congress will join me in saying no to the fiscal policy that is represented by the budgets that are being sent to Congress so that we can bring this process to a screeching halt.

The level of deficits that the President is proposing and Congress is apparently willing to accept are no longer acceptable to me, and are no longer acceptable, I think, to the American people. They know the danger of those deficits, and we ought as well.

INEQUITIES IN MEDICARE REIMBURSEMENTS TO QUINCY HOSPITALS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, today I was visited in my office by a delegation from the Quincy area in the State of Illinois. These ladies and gentlemen came to my office representing two hospitals that are considered to be among some of the finest in the State of Illinois, Blessings, and St. Mary's. They came here to protest an inequity that presently exists in regulations relative to medicare reimbursements.

At issue is the question of the metropolitan statistical area as a standard to determine the level of medicare reimbursement. Simply put, the Quincy hospitals serve an area as large as a metropolitan area, but because of a definition in Federal regulations and legislation, they are prohibited from receiving an urban reimbursement and they must be satisfied with a rural re-

imbursement and quite a loss of revenue.

Given the changing nature of hospital care and medical practice in our Nation, I submit that this standard is unfair. The Quincy hospitals because of their large basically rural areas that they service, maintain expensive equipment of the type found in many larger urban hospitals.

By providing these services, they allow the residents of the western and west central Illinois and eastern Missouri as well the opportunity to have quick access to vital care.

I call upon the Department of Health and Human Services to reconsider their current regulations and evaluate the impact of these ill-considered standards on hospitals like those in Quincy and formulate a plan of relief.

We need action on this matter quickly lest quality medical care that we have taken generations to achieve be forfeited to an illogical regulation.

ANOTHER DEAD MARINE IN LEBANON

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, another dead marine in Lebanon.

Does anyone question the proposition that our marines should not be on the ground in Beirut?

Would any President send 1,500 marines to Lebanon now if we did not already have them there?

I first gave this speech in September 1983 when there were five dead men. Now it is 259; but in September I was in the minority here. That was before it was obvious that we were a target for the terrorists, not a threat to them.

That was before we realized that the Lebanese Government was more interested in power building than in power sharing.

That was before the American people realized that the promise that peace was just around the corner in Lebanon was as phony as the Nixon peace in Vietnam back in 1972.

September is not so long ago, unless you happen to be one of the 254 who have died since then, or a father or a mother or a sister or a brother. For them, September is a lifetime ago—eternity. That is a long time to live with this mistake.

Mr. President, you can let America stay in the Middle East—aid, arms, training, Navy, Air Force, diplomatic efforts.

Mr. President, you can let America stay, but get the marines out—now.

□ 1210

BANKRUPTCY REFORM

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, this morning our colleague, Mr. SYNAR, of Oklahoma, hosted a panel discussion on bankruptcy court restructuring, and consumer bankruptcy reform. Members of the panel represent the many differing opinions on bankruptcy issues. The panel will meet again this afternoon to specifically address the status of the bankruptcy courts as we approach the March 31 date when the existing system ends.

Many of us have sponsored and cosponsored legislation to amend the 1978 bankruptcy law which led to our current circumstance. We recognize that while the status of the bankruptcy courts needs our immediate attention, we also need to address questions of anticipated future income and reaffirmations. Those of us who were here when that act was drafted recall its complexity and the difficulty we encountered reaching a compromise on its language. I am afraid correcting legislation is going to be just as difficult.

That is why I am pleased Mr. SYNAR has brought a panel together to discuss bankruptcy reform. I urge my colleagues to take advantage of this opportunity by attending, or sending a staff member to this afternoon's meeting.

LETTER TO THE PRESIDENT REGARDING OUR DEFICIT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, today I would like to read a letter that will be going to the President regarding our deficit.

DEAR MR. PRESIDENT: As members of the Freshman Democratic Caucus, we believe, as you do, that the President must share responsibility with Congress for our mounting federal budget deficit. In your State of the Union Address, you emphasized your commitment to reducing deficits, and we expect that your good faith in this regard will be evident when your budget proposal for Fiscal Year 1985 is presented to Congress tomorrow.

In the event that your budget for Fiscal Year 1985 does not reflect significant progress toward reducing the deficit, we will feel compelled to support a resolution expressing the sense of the House of Representatives that you should resubmit your budget after including at least $30 billion in additional deficit reductions. We would take this action as an expression of our sincere commitment to work with you to restore fiscal responsibility in budgeting.

GOVERNMENT ON THE BACKS OF THE PEOPLE

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, President Reagan came into office saying "Get government off our backs." It is time to look at this promise.

Under the Reagan administration, Government was thrown off our backs when it came to regulations for worker safety, toxic waste disposal, equal protection, veterans' rights.

The Reagan theory is individual beware. If you live next to a toxic dump site, that is your problem. If your boss does not believe in occupational safety, that is your problem. If you are an atomic veteran, that is your problem.

But let us look at where President Reagan wants to put Government on our backs; indeed, in the middle of our lives. President Reagan wants to force women to have unwanted children even if the pregnancy is from rape or incest. He wants to force prayer in the school, although prayer should be an individual decision wherever it is said.

He wants Government to interfere in the painful decisions of the family coping with a severely deformed newborn. He wants to censure the writing of all former high-level Government officials forever.

Mr. Reagan gets the Government off the backs of business, but he puts it right in the middle of our personal lives.

Mr. President, this is the land of the free, not the land where Government makes our personal choices.

MOVE OUR ARMED FORCES OFF THE GROUND IN LEBANON

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I am going to talk about two subjects today. The first will be brief.

Speaking only from military experience and as a soldier, it would be wise to move our Armed Forces off the ground in Lebanon. The men that we have there would serve a much better strategic purpose and a much better tactical purpose if they were on ships.

They are pinned down, now they have no mobility, and no ability to use their force or to even threaten to use their force. On ships they would be far safer and they would be a far better tactical and strategic weapon.

IMBALANCE IN INTERNATIONAL TRADE

I want to announce now, Mr. Speaker, on behalf of the Trade Subcommittee of the Ways and Means Committee, that we are going to have an in-

tensive series of hearings on the imbalance of our international trade.

We are going to ask and invite members of the administration and members of the private sector, including labor, to come before our committee and to explain as best they can the reason for the imbalance, prospective cures, and also to tell us where they think we should go from here.

We include in that not only the Federal Reserve but the International Monetary Fund, both of whom have played an important role in the problems we now face.

NATIONAL ENDOWMENT FOR THE ARTS SUBSIDY OF OFFENSIVE OPERA

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last Thursday, I sent a letter to the Chairman of the National Endowment for the Arts, Frank Hodsoll, to express my outrage over the Endowment heavily subsidizing an opera which is patently offensive to Italian Americans.

The opera is a new version of Verdi's classic "Rigoletto," produced by the Virginia Opera Co. and presently playing in Norfolk, Va. I am most incensed over the public advertisement campaign for the opera which has appeared in scores of newspapers. In promoting the new "gangland" theme, the ads feature a man dressed in a black suit and white hat emerging from the letters R-i-g-o-l-e-t-t-o which are riddled with bullet holes.

The National Endowment has committed $40,000 in funds for the Virginia Opera Co. in this fiscal year including funds for "Rigoletto." It is most regretable to see Federal funds used to denigrate a particular ethnic group by promoting a stereotype. I called upon the Chairman to publicly disassociate the Endowment from the ads and to urge the opera company to drop them. Also I asked for new monitoring policies to avert this misuse of tax funds in the future.

I serve as a senior member of the House Education and Labor Committee which oversees the Endowment. My concerns and outrage are serious and I expect the matter to be remedied.

POLITICS OF HOPE OR DESPAIR?

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I listened to the President's state of the Union message last week and it seemed to me that America is indeed back. It was the politics of hope.

I listened to the Democrats' response and it was the politics of fear, the politics of despair.

It just seems to me that if the Democrats have their way, this country will be on the Fritz again.

SMITHSONIAN DECISION INVOLVING ISRAELI ARCHEOLOGICAL EXHIBIT

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I am profoundly disturbed at a recent decision of the Smithsonian Institution staff involving a most important Israeli archeological exhibit scheduled for this spring.

The Smithsonian staff has decided that 11 objects in the planned 320-object exhibit cannot be included, causing the Israeli Museum to cancel the entire tour rather than omit what the museum considers important to the exhibit. Why has the Smithsonian singled out these 11 objects? Because they are from the Rockefeller Museum in East Jerusalem, which was under Jordanian control until 1967. This, according to the Smithsonian, makes their ownership "in dispute," and therefore violates Smithsonian policy.

This objection has not been made by the trustees of the Rockefeller Museum. It has not been made by UNESCO, which might be expected to, given the notorious politicization of its cultural function.

Does this adherence to the "ownership in dispute" policy mean that the Smithsonian will now be rejecting all objects from the Baltic States, from Kashmir, from Tibet, from China—mainland and Taiwan—and that it will even be removing exhibits of American Indian artifacts because of claims that they were wrongly taken from the original tribes?

Or is this a policy influenced by the hope of petrodollar donors and effectively instituted as a slap in the face of Israel, one of our country's staunchest allies?

I urge the Smithsonian Regents to reverse this foolish policy so that Americans can view this outstanding Israeli exhibit.

□ 1220

VOLUNTARY SCHOOL PRAYER

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, at this time I would hope to offer unanimous-consent request calling for consideration of an amendment to permit voluntary school prayer.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman for the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of this House.

CONSIDERING A BALANCED BUDGET AMENDMENT

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, at this time I would hope for offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget. The Chair has ruled that in order to make this request I must first have the clearance of the majority and minority leaderships. I would like to inform the majority leadership that the request has been cleared by the minority leadership and I would at this point yield to a spokesman for the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response from the majority side and I think that makes it very clear to the American people that the Democratic leadership of this House presently stands in the way of a balanced budget amendment being brought up.

I thank the Speaker.

ON STRIKING CALENDAR WEDNESDAY AND PERMITTING LINE-ITEM VETO

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is likely that we will presently see the Democratic leadership attempt to move to strike Calendar Wednesday once again avoiding opportunities to raise issues. Instead, we would like to suggest that Congress needs to work harder and raise more issues.

At this time, I would hope to offer a unanimous consent request calling for consideration of an amendment to permit a line-item veto. We have heard a great deal of talk from our friends on the left about line-item vetoes and the need to control deficit and the idea that the President has not been responsible.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman for the majority leadership for the appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a line-item veto to control deficits, the Democratic leadership of this House.

AN OPPORTUNITY TO SAVE ABOUT $45 BILLION

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, earlier this morning in a minute, my colleague from California (Mr. BATES), now presiding over the House as the Speaker, made a comment from the perspective of a freshman Democrat that they are concerned about deficits. I would just like to share this thought with my colleague, Mr. BATES and the other Democratic freshmen Members. We intend to offer an alternative budget resolution to implement the recommendations of the Grace Commission, the Presidential Commission, which will save about $45 billion in fiscal year 1985. And when the individual appropriation bills come along we intend to offer an amendment to each of them which will implement the recommendations of the Grace Commission to each of those appropriation bills. This will result in a reduction in spending of at least $45 billion in 1985. I just thought the House would like to know this because it will make your day. It will warm the cockles of your heart to know that you will have the opportunity to vote to cut spending by at least $45 billion.

DEVELOPING GREATER FIRSTHAND KNOWLEDGE OF THE U.S.S.R.

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, together with my colleague, Congressman PAUL SIMON from Illinois, I am today introducing a resolution urging the Members of this House to increase contract and information between Members of Congress and Soviet political leaders. There are very specific reasons I decided to sponsor this resolution, which is a companion to a sense of the Senate resolution introduced last July by the senior Senator from Kansas.

Since the Second World War, the Soviet Union has been the focal point of concern in our foreign policy. Relations with Europe, Asia, Africa, and Latin America are touched by the importance of the Soviet Union in the policy formulating process of this country. Every year, this House is asked to appropriate millions of dollars to station our men in NATO bases, to provide economic and military aid to Central America, and to increase our defense capabilities. In one way or another, most significant foreign policy and national defense issues are related to our relationship with the other great superpower, the Soviet Union.

This country's traditions, governmental system and heritage are vastly different than those of the U.S.S.R. But, if we, as the elected legislators of the American people, are constantly asked to make decisions that involve the way we view the Soviet Union, it is better that we make those decisions as informed men and women. Developing a greater firsthand knowledge of the Soviet people, their leaders, and the conditions in Soviet society is an essential step.

The other body's version of this resolution urged Senators to travel to the Soviet Union. The bill that Congressman SIMON and this Member and several other Members now place under your scrutiny urges increased contact by the Members of this House, but it also encourages the leaders of the Soviet Union to make every effort to visit our Nation. It is essential that we increase our contacts. Minimal or reduced contact between the two nuclear powers of the world is a dangerous condition.

I urge your consideration and support of this legislation.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that all business in order under the Calendar Wednesday rule be dispensed with.

The SPEAKER pro tempore (Mr. BATES). Is there objection to the request of the gentleman from Arkansas?

Mr. LUNGREN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Mr. Speaker, yesterday I had a colloquy with Speaker O'NEILL in which I asserted to him and represented to him that I had had the clearance of the minority leadership in order to gain unanimous consent to bring to the House's attention legislation on the line-item veto, the line-item veto which is in controversy today as a measure of controlling spending.

During that colloquy the Speaker, Speaker O'NEILL, interrupted my representation that I had the clearance of the minority and said, "Do you have it in writing?"

The point of my parliamentary inquiry, Mr. Speaker, is whether or not that requirement, as was implicit in that question posed by Speaker O'NEILL, is a rule of the House or in conformity with or in concordance with the Speaker's own pronouncement in that regard?

The SPEAKER pro tempore. The inquiry should properly be addressed to the Speaker but the Chair, of course, takes the word of the Member.

Mr. GEKAS. I thank the Speaker.

I was taken a little bit aback because I did represent to the body that I had the clearance of the minority and I felt that it should go no farther than that.

I will make my views and my personal feelings of being hurt directly to Speaker O'NEILL.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 397 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2878.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, with Mrs. LLOYD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, January 30, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; FINDINGS

SECTION 1. (a) This Act may be cited as the "Library Services and Construction Act Amendments of 1983".

(b) The Congress finds that—

(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults,

and (C) sharing resources and materials among a wide variety of libraries;

(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public; and

(4) the scope and purpose of the Library Services and Construction Act should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: Page 2, line 17, strike out "and", and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(4) special attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

□ 1230

Mr. PANETTA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Madam Chairman, I would like to first take this opportunity to commend the gentlemen from Illinois and Kentucky, Mr SIMON and Mr. PERKINS for the leadership they have provided in this effort to reauthorize the Library Services and Construction Act. I would also like to thank my friend from Missouri, Mr. COLEMAN, and the other members of the Committee on Education and Labor, for their support for this critical legislation.

Madam Chairman, I rise today to offer an amendment to H.R. 2878 which I feel is essential to the improvement of information services in our Nation's small and rural communities. While the members of the committee have taken great care to draft a proposal which takes into account the need to extend and improve library resources for underserved populations, no reference is made to the specific needs of small and rural community libraries which have tended to receive less than their fair share of Federal funds. According to the National Center for Education Statistics, Federal funds account for almost 8 percent of total library expenditures in this Nation. Yet for small and rural community libraries, Federal funds account for less than 3 percent of their total budgets. Rural libraries constitute over 80 percent of the public libraries in this Nation, and yet, in category after category, on a per capita basis, their services and financial resources are inadequate when compared with urban facilities.

The original intent of LSCA when it was first enacted in 1957 was to assist rural libraries in meeting the information needs of their small communities. I am simply proposing that we restate our commitment to improving library resources in these local communities. The inadequacy of small community and rural library services is well-documented. Statistics show that these libraries are understaffed, underfunded, and without adequate resources. Only 25 percent of the librarians in rural communities hold the basic degree of master of library sciences, and many small libraries are staffed primarily by untrained volunteers. Furthermore, at a time when the average hardcover book costs $20, fully half of the small community libraries in this Nation have total budgets under $20,000. This leaves little room for the essential training of library personnel or the expansion of a library's information resources. A full 50 percent of rural librarians report that they lack the basic reference materials most often requested by members of their communities.

Perhaps most significantly, the average small community is over 40 miles from a city with a population of 25,000 or more. For these communities, the library is not just a source for books and information, it is often the only cultural and learning center for miles around. Members of these communities do not have the benefit of the great museums, theaters, and universities we find in American cities. They and their children often must rely on the local library as a source of entertainment, education, and cultural enrichment. In this respect, it is up to all of us as representatives of both cities and small communities around the country to help insure that small local libraries receive the funding necessary to provide adequate services to their communities.

My amendment to H.R. 2878 would simply insert language to emphasize the need for States to serve rural and small communities with the funds authorized by this bill. My amendment does not propose any additional Federal expenditures under LSCA, and will allow State library agencies to retain complete discretion over the funding of library programs in individual States.

Madam Chairman, I feel that my amendment represents a reasonable attempt to help restate the original intent of the Library Services and Construction Act, to provide Federal assistance to small community libraries for the improvement of their information and referral services. I am not attempting to restrict the proper role of State agencies in allocating Federal resources. I am simply trying to insure a fair share of Federal library assistance for the most underserved areas and populations in this country, the small and rural communities of America. I hope my colleagues will support me in this effort.

Mr. SIMON. Madam Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

The gentleman and I and our colleague from Missouri had a discussion a little earlier about this amendment and possibly some modification of the copy we originally had. What is the status of that and I regret I have not had a chance to check at the desk.

Mr. PANETTA. Since the amendments were coming up within this title, I did not want to forego my opportunity to offer this legislation by not rising and offering the amendment. For that reason I have offered this amendment.

Mr. SIMON. I wonder if the gentleman would agree—so that we do not say we are going to give more attention to rural libraries and I agree I serve a rural area in southern Illinois—that we simply drop the word "special," so that we said "attention should be paid * * *" so that we are not saying we are going to give more emphasis to rural than we are to urban libraries.

Would the gentleman from California agree to that modification?

Mr. PANETTA. I would agree if we could add the words "attention in the following titles should be paid to the needs * * *" so that we understand that this emphasis is to be directed to each of the following titles that are part of the act.

Mr. SIMON. That would be satisfactory to me if that is satisfactory to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Madam Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

We have no objection on this side.

Mr. PANETTA. Madam Chairman, I ask unanimous consent that the amendment be revised to say, "attention in the following title should be paid to the needs * * *".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment, as modified, is as follows:

Amendment offered by Mr. PANETTA, as modified: Page 2, line 17, strike out "and" and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(4) attention in the following title should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

Mr. SIMON. With that modification, Madam Chairman, I would have no objection to the amendment and it certainly is agreeable.

Mr. PANETTA. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from California (Mr. PANETTA).

The amendment as modified, was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

DECLARATION OF POLICY

SEC. 2. (a) Section 2(a) of the Library Services and Construction Act (hereafter in this Act referred to as "the Act") is amended to read as follows:

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for physically handicapped, institutionalized, and other disadvantaged persons; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation among all types of libraries; and (5) strengthening major urban resource libraries.".

(b) Section 2(b) of the Act is amended by inserting "and Indian tribes" before the period at the end of the second sentence.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

DEFINITIONS

SEC. 3. (a) Section 3 of the Act is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) 'Secretary' means the Secretary of Education.";

(2) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in paragraph (7); and

(3) by adding at the end thereof the following new paragraph:

"(15) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior.".

(b) The Act is amended—

(1) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary"; and

(2) by striking out "Commissioner's" each place is appears and inserting in lieu thereof "Secretary's".

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) Section 4(a) of the Act is amended to read as follows:

"SEC. 4. (a) There are authorized to be appropriated—

"(1) for the purpose of making grants as provided in title I, $65,000,000 for fiscal year 1984, $80,000,000 for fiscal year 1985, $85,000,000 for fiscal year 1986, $90,000,000 for fiscal year 1987, and $95,000,000 for fiscal year 1988;

"(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988;

"(3) for the purpose of making grants as provided in title III, $15,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, $25,000,000 for fiscal year 1986, $30,000,000 for fiscal year 1987, and $35,000,000 for fiscal year 1988;

"(4) for the purpose of making grants as provided in title V, $1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988; and

"(5) for the purpose of making grants as provided in title VI, $5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1988.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, and 1988, 2 per centum of the amount appropriated pursuant to each of paragraphs (1), (2), and (3) for each fiscal year.".

(b) Section 4 is further amended by adding at the end thereof the following new subsection:

"(d)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.".

The CHAIRMAN pro tempore. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

ALLOTMENTS TO STATES AND INDIAN TRIBES

SEC. 5. Section 5 of the Act is amended—

(1) by inserting "AND INDIAN TRIBES" after "STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" each place it appears in subsection (a) and inserting in lieu thereof "paragraph (1), (2), or (3)";

(3) by inserting "the Northern Mariana Islands," after "the Virgin Islands," each place it appears in subsection (a)(3);

(4) in subsection (a)(3), by inserting "and" at the end of subparagraph (B), by striking out "; and" at the end of subparagraph (C), and inserting in lieu thereof a period, and by striking out subparagraph (D); and

(5) by adding at the end thereof the following new subsection:

"(c)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 403.

"(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be allocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).".

The CHAIRMAN pro tempore. Are there any amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

PLANS AND PROGRAMS

SEC. 6. Section 6 of the Act is amended—

(1) by striking out "STATE" in the heading of such section;

(2) by striking out "titles I, II, III, and IV" in subsection (a) and inserting in lieu thereof "titles I, II, and III";

(3) by striking out paragraph (4) of subsection (b) and inserting in lieu thereof the following:

"(4) provide that priority will be given to programs and projects—

"(A) that improve access to public library resources and services for the least served populations in the State;

"(B) that serve the elderly;

"(C) that are designed to combat illiteracy; and

"(D) that increase services and access to services through effective use of technology.";

(4) by adding at the end thereof the following new subsection:

"(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

"(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(2) shall submit a plan in accordance with section 404.".

The CHAIRMAN pro tempore. Are there any amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

PAYMENTS

SEC. 7. Section 7 of the Act is amended—

(1) by striking out "TO STATES" in the heading of such section;

(2) by striking out "paragraph (1), (2), (3), or (4)" in subsection (a) and inserting in lieu thereof "paragraph (1), (2), or (3)";

(3) by striking out "and title IV" in subsection (b)(1);

(4) by inserting "and the Northern Mariana Island" after "American Samoa," in subsection (b)(1);

(5) by inserting "the Northern Mariana Islands," after "the Virgin Islands," in subsection (b)(2); and

(6) by adding at the end thereof the following new subsection:

"(c) From the sums available pursuant to the last sentence of section 4(a), the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe's allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe's additional allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.".

The CHAIRMAN pro tempore. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

ADMINISTRATIVE COST

"SEC. 8. Section 8 of the Act is amended to read as follows:

"ADMINISTRATIVE COST

"SEC. 8. A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative expenditures under such titles for any fiscal year may not exceed the greater of (1) 5 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) $50,000.".

The CHAIRMAN pro tempore. Are there any amendments to section 8?

If not, the Clerk will designate section 9.

The text of section 9 is as follows:

GRANTS FOR LIBRARY SERVICES

SEC. 9. Section 101 of the Act is amended to read as follows:

"GRANTS TO STATES FOR LIBRARY SERVICES

SEC. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103—

"(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to persons who, by reason of distance, residence, physical handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

"(2) for adapting public library services to meet particular needs of persons within the States;

"(3) for assisting libraries to serve as community information and referral centers;

"(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

"(5) for strengthening State library administrative agencies; and

"(6) for strengthening major urban resource libraries.".

The CHAIRMAN pro tempore. Are there any amendments to section 9?

If not, the Clerk will designate section 10.

The text of section 10 is as follows:

USES OF FEDERAL FUNDS

SEC. 10. Section 102(a)(1) of the Act is amended by inserting "assist libraries to serve as community information and referral centers and to" after "designed to".

The CHAIRMAN pro tempore. Are there any amendments to section 10?

If not, the Clerk will designate section 11.

The text of section 11 is as follows:

STATE LIBRARY SERVICE PROGRAM

SEC. 11. Section 103 of the act is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and inserting after paragraph (3) the following:

"(4) describe the extent to which such funds will be used for (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;"; and

(2) by adding at the end thereof the following new sentence; "The amount which a State is required to expend pursuant to clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.".

The CHAIRMAN pro tempore. Are there any amendments to section 11?

If not, the Clerk will designate section 12.

The text of section 12 is as follows:

CONSTRUCTION: USE OF FUNDS

SEC. 12. (a)(1) Section 202 of the Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.".

(2) Section 3(2) of the Act is amended by inserting after the first sentence the following new sentence: "Such term includes remodeling to meet standards under the Architectural Barriers Act of 1968, remodeling designed to conserve energy, renovation, or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.".

(b)(1) Section 202 of the Act is further amended by inserting "(a)" after "SEC. 202." and by adding at the end thereof the following new subsections:

"(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-half of the total cost of such project.

"(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

"(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.".

(2) Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.

The CHAIRMAN pro tempore. Are there any amendments to section 12?

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 14, after line 6, insert the following new subsection:

(c) Section 203 of the Act is amended—

(1) by designating the first and second paragraphs thereof as subsections (a) and (b) respectively; and

(2) by adding at the end thereof the following new subsection:

"(c) In meeting the goal's of the State's plan for provision of adequate library services, projects submitted under subsection (b) shall give priority, when economically feasible, to the acquisition and conversion of unused public school facilities."

Mr. GLICKMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Madam Chairman, the amendment I am offering today is quite straightforward. It is intended to encourage States in implementing their plans for adequate library services to acquire and make modifications in public school buildings which are no longer in use to serve as libraries. This priority meshes with the intent of the bill and should serve to bring back into use public school buildings which have been left unused because of fluctuations in student populations. At the same time, acquiring abandoned buildings from our school districts when that is feasible and can serve this useful purpose will also give those school districts funds which they can put to good use in improving their educational programs.

I know there are school districts in my State of Kansas which have perfectly good buildings that are no longer needed. I have also seen such buildings here in the District of Columbia. I have no doubt that they exist in each and every State in the Union. This amendment will serve to encourage their use in meeting the important library needs of the very areas where those buildings stand in a cost-effective manner.

I urge the adoption of my amendment.

Mr. SIMON. Madam Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I think this is an excellent amendment. There is no question that we have some very fine structurally sound buildings in many communities that could serve as libraries. I think it is an excellent amendment. I would be happy to accept it.

Mr. COLEMAN of Missouri. Madam Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

I commend the gentleman for offering this amendment. I think this is a very good suggestion on using the resources we already have in place. And I certainly have no opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 12?

If not, the Clerk will designate section 13.

The text of section 13 reads as follows:

INTERLIBRARY COOPERATION AND RESOURCE SHARING

SEC. 13. (a) The heading of title III of the Act is amended by inserting "AND RESOURCE SHARING" after "INTERLIBRARY COOPERATION".

(b) Section 301 of the Act is amended—

(1) by striking out "section 6 and" inserting in lieu thereof "section 6,"; and

(2) by inserting before the period at the end thereof a comma and the following: "and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304".

(c) Section 303 of the Act is amended by inserting "shall comply with the requirements of section 304," after "by regulation and" in the second sentence.

(d) Title III of the Act is further amended by adding at the end thereof the following new section:

"RESOURCE SHARING

"SEC. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward eventual compliance with the provisions of this section.

"(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

"(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6 and shall include—

"(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

"(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

"(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

"(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

"(5) a projection of the computer and other technological needs for resource sharing;

"(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

"(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

"(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing systems; and

"(9) a description of how the evaluations required by section 6(d) will be conducted.

"(d) Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.".

The CHAIRMAN pro tempore. Are there any amendments to section 13?

If not, the Clerk will designate section 14.

The text of section 14 reads as follows:

LIBRARY SERVICES FOR INDIAN TRIBES

SEC. 14. Title IV of the Act is amended to read as follows:

"TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

"FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

"SEC. 401. (a) The Congress finds that—

"(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

"(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

"(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

"(4) this title is therefor required specifically to promote special efforts to provide Indian tribes with library services.

"(b) It is therefor the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

"(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations.

"(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.

"USE OF FUNDS

"SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

"(1) inservice or preservice training of Indians as library personnel;

"(2) purchase of library materials;

"(3) conduct of special library programs for Indians;

"(4) salaries of library personnel;

"(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

"(6) transportation to enable Indians to have access to library services;

"(7) dissemination of information about library services;

"(8) assessment of tribal library needs; and

"(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in paragraphs (1) through (8).

"(b) Any tribe that supports a public library system, shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

"(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

"APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

"SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

"PLANS FOR LIBRARY SERVICES TO INDIANS

"SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such forms and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

"(1) a long-range program, and

"(2) the purposes set forth in secton 402(a).

"COORDINATION WITH PROGRAMS FOR INDIANS

"SEC. 405. The Secretary shall coordinate with the Secretary of the Interior programs

under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.".

The CHAIRMAN pro tempore. Are there any amendments to section 14?

If not, the Clerk will designate section 15.

The text of section 15 reads as follows:

FOREIGN LANGUAGE MATERIALS AND LITERACY PROGRAMS

SEC. 15. The Act is further amended by adding at the end thereof the following new titles:

"TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

"GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

"SEC. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials.

"(b) Recipients of grants under this title shall be selected on a competitive basis.

"(c) Not grant under this title for any fiscal year shall exceed $15,000.

"TITLE VI—LIBRARY LITERACY PROGRAMS

"STATE AND LOCAL LIBRARY GRANTS

"SEC. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

"(b) Grants to State public libraries under this title shall be for the purposes of—

"(1) coordinating and planning library literacy programs; and

"(2) making arrangements for training librarians and volunteers to carry out such programs.

"(c) Grants to local public libraries shall be for the purposes of—

"(1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;

"(2) acquisition of materials for literacy programs; and

"(3) using library facilities for such programs.

"(d) Recipients of grants under this title shall be selected on a competitive basis.

"(e) No grants under this title for any fiscal year shall exceed $25,000.".

PARLIAMENTARY INQUIRY

Mr. GINGRICH. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GINGRICH. Is section 15 also the point at which to introduce a general amendment which would go on page 22 or is there an additional point?

The CHAIRMAN pro tempore. A new section will be offered at that point.

Mr. GINGRICH. At that point or at this point?

The CHAIRMAN pro tempore. At this point.

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: On page 22, after line 2, add the following new section:

SEC. 16. The President is authorized to eliminate or reduce by Executive order, in whole or in part, any authorization of appropriations made by this Act whenever, after investigation, he shall find and declare that such action will aid in balancing the budget or reducing the public debt, and that the public interest will be served thereby: *Provided,* That whenever the President issues an Executive order under the provisions of this section, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of sixty calendar days after such transmission, unless the Congress shall rescind such Executive order: *Provided further,* That any authorization of appropriations or parts thereof eliminated under the authority of this section shall be impounded and returned to the Treasury and that the same action shall be taken with respect to any amounts by which any appropriations or parts thereof may be reduced under the authority of this section.

□ 1240

Mr. GINGRICH. Madam Chairman, I would just like to make the point that I think this bill that I support and am willing to vote for nonetheless is an appropriate initial vehicle to work toward some sort of line-item veto. It seems to me that it is unlikely that the President can do such damage to the national interest on a bill that is this narrowly drawn, and that it would be a very healthy and useful experiment for the Nation to see how it would work for the President to be able to propose such vetoes or such impoundments of spending as he deems appropriate to give the Congress in both Houses a chance by majority vote to override such a veto, and to do so, as stated in this particular document, during the period when the Congress is in session so that the Congress is able to protect the public interest against the Presidency, which is part of the balance of power which our Founding Fathers built into this system.

I frankly came to this Congress a little over 5 years ago against impoundments and against executive branch authority, but watching the Appropriations Committees of both sides of the Congress and watching the process by which this Congress avoids the budget process and watching the level of political demagoguery in terms of the national debt and Federal deficit spending has convinced me it would be a healthy and wholesome experiment at the legislative rather than constitutional level to attempt to give the President the power to decide which spending is purely pork barrel and which spending, which may be desirable but not necessary, should be deferred until the budget is in balance.

I think by providing the possibility for the Congress to override and providing the requirement for the President to report, we can initiate an experiment. All of those Members who have said that they are very worried about the deficit, all of those Members who have claimed that they want to see us bring the budget into balance, it would seem to me, have a chance on this amendment to offer a very tiny experiment. I cannot imagine the prospects of the Nation being at risk should the President, any President should he be President Reagan or President Mondale, unwisely exercise his powers on the Library Services and Construction Act.

In that sense, if we do not have the courage in this body to try an experiment on a bill so narrowly drawn, it seems to me that no Member of this body should then go out, having voted against such a narrow experiment, and claim that they care at all about the deficit. This is clearly a first step toward controlling spending, and I would be delighted to find what grave threat to the constitutional process could be involved in such a narrowly drawn amendment to a particular and very tightly drawn bill.

As I say, I think we do need library services and contruction, I think it is an appropriate area, I commend the gentleman from Illinois for his leadership in this whole area, but I am certain that he will want to raise questions or raise objections.

So, if I may, I would be delighted to yield to the gentleman.

Mr. SIMON. Madam Chairman, the gentleman from Georgia is correct, I do have objection to this amendment.

I happen to be one of a minority, probably, on this side who favors a line-item veto. But it has to be very carefully constructed.

With the general, sweeping language that the gentleman has here, we do not know what happens if the President returns this. Are we talking about a simple majority? What are we talking about? The President already has impoundment and rescission. We already have those tools here.

It may be that we can through legislation and not through a constitutional amendment work out a line-item veto; but I do not want to have something come up without any discussion. The first time I have seen this is 3 minutes ago.

Mr. GINGRICH. If I may take back my time, the gentleman, of course, is a very distinguished spokesman for the broad interest of liberalism in America and for the great tradition of his party, and he may recognize this, since he is also quite a student of history and an author in his own right, as Franklin Roosevelt's language very marginally amended. And this is in fact from a 1938 request of President Roosevelt for this kind of power.

Let me simply say that I would be delighted if the gentleman as chairman of his subcommittee would like to

pull the bill and come back in 3 or 4 days and offer more sophisticated language. But I would say that all of our colleagues who are going to tell us later on that a line-item veto——

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. I would simply say that all of our many colleagues, who are going to say to us that there is too grave a risk in a constitutional amendment here have a chance, writ small, either to adopt this today or, should the bill be pulled and brought back in a few days, adopt more sophisticated language in a few days.

But as the gentleman fully knows, this bill will ultimately go to conference; this amendment could be improved upon at that time, it could be developed in the other body in an improved manner. I would be delighted to accept a modifying or improving amendment from the gentleman from Illinois. But I think that everyone who has said in the last week that the time has come now to act on the deficit, everyone who will say as soon as the President submits his budget that the time has come back on the deficit, this is a chance to act. And for Members who have been engaged in demagoguery—and some, tragically, have been—this is a chance for them to actually come down off of their political points and in fact vote for an experiment in controlling spending.

Mr. WEBER. Madam Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding, and I would just ask the question of the gentleman from Illinois: You made reference to the President's impoundment authority. As I understand it, the impoundment authority that the President has, though, is subject to congressional ratification within a 45-day period of time; is that not correct?

Mr. SIMON. If the gentleman from Georgia will yield, I believe my colleague from Minnesota is correct.

Mr. WEBER. If the gentleman will yield further, is it not also correct that that is the reason why that authority is almost never used?

Mr. SIMON. If my colleague will yield, I am not sure that is an accurate assessment. Frankly, all of a sudden this thing has hit.

Mr. WEBER. If the gentleman will yield further, we all know that the gentleman from Illinois is one of the real leaders in education in this House. I do not claim that expertise. I will just ask the gentleman: Is the gentleman aware of times when the impoundment authority has been used in educational issues?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has again expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. SIMON. If the gentleman from Georgia will yield, it was used specifically in this particular legislation 2 years ago.

Mr. WEBER. Two years ago?

Mr. SIMON. Two years ago. I cannot recite, just offhand, the other times it had been used. And it may very well be that the gentleman from Georgia has an excellent tool here. But the legislative process ought to be worked carefully. We should not just on whim produce some words and say this is going to be reducing the budget, without have carefully studies what we are doing.

I commend my colleague from Georgia for pursuing the idea, but we have to be very, very careful what we do here.

Mr. GINGRICH. Madam Chairman, let me just make this point, if I might: This bill averages, I believe, a little over $150 million a year in authorization. If we cannot, out of an almost trillion dollar budget, attempt a $150 million experiment, then I think that no Member of this House should talk about deficit and the President's lack of courage. If we cannot even tackle the library lobby, then I do not think we should talk about really tackling any part of the budget.

All I am suggesting is that, under some controls—and, as I said, if the gentleman from Illinois, as chairman of the subcommittee, would like to pull the bill, I would be delighted to work with him on a more sophisticated amendment, but having taken Franklin Roosevelt's language and modified it slightly to strengthen the part of Congress, I might mention, that is, this bill is less power to the President than President Roosevelt asked for in the 1930's, I simply think that now is the time, before the President's budget, for this House to send a signal either that the various Members who have talked about the deficit are serious or that it is all political baloney at the beginning of an election year.

That is why I would strongly urge support for this amendment, which is a very narrow experiment in the full scale of American Government.

Mr. SIMON. Madam Chairman, I rise in opposition to this amendment.

We need to do something about the deficit, there is no question about it. I have joined others in this body, Senator DOLE in the other body, to say we ought to have a bipartisan commission to report back in a very short time, not as the President has suggested or hinted, but that we not wait until after the election to complete that report. I think we ought to face the tough questions now. I am not ducking on this question of the deficit and what we do about it.

It may be that the gentleman from Georgia has a good idea here. But what we do, even with the Library Services and Construction Act, we work with people in both parties, we refine an idea, we finally come up with something that we think is solid.

□ 1250

Here the gentleman is coming up with a major legislative change without any kind of discussion at all among the Members of this body as to what we are doing.

What we are doing here is precisely what is wrong with the House of Representatives, and that is, we are doing committee work on the floor of the House. I do not object to the substance of this amendment. I have not had a chance to examine it. We ought to have a chance to examine it.

I object strongly to the procedure. We ought to be careful about how we legislate. If there is one lesson from history in recent years—and the gentleman from Georgia is a historian—it is that we have not been as careful as we should.

One of the things that I believe—and I am going to be leaving this body; hope to go over to that other body over on the other side—but as I leave the House of Representatives, one of the messages I would give to my colleagues is that we have to strengthen the committee process. We have to do less committee work on the floor. What the gentleman from Georgia is doing is offering a brand new idea. No one has had a chance to examine it. It may be a perfectly fine thing, but this is not the way we ought to make laws for the United States of America.

Mr. WEBER. Madam Chairman, will the gentleman yield?

Mr. SIMON. I would be pleased to yield to my colleague from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Madam Chairman, I have a point to make, and then I would like to ask the gentleman a question.

I respect greatly the sincerity and integrity of the gentleman from Illinois, but will the gentleman not agree with me that when he says we should do more of the work of the House in committee and less on the floor, despite whatever benefits may come from that, it also has one definite detrimental effect, which is that committee work is less in the public view than work done on the floor of this House.

Is that not a problem for this body in the gentleman's view?

Mr. SIMON. I do not know if it is true of the committee the gentleman serves on, but it is not true of the committees I serve on. We work openly. As I look up in the Gallery where the re-

porters are, I do not see a single reporter there.

Mr. WEBER. That is because of C-Span.

Mr. SIMON. When we have committee meetings, we frequently have reporters there. So I do not think that assumption is certainly true of the two committees on which I serve.

Mr. MACK. Madam Chairman, will the gentleman yield?

Mr. SIMON. I would be pleased to yield to my colleague from Florida.

Mr. MACK. I thank the gentleman for yielding.

Madam Chairman, the gentleman has raised an excellent point in the fact that we have to be careful about how we legislate. But the message that I continue to get day in and day out, both here listening to other Members of Congress and at home, is that we ought to be more careful about how we spend taxpayers' dollars.

All we are trying to raise again today is the issue of why do we not experiment? We are only talking about a relatively small amount of money compared to a trillion dollar potential budget, and it seems to me that this is an appropriate time to try this.

Mr. SIMON. I thank my colleague for his comments, I respect his sincerity, but while some people may think this is an unimportant program, that we ought to go ahead and add this kind of an amendment I happen to think that the library program is an extremely important program. If there is a way of including this in the Senate bill, after consulting and some of us getting together and drafting something that is solid, I will be pleased to be part of it. But just to toss something in like this at whim is not the way we ought to be legislating.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. SIMON) has expired.

(On request of Mr. WEBER and by unanimous consent, Mr. SIMON was allowed to proceed for 2 additional minutes.)

Mr. WEBER. Madam Chairman, will the gentleman yield?

Mr. SIMON. I would be pleased to yield to my colleague from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Madam Chairman, I respect the gentleman's support for the line-item veto that he expressed earlier. Maybe the gentleman can help us, if not on this specific item, but in terms of future legislation, he can just share with us briefly some of his concerns and some of the criteria that he would seek to apply to a line-item veto on this piece of legislation or on future legislation, so that those of us who do want to move this ahead perhaps more quickly than the powers that be have the benefit of his concerns, which I am sure are legitimate.

Mr. SIMON. I would be pleased to meet with the gentleman, with my colleague from Georgia, or anyone on either side to try and work out something that is solid, that is substantial. I am not trying to just hold things back, but frankly, when my colleague from Georgia says pull the bill off the schedule, I have to disagree. This bill was reported out of our committee last May. I am not eager to pull this back and hold off for some more months before I get the chance to get on the floor with this bill.

So I want to move ahead. I sympathize with the aims of the gentleman from Georgia, but we should not be legislating something this important. Just all of a sudden it is before us and, wham, we are supposed to vote it up or down. Let us follow the procedure that we do on other major items. Let us carefully hone what we are doing.

Mr. MACK. Madam Chairman, will the gentleman yeild?

Mr. SIMON. I would be pleased to yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Madam Chairman, I just might mention that I understand the concern about delaying the passage of this particular piece of legislation, but one of the things that may be possible is to bring it up under Calendar Wednesday, which was used last week for the first time, and we would have the opportunity possibly tomorrow to do that.

Again, I express to the gentleman the sincerity we have about this discussion about line-item veto and the reason and the need to control spending. The work that I have done during the last 2½ months that we have been in recess, or have not been in session during the last 2½ months, clearly expresses to me that if we continue on the course that we have been going on as far as spending is concerned, that is, if we just look at the trend lines, the amount of revenue that we are projected to have and the amount of outlays that we are projected to have over the next 7 or 8 years, we have the potential of looking at deficits of some $500 billion.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. SIMON) has again expired.

(On request of Mr. MACK and by unanimous consent, Mr. SIMON was allowed to proceed for 1 additional minute.)

Mr. MACK. If the gentleman will yield further, all we are saying is that now is the time to start trying to do something about it. Every time we bring up some method to do that, there is always a rational reason, why not start now.

Mr. SIMON. Madam Chairman, let me just add that I share the concern. I have been sharing that for a long time. Back when I was in the State legislature we used to pass bond issues by votes of 55 to 1. I was the one who was voting against the deficit spending in the State of Illinois.

I am opposed to deficit spending at the Federal level, but I want to stop it in a good, solid, sound way. For that reason, I will oppose this amendment. I would be pleased to work with my colleagues on either side of the aisle to try and work out a sound procedure in the future for this kind of thing, but let us not do something hastily and regret it.

Mr. OWENS. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Madam Chairman, this amendment is really not necessary because library services, direct aid to libraries in this country, have suffered repeatedly from veto by neglect. We do not need to ask the President to impound because the President has already expressed his opposition to any aid, any direct aid, to libraries by placing zero in the budget for libraries.

Libraries have suffered over the last more than 25 years that the Federal Government has been involved in giving some aid. This bill, as desirable as it is, and as much as it needs to be supported, is totally inadequate in the amount of money that is authorized, and it continues a pattern that started long ago. Since 1957, when the Federal Government first began to give direct aid to libraries, the total amount of money, direct aid to libraries, is less than $1.2 billion. Over more than a 25-year period, we have given less than $1.2 billion in aid to libraries.

Consider for the moment what that means in terms of modern cost. We pay $3.5 billion for one aircraft carrier, and we have given less than one-third that amount for aid to libraries over a 25-year period. So libraries are already suffering from benign neglect, from hostile neglect, from having zero placed in the budget by the President for them.

At the same time, I would like us to stop and consider for a moment the fact that our reasoning is rather primitive, Neanderthal, in that when we deny aid to an institution or a system of institutions across the country that are involved in education, we are harming the national effort in a very basic way.

Last spring the President's Commission on Excellence in Education issued a report which was entitled "A Nation at Risk."

In that report, they talk about the creation of a learning society—and they do mention libraries occasionally, although not enough—a learning society which would cover every individual from the cradle to the grave in terms of providing educational opportunities of various kinds.

If we stop and consider the amount of time an individual spends in the formal education system, it is no more than 20 years. If one gets a Ph.D., from grade school to high school and a college and university education, it would take about 20 years. If most individuals live to be about 65 years old, that means 45 of those 65 years would be spent without the assistance of the backup of any formal educational institution.

The one institution that covers all those years, the one institution that is available to everybody in the society we want to create, the learning society, is the public library. The public libraries will be the beneficiaries of most of the aid we are talking about here.

We have a Neanderthal blind spot when it comes to libraries, and it is not surprising that Members of Congress have it because in the academic world and the education world, they have it also. Let us stop and consider the fact that we have stated in the "Nation at Risk" report that in order to meet the challenges of the future, whether we are talking about commerce and competition with our allies or whether we are talking about competition with respect to the Soviet Union, in order to meet that competition, we need an educated society, ever-increasing numbers of educated people at every level.

We are not just talking about the elite, we are not just talking about the theoretical scientists and engineers. We are talking about the mechanics also. Everybody who is involved in this process needs to be educated more.

The process of viewing education as a value-added phenomenon where we add value to any individual who is educated is the process we should examine. Everybody in this society needs to be more educated in order for the society to function better.

Our defense effort is threatened directly by the fact that we have taken a Neanderthal approach to education aid over the years. The pool of people we have to draw from is much too small for all the expertise we need at every level in the defense industry. The defense industry competes with private industry for expertise, and, therefore, the price goes up. A large component of the waste in defense is waste due to the fact that we are paying people far more than we should be paying them because there is no other way to get them when the demand is so much greater than the supply.

We need more educated people. We need people who have better skills at every level. We need people who know how to use information to accomplish the kind of things they want to accomplish. The one institution that can supply education and backup for people throughout their lives is the public library.

Yet we are talking about an experiment now on the public libraries. We are talking about an experiment which is equivalent to asking a patient who is dying on his bed, sick from leukemia, to give a blood tranfusion. That is the kind of experiment we are talking about, a transfusion from a dying patient.

The CHAIRMAN. The time of the gentleman from New York (Mr. OWENS) has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 1 additional minute.)

Mr. SIMON. Madam Chairman, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Illinois.

Mr. SIMON. Madam Chairman, I simply want to inform my colleagues that we are listening to the only librarian who now serves in the House of Representatives. We are pleased to have him here, and I hope we will pay special attention to his words.

Mr. OWENS. Madam Chairman, I want to thank the gentleman from Illinois for those kind words, and I would say again that the fact that a Neanderthal approach is taken to libraries in general is due to the fact that there are not enough librarians in policymaking positions or decisionmaking positions anywhere in our society.

Be that as it may, it is about time that we got some enlightenment and began to understand that one way to deal with providing more education at lower costs is to deal with the self-help institutions, the institutions which provide resources and backup to individuals who themselves are seeking an education. That is the way to provide more education at the lowest cost.

If we really want to take a hard look at what we are going to do to create a learning society which is able to compete with the Soviet Union and able to compete with our commercial competition in a peaceful world, then we ought to take a hard look at what libraries do and the tremendous cost benefits we are going to gain from this meager amount of money we are authorizing here for libraries today.

Mr. SMITH of Florida. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I am rather interested in this debate because I served in a legislature which had a line-item veto in the power of the Governor of the State. Many of us in this House did serve in legislatures where a line-item veto was available to the executive officer.

Yet at the same time I am rather curious about something because I know that my colleagues on this side and on the other side who favor a line-item veto are as concerned about the deficits as we all are. But I am rather concerned about two basic ingredients that are missing here. I think my colleague, the gentleman from Illinois, and my colleague, the gentleman from New York who just spoke, are concerned about this, too, and I think, most importantly, the first concern is with the bill. That is the relation of this amendment to the bill itself and the fact that this bill needs to be passed and certainly not weighed down with something which may be in the sponsor's view necessary but in this particular context is, frankly, in my estimation at least, certainly out of order and transcends this particular issue because the amendment relates to the whole essence of government.

But, second, and more importantly, I think, unfortunately, this amendment and other amendments like it and what went on this morning in the 1-minute speeches and what has gone on previously, have served to take the focus off the real issue.

Why is it that there is no line-item veto being exercised by the Chief Executive of this country and the administration? Why are there budgets being submitted which contain deficits of up to $200 billion? The line-item veto in the hands of an executive and an administration which would submit budgets like that in advance is like putting the fox in charge of the henhouse.

Mr. GINGRICH. Madam Chairman, will the gentleman yield?

Mr. SMITH of Florida. I will yield as soon as I have finished. The gentleman had sufficient time at the least.

The reality of this situation is very grave, and there is no one in this House, I believe, who does not understand the gravity of these deficits. It is the American people that must understand the gravity of the deficits and must understand the logic and the reality of where they are coming from.

Until the parties to this drama, all three—the Senate, the House and the administration—are involved directly in the play, this will not come to a satisfactory conclusion. The administration cannot submit budgets on which the House and Senate tend to act and work on, that have built-in deficits so large that no matter what is done, there cannot be a reduction to zero of the deficit in the budget. Is it incapable of being done at this stage of our history?

Line-item veto is an idea whose time has been here for a long time, but the reality is that the line-item veto does not answer the real core problem; unless the people who run the country stand up and say, "I am going to start myself first to take the first step."

The fiscal year 1985 budget which the President of the United States is submitting is in deficit by over $180 billion. He does not need a scalpel from us. He needs a little restraint from his own administration. When

that happens and he submits that kind of a budget and takes the first step, I submit to my colleague, the gentleman from Georgia, who is a very, very learned and wise man, then maybe he would find much more sympathy and logic on this side for his stand on this issue than when he comes here and asks us to give him a scalpel so that they can excise what we want rather than what the President of the United States, the leader of his own party, has asked for.

Mr. GINGRICH. Madam Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Madam Chairman, I just want to make the point, which I think is central to this whole debate, that despite the statement by the Speaker recently, the President does not run the Government. Under our Constitution, we in the legislature have a significant impact.

Let me just pose the question. If this body this afternoon on this bill were to pass a line-item veto, I suspect we would send a signal to the Senate and a signal to the White House and a signal to the country of a willingness on the part of this Congress to cooperate, which is very different than when the Speaker sends out a hysterical letter on medicare.

□ 1310

As long as your party leaders are determined to profit politically from any effort to restrain spending, I do not think there is much argument for cooperation.

The CHAIRMAN pro tempore. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. SMITH of Florida. In response to my colleague, my reality as I view it and I think many of my constituents view it is that the President does, in fact, run this country. Last Wednesday we were submitted to a very wonderful performance by an articulate individual who I believe in what he says.

There was no flesh on the bones which he proposed, unfortunately, but the people around this country apparently believe in him personally. That belief could be used for good in this country, rather than cutting programs to the poor and the handicapped and the elderly. They could start on an across-the-board review, but even this year, even in an election year, they have chosen not to.

When the gentleman says that an hysterical message is being sent, maybe the hysteria comes from the fact that we seem to be all alone in the fight in trying to get fairness in this country. The Senate does not seem to want to join in and neither does the President of the United States.

Mr. PERKINS. Madam Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Madam Chairman, I hope that this amendment would receive very few votes in the House of Representatives or in the committee. Here we give the authority to the President to repeal even the authorization and that is exactly what the President would do. For the last 2 years he has placed no money, not one penny in the budget for these programs, and when you look at this bill from a realistic viewpoint, in 1984 only $65 million was appropriated for general assistance for libraries. In title II, nothing for construction. It is true enough that in 1983 we placed $50 million in the emergency jobs bill which served a very useful purpose, but all during the 1960's we spent hundreds of millions of dollars for construction of libraries throughout this whole country. I have seen some of those beautiful libraries myself down in the State of Georgia. All the States have benefited from the construction program.

Finally, it was phased out in the late sixties or early seventies. It was phased out when most people were able to obtain library services throughout the Nation. So the construction has served a very useful purpose in the past and there are still people today that are not receiving library services.

In this authorization bill, the gentleman from Illinois has added $50 million there for the next 4 years for construction. So I see nothing out of the ordinary wrong with this library program, if you believe in libraries.

Now, if you do not believe in libraries, you might as well go ahead and vote for the amendment; but I feel there are only very few individuals in this Chamber who do not believe that the Library Services Act has performed a great service. When very few people in the 1950's when this piece of legislation was enacted were receiving library services, and today most of our people have services available. In the fifties none of the rural people for all intents and purposes and a lot of the metropolitan areas of the country were not receiving library services. Today most of them are receiving services due to this act.

So I want to compliment the gentleman from Illinois for bringing to this Chamber an outstanding bill, well thought out in committee.

Then to undertake to come in here with a line-item veto that would give the President of the United States the right to wipe the entire act out of existence, I do not think this Chamber wants to legislate in any such manner.

The gentleman from Georgia and the other individuals who were sponsoring this amendment, I would think, should discuss this before the committees and see its ramifications and at the same time consider some of the great things that have happened from this act. It has been one of the greatest acts that the Congress has enacted from the standpoint of the service to elderly people and to young people by libraries and for giving rural people access to libraries.

To come in here and undertake to treat this act in such a cruel and inhumane manner, to my way of thinking, is not justifiable and should be voted down in this Chamber.

It is my hope, Madam Chairman, that all the members of the committee will vote against this amendment. I do not think that this amendment has been considered very long by these gentlemen. They are all outstanding Members, but I do not think this House, this Chamber, wants to legislate in any such manner.

Mr. GEKAS. Madam Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky has expired.

(At the request of Mr. GEKAS, and by unanimous consent, Mr. PERKINS was allowed to proceed for 2 additional minutes.)

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

I hope that the gentleman is not implying by his remarks that there is anyone in the Chamber, proponents of the line-item veto or opponents of the line-item veto, who has anything except the highest priority in his own heart and mind for the libraries of this country. There is not anyone in his or her right mind in this Chamber who would do anything to demean the importance of the library in our lives.

What we are about here is to say that in the concern that the U.S. Congress has for the libraries of the United States, that in that regard we also insert the fiscally responsible guidelines that the line-item veto would offer to us so that control can be envisaged and implemented in this important segment of our responsibilities in education. That is what the proponents of this amendment have in mind and in conscience and support every tenet perhaps, except for one exception that this gentleman will bring up I hope in the next few minutes.

The whole issue of aid to libraries has nothing to do with the proposition of the line-item veto.

Mr. PERKINS. Well, Madam Chairman, let me say to my distinguished colleague that the amendment, as I understand, that is presently offered could even wipe out in effect the authorization of this bill, if the President were to so decide. I think it is reasona-

ble to infer that he would exercise it, since there has been zero funding in the budget for the last few years.

Then let me say to the gentleman, the Appropriations Committee has carefully scrutinized this program for several years and I do not think you will find anyone to say that any money here has been wasted on any occasion.

I would hope all Members would vote against this amendment.

Mr. GEKAS. Madam Chairman, I move to strike the requisite number of words. I wish to speak in favor of the amendment.

I yield to the gentleman from Georgia.

Mr. GINGRICH. Madam Chairman, I simply want to make a few brief points in summary.

First of all, I agree with the gentleman from New York that libraries are useful, desirable, and vitally important. While I am not a professional librarian, as I think the gentleman from Illinois would reassure him, I spent a great part of my undergraduate and graduate career in libraries. I am a passionate user of the Library of Congress. I think libraries are incredibly important and the explanation of the gentleman of the role of libraries in a learning society is certainly correct and I am in support of this bill.

However, I am also willing to support an amendment like this to every authorization, including defense. I think that we have to look clearly at every dime we spend in the near future.

There is a chapter in the superb book of the gentleman from Illinois on the "Rise of Lincoln" which talks about the absolute disaster in the Illinois legislature when they spent without any concern for stable money and without any concern for the future of their children and grandchildren.

□ 1320

The disaster which occurred in Illinois need not be a disaster which occurs to the entire Nation 150 years later.

The chairman's point about killing the whole bill is simply procedurally wrong. If the President of the United States wants to kill this authorization he has to simply veto it. If he vetoes it, it is far harder to override a veto than it would be under the provisions of this amendment to override an impoundment.

All we are requiring is that impoundment would be overriden by a simple majority, which is what in the bill the word "rescind" would imply.

If I may finish this comment, I will be glad to answer questions. Let me just say a line-item veto by legislation such as I am offering is far less dangerous than a line-item veto by constitutional amendment. All it would require is the two Houses in future legislation to not include a line-item veto by legislation. Then we would have taken back that power from any future President. So it is a temporary expedient for a temporary problem, that of regaining control of our capacity to spend.

Finally, let me say in my judgment this is a put-up or shut-up amendment. Any Member who already has his press release or her press release lined up for the morning after the budget is offered, who has already prepared to attack the President, if they cannot vote for this amendment, frankly, that attack, in my judgment, is totally irresponsible. The President is not the Government. The President does not run the Government.

It is even an act of irresponsibility for any constitutionally sworn-in Member of the House of Representatives to describe the President in those terms. This House has enormous and awesome power given to it by the Constitution to control both taxing and spending, and we demean ourselves and deceive our country when we do not take upon ourselves some of the great burden of the problems we face.

Mr. GEKAS. I would like to make one corollary to what the gentleman from Georgia has said; namely, that he is correct. I am responsible for this Government.

The gentleman from Illinois is responsible for this Government. The President of the United States is responsible for this Government.

To hear the gentleman, and I wish he were still on the floor, from Florida say it is somebody else who is responsible for the leadership of this country and therefore derogating his own responsibility is not accurate. You and I, I say to the gentleman from Illinois (Mr. SIMON) are responsible for this Government as much as anyone.

Mr. SIMON. Will the gentleman yield?

Mr. GEKAS. I now yield to the gentleman.

Mr. SIMON. Let me, in response to my esteemed colleague from Georgia, differ strongly with what he has just said. He said it would be totally irresponsible for us, to use his phrase, to vote against this amendment if we say we want to reduce deficits.

I think we have to look at the procedure we follow in this body. Two things we have to watch as a legislative body. One is substance and the second is procedure.

On the substance, the gentleman from Georgia's memory is incorrect, and the gentleman from Kentucky, chairman of the full committee, is absolutely correct.

If the gentleman from Georgia will simply read the first part of his amendment, and I recognize he has scratched over this amendment and changed some words and so forth and this thing is evolving gradually and it is one of my objections to it, incidentally, but the language is "the President is authorized to eliminate or reduce by Executive order in whole or in part any authorization of appropriations made by this Act whenever," after investigation and so forth.

Mr. GINGRICH. Will the gentleman from Pennsylvania yield?

Mr. GEKAS. I yield to the gentleman.

Mr. GINGRICH. It also says in the same amendment, ". . . unless the Congress shall rescind such Executive order."

My point is that a President can veto and it requires two-thirds to override, whereas if he were to use this amendment it requires only a simple majority to override, and therefore this action protects the bill more.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

(By unanimous consent Mr. GEKAS was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. If I might continue just a moment, because I think the gentleman is raising a legitimate point and I think we should clear it up, under this amendment, as currently drafted, if the two Houses of Congress were to vote by a simple majority they would be able to override any impoundment or elimination that the President attempted.

Now, if the President wants to veto this bill, he has the capacity to veto it under the Constitution now, and he vetoes the entire bill. If anything, we are trying to protect the bill in the long run by allowing him to use a scalpel rather than a meat ax. And some Presidents at some point will veto an entire bill in order to get at part of it. In that sense this amendment precisely does not do what the chairman says it does; it does not put the bill at greater risk because both bodies of the Congress, by simple majority, could reject that effort, as written here.

Mr. WALKER. Madam Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Madam Chairman, I would simply like to make the point that the issue of procedure was raised here a moment ago and I understand the majority side is concerned about procedure and the way these things came about. The fact is, since the opening day of this session we have been attempting on this House floor to establish a procedure by which we would have a vote on a line-item veto as a single issue and the fact is that since the beginning of this Congress the Chair and the Speaker and the majority leadership have been turning us down in that effort.

Now, when we come to the floor with an amendment designed to take a

single-item approach to these issues that we are attempting to raise, now we are told that the procedure will not allow that either, that you ought to vote against it on procedural grounds because it is brought up, and we did not really have a chance to consider it fully.

What I am suggesting is that that kind of thinking is precisely what is preventing the American people from getting votes on these issues.

I do not think there is anybody who deludes themselves into believing that a line-item veto has not become an important issue to the American people. The people understand that as being a way of controlling the Federal deficits. And so long as it is an issue, it deserves to be considered on the House floor.

If we could get it considered in whole, that might be a way of doing it, and we have attempted that; but the fact is we have been turned down and so now we bring it on as a part of a specific authorization bill, which is a far narrower kind of approach than doing it by constitutional amendment. And we are told by some of the gentlemen from the other side that that is procedurally incorrect, too.

I simply suggest that that is one way that the majority has around here of trying to intimidate the minority against bringing up matters that are of vital concern to the American people.

I suggest, as the gentleman from Georgia suggests, that if Members vote against the line-item veto in this case they are in fact casting one more vote which says they do not want to do anything to control the deficit.

Mr. SIMON. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. SIMON. I thank my colleague for yielding. I do not know of anyone who thinks they can intimidate the gentleman from Pennsylvania or anyone else in this body.

The reality is some of us on this side of the aisle happen to favor a line-item veto. I am one of those. It may be that through this legislative process we can carefully craft a procedure so that we can do it without a constitutional amendment. But I stress the words "carefully craft."

We do not come in with something that no one has seen, that you change language with in here, even at the very last minute, by pencil and say this ought to be the law of the land of the United States of America. Let us do it in a sound procedural way and see if we cannot come up with a solid answer.

Mr. WALKER. I thank the gentleman for this explanation.

Of course, the specific language we have here has been around here since 1938. So, I would assume that perhaps we might have had a chance to consider it in that time.

Franklin Roosevelt proposed this language, and the reason why it was scratched out and there were some changes made was that in discussions we decided Congress should have a little more authority in all of that than Franklin Roosevelt wanted to give to the Congress. So, we have established a procedure by scratching out that would give Congress a chance, by majority vote, to override this line-item veto by the President if he chooses to exercise it.

So, therefore, what we are trying to do is improve on the product a little bit, and carefully craft, to use the gentleman's words, something which Franklin Roosevelt originally sent up here in 1938. The fact is that since 1938 this Congress has not acted, so now, when we come to the floor and want to act, we are told that the timeframe in which we are doing it is just too short. We simply have had no time in order to consider it.

I suggest that we have a lot of issues around like that that everybody is for, except when they come out here in time to vote on them. Here is a chance to vote up or down on a very reasonable approach legislatively to the whole idea of a line-item veto. That is, that you have a line-veto that you can, as has been explained, use a scalpel rather than a meat ax on programs, and you can have a congressional override mechanism.

I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGRICH).

The question was taken; and on a division (demanded by Mr. GINGRICH) there were—ayes 15, noes 13.

RECORDED VOTE

Mr. SIMON. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 248, not voting 41, as follows:

[Roll No. 14]

AYES—144

Archer	Craig	Hansen (UT)
Badham	Crane, Daniel	Hartnett
Bartlett	Daniel	Hiler
Bateman	Dannemeyer	Hillis
Bennett	Daub	Holt
Bereuter	Davis	Hopkins
Bethune	DeWine	Hunter
Bilirakis	Dickinson	Hyde
Bliley	Dreier	Ireland
Breaux	Duncan	Johnson
Broomfield	Emerson	Kasich
Brown (CO)	Erlenborn	Kemp
Broyhill	Evans (IA)	Kramer
Burton (IN)	Fiedler	Lagomarsino
Campbell	Fields	Latta
Chandler	Franklin	Leach
Chappie	Frenzel	Lent
Cheney	Gekas	Lewis (CA)
Clinger	Gingrich	Lewis (FL)
Coats	Gramm	Livingston
Coleman (MO)	Gregg	Loeffler
Coughlin	Gunderson	Lott
Courter	Hall, Sam	Lowery (CA)
Lujan	Pashayan	Smith (NE)
Lungren	Patterson	Smith (NJ)
Mack	Petri	Smith, Denny
Madigan	Pritchard	Solomon
Marlenee	Quillen	Spence
Marriott	Regula	Stangeland
Martin (IL)	Ridge	Stenholm
Martin (NC)	Rinaldo	Stump
Martin (NY)	Ritter	Sundquist
McCain	Roberts	Tauzin
McCandless	Roemer	Taylor
McCollum	Rogers	Thomas (CA)
McDade	Roth	Vandergriff
McEwen	Roukema	Volkmer
McGrath	Rudd	Vucanovich
Michel	Sawyer	Walker
Miller (OH)	Schaefer	Weber
Montgomery	Schneider	Whitehurst
Moore	Schulze	Whittaker
Moorhead	Sensenbrenner	Winn
Morrison (WA)	Shaw	Wolf
Nielson	Shumway	Wortley
Oxley	Shuster	Wylie
Packard	Siljander	Young (FL)
Parris	Skeen	Zschau

NOES—248

Ackerman	English	Lundine
Addabbo	Erdreich	MacKay
Akaka	Evans (IL)	Markey
Albosta	Fascell	Martinez
Alexander	Fazio	Matsui
Anderson	Feighan	Mavroules
Andrews (TX)	Ferraro	Mazzoli
Annunzio	Fish	McCloskey
Anthony	Florio	McHugh
Applegate	Foley	McKernan
Aspin	Ford (TN)	McNulty
AuCoin	Frank	Mica
Barnard	Frost	Mikulski
Barnes	Fuqua	Mineta
Bedell	Garcia	Minish
Bellenson	Gaydos	Mitchell
Berman	Gejdenson	Moakley
Bevill	Gephardt	Molinari
Biaggi	Gibbons	Mollohan
Boehlert	Gilman	Moody
Boggs	Glickman	Morrison (CT)
Boland	Gonzalez	Mrazek
Boner	Gore	Murphy
Bonior	Gradison	Murtha
Bonker	Gray	Myers
Borski	Green	Natcher
Bosco	Guarini	Neal
Boucher	Hall (OH)	Nelson
Boxer	Hamilton	Nichols
Britt	Hammerschmidt	Nowak
Brooks	Harkin	Oakar
Brown (CA)	Harrison	Oberstar
Bryant	Hawkins	Obey
Burton (CA)	Hayes	Olin
Byron	Hefner	Ortiz
Carney	Hertel	Ottinger
Carper	Hightower	Owens
Carr	Howard	Panetta
Clarke	Hoyer	Patman
Clay	Hubbard	Pease
Coelho	Hughes	Penny
Coleman (TX)	Hutto	Perkins
Collins	Jacobs	Price
Conte	Jenkins	Pursell
Conyers	Jones (OK)	Rahall
Cooper	Jones (TN)	Rangel
Coyne	Kaptur	Ratchford
Crockett	Kastenmeier	Ray
D'Amours	Kennelly	Reid
Darden	Kildee	Richardson
de la Garza	Kindness	Robinson
Dellums	Kolter	Rodino
Derrick	Kostmayer	Roe
Dicks	LaFalce	Rose
Dingell	Lantos	Rostenkowski
Dorgan	Leath	Rowland
Dowdy	Lehman (CA)	Roybal
Downey	Lehman (FL)	Russo
Durbin	Leland	Sabo
Dwyer	Levin	Scheuer
Dymally	Levine	Schroeder
Dyson	Levitas	Schumer
Early	Lipinski	Seiberling
Eckart	Lloyd	Shannon
Edgar	Long (LA)	Sharp
Edwards (AL)	Long (MD)	Shelby
Edwards (CA)	Lowry (WA)	Sikorski
Edwards (OK)	Luken	Simon

Sisisky	Swift	Weiss
Skelton	Synar	Wheat
Slattery	Tallon	Whitley
Smith (FL)	Thomas (GA)	Whitten
Smith, Robert	Torres	Williams (MT)
Snowe	Torricelli	Wirth
Snyder	Towns	Wise
Solarz	Traxler	Wolpe
Spratt	Udall	Wright
St Germain	Valentine	Wyden
Staggers	Vento	Yates
Stark	Walgren	Yatron
Stokes	Watkins	Young (AK)
Stratton	Waxman	Young (MO)
Studds	Weaver	

NOT VOTING—41

Andrews (NC)	Goodling	McKinney
Bates	Hall (IN)	Miller (CA)
Chappell	Hall, Ralph	O'Brien
Conable	Hance	Paul
Corcoran	Hansen (ID)	Pepper
Crane, Philip	Hatcher	Pickle
Daschle	Heftel	Porter
Dixon	Horton	Savage
Donnelly	Huckaby	Smith (IA)
Flippo	Jeffords	Tauke
Foglietta	Jones (NC)	Vander Jagt
Ford (MI)	Kazen	Williams (OH)
Forsythe	Kogovsek	Wilson
Fowler	McCurdy	

□ 1340

Mr. DYMALLY and Mr. HAYES changed their votes from "aye" to "no."

Mr. MARRIOTT and Mr. HYDE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 22, after line 2, add the following new section:

SEC. 16. The Secretary of Education may, upon application by the appropriate State legislature, waive any provision of this Act if, in the opinion of such State legislature, such waiver will result in a significant increase in employment in that State.

□ 1350

Mr. WALKER. Madam Chairman, this amendment has two aspects to it. In one instance, it talks in terms of the New Federalism, the effort to make certain that our States and localities have more opportunity to decide their destinies for themselves. But more importantly, it talks about jobs. I think we should define as a Congress that what we are all about here is jobs. And it puts those two things together in a particular way.

It says that if a State legislature finds that something that we are doing at the Federal level in this act in some way prevents them from creating a significant number of jobs, that State legislature can apply to the Federal Government for a waiver asking us to waive those provisions that are costing them jobs.

It is important that we focus on what we are talking about on jobs. I think most of us are aware that there are some places in the country where we have had a fairly significant recovery, where unemployment is down, where the situation is looking much brighter. But there are other States and other localities where the recovery has not yet shown itself to have great strength, where unemployment is still high, where there are still too many people out of work.

Now, one of the problems we have is the fact that the Federal Government contributes to those unemployment problems. We do certain things at the Federal level that restrict access to jobs.

All this amendment is saying is that where you have instances where the Federal Government is restricting access to jobs, we ought as a body to give the Secretary of Education a waiver procedure which allows him to waive those things which are keeping people from working. We ought to be all about creating jobs. One of the focuses of this particular bill is supposed to be the creation of jobs in library construction. And yet we do not see the Federal Government willing to back off on some of the special interest things we have done around here over the years which prevent people from getting jobs.

This would allow those States and localities that are still suffering the most under the unemployment crisis that this country has faced for these last several years to apply for a waiver if in fact they can create significantly more jobs. There is a significant increase in employment that is required to trigger this amendment.

I cannot imagine that there is any Member of Congress who cannot support this language. This language is aimed at allowing States to create more jobs within them. I cannot imagine anybody who believes in New Federalism, anybody who believes in jobs, who can oppose this kind of language. It is a fairly simple kind of thing. It involves no great giveaway by the Federal Government. We can create jobs, without coming up with extra billions of dollars that are deficit add on, simply by implementing the New Federalism concept. It seems to me that it is a direction that we as a nation would want to go.

Mr. BLILEY. Madam Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Virginia.

Mr. BLILEY. Madam Chairman, I rise in opposition to this bill. I wonder, as we begin this new session, how many speeches of this sort I will be forced to make over the next few months. My colleagues on the other side of the aisle are constantly berating the President and this administration for the current high deficit and insisting that more taxation is the only answer to bring it under control. Yet here I am again protesting an authorization increase supported by the majority party. We are being asked to approve an authorization for fiscal years 1985 through 1988 at such inflated rates as to make it completely incomprehensible.

Over the years, the Federal Government has expended more than $2 billion to aid the public library system. That support has worked well, and we can now boast that nearly every area of the Nation has access to public library services. However, the need to continue this support is in doubt. Public libraries now receive almost 95 percent of their funding from State and local sources. Clearly, libraries are not going to disappear because the Federal Government withdraws its less than 5-percent share. Even the library construction and renovation programs are being taken care of elsewhere: through the emergency jobs bill this Congress recently passed.

The administration, seeing the need to conserve our rapidly dwindling financial resources, requested zero funding for library programs for fiscal years 1983 and 1984. I do not see how we can justify spending over a half a billion dollars on a program that can and is being taken care of at the State level. And I especially do not see how we can justify tripling the expenditure to $150 million in just 1 year. If the majority party is committed to fighting deficits, they will know that we need to bring spending down in the next few years, not triple every well-intentioned, but not very crucial, program under the Sun.

Let us vote to reduce the deficit for a change and vote against H.R. 2878.

Mr. SIMON. Madam Chairman, I thank the gentleman from Pennsylvania for calling attention to what he has made to sound like a very minor amendment. This very minor amendment, all it does is says that Davis-Bacon is not going to apply to this area.

Now, this body has decided the Davis-Bacon issue time and time again. And once again we are being asked by some to let the Federal Government be the tool by which we reduce the wages of the working men and women of this country.

Second, this is a very unusually constructed amendment—I have never seen anything quite like it—where the executive branch of the Federal Government would deal with the legislative branch of State government. You do not have the Secretary of Education dealing with the Governor of a State.

Third, you permit a State legislative body to waive a Federal statute. If you want to go that way, it will be a most unusual procedure.

And, finally, under the Reorganization Plan No. 14 under the Reorganization Act of 1950 just contested in the U.S. Supreme Court, the Supreme

Court has given authority to the Secretary of Labor to waive the provisions of Davis-Bacon.

I would simply point out what we are talking about is a labor provision, and we are suggesting the Secretary of Education ought to have the authority to waive that.

I think the amendment is not a good amendment. The gentleman from Pennsylvania says he cannot imagine anyone in this body opposed to the amendment. I can imagine some people voting for it, but I hope not too many.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Madam Chairman, as the gentleman knows, this amendment makes no reference to Davis-Bacon whatsoever.

Do I understand that the gentleman is saying flatly on this floor that Davis-Bacon costs jobs across the country and, therefore, anything which says we would try to bring about a significant increase in employment in a State is against Davis-Bacon because we all know that Davis-Bacon is costing a loss of jobs across the country? Is that the point that the gentleman is making?

This amendment does not mention Davis-Bacon in the least.

Mr. SIMON. Madam Chairman, if I may reclaim my time, that has been the claim of the gentleman from Pennsylvania on this floor for some time. I have never conceded this. But it may be that a State legislative body, persuaded by the oratorical ability of the gentleman from Pennsylvania, might be swayed into an illogical decision and we might have a Secretary of Labor persuaded by a White House with a heavy hand to do something that was not in the national interest.

Mr. WALKER. If the gentleman will yield further, I thank the gentleman for yielding because I do want to make certain that we understand that the State legislature cannot waive Federal law here. The only person under this amendment who can waive Federal law would be the Secretary of Education upon application from the State legislature.

The gentleman made it sound as though this amendment would permit the State legislature to waive Federal law. That is not the case. The Secretary of Education could provide a waiver based upon application. And I think that is important because there is no way we could create a system by which State legislatures would have a waiver.

Mr. SIMON. What the gentleman from Pennsylvania would do would be to hand to the State legislative bodies and to the Secretary of Education the ability to waive a Federal law. I think it is not sound policy, and I urge that this amendment be rejected.

□ 1400

Mr. COLEMAN of Missouri. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, without going into what the author of the amendment is attempting to do, I find some problems with its actual meaning and the words that are used in the amendment, and I would like to ask the gentleman from Pennsylvania a few questions.

First of all, if a State legislature asks for a waiver under this amendment, what, for example, would be waived under the construction section of title II here of this particular bill? If the bill does not refer to Davis-Bacon, how would Davis-Bacon be affected by the terms of the gentleman's amendment?

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Madam Chairman, under my amendment the only way one could get to Davis-Bacon would be if the State legislature specifically targeted on Davis-Bacon, was able to show that Davis-Bacon was resulting in a significant downturn in jobs in their State, that by eliminating Davis-Bacon provisions they could have a significant increase in jobs in the State and they would have to certify that to the Secretary of Education, who then would have the option of waiving it, depending on whether or not he felt that the information provided him was of significance.

Mr. COLEMAN of Missouri. But Davis-Bacon or any reference to any employer-employee legislation, or wage and hour legislation, any of these things are not mentioned in this act and the gentleman's amendment says "in this Act."

So I would have to suggest, while I know what the gentleman may be trying to do, he is not really doing it because none of these things are mentioned in this act. Is that not true?

Mr. WALKER. If the gentleman will yield further, the gentleman well knows that the way in which the language of the code is constructed, it does in fact allow Davis-Bacon coverage under the act. So, therefore, this would permit the legislatures to take action with regard to those things under this act, if they are operating under this act. It would not have anything to do with general Davis-Bacon. They could not waive general Davis-Bacon, for instance, for public service jobs or for public works jobs; they could only waive Davis-Bacon insofar as it applied to this particular act because that would be the only coverage that this amendment would provide for.

Mr. COLEMAN of Missouri. Madam Chairman, if I may reclaim my time, I think the gentleman should draft his amendment, if we use this as an example, specifically spelling it out. I do not think the gentleman's language is going to accomplish what he is suggesting it is going to, simply because none of these things are mentioned in this act I am reading in front of me. It has nothing to do with construction as far as Davis-Bacon.

I am suggesting that if the gentleman wants to do something in this area, he ought to redraft his amendment, because I am not sure we are accomplishing anything if we do pass the gentleman's amendment.

Mr. WALKER. If the gentleman would yield further, I thank the gentleman for his concern, but of course this gentleman did not raise Davis-Bacon. That was raised on the other side. This gentleman is concerned about a whole range of labor-law restrictions that are out there, some of which the States have regularly complained about.

This gentleman is concerned about New Federalism. This gentleman feels that the States ought to have the ability to control their own destiny and that this is one way to give them control of their own destiny not only with regard to Davis-Bacon but with a lot of other labor-law restrictions as well.

Mr. COLEMAN of Missouri. Madam Chairman, if I might again reclaim my time, if the gentleman has a problem with these labor laws, I am suggesting he is not going to get to those labor laws through the Library Services Act. They are still going to be on the books. They are not even mentioned in this act, and his amendment refers solely to this act. I would only point out that we are not going to do what the gentleman wants to do. If the gentleman has problems, maybe we have a lot of problems with those acts, but we are not going to really get to them by this amendment.

Mr. WALKER. Madam Chairman, if the gentleman will yield further, this is not new language. This language has been offered to a number of bills and each time it is offered the liberals on the other side and the big-labor oriented politicians on the other side of the aisle rise up in holy indignation about the special interest of big labor on Davis-Bacon. We hear a lot about it all the time.

So it is not just library services, but I suggest to the gentleman that the only way we can get at some of these things is item by item, because the fact is, we are not going to get a labor law restriction repealer out on this floor out of the gentleman's committee. It would have to come out of the Committee on Education and Labor,

and I would suggest to the gentleman that that is so much a captive of big labor at this point that there is no way that we are going to get that kind of bill out on this floor.

So the way we go about it is bill by bill, item by item. This is one way. This is not the whole cure. This is only one little itty-bitty cure, but it is still an important one, it seems to me.

Mr. COLEMAN of Missouri. Let me ask the gentleman from Pennsylvania, under the terms of his amendment would the State legislature, that would be both Houses, would have to pass some sort of resolution and have it approved by the Governor, or without the Governor's approval?

Mr. WALKER. If the gentleman would yield further, of course, we do have a unicameral legislature in at least one of our States, and I would assume that that legislature did it. No, we are not requiring the Governor's signature here. We are saying that the State legislature could apply.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. COLEMAN) has expired.

(On request of Mr. SIMON and by unanimous consent, Mr. COLEMAN of Missouri was allowed to proceed for 1 additional minute.)

Mr. SIMON. Madam Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Madam Chairman, I would point out that there is not only the purpose that has become very clear from the gentleman from Pennsylvania, but were his amendment to be adopted, if a State wanted to, for example, not provide services to the Indian community that is provided in this act, that could be denied.

I think this is an amendment that just is not a sound amendment. I hope it will be resoundingly defeated.

Mr. WALKER. Madam Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. Surely, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Madam Chairman, again I point out that the gentleman from Illinois has raised yet another strawman on all of this. The only way that could happen would be if we could show that it would result in a significant increase in employment.

The gentleman from Illinois is simply telling this House that there are some things more important to him than jobs. This gentleman from Pennsylvania says that there is nothing in public policy that should be more important than jobs. This amendment is a jobs-oriented amendment that says that jobs are going to be foremost, and this amendment should be supported.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 8, noes 60.

So the amendment was rejected.

Mr. BOLAND. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I take this time to inquire of the gentleman from Illinois, and also the gentleman from Missouri, with reference to the meaning of the energy conservation section of this particular title, title II of the bill would make available to States grants for the remodeling of public libraries, and among the allowable remodeling projects are those designed to conserve energy.

Let me ask the gentleman from Illinois: Is the modernization of equipment used to generate or conserve energy, such as boilers, heating ducts, air-conditioning systems, and storm windows, considered to be an energy conservation project within the meaning of title II of the act?

Mr. SIMON. Madam Chairman, will the gentleman yield?

Mr. BOLAND. I would be delighted to yield to the gentleman from Illinois.

Mr. SIMON. Yes; it certainly would or could be considered under this, and I would see no reason, for example, why a library that wanted to put storm windows on would not be doing precisely what we intend.

□ 1410

Mr. BOLAND. Madam Chairman, I thank the distinguished gentleman from Illinois.

I wonder if the gentleman from Missouri would respond to that question?

Mr. COLEMAN of Missouri. Madam Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Madam Chairman, I would concur in what the gentleman from Illinois (Mr. SIMON) said. I certainly think that would be within the purview of that section.

Mr. BOLAND. Madam Chairman, I thank the gentleman from Missouri, and I thank the gentleman from Illinois.

Mr. SIMON. Madam Chairman, I move to strike the last word.

Madam Chairman, I simply want to take 2 minutes to say that there is one small new feature in this bill that is important to the Nation, and that is $5 million authorized to attack the problem of functional illiteracy.

We have 23 million functionally illiterate adult Americans, people who can read a stop sign but who cannot address an envelope and cannot fill out an employment form. Because they hide their embarrassment about their problem, they will not go into a school, but they will in some instances go into a library. This step is an important one for the Nation.

Madam Chairman, H.R. 2878, the Library Services and Construction Act Amendments of 1983, has three main purposes:

To reauthorize the Library Services and Construction Act for fiscal years 1984 through 1988;

To expand the act to meet the needs of populations which have previously been underserved; and

To enable libraries to enter into the rapidly progressing information era.

In order to accomplish the third goal, it is necessary to expand the definition of a library. Throughout the legislation, libraries are referred to as "community information and referral centers." In using this terminology, H.R. 2878 makes explicit that libraries, in addition to furnishing the usual library services, systematically refer inquiries to organizations, agencies, or individuals competent to provide the information required.

To insure that local libraries receive as much money as possible, H.R. 2878 places a cap of 5 percent or $50,000—whichever is greater—on the amounts which can be spent by State library agencies on administrative expenses. The bill also provides for forward funding of library programs. This is necessary because problems have emerged in recent years in the disbursement of funds to States. There have been times when libraries were forced to eliminate programs because they did not receive program money until the year was half over. This kind of occurrence is easily avoidable with forward funding.

H.R. 2878 elaborates on the definition of allowable construction expenses which is set out in title II of the Library Services and Construction Act. This is necessary because of recent Department of Education regulations precluding the use of construction funds on all but new construction projects. Recognizing the importance of construction to insure equal access to library facilities for the handicapped and the legitimacy of construction projects which are intended to enhance energy conservation, H.R. 2878 specifies that construction funds may be used for these purposes. The bill also permits the use of construction funds for remodeling and renovation projects which may be necessary to accommodate new library technologies.

Title III of LSCA is strengthened and expanded in section 13 of H.R. 2878 to enhance interlibrary cooperation and resource sharing. New standards are enumerated for the long range and basic plan which are required of each State under the act. These standards require States to

identify interlibrary and resource sharing objectives to be achieved during the period covered by the plans. While the bill does not mandate that the States meet all of the specifications set out in title III, it does require that State plans be developed which show that the State is attempting to eventually comply with the standards set forward in the title.

Under H.R. 2878, title IV is directed toward providing library services to Indian tribes. Previously, title IV was "Older Reader Services." That title, however, has not been funded for 10 years and the programs which were in it are now incorporated as a legitimate expense in title I. The new title IV allows Indian tribes to receive funding directly from the Secretary of Education for the purposes of developing library services. Two percent of the funding for each of titles I, II, and III is set aside to fund title IV.

H.R. 2878 creates two new titles under LSCA. A new title V provides for discretionary grants directly to libraries for the purposes of purchasing foreign language materials. This will not only benefit library users who speak English as a second language, but it will also provide an incaluable resource to English speakers who are learning a second language.

Finally, the new title VI allows libraries to apply directly to the Secretary of Education for grants to be used in the provision and coordination of literacy programs. It is estimated that there are between 23 and 27 million functionally illiterate people in this country. The inability to read and write English is a major obstacle in the way of employment opportunities and personal satisfaction for each and every illiterate individual. It is also a tremendous economic burden on the country as a whole. Not only are these millions less productive than they could be, they are also more likely to find themselves among the ranks of the unemployed.

The Library Services and Construction Act has a long history of effectiveness at relatively low cost. With these amendments, the act will enable libraries to continue and expand their services to those who need them most. As a final note, I would like to read to you a statement issued by President Reagan on the occasion of National Library Week last April:

On of the many advantages shared by American citizens is the excellent library system at our disposal.

Libraries provide many services to the community. They further knowledge, stimulate interest in a variety of subjects, and serve as a repository for our history and heritage. All citizens can take advantage of the wealth of information resources and literature found in our libraries.

This year's theme for the 26th annual observance of National Library Week is "Go For It! Use Your Library." During Library Week it is fitting that we pause to reflect on the educational opportunities the library provides and pledge ourselves to support and utilize them. The library plays a vital role in American life and has contributed significantly to the growth and development of this Nation.

I urge you to support this bill.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Madam Chairman, I offer an amendment.

Mr. SIMON. Madam Chairman, I reserve the right to object to this amendment.

Mr. GEKAS. Madam Chairman, I was going to await the procedure and ask unanimous consent to offer this amendment in that it relates to a section already passed by the Clerk in the reading.

The CHAIRMAN pro tempore. The Clerk will first report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: Page 5, strike out lines 3 though 5 and redesignate the succeeding paragraphs accordingly, and beginning on page 12, line 16, strike out all of section 12 through page 14, line 6, and redesignate the succeeding sections accordingly.

Page 2, line 14, insert "and" after the semicolon, strike out lines 15 through 17, and redesignate the succeeding paragraph accordingly.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SIMON. Madam Chairman, reserving the right to object, with all due respect to my friend, the gentleman from Pennsylvania, I do object. This would simply result in prolonged debate, and I think the amendment would clearly be defeated.

So, Madam Chairman, I do object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. GEKAS. Madam Chairman, I rise to a question of personal privilege.

The CHAIRMAN pro tempore. The Chair will state that that is not in order on the Committee of the Whole.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Then, Madam Chairman, I ask for a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. Madam Chairman, perhaps the gentleman from Illinois can enlighten me on this.

I have never asked for this kind of consideration before, and I ask the Chair and perhaps the gentleman from Illinois this question: Is this not kind of a departure from the common courtesy that is accorded to other Members when in a procedural matter such a request is made?

The CHAIRMAN pro tempore. The Chair will state that the gentleman is not stating a parliamentary inquiry.

Mr. GEKAS. Madam Chairman, the inquiry is whether or not it is a question of comity among the Members to allow referral back to another section by the use of the unanimous-consent request.

The CHAIRMAN pro tempore. The Chair will state that any Member has the right to object to a unanimous-consent request.

Mr. GEKAS. I understand that, Madam Chairman. What I am asking is whether or not it is in violation of any rules of collegial courtesy to object to that kind of request.

The CHAIRMAN pro tempore. The Chair knows of no such rule.

Mr. GEKAS. I thank the Chair.

● Mr. BIAGGI. Madam Chairman, as both a cosponsor of this bill and a senior member of the Education and Labor Committee which produced this bill I rise in full support of H.R. 2878, the Library Services and Construction Act of 1984.

This legislation produces a blueprint for the extension and expansion of this program over the ensuing 4 fiscal years. Specifically, the bill provides for increases in library service funds from $65 million in fiscal year 1984 to $95 million by fiscal year 1988. It also provides for a total of $250 million in funds for library construction from fiscal year 1984 through fiscal year 1988. Finally the bill also provides for $125 million for interlibrary cooperation programs.

In addition the bill provides funding for three new programs including one for Indian library services, the purchase of foreign language library materials and the support of literacy programs.

Other important provisions of this bill help to insure that library services for the elderly are provided for as part of this bill. Construction funds from this legislation can be used for such purposes as remodeling to promote better accessibility for the handicapped as well as programs to promote greater energy conservation in libraries and the introduction of new technologies into libraries.

It was once said that libraries are not made—they grow. H.R. 2878 clearly embraces that sentiment and seeks to allow for growth in many of our Nation's neighborhoods. Libraries have been the misguided casualties of budget cut decisions which have had to be made by States and localities. Yet we were applying false economics for we were mortgaging the valuable resource which comes from a strong and accessible local library system.

In many areas of the United States, the Library Services and Construction Act has allowed communities to maintain library services and for others it allowed the introduction of libraries into a community. A library to a community is a focal point where people gather for a common purpose to enhance their knowledge as only books can do. It is a link between people which should be preserved and not

sacrificed and our passage of H.R. 2878 today will be proof positive of our commitment to the betterment of libraries.

As a Representative from New York City I always point with pride to the magnificent New York Public Library system and its flagship structure at 42d Street and 5th Avenue in Manhattan. Millions have visited and benefited from the New York Public Library and this success story has been repeated all over the United States and most certainly will be continued with the passage of this bill.●

● Mrs. SCHNEIDER. Madam Chairman, I rise today in support of H.R. 2878, the Library Services and Construction Act amendments. Though the numbers are small when compared to the whole budget, the benefits provided to every American are incalculable. Since its inception in 1957, this legislation has greatly contributed to the expansion of the public library system throughout our Nation.

Libraries have ceased being simply places where books are kept. Over the years they have become valuable community service centers, assisting Americans of all age groups. From personal experience, I know that my State of Rhode Island and its citizens have benefited immensely from this program. Some of the activities supported through this Federal assistance include: Resource sharing between local libraries—this concept prevents a duplication of efforts and resources and assures that each dollar is spent with maximum efficiency; a regional outreach service for the blind and physically handicapped—last year alone, some 2,500 Rhode Islanders were assisted through this program; and material and programing services for State institutions, among them the adult correctional institution, various veterans homes, and State hospitals. I could go on, but the important fact that I want to highlight is that our public libraries have become an intergral part of the lives of Americans and this program assists in meeting the needs of these various groups in our population.

Once again, I want to express my support for this valuable program and urge my colleagues to support a continuation of funding for this legislation. Thank you.●

● Mr. FORD of Michigan. Madam Chairman, I rise in support of H.R. 2878, the Library Services and Construction Act Amendments of 1983. While LSCA has been and continues to be one of the most efficient and cost-effective Federal programs, these amendments make several improvements which will allow the program to serve more diverse populations and will place libraries on the cutting edge of the new information technologies that are overtaking almost every facet of business, commerce, and education. Specifically, the LSCA amendments will focus the program on providing access to library services to a wide range of populations including the handicapped, elderly, and bilingual populations; redirect the concept of libraries from being repositories for books to being community information centers providing a wide range of services to the public; provide direct library services to Indian tribes that have formerly received no library services; increase the emphasis on interlibrary cooperation; expand and provide increased funding for library construction and renovation purposes; and provide grants for libraries that wish to provide literacy training programs or foreign language materials.

Many of the changes that are brought about in the amendments to LSCA are directly tied to the Nation's economic, education, and employment well-being. It is in the best interest of the country to adopt this legislation so that libraries can continue to function to help communities throughout the Nation.

As an example of how LSCA has worked, let me tell you about the experiences in my home State of Michigan.

In Michigan, LSCA is helping libraries to link together electronically and share their resources, thus effecting economies, extending service, and making the most efficient use of expensive library materials. Through LSCA assistance with the initial hardware required or the processing of cataloging data, libraries are enabled to participate through the Michigan library consortium in a nationwide bibliographic data base, the Online Computer Library Center (OCLC). For very small libraries this process may be the first time they have professional bibliographic control of their own collections, plus it gives them access to the holdings of many kinds of Michigan libraries, and if needed, to countless other libraries across the country.

However, recent telecommunications developments may raise the cost of the private phone line system linking Michigan libraries to these computerized data bases by 76 percent this April, according to the latest figures. With such a drastic jump in costs so imminent, the continued support through the library services and construction act is essential. We should not hit libraries with a double whammy; we should support the bill before us, H.R. 2878. For the Upper Peninsula of Michigan and for many other sparsely populated regions in the United States, telecommunications is the only reasonable way to extend adequate library service to all residents. But the libraries can not do it alone, and if we expect them to cooperate across State lines, it is appropriate that we assist them through LSCA.

I urge my colleagues to support this legislation.●

● Mr. HAMMERSCHMIDT. Madam Chairman, I rise in support of H.R. 2878, the Library Services and Construction Act (LSCA) Amendments of 1983. Knowing that library and information services are experiencing rapid expansion and change, I believe Federal action is necessary to strengthen and assist local and statewide planning, coordinate present services for maximum effectiveness, and meet the needs of many sectors of our population for new services and facilities.

As information services become the focal point of our Nation's progress, libraries confront head on any obstacles to generating awareness by providing a readily available, free entrance to the world of learning. The LSCA has benefited the people of Arkansas immeasurably by, among other things, reaching the elderly, handicapped, or shutins with book mobile services; providing book deposits in local areas so that those living in rural, mountainous terrain do not have to travel into large cities to obtain reading materials; providing assistance for serving the deaf; and operating programs for functional illiterates.

The services for senior centers and the book deposits have proven very popular in my own district, which is one of the Nation's favorite retirement spots. Individuals who have spent their lives in the educational arena, and have then contributed to society with the benefits of their education, greatly appreciate the outreach programs of the LSCA.

As a longtime supporter of library services, I particularly favor the LSCA's matching approach, which invokes cooperation from both the Federal and State levels. The authorization levels provided for in H.R. 2878 are urgently needed to meet current and future needs for information sharing.

The threatening effects of illiteracy to our nation's rapidly expanding technology is a problem which must be dealt with. The LSCA is a worthwhile program with the very worthy goals of eradicating illiteracy and assuring everyone's "right to read."●

● Mr. FAUNTROY. Madam Chairman, I rise in support of the Library Services and Construction Act Amendments of 1983, H.R. 2878. The Library Services and Construction Act authorizes Federal grants to States to extend library services to areas and populations that are unserved or underserved, to assist in library construction, to encourage interlibrary cooperation, and to provide library services to the elderly. Unfortunately, Madam Chairman, Congress appropriated no funds for construction from fiscal year 1972 to fiscal year 1983, when $50 million was appropriated for this purpose

by the Emergency Jobs Appropriation Act. Congress has never made appropriations for grants to provide library services to the elderly.

H.R. 2878 includes modest authorizations of $65 million in fiscal year 1984 to $95 million in fiscal year 1988 for title I (Library Services); $15 million in fiscal year 1984 to $35 million in fiscal year 1988 for title III (Interlibrary Cooperation); and, $50 million per year for title II (Construction).

Madam Chairman, although library services have improved substantially, access to library services for the handicapped, rural America, and the illiterate remains a serious problem. H.R. 2878 provides a necessary response by:

Expanding the role of libraries to include providing programs to meet the needs of special populations, providing literacy training programs for illiterate and functionally illiterate adults and sharing resource materials among a wide variety of libraries;

Imposing a 5 percent or $50,000 administrative cap on State library agencies;

Allowing use of construction funds for remodeling for handicapped access and energy conservation;

Making funds available directly to Indian tribes for developing library services under title IV;

Providing funds for libraries to purchase foreign language materials under a new title V; and

Allowing funds for libraries to participate in literacy programs under a new title VI.

I would like to commend my colleague, PAUL SIMON, for his strong leadership of the Subcommittee on Postsecondary Education. He has selflessly worked to improve programs for libraries, as well as postsecondary education programs.

Madam Chairman, I strongly urge my colleagues to support this important legislation.●

● Mr. DASCHLE. Madam Chairman, I am pleased to support the Library Services and Construction Act Amendments of 1983. This legislation which authorizes money for library services, construction, interlibrary cooperation, grants for foreign language materials, library services for Indian tribes and library literacy programs is foresighted and a wise investment for our Nation.

South Dakota is an example of a State which will be able to make good use of this legislation. We are one of the most rural states in the Nation—80,000 square miles and a population of 690,000. About one-third of the people of South Dakota have no local library and another one-third do not have adequate library services. No public library in South Dakota meets all the criteria of the American Library Association.

Fortunately South Dakota, under the direction of State Librarian Clarence Coffindaffer, has an extensive library loan program. The State books-by-mail service is the primary source of library services to Indian reservations. Through title II of the emergency jobs bill, South Dakota received $190,000, and towns were, as a result, able to generate approximately $600,000 in local support for library projects.

Title III of this bill, the interlibrary cooperation and resource sharing programs, will be particularly helpful to South Dakota. As I mentioned earlier, sharing of resources is essential in our State. Under title III of this legislation there can be financial assistance for the ongoing project of developing a statewide data base and eventually connect libraries throughout the vast areas of South Dakota. Of particular importance is the project to make the 2.8 million bibliographic titles machine readable. Currently, only 350,000 of the 2.8 million titles are in a data base.

I am very pleased that this legislation has a 2-percent setaside of money for library services to Indian tribes. Congressman PAUL SIMON, the sponsor of this bill, has been an effective advocate for Indian education, and I thank him for his attention to Indian concerns in the writing of this bill. Even though tribes within South Dakota receive some public library service through the State's books-by-mail program, more than this is needed. Through the Library Services and Construction Act Amendments of 1983, tribes will be able to apply for money for tribal library programs. There are no tribal library programs among the Lakota and Dakota tribes of my constituency, and this legislation could make tribal library programs a reality. One of the best resources of many tribes are the tribal colleges which, if tribes so chose, could play central roles in developing and providing public library programs.

Again, Madam Chairman, thank you for this opportunity to make these comments. I urge my colleagues to support the Library Services and Construction Act Amendments of 1983.●

● Mr. SYNAR. Madam Chairman, I find it odd that just as the deficit issue appears large enough to consume the entire 98th Congress, we are voting to implement a library construction program that has laid dormant for 10 years. We need priorities. We need to fund those programs that meet essential human needs—many of which are still below the funding levels prior to the Reagan administration. I have supported increases in child nutrition, in handicapped education, in aid to the poor and unemployed. These are our responsibilities, and we still have not met the challenge. But we need to prioritize these programs, bring down the deficits, and assure there will be funds available for the programs that need our attention the most.

None of us are against libraries. We all know that libraries are necessary to provide books and services to all Americans. Right now 96 percent of Americans have access to a library. State and local governments have been very successful in providing these services. Over $1.5 billion is spent annually on libraries, of which the Federal share is only 5 percent. It does not appear reasonable to me, in this time of fiscal crisis, to increase the Federal share of library construction and services by $684 million.

Local control is working. States and localities should maintain their autonomy over libraries. They, not us, are best able to determine the needs of individuals.

Madam Chairman, we need to prioritize our spending. Increased library construction means decreased funding for other programs, and I am not ready to make that tradeoff.●

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mrs. LLOYD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, pursuant to House Resolution 397, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 39, answered "present" 1, not voting 36, as follows:

[Roll No. 15]

YEAS—357

Ackerman	Durbin	Kennelly
Addabbo	Dwyer	Kildee
Akaka	Dymally	Kindness
Albosta	Dyson	Kolter
Alexander	Early	Kostmayer
Anderson	Eckart	Kramer
Andrews (TX)	Edgar	LaFalce
Annunzio	Edwards (AL)	Lagomarsino
Anthony	Edwards (CA)	Lantos
Applegate	Edwards (OK)	Leach
Archer	Emerson	Leath
Aspin	English	Lehman (CA)
AuCoin	Erdreich	Lehman (FL)
Barnard	Evans (IA)	Leland
Barnes	Evans (IL)	Lent
Bates	Fascell	Levin
Bedell	Fazio	Levine
Beilenson	Feighan	Levitas
Bennett	Ferraro	Lewis (FL)
Bereuter	Fiedler	Lipinski
Berman	Fields	Livingston
Bethune	Fish	Lloyd
Bevill	Florio	Long (LA)
Biaggi	Foley	Long (MD)
Boehlert	Ford (TN)	Lott
Boggs	Frank	Lowery (CA)
Boland	Franklin	Lowry (WA)
Boner	Frenzel	Lujan
Bonior	Frost	Luken
Bonker	Fuqua	Lundine
Borski	Garcia	MacKay
Bosco	Gaydos	Madigan
Boucher	Gejdenson	Markey
Boxer	Gekas	Marlenee
Breaux	Gephardt	Marriott
Britt	Gibbons	Martin (IL)
Brooks	Gilman	Martin (NC)
Broomfield	Gingrich	Martin (NY)
Brown (CA)	Glickman	Martinez
Broyhill	Gonzalez	Matsui
Bryant	Gore	Mavroules
Burton (CA)	Gray	Mazzoli
Byron	Green	McCain
Campbell	Gregg	McCloskey
Carney	Guarini	McDade
Carper	Gunderson	McEwen
Carr	Hall (OH)	McGrath
Chandler	Hall, Ralph	McHugh
Chappell	Hall, Sam	McKernan
Chappie	Hamilton	McKinney
Clarke	Hammerschmidt	McNulty
Clay	Harkin	Mica
Clinger	Harrison	Michel
Coats	Hawkins	Mikulski
Coelho	Hayes	Miller (OH)
Coleman (MO)	Hefner	Mineta
Coleman (TX)	Hertel	Minish
Collins	Hightower	Mitchell
Conable	Hiler	Moakley
Conte	Hillis	Molinari
Conyers	Hopkins	Mollohan
Cooper	Horton	Montgomery
Coughlin	Howard	Moody
Courter	Hoyer	Moore
Coyne	Hubbard	Moorhead
Crockett	Hughes	Morrison (CT)
Daniel	Hutto	Morrison (WA)
Darden	Hyde	Mrazek
Davis	Ireland	Murphy
de la Garza	Jenkins	Murtha
Dellums	Johnson	Myers
Derrick	Jones (NC)	Natcher
Dickinson	Jones (OK)	Neal
Dicks	Jones (TN)	Nelson
Dingell	Kaptur	Nichols
Dowdy	Kasich	Nowak
Downey	Kastenmeier	Oakar
Duncan	Kemp	Oberstar
Obey	Sabo	Tallon
Olin	Sawyer	Tauzin
Ortiz	Schaefer	Taylor
Ottinger	Scheuer	Thomas (CA)
Owens	Schneider	Thomas (GA)
Packard	Schroeder	Torres
Panetta	Schulze	Torricelli
Parris	Schumer	Towns
Pashayan	Seiberling	Traxler
Patman	Sensenbrenner	Udall
Patterson	Shannon	Valentine
Pease	Sharp	Vandergriff
Penny	Shaw	Volkmer
Pepper	Shelby	Vucanovich
Perkins	Shumway	Walgren
Petri	Shuster	Walker
Price	Sikorski	Watkins
Pritchard	Siljander	Waxman
Pursell	Simon	Weaver
Quillen	Sisisky	Weber
Rahall	Skeen	Weiss
Rangel	Skelton	Wheat
Ratchford	Smith (FL)	Whitehurst
Ray	Smith (NE)	Whitley
Regula	Smith (NJ)	Whittaker
Reid	Smith, Robert	Whitten
Richardson	Snowe	Williams (MT)
Ridge	Snyder	Winn
Rinaldo	Solarz	Wirth
Ritter	Solomon	Wise
Roberts	Spence	Wolf
Rodino	Spratt	Wolpe
Roe	St Germain	Wortley
Roemer	Staggers	Wright
Rogers	Stangeland	Wyden
Rostenkowski	Stark	Wylie
Roth	Stokes	Yates
Roukema	Stratton	Yatron
Rowland	Studds	Young (AK)
Roybal	Sundquist	Young (FL)
Russo	Swift	Young (MO)

NAYS—39

Badham	Dreier	Mack
Bartlett	Erlenborn	McCandless
Bateman	Gradison	McCollum
Bilirakis	Gramm	Nielson
Bliley	Hansen (ID)	Oxley
Brown (CO)	Hansen (UT)	Robinson
Burton (IN)	Hartnett	Rudd
Cheney	Holt	Slattery
Craig	Hunter	Smith, Denny
Crane, Daniel	Latta	Stenholm
Dannemeyer	Lewis (CA)	Stump
Daub	Loeffler	Synar
DeWine	Lungren	Zschau

ANSWERED "PRESENT"—1

Vento

NOT VOTING—36

Andrews (NC)	Fowler	Miller (CA)
Corcoran	Goodling	O'Brien
Crane, Philip	Hall (IN)	Paul
D'Amours	Hance	Pickle
Daschle	Hatcher	Porter
Dixon	Heftel	Rose
Donnelly	Huckaby	Savage
Dorgan	Jacobs	Smith (IA)
Flippo	Jeffords	Tauke
Foglietta	Kazen	Vander Jagt
Ford (MI)	Kogovsek	Williams (OH)
Forsythe	McCurdy	Wilson

□ 1430

Messrs. ZSCHAU, HUNTER, BROWN of Colorado, and LEWIS of California changed their votes from "yea" to "nay."

Mr. PASHAYAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3870

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Florida (Mr. CHAPPELL) be removed from the list of cosponsors of H.R. 3870.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2262

Mr. TALLON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

STATE COMMISSIONS ON TEACHER EXCELLENCE

The SPEAKER pro tempore. Pursuant to House Resolution 399 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 203.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the joint resolution (H.J. Res. 203) to establish State commissions on teacher excellence, with Mr. TORRES in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Under the rule, the gentleman from Illinois (Mr. SIMON) will be recognized for 30 minutes and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this Nation is blessed with a great many fine, dedicated teachers who are contributing immensely to the future of this Nation. But we have a problem. The President of the United States has been focusing on this problem. Many of us in this body have been focusing on this problem.

If you are serious about talking about the future of this country you have to be talking about education. And the key ingredient, outside of the home, for the student is that teacher.

The decline in SAT scores this past decade for those going into teaching has been greater than the decline in any other profession, and that is not good news. We need to somehow attract the ablest and the brightest young people to go into the teaching profession.

I would ask any of my colleagues to go into their district, take the top 5 percent in the graduating class of any high school, ask them what they want to do, what field they want to enter, and you will find they want to become lawyers, doctors, journalists, engineers, architects, a great variety of professions. Unfortunately, very few today want to be teachers.

This resolution is an attempt to say to the States: Let us focus on this problem. We are not suggesting the Federal Government has all of the answers or even a major part of the answer. We are saying it is a problem that is of major significance to the future of the country and we are asking each State to establish a commission, just a temporary commission, to look at this whole question of how we can attract quality teachers and keep quality teachers.

I am pleased that this came out of our committee unanimously. I hope it will pass this House overwhelmingly.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague from Ohio (Ms. OAKAR).

Ms. OAKAR. I thank the gentleman for yielding.

I guess as someone who is a former teacher and someone who, frankly, is still on leave of absence from our community college, I could not agree with the gentleman more that we really need to encourage our younger people to go into this noble profession. It is extremely important and we have not focused on the role of the teacher in the manner in which we should in the past.

We know, in fact, it is sometimes a lower paying job and does not have the support that it really needs. I think the gentleman's resolution goes a long way in focusing in on that problem and making us Americans realize that education is one of our most fundamental issues.

Certainly you cannot have fine education without high standards for our teachers, and we need good people to go into that noble profession.

So I want to commend the gentleman not only for this resolution, but for all of the work he has done over the years in this most important domestic issue.

I thank the gentleman for yielding.

Mr. SIMON. I thank the gentlewoman from Ohio.

My guess is that you were an excellent teacher.

Let me just add one other point. One of the points the gentlewoman touched upon is pay and that obviously is a factor. The figures released here just a few weeks ago by the Secretary of Education pointed out the increase in teacher salaries. However, I added the inflation factor for the State of Illinois and in the 1972-73 school year teachers in Illinois averaged $11,198 income. In 1972 dollars—10 years later—it was $9,834.

I would add one other point. The report to the President called "A Nation at Risk" about what we do to acquire excellence in educaton, the State superintendent of public instruction in Illinois, Dr. Donald Gill, suggested it would cost Illinois approximately $1.4 billion.

We are talking about something that is a major problem, but the key ingredient is how we attract and how we keep quality teachers.

This resolution calls on our States to take a good, hard look at that question.

Mr. Chairman, I know I speak for all of my colleagues in the House when I say that I am very much concerned about the quality of education in this Nation. I have read the many reports issued in the last year that report on the national decline in educational excellence. All of the reports agreed that improving the quality of teachers in the classroom is a key element—perhaps the most important element—in stemming the "rising tide of mediocrity."

The merit pay task force, which I chaired, made it clear in its report that many factors have contributed to the decline of our educational system—from changing family patterns to lowered college admissions standards. While acknowledging these factors the task force pointed out that "the key educational role played by teachers suggests that the most rapid improvement in education may be made by upgrading the profession."

Mr. Chairman, to focus on improvements in the teaching profession will not solve the problems of education, but it may provide the most immediate change.

House Joint Resolution 203 would call on the States to focus their attention on the teaching profession by establishing State commissions on teacher excellence. These State commissions would examine recruitment patterns, selection criteria, professional training, and certification and licensing requirements to determine where improvements can be made.

RECRUITMENT

The information we have about the decline on talented students attracted to teaching is disturbing. In the past decade the number of undergraduate degrees awarded in education has dropped from 200,000, or 21 percent of all bachelor's degrees awarded to 108,000, fewer than 12 percent of all bachelor's degrees awarded. This drop can be partially explained by the decline in the number of positions available for elementary and secondary schoolteachers.

We have all seen the statistics on the quality of students attracted to teaching. This factor is even more disturbing. Teaching used to attract many of the brightest students, but recent reports have shown that high achievers have gone into other occupations.

Market forces play a part, A college graduate with a degree in mathematics would receive a starting salary in teaching of about $13,000, with the promise of only small future increases, while the same person would receive about $17,000 as an accountant in private industry, with the promise of substantial salary improvements.

The outlook for a better pool of teachers in the future is not very promising. In the fall of 1970, 19 percent of college freshmen said that they wanted to teach in elementary or secondary schools. In 1982 fewer than 5 percent of college freshmen expressed the same ambition. Less than 2 percent wanted to teach in high school.

The State commissions would look at these facts and suggest ways to improve the recruitment of teachers.

TEACHER PREPARATION

The State commission on teacher excellence would also look at the academic preparation of teachers in their States. For years, critics of education have heaped scorn on schools of education and on the required education courses the prospective teachers must take.

In recent testimony on teacher preparation, received by the Post Secondary Education Subcommittee, I have learned that many of the accusations of deficiencies in teacher preparation are not based on accurate information, For example, published reports have suggested that students should major in one subject matter area, and not take so many education courses. Yet students preparing to teach already take most of their courses outside undergraduate education departments. Future high school teaches take only about 20 percent of their courses in

education, and would-be elementary teachers take only about 40 percent of their courses in education. For students preparing for secondary school teaching, this usually means that they have no more than 30 hours of education courses, half of which are in student teaching. Last year, fewer than 3 percent of the education degrees went to secondary teachers, which means that already most students who want to teach in high school get their degrees in subject matters and get their education credits on the side or in graduate school.

Education majors fall into several categories excluding secondary education: Elementary, 35 percent; physical education, 17 percent; special education, 13 percent and teachers of such specialized areas as home economics, vocational education, prekindergarten, and health education. I have a feeling that when we are warned about the onrushing tide of incompetent teachers, we are hearing only about the coaches, school nurses, elementary school teachers, and shop teachers, not the would-be teachers of history, the sciences, English, and mathematics.

Nevertheless, the State commission on teacher excellence should look at the preparation of teachers in colleges and universities and suggest additional improvements.

TEACHER CERTIFICATION

Tied to teacher preparation is the certification of teachers by States. State legislatures and State boards of education not only set standards for teacher preparation, in many States these governmental units also prescribe the course requirements. The State commission should look closely at the course requirements imposed on teachers, and the requirements placed on universities and schools of education that prepare these students for certification.

Several States have explored the possibility of allowing people without a background in education to teach, especially in fields such as mathematics and science where there are teacher shortages. The teacher excellence commissions would consider these factors. Recent studies have shown that a great proportion of today's teachers are not teaching in fields for which they were prepared. Fifty-one percent of high school science teachers were not trained in their fields. They have received emergency certification or have been moved from other fields to fill the gaps.

TEACHER SUPPLY

In many States, declining school enrollments that have already caused an oversupply of teachers will continue. States in the South and Southwest, however, expect to increase school populations, and will need more teachers. The State commissions can examine enrollment and teacher supply needs in their States, and suggest changes that can improve the situations.

Mr. Chairman, I receive countless letters from highly qualified, experienced teachers in Illinois, who are not teaching and cannot find jobs. Their letters echo a situation described in the Washington Post on Sunday. Montgomery County, Md., one of the Nation's most progressive school systems, is forced, because of budget constraints, to choose less qualified, less experienced teachers because they can pay them less. School systems have little opportunity to recruit the brightest, most talented, and most experienced teachers, because they cannot pay them what they should be paid.

State commissions on teacher excellence can look at the constraints on local school districts in recruiting highly qualified teachers because of their budget problems.

Moreover, the State commissions should assess the allocation of State funds for teacher preparation within universities. Currently, the allocation for teacher education in universities amounts to only half the allocation for all other undergraduate, and only one-third of the allocation for elementary and secondary students. Because of poor funding, teacher education in universities has suffered from a lack of research and scholarly support.

Finally, the State commissions should look at the methods of evaluating classroom teachers and the continuing professional development of teachers.

Mr. Chairman, since this bill was reported from the Education and Labor Committee in May, a number of States have begun the process of making recommendations to raise educational standards in their States. This, indeed, is an encouraging sign. Yet I believe that all States could profit from a thorough consideration of their recruitment, training, and certification policies.

In these States where task forces, commissions, or agencies are already focusing on these issues or have completed their work, this joint resolution allows those States to submit reports of those agencies in lieu of creating a separate commission.

The report submitted by State commissions on teacher excellence and other comparable agencies would recommend improvements to programs and systems in local, State, and Federal agencies.

Mr. Chairman, I urge my colleagues in the House of Representatives to join with me and the unanimous Education and Labor Committee in passing this joint resolution. We have a unique opportunity in this country to make changes to improve this Nation's educational system, starting first with improving the conditions and opportunities for teaching.

In a recent article, Diane Ravitch of Columbia University described the charge for the State commissions on teacher excellence:

> As a mass, public profession, teaching will never offer salaries that compare favorably with law or medicine, but it does offer satisfactions that are unique to the job. In every generation, there are people born with a love of teaching. They want to open the minds of young people to literature, history, art, science, or something else that has seized their imagination. To recruit and hold onto such people, the Nation's schools must not only reward them adequately but must provide the conditions in which good teaching can flourish. That will not come about through public incantations; it will demand realistic programs and imaginative solutions. But a nation that has led the world in popular education for more than a century owes it to itself to meet the challenge.

□ 1440

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, House Joint Resolution 203 has largely been overtaken by events since it was first introduced in the last Congress. Nevertheless, I see no reason to oppose this particular piece of legislation because it serves to renew evidence that Congress does have an interest and policy objections in seeking to enhance the teaching profession in this country.

Quite frankly, Mr. Chairman, many of us voted against the similar resolution which failed to pass under suspension of the rules in the 97th Congress. Why did we vote that way? Many of us were concerned about the Federal direction in an area recognized as almost a wholly State and local matter and responsibility.

Moreover, we saw no reason to impose still another layer of bureaucracy at the State level by telling the States to establish a commission to examine the problems associated with establishing a commission of teacher profession excellence and to report back with those recommendations. However, as I said, I support this resolution because the one we are considering today is different from that which failed earlier, mainly because our colleague from Wisconsin (Mr. GUNDERSON) offered an amendment in committee in which he made clear that we do not require those States that already have or are now looking into and have some sort of commission and evaluation system in place to evaluate the caliber of teachers so we do not duplicate those efforts in the States which they have already taken upon themselves.

With this change, then, we leave no doubt that this resolution does not mandate specific action by a State. Certainly many States recognize the

problems associated with teacher preparation and proficiency, pay and retention, well before the recent spat of reports that have hit the public in the last few months. The administration in its statement of policy on this resolution points out that all 50 States, in fact, have established task forces dealing with this question of educational reform, including issues of teacher excellence raised by the National Commission on Excellence in Education and other national studies.

In my opinion, however, these current efforts do not necessarily conflict with the intent of this resolution. It may not be essential, this legislation, but I think it does serve to let the States know that we encourage and support their efforts in this regard, to improve the quality of the teaching profession in particular, the quality of education in general.

So, Mr. Chairman, I think it would be helpful for the Congress to have the opportunity for these evaluations and the findings and suggestions made by these State commissions.

The gentleman from Texas (Mr. BARTLETT) will offer two amendments which I think strengthen the bill. Those amendments would require the States in their evaluations to find and discuss the subject of performance-based pay for teachers and also to include the topic of student discipline and school discipline in those evaluations.

I support those amendments and I think they strengthen the resolution.

At this point I reserve the balance of my time.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ERLENBORN), the ranking member of the Committee on Education and Labor.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding time to me. I would just like to make a few observations about this resolution.

First, I believe the States need no prodding to take steps to improve the training, evaluation, and certification of their teachers. Even before the release of the flurry of recent reports on the condition of education in this country, many States were involved in improving their schools and teacher competency. Well before the issue became elevated to center stage, they had recognized the problems and were searching for solutions.

While we have been debating the implications of these reports here in Washington, Governors and other State officials have been acting. The national attention focused on the condition of education has apparently accelerated the State educational reform movement, and that is good. Moreover, these reports provided many useful recommendations for consideration. My point, however, is that the States are marching way ahead of this resolution we are considering to recommend they take certain steps. My own State of Illinois, listed last year by the President of the National Education Association among 17 characterized as "in the vanguard of educational excellence," has already made great strides.

Second, I wish to note my understanding that there is no Federal dictation here. By amending the resolution in subcommittee, we made it clear that States which now have or have had commissions or other means of looking into the question of teacher competence are not required to do more. The resolution merely says the States "should"—not "must"—examine the problems connected with declining teacher competence and recommend programs and policies to foster excellence. As I have already pointed out, the States are well aware of the problems and are already, in fact, doing something about them.

Third, I would like to mention my concern that the resolution will be viewed as presupposing that the Federal Government has, or should have, an active role in teacher education. While certainly of interest to the Congress, the responsibility for teacher preparation and certification belongs and always has belonged to the State and local entities. This is as it should be. I hope, therefore, that this resolution will not be interpreted as an indication that the Federal Government should begin meddling in this area of educational policy.

Mr. SIMON. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I thank the gentleman for yielding time to me, and I commend the gentleman and the committee and the gentleman from Illinois (Mr. ERLENBORN) for bringing this resolution to the consideration of the House.

Mr. Chairman, I rise in support of House Joint Resolution 203, which would establish State commissions on teacher excellence.

Throughout the past year, studies and evaluations of our Nation's schools have been brought before this body in an effort to identify the cause of a seeming decline in the quality of our educational system. We have heard from the National Commission on Excellence in Education, the Twentieth Century Fund, the Merit Pay Task Force, and the National Science Foundation, among others, each with its own criticism and recommendations.

On one point, however, all studies are in agreement—the quality of teachers plays a vital role in the type of education which our children are to receive. Clearly, there is a need for States to reexamine their teacher preparation and certification requirements to insure that the professionals on whose skills rest the burden of education are indeed prepared and qualified for their task.

House Joint Resolution 203 would call on the States to establish commissions on teacher excellence to examine these procedures within their States, as well as to consider teacher excellence proposals included in the various studies to determine their applicability.

Mr. Chairman, this resolution would not impose any conditions or restrictions on the States—it merely encourages each jurisdiction to focus in on this important subject. I urge my colleagues to join me in support of House Joint Resolution 203, and to give the subject of teacher excellence the attention it requires.

Mr. SIMON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I thank the able gentleman from Illinois (Mr. SIMON) for allowing me to speak a moment and I commend him upon the sponsorship of this resolution. His doing so is characteristic of his long career in this House as a devoted friend and champion of the cause of education because he knows what education means to individuals who have the benefit of it.

Whatever some of us may be able to contribute to our country in our lifetime is due largely to the fortuitous circumstances that we were able to obtain in education.

This commission, these commissions in several States authorized by this resolution, I am sure will do a creditable job in stimulating excellence in education.

I suspect, Mr. Chairman, these respective commissions will discover that our President recently, when he said, "Education does not need more money, it needs only discipline," they are going to find they need school buildings, they need brick and mortar, they need better pay for better teachers, they need money as well as, of course, discipline and other desirable attributes.

The only way we are going to fit the new America to the changing economy of the future is by developing education and skills in our citizenry so they will be able to contribute something meaningful and appropriate in our economy.

□ 1450

So in the sponsorship of this resolution, I say to the able gentleman, "You are stimulating a greater future America."

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, at the time of its introduction, House Joint Resolution 203 represented, I think, a significant step in Federal

leadership. That introduction was over 1 year ago.

By recommending that States establish commissions on teacher excellence, the resolution spoke to the heart of the findings and recommendations in the report issued later by the National Commission on Excellence in Education.

But because of that report, "The Nation at Risk," and because of the vastly increased activity at the congressional, the State, and the school levels which have followed that report throughout this Nation, House Joint Resolution 203 has been made somewhat redundant. Indeed, 45 out of 50 States have already established commissions on excellence in education. And most States and school districts are considering teacher excellence as one of their primary focuses.

Nevertheless, this resolution contains no mandate and no cost and I do not oppose House Joint Resolution 203, as it is harmless.

I will be offering, however, two amendments that would increase the specificity and the benefits and the relevancy for 1984 for this resolution, so that this resolution will speak to what is taking place in education at the State and local level in 1984.

States throughout our Nation, Mr. Chairman, are already investigating, and in some cases implementing some of the recommendations in "A Nation at Risk." However, the teaching profession is still not receiving the attention that it warrants in these two important areas on which I will be offering amendments.

My first amendment will be on the issue of teacher compensation. A study released by the Department of Education earlier this month indicates that the average salary for a teacher in the United States is $17,630. It is clear, therefore, that to keep superior teachers in the classroom we must find ways to reward them. They should not have to leave the profession or become central office administrators in order to support their families, in order to achieve and in order to increase their professional placement.

Experiments with performance-based pay for teachers have already received the endorsement of a bipartisan task force appointed to examine that issue. That Merit Pay Task Force was headed by the distinguished chairman of the Subcommittee on Postsecondary Education, who is also the author of the resolution which we are discussing today.

So it is not only appropriate but it is essential that the State commissions, which this resolution encourages, shall also be directed to examine incentive pay for teachers and how that incentive pay can be adapted to each State's particular circumstances.

Therefore, my first amendment will be offered to that effect.

I will also offer an amendment regarding another area which has a direct effect on teacher excellence: support from principals and other administrators, and student discipline.

My second amendment states that the commissions should also review the methods used by administrators, principals, and teachers to maintain an atmosphere conducive to academic progress and teaching excellence.

This second amendment further says that States should also review means of improving student discipline as well as the establishment of alternative educational settings for chronically disruptive students.

Now a teacher cannot teach if he or she does not have control of his or her classroom, and that control is impossible without the backing of the principal and other administrators.

The finest academic preparation and the highest salaries for teachers will be of little value if a teacher is placed in an environment which is not conducive to learning.

I believe that students who are chronically disruptive should be removed from those regular classes so that their fellow students may pursue their academic studies. At the same time we cannot allow the high school dropout rate to spiral higher than it has already gone.

Behavior problems are often the root of a student's decision to drop out. And is some instances, when those problems are sufficiently severe, the student may be suspended or expelled.

The Nation's schools, Mr. Chairman, are finding alternative ways of dealing with chronically disruptive students. In my own district, in Texas, the Carrollton/Farmers Branch Independent School District has already established an alternative school and a reassignment school for students who cannot function in a regular school setting and those are the kind of creative new solutions that school districts are finding all over the country and that this amendment will encourage.

We should encourage communities throughout this country to examine those programs such as those so that they might find what would work best in local schools.

So I commend the gentleman from Illinois for his early leadership in originally introducing this resolution. And I also ask for the support of my colleagues to amend House Joint Resolution 203 so that it might better address our national crisis in teacher excellence.

The CHAIRMAN. The time of the gentleman from Texas (Mr. BARTLETT) has expired.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I support both amendments. They add to the resolution and, if the gentleman wishes to take them en bloc when we get to that point, that would be perfectly all right with me. They are both excellent amendments.

Mr. BARTLETT. I thank the gentleman for his support and I will be taking them en bloc, unless there is a request from elsewhere on the floor.

● Mr. FORD of Michigan. Mr. Chairman, I rise in support of House Joint Resolution 203, a joint resolution on State commissions on teacher excellence. This resolution helps to focus the attention of the States on addressing the problem of teacher excellence and encourages them to examine exemplary programs currently in place in some areas and where possible to implement those programs in their own jurisdictions. The States are further encouraged to assist the Federal Government in determining what the appropriate Federal role is in strengthening teacher excellence.

Mr. Chairman, the chairman of the Subcommittee on Postsecondary Education, the gentleman from Illinois (Mr. SIMON) and the ranking minority member of the subcommittee (Mr. COLEMAN) should be commended for their leadership in investigating this very serious challenge to American education and for bringing this resolution to the floor.

Last April, the Commission on Excellence in Education issued its report, "A Nation at Risk." One of the major problems it cited was that of teacher quality. I would like to point out that the subcommittee made similar findings during hearings held in the 97th Congress when this resolution was first considered. What the subcommittee hearings found and what the Commission on Excellence in Education reemphasized was that high scoring students (on SAT tests) generally were not attracted to teacher training programs and teachers who scored high (on SAT tests) left the education field in disproportionate numbers. As a result teaching was left to those who simply were not as well qualified academically as other professionals.

House Joint Resolution 203 asks the States to establish State commissions on teacher excellence which would:

Evaluate training and performance requirements of teachers and institutions of higher education which prepare teachers;

Examine successful teacher excellence programs in other States;

Review the Commission on Excellence in Education report and recommendations to determine which rec-

ommendations can be implemented by the States and at what costs;

Examine the process of teacher preparation from recruitment of undergraduates to continuing professional development for teachers currently in the classroom; and

Report to State, local, and Federal agencies the results of the evaluations along with recommendations for improvement which can be accomplished at each level of government.

The resolution does not have any costs associated with it. It only requests the help of the States in evaluating teacher education in America. It does set the stage for the type of State-local-Federal partnerships that will be essential to solving the problems now facing American education. I encourage my colleagues to support this legislation.●

● Mr. WYDEN. Mr. Chairman, I rise in support of House Joint Resolution 203, and I want to commend my colleague, Chairman PAUL SIMON, for producing a resolution that speaks to the most fundamental aspect of education in America—good teaching.

It is clear from the plethora of reports on education in America that we are facing a crisis in the teaching profession. Today, 10 to 20 percent of teachers quit teaching in 1 year, and half of all teachers leave the classroom after 7 years. Worse, studies show that it is the cream of the crop who are defecting.

As a member of the Task Force on Merit Pay, I have heard repeated testimony from experts about the challenges facing teaching in America. The issues of teacher training, certification, development, advancement, and rewards were all matters the task force examined and reported on.

It is clear from our examination that the issues of teacher preparation and excellence are best addressed by State and local governments, which are in the position to adequately evaluate and recommend on the effectiveness of training programs, certification requirements, and classroom performance.

I believe it is important for us to encourage and support those efforts, as House Joint Resolution 203 would have us do. The Federal Government must promote educational reforms and excellence in education. As the Task Force on Merit Pay concluded:

> All States and local school districts, as well as educational organizations and the Federal government, should join in the search for improvement; a search that inevitably leads to the educators, who have contributed so much, who deserve our gratitude, and whose concrete problems must be addressed in concrete terms.

I urge my colleagues to vote in favor of the resolution.●

● Mr. HOYER. Mr. Chairman, the goals of the Nation's school systems cannot be met unless there is a firm commitment to excellence. I wholeheartedly support House Joint Resolution 203, which would establish State commissions on teacher excellence. As the resolution points out, the well-being and the progress of the Nation is dependent upon quality education.

The responsibility for ensuring quality education in this country cannot, however, be focused only upon the excellence of its teachers. The responsibility must be shared by parents, political leaders and teachers. We must also understand that we cannot expect excellence in the teaching profession unless we provide the proper incentives for those who may be interested in a career in teaching. Among these incentives should be increased funding of higher education grant and loan programs and increased teacher salaries. We cannot expect to attract and retain teachers unless we take these two fundamental steps.

Parents must also commit themselves to excellence. Learning does not stop at the end of the schoolyard. So too, our political leaders, at all levels, must realize that if they expect to have a good public school system which produces our leaders of tomorrow, then they must provide the necessary funds for that education.

Unlike the Reagan administration which spends a great deal of prime news time talking about quality education while gutting the education budget and the department as a whole, we must provide real and meaningful ways to improve our educational system. Better teachers, smaller classrooms, and higher test scores will not be achieved without a directed effort, no matter what Mr. Reagan says.

Mr. Chairman, unless we act swiftly and with firm resolve we will have effectively lost a generation of American children who will not have the tools necessary to compete in American society. House Joint Resolution 203 offers just one of the avenues that we must explore in our effort to recapture quality in public education.●

● Mr. CLAY. Mr. Chairman, I support House Joint Resolution 203 which will establish State commissions on teacher excellence.

In brief, the purpose of this resolution is to call for these State commissions to encourage the preparation and retention of quality teaching professionals and to report to local, State, and Federal governments on their programs and policies.

This resolution will also call for these State commissions to review the recommendations released on April 26, 1983 by the Commission on Excellence in Education and determine which recommendations of the commission can be implemented by the State.

Although a number of State-level commissions have already been formed to study various aspects of education improvement, there is an increasing national wide-spread concern regarding the recruitment of, the preparation of, and the retention of high quality teachers in our Nation's schools.

Extensive hearings have been held on this subject and unanimous support has been received for the purpose of this resolution from public school educators, college and university administrators and teachers, national education associations, State boards and department of education personnel, private educational foundations, and State commissions on education.

It is appropriate that some States have already established commissions, but this resolution is a means of showing support on the national level that there should be such commissions formed in every State.

There has been an increasing number of educational reform reports calling for an improvement of our public schools. As a result of the public release of these reports, the quality of education in our schools and appropriate Federal action has become a major issue across this country.

Although these educational reform reports have attracted widespread discussion, national awareness, attention, and focus on the quality of education, there were already in place a number of ongoing educational plans around the country addressing this most pressing problem of quality education.

House Joint Resolution 203 will serve as a conduit for coordinating and unifying local, State, and Federal efforts in education. This effort can serve to strenthen and enhance an information sharing process among local, State, and Federal governments.

Mr. Chairman, you can be assured that I am opposed to the Federal domination of local school districts, but I firmly support Federal cooperation with local school districts and States in order to maximize optimum learning opportunities for all students.

Although I recognized that there is still a host of outstanding teachers in classrooms across this Nation and are still serving students in innovative, imaginative, and creative ways, there is strong evidence that the quality of teaching is declining. There is a decline in standardized test scores for education majors and there is a correlation between high national teacher examination score and low retention rates. In other words, students who are attracted to the field of education are the low scorers on standardized tests and those students who score high on such tests in education leave the profession. Procedures need to be set into place to correct this situation.

Public education presents a serious national challenge to our Nation's public schools. The total well-being and progress of our Nation depends upon the quality of education Americans receive.

The teacher is the central figure in this process. The quality of education in this Nation can be no better than the quality of its teachers. The whole issue of teacher excellence is so important in improving and maintaining the quality of education.

Mr. Chairman, I recognize that the licensing and certification of teachers is a State responsibility; however, I also believe that a national focus and interest demonstrated in this Congress will serve to give guidance and support to this increased and much needed emphasis on educational excellence.

It should be noted that the Congressional Budget Office has determined that the passage of House Joint Resolution 203 will require no increase in Federal funds.

Education presents a serious national challenge and there should be a national response. I firmly believe that the passage of this resolution will signal national support for the improvement of educational efforts at the local and State levels and the end result will be the betterment of education for all Americans.●

● Mr. BIAGGI. Mr. Chairman, again, as a senior member of the House Education and Labor Committee and as someone who has served on the different subcommittees dealing with elementary, secondary, and postsecondary education, I rise today both to support this resolution and pay tribute to the common denominator which unites all education—teachers.

House Joint Resolution 203 calls upon the States to establish commissions to investigate the recruitment, selection, training, certification, and continuing professional development of teachers. It also calls upon these commissions to determine which recommendations of the President's Commission on Excellence in Education can, in fact, be implemented.

It is vital that we, as a nation, take stock in our education system and work to make it both excellent and competitive. We must begin this process by again taking steps to restore the word profession to teaching. Too many teachers in this Nation are underpaid and overworked and as a result burned out. The result is they cannot give their best to their students and the entire process suffers.

House Joint Resolution 203 obviously does not set out to solve these or other problems facing America's teachers. However it does put this institution on record in terms of conveying its concern about the erosion of teacher effectiveness in America. It rightfully recognizes that the key decisions must be made by the States. However, I vote for it with the implicit understanding that we as the Federal Government must maintain our commitment to all education including teaching.●

● Mr. McEWEN. Mr. Chairman, as a cosponsor of House Joint Resolution 203, I rise in strong support of this timely and worthwhile resolution. With the advent of the reports on the condition of education by the National Commission on Excellence in Education and other concerned organizations, America is experiencing a renewed commitment to providing quality education for children across the country. Parents, teachers, and students are seeking various ways to achieve this educational excellence.

This goal will not be achieved overnight. It will take a concerted effort on the part of everyone each day of the year. House Joint Resolution 203 requests that States establish commissions on teacher excellence to examine teacher preparation, certification requirements, and recommend programs and policies to foster excellence in teaching.

This resolution does not mandate specific action by any State and thus has no direct State and local impact. However, House Joint Resolution 203 urges States to examine their teacher policies and reorient their practices which promote excellence. This evaluation by State and local governments will serve the national interest in our quest to enhance America's educational system. I urge my colleagues to support this measure.●

Mr. SIMON. Mr. Chairman, I have no additional requests for time.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield back the balance of my time.

Mr. SIMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the reported joint resolution as an original resolution for the purpose of amendment.

The Clerk read as follows:

H.J. RES. 203

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares—

(1) that the governments of the States should carefully evaluate the training and performance requirements which they specify for teachers and teacher preparation institutions to ensure the competence and encourage the excellence of their teachers;

(2) that such an evaluation by any individual State could well profit from the investigation of teacher recruitment, selection, training, certification, and licensing in other States;

(3) that, in order to promote this evaluation, States which do not have or have not had a government commission, board, or other group or method to examine current recruitment, selection, and training of teachers should establish commissions on teacher excellence to undertake consideration of the broad range of factors involved in the entire process by which teachers are recruited, selected, and trained from admission to college and university degree programs through preparation for teaching in the current educational environment, certification, and licensing, and continuing professional development;

(4) that such State commissions should evaluate the April 26, 1983, report of the Commission on Excellence in Education, appointed by the Secretary of Education, to determine which recommendations of that Commission can be implemented by the States and to determine the cost to the States to implement such recommendations;

(5) that, in addition to the progress which could be obtained by the use of this evaluation by State and local governments, the national interest in the continuous improvement of the Nation's teachers would be served if the results of these investigations were made available to the President and Congress, together with recommendations from the States on ways in which improvements in the quality of public school instruction could be assisted by research, evaluation, new policy initiatives, and changes in existing Federal laws.

Mr. SIMON (during the reading). Mr. Chairman, I ask unanimous consent that the joint resolution be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENTS OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer two amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. BARTLETT: On page 3, after line 3, insert the following (and redesignate the succeeding paragraphs accordingly):

"(4) that such an evaluation by each State should include a study of career ladders, master teacher plans, and other forms of performance-based pay for teachers, to determine the effectiveness of these pay practices for the individual States and localities to improve the quality.

On page 3, after line 3, insert the following (and redesignate the succeeding paragraphs accordingly):

"(5) that such a study should include a review of methods utilized by administrators, principals, and teachers to maintain an atmosphere conducive to academic progress and teaching excellence, including means of improving student discipline and the establishment of alternative educational settings for chronically disruptive students;

Mr. BARTLETT. Mr. Chairman, as I previously noted in my statement, these amendments, as the author of the resolution has stated, have been accepted by the author of the resolution and the other side. I would offer them en bloc.

These amendments add specificity to the resolution so that we are encouraging these commissions on teacher excellence to specifically examine the issues of merit pay, incentive pay and to specifically examine the issues of student discipline in the classroom.

Mr. Chairman, I yield back the balance of my time.

Mr. BLILEY. Mr. Chairman, I rise in support of these amendments to encourage the use of merit pay for teach-

ers and for teacher competency testing.

Initially, let me say that I think the establishment of State commissions on teacher excellence is a good step. States must take on the primary responsibility of improving the educational standards of our schools and in particular those who teach in our schools. Unfortunately, this body is, as usual, about a year behind, and many States, to their credit, have already established these commissions.

I believe our society has lost sight of the important role that teachers play in the development of our children. Although many parents are now taking on the responsibility of teaching their children the basics of reading and writing before they enter school, for most children this responsibility lies with their first teacher. We as a society rely on the ability of teachers to instill in children the desire to learn and to give them the tools to become the leaders of the next generation. We have taken this role for granted and have ignored the fact that if teachers are to support our children, we must support our teachers.

The teaching profession is one of the lowest paid of all skilled professions. This in itself is a travesty and much needs to be done to improve this situation.

But I also believe we need to improve the quality of teachers, and to provide incentives for good performance. Merit, or performance pay will do this job. While teaching salaries in general should be increased, so should the salaries of those teachers who have proven their ability to motivate students and encourage learning. Merit pay will give good teachers the incentive to remain in the teaching profession; knowing that they will be rewarded for their efforts. Likewise, it will encourage those teachers who have only done what is needed to get by to put more effort in their jobs with the knowledge that there will be monetary rewards for that effort.

Teaching is an honorable profession which offers too little in the way of compensation save the satisfaction of passing on knowledge to young minds. Satisfaction, however, cannot pay the bills. Teachers remain in the unenviable position of knowing that regardless of what kind of job they do, their salaries will remain the same, only increasing at preset intervals. We must encourage our teachers to strive for outstanding performance in the same way that we encourage other professionals: through monetary incentives. We cannot continue to pay teachers deflated salaries because they are doing a honored job or because we believe that all teachers are in that profession because they love it and would work for nothing. Surely teachers must love their jobs, but they must also be encouraged to excell in their jobs just as everyone else is: through monetary incentives. What better way to do this than through merit pay?

We rely heavily on our teachers to bring out the best in our children. Let us do something for them in return by rewarding their good performance through merit pay.

I support the establishment of State commissions on teacher excellence and I also support the idea of merit pay for qualified teachers. The problem we must address here, however, is how to determine if a teacher is, indeed, qualified. We have all heard a great deal lately about the quality, or lack thereof, of teaching staffs. There are the math teachers who cannot do simple arithmetic without the use of a calculator and English teachers who do not themselves have a proper grasp of the language. In order to support increased pay or merit pay we must have a yardstick by which to measure the quality of the teaching profession. We have to be absolutely sure that the person we put in front of a classroom has the knowledge and skill to pass on information to the students and to pass it on correctly.

I know that many teacher unions oppose the idea of competency testing. They see it as an insult to their intelligence and integrity. I think they should look on it as an opportunity to prove their ability and weed out those few in the profession who simply do not belong there. The teaching profession is not unlike many other professions in this regard. Sometimes people find themselves in jobs in which they cannot compete and cannot hope to excel. Just as often this problem is overlooked by supervisors or accepted as the norm. Our society cannot allow this kind of complacency in the teaching profession. We rely on teachers to impart their knowledge to our children in the best manner possible. I would think that teachers would encourage competency testing to insure that only the highest standards are met by members of their profession. Certainly doctors, lawyers, and accountants hold the highest standards for members of their profession, why then should the teachers not demand the same?

The idea of merit pay goes only so far in establishing a level of excellence for teachers. Must we not have a standard in order to judge who qualifies for merit pay and who does not? It seems to me that there should be no debate on this subject. I believe we have a right to know that the people who are teaching our children are, indeed, qualified for that job. Competency testing should become standard procedure for teachers everywhere.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. BARTLETT).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: On page 2, line 12, strike the semicolon and insert in lieu thereof a comma and the following: "and should include an evaluation of periodic performance examinations as a means to ensure the competence of its teachers;"

Mr. HUNTER. Mr. Chairman, this amendment is a very simple amendment that is directed at a very important area in education and that is the competence of our teachers. And in reading the Commission on Excellence in Education's report entitled "A Nation at Risk," you can see that there is a problem presently in the United States in finding and maintaining and evaluating teachers in the area of competence.

□ 1500

And I would quote from the report under the section entitled "Findings Regarding Teaching."

Too many teachers are being drawn from the bottom quarter of graduating high school and college students. The teacher preparation curriculum is weighted heavily with courses in educational methods at the expense of courses and subjects to be taught.

A survey of 1,350 institutions training teachers indicated that 41 percent of the time of elementary school teacher candidates is spent in education courses which reduces the amount of time available for subject-matter courses.

The shortage of teachers in mathematics and science is particularly severe—another finding.

A 1981 survey of 45 States reveals shortages of mathematics teachers in 43 States, critical shortages of science teachers in 33 States and of physics teachers everywhere.

And, lastly, and I think most importantly:

Half of the newly employed mathematics, science and English teachers are not qualified to teach the subjects. Fewer than one-third of U.S. high schools offer physics taught by qualified teachers.

And in the area entitled "Recommendations":

It is recommended that persons preparing to teach should be required to meet high educational standards, to demonstrate an aptitude for teaching and to demonstrate competence in an academic discipline. Colleges and universities offering teacher preparation programs should be judged by how well their graduates meet these criteria.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, if I understand the gentleman's amendment, he would simply say that one of the things that we want to happen in our teaching profession is that they be examined to

make certain that they are competent to be in the classroom.

Is that what the gentleman's amendment is about?

Mr. HUNTER. That is all it says. I think we understand that we have an educational problem today that touches on many areas, teacher involvement, parent involvement, et cetera, but certainly one has got to be teacher competence.

Mr. WALKER. If the gentleman will yield further, I do not know how many people out here who are discussing this today have ever taught in schools, but I have. And virtually every teacher who has ever been in the schools knows that you can go up and down the hallway in the school, and the teachers know who the good and bad teachers are. We know that there are some good ones there and we know that there are some bad ones, and you can pick them out. The fact is that there probably ought to be a way not only to pick them out but to weed them out, that we ought to assure ourselves that only competent people are teaching our children.

I congratulate the gentleman for his amendment. It seems to me that if we are going to talk about teacher excellence, as this resolution does, one of the items that we will want to address in it is assuring ourselves that only competent people get in the classroom and stay in the classroom.

I congratulate the gentleman for offering this amendment.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I would simply say that we are not doing our students or our teachers any service—in fact, we are doing them a disservice—if we do not require that the people who teach English know English and that the people who teach mathematics know mathematics, and on down the line.

I would hope that the majority of the Members on the other side of the aisle would agree with this very simple but I think important amendment.

Mr. SIMON. Mr. Chairman, with great reluctance, I oppose the amendment for three reasons.

No. 1, the general area is covered by the amendment offered by the gentleman from Texas (Mr. BARTLETT).

Second, if the aim of the Member offering the amendment is as indicated, that is not really what the language says. The language calls for an evaluation of examinations. I am not sure these State bodies that we are talking about are equipped to evaluate these examinations of teachers.

The third thing is that, obviously, we are all concerned about the competency of teachers, and I am concerned that the focus be not too much on lifting that bottom level for teachers but in lifting the heights of the ability of our teachers.

The amendment is well intentioned. This body would be wise to not accept this amendment, and I hope we can cover in some language that would be adopted in conference the aim of the gentleman, which I respect and understand.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. Mr. Chairman, would the chairman inform me as to which group under the gentleman's amendment would conduct the evaluation of teacher performance?

Mr. SIMON. I think I would have to yield to the gentleman from California who offers the amendment, because I am really not equipped to. The amendment actually does not say an evaluation of performance. It says an evaluation of examinations. And I do not think that is probably what the gentleman from California wants. But to answer the gentleman's question, I think I would have to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, in answer to the question, the amendment does not designate any particular group to conduct an evaluation, but it is simply setting forth in this resolution the feelings of a Congress that, along with the other areas that are mentioned in this resolution as being required to restore excellence in education, certainly the competency of the teachers is an area that cannot be ignored and that there should be evaluations of these teachers to assure that the person who teaches mathematics knows mathematics and that the person who teaches English knows English, and so forth. And certainly there are not specifics laid out exactly as to who is going to do this and what board is going to undertake the task and how it is going to be administered, but I think it is fair to say that the entire resolution is fairly general in nature.

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to my colleague, the gentleman from Montana.

Mr. WILLIAMS of Montana. It seems to me that this amendment may take on considerable importance, and before I would support it I would want to know whether the amendment was calling for an evaluation of an evaluation process or an evaluation of teacher performance, and then I would want to know which group in the State is it that we are requiring to make that evaluation.

If I could have the attention of the author, perhaps he could answer the question. Let me state it again for the author, if I may, Mr. Chairman.

First, I would like to know whether the gentleman's amendment suggests an evaluation of teacher performance or whether it suggests an evaluation of the method we would use to evaluate teacher performance. The gentleman has already answered the first part of my question previously, which was that you do not know which group would conduct the evaluation.

So now my question is: What would you be evaluating, the teachers or the mechanism by which teachers could be ranked?

Mr. HUNTER. If the gentleman will yield, under the general directive you could evaluate both the teachers themselves and the method of evaluation, because certainly the method of evaluation drives, to some degree, the effectiveness of any test that would be given, in other words, the way that it is given. But I would think that this would be directed mainly at looking at the examinations and determining whether those examinations in fact assure competency. In other words, are the examinations sufficient to assure competency. This would be directed less at the methods and more at the substance.

Does that answer the gentleman's question?

Mr. WILLIAMS of Montana. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. SIMON) has expired.

Mr. WILLIAMS of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that the amendment may have some merit, except that the language of the amendment does something different than the author, it seems to me, wishes the amendment to do.

I suggest that each State now has a performance standard, which apparently those individual States believe is adequate, for the testing and evaluation of their teachers. Each State, it seems to me, has been very careful and very prudent about both their performance standards with regard to who may have a teaching certificate, and then each State has been very cautious, in my judgment overly cautious, about the renewal of that certificate unless the teachers of that State continue to meet certain performance standards, which usually carry with them the requirement of additional education.

I know of no other profession in the country which requires those educated in that particular discipline to return to school periodically, usually quite often, in order to continue to practice in that discipline. Teachers are required to do that in almost every State in this country.

The notion that we seem to be coming to around America that teachers cannot teach, that we are graduating them from teacher preparation institutions without even the basic rudi-

ments in their discipline, is demonstrably false.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think I have made it clear when I initially offered the amendment that there are a number of areas that need to be addressed and obviously have been addressed by this resolution, including the parents, the curriculum, and number of other areas. But you cannot leave the question without also addressing teacher competency.

□ 1510

So I am not trying to say that teachers are incompetent throughout the Nation and that they are the only people who are at fault for the decline in excellence in education. But I am saying that that question cannot be ignored, and I think that perhaps I can clear up the gentleman's problem by simply asking unanimous consent to withdraw this amendment and insert in lieu thereof the word "competency" on line 11, page 2, immediately after "certification."

But the thrust of this amendment is aimed at inserting in some place that competency should be one of the things that we are looking at, teacher competency. We have here, and I quote: "that such an evaluation by any individual State could well profit from the investigation of teacher recruitment, selection, training, certification," and I would simply ask that "competency" be inserted immediately after "certification." I think perhaps that would take care of the gentleman's problems and perhaps the chairman's problems. Is that satisfactory?

Mr. WILLIAMS of Montana. Mr. Chairman, reclaiming my time, that certainly clarifies the amendment and the gentleman's intention from my standpoint. I have no particular objection to including that language in the bill.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the chairman of the subcommittee, the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Yes, Mr. Chairman, I think that does clarify it and it gets at what the gentleman is trying to get at without the cumbersome language he had before. I have no objection to the unanimous consent request for that change and would support such an amendment.

AMENDMENT WITHDRAWN—AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to withdraw the amendment and in lieu thereof insert the word "competency" on page 2, line 11, immediately after the word "certification."

The CHAIRMAN. Will the gentleman from California please restate the change to the bill?

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to withdraw the amendment and insert in lieu thereof the word "competency" on line 11, page 2, immediately after the word "certification."

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the substitute?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The Clerk will report the preamble to the joint resolution.

The Clerk read as follows:

Whereas the education of Americans is the foundation on which the future well-being and progress of the Nation depend;

Whereas the quality of the Nation's teachers is vital to the quality of that education; and

Whereas under the American federal system it is the responsibility of the States to regulate the certification and licensing of those teachers:

The CHAIRMAN. Are there any amendments to the preamble?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 203) to establish State commissions on teacher excellence, pursuant to House Resolution 399, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUDUN ENDESTAD

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1863) for the relief of Audun Endestad, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Audun Endestad shall be held and considered to have satisfied the residence and physical presence requirements of section 319(a) of the Immigration and Nationality Act.

Mr. ALEXANDER. Mr. Speaker, Senator GARN has introduced a private immigration bill, S. 1863, that would authorize for Mr. Audun Endestad an immigration hearing, on the merits, before an immigration judge, in time to let this great athlete participate in the winter Olympics.

Mr. Endestad is now a permanent resident; he is married to an American; he has sterling character references; the bill has passed the Senate.

In brief, Mr. Endestad has been a permanent resident for 2 years and some 7 months. The normal waiting period is 3 years. This bill simply waives the remainder of the waiting period, about 6 or 7 months, and allows the immigration judge to make a decision on the merits.

It does not make the applicant a citizen; it will just get him a normal, legal hearing in time for the winter Olympics. The chairmen and ranking Republicans on the Judiciary Committee, and the Immigration Subcommittee, have no objection to this motion. I ask unanimous consent that the Judiciary Committee be discharged from consideration of the bill, and that it now be considered in the House.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of S. 1863.

Mr. Speaker, I am coming before you today to request your consideration and support of S. 1863, a private relief bill for Audun Endestad.

Audun has been in the United States for 9 years. Three years ago he married a U.S. citizen and applied for citizenship. He is now completing the 3-year residency requirement needed before he can become a naturalized citizen in October. This bill would waive the remaining few months to enable Audun to become a citizen and to participate in the upcoming winter Olympics. He has already proven himself as an Olympic athlete by placing in the Olympic cross-country ski time trials held earlier this month.

Besides being an outstanding athlete, Audun would serve as an example to all. He was a weightlifter before coming to the United States. He only developed his outstanding skiing abilities while in the United States. This to me, represents a fine example of the promise of America—the pursuit of a dream.

This body passed a similiar bill in 1976, when Congress shortened the waiting period for Jana Hlavaty, also a cross-country skier.

This bill has already passed the Senate and has the consent of the subcommittee chairman and the Judiciary Committee chairman and is a bipartisan effort. I also want you to know that I understand your concerns about bills of this nature and assure you that I believe it is in the national interest. This bill will not add any new immigrants, for Audun has already been granted permanent residency.

I believe that I speak for Senator STEVENS, the Senate majority whip, Senator GARN, who introduced this bill, Senators ARMSTRONG and QUAYLE as well as Congressmen ALEXANDER, FISH, JEFFORDS, KEMP, in requesting that you find this bill agreeable when it is considered by the House of Representatives.

● Mr. JEFFORDS. Mr. Speaker, I rise in support of S. 1863, a bill that would allow Mr. Audun Endestad to have his naturalization hearing for U.S. citizenship in time for him to serve on the U.S. Olympic ski team.

Mr. Endestad has lived in the United States for 9 years. He has been married to Judy Rabinowitz, a U.S. citizen, for almost 2 years. And he has been a member of the U.S. ski team for 3 years. His citizenship would not in any way change the number of immigrants coming into the country this year.

In passing this legislation, already passed by the Senate, we will not be judging the merits of Mr. Endestad's citizenship. That question will be decided by the appropriate authority after his naturalization hearing. If we pass this bill, we will merely provide Mr. Endestad the opportunity to have his hearing before the start of the 1984 Olympic games.

Mr. Speaker, Vermont's interest is simply stated. Vermont was the birth place of modern skiing in this country. The U.S. outstanding cross-country skier is Bill Koch of Gilford. The cross-country coach is Mike Gallagher, a long time friend from my home town of Rutland.

Again, Mr. Speaker, I would like to urge my distinguished colleagues to support this legislation.●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF SENATE JOINT RESOLUTION 146, TO DESIGNATE MARCH 23, 1984, AS "NATIONAL ENERGY EDUCATION DAY"

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 146) to designate March 23, 1984, as "National Energy Education Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Has this been cleared with the leadership?

Mrs. HALL of Indiana. Yes, Mr. Speaker, it has been.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WALKER. Mr. Speaker, reserving the right to object, I am told by the staff of the leadership on our side that the minority leader and the minority whip are not aware of this piece of legislation coming up. Therefore, we do have some problems under the ruling of the Chair of just a couple days ago which indicated that no such resolutions could come up unless they had that kind of clearance.

I wonder if we could get some kind of designation here as to who this was checked with? I will be glad to yield for that purpose.

□ 1520

Mrs. HALL of Indiana. Mr. Speaker, the gentleman from New Jersey (Mr. COURTER), who is the ranking minority member of the Subcommittee on Census and Population, has been informed of this legislation. Before we came to the floor today, we did call the appropriate Members who represent the minority on this floor when we bring resolutions. They did inform us that someone would try to get here.

As far as we are concerned, this has been cleared and approved, and it does have the support of the minority. No one has opposed this.

Mr. WALKER. Mr. Speaker, reserving the right to object, it is my understanding, under the ruling of the Chair, that not only is the clearance of the ranking minority member of the subcommittee needed, but there is clearance needed from the ranking minority member of the committee and the floor leader and the whip. Apparently that has not been done.

The SPEAKER pro tempore. Will the gentlewoman from Indiana (Mrs. HALL) withhold her request until we can get this straightened out?

Mrs. HALL of Indiana. Yes. Mr. Speaker, I withdraw the request.

GENERAL LEAVE

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Oklahoma (Mr. ENGLISH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONGRESSIONAL ROUNDTABLE ON UNITED STATES-SOVIET RELATIONS

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, all of you should be in receipt of a letter from Senator MARK ANDREWS and me, inviting you tomorrow night to the second in a series of seminar-dinner meetings on better understanding the Soviet Union.

The first of these series got off to a great start last November with Marshall Shulman and Jim Billington speaking on overall trends in United States-Soviet relations. About 30 Senators and Congressmen, plus some of their wives, were there. One of them said to me that it was the finest meeting he had ever attended since he had been in Congress.

Tomorrow evening will feature two of our country's leading analysts of Soviet-political leadership, Jerry Hough of Duke University and Brookings, who is called the man who predicted Andropov, and Robert Blackwell, the chief Soviet watcher at the CIA on domestic affairs. The discussion will center on "Who runs the U.S.S.R. and who will run it in the future?"

The evening is scheduled to begin at 6 p.m. and will be over by 9 o'clock. Those of you who have not yet applied, and about 40 have already applied, so there may be not too many seats left, I urge to apply at extension 6-3440.

February 28 we will have another one of these series in which Dr. Seweryn Bialer from Columbia University and Dr. Angela Stent of Georgetown University will speak on

the subject of Soviet foreign policy toward the United States and the Western Alliance.

I will put in the record after my remarks an article from the Washington Post, reprinted in the European Herald Tribune for January 24, by Dr. Bialer entitled, "Cornered: The Dangerous Soviet Mood" I think you will find it of great interest as you will also find the seminar meeting.

[From the European Herald Tribune, Jan. 24, 1984]

CORNERED: THE DANGEROUS SOVIET MOOD

(By Seweryn Bialer)

NEW YORK.—Recently, in a speech heralded in advance as an attempt at reconciliation with the Soviet Union, President Reagan described those who believe there is "an increased danger of conflict" in today's world as "profoundly mistaken." Unfortunately, it is President Reagan who is mistaken. The dangers of conflict are greater today than they have been in a long time.

The policies of the Reagan administration have helped push the Soviet Union into a corner. I could see during a recent visit to Moscow that the Russians feel hard-pressed by America's harsh policy, by the failure of their strategy to prevent the deployment of U.S. missiles in Europe, by grave economic problems at home, and by the uncertain leadership situation in the Kremlin.

I found combative, angry people in Moscow. Among the political elite feelings verge on rage. I think the Russians are waiting for an opportunity to reassert their international status and teach Mr. Reagan a lesson—and that they are waiting for the result of the presidential election.

I think we may be in for a new Cold War, characterized by inadequate communication between Moscow and Washington, tense competition, and very possibly a dangerous new round in the arms race. And in a new Cold War, the United States will not be supported by Western Europe, nor will it have military superiority.

Concrete proposals for reducing tensions would not be needed to make any serious impression in Moscow, but the president's speech contained no such proposals. Instead, he again seemed to blame the Soviet Union for all that has gone wrong between the superpowers.

This attitude infuriates the Russians. They feel that the Reagan administration has tried—with considerable success—to deprive them of their international status.

At the same time, even when the Soviet leadership is so uncertain, the men in charge realize that they face agonizing choices in foreign policy. They could decide to pull back from international adventure for a time, or they could become much more difficult and ambitious.

Westerners must realize that the Soviet Union has entered a new phase and they must understand the dilemmas this poses. Only with such understanding can the West fashion policies that would encourage Moscow to choose less dangerous paths.

There is a Russian term that describes the current state of Soviet foreign policy, "peredyshka"—a breather. Just now Moscow is taking a break, emphasizing retrenchment and adopting a relatively passive approach to world politics. The reasons are straightforward:

The Russians have abandoned any hope of doing business with Mr. Reagan, preferring to wait for a possible swing in American politics.

They fear overextension of their foreign policy resources, given the situation in Poland, the burden of subsidies to Eastern Europe and Cuba, their commitment in Afghanistan and investment in Africa—and their domestic difficulties.

They prefer not to disturb a detente with Western Europe which provides credit and trade benefits.

At a time when there is no strong leader in Moscow, the tendency of the ruling committee of old men is to avoid international confrontation.

This "peredyshka" may be replaced in the next two or three years by a new offensive policy. But whoever emerges atop the Soviet leadership—Yuri Andropov if he recovers his health or another man if he does not—will face sharply inhibiting influences. Indeed, the dilemmas facing the next Soviet leader are so formidable that he may opt for indecision and drift, perhaps spiced with periodic exploitations of low-risk (and low-profit) targets in the Third World.

Consider the foreign policy dilemmas facing the Soviet Union:

Internally, the Soviet Union has entered a period of material and spiritual decline, as has its East European empire. The old formulas that created economic growth have ceased to work; the situation in Eastern Europe constitutes a systemic crisis. These problems could lead to new rounds of violent unrest in the Soviet empire that the Russians seem helpless to head off. Even now they are forced to reduce subsidies to client states.

Nevertheless, Moscow is still in an aggressive period of expansionist aspiration, and it may encounter tempting opportunities to intervene in the Third World and to gain greater influence over America's allies. Of course, the Soviet Union can still wield awesome military power, but its future growth, if a new arms spiral becomes a reality, will be infinitely more costly to the Soviet Union than the military buildup of the 1970s. If the Russians must continue to increase military spending as fast as or faster than they did in the last decade, this would produce stagnation or even decline in consumer spending, and would cut into investments in the Soviet economy that are crucial to modernization.

For the first time in the post-Stalin years, the growth of Soviet military spending has become an insurmountable barrier to increasing consumer spending and investment in agriculture and industry. The Soviet leadership will have to choose between short-time military spending to satisfy its global aspirations, and investment in the military-industrial plant to provide the basis for future military growth and strength.

So foreign adventurism is no solution to Soviet domestic difficulties. On the contrary, it can impose direct, painful costs at home.

The next leadership must decide whether to concentrate on its problems at home and within the Soviet empire while moderating radically its active foreign policies, or to try to hold to the present political course.

Most likely, the Russians will go no further than to change the intensity of their commitments, the degree of their preferences. Yet it is exactly a change in degree that can reverse a trend and create new opportunities for East-West compromise.

The second Soviet dilemma in the 1980s involves having the cake and eating it too. The Russians learned how hard this was in the decade of détente. That decade showed the Soviet leadership that détente is not "divisible"; a linkage between the responsibilities of détente and its benefits is unavoidable.

In effect, linkage unraveled what had become the core foreign policy of the Soviet Union—détente with the United States.

Of course, it would be desirable for the two superpowers to reach agreements on important issues where their interests overlap (such as arms control) regardless of other conflicts. But unless the Russians show some respect for the American view of what détente should mean—specifically, some restraint in global politics—then a détente relationship with the United States is sure to collapse.

The Soviet military buildup and expansionist policies in the 1975–1979 period were the key contributors to the change in American policy in the last year of the Carter administration, and they helped bring President Reagan into power. Regardless of whether Mr. Reagan is re-elected in 1984, the continuation of the pattern of Soviet behavior of 1976–1979 would preclude the restoration of even a semblance of détente.

Even in Europe, the Russians have learned that their own policies have weakened the détente that has survived their break with America. NATO's ability to deploy new missiles despite almost desperate Soviet efforts to prevent this are a reminder to Moscow that the Europeans still fear their Soviet neighbor. The missile decision, plus the ascendancy of strongly anti-communist governments in France, West Germany and Britain, have shown that the Soviet Union cannot count on a weakening of the capitalist world's alliances.

The Russians have also found that détente with Western Europe is not a substitute for stable relations with the United States, a great military power. It is important to understand how alarmed the Russians now are about the direction of U.S. policy. Soviet party and military leaders feel that a continued U.S. military buildup will change the balance to such a degree that the very security of the Soviet Union will be endangered.

UNITED STATES-SOVIET RELATIONS

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, I am pleased to join my distinguished colleague on the other side, the gentleman from Nebraska (Mr. BEREUTER) in a resolution urging the Members of the House to occasionally visit the Soviet Union and urging members of the Supreme Soviet to come and visit here.

I do not always agree with Richard Nixon, but when Richard Nixon said that the President of the United States and the leader of the Soviet Union ought to meet together at least once a year, he was correct.

But that need for understanding goes below that Presidential level also. Why do we pile up endless arms? Because we fear each other.

Why do we fear each other? In part because we do not understand each other.

Our distinguished colleague from Nebraska has introduced a resolution that I hope will prod some of us to do a little more to build bridges of understanding. Not that we are going to like the Soviet system or they are going to like ours, but let us understand each other so that we do not blow up this world.

Mr. Speaker, today, I am joining my colleague, Mr. BEREUTER, on a resolution expressing the sense of Congress that there should be far more direct contact between United States and Soviet officials. We believe that both countries should be promoting exchanges and contact between government officials so that decisionmakers in these two countries can begin to better understand their counterparts.

Among the most important decisions we, as elected officials must make are those which directly or indirectly affect our relations with the Soviet Union. We are, for example, repeatedly called upon to decide what weapons systems or foreign aid programs make the most sense to achieve our stated national security and international stability goals. These decisions are often based upon our interpretation of Soviet policy and Soviet behavior. Far too often we must rely on second- and third-hand information. In comparison to the importance of the decisions we make, we lack knowledge and the direct experience.

There is a second problem—the lack of Soviet experts within the U.S. population. Hearings before my Subcommittee on Postsecondary Education have shown that funding for Soviet and East European studies has dropped almost 80 percent between 1965 and 1982. I believe that this situation will improve now that Congress has passed, and the President has signed, the Soviet-Eastern European Research and Training Act.

That does not, however, relieve Congress of the obligation we have to make the most well-informed, balanced decisions we can about the Soviet Union, its people and its political leaders. Those of us who have traveled to the Soviet Union have quickly understood that, while the Soviets' methods may be different, they want peace and better relations with the United States as much as we should want them with the Soviet Union. First-hand knowledge of a country often leads to insights that cannot be gained from reading the newspaper or other material. For example, after the Soviet Union invaded Afghanistan, former President Jimmy Carter imposed a grain embargo on sales and delivery to the Soviet Union. I joined many of my colleagues in opposing the embargo. Through my previous travels in the Soviet Union it was clear to me that the embargo would not harm Soviet officials, but it would harm the ordinary Soviet citizen who already had to stand in line for hours, if not days, to get but even the most basic commodities. And it was also clear that the embargo would have serious effects on our own farmers. If more of us had seen Soviet society first-hand, and realized that the embargo would have no impact whatsoever on the Soviet leadership, perhaps we could have avoided this harmful policy decision.

More than 300 of this body's current membership have never traveled to the Soviet Union. And yet daily, we make economic, defense, and budgetary decisions that in some way impact on our relations with the Soviet Union. Traveling to the Soviet Union will not be as easy nor as fun as travel to other places in the world, but I believe it is far more critical to the future stability and existence of the world.

Our resolution simply expresses the sense of Congress that travel to the Soviet Union by Members of Congress is important, as is the travel by the Soviet leadership to our country. We strongly believe that a more regular exchange between Members of Congress and members of the Supreme Soviet will increase mutual understanding and decrease tensions, which will serve both countries' national interest and help move us toward the creation of a safer and more stable world.

We urge your support of this resolution.

HOUSE JOINT RESOLUTION 1—THE EQUAL RIGHTS AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the second special order of a series of nine which I have reserved to examine the effects of the ERA on various laws and social norms of our society. Last week I said that the ERA-abortion connection was one of the principal reasons why the ERA was not ratified by the various States. I would venture to say that the effect of the ERA on our armed services and the current powers of Congress to regulate the military was equally important.

When House Joint Resolution 1 was before the full House Judiciary Committee, several amendments were offered to address these concerns: Mr. HALL of Texas offered an amendment to exempt the draft from the ERA; Mr. SHAW offered an amendment to exempt women from serving in combat; Mr. SAWYER offered an amendment to exempt article I, section 8, clauses 12, 13, and 14 from the equal rights amendment. The Hall and Sawyer amendments were defeated by close votes of 13 to 18. The Shaw amendment failed by a vote of 11 to 20. This shows there still is considerable concern on this issue.

In hearings before the House Judiciary Subcommittee on Civil and Constitutional Rights testimony was received indicating the pervasiveness that ratification of the ERA would have on the military. I would like to read several quotes so that Members can get the full flavor of the remarks:

Grover Rees of the University of Texas Law School: "I think it is absolutely clear, it is not a matter of opinion, that if the ERA * * * is ratified this time without your [Congress'] doing something awfully radical to change the understanding, not only the draft, but all aspects of the military would be covered by the ERA, and would be impermissible areas for any kind of sex discrimination."

Mary Frances Berry, Commissioner, U.S. Civil Rights Commission: "The ERA would require that women not be excluded on the basis of gender from the pool of individuals eligible for the draft. But the ERA would not require all women to become soldiers, as many opponents have claimed."

Lane Kirkland, President, AFL-CIO: "Finally, while we recognize that a few substantial issues have been raised—such as the effect, if any, of the ERA on the right to an abortion and the status under the ERA on the restrictions on the role women may play in the military services—we believe Congress may, and should, provide authoritative guidelines to the country in these areas."

Prof. Francine Blau, University of Illinois: "The ERA will have a direct impact on the employment policies of government at all levels, prohibiting sex discrimination in pay and job opportunities."

"The ERA would also prohibit sex discrimination in access to training, pay and employment in the military. Workers accumulate valuable job experience and training during governmental employment and military service."

Prof. Henry C. Karlson, Indiana University School of Law: "There is general agreement among both proponents and opponents of the ERA that it will have a pervasive effect upon the central congressional powers. [Art. 1, Sec. 8] Both the language of the amendment and its legislative history lead to the same conclusion. The amendment does not permit different treatment of the sexes with regard to either voluntary or involuntary service."

Hon. Charles R. Wiggins, Former Member of Congress: "The most troublesome problem [with the ERA] is job assignments in the military. It is contrary to good sense and jeopardizes our national security inter-

ests to compel the integration of all units on the basis of sex. An integrated team of men and women will almost certainly lose to one composed only of men if the only rule of the game is survival."

"Moreover, such personal relationships should not be permitted to develop at such a level which may interfere with command decisions."

"So far as I know, no nation has ever gone so far as to compel the integration of its front line forces on the basis of sex and we should not do so [either]."

Carolyn Becraft, Womens Equity Action League (WEAL): "In any future national emergency, women most likely will be drafted. . . ."

Prof. Henry Paul Monaghan, Columbia University Law School: "If ratified, the ERA would require a gender-neutral draft."

Prof. William Stanmeyer, Delaware Law School: "The Supreme Court case of *Rostker* v. *Goldberg* upheld male only draft registration, but will be overturned because Rostker is based on the 14th Amendment."

Prof. Ann E. Freedman, Rutgers University School of Law: "Under the ERA, neither sex discrimination in the military, nor the devaluation of women's rights as citizens associated with discrimination would continue."

Professor Jules Gerard, Washington Univ. Law School, St. Louis: "The first [detriment] is the specific injury ERA will inflict upon women with respect to military conscription . . . the issue is whether the Constitution should be amended to require Congress now and forever to draft women if it drafts men and to assign them to combat on the same basis as men. Throughout our history, Congress has uniformly exercised its discretion to exempt women. If a persuasive case has been made for depriving Congress of its discretion to exempt women, I have not heard it."

"There is no dispute that subjecting women to conscription will be an inevitable result of ERA. There is no dispute that whether it will result in women being assigned to combat will depend upon a future Supreme Court decision."

Article I, section 8, clauses 12, 13 and 14, currently gives Congress the exclusive power to raise and support armies, to provide and maintain a navy, and to make rules for Government regulation of the land and naval forces. Thus, it is within the discretion of the Congress of the United States to determine the occasion for the expansion of our Armed Forces and the means best suited to such expansion, should it prove necessary.

Ratification of the ERA would certainly limit Congress power and flexibility under article I, section 8, of the Constitution. In reading the testimony and statements that have been made in the past from both proponents and opponents it is clear that the ERA would require both female registration for the draft and the drafting of females if the occasion should arise. In the just mentioned quotes, supporters were boastful of this result. We certainly should take them at their word. The ERA prohibits sex discrimination. The draft treats men and women differently, and thus, an all-male draft would be held unconstitutional. Professor Henry Monaghan from Columbia Law School and an ERA supporter explicitly stated that as currently drafted, the ERA would require women to serve in combat and be subject to the draft. He said that this could be corrected by being explicit as to the stand.

Congress, as late as 1980, rejected President Carter's proposal to register for the draft both men and women. The U.S. Supreme Court in the case of *Rostker* v. *Goldberg*, 453 U.S. 57 (1981), upheld the exemption as not being violative of the 14th amendment. If there is such an overwhelming need to have women register for the draft or be subject to the draft, then Congress can do it now without having the ERA ratified.

In addition, there are also practical considerations that should be taken into account when taking away Congress power in drafting and registering women. For instance, it is unclear whether women with small children would be required to serve. It would seem to violate the absolute language of the ERA to provide an exemption to a married woman with small children while not exempting her husband. This would certainly continue the sex stereotyping that has been criticized by the feminists advocating an ERA without clarifying amendments.

It is also clear that a strong argument could be made that the ERA would force women to serve in combat. Currently, either by statute or by regulation, the four branches of the military do not allow women to be eligible to serve in jobs that are classified as combat related. This amounts to only about 10 percent of the jobs in the Armed Forces. If the ERA is ratified, our Armed Forces would be subject to lawsuit after lawsuit; a certain job classification could operate to exclude a large number of women. Such an argument could be made about a classification—neutral on its face, but discriminatory in effect—as to physical strength requirements for combat-related activities. The absolute language of the ERA and various statements made by proponents indicate that any sex policy that would exclude women from combat would be unconstitutional. ERA proponents indicate that job requirements in the military should be based on individual characteristics and not based on sex. This is already the case for 90 percent of the jobs that are not combat related.

The adoption of an ERA with an exclusion for the military is in line with what the vast majority of the American people want. the fact that the ERA encompassed these issues was one of the principal reasons it failed to be ratified last time around. This fact is buttressed by a 1980 Gallup poll that found only 21 percent of the population being in favor of women in combat roles.

It has been argued that our next war will not feature hand-to-hand combat. Thus, physical strength will be less of a concern in our draft. Our recent experience in Grenada and Lebanon should dispel that fallacy. On the issue of combat, Brig. Gen. Elizabeth Hoisington, former Director of the Women's Army Corps (WAC), in testimony before the House Judiciary Subcommittee on Civil and Constitutional Rights, had this to say about women serving in combat:

Brig. Gen. Elizabeth Hoisington, USA Ret., Former Director, Womens Army Corps: "From spending 29 years involved in administering, training, and working with women, I know that the overwhelming majority of them cannot match men in aggressiveness, physical stamina, endurance and muscular strength in long-term situations. In a protracted engagement against an enemy, soldiers without these capabilities would be weak links in our Army. Soldiers must have confidence in the long-term mental and physical stamina of their comrades."

Before concluding, I would like to comment on one serious problem to which another special order will be addressed, but which has particular significance when dealing with the ERA and its effect on the military. This is the question of: "If ratified what will be the standard of review to which job classification for the military will be subject? ERA proponents frequently minimize the difficulties involved by stating that only "qualified" men amd women would be able to pass physical requirements that govern combat jobs. However, if a very high percentage of women would fail minimum levels of performance or physical strength requirements would these levels be subject to a challenge because of there being a disparate impact upon women? It is certain in my mind that the feminist organizations would be in court challenging such requirements or regulations.

In the hearings before the subcommittee, the staff attorney for the Womens Equity Action League (WEAL) who was testifying on the impact of the ERA on the military showed a total lack of understanding of the importance of the standard of review.

She mentioned several different standards for military classifications. Ms. Atkins first stated that: "All explicit gender-based exclusions—that is, the express exclusionary policies of the services, and the gender-based Selective Service—would fall." This seems to suggest an absolute standard. She goes on to state that: "Moreover, any practices based on physical characteristics unique to one sex would have to be justified by a showing that the need was compelling." This suggests strict scrutiny. Finally, she states that: "To the extent that such gender-neutral intent might disproportionate-

ly exclude women from participation, these criteria would be subject to rigorous examination." This suggests a third standard. In her oral testimony a fourth standard—a sensible standard—is suggested. Thus the subcommittee was not able to get a straight answer on how job classifications which have a disparate impact on one sex would be judged.

Finally, when Prof. Thomas Emerson of Yale Law School and Ann Freedman of Rutgers University Law School testified before the subcommittee, they both referred to the principle that was articulated in a Yale Law Journal article that they coauthored in 1971. The following are excerpts from this article:

> We must radically restructure our view of women in the military under the ERA. There's no reason why a woman cannot serve in combat if she can pass the physical, and if she can carry a 50-pound pack.
>
> Women will serve in all kinds of military units and they will be eligible for the draft.

In conclusion, Mr. Speaker, adoption of an amendment making the ERA neutral on the question dealing with the structure of our Armed Forces would be a big step toward insuring congressional approval and subsequent ratification by the States. We have spent the last 12 years trying to get the equal rights amendment passed. The ERA, as currently drafted, has been rejected by the States despite a 3½-year extension period with one State voting to rescind during the final 3½-year extension period. When this deadline passed in 1982, a mere two States had voted to ratify the ERA in its final 8 years with none voting to ratify in the final 5½ years.

Unless the ERA is amended to alleviate the concerns of many as to the effect on our military and national defense, it will again be rejected. The area of national defense is one area where we can ill-afford to engage in social experimentation. Because of its possible effect on our armed services and national defense, an ERA without exemptions for the draft and combat should be rejected.

□ 1540

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I certainly appreciate the opportunity to participate in this special order. I certainly thank the gentleman from Wisconsin both for yielding this time and allowing me to participate in this important special order, and also for the remarks which he has just made upon this subject, which I found very enlightening and I think true to the heart of the matter.

One of the problems here is the emotionalness of the issue.

Mr. Speaker, the proponents of the equal rights amendment have always seen this issue in the simplest terms—a social reform which, if ratified, would speak well of American civilization. The text of the proposed amendment itself is simple, providing for absolute equality of opportunity between the sexes.

When the ERA was brought before the House last November, its advocates presented it as a simple choice between granting women equal rights under the law or keeping them in their time-honored place, subservient to men.

And, when the gavel came down on the defeated amendment, the majority party wrote the results off as a simple, but successful, effort by Republicans to deny women equal status in the Constitution.

Mr. Speaker, the wide variety of special orders this House has scheduled for discussion of this issue proves the ERA is not, as we often say here, a simple amendment. It is a blueprint for radical social reform and restructuring that may be needed in some instances but could be disastrous in others.

I voted against ERA last November because I am convinced our Armed Forces would not escape the societal upheaval resulting from ratification.

In Rostker against Goldberg, the Supreme Court held that it was not unconstitutional for Congress to distinguish between men and women with regard to draft registration. The 1981 decision noted that the purpose of draft registration was to develop a pool of potential combat troops. Since the Congress and the Executive had decided women should be excluded from combat assignment, the Court said, registration of women was unnecessary.

There is good reason to believe this would all change with the adoption of the equal rights amendment.

In 1971, the Assistant Attorney General William Rehnquist was asked by a House subcommittee what effect the equal rights amendment would have on draft registration. "The question here is whether Congress would be required to draft both men and women," he wrote:

> A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service including combat duty. We believe that the likely result of passage of the ERA is to require both of these results.

William Rehnquist, of course, is now an Associate Justice of the U.S. Supreme Court and, incidently, the author of the Rostker decision. While we cannot assume the Supreme Court would, if asked, adopt Mr. Rehnquist's 1971 opinion we can assume one thing: Should ERA become a part of the Constitution without a military exclusionary provision, the courts would assume broad powers in determining the makeup of our Armed Forces. This would clearly violate the constitutional separation of powers which assigns Congress the role of raising an army and, I believe, dangerously weaken the effectiveness of our military deterrent.

There are those who argue that a woman can do anything a man can do. That is true in some cases but, to ignore the obvious physical differences between the sexes, is to do a disservice to both men and women.

On the battlefield, in a life and death situation, survival often depends on upper body strength, stamina, adrenalin and aggressiveness. It is not sexist to acknowledge these characteristics are more often found in men rather than women. We are talking about God-given differences, not legislated ones. To ignore them, especially under wartime conditions, would be both socially immoral and militarily foolish.

I think we can learn from the brief experience Israel had in pressing women into combat. During the 1948 War for Independence, manpower shortages forced Israel to place women into combat duty. While the women fought bravely, Israel discontinued its integrated combat patrols in 1950 for a number of reasons:

The risk of captured female soldiers being sexually abused was too great; the sight of dead and mutilated women on the battleground caused extreme shock and lower morale among the men; and, finally, the enemy tended to fight harder for fear of being defeated or captured by women.

It is interesting to note that, in modern times, the only nations which have placed women in combat roles did so because they were being invaded. Besides Israel, Russia also deployed women on the front lines when the Germans attacked. But, as soon as the Motherland was secured, women were disengaged from combat units.

During the Battle of Britain, the British also placed women in combat roles but, when the tide turned and the fighting moved to the Continent, women were kept from the front. Today, the British Sex Discrimination Act specifically excludes the military from its provisions.

I have no problem with social standard of justice implied in the equal rights amendment. But I strenuously object if its proponents mean to apply this same standard to our Armed Forces. It is dangerous, it is irresponsible and it is wrong.

Twelve years ago, when ERA was making its way the first time through the Senate, Senator Sam Ervin recognized the havoc the amendment would cause for our military. He proposed amending language excluding the military from its provisions but his shortsighted colleagues turned it down. It is

time we listen again to the wisdom of Sam Ervin and stop trying to use the military to enact social change.

There is only one way Congress can be sure of exempting the military from the sweeping changes which would accompany ratification of the equal rights amendment. Language specifically excluding its application to the Armed Forces must be added or, most certainly, we will be ceding our authority to the courts.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Indiana for his excellent remarks.

● Mrs. LLOYD. Mr. Speaker, as I was reading through the statements which have been made about the ERA and military service I have been struck once again by the uncertainty which accompanies it. Last week we heard discussions about the ERA and abortion and we will hear about other issues in coming weeks. While all these matters must be clarified before we can be successful in seeing an equal rights amendment ratified, I think the one we are addressing today is critical because it deals with our national security.

Many of the witnesses which have appeared before the Judiciary Committee have stated that the ERA would result in women being drafted because it would prohibit gender based classifications. Such an interpretation could apply as well to military assignments which raises the question of women serving in combat. Esteemed lawyers have been brought forward to reassure us that such will not be the case. But equally esteemed experts have stated that an equal rights amendment might very well produce these results with Congress and the courts called upon to make a determination. Those of us who hold the latter position believe we should clarify this point now, not after ERA has been ratified.

The purpose of our military is to defend our borders and support those nations who share our beliefs. The military has provided job training along the way and that is good, but is mission has not been nor can it be to correct social injustice however noble that cause might be.

Our national security requires that military service be defined at the outset and based on popular opinion. Our memories are not so short that we can forget what happens when Government tries to dictate to the people. The people of my district are quite simply opposed to the drafting of women and opposed to women serving in combat, a view I believe is shared by many Americans. Will both of those two things happen if the present language of ERA is passed? No one knows for certain and that's exactly the problem. In a national emergency, with the draft in operation, we will not be in a position to wait for judicial proceedings to determine draft eligibility or combat service. We have to decide that now.●

● Mr. LUNGREN. Mr. Speaker, the potential impact of the equal rights amendment on the military proved to be one of the most contentious areas of debate during the 10-year consideration of the amendment by the States. In fact, it is likely that the ambiguity surrounding this issue is one of the primary reasons that we do not have a 27th amendment to our Constitution. In that regard, I was incredulous that ERA proponents would stifle efforts during the Judiciary Committee markup to adopt language to clarify that ERA would not have any effect on either a possible military draft or combat service. One would have thought that those who support ERA would certainly want to remove what has proven to be such a "stumbling block" to the fate of the amendment.

However, it soon became apparent that this reluctance to tell the American people what ERA does and does not mean with respect to the military service issues involved more than an almost spiritual commitment to the flow and rhythm of the amendment's wording. It is also clear that ERA involves more than the eradication of gender-based discrimination. In fact, during both the hearings by the Subcommittee on Constitutional and Civil Rights as well as the full Judiciary Committee markup, ERA supporters showed no reluctance to confirm that the amendment would require females to both register for the draft, and be drafted if the need should ever arise.

In their testimony before the subcommittee, Profs. Thomas Emmerson of Yale Law School, and Ann Freedman of Rutgers referred to the principles articulated in their 1971 Yale Law Journal which is often cited as authority for deciphering the intent of the amendment. In fact, I might add parenthetically that in 1972 former Congresswoman Martha Griffiths sent a copy of the Yale article to all Members of the House, saying: "It will help you understand the purposes and effects of the ERA * * * The article explains how the ERA will work in most areas of the law." It would probably behoove us to follow the suggestion of our distinguished former colleague and look at the article. In doing so, we are told that—

> The Equal Rights Amendment will result in substantial changes in our military institutions * * *. Women will be subject to the draft, and the requirements for enlistment will be the same for both sexes * * *. Women will serve in all kinds of units, and they will be eligible for combat duty. The double standard of treatment of sexual activity of men and women will be prohibited.

There should therefore be no doubt that as Professors Emmerson and Friedman put it, "we must radically restructure our view of women in the military under the ERA." An amendment to the Constitution that would raise the standard of judicial analysis to that applicable in racial classifications would most certainly proscribe the disparate treatment of men and women with respect to the draft and military service.

With respect to the specific issue of combat service itself, ERA proponents have sought to assure us that in today's hi-tech military, women will not necessarily be fighting in the trenches. Maybe not, but in light of the liberation of Grenada, and the current fortification of Beirut, it is quite apparent that such rose colored notions about the nature of modern warfare should be put to rest.

We are also assured that women will not be mandated to fill combat positions for which they are not qualified. This is a somewhat disingenuous argument in light of the prospect that if eligibility standards have the consequence of disproportionately excluding women from combat tasks, the eligibility standards themselves are likely to come into question. In this regard Professor Emmerson in his Yale Law Journal article writes that—

> * * * even after the mental and physical standards have been made uniform for both sexes, they will have to be scrutinized carefully to assume that they are related to the appropriate jobs and functions and do not operate so as to disqualify more women than men.

It is thus apparent that the equal rights amendment is likely to have a dramatic impact on the role of women in the military. Since the amendment itself does not give us any clues as to its ultimate scope in this regard, that decision will likely rest with the courts. This in my estimation would be a total abnegation of responsibility by Congress. Those who seek to (as Professor Emmerson put it) "radically restructure our view of women in the military under ERA" should have the courage of their convictions and do so in the light of public scrutiny. Such dramatic changes in public policy should not be made under the auspices of a constitutional amendment and any related judicial interpretation thereof. In fact, as recently as 1980 this Congress rejected a Carter-Mondale administration proposal to require women to register for the draft.

Our representative Government is based upon the concept of political accountability. It does not behoove the legislative process to further the parochial aims of those who refuse to take responsibility for what ERA may or may not do.●

JAMES VAN ZANDT—A MAN OF MANY CAREERS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Pennsylvania (Mr. McDADE) is recognized for 60 minutes.

Mr. McDADE. Mr. Speaker, after 20 years service as secretary of the Pennsylvania congressional delegation, former Congressman James Van Zandt is resigning from that position. He has other work to do in connection with the disposition of his congressional papers and the writing of his memoirs and other commitments that will leave him insufficient time for delegation work.

Those of us who have been working with this dynamic man for so many years—and there are many of us in Congress, from numerous other States than Pennsylvania—understand that Jimmie Van Zandt has other things to do. But it is still hard to accept the fact that he will no longer be here.

What remarkable things he has done in the 85 years since he was born in Altoona, Pa. How many different careers he has had—any one of them enough to fulfill most individuals. How many of the historic struggles the United States has been through in this century have engaged our old friend.

Jimmie Van Zandt had a full career in Congress, serving for a total of 20 years and 9 months before, during, and after World War II.

As Congressman, and as a national veterans' leader—as we shall see in a moment—he was involved in this century's first great debate on our involvement in an overseas war. This was the debate over the United States aid and support for allies fighting Hitler in Europe. It involved a crosssection of leaders from all walks of American life—Henry Ford, Charles Beard, the historian; Charles Lindbergh; Gen. Robert Wood; Senator Gerald P. Nye; William Allen White, the journalist; and many more. It held the attention of the Nation for a number of years, ending only when the Japanese attacked Pearl Harbor in 1941.

On that infamous date, December 7, 1941, Jimmie Van Zandt, still a Member of Congress, was on active duty with the U.S. Navy as a reservist. He had shipped out in September after Congress recessed.

Jimmie Van Zandt had another separate career in the Navy, serving in both World War I and World War II. At the age of 18 he had enlisted as an apprentice seaman. In 1919 he was discharged as a chief quartermaster. In September 1943 he resigned from Congress and reentered the Navy as a lieutenant commander. He served in the Pacific theater until the war was over and was discharged a captain in 1946, returning to Congress a year later.

In the years between the great wars, he was an active member of the Naval Reserve. After World War II he continued to serve in the reserve until 1959 when he retired as a rear admiral.

Jimmie has still a third career as a national leader and spokesman for military veterans. He joined the Veterans of Foreign Wars at the age of 20, became national commander of that important organization from 1934 to 1936, and continues as an active VFW spokesman today.

The VFW, and Jimmie Van Zandt as a national VFW leader, were deeply involved in the struggle to obtain bonuses for World War I veterans—a struggle that continued for years, prompted the bonus march in 1932, and was finally won when Congress voted a cash bonus in 1936, the year Jimmie was VFW national commander.

Today, when compensatory benefits for our war veterans are widely supported throughout the country, we forget that World War I veterans only received a $60 mustering out bonus. It took 6 years to persuade Congress to approve a $1.25 per day compensatory pay bonus for overseas vets, and another 12 years to persuade Congresss to appropriate funds to make direct bonus payments. And our veterans organizations—the American Legion and the Veterans of Foreign Wars—led that fight.

We have cited three of Jimmie Van Zandt's careers, so far. And there are more.

In his younger day, he spend almost 20 years with the Pennsylvania Railroad, leaving in 1938, at which time he was a district passenger agent.

And finally—and perhaps most importantly from our perspective—Jimmie Van Zandt has spent the last 20 years in Washington representing the interests of the Commonwealth of Pennsylvania. During that period, he twice served as the official representative of the Governor of Pennsylvania in the Nation's Capital. For all of those years he has been secretary of the Pennsylvania congressional delegation.

He has been the delegation's coordinator, expediter, mentor, and friend ever since we first organized as a State caucus in 1963. For all those years he has given freely of his time, his energy, and his invaluable experience.

The delegation has held breakfast, luncheon, and dinner meetings with representatives of Pennsylvania agencies, organizations, and businesses on an almost weekly basis while Congress has been in session. These meetings have involved briefings and discussions on virtually every problem we have in our State—from foreign trade to development of business and industry, from resource development to resource conservation, from education to the needs of senior citizens, from railroads to airports, from the Postal Service to military installations, and more.

We could not have developed such a schedule without Jimme Van Zandt. We could not have taken the actions on behalf of our State that we have taken without his day-by-day efforts.

Jimmie Van Zandt—the Honorable James Van Zandt, Rear Admiral Van Zandt—is, in short, the model of a public man. His life is in the great tradition of American leaders who devote all of their time and energy—all of themselves—to matters of public concern, to national purpose.

Jimmie, it is a high honor to know you and to have your friendship. We will get along without your help, I suppose, but I do not know how.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to my friend and colleague, the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Speaker, all times end whether good or bad; and the Pennsylvania delegation speaks today to mark the passing of a good one—good for the delegation, the people of Pennsylvania, and the Nation.

Our purpose is to honor former Congressman James E. Van Zandt on his retirement, at age 85, as secretary of the delegation.

This is the gentleman's third or fourth try at retiring, and only he knows for sure why he has ended so many careers yet failed to retire.

Successful retirement is the only thing at which he has failed, according to my knowledge of the man and of his spotless record.

Mr. Van Zandt has had at least three full careers, and his service in each has been of the quality that we would call highly distinguished were it rendered by a man in any single one of the fields just once in a lifetime.

Sailor Van Zandt entered the Navy as an apprentice seaman in 1917, served in three wars and retired as a rear admiral (USNR) in 1959.

Lawmaker and colleague Van Zandt was elected to the House in 1938, left to serve in World War II, and returned here in 1946 to serve until 1963. He was the senior member of the Armed Services Committee and the ranking minority member of the Joint Committee on Atomic Energy. His hand influenced much of what we have today that is good and serviceable.

And for the past 20 years he has given without pay service that is beyond price to the delegation and to the people of Pennsylvania, his home State. Despite the title of secretary, he really has been an additional member because of his knowledge and experience.

Mr. Van Zandt also found time during those years to serve as the Washington representative for two Governors of Pennsylvania. He also has been a mainstay of the Veterans

of Foreign Wars: Twice he commanded the department of Pennsylvania and three times he was the VFW's national commander. He has received that organization's distinguished service medal. He has been a member of the Veterans' Administration Cemetery System Advisory Board as well.

For Members who do not know him on sight, I mention that he is a slender gentleman with a full and bushy head of silver hair; you may have seen him exercising in the gym or running in the vicinity of the Capitol; if you run, he may have galloped past you at some point. A lifelong athlete, he is zealous at 85 about his physical condition.

In fact, it is a temptation to think that his devotion to exercise has given him a physically strong heart that keeps him going at 85 and beyond.

But, if you know him as we of the delegation do, you understand that it is a morally strong heart—that we also call character—which gives him that tireless approach to fitness and to everything he undertakes.

To paraphrase another American who had more than one successful career, Thomas Jefferson, a strong heart is the first blessing and a knowing head the second. Our colleague, Mr. Van Zandt, is at least twice blessed.

Even today, whatever the advances in technology, whatever the changes in fashion and theory, only the strong heart sustains and gets the job done.

Mr. Van Zandt's letter of resignation touched on his reasons for wanting to leave the delegation.

It is telling of the man that he mentioned a need to start writing his memoirs, a desire to put in order his 22 years' accumulation of congressional papers, and the demands of details attending the dedication of the James E. Van Zandt Veterans' Administration Center in Altoona, Pa., his hometown.

Mr. Speaker, I think our colleague is due one more failure in his productive life—he will fail to retire this time, as well, because his heart will not be in it.

Jimmy, you have our thanks for three careers that were well done and full, and our best wishes for the next you undertake. We will miss working with you. It has been a good time for us.

Mr. Speaker, I have many statements here that I wish to enter at this time in the RECORD of members of the Pennsylvania delegation that would have been here but, because of circumstances, have prepared their very detailed statements. I ask unanimous consent that they be made a part of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

● Mr. MURTHA. Mr. Speaker, it is with special admiration and feelings of friendship that I speak today in noting the retirement of Jimmy Van Zandt as secretary to the Pennsylvania congressional delegation.

In the decade that I have been in Congress, Jimmy has been a constant source of information and advice for me. With his military and congressional experience, he has been invaluable to us all in providing information and aid. Just as important, he has been a friend to every one of us, has made our work as Members of Congress a great deal easier, and has continued his work on behalf of the citizens of Pennsylvania.

The history of America is often written less by the headlines in the major newspapers than by the courage and dedication of individual lives. Against this measure, the life of Jimmy Van Zandt is one which speaks about the very best that is American, and about why this country is so great.

Starting as an apprentice seaman, Jimmy retired from the U.S. Navy as rear admiral, U.S. Naval Reserve. He saw active duty in World War I, World War II, and the Korean conflict. He had served in the House of Representatives for 5 years when he resigned to reenter the Navy, then resumed a congressional career after the war that eventually spanned over 20 years. He never stopped in his desire to help people, and very notably he served three times as national commander of the VFW, two times as Pennsylvania department commander of the VFW, and has received the Distinguished Service Medal from the VFW.

As secretary of the Pennsylvania congressional delegation, Jimmy worked on numerous statewide projects for us, bringing together the efforts of the delegation, and working out the details that regularly made the delegation successful in solving problems to help the Commonwealth's citizens.

And I would be remiss if I did not add, that Jimmy always did his work with cheerfulness and enthusiasm that made it a distinct pleasure to work with him.

I am glad to join in wishing Jimmy and his wife as much enjoyment and benefit as they have brought to all of us.●

● Mr. MURPHY. Mr. Speaker, it is with a great feeling of nostalgia that I rise today to pay tribute to a great Pennsylvanian, a dedicated public servant, and a patriotic American. Today the House of Representatives is paying tribute to a man who has dedicated 65 years of his life to the service of his country. Congressman Jimmy Van Zandt has served his State and his Nation with distinction whether in the Halls of Congress as a 12-term Member, as senior member of the House Armed Services Committee, or as the ranking Republican of the House on the Joint Committee on Atomic Energy. He served our country with the same degree of distinction in times of war, enlisting as an apprentice seaman in the Navy in 1917, and retiring as a rear admiral, U.S. Naval Reserve, in 1959, after serving his country in three great wars. In fact, Mr. Speaker, Congressman Van Zandt resigned his seat in Congress in 1943 to reenter active duty during World War II.

Jimmy's sense of public duty goes beyond military and governmental service. He was elected to two terms as Pennsylvania district commander of the VFW, and three terms as national commander of that group. They long ago recognized Jimmy's contributions to public service by giving him their prestigious Distinguished Service Medal. During one of his terms as national commander, my father served as the Pennsylvania department commander, and my exposure to Jimmy's sense of public obligation began many years before I joined this body.

For the past 20 years Congressman Van Zandt has volunteered his services to the Pennsylvania congressional delegation as its secretary, and has contributed significantly to the effectiveness of our delegation and to the success of the biennial Pennsylvania Day.

With a history of dedication and service as rich as the one created by Congressman Jimmy Van Zandt, the words and tributes paid to him today by his friends and associates are pale in comparison. The real tribute to Congressman Van Zandt will be his legacy of public service as an elected official, as a private citizen, and as a patriotic American. He has set a standard to which each of us can strive, and by which each of us can be measured.●

● Mr. CLINGER. Mr. Speaker, there are some who live their whole lives and fail to accomplish anything of significance. And then there are people like Jim Van Zandt, although there are precious few of them. Jim accomplished more during the last 20 years than most people accomplish in their lifetime. You can just imagine how productive he was during his first 70 years. Worked in the railroad industry, entered the military as an enlistee, was discharged after overseas duty, served 3 years as the national commander of the Veterans of Foreign Wars, elected and reelected to Congress three times, resigned from Congress to go back to military service during World War II, discharged again, this time as a rear admiral, elected to Congress again and reelected seven more times, ran for the U.S. Senate, and for the last 20 years, served his State and his country as a representative of the Governor of Pennsylvania in Washington, D.C., without pay. Jim Van Zandt is a living monument of what President Kennedy was referring to when he said: "Ask

not, what your country can do for you. Ask what you can do for your country." If there were just a few more Jim Van Zandt's around today, this country would be an even more special place in which to live. Thank you Jim.●

● Mr. YATRON. Mr. Speaker, I rise today to honor and bid farewell to the secretary of the Pennsylvania congressional delegation, my good friend the Honorable James E. Van Zandt, upon his retirement. A former admiral and Congressman, Jimmy has served the delegation without remuneration for two decades. For his many years of dedicated work on our behalf and for his prior record of outstanding public service, I offer to Jimmy my highest and most esteemed commendation.

Born in Altoona, Pa., on December 18, 1898, Jimmy enlisted in the U.S. Navy as an apprentice seaman in 1917. He saw active duty in both World Wars and the Korean conflict before retiring from the U.S. Naval Reserve as a rear admiral. In between years of distinguished military service, Jimmy was elected to the U.S. House of Representatives, first in 1938 until 1943, when he reenlisted, and again, after the war, from 1946 to 1963. During his career in the House, Jimmy served as senior member of the Armed Services Committee and as ranking Republican of the Joint Committee on Atomic Energy. Jimmy also served with great distinction as the national commander of the VFW three times and as the Pennsylvania VFW department commander two times. He is, in addition, the recipient of the VFW's Distinguished Service Medal. To help commend all his many achievements through the years, the U.S. House of Representatives resolved in November 1983 to dedicate in his honor the James E. Van Zandt Veterans' Administration Center in his hometown of Altoona.

Jimmy began serving as secretary of the Pennsylvania congressional delegation in 1963 and his commitment and devotion to the position have always been of the highest order. The delegation will not be the same without Jimmy but his record of public service and the example he has set for each of us will always be remembered.

Having now reached the age of 85, Jimmy has decided to focus his still inexhaustible energies on other matters. I certainly wish him well and much continued success in all his future endeavors and pursuits. He is an extraordinary gentleman who will be very much missed by the entire Pennsylvania delegation and by all of his friends on Capitol Hill. We extend our warmest regards and very best wishes always to Jimmy and to Mrs. Van Zandt and their entire family.●

● Mr. RITTER. Mr. Speaker, I am proud to join with my colleagues in paying tribute to the Honorable James Van Zandt, our dear friend and colleague. Jimmy Van Zandt, who is retiring after 20 years of unselfish service as the secretary of the Pennsylvania congressional delegation, may well be considered a paragon of devotion to our State and to our Nation.

Born in Altoona, Pa., Jimmy began his service to his country as an apprentice seaman in the U.S. Navy at the age of 19. He saw active duty in World War I and II and the Korean conflict. On January 1, 1959, Jimmy retired as a Rear Admiral in the U.S. Naval Reserve. He was elected to the U.S. House of Representatives in 1938, but resigned his post in 1943 to enter the Navy in support of our country during World War II. After the war, he was reelected to the House of Representatives where he served until 1963. During his congressional career, Jimmy served as senior member of the House Armed Services Committee and was ranking House Republican on the Joint Committee on Atomic Energy.

I felt both happy and sad upon hearing the news of Jimmy's retirement. I was happy to hear that he will finally get the retirement that he so richly deserves. And, it is with regret that I see the vital cog in the wheel of our Pennsylvania congressional delegation retire. I know that we will all miss Jim's wit, charm, organizational ability, and his reputation to get the job done. Jimmy's hard work and uncompromising values have gone beyond Pennsylvania to benefit countless others in many areas of our great Nation. It has been a pleasure to work with and become a friend of Jimmy Van Zandt. I wish he and his lovely wife all the best in the years ahead.●

● Mr. KOSTMAYER. Mr. Speaker, I would like to take this opportunity to join my colleagues in expressing my sincere thanks for the time and effort Jimmy has given to our Nation and the State of Pennsylvania.

Jimmy first came to Washington in 1938 as an elected Member of the House of Representatives. He served the people of Pennsylvania until 1963, with a brief hiatus from 1943–46, when he decided he could better serve his Nation by enlisting in the Navy.

Jimmy's accomplishments as a Member of Congress and as secretary to the Pennsylvania congressional delegation are too numerous to list. All of us present are well aware and appreciative of these accomplishments.

Jimmy has been the glue holding our delegation together. He has been a steady source of help to all members of the delegation—Representatives—Democrats—in addressing the needs of our State.

We will miss Jim Van Zandt here in Congress. In the future, I am sure he will continue his life in the same spirit of dedication to his Nation and State that he has demonstrated throughout his years in public service.●

● Mr. EDGAR. Mr. Speaker, I would like to pay tribute to Mr. James E. Van Zandt, who is retiring after 46 years of an exemplary career in public service. As chairman of the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee, it was indeed an honor to be able to introduce legislation, along with Congressman BUD SHUSTER, Mr. Van Zandt's own Congressman, that would change the name of the Veteran's Administration Medical Center in Altoona, Pa., to the "James E. Van Zandt Medical Center."

Mr. Van Zandt's service to his country is evidenced by the many honorable positions he held in public service. His long and distinguished career in the military included his active duty in both World Wars and in the Korean conflict, and in 1959 he retired from the USNR as rear admiral. He served here in the House for 22 years, and his dedication to his fellow veterans through his work in the Veterans' Affairs Committee and as a leader in various other veterans organizations represents his outstanding commitment to the ideals of our Nation.

The entire Pennsylvania delegation supporting this legislation is a special tribute to Mr. Van Zandt's dedication to his home State of Pennsylvania. Through this tribute, Mr. Van Zandt will be remembered by the veterans he served so well, by his hometown of Altoona, and the medical center that bears his name will be a lasting honor to him.●

● Mr. COYNE. Mr. Speaker, I rise in special tribute to James E. Van Zandt, a friend of the Commonwealth of Pennsylvania and a man of the House.

James Van Zandt, affectionately known as Jimmy to his many friends in this House, in Pennsylvania, and around the country, was elected to the House of Representatives in 1938. Even though he had already served his time as an apprentice seaman, enlisting at the time of the United States entry into World War I, he resigned from the House of Representatives to enter the Navy when the Nation was in need again, this time during World War II. He was reelected to the House in 1946 and served until 1963, acting as a senior member of the House Armed Services Committee and as ranking House Republican on the Joint Committee on Atomic Energy. Always active in veterans organizations, Jimmy served twice as Pennsylvania department commander of the Veterans of Foreign Wars and three times as national commander of that organization.

I have come to know Jimmy as a personal friend and as a supporter of the Commonwealth through his voluntary service as secretary of the Pennsylvania congressional delegation. For 20 years he has labored diligently for a

bipartisan caucus, working on behalf of the people of Pennsylvania in good times and bad.

Jimmy celebrated his 85th birthday in December, and has given us the sad news that he will no longer be acting as secretary to the delegation. Physical problems which require close attention to daily diet and routine, a need to spend more time on the writing of his memoirs and, perhaps most importantly, a desire to spend more time with his wife, contributed to his decision.

I know that I speak for all members of the Pennsylvania delegation, Republican and Democrat, when I express my heartfelt good wishes to Jimmy Van Zandt in his future endeavors.●

● Mr. COUGHLIN. Mr. Speaker, it is with mixed emotions that I pay tribute to James E. Van Zandt, a former U.S. Representative and a retired rear admiral, who is leaving as secretary to the Pennsylvania congressional delegation. My emotions are mixed because I will miss Jimmy sorely, but I know that Jimmy has earned his retirement more than anyone who has served on Capitol Hill.

For those of you who have not been fortunate enough to know and work with Jimmy Van Zandt, I think you should be aware of the fact that he has been a positive force in Pennsylvania governmental and political affairs for more than four decades. He is a gentleman in the truest sense of the word who has enjoyed the confidence and trust of Republicans and Democrats alike. No matter which party controlled the State government in Harrisburg or the Pennsylvania congressional delegation in Washington, Jimmy Van Zandt served all with equal dedication, energy, and zeal. He devoted a considerable portion of his life as a volunteer, without pay, working long days in the service of Pennsylvania and the Nation.

Jimmy Van Zandt celebrated his 85th birthday last December 18. Despite some physical problems and a stay in the hospital, he returned to his duties with the same zest and commitment that always has marked his activities in Washington. He, in fact, is the catalyst who has remained steadfast in his devotion to Pennsylvania and its citizens. Jimmy Van Zandt was the strong and steadying influence upon whom each of us in the Pennsylvania delegation could rely for advice and guidance. But, most of all, he was a worker. His former titles or positions never stopped him from doing the everyday work and details that helped our delegation and all those from Pennsylvania who came to consult or visit us in Washington.

I am sure my colleagues will recite the many positions in which he served and the honors accorded him. A veteran of World War II and the Korean conflict, he has served for 20 years without pay as the secretary of our congressional delegation. It is typical of Jimmy that he worked every bit as hard for Pennsylvania, its citizens, and the delegation without pay as when he was a U.S. Representative.

To honor Jimmy Van Zandt, a dedication of the Jimmy Van Zandt Veterans' Administration Center is planned later this year in Altoona, Pa., the community of his birth. Surely, no one has merited this tribute more than Jimmy Van Zandt. Yet, as great as this tribute is, somehow it cannot do justice to Jimmy Van Zandt and his life.

I know that he plans to devote time now to deposition of his congressional papers and to writing his memoirs. No doubt they will be among the most inspiring and interesting memoirs that ever will be written by a former Congressman. More important, Jimmy Van Zandt will be spending more time with his dear wife.

Words fail me, Jimmy. God bless you and Mrs. Van Zandt.●

● Mr. GOODLING. Mr. Speaker, since coming to Congress more than 9 years ago, one of the truly rock solid public servants with whom I have had the pleasure of dealing has not been a Congressman or Senator—at least not during my years here—but a former Congressman dedicated to what is best for Pennsylvania and what is best for the Nation.

Jimmy Van Zandt is a name which has been well-known and well-respected in Pennsylvania for many, many years and in the halls of Congress for about as long. Whenever an issue of critical concern to the Commonwealth is raised, Jimmy is on top of it to make sure that the delegation gets together to discuss it, and if appropriate, stand united behind the effort.

Jimmy's dedication to public service, as a Congressman for 24 years and as a military officer, is legendary.

For these reasons, it was appropriate that Jimmy was honored last year by having the VA center in Altoona named after him. Jimmy, you have stood as an example to all Americans of untiring and selfless public service. May you and Mrs. Van Zandt enjoy a wonderful retirement together. No one deserves it more than you. We look forward to hearing from you regularly.●

● Mr. SHUSTER. Mr. Speaker, I rise today to join with my colleagues in tribute to a good friend, Jimmie Van Zandt. Jimmie is retiring after 20 years as secretary of the Pennsylvania Congressional Delegation Steering Committee. His work has helped to foster the spirit of bipartisan cooperation that has been typical of the Pennsylvania delegation. As impressive as his accomplishments have been in this post, Jimmie's service to the Nation far exceeds the past 20 years.

Jimmie was born in Altoona, Pa., which is located in the congressional district that I represent. Following service in the First World War, Jimmie was elected to Congress, representing several counties in southcentral Pennsylvania. He resigned his seat in Congress to return to active duty in the Navy in the Second World War. Jimmie was reelected to Congress and served until 1963, when he assumed his present post.

Aside from the decorations he received for his military service, Jimmie has been recognized for his dedication to veterans. He is a three-time national commander, and twice Pennsylvania department commander of the Veterans of Foreign Wars of the United States, and he was awarded the Distinguished Service Medal of that organization. He is also a member of several other veterans organizations, and he has always given top priority in his crowded schedule to efforts on behalf of our Nation's veterans. In honor of his dedication, the Veterans' Medical Center in Altoona, Pa., bears his name.

I would like to thank Jimmie Van Zandt, not only for his outstanding service to our Nation, but also for his personal friendship and guidance. He has been an example of selfless dedication and hard work to the members of the congressional delegation. His record of accomplishment cannot be matched, but can inspire all of us to the determination and dedication needed to overcome the challenges that face us today.

I wish for Jimmie all of the best in the future. His hard work and organizational skills will be missed, but his friendship and inspiration will continue.●

● Mr. WALGREN. Mr. Speaker, we often hear a lot of tributes on the floor to people from all walks of life, but rarely do we take enough time to thank those directly around us for their splendid work.

Today, in what is long overdo, it is with feelings of admiration, thanks, and great respect that the House takes time to honor James E. Van Zandt, secretary of the Pennsylvania congressional delegation.

I have recently learned that, because of pressing personal matters and because of the overriding desire to attend to dreams deferred, Jimmy will be stepping down from his important position with the Pennsylvania congressional delegation.

Many among us from the Keystone State often forget that for 20 dedicated years, Jimmy has worked tirelessly, without pay, to coordinate the countless activities that have served to bring so many of us together for the good of all Pennsylvanians.

As a former Member of Congress, during his distinguished military career, and for those many years he

has served us in his position as secretary, Jimmy Van Zandt has shown all the qualities that make this country so great. He has always taken the lead, and more important, has followed through to make sure that all the details of every task were attended to.

There is simply no way to replace Jimmy. His breadth of experience and willingness to serve so completely are rare. Yet I have the good feeling that his stewardship as secretary of the Pennsylvania delegation will leave us with a benchmark against which we shall measure all successors. That, in itself, is a high tribute and one that will surely always cause us to think fondly of our good friend.●

TRIBUTE TO THE LATE HONORABLE CLEMENT J. ZABLOCKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 60 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Nation suffered a great loss when our late colleague, CLEMENT J. ZABLOCKI, passed away on December 3. Very few of us ever will serve with greater distinction and with more unswerving dedication to our country than our departed friend.

CLEM spent most of his adult life in politics. He was first elected to the Wisconsin State Senate in 1942 and reelected in 1946. In 1948, CLEM was elected to the House of Representatives from the Fourth District of Wisconsin, thus beginning a unique bond with the people of the Fourth District which lasted until his death last December. During his 35 years in the Congress, CLEM served his constituents with great dedication and loyalty. He also loved and respected the House of Representatives, and in his dealings with colleagues, CLEM was always fair and honest. Notwithstanding his long career in politics, CLEM was a statesman first and a politician second, and we mourn the passing of a good friend.

In the House, CLEM served on the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence. In 1949, CLEM was appointed to the Foreign Affairs Committee and became its chairman in 1977, succeeding his friend, the Honorable "Doc" Morgan.

As a Member of Congress and as chairman of the Foreign Affairs Committee, CLEM worked closely with various administrations to shape bipartisan support for our foreign policy. He often viewed his job as one of bridge building between the White House and the Congress. CLEM believed in the principle of a strong Presidency conducting a viable foreign policy. But, he also insisted that the right of the Congress to be involved in major foreign policy decisions must be safeguarded. Nowhere was this more evident than the issue of war powers. CLEM first introduced a war powers proposal in 1970 in order to reassert the constitutionally mandated obligation of the Congress in the area of war powers. In 1973, he was the principal House sponsor and the floor manager of the war powers resolution which was enacted into law that year over President Nixon's veto. CLEM held that the war powers resolution clarifies the desire of the Congress to undertake its rightful role and obligation under the Constitution and "it would certainly provide the ways and means for the executive branch and Congress to work together in this very delicate and difficult area. What Congress is really interested in is to be consulted and to be on the takeoff in decisions when our boys are committed to hostilities abroad, rather than to react to a decision of a President."

During his 34 years in the Congress, CLEM was one of the most consistent advocates of a strong national defense. However, CLEM was committed to reducing the horrible threat of nuclear war through responsible arms control agreements. In the 97th Congress, CLEM led an unsuccessful fight in the House on behalf of the resolution calling for a mutual freeze and verifiable nuclear arms agreement between the United States and the Soviet Union. Last year, CLEM again led the effort which was successful in winning House passage for the nuclear freeze resolution (H.J. Res. 13). At that time, CLEM said:

> We have an obligation to bring about some kind of an action and extend every effort to see that a nuclear holocaust will not come upon us. What it (H.J. Res. 13) does is strengthen the chance for peace and, in my judgment, that will strengthen us all and give security to the United States and to the world.

CLEM also abhorred the thought that the production of nerve gas would be resumed. He, along with the gentleman from Arkansas (Mr. BETHUNE) led successful efforts in the 97th Congress and again last year in preventing congressional approval for the funding of binary chemical weapons.

□ 1600

In Washington, CLEM met and consulted and worked closely with Presidents, Secretaries of State, heads of states of foreign nations and royalty and yet CLEM remained unpretentious, a fact noted by his constituents.

The people of Wisconsin's Fourth District and CLEM retained a close relationship. CLEM reflected their concerns and their hopes. He was more than a Member of Congress to the Fourth District, he was in the view of many Fourth District residents a family member. CLEM took great pride in his Polish heritage. And one of his proudest achievements was the establishment of the American Research Hospital for Children at Krakow, Poland, in 1965. CLEM was instrumental in obtaining private and public funding to create this outstanding medical facility. He attended the dedication ceremonies and continued to visit the hospital on a number of occasions.

CLEM saw this hospital as a way of assisting the Polish people in a humanitarian manner and as an important expression of American concern for the plight of the Polish people.

The American Research Hospital for Children is a lasting memorial to CLEM's efforts to demonstrate America's sympathy for the Polish people.

And among other things, CLEM was known for his work on behalf of our veterans over the years. Because of this a number of us have felt it would be appropriate to rename the veterans center in Milwaukee, Wis., the Clement J. Zablocki Veterans' Administration Medical Center. The entire Wisconsin delegation will be joining me in introducing a bill to that effect this coming Thursday. And I would like to invite all my colleagues to join in this effort.

Mr. Speaker, CLEM ZABLOCKI was a good, decent person, and we shall sorely miss him.

I want to express our deepest sympathies to his family.

And I would also like to submit for the RECORD several editorial comments, three of them, as a matter of fact, from Wisconsin newspapers on the passing of our friend and colleague, CLEM ZABLOCKI.

The editorials follow:

[From the Wisconsin State Journal, Dec. 6, 1983]

"NEVER LOST TOUCH"

The unassuming nature of Rep. Clement Zablocki, D-Milwaukee, was his strength.

The son of a Polish laborer, Zablocki was a school teacher and church organist before being elected to two terms in the Wisconsin Legislature, his stepping stone to 18 consecutive terms in Congress.

In recent years, as head of the key House Foreign Affairs Committee, be traveled extensively, meeting with presidents and princes around the world.

Yet, he never lost touch with the South Side Milwaukee neighborhood where he was born and raised.

He was a much-needed steadying influence on the younger, liberal House Democrats. As the New York Times wrote after Zablocki's death Saturday morning at the age of 71, the congressman was "a legislator who preferred consensus to confrontation."

He was a strong backer of the Vietnam war, yet was a chief architect of the War Powers Act to limit a president's ability to commit the country to war.

He became a leading proponent of the resolution calling for a nuclear-weapons freeze and led the successful fight in the House to bar the production of new chemical weapons.

Yet he also fought for a strong defense, supported President Reagan's decision to maintain U.S. troops in Lebanon, and consistently held to his instinct that Congress

must work with the president on matters of national interest.

It was Zablocki who piloted through Congress the recent compromise with Reagan on applying the War Powers Act in Lebanon, the first time it had been used.

Zablocki was a force of bipartisanship at a time when pressing domestic and foreign problems demand cooperation between the two political parties and between the White House and the Congress. His steadying influence will be missed.

[From the Milwaukee Journal, Dec. 4, 1983]

ZABLOCKI: SOLID WORK AND SIMPLE TOUCH

Wisconsin has lost an influential, respected and beloved congressman. And Milwaukee's South Side has lost an internationally recognized public servant who never forgot his ties with the folks on Mitchell St. or Kinnickinnic Ave.

Clement Zablocki, dead at 71, ably represented his 4th District, his state and his country for more than 34 years.

As a champion of his community, he used his personal influence and legislative skills to help obtain such projects as the Veterans Administration Hospital, the modern Post Office Building and the freeway system.

As the dean of Wisconsin's delegation to Capitol Hill, he set an example of reasonableness, fairness and honesty that elicited cooperation from Republicans as well as from fellow Democratic representatives.

As a prominent member of the House Foreign Affairs Committee (and chairman since 1977), the polite, considerate congressman developed leadership alliances that enhanced his legislative effectiveness. Friendships strengthened his hand, whether he was promoting local projects, enlisting support for passage of the landmark War Powers Act or pushing a nuclear freeze resolution.

Clem Zablocki was unassuming and unpretentious throughout a career that included numerous associations with presidents, prime ministers and monarchs. A lesser person might have been overcome with self-importance, but Zablocki remained a man of simple dignity.

A self-sufficient South Sider, he retained the ability to perform domestic chores—even make his own sausage. He was, as a Journal editorial said years ago, "a kielbasa man, but a caviar man, too."

[From the Capital Times, Dec. 6, 1985]

A GOOD MAN WHO GAVE HIS BEST

There was not an ounce of pomposity or pretension in Clement Zablocki. Though he chaired one of the most prestigious committees in Congress, he was a warm, down-to earth man, as much at home among his working-class neighbors on Milwaukee's south side as in the marbled halls of the Capitol.

Zablocki, who died last week-end at the age of 71, represented the Fourth District indefatigably for more than 34 years performing countless tasks for constituents, securing hospitals and other federal projects for the district.

Where there were doubts about the wisdom of administration policies, his first inclination was to support the White House. "We only have one president at a time," he liked to say. We parted company with him on many issues, from his opposition to court-ordered school busing to his support for limits on federally funded abortions.

Yet Zablocki, chairman of the House Foreign Affairs committee, was not as predictable as he seemed. He came to recognize that caring about his country sometimes required him to disagree with its leaders. Having supported the Vietnam War policies of the Johnson and Nixon administrations, he helped draft the War Powers Act, restricting presidents' ability to involve young men in combat.

In this and other issues, Zablocki's bedrock patriotism was balanced by a capacity for growth and a willingness to listen to the views of younger colleagues. Earlier this year he signed on as a sponsor of the nuclear-freeze resolution—a cause that gained renewed credibility because of Clem Zablocki's backing. He also led the successful fight in the House to bar the production of new chemical weapons.

If Zablocki was a bit too quick to accept President Reagan's rationale for keeping American Marines in Lebanon, the compromise he negotiated on that issue at least won from the president a tacit acknowledgement of the legitimacy of the War Power Act.

As much as he will be remembered for his hard work and service to his constituents, Zablocki will be treasured for his humility and gentleness and unflagging integrity. He was a good man who gave his best to the country and to Congress.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character and public service of the late Honorable CLEMENT ZABLOCKI.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I was shocked and deeply saddened by the sudden and tragic death of my good and longtime friend, CLEM ZABLOCKI, the chairman of the House Committee on Foreign Affairs.

We had served together for nearly 25 years on the Foreign Affairs Committee. In all those many years, he always placed his country first. There wasn't a partisan bone in his body, and he was widely respected for this quality.

CLEM's life story reads like a classic American success story. The son of immigrant Polish parents, he rose to chair one of Congress' most prestigious and influential committees. He was born in Milwaukee on November 18, 1912, and received his degree from Marquette University. While teaching, and working as a choir director and organist, he married Miss Blanch Janic in 1937. CLEM was later elected to the Wisconsin State Senate in 1942 and 1946.

After being elected to the U.S. House of Representatives in 1948, he served his constituents in the Fourth District faithfully until his untimely death. CLEM began his service on the House Foreign Affairs Committee in 1949 and became chairman in 1977. Over the years, he also served with distinction as the chairman of the Subcommittee on International Security and Scientific Affairs, and was a ranking member on the Permanent Select Committee on Intelligence. He was also a member of the Intelligence Subcommittee on Program and Budget Authorization. He also served with distinction as chairman of the Asian and Pacific Affairs Subcommittee.

Early on, his colleagues in the Congress recognized CLEM's considerable talents. He was chosen to be U.S. Delegate to the 14th General Assembly of the United Nations on New York in 1959, and also served as Congressional Adviser to the U.S. Delegation to the Conference of the Committee on Disarmament, and the Strategic Arms Limitation Talks (SALT II). In addition, he served as a member of many Presidential delegations and represented the U.S. Government overseas at many important functions. CLEM also participated in many significant congressional activities in foreign affairs, and was a member of the advisory board of Georgetown University's Center for Strategic Studies. CLEM received many awards and citations. In 1983, he received the Order of St. Gregory the Great, Knight Commander, from Pope John Paul II. That award is the highest given to Catholic lay people.

CLEM was also the author of many books and scholarly articles about foreign policy and important issues of the day.

In the area of congressional legislation, CLEM's achievements were many. He is regarded as the architect of the 1973 War Powers Act. Through this important piece of legislation, he tried to define the role of the Congress and the President in the important area of warmaking.

Just a few months ago, CLEM successfully negotiated a critical compromise on the War Powers Act between the legislative and the executive branches regarding the stationing of Marines in Lebanon as part of an intermediate peacekeeping force.

As part of his deep and abiding interest in international affairs, he sponsored legislation to remove the legislative restriction on diplomatic relations with the Vatican and worked to restructure U.S. economic assistance to developing countries with emphasis on basic human needs. CLEM also promoted legislation to set up and expand the Peace Corps and to establish the U.S. Arms Control and Disarmament Agency. He urged ratification of the Geneva Protocol and the Biological Convention on Chemical Warfare and established the Japan-United States Friendship Commission to promote various exchanges with that country.

As part of his international orientation, CLEM never forgot the Polish people and the land of his forefathers. He helped to establish a hospice in Rome for Polish visitors to that city and was instrumental in having a children's hospital built in Poland. He later was chairman of a congressional delegation to Poland for the dedication of that hospital, the American Research Hospital for Children in Krakow.

As impressive as his legislative accomplishments were in the area of foreign affairs, his successes in domestic legislation were equally significant. CLEM never forgot the working people of Milwaukee who first sent him to Washington. Always keeping them and other Americans in mind, he successfully sponsored and cosponsored legislation in the interest of the average taxpayer, elderly citizens, and small businessman. He worked hard for the extension and improvement of social security as well as improving veterans compensation and other benefits. Always aware of the concerns of the average American, he sponsored legislation to set up the House Select Committee on Crime, and worked to establish the Consumer Protection Agency. CLEM was also instrumental in setting up the House Select Committee on Aging and succeeded in having that law reformed. He also supported strong national defense, the mutual security program, and measures designed to combat subversive organizations at home and abroad.

Since his tragic passing, many of his colleagues have described him as a giant in Congress. A giant he was. Not only in the area of legislation, and leadership, but also in a personal sense. He had the heart of a giant in its capacity for kindness, warmth, and thoughtfulness. He loved his family, his friends, and his staff in a simple and very natural way.

The last day of the recent session of Congress, I had a long and enjoyable visit with CLEM ZABLOCKI on the floor of the House he loved so much. We talked of our years together and the many important events in the Congress that we both remembered so well. I have wonderful memories of the many hours that CLEM and I spent together on the many challenging issues that have faced our Nation over the years. I admired his wisdom, his honesty, and his humility. He was a quiet and unassuming man who brought great energy and dedication to his work. He had a masterful command of the issues and knew the Hill as well as anyone I have ever known after his many years of service. He gave this country and Congress much and was well loved for his efforts. For these reasons, his passing is for me a deep and personal loss. An eagle has fallen and he will be missed.

My heart goes out to his children and other family members. They have lost a good father. America has lost a great public servant who will not be forgotten. I have lost a dear, personal friend.

Mr. KASTENMEIER. I appreciate the comments of the gentleman from Michigan who, indeed, worked so closely with CLEM for so many years.

Mr. Speaker, I would now like to yield to my distinguished colleague from Wisconsin (Mr. OBEY).

Before I do so, I would say I remember the one time that CLEM ZABLOCKI was challenged and he was given ultimately overwhelming support by the House. His defense was led so eloquently by the gentleman from Wisconsin (Mr. OBEY) who I think if he were indebted to anyone, as all of us are for his actions in that situation, I am sure he would want me to speak to it.

Mr. OBEY. Mr. Speaker, as you know, the House of Representatives, the Foreign Affairs Committee, and the State of Wisconsin suffered the loss of one of our most beloved friends when CLEM ZABLOCKI died after a heart attack.

To me, two things stand out about CLEM ZABLOCKI.

First, he never forgot his duty to working people. He understood that the big shots and the well-connected have lobbyists to argue for them and that it is the job of a Congressman to make sure everybody else is not squeezed out.

Second, he never took a position on a truly important issue that he did not absolutely believe in.

Some people underestimated CLEM because he was so conventional. But that was his great strength as a human being. He believed in things like loyalty and sense of duty. He was no blow-dry hotshot. He was concerned more with substance than with image and he worked hard at his job, day in and day out.

He left his mark on the foreign policy approach of the country. He led the fight to rein in uncontrolled executive power in foreign affairs. He led the fight against the abomination of added nerve gas weapons. He pushed for a foreign policy that was based on a balanced reliance upon our political, economic, moral, and military power rather than one that relies first and foremost on gunboat diplomacy.

He loved the people he represented. He never forgot who he was, where he came from and who sent him. He truly exemplified a politician who was "of the people, by the people and for the people."

He was an honest, hardworking, dedicated, and warm man who was as comfortable at home with his neighbors as he was with foreign ministers and kings.

Two especially moving tributes to CLEM were given. The first was the homily at the funeral mass at Blessed Sacrament Church in Washington, D.C., delivered by Msgr. Thomas Duffy. The second was the eulogy delivered by the Speaker of the House at the funeral for CLEM in Blessed Sacrament Church in Milwaukee, Wis. I would like to insert both of them in the RECORD at this time:

HOMILY AT FUNERAL MASS: HIS GREATNESS LAY IN HIS SIMPLICITY

(By Msgr. Thomas Duffy, Pastor, Blessed Sacrament Church, Washington, D.C., December 6, 1983)

When we think of those extraordinary men and women who have been saints and who were embroiled in the politics of their times, we usually think of heroic figures. One thinks almost immediately of St. Thomas More whose life and times with Henry the Eighth was so magnificently portrayed in Robert Bolt's play, later a film, "A Man for All Seasons." One could mention too St. Catherine of Siena, a woman far ahead of her times, who after persuading Pope Gregory XI to abandon his stay at Avignon and return to Rome, spent her energies with kings and queens of Europe in upholding the cause of Pope Urban VI. The man we honor today at this Mass of the Resurrection would be embarrassed if we were to speak of his religious life and its effect on his political career in heroic terms. That is not to say that his deep religious faith did not influence markedly his public and private life.

His religious heritage was a gift he treasured. The fundamental belief of that heritage, Christ's resurrection and His call to share in that resurrection, lent a perspective to every aspect of the Congressman's life. That heritage, it must be said, came to him by way of his Polish parents. The world today has come to appreciate how a religious heritage can provide an indomitable courage not only for an individual but for a nation as well. Congressman ZABLOCKI was justly proud of his family's origins in a country that has given us in a single generation Pope John Paul II and Lech Walesa, two of the world's most dominant leaders of the present day. It was that heritage of faith that was so richly a part of his life.

There is no question that his religious faith influenced his career and profession as a Congressman and as the Chairman of the Foreign Affairs Committee of the House of Representatives. The obvious influence was in terms of his integrity and honesty. I do not think the Congressman thought of his work in politics in terms of sanctity, yet the way he pursued his task was not without the elements of sanctity. For surely included among the ingredients of sanctity is doing what one is supposed to do with honesty and integrity.

But there was in Congressman Zablocki's life a religious quality more striking. He was able to maintain the simplicity of the gospels, while at the same time occupying a remarkably powerful position in the foreign policy formulation process of one of the two great superpowers of our day. Yet, he never lost a sense of the simplicity that marked His Master the Lord Jesus, who said, "Learn of me for I am meek and humble of heart." I need not add that this simplicity was in no way to be equated with weakness. That same Lord Jesus was the one who stood face

to face before Pilate and with steel-like courage reminded the Roman Procurator from whence came all power. It was that same kind of simplicity rooted in strength that was so striking in Clement Zablocki.

The Congressman rose from a high school civics teacher and organ player to a position of unique power but he remained to the end a simple and lovable man. That feat, indeed, if it is not heroic, touches on greatness.

That simplicity showed itself in a variety of ways, most forcefully with his family in his fidelity to his beloved wife Blanche, his deep affection for Joseph, his son, and Jane, his daughter, and for his brothers and sister and in his fidelity to his friends. By friends, I must include his staff people. Nowhere was all this more evident than at his annual party at Little Christmas, Epiphany, when he and his family would entertain staff people, journalists, neighbors, visitors from Milwaukee and others. There was always his own kielbasa, made with his housekeeper, Mary. The priests here look back somewhat with awe when they remember that the one who produced their kielbasa at Christmas was also the architect of the War Powers Act.

He indeed could be an example for those who acquire high position in church and state and who find their lowly origins an embarrassment.

The simplicity of which I speak has its effects in his professional life in a more subtle way. For, it resulted in an enviable security that, in turn, enabled him to rise above personal prerogatives. (Members of Congress here today appreciate this attribute.) Richard Pearson described this characteristic in his article last Sunday when he wrote: "Unlike many House Committee Chairmen who are jealous of their prerogatives, Mr. ZABLOCKI granted power and freedom to his Subcommittee Chairmen . . . while he generally chose the more traditional course of quietly building consensus."

In the last 24 hours of his life, he demonstrated how this simplicity of life was present with his attention to the weighty duties of his role as Chairman. He spent part of that period stringing Christmas lights for his annual Christmas Party and a bit later worked with his staff in preparation for his meeting with Israeli's Prime Minister, Yitchak Shamir. Though he worked with Popes and Presidents, Prime Ministers and Ambassadors, Senators and Generals, he remained to the end a simple, lovable man.

This morning in his parish church of Blessed Sacrament in Washington (he retained an allegiance to another church by the same name in Milwaukee), we tender our last farewell to this simple lovable man in the setting of the ancient Liturgy that was so dear to his heart. As he leaves, we pray that he will be blessed with the peace he worked so tirelessly to achieve in his political life. Yet his peace now will be the peace the world cannot give in the company of His Risen Savior the Lord Jesus Christ.

THE SPEAKER'S TRIBUTE TO CLEM ZABLOCKI, BLESSED SACRAMENT CHURCH, MILWAUKEE, WI

Reverend clergy, members of the Zablocki family, Mr. Mayor, my colleagues in Congress, friends and neighbors of CLEM ZABLOCKI.

Clem Zablocki was my friend. We served together in the House for nearly 30 years. We worked together in the leadership of the House for nearly 10 years. We saw the country change and we saw the House change. The House is a very different institution now than it was when Clem and I started out in Congress. But in one respect, it is the same and that it is a very personal institution where Members judge each other not on the basis of what they say, but rather on the basis of what they do; where trust and respect does not come with the office but is earned over time through hard work and reputation for truthfulness.

Clem had the trust and respect of his fellow Members. He had it because he was honest, fair and knowledgable. He loved his country, his family, and his church. He treated everyone he met with courtesy and patience. As his responsibilities grew during his years in Congress, increased power and prestige did not change him; it just made him busier.

He worked hard on the Nation's business. He sought consensus rather than confrontation, and bipartisanship rather than partisanship. As chairman of the Foreign Affairs Committee, he chose to guide rather than push, to convince rather than to dictate, and to reward others rather than take credit for himself.

He secured the passage of landmark legislation such as the war powers resolution and the Case-Zablocki Act. With this legislation, he helped restore the balance in foreign affairs between the President and Congress that the Constitution mandated.

Clem's passing comes at a time when we need him, at a time of crisis in international affairs. His wise counsel and experienced leadership will be sorely missed. He observed here in Milwaukee a few years ago that the 1980's would be a "dangerous" and "unstable" period for the world. And consequently, as a Nation, we should try to influence events rather than try to control them. We all wish that Clem was still here to help us influence those events on behalf of the cause of peace and justice in the world.

As Speaker, when I recognize a Member to address the House, I refer to him as the gentleman. Over the years, I recognized Clem as the gentleman from Wisconsin for remarks hundreds of times. I recognized him for the last time 3 weeks ago at the end of the session. It is hard to believe that he no longer will address the House, meet with his constituents, or celebrate with his family and friends.

Yet while his voice is silent, his memory is fresh and strong among us. His accomplishments are evident in our lawbooks and apparent in the streets and neighborhoods of Milwaukee. But most of all, his sense of humor and his spirit of generosity lives on in the hearts and minds of all of us here today. In the way we say it in Congress, it's now sine die for you, Clem. Until we meet another day, God be with you.

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Mr. KASTENMEIER. I thank my colleague, for his remarks.

I now yield to the gentleman who served many years side by side with CLEM on the Foreign Affairs Committee, the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KASTENMEIER) for taking this special order regarding CLEM ZABLOCKI.

Mr. Speaker, even today I continue to look for Chairman CLEMENT J. ZABLOCKI on the floor of the House, in the hallways of Rayburn, and in the Committee on Foreign Affairs hearing rooms. For me, CLEM is so closely associated to the daily business of this body and to its consideration of the most compelling issues that it is still difficult to realize that he is gone. Somehow, I keep expecting him to turn up, to conduct the next markup or to welcome a visiting foreign dignitary.

It is not surprising that I, like many of my other colleagues, miss CLEM so greatly. His personal integrity was exemplary. CLEM's goals were to do what was good and best for his country. For us Republicans, this meant a bipartisan approach to foreign policy that was much appreciated and well respected.

CLEM had little tolerance for hypocrisy and never practiced it. Personal gain was remote from his thinking. Rather, he was motivated by high ideals and a deep religious feeling.

In his modest manner, CLEMENT J. ZABLOCKI accomplished great deeds. Much of the significant legislation that today governs the foreign policy of the United States was the work of CLEMENT J. ZABLOCKI or bears his mark: the War Powers Act, the Nuclear Non-Proliferation Act, foreign assistance legislation, particularly development aid, health and population, and foreign military sales and assistance legislation.

The legislation required creativity and energy to enact but also patience and perseverance. CLEM had these qualities and more. If he left his mark as a legislator, he left it even more as a man. CLEM was a good friend. He was a nice and decent man.

Joan and I would like to express our appreciation to his children Jane and Joseph and to all the Zablocki family for sharing him with us.

Mr. KASTENMEIER. I thank the gentleman from Kansas for his remarks.

Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Speaker, the other Members who have spoken before have outlined the major features of CLEM ZABLOCKI's life and service, and I wanted to take a minute to pay tribute to this fine gentleman who was so helpful to me when I arrived here in the House of Representatives. There is probably nothing more puzzling than to sort out the challenges and opportunities and conflicts and choices to be faced by a freshman Member of Congress, and CLEM ZABLOCKI was always exceedingly kind and thoughtful. He took the time, all the time that I would ever possibly want, to discuss with me the various questions I brought to him as the dean of our delegation and as the most experienced Member of our State here in the House. You always felt with CLEM that he had all the time in the world

for you, and that was one of his wonderful qualities.

As a Member who also represents the city of Milwaukee, I can also attest to the statement that others have made that CLEM truly represented his district. I know CLEM's district quite well, having represented part of it when I was in the State senate, and we had overlapping constituencies for 4 of my 6 years in the statehouse. I can assure you that it would be hard to find anyone who would be more representative of the Fourth Congressional District than CLEM ZABLOCKI. He was a man of the people, he was unpretentious, he was down to earth, he had basic values that are so solid in that district. He spent a lot of time in the district. It was very common to see CLEM ZABLOCKI at even a very small community meeting. I frequently ran into CLEM when I represented that district. He always arrived with no fanfare, no retinue, no advance guard, always by himself, always in the most humble and unassuming sort of way, and that is part of the reason he endeared himself so much to the hearts of the people of his district.

I was not in Congress when CLEM achieved some of his landmark items of legislation such as the War Powers Act, but I was serving overseas in the Peace Corps when CLEM was active in the formation of that institution, and many of us who served in that body owe CLEM ZABLOCKI a debt of gratitude for his strong support of the Peace Corps in those early years.

CLEM ZABLOCKI was truly a man of his time and of his district. He always fought tirelessly for the people of his district and for the interest of Wisconsin generally. He will be deeply missed both in the city of Milwaukee and in this House.

Mr. KASTENMEIER. I appreciate the comments of the gentleman from Wisconsin (Mr. MOODY) who, for the time being, must represent all of Milwaukee.

Mr. Speaker, at this time I yield to the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. CLEM ZABLOCKI already was an established and respected Member of Congress when I came here in 1955. Quiet, unprepossessing, he made a mark. CLEM ZABLOCKI was universally respected by all of his colleagues on both sides of the aisle. He was a consummate gentleman, an American's American, a lawmaker's lawmaker.

I think CLEM ZABLOCKI in his quiet way probably did more to make a reality of the dream of bipartisanship in foreign policy than almost anyone else in that position might have done. He was confronted by difficult circumstances as he rose to the position of chairmanship in the important Committee on Foreign Affairs. His carreer spans difficulties, alarms, changing circumstances, crises of one kind and another in almost every part of the world. Through it all he never lost his equanimity. Through it all he never lost his sense of respect for his colleagues of whatever persuasion. Through it all, rather than a lightening rod, CLEM ZABLOCKI seemed to be the kind of repository to which others could come with their hot molten metal of ideas and clashing opinions and they could cool them off in the quiet recesses of his mind and his personality.

CLEM ZABLOCKI was able to make people of disparate and divergent viewpoints come together upon a workable formula. We will miss him sorely. He was one of those public officials not given to seeking publicity. Rarely was his name and visage emblazoned across the front pages of the newspapers of America. Seldom did he crowd out the evening news on television. Never did he seek consciously to be the center of attention. But he was the center and the focal point around which the foreign policy issues of the House devolved.

He performed a service that has been little noted. I am not sure that history will record the significant unsung service that was performed throughout these years by CLEMENT J. ZABLOCKI. To know him was to be enriched. To serve with him was to have a gift for which we will always be grateful.

Mr. KASTENMEIER. I thank the majority leader for his comments.

Mr. Speaker, I am now pleased to recognize our colleague, the gentleman from Wisconsin (Mr. ROTH), who not only knew CLEM as the chairman of our State delegation, but also as chairman of the committee to which he was assigned in Congress.

Mr. ROTH. I thank my colleague for yielding.

Mr. Speaker, I want to thank our colleague, the gentleman from Wisconsin (Mr. KASTENMEIER), for his appropriate remarks and for asking for this special order.

Mr. Speaker, when I learned of the sudden and tragic circumstances which struck down Congressman CLEMENT ZABLOCKI, I knew that our home State of Wisconsin had lost the senior and most distinguished Member of its congressional delegation. The country lost an able individual who was chairman of the House Committee on Foreign Affairs and on so very many occasions faithfully represented the best interest of the United States to leaders around the world.

I felt a certain kinship to Congressman ZABLOCKI. Both he and I served on the Foreign Affairs Committee. Many times both he and I had similar views on international events. Both he and I were alumni of Marquette University in Milwaukee.

Those of us who had the privilege to serve with him understand the difficult and complex task which he so artfully performed. How many times was our former chairman asked to mediate a dispute between other ranking members of our committee or to settle a matter of legislative jurisdiction. How many time did Congressman ZABLOCKI place his loyalty to his country and his President over partisan politics and the course of political expediency?

These were the marks of a great chairman—a chairman who sought to deal fairly with all the members of the Committee on Foreign Affairs whether they be Democrat or Republican.

I know that many people in Wisconsin felt a personal loss with his passing. They remember him because he never forgot his roots and maintained a fierce loyalty to protect the interests of his constituents. We all can appreciate and can participate in the great issues of the day—national security, foreign policy, international trade, human rights, world hunger, and the many other special problems which afflict each region of our world.

Congressman ZABLOCKI was part of all of these issues. Either directly, or indirectly through his subcommittee chairman, he played a role in world affairs.

But the Congressman never forgot his constituents. He never forgot the elderly who needed heat in the winter, the lost social security check, the parents of a would be student who needed help in the Washington bureaucracy to find the right office to apply for a student loan.

It is impossible to estimate how many people in Wisconsin benefited from Congressman ZABLOCKI representing them in the U.S. Congress. On this score alone he was a great Member of this body.

But his abilities and special gifts carried him to greater heights. The country is grateful and so are we that his even hand helped guide the ship of state.

Many centuries ago, Ecclesiastes wrote about a time for war and a time for peace, a time for reaping and a time for sowing. Congressman ZABLOCKI's time came when we all wished he could have remained with us. His memory will be blessed.

□ 1620

The country lost an able individual who was the chairman of our Committee on Foreign Affairs, and on so many occasions faithfully represented the best interests of the United States not only here on the floor but also around the floor.

Mr. Speaker, I felt a certain kinship with Congressman ZABLOCKI because both he and I served on the Committee on Foreign Affairs. Many times we had similar views on international

events and both he and I were alumni of Marquette University in Milwaukee.

Those of us who had the privilege of knowing and serving with him understand the difficult and complex tasks that he had and how artfully he performed them how many times our former chairman was asked to mediate a dispute with ranking members of our committee or to settle a matter of legislative jurisdiction, and how many times Congressman ZABLOCKI, and that is the thing I will always remember about him and the thing I admired most, placed the loyalty of his country and the President above partisan politics and the cause of political expediency. I know that, sitting on the Committee on Foreign Affairs, many times I said to him, "This must be a tough decision for you to make as a member of your party," and he said, "No, not really, because it is in the best interests of our country."

I think he really meant that. I know he did. If there is any one thing that I will remember about CLEMENT ZABLOCKI it is that he was truly the type of person, as I think our colleague, the gentleman from Wisconsin (Mr. OBEY) so eloquently pointed out, who put the country above everything else. In a day and age when we do not seem to have the heroes we look for many times, here was a man who was, in my opinion, a true hero.

I also think it is the mark of a great chairman, a chairman who sought to deal fairly with all members of the Committee on Foreign Affairs, whether they were Democrat or Republican.

I know many times I hear people talk about what takes place in committee, but there is not a time, and I have served on that committee for 4 years, where I can say that CLEMENT ZABLOCKI was not fair to both sides.

I know many people in Wisconsin, not only in Milwaukee, feel a personal loss at his passing. They remember him because he never forgot his roots and maintained a fierce loyalty to protect the interests of his constituents. We can appreciate and participate in the great issues of the day, as he did, the national security, the foreign policy, international trade, human rights, world hunger, and so many of the other issues that afflict the world, and Congressman ZABLOCKI was part of all these issues, either directly or indirectly, through the subcommittee chairmen. He played a role in world affairs. But the Congressman never forgot his constituents. He never forgot the elderly who needed heat in the winter. He never forgot the lost social security check, the parents of a student who needed his help to work their way through the Washington bureaucracy to help a young student with a student loan. It is really impossible to estimate how many people in Wisconsin benefited from Congressman ZABLOCKI representing them in the U.S. Congress.

On this score alone, he was a great Member of this body, but his abilities and special gifts carried him to greater heights. The country is grateful that we had a man like CLEMENT ZABLOCKI with his hand on the ship of state.

Many centuries ago, Ecclesiastes wrote about a time for war and a time for peace, a time for reaping and a time for sowing. CLEMENT ZABLOCKI's time came when all of us wished he had remained with us a little longer, but I think we will all agree that his memory will be blessed.

Again, I thank our colleague from Wisconsin for asking for this special order and I appreciate the special effort that he put forth.

Mr. KASTENMEIER. I appreciate the remarks of the gentleman from Wisconsin.

Indeed, as the chairman of the Committee on Foreign Affairs, he was both respected and effective and at the same time congenial and popular, as is his successor. The burden of that committee now falls upon the gentleman from Florida, and I would like to yield to him.

Mr. FASCELL. I thank the gentleman from Wisconsin for yielding, and I want to join him and my other colleagues in the very appropriate tribute that is being paid to CLEM ZABLOCKI.

I want to say about CLEM, first and foremost, that CLEM ZABLOCKI was my friend. We served on the Committee on Foreign Affairs together for almost the entire time that I have been in the Congress, and that is a long time, 28 years on the committee, and CLEM was there longer than that, and we worked side by side.

History will record, our history personally, the history of the Congress, the history of the country, that CLEM was indeed a remarkable man. I think he amazed a lot of people.

First, he was one of the hardest workers I have ever known. Hours meant absolutely nothing to him, when it came to carrying out his responsibility either representing his district or the awesome responsibility as chairman of the Committee on Foreign Affairs, and prior to that as a member. As a matter of fact, CLEM ZABLOCKI worked himself to death literally. He just put in so many hours both here and in his district, and in doing the things that are necessary to be done overseas at many international meetings, in bilateral meetings. He kept a schedule that is almost beyond my comprehension. I tried my best to keep up with him, and I will tell my colleagues, it was difficult if not impossible.

As my colleagues have already pointed out, he was amazing in another way. He really left his imprint and his mark, which is the object of most of us here in whatever it is we are trying to do. CLEM ZABLOCKI left his mark with respect to foreign policy. It is in the statute books in a variety of ways. He was determined. He was one of the most persevering individuals I have known. He pursued and he was totally dedicated in working on whatever it was that he was working on, in trying to get legislation through or carrying out an idea that he was interested in. No matter was too small or too large, too broad in scope, for him to become involved in. Those of us who are on the committees know what that means, as the chairman, to be involved in the total scope of whatever the committee is doing. But it did not make any difference whether it was a minor structural change in an agency or a personal problem of an individual or major international policy decision. CLEM was personally, directly involved in whatever the issue was that came before him or his committee. He traveled just as easily with the individual who had a problem with one of the agencies that came under the jurisdiction of the committee on Foreign Affairs as he did with heads of state, and I have traveled with CLEM ZABLOCKI many times overseas.

□ 1630

The high regard and respect which he held, which I dare say many people did not know or fully appreciate or understand, maybe even in the Congress with the people he worked with, was so evident that he moved with great ease because he was respected, not just because he was chairman of the Foreign Affairs Committee, but he was respected for the kind of person he was. He was so humble, and yet he had such a broad grasp of the international problems that he could discuss them with Kings and Presidents and Prime Ministers and foreign ministers, and they were genuinely appreciative and impressed, I might add, that this small, unassuming man, he seemed to be more in tune with whatever goes on in Wisconsin, I might say, than the problems that go across the world, would have that kind of capability, because CLEM was that kind of man. He was very deliberate, I might say, but he was thoroughly understood whenever he talked about major matters anywhere we went.

And I want to say something else, too—that CLEM was a fighter. He might not appear that way because he was rather quiet, but I want to say that you did not have to scratch very far on CLEM ZABLOCKI to realize very quickly that you either had a plate of steel confronting you or that you were dealing with a she bear protecting her cubs, or both, because that was his nature. And yet, when confronted with the variety of prospects and opinions and points of view that he would be confronted with in arriving at a con-

sensus or in trying to do something, say, on the committee with legislation or policy or whatever, he was one of the most valuable, flexible individuals at arriving at where it became necessary to go in order to get there. The very art of diplomacy in politics, it seems to me, is the epitome of what it is that we try to do. So he was rightly known for those landmarks in foreign policy and in legislation and in working with the administration and in working with his colleagues.

I think that surprised a lot of people because CLEM did not espouse nor did he seek that kind of glamor. He went his own way in that sense. Yet he was an idealist, and he was a realist at the same time, one of the most pragmatic people in that sense that it has been my pleasure to work with.

He was a great help to me in my years on the Foreign Affairs Committee. We worked very closely together. It was my privilege to work with him. I am a better person because I had the opportunity to work with CLEM ZABLOCKI, and those of us who were privileged to know him in Congress, I am sure, feel the same way.

Mr. Speaker, he made a great contribution to this Congress which he dearly loved. He made a great contribution to his Nation. He will be thoroughly missed. I extend my sympathies to his family.

Mr. KASTENMEIER. Mr. Speaker, I appreciate the remarks of the chairman of the Foreign Affairs Committee, the worthy successor to CLEM ZABLOCKI.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. Mr. Speaker, it is my pleasure and honor to yield to the Speaker of the House of Representatives.

Mr. O'NEILL. Mr. Speaker, I want to thank CLEM's old colleague, the gentleman from Wisconsin, for yielding to me.

Mr. Speaker, the death of CLEM ZABLOCKI was a shocking blow to Mrs. O'Neill and myself. He was our close personal friend and a valued colleague.

Only last year we traveled to China together, and incidents happened there that I will always remember. I remember how CLEM stood up so much for the policies of America and made such telling remarks—they were well spoken and I am sure they were well taken by the Chinese leaders.

CLEM began his distinguished career in the U.S. House of Representatives in 1949 and his experience and knowledge—spanning the Truman Presidency to the present administration—proved time and time again to be of immeasurable benefit to the Congress and to the Nation.

I was deeply honored by my colleagues and by CLEM's family to be allowed to give a eulogy as a Member of Congress at the funeral services. I well remember the beautiful service and the eulogy that Father Frank San Filippo gave, the pastor of St. Mary's Parish at Milwaukee who was CLEM's close personal friend for so many years.

It will always be indelibly inscribed in my memory and my heart, as we left that church in the cortege—the lines of people along the streets with sorrow in their hearts. They had lost a close friend and a great leader.

I will remember always, as we passed the school, the children lined up and saluting. They, too, will keep the memory of a great man.

I remember, as we passed the fire department, the people out there saluting and the sirens blowing. They indeed had taken to their hearts the loss of a great, great human being.

What can you say in an hour of sorrow of a man you have served with for 30 years, a man you admired and respected and enjoyed so many good times with? All you can say is, may he ever be in the hallowed hands of the people that he loved so well.

FUNERAL EULOGY

Reverend clergy, members of the Zablocki family, Mr. Mayor, my colleagues in Congress, friends and neighbors of Clem Zablocki.

Clem Zablocki was my friend. We served together in the House for nearly thirty years. We worked together in the leadership of the House for nearly ten years. We saw the country change and we saw the House change. The House is a very different institution now than it was when Clem and I started out in Congress. But in one respect it is the same—it is a very personal institution where Members judge each other not on the basis of what they say. But rather on the basis of what they do; where trust and respect does not come with the office, but is earned over time though hard work and a reputation for truthfulness.

Clem had the trust of his fellow Members. He had it because he was honest, fair and knowledgeable. He loved his country, his family and his church. He treated everyone he met with courtesy and patience. As his responsibilities grew during his years in Congress, increased power and prestige did not change him, it just made him busier.

He worked hard on the Nation's business. He sought consensus rather than confrontration and bipartisanship rather than partisanship. As chairman of the Foreign Affairs Committee he chose to guide rather than push, to convince rather than to dictate, and to reward others rather than take credit for himself.

He secured the passage of landmark legislation such as the War-Powers Resolution and the Case-Zablocki Act. With this legislation he helped restore the balance in foreign affairs between the President and Congress that the Constitution mandated.

Clem's passing comes at a time when we need him, a time of crisis in international affairs. His wise counsel and experienced leadership will be sorely missed.

He observed here in Milwaukee a few years ago that the 1980's would be a "dangerous" and "unstable" period for the world and consequently, as a Nation, we should try to influence events rather than try to control them. We all wish that Clem was still here to help us influence those events on behalf of the cause of peace and justice in the world.

As Speaker when I recognize a Member to address the House I refer to him as "the gentleman." Over the years I recognized Clem as "the gentleman from Wisconsin" for remarks hundreds of times. I recognized him for the last time three weeks ago at the end of the session. It is hard to believe that he no longer will address the House, meet with his constituents, or celebrate with his family and friends.

Yet while his voice is silent, his memory is fresh and strong among us. His accomplishments are evident in our lawbooks and apparent in the streets and neighborhoods of Milwaukee. Most of all his sense of humor and his spirit of generosity lives on in the hearts and minds of all of us here today.

Mr. KASTENMEIER. Mr. Speaker, I thank the Speaker for those impressive remarks. We appreciate his eulogy of the late CLEM ZABLOCKI delivered at his funeral and which was placed in the RECORD by our colleague, the gentleman from Wisconsin, Mr. DAVE OBEY.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I thank my colleague for yielding.

It is not an easy act to follow the distinguished Speaker of the House, but I cannot sit here without recalling some words that I think are very appropriate. They also came from Massachusetts; they were given by the brother of the late Senator Robert Kennedy at his funeral when his brother stood up in that eulogy and said:

I ask that we do not make in death of him beyond what he was in life, rather that he be remembered simply as a good and decent man. He saw wrong, he tried to right it. He saw war, he tried to stop it. He saw suffering, he tried to heal it.

Those words are perhaps as accurate today as they were back in 1968 as we reflect today on the life of our distinguished colleague, CLEM ZABLOCKI.

We have heard a lot of talk here this afternoon and a lot of accurate words about CLEM ZABLOCKI as a statesman, as a man who put his interests in his country above his party. Certainly he did that.

But I think we ought to remember that as much a statesman as he was for his country, he was also a fighter for those people in south Milwaukee. If he felt that any proposal from any President, regardless of party, or any Member of this Congress was going to in any way negatively affect his constituents, the working people, the laboring people of south Milwaukee, he would stand up and, with the same fire and emotion in his voice, attack that particular policy.

James Freeman Clark said that a politician is someone who thinks about the next election and a statesman who thinks about the next generation.

I cannot help but say today that I personally have lost a friend. We in Wisconsin have lost the dean of our delegation, and I think we in Congress and this country have lost a statesman, because CLEM ZABLOCKI was really all those things to all of us. He did put the concerns of his country far above the concerns of his party and even above his district.

He made this statement once when someone asked him, "Is that necessarily the thinking of the people in south Milwaukee?" He said, "You know, sometimes you've just got to lead."

That is what he would do. We have reflected so often here, but I think it needs to be repeated, that he would lead this Congress and he would lead the members of the Foreign Affairs Committee and he would lead the members of his party to do what he thought was right for his country.

I remember talking to him a couple of different times when I had unique privileges as a younger Member sitting over on the far ends of the Chamber seats where he so often held his court. I would go and sit down with him and talk, and I remember talking to him, No. 1, about foreign policy, and about when he had to incur some rather strong opposition both here and at home for the positions he had taken.

□ 1640

I also remember talking to him about issues important to us in Wisconsin. Now, as many of you know, the gentleman in the well who is holding this and I both are very concerned about the dairy program in this country. If I am correct, CLEM ZABLOCKI probably did not have a dairy cow in his district, and yet every time he voted with our particular interests, because he said, "You know, what is good for you is good for Wisconsin and what is good for Wisconsin is good for my constituents."

He saw his role as being not just a parochial view of people in the assembly or the congressional district in south Milwaukee, but he sought to be so much more than that.

I had one of the unique privileges, like our colleague, the gentleman from Wisconsin, JIM MOODY, from Milwaukee of being a younger member of the Wisconsin delegation. By virtue of that, I had the opportunity to receive from a man who had more important people to talk to, more important meetings to attend and more important decisions to make, but I had the opportunity to receive his counsel, his wisdom, his advice and so often his support.

There are some words in the Bible called, blessed are the peacemakers. Certainly we are paying our respects today to that particular peacemaker.

I guess to sum up CLEM ZABLOCKI, if the people of south Milwaukee were to write a campaign slogan for the late gentleman from Wisconsin, the dean of our delegation, that campaign ad would have said, "In Washington and around the world, they call him a great Congressman, but at home we call him CLEM."

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman.

Before I yield to the chairman, I would like to yield to the gentleman from New York (Mr. SOLOMON) who has waited so long and so patiently.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding some of his time and I certainly commend him for his remarks about the man we loved on both sides of the aisle.

Mr. Speaker, it is difficult to think of a Member of Congress who was more dedicated to his duties, his constituents and his Nation than the late CLEM ZABLOCKI.

For some, this sort of zeal is the result of personal ambition, or the lust for power or prestige. But CLEM ZABLOCKI'S only ambition was for his country. To him, America had a role to play as the conscience and the force for freedom around the globe. All he asked for was the privilege for playing his part in seeing to it that American fulfilled that destiny.

In doing so, he displayed the strength of character that was his abiding trademark. CLEM ZABLOCKI was a man shaped by the people he represented—honest hard-working people, many of whom were first and second generation Americans, refugees from eastern Europe. These men and women knew how precious a legacy they had entrusted to the man who spoke for them in Congress.

CLEM ZABLOCKI treasured that trust, and faithfully kept it, throughout the Vietnam war, and all the other foreign policy trials this country has faced. It was these people—not the protesters—who gave CLEM ZABLOCKI his mandate.

Those of us who sit on the House Foreign Affairs Committee are sometimes accused of being filled with bluster, with posturing, of indulging in partisan wrangling. This confrontation of opposing world views is necessary and healthy, Mr. Speaker, but there is no question that the committee could well have defeated a lesser man. But CLEM ZABLOCKI was made of sterner stuff.

As chairman, he gave free rein to the expression of rival views of the world and America's proper role in it. But when the debate was done, and the votes recorded, CLEM ZABLOCKI always saw to it that his committee—and this Congress—spoke with one voice—America's voice—to our allies and our adversaries abroad. Bipartisanship was the code by which he lived and the goal toward which he worked in Congress.

These traits of CLEM ZABLOCKI were the very essence of patriotism. And I know that CLEM ZABLOCKI would have considered being called a patriot the highest accolade we could pay him. And so, I join my colleagues today in paying tribute to CLEM ZABLOCKI, Milwaukee Congressman and American patriot.

Mr. KASTENMEIER. Mr. Speaker, I thank our colleague, the gentleman from New York for those excellent remarks.

I yield to the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Speaker, I thank the gentleman for recognizing me and I want to thank the gentleman for organizing this tribute to our friend, CLEM ZABLOCKI.

Mr. Speaker, this is the first session that I have been a Member of this House and CLEMENT J. ZABLOCKI has not been here. For over three decades, CLEM ZABLOCKI has worked and labored and made his sense of decency felt in this House of the people. During his time, CLEM ZABLOCKI knew and was respected by presidents, kings, ambassadors and foreign ministers. But he was still that man from South Milwaukee who knew the needs and aspirations of the people of Wisconsin and of this Nation. His passing has left a political and personal void among his friends, his constituents and his colleagues. He will be sorely missed.

Our democracy has endured for over 200 years because people like CLEM ZABLOCKI have devoted their lives to making our democratic institutions work. That our democratic institutions continue after us is a measure of our success. That fact that we adjourn this day of the new session in his honor is a fitting tribute to the life's work of CLEM ZABLOCKI. The mark of CLEM ZABLOCKI can be seen across our Nation's policies and laws. As chairman of the Committee on Foreign Affairs, he played a major role in shaping the world we live in and in our response to outside events. His hand can be seen in the Foreign Assistance Act, the Arms Export Control Act, and in the War Powers Resolution. His hand can be seen in the policies which implement these laws and in the manner in which we deal with friend and foe alike. And his hand can be seen in the nature of the relationship between the executive and legislative branches when it comes to foreign policy.

Those of us who have had the opportunity to know and work with CLEM ZABLOCKI, know that above all, he sought to solve problems through compromise and consensus. He could have chosen other approaches, but it was his strength which caused him to seek to build policies upon partnership and cooperation. CLEM ZABLOCKI could always be depended upon to go the extra mile to find an agreeable solution to a dispute between the Congress and the President on how to best conduct our foreign affairs. He always

sought to put the good of the Nation above narrower interest and he was devoted to the concept that a good foreign policy was a bipartisan foreign policy.

Yet when there were those who sought to ignore commonsense, and those who attempted to ignore the constitutional role of the Congress in foreign matters, CLEM ZABLOCKI was among those to make clear the error. One of the times of greatest need was in the early 1970's. It was a time when our constitutional structures were under stress and challenge. The traditional balance between the executive and legislative branches had begun to break down. It was a time that the whole Nation looked to the Congress for leadership, and CLEM ZABLOCKI stood up to meet the call. The intent of the framers of the Constitution was to insure that the collective judgement of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities. That the War Powers Resolution was crafted in a way to protect the Constitution was a credit to CLEM ZABLOCKI. Though I know he did not enjoy the fight, and he would rather have found another way to solve the problem, he was there when the Nation depended upon him. In November 1973, the War Powers Resolution was enacted over the President's veto. Since then, CLEM ZABLOCKI has made clear to all Presidents, Democrats and Republicans, that they must obey the law. Even to this day, the President, like his predecessors, has attempted to avoid or ignore the letter and the spirit of the War Powers Resolution.

The difference is that today, for the first time since 1948, CLEMENT J. ZABLOCKI is not in the Halls of Congress to see that our laws are enforced. During the first session of this Congress, the enforcement of the War Powers Resolution was a major job for the Congress. Now that we do not have CLEM ZABLOCKI to lead us, others must step into his shoes. Today we show our respect for our late colleague, but tomorrow we must show our respect for the principles he stood for.

Mr. Speaker, we will all miss CLEM ZABLOCKI. We will miss his guidance, his patience, and his wit. But we cannot let his beliefs pass with him. We must continue his work—he would not have wanted it to be any other way.

There was a recent article about CLEMENT ZABLOCKI that captured a good deal about him and his nature. As part of this statement, I would like to include it in the RECORD.

The article follows:

[From the Washington Post, Dec. 24, 1983]

THE REAL CLEM ZABLOCKI

The Post's obituary dutifully recorded the record of Rep. Clement Zablocki, the Milwaukee Democrat and House Foreign Affairs Committee chairman: his conservatism relative to the rest of his party, the War Powers Act, the Vietnam War, his safe congressional seat. It was a fair enough treatment. But a paper like The Post should not have been satisfied with so perfunctory a recitation of the record.

Clem Zablocki served in Washington for 34 years. But in important ways he never really left Milwaukee. He still cut his own lawn, worked on his own car, after his wife's death ironed his own shirts, and stuffed his own sausage. He didn't do these things because he was a gourmet cook, or liberated, or a car buff. He did it because on the south side you don't hire people to do what you should do for yourself.

The majority of his staff came from Milwaukee, and boasted no lawyers from Yale or Washington wunderkinds. He had no massive, cross-referenced computerized mailing lists, no full-time press secretary.

The Washington media prize officials who represent well-educated and liberal constituencies because they do represent their districts; those from rural, small-town, or urban working-class districts are prized because they don't: because they can rise beyond what is seen as the narrow parochialism of the people who keep them in office.

Clem Zablocki was not one of those. His Milwaukee district has heavy Eastern European concentrations—Polish, like Zablocki himself, Serbian, Croatian, Lithuanians, and others. Go into Serb Hall any Friday or Saturday night and you'll find a lot of guys like him. They don't subscribe to The New York Review of Books or Commentary. They spend their spare time cutting the lawn, or fixing up their house, or watching TV—commercial TV.

When some intellectuals were still laughing at Polish jokes, Clem Zablocki's people understood communism. They had seen what happened to Poland and Serbia and Estonia and Lithuania under communist rule, and from the 50's they called them "captive nations."

Though I wish he had opposed instead of supported the Vietnam War, in retrospect his judgment seems no worse than those who saw in the Indo-chinese communists a benign band of freedom fighters.

In 1982 media mavens thought Zablocki might be in real trouble in a classic matchup: a senior congressman, a committee chairman perhaps given to absence from the district, a campaign run by former staff members and south side supporters who had been with him for years, against a young, suburban, Princeton-educated liberal attorney with a well-financed campaign run by professional political consultants. It wasn't close.

It may very well be that the bulk of Zablocki's constituents would have preferred someone in a more contemporary mold. But they knew what was important: they were Catholic and opposed abortion, and Clem Zablocki as a devout Catholic and a stalwart in the congressional anti-abortion ranks. They didn't trust communists, and Clem Zablocki had a firm record of anti-communism. If he was short and stocky, if he spoke in the accents of the south side, if he still shopped for his sausage casing on Mitchell Street, if his debating skills were not polished, if his campaign and his TV ads had a distinctly homemade air, that just showed that after 34 years in Washington, he was still their Clem.

Mr. KASTENMEIER. Mr. Speaker, I yield to the chairman of the committee of which CLEM ZABLOCKI was a member, the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I want to compliment the distinguished gentleman from Wisconsin, now the dean of the delegation, for taking this time to draw upon the efforts and the service of CLEM ZABLOCKI in this great Hall of the House of Representatives that he loved so much and in which he performed so well.

Mr. Speaker, it was with a great deal of sadness that I learned of the death of my friend and longtime colleague in the House, CLEM ZABLOCKI.

Not only did I enjoy CLEM's friendship and unflagging good humor throughout the years, I valued him during the last 5 as a colleague on the Permanent Select Committee on Intelligence.

Through his membership on the Intelligence Committee, he served as an essential bridge between the oversight activities of the committee, and the broader overview of all foreign policy matters, by the Committee on Foreign Affairs, which he chaired and in such a distinguished fashion.

I want to say to those who were concerned at the creation of the Intelligence Committee that it would preempt the jurisdiction of other committees, particularly that of the Committee on Foreign Affairs. That it was due to CLEM ZABLOCKI's membership on both committees—but most importantly because of his good sense and patriotism—that this did not occur.

In fact, I am certain that officials of both this administration and past administrations would agree, that CLEM ZABLOCKI's efforts. Both behind the closed doors of the Intelligence Committee and in the open debate on this country's foreign policy, were first and foremost those of a patriotic American.

He never lost the native good sense and down-to-earth judgment which was bred in him in his native Milwaukee.

He always applied himself to the benefit of this country.

Mr. Speaker, I cannot say that in all my years as chairman of the Intelligence Committee that CLEM and I ever had a problem which, sitting down together, we could not resolve.

This success I attribute principally to CLEM's good temperament, his unfailing courtesy and his spirit of compromise.

I believe that every member of the Intelligence Committee on both sides of the aisle would agree that we will miss CLEM ZABLOCKI for his thoroughly bipartisan and careful judgment on all matters that came before us.

We will miss him because we will need the spirit of compromise and cooperation that he brought to every issue.

In the past 5 years, the Intelligence Committee has had a number of significant successes in influencing national policy, albeit secret national policy.

I attribute the majority of those gains as much to CLEM ZABLOCKI as to any other member of the committee.

He was a national resource of all too scarce quantity.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Massachusetts.

I yield to the gentleman from Florida (Mr. MICA) who has waited so patiently.

Mr. MICA. Mr. Speaker, I thank the gentleman from Wisconsin.

I would just like to take a moment to add my personal thoughts about CLEM ZABLOCKI. So much has been said here today in ways that I would like to have said it and many of the comments that I have thought.

I would just like to add my feeling that CLEM was, indeed, a very rich man. He was rich in accomplishments in this body. When I came here 5 years ago, to see the world leaders come to Washington one after another—come to the Foreign Affairs Committee and greet CLEM ZABLOCKI as a friend, it was so impressive; but I have to tell you, I have come to a new realization that that is not what this is all about. When I went to Milwaukee to see CLEM's funeral and to be there and to meet with his friends, I found out what being a rich man is all about. As the Speaker said, I do not think I have ever seen a more moving sight than to see the lines and lines of people that called CLEM ZABLOCKI their friend, the school children lining the streets with flags for one last goodbye to somebody they considered a friend.

The stories I heard in just the weeks before of CLEM stopping in at the church meetings, at the civic clubs, at the corner drugstore, visiting throughout his district, that was indeed a rich man, not measured by his accomplishments here—and they were great and they were many—but he was rich in his respect, his admiration from his colleagues here, and most importantly, his friends and family at home.

I simply would like to leave this thought, and it was so moving to me that I have thought about it many times since that day, throughout CLEM's district in Wisconsin on the day of his funeral in many shops were little signs that said, "Closed because of a death in the family. We have lost a loved one." That is how they felt about CLEM ZABLOCKI, a rich man, indeed.

Mr. KASTENMEIER. Mr. Speaker, we thank our colleague from Florida.

I yield to my colleague, the gentleman from New York (Mr. GILMAN).

□ 1650

Mr. GILMAN. Mr. Speaker, we are here today to pay tribute to our good friend and colleague, the late distinguished chairman of the House Foreign Affairs Committee, CLEMENT ZABLOCKI. I thank the gentleman from Florida, our committee's newly elected chairman, DANTE FASCELL, and the gentleman from Wisconsin, Mr. KASTENMEIER, for making this time available for us to remember CLEM and CLEM's achievements.

During his 35 years of service in the U.S. Congress, CLEM ZABLOCKI never forgot his origins, and remained, throughout, a champion of the working man and woman. His devotion to the Fourth Congressional District of Wisconsin was equaled only by his unfeigned loyalty to his country. Indeed, as his friends and colleagues reflect today on CLEM's career, the words "patriot" and "nationalist" are heard many times over.

Although CLEM and I served on different sides of this aisle, he extended the warmth of his friendship to me from my first days in Congress. Our common interests regarding the just treatment of veterans, assuring the rights of older Americans, and protecting the consumer from fraud and abuse, brought us together almost as often as our work on the House Foreign Affairs Committee, where he ably served as chairman from 1979 until his death. As chairman, Congressman ZABLOCKI was always able to fairly consider all sides of an issue and encouraged full and open debate on policy matters before the committee. One of the qualities which I have long admired in CLEM, was his willingness to achieve consensus on an issue, for CLEM ZABLOCKI understood, perhaps better than any one of us, that this body's finest endeavors are born of unanimity and not of strife.

As I reflect upon CLEM's years of good works in the Congress, his years of tireless service to his constituents, to his nation, and my friendship with the man, a quote of Adlai Stevenson comes to mind which I feel appropriately describes CLEM's years in Government: "I venture to suggest that patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime."

I extend my sympathies to the family, friends, and staff of Congressman ZABLOCKI and hope that they are able to find comfort in the knowledge that his leadership, dedication, and wit will be kindly remembered and sorely missed.

Mr. KASTENMEIER. We thank our colleague from New York.

At this time I yield to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. Mr. Speaker, I want to add my voice to the commentary on CLEM ZABLOCKI's life, being one of dedicated service to his country. He always had time for his constituents, for his colleagues, and for his many friends.

We miss him because he was appreciated and loved here in these Halls.

Mr. KASTENMEIER. I would now yield to the gentleman from Mississippi, chairman of the Veterans' Affairs Committee, Mr. Montgomery.

Mr. MONTGOMERY. I thank the gentleman in the well and the members of the Wisconsin delegation for giving me this opportunity.

Mr. Speaker, it has been a privilege of mine knowing Chairman ZABLOCKI, like a number of my colleagues, for a number of years. What a delight this man was.

For the last 6 years, our offices in the Rayburn Building were next door to each other. On some evenings I would walk over to Chairman ZABLOCKI's office and he always welcomed me in his office, as well as his staff. Even though he had had a tough day that day he always had time for Members or for any individual that I would see walk into his office. CLEM ZABLOCKI always had time to see these people.

I know that Chairman ZABLOCKI had a warm feeling for the veterans of this country and especially for the veterans who were in the Milwaukee area and in his congressional district. I have been told by veteran officials in Wisconsin that when they do have meetings pertaining to veterans, Chairman ZABLOCKI always made a point to try to be at these meetings and to learn more about the veterans' programs and to help the veterans.

I know the gentleman in the well, as well as other members of the delegation from Wisconsin, are looking into the possibility of naming a veterans' facility or hospital facility or regional office for CLEM ZABLOCKI, and I certainly would support that move.

I know the gentleman in the well feels as strongly as I do about this and I hope we will be able to move that type of legislation forward and be able to name one of our veterans' facilities in Wisconsin for CLEM ZABLOCKI.

I appreciate the gentleman yielding.

Mr. KASTENMEIER. I appreciate the chairman's good wishes and support for that endeavor.

At this time I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I want to take this opportunity to compliment my classmate and colleague from Wisconsin, Congressman KASTENMEIER, for making this possible in honor of our late colleague, the Honorable CLEM ZABLOCKI.

In honor of our late colleague, the Honorable CLEMENT JOHN ZABLOCKI, I would like to say a few words to pay tribute to his memory and his accomplishments here in the U.S. House of Representatives. Congressman ZA-

BLOCKI had a long, distinguished career. He served the Fourth District of Wisconsin honorably for 36 years. His dedication to his constituency was rewarded by reelection to each successive Congress, since 1940.

His career as a Congressman was highlighted by his active participation in the House Foreign Affairs Committee. He was assigned to the committee in January 1949 and rose to the position of chairman in 1977. His accomplishments are too numerous to list, however, I would like to name a few of his noteworthy successes. As chairman and member of the Foreign Affairs Committee he was able to direct legislation successfully in many humanitarian efforts. A few of these accomplishments include increasing U.S. aid for poor countries, increasing agricultural production, fighting famine, reducing world food shortages, and promoting safe health standards for use of infant formula overseas. In an effort to improve relations between Congress and the President, he successfully consponsored legislation to define the exact powers belonging to the two branches in the area of warmaking. Congressman ZABLOCKI's most recent success in the area of foreign policy was the removal of legislative restrictions on diplomatic relations with the Vatican.

Congressman ZABLOCKI's interest in foreign relations also manifested itself in noncommittee-related activities. He was involved in distinguished delegations to foreign nations and participated in organizations designed to study the path of U.S. foreign policy.

Although he had a keen interest in the international arena, Congressman ZABLOCKI never forgot his constituents. A look at his voting record reveals a man strongly committed to supporting the rights of the average citizen. He spoke for those unable to speak for themselves—the average taxpayer, elderly citizen, and small businessman. His commitment to fair legislation was evidenced by his sponsorship of legislation to lower the retirement age for women under social security and authorizing payment of benefits to disabled workers. These are but a few of the many bills he sponsored to provide aid for the most needy.

The dedication of the man was acknowledged by many as he received numerous awards during his career. Never forgetting his Polish heritage he worked hard to protect fellow Poles. This work was well appreciated and culminated in his receiving the Pulaski Foundation's "Man of the Year" award in 1959.

Congressman ZABLOCKI was a man of fine quality. Born in Milwaukee, Wis., he never forgot his beginnings, roots, or the people he represented. This was the key to his popularity with his constituents. He never compromised his ideals and he fought for a fairer and better country. His loss will be felt by all.

Mr. KASTENMEIER. I thank my colleague.

I now yield to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. I thank the gentleman for yielding.

I would just like to say that although CLEM ZABLOCKI will be long remembered in this body and around the country for his leadership, his wisdom, and his experience in dealing with our foreign policy issues, this Member will remember him because of the way in which he encouraged a freshman Member of Congress, a new member on his committee, and made him feel at ease. I will always be grateful to CLEM ZABLOCKI for what he did for me.

I thank the gentleman.

Mr. KASTENMEIER. I appreciate those remarks.

At this time I would like to yield to my long-time colleague on the Foreign Affairs Committee, the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, the death of CLEM ZABLOCKI was a great loss not only for this body and this Nation but also for me and my wife personally.

From the time I joined the Foreign Affairs Committee until CLEM's death, I looked upon him as a leader, an adviser, and a friend. His ready wit, his self-effacing manner, and his personal charm were well matched with his devotion to this Nation, to his job and constituents, and to his family.

One of the qualities I most admired in CLEM was his recognition that in our system of checks and balances, the Congress has a responsibility to provide a constructive role in carrying out U.S. foreign policy. For that reason, CLEM made a concerted effort to find ways in which the interests of the Congress and those of the Executive could be accommodated. He unceasingly searched for the approach that would represent a consensus or a bipartisan view. He recognized that for the United States to stand firm and to be respected by allies and adversaries, we would have to speak with one voice in our foreign policy. His efforts in that regard were a significant contribution to our Nation's interests.

We shall all miss CLEM in this body, and those of us who were his friends and colleagues on the Foreign Affairs Committee will carry his memory in the coming years as guidance for the tough decisions we still face.

Mr. KASTENMEIER. I thank our colleague.

I now yield to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman for yielding.

Although I only had the privilege of serving with Mr. ZABLOCKI for 1 year, as a new member of his committee he made a very significant mark on me in that short period of time. He and I did not always agree in terms of the approach that one should take with regard to foreign policy issues, but I found our chairman to be a combination of plain spoken and completely honest.

What I will remember most vividly about the chairman of our committee, Mr. ZABLOCKI, will be the time toward the closing days of the last session that he was under enormous pressure to alter a very significant position he had taken. He simply said to those people who were putting that pressure on him, "Look, I have given my word on this issue. My word is my bond. I am not going to change my position."

This is a lesson that I think, regardless of philosophy, would stand all of us in good stead. I will always carry that memory of CLEM ZABLOCKI with me as a man of dignity, character, and integrity.

We will miss him very much.

● Mr. GOODLING. Mr. Speaker, CLEM ZABLOCKI was one of the truly outstanding Members of this institution: He was more than a politician, belonging as he did to that vanishing breed known as "statesmen." It was both a pleasure and an honor to serve with him on the House Foreign Affairs Committee.

Chairman ZABLOCKI never sought the spotlight, preferring to work quietly behind the scenes. His primary concern as chairman of the House Foreign Affairs Committee was to see that the House of Representatives made a positive contribution to the Nation's foreign policy. CLEM sought to cooperate with whichever administration was in power, regardless of party. He never took what can be termed a partisan stand as he viewed the Nation's foreign policy as being too important to be politicized. In committee, he played the role of mediator as much as the role of chairman, giving both sides of every question a full hearing and defusing tense remarks and retorts with wisdom and humor. He was a quiet, but effective leader, and I believe that the House is better off for having had him. His sudden death was a great loss to his family, the people of his district, his colleagues in the Congress, and the Nation.●

● Mr. MARKEY. Mr. Speaker, Congressman CLEMENT J. ZABLOCKI's death was a tragic loss for this Congress. In the area of foreign affairs, CLEM ZABLOCKI was a legislative leader, to whom we all looked for guidance. His leadership was especially crucial in the House passage of the nuclear weapons freeze resolution.

Passage of that resolution stands as a testament to CLEM ZABLOCKI's quest for world peace and international stability. He was there fighting for the nuclear freeze the first time it came to a vote on the House floor on August 5,

1982. As you will recall, the freeze resolution lost that day by a narrow two-vote margin.

But Congressman ZABLOCKI did not give up. He brought the resolution before his committee the next year and forged a bipartsian coalition of Members to support its passage.

Finally on May 4, 1983, after almost 50 hours of grueling debate, the House passed the nuclear weapons freeze resolution by a 278 to 149 margin. It was a tremendous victory for CLEM ZABLOCKI, for those of us in the Congress who have worked so hard on the freeze, and for the freeze movement nationwide.

As I have said, CLEM ZABLOCKI will be missed. I think the greatest tribute the House could pay to him would be to make the freeze proposal he advocated a reality.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleagues, the gentleman from Florida (Mr. FASCELL) and the gentleman from Wisconsin (Mr. KASTENMEIER) for reserving this time to pay tribute to one of the great leaders of this Nation—the late CLEMENT ZABLOCKI. With the untimely passing of my colleague and good friend, CLEMENT ZABLOCKI, this Nation lost a compassionate and committed human being.

Mr. Speaker, we are all shocked and saddened by the death of Congressman ZABLOCKI. Since 1948, CLEMENT ZABLOCKI served in the House of Representatives from Wisconsin's Fourth Congressional District. During his 35 years in the House of Representatives, Congressman ZABLOCKI grew in both seniority and stature amongst his colleagues on both sides of the aisle.

At the time of his death, CLEMENT ZABLOCKI was the chairman of the powerful House Foreign Affairs Committee. He was revered by Members on both sides of the aisle as the resident expert on foreign affairs and foreign policy in the House. Particularly during the Carter administration, the White House and the Nation looked to the experience and clout of CLEMENT ZABLOCKI in the House of Representatives as it forged its foreign policy initiatives.

In addition to his service on the House Foreign Affairs Committee, Congressman ZABLOCKI was the second ranking Democrat on the House Select Committee on Intelligence. As a new member of that committee, I often looked to CLEMENT ZABLOCKI's wisdom and experience on important intelligence matters as a reference point as the committee attempted to grabble with critical intelligence information and matters.

On a personal note, Mr. Speaker, CLEMENT ZABLOCKI and I had a warm association. For many years, his office was one floor directly beneath my office. Occassionally, we walked from the Rayburn Building to the Capitol together to vote. It was through those walks and our conversations, that I learned the most about our late colleague.

He was a mild and genteel human being. Congressman ZABLOCKI was not obsessed with his power in the House but more concerned about the strength of this Nation and its people. Our conversations primarily dealt with how this Congress could best serve the people of our great Nation.

I will remember those conversations with CLEMENT ZABLOCKI. His dedication, spirit and concern for the American people returns to my mind's eye each time someone mentions his name. I applaud Congressman KASTENMEIER and Congressman FASCELL for reserving this time to remember Congressman ZABLOCKI.

Mr. Speaker, in conclusion, CLEMENT ZABLOCKI made an indelible mark on this body and this Nation. The work that he did in terms of this Nation's foreign policy and on behalf of all Americans, will serve as a lasting monument to this great leader.●

● Mr. PEPPER. Mr. Speaker, I join my colleagues in sadness upon the recent passing of our beloved and long-time colleague, CLEMENT ZABLOCKI. CLEM, as we affectionately called him, was a great American, a man of deep loyalty to his country, wholly dedicated to his country's service as a Member of this body. He was a great chairman of the House Committee on Foreign Affairs. He discharged the grave and important duties of that committee with true distinction and with unwaivering dedication. He had the courage of his convictions and he was the kind of a warrior who rejoiced in championing a worthy cause. He immeasurably contributed through his wisdom and sound judgment to the foreign policy of this country. He was a principal architect of the War Powers Resolution which assured to Congress not only its constitutional right to make war, but its constitutional right to try to prevent war.

In innumerable instances his wise counsel led to better relations between our country and other nations of the world; to our playing a greater part among the institutions designed to contribute to the peace and well-being of the world. On so many occasions have I seen him contribute to better relations between our country and other countries by graciously and hospitably entertaining and conferring with the eminent emissaries of such countries. He was a gracious and warm host on so many occasions when he extended the hospitality of the Foreign Affairs Committee to a President, a Prime Minister or some other distinguished representative of another country.

One of the noblest men I have met in 34 years in the Senate and House of Representatives was this good man, this dear friend, this nobleman, CLEM ZABLOCKI. Our country will forever honor his name. We who had the privilege of his friendship will always cherish this friendship as one of the most refreshing experiences of our lives. I extend my profound sympathy to all of his loved ones.●

● Mr. CORRADA. Mr. Speaker, I am honored to join in this special order for our colleague CLEMENT ZABLOCKI, who passed away in December after serving in this body for 35 years.

As chairman of the House Foreign Affairs Committee, during a time of increasing international tensions, Congressman ZABLOCKI provided steady and persevering leadership to this major committee charged with the burdensome responsibility of maintaining a national foreign policy.

As the Washington Post observed following Chairman ZABLOCKI's heart attack on the last day of November as he was preparing for a congressional meeting with Israeli Prime Minister Yitshak Shamir, he led the Foreign Affairs Committee with a "gentle hand" and delegated much power to the able and younger subcommittee chairmen.

CLEMENT ZABLOCKI, for years, served his congressional district of the south side of Milwaukee, Wis., with distinction, and his attention to constituent representation and the citizens of his beloved State of Wisconsin are legendary, as is the record of his leadership throughout his years in Congress.

He was a devout Catholic and a graduate of Marquette University. Throughout his entire congressional career he never forgot to consistently apply his religious principles of social justice, compassion, and concern for others throughout the world who live in countries less affluent than ours. This he did by steadfastly supporting the concept of foreign assistance to countries in need, and advocating a strong national defense at the same time to help his own country's national interests in the face of Communist aggression following World War II.

He was proud of his Polish background and was a leader, in his early years in Congress, of maintaining a U.S. presence in countries then falling under the shadow of Soviet domination, a fact which—over the long range of history—has proven to be both compassionate to peoples struggling to be free from the yoke of Soviet imperialism and in this country's national interest.

He was a leader in sponsoring the recent congressional nuclear freeze resolution, and, generally over the years, a supporter of Presidents of the United States from either party in matters of international policy.

The passing of Congressman ZABLOCKI ends a distinguished congressional career and I am sure my col-

leagues join me in prayers for his eternal rest.●

● Mr. ANDERSON. Mr. Speaker, I rise today to pay special tribute to a great patriot, tireless colleague, and good friend, CLEMENT J. ZABLOCKI. I also wish to extend my condolences to his two children, Jane Frances and Joseph Paul.

During his 35 years in the Congress, CLEM always worked in a bipartisan spirit of compromise and consensus. Serving as a mediator between the Congress and eight Presidents, CLEM tirelessly pursued the principle that politics ends at the water's edge. While supporting the President when he could, CLEM also worked for a larger congressional role in foreign affairs. Perhaps his greatest legacy will be his authorship of the War Powers Act of 1973.

During the past year alone, he was instrumental in assuring passage of the nuclear freeze resolution, preventing the resumption of chemical weapons production, and in solidifying consensus on the War Powers Resolution regarding the marines in Lebanon. CLEM faced the undaunting task of assuaging the serious differences between House Democrats and the Reagan administration while heading off a constitutional clash over the war powers resolution.

During his 7 years as chairman of the Foreign Affairs Committee, CLEM sought to shape a balanced foreign policy and devise practical solutions. As chairman, CLEM always avoided the limelight, charting a more beneficial course of quiet negotiations, free of partisan bickering. Throughout his diligent work, though, he maintained his wry sense of humor and his deep roots in his old South Side Milwaukee neighborhood that have served him so well.

I feel privileged to have known him, to have worked with him in the House, and to have considered him my good friend. He will be greatly missed by all.●

● Mr. ROYBAL. Mr. Speaker, I would like to join my colleagues in paying tribute to the late CLEMENT ZABLOCKI, a respected colleague and good friend. Over the years, his many accomplishments here in the Halls of Congress speak of his caring and devotion to his constituency. He was a determined advocate for the rights of the elderly, the disabled, the poor, veterans, and women.

He worked to establish the House Select Committee on Aging, which I now chair. We of the committee are indebted to CLEM and Members like him who believed that the needs of the elderly are critical and so unique that they require the special attention of a select committee. The committee is carrying out the work mandated by those who, like CLEM, have gone before.

CLEM was the kind of legislator who had the ability to see beyond the borders of his distict to the needs of the Nation and other countries. While working steadfastly to improve conditions at home, he also gave close attention to the people of other countries, helping to create the Peace Corps. As chairman of the House Foreign Affairs Committee, he helped to define our role in the world community. I met CLEM when I served on the Foreign Operations Appropriations Subcommittee and we became friends as our work and ideals brought us together.

The House is a little poorer today for the passing of this compassionate, dedicated public servant and true friend. My wife, Lucille, and I extend our heartfelt condolences to CLEM's family. He is sorely missed both here and at home.●

● Mr. SENSENBRENNER. Mr. Speaker, one of the nice men in politics died on December 3. In room 2183 Rayburn, CLEMENT ZABLOCKI suffered a heart attack which led to his death at the age of 71. CLEM was working in his office here while many of his colleagues were resting with their families during the holiday recess.

Yet for CLEM, a widower with two grown children, his staff was his family and his constituents were his extended family. For 35 years in the House he served that big family called the South Side of Milwaukee. Quite simply, he was a genuine caring public servant, and he did his job well.

As chairman of the House Foreign Affairs Committee, Congressman ZABLOCKI frequently hosted kings and gueens and other dignitaries from all over the world. Yet, to his constituents he was known as CLEM. As the Milwaukee Sentinel's William Janz wrote:

> For the politically glib, the allegedly astute, the pretty people of politics, CLEM has always been at the other end of the viaduct. A hard worker, he looks like a blue-collar worker in a white-collar shirt. He is without flash or roar and he has never left any fancy steps in the spotlight.

CLEM never openly displayed his anger, although on many occasions he had a right to when his colleagues attacked him. For instance, in January 1977, after 18 years as second ranking member on Foreign Affairs Committee, ZABLOCKI was in line to succeed the former chairman. But the late Representative Benjamin Rosenthal of New York challenged ZABLOCKI's qualifications to chair the committee. Instead of attacking Rosenthal in return, ZABLOCKI stated his record and let his colleagues decide. He won his chairmanship on a 182-72 vote in the Democratic Caucus.

Soon the active opposition to his chairmanship had evaporated, as his colleagues saw he was a practical and conscientious leader who took his job very seriously. In January 1979, when Chinese Vice Premier Deng Xiaoping made his historic visit to Washington, ZABLOCKI impressed his guests and fellow legislators at a reception by greeting Deng with several sentences of well-spoken Chinese. He had spent hours practicing his speech in front of a mirror.

I know I speak for the people of the Fourth District, my colleagues, foreign leaders and all who came in contact with Mr. ZABLOCKI when I say: "CLEM, we will miss you dearly, but we can take solace in the fact that we are all better people as a result of knowing you."●

● Mr. BROOKS. Mr. Speaker, I am pleased today to honor the memory of a dear friend of mine, and our late collegue, CLEM ZABLOCKI. I also wish to extend my thanks to BOB KASTENMEIER and DANTE FASCELL for requesting the special orders so that all of CLEM's many friends may have the opportunity to remember him.

CLEM served the people of Wisconsin from 1932 right up until his sudden death this past December. He entered the Wisconsin State Senate in 1932 where he served until he was elected to the House of Representatives in 1948. We in Congress of course remember CLEM as the House Foreign Affairs Committee chairman. It is important to note, however, that he never forgot the residents of Wisconsin's Fourth District who he represented so ably and sincerely for 35 years.

In recent years, the chairmanship of the House Foreign Affairs Committee has become an increasingly important position. The committee's chairman should possess many qualities. He must effectively balance many competing interests and viewpoints on our foreign policy. He must have the ability to act swiftly and decisively in times of crisis. He should maintain a long-range view of our security and be able to answer to those who would seek to undermine it. Finally, he has compassion for those who are forced to endure oppression and persecution under other regimes. CLEM possessed these many qualities and consistently handled his duties as chairman fairly, responsibly and, when appropriate, with a low-key sense of humor.

I particularly enjoyed working with CLEM this past year when he served as chairman of the House delegation to the North Atlantic Assembly, the parliamentary arm of NATO, on which I also serve. I was pleased that we had the benefit of his leadership and diplomatic skills when meeting with our NATO allies.

This past November, I joined several Members and staff to help CLEM celebrate his 71st birthday. It was a surprise party and CLEM clearly enjoyed the entertainment and the crowded room full of people. I will always remember that evening because I think

it typified how CLEM lived his life. He was a warm-hearted man who loved to share his life with those he cared about. And CLEM cared about so many people. His wife, Blanche, whose death affected him profoundly, his two children, and the millions of others whose lives he touched.

We will all sorely miss CLEM's warmth and dedication in the House of Representatives.●

● Mr. STARK. Mr. Speaker, CLEM ZABLOCKI's funeral mass was televised in Milwaukee. That mark of respect tells us what CLEM meant to the area he represented. The admiration and friendship for him cut across partisan lines both in Wisconsin and here in the Congress.

I was born and raised in the Milwaukee area and I recall when CLEM was first elected to the U.S. House of Representatives in 1948. I was a senior in high school. Over the years his Fourth Congressional District of Wisconsin underwent periodic realinements and my childhood home, Wauwatosa, was shifted in and out of the Fourth District. It may be difficult for some of my colleagues on the other side who know me well to believe, but I was raised in a bastion of conservative Republicanism. This did not stop CLEM ZABLOCKI from working overtime to represent Wauwatosa when it was within the borders of his district—or even when it was not. And he liked to tell interested people how his support in Wauwatosa gradually increased over the years and how many faithful supporters he had there, including some of my family.

Everyone who knew CLEM ZABLOCKI was aware of at least these few things concerning him:

He was a patriot and by that I mean he put his country before himself. His was not an ostentatious flag-waving patriotism, not the frenzied outburst of emotion sort of patriotism that we see so often. His was a cool and steady patriotism that was the work of a lifetime.

CLEM ZABLOCKI was devoted to arms control and disarmament. His work to make international control of chemical and biological warfare effective is known to all who are concerned about these issues. Control of nuclear weapons also consumed him and his record is one which any one of us would be proud to claim. His was a long-term commitment to these struggles to tame man's worst instincts.

In his official capacity as chairman of one of our important standing committees, CLEM ZABLOCKI visited and consulted with hundreds of world leaders and the foreign policy leadership of this Nation. He did this work with skill and was a constructive force in international relations. But he never wished to be more nor less than a most faithful servant of those he represented and he never lost sight of from whence he came. Like many of this country's most effective leaders, CLEM ZABLOCKI was modest by nature. He was, in terms familiar to this House, a workhorse rather than a show horse. He was quietly effective and this House will miss his steadiness and his broad shoulders which always pulled his share and more of the load we are required to take up in this body. His country, his State, his city, his district, his South Side, his many friends and his family now face the large void that was filled so well for so many years by this man of the people, this modest, hard-working son of Polish immigrants who did so much to make this vale of tears a better place.●

● Mr. COELHO. Mr. Speaker, I rise with other Members here today to remember one of our former colleagues, the late CLEMENT J. ZABLOCKI. The House has lost a great leader and trusted friend in CLEM ZABLOCKI, and his presence will be missed on both sides of the aisle. My colleagues held the Wisconsin lawmaker in high regard for his attention and dedication to the South Side Milwaukee district which he so ably represented.

As chairman of the House Foreign Affairs Committee, CLEM was a respected voice on vital issues of world diplomacy. CLEM was the kind of person who Members could approach on any matter and feel that he was giving honest and sincere advice. The Fourth District of Wisconsin has lost a true leader in CLEM ZABLOCKI. His legacy, however, will serve as an inspiration to his successor and to all of us in this body who came to know him. It is with great sadness and a true respect that we mark his passing.●

● Mr. HUGHES. Mr. Speaker, I rise in tribute to our late colleague, CLEMENT ZABLOCKI.

For half of his lifetime of 71 years, CLEM ZABLOCKI served in the House. In his 17 terms in office, CLEM was a constant supporter of the right of Congress to participate in U.S. foreign policy decisions. He first introduced a war powers measure in 1970, and was the principal sponsor of the legislation which was enacted into law in 1973 over the veto of President Nixon. Our deliberations over U.S. policy in Lebanon will remind us of the tradition of congressional input, a tradition fathered by CLEM ZABLOCKI.

Presiding over the Foreign Affairs Committee since 1977, CLEM supported such measures as the nuclear freeze resolution, and a halt to the further production of nerve gas. Preferring to work behind the scenes to gain support for his causes, CLEM garnered congressional support for some controversial administration policies. In several instances, he was able to forge compromises between the executive and legislative branches which avoided the inaction of outright standoff.

I will remember CLEM ZABLOCKI as a man of conscience and principles. We have lost a friend and a dedicated colleague.●

● Mr. DE LA GARZA. Mr. Speaker, I was certainly saddened to learn of the death of our friend and colleague, CLEMENT ZABLOCKI, during the recess. I first had the pleasure to meet him when I entered this Chamber for the first time in 1965. At that time CLEM ZABLOCKI had already served in the House for 16 years and was well repected for his efforts on behalf of his constituents. As a young man from south Texas and new to the ways of the House I naturally looked to him for guidance. I shall remain forever thankful for his help over the years.

If there is one thing that comes to mind when I think of CLEM ZABLOCKI it is his dedication to this institution. As a result of his efforts as chairman of the House Committee on Foreign Affairs, this body has reestablished its role in determining our Nation's foreign policy. Present and future Members alike owe CLEM ZABLOCKI a great deal for the leadership he provided. I know I am speaking for my colleagues when I say that CLEMENT ZABLOCKI will be missed and that we are all poorer for his absence from this Chamber.●

● Mr. GUNDERSON. Mr. Speaker, James Freeman Clarke characterized the difference between politicians and statesmen as: "A politician thinks of the next election and a statesman thinks of the next generation." While there certainly are many politicians in Congress today, few of us have become the statesman that CLEM ZABLOCKI was, or provided the statesmanship which he epitomized in this body.

Chairman ZABLOCKI was a representative who put the concerns of our country above politics and was clearly not afraid to take a stand against a majority either in his committee, the House, or the country as a whole if he felt such action was in the best interests of the United States of America. CLEM actively sought and attempted to choreograph something which has been absent in this Nation for the last decade: A truly bipartisan foreign policy.

His willingness to support the policies of various administrations, regardless of their political philosophy, demonstrated his respect for the institutions of Government and his commitment to do what he felt was right for the Nation. Although he represented his electorate honestly, this commitment held true even if it meant going against the wishes of his constituents in Milwaukee, as he stated, "Sometimes you've got to lead." Equally so, he was willing to look out for the interests of Wisconsin as a whole, even when those interests did not necessarily coincide with the interests of the

Fourth District, such as the dairy program.

As a freshman Member of Congress in 1981, I received friendship and warmth from this man of long tenure and great stature. His willingness to lend a helping hand and supportive comment was, and continues to be, cherished. I have truly lost a friend.

We should remember CLEMENT ZABLOCKI as a man who was honest to his ideals. Certainly he sought peace for our world and for our Nation. Let us remember him in this endeavor, for "blessed are the peacemakers, for they will be called sons of God."●

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to our departed colleague, CLEMENT ZABLOCKI of Wisconsin.

Although I served with him for only a year, I admire CLEMENT ZABLOCKI's record of accomplishment. It is a model for those of us who are relatively new to the Congress and to national service. His presence in the U.S. House of Representatives will be sorely missed by his colleagues and the Polish-American community.

Chairman ZABLOCKI served his largely blue-collar district very well. He was also influential in guiding Congress toward a stronger role in foreign affairs. He guided the passage of the War Powers Act in 1973, designating an important role for Congress to play in foreign affairs. During the first session of the 98th Congress, he managed the nuclear freeze resolution and the war powers resolution, reminding the House of its responsibility to actively participate in foreign affairs decisionmaking.

Although he was a senior Member of the House and chairman of the Foreign Affairs Committee, he was an approachable and accessible leader. As a freshman Congressman, I appreciated and admired that quality in him.●

● Mr. BETHUNE. Mr. Speaker, I appreciate having this opportunity to honor our friend and colleague, Chairman CLEMENT ZABLOCKI. Many Members have already cited his achievements for the State of Wisconsin, but I wanted to take this opportunity to discuss one of his many achievements that benefited the entire Nation and that is stopping the production of new nerve gas.

When I first came to Congress in 1979, Chairman ZABLOCKI had already been working for years on chemical weapons issues. He knew the facts inside and out. He knew the facts said we should not start production again.

But it was not until 1982 that the Pentagon made a budget request for production of binary chemical weapons. Chairman ZABLOCKI immediately scheduled hearings in his Subcommittee on International Security and Scientific Affairs and had some of his subcommittee staff begin working full time on the issue.

His hard work paid off. His leadership on the Zablocki-Bethune amendments to cut nerve gas funding was essential to our 251-to-159 victory. We were able to repeat that success in 1983 because of the chairman's continued leadership and knowledge of the issue.

Although the chairman was always willing to work with an administration—be it Democrat or Republican—he was also willing to go against an administration when he felt their position was wrong. He worked with the administration to help taxpayers, senior citizens, and small businessmen and women; he worked against the administration to enact the War Powers Act and to stop the production of nerve gas. He felt the administration was wrong and he was willing to say so. It is out of deep respect for his knowledge and legislative abilities that Congress usually agreed with the chairman's position.

Chairman ZABLOCKI would not be happy to know that Congress is again facing a request from the Pentagon for binary chemical weapons production. The Department of Defense may be putting flashy new descriptions out to try and fool Members, but it will be the same old production of nerve gas that the chairman has been fighting all these years.

It will be a tougher battle to stop production this year without Chairman ZABLOCKI, but then we would not have made it this far if it was not for his work and dedication to the issue.●

● Ms. OAKAR. Mr. Speaker, it was a pleasure working with CLEM ZABLOCKI ever since I came to Washington. Although I do not serve on his distinguished committee, I always found him to be very careful to include me on issues which interested me and my constituents. He also took care to invite me to the delightful social events which he carefully set up for visiting dignitaries.

But there was a lot more to CLEM ZABLOCKI than hearings and events. He was a student of the Constitution and zealously guarded the rights of Congress to be consulted on foreign policy matters—because he knew it was critical to preserving democracy here. He made us all aware of that responsibility.

Part of my closeness to CLEM was based on the similarities of our constituencies. My area encompasses many Eastern Europeans, as does his Milwaukee and suburbs area. We both grew up in very similar conditions, dominated by the heavy industries which provide much of our employment and wealth.

Maybe that helped contribute to his strength and independence. When he knew he was right, Chairman ZABLOCKI fought with a tenacity which we all marveled at. He was a good chairman and a steadfast colleague. We will all miss him.●

● Mr. PANETTA. Mr. Speaker, I want to thank my colleagues for reserving this time to pay tribute to the late CLEM ZABLOCKI, and I want to join them in expressing deep personal sorrow over his recent death.

CLEM ZABLOCKI served as chairman of the Foreign Affairs Committee during a time when the balance of power in foreign affairs between the executive and legislative branches of Government was constantly uncertain. During this period, no one did more than CLEM ZABLOCKI to assert the responsibility of Congress to play an important policymaking role. In addition, he was a most responsible leader, joining with Presidents of both parties when he thought it best and separating himself and Congress from Presidents when he thought their policies were not in the best interest of the country and the world. He took his responsibilities seriously, and above all, sought policies on the basis of what was right, not for partisan gain. We were extremely fortunate to have him.

I have served in this body for four terms, and during that time there has been only one chairman of the Foreign Affairs Committee. For me, then, the conduct of foreign policy in this country will always bring memories of CLEM ZABLOCKI, and those memories will serve as a guide to responsible and sensible policies. The country owes a great debt of gratitude to CLEM ZABLOCKI, and I hope we will pay that debt at least partially by conducting the foreign policy of this Nation in the responsible and courageous way he championed.

Mr. Speaker, I know every Member of Congress joins me in expressing deep sympathy to CLEM's family. I am sure they know they can be proud of the life he led—one of service and devotion to his country.●

● Mr. MICHEL. Mr. Speaker, I welcome this opportunity to join with our colleagues in paying tribute to the memory of our colleague, CLEM ZABLOCKI.

I am approaching the 30-year mark as a Congressman. I have seen many Congressmen come and go in that time. But CLEM remains an original. There was no one quite like him. As chairman of the Foreign Affairs Committee he graced one of the most important positions in the House. But he never let his position go to his head or make him change his ways. He came to Washington from Milwaukee and he never forgot where he came from.

I always believed that this was the great source of his strength. It would be easy, I suppose, to occupy such a powerful position, meeting with and giving advice to world leaders, and begin to believe that you were somehow above your background.

CLEM never fell into that kind of trap. He knew the world—but he never forgot Milwaukee. In fact, it was because he never forgot Milwaukee that he had so many level-headed views about the world.

Although we came from different parties, we shared some basic views about America's role in the world. And when we disagreed, CLEM never let it get personal. He never questioned your patriotism. He never tried to make it seem that his position automatically made his opinions better than ours. He just presented his case, spoke in favor of it and let the process work.

We are going to miss CLEM around here.●

● Mr. GAYDOS. Mr. Speaker, two phrases sum up Mr. ZABLOCKI's career for me; one comes from Roman antiquity and the other from the Old Testament.

His official biography in the Congressional Directory is one of the shortest there, yet his 35 years in Congress were full and meet the ancient prescription for happiness: Do things worth writing about, or write things worth reading.

A former teacher, always aware of the weight of well-reasoned writing, he edited or wrote 3 books and 12 major magazine articles; all were on important public questions, and the most recent was on banning chemical warfare.

He wrote things worth reading—things that affected policy—and in his 18 Congresses he did many things worth writing about.

Whether limiting the Govrnent's ability to spend the lives of good men in bad wars with the War Powers Act, or in trying to make life better for the people he represented, he always had an ear and an eye for the needs of the Nation. A recent compilation of initiatives that involved him lists no fewer than 21 in foreign policy and 29 in domestic affairs.

Chairman of the Committee on Foreign Affairs since 1977, he was elected to Congress in 1948 from Milwaukee, his birthplace; and his style was such that his friends and neighbors there always thought of him first as friend and neighbor despite his high place here. Born on November 18, 1912, he married the former Blanch M. Janic in 1937; the children of the marriage are Joseph Paul and Jane Frances. He served in the Wisconsin State Senate from 1942 until he was elected to Congress. Mrs. Zablocki died in 1977.

Congressional adviser of SALT II, Mr. ZABLOCKI filled that role on other important questions, and he served on commissions and conferences that dealt with the future of the world. He cochaired or participated in eight Presidential delegations to foreign nations.

In addition, he received no fewer than 12 awards, citations, or honorary degrees recognizing the quality of his service. The most recent came last summer when the Pope made him Knight Commander of the Order of St. Gregory the Great.

And the other saying that applies to him comes from the proverbs: "Seest through a man diligent in his business? He shall stand before kings."

Mr. ZABLOCKI's diligence stood him well. But it gave better service to the Congress and to the Nation.●

● Mr. NOWAK. Mr. Speaker, I join my colleagues today in paying tribute to the memory of Congressman CLEMENT J. ZABLOCKI, who served the State of Wisconsin and our Nation so faithfully and well for 35 years in the House of Representatives, the final 7 as the chairman of the Committee on Foreign Affairs.

While we mourn his passing, we will long remember his gentle and gentlemanly ways and his leadership in achieving bipartisan solutions to thorny, often controversial, foreign policy issues.

While his name was not as well known to his fellow citizens as were the names of the Presidents and Secretaries of State he consulted with, Chairman ZABLOCKI had a major role in helping formulate U.S. foreign policy. His counsel will be missed.

He will be sorely missed also in the Polish-American community, where he was recognized as a leader of stature and distinction.

I personally will miss him as a friend, with whom I shared many moments here in Washington and a particularly pleasant weekend in my hometown of Buffalo, N.Y., when Chairman ZABLOCKI in June 1982, participated in a symposium at the State University College at Buffalo on U.S. foreign policy in Eastern Europe.

He will be missed but he will be remembered.●

● Mr. REID. Mr. Speaker, newspaper accounts contained the vital statistics, facts and dates, of his birth, life, and death.

They started with something like this: "Representative CLEMENT J. ZABLOCKI, 71, chairman of the House Foreign Affairs Committee since 1977, died of cardiac arrest on December 3."

But, black and white media reports are not sufficient. They cannot portray the dimension of the man so many of us knew best for his dedication to maintaining a national political integrity while being ever-diligent to meeting the needs of his mixed-ethnic, blue-collar constituency back home in Milwaukee, Wis.

Congressman ZABLOCKI spent 35 years in Washington but, in many ways, never really left Milwaukee.

The one time organist and choir director maintained an earthy, simple lifestyle. He exuded the values of his 40-year marriage to Blanch, who died in 1977. He did household chores and yardwork because, as he once said: "Where I come from you don't hire people to do what you should do for yourself."

This awareness of responsibility was the basis of his politics, too. A "centrist" by temperament, he preferred conciliation and consensus to confrontation. His last example of this was the compromise he steered through Congress to prevent a constitutional clash between the executive and legislative branches over the use of American troops in Lebanon.

This same skill and foresight for "balancing" decisionmaking and commitment was evidenced in his War Powers Act of 1973.

I knew Mr. ZABLOCKI best in his role as chairman of the Foreign Affairs Committee, on which I serve.

He provided us with inspiration and initiative. He encouraged an open forum. He believed in the honor behind a commitment, even if it was a decision we would prefer not to make. He once said: "You have to be responsible. You have to look down the road. If you cannot be resolute and determined, you have no credibility."

He lived his philosophy and set an example for the rest of us. As Walter Lippman once said: "The final test of a leader is that he leaves behind in other men the conviction and the will to carry on."

CLEMENT J. ZABLOCKI was such a leader.●

● Mr. ADDABBO. Mr. Speaker, this Congress cannot help but feel the great loss of one of its most established and respected Members. To many of us, CLEMENT ZABLOCKI, first elected to Congress in 1948, became a fixture, a solid base to whom we looked for valuable insight and perception. But CLEM was more than that. He was a friend in the true sense of the word. His heart was in everything he did.

To many Americans, the name CLEMENT J. ZABLOCKI became synonymous with the words foreign affairs. Certainly, his influence on international relations cannot be disputed.

What comes to mind as his most outstanding accomplishment is also perhaps, the most important measure passed by Congress in this century. I am speaking of his successful efforts to increase communication between the President and Congress, by limiting the President's authority to involve troops in foreign combat without congressional approval. The ramifications of this measure have only begun to be realized.

And what about the people of Wisconsin? His constituents. His pride in his people was mirrored by their enthusiasm at the polls. Congressman ZABLOCKI was never seriously chal-

lenged since his very first election in 1948.

All of us here today join with his son, his daughter, the people of the Fourth District of Wisconsin, to mourn the death of CLEMENT J. ZABLOCKI, respected Congressman, insightful leader and true friend.●

● Mr. ANNUNZIO. Mr. Speaker, like so many of my colleagues, I was shocked to learn of the untimely death of our distinguished colleague and my good friend, the Honorable CLEMENT J. ZABLOCKI, who died on December 3. His death is a tremendous loss to his constitutents from the Fourth Congressional District of Wisconsin, and to all the people of this Nation.

CLEM was my close and trusted friend during the period we had served in Congress together, and I am proud to have had the honor to have worked with him. I shall always cherish the wise counsel, advice, and goodwill that he so often generously extended to me.

CLEMENT ZABLOCKI held public office for more than 40 years, and began his career in public service in 1942 as a State senator from the Third District of Wisconsin. Elected to the 81st Congress in 1948, he served for 18 consecutive terms, and became the chairman of the House Foreign Affairs Committee in 1977. At the time of his death he was third in seniority among all Members of the House of Representatives.

As a Congressman, CLEM dedicated his life to the service of his constituents, and to the betterment of all mankind. He compiled an outstanding record of achievement, and he was the guiding force in Congress against the production of chemical weapons, as well as for a mutually verifiable freeze in the production of nuclear weapons. It was through his effective leadership that Congress enacted the War Powers Act, and the Taiwan Relations Act which enabled the United States to maintain diplomatic relations with Taiwan and the People's Republic of China.

As one of the most respected Members of the House of Representatives, CLEM was evenhanded and well-liked by his colleagues, and was one of the most knowledgeable and effective legislators in Congress.

The son of Polish immigrants, CLEM ably represented his constituents with distinction. He was a soft-spoken man, known for his fairness, honesty, and integrity, and for his great sense of humor. He had been a high school teacher, a church organist and choir director, and truly was a man of the people. His dedication to the highest standards was an inspiration to his friends and fellow citizens, and he will long be remembered by those of us who had the privilege to serve with him in the Congress of the United States.

At this point in the RECORD, I would like to include several articles from the Milwaukee Sentinel and the Milwaukee Journal, in tribute to the many achievements of this great American.

The articles follow:

[From the Milwaukee Sentinel, Dec. 5, 1983]

LIFETIME OF CARING IS ZABLOCKI'S LEGACY

Representative Clement J. Zablocki, who died Saturday, had a special talent for dealing with the so-called average men and women in his constituency.

His secret was that he made every one of them feel that he or she was special because, in fact, he felt that was the case. No problem was too small for him to listen to.

But the South Side Democrat was not an average congressman.

Beyond his 4th District, Zablocki gained international stature as chairman of the House Foreign Affairs Committee, on which he served for 25 of his nearly 35 years in Congress.

Although he was as comfortable at a state dinner as he was over a serving of kielbasa at a church supper, his Polish heritage was always in Zablocki's heart.

A special thrill was his designation as an official representative at the coronation of Pope John Paul.

The former church organist has left behind him a lifetime of public service and devotion to God and country.

He also leaves a void in the hearts of his constituents that will not easily be filled.

[From the Milwaukee Journal, Dec. 4, 1983]

ON, WISCONSIN—ZABLOCKI: SOLID WORK AND SIMPLE TOUCH

Wisconsin has lost an influential, respected and beloved congressman. And Milwaukee's South Side has lost an internationally recognized public servant who never forgot his ties with the folks on Mitchell St. or Kinnickinnic Ave.

Clement Zablocki, dead at 71, ably represented his 4th District, his state and his country for more than 34 years.

As a champion of his community, he used his personal influence and legislative skills to help obtain such projects as the Veterans Administration Hospital, the modern Post Office Building and the freeway system.

As the dean of Wisconsin's delegation to Capitol Hill, he set an example of reasonableness, fairness and honesty that elicited cooperation from Republicans as well as from fellow Democratic representatives.

As a prominent member of the House Foreign Affairs Committee (and chairman since 1977), the polite, considerate congressman developed leadership alliances that enhanced his legislative effectiveness. Friendships strengthened his hand, whether he was promoting local projects, enlisting support for passage of the landmark War Powers Act or pushing a nuclear freeze resolution.

Clem Zablocki was unassuming and unpretentious throughout a career that included numerous associations with presidents, prime ministers and monarchs. A lesser person might have been overcome with self-importance, but Zablocki remained a man of simple dignity.

A self-sufficient South Sider, he retained the ability to perform domestic chores—even make his own sausage. He was, as a Journal editorial said years ago, "a kielbasa man, but a caviar man, too."

[From the Milwaukee Journal, Dec. 4, 1983]

AT HOME FOLKS CALLED HIM CLEM

(By Gary C. Rummler of the Journal Staff)

To Washington and the world he was Rep. Clement Zablocki (D-Wis.), chairman of the House Foreign Affairs Committee.

But to his South Side friends, to people like his mushroom picking buddies, he was Clem the friendly neighbor.

They don't talk about him meeting with foreign dignitaries. They talk about a man who enjoyed playing Mozart and Bach on the organ, a man who clipped the rose bushes and who shoveled the snow out of driveways after the plows put it there.

He didn't like going to the dentist, but he was as polite and cooperative with the dentist as he was with everyone.

And when he bought beer, he bought local. None of that Budwieser stuff.

"He'd be outside and come over," said Bob Kames, 58, a neighbor since the mid-'40s. "I'd be planting my tomatoes and he'd say, 'You should do it this way.' You'd never think he was a congressman. He was just Mr. Joe Neighbor.

"Clem always enjoyed doing his own work. You'd see him out cutting his grass, trimming his rose bushes. He didn't depend on other people to do things for him.

"For as long as I can remember he's been my neighbor. Clem has been a great fellow as far as doing things for people. I remember being with my family in Washington and just a telephone call from his office would open the doors to all the hospitality in Washington."

Kames, president of Bob Kames Wonderful World of Music, wrote a song, and Zablocki made sure it was played at the Kennedy Space Center.

A GREAT PICKER

Charles Wisniewski is a fellow mushroom hunter, a friend and Zablocki's dentist.

After a visit to the dentist's office, Zablocki "would always take out his handkerchief, wipe his brow and say, 'I don't enjoy coming here,' " Wisniewski said.

But mushroom hunting he did like.

"He was a great mushroom picker," Wisniewski said. "His only complaint was he didn't get here often enough to do it. When he was not here, we would say, 'Gee it would be nice if Clem were here.' We would put some aside for him when he came into town."

Did Zablocki like mushrooms?

"He liked mushrooms with anything. He would like them with eggs. He would like them with a steak or just fried up with onions with a little pepper and salt."

Wisniewski, 67, was asked to describe his friend.

"When you had a problem or talked to him, he was never too busy to talk to you," he said. "If you wrote to him you would automatically, within a day or two, get a written reply.

"He was among us all the time. We're going to miss him tremendously."

Another companion on those mushroom hunting days was Jerome Korpal, 71, a retired lawyer who was Zablocki's campaign manager for the last 12 campaigns.

"All three of us were crazy about mushrooms," he said. But Korpal also knew Zablocki as an organist and family man.

"He was a good family man," he said. "I knew his wife. She always was concerned

about him and he always was concerned about her.

"He didn't play cards. He didn't play golf. He didn't play tennis. He believed in the arts. He had an organ at home. He played the organ rather well. He never went to baseball games. He never cared much for that stuff.

"After he got back from work—6, 7 o'clock—he would have dinner and then he would play the organ. He liked Gregorian music, Mozart, Bach. He was pretty deep in that stuff."

Alfred Sokolnicki, 65, a professor of speech at Marquette University, knew Zablocki from the time Zablocki was a state senator back in the '30s. Zablocki got his hair cut in the barbershop run by Sokolnicki's father and also graduated from the College of Speech at Marquette.

"Clem always was a very fine man who had the common touch," Sokolnicki said. "He didn't appear to have risen above his station as far as being arrogant or haughty. He was a very ordinary type of person who was at home with anybody. And everybody felt at home with him.

"He was one who reached out to you. He was a truly Christian man. If Clem gave you his word, it was solid. There never was any scandal about him.

"In the minds of many, politicians are very shady characters. Here is one man who disproves that completely."

Then there are the words of Louis Felerski, 73, who referred to his South Side Beer and Liquor Depot, 1434 W. Windlake Ave., as the South Side City Hall, and to Zablocki's nearby office as the annex.

Felerski has had the same Zablocki campaign poster—repainted once—in his window since 1948.

To him, Zablocki was the man who asked for a screwdriver and pliers, then fixed a door for Felerski's wife. Zablocki was the man who always bought Pabst—a local beer.

And he was a man who never got angry.

"Sometimes he would blush, but he would hold it back himself," Felerski said.

He added:

"He was honest. He was fair and he tried to help people—all people.

"He was very secretive about who he helped. He listened to you. He never argued with you. He didn't like to see people hurt. He treated them like God's children. He was an organist, a good churchgoer.

"I would like to be a pallbearer for him."

Mr. Speaker, CLEM ZABLOCKI will be sorely missed by all those he served, and all who had the privilege to know him as a friend. Mrs. Annunzio and I extend our deepest sympathy to his children, Jane and Joseph; his brothers, Harry and Ralph; his sisters Mabel and Ann; and to the other members of his family.●

● Mr. BENNETT. Mr. Speaker, it came to me as a shock to learn of the passing of the Honorable CLEMENT ZABLOCKI, chairman of the House Foreign Affairs Committee. He and I came to Congress at the same time, January 1, 1949. His service here in Congress was outstanding at every step of the way. When he finally became chairman of the committee, he showed us all what the importance was of full preparation because we could always rely upon him being well informed. We could also rely upon him as expressing his sincere, heartfelt feeling on every measure that he brought to the floor. He, indeed, had the fine qualities of a great statesman, which he was. We all deeply regret his passing, and express our deepest sympathy to his family and his many friends.●

● Mrs. HOLT. Mr. Speaker, I rise to pay tribute to our departed friend, CLEM ZABLOCKI, a gentleman and an American patriot, who represented the people of Milwaukee with great integrity and diligence for 35 years in this House.

As chairman of the House Foreign Affairs Committee, he was committed to the cause of freedom in this largely unfree world and clearly understood America's role as the leader of the free world.

Congressman ZABLOCKI will be remembered for his many contributions to the work of the Congress over many years, and I shall remember him as a kind individual of noble character.

I am pleased to join the House in expressing our condolences to his family.●

● Mrs. BURTON of California. Mr. Speaker, I join my colleagues today in paying tribute to CLEM ZABLOCKI, a friend and valued colleague.

This past summer, I traveled to Europe for the North Atlantic Assembly meetings with a delegation headed by Chairman ZABLOCKI. I thoroughly enjoyed his company and was impressed by his leadership at the meetings.

Chairman ZABLOCKI presided over a Foreign Affairs Committee that passed landmark legislation—the nuclear freeze resolution in 1983. In 1973, he was a leader in the successful fight to pass the War Powers Act.

CLEM ZABLOCKI learned the lessons he taught as a civics teacher and entered politics 45 years ago. Throughout his career he was a staunch supporter of working people, compiling one of the highest pro-labor voting records in the Congress.

I will miss CLEM ZABLOCKI. His presence will be sorely missed in the House of Representatives.●

● Mr. RANGEL. Mr. Speaker, I rise to pay respect to my dear friend and coleague, CLEMENT J. ZABLOCKI. His untimely death is a great loss to me personally, and will be keenly felt among the Members of this body.

CLEM ZABLOCKI was a man who got things done. As chairman of the Foreign Affairs Committee, he garnered the respect and trust of all who came into contact with him. He was one of those rare people who always seemed to be on top of the issues affecting his committee and his constituents. No one can doubt his sincere devotion to the House of Representatives, and as one of our senior Members, CLEM ZABLOCKI's example gave us a sense of dignity and commitment.

We have lost one of the great ones. I extend my deepest sympathy to his children, and only hope that the rest of us will follow his example in the future.●

● Mr. PASHAYAN. Mr. Speaker, I should like to rise today in honor of the memory of our colleague, CLEMENT JOHN ZABLOCKI. As a devoted Representative in this body for the past 35 years, Mr. ZABLOCKI provided bipartisan leadership in pursuing goals in the best interest of America.

Despite his accomplishments in foreign affairs, Mr. ZABLOCKI remained dedicated to strengthening of our defenses, promoting economic prosperity, and assisting our veterans and elderly citizens. In addition, he maintained close ties to the people of the Fourth District and was admired and respected by them.

The Congress, as well as the American public, has been fortunate to have the services of Mr. ZABLOCKI. We shall all miss his able assistance and unique ability to rally a united force.

It is my hope that we follow his example by placing national interest above partisan interests. We must join together, not as Republicans and Democrats, but as Members of Congress, Representatives of the American people, to provide what is best for America.●

● Mr. BONKER. Mr. Speaker, during his decades in the House of Representatives, CLEM ZABLOCKI served well his constituents, the Committee on Foreign Affairs which he ultimately chaired, and the Nation. He was an example of some of the best qualities that the Congress brings out in its Members. He came from humble origins, but gained wisdom through long years of participation in the many issues and detailed decisions that Members of Congress must try to master. He spent his time mastering those details, particularly in the area of foreign policy, and in providing day-to-day help to his constituents. He was a devoted and hard-working Member of Congress who sought no notoriety or acclaim for the work he did. He was a deeply religious man who was able to apply the principles of his religious beliefs to issues of public policy without being parochial.

I will remember him best from our service together on the Foreign Affairs Committee. As one of his subcommittee chairmen, I was grateful both for the wide latitude and ample responsibility he accorded subcommittees, and for the help he was always ready and willing to give even when the views of a subcommittee or the committee itself might not coincide precisely with his own. That is one of the most difficult aspects of committee leadership in the Congress, but he did it with skill and practicality.

Indeed, practicality was one of his greatest strengths. It was that which made him the key to congressional enactment of the landmark War Powers Act, which was perhaps his greatest and most lasting accomplishment as a legislator. Initially opposed to defining and constraining the powers of the Commander in Chief, he responded to the lessons of U.S. involvement in Vietnam and the constitutional mandate to Congress to make decisions of war and peace. Under his supervision, essential compromises were hammered out with determination. The result was a practical and workable bill which passed both Houses and even survived a Presidential veto. While Senator Jacob Javits rightfully takes credit for the initial ideas of a War Powers Act, it was CLEM ZABLOCKI who transformed those ideas into their final form. Particularly those of us who were elected to the Congress in the aftermath of Watergate and the Vietnam war can admire and identify with that accomplishment, and we should keep it in mind as we are called upon to act under the War Powers Act with respect to U.S. troops in Lebanon. We owe it to CLEM ZABLOCKI to fulfill our responsibilities under that act, and not to avoid the issue. He preserved for us in the War Powers Act the power and responsibility to have a voice in the most important of foreign policy decisions—decisions involving the risks of war.

Mr. Speaker, CLEM ZABLOCKI will be missed on the Foreign Affairs Committee as he will be missed in Milwaukee and in this House. The role of the House of Representatives in the making of American foreign policy is stronger for his having served as our chairman, and particularly the foreign policy decisions made by this House are the better for having been shaped and developed under his leadership.●

● Mr. ASPIN. Mr. Speaker, I am proud, yet saddened to participate in this tribute to my late colleague and friend, the Honorable CLEMENT J. ZABLOCKI. On December 3 of last year, the citizens of the Fourth Congressional District of Wisconsin, and the entire Nation, lost one of the most dedicated Congressmen ever to serve in this body.

CLEM proudly served and united the diverse ethnic neighborhoods of Milwaukee from 1948 to 1983. The people of the Fourth Congressional District reelected him every 2 years as an endorsement of his work ethic and democratic ideals; enduring throughout many tough political and economic times. The people of Wisconsin looked to CLEM as a leading spokesman for the State. When the economic, political, or foreign climate became cloudy, CLEM provided a beacon of light.

The Honorable CLEMENT J. ZABLOCKI was also valued and respected by his colleagues in Congress. His toughness and leadership evolved from his many years of service, through many if not the most trying times our Nation has ever known. As dean of the Wisconsin delegation, his insights were a united driving force, bringing Wisconsin-style progressivism to work at the national level.

As a dedicated member, and eventually chairman, of the Foreign Affairs Committee, CLEM was able to chart a sound course in the often turbulent waters of U.S. foreign policy. Although taking sometimes unpopular and controversial stances on sensitive issues, CLEM maintained the respect and admiration of his colleagues and that of the many administrations he served alongside.

Soon there will be another Congressman to sit in this Chamber and represent the people of Wisconsin's Fourth District. We will fill the seat, but we will never replace the man. We now look to CLEM's memory for guidance in the times ahead.●

● Mr. MATSUI. Mr. Speaker, it is with a profound sense of regret that I join my colleagues to pay tribute in memory of CLEMENT ZABLOCKI.

In 1959 then Senator John F. Kennedy described CLEM as "one of those who has risen above sectionalism." This tribute epitomizes a statesman who, during his 34 years in the House, always managed to reach beyond factional squabbling and provide leadership in a responsible, reasonable, and forthright manner.

As a man with a deep understanding of fairness, CLEM had a simple and humble sense of himself that carried through in dealings with his varied constituency. And constituents responded in kind. CLEM enjoyed a degree of loyalty and love from his constituents that can only be matched by his respect and care for their concerns.

CLEM's long and distinguished career earned him the firm respect of colleagues as well. During his 34 years in the House, CLEM provided a guiding influence for a wealth of historic legislation. CLEM's moulding of the War Powers Act is only one of many examples of his unique and profound contribution to American foreign and domestic politics.

But beyond his substantive contribution, it was CLEM's good humor and sense of fairness that has earned him the abiding respect of Members over a broad political spectrum. Those who agreed and those who disagreed with his positions learned to value and respect the man. His presence and influence will be truly missed.

While we mourn his loss, the memory of CLEMENT ZABLOCKI's clear sense of equity and his unyielding dedication to serving the American people should provide inspiration for all of us.●

● Mr. MAZZOLI. Mr. Speaker, I join with all my colleagues in paying tribute to our late friend and esteemed colleague, CLEM ZABLOCKI of Wisconsin.

CLEM and I served together on the House Intelligence Committee. We were seat mates for the last few years, and it was this coincidence that gave me the chance to know and work with CLEM up close. He was a decent, affable, hard working, devoted as well as effective Member of Congress.

As chairman of the Foreign Affairs Committee for 7 years, he worked to insure that this Nation promoted peace and freedom around the globe and that these founding principles of our Nation were protected here at home.

CLEM was a leader of the nuclear freeze movement in Congress and he skillfully spearheaded the passage of the War Powers Act a few years ago despite a Presidential veto. Clem was a patriot in every sense of the word. But, he did not want to jeopardize the lives and well-being of American service people unnecessarily.

CLEM's knowledge of the issues, his belief in and respect for this institution, and his high ethical and professional standards earned him the esteem and respect of his colleagues. His passing is a loss to us all. He was a good man and he will be sorely missed in Milwaukee, in Washington and around this land.

I extend to his family my deepest condolences.●

● Mr. MONTGOMERY. Mr. Speaker, I want to join with my fellow colleagues to pay tribute today to the memory of our friend, Representative CLEMENT ZABLOCKI.

His death certainly saddened all who knew him, but his work in this Chamber, which spanned five decades, will always be remembered.

Since coming to Washington in 1948, CLEM ZABLOCKI was known as a very hard worker for his State and his district in Wisconsin as well as on the committees on which he served. As chairman of the Foreign Affairs Committee, CLEM had the opportunity to meet and discuss world problems with most of the influential leaders in the world. He served in this important position with great distinction. He also was a member of the Select Committee on Intelligence and I know he was an active and very hard working member of that panel.

As chairman of the House Veterans Affairs Committee, I appreciate the fact that CLEM was a great friend of the veteran and he worked closely with veterans groups and was very aware of their needs and concerns.

I also knew CLEM ZABLOCKI to be a very kind and thoughtful man. He and I were next door neighbors in the Ray-

burn Building and the members of our staffs got to know each other well.

CLEM ZABLOCKI, the man, and CLEM ZABLOCKI, the leader, will be missed, but his contributions to this great body will live on. I am glad to have had the chance to serve with him.●

● Mr. ERLENBORN. Mr. Speaker, I am proud to take part in this tribute to the memory of CLEMENT ZABLOCKI.

CLEM was a fine and decent man, a hard-working shepherd as the representative for the people of his hometown of Milwaukee, and an able chairman of the Foreign Affairs Committee. I will miss this amiable and good colleague from my neighboring State of Wisconsin.

I extend my heartfelt sympathy to his daughter, Jane, and son, Joseph. They can be proud that their father played a role in shaping our foreign policy for more than 35 years and was held in high esteem by his House colleagues.●

● Ms. MIKULSKI. Mr. Speaker, I join in honoring today the memory of our late colleague, CLEMENT J. ZABLOCKI. As the first woman Member of Congress of Polish extraction, I know that my life, as well as the life of the Polish community both here and abroad, are better because of CLEM ZABLOCKI. I remember how kind and supportive he was to me when I began my career here in Congress. He was like an uncle to me. I felt I could turn to him for advice, which I often did, and he always took the time to help. He was a true friend.

Since 1948, he had served Congress with integrity and responsibility. As Chairman of the Foreign Affairs Committee, his efforts to hear all sides of an issue were well known, and his easygoing style often turned confrontations into workable compromises, a necessary ingredient for any committee to be successful.

Perhaps his greatest service to Congress was his unrelenting determination to insure that the White House keep Congress informed about important foreign policy decisions. He understood and appreciated the important role Congress had in foreign affairs, and this was demonstrated in 1973 when he sponsored the House version of the War Powers Act, a law which set specific limits on the President's power to involve troops in foreign combat without congressional approval. Since the enactment of the War Powers Act, CLEM ZABLOCKI continued to defend the role of Congress in foreign affairs.

More than most, he understood the value of compromise in the political process. Although a man of principle, he continually worked for unity and cohesiveness on vital issues so that our congressional system would work more efficiently. It was that understanding that made CLEM ZABLOCKI an integral Member of this congressional body. We will miss him.●

● Mr. YATRON. Mr. Speaker, with the passing of CLEM ZABLOCKI, the Nation has lost an honorable, dedicated, and effective public servant. I am especially saddened because I have lost a friend and a colleague with whom I had the pleasure and honor to serve on the Foreign Affairs Committee.

CLEM was a tireless worker. He loved his job. His abilities, intelligence, and fairness won him the respect of all his colleagues. He was the architect of the War Powers Resolution—the first attempt since the founding of the Republic to clarify the procedures by which this Nation's military forces can be used to go to war.

CLEM had the opportunity to serve in Congress during a unique moment in America's history. For 35 years he was a leader in the area of foreign affairs. He was in the forefront of the struggle to restore to Congress its rightful prerogatives in the foreign policy field. His work touched virtually every aspect of American foreign policy, from arms control to strengthening U.S. leadership in science and technology. Everywhere his work was characterized by imagination, careful consideration, and measured skepticism toward the views of executive branch experts. He would support any President when he thought he was right and oppose any he thought was wrong.

CLEM will be missed by the Nation, his State, and his district but most of all by those of us privileged to have known him.

I extend my deepest sympathies to his family, friends, and constituents.●

● Mr. SOLARZ. Mr. Speaker, I think every Member of the House owes our colleague, and dear friend, BOB KASTENMEIER, a debt of gratitude for convening this special order to pay tribute to CLEM ZABLOCKI.

I cannot begin to describe my emotions when I learned, on my way to the meeting CLEM was supposed to lead with Israeli Prime Minister Shamir, that he had become ill. And when he passed away, it became obvious to all of us that we had lost a great friend, a tremendous Congressman, and a distinguished chairman of the Foreign Affairs Committee.

This past session of Congress has been dominated by foreign policy issues. The nuclear freeze, Lebanon, the covert war in Nicaragua, nerve gas production—these are the policy questions to which Congress has devoted most of its time and debate. On each and every one of these matters, CLEM ZABLOCKI's leadership was the key factor. And, although the members of the Foreign Affairs Committee had appreciated the important role he had been playing, since he took over the committee chairmanship from "Doc" Morgan, the emergence of these issues on the national agenda put CLEM in the national spotlight in a significant way.

I am sure that my colleagues remember, for example, the New York Times article which appeared last fall titled "Zablocki Takes the Credit and the Heat." In that piece, written by Steve Roberts, one of our colleagues was quoted as saying "When he takes a position on an issue like nerve gas or the nuclear freeze, he helps enormously to establish credibility with more moderate members."

CLEM did take the heat, and he earned a place in the spotlight, through his leadership on the War Powers Compromise regarding Lebanon. Although CLEM and I differed on the role of the United States in the Vietnam war, we shared a common conviction about one lesson of that war; that is, the danger of untrammelled executive branch power to commit U.S. troops to conflicts without the concurrence of the Congress. CLEM ZABLOCKI wrote the War Powers Act to prevent future Vietnams from occurring. And CLEM ZABLOCKI played the crucial role in seeing that the War Powers Act was invoked for the first time to limit the size, the scope, the duration, and mission of our troop commitment in Lebanon. The War Powers Act will be an enduring legacy of CLEM's, and it was a tremendously significant accomplishment, in a distinguished career, that he applied the brakes on an administration that was seeking an open-ended commitment in Lebanon.

CLEM ZABLOCKI was a great chairman, a kind and patient senior Congressman who helped the younger Members "learn the ropes" in the early stages of our work here in Washington.

I know that I speak for all of my colleagues in mourning his death.●

● Mr. BIAGGI. Mr. Speaker, today the House stands united in grief as we pay tribute to the memory of our late and great colleague from Wisconsin, CLEMENT J. ZABLOCKI who left us so suddenly this past December 3.

On this occasion we pay tribute to not just a colleague—but a respected legislative leader and fine gentleman. CLEM ZABLOCKI served this body and the good people of Milwaukee for 35 years. As we consider our own careers in this institution it sometimes gives pause for us to consider what 35 years of this work would be like. CLEM enjoyed his work as much in his 35th year as he did in his very first. CLEM only knew one way to work—hard. Perhaps that is why he succumbed to this fatal heart attack in his Rayburn office. All I know is that when I joined the official delegation to attend his funeral that cold day in Milwaukee the streets were filled with his grieving

constituents—generations of families all of whom knew and loved CLEM. In a city like Milwaukee where values and hard work are so important—CLEM ZABLOCKI was a symbol and an inspiration to all who he worked for.

Throughout this special order my colleagues will recount fond memories of working with CLEM ZABLOCKI—for it was a real pleasure, pure and simple. I have several instances of my own. Even before he assumed the chairmanship of the House Foreign Affairs Committee CLEM played an instrumental role in helping me gain passage of an amendment to provide $25 million in urgent humanitarian aid to the homeless and helpless Greek Cypriot refugees uprooted by the illegal invasion of Cyprus by Turkey.

I also recall CLEM's exemplary leadership in 1976 and 1980 in securing other desperately needed commitment of funds this time to aid thousands of victims of two separate earthquakes which rocked the Friuli region of northern Italy and a large segment of southern Italy. The United States, thanks in large part to CLEM ZABLOCKI, was there first with assistance to rebuild homes and hospitals and provide food and certain health care. In both cases this initial commitment of funds led to massive outpourings of help from other Governments and private sources which led to these areas coming back from this terrible tragedy. I know from having been there to see for myself.

A final foreign-affairs-related incident I will relate about CLEM has to do with an issue of tremendous importance to me—northern Ireland. In 1979 during House consideration of the appropriations bill for the Department of State I had sponsored an amendment to bar the use of any funds for England for use in northern Ireland. This grew out of an investigation by the Ad Hoc Congressional Committee for Irish Affairs which I chair that revealed that the Department had approved the sale and export of U.S. weapons to the Royal Ulster Constabulary, the largest police force in northern Ireland. The RUC had been cited for human rights violations and section 502(b) of the Foreign Assistance Act bars the sale and export of U.S. arms to any nation or organization with a proven record of human rights violations.

During floor consideration of my amendment, CLEM rose to commit himself and the Foreign Affairs Committee to a hearing to look into the circumstances of this sale. This hearing was held just 2 weeks later and at its conclusion the Department of State itself voluntarily agreed to suspend all future shipments of arms to the RUC pending a full review of our policy. This suspension remains in effect today and represents the very best of when the United States applies the integrity of its laws to practice. It was also the single most significant policy action taken by the Congress on northern Ireland and history should record that it could not have taken place without the work of Chairman CLEM ZABLOCKI.

CLEM's trademark was his word—if he gave it to you then you could count on it. I remember in 1978 when New York City was struggling to stay alive and desperately needed a loan guarantee package from Congress I was put in charge of a task force to round up votes. I approached CLEM and while he had a number of serious political considerations to contend with gave his word of support and it too proved important.

CLEM ZABLOCKI was a fine gentleman—dedicated to the profession of public service—accessible to the people he represented. He had so many friends in this House—the news of his death cast a pall over this institution that remains with us today. The House simply does not seem the same without him.

At this time let me express my condolences to his son Joseph and daughter Jane and assure them that many in this House loved CLEM ZABLOCKI and that while his voice is silenced—the memory of what he accomplished—the good he did for people will endure and serve as an example for generations to come.●

● Mr. O'BRIEN. Mr. Speaker, news of the sudden death of my friend CLEM ZABLOCKI shook both me and my wife, Mary Lou. We had been with CLEM not too long before in Western Europe to participate in the North Atlantic Assembly meetings.

CLEM was a very warm, unassuming man. He never sought the limelight, yet his actions loomed large in the Congress. To my mind, he was the quintessential statesman: he had a knack for knowing when—and perhaps more importantly how—to compromise. As a friend and colleague, I had a chance to witness his remarkable legislative ability and acument time and time again. His many legislative accomplishments are proof.

Despite a heavy workload as chairman of the Foreign Affairs Committee, CLEM never once forgot or neglected the people from the south side of Milwaukee who put him in office. He was truly one of them, and showed it by spending a great deal of his precious time in the district. Indeed, CLEM ZABLOCKI's tireless work on behalf of his district earned him the love and respect of his constituents.

Mr. Speaker, as we gear up for the second session, CLEM ZABLOCKI's absence in the halls of Congress will be conspicuous. I have lost a good friend and the country has lost a preeminent statesman.●

● Mr. RODINO. Mr. Speaker, in the death of CLEM ZABLOCKI this Nation and this body have lost a poised and effective leader in foreign affairs. His Milwaukee constituents have lost a compassionate and dedicated representative who was ever mindful of their needs and interests. And I have lost a close personal friend of 34 years.

In his 7 years as chairman of the Foreign Affairs Committee, CLEM ZABLOCKI was a trusted and valued congressional adviser to Presidents of both parties in matters of war and peace, in matters of life and death. His counsel was sought on arms negotiations and the entire range of defense and national security issues. Steeped in bipartisanship and a great conciliator, Chairman ZABLOCKI, in one of his last acts, fashioned and guided through Congress a compromise that avoided a constitutional clash over American troops in Lebanon.

He was also a tenacious fighter. He led the efforts to pass the nuclear-freeze resolution. He was the chief advocate of halting covert U.S. aid to Nicaraguan rebels. He led the opposition to plans to resume production of chemical weapons.

As chairman, CLEM ZABLOCKI consulted with princes and presidents and dignitaries from around the world. With all of them he had remarkable rapport. Typically, he was about to meet with the visiting Prime Minister of Israel on the day he was sticken. But he remained modest and unassuming, a man who never forgot or lost touch with his blue-collar roots.

CLEM ZABLOCKI's preeminence predates his election as foreign affairs chairman. His greatest legacy is, of course, the War Powers Act. He was a principal architect of the act and an untiring leader to secure for the Congress a greater role in foreign affairs.

On a personal note, I will miss CLEM ZABLOCKI as a friend. CLEM and I came to Congress as freshmen in the same year—1949. I will miss his warm companionship, his sound judgment, his wry humor and his wise counsel. Loss of a friend of more than three decades leaves an enormous void.

Mr. Speaker, CLEM ZABLOCKI was a leader of quiet strength. His talent for consensus, his tolerance of dissent, his lack of vindictiveness, his fairmindedness and evenhandedness have earned him widespread admiration and affection. It is an honor to have served with him and to have been his friend.●

● Mr. FUQUA. Mr. Speaker, I rise today to pay tribute to the late CLEMENT J. ZABLOCKI. He served admirably and well in this Chamber for many years and his presence will be sorely missed.

CLEM, as chairman of the Foreign Affairs Committee, and I as chairman of the Science and Technology Committee worked closely together on a wide range of issues facing the international scientific community. He

always approached these discussions with care and understanding and we made tremendous progress which will aid the international community for years to come.

CLEM was a fine man and he was my friend. I shall miss him greatly and extend to his family my deepest sympathy.●

● Mr. KILDEE. Mr. Speaker, I want to join my colleagues in paying tribute to the late Representative CLEMENT ZABLOCKI. He will be missed by all of us here not only because of the many friendships he forged during his 34 years on Capitol Hill, but also because of the indelible mark he left on our Nation's foreign and domestic legislation.

I first came to know CLEMENT ZABLOCKI in 1977 during the first year of my freshman term in Congress. Even then, this new chairman of the House Foreign Affairs Committee was willing to take extra time to help a freshman Member. Even though he had reached such a high position in Congress, CLEM ZABLOCKI was never overcome by the importance of his position.

Chairman ZABLOCKI earned his place in the history of this country with the legislation he guided through Congress. The most notable of these was the War Powers Resolution. ZABLOCKI first introduced a war powers measure in 1970, and was the principal sponsor of the House version of the bill that was enacted into law in 1973 over President Nixon's veto. More recently, Chairman ZABLOCKI championed such causes as the nuclear freeze resolution, a ban on the use of covert CIA funds to Nicaraguan rebels, and opposition to the production of new nerve gas weapons.

We all will miss his friendship, his wisdom, and his leadership.●

● Mr. KOSTMAYER. Mr. Speaker, an untold number of American fighting men and women are alive today because of CLEM ZABLOCKI's leadership in enacting the War Powers Resolution a decade ago.

The United States is not involved in an illegal military activity in Nicaragua as we might be due to CLEMENT ZABLOCKI's leading role in attempting to cut off covert military aid to the opponents of the government of that nation.

Most significantly, the people of this country and of the world may yet be spared sudden destruction in an unchecked arms race because of chairman ZABLOCKI's stewardship of the bilateral nuclear freeze resolution through the House.

CLEMENT ZABLOCKI made a very significant contribution toward the achievement of peace and the saving of human lives. There is no more important thing a person can accomplish in his life than that.

I join my colleagues in paying tribute to CLEM. All of us shall miss him.●

● Ms. SNOWE. Mr. Speaker, I join with my colleagues in paying tribute to CLEM ZABLOCKI, a fine gentleman who served in the House of Representatives for 35 years. I had the honor and pleasure of serving on the Foreign Affairs Committee with Chairman ZABLOCKI, where his knowledge, fairness, and leadership made him highly respected by Members on both sides.

Chairman ZABLOCKI was known as a man who preferred consensus to partisanship. On many difficult issues CLEM managed to work out compromises that Members of both parties could support. He had great respect for the separation of powers and felt strongly about the role Congress should play in the making of foreign policy. At the same time, he respected the role of the Executive and always worked with the administration—whether Democratic or Republican—to make policy that was best for the Nation.

We will all miss CLEM ZABLOCKI for his friendship and his wisdom.●

● Mr. LANTOS. Mr. Speaker, our country has endured an immeasurable loss with the passing on December 3, 1983, of our late colleague and my dear friend, CLEMENT J. ZABLOCKI. I had the privilege and honor to serve with him on the House Foreign Affairs Committee, where his leadership was enhanced by his personal charm, intellect, and decency. Those of us who learned so much from him feel so greatly the void left by his passing.

Chairman ZABLOCKI's 18 terms in the House of Representatives were marked by or his loyal and dedicated service to his constituents in Wisconsin. Though he dealt with world leaders, he remained unpretentious. His devotion to the House was evident, and in his dealings with his colleagues in Congress he was always impartial and candid. He deserved the titles of both statesman and friend of all.

As head of the House Foreign Affairs Committee, Chairman ZABLOCKI worked closely with several Democratic and Republican administrations to build and shape bipartisan support for American foreign policy. He created and maintained important communication links between the White House and administration and the Congress. He believed that a strong Presidency was imperative for the conduct of a realistic foreign policy, but he also insisted that Congress has the right and responsibility to participate in and shape major foreign policy decisions.

Chairman ZABLOCKI, to his great credit, was a consistent advocate of a solid national defense, balanced with a commitment to reduce the threat of nuclear war through responsible arms control agreements. He led the effort to win House passage of the nuclear freeze resolution. The chairman fought the resumption of nerve gas production and succeeded in mustering congressional support to cut off funding for binary chemical weapons.

Mr. Speaker, with all respect to our new chairman, my good friend and colleague, DANTE FASCELL, when I take my seat in the Foreign Affairs Committee room and do not see CLEM ZABLOCKI, I feel a tremendous and deep personal loss. This chamber will not be the same without him.●

● Mr. PORTER. Mr. Speaker, When CLEM ZABLOCKI passed away on December 3, 1983, the American people lost a dedicated public servant, his constituents lost a quintessential Representative, and the Congress lost a good friend and an able committee chairman.

CLEM's distinguished contributions to this institution will long be remembered by those of us fortunate enough to have served with him. He was a man charged with the difficult task of leading one of our most important committees, the Foreign Affairs Committee, in a difficult time. He met that challenge with skill and aplomb. Above all else, CLEM maintained his integrity at the highest possible level and dealt with his colleagues in a fair and honest manner.

Mr. Speaker, the Congress will not be the same without the leadership of our distinguished colleague from Wisconsin, Mr. ZABLOCKI. I extend my sincere condolences to CLEM's family●

Mr. KASTENMEIER. I will conclude by saying these brief 60 minutes are a small tribute indeed to the very large memory of a wonderful friend who will no longer grace us with his presence here in this Chamber. But I sense that there may be other ways in which we can commemorate his service and his memory.

Mr. Speaker, I yield back the balance of my time.

□ 1700

BPW/USA'S STUDY ON THE FUTURE OF WOMEN IN THE AMERICAN WORKPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 30 minutes.

● Ms. OAKAR. Mr. Speaker, I want to bring to the attention of my colleagues today an excellent study on the future of women in the American workplace that was released last week by the National Federation of Business and Professional Women's Clubs (BPW/USA).

The study was conducted for BPW/USA by the National Council on the Future of Women in the Workplace which it established last year. What makes the study so timely and so critical is that it addresses the problems confronting American women as our Nation's economy undergoes monumental changes and as the technologi-

cal revolution reshapes the nature of work.

All too often, the changes in our economy and workplace are examined only from the perspective of the male worker. This is certainly a very serious problem that I in no way want to diminish. Many men, especially in the smokestack industries, have been displaced from jobs that had provided them and their families with economic opportunity for several generations. The continued high unemployment figures for my home area in northeast Ohio and other sections of the Frost Belt demonstrate how serious a problem structual unemployment remains.

However, the BPW/USA study makes clear that women are very seriously affected by the economic revolution. The study educates all of us to the implications for women of these changes and the need for us to take these changes into account as we develop industrial policy legislation to create new jobs and new opportunities for all of us, men and women.

Mr. Speaker, I ask to have printed in the RECORD the testimony presented by Eleanor Holmes Norton on January 25, 1984, to the House Banking Committee's Subcommittee on Economic Stabilization. Ms. Norton's testimony succintly summarizes the BPW/USA study and sets forth the issues that must be addressed if we are to create new economic opportunities for men and women in the American workplace.

HEARINGS ON INDUSTRIAL COMPETITIVENESS "THE IMPACT OF CHANGES ON AMERICA'S ECONOMIC STRUCTURE"

(By Eleanor Holmes Norton)

The National Council on the Future of Women in the Workplace was founded in 1983 by the National Federation of Business and Professional Women's Clubs, Inc. (BPW/USA) to focus on the vast changes occuring in workplaces across the country—changes that are occurring as a result of movements such as the technological revolution and the flight of jobs overseas.

The Council carries out its work through its 53 members, who represent every state and the District of Columbia, the Virgin Islands and Puerto Rico. The councilors work in their states to raise the awareness of women and of community leaders about the immediate impact of dislocations in the economy and their effects on women workers now and in the future. In its work, the Council is also addressing an issue of extraordinary importance to women and their families—an issue about which there has been almost no serious thinking or work.

While there is growing concern about the flight of jobs in the manufacturing sector and the replacement of men by machines, there is virtually no awareness of the corollary trends affecting women. Yet automation and loss of jobs to overseas markets are an even greater threat to women's jobs—where automation is often a matter of today, not tomorrow, and where communication technologies make it possible for many clerical jobs to be performed overseas. It is far easier to automate offices with word processors than it is to automate factories because robots are presently much more expensive to purchase and maintain.

These and other issues cannot be avoided until they are upon us. One million new women annually will enter the labor force during this decade. More than half of all women with children under 18 are already in the labor force; by 1990, two-thirds of all women under 55 will be working.

The National Council on the Future of Women in the Workplace has published a booklet, "The Invisible Worker in a Troubled Economy," which we think is the first publication of its kind. We attach it as part of this testimony. Here, we would like to outline some of its findings and make some further comments.

Many of the jobs which have absorbed the influx of women into the workforce have proliferated in the service sector. And often these jobs have been characterized as low-skilled and low-waged. This has very serious consequences for the standard of living for the American family. It is now necessary for two paychecks to maintain the middle class standard of living. This is in sharp contrast to the economic situation in the 1950s when only one wage earner was needed to support a family. In a time when only 11 percent of American families have the father as sole wage earner, we still treat women as marginal workers. In a time when women increasingly support households alone, we still talk as if men are the sole stakeholders in the health of the economy. About 1 out of 6 families was maintained by a woman in March 1982, 16 percent compared to about 12 percent ten years earlier. Additionally, the proportion of poor families maintained by women increased substantially from 40 to 47 percent in the decade between 1971 and 1981.

Women have only recently been able to move into the higher-paying manufacturing jobs as a result of the enforcement of equal employment opportunity laws. But the decline of this sector will mean that women will be foreclosed in these new areas, not as a result of discrimination, but because the jobs will no longer be there.

As women move into new jobs and acquire new status, we find other problems: the changing nature of work itself through the new technology that will greatly reduce many staple occupations; changing geographical boundaries for work, not only for durable manufacturing jobs but also for many office tasks; changing conditions of work that deskill and dehumanize many women's jobs; and unguided career choices that send women into overcrowded and unpromising fields.

The current debate over economic and industrial policy is an urgent one. Whatever its outcome, it is raising essential questions about the changing workplace, economic choices and policies, governmental responsibility and the very future of the American economy and the American worker. Yet public discussion too often ignores the role of women in the economy, despite their huge and growing numbers in the workplace. As a nation we cannot make the necessary and appropriate choices without considering the future of a group which is almost half the labor force.

Historically, economic expansion and job growth in the United States seemed to come almost automatically. With America's preeminence as industrial and global power, both the number of jobs and the standard of living of Americans rose steadily.

However, today the American economy is but one actor in a fiercely competitive global economy. Foreign competition and other international economic problems, as well as new technologies, have an impact on the U.S. economy they never had before. As a result, critical changes in the American economy are profoundly affecting the competitive position of American business and industry. Among the changes we think seriously affect the plight of women are:

Fundamental shifts in the economy from a manufacturing or goods-producing to a service and information society. Between 1960 and 1980, manufacturing dropped from a 30 to a 24 percent share of GNP. Over 70 percent of new jobs created between 1973 and 1979 were in the retail and service sectors. We have ignored the fact that many of these jobs are overwhelmingly low-skilled with few career ladders.

Decline in middle-level job opportunities. According to the Bureau of Labor Statistics, the fastest growing occupations are janitors, clerical workers, waiters and waitresses, fastfood workers and cooks—all low wage occupations. This has serious repercussions for women, who as recent laborforce entrants, will be further trapped into jobs without mobility.

Increasing unemployment levels, particularly in the manufacturing sector. In the 1980s, unemployment reached the highest levels since the Great Depression of the 1930s. While women overall have lower unemployment levels than men, because of the proliferation of service-sector jobs, we must not be lulled into thinking there are no dangers for women. Women represent the largest group of discouraged workers, and job loss in many of the office jobs in the "female ghetto" has been especially high. European studies suggest job losses of 30 to over 50 percent in banking and insurance. In the United States, between 1973 and 1979, AT&T cut back the number of telephone operators by some 40 percent because of the introduction of computerized equipment.

Declines in the standard of living for the American worker. While jobs in the manufacturing sector average about triple the minimum wage, many jobs in the service sector are often characterized by low pay and little chance for advancement. In February, 1983, the average weekly earnings for workers in the manufacturing sector was $340, compared to $234 for service workers. Low wages in service sector jobs underscore the fact that many of these jobs are temporary or part-time in nature, which means a loss of benefits for workers.

As interested citizens and workers, women have a natural stake in the long-term health of the economy. They also have a unique stake because of their place in the laborforce.

For women, the concern about jobs is at the center of this policy discussion since women will be the major source of new workers in the future. In the past thirty years, sixty percent of new workers have been women. While women continue to move into the workforce, men's labor force participation is decreasing because of early retirement and the decline of the manufacturing sector.

Further, women's situation in the American economy is often precarious. They support themselves and their families largely with low-paid, dead-end jobs. Over 75 percent of women who work are employed in undervalued jobs—as clerical and service workers, retail sale and factory workers. Women represent 80 percent of all clerical workers, 63 percent of all retail sales workers, and 62 percent of all service workers.

The median wage for fulltime women workers is $12,172. For fulltime men workers, it is $20,682. Less than one percent of fulltime working women earn $25,000 or more annually, compared to 12 percent of men.

Women are tracked into a limited number of occupations and industries in which female workers predominate and which have lower hourly earnings than male-dominated ones. For example, the apparel and textile products industry (which is 82 female) averages $5.18 hourly wage, while coalmining (which is almost 95 percent male) averages $13.05 per hour.

In addition to those disadvantages, women workers are especially vulnerable to job displacement because of automation, international competition or export of jobs to cheap overseas labor. Women dominate many of the industries that are undergoing the greatest changes. For example, the textile industry, which is predominately female, has suffered the loss of over 150,000 jobs because of automation and foreign competition. Retraining, as often expounded by advocates of industrial policy, is critical for workers in industries where many jobs have been lost.

The export of jobs has seriously decreased the number of jobs available domestically not only in the manufacturing sector, but also for many office tasks. These tasks can now be performed thousands of miles away and transmitted in a few minutes via the push of a computer button.

Even women who have successfully moved into male-dominated manufacturing industries work principally as operatives or semi-skilled operatives or semi-skilled craftspeople, for example as assembly-line workers. Since these are the occupations most likely to be displaced by automation, women are placed in double jeopardy in their roles as industrial and clerical workers. The unemployment rate of 30 percent for women in the auto industry, compared to 18 percent for male auto workers, shows the seriousness of the issue.

Women, then, have special reason to be concerned about the direction of economic policy, including any new or proposed industrial policy. We recommend that the committee look more deeply at issues raised in our document, which include:

Greater precision in examining the relationship between the industrial and service sectors. It is important to understand the degree to which service jobs will be eliminated by the erosion of manufacturing industries, particularly manufacturing, autos, and steel. Have we asked what has happened to the service sector in cities like Detroit and Pittsburgh?

An exploration of the types as well as the number of jobs being created. We cannot improve productivity unless we consider the "deskilling" of individuals in office jobs, and the fact that many of the new jobs being created offer no career ladders.

Ensuring that jobs are fairly valued based on skill, effort, and responsibility regardless of any new departures in economic policy.

Exploration of affirmative action to ensure women that are more fully integrated throughout the workforce. Discussions of industrial policy often focus on the "quid pro quo" the government would demand for loans or other assistance. Trade-offs that would benefit women workers should be included in these discussions. These might include programs to recruit qualified women, minorities and other disadvantaged workers, and training programs targeting workers in traditionally female occupations.

Establishing "full employment" goals to include all segments of the population. It is not enough to set an overall goal for employment, if some groups bear a disproportionate share of unemployment and occupational displacement. The goal of full employment must include the concept of equitable distribution of jobs and job opportunities.

The debate on industrial policy is just beginning. But it is incomplete unless it includes the special problems of half of the workforce. Current discussion needs to more sharply address the composition of the workforce, the entry of women workers, and their concentration in specific occupations. Until these questions are raised, the discussion can reach no resolution that is adequate to the needs of the whole society.●

DOLLARS FOR THE DAY AFTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the President's Private Sector Survey on Cost Control has received much publicity for suggesting thousands of ways to cut Government spending. Unfortunately, some of its ideas go far beyond recommendations for savings and reflect this administration's apparent belief that things will quickly return to normal after a nuclear war.

In its report on the Treasury, the survey suggests that the Bureau of Engraving and Printing (BEP) establish a currency printing plant at a remote location. The idea is that such a remotely situated plant would be relatively safe from nuclear attack or radioactive fallout. The plant would be designed to provide up to 40 percent of the current level of currency production.

This report, with its rather causal discussion of life after nuclear war, reveals the administration's appalling inability to grasp that there will be no life after nuclear holocaust. As a distinguished panel of scientists demonstrated last year, even a moderate-sized nuclear war will be Armageddon, certainly for the Northern Hemisphere and possibly for the entire planet. Yet the BEP goes along blissfully planning to assure that there will be adequate supplies of paper currency. Who would print this currency and how it would be distributed are not discussed, nor is even a second thought given to what could be purchased with it.

I believe deeply that we need a strong America and that our strength insures that nuclear catastrophe does not befall us or the rest of the world. At the same time, I know that a nuclear war will be mankind's greatest and final folly. To plan that there will be sufficient money printed after nuclear war is like making sure the *Titanic* has enough ice cubes as it goes under. I hope this administration will reorder its priorities and spend more time worrying about how to prevent nuclear war than how to pay for it afterward.●

AGENT ORANGE AND ATOMIC VETERANS RELIEF, H.R. 1961

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EDGAR) is recognized for 60 minutes.

Mr. EDGAR. Mr. Speaker, I take the well of the House today and the floor in order to have a special order focused on a bill which passed the House yesterday dealing with the issue of agent orange and also the issue of atomic veterans.

H.R. 1961, the Agent Orange and Atomic Veterans Relief Act was a bill that was introduced by our colleague, TOM DASCHLE of South Dakota and he ably spoke on behalf of the legislation yesterday.

Unfortunately, because of a death in his family he was unable to keep the commitment that he made to hold a special order today to let everyone know the significance of that piece of legislation, as well as to focus on some of the details that we simply did not have time to deal with under the suspension of rules yesterday which limited debate to 40 minutes.

TOM DASCHLE, if he were here, and many other Members who support the issue of trying to respond to those Vietnam-era veterans who were exposed to the use of a defoliant in Vietnam, would want to outline for us the history of the issue as well as look at some of the particulars of his legislation.

Between 1961 and 1971, approximately 52 million pounds of agent orange and other defoliants were spread in Vietnam. Dioxin, a contaminant formed in the production process of the defoliant, is acknowledged by scientists to be one of the most toxic chemicals known to man.

Three million American service men and women served during the war in Vietnam. Their service in Vietnam was a service of honor to their country and unbeknownst to them the use of the defoliant to defoliate the jungles of Vietnam did have an impact on their lives.

Both the Veterans' Administration and the Committees on Veterans' Affairs have acknowledged that this population was potentially exposed and potentially affected by the defoliant.

I think the questions that we have been trying to resolve have been these: How many Vietnam veterans are suffering adverse health effects due to exposure to this defoliant? The second question is: What diseases are they now suffering because of their exposure?

In 1978 my colleague on the Committee on Veterans' Affairs, DON EDWARDS of California, and I were the

first Members to call for hearings on the issue of agent orange.

Since that time the committee has had at least 10 hearings dealing with the use of the defoliant. We have authored and authorized the VA Public Law 97-72 to provide health care for Vietnam veterans who may have been exposed and have disabilities associated with agent orange exposure. The VA has initiated a screening program to provide medical examinations to any Vietnam veteran who is concerned about the long term health effects of exposure. To date we have done approximately 130,000 Vietnam veteran screenings as they relate to exposure to agent orange. In my home State of Pennsylvania, 11,000 Vietnam veterans have been examined.

The Federal Government is currently conducting nearly 67 studies at a cost of $150 million to determine the effects of exposure to the agent orange in human beings. But still there is no consensus in the medical community as to the impact of the use of the defoliant.

The Centers for Disease Control was authorized to do the major study by our committee and that study is under way. But the results of that study will not be known to us until 1988 or 1989. Those of us who have served long and hard on the House Committee on Veterans' Affairs simply do not think it is fair to wait that long to receive the results of that Centers for Disease Control study or any of the other studies that have been authorized.

A public health adviser with the project was quoted, on January 23 of this year, as saying the following:

> It needs to be pointed out that at the end of a long and arduous, expensive investigation we may not come up with the answers we hope to come up with.

Basically what he is suggesting is that even after all these studies are done, the distance from Vietnam, the distance from exposure to the defoliant may be such that it will be hard to determine causality between the use of the defoliant and those veterans who in fact were working or operating in the areas that were defoliated in Vietnam.

I remind my colleagues that just last year the administration allocated $33 million to relocate families exposed to the dioxin in the soil and around their homes at less content than the defoliant that was used in Vietnam, and the dioxin that resulted from it. Now, this was in Times Beach, Mo. It occurs to me that if we can be compassionate, as we should be, to those who have been exposed to hazardous substances and hazardous waste, that we have indiscriminately put in our civilian population, we ought to be even more aggressive in our actions and in our energies to respond to those who have been exposed in time of war.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman in the well has hit on exact point. You know, we were aware of this thing, we have finally got some money, and there has to be a question by this Congress and this Government as to whether or not we are truly going to try to solve the problem or we are going to try to find ways not to slove it. It is that simple. The leadership that the gentleman (Mr. EDGAR) has provided, and the leadership that the gentleman from South Dakota (Mr. DASCHLE) has provided, and frankly my own role has been one of support only to the efforts of these gentlemen on the committee. I commend the gentlemen for their efforts.

Mr. Speaker, since my election to the Congress I have had the honor of representing a fine group of Vietnam-era veterans. These veterans and their families are to be commended for their outstanding efforts to serve and support their collegues who suffer from disabilities related to their service in Vietnam. Of special interest to them has been the Government's study and impending compensatory relief to a limited group of veterans suffering from illnesses attributed to agent orange.

It was with these dedicated individuals in mind that I joined many of you in cosponsoring H.R. 1961 which will compensate Vietnam veterans who suffer from illnesses or diseases which are presumed to be caused by the defoliant agent orange during the Vietnam war. Although there is an abundance of scientific knowledge that draws a connection between the dioxin in agent orange and the illnesses suffered by many of our Vietnam vets, claims filed by these men and women are consistently denied due to the fact that the veteran cannot conclusively prove that the illness suffered and his or her tour of duty are scientifically related.

I believe it is time to give our Vietnam-era veterans the benefit of the doubt in these cases. Certainly the occurrence of soft-issue cancers and other disorders in Vietnam veterans is overwhelming. Many of us believe the language of H.R. 1961 is too limited in scope. Nevertheless, it is an important first step in providing the compensation owed to our veterans while the Federal Centers for Disease Control completes their study on the health risks related to the exposure to dioxin.

Mr. Speaker, I urge the Senate to act upon the House's measure and trust they will rely on the evidence already available to support compensation and death-benefit programs for those diagnosed as suffering from these diseases.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for his leadership on the issue. I think yesterday was a recognition that a number of Members on both sides of the aisle are committed to this issue. The legislation which I will go into some detail on does identify three systemic diseases that are being experienced by Vietnam veterans as a presumption of causality and we believe that they should be compensated for.

The gentleman's (Mr. GUNDERSON) help with this legislation is to be commended.

I would yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding.

And, Mr. Speaker, to say that I was pleased with House passage of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, would be an understatement.

Failure to adopt this limited, but absolutely essential, piece of legislation would have been a disgrace for a Nation with a history of caring for those called to defend our freedom and ideals.

Although H.R. 1961 is a compromise between those who wanted to go further and those who did not want any action, I consider the bill an important first step. It provides an allowance for Vietnam veterans suffering from three specific disabilities linked to agent orange. The bill also assists veterans who participated in nuclear tests after World War II and developed serious afflictions, including leukemia, within 20 years of the atomic tests.

This legislation does not go as far as I had wished. It is certainly not an end into itself, but I would submit that it is a beginning. What we must do now is work to gain Senate passage of this bill and have the President sign it into law. I am committed to this legislation, and will do everything within my power to see it is enacted.

I know that as a Vietnam-era veteran, those of my generation sent to Southeast Asia suffered both physically and mentally. They served courageously in an unpopular and undeclared conflict. They suffered the wounds of combat that have always been the hideous face of war. But many also returned to their country alienated from society. Years after the U.S. role in Vietnam ended, veterans of the conflict bear unique emotional scars that are barely healing. We must be there to help them. They should not be forced to suffer alone with no hope of assistance.

There are those who have argued we should wait on this legislation until the Government completes a full-blown study on agent orange late in this decade.

I submit that is the wrong approach. Mr. Speaker, in the case of dioxin con-

tamination at Times Beach, Mo., the Government acted first to protect lives, then stepped in for studies. I believe we should provide the same assistance to our veterans.

I would like to commend my colleagues on the Veterans' Affairs Committee, Mr. DASCHLE and Mr. EDGAR, for reserving this time to focus attention on H.R. 1961. With Chairman MONTGOMERY, they worked tirelessly for this legislation.

I reaffirm my commitment to this legislation.

It is proof that the United States remains a compassionate and caring nation.

□ 1710

Mr. EDGAR. I thank the gentleman for his statement. It is a strong commitment that the gentleman has shown over the last year in order to bring the legislation to the House floor that we brought yesterday and I commend the gentleman for his comments about the issue and its urgency.

Mr. SLATTERY. I thank the gentleman.

Mr. EDGAR. Mr. Speaker, the VA testified before our committee responding to the uncertainty of all the studies and they said the following:

It may well be that Congress cannot wait for scientific answers in the short term. In which case it may well be that the sociological aspects of this problem will have to be addressed.

My colleagues, yesterday this House took decisive action in approving H.R. 1961. The bill is a compromise. It does not go as far as we had originally planned. But I commend the chairman of the full House Veterans' Affairs Committee, the gentleman from Mississippi (Mr. MONTGOMERY), and the ranking Republican, the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, for coming together with what I think is a very good first step. Really the first toe in the water on this issue.

We identified three specific diseases: Chloracne, a skin condition; porphyria cutanea tarda, a liver disorder, and soft tissue sarcomas, as three specific diseases that we would provide compensation for as service connected.

There are other diseases that we provide this presumption of causality for. For example, if you have multiple sclerosis within a period of time after service in the military we identify that within that framework of time as a service-connected disease and give compensation.

Is it not more fitting for us to also recognize those who are suffering these kinds of diseases that we know are caused by dioxin and give at least the presumption of causality that this legislation provides?

Soft tissue sarcomas: There is only a 20-year presumptive period provided for this. Some of us on the committee wanted to go to a longer period of time, 30 or 35 years, or, in fact, have no specific date in time that a veteran would have to step forward and prove that his illness, of these specific diseases, had been caused directly by his exposure within a fixed period.

Many of us believe the 20-year presumptive period is too short and we hope, as we gain more experience with this legislation, when it becomes law, we might come back and take a look at other possible changes in the law that could impact on those veterans.

We also think that there may be subsequent legislation looking at other diseases. As we received testimony from some of the studies that are out, we may determine other specific systemic diseases that we ought to presume a causal relationship and give compensation for.

So in the area of the issue of agent orange I think we provided the House and the Senate a legislative vehicle to say to the veterans of our society, those who served in Vietnam, that we have not turned a deaf ear on their cries.

Already my subcommittee, the Hospitals and Health Care Subcommittee, provides the screening process. We already have opened up the 172 hospitals and the 226 outpatient clinics across the country to receive those Vietnam veterans to do the screening.

We will, with this legislation, move to the next step of identifying three specific diseases to give compensation.

And the third step that we must take is to receive the information back from the study to continue to analyze the problem and to move further to fully compensate those who have served their Nation well in time of conflict and who deserve every opportunity that we can give them to be fully compensated for any illness that they or their families may have received because of service in that theater.

I will submit for the RECORD some additional views that were cosigned by my colleague, TOM DASCHLE; my colleague, CHRISTOPHER SMITH; my colleagues, MARCY KAPTUR; MATTHEW MARTINEZ; HARLEY STAGGERS; JIM SLATTERY, BILL RICHARDSON, JOHN BRYANT; FRANK HARRISON; TIM PENNY, and LANE EVANS. These additional views on H.R. 1961 do outline, I think, more clearly the concerns that we had as we passed this compromise legislation. And I ask my colleagues to read carefully those views because I think they will hear more about those in future legislative discussions that we will have on the issue.

ADDITIONAL VIEWS

The Veterans' Affairs Committee took an important first step in reporting an amended version of H.R. 1961. However, even with the passage of this legislation, questions relating to Agent Orange compensation will be considered for some time. Many veterans will continue to be frustrated by the inability of this legislation to meet their legitimate needs.

Two steps in our view would greatly address these concerns. One is the creation of an independent advisory committee to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure. The second would create an open, public procedure by which the VA can clarify how much and what kind of proof is still necessary before additional Agent Orange claims can be approved. These proposals were offered in the form of an amendment to H.R. 1961 during committee consideration of the bill. They were rejected on a 17-13 vote of the committee.

Results from several scientific studies are expected in the months ahead which should reveal a great deal more about Agent Orange and its effects on humans. Yet, in the words of the Congressional Research Service the impact of these studies will be unclear, as "the VA has not established any formal criteria for how their policies might be altered by scientific findings." Therefore, the discovery of illness in a medical or scientific study could easily go ignored. The proposal offered in the committee would have ensured that as these new studies are published there will be a certain and orderly process to determine study conclusions and their relevancy to veterans' compensation claims.

There is also a great deal of concern about the decision making process within the Veterans Administration with respect to Agent Orange compensation. There are no standards or guidelines available by which the agency justifies its position that no illness, except chloracne, results from Agent Orange exposure. The Daschle/Smith amendment would have established a procedure by which the agency would provide justification for their decision with regard to compensation for various disease categories. Other federal agencies such as the Environmental Protection Agency and Occupational Safety and Health Administration involved in assessing toxic chemical risk follow clear and established guidelines for making such determinations. It is a matter of sound public policy and we see no reason why the Veterans Administration should be exempt from such a requirement.

After several days of hearings on H.R. 1961 it became abundantly clear that an Advisory Committee was necessary simply to sort out the conflicting viewpoints on the many scientific studies and their relationship to Agent Orange claims. Independent analysis of this information would ensure that viewpoints contrary to agency positions receive fair and expeditious consideration.

There are also distinct advantages in this approach for the Veterans Administration. The VA Administrator ultimately selects Advisory Committee members, determine when they meet and whether or not compensation is even warranted. Agency decisions on compensation could be corroborated by Advisory Committee recommendations.

It is therefore our belief that as additional scientific studies are released, the Advisory Committee would have ensured fair and expeditious analysis of information directly relevant to Agent Orange claims. It is our hope that the committee will renew consideration of these proposals during the second session of the 98th Congress.

Tom Daschle, Christopher Smith, Robert Edgar, Marcy Kaptur, Matthew Martinez, Harley Staggers, Jr.,

Jim Slattery, Bill Richardson, John Bryant, Frank Harrison, Tim Penny, Lane Evans.

Mr. Speaker, at this time I would like to yield to my colleague from Illinois (Mr. EVANS).

Mr. EVANS of Illinois. Mr. Speaker, yesterday the House of Representatives passed by voice vote H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. As a member of the House Veterans' Affairs Committee, I was pleased to see this bill come to the floor and receive prompt action.

But echoing the sentiment of our colleague, Representative KAPTUR who spoke yesterday, it is that is indeed a mixed blessing.

The good means that we finally have legislation to provide compensation for Vietnam veterans suffering from the effects of exposure to agent orange. We will also for the first time have legislation which provides for compensation to World War II and Korean-era veterans suffering from three disorders related to radiation exposure.

I do not in any way intend to downplay or denigrate this achievement. But I believe there is some bad news.

And that is why I am joining in this special order today—to express my concern over the changes made in H.R. 1961 when it was approved by the Veterans' Affairs Committee.

I joined with 12 of my colleagues on the committee in submitting additional views to the committee report. In this addition, we outlined our concerns at the exclusion of provisions. They were threefold. First, time periods were imposed requiring the illnesses to originate within a certain number of years from service discharge as a further condition of benefit eligibility. Second, efforts to create an independent advisory committee which could "objectively analyze all new and existing scientific evidence pertaining to dioxin exposure" were rejected. And third, efforts to create an "open, public procedure by which the VA can clarify how much and what kind of proof is still necessary before additional agent orange claims can be approved" were not included in the bill.

The bill passed here yesterday is better than nothing but certainly not all we had hoped for.

An Agent Orange Advisory Committee would provide an institutionalized method for sorting out the conflicting information on the many scientific claims surrounding agent orange and its effects. Independent analysis would insure that viewpoints contrary to agency position would receive fair consideration. It would not set up an adversarial commission as some have implied but would assist the VA in giving this information needed consideration and be able to corroborate their findings.

In addition, there are currently no standards or guidelines available by which the VA justified its position that no illness, except chloracne, results from agent orange exposure. The EPA and OSHA who deal with toxic chemical risk have clear guidelines for making such determinations.

In sum, we have set up a needed compensation program but at the most minimum level. We are asking our veterans who have risked their lives to accept the minimum regard for the illnesses they may have suffered while serving their country.

I urge consideration of these proposals and hope that before this measure is signed into law, these concerns will have been effectively addressed.

□ 1720

Mr. EDGAR. I think the gentleman has made a very clear and important statement, and I want to commend the gentleman. I joined the gentleman in supporting the amendment offered by TOM DASCHLE and CHRIS SMITH and cosponsored by many of us for the creation of an independent advisory committee to objectively analyze all new and existing scientific evidence pertaining to dioxin exposure, to establish guidelines for an open public procedure by which the VA can clarify what additional proof is necessary to approve additional agent orange claims. I think that amendment was important. I am disappointed that it was not part of the legislation. I want to work with the gentleman and others to make sure that as we review this first step, we come back and put that kind of advisory committee in place.

It seems to me that there were a member of areas like that that should have been included. We were unable to do that in this first legislative markup, but I think it is something that the gentleman and I and others need to keep a clear focus on. So I commend the gentleman for helping us highlight that significant point.

Mr. EVANS of Illinois. I thank the gentleman for yielding.

Mr. EDGAR. Mr. Speaker, I yield to my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), an active member, as is my colleague from Illinois, on the House Veterans' Affairs Committee, and strong advocate on behalf of the Vietnam-era veterans.

Mr. MOLLOHAN. I thank my distinguished subcommittee chairman for yielding to give me an opportunity to speak on this important subject tonight.

Mr. Speaker, I join my colleagues today in rising in support of H.R. 1961 the Agent Orange and Atomic Veterans Relief Act.

I take a certain institutional pride that the House of Representatives has, without dissent, passed this bill, for it is a good example of how Congress can work. The Veterans' Affairs Committee—on which I am honored to serve under its distinguished chairman, SONNY MONTGOMERY—recognized a possible problem that was not adequately addressed by existing VA compensation, held oversight hearings, received testimony from victims of agent orange-related diseases, marked up a bill drafted by my distinguished colleague from South Dakota, TOM DASCHLE and sent it to the House. It is, in short, a good bill, Mr. Speaker, a reasonable interim approach to a difficult issue.

We all know the background of the agent orange controversy. Between 1961 and 1971, the Air Force dropped about 26,000 tons of agent orange in Southeast Asia. Although Operation Ranch Hand was initially intended to kill enemy-covering foliage, its purpose was later expanded to destroy enemy crops. It has been estimated that 20 percent of South Vietnam's jungles and 36 percent of its mangrove forest were covered by agent orange spraying. One contaminant in the compound was dioxin, a highly toxic chemical, which later found fame in Times Beach, Mo. Spraying was stopped in 1971 after numerous reports of birth defects in children and high rates of miscarriages in pregnant Vietnamese mothers.

These are know facts; much less certain is the exact relationship between the spraying of agent orange and later health problems incurred by American military personnel who had been exposed to the chemical. Troops who had been exposed later encountered a variety of health problems, notably soft-tissue sarcoma; porphyria cutanea tarda, (PCT), a liver condition; and chloracne, a chronic skin disease. For obvious reasons, it is difficult to demonstrate to what extent these health problems were caused by the victims' exposure to agent orange in Vietnam. But in 1980 Congress directed the Veterans' Administration—and later the Centers for Disease Control—to conduct an extensive investigation of the relationship between the diseases and agent orange. The study, will not, unfortunately, be completed until 1987 at the earliest.

Authorization of the study was a necessary and good act in itself, but if Congress had decided to wait 10 years for the study's results, and if the results indicated a causal relationship between agent orange and the diseases, the 10-year delay would be unfair to the victims. After authorizing the study, Congress, consequently, had to reach a balance between the uncertainty of the medical effects of agent orange and the demands for compensation by the victims or the victims' surviving families.

This balance was achieved by the bill we passed yesterday. It provides a

temporary disability—or death—allowance for veterans who served in the Vietnam war and suffer from one or more of the three diseases I mentioned earlier. Monetary benefits would be at the rates prescribed for regular disability compensation for veterans or dependency and indemnity compensation for survivors. Educational benefits and other related benefits would also be available to persons eligible under the new program. H.R. 1961 provides the benefits these veterans deserve if a causal relationship is shown, but it is not an open-ended commitment. Benefits under this bill are scheduled to terminate one year after the study is completed and sent to Congress. At the time, Congress will obviously be in a much better position to establish long-term disability benefits to this special group of veterans.

The bill also provides disability or death benefits for veterans who participated in the testing of nuclear devices or who participated in the occupation of Hiroshima or Nagasaki during World War II and who subsequently suffered from cancer of the thyroid, leukemia, or a bone marrow disease.

Finally, Mr. Speaker, I am proud of this House for recognizing the special obligation we owe Vietnamese veterans, atomic veterans, and all veterans. A country can make no higher request of a person than that he risk his life in the defense of his country and its beliefs. It is unconscionable that the country later turns a deaf ear to the person who responds to this request, serves honorably, and encounters unforeseen side effects from special duty. With the passage of this act, Mr. Speaker, we have shown that we are listening and we are acting. Thank you.

Mr. EDGAR. I thank the gentleman for his comments, and I appreciate his taking the time to focus clearly on the issue of not only agent orange and atomic veterans, but the need to service those who served in Vietnam and all veterans. I thank the gentleman for his statement.

Mr. MOLLOHAN. Mr. Speaker, I appreciate the chairman's leadership on these issues.

Mr. EDGAR. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding to me, and I want to thank him as a Member of the House for the leadership he has consistently shown in urging that this country act in a reasonable way to recognize the enormous sacrifice that young people make when they serve in their country's armed services. We would all like to think that it is kind of axiomatic that we would recognize those sacrifices, but, unfortunately, in recent years it has become controversial and we have had a very sad situation in which things that this Government should have done almost automatically as a matter of right have had to be fought for and come too late. It is to the gentleman's credit that he has continued to make that fight. I am particularly pleased that the House yesterday passed legislation recognizing that with regard to agent orange in particular we followed policies of the Government which very probably caused illness and that we have a national responsibility not to make people whole, because tragically, we cannot do that, but to do whatever we can, given the damage that has been done to people, to make up for it.

I want to say that I wish that we could have done more. I appreciate the steps that have been taken both with regard to agent orange and also the steps—and I think they were important—to recognize the earlier problems of radiation and the inclusion of language that would deal with that problem for the first time. I think that is also to be commended. But I want to say that I would like also to associate myself with some of the additional views that have been filed by members of the committee. The gentleman from South Dakota (Mr. DASCHLE) had organized some amendments which I think would greatly have improved the situation.

It is not a good way to proceed for Congress to have to act disease by disease and illness by illness in providing for our veterans. Our veterans ought not to have come hat in hand to Congress to ask for relief which should have been given to them as a matter of right. It is very important that we persevere with these efforts which are outlined in the additional views to set up both an independent advisory committee on the specific questions involved with Vietnam and chemical agents, but also to establish within the Veterans' Administration the kinds of procedures that will give people some fairness.

Mr. EDGAR. Mr. Speaker, I want to commend the gentleman on his focus on that issue and to enter into a dialog with the gentleman. It seems to me that it is strange that those that we have asked to serve in Vietnam have to have the burden of proof on themselves, as opposed to having the opportunity to have a screening and to have a response by their Government who exposed them to those kinds of chemicals. Why should the veteran have to prove his case in a court of law that exposure to the dioxin caused his systemic disease? And I think while we do not move as far as you and I would like us to move, at least we are establishing a precedent that there is a presumption of causality and that the presumption is not on the side of simply saying the veteran has to prove case by case his illness but in fact it is a recognition on the part of Government that we recognize that in times of conflict we sometimes bear additional costs of war over and above those simply to buy bullets and helicopters and mechanical pieces of equipment.

Mr. FRANK. The gentleman is absolutely correct. It ill behooves the Government of the United States to act in this instance as if it were some disinterested observer and to come in here and say, "We are going to apply the most abstract and rigid standards of scientific proof."

□ 1730

The Federal Government took these young people. In some cases they were volunteers; in other cases, they were draftees. But the Federal Government of the United States said, "In your country's interest, we want you to go there," and it was the U.S. Government decision to subject these young people to chemical substances. There may be some dispute as to exactly what they did, but I never heard anybody say they were good for you. I have never heard anybody in the Pentagon or in the Veterans' Administration volunteer to spray any of these things on themselves or on members of their families.

There is no question that these are damaging and dangerous substances. The Government said to these people, "You go there, and we are going to spray these on you." Now we have learned what kind of damage may have been done. For the Federal Government now to act as if it were some disinterested scientific judge, as if it were some panel at the National Academy of Sciences, and to subject these veterans, and we understand, those of us who have worked with these veterans, these were young people whose lives were disrupted, who were coming back and encountered, unfortunately, prejudice against them because the country blamed them for the war the country sent them to fight. But these are people who are not always in the best financial shape to hire lawyers to do the kind of research that is needed to be done.

For the Government to kind of keep itself up on that pedestal and refuse to show some compassion and to put obstacles of a most legalistic and inappropriate way in the way of these people is just wrong.

Yes, the gentleman is right. By creating this presumption we have taken an important first step. I know the gentleman is going to continue to fight, and I will be glad to work along with him, and the gentleman from South Dakota, and others who have taken the leadership here, until we institute within the Veterans' Administration procedures which recognize that these are young Americans who

served their country and who are coming now not for favors but for justice from the country they served. We have not responded to that in the past.

I hope that what we did in the House yesterday under the gentleman's leadership, and the leadership of a few others, will be the first step in a whole train of activity that recognizes our obligation.

Mr. EDGAR. I thank the gentleman for his statement.

On another issue that is included in this legislation, we did for the first time also include three systemic diseases related to exposure to atmospheric testing of nuclear weapons.

Last year, on July 16, this House and the President honored those 220,000 military personnel who participated in the tests and the cleanup operations of not only Hiroshima and Nagasaki, but all of the atmospheric testing that we did in the area of nuclear weapons.

From 1945 to 1963, the U.S. Government exploded 235 atmospheric nuclear bombs. Last year's anniversary, the 38th anniversary of the first atmospheric nuclear test, the so-called Trinity test, was the beginning of this Congress recognition that we must do something for those veterans who were exposed in a number of ways.

During the 97th Congress, our committee authorized health care in the VA facilities for atomic veterans. One of the leaders of that issue, and someone who has helped us to focus more clearly on the issue of atomic veterans, is my colleague from Illinois (Mr. SIMON) who has testified often before my committee. I want to congratulate him on his strong leadership on this issue, and I would be glad to yield to him.

Mr. SIMON. I thank my colleague from Pennsylvania. While the gentleman is commending me, I want to commend the gentleman. He has taken this issue which affects not huge numbers of people but is really important to a great many citizens.

From the time I first got acquainted with this issue, and the gentleman has heard me tell the story before about Bob Farmer, a person who was a young Navy man when he was over at Eniwetok when they had the test. Immediately, they just crouched down behind a vehicle, and he said he noticed when the explosion went off, he could see the bones in his hands and his buddies were in skeleton form there. He could see that.

Then right after the test they went over and washed down the ships, played in the sand, played on the beach that had just been a place where the test had taken place, no one warning them that there might be some radiation exposure.

Now he and his wife have a marvelous family, nine children, eight of the children born apparently without any kind of problem at all. One had an abnormality, but now all nine children have had some kind of defect that has become apparent either of a lung that has been impaired, or something else, some kind of genetic problem. Neither Bob Farmer nor his wife have ever had any history in their families of any kind of genetic problems.

It seems fairly clear that not only is Bob Farmer's personal physical condition, which the VA refuses to recognize as having any responsibility for, but the condition of his children, is related to that exposure. The reluctance of the VA to admit any responsibility on both agent orange and on this nuclear exposure is understandable from a fiscal point of view. I suppose from a fiscal point of view we could close all the VA hospitals, stop all the pensions, and do all kinds of other things, but the function of the Veterans' Administration has been to me a rightful responsibility this Nation has to our veterans. We ought to be doing that for the Bob Farmers of this world.

Mr. Speaker, I simply want to commend the gentleman for his leadership, as well as our colleague, the gentleman from South Dakota, TOM DASCHLE, and a new member of the committee from Georgia who is a physician who has taken an interest in this, ROY ROWLAND, and the chairman of the full committee, the gentleman from Mississippi, SONNY MONTGOMERY. All of of them have shown an interest in this, but your leadership has been particularly significant and I really appreciate it.

Mr. EDGAR. I appreciate the gentleman's kind comments, and I would just simply add to his comments that the effort that culminated in the passage of the bill yesterday, and hopefully will culminate in a piece of legislation being placed on the President's desk, was an effort that was bipartisan, was brought together by a number of people who made contributions, and the gentleman's contribution to specifically the issue of agent orange and atomic veterans will be remembered. He spent a lot of time not only telling us of Bob Farmer's plight, but also helping us to recognize that the VA and OMB and administrations in the past, both Democratic and Republican, have not been very aggressive in their willingness to be advocates on behalf of these veterans who have particularly serious illnesses that they believe strongly to be related to their service to their country.

I believe we are moving in the right direction, and while we could do more, we are at least making a strong statement today that those exposed to the defoliant Dioxin in Vietnam and those who were exposed to atmospheric testing of nuclear weapons surely should be compensated for those diseases which they are now experiencing. I thank the gentleman for his comments.

Mr. Speaker, let me close on a personal note. We have talked for a long time now on the issue of agent orange and its impact on the lives of Vietnam veterans who served during the Vietnam conflict. We also talked about those who were exposed to atmospheric testing of nuclear weapons and the impact of those weapons on their lives.

Mr. Speaker, as I close this special order, I am reminded of a very tragic incident that occurred yesterday.

Yesterday we learned of the death of yet another U.S. marine in Beirut. He was the 259th U.S. serviceman to die since our troops were sent to Lebanon in August 1982. It is time for us to withdraw—not to "cut and run," but to withdraw in an appropriate manner. I have cosponsored legislation to provide for just such an orderly withdrawal of our troops in Lebanon.

Mr. Speaker, I was distressed at the superficial coverage of the Lebanese situation in President Reagan's state of the Union speech last week. Most of us were besieged by questions about Lebanon when we were home for the congressional recess. The American people want the Marines brought home. I know that many Members of Congress took the opportunity of the recess to listen to these views and reconsider their position on Lebanon. I hope that the Speaker will now give us a chance to review the status of the Marines. They remain in an indefensible position near the airport. They are still asked to keep a peace that does not exist. We had the best intentions in sending our Marines to Beirut, an intention to bring peace, but now we must admit that our mission has been unsuccessful. Their presence has not furthered progress toward a peaceful settlement. The factional violence in Lebanon cannot be controlled by the presence of our few troops.

I know all Members join me in mourning the death of a young marine in Beirut yesterday. Now we must act to prevent further such tragedies.

I indicated earlier that I chair the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs. Last year we were successful in having the President sign into law a 4-year extension to the readjustment council centers that service those Vietnam veterans who have post-traumatic stress disorder and other diseases relating to the psychological impacts of their service in Vietman. I was shocked to learn that we are also receiving in those centers veterans of our conflict in Grenada and Beirut. In those centers we are receiving people who have served in those two areas of conflict because of the psychological impact of the loss of their buddies and the problems associated with the conflicts that we are

presently engaged in. It seems to me that the Veterans' Administration and the Committees on Veterans' Affairs will be taking the well of the House of Representatives over the next 10 years to offer legislative proposals to try to meet the specific needs of veterans of a variety of conflicts, and while I find it important for us to focus on the issue of agent orange or on the issue of atmospheric exposure to the atomic activity, I think it is equally important for us to recognize on this House floor that those marines serving in Lebanon and those people serving in conflicts in that part of the world ought to be relieved of that pressure, unless we can clarify our mission and my belief that we can only bring a peaceful solution to the Lebanese situation through negotiations and not through the presence of a handful of marines who are simply targets for any terrorist with a hand-held grenade and any factional group that wants to pick a fight with the United States.

So I strongly urge my colleagues to focus on the question of agent orange, to focus on the question of the atomic veterans, but also to focus on a realistic and responsible response to the problems that our present-day victims of conflict are suffering; namely, our marines in Beirut.

● Mr. SMITH of New Jersey. Mr. Speaker, I would like to thank my colleagues from Pennsylvania (Mr. EDGAR) and from South Dakota (Mr. DASCHLE) for organizing this special order.

The long-awaited legislation passed by the House yesterday—the Agent Orange and Atomic Veterans Relief Act—will provide needed and deserved assistance to thousands of veterans who now suffer from certain diseases attributable to agent orange or ionizing radiation. As a result of the passage of H.R. 1961, compensation will also begin for many survivors of these veterans.

I am proud to be an original cosponsor of this important legislation, and I look forward to its prompt consideration in the Senate over the next few weeks.

The gentleman from South Dakota (Mr. DASCHLE) should be commended for his leadership in promoting this bill and similar agent orange legislation over the last several years.

I would also like to recognize the chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, and the committee's ranking member, Mr. HAMMERSCHMIDT. Their support of H.R. 1961 and their diligent work in allowing the Centers for Disease Control to take over the agent orange study early last year demonstrated their support and dedication to Vietnam veterans across the country.

Mr. Speaker, this legislation will provide disability allowance for veterans who served in Southeast Asia during the Vietnam era, and who later suffer from one of three conditions: soft-tissue sarcoma, porphyria cutanea tarda (PCT, a liver condition), or chloracne (a skin condition).

We have seen growing indications that these disorders—and possibly others—are attributable to herbicides such as agent orange used in Vietnam.

There are several important agent orange studies now underway by Government and independent organizations. The most significant of these—the $100 million Centers for Disease Control Study—is expected to be completed in 1988 or 1989.

Because the CDC study will not be complete for several years, however, the passage of H.R. 1961 is vital to the interests of Vietnam veterans. Approximately 3,000 veterans—whose diseases were almost certainly caused by their exposure to agent orange—would have to wait at least 5 more years until any indication is given of whether they will be compensated and treated by the Veterans' Administration as truly disabled veterans.

Mr. Speaker, H.R. 1961 also provides a disability allowance for veterans who participated in the testing of nuclear devices or in the occupation of Hiroshima or Nagasaki during World War II, and who, within 20 years from their participation in the test or occupation, suffer from one of three diseases: Leukemia, polycythemia vera (a chronic bone marrow condition), or carcinoma of the thyroid.

While it is estimated that some 230,000 service members may have been exposed to some form of ionizing radiation as a result of this exposure, studies have indicated that a much smaller number, perhaps several thousand, would have contracted diseases enabling them or their survivors to receive Veterans' Administration compensation. Nevertheless, it is crucial that the health of these "atomic veterans" be thoroughly investigated by the Veterans' Adminstration, and they and their survivors should be compensated accordingly.

I am grateful, therefore, Mr. Speaker, that H.R. 1961 has been passed by the House. Certainly, it is the least we can do for those men and women who have served our country so diligently. We owe them our support, and we owe them the full benefits they are entitled to as veterans of this country.●

Mr. EDGAR. Mr. Speaker, I yield back the balance of my time.

THE AGENDA OF THE CONSERVATIVE OPPORTUNITY SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I do not intend to take the entire time tonight, but I do want to spend a little bit of time reviewing some of the things that took place here in the House today with regard to the previously announced agenda that those of us seeking to bring a conservative opportunity society viewpoint to this floor have announced.

I think that it is important, first of all, to put a couple of things in perspective here that have attempted to be misalined by some of those who would oppose us on this floor. It has been suggested publicly by some of the Members on the Democratic side of the aisle that our efforts were to disrupt the floor proceedings, and in particular it was pointed out that some of us had even blocked the other day the ability of some Members to come to the floor with tributes to deceased Members of Congress. I know that that was not the intention of the gentleman from Minnesota (Mr. WEBER) when he objected the other day, but I think some of these kinds of things have to be put in perspective because, of course, we are being looked upon here as a divisive element simply because we are trying to do things that are different from what the leadership of this Congress would like to see done.

The objection by the gentleman from Minnesota (Mr. WEBER) was, of course, based upon the fact that at the time we had special orders come to the House and we asked for special order time to be granted to us for the entire session, and that request was objected to. Then, of course, the majority side came through and wanted time set aside in advance as well, and so we objected. At that point they attempted to say that this was an effort to keep them from having time for honors to deceased colleagues.

I want to point out to the House for the record that over the last couple of evenings they have in fact come to the House, with no interference from us whatsoever, and had their special orders and their tributes to those deceased Members of Congress. In fact, I think the record will show and those who have participated will agree that we not only did not in any way try to disrupt those activities, we in fact were a part of trying to facilitate those tributes taking place here on the floor. That is not the issue. We get ourselves bogged down in a lot of minor things around here and try to play them up as issues when in fact it is a phony.

The issue around here is the unfairness of the way this body works. That is what we are trying to focus on. There is an inherent unfairness that is particularly a problem for those of us who serve on the minority side of the aisle.

We have made the point before, and I make it again, that it is an unfairness that seems to pervade the Democratic Party. Jesse Jackson has made

the point over and over again in recent weeks about the fact that the Democratic Convention is going to be unfair. Well, it is going to be unfair. It is going to be unfair for someone like Jesse Jackson, who is attempting to come in and take power away from people who are the established leaders of the party. Yes; it is going to be unfair because the people who are running that convention have learned their lessons well right here in the House of Representatives. They have learned how to treat people who are upstarts. They treat them by devising rules that do not allow them to have their say, and they treat them in a manner that is so cavalier as to be disgusting when they do try to bring their point of view to bear on the body politic.

So that inherent unfairness is what our concern is. It was that inherent unfairness that we have reacted to in recent days. But this is not an attempt to do any more than assure the American people that some of the things which are on their agenda will in fact get discussed on the House floor.

That was the case today. We will remember that what has happened in the course of today was that a couple of bills were brought to the floor that were decided upon by the liberal leadership of this Congress as things from their agenda that they would like to see discussed. And that is perfectly proper. That is as it should be. One of the reasons why there is a majority is because they have the ability to bring their agenda to the floor. But we decided that there were some things that were a part of our agenda that also ought to be discussed as a part of those pieces of legislation.

So I thought this evening maybe we ought to review just what happened out here today. One of the major items on our agenda is to try to get some control of the budget process and try to get some control of the appropriations process through a device called the line item veto. The President suggested in his speech the other evening that that was something he thought was desirable. Certainly the Members who come to this floor all the time are talking about how budgets and budget deficits have gone up during the course of the Reagan administration. They seem to have some perception that the President is responsible for these deficits, and yet the one cure for this that would make the President at least partially responsible is a line-item veto.

So in the course of consideration of legislation today we suggested that we might want to have line-item veto on the Library Services and Construction Act, that that was an appropriate way to begin addressing that issue. What we found was that almost on a pure party line vote the Democrats opposed line-item veto while Republicans supported line-item veto. That was not to a man. There were defections on both sides of the aisle. But the overwhelming majority of Republicans came down in favor of line-item veto, and the overwhelming majority of Democrats came down against line-item veto.

We had a clear delineation on the floor today of where the two parties stand with regard to getting control over the budget, over the appropriations process. It was a very clear vote. That is a clear vote that took place because we determined that it is necessary for the American people to have that kind of definition take place, not just bring a bill out here under the liberal agenda and see it pass by an overwhelming vote, as the library services bill did, but, no, in the course of that, let us give the American people some clear idea of how Members of Congress are really lining up on the issues that are important to them.

The issue of prime importance to many Americans is the deficit. Today they had a vote which told them where Members stand on trying to control the deficit.

□ 1750

The Democrats are opposed to the line-item veto as a tool, the Republicans are for the line-item veto as a tool. That is something that needs to be focused upon.

We also brought forth an amendment which did not get a vote, but also clearly defined some differences between the parties in the statements that were made. It was an amendment that I brought out. It was a jobs amendment. What it says was that States should have the ability to do something to end Federal practices that cost them jobs in their States. In other words, it was a combination of New Federalism and employment. It is the idea that States should have the ability to control their own destinies and one of the destinies they ought to be able to control is the ability to provide employment.

What did we hear in the course of the debate on that amendment? Well, the most interesting thing we heard is, No. 1, that State legislatures should not have the ability to do that, that somehow we in Washington are far more wise than any of the State legislatures and they should not have the ability to do that.

Second, that there are some things that are more important to leadership Democrats than jobs, that they have items such as I think we heard about Indian provisions in the bill and possible Davis-Bacon provisions that were in the bill, which of course is the big labor kind of thing, that some of those are more important to them than providing jobs; that when you come down to the crunch, that they have things that are more important to them than employment, a clear delineation here.

We came to the floor with an amendment that said employment should be foremost in our minds. They opposed an amendment that said employment should be foremost. I think we got some clear impressions to where the two different groups break down. It is the difference between a conservative opportunity society and the liberal welfare state. The conservative opportunity society believes in employment opportunities. The liberal welfare state believes that there are things that Government should do that are more important than letting people have a job.

Then we took up a bill that was on teacher excellence. Now, in that bill we were fairly successful, but I think it is important to realize that issues were addressed in the course of amendments offered from the Republican side of the aisle that were not addressed in the original bill.

What were those issues? They were the issues of merit pay, school discipline and teacher competency. All three of those items were offered in amendments from the Republican side. They were accepted by the Democratic side, but they were accepted only after they were brought to the floor of this House. They were not included in the original legislation. The original liberal welfare state legislation brought out here did not address those issues, and yet are issues very much on the minds of the American people. The American people want competent teachers in the classroom. The American people want greater school discipline and the American people certainly want their teachers rewarded on the basis of merit.

So we brought those issues to the floor and, yes, they were accepted. Those are now a part of the bill, because we defined in a way that I think was important to that piece of legislation that those are issues that need to be addressed.

So we had a delineation take place here on the floor of what is important to people, coming from two different sides of the political argument. I think it is a delineation that the American people can take a look at now as a part of the record, as to who is for what.

Instead of just listening to language of what people tell you they are for and particularly what Congressmen tell you what they are for when they go back to your districts, we are now beginning to see a public record made, a record made in debates, a record made in votes. I hope that that record will be something that will influence the decisions that are made later on in the year in 1984.

BRING THE MARINES HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, earlier this week I took to the floor and recited some of the efforts that I and I understand several other Members of the House made during the recess or during the break between the end of the first and the beginning of the second session of this 98th Congress with respect to the fact that we were urging the Speaker to join with the leadership in the other House and call the Congress into session as soon as feasible, even if it were on the eve of Christmas, and not wait until the 23d of this month or last week, because of the radical nature of the change of commitment announced by the President earlier that month of December with respect to the yet to be defined mission of the U.S. Marines and now, of course, our Navy onshore and offshore in Lebanon.

Fortunately, and I can assure every one of my colleagues that I have offered prayers every night. I have relatives in the service and I have a more than average contingent of constituents in the service. They are serving on and offshore in Lebanon. They are serving in El Salvador. They are serving in Honduras. They are serving in Korea. They are serving in Germany. They are serving every place where we have our men stationed, men and women.

So that knowing full well the efforts that I have been making for 14 months now, for I was not a late comer to this discussion. It was 14 months ago that I addressed a letter to the President of the United States asking for a definition of the purpose of the commitment of the Marine contingent then to Beirut.

Everything that happened subsequent to that flowed from the fact that the President to this day has neither confronted Congress nor the American people and offered a clear and coherent statement as to the purposes and the nature of that commitment.

I recited in the last discussion the exact history the fact that I communicated with the then chairman of the Foreign Affairs Committee, the late Honorable CLEMENT ZABLOCKI, after no response from the President which, of course, to this day I have had none. I communicated with the chairman in writing, as I have said here before, and it was after some 6 or 7 weeks that here on the floor I had an acknowledgement by the chairman in which he said, among other things, that my letter had been the most perceptive, most informed, the most knowledgeable that they had received on the part of any Member on or off the committee, but that there was not anything that could be done because I was not only suggesting, I was requesting that the committee initiate the congressional duty or response under the terms and wording of the War Powers Limitation Act to summon forth the President and obtain a clear and coherent statement of policy.

When he said that there was nothing that could be done until and unless something happened, I became quite upset and then insisted that I get a reply in writing. Another 2 or 3 weeks went by and I finally got a response in writing and when I saw that response, I then importuned my colleagues through this forum and began what has turned out to be a frequent and recurrent address with respect to this particular issue all through 1983.

Finally, in the month of May, I prepared a resolution, introduced it on or about June 3d. I could not obtain any kind of reaction from the committee that Mr. ZABLOCKI chaired or the subcommittee to which it was referred.

Then finally, as you will recall, it was there in September or October before the massacre that finally a discussion was held on the pretext that it was an attempt to review the War Powers Limitation Act and its provisions and the President's responsibility and accountability under that act.

□ 1800

But the discussion and the debate turned out to be anything but a debate on the War Powers Limitation Act. What it turned out to be was a test of whether one was loyal or disloyal to the President.

And then a compromise, bipartisan, was announced. The end result was a mealymouthed wording of a resolution that in effect was an abdication on the part of the Congress to a very serious trust under the very laws that itself passed, and the President's mealymouthed insinuations and agreements to do something, not to do something else, but that there would be permission for 18 months to continue that course of action, if it can be called a course of action.

The day the President was signing that resolution the Secretary of State, Shultz, was ridiculing the War Powers Limitation Act and said that it was not worth the paper that it was written on and that whatever commitment the President had made was an untenable commitment.

In December, as I said, the President then radically departed when he ordered active intervention on the part of our Armed Forces, Marine as well as naval contingents, in intervening in the Lebanese civil war. But he insisted still in saying that the marines were there as peacekeepers.

In the meanwhile, again, earlier or about the middle of last year I introduced a bill that would provide $50,000 as compensation for the surviving next of kin or dependents of a serviceman or woman killed in an undeclared war. To this day I have not been able to get any response from the subcommittee to which it was referred.

But I have received the most heartrending calls from citizens, fathers of some of the dead marines who died on October 24 in Lebanon, every one of them out of State, one from nearby Philadelphia, which were calling me long distance, all the way to my district in San Antonio, they wanted answers to questions. The father in Philadelphia said:

> It seems that you are the only one we know of that we can ask or has even been speaking. And what I don't understand is that the President of the United States, the Secretary of Defense, and the Marine Commandant that came down for my son's funeral all spoke about the heroism of the men, but I don't understand why I am told that my son died in an accident. Didn't he die in defense of his country? Didn't he die in behalf of service to his country? What do you mean an accident?

It was very difficult for me to explain that this is exactly what has been perturbing me for 14 months, because it was this "Alice in Wonderland" convolution that the President continues to indulge in, even as our marines continue to die, even as they may be now as I am speaking on this House floor. And I have said, as I said on the Thursday, the last day of the session for that week of the House before that Sunday, October 24, in which I appealed, I tried to appeal to the conscience of my colleagues, to the President, by saying:

> Mr. President, when you retire to that third floor there in the White House to have a nice, big, juicy T-bone steak, with those $3,000 boots you like to wear, please try to think of those marines that you as Commander in Chief are keeping against all of the advice of the experts, the Joint Chiefs of Staff, every military man that is an expert saying that the marines' position there militarily is untenable.

I asked and appealed to my colleagues' conscience to remember that while we went to the relative safety and haven of our homes and comfort that these men were there under the shadow of death and they continue to be today and tonight, even after it was reported overnight that one more Marine was killed, three were maimed or wounded.

What, Mr. President, what, Mr. Speaker, what, my respected colleagues, are you willing to wait for? Are you waiting until one of those ships, which is also under the shadow of death that we have there tending the *New Jersey,* highly vulnerable to the antiship missile emplacements that have a range up to 50 miles, do you want them sunk? And then what do you do?

You will react and say we have to rally round the flag. Who do we hit? Who is responsible?

In December apparently we flew in our craft and had them shot down, had one man a prisoner of war. It is not a war. It is a peacekeeping mission. So that the poor marines cannot be even considered in a hazardous or combat duty environment.

What, I ask, Mr. President, is causing you to be so adamant, so hardheaded, so obdurate in your insistence, in your unwillingness to change and get out of that trap? I have said, Mr. President, for more than 6 months, that our forces are in a trap in Beirut.

There is only one thing, whether you are a military, or diplomat, or politician, that you can do when you are in a trap, and that is get the heck out of it. Why, Mr. President, do you not do it?

To save face? Let us think in terms of saving lives. We will not lose face.

And if the purpose for which you have continued to have these men in the shadow of death is what you say it is, then it will not hurt anything if you summarily pull them out for safety. You fight away from a trap in order to live and come back and fight another day.

But I have said before that in the case where we have failed to distinguish between that area of decisionmaking that we describe as political, policymaking, and for whatever purposes or higher nature of the purposes of the political cause we invoke the military as we did in Korea, as we did in Vietnam under ambiguous situations in which we say we are not at war, and we are there having our men killed and shot at, and we say we have the capacity to destroy the enemy, but we cannot for this, that, or the other reason, as if we were going to a football game.

I often think that the President fancies himself as "The Great Gipper" leading the Redskins into Beirut, and that he will send platoon A and platoon B, the offensive and defensive, as if it were a football game.

This is a life and death situation, Mr. President, as it was in Vietnam.

Then what is the real reason why you will not change your mind, if it is not the fear of face? Is there some higher reason that you cannot tell us or cannot justify, perhaps, or explain to the American people, while at the same time you involve the American people in a state of war against a nation to the south of us that to the world we proclaim is at peace with us because we have an accepted ambassador with normal external conditions of peace, recognizing that nation, in this case Nicaragua, as a friendly nation at peace with us while every week we send in agents armed with our explosives made for our armed services, attempting to assassinate their leaders, blow up their public facilities, docks, refineries, and public buildings.

Those are acts of war, Mr. President.

□ 1810

While you have the tenuous situation in Lebanon, you have got, Mr. President, five fires going forth and you only got one fire engine. But regardless of that, one life was lost overnight. Now is it because we have accepted that decadent, dastardly concept that has always been the antithesis of what America symbolizes, the value of the single human life? We have always gone on the premise that every life is sacrosanct, that every human being is made in the image of God and that they are not expendable for whatever purpose, expendable as commodities or bullets or guns or gun fodder.

We know we have exceptions in our history. We know that ambitions in our past history have led some of our leaders to fight unnecessary battles because they were grasping to be President or something. I know. And now maybe it is not in the average American history book but I know of battles fought unnecessarily in Mexico because a couple of our generals were thinking in terms of being President. So I know that.

But, Mr. President Reagan, this is 1984, we have gone through the devisive conflicts which have split this Nation and it still is. You have had your own appointed warrior, the immediate past Chairman of the Joint Chiefs, tell you after he had retired that no fighting force could be expected to carry out the military objectives and the struggles and lead men to fight, and the will to fight, if the people back home were divided in purpose, ignorant in understanding and unaware of what the real issue was.

You cannot at any time in history, you cannot wage war offensively, defensively, aggressively, defensively unless there is the will to fight. If it is not there, then the purposes of force and calling for force cannot be served. Once one resorts to violence and force there is only one way and that is massively, overwhelmingly, victoriously, not unnecessarily expending lives because of an undefined purpose.

As the ancients said, and it is still true today, "If the trumpet gives an uncertain sound, who then shall prepare for battle?"

Mr. Speaker, I yield back the balance of my time.

THE 23D ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Tuesday, January 31, 1984.)

ASSURING FAIR COMPETITION IN THE LIQUOR INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, I am today introducing legislation, along with Congressman HENSON MOORE, that would end an abuse that is draining hundreds of millions of dollars out of the Federal Treasury. Section 7652 of the Internal Revenue Code of 1954, as amended, provides that the excise tax collected on certain distilled spirits and other articles produced in Puerto Rico and transported into the United States would be transferred to the Puerto Rican government. This is a sound and long-standing practice which provides Puerto Rico with some of the tax benefits associated with products coming out of Puerto Rico. Puerto Rico has benefited handsomely from the transfer of excise taxes on its first-rate rum production.

Unfortunately, as is too often the case, someone has tried and succeeded in abusing this system. The essence of this scheme is to take distilled spirits produced in the United States, ship them to Puerto Rico, redistill them sufficiently to claim that they are meeting the Puerto Rican manufacturing requirement, and reship the spirits to the United States. The excise tax collected on these spirits is transferred to Puerto Rico, who then provide an incentive—really a kickback—to the liquor manufacturers to induce them to participate in this redistillation scheme.

The scheme is very profitable for not only the Puerto Rican government, but also the distillers and liquor companies currently involved. For example, a gallon of 100-proof vodka from a distiller not participating in the scheme incurs excise taxes of $10.50, a very significant part of the overall wholesale cost to the consumer. To the best of our knowledge, the Puerto Rican government rebates out of the $10.50 up to $2 a proof gallon to those participating in the scheme. This gives the participating domestic bottlers a significant price advantage. In the highly competitive domestic vodka market, the $2 tax rebate program by Puerto Rico not only drains the U.S. Treasury, but also has raised havoc in the domestic marketplace.

Those abusing the system are attempting to give an unreasonable interpretation to the key phrase "product of Puerto Rican manufacture." Administrative action by the Bureau of Alcohol, Tobacco, and Firearms en-

forcing a proper interpretation of this term could eventually bring a halt to the abuses. However, because of the financial interests at stake, this route would certainly face delays through needless litigation over the issue. Therefore, this legislation would foreclose any abusive interpretation of what constitutes a product of Puerto Rican manufacture by placing clarifying language in the statute itself. The need for congressional action on this problem is further supported by the fact that the issue of tax rebates by Puerto Rico is beyond administrative control and can only be remedied by legislation. Unfortunately, without this legislation, this type of tax shuffling with distilled spirits will continue to deprive the Federal Treasury of revenue, as well as have an anticompetitive effect in the domestic liquor industry, while doing almost nothing to create jobs in Puerto Rico.

There is no doubt in my mind that when Congress enacted section 7652, it never envisioned that Puerto Rico would use a system of kickbacks to encourage token funneling of certain products through Puerto Rico. I deeply regret that some individuals have seen the need to abuse what is a generous and helpful provision for the government of Puerto Rico.

The legislation I have introduced would clarify the definition of articles produced in Puerto Rico or the Virgin Islands for determining the amounts of Federal revenues transferred. It would require that to be eligible for a section 7652 tax transfer, distilled spirits brought into the United States would have to be originally distilled in Puerto Rico or the Virgin Islands. The legislation would prohibit generally the return of excise tax to Puerto Rico and the Virgin Islands where the money was being used for improper subsidies. Specifically, improper subsidies would be those where the Secretary determines that the subsidies are a kind different from or are different in magnitude than Puerto Rico or the Virgin Islands offers generally to industries producing articles not subject to Federal excise taxes. The provisions of the bill would not be applicable to rum or any article consumed in Puerto Rico. The bill would be effective on January 30, 1984, for all articles brought into the United States after that date.

While final revenue figures have not been compiled yet, initial indications are that this scam cost the Federal Treasury approximately $100 million in 1983 in lost excise taxes from distilled spirits. The scam also has the potential for an increase of up to $200 to $300 million a year depending upon Puerto Rico's ability to fund rebates and increase their distillation capacity.

The text of the bill follows:

H.R. 4702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF DEFINITION OF ARTICLES PRODUCED IN PUERTO RICO OR THE VIRGIN ISLANDS.

(a) GENERAL RULE.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) ARTICLES PRODUCED IN PUERTO RICO OR THE VIRGIN ISLANDS.—For purposes of subsections (a)(3) and (b)(3)—

"(1) DISTILLED SPIRITS BROUGHT INTO THE UNITED STATES.—Any article containing distilled spirits shall in no event be treated as produced in Puerto Rico or the Virgin Islands unless the original distillation of substantially all of the distilled spirits in such article occurred in Puerto Rico or the Virgin Islands (as the case may be).

"(2) VALUE ADDED REQUIREMENT.—Any article (including distilled spirits) shall in no event be treated as produced in Puerto Rico or the Virgin Islands unless—

"(A) the sum of (i) the cost or value of the materials produced in Puerto Rico or the Virgin Islands (as the case may be), plus (ii) the direct costs of processing operations performed in Puerto Rico or the Virgin Islands (as the case may be), equals or exceeds

"(B) 50 percent of the value of such article as of the time it is brought into the United States.

"(3) PROHIBITION OF FEDERAL EXCISE TAX SUBSIDIES.—

"(A) IN GENERAL.—No amount shall be transferred under subsection (a)(3) or (b)(3) in respect of taxes imposed on any article if the Secretary determines that a Federal excise tax subsidy was provided by Puerto Rico or the Virgin Islands (as the case may be) with respect to such article.

"(B) FEDERAL EXCISE TAX SUBSIDY.—For purposes of this paragraph, the term 'Federal excise tax subsidy' means any subsidy—

"(i) of a kind different from, or

"(ii) in an amount per value or volume of production greater than,

the subsidy which Puerto Rico or the Virgin Islands offers generally to industries producing articles not subject to Federal excise taxes.

"(4) DIRECT COSTS OF PROCESSING OPERATIONS.—For purposes of this subsection, the term 'direct costs of processing operations' has the same meaning as when used in section 213 of the Caribbean Basin Economic Recovery Act.

"(5) EXCEPTIONS.—This subsection shall not apply—

"(A) to rum (as defined in subsection (d)(3)), and

"(B) to any article consumed in Puerto Rico or the Virgin Islands (as the case may be)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles brought into the United States on or after January 31, 1984.●

CLARIFYING THE RELATIONSHIP BETWEEN THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 60 minutes.

● Mr. ENGLISH. Mr. Speaker, today I have introduced a bill intended to clarify the relationship between the Freedom of Information Act and the Privacy Act of 1974. Recent judicial decisions and changes in regulations proposed by the Reagan administration have so confused the situation that it is now advisable to enact legislation in order to make sure that the original intent of the Congress will be followed.

The confusion over this issue is recent in origin. For many years, there has been no dispute about how the Freedom of Information and Privacy Acts mesh. An individual seeking access to his or her own record was always considered to be entitled to the maximum amount of information that is disclosable under either the Freedom of Information Act or the Privacy Act. This was the original understanding of those who drafted the Privacy Act of 1974, and the OMB Privacy Act guidelines have always reflected this position. Agencies, including the Department of Justice, have followed the same interpretation.

Consistent with its demonstrated lack of interest in the public availability of information in Government files, the Reagan administration is attempting to overturn this well-established interpretation of the law. The new "interpretation" is based on the proposition that the Privacy Act of 1974 was intended to prevent rather than foster an individual's right of access to records about himself. The Justice Department argues that the Privacy Act provides authority to withhold records that would otherwise be available to an individual under the Freedom of Information Act. This argument has been rejected by several circuit courts, although a few courts have accepted it. The Justice Department position however, is consistent only with a myopic view of the Privacy Act.

Congress enacted a code of fair information practices in the Privacy Act in order to provide safeguards against privacy abuses by Government agencies. One of the major elements of such a code of fair information practices—and one of the stated purposes of the Privacy Act—is to grant an individual the right to gain access to information pertaining to himself or herself in Federal agency files.

The Privacy Act also included other features of a code of fair information practices, such as a notice of information practices, limitations on disclosure of records to third parties, and collection and maintenance restrictions. Since not all of these features were appropriate for law enforcement, intelligence, and other sensitive Government records, the act permitted selected records systems to be exempted from some of these requirements.

The purpose of the exemptions was to adapt the code of fair information practices to the necessities of governmental recordkeeping. The exemptions were not intended to cut off rights that had already been granted in the Freedom of Information Act, and the Privacy Act did not in fact cut off those rights.

To illustrate the absurdity of the position taken by the Justice Department, consider the status of the central files of the Federal Bureau of Investigation. These files are completely exempt from first-party access under the provision of the Privacy Act exempting criminal investigatory records. However, the FBI has always accepted and processed similar requests under the Freedom of Information Act. Of course, information is exempt under FOIA if its disclosure would interfere with ongoing law enforcement proceedings, identify informants, disclose investigative techniques, or interfere with other important governmental or private interests. Notwithstanding the FOIA exemptions, most individuals have been able to see their FBI files in whole or in part.

If Privacy Act exemptions operate to exempt records from access under the FOIA as well, then why has the FBI responded to first-party requests under FOIA for all of these years? Why has the FBI sought amendments to the FOIA designed to restrict first-party access rights? Given the complaints made by the FBI over the years about the FOIA, it is hard to believe that compliance with so many FOIA requests has been entirely voluntary.

It is equally hard to believe that Congress passed the Privacy Act with the intent of completely cutting off first-party rights of access to FBI files. In fact, those associated with the passage of the Privacy Act have consistently said that no diminution of first-party Freedom of Information Act rights was intended.

Treating the Privacy Act as authority to withhold information under the FOIA leads to another absurdity. Under the Justice Department argument, a Privacy Act exemption operates to deny access to the subject of a record under both the Privacy Act and the FOIA. However, a request from a third party made under the FOIA cannot be denied using a Privacy Act exemption. Thus, it is possible that a third party will be able to obtain more information about an individual using the FOIA than the individual will be able to obtain about himself under the Privacy Act. This possibility has become known as the "third-party anomaly."

How often will this happen? Much information about an individual can be denied to a third party under the personal privacy exemption of the FOIA. However, an individual can waive his privacy rights and permit personal information to be disclosed to another person. If the Justice Department persists in its interpretation of the Privacy Act, this is likely to become a regular occurrence.

The bill that I am introducing today is very short. It adds the following new subparagraph to the Privacy Act of 1974:

(q)(2) No agency shall rely on any exemption in this section to withhold from an individual any record which is otherwise accessible to such individual under the provisions of section 552 of this title.

This language will not actually result in any change in the Privacy Act. It will simply clarify that the longstanding interpretation of the interrelationship between the Privacy Act and the Freedom of Information Act is correct. But for a few erroneous court decisions and some poor policies that the Reagan administration is attempting to implement, this bill would be completely unnecessary.

I am pleased that Representatives BROOKS, KINDNESS, ERLENBORN, and HORTON have joined with me in sponsoring this legislation.●

● Mr. KINDNESS. Mr. Speaker, I join today with Mr. ENGLISH of Oklahoma in introducing a bill to add a little clarifying language to the Privacy Act of 1974. If enacted, the bill would make it clear beyond quibbling that the Privacy Act should not be construed by any agency or court to prevent an individual from obtaining information about that same individual from Government files if the information would otherwise be made available to the individual under the Freedom of Information Act.

Put another way, the issue is whether the Privacy Act of 1974 prevents an individual from seeking records about himself through the Freedom of Information Act when those records have been exempted from disclosure under the Privacy Act. This bill provides the answer. "No."

This issue was raised and resolved during the period of initial implementation of the Privacy Act of 1975. That resolution was embodied in policy guidance issued by OMB and in implementing regulations issued by the Department of Justice: An individual requesting records about himself is entitled to the maximum access available under either of the acts.

Thus, if an individual makes a request of, say, the FBI for records about himself, any such records in a system of records exempt from disclosure under the Privacy Act would still be subject to search, review, and disclosure under FOIA to the extent that the records are not exempt from disclosure under FOIA or the Bureau chooses not to assert any applicable exemptions—of which there several.

A change in litigating position at the Department of Justice, has fostered conflict in the courts and, thus, the Supreme Court has been asked to resolve a question of legislative intent. Meanwhile, last August the Department of Justice proposed a change in its rules for handling Freedom of Information Act and Privacy Act requests which reflects that change in litigating position. Current policy and rules, which reflect what I believe to be legislative intent, have been in effect since 1975.

The position recently taken by the Justice Department means that if an individual asks for records about himself and they reside in a system of records exempt under the Privacy Act, that individual gets nothing. This is the result even when another person, asking for the same records under the Freedom of Information Act, must be given the material.

This is almost exactly the situation the Congress faced 10 years ago when court decisions interpreting the original seventh exemption to the Freedom of Information Act virtually closed all access to law enforcement files.

That was remedied by Congress in its 1974 amendments to the Freedom of Information Act.

On the same day in 1974 that the House overrode the President's veto of the FOIA amendments, the House considered and passed its version of the Privacy Act. One month later the House took final action on the Privacy Act.

The Department of Justice would now have us believe that, by passing the Privacy Act, the Congress undid the changes it made in the Freedom of Information Act, and the Department has asked the Supreme Court to aid and abet that revision of history.

The Department has complained to the Congress about the impact of the FOIA on law enforcement agencies. I am sympathetic to the concern that convicted felons use the FOIA to seek information about themselves concerning informants. Carefully tailored changes to FOIA's seventh exemption are awaiting action by the other body in S. 774. Perhaps the Department is frustrated that, while those changes are relatively noncontroversial, they lie dormant on the congressional calendar. But the Department's proposed change in policy would create unreasonable and unwarranted results, beyond their stated purpose.

Implementation of the Department's change of policy would result in the anomaly that a third party would have greater access to an individual's files than the individual himself.

As one who has worked for a number of years on regulatory reform legislation, I am highly critical of agencies using rulemaking power to effect a 180 degree shift in policy when there has

been no change in their underlying legislative authority. That is what has happened here. And, I have urged the Department not to put this policy change into effect.

Since the Department is trying to force the Supreme Court to rule that, for the last 10 years, everyone's understanding of what Congress did when it enacted the Privacy Act was wrong, I think we here in the Congress should eliminate any room for question or quibble, and save the Court the trouble.●

● Mr. ERLENBORN. Mr. Speaker, I am pleased today to join Representative GLENN ENGLISH and others in introducing a bill to clarify the relationship between the Freedom of Informaton Act and the Privacy Act of 1974.

Mr. Speaker, I was one of the authors of the Privacy Act of 1974 and the 1974 amendments to the Freedom of Information Act. I managed both of those bills here on the house floor and was intimately involved in the negotiations that led to the compromises which facilitated passage of those measures.

Freedom of information and privacy protection may appear to be antithetical concepts when what is at stake is the disclosure of information in Government files. But, to repeat what I said on the day the House considered the Privacy Act—which, by the way, was the same day we overrode the President's veto of the 1974 Freedom of Information Act amendments:

> It has been quite an effort to walk a tightrope in the one bill to provide the maximum access to information on the part of the public, and in the other bill to limit access to protect an individual's privacy.
>
> There has been a tendency, I think, to view these often as conflicting, but I think that we have successfully walked that tightrope and have, in both of these pieces of legislation, very important landmark legislation for open government, and yet the protection of individual rights.

In view of the court decisions and actions by the Justice Department which have led us to introduce this legislation today, I want to underscore the last words of that quote: With these two acts, we in the Congress were seeking to assure "open government and yet the protection of individual rights."

To put it as succinctly as I can, we in the Congress, by passing the Privacy Act, did not repeal any portion of the Freedom of Information Act which we were simultaneously amendment. We, in the Congress, by passing these two acts were enhancing the rights of our citizens to know what their Government was doing, particularly as those government actions related to individuals themselves. We certainly did not give with the one hand and take away with the other days later.

When the executive branch wrote its initial guidelines on how to implement the Privacy Act, some people seized on the different structure of the two acts to argue that an individual's sole means of access to records about himself was through the Privacy Act. Fortunately, the Office of Management and Budget had better judgment. It explained that in handling requests for information pursuant to the two acts, the net effect "should be to assure that individuals do not, as a consequence of the Privacy Act, have less access to information pertaining to themselves than they had prior to its enactment." The Justice Department issued implementing regulations which would grant an individual access to records about himself "to which he would have been entitled under the Freedom of Information Act, but for the enactment of the Privacy Act and the exemption of the pertinent systems of records pursuant thereto." (28 C.F.R. 16.57)

From a purely legal standpoint, this was not a satisfactory resolution. But, Congress intent was being implemented—individuals would get the cumulative benefit of both acts, which was what we intended.

Nevertheless, some courts have suggested that, by passing the Privacy Act, we were reducing the individual's rights of access to records about himself. The seventh circuit in Chicago issued such an opinion in 1979 in the case of *Terkel* v. *Kelly,* 599 F.2d 214 (CA7, 1979); and, when given the opportunity the next year, the fifth circuit in the case of *Painter* v. *FBI,* 615 F.2d 689 (CA5, 1980) reversed a district court decision and followed the seventh circuit.

In fairness to the Justice Department, it did ask the fifth circuit to vacate that part of its decision which interpreted the Privacy Act as limiting an individual's rights of access under the Freedom of Information Act. But the fifth circuit declined.

The District of Columbia Circuit, when confronted with this issue in the case of *Greentree* v. *U.S. Customs Service,* 674 F.2d 74 (1982), rejected the decisions in the seventh and fifth circuits and ruled that "material unavailable under the Privacy Act is not per se unavailable under FOIA." The court's opinion contains a thorough explanation of the issue and how it reached its conclusion—the proper one in my view.

Since that time, the third circuit in Philadelphia has followed the District of Columbia Circuit in the cases of *Porter* v. *Department of Justice,* (No. 83-1833, CA3, Sep. 15, 1983) and the seventh circuit has reaffirmed its original error. The Supreme Court has been asked to resolve this conflict in the circuits.

I think we ought to resolve the conflict ourselves by enacting this legislation to remind everyone of Congress intent with regard to the relationship between these two important acts.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. DASCHLE (at the request of Mr. WRIGHT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALKER. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous matter:

And I know, Mr. Speaker, that when I do this, there is some question about the numbers I will read. I assure the Chair that there is just a short list this evening.

Mr. RITTER, for 60 minutes, on February 1.

Mr. EDWARDS of Alabama, for 30 minutes, on February 1.

Mr. WALKER, for 60 minutes, on February 1.

Mr. GINGRICH, for 60 minutes, on February 1.

Mr. WEBER, for 60 minutes, on February 1.

Mr. MACK, for 60 minutes, on February 1, and

Mr. LATTA, for 30 minutes, on February 1.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(The following Members (at the request of Mr. SIKORSKI) to revise and extend their remarks and include extraneous material:)

Mr. KASTENMEIER, for 60 minutes, today.

Mr. FASCELL, for 60 minutes, today.

Ms. OAKAR, for 30 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. EDGAR, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. STARK, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 60 minutes, today.

Mr. BORSKI, for 60 minutes, today.

Mr. WEISS, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BLILEY, prior to the vote on the Bartlett amendment to House Joint Resolution 203 in the Committee of the Whole today.

Mr. GUNDERSON, to revise and extend after the remarks of Mr. EDGAR.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. MCGRATH in two instances.
Mr. BETHUNE.
Mr. JEFFORDS.
Mr. FRENZEL in two instances.
Mr. LEWIS of California.
Mr. BROOMFIELD in two instances.
Mr. MCKERNAN.
Mr. GEKAS.
Mr. LUNGREN.
Mr. TAUKE.

(The following Members (at the request of Mr. SIKORSKI) and to include extraneous matter:)

Mr. WAXMAN in two instances.
Mr. STARK in four instances.
Mr. FLORIO.
Mr. CONYERS.
Mr. DORGAN.
Mr. MAZZOLI.
Mr. KOSTMAYER.
Mr. OBERSTAR.
Mr. CARR.
Mr. JONES of Tennessee.
Mr. WALGREN.
Mr. WYDEN.
Mr. VANDERGRIFF.
Mr. TRAXLER.
Mr. ENGLISH.
Mr. MARTINEZ.
Mr. FORD of Michigan.
Mr. MINETA.
Mr. MACKAY.
Mr. GARCIA.
Mr. LELAND.
Mr. LEHMAN of Florida.
Mr. HOYER in two instances.
Mr. GEJDENSON.
Mr. MRAZEK.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1863. An act for the relief of Audun Endestad.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 1, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2540. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of proposed antiterrorism assistance to foreign countries, along with a progress report on the implementation of the antiterrorism assistance program, pursuant to FAA, sections 574(a)(1) and 574(b) (97 Stat. 972); to the Committee on Foreign Affairs.

2541. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim for $696,798.22 from the owners of the M/V *Daphne* for damages incurred in canal waters outside the locks, pursuant to Public Law 96-70, section 1415(b); to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOAKLEY:

H.R. 4690. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for an annual revision in the fees assessed for the disposal of high-level radioactive waste and spent nuclear fuel, and to modify the procedures of the House of Representatives and the Senate for consideration of fee adjustments proposed by the Secretary of Energy; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, and Rules.

By Mr. CHENEY:

H.R. 4691. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 4692. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. DAVIS:

H.R. 4693. A bill to amend title XVIII of the Social Security Act with respect to providing for a single prospective payment rate for hospitals located in urban and rural areas; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 4694. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to waive mandatory reductions in military retirement pay of certain retired military officers recruited for employment by the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of Alabama:

H.R. 4695. A bill to amend the Tariff Schedules of the United States to impose a duty on tubeless tire valves; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. BROOKS, Mr. KINDNESS, Mr. ERLENBORN, and Mr. HORTON):

H.R. 4696. A bill to clarify the relationship of the Privacy Act of 1974 to the Freedom of Information Act, and for other purposes; to the Committee on Government Operations.

By Mr. FORD of Michigan:

H.R. 4697. A bill to designate the U.S. Post Office Building in Romulus, Mich., as the "Carl W. Morris Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself and Mr. SAWYER):

H.R. 4698. A bill to amend the Controlled Substances Act to strengthen the authority to prevent diversion of controlled substances; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. JACOBS:

H.R. 4699. A bill to amend the Communications Act of 1934 to clarify that the statutory right of candidates to have access to broadcasting station facilities does not exempt any such candidate from criminal laws regarding the broadcasting of obscene matter; to the Committee on Energy and Commerce.

By Mr. STANGELAND:

H.R. 4700. A bill to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, Colo., as the "Byron G. Rogers Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. STARK:

H.R. 4701. A bill to amend the Internal Revenue Code of 1954 to provide that property used predominantly in dairy farming will not be eligible for the investment tax credit during years in which there is a Federal program of price supports or paid diversion for the dairy industry; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. MOORE):

H.R. 4702. A bill to amend the Internal Revenue Code of 1954 to clarify the definition of articles produced in Puerto Rico or the Virgin Islands for purposes of determining the amounts of Federal internal revenue taxes which are paid over to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mr. VANDERGRIFF:

H.R. 4703. A bill to defer congressional pay adjustments until the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Services and Rules.

By Mr. MONTGOMERY:

H.J. Res. 461. Joint resolution directing the President to begin efforts to replace U.S. marines in Lebanon with troops of a nation not directly involved in diplomatic efforts to bring stability to the area, or to remove the U.S. troops to designated ships; to the Committee on Foreign Affairs.

By Mr. SCHUMER:

H. Con. Res. 246. Concurrent resolution expressing the sense of Congress that the president of Syria should permit Jewish emigation; to the Committee on Foreign Affairs.

By Mr. ENGLISH (for himself, Mr. JONES of Oklahoma, Mr. WATKINS, Mr. EDWARDS of Oklahoma, Mr. SYNAR, and Mr. MCCURDY):

H. Con. Res. 247. Concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers; to the Committee on Banking, Finance and Urban Affairs.

Mr. BATES (for himself, Mr. KOGOVSEK, Mr. LUKEN, Mr. VALENTINE, Mr. EDWARDS of California, and Mr. COELHO):

H. Res. 411. Resolution to express the sense of the House of Representatives that the President should resubmit his budget for fiscal year 1985 so that his proposal reduces the Federal budget deficit by $30 billion; to the Committee on Government Operations.

By Mr. BEREUTER (for himself, Mr. SIMON, Mr. PRITCHARD, Mr. UDALL, Mr. HAMILTON, and Mr. GLICKMAN):

H. Res. 412. Resolution expressing the sense of the House with respect to an exchange of travel between leaders of the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Res. 413. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Veterans' Affairs in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. PEPPER (for himself and Mr. QUILLEN):

H. Res. 414. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. PRICE (for himself and Mr. DICKINSON);

H. Res. 415. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. RODINO:

H. Res. 416. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. ST GERMAIN:

H. Res. 417. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 2d session of the 98th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 358: Ms. KAPTUR.

H.R. 1028: Mr. TAUKE, Mr. WYLIE, Mr. MCCAIN, Mr. FORSYTHE, Mr. LANTOS, Mr. PRITCHARD, Mr. RIDGE, Mr. ERLENBORN, Mr. DEWINE, Mr. LAGOMARSINO, Mr. COATS, and Mr. MCCANDLESS.

H.R. 1092: Mr. GREGG.

H.R. 1209: Mr. MCKERNAN.

H.R. 1527: Mr. LOWERY of California.

H.R. 1661: Mr. ORTIZ.

H.R. 1676: Mr. PHILIP M. CRANE, Mr. ECKART, Mr. HEFNER, and Mr. SHAW.

H.R. 1706: Ms. FERRARO, Ms. OAKAR, Mr. LUJAN, Mr. OBERSTAR, and Mr. WISE.

H.R. 1803: Mr. BARNES.

H.R. 1959: Mr. FROST.

H.R. 2053: Mr. FRANKLIN and Mr. THOMAS of Georgia.

H.R. 2204: Mr. HOWARD, Mr. FORSYTHE, Mr. DAUB, Mr. BATEMAN, and Mr. LONG of Louisiana.

H.R. 2282: Mr. WOLPE, Mr. LEVIN of Michigan, Mr. STUDDS, and Mrs. KENNELLY.

H.R. 2382: Mr. SLATTERY.

H.R. 2567: Mr. GRAMM.

H.R. 2568: Mr. LUNDINE and Mr. PORTER.

H.R. 2791: Mr. SIMON, Mr. WIRTH, Mr. DE LUGO, and Mr. MINETA.

H.R. 2888: Mr. MCCOLLUM.

H.R. 2977: Mr. WEISS, Mr. ECKART, and Mr. TRAXLER.

H.R. 3039: Mr. MARTINEZ.

H.R. 3041: Mr. ADDABBO.

H.R. 3105: Mr. MATSUI.

H.R. 3240: Mr. LUNDINE.

H.R. 3264: Mr. EMERSON and Mr. LENT.

H.R. 3309: Mr. PATMAN.

H.R. 3384: Mr. GUARINI and Mr. RODINO.

H.R. 3573: Mr. TORRES, Ms. MIKULSKI, Ms. OAKAR, Mr. WEISS, and Ms. FERRARO.

H.R. 3581: Mr. WHITLEY, and Mr. LEWIS of Florida.

H.R. 3616: Mr. GRAY, Mr. EDGAR, Mr. PACKARD, Mr. DEWINE, Mr. PRICE, and Mr. VANDERGRIFF.

H.R. 3737: Mr. PETRI.

H.R. 3777: Mr. BONER of Tennessee, Mr. DOWDY of Mississippi, Mr. HUTTO, Mr. IRELAND, Mr. LOTT, Mr. PEPPER, and Mr. YOUNG OF FLORIDA.

H.R. 3838: Mr. PETRI.

H.R. 3876: Mrs. BOXER, Mr. WEAVER, Mr. SENSENBRENNER, Mr. HUGHES, Mr. MCNULTY, Mr. ECKART, Mr. DUNCAN, Mr. TALLON, Mr. BOUCHER, Mr. MINETA, Mr. MARTINEZ, Mr. MCCOLLUM, and Ms. SNOWE.

H.R. 3917: Mr. MORRISON of Washington.

H.R. 4017: Mrs. VUCANOVICH.

H.R. 4037: Mr. BARNES and Mr. MOODY.

H.R. 4040: Mr. ROE.

H.R. 4092: Mr. PARRIS, Mr. CAMPBELL, Mr. FORD of Tennessee, Mr. SAWYER, Mr. HYDE, Ms. SNOWE, Mr. DEWINE, Mr. CHAPPIE, Mr. PENNY, and Mr. LAGOMARSINO.

H.R. 4135: Mr. RANGEL, Mr. DORGAN, and Mr. GINGRICH.

H.R. 4203: Mr. CONABLE, Mr. MORRISON of Washington, Mr. BEDELL, and Mr. MACK.

H.R. 4206: Mr. MCCOLLUM.

H.R. 4207: Mr. ACKERMAN.

H.R. 4212: Mr. KOSTMAYER, Mr. MINISH, Mrs. BYRON, Mr. BILIRAKIS, Mr. HOYER, Mr. FISH, Mr. FORSYTHE, Mr. SCHEUER, Mr. MADIGAN, Mr. LEWIS of Florida, Mr. DUNCAN, Mr. HUGHES, Mr. DANIEL B. CRANE, Mr. PAUL, Mr. MOLLOHAN, Mr. WEISS, Mr. BOUCHER, Mr. ROGERS, and Mr. SMITH of Florida.

H.R. 4214: Mr. REID, Mr. PENNY, Mr. TAUKE, Mr. HUCKABY, Mr. MORRISON of Washington, Mr. EDGAR, Mr. KOSTMAYER, Mr. MCDADE, Mr. DICKS, Mr. SWIFT, Mr. FOGLIETTA, and Mr. CHENEY.

H.R. 4261: Mr. BILIRAKIS, Mrs. HOLT, and Mr. MARTINEZ.

H.R. 4308: Mr. KOSTMAYER, Mr. ANNUNZIO, Mr. PORTER, Mr. ROSTENKOWSKI, Mr. MURPHY, Mr. KINDNESS, Mrs. HALL of Indiana, Mr. BONIOR of Michigan, Mr. EDGAR, Mr. LEVIN of Michigan, Mr. MICHEL, Mr. HERTEL of Michigan, Mr. HARRISON, Ms. KAPTUR, Mr. SHARP, Mr. YATRON, Mr. LIPINSKI, and Mr. GAYDOS.

H.R. 4310: Mr. HIGHTOWER.

H.R. 4330: Mr. MCNULTY, Mr. EVANS of Illinois, Mr. MITCHELL, Mr. BROWN of California, Mr. BONIOR of Michigan, Mr. LONG of Louisiana, Mr. CORCORAN, Mr. BLILEY, Mr. KASICH, Mr. FORSYTHE, and Mrs. HALL of Indiana.

H.R. 4356: Mrs. SCHNEIDER and Mr. GREEN.

H.R. 4402: Mr. WHITTAKER and Mr. JONES of North Carolina.

H.R. 4458: Mr. CORRADA, Mr. FISH, Mr. FROST, Mr. MCCURDY, Mr. MITCHELL, and Mr. WINN.

H.R. 4475: Mr. GEPHARDT, Mr. RICHARDSON, Mr. DENNY SMITH, Mr. MCNULTY, Mr. GREGG, Mr. SABO, Mr. FLIPPO, Mr. HUTTO, Mrs. BYRON, Mr. UDALL, Mr. MARKEY, Mr. ROSE, Mr. D'AMOURS, Mr. PATTERSON, Mr. LANTOS, Mr. MCCAIN, Mr. GEJDENSON, and Mr. LEWIS of Florida.

H.R. 4485: Mr. WILLIAMS of Ohio.

H.R. 4500: Mr. DAUB.

H.R. 4590: Mr. BEVILL, Mr. MURPHY, Mr. MITCHELL, Mr. WON PAT, Mr. STRATTON, and Mr. TALLON.

H.R. 4605: Mr. MORRISON of Washington.

H.R. 4642: Mr. ACKERMAN, Mr. KILDEE, Mr. SMITH of Florida, Mr. WHITEHURST, Mr. MCKINNEY, Mr. PRITCHARD, Mr. DYMALLY, Mr. MARTINEZ, Mr. CARR, Mr. STARK, Mr. APPLEGATE, Mr. BURTON of Indiana, and Mr. NATCHER.

H.R. 4659: Mr. BERMAN, Ms. KAPTUR, Mr. WISE, Mr. WEISS, Mr. SMITH of Forida, Mr. MARTINEZ, Mr. SCHEUER, Mr. TALLON, Mr. LEVIN of Michigan, Mr. TOWNS, and Mr. EVANS of Illinois.

H.J. Res. 71: Mr. EVANS of Illinois, Mr. BATES, Mr. BRITT, Mr. BARNARD, Mr. COOPER, Mr. DEWINE, Mr. LEACH of Iowa, Mr. HAMMERSCHMIDT, Mr. FRANK, Mr. DYMALLY, Mr. BONIOR of Michigan, Mr. PRITCHARD, Mr. BROWN of California, Mr. DONNELLY, Mr. MCCAIN, Mr. BOEHLERT, Mr. ORTIZ, Mr. FISH, Mr. JACOBS, Mrs. BOXER, Mr. GUNDERSON, Mr. OWENS, Mr. MOLLOHAN, Mr. ERDREICH, Mr. RICHARDSON, Mr. HOYER, Mr. MAZZOLI, Mr. DE LUGO, Mr. RATCHFORD, Mr. MORRISON of Connecticut, Mr. LUNDINE, Mr. HEFNER, Mr. LAGOMARSINO, Mr. BENNETT, Mr. KEMP, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. VANDERGRIFF, Mr. SILJANDER, Mr. GRAY, Mr. THOMAS of Georgia, Mr. WILSON, Mr. WAXMAN, Mr. WEAVER, Mr. LEVIN of Michigan, Mr. FAZIO, Mr. PANETTA, Mr. WYLIE, Mr. WHEAT, Mr. DURBIN, Mr. SUNIA, Mr. STOKES, Mr. WEISS, Mrs. LLOYD, Mr. MCKINNEY, Mr. DE LA GARZA, and Mr. WON PAT.

H.J. Res. 95: Mr. HAWKINS, Mr. MCCAIN, Mr. LOWERY of California, and Ms. FIEDLER.

H.J. Res. 254: Mr. SABO, Mr. LELAND, Mr. FRANK, Mr. TOWNS, Mr. DELLUMS, Mr. FISH, Mr. HAWKINS, Mr. FASCELL, Mr. MCKERNAN, Mr. MINETA, Mr. KOSTMAYER, Mr. SAWYER, Mr. BOLAND, Mr. TRAXLER, Mr. YOUNG of Missouri, Mr. SWIFT, Mr. OWENS, Mr. FOGLIETTA, Mr. CARPER, Mr. DICKS, Mr. DERRICK, Mr. BERMAN, Mr. GLICKMAN, Mr. LEVIN of Michigan, Mr. RAHALL, Mr. MAVROULES, Mr. DURBIN, Mr. FORD of Michigan, Mr. MINISH, Mr. HOWARD, Mr. ROE, Mr. HEFTEL of Hawaii, Mr. REID, Mr. DOWNEY of New York, Mr. SKELTON, and Mr. HORTON.

H.J. Res. 382: Mr. DUNCAN, Mr. FRENZEL, Mr. HARKIN, Mr. LOTT, Mr. LOWERY of California, Mr. MARTINEZ, Mr. MATSUI, Mr. ROGERS, Mrs. ROUKEMA, Mrs. SCHNEIDER, Ms. SNOWE, and Mr. SUNIA.

H.J. Res. 404: Mr. MARLENEE.

H.J. Res. 432: Mr. DURBIN, Mr. SISISKY, Mr. WINN, Mr. FRANK, Mr. STOKES, Mr. SUNIA, Mr. ROE, Mr. MOAKLEY, Mr. RICHARDSON, Mr. LEHMAN of Florida, Mr. WOLPE, Mr. DIXON, Mr. LELAND, Mr. HARKIN, Mr. ADDABBO, Mr. COATS, Mr. YOUNG of Alaska, Mr. DWYER of New Jersey, Mr. RODINO, Mr. HAWKINS, Mr. WON PAT, Mr. VANDERGRIFF, Mr. YOUNG of Missouri, Mr. VANDER JAGT, Mr. BERMAN, Mr. HAMMERSCHMIDT, Mr. FORD of Tennessee, Mr. HOYER, Mr. BIAGGI, Mr. REID, Mr. BEDELL, Mr. EARLY, Mr. DONNELLY, Mr. WORTLEY, Mr. WALGREN, Mr. MAZZOLI, Mr. DEWINE, Mr. STENHOLM, Mr. SMITH of Florida, Mr. MCGRATH, Mr. UDALL, Mr. YATRON, Mr. BONIOR of Michigan, Mr. HANSEN of Utah, Mr. KINDNESS, Mr. MARTINEZ, Mr. FLORIO, and Mr. HORTON.

H.J. Res. 445: Mr. ROGERS, Mr. HATCHER, Mr. DE LUGO, Mr. STOKES, Mr. HOYER, Mr.

LAFALCE, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. FLORIO, Mr. WHEAT, Mr. RATCHFORD, Mr. LAGOMARSINO, Mr. CORRADA, Mr. BERMAN, Mr. WOLF, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. MADIGAN, Mr. BROWN of California, Mr. VOLKMER, Mr. YATRON, Mr. DOWNEY of New York, Mr. SISISKY, Mr. HYDE, Mr. OXLEY, Mr. REGULA, Mr. LEWIS of Florida, Mr. SIMON, Mr. GUARINI, Mr. COATS, Mr. SCHEUER, Mr. HAMMERSCHMIDT, Mr. LIPINSKI, Mrs. HOLT, Mr. EVANS of Illinois, Mr. TALLON, Mr. MCKINNEY, Mr. HIGHTOWER, Mr. MCKERNAN, and Mr. FRENZEL.

H.J. Res. 459: Mr. LONG of Maryland, Mr. BENNETT, Mr. STOKES, Mr. MONTGOMERY, Mr. MARTINEZ, Mr. BATES, Mr. LELAND, Mr. MCNULTY, Mr. WON PAT, Mr. CONYERS, Mr. APPLEGATE, and Mr. HERTEL of Michigan.

H. Con. Res. 163: Mr. BOEHLERT, Mr. WAXMAN, and Mr. WISE.

H. Con. Res. 212: Mr. MOORE, Mr. VANDERGRIFF, Mr. SCHULZE, Mr. APPLEGATE, Mr. HUTTO, Mr. CORCORAN, Mr. HANSEN of Utah, Mr. ROWLAND, Mr. LEWIS of Florida, Mr. SOLOMON, Mr. MCEWEN, Mr. DANIEL B. CRANE, and Mr. LAGOMARSINO.

H. Con. Res. 239: Mr. MITCHELL, Mr. RODINO, Mr. STANGELAND, Mr. JACOBS, Mrs. SCHNEIDER, Mr. PRITCHARD, Ms. KAPTUR, Mr. RICHARDSON, Mr. ACKERMAN, Mr. ROBERT F. SMITH, Mr. STOKES, Mr. MCCAIN, and Mr. BERMAN.

H. Con. Res. 242: Mr. STUDDS, Mr. REGULA, Mr. BARNES, Mrs. JOHNSON, Mr. DORGAN, Mr. MARTINEZ, and Mr. ROE.

H. Res. 278: Mr. TAUKE, Mr. O'BRIEN, and Mr. BATEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2262: Mr. TALLON.

H.R. 3870: Mr. CHAPPELL.

EXTENSIONS OF REMARKS

AIRLINE SAFETY INSPECTORS SHOULD BE RESTORED

HON. NORMAN Y. MINETA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. MINETA. Mr. Speaker, last November 10, after an extensive investigation, the Subcommittee on Aviation held a hearing on the Reagan administration's cutbacks in the FAA's airline safety inspector workforce. These inspectors are the vanguard of the Federal Government's responsibility to insure that the Nation's airlines are complying with the Federal aviation safety regulations. These cuts cause the Subcommittee on Aviation a great deal of concern because they come at a time when many new carriers are starting up operations, when more established carriers are providing new types of service and shifting services to new locations, and when economic conditions are forcing the airline industry to examine any and all means to reduce costs.

Presently, the Nation's airline system is very safe and it has been getting safer, but I am concerned that these cuts in the inspectors will result in too little FAA presence in the airlines' cockpits, training facilities, and maintenance bases which could lead to a reversal of these trends.

In this session, I will be working through the appropriations process to restore the number of field inspectors to previous levels. I urge my colleagues to join me in this effort to insure that there is no dimunition of safety inspection and surveillance of the Nation's airlines.

For the Members' further information, I am including in these remarks the text of a letter I have sent to Secretary Dole on this matter, as well as the text of a speech recently delivered by National Transportation Safety Board member Donald D. Engen to the National Aviation Club of Washington, D.C.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., November 18, 1983.

Hon. ELIZABETH DOLE,
Secretary of Transportation, Washington, D.C.

DEAR SECRETARY DOLE: On Thursday, November 10, the Subcommittee on Aviation held a hearing on the reductions in the FAA's air carrier safety inspector staff. The Subcommittee is concerned that the reductions could have long-term implications for the Safety of the nation's airline industry. Comparing FY 1981 with FY 1983 there was a 16% reduction in the number of authorized field inspectors (638 and 534 respectively), and another 7% reduction is expected in the current fiscal year, for a total cut of approximately 23%.

What gives me concern about these reductions is that they are coming at a time when the FAA's responsibilities for air carrier inspection have expanded. Airline deregulation has spawned numerous new carriers and has resulted in the more established carriers realigning their operations both geographically and in the type of service provided. These developments have substantially increased the workload placed on FAA's field inspectors. Also, general economic trends are forcing the airline industry to examine any and all means to reduce costs. FAA's responsibility for ensuring that cost cutting does not have an impact on the safety of operations is most certainly increasing. Since neither the effects of deregulation nor the general economic climate are static, I believe those responsibilities and workload will continue to expand.

In the hearing, FAA Administrator Helms talked about a number of management and program initiatives aimed at increases in inspector productivity. Though I still have questions about some of these initiatives, I applaud Administrator Helms for his efforts to recoup in productivity increases what has been lost in staff. My concern is first of all that, while most of the staff cuts have already been made, most of the productivity enhancements will be implemented at some point in the future, and secondly, that when the productivity enhancements are realized, there is no assurance that we will even return to earlier capabilities, much less exceed them.

My view is that FAA's safety surveillance and enforcement capabilities need to be expanded beyond what they have been in the past to meet increasing workloads. Increases in productivity will be an integral part of any effort in this area, but it is my belief that there simply is no substitute for sustaining, rather than reducing, air carrier inspector staff in the field. Without a restoration of safety inspector staff, I believe FAA will be stretched too thin to carry out its responsibilities.

The airline industry is the safest mode of transportation, and since deregulation, it has been getting safer. My concern is that these cutbacks are the initial steps of loosening up of safety regulation of the airlines. Fewer inspectors translate into less FAA presence in the airline's day-to-day operations and into less of a sense among airline management and employees that someone is watching what they are doing. This may create on the part of some carriers a more lax compliance attitude that, in the long run, could reverse the excellent safety record that currently exists.

Everyone agrees that, while most of the economic decisionmaking in the airline industry has been deregulated, safety has not been deregulated and should not be deregulated. Both the public safety and the public confidence in this industry require a firm belief that FAA's regulation of airline safety ensures irreducible safety requirements which no airline can short-cut. The recent significant reductions in the FAA safety inspector workforce and in the FAA's regulatory "presence" in airline operations convey exactly the wrong message to the airlines and to the traveling public.

I recommend that the air carrier inspector workforce be returned to the FY 1981 authorized level. This would represent an increase of approximately 100 positions from present levels. I believe that such action, coupled with at least some of the FAA's proposed management and program initiatives, will enable FAA to carry out its important responsibilities to the extent expected by the traveling public and the airline industry.

Again, thank you for your consideration of this matter.

Sincerely,

NORMAN Y. MINETA,
Chairman, Subcommittee on Aviation.

REMARKS BY DONALD D. ENGEN

Good afternoon . . .

I'd like to take just a moment to thank the National Aviation Club for its invitation to speak . . . and to thank all of you for what I once heard a speaker describe as "a wonderful reception—which I so richly deserve but so seldom get."

Seriously there is nothing more complicated in my gratitude than the simple fact that I like to be with people who are in aviation. Over the last 40 years, I've spent my career either flying airplanes . . . testing airplanes . . . manufacturing airplanes or establishing policy about airplanes . . . and it has been both enjoyable and a superb education.

The enjoyment came from doing those things that dreams are made of, and the education from the fact that I've never met any two people in aviation who could agree on anything.

I sometimes suspect that the record would show we have argued about everything from the center of gravity on the Wright Flyer to the rate of climb on Scott Crossfield's X-15.

But no matter how heated our discussions, no one has ever lost sight of the fact that the final decision should be based on only one criterion: that it was good for aviation!

I believe this freedom of thought . . . this internal watchfulness . . . has been a healthy thing for aviation. It has acted as a kind of catalyst that has helped produce what we have today—a safe, technically sophisticated aviation system.

We are now in the midst of another one of those legitimate, and necessary "soul searchings" in aviation. This time the argument centers around the entire airline industry. The industry is where it has been many times in the past—in a state of flux.

Many long-established airlines have vacated some of their territories, and many new, often smaller airlines have moved to fill the gap.

To be more specific, in 1978—the year the Airline Deregulation Act was implemented—there were 219 air carrier and commuter airlines in scheduled service. In 1983, the total had risen to 419.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

This kind of dramatic growth has brought with it both economic uncertainties and questions about the impact of growth on safety. What does it mean in terms of airline maintenance . . . operations . . . training . . . and FAA surveillance?

Could cost-cutting triggered by increased competition impact on maintenance or operations expenditures? Will the new generation of aviation management have the same commitment to safety excellence as did the old?

The questioners themselves are not the uninitiated—rather, they range over the entire spectrum of the aviation community—airline management and union officials . . . Congressmen . . . the media . . . the sophisticated air traveler.

The National Transportation Safety Board might turn them all aside with a technically correct answer which would be this:

Congress did not deregulate air safety—the same Federal Air Regulations—and more—that existed before deregulation exist today. Nor is there any data base that shows a decay in aviation safety since deregulation.

In fact, one key indicator—the Board's own accident rate statistics—shows just the opposite—that the accident rates for small as well as large airlines have improved significantly between 1978 and 1983. In the fatal accident rate category alone, reductions run as high as 45 percent.

Part 135 commuters are doing even better. For the same period, their total accident rate for every 100,000 departures was down by three quarters. Their fatal accident rate dropped by 87 percent.

Isn't this proof enough that deregulation has not spawned safety problems?

The answer to that question is "no." Statistics are wonderful, but at the Safety Board we have been raised on the cross check . . . and as the political pollsters like to say the results of these cross checks are still "out."

That is not to say we expect to find a problem. What it means is that the Safety Board is doing what our Congressional mandate tells us to do—to be alert to any possible safety threat . . . to constantly probe until we are fully satisfied that the air traveler faces not even a hint of a safety hazard.

For example, the Board is conducting an on-going investigation into an accident involving Air Illinois, a 13-year-old regional air carrier which, in recent years, has expanded its service to about 120 flights a day covering a six-state area.

On the night of October 11, 1983 an Air Illinois Hawker-Siddeley 748 crashed enroute from Springfield to Carbondale, Illinois, killing ten persons in what was one of only three fatal air carrier accidents in the United States during 1983.

As part of its effort to determine the cause of the tragedy, the Board held five-days of public hearings.

What were the issues? The adequacy of Air Illinois' maintenance procedures was one. The airline's operational procedures was another. And a third was the Federal Aviation Administration's surveillance—was it effective?

The Board's final report on the accident is not expected for several months—but Air Illinois voluntarily surrendered its operating certificate while it made the FAA-ordered corrections to its operational and maintenance procedures.

But Air Illinois was not the only airline in 1983 with a serious problem triggered by its failure to live up to the Federal Air Regulations. Global International Airways also was ordered by the FAA to suspend all flights for violating maintenance regulations. In addition, the FAA halted operations of a third airline—Guy America—again for safety violations.

What is the common thread in these three cases? Obviously, it is the question of safety.

In each of these cases, the regulations were there . . . in place . . . and known to the airlines. But they weren't being followed . . . and that failure continued until it was spotted by surveillance procedures . . . or, tragically, after the fact, by a Safety Board accident investigator.

Why did they occur and what then is the cure? I certainly don't think these examples bolster any argument for economic re-regulation. Nor is simply adding new safety regulations the answer.

What can help—I believe—is a stepped up . . . more highly visible . . . more efficient and widespread surveillance campaign by both the FAA and the air carriers themselves—particularly the new comers and the newly-expanded older operators. There is a need for an increased awareness—and a dedication to spend the necessary "dollars" to achieve that high standard of safety that can help insure economic success.

To put it another way: let the word go out that we in aviation have worked too long and too hard to allow any situation to arise where a very few corner-cutters can smear our industry's reputation by putting the public at risk.

Again, I'm not talking about the need for more regulations—the Lord knows we always seem to have a healthy supply of those. The answer may be simply a consistent and firm application of the existing regulations by the regulator and those they regulate.

The Board's concern over surveillance programs is not new. For example, several months ago, the Board testified before Congress on what it believed were shortcomings in the FAA's air carrier maintenance surveillance program. The shortcomings—which involved the efficiency of the service difficulty reporting system—were uncovered in 1979 after the crash of an American Airlines DC-10 in Chicago, and still have not been corrected to the Board's satisfaction.

Maintenance surveillance also is an issue in the Board's on-going investigation of what could qualify as one of the most dramatic incidents of 1983—the lack of engine oil seals that forced the crew of an Eastern Airlines L1011 to shut down three engines over the Atlantic and glide to less than 3,000 feet above the water before the crew was able to get a restart on a single engine.

Operational surveillance also is an issue in several on-going Board investigations, including a series of fueling incidents, one of which involved a Republic Airlines DC-9 that made an emergency landing at Luke Air Force Base outside Phoenix. A check showed less than five gallons of useable fuel left in the tanks.

In incidents such as these, the Board's investigators are obviously interested in the Airline's fuel planning procedures . . . crew training . . . coordination, and discipline . . . and the effectiveness of FAA surveillance of these issues. What we are looking for is the source of the breakdown that led to the fuel problem.

Surveillance is the key to accident prevention. It is the means to uncover the clues we need to tell us where the problems lie—before those problems compromise airline safety.

In summary, let me say this about airline safety:

People fly because they believe it is safe to fly. And they believe that because decades ago the airline industry and the government convinced them of that fact by the way they set tough safety standards. In effect, safety became the industry's "strong heart."

Nothing has changed that philosophy—we simply are not going to permit a degradation of air safety. We have not in the past, and we won't today, or tomorrow.

We—the government and the industry—must do what we have always done. We must stay alert to safety threats . . . we must search for the dangerous trends . . . we must educate and re-educate our flight crews . . . and in doing so we will keep what we have now—the safest aviation system in the world.

Thank you.●

H.R. 1961

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. KRAMER. Mr. Speaker, I would like to commend my colleagues for their support yesterday of H.R. 1961, the Agent Orange and Atomic Veterans Relief Act. Certainly the brave men and women who now suffer from serious diseases which may be the result of their exposure to atomic radiation and toxic herbicides during military service, should not be forgotten.

As our knowledge of the adverse health effects of radiation and agent orange exposure continues to mount, the need for recognition and compensation of these veterans has become a moral responsibility we can no longer ignore.

President Reagan took the initial steps by proclaiming July 16 as "National Atomic Veterans Day," finally granting a long overdue recognition to the over one quarter of a million American servicemen who were exposed to large doses of radiation during and after nuclear explosions between 1945 and 1962.

However, our duty to these individuals does not end with this recognition. Thirty-eight years have passed since the first nuclear weapons was detonated over the New Mexican desert on July 16, 1945. In those years, veterans who witnessed nuclear tests closeup—and those who occupied Hiroshima and Nagasaki—have in many cases experienced severe health problems.

Leukemia, heart disease, sterility and bone and muscle deterioration are just a few of the ailments atomic veterans have encountered, years after exposure to nuclear fallout. More importantly, many children of atomic veterans have been born with a variety of genetic disorders where no family

history of such problems existed before. The possibility of multiple future generations feeling the genetic impact of this technology must be addressed.

Although testing and studies have not been completed, Vietnam veterans exposed to agent orange seem to suffer a high incidence of the skin disorder chloracne, soft tissue sarcomas, and the liver disorder PCT.

We have compensated the citizens of Times Beach for the health hazards of living in a dioxin poisoned community. It is important to note that veterans who served their county so valiantly during wartime were exposed to far greater concentrations of this same chemical and should be compensated for the illnesses which they may now have. Over 3,000 veterans would benefit from H.R. 1961.

This bill would allow agent orange and atomic veterans to qualify for VA disability benefits for medical problems believed to be linked to dioxin and radiation exposure. Also, it would provide similar help to natural children of atomic veterans where evidence indicates radiation related genetic disorders.

There is much we still do not know about radiation and agent orange and their effects on the human body. More research will undoubtedly confirm the relationship between exposure to nuclear fallout and dioxin to medical problems, but this could take time. The projected completion date of the agent orange study in between 1987 and 1989. Many of our veterans cannot afford to wait. H.R. 1961 would address this problem now, and honorably compensate the many men and women who defended their country and the free world. I would urge my colleagues in the Senate to join the House in approving this important legislation.●

PERSONAL EXPLANATION

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. MRAZEK. Mr. Speaker, on January 26, 1984, I was unable to be here in Washington because my 2½-year-old son was undergoing surgery at Huntington Hospital. I would like the RECORD to indicate that if I had been present I would have voted "yea" on House vote No. 10, proxy voting investigation; "yea" on House vote No. 11, Agricultural Productivity Act; and "yea" on House vote No. 13, the National Oceanic and Atmospheric Administration Authorization.●

KENNETH M. NELSON ON HIGH TECHNOLOGY

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. McKERNAN. Mr. Speaker, today America's industries are facing new challenges both at home and abroad. Our traditional industries need to modernize, our newer ones to innovate, if they are to meet rising competition in the international marketplace. The advent of high technology offers bright promise for the future, and through it America's industries may hope to overcome the challenges they now face.

High technology is not a cure-all. All too often, we use the term "high technology" without reflecting on what it means. Recently, one of my constituents, Kenneth M. Nelson, gave an important speech entitled "High Technology: A State of Mind." In this speech, delivered at the Rotary Club of Portland, Maine, Mr. Nelson examined the meaning of the term "high technology," and remarked upon the important role this new science will have in the future of our industries, universities, and regional economies.

Mr. Nelson is president of Nelson & Small, Inc., a distributor of electronics, appliances, marine and recreational products, and flooring and building products. He is chairman of the Greater Portland Regional Chamber of Commerce Committee on High Technology. He is a graduate of Bowdoin College and the Boston University School of Law.

I would like to include Mr. Nelson's speech in the record in an effort to better acquaint Members with the challenges that the development of high technology present to this Nation.

HIGH TECHNOLOGY: A STATE OF MIND

Literally hundreds of committees are in session today, around the country, trying to understand this industrial revolution which we have come to call "High Technology". So, it would be presumptuous of me to think that in 20 minutes I could summarize fairly the findings of so many thoughtful men and women, many of whom are from Maine. Instead, let me share with you some thoughts, my own to be sure, regarding just a few of the issues and challenges posed by the High Technology era. Let me follow the lawyer's habit of summarizing, at the beginning, the thoughts I would like to leave with you today.

First, more than anything else, High Technology represents a state of mind.

Second, America is on the verge of reindustrialization through high technology. The fuel for that reindustrialization is in our educational system . . . elementary to university. A good education is no longer just a personal asset. A poor education is no longer just a family's problem.

Third, America's universities are already undergoing an enormous change. The most vigorous will emerge as partners in this reindustrialization, much the same way that, since the 19th century, America's state colleges played a major role in creating America's agricultural supremacy.

Fourth, those regions which see the link between their educational resources and their economic vitality will prosper.

A half century ago, Judge Learned Hand warned that the fundamental challenge to American industrial leadership would be whether the conflicts brought about by the ever-increasing special interest would prevent us, at crucial times, from effectively seeing and managing change.

Today, there is no shortage of those who eulogize America's passing as a world industrial force. But, America has a long record of fooling the forecasters of Apocalypse. Entrepreneural economics are social, not scientific machines. What is to such forecasters the proof of pending doom is to others often the trumpet call of opportunity. A few years ago, we were assured that gas lines were permanent landscapes, that the world was bound to cartel dominance for decades. While necessity may be the mother of invention, challenge is often the midwife.

Contrary to current forecasts, the evidence is clear that our country is regaining a sense of direction, rediscovering the merit system, and increasingly prepared not only to manage change, but to inspire it. With apologies to my former profession, we even have discovered that overhead cannot be our principal product.

America today is at the gate of a reindustrialization, which involves the evolution of whole new industries, such as those in the electronics and the biomedical fields; but which also involves the literal reconstruction of many mature industries through advanced technology methods. When you are the 45th poorest state in the Union, seeing the country formulate a new vision is more than encouraging—it is a signal opportunity that there is room for participation.

We hear voices telling us that high technology will result in less employment, or will benefit only a few advanced regions. Those views remind me of the planning commission which early in the century recommended that the Patent Office be discontinued since nearly everything had been invented. The obvious truth is that no one knows how this revolution will change us. But it will change us. We do know that we are in a formidable, world wide race with the other industrialized nations for economic leadership, and that dominance will be won by those which inspire, invest in and manage change most effectively.

My own discovery that high technology is a state of mind occurred when I represented an architect who specialized in hospital design. To keep track of his billings, he had put in a computer (in those years a bold thing to do). Watching this marvel perform, Cliff Stewart began daydreaming. Suppose he could put into the computer's memory not just receivables, but building codes, zoning codes, utility and wiring requirements for operating rooms, clearances, swing requirements. Suppose he could put into the computer the collective design experience of his whole firm. Suppose he could draw with a wand instead of a pencil. He daydreamed sitting with a client listening to the questions he had listened to for years, "What would be involved, if we add two operating rooms here? . . . or moved Emergency to this wing."

He wondered if the computer could not only tell him the implications of each change, but could then draw the revisions?

Avoiding the waste of re-inventing the wheel. Some 18 years ago, with the help of MIT graduate students, Cliff Stewart developed one of the first computer aided design systems. He called it ARC 1. Their first computer could only store a few pages of data, but it worked. Eliminate an operating room and a new bill of materials punched out. Add hospital rooms and the printer not only drew the floor plan, but reminded him that the parking lot was too small.

Xerox and Carnegie Mellon joint ventured a project which would far advance Stewart's system, but today Stewart and his 30 architects design hospitals with six computer systems with terminals right on the construction site so that change orders are tested against plans, and implications reckoned with immediately.

High Technology is a state of mind which restores value to innovation, experimentation, productivity and efficiency. It is a state of mind not just limited to the fields, which are themselves high technology, but equally applicable to architecture, potato farming, tool making, shoe making and industrialization.

The fuel for a reindustrialization sparked by high technology is in the quality of our educational system for at that core is trained inquisitive brain power.

In all 50 states volunteer commissions are at work trying to diagnose the ailments of public schools. It is now widely acknowledged that we have come through nearly 20 years of continuously less educated students, declining aptitude and achievement scores (especially in math and the sciences), and a disproportionate contraction in the pool of top achievers. We in Maine must be particularly concerned because, in math and the sciences, our student performance is below even the national downward spiral. But, what is of greatest concern to the analysts is not simply that Johnny does not read, add or subtract as well as 20 years ago, but Johnny's ability to think, to reason, to do multi-step problem solving has declined significantly. Studies released, just this week, show Japanese students solve complex reasoning and math problems twice as well as American students. The impact of this declining quality has been real.

One-third of our university math and science courses today are classified as remedial, and thus short resources are stretched in catch-up activities.

Seeking an explanation for these events, the Carnegie Foundation reports American education has largely become a memorization experience at precisely the time when the premium is on thinking. Teachers lecture and students write down. Students read handouts and write it down. The socratic method of teaching: asking questions, probing answers, dialogue, debate, making comparisons, the process of learning how to think through problems, level by level, is disappearing from many public school classrooms.

Why?

A recent poll of university students reveals that 4% desire a teaching career, compared with 20% two decades ago. As the fields of law, medicine, business, banking and industry continue to recruit women, the pool of talented women who choose teaching continues to shrink. In some places, nearly 40% of those teaching math and science in our own public schools are not certified in the subjects. If we look at the academic record of those going into teaching today at the elementary and high school level, fewer and fewer seem to be coming from the top of the pack. At one large college of education, the academic record of the 1983 entering class of soon-to-be teachers is below the average of the university's general student body. Think about it. Those who will be teachers increasingly are not as academic as those who will be their average students. No wonder Carnegie finds a shift from dialogue to lecture, from analysis to memorization.

A friend of mine is fond of saying capital goes where it is treated kindest. Well, talent is capital. The beginning salary for a Maine public school teacher is $10,000. After ten years of experience, maybe $17,000. If we are not getting or keeping the teaching talent we require, one obvious reason is that the talented are getting treated better doing other things.

One of the unavoidable changes we will have to manage is a public school pay scale that recruits the people who must be recruited, if we are going to have the superior education system world competition dictates. I think it will happen because America's commitment to education is more than just self-interest; it is historic.

The most striking thing about the advanced technology revolution at the university level is the reunification of industry and the academy. Our first hint of the relationship was that the first great electronic business centers of advanced technology were Boston, Atlanta, Austin, Palo Alto, even Singapore, which also happened to be the homes of major universities and university research centers. I say reunification of industry and the academy because America's agricultural leadership was directly related to the unique establishment of land grant colleges which, for decades, served as laboratory and continuing education centers for agricultural study. Few Easterners know that California's ability to develop a vinyard industry of world class rank is directly credited to the decades of research and development jointly invested at the University of California at Davis.

University participation is essential to America's newest reindustrialization in two respects. First, universities must continue to perform their traditional role of providing basic and advanced engineering degree programs so that a reindustrialized America has the basic engineering talent to be competitive. Japan presently produces twice the engineers with two-thirds our population.

We recently surveyed the majority of advanced technology business in Southern Maine and 59 percent reported that their growth would be directly related to their ability to attract holders of BS Degrees or to have access, on a local basis, to quality BS Degree educational programs for their employees. Twenty-one percent of the businesses surveyed required personnel with Masters Degrees and, in order to keep pace with rapid change in nearly all fields of engineering, access to first class programs of continuing education. They also reported a strong interest in new specialty engineering courses in manufacturing technology, value added engineering, cost benefit analysis and robotics application.

The university laboratory is the second key element in that reindustrialization. Universities do more than 50 percent of all basic research in the United States, and while much of it is government sponsored, a tremendous change is occurring. Several years ago, Congress adopted legislation encouraging universities to obtain patents and copyrights for their own research discoveries and now certain types of software developments are copyrightable. With industry increasingly recognizing its need to finance basic research, in the last two years, we have seen an explosion of research partnerships between universities and private industry. Usually, a company or group sponsors specific basic research by the university. The results of those labors are owned by the university and then licensed back to the sponsor for use in its territory.

For example, in 1983, Stanford accepted research grants of nearly $150,000,000 and its partnership royalty income exceeded $1,000,000.

Many other similar basic research partnerships opened this year. MIT and Harvard jointly received a $50,000,000 genetic research grant from a German pharmaceutical company. Harvard obtained a $6,000,000 grant from Dupont. Monsanto entered into a multi-year $25,000,000 partnership with Washington School of Medicine for basis research in immunology, as well as a $50,000,000 long-term project at Harvard. Six computer firms and Stanford have formed a partnership for biotechnology process research. Michigan just announced a $6,000,000 molecular biology research grant. These are but a few of the university-industry partnership ventures underway.

There are now 1,650 faculty engineering positions vacant nationwide. There has been a 7-year decline in the number of PHD engineering candidates. Indeed more than one-third of those engineering PHD candidates are foreign students. Many state supported universities short of engineering faculties and funds to carry out even undergraduate programs, have curtailed their PHD programs, critical to a vibrant research environment.

Those universities which are now building their research capacity and becoming participants in these industry partnerships not only are developing major long-term sources of new funding, but increasingly will be magnets for top-notch students. They will impact significantly on their regions and the industries which surround them. So, the reunification of industry and the academy in its 20th Century High-Tech version offers some enormously exciting opportunities.

The City of Portland is blessed today . . . a rejuvenated city with a remarkably array of institutions. The museum, the symphony, the hospitals, the performing arts center and the waterfront. What I have tried to suggest to you, however, is that in the long-term, its most important asset, I believe, is the University of Southern Maine.

Its new program for a Master Degree in electrical engineering, here in Portland, is a direct response to the needs of these firms whose future depends on advanced degree training. Its undergraduate program in computer sciences is a critical offering. The graduate degree program in immunology, now under study, would bring to Portland, its hospitals, and its biomedical industry the ingredients for a serious research center in genetics and allied studies, and the certain spin-off businesses which characterized the electronics research centers. The University's New Enterprise Institute is a nationally recognized model program geared to providing expertise to small entrepreneurial businesses symbolic of the high technology future.

Public institutions tend to meet public expectations. Our city has an array of institutions which just seem to get better and better. I am sure that is because the public's pride, support and expectations of excel-

lence are felt keenly by the institutions themselves.

We are in an era when the region's economic vitality depends upon the vitality and excellence of our university resources. The visions you have heard today may strike you as ambitious, but I suspect they are nothing compared to those of Bob Woodbury.

I hope we have reached the time when the voices encouraging those visions reach well beyond the University's official Alumni. Time will prove that whatever our personal colleges, we all have a great stake in this becoming, with pride, our University.●

H.R. 2615

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. FRENZEL. Mr. Speaker, on January 24, when the House debated, amended, and passed H.R. 2615, the Weatherization Act, I was absent because of official business. Had I been present, I would have voted for restricting amendments against the bill.

Our deficit is too high already. We cannot just keep adding to our already outrageous spending for every good purpose that occurs to our majority group here.

We have already appropriated one-half billion dollars for fiscal year 1984. We ought not add more to what is already too much.

The votes on January 24 have begun to separate the spenders from the deficit fighters. Those who continue to vote for more spending will simply have to accept the responsibility for the deficit.●

EDUCATION AND LABOR COMMITTEE EXONERATED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. FORD of Michigan. Mr. Speaker, during the last session, serious allegations were made of improper alterations of an amendment to H.R. 2461, the Rehabilitation Act Amendments of 1983. This amendment was adopted in legislative session of the Committee on Education and Labor, and the majority party and its staff were accused of having made the improper alterations.

The Committee on Standards of Official Conduct carried out a thorough investigation of this and other allegations of improper alterations of House documents. In its comprehensive report, "Investigation of Alleged Improper Alterations of House Documents," the Committee on Education and Labor was exonerated. Since the unfounded charges against the Committee on Education and Labor were widely and publicly circulated at the time they were made, I think it appropriate to include in my remarks the full text of the findings and conclusions of the Committee on Standards of Official Conduct from its report:

A. APRIL 20, 1983, LEGISLATIVE ACTION BY THE COMMITTEE ON EDUCATION AND LABOR

On July 12, 1983, Representative John Erlenborn testified before the Committee on Rules that in his judgment, "a 67-word amendment * * * grew to 386 words between the time it was ordered reported from the Education and Labor Committee and the time it was printed." (See Cong. Rec., daily ed., July 19, 1983, H 5242.)

The situation precipitating Representative Erlenborn's remarks and his allegation of improper alteration are set forth below.

On April 20, 1983, the Committee on Education and Labor considered H.R. 2461, the Rehabilitation Act Amendments of 1983. During the markup session, the Committee Chairman, Representative Carl Perkins, offered an amendment affecting certain program authorizations. His amendment was intended to increase particular program authorizations to the target levels contained in the first budget resolution for fiscal year 1984 (H. Con. Res. 91) as passed by the House. A chart entitled, "Comparison of the Authorization Ceilings Contained in the Omnibus Budget Reconciliation Act of 1981 for fiscal year 1984 with The Assumptions in The First Budget Resolution As Passed By The House," was provided to every committee Member during the consideration of the amendment.[6] The Chart identified nine programs having a higher figure under the budget resolution than under the ceiling established by the 1981 Reconciliation Act.[7]

The Perkins amendment stated:

SEC. 110. (a) There are authorized to be appropriated for any program under the jurisdiction of the Committee on Education and Labor such funding levels as are assumed under the first budget resolution (H. Con. Res. 91) for fiscal year 1984.

(b) The authorizations of appropriations under subsection (a) of this section supercede, and are not in addition to, authorizations, under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35)."

Regarding Representative Erlenborn's allegation, the Committee obtained a copy of a portion of the transcript of the April 20, 1983, markup of H.R. 2461. The following discussion took place:

Mr. PERKINS. Mr. Murphy and myself are offering an amendment and we are adding a new section, 110. A, there are authorized to be appropriated for any program under the jurisdiction of the Committee on Education and Labor such funding levels as are assumed under the first budget resolution, H. Con. Resolution 91 for the fiscal year 1984.

B, the Authorization of appropriations under Subsection A of this Section supercede and are not in addition to authorizations under the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35.

Now, what this does—

Mr. ERLENBORN. Mr. Chairman, might I reserve a point of order on the amendment?

Mr. PERKINS. Go ahead.

Mr. ERLENBORN. I'll just reserve it and let's debate it. [Laughter.]

I'll think about the reasons as we are debating it. [Laughter.]

I thank you very much.

Mr. PERKINS. We bring some programs here up to the Fiscal Year 1984 first budget resolution, the compensatory education, chapter one, and the migrant education, and the impact aid from 475 to 505 and education for the handicapped from $1.17 billion up to $1.226 billion, and vocational education from $375 million up to $937 million, which was in the first budget resolution, and Mr. Murphy may want to make a statement at this time.

Mr. MURPHY. The amendment by the Chairman is to allow the appropriations process and the budget process the flexibility that will be necessary if we find that we, as a majority in Congress, want to increase the funding, and most of these of course, again, would be discretionary but at least allows the appropriations process the flexibility of adding a few dollars here and there for the programs as they may see fit and that have been recommended through the budget process.

Mr. ERLENBORN. Mr. Chairman?

Mr. PERKINS. Go ahead, Mr. Erlenborn.

Mr. ERLENBORN. Mr. Chairman, I must admit to being caught by surprise with this amendment, having no knowledge of it until it was put before me a minute ago.

Mr. PERKINS. Well, we just decided on it a few moments ago. [Laughter.]

Mr. ERLENBORN. I kind of thought that there was very little thought put into this. [Laughter.]

First of all, for those who are truly interested in the bill before us, may I point out that this amendment is not germane to the bill, and that's why I was reserving a point of order, or I thought I had. I reserved it for a very brief time apparently. But it is really not germane to this bill because it affects every program, the authorized level for every program within the jurisdiction of the Committee on Education and Labor.

Mr. PERKINS. No, let me say to the gentleman entitlement programs like the school lunch program, that will have to come in a separate bill but the other programs under—not under entitlements.

Mr. ERLENBORN. That's why I said the authorization level. It certainly would not change the formula for entitlement. But the authorization levels of every program within the jurisdiction of this committee.

Now, might I just suggest that if this, its obvious purpose——

Mr. PERKINS. It only affects, let me say to the gentleman, nine programs where we have jurisdiction over some 40 or 50 here.

Mr. ERLENBORN. Well, let me say that its obvious purpose is not to lower authorizations but, rather, to increase them. . . .

The Committee's understanding of the above-quoted portions of the April 20, 1983, markup session is that Representative Murphy clearly stated that the Perkins amendment affected (by way of increase) the authorization on only nine programs, not every program within the Committee on Education and Labor's jurisdiction, as Representative Erlenborn had argued. The chart Chairman Perkins provided to Members also established this feature of the amendment. The Perkins amendment was subsequently agreed to by an 18-9 vote. The Committee on Education and Labor, by

[6] The Committee points out that, despite the clear intent of the amendment, H. Con. Res. 91 does not contain specific program authorizations. This matter was noted in a July 19, 1983, letter from Representative Perkins, discussed infra.

[7] The programs were compensatory education, impact aid, education for the handicapped, vocational education, arts and humanities, Department of Education salaries and expenses, community services block grants, low-income energy assistance, and the women, infants, and children program.

voice vote, then agreed to a motion by Representative Murphy to report H.R. 2461, as amended, and to allow the staff to make necessary technical and conforming amendments. (The Committee notes that Representative Erlenborn's point of order was overruled. No view is expressed on whether the objection (apparently based on the germaneness of the Perkins amendment) was well-founded.)

It further appears that Representatives Erlenborn, Goodling, Gunderson, Bartlett, and Nielson came to understand the limited effects of the amendment. Specifically, the Education and Labor Committee report on H.R. 2461 (H. 98-137) contained the following statement by the named Members (in their dissenting views) concerning the Perkins amendment.

This amendment, as offered, in conjunction with comments of the Chairman, its sponsor, would have the effect of increasing authorization of appropriation ceilings for 1984 for selected programs by more than $1.3 billion over the ceilings for those programs set in the Omnibus Reconciliation Act of 1981.

The minority report went on to complain about the increased length of the printed (reported) amendment as compared with the brevity of the introduced version. (The Committee notes that Chairman Perkins referred to 9 programs during the April 20 markup although 10 were listed in the Republican Members' dissenting views, quoted above. The Committee determined that Chairman Perkins' amendment treated two programs as one because of the President's proposal to consolidate the vocational and adult education programs into a single block grant. The 10 programs listed by Representative Erlenborn, et al., were the same referred to by Chairman Perkins on April 20, 1983.)

The Committee has also obtained a copy of a July 19, 1983, letter Representative Perkins sent to Representative Claude Pepper, Chairman, Committee on Rules, regarding Representative Erlenborn's allegation that the subject amendment had been improperly altered. The letter stated, in part:

INTENT OF AMENDMENT

My amendment did, as described in the Minority report, go from 67 words to over 380 words. Those 380 words, however, were substantially more precise in describing what the Committee intended than my original language.

Title IV as reported increased the total authorizations of ten programs within our jurisdiction by $1.35 billion. The revision did not change the cost of the amendment; the original and the revised language were both tied to the same set of figures, the assumptions in the House-passed version of the budget resolution.

The reason for revising the amendment stems from the complexity of the budget process. As you know, it is only since the 1981 Reconciliation Act that authorizing Committees have become involved with budget assumptions, authorization ceilings, and budget targets. This new, complex process requires new approaches in authorizing legislation and presents new difficulties in drafting amendments that are technically correct.

As originally drafted, the amendment referred to "such funding levels as are assumed under the first budget resolution." This was intended to be a concise way of covering all ten programs whose authorizations were being increased. I believed these levels were known to all, since passage of a budget resolution generates much discussion about the individual program funding levels on which the total budget ceilings in the resolution are based.

Soon after the Committee mark-up, I learned that these "assumptions" are not always printed in the public reports and records dealing with the budget resolution.

Thus, to tie my amendment to "assumptions" which do not have any official standing would cause a great deal of confusion. So, in order to carry out the clear intent of the Committee during the mark-up, the figures for each program as shown on the chart which everyone had at the meeting were incorporated into the text of the amendment itself.

The staff did not exceed the authority given it by the Committee to make technical and conforming amendments. No one can deny that the language in the reported bill was a more accurate, more specific reflection of what I intended and what the Committee intended when it adopted my amendment. No one was confused, no one was deceived, there was no misrepresentation and the Committee's intention was accurately reflected in the reported bill.

The thrust of Representatives Erlenborn's objection is two-pronged. First, he argued the Perkins amendment was not germane to the bill, H.R. 2461. Whether this proposition is correct is a matter not relevant to the investigation under House Resolution 254.

Second, Representative Erlenborn argued that the staff erred in revising the amendment pursuant to the authority granted by Representative Murphy's motion; an error tantamount to an improper alteration of the original language of the amendment. In stating his objections to the Committee on Rules during its meeting on July 12, 1983, Representative Erlenborn observed that the amendment was extensively revised to address two concerns: That based on the chart (which accompanied the amendment) the original text had the unintended effect of also reducing 15 program authorizatins rather than just increasing nine. To eliminate this problem, Representative Erlenborn argued that the staff altered the amendment to affect only programs which stood to gain in authorized dollars. This was accomplished by adding language (a new subsection (c) to the amendment) identifying the programs affected.

The revisers, in Representative Erlenborn's view also improperly added words making clear the amendment affected only funding levels assumed under the first budget resolution, "as it passed the House on March 23, 1983," to avoid the problem of the House-Senate conferees on the First Budget Resolution agreeing on lower levels than those assumed in the House-passed version.

CONCLUSION

The Committee concludes that this allegation does not involve an improper alteration. The revised language was apparently a more precise articulation of the intent of the original amendment, having no effect on cost or the programs covered. Specifically, the amendment was clearly intended to reach nine programs for the purpose of increasing authorization levels to those assumed in the House-passed version of H. Con. Res. 91. Further, as evidence by materials provided during consideration of the amendment and the discussion thereon, Representative Erlenborn and others clearly understood the full intent and scope of the proposal. Finally, the motion by Representative Murphy expressly authorized the staff to revise the amendment. The Committee expresses no view on whether the amendment was germane or whether the staff's revision exceeded accepted technical or conforming practices.●

THE CONGRESSIONAL PAY RESPONSIBILITY ACT

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. VANDERGRIFF. Mr. Speaker, tomorrow we will receive the President's 1984 budget proposal, and, no doubt, we will be asked to make difficult decisions in our attempt to reduce the deficit. To be candid, however, I would hope that this Congress will see fit to do more than merely put a down payment toward our goal of a balanced budget.

Our Senate colleagues have already acted to repeal last year's vote to increase congressional pay, which, I might add, I vehemently opposed and voted against. I am hopeful we in the House will soon have the opportunity to follow suit. If we are to make a real impact on the deficit, we all must do our part. We can ask no less of ourselves than we will ask of the American people. But, Mr. Speaker, in addition to repealing this ill-conceived and ill-timed pay raise, we must insure that Congress cannot again approve a pay increase for itself without full public scrutiny. We must take steps to restore the public's confidence in the Congress which has been further eroded by allowing this pay raise to take effect.

To this end, I am today introducing legislation to require a separate recorded vote on any measure which would grant a pay increase to Members of Congress. Our constituents have a right to know how we vote on these matters. In addition, my bill would prevent any pay increase from taking effect until we return home, face our constituents, and are asked to return as their representative.

I know that most of our constituents find such a pay raise difficult to accept at this time. I most certainly share this sentiment, as long as the deficit remains at catastrophic levels, while there are still so many people unemployed, and when this body is considering tax increases and more deep cuts in social programs.

My proposal, the Congressional Pay Responsibility Act, by itself, will not result in a balanced budget, nor will repealing the pay increase already in effect. These, however, are the very first and the very least steps we should take. Until such time as we take these steps, I will return to the U.S. Treasury the amount of this and

any subsequent pay raise with instructions that the sum be applied toward reducing the deficit. I know that the impact of this action is small in comparison to the size of the deficit, yet it is simply the very least I can personally do. I owe it to the people of the 26th Congressional District in Texas, and, indeed, to all the taxpayers of this Nation. I urge my colleagues to join in my efforts, and I ask that the text of my bill be printed in the CONGRESSIONAL RECORD. Thank you.

H.R. 4703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Pay Responsibility Act".

SEC. 2. (a)(1) Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), relating to congressional salary adjustment, is amended by striking out "Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule,", and inserting in lieu thereof "Effective at the beginning of the Congress next following any Congress during which an adjustment takes effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule,".

(2) Such section 601(a) is further amended by adding at the end thereof the following new paragraph:

"(3) The rates of pay for positions referred to in paragraph (1) of this subsection recommended by the President under subsection (h) of section 225 of the Federal Salary Act of 1967 (2 U.S.C. 358) in any year shall take effect on the later of (A) the beginning of the Congress next following the Congress during which the recommendations for such rates of pay were transmitted by the President under such subsection or (B) the date prescribed by the President under subsection (i)(2) of such section (2 U.S.C. 359(2)).".

(b)(1) Subsection (h) of section 225 of the Federal Salary Act of 1967 (2 U.S.C. 358) is amended—

(A) by striking out "include, in the budget" and all that follows through "Commission" in the first sentence and inserting in lieu thereof the following: "transmit to the Congress, within the period of fifteen calendar days beginning on the date on which the Congress convenes for the first session which begins after the date on which the report and recommendations of the Commission are required to be submitted", and

(B) by striking out the second sentence.

(2) Paragraph (1) of subsection (i) of such section (2 U.S.C. 359(1)) is amended—

(A) by inserting "(A)" after "(1)";

(B) in the first sentence—

(i) by inserting "the office of Vice President of the United States and" before "the offices and positions"; and

(ii) by striking out "(A),";

(C) in the third sentence—

(i) by striking out "described in any such subparagraph" and inserting in lieu thereof "referred to in the first sentence of this subparagraph;" and

(ii) by striking out "the offices and positions covered by such subparagraph" and inserting in lieu thereof "such offices and positions"; and

(D) by adding at the end thereof the following new subparagraph:

"(B) The rates of pay for offices and positions within the purview of subsection (f)(A) of this section (other than the office of Vice President of the United States) recommended by the President under subsection (h) of this section in any year shall take effect as provided in section 601(a)(3) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(3)).".

(3) Subsection (j) of such section (2 U.S.C. 360) is amended—

(A) by striking out "if approved by the Congress as provided in subsection (i)" and inserting in lieu thereof "upon taking effect as provided in subsection (i)"; and

(B) by striking out "(other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations)" in subparagraph (A) and inserting in lieu thereof "(other than any provision of law which, in the case of any recommendation to which subsection (i)(1)(A) of this section applies, is enacted in the period specified in such subsection (i)(1)(A) with respect to such recommendation or which, in the case of any recommendation to which subsection (i)(1)(B) of this section applies, is enacted with respect to such recommendation after the date of which the President transmitted such recommendation to the Congress)".

SEC. 3. (a) For purposes of this section, the term "Member of the Congress" means any person who holds the office of Senator, Member of the House of Representatives, Delegate to the House of Representatives, Resident Commissioner from Puerto Rico, President pro tempore of the Senate, majority or minority leader of the Senate or the House of Representatives, or the Speaker of the House of Representatives.

(b)(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or joint resolution which includes an appropriation, or a limitation on the use of appropriated funds, for the compensation of Member of the Congress for any fiscal year or part of a fiscal year if such bill or joint resolution also includes an appropriation, or a limitation on appropriations, for any other purpose.

(2) Paragraph (1) of this subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(c) The vote of each House on each bill or joint resolution which includes an appropriation, or a limitation on the use of appropriated funds, for the compensation of Members of the Congress for any fiscal year or part of a fiscal year shall be recorded so as to reflect the vote of each Member of the Congress thereon.●

KEN TOMLINSON AND THE NEW VOA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BROOMFIELD. Mr. Speaker, let me take this opportunity to recommend to all of my friends in the House an excellent article about the Voice of America and its new Director, Ken Tomlinson. I want to commend Mr. Ken Tomlinson for his fine efforts in giving new life to the Voice.

Let me put in perspective his contributions to America's voice to the world. It is ironic that the most powerful and technologically advanced Nation in the world should tell its story to the masses around the globe with antiquated equipment, insufficient staff, and inadequate budgets. The powerful and modern transmitters operated by the Soviets, their Eastern European allies, and their surrogates in the Caribbean are literally overwhelming the Voice's signals and keeping these transmissions from reaching an increasingly growing overseas audience that desperately wants to hear the truth about America, and the truth about what is going on in the world.

All too often, Americans returning from overseas tell how difficult it is to find Voice of America broadcasts on the shortwave listening bands. Radio Moscow, however, is clearly heard even in distant parts of the globe. Why should we let this appalling situation continue when the remedy is at our fingertips?

All of this is happening at a crucial time. More than ever before, this is a period in our Nation's history when truth and democracy are being challenged throughout the world. This is a time when the forces of totalitarianism are more powerful, more determined and more aggressive than ever before. Today is also a period when the expectations of millions around the globe have never been greater. More than ever before, people want uncensored information and know the importance of having that information sent to them. Today, we are witnessing a communications explosion and the Voice of America must be on the cutting edge in both technology, program presentation, and content.

Thanks to the energetic efforts of Charles Z. Wick, the head of the U.S. Information Agency, and the determined efforts of Ken Tomlinson, a program is underway to modernize the Voice so that our broadcasts can again be heard in the distant corners of the world.

With these thoughts in mind, I strongly recommend this article which presents both the philosophy and the

new image which Ken Tomlinson is bringing to the Voice. I wish him and his staff success and good fortune in their undertakings.

The article follows:

[From the Journal of Defense & Diplomacy, Dec. 1983]

INTERVIEW: KEN TOMLINSON

(Ken Tomlinson has been the director of the Voice of America since December 1982. He began his journalism career as a reporter with the Richmond, Va., Times-Dispatch. In 1968, he left to join the staff at Reader's Digest. While at the Digest, he was assigned to the magazine's Paris-based European editorial office and its Washington bureau. In 1981, he became a senior editor at the Digest's New York headquarters, a position he held until he was appointed the head of the VOA.)

JODD. What is the general purpose of the Voice of America? Why do you think the United States should have an organization like the VOA?

TOMLINSON. We say at the Voice of America that the standard and the purpose are the same. It's to tell the truth; it's to get out the truth. When we went on the air in 1942, we told our audience that the news may be good from the standpoint of the United States, the news may be bad from the standpoint of the United States, but you'll get the truth on the Voice of America. It's an essential precept of democracy that truth will prevail. I think that in maintaining the high standards of international broadcasting, maintaining the standards as we are required to by law, to broadcast comprehensively and objectively about what's going on in the world, that we serve that higher purpose. We have to remember, too, that the founding fathers of this country were, in many ways, the first national political group which asserted that the free flow of information is essential, that the people have a right to facts and opinions and that the people can use this information to choose, and choose wisely.

Now, some people in the United States have a difficult time understanding why it's so important to have an international radio voice, because they live in a media-saturated society, even with the decline of newspapers in this country. Virtually every household has a television set, has a radio, newspapers, magazines, and they think, "Why should the U.S. government be in the radio broadcasting business?" The answer to that question is that we're unique in terms of this wealth of access to information. Our audiences in totalitarian countries and in the third world literally depend on the Voice of America, the BBC and other western broadcasters for what is really going on in the world.

Finally, I think that the Voice of America and other western broadcasters serve what, in long term, is a mission of peace. We believe that if totalitarian leaders are convinced that their people will learn the truth from international broadcasts, that that might have an effect on their potential for war-like actions. If they know that they are going to be judged by their own people—if they know their people are going to have access to the actions of the leaders—this will serve as a check on the pursuits of totalitarian leaders. I think that's why the Soviet Union has put such great emphasis on jamming, for example. It's well known the Soviets spend more to jam western broadcasts than we spend on our entire Voice of America worldwide budget.

JODD. There is an ongoing debate over whether the VOA is a news and information service or whether it's an active tool of U.S. foreign policy—a propaganda organ, for lack of a better name. Conservatives, for example, have often said that the VOA has not been aggressive enough in directly combating anti-American propaganda and Soviet misinformation. As some people put it, the Voice of America is mumbling. Liberals, on the other hand, are afraid that the VOA could just become a U.S. version of Radio Moscow.

TOMLINSON. The mission of the Voice of America was set forth very clearly in a law passed in 1976. One, we are to serve as an objective and a comprehensive news operation. Our listeners around the world should be able to hear the news in the highest traditions of journalism on the Voice of America. Now, I do note that the mandate for balance on the Voice of America is balance within the American political spectrum. It's not balance halfway between Washington and Moscow. Nevertheless, the mandate is clear in the law.

Point two of the law is that we should reflect and convey the essence of American institutions to give the world a sense of what this country is all about—difficult journalism, and yet very, very doable.

Part three says that the Voice of America shall present the official positions of the United States government, and we now do so through our editorials. We've instituted, in the last couple of years, an editorial page on the Voice of America where people can hear a reflection of views of the U.S. government. These editorials are clearly labeled. They are brief, but they do convey daily positions of this government on a myriad of subjects.

I've been listening to the VOA for many years and I, in many ways, became interested in the Voice of America in the first place because of what I felt as a journalist based abroad to be very clear shortcomings in VOA broadcasting. Not so much in regard to news, although I think we've had a significant improvement in our news in the last couple of years as we've moved to 10-minute news broadcasts at the top of the hour, as we moved to greater depth in our news coverage and longer news programs, but I was concerned as a listener that I was not getting the quality of current affairs programs that I had on the BBC. The Voice of America did not really have an equivalent of the BBC's "World Today," a program that takes a significant issue of the day and focuses on it, using a number of authorities from across the political spectrum. It was the kind of "focus programming" in the current affairs area that I thought was missing from VOA. It seemed to me that responsible critics of the VOA, both from the left and the right, could be satisfied by raising the quality, depth and relevance of the product, and this is the first thing we set out to do. We now have a program called "Focus" which takes a significant issue of the day and, utilizing authorities from various points in the U.S. political spectrum, produces enlightened facts and opinion on these topics.

I felt, that, to use a phrase I've used many times, the Voice of America should reflect the voices of America. I heard a greater reflection of the voices of Britain and the world on the BBC than I did on VOA. In the current affairs area, we traditionally did our inside view. Or, if we did go outside the institution or bring someone else in, we'd put out a microphone and have a 30-minute interview with one person, as opposed to blending many voices on the topic. To change this, we've added viewpoint commentaries. Not for the purpose of point-counterpoint broadcasting, although the people are free to disagree, but for the purposes of giving the world a sense of how American opinion is formed on the left and right and in the center. I think an essential function of the Voice of America is to reflect what America is, and if you examine what's at the heart of American tradition, you quickly see the importance of pluralism. We have a political right and we have a political left and we have a political center. We have a congress, we have a judiciary, and we have the executive branch. And, if anyone around the world wants to understand this country, that person is going to have to come to grips with the diversity of opinion that graces our democracy. Those people should be exposed to the attitudes of the major segments of American political philosophy. They should get a sense of how leaders at various points in the American political spectrum come to their conclusions; we try to give them that in "Viewpoints." We've added, for example, an expanded opinion roundup. We've added a feature of reflecting what's in the American press and what's in the magazine press. Again, to give the world a sense of what American voices are saying.

JODD. How easy is that, considering some of the audiences? Much of your audience, for example, is in countries that have state-controlled medias, and it has been said before that perhaps some of these audiences may not be sophisticated enough to see what you're trying to get across—that the United States is a pluralistic society—since that is often a rather subtle message.

TOMLINSON. Well, in the first place, I think it has to be understood that within the American political spectrum, you do not have a great deal of disagreement over the big picture aspects of a number of issues. Is there disagreement in this country about what's happened in Afghanistan? No. Is there disagreement about what's happened in Poland or the right of workers to organize, or major segments of the human rights picture? No. But, I think as much as possible, it is important for our listeners in English, as well as our listeners in the 41 other languages we broadcast in, to hear the thoughts and opinions of Americans, and of significant people residing in this country, on important issues.

For example, one of the most significant programs ever to be broadcast on the Voice of America is a series we now have running in our Russian service called, "Conversations with Rostropovich." We recently went with our first in this series, which is patterned after Eric Severeid's, "Conversations with Eric Hoffer," in the 1960s—an incredibly significant television series. Mstislav Rostropovich is one of the most remarkable figures of our time, and from his vantage point, he has much to say to the people of the world and particularly the people of the USSR, in terms of comparing life in the Soviet Union, where he grew up and lived for many years, and life in the United States, where he is now. The first program with Rostropovich was amazingly credible because he spoke very carefully about the pluses and the minuses of his life growing up in the Soviet Union and of life in the West, although it is clear which system he favors. The best broadcasting we can give the world is broadcasting that involves significant American opinion makers, which in-

volves the best that the United States has to offer.

JODD. What does the Voice of America do in order to keep itself from being mistaken by a foreign audience as just another version of Radio Moscow? Apparently, some people don't see the Voice of America as credible as, say, the BBC, because there's a tendency on the part of some people to say, "Oh, they're just broadcasting propaganda like Radio Moscow is." How do you combat such a problem like that—a built-in bias against the Voice of America?

TOMLINSON. With our news. Anyone who listens to our news for 15 seconds and then listens to the news of Radio Moscow for 15 seconds has no problem discerning that one if factual, credible and truthful, and the other is not.

I think we're slowly getting this message across in this country. I think in the past year there has been a rather remarkable turnaround in the image of the Voice of America as we have, number one, improved the quality of our product and made it a product comparable with any journalism in the world. And combat the bias by communicating to Americans, who rarely, if ever, listen to the Voice of America, just what we are and how high our standards are.

JODD. So the big problem is just getting them to listen in the first place.

TOMLINSON. People around the world are listening. Our listening audience in the People's Republic of China, for example, has grown incredibly in recent years according to informal estimates. We have the formal estimates of this tremendous increase in our audience in eastern Europe. Our audience in the Soviet Union, likewise, has grown despite jamming. The Voice of America has tremendous credibility around the world. It's unfortunate that what was sometimes a rather foolish domestic debate about what the Voice of America should be served somehow to tarnish the image of what Voice of America is.

Let me make clear, as I said many times, that as a journalist, I had many problems with the creativity, relevance and professionalism of the VOA's product that I heard over the years in the nonnews area. But I think we've had a significant increase in the quality, professionalism and relevance of our broadcasts. I think you're going to see a continued increase in that professionalism. And, the real test, I think, is something that I do from time to time. I take a typical Voice of America program—"Newsline," for example—and I send it to an informal mailing list of roughly 16 congressmen and senators, half Republican, half Democrat, half liberal, half conservative, and I say, "We aren't perfect, but listen to this and I think you'll agree it represents good broadcasting." To date, the reaction from both sides of the political aisle has been very positive.

JODD. As a way of comparison, could you give me some rough figures on the VOA worldwide audience versus Radio Moscow?

TOMLINSON. We have an overwhelming lead in numbers despite the fact that Radio Moscow broadcasts in roughtly twice the languages and in infinitely more hours than we broadcast in. You can travel the globe and you'll be able to find the Radio Moscow signal loud and clear at many points on your shortwave dial. You'll have to strain in many places to hear the Voice of America. Even so, we have a worldwide listening audience of more than 100 million. We believe confidently that we're the most listened-to international broadcaster in the world and that in terms of serious listeners, Radio Moscow is not even close. It is, after all, not a relevant international broadcasting operation. It's totalitarian propaganda.

JODD. You talked about your editorials and their reflecting the opinions of the U.S. government; who writes those?

TOMLINSON. Those editorials are written in our policy office at the Voice of America, which is in close touch with significant people throughout government, White House, NSC [National Security Council], State Department and Department of Defense. The editorials have been very, very popular with the leaders of our government. But, I hasten to add that those editorials will change in substance and tone depending on what the leadership is in Washington. Those editorials reflect the views of our current government.

JODD. The administration, you mean, I was wondering if you also meant congress.

TOMLINSON. Of the government in power, although we are very careful to send members of congress across the political spectrum copies of those editorials. The editorials also have helped us in stopping this left-right tugging for control of the Voice of America's microphone. It has given elements of the government a place to go to convey U.S. policies.

U.S. policies should not be mixed with the news. U.S. policies should not be inserted in news and current affairs broadcasting. There should be a place in our broadcast hour where listeners around the world can turn to for something reflecting the official U.S. government position. The news at the top of the hour does not necessarily reflect the views of the government. The views may be good or it may be bad from the standpoint of the government. The editorials have been very important in enabling us to fulfill part three of the law which governs us—that we shall reflect U.S. government policy while preserving the journalistic sanctity of other aspects of our program.

JODD. I understand that some of your equipment was captured from the Nazis at the end of World War II and is still in use, and that little of your equipment is less than 15 years old, and a good deal of it is more than 30. How does this affect the Voice of America's ability to broadcast around the world, for one, and what steps are being currently taken to update and modernize the equipment?

TOMLINSON. Well, it simply means that with each passing year, the Voice of America becomes weaker and weaker around the world. You cannot expect a 30-year-old transmitter to release the broadcast power that that transmitter could provide two or three decades ago. And this constitutes a national disgrace. It is nothing short of scandalous when people in Iran, Afghanistan, major chunks of the Soviet Union and many places in Africa, write us, saying, "Why cannot we hear your signal as clearly as we could years ago?" The answer is deceptively simple. The equipment is largely antiquated. Fortunately, we have a president and a head of the United States Information Agency, Charles Wick, who are committed to rebuilding the Voice of America. President Reagan took one of his weekly national broadcasts to call attention to the condition of our facilities. Now, of course, something that took many, many years to waste away, is going to take a good deal of time to replace. It takes approximately three years from start to finish to design, procure and install a shortwave transmitter relay station, with the antennas and all the equipment involved. It takes time to build up the engineering expertise that we're going to need to replace equipment around the world and put in units and installations where we need to send a stronger signal. Also, in this time of government austerity, it's very, very difficult for an institution which has not spent money in many years on modernization to gather the momentum to obtain the funding. But, I'm saying bacause of the president's personal interest in it, because of the great support that we have on Capitol Hill, because of the support and commitment that we have in this country to international broadcasting, that in the next year, you're going to see real movement toward a six-year program that is going to result in state-of-the-art broadcasting and that will also seek significant short-term increases in the quality of the signal we send around the world.

JODD. The recently created Radio Marti will broadcast solely and directly to Cuba under the auspices of the Voice of America. How exactly is Radio Marti going to be organized and what will be its editorial content?

TOMLINSON. Radio Marti will meet the legal standards established for the Voice of America in terms of accuracy and journalistic professionalism. But, congress also said that we will allow, established within the Voice of America, a Cuban-service Marti program that will be administered separately from the main stream of the Voice of America and which will serve a different function from the rest of the Voice of America. That is, to broadcast to the people of cuba about conditions in Cuba and about things involving Cuban interest around the world. Many of the details are being decided, but two things about the Marti program are absolutely essential. Number one, credibility. This program must have the credibility of the Voice of America, both in its news and in its historical and current affairs broadcasting to Cuba, about Cuba. Number two, a key to Radio Marti is going to be a large and effective research organization. You cannot rip and read Associated Press, UPI or Reuters and broadcast to Cuba about Cuba. You have to have a significant and highlevel research operation. But, we think that as difficult as it might appear, that it is doable to have VOA standards and still have broadcasting to Cuba, about Cuba, on topics of great interest to the Cuban people.

JODD. What do you think of Castro's threats of jamming Radio Marti? Do you think that he has the capability for doing it?

TOMLINSON. We'll see. I have a feeling that we're going to surprise a lot of people with the quality of these broadcasts. After all, in the area of entertainment alone, most significant Cuban entertainers now live in this country. Marti will be a station that will provide news, information and entertainment. It's going to be a bright station in stark contrast to the drabness of Castro's government propaganda. Will he jam it? Only time will tell. You know, we have never been jammed in English in the Soviet Union because many people believe that the Soviet elite—a substantial percentage of which speaks English—wants to have access to information about what's really happening in the world. Maybe Castro will find Marti broadcasting so interesting and entertaining that there will be considerable opposition to jamming this great new sound.

We should not be dissuaded from filling this gap in international broadcasting because of fears of jamming. All of us involved

in journalism believe that the exchange of opinion and information in the long run serves the cause of peace.●

BULLETPROOF VESTS MAY SOON OUTLIVE THEIR USEFULNESS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BIAGGI. Mr. Speaker, over half of our Nation's 528,000 law enforcement officers currently wear soft body armor on a daily basis. The U.S. Justice Department estimates that these bulletproof vests have saved over 400 police lives since they first started being used in the mid-1970's.

As a 23-year veteran of the New York City Police Department—and one who was wounded 10 times in the line of duty—I am most impressed by the added protection these vests provide to police. However, I am also greatly distressed that these vests may soon outlive their usefulness. The reason: Criminals have access to armor-piercing handgun ammunition.

Since 1980, I have been pushing for a Federal ban against armor-piercing handgun ammunition that can penetrate the soft body armor worn by law enforcement officers. While some progress toward that goal has been made, my legislation—H.R. 953—and its Senate companion—S. 555, authored by Senator DANIEL PATRICK MOYNIHAN—remain stalled in committee.

The logic behind my proposal is simple: All handgun cartridges capable of penetrating the 18-layer Kevlar vest most often worn by police would be outlawed, except for military and police use. My bill, entitled the "Law Enforcement Officers Protection Act," would also provide a mandatory 1- to 10-year prison sentence for any person convicted of using these bullets in a crime.

My legislative effort has been endorsed by individual police departments and major police organizations across the country, including the International Association of Chiefs of Police, the Fraternal Order of Police, the International Union of Police Associations, and the International Brotherhood of Police Officers. Over 140 editorial boards across the country have called for a Federal ban on armor-piercing handgun ammunition. Further, my bill has 182 cosponsors to date, and the Senate measure has 17.

Nevertheless, this legislation remains stalled in committee. The major reason is a reluctance on the part of the Reagan administration to endorse my bill, or to offer alternative legislation of their own.

The Reagan administration has long given assurances that they share my deep concern about the serious threats armor-piercing ammunition poses to our law enforcement community. In fact, they made a statement early in 1983 that they expected to complete a study on this issue and submit legislation to Congress banning the armor-piercing handgun ammunition by the summer of 1983. That deadline has long since come and gone.

In a report dated November 7, 1983, Assistant U.S. Attorney General Robert A. McConnell told me that—

It would be speculative at this point to suggest precisely when an administration bill (to ban armor-piercing handgun bullets) will be submitted. In fact, in light of the difficulties we have encountered to date, it would be speculative to state that such a proposal will be submitted to the Congress * * * there is much yet to be done and I cannot say with any certainty how events will unfold * * *. The difficult nature of the project, however, and the necessity of precision in the definition of armor-piercing ammunition, have made this a more lengthy process than we had hoped.

I remain hopeful that a Federal ban against armor-piercing handgun ammunition can be enacted this year. In the meantime, it is important to remember that as the number of police officers wearing bulletproof vests continues to grow dramatically, criminals have more reason to seek and use armor-piercing "cop killer" bullets.

At this time, Mr. Speaker, I would like to insert a New York Post article of January 25, 1984, with a headline that read "Bulletproof Vest Saves Cop From A Sniper":

BULLETPROOF VEST SAVES COP FROM A SNIPER

(By Glenn MacDonald)

A New Jersey police detective was shot in the chest by a sniper yesterday—but his bulletproof vest saved him from anything worse than bruises.

Miraculously, said Mark Adamson, 29, he decided to wear the bulky vest yesterday "for the first time in a month."

Officers swarmed into a 14-story housing project in Bayonne after the attack and took a suspect into custody, but he was released after questioning.

Three shots were believed fired at the detective as he stepped out of his unmarked car outside the projects, and one slug slammed into his stomach, doubling him in half.

"It hit me like a fist," Adamson told The Post.

"I doubled over and fell on the ground and my partner radioed for an ambulance. At first, I didn't know what it was, then I felt a stinging sensation on my chest."

The seven-year police veteran said he had been lax lately about wearing the life-saving vest.

"I'm going home to my wife, Karen, and try to relax," Adamson said after the shooting.

"I know I'm going to say a prayer of thinks that my life was spared."

"He had his vest on, luckily, and he's OK," said a fellow detective. "If he didn't have his vest on, he probably would be dead."

Adamson was shot at 9:30 a.m., just as he stepped from his car into the parking lot of the City Line Mini Mall shopping center on Kennedy Blvd. in Bayonne.

His partner, Tony Nardini, said Adamson was getting out of the car when he suddenly doubled over.●

IT IS TIME THIS COUNTRY HAD AN ONGOING NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BROWN of California. Mr. Speaker, I would like to draw the attention of my colleagues to an editorial printed in the San Bernardino Sun regarding the President's Task Force on Food Assistance established to assess hunger in America. This article addresses many of my longstanding concerns about our ability and approach to eliminate hunger. Members of the task force stated there definitely was hunger in America, but concluded that lack of hard facts blocked the legitimate documentation of the severity of the problem.

The lack of timely, objective data on the dietary and nutritional status of Americans, and the lack of timely data on other factors which could effectively guide the expenditure of public funds for related nutrition research and education and which could alert policymakers to an emerging "hunger" crisis, are not new phenomena. It is time to take corrective action to put an end to this phenomenon and repudiate the excuse that adequate data are not available.

In the past, each time hunger and malnutrition concerns surfaced, the President or the Congress urgently initiated short-term and piecemeal surveys. Some of these surveys were designed to periodically obtain data on the dietary and nutritional status of a representative sample of the population. Other studies represented a one-time effort to assess high-risk groups and geographic areas. Such reactive efforts included: In 1935, USDA Food Consumption Surveys, repeated at 10-year intervals and now known as the Nationwide Food Consumption Survey; in 1967, a congressional mandate which resulted in the Ten-State Nutrition Survey; in 1971, a presidential directive which transformed the National Nutrition Surveillance Survey into what we know today as the National Health and Nutrition Examination Survey (NHANES); in 1977, a congressional mandate in the Food and Agriculture Act for a proposal for a Comprehensive National Nutrition Monitoring System.

Unfortunately, as the President's Task Force on Food Assistance discov-

ered, studies of this type require time and usually become available long after the urgency which prompted their mandate has passed. Thus, perceived immediate public needs were addressed through policies and intervention strategies without the benefit of the studies' findings.

As a result of the 1977 Food and Agriculture Act, we now have an implementation plan for a National Nutrition Monitoring System. Unfortunately, that plan does not address the reoccurring need for the continuous collection and interpretation of data. Thus neither timely or baseline data are available to assess changes in agriculture and health policies to reverse undesirable trends and enhance desirable trends, or make comparisons of the degree of change over time. In addition, the plan does not provide for resources to improve monitoring methods or techniques which increase the value of the data and reduce the cost of data collection and analysis.

As a former chairman of the Subcommittee on Science, Research and Technology, and as chairman of the Subcommittee on Department Operations, Research and Foreign Agriculture, I have studied this problem for many years. During the past 6 years, these two subcommittees have conducted oversight hearings on human nutrition research and monitoring. A recent hearing held in July 1983 addressed "The Role of the Federal Government in Human Nutrition Research." The perspectives and suggestions of specialists within the field have prompted Congressmen MACKAY, WALGREN and myself to conclude that there is a very real need for a coordinated nutrition monitoring and related research program.

Today we have introduced legislation to establish a nutrition monitoring and related research program. It calls for a comprehensive plan for the assessment and maintenance of the nutritional and dietary status of the U.S. population, as well as the nutritional quality of the U.S. food supply. This proposed solution will initiate the continuous collection of current information, and design a system for organizing the many individual studies and surveys within our country. This will be done in a manner beneficial to all sectors of society which seek and use these important data—the public and the private sectors, the scientific community, and policymakers. Let us learn a lesson from the conclusions of the President's Task Force on Food Assistance. Our deficiency of information must be faced now, before the next round of concerns regarding hunger in America are ignored because, once again, this country lacks timely dietary and nutritional status data.

Mr. Speaker, we are in the forefront of rapid advancements in many areas of science and information technology. It is time we focus these resources on nutrition monitoring and related research needs. I invite my colleagues to cosponsor this legislation.

The editorial from the San Bernardino Sun follows:

[From the San Bernardino Sun, Jan. 13, 1984]

HUNGER TASK FORCE DIDN'T GIVE MUCH TO CHEW ON

The report of the presidential task force on hunger is a profound disappointment—not so much because we disagree with its conclusions, but because its findings are so wishy-washy solid conclusions are hard to find.

The work of the panel is notable for what it lacks. There is little weight to its research.

One of its participants, Californian Sandra Smoley, president of the National Association of Counties, gave a telling, if unintentional, picture of the depth of the panel's work when she said, "We say there is definite hunger, no doubt about it. Due to our short period of time and the data available, we don't have any quantitative information about it."

Without "quantitative information" about a problem, it is difficult to make specific plans to cure it. We had hoped, if nothing else, that qualitative information would be exactly what the study would reveal.

The report is almost an exercise in tinkering.

For instance, it calls for no further cuts in federal food programs and recommends reinstatement of food-stamp funding that was cut 1 percent in October. True, those few extra dollars a month in food stamps may help families who have been running out of food while waiting for their next government aid checks to arrive, but that does not go far in solving fundamental problems of insuring the nation's citizens are adequately fed.

The report, in general, ignores inefficiencies of the food stamp program, although knowledgeable observers of food distribution programs have suggested the hungry might be better off if it was dismantled altogether and replaced by a more practical and proficient system.

It does not address the question of whether school-lunch subsidies ought to be restored to levels that existed before the current administration took office.

There are a number of important areas that are not dealt with in any substantial way by the panel. That offers no help to those who have to try to apply concrete solutions to the issues involved.

Even the major substantive recommendation from the panel runs around, rather than confronts, hard issues.

The task force urged Congress to make participation in existing federal food assistance programs optional for the states. States which choose to establish autonomous programs will instead receive one single appropration—a "block grant"—to fund these programs.

That suggestion in itself opens more questions than it resolves.

Would poorer states—where presumably hunger would most likely be most acute—be able to respond swiftly and with flexibility to the problem?

Would federal money going to the states under such a system rise along with unemployment and food prices?

Altogether, the task force effort is perfunctory. It is more of a prelude for discussion than substance for discussion. We hope the food the government distributes is more nourishing to the stomach than the panel's report has been to the mind.●

FRANK KARASTI, ATOMIC VETERAN, ANSWERS LAST ROLL-CALL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. OBERSTAR. Mr. Speaker, in 1979, I first heard from Frank Karasti, a veteran from my district who participated in the Able and Baker tests of Operation Crossroads while serving on the U.S.S. *Clamp*, ARS-33. For years prior to 1979, he had suffered from health problems related to excess radiation exposure. "Not big things," he wrote, "but enough so as to be slightly worried as my research definitely indicated they were associated with radiation exposure."

The Navy disputed the likelihood that he had been overexposed. Frank questioned the accuracy and completeness of Navy records. How, he asked, could the Navy rely on the accuracy of dosimeters worn by only a few participants as evidence that all members of a ship's company received only low levels of radiation?

He sought copies of the ship's log and his own medical records. He attempted to obtain from the Navy the current addresses of men with whom he served and when he was unsuccessful in that effort, he sought the help of the National Association of Atomic Veterans as well as other veterans' service organizations. He tried in every way he could to learn more about the risks associated with atomic radiation and the fate of other participants.

A year ago he reported that he had located five former shipmates. One was well; one had leukemia, and two were dead. He himself was now seriously ill. Was this morbidity/mortality finding representative of all those who took part in the testing of nuclear weapons? His effort to learn the answer to that question intensified as his time was running out.

Last month, I reported to Frank on the legislation before us today and, in reply, received a letter written December 27. He expressed concern for his shipmates who would be excluded by the 20-year limitation and for his wife and son, who would be left destitute. At the same time, he recognized that H.R. 1961 was an important first step. "As to the Relief Act," he wrote "I'll say we all have to go for it as the best we're going to get at this time." He concluded, "The Lord knows I can't be

hurt anymore, but there are the others to consider."

Nine days later, on January 5, 1984, he was dead.

In recognition that we still know so little about the long-term effects of radiation as well as chemical defoliants, and in memory of this veteran and the thousands more like him who were exposed to unknown risks, I urge my colleagues to support H.R. 1961.

I include at this point in the RECORD a tribute to Frank Karasti, the determined, unselfish, heroic, atomic veteran who spent the last years of his life in service to other atomic veterans.

[From the Ely Echo, Jan. 9, 1984]

ATOMIC VETERAN KARASTI ANSWERS LAST ROLLCALL

(By Bob Cary)

The old sailor, Frank Karasti, finally came into his last port, Friday.

Frank, who lived in Winton, was one of the 42,000 servicemen who was exposed to atomic blasts during tests on Marshall Islands, July 1946. Frank, who had battled a lot of illness during the last years of his life, was sure that his problems began with exposure to the atomic blasts.

He was very active in the National Association of Atomic Veterans (NAAV) composed of survivors of atomic tests. By the time testing ended for "Operation Crossroads", the name assigned to the project, more than 200,000 military and naval personnel had been involved and about 200 ships. Karasti was sent aboard the damaged destroyer Hughes with two other men immediately after an experimental atomic blast in an attempt to keep the Hughes afloat. Karasti said all three got violently ill. Scientific measurements showed dangerous levels of radiation aboard the Hughes and other ships in the area. No one wore protective clothing.

It was a story long buried until veterans like Frank Karasti forced the U.S. government to reveal records from the tests. Only within the last few years has the government conceded something may have happened to the men. Recently, the Veterans' Administration opened radiation centers at the VA hospitals. For most of the veterans, whatever might have been done has come too late.

Born April 15, 1922, in Winton, he attended the public schools and at age 17 tried to join the Navy. His father finally signed the papers, in 1942, and at age 20 he joined. His father had been a logger until the lumber mills in Winton closed, then went to work in the mines. After discharge from the service, Frank worked in the mines, then in construction. He was an excellent carpenter and cabinet maker like his father and his brother Alan.

Frank married the former Dolores Levander. Their reception was in the old Finn Hall in Winton, which was later sold and moved to Olson Bay where it is part of the present Olson Bay Resort. They had one daughter, Susan (Mrs. Rudy) Scufsa and sons John, Frank, Jeff and Todd.

It was while working in construction that Frank first became aware of the radiation problem. He was injured and his injury did not heal properly. Doctors told him that the symptoms were those of a person who had received radiation.

Thus began his odyssey into the atomic tests, a matter which had been classified and buried under numerous layers of government bureaucracy. Along with other men who suffered disabilities and believed them service connected, he researched people involved, dug into old records and said he had even, at one point, been threatened by federal officers for revealing classified information. Eventually, the story came out and the veterans began getting Congressional support. Rep. James Oberstar was particularly active, using Frank as a prime source of information on the issue.

Frank Karasti died recognizing he would never benefit from the information he and the NAAV dug up and made public . . . but he felt it might help others so afflicted and might also make the general public aware of the terrible results of atomic testing and atomic weapons.●

NATIONAL BLUEGRASS BANJO CHAMPION MIKE SNIDER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. JONES of Tennessee. Mr. Speaker, I would like to take this opportunity to recognize a young man in my congressional district who has won national acclaim for his talent with a musical instrument and with it an opportunity that thousands only dream about. The young man's name is Mike Snider.

Last September, Mike won the National Bluegrass Banjo Championship. Just a few weeks ago, he was invited to appear on the stage at the Grand Ole Opry in Nashville and from all accounts, brought the house down with his performance. To make this occasion even more special, Mike brought 1,500 citizens from his hometown of Gleason, Tenn., with him. It was certainly an event enjoyed by Mike, his wife Sabrina, and those from his hometown who traveled to Nashville to witness it.

I would like to insert in today's RECORD, a newspaper clipping from the Jackson Sun on Mike's performance. He is certainly a credit to himself, his family, and his hometown. I share their pride in what he has accomplished through hard work and determination.

HOLLERIN' HOMEFOLK EASE OPRY DEBUT FOR BANJO PICKER

(By Richard Crowson)

There must have been a few travelers on Interstate 40 Saturday who noticed all of the traffic and asked themselves what was going on.

If they happened to pick up on the fact that all those cars had the same "32" prefix on their license plates, they might have wondered what sort of calamity could lead to the evacuation of an entire county.

What was going on was this: The people of an entire West Tennessee town, Gleason to be exact, were transported from Weakley County to the balcony of the Opry House in Nashville, where they whooped and hollered for a banjo-picker who walked out on that stage, took aim with his banjo and fired several hundred rounds of crackling banjo notes straight at them. And unlike any other firing squad victims in history, those folks grinned and clapped and begged for more.

Mike Snider was making his first appearance on the Grand Ole Opry. The 23-year-old Gleason resident is a farmer and hog-feed salesman who won the National Bluegrass Banjo Championship in Winfield, Kans., in September. A lot of banjo contests are held around the country, but every banjo player who's worth his "Salty Dog" knows that Winfield is the one that counts.

Gordon Stoker of the Jordanaires first bragged about Snider to Opry manager Hal Durham, who, after receiving a slew of letters from Snider's hometown supporters, in an unprecedented move, sent 1,500 free tickets to Gleason. Gleason responded, well, Glea-fully.

Roy Acuff, who introduced Snider during his portion of the show, had this to say before going on stage: "Most boys who win those sort of contests come on home and folks don't think much about it. But somehow or other the people of Gleason down there have taken an interest in him. I've never seen nothing like it! They must think a lot of him. If he was a boy with bad streaks in him, I don't think the people of Gleason would come back him up like that."

Snider's "streaks" were evident on the Opry stage, however, as his fingers streaked all over his banjo. Accompanied by Jackson's Ronnie Owen on bass and guitarist Fred Duggin, Snider played "Shucking the Corn" and "The Bells of St. Mary's."

A barrage of media people backstage gave Snider's "Aw shucks" personality a constant testing, and the results were always the same.

"Is all this for me?" he asked when he arrived at dressing room No. 1, the Acuff dressing room, and saw the cameras, note pads and microphones straining in his direction. "Good gracious!"

Opry star Boxcar Willie was introduced to Snider the night before when Snider appeared on The Nashville Network's "Nashville Now" program. To put it mildly, Willie was favorably impressed. "He's got the 'gen-you-wine' thing: Talent. And the personality to go with it. He reminds me of a young Grandpa Jones with his talking and all."

Minutes before he began his show, Acuff predicted that Snider might be a touch on the queasy side. "He'll be nervous up there tonight. I've never seen a person go on the Opry for the first time that wasn't very nervous." But Acuff had never seen a Nutrena Hog Feed salesman named Mike Snider before.

Asked while he waited in the wings of the stage of the "Mother Church of Country Music" if he wasn't a little nervous, Snider grinned and peeked toward the audience and said, "Naw, I'm not. It just looks like home out there."

But is it possible that Snider was putting everybody on? If a person could learn the intricacies of three-finger style banjo picking, couldn't he also teach himself how to grin and nod and talk like a "young Grandpa Jones"?

Not this fellow, according to the folks in the balcony. "He's just country and down-to-earth," said Danny McElhiney of Gleason. His wife, Sandra, declared, "What you see with Mike is exactly what you get."

And what you hear from Snider is exactly what seven years of dedication to an instrument and a lot of talent can produce. Of course, it wasn't always so, according to

John Snider, Mike's brother. John recalled some of the years of practice with a laugh and admitted, "He nearly drove me crazy!" But those years were gone by the time Snider was married, said his wife, Sabrina. "Now I just get to hear all the good stuff," she says.

So Mike Snider came to Nashville and played his banjo on the Grand Ole Opry stage. The bright spotlights glistened off the white top of his banjo as the sun had gleamed off the snow-covered soybean fields along the interstate on this cold, clear January Saturday. And when Snider reflected on what he had been through, he drawled, "I'm tickled. I don't know what'll come of it. If nothing does, well that's fine. I had a great time!"●

OUTSTANDING SUPPORT FOR THE TALENTED TEACHERS ACT OF 1983

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. WYDEN. Mr. Speaker, last November, Chairman PAUL SIMON, Congressman BILL GOODLING, Congressman E. THOMAS COLEMAN, and I introduced the Talented Teachers Act of 1983.

Since that time, we have received a tremendous number of positive comments about the bill from education experts and others across the country. The Talented Teachers Act represents one positive way for the Federal Government to: Recognize the tremendous importance of teachers in America; encourage bright students to enter the profession, and keep talented teachers at the front of the classroom.

I would urge my colleagues to consider these comments and to support this modest, but effective initiative.

Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, writes:

As you know, my own commitment to the improvement of the teaching profession includes emphasis on ideas that connect closely with those emphasized in your legislation. I believe that Federal initiatives will be important and necessary in securing outstanding students for careers in teaching. And I agree that talented teachers must be recognized—for what they have done and for what they can do as role models for their peers.

Patricia Albjerg Graham, dean of the Graduate School of Education at Harvard University and member of the 20th Century Fund Task Force, comments:

You and your colleagues are to be congratulated for taking this important step, both in terms of addressing two of the more critical problems confronting education, and in terms of understanding what we on the 20th Century Fund Task Force considered the overriding Federal interest in their prompt and successful resolution.

I hope that this legislation continues to receive bipartisan support.

In testimony before the U.S. Senate Labor and Human Resources Committee, Harvard President Derek Bok stated,

Among the possibilities, the following seem to represent the most promising ways for the Federal Government [to improve the quality of our schools is] to act in concert with universities:

"Offer scholarships or forgivable loans to highly talented undergraduates to prepare themselves as teachers, contingent on their actually serving for a stipulated period of years. Such initiatives would spend federal dollars efficiently by using them only for academically talented persons who will actually teach in the schools. . . .

"Fund sabbaticals . . . for a stipulated number of exceptional teachers who wish to attend a university for further study in their subjects or to prepare themselves as master teachers or as school administrators. Such sabbaticals, with a commitment to return to the public schools, could reward and renew able teachers and this help to retain those whose services are most needed."

The Sacramento Bee and the Fresno Bee, two California newspapers, in January editorials, wrote,

With a shelf-full of recent reports bemoaning the state of American education, the topic has become political excitement. But thus far precious few good ideas have emerged . . . Now comes a modest sensible proposal for Federal aid in one area where it can do some good: enticing able college students into teaching careers. . . .

Not even generous scholarships will turn these recruits into career teachers however. That will require higher salaries, better working conditions, and a commitment to excellence on the part of the schools. But at $75 million, this measure is a blue-chip investment in education.

In October, the Washington Post wrote in an editorial that:

The Simon task force knows that large new Federal appropriations for school aid are not likely. Nor, since they mean Federal control of the public schools, are they desirable. Instead, the task force offers two modest but valuable suggestions. How about Federal support for summer institutes to help classroom teachers improve their capabilities? Even better, how about Federal scholarships to draw unusually able students into teaching? At a time when great numbers of good students are having trouble financing college education, the idea of trading tuition aid for public service becomes increasingly appealing.

Writes Dr. Anne Flowers of the American Association of Colleges for Teacher Education,

I agree that attracting capable young students into teaching and acknowledging the achievements of outstanding educational professionals are important priorities for all levels of government.

State Senator Robert Martin of Kentucky writes,

You have proposed legislation on two problems which I think are pertinent to the improvement of the quality of education, namely, the recruitment and retention of excellent teachers. The legislation which you have proposed attacks these two problems and I think should be considered by the Congress if it is serious about improving education.

Floretta McKenzie, Superintendent of the District of Columbia Public Schools, says,

I believe the proposed legislation has real merit. Apart from the intrinsic value, the Act would support, in a very substantial way, teacher recruitment and professional development, both financially and philosophically.

Writes Glenn Watts, president of the Communications Workers of America and member of the Task Force on Education for Economic Growth:

I am also quite pleased about this legislation you are proposing for talented teachers. As you correctly cited, it was one of the recommendations of the task force [on Education for Economic Growth], and I think is a preferable form of reward for talented teachers over merit pay.

James Sanders, past president of the Illinois School Boards, writes:

I will contract as many people that I can concerning cosponsoring HR 4477 which I think is an excellent bill.

Writes Robert Wilburn, Secretary of Education for the Commonwealth of Pennsylvania:

Federal assistance for the ablest teacher candidates and the most talented classroom teachers will very positively complement our Scholars in Education and excellence in Teaching Awards. I commend you and the co-sponsoring Congressmen for taking steps to improve the quality of education and I strongly support your efforts.

Anna Harrison, President of the American Association for the Advancement of Science, writes:

Two comments: First, I applaud your action in this matter, and second, I hope that it receives favorable action.

Dean Robert Barr of the Oregon State University-Western Oregon State College School of Education, says,

I was delighted to learn that you have submitted the Talented Teachers Act of 1983 to Congress, Given my perception of the urgent needs of American education, this legislation would be an important contribution.

Writes Penny Williams, a member of the house of representatives in the State of Oklahoma:

The enactment of this bill should be a boon for the efforts to improve quality in education and to attract bright, lively people to the field of teaching . . . Once again, many thanks for the enormous contributions the passage of this bill should make in raising the level of literacy in America today.

Prof. Brewster Denny of the University of Washington and a member of the 20th Century Found Task Force, writes:

The bill certainly sounds to be a very fine step in the right direction and appears consistent with what we are trying to do. I hope that Congress will act on this legislation soon.●

SOVIET ARMS CONTROL VIOLATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BROOMFIELD. Mr. Speaker, President Reagan's report on Soviet arms control violations, which was recently sent to the Congress, is predicated upon the way in which arms treaties are checked for compliance. Verification, the process by which our country can tell if the Soviets are cheating in relation to the provisions of an arms control agreement, is the critical element of arms control and is an important issue within the context of arms reduction talks. Finding paths to mutual trust, based upon positive proof, is crucial to the future of any arms limitations, especially with such newer trends in weapons development as mobile missiles and delivery vehicles which can carry conventional explosives or nuclear warheads. In this regard, I commend to my colleagues the following editorial which appeared in the January 16, 1984, edition of Aviation Week and Space Technology.

SATELLITE INTELLIGENCE—AND ITS LIMITS

(By William H. Gregory)

An exotic and sensitive technology is shaping up as a sleeping issue with explosive potential in the 1984 U.S. elections. Specifically, the issue is reconnaissance satellite technology and capability—what the politicians and diplomats in both the U.S. and the USSR euphemistically call national technical means—and what they can do and what they cannot.

A good deal of hyperbole, and public relations flummery, has surrounded reconnaissance satellite imagery in the past. Claims that license plate numbers on a parked car could be resolved from orbital altitudes served an obvious political purpose in the era of Henry Kissinger, Jimmy Carter and the pursuit of detente. If the all-seeing eye in space could detect anything anywhere on the ground, or so the public was led to believe, it followed that an arms control agreement was safely verifiable.

Space photography is very good. The Skylab large format camera a decade ago, using a special film developed originally for space reconnaissance, gave the world a taste of what optics in orbit could do. The problem with this is satellites in being. The U.S. has just about run through its inventory of film-return satellites—the KH-8 and KH-9 series—and there are no more in production. No program is in place to build any more.

RELIANCE ON DIGITAL SYSTEM

Now the U.S. is relying on the KH-11 and its digital imagery, a system whose cover was blown unequivocally in the late 1970s when a Central Intelligence Agency clerk sold a user manual to the Soviets. What was not revealed at that time was that a massive overrun of almost $1 billion had induced the National Reconnaissance Organization to strip away the funds from film-return satellites and put the money into the KH-11 to keep that program alive. Overruns continue to plague follow-on development.

KH-11 imagery has the advantage of availability in near real time. Sometimes the imagery is good and sometimes is not so good. While the U.S. has been playing balance-the-books with its reconnaissance satellite program, the Soviets have been sharpening their classic skills in building Potemkin villages. They are using concealment. They are using decoys. Simplest of all, they are operating at night when digital or optical imagery is out of business.

Irrespective of how good or bad satellite imagery is, there is the matter of coverage. If the satellite is not in the right place at the right time, high resolution is academic. The numbers of reconnaissance satellites the U.S. is flying now are not nearly enough to verify an arms control treaty with a nation that has a special high-priority department to mastermind concealment.

There is a parallel between prospecting for intelligence by satellite and prospecting for mineral wealth by satellite. Both have their strong points, as in covering vast amounts of territory to find targets of interest. Ground truth for confirmation and detail is essential. Complete dependence on any one information-gathering technique is a delusion.

How this figures in the 1984 election is with the issue of peace. The Democratic opponent of President Reagan will obviously have a big peace plank in his platform. Pressures from within the White House also exist for the President to don a toga of peace of his own. The climate is ideal to encourage the U.S. to abandon its tough stance on a new arms control agreement and settle for what it can get for a piece of paper to waive on the hustings.

PLAYING CATCHUP

When the President took office, he virtually ignored arms control. That was a political error. He lost the peace initiative to the Russians. He regained lost ground by beginning the START talks, by making proposals. Neither the Soviets nor the United States had any real ideas on where to go next with arms control as the talks wore on, but good intentions were being demonstrated. Then the Soviets made the mistake of breaking off negotiations because of cruise missile and Pershing 2 deployment. Now the U.S. can take the initiative.

With the onus on the Soviets for walking away from the conference table, the Administration has the opportunity to lay the truth on the line with the public. An arms control agreement must be verifiable. Verification solely by the satellite system the U.S. has in being is not possible. The Eisenhower Administration plumped for open skies and on-site inspection in the 1950s, and the Soviets have never accepted the latter. Why the Soviets have never done so is lost in arms control noise.

Ten years of SALT treaties have bought the Soviets valuable time that they have used to develop their arsenal. They are now at the point of kicking over the Antiballistic Missile Treaty, as Aviation Week & Space Technology senior military editor Clarence A. Robinson, Jr., reports in this issue (p. 14).

The Administration itself is beginning to lay out the dimensions of the problem piecemeal. An opportunity is emerging for the President to organize the impending eruption, to level with his constituents about what has to be done to clean up the reconnaissance satellite mess, to lay on the line the broader elements in what the quest for peace with security is all about and what has to be done technically, strategically and politically to get there.●

PUBLIC HOUSING

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. GARCIA. Mr. Speaker, on January 3, 1984, the Washington Post printed a page 1 article highlighting the troubles of the Nation's public housing program. Unfortunately, the article failed to recognize some of the successes that the program has experienced. Further, the article seemed to place all the blame on local housing authorities and not on the often inadequate and continuously changing Federal policies. Overall, the story perpetuated the myth that all public housing is badly managed and left the reader with the impression that public housing developments cannot work.

Robert Maffin, the executive director of the National Association of Housing and Redevelopment Officials has a different and more accurate perception of the Nation's public housing stock. I would like to enter his letter to the Post in an attempt to correct some of these misleading impressions.

NAHRO
January 3, 1984.

MS. MEG GREENFIELD,
Editor, Editorial Page, the Washington Post, Washington, D.C.

DEAR MS. GREENFIELD: As Executive Director of the National Association of Housing and Redevelopment officials, I read with great interest the January 3 article by Howard Kurtz, "Red Ink Plagues Public Housing, Poor Management, Maintenance by Local Agencies Cited by HUD".

Unfortunately, the article places the blame for the financial troubles of public housing primarily on mismanagement by local housing authorities. The overall thrust of the article and the headline give new currency to the popular myth that most of the nation's public housing consists of poorly managed, deteriorating, largely vacant and crime ridden developments. I take serious issue with this view.

Certainly, as in my large enterprise, there are some isolated examples of mismanagement, but the well documented facts are that most of the nation's more than 2,700 public housing authorities are well managed, most public housing is in sound condition and most public housing developments are fully occupied with substantial waiting lists of eligible prospective tenants eager to move in as vacancies occur.

It is true that many public housing authorities are financially troubled. But the primary reason is not the mismanagement by local housing officials.

Local housing authorities receive their operating funds from a combination of rental income from tenants and federal subsidies. For many years federal law limited tenant rents to 25 percent of the tenant's adjusted gross income. For more than a decade operating costs far outstripped increases in rental income. Utility costs, for example, have increased by more than 400 percent over a 10 year period. Overall operating costs have almost tripled while rental income increased less than 50 percent. Even as the rent that could be charged was being

increased to 30 percent of gross adjusted income, slashes in CETA jobs, various income maintenance and social service programs, and the worst recession in more than 40 years resulted in decreased incomes for many public housing tenants and thus decreased rental income for local housing authorities.

If public housing is viewed as a partnership of local and federal governments it is clear that the federal partner has not fulfilled its obligation. There has been persistent underestimation of inflation and utility costs by HUD and subsequent underfunding of daily operating costs. The utility cost inflation factor used in 1980, for example, was 13 percent while reality was 28 percent. The ability of local public housing managers to plan and manage efficiently has thus been adversely affected by a consistent pattern of inadequate federal operating subsidies and last minute supplemental funding.

As public housing authorities were forced to use their reserve funds to meet urgent operating expenses, the list of deferred maintenance items grew creating an immediate problem of deteriorating units. The basic problem has not been local mismanagement.

Even HUD Secretary Samuel R. Pierce, Jr. has publicly recognized that most public housing is well managed. In a speech at NAHRO's Annual Convention in San Diego on October 10, 1983, Secretary Pierce said:

"The general public hears little about public housing that is not sensational in nature. But I know a little about your achievements. I'm fully aware of the good job you've done and continue to do. Yet, most people are unaware that 90 percent of our country's public housing is well-run and a valuable resource to the communities and low income families you serve. I think you and every American can be proud that most public housing is relatively trouble free, the kind of housing which people generally accept with little notice."

That public housing has been successful is obvious from the record, however much that record may be ignored or distorted. Public housing provides decent, safe housing for more than 3.4 million low income Americans. As Dr. Eugene J. Meehan, Professor of Political Science and a Fellow of the Center for Metropolitan Studies, University of Missouri at St. Louis, has observed, "Properly designed and managed, public housing offers the cheapest, most flexible, and most productive form of housing assistance known."

Sincerely,

ROBERT W. MAFFIN,
Executive Director.●

OPPOSITION TO THE AGRICULTURE PRODUCTIVITY ACT OF 1983 WITHIN THE AGRICULTURAL COMMUNITY

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. SKEEN. Mr. Speaker, during the debate last week over the Weaver organic farming bill, I regret that the opposition of certain farm organizations was not documented for the record.

Below are letters from American Farm Bureau Federation and the National Pork Producers Council:

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., January 27, 1984.

Hon. JOE SKEEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SKEEN: The American Farm Bureau Federation is a general farm organization in 48 States and Puerto Rico. Farm Bureau membership exceeds three million member families. Virtually the entire spectrum of agricultural production and production techniques is reflected in Farm Bureau membership. We oppose H.R. 2714, the "Agricultural Productivity Act of 1983."

We believe that this legislation is poorly drafted, misstates the current situation and would urge farmers in a direction that would be counterproductive to agriculture, consumers, and the country as a whole. This bill asserts that we are currently engaged in "chemical intensive" methods of farming and infers that it would be desirable if producers were to shift to organic farming methods. There are highly diversified methods of production for food and fiber in this country tailored in each instance to the individual producer's access to capital, labor, water, land, market, and various other factors that impact on production decisions.

In some regions of the country farmers use crop rotations, livestock waste and other methods that might be considered compatible with what this bill refers to as "organic farming." They are, in fact, traditional farming practices that have evolved as a result of producer experimentation and decision based on their best experience and judgment. In other parts of the country, due to unique circumstances of soil, water, topography and market access, producers have become more specialized in the kinds of commodities they produce. We will oppose efforts to superimpose Washington wisdom over these locally determined production decisions.

In 1980, the Department of Agriculture released a report and recommendations on organic farming. On pages 47 and 48 of that report the Department concluded that if 30 percent of the harvested corn and soybean acreage were converted to organic farming operations, corn and soybean prices would be increased 28 percent and 53 percent respectively. The price of oats and hay would come down significantly. Although no numbers were given, it was indicated the total agricultural exports would be lower and that consumer prices would be "significantly higher."

If enacted, this bill would authorize an expenditure of more than $13 million over the five year life of the bill to promote an agricultural concept that is counterproductive to the long-term well-being of agriculture, the environment and the consumer. We urge opposition to the bill.

Sincerely,

JOHN C. DATT,
Secretary and Director,
Washington Office.

NATIONAL PORK PRODUCERS COUNCIL,
Des Moines, Iowa, January 25, 1984.

Hon. JOE SKEEN,
Washington, D.C.

DEAR CONGRESSMAN SKEEN: Thank you for your letter relative to Bill H.R. 2714 and the report accompanying that Bill. The National Pork Producers Council (NPPC) is pleased to have this opportunity to present our views on this legislation.

The Council agrees with the views expressed by you and your colleagues in the dissenting views which were published in the Committee report accompanying that Bill. We are also in agreement with the United States Department of Agriculture in regard to the research pertaining to a particular type of farming.

NPPC notes with particular interest a proposal to have pilot projects which would apply to animal production. We do not believe these are necessary or even desirable in that the growth regulators and feed additives which ar utilized by livestock farmers are carefully regulated and controlled by the Food and Drug Administration. These livestock feed additives, drugs and growth regulators are useful not only to farmers who employ large-scale rearing practices, but also those who have less intensive livestock production practices.

We, therefore, wish to indicate our opposition to this legislation.

Sincerely,

C. DONALD VAN HOUWELING,
Consultant for Scientific and Government Affairs.

The National Cattleman's Association also opposes this organic farming legislation:

The National Cattleman's Association cannot support the Agricultural Productivity Act of 1983. Our opposition is not directed toward "organic farming" per se since the choice of farming methods, whether "organic" or "conventional," must be left to the individual farmer or rancher. Our opposition is based on the fact that the research agencies affiliated with the USDA already have the authority to conduct research in this area. The act would only serve to legislate the design of the experiment and limit the statistical basis for drawing inferences. Further, this legislation "second guesses" the expertise of the researchers involved.

We believe that the "information study" required under the Act (otherwise known as a literature review), will show that this research has already been done many times over. This act would add to the number of combinations of production variables which have been studied, but this is of little value considering that the number of possible combinations is nearly infinite.

The use of the terms "organic" and "conventional" tends to exaggerate the differences between these methods of production. They are more alike than not and most producers use components of each "type" of system. Cattleman are not opposed to the development of new methods of production with greater emphasis on "organic" systems. However, we believe this research, if it has real merit, will be done in the normal course of scientific investigation.

The act would also include a study on "organic" animal production. The effects of the transition from the "conventional" animal production systems to "organic" animal production systems would be considered "conventional" as would nonprotein nitrogen supplementation (commonly used in ruminant feeding). These practices were developed through years of nutrition research and have been shown to be effective and safe. To compare a system which incorporates this knowledge to one which does not is not likely to advance the study of animal nutrition.

Additionally, the effect of the transition from the use of FDA-approved compounds

such as hormonally active growth promotants to the nonuse of these products would be studied. The results in this case seem totally predictable and, once again, will not likely enhance our knowledge of growth physiology. Evaluation of production systems which do not use various vaccines (vaccination is considered a conventional production tool), parasiticides and other animal health products is an endorsement of ignorance and is not likely to expand our knowledge of animal health science.

In final analysis, the "Agricultural Productivity Act of 1983" seems more closely aligned with rural sociology than with the advancement of agricultural science. The National Cattlemen's Association is not opposed to the study of rural sociology, but if that is the intent of the bill, it should be rewritten to reflect that.●

CONGRESS' SPENDTHRIFT IMAGE IS A BAD RAP

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. STARK. Mr. Speaker, the rhetoric has already begun to fly on where to cut the budget in fiscal year 1985. The administration in this election year will attempt to blame the Congress for the projected huge deficits in the 1980's and seek to further plunder social welfare programs.

We need to be reminded exactly where the money is going and where the growth in the budget is coming from so that we can answer the administration's charges. Professor Norman Ornstein, of Catholic University, has written an excellent article providing us with the ammunition to answer the President.

Although the text of the article is reprinted below, I would like to highlight a few of the points he makes.

First, there are three causes of future growth in Government spending: Defense, by far the lion's share; debt interest, and social security and medicare.

In point of fact defense is to grow by $97.6 billion, or 63 percent of the total growth between 1983 and 1988. Let us remember that we have the President to thank for this astronomical growth of the defense budget.

On the other hand, the debt interest cannot be tinkered with. And Congress has acted responsibly to index social security benefits and control medical costs. In 1981 the Congress reduced medicare costs by more than $13 billion and billions more will be saved by the prospective reimbursement system.

Second, Congress has directly and greatly reduced the areas where Congressmen could use spending to their individual advantage. Thus contrary to the conventional image of wild pork barrel spending by the Congress, Professor Ornstein demonstrates that Congress by 1986 will have discretion over only 6.6 percent of domestic spending.

The bottom line is that Congress has been "remarkably disciplined" in its spending.

On the revenue raising side of the ledger, again the Congress has been more responsible than the administration. The administration has refused to close tax loopholes or raise taxes. I have, as chairman of the Select Revenue Measures Subcommittee, sought to close tax loopholes, end inequitable tax shelters and raise revenue by taxing the insurance industry and discriminatory and excessive fringe benefits. H.R. 4170, the Tax Reform Act, which contains several of these measures, will soon be before the House for a vote. I hope my colleagues will vote for this bill, which will send a message to the President and the American people that the Congress is serious about solving the unspeakable deficits.

Mr. Speaker, whether we are talking about cutting spending or raising revenue, the Congress has led the way.

The full text of Professor Ornstein's article follows for my colleagues' information:

THE MISERS OF CAPITOL HILL—CONGRESS' SPENDTHRIFT IMAGE IS A BAD RAP

(By Norman Ornstein)

It's fashionable to blame Congress and its irresponsible spending habits for all our current and future economic ills. We can expect plenty of that this election year, even though President Reagan chose not to do so directly in his State of the Union message Wednesday night. Why, even members of Congress line up to volunteer for the blame.

The public is easy to convince. Few images are as fixed in conventional wisdom as that of a Congress populated by profligate, irresponsible, pork-crazed individuals unwilling and unable to control wild domestic federal spending, bending to the whims of any and all special interests.

But there is a problem here: the conventional wisdom is wrong. As the numbers and the history show clearly, it is the critics—not Congress—who are irresponsible.

Of course, none of the critics has accused Congress of irresponsibly hiking defense spending. Indeed, President Reagan and like-minded commentators applaud the future budget increases in defense and want considerably more. The attack on Congress is all focused on the domestic side of the ledger. So let's examine the ledger, using administraiton figures. Table 1 gives budget outlays for 1980, 1983 and up-to-date projections for 1984 and 1988 in constant, 1983 billions of dollars (i.e., adjusted for inflation).

TABLE 1.—BUDGET OUTLAYS IN 1983 DOLLARS

	1980	1983	1984	1988
Total outlays	707.0	795.9	829.5	950.4
Defense	166.6	210.5	235.1	308.1
Net interest	64.7	87.7	100.5	120.1
Social security and medicare	182.9	22.4	229.3	267.0
All other domestic	293.2	275.4	264.6	255.3

There is, obviously, substantial growth built into these budget projections. But look where the growth is coming from. From 1983 to 1988, the total budget is to grow, in constant dollars, by $154.5 billion. Defense is to grow by $97.6 billion, or 63 percent of the total growth. Interest on the debt is to grow by $32.4 billion, or 21 percent of the total. Social Security and Medicare are to grow by $44.6 billion, or 29 percent of the total.

That adds up to 113 percent—because all other domestic spending, everything but Social Security and Medicare, declines in constant dollars by $20.1 billion.

In simple terms, then, there are three causes of future in government spending: defense, by far the largest; debt interest, and Social Security and Medicare. Congress has reined in the rest of domestic spending.

Our legislators may not have slashed the domestic government in half, but they have brought it to a virtual standstill. Given public attitudes and our system of government, that is noteworthy and praiseworthy.

But there's more. The overall attacks on Congress portray our legislators as greedy servants, both for selfish and conniving "special interests," and for their own parochial districts. There is more than a grain of truth to the description of members of Congress as brokers in pork barrel. Political scientist David Mayhew in his classic book, "Congress: The Electoral Connection," eloquently described the kinds of parochial, particularized benefits reelection-minded legislators would seek—and we regularly see them doing so on the House floor. But what is lost in the spectacle of members grubbing for dams, bridges and federal buildings is the fact that they are fighting over a steadily shrinking share of the budget—shrinking because Congress decided it should.

If we accept the conventional image of a profligate Capitol Hill, we would expect congressmen to have increased the share of pork barrel-type government programs in the past few years, and to have at least protected these beneficial programs for the future. The opposite is true.

By indexing first Social Security and then other entitlement programs, congressmen consciously reduced their ability to use federal budget dollars for reelection benefit and leverage. In future, as entitlements grow automatically, defense skyrockets and the interest on the national debt accumulates, the share of the budget devoted to the rest of government—which includes most of the items we think of as special interest or parochial pork—declines markedly. Table 2 shows the shares of the federal budget from 1966 to 1968.

TABLE 2.—PERCENT OF FEDERAL BUDGET OUTLAYS

	1966	1976	1981	1986 [1]
National defense	40.7	24.5	24.3	35.8
Benefit payments to individuals	26.9	48.5	48.2	46.9
Net interest	7.0	7.3	10.5	10.7
Grants to State and local governments	6.2	10.4	8.3	4.3
Other Federal operations	19.2	9.3	8.7	2.3
	100.0	100.0	100.0	100.0

[1] Projection based on president's 1983 budget.

Source: "The Reagan Experiment," John L. Palmer and Isabel Sawhill.

If we add together grants to state and local governments and other federal operations—the category which includes the programs that congressmen can boast about when they are running for reelection—we can see that, at the height of the Great Society, these comprise 25.3 percent of the budget. Entitlement indexing began in 1973; by 1976, other domestic spending was 19.7 percent of the budget. With the first Reagan year, it was down to 17 percent. By

1986, it is projected at 6.6 percent. By 1986, it is projected at 6.6 percent! The portion may, in the end, be greater than that, but it will still be substantially down from the 1960s and 1970s.

In other words, Congress has directly and greatly reduced the areas where congressmen could use spending to their individual advantage.

The largest reason for this, certainly, is the indexation of Social Security, and subsequently of other entitlement payments. Why did Congress make entitlement increases automatic? Was it to appease special interests? To add to the budget? To benefit the individual legislators? No, no and no.

In the years before indexation, Congress faced constant pressures from interest groups and public opinion to increase Social Security dramatically. It complied. Increases in 1969, 1971 and 1972 totaled 45 percent; the 1972 increase alone was 20 percent. These huge increases were double the increase in cost of living.

By voting on each individual increase, of course, members of Congress could take credit for it back home. Making the increase automatic removed that campaign benefit. But Congress did so to save money and to insulate the process from special interest pressure. Republicans joined Democrats in pushing for indexation (fulfilling, incidentally, a pledge made in the 1968 Republican platform). Legislators recognized that other entitlement programs would inevitably be indexed also, further undermining their opportunities to claim credit for voting new benefits to the voters. They went ahead anyway—to act responsibly.

It may be that entitlements should be deindexed, or that yearly increases should be reduced. That has been proposed—in Congress, not by the president. It may be that other domestic spending should be curbed still more. But I have seen few specific proposals from critics of Congress to reduce spending enough to make a real dent in the deficits, since this would mean cutting government in half, a prospect very few Americans would stomach.

The fact is that Congress has been remarkably disciplined and relatively selfless in the past few years. The only courageous and specific proposals to cut the deficit in the future have come from Sen Bob Dole (R-Kan.) and others in Congress. Congressional critics want to deflect attention from themselves and from the very real need for a major tax increase in coming years. Congress deserves more credit than it has received, and more support for its future efforts at deficit reduction.●

ENGINEERING AND THE NATIONAL SCIENCE FOUNDATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. WALGREN. Mr. Speaker, a responsibility of the National Science Foundation, from its inception, has been the Nation's health in engineering as well as in science. In light of today's critical challenge to the technical competitiveness and industrial leadership of the United States, the Foundation's policymaking body, the National Science Board, recently reviewed the engineering mission of NSF over the next decade.

The Board reiterated that the NSF has a vital role in support of academic engineering research and outlined areas where the Foundation should expand and alter its traditional role in support of engineering sciences at academic institutions. The Board stated that a close and mutually supportive linkage between the applications of engineering principles in industry and the research and teaching of our engineering schools should be encouraged by NSF policies.

As the Subcommittee on Science, Research and Technology begins its review of the National Science Foundation's fiscal year 1985 budget, I hope we will see in that document a reflection of the Board's several recommendations for a strengthened engineering program.

In the January 27, 1984 issue of Science, F. Karl Willenbrock, Cecil H. Green, professor of engineering at Southern Methodist University, underlines the importance of the National Science Foundation's efforts to strengthen engineering research and education. I would like to share this timely article with my colleagues:

ENGINEERING AND THE NATIONAL SCIENCE FOUNDATION

In the scientific and technical communities of both the federal and private sectors, it is widely recognized that an effort to strengthen engineering at the National Science Foundation is desirable and timely. The engineering professional societies and engineering schools have been dissatisfied with NSF programs for many years. The engineering academic community has not found NSF to be an effective source of assistance as undergraduate enrollments have expanded while out-of-date laboratory facilities and inadequate research funding have decreased the ability of the schools to attract an adequate number of faculty members or full-time graduate students.

The organizational position of engineering within the NSF administration has been improving. Engineering has emerged from a division status, to part of a Directorate of Engineering and Applied Science, to its present position as a separate directorate. Presumably engineering is no longer considered as one of the sciences or simply the application of science but rather an enterprise with distinctive characteristics of its own.

One of these characteristics is the concentration of activities in industry. More than three-quarters of the engineers in the United States are employed in industry: industrial laboratories have done the outstanding research in many fields. Since much engineering research is best carried out by teams of specialists and is frequently heavily dependent on equipment, an industrial site may often be better adapted for effective engineering research than the usual academic environment.

Although in-depth skills in scientific and mathematical analysis are needed by both scientists and engineers, an engineer must also be able to synthesize knowledge into products and systems. Their designs must satisfy scientific as well as nonscientific criteria such as manufacturability, maintainability, risk-minimization, and cost-effectiveness.

There are also distinctions in the academic world. Most engineers complete their formal education in 4-year undergraduate programs; such programs cannot be directed simply to preparation for graduate work. Postdoctoral fellowships, which are so important in the training of research scientists, are almost nonexistent among engineers.

Such differences between engineering and the sciences might lead one to the conclusion that engineering should be responsibility of a federal agency other than NSF. Some countries have developed separate university systems for engineering and scientific education, but in the United States nearly all research universities have stong scientific and mathematical programs as well as schools of engineering. Thus the U.S. academic structure provides a rationale for expanding NSF activities in engineering rather than assigning the general support of engineering research and education to other agencies.

However, of even greater importance is the fact that the scientific and engineering enterprises operate most effectively when their borders are kept indistinct. Increases of scientific knowledge and understanding have given great impetus to engineering and technological advances. In turn, engineering and technological advances have frequently led to expansion of scientific knowledge. The interplay of research and technology, which is crucial to the rapid advance of both research and engineering, should not be hampered by institutional barriers.

If engineering in NSF is strenghened, three objectives can be simultaneously served. First, badly needed assistance to the academic engineering community can be more efficiently provided; second, the synergism between science and engineering can be reinforced; and third, the nation's technological capacity can be strenghtened. A dynamic engineering program at NSF is one of the most highly leveraged investments in the nation's technological future that the federal government can make.—F. Karl Willenbrock, Cecil H. Green Professor of Engineering, Southern Methodist University, Dallas, Texas 75275.●

WOMEN STILL HAVE FAR TO GO TO REACH EQUALITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. FRENZEL. Mr. Speaker, in the winter issue of Tuck Today, Prof. Mary Munter, of the Tuck School at Dartmouth, reviews several publications on the progress of women and concludes that although women have inched forward toward equality, there really is a long way yet to go.

Part of my disappointment with the defeat of the ERA last session related to criticism that the ERA is not needed; that women had already attained equality in nearly every arena.

The article printed below provides evidence that the ERA and other measures to promote gender-based equality are still necessary. While

some progress has been made, there is substantial evidence that women do not have the same opportunities as do men. The article follows:

American Couples: Money Work Sex, Philip Blumstein and Pepper Schwartz, New York: William Morrow and Company, 1983; "Women on Fortune 500 Boards" by Lloyd Elgart, California Management Review, Summer 1983; "Careers of Women, Minority, White Male MBAs" by Thomas Harrell and Margaret Harrell, Research Paper No. 558, Stanford Graduate School of Business, Summer 1980; Census Report, United States Government, Fall 1983—Reviewed by Professor Mary Munter.

You look around Tuck. The class of 1985 includes 24 percent women, compared to 0 percent in classes before 1970. Four women faculty teach here this year, compared to none before 1972. The number-one ranked graduating student for three of the past five years has been a woman.

You notice changes when you observe people in places like airports, supermarkets, and dinner parties. Men seem to be more involved with caring for their children and with doing household chores.

You hear success stories of women at the top, women now making executive decisions. ARCO treasurer Camron Cooper and American Express Vice President Joan Spero, for example, spoke at Tuck last year. Three members of the Tuck Board of Overseers are women.

These observations reflect some important changes. But are these observations representative of trends or merely aberrations? Are women, indeed, working more, earning more, achieving more, finding more equality, making more high-level decisions? Four recent statistical surveys address these kinds of questions: a Census Bureau report, a sociological book, a research project, and a management review article.

First, let's look at the latest government statistics. According to the Census Bureau report issued in the fall of 1983, more women than ever now work outside the home. Only one-third of all women worked in 1950; today, more than half do. Since the population has grown at the same time, the total number of working women has increased from 16.7 million in 1950 to 45.6 million today. Although growth rates are up, however, the pay rates are down. In 1950, white females earned 65¢ for every dollar paid to white males; today they only make 59¢.

The Census Bureau only gives us the salary figures. A sociological study, American Couples, looks at the implications of earning power. (It also looks at a lot of other things, such as the differences between hetero- and homosexual couples.) On the basis of years of study, 12,000 questionnaires, and 300 interviews, the authors have come up with a 650-page tome. The tome includes too much data (about half of the book is simply transcribed interviews and graphs) and to few startling findings (for example, they conclude "the quality and quantity of sex are important to the well-being of a relationship").

Other findings in the Blumstein and Schwartz study, however, reveal attitudes toward men's higher earning power that many of us might find surprising. In the first section, on "Money," for example, the authors conclude: "Money establishes the balance of power in relationships . . . the amount of money a person earns—in comparison with a partner's income—establishes relative power. This seems a rather cynical finding, one that does not accord well with cherished American beliefs about fairness and how people acquire influence in romantic relationships. Most people . . . do not like to think that income, something that comes into the relationship from the outside, imposes a hierarchy of the couple. But it does."

Therefore, as they state seventy pages later in the section on "Work": "Because working wives bring money into the household, their work helps equalize the balance of power in their marriages. Their work also brings them greater respect from their husbands."

Even though working may bring more power and respect, "working wives still bear almost all the responsibility for housework. . . . Even if a husband is unemployed, he does much less housework than a wife who puts in a forty-hour week. This is the case even among couples who profess egalitarian social ideas, including equal sharing of all the work that has to be done in the house . . . when they broke it down to time actually spent and chores actually done, the idea of shared responsibility turned out to be a myth." A related finding revealed that "men feel that a successful partner should not have to do housework. . . . We feel that men tend to judge people, including their partners, by what they accomplish in the work world. They evaluate the importance of a person's time by its market value."

A final example of a conclusion that shows relationship inequality is based on marketplace inequality comes from the section on "Sex": "Men are less possessive than women because they are more powerful. When we asked people how troubled they would be if their partners had sex with someone else, we were surprised to learn that women are a bit more possessive than men. . . . We think heterosexual women are more possessive than men because they are more vulnerable and financially dependent. Even after the gains of the women's movement, it is still difficult for the average American woman to earn as much money as a man or to see herself as an independent force in the world."

So. The Census Bureau tells us women earn less. Blumstein and Schwartz tell us women lack equality in relationships because they earn less. But many people argue that women earn less in general mainly because of the influx of women at the bottom of the pay-scale who bring down the average for women like, say, Tuck MBAs.

Harrell and Harrell's study of MBA careers belies that argument. This 25-page research paper tracks the careers of about 350 MBAs from the Stanford classes of 1973, 1974, and 1975. For each year, graduating men and women started at essentially the same pay; by 1978, white males earned significantly more than white females. For example, the class of 1973 median starting salaries were $17,000 for men, $16,000 for women. By 1978, the median salaries were $37,440 for men (an increase of 120 percent), and $30,300 for women (an increase of 89 percent).

Harrell and Harrell also touch on the correlation between earning power and relationship equality. "Marital status of females," they conclude, "seemed to be related to earnings and hours of work outside the home." For example, divorced, widowed, or separated women reported working 55 hours per week, about the same as the average for all men. Married women, however, reported 50.8 hours (compared to 55.2 for married men) and married women with children reported 48.6 hours. In other words, married women work less, and married women with children work even less.

What this study shows for women MBAs, *American Couples* shows for women in general. "Women in relationships with men increasingly see employment as part of their self-image, although this does not yet include taking on the provider role. . . . They wish to work, but not as the primary support of the family. Further, while some women are 'work-centered,' it remains a minority. We think that most employed women continue to value their role as companion and caretaker. Women in the study seem to want respect for both roles and are seeking a way to perform them both successfully."

So much for equality in the workplace. So much for equality in the household. But how about those gains at much higher levels? In a recent *California Management Review* article, Elgart reports on his survey of the boards of directors of the Fortune 500 companies. He found 181 women directors out of 6,549—a total of 2.8 percent. According to Elgart: "the boards of directors of our major corporations were men's clubs in 1970, and that remains unchanged after a decade of the greatest and most concerted struggle for women's rights in social history. It is true that the ranks of female directors have grown—2.3 percent in ten years, an average of two-tenths of one percent per year—but, at this rate, it will take about 200 years for women to attain equal representation in top corporate boardrooms—in or about the year 2180."

What, then, do the surveys tell us? Women are working more, earning less, continuing to do most of the housework and childcare, and making very few top-level decisions. Perhaps, therefore, we should avoid feeling complacent. We should avoid generalizing either from laments about "reverse discrimination" or from success stories about the lucky few around us.

What can the surveys never tell us? They can never get across the importance of those lucky few. As cliched and uninspirational as terms such as "leader," "mentor," and "role-model" may sound, we must remember, as women, to aspire to excellence, and, as people, to aspire to fairness, if we hope to make it possible for our daughters to live in a more equal world than the one our sisters live in now.●

GRANDPARENTS RIGHTS—AN ISSUE WHICH MUST NOT BE FORGOTTEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues an article which ran on the front page of the January 27 New York Times entitled "Couple Wins Court Battle to See Grandson, 6." The article focuses on an issue of special importance to me—the rights of grandparents to visit grandchildren following a divorce or other form of marital dissolution involving the children's parents.

This particular article details the case of Mr. and Mrs. George Layton of Binghamton, N.Y., and the 2-year legal struggle they have been involved in to get visitation privileges with their 6-year-old grandchild Mark. As the Times observes:

The Layton case is the most recent example of how as the divorce rate and human longevity have increased, courts in New York State and elsewhere have had to grapple with the special bond between grandparent and grandchild.

On April 19 of last year, this House unanimously passed House Concurrent Resolution 45 which I authored expressing the sense of Congress that all 50 States should adopt a Uniform Grandparent Visitation Act. The resolution calls upon the National Conference on Commissioners of Uniform State Laws to develop a model law which could then be submitted to the States for ratification. The resolution grew out of hearings and an investigation which my Subcommittee on Human Services conducted into the problem. After we received an individual letter from two grandparents in New Jersey who encountered numerous problems gaining visitation, we found their problem was not isolated. We also learned that while 42 States do have laws providing grandparents with the right to petition a court for visitation, the laws vary widely. They differ in terms of what triggers the right to petition. The laws differ relative to what factors are used in awarding visitation. However the most severe problem deals with the lack of interstate enforcibility of visitation orders.

House Concurrent Resolution 45 deals with the issue in the spirit of promoting uniformity of State laws. It recognizes as should any legislation in this area that the right to visitation should only be awarded when it is in the best interest of the child.

An identical resolution to mine, Senate Concurrent Resolution 40 is pending in the Senate and is awaiting final action. I urge prompt and favorable action for it is a genuine issue worthy of our concern and commitment. I contend that the unwarranted deprivation of visitation between grandparents and grandchildren is a form of intergenerational abuse which government and the legal community must form a partnership to combat.

The New York Times article follows:

COUPLE WINS COURT BATTLE TO SEE GRANDSON, 6

(By David Margolick)

BINGHAMTON, N.Y., Jan. 26.—On Sunday, George and Catherine Layton plan to pick up their 6-year-old grandson, Mark Foster, and take him to the nearby Oakdale Mall. They want to visit a toy store, watch the fountain, then cap off the afternoon at Burger King or the Friendly Ice Cream Shop.

For Mr. and Mrs. Layton, however, this is not just an ordinary weekend outing. It is the first time they have been allowed to see their grandson in more than two years, and it marks the culmination of a bitter court battle that began shortly after Mark's parents were divorced.

Last week, the state's highest court ruled, over the objections of the boy's mother and adoptive father, that the Laytons had a right under state law to visit their grandson. In effect, the court granted the Laytons visiting rights no longer enjoyed by their son, Mark's natural father. The Layton case is the most recent example of how, as the divorce rate and human longevity have increased, courts in New York State and elsewhere have had to grapple with the special bond between grandparent and grandchild.

It is a bond that, while relatively new to the law, was captured long ago in an Italian adage the Laytons quoted in court papers.

"Si niente va bene, chiama nonno e nonna," it states. "If nothing else is going well, call your grandfather and grandmother."

According to Harry D. Krause, a family law expert at the University of Illinois Law School, at least 42 states, including New York, now have laws that protect the rights of grandparents in the event of a parent's death or divorce.

Under these statutes, family law authorities say, courts have held that the rights of grandparents and grandchildren can limit the autonomy traditionally given to parents in the rearing of children.

Put another way, the laws mark the legal system's growing commitment to the preservation of the extended family where it is in a child's best interests.

"We've had men's lib, women's lib, and now we have kid's lib," said Doris Jonas Freed, a New York lawyer and an authority on family law. "Even little children have rights that cannot be abrogated. They're not chattels anymore."

For the Laytons, who live here in Binghamton, only a few miles from their grandson, the decision means the end of years of anguish spent looking for "Marky" wherever they went and sending birthday cards that were never acknowledged. It is also a second chance of sorts.

"I worked my whole life to get where I am, and I didn't have very much time with my children," said Mr. Layton, 64, who will retire this year after 34 years at a nearby General Electric Company plant. "We got time on our hands now."

The Laytons' son, also named Mark, married Cheri-Gay LaFrance in March 1975. He was 18 at the time; she was 20. Two years later, their son, Mark Layton Jr., was born. The couple divorced in May 1978, with the mother retaining custody of the child. A year later, she married another Binghamton man, Roger Foster.

Even after the divorce, George and Catherine Layton continued to see their grandson every other weekend. The visits abruptly stopped, however, in September 1981, when Mr. and Mrs. Foster adopted the child, renamed him Mark Foster and forbade the grandparents from seeing him. The boy's natural father approved the move; Mr. and Mrs. Layton did not learn of it until afterward.

"It hit me like a bolt of lightning," Mrs. Layton said.

In the last three years, the Laytons have seen their grandson for only a few seconds. In December 1981, Mr. Layton saw him briefly when he tried, without success, to take him to the General Electric Christmas party. Several months later, Mrs. Layton ran into the boy, with the Fosters, at the meat counter of a local supermarket. She says he waved to her before the Fosters whisked him out to the car.

Mr. and Mrs. Foster have declined to be interviewed.

In late 1981, the Laytons sued for visiting rights in Broome County Family Court. The Fosters resisted, arguing that the grandparents' relationship with Mark was too tenuous to justify the disruptive effect the visits would have, particularly since the Fosters did not want Mark to know that he had been adopted.

Early last year, Judge Daniel S. Dickinson Jr. ruled in favor of the Fosters. He called the proposed visits "an invasion of privacy and embarrassment to the natural as well as the adoptive parent."

The Laytons appealed, and the Appellate Division of the State Supreme Court reversed the ruling. Last week, the Court of Appeals, the state's highest court, unanimously upheld the appellate ruling, saying that the state's Domestic Relations Law intended "to continue the familiar relationship between grandparents of an adopted child and the child, provided that doing so is not contrary to the best interests of the child."

The Laytons are now preparing themselves for Mark's visit, retrieving all of his favorite pictures and toys.

"If he reaches for my hand, that will be great," said Mr. Layton. "But if I ask him to go with us and he says 'no,' I'm going to have a broken heart. Why should I make a little boy suffer?"●

TAX LEGISLATION TO REFORM DAIRY POLICY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. STARK. Mr. Speaker, today I am introducing a bill to eliminate the investment tax credit for dairy farmers in years in which we also have a price support program or a paid diversion program for dairy products. It is time to remove the tax subsidies which encourage dairy herd expansion while our taxpayers are spending hundreds of millions of dollars to shore up the price of surplus milk.

Government dairy policy is crazy: at one end of the cow, we are feeding it tax subsidies to produce and, at the other end, we are trying to stop the flow of milk. One policy or the other may make sense—but both together do nothing but spill taxpayer dollars.

Since 1949, the Federal Government has guaranteed a price to dairy farmers for their surplus products. The price support program, initiated to assure an adequate supply of dairy products, has resulted in increased production. Obviously, a farmer who is guaranteed a price for all his surplus has no incentive to decrease production. In fact, production has exceeded demand for dairy products in every single year since the price support program began.

But this support program has been a big ticket item for taxpayers. The cost of supporting this sacred cow has been hundreds of millions of dollars each year. The estimated cost for the year 1982-83 alone is $2.5 billion.

This fall, legislation was proposed to make substantial cuts in the price support programs. The proposal was not enacted. Instead, a new dairy program was created which kept intact most of the price support program and added a paid diversion program for dairy farmers. Since Congress, in its wisdom, chose to slow the flow of milk by diversion and support programs, we must change the tax laws which now promote expansion and increased production.

The tax code has clearly fattened up the dairy industry. Even with a surplus of 19.7 billion pounds of milk products, dairy farmers are still allowed an investment tax credit when they expand. Credits are allowed for investments in dairy cows, single purpose agriculture structures such as milking parlors, and all machinery and equipment necessary for the purpose of dairy farming. For example, 10 percent of the cost of a farm machine may be subtracted directly from the tax bill due in the year in which the machine was purchased. All these tax-inspired investments encourage the expansion of dairy farms. At a time when there are 1 million more cows than are needed to meet current demand, tax incentives to expand are absurd.

The dairy lobbyists would have us think that the ITC is needed to help the small family farmers struggling to make a living. Let us not be fooled by this argument. A credit is of no use to a farmer who owes no taxes since the credit is an amount subtracted from taxes owed. A credit for 10 percent of the cost of a milking parlor does not help the poor farmer or one who is just about breaking even—but the credit is great for agribusiness and outside investors with substantial nonfarm income.

Congress can no longer ignore the inconsistencies in Government dairy policy. It is time to synchronize the Tax Code with the rest of our dairy policy. By eliminating the ITC when expansion is undesirable, my bill will bring us one step closer toward a coordinated Government policy on dairy farms.

The text of the bill follows:

H.R. 4701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 48 of the Internal Revenue Code of 1954 (defining section 38 property) is amended by adding at the end thereof the following new paragraph:

"(11) DAIRY PROPERTY.—

"(A) IN GENERAL.—Dairy property shall not be treated as section 38 property if, during any part of the calendar year in which such property is placed in service, a Federal dairy program is in effect.

"(B) DAIRY PROPERTY.—For purposes of this paragraph, the term 'dairy property' means any property which—

"(i) is used by the taxpayer predominantly in the trade or business of dairy farming, or

"(ii) is leased by the taxpayer to another person for use predominantly in such a trade or business.

"(C) FEDERAL DAIRY PROGRAM.—For purposes of this paragraph, the term 'Federal dairy program' means any program of the Federal Government—

"(i) which is operated primarily for the purpose of supporting the price which farmers receive for milk, or

"(ii) under which farmers are paid for reducing the quantity of milk marketed for commercial use.

"(D) TREATMENT OF CHANGE IN USE.—If any property is not dairy property when placed in service by the taxpayer but such property subsequently becomes dairy property in the hands of the taxpayer, for purposes of this paragraph, such property shall be treated as placed in service in the calendar year in which there is such change in use."

(b) The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act in taxable years ending after such date.●

TRIBUTE TO HAROLD HARTZEL

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HARRISON. Mr. Speaker, on February 5, 1984, the Hazleton Elks Lodge No. 200 will pay tribute to Harold Hartzel by honoring him as their "Elk of the Year." This award represents outstanding achievement in one on which all of the Hazleton community takes pride.

Mr. Hartzel was exalted ruler of the Hazleton Elks in 1979 and 1980 and has been chairman of the youth committee and other committees of the local lodge. He is a graduate of Hazleton High School and served in the U.S. Army. He is currently employed as supervisor of Armour Handcrafts, Valmont Industrial Park. He is married to the former Joanne Orlando, R.N., and they have two daughters, Mrs. William Tarapchak, Hazleton, and Kim, who is a senior at Hazleton High School.

Mr. Speaker, I join with Mr. Hartzel's family and friends in paying tribute to this outstanding citizen.●

ECONOMIC DISTRESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. OWENS. Mr. Speaker, in these times of economic distress there are those who would have us look to numbers and forget the uncounted unemployed. The eloquent testimony of Francesco Cantarella, vice president of A&S department store in Brooklyn, tell us more than mere numbers convey. The testimony was given on December 19, 1983, before the Subcommittee on Domestic Monetary Policy.

TESTIMONY OF FRANCESCO CANTARELLA

A&S is the ninth largest department store in the country. It maintains its flagship store and corporate headquarters in downtown Brooklyn and has 14 suburban branches in the New York, New Jersey and Philadelphia area. A&S is a division of Federated Department Stores, Inc. The chairman of the Subcommittee asked me to comment on interest rates, credit availability, employment opportunities and business activities within a five minute period.

Holding these hearings the week before Christmas provides its share of ironies. Many of the borough's residential streets and all of the commercial zones are brilliantly decked out with Christmas lights and decorations. But the glitter masks many of the harsh realities which are caused by flaws in Brooklyn's basic economic structure. I need but touch briefly on the institutionalization and growth of soup lines or the appearance of people waiting in the early morning chill for store fronts to open in hopes of receiving a handout of cheese, and a burdened social delivery system creaking under the weight of increased applicants.

Why should these developments be of concern to a department store? There are the traditional and historic humanitarian concern of an 118-year old institution for the economic viability of one of the communities it serves. Also, because a business can only be as viable as is the community it is a part of. What I am talking about is the Crisis of Christmas, 1983. My remarks reflect the deep concern of A&S' senior management.

I know that many of you from Washington are thoroughly familiar with unemployment statistics, probably because there are so many of them around. I'd like to describe them to you in terms which I hope can be easily understood in Washington, especially by those people there who take it as an article of faith that blacks and other American disadvantaged are lazy, don't want to work, and whose only ambition is to achieve yet another generation on welfare.

I'm talking about those folk who sneeringly equate the indignity of standing in the rain for a bowl of soup with copping a free meal.

I'm speaking of that seemingly all-pervasive mentality in Washington which was recently summed up by a high ranking Administration official who said that Scrooge was a victim of a bad press and that Cratchit was, in reality, well off.

I'd like to make it clear that those people who have piously expressed "concern" about hungry Americans and "shock" about a problem whose roots are only three and a half years old—malnutrition and hunger having been wiped out earlier. I'd like to make it clear to those people who believe that folks prefer to cheat to eat rather than work to earn.

To help make it clear, I'd like to take you back to 12:30 a.m. on the morning of October 17, 1983. The weather was mild as people began lining up on a street outside a door of an office A&S had established for interviewing and hiring Christmas help. By 2 a.m. 200 people were lined up outside the

locker doors of the employment office. As dawn began to break there were several hundred more—standing or stooping. There were no provisions for sitting or any toilet facilities. By 9:45 a.m., when the doors opened, there were close to 1,000 men, women and youths lining the sidewalks for more than a block and a half.

As A&S geared up to hire 80 people a day until the store reached its full complement of 1,200 temporary hires. No advertisements had been placed in newspapers. People heard about job possibilities by word of mouth. The only mention of our Christmas hiring had been a sign which had gone up only week before in our personnel office. The jobs pay $3.35 an hour.

Who are these people?

I'll tell you who they are and I'll tell you what our interviewers told me about the people they spoke to.

Ninety percent of the 11,000 people who showed up during the hiring period were black.

A majority of them either had college degrees, were in college or had a high school degree.

A "substantial" number, said one interviewer, were well-dressed, had good communicative abilities, and many had previous sales or business experience.

It is definitely out of character for an employer to talk about an over-abundant supply of workers. But, when 11,000 show up for 1,200 jobs, we do not view it as an asset to our business or to the community in which we do business.

Do you want to know what really troubles us most deeply at A&S? It is what happens to those ten thousand people who came to us in hopes of work and who, despite their qualifications, despite their motivation, despite their job readiness and experience and who, despite their personal and family needs, did not get a job.

We'd like to know what answers or what concern they have in Washington about those individuals.

There is another myth I'll comment on. It's a myth about black youth in urban America . . . about black youth in Brooklyn. In all fairness, I must allow that I have heard similar myths about Hispanic and Chicano youth in other parts of the city and nation and about white and Oriental youth elsewhere.

It is the Potomac Notion that youth isn't motivated; they don't want to work; that they prefer ripping off the public; or sit back and pick up CETA checks; even though CETA checks have become a collector's item.

Here again, the experience of a group of Brooklyn businesses may be instructive. We have been running, for the last three years, a vocational exploration program called Career Opportunities for Brooklyn Youth, or COBY for short. Of the 1,300 disadvantaged young men and women who completed the program, more than 57% of the youth who were either drop-outs or push-outs have gone on to permanent jobs with participating firms.

We cannot tell you what has happened to the hundreds of others who applied for jobs with COBY but were turned down because there were no more jobs. And that troubles us deeply, too.

I hope that these examples will tell you something about the employment scene in Brooklyn today where the economic recovery is badly trailing the rest of the greater New York-New Jersey region. By contrast, we have jobs going begging in our stores in Nassau, Suffolk counties on Long Island and in our New Jersey branches.

A&S has, as other businesses in Brooklyn have done, followed the Administration's admonitions of facing up to competition and running our business more efficiently and, at the same time, better serving the needs of the less fortunate.

We have initiated our own programs and are working in partnership with other firms, with the public and voluntary sectors and directly with the community to help improve the social and economic environment.

Yet, the missing partner is the Federal government whose cutbacks in domestic spending have forced, and are forcing, tremendous hardships on a very large segment of the borough's population, many of whose problems are not of their own making but a consequence of present and past national policies.

Brooklyn's recession-struck private sector cannot replace the safety net for the borough's disadvantaged either through added capital investment or through increased charitable contributions, despite the fact that such funds have been marginally increased. Both are totally inadequate given the magnitude of the problems here.

As I indicated at the beginning of my comments, it is the week before Christmas and there is no reason why, like every other living American, A&S shouldn't present Christmas wish list of its own to this body. We ask for:

Increased federal government assistance to small and minority business, through the Small Business Administration and the Minority Enterprise Small Business Investment Corporation. Also increased supervision of compliance by defense contractors to award sub-contracts to minority contractors to fulfill affirmative action commitments.

Increased funding of the Job Training Partnership Act from its projected $3.6 billion level, down from $11 billion in 1980, so that disadvantaged youth might be better trained through Private Industry Council programs for new opportunities opening up in small businesses.

A commitment by members of Congress to block the anticipated $8 billion cut to be proposed by the Administration in "non-military" spending from the fiscal year 1985 Federal Budget.

I hope that the members of this committee will see the inter-relationship between the items requested and how they tend to support each other while improving the social and economic fabric of this borough as well as that fabric in any other community in urban America afflicted with the problems we have discussed today.

As is the case with anyone who makes a Christmas wish list, we do so without any certainty that any of these wishes will be granted. And this Christmas, 1983 we are less certain than ever before. Even though we know that the crisis is here.

I understand that, as we are sitting here, President Reagan is proclaiming today as National Care and Share Day and is appealing for contributions of canned goods to food banks and soup kitchens. This is deeply touching. Especially in view of yesterday's front page story in the New York Times about the formidable obstacles blocking the distribution of surplus food stuffs to the needy.

We forgot to put canned goods on our Christmas gift list.

What we want in Brooklyn are jobs for 1984.

We want jobs for that large group of our citizens who want the dignity of work, who want to maintain the respect of their families, who want to hold their heads up with pride before their neighbors and friends.

Brooklyn's business community, its political organizations, its voluntary sector, its churches and the residential community are working hard to bring jobs to the borough. But without well-developed, carefully planned and adequately funded domestic assistance programs by the federal government our efforts will but barely provide our citizens with what they need and with what they justifiably want.●

H.R. 1961

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. EDWARDS of California. Mr. Speaker, many of our colleagues have spoken in eloquent detail on H.R. 1961, the Agent Orange and Atomic Veterans Relief Act, as passed yesterday by the House of Representatives. This bill is a much-needed step in the right direction and I applaud the wisdom of the House's action, which I supported wholeheartedly. I applaud the chair, Congressman G. V. (SONNY) MONTGOMERY, and the other members of the Veterans' Affairs Committee for their work in bringing this bill before the House. I compliment Congressman TOM DASCHLE, the chief sponsor of the bill, and Congressman APPLEGATE, the distinguished chair of the committee's Subcommittee on Compensation, Pension, and Insurance, for their outstanding work on the measure.

Nevertheless, we must remember that the bill is a narrowly drawn, modest bill of limited scope and duration. It will relieve the problems of some Vietnam veterans and some atomic veterans, but it will not reach the problems of many others similarly exposed to agent orange and atomic radiation. With the passage of this bill, we may have taken the edge off the crisis for some, but the fundamental problem still remains to be resolved for all.

As passed, H.R. 1961 does not go as far as the bill originally introduced by Congressman DASCHLE, which I was proud to cosponsor. Let us view the bill as passed for just what it is—one of the pebbles constructing the road to eventual justice for our veterans. We have a long way yet to go in building that road.

I recently returned from a week's stay in Vietnam where I investigated the effects of agent orange on the Vietnamese population and terrain. I met with physicians, research teams, and scientists who have been studying the effects from agent orange exposure. I am currently finalizing a report from the trip and will have it ready for release on Thursday, February 2, 1984. I believe that report will be

useful in the struggle we have yet ahead of us on this very important issue.●

THE 200TH ANNIVERSARY OF THE TREATY OF PARIS RATIFICATION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Ms. KAPTUR. Mr. Speaker, 1984 marks the 200th anniversary of the ratification of the Treaty of Paris, the treaty that ended the Revolutionary War. This past Thanksgiving Day, the chairman of the National Committee for the Bicentennial of the Treaty of Paris, Dr. Joan Challinor, gave an address entitled "The Will to Peace" at St. Paul's Cathedral in London. I commend Dr. Challinor's speech to my colleagues. Her call for a recognition of the talents necessary for the work of peace, and a rightful regard for the skills of international diplomacy in order to build a durable peace are particularly timely. Dr. Challinor's speech follows:

THE NATIONAL COMMITTEE FOR THE BICENTENNIAL OF THE TREATY OF PARIS

THE WILL TO PEACE

We meet today to celebrate Thanksgiving, an American observance more than half a century older than this Cathedral. As we observe Thanksgiving Day, we reach back over three centuries and touch once again our English roots. Three hundred and sixty-two years ago, a small band of English men and women joined with six native Americans to thank God for their first harvest in the New World. The Pilgrims' thanksgiving was an act of faith; during the previous winter they had lost half their population through starvation and disease. Their Governor, William Bradford, described their plight: "all things" he wrote, "stared at them with a weather-beaten face." Yet by their courage and tenacity, they endured.

Courage and tenacity were also needed for the negotiations of the Treaty of Paris—the treaty whose bicentennial we celebrate today. This treaty ended the American Revolution, established our independence and settled our Western boundary on the Mississippi River. It brought about what John Adams termed "returning friendship" between Great Britain and the United States and what David Hartley, the British negotiator called a "reunion of all our ancient affections and common interests." The treaty, no matter how favorable to our fledgling nation, ushered in an era in which the United States had as little chance of survival as did the Pilgrims, huddled on Plymouth's shores. Not only did we survive, but we have been uncommonly blessed: our granaries are full to overflowing, our nation stretches from "sea to shining sea" and beyond, and our one-time adversary has become a close and staunch ally. Like the ancient psalmist, we can ask ourselves, "what shall I render to the Lord for all that he hath rendered to me?" Our response today should be to make our first and greatest peace treaty, and peace itself, the focus of our Thanksgiving.

We should, first of all, rescue the Treaty of Paris from its undeserved obscurity. The British diplomats, Richard Oswald and David Hartley, are all but forgotten. The American negotiators are remembered for other supposedly grander accomplishments: Benjamin Franklin as scientist, writer, inventor, John Adams as our second President, and John Jay as our Chief Justice. But the fortunes of the new nation may have turned more on what they accomplished at the negotiating table than on all their other attainments. Benjamin Franklin fully realized the importance of his diplomatic work, writing to David Hartley, "we have long been fellow labourers in the best of all works, the work of peace."

A recognition of the talents necessary for the work of peace, and a rightful regard for the skills of international diplomacy, seem a most appropriate commemoration of the Treaty of Paris at a time when the whole world cries out for reasonable talk to end an unthinkable threat to human survival. We can determine to move forward towards peace—to seek negotiation out of conflict. We should put negotiators on an equal footing with our martial heroes, and diplomats should take their place beside generals and admirals in our pantheon. Sir John Fretwell, the present British Ambassador to France, spoke eloquently at bicentennial ceremonies in summer 1983: "War, he said, "however just, whatever the heroism that it inspires, is destructive and often disastrous for victor and vanquished alike. The test of statesmanship is not only in the will to win but even more in the will to build a durable peace."

It is this will to build a durable peace that has been so often lacking in the past. We have waged war with singlemindedness, and then negotiated in a fragmented and often hesitant way. To achieve a lasting peace will take force and vigor. We must let the world know that we are now about the work of peace as we were once about the work of war. The same resourcefulness, endurance, and self-reliance which were once the hallmark of the British and American negotiators in 1783 must now inform our peacemaking. We must wage a peace that will make it possible for humanity to breathe freely instead of merely holding its breath; and we must construct a peace that will let our children grow old, and our old people die a natural death. This determination, born out of the commemoration of the treaty would pay due respect to the peacemakers of 1783 and the men and women who labor today to bring peace and reconciliation to deeply troubled parts of the globe.

The last hymn we will sing today will be "The Battle Hymn of the Republic." We must begin to hear the words of this stirring hymn with a new resolve. Indeed, we must "sing to the Lord a new song"—a song of peace strong enough to convert a call to arms into an exhortation for peace. The "watchfires of a hundred circling camps" must now guard a peacekeeping army; the "altar in the evening" must be an altar on which we pray for peace; the "trumpet that shall never call retreat" must stir us to greater efforts in resolving disputes without recourse to war; and if we must "die to make men free," let us remember that no man or woman can be truly free until they enjoy the blessings of peace.

As we begin to wage peace, we need courage for the agonizingly difficult task ahead. Let us take heart from Christ's words, "Blessed are the Peacemakers." And let us add to them for our own very dangerous time, "and blessed be the work of peace—so help us God."●

IMPACT OF GM-TOYOTA VENTURE TO BE ADDRESSED IN HEARINGS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. FLORIO. Mr. Speaker, on February 8 the Subcommittee on Commerce, Transportation and Tourism of the House Energy and Commerce Committee will conduct a hearing on the future of the auto industry in light of the recent tentative FTC decision not to challenge a joint venture between General Motors and Toyota.

While the majority of the FTC apparently believes the joint venture will have a net positive impact, others are less optimistic. A succinct expression of some of these concerns appeared in a recent Miami Herald editorial which I am inserting in the RECORD.

One in six American workers depends directly or indirectly on the auto industry for a livelihood. We should not hastily decide the industry's fate. As part of my subcommittee's ongoing examination of the industry, I hope our February 8 hearing will contribute to public debate and congressional deliberations on the implications of the FTC's tentative decision.

The editorial follows:

A DOUBLETHINK DEAL

That year of years arrived one week early at the Federal Trade Commission (FTC). As envisioned by *1984's* author, George Orwell, loyal subjects of the totalitarian future will find it necessary to engage in "doublethink." This is the process by which one persuades oneself that two devoutly contradictory ideas both are true, as in "war is peace"; "freedom is slavery"; and "ignorance is strength."

Doublethink now reigns at the FTC and is being perpetrated as national economic policy. By a 3-2 majority, the FTC voted to permit General Motors Corp. (GM) to produce small cars in the United States jointly with Toyota Motor Co. The FTC majority contends that this sweetheart deal between the world's largest auto maker, GM, and No. 3 Toyota does not violate antitrust laws and does not reduce competition.

Indeed, one Timothy J. Muris, director of the FTC's "Bureau of Competition," dared to commit doublethink flagrantly in public. He argues that just because two giant corporate competitors now are going to be partners, that doesn't mean that competition will be reduced. People who believe that it will be are relying on what Mr. Muris calls "discredited" notions that competition results when competitors actually compete.

He cites new theories of competition that stress how much consumers benefit from highly concentrated industries. In the old days, such industries were called "trusts." Antitrust laws were passed to prevent them because trusts develop concentrated powers of economic monopoly.

Chrysler, Ford, and American Motors executives define "competition" the old-fashioned way. They denounce this GM-Toyota partnership as unfair, which it is, and as a violation of antitrust laws, which it also is. Patricia P. Bailey, a Republican FTC commissioner, said in dissent that if this deal isn't a violation of antitrust law, "what is?"

This GM-Toyota deal is defended on the grounds that it will be of limited duration (12 years); will produce only 200,000 cars per year; will create jobs; and will teach GM how to produce better, cheaper, small cars that eventually will benefit U.S. consumers.

This economic nonsense insults the intelligence. If the goal is competition and jobs, let Toyota build its own U.S. plant. If the goal is to teach GM how to build cars, let GM learn by competing the old-fashioned way. If the problem is Japan's cars being cheaper and sounder, examine the real causes—Japanese productivity is higher, labor costs far less, taxes are lower, and the U.S. dollar is grossly overvalued while the Japanese yen is too low.

This deal sets a dangerous, indefensible precedent. The courts should rule it illegal. Failing that, Congress should out-law it.●

STATEMENT OF CONGRESSMAN RICHARD L. OTTINGER, JANUARY 6, 1984, ANNOUNCING HIS RETIREMENT FROM CONGRESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. OTTINGER. Mr. Speaker, on January 6, 1984, I announced in my district that I would not be seeking another term in Congress. A number of my colleagues have asked my reasons for this decision. I therefore include hereafter the statement I made announcing my reasons:

I want to thank you all for taking time out of your busy lives to be with me today. There are so many long time friends and helpers, people with whom I've endlessly walked the streets and beaches, people who have volunteered so selflessly to be of help. Particular thanks to Mike and Lynn Kitzmiller who flew from Washington to be with me, and to the incomparable Belle D'Onofrio for making all the arrangements so capably.

I want you all to know the real reason for the announcement I am making today: I want to set a good example for President Reagan!

I'd like to take my text today from the Old Testament: "To every thing there is a season and a time to every purpose under heaven: A time to be born, and a time to die; a time to plant, and a time to pluck that which is planted • • •" For me this is such a time.

I have decided not to seek another term.

I make this announcement with very deep and mixed emotions. I am enormously grateful for the privilege to have served. I cherish the opportunities afforded to affect public policy, to help the communities in which I was raised and the thousands who seek help through my offices. The satisfactions of that service are enormous.

On the other hand, I look forward to leading a more normal, balanced life and, twenty years after my first election to Congress, to serve in new ways and undertake new challenges.

Let me answer some of the questions that have been asked by my good friends and supporters to whom I have related this decision.

Why do I leave this fascinating profession during my prime of life, at a time when reelection looks more promising than ever?

My answer is, this is the time to leave, when I'm at the top of form and still young enough to start another career. You would not want me to leave when it could be said I was shirking a difficult challenge.

How can I leave at a time when the problems that face the country about which I care so deeply seem more critical than ever before in our history?

I don't presume that I can solve those problems. Indeed, one of the reasons for my decision is the incredible frustration of being in Congress and still feeling as powerless as the average citizen to affect the great issues before the country, like war and peace. I will still try to make my voice heard on these issues, but through other forums.

What about the Party? Is it right to bow out in the wake of the loss of the County Executive, and under conditions where it will be difficult to hold the seat?

I care deeply about my party and take great pride in having been the first Democratic Congressman from Westchester in modern times when I was first elected in 1964. I wanted to step down two years ago, but decided to stay and continue to serve my constituents. One important reason was that, after redistricting, I felt I might be the only Democrat who could hold the seat. I can't delay a decision I feel is right forever on those grounds. I would not serve my party or constituents well staying beyond my time.

Why do I feel this is the right time for me to change careers?

First, the frustrations to which I have referred are overwhelming.

To be sure, I have many accomplishments in office of which I am very proud, to be sure—my participation in establishing the environment as a priority consideration of the country; formation of the Environmental Study Conference as the largest bi-partisan, bicameral institution of the Congress; my role in achieving the most fundamental reforms in the history of the House when I returned in 1974—eliminating the abuses of the seniority system, limiting Members to one chairmanship and thus giving many more the opportunity to lead, opening up the processes of Congress to public scrutiny—and as Energy Chairman, bringing conservation and renewables to the forefront of American consciousness; these are the most significant, together with the less dramatic, but very important task of giving the very best service I can to my constituents.

Still, even with my organizing of the National Economic Recovery Project for development of sound alternatives to the Reagan economic policies, which was endorsed by 153 of my colleagues, I find my ability to change major national policies minimal.

I am frankly distressed at the failure of the leadership in the House to define adequately alternatives to the policies of the Reagan Administration, policies that I consider the most dangerous and destructive of fundamental American values of any Administration in our history. Under Reagan we have become a militaristic society, conducting foreign policy at the point of a gun. We have become a callous society, abandoning our traditional concerns for the poor, the unemployed, the disabled, senior citizens, deteriorating cities, mass transportation, energy conservation, housing, education and health care.

The House has been the one Democratic institution of government these past three years. The leadership has succeeded in stemming the draconian cuts in job, education, health and environmental programs proposed by Reagan. It has put together an excellent statement of Democratic principles under the able leadership of Congressman Gillis Long, chairman of the Democratic Caucus. And it has supported some limited legislative initiatives, as with the housing bill passed at the end of the last session. What it has failed to do is put together a cohesive Democratic alternative, present it in legislation, and require Reagan and the Republican Senate to have to deal with it.

What should we be doing?

We should be spelling out firm criteria for arms control to rectify the total failure of the Reagan Administration to seek ways to avoid nuclear confrontation with the Russians.

We should be defining a foreign policy for the nation to stop the militarization of international affairs pursued by Reagan.

We should be acting to bring the budget into better balance by restoring the nation's tax base, assuring that those who profit from our system pay their fair share, and by cutting obscenely wasteful and dangerous defense excesses and other counterproductive giveaways.

We should be acting to remove the insidious influence of money from politics. It is fundamentally corrupting our democratic system.

We should be acting to assure that no one in this great country goes hungry while we pay farmers not to grow crops. We should be passing legislation to assure consumer protection, citizen safety, environmental enforcement, education of our children, jobs for the unemployed, civil rights at home and human rights abroad.

In short, we in the House should be passing legislation reaffirming all the great American values Reagan has sought to destroy, to assure that ours remains a peace seeking, equitable and humane society. We should be serving up legislation to this effect to the Senate and Reagan and putting the pressure of the country on them to pass and sign it.

Without a leadership willing or able to lead on these critical issues of our time, the individual Congressman feels powerless. This is something that will not change regardless of the outcome of the next elections.

Besides the frustrations of the office, there are other reasons for my leaving now. While the opportunities and satisfactions of public life are enormous, the burdens of doing the job right are monumental. Working a seven-day week with tough campaigns every two years is wearing. The amount to read and know is staggering. The pressures are constant. I long for the luxury most Americans enjoy—the weekend—time for family and friends and time to read and contemplate beyond the demands of work.

Then, too, I don't believe that the job of a Representative should be a lifetime expectation. I will have served in Congress for sixteen years at the end of this term (and run every two years for twenty years). I don't feel stale in the job, but I don't want to get stale, as I have seen with too many of my colleagues who stayed too long.

Lastly, I have long wanted to teach and write. Leaving now will give me that opportunity. I relish the opportunity to help send forth a new generation of bright, well informed young people, equipped to shoulder the responsibilities of creating a better future for our country and its people.

Cervantes once said, "Time ripens all things. No man is born wise." I have grown tremendously in this job and acquired a rich experience that I would seek to pass on to tomorrow's leaders.

I want to thank my most wonderful and dedicated staff for their effective service, all those fabulous people who have volunteered their help along the way, the unions, environmental and consumer groups, the minorities who have been so wonderfuly supportive, the many individuals who have contributed to my campaigns, and the voters who have expressed their confidence by electing me eight times, even though the positions I have taken were sometimes unpopular. This support is an incomparable satisfaction.

If there is one lesson I would pass on to my successor, it is to vote your conscience—to do what you truly believe is right for the country. Your constituents will respect you, even though they may not agree with your stance.

I thank, too, the conscientious press that has covered my activities well over the years, the editors that have flattered me by their support and improved me by their criticism, and the public officials of both parties with whom I have enjoyed working.

I am grateful to my party and its leaders who have encouraged me—from Bill Luddy who brought me into public life, the incomparably loyal Miriam Jackson, Sam Fredman, Max Berking, to Tom Carty who does such a splendid job today—and my predecessor, Ogden Reid, who has been such a good friend and from whom I have learned so much.

I am enormously grateful to my wife, Sharon, and the rest of my family all of whom have been so supportive. I particularly appreciate that my daughter, Jenny, flew from Washington to be with me today. I want to make it clear that none of them put any pressure on me to make this decision, much as they may have wanted more of my time and attention and much as I have wanted to give them more. They have always emphasized that they would be happiest if I did what I thought was right and would support me fully in that decision.

My staff and I pledge to continue to give the best service to the people of Westchester and the nation of which we are capable during the year that remains of our tenure. I want to emphasize that I will still be your Congressman for the next year; the public should continue to call on us for help. We will then leave next year with the satisfaction that we have given it our best and with deep gratitude for having had the opportunity to serve Westchester and the Nation in the Congress of the United States.

In closing, I'd like to recall the question posed by my youngest son, Larry, in the midst of my first campaign, complaining about its imposition on his time. He asked, "Daddy, when will Ottinger-for-Congress be over?" Well, I have a year left of my service in Congress, but today I can answer Larry's question. Ottinger-for-Congress is over now.●

NEED FOR GREAT LAKES WATER PRESERVATION ACT, H.R. 4366

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. LIPINSKI. Mr. Speaker, on November 10, 1984 I introduced legislation H.R. 4366, which would prohibit diversions of Great Lakes water for use outside of a Great Lakes State. One of the most serious issues facing our country today and in the future will be the scarcity of fresh water. Many expanding areas of the country will be facing severe shortages of water and be unable to meet the demands of the residents or industries of their area. At the present time the Great Lakes region of the country enjoys a surplus of fresh water. This is a resource we must protect and use wisely. As other areas of the country needs for water increase there will be demands that the Great Lakes region share its water supplies.

Wisconsin Gov. Anthony Earl wrote an article for the January 30 edition of USA Today concerning the issue of Greak Lakes water diversion. He brought out some very interesting points about this problem, which you may find of interest. The following is a copy of Governor Earl's article for your review.

SHARE OUR WATER? NO, WE NEED IT ALL

MADISON, WIS.—Those of us living on the Great Lakes—including our Canadian neighbors—are on a collision course with the Sunbelt of the United States.

The issue? Water.

Put simply, the Great Lakes basin has water. The Sun Belt is running dry. And eyes in the southern and western USA are beginning to turn hopefully, enviously, toward our water.

But major movements of water from one part of the country to another are environmentally unsound and economically foolish.

For the 37 million people and one-third of the nation's industry in the Great Lakes basin, fresh water is the basis for our way of life and is essential for our economic well-being. The lakes are necessary for transportation, manufacturing, agriculture. They influence our climate, generate energy, and are vital to our ecosystem.

Some people have compared bodies of water to natural resources such as mineral deposits. But an underground vein of coal is not a vital and interactive partner in the environment like the water lapping the shores of Lake Superior.

Those in the dry belt also forget another player in this possible tug of war. Most Canadians live along the Great Lakes, and they won't sit by while these international waters are drained away.

Water diversion could only damage the lakes. The International Joint Commission estimates that lowering the lakes by only one inch could cost the region more than $200 million annually in decreased shipping, dredging costs and lost power generation. The environmental damage would be severe.

And the commission estimates that the rate of water consumption by the region's residents will double by 2000, and increase eightfold in the next 50 years.

Even without water raids, studies indicate that our region could be facing water shortages in communities, damage to fishing and recreation, and disruption of shipping.

Obviously, regardless of court rulings, lawsuits and legislation, we will have little water to share.

Billions already have been spent by the federal government on water projects "to make the desert bloom." Yet none of the dams, irrigation works or other projects have been economically justified. They have only created insatiable thirst for a resource that cannot replenish itself.

Yes, parts of our nation are depleting their water resources much faster than they are being replaced. But depleting the water resources of the rest of us is not an acceptable solution.

To threaten the health of the Great Lakes region in a vain attempt to solve another region's dilemma would only result in foundering economies in two regions instead of one.●

TRIBUTE TO BILLY STRAUSS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HARRISON. Mr. Speaker, an outstanding boxer from Wilkes-Barre, Pa., is Billy Strauss, one of Wilkes-Barre's most distinguished fighters in an era of boxing's golden years from 1937 to 1952.

Billy Strauss was born November 3, 1923, in Hanover Township. He is the son of the late William and Stella Strauss. Billy's boxing career spanned 15 years. He fought 127 amateur and 89 professional bouts. His first amateur fight was at the age of 13. He won the National AAU Boxing Championship as a lightweight in 1937.

He also won the Navy's 3d Fleet (Pacific) Light Heavyweight Championship in the Honolulu Bowl in 1943. Billy never won a professional championship, but fought some of the best. He twice defeated Freddy Beshore, who fought top-notch contenders such as Ezzard Charles, Joe Louis, Jersey Joe Walcott, and Archie Moore. Although a light heavyweight at 178 pounds, he took on many heavyweights who outweighed him by as much as 40 to 50 pounds. Billy retired from the ring in 1952 and for years headed the Wyoming Valley Old Timer Boxing Association.

Mr. Speaker, I join with the entire community in paying tribute to this outstanding athlete and citizen.●

REAGAN'S FAULTY NUMBERS

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HAWKINS. Mr. Speaker, President Reagan, in last week's state of the Union address, expressed great optimism regarding America's current employment situation and high praise for his administration's economic policies which have resulted in a declining unemployment rate.

Today, our Nation's unemployment still remains at excessively high levels. The December 1983 figure of 9.2 million unemployed or 8.2 percent of the labor force, is far above prerecession levels.

The "official" Government figures sharply understate the extent of unemployment by excluding from the tally, large numbers of unemployed and underemployed workers. A more accurate measure of unemployment would include the 1.5 million "discouraged workers," those who have stopped looking because unemployment is so high in their communities. Also, over 5½ million workers who want full-time jobs are on part-time schedules because of slack economic conditions. Only one-half of these workers have been added to the unemployment total. On this basis, 13.5 million, or 12 percent of the labor force, are unemployed and/or suffer severe loss of income.

The national statistics conceal far greater unemployment among many groups, many of whom are experiencing close to record high levels of joblessness. "Official" BLS figures reveal, for December 1983, the unemployment rate for all workers is 8.2 percent, for white workers it is 7.1 percent, for blacks it is 17.8 percent, Hispanics are at 11.6 percent, all youth (16–19) are at 20.1 percent, among black youth the rate is an appalling 49 percent and women (head of household) suffer a 10.7 percent rate.

National averages also conceal the fact that many States are still experiencing severe unemployment far above the average. These States are found in regions across the country. For example, the unemployment rates in our Southern States are 12 percent in Alabama, 10 percent in Kentucky, and West Virginia at 15 percent. In the Midwest, Ohio's total is 10 percent and Michigan is at 12 percent. Within these and other States, cities and rural areas are experiencing even worse unemployment.

The number of unemployed has declined by 2½ percentage points during the past 12 months (from 10.7 percent in December 1982 to 8.2 percent in December 1983). That gain just offsets the loss in the 12 months of November 1981 to November 1982 (from 8.3 percent to 10.7 percent); it still has not restored the rate to the July 1981 prerecession level of 7.2 percent.

Labor force changes also affect the unemployment rate with slower growth lowering the unemployment rate. During the past 12 months, the labor force grew by 1.2 million, far less than the preceding year's growth of 2 million, and the 1.7 million growth from December 1980 to December 1981.

Even with the recovery continuing at its current pace, most forecasters are expecting unemployment to drop only marginally to about 7.6 to 8 percent by the end of 1984. That national level spells far higher rates for many, especially among minority groups.

Mr. Hobart Rowen, in his Washington Post editorial on January 26, 1984, expresses deep concern over President Reagan's use of economic statistics in explaining to all Americans that we are indeed on the road to "recovery."

Mr. Speaker, I wish to submit Mr. Rowen's article for the RECORD as further evidence that not all of America's workers are benefiting from this administration's economic policies despite "Reagan's numbers."

[From the Washington Post, Jan. 26, 1984]

(By Hobart Rowen)

REAGAN'S NUMBERS: SOMETIMES HIS ECONOMIC STATISTICS DON'T SQUARE WITH THE FACTS

President Reagan has a marvelous way with statistics: he overwhelms an audience with such a rapid-fire barrage that it's often difficult, on the spot, to question any of his numbers. Yet, many of these numbers don't square with facts, as shown by reports from his own government's statistical agencies.

A case in point was a Washington Post interview that appeared last Sunday. In that conversation, Reagan was nervy enough to say that "I think much of what we have done with economic recovery has been more beneficial at the bottom of the economic ladder. . . .

"The things that we have done in the economic recovery have benefited them first and most of all."

He cited some theoretical poverty income numbers to suggest that purchasing power had taken a devastating blow under Jimmy Carter—but has shot up dramatically during his administration. Yet Commerce Department data show that real disposable income (after taxes and inflation) increased at an annual rate of 2.9 percent in Carter's four years, against 2.4 percent in Reagan's three years.

Using fourth-quarter to fourth-quarter comparisons to give Reagan the benefit of a good final three months in 1983, the comparisons are 2.9 percent for Carter, 3 percent for Reagan.

But the president went on to make claims that more seriously distort a true picture of economic results. He said that even with the admittedly high current levels of unemployment, "a higher percentage of all of the people between 16 and 65 are actually employed today than at any time in our previous history."

He added that "for both women and minorities, the percentage of decline in unemployment is greater. . . than it has been for the adult male or white male. So I think we have done these things."

It would be good news, for all America—but especially for black Americans, others in poverty, women, and those suffering in rural America—if Reagan's claims were factual.

But his statements on these issues are not only misleading but mostly untrue. There is only one limited piece of supporting evidence for any of the several statements quoted above: the rate of increase in actual jobs among blacks since the recovery began is 5 percent, compared with 4 percent for whites. That is not very surprising, considering how much lower black employment was to begin with.

Despite this marginal job gain for blacks, the historic ratio of black-to-white unemployment has worsened during the recovery.

According to the Bureau of Labor Statistics, in December 1983, the unemployment rate for blacks was 17.8 percent, or 2.5 times the white rate of only 7.1 percent. At the peak of the recession in December 1982, the black unemployment rate was 20.9 percent, or 2.2 times the white rate of 9.6 percent.

From the peak to the present, in other words, the black unemployment rate has dropped only 15 percent, while the white rate has dropped 26 percent.

Another, equally revealing, set of BLS figures is the ratio of unemployment in poverty areas (defined as those where at least 20 percent of the population is poor) to the rest of the country. In those depressed geographical areas—at the bottom of Reagan's "economic ladder"—unemployment was actually rising while the rest of the country was recovering, through September 1983. It wasn't until the last three months of 1983 that the jobless rate in the depressed areas also began to move down. But has there been greater progress among the poor, as Reagan wants us to believe? At the end of the year, the reduction in unemployment in the poverty areas was only 12 percent from the peak, compared with 22 percent everywhere else.

And how about Reagan's statement that regardless of the unemployment levels, a greater percentage of the population is actually gainfully employed than ever before?

He used as a definition "all the people between 16 and 65," a grouping not used in official statistics or defended as standard by experts on the labor force. Instead, the BLS cites total employment as a percentage of the population. And that now stands at 58.4 percent, while the record of 60.1 percent was set in 1979, before Reagan arrived in Washington.

And finally, women: Reagan claims that the percentage of unemployment declined more sharply for women than for men during his economic recovery. But according to BLS data, the rate of decline in unemployment last year was 25 percent for men and 22 percent for women.

It should be our responsibility, in the media, no less than that of the president's political opponents, to insist that he quit playing fast and loose with the numbers. The recovery in mainstream America is one fact, and no one can argue about that. But another fact is that recovery is passing by the blacks and other poor whom Reagan claims to be helping "first and most of all."●

TO HONOR COACH FRANK SERRAO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. LEWIS of California. Mr. Speaker, it is with great pride that I join with family, friends, and colleagues in honoring a truly inspirational leader among the students and faculty at the University of Redlands, Mr. Frank Serrao, who is retiring as head football coach of the University of Redlands, Redlands, Calif.

Football has always played an important role in Frank's life. He played ball for, and was graduated from Bucknell University. World War II temporarily interrupted his pursuit of a career in football. He spent 3½ years in the U.S. Army. Following the war, Frank continued his education and received a master's degree at New York University in physical education.

In 1957 Frank was appointed head football coach at Redlands High School. There he led his teams to a 7-year record of 55-18-1, including three league titles and one CIF AAAA championship in 1961. While still in the high school coaching ranks, Frank's dedication to excellence in sports was reflected in his position as president of the Southern California Interscholastic Football Coaches Association. During this time, he also found time to coach three all-star teams, including the South Shrine team in 1962.

Frank continued his football career at the University of Redlands in 1964. His record there is enviable. In 20 years his teams won nine Southern California Intercollegiate Athletic Conference Titles. He received coach of the year honors in the NAIA, District III, five times.

In 1976 Frank's outstanding coaching ability was recognized when he was named Pacific Coast College Coach of the Year. This was the year his team earned second place in the NAIA Division II National Championships. His win record while coaching at the University of Redlands is a mirror of his talent and dedication. During his tenure as head football coach, the university's football record was 109-76-1 including 68-26-1 in the Southern California Interscholastic Athletic Conference.

His awards and honors are many and well-deserved. In 1967 Frank was awarded the Distinguished Sportsman of the Year Award. He was also selected Coach of the Year NAIA District III five times. In 1976 Frank was Pacific Coast College Coach of the Year.

Despite his busy athletic schedule, Frank has taken the time to be active in various community organizations. He is a lifelong member of PTA. For 3 years he served on the Congregational Church Board of Deacons. He was a member of the YMCA board for 3 years and for 28 years has been a member of the Kiwanis Club.

A family man, Frank has been married for 37 years to his lovely wife, Joan. They are very proud of their four children and three grandchildren.

During his career Frank inspired many young people onto bigger and better things in life. Through example and hard work he instilled a feeling of pride and accomplishment in his players. He will not be soon forgotten by those who learned so much from him nor by those gathered here tonight to pay tribute to this fine American. Mr. Speaker, it is my privilege to commend to the U.S. House of Representatives, Coach Frank Serrao.●

BYRON G. ROGERS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 30, 1984

● Mr. UDALL. Mr. Speaker, I want to add a few words in memory of a good friend, Byron G. Rogers, who served 10 terms in this House and who passed away in Colorado in December.

Perhaps there is no better way to sum up Byron Rogers' time here than the way it was put by my colleague, PAT SCHROEDER, who said, "He was known as old 'civil-rights Rogers.' "

He was. And he worked tirelessly in that cause, and I think every American is living in a better country because of Byron Rogers, because of what he stood for, what he worked for and what he helped accomplish.

This was a public servant with no ego, devoted to his country and to his Colorado, a man who was fond of recalling how he had helped bring important water projects to his fellow Coloradans.

Byron was a good and a decent man and I am sorry that he is gone. I extend my sympathy to his family.●

TRIBUTE TO AGNES CONLIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I spent many years in public education as a teacher in the Dade schools and as a member and later chairman of the Dade County School Board, and I have seen the difference that talented and dedicated teachers can make.

One such teacher is Agnes Conlin of Miami-Edison Senior High School.

Agnes retired from a successful 15-year teaching career in June 1983. She loved her job so much, however, that she did not want to leave it. She found a way, with the help of Edison Principal Craig Sturgeon, to continue to contribute to public education as manager of the mathematics section of the school's comprehensive education program. In her own words, "My work at Edison Senior High School has been truly rewarding. In many ways, I believe I have learned more from my youngsters than they have learned from me."

Reporter Lillie Harris of the Miami-Edison Herald has written two articles about Agnes Conlin and the comprehensive education program, and I would like to share them with my colleagues.

As we debate and discuss ways to improve the education of our children, which is perhaps our most important responsibility to future generations of Americans, I hope we will all remember that it all begins with hardworking, dedicated, caring teachers like Agnes Conlin.

GRANDMA'S BACK

(By Lillie Harris)

The magnetic power of "love for Edison students" brought Agnes Conlin, former Alva School teacher and coordinator, out of her brief retirement and back to Edison October 10.

When Conlin left in June, she asked Principal Craig Sturgeon for the opportunity to work part-time to avoid the trauma of separation anxieties from the youngsters she loves. Sturgeon called on Conlin to manage the mathematics section of the Comprehensive Education program fourth, fifth and sixth periods.

Now that retirement has "set her free," Mrs. Conlin has more time to herself, but she misses the tremendous interactions of large classes and the enjoyable restlessness and hyperactivity of the ninth graders. She states, "There is a great degree of satisfaction in working with the mature, serious, seniors, to whom I promise my very best effort for graduation. Comprehensive Education is challenging every teaching technique I possess."

Conlin, who is better known as "Grandma" to her former Alva School students and graduates, agrees that students didn't even know she had left. Several students were fooled by Conlin's covered-up retirement plans. Delawrence Blue, a junior, confessed, "I didn't realize that she retired. It seems like she was here all the time."

Conlin was warmly welcomed by her former students and she exclaimed, "I have never been happier. I enjoy the best of two worlds—time with my Huskies and time with my youngsters." She spends most of her time at home with two adorable Huskies, Saber and Maxi-Million. She enjoys their company and hopes to build a new home in another year or two called The Husky Haven.

Although Conlin is the senior member of the faculty at age 68, in her younger years she attended the University of Pittsburgh, Barry University, and received her Masters Degree in Education at the University of Miami.

Now that she is teaching Comprehensive Education this year it gives her the opportunity to spend more time with her students

since the class only consists of one to five students per session.

A senior in Mrs. Conlin's fifth period class stated, "Mrs. Conlin teaches in a way students comprehend very well. Rounding numbers drove me crazy for three years, but I learned them in three days in her class. I really love Mrs. Conlin."

So now it seems that having lost Agnes Conlin to retirement once, we've gained her back again.

COMP ED HELPS

(By Lillie Harris)

Tremendous support from helpful students, administrators and staff has transformed room F-203 in the Business Education wing at Edison from storage space into a center for Comprehensive Education.

For the past six years the Florida Legislature has appropriated funds under the Compensatory Education Act for the provision of supplementary instructional services to students. As defined by the State Department of Education, a compensatory education program is "either one or a combination of related learning experiences which are provided to a particular target group in order to remediate diagnosed academic deficiences and which are supplementary to other programs."

This particular program at Edison is divided into three groups, consisting of 13th year students who wish to continue working for a diploma in place of a certificate of completion, 12th year students, or current Seniors, who need reinforcement of basic skills before taking the State Student Assessment Test II to qualify for a diploma, and 11th year students or current Juniors, who need remediation of basic skills, said skills having been identified by the SSAT-I test. The primary purpose of the program is to reinforce and strengthen basic skills in the areas tested by the state of Florida.

Seniors have priority access to the center but all level students make their way to F-203 at noon for assistance.

The Comprehensive Education Center in F203 is designed for five students per session.

Mary Wright helps remediate students in reading and writing skills first, second, and third period, while Agnes Conlin remediates students in mathematics fourth, fifth, and sixth period. Students who attend the program are pulled from other elective classes and placed in one of the two teacher's classes.

If the students are not able to take the class during regular class hours, they may come four days a week from 6:55 a.m. until 7:25 a.m., or two days a week from 2:20 until 3:20.●

FELLOWSHIP IN ISRAEL FOR ARAB-JEWISH YOUTH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. CONYERS. Mr. Speaker, alongside the endless weapons of destruction that continue to pile up in all the nations of the Middle East are experiments here and there that contain the seeds of fellowship, reconciliation, and peace. These programs seek to create an environment wherein Arabs and Jews can communicate, learn about one another's traditions and experiences, and interact with honesty, trust, and confidence. They are grounds for hope.

One of the oldest and most effective programs is entitled "Fellowship in Israel for Arab-Jewish Youth." Chaired by Mrs. Gisela Wyzanski of Cambridge, Mass., Fellowship grew out of an interfaith organization launched in 1943 by a group of Christians around the world who assisted Jewish youth in Nazi-occupied Europe to emigrate to Palestine. Dr. Samuel Eliot, president of the American Unitarian Association at the time, founded the project.

In 1964, the organization became known as Fellowship in Israel for Arab-Jewish Youth. In the late 1970's an Israeli advisory committee composed of Moslems, Christians, and Jews was created to guide the programs supported by Fellowship. These programs include Interns for Peace, a language-training program at the Martin Buber Center, summer camp programs for Arab and Jewish youth, and Arab-Jewish student organizations.

War and peace, violence and nonviolence, hatred and reconciliation exist side by side in the Middle East. The forces of alienation and violence have the upperhand without question. Yet there is promise of long-term reconciliation in numerous programs such as Fellowship that operate outside of politics and governments, and draw on the voluntary work, support, and goodwill of peoples of many faiths and backgrounds. Unfortunately, these programs are meager in funds, often face establishment hostility, and pale in comparison with the military buildups. With help they can grow.

I commend to my colleagues a brief statement on the Fellowship in Israel for Arab-Jewish Youth, which describes the programs that it supports. They deserve our support as well.

HOW CAN YOU BUILD PEACEABLE CO-EXISTENCE FOR ARABS AND JEWS?

PROJECTS SUPPORTED BY FELLOWSHIP IN ISRAEL FOR ARAB-JEWISH YOUTH

We are an American interfaith, non-political organization, supporting Israeli initiated projects, promoting closer relations between Arabs and Jews.

The projects we support bring about tangible results. Suspicion and hostility give way to acceptance, breaking down stereotypes and untapping good will.

Because we are a volunteer group, your entire donation fosters programs proving that tolerance, understanding and mutual cooperation can overcome decades of strife, bringing Arabs and Jews together in peace.

Forty years ago, in 1943, a group of Christians wanted to translate words of sympathy into action. An interfaith organization, Children to Palestine was founded under the leadership of the former president of the American Unitarian Association, Dr. Samuel A. Eliot. It supported Youth Aliyah in rescuing Jewish children from Nazi occupied Europe.

In 1964 the name was changed to Fellowship in Israel for Arab-Jewish Youth, to describe accurately the focus of our endeavors. In the late 1970's, recognizing the need for people on the spot to guide us in the choice of projects, an Israeli advisory committee was established, composed of Moslems, Christians and Jews.

Interns for Peace untap good will by immersing themselves in the daily lives of Arab and Jewish settlements. Young Arab and Jewish men and women serve two years of internship in one another's communities, working with parents, teachers, and governmental authorities to improve local conditions.

They bring much needed skills and at the same time learn about different ways of life. They are involved in local industry, sports activities, train teenage leaders for youth groups, run afterschool learning centers for mothers and children, aid village landscaping and improvement. A majority of the graduates has made a career out of bringing Jews and Arabs together in a variety of combined activities.

The Ulpan at the Martin Buber Center teaches Arabs and Jews one another's languages, the key to coexistence.

We fund extra curricular activities for students and their families, which enable people of all ages to socialize with their new friends, practice newly acquired language skills, learn to trust each other and understand different ways of life.

Partnership (Shutafut in Hebrew) involves Arabs and Jews in year round and summer programs. We fund summer camps for Arab and Jewish youth.

Under Shutafut's leadership, a Jewish Arab Committee for Jaffa worked for the renewal of the Moslem quarter.

Neve Shalom means Oasis of Peace (Isaiah 32.18). This unique community of Moslem, Christian Arabs, and Jews on a bare hill outside Jerusalem is proving that peaceful cooperation is a reality. The settlement is a focal point for many varied peace activities, radiating influence far beyond its current size. Fellowship and other outside sources support some of Neve Shalom's activities.

Neve Shalom runs a School for Peace with workshops, training courses, teaching intercultural meeting skills. Funds are needed for an enlarged followup program, which would help alumni put their new skills to work.

Oranim is the School of Education of the Kibbutz Movement, based at Haifa University.

Its program trains Arab and Jewish teachers. We helped fund a pre-academic course to upgrade underprivileged students, gave scholarships, and now aid an English drama group, in which Arab and Jewish students perform in Arab and Jewish high schools.

The Arab-Jewish Students Club at Haifa University is an informal meeting place for social and cultural events.

We fund programs that draw Moslem, Christian and Jewish students together in activities that provide a tension free atmosphere and untap the good will available.

Scholarships are awarded to a few Arab and Jewish students recommended by university deans. With our help a number of graduates in medicine and the liberal arts have completed their studies.●

TRIBUTE TO MICHAEL L. MILEWSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HARRISON. Mr. Speaker, on February 5, 1984, an outstanding young man from Dupont, Pa., will be awarded the highest distinction in Boy Scouting.

Michael L. Milewski will receive the Eagle Scout designation at a ceremony to be held in his honor. Michael is a member of troop 361. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Michael is so duly honored.

Mr. President, I join with Michael's family and friends in paying tribute to this outstanding young person.●

ISLAMIC FUNDAMENTALISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to submit my Foreign Affairs Newsletter for January 1984 into the CONGRESSIONAL RECORD.

ISLAMIC FUNDAMENTALISM

What is behind the toppling of the Shah of Iran, the takeover of the Grand Mosque in Mecca, the rebellion in Hama against Syrian President Assad, the murder of Egyptian President Sadat, the near coup in Bahrain, the dynamiting of our embassy in Beirut, the attacks on French and American installations and forces in Lebanon and Kuwait, and the assassination of the President of the American University of Beirut?

The answer is Islamic fundamentalism. The fundamentalist movement lacks unity, but its great strength more than once in history sent shock waves through the world. Islam embraces one billion people in 60 nations, and leaders in the Middle East, Africa, and Asia today are unsettled by the fundamentalist impulse. Believers see Islam on a triumphal march as it takes more radical forms and tells leaders in Muslim nations and the West to go to the devil.

There can be little doubt that the revolution in Iran in 1978-1979 has encouraged the revival of Islamic fundamentalism in the Middle East. Nabih Berri, a Lebanese Muslim leader, refers to the Iranian revolution as the third greatest in history, following those in France and Russia. He sees the Iranian revolution as one of the great importance in the Islamic world, affecting both the Sunni or majority Muslim grouping and the Shi'a sect, which is a minority Muslim grouping in most nations but a majority in Iran. Berri's message may be grim, but it should be heeded.

Islamic fundamentalism varies from country to country, but it has many roots and much appeal in those parts of the Muslim world where there is popular dissatisfaction with western influence and with the failure of governments to solve problems. Inside their own countries, fundamentalists find themselves face to face with political coercion, economic backwardness, social injustice, and the problems that attend rapid modernization. They believe that through a return to Islam, they will achieve better leadership, economic progress, social reform, and a purification of morals. They want to remodel their public and private lives according to the precepts of their faith. When they look at the West, fundamentalists see atheism, nuclear weaponry, pollution, economic exploitation, immorality, conspicuous consumption, and exhibitions. For many, the West represents not liberal enlightenment, but spiritual darkness. These views are shaped by centuries of Islamic subservience to Christian Europe and by a sense of western disdain for Islam. Israel is hated by fundamentalists, but some grudgingly respect it. While fundamentalists are angry that Arab governments have not been able to dislodge Israel, they see Israel's religious nationalism as a strength they wish to emulate.

Expressions of Islamic fundamentalism differ substantially from country to country. In moderate forms, they include traditionally modest attire for women, rigid segregation of the sexes, a ban on alcoholic beverages, an emphasis on Islamic holy law instead of western legal codes, and overt social and political pressure in favor of Islamic ideals and the ways of the Koran in public and private conduct. In Iran and Lebanon in recent years, fundamentalism has also expressed itself in extreme forms, including suicidal terrorism. Motivated to some degree by the fear that their basic beliefs and culture may be destroyed, terrorists lash out at the perceived source of the threat, which in Lebanon includes the United States. Terrorists believe that violence affirms their won vitality and faith and may even be life-enhancing—those who commit suicide sacrifice themselves for the good of Islam and win for themselves a place in Paradise.

The profile of an Islamic fundamentalist is interesting. He tends to be under thirty years of age, college-educated, and of lower middle-class background and rural origin. He is intelligent, a high achiever, a type easily drawn into radical movements in big cities because of the dead end that he faces elsewhere in society. He finds solace in secret urban cells with other committed people. His jargon may be theological, but his focus is economic, social, and political.

As much as we would like to protect ourselves from this historic whirlwind, we cannot escape Islamic fundamentalism. In Lebanon, for example, the Shi'a Muslims are the largest sect and make up 40 percent of the population; economically, socially, and politically they are the most deprived group. The problem of fundamentalism will persist in Lebanon until these people are given a better deal and a fairer share of power. In Egypt, there is a strong tradition of fundamentalism among the Sunnis, so religious militants today are working hard to appeal to Egyptian youth. In Iraq, Saudi Arabia, and the Persian Gulf states, there are significant Shi'a communities which have an affinity for fundamentalism even if they do not endorse all aspects of the Iranian revolution. Americans overseas must learn to live with the threat of fundamentalist terrorism. Our soldiers and diplomats in many foreign lands are in peril as never before. We must focus on greater caution, better security, and better collection, evaluation, and pooling of intelligence.

Governments in the Middle East address the internal threat of Islamic fundamentalism in many ways, including full cooperation, attempts at negotiation, and open repression. While the immediate danger of an uprising in any given country may be remote today, the possibility of widespread terrorism is ever present. Middle Eastern nations must discover how to protect themselves from suicidal assassins without choking off public life altogether.

Islamic fundamentalism will be with us for years to come. It is only a small consolation that this religious movement is on a collision course with Marxism as well. Hatred of us among fundamentalists is something that we simply will have to accept. Our best initiatives may serve only to minimize the threat to our direct interests. We have no alternative but to try to achieve peace in the Middle East, hoping that creative policies and reduced tensions will give rise to an environment in which fundamentalism is no longer a threat to us.●

REAGAN REVERSAL ON WATER PROJECT FINANCING

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. EDGAR. Mr. Speaker, I would like to call to the attention of the House an enormously significant development regarding the Reagan administration's position water policy reform. On January 24, 1984, President Reagan sent a letter to his campaign manager, Senator PAUL LAXALT, which was hand-delivered by Secretary of the Interior William Clark. The letter to Senator LAXALT contained a statement of fundamental changes in administration policy on cost-recovery and cost-sharing for Federal irrigation projects constructed by the Interior Department's Bureau of Reclamation. The President's letter was sent in response to correspondence from 15 western Senators objecting to previous administration efforts to force beneficiaries of Federal projects to share a substantial share of the costs of such projects.

Administration support was vital to the important legislative gains on water policy reform which were made during the 97th Congress on cost recovery for repairs and replacement of aging Federal reclamation project dams and on minimum local cost-sharing for construction costs of new reclamation dams. Now, the President has responded to pressure from influential western interests by reversing himself on these issues.

The clear message contained in these actions is that the President, despite his rhetoric on controlling spending, is willing to abandon worthwhile efforts to curb the deficit in the inter-

est of political expediency. The President's own Grace Commission on cost control cited the Federal water program as a major area where spending restraint could be exercized, yet the President has chosen to ignore the substantive recommendations of his own Commission.

A bipartisan group of conservatives and liberals in Congress, as well as environmental and taxpayer groups, have allied themselves with the administration over the past 3 years in order to achieve water policy reform. This difficult effort may become impossible without the support of the President for real efforts to control Federal spending and preserve our natural resources through water project financing reforms. Those who are familiar with the issue know that many of our less worthy multimillion-dollar Federal projects might not be built if beneficiaries were forced to pay a substantial share of project costs.

I am including for the RECORD President Reagan's letter to Senator LAXALT along with a response signed by a number of Democratic and Republican Members of Congress laying out the objectives to the President's change of heart on these issue. I am also including a statement from Senator HOWARD METZENBAUM and from the National Wildlife Federation concerning this issue. I commend these materials to my colleagues attention.

The material follows:

THE WHITE HOUSE,
Washington, D.C., January 24, 1984.

Hon. PAUL LAXALT,
U.S. Senate,
Washington, D.C.

DEAR PAUL: Some time ago, you and 14 of your colleagues wrote to me expressing your concerns regarding water project development. I appreciated receiving this valuable counsel which has helped crystalize the extensive discussions within the Administration on this vital subject.

We all agree on the goals. These goals are to revitalize the magnificent water development programs launched early in our Nation's history. The Federal-State partnership has succeeded even beyond the dreams of those who developed the concept so many decades ago. This partnership has helped create abundant year-round water, electric and food supplies; reduced flooding, and provided low-cost inland, coastal and oceanic waterborne transportation. In addition, millions of Americans have enjoyed vast new opportunities for water-related recreation.

Providing enough high quality water promptly to those who need it is a task that has confronted Americans since the earliest days of our national experience. In the first summer at Plymouth, the Pilgrims experienced a summer drought that nearly ruined their crops. More than 350 years later, Americans had to contend with flooding on the Mississippi and the Colorado, and drought throughout most of the rest of the Nation. The lesson of these events is clear. Providing enough high quality water where and when it is needed is a never-ending process.

This Administration is committed to working with the States, local entities and those private sector interests concerned with water development all across America. We are rebuilding the Federal-State partnership so that we can resume water development efforts to avert water crises in the coming decades. We have accomplished the following:

Re-established the policy of State primacy in water rights resulting in less interference from the Federal Government in water resources management.

Reinforced State primacy by the repeal of a Federal non-reserved water rights opinion.

Established and successfully implemented a process for negotiated settlements of Indian water rights disputes.

Offered States the option of having Federal reserved water rights within their boundaries expeditiously inventoried and quantified to enhance their management capability.

Implemented the Reclamation Reform Act of 1982 to recognize advances in agricultural technology and the market economy based on the family farm, giving these farmers an opportunity to build commercial operations without realistic limitations on their access to land and irrigation water.

Establish new Principles and Guidelines for water project planning to remove cumbersome regulations and promote flexibility in planning, thereby encouraging water resources development.

Elevated water resources decisionmaking to the level of the Cabinet Council on Natural Resources and the Environment, chaired by the Secretary of the Interior.

Presented to Congress new project construction proposals incorporating increased non-Federal financing based on the tangible economic returns produced by the projects.

All of these actions have helped to rebuild and strengthen the foundations of the Federal-State partnership so we can move forward to develop much needed, environmentally sound and economically prudent water resources projects. We have made numerous studies and conducted extensive discussions within the Administration in quest of ways that the Administration, the Congress, the States, and the American people can develop true partnership arrangements that recognize realities of today's economics and tomorrow's environment. We are gratified that Congress is now addressing the key issues related to water project cost sharing and financing.

Water development needs, geography, climate, economy, fiscal capacity, and Federal interests all vary from State to State, and from region to region. Furthermore, the Federal Government has made prior commitments to individual States with regard to water development within their borders. During the past months, I have fully considered the views expressed by you, your colleagues, the Cabinet Council on Natural Resources and the Environment, and many of the Governors regarding how the Federal Government might participate in water project development and project financing under these conditions. Traditionally, many Federal water project beneficiaries have repaid the construction costs of their projects, but we all agree new partnership arrangements will be necessary to finance any additional projects in the future.

It is time to conclude the discussion and to establish a national water project financing policy so that we can get on with the job of completing projects where commitments already have been made and undertaking new construction starts to meet the country's future needs.

Indeed, the construction of storage reservoirs has not kept pace with the increasing demand for water. As a result, our water supply is less reliable and more vulnerable to drought than it was a decade ago. We must develop even better ways to work together effectively. We will have to make the best use of the water we have if we are to avoid serious future problems. I am convinced that by working with State and local governments we can solve the problems of flood, drought, and quality.

The water project financing and cost-sharing policy of this Administration is:

All Federal water development agencies will continue to seek out new partnership arrangements with the States and other non-Federal interests in the financing and cost sharing of all proposed projects. Each such agency will negotiate reasonable financing arrangements for every project within its respective area of responsibility.

Prior commitments to individual States with regard to water development within their borders must be considered and shall be a factor in negotiations leading up to project construction.

Consistency in cost sharing for individual project purposes, with attendant equity, will be sought.

Project beneficiaries, not necessarily governmental entities, should ultimately bear a substantial part of the cost of all project development.

Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal Government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary. Criteria to determine dam safety designation shall be developed by an interagency technical team in consultation with non-Federal parties.

The costs incurred by the Federal Government in project planning generally will be shared with project sponsors. Specific arrangements will differ among agencies because of their differing planning, authorizing, and funding procedures.

Once financing, cost sharing, and cost recovery arrangements have been agreed to, they will be reviewed by the Office of Management and Budget and submitted to the Congress for ultimate disposition.

This process will result in arrangements that are workable, fair, just, and practical. It will put into place the final building blocks in an improved program to meet America's current and impending water needs while recognizing Federal budgetary realities.

I sincerely appreciate your cooperation on this subject. Working together, we can move ahead into a new era of water project development for the benefit of the Nation and all Americans.

Sincerely,

RONALD REAGAN.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 26, 1984.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT. Reports that you have reversed yourself on support for major water policy reform have seriously disturbed liberals and conservatives in Congress, environmentalists, and taxpayers who have worked with your Administration for

three years to enact major water policy reforms.

A report in Wednesday's Washington Post cites your letter to Senator Paul Laxalt, delivered by Interior Secretary William Clark. In the letter you seem to change the Administration's stand on two major issues regarding the financing of the federal irrigation and water supply program administered in 17 Western states by the Bureau of Reclamation. The letter removes support from an Administration effort to ensure repayment by local beneficiaries of federal funds spent to repair and replace aging Reclamation dams, and you have backed away from the Administration's previous insistence on minimum standards for local cost-sharing on construction costs of all Bureau of Reclamation projects.

We are especially concerned about these actions in light of two key reforms achieved in Congress in 1982 on water project financing:

In April of 1982 the House overwhelmingly approved an amendment, which the Administration then supported, to ensure full repayment by project beneficiaries of the cost of repairing of replacing aging federal dams. The amendment to the 1982 Reclamation Safety of Dams Act was offered by conservative Republican Congressman Gerald Solomon of New York, and supported by a wide range of environmental and taxpayer groups as well as the Interior Department and the Administration. The House approved the Solomon Amendment to the Dam Safety bill by a solid majority of 212 to 140, but the Senate failed to act on the measure during the 97th Congress. A similar bill has again been reported by the House Interior Committee this year, without the payback provision for the authorized federal expenditure of $650 million.

On the cost-sharing issue, a precedent was established in 1982 when Congress enacted a $100 million supplemental authorization for the Central Arizona Reclamation Project with a provision that 20 percent of construction costs would be borne by project beneficiaries during construction of the newly-authorized part of the project. In accepting this minimum cost-sharing amendment, House Interior Committee Chairman Morris Udall stated on the floor of the House that "things have changed a lot in the last few years and those of us in the West have got to get used to the idea . . . that there must be more cost-sharing. I think you have won a victory in forcing us to pay attention to this, and I think you have set a precedent here . . ."

On both the local payback for dam repairs and the minimum local cost-sharing for new authorizations, Administration support has been critical. Your Administration began its tenure by calling for strong efforts to reduce the federal deficit and prevent waste of natural resources by instituting policies to ensure that the beneficiaries of federal projects would pay a fair share for the benefits they receive. It was recognized at that time only a clear policy dedicated to minimum cost-sharing levels for all projects and local payment for benefits received had any chance of reforming a federal policy which has in the past heavily subsidized most water projects. It is discouraging to the average American taxpayer to see federal funds spent on multi-million dollar federal projects which might not be built in beneficiaries were forced to pay a substantial share of project costs.

The benefits of the federal water program and the need to construct and maintain worthy projects are obvious and important. Yet the magnitude of the deficits we face and calls from both the Administration and Congress to curb wasteful spending require that we seriously review the policies and traditions of the past in order to find ways to economize and eliminate unnecessary expenditures. Nearly all other federal programs have felt that need for spending restraint, and the water program must bear its fair share of this burden as well. Your own Private Sector Survey on Cost Control (Grace Commission) has indicated that substantial savings could be found in the federal water program through implementation of cost-sharing and cost-recovery proposals.

The full and unconditional support of your Administration will continue to be vital if we are to repeat the achievements of the past and take further steps in the coming year. Congress is due to soon consider a massive water project authorization bill for Army Corps of Engineers projects, and we will again consider adequate local cost-sharing and payback provisions for construction of ports, waterways, flood control, and other projects. We now envision substantial reforms in the federal water program, but achievements could be severely limited without the clear support of you and your Administration on these issues.

Your letter to Senator Laxalt raises serious questions in Congress about the position of the Administration on water policy reform. The specific issues of paybacks for dam repair and replacement and minimum local cost-sharing for all new projects will be special causes for concern. We call upon you to personally reiterate your original call for true reform of federal water project financing so that we can continue our efforts to persuade Congress of the need for major policy changes.

Sincerely,

Joel Pritchard, Peter H. Kostmayer, Howard Wolpe, Bruce F. Vento, Claudine Schneider, Lane Evans, Jim Jeffords, Bob Edgar, Berkley Bedell, Silvio O. Conte, James L. Oberstar, Tom Petri, Don Ritter, Members of Congress; Howard Metzenbaum, U.S. Senator.

STATEMENT BY SENATOR HOWARD M. METZENBAUM ON REAGAN ADMINISTRATION WATER RESOURCE POLICY

WASHINGTON, D.C.—Last night, we heard a lot of talk from the President about cutting the deficit. Yet, one day earlier, he blithely turned his back on his own water project cost sharing policy that would have helped blot out some of the red ink. That decision shows that the administration is more interested in projecting a responsible image than in actually pursuing responsible policies. Once again, the President has opted for political expediency over sound public policy.

For three years, the President has held the cost sharing banner high. But 1984 is an election year. So he decided it was easier to undercut his congressional allies than his western political cronies.

In the case of dam safety, the President's own figures show that repayment would bring in $438 million to the Treasury out of a total estimated cost of $561 million. But the administration would rather shift this half a billion burden to the U.S. taxpayer rather than the people who would benefit from the repairs.

At the same time he was tearing the cost sharing banner into tatters, the President was proposing a bill to sidestep existing reclamation law, thus passing up another opportunity to cut the deficit.

The Hammer clause was adopted after painful and exhaustive deliberation. It is the law of the land. But that apparently doesn't count for much with this administration. Rather than trying to enforce the law, it is devoting its efforts to gutting it for the benefit of a handful of California agribusinesses.

I have no intention of letting any bill pass the Congress which repeals the Hammer clause. Further, if any such effort is made, I will offer a series of additional amendments to reimpose the residency requirement, tighten the acreage limitations, eliminate the ability to pay provisions, and more.

I would suggest that the administration and its allies think long and hard before mounting a serious effort to repeal the Hammer clause. I can assure them they will end up getting a lot more than they bargained for.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., January 25, 1984.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT. Your statement on water policy in your letter to Senator Laxalt is deeply disappointing. You have called for "new partnership arrangements," which we take to mean that state and local interests must share a greater portion of the costs of federal water projects. Increased cost-sharing is a critical step in reforming the Federal water resource development program, one which conservationists have long supported. However, we regret that you have chosen not to establish uniform cost-sharing requirements—one set of standards that applies equitably to both East and West—as the policy of this Administration. By failing to ensure that all parties will be treated equally, your policy is unlikely to achieve its stated purpose—increasing the non-Federal share of water project costs. The most lenient of negotiated cost-sharing arrangements will soon become the standard for all.

We regret that you have recast your policy for the entire Federal water development program in response to a straightforward partisan appeal from a group of Western Republican Senators. It is a shame that such an historic opportunity for fiscal and environmental reform in this era of deficit spending has been sacrificed for short term political gain. Regrettably, states and local interests can now continue to press for the construction of water projects of dubious value, spared from the discipline of having to share much of their cost.

Congress must now bring fairness and balance to Federal water development programs in the absence of effective Presidential leadership.

Sincerely,

JAY D. HAIR.●

AGENT ORANGE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Ms. OAKAR. Mr. Speaker, yesterday the House took an important step toward remedying a calamatous problem. H.R. 1961 provides remedies for

Armed Forces personnel exposed to some of the worst horrors of 20th century warfare—radiation and chemical contamination. In many instances we are talking about vets or their families fearing to have children or examining newborn babies for deformaties, despairing about their future and constantly living with their "peculiar problem." However, the bill we passed falls far short in both money and mercy. It is commendable, but $4.7 million during the next fiscal year hardly reassures those bearing the mental and physical traumas.

We have all heard constituents tell us and the House of literally "bathing" in agent orange while serving our country in Vietnam. We now know that there was no adequate testing for long-range effects of dioxin, nor were soldiers given any special protection from this potentially lethal weapon. No one expected long-term effects. Yet here are our courageous men and women faced with a silent killer of bodies and minds.

When they came home, they had to fight a longer—and in many ways a more difficult—battle with the Veterans' Administration and others to recognize their grievance. How ironic that in a war that was so visible, the combatants returned to near anonymity.

When I review the bill I am struck by the small amount of money concerned. The Pentagon spent almost as much money advertising for new enlistees during the last two Super Bowls as the bill will cost in the upcoming fiscal year. Yet some would begrudge our veterans even this amount. What are we afraid of? How do we honor people who have been described as "an army waiting to die."

I have always believed that the touchstone of a society is how it treats its most needy and aggrieved citizens. Our veterans earned much more in the way of responsibility from us than this bill allots to them.●

DANGEROUS DRUG DIVERSION CONTROL ACT OF 1984

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HUGHES. Mr. Speaker, I am joining with HAL SAWYER, the ranking Republican on the Subcommittee on Crime, to introduce today the Dangerous Drug Diversion Control Act of 1984.

This bill is the administration's package of substantive and technical changes in the Controlled Substances Act and the Controlled Substances Import and Export Act which affect the way that potentially dangerous prescription drugs are handled and distributed by manufacturers, distributors, pharmacists, and physicians.

Last summer, the Subcommittee on Crime examined the very large problem of the abuse of dangerous prescription drugs. In 1982, close to 100,000 Americans of all ages went to hospital emergency rooms because of their reaction to controlled substances of this type, which are only lawfully obtained by a doctor's prescription. That number was just about three times the number of people who went to emergency rooms because of heroin, cocaine, marihuana, and LSD. According to the Federal Government's drug abuse warning network, 75 percent of the drugs identified in drug abuse related deaths reported by various medical examiners were prescription drugs. Abuse of these drugs, obtained and used outside the scope of responsible medical treatment, is the most devastating and widespread aspect of the drug abuse epidemic.

These potentially dangerous drugs are abused because the system of legal controls for them is circumvented in a variety of ways. It was made clear at that hearing that improvements in the existing system of legal controls are called for.

The bill which we are introducing was drafted by the administration and transmitted to Congress in 1983 by the President as part of a very large package of suggested criminal law revisions. We are concerned about the problem of the diversion of these drugs, and therefore we are introducing the President's "Diversion Control Amendments" in order to allow focused public and congressional consideration of this part of the administration's package of suggested improvements.

We did not develop these amendments, and we are not at this time endorsing or passing judgment on any particular provisions in this bill. Our purpose is to place before the House these proposals to address drug diversion problems which the administration has identified. These proposals were favorably reported by the Senate Judiciary Committee on July 21, 1983, as part B of title V of S. 1762.

The bill that we are introducing today is what the President submitted and the Senate Judiciary Committee has reported except for the correction of obvious typographical errors, drafting errors, and inadvertent omissions of a strictly technical nature.

The subcommittee has scheduled its first hearing on this legislation for February 22, 1984. We look forward to hearing from the public, from the health care and pharmaceutical industries, from the law enforcement community, and from specialists in the problems of drug abuse for their comments and suggestions. As the evidence that I cited earlier makes plain, this is a major component of the crisis of drug abuse our society is now confronting. We are going to examine, initially in the context of the changes that the administration has proposed, all of the issues in the system of legal control of prescription drugs that are subject to abuse, and proposals for improvement.

Those who wish to participate in these hearings should contact counsel Eric Sterling, Subcommittee on Crime, 207 Cannon House Office Building, Washington, D.C. 20515, (202) 225-1695.

I ask unanimous consent that at this point in the RECORD, I may insert a brief description of the provisions.

SECTION-BY-SECTION ANALYSIS

Section 1 is the short title, the "Dangerous Drug Diversion Control Act of 1984." Subsection (b) explains that sections 2 through 13 are amendments to the Controlled Substances Act and sections 14 through 22 amend the Controlled Substances Import and Export Act.

Section 2 adds a definition of the term "isomer" and amends the definition of the term "narcotic drug".

Section 3 grants to the Attorney General the authority to schedule or reschedule drugs on an emergency basis. This would provide a headstart on the procedure now used to schedule controlled substances which frequently takes up to a year.

Section 4 expands the authority of the Attorney General to exempt from control compounds, mixtures or preparations in three categories: exempt over-the-counter preparations, exempt prescription preparations, and exempt chemical preparations.

Section 5 modifies the length of time for which a registration for a practitioner is valid. Currently all registrations must be renewed annually. This amendment would allow the Attorney General to issue registrations for up to 3 years for practitioners. In 1979 DEA estimated that this change could save $700,000 annually.

Section 6 amends the requirements of registering practitioners who dispense or conduct research in controlled substances to allow the Attorney General to deny a registration on broader, public interest grounds than currently allowed, and provides five factors to be weighed in determining the public interest. this bill also includes the last sentence of subsection (f) which was inadvertently omitted in the President's submission and was not included in S. 1762.

Section 7 is an amendment similar to that in section 6 which allows the Attorney General to suspend or revoke a registration to manufacture, distribute or dispense upon a finding that the registrant has committed acts which would render the registration inconsistent with the public interest as defined in section 303(f) (21 U.S.C. 823(f)) as amended in section 6 of this bill.

Section 8 is intended to give the Attorney General the authority to take custody of controlled substances in circumstances in which a registrant ceases practice or goes out of business, or of the controlled substances of a registrant for which the registrant's registration has expired.

Sections 9 and 10 together rewrite the recordkeeping exemptions for practitioners who administer or prescribe controlled substances in the lawful course of their practice in section 307(c)(1) (A) and (B) (21 U.S.C. 827(c)(1) (A) and (B)). Clause (A) currently applies to the prescribing or administering of narcotic controlled substances. Section 9

rewrites it to apply only to the prescribing of any controlled substances in schedules II though V.

Clause (B) currently applies to dispensing of nonnarcotic controlled substances by a practitioner. Section 10 rewrites the clause to apply the exemption to the administering of any controlled substance by the practitioner unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges for the substances.

Section 10(b) requires that registrants report their change of business or professional address to the Attorney General.

Section 11 amends the offenses in section 403(a)(2) (21 U.S.C. 843(a)(2)) of using a fictitious, revoked, or suspended registration number to include "expired" registration numbers.

Section 12 provides authority for the Attorney General to make grants to State and local governments to assist them in controlling the diversion of controlled substances.

Section 13 amends the forfeiture provisions of the Controlled Substances Act to allow the forfeiture of controlled substances possessed in violation of the CSA. It is intended to apply to the situation in which controlled substances are held by a registrant whose registration for those particular drugs has expired. Contraband drugs held in "simple possession" are already subject to forfeiture under section 511(f) (21 U.S.C. 881(f)).

Section 14 expands the circumstances under which the Attorney General may allow the import of schedule I and II substances and narcotic schedule III, IV and V substances to include importation of limited quantities for scientific, analytical, or research uses exclusively.

Section 15 would allow the Attorney General to require more stringent documentation in support of the import of nonnarcotic schedule III substances which are comparable to those required for narcotic schedule III substances. This amendment includes the last sentence of the existing law which was inadvertently omitted in the President's submission.

Section 16 tightens up on the export of controlled substances from the United States (i.e., schedule III and IV substances and narcotic schedule V substances) to require proof that the export does not violate the law of the importing country for consumption for medical, scientific or other legitimate purposes and that the Attorney General may require an import permit (from the receiving country) in the case of a nonnarcotic schedule III substance. This helps to limit the role of the U.S. as a source of diversion to the rest of the world, and reciprocates for the type of controls that the U.S. would like all legitimate drug exporting countries to apply to their own exports.

Section 17 tightens up the export of schedule V controlled substances by requiring a registration for persons undertaking such exports.

Section 18 amends the registration requirements for importers and exporters of schedule I and II substances to allow the Attorney General to consider whether the registration is consistent with the public interest by modifying the factors that shall be considered in determining the public interest.

Section 19 strengthens the effect of a registration to import or export to limit the authority of the registration to only the controlled substances specified in the registration. The existing law provides a limitation only with respect to schedule I or II substances provided for in a registration.

Section 20 amends the registration requirements for importers and exporters of schedule III, IV and V substances to allow the Attorney General to consider whether the registration is consistent with the public interest by modifying the factors provided for in existing law.

Section 21 would allow the Attorney General to deny, revoke or suspend a registration taking into consideration the factors for determining the public interest spelled out in sections 18 and 20; and would allow the Attorney General to limit the revocation or suspension of a registration to particular controlled substances; provides for a hearing to be held on an order to be served by the Attorney General upon the registrant to show cause why the registration should not be denied, revoked or suspended; provides that the Attorney General may simultaneously suspend any registration and institute other proceedings in cases in which the Attorney General finds that there is an imminent danger to the public health and safety; and provides for the seizure and forfeiture of controlled substances in the custody of a registrant subject to the above proceedings.

The section also amends the current provision that gives holders of a registration as a bulk manufacturer an opportunity for a hearing prior to issuing to a second party a registration as a bulk manufacturer, or prior to authorizing an importation of a schedule I or II substance. The amendment eliminates the provision allowing the Attorney General to dispense with such a hearing in the case of an emergency, and spells out that the purpose of the hearing is to allow those already holding a registration "to comment upon the adequacy of existing competition among domestic manufacturers."

Section 22 amends the authority for the Attorney General to authorize the importation of certain narcotic raw materials, specifically poppy straw and concentrate of poppy straw, which the Attorney General finds to be necessary for medical or scientific purposes.●

WILLIAM E. LITTLE

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. VALENTINE. Mr. Speaker, I wish to express my deep regret at the passing of a great leader in North Carolina agriculture and a close and dear friend of mine, William Edward Little.

Bill Little was born and raised on a farm in Pitt County, N.C., where he inherited the great American values shared by our farmers. A 1942 graduate of North Carolina State University with degrees in agricultural education, he served his country during World War II, rising to the rank of Army captain. He remained in the Army Reserve until 1971, retiring as a lieutenant colonel.

From early on in his career, Bill Little put his farm background to optimum use. He taught vocational agriculture for 6 years at Grimesland High School, and served as president of the Pitt County Farm Bureau. He joined the State Farm Bureau staff in 1952 as a field service representative, and held that position for 12 years. In April 1964 he was appointed commodity director, and served in that capacity for the remainder of his life.

While producing tobacco, beef cattle, and grain on a Nash County farm, Bill Little was an active citizen in his community. He was a member of the board of trustees of Nash General Hospital in Rocky Mount, and served on the North Carolina Education Advisory Committee. He belonged to Sandy Cross Methodist Church, where he taught Sunday School, and was a member of the Coopers Ruritan Club.

I would like to extend my deepest sympathy to his wife, Willa Lee, his son, William E., Jr., and his daughter, Patricia Maurer. Bill Little's dedication to the farmers of our State and Nation and his valued friendship will be greatly missed by me and by all those who were fortunate to know him.●

ARKANSANS SUPPORT DEFENSE BUILDUP

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BETHUNE. Mr. Speaker, a television station in Arkansas recently conducted an instant telephone poll during their 6 o'clock news program. Channel 5, KFSM in Fort Smith, Ark., asked their viewers if they agreed with President Reagan's statement on January 16 that the world is now a safer place because of America's recent military buildup. Bur Edson, anchor and executive editor of KFSM reported that by a margin of better than 78 percent, viewers felt the world was a safer place and that the President's military buildup over the past 3 years has reduced the risk of a superpower confrontation.

The unilateral disarmers may get more press coverage, but obviously, not everyone agrees with them.●

H.R. 1961, THE AGENT ORANGE AND ATOMIC VETERANS RELIEF ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Ms. SNOWE. Mr. Speaker, I wanted to use this opportunity to express my support for the measure recently approved by the House, H.R. 1961, the

Agent Orange and Atomic Veterans Relief Act. As a cosponsor of this landmark legislation, I am extremely gratified that my colleagues have chosen to formally acknowledge the unique health problems of these veterans by agreeing on benefits to compensate Vietnam veterans suffering the effects of the herbicide agent orange and World War II veterans who have been exposed to atomic radiation.

Not 1 week goes by that I do not hear of another poignant story of a veteran in Maine unable to cope with the degenerative health problems that they believe are attributable to exposure. Their virtual inability to deal with these problems have had a demoralizing and devastating effect on their relationship with their family, friends, and society. These veterans are understandably discouraged. Many have given up hope, and are disbelieving that for too long their repeated requests for help have gone unheard.

The issues of herbicide and radiation exposure are unquestionably complex, frustrating, and riddled with emotion. We are all familiar with the past problems the Congress, the Veterans' Administration and the veterans' organizations themselves have had just identifying the problems, much less agreeing on a solution. But this impass has now ended with the House passage of H.R. 1961 and I believe the situation will continue to change in the future.

In my home State of Maine nearly 1,700 veterans have visited the hospital facility to be examined for agent orange exposure. These exams were encouraged by a State committee that was the fourth of its kind in the Nation. While many remain uncounted, the participation of Maine's veterans in the program has been encouraging.

At the same time I have heard from dozens of veterans who had been exposed to radiation testing, and their spouses, who frankly are frightened. Special attention is needed to properly alleviate their suffering. The concerns of all these veterans can no longer be overlooked.

For these reasons I chose to be a cosponsor of H.R. 1961. I plan to continue to encourage future efforts which will help identify these veterans, establish a scientific link between exposure and illnesses, and develop proper compensation programs to assist these veterans and their dependents. H.R. 1961 is only the first complete chapter in which promises to be a long study on herbicide and radiation exposure. But, in the end, I hope that the results will convince us all that we are responsible for properly caring for these veterans.

Again, I am pleased with the approval of H.R. 1961 in the House and hope that the Senate will act expeditiously on this measure.●

TRIBUTE TO ANATOLY SHCHARANSKY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. OWENS. Mr. Speaker, Anatoly Shcharansky was 36 years old on January 20, 1984. The photos of Dr. Shcharansky which have been released indicate that he looks much older than his age would suggest. Reports from the Soviet Union indicate that he is suffering from heart disease and the effects of malnutrition. It is unclear whether or not he will ever regain his health.

The halfway point in Dr. Shcharansky's sentence was September 15, 1983. Soviet law permits his release upon completion of one half of the sentence. The time has more than come for the Soviet authorities to recognize that little is gained by killing this man by inches. The time has come to release Dr. Shcharansky and allow him and his fellow dissidents to emigrate to Israel.

Dr. Shcharansky has contritubed some brilliant insights to science. Those contributions, made as a young man, will insure his place in the memory of all people who value knowledge. These contributions do not constitute a threat to the Soviet Union, but rather, expand basic knowledge upon which applied scientists can build.

It is important for us as Members of Congress to communicate concern for Dr. Shcharansky, and concern for all who are persecuted based on their desire to practice their religion or pursue causes which are anathema to the Soviet Government. Anatoly Shcharansky, and his struggle for human rights, must not be forgotten. Throughout history, individuals who have stood firm have provided the inspiration for others to resist the suppression of freedom, hope and knowledge. Anatoly Shcharansky stands as a model of personal courage to all who value freedom.

It is my hope that the leaders of the Soviet Union will see fit to release Dr. Shcharansky, and his fellow dissidents and allow them to emigrate.●

REAUTHORIZE MORTGAGE REVENUE BONDS

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. PASHAYAN. Mr. Speaker, I should like to join with a growing number of my colleagues in urging that this body move rapidly to extend the mortgage revenue bond program that terminated on December 31, 1983, because it was packaged in a tax reform bill that many of us could not support.

In my State of California, a total of $1.475 billion in bonds were sold in 1983. Local government bonds generated nearly 21,000 housing units, and the State bonds financed another 4,750. This accounted for 10 percent of the building activity in California, according to the California Building Industry Association.

The construction activity brought about by the sale of these bonds accounted for 16,320 jobs which, in turn, generated another 26,560 additional jobs to California's general economy.

The mortgage revenue bond program is worthy of extension. It has an excellent track record.

There are probably 3 million households that can qualify for the benefits if they are extended. Only one-fifth of that total will be able to move into a new home without an extension.

Like many of my colleagues, I am a cosponsor of H.R. 1176, which eliminates the sunset provisions of the mortgage revenue bond program. I should prefer we adopt H.R. 1176, but absent that, I should hope that we pass legislation that would extend the basic program which has meant so much to so many in the past and holds an equal amount of hope and promise for so many others.●

A TRIBUTE TO A JOURNALIST

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. WAXMAN. Mr. Speaker, it is my privilege to call to the attention of this legislative body and the American people the great contributions of Herb Brin. I speak not only as a Member of Congress from southern California and a member of the Jewish community of Los Angeles, but also as a personal friend of Herb Brin.

Herb Brin is one of the most prolific, courageous, and imaginative journalists working in America today.

Herb Brin's chain of Anglo-Jewish weeklies—including the Southwest Jewish Press-Heritage and companion Heritage Papers in San Diego, Orange County, and central California—have won numerous awards for both journalistic excellence and community service. Across much of America, ethnic weeklies often serve primarily as vehicles for publicity releases issued by community groups and agencies. Brin's publications, on the other hand, have emphasized investigative reporting, original analysis, and a readiness to raise controversial issues others fear to touch.

What puts Herb Brin in a class all by himself is that he never speaks as an outsider. His incisive analyses of the Los Angeles Jewish community and its constituent organizations are always made by one who identifies completely with the community. To paraphrase the Passover liturgy, Herb Brin never raises an accusatory voice to say, "You are wrong." Instead he asks with love and respect, "Are we not wrong?"

Herb Brin is a many-faceted man, a tough crusader, a genius of polemics. However, Herb is also an incredibly sensitive and gentle person. His four widely acclaimed books of poetry and his reflections on the Holocaust—obliterated Jewish communities of Eastern Europe—show talents and sensibilities quite different from those seen in Herb's newspapers work.

On November 27, 1983, the Zionist Organization of America paid special tribute to Herb Brin for his consistent, effective, and eloquent support of the State of Israel. The honors paid to Herb by the Zionist Organization of America are but the most recent signs of recognition from a grateful community.

Herb Brin and his son Dan—who now bears much of the responsibility for the Brin papers—run counter to all the tendencies in modern journalism. The Brin papers put news and editorial integrity ahead of advertising revenues. They give front page coverage not only to the old, established voices in the community, but also to those with new and often challenging ideas. While it is easy to find points of disagreement with the material on the pages of the Heritage publications, it is impossible to find items that are dull, condescending, or stale. The papers are invariably thought provoking and, even more important, conscience pricking.

It was for Herb Brin and the rare publisher and writer who shares his merits that the first amendment was written. I, along with Herb Brin's numerous other friends, admirers, and loyal readers are proud of the passionate, responsible, and intelligent use Herb makes of our precious freedom of expression.

Mr. Speaker, I ask my congressional colleagues to join me in saluting Herb Brin and wishing him and his family good health and long life. May he continue to succeed in fulfilling the Biblical dictum proudly emblazoned on each Heritage publication, "Justice, Justice Shalt Thou Pursue * * *"●

USIA REVISITED

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. GEJDENSON. Mr. Speaker, on September 23, 1982, former Representative Toby Moffett inserted into the CONGRESSIONAL RECORD an essay, "Paranoia Reagan Style," that was written by one of my constituents, Richard Curry. In that article Mr. Curry, a professor of history at the University of Connecticut, outlined his experience as a Fulbright scholar and lecturer when he traveled under the auspices of the U.S. Information Agency (USIA) to New Zealand and Australia in 1981. Professor Curry explains that before and throughout his trip, he was approached on a number of occasions by USIA officials and strongly encouraged to both interject and support the Reagan administration's views in his speeches.

Upon learning about my constituent's somewhat "Orwellian" experience, I was extremely concerned. The right to free speech is fundamental to the American way of life. This principle has always been extended to our traveling academics as a reflection of America's democratic ideals. Not only does any deviation from this tradition threaten the credibility of our exchange programs but brings us closer to George Orwell's truly frightening vision of a totalitarian state.

Professor Curry recently completed a supplement to his first piece entitled, "USIA Revisited"—Organization of American Historians Newsletter, November 1983. In this article, Mr. Curry sums up his experience and describes similar complaints by other scholars since his original essay was first published. Mr. Speaker, today I would like to insert this second article into the RECORD in the hope that we can all learn from Professor Curry's accounts. His essays serve to remind us how easily our right to free speech and thought can be encroached upon. We, as a Congress, must fight to prevent our society from falling prey to Orwell's predictions for 1984.

THE USIA REVISITED

(By Richard O. Curry)

(Note: To avoid confusion the terms USIA and USICA are used interchangeably. The Agency's name was not changed from USICA to USIA until the fall of 1982.)

My article, "An American Scholar Abroad," which appeared in the OAH Newsletter (August 1982) and was reprinted in the Congressional Record (September 23, 1982, E 4384-85), has produced a number of responses and reactions: in the media; from academics in New Zealand, Australia, and the United States; from USIA officials in Washington (including its director Charles Z. Wick); and from three members of Congress (particularly ex-Congressman Toby Moffett and Representative Sam Gejdenson of Connecticut, a member of the House Foreign Affairs Committee).

First of all, the article received quite a bit of media attention in the northeast: radio interviews, talk show appearances, an Associated Press wire story (August 12, 1983), a feature article in the Hartford Courant (August 29, 1982), and an extremely critical Courant editorial entitled "American Propaganda Machine" (September 21, 1982). "Richard O. Curry's unhappy experience with the U.S. International Communications Agency," the editorial began, was not unique either for this or previous administrations. Any effort by the government to stifle free speech does this nation far more damage than could any criticism by an American scholar. This administration, in particular, has been blatant in trying to impose its mindset on others.

The Voice of America (VOA), a semi-autonomous unit of ICA, has been in turmoil for the past year amid charges it is turning from objective news and information to provide a good-guys-versus-bad-guys view of the world.

The effectiveness of American cultural and academic exchange programs is compromised to the extent that they are viewed by foreigners as mere instruments of national propaganda.

It is also a matter of public record that the Reagan administration made a serious effort in Congress to undermine the Fulbright program. As Congressman Toby Moffett phrased it: "Last year, proponents of cultural exchange were successful in blocking a proposal *to reduce Fulbright funds by 66%* [italics mine]. If the bi-partisan coalition remains strong, we can continue this cultural initiative" (letter to the author, March 30, 1982).

At the same time, however, the Reagan administration called for substantial increases in USIA's total budget. Why? The only viable explanation seems to be the Reagan administration's desire for total control of all exchange programs. In short, if USIA administers Fulbright, it cannot arbitrarily choose recipients. Fulbright awards are based on bilateral agreements with 120 foreign countries which have as much input into the selection process as the U.S. government. Conversely, all participants in the USIA Speaker's Program are hand-picked by agency officials.

The most amazing aspect of USIA's politicization was the candor of Director Charles Wick and other agency officials in declaring publicly that the Agency's primary function was to serve as an arm of the Reagan administration's foreign policy rather than presenting a balanced account of American life and society required by its charter. Mr. Wick took this position in his response to Fred Warner Neal's "Reaganizing Scholars" (New York Times, March 9, 1983) as did other agency officials in response to my own criticisms.

For example, Rosemary Keogh, a Hartford Courant staff writer, did a feature based on "An American Scholar Abroad" entitled "Professor Claims Intimidation By U.S. Overseas" (August 29, 1982). In the process, she elicited some revealing comments from USIA official Leslie Lisle. According to Keogh: An ICA spokesman acknowledged this week that the agency tries to select speakers who know and support the administration's foreign policy.

"If they're going to talk about the current foreign policy of this administration, we insist they be informed and that they not go out and talk against it. . . . We want them to make a clear and convicing statement; otherwise it destroys our credibility."

Lisle said the policy does impinge upon the speakers' right to freedom of speech "to a certain extent," but added, "They are being sent out as current foreign policy spokesmen."

Former administrations have had similar policies, he said, but it has never been stated "quite so clearly."

Still another USIA functionary, Phyllis Kaminsky, Director of USIA's Public Liaison Office, in identical letters to the Hartford Courant (September 28, 1982) and the OAH Newsletter (November 1982), reaffirmed that political considerations played a major role in selecting speakers sent out to discuss "current administration foreign policy." Kaminsky implied, however, that since I was not a foreign policy "expert," USIA was not concerned about my political views. Kaminsky neatly dodged the issue I raised by stating: "We are unable to verify Mr. Curry's account of his conversations with our diplomats in Australia." If for "the sake of discussion we accept his version," Kaminsky declared, it was clear that I had misunderstood "the import" of my briefings.

It was rather difficult, however, to mistake "the import" of a warning by an ICA official in Canberra that sharp criticism of Reagan administration policies could have only one result: "You'll never get another Fulbright!" (My detailed response to Kaminsky appeared in the OAH Newsletter, February 1983).

Foreign policy "expert" or not, the fact that I was prepared to lecture on the concepts of Manifest Destiny and Mission in American history and on the prevalence of conspiracy fears and conspiracy rhetoric in American politics—subjects which have important contemporary overtones—had not been overlooked by the head of USIA in Australia.

As evidenced by Fred Neal's encounter with USIA, and indeed those of Professors John Seiler and Harold M. Hyman among others, it is clear that my own experiences were not atypical. Seiler's treatment by USIA is the worst example of partisan political abuse yet to be reported—and one that has not received the media attention it deserves. Seiler, who teaches at Dutchess County Community College in Poughkeepsie, New York, wrote to Congressman Sam Gejdenson on May 1, 1983 that:

In my case the Agency planned a lecture tour of six African countries; an overall itinerary was developed, specific appointments made for me in each of these countries, and flights booked from New York City to leave in November 1981. Eight days before the planned departure date, the Agency phoned to tell me of the cancellation, because (as the Agency told first me and then Congressional callers) my published views were not considered sufficiently supportive of U.S. policy toward South Africa. I subsequently sued the Agency and Mr. Wick in the Federal District Court in the District of Columbia. On December 23, 1982, Mr. Wick offered a settlement, just one day before depositions were to be taken from him and other Agency officials involved in the case. Although I promised not to make public the terms of that settlement, I can say that I sued for $285,000 and that, of course, I remain free constitutionally to testify in writing and orally or otherwise to write about the decisionmaking process in which I was involved.

Gejdenson (responding to letters from Seiler, Hyman, and several from me which included copies of letters received from correspondents in Australia, New Zealand, and the United States regarding USIA abuse) wrote a very pointed letter to Director Wick on June 6, 1983 asking for a detailed explanation of alleged malfeasance on USIA's part.

Wick's reply to Gejdenson on June 20, 1983 was truly astonishing. It was, in fact, a repudiation of policy positions that Wick and other Agency officials had taken publicly only a few months earlier. "First," Wick declared, "I would like to reiterate this Agency's commitment to the integrity of the Fulbright Program" (quite a contrast to the Reagan administration's earlier attempts to cut funding by two-thirds). Equally important, Wick also denied that the political views of individuals sent abroad under USIA auspices were taken into consideration in their selection process. Keep in mind that Wick did not state that the Agency had changed or repudiated its earlier publicly stated policy positions. Rather, he declared: "When a lecturer speaks on a topic which bears on current administration policy, we expect him to be able to explain what this policy is. He is not, however, required to defend it."

Moreover, Wick—in contrast to Phyllis Kaminsky, who questioned the accuracy of my account in the OAH Newsletter—admitted that the charges had some substance. It was not, however, the result of Agency policy. "Dr. Curry's topics were historical in nature," Wick said, "and did not therefore require an exposition of American policy." But Wick admitted nevertheless: "This does not deny Dr. Curry's perception of tactlessness by a USIA officer."

For a time, I was puzzled by Wick's reply to Gejdenson. How, I wondered, could Wick possibly deny to a member of the House Foreign Affairs Committee that political considerations were not a factor in choosing individuals to participate in USIA's Speakers' Program since he and several other Agency bureaucrats had earlier admitted in public that this was precisely their policy?

The answer was not long in coming. In late June, Gejdenson sent to me a copy of the House Foreign Affairs Committee Report on the State Department Authorization Bill (Report No. 98-130). "In this report," Gejdenson wrote, "the committee expresses its concern about claims that USIA has violated its charter in a number of ways. . . . This is an important warning to USIA officials that Congress will not tolerate these types of actions."

In part, the committee report was a bombshell. It was not covered in the national media and deserves quotation. "Over the past 2 years," the report stated, "USIA has arguably violated the letter and spirit of its charter by (a) attempting unsuccessfully, virtually to eliminate the funding for the educational and cultural affairs programs which have stood the test of time and proved their worth; (b) reflecting partisan political ideology in its choice of USIA grantees; (c) providing funds to friends of USIA officials without regard to the USIA charter, or proper grant guidelines and procedures; (d) attempting to influence the activities and comments of USIA grantees so that they reflected executive branch policy positions; (e) withholding or delaying the granting of USIA funds to grantees due to partisan political considerations; and (f) placing in career Foreign Service and civil service positions, political appointees who reflect partisan political views, or who are friends and relations of current Government political appointees, without regard to the requirements of specific positions, or the effect on the career services." (pp. 64-65)

Having expended a great deal of time and effort publicizing these issues, reading these conclusions was quite satisfying. My exuberance lessened considerably, however, as the report concluded: When these matters were brought to the attention of USIA Director Charles Z. Wick, he took immediate steps to make the necessary adjustments and corrections to restore the integrity of these programs, and to restore the confidence of the grantees, the Congress, and the public. He is to be commended for his prompt, sincere and effective efforts to remedy the situation. (p. 65)

Thus, an extremely critical report by the House Foreign Affairs Committee concluded by giving Mr. Wick and USIA high marks for cleaning up his/its act.

In recent months, Mr. Wick has continued to occupy the high ground. In a recent profile by Bernard Weinraub (New York Times, August 11, 1983), Wick stated:

"At the beginning there was this concern that we'd have a conservative, hardline bent. . . . My defense was that this is preposterous. The VOA charter says we must tell about America in a balanced way. To do what was alleged and feared would be illegal,"

The fact that this statement contradicts earlier USIA policy positions and ignores the House Foreign Affairs Committee Report about past USIA improprieties and illegalities may not be as important as Wick's current awareness that his agency is now being carefully monitored by Congress. Congressman Gejdenson has assured me that he and other members of the Foreign Affairs Committee—especially the Sub-committee on International Operations chaired by Representative Dante Fascell—intend to keep a wary eye on future USIA activities.

At present, however, Wick is convinced that his performance is now a creditable one. In the Weinraub interview Wick also stated that "after two troubled and dismaying years as the organization's leader, he had not only buoyed it [USIA] but also begun to quell criticisms of his personal style." Even so, Wick admitted: "The criticisms are hard for me to deal with and, frankly, there are a lot of moles in this place." USIA's mission "had been consistent," Wick declared. "We want to explain the policies of our Government and the values and character of its people to other countries and other people." According to Weinraub, Wick stated that his effectiveness was best measured by the Soviet reactions to his efforts. "There's this vituperativeness against me personally. . . . Sometime it's a bit frightening, intimidating. They said I made millions of dollars in brothels, they call me a right-wing ideologue." He shrugged, and said he sometimes wondered if the K.G.B., the Soviet secret police, was "going to be after you."

At this point John W. Shirley, a career diplomat who serves as Mr. Wick's deputy, intervened. "The Soviets squawk why they're getting hurt," he said. "And they've been squawking a great deal more recently than any time in memory."

Whatever the validity of Wick's and Shirley's perceptions about the effect USIA activities have had on the Russians, it cannot be too strongly emphasized that past USIA improprieties have created a credibility gap with friends and allies overseas (as well as many academics at home)—a fact that Wick and his associates obviously do not recognize, but one that demands immediate and prolonged attention—in fact, rectification, if American ideals, as reflected by USIA programs, are to be a positive force in the world community.

For example, Harold M. Hyman, one of our most distinguished constitutional historians, was not sent overseas by USIA last

year despite numerous requests for lectures by scholars in the U.K. and western European countries. Hyman was told that USIA's failure to send him abroad was the result of "bureaucratic inefficiency." "Your agency," Hyman wrote to W. Scott Thompson (USIA's Associate Director for Programs) on April 4, 1983), certainly created no respect for itself or for the United States as represented by your agency, among the several eminent professors of American Studies in the UK and in European countries, who wished to have me lecture there. I enclose copies of some letters of this import. Some academics abroad did request me through the U.S. Embassy in their nations . . . and so that technical point seems not to exonerate USIA.

Other American scholars have, as you perhaps know, expressed their displeasure and concerns recently about ICA/USIA operations. I understand their positions better now. Can USIA really afford the accumulation of such dour estimates of your value and values?

Another American academic wrote that a visiting lecturer at his institution from the State Department "indicated that the Reagan administration had gone farther than any other in recent memory to employ ideologues in the ICA. Further, as a career diplomat, he went on to conclude that most of our international friends see through this transparent effort as propaganda." Still another American declared that in West Germany the only people connected with USIA who really understood American ideals were German employees of longstanding.

Numerous letters received from Australian and New Zealand academics reflect almost identical attitudes. One Australian wrote:

I am most grateful for your offprint of the OAH Newsletter item. Its content would be appalling were one not reasonably aware of ICA's general tendencies toward secretiveness and control. We—I—always suspect it, but your experience and the overt pressures are evidence which is both confirming and disturbing.

This individual went on to say that contacts with the Australian USIA constituted "an intellectual humiliation." In another letter the same person expressed the opinion that "often, the problem (believe it or not) is as much ignorance on their part as bad intentions/evil. I am amazed that State cannot recruit better people." The letter concludes: "Like the d— foreign policy: they're both stupid and dangerous."

"I was really horrified," a New Zealand academic wrote, to read about your experiences in Australia. . . . I think you have done a great service to the academic community here and in America by extracting this for publication. The actions in the Australian I.C.A. have set us back 15 years. . . . How stupid can they be?

Another New Zealander confided: "To be honest, I have always felt a little compromised in my relationships with the office." "Here in New Zealand," another Kiwi wrote, the I.C.A. people have been very cautious in comment although amusingly, and possibly because of "the Curry incident" they have been very anxious that we have our share (and more) of Fulbrights for 1983 and 1984. . . . I may be putting two and two together and coming up with 22 but our relations with I.C.A. seem to have cooled and warmed at the same time—treating us more cautiously but eager to help! However, am glad that you have put a spoke in the Reagan wheel!

Still other examples of reactions from scholars in the Antipodes could be cited; but the central points have been made with one major exception—the determination of Australians and New Zealanders to resist any attempt to politicize the Fulbright Program. As one individual phrased it:

I have no fears for the Fulbright Programme in N.Z. Any attempt by the U.S. Government to politicize it will be strongly resisted by the N.Z. members of the Foundation's Board of Directors. In your case our mistake was letting you go to Australia under the sponsorship of USICA. In the future any of our Fulbrighters who wish to go to Australia will do so under the sponsorship of the Fulbright Program.

These letters are a sad commentary on the low esteem in which USIA is currently held abroad. In some cases, contempt would not be too strong a word. The last letter, however, underscores an important point made earlier: the reasons for attempts by the Reagan administration to cut Fulbright funds by sixty-six percent—that is, the desire of ideologues to provide USIA with total control over all exchange programs. Fortunately, these efforts failed. But USIA's reputation is tarnished, and the image it has projected abroad will not soon be dispelled.

Richard Curry is a professor of history at the University of Connecticut. His many publications include "Ideology and Perception: Democratic and Republican Attitudes Toward Statehood Politics and the Copperhead Movement in West Virginia" (West Virginia History).●

HOUSE PASSES AGENT ORANGE BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. FLORIO. Mr. Speaker, I am pleased that the House passed H.R. 1961, the Agent Orange and Atomic Veterans Relief Act yesterday on a voice vote. However, I would like to remind my colleagues that the struggle to obtain compensation for the veterans affected by agent orange is not yet over. By obtaining House approval, H.R. 1961 has cleared only one of the major hurdles it faces in the coming months. I join my colleagues, the Honorable BOB EDGAR, of Pennsylvania and the Honorable TOM DASCHLE, of South Dakota in their special order, to urge the swift passage of H.R. 1961 through Congress so that those who gave of themselves to serve their country in war be granted compensation for illnesses or deaths believed to have resulted from wartime exposure to agent orange and radiation.

Our veterans demonstrated their dedication and patriotism when they gallantly and unselfishly came forth to serve their country in its time of need. While fighting for their country, many Vietnam veterans were exposed to herbicides, such as agent orange, used by our Government as a defoliant to destroy possible enemy hiding places. Agent orange, like other dioxin-based chemicals, has been linked by a number of studies to diseases ranging from skin cancer and liver conditions to possible birth defects in the children of the veterans. Nearly 18,518 veterans and their families have filed claims with the Veterans' Administration asking for disability or death allowance for diseases or deaths caused by exposure to agent orange. For years, the Veterans' Administration has consistently denied them this compensation and has shown deliberate intransigence when directed by the Congress to conduct a study on the effects of exposure to agent orange. Although the study was mandated in 1979, it will not be completed until 1989, 10 years after the study was ordered. And even then, the study will be conducted by the Center for Disease Control since the Veterans' Administration could not conduct the study in a timely manner. In the meantime, thousands of veterans and their families have been awaiting word on the disposition of their claims and are unfairly being denied compensation even though the VA cannot offer adequate justification for this denial and even though numerous studies have shown a link between the diseases most commonly suffered by these veterans and agent orange exposure. The VA will only acknowledge chloracne as a resulting disease and therefore compensates only the small number of veterans suffering from chloracne. Our veterans have contributed enough of themselves to deserve better treatment at the hands of the VA, the agency set up to help them.

The bill that just cleared the House yesterday will provide a measure of compensation to these veterans that suffer from soft-tissue sarcoma, porphyria cutanea tarda (PCT)—a liver disease—and chloracne, since these diseases are presently believed to result from dioxin exposure. The bill sets conditions that must be met by the veterans in order to insure that the disease truly resulted from exposure to the chemicals during their service in Southeast Asia. In the case of sarcoma, the cancer must have been diagnosed within 20 years of the veteran's departure from Southeast Asia; in the cases of PCT and chloracne, the disease must have surfaced within 1 year of departure.

Furthermore, the bill also provides for compensation to veterans of World War II and Korea who suffered the detrimental effects of radiation in the postbomb occupation of Hiroshima and Nagasaki. It must be stressed that this bill, if enacted, provides only temporary relief for these veterans and compensation will come to an end 1 year after the completion of the Centers for Disease Control epidemiological study. But it does allow our Government to attempt to rectify the in-

justice suffered by these dedicated veterans as they struggled to cope with these diseases and to show our appreciation for the sacrifices they made for their country, for their families, and for all of us. The bill will now be considered by the Senate and I ask that the Senate will consider it a matter of top priority and grant speedy passage of the bill. We cannot afford to delay any longer than we already have in compensating the veterans that came forth to fight our country's battles. We owe at least this much to our veterans.●

SUPPLEMENTAL APPROPRIATION FOR AFRICA

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. MOLINARI. Mr. Speaker, almost daily we read or hear new reports of the millions in Africa who are facing starvation as a result of a severe famine and drought. Whether it be villagers in Nigeria forced to drink sand-filled water or citizens of Ghana consuming unripe crops as a means of suvival, the world is confronted with a desperate situation. Many describe this famine as one of the worst in history.

I commend the administration for their request for an additional $90 million appropriation to respond to this problem. Pending approval by this Congress, 200,000 metric tons of food aid will be available; 217,000 metric tons of emergency food aid has already been approved in this fiscal year by the Agency for International Development. Coming shortly after the January 6, 1984, announcement of an additional $32.7 million in emergency aid, this demonstrates the reponsiveness of this country to the need of others.

In November 1983, I had the honor of attending the Food and Agriculture Organization Conference in Rome. Adebayo Adedeji, who serves as the Executive Secretary to the Economic Commission for Africa, related the effects of food shortages on that continent. In 1972-74, for example, the number of serverely hungry and malnourished people was 83 million. Today, that number has grown to an estimated 100 million. One out of three African children dies of hunger and malnutrition-related diseases before reaching school age. Many of those who do survive do not have the mental or physical capabilities to lead a productive life.

The drought, which began in 1982, continues to affect food production in Africa. Food stocks which were gathered in 1981 have been depleted in most of the 24 affected countries. Most of these nations are unable to import the required food supplies. Civil strife has resulted in an increase in refugees and other displaced persons, thereby putting additional strains on the resources of governments.

The problems facing many African nations are severe, with no easy solutions. The United States has a moral obligation to give this needed aid to those countries whose citizens are facing a bleak and often hopeless future. This request is a step in the right direction and I urge my colleagues to take quick, favorable action.●

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH PROGRAM

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. MACKAY. Mr. Speaker, yesterday I introduced the National Nutrition Monitoring and Related Research Act of 1984, together with my colleagues GEORGE E. BROWN, JR., and DOUG WALGREN. The purpose of the bill is to establish and facilitate the timely implementation of a coordinated national nutrition monitoring and related research program. This program is designed to establish a scientific basis for the maintenance and improvement of the nutritional status of the U.S. population and the nutritional quality of the U.S. food supply.

This bill was not prepared as a hasty response to the President's Task Force on Food Assistance, but rather after over 6 years of oversight by Subcommittees of the Science and Technology Committee and the Agriculture Committee. These subcommittees found that present Federal efforts to collect, analyze, interpret, and disseminate dietary and nutritional status data are untimely and give inadequate attention to assessing high-risk groups and geographic areas.

In addition, the present system does not provide for the continuous collection and interpretation of dietary, nutritional, and related health status information or for the monitoring of general health trends and their relationship to food practices and supplies.

Although I cannot support all of the recommendations of the President's Task Force on Food Assistance, the recommendation that the Federal Government take steps to improve information on the nutritional status of Americans is obviously on target. The bill we are introducing is consistent with the task force's recommendation and provides for a systematic and coordinated program and a comprehensive plan to improve the collection and reporting of nutritional status data.

In addition, the bill includes several components which are essential to insure that public funds expended for nutrition monitoring will return to the public, health professionals, and policymakers usable and objective information for enhancing the quality of life. These components include: technical assistance which State and local governments have requested in order to obtain data relevant to their constituents; opportunity for State and local governments, industry, the scientific community, and the public to participate in the development and implementation of the program; and research necessary to develop common indicators and cost-effective methods for data collection and dissemination.

Mr. Speaker, unless a coordinated nutrition monitoring program which provides for continuous data collection and interpretation is put in place now, this Nation will continue to have expensive piecemeal surveys incapable of generating early warning trends which may require corrective action. Likewise, policymakers will be without the necessary data to formulate and evaluate the consequences of nutrition and health policies and programs.

The proper implementation of the program we are introducing today could serve as an effective health promotion and disease prevention tool. One such means of reducing the high cost of health care is health promotion. Actions, such as proposed in this bill, to focus the efforts of both the Congress and the administration on wellness, rather than prevention, are long overdue.

I encourage our colleagues to join us in cosponsoring H.R. 4684, the National Nutrition Monitoring and Related Research Act of 1984.●

HAIL TO THE ORANGE, HAIL TO THE BLUE, HAIL TO WHITE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. DURBIN. Mr. Speaker, this past season the Big 10 Conference finally advanced beyond the stage of the Big 2 in football. With the emergence of the University of Illinois, the conference can now be called the Big 3 in football, though my friends and colleagues from Iowa might argue for amendment to the Big 4.

In his fourth year as head coach of the Fighting Illini, Mike White brought victory-starved fans of the orange and blue what they had not tasted for 20 years—a Big 10 football crown. And for the three seasons previous to that he delivered an exciting, steadily improving brand of football.

Like our favorite son, Abe Lincoln, Mike White is not native to Illinois

but he has come to glory among its fertile fields and bustling cities and towns.

A native of the San Francisco Bay area, Mike White came to Illinois early in 1980 after a successful coaching career on the college and professional levels. Even before his success in Illinois, Mike's football reputation was assured by his tutelage of outstanding quarterbacks.

The roster of his pupils at that position reads like a future program for the Football Hall of Fame.

Steve Bartkowski, Vince Ferragamo, Jim Plunkett, and the late Joe Roth perfected their abilities under his coaching.

At Illinois, he developed two quarterbacks now playing professional football—Dave Wilson and Tony Eason.

For these and other achievements he has been honored many times by his peers and the media. The White family may have to add another room to their home just to display the honors that have poured in this year alone.

We in Illinois are willing to share Mike White with others, even Buckeyes and Badgers. Mike White represents the best in his field and we all profit from that example.

He is a man who works hard, develops talent, and builds that talent into a team with a winning spirit. That spirit has swept the prairies of Illinois and there are those who think it should not be contained by our borders.

Mr. Speaker, I submit that Mike White may be the coach we need to tackle the deficit and if I was not afraid of being lynched when I return home to Illinois, I would suggest that we attempt to lure him away from the University of Illinois and set him to balancing the budget as he has balanced the Fighting Illini.

For now and many years to come, we are proud of Mike White and prouder still of his outstanding achievements with the Fighting Illini.●

IN RECOGNITION OF THE AMERICAN VETERAN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. GEJDENSON. Mr. Speaker, I rise today to join my colleagues in celebrating yesterday's unanimous passage of the Agent Orange and Atomic Veterans Relief Act. While many of us may feel that this measure does not go far enough to address the needs of affected veterans, the passage of this essential legislation represents an important victory for all our veterans who have fought for so long to be recognized.

The compromise bill, that was worked out by the Committee on Veterans' Affairs will provide temporary disability and death allowances to veterans of the Vietnam era who suffer from certain effects stemming from their exposure to the chemical agent orange. In addition, this bill will compensate certain veterans who participated in the testing of nuclear devices or in the occupation of Hiroshima or Nagasaki during World War II and were exposed to radiation.

The Center for Disease Control (CDC) is expected to complete its study of the health effects of agent orange in 1987 or 1988. Congress will then have a full year to analyze this study and then again act to pass the appropriate legislation.

While this bill is somewhat limited in scope, it will, if passed by the Senate, provide immediate relief and focus national attention on the plight of those veterans whose lives have been adversely changed due to their service to this Nation.

Today, as we witness a U.S. military presence in a number of countries throughout the world, it is important to remember the tremendous sacrifices made by our Nation's veterans. These men and women made a selfless contribution to this country when they accepted the risks associated with service. Too often, this sacrifice goes unnoticed. For this reason, I am pleased that Congress has taken this positive step to immediately compensate veterans who suffer from ailments brought about by service.

Mr. Speaker, I want to congratulate my colleagues on the passage of this bill reaffirming the House's support for our Nation's veterans and urge the Senate to act swiftly so that benefits can be granted as soon as possible.●

A TRIBUTE TO DR. ALBERT AND MRS. CHARLOTTE LEVINE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. WAXMAN. Mr. Speaker, it is my privilege to call to the attention of this legislative body and the American people the great contributions of Dr. Albert and Mrs. Charlotte Levine. I speak not only as a Member of Congress from southern California and a member of the Jewish community of Los Angeles, but also as a personal friend of Dr. Albert and Mrs. Charlotte Levine.

On January 28, 1984, Dr. Albert H. Levine and his wife Charlotte were honored at the 16th annual scholarship dinner of Akiva Academy of Los Angeles. The theme of the evening, "A Global Affair," denotes Akiva Academy's cultural diversity with a student body representing many countries around the world, as well as the United States.

Dr. and Mrs. Levine enjoy a long history of community involvement in a professional and personal capacity.

Dr. Levine was born in Cleveland, Ohio and his roots in the Jewish community were established at an early age through attendance at afternoon yeshiva in the neighborhood orthodox synagogue. He received his B.A. and M.D. degrees from Ohio State University where he was elected to Phi Beta Kappa. While at Ohio State, he was vice president of the Hillel Foundation and conducted Friday evening traditional services. After his internship, he served as a captain in the U.S. Army Medical Corps in Korea. During this time he also was the acting Jewish chaplain conducting Sabbath and holiday services and acting as spokesman for the military personnel of the Jewish faith in Korea.

Dr. Levine has been an advocate and supporter of Akiba Academy since its inception. The academy offers an enriched by cultural day school education program in Hebrew and general studies to the general community using the facilities of Sinai Temple. Dr. Levine serves on the board of Sinai Temple and is chairman of the Sinai-Akiba Liaison Committee. He is also on the board of overseers of Akiba Academy. His community activities have encompassed Cedars Sinai Medical Center, UCLA, B'nai B'rith, United Jewish Welfare Fund, Hebrew University, Technion, Guardiana, Shaare Zedek Hospital, Zionist Organization of America, Los Angeles Hebrew High School, among others. He has been medical adviser to the Brandeis Bardin Institute and has served as camp physician for the past 15 years.

Charlotte Levine is the daughter of Dr. and Mrs. S. Elihu Posin of Los Angeles and the granddaughter of the late Rabbi and Mrs. M. R. Posin of New York. Her background is in the field of social work and community planning. She has served as a city council appointee to the Citizens Planning Advisory Committee, working on portions of the Los Angeles Master Plan and its implementation. She is president of the Hollywood Homeowners Association and is a member of the Hollywood Coordinating Council and the Metro Rail Advisory Committee.

In addition to her support and activities on behalf of Akiba Academy, Charlotte Levine is a member of the Women for Brandeis-Bardin Institute and is a life member of both Haddasah and Technion.

Dr. and Mrs. Levine have been longtime active supporters of the symphony, theater and opera in Los Angeles as well as pursuing their interest in other cultures by frequent world travel.

The Levines are parents of two children, both of whom are graduates of the Hillel Hebrew Academy and Los Angeles Hebrew High School and are examples of their parents' dedication to the perpetuation of Judaism through intensive day school Jewish education.

I ask the members to join me in congratulating Dr. Albert and Charlotte Levine, their daughter, Shari-Ellen and son, Bruce, on this special occasion and to wish them many more years of success and fulfillment.●

UKRAINIAN INDEPENDENCE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Ms. MIKULSKI. Mr. Speaker, I join in noting with Ukrainians around the world the 66th anniversary of the independence of the Ukraine, home to a proud people who are subjected unwillingly to Soviet oppression. Their independence, established in 1918, was sadly cut short after 3 years of heroic struggle against the numerically superior forces of Communist Russia.

The Ukrainian people, however, continue to demonstrate tremendous courage when faced with constant Soviet attempts to eradicate all forms of their culture and tradition. Despite the most severe forms of repression and religions persecution, Ukrainian culture and tradition still thrive. All Ukrainians retain a strong desire for freedom, and it is this desire from which they get their strength.

The Ukrainians are a symbol to the world of a people determined to maintain their culture, traditions, language, and religion even though the Soviet Union controls their society. Through their determination, the Ukrainians have succeeded in maintaining their nationalistic spirit, and that spirit remains alive today.

It is this spirit of freedom that we honor today. Let the Ukrainian people know that we in the United States recognize and respect their right to freedom and self-determination. We honor and encourage their preseverance. Their struggle is not, and will not, be forgotten.●

HUMAN RIGHTS IN THE U.S.S.R.

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. EDGAR. Mr. Speaker, as we all know, in 1949 George Orwell wrote "1984", an apocalyptic view of the future. I am pleased to note that many of Mr. Orwell's prophesies have been unfulfilled. However, there is a land where many of the visions of "1984" are a reality. In the Soviet Union, dissidents are jailed, exiled, or sent to mental hospitals. Members of minority groups and non-Russian nationalities are routinely harassed when they attempt to express their own identity. Freedom of speech, press, travel, and religion are either limited or banned outright.

For a number of years I have been privileged to use my position to speak out on behalf of human rights for those who are oppressed in the Soviet Union and elsewhere. As a new member of the Ad Hoc Congressional Committee on the Baltic States and the Ukraine, I rise today to bring the attention of my colleagues to yet another case of denial of human rights in the U.S.S.R.

Yuriy Shukhevych has served almost 30 years in Soviet prisons merely because he has refused to denounce his father. General Roman Shukhevych was commander in chief of the Ukrainian Insurgent Army during World War II. This group fought for the independence of the Ukraine from both Nazi and Soviet forces. While most of us will disagree with the Soviet authorities over the appropriateness of General Shukhevych's actions, their subsequent treatment of his son is unacceptable by any standards.

Yuriy Shukhevych, blind and past 50, languishes in internal exile in Siberia. His only crime was to refuse to denounce his father and his father's actions; any Ukrainian patriot might do the same. For Shukhevych it has meant a 30-year tour of Soviet prisons.

Mr. Speaker, the Lawyers' Association of Philadelphia recently approved a resolution condemning the treatment of Yuriy Shukhevych and asking for his release. This is an example of what all American citizens can do on behalf of those mistreated by repressive governments. If we do not remember those imprisoned and mistreated because they follow the dictates of their conscience, no one else will. At this point, I would like to insert the text of the resolution into the RECORD:

LAWYERS' ASSOCIATION OF PHILADELPHIA
RESOLUTION

Expressing concern for the inhumane treatment of Yuriy Shukhevych in Soviet prisons, and memorializing the President of the United States, the United States Congress, and the Department of State to use every means available to obtain his release.

Whereas basic human rights and fundamental freedoms have long been recognized as having valid universal significance and are currently a subject of pressing international concern; and,

Whereas these basic rights are spelled out in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and,

Whereas the Final Act of the Conference on Security and Cooperation in Europe has given a new dimension to the humanitarian principles these covenants embody by reaffirming each state-signatory's right to be concerned with the manner in which human rights and fundamental freedoms are respected and implemented by all other signatories; and,

Whereas the President of the United States has expressed his deep concern and commitment to human rights in the world; and,

Whereas Yuriy Shukhevych has been incarcerated in Soviet prisons for almost thirty years merely for his refusal to denounce his father who, as Commander-in-Chief of the Ukrainian Insurgent Army, fought the occupation of Ukraine; and,

Whereas the harsh treatment and severe sentence of Yuriy Shukhevych reaffirms that a system of repression exists in the Soviet Union and this fact greatly concerns the people of the United States; therefore,

Resolved, by the Lawyers' Association of Philadelphia, That we hereby express concern for the inhumane treatment and long sentence in Soviet prisons of Yuriy Shukhevych, and memorialize the President of the United States, the United States Congress, and the Department of State to use every means available to obtain the release of Yuriy Shukhevych from imprisonment and request that an exit visa for him and his family be granted.

Resolved, That an engrossed copy of this resolution be presented to William Nezowy, Vice Chairman of External Affairs of the Philadelphia Branch of the Ukrainian Congress Committee of America, and certified copies to be sent to Ronald Reagan, President of the United States, to George P. Shultz, Secretary of State, and to Members of the United States Congress.

LEON W. TUCKER,
President, The Barristers' Association of Philadelphia.
HENRY J. LUNARDI,
Chancellor, The Justinian Society.
MICHAEL J. STOCK, Jr.,
President, Brehon Law Society.
MAYER HORWITZ,
Chancellor,
Tau Epsilon Rho Law Fraternity.●

MONTEREY PARK APPRECIATION NIGHT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. MARTINEZ. Mr. Speaker, each year, California State University at Los Angeles honors individual communities in the San Gabriel Valley to show appreciation for students' participation and patronage of the university. It also provides a good way for city residents to become acquainted with their university.

On Friday, February 3, California State University at Los Angeles will hold "Monterey Park Appreciation Night." The reception, hosted by university president James M. Rosser, will feature the dedication of a room in the university union to the city of Monterey Park. Students from Monterey Park and individual honor students and their parents will be honored that

evening. The university has also extended an invitation to all citizens of Monterey Park to attend the reception and become better acquainted with their university. I encourage all to attend. Following the reception and dedication ceremony, the attendees will get the chance to cheer the California State Golden Eagles through an exciting, and we hope victorious, basketball game.

An event like this does not come about without the hard work and dedication of many people, such as President Rosser, the Monterey Park City Council, and president of the Monterey Park Chamber of Commerce, Marian Grant. Equally important is the reception's cosponsor, Omni Bank and President Don Rhodes.

I applaud the efforts of California State University at Los Angeles to show their gratitude to the people of Monterey Park and their excellent method of bringing higher education closer to the people.●

MORTGAGE REVENUE BOND PROGRAM

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. CARR. Mr. Speaker, I want to express my strong support for renewal of the mortgage revenue bond program. The State of Michigan and its people have participated fully in the program that expired on December 31 of last year. It has been hailed as a great success in our State and I am sure that participants across the country feel much the same. I want to commend the work of the many groups seeking a renewal of this vital legislation, particularly the National Association of Homebuilders. Their timely and helpful information promotes better understanding of the complex issues surrounding this program as well as the overall housing policy of our Nation.

Last year, the renewal of this program became tied to unrelated revenue raising measures which I and many others opposed. I am hopeful that this year we will see a clean renewal of the mortgage revenue bond program. The housing and employment policies of our country are improved by the program; its broad support here in Congress would insure swift passage. I urge my colleagues to pursue such a course.●

CARE FOR THE POOR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Ms. KAPTUR. Mr. Speaker, a recent survey of eight Western countries found that the United States ranked last in terms of care for the poor. I think that is a national disgrace, yet the Reagan administration continues to call for further cuts in domestic spending. The greatness of any nation is a reflection of its care for its least fortunate citizens. It is time that great compassion for our fellow man is restored to our list of national priorities.

I submit for the RECORD a copy of the Post article which summarizes the survey.

POVERTY SURVEY RANKS U.S. LAST

(By Margot Hornblower)

NEW YORK, Jan. 24—It is better to be poor in Sweden, France, West Germany, Australia, Israel, Canada and Britain than in most of the United States, according to a Columbia University study.

The three-year study by Alfred J. Kahn and Sheila B. Kamerman of Columbia's School of Social Work was financed by the U.S. Social Security Administration. It comes amid intense debate in Washington over changes in the "safety net" of social services, and after years of failed "welfare reform" programs.

"We are not doing very well by the families who are in financial difficulties, in contrast to most western countries, including those who are much poorer," Kahn said in an interview.

Other countries are more generous in compensating for the high costs of raising children: all eight countries studied except for the United States have child allowances. All except the United States and Australia have statutory maternity benefits.

"Civilized societies everywhere except in the United States recognize that children are a valuable resource and we have a responsibility to make sure they grow up healthy," Kahn said.

In Sweden, support payments to a single, unemployed mother with two children equal 93 percent of the income of the average worker in that country after taxes. The comparable figure for Pennsylvania, which is in the upper third of U.S. states in benefits, is 44 percent.

The District of Columbia, Virginia and Maryland have less-generous allocations in Aid to Families with Dependent Children, the principal welfare program, than does Pennsylvania, the study's benchmark.

Ranking in generosity after Sweden are France, which provides 78.6 percent of its average worker's wage after taxes; West Germany, at 67.3 percent; Canada at 52.5 percent; Britain at 51.7 percent and Australia and Israel at 50 percent.

Rebutting assertions that welfare mothers give birth in order to get aid, Kahn said, "The studies show there is no relationship between the generosity of a program and the birthrate. In every country, families without children are better off economically than families with children, and working families are better off than the unemployed."

As for maternity benefits, he said, this is the only country where the law does not require companies to replace working mothers' lost income to some degree. In 1978, Congress required employers who give disability insurance to allow mothers to collect maternity benefits under those programs. However, he said, 60 percent of American working women still receive no income replacement during maternity leave.

In Israel, by contrast, mothers receive 75 percent of their wages for 12 weeks through a combination of contributions from employer and government. Sweden provides 90 percent of lost income for nine months. West Germany provides benefits for seven and a half months, France for 16 weeks, Canada for 17 weeks, and Britain for 18 weeks.

Sweden, France and West Germany have children's and housing allowances—which are taxed away in wealthier families. Kahn said the United States should offer tax credits for children, rather than tax deductions.●

TRIBUTE TO LUTHER HINNANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the life and work of Mr. Luther Hinnant, an individual who overcame major personal obstacles to achieve what many would have thought impossible.

Born January 12, 1899, in North Carolina, Mr. Hinnant went into the Army during World War I and on his return he decided to move to Washington, D.C., for employment reasons. Although finding a job proved difficult because Mr. Hinnant did not have a high school degree and because of his race, he never relented, and eventually he found employment as a presser in a drycleaning shop. While working at this job, Mr. Hinnant went to night school and earned his high school diploma.

Mr. Hinnant's life was to change dramatically in 1941 when he entered a Veterans' Administration hospital for an operation for a possible brain tumor. Although no tumor was found, the operation caused Mr. Hinnant to lose his eyesight. This unfortunate trauma, however, did not stop Mr. Hinnant. Instead, he was determined to continue his education and on the suggestion of another patient in the VA hospital he enrolled at the Hampton (Va.) Institute where he learned the essential skills for a blind man's existence. After he had mastered braille and received a youth certificate from the Hampton Institute, Mr. Hinnant went on to teach braille and to earn 52 college credits in general studies. Later, he attended a school for the blind in Illinois which helped him

cope with his day-to-day needs as a blind person.

Determined to obtain a college degree, at the age of 78 Mr. Hinnant enrolled in the University of Maryland's golden I.D. program which offers free class tuition for retired people. Since the fall of 1977 Mr. Hinnant attended classes every fall until last fall when he had earned enough credits to graduate with a 2-year degree in sociology and nutrition. Although this feat in itself is quite an accomplishment, Mr. Hinnant's motivation has made him determined to seek a bachelor's degree.

With all his setbacks, Mr. Hinnant has never lost sight of his goal. His dedication and determination to obtain a college degree and lifelong efforts in helping other blind people are the highest accomplishments an individual can achieve in his/her lifetime. Indeed, at the age of 84 Mr. Hinnant is still determined to dedicate his efforts to others as he is now qualified to teach braille at the Broward Center in Fort Lauderdale, Fla. I know how proud both of his daughters must feel over the accomplishments of their father. Mr. Hinnant is by all standards an individual who represents the best of human effort and commitment. He is a real living standard of dedication. Mr. Speaker, my colleagues here in the House and I would like to take this time to congratulate Mr. Hinnant for his lifelong endeavors.●

PEOPLE-TO-PEOPLE DIPLOMACY

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. TAUKE. Mr. Speaker, in a refreshing example of people-to-people diplomacy, a delegation of goodwill ambassadors representing Elkader, Iowa, recently traveled to Algeria to formally establish a sister city relationship with the Algerian city of Mascara. This relationship marks the first such agreement between a city in the United States and an Algerian city.

Elkader, a community of 1,600 people, was founded in 1846 along the banks of the Turkey River in northeast Iowa. One of the founders of the town was an admirer of a young Bedouin emir in Algeria named Abdel Kader, who at the time was leading the fight against a French invasion. Consequently, the town was named in honor of the man who has become a revered national hero in Algeria.

A young Algerian man visited Elkader last summer to see the community named after his nation's greatest hero. The friendliness displayed to him by the citizens of Elkader spurred him to initiate the establishment of a bond between Elkader and the city of Abdel Kader's birth, Mascara. Details for the relationship and the trip were facilitated by the diligent efforts of Sister Cities International.

The Iowans traveled to Algeria earlier this month at the invitation of the Algerian Government. The delegation included: Mayor Ed Olson and his wife Ruth Mary; City Councilman Robert Grau and his wife Ruth; City Councilman John Miller and his wife Mariella; Clayton County Register Editor Donna Menken; former Register Publisher Harold Griffith and his wife Louise; and Superintendent of Schools Robert Buckner.

The Iowans received a warm welcome from their Algerian hosts. Plaques commemorating the sister city relationship were placed at Mascara's city hall and at the memorial honoring Abdel Kader. All reports indicate that our goodwill ambassadors upheld the highest traditions of American diplomacy while fostering a growing friendship with their hosts.

While the visit of the Iowans to Algeria may be a minor footnote in the annals of world diplomacy, it does reinforce an optimistic view of the world's future. If people from different lands and cultures can establish friendly relationships with one another based on respect and trust, perhaps nations can do the same.

For my colleagues' further information, I would like to include two articles from the January 15, 1984, Dubuque Telegraph-Herald about the Elkader delegation's trip.

The two articles follow:

[From the Dubuque Telegraph-Herald, Jan. 15, 1984]

ABDEL KADER, IOWA TOWN'S NAMESAKE

(By Richard Hoops)

Few city names in Iowa carry Saharan sand within their syllables.

No breath of desert wind sweeps the rolling dunes of names like Balltown and Elma, Epworth and Hawkeye, Onslow and Stanley. No caravans plod across the consonants and vowels of Farmersburg and Schley, Spillville and Zwingle.

The North African origin to the name of Clayton County's government seat also may be concealed from the uninitiated. But the city of Elkader's namesake was not just another face on the stage of Algerian history. Abdel Kader—or Abd al Qadir as it sometimes is translated from Arabic—is one of the greatest heroes of that North African nation.

Abdel Kader and his father, Muhyi al Din, rose to prominence in 1832 as leaders of a revolt against the French invasion and domination of Algeria.

The invasion was preceded by a 30-year dispute between French and Algerian merchants over a grain purchase that the French failed to pay. In 1827, during an argument over the debt, an Algerian autocrat slapped a French consul in the face with a peacock-feather flywhisk and called him "a wicked, faithless, idol-worshipping rascal."

The king of France, Charles X, took this to be distasteful diplomacy and ordered a naval blockade of the port of Algiers when the Algerian leader refused to apologize.

Three years passed without expression of remorse from the Algerian chief. In 1830, a French military campaign began on Algerian soil. Algiers fell within weeks. The gold in the city's treasury more than paid for the expedition.

The invasion laid the groundwork for 132 years of French rule over all of Algeria. But it did not begin without fierce resistance from Muhyi al Din, a leader of a Muslim brotherhood, and his 24-year-old son, Abdel Kader.

Muhyi al Din proclaimed a holy war against the French in 1832 and conferred leadership of the war onto Abdel Kader.

"I am not so foolish as to imagine I can openly make headway against your troops," Abdel Kader wrote to the French king. "But I will harass them ceaselessly. We shall weary and harry you, and our climate will do the rest. . . . Have you seen the wave made when a gull brushes the sea with its wing? This is the image of your passing over Africa."

French troops, arms and a bloody "scorched earth" war slowly took their toll on the desert legions of Abdel Kader, the "phantom sultan." In 1847, after 15 years of war, the rebel leader surrendered and was imprisoned in France. He was released in 1855 and settled in Syria, where he became involved in academic and charitable work. He died in Damascus, Syria, in 1883.

Abdel Kader's spirit did not die, though. His green-and-white flag was adopted as the standard of the rebel National Liberation Front, which defeated the French in 1962 after eight years of civil war. His remains were returned to Algeria in 1966 and a national shrine, a mosque in the city of Constantine, was named after him.

Elkader, the northeast Iowa city that bears Abdel Kader's name, has become a sister city with Mascara, Algeria, the birthplace of the Algerian patriot. The relationship began when Benaoumer Zergaoui, an Algerian information assistant at the U.S. embassy in Algiers, read a story about Elkader's name.

Zergaoui visited Elkader last summer. Elkader Mayor Ed Olson and eight other city residents will visit Mascara this week. No major joint exchanges are planned for the near future, Olson said. But there is one exception.

Zergaoui has promised to send a picture of Abdel Kader to hang in the Elkader City Hall.

ELKADER RESIDENTS FIND SISTER CITY

(By Rich Hoops)

ELKADER, IOWA.—The June evening was windy, but warm—or so the story goes—as the three settlers stood on the wall of an old stone mill along the Turkey River in 1846 and pondered the future of their little burg in northeast Iowa.

"Don't you think it's about time we started making some real plans for this village?" asked one of the men, a hale fellow named John Thompson.

Timothy Davis and Chester Sage agreed. And they decided that the village especially needed a name.

"My good friends," Davis said, "I've always been an admirer of that young Bedouin emir of Algeria who led his people against an invasion by the French back in 1832. His name is Abdel Kader."

Thompson was surprised by this exotic suggestion for a name—and perhaps by the formal speech with which it was suggested.

"Who in the world would like a town named Abdel?" he asked.

"Well, let's not use that part at all," Davis replied. "Let's just call it Elkader."

"Elkader, I like that," Sage said. "It has a nice ring to it."

"Good, then it's agreed we call this town Elkader," Thompson said. "Let's meet here tomorrow and get this town laid out, so 125 years from now the people will have a record of things."

Fiction may have creeped into Ed Olson's account of how Elkader was named, when Olson was editor of Elkader's weekly newspaper, the Clayton County Register, during the city's 125th birthday in 1971.

But Olson, now Elkader's mayor, said he was not the first person to take liberties with the tale of Elkader's christening.

The story circulated around town when Olson was young, and "sometimes the versions got changed," he said.

Olson's historical account contains a bit of fantasy. So do his travel plans this week. Thursday, Olson and eight other Elkader residents will leave the town named after Abdel Kader and travel to the city of the Algerian patriot's birth—Mascara, Algeria—to complete the first sister city relationship between a community in the United States and one in Algeria.

The relationship was initiated last year by a young Algerian who read that an Iowa city was named after one of his country's greatest heroes.

The group is studying background material provided by Iowa State University in Ames to prepare for their trip. Orrick Hanes, a former U.S. Ambassador to Algeria, will call Olson Monday to give him an additional briefing about the country.

Another story about Elkader by another editor of the Clayton County Register spurred the sister city relationship.

In 1979, the U.S. Information Agency asked Donna Menken, the Register's current editor, to write a freelance piece about Alkader for Al Majal, an Arabic language magazine the agency distributes in North Africa. Benaoumer Zergaoui, a 27-year-old Algerian office worker at the U.S. Embassy in Algeria, read Menken's story and grew interested in the Iowa city named after one of his country's more famous figures.

Zergaoui, who works as an information assistant for the embassy's U.S. Information Service, visited Elkader last summer during a training trip to the United States. The community's friendliness apparently moved Zergaoui, and he initiated the bond between Elkader and Mascara through Sister Cities International, Olson said.

The visit by the nine Elkader residents will complete the sister city agreement, Menken said. Although the Algerian government will pay for the entire trip, Menken said the group will travel as goodwill ambassadors for the United States.

"We are ambassadors and we have to know the rules," she said. "It's quite an honor for us and quite a responsibility at the same time. It's going to be interesting."

Included in the entourage are Olson and his wife, Ruth; Menken; City Council members Robert Grau and John Miller and their wives, Ruth and Mariella; Harold Griffith, the retired publisher of the Clayton County Register, and his wife, Louise, and Robert Buckner, Elkader school superintendent.

Although Elkader's emissaries have yet to receive the full itinerary of their trip, Olson and Menken said they expect to spend seven to 10 days in Algeria, beginning in the capital of Algiers and then traveling to Mascara, a city of 100,000, about 60 miles southeast of the Algerian coast city of Oran.

Future relations between the two cities may include cultural exchanges and festivals sponsored by the sister cities, Olson said.

But Elkader will not be required to bring 10 Mascara officials to Iowa, which may be fortunate for the small community.

"We're limited in what we can do," Olson said.●

TRIBUTE TO RAY DUCH

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. TRAXLER. Mr. Speaker, I rise before this distinguished body today to pay tribute to Ray Duch on his retirement as superintendent of the Bay City public schools, and to honor his more than 30 years of service to our schools and our community.

Born in Pennsylvania, Ray came to the Bay City schools in 1953, after serving his country in the U.S. Navy in the Pacific during World War II, and study at Central Michigan University, where he received his B.S. in 1950, an M.A. in 1961, and a specialist in education degree in 1966. Before coming to Bay City, he had served as a teacher, coach, and transportation director for the Davison public schools.

He began his service in Bay City as a teacher and coach at MacGregor, then as principal at Dolsen Elementary, and has served Central High School as teacher, coach, and director of trade and industry, leaving his mark on many productive lives. In addition to his service to the Bay City schools, he has enriched the life of our community as an instructor in the Government manpower classes and at Bay City Junior College.

A period of progress, innovation, and educational excellence began as Ray was named superintendent of schools in January 1979. Within 3 months of taking office, he led the Bay City schools to the first millage victory after seven consecutive defeats, and went on to win the first 3-year, and the first 5-year millage increases in Bay City history. In the 1978–79 school year, the Bay City system had lost its North-Central and University of Michigan accreditation, and schools operated on a split schedule. Today, the Bay City schools are again on a normal schoolday, and are now on the threshold of University of Michigan accreditation. Other innovations include sixth class offerings in high schools, an improved counseling program, a full athletic and extra-curricular program, development of a planning model, increased library staff, and moving the administration building.

Ray Duch's service to Bay City has not been limited to the school system. He has been a ranger in the Bay City State Park, and his activities in the Rotary Club, the PTA Council, St. Joseph's Church, and the Friends of Polish Culture have all worked to enrich life in Bay City. I know that retirement will not stop his dedication to the life of our community.

I want to take this opportunity to thank Ray for a lifetime of commitment to Bay City, and wish him, his wife, Lucille, and three children, the very best in his retirement. Knowing Ray, it is certain to be an active, productive, and giving one.●

EAGLE SCOUTS HONORED

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. LEWIS of Florida. Mr. Speaker, the highest honor a Boy Scout can earn is that of Eagle Scout. Many great men in our history achieved that honor, but many more who tried cannot list it among their accomplishments.

It takes hours and hours of hard work, dedication and an abiding faith in the Scout code of honor to attain the status of Eagle Scout. The lessons an Eagle Scout learns during his long and tedious ascension to that honor can be used throughout life.

I am honored and proud to announce here that four fine young men from Florida's 12th Congressional District recently received Scouting's highest award during separate Eagle Court of Honor ceremonies.

Robert F. Hunter of Port Salerno, John Weldon Park of Lake Park, Scott Robertson of Jupiter, and Scott Schaag of Palm Beach Gardens are now Eagle Scouts and will always be the proud bearers of this uncommon and meritorious distinction.●

FEDERAL BUDGET DEFICIT LEVEL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. GEKAS. Mr. Speaker, Members of Congress on both sides of the aisle have expressed a deep concern in the 98th Congress for the current level of our Federal budget deficit. However, when many of these Members have been given the option to take some concrete action to reduce the deficit, far fewer are willing to step forward and be counted in preventing budget increases. I was a sad, firsthand witness to this fact when I attempted to offer an amendment today in an effort to reduce deficit spending.

The measure considered by the House today, H.R. 2878, called for Federal funds to be allocated for the construction of public libraries in fiscal years 1984 through 1988. Because it is considered a local responsibility, such funds have not been allocated for this purpose since 1972. For that reason, and knowing that any effort to prevent increased Federal spending would be appreciated by the American people, I tried to cut funds for title II of H.R. 2878, which covered library construction.

Unfortunately, time did not permit me the opportunity to draft an amendment before consideration of title II. The magnitude of the budget deficit, however, and the expressed concern by so many of the Members of both political persuasions led me to believe that my colleagues would allow me to offer the amendment after the consideration of title II was completed. My assumption was wrong, as the gentleman from Illinois, (Mr. SIMON) objected to my offering the amendment.

Mr. Speaker, it is my hope that all the Members of this House who proclaim their concern for the expanding Federal budget deficit will begin to back up their talk in the 98th Congress with substantial action, and reduce unnecessary increases in Federal spending whenever possible.

At this time I would like to include my amendment offered earlier today, for the review of my colleagues.

AMENDMENT TO H.R. 2878, AS REPORTED OFFERED BY MR. GEKAS OF PENNSYLVANIA

Page 5, strike out lines 3 through 5 and redesignate the succeeding paragraphs accordingly, and beginning on page 12, line 16, strike out all of section 12 through page 14, line 6, and redesignate the succeeding sections accordingly.

Page 2, line 14, insert "and" after the semicolon, strike out lines 15 through 17, and redesignate the succeeding paragraph accordingly.●

ENGLISH INTRODUCES BILL TO PROTECT AGRICULTURAL BORROWERS

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. ENGLISH. Mr. Speaker, today I am introducing legislation calling upon Federal regulatory agencies to exercise caution and restraint in their examinations of banks issuing loans to agricultural borrowers.

During recent years, our Nation's farming sector suffered historic financial losses and hardships. In 1983 farmers faced increased production costs coupled with reduced commodity prices, droughts, and declining international markets. 1982 and 1981 were not much better. Farming is a risky business but during recent years farmers have had to play with only half a deck through no fault of their own. The hard times forced marginal farmers out of business. Unfortunately, poor market conditions continue and now threaten long-time farming establishments with temporary cash flow shortages. These are not weekend-hobby farmers. These are longstanding producers who represent the backbone of American agriculture.

Temporary cash flow shortages could result in unprecedented numbers of farm foreclosures, unless Federal bank examiners exercise prudence in their examinations and look beyond immediate repayment ability. This bill urges these examiners to exercise discretion for the purpose of seeing farmers through these temporary bad times. This bill urges examiners to consider additional factors besides immediate cash flow in determining ultimate loan repayment ability.

On behalf of the Oklahoma delegation, I introduce this measure with the hope of preventing Federal bank examiners from foreclosing on American agriculture.

The text of this measure follows:

Expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers.

Whereas high production costs, severe drought, and low commodity prices have combined to reduce farm income to the lowest levels since the depths of the Depression in the 1930's, to subject many agricultural producers, through no fault of their own, to severe economic hardship, and in many cases temporarily but seriously to impair producers' ability to meet loan repayment schedules in a timely fashion; and

Whereas a policy of adverse classification of agricultural loans by bank examiners under these circumstances will trigger a wave of foreclosures and similar actions on the part of banks, thereby depressing land values and prices for agricultural facilities and equipment and having a devastating effect upon farmers and the banking industry, and upon rural America in general: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Federal bank regulatory agencies are requested and urged to ensure, in their examination procedures, that examiners exercise caution and restraint and give due consideration not only to the current cash flow of agricultural borrowers under financial stress, but to factors such as their loan collateral and ultimate ability to repay as well, for so long as the adverse economic effects of the cost-price squeeze of recent years and the drought of 1983 continues temporarily to impair the ability of these borrowers to meet scheduled repayments on their loans.●

STATE JUSTICE INSTITUTE ACT

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. McGRATH. Mr. Speaker, I rise today in support of the creation of a State Justice Institute to aid State and local governments in strengthening and improving their judicial systems. As the National Institute of Corrections now provides assistance to State and local correctional facilities, so would the State Justice Institute assist the improvement of State court systems.

The responsibility of protecting the rights of all citizens under the Constitution is shared by State and Federal courts. Creation of a State Justice Institute would assist State courts in meeting their increasing obligations under both State and Federal law by providing funds for necessary technical assistance, education research and training. This will encourage the modernization of State court systems with respect to efficient management of caseloads, budgeting, and development of reliable statistical data. Establishment of a State Justice Institute would place responsibility for improvement of State court systems directly on the judicial officials charged with this responsibility under their own constitutions and laws, thus respecting the principles of separation of powers and federalism.

It is important for us to remove the competition between State judiciaries and State executive agencies for Federal assistance. A national program of assistance specifically for the improvement of State courts will create a beneficial environment for the administration of State court systems. In addition, a State Justice Institute would fill a current void by representing State courts in future national policy decisions that will affect the Nation's total justice system.

Legislation to create a State Justice Institute, H.R. 4145, is pending in the House Judiciary Committee. I look forward to the favorable consideration of this measure at the committee level and on the House floor.●

JOHN AYERS MERRITT, TENNESSEE STATE UNIVERSITY FOOTBALL COACH

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BONER of Tennessee. Mr. Speaker, John Ayers Merritt, the legendary Tennessee State University football coach who died December 15,

not only loved athletics, but also people and his community.

John Merritt instilled hope and confidence among all with whom he came into contact, but particularly among the young men and women he coached. His coaching style, outlook, dedication—in fact, Coach Merritt's full life story was a source of inspiration for young people both on and off the playing field.

Born in 1926 in Falmouth, Ky., John Merritt literally had nowhere to go when he completed elementary school. In 1937, there were no local high schools for blacks. But young Merritt was determined to further his education. He moved to live with an aunt in Louisville and worked hauling garbage while finishing his high school education at Central High School. During high school, he first learned the game of football. This was the beginning of an association that was to last more than 45 years.

After attending Kentucky State University on a football scholarship, Coach Merritt began his coaching career at the high school level while working on a master's degree in physical education. In 30 years of college coaching, Coach Merritt compiled a won-lost record of 233-67-11. That winning percentage of 77.5 percent is the highest in the history of the sport. His 233-win total is the third highest in college football, behind only the late Alabama coach Paul "Bear" Bryant (323) and Grambling University's current coach Eddie Robinson (313).

During 10 years at Jackson State in Mississippi, Coach Merritt's team ran up a record of 68-28-3 and he was named Black College Football Coach of the Year in 1962. Merritt arrived at Tennessee State University in 1963 and over the next 20 years coached his teams to a phenomenal 173-34-6 record. TSU never had a losing season. His teams turned in four undefeated seasons, won six national championships, and sent over 100 players to the professional ranks.

These fine statistics, however, only tell half of Coach Merritt's story. Coach Merritt was also greatly concerned about the future of his players, both on and off the field. His leadership and coaching style instilled hope and confidence among his players. Coach Merritt said:

> Football gives a lot of black people hope. They want to win and be successful, so when we do win, it gives them lots of pride. That's important.

In a 1979 interview, Coach Merritt, who had at one time considered the ministry, said he supposed he had saved as many souls through coaching as he could have saved from the pulpit.

Merritt said:

> I've seen kids come in here with absolutely nothing and leave with a bright future. That's the accomplishment I'm most proud of—not a bunch of numbers on some won-lost record.

Indeed, these players are Coach Merritt's living legacy. They are the legacy of a man whose love and concern for his community outweighed all else—a man who unselfishly shared his time and effort to all who asked.

John Ayers Merritt will be missed by all those here in Nashville whose life he touched.●

HOUSE OF REPRESENTATIVES—*Wednesday, February 1, 1984*

The House met at 3 p.m.

The Reverend Lene Milo, Fagatogo Methodist Church, Pago Pago, American Samoa, offered the following prayer:

Father of all nations, we give You thanks for this great Nation to which we belong.

Guide and strengthen us so that we may show forth Your praise, not only with our lips, but with our lives. Grant that as individuals and as a nation we may be an example for good to those who in any way look to us, or depend on us.

To this end we pray for the President of the United States of America, that as he bears the heavy burden of leadership, he may know that inner strength and peace which comes to those who seek the guidance of an ever-present God.

And to all the chosen representatives of the people, Senators and Representatives, grant the gifts of understanding, patience, and the right judgment in their personal lives, as well as in their work as leaders and upholders of peace and justice.

Finally, our Father, we ask that your Holy Spirit will teach us all how best we can serve You and our fellow men, as we meet here today. Grant this, for the sake of Your Son, our Lord, who lives and reigns with You and the Holy Spirit, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2727. An act to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code; and

H.R. 3969. An act to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

THE REVEREND LENE MILO

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, our guest chaplain today is Rev. Lene Milo, pastor of the Methodist Church in the village of Fagatogo, American Samoa. I lived in that village for many years before coming to Congress, and Reverend Milo's church is four houses away from mine. It is indeed a rare privilege for one's neighbor to be a guest chaplain in the House of Representatives, and I feel very, very proud and wish to extend my appreciation to you sir, and to Chaplain Ford for the gracious invitation.

Reverend Milo is one of Samoa's religious leaders. He is a former president of the entire Methodist Church in Samoa; with branch churches in Hawaii and California.

For a career in the ministry, he was trained at the historical Piula College where a congressional delegation was recently received in ceremonies by the government of western Samoa, and where ministers are trained for the work of the Methodist Church in the Pacific. He received further training in Australia and also studied theology at the Garrick Biblical Institute, Evanston, Ill., in the United States. He is attending the National Prayer Breakfast tomorrow before returning to the territory.

ANNOUNCEMENT BY THE SPEAKER ON CALENDAR WEDNESDAY

The SPEAKER. The Chair would like to ask, if there was a motion made to do away with Calendar Wednesday by a Member, would there be an objection?

The Chair is informed that there would be an objection.

THE 1985 BUDGET PROPOSAL SETS AMERICA BACK IN COMMITMENT TO POOR, NEEDY AGED, AND MENTALLY ILL

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last week we were told America is back. Today we receive the fiscal year 1985 budget proposal which if approved would most certainly set America back in terms of fulfilling its commitment to its poor, needy aged, and mentally ill. I only hope we reject it as we did the fiscal year 1984 version.

One particular budget item upsets me and I will vigorously oppose it should it be offered as a bill. This is to "block grant" title III of the Older Americans Act. The net effect would be to eliminate separate funding now reserved for both congregate and home delivered meals. Instead States would have the option to spend these funds on services other than nutrition.

There is an old saying—if it not broke—why fix it? Title III as a categorical program clearly works. It provides millions of senior citizens with one hot meal a day in centers and in their homes. We need to do more to find and serve those aged in the greatest economic or social need. A block grant could keep us from ever finding them while also jeopardizing our commitment to those presently served.

REAGAN IS SENDING HIS BILLS TO OUR KIDS—THEY CANNOT VOTE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let us make it perfectly clear that the budget that has been delivered to our offices today really heavily mortgages our children's future and if we do not do something, really their future is going to be drowned in Reagan's red ink.

For years I listened to President Reagan preach all over this country about the Democrats and how all they did was tax and spend and tax and spend, but he always had that punch line that brought a laugh. He would say, "Among all this bad news, there is a little bit of good news and that is, at least we don't get as much Government as we paid for."

But when he got into practice, he put this into reverse. He got that tried and true line wrong that won him the Presidency. Now he is giving us way more Government than we are paying

for and sending the bills to the next generation.

Well, the President got elected preaching, but for the last 3 years he has been practicing and keeps right on preaching. He gets an "A" for his preaching, but he gets an "F" for practicing in these last few budgets.

I think our children cannot afford to let us live at this standard.

□ 1310

THE ADMINISTRATION'S BALANCED BUDGET APPROACH: THE NUMBERS AND THE RHETORIC DON'T ADD UP

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, last week, in his state of the Union address, President Reagan called for two constitutional amendments: One to require a balanced Federal budget and one to give him a new tool, never available to previous Presidents, to strike individual line items from appropriations bills. That was all in the name of balancing the budget.

Then, today the President has sent us a budget that calls for a $180 billion deficit. It is incredible to me that he would ask us for those two amendments to the Constitution and then turn around and send us this budget. My questions right now are not about the merits of his two constitutional proposals, but about the President's credibility in arguing for them. He could have proposed a plan for a balanced budget this year. Instead, he apparently wants to stall the process until these constitutional amendments can be submitted to the States and ratified.

When it comes to balancing the budget, the administration has been strong on rhetoric, but mighty weak on performance. To put it bluntly, it all borders on hypocrisy. I hope the Congress will forgo the rhetoric and get busy developing a workable deficit reduction plan.

THE PRESIDENT'S BUDGET

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, according to the rosiest projections of the budget that we have received today, we will have a $180 billion deficit. Our national debt is now $1.5 trillion, over $25,000 for every American, over $25,000 for every Minnesota child.

The President proclaimed in his state of the Union address last week that our children come first. Yet perhaps, reflecting his new-found moral agenda, he is practicing the biblical admonition that the first shall be last.

Through unfair tax cuts, slashing of education and health moneys, and foolish defense spending, he is writing a multitrillion dollar I O U to our children. This is intergenerational theft. It mortgages our children's future for our hedonism. It is just plain immoral. And for those who say it is good politics, remember what a wise lawmaker once said: "That which is morally wrong can never be politically right."

AND NOW, THE HEARING IMPAIRED?

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, the President, in his state of the Union address, said:

> Our most precious resources, our greatest hope for the future, are the minds and hearts of our people, especially our children.

Now, just 1 week later, the administration proposes to end the Nation's only elementary and high school especially for hearing impaired children, on the campus of Gallaudet College.

To families, struggling desperately to raise a handicapped child, the administration says, "find, somewhere, $5,000 or the school door is closed."

To local school districts struggling to meet past budget cuts, the administration says, "pay $6,000 for each student who attends these schools."

All this anguish to save $11 million dollars.

Is this fairness? Are these the priorities of the American people?

AGENT ORANGE VETERANS' BILL

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, on Monday of this week, this House passed H.R. 1961, the agent orange veterans' bill.

In doing so, we have begun to repay the debt which, in justice, we owe to the brave men who fought in Vietnam. We declared that we support not only a strong defense, but a strong commitment to care and compassion for those who fight this Nation's battles.

I have personally witnessed the effects that war has left on the bodies of my constituents. Emotions run high and frustration becomes overwhelming when the human eye can plainly see what scientific investigation cannot yet confirm. In this bill we have attempted to address, in a fair and equitable manner, the issue of an all too common link between dioxin poisoning and military service in Southeast Asia, by giving the veteran the benefit of the doubt, while the scientific community continues its efforts to study the problem. The time has come to provide help, without conditions, without blame, and without prolonging the misery of those most seriously affected.

For too long a time we have neglected the special medical needs of the Vietnam veteran. While we are not, as a nation, without compassion, many find it difficult to accept the notion that it is possible for a solider to carry secretly, deep inside himself, a medical time bomb capable of showing its effects at a time and place far removed from the battlefield where it may have been planted. The more victims we see, the more it becomes apparent that certain weapons and chemicals possess consequences that, while never intended or expected, have severely effected the health of these veterans.

For all these reasons, the degree of our responsibility to these people should never be measured by such intangibles as the popularity of the war or whether or not we were victorious. It must, however, be measured by the realization that, for those who risked their lives in the defense of freedom, no amount of time or effort should be spared in an attempt to compensate them for their sacrifice.

While many questions about the effects of dioxin on our military personnel still remain unanswered, H.R. 1961 offers a renewed hope that we can reduce, as much as possible, the suffering of those most severely effected, while we slowly, but earnestly search for much needed solutions.

INSUFFICIENT SECURITY AT WHITE HOUSE CAUSES BOGUS BUDGET TO BE SENT TO CONGRESS

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker apparently the pressures to tighten security at the White House have not been successful because someone has sneaked in and foisted on Ronald Reagan a budget that clearly could not be his. This President, a man of great sincerity, was here last week and he told us that deficits were awful things and he was going to cut them.

Then somebody, unbeknownst to him, apparently, sneaked past all of that concrete, looped around the Secret Service in under the trees, and what do we get? The name signed to a budget with a world class deficit.

I do not know whether we are supposed to vote on that deficit or enter it in the Olympics this summer, because it certainly is a world champion.

I am prepared, like a lot of my colleagues, to cut, But I do think there are some areas where national security takes precedence. So I am prepared to vote today for more funds to tighten up security at the White House because I think it is a shame that Ronald Reagan should be put in the position of coming here and in all sincerity telling us how he dislikes deficits, and then having submitted in his name one of the largest deficits in American history.

I know he has asked us for a line-item veto and line-item veto legislation. Perhaps we should explain to him if that really was his budget that he already has the item veto on his own budget, and he does not need a constitutional amendment to cut it before he sends it to us.

THE PRESIDENT'S BUDGET

(Mr. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUI. Mr. Speaker, the most conservative President in the history of the United States is once again bringing us a deficit higher than any President before him. He is calling for a massive 13-percent increase in military spending while cutting the one area that should not be cut—programs directly affecting the poor, the disadvantaged, and the elderly. Mr. Speaker, the truth is that the Reagan revolution is in the process of backfiring on the American people. The American economy simply cannot withstand a deficit as envisioned by this President. This country cannot remain secure as long as the President continues to militarize the world. And equally important, this country cannot claim to be on a moral high ground as long as the President treats those in need as those not wanted.

FOREIGN AID PACKAGE

(Mr. AuCOIN. asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, in the closing weeks of the first session, during consideration of the continuing resolution, $2.6 billion in military and economic aid needed by Israel, was held hostage to increased military aid for the Government of El Salvador.

This so-called aid package was finessed by those in Congress who continue to support El Salvador's repugnant and repulsive regime. They knew that they could not muster enough votes to approve more weapons for El Salvador unless they linked those funds to Israel's legitimate needs. So, they brought a package deal to the floor requiring a straight yes or no vote.

I voted "no" with great resentment over how Israel was being used. I have always stood by Israel and supported its vital interests in maintaining a strong defense.

My love for Israel is rooted in its commitment to human principles. It is outrageous for her supporters to have to bolster a government which permits and condones the killing of thousands of innocent people by ultra-right-wing death squads.

We all deserved a separate vote on aid to El Salvador. I regret that no such opportunity was granted, and in this case I had to oppose this package as a protest to such tactics.

I will fight to keep such a choice from ever happening again. And, I will never abandon the idealistic cause that Israel represents.

THE PRESIDENT'S BUDGET

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, this year—the year of the Olympics—Ronald Reagan has won the first gold medal for America. He has won the gold medal for producing the highest deficits ever recorded in the history of humankind.

If we approve the red ink budget given us today, Ronald Reagan's deficits will be larger than all other deficits added together. Ronald Reagan gets the gold.

Somewhere along the way the President was convinced by his men that deficits do matter. The President came before a joint session of the Congress. And he warned us that we must do something about these deficits and that he would take the first step by giving us a $100 billion downpayment.

Yesterday we received the President's budget and here it is in Reagan red ink, $190 billion for 1985, going to $249 billion through 1988, according to the nonpartisan Congressional Budget Office.

The deficits, he warned Congress, are serious and we should do something about it. What we should remind the President is that so long as he maintains the $750 billion tax cut for the rich, which gutted the U.S. Treasury, that all of the President's horses and all the President's men cannot put the Treasury back together again.

□ 1520

IS REAGAN'S BUDGET FAIR?

(Mrs. BOXER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, President Reagan's budget once again highlights the issue of fairness. Is it fair to increase the military budget by $49 billion or 18 percent while cutting out student loans for higher education, forcing our elderly to pay more for medical care, eliminating the legal services for the poor, and even public library grants?

All this unfairness and what do we get? A $180 billion deficit from a President who promised a balanced budget this year.

I know that this Congress will take the stand against this unfair budget and against these dangerous deficits. The waste in the military budget alone is a known fact and the President cannot fool the people; cost overruns and billions in spare parts ripoffs alone.

Yet under Reagan, the military is sacred. That is not fair. The dangerous deficits, unfair priorities, red ink, and a dark future for our children; this time the American people will not be fooled.

PRESIDENT REAGAN "STAYS THE COURSE" A DISASTER

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the gap between Candidate Reagan's budget promises and President Reagan's latest budget is as wide as the Grand Canyon. Candidate Reagan promised to balance the budget. Yet President Reagan proposes a new budget that is at least $180 billion in the red.

Unfased by the deficit's threat to long-term recovery and high-interest rates, President Reagan "stays the same disaster course."

He "stays the course" by requesting $272 billion in defense spending, a 13 percent real increase and $34.5 billion more than last year.

He "stays the course" by keeping in place $190 billion in tax giveaways mostly to the wealthy.

He "stays the course" by proposing reductions only in people's programs already cut by $145 billion in the last 3 years.

Huge deficits mean high-interest rates and a stunted economic recovery.

My Ohio district cannot take another pounding caused by his recklessness.

Wake up, Mr. President.

NATIONAL ASTHMA AND ALLERGY AWARENESS WEEK

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, today Mr. CAMPBELL and I are introducing a House joint resolution designating the week beginning May 6, 1984, as "Na-

tional Asthma and Allergy Awareness Week."

Asthma and allergic diseases result in physical, emotional, and economic burdens for more than 35 million American children and adults and their families. Tragically, thousands of Americans, many of them young, die each year from asthma despite the fact that knowledge and resources exist to prevent many of these deaths.

We know that allergic diseases, including much of the asthma experienced by youth and some forms of the adult asthma, are disorders of the immune system. Science has made remarkable gains in helping American health care providers improve diagnoses and treatment of asthma and allergic disease through increased knowledge in the field of immunology. Medications developed in recent years enable many asthmatic and allergic Americans to lead more normal lives with fewer disturbing side effects. The remarkable growth in understanding the human immune system results from the work of the National Institute of Allergy and Infectious Diseases, as well as volunteer health agencies and private sources. We commend these committed volunteer groups and scientists that devote their efforts to conquering asthma and allergic diseases. We also admire the resourcefulness of patients and their families in overcoming these diseases and helping others in dealing with the effects of these widespread disorders.

The speed of new scientific knowledge about asthma and allergic disorders often surpasses its understanding and application by many health care providers and patients. Unfortunately, misconceptions concerning asthma and allergic disorders still persist, creating continued and undue hardships for millions of Americans.

To emphasize the importance of public education and awareness and to encourage the continued public and private support of research, we urge our colleagues to join us in this joint resolution.

SAY IT AIN'T SO, TIP

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, when the immortal baseball star Shoeless Joe Jackson was accused of throwing the World Series of 1919, a little boy came up to him, tugged on his sleeve and said: "Say it ain't so, Joe."

The media are reporting that the Speaker of the House has today endorsed the Presidential candidacy of Walter Mondale.

In the spirit of that sorrowful little boy, let me plead: Say it ain't so, Mr. Speaker.

In over 30 years in Washington, I cannot recall a Speaker of the House doing anything like this.

Yes, we have fierce partisanship in the House. And House Members are free to openly support anyone they want. But the office of Speaker of the House is different.

It is the very symbol of this institution, the legislative branch. It ought not be a podium for Presidential politics.

What will the American people think of the independence of this institution when they see the office of the Speaker alining itself with one particular Presidential candidate before the first primary?

What does it profit the House if its Speaker gains the political friendship of Jimmy Carter's Vice President and loses the unique quality of his high office?

HOMELESS BY CHOICE?

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, when is President Reagan going to take off his blinders and take a good look at poverty in America?

There are an estimated 2 million homeless people in this country; 60,000 in New York City alone. They are not—as the President would have us believe—homeless by choice.

They have been forced into the streets and temporary shelters by Reagan's recession, double-digit unemployment rates, the shortage of low-income housing, and budget-cut produced deinstitutionalization.

Ronald Reagan's view of homeless people is in sharp contrast to the testimony presented to the House Subcommittee on Housing and Community Development last week. In the basement of the building, which serves as a shelter to the Capital's homeless, individuals from across the country described the plight of homeless people in their communities. No one at that hearing suggested that people were homeless by choice.

Homeless, hungry, and poor people are blind spots in Reagan's false scenario of "America is back." It is time the President realized that he has a responsibility to all Americans. And until the homeless are housed, the hungry are fed, and the poor are cared for, America is not back and Ronald Reagan continues his unfair treatment of America's most vulnerable citizens.

LET'S LOOK BEFORE WE LEAP

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, in view of the political action taken by the Democratic Caucus this morning, calling for the withdrawal of our marines from Lebanon, I would like to share a few thoughts with my colleagues.

As we deal with this critical issue, we must be restrained in our actions. We must carefully consider the effects of our decisions on American foreign policy, not only today and tomorrow, but in the months and even years ahead. To tie the President's hands at this moment is foolhardy at best.

I believe that we should avoid complicating an already complex situation in a way that could jeopardize America's position and interests in the Middle East. We have moral, political, and strategic interests at stake in that vital area. We should not abandon these without serious consideration. We should also consider the effects of hasty actions upon the security of friends and allies in the Middle East, including Israel.

Let us not let our concerns about the scheduled Presidential election in 1984 force our hand. We must not take hasty action which all of us may later regret.

In the spirit of bipartisanship, let us work together to seek a solution to the dilemma of Lebanon and the safety of our marines. Let us show restraint and prudence in our deliberations. Let us carefully consider the consequences of what the caucus resolution would do before we act upon it. Let us find out if the resolution would prolong and expand the conflict in the Middle East. Let us not pull the plug on the Middle East. We can work toward a bipartisan solution to the problem.

THE FOLEY FEDERAL BUILDING

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, the legal business can be described with such words as prosecution, defense, legislative, political, and judicial.

And when it comes to describing the people who pursue these various endeavors of the law, Nevadans recognize the name Foley as synonymous with "the law."

If you were to add up the years the Foley clan of Goldfield and Las Vegas has been in that business, the sum would be 299 years with more to come. That translates into four generations: 12 lawyers, at last count, who have held nearly every political position from justice of the peace to Federal district judge.

Thomas Llewellyn Foley, the patriarch, first came to Nevada in 1906. The political history of the Foley family began only 10 years later when

his son, Roger Thomas, became district attorney of Esmerelda County.

In 1928 Roger T. and his wife, Helen, moved with their five sons to Las Vegas, a place where he one day would perform the duties of senior Federal district judge.

Since then his sons, the third generation, that is George, Joe, John, Roger, and Tom, all have added their expertise to the creation, protection, and practice of the law.

And the Foley dynasty continues with four of their offspring pursuing the Foley family way.

It is indeed a great pleasure to pay tribute to this fine Nevada family. That is why today I, along with my colleague, BARBARA VUCANOVICH, am introducing legislation to name the Federal Building in Las Vegas the Foley Federal Building.

□ 1530

CONSIDERING A LINE-ITEM VETO AMENDMENT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to permit a line-item veto.

The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of a line-item veto—the Democratic leadership of this House.

THE PRESIDENT'S BUDGET

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, last week I returned from 2 weeks in Europe, with a congressional delegation meeting with members of the European Parliament and with top military, economic and diplomatic officials of six of our allies. In every case, the European leaders expressed great concern over the continuing high Federal deficits in the United States. The Reagan deficits raise interest rates and block economic growth in Europe as well as in the United States.

Yet today, Mr. Speaker, the President released his proposed budget for 1985 with another huge deficit—$180 billion. In last Sunday's Akron Beacon Journal, conservative Columnist Edwin Yoder summarized this administration's fiscal record as follows, and I quote:

> This administration, which talks so much of the excesses of government, is well along toward doubling the national debt in a single Presidential term. By this time next year, barring a stern reversal of policy, it will have almost outborrowed all prior administrations combined, back to George Washington.

In the same newspaper, David S. Broder pointed out that a million more people are out of work now than during the month President Reagan took office; business failures are more than double; and $502 billion has been added to the national debt. On this record, we may well wonder what unfinished business he has in mind to justify his bid for reelection.

THE BUDGET DEFICIT

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, they are saying that the President's budget proposed for fiscal year 1985 has a deficit that is too big. Golly, that must be true—$180.4 billion is a lot of additional debt.

How did we get our Nation into this mess, Mr. Speaker? Did the President really suggest all that spending, or does the law of our land require the President to present a budget which describes the spending required to carry out all of the laws passed by the Congress?

Does not the Congress really set the spending requirements by passing the laws mandating all those programs, Mr. Speaker?

Well, I guess that means that it is not President Reagan's budget deficit after all—it is ours, here in the Congress, as well.

Mr. Speaker, perhaps we could blame part of the deficit on the Supreme Court or the Federal court system, so that all three parts of our three-part Government could be represented in this matter.

Do any of the big spenders want to try to sell that idea?

LET US STOP READING BUDGET FAIRY TALES; LET US WORK TOGETHER TO BRING DEFICITS DOWN

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, a document was delivered to my office yesterday evening which purports to be the President's budget for 1985. I say that because Ronald Reagan's name is signed to it.

But having read through that budget, I am convinced it is not written by either David Stockman or Ronald Reagan, but rather by Hans Christian Anderson or the Brothers Grimm. Because, you would have to write fairy tales to author such a book. For example, Mr. Speaker, I see that the President is asking us for 3 successive years of deficits which, by his own admission, will be over $180 billion each year. And at the end of that time, and with more than one-half trillion dollars of more red ink, he has assumed in his budget an interest rate of 6.2 percent, which is less than it is today. That stands for a new and magical proposition that the greater the Federal deficit grows, the less crowding-out of the private sector, and therefore, the lower the interest rate.

Anybody who believes that has really got to believe in fairy tales.

But I am not simply approaching this negatively. I think we can do something about this budget deficit debacle in a bipartisan way. And I propose that we get to work immediately, even if it takes a backbenchers' revolt, on both sides of the aisle, to override the blind intransigence of the President and the House leadership, if that should occur. Let us come up with a pay-as-you-go budget and let us do something about getting the deficits down. A pay-as-you-go budget is the way to end the hemorrhage of red ink once and for all. No new expenditure unless we pay for it or cut back somewhere else.

We can work together in this bipartisan fashion in this Congress. If need be, let us lead this revolt. The American people want it. We cannot wait until after the election to do what we must do now.

AMENDMENT TO PERMIT VOLUNTARY SCHOOL PRAYER

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to permit voluntary school prayer.

Since the Chair has ruled that in order to make this request I must have the clearance of the majority and minority leadership, I have gone to the minority leadership and obtained such a clearance.

I would now yield to a spokesman for the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of voluntary school prayer in this country, the liberal leadership of this House.

WATER RESOURCE PROJECTS LAW ENFORCEMENT AUTHORITY

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation which will affirm the Federal Government's commitment to law enforcement within our Nation's water resource projects.

Built and operated by agencies of the Federal Government, these projects provide regional and oftentimes statewide benefits such as hydroelectric power, water quality, flood control, irrigation, and recreation opportunities.

However, despite these benefits, these project sites have become attractive public nuisances and law enforcement nightmares by attracting thousands of visitors and natural resource users from not just within the immediate area, but throughout the region, State, and even out of State.

Because they are usually located in isolated areas; areas which are comprised of small, rural communities, local law enforcement agencies lack the resources to adequately handle the large number of visitors and potential increases in traffic, littering, theft, and other crimes associated with these public recreation facilities.

My legislation, which is cosponsored by my colleagues Congressmen TONY COELHO and NORM SHUMWAY, recognizes the Federal Government's role in the administration of these projects and allows the Secretary of the Interior to enter into cooperative agreements with local law enforcement agencies to address the problem.

These water resource projects provide enormous benefits to both the Federal Government and the public. It has been and should continue to be the responsibility of the Federal Government to insure that these water resource projects are adequately protected, including providing for law enforcement.

I urge my colleagues to join me in providing this protection.

Thank you.

A BALANCED BUDGET AMENDMENT

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I have been somewhat amused today to hear the speeches from our friends on the Democratic side of the aisle decrying the deficit that the country is facing. Some of those speeches have been made by those who have been leading the charge for increased spending around here.

A number of us have been pleading for the opportunity to do something about those deficits. But we, on the Republican side, do not control the agenda, we do not control the rules, and we have not been able to get the Democrat leadership to allow us to bring up the balanced budget amendment to deal with those deficits.

So at this time, Mr. Speaker, I would hope to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

Now the Chair has ruled that in order to do this, we need the permission of both the minority and majority leadership. I have cleared this with the minority leadership, the Republican leadership, and they have agreed.

And I would like a response from the Democrat majority leadership at this time.

Apparently no response, Mr. Speaker, which should make it clear that it is not the Republicans who are blocking this effort, but it is coming from the other side of the aisle.

WITHDRAW THE NOMINATION OF ED MEESE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, I could not believe my ears when Ed Meese told the Nation that hunger is not a problem in America.

Remember, this statement comes from a person who has never missed a meal in his life, who thinks exactly as Ronald Reagan thinks, and who Mr. Reagan has nominated to be Attorney General—the defender of justice for all Americans, including the hungry ones.

Mr. Speaker, I could not believe my ears when Ronald Reagan said he wanted to eliminate the corporate income tax to give the Fortune 500 executives a break.

But now Mr. Reagan says that many of the people, who are homeless, are freezing in the cold by choice.

So I guess the message from the White House is now clear:

If you are poor and hungry, it is your own fault.

If you are shivering and homeless, you deserve it.

But if you are well off, you have a friend in this administration.

Mr. Reagan insists time and time again that he is not a rich man's President.

Well, if that is the case, why does the White House always sneer at the plight of the poor in this country?

Why does the White House put the rich on a pedestal?

No, Mr. Speaker, if Ronald Reagan was really a President for all the people and not just the rich, the first thing he would do is restore the budget cuts he has made in programs for the poor, the hungry, and the homeless.

And the second thing he would do is withdraw the nomination of Ed Meese.

□ 1540

ARGENTINE DEMOCRACY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, during the last session of Congress, the House passed a resolution expressing the support of the Congress for the return of democratic government in Argentina. In December, I had the honor of joining Vice President BUSH as a member of the official U.S. delegation to the inauguration of Raul Alfonsin as President of Argentina. At that time, I delivered to the President of the Argentine Parliament a copy of the House-passed resolution.

I have now received in return a message from the Government of Argentina asking that the Congress be informed of the Argentine Government's appreciation for the resolution.

I quote:

> The Ministry of Foreign Relations . . . presents its compliments to the Embassy of the United States of America and has the pleasure to acknowledge the Embassy's note No. 315 dated December 13, 1983, to which was attached a copy of the concurrent resolution of the 98th Congress of the United States of America which expressed the Congress' support for the return of democratic government in the Argentine Republic. The Ministry begs the Embassy to transmit to the U.S. Congress the satisfaction of the Argentine Government with the significance of the resolution and its firm decision to strengthen the ties of friendship between our two countries, within a spirit of mutual respect.

THE PRESIDENT'S BUDGET

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the President, when he addressed us here a short time ago, in the State of the Union, called for a constitutional amendment to balance the budget. Our colleagues on the other side of the aisle are calling on us on the Democratic side to give them a chance to vote for a constitutional amendment to balance the budget.

The President has had his opportunity. The President has presented to us another budget, this one with a deficit that he says gives us $180 billion of red ink.

This administration that talked so strongly about balancing the Federal budget, about reducing deficits, is

giving us the largest deficits in the history of this country. It is giving us deficits that are three and four times higher than any previous administration.

Let us see some action from this administration. This administration had it their way for the last 3 years. Their budgets have passed the House. The Senate is controlled by the President's party. They are unable to give us reduced deficits but only ever-larger deficits. This administration wants to reduce the deficit. They have had it their way. Now it is time to work with the House. We are ready to work to reduce the incredible deficits. This administration is pushing off the resolution of this problem until after the next election.

BUDGET DEFICITS

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, a rather unique phenomenon happened during the holiday recess. My liberal friends went home to their districts and held their town meetings. And for the first shocking time in their political lives they heard their constituents tell them that deficits were bad. For years and years, my liberal friends here in the House had been saying: "Deficits are good. Try them. You will like them."

The American public tried it, and they did not like it. And now, all of a sudden, we have the great and interesting and unique phenomenon of born-again fiscal conservatives.

Let me suggest to the Members of this House that does not exist. We have people who are putting in front of their true beliefs a clown's face, and the American public will see it for what it is—and it is not a very funny game.

THE PRESIDENT'S BUDGET

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, the President's budget released today contains no major surprises, but I must, again, disagree with the priorities implicit in his request for a 13-percent increase in defense spending and a $5 billion cut in domestic programs.

I must also question the logic of the President's position. A week ago, he asked Congress for a commonsense balanced budget, yet today he is asking the Congress to approve a fiscal year 1985 deficit of $180 billion.

I am particularly disturbed by these deficits because my district desperately needs a sustained economic recovery; however, I am pleased with the President's proposal for bipartisan discussion on deficits. Although it does not go as far as two earlier congressional plans which I support, it does suggest that he recognizes that the only road to fiscal responsibility is through bipartisan cooperation. I hope he will decide to fully embrace the congressional proposals so that we can begin to reach a real solution to this threatening and divisive problem.

BLACK HISTORY MONTH

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, 214 years ago, as the Colonies were on the verge of revolt, a black man named Crispus Attucks interceded in a dispute that resulted in his death at the hands of the British, became known as the Boston Massacre and provided the spark that initiated the American Revolution. This act of courage was similar in sincerity to those repeated time-and-time again by blacks from the opening days of the Revolution to the freedom rides of the sixties. Once a year, as we commemorate the birth of Dr. Martin Luther King, Jr., we rededicate ourselves to the fulfillment of the dreams and visions of this great man. But it is also important for us to look backward, as we do during this Black History Month, in recognition of the fact that blacks have a great history as Americans, and have paid the price of citizenship many times over. America owes a debt to colonial-era blacks for their contributions to the Revolution and for instilling in their children the courage and drive that helped insure the success of the contemporary civil rights movement. I urge you to help me recognize that debt this month, and cosponsor House Joint Resolution 454, to honor the contributions of black men and women Americans to the struggle for American independence.

COMMONSENSE IN FEDERAL BUDGETING

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, for decades we have piled deficits upon deficits, mortgaging our future and our children's future for the temporary convenience of the President. To continue this long trend is to guarantee tremendous social, cultural, political, and economic upheavals.

Mr. Speaker, that was President Reagan in his inaugural address on January 20, 1981.

The other day I had the opportunity to personally hear the President say that the key to a dynamic decade is vigorous economic growth, our first great goal. We might well begin with commonsense in Federal budgeting—Government spending no more than it takes in. That was President Reagan last week.

Yesterday I received the President's budget recommendations. This is what the President of the United States is asking the American public to do when it comes to fiscal policy. I was amazed to see that the President is asking the Congress to spend more than $180 billion than it takes in, not only for 1 year, but for as far as the eye can see.

In light of this, Mr. Speaker, I think it makes it even more important for the Members of this body on both sides of the aisle to work together to develop a bipartisan effort to reduce these enormous deficits which do in fact threaten the economic stability of our country.

BUDGET DEFICITS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I was in my office listening to our distinguished colleagues on the other side of the aisle decry these $180 billion deficits. I do not stand here, Mr. Speaker, as a proponent of deficits; but I could not help but think of that brilliant statement made by President Reagan just yesterday when he was speaking in Chicago. He said the finger pointers and hand wringers of today were the policymakers of yesterday, and they gave us economic stagnation and double digit inflation. That is the end of his quote.

We also have to remember, though, Mr. Speaker, that had the budget of the last administration stayed in place, we would have had $191 billion in additional deficits.

THE BUDGET IS OUT OF CONTROL

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, President Reagan is the most reckless spender in our Nation's history of Presidents. The Republican Party is today the most reckless spending party in our Nation's history.

The budget is out of control. The interest on the national debt will skyrocket $400 billion within 4 years if the President's policies continue. Military spending and military related spending is over 60 percent of the budget.

And so I ask my friends and colleagues on the other side of the aisle:

How many of you cast a vote against the spending? How many cast a vote for it? When you combine both military spending and interest on the national debt, you have 75 percent of the general fund expenditures of the national budget.

□ 1550

YOU CAN'T FOOL THE AMERICAN PEOPLE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I cannot believe the statements I am hearing from the other side of the aisle. I think if the American people believed half of what the Democrats have said about President Reagan, he would be the most unpopular leader of this century. Yet, according to the polls, he is the most popular President since Eisenhower.

Somebody on the Democrat side of the aisle said, "You can't fool the American people," and I think that is very true; you cannot fool the American people. They are supporting President Reagan because he has, through his programs, brought about an economic recovery that includes an unemployment rate that is decreasing very rapidly, a growth rate that will be about 6.2 percent through 1984, and all of this with low inflation.

It just amazes me to see the Democrats sit over here, as inflation is staying down, unemployment is going down, America is getting well, and to see the long faces on this side of the aisle, probably because it means they are going to have some tough political times along with America's prosperity.

DEMOCRATIC STATEMENTS OF CONCERN ABOUT DEFICIT

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I am frankly astonished to hear all of these statements of great concern from the Democratic side of the aisle about the deficit. The President has proposed a budget to the Congress for the next fiscal year; yet all we hear from the press and from the majority party are statements about the bottom line in that budget without reviewing even what is really in its content.

As far as deficits are concerned, let us take a look at the record of this House on reducing the deficit. During 1983, on vote after vote, the vast majority of House Republicans voted to reduce the deficit, while the vast majority of House Democrats voted in typical lockstep fashion to increase the deficit.

Mr. Speaker, just a few moments ago the gentleman from Oregon was talking about the deficit; and yet on 16 of 16 instances during 1983, he voted to increase deficit spending by $21.68 billion. The gentleman from Arkansas (Mr. ALEXANDER) the distinguished chief deputy whip on the other side of the aisle, voted on 14 of 14 occasions to increase deficit spending by $20.51 billion.

Mr. Speaker and gentlemen, the President has called your bluff. If you really want to do something about the deficit, let us move forward with the so-called deficit downpayment committee that he has proposed. Let us sit down and see what we might be able to work out. But, all we have seen is political positioning; we have not had one meeting yet. If you are serious about it, let us get together and see if we can do something about reducing the deficit the way we should.

BALANCED BUDGETEERS?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, we have heard from a number of people on the other side of the aisle who would like us to believe that they are born-again Balanced Budgeteers. Well, let us just look at that record that the gentleman who preceded me in the well suggested. This is a record of 18 key amendments that were offered last year to appropriations and authorization bills raising the deficit. Let us see how these people did.

Well, as Al Smith said, we have the record. Let us look at it.

We have the gentlewoman from California (Mrs. BOXER), 17 out of 17. She was perfect. She added $21.3 billion to that deficit.

The gentleman from Massachusetts (Mr. FRANK), was perfect. He had 17 of 17. $21.9 billion.

Mrs. BOXER. Mr. Speaker, will the gentleman yield to the lady whom he just mentioned?

Mr. LUNGREN. I do not have time to go through this very long list.

The gentleman from Kansas (Mr. GLICKMAN), 8 out of 18, to add $18.4 billion.

The gentlewoman from Ohio, (Ms. KAPTUR), 13 of 16, for $18.9 billion.

My colleague from California, (Mr. MATSUI), perfect; 18 of 18, adding $22.1 billion.

The gentleman from New Mexico, (Mr. RICHARDSON), almost perfect; 16 or 17, for additions of $20.3 billion.

The gentlewoman from Colorado, (Mrs. SCHROEDER), 12 of 18; $18.5 billion.

The gentleman from Minnesota, (Mr. SIKORSKI), 16 of 18; $21.3 billion.

The gentleman from Ohio, (Mr. SEIBERLING), 17 of 18; $22.1 billion.

I am sorry I do not have time to go through the rest of the list. I will give it to the next gentleman and perhaps he can complete it.

BUDGET HYPOCRISY HONOR ROLL

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, my colleague from California began citing the budget hypocrisy honor roll for today but could not get through it because it was so long. Let me just conclude the list.

The gentleman from Connecticut (Mr. GEJDENSON), on 18 or 18 occasions, another perfect score, adding $21.16 billion to the deficit.

The gentleman from West Virginia (Mr. MOLLOHAN), 16 or 18 times, adding $21.6 billion to the Federal deficit.

The gentleman from Kansas (Mr. SLATTERY), on 5 of 18 times, a piker by Democratic standards, adding $17.4 billion to the deficit.

Again, reviewing the entire list, ALEXANDER, BOXER, FRANK, GLICKMAN, KAPTUR, MATSUI, RICHARDSON, SCHROEDER, SIKORSKI, SEIBERLING, GEJDENSON, MOLLOHAN, SLATTERY, the budget hypocrisy honor roll for the beginning of this session of Congress; more names to be added in the future.

DEMOCRATS WANT TO GUT DEFENSE AND MASSIVELY RAISE TAXES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we have heard a great deal of crocodile tears today about the deficit and the budget, and all sorts of partisan points scored by our friends on the left who know code words even if they do not vote correctly.

Let me remind the Nation and this House that yesterday I offered a very small amendment to provide a legislative opportunity for the President to work on spending on a very narrow topic, the Library Services and Construction Act. As a former college teacher, I favor libraries, but at a time when all of these ladies and gentlemen have said the budget is in deficit and we must do something, I suggested that possibly a line-item veto just on library spending would be too radical; that it was a narrow enough, small enough topic we could risk an experiment.

Only 12 Democrats voted "yes," and the overwhelming majority of Democrats voted "no." There does not seem to be a single spending program they

think they can do anything about except defense and, in fact, their only real solutions are to gut defense and to massively raise taxes.

I think, as Mr. Mondale will find this fall, the people of America do not want to gut defense and massively raise taxes. They want to control the Federal Government, they want to control the city of Washington, and that means they will have to learn to control the liberal wing of the Democractic Party.

THINGS WE COULD DO TODAY

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, in a few minutes we may have an opportunity to call the Calendar of the House, and I think the Members should be aware of some of the things that could be called up for action on the House floor today if the Calendar proceeds.

We could, in fact, solve the bankruptcy problem which is out in the country and many people are concerned about because the bankruptcy judge bill is available for today.

We could, in fact, increase the authorization for primary care block grants in health.

We could, in fact, do something about maternal and child health services block grants.

We could do something to make certain that the Panama Canal stays maintained.

We could provide for Indian housing and financing of housing for Indians.

We could make certain that the Department of Justice has enough authorizations to keep going for the year, being the FBI and our crime fighters.

We could amend the Small Business Act and make certain that the small businesses are better taken care of.

We could increase the rates of disability compensation for disabled veterans and increase the rates for dependency and indemnity compensation for surviving spouses if we chose to here today.

We could also amend the Inspector General Act to provide for more Inspectors General.

We could do something about the Harbor Workers Compensation Act.

There is a long list of things that we could do in this House today under the Consent Calendar if we have the determination to do so. I wonder if we will.

CONCERN BUT NO SOLUTIONS FOR SIZE OF DEFICIT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, we have kind of heard it all here today. We have talked about the concerns for the size of the deficit and what should be done about it. Not too much has been said about how to go about it.

There was one individual who suggested that maybe the backbenchers might revolt and maybe something would occur.

I do look forward to the opportunity during the next several months in the budget hearings to see if we are really going to have some alternatives that are going to be put forward to solve the problem.

I heard a great deal, a great number of people, talking about their concerns about our children and our grandchildren.

□ 1600

And you know something? That takes on a little special meaning for me because just in the last several weeks, I found out I was going to be a grandfather. And you know what? That does make one think a little differently.

While we have been laughing here today and having a good time, I think it tells us that we need to get together and try to solve the problem. I think it is about time that we came up with some proposals. It is not the time to feeeze the activities, talking about the budget. It is the time to freeze spending.

INCONSISTENCIES IN THE PRESIDENT'S BUDGET

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, most of the Members before us today have been speaking about the deficit and about the new budget we have just received. Most of us have not had time to examine that budget, but I want to point out something that the President's own chief economic adviser, Dr. Feldstein, pointed out—the total inconsistency of the economic assumptions underlying that budget.

If we look on page 14 of this summary, we will see that this budget assumes the rosiest of all rosy scenarios. Rosy scenarios are back among us.

The rosy scenario is that we will have a very, very healthy, robust, rapidly growing economy at a real rate of 4 percent per year, unemployment will drop to 4 percent, and interest rates will plummet to 7 percent and finally down to 5 percent. At the same time, there is a continuous deficit of $180 billion.

That is an impossible combination of facts. We cannot have a deficit of $180 billion continuously, forever, and have interest rates dropping to 5 percent. It is a very important distinction, because it is those outyear interest costs that begin to explode and make up the majority of the deficit.

THE 1984 LOUISIANA WORLD EXPOSITION

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. LIVINGSTON. Mr. Speaker, the State of Louisiana is proud to host the 1984 Louisiana World Exposition which has been named the Travel Event of the year by the Travel Industry Association of America.

Beginning May 12 and running for 184 days through November 11, the World's Fair is expected to attract in excess of 11 million visitors, including 1 million guests from the international community.

The fair is located in downtown New Orleans on an 82-acre site bordering the Mississippi River. Twenty-two foreign countries, 12 States, 2 Canadian provinces plus such major attractions as the Space Shuttle Enterprise, a 1.4-mile monorail system, a jazz and gospel tent, and an aquacade are but a few of 50,000 hours of entertainment planned.

The World's Fair will coincide with the National Tourism Week announced today by President Reagan.

As host State, Louisiana will be sponsoring one of the largest and most exciting pavillions on the 82-acre site. There will be a water ride showing all areas of the State and its many attractions. There are many reasons to visit this fair and to extend your stay to see more of "Lousiana, a State of Excitement," during 1984.

INTRODUCTION OF LEGISLATION TO EXTEND THE MORTGAGE REVENUE BOND PROGRAM

(Mr. EMERSON asked and was given permission to adddress the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, today I rise in support of extending the mortgage revenue bond program that terminated on December 31, 1983, and I have introduced legislation today to extend that program indefinitely.

In my State of Missouri the Missouri Housing Development Commission has assisted in providing 10,000 low- and moderate-income citizens with $290,000,000 mortgage money through this program. In my district that represents 315 single-family units. Like most States Missouri has helped to finance many of the Federal housing programs in recent years and has deemed the mortgage revenue bond program one of the most valuable.

The Missouri Housing Development Commission is unique among the State housing finance agencies in that Governor, the attorney general, and the State treasurer, all elected officials of the State of Missouri, representing both political parties, are named as voting members of the commission. All of these officials are active in the work of the commission.

The single-family mortgage revenue bond program has been an important source of housing finance to the Nation, having financed an estimated 700,000 homes throughout the Nation since its inception in the early 1970's. Such a successful program that has helped so many Americans should not end.

I respectfully urge my colleagues to support efforts to reauthorize this important program, that not only provides housing but creates jobs, as soon as possible.

SUPPLY-SIDE ECONOMICS—A DISMAL FAILURE

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, we have enormously short memories in this body. We may remember that when President Reagan took office, Budget Director Stockman and Secretary of the Treasury Donald Regan suggested to us that all we needed to do was put in place the supply-side magic, cut taxes, and cut spending, and we would see the Nation invest, work, and save more.

What happended? Well, we had the third deepest recession that we have had since the end of World War II, and now this recovery, classic in its Keynesian dimensions, has taken the President's chestnuts out of the fire. But one of the things that the supply-side magic has not provided is that it has not managed to balance the budget.

We remember, of course, that fiscal year 1984 was the year we were supposed to have a $5.8 billion surplus. In all fairness, they have only been off $190 billion or so, and when we compare that to all the money ever spent in the history of creation, it is really a very small percentage.

So, Mr. Speaker, my congratulations to this President for minimizing the biggest deficit in our history and managing to obfuscate the dismal failure of supply-side economics.

THE BALANCED BUDGET AMENDMENT—A REPUBLICAN SCAPEGOAT

(Mr. RAHALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I can certainly understand the frustration that exists among Members on the Republican side. Frustration that has led them to take this well and attack budget votes of my colleagues on the Democratic side and frustration in having to defend a budget that calls for a $180.4 billion deficit.

I can understand the frustration that leads them to support such convenient scapegoats as a balanced budget amendment to our Constitution.

What other reason is there to explain why an administration would propose such an idea, an administration that promised us a balanced budget during the campaign of 1980, a balanced budget by fiscal year 1985, but has given us one which, instead, has proven to be the "Babe Ruth" of Federal deficit spending?

It is fine for them to select votes as they have done, it is fine to select a certain number of votes out of the entire context of the thousands of votes we have cast here as Members of Congress, but I ask them to look at the entire picture. What about many of my colleagues' defense votes? What about balanced budget votes on appropriation measures? What about alternative budgets that some have supported that would do even better than a balanced budget?

I ask them to present the entire picture to us, and I would ask at this time, "Do you have that entire picture so that we can know from what you are selecting your votes?"

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, if the gentleman would help us to bring a constitutional amendment to balance the budget to the floor, I am sure we could discuss it during that period of time.

Mr. RAHALL. Mr. Speaker, that is what has provided such a convenient scapegoat, and I do not support that.

The SPEAKER pro tempore. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is the day of Calendar Wednesday. The Clerk will call the committees.

The Clerk proceeded to call the committees.

PARLIAMENTARY INQUIRY

Mr. LUNGREN (when the Committee on the Judiciary was called). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUNGREN. Mr. Speaker, is this the procedure whereby the chairman of the Committee on the Judiciary is entitled at this time to bring up any bill that has been entered on the Union Calendar, which would include, according to the calendar——

Mr. WEAVER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair will advise the gentleman that it would be in order for the chairman of the Committee on the Judiciary to bring up any nonprivileged bill on the House Calendar or the Union Calendar.

Mr. LUNGREN. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUNGREN. Mr. Speaker, are any other members of those committees allowed to exercise that right?

The SPEAKER pro tempore. Not unless authorized by the committee.

Mr. LUNGREN. So, Mr. Speaker, the absence of a chairman and the absence of such permission negates the possibility of any member of the Committee on the Judiciary calling up a bill that is otherwise capable of being called up that is on the Union Calendar?

The SPEAKER pro tempore. The gentleman states the situation. Only a member authorized by the committee may bring up a bill under the Calendar, Wednesday procedure.

Mr. LUNGREN. I thank the Chair.

The SPEAKER pro tempore. The Clerk will continue the call of the committees.

□ 1610

The Clerk concluded the call of the committees.

BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-138)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, February 1, 1984.)

□ 1620

EARTHQUAKE HARZARDS REDUCTION ACT OF 1977 AND FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974 AUTHORIZATIONS, 1984 AND 1985

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 398 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 398

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2465) to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 2465, the Committees on Interior and Insular Affairs and Science and Technology shall be discharged from the further consideration of the bill S. 820, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 2465 as passed by the House.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 398 provides for consideration of H.R. 2465, the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act authorizations for fiscal years 1984 and 1985.

The rule provides 1 hour of general debate, to be allocated as follows: 30 minutes to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Science and Technology, and 30 minutes to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interior and Insular Affairs.

At this point, Mr. Speaker, I should note that the Government Printing Office made an error in the first printing of the rule, which had the effect of allocating 1½ hours of general debate to the chairman and ranking minority member of the Committee on Interior and Insular Affairs. A star print now available corrected this error made by the GPO consisting of a deleted comma and the insertion of the word "and".

House Resolution 398 is a simple open rule, allowing any germane amendment to be offered under the 5-minute rule. The resolution also provides a motion to recommit.

After passage of the bill, the rule provides that the Interior and Science Committees be discharged from consideration of the bill, S. 820, and that it be in order to move to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the House-passed text of H.R. 2465.

Mr. Speaker, H.R. 2465 authorizes a total of $173 million for the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act over the period covered by fiscal years 1984 and 1985. This level of funding will enable the Federal Emergency Management Agency to adequately administer these popular and effective programs.

May I say, Mr. Speaker, as a Member whose district some day may be separated from the rest of the Nation and tumbled into the seas by a great earthquake, that I am particularly pleased that the Science and Interior Committees rejected administration proposals to cut back Federal seismic research and monitoring efforts.

Seventy million Americans and one-half of our $230 billion annual national investment in construction are located in regions threatened by earthquakes. In several States, including our own State of California, earthquake is a major activity, and we applaud the committees for including an extra $6 million in authorizations that will enable the U.S. Geological Survey to maintain its current level of earthquake prediction research and the current level of seismic monitoring in California, Utah, Nevada, and Washington State.

H.R. 2465 was reported by voice vote in both the Science and Interior Committees. It is a good bill, one with a lot of popular support. I urge my colleagues to begin its consideration by adopting the rule before us.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the earthquake hazards reduction and fire prevention authorization is a good bill. Mr. Speaker, we should get down to business and pass it. We know how critical the bill is in some areas of the United States which have earthquake problems. We know how critical it is for fire prevention everywhere.

Mr. Speaker, the administration supports this measure. But I want the Members to listen. The administration is going to request an increase in the authorization of the Federal Emergency Management Agency for 1985 because they think that it is too low.

I believe that each Member of the House will face up to the problems in these critical areas and that we will pass this measure.

□ 1630

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Speaker, H.R. 2465 reauthorizes funding for the Earthquake Hazards Reduction Act of 1977. This is an important piece of legislation because 39 States lie in regions classed as having major or moderate seismic risk. My State of Utah is one of them. More than 70 million people are exposed to the risks inherent in earthquake activity.

Under the 1977 legislation, the U.S. Geological Survey is responsible for conducting and sponsoring research on the nature of earthquakes and on earthquake prediction. The U.S. Geological Survey's activities are a significant part of the multiagency effort to reduce the risk to life and property presented by earthquake hazards.

This bill will maintain the current level of theoretical and laboratory research on earthquakes and maintain the current level of monitoring networks in California, Utah, Nevada, and Washington.

For this reason, I support the bill and recommend its passage.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise in support of this rule, in support of H.R. 2465. Although some would think that earthquakes are a problem that primarily is something that worries those of us in the West and particularly in California, as the gentleman before me mentioned, it is something that affects at least 39 other States. It is something that has national consequences. The Federal Government long ago recognized that there was a need to try to bring all of the various Federal programs together, those scattered among the various agencies, so that we could have a consolidated approach to this problem.

Similarly, with the Federal responsibility in the area of fire prevention and control.

I will congratulate the Rules Committee on bringing forth an open rule that allows a sufficient amount of debate and then time for any germane amendments.

I would only suggest to the Members that are here that that is the same circumstances under which any bill, had it been called up under Calendar Wednesday, would have been considered as well. We would have had an opportunity, as we have here, for an open rule, we would have had opportunity for unlimited debate under the 5-minute rule.

Just as 39 other States, well over a majority of the States, have a personal interest in our efforts in earthquake

reduction, even though the conventional wisdom may not recognize that, we can find similar problems on other issues on bills that could have been brought up had the Calendar Wednesday action been exercised.

I can think of the immigration issue, for instance. Some people think of that merely as a Southwest concern or problem. As many people consider the earthquake situation as only that of one region of the country, I might say.

I hope we will soon recognize in this country that it has national consequences, it is national in origin, national in scope, and it is going to take a national response.

Simiarly another bill that was before our Judiciary Committee which we passed out a long time ago, that of bankruptcy, which everyone recognizes as a national problem, one which the Supreme Court has recognized and has thrust upon us in their determination that the present bankruptcy court situation is unconstitutional.

Having given us at least two opportunities in which to act, two extensions, now we are running up against a time limitation that has been given us by the Supreme Court and still we have not acted.

Under the Calendar Wednesday provision we would have had an opportunity to work our will on that piece of legislation as we will, hopefully, have our opportunity to work our will on the Earthquake Hazards Reduction and Federal Fire Prevention and Control Act; that is, under an open rule with an opportunity to debate any and all germane amendments.

I hope the Members will consider that when we go through the Calendar Wednesday proceeding for the rest of the year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, there is one other bill I think the House should be aware of that we skipped over on Calendar Wednesday and that is the tax reform bill was available to us. As the gentleman points out, it would have come out under an open rule, we would have for the first time in many, many years had an opportunity to discuss Tax Code provisions and Tax Code reform under an open rule, where this House could have worked its will on it. Yet we lost that whole opportunity because the Committee on Ways and Means chairman declined to bring that bill to the floor under Calendar Wednesday. It is very disappointing.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for his comments.

Again I reiterate my support for the rule and my support for this bill. This is a bill which is here under budget, a relatively unique situation when we have an opportunity to vote on that without amending to get to that situation.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, either, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 398 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2465.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2465) to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes, with Mr. DELLUMS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Oregon (Mr. WEAVER) will be recognized for 15 minutes; the gentleman from Utah (Mr. MARRIOTT) will be recognized for 15 minutes; the gentleman from Pennsylvania (Mr. WALGREN) will be recognized for 15 minutes; and the gentleman from New Hampshire (Mr. GREGG) will be recognized for 15 minutes.

The Chair now recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2465 authorizing appropriations for the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act for fiscal years 1984 and 1985. The Committee on Interior and Insular Affairs interest lies with the authorization and activities of the U.S. Geological Survey. For this reason, I will direct my comments to those functions.

In 1977 Congress enacted the Earthquake Hazards Reduction Act which established a national program enabling the participation by Federal, State, and local governments, universities and others. The objectives of the program are:

To develop engineering standards for earthquake resistant construction in areas of high seismic risk;

To develop a method for earthquake prediction;

To assist State and local governments in developing land use and building code requirements for earthquake prone areas;

To educate the public on earthquake hazards; and

To conduct basic research on earthquake phenomena.

Under the act, the Federal Emergency Management Agency is charged with the role of lead agency. Other agencies involved in earthquake hazard mitigation include the U.S. Geological Survey, the National Science Foundation, and the National Bureau of Standards.

The Geological Survey has responsibility for earthquake prediction, hazards assessment, induced seismicity studies, and for issuing advisories and warnings of geologic catastrophe.

Title I of H.R. 2465 provides a 2-year authorization for the earthquake hazards reduction program. There are authorized to be appropriated for the Geological Survey $35,524,000 for fiscal year 1984 and $37,300,200 for fiscal year 1985.

The projected program activities for the Survey include: Concentration of data collection and analysis from geophysical and geochemical instrumentation along active faults in the Western United States; continuation of laboratory and theoretical research with greater emphasis on models that relate directly to the physical condition and geometry of the southern San Andreas Fault zone; and to adopt an earthquake prediction methodology to be used as a basis for updating earthquake warnings.

Earthquakes pose a continual threat to the lives and property of people in many regions of our Nation. Through scientific research and sophisticated seismological data, we are becoming better equipped to predict an earthquake occurrence. The Geological Survey and others have made progress toward mitigating earthquake hazards, but more work remains to be done.

Mr. Speaker, I urge my colleagues to join with the distinguished chairman of the Committee on Science and Technology and with our Interior Committee in passing H.R. 2465.

Mr. Chairman, I remember when I was in China that there was a kind of a porcelain bowl with levels to it, with frogs, lizards, in porcelain down the side. A ball sat up at the top, and apparently this thing was so sensitive that a day before an earthquake occurred the ball would roll down and out of the mouth of one of these lizards and they would know an earthquake was coming.

□ 1640.

Actually other animals are much more sensitive to the coming of earth-

quakes than human beings because you know that there is a scurry in farm yards among horses or chickens or the frogs or lizards on the Chinese porcelain well before an earthquake occurs.

We need to investigate such things as this and many others so that we know in advance, as well as we can, when an earthquake is coming. Perhaps we will be able to know weeks, months, maybe even years prior to an earthquake. We hope that kind of information is coming because a catastrophic earthquake along the San Andreas Fault would so devastate the areas that the cost would be incalculable.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WALGREN) for 15 minutes.

Mr. WALGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2465 the significant earthquakes that hit in south-central Idaho on October 28 killing 2 children and in Coalinga, Calif. on May 2, and the memories of over 6,000 people who died in fires last year make the case for strong national programs to reduce the hazards associated with earthquakes and fires. This bill seeks to maintain an adequate earthquake prediction program and enhance the Federal fire prevention and control effort.

Title I authorizes appropriations for the national earthquake hazards reduction program. For fiscal year 1984, this bill authorizes $3.705 million to the Federal Emergency Management Agency (FEMA) for a number of activities including planning and coordination, improvement of seismic codes, to promote hazard awareness among State and local governments, and disseminate information; $35.524 million to the U.S. Geological Survey (USGS) for earthquake hazards and risk assessment, earthquake prediction, global seismology, and the operation of seismic engineering programs; $27.3 million to the National Science Foundation (NSF) to conduct fundamental studies, earthquake engineering, and policy research; and $475,000 to the Center for Building Technology, at the National Bureau of Standards (NBS) to conduct research and develop standards in the seismic design and construction of buildings. For fiscal year 1985, each authorization level is increased by 5 percent.

For the earthquake program, the total authorization level for fiscal year 1984 is $67,004,000 this amount will provide sufficient funds to the U.S. Geological Survey for prediction and monitoring of the San Andreas and other faults and to the National Bureau of Standards to reinstate the seismic codes and standards effort at the Center for Building Technology.

Under this bill, we will maintain the current level of research on earthquakes and the current level of monitoring networks.

The bill authorizes $475,000 to reinstate the seismic standards effort at the Center for Building Technology at the National Bureau of Standards. The committee disagreed with the administration's proposal to eliminate the CBT in the fiscal year 1984 budget request. The Center for Building Technology is the only Federal organization with expertise on earthquake engineering required for improvement of seismic design and construction practices.

The U.S. investment in construction is at a rate of $230 billion per year, with better than half of that in seismic regions. A report by the National Research council "Earthquake Engineering Research—1982" Termed the present U.S. effort in earthquake hazard reduction "inadequate." Estimates have been made that 3,000 to 23,000 fatalities will occur when the next catastrophic earthquake hits California. Most of the deaths and injuries would occur because of the failure of manmade structures.

The Coalinga earthquake is real evidence of the need for improvement in seismic design and construction practices. Estimates of total damage in Coalinga have been placed at $30 million. All of the 2,500 homes in the town were damaged to some degree and 5 percent were left uninhabitable.

On the other hand, the strong quake that rocked Idaho October 28, 1983, caused no major structural damage to recently constructed buildings in major cities. These buildings were constructed to withstand a seismic event. However, some older buildings near the earthquake epicenter were crippled. Two children were killed in Challis, a town near the epicenter, when a storefront collapsed on them.

The Federal Government clearly has an important role in sponsoring research and development to reduce earthquake losses.

Title 11 authorizes appropriations for the Federal fire prevention and control program. The total authorization level in this bill for fiscal year 1984 is $17,720,000 to FEMA to carry out the programs at the U.S. Fire Administration (USFA) and National Fire Academy. For fiscal year 1984, this total is $3 million above the administration's request. The $3 million increase includes $1 million to U.S. Fire Administration to enhance fire prevention education programs at the State and local level for individuals who are particularly vulnerable to fire hazards—the elderly, handicapped, and minorities. Also, $1 million to U.S. Fire Administration to promote technology development programs—such activities as low cost residential fire prevention systems; and methods of testing fire alarms and fire protection devices without interruption everyone in the process; and $1 million to the National Fire Academy to improve information exchange through satellite and regional dissemination efforts.

The committee found a critical need to improve public education programs and to disseminate information to the fire service community. Title 2 of this bill seeks to do this and maintain current fire prevention and control program activities at the U.S. Fire Administration and National Fire Academy. For fiscal year 1985, the authorization level is increased by 5 percent.

The full magnitude of our national fire problem is difficult to grasp. Annual deaths due to fire are roughly equal to having two jumbo jets crash in midair every month. Fire mostly kills people in one's and two's in their homes—this is less newsworthy, even though the annual death total (approximately 8,000) is nearly 20 times that of tornadoes, hurricanes, and floods combined. Twenty-four people each day die in fires. The flames are not the principal killer—inhalation of deadly smoke and gas accounts for more than 80 percent of all fire fatalities. This is an alarming epidemic.

Mr. Chairman, we believe that the programs authorized in this bill are effective investments in preventing greater life and property losses that will happen if we fail to make these investments now. We realize that this is a tight budget year, but given the threat to life and property and the very real potential to mitigate the disasters, we urge favorable consideration and passage of H.R. 2465.

EARTHQUAKE AND FIRE PROGRAMS

[By fiscal years, millions of dollars]

	Administration request, 1984	Appropriation, 1984	H.R. 2465 (Authorization bill)	
			1984	1985 [1]
National earthquake hazards reduction program:				
FEMA [2]	$3.705	$3.705	$3.705	$3.890
NSF: [2]				
Engineering	19.000	17.600	19.000	19.950
Earth sciences	8.300	8.300	8.300	8.715
Total	27.300	25.900	27.300	28.665
USGS [3]	29.524	35.524	35.524	37.300
NBS [4]	0	.475	.475	.498
Total	60.529	65.604	67.004	70.353
Federal fire prevention and control program: FEMA/U.S. Fire Administration and National Fire Academy [2]	14.720	15.720	17.720	18.606
Grand total	75.249	81.324	84.724	88.959

[1] In H.R. 2465 authorization levels for fiscal year 1985 reflect 5 percent increase above fiscal year 1984 authorization levels.

[2] (Public Law 98-45) HUD-Independent Agency Appropriations Conference Report 98-264 passed on House floor June 29, 1983.

[3] (Public Law 98-146) Interior Appropriations Conference Report 98-399 passed on House floor, Oct. 5, 1983.

[4] (Public Law 98-166) Commerce, Justice, State and Judiciary Appropriations Conference Report 98-478 passed on House floor, Nov. 9, 1983.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. GREGG) for 15 minutes.

Mr. GREGG. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. Mr. Chairman, I rise in strong support of H.R. 2465, which would reauthorize the Earthquake Hazards Reduction and Federal Fire Prevention and Control Acts.

All Americans are aware of the importance of the prevention and control of fires, but not all Americans know that earthquakes are a national problem and that they occur in more places than California.

The New Madrid Fault, which is located in the Missouri Bootheel, is one of the major earthquake faults in the world. From December 1811 to February 1812, the New Madrid Fault became violently active on three occasions. These three earthquakes could be felt as far away as Richmond and Philadelphia and one of them actually caused the Mississippi River to reverse its course and flow northward for several hours. Fortunately, earthquakes of that magnitude are expected to occur on an average of only once every 1,000 years. However, that does not erase the fact that smaller earthquakes are expected to occur at any time.

On October 31, 1895, an earthquake that was centered in Charleston, Mo., reached a magnitude of what has been computed to be a 6.2 on the Richter scale. In comparison, the earthquake that struck Coalinga, Calif., last summer registered 6.5 on the Richter scale. According to Dr. Robert Herrman, a geophysicist at St. Louis University, an earthquake of equal or stronger proportions can be expected every 75 to 100 years and will almost inevitably occur before the end of this century. The difference, however, is that in 1895, this area was sparsely populated and was mostly a wilderness of swamps and bayous. That is no longer true. The area is now very much populated, the swamps and bayous have almost all been drained to produce some of the most productive farmland in the Nation, a series of hundreds of miles of levees has been built to protect the people from the floodwaters of the Mississippi River, and pipelines run throughout this area that would be devastated by another such earthquake. Given this transition, from a sparsely populated wilderness to a populated and highly productive agricultural and economic area, it is obvious that property damage would be high and the loss of life would be staggering.

The U.S. Geological Survey, in conjunction with St. Louis University, operates the Dogwood Station in southeast Missouri in order to record the seismic activity that occurs in the area. The sensitive monitoring devices of the Dogwood Station are able to detect an earthquake on the average of once every day. An earthquake can be predicted much the same way as a volcano. A sudden increase of seismic activity, growing in intensity, usually indicates that an earthquake is imminent. The Dogwood Station is the only means currently in existence by which we can predict such a disaster, thereby preparing for it in a way to reduce the loss of life and property.

Given the seriousness of this situation and the opinions of the experts that a devastating earthquake will almost inevitably reoccur before the year 2000, I urge my colleagues to vote "yes" for the passage of this bill.

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Mr. GREGG. Mr. Chairman, I reserve the balance of my time.

Mr. WEAVER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. BURTON).

Mrs. BURTON of California. I thank the gentleman for yielding.

Mr. Chairman, H.R. 2465 means a lot to an area like San Francisco, which became acutely aware of its fragile seismic balance in 1906. As you may know, the San Andreas Fault cradles the city of San Francisco, and we are ever watchful of its activity.

We, in California and in San Francisco particularly, have seen the devastation that an earthquake can manage and what happened to our people in 1906. I urge my colleagues to support this authorization, and I really plead with you. It is very important. I hear that the administration wants to add some money for it. So I am very pleased that the President lives in California, and I am sure that we are going to be able to take care of earthquakes in the future.

Mr. WEAVER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LEHMAN).

Mr. LEHMAN of California. Mr. Chairman, I wish to join my colleagues in strong support of H.R. 2465, the Earthquake Hazards Reduction program. As a member of the House Interior Committee and as a representative of central California, I am particularly pleased to support reauthorization of our national earthquake program which is so critical to my district, to the West, and to the Nation as a whole.

In fiscal year 1984, the administration requested an earthquake budget for the U.S. Geological Survey which was $6 million lower than had been appropriated the previous year. In the budget we received just yesterday from the White House, the budget request for the USGS earthquake hazards reduction was fortunately higher than last year's request, but still falls short of fiscal year 1984 appropriations or the amount authorized in this bill for fiscal year 1985.

Mr. Speaker and my colleagues, our national earthquake program is not a Federal frills program. Earthquake prediction and risk mitigation are lifesaving functions which only the Federal Government can adequately fund and oversee. A July 1983 report from the General Accounting Office on the national earthquake program called for stronger Federal direction and more basic research to improve our earthquake prediction capability. The bill before us today is an important step in the right direction.

I firmly believe that the major goal of H.R. 2465 is to prevent the loss of human lives. I know of no Government responsibility more worthwhile.

Mr. WALGREN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, this is a very happy day for me. For a moment, I thought I had died and gone to heaven when I heard the distinguished gentleman from Tennessee urge the adoption of this bill and the chorus of support for it from both sides of the aisle, because it has not always been this way. And I am very pleased and happy that this has happened. I think it is justified. I hope that it shows a much greater understanding of the seriousness of the problems sought to be solved by this legislation.

The part that I am most interested in, of course, is the earthquake mitigation aspects of the bill. This program was originally authorized as a result of a study made by the administration back in the early 1970's, the so-called Newmark-Stever report. Based upon the progress that had been made in geology, more specifically in plate techtonics, this report held out the hope that we could do more to predict and prepare for earthquakes.

Emphasis was given to the earthquake hazard mitigation program following the Mount Saint Helens volcanic eruption when a committee of the National Security Council made a study in California and estimated that a major earthquake, which was to be expected there, would result in the loss of tens of thousands of lives and as much as $50 billion in damage.

The progress of the science in this area has been such that the geological community now feels that we are in a position to make reasonable predictions when such a major earthquake becomes imminent.

We are moving apace in determining the factors which cause earthquakes and being able to measure and anticipate precursor events to such earthquakes. And, of course, this bill seeks to enhance that capability.

I had the pleasure and the honor just a couple of weeks ago to address a meeting of a task force in California convened under authority of the

FEMA program to address the practicality of an operational earthquake prediction program. I think that it is fair to state that it was the consensus of this meeting held in Asilomar in central California that it would now be possible to deploy an operational prediction network in California which would stand a good chance of giving us the information necessary to predict an earthquake.

Now, this bill, with all of the merit that it has, still probably is not keeping up with the advances in this field of earthquake prediction. To deploy a system of scientific instruments to cover the entire area of central and southern California that would be required would probably take a modest increment of perhaps another $5 million. I am not going to press for that kind of an addition. I am so deliriously happy that we may have to amend the bill to bring it up to the President's budget that I think to tamper with that would be going a little further than the circumstances justify.

But I would state that if this task force set up by FEMA to look at the problem of an operational system, as contrasted with an experimental system, which is what we have now, if that group does recommend that the 1986 budget contain a slight addition to cover the cost of this system, I hope the House will be equally enthusiastic in allowing us to go ahead with the momentum that is being generated by this program.

Mr. Chairman, I repeat my support of H.R. 2465, which provides for the fiscal years 1984 and 1985 authorization for the National Earthquake Hazards Reduction Act of 1977.

Mr. Chairman, this act emphasizes prevention and preparedness as distinct from disaster relief. To achieve this, the act specifies several objectives: First, development of an earthquake prediction capability along with an understanding of the economic, legal, political, and social implications of such a capability; second, preparation of model codes for land-use decisions; third, employment of modern design and construction methods to make new and existing structures earthquake resistant; fourth, education of the public and decisionmakers concerning measures that could be taken to reduce hazards from future earthquakes; and fifth, a basic and applied research program to advance the science and engineering aspects of earthquake mitigation.

In order to meet these objectives, the act established a multiagency effort embodied in the national earthquake hazards reduction program (NEHRP). The agencies involved and their responsibilities are as follows: The Federal Emergency Management Agency (FEMA) has primary responsibility to plan and coordinate the NEHRP; assist States and local government with earthquake mitigation and preparedness planning; and coordinate Federal activities in response to a declared earthquake emergency. The U.S. Geological Survey (USGS) is responsible for earthquake hazards and risk assessment, earthquake prediction, and global seismology, induced seismicity and the operation of seismic engineering programs. The National Science Foundation (NSF) is responsible for fundamental studies, earthquake engineering, and research for policy. Finally, the National Bureau of Standards (NBS) is responsible for research on earthquake resistant structures, and model seismic codes and standards work.

The bill before us adequately funds most earthquake programs, although certain specific areas are still chronically underfunded. I am pleased that FEMA's role in the earthquake program is finally receiving more emphasis. FEMA was not executing its leadership function and was making little progress toward establishing a multihazards approach to the earthquake problem. I have long believed that a multihazard approach to earthquakes is the key to an effective earthquake program. Adequate planning for fire response, flood control, police activities, and maintenance of communication functions are all components of an effective earthquake response. This approach forms the basis of the southern California earthquake preparedness project (SCEPP), a State-funded, and FEMA-supported effort to stimulate preparedness for earthquakes in the Los Angeles metropolitan area. The San Bernardino Regional Emergency Center operations planning education (RECOPE) project is a proposal for a multidimensional emergency center to insure effective and efficient preparation for and response to regional disasters. This includes response to earthquakes and is exactly the kind of project to which FEMA ought to lend its support. I will encourage FEMA to do so with some of the additional funds it has received this year.

The USGS has begun initial efforts to develop a detailed program plan for an operational prototype prediction network in southern California, but we need a more aggressive effort in this area. This effort is important if we hope to mitigate the hazards of earthquakes. The question of when an earthquake prediction system might be operational cannot be given a simple answer. The experience gained by scientists with a prototype network of monitors in place is valuable in adding to the understanding of the physics of earthquakes and the precursor signs of an impending earthquake. This program is still proceeding too slowly, in my opinion. With limited resources the USGS has only been able to monitor some of the major faults and even this activity was threatened in fiscal year 1984. The Coalinga earthquake last May occurred along a fault that was not part of the network. This demonstrates how much we still need to learn about how and when earthquakes occur.

The NSF programs in engineering and Earth sciences provide the fundamental research upon which basic understanding of earthquakes if founded. We need to continue to build on these programs to insure an adequate knowledge base on which to conduct other activities relating to earthquake hazard mitigation. I am not pleased to see NSF's societal response program cut back to one-third of its former level. This program provides important information on societal responses to earthquakes, and on how to release information and to handle the prediction of an earthquake.

Finally, I would like to emphasize the important work of the National Bureau of Standards on seismic safety codes and standards and building technology programs. The administration tried to eliminate these programs in fiscal year 1984, but the Science and Technology Committee wisely restored the funding for these in this bill. This work provides models upon which States that are earthquake-prone can base safety and construction standards. A State like California might be able to afford its own program, and indeed funds its own earthquake programs across the board, but other States—there are over 30 that with known seismic activity—cannot. As many of my colleagues know, one of the most violent earthquakes on record occurred in New Madrid, Mo., in 1811 and 1812.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. GREGG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hate to ruin the day of the gentleman from California since we have discussed this on many occasions in the committee, but we do have an amendment to bring down the earthquake funding by $3 million because it is $3 million over in some areas. We are also going to agree to raising it by $2.5 million in the fire area and approximately $3 million in another area, in the FEMA area of earthquakes.

But we are going to move to reduce the USGS earthquake by $3 million in order to bring the whole budget in line with the President's budget, so that when we give the gentleman something, we are going to take it away, too.

Mr. Chairman, I now yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I would like to express, at this time, my unreserved and most deserved support

for the U.S. Fire Administration, the National Fire Academy and the entire Federal fire effort, administerd by the Federal Emergency Management Agency (FEMA) and the National Bureau of Standards. I am particularly encouraged at the fiscal year 1985 administration request for FEMA, which I have reviewed today, calling for a $5 million increase over the 1984 levels.

I believe that this fiscal year 1985 FEMA request signals to the American public, that amid current international turbulence, Presidential debates and increased political rhetoric, there is a very humanist mood here in Washington to say "Thank you"—thank you to the professional as well as the nonpaid, yet very dedicated professional firefighter who puts his/her life on the line daily—in the most dramatic way.

Just today, many of us were struck with utter sadness at the fire which swept though the rowhouse in Northwest Washington at 3 a.m. this morning. The last reports I heard were that 7 lives were taken—4 adults, 3 children—and, 3 more bodies are trapped in that home. How timely it is that this body of Government should be on the floor authorizing an increase in funds for our emergency and research efforts to combat and prevent fire.

I have been an enthusiastic supporter of an enhanced National Fire Academy, to step up the dissemination of information to our Nation's communities for prevention and control of fire. Of particular concern to me is that our firefighters obtain the best available fire safety equipment, fire data, and research efforts. I support FEMA's efforts as well as the Center for Fire Research's efforts to enhance the use of sprinkler systems. Unfortunately, one thing the administration's budget did not include was funding for the Center for Fire Research. However, H.R. 2465, the bill which comes from the Science and Technology Committee, does include the proper support for that necessary effort and I would like to, again, reiterate my support.

Finally, I join my colleagues on both sides of the aisle in supporting initiatives underway at FEMA to set up a national fire prevention program.

Mr. WALGREN. Mr. Chairman, I yield 4 minutes to the gentleman from Nevada (Mr. REID).

Mr. REID. I thank the gentleman for yielding this time to me.

Mr. Chairman, disaster can be defined in many ways, with the aid of the dictionary, by example, or most significantly, through experience. Today we are considering legislation in the form of H.R. 2465 to deal with the latter.

This bill would extend funding to help alleviate and prevent the devastation wreaked on this Nation by two major kinds of disasters, earthquake and fire. There is no question that our Nation needs to continue a Federal earthquake-fire multihazard planning program. H.R. 2465 was reported by the Committee on Science and Technology, on which I serve, and the Committee on Interior and Insular Affairs.

This bill would authorize the needed appropriations to maintain an adequate earthquake prediction program and enhance the Federal fire prevention and control effort. Under the first provision, the Earthquake Hazard Reduction Act of 1977 mandated a multiagency Federal effort to reduce the risks to life and property posed by earthquakes. The Federal Emergency Management Agency, FEMA, is one of those agencies, with the primary responsibility to plan and coordinate the earthquake hazards reduction program as well as prepare for and respond to earthquake emergencies.

As a Congressman who dealt directly with a different kind of disaster, last summer's destructive Colorado River flood, I participated in four hearings. In one of those hearings held in Las Vegas, I brought to those hearings victims of the Coalinga earthquakes, and it was through that that I learned that we cannot stress enough the importance of funding for FEMA programs because we learned that we are not prepared to handle major disasters in this Nation; in fact, we learned that 85 percent of all disasters that FEMA dealt with during the last decade have been floods, not the earthquakes that we have on the horizon.

It is important also to note that the second provision of this bill involves fire prevention and control, as well as Federal programs to combat arson. In my congressional district, we had the misfortune of having two fires in two hotels, one caused by probably improper prevention and the other by arson. I think it is important to note now that the hotels in Las Vegas are said to be the safest hotels in the world because of the retrofitting that has taken place.

Again, FEMA is going to be supported in the form of the U.S. Fire Administration that would give valuable support to these efforts.

The need for legislation is clear. With the technological information we already have, we know the likelihood of future earthquakes, ones that will take thousands of lives and cause multimillion-dollar losses in damage. We also know the critical situation with unwanted fires in terms of lost lives and destroyed property.

For these reasons, I join my colleagues in asking Members to vote for the passage of H.R. 2465.

Mr. COELHO. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 2465, which authorizes funds for fiscal years 1984 and 1985 for Federal earthquake programs authorized under the Earthquake Hazards Reduction Act.

I am quite appreciative of the efforts to increase funding for these research programs. As many of my colleagues know, the community of Coalinga, Calif., which is located in the 15th Congressional District, was devastated by a major earthquake this past May. With the increased knowledge and technology which this legislation promotes, I am hopeful that other cities in our Nation can be better prepared for such disasters, and will not experience the extensive damage as seen in Coalinga.

It is unfortunate that this legislation will not provide any direct assistance to the citizens of Coalinga. Such relief, which is crucial to any community trying to rebuild from a catastrophe, has been rather inadequate, because of the funding cutbacks of the past several years in many of the Federal disaster programs. I urge my colleagues to support H.R. 2465, with the hope that in the near future, we will also enact legislation to restore the effectiveness of other Federal disaster programs.

Mr. REID. Mr. Chairman, I would state to the gentleman from California, having heard from those victims from his congressional district, it is one of the real injustices that we have going on in this country today that those people who have suffered so much have not received help from this Congress and this administration.

Mr. COELHO. I appreciate the gentleman's remarks.

Mr. WALGREN. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Mrs. BOXER).

The CHAIRMAN. The gentlewoman from California (Mrs. BOXER) is recognized for 1 minute.

Mrs. BOXER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I represent one-third of the city of San Francisco. In 1906, one-third of that city was destroyed by an earthquake. Major shocks came early in the morning, followed by smaller shocks. There were 3 days of fire, and no water to fight those fires. There was 500 million dollars' worth of damage in 1906 dollars, 250,000 refugees, and most important, Mr. Chairman, there were 700 deaths.

The very symbol of San Francisco is phoenix rising from the flames. So, Mr. Chairman, anything we can do today to reduce the horror of eathquakes and the fires that follow certainly is most appropriate for this

body. H.R. 2465 is timely and urgent, and I urge its passage.

Mr. McGRATH. Mr. Chairman, I rise in support of H.R. 2465. Title II of this legislation authorizes the Federal Fire Prevention and Control Act for fiscal years 1984 and 1985. I want to express my unqualified support for the activities of the U.S. Fire Administration, the Center for Fire Research, and the National Fire Academy.

I am particularly pleased with the authorization provided to support enhanced fire prevention education programs, at the State and local levels for groups of individuals who are particularly vulnerable to fire hazards. Also, the bill provides funding to the U.S. Fire Administration to promote technology development programs. This development includes inplace fire prevention systems of low cost and of increased reliability and effectiveness, as well as methods of testing fire alarms and fire protection devices on a noninterference basis.

Perhaps most importantly of all, the bill provides for improved information exchange. This includes satellite and regional dissemination of research reports, special studies, education programs and courses to firefighters in the field. It is crucial that the benefits derived from research are disseminated as rapidly as possible to the firefighters in the field.

For example the experiences of a fire department in Texas, in handling a specific type of fire might prove to be of great value to fire service personnel in New York, when faced with a similar type of emergency. Antiarson programs, fire prevention education, and a variety of other types of useful information can eventually reduce the tremendous cost of fire in terms of the lives and property of our citizens.

● Mr. STARK. Mr. Chairman, I support this bill amending the Earthquake Hazards Reduction Act, and I appreciate the willingness of the committee to increase the authorization level above the level requested by the administration.

They say there are two certain things in life: death and taxes. I regret I have to add that in California there is the looming certainty of a major earthquake along the San Andreas and other faults. And to the extent that we can prepare for that earthquake and increase the chance for warnings, we will save an enormous number of lives, and reduce future burdens on the Treasury.

This is money well-spent. I believe we should be spending FEMA and other civil defense funds on mitigating the certainty of future earthquakes, rather than the futile effort to provide civil defense in large cities against nuclear war.

I thank the committee for the increase they have provided, and hope they can do even more in the future.●

● Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 2465, the Earthquake Hazards Reduction and Federal Fire Prevention and Control Act, and call upon my colleagues to support reauthorization of this important safety and prevention program.

Although the 22d Congressional District in New York which I represent is not in a part of the country which is generally afflicted by earthquake disasters, last year's tragedies in Coalinga, Calif., and other parts of the United States served to highlight how disasters such as these are national and not just regional in the scope of their devastation and destruction.

The national earthquake hazards reduction program, as administered by the Federal Emergency Management Agency, aids States and local governments in developing long-range plans in earthquake preparation, providing training and information essential to the reduction and management of extensive damage and life-threatening hazards in the wake of an earthquake disaster.

With regard to the fire prevention provisions, the majority of the towns and hamlets in my congressional district rely on the brave and selfless services of volunteer firefighters. These courageous men and women are ready for duty at all times of the day and night, in all seasons, to execute intricate rescue and evacuation operations and protect the handicapped, elderly, men, women, and children alike from the ravages of fires, floods, and other natural and unnatural disasters. The contributions made by the Federal Government with regards to the research and training programs sponsored by FEMA, are invaluable tools in helping the volunteer to carry out his or her duties knowledgeably and responsibly.

The increased allocations to the United States Fire Academy for the purpose of programs aimed at the increased protection of and dissemination of information to the elderly and handicapped is especially welcome. H.R. 2465 raises the authorization ceilings for the U.S. Fire Academy and the National Fire Academy to $15.7 million for fiscal year 1984 and $20.9 million for fiscal year 1985. Accordingly, I urge my colleagues to join with me in supporting this legislation.●

The CHAIRMAN. The Chair would note that the gentleman from Oregon (Mr. WEAVER) has 8 minutes remaining and the gentleman from New Hampshire (Mr. GREGG) has 8 minutes remaining.

Mr. GREGG. Mr. Chairman, I yield back the balance of my time.

Mr. WEAVER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If there are no further requests for time, pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

"(5) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, for the fiscal year ending September 30, 1984, $3,705,000, and for the fiscal year ending September 30, 1985, $3,890,250.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1982;" and by inserting "; $35,524,000 for the fiscal year ending September 30, 1984, and $37,300,200 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1982;" and by inserting "; $27,300,000 for the fiscal year ending September 30, 1984; and $28,665,000 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out "and" after "1982;" and by inserting "; $475,000 for the fiscal year ending September 30, 1984; and $498,750 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "1982 and" and by inserting in lieu thereof "1982," and by inserting "September 30, 1984, and September 30, 1985," before "there are authorized".

TITLE II—FIRE PREVENTION AND CONTROL

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 is amended by adding at the end thereof the following:

"(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $17,720,000 for the fiscal year ending September 30, 1984, and $18,606,000 for the fiscal year ending September 30, 1985; and

"(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.".

Mr. WALGREN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALGREN: On page 2, line 19, strike "$27,300,000" and insert in lieu thereof, "$25,800,000".

On page 3, line 15, strike "$17,720,000" and insert in lieu thereof, "$15,720,000".

□ 1710

Mr. WALGREN. Mr. Chairman, the purpose of this amendment is to make the fiscal year 1984 authorization levels in the bill commensurate with the fiscal year 1984 appropriation levels that are now public law. This amendment will decrease the authorization levels in H.R. 2465 by a total of $3.5 million as follows:

The authorization levels for the National Science Foundation's earthquake program would be reduced by $1.5 million to a level of $25.8 million. For the fire programs at the U.S. Fire Administration, the authorization would be reduced by $2 million to a level of $15.72 million.

Mr. Chairman, I ask for approval of the amendment.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. WALGREN. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALGREN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. WALGREN: On page 2, line 12, strike out "$3,890,250" and insert in lieu thereof, "$6,096,000".

On page 3, line 16, strike out "$18,606,000" and insert in lieu thereof, "$20,983,000".

Mr. WALGREN. Mr. Chairman, the purpose of this amendment is to increase the authorization levels for fiscal year 1985 covered by the bill in those instances where the administration has made a similar request. The increases would be as follows:

In the Federal Emergency Management Agency's earthquake program, the amendment would result in an increase of $6,096,000. This would be to conform the total amount asked for the FEMA earthquake program to the amount requested by the administration.

The same is true for the fire programs conducted by FEMA, where the administration has proposed an increase of $2,377,000 above the authorization level in this bill. The total amount would, therefore, be $20,983,000.

It seems that the administration has recognized certain efforts which we really should make, in their view, and given the approach that they take to government spending in general, certainly any request for spending in this area where we know everything we do is only a marginal approach to the size of the program should be encouraged and agreed to.

Mr. Chairman, I ask for adoption of the amendment.

Mr. GREGG. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment as presented correctly reflects a part of the administration's intention, which is to raise funding in two areas, especially in the area of earthquake detection and prevention, but also in the area of sprinkler systems and especially household sprinkler programs and research.

But at the same time the administration has asked the committee—and I would presume the committee would be responsive to this—to reduce the level of funding in the USGS function of earthquake activity and also to reduce the level of funding in the area of USF earthquake activity.

So, Mr. Chairman, if we are going to accept this amendment, which I have no objection to because it brings it in line with the 1985 proposed budget, I hope that the committee will be equally responsive to a subsequent amendment which I intend to offer which will bring the 1985 authorization in line with the administration's request on the other two line items, specifically the USGS line item and the NSF line item.

Mr. WALKER. Mr. Chairman, I move to strike the last word. Mr. Chairman, I have some concerns about the scenario as the gentleman from New Hampshire has just presented it because we have had a series of Democrats coming to the floor today suggesting that we have budget deficits as a result of the spending this administration is doing, and what we get is situations where the administration asked for spending increases over something Congress has done, and we get a situation in this bill of that type.

Then what we have is the other side coming to the floor and suggesting that we ought to raise the levels of spending that this Congress is doing up to the administration levels, and then we do not have any assurance that we are going to get some reductions that the administration also wanted to make, and as a result of it, we are going to end up with a bill here that is over budget that came in here under budget.

I must admit that I have some concerns about proceeding along those lines, and I wonder if we could get some assurance from the subcommittee chairman that if we accept this amendment, which will increase levels to where the administration has asked, we are also going to get some acceptance on his side of the aisle for the amendment that would reduce the levels back to where the administration wanted them as well.

Mr. WALGREN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALGREN. Mr. Chairman, I wish I could give the gentleman that kind of assurance, but I think our fundamental responsibilities in the Congress are to judge needs, and we are in a situation where first, the administration is coming in and saying that there are some very important programs where they believe we should add funds in order to accomplish our purpose. One of them is the development of the low-pressure residential sprinkler system based on a technological breakthrough that makes this very available to new construction. It would save lives in a way that we can count them day by day.

Second, they are saying that they would like to reduce certain expenditures which they themselves endorsed by signing the appropriations bill into law.

Now, I realize that times may change, but I also believe that given the power to recommend rescissions that the administration has and the absence of any recommendation for a rescission of these appropriated amounts, this should be indication to us that they value those programs, too.

Ultimately we in the Congress must judge the program and the value of the program, and I would recommend to my friends on that side of the aisle that the absence of a request for recission in this appropriation that the President signed into law indicates that those programs are very valuable.

Mr. Chairman, I believe we are dealing in a special area here where lives are involved, and that, therefore, we should give the benefit of the doubt to that recognition of value.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, I understand what the gentleman is saying.

Of course, the gentleman knows that the President of the United States does not have the power to line-item veto, and in fact the gentleman's side of the aisle has rejected some attempts to do that over the last couple of days, and we have not had an opportunity to give the President those sorts of powers. But we do have a situation here where he signed an appropriation bill, and that does not mean that we agreed with every line of the appropriation bill, and to use that as an excuse to come in here and go over budget with a bill, it seems to me that is a pretty flimsy excuse.

The fact is that we do have some priorities around here. We control the spending. The problem with budget is here. The gentleman has just said that. We have to determine the priorities. I would agree that there are some very valuable things here. But we have the responsibility, we were

elected, we were sworn into office, we took the oath of office, and we have the responsibility to do something about spending.

I am just reflecting to the gentleman the fact that a number of Members from his party came into this well today to suggest that the whole budget problem is that of the President of the United States, that $180 billion worth of deficits is the responsibility of the President of the United States, and I find it somewhat strange to have this kind of discussion then when we get down to the specifics of authorization just about 1 hour later. It indicates to me that we do not have a very good handle on this idea of who is responsible for deficits and how they come about.

Mr. Chairman, this is how they come about, by adding on spending for all the right reasons, for very good reasons, but it all adds up to $180 billion of deficits.

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALGREN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GREGG

Mr. GREGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREGG: on page 2, line 15, strike "$37,300,200" and insert in lieu thereof, "$32,138,000".

On page 2, line 20, strike "$28,665,000" and insert in lieu thereof, "$28,360,000".

Mr. GREGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. GREGG. Mr. Chairman, this amendment addresses the issue that we have already discussed here, which is that if we are going to maintain integrity in the process of developing this authorization bill on the floor in light of the offer of an amendment by the majority side to bring it in line with the administration figures in two line items, we should also have the ability and we should also have the consistency to bring it in line with the administration's figures on other line items within the authoritization bill; so thus, although the administration did ask for increases in two areas, they also asked us to reduce the authorization in two other areas and the reductions are less than the increases that they asked for, by the way, which I think is significant.

The reductions which are proposed in this amendment amount to about $3.3 million and they involve the USGS activities in the area of earthquake predictions and regional monitoring of earthquake potential and they also involve NSF activities in its administration of the foundation relative to $305,000.

So it seems to me that when we on the one hand say, well, let us jump at the offer of the administration to add funds to this authorization bill, we cannot then back away from the administration's request that we reduce the authorization in other parts of the bill. If we are going to accept their logic at one point for increasing, I think that we should accept their logic since it is in the same exact area, in the earthquake area and fire prevention, we should accept their logic on where they want to reduce the authorization.

For that reason, I believe this House has an obligation to remain consistent. I think the majority side has an obligation to remain consistent, rather than taking half the cake or trying to take the whole cake and leave nothing in the area of reduction.

For that reason, I have offered this amendment.

Mr. WALGREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can only ask the Members of the House to try to weigh the value of the programs that would be lost by this reduction.

I realize that the administration would like to do more in this area and that their increase in recommended spending with respect to the residential sprinkler program and the FEMA social response programs is sound and certainly needs to be done; but it is also true that if we take those moneys from other earthquake efforts, we then would result in a $2 million reduction from the earthquake prediction effort, a $1 million reduction in the regional monitoring of seismic activity, a reduction of 10 percent in the monitoring networks that are necessary and planned in this area and a similar cutback in basic earthquake research projects and assessments of earthquake potential.

For my own purposes, I think the most striking part of this legislation is that it does deal with lives and deals, if we have an earthquake that we failed to respond properly to, in tens of thousands of lives.

It strikes me that inasmuch as the administration supported the validity of this particular work in solving the earthquake problem or making progress in our ability to protect ourselves less than 6 months ago, I would ask, what has changed in these particular efforts between now and 6 months ago that makes them less worth doing?

I realize that we have a budget problem and I realize the validity of the sprinkler programs and the like; but the question for my purposes or that determines my vote is, what has changed in their assessment of these particular efforts that warrants their elimination of budgetary grounds, particularly inasmuch as these efforts were designed to save lives?

On that basis, I would ask each Member of the House to weigh the importance of these efforts that are being cut, knowing that had they been frivolous to begin with, we should have seen a rescission the morning after the President signed the bill.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. WALGREN. I am happy to yield to the gentleman.

Mr. GREGG. If we take this approach, and I am going to get this metaphor right yet, take-the-cake-and-eat-it-too metaphor, are we not essentially chilling the attitude of the administration to come up here and try to increase programs?

We are essentially saying to the administration, well, any time you want to come up here and increase a program in exchange for reducing somewhere else, even in this instance where they are increasing almost 100 percent more than they are asking for reductions, we are going to take your increases, but we are going to shoot you down on the reductions.

We are really making it very hard for this administration, or I think any administration, to want to deal with this Congress, because you are taking the parts that you consider the best and rejecting the rest; so you are not dealing with them, you are essentially saying that it is going to be our ball and we will play it the way we want to play it.

I think that you are really setting a very poor precedent here by taking half the cake here, taking the whole cake and not giving the administration anything.

Mr. WALGREN. Well, I would personally not want to chill any effort to recognize the validity of programs. I just feel that when programs involve the direct loss of life, that we have an overriding obligation to make an independent assessment of their importance.

In this instance, there was wide agreement last June that these programs contributed to the safety of life protection, which we believe we should make.

I think on that basis independently, we have an obligation to stand for them. If the administration wants to come up and exchange on other levels where the interest may be more marginal than life, perhaps we should.

Mr. WEAVER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

I believe that the analysis of the gentleman from Pennsylvania is the correct analysis, that if the administration comes up with a program that

would be lifesaving immediately, that this Congress should accept it; but on the other hand, the priority for the moneys in here for earthquake research are just as essential, though further off.

I think that to discontinue some of these extremely important studies on the mechanism and prediction, the methodology for earthquakes, are absolutely essential because the San Andreas Fault, as an example, has not has a serious earthquake or one of the magnitude of San Francisco in 1906 since that time. Such an earthquake if we could predict it by a week or a month would probably save billions and billions of dollars and thousands of lives.

I think that the moneys that this amendment would cut out go to the kind of work in States such as California, Utah, Nevada, and Washington, for field projects and for other scientific investigations as to the mechanisms that cause earthquakes and, therefore, to study the predictability of earthquakes.

You know, in Oregon when lumber prices decline, as unfortunately over the last number of years they do most frequently, there oftentimes occurs a spate of fires in lumber mills. Some people suspect that this may be caused by people wanting to collect on insurance when they cannot sell their lumber. There is a story we have, I am sure it is apocryphal, that two lumbermen meet in Palm Springs, Calif., and the price of lumber as usual is down, and one says, "How on earth can you afford to be down in Palm Springs with lumber prices so low?"

And the lumberman says, "Well, my mill caught fire and I collected a big fat insurance check."

And he says, "Well, but how can you afford to be in Palm Springs with lumber prices so low?"

And he says, "Well, there was an earthquake that destroyed my lumber mill and I collected a big fat insurance check."

And the other lumberman looked at him and he says, "How do you start an earthquake?"

Now, I see that I did not get very many laughs on the Republican side, but fortunately I did on the Democratic side. That shows you where our sympathies lie.

How do you start an earthquake? We had better find out, because if one happens it could cause an enormous amount of damage, and so therefore, Mr. Chairman, I urge rejection of this amendment.

□ 1730

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GREGG).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 3, noes 8.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MCGRATH

Mr. McGRATH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McGRATH: On page 4, after line 2, insert the following section: "SEC. 202.".

Section 15 of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. 2214, is further amended by striking the words ", the Secretary of Defense," where such appears in subsections (b)(2), (c), (e)(1)(A) and (f).

Mr. McGRATH. Mr. Chairman, what this amendment does is to transfer to FEMA from the Secretary of Defense the authority to grant the public safety officer award to an outstanding civilian defense officer.

Civil defense became part of FEMA's mandate in the 1970's, but the authority for granting this award has never been transferred. The Secretary of Defense has no objection to this. I understand that the majority has no objection.

Mr. Chairman, Section 15 of the Federal Fire Prevention and Control Act establishes two classes of honorary awards for recognition of outstanding and distinguished service by public safety officers—firefighters, law enforcement officers, and civil defense officers. One award is presented by the President to public safety officers for extraordinary valor in the line of duty or outstanding contribution to public safety. The other award can be presented by the Director, FEMA, Attorney General, or the Secretary of Defense, and is called the Secretary's award. Originally the Secretary of Commerce was authorized to make the firefighters award but that function was transferred to the Director, FEMA, by Reorganization Plan No. 3 of 1978.

It was intended in the 1974 act that the Secretary of Commerce/Director, FEMA, make the award for firefighters, the Attorney General for law enforcement officers, and the Secretary of Defense for civil defense officers because the civil defense function was then delegated to the Secretary of Defense. That function has now been delegated to the Director, FEMA, by Executive order.

Under the act the secretaries were instructed to issue regulations and to advise the President concerning the President's award. The Secretary of Defense no longer has any direct connection with those awards. This amendment would remove the authorities of the Secretary of Defense.

This would leave the function under the section to be performed by the Director, FEMA—because the Secretary of Commerce functions have been reassigned under reorganization plan—and by the Attorney General.

The Secretary of Defense has no objection to this legislation.

Mr. WALGREN. Mr. Chairman, will the gentleman yield?

Mr. McGRATH. I yield to the gentleman from Pennsylvania.

Mr. WALGREN. We endorse the amendment.

Mr. McGRATH. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. McGRATH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 4, after line 2, insert the following new section:

SEC. 202. It is the Sense of the Congress that special recognition should be made of volunteer fire companies for their contribution to the public safety, accomplished in the highest traditions of the American voluntary spirit, and offering proof that local based, nonfederally sponsored efforts provide the American people with outstanding service.

Mr. WALKER. Mr. Chairman, this is an amendment which simply says that we ought to make some special recognition of the work being done in fire prevention and in public safety by volunteer fire companies across the country.

Sometimes when we are dealing with matters at the Federal level we forget the fact that in many of the local communities, particularly in suburban and rural communities across this country it is the volunteer fire companies that are carrying the load for public safety.

This is in some small way to say thank you from the Congress. It is a way of saying that we do recognize the efforts that they are making there, and I would hope that it would not be an item that would be of much controversy.

Mr. WALGREN. Will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman from Pennsylvania.

Mr. WALGREN. I thank the gentleman for yielding.

I would only second the words and the importance that the Congress give recognition to those who have spent and do spend so much time at such risk to themselves and sacrifice to themselves, to raise money and provide the volunteer man and woman power that protects so many people from fire.

Mr. WALKER. I thank the gentleman from Pennsylvania.

Mr. WEAVER. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oregon.

Mr. WEAVER. I commend the gentleman from Pennsylvania for this amendment. I, too, believe that the dedication and great public spirit of the volunteer fire people in this country are owed a great debt.

The last time I was in my district I was giving a speech out in a rural area and suddenly the whistles began blowing and I lost half my audience, who rushed out and went to fight a fire. I went to the fire myself and it was a real good one.

But these people are tremendous and they had to sacrifice hearing the rest of my speech, but their actual sacrifices often are much greater than that, and I thank the gentleman for his amendment.

Mr. WALKER. I know that among my constituents they would not consider having an excuse to leave one of my speeches as a sacrifice.

Mr. GREGG. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New Hampshire.

Mr. GREGG. I also wish to commend the gentleman for bringing this amendment forward. As a person whose house is protected by a volunteer fire department, in a district where almost every fire department in every town is volunteer outside of the cities, and having had innumerable chimney fires in my own house where they have participated in putting them out, along with crawling all over the roof and risking their lives in the middle of winter, and I greatly admire the volunteer firemen and appreciate the gentleman bringing this amendment to the floor.

Mr. WALKER. I thank the gentleman very much and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. DELLUMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2465) to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes, pursuant to House Resolution 398, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include there in extraneous material, on the bill, H.R. 2465.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 398, the Committees on Interior and Insular Affairs, and Science and Technology are discharged from further consideration of the Senate bill (S. 820) to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorization for appropriations, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WALGREN moves to strike out all after the enacting clause of the Senate bill (S. 820) and to insert in lieu thereof the provisions contained in the bill, H.R. 2465, as passed, as follows:

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

"(5) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, for the fiscal year ending September 30, 1984, $3,705,000, and for the fiscal year ending September 30, 1985, $6,096,000.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1982;" and by inserting "; $35,524,000 for the fiscal year ending September 30, 1984, and $37,300,200 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1982;" and by inserting "; $25,800,000 for the fiscal year ending September 30, 1984; and $28,665,000 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out "and" after "1982;" and by inserting "; $475,000 for the fiscal year ending September 30, 1984; and $498,750 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "1982 and" and by inserting in lieu thereof "1982," and by inserting "September 30, 1984, and September 30, 1985," before "there are authorized".

TITLE II—FIRE PREVENTION AND CONTROL

SEC. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 is amended by adding at the end thereof the following:

"(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $15,720,000 for the fiscal year ending September 30, 1984, and $20,983,000 for the fiscal year ending September 30, 1985; and

"(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.".

SEC. 202. Section 15 of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. 2214, is further amended by striking the words ", the Secretary of Defense," where such appears in subsections (b)(2), (c), (e)(1)(A) and (f).

SEC. 203. It is the sense of the Congress that special recognition should be made of volunteer fire companies for their contribution to the public safety, accomplished in the highest traditions of the American voluntary spirit, and offering proof that locally based, nonfederally sponsored efforts provide the American people with outstanding service.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2465) was laid on the table.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington D.C., January 27, 1984.

Hon. THOMAS P. O'NEILL, JR.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the

House of Representatives, that John M. Swanner, Staff Director for the Committee, has been served with a subpoena to testify issued by the United States District Court for the District of Columbia. I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by Rule L(5).

Sincerely,

LOUIS STOKES,
Chairman.

NINE RESCISSION PROPOSALS AND 13 NEW DEFERRALS UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-167)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, February 1, 1984.)

□ 1740

FOURTH ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY, FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service.

(For message, see proceedings of the Senate of today, Wednesday, February 1, 1984.)

SOME CHOICE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. VENTO. Mr. Speaker, I am stung by President Reagan's unfair and thoughtless statement that poor, homeless people who sleep on grates, are there "by choice."

How unfortunate, how really pathetic it is that President Reagan believes the frustration and indifference that grips people who have lost all hope should be interpreted as their choice.

After days of congressional hearings and tours of facilities to help the homeless, we have found a clear relationship between the Reagan policies which cut housing assistance, cut nutrition programs, cut social spending, indeed, cut hundreds of thousands of people off social security disability—a clear relationship between these Reagan policies and the increased homeless population on the streets and grates of America. Some choice, Mr. Speaker.

Today's homeless people deserve far better from the President of this Nation. While it may be too much to expect President Reagan to offer real help to the homeless population whose ranks he has helped massively swell, at least silence would have been golden.

At this point, I include the following article:

[From the Washington Post, Feb. 1, 1984]

HOMELESS CHOOSE TO BE, REAGAN SAYS

(By Juan Williams)

CHICAGO, January 31.—President Reagan, responding in a television interview and a political speech to charges that his administration has favored the rich over the poor, said today that people sleeping on outdoor grates in cities are homeless "by choice."

Asked on ABC's "Good Morning, America" in an interview from the White House why "people across this country . . . say, 'Yes he is the nicest man and we like him but his policies are causing misery,'" Reagan responded that his administration is spending more on programs for the needy, health care and food stamps.

"What we have found in this country, and maybe we're more aware of it now," Reagan added, "is one problem that we've had, even in the best of times, and that is the people who are sleeping on the grates, the homeless who are homeless, you might say, by choice."

White House spokesman Anson Franklin said later that some studies show that as much as 25 percent of the homeless refuse help from government agencies. Reagan added in the television interview that the problem has been "aggravated" by new laws requiring some mental institutions to release disturbed persons when "they have no place to go."

Later today, in a speech here at a convention of concrete, gravel and stone producers, Reagan charged that political opponents who say his policies favor the rich are trying to appeal to "greed and envy."

"As the political rhetoric heats up," he said, "There will be those trying to appeal to greed and envy—make no mistake that that is what they are trying to do—who suggest our tax program favors the rich. This is the same anti-business, anti-success attitude that brought this country to the brink of economic disaster."

"The finger-pointers and handwringers of today were the policy makers of yesterday," Reagan said, "and they gave us economic stagnation and double-digit inflation. There was only one thing fair about their policies; they didn't discriminate, they made everyone miserable."

The estimated $30,000 to $35,000 cost of the presidential trip here was paid by the government rather than the Reagan-Bush '84 campaign. White House spokesman Larry Speakes said White House and campaign lawyers made a judgment that the trip was not political because "he doesn't have any 'reelect me' in the speech" and that it is "no different from speeches we've been making for three years." Ed Rollins, the Reagan-Bush campaign director, told the Cable News Network in an interview that the trip is "official business. It's not a partisan campaign trip . . . he's not asking anyone to vote for him. He's going on totally about his programs that have . . . worked."

In the "Good Morning, America" interview, Reagan branded the charge that he favors the rich as an "absolute falsehood." He contended that President Kennedy proposed tax cuts that offered more benefits for the rich than his do. In his speech here to 4,000 members of the International Concrete and Aggregates Industries, Reagan drew a sharp contrast between his critics' complaints about economic policies that favor the rich and their "distasteful" attitude toward the profit motive.

"I for one have no trouble with the profit motive," he said. "When people are free to work for themselves, they work longer and harder . . . it hasn't been perfect and our country has made mistakes but with freedom and the profit motive we have achieved greatness as a nation." Reagan said he rejected the proposition that supporting government programs for the poor is a form of charity. He said charity is a reflection of what an individual chooses to do with his or her money and not what one group feels the government should do with everyone's money.

The president said working people can see the beneficial results of his economic program in the rising rate of real wages and the record number of people now employed. He did not mention the 8.2 percent unemployment rate and said that, despite lower inflation and interest rates, much remains to be done.

"Turning the economy around was priority No. 1," he said. "Now we can turn to the equally difficult task of streamlining government, making it more efficient and responsive."

Among the unfinished work Reagan listed was the $180 billion budget deficit. But he got the most applause of the day when he told the convention that he will not raise taxes to reduce the deficit.

THE FISCAL 1985 BUDGET

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the President has now formally submitted his fiscal 1985 budget to the Congress calling for higher spending, higher borrowing, higher deficits, and greater slashes in programs for moderate income and elderly Americans. The only things that are lower are our hopes and expectations that the President would confront head-on our enormous deficit crisis. So while the words may be slightly different this time, the tune remains exactly the same.

After all the past lectures on balanced budgets, after all the finger pointing from the other end of Pennsylvania Avenue, one crystal-clear fact stands out from all the rest: When it comes to national economic policy, the President's advice for those of us in the Congress is "Don't do as I do, just do as I say."

It is unacceptable for our leaders to tell us not to worry about their deficits, that they will decline at some

future point. That is like a fireman telling people trapped in a burning building not to worry because it is sure to rain some day. When a truck is speeding toward the edge of a cliff, it does not need more time, it needs a change in direction.

I am fully aware that there are those who today focus solely on an improved national economy and who, mistakenly, believe deficits are a problem for tomorrow. They are not.

These deficits and their resulting high interest rates affect young couples in Santa Fe and Farmington in my district who are unable to finance their own homes—today. And they affect the carpenters and construction workers in those communities who wish to build those homes—today. And they frustrate the small shopkeeper in Las Vegas who is unable to expand and hire new workers—today.

The future growth of my district, as well as everybody else's, is on the line and that line is the bottom line of the Federal budget.

Those who question the course of our current economic path were assailed yesterday by the President in Chicago as being antibusiness. I reject that charge as groundless. After all, how does the President himself explain the fact that although small business accounts for nearly 40 percent of our gross national product, small business received less than 18 percent of the tax benefits granted by the Reagan program. And it is small business that can provide 80 percent of the new jobs we will need in the years ahead—but they cannot possibly invest and expand and hire new workers when current policies keep interest rates sky-high with a borrow now, pay later philosophy that keeps piling debt on top of debt at a rate faster than any time in our national history.

Instead the administration suggests that we amend the Constitution to require a balanced budget, but not until sometime in the future, after this administration leaves office. That is what the President has done: it is the budgetary equivalent of St. Augustine's prayer of long ago: "Oh, God, save me from my sins—but not yet."

I support a balanced budget, but a transparent constitutional quick-fix is not what is called for now. If we are to have a secure economic future, we need to consider a package that will provide for: First, reasonable reductions in the growth of entitlement programs, Second, reasonable reductions in the expanding defense programs, and Third, reasonable adjustments in our tax rates.

Mr. Speaker, who are the big winners and who are the big losers in the President's budget submitted today?

The winners: The winners are the rich, the big corporations that do not pay taxes, that do not have to worry about tax reform, and those with higher incomes.

Who are the losers? The losers are the poor, the elderly, those that depend on housing programs, on low-income energy assistance, children on nutrition programs. The average American is the big loser because there is no proposal for a fair tax.

The biggest losers are those that will live as children in the future because of the deficit, because of the deficit that is the highest in history, a $180 billion peacetime deficit. It is mortgaging our future.

After all of the rhetoric, after all of the theatrics by the other side, the document describing the President's intentions is here. And what it says is if you are poor, in the middle class, you lose. If you are rich, you have won.

ELECTION YEAR HYPOCRISY FROM DEMOCRATS

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FIELDS. Mr. Speaker, I have been hearing a great deal of hypocrisy from the Democratic side of the aisle, and as of yet no one has mentioned that there are 435 of us in this body who have a voting card. Ronald Reagan does not have a voting card. He cannot come into this body and vote.

So I am submitting for the record two votes that we had last term. One was the Rousselot balanced budget that was offered on May 2, 1982, and I want the American people to see who voted for a balanced budget.

The vote follows:

ROLL No. 100

YES—182

Anderson, Archer, Badham, Bailey (MO), Barnard, Beard, Benedict, Bennett, Bereuter, Bethune, Bevill, Bliley, Bouquard, Brinkley, Broomfield, Brown (CO), Broyhill, Burgener, Butler, Byron, Campbell, Carman, Carney, Chappell, Chappie, Cheney, Clausen, Coats, Collins (TX), Corcoran, James Coyne, Craig, Daniel Crane, Philip Crane, Dan Daniel, R. W. Daniel, Dannemeyer, Daschle, Daub, Derwinski, Dickinson, Dornan, Dreier, Duncan, Dunn, Dyson, Edwards (AL), Edwards (OK), Emerson, Erdahl, Erlenborn, Evans (GA), Fiedler, Fields, Flippo, Forsythe, Fountain, Fowler, Frenzel, Fuqua, Gibbons, Gingrich, Ginn, Goldwater, Gradison, Gramm, Gregg, Grisham, Hagedorn, Ralph Hall, Sam Hall, Hammerschmidt, Hance, Hansen (ID), Hansen (UT), Hartnett, Hatcher, Hefner, Hendon, Hiler, Hillis, Holland, Holt, Hopkins, Hubbard, Huckaby, Hunter, Hutto.

Ireland, Jeffries, Jenkins, Johnston, Kazen, Kindness, Kramer, Lagomarsino, Latta, Leath, LeBoutillier, Lee, Levitas, Lewis, Livingston, Loeffler, Lott, Lowery (CA), Lujan, Lungren, Marlenee, Marriott, Martin (IL), Martin (NC), Martin (NY), McClory, McCloskey, McDonald, McEwen, Miller (OH), Montgomery, Moore, Moorhead, Morrison, Myers, Napier, Neal, Nelson, Nichols, O'Brien, Oxley, Parris, Pashayan, Patman, Paul, Petri, Porter, Quillen, Rhodes, Ritter, Roberts (KS), Roberts (SD), Robinson, Roemer, Rose, Roth, Rousselot, Rudd, Sawyer, Schulze, Sensenbrenner, Shaw, Shelby, Shumway, Siljander, Skeen, Smith (AL), Smith (NE), Smith (OR), Snyder, Solomon, Spence, Stangeland, Staton, Stenholm, Stump, Tauzin, Taylor, Thomas, Trible, Vander Jagt, Walker, Wampler, Weber (MN), Weber (OH), White, Whitehurst, Whitley, Whittaker, Winn, Wolf, Wortley, Wylie, Young (AK).

NOES—242

Addabbo, Akaka, Albosta, Alexander, Andrews, Annunzio, Anthony, Applegate, Aspin, Atkinson, AuCoin, Bailey (PA), Barnes, Bedell, Beilenson, Benjamin, Biaggi, Bingham, Blanchard, Boggs, Boland, Bolling, Boner, Bonior, Bonker, Bowen, Breaux, Brodhead, Brooks, Brown (CA), Phillip Burton, Chisholm, Clay, Clinger, Coelho, Coleman, Collins (IL), Conable, Conte, Conyers, Coughlin, Courter, William Coyne, Crockett, D'Amours, Davis, de la Garza, Deckard, Dellums, DeNardis, Derrick, Dicks, Dingell, Donnelly, Dorgan, Dougherty, Downey, Dwyer, Dymally, Early, Eckart, Edgar, Edwards (CA), Emery, English, Ertel, Evans (DE), Evans (IA), Evans (IN), Fary, Fascell, Fazio, Fenwick, Ferraro, Findley, Fish, Fithian, Florio, Foglietta, Foley, Ford (MI), Frank, Frost, Garcia, Gaydos, Gejdenson, Gephardt, Gilman, Gonzalez, Goodling, Gore, Gray, Green, Guarini, Gunderson, Hall (OH), Hamilton, Harkin, Hawkins, Heckler, Heftel, Hertel, Hightower, Hollenbeck, Horton, Howard, Hoyer, Hughes, Hyde, Jacobs, Jeffords, Jones (NC), Jones (OK), Jones (TN).

Kastenmeier, Kemp, Kennelly, Kildee, Kogovsek, LaFalce, Lantos, Leach, Lehman, Leland, Lent, Long (LA), Long (MD), Lowry (WA), Luken, Lundine, Madigan, Markey, Marks, Matsui, Mattox, Mavroules, Mazzoli, McCollum, McCurdy, McDade, McGrath, McHugh, McKinney, Mica, Michel, Mikulski, Miller (CA), Mineta, Minish, Mitchell (MD), Mitchell (NY), Moakley, Moffett, Molinari, Mollohan, Mottl, Murphy, Murtha, Natcher, Nelligan, Nowak, Oakar, Oberstar, Obey, Ottinger, Panetta, Patterson, Pease, Pepper, Perkins, Peyser, Pickle, Price, Pritchard, Pursell, Railsback, Rangel, Ratchford, Regula, Reuss, Richmond, Rinaldo, Rodino, Roe, Rogers, Rosenthal, Rostenkowski, Roukema, Roybal, Russo, Sabo, Santini, Savage, Scheuer, Schneider, Schroeder, Schumer, Seiberling, Shamansky, Shannon, Sharp, Shuster, Simon, Skelton, Smith (IA), Smith (NJ), Smith (PA), Snowe, Solarz, St Germain, Stark, Stokes, Stratton, Studds, Swift, Synar, Tauke, Traxler, Udall, Vento, Volkmer, Walgren, Washington, Watkins, Waxman, Weaver, Weiss, Whitten, Williams (MT), Williams (OH), Wilson, Wirth, Wolpe, Wright, Wyden, Yates, Yatron, Young (FL), Young (MO), Zablocki, Zeferetti.

NOT VOTING—8

Bafalis, Brown (OH), John Burton, Dixon, Dowdy, Ford (TN), Rahall, Stanton.

Then there was a constitutional amendment that was offered on October 1, 1982. We had to discharge that particular piece of legislation because the Speaker and the chairman of the Committee on the Judiciary would not allow that piece of legislation to come

to a vote. So I am submitting that also, because I want the people of this country to find out who are phonies in terms of balancing this budget and dealing with deficits.

The vote follows:

ROLL NO. 387

YEAS—236

Anderson, Andrews, Anthony, Applegate, Archer, Ashbrook, Atkinson, Bafalis, Bailey (MO), Barnard, Beard, Benedict, Bennett, Bereuter, Bevill, Bliley, Boner, Bouquard, Bowen, Breaux, Brinkley, Broomfield, Brown (CO), Brown (OH), Broyhill, Burgener, Butler, Byron, Campbell, Carman, Carney, Chappie, Cheney, Clausen, Clinger, Coats, Coleman, Collins (TX), Conable, Corcoran, Coughlin, Courter, James Coyne, Craig, Daniel Crane, Philip Crane, R. W. Daniel, Dannemeyer, Daschle, Daub, Davis, de la Garza, Deckard, Derrick, Derwinski, Dickinson, Dornan, Dowdy, Dreier, Duncan, Dunn, Dyson, Eckart, Edwards (AL), Emerson, Emery, English, Erdahl, Erlenborn, Evans (DE), Evans (GA), Evans (IA), Fenwick, Fiedler, Fields, Findley, Fish, Flippo, Fountain, Frenzel, Fuqua, Gibbons, Gingrich, Ginn, Goodling, Gradison, Gramm, Gregg, Grisham, Gunderson, Hagedorn, Ralph Hall, Sam Hall, Hammerschmidt, Hance, Hansen (ID), Hansen (UT), Hartnett, Hatcher, Hefner, Hendon, Hightower, Hiler, Hillis, Holt, Hopkins, Hubbard, Huckaby.

Hunter, Hutto, Hyde, Ireland, Jacobs, Jeffries, Jenkins, Johnson, Jones (NC), Jones (TN), Kazen, Kindness, Kramer, Lagomarsino, Latta, Leach, Leath, LeBoutillier, Lee, Lent, Levitas, Lewis, Livingston, Loeffler, Lott, Lowery (CA), Lujan, Lungren, Madigan, Marlenee, Marriott, Martin (IL), Martin (NC), Martin (NY), McClory, McCollum, McCurdy, McDonald, McEwen, McGrath, Mica, Michel, Miller (OH), Mitchell, Molinari, Montgomery, Moore, Moorhead, Morrison, Mottl, Myers, Napier, Natcher, Neal, Nelson, Nichols, O'Brien, Oxley, Parris, Pashayan, Patman, Paul, Petri, Pickle, Porter, Pursell, Quillen, Railsback, Regula, Ritter, Roberts (KS), Roberts (SD), Robinson, Roemer, Rogers, Rose, Roth, Rousselot, Rudd, Santini, Sawyer, Schulze, Sensenbrenner, Shaw, Shelby, Shumway, Shuster, Siljander, Skeen, Skelton, Smith (AL), Smith (NE), Smith (NJ), Smith (OR), Snowe, Snyder, Solomon, Spence, Stangeland, Stanton, Staton, Stenholm, Stump, Tauke, Tauzin, Taylor, Thomas, Trible, Vander Jagt, Volkmer, Walker, Wampler, Watkins, Weber (MN), Weber (OH), White, Whitehurst, Whitley, Whittaker, Whitten, Williams (OH), Wilson, Winn, Wolf, Wortley, Wylie, Young (AK), Young (FL).

NAYS—187

Addabbo, Akaka, Albosta, Alexander, Annunzio, Aspin, AuCoin, Bailey (PA), Barnes, Bedell, Beilenson, Bethune, Biaggi, Bingham, Boggs, Boland, Bolling, Bonior, Bonker, Brodhead, Brooks, Brown (CA), John Burton, Phillip Burton, Chisholm, Clay, Coelho, Collins (IL), Conte, Conyers, William Coyne, Crockett, D'Amours, Dellums, DeNardis, Dicks, Dingell, Dixon, Donnelly, Dorgan, Dougherty, Downey, Dwyer, Dymally, Early, Edgar, Edwards (CA), Ertel, Evans (IN), Fary, Fascell, Fazio, Ferraro, Fithian, Florio, Foglietta, Foley, Ford (MI), Ford (TN), Fowler, Frank, Frost, Garcia, Gaydos, Gejdenson, Gephardt, Gilman, Glickman, Gonzalez, Gore, Gray, Green, Hall (OH), Hamilton, Harkin, Hawkins, Heckler, Heftel, Hertel, Holland, Hollenbeck, Horton, Howard, Hoyer, Hughes, Jeffords, Jones (OK), Kastenmeier, Kemp, Kennelly, Kildee, Kogovsek, LaFalce, Lantos, Lehman, Leland, Long (LA), Long (MD), Lowry (WA), Luken, Lundine, Markey, Marks, Martinez, Matsui, Mattox, Mavroules, Mazzoli, McDade, McHugh, McKinney, Mikulski, Miller (CA), Mineta, Minish, Mitchell (MD), Moakley, Moffett, Mollohan, Murphy, Murtha, Nelligan, Nowak, Oakar, Oberstar, Obey, Ottinger, Panetta, Patterson, Pease, Pepper, Perkins, Peyser, Price, Pritchard, Rahall, Rangel, Ratchford, Reuss, Rhodes, Rinaldo, Rodino, Roe, Rosenthal, Rostenkowski, Roukema, Roybal, Russo, Sabo, Savage, Scheuer, Schneider, Schroeder, Schumer, Seiberling, Shamansky, Shannon, Sharp, Simon, Smith (IA), Smith (PA), Solarz.

St Germain, Stark, Stokes, Stratton, Studds, Swift, Synar, Traxler, Udall, Vento, Walgren, Washington, Waxman, Weaver, Weiss, Williams (MT), Wirth, Wolpe, Wright, Wyden, Yates, Yatron, Young (MO), Zablocki, Zeferetti.

NOT VOTING—9

Badham, Blanchard, Chappell, Dan Daniel, Edwards (OK), Forsythe, Goldwater, Guarini, McCloskey.

I think it is time to do more than talk, Mr. Speaker. Let us act so the American people can determine who is phony.

Mr. Speaker, I know, and the American people know, that you and the gentleman from New Jersey, Mr. RODINO, will not allow us to vote on a balanced budget amendment or the line-item veto because of your fear that both of those measures are going to pass and that this House will be forced to reduce spending.

So, Mr. Speaker, it is up to you. The time is now. We are giving you this opportunity to act. Mr. Speaker, we have the voting cards and we are ready to use these voting cards.

UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RITTER) is recognized for 60 minutes.

● Mr. RITTER. Mr. Speaker, I am honored to join with many of my colleagues in the U.S. Congress to pay tribute to the great Ukrainian people on the 66th anniversary of their independence. As we honor Ukrainians worldwide, let us not forget that their homeland continues to be under the harsh rule of the Soviet Union. And, let us not forget that their people are denied their own personal freedom and the many opportunities that we, as Americans, daily take for granted.

Over the past 66 years, the Ukrainian people have suffered untold horrors. After declaring their independence on January 22, 1918 and reestablishing a free Ukrainian nation, Ukrainians were given the opportunity, albeit briefly, to live in freedom. This freedom was short lived, however, as the Soviet Red Army invaded the Ukraine and declared it a part of the Soviet Union. Since then, the story of the Ukraine and its people is one mixed with the horror of genocide and war and the hope that one day the Ukraine will, again, be free.

Genocide is a term that appears all too frequently in the annals of 20th century history. Unfortunately, it is a term indelibly marked upon the soul of every Ukrainian. As Stalin sought to collectivize the agriculture-producing areas of the Soviet Union, Ukrainians were caught in the vise of an artificially induced famine and lands plundered by Soviet troops and hungry people. The brutal stories of the Ukrainian famine are something that should shock every civilized person. The fact the famine was induced by Soviet leaders in an effort to break the will of Ukrainians makes the story even more horrible. The fact that any one group of people would orchestrate such a gross crime is beyond the comprehension of decent and sane people. The effects of the famine are still felt today and I was proud last year to participate in the national observance of the famine.

As the famine ended, World War II began and again the faint hope of freedom loomed. With the Soviet's retreat from Ukraine and the ensuing Nazis occupation all hopes for a lasting freedom were dashed. In fact, the Nazis brought with them a similar form of persecution and another chapter of horror began. Ukrainians of Jewish descent were dragged from their homes and forced into concentration camps. Many died, and as in the previous decade when famine gripped the land, whole families and villages were destroyed.

Since the end of World War II, the Soviets have tried repeatedly to end the national spirit of Ukrainians. Religious practice has been banned, the language in schools has been replaced by Russian and people still fear the midnight knock on the door. However, despite all the attempts by the Soviets to break the will of the Ukraine, none have succeeded. Ukrainians are stronger today than they were 66 years ago. No amount of intimidation or pounding by KGB jackboots will force them to stop hoping and praying for the day when their land is free.

I am proud to represent an area that has many Ukrainian-American families. The Lehigh Valley of Pennsylvania is an area enriched from their culture and heritage. From them I have learned a great deal not only about Ukrainian culture, but of the suffering they have endured in the quest for freedom. The commemoration of Ukrainian Independence Day to them is not an ethnic event but a meaningful observance of their past suffering and hopes for the future. This is why I am proud to serve on the Helsinki Commission and act as cochairman of

the Ad Hoc Committee on the Baltic States and the Ukraine so that their message may have a forum, so that more may know of their plight. It is a message that must be told.

Again, I want to thank my colleagues for joining in this special order today. I would also like to thank my esteemed colleagues, Hon. SAM STRATTON and Hon. BILL BROOMFIELD for their support of this day's activities. What we do in Congress and in communities all around the Nation is meaningful because we keep lit the flame of hope for a free Ukraine.●

● Mr. SOLOMON. Mr. Speaker, today, we are joining the proud descendants of the glorious Ukraine who are gathering worldwide to commemorate the 66th anniversary of that proud nation's independence. Though the Ukraine is distant, the Ukrainian people so share with us the love of freedom and dignity that they are very much our neighbors and spiritual kinsmen.

The American people pay tribute to the many glories and traditions that shaped the Ukraine: Its fertile wheatfields, its proud peasantry, its deeply felt Eastern Orthodox faith, its language, its literature, and its customs. But it is with great sadness that we are forced to remember that these same strengths that America so admires stood as an affront to Josef Stalin and his Soviet henchmen. It is with great sadness that we are forced to remember that these same Soviet barbarians brought about one of the 20th century's greatest horrors—the Ukrainian famine of 1933.

But remember we must. That is why, Mr. Speaker, I was proud to have sponsored a resolution adopted by this House last November 17 to commemorate the Ukrainian famine.

That resolution was a memorial, a proclamation, another footnote to an infamous chapter in the history of crimes against humanity.

But it was more than that. It was a tribute to the spirit of the Ukrainian people, which survives this crime and lives on in the face of a brutal, oppressive, and evil empire.

Indeed, that resolution is like a candle lit in remembrance of all the world's people, living in captive nations, who are the victims of a dark tyranny that consumes hope and freedom like a cancer wherever it is allowed to spread.

The Ukrainian famine was not a natural disaster. It was a manmade holocaust. It was genocide. Just as the Nazis resorted to genocide as a tool of conquest, so too did the Soviet Communists use mass starvation as a blunt instrument to destroy the Ukraine as an independent nation.

But try as they might, they failed. The evidence is with us today. The evidence is found in the fact that there remain men and women of the Ukraine who still aspire to freedom and independence. And the evidence is also found in the fact that we are gathered today to let them know that the American people share their sorrow, share their hope for the recovery of national sovereignty, share their love of freedom. We are gathered today to say loudly and clearly that we will never forget.●

● Mr. HUGHES. Mr. Speaker, in America, some of us may take freedom for granted. We may forget that our forefathers fought harsh battles to win their freedom from oppression and outside rule. Yet, when we look to the captive nations such as the Ukraine, we remember again the noble struggle for liberty.

The Ukraine was recognized as a free and independent nation on February 9, 1918. The citizens of this young nation celebrated their heritage and culture, their place on the the roster of free countries throughout the world. However, Ukrainian independence was soon under attack. After fighting valiantly for 3 years, the small Ukrainian army fell to the Bolsheviks.

But while the advancing Soviet Army stripped the Ukrainians of their independence, no one could quell the Ukrainian quest for freedom. Although they are still enslaved by the Soviets, the Ukrainians efforts to retain their spiritual independence and cultural integrity have not faltered.

President Kennedy once wrote:

> The meaning of courage, like political motivation, is frequently misunderstood. Some enjoy the excitement of its battles, but fail to note the implications of its consequences. Some admire its virtues in other men and other times, but fail to comprehend its current potentialities.

I believe it is important in our tribute to the brave Ukrainian people to note their courage. Over the past 66 years, they have had to face the consequences of their struggle. Yet, undaunted, they continue that struggle, and continue to pray that their efforts will gain them freedom.

On this 66th anniversary of Ukrainian Independence Day, I rise to salute a great people—the Ukrainians and Ukrainian Americans.●

● Mr. FORSYTHE. Mr. Speaker, I am proud to salute today the anniversary of the proclamation of independence by the Ukrainian people. Much like our own Declaration of Independence, the Ukrainian proclamation declares that their nation is "an independent, subordinate to no one, free sovereign State of the Ukraine." In this auspicious document was both the pain, anger, and frustration of years of dominance by foreign invaders and also the spirit, joy, and power that freedom and liberty give to a people. It augured a great nation where the Government was democratically elected and the people prospered.

Unfortunately, the fragile hopes of Ukrainian sovereignty were dashed during the summer of 1920 by the Red Army. Since that time, the peoples of the Ukraine have had to suffer again and again the agonies of domination by the Soviet Union. During the great collectivization purges of 1932 and 1933, it is estimated that 7 to 10 million Ukrainians were starved. The harsh policies of Stalin forced the small landowning peasants of the Ukraine, which contains some of the best farmland in the Soviet Union, onto the gigantic sovkhozes where many perished. During World War II several hundred thousand Ukrainians died fighting in their insurgent armies, first against the Nazis and then against the Communists.

Even today, when the Ukraine represents the most important ethnic minority in the Soviet Union and contains many of that country's greatest industrial centers, there still exists a fierce sense of nationalism embodied in the great enmity toward Russia. However, the Ukrainian culture and language fight an ever-losing battle against the Russian domination that has already claimed their religious and political structures. Because of the increasing decline of Ukrainian identity, it is becoming more important than ever to call attention to this oppressed nation. We are in danger of seeing this land, which is 1½ times the size of Poland, absorbed completely into Russia. Gone will be the culture, the language, and the traditions that have existed for thousands of years.

I call to my fellow Members of Congress and to all the peoples of the world to not only celebrate this anniversary of a nation's desire to be free but to also point to the day when the ages long dream of Ukrainian independence will be realized.●

● Mr. STRATTON. Mr. Speaker, I am pleased to have the opportunity to join with my colleagues today in the special order commemorating the 66th Anniversary of Ukrainian Independence. Of course, the actual date of the anniversary is January 22, but the House was not in session at that time, so we have selected today instead to render our comments and observations on this important anniversary.

The Ukraine is one of the most important of the captive nations, whose plight the Congress annually commemorates in July pursuant to a resolution adopted more than 20 years ago. It is unfortunate that because the independence of the Ukraine lasted but a short time, between the fall of the czar and the military takeover of the Ukraine by the Bolshevik Government, some people tend to forget that the Ukraine was indeed at one time free. For 5 years the Ukraine had a

separate political identity, even though since 1918 it has been incorporated into territory of the U.S.S.R.

The Ukraine has had a long and distinguished history, with its own geographic and ethnic identity. The Ukraine's excellent agricultural production has been of special importance. For centuries, therefore, it has been the target for aggression by whatever European power might believe itself at the time to be in ascendance—Poland, Sweden, Prussia, Germany, and, of course, the Bolsheviks. Yet throughout all of these invasions and occupations, including the present one, the brave people of the Ukraine have maintained their fierce love of freedom, their bold sense of independence and their individual integrity.

Fortunately, Mr. Speaker, the Soviet oppression of the Ukraine has actually had a positive impact on these United States. We have been most fortunate to inherit the drive, the skills and the rugged independence of those Ukrainians who could no longer put up with life under the Soviet yoke. As a result, hundreds of thousands of Americans of Ukrainian descent have made extremely valuable contributions to the growth and development of our country. And their children and grandchildren have continued those great contributions.

The solidarity and the spirit of the Ukrainian-American community was once again demonstrated here in Washington last summer by the very impressive meeting on the Washington Mall commemorating the 50th anniversary of the Ukrainian famine of 1933, which was caused by aggression by the Soviet military forces and resulted in no less than an act of genocide against the Ukrainian people. We will not forget and we must not forget that horrible, senseless loss of life under Soviet oppression and militarism. That is why I have cosponsored a bill, H.R. 4459, to establish a commission to study the 1932-33 famine caused by the Soviet Government in the Ukraine, and urge swift approval of the legislation by the House.

So today we salute Ukrainian Americans here, and the Ukrainians in the homeland, for their courage and strength in fighting the totalitarian regime of the Soviet Union. And I assure them that we in the Congress will not forget their fine moment of Independence, nor their struggle under oppression, and will continue to work for their independence until the people of the Ukraine are once again free.●

● Mr. FLORIO. Mr. Speaker, on January 22, 1918, the Ukrainian people threw off the yoke of repression and declared their independence. This formation of the Ukrainian National Republic 66 years ago signified an important step in the history of the Ukrainian people as they have struggled to assert their identity and their beliefs while under foreign domination. I would like to join with my colleagues, DON RITTER, SAM STRATTON, and WILLIAM BROOMFIELD, in their special order to bring this memorable date to the attention of the Congress.

Though 66 years have passed since this declaration, the memory of this day still lives on in the hearts of all Ukrainians. Out of the ashes of the Russian and Austro-Hungarian Empires, the Ukrainian people rose in 1918 and took the opportunity to realize the dreams of their forefathers in declaring their independence. From the first, the new nation struggled to hold on to its new-found freedom, battered by Russian armies from the East and Polish armies from the West. Despite a valiant effort, the Ukrainian National Republic was crushed by the Communist Russians in the summer of 1920, 3 years after its formation.

The Ukrainian people have suffered 66 years of repression and persecution at the hands of Soviet aggressors since their declaration of independence. They have been imprisoned and tortured because of their political and religious beliefs and the doors of their churches and schools have been closed. Furthermore, an unwarranted attempt was made by the Soviets to eradicate an entire culture and race. During 1932 and 1933, 7 to 10 million Ukrainians starved to death because of Stalin's cruel collectivization program which resulted in a devastating famine. The causes and effects of this famine are still not fully known because the Soviet Government suppressed any information about the famine. Because this famine formed a crucial chapter in the history of the Ukrainian people and in an effort to help Ukrainians throughout the world regain a part of their past, I have introduced legislation, H.R. 4459, which would establish a congressional commission to study the Ukraine famine of 1932-33. Since H.R. 4459 was introduced, 60 of our colleagues have deemed this effort worthy of their support and have agreed to cosponsor the measure. I urge the rest of my colleagues to support this bill as well and to work with me in securing passage of this bill.

Despite famines and persecution, despite the curtailment of their civil liberties, and despite the injustices that they have been subjected to, the Ukrainian people continue to display courage and perseverance and have not yet given up hope that, one day, they too will breathe the air of freedom. We must continue to remember this momentous declaration in the hope that our remembrance of this glorious moment will lend the Ukrainian people the encouragement that they need. As the famous Ukrainian poet Taras Schevchenko said, "Our souls will never perish, freedom knows no dying." May the hope for freedom for the Ukrainian people never die and may their quest for independence be successful.●

● Mr. SENSENBRENNER. Mr. Speaker, today we, the U.S. Congress, the representatives of a nation free and strong, commemorate the 66th anniversary of Ukrainian independence. Freedom in the Ukraine is not outwardly visible. As a nation, it is under Communist control by the Soviet Union. Though the luxury of freedom is not visibly evident in the Ukraine today, freedom is present in the heart of all Ukrainians. Worldwide, Ukrainians who fled persecution and those who brave daily terror in their homeland, all carry the freedom of the Ukrainian Republic as a torch to light the path of truth for a suppressed homeland. The atrocities brought against this nation by the Soviets has not quelled the drive for freedom of the Ukrainian people. We as Members of the U.S. Congress, as well as all Americans and all free nations pay tribute to the tenacious perseverance that carries the Ukrainian people forward through their adverse condition. As all free people across the globe wish the Ukrainian people freedom as a nation, may we also learn from these people the true freedom they hold so dear, freedom of the heart.●

● Mr. BROOMFIELD. Mr. Speaker, I wish to extend my thanks to Congressman RITTER for his fine efforts in making this commemoration of the 66th Anniversary of the Ukraine's independence possible.

I am honored to have the opportunity to pay special tribute to the Ukraine and the aspirations of its people on this important occasion.

Because of its strategic geographical position and rich resources, the Ukraine has always been regarded as a coveted prize of aggressors from the Mongols to the Moscovite czars and, more recently, the Soviet Government.

With the 1917 disintegration of the Russian autocratic government, and the Ukrainian declaration of independence, the Ukrainians demonstrated to the world that Moscow and Kiev represented two different nations and two different mentalities. Kiev represented the democratic concept of government based on the respect of human rights, while Moscow represented totalitarianism and destruction.

After the Ukrainian declaration of independence, they fought valiantly but unsuccessfully to keep their independence for four terrible years. Since the occupation of the Ukraine by the Soviet Government, over 10 million Ukrainians have died in the defense of their country.

Today, we pause to pay special tribute to the brave men and women of the Ukraine who are carrying forward,

at great personal danger and sacrifice, the struggle for independence and freedom.

The spirit of the Ukrainian people is as strong today as it was in 1918. Because of their bravery, and the dedication of thousands like them in the many captive nations of the world, the cause of human rights is being carried forward. More than ever before, autocratic regimes and dictators from both sides of the political spectrum know that their actions are being watched. We cannot, however, give up the struggle.

The recent events in Poland and Soviet imperialism in Afghanistan are stark reminders of the fact that the Soviet empire is still willing to put a joke on its neighbors.

Let our Government never pause in its struggle to win the independence of the Ukraine. Let us renew our pledge to support the cause of freedom in the Ukraine, in Afghanistan, and throughout the world. with our help, the gift of freedom will be a reality for the captive nations that encircle our planet.●

● Mr. ROE. Mr. Speaker, it is a great honor for me today to rise in salute to the brave Ukrainian people on the occasion of the 66th anniversary of Ukrainian Independence Day.

More than any time in recent years, this 1984 commemoration takes on a special meaning. The Soviet Union's Iron Curtain around central Europe is beginning to show some cracks at the seams. The continuing occupation of Afghanistan by Russian troops, the turmoil in Poland and the recent failure of their wheat crop have combined to create the most severe economic crisis in recent memory for the Soviets.

Like Poland's Solidarity labor movement, strikes and workers' demands for free unionism have also emerged in the Ukraine. Hopefully that situation will result in a lessening of Soviet influence and control over the area and the beginning of a new era where the Ukraine and other dominated Slavic states will once again regain their independence.

Mr. Speaker, January 22, 1918, was a day of true glory for the Ukraine when their free Democratic Parliament, the Rada, declared the nation's independence. But the Communist forces that had taken over imperialist Russia during the Revolution of 1917 saw the Ukrainian National Republic as a serious threat to itself and its heinous goals.

In 1922, the Russian Communists forcibly took control of the Ukraine and began a brutal repressive campaign that continues today. It is no underestimation that millions of Ukrainians have been systematically slaughtered by a series of Soviet regimes over the past 61 years. The Russian slavemasters have forced the proud Ukrainian people to leave their homeland and to serve as slave labor on factories and farms throughout the Soviet Union.

But despite all that turmoil and tragedy, the Ukrainians living in the Soviet Union have somehow managed to maintain both their dignity and their ethnic identity. There is no question that while Russian control over the Ukraine is brutal and complete, the spirit of the Ukrainian people has never been diminished.

It is most fitting that the House of Representatives, the greatest deliberative body in the world, set aside time to recognize Ukrainian Independence Day. That recognition sends a loud and clear message to the Soviet Union that the people of the Ukraine have not been forgotten.●

● Mr. GREEN. Mr. Speaker, I would like to take this opportunity to add my congratulations on the occasion of the 66th anniversary of the proclamation of the Ukraine's independence on January 22, 1918.

Although their independence was short lived, the Ukrainian spirit and culture has survived the ensuing decades. Despite the Soviet Union's repeated attempts to destroy the Ukrainian people—through famine, repression, and coersion—the dream of freedom is still strong in the Ukraine and in the Ukrainian communities of the United States where more than 2 million Ukrainians reside.

I would like to add a word of praise, too, for the Ukrainian organizations which have banded together in this country to engage in humanitarian works as well as to propagate the Ukrainian culture.

I believe that Members of this Congress have tried to be responsive to the Ukrainian struggle, by, for instance, sending congressional letters in support of an American consulate in Kiev and to Andropov on behalf of Oksana Meshko, a member of the Ukrainian Helsinki group who was sentenced to internal exile. We have also held special orders, such as this one, commemorating Captive Nations Week and the 50th anniversary of the Ukrainian famine.

But we can never say it is enough. We must continue to speak out on behalf of the Ukrainian cause and on behalf of all captive nations as long as they cannot speak for themselves.●

● Mr. DAUB. Mr. Speaker, I appreciate this opportunity to join my colleagues once again in commemorating Ukrainian Independence Day, on the 66th anniversary of this event.

It is ironic that for most of these 66 years of proclaimed independence, the Ukrainian people have been far from independent. Rather, Ukrainian citizens have been subjected to repression and religious persecution.

While Soviet leaders are quick to decry U.S. actions as imperialistic, one surely notices that the freedoms taken for granted in Western societies are only a dream in Eastern-bloc countries—the Ukraine is a perfect example of the deprivation of human rights which takes place in Eastern bloc countries.

The Ukrainian people deserve our suport and recognition for their efforts to preserve their traditions and customs in the face of sustained repressive tactics which have plagued their lives for over 66 years.

Let today be a day of reflection for the free peoples of the world. We should not lose sight of the freedoms we enjoy and the struggle of people who do not share in those freedoms. Let us join the Ukrainian people in commemorating their day of independence.●

● Mr. EDGER. Mr. Speaker, January 22, 1984, marked the 66th anniversary of the proclamation of independence of the Ukraine National Republic. I thank the gentleman from Pennsylvania for reserving this time today so that we can join with Ukrainians throughout the world in commemorating this event.

Sixty-six years ago, as the empire of the czar disintegrated, the Ukrainian people announced the formation of their own republic. This independence from Russian rule lasted for only a few years, however, as the new state was crushed by a more powerful and aggressive Soviet Army in 1920. After the Soviet victory a separate Ukrainian Republic was set up along with other national republics. Although each of these nations within the U.S.S.R. maintain theoretical rights of sovereignty, we all know that they are subservient to the central government in Moscow.

Today Ukrainians living in the Soviet Union struggle to maintain their cultural and political identity. Through this special order we have an opportunity to stand together with these Ukrainian patriots and support them in their attempts to gain self-determination and freedom. In our own country we can mark this day in solidarity with Ukrainian-American community, whose members remember their homeland even as they make significant, valuable contributions to the life, growth, and development of the United States. I know that my colleagues join me in fervently wishing that the 50 million Ukrainians now within the boundaries of the U.S.S.R. could enjoy a similar degree of freedom to that enjoyed by their compatriots in this country.●

● Mr. FISH. Mr. Speaker, January 22, 1984, marks the 66th anniversary of the declaration of independence from Russia by the Ukrainian nation. This declaration, and the subsequent acknowledgment in the treaty of Brest-Litovsk, granting de facto and de jure

recognition of the new state, was the only time in modern history that the Ukrainian people have existed as a sovereign nation.

The Ukraine people have had a long history of subjugation and tyranny from surrounding nations. Even the 3 bright years of independence were darkened by a continual struggle against military domination by the Soviet Union. Unfortunately, they lost that struggle, but have been fighting ever since to regain their independence and keep their identity strong.

The Ukrainian people have been denied their right to freedom, justice and self-determination. Their language, culture, and traditions have been suppressed, and their leaders persecuted in an attempt to break their spirit and enforce their subjugation. The continued denial of personal freedoms and human rights has not forced them to abandon their efforts, but rather has acted as a cause to rally around. Among the actions taken by Ukrainian citizens was the founding of the Helsinki monitoring group in 1976. These individuals, most of whom are today serving terms in prison or exile, decided to promote compliance by the Soviet Government with the humanitarian provisions of the Helsinki Final Act. Groups in many Soviet republics were formed, but the fate of the Ukrainian monitoring group stands out as willful and active violation of the Helsinki accords.

I join with my colleagues today to commemorate a day in history when Ukrainian people were free. I speak out in the hope that one day we can again celebrate the establishment of an independent Ukraine. As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I pledge my continued support to that effort.●

● Mr. CORCORAN. Mr. Speaker, I am honored to join my colleagues in commemorating Ukrainian Independence Day through today's special order. It is important to remind ourselves and the Soviet Union that the atrocities perpetrated on the Ukrainian peoples since their freedom was ruthlessly wrested from them over 60 years ago, have not gone unnoticed and unopposed.

Upon its seizure by the Soviet Union, the Ukraine was subjugated to an enslavement of its people and a policy of intensive persecution aimed specifically at destroying their national and ethnic identity. I applaud the courageous striving of these shamefully oppressed people to preserve their traditions and regain their freedom.

For this reason, I have introduced House Joint Resolution 435 to renounce the Yalta executive agreement. Through this agreement, cosigned by President Roosevelt in 1945, hundreds of millions of people in central and eastern Europe have been brought to suffering and annihilation. It is time we had the courage to face this betrayal of our most-cherished principles and demonstrate to the world that we can never tolerate illegal Soviet domination and abuse of human rights.

I have heard from thousands of concerned citizens from all over the country who support the formal renunciation of the Yalta agreement. By doing so, we can send a clear message to the Soviet Government, as well as to nations such as the Ukraine that are temporarily being held captive, that our expressed solidarity with the nations of central and eastern Europe is in fact sincere and our support active.●

● Mr. DWYER of New Jersey. Mr. Speaker, I wish to join my fellow colleagues in commemorating the 66th anniversary of Ukrainian Independence Day.

The Ukrainians have endured relentless Soviet occupation and repression since the early 1920's. Yet they have maintained their dreams of national liberty and individual freedom. I believe their unyielding struggle must never be forgotten by those of us who enjoy freedom.

As you may know, I recently wrote to President Reagan, along with 68 of my colleagues, urging him to honor the seventh anniversary of the Ukrainian Helsinki monitoring group. This brave group of imprisoned men and women monitor Soviet compliance of the Helsinki accords. It is imperative we continue to affirm our support for Ukrainians denied basic human rights.

I wish to express my concern to those seeking control of their destiny, free from foreign domination. As Americans, we seek universal compliance of human right provisions as embodied in the Helsinki doctrine in order that all nationalities may enjoy basic human rights.●

● Mrs. JOHNSON. Mr. Speaker, January 22 of this year marks the 66th anniversary of Ukrainian Independence Day. After centuries of struggle, the Ukraine became a free and independent state. Yet this freedom was short lived for in 1940, the Soviet Union forcibly annexed Ukrainia, along with the Baltic Republics. Today the Ukrainians battle an oppressive regime for their political, cultural and religious freedoms, indeed for their very survival as a nation and as a people.

This struggle for survival, for the freedom to express an ethnic identity that reflects centuries of tradition, may be seen in the sense of pride and concern that the Ukrainian community has for each other, and for the broader community as well. I am proud to note the fine contributions that both St. Mary's Ukrainian Orthodox Church, and St. Josaphat's Ukrainian Church, have made to the civic vitality of New Britain, Conn.

Mr. Speaker, in commemorating Ukrainian Independence Day, we do not only respect the memory of those who suffered for a cause they believe in, but also, we remind ourselves of the price we would have to pay if we ever take our precious rights and freedoms for granted. As we celebrate the beauty of the Ukrainian culture, let us be sobered by the spirit behind it, a spirit dedicated to freedom and independence. May we never forget it.●

● Mr. NOWAK. Mr. Speaker, I am pleased today to join with my colleagues in this 66th commemoration of Ukrainian Independence Day.

There is a large and active Ukrainian-American population in western New York, dedicated to preserving Ukrainian traditions and culture and committed to the principle of reestablishing an independent Ukrainian state.

Recently, I had the privilege of participating in the Ukrainian Independence Day observance at city hall in my home town of Buffalo, N.Y. Following is the Buffalo News report of that ceremony, which took place on Sunday, January 22:

[From the Buffalo News, Jan. 22, 1984]

REMEMBER PLIGHT OF EAST EUROPE, NOWAK URGES IN UKRAINIAN RITES

Rep. Henry J. Nowak, D-Buffalo, said Sunday he hopes support and pressure will continue in the United states for people living behind the Iron Curtain.

He spoke in the Common Council chambers in City Hall to about 150 members of the Ukrainian-American community of Buffalo at ceremonies commemorating the short-lived Ukrainian National Republic, which was declared Jan. 22, 1918, and existed until 1922.

He said the people of the Ukraine, taken over by the Soviet Union in 1922, still keep freedom in their hearts, and Americans continue to share with them their aspirations for freedom and independence.

He praised the Buffalo chapter of the Ukrainian Congress Committee of America for actions such as the Independence Day anniversay observance, which help to keep alive the spirit of Ukrainian heritage and culture.

He noted that he was among the supporters of a resolution in Congress that criticized the Russians for a purposeful famine in the 1930s that resulted in the deaths of 7 million Ukrainians. He said the famine should be remembered as one of the lessons of history.

The ceremonies also included music by singers and instrumentalists dressed in the colorfully embroidered shirts and blouses of the Ukraine.

A joint proclamation from Mayor Griffin and County Executive Rutkowski was read declaring Sunday "Ukrainian Independence Day" in Buffalo and Erie County.

Mr. Speaker, our expressions today serve to reaffirm our belief in the right of self-determination for all the peoples of this globe and our hope that one day this right will be exercised universally.●

● Mr. MORRISON of Connecticut. Mr. Speaker, January 22 is a day im-

portant to Ukrainians throughout the world. On that day, in 1918, the Ukrainian Central Rada, proudly speaking for the Ukrainian people as a whole, proclaimed an independent and sovereign Ukraine.

Tragically, the realization of the Ukrainian dream was short lived. After 3 short years of freedom, during which the Ukrainians bravely fought against their aggressors, the young Republic was forced to submit to Soviet military might. Since 1922, the Ukrainians have suffered untold hardship and national persecution at the hands of the Soviets. From forced famine to political imprisonment, from economic exploitation to religious persecution, the Soviets have strived to extinguish all traces of Ukrainian culture and tradition. This past year the House of Representatives remembered one of the most terrible events in Ukrainian history—the genocidal forced famine instigated by Stalin in 1932 and 1933. The Ukrainians are a sturdy people, and their national spirit is unquenchable. Ukrainians all over the world continue to proclaim once again Ukraine's freedom from oppression and to reestablish the basic human rights of the Ukrainian people. In my Third District of Connecticut, Ukrainians united on January 22 to commemorate their homeland's independence and to hope for a free Ukraine in the near future. I join with Ukrainians around the world in the hope that Ukraine will once again achieve its goal of independence.●

● Mr. McGRATH. Mr. Speaker, historically this body has joined with Ukrainians around the world in commemorating Ukrainian Independence Day. Today on the 66th anniversary of this occasion, I am pleased to add my voice in celebration.

Shortly after declaring an independent nation in 1918, the Ukrainian State found itself in the midst of a struggle for survival against aggressive nations on two of its borders. Substantially outmanned, Ukraine was forced to abandon its valiant 3-year struggle and was incorporated by an ever-expanding Soviet Union.

Over the six decades that have elapsed, the Soviet Union has employed large scale campaigns of repression and persecution in an attempt to blot out the nationalistic yearning of the Ukrainian people and to destroy their sense of history and culture.

Fortunately, those efforts have failed. Today, 66 years after statehood was first proclaimed, we are able to celebrate Ukrainian independence. It is real and it is alive; alive in the hearts of individuals who love freedom. It has been learned from the previous generation and passed on to the next.

On this day as always, our thoughts turn to the promise of tomorrow when we hope that the 50 million Ukrainians who are captives in their own land will be able to celebrate independence in true freedom.●

● Mrs. HOLT. Mr. Speaker, throughout the Soviet empire, national aspirations still stir among the captive peoples. The people of the Ukraine continue to struggle in many ways to preserve their national and cultural identity despite oppression by Russian imperialism.

In the final year of the First World War, the Ukraine declared its independence from the Russian Empire, but independence did not last long. The new Soviet regime that replaced the czarist government conquered the Ukraine after a 3-year struggle.

But the hope for freedom has endured to this day, and it will continue to endure in the Ukraine. We should never turn our backs on people who long for freedom.

On this anniversary of Ukrainian Independence Day, let us proclaim our identity with the aspirations of the people of the Ukraine. Let us pray for all peoples whose rights are crushed by totalitarian regimes.●

REPORT ON BUDGET FOR FISCAL YEAR 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the President's budget has come to the Congress today and, as is my usual custom, I would like to talk a few moments about the defense section of the President's fiscal 1985 budget, to try to put in some perspective the numbers that are involved in that budget and to answer any questions that Members may have, as best I can, at this early date, about those numbers.

The total 050 category for defense requested in the budget is $313.4 billion. That includes the defense part of the budget, the military construction part of the budget, the Energy Department part of the budget which primarily includes the nuclear weapons systems and warheads, and then other bits and pieces that are spread here and there throughout the budget, a total of $313.4 billion.

Of that amount, $293.6 billion is the sum that is assigned to the Subcommittee on Defense Appropriations, on which I have the honor to serve. I will be talking primarily this afternoon about that part of the budget, but for general information the Military Construction Subcommittee on Appropriations has about $10.3 billion worth of that budget, and then there are other DOD contingencies involved in the budget of some $1.1 billion, making a total, when you put in the Energy part, of some $313.4 billion.

The $293.6 billion budget that will be assigned to our Defense Appropriations Subcommittee represents some 12 percent real growth over the fiscal 1984 defense bill as far as budget authority is concerned. I would like to talk about parts of it.

I would suggest to you that we still have pending before us a fiscal 1984 supplemental which includes pay of $1.8 billion, allowances of $400 million, and then $139 million for Lebanon and Grenada.

So when we compare the fiscal 1985 budget with the fiscal 1984 expenditures, as enacted, we have to also include the expected supplemental for pay and allowances, which we assume that this Congress will pass. That gives us a proper comparison upon which, or through which, we may derive the 12 percent real growth as far as our part of the bill is concerned.

Mr. Speaker, I have several charts or exhibits that I will refer to in my comments, and I would ask unanimous consent that I be permitted to insert them in the RECORD and I will refer them, some four charts:

BUDGET TRACK/FISCAL YEAR 1985

[In billions]

	1984 enacted	1984 supplemental requested	1985 January request
Mil pers	47.4	[1] 1.8 [2] .168	53.0
Ret pay	16.6	.243	
O&M	72.5	.139	81.4
Procurement	85.6		107.6
R&D	26.7		34.0
Total	249.8	2.3	293.6
Real growth (assumes passage of supplemental as requested) (percent)			12

[1] Pay.
[2] Allowances.

Mr. Speaker, I would refer to chart A, and it has primarily the breakdown of the budget for fiscal year 1985, as far as military personnel, retired pay, O&M, procurement, R&D is concerned.

I will touch on each of those items briefly.

Under personnel for fiscal year 1985, the personnel account is $4.4 billion larger than the fiscal 1984 bill, and for the following basic reasons: The President has proposed a 5.5-percent pay raise for military personnel, and I may say, parenthetically, for the Coast Guard uniformed personnel as well, which is not in this budget. The President has generally proposed a 3.5-percent pay increase for civilian personnel. There will be a slight difference, I suppose, in the numbers that I am using. The numbers come from the DOD budget. They assume a pay raise of 5.5 percent in our bill.

□ 1750

The committee has put together the same numbers, but has assumed that

the pay raise for fiscal 1985 will come in a supplemental and therefore is not shown in the committee's numbers, which the Members will be seeing over the next few days.

So, in essence, it is about a $1.4 billion difference between the committee's numbers and the Defense Department's numbers. And I would reiterate that I am using the Defense Department numbers here.

Also under personnel there is an addition of 30,000 active-duty forces called for, and an additional 52,000 Reserve Forces and all that with the pay raise goes to basically make up the increase of $4.4 billion over fiscal 1984.

In the retired account for fiscal 1985, the increase is some $1.1 billion over fiscal 1984. That is a normal growth in retired pay. It says something about what is happening to retired pay as we continue year after year to increase it.

I will point out that for the first time this account is being put on the accrual basis and should be in that sense more accurate for those who enjoy looking at budgets and figuring out numbers.

In O&M for fiscal 1985 the account is some $10.4 billion larger than fiscal 1984 for a number of reasons. And I should point out here that we really cut too much last year in fiscal 1984's bill in O&M. I think we found ourselves cutting there because it was hard to find other places to cut, but it is one of the areas having to do with readiness that does great disservice, I think, when we cut it as far as the readiness of our military is concerned.

Under O&M there is a depot maintenance increase of $1½ billion, a real property maintenance increase of some $600 million, there is a proposal for increased flying hours to train the pilots, there is a proposal for increased steaming hours to do a better job of training those on the high seas. We call for 7,000 additional civilians and then for additional funds for spares and repairs and also for training and education of the troops.

Now the area that really starts to get everybody's attention is procurement. It is one of those places where you can kind of get hold of and deal with.

There are no real major new starts in procurement this year. Most of the President's program for new starts in procurement have been put into place and the money that the Members will see for procurement, by and large, in this budget will have do with funding the programs already in place.

I think it is fair to point out to the Members that when my colleagues have heard us talk about the term "the bow wave" that builds up in procurement as we start to improve the defense of this county, the Members will see in this procurement line that bow wave starting to build as we go about the business of further procurement of those items that have already been approved.

Procurement is some $21.6 billion larger than in fiscal 1984. The largest single item in the budget is $7.7 billion for 34 B-1 bombers. The MX program calls for 40 missiles for $2.9 billion.

I would point out to the Members that there is in this proposal a request once again for binary long lead and facilities for the binary chemical program. I am quite sure it will be an area of considerable controversy as it has been in the past. And also I would point out, so far as I can identify at this point, there are no increased figures in this budget as a result of the engine competition that is going on and perhaps by Friday will be announced publicly as to the winners of what has been known as the great engine war.

Mr. Speaker, I would at this point put in the RECORD what I will call exhibit B. It lists primarily some of the major procurement items by service. It has a column that shows the increase in the fiscal 1985 budget over fiscal 1984 and then it has a column which, by and large, shows the major factors that have gone to make up the increases that I have shown there:

EXHIBIT B

	Over 1984	Major factors
Army		
Aircraft procurement	735 M	RC-12, CH47-D, UH60—adv. proc., and support.
Missile procurement	618 M	Patriot, Stinger, TOW II, Pershing, MLRS, and Chapparral.
Weapons, tracked vehicles.	359 M	Bradley (IFV), 105 mm tank mod spares, and M-16 rifle.
Ammunition	555 M	25 mm, 105 mm, 120 mm, 155 mm, and Binary.
Other procurement	1,373 M	Vehicles, com equip., electronics, and support.
Navy		
Aircraft	1,310 M	AV8B, AH1T, P3C, C-9, UC 12B, F-14A, S-3, ECM, and ground equip.
Weapons	881 M	Tomahawk, AIM-7, Harpoon, Harm, Maverick, and spares.
SCN (23 new ships)	1,704 M	Trident sub, SSH-688, CV-SLEP, LSD-41, Oiler, SURTASS, and DDG-51.
Other Procurement	1,639 M	Ship support, comm equip, aviation suppt., and ordinance suppt.
Marines		
Procurement	237 M	Ammo, LAV, HAWK, STINGER, TOW, support veh., and comm.
Air Force		
Aircraft	7,298 M	B-1, F-15, C-5B, NGT, TR-1, F-111 mod, C-135 mod, and spares.
Missiles	2,009 M	M-X, HARM, AMRAAM, spares, GPS, and DSCS.
Other procurement	2,666 M	Various, OTH-B, data proc., space ops, and spares.

Finally, then, we come to the research and development part of the budget. The RDT&E account is some $7.1 billion larger than in 1984 with much of the increase spread across most of the line items. The ICBM modernization combines the MX and the Midgetman. And it is at just about the 1984 level of some $2.5 billion. That includes $465 million for small mobile launchers for research and development, $259 million for small missiles R&D, and $1.7 billion for the MX R&D program.

There is a new and interesting item being injected into this budget this year. The Members have heard a lot about it. It is a right sexy sounding thing. It is space initiatives. Some call it Star Wars.

There is a request here in fiscal 1985 for $1.8 billion to start the research and development or perhaps in many ways to continue the research and development or enhance it over previous years to deal with space based systems of the future.

Now, this budget calls for consolidation of some 35 existing programs all throughout the Defense Department brought into 5 new lines in the budget and in doing this, it brings the general control of the space initiatives program into the Department of Defense under the Secretary of Defense rather than being spread out all through various and sundry departments and military branches and sections of the Pentagon.

And so there is a lot we have got to learn yet about this. I am sure this will be one of the areas of considerable debate, not only in our committee, but probably on the floor of the House when our bill comes out as to just how far we will go or should go in the space initiatives program.

Well, other programs under R&D include increases in communications, Milstar, the C-17 cargo plane, special or select activities, submarine research. We may even generate a little battle around here between those who feel like the C-5-B is all the cargo plane we need and those who believe that the President properly put C-17 money in for a new cargo plane. I can see in this budget a number of items that can keep us all excited and happy as we love to debate each other on the subject.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Mississippi.

□ 1800

Mr. MONTGOMERY. Mr. Speaker, I appreciate very much the gentleman yielding, and I was honored that I was on the floor when the gentleman started with his special order talking about this defense budget, which I believe is the largest item in the budget that came up on the Hill. Before asking the gentleman a couple of specific questions, I would just like to say I know that Members on both sides of the aisle appreciate what the gentleman in the well, the gentleman from Alabama (Mr. EDWARDS), has done on defense matters. He has been a total leader for us. I guess what I am leading up to is that the gentleman decided not to run again, and we are certainly going to miss him. We need his

knowledge this year on this legislation. The gentleman behind you, Mr. ROBINSON, who also serves on the subcommittee on your side of the aisle, and who has decided not to run also, has been on the Appropriations Committee, and we will miss his knowledge and his guidance.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments. I think it is fair to say that the gentleman from Virginia (Mr. ROBINSON) and the gentleman from Alabama (Mr. EDWARDS) have probably worn each other out, and that is the reason why we are already to go home.

Mr. MONTGOMERY. I hope not.

As I understand the budget that just came up here today—and I know the gentleman has not had that much time to look at it—it is an increase of 12 percent true growth over what we passed last year? Or the budget that was sent up here last year by the President? Which one is it?

Mr. EDWARDS of Alabama. The 12 percent real growth in that part that we deal with, 13 percent real growth when you include Milcon, is over as enacted in 1984 plus the pay supplemental which is still before us for fiscal year 1984.

Mr. MONTGOMERY. I am really just seeking information from the gentleman. And we passed a 5 percent true growth in military spending for fiscal year 1984?

Mr. EDWARDS of Alabama. No. I think most would agree that we are somewhere between 3 and 4 percent real growth in fiscal year 1984. The optimists say we are near 4 percent, the pessimists say we came in close to 3 percent. It is one of those numbers that is very hard ultimately to say for sure what we did.

Mr. MONTGOMERY. Does the gentleman have any problem with the 12 percent true growth, or has the gentleman had time to analyze our situation considering the financial problems that we find facing us in 1985?

Mr. EDWARDS of Alabama. Well, I do not have any probems with it. I think considering the other concerns that we have in the country with deficits and one thing and another, it is going to be hotly debated in the House and in the other body as well. But I would point out to the gentleman, if I may, that, while we are talking about some 13 percent overall real growth in defense this year, the President's budget calls for fiscal year 1986, 9.2 percent real growth; fiscal year 1987, 3.5 percent real growth; fiscal year 1988, 3.8 percent real growth; and fiscal year 1989, 3.9 percent real growth.

It has always been understood that as we started to build up the defenses of the country, and especially in this procurement line that we were talking about, that there would be this surge for a period of time. But as you can see from those numbers, after this year those numbers start to head down, and beginning in fiscal year 1987 they are pretty much flat at around 3.8 percent to 3.9 percent real growth.

So I think we are seeing what we knew we would see, and that is the need to spend this extra money at this time.

Now, what we have done, if the gentlemen will indulge me for a moment, as the gentleman suggested, we have cut back to 3 to 4 percent real growth in fiscal year 1984, when the President asked us for about 10, as I recall; we cut back considerably on real growth in fiscal year 1983 compared to what the President asked us for. The problem is that every time we begin to cut back on the request, we frustrate the program that has been put in place that would lead us down to the 3.8 percent real growth, or so, beginning in fiscal year 1987 and beyond. If we cut this way back from 12 percent or 13 percent now, we can expect to get increased requests for the out years. So I would argue that we should try our best to hold onto the increases proposed because they are proposed in that orderly fashion, designed to bring us to a level that makes good sense in this country.

Mr. MONTGOMERY. I thank the gentleman.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Virginia.

Mr. ROBINSON. I thank the gentleman for yielding.

Mr. Speaker, I would like to both supplement and endorse the comments of the gentleman from Mississippi. Down through the years, the analysis on a completely evenhanded basis by the gentleman from Alabama with regard to the defense budget on the same day that the budget reaches us here at the Capitol from the White House has become a fixture, a very important fixture with regard to informing our membership. It provides a great deal of food for thought in an area that would not otherwise be available to us because he has put the time in that is necessary in order to be able to talk with a great deal of authority on the subject.

Now, unfortunately, as the gentleman from Mississippi has mentioned, the gentleman from Alabama is not going to run again, and so that option is going to be open come the next Congress and I sincerely hope that someone is going to pick it up, that it will be there and available for the Members of Congress as it has been in the past.

I want to congratulate the gentleman from Alabama for his dedication in this regard and for performing what is certainly a real service to this body.

Mr. EDWARDS of Alabama. I thank the gentleman for his comments. Obviously, I would not be able to put something together if we did not have good staff supporting us, and the staff has done yeoman work over the past few days as the budget documents have started to come out. It is for that reason that I am able to talk at least somewhat intelligently about the budget at this time.

I would also like to say what a joy it is to work with the gentleman from Virginia (Mr. ROBINSON). We have sat next to each other on this subcommittee for a long time, and it is hard for me to say, since I am leaving, that I wish he would not leave, but it has been a real joy and pleasure working with the gentleman. I am sure that before the year is out I will say more about that.

Mr. Speaker, I would like to now put in the RECORD what I will call exhibit C, a multipage document, and just refer to a couple of portions of that:

DEPARTMENT OF DEFENSE FISCAL 1985 REQUEST

OVERVIEW

As shown on the following chart, DoD requests 1985 budget authority of $305.0 billion which includes both the Defense and Military Construction bill but excludes $7.8 billion in the Energy bill for nuclear associated activities. Totals by bill are:

For fiscal year 1985

	Billions
Defense	[1] $293.6
Military construction	10.3
Other DOD contingencies	1.1

[1] Including transfers.

Comparative figures are:

FOR FISCAL YEAR 1984

[In billions of dollars]

	Enacted	Requested
Defense	249.8	260.8
Military construction	7.4	8.3

Setting aside the nuclear portion of Defense, the chart suggests the FY '85 request is $46.8 billion over FY '84. The fiscal '84 numbers on the chart presume passage of a $700 million program and benefit supplemental.

Thus, as the FY '84 bill stands right now, without passage of a supplemental, the FY '85 request is actually $47.5 billion more than in FY '84 including inflation.

A 5.5% pay raise is requested for FY 1985 for the military and 3.5% for civilians both to take effect January 1, 1985.

NOTE.—There will also be a fiscal 1984 pay supplemental of $1.8 billion.

The FY 1985 bill reflects the accrual concept of retirement costs.

CHART 3.—FISCAL YEAR 1985 DEPARTMENT OF DEFENSE BUDGET, FINANCIAL SUMMARY, BUDGET AUTHORITY AND OUTLAYS

[In billions of dollars]

	Fiscal year—				
	1981	1982	1983	1984	1985
Budget authority	178.4	213.8	239.5	258.2	305.0
Percent real growth	12.5	12.1	7.5	3.7	13.0
Outlays	156.1	182.9	205.0	231.0	264.4
Percent real growth	4.7	7.8	7.1	8.8	9.3

OUTLAY OVERVIEW

The Department projects 1985 outlays of $264.4 billion broken out as follows:

[Dollar amounts in billions]

	Amount	Percent of outlay
From prior year appropriations	$95.8	36.2
Pay and allowances from fiscal year 1985 bill	89.8	34.0
Operations from fiscal year 1985 bill	46.0	17.4
Investment from fiscal year 1985 bill	32.8	12.4

Assuming, therefore, that prior year appropriations will not be revisited and that pay, allowances and personnel will be approved substantially as requested in the '85 budget, outlay reductions can be impacted largely only by actions taken on the operations and investment accounts as requested in FY '85 and which outlay in '85. This totals $78.8 billion, or 29.8% of the total '85 request.

ECONOMIC ASSUMPTIONS

Adjusting for anticipated inflation, real growth is seen at 13.0% over 1984 in the bill total as requested.

BUDGET RESOLUTION COMPARISON

The 1984 Budget Resolution, adopted June 23, 1983, provided Congressional guidance to Departments on 1985 budget request estimates as follows:

For 1985 Defense (050) category

	Billions
Budget authority	$297.3
Outlay	265.3

The actual 1985 request, compared to the Budget Resolution of June, 1983 is as follows:

For 1985 Defense

[In billions of dollars]

	Budget authority	Outlay
Budget resolution	297.3	265.3
Request	305.0	264.4
- 1985 plus or minus	+7.7	−.9

Thus, the Defense category request is higher than the budget resolution guidance in budget authority but slightly below in outlay.

CHART 4.—FISCAL YEAR 1985 BUDGET—BUDGET AUTHORITY BY TITLE

[in billions of dollars]

	Fiscal year—			
	1983	1984	1985	Change 1984–85
Military personnel	45.7	48.6	53.0	+4.4
Retired pay [1]	16.2	16.6	17.6	+1.1
O&M	66.5	70.9	81.4	+10.4
Procurement	80.4	86.0	107.6	+21.6
RDT&E	22.8	26.9	34.0	+7.1
Military construction	4.5	4.5	7.2	+2.6
Family housing	2.7	2.7	3.2	+.5
Other	.7	2.0	1.1	−.9
Total	239.5	258.2	305.0	+46.8

[1] Fiscal year 1983 and 1984 are on a cash basis; fiscal year 1985 is on accrual basis.

PROGRAM HIGHLIGHTS

Strategic procurement

B-1 Bomber: The request is for 34 aircraft at a cost of $7.7 billion. In 1984 Congress approved 10 planes for $5.7 billion.

M-X: The request is for 40 missiles and $2.9 billion. In 1984 Congress approved 21 missiles and $2.1 billion.

Trident Subs: The request is for 1 submarine @ $1.8 billion.

In addition, funds are requested for Trident II missile full scale development and for Stealth system, as well as for R&D for a ballistic missile defense system. The ALCM and GLCM programs continue. The above table does not reflect R&D, spares, or Milcon associated with the system.

General purpose

Army:

[In numbers to be procured]

	Fiscal year—	
	1985	1984
M-1 tank	720	840
IFV	710	600
AH-64	144	112
UH-60A	78	84
Patriot	585	440
DIVAD gun	132	130

There is again a request for binary gas facilities and long lead items as follows:

Binary gas:	
R&D	25.9
155 long lead	13.0
Big eye facilities	42.0
Milcon	11.0

Navy: Shipbuilding plans call for $13.1 billion, including the following:

	Fiscal year—	
	1985	1984
DDG-51	1	0
AEGIS	3	3
LHD-1	0	1
LSD-41	2	1
SSN688	4	3
Mine sweepers	4	3
Trident	1	1

Missouri reactivation begins and Carrier SLEP for the Independence starts.

The Navy aircraft procurement request includes:

	Fiscal year—	
	1985	1984
F-14	24	24
F-18	84	84
AV8B	32	27
P3C	9	5
LAMPS III	18	21

Airlift:

	Fiscal year—	
	1985	1984
C-5B	10	4
KC-10	8	8

Air Force TacAir:

	Fiscal year—	
	1985	1984
F-15	48	36
F-16	150	144

Guard and Reserve: The number of personnel is scheduled to increase by 52,000.

Active Force Levels: The number of personnel is scheduled to increase by 30,000.

RESEARCH AND DEVELOPMENT

	Fiscal year—	
	1985	1984
Major R&D programs include:		
Trident II	2,091.1	1,473.2
VTXTS	113.4	24.9
JVX	198.5	86.7
Advance submarines	153.8	81.3
DDG-51	124.6	108.6
F-14A	294.0	42.0
ICBM modernization	2,440.8	2,452.2
C-17	129.3	26.6
Alternate fighter engine	56.9	94.9
JSTARS	95.0	41.0
Space initiatives (star wars)	1,777.0	991.0

Military construction

There is a 37% real growth in Milcon. M-X (Peacekeeper) construction in Wyoming begins at a cost of $111 million.

As shown on the following chart there appear to be significant increases in requests for personnel support and weapons support facilities.

Military construction

Military construction totals:	*Billions*
Fiscal year 1984	4.5
Fiscal year 1985	7.2
Change fiscal year 1984–85	[1] + 2.6
Major changes in fiscal year 1985:	
Quality of life (improved housing and community and health care facilities)	+ .6
Mission and weapon support (new/emerging weapons include MX, B1, GLCM, and Trident)	+ 1.3
General support (includes warehousing and basewide utility systems)	+ .4

[1] Does not add due to rounding.

Additional points

The Army will reorganize one division to a light configuration starting in FY 1985.

A new division (the 17th) will be activated by the Army starting in FY 1985.

CHART 6.—FISCAL YEAR 1985 PRESIDENT'S BUDGET—MANPOWER

[In thousands]

	Fiscal year—		
	1983	1984	1985
Military active duty:			
Army	780	780	781
Navy	558	565	575
Marine Corps	194	197	200
Air Force	592	595	610
Total military [1]	2,123	2,136	2,166
Civilian end strength:			
Army	391	400	402
Navy	339	340	339
Air Force	251	249	254
Defense agencies	83	89	90
Total civilian [2]	1,064	1,078	1,085
Total military and civilian	3,187	3,214	3,251

[1] Includes military assigned to Defense agencies and cadets.
[2] Civilian end strength includes classified, wageboard, foreign indirect, civilian technicians, and permanent part time.

CHART 9.—FISCAL YEAR 1985 DEPARTMENT OF DEFENSE BUDGET—LONG RANGE FORECASTS

	1984	1985	1986	1987	1988	1989
Budget authority (billions of dollars):						
Military retired pay [1]	16.6	17.6	19.4	20.9	22.5	24.0
Other military functions	241.6	287.4	330.2	358.3	389.0	422.1
Total, current prices	258.2	305.0	349.6	379.2	411.5	446.1
Total, constant (1985) prices	269.9	305.0	333.0	344.7	357.9	371.7
Percent change	3.7	13.0	9.2	3.5	3.8	3.9
Outlays (billions of dollars):						
Military retired pay [1]	16.8	17.4	19.3	20.9	22.5	23.9
Other military functions	214.2	247.0	282.5	318.3	347.3	374.9
Total, current prices	231.0	264.4	301.8	339.2	369.8	398.8
Total, constant (1985) prices	241.8	264.4	286.7	306.8	319.5	330.1
Percent change	8.8	9.3	8.4	7.0	4.1	3.3
Composite pay/price assumptions for outlays (fiscal year 1985 equals 100 percent)	95.5	100.0	105.3	110.6	115.8	120.9

[1] Retired pay is on a cash basis in fiscal year 1984 and on an accrual basis thereafter.

Mr. EDWARDS of Alabama. Mr. Speaker, on page 3 of that document we set out the places where the money will be sent that is budgeted by the President, and they fall into four basic categories. The first is "Prior Year Appropriations," which means money which we have appropriated in years gone by that we will assume for purposes of argument will continue to be spent as the programs are developed and that they will not be canceled. If you make that assumption, then you are talking about $95.8 billion or 36.2 percent of the outlays, which, in a sense, are untouchable. You cannot really play with them unless you start to cancel programs.

The second item is in the broad category of "Pay and Allowances" for fiscal year 1985. That is $89.8 billion, some 34 percent of the budget. We will assume for purposes of argument that you cannot really mess around too much with the "Pay and Allowances" of the budget because they are pretty well fixed, and we are not going to tamper, really with the pay of the troops, and this sort of thing.

You come down to "Operations" provided for in the 1985 bill, O&M, and some little bit of R&D, and that is $46 billion, some 17.4 percent of the budget.

And, finally, "investment" for fiscal year 1985 in the bill, some $32.8 billion, that is, procurement and some R&D, 12.4 percent of the outlays.

So what it means is that you have only got really about $78.8 billion of this budget or some 29.8 percent of it that you really can work with in trying to find places to cut. It makes the job rather difficult, I think, for our committee as we try to deal with this massive budget in that way.

Mr. Speaker, I see the chairman of our subcommittee is on the floor. I know he has a special order, I assume to talk on the same subject. I will close and listen with great interest to my beloved chairman.

Let me just close, Mr. Speaker, by referring to what I will call exhibit D.

Exhibit D is as follows:

NATO WARSAW PACT COMPARISONS

Over the decade 1974-83, the Soviet's military spending exceeded ours by about 40 percent.

DIA estimates that Soviet military spending will consume about 17-19 percent of their GNP by the late 1980's as compared to about 7.5 percent in the United States.

The Pact has been investing more heavily in military hardware than the free world since 1972. Cumulatively from 1972 to 1981, they outspent us by about 20 percent.

The Pact production continues to outpace NATO's by alarming ratios in most categories:

Tanks	1.8/1
Other armored vehicles	1.9/1
Artillery, mortar and rocket launchers	7.3/1
Military helicopters	1.7/1
Surface-to-air missiles	2.8/1
Strategic nuclear missiles	4.9/1
Cruise missiles	6.0/1

□ 1810

Mr. EDWARDS of Alabama. Exhibit D is a document put out by the Pentagon. It is entitled "Warsaw-NATO Pact Comparisons," and it basically compares items that would be familiar to all of us as to the numbers of those items turned out by the Warsaw Pact countries on the one hand and the NATO countries on the other.

It shows some rather alarming ratios. People say, "Why do we have to spend $305 billion? Why can't we cut back? Why do we have to have such massive expenditures for defense?" This document really is just designed to show in one small way that there really is an ongoing program on the other side, that we are not tilting at windmills or boxing with shadows.

It shows that they are building 1.8 tanks to every one we build; that they are building 1.9 armored vehicles for every one we build; that they are building 7.3 artillery, mortar and rocket launchers for every one that we build; 1.7 helicopters for every one we build; surface-to-air missiles, 2.8 to 1. They are building 4.9 strategic nuclear missiles for every one we build; 6 Cruise missiles for every one we build.

We are not trying to rattle sabers or anything like that, but it is just simply a matter that we have to face up to and that the Constitution charges the President, whoever he may be, with, sending over a budget to provide for an adequate defense for this country.

I would submit to Members that this President has done that in this budget. There will be much, as I say, that we can debate. There will be much that we will disagree with. There is much in here that we will have to agonize over, and there certainly is a lot in here that we have got to learn more about. This is a preliminary, cursory view of the defense budget from this Member's perspective, and I hope those who read the RECORD will find something of value in these comments.

WHY IS CONGRESS NOT DOING ANYTHING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, a couple of housekeeping details here, if we could.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the subject of the special order today by the gentleman from Pennsylvania (Mr. RITTER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, the gentleman from Pennsylvania (Mr. RITTER) was unavoidably detained and was unable to get over here to take a special order that he had scheduled on the Ukraine. I believe several Members want to participate in that and this is simply to give them an opportunity to have time on it.

Mr. Speaker, I would also at this time like to yield to the gentleman from Virginia (Mr. BATEMAN) who has a special message.

TRIBUTE TO A YOUNG HERO

Mr. BATEMAN. I thank the gentleman very much for yielding.

Mr. Speaker, in an era when our attention is too often directed to incidents of crime, declining moral standards and a rejection of decency and unselfishness as a controlling rule of conduct, it is indeed a pleasure to call to the attention of the House an example of unselfish heroism.

Timothy Diakis, a resident of my district, provides Americans just such an example. Young Timothy, at the age of 11, put regard for his own safety aside, rushing into a burning building to save an elderly woman from fire. He pulled 83-year-old Sarah Sherman to safety from her smoke-filled bedroom, before collapsing in the hallway of the Newport News apartment house with severe burns on his back and hands.

Timothy's parents, George and Diana Diakis, because of a recent change in employment, had insurance only to cover the father. They were left with impending medical bills which seemed an impossibility to pay.

Newspapers across the State and the Nation picked up Tim's story and publicized it from coast to coast. National news networks such as NBC put Tim's story on television, exposing even more Americans to his heroic act and lack of resources to pay his staggering medical expenses. A fund for Timothy evolved, bringing hope to a family faced with disaster born of a selfless act of heroism. For their leadership in this, the members of the Warwick Ruritan Club of my home city deserve commendation.

Mr. Speaker, I believe that this young man deserves the ultimate in praise. His actions certainly exemplify the ideals for which we all should strive. However, there was more than just one hero involved with this story. There were hundreds of caring people who responded to the needs of the Diakis family.

Timothy and all of those who showed their concern should be lauded. Members of the press and all who sent donations deserve great praise. They reflect the very strength and high ideals which sent Timothy into that burning building. They exemplify the strengthening of traditional values which President Reagan commended to us in his state of the Union address just last Wednesday.

Submerging one's concern for personal safety and well-being in the interest of another is the very essence of courage and heroism. This is precisely what young Timothy Diakis did and I know all Members of the House join me in saluting him for it. Giving help to others in their time of need is the essence of being a good neighbor. It is at the core of truly understanding the ethical teachings of our Christian-Judaic heritage. This is what is exemplified by those who by their contributions have responded to the need of the Diakis family.

Mr. Speaker, I am proud to have this opportunity to express the gratitude of the House to young Timothy and to those in my community, throughout Virginia, and the Nation who responded to their need.

Mr. WALKER. I thank the gentleman from Virginia very much for a very inspiring story. We thank him for bringing it to the floor and allowing the House to go on record through his remarks to congratulate all those involved.

Mr. Speaker, we have completed another day of House session, a day in which we had no votes, a day where we considered one bill which was of a fairly noncontroversial nature, and we adopted a couple of amendments to that bill, and here we are, about 3½ hours into the session, and we are essentially finished.

I make that point because I think there are an awful lot of American people who might be asking themselves at this point why. Why is Congress not doing anything? What is it we are waiting for? There are a number of major issues that need to be addressed, and why is Congress not addressing those issues?

The answer is that the leadership of this Congress has made a specific decision that we are not going to address those issues. We have here not just a case of collectively 435 people deciding not to do the work which the American people expect them to do; we have here a case of the leadership of this Congress mandating to the 435 Members of this body that they will not do the work.

I can say that with all kinds of confidence here this evening because today, on this floor, we had an opportunity to deal with some of the major issues that are before this Congress and before the country, and the leadership of this Congress specifically refused to take those issues up.

Today we had a call of the calendar. We went all the way through the calendar. What does the calendar mean? That means that every one of the committees had an opportunity today to bring to the floor some piece of legislation that has been reported out of that committee and is available for action by this House. Every committee of the Congress today had an opportunity to bring that kind of legislation to the floor. Every committee chairman, the leadership of this Congress, refused to bring those bills to the floor.

□ 1820

They allowed the calendar to be read, and they specifically decided not to respond to that call. I think what we need to do is to understand that that was not some minor incident that took place out here. There are a number of matters of major concern that could have been brought out here to be debated under an open rule, to be amended, if that was the will of the Congress, and then to be passed, if that was our desire.

Let us think about what some of those were. One of them is the bankruptcy bill, a bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution.

Why is that important? Because some months ago the Supreme Court ruled that the present bankruptcy system is unconstitutional, and that we need to have new bankruptcy judges appointed or a new system established in order to assure those people in our country who have to go through these proceedings that they have a system in which to do it.

Now, the one way of getting at that, that the Judiciary Committee has acted upon, was to provide for the appointment of bankruptcy judges under article III. I am not certain personally that that is the whole answer. But the fact is that we could have brought that bill out here, we could have amended it, we could have done those things that are necessary, and we could have acted on something where we are faced with an April deadline. If we do not act by April, the Supreme Court's time to act is going to run out. We have done nothing around here thus far. There is no action scheduled. Today the Judiciary Committee had an opportunity to bring that bill to the floor for action, and they specifically refused to do it.

I think we should be asked, why cannot Congress act on something when it specifically had the chance to do it? There may be some people who would think that it was reasonable, given our very light legislative schedule and given the fact that we had nothing else really to do today, that we might have acted on bills designed to provide for primary care, that is, health care block grants, bills to provide for maternal and child health services, that we might have had some need to get to that kind of legislation today. And yet we did not do it.

Some people might think that it would be necessary to get the bill out here to provide for maintenance of the Panama Canal. That is a major need in the economic life of our country, to have the Panama Canal properly maintained. There is a bill to do that, and we decided not to deal with it.

Some people might think that providing grants for the improvement of proficiency in critical languages, thereby having an impact on national security, might be something that the Education and Labor Committee could have brought to this floor today, but they decided not to do that. They decided instead to allow themselves to be passed over.

Some people might feel that the Committee on Interior and Insular Affairs could have brought to us the Indian housing program, but, no, they decided instead to allow that to be passed over and for Congress to do practically nothing today.

Some people might feel that having the authorizations for the Department of Justice and thereby having a program really authorized for once—we

have not had authorizations for the Department of Justice in some time—and really authorizing that part of our Government which is responsible for fighting crime, namely, the FBI and some of those elements of the Justice Department, is important, that it might have been a good idea to bring that out here and debate it and debate some of the controversial issues that relate to the Justice Department such as quotas and busing. But, no, specifically it was decided that we would not deal with that kind of issue here today, that we would just pass it by.

Some people might think that the gentleman from Maryland (Mr. MITCHELL), from the Small Business Committee, should have brought out the Small Business Act amendments so that this very vital section of our economy could have been dealt with and small business might have had their day on the House floor. But again, specifically that was passed over. No action was taken.

There is legislation before the Veterans' Affairs Committee that could have come out on the floor today, legislation to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children. That could have been something that we would have dealt with out here today. Yet it was decided that that, too, would be passed over.

There are several other bills, and this one, I think, is an important bill. We could have had on the House floor today a tax reform bill. Now, it would have been a very unusual kind of consideration of a tax reform bill, because normally when we get tax bills out here, they come out here under a closed rule so we cannot amend them and so that Congress cannot really work its will on them. Today if the chairman of the Ways and Means Committee had called up the tax reform bill that has been reported out of his committee, we could have had it out here, we could have debated it for a couple of hours, and then we could have had a chance to amend it.

Now, what does that mean? It means that all of the liberals who have been shouting now for weeks that one of the things they want to do in order to deal with these deficits is to raise taxes for the American people would have had their opportunity to do so. They could have come right here to the floor today and they could have raised taxes for the American people. They could have dealt with the deficit in the manner which they say is the responsible way of doing it. But instead, the Ways and Means Committee passed over the opportunity to do so.

What about those of us on the conservative side? Some of us feel as though it might be well in this country to move toward a flat tax and to get rid of the horrendous tax program that we now have that allows people to escape through loopholes and has devastating impact on investment in this country. We would have had an opportunity to offer a flat tax amendment out here had the Ways and Means Committee chairman that bill out under the calendar. We did not do it.

I am simply suggesting that we could have worked on some very important issues here today. We would still be working right now, I must say. There is no way, if we brought the tax bill out here, that the House would be on the verge of closing down after meeting for 3½ hours. But that is what we were sent here to do. It seems to me the American people might expect that we should be working on something like a tax reform measure rather than closing down, having considered the earthquake and fire prevention bill.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank my colleague for yielding.

I think the gentleman has made an important statement, because indeed today was another day in which we accomplished virtually nothing in the House of Representatives while the country sits out there wondering why the Congress does not act.

I would like to just review a little bit some of the activities that have taken place in the last couple of weeks that have sought to highlight this problem that we have of the Congress, and specifically the House of Representatives, refusing to act on the people's agenda. At the opening of this session, many of us sought to draw attention to a number of particular issues that have broad popular support and that have been bottled up in committees and never even permitted to be voted on in many cases. We asked unanimous consent that we could bring right to the floor for votes and debate the school prayer amendment that would allow voluntary prayer in our public schools, the balanced budget constitutional amendment that would mandate a balanced budget, and the line-item veto amendment that would give the President of the United States the authority to veto specific items within appropriation bills, as 44 of our Nation's Governors have, thus enhancing his ability to control Federal spending. Those items could have come immediately to the floor, we could have debated them, and we could have voted on them. They are not new legislation. These things have been around for a long time. Those unanimous consent requests, of course, were all objected to on the majority side of the aisle by the Democrats, meaning that they did not want to bring them to the floor.

Later on, even our ability to make that request was hampered somewhat by a ruling by Speaker O'NEILL that we had to have those requests cleared in advance by both the minority leadership and the majority leadership, thus restricting the ability of a Member of Congress even to ask permission by unanimous consent to bring to the House floor items of legislation.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time for a moment; yes, that happened, and I think we found out why, because it turned out that a couple of majority Members who objected to those unanimous consent requests found themselves politically embarrassed by the objections they raised. That is important to understand.

In other words, when the American people in their district found out that they objected to some of those things coming up, the people in their district got very angry about that, and, of course, immediately the Democrats decided that they were not about to allow some of their people to be embarrassed by the ire of the American people against the actions they took. So the Speaker gagged us.

Mr. WEBER. Mr. Speaker, will the gentleman yield further,

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, the gentleman is, of course, precisely correct. The reason these things are not debated or voted upon does not have anything to do with the merits of the issue. It is because the majority does not want to see them debated or voted on. Certain Members do not want to go on record because they do have the support of the American people.

In the case of voluntary school prayer, as the gentleman knows, almost 80 percent of the American people support a constitutional amendment to permit children to pray voluntarily in their schools.

Furthermore, one of the arguments used by the Democratic majority against bringing these items that have been around for so long to the floor of the House was respect for the committee process.

□ 1830

We were told that you cannot go around the committees and bring items directly to the floor of the House even when they have been around for many, many years. So we raised certain problems that many of us have with the manner in which the committee process functioned.

We raised specifically three issues; first of all, the issue of proportional representation. Most of the American people are not aware of the fact that

the committees are in essence stacked in favor of the majority party, that meaning they have a higher percentage of the seats on a given committee than they have in the House of Representatives as a whole, which means that the committee structure is not reflective of the will of the American people as was expressed in the recent election.

Mr. WALKER. We do not have one-man, one-vote in the House of Representatives.

Mr. WEBER. We do not have one-man, one-vote in the House of Representatives through the committee process. We raised that as an issue.

Furthermore, we raised the issue of proxy voting, ghost voting as one of our Members called it. Many American people do not know that many of the decisions that are made in the committees of the House of Representatives are made in some cases with only one man casting all the votes for the majority, because we permit proxy voting in the House of Representatives, so that one man can sit there with a book of proxies and when the item comes up for debate, he votes those proxies for Members that are not even in the room.

Mr. WALKER. They do not even have to be in town, as a matter of fact.

Mr. WEBER. They do not even have to be in town.

Let me conclude my argument here.

So we raised the issue of proxy voting, saying that if we are going to have a committee structure that is truly representative of the American people and responsive to the will of the American people, we should demand that people be able to go to committees and vote on important issues, as we must in the House of Representatives where there is no proxy voting.

Finally, we raised the issue of verbatim transcripts, particularly in the CONGRESSIONAL RECORD. Many of the American people are becoming aware of the fact that what they read about in the CONGRESSIONAL RECORD, the record of business in Congress, is altered sometimes 180 degrees. We raised that as an issue in terms of the accountability of the Congress.

Mr. WALKER. That is the issue that the Reader's Digest calls "Congresses license to lie."

Mr. WEBER. That is exactly correct.

On all three of those items, proportional representation in committees, proxy voting or ghost voting in committees, and verbatim transcripts, we requested votes that would have changed those items immediately, or at least given us the opportunity to debate changes in those items.

We were voted down in every case by the Democratic majority in the first week that this Congress was in session.

What the Democratic party basically has done is stacked the committee process both by giving themselves unproportional representation on committees and by the rules under which the committees function, proxy voting, et cetera, and then use the power of the Speaker and the power of the rules, in my judgment in an abusive manner, to present items which are bottled up in the committees which they have stacked from coming to the floor of the House, items like school prayer, the line-item veto, and the balanced budget amendment.

One technique that we had at our disposal that was initiated many years ago as a protection against the power of the Speaker was the procedure called Calendar Wednesday, that the gentleman in the well has described so well. We managed to prevent the abrogation of the Calendar Wednesday procedure so that we would have an opportunity to call up under this infrequently used procedure bills that had been acted upon in committee, but have not been to the floor for votes. Under this procedure, any bill ready for action could be brought up.

When we called the Calendar, though, as the gentleman in the well points out, not a single committee chairman was willing to report a single piece of legislation to the floor of the House.

Mr. WALKER. If the gentleman will allow me to reclaim my time, and I will be right back to the gentleman, I have a couple gentleman seeking unanimous-consent requests.

Mr. WEBER. I am glad to cooperate with the gentleman.

SPECIAL REQUEST

Mr. ADDABBO. Will the gentleman yield?

Mr. WALKER. I will be pleased to yield to the gentleman for his request.

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that my remarks on my special order will appear immediately after the remarks of my distinguished colleague from Alabama (Mr. EDWARDS). I regret that Mr. EDWARDS is leaving us after this term and after listening to his distinguished remarks on our budget, mine have a little different tone as far as my position on the defense budget.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York (Mr. ADDABBO) for his unanimous-consent request and I hope that he does not too badly render askew the remarks of the gentleman from Alabama, my good friend, the gentleman from Alabama.

I am glad to yield now again to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for again yielding.

The point I make that the gentleman was developing earlier on the Calendar Wednesday procedure, when we saw that calendar read and every committee chairman in the House of Representatives in essence refusing to call to the floor for action even a single piece of legislation, the point that needs to be made to the American people, of course, is that this was no random action. This was a party decision. The party obviously came to the decision that they were not going to call any items to the floor and they told their chairmen, "Don't abide, don't utilize the Calendar Wednesday procedure even for those items that must be acted upon in your committee."

And one of the items being bottled up, of course, in addition to the items we mentioned, school prayer, the line-item veto and the balanced budget amendment, there is a whole long agenda of items that the gentleman mentioned that have been followed up and that could have been acted on today if we chose to do the Calendar Wednesday procedure. There is the tax reform, bankruptcy reform, the insanity defense, as I understand, is a piece of legislation that has been languishing for a long time; the Small Business Act amendments, Indian housing, the authorization for the Justice Department, certain veterans disability benefits legislation; all these items were prevented coming to the floor for debate on a day in which the House spent less than 3 hours on substantive work through a decision by the majority party. I think that is unfortunate. If the American people are frustrated as to why this Congress cannot act on their agenda, it is not because they cannot—it is because they will not.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman.

I think it is important to put a couple things the gentleman said together.

We were told, as the gentleman says, that one reason why you cannot come to the floor with a unanimous-consent request to bring some of these things out is because the committee process needs to work, that this committee process, unfair as it is, has to be given a chance to work.

All right, if you buy that argument, then how can you buy the other side of the argument, that when the committee process has worked and produced a bill, the chairman refuses to call it up under Calendar Wednesday. You know, they want to have it both ways. They want to be able to say on the unanimous-consent request, "Well, the committee process hasn't worked," but when it comes to Calendar Wednesday, they want to say, "Well, despite the fact the committee process has worked, we are not going to bring that legislation up, either."

I mean, they want it both ways and what it is, it is a refusal to deal with issues. It is the Democratic majority refusal to deal with issues. They will

use their power in whatever way they have to use their power in order to keep bills from coming to the floor and that is what is happening here. They make their arguments depending upon what procedure is being used to block progress. That is really a shame. It tells you something about the fact that we really do have a dictatorship of the majority around here that is perfectly willing to crush minority rights.

I am glad to yield further to the gentleman from Minnesota.

Mr. WEBER. I just want to point out again that on all these issues, these are the issues that we are talking about and have raised. They are not frivolous issues. They are matters of substantive importance. They are not issues that are supported only by a tiny and vocal minority of the American people. In the case of the balanced budget amendment, the line-item veto, a substantial majority of the American people, in poll after poll, support action on these items.

In the case of the school prayer amendment, 80 percent of the American people support action on this item.

In the case of bankruptcy reform legislation, we are literally under orders from the Supreme Court to take some action in regard to the reform of the Federal court system, and anyone who has been victimized, if you will, by the existing bankruptcy laws knows how critically necessary it is that we act on this legislation.

In the southwestern part of our country, I am told—I am, of course, from the Frost Belt—but my friends from Texas, California, New Mexico, and Florida, tell me that there probably is no issue more important to them than immigration reform.

These are vitally important issues that are being blocked from consideration by the Democratic majority in this House, and that is a real tragedy.

Mr. WALKER. Well, the gentleman makes an excellent point. Let us face it. The reason why the bankruptcy bill did not come out here today was purely political. If, in fact, we would pass that bill, Ronald Reagan would get the appointment of a bunch of bankruptcy judges and there is no way that the Democratic leadership is going to allow that bill to come to the floor, regardless of how vital, regardless of the fact that we are under orders from the Supreme Court to do something; they are not about to take that kind of a step.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. WEBER. Am I not correct that the Supreme Court has twice extended the deadline that the Congress has for reforming the Federal bankruptcy court system?

Mr. WALKER. The gentleman is absolutely right. The Supreme Court has been more than lenient and the Supreme Court is giving signals that it is not going to be lenient any longer.

Mr. WEBER. And the gentleman is telling me that the main reason why the Democratic majority refuses to act on this legislation is because they are afraid that President Reagan would then get to appoint the bankruptcy judges?

Mr. WALKER. That is my understanding, that that is the reason for holding up something which the Supreme Court is saying that we have to do.

The point is that there are a number of controversial issues, as the gentleman knows, surrounding bankruptcy.

□ 1840

But we could have dealt with those issues out here on the floor today, because it would be out here under an open rule. We could provide amendments to deal with some of the controversial aspects of bankruptcy reform, and we were not given a chance to do it, though, because the chairman of the Judiciary Committee refused to call it up. That is the point.

Mr. WEBER. If the gentleman will yield, again under the procedure we were operating under today, called Calendar Wednesday, that bill could have been brought to the floor today, debated today, acted upon today.

We are standing here now tonight at 6:41 eastern standard time. The House has ceased substantive action on legislation for the best part of an hour, and Members are going home. We could be debating this bill right now and have it finished up and have done some substantive work today instead of basically acting on minor legislation.

Mr. WALKER. Let us not kid ourselves that we have spent 2 hours or so on substantive work, because the first hour was spent with diatribes against the budget deficits the President has sent up here from the Democratic side, and some diatribes from our side about what was said by the other side. So we spent the first hour here wrangling about the budget today. There was nothing substantive about the budget.

As soon as the motions were made to bring up the balanced budget amendment by unanimous consent, well, that was immediately refused by the majority side. So it was all pure political talk out here. It had nothing of substance connected with it.

So we might have spent 1 hour today on something of substance. That is about it.

And yet we are told by virtually every committee chairman that they could not come out to the floor today and bring bills out of a major nature.

I think the American people have to understand that that is the way this place is operating and that we are not being properly represented by a majority that treats in so cavalier a fashion the issues that are of vital importance to the governing of this country.

Mr. WEBER. I think the gentleman is precisely correct. I think that this issue is going to become more and more salient to the American people as the years go on.

One of the things that struck me as I went home—and I am sure as the gentleman did over the Christmas break—and spent a lot of time talking with my constituents, I think that my constituents are way ahead of most of the Members of Congress in their understanding of the critical nature of some of the issues that this country faces. They desperately want to see Congress take action and they do not understand why Congress cannot take action. I got this real sense of urgency from my constituents on a whole number of issues when I was home.

Then I come back to Washington for the opening of the second session of the 98th Congress and what are the headlines talking about in virtually every major newspaper that covers this institution? The fact is the headlines talk about the fact that nothing was going to be done in this year because it is an election year.

Now, mind you, this is the opening day of the session that we were told this, that nothing was going to happen. The whole year ahead of us and already we are being told we are not going to do anything of importance to the American people.

Certainly, we have nothing that has happened in the first week and a half now of this congressional session that would in any way disprove those opening day headlines.

If we cannot form some change in the way this institution operates, this will be a lost year for the American people.

Mr. GREGG. Will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman from Pennsylvania for yielding. I think the gentleman from Minnesota has made the point extremely well.

The fact is that the American people have sent us here with what is a clear agenda for them, anyway, and that is we have to do something about this budget. Specifically, we have to do it at a constitutional level with a constitutional amendment and a line-item veto.

More than a majority of the American people believe that.

We have to do something about school prayer. The American people do not like the fact that we start this

House with a prayer, but their children, when they go to school, cannot pray, and they expect that their body which they elected is going to do something about that.

I think if the American people knew that the committee structure in this House denied at least 40 percent of the American people one-man, one-vote, one-woman, one-vote opportunities because membership is not apportioned on the basis of votes and apportioned on population but it is apportioned on the basis of the whim by the leadership in this House, that they would be extremely upset also.

I think the American people should put the pressure on this House to address the agenda which they believe is the agenda which is important to them, not the agenda which happens to appeal to a few special interest groups who underwrite the political campaigns of certain Members in this House or who happen to be involved in the political efforts of certain of the membership of this House.

It is time for the American people to tell this House that if this House is not willing to do the job which it has been sent to do, then it is going to change the majority of the Members of this House so that they will be responsive to those concerns.

So I commend the gentleman. I commend the gentleman from Pennsylvania for taking the time out of your day to come here and point out this very critical situation which has arisen, this tremendous gap in credibility between what we do as a House of Representatives, which is essentially nothing that is tied to the agenda of the American people, and what the American people legitimately want of us and expect us to do.

Mr. WALKER. I thank the gentleman from New Hampshire, because the point raised by the gentleman from Minnesota a moment ago is a good point. The very people who were going to the press during the recess, or just after the recess was ending, and telling the press that nothing was going to happen in this session of Congress are the people who are in control of the agenda. So they set the agenda at that point. They told the American people that nothing is going to happen, and now they are making certain that nothing does happen.

All you have to do is take a look at the first 2 weeks of the operation of this place and understand that nothing is happening here. And I think we can expect that nothing will happen unless it is forced to happen on this floor.

I appreciate the gentleman from New Hampshire and the gentleman from Minnesota joining with me in this special order to basically say to the membership of this House and to the American people that we feel strongly that that kind of action should be forced, and we are going to continue the process of attempting to force it, whether it be by unanimous-consent requests, whether it be by Calendar Wednesdays, whether it be by amendments to bills that they bring out here as a part of their agenda, that we are going to attempt to force this House to act on things that the American people want to see done.

That is being viewed by some of the leadership around here as, of all things, obstructionism, and that term has been used to say that a pattern of trying to bring the agenda of the American people to the floor is a pattern of obstructionism.

I call it democracy, and I realize that at times people who run dictatorships do not like to have their agendas interfered with because what they desire is to be efficient.

Dictatorships are notoriously efficient. Democracies are sometimes inefficient. But I question whether the American people want their House of Representatives to be a dictatorship or a democracy. My guess is that they want a democracy here on this floor. They want the votes on the issues. They want to be able to assess their individual Congressman's voting record the next time, not just based on the agenda that he wanted to vote on, but the agenda that they wanted him to vote on.

If we can accomplish the goal of bringing to the floor some of the things that the American people want voted on, then I will risk a little bit of inefficiency in order to have a little bit more democracy.

I thank the gentleman again for joining with me in this special order and I yield back the balance of my time.

FAMINE IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Speaker, the famine in Africa has reached awesome proportions. Earlier this week, the Washington Post reported that Nigeria faces its lowest rainfall in 40 years. Twenty-three other countries in Africa are parched by the drought, most for the second year in a row. Crops and livestock have been wiped out in many areas. Food stocks are depleted or will be gone before the next harvest. Water levels are dangerously low.

I requested this special order to focus attention on the desperate need for a separate supplemental appropriation to provide famine relief throughout the continent. If additional aid is not expedited, millions of people may face prolonged suffering and death by starvation. Some 100,000 persons have already died in Mozambique alone.

To relieve the immediate crisis, at least 3.3 million metric tons of food are needed, according to the U.N. Food and Agriculture Organization. The donor nations have committed only 1.7 million tons so far this fiscal year. An additional 1.6 million tons are urgently needed. Three quarters of that urgent need must be supplied by June of this year.

□ 1850

On Monday, the Agency for International Development (AID) announced $10.9 million in additional aid to three African countries and requested a $90 million supplemental appropriation for Africa under the Food for Peace (Public Law 480) emergency reserve.

However, I believe it is imperative for the United States to approve a higher level of assistance at this time. The United States has traditionally provided 50 percent of the emergency food aid worldwide. This level is based on both humanitarian concern and agricultural abundance. Grains comprise the vast majority of food consumption in Africa, as in the rest of the world, and the United States holds about two-thirds of the world grain stocks. This year, U.S. farms produced unprecedented surpluses. Moreover, the United States tends to play a leadership role in providing emergency food aid, prompting other nations to pledge more.

Thus, I am urging support for a supplemental appropriation that comes closer to our traditional standard of assistance. It is important that this be a separate appropriation, independent of requests for other foreign aid supplementals that could be delayed for months. Such a supplemental appropriation measure in the amount of $300 million is expected to be introduced tomorrow. Members are invited to become cosponsors.

I am also urging the release of the remaining money in the Food for Peace (Public Law 480) Emergency Reserve. At present, about $61 million remains in the account. Only after these funds are used up, can we tap into the emergency wheat reserve which has about 300 million metric tons remaining. The wheat reserve could be used to fill requests while the supplemental measure is pending.

Mr. Speaker, at this time I would be pleased to yield to my distinguished

colleague from New York (Mr. MOLINARI).

Mr. MOLINARI. I thank the gentleman from New York, (Mr. WEISS), for yielding to me.

Mr. Speaker, I would like to join my colleagues in this bipartisan effort to request the emergency aid for the people who are dying throughout the world, particularly in Africa.

Mr. Speaker, I commend the gentleman (Mr. WEISS) for bringing on this special order because time is running out and I think it is important that we do seek to get a concentration of the Congress on this very, very urgent issue. I believe it is our moral obligation to do all that we possibly can in order to alleviate the great suffering being endured on the continent of Africa. The latest supplemental request is part of a series of actions taken by the administration to address this critical problem and I applaud the decision announced Monday to increase assistance.

The famine in Africa is a result of drought which began in 1982 and continues to seriously affect food production. The problem is intensified when combined with a lack of favorable government agricultural policies, an inability to cover food deficits by commercial imports as a result of a deterioration of their balance of payments, and the prevalence of animal disease. Civil strife inhibits food aid distribution and encourages the migration of refugees, thereby placing more of a strain on the governments of the affected nations.

It is my belief that the United States is trying to respond both effectively and efficiently to this crisis. I had the opportunity of witnessing this firsthand when I attended the Food and Agriculture Organization Conference held in November of last year. The African crisis was one of the dominant issues of the Conference and I think all 156 countries in attendance realized the critical importance of addressing this problem. Secretary Block, as head of the U.S. delegation, reinforced our aid commitment by announcing that the United States was pledging $25 million in direct emergency food aid. The announced increase was in addition to a previous $25 million increase in emergency food aid for Africa, which brought the amount of total food and agricultural aid to the continent to $550 million for 1983. Once back home, I was pleased to hear of the January announcement by the Agency for International Development that $32.7 million in new funds was being allocated for the African crisis. Finally, as you know, on Monday Secretary Shultz announced a request for an emergency appropriation of $90 million which would allow for 200,000 metric tons of food aid.

In my contact with AID during the past 2 months, officials freely acknowleged that more emergency aid would be necessary based on their actual and projected requests from African countries for food aid. It is evident that, in terms of this situation, our Government has a consistent pattern of increasing aid as the facts warrant. I encourage the administration to continue to be receptive to future needs.

Mr. Speaker, I think it important to note another announcement which was made Monday by Secretary Shultz aimed at addressing long-term solutions to the hunger of Africa. I was encouraged to hear of the proposed incentive program which would award governments willing to alter their policies in favor of agricultural programs. Only through these types of programs will we be able to insure that a repeat of this crisis does not occur. This proposed program deserves our careful attention in the coming months.

Each day we hear stories of personal human suffering with very little hope of imminent relief. Certainly, facts now warrant that this Congress seriously study a supplemental appropriation for Africa. I have been told if emergency requests are not met by April or May, it may be too late. It is our responsibility to quickly and favorably enact a supplemental appropriation.

I would like to add at this point that it might be appropriate that today when we have heard so much discussion about budget deficits and there has been such great emphasis on both sides of the aisle today in attacking the budget deficits that this country has been known as a country with a big heart and although we may have problems in dealing with the deficits that we have in this country, we will not close our hearts and our minds to the problems of the truly needy, particularly those starving and dying throughout the world.

I thank the gentleman for bringing on the special order and for allowing me to participate in this very humanitarian effort.

Mr. WEISS. I thank my distinguished friend from New York for his very important contribution.

Mr. Speaker, I yield to the gentleman from Texas (Mr. LELAND).

Mr. LELAND. I thank the gentleman from New York (Mr. WEISS) for allowing me to share a little bit with him this time on this very, very important issue.

The gentleman and I had the privilege of going to Africa in August and saw some incredible things as far as the starvation problem there. We were in Africa for 21 days. It was a most invaluable experience as far as I was concerned.

I thank the gentleman for providing this time and providing the American people with an opportunity to learn more about what this is all about. Each year 15 to 20 million people die worldwide as a result of hunger and malnutrition. That is 40,000 people a day, 28 every minute. Of the 28 who will die in the next 60 seconds, 21 will be children.

Nowhere is the situation more devastating than in Africa. Estimating that 150 million Africans are chronically hungry, the United Nations warns that 24 impoverished African nations face severe food shortages this year where drought, civil war, and blights have exacerbated already overwhelming circumstances. In late 1983, Ministers from eight Sahel countries met with donor countries and international institutions and agreed that corrective action since 1976 has been insufficient; and the once treasured goal of achieving food self-sufficiency has become an unrealistic objective for the foreseeable future. Of the 26 specifically designated poorest countries in the world, 24 are in Africa.

While in Africa last summer, I was taken to one of the many feeding stations in Ethiopia where emergency food rations are distributed. I cannot even begin to describe the deprivation, pain, and hopelessness I saw in the eyes of the people frantically clustered around the station hoping for the miracle of food. Tragically, much of the seed for next year's plantings has even been eaten out of desperation. It is estimated that 75 to 100 people, mostly children, die each day in Ethiopia. Three million people are currently threatened by starvation. The knowledge of global tragedy of hunger was made disturbingly vivid for me as I looked at those sick and forlorn people. A lengthy, grueling civil war has taken its toll on the population, and can take responsibility for the bogged down efforts by relief organizations to distribute food, medicine, and agricultural supplies through increasingly perilous, almost nonexistent transportation routes.

Much of Africa is facing unsurmountable problems, making their escape from the poverty cycle seem elusive at best. Shrinking revenue bases, limited resources, declines in cultivatable land, unchanging climatic conditions, and, considerable economic sacrifices have resulted in many countries' efforts to eliminate their balance-of-payments deficits. Even with a sudden surge of aid dollars, most African nations are unlikely to recover from the staggering conditions fostered by the severest drought in 10 years. While starvation is obviously no stranger to the people of Mozambique, Ghana, Ethiopia, and Mauritania, it would appear to me, Mr. Speaker, that the United States should officially urge that immediate steps be taken by international agencies to determine comprehensively the populations now facing, or will imminently be facing outright starvation.

During the first session of the 98th Congress, Agriculture Secretary John Block, and Administrator of the Agency for International Development, Peter McPherson, testified that the hunger problem in Africa is growing alarmingly. Mr. McPherson stated that the situation is deteriorating to the point that the average person in Sub-Saharan Africa has less calorie intake than they did 5 years ago. This tragedy is the result of a significant decline in per capita food production in Africa.

The shortage of food which fuels the rampant starvation is further compounded by distribution problems that limit the effectiveness of food-aid programs in these depressed areas. It is critical that food aid, vehicles, and personnel, once allocated to the identified needy populations, be delivered in the most expeditious manner. In emergency cases this would mean airlifts to those obscure areas which may be unapproachable by ground transport.

While airlifting may be expensive, it is not as difficult to achieve as is bringing an end to the fighting taking place in several African nations. War in Ethiopia and Mozambique have already hampered efforts to alleviate starvation. Diplomatic discussions to negotiate peace in areas of strife where starvation is rampant has gone unnoticed by the United Nations as well as by the U.S. Government. We should be encouraging such negotiations, Mr. Speaker, to better reach starving individuals.

The U.S. contribution to developing countries has fallen considerably during the past 20 years, forcing recipient African countries to compete for dwindling foreign aid dollars. The Agency for International Development, after considerable prodding by Congress, has approved only recently an additional $32.7 million in emergency food aid to Africa. Further, the administration is currently proposing to triple emergency food aid to Africa by requesting an additional $90 million. While I am sincerely encouraged by these humanitarian gestures so desperately needed by African nations, I caution my colleagues that this additional assistance can serve only to deal with the short-term problems created by the drought. Traditionally, the United States has provided almost 50 percent of emergency food aid requirements which would mean about $320 million at this time.

The recent attention to starving Africans can serve successfully to begin earnest, long-term discussions with African governments involving the international community to address the steps necessary to help achieve through productive agricultural and economic policy reforms, food self-sufficiency. The United States must not ignore the moral and governmental responsibility of assuring the people of the world that we continue to recognize that food is a fundamental human right.

□ 1900

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from New York (Mr. WEISS) for calling this special order. I would like to remind the House that it was my colleague from Texas (Mr. LELAND) who had just returned from Africa when at the 20th anniversary march on Washington he described for me the incredible starvation that he had witnessed.

This is a matter that has troubled me for a long time and I am proud of my colleagues on the floor, including the chairman of the Subcommittee on Africa, that are here to demonstrate their concern. I think this is an issue that strikes to the heart of what this country is all about—the American people and the American system placing value on a human life—a life even as far away as on the African Continent.

I want to tell my colleagues how proud I am of this initial discussion, of the Senator from Missouri's (Mr. DANFORTH) moving article in the Washington Post, and of the promises of the administration that it is going to move to accelerate funding for food aid to Africa. The level of need may call for even more aid than they imagine before this is over, but this does represent a beginning.

I can only additionally recall that I have been watching some television about this. I do not know if anybody in the House ever sees this late night television that describes the starvation that is going on. The pictures are so amazing of women, their breasts emaciated, the children clearly dying, the swollen and distended faces and bellies of people who are clearly doomed.

It seems now that we may be operating as the conscience of this body to move our Government to a far greater contribution than ever before.

The article referred to, by Mr. DANFORTH, follows:

[From the Washington Post, Jan. 25, 1984]
(By John C. Danforth)

AFRICA: DOES ANYBODY REALLY CARE?

Politicians argue about the extent of hunger in the United States, but for Africa there can be no debate. No food has reached the drought-stricken, guerrilla-plagued settlement of Changanini in Mozambique since November. The people are eating leaves from the trees, roots and cashew nuts, and the results of such a diet are predictable. One need not be a physician to diagnose starvation: emaciated bodies, distended bellies, discolored hair and haunting eyes are symptons anyone can recognize. As of last week, such infrequent aid as has arrived from international donors was sporadic and unsupervised. Unlike the Thailand-Cambodia border of 1979, volunteers from organizations such as CARE, Catholic Relief Services or World Vision had not yet arrived.

Elsewhere in Africa, the combined efforts of donor countries and private voluntary organizations have averted widespread starvation in a desolate landscape. A three-year drought in the Sahel has created what might be the setting for an Ingmar Bergman movie. One drives for miles through a land with no ground cover and scattered scrub trees to the dust-shrouded village of Mafre. No rain has fallen for more than a year. No crop has been produced. Once the villagers owned 300 head of cattle. Now they own six. Of 40 families that lived in Mafre several years ago, only five remain. They are hanging on with cash and in-kind gifts sent by relatives who have gone to the hard-pressed city of Dakar in search of jobs. One of the most generous statements I ever heard was made to me by Mafre's village elder: "We don't have much to offer, but you are welcome to stay the night."

In the immediate future, conditions in Africa can only get worse. Even in the unlikely event that drought in the Sahel were broken immediately, it would be months before a new crop could be harvested. In the meantime, the United States, always generous with food aid, will be called upon to do more. Mozambique must be addressed as an immediate crisis, requiring on-sight personnel and a systematic effort to get food to the hungry on a predictable schedule. The administration's expected request for a supplemental appropriation to increase food aid to Africa should be acted on by Congress on a priority basis. While any call for more spending will be subjected to careful scrutiny in light of our budgetary difficulties, a relatively modest increase in our commitment to Africa can help that continent survive the present crisis.

But what of the long run? Food aid can meet a crisis. It can keep people alive who otherwise would perish. It can sustain refugees in Sudan or help Senegal survive a drought. But food aid, by itself, does not help countries become self-sufficient. It does not help them solve the long-term problem of feeding growing populations on land that, by any standard, is unproductive. When traveling in Africa, one looks for some light at the end of what appears to be an endless tunnel of food dependency. There is an occasional glimmer.

In Somalia, a team from the University of Wyoming is working on new methods of growing sorghum in an arid climate. The team believes that production can be doubled by relatively modest changes in the timing and density of planting. In Senegal, a major international effort has begun to irrigate the Senegal River basin. Many expressed to me the need for more research into improved seeds suitable for dry-land agriculture and for better extension services to educate African farmers in new techniques. While flying at a low altitude over Somalia, it appeared to these untrained eyes that much could be done to bring under production fertile but undeveloped river valleys.

To develop Africa's resources and move it toward self-sufficiency would require long-term commitments by donor countries, and would be far more expensive than shipping in food aid. Irrigation is especially costly; however, in places such as Senegal it offers the best hope of increased production. But the only alternative to development assistance is a continent that will forever live

from hand to mouth and forever be dependent on the generosity of others.

America's own budget difficulties have forced us to question all forms of government spending, including development assistance. Unfortunately, this budgetary restraint has resulted in a deep cut in our commitment to the one program that has been the most help in developing countries and through which we can best leverage contributions from other donor nations: the World Bank's International Development Association.

My own view is that development assistance for Africa should be increased, but that it should not be squandered. Whatever investment we intend to make in Africa could easily be wasted by spreading our resources too thin on a host of minor projects in a host of unpromising countries. It would be better to target our efforts—to do a few things well.

A key to effective targeting is to concentrate our development assistance on a limited number of countries that would make the best use of our investment.

After gaining independence in the past quarter of a century or so, some African countries looked to the east, adopting the Soviet model of state farms and collective farms with no meaningful role for the individual farmer. As Somalia and Mozambique are beginning to realize, such a model has not worked in the Soviet Union and it cannot work elsewhere. While I do not believe that food aid should be conditioned on the political or economic philosophy of the recipient, development assistance is a different matter.

To offer food to hungry people is a matter of principle. To offer development assistance to a country whose own policies discourage production is to pour water into the sand. For the sake of food production, and not to make a philosophical point, America should direct development assistance to those countries whose governments do not control farming.

Finally, a practical, budget-conscious American might ask, "Why bother about Africa?" Why spend a dime on a continent so far away when we have our own problems right here at home? The answer, I think, has to do with who we are and how we perceive ourselves as a country. America is more than a place to hang your hat. It represents a value system most of us believe in very strongly. That value system has to do with the worth of human beings, whoever they are, wherever they are. We believe that lives are worth saving, that our fellow humans must be fed. But it is not enough to profess this belief. We must act on it.

NOTE.—The writer, a Republican senator from Missouri, has just returned from a fact-finding tour of several African countries.

It is not unrelated to this discussion that we have a principle in our agricultural system that requires that we pay farmers not to produce. It is an incredible circumstance that I hope will also be taken into consideration as we move this subject forward.

Mr. WEISS. I wish to thank my distinguished colleague for his very eloquent statement.

And I am pleased to yield at this time to the distinguished chairman of the Subcommittee on Africa, the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. I thank the gentleman for yielding.

I want to join with my colleagues in commending the gentleman in the well for the leadership that he has exercised on this really critical question.

I do not think that any of us who had the opportunity to visit Ethiopia in this past August will ever forget the impact of what we experienced at one of the feeding centers there in Ethiopia.

I wish that every one of our colleagues would have had that opportunity to experience directly what malnutrition and what starvation mean in Africa at this very moment.

The last major food crisis in the continent was experienced back in the early seventies. And at that point it was viewed then as one of the truly great human tragedies of many, many decades, something like 200,000 to 300,000 people are reported to have perished.

This year in the midst of the immediate drought situation 100,000 people have died alone in Mozambique, in one country in Africa. So that every indicator that we have suggests that the magnitude of the food crisis facing the continent is much greater now than it was then.

And yet, the dimensions of the response of donor nations is far less now than it was then in proportion to the need that is out there.

And there is really the thrust of the initiative that the gentleman from New York has discussed this evening. We need to understand that as welcome as the new initiative is, in terms of the additional emergency food assistance that the administration has announced it is intending to provide—and I personally applaud that decision, I was very encouraged by it—but the harsh human reality is it is still far below what is required to meet the needs that are out there and far below the traditional response that has been forthcoming from the United States.

What needs to be understood is that it is the United States who will help by its leadership to determine the magnitude of response from other donor countries.

So, I just want to stress how important I believe the initiative of the gentleman from New York in fact is.

Just one last comment. I was asked a couple of days ago by an inquiring journalist what I thought the response would be by the Congress to the request for food assistance.

And I indicated that I do not think that there is a single question in the Congress over the past many, many years that has been less politicized than the question of food relief. And I have been so encouraged to see two leading Republican Senators, the Senator from Minnesota and the Senator from Missouri, express themselves in much the same way as the gentleman from New York has, indicating their own intentions to insist upon a more adequate response from this country to the emergency crisis that faces the continent.

Mr. WEISS. If the gentleman will allow me, just this evening the gentleman from New York (Mr. MOLINARI) has spoken exactly in that vein and indicated the bipartisan nature of this appeal.

Mr. WOLPE. I am delighted to hear that. I was not on the floor earlier and I did not hear the gentleman's remarks. But that is another indication of the tremendous bipartisan understanding and response that has been generated to crisis of the magnitude that are presently being faced on the continent.

Finally, I simply want to commend the gentleman one more time for what he has done this evening in drawing attention to this issue. And I hope that our colleagues will respond appropriately.

Mr. WEISS. I thank the gentleman for his important participation and his continued involvement on this critical issue.

Mr. Speaker, I am pleased to yield at this time to the distinguished gentleman from California (Mr. DYMALLY).

□ 1910

Mr. DYMALLY. I thank my friend, the gentleman from New York, for this opportunity to address this critical issue, and I want to congratulate him for bringing this matter to the attention of Members of Congress, indeed the Nation.

Mr. Speaker, the problem of drought and famine in Africa cannot be ignored by those of us who live in this land of abundance. That the people whose lives are being extinguished every day by disease and hunger are more than 4,000 miles away cannot allow us to be indifferent to the tragedy that they confront.

More than 150 million people on the continent of Africa face famine and death in the wake of the most fearsome drought in recent history.

On a continent where food production has been declining for the past two decades, continued stresses on an already limited food supply call forth images of devastation too horrible to contemplate.

A 4,000-mile stretch of territory from Somalia to Senegal has been turned into barren desert by the steady southward creep of the Sahara. Blight and famine remain in its wake.

Some 24 African countries now confront an emergency situation. What can we do?

Current estimates put the short term needs at 3.3 million metric tons in food assistance for the current fiscal year. To date, only 1.7 million tons have been received or pledged. Of

the remainder, 1.2 million must be delivered by June of this year.

In order for this country to do its part in meeting that need, two things must happen. First, the money remaining in the Public Law 480 emergency reserve must be released to fund existing emergency requests. Second, we must authorize and appropriate supplemental moneys for emergency food assistance to Africa for the current fiscal year.

We cannot, in good conscience, ignore the catastrophic, life threatening conditions confronting some 150 million people on the continent of Africa. We in the Congress must use every tool at our disposal to get this vital aid to those most in need.

Mr. WEISS. I thank the distinguished gentleman from California for his very eloquent statement.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to my friend and colleague, the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I want to thank the gentleman from New York (Mr. WEISS) for giving me this opportunity to speak on this subject.

Mr. Speaker, the people suffering from famine conditions spreading throughout sub-Saharan Africa need and deserve our assistance. Earlier this month, the U.N. food and agriculture organization reported that 24 countries on the African Continent require an additional 1.6 million tons of food to be pledged and received this year. Seventy-five percent of such aid, or 1.2 million tons of food, needs to be delivered by June. The amount of assistance which is received and the speed in which the world community acts can be the difference between life and death for millions of people and for various pockets of our world.

In previous years, the United States has recognized, if not always fulfilled, its share of responsibility in feeding the world's starving. Traditionally, we have provided about 50 percent of emergency food aid requirements. If we ignore the existing and impending crisis in sub-Saharan Africa, we would be turning our back on peoples and nations in their times of most dire need.

Those suffering from thirst and hunger in sub-Saharan Africa should not have their urgent need for aid politicized. Instead, the current situation demands that we do recognize the horrible trail of drought and famine and that we take steps to alleviate suffering from this region. I hope my colleagues will all unite to encourage our Government to continue to provide food for the hungry of the world. We should join together with other nations to promptly make sufficient emergency foods available to the sub-Saharan nations.

I think we should also remember and recognize that the United States alone among all the nations of the world has monumental food surpluses. The United States alone among all the nations of the world pays billions of dollars to farmers not to grow grain or billions of dollars to farmers not to produce dairy products and billions of dollars to slaughter the cattle at a slower rate in order not to flood the market. We alone have such agricultural abundance, and for that reason the United States should bear a disproportionate share of the responsibility for feeding the hungry of the world. I think we are able to do it and we should do it. The supplemental budget request should be supported by all of the Members of Congress.

Mr. WEISS. I thank the gentleman for his very important statement.

Mr. Speaker, earlier the gentleman from Texas and the gentleman from Michigan referred to the trip that we had taken during the summer of 1983 through Africa and the eyewitness account that we were able to give of the starvation that we witnessed.

The only thing that we noted—and I think it is important to make note of this—is that there are people from around the world, many Americans, involved in a great many relief organizations, religious organizations, charitable organizations, who are devoting their very lives in an effort to keep the hungry fed. And it is they who have sent out the cry and the call for assistance. I think that it is absolutely imperative that we listen to those people who are witnessing the devastation and the death that is going on in the continent and who are urging that we pay heed while there is still time to save literally hundreds of thousands of lives.

Many of the drought-stricken countries face wrenching circumstances that aggravate the famine conditions.

In the Horn of Africa and Chad, warfare has disrupted agricultural production and complicated transport problems.

Transport of supplies after their arrival in a country is always a major problem. Trucks are in scarce supply; fuel and spare parts, even scarcer. The famine-stricken areas are often at great distances from the cities where supplies are initially shipped. Roads are usually unpaved and the terrain quite rugged.

The depletion of seed stocks is another circumstance that may perpetuate the tragedy, even if the dry weather ends. Starving people had no alternative but to eat the seeds intended for upcoming plantings.

Still another tragic circumstance connected with the drought is the spread of livestock diseases. In a number of countries, herds of cattle, already weakened by hunger, are being decimated by a disease called rinderpest.

Thus, assistance for transport, livestock vaccinations and seeds for planting is almost as critical as food supplies. The United States has contributed about $6 million to meet nonfood emergency needs through the Office of Foreign Disaster Assistance. OFDA has only $25 million in fiscal year 1984 to meet emergency needs worldwide. It is rapidly running out of funds and does not intend to seek a supplemental appropriation. The appropriation of additional funds to OFDA to meet these nonfood needs is required.

The devastation is threatening the very survival of African nations, undermining economic, social, and political systems. Entire communities are on the move in search of food. Thousands have abandoned their villages, migrating to the cities. But in urban slums, they find that food is also scarce, and epidemics of cholera and typhoid are becoming more prevalent.

Weather conditions are not, of course, the sole cause of the famine. A drastic decline in Africa's food production over the past two decades lies at the core of the problem. The output of staple foods such as cereals, roots, tubers, and groundnuts has increased by only 1.5 percent on the average during the 1970's, while the average population growth has been 2.7 percent.

Development of agriculture has not been a top priority in Africa. The reasons are complex and intertwining: African states received well-meaning but frequently faulty advice from expatriate planning advisers. Development projects and plans have often been misguided. Moreover, the new governments inherited colonial strategies that had emphasized cash crops. And African governments have not provided adequate compensation and incentives for their farmers; instead, they have subsidized food prices for urban dwellers who tend to be their strongest source of political support.

Many of the African nations have now recognized the need for long-term redirection of priorities, however. They are beginning to take concrete action to change agricultural and economic policies. Through development assistance, the United States can help these nations achieve their goals of long-term reform.

But in the meantime, Congress should take a lead role in insuring that emergency relief is increased and expedited. I have been gratified by the number of responses to this special order. Bipartisan support is rapidly building for approval of a separate emergency supplemental appropriation that meets our traditional standards of assistance. We must act swiftly and generously to avert mass starvation.

□ 1920

● Mr. PATTERSON. Mr. Speaker, I rise to join my colleagues in support for a separate supplemental appropriation for famine relief in Africa. As reports of death, widespread starvation, and severe malnutrition are documented, the need for food relief is urgent. Every reasonable effort must be made to expedite deliveries of foodstuffs to the areas most severely affected in order to save lives and relieve suffering during what may become the greatest famine in modern history.

In many of the affected areas adequate infrastructure and delivery means exist which will serve to insure that the aid will in fact be distributed to the famine areas. I am proud to note that several American relief agencies are working in the vanguard of this effort.

The United States has a long-standing commitment to providing emergency food aid of this nature on humanitarian grounds and more must be done now to help. It is entirely appropriate for the United States with its grain surpluses, that we extend our help and play a role in alleviating this human tragedy.

For the information of my colleagues, I am providing a copy of an editorial which appeared in the December 30, 1983, edition of the National Catholic Reporter. I hope that you will take the time to read it.

"FEED AFRICA; HARDLY DENT SURPLUS"

(By Steve Askin)

"Two years of very severe crop losses . . . water holes are completely dried up. . . . People walk out of the desert into the overcrowded city and live in tents or on the ground. They've lost their camels, families break up. Children are dying at very high rates—so high that you can't keep track." Catholic Relief Services (CRS) Africa director Ken Hackett is talking about the nomadic people of Mauritania, a huge desert land—the size of Texas and California combined—on Africa's Atlantic Coast. But he is not just talking about Mauritania. Much the same story—worse in some places—could be told about each of 22 countries in all sections of the continent, and each of the 120 million human lives, endangered by two devastating years of drought which produced Africa's most severe famine in more than a decade.

The U.S. could feed all of Africa's starving people and hardly make a dent in our vast grain surplus. "It makes a lot more sense to store that surplus in the bellies of starving children" and stop paying to store it in warehouses, former Agriculture Department under secretary John A. Schnittker said last week at a press conference called by religious and political leaders seeking emergency food aid for Africa.

The U.S. has more than 350 million tons of grain and 10 million tons of dairy products in storage, Schnittker said. Each year, we feed 10 million tons of wheat to cattle and chickens, he added. Africa's food deficit through the end of 1984 will be about 3.2 million tons of grain. The supporters of emergency aid asked the U.S. to provide 600,000 tons during the next year, less than one-fifth of one percent of the U.S. grain surplus. About half of that aid should be supplied immediately, through special emergency action, to meet the most dire needs, urged an emergency aid coalition including CRS, Church World Service, Africare, Bread for the World and other religious groups.

They also appealed to the Reagan administration to: provide up to $50 million for shipping and other nonfood costs; meet other countries' needs from emergency food reserves, if Africa aid uses up the money now available for food aid; support a $150 million supplemental appropriation for African aid when Congress reconvenes next year.

Why is Africa starving? "Drought, animal diseases, insect infestation, destruction of crops by fires, wars and refugees" have made Africa "the only continent in the world where per capita food production has declined over the past decade," Congressman William Gray (D-Pa.) noted.

While urging the government to do more, the aid advocates generally avoided direct criticism of President Reagan. Administration officials "appear receptive to doing something more" for Africa, though we place it higher on the priority list than they do," said Martin McLaughlin, a U.S Catholic Conference consultant who chairs the emergency aid group. "We don't want to be the negative critics who just call the administration a bunch of scrooges," he told NCR. On Capitol Hill, members of both parties have endorse the effort for aid increases.

Catholic Relief Services, which is by far the largest U.S. private aid agency in Africa, is playing the pivotal role in developing the religious community's response to the African crisis. CRS officials have also exhibited a new willingness to challenge U.S. government aid policies. CRS runs the only U.S. government-funded aid program in Communist-ruled Ethiopia, a $5 million a year mother and infant feeding program. Earlier this year, CRS, with support from other agencies, successfully opposed a Reagan administration attempt to cut off all U.S. aid to Ethiopia. CRS also joined other religious agencies in an appeal for UN mediation of an Ethiopian civil war which has made it virtually impossible to deliver aid to some regions of the famine-stricken country.

Capitol Hill sources say CRS recently closed a U.S.-funded program in Zaire, because of U.S. government interference. According to the report, CRS pulled out when U.S. officials insisted that they give the notoriously corrupt Zairian government partial control of the program.

Hackett insisted his agency is doing nothing new. "The situation in Africa is simply that CRS is the largest private voluntary organization and, since we are there so pervasively, and we have more information than anyone else, we have a responsibility" to publicize Africa's plight.●

● Mr. REID. Mr. Speaker, I am speaking today to Congressman WEISS' special order on famine in sub-Saharan Africa.

For most of us in this Chamber and indeed for most of us in this country, famine and starvation are merely words to which we attach little reality. However, for the individual—adult or child—who experiences it, it is a horror, full of intense pain and suffering.

I spoke to a person who had suffered real hunger as a child, and although today she is a successful woman in her sixties, she was overcome with emotion as she attempted to describe it to me. She spoke of sharp, shooting pains which rack the body, of bloat and gas, and the accompanying discomfort. She went to bed early hoping to fall asleep to forget the emptiness.

The emotional strain on a family, the sad memory of watching the pain in her parents' face as they watched their children suffer. For her it is the worst memory. I want to stress that this was a case where there was some nourishment available, just not enough.

We are speaking today of parents and children who will go through that experience and beyond to the degree where lethargy replaces pain and weakness prevails to stifle the strongest instinct, the will to survive. As this cycle occurs, the person becomes more susceptible to disease, which may end the misery sooner, but if that does not happen, starvation is a slow death, the length of time depending on the size and condition of the person experiencing it. In any account, it is a terrible event, and we as fellow human beings must do whatever we can to prevent or arrest it from happening.

I would like to propose a possible effort for immediate relief of suffering—starvation intervention: First, we should attempt to identify specific areas in which people are actually starving within the countries suffering from the famine. Second, immediately provide emergency shipments of food, vehicles, and personnel, using airlift if necessary. Third, take immediate diplomatic measures to halt fighting which is keeping relief from getting to people.●

● Mr. BROWN of California. Mr. Speaker, I would like to express my deep concern for the many Africans suffering from the current drought and resulting food crisis. We have received reports of outright starvation in Mozambique, Ghana, Mauritania, and Ethiopia. This tragic situation must immediately be brought to the attention of this Congress, and the role of the United States increased if we are to reduce both the long-term and immediate impacts of this drought. The destruction of this drought has been staggering, threatening the widest area in Africa in recent history. Already, in Mozambique alone, some 100,000 have died as a result of the drought. More than 150 million people in at least 24 African countries face malnutrition and starvation.

Last spring and summer, I joined many of my colleagues in urging the Agency for International Development (AID) to release further emergency assistance to Ethiopia, which has been severely hit by the drought. Ethiopia's situation has been complicated by poor infrastructure, lack of transpor-

tation vehicles, and sporadic fighting, making the delivery of emergency supplies to those in need extremely difficult. Today, I am appealing on behalf of not only Ethiopia, but the many African nations which are suffering from the killing effects of this drought.

The United States must respond to this need in three ways: We must identify the populations which are truly threatened by starvation; introduce food, vehicles, and personnel on an emergency basis, by airlift if necessary, to prevent starvation; utilize diplomatic action to bring an end to fighting in areas in which war is slowing attempts to get food to the needy.

According to the United Nations Food and Agricultural Organization (FAO), there is currently an unmet need of 1.6 million tons of emergency food aid for these countries. Of this 1.6 million, 700,000 tons must be delivered and available for consumption by March 1984. An additional 500,000 tons will be needed by June.

Historically, the United States has supplied close to half of the FAO's projected emergency food needs. This January, the administration announced that it will request $90 million for supplemental emergency assistance. However, this sum is far below the $320 million necessary to provide half of the projected need. We must further increase the U.S. allocations of food aid and expedite the deliveries of U.S.-pledged assistance.

In light of the current catastrophe and the immediacy with which this issue must be dealt, I fully support the following objectives: Release the remaining funds in the Public Law 480 emergency reserve, triggering use of the emergency wheat reserve to provide the urgently needed food aid until supplemental appropriations are approved; support the introduction of bills in the Senate and House calling for emergency food supplemental appropriations for Africa for $320 million; swiftly consider these bills and the administration's supplemental request; pass and have signed into law an emergency food supplemental appropriation as soon as possible. Because of the logistical delay between the signing of this legislation and the actual arrival of the assistance, only the successful and swift completion of these measures will bring food and other assistance to Africa in time.

In conclusion, I urge all Members of the House, on either side of the aisle, to add their support to these measures so that we might help prevent the suffering taking place in Africa today.●

● Mr. DOWNEY of New York. Mr. Speaker—

No fear can stand up to hunger, no patience can wear it out, disgust simply does not exist where hunger is; and as to superstition, beliefs, and what you may call principles, they are less than chaff in a breeze.—Joseph Conrad, "Heart of Darkness."

Famine waits for nothing, not even the U.S. Government. The human crisis in Africa today demands an immediate response. The consequences of delay will be the deaths of millions.

More than 150 million people in 24 African countries are facing starvation as the result of an unprecedentedly serious drought that has swept the continent. In Mozambique alone, 100,000 people have already died. Food stockpiles have been depleted or will become so before the new harvests are available.

These people need 3.3 million metric tons of food aid in 1984. Yet only 1.7 million tons have been promised, leaving an unmet need of 1.6 million tons.

Time is as important as aid right now; 75 percent of this food aid must be delivered and ready for consumption by June of this year, if it is to be used at all. This means that we in the Congress, as well as those in the administration, must do two things: First, the administration must release the remaining funds in the Public Law 480 emergency reserve. Second, supplemental requests of approximately $300 million must be approved before April.

This is a fast agenda—and we must move more quickly than we are accustomed to. But if you have ever seen even one child starve to death, or heard of the pain and anguish accompanying malnutrition, you will understand the urge to move quickly.

I hope my colleagues will act now.●

● Mr. MOAKLEY. Mr. Speaker, I rise to voice my concern for the hardships that the drought-plagued regions of sub-Saharan Africa have been enduring.

Presently, famine conditions have affected 24 countries, and more than 50 million people are well on the road to starvation. In Mozambique, it is estimated that starvation has claimed over 100,000 lives. When this situation is compared with the 200,000 to 300,000 lives consumed by the African famine of 1973–74, one can see that the present drought is of a far graver and prodigous character.

On January 9 of this year, the United Nations Food and Agriculture Organization issued its "Third Situation Report" describing the food requirements of the 24 drought-plagued countries. The report estimated that for fiscal year 1984, 3.3 metric tons of food assistance is needed to save the people of sub-Saharan Africa from starvation. To date, 1.7 million metric tons have been received by or pledged to these nations. Consequently, there remains a need for 1.6 million tons yet to be provided; 700,000 tons need to be delivered and ready for consumption by March of 1984, and another 500,000 tons by June of 1984.

Unfortunately, food assistance alone will not solve the needs of this famine-stricken region. In order for assistance to these nations to be effective, domestic transportation and distribution capabilities must be improved, especially in the remote areas of land-locked countries. Additionally, there is an equivalent need for medical assistance, livestock vaccinations, seeds, and other critical nonedibles.

In the past, the United States has assumed the position of a world leader in helping provide basic human needs for those people who are not capable of providing these needs for themselves. Traditionally, the United States has supplied 50 percent of the emergency food assistance worldwide. Presently, with the inclusion of new commitments, the United States assistance to Africa has fallen far short of this 50 percent mark.

The United States must open its heart to the people of sub-Saharan Africa, and give these countries the aid that they require to ease their misfortunes. For the United States to remain within its traditional bounds toward the allocation of emergency assistance, it would require a contribution of 800,000 metric tons of food or $320 million to sub-Saharan Africa, with additional assistance aimed at filling this region's nonfood needs.

In conclusion, I would like to emphasize that if U.S. assistance is to be 100 percent effective, then the time for action is the present. We must not stand aside and allow those who are not in a position to help themselves die of starvation. The plight of these people rests on the shoulders of this legislative body, and the time to act is now.●

● Mr. DORGAN. Mr. Speaker, the mounting food and hunger crisis throughout Africa has not made front page news. However, as David Lamb incisively argues in his new book, The Africans, "to be oblivious to the problems of Africa is to promote more international misery, hunger, instability—and to increase the threats to peace in the world." So this special order on the African food crisis could not be more timely.

Right now, drought, misery and hunger are rampant throughout Africa—and with them the corresponding threats to peace and stability. Although hunger and malnutrition chronically trouble many African nations, the Catholic Relief Service recently informed me that blatant starvation now haunts at least four countries: Ethiopia, Ghana, Mozambique, and Mauritania. In Mozambique alone, experts estimate that 100,000 people have died from the combined effects of drought and inadequate food aid.

Regrettably, the food crisis is much larger than that. The Food and Agricultural Organization now finds that 150 million Africans in 24 nations face a food emergency—if not outright famine. Some experts now fear that

the African famine of 1973-74 which claimed some 200,000 to 300,000 lives, may be overshadowed by the current food crisis.

If we wish to avert another disaster in the desert—a failure of international relief—we must act immediately and wisely. As of today, the FAO reports that there is an unmet need of some 1.6 million tons of food aid. And in order for this aid to save lives, about 75 percent of it must reach the African hinterlands by June.

The United States should join other donor nations in doing its part. As the breadbasket of the world, we have a special role to play. To date, the United States has provided about 10 percent of food aid already contributed to Africa during the present drought. The Agency for International Development recently announced that it will seek a $90 million supplemental appropriation to respond to the widening food catastrophe. These are necessary and important steps.

But I would further urge the administration to rapidly approve documented, pending food aid requests, to rush food supplies to Africa on a priority basis, and to reexamine whether $90 million will adequately meet the staggering food aid needs of Africa.

An adequate response will not only follow America's finest humanitarian traditions in curbing hunger and misery, it will also advance our foreign policy goals for Africa. Given the extent of Soviet involvement in Ethiopia, Angola, and throughout Africa, I do not think we can ignore the national security dimension of the African food crisis. And I do not suggest that we play politics with hunger. But since we cannot leave that playing field to the Soviets, we ought to compete on our own terms—on terms which also benefit Africa.

In a word, we ought to share our incredible farm abundance and our impressive agricultural know-how with the only continent whose per capita food production declined in the last decade. The Soviets can match us bullet for bullet in arms aid, but they will never match us bushel for bushel in meeting human need. Even though the Soviets spend six times what we do on farming, they still have to import food for their own population.

Our strength, and the Soviet's failure, in responding to the real needs of Africa is sharply etched in a recent U.S. News & World Report article. I include it for the RECORD and call it to my colleagues attention since it points the way for the right kind of aid to Africa—food for peace and technical assistance—which meets human needs, builds lasting bridges to Africa, and serves our own genuine security interests.

So I join my colleagues today in giving timely, special attention to the emergency food needs of Africa. I also urge the administration to work in concert with the Congress and to act quickly and wisely, because survivors do not eat in the future, they eat every day.

IN AFRICA, IT'S THE SOVIETS ON THE SKIDS

LONDON.—The Soviet Union can gain scant satisfaction from the military coup in pro-West Nigeria despite the sharp blow the takeover dealt to the cause of democratic government in Africa.

Moscow, in fact, is in no position to take advantage of the coup. Not only are the new military leaders as anti-Communist as the ousted civilian government, but the Kremlin itself is in retreat throughout the continent.

Soviet prestige is declining steadily across much of Africa, as one country after another discovers that Russia is able to provide little help beyond weapons. At the same time, opportunity are opening for the U.S. and other Western nations to forge trade, investment and political ties that seemed impossible a short time ago.

Moscow no longer can count on the allegiance of numerous nations that once provided political, economic and potential military advantages from the Horn of Africa to the Atlantic Ocean.

Even some militant African leaders who still echo Marxist rhetoric are reducing practical alliances with Moscow.

Nowhere is the turn away from the Soviet Union more dramatic than in Somalia, first sub-Saharan nation to sign a friendship treaty with Moscow.

Somalia began reversing gears after the Kremlin backed neighboring Ethiopia in a war over control of the Ogaden region, which both nations claim. Ties with the West grew steadily as 400 million dollars in aid poured in, including 120 million dollars of U.S. economic and military assistance over the past year.

In the former Portuguese colony of Mozambique, President Samora Machel still voices allegiance to Marxism and depends on military help from Eastern Europe in his campaign against rebels backed by South Africa.

But Machel also is seeking Western assistance in that struggle, along with private U.S. and European investment. This is being encouraged by the Reagan administration, which re-established full ambassadorial-level diplomatic ties with Mozambique last October.

In the Congo, the first African nation to officially declare itself to be Marxist, the influence of 1,800 Eastern-bloc advisers is waning rapidly. The former French colony is seeking Western technology to tap butter-thick offshore oil that is needed to finance an ambitious five-year, 4.5-billion-dollar development plan. Officials also seek large-scale Western investments.

In Zimbabwe, both the West and Moscow's Communist competitor, China, are making gains. After Peking-backed guerrillas won a civil war, Western nations negotiated a transition to black rule. Even a recent decision by the United States to nearly halve aid to 40 million dollars from 75 million drew only a low-key response from Prime Minister Robert Mugabe, a habitual critic of the West.

Rejecting suggestions that he refuse all U.S. assistance, Mugabe declared: "Whatever aid comes to us, provided it has no strings, we will accept."

Across the continent in Guinea, President Ahmed Sékou Touré has abandoned experiments with Soviet-style economic development, refused the Russians access to military facilities and in 1982 traveled to Washington to appeal for food, trade and aid.

Leaders of neighboring Guinea-Bissau, also once part of Portugal's overseas empire, say they already have cut back on the number of Soviet advisers in the country and want to reduce military ties with the Kremlin still further.

Even some remaining strongholds of Soviet and Cuban influence are having troubles with Moscow or are reducing their reliance on the Eastern bloc.

Ethiopia, unable to meet payments on 2 billion dollars in Soviet arms loans, is negotiating agreements to pay compensation for expropriated Western firms. This is expected to open the door for U.S. and other Western aid.

Angola's close Soviet links are being worn thinner by the cost of maintaining 18,000 Cuban troops and advisers. The government recently purged 32 officials with ties to Russia. More than 80 percent of the country's trade now is with the West.

BEHIND THE SHIFT

Both economic and political factors are responsible for the turnabout in Soviet fortunes. More Africans are recognizing that the West has bigger bankrolls and better technology for their needs than does Russia.

"The whole idea behind the socialist revolution was that it was the quick way to development," explains an official in Somalia. "But the only thing the Soviet Union supplies is arms. What we need is economic aid."

The Soviet economy now is so sluggish that it can ill afford the massive aid Africa seeks. Nor can Moscow provide markets for commodities that African nations must sell for dollars and other hard currencies to repay some 66 billion dollars in foreign debts.

Russian crop failures—in contrast to U.S. grain surpluses—mean that African leaders cannot count on Moscow for the food needed to stave off famine that is jeopardizing 120 million people in 18 different countries.

Also, there is growing reluctance to get too close to a country that is continuing its ruthless occupation of Afghanistan and that shot down an unarmed South Korean civilian airliner. Even Soviet weapons draw complaints for being outmoded and too expensive.

Africa's upheavals are far from over, as shown by the coup in Nigeria. But after years of Western setbacks, economic pressures and the continent's changing needs finally are undermining Moscow's ability to exploit that unrest.●

● Mr. COYNE. Mr. Speaker, I would like to commend TED WEISS, of New York for requesting this special order on famine in Africa. It is a subject that this House should consider carefully and on which the Congress should act with dispatch.

The United Nations Food and Agriculture Organization reported last month that in Africa, a continent now in the grip of a ruinous drought, the food supply outlook has worsened. Two more nations, Upper Volta and Guinea Bissau, have been added to the United Nations list of African countries which face an emergency food situation. That brings the number of

such nations to 24, with a combined estimated food assistance need of 3.3 million tons of food. Allocations to these 24 countries now total only 1.7 million tons, which leaves a shortfall of 1.6 million tons of food. Of that unmet need, 700,000 tons must be delivered and available for consumption by March 1984, with 500,000 more tons needed by June. To put this in more basic terms, this means that 75 percent of the remaining food aid requirements must be met by June.

The United States traditionally has supplied 50 percent of the world's emergency food needs. Our current commitment to Africa falls well below that level. In the current emergency situation in Africa, such a commitment would mean about 800,000 tons of food, or about $320 million in additional appropriations to address the African famine. This is a reasonable amount of humanitarian aid under very dire circumstances, one which I hope we will act on shortly. We do not have the luxury of being able to place this item further down the congressional schedule. Too many lives are at stake. More than 150 million face famine in Africa as a result of the drought. In Mozambique, 100,000 have already died. In the countries now in the grips of famine, government warehouses, private traders, and farmers have exhausted their stock of food, or are near that point. The nations of Mozambique and Zambia in southern Africa, and the west African nations of Mauritania, Mali, Ghana, Senegal, Chad, and Upper Volta are particularly distressed.

Mr. Speaker, today we have reserved time to talk on the subject of the African famine. Each of us knows, however, that talk will not put food into the mouths of those who need it. I hope that Congress acts swiftly on a supplement appropriation for relief of the victims of the African famine, and that aid be directed to those nations with hungry people on that continent in the swiftest possible manner.●

● Mr. ADDABBO. Mr. Speaker, there is a fundamental lack of understanding within the administration about the issue of hunger. Whether it is the soup kitchen in America or aid to famished Africans, attempts to solve these crises by appropriating fewer resources than needed become part of the problem rather than the answer.

I stand before you today to urge that we commit part of our national resources to 24 African countries where over 150 million fellow human beings are facing starvation.

Let me be very clear that the $90 million dollars in aid proposed by Secretary of State Shultz is not enough. We, in the Congress, must introduce a supplemental emergency bill which would bring the level of funding to at least the same percentage as in the past. This means that instead of reducing emergency food funds from 50 to 30 percent, we must consider the affect of the slack: death by starvation. There is a numbers game being played now between the administration and concerned parties in Congress; the bottom line is that the food must be delivered.

To avert wholesale death requires that the bill not be delayed in Congress. The food must reach Africa by June, which means Congress must pass the enabling legislation by early April. Otherwise, our efforts to prevent the starvation of millions will be for naught.

There are several additional measures we can take to fill the discrepancy in resources that exists. First, we can make 300,000 tons of grain available through the emergency grain reserve. Another possibility is to request that the Administrator for the Agency for International Development (AID), Peter McPherson, transfer 10 percent of the reserves that he controls under title I to title II (Public Law 480) of the emergency reserve food aid bill.

Finally I must express my concern that any bill providing aid to Africa specify that food is given to the people and not to governments.

Mr. Speaker, the message is that people are starving in Africa. Fighting hunger must take priority in our deliberations; 100,000 dead in Mozambique are too many. This nation and others need our help. I urge the administration and my colleagues in Congress to join in support of this necessary aid to famished African peoples.●

● Mr. JEFFORDS. Mr. Speaker, first, I would like to thank my colleague TED WEISS for bringing the grave situation in Africa to the attention of this body. This crisis must not go unnoticed by the world, and we must not allow the terrible rate of needless deaths to continue to rise with each passing day.

I would also like to commend the many American and international organizations which have worked tirelessly to get food to the drought-striken regions of Africa. The Agency for International Development (AID) has recently taken an important step in aiding these efforts by providing an additional $32.7 million in emergency food aid for seven of the most severely affected countries.

But our efforts must not stop here. Twenty-four countries are currently threatened with famine, resulting from a severe drought which has plagued the continent for more than 2 years. Even now, 150 million people are threatened with starvation if massive relief efforts are not organized. The United Nations Food and Agricultural Organization (UNFAO) has estimated that 3.2 million tons in food aid must reach these countries within the next 6 months if widespread starvation is to be avoided.

The United States has traditionally provided about 50 percent of emergency food relief in such crises. As of early January, the United States had contributed about $73.2 million, approximately 11 percent of the 1.7 million tons of food relief sent to Africa. Several requests for further funds from the Public Law 480 emergency reserve are currently waiting approval. The emergency wheat reserve contains 300 million metric tons of wheat, but these reserves cannot be obligated until all Public Law 480 funds have been spent. It is obvious that we can respond to these urgent African requests if we so desire.

It is expected that the administration will ask for a supplemental appropriation of approximately $90 million for immediate food relief for Africa. Senator BOSCHWITZ is expected to introduce a bill calling for a higher amount of emergency assistance. However, it seems likely that an appropriation on the magnitude of $200 million will be necessary to stem the rising tide of starvation. I would ask my colleagues to support these requests for funding in as expeditious a manner as possible.

Time is of the essence here. In Mozambique alone, 100,000 people have already died as a result of the drought. We must act swiftly and decisively, as food must reach these people within the next few months. The United States must take the lead in increasing emergency relief and in speeding up delivery of food. Vehicles and personnel must be provided on an emergency basis to insure its immediate distribution. If necessary, delivery by air must be used to reach certain populations. While this is not the usual procedure for aid distribution in Africa because of its higher cost, lack of sufficient transportation and relief personnel have led to crisis situations in some areas which require this important commitment.

The United States should also push for the development of a coordinated information gathering network through which local and international organizations, both governmental and private, can share data and identify starving populations. U.S. emergency relief efforts could then be directed to those populations for which starvation is most imminent.

At the same time, the United States must take diplomatic action to bring a resolution to fighting in areas where it is blocking relief work. This is particularly important in the case of Ethiopia and Mozambique. The United States has yet to encourage negotiations through the United Nations which could bring an end to this conflict. Again, we must provide leadership in pursuing a diplomatic resolution of these problems.

In conclusion, may I remind my colleagues that America's leadership role in the world is not based solely on military or economic might, but also on our willingness to address the areas of greatest human need around the globe. If we fail to respond to a crisis of such proportion, we will lose not only the respect of much of the world, but we will be abrogating our moral responsibility to share a small amount of our great resources in order that millions may live.●

● Mr. GEJDENSON. Mr. Speaker, I would like to commend my colleague from New York for initiating this special order to focus attention on the critical situation in Africa. The severe drought as well as continued civil strife in the region are together paralyzing this continent and threatening the lives of millions of people. Immediate and serious attention is needed to guard against any further worsening of Africa's current disastrous state.

I was encouraged by the administration's recent announcement to increase the U.S. contribution for emergency food relief to Africa. I feel, however, that a much greater supplement than $90 million will be necessary to meet even the most minimal needs of the people of Africa.

Between 3 and 5 million people face starvation in Africa if the world community does not provide the 3.3 million metric tons of food that the United Nations estimates must be provided to meet the substantial need on this continent. As my colleagues will know, this region has been plagued in recent years by one of the most severe droughts in its history. But even before this crisis began, the situation in Africa was tragic. This latest calamity has served as an unwelcome force propelling these 24 nations further into the depths of poverty and hunger.

Two-thirds of the world's poorest people live in Africa and this population continues to increase at a steady pace. The World Bank estimates that nearly 200 million people, more than 60 percent of Africa's total population, take in fewer calories than the United Nations estimates are required for a person to survive.

As one of the richest nation's in the world, America has traditionally provided 50 percent of international disaster relief to needy countries. Unfortunately, the United States is beginning to turn away from this generous tradition. For example, our contribution to Africa last year fell far short of the amount necessary to achieve this percentage. This year the United States must respond to meet our responsibility.

Mr. Speaker, I urge my colleagues, when the time comes for a House vote on this matter, to support a generous supplemental aid increase for this desperate continent. This critical humanitarian gesture will help save the lives of millions of Africans and avert a tragedy of castrophic proportions.●

● Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in calling attention to the disastrous drought and famine that now threatens thousands and thousands of lives in Africa.

In 1973–74 a drought and accompanying famine in Africa claimed 200 to 300,000 lives, yet that total may be smaller than what may result from the devastating draught in Africa today. In fact, it is estimated that some 100,000 may have already perished from starvation in Mozambique alone. This disaster-in-the-making calls for increased humanitarian intervention on the part of the United States.

The U.N. Food and Agriculture Organization's Third Situation Report stated that of the 3.3 million metric tons in food aid estimated to represent the emergency needs of 24 African countries, only 1.7 tons have been received or pledged. Not only is there an unmet need of 1.6 million tons; but 700,000 of these remaining tons must be delivered and ready for consumption by March 1984, and a further 500,000 tons by June.

These 1.2 million tons of food that are needed by or before June are valued at $400 million. In the Public Law 480 title II emergency reserve, only $68 million remains for worldwide emergencies. Although the Reagan administration is prepared to add an additional $90 million to that figure, it is vital for the United States to take the lead in combatting the present suffering and loss of life by allocating significantly more than what the administration is proposing.

Moreover, it is essential that his supplemental appropriation be separated from other supplemental requests and put on a fast track. In this challenge, time is not only of the essence; it is a matter of life and death.●

● Mr. STARK. Mr. Speaker, the people of the African continent are dying. Unimaginable drought, for periods of up to 2 full years, has hit much of Africa. This drought has resulted in the most basic form of deprivation on a massive scale: Starvation. The United States, land of the PIK program, has the means to alleviate some of the suffering of Africans from the 24 most seriously affected nations by means of emergency food aid.

This should not be a controversial issue. Tens of thousands of Africans are starving to death, hundreds of thousands more are being permanently injured by the effects of extended malnutrition.

In the past, the United States has acted generously and humanely when others have been faced with famine. We should act generously and humanely once again. Perhaps most importantly, we should act now. While our detailed legislative process of authorization and appropriation runs its course, thousands more will die. I support the recommendations of Subcommittee Chairman WOLPE regarding measures to speed our assistance to those who so desperately need it.

Hunger, Mr. Speaker, is everyone's enemy. The United States has the means to effectively combat that enemy today, in Africa. All that remains to be seen is whether or not we have the will to act.●

● Mr. DELLUMS. Mr. Speaker, the present hunger crisis on the African Continent is very real, with far reaching consequences that demand immediate action on the part of our Nation. Over the past 2 years the drought has forced a food crisis in 24 African nations south of the Sahara. Some of these nations are more severely affected than others. Countries such as Zimbabwe and South Africa are affected but continue to be net food exporters, however, the volume of their exports have been almost cut in half. Worldwide response to the crisis precipitated by the drought has been extremely slow and for the most part uncoordinated.

One hundred and fifty million people or more are presently threatened with famine. The death toll resulting from the drought is estimated to be in excess of 100,000 persons. While the infant mortality rate, already at deplorable levels, shows no sizable increase, children undergoing fundamental psychological and biological growth, 2 to 5 years of age, are being ravaged. These years are critical in the development of the nervous system and mental capabilities. Thus, the damage of the present crisis cannot be readily measured. Malnourishment of mothers and children are resulting in rampant juvenile underdevelopment which will be an impairment reflected in these societies for many years into the future.

For many of the nations affected by this 2-year drought, fragile economies have been desecrated and are today facing almost irreversible impacts. The unavailability of water for both hygenic and agricultural use not only poses a health hazard as disease spreads throughout the affected region but also contributes to reduced agricultural productivity.

We must act and act swiftly. Our response should first take the form of providing the necessary food and medical supplies being requested. I call upon my colleagues in the Congress, and I call upon the adminstration to move expeditiously in allocating resources in proportions which will help to alleviate the crisis.

The problems which confront sub-Saharan Africa today are problems which demand our action in helping to bring about solutions. In attempting to find solutions we must move beyond

our traditional response and thrust ourselves into history. During those formative years, our Nation's policy toward the nations of Africa has been vastly different from what it ought to be, or, what it could have been.

During the decades of the 1950's continuing through to the present, we have failed to lend support to those seeking to remove themselves from the threshold of European colonialism. Under the guise of fighting communism, we have supported destabilizing and subversive factions. We supported the overthrow of the Lumumba government in Zaire, then the Democratic republic of the Congo, in 1961. We supported the overthrow of the Nkrumah government 1966. We are presently supporting destabilizing factions in Angola.

We must begin to redirect our policies toward the region. We must come to decide whether we are going to continue to be part of the crisis or part of the solution. In the past, the strides which we have made as a nation have been intricately tied up with this region, whether we begin by looking at the peculiar institution of slavery, or extractive industries, in which we are presently involved. Africa South of the Sahara has made and is continuing to make invaluable contributions to our success as the most developed Nation on this planet.

European colonization and the continued exploitation of this region has robbed the region of its capacity to develop its own internal synthesis which would lead to economic development. We as a nation have been a benefactor of some of the most inhumane actions of one group of human beings toward another. Today we can turn the tables. Failure to seize the opportunity to reverse the historical trend can only result in further human suffering in this region. We have no choice but to participate in helping to initiate long term plans, working as equal partners in facing the challenge of underdevelopment in Africa South of the Sahara.●

● Mr. FAUNTROY. Mr. Speaker, it is with a sense of urgency that I join with my distinguished colleague from New York, Congressman TED WEISS, in this special order on famine in Africa. Congressman WEISS is performing a valuable humanitarian service in calling to the attention of this body the human tragedy that is unfolding in Africa and which is affecting 24 countries with 150 million people facing the specter of starvation.

The situation that Congressman WEISS is calling our attention to is immediate and it requires immediate action. The U.N. Food and Agricultural Organization has estimated that the total food aid requirements in Africa this fiscal year will be 3.3 million tons. At this late date, only 1.7 million tons have been allocated. The situation is most serious. The sharp decline in cereal production has been revised for a number of the affected countries on the basis of the findings of the Food and Agricultural Organization and this decline is projected into the near future.

The U.S. Agency for International Development has responded in part to this crisis. The United States annually supplies about 1 million tons of food aid to countries in sub-Saharan Africa. Public Law 480 food aid under titles I and III of Public Law 480 and the regular voluntary agency, world food program and government-to-government activities under title II are part of this ongoing program. In addition to these programs, the United States has granted a considerable amount of food aid under title II. On January 6, 1984, the Agency for International Development announced additional emergency food aid in the amount of 73,144 metric tons valued at $32,730,229. This brings our fiscal year 1984 total to $73,174,000 of emergency food aid to Africa.

Again, however, the situation is such that the total food aid requirement of Africa in this fiscal year will be 3.3 million tons, of which only 1.7 million tons are presently available. The remaining food resources are needed immediately and we need to put this matter on a fast legislative track.

Mr. Speaker, our Nation has historically supplied at least half of the emergency food needs on a worldwide basis. However, our current commitment to Africa cited above, including the new funding that was announced this week, is short of that standard. We have the resources and we should pass a separate supplemental appropriation to provide the needed resources to avert the starvation which is imminent and which will affect millions of our brothers and sisters on the continent of Africa.

I again want to thank my colleague from New York and pray that our Nation will be equal to the moral and legislative test that confronts us on the question of famine in Africa.●

● Mr. OBERSTAR. Mr. Speaker, I join in this special order today out of a deep concern for the millions of Africans threatened by starvation.

We, as citizens of the largest food producing nation in the world, may find it somewhat difficult to realize fully the dimensions of the current situation in Africa. The millions of people suffering from the drought face a day-to-day struggle to survive. Their greatest concern is getting enough to eat. Their only hope is international assistance.

The United Nations Food and Agricultural Organization (FAO) estimates that at least 3.3 million metric tons of food aid is needed in order to feed adequately starving people in 24 African nations. The total of what has been pledged by other international donors and the $90 million in aid recently requested by the Agency for International Development (AID) only amounts to about half of what is needed, or about 1.6 million metric tons. Moreover, the AID request is far below what our traditional response has been. We should act as soon as possible to pass a supplemental appropriation bill which would provide approximately $300 million in aid. The issue is literally life and death for millions of people.

Food is the major form of assistance needed. Other areas, however, require our immediate attention—transportation aid to distribute food and other supplies to people in remote and hard to reach areas and increased medical aid for particularly vulnerable groups of people such as children, elderly, and pregnant women. What little transportation capabilities and medical supplies which many of these nations once had have been diminished because of the drought.

I urge my colleagues to support legislation which would increase the U.S. response to this crisis and help ameliorate the plight of millions of starving people. While the United States has been increasingly responsive, we can do more.●

● Mr. LEHMAN of Florida. Mr. Speaker, I would like to commend our colleague, the distinguished gentleman from New York, Representative TED WEISS, for sponsoring this special order to focus our attention on the worsening famine in Africa.

The severe drought conditions that have brought about the devastating famine facing millions of the poorest people of Africa is exacerbated by the inability of their countries' governments and donors to adequately address the problem of poverty throughout the African Continent. Food aid will not address the long-term food shortage needs, but it will provide immediate relief to those who would not survive without it, and who may not survive despite such aid. The magnitude of the problems created by the drought require immediate attention. I welcome the additional funds provided by AID for emergency famine relief, but I believe that even more funds should be appropriated for food aid if we are to respond meaningfully to this tragedy. Children and their mothers are especially vulnerable to nutritional deprivation, and malnutrition and starvation are on the rise.

I would like to add my support for supplemental funds for additional famine relief to Africa.●

● Mr. YOUNG of Missouri. Mr. Speaker, I am here today to express my concern over the tragic conditions that exist today in sub-Saharan Africa. I would like to commend Mr. WEISS for his efforts in organizing this

special order on famine in Africa because it is time that public attention is focused on the current food crisis that is threatening hundreds of thousands of lives across the African Continent.

In Mozambique, a country just twice the size of California, it is estimated that in the past year alone as many as 40,000 people died of starvation, with at least a half million more being seriously affected by the food shortages. As always, the hardest hit are the children. We are talking about children from birth to age 15 that do not have milk to drink or enough food to eat; because of the absence of nutrients at such young ages, these children have no resistance to disease and are not only dying of starvation, but are being killed by the measles, flu, or any illness they contract.

I have just returned from a trip to Africa, and even though I was only there a short time—it was long enough to see that there is an urgent need for supplemental aid to this region.

We must transcend the barriers of geographic borders and political allegiances to unite not only as Americans, but as people. People who are concerned about the well-being of other people and are willing to reach out to those who are in need of assistance.

Our assistance must have two focuses: first, for the short run, we must increase the amount of food being sent in order to help those already in the grips of starvation. Second, for long-term success in assisting the people of Africa to improve their quality of life, the U.S. response must go beyond food and address ways to train the people to produce food and become nutritionally self-sufficient.

Mr. Speaker, for these reasons, I appeal to my colleagues to recognize the urgency of this situation and to approve supplemental aid to the hundreds of thousands of people starving in Africa.●

● Mr. DASCHLE. Mr. Speaker, I hope this special order today on the famine in Africa serves the purpose of spurring the U.S. Congress and the administration to act more quickly and with more generosity in providing food and nonfood assistance to the nations of Africa whose people are facing malnutrition and starvation. I hope that the American people demand that we, their elected Representatives, respond to the food crisis in Africa.

I fear that there are too many parallels between the response to the food shortages in Africa in the early 1970's and in 1983. There has, in both cases, been a lack of systematic monitoring to identify the most vulnerable populations, a lack of coordination among agencies and governments, and a slow response in pledging assistance from donor nations. One difference, however, is that the famine in the early 1970's affected six countries of the Sahel region, while the food crisis in 1983 affects nearly the entire continent. The Food and Agriculture Organization (FAO) has identified 24 nations with severe food shortages—Benin, Cape Verde, Chad, Gambia, Ghana, Guinea, Guinea Bissau, Mali, Mauritania, Senegal, Togo, Upper Volta, Angola, Botswana, Lesotho, Mozambique, Swaziland, Zambia, Zimbabwe, Central African Republic, Sao Tome and Principe, Ethiopia, Somolia, and Tanzania. Color those 24 nations in on a map of the Continent of Africa, and you will be shocked at the gigantic area experiencing severe food shortages.

The Agency for International Development has, to its credit, increased the level of food assistance to a number of African nations over the past 2 months. There have been three separate announcements of additional food aid. The magnitude of the problem, however, demands more. The January 9, 1984, FAO report on emergency food needs says that 24 African countries will need 1.6 million additional tons of food, beyond what has already been pledged during the rest of fiscal 1984. Of the 1.6 million tons, 700,000 tons must be delivered by March and another 500,000 tons need to arrive by June. It takes several months from the time the United States approves a food shipment to when it arrives in the recipient nation. We must, therefore, act now.

Congress must approve a supplemental appropriation for emergency food and nonfood assistance for Africa. Time is of the essence. If we fold a supplemental appropriation for Africa into an omnibus bill, it will take many months to go through the legislative process. Any omnibus supplemental is bound to be a highly contentious piece of legislation and would bog down delivery of food needed to save lives.

This is literally a matter of life and death, and so we must pass an Africa-only supplemental bill quickly. One hundred thousand people are reported to have starved to death in 1983 in Mozambique alone. Millions of people are facing malnutrition and starvation throughout Africa. We need more than the $90 million requested by the administration for a supplemental. The amount of money required if the United States is to provide one-half of the emergency food is closer to $300 million, In addition, there is need for money for nonfood emergency things such as transportation, seeds, and medicine. The disaster fund which is used for nonfood emergency needs has already been committed for this fiscal year. There was only $25 million in this fund for worldwide purposes—African nations could easily use $50 million.

For anyone who would balk at spending upward of an additional $300 million on food for people in Africa, I would ask that it be put in perspective of all the other things, albeit many of them worthwhile, for which we appropraite money.

The American Government was caught looking the other way for several years of the 5-year Sahel drought in the late 1960's and early 1970's. We, and other nations of the world, must do better this time. We have the ability to take actions to save lives. We can increase our emergency food and nonfood assistance, airlift food, as we eventually did during the Sahel famine, to prevent outright staration, increase our efforts at gathering data so our aid will be well targeted and increase our diplomatic efforts to gain ceasefires in those nations where war makes the delivery of emergency food and supplies difficult or impossible.

Thank you for the opportunity to participate in this special order on the food crisis in Africa. I urge all members of the House and Senate to join together to quickly pass an Africa food supplemental bill.●

● Mr. MRAZEK. Mr. Speaker, millions of Africans currently face the prospect of starvation due to the second major drought in a decade. A recent United Nations Food and Agricultural Organization (FAO) study reported that 24 nations, with a combined population of over 150 million, were now affected by what the Secretary of State described as a drought of historic proportions. The FAO estimates that these nations need 1.6 million tons of cereal from outside sources above and beyond the food aid already allocated.

On Monday, January 30, the administration announced that it would request a supplemental appropriation of $90 million from Congress for Africa. This is a step in the right direction but would cover only about 15 percent of the current need of approximately $600 million. We can and must do more. My esteemed colleague, Representative HOWARD E. WOLPE, has noted that "historically, America provided 50 percent of disaster relief." The administration and the Congress should strive to meet this target.

Though we are all aware of the serious constraints on our Nation's budget, starvation overseas is not a cause we can lightly overlook or even respond to with token gestures. We must respond, as we traditionally have, with as much generosity as we can muster. I am confident that we will meet this historic responsibility by raising the supplemental appropriation to an amount that corresponds with the true needs of the starving at this time of dire emergency.

The administration also is asking Congress for $75 million in its fiscal 1985 budget to help African nations improve long term agricultural production. This is a good first step. How-

ever, long term assistance is as vital as emergency relief aid is in breaking the vicious cycle of drought and underdevelopment. We must allocate more funds for long term development assistance now—before the next drought hits.

Mr. Speaker, I would like to briefly comment on one nation particularly hard hit by the drought. Ethiopia, which tragically lost 250,000 people at the time of the 1973-74 drought and consequent famine, is now confronted with the specter of starvation for 3 million of its citizens. As early as June 1983, official reports indicated that 50 to 150 people were dying every day in Ethiopia due to the drought. An anticipated meager harvest, compounded by current problems of transporting food and relief supplies, can only make this already grave situation more precarious.

One Ethiopian group which has especially suffered is the dwindling Jewish community located in Gondar, a northern province where the drought has been most acute. We should insure that this community gets their fair share of emergency relief aid.

Mr. Speaker, in conclusion, I would like to thank my colleague, Representative TED WEISS, for calling this special order and express the hope that our efforts here today will produce tangible results for starving Africans in the weeks and months ahead.●

● Mr. FRANK. Mr. Speaker, today we convene to discuss a matter which affects us solely in our capacity as human beings. There is famine in Africa, and many millions are hungry and will shortly starve if nothing is done to help them. They are hungry because of forces beyond their control; a terrible drought has struck their land, and they will survive only if they receive outside help.

There are many aspects of international relations, Mr. Speaker, in which conflict and disagreement seem unavoidable, in which no solutions seem to offer themselves in the near future. But here is a situation in which the crisis is so stark, in which the potential for a massive catastrophe—measured solely in terms of human life, not of any foreign policy consideration—are so great, that I believe all Members of this body will join in immediately addressing this problem.

What is needed in short order is a supplemental appropriation for the short-term emergency assistance which will be necessary to cover the immediate needs of the affected peoples. In this regard I would like to congratulate the administration, which recently announced that it will seek to triple the funding for such emergency food aid. This is a very encouraging first step. I must say that such are the dimensions of the crisis, that it is likely that the proposal will have to be expanded if it is to be sufficient to meet the emergency. Now it is our turn in Congress to meet the challenge, and insure that such an emergency problem receives adequate funding.

Our people have often in the past shown tremendous generosity and have extended assistance to other peoples in need. Now Congress must pass a supplemental appropriation which is substantial enough to avert the impending disaster.●

● Mr. MAZZOLI. Mr. Speaker, I join with my colleagues in expressing concern for the over 150 million victims of severe drought and famine in 24 nations located in sub-Saharan Africa.

Mr. Speaker, as a nation we have always responded to world food crises with unhesitating generosity and compassion. This time should be no different.

I certainly recognize the Nation's budget constraints. But, millions of lives are at stake. We who value and cherish all human life must respond quickly and resolutely to ease this desperate situation.

I am encouraged that the President has indicated he will be requesting some $90 million in a supplemental appropriation for emergency food aid for this region in Africa. I hope the Congress acts quickly and prudently on this request and provides adequate funds to alleviate the human suffering and avert impending disaster. We must also get to work on a long-range solution to the hunger problem there.

I commend the gentleman from New York for requesting this special order to call attention to the plight of the starving peoples of Africa.●

ARIZONA WILDERNESS ACT OF 1984

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 10 minutes.

● Mr. UDALL. Mr. Speaker, last summer the Arizona congressional delegation asked many Arizonans for their help in putting together a bill to settle the national forest wilderness issue in our State. Since that time, we have received excellent cooperation from throughout the State and a considerable amount of useful information.

I am especially thankful for the hard work and sincere effort put out by the Arizona Wilderness Coalition and the signatories to a proposal from the individuals and organizations called User Groups, including the Arizona Cattlegrowers Association and the Arizona Mining Association. These Arizonans have both made very positive and constructive contributions to our understanding and knowledge of the facts, interests and concerns we must weigh in the development of a fair legislative proposal. In addition, many individual Arizonans have written us of their specific views and concerns, and these have been very useful as well.

Building on their contributions, today I am introducing the Arizona Wilderness Act of 1984. This is a comprehensive proposal. It combines existing legislation to designate about 400,000 acres of BLM and Forest Service land on the Arizona Strip and about 6,000 acres in Aravaipa Canyon with a brand new proposal to end the RARE II debate in Arizona by designating about 750,000 acres of wilderness statewide on Arizona's national forests. In addition, the bill would designate 50 miles of the Verde River as a wild and scenic river, the first time a desert river has been included in our national system of protected rivers. The Arizona Strip and Aravaipa Canyon portions of the bill are verbatim incorporations of H.R. 3562 and H.R. 2724 which have the unanimous support of the Arizona congressional delegation.

We westerners have a special feeling for the land and we Arizonans of the desert Southwest are privileged to have some very special land to love. This bill would preserve for those who will come after us the beauty and grandeur of Arizona as I and my father and my father's father have known it.

The majestic spires of San Francisco Peaks and spectacular red cliffs of Red Rock-Secret Mountain are protected. The canyons descending from the Mogollon Rim, cut by creeks and the source of life for plants and animals, are preserved. The Mazatzal Wilderness is expanded westward and, in my opinion, made one of the premier wilderness areas in America by the incorporation of the Verde River as the first ever desert river in the Nation's system of protected rivers. The soaring, jagged teeth of Four Peaks, hard by the existing Superstition Wilderness, are included and create a major new system of wilderness lands for the people of Phoenix, just 35 miles away. The unsurpassed streams and riparian areas of the Hellsgate and Salome areas and the lands along the shores of the free-flowing Salt River are classified as wilderness. In southern Arizona, the bill creates new wilderness in the "Sky Islands" of Mount Wrightson, Miller Peak and the Santa Teresas.

The proposed legislation that is being introduced is not a final bill. Several issues, in addition to numerous boundary adjustments, remain to be worked out. In addition, I am, of course, open to good arguments about aspects of this proposal that may need to be added, dropped or altered.

I wish to emphasize, however, that this proposal is the product of much hard work and careful consideration of the many views that have been expressed. It represents my judgment about what are the truly meritorious wilderness areas in our State and where I think the appropriate balance lies between wilderness and nonwilderness on Arizona's national forests.

In large terms, this proposal would designate about 750,000 acres of new wilderness areas in Arizona, and place an additional 60,000 acres in further planning. Well over 1 million acres would be maintained as multiple use areas and could not be studied or recommended for wilderness by the Forest Service until the initial generation of land management plans expire, most likely near the end of this century.

I believe this proposal comes the closest of all the proposals made so far to the Forest Service recommendations. Excluding the Arizona Strip area, the Forest Service recommended a total of about 300,000 acres for wilderness and nearly 550,000 acres for further planning, or a total of 30 areas and about 850,000 acres that either could or should be included in the wilderness system.

This proposal includes 33 areas and about 810,000 acres in wilderness or further planning. The User Groups proposal would encompass 29 areas and 500,000 acres of wilderness, while the Coalition would designate 53 areas and nearly 1.6 million acres. In addition, this proposal designates as wilderness or further planning only eight areas identified for nonwilderness by the Forest Service, while the User Groups' proposal designates 15 such areas and the Coalition proposed 24 such areas.

The proposal also contains language to protect State water law, fish and game authority, grazing rights and access to important flood control facilities.

The release language formula will prevent the Forest Service from recommending any additional wilderness on areas excluded from this legislation until sometime between 1995 and 2000, depending on the forest. It assures that there will never again be another statewide wilderness review in any case.

Corridors to protect existing utility transmission lines, and the possible future expansion of those lines, can be achieved by the combination of boundary adjustments, release language and the designation of utility corridors in the Forest Service's land management process now nearing completion.

In addition, the legislation would designate 50 miles of the Verde River from the confluence of Tangle Creek north to a point south of Camp Verde as a wild and scenic river system. No private lands are involved and the designation will in no way affect the operations of the Salt River project or grazing permittees.

Mr. Speaker, I also would like to express my deepest personal thanks to Senator GOLDWATER, a man who also loves the land of his native State and has done so much to preserve its beauties. Senator GOLDWATER is today introducing the RARE II portion of the bill in the Senate and this will greatly assist our work in enacting this legislation this year.●

JOBS, TRAINING, AND INDUSTRIAL POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 10 minutes.

● Mr. COYNE. Mr. Speaker, one of the most disturbing aspects of the continuing discussion about so-called smokestack industries versus high-technology industries is the often heard suggestion that the loss of jobs in one sector will be made up by job creation in another.

Not to worry, say the modern day Pollyana's of the economy. Steel plants may be closing, but high technology jobs are growing. It is all supposed to work out in the end.

Accepting this notion overlooks the economic impact these changes may have on the class composition of our Nation. While the aggregate number of jobs may not be altered significantly by a deterioration of our industrial base, the average take home pay of the American worker most certainly will. At this point, I would like to share with my colleagues a comparison of average earnings between slow-growth and fast-growth industries.

Average hourly earnings of production workers in selected manufacturing industries, 1982 annual average

Slow growth industries 1979–95:	
Blast furnaces and basic steel products	$13.36
Primary nonferrous metals	12.90
Nonferrous rolling and drawing	10.18
Motor vehicles and equipment	11.60
Farm machinery and equipment	10.70
Fast growth industries 1979–95:	
Office and computing equipment	7.95
Electronic components	7.16
Engineering and scientific instruments	8.45
Measuring and controlling devices	8.46
Medical instruments and supplies	6.99

Source: U.S. Bureau of Labor Statistics. Employment and Earnings. March 1983, table C-2.

A Congressional Research Service study made these observations on current trends:

The changing distribution of employment within and among sectors may change the traditional class structure of the United States. Should recent trends continue, the relative number of well-paid workers in durable goods manufacturing industries could well decline, given the faster rates of employment growth projected for other, lower-paying manufacturing industries. Middle-class workers could well decrease given the rate of employment growth projected for the service sector, which is characterized by a large number of low-paid and high-paid workers. Moreover, the shrinking of the smokestack industries could well close an avenue of upward mobility formerly open to workers having few skills and limited education. And last, that shrinkage could promote a bimodal distribution of jobs and earnings, as service sector employment becomes increasingly dominant, with most workers either at the bottom or top in terms of skill and pay levels.

As those of us in the Congress devise methods to make our economy more competitive, we should keep in mind what the Federal role should be in averting a situation in which the work force is increasingly divided between those at the high end of the pay scale and those at the low end. In so doing, we should insure that our Federal training programs are aimed not simply at those aged 25 or younger, but at those who may need them the most. In this category are the skilled workers who once provided the backbone for the middle class in many of our Nation's communities, but who now face long-term unemployment as a result of slowdowns in particular industries. At this point, I would like to share with my colleagues an editorial from the January 30, 1984, Pittsburgh Post-Gazette which addresses this issue. The editorial follows:

INNOVATIVE ENOUGH?

There's both good news and bad for Pittsburgh in the Post-Gazette's annual Business Outlook in today editions.

The good news is that a whole range of individual and corporate innovative efforts are being made, mostly in the high technology area. There are an estimated 154 high-tech companies here employing 28,000 persons and Pittsburgh's universities are also playing an important role.

The bad news is that many of these innovations are designed to eliminate rather than add jobs.

Furthermore, the business review shows clearly that the training programs are but a drop in the bucket of need. In great part, this is because of Reagan administration cutbacks in federal funding for retraining.

Valid questions have been raised about the usefulness of many of the training and retraining programs of the past. But something is wrong when there are an estimated 74,000 unemployed person in Allegheny Country and only 13,000 retraining slots in city and county governmental program—plus an undertermined number in private programs.

The Reagan administration talks as if private industry can handle the problem, but business tends to train only for its narrowly focused needs. Indeed, it is evident that only government can deal with the manifold problems of training people of diverse background and skills for the jobs available in the marketplace.

A disturbing fact that came up again and again in the business survey is the growing evidence that the programs that are available are almost always aimed at the young—those under 25 years of age or, at best, under 40 years of age. And one of the newest governmental programs is available

only for those laid off during the past six months—thus rendering ineligible the large number of steelworkers put out of work in the massive layoffs of 1981 and 1982.

This flaw suggests that society would be content to write off an entire generation of blue-collar workers whose skills were once highly prized. Talk about discrimination.

The Post-Gazette survey graphically shows the down-shifting economically and sociologically for a whole stratum of workers in the Pittsburgh area. There were 89,710 workers in the steel industry here in June, 1979, earning $518 million; by June, 1983, those figures had dropped to 42,037 workers, earning $302 million. During the same period, the number of people working in just two service categories—hospitals and restaurants—rose to a combined level higher than the number in steel manufacturing, or 103,871. But their total income at $288 million was $13.2 million less than the income of half that many steelworkers.

The fact remains that people who want to work constitute a great Pittsburgh asset. The challenge is both to provide the jobs, through innovation and otherwise, and to prod the federal government as well as business into mounting well-designed training—and retraining—programs.●

TRIBUTE TO SOPHIA BENDER

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LELAND. Mr. Speaker, let me introduce you to an extraordinary human being. Her name is Sophia Bender. She resides in Houston, Tex., and in the hearts of all who know her. An incredible purveyor of compassion, she works tirelessly for the good of humanity.

While her seal is stamped indelibly on the struggles for justice for oppressed Jewry all over the world, her efforts extend far beyond Jewry to less fortunate peoples everywhere. I know her personally and commend her to you my colleagues as an example of leadership in quest for peace and justice in our troubled world.

Let me submit for the RECORD an editorial comment from the Jewish Herald-Voice for your consideration about Ms. Bender.

[From the Jewish Herald-Voice]

IN APPRECIATION OF SOPHIA BENDER—AN ACTIVE PARTICIPANT IN MOLDING A BETTER TOMORROW

At a time when many journalists begin the new year of 1984 with a great deal of pessimism and a sense of futility, we are reminded of Samuel Johnson's famous comment that "The future is purchased by the present."

It is a sad commentary about our times that so few today choose to take an active role in the molding of our tomorrow. Sophia Bender does. This editorial is our reflection of our collective appreciation both for the accomplishments of Sophia Bender as ADL chairperson and of her general willingness to devote part of her life to "purchasing the future." Responsibility toward community and society is a driving force in her life. She is not a passive victim of events, but an active participant in their development.

In the history of Houston Jewry during 1983, Sophia Bender was a major player. As ADL chairperson, she infused the agency with dynamism and action. When the Klan raised its ugly head, and it did so often this past year, it felt the presence of the ADL. In our corner of the world, Nicaraguan, Soviet and Ethiopian Jewry were not forgotten. When problems of anti-Semitism emerged in Mexico, a delegation of ADL leaders from Houston crossed the border to investigate and lend support.

Translating Israel's position in the face of speeches, publications, seminars and symposiums constituted an effective and meaningful response. Seldom a day went by when information was not coming out of the ADL office clarifying old ideas and generating new thought.

Robert Kennedy once said, "Some men see things as they are and say 'why?' I dream things that never were, and say 'why not?' " This quotation speaks directly to Sophia's approach to both ADL and life. The dream is but the first stage, and Sophia Bender is unique because she not only dreams, but she never fails to turn those dreams into actions.

The definition of leadership is to set an agenda, and then to have others join in the pursuit of that agenda. Sophia's organizational skills, her tenacity and her obvious caring and affection have brought friends to the ADL agenda. There is a link, not only between the present and the future, but between the present and the past, as well.

Sophia Bender has learned the lessons of the past. She knows the significance and impact of the Jewish experience. She not only relates it to the future, but acts upon it in the present. She is, as Homer said of Ulysses—"What he greatly thought, he nobly dared."

TRIBUTE TO ARTHUR COLUMBUS "A. C." PICKENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. HUBBARD) is recognized for 5 minutes.

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to a dear and longtime friend of mine, Arthur Columbus "A. C." Pickens, who died on November 21, 1983, at the age of 83 in Mayfield, Ky., my hometown.

A. C. Pickens was a successful businessman in Mayfield and the owner of Pickens Supply Co. A devoted husband and father, he was active in the community and a well-liked and respected individual.

I am proud to have called A. C. Pickens my friend, and I am glad to have represented his interests as his State senator in Kentucky and as his Congressman in the U.S. House of Representatives.

Survivors include his lovely wife, Wardie Story Pickens, of Mayfield; 3 sons, Dr. George Pickens and Bill C. Pickens, both of Mayfield, and Arthur L. Pickens, of Louisville, Ky.; 1 daughter, Mrs. Margaret Stevenson, of Buffalo, N.Y.; 10 grandchildren and 8 great-grandchildren.

I extend my sympathy to the survivors and friends of this fine Kentuckian who was an inspiration to those who knew and loved him.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGRATH) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, on February 2.

Mr. MACK, for 60 minutes, on February 2.

Mr. WEBER, for 60 minutes, on February 2.

Mr. GINGRICH, for 60 minutes, on February 2.

(The following Members (at the request of Mr. SWIFT) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 60 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. COYNE, for 10 minutes, today.

Mr. ADDABBO, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN, for 5 minutes, today.

Mr. HUBBARD, for 30 minutes, today.

Mr. DORGAN, for 15 minutes, on February 2.

Mr. REID, for 15 minutes, February 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCGRATH, to revise and extend his remarks during general debate on H.R. 2465.

Mr. ADDABBO, on his special order to appear immediately after Mr. EDWARDS of Alabama.

(The following Members (at the request of Mr. BARTLETT) and to include extraneous matter:)

Mr. ROGERS.

Mrs. ROUKEMA.

Mr. GREEN.

Mr. WALKER.

Mr. WHITEHURST.

Mr. CONABLE.

Mr. PORTER in two instances.

Mr. MARTIN of North Carolina.

Mr. RUDD.

Mr. ROBERT F. SMITH.

Mr. GILMAN.

(The following Members (at the request of Mr. SWIFT) and to include extraneous matter:)

Ms. FERRARO.

Mr. FLORIO.

Mr. MAZZOLI in two instances.
Mr. KASTENMEIER.
Mr. GEPHARDT.
Mr. SKELTON in five instances.
Mr. WON PAT.
Mr. VENTO.
Mr. LEVINE of California.
Mr. LEVIN of Michigan.
Mr. FRANK.
Mr. WHEAT.
Mr. LANTOS in three instances.
Mr. BERMAN in two instances.
Mr. MINISH.
Mr. ANDREWS OF Texas.
Mr. DE LA GARZA.
Mr. TORRES.
Mr. LEHMAN of Florida.
Mr. MURRHY in two instances.
Mr. HAMILTON.
Mr. BRYANT.
Ms. MIKULSKI.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following titles, which was thereupon signed by the Speaker:

H.R. 3969. An act to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, February 2, 1984, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2542. A letter from the Principal Deputy Assistant Secretary (Comptroller), Department of Defense, transmitting notification of the proposed obligation of $39.0 million in the Army stock fund for war reserve stocks, pursuant to Public Law 98-212, section 730; to the Committee on Appropriations.

2543. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed decision to convert to contractor performance the support activities at the U.S. Army Logistics Management Center, Fort Lee, Va., pursuant to Public Law 96-342, section 502(b); to the Committee on Armed Services.

2544. A letter from the Acting Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the extent to which commercial and industrial-type functions were performed by DOD contractors during the preceding fiscal year, pursuant to Public Law 96-342, section 502(c); to the Committee on Armed Services.

2545. A letter from the Secretary of Defense, transmitting a report on the financial analysis conducted of the projected cost of the B-1B bomber program, pursuant to Public Law 98-94, section 1240(b); to the Committee on Armed Services.

2546. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the proposed transaction involving U.S. exports to the Republic of Indonesia, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2547. A letter from the Auditor, District of Columbia, transmitting a report entitled "Issues and Concerns Regarding the D.C. Retirement Board," pursuant to Public Law 93-198, Sec. 455(d); to the Committee on the District of Columbia.

2548. A letter from the vice chairman, Potomac Electric & Power Co., transmitting a copy of the balance sheet of the Potomac Electric & Power Co. as of December 31, 1983 filed with the Public Service Commission of the District of Columbia; to the Committee on the District of Columbia.

2549. A letter from the Secretary of Energy, transmitting a report on residential energy conservation financing, supply and installation activities of public utilities, pursuant to Public Law 95-619, Section 216(g) (94 Stat. 744); to the Committee on Energy and Commerce.

2550. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a copy of the first TSCA section 6(a) proposed rule that deals with two new chemical substances; to the Committee on Energy and Commerce.

2551. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or defense services, pursuant to AECA. section 25(a) (95 Stat. 1557); to the Committee on Foreign Affairs.

2552. A letter from the Director, Defense Security Assistance Agency, transmitting notification that the foreign military sales guaranty reserve funds have been reduced below $750 million pursuant to AECA, section 24(c) (94 Stat. 3132); to the Committee on Foreign Affairs.

2553. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on human rights in countries receiving development assistance and security assistance, pursuant to FAA, sections 116(d) and 502B(b) (91 Stat. 537); to the Committee on Foreign Affairs.

2554. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1985 arms control impact statements, pursuant to Public Law 87-297 section 36(b) (92 Stat. 458); to the Committee on Foreign Affairs.

2555. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the 25th annual report on the activities of the Advisory Commission, pursuant to Public Law 86-380, section 5(3); to the Committee on Government Operations.

2556. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a new computer matching program that involves allotment records of the Department of the Navy and food stamp and public assistance records of the city of New York, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2557. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2558. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting, a report on the proposed refunds of offshore lease revenues, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

2559. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, a report on grants of suspension of deportation of certain aliens, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

2560. A letter from the Chairman, Council on Environmental Quality, transmitting a draft of proposed legislation to authorize appropriations for the Office of Environmental Quality under the Environmental Quality Improvement Act of 1970 for fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987; to the Committee on Merchant Marine and Fisheries.

2561. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting his quarterly report on the status of the Alaska Natural Gas Transportation System, pursuant to Public Law 94-586, section 7(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2562. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting his determination that Haiti is cooperating in halting illegal emigration to the United States, is implementing U.S. assistance programs and is making a significant effort to improve the human rights situation, including the establishment of politial parties, free elections, and freedom of the press, pursuant to Public Law 98-151, section 101(b)(2) (97 Stat. 971); jointly, to the Committees on Foreign Affairs and Appropriations.

2563. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a delay in submitting a report on the policies pursued by other countries in international organizations and the report on the political performance in the United Nations of those member countries who are recipients of direct U.S. foreign assistance, pursuant to 22 U.S.C. 287b nt (Public Law 98-164, section 177) and section 101 of Public Law 98-151; jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of January 31, 1984]

Mr. FUQUA: Committee on Science and Technology. S. 373. A bill to provide comprehensive national policy dealing with na-

tional needs and objectives in the Arctic; with amendments; referred to the Committee on Armed Services and to the Committee on Merchant Marine and Fisheries for a period ending not later than March 16, 1984, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees under clause 1(a) and 1(n) of rule X, respectively (Rept. No. 98-593, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 4704. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 4705. A bill to revoke the recent 3.5 per centum pay adjustment with respect to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI (for himself, Mr. FORSYTHE, Mr. JONES of North Carolina, and Mr. SNYDER):

H.R. 4706. A bill to authorize appropriations for fiscal year 1985 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL:

H.R. 4707. A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes; jointly to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. CONABLE:

H.R. 4708. A bill to amend the Internal Revenue Code of 1954 to provide that a dividend paid by a corporation directly to certain charitable organizations at the direction of the shareholder shall be treated as a charitable contribution of the corporation, and to exclude such dividend from the income of such shareholder; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 4709. A bill to extend the authority for States to issue tax-exempt mortgage subsidy bonds, to require a study on the feasibility of mortgage credit certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. EMERSON:

H.R. 4710. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4711. A bill to amend title 38, United States Code, to provide a presumption of service-connection for the occurrence of post-traumatic stress disorders in veterans who served in Southeast Asia during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. LEHMAN of California (for himself, Mr. COELHO and Mr. SHUMWAY):

H.R. 4712. A bill to provide for cooperative agreement between the Secretary of the Interior and State and local governments for law enforcement within Federal water resource projects; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI (for himself and Mr. CONABLE):

H.R. 4713. A bill entitled: The "Charitable Organization Pension Plan Amendment Act of 1984;" to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. BOLAND, Mr. CONTE, Mr. YOUNG of Missouri, Mr. WOLF, Mr. MCNULTY, and Mrs. HOLT):

H.R. 4714. A bill to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. MINETA (for himself, Mr. BOLAND, Mr. CONTE, and Mr. YOUNG of Missouri):

H.R. 4715. A bill to authorize the transfer to the Smithsonian Institution without reimbursement of the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. OLIN:

H.R. 4716. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. REID:

H.R. 4717. A bill to designate the U.S. Federal Building in Las Vegas, Nev., as the "Foley Federal Building," to the Committee on Public Works and Transportation.

By Mr. SCHUMER:

H.R. 4718. A bill to establish State pension investment units, a secondary market for industrial mortgages, State venture capital and royalty finance corporations, and a national loan loss reserve fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 4719. A bill to impose an embargo on trade between Iran and the United States; jointly, to the Committee on Foreign Affairs and Ways and Means.

By Mr. SUNDQUIST:

H.R. 4720. A bill to amend the Asbestos School Hazard Detection and Control Act of 1980; to the Committee on Education and Labor.

By Mr. WOLPE (for himself, Mr. CONYERS, Mr. ALBOSTA, Mr. TRAXLER, Mr. FORD of Michigan, Mr. KILDEE, Mr. BROOMFIELD, Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. PURSELL, and Mr. SAWYER):

H.R. 4721. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. GORE:

H.J. Res. 462. Joint resolution designating February 1985, as "American History Month"; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN (for himself and Mr. CAMPBELL):

H.J. Res. 463. Joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 464. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE):

H. Res. 418. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. SOLOMON:

H. Res. 419. Resolution expressing the sense of the House of Representative that no disciplinary action arising from the terrorist attack of October 23, 1983, should be taken against any military officer in the chain of command over the U.S. contingent of the multinational peacekeeping force in Lebanon; to the Committee on Armed Services.

By Mr. UDALL:

H. Res. 420. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Interior and Insular Affairs in the 2d session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

317. The SPEAKER presented a memorial of the Legislature of the State of California, relative to California agricultural pest management; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FEIGHAN introduced a bill (H.R. 4722) for the relief of Steven McKenna, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. PATMAN.

H.R. 220: Mr. BADHAM, Mr. CORCORAN, Mrs. ROUKEMA, Mr. DREIER of California, and Mr. HANCE.

H.R. 428: Mr. MITCHELL, Mr. TOWNS, Mr. FORD of Tennessee, Mr. ACKERMAN, and Mr. HOWARD.

H.R. 991: Mr. LELAND, Mr. MCKINNEY, Mr. LEACH of Iowa, and Mr. BARNES.

H.R. 1200: Mr. HAYES and Mr. LEACH of Iowa.

H.R. 1249: Mr. HAYES.

H.R. 1315: Mr. DEWINE and Mr. WAXMAN.

H.R. 1887: Mr. GRADISON.

H.R. 1991: Mr. LOWERY of California and Mr. MCCLOSKEY.

H.R. 2053: Mr. BREAUX, Mr. JONES of North Carolina, and Mr. MCCAIN.

H.R. 2099: Mr. MCCLOSKEY.

H.R. 2262: Mr. ANDREWS of North Carolina, Mr. BETHUNE, Mr. BREAUX, Mr. CARR, Mr. DARDEN, Mr. EDWARDS of Oklahoma, Mr. FORD of Tennessee, Mr. GREGG, Mr. HAMMERSCHMIDT, Mr. HOPKINS, Mr. JEFFORDS, Mr. KAZEN, MR. LEWIS of California, Mr. MCCLOSKEY, Mr. MCNULTY, Mr. MURPHY, Mr. OBEY, Mr. ROBERTS, Mr. SCHAEFER, Mr. THOMAS of Georgia, and Mrs. VUCANOVICH.

H.R. 2276: Mrs. HALL of Indiana.

H.R. 2441: Mr. ROGERS and Mr. HUGHES.

H.R. 2474: Mr. LOWERY of California, Mr. PANETTA, Mr. TOWNS, Mr. LEHMAN of Cali-

fornia, Mr. PATTERSON, Mr. JEFFORDS, and Mr. HAWKINS.

H.R. 2486: Mr. BERMAN and Mr. RANGEL.

H.R. 2837: Mr. MARRIOTT.

H.R. 2852: Mr. GEKAS.

H.R. 3112: Mr. WISE.

H.R. 3483: Mrs. SCHNEIDER.

H.R. 3788: Mr. BARTLETT.

H.R. 3870: Mr. SMITH of New Jersey and Mr. YOUNG of Florida.

H.R. 3965: Mr. STOKES.

H.R. 4034: Mr. BARNARD.

H.R. 4049: Mr. SPRATT, Mr. EMERSON, and Mr. SEIBERLING.

H.R. 4050: Mr. WEISS, Mr. SPRATT, Mr. EMERSON, and Mr. SEIBERLING.

H.R. 4051: Mr. SPRATT, Mr. EMERSON, and Mr. SEIBERLING.

H.R. 4075: Mr. MCGRATH, Mr. LEVIN of Michigan, and Mr. DUNCAN.

H.R. 4103: Mr. AKAKA, Mr. CARPER, Mr. FRANKLIN, Mr. GOODLING, Mr. LOTT, Mr. MCEWEN, Mr. SHUSTER, Mr. DENNY SMITH, Mr. SUNIA, Mr. ASPIN, Mr. ROBERT F. SMITH, Mr. WALKER, and Ms. SNOWE.

H.R. 4110: Mr. COELHO.

H.R. 4111: Mr. WEISS, Mr. SKELTON, Mr. DURBIN, Ms. OAKAR, and Mr. ROYBAL.

H.R. 4135: Mr. MATSUI.

H.R. 4272: Mr. WEAVER.

H.R. 4273: Mr. WEAVER.

H.R. 4274: Mr. WEISS, Mr. MITCHELL, Mrs. HALL of Indiana, Mr. HORTON, Mr. SOLARZ, Mr. FAZIO, Mrs. BOXER, Mr. CLINGER, Mr. GIBBONS, and Mr. WEAVER.

H.R. 4447: Mr. EVANS of Illinois, Mr. BONIOR of Michigan, Mr. MARKEY, Mr. HOYER, Mr. ADDABBO, Mr. HAWKINS, Mr. LEVINE of California, Mr. MAVROULES, and Mr. BARNES.

H.R. 4594: Mr. GRAMM.

H.R. 4600: Mr. WISE, Mr. EVANS of Illinois, Mr. MACKAY, Mr. VANDERGRIFF, and Mr. WYDEN.

H.R. 4621: Mr. SOLOMON, Mr. TALLON, Mr. KINDNESS, Mr. LOTT, Mr. WILLIAMS of Ohio, Mr. FORD of Tennessee, Mr. ROE, Mr. HUTTO, Mr. GEKAS, Mr. EMERSON, and Mr. HORTON.

H.J. Res. 205: Mr. BRITT, Mr. DYMALLY, Mr. FISH, Mr. MCEWEN, Ms. MIKULSKI, and Mr. REID.

H.J. Res. 382: Mr. SIKORSKI.

H.J. Res. 384: Ms. FERRARO, Mr. SHANNON, Mr. EVANS of Illinois, and Mr. BEDELL.

H.J. Res. 459: Mr. ROEMER, Mr. LEATH of Texas, Mr. LIPINSKI, Mr. BEDELL, Mr. ENGLISH, Mr. FEIGHAN, Mr. MCCLOSKEY, Mr. PERKINS, Mr. FAUNTROY, Mr. NEAL, and Mr. GIBBONS.

H. Con. Res. 2: Mr. RINALDO.

H. Con. Res. 192: Mr. OTTINGER, Mr. DAUB, Mr. GREEN, Mr. MCGRATH, Mr. ANNUNZIO, Mr. WYLIE, Mr. RICHARDSON, Mr. EDGAR, Mr. HUNTER, Mr. BILIRAKIS, and Mr. HARKIN.

H. Con. Res. 240: Mr. BARNES, Mr. FLORIO, Mr. DICKS, Mr. STOKES, Mr. SEIBERLING, Mr. APPLEGATE, Mr. MCHUGH, Mr. LIPINSKI, Mr. ROE, Mr. BATES, Mr. SAM B. HALL, JR., Mr. NOWAK, and Mr. HUGHES.

H. Con. Res. 244: Mr. DICKS, Mrs. BURTON of California, Mr. YATES, Mr. LELAND, Mr. DIXON, Ms. SNOWE, Mr. CONYERS, Mr. BERMAN, Mr. KOGOVSEK, Mr. GONZALEZ, Mr. MITCHELL, Mr. SOLARZ, Mr. SMITH of Florida, Mr. OBERSTAR, Mr. STARK, Mr. MURPHY, Mr. MARTINEZ, Mr. FASCELL, Mr. BEDELL, Mr. EVANS of Illinois, Mr. BONIOR of Michigan, Mr. FAUNTROY, Mr. HOWARD, Mr. HAYES, Mr. LEVIN OF MICHIGAN, Mr. RICHARDSON, Mr. DOWNEY of New York, Mr. ACKERMAN, Mr. ROBERT F. SMITH, Mr. YATRON, Mr. STOKES, and Mr. PEPPER.

H. Res. 280: Mr. WYDEN.

H. Res. 327: Mr. SPRATT, Mr. EMERSON, and Mr. SEIBERLING.

H. Res. 360: Mr. LIPINSKI, Mr. LANTOS, Mr. BRITT, Mr. FAZIO, Mr. DEWINE, Ms. OAKAR, Mr. GILMAN, Mr. SPRATT, Mr. WALGREN, Mr. MINETA, Mr. SKELTON, and Mr. MARTINEZ.

H. Res. 377: Mr. BURTON of Indiana, Mr. GRADISON, Mr. RINALDO, Mr. BEDELL, and Mr. ANDREWS of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1904

By Mr. BIAGGI:

(Amendment to the amendment offered by Mr. MILLER of California)

—After section 306 insert the following new section (and redesignate the subsequent sections accordingly):

DISCRIMINATION PROHIBITED

SEC. 307. (a) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect to such program specifically provides that no individual with responsibilities in the operation of such program will discriminate unlawfully with respect to any such program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(b) No individual in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this title. Nothing in this title shall require any such program to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy.

In section 308(1)(B) (as so redesignated) insert "(including elderly family members)" after "related".

By Mr. BLILEY:

(Amendment to the amendment offered by Mr. MILLER of California.)

—Strike out "shelter and other assistance" wherever it appears and insert in lieu thereof "shelter and related assistance".

In section 303(2)(A) insert "(including religious and charitable organizations, and voluntary associations)" after "nonprofit private organizations".

In section 303(a)(2)(A) insert "in order to prevent future violent incidents" immediately before the semicolon at the end of such subparagraph.

In section 303(a)(2)(B)(ii) insert ", and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims" immediately before the semicolon at the end of such clause.

In section 303(a)(2), strike out "and" at the end of subparagraph (G), strike out the period at the end of subparagraph (H) and insert in lieu thereof a semicolon, and after subparagraph (H) insert the following new subparagraphs:

(I) provide assurances that any project for which a grant is made under this subsection will not—

(i) require a minimum length of stay for shelter residents; or

(ii) censor mail or telephone calls of shelter residents, or interfere in any way with reconciliation efforts, unless requested to do so by the resident; and

(J) within one year after receipt of funds under this subsection, certify to the Secretary that the State has a procedure for the eviction of an abusing spouse from a shared residence.

In section 303 insert at the end thereof the following new subsection:

(h) Funds provided under this section may be used to provide shelter and related assistance to victims of violence by individuals with whom they reside, provided that victims of family violence are first served.

In section 305(b)(3)(A) insert "(particularly the prevention of repeated incidents of violence)" after "prevention of family violence".

In section 306 insert ", particularly in relation to repeated incidents of family violence" immediately before the period at the end of such section.

In section 307(1)(B) strike out "or against another individual with whom such person is or was residing in a relationship of husband and wife".

In section 307, insert after paragraph (4) the following new paragraph (and redesignate the subsequent paragraph accordingly):

(5) The term "related assistance" means—

(A) food, clothing, child care, and necessary emergency medical care for victims of family violence and their dependents; and

(B) counseling, alcohol and drug abuse treatment, and self-help services to abusers, victims, and dependents in family violence situations.

SENATE—*Wednesday, February 1, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, we invoke Thy presence in the Senate Chamber, throughout this building and in the offices on Constitution Avenue. As Senators and their staffs labor over issues of great magnitude and come to decisions critical to the common good, may they be governed by Thy wisdom and guidance. Grant that the work done will conform to Thy divine will and purpose.

Great God, as people come from all over the Nation and the world for the Annual National Prayer Breakfast, we pray for Thy sovereign blessing over our city and this event. As men and women from every State in the Union join with those from more than a hundred nations, the President and Mrs. Reagan, the Vice President and Mrs. Bush, leaders from every department of Federal Government and the diplomatic community, let Thy spirit breathe upon that microcosm of the world to Thy honor and glory. We pray this in the name of Him who is worthy of all exaltation. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDERS FOR TODAY

ORDER FOR RESERVATION OF TIME OF THE MINORITY LEADER

Mr. BAKER. Mr. President, I ask unanimous consent that after the distinguished acting minority leader is recognized for whatever time he may wish to claim from the standing order, an additional 10 minutes be allocated for the use of the minority leader any time during the course of this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the time for the two leaders has expired, three Senators will be recognized on special orders of not to exceed 15 minutes each. I ask unanimous consent that, after the execution of the special orders, there be a period for the transaction of routine morning business of not more than 10 minutes in length in which Senators may speak for not more than 2 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 1762

Mr. BAKER. After morning business, Mr. President, the Senate will resume consideration of S. 1762 and pending at that time will be the Metzenbaum amendment No. 2689. Mr. President, it is hoped that this bill can be finished today. There are five other bills waiting in the wings to follow on after it and relating generally to the Criminal Code. We have to finish those, or at least it is the hope of the leadership on this side that we will finish those, this week. But we are going to have to get on with it if we do.

Mr. President, I urge Senators to come to the floor and to offer their amendments after the disposition of the Metzenbaum amendment as promptly as possible.

I announced on last evening, Mr. President, that Senators should be on notice of the possibility of extended sessions this week in order to complete this bill and the others that are following on after it. I hope that is not necessary. I do not think it is necessary. It is not meant to be a threat but rather simply an acknowledgement of the wish of the leadership on this side that on the first major bill we have up in the second session of this Congress the schedule does not get derailed. We are going to try very hard to stick with this and finish this week if need be. I urge Senators to consider that we may have irregular hours this week if that is necessary to accomplish that purpose.

ORDER FOR CLOSED SESSION

Mr. BAKER. Mr. President, at 2 p.m. this afternoon, the Senate is scheduled to go into closed session for the purpose of discussing the President's report to Congress on Soviet compliance with various arms control agreements. Has that been ordered, Mr. President?

The PRESIDENT pro tempore. It has not yet been ordered.

Mr. BAKER. I believe, however, there is on file an application for a closed session with the requisite second, is there not?

The PRESIDENT pro tempore. There does not appear to be.

Mr. BAKER. Mr. President, I know there is such a petition because I have seen it and apparently it was not filed. But I am also aware that Members want that and expect it. Therefore, I ask unanimous consent that, at the hour of 2 p.m. this afternoon, the Senate go into closed session for the purpose of discussing the President's report to Congress on Soviet compliance with various arms control agreements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is anticipated that at approximately 2:15 p.m. the Senate will recess in order to attend a briefing under the auspices of the Armed Services Committee and the Intelligence Committee in room S-407.

Mr. President, this may sound a little unusual and out of the ordinary, but may I point out that what is happening here is after the closed session begins the recess will accommodate the need to conduct this briefing in secure surroundings. Room S-407 is the established security area in the Capitol and is available for that purpose. So, the secure part of this briefing will occur there and, of course, representatives of the various agencies and departments of Government who will give the briefing are privileged to be in attendance there when they are not on the floor of the Senate, except by unanimous consent.

Mr. President, by way of further explanation, the Senate Chamber is difficult to secure from an intelligence standpoint. It is highly doubtful that it can be secured adequately for briefings of the highest levels of sensitivity, as contrasted to room S-407, which can and is so secure. Therefore, the matter of a closed session but retiring to S-407 for the briefing itself seems the better part of discretion.

After the briefing is completed, Mr. President, it is anticipated that the Senate will resume in closed session but it is not anticipated that we will remain in closed session for very long.

Mr. President, I have no further announcements to make during this period. I yield now to the distinguished acting minority leader.

Incidentally, let me say, Mr. President, that I welcome him during this session. I welcome his position as acting minority leader this morning. I have never seen him look better.

Mr. STENNIS. I thank the majority leader for his kind words.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

ORDER OF PROCEDURE

Mr. STENNIS. Mr. President, I am here at the request of the Senator from West Virginia, the minority leader, who could not be here on time at 10 o'clock. I was the Senator that was down to be the first speaker being allotted 15 minutes, so I got the call from him to please come here and represent him to that extent.

I do ask unanimous consent that the 15 minutes that has been set aside for the minority leader be preserved until he can have a chance to use it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, if the majority leader has something he wishes to say, of course, I will yield to him. Otherwise, if we go to the regular order for the morning, according to this listing here, I was to be the next speaker after the Senator from West Virginia.

Mr. BAKER. Mr. President, I yield back any time I have remaining.

Mr. STENNIS. Mr. President, I do understand the time for the Senator from West Virginia, the 15 minutes, has been preserved for him until he can be here; is that correct?

The PRESIDENT pro tempore. That is correct.

Mr. BAKER. Will the Senator yield to me?

Mr. STENNIS. Yes; I am glad to yield to the Senator.

Mr. BAKER. Mr. President, just for the sake of sort of keeping the Record orderly and to assuage the little concern on the face of the Parliamentarian, I wonder if the Senator would permit me to do this: To ask unanimous consent that the 15 minutes under the standing order may be aggregated with the 10 minutes additional time provided to the minority leader for his use at any time during the course of the day?

Mr. STENNIS. Ten additional minutes?

Mr. BAKER. Yes; I have provided 10 minutes earlier for the minority leader for his use, since he is not here for the morning hour. Then we will add his 15 minutes under the special order time, and he will have a total then of 25 minutes that he can claim at any time during the course of the day.

Mr. STENNIS. I thank the leader. That would be agreeable.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, if it is the wishes of the Senate, we can start the special order matters now. According to the arrangement made yesterday, I was the first speaker and had 15 minutes.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I see the Senator from South Carolina in the chair. May I mention I spent several days in his State recently, and most of that time was in the hospital, a very fine hospital. I could not have had better treatment anywhere at any time. I even ran into a lot of kinfolks over there from way back. They were mighty nice to me. I wanted to thank the Chair for that. Your friend Senator HOLLINGS was there, too. It was really a great treat to me. I thought I could see the family favor in a number of those people who went on to Mississippi about the time my people did.

THE SITUATION IN LEBANON

Mr. STENNIS. Mr. President, proceeding now to the use of the time allotted to me, I am prompted today to speak with reference to the situation in Lebanon. I first want to say that I think we ought to have more Senators who will stand up on the floor of the Senate and tell their colleagues and the American people exactly what they see as various problems, problems of magnitude, and, so far as they can, make suggestions as to what can be done and what should be done about it.

I think we all profit from our experiences here to some degree. I have been around a while, long enough to have had two wars undeclared that we fought. In the last one in Vietnam, it was my fate during most of that war to handle the appropriations bills here on the floor for the Department of Defense, which included, of course, operating in that war. So I was saturated with the facts as they happened. That does not mean to say that I anticipated them correctly all the time, but I was in touch with them. After all had been said and done, the thing that impressed me the most is we went through that vast war where over 50,000 men were killed in battle and many others were lost—and I do not know how many billions of dollars it cost—but we never did declare war. We never did put before the Congress whether or not they would follow the Constitution and vote to declare war or vote against declaring war.

It was just as plain as the nose on your face that that was our duty. I am guilty of that, too. I am not placing the blame at anyone else's doorstep than my own. I knew better. I was constantly reminded of the situation.

We already had the Selective Service Act on the books. We did not even have to pass a bill like that in order to get the manpower.

So we went on and on, running on hope. The people were running on hope. But the people never did understand and never were satisfied with the fact that they were not given a chance, through their Representatives in Congress, to pass on that question about going to war or going in to the extent that we did.

That was a dereliction on our part. That is where we failed to live up to our duty, as I see it—and I saw it that way then, frankly. But I made up my mind as we went along—hoping against hope that the good side was going to prevail and we would find a way to end the war—I made up my mind more and more that when peace did come I was going to do what little I could to clear up and magnify and emphasize that plain, short provision in the Constitution of the United States that says "The Congress shall have the power to declare war," period. That is all it says on the subject.

I knew from history, too, that that provision did not just happen. It was debated back and forth—whether the President could declare war, whether this could happen or that could happen. George Washington was a member of that group. But after all was said and done, the framers of the Constitution went back to the people and said, in effect, "You select your representatives in the Congress, and we are going to give them the power and the responsibility of declaring war or voting against declaring war. In other words, we put it at your doorstep, the people, through your representatives. That is someone you choose. No one sends him in there by appointment. Only the people can choose the Members of the Senate and the House of Representatives. There never had been any other way."

So they put it on the people's doorsteps and their representatives' doorsteps, many of whom they personally knew, put it on their local representatives. As a whole, that has worked mighty well.

But I found, through examining the precedents there, there has been a little chipping here and a little chipping there, 200 years of precedents, many Supreme Court decisions. In a way, those words had lost their meaning, as illustrated by the war in Vietnam. We set out to try to at least clarify or bring up to date the meaning of that sentence in the Constitution.

We wound up here with an act we call the War Powers Act. It was not entirely satisfactory to anyone. It was vetoed by the then President of the United States. It was a limitation on the powers of the President toward acts of war. There is where the difference of opinion was.

That act passed the House of Representatives, it passed the Senate, and it went to conference. They agreed on language. It came back and the conference report passed the House and the Senate. It went to the White House

and was vetoed. I do not say that critically. The President vetoed it. He thought he should.

It came back to the House and the Senate, and each of them, by a large vote, overrode that veto. That showed the overwhelming demand, even though we were not completely happy with that new language. The Members of Congress felt and knew the need was there for something further. So that language was agreed on.

Now time has gone on and we are operating under that law. And the troops are in Lebanon.

We lost 241 men, I believe, with 1 bullet fired, you might say. We do not know what we can do, we do not know the possibilities, but my point today is the people are deeply concerned. They are not talking to us very much, maybe, but they are more concerned about this than they are fiscal affairs, even, and other grave matters that beset us.

I think that we ought to try even harder, we ought to talk about it more. I speak with all deference to the President: I think that he should say more to the people directly as evidence of the fact of his concern, that he is doing what he can, because there is a question mark there. It is growing in their minds. He should tell the people forthrightly and directly, and in detail, exactly what our objectives are in Lebanon, exactly what we are trying to accomplish over there. Just lay it out before the American people.

I voted against the 18-month resolution that passed here. I thought that was too long, too much time, that it would drag out too much. But the majority voted for it. So I accept it now.

I am not trying to change it. I would not try to reduce the time on the President now. The resolution sets a framework, and the President is operating under that. We are trying to do what we can. So I would not change the rules on that, that time part. But I think we have to be more vigilant and active.

It is hard to be definite about what you mean. I am on the Appropriations Committee. We are not wanting anybody to pay us money or anything for this, but we could be a little less free with the money that we have to spend of our own—I mean in this problem field. We could be a little less free with it. We could be more—not demanding, but we could require more for what we do. No one ever accused us of being too stingy that way and not helping those that we believe are worthy of help.

I am promilitary, and I support most of it, but we are running now in the neighborhood of $315 billion, the cost of operating the Department of Defense for 1 year, a 12-month period. It is just unthinkable and unbelievable. We have to recount, we have to slow down, we have to count our money, we have to see who is on our side more. We have to get out of Lebanon if we can.

I think it is virtually a hopeless case there, but I would not want to condemn anybody just because I do not have confidence in it. I have a feeling that the thing has worn out and that terrorists have taken over—listen, the Lebanese cannot even control their own people. You know they would do a better job if they could. Terrorists come in there and challenge the most powerful military machine that ever has been put together, our military machine. They come in there at night and they had enough help and all. One man came in there in a truck with all this powerful explosive and got it to the right place, exactly the right place. There was not any fringe in there. They got it to exactly the right place and killed 241 Americans there.

That is unbelievable, but those things can be planned over there now again. Terrorists have taken over, to a degree.

Mr. President, if those people over there cannot handle their own better, we cannot holdout. I know we went there, as I understand it, to afford a place of refuge.

We want to do everything we can, make every turn that we can, talk to those countries over there that are ordinarily understanding and friendly to us, and see how far they will go or what they will do, what they will want to do and how hard they will try. But I think as a whole, we are going to have to reach the conclusion that we ought to pull out and we will get out as soon as we can, out of the Lebanon commitment as soon as we honorably can. I think we make ourselves worse off if we say, well, we are going to leave immediately, we are gone, we are going back on our word.

We cannot do, we must not do that. But if we find a way to modify the situation and honorably get out, I want us to come on out.

The American people are entitled to know what the situation is. I think we have the responsibility, the individual Members of the Congress. That is where the power is in this matter and we have that responsibility and we ought to know more about the situation over there.

I do not think anyone is lying down on the job. My Lord, the President of the United States has more than any one person can see to. Many of us do, many others in the Government.

This secret meeting that was announced just a moment ago up in the dome of the Capitol—everybody has to go way up there in the dome even to hear a statement of the facts. That is serious business. But we have all these countries with long histories over there. We know their disposition; we know their limitations. I think we made a bad move when we allied with them, made those definite promises, and we ought to get adjusted and should find an honorable way to move on out.

Mr. President, I mentioned money here and somebody said, "You mean you are going to threaten to take the money away from them?"

No; I did not say that, but we can use some of those funds that we are letting them have in the form of economic aid and, more especially, military aid. There are certain handles that can go with it. We have a problem here that we have gone into with them. They look to us to come for another try. We can use these funds to accomplish some of the same objectives that we are now using the marines for. That is what I mean.

I think we should go back to what the people think. I believe I have a feel for this based on my experience in that other war. The people feel we are putting other things first, I believe, and not emphasizing this enough and not demanding enough and that the thing is going to fly back on them, that they are the ones who are going to have to pick up the pieces. They are the ones who had to pick up the pieces in the war in Vietnam.

So, what are we going to do? I think it would be well if every Member of Congress would just stand up in open session and tell his colleagues exactly how he feels about this thing and how far he is willing to go in trying to seek a remedy that will relieve us of these promises that we have made, the extent of which, frankly, I do not know fully, although I do not think anyone has tried to mislead me.

We had a bad day, we made a bad agreement. It turned out it is a lot worse than those people who agreed with us, our allies, realized, perhaps. The Lebanese have lost control of their own people. As I say, it is a day of terrorism.

Let me mention the fact, too, we have problems a lot closer to home than this.

I think we have done a whole lot better in handling it, too, right here in Central America. It is our own back door. It is our own front yard in a way, and we are going to have to help look after that area. It does not belong to us but it does not belong to other people either who live on the other side of the world and ultimately want to control us and even to destroy us.

So we are going to take care of that situation in that area. We have not been perfect but we have done fairly well. The last inning is certainly ours, and the people approve it. We realize that we cannot take further chances.

Now, I am not in sympathy with any movement to try to tear up the resolution we passed this fall, though, as I said, I voted against it. The Congress and the President have agreed about

the time. That belongs to the President now. I wish, though, that we could clarify the War Powers Act itself and make it more certain and more effective where the President and the Congress would have a chance to work together. We must find a way in this modern time. We have all these worldwide obligations. We have shown that by spending our money, this $315 billion. We in the Congress have to have some help. I believe we will get it. But we will not get it by ignoring the matter and saying, "Well, let the President worry about that. When his time is out, give him some more time."

I hope, too, that we could get better respect for the law as written now, Mr. President. It was not just what I wanted, by far. But it is the law. That is what the Congress agreed to. The President then sitting could not sign it. He vetoed it, which he had a right to do, but Congress took another look at it and said, "No, we need something there and this is the nearest thing we have, this language. It will do. We will try it."

Now, I think we have to obey it, honestly try it, and amend it. I do not believe it goes far enough.

In world affairs we are going to have to deal with more problems, but at the same time we have to retain our own power to protect ourselves.

I repeat, Mr. President, I try not to speak just to hear myself talk. I think every Member owes it to the American people—that is the way I see it—to get into this thing even further than this problem in Lebanon and then just stand up and give what they think is probably the best course for us to follow, ruling out immediate steps to try to overturn or defeat what the President is trying to do.

So, Mr. President, I am happy to bring forth these facts. I would be glad to discuss it at a caucus or anywhere else. I would say the same thing both places. Let us put this right at the top. If we wait too much longer toward putting our fiscal affairs more in balance, we will be too late. But we will have time to mend those flaws, maybe more than we would one like this. I think every nation on the globe that denies freedom to its people and controls them rather than the people controlling government would be very happy to see anything bad happen to us, anything that should weaken us, or anything that would seriously impair us or, even more than that, destroy us.

So, Mr. President, for my small part I will be glad to join in any way I possibly can. In the meantime, we see our other problems undiminished but let us put more emphasis on this one and more explanation to the people, which I believe will be encouraging.

If I have any time left, Mr. President, I respectfully yield it back.

Is there anyone else now that has time? Was the Senator's name on the list? The majority leader is not here temporarily.

The PRESIDENT pro tempore. The Senator's time has expired. I believe the Democratic leader has 25 minutes.

Mr. BYRD addressed the Chair.

Mr. STENNIS. I did not know the Senator was here. Here is the Senator from West Virginia.

The PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair for recognizing me. I had indicated that the Senator from Alaska could proceed ahead of me, and I think I should wait until after he speaks because he has been sitting on the floor with that understanding.

Before I yield I want to thank Mr. STENNIS and congratulate him. He has recently had a pretty rough tiff with pneumonia, but here he is on the floor making a speech and standing up—not reading a speech but making a speech. I congratulate him, commend him, and say that all of us in the Senate are proud to see him back at his post.

Mr. STENNIS. Well, I thank the Senator very much. It is an inspiration as well as a strengthener just to be here. That brings me around faster than anything else. I thank the Senator again.

Mr. BYRD. I am sure of that.

Now, Mr. President, I yield the floor and I await the speech by the Senator from Alaska.

RECOGNITION OF SENATOR MURKOWSKI

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the minority leader and I want to also express my appreciation to the senior Senator from Mississippi (Mr. STENNIS) for acknowledging my time. I appreciate his remarks as well as the remarks made by the minority leader. It is, indeed, great to see him return to the Senate and hear his comments on this matter that is so important to all Americans.

Again, I do thank the minority leader for yielding. I will be very brief.

CONGRESSIONAL RESPONSIBILITY AND ALASKA CRUDE OIL

Mr. MURKOWSKI. Mr. President, in the next week or so it is quite likely that the Senate will be considering reauthorization of the Export Administration Act. At that time I intend to introduce an amendment which will ease restrictions on the export of oil from my State of Alaska. I urge that my colleagues remain open minded and give the matter the consideration that it deserves.

In 1867, the United States acquired title to land in the arctic wilderness. It just so happens that 9 billion barrels of oil were found on that land 100 years later—9 billion barrels at the top of the world, thousands of miles away from any refining center or market which required that volume of crude. It is also likely that billions of more barrels will be found there as well.

Congress has three legitimate interests in what happens to Alaska oil.

First, because the Federal Government is a major landowner in the area, Congress has the responsibility of insuring that the American people are paid top dollar for the sale of their resources.

Second, because the Federal Government is taxing these nonrenewable resources, Congress has the responsibility of insuring that taxes are paid on the highest possible wellhead price as set by the market.

Third, because the national interest is served by the development of non-OPEC oil supplies in politically stable areas, Congress has the responsibility of insuring that none of its policies jeopardize the development of Alaska's other petroleum resources.

By banning the export of Alaska crude, Congress is meeting none of these responsibilities.

Instead, it is choosing to mortgage the future energy security of this country, to forgo substantial tax revenues, and to discount the value of the American people's resources. All for what?

At one level, the answer is simple. Banning the export of Alaska oil is an easy way of stabilizing the domestic maritime industry. The ban on Alaska oil exports, combined with the requirement that domestic trade be carried on U.S.-flag tankers with U.S. crews, has been a legislated windfall for an ailing industry.

By granting the U.S. maritime a monopoly on this trade, Congress has allowed crews to earn higher than competitive wages and has preserved employment at a great cost to the rest of the economy.

At another level, the answer to why we ignore our responsibilities with respect to Alaska resources is more complex. Anything to do with crude oil has become an emotional topic over the last decade, as we have waited in interminable gaslines and paid more to heat our homes. We have experienced vulnerability—a feeling that Americans are clearly not accustomed to.

An understandable response to this newly found soft spot in our armor has been to say that we should keep our resources for ourselves. I label this response the "its mine and you can't have it" approach to public policy. Unfortunately, the emotional gratification of such an approach does not accomplish a lot in terms of reducing our actual vulnerability to future oil supply problems. In fact, it encourages us to take actions, such as the export

ban, which have long-term repercussions counter to out national interests.

The benefits of free trade in Alaska oil, like free trade in any commodity, are not the kind of item which makes the network news. Free trade offers incremental benefits—$10 billion more for the Treasury does not eliminate the deficit, but it is a significant step in the right direction.

The benefits of free trade are also long term. Ten years from now, we will see more oil from the North Slope if restrictions are eased than we would see if the ban remains in effect.

In contrast, and with unfortunate ramifications for the competitive health of our economy, erecting and maintaining trade barriers offer immediate, tangible benefits—even though those benefits to the few come at the expense of the majority of the American people.

So, just like businessmen, politicians get rewarded for short-term profits—preserving one existing job—rather than long-term competitive success—creating job opportunities for many.

We have recognized the error of our ways with much of American industry. I think the time has come to stop making those same mistakes in American politics. It is time to ease restrictions on the export of Alaska crude oil.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

THE ADMINISTRATION'S "SPEND AND BORROW" BUDGET

Mr. BYRD. Mr. President, a week ago, President Reagan stood in the Chamber of the House of Representatives and told the Congress and a watching nation that "America Is Back." All of us listening that night share the dream of a strong and prosperous America. But we also know that it will take hard work to make that dream come true.

Our economy has begun the long climb back from the deepest recession since the Great Depression. But only a year into the recovery, there are already storm clouds darkening the horizon. The Federal budget is wildly out of control, with deficits projected to reach over $300 billion by the end of the decade if nothing is done, absorbing 6.3 percent of the gross national product. As Government borrowing devours an ever-increasing share of the private savings pool, there is danger that interest rates will be forced upward and the investment upon which future economic growth depends choked off.

These monstrous budget deficits are already keeping interest rates high, attracting a floodtide of foreign capital into the U.S. economy and sending the dollar soaring on international exchange markets. As a result, American goods are less and less competitive overseas. Our domestic markets are flooded with imports. Last year, our trade deficit was almost $70 billion; this year, it is expected to reach $100 billion. That means that we are importing $100 billion more than we are exporting, losing 2.5 million American jobs in the process.

This administration's "spend and borrow" budget policy is mortgaging the economy of tomorrow. By the end of his first 3 years in office, President Reagan's policies had added $493 billion to the national debt. The interest alone on the debt was $88 billion last year.

In his state of the Union message, the President acknowledged that the deficits must be brought under control. He promised that the budget he would submit to the Congress today would contain measures to do just that. But for the third time in as many years, the President has sent Congress a budget which fails to offer a comprehensive or realistic plan for curbing these frightening deficits. For the third time in as many years, the President has submitted a "spend and borrow" budget which calls for overly huge increases in defense without a means of paying for them.

I favor a strong defense, Mr. President. But I do not favor throwing money away, whether it be in the Department of Defense or elsewhere.

It was over the opposition of the administration that the Congress prevailed in providing an Inspector General in the Department of Defense, an Inspector General whose responsibility it is to ferret out mismanagement and waste. We have seen indications of great waste in the Department, when we hear of a screw, Mr. President, that could be bought by you or me or any other citizen for 3 cents or 4 cents, costing the Defense Department $90. And there are other very shocking instances that have been brought to light which show that there is considerable waste in the Pentagon spending.

There are no easy or painless ways to reduce deficits of the magnitude we face. David Stockman was right when he said in the February 6 edition of Fortune magazine that

> Some still think there are vast pockets of fraud, waste and abuse out there. In fact, nearly every stone has been turned over.

Perhaps the Pentagon stone is one that remains to be turned over. In that same article, Mr. Stockman went on to acknowledge that

> Aside from defense, interest and social security, we have shrunk government by 15 percent. The domestic budget is not growing seriously in real terms. Means-tested entitlements have been capped off. Nobody is liberalizing entitlements any more . . . we have had zero growth in real terms since 1980 . . . leaving aside defense and interest. No new programs, no new entitlements, no new claims on the taxpayers dollars.

In fact, Congress cut $204 billion in Federal spending for fiscal years 1982 through 1985. Where then do these huge deficits come from?

Prior to enactment of the administration's tax borrowing and spending policies in 1981, the CBO estimated a net budget surplus totaling $202 billion between fiscal year 1982 and fiscal year 1985. However, three major factors turned those projected surpluses into huge and growing deficits with no end in sight. One of the three was the recession, sparked by the tight monetary policies endorsed by the administration. The resulting unemployment, bankruptcies, and reduced corporate profits poured $610 billion of red ink into the Federal budget over that 4-year period, largely from reduced revenues but also from added spending for safety net programs such as unemployment insurance and health care.

The administration's tax cuts and military spending increases also added to the deficits. The net effect of the Kemp-Roth-Reagan tax program, as modified by the tax increase in 1982—a year in which the President told the two Houses in a joint session there would be no tax increase but before the year was out, he was strongly supporting a $99 billion tax increase which fell most heavily upon those people in the country that could least afford it—telephone taxes, cigarette taxes, taxes that affected adversely the health and medical care of the people in this country who need it the most, and then later he strongly supported the 5-cents-per-gallon increase in the Federal gasoline tax—was to add $320 billion to the 4-year deficit, thereby giving tax cuts to the rich with borrowed money. Military spending increases added another $90 billion in red ink, while the interest cost to finance these higher deficits piled on $25 billion more. Even the $204 billion in spending cuts enacted by Congress were insufficient to erase the consequences of the adminstration's tax cut and military spending policies.

And that tax cut was most unfair to the lower- and middle-income people of this country.

Thus, within just 2 years, the administration managed to turn a $202 billion projected surplus into cumulative deficits of over $700 billion.

At noon on the day he was to deliver the state of the Union address, President Reagan called me to ask if I would appoint a representative of Senate Democrats to sit down with his

staff and representatives of the rest of the congressional leadership in both parties to discuss means of reducing the deficit. Of course, I told the President I would do so, and appointed Democratic Conference Secretary DANIEL INOUYE to represent Senate Democrats.

I told the President that we are prepared to sit down and consider any proposal he is prepared to recommend. But I also told the President that his personal leadership is necessary if we are to make any serious headway. For our part, we rule nothing out of bounds so long as it is fair.

I had hoped that the President's telephone call was a signal that the President was prepared to make the hard decisions which are required. I had hoped it meant that the budget released today would contain a meaningful deficit reduction plan. Today, I regret to say that those hopes remain unrealized. In the fight against the budget, the President has not stepped onto the field or into the ring.

The President is the dominant voice in our system of government. Only he enjoys the public attention and respect needed to moblize the country behind tough and difficult decisions. Only he can bring the American people together in understanding just how dangerous these deficits are—and only he can explain to them that we must swallow some bitter medicine if the deficits are to be brought under control. We need our President to exercise leadership in the difficult times, as well as the good ones. The President must be willing to make the painful and hard decisions that the times—and his position—require.

After all, he was going to balance the budget by 1983, if not by 1982, and he campaigned on that platform of balancing the budget. But what we have seen is just the opposite. We have seen the budget spiral upward to shocking and historic figures.

The largest deficit prior to Mr. Reagan was under the administration of Mr. Ford, at which time the budget deficit reached the figure of $66 billion. But under this administration, the deficits have made Mr. Ford's deficit small by comparison.

The budget which the President has submitted today is another "spend and borrow" budget. It is another budget which calls for huge increases in defense spending without proposing a means to pay for them. It is, in sum, another budget which falls woefully short of the mark.

Mr. President, I believe I may have some time remaining.

The PRESIDING OFFICER. Yes. The Senator from West Virginia has 10 minutes remaining.

Mr. BYRD. Mr. President, would the Senator from Florida like me to yield to him?

Mr. CHILES. I would like the Senator to yield me 2 minutes.

Mr. BYRD. I yield to the Senator from Florida.

THE 74TH ANNUAL REPORT OF THE BOY SCOUTS OF AMERICA

Mr. CHILES. Mr. President, it is my privilege and honor to present to the Senate the 74th annual report of the Boy Scouts of America. I am extremely pleased to inform this body that Scouting today is stronger than at any time in recent history. The 1983 report shows the fourth consecutive membership gain for the movement. At the end of 1983, 3,567,199 young people were enjoying Scouting in 30,103 packs, troops, and posts. I know the Members of the Senate share my belief that this news bodes well for the future of this Nation. It was my great pleasure to have been presented this report today by an outstanding young citizen of the State which I represent. Eagle Scout Todd Clark from Delray Beach, Fla., was selected as the national youth representative. This is a great honor, and I know that Todd's parents, as well as the members of Troop 302, share in his pride for this distinction.

Likewise, the other members of this delegation can be proud of their respective achievements, and they can take pride in knowing that they have represented well the entire Scouting community. They include: Frederick C. Henrich, West Chester, Ohio, Cub Scout national youth representative; Lee G. White of Bend, Oreg., Explorer national youth representative and president of Exploring; Malcolm C. McLellan of Seattle, Wash., 1983 outstanding senior patrol leader, and recipient of the National Youth Leadership in America Award; Andrea Elger of Whitefish Bay, Wis., 1983 outstanding Explorer post president, and recipient of the National Youth Leadership in America Award; William B. O'Tuel of Harleyville, S.C., national vice chief of the Order of the Arrow. I know that Members of this body, many of whom were registered as Scouts or Scout leaders in their own communities, join me in saluting and congratulating the 74th anniversary of this outstanding youth organization. Mr. President, I ask unanimous consent that the 74th annual report presented to me today by Todd Clark on behalf of the Boy Scouts of America be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

1983 REPORT TO THE NATION, BOY SCOUTS OF AMERICA

It is the mission of the Boy Scouts of America to serve others by helping to instill values in young people and in other ways prepare them to make ethical choices over their lifetime in achieving their full potential. The values we strive to instill are based on those found in the Scout Oath and Law.

SCOUT OATH OR PROMISE

On my honor I will do my best
To do my duty to God and my country and to obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake, and morally straight.

SCOUT LAW

A Scout is:
Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, Reverent.

The Boy Scouts of America completed its fourth consecutive year of gain in membership. At the end of the year there were 3,443,794 Cub Scouts, Boy Scouts, and Explorers enjoying Scouting in 133,758 packs, troops, and posts. In addition, there were 123,405 boys registered as Tiger Cubs.

Scouting has faced substantial and increasing challenges during the past decade, both from within the organization and from society at large. To meet these challenges, the national Executive Board early in 1982 asked a group of volunteers and professionals, which became the Shaping Tomorrow Steering Committee, to undertake a project that would examine thoroughly all major aspects of the Boy Scouts of America and define those needed changes in strategy and organization that would enable it to fulfill its mission more effectively.

The result of the Shaping Tomorrow project was a report that contains strategy and structural recommendations, strengthening organization arrangements and creating effective change via 55 suggested major projects. Many of these projects are being implemented immediately. Shaping Tomorrow endorses the mission and objectives of the Boy Scouts of America but encourages better methods to market, service, and deliver the full program of the Boy Scouts of America. It emphasizes our mission.

A Campaign for Character was conducted during 1979-83 to finance major needs for the 1980s. The $49 million campaign, headed by Charles M. Pigott of Bellevue, Wash., provided funds for the national office building, the Florida National High Adventure Sea Base, Foundations for Growth, Shaping Tomorrow, research and development needs. World Scouting, retiree benefits, special projects and for endowment purposes. At the end of the year more than $52.5 million was reported. These funds will help the Boy Scouts of America achieve its mission.

One of the highlights of our National Court of Honor was the awarding of the Distinguished Eagle Scout Award to White House Press Secretary James Brady. During the year, 43 Distinguished Eagle Scout Awards were presented to outstanding adults who had received the Eagle Award at least 25 years earlier and 24,357 youth members received the Eagle Award. Also presented were 1 Honor Medal With Crossed Palms, 31 Honor Medals, and 95 Heroism Awards for heroic deeds in saving or attempting to save life and 170 Medals of Merit for outstanding acts of service.

There are 200 active chapters of the National Eagle Scout Association. The purposes of the association is to identify and enroll all living Eagle Scouts, to provide additional resources for local councils. During this year, NESA presented 34 Scoutmaster Awards to outstanding Scoutmasters who contributed to the Boy Scout advancement

program by guiding youth members to the rank of Eagle Scout.

More than 200,000 Cub Scouts, Boy Scouts, and Explorers with handicapping conditions are registered in local schools, religious institutions, hospitals, civic organizations, and agencies that serve handicapped people. The Boy Scouts of America was awarded the Margaret Pope Hovey Award by the President's Committee on Employment of the Handicapped for outstanding contributions to rehabilitation and employment of handicapped persons.

Boys' Life continued to dramatize Cub Scouting and Boy Scouting with special sections in every issue. The magazine also spotlighted the XV World Scout Jamboree with articles and columns, culminating with a jamboree report after the big event. Another highlight was an Olympic section in the July issue followed by monthly features pointing to the 1984 Olympics. The magazine also published special issues on sports, fishing, our outdoor heritage, and monthly columns of high interest in the fields of cars, hobbies, nature, and science as well as exciting fiction designed to develop good reading habits.

The second year of Tiger Cubs, BSA, for 7-year-old boys and an adult partner provided 123,000 families an opportunity to grow closer together through the 17 Big Ideas offered through the program. The motto is: Search, Discover, Share. The Promise is: I promise to love God, my family, and my country, and to learn about the world.

The Boy Scouts of America was well represented at the XV World Scout Jamboree held July 4-16, 1983, in Kananaskis Country, a provincial park in the Canadian Rockies. Our contingent consisted of 3,313 Scouts and 54 contingent leaders, plus 168 volunteers assigned to the Canadian headquarters staff. There were 14,000 Scouts and leaders from 102 countries participating. The Boy Scouts of America hosted the 29th World Conference in Detroit, Mich., July 18-22, 1983. There were 650 national Scout leaders representing 102 countries in attendance.

The out-of-doors looms large in the eyes of a Scout. By learning outdoor skills, Scouts find that they have improved their self-reliance, ability to work with others, and personal fitness. The outdoor skills in hiking, camping, cooking, conservation, swimming, and environmental awareness are supplemented by skills and knowledge related to citizenship, first aid, family and community living, communications, and physical fitness. Merit badges in some 119 subjects give Boy Scouts an opportunity to learn about hobbies, careers, and advanced Scoutcraft. During 1983, Scouts earned more than 1.5 million merit badges.

The Order of the Arrow is a brotherhood of honor campers elected by fellow troop members. The 1983 membership was 151,269, an increase of 6,804 since 1982. More than 3,000 members attended the 1983 National Order of the Arrow Conference held in August at Rutgers University, New Brunswick, N.J.

Pilot testing of Varsity scouting, a program for boys 14 through 17, was concluded in 1983 and received Executive Board approval for implementation in 1984. Varsity Scouting places emphasis on: (1) Advancement, (2) High Adventure, (3) Service, (4) Personal Development, and (5) Special Programs and Events.

Continued emphasis was placed on the Youth Leadership in America Award. This award, instituted in 1982, is for senior patrol leaders and post presidents. Those who earn the award are eligible for competition on a regional and national level. Scholarships totaling $14,000 were awarded to the 12 finalists. The 1983 winners were Senior Patrol Leader Malcolm C. McLellan, Seattle, Wash.; and Post President Andrea Elger, Whitefish Bay, Wis.

National youth representatives were selected for 1983. They were: Cub Scout Frederick C. Heinrich, West Chester, Ohio; and Boy Scout J. Todd Clark, Delray Beach, Fla. The objective of this competition is to search out and recognize outstanding youth members and provide an opportunity for Cub Scouts and Boy Scouts to be selected as national youth representatives who will participate in the Report to the Nation.

Councils across America experienced a growth in outdoor program opportunities at every level from Cub Scout day camps and traditional Boy Scout camping to older Scout and Explorer high-adventure or specialty activities. "The Great Outdoor Quest" became the theme for Scout camping in 1983. Troop camping increased more than 6 percent and Scout attendance increased by 5 percent. There were 245 approved historic trails in use during the year. This popular program acquaints Scouts with the historical and documented experiences of our country's forebears. Each trail represented an extended outdoor experience where Scouts can relive America's past. Many of the trails are administered by local councils or national and state historical societies.

We have talked about many of the reasons for the existence of the Boy Scouts of America, which has just completed its 74th year. But, we could boil that down to just one real and sincere purpose and that is to instill a value system in today's youth and tomorrow's leaders—a value system with desirable qualities of character, citizenship, and mental, moral, physical, and spiritual fitness.

EDWARD C. JOULLIAN III,
President.

J. L. TERR,
Chief Scout Executive.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routing morning business.

THE CHOICE OF A LIFETIME

Mr. BYRD. Mr. President, we were all very recently deeply moved and saddened by the announcement of our colleague, Senator PAUL TSONGAS of Massachusetts, that he would not seek reelection at the end of his term. His term will expire at the end of this year—more specifically, as of January 3 of next year.

This morning's Washington Post presents an in-depth article about Senator TSONGAS. It is an article that I think will be found of interest by my colleagues on both sides of the aisle. Also, people around the country should read this article. Therefore, I ask unanimous consent that the article entitled "Paul Tsongas and the Choice of a Lifetime," with the subheading "After the Fear, Leaving the Hill Behind," may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1984]

PAUL TSONGAS AND THE CHOICE OF A LIFETIME

AFTER THE FEAR, LEAVING THE HILL BEHIND

(By Myra MacPherson)

It sounds like Hollywood. Bright young man—instilled by his Greek immigrant grandfather with a fierce determination to excel—becomes a U.S. Senator before he is 40. He makes a name for himself early, in those corridors where ambition, fawning aides and a heady aura of power can convince even the least distinguished politician that the White House might someday be home. The young man, too, knows that dream. He thinks of it often. Then one day he learns he has cancer.

One doctor tells him that, maybe, he has eight years to live. The senator knows a terror he never knew before. One night, as he cradles his 2-year-old daughter to sleep, he cries and wonders if he will live long enough for this child to know him well. In an instant, the public life he has built seems insignificant compared with the private sacrifices that were part of the price. He will quit Congress and spend what time he has left with his family. Then comes a new diagnosis. His is a mild form of cancer—not curable, but treatable. After weeks of fear, he holds close the phrase of his cancer specialist: not life-threatening.

But a deep change had come over the senator. The reprieve did not alter this. He had searched his soul, and now felt that, no matter if he lived until he was 80, he must leave elected office to spend more time with his family. And so the ambitious young man with the brightest of political future said goodbye to Capitol Hill.

The scenario belongs not to Hollywood but to the life of Massachusetts Sen. Paul Tsongas. And in the two weeks since he announced he would not seek reelection. Tsongas has been the recipient of a kind of hero worship that absolutely appalls him. Barbara Walters wants to film the family for "20/20" and Tsongas and his wife, Niki, issue a hasty no. His wife agrees to talk for this story, but wants the questions on the family and the illness kept to a minimum, wants the interview to take place when the older two daughters are at school and wants no pictures of the family.

One day before Congress returned for this session, Tsongas sat in his office, filled with the primary colored scrawls and scribbles of his children. "I get very nervous about this role model business, 'Family Man Standing Up to Cancer.' Yeah, I'm standing up to cancer," says Tsongas. "I happen to have a very mild form of it. But how good would I be if it were something different? Most people who have cancer hide it, but I decided I wasn't going to act as though it had me on the run.

"I've become a kind of spokesman, but you pay a price for that. You would not believe what my life has been like. I've had people come up to me in airports and talk about what I think of my kids and all that. Like one friend who said, 'I've spent more time hugging my wife, my children and my dog than I've ever done before.' In that sense, maybe I've served a real purpose, but this role model stuff . . ." His voice trails off. The senator, embarrassed to the point of squirming, searches for examples to remove the halo. "I whacked my daughter three days ago for the wrong reason." He laughs a

diffident laugh. "I don't want to be anything more than I am. I get uneasy about being exalted. I don't kick my kids, but I'm just a human being.

"I've given a lot of thought to this in the past few days because it's really getting out of hand. Basically, my view is that some people don't need families and other people do. Some people can get their emotional gratification from friends and buddies. I'm not that kind of person. I'm not doing things to be noble," says Tsongas, looking around the office he will vacate next January. "I'm responding to my needs." He casts his eyes on a picture of his family. "These are what my needs are."

In chinos and running shoes, slouched in a chair, Tsongas, 42, looks more like an intern than a senator. However, Tsongas has earned respect as one of the new breed of Democrats, like presidential candidate Gary Hart and fellow senator Joe Biden, who blend a liberalism on social issues with a belief that old style New Dealism is dead in the '80s. Tsongas, who has both a vision of his party's future and an intellectual confidence bordering on arrogance, was not content merely to be a senator. He sought to redefine a whole political philosophy—"part of my agenda was to change the Democratic party." Uncomfortable with bumper-sticker solutions for complex problems, he articulated the themes in his 1982 book, "The Road From Here."

"I've shown," he says, "that you can be a liberal and care about economic development; that 'profit' is not a dirty word . . . I used to find it interesting that I was being criticized as a conservative by people who have lower ADA [Americans for Democratic Action] ratings than I, for example. Most liberals worry about the social programs and don't worry about the economy.

"If you cut from defense, then isn't it better to put that money into balancing the budget because that will bring about economic growth which will eventually lead us to the social programs? The first priority should be to get the economic house in order. If you don't do that, if you don't take care of the goose, you eventually will have no golden egg."

Tsongas first lobbed his verbal bomb at fellow liberals when he endorsed not only the Chrysler bail-out but also the wage freeze. "That was the Rubicon. I just looked at all those good-hearted liberals who said, 'You can't take your wage-freeze position.' My reaction was, 'Look, you're going to lose the company. What good does it do to give a wage increase if you're going to lose the company?' I sat down and thought we just cannot both be right. That's when I wrote the ADA speech." That 1980 speech was a stunner that blasted politics his audience held dear. He pronounced New Dealism and Fair Dealism "passe," asked when liberals would prod the unions to "demand productivity gains as part of their contracts" and finished with, "The Reagan candidacy is the result of the bankruptcy of liberalism."

Today, Tsongas says his winning coalition in Massachusetts included businessmen as well as traditional liberal elements. "They [businessmen] won't agree with me on social programs, but they know no one will work harder in terms of economic development. We've set a tone that has enormous appeal to younger Democrats. Eventually the Democratic Party will reflect that. Time is on our side."

But not on his. Tsongas won't be here for the changes. Asked if he would run for public office again when his children are older, if he would someday try for the presidency he once thought about "a lot," his face moves into stern lines as he delivers an abrupt "no."

Tsongas was shaped by a childhood that contains peculiar twists to the immigrant tale. The family was poor, English a foreign tongue in his grandfather's home. It sounds like a classic environment for Democratic fervor. Not so. Republican conservatism was alive and rampant. "The tradition was that you always voted—and that you always voted Republican," says Tsongas' twin sister, Thaleia.

There was little money, but their grandfather saw to it that all six of his children went to college—including three daughters, who attended Simmons College in Boston. Tsongas' father went to Harvard and his two uncles to MIT. College meant hard work, full-time jobs, scholarships—a tradition that continued for Tsongas and Thaleia. Both worked their way through school. Their father—staunchly antiunion—owned a dry cleaning store, held to Republican views on free enterprise, and the son was "supposed to go to Harvard and go to business school and take over the business. I was never supposed to go into politics, ever."

Tsongas went to Dartmouth instead and was changed irrevocably by John F. Kennedy's "ask not what your country can do for you" call to arms. Two years in Ethiopia in the Peace Corps were pivotal. "I came to know what it meant to be poor, to die from lack of medical supplies, to live under authoritarian rule." Yale Law School came next, an intern job on the Hill sparked his interest in running for Congress, and Tsongas was on his way.

His father eventually even cast a Democratic vote for his son, but that did not stop the family political fights that had gone on for years. The father once literally threw the son out of the house because Tsongas was denigrating Spiro Agnew, a symbol of chauvinistic pride to Greek Americans, no matter how far the vice president was falling from grace.

The love was strong between Tsongas and his father, who lived to see him become a senator. "My father was very proud of what I did, but one day," says Tsongas with a slight smile, "he said, 'I remember when a United States senator was a gray-haired fellow.' " His father paused to shake his head. " 'Now, he's my son!' "

Tsongas' dark brows and quiet, reserved manner suggest a brooder—an impression that two women who know him will dispel. His wife, Niki, and his sister, Thaleia, who have similar outgoing personalities, say that one of the senator's charms is an illusive, dry wit.

"Our birthday is on Valentine's Day," says Tsongas' twin. "Our traditional birthday party for the past 10 years has been a fundraiser for Paul. Needless to say we're not going to have to do it this year. I asked Paul, 'This time, can we have just a typical family party?' without missing a beat, Paul replied, 'Yeah—and we'll serve lame duck.' "

In politics, the exploitation of family is a time-honored custom. Sometimes "togetherness" is a hollow shell, pulled together for campaign photos. Cynics are used to looking under the rug when a politican says he is leaving politics for family; it can sometimes be a cheap cover for the indictment, scandal or certain pending defeat. Tsongas, however, is the real thing.

"They literally have the best marriage I know," says Thaleia, who knows the strains of politics on marriage. She was an assistant to Massachusetts congressman Barney Frank, is cochairman of the Cranston campaign in Massachusetts, development director of the Institute of Contemporary Arts and recently divorced. "Paul and Niki manage to work things out in a way that astounds me. Niki has a good perspective on Paul and he adores her and respects her opinion. It's a very caring marriage. And Paul followed my father completely. We always felt loved by and cared for by our father. In that sense Paul is very much the same way—always doing for the kids, anxious to spend time with them."

A Flexible Flyer sled sits by the front door of their rambling home typical to Cleveland Park. It is definitely lived in, with toys, children's books, Lego blocks left where last dropped. Niki picks up some plastic Legos and absentmindedly pieces them together as she talks easily, but protectively, of her private life. At 37, she has the look of a perennial student, brown flipped hair, little makeup, turned-up nose. An Air Force brat who knew a wandering childhood, Niki also left her Republican roots to become a Democrat and was indoctrinated into politics during the season of Eugene McCarthy's presidential campaign.

Her husband hates parties, particularly cocktail parties, but one day while he was a Hill intern he gave in to one. Niki, working in Washington for the summer, was there. They began dating immediately but Niki returned to her last year at Smith. Niki wanted to join the Peace Corps, "but I had met Paul and didn't want to spend two years out of the country." Social work in New York City was an altruistic second choice. "My clients were young drug addicts, Bowery alcoholics and unwed welfare mothers. Then I would go home to an exciting New York life, sharing an apartment with three others. It was very schizophrenic. I really thought of my clients as friends; I wasn't there long enough to feel used or disillusioned—maybe I never would have."

Niki seems to roll with the punches. She has put her three children—Ashley, 9, Katina, 6, and Molly, 2—before a career, but plans to attend law school when the family moves back to Lowell, Mass., in June. "If I go back to law school it certainly won't be just for the heck of it," she says with a laugh. "I've been thinking about a career for a long time but it's hard to do here." A dessert-catering business was run casually from home; she even gave customers her own trays and trusted them to return them. It was a high-calorie, low-profit venture, she says sardonically.

The public side of politics and campaigning were easy for a woman who'd gotten used to travel as a child. "I do think that one of the things that has carried over from all the moving around, though, is that I do not expect to keep friends for a long time. And I think that's a reaction to pain. Pain of separation. You just sort of say, 'All right, I'm going to know you well for a while, but when the time comes . . . ' " She shrugs. "I'm not a good writer; it's up to friends to keep that up."

A sense of positiveness fills her discussion of the family, which seems an island in a sea of surface social life. "We're a self-contained unit partly out of necessity. Politics gives you so little time as a family so when we have it, we tend to pull in the horses and make a little campfire. That's one price of political life. There isn't a lot of time for more extended relationships. I'm looking forward to just being able to have a dinner

party with friends or to get the kids in the car and take off for just any old where."

The Tsongases are not leaving politics because they are tired of it. "My regret is tht you can't have it all. My one regret is that the Senate will no longer have Paul, because he's so good. One reason politicians hate to get out is because they see things around them they can no longer affect. It is a very good job."

Protective of the children, Niki says only that they are handling the illness "very well." Paul's sister—a nurse "in a previous life," she says jokingly—remembers forcing herself not to throw up from the nausea of despair when her brother told her on the phone that he had cancer. Now the Tsongases cling to the optimistic prognosis.

Still, the shadows come. Private sorrows are never private for long in the fishbowl of national politics and the rumors were out about Tsongas before his announcement. So it happened that his 9-year-old daughter first learned of her father's cancer at school. She burst into the house and said, "Daddy, everyone at school say you're sick." There is pain in his eyes as he recalls not having shielded her earlier. "Do I look sick?" he asked, scooping her up. "We sat down and talked about the whole thing.

I'm a physical fitness nut," he says, almost musingly. "Don't drink. Don't smoke. My father died of a heart attack. I vowed if I did all the right things, exercised, I wouldn't have to worry about a heart attack." The laugh is slightly derisive. "I was right." He pauses, then says of his lymphoma, "There was one gene that went astray. One cell. They said I've probably had it for several years."

For a man like Tsongas, there was no looking back once he made up his mind, but there is a nagging worry about not being able to effect change. Before his illness, he had planned to serve only one more term in the Senate. "If you don't think you're going to spend your lifetime here, you feel freer to do and say what you want. The one aspect I don't like up here is the covering your-tail cautiousness."

Still, Tsongas had counted on having those extra six years. "Knowing I'm sick gives me an urgency. I want to talk about Nicaragua and arms control and downtown development. I want to see it in my lifetime." A chief critic of Reagan's foreign policy, Tsongas was one of only two Senators who stood up to the administration and voted against Alexander Haig's confirmation. Now he says with soft regret, "When I gave my last speech, before anyone knew I was a lame duck, I thought, 'This is the last time I would ever give a speech when people would actually be afraid of me!"

There are some in Washington, driven by power, who will never understand why Tsongas is doing what he is doing. His life will be active, but he feels he can control his time with his family far more as a private citizen than as a politician with the demands of elective office. They are already looking for a Cape Cod summer hideaway they never had the time to think of before. Tsongas plans to practice law in Boston, serve on corporate boards, continue to influence others by teaching. He once wanted to write a novel. Despite his doctor's diagnosis, despite the belief that he was given a rare gift of reprieve, Tsongas retains a sense of time fleeting. The novel he planned to write is of less concern now. "Given the current situation, ah, I've got an economic responsibility to my family."

Time may fade the gut-wrenching shock of thinking he had but a few years to live, but Tsongas is determined to remember. "Ironically, what I went through in October has made me a better person. I appreciate life better. Basically, my health forced me to think about issues that we tend to put off. I had to face the fact that the kids, as young as they are, would be getting away from me soon. The prognosis is good and I'm pretty comfortable with it, but I would hate to go back to the way I was and have learned nothing from all this."

"Everybody always assumes that they are here forever. That there is time to do everything, that you can make up for things later. What I want to make sure is that I am not *ever* going to forget that I am not here forever. If they said they could cure me tomorrow, I hope that I would look at life the way I look at it now. That I would never go back to the old assumptions."

He pauses. "I don't want to forget what that agony taught me."

LIVERMORE LAB MOVES THE NUCLEAR ARMS RACE AHEAD

Mr. PROXMIRE. Mr. President, the Tuesday, January 31 New York Times carries a story by William Broad reporting on the newest research in nuclear weapons. Like every other phase of our nuclear arms effort the patrons of this one too rationalize it in the name of peace. The young scientific geniuses seem fully convinced that their newest breakthroughs will let us develop a laser and nuclear bomb system that will seek out and find Russian missiles and destroy them long before they have completed the journey through thousands of miles of intercontinental space that the missiles must traverse before they can destroy targets in our country. When asked for a moral justification for devoting their talents to building super nuclear weapons capable of killing millions of people, they reply that the weapons they work on are designed to kill other nuclear weapons and save lives—not destroy lives. How about that answer? Well, it advances the peace through nuclear deterrence theme a step further. The President and other proponents of an ever more lethal nuclear arsenal have for years justified the hundreds of billions we pour into nuclear arms too. They claim our nuclear arms serve the cause of peace by deterring a Russian attack. They point to 30 years of superpower peace since both Russia and the United States developed the capacity to totally destroy each other. And they ask the logical question: Does not the certainty of total mutual destruction—national suicide restrain the superpowers from initiating a nuclear war? Can this be true?

Yes and no. It is true because both the Soviet Union and the United States know that the initiation of a nuclear war against the other superpowers would mean total mutual destruction. It is not true, however, precisely because the nuclear arms race itself leads to further refinement in nuclear lethal technology that could enable third countries to have cheaper nuclear arsenals that could also devastate civilization. Now we have another element. These young physicist geniuses may, indeed, be able to develop the capability of defeating a Soviet nuclear attack on this country. If so, does anyone doubt that a few years later the Soviets one way or another would be able to duplicate this technology and defeat a nuclear attack on their country. If so, what happens to deterrence? The hawks cannot have it both ways. For years they have been defending a multibillion dollar annual nuclear arms buildup as the most realistic peace policy. Now they favor pouring more money than ever into the newest and most far-reaching advances in nuclear weaponry. Why? Because it will destroy the other side's nuclear weapons—thus ending the balance of terror that lies at the heart of détente.

If we succeed in bringing on a new wave of super nuclear weapons a trillion or so dollars from now, weapons that can destroy Russia's deterrent, how can we expect the Soviets to react? The answer: obvious. They concentrate their nuclear weapons geniuses and their specialists in thieving classified nuclear weapon secrets—at which they have proven their success—and they come up with the same far out technological nuclear defense power we do. Then where are we? We have spent immense economic and human resources to advance the nuclear war technology. We have killed deterrence. And we have developed weapons that make us about as safe as the maginot line made the French.

Let us pursue that maginot line analogy for a minute. The French made a terrible mistake in military strategy after World War I which this intercontinental missile defense is about to repeat. Consider: the maginot line provided the French with an absolutely "sure and safe" defense against the kind of German attack they had suffered in World War I. There was no way German troops could penetrate this ingeniously deployed series of inpenetrable pill boxes. And yet the German army and air force waltzed into France and reached Paris in a few days despite the maginot line. Why? Simple—they went around it. And the Soviets could penetrate our antinuclear missile defense the same way. How would they do that? Easy. They would forget about the intercontinental missiles. Forget about launching an attack through the air and simply produce smaller, portable nuclear weapons that personnel could carry on their person. Put that personnel ashore—anywhere along our thousands of miles of coast line. That armed personnel deploys the weapons in our cities, near our defense installations—within a mile or so of whatever

military or industrial or political target they choose to eliminate. When zero hour comes, they detonnate it. And they rely on their new nuclear defensive system for which we are about to lead the way and their closed society and their omnipresent policy to protect them from retaliation. Of course, the stepped up nuclear arms race might not take this course. There are any number of scenarios—if we continue the nuclear arms race and continue to search and test and produce and deploy new nuclear weapons. Yes, they are different. But all lead to the same terrible conclusion: nuclear war and death.

Mr. President, I ask unanimous consent that the article to which I have referred in the New York Times by William Broad and headlined "The Young Physicist: Atoms and Patriotism Amid the Coke Bottles" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1984]

THE YOUNG PHYSICISTS: ATOMS AND PATRIOTISM AMID THE COKE BOTTLES

(By William J. Broad)

LIVERMORE, CALIF.—Behind fences topped with barbed wire and doors equipped with combination locks, dozens of young physicists and engineers at the Lawrence Livermore National Laboratory work late into the night, six and seven days a week, on classified projects aimed at creating the next generation of nuclear weapons.

Their dream, they say, is to end the nuclear arms race.

In many ways they trace their lineage to another group of physicists in the 1940's who dreamed of ending World War II. Yet they are remarkably young for their level of achievement and for their reponsibilities.

Theirs is a milieu of blue jeans, empty Coke bottles, an occasional science-fiction novel—and seemingly endless, all-night bouts of work in the lab. Offices are cluttered with books and plants. Some of the young inventors are still in graduate school, working on their doctorates. None have ever seen a nuclear explosion.

Their quest is to channel the energy of a nuclear detonation into focused beams of intense radiation that travel thousands of miles at the speed of light and destroy enemy missiles in flight, eliminating the balance of terror that has kept an uneasy peace between the superpowers for a third of a century. They believe that President Reagan, in what has become known as his "Star Wars" speech, called on them to speed development of such weapons as a way to help create a defensive shield against attack from space. Their key designs number a half dozen in all, although none except X-ray lasers and microwave weapons have been mentioned outside the world of Government-imposed secrecy.

Critics say these complex systems based on a new generation of nuclear arms will never work. They say an enemy could outsmart them with countermeasures, such as "hardening" the skin of a missile or simply overwhelming a defense with increased numbers of missiles, decoys and hard-to-detect cruise missiles. The critics often oppose the secret nuclear projects as schemes meant to increase research budgets and to blunt public pressure for a freeze on nuclear arsenals.

In a series of interviews, the youthful designers chided the critics as being largely uninformed about their work at Livermore and about the merits of defensive systems. They said lots of people worried about the bomb, but they intended to do something about it.

"We can try to negotiate treaties and things like that," said Lawrence C. West, 28 years old, who is pursuing a Ph.D. while he works at the weapons lab. "But one thing I can do personally, without having to wait for arms control, is to develop the technology to eliminate them myself, to eliminate offensive nuclear weapons."

The designs of the young physicists have come to be known in military circles as "third generation" nuclear weapons. The first generation, built in the late 1940's and early 1950's, were large atom bombs meant to be dropped from airplanes. The second came in the late 1950's and early 1960's with the advent of compact, high-yield hydrogen bombs that could fit atop intercontinental missiles.

The third generation is altogether different in that the power of a nuclear explosion is focused into tight beams of radiation that can be directed at targets in space thousands of miles away.

Dr. Edward Teller, who helped invent the hydrogen bomb and was a founder of the Livermore Laboratory, told Congress last year that he knew of a half-dozen "solid" proposals for nuclear weapons that could be used in a defensive shield, but could "mention these topics only in a superficial manner" in open session.

"Here are the whole gamut of third-generation nuclear weapons," he said. "I am 75 years old and I am one of those of closed mind who did not invent them. But I am blessed with some young friends who come to my office and tell me there is something new under the sun. I regularly throw them out saying, 'Nonsense!' But they have learned something from me. They are stubborn. They come back with new arguments, with new proofs, and even though slowly, I learn."

At odds with the nuclear innovations of Dr. Teller's young friends is a formidable array of critics, not a few of whom are veterans of the earliest American attempts to unleash the hidden powers of the atom. With surprising unanimity, these critics today lobby for a complete ban on the construction and testing of all nuclear weapons. The false promise of defensive systems, they assert, will only fuel the arms race. Among other criticisms and questions are these:

(Rationalize how you will, bombs are ultimately meant to kill people.)

When he first came to Livermore, Mr. West, the physicist pursuing his Ph.D., had reservations about working on weapons, but eventually put them aside.

WE ARE MAKING ANTIWEAPONS

"Nowdays I would be quite willing to go and do full-time weapons work because I see the vast possibilities," he said. "A tremendous amount of creativity is needed, and there are very few scientists willing to do it. Nuclear weapons can devastate the world. I recognize that. But we are making antiweapons. My primary interest is not trying to find better ways to kill people, but better ways to kill arms."

He said, for instance, that X-ray lasers cannot be used against cities but only against objects in space, such as speeding missiles, because the weapons's rays will not penetrate the Earth's thick atmosphere.

Mr. West was raised an Episcopalian and was a Boy Scout. About six years ago he graduated at the top of his class from the California Institute of Technology and joined Livermore. Since then he has worked mainly on the theory and experimental design of a new generation of supercomputers.

"This group was very exciting to me, right from the first day," Mr. West said. "I could talk to most people here and have them understand me very rapidly. I just loved it."

(What about the Pope's recent plea urging scientists to give up their "laboratories and factories of death?")

"I don't think I fall in that category, of working on weapons of death," Mr. West said. "We're working on weapons of life, ones that will save people from the weapons of death."

"It's a moral decision, and I believe in it very strongly," he said. "I can't understand why everybody in the world isn't working on finding ways to eliminate nuclear war. Obviously the decision to build bombs has been there for 40 years, and we keep getting more of them. Why not find technical solutions to a technical problem?"

(Do you ever worry that the technical solutions will fail and that you will thus contribute to the end of the world?)

"I just don't see how it could bring about a cataclysm," said Mr. West. "If you have a large system with lots of redundancy, it would work."

Third-generation ideas, which are being pursued by all three of the Government's nuclear weapons laboratories, first came to life at Livermore, which is run by the University of California for the Federal Department of Energy. The facility, which has 7,200 full-time employees, is about 40 miles southeast of San Francisco.

In a corner of the laboratory is a small cluster of buildings that house O Group, a branch of the physics department. This is where Mr. West says he works sometimes up to 30 hours at a stretch. This too is where 50 other young scientists labor on advanced ideas in such areas as astrophysics, supercomputer fabrication, spaceship propulsion and nuclear weapons design. Most of them have had educations heavy in science and technology and fairly light in humanities. A top official at Livermore characterized O Group as "eccentric and extraordinarily bright." The group is not the only place in the nation where people plan third-generation nuclear weapons, but it is widely regarded as the spark plug.

Here the average scientist is in his 20's, and few, if any, wear wedding rings. No women are present except for secretaries. The kitchen has a microwave oven, a hot plate, a refrigerator, and a mountain of empty Coke bottles. Not a few of the young scientists work straight through the night, when it is easier to monopolize the laboratory's huge computers, some of the fastest in the world.

(Aren't special problems associated with a defense that relies on nuclear weapons?)

A veteran of the O Group is Dr. Roderick A. Hyde, 31, a graduate of the Massachusetts Institute of Techology in astronautical engineering who has pioneered plans for fusion drives for starships. A senior member of O Group, he heads a section that analyzes the technical feasibility of new ideas. One problem with a nuclear defense, he said, is the short time available to respond to an attack, especially because the Presi-

dent ostensibly controls the release of all nuclear weapons. "Obviously you worry about him being shot or, even more effectively, merely kept alive but out of communication, so there isn't a clear devolution of Presidential authority."

(Aren't third-generation weapons really just so much speculation?)

A luminary of the O Group is Dr. Peter L. Hagelstein, 29, who is credited with major innovations. His recent Ph.D. thesis from M.I.T. focused on nonnuclear ways to create X-ray lasers for scientific use. Thick with equations, the document breaks from its esoteric pace at one point to list "future applications" suggested by science fiction books. One is "Ringworld," by Larry Niven, a tale in which a spaceship is attacked by beam weapons.

"We have been fired upon," cries a character in the book. "We are still being fired upon, probably by X-ray lasers. This ship is now in a state of war. Were it not for our invulnerable hull, we would be dead."

Publicly, the best known technical triumph pioneered by Dr. Hagelstein and O Group has been the nuclear-pumped X-ray laser, which first came to life about four years ago as the result of a collaboration with senior Livermore scientists such as Dr. George F. Chapline. The weapon is being tested at the Government's underground site in Nevada. A small nuclear bomb at its core, it takes the power of a nuclear explosion and channels it into laser rods that emit lethal bursts of radiation. Its possible use as a weapon system is some years off. But according to O Group scientists, clusters of X-ray lasers will be able to put a very large dent into the entire force of Soviet strategic missiles, currently some 1,500 strong.

The power of the X-ray laser concept resulted in the founding of a separate group at Livermore known as R Program, a consortium of more than 100 laboratory personnel from different groups who are developing and testing the X-ray laser alone. The head of R Program is Dr. Thomas Weaver, who at 34 is one of the oldest members of O Group.

(Given the terrible risks and uncertainties, isn't working on arms control better than constructing any kind of bomb?)

"There's a simplistic view that says work on any weapon, defensive or offensive, in intrinsically evil, and that we should lay down our arms," Dr. Weaver said. "The other position is that we are willing to take prudent risks in order to maintain our freedom. I for one would not argue that technological solutions alone are sufficient. I think they need to be combined with arms control and discussions between countries. But I think we have to be realistic. Without technical advances to motivate the discussions, they're less likely to happen."

(The Russians could overwhelm a defense with decoy missiles. And even if only 2 percent of the Soviet Union's current total arsenal of warheads broke through a defensive shield, the resulting force of bombs would still number 200, enough to wreak havoc on this country's major cities.)

Visibly unmoved by any of the questions and criticisms is Dr. Lowell L. Wood, 42, a Livermore physicist who founded and heads O Group. Apt criticism is an aid in refining ideas, he said. More research was clearly needed, he emphasized, but the potential power of the whole spectrum of third-generation weapons was clear.

A large man with a full beard, Dr. Wood is the principal inspiration behind the frenetic activity of the young scientists. In separate interviews, each of them paid tribute to Dr. Wood's scientific insights, which include advances in laser fusion and astrophysics. And they praised his ability to build enthusiasm. "He has lots of confidence that no matter how young you are, whether you are fresh out of college with a B.S. or whatever, that you can still make a difference," said Dr. Weaver of R Program.

Dr. Wood is quick with replies to critics. He says, for instance, that decoys cost about half as much as complete missiles, and that it is economically and militarily feasible to shoot at all apparent missiles, ignoring whether they are real or decoys.

And even if some nuclear warheads got through a multilayer defensive shield, he said, the Soviet Union could never be sure which warheads could penetrate the defenses, and whether they would strike cities or fall on missile silos in wheat fields. Such uncertainty, Dr. Wood said, is enough to insure that the Russians would think longer and harder before launching an attack than they need to at present.

(Couldn't the Soviet Union make X-ray lasers and use them offensively as "escorts" to attacking missiles, knocking out our defensive systems?)

"Probably not," said Dr. Wood, "since the defender always appears to have the technical edge in these situations. Defensive third-generation systems are compact and lightweight and thus have a great capacity to carry protective armor, all the more so because they have to fly relatively short distances. They would be able to ride out an attack by offensive third-generation weapons and still be able to fire at a fleet of offensive boosters. These, on the other hand, would be quite vulnerable. Offensive missiles are very big and can afford to carry little extra weight over the long distances they must fly, so technically it's exceedingly difficult to armor them in any significant way against attack."

INSIGHTS ON SOVIET WORK

In any event, scientists at Livermore, young and old alike, say research on a new generation of nuclear weaponry will continue, even if it is never used for a defensive shield. They say it helps them better understand the breakthroughs in this area they assume the Russians are making as well.

The first generation of atomic physicists built the weapons that initially shook the earth. The second generation refined them. And now a third generation of weapons physicists has embarked on the exploration of a new frontier.

"There're almost an infinite number of issues to be pursued," said Mr. West, the Ph.D. candidate. "The number of new weapon designs is limited only by one's creativity. Most of them have not been developed beyond the stage of thinking one afternoon, 'Gee, I suppose you can do so and so.' There are a tremendous number of ways one might defend the country."

THE DEATH SQUADS AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, each day we read in our newspapers about the needless acts of murder, torture, and abuse occurring in countries around the world. In Uganda, East Timor, Cambodia, Nicaragua, Guatemala, Russia, Iran, Chad, we hear of violence, killings, and the oppression of innocent citizens.

The death squads in El Salvador represent the most recent escalation in human rights violations in the world. Since 1980, the right wing death squads are believed to be responsible for 30,000 slayings of civilian Salvadoran moderates and leftists. The murders go on and on, and the United States continues to pour money into this beleaguered country.

The Administration apparently acknowledges the problem of the death squads, but moves at a snail's pace to curb their activity. We should guarantee a cutoff of aid to El Salvador if these mass murders do not cease. But we sit idly by, paying lipservice to human rights violations and failing to put any teeth into our demands.

The United States has historically championed the rights of individuals to be protected from oppression. Yet in many instances, we simply do not act when we should. El Salvador is one area where our commitment to human rights falls short. Our failure to ratify the Genocide Convention is another.

We have seen the Genocide Treaty signed and ratified by nearly 90 countries. Yet it has been sitting here, before the Senate, for 34 years.

The criminality of genocide is unquestioned: The intent to destroy a national, ethnic, racial, or religious group. Yet we fail to acknowledge the importance of this convention, and that failure tarnishes America's laudable record in safeguarding fundamental human rights, as does our failure to act against the El Salvador death squads.

Let us move to improve that record.

The rightwing death squads today commit crimes against humanity as defined in international law. Let us move seriously to curb their activity by making all U.S. aid to the Government of El Salvador conditional on our certification of improvements in human rights there. The killings must stop, Mr. President, and it is the least we can do.

Similarly, it is the least we can do to give our advice and consent to the Genocide Convention. We must put the force of the United States behind this treaty, and thereby help deter these deplorable crimes against humanity. Ratification is a fundamental action in support of human rights which we can no longer choose to postpone.

America must act to preserve the sanctity and quality of human life. We cannot continue to pretend to be a world leader in opposing human rights violations.

REPORT OF SENATOR DANFORTH ON SUB-SAHARAN AFRICA

Mr. BAKER. Mr. President, the distinguished Senator from Missouri, Mr.

DANFORTH, has recently returned from a 2-week tour of sub-Saharan Africa, where he explored the chronic and growing problem of hunger among the people of that deeply troubled subcontinent.

Senator DANFORTH visited eight countries and found that the causes and severity of food shortages varied widely from country to country, and that the solution to those problems must be specialized as well.

In a most perceptive and well-balanced report, Senator DANFORTH paints a stark portrait of the suffering he encountered and explains the sources of that suffering and the current attempts to alleviate it.

He also recommends actions that the United States—its Government, its private enterprise and its citizens—may usefully take to encourage agricultural self-sufficiency and raise the standard of nutrition in that desperate world far removed from our own.

It is not pleasant reading, but Senator DANFORTH has clearly not despaired of improving the situation, and he urges us to share his hope, his commitment and his attention to this moral and political and practical challenge.

Senator DANFORTH has rendered the Senate and the Nation a valuable service with this "Report on Hunger Conditions in Africa." I ask unanimous consent that his report be printed in the RECORD, and that it be reprinted as an official Senate document for public reference.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON HUNGER CONDITIONS IN AFRICA

Memorandum for: Senator Howard Baker.

From: Senator John C. Danforth, January 30, 1984.

On January 4, 1984, I commenced a two week tour of Sub-Saharan Africa, focusing on the severe food shortages which are so prevalent on that continent. My itinerary included three regions where the problem of hunger is especially acute: the Sahel, the Horn of Africa and southern Africa. I visited a total of eight countries, with particular focus on Senegal, Somalia, and Mozambique. In addition, I made brief stops in Niger, Chad, Sudan and South Africa, with a one day rest stop in Kenya. While a two week tour of that massive continent did not qualify me as an expert on either Africa or its agriculture, it did create a strong impression that there is a food shortage crisis in Africa and that the problem requires far more attention from the United States and the rest of the developed world.

I. THE EXTENT OF THE PROBLEM

Varying by country, one may describe conditions in Sub-Saharan Africa as (a) existing starvation, (b) immediately pending crisis and (c) long-term dependency on donated food. In Mozambique, hunger is an existing tragedy. In Senegal, it is a crisis about to occur. Throughout the continent, it is a threat of seemingly endless duration, to be mitigated by donations from abroad until means are found to move the continent toward self-sufficiency in food production. Where starvation is an existing tragedy, we must act instantly in response to it. Where it is a pending crisis, we have at most a few months to act. Where food dependency is a long-term condition, we should pursue a long-range strategy to foster greater self-sufficiency.

A. Mozambique—existing starvation

Of Mozambique it may fairly be said that everything that can go wrong has gone wrong. Like much of Africa, Mozambique has been stricken with drought, and while there are signs that in parts of southern Africa the drought may be breaking, the corn crop I saw in rural sections of this country was truly pathetic. But drought is not all that has plagued Mozambique. Guerrilla activity throughout much of the southern part of the country has disrupted normal farming activity. Even worse, the government of Mozambique, by its own admission, has adopted a political strategy which assures poor agricultural production.

Upon gaining independence in 1975, the political leadership of Mozambique adopted the Soviet model, abolishing private ownership and moving toward collective agriculture. I am told that before independence Mozambique was a thriving country. Today it is an economic disaster. It is a textbook example of a faulty political ideology running a country into the ground. Construction, commenced a decade ago, has halted, the scaffolding still in place. A once beautiful resort hotel is mildew infested and mostly empty. The principal market of Maputo is virtually abandoned except for the government operated bread line toward which hungry people shove their way. Recognizing that the government's policy of state control has exacerbated the disaster, there has been a recent effort to allow farmers to produce on small plots of their own, but much damage has already been done.

I visited two different areas in rural Mozambique to examine the extent of the food shortage. In each area, conditions were similar to what I saw on the Thailand-Cambodia border in 1979. This was real starvation. All the classic symptoms were present: emaciated bodies, stick-like limbs and distended bellies. In a sense, it was worse than 1979. In Thailand, at least, international volunteers were on hand and the World Food Program was supplying food. In Mozambique, such assistance as had arrived was sporadic and there was no presence of international agencies. In one settlement, no outside food had arrived since November. The people were eating leaves from trees, roots and cashew nuts.

B. The Sahel—a pending crisis

The Sahel is a vast tract of land cutting across a band of countries that lie on the southern edge of the great Sahara Desert. Today, the Sahelian country of Senegal is dependent on donations from the international community for approximately one-sixth of its total food requirements. A multi-party democracy with enlightened leadership, its problem is not political instability or counter-productive economic policies. Its problem is drought, coupled with a lack of natural resources. The drought is now in its third year, and without international assistance a now serious condition would become a disaster.

The remote community of Mafré in northern Senegal is not reached by road. Driving through a barren landscape, nearly devoid of ground cover one barely makes out the village huts as they emerge from a thick haze of dust. I was told that a decade ago lions inhabited this land. Now it is difficult to understand how it can sustain any life at all. No rain has fallen for more than a year. No crop has been harvested. The people are herdsmen by tradition, but they have long since sold their cattle and sheep. We saw the remains of those sheep which had died before they could be sold. Many former inhabitants had moved to Dakar or to France in search of jobs, and those who remain subsist on cash or in kind gifts sent to them by their relatives.

In the village of Geuli, a Peace Corps volunteer told me that the drought had forced a steady reduction in the daily diet of the people. The normal fare is breakfast of tea, lunch of millet and rice and dinner of millet. Eighty percent of the people have left the village for the cities.

Unlike Mozambique, there is a tradition of international assistance to Senegal. Organizations such as Catholic Relief Services are operating programs to feed the people, although inadequate supplies of donated food limit the number of those who can be served. While Mozambique has been largely ignored by the international community, Senegal has been helped. The USAID program is said to be one of the most successful undertakings of that agency. Clearly, though, the continuation of the drought will necessitate an increase in outside assistance. Even if rain were to come today, the next harvest is more than six months away.

It is difficult to imagine that the Sahel will ever be productive land, even with optimal dry land agricultural techniques. Indeed, Senegalese officials expressed the view that several years of adequate rainfall would be required to rebuild the land's capacity for crops. In the northern part of the country, the development of irrigation from the Senegal River offers the only real alternative to constant dependence on outside aid. Present plans are to extend irrigation from the river to an additional 2,000 hectares a year. According to one USAID official, the Sahel could become self-sufficient in food if one million hectares were irrigated. His estimated cost per hectare was $2,000 which others believed was very low.

Somalia—an example of long-term needs

Somalia has had a year of exceptionally dry weather. Its people are largely nomadic herdsmen, and the export of cattle, especially to Saudi Arabia, has been a significant source of revenue. Recently, however, Saudi Arabia has banned imports of Somalian cattle claiming that there is a danger of rinderpest. As a result of the Saudi embargo, an excess of cattle is putting pressure on drought plagued range land. Since 1978, Somalia has had the additional burden of being host to a large number of ethnic Somali refugees from Ethiopia. In southern Somalia, the United States has pressured the government to open irrigated farmland to refugees, thus offering the hope that at least some can move from the camp to a more normal life. In northern Somalia, however, there is no good land to accommodate them, and there is the prospect of permanent and totally dependent communities of refugees.

Somalia has resources which Senegal lacks. A team from the University of Wyoming told me that much of the land is good, and that with very minimal rainfall it can be productive. The team estimated that by relatively minor changes in farming methods, rainfed agricultural production could be doubled. In fact, they displayed a

healthy field of sorghum ready for harvest that had received only three inches of rain during the growing season.

Southern Somalia has two rivers, the Juba and the Shebele. In the 1920's, Italy commenced an irrigation project on the Shebele, the results of which are striking. Large banana plantations thrive in what would otherwise be minimally producing land. I am told that over the years the efficiency of the irrigation system has deteriorated. Dr. Mohamed Abdi Nur, Vice Minister of Agriculture, estimated that through repairing and improving irrigation in this area, productivity could be increased by 50 percent.

Flying over the two rivers at low altitude, it appeared to me that they hold the potential of significantly increased productivity. The river valleys are green and almost completely undeveloped. A very large area is swamp which, if drained, might prove productive. President Siad has pressed hard for U.S. financing of a dam on the Juba. In my view, expert advice should be sought to determine whether improved irrigation, drainage and development of the river valleys would be a wiser investment of resources than investment in a high cost dam.

II. SUGGESTIONS FOR FUTURE ACTION

A. Mozambique

The first step must be the designation of one or more private voluntary organizations to determine the extent of the crisis and to coordinate the delivery of food aid. I have stated this view to President Reagan, and such a designation is being made. As of now, no one is in charge and next to nothing is being done. At a meeting with President Samora Machel, I asked if (a) he would approve the designation of a coordinating agency, (b) he would provide security for the agency's people while they are in the country and (c) he would provide transportation assistance. His answer to each question was affirmative.

B. The pending crisis

The pending food crisis in Sub-Saharan Africa is fueled by several factors. Africa is the only region left in the world with declining per capita food production. It is in the midst of a terrible drought. It is plagued by internal conflicts, political instability and large unproductive refugee populations. It is deeply in debt and the recent worldwide recession is causing a steadily worsening economic climate.

For the foreseeable future, the need for food aid to Sub-Saharan Africa will increase. This means that the cost of providing this aid will increase as well. There is already wide discussion about how much additional aid will be necessary and how much it will cost. The Administration will request a supplemental appropriation to meet this need. It is my hope that Congress will treat the request on a priority basis, and authorize whatever amounts are necessary to avert disaster. America has a tradition of leading the way in efforts to combat world hunger. We are leading the way today in Africa, and we must continue our tradition of doing what is necessary to save people from starvation. Where food aid is concerned, the policy of our country is and should be that the ideology of the recipient is irrelevant. That was our position in Cambodia and Ethiopia. That is our position in Mozambique. And that must continue to be our position in response to the pending crisis throughout Africa. A starving child has no ideology.

C. Long-term development assistance

Where possible, Africa should not be kept on the permanent dole, forever dependent on outside assistance in order to survive on a hand to mouth basis. The goal should be to move the continent closer to agricultural self-sufficiency.

During my trip, I received a number of suggestions on how the United States could encourage greater food production in Africa. These suggestions included: research leading to the development of drought resistant seeds, research in better methods of dry land agriculture, creation of agricultural education institutions in Africa on the model of our land grant colleges, development of extension services in Africa, irrigation and the construction of dams. None of these would be free. Some would cost significant sums of money.

We would be heartened if the cheapest alternative were the best path to food self-sufficiency throughout Africa. That is not the case. In the Sahel, there is no good alternative to very expensive irrigation if the region is to escape permanent dependence on outside donors. Yet our own resources are limited. We must fight our own battle of the budget, and there are practical restraints on what we can do for Africa.

If expensive methods of development cannot always be ruled out without abandoning whole regions of the continent, then our selection of development strategies should be made not only on the basis of method but on the likelihood that the recipient will translate developmental investment into increased production.

As a mater of principle, the United States does not base the offer of food aid on the political or economic philosophy of the recipient country. But I do not believe that same principle should be applied to developmental assistance. It is possible for a country to adopt an economic policy which would render any amount of developmental assistance next to useless. To offer developmental aid to countries whose economic policies discourage production is to squander our own limited resources.

Unfortunately, some African countries, such as Mozambique, have adopted the Marxist scheme of state farms, tight governmental controls and little it any private production of food. To my knowledge, such a strategy has never worked where it has been tried, and it cannot be made to work by any amount of developmental assistance. There is no reason Mozambique cannot become self-sufficient in food. But it will never be self-sufficient if the responsibility for farming is vested not in farmers but in the state. I believe that the interests of Africa and the interests of a prosperous and stable world are served by developmental assistance. But I believe that such assistance should be conditioned on policies within the recipient country which encourage rather than discourage production.

III. SOME MISCELLANEOUS THOUGHTS

A. South Africa

The aim of South Africa's "Homelands" policy is to uproot the country's blacks from their own homes and resettle them in segregated territories, some of which have been proclaimed to be independent states. Under this program, half of South Africa's blacks, or 40 percent of its total population, have been stuffed into 13 percent of its territory. With much self-congratulation, the government of South Africa claims that its subsidies have helped compensate for the naturally ensuing food shortages in these homelands. However, the world community has also been called upon to send food aid for South Africa's blacks, and this year the United States has contributed $225,000 to this end.

While the developed world's effort to assist the abused blacks of South Africa is understandable, and perhaps desirable, I am concerned that it amounts to an international subsidy of an unconscionably racist policy. South Africa is not a poor country, and I doubt that it should receive the support of the United States as it pushes its black population into segregated compounds. Perhaps the practical alternative to our present aid effort is even worse: that innocent people go hungry. However, I believe that our food aid to South Africa should at least be reviewed, and if it is offered it should be joined with the strongest moral condemnation of the homelands program.

B. Refugees

The focus of my trip was food not refugees, yet the two problems are related. I visited one camp in Sudan and three in Somalia, all of which were accommodating the large number of refugees who have fled Ethiopia. The government of Somalia claims that people in its camps are receiving less than their daily nutritional requirements. Our Embassy believes that Somalia's refugee count is inflated. I saw a few infants in two of the Somali camps who were emaciated and clearly at grave risk. However, a physician who was associated with a voluntary organization said that he believed the cause of their appearance was chronic diarrhea or some other illness rather than a lack of food. In any event, acute hunger did not appear to be a problem at the refugee camps I visited. Generally, the refugee children appeared healthy and energetic.

When a refugee camp is established, food is soon made available by international donors. As refugees arrive at a camp, they are often in desperate condition. However, if they survive their journey, they do receive sustenance after their arrival. The concern is whether they will ever graduate from refugee status. As a rule, there is insufficient land to make them self-sustaining. There are few opportunities for employment. Years after their arrival in the camp, they sit by the thousands with nothing meaningful to do, waiting for the next distribution of food. They are hopeless, permanent wards of the international donors.

In Somalia, our Ambassador, Robert Oakley, has urged that every effort be made to resettle refugees on productive farm land and to reduce their dependence on donated food. That is a difficult objective to obtain. Clearly, we should not cut helpless people off from their only means of survival in the name of integrating them into society at large. Yet I do not believe we should be satisfied with the creation of permanent communities of international wards. I do not have an answer to this problem. I merely note it as an appropriate subject for our attention.

IV. A MISSION FOR AMERICA

I am convinced that the people of our country would respond enthusiastically to a clear call to save Africa from starvation. America's reverence for human values, its "can do" spirit, its problem solving ability and its capacity to produce food, all would be involved in an effort to meet the crisis in Africa.

When I returned from my 1979 trip to Thailand and Cambodia I saw the remarkable response of the American people to a

pressing need. They wanted to help, and they did help—especially our young people. School children held bake sales and car washes to raise funds for the people of Cambodia. College students asked my assistance to go to the Cambodian border in the hope that they could lend a hand. That same spirit exists today in Peace Corps volunteers living in huts in remote African villages. I think it is a dominant strain in the American soul. Americans believe deeply in their country, and they believe that solving problems such as starvation in Africa is what their country is supposed to stand for.

We in government should provide the clear call to action. We should commit the government to a long-term program of food aid and development assistance for Africa, and beyond that we should encourage active participation by the private sector and by the American people themselves. When our constituents ask, "What can we do?", we should have some concrete answer in mind.

Development of a specific, easily understandable and not overly complex program to save Africa from starvation—a program with a definite role for our private sector and our people—deserves the immediate attention of the President and the Congress.

SOVIET SALT CHEATING

Mr. HELMS. Mr. President, today the Senate will hold a special closed session to examine the meaning and impact of Soviet cheating on arms limitation agreements, based upon the report which the President sent to the Senate on January 23. This is an important development for the future of our arms control efforts. Every one of us is anxious to obtain an agreement which will result in real reductions in the nuclear strategic systems which have been built by both sides. But any agreement to accomplish that end must establish confidence that the agreement will be followed by both parties, and that it will not be circumvented.

There is no use in continuing down a path which will result in the diminishing of our security. The very premise of arms control is that a reduction of nuclear arms will make us more secure, not less. But we cannot be sure of the premise unless the agreements themselves are wise in purpose and honest in intent.

The report of the President casts grave doubt upon the integrity of the Soviets and upon their commitment to arms control. In the future, arms control must go back to basics. Our first priority must be to seek the removal of the violations which the President has identified and those which are still under study. Unless the Soviets will show good faith by removing the present violations, and making good the arms control process, our security will be diminished, not increased, by the negotiating process.

In particular, we should use the arms control process to seek the following:

First, the verified dismantling of the illegal second ABM radar in Siberia, and the verified dismantling of the illegal second new type ICBM SS-X-25;

Second, full disclosure of the illegally encrypted telemetry from the illegal tests;

Third, full disclosure and verified dismantling of the illegal SS-16 Mobile ICBM deployment at Plesetsk;

Fourth, full compensation for the KAL 007 shoot-down, which occurred during preparations for an illegal test of the SS-X-25 missile.

Indeed, we should seek to remove all violations in order to test Soviet good faith. As long as these violations remain, we can have no confidence in the arms control process.

The President said in his report that Soviet noncompliance is a serious matter because "it calls into question important security benefits from arms control, and could create new security risks." We should therefore examine the President's report in detail under the highest classification so that all Senators will be aware of the implications of this matter.

I am gratified that the session today will include not only top secret deliberations on the floor, but code-level briefings by administration officials upstairs in the Senate National Security Office. However, the American public should be aware of some of the issues which are matters of concern. I have prepared a list of unclassified questions from data already extensively reported in the press concerning further Soviet SALT and other arms control treaty violations, which I would like to present to the Senate at this time:

First, is there any evidence and analysis indicating that the Soviets are deploying 12 to 14 warheads on each of their SS-18 super heavy ICMB, despite the fact that SALT II only provides for 10 on each ICBM? Could such deployment add 1,000 nuclear warheads to the present Soviet SS-18 force?

Second, are there Soviet Pechora-Pushkino-class ABM battle management radars at the following six locations, as reported by the press:

One. Abalakovo/Krasnoyarsk (as reported by the President);

Two. Lyaki;

Three. Pechora;

Four. Sary Shagan;

Five. Michelevka; and

Six. Moscow-Pushkino?

Are the Olenogorsk and Komsomolsk ABM radars also reported in the press similar to the above Pechora-Pushkino class?

Think, what is the likelihood that additional new large radars in the Pechora or Pushkino class will be discovered? What are the implications of such a discovery?

Fourth, is the Soviet SA-12 a mobile antiballistic missile? What effect would the production of 1,000 units of the SA-12 have on our own ability to retaliate against the Soviet Union? When will the Soviets reach the level of 1,000 SA-12 units?

Fifth, is the new Soviet SLBM, the SS-NX-23, a heavy SLBM in the terminology of article 9 of SALT II, and therefore prohibited?

Sixth, are the Soviets violating the Montreaux Convention by sending aircraft carriers through the Dardanelles?

Seventh, are the Soviets violating the Conventional Weapons Convention of 1980 by their genocide and use of illegal incendiary bombs in Afghanistan?

Eight, is there an expanding pattern of Soviet strategic camouflage, concealment, and deception under the commmand of Marshal Nicolai Ogarkov, the Soviet Chief of General Staff? Is it significant that Marshal Orgarkov himself was formerly in charge of both SALT negotiations and of the Directorate of Strategic Deception?

Ninth, are the Soviets producing 32 to 36 Backfire bombers per year, when Brezhnev personally promised to President Carter as an intergal part of the SALT II negotiations that the Soviets would not produce more than 30 per year?

Tenth, have the Soviets exceeded the SALT II ceilings on multiple independently targetable reentry vehicles (MIRV's)?

Do the Soviets have more than the SALT II ceiling of 820 MIRV'ed ICBM's, the ceiling of 1,200 MIRV'ed ICBM's and SLMB's, and the ceiling of 1,320 MIRV'ed missile launchers and bombers equipped with long-range cruise missile, including those under construction?

Eleventh, have the Soviets recently deployed Backfire bombers in Arctic staging bases, in violation of Brezhnev's written SALT II Backfire bomber statement that the Backfire would not be given intercontinental radius flying capabilities?

Mr. President, these are questions which have been raised by the press accounts. They are questions which demand answers. I hope that we will get these answers this afternoon.

In addition, Mr. President, I note that many of these issues are already being discussed in press commentary. I would like to comment in particular editorials which have appeared in the Wall Street Journal of January 25, 1984, and in the Washington Times of January 27, 1984.

The Journal editorial is entitled "How Now on Soviet Cheating." It makes several important points. First, the Journal says that it is extremely dangerous for America and for world peace for the United States to abide by arms control treaties with which the Soviets do not intend to comply. The Journal points out that the Sovi-

ets want us to become immobilized by the politics of arms control, and thereby become unable to take compensatory strategic actions to negate the Soviet advantages gained from cheating.

Mr. President, this is a point I myself stressed on this floor on September 30, when I warned about U.S. paralysis in the face of Soviet SALT break out. The Journal editorial suggests that the Soviets may conclude—if we do nothing—that even if they are caught cheating, and accused of cheating, they can get away with it.

Mr. President, the second article is from the Washington Times, entitled "Why Soviets Cheat," by Patrick Buchanan. Mr. Buchanan points out correctly the huge Soviet strategic advantage gained from their cheating on the 1972 SALT I agreements alone: Their illegal deployment of the heavy SS-19 ICBM vastly increasing their counterforce capability, and their construction of an illegal nationwide ABM defense.

Mr. Buchanan points out that the Soviets have spent the equivalent of over $500 billion to achieve a nuclear war-winning capability. He concludes that there is only one way to negate the huge Soviet offensive and defensive advantages: "It is for the United States to launch, with Manhattan Project urgency, a program for a land- and space-based defense of its strategic missile force and of its homeland."

Mr. President, I strongly agree with Mr. Buchanan. An effective ABM defense is the only thing that can save America in this hour of danger. Mr. Buchanan lays out the scenario if we fail: "Not too far ahead, probably, lies the greatest confrontation of the Cold War, with Moscow holding the high cards."

Mr. President, I ask unanimous consent that the two articles I have been discussing be printed in the RECORD.

Mr. President, I also ask unanimous consent that two letters sent to the President today by myself and seven distinguished colleagues be printed in the RECORD.

There being no objection, the letters and articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 25, 1984]

HOW NOW ON CHEATING?

President Reagan Monday sent a 50-page secret document to Congress detailing what the administration called "an expanding pattern of Soviet violations or possible violations of arms control agreements." Press coverage was muted, as the administration apparently hoped it would be. The New York Times used quote marks in such a way as to imply doubts about the validity of what it called a "fact sheet" describing the report for public benefit. The principal implication the president himself had drawn was that "better treaty drafting" and more workable verification procedures would be needed in future arms negotiations.

In short, few people in or out of government are ready yet to face the true implication of Soviet cheating: It is extremely dangerous to U.S. and Free World security to negotiate and abide by arms agreements that the Soviets do not intend to keep. The message this American vacillation sends to Moscow's generals and politburo chieftains is that they can cheat at no cost. The Americans, they will believe, have been immobilized by the politics of arms control—the hope and belief that arms control treaties do in fact limit the construction and deployment of arms.

Fewer than 10 of some 41 Soviet violations listed in a recent Heritage Foundation study are mentioned in the president's report. But even the four termed as definite cheating are profound.

Most important is the construction of radar stations outside the area allowed by the Anti-Ballistic Missile treaty of 1972. In combination with other ABM violations not cited, such as radar testing and surface-to-air missile deployments nearby, the radar sites form a Soviet ABM capability that goes far beyond the treaty restrictions limiting such defenses to either a capital city or a missile field. With the Soviets building screens against our bombers and submarines, plus extensive civil defenses, the effectiveness of our deterrent force becomes increasingly suspect. To the extent that the Soviets gain an edge, their threatening propaganda messages to the West become more credible, as we learned last summer when they stimulated a significant unilateral disarmament groundswell in the U.S. and Europe.

Other Soviet violations include development of an illegal second nuclear missile, the SS-X-25 or PL-5, a drastic addition to the firepower of the old SS-13. Some 14 nuclear tests above the limits of the 1963 test-ban treaty have given the Soviets high confidence in the power of their arsenal. Finally, the report charges that the Soviets have been encrypting missile tests above allowable levels. This prevents our fully monitoring Soviet capabilities and, of course, treaty violations.

Last week, a group led by former Carter negotiator Paul Warnke met to chastise Mr. Reagan for "insufficient" evidence of violations that lack "strategic significance" anyway. The administraton shouldn't be raising questions that might prevent us from entering into further agreements, they concluded. Aside from the tortured logic of that argument, it's hard to know what you don't know; if the Soviets have been encoding their tests, who can say what they're building? Former CIA analyst David Sullivan estimates that Moscow has stockpiled more than 4,000 delivery vehicles, compared with 2,250 allowed under SALT and 1,850 in the U.S. arsenal.

Meanwhile, the U.S. is required to significantly weaken its own forces. Since Ronald Reagan took office, America has dismantled or has made plans to dismantle 26 percent to 33 percent of its existing megatonnage, mostly to conform to SALT II. As Mr. Reagan noted in a recent speech, the U.S. nuclear arsenal is at a 25-year low.

Back when these treaties were being negotiated, a phalanx of U.S. leaders—Henry Kissinger, Melvin Laird, Gerard Smith, James Schlesinger, Harold Brown, Zbigniew Brzezinski—went before Congress to promise that if a situation like today's ever developed, we would cancel out. In 1972, Mr. Kissinger and Mr. Laird told Sen. Henry Jackson that substitution of heavy missiles for the SS-11 would be considered a clear-cut violation. Yet when the Soviets deployed the SS-19, four times the throw-weight of the SS-11, no abrogation followed.

Even Jimmy Carter was clear about the consequences of cheating. He told Congress in 1979 that Soviet violation of just one key clause, the encryption provisions, would undercut the whole treaty. His defense secretary, Harold Brown, outlined a sensible U.S. policy before Congress: "The issue will not be whether we could prove a case to a jury. We do not need proof beyond a reasonable doubt, nor even evidence we can discuss in detail," he said. "If a problem were not resolved . . . I would not hesitate to recommend . . . abrogation."

No doubt some advisers have been telling the president how clever it would be to accuse the Soviets of cheating but do nothing, playing to doves and hawks alike. That strategy may be worse than ignoring violations altogether. The Kremlin now knows that even if it's caught and accused, the Westerners will issue a pardon.

By failing to take actions that follow logically from the evidence, Mr. Reagan casts doubt on the evidence itself. By his response so far to Soviet cheating, Mr. Reagan is telling the public not to take him seriously.

[From the Washington Times, Jan. 27, 1984]

WHY SOVIETS CHEAT

(By Patrick Buchanan)

The U.S. arms control lobby—Paul Warnke, Gerard Smith, Herbert Scoville Jr.—has implored President Reagan not to make a scene about Soviet cheating on the strategic arms agreements. This would only affront the Russians, they say, force a Kremlin denial, poison the atmosphere for future agreements, and abort a "process" more critical to Western security and world peace than any advantage ascribable to Soviet cribbing.

Whether Reagan goes public is academic. The Soviet Union is not going to back down. Already, the Russians have reportedly dismissed with contempt U.S. evidence of cheating in the standing consultative commission, established to review violations.

Far from being of marginal utility, the gains that have accrued to Moscow from cheating on the SALT treaties involve vital interests no Kremlin leadership could surrender and survive.

Seen from the standpoint of the Soviet high command, SALT cheating and the SALT treaties are of a single piece. Both are tailored to meet Moscow's desire for a nuclear war-fighting and war-winning capability.

The first great problem the Soviets faced 15 years ago was to halt, permanently, expansion of the U.S. missile force—and give Soviet rocket forces a fixed number of American targets at which to shoot—and enough warheads to destroy them.

This was accomplished with SALT I, which fixed the number of U.S. land-based missile silos at 1,054, no concealment allowed.

The ink of SALT I was hardly dry before the Soviets began replacing their single-warhead SS-9s with gigantic SS-18s (10 warheads each), and their light SS-11s with huge SS-19s (six warheads each). The latter required cheating Henry Kissinger, who had specifically been assured the SS-11s would be replaced with a light missile.

The payoff for swindling Mr. Kissinger was tremendous. These two systems—308 SS-18s and 360 SS-19s—give Soviet mar-

shals the capability of delivering five one-megaton warheads on every Minuteman and Titan silo in the United States. (Two such first-strike warheads are normally considered adequate for a kill.)

Problem Two was to prevent the United States from using its technology to protect its missile fields. This was achieved by having written into treaty, and U.S. law, sharp prohibitions against homeland defense. At Moscow in 1972, the United States subscribed to the theory that the best American defense against Soviet missiles is no defense.

Problem Three—once permanent vulnerability of America's critical assets had been guaranteed—was the defense of the Soviet Union against a retaliatory strike, if some insane American president answered a Soviet first strike by launching a murder-suicide counterattack upon the Soviet Union.

For the Soviets, the Strategic Air Command leg of the U.S. deterrent was easiest to counter. With the U.S. B-52 fleet dwindling toward 300, with only 30 percent of these 25-year-old planes on alert, perhaps a hundred would survive. Against this force, the Soviets have arrayed 3,000 supersonic fighter-interceptors, 7,000 radars, 12,000 surface-to-air missiles.

Problem Four was the most difficult: how to defend the Soviet Union against surviving U.S. land-based and sea-based missiles (half the 33 U.S. missile submarines would be out of port at any time) that survived a first strike.

The solution necessitated cheating on the ABM Treaty. Cheating began within a year of signing, in 1973, when the Soviets began testing SAM-5s at 100,000 feet, far above where any aircraft can fly. Now the Soviets are deploying SA-12s, which reach ballistic-missile speed of 12,000 mph in seconds, and have built a huge ABM battle-management radar in south-central Siberia. According to Robert Jastrow, founder of NASA's Institute for Space Studies, that radar "rips the heart" out of the ABM Treaty.

Given the complexity of that radar, Moscow's decision to "break out" of the ABM Treaty was made before Reagan arrived. And, given the Soviet investment here—some $500 billion in offensive and defensive systems—and the gain to be realized—a nuclear war-winning capability—the Soviets are not going to dismantle because Ronald Reagan declares: We caught you cheating!

There is only one way to cancel the Soviet advantage. It is not with 100 MX missiles stuffed in silos targeted 10 years ago. It is for the United States to launch, with Manhattan Project urgency, a program for a land- and space-based defense of its strategic missile force, and of its homeland.

The first question is whether Congress will permit Reagan to build it. The second is whether Moscow will allow the United States to build a defensive system that cancels out a generation's investment in strategic supremacy.

Unless the Kremlin gets an historic case of cold feet, my guess is the answer is no. Thus, not too far ahead, probably lies the greatest confrontation of the Cold War, with Moscow holding the high cards.

U.S. SENATE,
Washington, D.C., January 26, 1984.

Hon. RONALD REAGAN,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We greatly appreciate your excellent recent "President's Report to Congress on Soviet Noncompliance with Arms Control Agreements." We believe that the report has serious implications for national security, and we intend to cooperate with you fully in dealing with the increased threat to United States national security which Soviet SALT violations represent.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We strongly agree with you. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviet Union is party should be provided in an unclassified report.

In particular, therefore, we request a further public report on some serious new Soviet violations of the SALT II Treaty reported recently in the press:

Production of more than 30 Backfire bombers per year;

Arctic staging of Backfire bombers;

The Intercontinental range of 8,900 kilometers and refueling capability of the Backfire bomber;

Continued production of TU-95H Bear bombers to be equipped with long range cruise missiles;

Development of a new heavy Submarine-Launched Ballistic Missile, the SS-NX-23;

Early deployment of 100 SS-X-24 Inter-Continental Ballistic Missiles carrying Multiple-Independently-Targetable Re-entry Vehicles, in single warhead SS-11 ICBM silos;

Soviet admission in November 1983 at the SALT Standing Consultative Commission of the fact that their forces exceed all three SALT II ceilings on MIRVs and bombers equipped with long range cruise missiles, 820, 1200, and 1320;

The Soviet refusal to dismantle over 250 strategic delivery vehicles by the end of 1981 in order to comply with the SALT II ceiling of 2250 strategic delivery vehicles; and continued expansion of their forces since 1981;

The seriously increased and widespread pattern of Soviet camouflage, concealment, and deception.

Several additional well known Soviet violations of SALT II need to be reported upon:

SS-18 rapid reload refire capability as a violation of the SALT II prohibition on rapid reload and refire capabilities;

Deployment of AS-3 Kangaroo Air to Surface missiles with range of "650 Kilometers" (see "Soviet Military Power") on 100 TU-95 Bear bombers, in further violation of the SALT II Data Exchange and the 1320 ceiling;

Deployment of new long range air-launched cruise missiles on Bear and Backfire bombers, in further violation of the 1320 ceiling.

In addition, there have been some recent press reports of Soviet violations of the SALT I ABM Treaty which also need to be reported on:

Soviet testing of Surface-to-air missiles in a prohibited ABM mode, such as SAM-5s, SAM-10s, and SAM-12s;

Deployment of five other prohibited Battle-Management radars, in addition to the Abalakovo radar;

Development and mass production of a prohibited mobile, rapidly deployable ABM, the ABM-3 and its SH-04 and SH-08 interceptor missiles and mobile radars;

Testing of a prohibited ABM rapid reload and refire capability;

Deployment of a prohibited nation-wide ABM defense;

Deployment of more than 100 ABM launchers around Moscow.

Mr. President, we strongly support your efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

We thank you in advance for your prompt responsiveness to this request.

With warmest personal regards.

Sincerely,

JESSE HELMS.
LARRY PRESSLER.
ROGER JEPSEN.
STEVEN SYMMS.
JAMES A. MCCLURE.
JEREMIAH DENTON.
ORRIN HATCH.
BOB KASTEN.

U.S. SENATE,
Washington, D.C., January 27, 1984.

Hon. RONALD REAGAN,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We strongly congratulate you on your statesmanlike leadership in publishing "The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements." This was an excellent report. We look forward to working with you to strengthen United States national security in the face of the Soviet SALT violations.

Yet we respectfully suggest there is more to be done. We need not remind you that the July 1980 Republican Party Platform explicitly states:

"The Republican Party *deplores* the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements . . . We *pledge* to end the Carter cover-up of Soviet violations of SALT I and II." (Emphasis added.)

It has been widely discussed in the intelligence community that there were over 32 outstanding cases of Soviet SALT and other arms control violations which occurred under the Carter-Mondale Administration prior to July 1980, and which were covered up or explained away by the Carter-Mondale Administration. Intelligence information on some of these SALT violations was actually suppressed by the Carter-Mondale Administration, which issued a White Paper in February 1978 giving the Soviets a clean bill of health on SALT I compliance. Many of the multiple Soviet SALT I violations have been confirmed by former Secretary of

State Kissinger and former Defense Secretary Laird.

We have carefully studied the seven violations in your recent report. We believe that it is reasonable to conclude that all seven Soviet SALT and arms control treaty violations cited in your report were either detected after the July 1980 Platform Statement or became conclusive after that time.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "Additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We stongly agree. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviets are party should be provided.

Accordingly, we respectfully request an additional Presidential report on all Soviet SALT I and II and other arms control treaty violations which occurred prior to July 1980. Some of these pre-1980 SALT I violations, such as Soviet deployment of the SS-19 ICBM and Soviet construction of ABM Battle-Management radars and ABM mode SAM tests, appear to be even more conclusive and serious than the seven cases in your report. Moreover, many of them have been confirmed by Dr. Kissinger and Secretary Laird. We therefore request that you update the Carter-Mondale White Pater of 1978.

We also request that you send to us a copy of the report of your Arms Control General Advisory Committee analyzing seventeen Soviet arms control violations since 1958.

Attached is an unclassified partial list of these Soviet SALT and other arms control treaty violations which were covered-up by the Carter-Mondale Administration.

Mr. President, we strongly support efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

With warmest personal regards.

Sincerely,

JESSE HELMS.
JEREMIAH DENTON.
JAMES A. MCCLURE.
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STEVEN SYMMS.

SOVIET SALT I AND II VIOLATIONS COVERED UP BY CARTER-MONDALE ADMINISTRATION

A. SALT I ANTI-BALLISTIC MISSILE TREATY

1. Soviet SAM testing in an ABM mode. Former Secretary of State Henry Kissinger has conceded this is a Soviet SALT "violation" on September 12, 1982.

2. Soviet deployment of ABM Battle Management Radars.

3. Soviet ABM camouflage.

4. Soviet falsification of ABM deactivation.

5. Soviet creation of a new ABM Test Range without the required prior notification.

6. Soviet deployment of a rapidly deployable, mobile ABM.

SALT I INTERIM AGREEMENT ON OFFENSIVE WEAPONS

1. Soviet deployment of the heavy SS-19 ICBM as the replacement for the light SS-11 ICBM, which is the most dangerous of all Soviet SALT violations. On August 12, 1979, Dr. Henry Kissinger conceded that this deployment constituted "sharp practice" by the Soviets. In 1974, former Defense Secretary Melvin Laird termed SS-19 deployment a clearcut "violation".

2. Soviet failure to deactivate old ICBMs on time, and falsification of official reports.

3. Bringing back ICBM equipment to a deactivated ICBM complex.

4. Keeping 18 SS-9 ICBMs illegally operational at a test range, which was conceded in the explanation of the SALT II Treaty.

5. Soviet deployment of "III X" silos with a configuration similar to a missile launch silo.

6. Soviet massive use of deliberate camouflage, concealment, and deception which actually increased after 1972, and which constituted deliberate interference with United States National Technical Means of verification: encryption of missile telemetry; camouflage of ICBM testing, production, deployment; concealment of SLBM submarine construction, berthing, construction of dummy submarines and their concealment, construction of berthing tunnels.

7. Constructing over 68 strategic submarines, when only 62 were allowed.

8. SS-20 mobile missile deployment, which should count as mobile ICBM deployment.

9. Violation of Brezhnev's pledge not to build mobile ICBMs.

10. Deploying SS-11 ICBMs at SS-4 MRBM sites, probably having a covert soft launch capability.

11. Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

C. SALT II TREATY

1. Soviet encryption of telemetry on SS-NX-20 "Typhoon" SLBM.

2. Soviet encryption of telemetry on SS-18 Mod X ICBM.

3. Soviet encryption of telemetry on SS-NX-19 SLCM.

4. Soviet encryption of telemetry on SS-20 IRBM.

5. Soviet camouflage of new submarines.

6. Soviet SS-20 deployment.

7. Soviet continued stockpiling of SS-16 mobile ICBMs.

8. Soviet AS-3 Kangaroo Air-to-Surface missiles with range of 650 kilometers on the TU-95 Bear bomber.

9. Soviet AS-6 Air to Surface missile with range of 1,000 kilometers on Backfire bombers.

10. Reported Soviet rapid reload and refire exercises for the SS-18 cold-launched ICBM.

D. OTHER ARMS CONTROL TREATY VIOLATIONS COVERED UP BY CARTER ADMINISTRATION

1. Over 30 unambiguous Soviet ventings of radioactive debris from underground nuclear tests in violation of the 1963 Limited Test Ban Treaty. These ventings are all unequivocal, and resulted in the spread of radio-active debris outside of Soviet borders.

2. Over eight Soviet underground nuclear weapons tests probably over 150 kilotons, in violation of the 1974 Thresh-hold Test Ban Treaty.

3. Over six Soviet violations of the Kennedy-Khrushchev Agreement of 1962.

(a) Soviet Combat Brigade in Cuba.

(b) Golf and Echo Class submarines at Cienfuegos.

(c) Cienfuegos strategic submarine base with nuclear warhead storage facility.

(d) Nuclear delivery capable aircraft. 40 MIG-23 or 27 Floggers. 12 TU-95 Bear bombers with operable bomb-bays.

(e) Use of Cuba as a revolutionary base.

(f) Probable Biological and Chemical Warfare Facilities.

THE SOVIET RECORD OF TREATY VIOLATIONS

Mr. HELMS. Mr. President, at the risk of burdening the RECORD, I would like to call the attention of the Senate to the historical background of the Soviet attitude toward treaty agreements. This historical background is essential to an understanding of the Soviet attitude toward treaties in general, and the principles of international good faith.

In 1955, the Senate Judiciary Committee did an exhaustive study of Soviet treaties concluded to that date. The conclusions of the study are most important:

The staff studied nearly a thousand treaties and agreements . . . involving peace, accord and fraternity, collaboration, friendship and neutrality, diplomatic recognition, frontier disputes, nonaggression pacts, conferences of conciliation, mutual aid, renunciation of war, and international promises to the peoples of the entire world . . . which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise. It signed treaties of nonaggression with neighboring states, and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought "firendship," and then cynically broke these promises.

Moreover, Mr. President, the Judiciary Committee report points out that the U.S.S.R. "was violating the first agreement it ever signed with the United States at the very moment the Soviet envoy, Litvinov, was putting his signature to that agreement, and it is still violating the same agreement in 1955."

Mr. President, this document gives us rare insight into the Soviet attitude

toward treaties and agreements. It was published in 1955, and it has long been out of print and unobtainable.

Mr. President, I ask unanimous consent that this study be printed in the RECORD at the conclusion of my remarks.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SOVIET POLITICAL TREATIES, AND VIOLATIONS—STAFF STUDY

Mr. HENNINGS. Mr. President, the Senate Subcommittee on Internal Security of the Committee on the Judiciary recently had printed, as a committee document, a staff study on treaties broken by the U.S.S.R. The demand for this publication is very great, and the supply soon will be exhausted. Because of the widespread interest in this study, I ask unanimous consent that it may be printed as a Senate document with an extra 13,000 copies for the use of the Judiciary Committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

FOREWORD

(By Senator James O. Eastland, Chairman, United States Senate Internal Security Subcommittee)

During the chairmanship of my predecessor, Senator William E. Jenner, of Indiana, the Subcommittee on Internal Security authorized a staff study of the Soviet treaty record from 1917, when a handful of Bolsheviks seized power over 150 million non-Communists in Russia, to the present, when 800 million people on two continents suffer under Red despotism. The project was part of the subcommittee's examination of The Strategy and Tactics of World Communism. It contemplated a scrutiny of treaties and agreements involving peace, accord and fraternity collaboration, friendship and neutrality, diplomatic recognition, frontier disputes, nonaggression pacts, conferences of conciliation, mutual aid, renunciation of war, and international promises to the peoples of the entire world—such as the Atlantic Charter.

The staff studied nearly a thousand treaties and agreements of the kinds described above, both bilateral and multilateral, which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise. It signed treaties of nonaggression with neighboring states and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought "friendship," and then cynically broke those promises. It was violating the first agreement it ever signed with the United States at the very moment the Soviet envoy Litvinov, was putting his signature to that agreement, and it is still violating the same agreement in 1955. It broke the promise it made to the western nations during previous meetings "at the summit" in Teheran and Yalta. It broke lend-lease agreements offered to it by the United States in order to keep Stalin from surrending to the Nazis. It violated the charter of the United Nations. It keeps no international promises at all unless doing so is clearly advantageous to the Soviet Union.

I seriously doubt that if during the whole history of civilization any great nation has ever made as perfidious a record as this in so short a time.

On the basis of the record, this question inevitably arises: Is the Soviet record merely a series of individual and unrelated misdeeds, or has treaty breaking been an instrument of national policy since the U.S.S.R. itself came into existence? In our second report on the Activities of United States Citizens Employed by the United Nations, the subcommittee showed that this had been answered as long ago as 1920 by Bainbridge Colby, who was Woodrow Wilson's Secretary of State.

"The existing regime in Russia is based upon the negation of every principle of honor and good faith,"

said Mr. Colby.

"The responsible leaders of the regime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements."

At the time he uttered these historic words, Secretary of State Colby had available to him many examples of how Communist leaders "frequently and openly boasted" that their pledged word was worthless. Let me call attention to just one of those examples, given by Zinoviev, Lenin's lieutenant, as long ago as 1919.

"We are willing to sign an unfavorable peace——"

Zinoviev said.

"It would only mean we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained in order to gather our strength so that the mere continued existence of our Government would keep up the worldwide propaganda which Soviet Russia has been carrying on for more than a year."

On another occasion, Joseph Stalin expressed the Communist diplomatic philosophy even more bluntly.

"Words must have no relations to actions—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron."

But these words and others like them are out of the past. Is it not possible that things are different now? Is it not possible that the Communists have learned their lesson and are finally ready to observe the common decencies of international conduct?

Mr. Paul W. Ward, of the Baltimore Sun, commented on these matters as recently as July 7, 1955. On that day, Mr. Ward reported to the Sun regarding Soviet activity under the brand-new Austrian treaty. It is pertinent to consider some of the points which Mr. Ward raised in his dispatch. Here is part of what he wrote:

"Austria is discovering several flies in the ointment of good will which the Soviet Government prescribed for it 3 months ago in a move that Kremlin propagandists ever since have been citing as proof of that Government's benign intentions toward the free world.

"It was learned today as there became available here a compendium of data on how the Soviet authorities have gone about fulfilling the peace bargain offered Austria at Moscow April 15 and signed into a treaty at Vienna May 15.

"The collection of official and semiofficial data indicated that the Austrian authorities are finding the Russians mush less accommodating in deed than they were in promise.

"It is further indicated that—taking advantage of the Austrian authorities' failure to get every detail specified before they signed the peace treaty—the Soviet authorities are now:

"1. Trying to exact a far higher ransom for the approximately 300 Austrian factories and other properties they hold than the treaty seemed to set.

"2. Stripping some of those factories of at least part of their equipment plus their stocks of raw materials, semifinished and finished goods before turning them over to an Austrian Government that had expected to receive them intact.

"3. Putting on a last-minute rush of what the Austrian press calls systematic robbery in the forests of east Austria and are surpassing in the process anything the Nazis had done while in occupation of Austria during World War II.

"The collection, which gave a Jekyll and Hyde character to those recent Soviet moves in Austria that Vyacheslav M. Molotov, Soviet Foreign Minister, cited to the United Nations meeting at San Francisco as good news for the imminent Big Four "summit" meeting, also included items to the effect that—

"1. The Soviet authorities in Austria are burning the records which Chancellor Julius Raab had said the Austrian Government will need if it is to keep the redeemed mills and factories running without interruption.

"2. Those same authorities are denying to Austrian Government experts the inspection rights they need in order to calculate what capital outlays will be necessary to keep the ransomed enterprises running and maintain in the oil fields now held by the Russians the production rates required to pay part of the ransom.

"3. The native Communists in Austria, meanwhile, are trying to keep Austria from establishing the "armed" neutrality prescribed for her by Moscow and concurrently are boasting that "regular supplies to the NATO forces in Central Europe will be made exceedingly more difficult" when, as a result of Austria's neutralization, western Big Three forces have to withdraw from the country."

Four days after Mr. Ward's dispatch, the Department of Defense released the verbatim text of a statment made by Maj. Gen. Harlan C. Parks, USAF, senior member of the United Nations Commission. In that statement, General Parks presented what he described as "monumental evidence" of the "complete insincerity, dishonesty, and utter lack of integrity" of the Chinese and Korean Communists who had signed the Korean armistice.

"We have listened since last summer to the soothing music of your peaceful propaganda and your expressions for a free and independent united Korea—

said General Parks—

"while at the same time contending with your continued willful and flagrant violations of the armistice agreement, your hostile and aggressive actions, and your murderous and inhumane atrocities. The time has come to demand that the powers who are directing your iniquitous activities start trying to reconcile your Dr. Jekyll with your Mr. Hyde."

General Parks presented an irrefutable bill of particulars to support his charges. He

pointed out that at the time the Korean armistic was signed in July of 1953, the Chinese and North Korean Communists "had no air force and not one usable airfield." He cited the evidence of radar observation as well a testimony volunteered by defecting North Korean aviators, to show that Chinese and North Korean Communists began immediately to rebuild their air force in direct violation of the armistic agreement.

Under the terms of the armistic, as General Parks showed, the Chinese and North Korean Communists were bound to report all arrivals of new aircraft in their territory. No arrivals were reported. But the ultimate proof of violation occurred on February 5 and May 10, 1955, when the "illegally introduced aircraft" made unprovoked attacks against the United Nations aircraft on routine training missions over international waters.

General Parks made detailed charges as to the methods by which the Chinese and North Korean Communists had evaded inspection by the Neutral Nations Commission. He said:

"A. Your said flew many combat aircraft away from the inspected airfields.

"B. Your side hid combat aircraft in ravines in the hills in the vicinity of the airfields and camouflaged them.

"C. Your side dismantled some of the aircraft and concealed them.

"D. * * *

"E. Your side arbitrarily reduced the boundaries of the airfields, thereby restricting the scope of the mobile inspection team inspection.

"F. Your side prepared false testimony by long, detailed coaching of probable witnesses and by substituting politically indoctrinated higher ranking officers for lower ranking officers by switching insignias.

"G. Your side delayed the assembly of newly arrived combat aircraft at Taechon by leaving them in their crates until the mobile inspection team investigations were completed. Senior Lieutenant Lee (a North Korean defector) who reads Russian, noticed the wording, "Kiev Aircraft Factory" on tags attached to one of his unit's combat aircraft. This aircraft's logbook showed that the plane left the Russian factory in March 1955."

The most important charge of all in terms of long-range significance, however, was the accusation General Parks made against the Czechosolvakian and Polish Communists who were members of the so-called Neutral Nations Commission. General Parks flatly stated that the Czechs and Poles vetoed inspection trips to North Korea when they were able to do so, stalled the inspections they could not prevent, and practiced outright collusion with their Chinese and North Korean comrades to conceal evidence of treaty violations.

This brings me to the fundamental issues that face the peoples of the world in connection with any effort to arrive at a workable agreement with communism.

Is the signature of any Communist Government on any document worth the paper it is written on?

When a Communist Government does sign an agreement, what can non-Communist nations do to see that the agreement is kept?

Until we can find satisfactory answers to these questions, it is futile to direct our efforts toward adding to the accumulation of documents which have already been signed and violated by the U.S.S.R. and other Communist countries.

The signatories of the Atlantic Charter promised that—

"First, their countries seek no aggrandizement, territorial or other;

"Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

"Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

If the U.S.S.R. would just live up to that pact, the greatest obstacles to world peace would disappear.

REFERENCES TO FOLLOWING TABLE (COLUMN 1)

1	Department of State Publication 4245—General Foreign Policy Series 53.
2	Busby Testimony to Senate Internal Security Subcommittee.
3	Klemov Testimony to Senate Internal Security Subcommittee.
4	Testimony Strategy and Tactics Senate Internal Security Subcommittee, Vol. 1.
5	World War II International Agreements—Foreign Affairs Committee, 1953.
6	U.N. World, November 1950.
7	The New Leader, May 3, 1954
8	Trends in Russian Foreign Policy Since World War I, Legislative Reference Service, 1947.
9	Background Information on the Soviet Union in International Relations, Committee on Foreign Affairs, 1950.
10	A Decade of American Foreign Policy, Senate Committee on Foreign Relations and Department of State, 1950
11	The Soviet Union in International Relations, Foreign Affairs.
12	Bullitt, William C., The Great Globe Itself, New York, Scribners, 1946.
13	Establishment of Diplomatic Relations With the U.S.S.R, 81st Cong., Document No. 90.
14	Congressional Record, 74th Congress, May 14, 1935, Representative Tinkham.
15	Francis O. Wilcox, and Thorsten V. Kalijarvi, Recent American Foreign Policy, Basic Documents, 1941–51, New York, Appleton-Century-Crafts, 1952.
16	Walters, F.P., A History of the League of Nations, Vols. I and II, Oxford University Press, 1952.
SD	State Department.
LNTS	League of Nations Treaty Series.
UNTS	United Nations Treaty Series.
BFSP	British Foreign Series Papers.
KR	Kirsten Report.
FF	Facts on File.
SB	State Department Bulletin.
DW	Daily Worker.
XA	Executive Agreement Series.
EE	State Department, Office of Eastern European Affairs.
CH	Current History.
BS	Baltimore Sun.
USN	U.S. News & World Report.
NT	New York Times.
DD	Defense Department.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY

[With Soviet violations shown in brackets]

SD	1867, Mar. 30	United States and Russia signed a convention in regard to U.S. purchase of Alaska. It is still in force.
8 p. 2	1917, Dec. 31	Bolshevik government offically recognized independence of Finland.
SD, 16p. 804	1939, Dec. 3	A pact of mutual assistance and friendship was concluded by Soviet Russia and the Democratic Republic of Finland, headed by a Finnish Communist who had been in exile in Russia for 20 years. It included the ceding of territory extending across the Isthmus of Karelia and the lease of the port of Hanko for 20 years.
8 p. 3	1918, Mar. 3	Central Powers—Germany, Austria-Hungary, Bulgaria, Turkey, and Russia signed Treaty of Brest-Litovsk, Russia agreed (1) to give up Poland, Courland and Lithuania and to allow them to be recognized by the Central Powers, (2) to cede Ardahan, Kars and Batum in the Caucasus to Turkey, (3) to evacuate Estonia, Livonia, the Ukraine and Finland, (4) to discountinue Bolshevik propaganda in the territories ceded.
SD	1918, May 9	Rumania and Russia signed an agreement regarding military and political matters.
8 p. 4	1918, Aug. 27	Russia and Central Powers, Russia renounced sovereignty over Lithuania and Latvia in supplementary peace treaty.
8 p. 21	1939, Oct. 5	A mutual assistance pact was imposed on Latvia by Soviet Russia.
8 p. 21	1939, Oct. 10	A mutual assistance pact was imposed on Lithuania by Soviet Russia.
12 p. 220	1940, Aug. 3	Lithuania was incorporated into Soviet Russia.
12 p. 221	1940, Aug. 5	Latvia was incorporated into Soviet Russia.
SD	1919, May 5	China Arms Embargo signed by United States, Belgium, Brazil, Denmark, France, Italy, Japan, the Netherlands, Portugal, Russia, Spain, United Kingdom. It was terminated Apr. 26, 1929.
8 p. 4	1920, Feb. 2	Estonia and Russia signed the Peace Treaty of Dorpat (Tartu). It recognized Estonia's independence and defined their joint boundaries.
12 p. 228	1939, Sept. 28	[The Soviet Government imposed a Pact of Mutual Assistance, infringing upon Estonian sovereignty.]
12 p. 220, 228	1940, June 16	[Soviet troops invaded and occupied Estonia and incorporated Estonia into the U.S.S.R. on Aug. 6, 1940.]
SD	1920, Apr. 12	Lithuania and Soviet Russia reestablished diplomatic relations.
8 p. 5	1920, Apr. 12	Lithuania and Russia signed Peace Treaty of Moscow. It recognized Lithuanian independence and defined their joint frontiers.
8 p. 21	1939, Oct. 10	[A mutual assistance pact was imposed on Lithuania.]
12 p. 220, 227	1940, June 15	[Soviet troops invaded and occupied Lithuania. It was incorporated into the U.S.S.R. on Aug. 3, 1940.]
SD	1920, May 7	Soviet Russia recognized Georgia. Diplomatic and consular relations were established.
KR	1921, Feb. 11	[Red Army attacked and took over Georgia.]
SD	1921, Mar. 17	[An agreement regarding cessation of hostilities was reached with Georgia. Democratic troops were disarmed and equipment seized.]
SD	1920, July 5	Austria and Soviet Russia. The Treaty of Copenhagan was concluded.
SD	1920, Aug. 11	Latvia and Soviet Russia established diplomatic relations.
8 p. 5	1920, Aug. 11	Latvia and Russia. The Peace Treaty of Riga was signed in which Russia recognized Latvia, her independence and their common frontiers were defined.
8 p. 21	1939, Oct. 5	[A mutual assistance pact was imposed on Latvia by Soviet Russia.]
12 pp. 224, 229	1940, June 16	[Soviet troops invaded and occupied Latvia. It was incorporated into U.S.S.R. on Aug. 5, 1940.]
8 p. 5	1920, Oct. 14	Finland and Russia. Treaty of Dorpat ended hostilities and defined boundaries.
12 p. 221	1940, Mar. 12	[Soviet Russia took over the city and region of Viipuri and other territories.]
8 p. 5	1920, Dec. 28	Ukraine and Russia concluded a treaty of alliance.
8 p. 5	1921, Jan. 25	Chinese received Russian diplomats.
8 p. 5	1921, Feb. 26	Persia (Iran) and Russia concluded a treaty of friendship. Persia granted Russia de jure recognition.
8 p. 5	1921, Feb. 28	Afghanistan extended de jure recognition to Russia.
8 p. 5	1921, Mar. 16	Turkey and Russia established diplomatic relations.
8 p. 5	1921, Mar. 16	Great Britain and Russia concluded an agreement which raised the British blockade against Russia, prohibited Russian propaganda in Great Britain, and granted de facto * * *
8 p. 7	1923, May 8	[Great Britain delivered "Curzon ultimatum" to Russia, threatened to terminate trade agreement unless impounded British fishing vessels were released and Russia disowned and recalled agents in India, Persia, and Afghanistan engaged in anti-British propaganda.]
8 p. 10	1927, Feb. 23	[British Government protested Soviet violation of 1921 trade agreement and failure to abstain from propaganda.]
8 p. 10	1927, May 26	[Great Britian severed diplomatic relations with Soviet Russia and ended trade agreement of 1921, because of Soviet treaty breaches and failure to abstain from propaganda.]

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

SD	1921, Mar. 17	Georgia and Soviet Russia reached an agreement regarding cessation of hostilities. Democratic troops were disarmed and equipment was seized.
SD	1921, Mar. 18	Treaty of Riga between Poland and Russia, ended hostilities and defined boundaries.
8 p. 21	1939, Sept. 17	[Soviet troops invaded Poland.]
8 p. 21	1939, Sept. 29	[Germany and Soviet Russia signed a treaty partitioning Poland.]
12 p. 222	1939, Oct. 10	[The city and region of Wilno was detached from Poland and on Aug. 3, 1940, incorporated into Lithuania.]
12 p. 221	1939, Nov. 1	[Southeastern Poland was incorporated into the Ukrainian Soviet Republic.]
12 p. 222	1939, Nov. 2	[Northeastern Poland was incorporated into the Byelorussian Soviet Republic.]
8 p. 7	1921, Oct. 13	Turkey and Russian concluded a treaty restoring Batum to Russia and leaving Kars and Ardahan in Turkey.
8 p. 7	1921, Nov. 5	Mongolia and Russia concluded a treaty of friendship.
SD	1921, Nov. 25	Diplomatic relations were established between Estonia and Soviet Russia.
8 p. 7	1921, Dec. 7	Russia and the Ukraine signed a treaty with Austria resuming political and commercial relations.
8 p. 7	1922, Apr. 16	Germany and Russia negotiated treaty of Rapallo. Russia obtained de jure recognition from Germany, mutual cancellation of financial claims and most-favored-nation treatment.
LNTS, 16:318	1922, June 1	Finland and Russia concluded an agreement regarding protection and inviolability of frontiers.
12 p. 223	1939, Nov. 30	[Finnish borders were crossed by Soviet troops.]
BFSP, 131:775	1922, June 5	Czechoslovakia and Russia concluded a friendship and commerce agreement.
8 p. 36	1945, June 29	[Czechoslovakia was forced to sign an agreement ceding the Carpatho-Ukraine to the Ukrainian Soviet * * *]
8 p. 7	1922, Dec. 30	Treaty of Union adopted by the 10th All Russian Congress of Soviets and united Russia.
8 p. 7	1923, Apr. 23	Denmark granted de facto recognition to the Soviet Union.
SD	1923, July 23	Poland established diplomatic relations with Soviet Russia.
SD	1923, July 23	Germany established diplomatic relations with Soviet Russia.
SD	1923, July 23	Finland established diplomatic relations with Soviet Russia.
8 p. 8	1923, July 24	Turkey and Soviet Russia signed the Treaty of Lausanne, a peace settlement.
8 p. 8	1923, Aug. 14	Soviet Republic participated in the Straits convention, which provided demiliarization of the Dardanelles.
LNTS, 20: 179	1923, Sept. 8	Austria and Soviet Russia extended their 1921 general relations agreement.
8 p. 8	1924, Feb. 1	Great Britain accorded de jure recognition to Soviet Russia.
SD	1924, Feb. 7	Italy granted Soviet Russia de jure recognition.
8 p. 8	1924, Feb. 15	Norway accorded Soviet Russia de jure recognition.
8 p. 8	1924, Feb. 25	Austria and Soviet Russia reestablished diplomatic relations.
8 p. 8	1924, Mar. 8	Greece granted Soviet Russia unconditional recognition.
SD	1924, Mar. 15	Sweden granted Soviet Russia de jure recognition.
8 p. 8	1924, Mar. 24	Canada granted Soviet Russia de jure recognition.
8 p. 8	1924, Mar. 30	Saudi Arabia granted Soviet Russia de jure recognition.
8 p. 8	1924, May 31	China and Soviet Russia established diplomatic relations. Russia renounced all privileges, concessions, and rights of extraterritoriality in China; agreed to the withdrawal of Russian troops from Mongolia and joint ownership of the Chinese Eastern Railway. Each country promised to refrain from spreading propaganda against the institutions of the other.
8 p. 10	1927, Dec. 14	[Chinese raid on Soviet Embassy turned up documents revealing Communist designs on China.]
8 p. 14	1934, Sept. 21	[Soviet Russia sold its share of the Eastern railway to Manchuria despite China's protests.]
8 p. 16	1936, Apr. 7	[China protested the Soviet Mongolian pact of March 12, 1936, as a violation of the May 31, 1924, treaty. Soviet Russia had recognized Chinese sovereignty in Outer Mongolia. In response to China's protest, the Soviet Government affirmed its adherence to the 1924 Sino-Soviet treaty.]
8 p. 8	1924, June 18	Denmark extended de jure recognition to Soviet Russia.
8 p. 9	1924, July 6	Albania extended de jure recognition to Soviet Russia.
8 p. 9	1924, Aug. 4	Mexico extended de jure recognition to Soviet Russia.
8 p. 9	1924, Oct. 28	France extended de jure recognition to Soviet Russia.
8 p. 9	1925, Jan. 20	Japan and Soviet Russia reestablished diplomatic relations. Japan agreed to withdraw her troops from North Sakhalin. Propaganda on either side was prohibited.
SD	1925, Aug. 3	Poland and Soviet Russia signed an agreement which settled frontier disputes.
8 p. 21	1939, Sept. 17	[Soviet forces crossed Polish frontiers at many points.]
LNTS, 157: 353	1925, Dec. 17	A Turkish-Soviet nonaggression pact was concluded.
LNTS, 53: 387	1926, Apr. 24	A German-Soviet neutrality pact was concluded under which both signatories promised not to join any coalition or impose any economic boycott against each other.
LNTS, 54: 155	1926, July 19	Latvia and Soviet Russia concluded a frontier dispute agreement.
SD	1926, Aug. 15	Afghanistan and Soviet Russia settled Urta-Tagal dispute.
SD	1926, Aug. 22	Uruguay recognized the Soviet Union.
8 p. 15	1935, Dec. 27	[Uruguay broke diplomatic relations with the Soviet Union charging Communist activity in Uruguay and elsewhere in South America.]
8 p. 9	1926, Aug. 31	Afghanistan and Soviet Russia concluded a nonagression pact.
8 p. 44	1946, June 14	[Afghanistan was forced to cede the border territory of Kushka to Soviet Russia.]
LNTS, 60: 145	1926, Sept. 28	Lithuania and Soviet Russia concluded a nonagression pact. Protocols of May 6, 1931 and Apr. 4, 1934, extended the life of the treaty until Dec. 31, 1945.
12 p. 222	1940, June 15	[Soviet Russia invaded and occupied Lithuania.]
8 p. 10	1927, Apr. 17	Saudi Arabia and Soviet Russia established diplomatic relations.
LNTS, 70: 401	1927, Aug. 8	Estonia and Soviet Russia concluded an agreement regarding settlement of frontier disputes.
LNTS, 112: 275	1927, Oct. 1	Iran and Soviet Russia concluded a Neutrality Treaty.
SD	1928, Apr. 8	Soviet Russia acceded to the Geneva protocol of 1925, with reservations. This protocol prohibited poison gas and bacteriological methods of warfare.
16 p. 385	1928, Sept. 27	Soviet Russia adhered to the Kellogg-Briand Pact for Renunciation of War of Aug. 27, 1928. It provided that: "War should be renounced as an instrument of national policy, and that the settlement of disputes should never be sought except by peaceful means."
8 p. 10		The pact was signed by the United States, Belgium, France, Great Britain and the British Dominions, Italy, Japan, Poland, Czechoslovakia, Germany.
		[Following are violations by Soviet Russia of the Kellogg-Briand Pact:
12 p. 223	1939, Sept. 17	Poland invaded.
12 p. 223	1939, Nov. 30	Finland invaded.
8 p. 22	1940, June 15	Lithuania invaded.
12 p. 224	1940, June 16	Latvia invaded.
12 p. 225	1940, June 16	Estonia invaded.
12 p. 230	1940, June 27	Rumania invaded.]
LNTS, 82: 63	1928, Sept. 24	Finland and Soviet Russia signed notes settling Karelian Isthmus difficulties.
8 p. 10	1928, Nov. 1	Yemen and Soviet Russia signed a treaty of friendship and commerce.
8 p. 10	1929, Nov. 5	Great Britain resumed diplomatic relations with Soviet Russia.
8 p. 10	1929, Dec. 17	Turkey and Soviet Russia renewed neutrality treaty of 1925.
8 p. 10	1929, Dec. 22	China and Soviet Russia, by the Khabarovsk protocol settled their dispute over the Chinese Eastern Railway.
SD	1935, Mar. 23	[Soviet Russia sold its share of the Chinese Eastern Railway to Manchuria in spite of Chinese protests.]
8 p. 11	1931, Mar. 8	Turkey and Soviet Russia signed a protocol, limiting for 5 years their naval forces in the Black Sea.
8 p. 11	1931, May 6	Lithuania and Soviet Russia renewed their nonaggression pact of Sept. 28, 1926.
		[(See, violations below item dated Sept. 28, 1926.)]
8 p. 11	1931, June 24	Afghanistan and Soviet Russia concluded a nonaggression and neutrality pact.
8 p. 44	1946, June 14	[Afghanistan, under pressure, signed an agreement giving Kuska to Soviet Russia.]
LNTS, 157: 383	1931, June 24	Germany and Soviet Russia signed a treaty of friendship prolonging the treaty signed in 1926.
8 p. 11	1931, Oct. 30	Turkey and Soviet Russia renewed their friendship and neutrality pact for 5 years.
8 p. 11	1932, Jan. 21	Finland and Soviet Russia signed a treaty of nonaggression.
12 p. 224	1939, Nov. 30	[Soviet Russia invaded Finland.]
LNTS, 143: 113	1932, Feb. 5	Latvia and Soviet Russia signed a nonaggression pact.
SD	1939, Oct. 5	[A pact of mutual assistance, which provided for stationing of Soviet troops was forced on Latvia.]
12 p. 224	1940, June 16	[Soviet Russia invaded Latvia.]
12 p. 224	1932, Apr. 22	Finland and Soviet Russia concluded a convention of conciliation.
12 p. 224	1939, Nov. 30	[Soviet Russia invaded and occupied parts of Finland.]
LNTS, 131: 297	1932, May 4	Estonia and Soviet Russia signed a nonaggression pact.
SD	1939, Sept. 28	[A pact of mutual assistance, which provided for stationing of Soviet troops was forced on Estonia.]
12 p. 225	1940, June 16	[Soviet Russia Invaded Estonia.]
12 p. 225	1940, June 16	Estonia and Soviet Russia concluded a convention of conciliation.
8 p. 20	1939, Sept. 28	[Soviet Russia imposed pact of mutual assistance on Estonia.]
12 p. 225	1940, June 16	[Soviet Russia Invaded Estonia.]
12 p. 225	1932, June 18	Latvia and Soviet Russia concluded a convention of conciliation.
8 p. 21	1939, Oct. 5	[Soviet Russia imposed a pact of mutual assistance on Latvia.]
12 p. 226	1940, June 16	[Soviet Russia invaded Latvia.]
LNTS, 136: 41	1932, July 25	Poland and Soviet Russia signed a nonaggression pact.
12 p. 226	1939, Sept. 17	[Soviet Russia invaded Poland.]
12 p. 226	1932, Nov. 23	Poland and Soviet Russia concluded a convention for conciliation.
12 p. 226	1939, Sept. 17	[Soviet Russia invaded and occupied parts of Poland.]
SD	1932, Sept. 13	Afghanistan and Soviet Russia signed a settlement of boundary disputes.
8 p. 44	1946, June 14	Soviet Russia was ceded Kushka by Afghanistan in a forced agreement.
8 p. 11	1932, Nov. 29	France and Soviet Russia concluded a nonaggression pact.
8 p. 11	1932, Dec. 12	China and Soviet Russia resumed diplomatic relations.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

8 p. 13	1933, May 5	Germany and Soviet Russia renewed their neutrality agreement of 1926.
LNTS 142: 265	1933, June 3	Poland and Soviet Russia signed a frontier dispute agreement.
8 p. 21	1939, Sept. 17	[Soviet forces crossed Polish borders at many points.]
LNTS 147: 67	1933, July 3	Convention defining aggression was signed in London by Afghanistan, Estonia, Latvia, Persia, Poland, Rumania, turkey, and Soviet Russia. Finland acceded on Jan. 31, 1934. This convention defined aggression as follows: 1. Invasion by armed forces; 2. Declaration of war; 3. Attack on territory, vessels or aircraft; 4. Naval blockade; and 5. Aid to armed bands invading another state.
8 p. 47	1946, June 14	Soviet Russia was ceded Kushka by Afghanistan in a forced agreement.]
12 p. 227	1939, Sept. 17	[Soviet Russia invaded Poland.]
Do	1939, Nov. 30	[Soviet Russia invaded Finland.]
8 p. 22	1940, June 15	[Soviet Russia invaded Lithuania.]
12 p. 227	1940, June 16	[Soviet Russia invaded Estonia.]
Do	...do...	[Soviet Russia invaded Latvia.]
Do	1940, June 27	[Soviet Russia invaded Rumania.]
LNTS 148: 211	1933, July 4	In London, Czechoslovakia, Rumania, Turkey, Yugoslavia and Soviet Russia agreed on definition of aggression.
8 p. 36	1945, June 29	[Soviet Russia forced Czechoslovskia to cede Carpatho Ukraine to Ukrainian Soviet Republic.]
8 p. 13	1933, July 5	Lithuania and Soviet Russia concluded a convention defining aggression.
8 p. 22	1940, June 15	[Soviet troops invaded Lithuania.] * * *
8 p. 13	1933, Sept. 2	Italy and Soviet Russia concluded a treaty of friendship, neutrality and nonaggression.
8 p. 13	1933, Nov. 16	United States and Soviet Russia established diplomatic relations. Soviet Russia agreed principally to: (1) Refrain from disseminating Communist propaganda in the United States; (2) permit complete freedom of worship for Americans residing in Russia; (3) conclude consular convention according Americans "most-favored-nation treatment," (4) negotiate a final settlement of debt claims.
13	1933, Nov. 16	Letter from Litvinoff to President Roosevelt: Pledged: (1) to respect United States and refrain from interference in internal affairs of United States or its Territories or possessions, (2) to restrain from any propaganda, acts to disturb tranquillity, prosperity, order or security; propaganda with object of bringing about by force any change in political or social order in whole or part of United States, (3) not permit formation of any group having aim of overthrow of the political or social order of the whole or any part of the United States, (4) not permit any group with aim of armed struggle against the United States.
DW	1933, Nov. 21	[Litvinoff released statement "The Third International is not mentioned in this document. You must not read into it more than was intended."]
14 p. 2		["In mid-December 1933, 1 month after the Litvinoff pledges were given to the United States Government, the executive committee of the Communist International openly met at Moscow, under the walls of the Kremlin, and adopted resolutions designed to instruct its various sections upon the means they must employ and the activities in which they must engage in order to prepare to overthrow by force the governments of their respective countries. These resolutions pointed out: " 'There is no way out of the general crisis of capitalism other than the one shown by the October revolution, via the overthrow of the exploiting classes by the proletariat, the confiscation of the banks, of the factories, the mines, transport, houses, the stocks of goods of the capitalists, the lands of the landlords, the church, and the crown.' "
14. 3		"I quote from page 23 of the election platform of the Communist Party, 1934. It says: "The revolutionary way out of the crisis begins with the fight for unemployment insurance, against wage cuts, for wage increases, for relief to the farmers—through demonstrations, strikes, general strikes leading up to the seizure of power, to the destruction of capitalism by a revolutionary workers' government."
14 p. 8		It is shown— "That the Communist International, acting upon Russian territory and controlled by the Soviet Union, has, since the giving of the Litvinoff pledges, directed the Communist Party of the United States and the Young Communist League of America to use every available means to prepare for the forceful overthrow of our Government, by propaganda and the organization of revolutionary trade unions, leagues, committees, and groups, and for the substitution in its place of a Soviet form of government to be affiliated with the Union of Soviet Socialist Republics."
8 p. 15	1935, Aug. 25	United States protested violation of Soviet antipropaganda pledge of Nov. 16, 1933. Countless congressional hearings and reports show clearly that the Soviet Union, contrary to one of the basic conditions under which the United States extended recognition in 1933 has never desisted from its ceaseless efforts to subvert American citizens and institutions.
8 p. 13	1933, Nov. 27	Mongolian People's Republic and Soviet Russia signed mutual assistance pact.
8 p. 13	1933, Dec. 19	Finland and Soviet Russia extended nonaggression pact of 1932.
8 p. 21	1939, Nov. 30	[Russian troops invaded Finland.]
8 p. 13	1934, Feb. 6	Hungary and Soviet Russia established diplomatic relations.
8 p. 14	1934, Apr. 4	Latvia and Soviet Russia extended their nonaggression pact for 10 years.
12 p. 220	1940, Aug. 5	Latvia was incorporated into Soviet Russia.
8 p. 14	1934, Apr. 4	Estonia and Soviet Russia extended their nonaggression pact for 10 years.
12 p. 220	1940, Aug. 6	Estonia was incorporated into Soviet Russia.
8 p. 14	1934, Apr. 4	Lithuania and Soviet Russia extended their nonaggression pact for 10 years.
12 p. 220	1940, Aug. 3	Lithuania was incorporated into Soviet Russia.
8 p. 14	1934, Apr. 7	Finland and Soviet Russia extended their nonaggression pact until end of 1945.
12 p. 220	1939, Nov. 30	[Soviet Russia attacked Finland.]
8 p. 14	1934, May 5	Poland and Soviet Russia renewed their nonaggression pact of 1932 for 10 years.
12 p. 223	1939, Sept. 17	[Soviet Russian attacked Poland.]
12 p. 230	1934, June 9	Soviet Russia recognized Rumania and guaranteed her sovereignty.
12 p. 230	1940, June 26	Soviet Russia occupied and absorbed Bessarabia and northern Bukovina.
8 p. 30	1944, Apr. 2	[The Red Army Invaded Rumania. Molotov declared that invasion was a military necessity and disclaimed any Soviet desire to achieve new territory or to change social structure of any state.]
8 p. 14	1934, June 9	Czechoslovakia and Soviet Russia established diplomatic relations.
8 p. 14	1934, Aug. 5	Bulgaria and Soviet Russia resumed diplomatic relations.
16 p. 65, 807	1934, Sept. 15	Soviet Russia entered the League of Nations. On Dec. 14, 1939, it was declared to be no longer a Member of the League, by council resolution. (This was the first and only time that a member had been excluded from the League for violating the covenant.) The Covenant of the League of Nations (adopted Apr. 28, 1919), preamble: The High Contracting Parties, in order to promote international cooperation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations. by the firm establishment of the understandings of international law as by the actual rule of conduct among Governments, and by the maintenance of justice and scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to the this Covenant of the League of Nations.
16 p. 43		
16 p. 48		Art. 10. The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League * * *
16 p. 51		Art. 16. 1. Should any Member of the League resort to war in disregared of its covenants under Arts, 12, 13, or 15 (these articles concerned arbitration, judicial settlement, the Permanent Court of International Justice, and submission of disputes to the Council) it shall ipso facto be deemed to have committed an act of war against all other Members of the League * * *.'
12 p. 219	1939, Aug. 23	A nonaggression treaty was concluded with Germany. It was a joint conspiracy to deprive Poland, Estonia, Latvia, and Lithuania of their independence and their territorial integrity, and Finland and Rumania of their territorial integrity.
12 p. 223	1939, Sept. 17	Poland was invaded by Soviet troops.
12 p. 219–220	1939, Sept. 28	Germany and Soviet Russia concluded a treaty partitioning Poland.
8 p. 21	...do...	A mutual-assistance pact was imposed on Estonia by Soviet Russia.
8 p. 21	1939, Oct. 5	A mutual-assistance pact was imposed on Latvia by Soviet Russia.
8 p. 21	1939, Oct. 10	A mutual-assistance pact was imposed on Lithuania by Soviet Russia.
12 p. 223	1939, Nov. 30	Finland was invaded by Soviet troops.
SD, 16 p. 804	1939, Dec. 3	A pact of mutual assistance and friendship was concluded by Soviet Russia and the Democratic Republic of Finland, headed by a Finnish Communist who had been an exile in Russia for 20 years. It included the ceding of territory extending across the Isthmus of Karelia and the lease of the port of Hanko for 20 years.
SD	1934, Sept. 17	Albania and Soviet Russia established diplomatic relations.
SD	1934, Sept. 17	Austria and Soviet Russia exchanged notes regarding recognition.
SD	1935, Mar. 23	Soviet Russia sold its share of the Chinese Eastern Railway to Manchukuo (Japanese puppet government) over Chinese protests.
8 p. 14	1935, May 2	France and Soviet Russia signed a mutual assistance pact obligating both to consult in event of aggression.
8 p. 15	1935, May 15	Czechoslovakia and Soviet Russia concluded a mutual assistance pact. Its terms closely followed the Soviet Russia-French agreement except that it made Russian assistance to Czechoslovakia contingent upon French action.
8 p. 15	1935, June 10	Belgium and Soviet Russia established diplomatic relations.
SD	1935, June 25	Colombia and Soviet Russia established diplomatic relations.
SD	1935, July 1	China and Soviet Russia concluded a joint defense pact including a provision for transfer of a Soviet Army to the northeast.
SD	1935, Aug. 26	Luxembourg established diplomatic relations with Soviet Russia.
8 p. 15	1935, Nov. 7	Turkey and Soviet Russia extended their treaty of friendship and neutrality.
8 p.15	1936, Mar. 12	Outer Mongolia and Soviet Russia signed a mutual assistance protocol.
8 p. 16	1936, Mar. 27	France and Soviet Russia ratified their mutual assistance pact of 1935.
8 p. 16	1936, Mar. 29	Afghanistan and Soviet Russia extended their nonaggression pact.
8 p. 44	1946, June 14	[Soviet Russia was ceded Kushka in a forced agreement with Afghanistan.]
8 p. 16	1936, Apr. 7	Soviet Russia affirmed adherence to the 1924 Sino-Soviet pact in response to China's protest of the Soviet-Mongolian mutual assistance protocol of Mar. 12, 1936.
8 p. 16	1936, Sept. 9	International Committee on Non-intervention in Spain, attended by Soviet Russia and 25 other countries.
8 p. 16	1936, Nov. 9	France, Great Britain, Turkey, Rumania, Greece, Yugoslavia, Soviet Russia, signed the Montreux Convention whcih terminated the Lausanne Treaty of 1923 and permitted Turkey to remilitarize the Dardanelles.
SD	1936, Dec. 27	Soviet Russia adhered to Part IV of the London Naval Treaty of 1930, relating to rules of submarine warfare.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

LNTS, 185: 881	1937, Apr. 9	Latvia and Soviet Russia concluded a frontier dispute agreement.
12 p. 224	1940, June 16	[Latvia was invaded by Soviet Russia.]
8 p 17	1937, July 17	Great Britain and Soviet Russia signed a naval agreement. It limited the size and gun claiber of warships and provided for exchange of building plans.
8 p 17	1937, Aug. 21	China and Soviet Russia signed a 5-year nonaggression pact. War was denounced as a national policy and it was agreed that neither was to assist any aggressor nation that might attack either signer.
LNTS, 181: 135	1937, Sept 14	Great Britain, Greece, Bulgaria, Egypt, France, Rumania, Yugoslavia, and Soviet Russia concluded the Nyon arrangement for the protection of merchant ships from submarines in the Mediterranean during the Spanish Civil War.
SD	1938, Apr. 18	United States and Soviet Russia completed arrangements for passports for American Eskimos visiting the Siberian mainland. The agreement was terminated by a note from the Soviet Embassy May 29, 1948.
SD	1938, Apr. 28	A protocol concerning boundaries between Finland and Soviet Russia was signed.
8 p. 18	1938, July 5	Great Britain, France, Germany, Italy and Soviet Russia agreed on a plan for evacuation of foreign troops from Spain.
8 p. 18	1938, Nov. 26	Poland and Soviet Russia reaffirmed adherence to their nonaggression pact of 1932.
8 p. 21	1939, Sept. 17	[Soviet forces crossed the Polish frontier.]
8 p. 21	1939, Sept. 28	[Germany and Soviet Russia signed a treaty partitioning Poland.]
SD	1939	Yeman and Soviet Russia extended their friendship treaty of 1928.
8 p. 20	1939, Aug. 23	Germany and Soviet Russia concluded a 10-year nonaggression pact. Among the provisions was a prohibition against either joining an alliance aimed at the other.
8 p. 20	1939, Sept. 28	Estonia and Soviet Russia signed a mutual assistance pact.
12 p. 225	1940, June 16	[Soviet Russia invaded Estonia.]
8 p. 21	1939, Sept. 28	Germany and U.S.S.R. signed a treaty partitioning Poland, and providing: 1. Demarkation of German and Russian "interest spheres;" 2. Joint resistance to interference from others on partition; and 3. Acknowledgment of the supremacy of each power in its respective sphere.
8 p. 21	1939, Oct. 5	Latvia and Soviet Russia signed a mutual assistance pact.
12 p. 220	1940, June 17	[Soviet troops invaded Latvia.]
8 p. 21	1939, Oct. 10	Lithuania and Soviet Russia signed a mutual assistance pact.
8 p. 22	1940, June 15	[Soviet forces occupied Lithuania.]
16 p. 804	1939, Dec. 3	A pact of mutual assistance and friendship was concluded by Soviet Russia and the Democratic Republic of Finland including the ceding of territory to Russia extending across the Isthmus of Karelia and the lease of the port of Hanko for 20 years.
8 p. 22	1940, Mar. 11	Finnish-Russian Peace. Finland made territorial concessions.
SD	1940, May 6	Finland and Soviet Russia concluded a boundary treaty.
SD	1940, June 10	Germany and Soviet Russia concluded a convention regarding regulation of border conflicts.
8 p. 22	1940, June 24	Yugoslavia and Soviet Russia resumed diplomatic relations.
8 p. 22	1940, June 27	Rumania accepted Russian ultimatum demanding cession of Bessarabia and northern Bukovina.
12 p. 221	1940, Aug. 3	Lithuania was incorporated into the U.S.S.R.
12 p. 221	1940, Aug. 5	Latvia was incorporated into the U.S.S.R.
12 p. 220	1940, Aug. 6	Estonia was incorporated into the U.S.S.R.
SD	1940, Sept. 5	An agreement concerning evacuation of Germans from Bessarabia and Northern Bukovina to Germany was signed between Germany and U.S.S.R.
8 p. 22	1941, Apr. 5	Yugoslavia and Soviet Russia signed a 5-year friendship and nonaggression pact.
8 p. 22	1941, Apr. 13	Japan and Russia signed a 5-year neutrality pact. Soviet Russia pledged respect for territorial integrity of Manchuria.
8 p. 24	1941, June 24	Japan reaffirmed treaty obligations to both Germany and Soviet Russia.
8 p. 24	1941, July 12	Great Britain and Soviet Russia signed a mutual assistance agreement in Moscow. It provided for mutual aid and support in war against Germany and contained an agreement not to conclude a separate peace or armistice.
SD	1941, July 18	The Czechoslovakian government-in-exile and Soviet Russia established diplomatic relations.
SD	1941, July 18	The Czechoslovakian government-in-exile and Soviet Russia signed an agreement for joint action in the war against Germany.
8 p. 25	1941, July 30	The Polish government-in-exile and Soviet Russia concluded an agreement on war cooperation which provided for: (1) Invalidation of Polish territorial changes in the 1939 treaty; (2) establishment of diplomatic relations; (3) rendition of mutual aid in war against Germany; (4) authorization for the formation of a Polish army in Soviet Russia; (5) amnesty to Polish prisoners in Russia.
8 p. 28	1943, Apr. 25	[Soviet Russia broke relations with the Polish government in exile because of the Polish demand for a Red Cross Investigation of the Katyn Forest massacre.]
SD	1941, Aug. 5	The Norwegian Government-in-exile resumed diplomatic relations with Soviet Russia.
SD	1941, Aug. 7	Belgium and Soviet Russia resumed diplomatic relations.
SD	1941, Aug. 12	Great Britain and Soviet Russia promised aid to Turkey if she were attacked.
8 p. 25	1941, Aug. 12	Soviet Russia reaffirmed adherence to Montreux Convention regarding the Dardanelles and promised to respect Turkish integrity.
SD	1941, Sept. 20	The Free French and Soviet Russia concluded an agreement regarding assistance in war against Germany.
5 p. 1	1941, Sept. 24	Soviet Russia pledged adherence to the Atlantic Charter[1] which resulted from the meeting between Roosevelt and Churchill, Aug. 14, 1941. It provided that: First, their countries seek no aggrandizement, territorial or other; Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned; Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them; Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity; Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security; Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want; Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance; Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.
		Soviet territorial expansions:
	1939	Polish Provinces
	1940–44	Finnish Provinces
	1940	Rumanian Provinces
	1940	Estonia
	1940	Latvia
	1940	Lithuania
	1945	Koenigsberg area (East Prussia)
	1945	Czechoslovakian areas
	1945	Tanna Tuva
	1946	Afghanistan territory
		Soviet-dominated territories:
		1. Occupied areas:
	1945	Eastern Germany
	1945	Austria.[1]
		2. European satellites:
	1946	Albania
	1946	Bulgaria
	1946	Rumania
	1947	Hungary
	1947	Poland
	1948	Czechoslovakia
		3. Asiatic satellites:
	1945	Peoples Republic of Korea
	1946	Mongolian People's Republic
	1949	China
	1949	Manchukuo
	1951	Tibet
	1954	Northern Vietnam
8 p. 26	1941, Dec. 4	Soviet Russia and the Polish government-in-exile signed declaration of assistance and friendship.
12 p. 230	1943, Apr. 25	Soviet Russia severed relations with the Polish government-in-exile and substituted for it a group of agents of Soviet Russia, which on Jan. 1, 1945, it recognized as the Polish Government.
8 p. 26	1942, Jan 1	Soviet Russia signed the United Nations declaration in Washington.[1]
		The signatories of the United Nations declaration also "subscribed to the Atlantic Charter." Violations are listed below the Atlantic Charter, Sept. 24, 1941.
8 p. 26	1942, Jan. 3	Soviet Russia affirmed its neutrality pact as a basis for Soviet-Japanese relations.
SD	1942, Jan. 23	Soviet Russia made a loan to the Polish government-in-exile for the upkeep of the Polish Army.
8 p. 26	1942, Jan. 29	Iran, Great Britain, and Soviet Russia signed a treaty of alliance at Teheran providing for military use of Iranian territory until 6 months after the end of military operations against Germany.
8 p. 39	1945, Nov. 20	Iran asked United States to intervene to end Soviet Russia support of revolutionaries.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

8 p. 41	1946, Mar. 1	Soviet Russia revealed that Soviet troops remained despite 1942 agreement.
8 p. 26	1942, May 26	Great Britain and Soviet Russia signed a 20-year mutual assistance pact. It established close alliance against Germany, under principles of the Atlantic Charter.
XA, No. 253	1942, June 11	Soviet Russia and the United States reached an agreement on Lend-Lease. United States agreed to supply Soviet Russia with defense articles, services, and information. Soviet Russia agreed to provide information it was in a position to supply.
9 p. 41		There was complete lack of reciprocity in exchange of military and technological information.
9 p. 42		Soviet Russia was to return to the United States at the end of the war undestroyed defence articles. In lend-lease settlement negotiations the United States had expressed willingness to settle for "fair" value of articles remaining on the basis of usefulness to the Soviet peacetime economy. The United States position was based on principles used in settlements with other lendlease recipients.
SD–EE	1955, July 11	Background Information on Vessels Transferred to Soviet Russia under Lend-Lease; A. Merchant ships: Transferred; 121; returned prior to V–J Day, 21; lost prior to V–J Day, 4; returned after V–J Day, 9; still in Soviet custody, 87. B. Naval craft: Transferred 585; returned, 109; underway to deliver, 48; under negotiation, 59; reported by Soviets as lost, 57; reported by Soviets as destroyed, 90; reported by Soviets as inoperable, 171; balance wish to purchase: 51. C. Army-type watercraft: Transferred, 29.
SD–EE	1955, July 11	[After numerous delays by the Soviet Government, negotiations for a settlement of the wartime lend-lease account with the Soviet Government were commenced on Apr. 30, 1947. In seeking a settlement with the Soviet Government the United States made proposals which followed the basic principles of settlements already concluded with other major lend-lease recipients having master agreements similar to the Soviet Master Lend-Lease Agreement of June 11, 1942. In general, the United States asks no payment for any lend-lease aid represented by articles lost, destroyed, or consumed in the common war effort prior to V–J Day, Sept. 2, 1945. The United States asks no payment for military-type lend-lease articles remaining in existence on V–J Day, the United States maintaining the right to recapture such articles. The Soviet Government is asked to pay the reasonable value as of V–J Day of civilian-type lend-lease articles which remained in existence on that day, such articles being of a type which would have a peacetime utility to the Soviet economy. The depreciated landed cost of civilian type lend-lease articles remaining in the Soviet Union on Sept. 2, 1945, was estimated at $2.6 billion. The most recent United States proposal made in January 1951, was that the Soviet Government pay $800 million in settlement of its lend-lease account. The last offer of the Soviet Government, made in August 1951, was to pay $300 million. No progress has been made on this aspect of these negotiations since that time.]
8 p. 27	1942, June 27	Great Britain and Soviet Russia signed an agreement regarding financing and delivery of war supplies.
8 p. 27	1942, July 10	The Netherlands government-in-exile and Soviet Russia established diplomatic relations.
8 p. 27	1942, Oct. 13	Australia and Soviet Russia established diplomatic relations.
SD	1942, Oct. 16	Cuba and Soviet Russia established diplomatic relations.
8 p. 27	1942, Oct. 17	Luxembourg and Soviet Russia established diplomatic relations.
8 p. 27	1942, Nov. 10	Mexico and Soviet Russia renewed diplomatic relations.
SD, File Papers	1942, Nov. 11	China and Soviet Russia concluded a treaty of amity.
8 p. 27	1942, Nov. 12	Canada and Soviet Russia established diplomatic relations.
SD	1943, Jan. 27	Uruguay and Soviet Russia resumed diplomatic relations.
8 p. 28	1943, June 30	Ethiopia and Soviet Russia established diplomatic relations.
8 p. 28	1943, Aug. 26	Egypt and Soviet Russia established diplomatic relations.
8 p. 29	1943, Sept. 8	Italy capitulated unconditionally and obtained an armistice from Great Britain, the United States and Soviet Russia.
SD	1943, Oct. 4	Iceland and Soviet Russia established diplomatic relations.
5 p. 3	1943, Oct. 19–30	United States, United Kingdom and Soviet Russia held the Moscow Conference. The Declaration on Austria stated its purpose was to reestablish a free and independent Austria.
5 p. 6		"Removals of equipment and materials by the Soviets have been made under the guise of 'German assets' and 'war booty.' Soviet authorities are engaging in eco- * * * which are outside the application of Austrian law. Austrians in the Soviet Zone and Soviet sector of Vienna are subject to arbitrary arrest or abduction. The Soviet Union, after participating in 300 meetings devoted to negotiating a peace treaty with Austria which would provide for the removal of all occupation forces, in December 1950 broke off negotiations by insistence on the discussion of extraneous items as a condition for further negotiation.[2] "Since then it has repeatedly frustrated attempts to reopen discussions by repetition of this insistence and by insistence on withdrawal by the Western Powers of their subsequent proposal for a simplified and abbreviated treaty. In opposing discussion of the Austrian issue in the U.N. General Assembly in December 1952 the U.S.S.R. cited article 107 of the U.N. Charter, which applies to 'any state which during World War II has been an enemy to any signatory of the present charter,' as removing Austria from U.N. competence. The U.S.S.R. thus explicitly placed Austria in the category of 'enemy states' in clear violation of the spirit of the 1943 declaration. Article 107 was again applied to Austria in a Soviet note of January 27, 1953, to the three Western Powers."
8 p. 29	1943, Oct. 22	Soviet Russia agreed in principle to the resumption of diplomatic relations with Poland.
5 p. 6	1943, Nov. 1	United States, United Kingdom, China and Soviet Russia adopted a declaration on general security declaring that the United Nations is based on the principle of equiality of peaceloving states, and is open to all for maintenance of international peace and security.
8 p. 29	1943, Nov. 9	Soviet Russia participated in the establishment of UNRRA.
5 p. 9	1943, Nov. 22–26	United States, China, and Great Britain held the Cairo Conference. It was subscribed to by Soviet Russia when it declared war on Japan on Aug. 9, 1945. The conferees declared that the territories seized by Japan were to be returned to the Republic of China.
5 p. 9	1943,	The conferees declared that "The Three Great Allies * * * covet no gain for themselves and have no thought of territorial expansion."

CHINA

5 p. 10		[Soviet Russia supported the enemies of the Republic of China so that the Chinese people find themselves today enslaved by a Soviet-dominated dictatorship. Industry in Manchuria was directly damaged to the extent of $858 million during Soviet occupation. The greatest part of the damage to the Manchurian industrial complex was primarily due to Soviet removal of equipment. When Soviet troops left Manchuria, they allowed the Chinese Communists to take over substantial quantities of Japanese arms and assume control over the area.]
5 p. 10		The conferees determined that "in due course Korea shall become free and independent."

KOREA

5 p. 10		[North of the 38th parallel Soviet Russia established a Communist regime. The formal creation of this regime, the so-called Democratic People's Republic of Korea, claiming jurisdiction over the entire country, was proclaimed on Sept. 9, 1948. On June 25, 1950, the Democratic People's Army attacked South Korea. Soviet Russia not only opposed all United Nations efforts to thwart the aggressor but has given military, economic, and moral support to him. This opposition to United Nations efforts and aid to the aggressor was extended to include the Chinese Communists following their intervention in the Korean war in the autumn of 1950. Vishinsky admitted to the United Nations on March 2, 1953, that Soviet Russia was giving military aid to Communist China. Soviet Russia has defied the United Nations resolutions of Feb. 1, 1951, which declared Communist China to be an aggressor, and of May 18, 1951, which ordered an arms embargo against that regime. Soviet support for the North Korean and Chinese Communists in the truce talks has helped prevent settlement of the Korean issue. Soviet opposition in December 1952 to the Indian resolution on the POW issue which was adopted by an overwhelming majority of the United Nations, was flagrant example of Soviet thwarting of peace in Korea.]
SB, vol. XXXI, p. 585	1954, Oct. 18	Soviet Russia's seizure and occupation of Habomai Islands and Shikotan, and adjacent area, is a flagrant violation of the declaration of Dec. 1, 1943, following Cairo Conference, and adhered to by Soviet Russia by declaring war against Japan on Aug. 9, 1945.
5 p. 10	1943, Nov. 28, Dec. 1	United States, Great Britain, Soviet Russia, and Iran held the Teheran Conference. Its aims were to— 1. Work together in war and peace; 2. To plan in concert for defeat of Germany; 3. To seek cooperation and participation of all nations interested in climinating tyranny, slavery, oppression, and intolerance. The conferees counted on Iran's participation in establishment of peace, security and prosperity and desired the maintenance of the independence, sovereignty, and territorial integrity of Iran.
5 p. 12		"Soviet Russia interfered in the internal affairs of Iran by repeated border violations into Iranian territory on many occassions and by supporting the Azerbaijan separatists in their rebellion in 1946. The Soviets refused to evacuate its occupying troops except under United Nations pressure. Soviet broadcasts to Iran have incited the Iranian people and supported the illegal Tudeh Party."
8 p. 29	1943, Dec. 12	The Czechoslovakian Government-in-exile and Soviet Russia signed a treaty of friendship, mutual assistance and postwar collaboration.
8 p. 36	1945, June 29	Soviet Russia forced Czechoslovakia to cede Carpatho-Ukraine to Ukrainian Soviet Republic.
SD	1944, Feb. 11	Canada and Soviet Russia reached an agreement relating to provisions of war supplies.
SD	1944, Apr. 13	New Zealand and Soviet Russia established diplomatic relations.
SD	1944, Apr. 23	Denmark resumed diplomatic relations with Soviet Russia.
8 p. 30	1944, May 8	Czechoslovakian Government-in-exile and Soviet Russia signed an agreement on interim control of Czechoslovakian territory liberated from Germany.
SD	1944, May 9	Costa Rica and Soviet Russia established diplomatic relations.
8 p. 30	1944, May 16	Great Britain, United States, and Soviet Russia signed an agreement on civil administration in Norway after its liberation.
8 p. 31	1944, July 22	The Conference at Bretton Woods closed with Russia agreeing to subscribe $1.2 billion to the postwar Bank for International Reconstruction and Development.
8 p. 31	1944, July 25	Syria and Soviet Russia established diplomatic relations.
8 p. 31 SD	1944, July 26	The Polish Committee of National Liberation and Soviet Russia signed an agreement on relations of the Red army and Polish administration in liberated areas and diplomatic relations were established.
8 p. 31	1944, Aug. 4	The Lebanese Republic and Soviet Russia established diplomatic relations.
5 p. 19	1944, Aug. 21–Oct. 7	United States, Great Britain, Soviet Russia, and China. Dumbarton Oaks Proposals. Preparatory draft of the United Nations Charter was signed. Open questions were deferred for consideration at the Yalta Conference, January 1945.
SD	1944, Sept. 10	Iraq and Soviet Russia established diplomatic relations.
5 p. 13	1944, Sept. 12	United States, Great Britain, and Soviet Russia entered into an agreement and armistice with Rumania. Condition 18: "An Allied Control Commission will be established which will undertake until the conclusion of peace the regulation of and control over the execution of the present terms under the general direction and orders of the Allied [Soviet] High Command, acting on behalf of the Allied Powers."
5 p. 16		"The Soviet general who was Chairman of the Allied Control Commission issued orders in the name of the ACC without previously consulting the United States and British representatives. The latter protested this action to no avail."

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

8 p. 32	1944, Sept. 19	Finland signed an armistice with Great Britain and Soviet Russia.
8 p. 32	1944, Sept. 23	De Gaulle's provisional government of France was recognized by the Allied Powers including Soviet Russia.
SD	1944, Oct. 23	France resumed diplomatic relations with Soviet Russia.
8 p. 32	1944, Oct. 25	Italy resumed diplomatic relations with Soviet Russia.
5 p. 19	1944, Oct. 28	An agreement between the Government of the United States, Soviet Russia, and the United Kingdom, on the one hand, and the Government of Bulgaria, on the other hand, concerning an armistice was concluded. An Allied Control Commission under the chairmanship of the Soviet Union and with participation of representatives of the United States and Great Britain was established.
5 p. 22		["The Soviet Chairman of the Allied Control Commission repeatedly took unilateral action in the name of the Allied Control Commission and without consultation with his United States or Great Britain colleauges, thus effectively negating United States and United Kingdom participation. Soviet Russia has aided and abetted the Bulgarian Government's failure in varying degrees to fulfill these provisions of the armistice. The Soviets have refused to consider with the United States and United Kingdom Bulgaria's obligation to restore and restitute United Nations property and interests."]
8 p. 33	1944, Dec. 10	France and Soviet Russia signed a treaty of alliance and mutual aid.
SD	1944, Dec. 11	Chile and Soviet Russia established diplomatic relations.
8 p. 33	1944, Dec. 12	Nicaragua and Soviet Russia established diplomtic relations.
SD	1944, Dec. 17	Finland and Soviet Russia concluded a reparation agreement.
8 p. 33	1945, Jan. 5	The Polish Provisional Government was recognized by Soviet Russia.
5 p. 23	1945, Jan. 20	An agreement concerning an armistice between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on one hand and Hungary on the other was signed at Moscow Jan. 20, 1945.
5 p. 27		["The Soviet representative on the ACC for Hungary consistently acted unilaterally in the name of the ACC without consultation or notice to his American and British colleagues, thus denying them any sembalance of effective participation in the work of the ACC."]
5 p. 30	1945, Feb. 4–11	At the Yalta Conference, the United States, Great Britain, and Soviet Russia agreed on measures for occupation, control and reparation concerning Germany: U.N. "open questions": Poland; Yugoslavia; war criminals; liberated Europe; Japan; China; and repatriation. The conference also adopted a declartion on liberated Europe intended to aid peoples liberated from Nazi Germany and peoples of former Axis states to solve by democratic means their pressing political and economic problems.
		BULGARIA
5 p. 39		[The Soviet Government has consistently refused to agree with the United States and United Kingdom on policies to assist the people of Bulgaria to solve their political and economic problems democratically. On the contrary, the Soviet Government, through the local Communist Party, has unilaterally subverted representative democratic processes in Bulgaria and assisted in denying the Bulgarian people the exercise of fundamental freedoms. For example, in 1945, Soviet authorities unilaterally interfered in the internal affairs of Bulgaria's largest political party by demanding and obtaining the replacement of Dr. G. M. Dimitrov as secretary general of the Agrarian Union.]
		HUNGARY
5 p. 40		[Contrary to the agreement, the U.S.S.R., acting through the Hungarian Communist Party and its own agencies and armed forces in Hungary, unilaterally subverted the will of the Hungarian people to totalitarianism in negation of fundamental freedoms. For example: (a) General Sviridov, Deputy Soviet Chairman of the Allied Control Commission (ACC), without consulting the United States and United Kingdom ACC representative, dissolved Catholic youth organizations, June 1946. (b) Soviet armed forces arrested Bela Kovacs, member of Parliament and former secretary general of Smallholders Party, February 1947. (c) General Sviridov precipitated a political crisis enabling the Communist minority to force the resignation of Prime Minister Nagy, May-June 1947. (d) The Soviet Government refused repeated United States proposals to join in tripartite examination of Hungary's economic situation to assist Hungary to solve its pressing economic problems, 1946. (e) Discriminatory economic agreements were forced upon Hungary, including the the establishment of joint Soviet-Hungarian companies, 1945–47. (f) The Soviet ACC representative contended that only the occupational forces which control the airfields can permit the Hungarian authorities formed a Hungarian-Soviet civil air transport company. The Hungarian Government was also permitted to negotiate agreements with certain other countries but not with the United States or Britain.]
		RUMANIA
5 p. 40		[Contrary to its agreement, the U.S.S.R., acting through the Rumanian Communist Party and its own agencies and armed forces in Rumania, systematically and unilaterally subverted the democratic will of the Rumanian people to totalitarianism in negation of their fundamental freedoms. Major examples are as follows: (a) By unilateral intervention Soviet occupation authorities and Vishinsky (February-March 1945) effected the overthrow of Premier Radescu's interim representative government and installed a Communist-controlled regime. (b) Unilateral support of Premier Groza's retention of office in definance of the King's demand for his resignation and the United States request for tripartite consultation in response to the King's appeal (August 1945). (c) Direct and indirect unilateral interference by the Soviet occupation authorities in the election campaign of 1946, including the use of Soviet troops to break up meetings of the opposition, and arbitrary exercise of censorship. (d) Precusive exploitation of the Rumanian economy, from 1944 onward; through (1) armistice extractions many times in excess of the requirements of the armistice agreement and in large measure unauthorized by that agreement. (2) the establishment of Soviet-controlled joint companies covering the principal economic activities of Rumania, and (3) commercial agreements the knowledge of whose terms was repeatedly refused to the other two Yalta powers. (e) Rejection of a proposal by the United States and United Kingdom in December 1946, to set up a joint commission to study the ecomonic situation in Rumania. (f) Unilateral intervention, from March 1945 onward, in Rumanian commercial negotiations with * * *.]
5 p. 43	1945, Feb. 4	The Yalta Conference, in its declaration on Poland, provided for a Polish Provisional Government of National Unity and pledged it to hold free elections.
5 p. 43		"On several occasions prior to the elections and following persistent reports of reprehensible methods employed by the Government against the democratic opposition, the United States and Great Britain reminded the Polish Provisional Government of its obligations. On January 5, 1947, the British and Soviet Governments were asked to join the United States in approaching the Poles on this subject. The British Government made similar representations to the Soviet Government for Soviet support in calling for a strict fulfillment of Poland's obligations. The Soviet Government refused to participate. The British and American representations were summarily rejected by the Polish Government as 'undue interference' in the internal affairs of Poland. "In the 1947 parliamentary elections the Polish Peasant Party (reported to represent a large majority of the population) obtained only 28 of the 444 seats. The 1952 election was the single-slate Soviet type and did not permit even the token representation of Government opposition that obtained in the 1947 election. This type of election was sanctioned by the Constitution of July 22, 1952."
5 p. 43		With reference to Polish boundaries, the conference agreed that the final delimitation of Poland's western frontier should await the peace conference.
5 p. 43	1950, July 6	On July 6, 1950, the Soviet-controlled Governments of Poland and Eastern Germany signed an agreement making the Order-Neisse line the definitive German-Polish frontier.
		CHINA
5 p. 45		Signatories agreed that China should retain full sovereignty in Manchuria.
5 p. 46		[The U.S.S.R. supported the enemies of the Republic of China so that the Chinese people find themselves today enslaved by a Soviet-dominated dictatorship. Industry in Manchuria was directly damaged to the extent of $858,000,000 during Soviet occupation. The greatest part of the damage to the Manchurian industrial complex was primarily due to Soviet removals of equipment. When Soviet troops left Manchuria, they allowed the Chinese Communists to take over substantial quantities of Japanese arms and assume control over the area. Chinese Government troops attempting to enter Manchuria subsequent to the Japanese surrender were denied the right to land at Dairen by the Soviet authorities there and were forced to use less advantageous landing points. Due in large part to Soviet obstructionism, China was unable to establish a Government administration at Dairen.]
8 p. 34	1945, Mar. 8	Dominican Republic and Soviet Russia established diplomatic relations.
8 p. 34	1945, Mar. 15	Venezuela and Soviet Russia established diplomatic relations.
8 p. 34	1945, Apr. 2	Brazil and Soviet Russia established diplomatic relations.
8 p. 34	1945, Apr. 11	Yugoslavia and Soviet Russia signed 20-year treaty of friendship, mutual aid, and cooperation.
8 p. 34	1945, Apr. 16	The Provisional Polish Government and Soviet Russia reached an agreement on eastern frontier questions.
8 p. 34	1945, Apr. 18	Bolivia and Soviet Russia established diplomatic relations.
8 p. 34	1945, Apr. 19	Guatemala and Soviet Russia established diplomatic relations.
8 p. 34	1945, Apr. 21	The Provisional Polish Government and Soviet Russia signed a 20-year friendship, assistance and postwar cooperation pact.
SD	1945, May 8	Rumania and Soviet Russia signed an agreement concerning economic cooperation.
5 p. 50	1945, June 5	United States, Great Britain, France, and Soviet Russia concluded a declaration regarding Defeat of Germany and Assumption of Supreme Authority by Allied Powers. Below are listed some of the provisions of this declaration, followed by a statement of Soviet violations:
5 p. 51		(a) Allied powers to determine future boundaries of Germany.
5 p. 51	1950, July 6	[Without concurrence of United States, France or Great Britain, the Soviet-controlled governments of Poland and Eastern Germany signed an agreement determining the German-Polish frontier.]
5 p. 52		(b) Detachments of a civil police to be armed only with small arms to maintain order and for guard duties, and to be designated by allied representatives.
5 p. 52		[Soviet Russia has created Eastern German "police force" of about 100,000. Its training and equipment make it military in character.]
5 p. 56		(c) The area of "Greater Berlin" to be occupied by forces of each of the four powers. An Inter-Allied Governing Authority (Kommandatura) consisting of four commandants, to be appointed by their respective commanders-in-chief, to be established to direct jointly its administration.
5 p. 57	1948, June 16	[The Soviet representative walked out of a meeting of the Kommandatura. On July 1, 1948, Soviet authorities announced that they would no longer participate in any meetings. These acts finally destroyed the quadripartite control machinery of Berlin. The Berlin blockade, which became total on July 2, 1948, and was not lifted unitl May 12, 1949, was a further effort to destroy the quadripartite status of the city.]

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

5 p. 57	1952, June	[Since June 1952, the Soviet-dominated East German and East Berlin authorities have introduced discrimination between the populations of the Soviet and Western sectors of Berlin on a wide scale. Thus West Berliners have been barred from virtually all entry into the Soviet Zone even for the purpose of visiting property, such as garden plots, which they hold there. Virtually all movement across the boundary between the Western sectors and the Soviet Zone has been stopped and a variety of measures have been aimed at discouraging movement between the Soviet and Western Sectors. These measures have included a ban on purchases by West Berliners in East Berlin; offering West Berlin workers employed in Soviet-dominated enterprises the alternatives of dismissal or change of residence to the Soviet Sector or Zone; arbitrary seizure of West Berlin vehicles in the Soviet Sector; interference with public transportation; and arrests, kidnappings, shootings, and other acts of intimidation against West Berliners. This program has been intended not only to put additional pressures on the overwhelmingly anti-Communist population of West Berlin, but also to halt the flow of refugees from East German persecution and poor living conditions to West Berlin.]
5 p. 57		(d) In the period when Germany was carrying out the basic requirements of unconditional surrender, supreme authority in Germany was to be exercised, on instructions from their governments by the Soviet, British, United States, and French Commanders in Chief, each in his own zone of occupation, and also jointly in matters affecting Germany as a whole. The four Commanders in Chief together would constitute the Control Council.
5 p. 58	1948, Mar. 20	[On Mar. 20, 1948, the Soviet commander unilaterally adjourned a meeting of the Council and abruptly walked out, thereby precipitating a rupture of its operations.]
		(e) The administration of the Greater Berlin area was to be directed by an Inter-Allied Governing Authority, which would operate under the general direction of the Control Council, and consist of four Commandants.
5 p. 58–59		[On June 16, 1948, the Soviet representative walked out of a meeting of the Kommandatura. On July 1, 1948, Soviet authorities announced that they would no longer participate in any meetings. These acts finally destroyed the quadripartite control machinery of Berlin. The Berlin blockade, which became total on July 2, 1948, and was not lifted until May 12, 1949, was a further effort to destroy the quadripartite status of the city.]
SD	1945, June 12	Ecuador and Soviet Russia established diplomatic relations.
SD	1945, June 15	Hungary and Soviet Russia signed an agreement on goods to be delivered by Hungary as reparations.
15 p. 81–104	1945, June 26	Charter of the United Nations was adopted. (Ratified by Soviet Russia Oct. 24, 1945.) [3]
		Its purposes were establishment of: 1. International peace and security; 2. Equal rights and self determination of peoples; 3. Cooperation in solving international problems—economic, social, cultural or humanitarian; and 4. A center for harmonizing actions of nations for attainment of above.
9 p. 27		A. The U.S.S.R. has obstructed and refused to cooperate with the efforts of the majority to find equitable solutions to problems of international concern.
		Atomic Energy Commission.—The Atomic Energy Commission which first met on June 14, 1946, suspended operations after 24 meetings on July 29, 1949, owing to the continued failure of the U.S.S.R. to make any concessions to the majority plan. The AEC Working Committee held a total of 49 meetings from the time of its creation on June 19, 1946, to its suspension on June 15, 1949, for the reason above. The 6-power atomic energy talks which began on Aug. 9, 1949, were broken up after 14 meetings on Jan. 19, 1950, when the U.S.S.R. withdrew over the participation of Nationalist China.
		Commission for Conventional Armaments.—The Commission for Conventional Armaments which first met on Mar. 24, 1947, transmitted to the Security Council at its 19th and last meeting on Aug. 1, 1949, a French proposal for an international census of armed forces and armaments, subsequently vetoed by the U.S.S.R. on Oct. 11. The Working Committee (subcommittee 3) of the CCA, which first met on Apr. 21, 1947, suspended operations after 25 meetings on July 18, 1949.
		Soviet noncooperation.—This is most clearly shown in the boycott by the U.S.S.R. of the Korean and Balkan Commissions, of the Security Council during its discussion of a threat to the peace in Iran, and of the Interim Committee; in the veto of the Neutrals' plan for a solution to the Berlin impasse; and in Soviet opposition to any study of the veto or of "methods for the promotion of international cooperation," and to the creation of a U.N. guard force.
		B. It has disregarded its responsibility as a major power to support the work of the various U.N. agencies entrusted with the task of bettering the social and economic conditions of the world.
		Specialized agencies.—The U.S.R.R. is a member of only 3 [3] out of 11 specialized agencies in being—the International Telecommunication Union and Universal Postal Union and the World U.S.R.R., Byelorussla, and the Ukraine announced on Feb. 16, 1949, their withdrawal from the World Health Organization on the grounds of excessive expense and dissatisfaction with the agency's program, without even waiting to present their objections to the WHO Assembly in June where the budget and program were to be discussed. Since there is no provision for withdrawal in the WHO constitution, they are still considered as members. Satellite withdrawals in the past year from specialized agencies in which the U.S.S.R. does not participate are clearly Moscow-inspired. The Soviet opposition to the specialized agencies ranges from vehement attacks in the case of the International Refugee Organization to indifference toward the Intergovernmental Maritime Consultative Organization. Of the specialized agencies to which it belongs, Soviet Russia participates in only one of the technical committees where the actual work is performed. [4]
		Statistics.—The reluctance of the Soviets to reveal statistics on even their usual percentage basis has further hampered discussions of a technical nature.
		An understanding was established at the San Francisco Conference held in May and June 1945, that the veto in the Security Council would be used sparingly and only in connection with the most important issues.
SD		As of July 19, 1955, Soviet Russia has recorded 60 vetoes.
9 p.28		The U.S.S.R. Continued its obstructionism within the United Nations through the tactics of its representative, Jacob Malik, then the President of the Security Council. This official abused the Presidency of the Council, particularly in vilifying the action of the United Nations, and its supporters, with respect to Korea.
8 p.36	1945, June 29	Czechoslovakia, under pressure, and Soviet Russia signed an agreement incorporating the Carpatho-Ukraine into Ukrainian Soviet Republic.
SD	1945, July 17	Finland and Soviet Russia reached an agreement on delivery of indemnity commodities.
5 p. 61	1945, July 17–Aug. 2	The Potsdam Conference was participated in by the United States, United Kingdom, and Soviet Russia. (China and France both adhered to pertinent agreements.) Below are listed some of the provisions of this conference, followed by a statement of Soviet violations:
5 p. 79		(a) United States, United Kingdom, France, Soviet Russia agreed that, so far as is practicable, there should be uniformity of treatment of the German population throughout Germany.
5 p. 79	1952, June	[The Soviet-dominated East German authorities in June 1952 began an extensive program aimed at the complete isolation of the East German population from contact with the West and particularly with the population of West Germany. While obviously designed to facilitate control of the population and enforcement of measures taken in the progressively accelerated campaign to remake East Germany in the image of other Soviet satelites, this program was also in large part aimed at reducing the mass exodus of East Germans—reaching over 100,000 in 1952 alone—which has furnished the most impressive demonstration of the difference in conditions between East and West Germany. In addition to the measures in and around Berlin outlined elsewhere, Soviet and East German actions have included complete closure of the interzonal frontier, with the exception of crossing points for carefully channeled and controlled traffic to and from West Berlin, and prohibition of all visits of West Germans to the Soviet Zone except by rarely issued special pass. The seriousness of this effort is demonstrated by the thoroughness of the frontier-control measures taken, including creation of a 5-kilometer blocked zone along the frontier from which a substantial portion of the population, including entire villages, was forcibly evacuated.]
5 p. 80		(b) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production.
5 p. 80 SD		[The U.S.S.R. has created in East Germany a "police force" of approximately 110,000. Because of its training and equipment, this force is actually military in character. It is supplemented by at least an equal number of paramilitary, security, and border police. Since May 1952, East German puppet political leaders, though not admitting the existence of this force, have repeatedly stated their intention to form "national armed forces" for the "defense of the homeland." As justification, they have cited as an accomplished fact, and distorted into an allegedly aggressive revival of German imperialism, Western plans, not yet implemented, to counter this force by integration of West Germany into the West European defense effort.]
5 p. 81		(c) The administration in Germany should be directed toward the decentralization of the political structure and the development of local responsibility.
5 p. 81		[Soviet authorities have restricted freedom of action of non-Communist parties by depriving them of facilities equal with the Communist-dominated Socialist Unity Party (SED); by interfering in their internal affairs, coercing their leaders, and dictating party actions; and in general by denying them the autonomy essential to democratic political organizations. they do not compete for popular support with the SED in free elections. Rather, they are allotted a prearranged proportion of the candidates placed before the voters as a single-unopposed list. Leaders unacceptable to the Soviet authorities or their Communist representatives are summarily removed, and the parties are compelled publicly to support all Government policies and measures. There is no instance on record of public opposition to any Communist-supported measure by any of the parties allowed to exist. The Social Democratic Party has been denied the right to operate in the Soviet Zone as an independent organization, after a dictated decision by its remaining leaders, not submitted to a vote of the party membership, to unite with the Communist Party as the SED.]
5 p. 82		(d) Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.
5 p. 82		[Soviet authorities have nullified any genuine freedom of speech and press through a system of suppression, intimidation, and terrorism by military, police, and party authorities. A totalitarian police system is being built up which suppresses basic human rights and legal processes and indulges in arbitrary seizures of property, arrests, detentions, deportation, forced labor, and other practices contrary to democratic principles.]
5 p. 83		(e) During the period of occupation, Germany was to be treated as a single economic unit. To this end common policies were to be established in regard to transportation and communications.
5 p.83		[Soviet Russia has consistently obstructed all attempts to implement this principle. It has followed a unilateral economic policy in its own zone. It has made trade across these borders more difficult than is ordinarily the case across national frontiers.]
5 p. 84		(f) Payment of reparations was planned to leave enough resources to enable the German people to subsist without external assistance.
5 p. 84		[Soviet Russia has taken large amounts of reparations from current production, has absorbed a substantial part of German industry in Soviet Zone into Soviet state-owned concerns, and has otherwise exploited and drained German resources in a manner not authorized by Potsdam protocol or other agreements.
		Soviet Russia has refused to submit detailed reports on any reparation removals from its zone.]
5 p. 88		(g) It was agreed that reparations should not be exacted from Austria.
5 p. 88		[Removals of equipment and materials by the Soviet have been made under the guise of "German assets" and "war booty." Soviet authorities are engaging in economic pressures having deleterious effects on the Austrian economy and which are outside the application of Austrian law.]
5 p. 89		(h) The Polish Provisional Government of National Unity agreed to free elections and that representatives of the Allied Press should enjoy full freedom to report on developments before and during the elections.
5 p. 89	1947, Jan. 5	On several occasions prior to the elections and following persistent reports of reprehensible methods employed by the Government against the democratic opposition, the United States and Great Britain reminded the Polish Provisional Government of its obligations. On January 5, 1947, the British and Soviet Governments were asked to join the United States in approaching the Poles on this subject. The British Government made similar representations to the Soviet Government for Soviet support in calling for a strict fulfillment of Poland's obligations. The Soviet Government refused to participate. The British and American representations were summarily rejected by the Polish Government as "undue interference" in the internal affairs of Poland.
		[In the 1947 parliamentary elections the Polish Peasant Party (reported to represent a large majority of the population) obtained only 28 of the 444 seats. The 1952 election was the single slate Soviet type and did not permit even the token representation of Government opposition that obtained in the 1947 election. This type of election was sanctioned by the constitution of July 22, 1952.]
5 p. 90		(i) Western frontiers of Poland should, in conformity with the Crimea Conference, await peace settlement.
5 p. 90	1950, July 6	[Soviet-dominated Eastern Germany and Poland signed an agreement making the Oder-Neisse line the definitive German-Polish frontier.]
5 p. 90–91		(j) The 3 Governments expressed assurance that in view of the changed conditions resulting from the termination of the war in Europe, representatives of the Allied press would enjoy full freedom to report to the world upon developments in Rumania, Bulgaria, Hungary, and Finland.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

5 p. 91		[The Soviet Chairman of the ACC consistently thwarted American press coverage of Bulgarian development by negative or extremely dilatory action on U.S. Government requests for entry permits for reputable American correspondents. However, representatives of the Daily Worker and other leftwing periodicals were permitted to enter Bulgaria without difficulties.]
5 p. 92		(k) The 3 Governments agreed to a proposal by Soviet Russia that, up to the conclusion of peace with Hungary conferences of the ACC would be called every 10 days or more often.
		BULGARIA
5 p. 92		[The Soviet refused repeated United States and United Kingdom requests to consult as agreed. It continued to operate the Allied Control Commission unilaterally without effective participation of or even, on occasion, knowledge of the United States and United Kingdom members.]
		HUNGARY
		[Despite repeated requests, the U.S.S.R. declined to discuss the revision of procedures for the Control Commission as agreed at Potsdam. Instead, it continued to act unilaterally in the name of the Commission in matters of substance without consultation with, or notice to, the United States and United Kingdom members. For example: (a) Instructions were issued by the Soviet High Command regarding the size of the Hungarian Army without consulting the British or United States representatives. (b) Without the knowledge of the United States the Soviet Deputy Chairman of the ACC ordered the Hungarian Government to disband certain Catholic youth organizations in June–July 1946. He also recommended dismissal of certain Government officials. (c) In the fall of 1946 and without consulting the Americans or British, the Soviet element of the ACC gave permission to form the Hungarian Freedom Party. (d) Early in 1947 the Hungarian police was ordered by the Soviet Chairman in the name of the Allied Control Commission to suppress the publication of Count Ciano's diary. (e) In early 1947 the Soviet Chairman stated he had personally given approval to the Hungarian Government to resume diplomatic relations with certain countries in the name of the Allied Control Commission and without prior discussion with the British or Americans. (f) In May 1947 the ACC Chairman refused the United States permission to visit Hungarian Army units. (g) [Soviet authorities refused to permit free movement of the American element of the Allied Control Commission (also applicable to Bulgaria). (h) The Soviets refused to transmit to the American representative data on the arrest of Bela Kovacs by the Soviet Army.]
		RUMANIA
5 p. 93		[Despite repeated requests, the U.S.S.R. refused to consult on the procedural revision and continued unilaterally throughout the armistice period to operate the ACC in Rumania without effective participation by the United States and United Kingdom. Examples are as follows: (a) Issuance of directives to Rumanian authorities by Soviet element of ACC without agreement of United States and United Kingdom representatives, sometimes in the face of United States and United Kingdom protests, and often without notification or discussion. Many of these directives were prejudicial to United States interests. (b) Obstructive handling of clearances to enter Rumania for official United States personnel and aircraft. In contravention of this agreement, the Soviet Chairman of the ACC by the usurpation of authority, delayed and withheld entry permits to Rumania for accredited United States correspondents, ejected several correspondents from that country on fabricated charges, and censored United States press dispatches. These obstructive tactics, which continued throughout the armistice period, were particularly in evidence prior to the Rumanian * * *.]
		IRAN
5 p. 94		(l) It was agreed that Allied troops should be withdrawn immediately from Tehran, and further stages of the withdrawal of troops from Iran should be considered at the meeting of the Council of Foreign Ministers to be held in London in September 1945. [Soviet Russia interfered in the internal affairs of Iran by repeated border violations into Iranian territory on many occasions and by supporting the Azerbaijan separatists in their rebellion in 1946. The Soviet refused to evacuate its occupying troops except under U.N. pressure.]
5 p. 96	1945, July 12	(m) Directives of the ACC on questions of principle were to be issued to the Hungarian authorities by the President of the ACC after agreement on these directives with the English and American representatives.
5 p. 96		[Soviet Russia acted unilaterally in the name of the Commission in matters of substance without consultation with, or notice to, the United States or United Kingdom members.]
5 p. 96		(n) Free movement by the American and British representatives in the country was to be permitted provided that the ACC is previously informed of the time and route of the journeys.
5 p. 96		[Soviet authorities refused to permit free movement of the American element of the ACC.]
5 p. 62; 5 p. 9		(o) The terms of the Cairo Declaration that "The three great allies covet no gain for themselves and have no thought of territorial expansion," were to be followed.
SB, vol. XXXI		[Soviet Russia's seizure and occupation of Habomai Islands and Shikotan, and adjacent area, was a flagrant violation of the Potsdam Declaration setting forth the terms of surrender offered to the Government of Japan, adhered to by Soviet Russia by declaring war against Japan August 9, 1945.]
8 p. 36	1945, Aug. 6	Finland and Soviet Russia resumed diplomatic relations.
8 p. 36	1945, Aug. 6	Rumania and Soviet Russia resumed diplomatic relations.
8 p. 36	1945, Aug. 8	United States, Great Britain, France, and Soviet Russia reached an agreement on occupation and administration of Austria.
8 p. 36	1945, Aug. 8	Great Britain, France, the United States, and Soviet Russia adopted a new code of international law on * * *.
UNTS, 10:300	1945, Aug. 14	China and Soviet Russia reached an agreement relating to the independence of Mongolia. Soviet Russia promised independence to Mongolia if desired by its people at the end of the Japanese war. It was a 30-year agreement. Dairen was established as a free port. Wharfis were to be leased to the U.S.S.R.—Chinese administration to be under military supervision only in case of war. Port Arthur was to be used jointly with China as a naval base; the Soviets to defend it and the Chinese to supply the civil administration. Chinese Changchun Railway was to be jointly operated. The Chinese Eastern Railroad and South Manchurian Railroad were to be under joint operation and Chinese administration. Soviet troops were to be transported only during war.
CH, vol. 18, April 1950, p. 231	1950, Feb. 14	[Soviet Russia ended the 1945 treaty of friendship, alliance, and mutual assistance with Nationalist China.]
SD	1945, Aug. 14	Bulgaria resumed diplomatic relations with Soviet Russia.
SD	1945, Aug. 15	A series of agreements was concluded by Rumania and Soviet Russia concerning economic cooperation and jointly owned navigation and civil aviation companies.
8 p. 36	1945, Aug. 16	The Polish Provisional Government and Soviet Russia agreed on claims against Germany.
UNTS, 10: 193	1945, Aug. 16	The Polish Provisional Government and Soviet Russia signed a boundary agreement.
8 p. 37	1945, Sept. 2	Japanese surrender on th U.S.S. Missouri concluded by the Allied Powers with Japan. (For violations affecting Korea see Cairo Conference, Nov. 22, 1943, which was adhered to in surrender document.)
SD	1945, Sept. 25	Hungary resumed diplomatic relations with Soviet Russia.
UNTS, 5: 327	1945, Sept. 27	The European Central Inland Transport Organization in which the United States, Belgium, Czechoslovakia, France, Greece, Luxembourg, Netherlands, Norway, Poland, United Kingdom, Soviet Russia, Yugoslavia, and Denmark participated. It was terminated June 30, 1948.
UNTS, 5: 327	1947	[Soviet Russia 84,496 pounds sterling behind in agreed payments. Poland 4,581 pounds sterling behind in agreed payments.]
8 p. 39	1945, Oct. 22	Soviet Russia recognized Renner's government in Austria.
8 p. 39	1945, Oct. 24	Soviet Russia ratified U.N. Charter.
SD	1945, Oct. 26	Finland and Soviet Russia signed an agreement on demarcation of Petsamo frontier.
8 p. 39	1945, Nov. 10	Albania and Soviet Russia established diplomatic relations.
SD	1945, Nov. 22	United States, British, French, and Soviet Navies formed an International Organization for the Clearance of Mines in European Waters.
5 p. 111	1945, Dec. 16–26	Meeting of Foreign Ministers in Moscow, participated in by United States, Great Britain, Soviet Russia, discussed the following: I. Preparation of Peace Treaties with Italy, Rumania, Bulgaria, Hungary and Finland. II. Far Eastern Commission and Allied Council for Japan. III. Korea: 2. Joint Commission of United States (South Korea) and Soviet Russia (North Korea) established to assist in formation of provisional Korean government. 3. Joint commission was created with participation by provisional Korean democratic organizations to work out measures together for helping progress of Korean people, the development of democratic self-government and the establishment of national independence of Korea. [(See Cairo Conference, Nov. 22, 1943, for violations concerning Korea.)] IV. China: Agreement was reached that a need existed for a unified and democratic China under the National Government, for broad participation by democratic elements in all branches of the National Government, and for a cessation of civil strife. The participants reaffirmed their adherence to the policy of noninterference in the internal affairs of China.
CH, vol. 18, April 1950, p. 231	1950, Feb. 14	[Chinese People's Republic and Soviet Russia negotiated a Treaty of Friendship, Alliance and Mutual Assistance.]
SD		[(See Cairo Conference, Nov. 22, 1943, for violations affecting China.)] V. Rumania: Reorganized Rumanian Government should hold free and unfettered elections on the basis of universal and secret ballot. Government should give assurances concerning freedom of the press, speech, religion and association.
5 p. 40		[(See Yalta Conference, Feb. 4, 1945, for violations concerning Rumania.)]
5 p. 118		VI. Bulgaria: Soviet Russia took upon itself the mission of giving friendly advice to the Bulgarian Government with regard to the desirability of the inclusion in the Bulgarian Government of the Fatherland Front, then being formed, and of an additional 2 representatives of other democratic groups.
5 p. 39		(See Yalta Conference, Feb. 4, 1945, for violations concerning Bulgaria.) VII. The Establishment by the U.N. of a Commission for the Control of Atomic Energy.
SD	1946, Jan. 6	Austria resumed diplomatic relations with the Soviet Union.
SD; 8 p. 40	1946, Feb. 27	Mongolian People's Republic and Soviet Russia signed a military alliance and economic and cultural protocol.
8 p. 41	1946, Mar. 19	Switzerland and Soviet Russia established diplomatic relations.
SD	1946, Mar. 19	Poland and Soviet Russia agreed on delivery of warships to Polish navy.
SD	1946, Apr. 4	Iran and Soviet Russia correspond regarding a joint oil company, which, however, was never formed. An agreement on troop evacuation, and Azerbaijan autonomy was negotiated.
8 p. 43	1946, June 6	Argentina and Soviet Russia established full diplomatic and economic relations.
8 p. 43	1946, June 11	Soviet Russia agreed to supply Yugoslav Army with arms and to help build up Yugoslav munitions industry.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

8 p. 44	1946, June 14	Afghanistan and Soviet Russia signed a border agreement. Afghanistan was forced to cede Kushka to Russia.
8 p. 45	1946, July 29	Peace Conference in Paris. 21 Nations participated.
8 p. 46	1946, Aug. 2	Soviet Russia asked Allied Control Council to nullify an Austrian law nationalizing industry. Aug. 9, ACC refused to act on Soviet request and Russians reserved the right to disregard the measure in their zone.
SD	1946, Aug. 9	Uruguay and Soviet Russia negotiated a treaty of friendship, commerce and navigation.
SD	1946 August	Norway and Soviet Russia agreed on boundaries.
8	1946, Nov. 4	The third meeting of the Council of Foreign Ministers was held in New York City. It reached an agreement on the text of the peace treaties with Italy, Rumania, Bulgaria, and Hungary.
8 p. 49	1946, Nov. 27	Council of Foreign Ministers reached agreement on status of Trieste. It provided a plan for withdrawal of occupation troops and principles for formation of an international territory and an administration acceptable to western nations.
8 p. 50	1946, Nov. 28	At the foreign ministers' conference, Molotov accepted the principle of free navigation and free trade on the Danube.
SB, vol. XIX	Sept. 19, 1948, p. 384	["For 3 years commerce between the upper part of the river in Germany and Austria and the lower part under Soviet control has been at a standstill." ["A convention has been signed by the Soviet bloc which undermines the principles of freedom of navigation embodied in the Balkan peace treaties." (Danube Conference, Aug. 18, 1948).]
SD	1946, Dec. 19	An agreement was signed by Japan and Soviet Russia regarding repatriation of Japanese prisoners of war and nationals and Korean nationals.
SD	1946	Hungary and Soviet Russia signed agreements for joint aviation, bauxite, aluminum, crude oil, and navigation companies.
1 p. 42	1947, Feb. 10	Peace treaties concluded by United States, Soviet Russia, Great Britain, France, with Italy, with Rumania, with Bulgaria and with Hungary.
UNTS, 48: 203	1947, Feb. 10	Peace treaty with Finland concluded by Australia, Canada, Czechoslovakia, Great Britain, India, New Zealand, Union of South Africa, Soviet Russia. It gave Petsamo to Soviet Russia.
SD	1947, Feb. 20	Rumania and Soviet Russia signed a treaty of friendship, collaboration and mutual assistance.
SD	1947, Feb. 27	Yugoslavia and Soviet Russia adopted an agreement regarding navigation on the Danube.
9 p. 3	1947, Mar. 10, Apr	Council of Foreign Ministers at Moscow agreed that all German prisoners should be repatriated by Dec. 31, 1948.
BS p. 4	1955, Aug. 3	[Soviet Government supplied the West German Red Cross, according to the latter, with data on the health and whereabouts of 20 out of approximately 14,000 Germans—9,000 war prisoners, 5,000 civilians—known to be held in the Soviet.]
SD	1947, Apr. 14	India and Soviet Russia established diplomatic relations.
FF, Yearbook, 1947, p. 317	Oct. 5, 1947	Communists announced establishment of the Cominform (Communist Information Bureau). Bureau members were to be the representatives of the Communist Parties of Soviet Russia, Yugoslavia, France, Italy, * * *.
UNTS, 52: 3	1947, Dec.18	Norway and Soviet Russia agreed on boundaries.
SD	1948, Feb. 18	Burma established diplomatic relations with the Soviet Union.
UNTS, 48: 163	1948, Feb. 18	A Hungarian-Soviet alliance was signed.
UNTS, 48: 135	1948, Mar. 18	A Bulgarian-Soviet alliance was signed.
UNTS, 48: 149	1948, Apr. 6	The Finnish-Soviet Treaty of Mutual Defense and Friendship was signed.
SD	1948, May 1	Pakistan established diplomatic relations with the Soviet Union.
SD	1948, May 4	Soviet Russia and Thailand established diplomatic relations.
SD	1948, May 17	Israel was accorded de jure recognition by the Soviet Union.
SD	1948, June 19	Finland and Soviet Russia settled their border disputes.
UNTS, 37: 125	1948, July 8	Poland and Soviet Russia settled their frontier disputes.
SD	1948, July 28	Finland and Soviet Russia agreed on a reduction of reparations.
UNTS, 33: 181	1948, Aug. 18	Convention regarding navigation on the Danube was concluded by Bulgaria, Hungary, Rumania, Ukraine, Czechoslovakia, Yugoslavia, and Soviet Russia.
SB, p. 384	1948, Sept. 19	[This treaty was in itself a violation since it provided no assurances of freedom of navigation, and declared international agreements covering the Danube and involving the rights of other states to be null and void.]
SD	1948, Sept. 29	Afghanistan and Soviet Russia reached a boundary agreement.
SD	1948, Dec. 9	Finland and Soviet Russia concluded a treaty on regulations of their common border.
SD	1949, Mar. 17	Soviet Union recognized The Peoples Republic of Korea and an economic cultural, trade, loan and technical assistance agreement was concluded.
BS, Apr. 2, 1955	1949, May 4	United States, Great Britain, France, and Soviet Russia reached an agreement in New York to end road, rail, and canal blockade of Berlin imposed by Soviet Russia Apr. 1, 1948. This was supplemented by the same powers in Paris in a June agreement.
	1955, Apr. 4	[James B. Conant said that proposed increases in toll schedule on road to Berlin from West Germany would "clearly conflict 'with the obligations' contained in the New York and Paris agreements of May and June 1949."]
SD Pub. 3938	1949, Aug. 12	Prisoners of War, Geneva. This agreement replaced the POW convention of 1929. It was signed by Soviet Russia.
SD	1949, Oct. 1	Soviet Russia recognized Communist China, thereby breaking relations with Nationalist China.
SD	1949, Oct 16	East Germany established diplomatic relations with Soviet Russia.
SD	1949, Nov. 25	Rumania and Soviet Russia signed treaty regarding frontiers.
SD	1949, Dec. 23	East Germany and Soviet Russia negotiated a mutual friendship treaty.
UNTS, 83: 291	1949, Dec. 29	Norway and Soviet Russia agreed on boundaries and settlement of disputes.
CH, vol. 18, April 1950	1950, Feb. 14	Chinese Peoples Republic and Soviet Russia. A friendly alliance and mutual assistance agreement was signed. It ended a 1945 agreement with Nationalist China. Soviet Russia turned over to the Chinese Peoples Republic the Chinese Changchung Railroad effective after the conclusion of a peace treaty with Japan but not later than the end of 1952. Soviet Russia agreed to turn over the naval base at Port Arthur to the Chinese Peoples Republic and the Chinese Peoples Republic agreed to pay for defensive works. Dairen was to be administered by the Chinese Peoples Republic.
SD	1950, Feb. 24	Hungary and Soviet Russia signed a convention regarding settlement of border disputes.
SD	1951, Feb. 15	Poland and Soviet Russia signed a territorial exchange agreement.
SD	1951, June	Hungary and Soviet Russia signed a military agreement.
SD	1951, Dec. 6	Iran and Soviet Russia signed a boundary agreement.
FF, 1953, p. 195	1953, June 14	Yugoslavia and Soviet Russia resumed diplomatic relations.
SD	1953, July 20	Israel resumed diplomatic relations with Soviet Russia.
SD	1953, July 27	Military Armistice Established in Korea with the Korean People's Army and the Chinese People's volunteers on the one hand and the U.N. Command on the other.[5]
DD 64655	1955, July 11	[Maj. Gen. Harlan C. Parks, senior member of the U.N. Command, Military Armistice Commission, in a statement at the 60th meeting of the Military Armistice Commission, after detailing 7 pages of specific incidents, said:] "The United Nations Command, at this time, lodges the strongest and most serious protest made against your side since the signing of the armistice and charges that, through your willful, deliberate, and illegal buildup of your combat forces, you have: "1. Flagrantly violated every basic provision of the armistice agreement, including the spirit and intent of that document. "2. Clearly demonstrated your aggressive intent of acquiring a favorable military position over the forces of the United Nations Command. "The United Nations Command demands that: "1. You provide the United Nations Command, without delay, an accurate accounting of all combat material and combat aircraft introduced into the territory of your side since the signing of the armistice. "2. You immediately provide the Neutral Nations Supervisory Commission with corrected combat material reports which reflect the mass of combat material and hundreds of aircraft you have illegally introduced into Korea. "3. You cease immediately the illegal introduction of additional combat material and combat aircraft into the territory of your side"]
SD	1954, Nov. 23	[11 United States airmen are still held by the Chinese Communists.]
FF 1954, p. 244	1954, July 17	Finland and Soviet Russia signed an agreement raising legations to embassies and agreeing to joint steps to promote peace and relax world tension.
USN, July 30, 1954	1954, July 21	Restoration of Peace in Indo-China. A declaration was signed at Geneva by Great Britain, France, Soviet Russia, and Communist China. Cambodia, Laos, and Vietnam were to have full independence and sovereignty. The declaration prohibited introduction into Vietnam of foreign troops and armaments and the signatories agreed to respect the independence and territorial integrity of Cambodia, Laos, and Vietnam.[6]
BS, p. 12	[1954, Nov. 12	[Secretary Dulles before Senate Committee on Foreign Relations reported that Communist military forces in North Vietnam have "almost doubled" and that two of Laos' provinces are "largely dominated" by Communists.]
	1955, July 7	[Walter S. Robertson, Assistant Secretary of State, testified before the House Committee on Appropriations on June 27 that in northern Indo-China, Red Viet Minh forces have a "well-equipped army * * * which has been brought up to some 350,000 men and been supplied with modern equipment * * * in violation of the Geneva agreements."]
SD	1954, Oct. 9	Bulgaria and Soviet Russia made an agreement transferring to Bulgaria, Soviet shares in Soviet Bulgarian joint companies.
FF 1954, p. 388	1954, Oct. 11	Soviet Russia and Communist China issued a joint declaration on withdrawal of Soviet troops. According to the statement China was to have sole authority over Port Arthur. China and Soviet Russia were to consult on matters of mutual interest. The declaration called for a new conference on Korea in the "near future." it mentioned a plan for building a new Central Asian railroad to parallel the Trans-Siberian line and spoke of a $230-million loan from Soviet Russia in credits and equipment and aid in building 15 other industrial enterprises together with a five-year exchange of scientific information and personnel.
SD	1954, Dec. 2	Iran and Soviet Russia made an agreement regarding war debt claims and frontier differences.
NT, Feb. 8, 1955, p. 5	1955, Feb. 7	The Chinese People's Republic and Soviet Russia confirmed their October 1954 accord on international questions and emphasize unity.
BS, May 15, 1955, p. 1	1955, May 14	Soviet Russia, Poland, Czechoslovakia, Hungary, Bulgaria, Rumania, Albania, and East Germany established a unified military command to counter NATO. Soviet Marshall Ivan Konev was to head the command with headquarters in Moscow. A 20-year mutual security and friendship treaty was signed. It gave the Russians a legal framework for Soviet troops to remain in satellite nations through individual treaties between the Soviet Union and each country.
FF, p. 165	1955, May 15	Soviet Russia, United States, Great Britain, and France signed a peace treaty with Austria. Among the terms was the stipulation that Austria was to be "sovereign, independent, and democratic." Troops of Russia and the Western Allies were to leave within 90 days. The treaty provides for the restoration of Austria's frontiers as they were before Hitler marched in in 1938. Austria may have an Army as large as it likes, but may not merge with Germany, and cannot return to German property holders any assets worth more than $10,000."
BS, p. 1	1955, June 2	Yugoslavia and Soviet Russia signed a Declaration of Accord. Soviet Russia denounced the idea of interference in internal affairs of other nations for any reason whatsoever. Soviet Russia and Yugoslavia endorsed: 1. A general collective security system in Europe. 2. Settlement of the German question "on a democratic basis in conformity both with the wishes and interests of the German people and with the interests of general security." 3. A seat in the United Nations for Communist China.

SOVIET POLITICAL TREATIES AND VIOLATIONS; CHRONOLOGY—Continued

[With Soviet violations shown in brackets]

4. Communist China's claims to Formosa.
5. The indivisibility of peace upon which collective security alone can rest.

Hope was expressed for peaceful coexistence between the East and West. The signatories also agreed to work out a new economic treaty.

NT July 24, 1955, p. 2 L — 1955, July 17–23 — Conference of Big Four heads of government at Geneva. It was attended by France, the United Kingdom, Soviet Russia, and the United States.

Geneva, July 23 (Reuters).—Following are the texts of the directive issued today by the Big Four heads of government:

"The Directive

"The heads of Government of France, the United Kingdom, the U.S.S.R. and the U.S.A., guided by the desire to contribute to the relaxation of international tension and to the consolidation of confidence between states, instruct their Foreign Ministers to continue the consideration of the following questions with regard to which an exchange of views has taken place at the Geneva Conference, and to propose effective means for their solution, taking account of the close link between the reunification of Germany and the problem of European security and the fact that the successful settlement of each of these problems would serve the interests of consolidating peace:

"(1) European Security and Germany

"For the purpose of establishing European security with due regard to the legitimate interests of all nations and their inherent right to individual and collective self defense, the Ministers are instructed to consider various proposals to this end, including the following:

"A security pact for Europe or for a part of Europe, including provision for the assumption by member nations of an obligation not to resort to force and to deny assistance to an aggressor;

"Limitation, control and inspection in regard to armed forces and armaments;

"Establishment between East and West of a zone in which the disposition of armed forces will be subject to mutual agreement;

"And also to consider other possible proposals pertaining to the solution of this problem.

NT July 24, 1955, p. 2 L — 1955, July 17–23 — "The heads of government, recognizing their common responsibility for the settlement of the German question and the reunification of Germany, have agreed that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security. The Foreign Ministers will make whatever arrangements they may consider desirable for the participation of, or for consultation with, other interested parties.

"(2) Disarmament

"The four heads of government, desirous of removing the threat of war and lessening the burden of armaments,

"Convinced of the necessity, for secure peace and for the welfare of mankind, of achieving a system for the control and reduction of all armaments and armed forces under effective safeguards,

"Recognizing that achievements in this field would release vast material resources to be devoted to the peaceful economic development of nations, for raising their well-being, as well as for assistance to underdeveloped countries,

"Agree:

"1. For these purposes to work together to develop an acceptable system for disarmament through the subcommittee of the United Nations Disarmament Commission;

"2. To instruct their representatives in the subcommittee in the discharge of their mandate from the United Nations to take account in their work of the views and proposals advanced by the heads of government at this Conference;

"3. To propose that the next meeting of the subcommittee be held on August 29, 1955, at New York;

"4. To instruct the Foreign Ministers to take note of the proceedings in the Disarmament Commission, to take account of the views and proposals advanced by the heads of government at this Conference and to consider whether the four Governments can take any further useful initiative in the * * *.

"(3) Development of Contacts Between East and West

NT July 24, 1955 p. 2 L — 1955, July 17–23 — "The Foreign Ministers should by means of experts study measures, including those possible in organs and agencies of the United Nations, which could (A) bring about a progressive elimination of barriers which interfere with free communications and peaceful trade between peoples and (B) bring about such free contacts and exchanges as are to the mutual advantage of the countries and peoples concerned.

"(4)

"The Foreign Ministers of the four powers will meet at Geneva during October to initiate their consideration of these questions and to determine the organization of their work."

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[1] See p. 56, for nations signatories of the declaration by United Nations.
[2] On May 15, 1955, a peace treaty was signed by Soviet Russia, the United States, Great Britain, and France with Austria.
[3] See p. 56 for members of the United Nations. See p. 57 for membership of specialized agencies in which Soviet Russia participates.
[4] The significance of this nonparticipation is that the veto does not apply in specialized agencies.
[5] The violations of the Korean truce and the Geneva declarations are included in order to show the results emerging from the signing of a treaty with a Communist nation armed and supported by Soviet Russia.
[6] The violations of the Korean truce and the Geneva declaration are included in order to show the results emerging from the signing of a treaty with a Communist nation armed and supported by Soviet Russia.
[7] While the treaty is not yet in force, it has been ratified by the Soviet Union among others and there are already indications that the Soviet Union is not proceeding in good faith.

Austrians find their failure to get every detail specified before signing the treaty is disadvantageous.

Soviets are now—

1. Trying to exact higher ransom for the approximately 300 Austrian factories and properties they hold than treaty seemed to set.
2. Stripping some of those factories of at least part of their equipment plus their stocks of raw materials, semifinished and finished goods before turning them over to an Austrian Government that had expected to receive them intact.
3. Putting on a last-minute drive of what the Austrian press calls "systematic robbery" in the forests of East Austria.

What Molotov cited to the U.N. meeting at San Francisco as good news for the imminent Big Four summit meeting included the following:

1. The Soviet authorities in Austria are burning the records which Chancellor J. Raab had said the Austrian Government will need if it is to keep the recovered mills and factories running without interruption.
2. Soviet Russia is denying to the Austrian Government experts the inspection rights they need in order to calculate what capital outlays will be necessary to keep the ransomed enterprises running and to maintain in the oilfields now held by the Russians the production rates required to pay part of the ransom.
3. The native Communists in Austria are trying to keep Austria from establishing the "armed" neutrality prescribed for her by Moscow and are boasting that "regular supplies to the NATO forces in central Europe will be made exceedingly more difficult" when, as a result of Austria's neutralization, Western Big Three forces have to withdraw from the country.

Not all Austrian prisoners have been released as promised by Soviet Russia. (Baltimore Sun, July 7, 1955.)

RECORD OF SOVIET RUSSIA IN DIPLOMATIC RELATIONS

SD	1920, Apr. 12	Lithuanian diplomatic relations were established.
SD, Shapiro	1920, May 17	U.S.S.R. recognized Georgia.
SD	1920, Aug. 11	Latvian diplomatic relations were established.
8 p. 5	1921, Jan. 25	Chinese received Russian diplomats.
8 p. 5	1921, Feb. 26	Iran granted Russia de jure recognition.
8 p. 5	1921, Feb. 28	Afghanistan extended de jure recognition.
8 p. 5	1921, Mar. 16	Great Britain granted de facto recognition.
8 p. 5	1921, Mar. 16	Turkey and Russia established diplomatic relations.
SD	1921, Nov. 25	Estonia and Russia established diplomatic relations.
8 p. 7	1922, Apr. 16	Germany granted de jure recognition.
8 p. 7	1923, Apr. 23	Denmark granted de facto recognition.
SD	1923, July 23	Finland established diplomatic relations.
SD	1923, July 23	Germany established diplomatic relations.
SD	1923, July 23	Poland established diplomatic relations.
8 p. 8	1924, Feb. 1	Great Britain extended de jure recognition.
8 p. 8	1924, Feb. 7	Italy extended de jure recognition.
8 p. 8	1924, Feb. 15	Norway accorded de jure recognition.
8 p. 8	1924, Feb. 25	Austria established diplomatic relations.
8 p. 8	1924, Mar. 15	Sweden accorded de jure recognition.
8 p. 8	1924, Mar. 8	Greece granted unconditional recognition.
8 p. 8	1924, Mar. 24	Canada granted de jure recognition.
8 p. 8	1924, Mar. 30	Saudi Arabia granted de jure recognition.
8 p. 8	1924, May 31	China established diplomatic relations.
8 p. 8	1924, June 18	Denmark extended de jure recognition.
8 p. 8	1924, July 6	Albania extended de jure recognition.
8 p. 8	1924, Aug. 4	Mexico extended de jure recognition.
8 p. 8	1924, Oct. 28	France extended de jure recognition.

RECORD OF SOVIET RUSSIA IN DIPLOMATIC RELATIONS—Continued

8 p. 9	1925, Jan. 20	Japan established diplomatic relations.
SD	1926, Aug. 22	Uruguay established diplomatic relations.
8 p. 10	1927, Apr. 17	Saudi Arabia established diplomatic relations.
8 p. 10	1927, May 26	Great Britain severed diplomatic relations with U.S.S.R.
8 p. 10	1927, Dec. 14	China broke relations.
8 p. 10	1929, Nov. 5	Great Britain resumed diplomatic relations.
8 p. 11	1930, Jan. 26	Mexico broke relations.
8 p. 11	1932, Dec. 12	China resumed relations.
SD	1933, July 28	Spain extended de jure recognition.
SD	1933, Aug. 11	Uruguay and U.S.S.R. exchanged notes re diplomatic relations.
8 p. 13	1933, Nov. 16	United States established diplomatic relations.
8 p. 13	1934, Feb. 6	Hungary established diplomatic relations.
8 p. 14	1934, June 9	Romania established diplomatic relations.
8 p. 14	1934, June 9	Czechoslovakia established diplomatic relations.
8 p. 14	1934, Aug. 5	Bulgaria established diplomatic relations.
SD	1934, Aug. 8	China exchanged notes on recognition de jure.
SD	1934, Sept. 17	Albania and U.S.S.R. established diplomatic relations.
SD	1934, Sept. 17	Austria exchanged notes re recognition.
8 p. 15	1935, June 10	Belgium established diplomatic relations.
SD	1935, June 25	Colombia established diplomatic relations.
SD	1935, Aug. 26	Luxembourg established diplomatic relations.
8 p. 15	1935, Dec. 27	Uruguay broke diplomatic relations.
SD	1938, Jan. 12	Bulgarian diplomatic relations were broken.
SD	1938, Jan. 12	Austrian relations were broken.
8 p. 18	1939, Feb. 2	Hungarian relations were severed.

RECORD OF SOVIET RUSSIA IN DIPLOMATIC RELATIONS—Continued

SD	1939, Mar. 16	Czechoslovakian relations were broken.
SD	1939, March	Spanish relations were broken.
SD	1939, Apr. 7	Albanian relations were broken.
SD	1939, Sept. 17	Polish relations were broken.
8 p. 21	1939, Nov. 29	Finnish relations were broken.
SD	1940, Mar. 12	Finland resumed diplomatic relations.
SD	1940, June 15	Belgian relations were broken.
SD	1940, April	Norwegian relations were broken.
SD	1940, June 15	Luxembourg relations were broken.
8 p. 22	1940, June 24	Yugoslavia resumed diplomatic relations.
SD	1941, June 22	Rumanian relations were ruptured.
SD	1941, June 22	Italian relations were ruptured.
SD	1941, June 22	German relations were ruptured.
SD	1941, June 22	Danish relations were broken.
SD	1941, June 22	Diplomatic relations were severed with Finland.
SD	1941, June 30	French relations were broken.
SD	1941, July 18	Czechoslovakia government-in-exile established diplomatic relations.
SD	1941, July 30	Polish Government-in-exile established diplomatic relations.
SD	1941, Aug. 5	Norwegian government-in-exile established diplomatic relations.
SD	1941, Aug. 7	Belgium resumed diplomatic relations.
SD	1942, June 12	Canada signed agreement relating to diplomatic relations.
8 p. 27	1942, July 10	The Netherlands government-in-exile established diplomatic relations.
8 p. 27	1942, Oct. 13	Australia established diplomatic relations.
SD	1942, Oct. 16	Cuba established diplomatic relations.
8 p. 27	1942, Oct. 17	Luxembourg resumed diplomatic relations.
8 p. 27	1942, Nov. 10	Mexico resumed diplomatic relations.
SD	1943, Jan. 27	Uruguay resumed diplomatic relations.

RECORD OF SOVIET RUSSIA IN DIPLOMATIC RELATIONS—Continued

8 p. 28	1943, Apr. 25	U.S.S.R. broke relations with Polish government-in-exile.
8 p. 28	1943, June 30	Ethiopia established diplomatic relations.
8 p. 28	1943, Aug. 26	Egypt established diplomatic relations.
SD	1943, Oct. 4	Iceland established diplomatic relations.
8 p. 29	1943, Oct. 22	U.S.S.R. agreed in principle to resumption of diplomatic relations with Polish government-in-exile.
SD	1944, Apr. 13	New Zealand estabished diplomatic relations.
SD	1944, Apr. 23	Denmark resumed diplomatic relations.
SD	1944, May 9	Costa Rica established diplomatic relations.
8 p. 31	1944, July 25	Syria established diplomatic relations.
SD	1944, July 26	Polish National Liberation Committee established relations.
8 p. 31	1944, Aug. 4	Lebanese Republic established diplomatic relations.
SD	1944, Sept. 10	Iraq established diplomatic relations.
SD	1944, Sept. 15	Bulgarian relations broken.
SD	1944, Oct. 23	France resumed diplomatic relations.
8 p. 32	1944, Oct. 25	Italy resumed diplomatic relations.
SD	1944, Dec. 11	Chile established diplomatic relations.
8 p. 33	1944, Dec. 12	Nicaragua established diplomatic relations.
SD	1945, Jan. 4	Polish Provisional Government established relations.
8 p. 34	1945, Mar. 8	Dominican Republic established diplomatic relations.
8 p. 34	1945, Mar. 15	Venezuela estabished diplomatic relations.
8 p. 34	1945, Apr. 2	Brazil established diplomatic relations.
8 p. 34	1945, Apr. 18	Bolivia established diplomatic relations.
8 p. 34	1945, Apr. 19	Guatemala established diplomatic relations.
SD	1945, June 12	Ecuador estabished diplomatic relations.
8 p. 36	1945, Aug. 6	Finland resumed diplomatic relations.
8 p. 36	1945, Aug. 6	Rumania resumed diplomatic relations.
SD	1945, Aug. 9	Japanese relations were ruptured.
SD	1945, Aug. 14	Bulgaria resumed diplomatic relations.
SD	1945, Sept. 25	Hungary resumed diplomatic relations.
8 p. 39	1945, Nov. 10	Albania resumed diplomatic relations.
SD	1946, Jan. 6	Austria resumed diplomatic relations.
8 p. 41	1946, Mar. 19	Switzerland established diplomatic relations.
8 p. 43	1946, June 6	Argentina resumed full diplomatic relations.
8 p. 46	1946, Aug. 27	U.S.S.R. recalled Ambassador to Greece.
SD	1947, Apr. 14	India established diplomatic relations.
SD	1947, Oct. 20	Brazilian relations were broken.
SD	1948, May 1	Pakistan established diplomatic relations.
SD	1948, May 4	Thailand established diplomatic relations.
SD	1948, May 8	Colombian relations were broken.
SD	1948, May 17	Israel was accorded de jure recognition.
SD	1949, Mar. 17	U.S.S.R. recognized the Democratic Peoples Republic of Korea.
SD	1949, Oct. 1	U.S.S.R. broke relations with Nationalist China.
SD	1949, Oct. 1	U.S.S.R. recognized the Chinese Peoples Republic.
SD	1949, Oct. 16	East Germany established diplomatic relations.
SD	1952, Apr. 2	Cuban relations were broken.
SD	1952, June 13	Venezuelan relations were broken.
SD	1953, Feb. 12	Israeli relations were broken.
FF p. 195	1953, June 14	Yugoslavia resumed diplomatic relations.
SD	1953, July 20	Israel resumed diplomatic relations.
SD	1954, Apr. 23	Australian relations were broken.
SD	1954, June	Guatemalan relations were automatically ruptured.
SD	1955, Jan. 3	Iraq suspended diplomatic relations.

MULTILATERAL TREATIES

Chronological listing

Treaty of Brest-Litovsk, March 3, 1918.
Russia and Central Powers, August 27, 1981.
China Arms Embargo, May 5, 1919.
Treaty of Union, December 30, 1922.
Straits Convention, August 14, 1923.
Geneva Protocol, April 8, 1928.
Kellogg-Briand Pact, August 31, 1928.
Convention Defining Aggression: July 3, 1933; July 4, 1933.
League of Nations, September 15, 1934.
London Naval Treaty of 1930, December 27, 1936.
International Committee on Nonintervention in Spain, September 9, 1936.
Montreux Convention, November 9, 1936.
Nyon Arrangement, September 14, 1937.
Atlantic Charter, September 24, 1941.
United Nations Declaration, January 1, 1942.
Treaty of Alliance at Teheran, January 29, 1942.
Moscow Conference, October 9, 1943.
Declaration on General Security, November 1, 1943.
Cairo Conference, November 22, 1943.
Teheran Conference, November 28, 1943.
Conference at Bretton Woods, July 22, 1944.
Dumbarton Oaks Proposals, August 21, 1944.
Yalta Conference, February 4, 1945.
Declaration Regarding Defeat of Germany, June 5, 1945.
Charter of the United Nations, June 26, 1945.
The Potsdam Conference, July 17, 1945.
New Code on War Crimes, August 8, 1945.
Japanese Surrender, September 2, 1945.
European Central Inland Transport Organization, September 27, 1945.
Organization for Mine Clearance, November 22, 1945.
Meeting of Foreign Ministers at Moscow, December 16, 1945.
Meeting of Foreign Ministers at New York, November 4, 1946.
Council of Foreign Ministers at Moscow, March 10, 1947.
Establishment of the Cominform, October 5, 1947.
Convention Concering Navigation on the Danube, August 18, 1948.
Military Armistice in Korea, July 27, 1953.
Geneva Declaration on Indo-China Peace, July 29, 1954.
Unified Eastern Military Command, May 14, 1955.
Conference of Heads of Government at Geneva, July 17, 1955.

Alphabetical listing

Aggression, Convention Defining, July 3, 1933.
Aggression, Convention Defining, July 4, 1933.
Atlantic Charter, September 24, 1941.
Brest-Litovsk, Treaty of, March 3, 1918.
Bretton Woods, Conference at, July 22, 1944.
Cairo Conference, November 22, 1943.
Central Powers, Russia and, August 27, 1918.
China Arms Embargo, May 5, 1919.
Cominform, Establishment of, October 5, 1947.
Danube, Convention Concerning Navigation on, August 18, 1948.
Dumbarton Oaks, Proposals, August 21, 1944.
European Central Inland Transport Organization, September 27, 1945.
Eastern Military Command, Unified, May 14, 1955.
Foreign Ministers, Moscow meeting, December 16, 1945.
Foreign Ministers, New York meeting, November 4, 1946.
Foreign Ministers, Council of, Moscow, March 10, 1947.
Geneva, Conference of Heads of Government, July 17, 1955.
Geneva, Protocol, April 8, 1928.
Germany, Declaration Regarding Defeat of, June 5, 1945.
Indo-China Peace Declaration, July 29, 1954.
Japan, Surrender of, September 2, 1945.
Kellogg-Briand Pact, August 31, 1928.
Korea, Military Armistice in, July 27, 1953.
League of Nations, September 15, 1934.
London Naval Treaty, of 1930, December 27, 1936.
Mine Clearance, Organization for, November 22, 1945.
Montreaux Convention, November 9, 1936.
Moscow Conference, October 9, 1943.
Nyon Arrangement, September 14, 1937.
Potsdam Conference, the, July 17, 1945.
Prisoners of War, Geneva Conference on, August 12, 1949.
Security, Declaration on General, November 1, 1943.
Spain, International Committee on Nonintervention in, September 9, 1936.
Straits, Convention, August 14, 1923.
Teheran, Treaty of Alliance at, January 29, 1942.
Union, Treaty of, December 30, 1922.
United Nations, Declaration, January 1, 1942.
United Nations, Charter of, June 26, 1945.
War Crimes, New Code on, August 8, 1945.
Yalta Conference, February 4, 1945.

KELLOGG-BRIAND PACT

The following countries acceded to the Kellogg-Briand Pact subsequent to the signing (LNTS 94/59):

Afghanistan, November, 1928; Abyssinia, November 28, 1928; Albania, February 12, 1929; Austria, December 31, 1928; Bulgaria, July 22, 1929; Chile, August 12, 1929; China, May 8, 1929; Colombia, May 28, 1931; Costa Rica, October 1, 1929; Cuba, March 13, 1929; Denmark, March 23, 1929; Free City of Danzig, September 11, 1929; Dominican Republic, December 12, 1928; Ecuador, February 24, 1932; Egypt, May 9, 1929; Estonia, April 26, 1929; Finland, July 24, 1929; Greece, August 3, 1929; Guatemala, July 16, 1929; Haiti, March 10, 1930; Hejas, Nejd, Saudi Arabia, February 24, 1932; Honduras, August 5, 1929; Hungary, July 22, 1929; Ireland, June 10, 1929; Iraq, March 23, 1932; Latvia, July 23, 1929; Rumania, March 21, 1929; Kingdom of the Serbs, Croats, and Slovenes, —— 24, 1929; Mexico, November 26, 1929; The Netherlands, July 12, 1929; Nicaragua, May 13, 1929; Norway, March 26, 1929; Panama, February 25, 1929; Paraguay, December 4, 1929; Peru, July 23, 1929; Persia, July 25, 1929; Portugal, March 1, 1929; Rumania, March 21, 1929; Kingdom of the Serbs, Croats, and Slovenes, February 20, 1929; Siam, January 16, 1929; Spain, March 7, 1929; Sweden, April * * *.

LEAGUE OF NATIONS

Members of the League of Nations during Soviet Russia's participation in the League, September 15, 1934 to December 14, 1939; Afghanistan, Union of South Africa, Albania (annexed by Italy, April 1939), Argentina, Austria (annexed by Germany, March 1938), Belgium, Bolivia, Brazil, Great Britain, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt (entered May 1937), Estonia, Ethiopia, Finland, France, Germany (it gave notice of withdrawal October 1933, effective after 2 years), Greece, Guatemala (it gave notice of withdrawal May 1936, effective after 2 years), Haiti, Honduras, Hungary, India, Iraq, Ireland, Italy (it gave notice of withdrawal December 1937, effective after 2 years), Japan (it gave notice of withdrawal March 1933, effective after 2 years), Latvia, Liberia, Lithuania, Luxemburg, Mexico, The Netherlands, New Zealand, Nicaragua (it gave notice of withdrawal June 1936, effective after 2 years), Norway, Panama, Paraguay (it gave notice of withdrawal February 1935, effective after 2 years), Persia, Peru, Poland, Portugal, Rumania, Salvador (it gave notice of withdrawal August 1937, effective after 2 years), Siam, Spain, Sweden, Switzerland, Turkey, Uruguay, Venezuela, and Yugoslavia (16 p. 64, 65).

ATLANTIC CHARTER, AUGUST 14, 1941

The declaration of principles, known as the Atlantic Charter, was announced by

President Roosevelt and Prime Minister Churchill on August 14, 1941. It was adhered to by Belgium, Czechoslovakia, Greece, Luxembourg, Netherlands, Norway, Poland, the Soviet Union, Yugoslavia, and the Free French on September 24, having been previously accepted by Australia, Canada, New Zealand, and the Union of South Africa. The signatories of the Declaration by United Nations, January 1, 1942, also "subscribed" to the charter.

WARTIME ALLIANCE OF THE UNITED NATIONS

The Declaration by United Nations was signed January 1, 1942, by the United States, the United Kingdom, the Union of Soviet Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, South Africa, Yugoslavia.

It was adhered to by: Mexico (June 5, 1942), Philippines (June 10, 1942), Ethiopia (July 28, 1942), Iraq (January 16, 1943), Brazil (February 8, 1943), Bolivia (April 27, 1943), Iran (September 10, 1943), Colombia (December 22, 1943), Liberia (February 26, 1944), France (December 26, 1944), Ecuador (February 7, 1945), Peru (February 11, 1945), Chile (February 12, 1945), Paraguay (February 12, 1945), Venezuela (February 16, 1945), Uruguay (February 23, 1945), Turkey (February 24, 1945), Egypt (February 27, 1945), Saudi Arabia (March 1, 1945), Lebanon (March 1, 1945), Syria (March 1, 1945).

UNITED NATIONS

The original members of the United Nations are those which participated in the United Nations Conference on International Organization at San Francisco or had previously signed the United Nations Declaration of January 1, 1942, and which signed and ratified the charter. The members are: Argentina, Australia, Belgium, Bolivia, Brazil Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland (although Poland was not represented at San Francisco, it was agreed that it should sign the charter subsequently as an original member), Saudi Arabia, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Members subsequently admitted by the General Assembly on recommendation of the Security Council are: Afghanistan (November 19, 1946), Iceland (November 19, 1946), Sweden (November 19, 1946), Thailand (Siam) (December 16, 1946), Pakistan (September 30, 1947), Yemen (September 30, 1947), Burma (April 19).

Specialized agencies of the United Nations

The Soviet Union participates in 5 of the 10 Specialized Agencies of the United Nations now functioning.

Soviet Russia is not a member of the Food and Agriculture Organization, the International Civil Aviation Organization, the International Bank for Reconstruction and Development, or the International Monetary Fund. Soviet Russia withdrew from the World Health Organization but, since there is no provision for withdrawal, she is regarded as an inactive member.

The membership of the specialized agencies in which the Soviet Union participates and the one in which she is an inactive member follows:

ILO—International Labor Organization

Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezeula, Vietnam, Yugoslavia.

UNESCO—United Nations Educational, Scientific and Cultural Organization

Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Japan, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Saudi Arabia, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United States, Uruguay, Venezuela, Vietnam, Yugoslavia.

Associate members: Gold Coast, Sierra Leone, British East Indies Territories, British West Indies Territories.

WHO—World Health Organization

Afghanistan, Albania,[1] Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria,[1] Burma, Byelorussian Soviet Socialist Republic,[1] Cambodia, Canada, Ceylon, Chile, China, Costa Rica, Cuba, Czechoslovakia,[1] Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Hungary,[1] Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Morocco (associate member), Nepal, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland,[1] Portugal, Federation of Rhodesia and Nyasaland (associate member), Rumania,[1] Saudi Arabia, Spain, Sweden, Switzerland, Syria, Thailand, Tunisia (associate member), Turkey, Ukrainian Soviet Socialist Republic,[1] Union of South Africa, Union of Soviet Socialist Republics,[1] United Kingdom, United States, Uruguay, Venezeula, Vietnam, Yemen, Yugoslavia.

[1] Nine governments have notified WHO of their withdrawal. The Third World Health Assembly in 1950 resolved that WHO would welcome their resumption of active membership at any time.

UPU—Universal Postal Union

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Belgian Congo, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, French Morocco, French Overseas Territories, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Netherlands, Netherlands Antilles and Surinam, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Portuguese Provinces of West Africa, Portuguese Province of East Africa, of Asia and Oceania; Rumania, San Marino, Saudi Arabia, Spain, Spanish Colonies, Spanish Morocco, Sweden, Switzerland, Syria, Thailand, Tunisia, Turkey, Ukranian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom, United Kingdom Overseas Colonies, Protectorates, and Territories Under Trusteeship; United States, United States possessions, Uruguay, Vatican City, Venezuela, Vietnam, Yemen, Yugoslavia.

Germany, under article XIX of the final protocol of the Universal Postal Convention, is temporarily precluded from acceding to the convention and the agreements.

ITU—International Telecommunication Union

Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Belgian Congo and Territory of Ruanda-Urundi, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, French, Protectorates of Morocco and Tunisia, Overseas Territories of the Republic and Territories administered as such; Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico Monaco, Netherlands, Surinam, Netherlands Antilles and New Guinea; New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Phillippines, Poland, Portugal, Portuguese Overseas Provinces, Rhodesia and Nyasaland, Federation of; Rumania, Saudi Arabia, Spain, Spanish Protectorate in Morocco and the totality of Spanish possessions; Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa and Territory of South-West Africa, Union of Soviet Socialist Republics, United Kingdom, Colonies, Protectorates, Overseas Territories, and Territories under mandate or trusteeship of United Kingdom; United States, Territories of United States, Uruguay, Vatican City, Venezuela, Vietnam, Yemen, Yugoslavia.

Associate members: Bermuda and British Caribbean group, British East Africa, British West Africa, Malaya-British Borneo group, Trust Territory of Somaliland under Italian administration.

WMO—World Meteorological Organization

States, 60:

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Ceylon, China, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, United Kingdom, United States, Union of Soviet Socialist Republics, Uruguay, Venezuela, Vietnam, Yugoslavia.

Territories, 26:

Belgian Congo, Bermuda, British Caribbean Territories, British Central African Territories, British East African Territories and Indian Ocean Islands, British Malaya-Borneo Territories, British West African Territories, French Cameroons, French Equatorial Africa, French Oceania, French Somaliland, French Togoland, French West Africa, Hong Kong, Indochina, Madagascar, Morocco (French protectorate), Netherlands Antilles, Netherlands New guinea, New Caledonia, Portuguese East Africa, Portuguese West Africa, Spanish Morocco, Spanish Guinea Territories, Surinam, Tunisia.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington 25, D.C., July 13, 1955.

Mr. BEN MANDEL,
Subcommittee on Internal Security,
United States Senate, Washington 25, D.C.

DEAR MR. MANDEL: I am returning herewith the study on the international treaties and their violation by the Moscow government.

I am very glad indeed that the Legislative Reference Service was able to be of assistance to the committee in the carrying out of this highly important project.

Several members of the LRS staff have reviewed, within the limits of available time, the text of the study and I do hope that the various suggestions they were able to make regarding the improvement of its contents will further strengthen the value of the study.

The intended publication undoubtedly brings together an impressive body of historical information and first-rate evidence about the continued violations of the various international agreements by Moscow. The American people as well as the peoples of the Free World will certainly benefit from having these facts placed before them.

Sincerely yours,

ERNEST S. GRIFFITH,
Director.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, we are still in morning business, are we?

The PRESIDING OFFICER. The Senate is still in morning business.

Mr. METZENBAUM. Does the Senator from Ohio have the right to the floor under the circumstances?

The PRESIDING OFFICER. The Senator does.

Mr. METZENBAUM. Mr. President, I rise to indicate that I came to the floor at 11 o'clock because of my understanding that the leadership wanted to proceed in connection with the pending measure. Senator BUMPERS came to the floor at 11 o'clock. I have no problem at all with the leadership taking such time as it needs, but I think at a later point in the day we may find ourselves pressed in order to bring this matter to a conclusion, to cut off the debate, to move forward. I take this means of pointing out that we are here ready, willing, and I am not sure if we are able but certainly willing to try to be able to go forward with the subject matter. I know that the luncheon hour is rapidly approaching. Many of us may have commitments at that time, and I would hope that we could get started and put the show on the road.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

COMPREHENSIVE CRIME CONTROL ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983."

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I indicated earlier, during the opening period of the Senate, that I hoped we could finish this bill today, and indeed I do. We have five other bills that are related one way or the other to this subject, which have to be dealt with, and I hope we can do them this week.

I am advised that there is more debate to ensue on the pending amendment, perhaps more negotiations on it. But I do not anticipate that there will be a tabling motion in the near future, meaning the next hour. So I urge Senators to go ahead with debate, and we will take another look at the matter in 30 or 45 minutes.

Mr. METZENBAUM. Mr. President, will the majority leader yield to me so that I may make an observation on the subject?

Mr. BAKER. I am glad to yield.

Mr. METZENBAUM. I say to the majority leader that I am the sponsor of this amendment and Senator BUMPERS is a cosponsor, as well as a number of other Senators, and we have no desire to drag out this matter. We are prefectly willing to accept any amendments that seem reasonable. So far, we have not turned down any from any group, such as the Attorney General, the CIA, the NSA, or any other legitimate arm of Government that thinks our amendment would interfere in some way with their legitimate and reasonable undertakings. So that that matter can be clarified, we are amenable to accepting amendments if they are needed by Government agencies.

With respect to the amendment itself——

Mr. BAKER. Mr. President, will the Senator permit me to yield the floor, and the Senator can gain recognition in his own right?

Mr. METZENBAUM. I want to speak to the majority leader for one moment.

Mr. BAKER. Then, I will retain the floor.

Mr. METZENBAUM. The main point I want to state to my friend, the majority leader, is that we feel strongly that there should be an up and down vote on this amendment. I think I speak for my cosponsors as well as myself in indicating that if the majority leader wishes to make a time certain for that vote, we are not opposed to doing that.

Mr. BAKER. I have not fully decided to make a tabling motion. I may do that. That is one of the matters I am going to think about in the next 30 minutes or so, while I understand there are other things to discuss on this bill. It may be that we can work out a time certain for a vote. But I think the distinguished chairman of the committee has a couple of things he wishes to say, and we have a couple of requests. I do not expect that it will take too long.

I say to the Senator from Ohio that I cannot relinquish the right to make a tabling motion at this point, but it is not certain that I will do that or somebody else will.

In the meantime, I hope Members will get on with their conversations on this subject. I hope we can have a vote on this amendment and then on the bill itself by the middle of the afternoon. I think we should go on with the matter.

Mr. BUMPERS. Mr. President, if the majority leader will yield, I say to him that if the leader and those who are opposed to this amendment wish a time certain, we are certainly in a position to agree to that. The agreement would necessarily have to embody the terms the Senator from Ohio has just described with respect to a tabling motion.

May I make another observation, for whatever it is worth: I certainly do not see this amendment or this issue in partisan terms. I regret that the Washington Post seemed to couch it in those terms this morning.

It seems to me that this is a very good amendment, one that should be supported in a bipartisan fashion. It is not designed to be a slap at Charles Wick or anybody else. As I said yesterday, that incident dramatized what I consider a big void in the law which we are trying to remedy. I hope it does not get tied up in partisanship.

Mr. BAKER. I say to the Senator that I do not think it is a Wick amendment. As a matter of fact, I am not sure that it is all bad. There may be some aspects with which I would agree. But I recall that it took us 3 years to work out that bill before, and 4 years, I think, to work out the intelligence authorization bill dealings with this same subject in part.

I want to make sure for my part that I fully understand the consequences of this matter before I make a decision on the part of the leadership here as to how to proceed.

It will come as no surprise to my two friends here who are the prime sponsors of the bill to know that the leadership on this side has asked for comments from various agencies and departments of Governments who might be affected, and I have also asked him to do that promptly, meaning within the next hour or so, so that we have their views. Their views are not necessarily controlling but I feel the responsibility to hear them.

But as I said earlier, I am not determined to make the tabling motion. I reserve that option. But it may be that we may get to a vote on the merits or it may be we will have a tabling motion.

But in the meantime I think we should sort of stay loose and see where we get to with it.

I hope that by 1:30 or 2 p.m. we can be voting on something, and I think we probably can.

Mr. BUMPERS. I thank the majority leader.

Mr. BAKER. I thank my friends from Arkansas and Ohio.

AMENDMENT NO. 2690

(Purpose: To prevent government officials from secretly taping conversations with others)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 2690 to amendment numbered 2689.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend amendment No. 2687 by striking line 1 and all that follows and insert in lieu thereof on page 375, between lines 15 and 16, insert the following:

Part J—Taperecording by Government Officials, Sec. 1120, Section 2511 of title 18, United States Code, is amended by striking out subsection 2(c) and inserting in lieu thereof:

"(c) Under this chapter, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States not described in the following sentence to intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception. It shall not be unlawful under this chapter for a person acting under color of law who is—

"(1) an investigative or law enforcement or foreign intelligence or counterintelligence officer acting within the normal course of his or her employment; or

"(2) performing a law enforcement foreign intelligence or counterintelligence function under the direction and control of such an officer; or

"(3) acting with authorization from the Attorney General in accordance with the regulations issued by the Attorney General to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception or where the communication constitutes a criminal or tortuous act in violation of the laws of the United States or of any State.

Mr. BUMPERS. Mr. President, I always wonder what my English teacher thinks when she hears me say, "I ask unanimous consent that further reading be dispensed with," because I was taught that one absolute "no-no" in English is never to end a sentence with a preposition. So I just trust she will forgive me one of the little indiscretions that is demanded by the great deliberative body.

Incidentally, you remember Winston Churchill said, "Ending a sentence with a preposition is something up with which I will not put."

Mr. President, this amendment that I just sent to the desk takes care of what I hope will be any concerns that the intelligence community might have or that the Attorney General might have. A suggestion has been made that if you simply exclude law enforcement activities and law enforcement officers, that term may not be broad enough to take care of intelligence and counterintelligence activities, and also certain activities that the Attorney General might want to authorize but which might not be technically within the definition of law enforcement officers.

So in order to avoid any possible problem with that, and to make a legislative record to guide any court interpreting this amendment in the future, we have added that provision. We have said not only does this amendment not apply to law enforcement officers, but we are also saying it does not apply to intelligence- and counter-intelligence-gathering activities. Nor does it apply to those people who by regulation have been ordered to do something by the Attorney General.

It seems to me that that is broad enough to drive a wagon and team through. It should be broad enough to alleviate any of the concerns that I have heard about this amendment.

I do not want to repeat most of what I said yesterday, but I do want to reemphasize that this amendment is not nearly as broad as my bill that I introduced here last week. I would feel much more comfortable with that bill, S. 2205, because it goes way beyond just Federal bureaucracy. It says that no one in this country may tape a telephone conversation without telling the other party, exempting people acting under color of law and all those people who have a legitimate excuse for taping a telephone conversation.

As I said, it is offensive to me, to think about someone gratuitously calling up someone else and leading him into a conversation while they tape it without the consent or knowledge of the party on the other end.

While this is not directed at Charles Wick—Charles Wick has repented and said he will never do it again, and I assume that he will not—I cannot help but think about how Mr. Wick would have felt if he had been on the receiving end of that treatment. What if someone called Charles Wick and led him into a conversation? He seems to be fairly well attuned politically. What if someone called Charles Wick and said, "How about you calling some of your close friends out in Ohio to attend this little fundraiser tonight and cough up $5,000 each toward this political action committee? So and so's son wants a job at USIA and if you give his son a job I believe he will kick in five grand tonight."

That is hypothetical but I can tell you there is not a Senator in this body who cannot relate to what I am saying.

I think that Charles Wick would have been insulted, offended, and outraged, as any normal human being would be if he found he had been taped without his knowledge.

One Senator has told me "I always assume I am being taped." That is fine. But I am telling you even when you assume you are being taped, you

can wind up in a trap. Good Lord, Richard Nixon taped himself and implicated himself on his own tapes.

I consider what Richard Nixon did foolish, but more foolish still to say things knowing that his own tape recorder was going, even though no one else knew it. It is just bad practice. It is uncivil.

The majority leader said a while ago that this bill has been 3 or 4 years in the making and that this agreement had been reached on this bill. An agreement reached by whom? No one called me and said, "Are you all wired now to this bill so that you will not accept any amendment no matter how valid, no matter how good?"

The Judiciary Committees of the House of Representatives and the Senate have been working for years on this. I am not a member of the Judiciary Committee and I have not been privy to everything they have worked out on this bill.

The opponents have said we should wait and offer this on something else. Why wait if you have something good? I have learned around here that waiting can be a very dangerous occupation.

I practiced trial law for 18 years before I ever ran for public office. I was not engaged in trying criminal cases. I used to take a couple criminal cases each year just to stay up on what the Supreme Court had done in interpreting the Constitution as it regarded the criminal laws of the various States and the United States. I must say I found trying criminal cases a couple times a year pretty exhilarating.

You know, trial lawyers will bore you to death with all their experiences. My brother was educated in one of those elite eastern law schools and he says that when he is around me and other trial attorneys, it just drives him up the wall. He has never practiced law. He became a corporate executive.

I know that those of us who practiced trial law can hardly wait for the other lawyer to get through with his story so we can tell one bigger.

But I always used to take the position in a trial case that when you get the whole resources of the State against one person as the defendant—and that is the way they announced the case, the State of Arkansas against Jones—it does not look like very fair odds, does it? Even just announcing the style of the case, such as the United States against Jones. That is an ominous sound.

I used to feel that if a State was going to bring all of its resources to bear against this defendant and I was representing him, I had the right to use every tactic I could think of to try to exonerate my client.

People often say, "I wonder if criminal lawyers have a feeling about whether a defendant is guilty or innocent." And any criminal lawyer who tells you he never worried about that is not being truthful with you. Of course, you always have some idea about the guilt or innocence of your client. And I never had a client that wanted to go to court and try his case; I never had one admit he was guilty unless he wanted to plea bargain or do something else. I never took a case to trial with a jury in which the defendant had told me he had done it or, where in my heart I really believed he had done it.

Mr. President, we are not accomplishing much now, so I will just tell you some interesting stories. I remember a client came into my office and he said, "Mr. Bumpers, I am charged with stealing a hydraulic lift off of a man's farm."

I said, "Well, did you steal it?" He said, "No, sir, I didn't."

I started talking to him about the case and he said, "We were all drunk and I was in the back seat of the car asleep when this happened." I said, "You didn't know they even went down to the man's farm."

"No, sir," he said.

"You didn't know they got it?"

"No, sir."

"How did you wind up being charged?" I asked.

He said, "Well, we drove back into town. We stopped at a stoplight and all of the sudden a cop with his lights blazing pulled up beside us and told us to pull over, and we did. And he searched the trunk and he found that hydraulic lift in the trunk. And that is the first I knew about it."

I said, "Well, that is a little tenuous, but you do have a defense. We will see about it."

I said, "How big a lift is it? How much does it weigh?"

He said, "About 300 pounds."

And I said, "Could one person handle it?"

"No" he said, "it would take two or three people."

And I said, "Was it attached to the tractor?" He said, "Oh, no, it was just lying out there in the field."

And it dawned on him immediately that he could not have known it was not attached to the tractor and it was lying out in the field if he had not been helping carry it.

When he said that, I said, "Son, you better go find another lawyer," and he did. And the other lawyer got him sent to the penitentiary.

Well, those are interesting cases. And trial lawyers can just tell you interesting stories forever about that. By my point is, I learned something in 18 years of trial practice about the fact that every prosecutor is not always weighing justice on the same scales that you and I do. Prosecutors are like Senators—a lot of times they want to be reelected, and they want to be able to go on television and tell you how many cases they prosecuted successfully, how many people they sent to the penitentiary, and so on. It is sort of like how many notches you have on the butt of your gun.

And I found that a lot of witnesses in these cases were not always absolutely truthful. Quite often in divorce cases, a husband would say to me, "How about me calling my wife up and recording this conversation so you will know that I am telling the truth and she is lying? She told me this morning she was going to get on the witness stand and swear that I did so-and-so. And I would like to call her on the phone and just reiterate that conversation and let you either listen in or I will tape it."

But I never did that. I have never tape recorded a conversation in my life, not even with telling somebody on the other end that I was taping it.

So, Mr. President, to go back to what I was about to say a while ago about all the negotiations that have been going on, I hope the negotiations are going on because somebody is concerned about how this might affect some legitimate interest the administration has in tape recording conversations. But I hope none of the negotiations bear on the proposition or deal with this as though it is a partisan issue, because it is not.

We have two or three cosponsors on this from the other side of the aisle. And I might say that those cosponsors are people who have a good understanding of the criminal laws of this country. But if we are going to build any kind of confidence in the people of this country, it is just a little, bitty, granular step to say that the Federal Government can do a lot of things but they cannot entrap you by telephone taping without telling you on the front end.

AMENDMENT NO. 2690, AS MODIFIED

Mr. President, I send to the desk a modification of the amendment I offered just a moment ago as substitute.

The PRESIDING OFFICER. The amendment is so modified.

The clerk will report.

The bill clerk read as follows:

Amend amendment No. 2687 by striking line 5 and all that follows and insert in lieu therein:

"(o) Under this chapter, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States not described in the following sentence to intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception. It shall not be unlawful under this chapter for a person acting under color of law who is—

"(1) an investigative or law enforcement or foreign intelligence or counterintelligence officer acting within the normal course of his or her employment, or

"(2) performing a law enforcement, foreign intelligence or counterintelligence

function under the direction and control of such an officer; or

"(3) acting with authorization from the Attorney General in accordance with the regulations issued by the Attorney General to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception or where the communication constitutes a criminal or tortious act in violation of the laws of the United States or of any State.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment.

First, I want to say that crime in this country has reached enormous proportions. A major FBI index offense is committed every 2 seconds. A murder is committed about every 25 minutes; a robbery every minute; a rape every 7 minutes. A burglary is committed every 9 seconds.

The administration has taken steps to focus on crime. For several years some of us have been attempting to do the same thing.

The members of the Judiciary Committee, the minority and the majority, worked out this crime package in a way that we hoped no amendments would be offered. We deleted from it several provisions that were recommended by the administration. For instance, capital punishment is controversial, so we took it out of the package. There was some objection to habeas corpus—not as much as capital punishment—so we took that out. There was some objection to the exclusionary rule so we took that out. There was some objection to Federal Torts Claims Act amendments; so we took that out.

In other words, we have brought to the Senate a package agreed upon by the majority and the minority in the Judiciary Committee. Senator BIDEN and Senator KENNEDY have worked hard on this package. A number on the Republican side have worked hard on this package. This package ought to pass. It contains many provisions that are badly needed. I will not go into detail at this time, but, for instance, sentencing reform, bail reform, forfeiture, increase in drug penalties, justice assistance, and various other matters which are important to the public.

This package has been carefully and sensibly worked out in a way we hoped would draw no amendments. Now this amendment has come about tape record of telephone conversations without the consent of all the parties.

I do not know whether this is to embarrass the President. Some people feel it is an opportunity to try to take a slap at President Reagan. Some people feel that it is a matter which is very complex, that deserves a lot of study, and feel it should not be on this bill.

I have appealed to the sponsors of this amendment to introduce a separate bill and let it be considered in the Judiciary Committee in due form. This is a matter which deserves hearings. This is a matter which Senator PAUL LAXALT, the chairman of the Criminal Law Subcommittee, has agreed to hold hearings on and to hold them promptly. I have agreed as chairman of the full committee, after the subcommittee acts, to take the matter up promptly and act on it.

We think that is reasonable. We think that is fair. But to come in here at this late date with an amendment that involves very complicated issues—that could involve the security and the intelligence process of this country and other matters—in my judgment, is completely unreasonable. I want to tell the proponents, I think it is completely unreasonable. There are alternatives. Let them offer it to some other bill later rather than jeopardize this whole crime package. We have these other bills coming up—habeas corpus, exclusionary rule, and various others I have mentioned. They can offer it to those. Why do they have to offer it to this delicately worked-out crime package that has been worked on for months and months by the Judiciary Committee in the hope that we could enact major legislation aimed at reducing crime in this country? Why come in here with this very controversial amendment at this time and delay this important crime bill?

Mr. President, I appeal to the distinguished Senator from Arkansas—appeal to his patriotism, his public spiritedness, his love for law enforcement. He has been the governor of a State. He has been responsible for the law enforcement of a State as the chief executive officer. I am sure he knows the need for this anticrime legislation. Why jeopardize it and delay it, which they have done, to try to get on their particular amendment here? I do not know whether the purpose is to embarrass the President or what the purpose is. But they have time to do this in a separate bill with hearings. Or they have time, if they insist on doing it at once, to amend other bills right after the crime package passes. Let them offer it to one of those. Do not jeopardize this entire crime package.

Mr. President, this is a very complicated subject. I contacted the Department of Justice and asked their response to this amendment. I want the distinguished Senator from Arkansas, who is kind enough to be listening to me, to listen to this response to show how complicated the issues are. This is their reply:

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the proposed amendment to 18 U.S.C. 2511(2)(c) which apparently seeks to prohibit Federal Government officials from recording wire or oral communications to which they are a party except in certain specified circumstances.

Initially, we should point out that the wiretap statute was the product of a three-year drafting effort.

Mr. President, let me comment on that: Three years spent studying and considering electronic surveillance legislation before finally acting on a bill some 15 years ago.

The Foreign Intelligence Surveillance Act was developed over a 4-year period. These statutes cover a broad range of law enforcement and intelligence activities and involve elaborate cross-references among the various sections. In short, we are dealing here with one of the most complex and sensitive areas of law enforcement and intelligence activity. We are, therefore, deeply concerned as to the severe damage which can inadvertently be done through ill-conceived and hastily drafted amendments to these very technical and closely inter-related Federal laws. Our concerns seem to be well founded as evidenced by the frequent telephone calls we received yesterday asking for instant analyses of a wiretap amendment which seemed to change every hour on the hour as grave deficiencies were recognized. The "final" amendment with which we were presented last night is an incredible example of legislative draftsmanship which raises a host of problems.

I want to deviate a minute from the letter. I spoke to the distinguished Senator from Ohio and suggested that they offer this to another bill to give time to think it over some. I also offered to have hearings. He said he wanted it on this bill. He felt this bill would be the one that would fly. But, Mr. President, this is too complicated a subject to come up here with an amendment. They have had to repeatedly amend this amendment on their own initiative.

The distinguished Senator from Ohio says, "We'll take any other amendment that you want to offer here." Why are they so insistent to pass it on this bill? Why are they so insistent to take it up right at this time? It is a serious question here of just what is behind this effort.

Mr. President, to continue with the letter:

First, it should be noted that the wiretap laws were directed at electronic eavesdropping by non-parties to communications. Obviously, such eavesdropping has the potential for being extremely privacy-intrusive as the communication in question may be between one spouse and another, between a client and an attorney, a doctor and patient, or a priest and penitent. Section 2511 of

title 18 properly makes such eavesdropping a five-year federal felony. Yet the amendment before us would make recording of communications by a party thereto a five-year federal felony as well. To equate eavesdropping with recording of communications to which a person is a party is to make a leap that can only be accomplished in political hyperbole, not in reason or logic.

The amendment itself recognizes that recording of communications by a party is different from eavesdropping as it does not seek to prohibit such recording by parties to communications where the person doing the recording is a State or local government employee or a private citizen. Only when the party recording the communication is a federal employee does the activity become a five-year federal felony. This seems bizarre in the extreme.

Adding to the curious nature of this amendment is that even Federal employees may record wire communications if they do so by shorthand or speedwriting rather than by aural device. It strikes us as strange that a stenographic transcription of a telephone conversation is lawful while an electronic recording under the same circumstances is a five-year felony. We seriously question that this result would be suggested if this matter had been given the careful study which it deserves.

As to the shocking severity of punishment provided for conduct which would be lawful if undertaken by anyone other than Federal officials, this seems particularly inappropriate in view of the broad range of administrative disciplinary proceedings available to punish Federal employees. This factor as well as those discussed above would strongly indicate that if any action is to be taken in this area, it should be in title 5 of the United States Code rather than as an amendment to the wiretap laws in title 18. There are other more specific problems with this amendment. First, the effort to provide an exception for consensual monitoring by undercover law enforcement and intelligence officers and informants appears so vague as to provoke endless litigation. At the very least, defense attorneys for drug traffickers, organized crime leaders and corrupt public officials will be able to raise questions concerning any investigation involving consensual monitoring due to vague concepts in the amendment, e.g., was the law enforcement official "acting under cover of law"; was the law enforcement officer "acting within the normal course of his or her employment"; was the informant "acting under color of law"; was that informant "performing a law enforcement function"; was the informant, at the time the recording occurred, "under the direction and control" of law enforcement officers, etc. Busy prosecutors and federal courts can be assured of expanded litigation in the years ahead given these new limitations on law enforcement activities.

Second, the effort to except out intelligence activities at the last minute—

and that is what I understand they have attempted to do.

appears to be seriously defective. Intelligence officials, like law enforcement officials, use informants and double agents, yet these informants or double agents would not be permitted to record communications to which they are a party. While title III defines "investigative or law enforcement officer", there is no comparable definition of foreign intelligence or counterintelligence officer, thus leaving uncertainty as to the officials exempted from this prohibition.

As written, the amendment permits interception by law enforcement or intelligence officers only where they are parties or have the consent of a party to the communication or the communication itself constitutes a crime or tort. No provision is made for the collection of positive intelligence, assessment or recruitment information, testing of equipment or training intelligence personnel, or collecting information on terrorist activities abroad which may not violate United States laws.

Third, despite the effort to accommodate the suggestion in our letter of yesterday concerning recording of communications related to criminal acts, the effort to except out such recordings fails to accomplish its purpose. The way the provision is written, the only federal officials who are authorized to record bomb threats, extortion demands, bribe offers, etc. are law enforcement and intelligence officers and informants. Even if this were corrected, however, the language is still much too narrow as not all comunications which we described in our last letter would "constitute a criminal or tortious act". In the case of a bomb threat, for example, the call to warn that a bomb has been placed in a public building and that it is set to explode at a particular time would not necessarily "constitute" a criminal offense, although it would be related to a criminal offense.

We believe, however, that there are other situations where a federal employee should be able to record oral communications. Assume, for example, that a female employee has been subjected to sexual harassment by a male supervisor and that her previous complaints have been dismissed because her claims were not believed. Her use of a recorder to "intercept" sexual solicitations of the supervisor would be a form of "self-defense" but would constitute a five-year federal felony under the amendment because the sexual propositions of the supervisor would not necessarily constitute a criminal or tortious act. There may also be situations where the amendment would undermine so-called "whistle-blower" laws by prohibiting consensual recording necessary to prove waste or abuse in connection with Federal programs.

In sum, Mr. Chairman, we believe very strongly that the amendment at hand is a gravely flawed product and that its approval at this time would be the height of irresponsibility. Were we to endeavor to draft such a prohibition in the form of an amendment to the very technical and closely inter-related wiretap laws, we would proceed with utmost caution and subject such a proposal to careful review not only within the Department of Justice but among all other Federal agencies as well. In addition, we would think that the public should be given an opportunity to review and comment upon such legislation.

And of course that would be done in a hearing.

Such careful review is, we believe, essential to avoid producing adverse effects far beyond those intended by the authors of the amendment. As currently written, the amendment would be a serious impediment to law enforcement and intelligence activities at a time when we should be strengthening our ability to deal with crime and terrorism.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. President, how can anyone listen to that letter by the Justice Department and feel that we should proceed rather than take time to give study to this serious and complex subject? Why not hold a hearing, let the public be heard, let the various agencies of the Federal Government be heard and then bring in a bill that is fair and just to all concerned, taking into consideration the concerns of the public, the concerns of the Federal agencies, and the concerns of the different Members of Congress.

Mr. President, we think that would be the reasonable course to pursue. I again implore my friends—and they are my friends—the distinguished Senator from Arkansas and the distinguished Senator from Ohio, to give consideration to letting this amendment be offered to another bill when there is more time to consider it. Still better, this matter should go to the Judiciary Committee Criminal Law Subcommittee. It could hold hearings where everyone expresses themselves. Then a sound bill can be written that will meet the approval of the public, meet the approval of the Congress, and meet the approval of the executive agencies of the Government as being fair and just.

That is all we want. But you cannot say that this bill is sound when it involves such complicated matters. It has been gotten up here in haste, amended several times already, and the distinguished Senator from Ohio has offered to take other amendments if we have them. We are not in a position to list detailed exceptions to the blanket prohibition sought to be imposed by the amendment. Because of the serious implications of prohibiting activity covered by the amendment in many areas, we do not know what should be offered and what should not. We think it deserves thorough consideration. Then come to the Senate with a bill that we feel protects the public interest, protects the employees of the Federal Government, and protects all concerned.

Mr. President, I again, as I say, implore my good friends, take time. There is no rush on this.

Will you please take this under consideration? Especially consider letting a hearing be held on this matter, so that when a bill is considered, it probably will be a bill we all can support. In that event, the public interest would be well-served.

Mr. BUMPERS. Mr. President, first of all, I do not know Robert A. McConnell, who is the Assistant Attorney General. But I find it difficult to believe that a man who has no more knowledge of existing law, to say nothing of this amendment, and is a graduate of a reputable law school would write a letter such as this. I attempted to just take it sentence by sentence

and dissect it so that my colleagues will understand that there is not a single point in this letter, not one. I will come back to that in just a moment.

My distinguished colleague from South Carolina, one of the most revered men in this body, the chairman of one of the most important committees in the Senate, which deals with the criminal laws among other issues, is an honorable and noble man. He feels very strongly about the amendment, and he has expressed that very well. But, as Anthony said at Caesar's funeral, "There is a lot of misinformation here."

A slap at the President? Does this mean that the President wants to go out and campaign on the proposition that he was violently opposed to a law which, in effect, stops Peeping Toms? That is as good an analogy as I can think of to somebody calling another person on the phone and, without that person's knowledge, taping the conversation. Only one party knows about it. That is what happens with window peepers. Only one party knows the window peeping is going on. That is an offense, as it should be.

A slap at the President? I must say that, based on my observation in this Chamber in the past hour, I think I am beginning to understand why we are on hold. I think we are on hold because the administration has begun to turn the dogs loose, and everybody is calling up here and saying, "You've got to be careful. This is an immensely complicated proposition."

Mr. McConnell, the Assistant Attorney General, has gone to the trouble of composing over three single-spaced pages of what he obviously thought was compelling logic on why we ought to wait, why we ought to hold hearings, why this is an immensely complex subject.

How many times—oh, Lord, how many times—in the last 9 years have I heard this: "We need to hold hearings on that. This is immensely complicated. Don't put it on this bill. Wait and put it on something else."

If it is logical that we ought not disturb or offer one single word change in this bill because it has been carefully crafted, then I can just go to Arkansas and make some speeches and see my constituents and let the committees bring to the floor these carefully worked-out bills which are not to be disturbed or amended in any way.

I am very pleased at the work of the distinguished Senator from South Carolina and the distinguished Senator from Massachusetts. Everybody knows that when Senator THURMOND and Senator KENNEDY agree on something, it must be good. I am going to vote for the bill, whether this amendment passes or not, and I applaud them for their efforts. That has nothing to do with the merits of this amendment. But, no bill is ever so sacred that it cannot be improved. None.

I hear that so often in this Chamber: "We have worked so hard." And they have. I applaud that. I am not denigrating that. I am simply saying that that is not what the people of Arkansas elected this Senator to do, to take a dive every time somebody says, "This is a very carefully crafted bill." If we are going to do that, we should have electronic voting, so we do not have to come to the floor. We can simply sit in the office and push a button.

I do not believe that the President of the United States is going to run this fall on the proposition that he believes in indiscriminate taping of telephone conversations. But apparently there is this great perception that this is a slap at the President, when it has nothing to do with the President. If I were going to slap the President, I would have done it a long time ago, when he did not fire Charles Wick. He should have fired him in a New York minute.

Is the amendment this complicated? What is complicated about saying that when you are talking to somebody on the telephone, if you are going to report what they are saying, you should at least have the decency to say, "Do you mind if I record this conversation," or, "I am recording this conversation"? Is that complicated? I do not think it is.

Mr. McConnell says that it could affect intelligence-gathering operations. No. 1, existing law says that you are exempt from the prohibition against telephone taping if you act under color of law. What is color of law? Their "ain't" no end to what that means. It does not have anything to do with the criminal laws of the country. It can be an IRS investigation into a civil case.

If Charles Wick had been charged with taping a telephone conversation, unquestionably he would have used as his defense that he was operating under color of law and thereby exempt under section 2511(c). And it probably would have been successful, because the law right now exempts anybody operating under color of law.

However, just to satisfy the intelligence community, we have clarified existing law by saying that intelligence and counterintelligence-gathering activities are specifically exempt from this amendment. We have even gone further. We have said that the Attorney General can authorize people—whether it is just a regulation or a violation of the criminal laws or whatever—to telephone tap. So that part of Mr. McConnell's letter is absolutely a red herring, specious.

As to that part of his letter that says you could not even let a secretary who has been improperly solicited for sexual purposes under threat of losing her job or anything else—why, I am amazed that the Assistant Attorney General, Robert A. McConnell, says you cannot do that. You can do that right now, under existing law, and our amendment does not change it; because one of the aspects of existing law is "or anytime there is a criminal or tortious act in violation of the laws of the United States."

It is a tort, an unlawful tort for someone to solicit a sexual favor and say that "If it is not honored, you may lose your job," or even hint at it. That is a tort covered by existing law. It may also be a crime. We do not change that.

Here is the Assistant Attorney General of the United States who obviously has not read the law. It is one of the most peculiar letters I have ever seen in my life.

But you know the administration—not just this one, all administrations—expect all the Senators on their side of the aisle to jump under the desk when they send a letter such as this over here saying it is immensely complex.

His first argument is "No provision is made for the collection of positive intelligence assessment or recruitment information."

We make a very precise exception for it. He is wrong in that paragraph.

Second, he says the way the provision is written, the only Federal officials who are authorized to record bomb threats, extortion demands, bribe offers, are law enforcement officers, intelligence officers, or informants. Wrong again. Existing law allows you to record a bomb threat, an extortion attempt, any criminal violation of the law or any civil violation of the law. That is the law now. Strike that paragraph.

Then he gets down to sexual solicitations which I have just covered for you.

Finally, he says this amendment could lead to endless litigation. I will tell you one thing. If you do not adopt this amendment there will be more litigation because the present civil cause of action is obviously not a sufficient deterrent to wrongful conduct such as Mr. Wick's.

Mr. President, this world is exploding with electronic technology. I occasionally like to go see one of those James Bond-type movies just to see all that electronic equipment. Some of these people are technical experts. And I love to see all that equipment that James Bond uses. They have directional microphones where they can pick up a casual conversation a half a block away.

When I was a child all telephone conversations went through wires on poles. Today no long-distance call goes through a wire. It is communicated by satellite or by microwave. They go through the air. We can intercept mil-

lions and millions of conversations a day. We have the ability to do it.

And here we are with a little, old amendment that does not do anything except bring a little decency to the American people by assuring them that some two-bit bureaucrat is not going to record a telephone conversation with them, because he happens to be paranoid or is worried about his job, without telling people that he is doing it. Complicated?

Mr. McConnell goes so far in his letter to refer to wiretaps. He calls this a wiretap bill. This is not really a wiretapping bill.

A wiretap is where a third party goes in and taps a conversation between two parties, neither of whom knows it is going on.

And we have a pretty stout wiretapping law in this country. It is so stout we say you have to have a court order to wiretap, and I think that is a good idea, and I bet you the Senator from South Carolina thinks that is a good idea.

It is an invasion of privacy. Is it any less an invasion of privacy when there are only two parties and one knows the other's privacy is being invaded but the one whose privacy is being invaded does not know it? Does that make it less harmful? Does that make it more appropriate, more acceptable?

Mr. President, 13 of the 50 States already have this law. If they had waited around for the perfect vehicle to put it on, if they had said this is too complicated for us, do not tinker with it, you might interfere with something or other, do you think those 13 States would have the law? The truth of the matter is this amendment should be much, much broader. It should go way beyond the Federal bureaucracy. It should cover every man, woman, and child in the United States, with those exceptions, the CIA, the NSA, the DIA, the Federal Bureau of Investigation, and so forth. We have more intelligence gathering operations than any other nation on Earth and they are all exempt from this amendment.

As a matter of fact we are clarifying the law for them. They would be subject to litigation under existing law. We make it an ironclad certainty that they cannot litigate whatever they decide to do.

I was reading the paper this morning, and Amin Gemayel, the President of Lebanon, was quoted on the front page of the Washington Post as saying if the United States pulls its marines out of Lebanon, guess what? You guessed it—those dirty Russians will move right in. If you really want to get someone's attention in this country, just tell them the Russians are coming.

You know what Amin Gemayel is telling us, is that he is President of that country but yet he represents a minority. He represents the Maronite Christians who are a fairly big minority but they are a minority. And the Moslems are saying that unless Gemayel is willing to share power with the majority, there will be no peace in Lebanon. That certainly is not difficult for me to understand. And Gemayel is saying the constitution gives the Maronite Christians the right to a majority, and I do not know that because at one time they were a majority when their constitution was written. But I am not at all sure that the Moslems are not asking for control, they are simply saying "You have to be fairer with us than you have been."

And he does not want to do that. I do not know what the administration's position is, whether they want him to or not. But I do know this is a very clever tactic on his part. Tell those people in the United States that if they pull out, the Russians are almost certain to take over Lebanon. So you must leave the marines here.

And I ask everyone within earshot how many times have you heard that argument in the last 30 years?

The difference between statesmen and other people is that statesmen really try to think things through, people who just do not accept those arguments at face value but who ask if they have merit, analyze it, and act on it. But if it is just another red herring to try to keep 1,500 marines not standing tall but buried 15 feet underground, then you should act on that.

As a former marine, I can tell you those 1,500 marines are so frustrated. I can tell you I was not trained to dig a hole 15 feet in the ground and sit there while people took potshots at me and particularly to guard a civilian airport. That is another subject. We will get back to that later on, I am quite sure.

But here is a simple amendment that the Justice Department has tried to torpedo with the most outrageous, specious, fallacious reasons I have ever seen in my life. Occasionally those letters that come over from the administration or one of the agencies have some embryo of reason to it. This has none.

Mr. THURMOND. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I yield the floor.

Mr. THURMOND. Mr. President, yesterday, the distinguished Senator from Ohio made this statement:

> We have said to the Justice Department: "If you don't think that this bill is adequate or does it in the manner you think it should be done, tell us what amendments you want, and we will accept those amendments."

He further said:

> I said: "Tell me what your problems are, and we will amend the amendment."
>
> I will say it publicly: If Justice does not like the way some particular provision of this measure is drafted and if they think in some way it will interfere with law enforcement activities, we will change it. They will not have to persuade us. They will not have to twist our arms. Not one of the proponents of this amendment wants to interfere in any way with the law enforcement activities of the United States, and we have provided language on that very point. If there is something else they want, we will provide that.
>
> If it passes the Senate and they find that it needs to be changed at a later point, we will agree and urge the House to change it over there.

Then further on in the RECORD from yesterday, the distinguished Senator from Ohio said:

> I said previously that should the Department of Justice or anyone in any of our law enforcement agencies indicate that there is anything in the draft of this legislation that interferes with their normal activities or extraordinary activities, we are prepared to support an amendment.

Now, I understand the distinguished Senator from Ohio repeated that today. Does the Senator feel the same way, that this amendment could be improved?

Mr. BUMPERS. Mr. President, I would not presume to speak for the Senator from Ohio. I will say this: Obviously, the Senator from Ohio did not intend to say that he would accept any amendment or an amendment that would negate the effect of our amendment. I feel quite sure what he was saying was that if there is some legitimate interest in telephone tapping by law enforcement or other administrative agencies that makes any sense, they ought to let us know.

That is the kind of amendment I feel sure he was talking about. However, he can speak for himself.

I would say to the Senator from Ohio, who is now on the floor, that I would not accept just any old amendment that was sent over here.

Mr. THURMOND. The Senator would not object to consideration of some reasonable amendment?

Mr. BUMPERS. I think the Senator from Ohio was saying that, but I will let him speak for himself.

Mr. THURMOND. I would like to ask the Senator from Arkansas if he feels some reasonable amendment could be considered.

Mr. BUMPERS. Certainly.

Mr. THURMOND. Then I would like to ask the question: Why did the Senator from Arkansas offer a second-degree amendment that now precludes all amendments? I would like to ask the Parliamentarian: What is the situation now about this amendment? Can it be amended?

The PRESIDING OFFICER. The amendment is a second-degree amendment and is not subject to amendment.

Mr. THURMOND. The Parliamentarian says it is not subject to amendment, and that is what I was told. The distinguished Senator from Arkansas offered a second-degree amendment. He has placed this thing in concrete. You say, "Bring forth your amend-

ments," and you have blocked it so we cannot offer any amendment.

Mr. METZENBAUM. Will the Senator from South Carolina yield for a question?

Mr. THURMOND. I am glad to yield.

Mr. BUMPERS. Mr. President, if I may, I think the Senator from South Carolina is entitled to an answer. I suggest that if the Senator or anybody from the administration has an amendment, they ought to bring it over here and let us look at it. As I say, I cannot speak for the Senator from Ohio, but I can tell you I would not accept just any old amendment anybody decided to bring up here. But I certainly would cooperate in the utmost good faith with the Senator from South Carolina on any amendment that would improve the amendment, and I know the Senator from South Carolina would not offer one that did not.

Mr. THURMOND. Mr. President, I would like to ask the Parliamentarian again: Is any amendment in order to this amendment now being considered?

The PRESIDING OFFICER. The amendment is not subject to amendment.

Mr. THURMOND. You heard the Presiding Officer. He says the amendment is not subject to any amendment. You cannot amend it any further. You have taken a course of action to block any amendments. How can you amend it? And why did you say yesterday and today that if you have any amendments, bring them in, and then a course of action was followed to block amendments?

Mr. METZENBAUM. Will the Senator from South Carolina yield for a question?

Mr. THURMOND. I am glad to yield.

Mr. METZENBAUM. The Senator correctly quoted me on the floor of the Senate and I want to repeat it. If you have an amendment, we know how to handle the parliamentary procedures around here in order to achieve an appropriate objective. Does the Senator from South Carolina have an amendment that the Justice Department feels should be considered on this bill?

Mr. THURMOND. Well, if we had one we could not offer it. You heard the Presiding Officer say that no amendment is in order. The distinguished Senator from Arkansas offered a second-degree amendment and your amendment cannot be amended any further.

Mr. METZENBAUM. I say to the Senator from South Carolina, who has been around here longer than any of us, that he well knows that that which the parties want to do can be achieved under the parliamentary procedures if there are not objections. So I say to him that if the Justice Department or the NSA or the CIA or whatever has an amendment, if he is good enough to acquaint us with it then I am certain we will work out the parliamentary procedure.

But it is certainly understandable that the Senator from Arkansas would offer an amendment to keep our amendment clean of having any amendments that would just be confusing or would do violence to the original objectives of the proposals. It is a procedure used oftentimes around here and certainly I think the Senator from Arkansas was well within his rights. If there is such an amendment that the Justice Department has or the NSA or the CIA or the Attorney General, then acquaint us with the language of that amendment. If it does not do violence to the original objectives of the proposals, then I am certain we would be more than willing to consider it and more than willing to proceed to see to it that it is adopted as a part of the bill.

Mr. THURMOND. Mr. President, I believe the Senator from Ohio said today:

> I say to the majority leader that I am the sponsor of this amendment and Senator Bumpers is a cosponsor, as well as a number of other Senators, and we have no desire to drag out the matter. We are perfectly willing to accept any amendments that seem reasonable. So far, we have not turned down any from any group, such as the Attorney General, the CIA, the NSA, or any other legitimate arm of Government that thinks our amendment would interfere in some way with their legitimate or reasonable undertakings.

Again, I ask the Chair: If the CIA came to me with an amendment now and said this amendment is needed to protect the security of this country, or the NSA came to us, or the FBI, or any Government agency, I ask the Presiding Officer is any amendment in order?

The PRESIDING OFFICER (Mr. COCHRAN). The amendment of the Senator from Arkansas is an amendment in the second degree and is not amendable.

Mr. THURMOND. As I understand it, no further amendments are in order here, is that correct? That was the ruling of the previous Parliamentarian.

The PRESIDING OFFICER. Under the present circumstances, no further amendments are in order at this time.

Mr. THURMOND. There is your answer. No further amendments are in order. And even though you have a defect in the amendment, you put yourself in a position now where it cannot be corrected.

Mr. METZENBAUM. Mr. President, I point out to my good friend from South Carolina that, indeed, it can be corrected. If you have an amendment, let us see it. Do not make speeches about it, let us see the amendment.

Mr. THURMOND. How can I offer it when the Presiding Officer said that no amendment——

Mr. METZENBAUM. We can offer it on your behalf. By unanimous consent, it can get into the RECORD. So that is a specious argument that you are making. We can offer it. We will get it in. Let us see the amendment. If you have some merit on your side, if the CIA or the Justice Department or the Attorney General or the NSA has an amendment that has merit, come forward with it. Do not tell us about the parliamentary procedures. Those can be worked out.

Mr. THURMOND. Mr. President, he says if it is meritorious. He will decide whether I can offer it. He will determine if I can offer an amendment.

You have it so that I cannot offer an amendment.

I will ask the Presiding Officer again if any amendments are in order.

The PRESIDING OFFICER. Under the present circumstances, no further amendments are in order.

Mr. THURMOND. There is your answer.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I would like to talk a little bit more about this measure, not too long, and indicate that I am speaking for myself and those who are sponsors for this measure when I say we are prepared to vote on the amendment.

Before doing so, I want to be certain that all the cosponsors of this amendment are identified properly. During the debate yesterday, I was proceeding to add additional ones and found that some of them did not show up in the RECORD. Therefore, I ask unanimous consent that the RECORD reflect the fact that the following are cosponsors of this amendment: Myself and Senators BUMPERS, LEAHY, RIEGLE, RUDMAN, RANDOLPH, HUDDLESTON, BYRD, CRANSTON, EXON, HART, FORD, MELCHER, LAUTENBERG, LEVIN, DIXON, SARBANES, DODD, and MATSUNAGA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, we do not get excited about this measure because it is not anything to excite anyone. We are talking about personal privacy, which is a long-cherished American value. Every time there is a government intrusion on our privacy, conservatives and liberals, Democrats and Republicans, and the general populous view that kind of invasion or intrusion on our privacy with outrage. Therefore, when we learn about Government officials—and I say officials in the plural—who secretly tape record our conversations, we find that we all feel that it violates the fundamental

precepts of privacy and violates the public trust in our Government.

We all know that this Nation and the world gave tremendous attention to this entire issue of the taping of conversations during the Watergate investigation. What is so hard to understand and hard to believe is that after that tragic episode, it is absolutely unbelievable that Government officers would repeat former President Nixon's mistakes. Yet they do.

As I said, public officials is in the plural. I do not know how many public officials have taped. We do know that Mr. Wick is not the only one. The Director of the Peace Corps also has admitted that she secretly taped conversations with one of her employees.

Yet from Watergate to Charlie Wick to other instances of taping, Congress has failed to address this problem. What we have here is a very simple amendment which has already been amended to accommodate the concerns of the intelligence agencies and which has been amended in the first instance to take care of the concerns of the Attorney General. We have attempted to accommodate all of the concerns of the Justice Department and other agencies. They wanted informers to be able to secretly tape and we amended it to achieve that objective, to make that possible. Anyone who is working under the supervision of a law enforcement officer would not be prohibited from taping under the provisions of this amendment.

Concerns were expressed about foreign intelligence and counterintelligence officers, so we included an exemption for them.

Concerns were raised about officials who needed to tape to protect the security of other Government officers and about investigators who looked for violations of civil law. So we have included an exemption for such officers as the Attorney General authorizes to tape secretly.

I have said it before and I will say it again, if there is some proposal that one of the agencies of our Government feels is imperative to be included in this measure, I am certain that we will have no difficulty in accommodating those concerns with an appropriate amendment.

Frankly, we cannot accommodate those concerns until we know what the concerns are and what language they think they will need. But we have not been hard to reach. We have not been difficult to talk with. We have not indicated a standoffish attitude. We have said over and over again, "If you have some problem with one of the law enforcement agencies or one of the information-gathering agencies of our Government, let us know what language you need, and we will see to it that it gets into our amendment."

Frankly, it is heartening to note that Mr. Wick, who is the one that caused this matter to become a cause celebre, has himself come to recognize the error of his own ways. He has publicly conceded that his conduct was insensitive and unfair.

So this is not a Wick amendment. This is an amendment to do that which Congress should have done a good many years ago.

I think many of us thought it probably was unlawful to tape a conversation. We find that it is not, so we are attempting to correct that situation.

Many States have already recognized that taping by government officials is wrong. This proposal does not go as far as Senator BUMPERS' amendment would go, and I support Senator BUMPERS' amendment, to make it illegal across the country for all people to tape. This only applies to ourselves and to other people who are agents of the Federal Government or who are officials of the Federal Government.

States with laws restricting taping of a similar nature for their executives or employees or agents or officials are Arkansas, California, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Washington, and Wyoming.

Secret taping should be illegal across the country under Federal law. Not only are we on the floor saying that, but editorials in newspapers across the country have spoken to this specific issue. The Wall Street Journal characterized the tapings of Mr. Wick as being "stupid" on January 9, 1984.

Newsweek said:

If the Watergate scandal taught politicians anything, it was the danger of making secret tape recordings and the peril of trying to deny an embarrassing truth. Both lessons were apparently lost on Charles Z. Wick, California entrepreneur and longtime friend of Ronald Reagan, who runs from ruckus to ruckus as head of the United States Information Agency.

A New York Times editorial, written by William Safire, explains why the secret tapings were so offensive. It begins by asking:

What is so bad about secretly recording what people say on the telephone? Doesn't taping serve the cause of accuracy? Doesn't everybody in government and top business management do it?

The editorial then answers itself.

When you engage in conversation with another person, you and he make the assumption that nobody is eavesdropping. Both of you speak more freely on that assumption; if you convey a confidence to the other party, and he betrays that confidence by blabbing to others, you have the protection of saying he didn't get it quite right, or of denying it outright. When a third party says "Joe says you said I was a jerk," you can say "I said you were a loveable jerk," or "you know Joe—he's trying to drive a wedge between us."

But when Joe tapes your conversation, he makes it possible for the whole world to eavesdrop. He owns your voice, and you are left with the feeling of the aborigine who fears that a picture taken of him steals his soul. Without your permission, he can play your performance to his friends or your enemies, to his advantage or your chagrin.

You are stripped of the protection of your privacy.

He states that:

Secret taping is wrong—unethical—because it erodes trust and engenders suspicion, thereby reducing human communication. If you suspect your friend puts a recorder in his pocket, you are not likely to confide in him. His motives may not be blackmail; he may desire to have your voice as his souvenir, or your technical expertise for his instant replay, or your views for history—but a pure motive does not ameliorate the ethical lapse in the action.

The editorial concludes:

No, not everybody in Washington does it. The people who do it routinely are the CIA, which operates in a different ethical world. Unfortunately, the no-holds-barred standards of the CIA—lie detectors, antipublication oaths and now secret taping—are being applied throughout the Reagan administration. Our spooks used to be the ethical exception; now they set the ethical standard.

Accuracy is a value, but trust is the greater value. Do we want to live in a society where everything we say—between partners, friends, husbands and wives—may be held against us? That is why secret taping, now so easy, is so wrong. That is why the President of the United States, in failing to promptly and vigorously condemn this ethical lapse by the head of the U.S. Agency that asks for the world's trust, should be ashamed of putting personal friendship before his duty.

The Washington Post ran three editorials attacking these "abusive and offensive" and "offensive" tapings. The third summarized the Post's view:

That was a good and gracious apology that Charles Wick, Director of the U. S. Information Agency, offered on Monday for his phone-tapping adventures. Mr. Wick now concedes that the taping of some of his phone calls, without notice to the callers, was an unfair practice, an invasion of his callers' privacy and something that "can lead to other, more dangerous practices." Though his purpose was simply "to extend the reach of my own memory, never to threaten or humiliate others," He said, "It has become quite clear to me that in trying to be meticulous about my own managerial tasks, I frequently ignored the potential impact on others."

Mr. Wick also acknowledged responding to early press queries about the tapings with "misinformation," on account of "my anxiety and faulty recollection," and he offered his regrets for that, too.

We wish Mr. Wick had made such a statement the minute the story about his phone taping broke. The impression he gave then was that he was doubly insensitive: To the offense he had committed against his callers and to his obligation to the President and the public to make a prompt, full explanation. But he has now remedied that. And the fact that he needs prompting to do the right thing is less important than that he now appears to be doing it—in private apologies to his callers, in public statements, and in testimony to the several official inquiries into his phone habits.

It remains for President Reagan to find occasion to make it perfectly clear that he too understands why no one in his administration should abuse the confidence that every phone caller has the right to expect and tape a call with a caller who has not been duly warned.

It is not only the New York Times and the Washington Post. The San Francisco Examiner, on January 9, 1984, editorialized:

The U.S. Information Agency Chief does not display enough good sense to be in charge of a costly program to present an honest and favorable image of the Nation in the rest of the world. His promotion of "Project Truth" is not likely to earn more than a smirk. Wick should offer his resignation and save the President the discomforture of requiring it.

The St. Louis Post-Dispatch stated on January 10, 1984, "Mr. Reagan Says It's Okay."

[From the St. Louis Post-Dispatch, Jan. 10, 1984]

MR. REAGAN SAYS IT'S OKAY

So now the president of the United States has exonerated a high government official who has been caught surreptitiously taping private telephone conversations. The official, Charles Z. Wick, director of the United States Information Agency, is not "a dishonorable man in any way," said President Reagan, adding that Mr. Wick would not be fired. Mr. Wick's unauthorized taping of conversations, the president said, was only intended to provide suggestions for improving USIA programs.

Mr. Reagan's opinion of secretly recording conversations is at variance not only with the views of members of his official family but also with those of the American Bar Association and the laws of a dozen states, which make the practice a crime. James Baker, White House chief of staff and one of Mr. Wick's victims, says the tapings were "unacceptable." Presidential counselor Edwin Meese describes such tapings as "unethical."

The ABA's committee on professional responsibility has declared that secret recordings by attorneys of telephone conversations is unethical. Mr. Wick is a lawyer. Two congressional committees and a state's attorney in Florida, where such recordings are illegal and where Mr. Wick did some of his tapings, are investigating the case.

Of Mr. Wick's own ethical standards this much can be said. Not only did he surreptitiously record hundreds of conversations, stopping only after his own staff warned him that the practice was improper, but he later denied having done so. That he should continue to head an agency whose mission is to transmit America's values to the world is an outrage.

Mr. Reagan's blindness to ethics and propriety, however, is even more appalling. Would he be so tolerant if he knew that people with whom he assumed he was speaking privately had covertly and routinely taped his conversations to be passed around their offices?

The St. Louis Post-Dispatch, in a January 28, 1984, editorial, called for stronger safeguards as follows:

[From the St. Louis Post-Dispatch, Jan. 28, 1984]

STRONGER SAFEGUARDS FOR PRIVACY

Having concluded that U.S. Information Agency Director Charles Z. Wick violated federal regulations against the secret recording of telephone conversations, the General Services Administration is proposing additional rules to protect the privacy of such communications. Existing regulations prohibit the taping of phone conversations "without prior consent of all parties involved," Mr. Wick, the agency declared in a formal report, not only failed to "implement properly the regulations" but continued his clandestine taping of telephone calls until Dec. 23, 1983—although he had been informed in 1981 that he was acting improperly.

Although Mr. Wick attempted to deny his actions, he later issued an apology to those whose calls he recorded. And President Reagan, who sees no impropriety in the conduct of the man who heads the agency charged with spreading America's values in the world, has praised Mr. Wick and has said he will stay on at his job. So it would appear that the best that can be hoped for to come out of this sorry episode are stronger safeguards against such covert tapings.

The GSA recommends that federal agencies provide transcripts to all parties on the line when a call is being taped; that they publish procedures for recording telephone conversations; that they obtain GSA approval before purchasing or installing recording devices and that they keep logs of all recorded calls. Such rules alone will not deter someone determined to tape his telephone conversations. But they would make federal government policy on the subject even more explicit; and they would make it more difficult for a president to wink jovially at such transgressions against privacy.

This is a stronger safeguard against such tapings. We should not need to have legislation, but obviously, we do. Mr. President, the condition of the floor at the moment is the following: There is an amendment offered, and an amendment in the second degree. The yeas and nays have not been asked for, which we will do in due course. But if the Justice Department or anyone else speaking for one of the agencies of our Government has a proposal to make, a suggestion to make, then we, who are the sponsors of the amendment in the first degree and the second degree, are still in a position to do it without needing any consent. If there is such a proposal, we would be very happy to hear of it before we go forward with a vote on this measure.

Mr. GOLDWATER. Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I can certainly understand the feelings of my friend from Ohio with regard to this taping that was done illegally. I can understand his desire to make it totally illegal. But I think he is into a subject that will take more than just discussion here on the floor to understand what we are talking about and the ramifications of it.

I happen to be chairman of the Intelligence Committee and wiretapping is a subject that we discuss quite often. I oppose this amendment. The intelligence agencies were not told of this amendment until yesterday afternoon. No one has had time to consider carefully what effect this amendment has on national security. The General Counsel of some of these agencies have said they do not think they can continue doing their job under this legislation. They have asked for some short period of time, a week, to see how this affects their job and how they could help draft legislation to stop the abuses—abuses, I must say, that we all are concerned about. I am asking, Mr. President, or suggesting that we have some time to have this considered either by the Judiciary Committee or by the Intelligence Oversight Committee, whatever the Senate might choose, to make sure that we do not harm national security. We do not know yet what language we need. I suggest we have a week or maybe more and I think we can come up with something.

Mr. President, I am against taping people's conversations but can we not wait a short time to see how this bill affects NSA, CIA, and the FBI, not to mention the other 16 members of the intelligence family working in this community? The NSA General Counsel was given a copy of this amendment only this morning, Mr. President. We cannot expect them to make these suggestions that the Senator from Ohio insists on in a few hours. If the offer of the Senator from Ohio to accommodate national security is genuine, then he will give these agencies more than just a few hours to provide amendments.

Now, the thing that can very well happen to this amendment is that it will be tabled and that will be the end of it, where if the Senator from Ohio would like to go through that motion and then submit it for proper hearing before the committees chosen to hear it, I think we can come up with something.

Mr. President, just to give you a rough idea of what we are into, the Justice Department has said:

Initially we should point out that the wiretap statute was the product of a 3-year drafting effort. The Foreign Intelligence Surveillance Act was developed over a 4-year period. These statutes covered a broad range of law enforcement and intelligence activities and involved elaborate cross-references among the various sections. In short, we are dealing here with one of the most complex and sensitive areas of law enforcement and intelligence activity. We are, therefore, deeply concerned as to the severe damage which can inadvertently be done through ill-conceived and hastily-drafted amendments to these very, very technical and closely interrelated Federal laws. Our concern seemed to be well founded as evidenced by the frequent telephone calls we received yesterday asking for instant analysis of a wiretap amendment which seemed

to change every hour on the hour as grave deficiencies were recognized. The final amendment with which we were presented last night is an incredible example of legislative draftsmanship which raises a host of problems.

That comes from the Department of Justice, which permission is required now for any member of intelligence or any member of the Government to wiretap.

But let me mention a few things that the Senator from Ohio is completely overlooking. For example, is it not related to wiretapping for a television man to hold a microphone in back of you without you knowing it? Is it not similar to wiretapping if a man does the same thing with radio, has a mircophone that you cannot see or that he hides from you, not necessarily purposely but you are saying things that you do not know are recorded? Every single Member of this Senate has had that happen to him and then has read in the paper or heard something over the air and said, "My golly, when did I say that?" I think that probably is a second cousin to wiretapping.

Now, let me go a step further. I happen to be an amateur radio operator. I am privy to listen to every band in the spectrum from one kilohertz to the gigahertz, and I do. I listen around to see what is going on in this country, what is going on in other countries in the world. Is that not the same as wiretapping? We are not supposed as amateur radio operators to disclose what we talk about, but we can listen, listen all day. So we are not doing anything to try to control that, and I do not want to do anything to control that.

We get into the matter of satellites. I think I described quite briefly the other day how it is possible in the reception of television programs from a satellite, if you know what to do, to listen to telephone conversations. They do not come over loud and clear, I have to tell you, but you can do it. There is nothing in this legislation that provides any preventive action in that field.

It is possible—and I know many Members of this body have looked into these things—for me to buy a miniature olive that is a tansmitter, put it in a martini and have a martini with you and 200 feet away everything you say is heard. Now, not only that, you can do similar things with toothpicks, with fountain pens, and with flashlights.

So I point these things out to my good friend from Ohio to demonstrate that merely adding this amendment is not going to stop all of this. There are catalogs that are completely filled with devices that allow the owner to listen to practically anything. You can listen through walls. That is not prevented by law. You can listen through floors. That is not prevented by law. You can listen through wired circuits of homes. You have got to cover that if you are going to stop everything.

I might point out, Mr. President, that we seem to be the only country in the world that has a great fear and a great apprehension about the use of wiretap or any other device to pick up information for the purposes of intelligence.

Now, I am completely with my friend from Ohio in his attempts to work out some way that we can prevent what has just happened, a man, whether he is a member of government or not, bugging somebody's phone and recording it. I do not think that should be allowed. It is not allowed actually under the laws that we have. It is a very difficult thing to police. It is a very difficult thing to control. That is why I would suggest, knowing the earnestness of my friend from Ohio, that he rethink this amendment, resubmit it in the form of legislation and also in the form that would cover these things that I have been mentioning. I have only touched the surface. It is absolutely amazing how I can find out what you are saying without you knowing it, and you can do the same to me. It takes a little money, but if you have a little money you can do most anything.

Now, another thing that concerns me about this—and this is after the amendment had been changed last evening—I read from the further printed amendment No. 2689—it mentions Government employee "unless prior consent to such interception has been given." It provides an exception for investigative or law enforcement officers. It provides an exception for others acting under direction and control of such investigative or law enforcement officers.

But, Mr. President, it does not mention the National Security Agency. It does not mention the FBI. It does not mention the CIA. I think if we are going to have an amendment like this, it should specifically eliminate those 19 different agencies of our Government that are charged with collecting intelligence as to what our potential enemies might be doing.

I can relate to this group that all over the various buildings owned by the Soviet Union in this town are antenna systems that do nothing all day long but intercept telephone calls, whether they are personal, private, business, or what. The city of San Francisco has a Soviet office out there that has even a greater abundance of wiretapping equipment.

Now, I do not say that to justify any individual just willy-nilly putting a tap on my phone or your phone or the phone of the Senator from Ohio. But I do think that when we get down to the fine grind and find that you have to be an officer or a person acting under direction and control of law enforcement officers, that in itself is going to eliminate the 19 members of our family, particularly the National Security Agency. I cannot get into what they do; it is so highly classified, but I can tell you as a person who has been in communications for over 60 years it is unbelievable. It is unbelievable what they can do, and yet this amendment can very well stop the National Security Agency from operating.

I know the author says it cannot because he has altered the language to satisfy himself, that it does give these employees a chance to do it. But it does not give the agency the opportunity to do it.

Mr. President, the English abhor wiretapping. They have pretty good control over it—not all the way. Israel, a country which I think has one of the two best intelligence-gathering systems in the world, wiretaps all over the place. I do not think they allow individuals to do it.

I do not want to allow individuals to do it, and I would go along with my friend from Ohio in trying to help him draft legislation of a comprehensive nature that could put the stop to what we have just gone through with a member of our Government wiretapping for no good reason, just for wiretap purposes. I guess he enjoys it. I can give him some good television shows at night, if he has nothing to do, but they are not worth listening to, so I cannot help him much.

Mr. President, I hope that the Senator from Ohio will pull down this amendment. If he does not pull it down, I agree with the parliamentarian—I think it is illegal, and I think it is perfectly proper to entertain a motion to table this amendment. Even if it is tabled, I would say let us go ahead and sit down and have hearings on this subject, so that we can come up with something that will say to an American citizen, "No, no, no," and with a penalty that will back it up. Today, the "no, no, no," really does not mean much. But this legislation is not going to help, and it is going to harm.

Mr. President, that is all I have to say on the subject, and I yield the floor.

Mr. METZENBAUM. Mr. President, I very much appreciate the comments of my good friend from Arizona, for whom I have the highest respect. I want to make certain that we are on the same wavelength, and I am not talking about a taping wavelength but, rather, our communication with each other.

First, I want to be certain that the Senator from Arizona understands that this is applicable only to Government employees or Government officials, whether appointed or elected, or Government agencies. So, with respect to anything that would have to do

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with a radio or TV station having a microphone near us, unless they happen to be a Government employee, they would not be barred by this legislation, nor would they be affected in any way.

With respect to the exemption, I am not certain that the distinguished Senator from Arizona saw this morning's modification to a second degree amendment offered by the Senator from Arkansas, with respect to which I totally agree. But we provided another exemption. I will read the total exemptions:

It shall not be lawful under this chapter for a person acting under color of law who is—

(1) an investigative or law enforcement or foreign intelligence or counterintelligence officer acting within the normal course of his or her employment, or

(2) performing a law enforcement, foreign intelligence or counterintelligence function under the direction and control of such an officer, or

(3) acting with authorization from the Attorney General in accordance with the regulations issued by the Attorney General.

It is the last one that I believe would adequately protect the NSA or any other agency, because the Attorney General would be in a position to provide by regulation that the proper activities of the NSA, or whomever else he might designate, would be permissible.

What we are calling for is to make that which is done in the way of taping previously authorized by the Attorney General. We do not want to stop any agency of Government from using taping, if the Attorney General says it may be done.

As I said on the floor of the Senate, if somebody has an amendment they think we should include, we certainly are willing to consider it and in all probability will accept it. So far, we have had no difficulty in accepting any amendments that have been proposed by the various Government agencies.

With respect to the other point my good friend makes—that is, to take down the amendment and go through the hearing process and not be able to proceed—I do not believe that would be adequate.

First of all, we anticipate having a short session. Second, the Judiciary Committee has a heavy agenda. Third, in the milieu in which we operate, you need a vehicle that has a "go" signal on it to be called to the floor and then to be brought up for action in the other house. The crime package is such a vehicle.

If the sponsors of this measure really feel they need additional time and want to lay aside the entire crime package till a time certain, whether it be 5 days, a week, 2 weeks, or whatever, leaving our amendment pending as is, I certainly would have no objection to doing that. But absent that—and I have not heard any indication that they desire to move in that direction—we are prepared to go to a vote.

We have discussed with the majority leader—and I say this to my friend from Arizona—that the condition of the floor is such that if a tabling motion is made, it does not preclude our coming back with additional amendments, with slight modifications, at a subsequent point. We have indicated that we would like this matter brought to an up and down vote. We are prepared to vote on it. If we win, fine. If we lose, we will take our lumps and walk away, and not offer additional amendments. I have made that clear to the majority leader, Senator BUMPERS has made that clear to the majority leader, and I hope the Senator from Arizona will not see fit to offer a tabling motion, but he is certainly within his rights. But we would be within our rights to come back with additional amendments thereafter.

If we have an up and down vote, we would consider the matter concluded upon the adoption or defeat of the amendment.

Mr. GOLDWATER. I thank the Senator for his comments. What he says only lends credence to the idea that we have to have some hearings in this matter.

As chairman of the Intelligence Committee, I would be very happy to hold hearings on this matter, and I think the Senator will find our committee adequately prepared to go into this matter very thoroughly.

The National Security Agency, in reaction to the last part of the amendment, paragraph 3, said that that does not help them.

I think it is far more important, for the purposes of the Senator from Ohio, to work on legislation that makes this act illegal—not just among Government employees.

I can recall when Franklin Roosevelt, before the days of tapes, had a big air ventilator behind his desk, big enough for his secretary to sit on another floor, at a lower level, and studiously write down everything that went on. That was not electronic. It probably was better than electronic. That type of thing also has to be considered.

I do not like to feel that only Government employees are acting in the capacity that this unfortunate gentleman, Mr. Wick, did the other day.

I think it goes on far more out in the industrial field, the corporate field, and the labor field. The Senator has been a very successful businessman and, as I have said before, I have been a businessman also and my constant efforts were to find out something about what my opposition was doing that enabled him to stay up with me or ahead of me. Most of the time it was word of mouth. Nowadays I have a hunch that electronic surveillance can be employed. Electronic surveillance is used thoughout America and it is either legal or it is illegal.

I like to think that the Senator would reintroduce this amendment in the form of legislation so that we could make a proper determination as to just what fields we want to cover, and I agree with the Senator. What I consider private is my own business and I do not want the world knowing it.

But I notice now we have a Freedom of Information Act and in the morning's paper is a personal letter that I wrote the head of the CIA as a friend over 2 years ago. I call that the same thing as wiretapping.

Everyone in this town is a snooper going around with long noses like a bloodhound just sniffing and whether they sniff anything or not they come up with a story.

I would like to stop all of this foolishness. I do not think we ever can, but I think we can make great strides in putting an end to the use of electronic devices, telephones, et cetera, for spy purposes or intelligence purposes gotten for your own effect.

I have nothing more to say on this, Mr. President. I think the time is approaching when we are supposed, pardon me, to go into secret session, and again a secret session in this Chamber is a laugh because the best way to get bunch up there all excited is say it is going to be secret and before we get back to this room from where we are going, it will be in the news all over this country. So we are not just talking about the bloodhounds that we have in here or the bloodhounds who work in certain offices, we are talking about the whole problem of secrecy in the Federal Government. I want to see us get a little bit of it.

I yield the floor.

The PRESIDING OFFICER (Mr. TRIBLE). The Senator from Idaho is recognized.

THE HISTORY OF ARMS CONTROL TREATY VIOLATIONS

Mr. MCCLURE. Mr. President, arms control treaty violations are not new. During the 1930's there was wholesale violation of existing arms control treaties:

There was violation of the Washington and London Naval Treaties by Japan and Italy.

There was German violation of the Treaty of Versailles.

There was Italian use of chemical weapons in Ethiopia.

The United States reacted to these violations the way some would have us react to the Soviet violations today—we continued to abide by the Washington and London Naval Treaties after the Japanese had publicly abrogated them.

During the 1930's Winston Churchill publicly challenged the British Government to admit that the Germans were violating existing treaties. It refused to for a long time.

In November 1934 in the House of Commons, Winston Churchill stated, and I quote from the words of the great statesman:

According to the Treaty of Versailles, the German Government are not allowed to build any military aircraft or organize any military air force . . . What was meant for a safeguard for the Allies has in fact become only a cloak or a mask for a potential aggressor. With any other country the facts about its air development would have been stated quite promptly . . . In fact, the League collects these figures . . . With any other country this would make no difficulty, but it is just because Germany is under this special disability. I understand how it has arisen. It has not been considered etiquette, or at any rate the Government has shrunk hitherto from stating this would make no difficulty, but it is just because the fact which they know well—I am sure they know about German rearmament, and very naturally, because, if the Foreign Secretary had said that there was this or that they were doing contrary to the Treaty, he would immediately have had to make good his statement, or perhaps stand by his statement, that he was charging a great Power with a breach of the Treaty, and I can understand that until certain disclosures which have been made on the Continent had been made, it was necessary for the Government to proceed with great caution in this respect.

But the time has come when what was meant to be a protection for others must no longer be a cloak or mask for Germany. The time has come when the mystery surrounding the German rearmament must be cleared up. We must know where we are. This House naturally in these matters leaves the main responsibility to the Executive, and that is quite right, but at the same time, it cannot divest itself of responsibility for the safety of the country, and it must satisfy itself that proper measures are being taken.

The same type of intelligence collection problems we now face were cited as reasons for not taking actions when violations were discovered. Winston Churchill ridiculed this:

I do not know how the Admiralty came to be without information that even battleships, contrary to the Treaty, were being laid down before the end of 1934. We always believed before the War that battleships could never be laid down without our knowledge. The Germans were entitled to build 10,000-ton ships according to the Treaty, but they, by a concealment which the Admiralty were utterly unable to penetrate, converted these into 26,000 ton ships.

If Sir Winston had lived to read some of the intelligence reports produced on the SS-X-25 over the last 10 months he might have smiled.

Mr. President, I ask unanimous consent that a list of Soviet SALT violations and Soviet violations of other arms control treaties be printed in the RECORD. I also ask unanimous consent that the President's Report to the Congress on Soviet Non-Compliance With Arms Control Agreements be printed in the RECORD. Finally, I ask unanimous consent that my unclassified analysis of the recent Soviet accusations of alleged U.S. SALT violations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET VIOLATIONS OF 1979 SALT II TREATY

1. SS-18 rapid reload and refire capability.
2. Covert deployment of 100 to 200 SS-16 mobile ICBMs at Plesetsk test range.
3. AS-3 Kangaroo long range Air-to-Surface Missile on 100 TU-95 Bear bombers.
4. Deployment of long range ASMs on Backfire bombers.
5. Production of 32 to 36 Backfire bombers per year.
6. Arctic deployment of Backfire bombers.
7. Almost total encryption (95 to 100%) of telemetry:
ICBM: SS-18 Mod X, PL-4 (SS-X-24), PL-5 (SS-X-25).
SLCM: SS-NX-19,
SLBM: SS-NX-20.
IRBM/ICBM: SS-20.
8. Two new type ICBMs in development testing SS-X-24, SS-X-25.
9. Increased and large scale strategic camouflage, concealment, and deception.
10. Testing of a new heavy SLBM-SS-NX-23.
11. Soviet admission of exceeding 820 and 1200 MIRV missile launcher ceilings, and 1320 MIRV/ALCM ceilings, counting those launchers and bombers under construction.
12. Soviet failure to reduce strategic nuclear delivery vehicles to 2400 and to 2250 ceilings.

SOVIET VIOLATIONS OF THE 1972 SALT I ANTI-BALLISTIC MISSILE (ABM) TREATY

1. Soviet SAM testing in ABM mode—SAM-5, SAM-10, SAM-12.
2. Deployment of 6 ABM Battle-Management radars in interior of the U.S.S.R. not facing outward—Abalakovo.
3. ABM camouflage and concealment.
4. Falsification of ABM deactivation.
5. Creation of new ABM test range without prior notification.
6. Development of a rapidly deployable, mobile ABM system.
7. Testing of a rapid refire ABM capability.
8. Deployment of a nationwide ABM defense, using 6 ABM Battle-Management radars, SAMs 5, 10, 12, and mobile ABM-3.
9. Deployment of more than 100 ABM launchers around Moscow.

SOVIET VIOLATIONS AND CIRCUMVENTIONS OF THE 1972 SALT I INTERIM AGREEMENT ON OFFENSIVE NUCLEAR WEAPONS

1. Deployment of the heavy SS-19 ICBM as the replacement for the light SS-11 ICBM.
2. Failure to deactivate old ICBMs on time, and continuous falsification of official deactivation reports.
3. Bringing back ICBM equipment to deactivated ICBM complexes.
4. Keeping 18 SS-9 ICBMs at an ICBM test range illegally operational.
5. Soviet deployment of "IIIX" silos with a configuration too similar to a missile launch silo.
6. Increased use of deliberate camouflage, concealment and deception:
Encryption of missile telemetry.
Camouflage of ICBM testing, production, and deployment.
Concealment of SLBM submarine construction, berthing, dummy submarines, and construction of berthing tunnels.
7. Constructing over 68 strategic submarines, when only 62 were allowed.
8. Violation of Brezhnev's pledge not to build mobile ICBMs.
9. Deploying SS-11 ICBMs at SS-4 Medium Range Ballistic Missile (MRBM) sites for covert soft launch.
10. Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

SOVIET VIOLATIONS OF THE 1962 KENNEDY-KHRUSHCHEV CUBA AGREEMENT

1. Soviet offensive capabilities deployed to Cuba:
Combat Brigade.
Golf and Echo Class nuclear missile-equipped submarines.
Cienfuegos strategic submarine base with nuclear warhead storage facility.
Nuclear delivery—capable aircraft: MIG 23/27, Floggers Bear TU-95 D, F, with operable bombbays.
Military communications center.
2. Use of Cuba as a revolutionary base to export subversion and aggression.
Training terrorist and revolutionary forces.
Equipment supply to revolutionary forces.
DGI 4th largest intelligence service in world.
3. Probably biological and Chemical Warfare facility.

SOVIET VIOLATIONS OF THE 1974 THRESHOLD NUCLEAR WEAPONS TEST BAN TREATY (TTBT)

Over 15 Soviet underground nuclear weapons tests with estimated yield over the 150 kiloton threshold limit. Some of these tests were at over 300 kilotons, and we have 95% confidence that they were violations. Over 50 Soviet treaty violations since 1917, mostly of non-aggression pacts, according to 1962 Defense Department book entitled, "Soviet Treaty Violations," an official U.S. Government source.

SOVIET VIOLATIONS OF THE 1925 CHEMICAL WARFARE PROTOCOL: SOUTHEAST ASIA, SOUTHWEST ASIA

Soviet violations of the 1972 Biological Warfare Convention: Southeast Asia, Southwest Asia, Sverdlovsk 1979 explosion, 8 facilities expanded, Cuba BW/CW facility, International terrorists with BW/CW capabilities.

Over 30 unambiguous Soviet ventings of nuclear debris outside the borders of the USSR, in violation of the 1963 Limited Test Ban Treaty.

Over 14 documented cases of Soviet SALT negotiating deception, 120 cases of forgeries, active measures, propaganda campaigns.

THE PRESIDENT'S REPORT TO THE CONGRESS ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

The following is the text of a message to the Congress transmitting the President's Report on Soviet Noncompliance with Arms Control Agreements as required by the FY 1984 Arms Control and Disarmament Act:

To the Congress of the United States:

If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed. In 1982 increasing

concerns about Soviet noncompliance with arms control agreements led me to establish a senior group within the Administration to examine verification and compliance issues. For its part the Congress, in the FY 1984 Arms Control and Disarmament Act, asked me to report to it on compliance. I am herewith enclosing a Report to the Congress on Soviet Noncompliance with Arms Control Agreements.

After a careful review of many months, and numerous diplomatic exchanges with the Soviet Union, the Administration has determined that with regard to seven initial issues analyzed, violations and probable violations have occurred with respect to a number of Soviet legal obligations and political commitments in the arms control field.

The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the U.S.S.R. as a negotiating partner, and thus damages the chances for establishing a more constructive U.S.-Soviet relationship.

The United States will continue to press its compliance concerns with the Soviet Union through diplomatic channels, and insist upon explanations, clarifications, and corrective actions. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. For the future, the United States is seeking to negotiate new arms control agreements that reduce the risk of war, enhance the security of the United States and its Allies, and contain effective verification and compliance provisions.

We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Better verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

The Executive and Legislative branches of our government have long had a shared interest in supporting the arms control process.

Finding effective ways to ensure compliance is central to that process. I look forward to continued close cooperation with the Congress as we seek to move forward in negotiating genuine and enduring arms control agreements.

Sincerely,

RONALD REAGAN.

The Fact Sheet provided to the Congress with the classified report is quoted below:

FACTSHEET

The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements

Commitment to genuine arms control requires that all parties comply with agreements. Over the last several years the U.S.S.R. has taken a number of actions that have prompted renewed concern about an expanding pattern of Soviet violations or possible violations of arms control agreements. Because of the critical importance of compliance with arms control agreements, about one year ago the President established an interagency Arms Control Verification Committee, chaired by his Assistant for National Security Affairs, to address verification and compliance issues. In addition, many members of Congress expressed their serious concerns, and the Congress mandated in the FY 84 Arms Control and Disarmament Act Authorization that "The President shall prepare and transmit to the Congress a report of the compliance or noncompliance of the Soviet Union with existing arms control agreements to which the Soviet union is a Party."

The President's Report to Congress covers seven different matters of serious concern regarding Soviet compliance: chemical, biological, and toxin weapons, the notification of military exercises, a large new Soviet radar being deployed in the Soviet interior, encryption of data needed to verify arms control provisions, the testing of a second new intercontinental ballistic missile (ICBM), the deployment status of an existing Soviet ICBM, and the yields of underground nuclear tests. Additional issues of concern are under active study.

Soviet violations of arms control agreements could create new security risks. Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations, and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences.

We have discussed with the Soviets all of the activities covered in the report, but the Soviets have not been willing to meet our basic concerns which we raised in the Standing Consultative Commission in Geneva and in several diplomatic demarches. Nor have they met our requests to cease these activities. We will continue to pursue these issues.

THE FINDINGS

The Report examines the evidence concerning Soviet compliance with: the 1972 Biological Weapons Convention (BWC) and the 1925 Geneva Protocol and customary international law, the 1975 Helsinki Final Act, the 1972 ABM Treaty, the unratified SALT II Treaty, and the unratified Threshold Test Ban Treaty (TTBT) signed in 1974. Preparation of the Report entailed a comprehensive review of the legal obligations, political commitments under existing arms control agreements, and documented interpretations of specific obligations, analyses of all the evidence available on applicable Soviet actions, and a review of the diplomatic exchanges on compliance issues between the U.S. and the Soviet Union.

The findings for the seven issues covered in the Report, as reviewed in terms of the agreements involved, are as follows:

1. Chemical, Biological, and Toxin Weapons.

Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the U.S. and U.S.S.R. are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

Issues: The study addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons.

Finding: The Soviets, by maintaining an offensive biological warfare program and capabilities and through their involvement in the production, transfer and use of toxins and other lethal chemical warfare agents that have been used in Laos, Kampuchea and Afghanistan, have repeatedly violated their legal obligations under the BWC and customary international law as codified in the 1925 Geneva Protocol.

2. Helsinki Final Act—Notification of Military Exercises.

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other states. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory states of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military manuevers, defined as those involving more than 25,000 ground troops.

Issues: The study examined whether notification of the Soviet military exercise Zapad-81, which occurred on September 4-12, 1981, was inadequate and therefore a violation of their political commitment.

Finding: With respect to the Helsinki Final Act, the U.S.S.R. by its inadequate notification of the Zapad-81 military exercise, violated its political commitment under this Act to observe the Confidence-Building Measure requiring appropriate prior notification of certain military exercises.

3. ABM Treaty—Krasnoyarsk Radar.

Treaty Status: The 1972 ABM Treaty and its subsequent Protocol ban deployment of ABM systems except that each party can deploy one ABM system around the national capital or at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are therefore a violation of a legal obligation.

Obligation: In an effort to preclude a territorial ABM defense, the Treaty limited the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the national periphery of each party and required that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as

national technical means of verification of compliance with arms control agreements.

Issue: The study examined the evidence on whether the Soviet deployment of a large phased-array radar near Krasnoyarsk in central Siberia is in violation of the legal obligation to limit the location and orientation of such radars.

Finding: The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty.

SALT II

Treaty Status: SALT II was signed in June 1979. It has not been ratified. In 1981 the United States made clear its intention not to ratify the Treaty. Prior to 1981 both nations were obligated under international law not to take actions which would "defeat the object and purpose" of the signed but unratified Treaty; such Soviet actions before 1981 are violations of legal obligations. Since 1981 the U.S. has observed a political commitment to refrain from actions that undercut SALT II as long as the Soviet Union does likewise. The Soviets have told us they would abide by these provisions also. Soviet actions contrary to SALT II after 1981 are therefore violations of their political commitment.

Three SALT II concerns are addressed: encryption, SS-X-25, and SS-16.

4. Encryption—Impeding Verification.

Obligation: The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The agreement permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

Issue: The study examined the evidence whether the Soviets have engaged in encryption of missile test telemetry (radio signals) so as to impede verification.

Finding: Soviet encryption practices constitute a violation of a legal obligation prior to 1981 and a violation of their political commitment subsequent to 1981. The nature and extent of encryption of telemetry on new ballistic missiles is an example of deliberate impeding of verification of compliance in violation of this Soviet political commitment.

5. SS-X—2nd New Type, RV Weight to Throw-weight Ratio, Encryption

Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throw-weight or differs in numbers of stages or propellant type. In addition, it was agreed that no single reentry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throw-weight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

Issue: The study examined the evidence: whether the Soviets have tested a second new type of ICBM (the SS-S-25) which is prohibited (the Soviets have declared the SS-X-24 to be their allowed one new type ICBM); whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throw-weight; and whether encryption of its tests impedes verification.

Finding: While the evidence is somewhat ambiguous, the SS-X-25 is a probable violation of the Soviets' political commitment to observe the SALT II provision limiting each party to one new type of ICBM. Furthermore, even if we were to accept the Soviet argument that the SS-X-25 is not a prohibited new type of ICBM, based on the one test for which data are available, it would be a violation of their political commitment to observe the SALT II provision which prohibits (for existing types of single reentry vehicle ICBMs) the testing of such an ICBM with a reentry vehicle whose weight is less than 50 percent of the throw-weight of that ICBM. Encryption on this missile is illustrative of the impeding of verification problem cited earlier.

6. SS-16 ICBM—Banned Deployment.

Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage, the reentry vehicle of that missile.

Issue: The study examined the evidence whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment.

Finding: While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of their legal obligation not to defeat the object and purpose of SALT II prior to 1981 during the period when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

7. TTBT—150 kt Test Limit

Treaty Status: The Threshold Test Ban Treaty was signed in 1974. The Treaty has not been ratified but neither Party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation under international law to refrain from acts which would "defeat the object and purpose" of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their obligation. The U.S. is seeking to negotiate improved verification measures for the Treaty. Both Parties have each separately stated they would observe the 150 kt threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with predicting the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

Issue: The study examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons.

Finding: While the available evidence is ambiguous, in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties, and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the TTBT.

CONCLUSIONS

The President has said that the U.S. will continue to press compliance issues with the Soviets through confidential diplomatic channels, and to insist upon explanations, clarifications, and corrective actions. At the same time we are continuing to carry out our obligations and commitments under relevant agreements. We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Improved verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

ANALYSIS OF SOVIET ACCUSATIONS OF U.S. SALT VIOLATIONS

A. SUMMARY

On January 30, 1984, the Soviet Union published in Izvestia an Aide Memoire which two days earlier had been delivered to the United States State Department. The Soviet note was entitled: The United States Is Violating Its International Commitments.

The Soviets charged the U.S. with at least 20 SALT and other arms control treaty violations. Most of these Soviet accusations had previously been conclusively disproven by the U.S. in the Standing Consultative Commission and in diplomatic channels.

The U.S., in contrast, has formally accused the Soviets of only seven SALT and other arms control treaty violations.

But none of the Soviet charges against the U.S. stand up even upon cursory examination. Moreover, the U.S. has furnished the Soviet side with photographs, classified data, and extensive explanations of the U.S. actions, including diminishing and even entirely suspending some of the U.S. actions questioned by the Soviets.

The U.S. charges against the Soviets, however, can be demonstrated with hard and often conclusive evidence. Soviet explanations have been incomplete, and often grossly misleading. And the Soviets have refused to stop their most flagrant SALT violations.

The U.S. State Department immediately responded to the Soviet charges by saying:

"We are disappointed with the initial Soviet response to expressed U.S. concerns regarding Soviet arms control noncompliance * * * regrettably [the USSR] has responded initially not by treating the issue seriously, but by dusting off a familiar list of spurious counter-charges. The Soviet charges of U.S. arms control violations are baseless."

It should be noted that there are Constitutional checks and balances and separations of powers which strongly militate against U.S. arms control treaty violations. The U.S. Congress, and national and world public opinion would not tolerate U.S. arms control treaty violations. Congress would instantly expose them, and funds for such violations plans would not be authorized or appropriated. We have examples of how the SALT II Treaty has already constrained U.S. strategic forces in over nine ways, even though it is an unratified treaty.

The Soviets said in their Aide Memoire:

"As to attempts of the American side to cast aspersions on the USSR's honest and responsible approach to the fulfillment of its commitments, they are untenable and can be qualified as being openly directed at worsening Soviet-American relations."

The Soviets added that:

"We are speaking about very important things and first of all about trust."

The question of "trust" in U.S.-Soviet arms control negotiations has a long and very controversial history. The Soviets have had the gall to claim frequently that the U.S. should "trust" the Soviets to comply with SALT agreements, and in the several cases, to even wrongly accuse the U.S. of a SALT violation.

Both the SALT I ABM Treaty and the SALT I Interim Agreement on Strategic Offensive Arms explicitly stated in their preambles that their purpose included the "strengthening of 'trust' between states." Dr. Kissinger also emphasized several times in May and June of 1972 that SALT I was supposed to strengthen U.S.-Soviet "trust." The Soviets themselves have also stated that trust was important in SALT:

"The SALT II agreement presupposes mutual trust and the creation of an atmosphere of good will which would promote the improvement of relations between the USSR and the United States." (emphasis added)

"Trust" was therefore an important concept in SALT. However, published analyses of Soviet negotiating deception at the Moscow Summit in May 1972, together with the massive Soviet camouflage and concealment effort since 1972, and the Soviet record of non-compliance with important provisions of SALT I and SALT II, cast certain doubt on the Soviet concept of "trust" and "good faith" in the SALT negotiations.

In fact, the Carter Administration was ambivalent about trust in SALT. In the State Department SALT Compliance White Paper released in 1978, the Carter Administration contradicted itself on the issue of "trust." On page 8 the document stated:

"* * * confidence and trust * * * are important to mutual efforts to establish and maintain strategic arms limitations."

Five pages later the same document stated:

"* * * The United States does not rely on trust, on Soviet intentions * * * in assessing whether verification of SALT agreement is adequate."

Probably because the Carter Administration did not want to admit the fact that there was substantial evidence of Soviet deception and bad faith in SALT negotiating and compliance, the preamble to the SALT II Treaty contained absolutely no reference at all to "trust." This omission is remarkable, and should raise important questions about whether "trust" is possible in arms control.

It should be noted that the USSR has definitely accused the U.S. of deliberate concealment which interferes with Soviet National Technical Means of SALT verification. This is tantamount to a Soviet charge of U.S. SALT violation. In contrast, the Soviets have engaged in a constantly expanding pattern of camouflage, concealment and deception (CCD) since SALT I was signed in 1972. The Soviet concealment program is huge and deliberatel;y impedes U.S. verification. Thus it is a fact that the Soviets have accused the U.S. of a camouflage and concealment violation, when the U.S. has demurred from similarly accusing the Soviets. Nevertheless, it is the Soviets which have a continuously expanding and large-scale pattern of CCD.

In fact, there are over 40 Soviet SALT and other arms control treaty violations, compared to only 20 alledged U.S. violations, as claimed by the Soviets. But the Soviets have also violated virtually every treaty they have signed since 1917, over 50, according to official U.S. government sources.

B. THE SOVIET CHARGES AND U.S. RESPONSES

1. Soviet charge: The U.S. is aiming at "achieving military superiority" in violation of the 1972 Agreement on the Basic Principles of U.S. Soviet Relations, which calls for "equality, equal security, and no unilateral advantages." This Agreement is mentioned in the Preamble to the SALT II Treaty.

U.S. response: State Department reply: "The U.S. does not seek military superiority over the USSR." The U.S. seeks "equal levels of forces on both sides," consistent with the Jackson amendment to SALT I.

2. Soviet charge: "U.S. has disorganized the process of limiting armaments." by failing to continue negotiations on a Comprehensive Nuclear Test Ban Treaty, an Indian Ocean Demilitarization Treaty, and an Antisatellite weapons treaty.

U.S. response: The U.S. has suspended negotiations on a Comprehensive Nuclear Weapons Test Ban Treaty pending Soviet agreement to effective verification procedures on the unratified Thresh-hold Test Ban Treaty in effect on both sides. The U.S.-Soviet negotiations on armaments in the Indian Ocean were not resumed by the U.S. because the Iranian Hostage Crisis demonstrated the U.S. need to deploy forces in the Indian Ocean. The U.S. did not resume Anti-Satellite weapons Treaty negotiations because the U.S. is still trying to devise a proposal that would be effectively verifiable.

3. Soviet charge: "The U.S. did not fulfill the [SALT II] provision concerning the working out of mutually acceptable solutions in respect of a certain category of strategic arms, * * * long-range sea- and land-based cruise missiles."

U.S. response: "The only provision of SALT II which would have applied to LRINF systems was contained in its Protocol. This limited deployment until December 31, 1981, of cruise missiles capable of a range in excess of 600 kilometers on sea-based or on land-based launchers. That provision would have expired in 1981, however, even if SALT II had been ratified. Moreover, "In signing SALT II, the U.S. stated explicitly that any future limitations on U.S. systems principally designed for theatre missions would have to be accompanied by appropriate limits on Soviet theater systems like the SS-20."

4. Soviet charge: "The American side violated the provisions of the SALT II treaty prohibiting circumvention of the Treaty through any other state or states."

U.S. response: "The U.S. made clear to the Soviets during the SALT II negotiations, and subsequently stated publicly following signature of the Treaty, that the SALT II noncircumvention provision would not alter existing patterns of cooperation with our allies or preclude transfer of systems and weapons technology." Thus the U.S. explicitly preserved the right to legally deploy Euromissiles in NATO upon NATO request.

5. Soviet charge: "The U.S. has introduced the practice of using shelters over ICBM launchers * * * for a long time, the American side refrained from stopping the use of shelters. As it transpired later, this was done to conceal work to refit these launchers. Since the thus refitted launchers of the 'Minuteman II' missiles do not differ in practical terms from the launchers of the 'Minuteman III' missiles, it can be conjectured that it is MIRVed 'Minuteman III' missiles that are really deployed in those silos. If that is so, the outright and arrogant failure of the U.S. to observe the provisions of the interim agreement on verification means at the same time also failure to honor one of the main commitments under the SALT II Treaty on limiting the number of intercontinental ballistic missiles armed with multiple independently targeted reentry vehicles."

U.S. Response: "During initial Minuteman construction, as well as the Minuteman silo upgrade program during the mid-70's environmental shelters were employed to protect construction at the launchers from the weather. The facts concerning the activities being carried out at the launchers were provided and explained in full detail to the Soviets, and were also available in the public domain. In response to Soviet expressions of concern, the shelters were modified, and their use was discontinued after the completion of the Minuteman silo upgrade program in early 1979.

In the case of the Titan II silo, a cover was used to protect it from the weather during repair work on damage due to an accident. It was specifically designed to avoid any impediment to NTM, and was removed promptly after the need for it ended. The Soviets have been fully aware of these facts for several years.

The Minuteman II silos were not converted to Minuteman III launchers. The Soviets have been informed that any launchers of Minuteman II ICBMs converted to launchers of Minuteman III ICBMs would be made distinguishable on the basis of externally observable design features, as required by the SALT II Treaty. In the course of the SALT II negotiations the U.S. had 550 Minuteman III ICBMs, as is well known."

In fact, the only U.S. missile which would fit into the Minuteman II silo is the Minuteman III. The U.S. Titan II would clearly not fit. The Soviets know this. They also know that the U.S. had no new missile under flight-testing in the 1970's which could fit into Minuteman silos. The Soviets also know that there were only about 100 Minuteman III MIRVED ICBMs which could have been retrofitted into Minuteman II silos. While the Soviets also know that the U.S. Congress authorized the deployment of 50 to 100 Minuteman III ICBMs into Minuteman II silos in FY 1981 and FY 1982, such deployment did not occur, because funds were not appropriated or reprogramed.

6. Soviet charge: The U.S. intends "to create two types of intercontinental ballistic missiles—the MX and the 'Midgetman'." This "does not accord with the tasks of limiting strategic arms that have found reflection in attained agreements."

The U.S. State Department response stated:

"Under the provisions of the SALT II Treaty the Parties undertake not to flight-test or deploy more than one new type ICBM per side; the Treaty does not prohibit research and development prior to flight-testing. The U.S. has declared the MX Peacekeeper to be its one allowed new type ICBM. The planned new U.S. small ICBM is still on the drawing board, thus, it is not constrained by SALT II provisions since it will not be ready for flight-testing until after December 31, 1985, when the SALT II Treaty would have expired."

In fact, the U.S. "Midgetman" ICBM will not even be first flight-tested until, at the earliest, 1989, over four years after the expiration of SALT II. In contrast, the Soviet SS-X-25, a Midgetman equivalent, began

flight-testing in February, 1983, well before SALT II expired.

7. Soviet charge: "Clearly in contradiction with the commitments under the [SALT I ABM] Treaty, the U.S. have deployed a big radar station on Shemya Island, the construction of which entailed the utilization of radar system elements tested for ABM purposes."

U.S. response: "There is no merit whatsoever in these charges. The Shemya Island radar in the Aleutians is for national technical means of verification."

The March 1978 Carter Administration White Paper stated further: "The U.S. side discussed this matter with the Soviets and as a result, we believe, eliminated any concern about possible inconsistency with the provisions of the ABM Treaty."

8. Soviet charge: "Contrary to the ABM Treaty commitment not to deploy systems for the antiballistic missile defense of the territory of the country and not to create a foundation for such defense, new Pave Paws' radars * * * can serve as a basis for providing radar backing for the ABM defense of the territory of the U.S."

U.S. response: "There is no merit whatsoever in these charges * * * The Pave Paws radars are [legal] Ballistic Missile Early Warning [BMEW] radars [legally] located on the periphery of national territory and oriented outward, as specifically permitted by the [ABM] Treaty."

9. Soviet charge: "shelters were used over antimissile launcher silos."

U.S. response: "The U.S. has conducted all its research activities consistent with the provisions of the ABM Treaty."

The Soviets may have been referring to the U.S. dismantling of the second U.S. ABM complex at the Malmstrom Air Force Base, under the agreed procedures of 1974. The March, 1978 Carter Administration White Paper stated on this subject: "We reviewed with the Soviet side the actions taken by the U.S. to dismantle the Malmstrom site and also showed them [the Soviets] *some photographs* of the before and after conditions there. The question was apparently resolved on the basis of that discussion." (Emphasis added.)

The Soviets have reportedly never given the U.S. photographs of their own questioned strategic systems.

10. Soviet charge: "Work is being conducted to create mobile ABM radar systems."

U.S. response: "The U.S. has conducted all its research activities consistent with the provisions of the ABM Treaty. No mobile ABM radars . . . are under development."

11. Soviet charge: "Work is being conducted to create * * * space based ABM systems."

U.S. response: "The U.S. has conducted all its research activities consistent with the provisions of the ABM Treaty * * *"

"The ABM Treaty does not prohibit research, and both sides have had research programs since the signing of the Treaty. Soviet research and development efforts in the ABM field have been continuous and more extensive than our own. Our program calls only for enhanced research in this area. The President stated in his March 23, 1983, speech that U.S. activities in this area would be consistent with U.S. treaty obligations."

In fact, current U.S. conventional ABM R & D has been greatly scaled down as a result of the ABM Treaty, for over 10 years. Moreover, it has always been designed to become operational only 10 to 20 years into the future, in order to comply fully with the ABM Treaty. Similarly, the U.S. "Star-Wars" space-based ABM defense concept is an R & D project possibly resulting in an operational system more than 20 years into the future, in full compliance with the ABM Treaty.

12. Soviet charge: "The Minuteman I ICBMs are being tested to give such missiles anti-missile capabilities."

U.S. response: "These tests were part of a research program conducted in full conformity with the ABM Treaty. The tests involved stages of the Minuteman I missile, but not the whole missile. The Minuteman I ICBM is no longer deployed by the U.S." This is confirmed by the U.S. SALT II Data Exchange Statement as early as 1979.

13. Soviet charge: "Multiple warheads are being developed for ABM missiles."

U.S. response: "The U.S. has conducted all its research activities consistent with the provisions of the ABM Treaty. No * * * MIRVed ABM interceptor missiles are under development."

14. Soviet charge: "It was exactly plans to create such a large-scale ABM system that were officially announced by the American side in March, 1983."

U.S. response: The ABM Treaty does not prohibit research, and both sides have had research programs since the signing of the Treaty. Soviet research and development efforts in the ABM field have been continuous and more extensive than our own. Our program calls only for enhanced research in this area. The President stated in his March 23, 1983, speech that U.S. activities in this area would be consistent with U.S. treaty obligations."

15. Soviet charge: "The American side systematically violates the agreed upon principle of observing the confidentiality of the discussion of questions connected with the fulfillment of commitments on the limitations of strategic arms."

U.S. response: "The U.S. continues properly to discharge its obligations and responsibilities under the Regulations of the Standing Consultative Commission. The U.S. Government is not making public the proceedings of the Commission. The appearance of stories in the press about the SCC and possible subjects under discussion there does not reflect a change in that policy."

The March 1978 Carter Administration White Paper added further: "We have discussed with the Soviets the usefulness of maintaining the privacy of our negotiations and discussions and limiting speculation in the public media on SCC proceedings, *as well as the need to keep the public adequately informed.*" (Emphasis added.)

16. Soviet charge: "According to data in the possession of the Soviet side, there have been repeated instances of the American side exceeding the imposed ceiling on the yield of the tested nuclear devices."

U.S. response: "Since the effective date of the TTBT and PNET Treaties, the U.S. has conducted no nuclear tests having yields which exceeded the 150 kiloton threshold of these treaties." This is a true statement.

17. Soviet charge: "The Soviet side has approached the U.S. also about instances of the ejection of radioactive substances beyond the national territory of the U.S. * * * a violation of the 1963 treaty * * *"

U.S. response: "Both the U.S. and USSR have encountered some difficulty in totally containing all their underground nuclear tests. The U.S., however, has had only a few problems in the past with the venting of radioactive debris from underground tests at the Nevada Test site. As more experience was gained with the containment of underground tests, venting from U.S. tests became even more rare. Over the past decade there has been only one incident of local and minor venting. The Soviets had not raised their concerns about U.S. venting with us since 1976, until the latest reference to it."

18. Soviet charge: "The U.S. is accelerating the production of toxic chemical agents of a new generation (binary ones)."

U.S. response: "The U.S. is committed to the elimination of all CW and to the conclusion of a complete, effective, and verifiable global CW ban. This commitment and U.S. efforts to promote genuine progress toward as ban in the CD negotiations are widely recognized and supported by the members of the CD and the international community. It is the USSR which must take concrete steps to convince the world that it is truly serious about CW arms control by working with the U.S. and the CD to develop effective and mutually acceptable approaches to banning CW worldwide."

19. Soviet charge: "The U.S. * * * in recent years * * * carried out a whole number of actions that brought about a drastic growth in the military danger in Europe (which) undermine the process of strengthening security in Europe, the mainstays of which were laid by the Helsinki Final Act."

U.S. response: "The United States is in compliance with all the undertakings, human rights as well as security, contained in the Helsinki Final Act. Our military activities are completely in accordance with the provisions of the Final Act.

We and our allies notify all exercises which exceed the threshold of 25,000 troops established by the Final Act, and often notify smaller-scale military maneuvers, as a voluntary effort to strengthen mutual confidence.

We regret that the Soviet Union has not always reciprocated. Not only have the Warsaw Pact nations generally declined to provide voluntary notification of any exercise which did not reach the 25,000 troop threshold, as the President's report to Congress on compliance indicated, but the Soviet Union, in a clearcut failure to comply with the Final Act, failed adequately to notify the exercise Zapad 81, which involved some 100,000 troops.

The Soviet accusation's lack of substance is demonstrated by the fact that the Soviet Union has never formally approached the U.S. concerning possible U.S. failures to comply with the security provisions of the Final Act. Only in response to U.S. concerns about Soviet compliance with arms control agreements has the Soviet Union seen fit to lodge these unsubstantiated charges."

20. Soviet charge: "Neither does the above-mentioned line tally with the commitments of the U.S. under Article 6 of the Nuclear-Nonproliferation Treaty."

U.S. response: "U.S. arms control policy is fully consistent with the NPT Article VI requirement that parties to the Treaty pursue negotiations in good faith on effective arms control measures. U.S. proposals in the START, INF, and MBFR talks, and in other fora, embody the U.S. commitment to pursuing effective arms control. The Soviets should ask themselves whether their walkout from the INF talks, and their refusal to set a date for resumption of START talks, are consistent with the NPT's obligation."

SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS

Mr. PELL. Mr. President, in connection with Soviet violations of arms control agreements, I submit for the RECORD a memorandum providing an analysis of compliance issues.

The memorandum follows:

MEMORANDUM: ANALYSIS OF COMPLIANCE ISSUES

Charge No. 1. "Repeated Violations" of the Geneva Protocol of 1925, the 1972 Biological Weapons Convention, and Related International Obligations

Issue: The Administration believes that the Soviets have violated the Geneva Protocol, the Biological Weapons Convention, and related customary international law through developing and maintaining an offensive biological warfare capability and by actually using or supplying for use chemical weapons and biological toxins in Afghanistan, Laos and Kampuchea.

Commitment: The Geneva Protocol prohibits "the use in war of asphyxiating, poisonous or other gases and of all analogous . . . material", as well as "the use of bacteriological methods of warfare." It seems indubitable that the Soviets or their allies have used chemical agents in Afghanistan, Laos and Kampuchea. But there is no definite proof that these agents have included those outlawed by the Geneva Protocol, which is understood not to cover riot-control agents such as tear gas and certain other agents used against people or the natural environment, such as herbicides.

While many experts have concluded that biological toxins and/or other lethal chemicals have probably been used in these areas, there is significantly disagreement within the scientific community on this point. A sizeable body of doubters exist who believe that Yellow Rain and other phenomena described by the Administration's sources can be explained by natural causes, or at least that such causality cannot at present be ruled out. Yet to date the Administration has not undertaken systematic studies in affected areas to rule out such alternative explanations. Furthermore, the physical evidence that has been collected thus far is sketchy. Few samples of contaminated substances have been retrieved from the environment, and the characteristics of these are such as to suggest alternative explanations. Blood and tissue samples have been obtained, but the nature of the evidence and the lack of satisfactory controls also leave open the possibility of exposure to toxic agents from other sources.

The Biological Weapons Convention obligated parties not to develop, produce, stockpile or acquire biological agents or toxins "of types and in quantities that have no justification for prophylactic, protective, and other peaceful purposes," and to destroy existing stocks. Aside from the possible use of biological agents in the manner described, the Administration has cited little hard evidence concerning the maintenance by the Soviets of a specifically biological (germ) or toxin stockpile. Retention of lethal or other chemical weapons is not outlawed by the Geneva Protocol as such, unless they are also used. The U.S. and our NATO allies maintain such stockpiles, and in fact have proposed to modernize them.

Aside from certain indications that the Soviets have continued to develop biological weapons, including toxins, the primary evidence of such Soviet conduct is the incident which occurred in Sverdlovsk in 1979. An epidemic of Anthrax apparently broke out in that area after an explosion or other incident in a nearby military facility. Discussions concerning a total ban on the development, production, and stockpiling of chemical agents were broken off in 1980 following revelation of the Sverdlovsk episode. The Soviets have continued to maintain that the events in Sverdlovsk resulted from food contamination by naturally-occurring Anthrax.

Discussion: Although many experts believe that toxins and/or other lethal chemicals probably were used in Laos and Kampuchea, there remains a sizeable body of doubters, who believe that so called Yellow Rain could have been a natural phenomenon, that there has been insufficient testing of food for toxins, and that physical evidence is not convincing. Even if lethal toxins and chemicals have been used, evidence of direct Soviet involvement has not been available. Nonetheless, Soviet interference with a United Nations investigation and general Soviet unwillingness to discuss the matter have led to conclude that they must be guilty.

It seems certain that the Soviets have used non-lethal and/or lethal chemical agents in Afghanistan, but there is only one bit of evidence, a contaminated gas mask bought in Kabul, to point to the use of toxins.

At present, there is no ban on the development, production or stockpiling of chemical agents. However, the Aministration has indicated that it will table a draft treaty at the Conference on Disarmament in Geneva. The Carter Administration had discussed such a ban, but broke off discussions in 1980 following the 1979 incident at Sverdlovsk, which apparently led to the death and illness of hundreds of Soviet citizens because of pulmonary anthrax.

Charge No. 2—"The Soviets have violated a 1975 political commitment"

Issue: The Administration believes that the Soviets have "violated" their commitment under the 1975 Helsinki Final Act to notify participating states of major maneuvers involving more than 25,000 troops.

Commitment: Notification is required in the case of major military maneuvers exceeding a total of 25,000 troops, independently or combined with any possible air or naval components. Notification is called for when major maneuvers take place on the territory, in Europe, of a participating state, as well as, if applicable, in the adjoining sea area and air space. Notification is expected 21 days in advance or, in the case of a maneuver arranged in a shorter time, at the earliest possible opportunity. In addition, states holding major meneuvers are expected to invite outside observers. These commitments are considered voluntary and not legally binding.

Discussion: In 1981, the Soviets notified the parties, 21 days ahead of time, that they would hold an exercise called ZAPAD-81. They did not provide required information on the number of troops, on the maneuver's designation or on the types of forces engaged. The State Department protested. There have been several other instances in which the Administration believes that the Soviets should have been more open to observers and should have given better notification.

Soviet compliance has improved in 1983. In Stockholm last week, delegations were exploring ways to get improved and more extensive notification.

Charge No. 3—New Radar Under Construction Constitutes ABM Treaty Violation. Issue: The Soviet Union is building a large phased-array radar near Krasnoyarsk in central Siberia. Because such radars have arguably an intrinsic, ABM battle management capability, the question arises of whether the radar itself, regardless of its location, is a violation of the ABM treaty. Futher, even if the Krasnoyarsk radar were only intended as an early warning radar, its location and orientation do not appear to be consistent with the ABM treaty. The question is whether its location and orientation are consistent with the requirements of the 1972 ABM Treaty.

Commitment: Since the radar being built is of the large phased array type, it is governed by certain rules set forth in Articles III, IV, and VI in the ABM Treaty, as well as Agreed Statement F. These rules prohibit the deployment of such radars with five exceptions: radars at specified ABM sites, radars at ABM test ranges, radars for early warning purposes only "along the periphery of its (each nations') national territory and oriented outward," radars to track objects in outer space, and radars for national technical means of verification. These rules were established to preclude development of either a nationwide ABM defense or a point defense of areas outside the two complexes allowed by the treaty (subsequently reduced to one complex in the 1974 protocol).

Discussion: At worst, this radar could provide the beginning of a system substantially broadening ABM protection of the Soviet Union, if coupled with additional radar and the necessary mobile ABM missile launcher, which would be built clandestinely and placed to protect missiles as nuclear war loomed. If used as an ABM radar when completed several years hence, it could conceivably provide radar coverage for perhaps 120 of the Soviet fleet of 1400 ICBMs.

The Soviets claim publicly that the radar is for tracking satellites and is, thus permitted.

Many critics are disturbed that the Soviets never mentioned this project, at appropriate times, such as at SCC discussions of other Soviet LPAR's, much less sought U.S. approval. They simply waited for this project to be discovered. It was not likely to be missed, since it is about the size of the U.S. Capitol.

In previous years, the Soviet Union has raised questions about U.S. phased array radars. In 1975, they questioned whether a new radar at Shemya Island, Alaska, was part of an ABM system. The U.S. said it was for national technical means, space tracking and early warning. The Soviets were apparently satisfied. In 1978, they first asked whether the new PAVE PAWS radars in California and Massachusetts were consistent with the Article VI rules on early warning radars. The U.S. is now building two new PAVE PAWS radars in Texas and Georgia, which are not exclusively oriented outward, as is required for early warning radars.

It has long been recognized that such phased array radars are invaluable for space-tracking and verification work. However, in my judgment of U.S. government analysts, this particular radar is not so located or oriented that it will be able to make any meaningful contribution to space tracking of either current Soviet space missions or space missions of other countries.

Technically, if the Soviet Union simply asserts that the Krasnoyarsk radar is not a ballistic missile detection or tracking radar, the U.S. has little recourse under the ABM treaty because of a loophole or ambiguity in the treaty. The ABM treaty contains no

type rules such as those in the SALT II text. A relevant type rule would assert that any radar of a type developed or tested in an ABM or early warning role would be considered an ABM or early warning radar. Unfortunately the ABM treaty has no such type rules.

Some Administration officials have suggested that, in order to avoid future apprehension and concerns about cheating, the two sides should try to work out a common agreement in the SCC as to what will and will not be acceptable in regard to large phased-array radars.

Charge No. 4—Telemetery Encryption of Test Data Violates Legal Obligations and Political Commitments.

Issue: When the United States and the Soviet Union test missiles, information on performance is transmitted to ground monitoring stations by telemetery. This monitoring allows the side testing to know just what is happening at each stage in engineering parameters of the test up to completion or failure. In order to verify compliance, the other party tries to monitor the telemetery.

The Soviet Union has over the past decade encrypted increasingly high levels of telemetry from tests of strategic weapons systems covered by SALT II. Current test programs for the SS-X-24 and 25 ICBM programs and the SS-X-20 and 23 SLBM programs contain especially high levels of telemetery encryption.

The Administration charges that Soviet encryption before 1981, was a violation of legal obligation. Activities after 1981, when Secretary Haig declared SALT II "dead", are considered violations of political commitments. The Administration objects both to the nature and extent of encryption on new missiles.

Commitment: Article XV, Paragraph 3, of the SALT II Treaty specifies: "Each party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this treaty."

According to the Second Common Understanding: Each party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that . . . neither party shall engage in deliberate denial of telemetric information, such as through the use of telemetry encryption, whenever such denial impeded verification of compliance with the provisions of the Treaty.

In SALT II, the parties agreed not to engage in deliberate denial of telemetric information, including encryption, whenever such denial would impede verification. This approach was taken to allow each side to encrypt or otherwise deny information not necessary for verification, but useful in assessing military capabilities of the weapons.

Discussion: There is little doubt among sepcialists that increasing Soviet encryption has "impeded" verification. It has contributed to uncertainties about certain characteristics of Soviet missiles. However, the United States has means other than telemetry to acquire information on tested missiles. As a result, it is questionable whether the Soviets will gain some meaningful strategic edge from encryption.

Nonetheless, encryption is extremely bothersome. If the matter is unresolved, uncertainties about compliance could compound. In addition, Soviet success in getting away with excessive encryption could encourage them in other efforts to deny information. Verification of American compliance has never been a particular problem for them, since we are an open society. Because so much less is freely available from the Soviet Union, telemetric information from tests assumes a greater importance.

Thus, even if we were to emulate them and encrypt at a high level, it would matter far less to them than to us.

So far, there is no evidence of progress in resolving this problem, although it has been discussed in the SCC. A serious weakness to U.S. complaints about Soviet encryption practices, of course, is the non-ratification of SALT II. As a result, the United States is on shaky ground insisting on full compliance, when neither side has promised to do more than "not undercut" the treaty.

This problem has particular significance since some believe that the Soviets may have based their decision to encrypt heavily upon a conclusion that the United States should pay a price for failure to ratify. Nonetheless, it might be possible to resolve this matter in the SCC, given a U.S. persistence in explaining, without risking intelligence sources and methods, the telemetry which it requires and a Soviet interest in proving its sincerity about arms control.

Charge No. 5—The Soviet SS-X-25 is a "probable violation" a Soviet political commitment to SALT II.

Issue: In October, 1982, the Soviets began testing a new, solid-fueled ICBM with multiple warheads, the SS-X-24. Under SALT II, each side is allowed to have one new MIRVed ICBM. With no more than 10 warheads and a launch-weight and throw-weight less than that of the largest "light" ICBM as of SALT II, the Soviet SS-19. The U.S. MX and Soviet SS-X-24 meet these criteria. Subsequently, the Soviets informed the U.S. that the SS-X-24 would be their allowed new type.

In February, 1983, they began testing another ICBM with a single warhead, the PL-5 or SS-X-25. The Administration fears that the SS-X-25 may be a second new type, although the evidence is "somewhat ambiguous." Accordingly, the Administration believes that the SS-X-25 is a probable violation of a "political commitment to the new types limited."

In addition, even if the SS-X-25 is not a new type, the Administration argues the Soviets would have violated a political commitment related to the ratio between warhead-weight and throw-weight of certain missile systems.

Commitment: Under Article IV, paragraph 9, of SALT II, "Each party undertakes not to flight-test or deploy new types of ICBM's, that is, types of ICBMs not flight-tested as of May 1, 1979, except that each party may flight-test and deploy one new type of light ICBM." In the Third Agreed Statement under Paragraph 10, Article IV, each Party agreed "not to flight-test or deploy ICBMs equipped with a single reentry vehicle and with an appropriate device for targeting a reentry vehicle, of a type flight-tested as of May 1, 1979, with a reentry vehicle the weight of which is less than fifty percent of the throw-weight of that ICBM."

Discussion: The Soviets claim that the SS-X-25 is an allowed modification of the SS-13. Under SALT II, changes in length, diameter, throw-weight and launch-weight are allowed in existing missile types, so long as those changes do not exceed five percent. In effect, the prohibition is more a constraint on missile designers than it is a ban on new missiles. Thus, even if the SS-X-25 is essentially brand new, it would be an allowed new type under SALT II, if the stated measures do not vary by more than five percent.

U.S. persistence in explaining, without risking intelligence sources and methods, the telemetry which it requires and a Soviet interest in proving its sincerity about arms control.

Even if the SS-X-25 does not violate the "new type" rule, the Administration believes a violation of political commitment has occurred since the warhead weight was measured at less than 50 percent of throw-weight on the one test for which data is available. The rule on warhead weight is intended to prevent MIRVing of a purportedly single-warhead missile.

However, partially because of encryption, there is some ambiguity about whether the RV to throw-weight ratio of an operational SS-X-25 might, in fact, be over 50 percent.

The issue is very complex, and analysts remain uncertain about whether the U.S. and U.S.S.R. even agree on the definition of such terms as throw weight and launch weight.

Because the SALT II protocol has expired, there is no longer a prohibition on the deployment of mobile missiles. As a single-warhead missile, the SS-X-25 could be deployed as a mobile missile and as an addition to present Soviet forces. This is the first such weapon that legitimately falls into that category (as opposed to the SS-16). Ironically, it was the Soviets, not the U.S. which wanted the Protocol extended because of its controls on cruise missiles. In the end, if the SS-X-25 becomes a significant issue, it will be not only because of possible treaty violations, but also because Soviets will have outpaced the U.S. substantially in the deployment of mobile ICBMs. This situation could arise because the constraints on the deployment of mobile ICBMs will have lapsed because SALT II was first left unratified, then repudiated by the Administration.

The United States intends to deploy its own single-warhead missile, but it may be years behind the Soviets in moving in that direction. Such actions by both sides would be more stabilizing if such weapons replace more threatening weapons as part of a reductions process. The reverse could be true if new weapons were simply additions to already threatening arsenals.

Charge No. 6—"Probable Violation" of Ban on SS-16 Missiles

Issue: The Soviets have had a number of SS-16 mobile missiles at their Plesetsk test range since before SALT II was signed. The Administration reports it cannot reach a "definitive conclusion" on whether some SS-16s could be considered deployed. On the basis of "somewhat ambiguous" evidence, the Administration concludes that there is a "probable violation" of a legal obligation before 1981 and of a political commitment after that. The issue is whether a significant number of SS-16s could be mated with mobile launchers and other equipment in a short time be operational and pose a threat to the United States at a time of nuclear crisis. In terms of the SALT II text, the issue is whether SS-16 related activities at Plesetsk constitute deployment.

Commitment: According to the Common Understanding under Paragraph 8 of Article 4 of SALT II, the Soviets pledge that they will not "produce, test, or deploy" SS-16 missiles during the term of the Treaty. There is no requirement that SS-16s already produced be dismantled. Moreover, there is no firm agreement between the sides on a satisfactory definition of "deployment", nor agreement in the the U.S. government on when the line from simple possession to deployment is crossed.

Discussion: The Soviets have given no particular evidence of interest in the SS-16 since 1979, when SALT II was signed. The missile has not been tested since well before SALT II was signed. However, the Soviets do still maintain the SS-16s and equipment that they had before SALT II. Little has apparently changed since then.

If SALT II were in force and the two sides were cooperating, it might be useful to ask the Soviets to go beyond their SALT commitment and actually dismantle SS-16s.

Charge No. 7—Soviet Activities Are "Likely Violation" of Threshold Test Ban Treaty

Background: In 1974, President Nixion agreed with the Soviets to limit underground nuclear tests to a level of 150 kilotons in the Threshold Test Ban Treaty. That accord was not sent to the Senate pending negotiation of a companion treaty to limit peaceful nuclear explosions.

The companion accord was agreed to by President Ford in 1976, and the Threshold Test Ban and Peaceful Nuclear Explosions Treaties were sent to the Senate in July, 1976. The SFRC held hearings in 1977, but did not vote upon the treaties in 1978, when it became clear that the Carter Administration attached higher priority to the negotiation of a Comprehensive Test Ban.

After review, the Reagan Administration decided in 1982 that it wanted expanded verification provisions in the two treaties and would not seek Senate consent to ratification until the Soviets agreed. The Soviets maintain that the changes of data and other steps that would occur if the treaties were ratified would suffice for verification purposes and that they will only discuss verification changes after ratification. Matters are at standoff.

Concern: While the treaties have languished, both sides have conducted vigorous testing programs ostensibly within the 150 kilotons ceiling which both sides have pledged to respect. Seismological measurements indicate that a fraction of the Soviet tests may have had yields above 150 kilotons. However, because of uncertainties in calculating yields, scientists are sharply divided over whether the results indicate clearly that the Soviets have cheated. Some believe that the Soviet testing program is consistent with a policy of adherence to the 150 kiloton ceiling. Others believe that at least several tests may have been somewhat above that level.

Adding to the confusion is continued uncertainty as to the accuracy of our measurement techniques. In recent years, some studies have shown a probable over-estimation of Soviet yields, although not enough to resolve to everyone's satisfaction questions about Soviet compliance. Thus, while charging a "likely violation" of legal obligations under the TTBT the Administration admits the evidence is ambiguous.

Commitment: Under the TTBT, the two sides obligate themselves to a testing ceiling of 150 kilotons. The two sides agreed that one or two breaches of that ceiling a year would not be considered violations. The PNET contains provisions designed to ensure that neither side uses so-called peaceful explosions to get out around the TTBT ceiling.

Discussion: The TTBT includes a protocol providing for the exchange of information on geographical boundaries and on the geology of test areas and the provision of precise coordinates of tests to help in locating the shots and assessing yields.

Data is also to be provided on a certain number of tests for calibration purposes. The PNET provides for extensive exchanges of information before and after each explosion. In addition, in instances of multiple explosions with an aggregate yield above 150 kilotons, there are provisions for on-site inspection. Some discount the value of exchanges of information under the TTBT on the theory that the Soviets would lie. For those and others, however, the more detailed and complete information called for under the PNET seems to have definite value, even if the Soviets tried to mislead.

It is arguable how much, if anything, the Soviets may have gained from any testing above the ceiling. Certainly, no breaches are likely to have been large enough to allow the Soviets any sort of testing the U.S. would not be permitted because of adherence to the treaty. The U.S. has tested adequately all of the weapons in its nuclear arsenal. Senior U.S. military leaders have testified that there is no reason to resume high-yield testing.

It is useful to recall that one of the main reasons for negotiating the 150 kiloton ceiling was to deny the Soviets the opportunity to exploit their greater ability to conduct high yield tssts. Because they have remote test areas, they would be able to test in the multi-megation range if unconstrained by the TTBT and PNET, whereas U.S. tests at the Nevada Test Site which approached a megation would pose serious threat of death, injury and structural damage in Las Vegas.

The PRESIDING OFFICER (Mrs. HAWKINS). The majority leader is recognized.

CLOSED SESSION

Mr. BAKER. Madam President, under the order previously entered, in a few moments the Senate will go into closed session. It is anticipated that shortly after we go into closed session the leadership may ask the Senate to recess so that the Members may, if they wish, receive a briefing on S. 407.

I hope that when we return we are able to get on with the crime package and particularly the amendment at hand.

I have discussed in a preliminary way certain arrangements to produce a vote on those amendments shortly after we return. We do not yet have a reply from the distinguished minority leader on his side but I hope we will be able to make an announcement or a request in that respect shortly after we return from the briefing.

I have attempted to ascertain how long the briefing might take, and it is difficult to ascertain because we do not know how many Members are going to attend or how many questions they will ask, but just for the sake of planning, I guess that we may be in the position to get back to the crime package around 3 p.m.

PRIVILEGE OF THE FLOOR

Mr. BAKER. Madam President, I ask unanimous consent that during the closed session of the Senate this afternoon, the following individuals be permitted the privilege of the floor:

SENATE SELECT COMMITTEE ON INTELLIGENCE

Robert R. Simmons, staff director.

Gary Schmitt, minority staff director.

Mike Mattingly, professional staff member.

Thomas Blau, professional staff member.

Thomas Connolly, professional staff member.

Eugene Iwanciw, professional staff member.

Ed Levine, professional staff member.

Joe Mayer, professional staff member.

Eric Newsom, professional staff member.

Angelo Codevilla, professional staff member.

Lot H. Cooke, assistant security director.

John Elliff, professional staff member.

Senator BAKER, G. C. Montgomery.

Senator BYRD, Dick D'Amato, Mike Epstein.

Senate Armed Services Committee, Doug Graham, Arnold Punaro.

Senate Foreign Relations Committee, Geryld Christianson, Carl Ford, Hans Bennendijk, Bob Bell.

Official reporter, Ron Kavulick, C. J. Reynolds, Fran Garro.

Office of the Secretary, George F. Murphy, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, it is 1 minute until 2, and I wonder if the Chair would be inclined the last of that 1 minute and place the Senate in closed session.

CLOSED SESSION

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, the Chair, pursuant to rule XXXV, now directs the Sergeant-at-Arms to clear the galleries, close all doors of the Chamber, and exclude from the Chamber and the immediate corridors all employees and officials of the Senate who under the rule are not eligible to attend the closed session and who are not sworn to secrecy.

(At 2 p.m. the doors of the Chamber were closed.)

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I see no other Senator seeking recognition in closed session. I move the Senate now return to open session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

(Thereupon, at 3:40 p.m., the doors of the Senate Chamber were opened, and the Senate returned to legislative session.)

Mr. BAKER. Mr. President, I believe it is necessary to gain a little time for us to restore the Senate to open condi-

tion. In order to provide for that time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE CRIME CONTROL ACT

The Senate continued with the consideration of S. 1762.

Mr. METZENBAUM. Mr. President, I want to repeat, in the presence of more Members who are on the floor now than there were before, that some mention has been made today, certainly by the distinguished Senator from Arizona, that some portions of the security community have some concern about the language of this proposal. I said earlier, and repeated time and time again, that I would be prepared to accept an amendment, either at this point or accept an amendment if the bill should be passed with this amendment in it, in order to accommodate that portion of the security community.

We were advised by the distinguished chairman of the Intelligence Committee that if we had more time with respect to this measure, perhaps the security community would be in a position to work out appropriate language which we could then accept.

I say to the manager of the bill and to the majority leader, as well as the chairman of the Intelligence Committee, that if it be their disposition to set the bill aside for a day, 2 days, or a week, and leave the matter pending as it is, this Senator has no objection to that, because this Senator is particularly concerned and particularly willing to cooperate in every way possible with all the Members of this body, as well as those in the security community, who have indicated their concern.

Mr. GOLDWATER. Mr. President, I want to answer that by saying that I cannot speak for the chairman of the Judiciary Committee or the majority leader, but I assure my friend that if that is what he wants to do, I am not sure we can do it in a week. But we can get a much, much better bill than his amendment. His amendment right now, in my opinion, is dangerous. But knowing what he wants to do, I think we can work out something that is not going to put a peril on the intelligence family.

Mr. METZENBAUM. I thank the chairman of the Intelligence Committee.

I am prepared to vote, but I wanted to make it clear that if there are others in this body who feel that it would be better to set this measure aside, for whatever period of time, with our amendment pending as it is, I would have no objection to that arrangement. Absent that, I am prepared to go forward with the measure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. SPECTER assumed the chair.)

Mr. BAKER. Mr. President, may I report to our colleagues that since the open session began there have been efforts to see if we could find some manner of accommodation for the conflict we now have before us. We explored the possibility of postponing consideration of this matter—that is to say, the Metzenbaum and Bumpers amendments—until tomorrow or taking up something else in the interim and, for a variety of reasons, none of the proposals appear practical.

I am inclined to think the best thing to do is to keep on going and to do the best we can with this bill and these amendments.

I am not now going to propound a unanimous-consent request, but let me describe one, Mr. President, that I hope Member might consider. If it is well received, I will propound this or a similar unanimous-consent request in a few minutes.

I would like to propose that we get on with a vote, up-or-down, not tabling, on the issue. But, in order to do that, since there are two amendments, a second-degree and a first-degree amendment, it would be necessary to combine the two and it would require unanimous consent, I guess, to modify the first-degree amendment to embrace the provisions of the second-degree amendment and to provide that no other amendments on this subject would be in order, and then to provide 20 minutes of debate, equally divided, to be under the control of the distinguished Senator from Ohio, who is the first and principal sponsor, and the distinguished chairman of the committee. At the end of that 20 minutes, we would vote on the amendment, as modified.

Now, that is the proposal I would make if it meets with general approval. I do not now make it.

I yield to the Senator from Ohio, if he wishes to comment.

Mr. METZENBAUM. Mr. President, I would be very happy to comment and state that that would be very satisfactory to me. I assume that we are talking about when we vote it would be an up or down vote.

Mr. BAKER. Yes, it would.

Mr. METZENBAUM. That would be agreeable to me, and I feel certain I am speaking for the Senator from Arkansas, as well as our cosponsors. I am not in a position to speak for the minority leader.

Mr. BYRD. Has the Senator accepted the second-degree amendment as a modification?

Mr. METZENBAUM. The second-degree amendment would be accepted as a modification to the first-degree amendment.

Mr. BYRD. The Senator could do that without unanimous consent.

Mr. METZENBAUM. I understand that. I wanted to be certain that was in the unanimous-consent agreement in order to preclude any second-degree amendment.

Mr. BYRD. Yes, that would require unanimous consent. If the Senator wanted to modify his amendment, he could do that.

Mr. President, I understand no action has been taken on either amendment. I guess the distinguished Senator from Ohio could modify his amendment to incorporate the second-degree amendment without any action or unanimous consent.

Mr. METZENBAUM. The Senator from Ohio is aware of that but the amendment would be open for another second-degree amendment. If we follow this procedure with the unanimous-consent request that the majority leader indicated he might make, then we would resolve that issue at the same time. I would prefer to proceed in that manner.

Mr. BAKER. Mr. President, I am perfectly willing to frame the request so the second-degree amendment is included in the first degree amendment and no other amendment on the first-degree amendment or on this subject would be in order.

Mr. METZENBAUM. I am prepared to agree to that.

Mr. BAKER. Mr. President, I now make that request. Let me restate the request for the consideration of Senators.

Mr. President, I ask unanimous consent that the first-degree amendment of the Senator from Ohio be modified as he has suggested he is agreeable to by inclusion of the language of the second-degree Bumpers amendment, and that no other amendments to the first-degree amendment, as modified, be in order, and that no other amendments on this subject be in order to this bill.

I further ask unanimous consent that there now be 20 minutes of debate on this amendment, as modified, to be equally divided and controlled by the distinguished chairman of the Judiciary Committee, Mr. THURMOND, and the distinguished Senator from Ohio, the principal sponsor of the amendment, Mr. METZENBAUM,

and at the end of the 20 minutes so provided that a vote occur on the amendment and that no tabling motion be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, so that we can permit the minority leader to complete his clearance process, I will leave the request pending. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAXALT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAXALT. Mr. President, I wish the record to indicate and my colleagues to know that in respect of the so-called Metzenbaum amendment, I have been in touch with the distinguished Senator from Ohio since the inception of this amendment. He has been more than considerate and more than cooperative. As I have indicated to him, however, while the amendment seems simplistic and would appear to achieve the results that he wants to achieve, that is not what I am hearing. Many of my colleagues here indicate that this is a very sensitive, very important piece of legislation.

I suppose the fact that this particular area has not been touched historically should tell us something in itself, because it is the type of activity that seemingly would be met very quickly by appropriate Federal legislation.

The Department of Justice and our defense agencies have uniformly expressed strong reservations to this chairman of the subcommittee about proceeding forward now with this amendment. They feel that there may be unanswered questions, pitfalls of the type that none of us can reasonably anticipate now.

What I am saying essentially to Senator BIDEN and to Senator THURMOND and to the Chair and certainly, our leader (Mr. BAKER), is that as far as this chairman is concerned, I think a far better result would be for us to defer a vote at this time on this particular amendment.

I assure all concerned that I shall promptly convene, as chairman of the subcommittee, any and all hearings that are appropriate to this amendment may be fully heard and explored. We shall invite members of the public, members of the agencies, and whoever among our colleagues wish to be heard.

It is on that basis respectfully, Mr. President, that I ask the distinguished Senator from Ohio to reconsider and perhaps withdraw this amendment so we can consider it fully during the course of the next few weeks and months.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INCLUSION OF THE NATIONAL INSTITUTE OF JUSTICE AND THE BUREAU OF JUSTICE STATISTIC WITHIN THE NEW OFFICE OF JUSTICE ASSISTANCE

Mr. THURMOND. Mr. President, in response to some concern voiced on the floor yesterday regarding the restructuring of the Department of Justice under the justice assistance provisions of title VI, I would like to send to the desk language from the Committee on the Judiciary report accompanying this bill regarding the autonomy and integrity of the National Institute of Justice and the Bureau of Justice Statistics. I believe this language will clarify the position of the committee and lay to rest the concerns raised yesterday.

The excerpt follows:

> The Committee feels that by placing the National Institute of Justice and the Bureau of Justice Statistics within the new structure of the Office of Justice Assistance, the overall coordination and resulting productivity of that branch of the Department of Justice will be enhanced. While the Committee recognizes the great value of research and statistics in this area and their productive results, current economic limitations on available resources and past experiences with bureaucratic complexity dictate the need for a move efficient and focused approach.
>
> The Committee therefore concluded that while the day-to-day operations, research, and statistical responsibilities would remain with the individual bureau directors, the Assistant Attorney General could better coordinate the efforts of these branches of the Office. Because the directors will have practical experience in their fields and the bill clearly defines the duties and responsibilities of the various bureaus within the Office, the National Institute of Justice and the Bureau of Justice Statistics will be free to pursue their academic and statistical endeavors unfettered by any bureaucratic or political constraints. It is the Committee's belief that this new structure will reduce red tape and increase the overall productivity of the Office of Justice Assistance, without reducing the scientific integrity or autonomy of the Bureaus involved.

Mr. DOMENICI. Mr. President, S. 1726 is a compilation of 12 criminal reform titles that have been under consideration for more than 10 years, and furthermore, this is the third time the Senate has passed some of these measures. With only one of two exceptions the reforms are part of the President's crime package. It is my hope that the House will act quickly and take up this very much needed legislation because the urgent need for this legislation is chronicled in our Nation's newspapers and televised on the nightly news. The pendulum is swinging from concern for criminals to concern for the law-abiding citizens who suffer, directly or indirectly, from crime. Among criminals, the rumor on the street is that crime pays. Leniency in our system is an added incentive. It is incumbent upon this Congress to make the criminal pay. S. 1762 is a step in that direction.

The violence is appalling, its prevalence is astounding, its impact on our citizens is unacceptable. The spectrum of victims is far reaching. However, the elderly, because of their vulnerability, are victimized more than any other segment of our society.

Instead of controlling crime, crime is controlling us. The potential of being the victim of a senseless crime has had its impact. Every 24 seconds somewhere in the United States a violent crime is committed. Every 6 minutes a woman is raped, every 55 seconds a robbery occurs and every 23 minutes a murder is committed. We organize our lifestyles so as to avoid the terror. We have deadbolt locks, window bars, guns, doormen, security systems, and guard dogs. We don't go out at night. We avoid certain streets. We are afraid, and with good reason. Criminals have drastically reduced the personal freedom and security that Americans used to know.

Even in the smallest communities the day is gone when the family could leave the door unlocked when no one is home. Many of our citizens lock their doors when they are at home, and set the alarm system when they leave. People today feel isolation and powerlessness. They feel vulnerable and entrapped. They don't know what to do. It is clear they want more stringent laws, longer sentences and more actual time served by criminals. They are depending upon Congress. S. 1762 gives muscle tone to our flabby criminal system in several important areas. I am going to vote for this bill and urge my colleagues to do likewise.

The bill is composed of 12 very necessary titles which together form a coherent approach to crime: Bail; sentencing; forfeiture; insanity defense; drug penalties; justice assistance; surplus Federal property for corrections purposes; labor racketeering; crime amendments; miscellaneous nonviolent offenses; and procedural amendments. The bill includes provisions that would allow judges to deny bail if the defendant is considered dangerous to the community, creates a Federal sentencing procedure through the creation of a new system of sentencing guidelines, fixed sentence abolition of parole and limited credit for good time, and an increase in penalties for major drug offenses.

Federal bail provisions are for the most part governed by the Bail Reform Act of 1966 and the only issue that may be considered by the judge in making a bail decision is the likelihood that the accused will appear for trial if released. Although an accused seeking release on bail may pose a significant risk to the safety of the community, the courts may not deny bail on that basis. This bill will correct this deficiency.

I have seen several studies regarding crimes committed by persons out on bail. Some of these figures struck me as good evidence that our policy regarding bail must be changed. One study showed that 70 percent of those persons arrested for robbery were rearrested while on bail; 65 percent of those released after an arrest for auto theft were taken into custody for another auto theft while out on bail. Another study disclosed that 28 percent of the murders, 19 percent of the rapes, 31 percent of the robberies and 32 percent of the burglaries and 11 percent of the assaults were committed by persons free on some form of conditional release. Another study disclosed that for a defendant with a previous record of two or more prior arrests the chance of rearrest before trial was twice as great as for those with one or no previous arrests. While all of the studies do not agree as to the exact percentage, it is clear that the number of crimes committed by persons out on bail is staggering.

These studies indicate the need for changing the standard for pretrial release and detention so that judges can openly consider the possible threat a suspect poses to community safely. These examples lead me to believe that the freedom bail provides should not be for sale at any price for career criminals.

Title I of S. 1762 also contains another important bail provision. It is the presumption that a particular individual is a danger to the community if he committed a serious drug trafficking offense or used a firearm during the commisssion of a violent crime.

Title II of this bill addresses sentencing and parole. There is widespread agreement that the present Federal approach to sentencing is outmoded and unfair to both the public and persons convicted. It is based on an outmoded rehabilitation model in which the judge is supposed to set the maximum term of imprisonment and the Parole Commission is to determine when to release the prisoner because he is rehabilitated. Federal judges now have essentially unlimited and unguided discretion in imposing sentences. As a result, offenders with similar backgrounds who commit similar crimes often receive very different sentences in the Federal courts. Some defendants receive sentences that may be too lenient for the proper protection of the public and others may be given sentences that are unnecessarily harsh. Under the present sentencing structure, the length of time that a prisoner actually spends in prison is determined by the U.S. Parole Commission.

The sentencing provision of this bill creates a sentencing commission within the judicial branch that is directed to establish sentencing guidelines. They will recommend to the sentencing judge an appropriate kind and range of sentence for a given category of offense committed by a given category of offender. In addition, sentences are fully determinate. The sentence imposed by the judge is the sentence that will actually be served subject only to modest good time credits. The bill provides a truth-in-sentencing package that will inform both the public and the offenders of the real penalty being imposed on each defendant.

I see this title as also addressing the career criminal problem. With stiffer mandatory sentences we will be locking up for a longer period of time the worst criminals. These defendants commit on an average 10 crimes for every one on which they are convicted. If we put away 10,000 career criminals we can prevent 100,000 crimes.

Title III is designed to take the profit out of organized crime, especially drug trafficking. The bill enhances the use of forfeiture, and in particular the sanction of criminal forfeiture, as a law enforcement tool in combatting two of the most serious crime problems facing the country—racketeering and drug trafficking. The bill provides for the forefeiture of a criminal's cars, boats, and airplanes that he used in his illegal business as well as the profits. The bill also provides that where property found to be the subject of forfeiture is no longer available at the time of conviction, the court is authorized to order the defendant to forfeit substitute assets of equivalent value.

This bill also provided for surplus property to be donated to States for construction and modernization of criminal justice facilities.

Title IV of the bill addresses the insanity defense. Should an accused bear the burden of proving himself insane, or should the prosecution bear the burden of proving his sanity? Who is the better expert on a defendant's competence to stand trial, a psychiatrist or a lawyer? What should psychiatrists be allowed to say to juries? How many experts should be allowed to rebut and refut the opposing experts? These are the questions that fuel the intellectual debate on reforming the insanity defense.

These questions, however, have litle impact on the public's views. The public believes that too many murderers are using the insanity plea to avoid jail. A vast majority believe that the defense should be banned altogether in murder cases. The public perceives the insanity defense as an easy route by which defendants in grisly murders, attempts on the lives of national leaders and bizarre sex crimes can hope to avoid punishment. The insanity defense is eating at the American people like a cancer. Congress has the responsibility to do surgery and to effectively cut out the abuse of the insanity defense.

Under present law the insanity defense is based upon the American Law Institute Test. According to this model:

> A person is not responsible for criminal conduct if at the time such conduct, as a result of a mental disease or defect he lacks substantial capacity to understand the wrongfullness of his conduct or to conform to the requirements of the law.

This test is based on knowing right from wrong or possessing an irresistable impulse or lacking substantial capacity. This test invites the presentation of massive amounts of conflicting and irrelevant evidence by psychiatric experts.

The defense has been denounced as a rich man's defense. The defense has also been criticized by legal scholars, bar association representatives, and psychiatrists as time consuming, confusing and expensive. Recent memory brings to mind the John W. Hinckley, Jr. trial. It has been estimated to have cost the Government and Hinckley's parents more than $3 million. The extensive role played by no less than nine psychiatrists made the case one of the most expensive prosecutions in the history of the insanity defense. The Government spent $300,000 on three private psychiatrists and one psychologist. Hinckley's defense also employed a team of six. The bill for their services was around $200,000. Two $57,000 per year, assistant U.S. attorneys spent full time preparing the case for trial. The main item challenging their legal skills was the insanity issue. The costs associated with the jury exceeded $40,000, and the transcript of all this expert testimony was price tagged at $70,000. It is obvious that this trial was time consuming, confusing, and expensive.

Another problem with the insanity defense as it is presently written is that the decision on who gets an insanity acquittal has more to do with the state of mind of the jury than the state of mind of the accused. This is because the present test requires the jury to determine the motive. That is a difficult and unpredictable task.

States have made the first move to bring some consistency and predictability to the insanity defense. Michigan, Georgia, Illinois, and Indiana have adopted a guilty but mentally ill verdict. More than half of the remain-

ing States' legislature are considering the same approach. Montana and Idaho went even further and have effectively eliminated the separate defense of insanity.

The bill provides that a person could be found not guilty by reason of insanity only if, as a result of mental disease or defect he was unable to appreciate the nature and quality of the wrongfulness of his acts.

The new test would eliminate reference to knowing right from wrong and having irresistible impulses or lacking substantial capacity to conform with the law. It is a more stringent test. It will also make the outcome more reliable.

The bill also shifts the burden to prove the defense to the defendant claiming it. The practical ramifications of this stricter test is to protect the community. A mental disease or defect would be no defense if a defendant acted out of an irrational or insane belief that his act was morally justified because the victim was an evil man whose death would end injustice, but just recompense for past wrongs or lead to a social utopia. Reforming the insanity defense will help correct those inequities which have ebbed the confidence of the American people in our Nation's system of justice.

As I mentioned, this bill contains 12 titles, each representing a significant and unnecessary reform in our judicial system. I believe the combination of these various provisions is a coherent approach to strengthening the frame work for criminal justice. Today we will pass the crime bill, S. 1762. It is the product of more than a decade of effort to improve the criminal code. I want to commend Senator THURMOND and his committee for the hard work on this vital issue.

Thank you, Mr. President.

● Mr. SIMPSON. Mr. President, today we continue to debate a problem which may be one of the most important issues the Senate addresses this session. Surely, the American people view it as such. Crime—the most pervasive common negative factor we as citizens of the United States face each day of our lives.

The Federal Bureau of Investigation reported that in 1982—the last full year for which statistics were available—21,012 persons were murdered in the United States. That is a grim average of one murder every 25 minutes. Reported rapes totaled 77,763. The FBI reports that there is one violent crime being committed every 25 seconds and one crime against property being carried out every 3 seconds.

The crime rate is a frightening one, and it has become a major concern to persons in all walks of life and in every geographic area of our Nation—and because of that concern, I am very pleased that all of the members of the Senate Judiciary Committee have joined together to support S. 1762 in a bipartisan manner—which is an action becoming increasingly characteristic of this body when dealing with such important national problems. In that regard, I would wish to commend all of the members of the Senate Judiciary Committee, and in particular my fine friend and mentor Senators THURMOND, PAUL LAXALT, JOE BIDEN, and TED KENNEDY for the fine, conscientious efforts put forth in the furtherance of this vital measure which now gives the Federal Government the proper tools needed to be effective in its crime fighting role. I urge passage of this legislation as swiftly as is possible.●

● Mr. INOUYE. Mr. President, I would like to call the attention of the Senate to a particular provision of S. 1762 which I fear may result in instances of injustice.

Section 4243 of this bill provides that a defendant who is acquitted by reason of insanity and subsequently committed to an institution will not be released until the facility's administrator determines that he is no longer mentally ill or dangerous. In the alternative, the defendant could gain his release by proving that he is no longer mentally ill or dangerous. This standard is substantially more difficult to satisfy than that which applies to noncriminal mental commitments who must be released unless the State can periodically demonstrate the need for continued confinement on the basis of mental illness or dangerousness.

It is argued that the difference between the standards is justified by the fact that an insanity acquittee has been demonstrated to have committed a criminal act and found by a court to be insane. The fact of demonstrated criminality is said to magnify the public's interest in confinement. And the judicial finding of insanity at the time of the criminal act is said to diminish the acquittee's right to have Government continually demonstrate the need for institutionalization. This argument has, in fact, been apparently constitutionally validated by the Supreme Court in the recent case of Jones against United States. And while I believe it remains subject to disagreement, it is a rationale which Congress might reasonably adopt in this matter.

What I find disturbing, however, is that the stricter criminal standard for release is apparently to be applied for an indefinite period regardless of the nature of the crime an acquittee is alleged to have committed. A misdemeanant or class C felon is thus potentially subject to a life sentence as a criminally insane person. This potential consequence was also validated in the Jones decision. But constitutional sufficiency does not necessarily insure the wisdom of a law. Rather, it assures only that the minimal requirements of fundamental fairness are satisfied in the minds of, in this case, five of the Justices of the Court.

Mr. President, the very existence of the insanity defense is based on our belief in the principle that it is wrong to punish those who are not responsible for their actions. This bill and other alternative formulations attempt to implement this principle in a fashion that will not permit abuse or unreasonably endanger society. But I cannot help but believe that uniform indefinite life sentence as a criminal acquittee, albeit to a mental institution, constitutes punishment and reflects the community's fear of mental illness more than it serves to insure treatment.

If a person is actually convicted of a crime, unless a life sentence is imposed, he is insured by the existence of a maximum sentence that there will come a time when society's deprivation of his liberty as a result of his criminal conduct will come to an end. Under this bill, the insanity acquittees are provided with no such assurances. I believe that this constitutes nothing less than a sanction for having utilized the defense and, therefore, is contrary to the nature and purpose of the defense.

If a criminal act is to trigger a stricter release standard, Mr. President, I believe that fairness dictates that the application of this standard not exceed the maximum term of imprisonment for the crime he was alleged to have committed. The legal consequences of a crime simply should not extend further for one found not guilty than it might for one found guilty. This would, of course, have little effect for the more serious crimes. But it would assure that the criminal authority of the Federal Government does not extend for an unreasonable time over those who have committed minor infringements.

It is not my intention to seek this change in the bill at this late date; however, whether or not this particular measure becomes law, I will attempt to insure that the Judiciary Committee reexamines this matter. The fine and difficult work they have done to date on this measure is, of course, to be commended and I trust, and will attempt to insure, that this concern will be substantively addressed when it returns to this issue.

I would also like to take this opportunity to further commend the committee on its decision to include psychologists as among the mental health professionals qualified to perform court-ordered evaluations. I am convinced that this measure will not only reduce costs at no loss of quality, but that it will assure judicial access to many more qualified examiners.●

FEDERAL IDENTIFICATION SYSTEMS

Mr. DOLE. Mr. President, I had an amendment to the Federal Criminal Code to move toward the positive identification of persons holding identification documents. This proposal is intended to serve as as interim measure to begin to deal with the confusion, conflict, and redundancy which now exists in the various Federal identification systems.

The May 12, 1983, report of the Senate Permanent Subcommittee on Investigations dealing with Federal identification fraud underscores the tremendous need for reforms in the current system. The report shows that this fraud is costing the taxpayers, throught various Federal, State, and local agencies, in excess of $24 billion annually. Illegal aliens have easy access to identification documents such as social security cards, birth certificates, and drivers licenses. At present, more that 7,000 agencies using more than 21,000 different formats issue original or duplicate birth certificates. These certificates are then used to obtain drivers licenses, passports, social security cards, food stamp identification cards, and innumerable additional documents. These documents then enable fraud artists to collect unemployment benefits, food stamps, tax refunds, student loans, and other Government benefits. The problem is serious and its magnitude expands with each passing year.

This amendment would amend the False Identification Crime Control Act of 1982 (Public Law 97-398). This act added new penalties to the Federal Criminal Code for certain false identification related crimes. The amendment would add new provisions to the law with the following features:

Agencies maintaining identification systems would be encouraged to use common descriptive terms for personal identification information;

A Federal policy would be established to reduce redundancy and duplication in these identification systems;

The systems would be redesigned to encourage "positive identification" of holders of identification documents;

The President, within 3 years, would have to report to Congress and make recommendations for comprehensive legislation in the area. Among other things, the recommendations must give due consideration to the protection of privacy and the development of appropriate sanctions for misuse of identification information.

In the 97th Congress, legislation was enacted in three diverse areas which suggest some of the dimensions of the problem: First, drunk driving legislation last year authorized the establishment in four States of pilot programs to develop an automated national drivers registry. This will be a system within the Department of Transportation which will contain information contributed from several States on bad drivers. Included would be information concerning persons whose licenses have been revoked for drunk driving convictions. The drivers license system has been subject to abuse by those whose licenses have been revoked due to the lack of such coordination. These drivers can simply apply for another license under an assumed name or in another State where their previous record is unknown.

Second, last year the Congress passed the Missing Children Act (Public Law 97-272). This legislation authorized expansions of the FBI's National Crime Information Center, to include information contributed from either State or local criminal justice agencies or concerned parents of missing children. Very few children have been fingerprinted. While it is true that in many jurisdictions, a baby's footprint is taken at the time the birth certificate is issued, these prints are seldom used subsequently for indentification purposes. This lack of documentation makes it difficult to establish the positive identity of a child when a missing report is filed with law enforcement officials.

Third, in the 1982 amendments to the food stamp legislation Congress authorized the development of automated systems for the dispensing of food stamps. Currently, almost $11 billion of this Federal assistance is received by approximately 20 million people. In his recent state of the Union address, President Reagan estimated that over $1 billion of this assistance was wasted through fraud, ineligibility, or other misuse of the system. At the center of the problem is the fact that current methods of dispensing food stamps do not require positive identification of recipients, thus opening the door for abuse of the system.

In this Congress, the Senate recently passed S. 529, a bill to comprehensively revise our immigration laws. Included in this bill is a provision which directs the President to develop a secure system within a 3-year period for the identification of those persons lawfully admitted to and entitled to work in the United States as well as those citizens of the United States who would be employed by companies having four or more employees. Criminal sanctions would be imposed on employers who knowingly hire persons not lawfully able to work in the United States.

The recent legislation and pending proposals have a common thread: They involve forms of Federal identification that already extend to tens of millions of our citizens. To say the least, concerted action needs to be taken to reduce duplication and redundancy, to protect the privacy of persons who are subjects of these files, to develop sanctions for unauthorized use of disclosure of the information contained in them, and to provide for coordination of interested Federal, State, and local agencies and authorities who have legitimate uses for this information.

The problem lies in the inability to establish positive identification in the current system. Agencies such as the Social Security Administration, the Internal Revenue Service, the Immigration and Naturalization Service and the State Department as well as State and local agencies need to develop better programs to uncover fraud. The Subcommittee on Investigations listed in its report several projects in which agencies cooperated and were successful in tracking down fraud schemes. However, these projects were limited in scope. If we are to stop this unnecessary waste and criminal activity, it must become a nationwide cooperative effort.

HEARINGS

The Subcommittee on Courts of the Senate Judiciary Committee, which I Chair, has recently held three hearings on S. 1706 and to gather information and focus attention on the abuses of identification documents. Testifying at our July 29, 1983, hearing were Mr. Gary McAlvey, from the Bureau of Identification of the Illinois Department of Law Enforcement; Mr. Robert Leard, Administrator of the USDA's Food and Nutrition Service; Mr. Louis Enoff, Acting Deputy Commissioner of the Social Security Administration's Programs and Policy Division; Mr. Clayton Hatch, Director of the Transportation Department's National Driver Register; Mr. Donald Blevins, Deputy Assistant Secretary of Passport Services from the Department of State; Col. Michael Gilmartin, Director of Personnel from the Department of Defense; and a panel of witnesses from the Department of Treasury which included Mr. David Ray and Mr. Neal Findley from the Secret Service, Mr. James Owens, Deputy Commissioner of the Internal Revenue Service and Mr. John Hurley from the U.S. Customs Service.

On October 5, 1983, witnesses were Mr. John Walker, Jr., Assistant Secretary for Enforcement and Operation's from the Department of Treasury; Mr. Donald Blevins, from the Department of State; Mr. Steven Schlesinger, Director of the Bureau of Justice Statistics and Prof. Joseph Eaton from the University of Pittsburgh.

At the last hearing held on October 21, we received testimony from Inspector Conrad Banner, Deputy Assistant Director of the FBI's Identification Division, Mr. David Nemecek, Section Chief of the FBI's National Crime Information Center and Mr. Roger P. Brandemeuhl, Acting Associate Commissioner, from the U.S. Immigration and Naturalization Service.

CRIMINAL JUSTICE IDENTIFICATION SYSTEMS

After 15 years of effort between Federal, State, and local enforcement agencies, a high degree of interface and cooperation has been achieved between them on standardization of identification information and formats. Testimony received from Search Group, Inc., and the FBI amply demonstrated that operational systems can be developed under enabling legislation which provides safeguards against invasion of privacy and provide sanctions for misuse or unauthorized disclosure of sensitive information. This experience can well be applicable to other noncriminal justice identification systems.

Mr. President, as I said at the outset, S. 1706 and my amendment were designed to be interim measures. The President would be given 3 years to undertake a comprehensive review of the status of Federal identification systems and then send recommendations to Congress for comprehensive legislation. Although repeated requests have been made by letter and in the course of the hearings, so far the administration has yet to take a position on the bill. It may well be that comments will be received at a later time. If so, changes and modifications can be made as appropriate. In view of the magnitude of the problem and the billions of dollars of Federal funds involved, the first steps to deal with the problem should not be delayed any longer. As the Roth report pointed out, the Justice Department conducted a comprehensive study of identification fraud in the mid-1970's. If anything, the problems have grown much worse in the intervening years.

Some will say that this measure will lead to a national identification system and pave the way for big brother in Orwellian fashion to control our lives in every detail. Indeed there are very important considerations of privacy and security which must be addressed in the context of this legislation. But if current identification systems are allowed—by default—to develop, automate, and expand as they are now, the situation can be much worse than if a coordinated, logical policy is developed. This amendment encourages decentralization and separate, but coordinated development of the major systems, not Federal preemption and consolidation.

Testimony received from several agencies including the Departments of Defense, Agriculture, and Justice have amply demonstrated that vast sums are being spent on automation, yet with very little coordination and interface. Although it is possible that the administration could come back to Congress with a recommendation for a national system, this is only one of several options. If the experience of the criminal justice community is examined, it will become readily apparent that existing Federal and State and local systems can be upgraded, automated, and interfaced without resort to a national system. Whatever might be recommended 3 years hence, Congress must still make the policy determination as to what would be needed.

Mr. President, in conclusion I thank the floor managers of S. 1762 for their cooperation and support for the measure.

WITNESS SECURITY

Mr. BAUCUS. Mr. President, the General Accounting Office, at my request, completed a study on March 17, 1983, of the witness security program. I had an amendment that corrects a deficiency in the program that was discussed in the GAO report.

As I am sure my colleagues know, through the witness security program the Federal Government provides individuals with new identities and relocates them because their lives have been endangered as a result of their testimony in Federal and State prosecutions. As a result of this program, the Government has successfully prosecuted and convicted many criminals.

However, this program is not without problems. Protected witnesses have committed criminal acts after being admitted to the program and have used their Government-created identities to avoid legal obligations.

GAO's most recent review of this program found that during one 6-month period, various creditors were seeking to recover over $7.3 million from 36 relocated witnesses. Included among the creditors were doctors seeking to recover money for services rendered, nonrelocated parents seeking to collect child support, a women seeking to recover a personal loan, a State brokerage firm seeking to recover money from a former employee, and Government agencies seeking to recover unpaid criminal fines and unpaid taxes.

When problems with creditors or nonrelocated parents occur, the Department of Justice faces a dilemma. Should it continue to conceal a witness' new identity to a third party and thus potentially endanger the safety of the witness?

In the past, the Justice Department had a blanket policy of not disclosing information on protected witnesses to assist third parties. In April 1982, an internal memorandum was issued which changed this policy. The Justice Department says it will now consider disclosure on a case-by-case basis. The GAO complimented the Department of Justice for its initiative, but believed that additional safeguards were needed to protect society from the unscrupulous actions of some witnesses. I agree with GAO's findings.

My amendment establishes a procedure by which an individual with a judicial order or judgment may petition a Federal court for the appointment of a special master to enforce his or her rights against the protected witness. The special master, under the direction of the Federal district court judge where the judgment holder resides, will be furnished the new name and location of the protected witness in order to enforce the rights of the judgment holder. This procedure assures that the identity of the protected witness is not publicly disclosed while providing an opportunity to an individual with a legitimate order or judgment to have it enforced. The costs of this program are apportioned between the judgment holder and the protected witness.

Mr. President, I am sure that all of my colleagues agree that we need to do all we can to fight crime. The witness security program is an important tool in the Federal fight against crime. This amendment would allow the continued use of the program without sacrificing the rights of innocent third parties who have had dealings with protected witnesses.

Mr. LEAHY. Mr. President, part B of title X is designed to criminalize the offense of solicitation to commit a Federal crime of violence. The proposed amendment is designed to avoid any possible concern that such an offense might impinge on constitutionally protected speech, petition, and assembly rights under the first amendment.

Criminal solicitation is an inchoate offense which is primarily designed to be invoked when the person solicited does not engage in the solicited criminal conduct. Unlike the inchoate offenses of conspiracy and attempt, the criminal solicitation offense contains no requirement that any act be taken in furtherance of the crime. Thus, the essence of solicitation is to criminalize the attempt to induce another to commit a crime through the utterance of mere words.

Over the past several Congresses, the Judiciary Committee has grappled with the problem that any criminal solicitation statute will often intersect with the first amendment. The committee has considered a general criminal solicitation statute both in the context of criminal code reform as well as omnibus crime legislation. In considering these proposals to create a criminal solicitation statute, the committee has often noted the difficult problem of distinguishing constitutionally protected speech in the form of mere advocacy from advocacy directed to inciting or producing imminent lawless action under circumstances likely to incite or produce such action. To guard against proscribing constitutionally protected advocacy, the committee during its deliberations on the criminal code reform limited application of the solicitation offense

to a list of 33 egregious felonies.[1] In a similar spirit, the committee limited the solicitation offense in S. 1762 to "crimes of violence." However, the definition of the term "crime of violence" was designed to encompass all of the uses of the term in title 18, United States Code, and was not specifically tailored to the crime of solicitation.

To guard against infringement of first amendment rights and to respond to suggestions that the solicitation offense as currently defined in S. 1762 would present the potential for abuse, the proposed amendment limits section 1003 to "felonies that have as an element the use, attempted use, or threatened use of physical force against the person or property of another." This narrower definition is consistent with the recommendations of the final report of the National Commission on Reform of Federal Criminal Laws.

Mr. DENTON. Mr. President, I had an amendment to sectin 219 of title 18, United States Code, substitutes the words "Public Official" for "officer or employee" of The executive legislative, or judicial branch of Government.

In my view, this is a long overdue clarifying amendment. After nearly 4 years of hearings, the Congress passed refinement to the Foreign Agents Registration Act. These amendments to this 1938 statute became effective in 1966.

One of the amendments was a new provision in the law which effectively precluded most Federal Government officials from violating their oaths of office by representing the interest of any undisclosed foreign principal. In so doing, the Congress by omission, probably due to oversight, failed to specifically include itself among the elected and appointed officials barred from such activity.

Mr. President, in the past 8 years, scandals involving Members of Congress and foreign governments have resulted in substantial embarrassment to this institution. I believe it would be extremely useful to clarify the proscription against such activity by using a term, the meaning of which is spelled out in the bribery statute 18 U.S.C. 201, Adoption of this amendment and thereby the term "public official" in lieu of "officer or employee" will serve to state unequivocally that we in Congress are no more entitled to escape the provisions of the conflict-of-intererst law than anyone else who has taken the solemn oath of office.

This amendment would demonstrate to the public at large that we are not above the law.

Mr. DURENBERGER. Mr. President, I rise today to speak in favor of S. 1762, the Comprehensive Crime Control Act. I commend my colleagues on the Judiciary Committee for the fine job they have done in creating a tough but fair crime control package.

I am particularly pleased that the sentencing provisions of title II were included in the bill. Minnesota has been a pioneer in implementing this type of sentencing structure. Minnesota's unique system developed by legislative mandate has resulted in sentencing guidelines which have controlled the growth of the State's prison population and made the imposition of sentences much more fair and equitable. I am proud that Minnesota sentencing law was the model for the Federal sentencing reforms, and I have long advocated these changes on the Federal level. As Senator Kennedy, who has been a leader on restructuring the Federal sentencing laws, said earlier Minnesota has had extraordinary success. In the last two Congresses I have cosponsored the legislation upon which title II is based. It is time wse put certainty and fairness back into our sentencing system.

Certainty is needed to send criminals a clear signal that if they break the law, punishment will result. I believe that a determinate sentencing structure such as we adopt today will send that clear signal. It is the most effective type of sentencing structure possible to deter criminal acts.

Fairness is needed to remove the disparity in sentences which courts impose on similarly situated defendants. This occurs in sentences handed down by judges in the same district and by judges from different districts and circuits in the Federal system. One judge may impose a relatively long prison term to rehabilitate or incapacitate the offender. Another judge, under similar circumstances may sentence the defendant to a shorter prison term simply to punish him, or the judge may opt for the imposition of a term of probation in order to rehabilitate him.

For example, in 1974, the average Federal sentence for bank robbery was 11 years, but in the northern district of Illinois it was only 5½ years. Further probative evidence may be derived from another 1974 study in which 50 Federal district court judges from the second circuit were given 20 identical files drawn from actual cases and were asked to indicate what sentence they would impose on each defendant. The variations in the judges' proposed sentences in each case were astounding. In one extortion case, for example, the range of sentences varied from 20 years' imprisonment and a $64,000 fine to 3 years' imprisonment and no fine.

Under the provisions of this bill, for the first time, Federal law will assure that the Federal criminal justice system will adhere to a consistent sentencing philosophy, which along with sentencing guidelines will result in fairer and more consistent treatment in the imposition of sentences.

Again, I applaud my colleagues for their efforts on this bill, and I urge its passage.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. If there is a measure or quotient of frustration, Mr. President, it would be near the top right now because we have tried very hard to get this situation in shape so we can vote this afternoon, and I still hope we can. I am referring to the Metzenbaum/Bumpers amendments. But it would appear, Mr. President, that for the next few minutes I am stymied.

I am loathe to fritter away this time. Therefore, I have consulted with the minority leader about going to another matter; that is, the so-called Christopher Columbus bill, which will require a rollcall vote.

I have not yet been able to reach the managers of the bill on this side. I am authorized to say on behalf of the minority leader that there is no objection to proceeding to the consideration of this matter and the underlying budget waiver, I assume, and in a moment I intend to do that.

I should also say to Senators, however, that after we do Christopher Columbus, we are going to come back to this crime package. Today is Wednesday. By this time we were supposed to be well into the collateral and ancillary bills that are to accompany this measure. So we may be around a little while.

Mr. President, first I ask that the Chair lay before the Senate the budget waiver to accompany Calendar Order No. 316, S. 500.

Mr. President, there is a unanimous-consent agreement pending and we are on another matter, and I do not want it to go back on the calendar.

First of all, I withdraw the unanimous-consent request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. BAKER. Now, Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside to recur after the disposition of the matter I am about to address.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask the Chair lay before the Senate Calendar Order No. 387, Senate Resolution 189, the budget waiver to accompany S. 500.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution will be stated.

[1] S. 1722, 96th Cong., 1st sess. (1979), as reported by the Judiciary Committee.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 189) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 500.

The PRESIDING OFFICER. The question is on agreeing to the budget resolution waiver.

The resolution (S. Res. 189) was agreed to as follows:

S. RES. 189

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 500. Such waiver is necessary because S. 500, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The budget waiver will allow Senate consideration of S. 500 which provides for the establishment of a thirty member Commission, plus a nonvoting participant from Spain and a nonvoting participant from Italy, to plan, encourage, coordinate, and conduct the commemoration of the quincentennial of the voyages of Christopher Columbus.

S. 500 authorizes the appropriation of an estimated $220,000 for fiscal year 1984 and $220,000 for each of the fiscal years beginning on October 1, 1984, and ending before October 1, 1992, and $20,000 for the period from October 1, 1992, through November 15, 1992, resulting in a total appropriation of $2,000,000.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, since the budget waiver has been accomplished, I am prepared to ask the Senate to go to S. 500. Before I do, I want to propound a unanimous-consent request that I understand has been cleared all around.

Mr. President, I ask unanimous consent that when the Senate proceeds to the consideration of Calendar Order No. 316, S. 500, only one amendment will be in order and that is an amendment by the distinguished Senator from Maryland (Mr. MATHIAS), which amendment is at the desk.

I further ask unanimous consent that there be a limitation on debate of 40 minutes, equally divided, on the bill as amended, to include the debate on the amendment which will be in order.

I further ask unanimous consent that after the adoption of the amendment, it be in order to proceed to the consideration of the companion House bill, H.R. 1492, Calendar No. 256, and that only one amendment be in order, and that is an amendment to strike all after the enacting clause and insert in lieu thereof the text of S. 500 as amended, if amended, and that no debate be in order on that motion.

Mr. President, I ask that the control of the time be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar No. 316, S. 500.

The PRESIDING OFFICER. The bill will be stated by title.

The assistance legislative clerk read as follows:

A bill (S. 500) entitled the "Christopher Columbus Quincentenary Jubilee Act."

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert.

That this Act may be cited as the "Christopher Columbus Quincentenary Jubilee Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) October 12, 1992, marks the five hundredth anniversary of the voyages of discovery of Christopher Columbus;

(2) the governments and people of Spain and Italy should be recognized and commended for their historic role and contribution to those voyages;

(3) all persons in this country should look with pride on the achievements and contributions of their ancestors with respect to those historic voyages; and

(4) as the Nation approaches the quincentennial of the voyages of discovery of Christopher Columbus, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned, encouraged, coordinated, and conducted by a national commission representative of appropriate individuals and public and private authorities and organizations.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission (hereinafter in this Act referred to as the "Commission") to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus.

(b) The Commission shall be composed of thirty members as follows:

(1) seven members appointed by the President upon the recommendation of the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) seven members appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) ten members appointed by the President, which members shall be broadly representative of the people of the United States, and not otherwise officers or employees of the United States;

(4) the Secretary of State;

(5) the Archivist of the United States;

(6) The Librarian of Congress;

(7) the Secretary of the Smithsonian Institution;

(8) the Chairman of the Federal Council on the Arts and Humanities; and

(9) the Secretary of Commerce.

(c) The President is hereby authorized and requested to invite the governments of Spain and Italy each to appoint, before October 1, 1983, one individual to serve as a nonvoting participant in the activities of the Commission.

(d) The Secretary of State shall call the first meeting for the purposes of electing a Chairman and Vice Chairman, both of whom shall be from among the members of the Commission appointed under subsection (b)(3). The Commission may appoint honorary members, and may establish an Advisory Council to assist the Commission in its work.

(e) Appointments under subsection (b) shall be made within a reasonable time after the date of the enactment of this Act, but not later than October 1, 1983. Vacancies shall be filled in the same manner in which the original appointments were made.

DUTIES

SEC. 4. (a) It shall be the duty of the Commission to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating the historic events associated with those voyages. In carrying out this subsection, the Commission shall particularly examine the historic role of the government and people of Spain in order to promote a greater public awareness, understanding, and appreciation of the contributions made by Spain with respect to those voyages.

(b) Not later than October 1, 1985, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus. The report required by this subsection shall include—

(1) recommendations for appropriate activities for the commemoration, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the lands Christopher Columbus traveled from and to during the voyages of discovery;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of libraries, museums, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events;

(F) programs focusing on the international significance of the voyages of discovery of Christopher Columbus; and

(G) the design, inscriptions, and other specifications relating to the issuance of commemorative coins, medals, and stamps, by the United States;

(2) recommendations for the allocation of financial and administrative responsibility among the public agencies and private organizations recommended for participation by the Commission; and

(3) recommendations for such legislation and administrative actions as the Commis-

sion deems necessary to carry out the commemoration of the voyages of discovery.

The President shall transmit the Commission's report to the Congress together with such comments and additional recommendations for legislation and administrative actions as the President deems appropriate.

(c) The Commission shall prepare and submit to the Congress an annual report on the activities of the Commission, including an accounting of funds received and expended.

(d) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by State and local, and foreign governments, and private groups, including the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain. The Commission shall endeavor to plan and conduct its activities in such manner as to ensure that activities conducted pursuant to this Act do not duplicate activities of the 1992 World's Fair.

(e) The Commission may designate special committees and invite representatives from such public agencies and private organizations to assist the Commission in carrying out this section as the Commission deems appropriate.

ADDITIONAL FUNCTIONS

SEC. 5. In carrying out the purposes of this Act, the Commission is authorized to provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public awareness of, and interest in, the quincentennial, except that any commemorative coins, medals, or stamps issued by the United States shall be sold only by an agency of the United States;

(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the quincentennial; and

(3) a quincentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of quincentennial historical and commemorative significance.

COORDINATION OF EFFORTS

SEC. 6. (a) In carrying out the purposes of this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, State and local public bodies, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies are authorized and requested to cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

(b) The Secretary of State shall undertake a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to the voyages of discovery of Christopher Columbus, at such time and in such manner as will ensure that fitting observances and exhibits may be held at each such site during the commemoration. (In particular, the Secretary may consult with the governments of the nations of the Western Hemisphere which share the Columbian heritage and with the governments of Spain and Italy with respect to joint participation in events in the United States and in such nations.) The Secretary shall submit the results of the study to the Commission, together with his recommendations, affording the Commission an opportunity to review the study, and to incorporate such of its findings and recommendations as the Commission may deem appropriate in the report required by section 4 of this Act.

(c) The Chairman of the Federal Council on the Arts and Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the period surrounding the voyages of discovery.

(d) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections, and in the development and distribution of bibliographies, catalogs, and other materials relevant to the period.

(e) Nothing, in this Act shall be construed to restrict, abridge, or otherwise limit the planning, development, conduct, operations, or activities of the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain, nor shall any provision of this Act be construed to vest in the Commission any right or responsibility to regulate or otherwise oversee the planning, development, conduct, operations, or activities of such Fair.

DONATIONS

SEC. 7. (a) The Commission may accept donations of money, property, or personal services, except that the Commission may not accept donations—

(1) the aggregate value of which exceeds $25,000, in the case of donations from an individual; or

(2) the aggregate of which exceeds $50,000, in the case of donations from a foreign government, a corporation, a partnership, or any other person.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the period and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, or the Administrator of General Services, as the case may be.

ADMINISTRATION

SEC. 8. (a)(1) The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Director who may be compensated at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule established under section 5315 of such title and a Deputy Director who may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule established under section 5316 of such title. Such officers shall serve at the pleasure of the Chairman.

(2) The Commission shall delegate such powers and duties to the Director as may be necessary for the efficient operation and management of the Commission.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission may—

(1) appoint and fix the compensation of such additional personnel, not to exceed twenty staff members, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure supplies, services, and property; make contracts; expend in furtherance of this Act funds appropriated, donated, or received in pursuance of contracts hereunder;

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration; and

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(c)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

COMPENSATION

SEC. 9. (a) Members of the Commission appointed under section 3(b) of this Act shall serve without compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) Persons appointed, designated, or invited to assist the Commission under section 3(c), the second sentence of section 3(d), section 4(e), or section 8(b)(2) of this Act shall serve without compensation, and shall not be entitled to reimbursement for travel, subsistence, or other expenses incurred by them in the performance of their duties.

PENALTY

SEC. 10. (a) The Commission shall prescribe rules and regulations regarding the use of any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the quincentennial, or any facsimile thereof. Under the rules and regulations, the Commission may not sell, lease, or otherwise grant to any person the right to use any such logo, symbol, or mark in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

(b) Any person who, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any such logos, symbols, or marks, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $10,000, or imprisoned not more than

one year, or both. This section shall only apply in the case of such logos, symbols, and marks for which the Commission has published in the Federal Register a notification of certification.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act, $220,000 per fiscal year for each of the fiscal years beginning after September 30, 1983, and ending before October 1, 1992; and $20,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

(c) The total appropriations authorized under this or any other Act for the purposes of this Act shall not exceed $2,000,000.

TERMINATION

SEC. 12. (a) A final report shall be made to the Congress no later than November 15, 1992, upon which date the Commission shall terminate.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

Mr. BAKER. Mr. President, I designate the distinguished Senator from Maryland (Mr. MATHIAS) to manage the time on this side.

I say to Senators that I understand that there will be a rollcall vote on this measure.

I yield the floor, Mr. President.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 500.

Mr. MATHIAS. Mr. President, of October 12th 1992, will mark the 500th anniversary, the quincentenary, of the day that land was sighted by one of the ships sailing on Christopher Columbus' maiden voyage, hoping to find a westward passage to the Orient.

Columbus was looking for that magical land of spices and gold which would satisfy the needs of the Old World. We know, as unfortunately Christopher Columbus never did know, that although he did not find that magical, mythical passage to the Orient, he did find a New World.

It is one of the ironies of history that Columbus' contemporaries never appreciated and never acknowledged the enormous contribution Columbus made to the expansion of European civilization and, in fact, to the creation of a new civilization.

We who are the ultimate beneficiaries of the vision and the courage and the travail of Columbus must see that his memory and his achievement do not suffer the same fate in 1992 that occurred in his lifetime.

I have thought a great deal about it, and I have come to the conclusion that Columbus' voyage of discovery, his achievement as an explorer, may very well be the greatest event in the history of the secular world. Although the anniversary is still 8 years away, it is certainly not too soon to begin to plan for the observance of such an unprecedented event, the 500th birthday of the New World, the quincentenary of the Western Hemisphere.

I am convinced—and I am glad to say that my colleagues on the Committee on the Judiciary have agreed—that the Federal Government must do all it can to see that this anniversary is observed in an appropriate and a thoughtful way. It should be the occasion for international cooperation and communication on an unprecedented scale which will, of course, require the leadership and the support of the entire Federal Government, but most particularly the Department of State.

To spur that effort, I introduced S. 500 on February 16, 1983, and I am glad to say that there is an appropriately numbered vehicle in the other body, H.R. 1492, which will accomplish the same purpose.

This legislation would establish the Christopher Columbus Quincentenary Jubilee Commission, whose mandate would be to plan, encourage, coordinate, and conduct the quincentenary of Columbus' voyage of discovery.

Mr. President, this is actually the second time the Senate has considered legislation along the lines of S. 500. On October 1, 1982, the Senate unanimously approved S. 2580, a bill substantially similar to the one with which we are dealing today. But neither S. 2580 nor H.R. 6657, which was a companion bill in the other body, introduced by Representative RODINO and Representative CONTE, passed in the other body in the waning days of the 97th Congress. This time, the situation is different and I believe more felicitous, because on June 21, 1983, the House passed H.R. 1492, which is identical to the bill we are now considering and which is not on the Senate Calendar.

In July, I offered the House-passed language as an amendment in the nature of a substitute to S. 500, and the Judiciary Committee unanimously ordered it reported with a favorable recommendation. That amendment, I believe, is pending at the desk.

The bill has had the generous support of the distinguished chairman of the Judiciary Committee; and I might note that, with his usual economical view, he has kept the cost of it to a minimum, somewhat below the original proposals; but I believe it is now in the position that it can be adopted enthusiastically by the Senate, and I hope the Senate will do so.

At this time, Mr. President, I ask unanimous consent that the name of the Senator from New Jersey (Mr. BRADLEY) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, will the chairman yield for a question?

Mr. MATHIAS. I yield.

Mr. MOYNIHAN. Mr. President, will the distinguished chairman of the Rules Committee do me the honor to add my name to the list of cosponsors?

Mr. MATHIAS. The bill would be much improved if the distinguished Senator from New York were willing to add his name to it.

I so ask unanimous consent, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, might I have the floor for just a moment on this matter? Will the Senator yield?

Mr. MATHIAS. I yield such time as the Senator requires.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I very much hope that not only it is clear that we will adopt this measure but that we do so directly.

Eight years is a very short time for the enterprise that the Senator from Maryland has in mind. I am sure that his intentions go beyond the mere observance of an anniversary, however happily it might be.

The object is to add to our knowledge of the event and to add to it in time that when the occasion comes there are things that have already been done, that the year 1992 is not the time we commence the inquiries, the analyses, and the work but that there be done in advance measures that can be brought to the public forum, you might say, on that occasion.

Mr. MATHIAS. The Senator from New York is precisely right and, with his usual insight into history and public affairs, has, I think, immediately grasped the fact that 8 years will not be very long to plan the kind of observance that is required by the quincentenary of the discovery of the New World.

After all, this is the event that brought about the most enormous migrations of people in the human history, that expanded knowledge, that gave rise to new scientific knowledge. The scope of this whole review of progress in human life will be enormous. But beyond the scholarship that will be required I envision this as an opportunity to reflect on the future

because, for example, the Government of Spain and the Government of Italy are extremely interested in this observance, in each case having made a substantial contribution to that great event 500 years ago.

This is an opportunity to strengthen our ties with Spain and with Italy.

The entire Western Hemisphere shares the heritage of these Columbian discoveries, these Columbian voyages.

It is an opportunity for us to acknowledge that shared bond with the nations of South America and Central America and Canada.

This is an opportunity, it seems to me, to do a great deal in the international field as well as in the field of scholarship, and all of this will require time because it does involve dealing with governments as well as with private organizations and individuals.

Mr. MOYNIHAN. As the chairman knows, this commenced the rise of a great new civilization or a number of such. It also commenced the destruction of a number of civilizations.

I hope that, in the normal pursuit of the subject the ethnography of the continent, after all, there is a certain ethno-simplicity to suggest that the New World was discovered. The people who were here had known about it. And that whole conquest of Mexico and Peru, as the great American historian Prescott first recognized it as an epic event, that needs to be shown from the perspective not just of the Europeans and I think we could do well to discover the sheer rapacity of this conquest and its combination of very high theological aspirations and the most savage of just plain grasping European gold fever. There has not been the equivalent experience in the world.

Mr. MATHIAS. I think the Senator again has, in a very sensitive way, touched on some of the most important aspects that can be developed in this quincentenary: The high level of civilization that existed in pre-Columbian America, much of which was obscured for selfish purposes by European colonists in all parts of the Western Hemisphere; the little known appeals of Father Las Casas, the Spanish cleric, who was so outraged by what was happening to the native population that he appealed to the King of Spain, all of these are chapters in the annals of human history, the annals of the gradual development of civilization that should be recalled, remembered, and used as benchmarks for the future.

Mr. MOYNIHAN. As remainders and as guides.

May I also just finally congratulate the distinguished chairman of the Rules Committee to say that it is no accident that this proposal is being presented in the District of Columbia.

Mr. MATHIAS. The Senator from New York has added the right touch to this debate. I thank him.

Mr. President, what is the time situation, because I know the Senator from Nebraska has some remarks he wishes to make and I do not want to rush him?

THE PRESIDING OFFICER. The Senator from Maryland has 6½ minutes remaining.

AMENDMENT NO. 2691

(Purpose: To make certain technical changes, to revise certain effective dates, and to provide for the recognition of the 1992 World's Fair to be held in Chicago)

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment numbered 2691.

On page 15, line 13, strike out "thirty" and insert in lieu thereof "twenty-nine".

On page 16, strike out line 6.

On page 16, line 7, strike out "(8)" and insert in lieu thereof "(7)".

On page 16, line 9, strike out "(9)" and insert in lieu thereof "(8)".

On page 16, line 12, strike out "before October 1, 1983" and insert in lieu thereof "within ninety days after the date of the enactment of this Act".

On page 16, line 21, strike out "a reasonable time" and insert in lieu thereof "ninety days".

On page 16, line 22, strike out the comma and "but not later than October 1, 1983".

On page 17, line 13, strike out "Not later than October 1, 1985" and insert in lieu thereof "Within two years after the date of the first meeting called pursuant to section 3(d) of this Act".

On page 19, line 16, insert immediately before the period the following: ", which the Commission recognizes to be a major highlight of the quincentenary celebration".

Mr. MATHIAS. If it is agreeable to the Senator, I might just briefly review the pending amendment to the bill because it does a few things which in no way alter the purpose or the goal of the legislation, but I think the Senate should be advised as to the nature of the amendment.

It would reduce the Commission membership from 30 to 29 by removing the Secretary of the Smithsonian Institution from the Commission. This is a change which will bring the bill into conformity with the appointments clause of the constitution.

The amendment will change the numbering system to conform the bill to the changes that are made therein.

The amendment will further address the timing of appointments of Commissioners. The bill, which was unanimously reported, had a favorable recommendation from the Judiciary Committee and authorized the President to invite the Governments of Italy and Spain to appoint representatives to be nonvoting members by October 1, 1983. Since it is well past this deadline, this amendment calls for the President to invite the Governments of Italy and Spain to appoint their representatives within 90 days from the date of the enactment.

Similarly, the bill that was reported from the Committee on the Judiciary mandated voting members of the commission be appointed by October 1, 1983.

The previous portions of the amendment cured this timing problem by providing that voting commissioners be appointed within 90 days of the date of enactment.

According to the bill as reported, the commission is required to submit to Congress the comprehensive report on the plan by October 1, 1985, which was at that time contemplated as 2 years after the commission was to be established but to conform the bill to the previous changes with respect to timing the amendment extended the deadline for the report to 2 years after the first official meeting of the commission.

The final portion of the amendment relates to the 1992 World's Fair which will be in Chicago, Ill., a second Columbian exposition, and it specifically recognizes the Chicago World Fair as a major highlight of the quincentenary celebration.

Mr. President, I know of no objection to those rather technical amendments and I will be happy to move the adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. Mr. President, as I understand it, there is a time period of 40 minutes equally divided on the measure before us.

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. EXON. I have been appointed to handle the time in opposition to the measure.

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. And I have some comments to make about the bill. I wonder if the Senator from Maryland would answer a question that I would like to propound to him on my time.

Mr. MATHIAS. I am happy to.

May I suggest to the Senator that he might want to go ahead and adopt this amendment which is merely conforming to the House language and then the proposition will be before the Senate and the Senator can make such comments.

Mr. EXON. I have no objection to adopting the amendment.

Mr. MATHIAS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 2691) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, do I understand that no other amendments are in order?

The PRESIDING OFFICER. The majority leader is correct, except for the adotpion of the committee substitute, as amended.

Mr. MATHIAS. Mr. President, the Senator from Nebraska was going to address a question to me.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I would like to pose a question on my time, again, and request the answer from the Senator from Maryland, if he would be so helpful.

As the Senator from Maryland knows full well, the Senator from Nebraska has no opposition whatsoever to what he is attempting to do, basically, in setting up an organization for the celebration of the 500th anniversary of the discovery of America by Christopher Columbus.

The Senator from Nebraska, however, is concerned about the reported $2 million over a period of years that would be appropriated, beginning with the measure before us. I simply inquire at this time from the Senator from Maryland: Should the legislation, as amended, become law, does the proposal before us still include the beginning appropriation of a total of $2 million over the next several years for the purpose stated?

Mr. MATHIAS. The bill does provide for the necessary expenses of the Commission, but not as much, I might say to the Senator, as I really felt would be justified. The distinguished chairman of the Judiciary Committee, with his normal frugal and prudent practice, reduced the sum below the original proposal. But it does authorize $220,000 for each fiscal year for the period from fiscal year 1984 through 1992.

Mr. EXON. Mr. President, I inquire further of the Senator from Maryland as to whether or not, in his opinion, a budget waiver would be necessary for this matter.

Mr. MATHIAS. We have already obtained a budget waiver. That has been adopted. The Senator's question is very well taken.

Mr. EXON. Mr. President, under the circumstances, since the $2 million remains in the bill, I rise in opposition to S. 500, the legislation to establish a commission to commemorate the 500th anniversary of the voyages of Christopher Columbus, notwithstanding the excellent and well-informed statements by the Senator from Maryland and the Senator from New York. I agree with all that they have said in supporting the concept of the celebration of the 500th anniversary of the wonderous discovery of America by Christopher Columbus. However, I strongly oppose only that portion of the bill providing $2 million in taxpayers' funds.

As we begin the 2d session of the 98th Congress, we should be addressing ways to make progress toward serious deficit reductions. Instead, one of our first acts will be to consider legislation to create a commission whose goal is to spend Government funds on yet another national celebration.

Last November, the congressional budget process collapsed when we failed to enact even a meager reconciliation bill. If we do not get this budget process back on track, we will witness further adverse effects on the already-scary Federal deficits. Thereby driving up even more the skyrocketing national debt. Unfortunately, we are seeing very little leadership from the White House on the deficit issue and most administration spokesmen right on down the line, including the President himself, would have us believe that we can get by with no major action to reduce these deficits. Expressing concern about them is not enough—we need action. Congress cannot continue acting like it believes in these phony economic fairy tales.

The economic policies we keep following add to the deficit and the national debt, driving up interest rates further and thus pushing higher and higher our already terribly overvalued dollar—which is wrecking our changes of selling our agricultural and manufactured products in the international marketplace. Meanwhile, our deficit in trade balance is the worst in history, with only prospects of it getting much worse.

I concede that this proposed $2 million expenditure over a 9-year period to commemorate the voyages of Christopher Columbus is a relatively minor straw, but nevertheless one that we can discard right now without hurting anyone and make at least a feeble beginning or a down payment, if you will, to show some fiscal restraint. It is long past the time when we should begin, before the fragile economic house of millions of big and little budgetary straws that has been haphazardly fashioned goes up in smoke.

It was for this reason that last fall I blocked the unanimous voice vote which was "all set" and insisted instead upon a rollcall vote on the Senate day care center authorization, hoping reason would prevail. The resulting debate and record vote indicated strong opposition, but it unfortunately was passed. It was for this reason that this Senator attempted to make the Martin Luther King holiday a day of observance without spending taxpayer funds on another paid holiday. It was for this reason I voted to table tuition tax credit legislation. While I basically feel it is in order, I do not think we can afford to finance that or anything else of this nature or magnitude until we begin to get the deficit and the budget under control.

And it is for this reason that I now insist on debate and a rollcall vote on this measure to spend $2 million to observe the 500th anniversary of the discovery of America by Christopher Columbus.

Mr. RANDOLPH. Will my colleague yield?

Mr. EXON. I am happy to yield.

Mr. RANDOLPH. As the Senator knows, we now celebrate Columbus Day on a date that has no real significance. The Senator knows that. That is one of the problems we have had here. We forget.

The Senator will recall that members of the Armed Forces who had served came back to appeal to the Congress after we had set up one of these Mondays and Veterans Day went back to November 11. That was the original date, the Armistice Day, of course, for World War I.

I think the able Senator speaks in a logical and well-reasoned way this afternoon about these matters. If we are to really honor an event or an individual, it should be on the day that that event occurred or the individual was born. Would the Senator agree?

Mr. EXON. I would agree.

Mr. RANDOLPH. Using long weekends regardless of the date, is not right, is it?

Mr. EXON. I agree with my friend. I think we should celebrate things on the date they happened. I simply say that in this particular case—and I am not the sponsor of this measure, but I was given to understand that it would be celebrated, on, supposedly, the day that Christopher Columbus discovered America, if we know what that day was. I suspect, though, that, in the end, it will be another weekend, as the Senator and my good friend from West Virginia so aptly has put it.

Mr. RANDOLPH. I thank my colleague for yielding to me.

Mr. EXON. Mr. President, how much time remains on this side?

The PRESIDING OFFICER (Mr. WILSON). There are 9 minutes and 40 seconds remaining to the opposition.

Mr. EXON. I thank the Chair.

The point is that, however worthy these propositions may or may not be—and some of them I could support under normal circumstances—these are not normal times and neither the taxpayers nor the deficits nor the national debt can afford them now in light of the more pressing and immediate demands.

If a family, a farmer or a business enterprise were bankrupt and went out and spent money for a swimming

pool, it would be considered ludicrous. We all know there are going to be demands for higher priority needs. Why can we not reject out of hand such obvious and nonessential requests such as this proposal before us?

The Judiciary Committee report accompanying S. 500 indicates a significant amount of private funds will be raised for this project. That is fine. I applaud that direction and prefer that all private moneys be used to fund this entire concept.

Mr. President, I enthusiastically endorse honoring the 500th anniversary of the discovery of America by Christopher Columbus.

Mr. President, I suggest that the structure that has been suggested under this bill for the appointing of a committee is in order. I only ask that the Senate not pass the bill before us in its present form and not obligate $2 million for such a celebration; and that we begin early in this session to exercise at least a small amount of spending restraint and then go on to tackle the major problems in this area which face us.

Mr. President, I reserve the remainder of my time.

At this time, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I believe we are almost ready to vote. I would say to the Senator that I admire his concern, I respect his concern, for fiscal integrity in this Government, and I pledge to him that I will match him stroke for stroke in either any economy that we can make or any enhancement of the revenue we can achieve. I agree with him we must reduce the deficit. But in this case, I think the small expenditure that is involved year by year will be like bread cast upon the water. It will return to us manyfold in the number of visitors that will come to this country, and the number of assets we will develop for ourselves will be beyond counting in the world. I move urgently that we adopt this bill.

Unless the Senator has something further to say, I would suggest we move to its final passage.

CHICAGO 1992 WORLD'S FAIR

Mr. PERCY. Mr. President, I met recently with the House and Senate sponsors of this legislation, Mr. MATHIAS, Mr. RODINO, and Mr. GARCIA, to make certain that the Quincentennial Commission established by this measure will complement—rather than compete with—the 1992 Chicago World's Fair. My good friend, Tom Ayers, the president and chairman of the Chicago World's Fair 1992 Corp., urged that we obtain assurances on the appointment of individuals associated with the Chicago exposition to the Commission, and that a provision be added to the measure clarifying that the fair will be a focal point and centerpiece of the quincentennial celebrations.

The distinguished Senate author and floor manager of the bill, Mr. MATHIAS, has expressed his support for the Chicago exposition and has expressed a willingness to vigorously work to insure that such individuals are appointed to the Commission. Further, my colleague has agreed to include in the committee amendment a provision that the Christopher Columbus Quincentenary Jubilee Commission shall recognize the Chicago exposition to be a major highlight of the celebrations.

Mr. MATHIAS. The Senator from Illinois is correct. I will indeed work to see that Chicago interests are represented by those appointed to the Commission. Further, the committee amendment includes an addition to section 4(d) clarifying that the Commission shall not duplicate the activities of the fair, and shall recognize that the fair is a major highlight of the celebrations. Our intention here is to make clear that the Commission shall not foster competitive expositions that might undermine the financial viability of the fair. It is not the role of the Commission to foster events similar in scope or nature to the Chicago World's Fair.

Mr. PERCY. I thank the Senator.

The bill before us includes many changes that had earlier been adopted by the House to protect the Chicago exposition. For example, the bill now provides for the appointment of the Secretary of Commerce to the Commission. Because the Commerce Secretary is charged with the responsibility of overseeing the Federal investment in the fair, this is an important provision in my judgment. The bill also now stipulates that nothing in the act shall be construed to restrict, abridge, or otherwise limit the planning, development, conduct, operations, or activities of the fair. Moreover, nothing in the bill shall be construed to vest in the Commission any right or responsibility to regulate or otherwise oversee the fair.

With these changes, I have only a few remaining concerns.

Section 5(1) of the bill authorizes the Commission to sell materials and objects. It is my understanding that the Commission will limit its sales to those materials and objects that are subtantially educational in nature such as calenders, maps, and audiovisual aids, but will not sell souvenirs for the purpose of raising revenue to support the operations of the Commission.

Mr. MATHIAS. The Senator from Illinois is correct. The bill includes a specific authorization of $2 million for the Commission to carry out its duties. It is not the intention of the sponsors of the bill that the Commission will sell, or lease rights to sell, trinkets, souvenirs, or other commercial goods.

Mr. PERCY. I thank the Senator. With these assurances, I am confident that the Commission will complement—and not compete with—the Chicago World's Fair. I appreciate the cooperation of the Senator from Maryland, and his counterparts in the House.

Mr. President, I ask unanimous consent that the Tom Ayers' letter concerning the legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHICAGO 92,
AGE OF DISCOVERY,
Chicago, Ill., November 8, 1983.

Hon. CHARLES H. PERCY,
Dirksen Senate Office, Washington, D.C.

DEAR CHUCK: We are very grateful for your continuing efforts on behalf of the 1992 Chicago World's Fair, particularly in relation to the Christopher Columbus Quincentennial Jubilee Commission (H.R. 1492).

The revisions to the original bill—which you were so instrumental in bringing about—offer the Chicago '92 exposition important protection in several key areas. These changes also ensure that the commitments made by the Federal government to the Bureau of International Expositions concerning the Chicago '92 exposition will be honored.

This having been accomplished, we have only one additional amendment to offer. We propose that the Commission formally acknowledge the Chicago '92 exposition as the "centerpiece and focal point" of the country's quincentennial celebration. The suggested text of this change is attached.

Finally, we strongly urge that an informal agreement be reached among the Senate and House leadership, which would provide for at least three Illinoisans—who would be mindful of the exposition's interests—being named to the Commission. Senator Dixon has indicated that he has discussed this possibility with you, and Congressmen Michel and Rostenkowski. With such an informal agreement regarding membership together with the proposed amendment, we believe the best interests of the Chicago '92 exposition will have been served and the legislation should be permitted to become law.

Again, we are most appreciative of your efforts on behalf of the exposition, which will so greatly benefit all the people of Illinois in the years ahead. We look forward to hearing of your progress.

Sincerely,

THOMAS G. AYERS,
Chairman and President.

Mr. DIXON. Mr. President, I would like to associate myself with the remarks of my distinguished colleagues, Senators PERCY and MATHIAS, regarding this legislation establishing the Christopher Columbus Quincentenary Commission.

It is legislation designed to insure that the great event of 1492 which en-

larged the globe and enlarged man's spirit will be properly observed.

I look forward to working with members of the Commission to insure that the benefits that have flowed from Columbus' voyage are once again enumerated and appreciated in the United States of America.

Mr. DOMENICI. Mr. President, S. 500, which the distinguished Senator from Maryland (Mr. MATHIAS) handled, is very important to me. Some Senators, in fact, knowing of my interest and my Italian heritage, I say to my good friend from West Virginia, ask if I should not vote "present" because I have such an interest, they think. But I voted very forcefully "aye."

It is not only an interest that I have because Christopher Columbus comes from the country of Italy, and both my mother and father were born there, but strangely enough way out in New Mexico there is a city of Santa Fe, and that is our capital. That is a Spanish name meaning holy faith.

Christopher Columbus, the young man, went to Spain because no one else would help his with money to go find a new route for the East Indies. And he went to the small city of Santa Fe in Spain and there he made contact with the queen, and it was there that they struck the deal which yielded resources from the queen to him which in turn permitted him to sail and find this great country.

In our home State of New Mexico, the city of Santa Fe, as I indicated, a Spanish-founded city meaning holy faith, has recently become a sister city of Santa Fe in Spain.

So in a very real sense the Senator from New Mexico has two significant interests and two very important relationships, that of heritage and pride that comes from Christopher Columbus coming from Italy and then that very distinguished group of leaders in Santa Fe, N. Mex., have given us a second reason, that being the reason of a sister city in Santa Fe, N. Mex. related to the city in Spain called Santa Fe, that was the piece of geography on this world that permitted Christopher Columbus to get the resources that he needed.

Mr. MATHIAS. Mr. President, I move adoption of the committee amendment in the nature of a substitute, as amended.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. MATHIAS. Mr. President, we yield back our remaining time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, have all the committee and technical amendments to the bill now been offered and agreed to?

The PRESIDING OFFICER. The committee substitute, as amended, has not been agreed to.

Mr. EXON. If it will expedite the proceedings, and reserving the right to have a rollcall vote on the bill itself, I would not consider a rollcall vote on the committee amendment, as amended. I think the rollcall vote should properly be on final passage.

Mr. MATHIAS. I agree with the Senator.

Mr. EXON. Mr. President, I will withhold my call for a rollcall vote because, when I asked for that rollcall vote, I thought all the amendments had been cleared.

The PRESIDING OFFICER. The yeas and nays have been ordered on the committee substitute, as amended.

Mr. EXON. Would it be in order at this time, Mr. President, for me to withdraw my request for a rollcall vote on the committee substitute, as amended, with the understanding that I reserve the right to have a rollcall vote on the measure with the substitute?

The PRESIDING OFFICER. By unanimous consent, that would be in order.

Without objection, the request for the yeas and nays by the Senator from Nebraska on the committee substitute, as amended, is vitiated.

Mr. MATHIAS. Mr. President, I move adoption of the committee amendment in the nature of a substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. EXON. Mr. President, I will ask for a rollcall vote on the bill, as amended.

Mr. President, I suggest the absence of a quorum.

Mr. BAKER. Mr. President, will the Senator withhold that for a moment?

Mr. EXON. Yes.

Mr. BAKER. What I hope will happen, and what I fully expect the distinguished manager of the bill will do, is, after the committee substitute as amended, is agreed to, we will go to the companion House-passed bill. Then there will be a motion to strike all after the enacting clause and to substitute the language of S. 500 under the H.R. number.

At that point, on the adoption of the H.R. number, as amended, I would thing that the Senator from Nebraska might want a rollcall vote on final passage.

Mr. EXON. I will be happy to cooperate in any way to expedite the process. I am ready to go to a vote. Let us proceed with the parliamentary situation now and I will request the rollcall vote.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MATHIAS. Third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MATHIAS. Mr. President, now I ask unanimous consent that I may call up H.R. 1492, the House-passed companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. MATHIAS. Now, Mr. President, I move to strike all after the enacting clause and to insert in lieu thereof the text of Senate bill S. 500, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. BAKER. Mr. President, after third reading, I anticipate the Senator from Nebraska may wish to ask for a rollcall vote. Those who may be listening should know we will have a rollcall vote in the next few moments and that will be the last rollcall vote today.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Alabama (Mr. DENTON), the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Idaho (Mr. MCCLURE), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), would vote "nay."

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 23, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—67

Abdnor	Grassley	Mitchell
Baker	Hatch	Moynihan
Baucus	Hatfield	Nunn
Biden	Hawkins	Packwood
Bingaman	Hecht	Pell
Boschwitz	Heflin	Percy
Bradley	Heinz	Pryor
Bumpers	Huddleston	Quayle
Byrd	Humphrey	Riegle
Chafee	Inouye	Roth
Chiles	Jepsen	Sarbanes
Cochran	Johnston	Sasser
D'Amato	Kennedy	Specter
Danforth	Lautenberg	Stafford
DeConcini	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Long	Tower
Domenici	Lugar	Tsongas
Durenberger	Mathias	Warner
Evans	Matsunaga	Weicker
Ford	Melcher	
Gorton	Metzenbaum	

NAYS—23

Andrews	Helms	Rudman
Boren	Kasten	Simpson
Burdick	Mattingly	Symms
Cohen	Murkowski	Trible
East	Nickles	Wallop
Exon	Pressler	Wilson
Garn	Proxmire	Zorinsky
Goldwater	Randolph	

NOT VOTING—10

Armstrong	Eagleton	Kassebaum
Bentsen	Glenn	McClure
Cranston	Hart	
Denton	Hollings	

So the bill (H.R. 1492), as amended, was passed.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 316, S. 500, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE CRIME CONTROL ACT

The Senate continued with the consideration of S. 1762.

Mr. BAKER. Mr. President, if I may have the attention of the Senate, will the Chair please state the pending business?

The PRESIDING OFFICER. The pending business is S. 1762.

Mr. BAKER. I thank the Chair.

Mr. President, I have already announced that there will be no more votes tonight, and behind that was the consensus judgment that a little time might—or might not—produce a favorable result with respect to the controversy over the Metzenbaum-Bumpers amendment.

In any event, Mr. President, tomorrow afternoon, about 2 o'clock or a little after, it is the intention of the leadership on this side to try to dispose of the issue, to bring it to a head.

It is my hope that we can get something worked out; but if we cannot, then we need to vote on the amendment or some variation thereof, or there needs to be a tabling motion.

So Senators should be on notice that I think tonight and in the morning is a good investment of our time in an effort to work it out. But if we cannot, we have to get to it sometime tomorrow afternoon.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I thank the majority leader for the actions he has taken in this matter, and I thank Senator BIDEN and Senator THURMOND for their cooperation.

I have been concerned about the intelligence community and the law enforcement people. They have additional time now. They have had all of today, they will have this evening, and they will have tomorrow until, I believe the majority leader said, 2 or 2:30. I hope they will take advantage of that time and come in with a suggestion as to how they would want to modify the amendment of Senator METZENBAUM, and I urge them to do that.

I think Mr. METZENBAUM has been amenable and generous in his willingness to give them that opportunity, and I think they are entitled to it.

Mr. BAKER. I thank the Senator.

I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I appreciate the efforts of the majority leader and the comments of the minority leader.

I think that giving the intelligence community time until tomorrow afternoon to come up with language they feel will provide the necessary protection for them is a move in the right direction.

I, for one—and I am quite sure I speak for my cosponsor, Senator BUMPERS—am prepared to accept just about anything the intelligence community feels they need as protection or exemption.

The thrust of this amendment is not the intelligence community, and we share with other Members in this body the concern about the intelligence community. I think that with that many hours between now and the time for the vote, if they will come forward with language, I feel certain we will not quibble about the details of it and will be prepared to accept it as an amendment to our amendment.

Mr. BRADLEY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BRADLEY. Do I correctly understand that the majority leader has said that he will give the parties involved in this issue until 2:30 tomorrow, roughly, to work out the differences, at which time there would be a vote?

Mr. BAKER. That is correct. I would not want to set 2:30 as an exact time.

In a moment, I will ask for an order for the Senate to be in recess from 12 to 2 and to do it shortly after that recess, and then to vote up or down on the amendment or some variation of it. Or, if we cannot agree on that, I fully expect that there would be a tabling motion, but a vote.

Mr. BRADLEY. After this amendment is disposed of, what is the majority leader's intention as to what would come up and the time period in which it would come up?

Mr. BAKER. I do not know of any other amendments to this bill. There may be other amendments, but I hope we will have final passage of this bill at that time or shortly after.

After that, I believe there are eight bills—five principal bills—that are thought of as part of this package and to which I have referred from time to time as ancillary crime bills. I intend to ask the Senate to take them up in whatever sequence the distinguished managers decide to proceed, but to do them in this week.

Mr. BRADLEY. I thank the majority leader.

Mr. BAKER. Mr. President, I gather that a number of Senators have things they want to do. If those matters are not on this bill, I should like to put the Senate in morning business and then conduct our affairs.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask consent that there now be a period for the transaction of routine morning business, not to extend past 6:15 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERCK & CO. RECEIVES DEPARTMENT OF LABOR AWARD

Mr. BRADLEY. Mr. President, the State of New Jersey is well known for its industrial leadership and for the highly skilled men and women who comprise the State's high-technology industry.

The State is also widely acclaimed for its leadership in human relations and voluntary social activities, which make it an attractive place to live and

work. Recently, those qualities received official acknowledgment when the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) honored six companies for affirmative action programs going beyond the requirements of law. One of those companies was Merck & Co., Inc., an international health products firm with headquarters in Rahway.

In a letter to John J. Horan, chairman and chief executive officer of Merck, Ellen Shong Bergman, former Director of the OFCCP Employment Standards Administration, said the Director's Exemplary Voluntary Efforts Award was being given to Merck for "voluntarily making innovative good faith efforts directed at the full utilization of handicapped persons, minorities, women, and disabled veterans of the Vietnam era in their internal work force."

The Director cited Merck for a number of special programs and initiatives that the OFCCP found to be exemplary. She called particular attention to a unique company-wide communication program, called Phase III, that provided affirmative action training for each of Merck's approximately 16,000 employees at 61 plants in the United States. Building on earlier communication programs, Phase III was designed to help all employees have a better understanding not only of affirmative action but of each other. The Director noted that—

> This program demonstrates strong, sustained support and commitment by top management, fosters active employee involvement and awareness, and—based on employee surveys—has had a very positive effect on the workforce.

The success of the Merck program has led at least 20 other major U.S. companies to acquire Phase III for their own affirmative action efforts.

It is a pleasure to have an opportunity to call attention to this example of industrial leadership on behalf of equal employment opportunity by one of our major New Jersey firms and to join in congratulating all of the members of the Merck organization on receiving the Exemplary Voluntary Efforts Award.

Mr. President, I ask unanimous consent to have printed in the RECORD the Department of Labor's letter citing Merck's efforts.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> EMPLOYMENT STANDARDS ADMINISTRATION, OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS,
> *Washington, D.C. October 18, 1983.*
>
> Mr. JOHN J. HORAN,
> *Chairman and Chief Executive Officer, Merck & Co., Inc., Rahway, N.J.*
>
> DEAR MR. HORAN: I take great pleasure in awarding to Merck & Co., Inc., the Office of Federal Contract Compliance Programs' Exemplary Voluntary Efforts Award.
>
> The purpose of this award is to publicly salute government contractors or establishments of such contractors who set themselves apart from similarly situated contractors by voluntarily making innovative, good faith efforts directed at the full utilization of handicapped persons, minorities, women, disabled veterans or veterans of the Vietnam era, in their internal workforce, in industry, in the educational system or in their communities.
>
> We identified a number of special programs and initiatives of Merck & Co., Inc., that we found to be exemplary. We particularly cite your company for specific Exemplary Voluntary Efforts in developing and implementing "Phase III". This is a unique corporate-wide communication program designed to provide affirmative action training to each of Merck's approximately 16,000 domestic employees at 61 plants, including professionals, production workers, managers, and secretaries. Building on earlier communication programs, Phase III carries these efforts further to help all employees have a "better understanding not only of affirmative action but of each other." This program, we believe, demonstrates strong, sustained support and commitment by top management, fosters active employee involvement and awareness and, based on employee surveys, has had a very positive effect on the workforce.
>
> I am delighted to have this opportunity to congratulate you.
>
> Sincerely,
>
> ELLEN SHONG BERGMAN,
> *Director.*

THE INAUGURATION OF PRESIDENT ALFONSIN IN ARGENTINA

Mr. KENNEDY. Mr. President, President Raul Alfonsin's inauguration on December 10, 1983, marks the end of a period of brutal military rule and heralds a new era for Argentina. His inaugural pledge to restore a state of law and public liberties resounded throughout Latin America. It was an extraordinary moment in which Argentina's return to democracy became the most significant commemoration in the world of Human Rights Day.

Hundreds of thousands of Argentinians gathered in the Plaza de Mayo on December 10 for the historic celebration which President Alfonsin called a triumph for all Argentina. One of the phrases heard most frequently in Argentina was "this must be a dream." After suffering endless years of repression, most people now speak freely again without fear. Jacobo Timmerman, the Argentine writer and newspaper publisher who had earlier left his country after being tortured and stripped of his citizenship, returned to Argentina and said: "For an Argentinian to go back now is to see his country in a kind of Camelot."

For Hipolito Solari Irogoyen, now ambassador at large to President Alfonsin, and countless other victims of military repression, the inauguration was almost unbelievable. They were greeting foreign delegations as high-ranking members of the new Government while memories of languishing in the junta's prisons were fresh in their minds.

This inauguration marks not merely the transfer of power from one government to another. It symbolizes the return of democracy to Argentina. The presence at President Alfonsin's inaugural of democratic opposition leaders from the military-run countries of Chile, Uruguay, and Paraguay symbolized the hopes for democracy that all Americans—from the Northern as well as the Southern Hemispheres—have for this new Government.

President Alfonsin is a courageous human-rights activist. He knows that this triumph was achieved because so many Argentinians gave their lives to keep the dream of freedom alive. President Carter's policy of speaking out against human-rights violations in Argentina also deserves credit. The Carter policies reassured Argentinians that they were not alone in their struggle against repression.

The new civilian government must overcome serious challenges on many fronts. In the 6 weeks since he has taken office, President Alfonsin has moved swiftly and boldly, challenging the Argentine people with his inaugural call: "We Argentines will go forward. We will become the country that we deserve." His confident leadership has already brought important results.

Argentina's first and foremost problem has been the legacy of killings, the suppression of human rights, and the trampling of public institutions that pervaded nearly 8 years of military rule; 72 hours after his inauguration, President Alfonsin declared in a nationwide television address: "The past weighs darkly on our future. It is indispensable for the creation of the rule of law that those in our recent past who have sown terror, pain, and death across Argentine society be judged." With that, President Alfonsin ordered that all nine former junta members who ruled Argentina from 1976–82 be tried by military court-martial on charges of murder, kidnaping, and torture. He also ordered that leftist guerilla leaders should also be tried for human-rights violations. Three former Presidents of Argentina—President Videla, President Viola, and President Galtieri—were named in that proclamation. And former President Bignone, the general who turned power over to the new civilian government, was also arrested later in connection with a separate investigation into the disappearances of two Army recruits.

In that same speech, President Alfonsin announced other steps he would take to bring the military back under the authority of the civilian government. He asked the Argentine Congress to overturn the outgoing junta's amnesty decree which protect-

ed from presecution dozens of top officers and hundreds of soldiers, police, and paramilitary operatives who tortured, kidnaped, and killed thousands of Argentinians during the dirty war. Within 2 weeks, the Congress did so.

President Alfonsin also announced a major reform of military law to reduce the jurisdiction of military courts over civilians and to create a system of appeals from military courts to civil courts. He said he would submit as well a draft law to make torture punishable by the same penalties as murder.

The day after this address, some 4 days after taking office, President Alfonsin reorganized the military high command. He forced the retirement of 25 generals, nearly one-half of the active-duty generals in the Army, and 16 admirals, almost two-thirds of the Navy's admirals. The commanders of the three services were replaced with junior officers who were not implicated in the junta's rule of terror. These officers were made directly answerable to the President. The military budget—which under the rule of the junta absorbed nearly one-third of Government spending—will be cut, according to Argentine officials.

The following day, President Alfonsin established the National Commission on the Disapparance of Persons. The purpose of this commission is to investigate the disappearance of over 20,000 Argentinians during military rule. This commission must submit its report within 6 months and turn whatever evidence it develops over to the courts.

In moving so boldly against the legacy of repression, President Alfonsin has sought to restore justice, to heal past wounds, and to reunite the nation. During a campaign rally when his supporters chanted for firing squads to deal with military brutality, President Alfonsin declared: "No! Never again. Never again. There is a constitution and a jail for the guilty."

President Alfonsin and his government deserve support for their courageous initiatives and for their determination to uphold the rights of individuals to use the courts and the law. Enormous change has occured in Argentina under a President determined to create a country where individual rights are protected, where the Mothers of the Plaza de Mayo will no longer need to conduct their weekly vigil, and where there will be no more prisoners without names and no more cells without numbers.

Argentina also faces an economic challenge that is equally important to the nation's democratic future. Argentina was once one of the richest nations in Latin America; it is now on the brink of collapse: inflation soars at an annual rate of 430 percent; and estimates of foreign debt run as high as $40 billion—with a staggering $20 billion needed for this year's debt-service payments alone. This debt was accumulated during the past 5 years, and little, if any, of the borrowed funds was reinvested in productive infrastructure, compounding repayment problems. For Argentina to meet its obligations, as President Alfonsin has pledged, the nation must make sacrifices in cutting back government expenditures for needed human services and development.

But President Alfonsin is off to an impressive start in this area as well. He has imposed a 40-day price freeze and he has sharply restricted imports while he develops his economic program.

The path to recovery and growth will not be easy. Success will depend on the willingness of the Argentine people to share in the needed sacrifices to secure their newly restored democracy.

President Alfonsin has also moved to confront the challenge posed by the labor unions. He has proposed legislation requiring court-monitored, direct democratic elections for union positions and mandating representation of minority political groups on union boards.

President Alfonsin has made a bold start, and he deserves the strong support of the United States. We should be prepared to give tangible support to Argentina. In particular, we should work with that nation to assist in developing innovative solutions to Argentina's debt problem, so that economic prosperity and progress in human rights can go hand in hand.

I ask unanimous consent that the following excerpts from President Alfonsin's inaugural address be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED EXCERPTS FROM PRESIDENT ALFONSIN'S SPEECH

We have come to explain to this honorable Congress the main objectives of the government in the various spheres in which it will act: national and international policy, defense, economy, labor relations, education, public health, justice, public works, public services, and all other matters that demand the attention of the people, governors, and legislators. I suggest that the report on specific issues that is already in the hands of the legislators be included in the records of this session. But we also want to point out that there will be a deep and fundamental link between all the areas; that a common essence, the justness of our acts, will nourish each and every one of the acts of the democratic government which starts today.

There are many problems that we will not be able to solve immediately, but public corruption ends today. We are going to establish a decent government. Yesterday there may have been a country, disheartened, in despair, and lacking faith. Today we summon all Argentine citizens, not only in the name of the authenticity of the origin of the democratic government, but also in the name of the ethical principle that upholds that authenticity. That ethical principle represents one of the most noble motivations of the soul. Even the objective of constructing national unity should be fully interpreted through ethics.

That ethical principle that accompanied thousands of Argentine citizens during their struggle for freedom and justice, also mandates that the ends never justify the means.

Those who believe that the end justifies the means believe that a marvelous future will erase the guilt caused by unethical actions and crimes. To justify the means in order to obtain the ends implies admitting one's own corruption, but it implies above all admitting that one can harm other human beings, that one can subject other human beings to hunger, that one can kill other human beings in the hope that that terrible price some day will allow other generations to live under better conditions.

This way of thinking, used by pragmatic cynics, always foresees a very distant future. But our commitment begins here today, and it is basically a commitment to our contemporaries, whom we have no right to sacrifice for the sake of hypothetical achievements which will be seen in other centuries.

We are going to work for the future; democracy works for the future, but for a tangible future. If one works for a tangible future, one establishes a positive correlation between the ends and the means. One cannot govern without memories, neither can one govern without the capacity to foresee, but to foresee for a comprehensible term and not for an undetermined future. The totalitarians think in terms of millennia, this depriving the current citizenry of the hope of a free life. The problems that we must solve are the present problems; the problems we must provide for are, at most, those which the two future generations might face. As Pope John XXIII said, beyond that time there are no certain conclusions, and the data is too uncertain and fluid; therefore, it might justify research but not political actions.

This is not the right occasion for rhetoric. This is the time for action, for fruitful, determined, dedicated, and immediate action. It is the time for doing, for doing well, for doing what the republic demands and the people expect.

By the free will of the Argentine people, I have the honor and responsibility of assuming the presidency of the republic. The men and women of my country have honored me by entrusting me with this task in a single hope: that of saving the nation for life, justice, and freedom.

That hope is our response, the response of the immense majority of Argentines, to a grievous experience. We have experienced with grief the rule of arrogance and arbitrariness in this land where our ancestors wished to build equality and justice. We have experienced the grief of violence and death here, in this Argentina, the land of which all have dreamed and for which all of us desire peace and life. We have experienced, and are still experiencing, the grief of the misery of millions of men and women in a land which could provide prosperity for all, the grief of starvation in a country of food, the grief of lacking a home, health, and education in a nation where such evils cannot be justified in any way.

The first thing that we must not forget is that the most valuable asset of this country is the men and women living in it. It is the work and creative capacity of all and each one of our inhabitants that gives meaning

and wealth to our Argentina, as to any other nation of the world, not the petroleum, or the cows, or the wheat, or the factories.

The second lesson is that only the people should concern themselves over the future of the people. When the people are hindered from deciding their own fate, when they are stopped from electing and controlling their government, sooner or later the governing is no longer for the people.

No one can expect a government not to make mistakes. But from now on we will see to it that the people alone, by their free will and within their democratic institutions, will be the only ones to judge and correct those mistakes.

The grief through which we have lived has taught us that, whenever the road toward democracy is obstructed, the immense majority of Argentines end up losers.

We have also learned that some people reap benefits when the government of the nation is imposed by force and not by the free will of the people. We have learned that those who encourage impatience in order to propose intolerance and violence as remedies have ended up favoring the interests of the privileged class. We have learned that, whenever the people do not decide regarding the government, the nation and the people remaind defenseless against domestic and foreign interests.

And we also know that powerful forces do not want a democracy in Argentina. We know that the need for this government, which has been elected by the people, to secure the people's right to elect and to supervise the government in keeping with the Constitution, creates a power struggle in which we cannot and we must not surrender. We will wage this struggle and we will succeed.

We have one goal: life, justice, and liberty for all those who inhabit this land.

We have one plan: democracy for Argentina.

We have something to fight against: those people who, outside or within the country, want to prevent democracy.

We have one task: to satisfy the needs of all the Argentine people and to overcome the crisis that is confronting us.

We can make mistakes because we are human beings. However, from now and forever, we will allow nobody but the Argentine people to judge our errors and to correct them.

We, along with the majority of the Argentines, know that some groups will take advantage of the problems that we will confront, which have been deepened by the crisis, in order to undermine democracy. However, we know that the people have learned a lesson and that they will help us to defend democracy with vigor, force, and the determination needed to secure the people's right to have their own government.

We will materialize the hope to restore a life with justice and freedom because, no matter how hard our situation might be, no obstacles will undermine the strong will of the people to work, together with the government and also individually, in order to build their own future. Other peoples have overcome crises deeper than ours. We are no better than they, but we are no less either. We can also do it, and we will do it by confronting the difficulties and by correcting our errors.

And I have no doubts that we will accomplish our desire for a life of justice and freedom. We will accomplish this, we will set an example, and we will lend a fraternal hand so that other people, particularly our Latin American brothers, can also accomplish it.

We are aware of our limitations and of the arduous effort we must make to live up to our historic responsibility. However, we are also aware that our mandate is clear, categorical, and unavoidable, as is, within the sphere of the legislative branch, the mandate that has been entrusted to the members of this honorable assembly, and as it will duly be the mandate that will be entrusted to the judges with the approval of the honorable Senate in order for them to complete the constitutional structure of the republic with their high mission, which is more silent but no less essential.

We are all human and fallible, but this time we have little room for errors and weakness. We must not fail. We will not fail.

And, if we conclude our term of office having fulfilled the supreme objectives set forth in the preamble to our Constitution, objectives to which we direct our attention many times, raising our voice in a layman's prayer for the great Argentina of the future, then, as we have also voiced on many occasions, we will have nothing to envy of the prominent personalities of our history because this generation, our generation, which is so deeply affected by fights and frustrations, will deserve from its successors the same exalted recognition we feel today for those who founded and organized our republic.

Let us all make our effort in unity and freedom.

UNDERMINING THE INTER-AMERICAN FOUNDATION

Mr. KENNEDY. Mr. President, Peter Bell's dismissal as the president of the Inter-American Foundation threatens an important bipartisan program with politics and controversy. This action has shaken the very foundation on which the Inter-American Foundation was established. The administration's effort to commandeer this institution is both shortsighted and narrowminded.

I commend Representative MICHAEL BARNES for his decision to hold hearings on this problem. In the course of those hearings, I hope the subcommittee will reassert the founding principles of the Foundation and recognize its many accomplishments.

In 1969, Democrats and Republicans joined together to launch the Inter-American Foundation as a special, innovative congressional initiative. That effort was based on concerns that much of official U.S. development assistance never reached those who needed it most—the poor, the malnourished, the uneducated, the sick. Congress created the Inter-American Foundation as a public corporation that would avoid redtape, bypass host governments, and deliver aid directly to the poor by providing support to local groups. Congress placed this program with an independent agency to insure that the program would be insulated, much like the Peace Corps, from partisan politics and narrower U.S. foreign policy considerations.

The Foundation is one of the smallest agencies of the Government—with a budget of only $23 million and a staff of 63 members—but it has awarded 1,600 grants amounting to $170 million in 25 countries in the Caribbean, Central and Latin America. In its experimental role of promoting small-scale, self-help projects, the Foundation has supported agricultural cooperatives, small urban enterprises and other grassroots-type organizations.

Through such efforts, the Foundation has won great respect not only in the Congress but throughout the hemisphere. It has been recognized as one of the most pioneering and cost-effective agencies in the Government. Its success can be attributed in part to the Foundation's founding spirit and innovative approach. But it is also due in large measure to the excellence, energy, and experience of the four officers who have served as the Foundation's President. I have great personal admiration and respect for the Foundation's most recent President, Peter D. Bell, a distinguished public servant of impeccable integrity with enormous talent, vision, and dedication. Peter Bell is one of the best this Nation has to offer the world as an example of intelligence, public spirit, and commonsense.

Above all, the Foundation owes its success to its congressionally mandated autonomy. The fact that the Foundation cannot by law be an instrument of narrow foreign policy interests has enabled the Foundation to overcome widespread suspicions in the region that it would be but another vehicle for the United States to expand its influence in the hemisphere. This autonomy has allowed the Foundation to develop trust and confidence with the people of the hemisphere, and its independence from official U.S. policy opened doors in countries where official U.S. programs were forbidden.

Each President since the Foundation's creation has understood, supported, and reaffirmed that autonomy. President Nixon signed the law that created the program. President Ford's administration issued guidelines to U.S. Ambassadors that guaranteed the Foundation's independence from the executive branch. President Carter reinforced those guidelines.

Although the Inter-American Foundation drew enormous praise and respect from its many admirers, it also became a target of criticism from the right wing. Soon after President Reagan came into office, the new administration broke from the long-standing tradition of nonpartisan appointments and tried to replace—with a single sweeping action—all of the Foundation's top eight officers. That effort was blocked by congressional opposition.

The Heritage Foundation then mounted an ideological attack on the Foundation, accusing it of favoring "collective mixed economic and socialistic solutions to the problem of poverty in the region." The Heritage report recommended that the organization be forced to adopt "a new economic and political philosophy."

The Inter-American Foundation issued a detailed denial. In reality, as the facts revealed, over 70 percent of the Foundation's grants have gone to private businesses and farms.

But, during this past recess, the administration completed its task of packing the Foundation's Board of Directors with two interim appointments. The newly constituted Board then immediately voted 4-2 along partisan lines to fire President Bell. In its haste to dismiss Mr. Bell before the return of Congress, the Board did not even wait for the report it had commissioned from a private consultant group on past Foundation operations that was to be completed this month. In the wake of this irresponsible action, two of the most respected members of the Foundation's advisory board resigned in protest.

I am deeply concerned over the impact this controversy will have on the Foundation's programs and standing in the region. Its nonpartisan tradition must be restored and protected for the future.

Representative BARNES' hearing is an important first step. We must do all we can to guarantee that a new President—as competent and experienced and as dedicated as Peter Bell—will be selected without reference to partisan considerations.

I ask that the following editorials and commentaries on the Inter-American Foundation appear in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Dec. 10, 1983]

IDEOLOGY STAKES NEW CLAIM IN D.C.

The Reagan administration has pulled its big ideological rubber stamp out of the drawer once again and thumped its imprint on yet another federal agency—this time the Inter-American Foundation, which funds numerous small self-help projects for the needy throughout the hemisphere.

Dismissed in the process was its president, Peter D. Bell, a man highly esteemed in Congress for the quietly efficient and nonpolitical manner in which he has administered the IAF.

A spokesman for the four Reagan-appointed members of the IAF board who voted to replace Bell attributed the change to "the best interests of the foundation"—whatever that means—but declined further comment, except to say the IAF's nonpartisan character would be maintained.

But as others on the board charged, Bell's ouster fit the Reagan White House's modus operandi of politicizing previously independent government agencies, such as the Civil Rights Commission and the Legal Services Corporation.

Even with modest budget of $13 million, the IAF distributes grants to hundreds of farmers' co-ops and neighborhood housing-improvement groups in Latin America and the Caribbean. Reagan appointees to the board suspect that some beneficiaries may be leftist-oriented, but over the years the program has won the United States needed respect by caring more about whether good gets done that about the ideologies (often tentative anyway) of the do-gooders.

Bell bowed gracefully to the majority's right to dismiss him, but called attention to the larger issue of affirming the IAF's integrity. "it is important to realize why the foundation's autonomy is so important and was mandated by Congress," he said. "The only way for us to develop confidence and trust with private grass-roots groups is to assure them we have no political motives."

Off the White House's past performance, the Reagan appointees to the IAF board have a formidable assignment dispelling the widespread notion that political motives were precisely the reason for the dumping of Bell.

[From the Los Angeles Times, Dec. 11, 1983]

IS NOTHING SAFE FROM HATCHET MEN? POLITICOS END INTER-AMERICAN AGENCY'S 14-YEAR INDEPENDENCE

(By Abraham F. Lowenthal)

Very few issues in foreign policy are absolutely clear-cut. Even those who are critical of the Administration's "secret war" against Nicaragua cannot entirely discount the possibility that U.S. pressure may persuade the Sandinistas to change their policies. Conversely, even the most fervent supporters of the Administration's military moves in Grenada and Lebanon must concede that these mesures are risky, and that the cost of such strategies cannot be entirely calculated in advance.

Last week, however, the Administration made a foreign-policy decision that is absolutely, unambiguously, drastically wrong: the crude and highly partisan ouster of Peter D. Bell as president of the Inter-American Foundation.

The foundation was established by Congress in 1969 as an autonomous and nonpolitical public corporation, independent of the State Department and insulated from the short-term foreign-policy considerations that affect other government units. During its tenure under four Presidents, the foundation's focus has been on supporting self-help, grass-roots developmental efforts by impoverished people in Latin America. Its emphasis has been on locally controlled projects to help those afflicted with poverty to improve their lives. Its operating style has been trim, free of the "development set" behavior that affects so many other organizations. Its record has been remarkable; the foundation has done more good with about $25 million a year than other entities have been able to accomplish with budgets many times as large.

Congress has, on a completely bipartisan basis, often recognized the Inter-American Foundation's outstanding achievements, especially its effective contribution to building democratic institutions in countries where freedoms have been restricted. Equally impressive, the foundation has won the respect of a broad community of informed Latin Americans and Latin Americanists. The early, understandable suspicions that the foundation would operate as yet another instrument for exerting U.S. pressures, or even as a cover for intelligence operations, have given way over the years to widespread admiration for its integrity and dedication. The foundation's outstanding record has enhanced the United States' image in the hemisphere and contributed to the building of lasting ties of trust.

All this has been possible because of the foundation's autonomy. Its independent, nonpartisan status has enabled it to keep operating in countries like Mexico and Nicaragua, where official U.S. programs are difficult or impossible. It has allowed the United States to support needy people through private groups that do not get along with official (and often repressive) ruling circles. And its autonomy has enabled it to recruit and motivate a superiative staff whose commitments are neither partisan nor bureaucratic, a yeasty combination of former Peace Corps volunteers, people from religious and philanthropic backgrounds, former U.S. government officials and others.

Every Administration since Richard M. Nixon's has understood, appreciated and reinforced the foundation's autonomy.

Every Administration, that is, until Ronald Reagan's. Within its first few weeks the Reagan team sought to replace the foundation's eight senior officers. Congressional supporters from both parties responded by stressing that the senior staff serves at the discretion of the foundation's appointed president, and that the president serves at the pleasure of the foundation's board.

The next maneuver was an Administration-inspired study by the Heritage Foundation. But try as it might, the Heritage study could find little fault with the foundation's record. Still, partisan attacks continued, none of them remotely justified.

In recent months the main source of these attacks has been none other than the Reagan-appointed chairman of the Inter-American Foundation's board, Los Angeles Businessman Victor Blanco, whose prime qualification for this appointment appears to have been his active involvement in California Republican politics.

Bell was so effective in responding to each attack, and in mobilizing bipartisan congressional protection of the foundation's autonomy, that Reagan, Blanco and Co. were left with only one way to work their will—to pack the board and then remove Bell, without cause, while Congress was away on recess. That was done late last Monday night, when the board demanded Bell's resignation. Not wishing to personalize the fundamental issue of autonomy, Bell subsequently resigned.

Regrettably, it is too late to retain Peter Bell, a superbly qualified and internationally respected figure. What's worse, it may be very difficult to retain the foundation's reputation for autonomy after this blatantly partisan interference. Even if the foundation's board were now to choose an unquestionably qualified person to replace Bell, that person would have to struggle to be perceived in Latin America as anything but a Reagan Administration flack.

Little can be done immediately to mitigate the costs of this unfortunate move. But when Congress returns to Washington, it must take steps to remove the Inter-American Foundation from the political control of this or any future Administration. The foundation's statutory authority and bylaws need to be amended, and its board needs to be enlarged and reconstituted, with qualified members, in order to restore and ensure

the foundation's independence. It may be advisable, as well, for the foundation's budgets in the future to be presented directly to Congress, without having to be approved by the Office of Management and Budget, in order to reinforce the foundation's autonomy.

The Reagan Administration's political interference with the Environmental Protection Agency ultimately led to the appointment of William Ruckelshaus and the agency's recommitment to its mission. The Reagan attempts to emasculate the Civil Rights Commission finally provoked Congress into restructuring that agency. One can only hope that the ultimate results of the Reagan Administration's partisan attack on the Inter-American Foundation will be to help it attain fuller institutional protection from ideologues like those now riding high in Washington.

A NEW REAGAN ERROR ON LATIN AMERICA

(By George C. Lodge)

CAMBRIDGE, MASS.—The firing of Peter Bell as president of the Inter-American Foundation last week is the latest signal that the Reagan Administration dangerously misunderstands the nature of United States interests in Latin America.

The issue is between those like Mr. Bell, who believes that change in the region is inevitable and desirable, and those who see it—in Nicaragua, El Salvador and elsewhere—as the work of enemies. History is clear. Change—that is, the permanent and irreversible reallocation of power in Latin America—has been and will continue to be a certainty. The questions are: Will it be violent or peaceful, and will it contribute to political independence or foreign domination? Ironically, the surest way to bloody the change process and to subject it to foreign control is to fail to understand it, to refuse to assist it and, Canute-like, to try to stop it. Thus, the Bell incident takes on a wider significance.

Mr. Bell was not fired for incompetence or delinquency. His record during three and a half years as president has been exemplary. His error, in the eyes of the Reagan appointees on the board of directors, was to continue to lead the foundation in the direction established by Congress in 1971, accepted by every President since then and delineated by all preceding boards.

The foundation is an independent Government agency. For 12 years, it has successfully nourished a wide variety of grassroots organizations that seek to initiate sustained social, political and economic change in Latin America and the Caribbean. It has brought hope to millions: fishermen in Peru, slum dwellers in Colombia, peasants in Honduras. With an experienced and dedicated staff of no more than 65 people, it has distributed $170 million in small grants to 1,700 organizations in every country of the region except Cuba.

It has been a dynamic reminder to all in the Western Hemisphere that the United States is a revolutionary country, committed to life, liberty and the pursuit of happiness for all. It has done more than any other United States agency to make the inevitable revolutionary process in Latin America a peaceful one and to build the organizations through which democracy may withstand the onslaught of oligarchs and dictators.

In so doing, it has identified the United States with those in Latin America who are struggling for democratic change. It has supported them in their battle with the status quo, not with the naïve thought of being able to control their efforts, but in the conviction that by assisting them to overcome the obstacles they face, their way will be less violent, less dangerous to the peace of the region and the world. Furthermore, with such support, these organizations promoting change are better able to withstand the efforts of predatory imperialists from Cuba and the Soviet Union to undermine their independence.

Mr. Bell's removal signals a change in the foundation's direction. Now, it must be assumed, it will be converted into one more agency to sustain whatever status quo is in power. Instead of nourishing the forces of tomorrow, it will seek fruitlessly to prop up the political and economic structures of yesterday.

Mr. Bell follows a long list of distinguished, experienced and capable Government officials who have been removed during the last three years from United States embassies in Latin America and from the State Department's Latin American Bureau. Those who have replaced them hold to the mistaken dogma that change in the region is somehow the work of our enemies. With what relish those enemies must greet this assignment of credit for change that is in fact inevitable and quite independent of them!

The Federal Government has studied and investigated the work of the Inter-American Foundation on many occasions. Each time, the foundation has emerged with a clean bill of health. Now, however, it has fallen prey to those in this Administration who insist on denying reality and seek to make Latin America into a grotesque representation of their view of a good society. Their viewpoint is a sinister reminder of the history of error in Vietnam. They must be stopped before the United States finds itself embroiled even further in pointless bloodshed and death.

[From the Boston Globe, Dec. 19, 1983]

REAGANIZING FOREIGN AID

Since its founding in 1969, the Inter-American Foundation has been a rarity in the world of foreign aid, channeling money directly to the poor of Latin America through 1700 specific, small-scale projects at the grass-roots level. It nourished precisely sort of the real, tangible change without which talk of "democracy" is a joke to a Latin slum dweller or campesino.

Earlier this month the Reagan Administration sacked the Inter-American Foundation's director, Peter Bell. The implicit message that will be read by many in the hemisphere is that any expanded US aid program under the Reagan Administration will be covertly in bed with the status quo.

There could hardly be a more subversive message. It reaffirms the claim of left-wing revolutionaries to be the only hope for a better future. To send such a signal by playing political games with a tried-and-true US aid program is pure folly.

Under the Nixon, Ford and Carter administrations, the Inter-American Foundation was kept separate from other foreign policy considerations and insulated from partisan politics. Its small budget—$26 million in the current fiscal year—has been carefully husbanded to avoid diversion into projects whose main effect is to stuff bank accounts of the wealthy.

It has been a remarkable feat to hand out money for more than a decade and still be regarded by both Republicans and Democrats as thrifty and non-political. Somehow the Inter-American Foundation succeeded. Liberals liked the emphasis on programs aiding people. Conservatives liked the emphasis on self-help.

Bell, a Gloucester native, had been a Ford Foundation official in Chile in the early 70s. As such, incidentally, he played a role in uncovering the murder of an American citizen that was the basis for the movie "Missing." He is internationally respected.

The timing of Bell's sacking was key. The late chairman of the House Foreign Affairs Committee, Clement Zablocki (D-Wis.) was dead but not yet buried. Rep. Dante Fascell (D-Fla.) Zablocki's heir apparent, had not yet been installed. Congress was in recess. An evaluation giving Bell high marks was pending. If the agency was ever to be Reaganized, this was the moment.

Two years ago the right-wing Heritage Foundation contracted a hatchet-job study arguing the agency is "anti-market" because it supports cooperatives. The study laid out a plan for packing the board and seizing control. The plan has just been executed.

It is instructive that a bipartisan foreign aid agency should be Reaganized just as the Administration is about to call, through the forthcoming Kissinger Commission report, for billions in "bipartisan" aid to Central America.

Bell should be reinstated. Failing that, his replacement must be an equally distinguished proponent of the same philosophy. And failing that, Congress should not approve the first dollar of President Reagan's supplemental request for foreign aid.

[From the New York Times, January 3, 1984]

A BITTER LATIN COUP

The Reagan Administration's effort to wreck a small but esteemed nonpartisan operation in Latin America proves how desperately it prefers doctrinal purity to effective policy. The Inter-American Foundation has been a highly useful aid agency whose nonpartisan character was prescribed by Congress and respected by three previous Administrations. That concept was finally scuttled when the foundation's board, with Congress away, voted on party lines to fire its respected director, for sight and suspect reasons.

Congress gave the foundation the deliberately experimental task of promoting small-scale, self-help programs in the hemisphere. This modest $23 million program—in a total foreign aid budget of $4.6 billion—was expressly given a high degree of autonomy and a nonpartisan governing board. Most of the foundation's grants are for less than $50,000 and go to private groups and enterprises in 29 countries—the kind that often make a critical difference but might otherwise be overlooked. Many on the staff are former Peace Corps volunteers applying an unashamed idealism to help farm cooperatives or out-of-the-way businesses of social value.

Early in the Reagan Administration, a budget official wrote to Peter Bell, the foundation's president, to ask what authority justified the agency's claim to autonomy. A surprised Mr. Bell cited Congress's clear desire to insulate his work "from the ebb and flow of political currents."

A month later, the conservative Heritage Foundation, though conceding that the agency had done much good, accused it of favoring "collectivism" over free enterprise in ways "incompatible with the philosophy of the Reagan Administration." Mr. Bell re-

joined that $100 million out of grants totaling $135 million had gone to private businesses and farms, and that in any case the foundation was not meant to be the policy tool of a single Administration.

Undeterred, the Administration brought the foundation to heel by naming to its board a conservative chairman and two State Department officials—by recess appointments, without Congressional approval. This majority has now ousted Mr. Bell for his incompatible "chemistry."

The deplorable effect will be to dissipate the agency's most precious resource: its credibility as a nonpolitical source of aid. Its greatest contribution had been the contacts it developed at the grass roots, normally unreachable through embassies. Whether this useful work can continue depends on the sincerity of Administration assertions that it will.

If a divided board names a new president whose main qualification is fealty to right-wing causes, that would turn the foundation's purpose on its head. Congress should pay attention and move in to defend its original good idea.

[From the San Francisco Chronicle, Jan. 3, 1984]

DIMINISHING A "JEWEL" PROGRAM

The Inter-American Foundation is a little-known government agency that was set up ten years ago to make modest grants for useful purposes in Latin America and the Caribbean. It has been well run and effective. Its grants go to strictly non-political, self-help groups in poor areas and they often make considerable difference in these places' quality of life.

Its quiet, thoughtful approach toward getting the job done has won the foundation remarkably wide support in Congress from liberal and conservative members alike. So it is deplorable that this foundation is now evidently being subjected to the last thing it needs: an effort to politicize it.

In what has been denounced as a blatant attempt to put their imprint on the organization, the Reagan administration members of its board saw fit earlier this month to sack its respected director, Peter Bell. Bell was fired not for incompetence or specific malfeasance, but for what the new board majority vaguely termed a matter of "chemistry."

The ouster evoked an immediate outcry in Congress. Representative Michael Barnes, the Maryland Democrat who is chairman of the Subcommittee on Western Hemisphere Affairs of the House Foreign Affairs Committee, said the Reagan administration had been after the foundation for three years. First indication, said Barnes, was a "hatchet job" report by the conservative Heritage Foundation that tried to show the IAF was funding left-wing, social-action groups. Then the administration packed the board and forced the highly-regarded Bell's ouster.

It is dismaying that an organization which has been able to function so well in a manner independent of politics must now have politics thrust down its throat. There has been an understandable wave of concern in the countries in which it is involved about the direction the foundation will be taking.

The grants made by the foundation are relatively small—ranging from less than $6000 to slightly more than $200,000—thereby reaching the people of a nation more directly. They have gone to a small farmer's organization in Peru to buy a well pump motor and pipes and help provide water to 1000 families there ($21,000); to a vegetable garden team in Anguilla in the Eastern Caribbean to show youths and low-income people how to grow vegetables in their backyards ($2800), and to a rural community group in Paraguay so it can move ahead with a small fruit-canning enterprise ($7525).

These examples were provided by Representative Dante B. Fascell, D-Miami, who helped set up the organization and is now acting chairman of the House Committee on Foreign Affairs. They are compelling instances of money well spent.

Maintaining the foundation's independence will be an important task for Congress at oversight hearings due to begin next year. This country cannot afford to diminish a foundation that Congressman Robert Garcia, D-N.Y., calls "the jewel of U.S. development programs;" one that "gives capitalism a human face."

[From the New Republic, Washington, D.C., Jan. 9 and 16, 1984]

A BLOW FOR LATIN AMERICA PRAGMATISTS—SELF-INFLICTED WOUND

(By Albert O. Hirschman)

The latest government agency to come under attack by the Administration is the Inter-American Foundation, established by Congress as an independent body in 1970 to experiment with small "people-to-people" grants for rural and urban self-help projects. Equipped with a bipartisan Board of Directors, which includes representatives of the private sector as well as government officials, the I.A.F. escaped the Administration's ideological axe longer than many. But now, with the firing of its able, idealistic president, Peter D. Bell, the first blow has fallen, and a seriously misplaced blow it is.

I have watched the I.A.F. from close quarters over the past year. At work on a book about how poor people in Latin America try to better their condition, I had an opportunity to see the I.A.F. in action. The foundation was the most active I found, and the best staffed, among the organizations helping such "grass-roots development" efforts. It agreed to let me consult its files, and to tour the Dominican Republic, Colombia, Peru, Chile, Argentina, and Uruguay with its representatives. I talked at length with groups of farmers, fishermen, artisans, and slum dwellers about their experience with cooperative education and health projects.

It was not my intention to "evaluate" the I.A.F. and the way it distributes its funds. But I could not help learning a great deal about the foundation and its ways, and I was impressed. For once the United States was being magnificently served in its relations with its neighbors to the south. The field representatives—former Peace Corps volunteers, people from religious and philanthropic backgrounds, trained anthropologists—all were hard working, efficient, and spoke Spanish fluently. Most important, they were very good at making contact with the many new grass-roots groups that are proliferating in Latin America. These groups can be substantially helped by the small grants the foundation makes from its $24 million budget—for a truck here, a community building or day-care center there. So impressed was I by the ingenuity, effectiveness, and range of the foundation's work that I returned to the United States with the thought that the I.A.F. could be a serious contender for the Nobel Peace Prize, and I gathered some preliminary information for launching that enterprise.

My enthusiasm is now matched by my dismay over the current attack on the foundation's integrity. Peter Bell has been "directed to resign" by the I.A.F.'s Board of Directors, on which Reagan appointees have recently secured a majority. It was a 4-to-2 vote along strictly partisan lines, but the new Reagan majority attempted to obscure the true political motives of the move by disingenuously appealing to "chemistry"—that is, to an alleged temperamental incompatibility between the chairman of the board, Victor Blanco, and Bell. The vote was engineered in unseemly haste (no doubt to take advantage of the Congressional recess), without waiting for the recommendations of a group of consultants appointed by the board, which is examining the past operations of the I.A.F. and is expected to finish its report in early January. This arbitrary partisan action has already had deeply unsettling effects. Several members of the foundation's Advisory Board have resigned, including George Cabot Lodge, of the Harvard Business School, who laid the intellectual groundwork for the thirteen-year-old foundation in his book, *Engines for Change* (1970); and Rodrigo Botero, former minister of finance of Colombia and one of that country's most respected public figures. The morale of the staff is also shaken, since the firing of the president is taken to be just the beginning of a wholesale purge and change of direction. But there is worse to come.

In Latin America, the news of the removal of Bell will be received with indignation in many political and intellectual circles. He is widely known, respected, and admired not only for what he did at the I.A.F., but also for his earlier humanitarian service at the Ford Foundation's offices in Brazil and Chile. During the worst phases of these countries' repressive military regimes in the 1960s and '70s, Bell managed to engineer Ford Foundation support for independent social science centers. They played an important role in criticizing those regimes and in preparing the transition, now haltingly under way, toward a less autocratic and repressive politics. But the most disastrous effect of the episode will occur once the circumstances of the palace coup at the I.A.F. become known; then its hard-won credibility in Latin America will be seriously damaged. The foundation, which had successfully established a nonpolitical image, will lose the trust it has won from people and governments alike. And in the kind of operations it is engaged in, trust is essential. With this move by the Administration, the suspicions the I.A.F. had, and often still has, to overcome—that is is an "agent of Yankee imperialism," and of the C.I.A.—will seem to be confirmed.

We are thus putting at risk a precious capital of good will that we have slowly accumulated in Latin America, both among its poor majority, and also indirectly, and crucially, within its influential middle class. One of the most encouraging recent developments in Latin America is the formation of numerous so-called "intermediate" organizations, staffed by professionals—architects, doctors, social workers, education specialists—and students who are attempting to help their poorer compatriots organize projects in education, health, housing construction and rehabilitation, human rights, and so on. The widely felt desire for social reform and justice now often takes this pragmatic form, in contrast to the ideological and terrorist reactions of ten or twenty years ago. The foundation is in close touch

with these intermediate organizations and frequently channels its grants through them.

At the level of national politics this novel spirit of reform has already found expression in some of Latin America's remarkable new democratic leaders such as Presidents Raul Alfonsin of Argentina and Belisario Betancur of Colombia. By firing Peter Bell, the Administration chose to hurt deeply the one agency that has made its primary business the collaboration with Latin America's new brand of pragmatists. In its inter-American relations the Administration does not need to look for outside enemies it displays an uncanny knack for self-inflicted wounds.

[From the Washington Post, Jan. 9, 1984]

THE FIRING OF PETER BELL

The Reagan administration has been seeking bipartisan support for its Central American policy. The president set up the Kissinger Commission to achieve this end. Yet, some recent developments indicate that the president is less than sincere in his efforts to obtain consensus support for his policy. The firing of Peter Bell as president of the Inter-American Foundation is the most blatant example.

The IAF is a public corporation whose purpose is to help Latin American grassroots organizations with economic development. It is funded through congressional appropriations and a trust fund administered by the Inter-American Development Bank. It is controlled by a seven-person board appointed by the president.

Peter Bell had been president since 1980. His reputation in development and his career at the Department of Health, Education and Welfare, the Ford Foundation and the Brookings Institution have been above reproach. His dismissal was a reflection of the ideological concerns of the foundation's board.

There is nothing wrong with having an ideological bias in formulating foreign policy. But when this bias becomes a hindrance to establishing bipartisan support for a policy, it should be reconsidered. When it undermines the work of one of the most productive and highly regarded development organizations connected with the U.S. government, it is an issue of public concern.

The firing of Peter Bell is the most desperate of all attempts by the inflexible right to sabotage the foundation. The first attempt was a study undertaken by the Heritage Foundation. This study found nothing essentially wrong with the foundation or its work. It raised questions about certain projects the IAF has funded, saying they were "influenced or managed by elements of the far left." It also stated that the U.S. government was fortunate to have a "mechanism" like the IAF.

The major criticism of the Heritage Foundation study was that the IAF was not philosophically compatible with the Reagan administration. It should not be. It should not be compatible with the philosophy of any administration. It was created as an independent agency so it would not be subject to the political caprices of liberals or conservatives.

That the IAF responds to left-leaning organizations may be true, but it is also true that it is concerned with small businesses and entrepreneurs. For instance, during fiscal 1982 a foundation grant was awarded to the Development Foundation of the Bahamas to "provide management training and credit to small entrepreneurs." Another grant was given to the National Development Foundation of Dominica to provide loans to small businesses. In Colombia it awarded a grant to an association of small agricultural producers, helping them with their marketing techniques.

These are only a few examples of the kind of projects the IAF supports. What is most important about the grants is that they are small and that they must be initiated by indigenous, non-government groups. The IAF is not permitted to recruit groups or organizations. It doesn't solicit the left or the right; it responds to credible proposals, no matter who initiates them.

IAF grants exceed $200,000 and may be as low as $5,000. The operating budget for the IAF in 1982 was $26 million, compared with $4.6 billion for the Agency for International Development. Because of its size, it can bypass some of the governmental red tape that AID must contend with. This enables IAF to reach the poor of a nation more effectively.

Since the IAF deals directly with the poor, it may come in contact with more left-leaning groups than other U.S. government agencies. Yet, instead of this being a problem, it should be viewed as an asset. It presents an excellent opportunity for the United States to show it can work with all elements of Latin American society regardless of beliefs. It gives the government a chance to persuade these groups that capitalism can have a human side.

Another step taken by the administration leading to the firing of Bell was the realignment of the foundation's board of directors. Victor Blanco, a conservative California businessman without extensive background in Latin American affairs, was recently appointed chairman of the board. This should have been enough of a counter-balance for the alleged "liberal" tendencies of Bell. A working arrangement could have been made that would have accounted for the philosophy of the new chairman. The dismissal of Bell was an alarming overreaction.

The IAF has maintained bipartisan support among members of Congress because it has kept to its original charter of helping the poor of Latin America regardless of their political beliefs. The irony in the dismissal of Peter Bell is that even if the White House wants to propagate a conservative ideology in Latin America, it would be better served by allowing the IAF to continue with its work unimpaired.

While the firing of the president of a small U.S. development agency with a budget of $25 million may not mean that U.S. and projects in Latin America will fall apart, it is a signal to the people of those nations that the White House is determined to impose its point view on them. This is not the way to foster dialogue in Latin America or with members of Congress who disagree with White House policy toward the region.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

U.S. BUDGET FOR FISCAL YEAR 1985—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred jointly to the Committees on Budget and Appropriations pursuant to the order of January 30, 1975:

To the Congress of the United States:

In the past year, the Nation's prospects have brightened considerably. The economy has grown strongly—beyond expectation. Inflation has been reduced to its lowest rate in 16 years. Unemployment has declined faster than at any other time in 30 years. We are well on our way to sustained long-term prosperity without runaway inflation.

Our national security is being restored. Our domestic programs are being streamlined to reflect more accurately the proper scope of Government responsibility and intervention in our lives. Government operations are being made more effective and efficient, as steps are taken to reduce costs.

These developments are the result of the program I proposed 3 years ago to correct the severe economic and political problems caused by previous shortsighted and misguided policies and priorities. That program focused on long-range real growth. My tax proposals were designed to provide badly needed incentives for saving and productive investment. I supported the Federal Reserve in its pursuit of sound monetary policy. I worked with the Congress to reverse the growth of Government programs that had become too large or had outlived their usefulness, and as a result, domestic programs, which had been growing rapidly for 3 decades, have finally been contained. I worked to eliminate or simplify unnecessary or burdensome regulations.

To the Nation's great good fortune, the preceding Congress appreciated the fundamental soundness of this program and joined with my administration in helping to make it a reality. Frequently, because of entrenched constituency special interests, the political risks involved in doing so were great. I thanked Members then, and continue to be grateful, for the crucial support my program received. The Nation is now beginning to reap the solid fruits of our joint perseverance and foresight.

The economy's response has fully vindicated my economic program. During the past 2 years the percentage rise in consumer price index has been no more than it was during the first 6 months of 1980. Economic recovery has been vigorous during the past year, with real GNP rising over 6% and industrial production by 16%. Unemployment, though still unacceptably high, has declined by a record 2½ percentage points in a single year. Capacity utilization in American plants has risen dramatically. Business in-

vestment in new plant and equipment has risen 11½% in the past year, in real terms. American productivity, stagnant from 1977 to 1981, climbed 3.7% between the third quarter of 1982 and the third quarter of 1983. Interest rates declined substantially in mid-1982, followed by a major, sustained rally of the stock market that added half a trillion dollars to the net financial worth of American households. Real disposable personal income rose 5.1% in 1983. After a substantial decline, the U.S. dollar has rallied powerfully to its highest level in more than a decade.

We are not, however, out of the woods yet. Despite our success in reducing the rate of growth of nondefense spending in the last three budgets, spending in 1985 will exceed 1981 levels by 41%, reflecting continued increases in basic entitlement programs, essential increases in defense spending, and rapid growth of interest costs. Clearly, much remains to be done. The task of rebuilding our military forces to adequate levels must be carried to completion, and our commitment to provide economic and military support to small, poor nations that are struggling to preserve democracy must be honored. At the same time, further action is required to curb the size and growth of many programs and to achieve managerial efficiencies throughout Government, wherever the opportunity is present.

THREE YEARS OF ACCOMPLISHMENT

Last year, I reviewed the dramatic improvements during the preceding 2 years in Government operations, and in the way they affect the economy. I am happy to report that these improvements continued through a third year.

—Where the growth rate of spending was almost out of control at 17.4% a year in 1980, it will decline to 7.3% this year.

—Where spending grew 64% over the 4 years from 1977 to 1981, it will rise by only 41% over the 4-year period from 1981 to 1985, despite legislated cost-of-living adjustments and the needed defense buildup.

—The Federal tax system has been significantly restructured. Marginal income tax rates have been substantially reduced, greatly improving the climate for saving and investment. Depreciation reform has been enacted, restoring the value of depreciation allowances eroded by inflation. Tax loopholes have been closed, making the tax structure more equitable. Efforts have been made to shift to financing Government programs through user fees commensurate with benefits and services provided.

—Our military strength is being restored to more adequate levels.

—Domestic spending, which grew nearly 3-fold in real terms in a little more than 2 decades, will actually be lower this year than it was in 1981.

—The rapid growth of means-tested entitlement programs has been curbed. Eligibility criteria have been tightened to target benefits more to the truly needy, and significant steps have been taken to improve the efficiency and effectiveness of these programs. Unnecessarily frequent cost-of-living adjustments were pared back.

—The social security system has been rescued from the threat of insolvency raised by rampant inflation, excessive liberalizations, and lagging growth of its tax base.

—Unnecessary or excessive Federal credit activities have been eliminated or cut back. Improvements in the management and control of Federal credit activities are being pursued. The administration has supported the basic intent of proposed legislation that would move off-budget lending onto the unified budget, in order to provide better budgetary control over Federal lending.

—Proliferation of regulations and red tape has been stopped. The number of new Federal rules has fallen by over a quarter during the past three years, and hundreds of unnecessary old rules have been eliminated. For the first time, the *Federal Register* of new regulatory actions has grown shorter for three consecutive years; it is now one-third shorter than in 1980. Federal paperwork requirements have been cut by well over 300 million hours annually, and will be reduced even further in 1984. This has saved the American public over 150,000 work-years that had been spent every year filling out unnecessary Federal forms and reports. Our regulatory reform efforts to date will save individual citizens, businesses, and State and local governments over $150 billion over the next decade.

—Major management improvement initiatives are underway that will fundamentally change the way the Federal Government operates. The President's Council on Integrity and Efficiency has reported $31 billion in cost reductions or funds put to better use.

—The Federal nondefense work force has been reduced by 71,000 employees since I took office.

These are impressive accomplishments—accomplishments to be proud of and to build on. And together we can build on them. With this budget I call on all Members of the Congress once again for additional steps to ensure the firmness of our foundations and overcome the Nation's budget problem.

MAINTAINING ECONOMIC RECOVERY

Before us stands the prospect of an extended era of peace, prosperity, growth, and a rising standard of living for all Americans. What must we do to ensure that that promise shall be realized and enjoyed in the years to come? What must we do to ensure that the high price of adjustment to this new era paid by the Nation in recent years shall not have been paid in vain?

All signs point to continued strong economic growth, vigorous investment, and rising productivity, without renewed inflation—all but one. Only the threat of indefinitely prolonged high budget deficits threatens the continuation of sustained noninflationary growth and prosperity. It raises the specter of sharply higher interest rates, choked-off investment, renewed recession, and rising unemployment.

This specter must be laid to rest: just as fears of rampant inflation and its attendant evils are being laid to rest; just as fears of helplessness before growth in Soviet military might and all it threatens are being laid to rest; just as fears that the Nation's social security system would "go under" have been laid to rest. A number of actions will be required to lay it to rest. This budget requests these actions of Congress; it calls for measures to continue to curb the upward momentum of Federal spending and to increase Federal receipts. Other actions involve such fundamental reform of our fiscal procedures that they will require that the Constitution be amended.

Congress has each year enacted a portion of my budget proposals, while ignoring others for the time being. It is moving slowly, year by year, toward the full needed set of budget adjustments. I urge the Congress to enact this year not only the proposals contained in this budget, but also constitutional amendments providing for a line-item veto and for a balanced budget—rather than the fitful policy of enacting a half-hearted reform this year, another one next year, and so on.

Where Congress lacks the will to enforce upon itself the strict fiscal diet that is now necessary, it needs the help of the Executive Branch. We need a constitutional amendment granting the President power to veto individual items in appropriations bills. Forty-three of the fifty States give this authority to their governors. Congress has approved a line-item veto for the District of Columbia, Puerto Rico, and the trust territories. It is now time for Congress to grant this same authority to the President. As Governor of California, I was able to use the line-item veto as a powerful tool against wasteful government

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spending. It works, and works well, in State government. Every number in this document bears testimony to the urgent need for the Federal Government to adopt this fundamental fiscal reform.

Let us also heed the people and finally support a constitutional amendment mandating balanced Federal budgets and spending limits. I encourage our citizens to keep working for this at the grassroots. If you want to make it happen, it will happen.

We must seek a bipartisan basis for fundamental reforms of Government spending programs. We need to reexamine just what, how, and how much the Federal Government should be doing—given our need for security and well-being and our desire to leave power and resources with the people. The President's Private Sector Survey on Cost Control (Grace Commission) has already come up with some interesting suggestions in this regard that, with the help of the Congress, will be adopted wherever possible.

To those who say we must raise taxes, I say wait. Tax increases pile unfair burdens on the people, hurt capital formation, and destroy incentives for growth. Tax cuts helped sustain the recovery, leading to faster growth and more jobs. Rather than risk sabotaging our future, let us go forward with an historic reform for fairness, simplicity, and growth. It is time to simplify the entire tax code so everyone is on equal footing.

The tax system must be made simpler and fairer; honest people should not pay for cheaters; the underground economy should come back into the sunlight; and everyone's tax rates should be reduced to spark more savings, investment, and incentives for work and economic growth. This is the blueprint for a brighter future and a fairer tax system. Therefore, I am directing the Department of the Treasury to complete a study with recommendations by the end of the year.

With these changes completed and the necessary fiscal tools in place, I am confident that we can devise a sweeping set of fiscal policy changes designed to reduce substantially the persistent Federal deficits that cloud our otherwise bright economic future. The plan must be based on these cardinal principles:

—It must be bipartisan. Overcoming the deficits and putting the Government's house in order will require everyone's best efforts.

—It must be fair. Just as all Americans will share in the benefits that are coming from recovery, all should share fairly in the burden of transition to a more limited role of Government in our society.

—It must be prudent. The strength of our national defense must be restored so that we can pursue prosperity in peace and freedom, while maintaining our commitment to the truly needy.

—Finally, it must be realistic. Government spending will not be curbed by wishful thinking.

In the meantime, the proposals in this budget provide important additional steps toward reducing the deficit.

MEETING FEDERAL RESPONSIBILITIES

My administration seeks to limit the size, intrusiveness, and cost of Federal activities as much as possible and to achieve the needed increase in our defense capabilities in the most cost-effective manner possible. This does not mean that appropriate Federal responsibilities are being abandoned, neglected, or inadequately supported. Instead, ways are being found to streamline Federal activity, to limit it to those areas and responsibilities that are truly Federal in nature; to ensure that these appropriate Federal responsibilities are performed in the most cost-effective and efficient manner; and to aid State and local governments in carrying out their appropriate public responsibilities in a similarly cost-effective manner. The Nation must ask for no more publicly-provided services and benefits than the taxpayers can reasonably be asked to finance.

Education.—I have devoted considerable time this year to the problems of our schools. The record of the last two decades is not good, though relieved in places by the efforts of many dedicated teachers, administrators, parents, and students. It has been extremely gratifying to observe the response all across the country to my call for a renewed commitment to educational excellence. Excellence in education will only happen when the States and school districts, parents and teachers, and our children devote themselves to the hard work necessary to acheive it. Federal money cannot buy educational excellence. It has not in the past and will not in the future. What we will do in this budget is seek resources to help the States plan and carry out education reforms. My budget includes $729 million, about 50% more than Congress appropriated for 1984, for the education block grant and discretionary fund. States and localities will receive this increase in resources and be able to use the funds for education reform without Federal prescription and interference.

The budget also provides for stabilizing funding for almost all major education State grant programs at the 1984 level and in the future allows room for modest growth for most of these programs.

Finally, the budget reflects continued support of several more important initiatives that will strengthen American education:

—Enactment of tuition tax credits for parents who send their children to qualified private or religiously-affiliated schools.

—Establishment of education savings accounts to give middle- and lower-income families an incentive to save for their children's college education and, at the same time, to encourage a real increase in saving for economic growth.

—Reorientation of student aid programs to ensure that students and families meet their responsibilities for financing higher education.

—Permission for States or localities, if they so choose, to use their compensatory education funds to establish voucher programs to broaden family choice of effective schooling methods for educationally disadvantaged children.

—Assistance to States to train more mathematics and science teachers.

Training and employment.—While the economic forecast predicts continuing improvement in the economy and further steady declines in the unemployment rate, I recognize that there are those who lack the skills to find and hold steady jobs. This is particularly true for some of our youth. In the past, Federal training and employment programs have not always helped these people gain the skills needed for success in the job market. Instead the Government spent precious tax dollars funding temporary, dead-end, make-work jobs that did little, if anything, to prepare these people for holding real jobs in the private sector. My administration worked with the Congress to change that. The Job Training Partnership Act, which I signed into law in 1982, involves private industry in the design and delivery of job training programs. Each year it will train 1.5 million disadvantaged adults and youths, dislocated workers, and welfare recipients in skills needed for private sector jobs. Additional work experience for over 700,000 disadvantaged youths will be provided during the summer months. What is needed now is not more Government programs, but removal of Government-created barriers that make it difficult for youths who want to work to find jobs. It has long been acknowledged that the minimum wage is a barrier to job finding for youths, especially minority youths, who lack skills. Therefore, I am again asking the Congress to authorize a wage of 75% of the minimum wage for youths newly hired for jobs during the summer months. This will let employers lower their costs to levels more in line with the skills youths possess, and it will help many young people find jobs and gain valuable work experience. The legislation I have proposed includes protections for adult workers.

Research.—Recognizing the Federal responsibility to maintain and strengthen U.S. leadership in science

and technology, the budget proposes further increases of more than 10% in Government-wide funding for basic research. The $8 billion planned for support of such research represents a relatively small share of the budget, but it is a critical investment in the Nation's future. Basic research lays the foundation for a strong defense in the years to come and for new technologies and industries that will maintain U.S. industrial leadership, create new jobs, and improve our quality of life.

Space.—Our civilian space program has made remarkable progress in the past year. The space shuttle, the world's most advanced space transportation system, has made eight path-breaking trips into space and is progressing rapidly towards achieving routine operational status.

We can now look forward confidently to the next major challenge in space—a space station. The space station, to be placed in permanent Earth orbit in the early 1990's, is intended to enhance the Nation's science and application programs, to help develop advanced technologies potentially useful to the economy, and to encourage greater commercial use of space. The budget provides planning money to initiate this program.

National defense.—During the past 3 years, we have also taken decisive measures to increase our military strength to levels necessary to protect our Nation and our friends and allies around the world. At the same time, we have vigorously pursued diplomatic approaches, such as arms reduction talks, in an effort to ensure the principles of security and freedom for all.

The improvement in our defense posture has been across the board. Long-overdue modernization of our strategic forces is proceeding, while our conventional forces are also being modernized and strengthened. Successful recruiting and retention over the past 3 years have resulted in all of our armed services being more fully manned with capable, high-caliber men and women.

Energy.—My administration has significantly reoriented the country's approach to energy matters toward reliance on market forces—instead of Government regulation and massive, indiscriminate Federal spending. This has resulted in greater energy production, more efficient use of energy, and more favorable energy prices. For example:

—The U.S. economy currently is using 30% less oil and gas per dollar's worth of output than it did 10 years ago when energy prices began to rise.

—Heating oil prices have been lower this past year than they were in January 1981, when I removed oil price controls. Gasoline prices have fallen to levels which, after adjustments for general inflation and sales taxes, are within 5% of those that prevailed in the U.S. in the 1950's.

Energy programs proposed in the budget are designed to complement market forces by focusing resources on limited but appropriate responsibilities of the Federal Government and by managing these programs well. Thus, for example, the budget proposes increased spending for basic and other long-term energy research. In addition, the administration continues its commitment to filling the strategic petroleum reserve. The reserve has more than tripled in size in the last three years.

Health care.—Progress has been made in slowing the explosive growth of health costs. As part of the Social Security Amendments of 1983, Congress enacted the Administration's proposed fixed price prospective payment system for hospital care. This replaced the previous Medicare hospital reimbursement system under which hospitals were reimbursed for their costs. The new prospective payment system has altered incentives and should lessen the rate of increase in hospital costs.

Under the proposals in this budget, physicians will be asked to maintain present fee levels for medicare through the next fiscal year. Tax incentives prompting overly-costly employee health insurance benefits would be revised to make users and providers more sensitive to costs. Finally, resources for biomedical research will increase.

Transportation.—My administration has sought to shift much of the costs of transportation from the general taxpayer to those who use transportation services and facilities. I signed into law several administration-backed proposals to increase excise taxes on aviation and highway users and thereby provide funding needed to revitalize and modernize these important segments of the Nation's transportation system. The proportion of the Department of Transportation's budget financed by user fees has risen from 49% in 1982 to 72% in 1985. The budget reflects the administration's continued commitment to the "users pay" principle by including receipts proposals for nautical and aviation aids, the inland waterway system, and construction and maintenance of deep-draft ports.

Recognizing the importance of safety in our transportation systems, the budget provides for significant improvements in this area. In addition, my administration secured passage of legislation designed to rebuild the Nation's highway and public transportation facilities. This legislation substantially increased funds available to the States and local communities to complete and repair the aging interstate highway system, to rehabilitate principal rural and urban highways and bridges, and to improve mass transit systems. The budget also provides for improvements in the safety of our transportation systems.

Improved ports and channels will help to make U.S. coal exports competitive in world markets. My administration will work with the Congress to provide for timely and efficient port construction. A system that recovers a significant portion of the cost of existing port maintenance and new port construction must be enacted prior to any new construction. In the last 3 years, my administration has sent several reasonable proposals to the Congress, and progress is being made. It is time for action on this important issue.

Reducing the Federal presence in commercial transportation, currently regulated by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, will improve the efficiency of the industry. Authority for the Civil Aeronautics Board will expire next year, and its residual functions will be assumed by other agencies. The administration will continue to seek legislation to deregulate ocean shipping, and will propose legislation to deregulate oil pipelines and natural gas. Experience since the adoption of initial transportation deregulation legislation has shown clearly that both consumers and industry benefit from reduced Federal involvement in these activities.

Criminal justice.—My administration has continued to strengthen the Federal criminal justice system by seeking major legislative changes in immigration policy, sentencing, and bail procedures, and by seeking increased funding for law enforcement activities. An additional organized crime drug enforcement task force will be established in Florida, bringing the total number of task forces to 13. The budget proposes to bolster immigration control by strengthening border enforcement and improving the effectiveness of border inspection programs. Additional attorneys will be sought for the Internal Revenue Service and the Justice Department, underscoring my administration's determination to tackle the serious problem of tax protesters and evaders. The administration will enhance its efforts to identify, neutralize, and defeat foreign agents who pose a threat to the Nation.

International affairs.—Our foreign policy is oriented toward maintaining peace through military strength and diplomatic negotiation; promoting market-oriented solutions to international economic problems; telling the story abroad of America's democratic, free-enterprise way of life; and reduc-

ing barriers to free trade both here and abroad.

—The security assistance portion of the international affairs program has been increased to assist friendly governments facing threats from the Soviet Union, its surrogates, and from other radical regimes.

—Development aid emphasizes encouraging the private sectors of developing nations and increasing U.S. private sector involvement in foreign assistance.

—The budget provides for continuing the major expansion of international broadcasting activities started last year. Television, exchanges of people, and other programs to improve communications with foreign countries are included.

—My administration will continue to work with the Congress to strengthen the management and coordination of the Government's international trade functions by consolidating them in a Department of International Trade and Industry.

The United States faces threats to its interests in many parts of the world. The Middle East, with its vital energy resources, is still in turmoil. In Central America, Marxist forces continue to threaten democratic governments, exploiting temporary economic dislocations and the continuing poverty of less developed countries. In Africa, the poorest nations of the world are facing the prospect of great privation, accentuated by drought. This budget addresses each of these concerns:

—It continues military and economic support for Israel and Egypt, with improved financial terms.

—It provides for a significant increase in assistance to Central America, the specific nature of which will be defined after our review of the recommendations of the National Bipartisan Commission on Central America.

—It provides special humanitarian aid to counter the immediate effects of African drought and proposes a longer-term program aimed at the root causes of Africa's economic problems.

Although now less than 2% of the budget, international programs are critical to American world leadership and to the success of our foreign policy.

Civil service retirement.—There is growing recognition that civil service retirement has far more generous benefits and is much more costly than retirement programs in the private sector or in State and local governments. Accordingly, the administration continues its strong support of the civil service reform proposals advanced in last year's budget. In 1985, the administration will focus its legislative effort on three of those proposals, in modified form: cost-of-living adjustment (COLA) reform, a high 5-year salary average for the benefit formula, and increased employee and agency retirement contributions.

GI bill rate increase.—The budget proposes legislation to provide a 15% increase in the rates of educational assistance and special training allowances to GI bill trainees and disabled veterans receiving vocational rehabilitation assistance, effective January 1985. The increase will offset increased costs since GI bill benefits were last raised in 1981. It will provide an increase in monthly education benefit checks to 544,000 veterans and their dependents and survivors.

CONTINUING REFORM OF OUR FEDERAL SYSTEM

The overall efficiency of Government in the United States can also be improved by a more rational sorting out of governmental responsibilities among the various levels of government in our Federal system—Federal, State, and local—and by eliminating or limiting overlap and duplication.

In 1981, the Congress responded to my proposals by consolidating 57 categorical programs into nine block grants. In 1982, a block grant was created for job training in the Jobs Training Partnership Act.

The administration is improving the management of intergovernmental assistance by providing State and local elected officials with greater opportunity to express their views on proposed Federal development and assistance actions before final decisions are made. Under Executive Order 12372, Intergovernmental Review of Federal Programs, which I signed in July 1982, Federal agencies must consult with State and local elected officials early in the assistance decision process and make every effort to accommodate their views. The Order also encourages the simplification of State planning requirements imposed by Federal law, and allows for the substitution of State-developed plans for federally required State plans where statutes and regulations allow.

CONTROLLING FEDERAL CREDIT PROGRAMS

Federal credit in all its forms imposes costs on the U.S. economy that must be weighed against its benefits. Federal intervention through guarantees and direct loans may misdirect investment and preempt capital that could be used more efficiently by unsubsidized, private borrowers. Because federally assisted borrowers are frequently less productive than private borrowers, large Federal credit demands, and the degree of subsidy involved in Federal credit activity, must be reduced if we are to improve prospects for economic growth.

The administration continues its strong commitment to control Federal direct loans and loan guarantees. It has supported the basic intent of proposed legislation to move off-budget Federal lending into the unified budget. It seeks other basic reforms in the way in which direct loans and loan guarantees are presented and controlled.

In the coming year, my administration will issue a directive establishing Government-wide policies on credit. This directive will be both an explicit statement of the administration's goals in providing credit assistance and a means of controlling the manner in which that assistance is provided.

REGULATORY REFORM

Federal regulation grew explosively throughout the 1970's. Whether well or poorly designed, whether aimed at worthy or dubious objectives, these rules have one thing in common: they "tax" and "spend" billions of dollars entirely within the private sector of the economy, unconstrained by public budget or appropriations controls.

My administration has taken steps to correct this problem. Under Executive Order 12291, all Federal regulations must be reviewed by the Office of Management and Budget before being issued to determine whether their social benefits will exceed their social costs. As a result of this review process, we have reversed the rate of growth of Federal regulations. Hundreds of ill-conceived proposals have been screened out, and hundreds of existing rules have been stricken from the books because they were unnecessary or ineffective. Equally important, numerous existing regulations have been improved, and new rules have been made as cost-effective as possible within statutory limits. We are steadily winding down economic controls that regulate prices, form barriers to entry for new firms, and other anticompetitive regulations. At the same time we are increasing the effectiveness of our programs promoting health, safety, and environmental quality.

Our regulatory reform program has been open and public. New rules and changes to existing rules now require public notice and comment. My Executive Order requires regulatory agencies to consider the interests of the general public as well as special interest groups in rulemaking proceedings. The Task Force on Regulatory Relief and the Office of Management and Budget have issued regular reports detailing the progress of regulatory reform efforts. *The Unified Agenda of Federal Regulations,* issued twice each year, describes all planned and pending regulatory changes in virtually all Federal agencies. The administration's *Regulatory Policy Guidelines,* published in August 1983, is the first com-

prehensive statement of regulatory policy ever to be issued.

I believe it is time the policies and procedures of Executive Order 12291 were enacted into law. Individual regulatory decisions will always be contentious and controversial, but surely we can all agree on the general need for regulatory reform. Making each Government rule as cost-effective as possible benefits everyone and strengthens the individual regulatory statutes. Regulation has become such an important role of the Federal Government that strong and balanced central oversight is becoming a necessity and a bipartisan objective. The Laxalt-Leahy Regulatory Reform Act, which passed the Senate unanimously in 1982, would have accomplished this reform. I strongly urge the Congress to take up and pass similar legislation this year. In addition, my administration continues to support measures to deregulate financial institutions.

IMPROVING THE EFFICIENCY OF GOVERNMENT

It is important to continue to reduce the size of Government. It is equally important to use the remaining resources as efficiently and effectively as possible. My administration has begun to make great strides in doing exactly that.

During the past 3 years, we have initiated several Government-wide management improvement efforts under the guidance of the Cabinet Council on Management and Administration. They are:

—Reform 88;
—Personnel management reform;
—Federal field structure reform; and
—The President's Private Sector Survey on Cost Control.

These management improvement and cost reduction programs focus on 4 objectives:

—Reducing fraud, waste, and mismanagement;
—Improving agency operations;
—Developing streamlined Federal Government management systems; and
—Improving the delivery of services.

Reducing fraud, waste, and mismanagement.—This objective seeks better use of appropriated dollars. The President's Council on Integrity and Efficiency (PCIE) was formed in early 1981 and is made up of 18 department and agency Inspectors General. They recently reported $8.4 billion in cost reductions or funds put to better use in the last 6 months of 1983 and a total of $31 billion since they were appointed. The PCIE is beginning to direct its efforts toward preventing problems before they occur, through improved technology and better audit processes, as described in their latest report.

The PCIE also found that enormous waste was occurring because the Federal Government had never established an effective cash management system—despite the fact that it handles almost a trillion dollars in cash annually. This is currently being corrected by installing sophisticated, up-to-date systems that the Department of the Treasury estimates could save as much as $3½ billion a year.

When my administration came to office we found delinquent debt owed the Government rising at a rate of over 40% per year—with a total debt outstanding of over $240 billion. After only 2 years' effort, this annual growth rate has been reduced to 2%. A credit pre-screening system is now being put in place, and automated collection centers are being installed.

Federal procurement involves annual expenditures of $170 billion. Procurement was an overly complex process with only 50% of our contract dollars awarded under competitive bid. My administration has replaced three sets of regulations with one, and we are now setting up a new pro-competitive policy to cut costs.

We have extended our fight to reduce waste and mismanagement to a direct attack on that nemesis that has always characterized the Federal Government: red tape and paperwork. We have already reduced the paperwork burden placed on the private sector by the Federal Government by well over 300 million hours. In this current fiscal year we intend to reduce the burden by another 130 million hours.

Further savings and improvements are possible. The President's Private Sector Survey on Cost Control (Grace Commission) developed numerous recommendations for savings and cost avoidance. These recommendations range from reducing costs of Federal employee retirement programs to upgrading the Government's seriously outdated and inefficient management and administrative systems. I have already included many of these ideas in this budget and will include more in future budgets. My administration will develop a tracking system to make sure they are carried out.

These are but a few of the efforts underway to make sure that appropriated funds go further and are used for the purposes for which they were intended.

Improving agency operations.—I am directing Federal agencies to coordinate their administrative activities so that they reduce their current operating costs immediately, rather than wait for future improvements in systems and technologies. Savings resulting from these efforts are reflected in this budget. These efforts include (1) consolidating headquarters, and regional administrative services; (2) requiring service centers to meet minimum productivity standards for processing documents; (3) using private sector contractors to provide support services where appropriate and economical; (4) reducing Federal civilian employment by 75,000 by the beginning of 1985, reducing higher graded staff, and improving personnel planning; (5) reducing office space by 10%; (6) reducing printing plants by 25% and publications by 25%; and (7) eliminating the processing of documents altogether for most small agencies, by requiring them to obtain services from larger agencies that have efficient centers.

Developing streamlined Federal Government management systems.—As we are reducing the size of Government and reducing fraud, waste, and abuse, we also need to change fundamentally the way the Federal Government is managed. When I came into office, we found that the Federal Government lacked a well-planned compatible management process, so we set about developing one. This effort involves five major projects: (1) planning and budgeting, (2) financial management and accounting, (3) personnel managment and payroll, (4) personal and real property, and (5) automatic data processing and telecommunications management. Responsibilities and resources for the development of each of these management systems have been assigned to those agencies that have or are capable of developing the most advanced management system in each category. Without this effort, the Federal Government would continue to operate in an inefficient manner that does not serve our citizens well.

Improving the delivery of services.—My administration is looking seriously at the way the delivery of Federal services is handled across the country. The objective of this effort is to achieve improved service at lower cost, through improved technology and management techniques such as prescreening, computer matching, adjusted payment schedules, contractor and grantee performance incentives, and a streamlined field structure.

All of these efforts are being planned and coordinated centrally as part of the budget process. The results of these efforts will be reported to the Congress together with resulting savings and proposals to upgrade management of the Federal Government.

CONCLUSION

Vigorous, noninflationary economic recovery is well underway. The long winter of transition from the misguided policies of the past, with their inflationary and growth-deadening side-effects, is now yielding to a new springtime of hope for America. The hope of continued recovery to long-term noninflationary prosperity can be realized if we are able to work together on further deficit reduction measures. Bold, vigorous fiscal policy action to break the momentum of entrenched spending programs, together with responsible and restrained monetary policy, is

essential to keep the recovery on track; essential to the Nation's future economic health and vitality. Limited measures to increase receipts will also be necessary to make our tax system fairer and more efficient. But it is important—more than important, *crucial*—to get the mix of spending restraint and receipts increases right. There must be substantial reductions in spending and strictly limited increases in receipts.

I call urgently upon the Congress, therefore, to take the actions proposed in this budget. Far too much is at stake to permit casual dismissal of these essential belt-tightening measures. The Nation has paid a high price for the prospect of a secure, prosperous, noninflationary future; that prospect must not be sacrificed to a sense of complacency, to an expedient ducking of the issues.

With confidence in the ultimate beneficial effects of our actions, let us seize the high ground and secure, for ourselves and our posterity, a bright and prosperous future—a future in which the glory that was America is again restored.

RONALD REAGAN.
THE WHITE HOUSE, *February 1, 1984.*

RESCISSIONS, DEFERRALS, AND REVISED DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an acccompanying report, which was referred jointly to the Committees on the Budget; Appropriations; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Commerce; Science, and Transportation; Environment and Public Works; Armed Services; and Agriculture, Nutrition, and Forestry, pursuant to the order of January 30, 1975:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report nine rescission proposals totaling $634,711,454, thirteen new deferrals of budget authority totaling $143,595,000 and five revised deferrals of budget authority totaling $68,152,365.

The rescissions affect programs in the Departments of Housing and Urban Development and Interior, the Corporation for Public Broadcasting, the Delaware and Susquehanna River Basin Commissions, the Panama Canal Commission, and two Department of Agriculture off-budget revolving funds.

The deferrals affect the Departments of Agriculture, Education, Energy, Interior, State, and Transportation, and the Tennessee Valley Authority. The details of the rescission proposals and deferrals are contained in the attached reports.

RONALD REAGAN.
THE WHITE HOUSE, *February 1, 1984.*

FOURTH ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 7104(e) of Title 5, United States Code, I hereby transmit the Fourth Annual Report of the Federal Labor Relations Authority which covers Fiscal Year 1982.

RONALD REAGAN.
THE WHITE HOUSE, *February 1, 1984.*

MESSAGES FROM THE HOUSE

At 1:27 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills in which it requests the concurrence of the Senate thereon:

H.R. 2878. An act to amend and extend the Library Services and Construction Act.

H.J. Res. 203. A joint resolution to establish State commissions on teacher excellence.

ENROLLED BILL SIGNED

At 4:15 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3969. An act to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2878. An act to amend and extend the Library Services and Construction Act; to the Committee on Labor and Human Resources.

H.J. Res. 203. A joint resolution to establish State commissions on teacher excellence; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 324. An original resolution waiving section 302(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1787.

By Mr. TOWER, from the Committee on Armed Services, without amendment: S. Res. 328. An original resolution authorizing expenditures for the Committee on Armed Services; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DENTON (for himself, Mr. THURMOND, Mr. COCHRAN, Mr. EAST, Mr. GRASSLEY, Mr. HELMS, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. NICKLES, Mr. MELCHER, Mr. SYMMS and Mr. TRIBLE):

S. 2241. A bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER:

S. 2242. A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 2243. A bill to amend the Internal Revenue Code of 1954 to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Finance.

By Mr. GORTON (for himself and Mr. EVANS):

S. 2244. A bill to strengthen the domestic water borne commerce of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER:

S. 2245. A bill to amend title 38, United States Code, to require the payment of interest on amounts contributed by a member of the Armed Forces under the Post-Vietnam Era Veterans' Educational Assistance Program; to the Committee on Veterans Affairs.

By Mr. LONG:

S. 2246. A bill to amend the Internal Code of 1954 to clarify the definition of articles in Puerto Rico or the Virgin Islands for purposes of determining the amounts of Federal internal revenue taxes which are paid over to Puerto Rico and the Virgin Islands; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. RANDOLPH):

S. 2247. A bill to provide for the payment of certain burial benefits for veterans who were former prisoners of war; to the Committee on Veterans Affairs.

By Mr. WEICKER:

S.J. Res. 221. A joint resolution to honor the contribution of blacks in the American Revolution; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S.J. Res. 222. A joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month;" to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. DODD):

S.J. Res. 223. A joint resolution relating to the rehabilitation of shelters for the homeless; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TOWER, from the Committee on Armed Services:

S. Res. 328. An original resolution authorizing expenditures for the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. NUNN (for himself, Mr. WARNER, Mr. BRADLEY, Mr. HOLLINGS and Mr. SASSER):

S. Res. 329. A resolution expressing the support of the Senate for the expansion of confidence building measures between the U.S. and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers; to the Committee of Foreign Relations.

By Mr. MOYNIHAN:

S. Con. Res. 90. A concurrent resolution expressing the sense of Congress that the president of Syria should permit Jewish emigration; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DENTON (for himself, Mr. THURMOND, Mr. COCHRAN, Mr. EAST, Mr. GRASSLEY, Mr. HELMS, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. NICKLES, Mr. MELCHER, Mr. SYMMS, and Mr. TRIBLE):

S. 2241. A bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BROADCASTERS' PROTECTION ACT OF 1984

● Mr. DENTON. Mr. President, I rise today to introduce the Broadcasters' Protection Act of 1984. The bill, which supersedes S. 2168, the Public Campaign Integrity Act of 1983, also known as the Broadcasters' Protection Act, seeks to definitively clarify the obligations of broadcasters to legally qualified candidates for public office. The clarification will close a potentially dangerous loophole in the present broadcasting law and will provide broadcasters with much needed protection.

Currently, any broadcaster—that is, any station properly licensed by the Federal Communications Commission—which permits any legally qualified candidate for public office to use a broadcasting station must afford equal opportunities in the use of such broadcasting station to all other such candidates for that office. Section 315(A) of the Communications Act of 1934 also provides that such broadcaster shall have no power of censorship over the material broadcast under the provisions of that section. This provision engenders a very real possibility of misuse and abuse of broadcasting rights by candidates.

Such possibility became more apparent with the October 12, 1983, registration of Larry Flynt as a candidate for President of the United States. Mr. Flynt, the notorious publisher of the pornographic magazine Hustler, had vowed to use his Presidential campaign to test the Nation's obscenity laws by airing commercials containing explicit sexual conduct. As noted in a United Press International News article of October 22, 1983, Mr. Flynt declared, "I'm going to show people engaged in sex on TV and argue that this should be provided full protection under the law." Current Federal laws may require broadcasting stations to run in full such political ads by legally qualified candidates for President regardless of the content of such ads, even though there are other provisions of law and FCC regulations which would appear to prohibit such conduct.

Even though the immediate problem has been resolved by the termination of Mr. Flynt's Presidential campaign, the possibility of misuse and abuse of broadcasting rights by candidates still exists. That is, under the present law a broadcaster is still faced with a dilemma. On the one hand the broadcaster could air the pornographic or other material and violate any number of criminal statutes, or the broadcaster could refuse to air the material and violate the "equal time" provision of the Communications Act.

It is my belief that the Broadcasters' Protection Act definitively resolves the apparent conflict between the criminal statutes and the equal time statute by removing the obligation of a broadcaster to air any material the broadcast of which he reasonably believes would violate any criminal law of the United States. The revised bill also provides that, when the broadcaster acts pursuant to a reasonable belief, that fact shall be a defense to any revocation action by the Commission pursuant to the provisions of section 312(a)(7) and shall not be used adversely against the licensee in a comparative licensing process, either to renew a license or to obtain an initial license. Additionally, the revised bill provides that a broadcaster or a candidate may immediately petition any appropriate U.S. district court for an expeditious determination of the issue as to whether or not the broadcast of such material would violate a criminal law of the United States. This right to petition a district court is in addition to any other rights available to such broadcaster or candidate under the Communications Act.

The FCC was most helpful in the drafting of the language of the bill and wholeheartedly supports it as a means to authoritatively resolve the tension or conflict between the criminal statutes and the equal time statute. Additionally, the bill is currently cosponsored by Senators THURMOND, COCHRAN, EAST, GRASSLEY, HELMS, JEPSEN, LAXALT, MCCLURE, MELCHER, NICKLES, SYMMS, and TRIBLE and will be introduced in the House by Congressman THOMAS J. BLILEY, JR., of Virginia.

Although I cannot overstate the importance of freedom of political debate in a free society, I must conclude that the first amendment was never meant to be a plain brown wrapper for the distribution of pornography in the guise of political advertising. Nor should candidates be able to compel broadcasters to air material violative of other criminal laws. Surely, the most basic purpose of any good government is to protect its citizens from those who misuse and abuse the law.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

I also ask unanimous consent that two letters from the FCC endorsing the bill be placed in the RECORD at this point.

Finally, I ask that a statement by my distinquished colleague from South Carolina, Mr. THURMOND, in support of the bill be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Broadcasters' Protection Act of 1984".

SEC. 2. (a) Section 315(a) of the Communications Act of 1934 is amended by adding at the end of the first sentence thereof the following language: "However, such licensee shall be under no obligation under this section to broadcast any material the broadcast of which he reasonably believes would violate any criminal law of the United States. The fact that the licensee acted pursuant to a reasonable belief shall be a defense to any revocation action by the Commission pursuant to the provisions of section 312(a)(7) and shall not be used adversely against the licensee in a comparative licensing process, either to renew of license or to obtain an initial license.".

(b) Section 315 of such Act is amended (1) by designating the existing subsection (d) as subsection (f), and (2) by inserting immediately after subsection (c) the following new subsections:

"(d) In addition to any other rights available to a broadcaster under this Act, such broadcaster shall have the right, notwithstanding any other provision of law, to immediately petition any appropriate United States district court for an expeditious determination of the issue as to whether or not the broadcast of such material would violate a criminal law of the United States and for declaratory judgment relief in accordance with the provisions of chapter 151 of Title 28, United States Code.

"(e) In any case in which a legally qualified candidate for any public office is denied the use of a broadcasting station pursuant to subsection (a) of this section on the grounds that the broadcast of material of

such candidate would violate a criminal law of the United States, such candidate, in addition to any other rights available to such candidate under this Act, shall have the right, notwithstanding any other provision of law, to immediately petition any appropriate United States district court for an expeditious determination of the issue as to whether or not the broadcast of such material would violate a criminal law of the United States and for declaratory judgment relief with respect to the denial in accordance with the provisions of chapter 151 of Title 28, United States Code.".

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., January 19, 1984.

Hon. JEREMIAH DENTON,
U.S. Senate,
Hart Office Building,
Washington, D.C.

DEAR SENATOR DENTON: Pursuant to your request, we have reviewed the Broadcasters' Protection Act, a copy of which is attached hereto. The Broadcasters' Protection Act provides in essence that a broadcaster is not obliged to air material presented to it by a legally qualified candidate pursuant to Section 315 of the Communications Act if the broadcaster reasonably believes the broadcast of such material would violate a federal criminal law.

As you know, a question has recently arisen which the Broadcasters' Protection Act would have resolved had it been in effect. Concern was expressed as to whether a broadcaster who is presented with an advertisement containing obscene material is required to air such advertisement pursuant to Section 315. In response to that question, the attached memorandum was prepared by Commission staff, which points out that no evidence has been found to indicate that Congress intended the no-censorship provision of Section 315 to override the criminal prohibition against the broadcast of obscene or indecent material contained in Section 1464 of Title 18. At the same time, however, the memorandum notes that the Congress which enacted the Communications Act did not anticipate that a candidate would attempt to exploit the no-censorship provision of Section 315 in order to violate another criminal law. The memorandum nonetheless concludes that the no-censorship provision in Section 315 was not intended to override the statutory prohibition against the broadcast of obscene or indecent material that is etched in Section 1464 of the Criminal Code. While we believe that the result reached therein is the result Congress would have reached had it considered the question, a legislative confirmation of this conclusion would be helpful. (The full Commission has not voted on this matter and will probably not have occasion to do so until presented with a specific dispute.)

Your proposed legislation also resolves a question the attached memorandum does not address: namely, the issue of whether a broadcaster who is presented with material the broadcast of which would violate federal criminal statutes other than Section 1464 must air such material. As drafted, the Broadcasters' Protection Act resolves that question in a manner entirely consistent with the analysis we have set forth with respect to Section 1464. However, as we have not undertaken an exhaustive analysis of all criminal statutes that might be applicable, we cannot comment with certainly to the effect other criminal laws would have on Section 315. Our limited analysis gives us no reason to think a different result than that reached in our analysis of Section 1464 would ensue. Enactment of the Broadcasters' Protection Act would therefore be helpful to this Commission should we be faced with a candidate who tries to use the political broadcasting laws as a shield for violating the Federal Criminal Code.

Please be assured that if I or my staff can be of any further assistance to you in this mater, we shall be delighted to help.

Sincerely,

MARK S. FOWLER,
Chairman.

FEDERAL COMMUNICATIONS COMMISSION,
WASHINGTON, D.C., NOVEMBER 18, 1983.

Hon. JEREMIAH DENTON,
U.S. Senate,
Hart Office Building,
Washington, D.C.

DEAR SENATOR DENTON: This Commission is aware that a question has arisen as to whether a broadcaster is required to air political advertisements containing obscene material.

As you know, Section 315(a) of the Communications Act forbids broadcasters from censoring material presented by duly qualified candidates for public office. The utterance of obscene, indecent, or profane language, however, is prohibited by section 1464 of title 18, U.S. Code.

The Commission has never authoritatively opined on the legal question presented by a candidate who proposes to exploit the equal access provisions of Section 315 to violate the Criminal Code. The Commission has, however, received numerous requests to resolve this knotty issue. When the Commission completes its review of the matters raised by the incertitudes of existing law, it will inform you of its legal analysis and conclusions.

In the meantime, however, enactment of an amendment providing that broadcasters are not obliged to air material in violation of the federal criminal laws would authoritatively resolve the tension presented by the apparent conflict between these two statutes.

Thank you for your attention in this matter.

Sincerely,

BRUCE E. FEIN,
General Counsel.●

● Mr. THURMOND. Mr. President, I am pleased to join with my distinguished colleague from Alabama, Senator DENTON, and others in introducing legislation to clarify the obligations of broadcasters under the Communications Act of 1934 with respect to candidates for public office.

This measure, referred to as the Broadcasters' Protection Act, would close a dangerous loophole which exists in the present law. As we are all aware, legally qualified candidates for public office have very broad discretion in regard to the form and content of campaign statements. Under present law, such a candidate may include in his or her campaign broadcasts an unlimited array of subjects.

Mr. President, the lack of limitations on broadcast content has heretofore not been a source of any significant problems. However, the recent case involving a publisher of a pornographic magazine demonstrates the need for this legislative action. No one ever intended or anticipated that political campaigns would be a vehicle for bringing into our homes the kind of pornographic trash which this "candidate" promised to broadcast.

Under existing law, a broadcaster carrying campaign material for a legally qualified candidate must provide equal opportunity, with no right of censorship, to other qualified candidates. Consequently, such a broadcaster must choose between violating the equal access provision, or violating Federal laws and regulations designed to control obscenity.

Mr. President, the Broadcaster's Protection Act will clarify a broadcaster's responsibility by permitting a broadcaster to refuse to air material which is reasonably believed to be in violation of Federal criminal law. The bill also provides for immediate review in the district court by either the broadcaster or the candidate.

Mr. President, I strongly endorse the principles of this bill, and I would urge my colleagues in the Senate to give it their support.●

By Mr. GOLDWATER:

S. 2242. A bill to designate certain national forest lands in the State of Arizona as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

ARIZONA NATIONAL FOREST WILDERNESS ACT OF 1984

● Mr. GOLDWATER. Mr. President, the bill I am introducing today, the Arizona National Forest Wilderness Act of 1984, is hopefully, the conclusion of Arizona's RARE II program which began in 1977. My bill would designate 28 areas containing 752,900 acres as wilderness; 60,910 acres would be for further planning; and 50 miles of the Verde River would come under the protection of the Wild and Scenic Rivers Act. If we do not get some sort of forest wilderness legislation passed by Congress this session, the State of Arizona faces the certainty of a RARE III study process which would take years to complete and would be a waste of the taxpayers' money. This wilderness issue is something that is not going to go away, and the sooner we handle this, the better off all parties will be.

The RARE II studies were aimed at determining which roadless areas and undeveloped land areas in the national forest system are of such quality that they should be added to the national wilderness preservation system, as established by Congress in 1964. Along with determining possible wilderness additions, the forest Service identified general uses of the same lands for resource management and development. This process is part and parcel of the overall planning direction for Forest

Service lands in conjunction with the Forest and Rangeland Renewable Planning Act of 1974 and the National Forest Management Act of 1976.

Unlike my bill, of the 1,955,032 acres of national forest in Arizona which were inventoried, the Forest Service has recommended that 14 areas containing 400,312 acres be designated by Congress as wilderness; 545,828 acres by subject to further planning; and 1,008,592 acres be released to multiple-use management. Another difference between my bill and the Forest Service plan is the setting of boundary lines.

My proposal is not going to satisfy all the resource users in our State of Arizona and it is not going to make the environmental groups happy. There is too much acreage to suit the user groups who suggested that only 501,660 acres be declared wilderness and it is too little for the Arizona Wilderness Coalition which wanted 1.6 million acres. The release language is not hard release language which the user groups wanted, but then it is not the soft release wording which the environmentalists wanted. This bill as introduced is a working draft and one which I hope would be used as a vehicle to achieve a compromise with which all parties could live. We need to start somewhere and I think the proposal is a reasonable one. Everyone concerned should now sit down and concentrate and make constructive comments on one proposal, not four or five, but one specific proposal. The status of the RARE II areas in our State should not be left in limbo; we should go ahead and decide what areas are to be designated as wilderness and the other areas should be managed accordingly.

There are certainly many areas which need not be opened up to any kind of exploration or development and which should be protected; however, we must make decisions in a manner consistent with the way the people in Arizona want to live the kind of life they believe in, now and in the future. This also means that we must have the kind of resources which we need to protect our way of life. We can no longer afford to withdraw areas simply because we want to and we have got to start being responsible in planning for our energy needs.

The user groups involved in the State of Arizona probably generate more than $10 billion in direct and indirect economic and social benefits to our State every year, and a major portion of this income is derived from present or former national forest lands in our State. We must protect and preserve both our renewable resources and the integrity of our natural environment. We must remain flexible if a reasonable and workable balance is to be achieved between economic necessities and environmental priorities. My fellow Arizonan in the House of Representatives, MO UDALL, is today introducing a companion proposal to my bill and we will work together to see that a wilderness proposal is enacted that we can all live with.

Mr. President, at this point, I ask that the text of this bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arizona National Forest Wilderness Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Arizona are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Certain lands in the Kaibab National Forest which comprise approximately 6,510 acres as generally depicted in a map entitled "Kendrick Mountains Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Kendrick Mountain Wilderness.

(2) Certain lands in the Prescott National Forest which comprise approximately 7,300 acres as generally depicted in a map entitled "Juniper Mesa Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Juniper Mesa Wilderness.

(3) Certain lands in the Prescott National Forest which comprise approximately 20,000 acres as generally depicted in a map entitled "Arnold Mesa Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Arnold Mesa Wilderness.

(4) Certain lands in the Prescott National Forest which comprise approximately 28,420 acres as generally depicted in a map entitled "Castle Creek Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Castle Creek Wilderness.

(5) Certain lands in the Prescott National Forest which comprise approximately 8,540 acres as generally depicted in a map entitled "Granite Mountain Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Granite Mountain Wilderness.

(6) Certain lands in the Prescott National Forest which comprise approximately 5,610 acres as generally depicted in a map entitled "Apache Creek Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Apache Creek Wilderness.

(7) Certain lands in the Prescott National Forest which comprise approximately 38,380 acres as generally depicted in a map entitled "Sheridan Mountain Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Sheridan Mountain Wilderness.

(8) Certain lands in the Coconino National Forest which comprise approximately 19,000 acres as generally depicted in a map entitled "San Francisco Peaks Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the San Francisco Peaks Wilderness.

(9) Certain lands in the Coconino National Forest which comprise approximately 47,480 acres as generally depicted in a map entitled "Red Rock-Secret Mountain Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Red Rock-Secret Mountain Wilderness.

(10) Certain lands in the Coconino National Forest which comprise approximately 9,890 acres as generally depicted in a map entitled "Wet Beaver Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be known as the Wet Beaver Wilderness.

(11) Certain lands in the Coconino National Forest which comprise approximately 14,090 acres as generally depicted in a map entitled "Fossil Springs Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be known as the Fossil Springs Wilderness.

(12) Certain lands in the Coconino National Forest which comprise approximately 30,000 acres as generally depicted in a map entitled "West Clear Creek Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be known as the West Clear Creek Wilderness.

(13) Certain lands in the Coconino National Forest which comprise approximately 10,930 acres as generally depicted in a map entitled "Sycamore Canyon Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be included in the Sycamore Canyon Wilderness.

(14) Certain lands in the Coconino National Forest which comprise approximately 32,870 acres as generally depicted in a map entitled "Rattlesnake Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be known as the Rattlesnake Wilderness.

(15) Certain lands in the Tonto National Forest which comprise approximately 60,000 acres as generally depicted in a map entitled "Mazatzal Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be included in the Mazatzal Wilderness. Nothing in the designation of this wilderness area shall be construed to prevent the installation and maintenance, subject to such conditions as the Secretary deems desirable, of hydrologic, meteorologic, or telecommunications facilities, or any combination of the foregoing, which are essential to flood warning, flood control, and water reservoir operation purposes. As provided in section 4(d)(1) of the Wilderness Act, within the wilderness area added by this paragraph, the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary deems desirable.

(16) Certain lands in the Tonto National Forest which comprise approximately 40,000 acres as generally depicted in a map entitled "Superstition Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Wash-

ington, D.C. and which shall be included in the Superstition Wilderness.

(17) Certain lands in the Tonto National Forest which comprise approximately 30,400 acres as generally depicted in a map entitled "Hellsgate Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C. and which shall be know as the Hellsgate Wilderness.

(18) Certain lands in the Tonto National Forest which comprise approximately 30,400 acres as generally depicted in a map entitled "Salome Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Salome Wilderness.

(19) Certain lands in the Tonto National Forest which comprise approximately 54,990 acres as generally depicted in a map entitled "Four Peaks Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Four Peaks Wilderness.

(20) Certain lands in the Tonto National Forest which comprise approximately 41,290 acres as generally depicted in a map entitled "Salt Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Salt Wilderness.

(21) Certain lands in the Coronado National Forest which comprise approximately 39,700 acres as generally depicted in a map entitled "Rincon Mountain Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Rincon Mountain Wilderness

(22) Certain lands in the Coronado National Forest which comprise approximately 60,150 acres as generally dipicted in a map entitled "Chiricahua Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be included in the Chiricahua Wilderness.

(23) Certain lands in the Coronado National Forest which comprise approximately 10,320 acres as generally depicted in a map entitled "Pajarita Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Pajarita Wilderness.

(24) Certain lands in the Coronado National Forest which comprise approximately 25,000 acres as generally depicted in a map entitled "Galiuro Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be included in the Galiuro Wilderness.

(25) Certain lands in the Coronado National Forest which comprise approximately 27,160 acres as generally depicted in a map entitled "Santa Teresa Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Santa Teresa Wilderness. Reasonable access shall be permitted to continue on the existing right-of-way from U.S. Route 70 along Black Rock Wash to the vicinity of Black Rock.

(26) Certain lands in the Coronado National Forest which comprise approximately 25,170 acres as generally depicted in a map entitled "Mount Wrigtson Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Mount Wrightson Wilderness.

(27) Certain lands in the Coronado National Forest which comprise approximately 22,280 acres as generally depicted in a map entitled "Miller Peak Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Miller Peak Wilderness.

(28) Certain lands in the Apache-Sitgreaves National Forest which comprise approximately 7,000 acres as generally depicted in a map entitled "Bear Wallow Wilderness—Proposed" and dated February 1984, retained by the United States Forest Service, Washington, D.C., and which shall be known as the Bear Wallow Wilderness.

(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(d) The Congress does not intend that designation of wilderness areas in the State of Arizona lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e)(1) As provided in paragraph (6) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Arizona State water laws.

(2) As provided in paragraph (7) of section 4(d) of the Wilderness Act, nothing in this Act or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to wildlife and fish in the national forests located in that State.

(f)(1) Grazing of livestock in wilderness areas established by this Act, where established prior to the date of the enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act and section 108 of Public Law 96-560.

(2) The Secretary is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in Arizona in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(3) Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a report detailing the progress made by the Forest Service in carrying out the provisions of paragraphs (1) and (2) of this section.

SEC. 3. (a) The Secretary shall review the following lands in conjunction with the requirements of the National Forest Management Act of 1976 and in furtherance of the purposes of the Wilderness Act, as to their suitability or nonsuitability for preservation as wilderness and shall submit his recommendations to the President:

(1) Certain lands in the Coronado National Forest which comprise approximately 740 acres as generally depicted on a map entitled "Bunk Robinson Peak Wilderness Study Area" and dated February 1984, retained by the United States Forest Service, Washington, D.C.

(2) Certain lands in the Coronado National Forest which comprise approximately 5,080 acres as generally depicted on a map entitled "Whitmire Canyon Wilderness Study Area" and dated February 1984, retained by the United States Forest Service, Washington, D.C.

(3) Certain lands in the Coronado National Forest which comprise approximately 55,090 acres as generally depicted on a map entitled "Mount Graham Wilderness Study Area" and dated February 1984, retained by the United States Forest Service, Washington, D.C.

With respect to the areas named in paragraphs (1) and (2), the President shall submit his recommendations to the United States House of Representatives and the United States Senate no later than January 1, 1986.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

SEC. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of Arizona and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Arizona such statement shall not be subject to judicial review with respect to national forest system lands in the State of Arizona;

(2) with respect to the national forest system lands in the State of Arizona which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands designated for wilderness study in section 2 of this Act or by previous Acts of Congress that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renew-

able Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Arizona reviewed in such final environmental statement which, upon enactment of this Act, are not designated as wilderness or designated for further study by Congress need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Arizona for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 5. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by inserting the following after paragraph (50):

"(51) VERDE, ARIZONA.—The segment from the boundary between national forest and private land in Sections 26 and 27, Township 13 North, Range 5 East, Gila Salt River Meridan, downstream to the confluence with Tangle Creek, as generally depicted on a map entitled 'Verde River—Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture. This designation shall not prevent water users receiving Central Arizona Project water allocations from diverting that water through an exchange agreement with downstream water users in accordance with Arizona water law. After consultation with State and local governments and the interested public and within two years after the date of enactment of this paragraph, the Secretary shall take such action as is required under subsection (b) of this section.".●

By Mr. HELMS:

S. 2243. A bill to amend the Internal Revenue Code of 1954 to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Finance.

TAXPAYERS' BILL OF RIGHTS ACT

Mr. HELMS. Mr. President, I am today introducing legislation to put a stop to one of the most blatant civil rights abuses of all times—the harassment of taxpayers by agents of the Internal Revenue Service.

Americans from all walks of life are being intimidated, harassed, and otherwise subjected to the strong-arm tactics of the IRS. Unfortunately, current law permits the Internal Revenue Service to lien, levy, summon, and seize a person's money, property, and other assets, all without recognizing the individual rights to due process of law guaranteed by the U.S. Constitution.

My bill, entitled the "Taxpayers' Bill of Rights Act," will put an end to this injustice. It is a positive step toward protecting the constitutional rights of every taxpaying citizen. By spelling out these rights one by one, my proposal will restore a degree of sanity to the tax system. It will help give honest Americans more confidence in the tax laws and lay the foundation for a system of taxation that is simpler and more evenhanded than the current one.

Mr. President, not long ago, former IRS Commissioner Donald Alexander testified before Congress:

> The only way we can keep them (referring to the American taxpayers) honest and paying their taxes is to keep them afraid.

Judging from the number of reports of IRS misconduct I have seen lately, I believe many Americans would agree that the IRS agents are going out of their way in complying with Mr. Alexander's mandate. Indeed, the horror stories are familiar to all.

The Dwight Snyder family of Oakland, Md., was involved in a protracted dispute with the IRS over alleged taxes owed. Michael Satchell of Parade recently wrote:

> One day, Mr. Snyder was beginning his day's labor in the workshop next to his house when a procession of unmarked cars, police vehicles, three wreckers and an interstate moving van halted outside his home.
>
> According to the IRS, at least two dozen (Snyder says there were 40) U.S. marshalls, State patrolmen, IRS revenue officers and special agents—some brandishing M-16 automatic rifles, shotguns, and sidearms—surrounded his property and took up positions near the house, the workshop, and along the highway.
>
> The door to the shop flew open and with guns pointed, the officers shouted that they were there to seize. At the same moment, another armed group moved into the house and confronted Snyder's wife and the couple's 4-year-old daughter. They searched every room in the house, picking through the drawers and cupboards, searching for cash.
>
> Outside, neighbors who began gathering and taking snapshots of the raid found themselves staring down the business end of the long guns and were ordered to leave. "The IRS seized the Snyder family's vehicles, machinery, tools—everything from a pick-up truck and tractor to towel holders, soap dishes, sink strainers, toothbrush holders * * * Everything."

John Barron of Reader's Digest reported of two IRS agents in Kansas city, who intruded upon Mrs. Michael Darrah while she was nursing her 6-week-old baby. The young mother pleaded with the men to come back another time. Instead, for 4 tortuous hours they questioned her about income tax charges against her father, Kenneth R. Layne. When she sought to call him for advice, one man ordered, "Don't touch that phone." Unsure of her rights, Mrs. Darrah asked permission to call a lawyer. "That will only make it worse for your father," an agent threateningly told her. For the terrified woman, it was tantamount to being held prisoner in her own home. Ultimately, a jury unanimously concluded that Layne was innocent of any crime. But his daughter, never accused of anything, suffered a nervous breakdown.

Mr. President, from time to time, stories like these hit closer to home. A longtime friend of mine, Bill Currie, has been working to establish a broadcasting school in Pittsburgh. After auditing Bill's books for three consecutive years, the IRS determined that it owed him $2,500. Wonderful, he told me, but his legal fees amounted to some $20,000, an amount Bill conceded is quite reasonable for the vast number of hours his tax attorney spent on the case. Mr. Currie now faces possible loss of his home over a tax audit which proved nothing except his honesty in filing tax returns.

And there is Benny Gooden, the owner of a lumber company in Elizabethtown, N.C. He recently sent me affidavits documenting the conduct of IRS agents who came on his premises carrying pistols and making veiled threats against him and his father. Along with the signed affidavits, Mr. Gooden, sent a pocket-sized copy of the U.S. Constitution and bill of rights, asking why the IRS does not respect their contents.

Mr. President, the Taxpayers' Bill of Rights Act will restrain this type of IRS conduct. Without compromising the Internal Revenue Service's interest in efficient tax collection, it will promote a fairer administration of the tax code. Let me summarize the bill.

COURT ORDER REQUIREMENT FOR LEVY

My proposal will insure the taxpayer's right to due process of law by requiring a Federal court order from the taxpayer's district before the IRS can levy on property or assets. The Federal judge must provide the taxpayer with a reasonable opportunity to respond to the IRS request for levy before one is granted. The judge must also require the IRS to favorably demonstrate that every legitimate offer of compromise and/or time payments have been made to resolve any tax deficiencies.

PROPERTY TAX EXEMPT FROM LEVY NOTICE TO THIRD PARTY RECORDKEEPERS

The Taxpayers' Bill of Rights Act exempts from levy certain income property not currently exempt by law, so as to guarantee the taxpayer a reasonable ability to maintain an adequate livelihood. In addition, if the IRS should begin an investigation of a taxpayer, proper notification of the taxpayer's rights must be made to all third parties related to the investigation. This notice will prevent IRS seizure of records without knowledge of the taxpayer.

WRITTEN ADVICE OF THE INTERNAL REVENUE SERVICE

It requires the IRS to discount in full any tax deficiencies caused by erroneous written advice furnished to

the taxpayer by the IRS, including any penalties and/or interest imposed by the deficiency. The bill also requires the IRS to provide the taxpayer with a written statement that it is not responsible for any oral advice given, should it be provided. This affords the taxpayer the opportunity to request such advice in writing in an effort to adequately protect himself.

TAXPAYER ASSISTANCE PROTECTION BOARD

The Taxpayers' Bill of Rights Act would establish within the Department of the Treasury an office called the Taxpayer Assistance Protection Board. While there is now a small office within the IRS that is supposed to aid taxpayers, the complexity of the tax code dictates that a major division should be established. The office would not only help taxpayers find answers to questions and help taxpayers fill out forms, but it would also serve as a complaint office and an ombudsman for taxpayers. Some taxpayers now give up in despair of ever obtaining correct settlements of some bills. Months can be spent trying to track down a lost check or an incorrect computer entry. The new office would provide vital assistance in these cases.

AWARD OF ATTORNEYS' FEES

My proposal would extend an established principle of civil law to cases involving a taxpayer and the IRS. It would provide for payment of attorneys' fees to taxpayers who prevail in court.

This is an extremely important consideration, because a taxpayer who believes he is in the right may just give up the fight rather than incur the legal costs of fighting the matter. The skyrocketing costs of litigation are well known. My bill would simply put all parties in a tax action on equal footing.

INTERVIEWS AT TAXPAYER'S CONVENIENCE

Today the IRS has the authority to call up a taxpayer and demand an interview at a particular time and place, without regard to the inconvenience of the taxpayer. By this method, the IRS places an additional "tax" on Americans—one that is never reimbursed.

The Internal Revenue Service contends that an interview on Government property makes a taxpayer more cooperative. My bill would not prevent interviews in IRS offices, but it stipulates that the taxpayer could, if he wished, have the interview at his home or office and at a reasonable time of his choosing.

GAO AUDIT OF IRS

Finally, my bill provides the General Accounting Office with the authority to conduct audits and investigations of IRS activities. The IRS has denied the GAO authority to audit its procedures. My bill would require the GAO to report each year on the efficiency, uniformity, and equity of the administration of the Tax Code.

A FREE SOCIETY AND EQUITABLE TAXES

A free society depends on a government that is both limited and equitable. In order for our tax system to be regarded as equitable, reforms must be made. If people are going to be treated equally under the Tax Code, we must act to insure better service to the taxpayer.

Taxes represent the greatest influence of government on the average American. The government chooses how a major percentage of the output of the taxpayer will be utilized. This great confiscation of economic resources—if it is justifiable at all—is only justifiable if it is rational and if it is fair. When government grows too complex for anyone to understand, and when taxes are regarded as incomprehensible and inequitable, then we do not have government for the people. We have government for some people. We have government for the aggrandizement of government.

Certainly, the early supporters of the income tax would be shocked if they learned that the average working person devoted the output of his efforts from January 1 until May 6 just to pay taxes.

The massive confiscation of resources, and indirectly, of the time of working men and women in America via taxation has been likened to involuntary servitude. Perhaps some of the authors of the constitutional amendment which authorized income taxes would look upon today's tax bite in the same manner. It is as if the first 4 months of every year are spent under sentence by the Internal Revenue Service. Unlike the criminal proceedings, the first offender does not get off with a suspended sentence and there is no time off for good behavior.

The massive amount of money taken by the Federal Government today requires that the taxpayers' rights be spelled out.

Mr. President, if it is possible to have an equitable government when government is as massive as ours, then it is vital for Congress to take the steps I am proposing today. Prompt passage of the Taxpayers' Bill of Rights Act will signal to the millions of Americans who have already begun preparing their 1984 tax returns that we are serious about curbing the outrageous conduct of the IRS. I believe this legislation is much needed and long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record following my remarks.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 2243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayers' Bill of Rights Act".

(b) AMENDMENTS OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. COURT ORDER REQUIRED FOR LEVY.

(a) GENERAL RULE.—Section 6331 (relating to levy and distraint) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) COURT ORDER REQUIRED.—

"(1) IN GENERAL.—Levy may be made under subsection (a) only after the Secretary is authorized by court order to make such levy.

"(2) AUTHORITY TO ISSUE ORDER.—On request of the Secretary, the court order required under paragraph (1) may be issued by any Federal judge or any judge of a State court of record within the district wherein the property (or right to property) to be levied is located.

"(3) STANDARDS FOR ISSUING ORDER.—A judge may issue an order under this subsection only if—

'(A) the taxpayer was afforded a reasonable opportunity to be heard with respect to the issuance of the order,

"(B) the Secretary demonstrates that—

"(i) there are no facts in dispute which, if resolved in the taxpayer's favor, would result in the redetermination of any deficiency, and

"(ii) all efforts provided by law which may be taken prior to levy and distraint (including offers to compromise and time payments) have been taken, and

"(C) the judge determines that such levy will not result in any unusual, unnecessary, or irreparable loss to the taxpayer.

"(4) STATE.—For purposes of this section, the term 'State' includes any possession of the United States.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any levy issued on or after the date of the enactment of this Act.

SEC. 3. AWARDING OF COURT COSTS AND CERTAIN FEES.

(a) AWARDS FOR FEES INCURRED IN ADMINISTRATIVE ACTIONS TO BE ALLOWED.—

(1) IN GENERAL.—Subsection (a) of section 7430 (relating to awarding of court costs and certain fees) is amended—

(A) by inserting "(including any administrative proceeding)" after "civil proceeding", and

(B) by inserting "or before any agency of the United States" after "Tax Court" in paragraph (2).

(2) CONFORMING AMENDMENT.—

(A) Paragraph (2) of section 7430(b) (relating to requirement that administrative remedies be exhausted) is amended by inserting "in any civil proceeding brought in a court of the United States" after "subsection (a)".

(B) Section 504 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The provisions of this section shall not apply to any costs, fees, and other ex-

penses in connection with any action or proceeding to which section 7430 of the Internal Revenue Code of 1954 applies.".

(b) REPEAL OF DOLLAR LIMITATION.—Subsection (b) of section 7430 (relating to limitation), as amended by subsection (a), is amended by striking out paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil actions or proceedings commenced on or after the date of enactment of this Act.

SEC. 4. ASSISTANT SECRETARY FOR TAXPAYER ASSISTANCE.

(a) ASSISTANT SECRETARY FOR TAXPAYER ASSISTANCE.—

(1) IN GENERAL.—There is established within the Department of the Treasury an office to be known as the Taxpayer Assistance Protection Board to be under the supervision and direction of an Assistant Secretary for Taxpayer Assistance. The Assistant Secretary shall be responsible for—

(A) providing to taxpayers—

(i) assistance in obtaining easily understandable tax information and information on audits, corrections, and appeals procedures;

(ii) assistance in answering questions on tax liability and preparing and filing returns; and

(iii) assistance in locating documents or payments filed with or submitted to the Internal Revenue Service by taxpayers;

(B) providing personnel in local offices of the Internal Revenue Service to receive and evaluate complaints of improper, abusive, or inefficient service by Internal Revenue Service personnel and, with due regard for the rights of both the taxpayer and the Internal Revenue Service personnel and under regulations prescribed by the Secretary, to recommend the taking of action by the Internal Revenue Service to correct such service;

(C) surveying taxpayers to obtain their evaluation of the quality of the service provided by the Internal Revenue Service;

(D) compiling data on the number and type of taxpayer complaints in each internal revenue district and evaluating the actions taken to resolve such complaints; and

(E) carrying out such other functions which relate to assisting taxpayers as the Secretary may prescribe.

The Assistant Secretary shall submit an annual report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the activities of the Taxpayer Assistance Protection Board.

(2) SALARY.—Section 5315 of title 5, United States Code, is amended by striking out "(5)" in the item relating to Assistant Secretaries of the Treasury and inserting in lieu thereof "(6)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the 4-year period beginning on the date of the enactment of this Act. Within 90 days after such date, the Secretary shall transit to Congress guidelines for the operation of the Taxpayer Assistance Protection Board.

SEC. 5. NOTICE TO THIRD-PARTY RECORDKEEPERS.

(a) IN GENERAL.—Paragraph (5) of section 7609(a) (relating to nature of summons) is amended by adding at the end thereof the following new sentence: "The summons shall also notify the third-party recordkeepers of the rights of persons entitled to notice under paragraph (1) to intervene and stay compliance under subsection (b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to summonses issued after the 30th day following the date of the enactment of this Act.

SEC. 6. WRITTEN ADVICE OF INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 6404 (relating to abatements) is amended by adding at the end thereof the following new subsection:

"(e) ABATEMENT OF DEFICIENCY AND ANY PENALTY OR INTEREST ATTRIBUTABLE TO WRITTEN ADVICE BY THE INTERNAL REVENUE SERVICE.—

"(1) ABATEMENT OF DEFICIENCY.—The Secretary shall abate the full amount of any deficiency attributable to erroneous advice furnished to the taxpayer in writing by an officer or employee of the Internal Revenue Service, acting in his official capacity, in response to a specific request of the taxpayer unless the deficiency resulted from a failure by the taxpayer to provide adequate or accurate information.

"(2) ABATEMENT OF PENALTY OR INTEREST.—Any penalty or interest imposed on a deficiency to which paragraph (1) applies shall be abated.".

(b) ORAL ADVICE.—Each officer or employee of the Internal Revenue Service shall, at the time any oral advice is given to any person, inform such person that the Internal Revenue Service is not bound by such advice.

(c) EFFECTIVE DATE.—The amendment made by this section applies to returns filed for taxable years beginning after the date of enactment of this Act.

SEC. 7. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7518. PROCEDURES INVOLVING TAXPAYER INTERVIEWS.

"(a) IN GENERAL.—Upon request of any taxpayer, any officer or employee of the Internal Revenue Service in connection with any interview with such taxpayer in connection with the assessment of a deficiency shall—

"(1) conduct such interview in the principal residence or place of business of the taxpayer, and at a reasonable time convenient to the taxpayer, and

"(2) allow the taxpayer to make a recording of such interview.

An officer or employee of the Internal Revenue Service may record any such interview if he informs the taxpayer of such recording prior to the interview and provides the taxpayer with a transcript of such recording upon the request of the taxpayer and reimbursement for the cost of reproduction of such transcript.

"(b) SAFEGUARDS.—An officer or employee of the Internal Revenue Service shall prior to any interview described in subsection (a) warn the taxpayer that—

"(1) he has a right to remain silent;

"(2) any statement he makes may be used against him; and

"(3) he has the right to the presence of an attorney.

The taxpayer may waive the rights described in the preceding sentence if such waiver is made voluntarily, knowingly, and intelligently. If, however, he indicates in any manner and at any time during the interview that he wishes to consult with an attorney or that the interview be discontinued there can be no questioning regardless of whether he may have answered some questions.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end thereof the following new item:

"Sec. 7518. Procedures involving taxpayer interviews.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interviews conducted on or after the date of the enactment of this Act.

SEC. 8. PROPERTY EXEMPT FROM LEVY.

(a) IN GENERAL.—Section 6334(a) (relating to property exempt from levy) is amended by adding at the end thereof the following new paragraph:

"(10) INCOME PRODUCING PROPERTY.—Any property of such individual from which income is derived to the extent that such income is taken into account under paragraph (9) as part of the applicable exempt amount of such individual.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to levies made after the 90th day after the date of the enactment of this Act.

SEC. 9. GENERAL ACCOUNTING OFFICE OVERSIGHT OF THE ADMINISTRATION OF THE INTERNAL REVENUE LAWS.

(a) AUDITS AND INVESTIGATIONS.—The Comptroller General shall establish a program to provide for a continuing audit and investigation of the efficiency, uniformity, and equity of the administration of the internal revenue laws of the United States.

(b) ANNUAL REPORTS.—The Comptroller General shall annually prepare and transmit to the Congress a report on the program established under subsection (a), together with such recommendations for legislation as the Comptroller General may consider necessary or appropriate. Such report shall include a statement by the Comptroller General on—

(1) the type and extent of assistance which the Internal Revenue Service (hereinafter in this section referred to as the "Service") provides to taxpayers in the preparation of returns, and the accuracy and consistency of any advice which the Service provides in connection with such assistance;

(2) the adequacy of the procedures by which the Service responds to taxpayer complaints, and the number and nature of such complaints;

(3) the equity of the procedures by which the Service conducts audits, collections, and taxpayer appeals, the means by which the taxpayer is advised of such procedures, and the adequacy and consistency of such advice;

(4) the uniformity of the Service's administration of the internal revenue laws, including the uniformity of the standards and legal interpretations it employs;

(5) the number and specific circumstances of disclosures, if any, of returns or of information derived from such returns which the Comptroller General determines to be in violation of law;

(6) the investigation and prosecution by the Service and the Department of Justice of alleged civil and criminal violations of the internal revenue laws;

(7) the implementation by the Service of section 552 of title 5, United States Code (relating to freedom of information); and

(8) any other matter which the Comptroller General determines to be necessary or appropriate.

(c) OTHER INVESTIGATIONS.—The Comptroller General shall conduct any special audit or investigation of the administration of the internal revenue laws requested by any committee of the Congress or any Member of Congress. The Comptroller General may conduct any audit or investigation of the administration of the internal revenue laws which he considers appropriate.

(d) DISCLOSURE OF INFORMATION TO THE COMPTROLLER GENERAL.—The Comptroller General, for purposes of conducting any audit or examination under subsection (a) or (c), shall have access to any Federal agency's books, documents, papers, and records on the administration, operations, and effects of the internal revenue laws and to inspect returns. Requests for such inspection of returns must be made in writing and must specify the identity of each taxpayer whose return is to be inspected.

By Mr. MELCHER:

S. 2245. A bill to amend title 38, United States Code, to require the payment of interest on amounts contributed by a member of the Armed Forces under the Post-Vietnam Era Veterans' Educational Assistance program; to the Committee on Veterans' Affairs.

INTEREST ON EDUCATION CONTRIBUTIONS BY MEMBERS OF THE ARMED FORCES

● Mr. MELCHER. Mr. President, today I am introducing a bill to amend title 38 of the United States Code to require the payment of interest on amounts contributed by a member of the Armed Forces under the Post-Vietnam Era Veterans Educational Assistance program.

Under current law, when a member of the Armed Forces contributes funds to the Post-Vietnam Era Veterans Educational Assistance program, these funds are held by the Federal Government until such time as they are utilized by the participant for educational purposes under the program, returned to the participant upon withdrawal from the program, or are returned to beneficiaries upon withdrawal from the program, or are returned to beneficiaries upon the death of the participant. If the participant makes use of the educational assistance program, the Government contributes $2 for every dollar that the participant has placed into the educational assistance fund. However, in no instance does the funds contributed by the participant earn any interest while held by the Federal Government. I do not believe that that is appropriate. If a member of the armed services were to purchase savings bonds or put their money in a bank or a savings and loan, they would earn interest during the time that money was on deposit. The same should be true of the money that they place in the Post-Vietnam Era Veterans Educational Assistance program.

It is true that, if the participant makes use of the program, the Government contributes $2 for every dollar that the member of the armed services has contributed to the fund. However, this is not interest; this is a form of deferred compensation that makes up part of the current incentives offered to help insure that we obtain high-quality recruits for the military. In cases where the member of the armed services withdraws from the program or dies before making use of it, the only money that is returned is that which has been contributed.

My bill modifies the authorization for the Post-Vietnam Era Veterans Educational Assistance program to require that the Federal Government accrue interest on the contributions made by the participant equal to the overall average market yield of all marketable interest-bearing obligations of the United States for the period in which the participant takes part in the program. Such interest will be paid out by the Federal Government at the time the educational assistance program is used, the point at which the participant withdraws from the program, or upon the death of the participant. The accrual of this interest in no way affects the contribution made by the Department of Defense under current law.

I feel that the amendments I am proposing in this bill to the post-Vietnam Era Veterans Educational Assistance program improve the program and make it more equitable to the members of our armed services who choose to enroll in it. This bill simply extends to them the same treatment under the educational assistance program that they would receive in any other savings program.

I have long held the belief that we should go further in providing educational benefits to our military personnel and am a cosponsor of the post-Vietnam-era GI bill. I believe that such a program would prove a powerful incentive for the continued recruiting of high-quality individuals for our military. There can be no question that the original GI bill was one of the most successful programs of its type ever enacted. However, until such time that a new educational program can be enacted, I believe that we ought to make the existing post-Vietnam-era veterans educational assistance program the best that we can. I believe that my bill takes a step toward making this program even more attractive and fair for the members of our military and I hope that my colleagues in the Senate will agree with me.●

By Mr. LONG:

S. 2246. A bill to amend the Internal Revenue Code of 1954 to clarify the definition of articles produced in Puerto Rico or the Virgin Islands for purposes of determining the amounts of Federal internal revenue taxes which are paid over to Puerto Rico and the Virgins Islands; to the Committee on Finance.

TAXES ON ITEMS PRODUCED IN PUERTO RICO AND THE VIRGIN ISLANDS

● Mr. LONG. Mr. President, today I am introducing a bill to put an end to an abuse that is draining dollars from the U.S. Treasury. As with many abuses, this problem begins with a needed, worthwhile provision of the Internal Revenue Code that rebates to the Puerto Rican government the excise tax collected on certain articles produced in Puerto Rico.

Section 7652 of the code is meant to provide Puerto Rico with some of the tax benefits associated with products manufactured within its borders. These rebated excise taxes comprise an important part of the Puerto Rican budget. Figures given to me by the Puerto Rican government indicate that they expect to receive $232 million or 10.5 percent of their total fiscal year 1984 budget from rebates on rum excise taxes.

Unfortunately, as is too often the case, someone has tried and succeeded in abusing the system. The essence of this scheme is to take distilled spirits manufactured in the United States, ship them to Puerto Rico, redistill them sufficiently to claim that they meet the Puerto Rican manufacturing requirement, and re-ship the spirits to the United States.

The excise tax revenue generated on these spirits is then rebated to Puerto Rico who then provides an incentive to the liquor manufacturers to induce them to redistill their product in Puerto Rico.

Under the current law, the redistilled product is deemed to be produced in Puerto Rico. Therefore, excise taxes on these redistilled spirits are rebated to the government of Puerto Rico from the Federal Government. Puerto Rico projects that they will receive $130 million in rebates for alcohol that is redistilled on the island. This figure is expected to increase to $214 million in fiscal year 1985.

In addition, there is an adverse competitive impact in the domestic white alcohol industry. Sensitive to concerns about draining the Federal Treasury and drawing jobs away from the mainland, Puerto Rican officials tell me they have limited the subsidies they will give to redistiller in their country.

The practical effect of this decision is to restrict the favorable incentives passed on to two major U.S. mainland distillers. This creates a competitive disadvantage for American distillers who cannot benefit from the Puerto Rican incentive to redistill their product in Puerto Rico. There are differing indications of the amount of this subsidy. Information given to my staff indicates that it is a minimum of 35 cents to 50 cents per bottle.

This system works largely because the term product of Puerto Rican

manufacture is open to different interpretations. The Bureau of Alcohol, Tobacco and Firearms has been using a substantial change in identity test to determine what is a product of Puerto Rican manufacture.

Unfortunately, this standard allows this type of tax shuffling with distilled spirits. It deprives the Federal Treasury of needed revenue and has an anticompetitive effect on the domestic liquor industry. This stretches the excise tax rebate provision beyond its original intent.

This bill seeks to eliminate this problem by clarifying the definition of articles produced in Puerto Rico or the Virgin Islands which is used to determine the amounts of Federal revenues transferred there. To be eligible for an excise tax rebate, the distilled spirits brought into the United States would have to be originally distilled in Puerto Rico or the Virgin Islands.

In addition, the bill would prohibit rebate of the excise taxes. If these moneys are used to give subsidies that are different in kind or magnitude from generally offered to industries producing articles not subject to Federal excise taxes. The provision of the bill would not be applicable to rum or to any article consumed in Puerto Rico.

Mr. President, I should add that the references to the Virgin Islands in the bill and in this statement are not an indication that there is an ongoing problem with the rebate of excise taxes to the Virgin Islands. Section 7652 sets up the mechanism for rebating excise taxes to both the Virgin Islands and Puerto Rico. We cannot make the necessary changes in this provision without changing this section.

As far as I know, this bill will not have any direct impact on the Virgin Islands.

I urge my colleagues on the Senate Finance Committee and in the full Senate to act quickly on this bill. We need to recover the $100 million to $200 million for the Federal Treasury. We need to prevent expanded use of this loophole. We also need to end this practice as soon as possible so our friends in Puerto Rico do not come to rely even further on this additional unintended source of revenue.●

By Mr. DECONCINI (for himself and Mr. RANDOLPH):

S. 2247. A bill to provide for the payment of certain burial benefits for veterans who were former prisoners of war; to the Committee on Veterans' Affairs.

PAYMENT OF CERTAIN BURIAL BENEFITS FOR FORMER PRISONERS OF WAR

Mr. DECONCINI. Mr. President, I am today introducing legislation which would restore the $300 veterans' burial benefit for former prisoners of war. I am most pleased that my distinguished colleague on the Senate Veterans' Affairs Committee, Senator RANDOLPH, is joining me as an original cosponsor of this measure.

As you may recall, the Senate version of the Omnibus Reconciliation Act of 1981, S. 1377, included a provision to eliminate the $300 burial benefit for all veterans except: First, those with a service-connected disability of 30 percent or more; second, those in receipt of pensions from the Veterans' Administration; and third, those who, solely on the basis of income level and wartime service, would be eligible to receive pension benefits but who are otherwise ineligible because of age, degree of disability, or time in service.

Since I believe the primary mission of the Veterans' Administration is to provide benefits and services to those who have been disabled during service to their Nation, I felt it was unconscionable to achieve budget savings by eliminating benefits for service-connected disabled veterans. During floor consideration of S. 1377, I introduced an amendment, cosponsored by Senators CRANSTON, RANDOLPH, MATSUNAGA, MITCHELL, and BYRD, to retain the burial benefit for veterans with a disability rating of 20 percent or more in fiscal year 1982 and for all veterans with a compensable disability beginning in fiscal year 1983. That amendment was adopted and I was pleased that the conference agreement went one step further by retaining the burial benefit for all service-connected disabled veterans.

While I continue to believe that all veterans who served their Nation with honor and distinction during a period of war deserve to receive a burial benefit, the restoration of that benefit is probably unrealistic in light of budget deficits in the range of $200 billion for as far as the eye can see. However, there is one small and very special group of veterans for whom I believe the burial benefit should be restored—our former prisoners of war.

The horrors of war can never be erased from the minds of the combatants. But the physical torture, starvation, inhumane living conditions, indignities, and deprivations of every kind to which our prisoners of war were subjected during their internment have left physical and emotional scars which can never be truly healed. The very least a grateful nation can do is to provide these heroic survivors with a burial benefit.

As of January 1, 1983, there were an estimated 90,800 living former prisoners of war—550 from World War I, 85,904 from World War II, 3,722 from the Korean war and 625 from the Vietnam conflict. Of this total, approximately 37,000 are in receipt of disability compensation and are, therefore, entitled to receive the burial benefit. The remaining 54,000 prisoners of war would have their burial benefit restored if this amendment is adopted. Since the deaths of these 54,000 veterans will be spread out over a period of many years, the $1.5 million total cost of this legislation would have a negligible impact on the budget in any one year.

We owe an enormous debt of gratitude to all those who have fought our Nation's wars so the rest of us could continue to enjoy the fruits of a free society. But the extreme sacrifices made by our prisoners of war merit special recognition and I hope you will join me in restoring their $300 burial benefit.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902(a) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (1);

(2) by redesignating clause (2) as clause (3); and

(3) by inserting below clause (1) the following new clause:

"(2) who was a former prisoner of war, or".

By Mr. WEICKER:

S.J. Res. 221. A joint resolution to honor the contribution of blacks in the American Revolution; to the Committee on the Judiciary.

CONTRIBUTIONS OF BLACKS TO AMERICAN INDEPENDENCE

● Mr. WEICKER. Mr. President, today in conjunction with Congresswoman NANCY JOHNSON, I am introducing a resolution that recognizes the contributions of blacks during the Revolutionary War. Today seems particularly appropriate since it marks the beginning of Black History Month, a month in which we remember the debt we owe to blacks in our society.

Our Nation is just now awakening to the vital role blacks have played in the formation of the United States. Last year the Congress made a giant leap forward in establishing a day to honor Dr. Martin Luther King, Jr., but we need to recognize that his achievements are part of a long tradition of blacks fighting for freedom.

Many Americans know the name of Crispus Attucks, a black man who was killed during the Boston Massacre of 1770. Few, however, realize that more than 5,000 black men participated in the American Revolution as soldiers. They were present at every major battle and many distinguished themselves by their heroic deeds.

At the beginning of the war, some blacks—both slave and free—enlisted, but in mid-1775 a decision was made to prohibit them from doing so. Later that year, this decision was modified to permit the reenlistment of free

blacks. As the war dragged on and more soldiers were needed, Congress eventually supported the recruitment of blacks as necessary to the war effort.

The question arises: Why would a black slave enlist? Many blacks found service in the Continental Army preferable to their lives as slaves. Others joined up out of a deep-seated conviction that the British represented an oppressive, tyrannical force that could not be tolerated. They felt compelled by their consciences therefore to defend the right to freedom, even if they would not enjoy its privileges. Free blacks participated in order to protect the liberties they already possessed.

Finally, many blacks fought with the understanding that at the end of their service, they would be set free to enjoy the liberties of a new nation. The State of Virginia did in fact declare the freedom of all those slaves who served during the war.

The results of these sacrifices made by blacks were small but significant. The war marked the beginning of integration in this Nation. Whites and blacks fought side by side for the cause of liberty. There was a remarkable leveling of society in the ranks of the Continental Army, given the social structure of the day. In addition, the injustice of slavery was highlighted as the colonies struggled against the oppression of the British. This inconsistency resulted in the formation of the first antislavery societies. I am proud to note that the State of Connecticut was very active in this regard, having outlawed the importation of slaves as early as 1774.

In summary, the War for Independence marked the beginning of the independence of blacks here in this Nation. It was not until 1868 that blacks secured constitutionally by the passage of the 14th amendment the rights for which they shed their blood. The past century has witnessed the struggle to insure these words are put into action.

Mr. President, blacks fought side by side with whites to safeguard these truths:

> That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

The resolution I am introducing today recognizes their contributions and encourages government at all levels, and private organizations too, to appropriately remember these individuals. More than 200 years have passed, but their unselfishness and heroism stand as an important monument to the American ideal of freedom. I urge my colleagues to join me in giving tribute to these unsung Americans.●

By Mr. LAUTENBERG (for himself, Mr. DOLE, and Mr. PELL):

S.J. Res. 222. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month;" to the Committee on the Judiciary.

STUDENT AWARENESS OF DRUNK DRIVING MONTH

● Mr. LAUTENBERG. Mr. President, today I am introducing a Senate joint resolution to designate the month of June 1984 as "Student Awareness of Drunk Driving Month." I am especially pleased to be joined in this effort by Senators DOLE and PELL, who served as members of the Presidential Commission on Drunk Driving.

Drunk driving is the leading cause of death for Americans between the ages of 15 to 24. Thousands of young persons each year are lost to drunk driving accidents.

All over the country, groups such as Students Against Drunk Driving are focusing attention on these tragedies. SADD plays a vital and indispensable role in having students talk to students and to their parents and teachers to combat drunk driving, which has caused death and injuries of loved ones and fellow students.

It is appropriate for the Congress to recognize the efforts of SADD, to reduce the impact of drunk drivers on our Nation's highways.

Therefore, I am introducing this resolution to designate June of 1984 as a special time to support and applaud the efforts of students and those who assist them in combating drunk driving. This will also be a time to rededicate our Nation's efforts to preserving the lives of our sons, daughters, neighbors and friends across the Nation. A companion resolution has been introduced in the House by Congressman RAYMOND MCGRATH of New York.●

By Mr. MOYNIHAN (for himself and Mr. DODD):

S.J. Res. 223. A joint resolution relating to the rehabilitation of shelters for the homeless; to the Committee on Appropriations.

REHABILITATION OF SHELTERS FOR THE HOMELESS

● Mr. MOYNIHAN. Mr. President, today I call upon my colleagues to join me in urging the appropriation of funds to rehabilitate structures for use as shelters for America's homeless citizens. The housing authorization amendment to the supplemental appropriations conference report, passed by the Senate during the final days of the first session last November, authorized $60 million to support the rehabilitation of structures for use as shelters for the homeless, and $25 million to fund demonstration projects coordinating local efforts to assist families trying to locate affordable housing. To date, these funds have not been appropriated.

This Congress has responded generously to the needs of the homeless, by appropriating some $150 million since March 1983, to provide short-term emergency food and shelter services. These moneys, however, may be used only for operating expenses. The equally necessary support for capital expenses, associated with providing shelter for the homeless, have not been appropriated.

The record cold spell that gripped the country over the recent holiday season should have reminded us all, once again, of the acute vulnerability of homeless Americans. In Philadelphia, 15,000 men, women, and children received emergency family housing in 1983—five times the number in 1981. But nowhere is the tragedy more vivid, more painful, than in New York City, where thousands of residents are without homes this winter. Despite the city's gallant efforts to provide temporary shelters, a serious shortage of suitable arrangements remains. The largest publicly sponsored shelter system is in New York, which is now housing 6,000 people, more than twice the capacity of 2 years ago. The New York City Coalition for the Homeless estimates that between 40,000 and 60,000 people passed through emergency shelters in New York last year.

We cannot close our eyes to this growing problem, nor can we afford to squander the opportunity offered us in sections 216 and 225 of the housing authorization measure—that of rehabilitating structures, so that the thousands of homeless Americans can have a better chance of finding a roof over their heads and a warm bed to sleep in at night.

I urge the Senate to take action to appropriate the funds authorized under sections 216 and 225 of the housing authorization measure, so that these funds may be available this winter. Release of these funds will aid greatly the efforts in every State to address the serious and immediate problems of providing adequate shelter for America's homeless.

I would ask unanimous consent that the complete text of the resolution be printed in the RECORD.

Mr. President, I would ask to be printed in the RECORD, following the resolution, an article appearing in the New York Times on Monday, January 30, 1984. This article, "The Other City: New York's Homeless," tells the tragic story of the homeless through the experiences of Mae Ash, Ernest Alvozo, and Donna Gray. Their words describe the difficulties faced by the homeless men and women in New York City, particularly in finding adequate shelter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 223

Whereas there is no Federal program dedicated to the purpose of establishing or rehabilitating structures for use as shelters for America's homeless;

Whereas the Housing Authorization Amendment to the Supplemental Appropriation Conference Report, P.L. 98-181, authorized $60 million to support the rehabilitation of structures for use as shelters for the homeless, and $25 million for demonstration projects coordinating local efforts to assist homeless families trying to locate affordable housing;

Whereas the release of these funds will aid greatly efforts in every State and locality to address the serious and immediate problems of providing adequate shelter for America's homeless: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

That the sum of $60 million to rehabilitate structures for use as shelters for the homeless, and $25 million to fund demonstration projects coordinating local efforts to assist families trying to locate affordable housing, sections 216 and 225 of P.L. 98-181, shall be appropriated.

THE OTHER CITY: NEW YORK'S HOMELESS

(By Sara Rimer)

Mae Ash used to be a maid at the Waldorf-Astoria. William McKie can tell stories about his cross-country travels. Ernest Alvizo taught school in Brooklyn. Donna Gray grew up in foster homes and has spent time in six mental hospitals.

Though their pasts differ, they all have one thing in common: They are among New York City's homeless men and women, people most often described in statistics—in shelter counts and budget allotments and population percentages.

Behind those numbers are the names and faces and struggles in a world that exists in every part of the city, in doorways and on park benches, in shelters and church basements, on Park Avenue as well as on the Bowery.

Meet them, and many will make a point of telling you who they used to be—a husband or a wife, a father or a mother, an accountant, a high-school star swimmer, a soldier in Vietnam.

Some would rather not talk about lives that may have involved drug addiction, alcoholism or time in prison. Others, their disturbed minds a jumble of fantasy and fear, can tell you nothing illuminating.

The homeless can be elusive, their pasts hazy. Often, they have no identification and are reluctant to give their names. How it happened that they have no place to go is almost never one event, but rather a series of events—"a long story," as many of them say.

Their stories are necessarily about the bleakness of poverty and alienation. But they are often also about resilience, about dignity maintained in a world that has been reduced to the starkest details of survival—mandatory 6 A.M. wake-ups, bus trips to shelters, lines for showers, toilets without seats.

It is a world with its own signs: "Please check for lice before showering" and "Curfew 10 P.M. If you do not return by 7 P.M. your bed will be assigned to someone else!"

"The main thing," said Tony, a 45-year-old man from Harlem who said he had spent a month in Central Park, "is to stay clean so you can look anyone in the eye."

In a world that is as boring as it is remarkable, with hours spent doing nothing but sitting, pleasure is measured in cigarettes and Styrofoam cups of coffee, diversion in bingo games and soap operas. Dreams and aspirations can seem at once humble and inaccessible. "I want a nice apartment and a bed that no one else has slept in," Hilary Cummings, 25, said the other day at the city's Men's Shelter just off the Bowery.

Surprises and mysteries abound. An old woman who has wandered the city's streets for at least a decade—some might call her a bag lady—sits down at a broken-down piano in a small Harlem shelter and reveals herself as a jazz and blues virtuoso, with a voice meant for nightclubs.

It is a world far outside the city most people know, a city that can seem—and, in fact, can be—almost impenetrable to those on the other side.

In the last eight years, Mae Ash has lost almost everything she once had—her job as a maid, her health, her apartment, her family ties. The triumph of Miss Ash, who is 56, is that she remains a woman of dignity.

To Miss Ash, there is nothing particularly remarkable about the six years during which she spent most of her nights in the Port Authority Bus Terminal in midtown.

"My mother always said, 'If you ever get put out of doors, don't ever give up,' " Miss Ash said the other day at the Moravian Church Coffee Pot at Lexington Avenue and 30th Street, a drop-in center for homeless men and women over the age of 40.

She was born in Newport News, Va., the eldest daughter of a railroad worker and a seamstress. "I stopped school in the fifth grade," she said. "I had a sister and a brother to take care of."

Miss Ash, whose story has been documented by caseworkers at the Moravian center, worked as a cook, as a nurse's aide and then got a job as a chambermaid at the Waldorf-Astoria Hotel. In her fourth year there, she said, she developed a severe allergy to the chemicals in the cleaning fluids, which made it impossible for her to work at one of the few jobs she could get. She also developed diabetes and, somewhere along the way, a drinking problem that she later overcame.

Eventually, she ended up in the Port Authority Bus Terminal. "Some of the girls said, 'If you ain't got no place to stay, you can stay in the Port Authority—it's warm,' " she recalled.

Last spring, Miss Ash went to the Moravian Church, a chaotic and overcrowded but cheerful place where about 180 homeless men and women watch television and play bingo and get meals, counseling and transportation at night to church shelters.

Each morning, Miss Ash, who sleeps in a shelter at St. Bartholomew's Church on Park Avenue, volunteers to make breakfast at the Moravian Church—scrambled eggs for 180.

The center's caseworkers helped Miss Ash apply for public assistance last March. But her file apparently got lost, and her benefits did not come through until three weeks ago. Even with a housing allowance of $191 a month, Miss Ash can hardly afford a $60-a-week room in a midtown welfare hotel—if she can find one, according to Jennifer Barrows, of the drop-in center.

"Whatever God sends down," said Miss Ash, "you've got to take it."

On the frigid night of Jan. 22, the population of the city's shelters reached 6,310—more than on any night since the Great Depression, when it exceeded 9,000, according to Jack Deacy, a spokesman for the city's Human Resources Administration.

Along with the ranks of the homeless, New York's shelter city is always growing. There are now 18 city-operated shelters, in every borough but Staten Island, in converted Y.M.C.A.'s, schools, hospitals and state armories.

Each shelter provides a bed, three meals a day, showers, clean clothing, medical services, mental-health referrals and social services. Facilities often seem overloaded—at the Fort Washington Armory in Washington Heights, for example, 800 men regularly share 10 showers and 20 toilets—and shortages are frequent. Toilets stop up, seats mysteriously disappear. Linens and milk run out. Officials acknowledge that there are not enough caseworkers.

"We're expanding faster than we can fill in the cracks," said Bonnie Stone, an assistant deputy commissioner at the Human Resources Administration, which oversees the shelter network. "The most important question for us is: 'Are the basics there? Are the doors open? Is it warm? Is there food? Are there beds?' "

The limits of the shelter system are clearly defined. "Our goals are very clear—temporary shelter so no one freezes to death," said Robert Trobe, deputy administrator of the Human Resources Administration.

"If we knew the homeless as human beings, doing the bare minimum would not be our goal," said Robert M. Hayes, the attorney for the New York-based National Coalition for the Homeless, which is working with groups in 40 states to get governments to provide shelter for the homeless.

It was Mr. Hayes' lawsuit against the city that resulted in the 1981 Callahan decree—an agreement under which the city must provide decent shelter for all who request it.

Though much is heard about the Callahan decree, little is said about the plaintiff behind it—Robert Callahan, a World War II veteran and short-order cook who ended up as an alcoholic on the Bowery.

When he was first introduced to Mr. Callahan five years ago, Mr. Hayes was still with the Wall Street firm of Sullivan & Cromwell. Last month, Mr. Hayes, who is now 31, delivered a eulogy for Mr. Callahan at a memorial service for the homeless who died in the city last year.

"He became my guide to the Bowery," Mr. Hayes said in his eulogy. "There were tricks to learn. If one sneaked into a mission at the right time, you could get a bowl of soup and avoid the sermon. He knew about the bathrooms in the courthouses. He knew which grates blew dry heat; He knew park benches that were, well, pretty safe. He had the pride and the sense, back there in 1979, to avoid the Men's Shelter except in the dead of winter. He liked to be called the mayor of the Bowery, though to most of his friends he was Callahan."

Shortly before the Callahan decree was entered in State Supreme Court in Manhattan, Mr. Callahan, still homeless, was found dead on Mott Street—of natural causes, according to the Chief Medical Examiner's office. He was 55 years old.

It was a Friday night at the Men's Shelter, the dispatch center at 8 East Third Street that on these winter nights sends about 1,500 men to shelters all over the city and to six hotels on the Bowery.

Some of the men had walked in off the street, others had come by van or bus. Empty bottles of cheap wine littered the foul-smelling stairway that led to a room on the second floor, where 60 or 70 men sat on

chairs and on top of desks waiting for their bus.

In the hallway, a staff worker yelled at an old man in a wheelchair who had only one leg, accusing him of receiving more welfare benefits than he deserved. "You're making too much money to be here, pop," he kept saying, as the old man angrily shook his head.

Inside the room, another old man, ragged and gaunt, lay on his back on the floor in what appeared to be a drunken stupor. The chairs around him were filled with silent men, most of them young, black and Hispanic.

William McCaffery, 67 years old and from the Bronx, stood gripping his walker, shouting for attention. "Some nut downstairs broke my walker. Please call my wife. I ain't no freak, baby! I was a longshoreman, I was a train conductor, I was a waiter, I worked in the post office. And I can dance!"

James Plante, who said his story was too long to explain, wore the resigned expression of someone far older than his 31 years. "This," he said to the two young men sitting next to him, "is New York."

At the Fort Washington Armory in Washington Heights, more than 900 men sometimes sleep in rows of beds on a gymnasium floor the size of a football field. Although guards patrol here, as they do at all the shelters, new arrivals are warned to sleep with their shoes under the legs of the beds as protection against theft.

The men have arranged the rows to form the remnants of boundaries that identify the neighborhoods they once called home—Spanish Harlem at one end, Harlem at the other, the Bronx and Brooklyn in the middle. In addition, the homeless men who earn $12.50 for 20 hours of menial work at the shelters sleep in a row along one wall that is known as Park Avenue.

"It's overwhelming," said Phil Parker, a deputy director of the Men's Shelter. "We're just getting loads of people. It's hard to figure out who they are. All we know is that they're younger and blacker."

The young men seem the angriest. They say they can't find jobs, can't find a place to stay, can't find a way to begin their lives.

One recent afternoon, 75 men sat watching "Search for Tomorrow" on the color television that is bolted to the wall on the fifth floor of the Men's Shelter.

"All of us young men," said 25-year-old Hilary Cummings, looking around the room, "we're not going to get out of this bind. The only thing I think about is why am I in this situation? What did I do wrong?

"People out there think it's chic to live in lofts. Four or five of us could live in one of those lofts."

The world of the homeless is a world of people without the usual connections.

"Nobody loves me," said Donna Gray, 44, who spent most of her childhood in foster homes and most of her adult life in New York mental hospitals, according to social workers.

"They come from some situation of brokeness—whether it's jobs or housing or families or something spirtual or psychological," said the Rev. David Kirk, an Eastern Rite Catholic priest who welcomes everyone from ex-drug addicts to battered women and their children at Emmaus House, a private shelter in a brownstone at 160 West 120th Street.

At the city's shelter at the Seventh Regiment Armory one night, three friends—Big Jim, Little Jim and Ernest Alvizo—said they were bound by a common goal. "We're all here trying to get back into the mainstream," Big Jim said.

Big Jim, who said he was a welder by trade, said he had left his home in Florida and come to New York after his wife had left him and taken their two children.

Little Jim, who said he had been a prison guard, said he, too, had become deeply troubled because of family problems. Mr. Alvizo said he had had a nervous breakdown while teaching at a high school in Brooklyn.

All over the city, in drop-in centers, shelters and churches, Regina is known as the jazz virtuoso of the old street ladies. She lives in a fantasy world of New Orleans jazz clubs and tours to faraway tropical places. "I'm about to go on tour to Tahiti," she said the other day. "I like to play where I can swim."

She has no identification, no documents, no papers. But when Regina sits down at the piano, she is exactly who she says she is—a musician.

About a year ago, Regina found her way to Emmaus House. A tiny crooked-toothed figure swathed in layers of clothing, Regina carried all of her belongings in two shopping bags and announced herself, as she always does, as a jazz pianist. At Emmaus, where even the bathroom has been converted to a bedroom, Regina was given a bed in the chapel.

Emmaus House, which receives private donations and belongs to an international poor people's movement, can barely pay its bills each month, let alone afford to buy its own piano. But in the basement, there is a borrowed piano with a broken left leg.

"I'm going to play Gershwin—'Rhapsody in Blue,'" Regina announced one recent afternoon.

"Fine, I'll just go in the kitchen and get some soup," said Father Kirk, who had not eaten lunch.

"You're going to eat during Gershwin?" demanded Regina. "That's sacreligous."

She then took off her shabby gray coat and placed a copy of the Manhattan yellow pages on a chair so she could reach the pedals. For the next hour, she mesmerized her audience, somehow eliciting beautiful music from an out-of-tune, cheap piano. After Gershwin, she went on to "Blue Moon," accompanying herself in a throaty voice. "Pretend it's midnight in a smoky room," she said. "And there's a blue light."

Soon, the other people of Emmaus House began coming downstairs, applauding and making requests. Regina just smiled and kept playing.

"Someone once said the blues are the story of a man's life," she said between songs. "Each year you add a chorus."

William McKie, the 31-year-old son of bricklayers from Augusta, Ga., traveled the country before finding his way to Emmaus House.

"My I.Q. wasn't high enough to get in the Army," he said, "So I went and traveled. I went to Texas, Mississippi, Alabama, Florida, Oregon, Arizona—all those places. I always got a job."

Mr. McKie said he had found work as a janitor, a heavy-equipment operator, a construction worker. He has painful memories of his experience as a dishwasher at the Piedmont Driving Club in Atlanta.

"There was a guy there who only had one arm, and he was a faster dishwasher than me," he said. "I was embarrassed."

Mr. McKie's luck ran out when he came to New York two years ago. "I couldn't get a job," he said. "I couldn't get no place to go. I just wound up sleeping on the subways."

Shortly afterward, he came to Emmaus House, where, like everyone else, he pitches in, working in the kitchen.

"William is a very beautiful person," Father Kirk said.

To be homeless is to be a person without a key credential—an address.

"Everyone is obsessed with the idea of getting an address," said the Father Kirk. "You can't get a check without an address. You can't get a letter from your uncle in North Carolina who might help you out."

The lack of an address becomes part of what can seem an endless circle for people who lack the ability, and often the will, to seek public assistance.

"If you can't get housing, you can't get welfare," said Mr. Hayes, of the Coalition for the Homeless. "If you're a single man or woman, and you go to apply for public assistance, you're sent to a shelter as practice. If you can find an apartment within the limits of welfare, and you can prove eligibility, you can get assistance. But you can't find an apartment."

Many homeless people also lack the documents—such as birth certificates—for getting public assistance. But, said Mr. Hayes, "you can't send away for a copy of your birth certificate without an address to mail it to."

Even in a city where the unexpected is part of daily life, the contrasts can be jarring.

On one of the colder nights this winter, Dr. Marsha Martin, the director of the city's Midtown Outreach program, drove down Fifth Avenue in a van with two other social workers, looking for some of the homeless people who say they are afraid to stay at the city shelters.

Carrying a bag of American cheese sandwiches, small packs of cookies and a thermos of tea, they passed the Trump Tower, Cartier's, Saks Fifth Avenue.

At the IND subway station off 53d Street, they got out and discovered six men and a woman on the floor of the station. All but one of the men accepted a sandwich and thanked the social workers.

A heavyset man named Tom had a single request: "A pair of pants—size 34, 29 long."

In the heart of the upper East Side, 160 homeless men are living in the city's shelter on the third and fifth floors of the Seventh Regiment Armory, an elegant building at Park Avenue and 66th Street that also holds a squash and tennis club and a restaurant known for its prime ribs.

Sometimes the two worlds of the armory collide. The shelter's unofficial and indefatigable vendor is a young man named Louis, who one recent night offered for sale such items as batteries, chocolate bars and a glittery lighter engraved "New York." Unfortunately for Louis, the men at the shelter usually do not have a lot of spending money. One night he visited the restaurant on the fourth floor in search of better customers and was promptly ordered out.

"Louis," said Oscar Mockridge, an assistant shelter superintendent, "was trying to sell Duracell batteries to generals."

The Park Avenue shelter is considered by many to be the best in the system, and a line to get on the daily waiting list starts forming at 6 A.M. One of the things that sets the shelter apart is Mr. Mockridge, who prides himself on knowing the names and bed numbers of almost all the 160 men who stay there.

One recent night, as Mr. Mockridge made the rounds of the shelter, one of the men, 45-year-old Tony, was telling what had hap-

pened when he applied for Supplemental Security Income and gave his address as 643 Park Avenue.

"The man said, '643 Park Avenue? What's your apartment number?'

"So I said, 'That's it—643 Park Avenue.'

"He said, '643 Park Avenue, and you want S.S.I.?'

"I said, 'Hey, it's the American Way. Get what you can!' "

Fifteen consecutive nights spent this winter on the RR train: "You're dirty, you smell," said Ruben Perez, 29. "You feel very bad, you feel very low, you're embarrassed to look at a girl. In the morning, you see the people going to work—clean and fresh. You smell the shampoo."

Progress is Mr. Perez, a former heroin addict and father of two children, now sleeping at a church shelter and attending a methadone treatment program.

It is a world of vulnerable and often deeply disturbed people who seem destined to become victims.

Five months ago, a 25-year-old man who told social workers he had grown up in foster homes took up residence near the band shell in Central Park. Around Christmas, he was stabbed in the head and face.

He refused medical assistance until three weeks ago, when social workers from Goddard-Riverside Project Reachout persuaded him to go with them to Metropolitan Hospital. Both of his legs, badly frostbitten and gangrenous, were amputated two weeks ago.

Last year, another man who lived in the park, known only to Goddard-Riverside as Billy, died after being set on fire. Nobody seemed to know his last name, and Billy was buried as John Doe.

"It's a sad story," said Cindy Scharf, of Goddard-Riverside. "I could tell you a lot of sad stories."

It could happen to just about anyone, most of those who work with the homeless say. But some people seem more anchored than others, their lives bolstered by stronger and more numerous supports. As Dr. Martin said, "I have a job, a car, resources, skills." And if everything fell apart, she added, "I could always go home."

PROFILE OF THE HOMELESS

No one can be sure how many homeless men and women there are in New York City. Groups such as the Coalition for the Homeless estimate that there are at least 40,00 single homeless adults, a figure many city officials say is too high. In 1982, the city dropped a plan to count the homeless after consultants said it would be nearly impossible.

A 1981 Community Service Society report on the city's homeless—"Private Lives/Public Spaces"—defined the homeless as "those whose primary night-time residence is either in the publicly or privately operated shelters or in the streets, in doorways, train stations and bus terminals, public plazas and parks, subways, abandoned buildings, loading docks and other well-hidden sites known only to their users."

In 1982, a second service society report drew a statistical profile of the men in the city's shelters using data from five different studies commissioned by the city's Human Resources Administration. Following are excerpts from that profile:

Median age—about 40, with three-fourths of the men under 50. New clients tend to be in their mid-30's; 25 percent are under 30.

Ethnic background—more than 60 percent black, between a quarter and a fifth white, 10 percent of Hispanic extraction.

Marital history—78 percent have never married.

Education—28 percent have completed high school.

Residence—38 percent are native New Yorkers; nearly three-fourths have lived in the city for at least a year.

Drinking problems—only 14 percent attribute their arrival at, or return to, emergency shelters to drinking problems. But nearly 25 percent will, on clinical examination, show evidence of alcohol dependency.

Reason for seeking shelter—25 percent say they have come to city shelters because of loss of a job, 14 percent because of loss of previous residence, and 10 percent after release from hospitals, mental institutions or penal institutions.

Compared with the shelter population, the homeless people living on the city's streets tend to be older and more disturbed and are more likely to be white, according to studies done by groups such as Goddard-Riverside Project Reachout. In addition, many say they are frightened of the municipal shelters.●

● Mr. DODD. Mr. President, I am pleased to join with my distinguished colleague from New York, Mr. MOYNIHAN, in sponsoring this resolution.

There are more homeless people in this country today than at any time since the Great Depression. They include some of our very youngest citizens and some of our very oldest. Temporary shelters are desperately needed from Boston, where the majority of homeless are runaway youth, to Salt Lake City, where unemployed families make up the majority of those without homes.

We must meet this emergency demand for shelters without delay. Funding to convert abandoned buildings into temporary shelters has already been authorized by a provision which I introduced in the Housing and Urban-Rural Recovery Act of 1983. Unless such funding is made available immediately, the United States will come more and more to resemble those underdeveloped nations where mothers and infants routinely seek shelter on sidewalks.

I understand that President Reagan has concluded that homeless people in this country sleep outside on hot-air grates by choice. I wish he had visited temporary shelters with me last month in my State of Connecticut. I spoke with many homeless adults and children. Not one of them said they would rather be sleeping out in the bitter cold Connecticut weather.

Mr. President, I urge my colleagues to join me in sponsoring this resolution to help the millions of Americans who are homeless.●

ADDITIONAL COSPONSORS

S. 209

At the request of Mr. INOUYE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 410

At the request of Mr. INOUYE, the names of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 410, a bill to amend titles XVIII and XIX of the Social Security Act to provide coverage for community nursing center services under the medicare and medicaid programs, and for other purposes.

S. 500

At the request of Mr. MATHIAS, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 500, a bill entitled the "Christopher Columbus Quicentenary Jubilee Act."

S. 573

At the request of Mr. DODD, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 573, a bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits, to require the timely payment of interest on deposits to interest bearing accounts, and for other purposes.

S. 764

At the request of Mr. WARNER, the names of the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Washington (Mr. EVANS) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 772

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1578

At the request of Mr. THURMOND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1578, a bill to clarify the

application of the Federal antitrust laws to local governments.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1762

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1765

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1765, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 1806

At the request of Mr. BRADLEY, the names of the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Mr. MATHIAS), the Senator from Georgia (Mr. MATTINGLY), the Senator from Alabama (Mr. DENTON), the Senator from Illinois (Mr. PERCY), the Senator from North Dakota (Mr. BURDICK), the Senator from North Dakota (Mr. ANDREWS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Virginia (Mr. TRIBLE), the Senator from Virginia (Mr. WARNER), the Senator from Maine (Mr. MITCHELL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. PRYOR), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. DOLE), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Incorporated.

S. 1816

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1857

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 1857, a bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

S. 1990

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mr. WILSON) were added as cosponsors of S. 1990, a bill to clarify the circumstances under which a trademark may be canceled or abandoned.

S. 2003

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2003, a bill to amend the Tariff Schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2086

At the request of Mr. MOYNIHAN, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2086, a bill to revise tax law relating to publisher inventories.

S. 2114

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2114, a bill to authorize the Secretary of the Army to construct a second large lock at Sault Saint Marie, Michigan.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2185

At the request of Mr. LONG, his name was added as a cosponsor of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2186

At the request of Mr. WARNER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. GARN), the Senator from Alabama (Mr. HEFLIN), the Senator from Illinois (Mr. PERCY), the Senator from Montana (Mr. MELCHER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. HECHT), the Senator from Alabama (Mr. DENTON), the Senator from Wyoming (Mr. WALLOP), and the Senator from Missouri (Mr. DANFORTH) were added as cosponsors of S. 2186, a bill to establish a State Mining and Mineral Resources Research Institute program, and for other purposes.

S. 2219

At the request of Mr. BOREN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 2219, a bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Michigan (Mr. RIEGLE), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Virginia (Mr. WARNER), the Senator from Iowa (Mr. JEPSEN), the Senator from New York (Mr. MOYNIHAN), the Senator from Michigan (Mr. LEVIN), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 205

At the request of Mr. HEINZ, the names of the Senator from Illinois (Mr. DIXON), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arkansas (Mr. PRYOR), the Senator from North Dakota (Mr. BURDICK), the Senator

from Wisconsin (Mr. PROXMIRE), the Senator from Indiana (Mr. QUAYLE), and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 205, a joint resolution authorizing and requesting the President to designate the second full week in March of each year as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 210

At the request of Mr. TRIBLE, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 213

At the request of Mr. D'AMATO, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Joint Resolution 213, a joint resolution designating 1984 "The Year of the Secretary".

SENATE JOINT RESOLUTION 215

At the request of Mr. THURMOND, the names of the Senator from Maine (Mr. COHEN), the Senator from Arkansas (Mr. PRYOR), the Senator from Indiana (Mr. LUGAR), the Senator from Indiana (Mr. QUAYLE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week".

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. BAUCUS, the names of the Senator from Wyoming (Mr. WALLOP), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Alabama (Mr. HEFLIN), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Concurrent Resolution 87, a concurrent resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

SENATE RESOLUTION 273

At the request of Mr. PERCY, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 273, a resolution expressing the sense of the Senate that the Attorney General of the United States should withdraw the motion or waive its demand for costs in the case of Liuzzo against United States.

AMENDMENT NO. 2689

At the request of Mr. METZENBAUM, the names of the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. FORD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. MELCHER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. DIXON), the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Amendment No. 2689 proposed to S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

SENATE CONCURRENT RESOLUTION 90—RELATING TO JEWISH EMIGRATION FROM SYRIA

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 90

Whereas the Syrian Government has forbidden all members of the Syrian Jewish community to emigrate:

Whereas the approximately 4,500 Jews living in Syria have been victims of a systematic anti-Jewish, anti-Zionist program, which has included severe restrictions on travel abroad, loss of the right to hold government jobs, laws requiring that all Jews bear special identification cards, and restrictions on Jewish rights of inheritance; and

Whereas recent events, including the unexplained murders of a young Syrian Jewish woman and her children, suggest a renewed pattern of violence against the Jews in Syria: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of Syria should immediately permit all members of the Syrian Jewish community to emigrate from Syria.

SENATE RESOLUTION 328—ORIGINAL RESOLUTION AUTHORIZING EXPENDITURES FOR THE COMMITTEE ON ARMED SERVICES

Mr. TOWER, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration.

S. RES. 328

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1984, through February 28, 1985, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,379,300, of which amount (1) not to exceed $15,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1985.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 329—RELATING TO NUCLEAR RISK REDUCTION CENTERS

Mr. NUNN (for himself, Mr. WARNER, Mr. BRADLEY, Mr. HOLLINGS, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 329

Whereas, an increasing number of scenarios, including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a state sponsored threat, could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the U.S. and the U.S.S.R., situations that neither side anticipated, intended, or desired;

Whereas, there has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons;

Whereas this proliferation of nuclear capabilities suggests an increasing potential

for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great;

Whereas the current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities;

Whereas Senators Jackson, Nunn, and Warner sponsored an amendment adopted by the Senate to the 1983 Department of Defense Authorization proposing certain confidence building measures; and

Whereas President Reagan, responding to Congressional initiatives, proposed the establishment of additional and improved communications links between the U.S. and the U.S.S.R. and other measures to reduce the risk of nuclear confrontation and has initiated discussions at a working level with the Soviet Union covering:

(a) The addition of a high speed facsimile capability to the direct communication link (hotline);

(b) The creation of a joint military communications link between the U.S. Department of Defense and the Soviet Defense Ministry; and

(c) The establishment by the U.S. and Soviet governments of high rate data communication links between each nation and its embassy in the other nation's capital.

Whereas the establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations thereby enhancing the security of both the United States and the Soviet Union;

Whereas, these centers could serve a variety of functions including: (a) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties; (b) maintaining close contact during nuclear threats or incidents precipitated by third parties; (c) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by sub-national groups; (d) exchanging information about U.S.-U.S.S.R. military activities which might be misunderstood by the other party during periods of mounting tensions; and (e) establishing a dialogue about nuclear doctrines, forces, and activities; and

Whereas the continuing and routine implementation of these various activities could be facilitated by the establishment within each government of facilities, organizations and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head-of-state with responsibilities to manage such centers. Now, therefore, be it

Resolved, That the Senate of the United States commends the President for his announced support for the aforementioned confidence building measures, and his initiation of negotiations which have occurred and urges the President to pursue negotiations on these measures with the Government of the Soviet Union, and to add to these negotiations the establishment of nuclear risk reduction centers in both nations.

RISK REDUCTION CENTERS

Mr. NUNN. Mr. President, as in morning business, I rise to introduce a resolution on behalf of Senator WARNER, Senator BRADLEY, and myself, as well as Senator HOLLINGS and Senator SASSER expressing the support of the Senate for the expansion of confidence-building measures between the United States and the Soviet Union. Specifically, we encourage the establishment of nuclear risk reduction centers in both Washington and Moscow.

We live in a world that has grown more dangerous as the knowledge, equipment and materials necessary to build nuclear weapons have proliferated throughout the globe. In such a world, the danger of a nuclear confrontation between the superpowers has multiplied dramatically. Such a confrontation could be triggered by misjudgment, miscalculation or accident. It could be precipitated by the deliberate act of a terrorist group or a nation that possesses nuclear weapons.

Under these conditions, the superpowers have a clear, mutual interest in monitoring nuclear activity and taking positive steps to insure that any nuclear incidents that occur do not lead to a confrontation.

Senator WARNER, our late beloved colleague Senator Jackson and I have been concerned about this problem for several years. In early 1981, I requested that Gen. Richard Ellis, then commander of the Strategic Air Command, undertake an evaluation of the possibility of a third party triggering a superpower nuclear exchange under a variety of scenarios. This SAC evaluation showed that there are real and developing dangers in this area.

In 1982, Senator WARNER and I joined with Senator Jackson in introducing an amendment to the Defense Authorization Act requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. Early last year, a DOD study required by this legislation recommended that the existing U.S.-Soviet hotline be upgraded with a facsimile link, that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry, and that high speed communications links be established between each government and its embassy in the other's capital. These proposals were endorsed by President Reagan in May 1983 and are under active negotiations with the Soviet Union.

Senator WARNER and I also organized a working group on nuclear risk reduction in November 1982 to examine alternative means of reducing the risk of nuclear war. This group is composed of a number of outstanding experts in the national security and intelligence arena. They include: Gen. Richard Ellis, former SAC Commander, Dr. William Hyland, Adm. Bobby Inman (Ret.), Dr. William Perry, Dr. Donald Rice, Dr. James Schlesinger, Gen. Brent Scowcroft (Ret.), and Dr. Barry Blechman. The working group's report, which was released on November 23, 1983, emphasized the increasing number of scenarios that could precipitate the outbreak of a nuclear war that neither side anticipated or intended, possibly involving other nuclear powers or terrorist groups. To address that risk, the report proposed the establishment of nuclear risk reduction centers in Washington and Moscow to maintain a 24-hour watch on any events with the potential to lead to nuclear incidents. These centers would be designed to reduce the danger of nuclear terrorism, to build confidence between the two sides and to avoid the buildup of tensions that could lead to confrontation.

Mr. President, I request that the report of the working group along with the accompanying letter from Senator WARNER and myself to President Reagan be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., November 23, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We understand that there have already been working level discussions with Soviet representatives in Moscow on your May 24, 1983 proposals to upgrade the "Hot Line" and to create new communications channels between the U.S. and U.S.S.R. We applaud this attempt to improve our ability to communicate quickly and effectively with Soviet leaders. If implemented successfully, these could be important steps toward a better capability to avoid or, if necessary, to control nuclear crises.

As you know, in late 1982 we organized a working group to examine methods of reducing the risk of nuclear war. The group's members have considerable experience at the highest levels of our government; they include General Richard Ellis (Ret.), Mr. William Hyland, Admiral Bobby Inman (Ret.), Dr. William Perry, Dr. Donald Rice, Dr. James Schlesinger, General Brent Scowcroft, and Dr. Barry Blechman. The working group has been meeting regularly, and has previously provided you with our comments on the DOD report which was the basis for the May 24 announcement. We would like to now provide you with our report on ways to establish a more comprehensive nuclear risk reduction system.

We believe that, in addition to the communications links mentioned above, it would be beneficial to explore with Soviet leaders the possibility of establishing a more comprehensive nuclear risk reduction system, featuring the establishment of independent centers in the two capitals. The outlines and functions of such a system are described in the attached report of the working group which we co-chair. We respectfully commend it to your attention.

The 1971 U.S.-Soviet "Accidents Measures" Agreement provides for consultation between the two nations on proposals that would reduce the risk of accidental nuclear war. We would suggest, therefore, that the establishment of a nuclear risk reduction system be proposed under the terms of the 1971 Treaty in the Standing Consultative Commission—the agreed forum for discussions related to the agreement. There would be several advantages to raising it in that

body, not least of which would be its confidentiality.

We are looking forward to continued close cooperation with you and your administration to further develop, evaluate and implement steps to reduce nuclear risks.

Sincerely,

SAM NUNN.
JOHN W. WARNER.

A NUCLEAR RISK REDUCTION SYSTEM

(Report of the Nunn/Warner Working Group on Nuclear Risk Reduction)

With but few exceptions, the United States and the Soviet Union have been able to avoid confrontations entailing the risk of nuclear war. There are compelling reasons, however, for concern about the two nations' ability to avoid nuclear crises in the future.

The emergence of the U.S. and the U.S.S.R. at the end of the Second World War as the only two remaining great military powers virtually assured a continuing national rivalry that would dominate global politics. The fundamental antagonisms in values and objectives between the United States and the Soviet Union continue to make certain that, regardless of their common recognition of some shared interests (such as avoiding nuclear war), the relationship will remain competitive for many years to come.

The global ideological and political struggle between ourselves and the Soviet Union is superimposed on an increasingly fractious and troubled world. International and national conflicts—particularly in the Third World—offer tempting opportunities for military or political exploitation and often lead to the involvement of the great powers on opposing sides of these disputes. In certain circumstances, such interventions have the potential to escalate to nuclear confrontations.

The 1973 crisis in the Middle East vividly demonstrated how quickly, and how far, such situations can escalate. The two great powers' involvement began with emergency transfers of weapons, shifted rapidly to the use of their own air and naval forces to protect those shipments, and ended with mutual threats of direct military intervention to protect their respective clients. At the height of the crisis, there were even hints that such interventions might include, or eventually escalate to, the use of nuclear weapons.

There are an increasing number of circumstances that could precipitate the outbreak of nuclear war that neither side anticipated nor intended, possibly involving other nuclear powers or terrorist groups. There has been a relentless dispersion of the know-how, equipment and materials necessary to fabricate nuclear devices. In addition to the five declared nuclear powers, two more nations—India and Israel—are assumed to be in a position to assemble a weapon on short notice, and may already have covert stocks of nuclear devices. India, of course, has already detonated one device.

These threshold nuclear powers may be joined by at least one, and possibly two, more nations (Pakistan and South Africa) before the end of this decade. Perhaps as many as five others (Argentina, Brazil, Iraq, South Korea and Taiwan) could be in a similar position before the year 2000. Still other countries, such as Germany, Japan and Sweden, have the financial, industrial, and technological potential to fabricate nuclear weapons; they lack only the political will to do so.

At the request of Senator Nunn, General Richard Ellis, when he was commander of the Strategic Air Command, undertook an evaluation of the possibility of a third party triggering a superpower nuclear exchange under a variety of scenarios. Unfortunately, this SAC evaluation showed that there are real and developing dangers in this area.

The spread of nuclear know-how, equipment, and materials also suggests a rising danger of nuclear terrorism. While the specific risk that in any one year any particular sub-national group or rogue national leader might acquire a nuclear device is, no doubt, a low probability, the cumulative risk covering all such groups over ten or twenty years may be very great indeed. Once in the hands of such an individual or group, the potential for lawlessness would be unlimited—including extortion, revenge, or an attempt to trigger a nuclear conflict between the superpowers.

In our view, the dangers implicit in this partial catalogue of potential nuclear flashpoints indicates the necessity of the two great powers initiating discussions aimed at establishing an explicit and comprehensive system for the prevention and containment of nuclear crises.

RECENT PROPOSALS AND STUDIES

In 1982, Senators Sam Nunn (D-Ga), John Warner (R-Va), and the late Senator Henry Jackson (D-Wa), introduced an amendment to the Defense Authorization Act requiring the Defense Department to evaluate several proposals aimed at reducing the risk of nuclear confrontations. Later that year, Senators Nunn and Warner organized the Working Group on Nuclear Risk Reduction.

In addition to the two Senators who serve as co-chairmen, the working group includes eight former civilian and military officials and technical experts. William Hyland, a senior associate at the Carnegie Endowment, serves as the group's Secretary. The other members are James Schlesinger, the former Secretary of Defense; Brent Scowcroft, President Ford's National Security Advisor; General Richard Ellis, former Commander of the Strategic Air Command; Bobby Inman, formerly Deputy Director of Central Intelligence; William Perry, formerly Under Secretary of Defense for Research and Engineering; Don Rice, President of the Rand Corporation; and Barry Blechman, a senor fellow at the Georgetown Center for Strategic and International Studies.

In early 1983, a Defense Department study prompted by the previously mentioned legislation was released. It recommended that the existing U.S.-Soviet "Hot Line" be upgraded with a facsimile link, that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry, and that high speed communications links be established between each government and its embassy in the other's capital. These proposals were endorsed by President Reagan in May. They are now the subject of discussions between the two governments.

The proposals put forward by President Reagan are positive steps toward the development of a comprehensive system to assure the avoidance of nuclear confrontations. But there are also crucial political aspects to the problem of preventing nuclear crises. These elements can be addressed only through more comprehensive arrangements involving the designation of particular representatives and facilities in both nations that would be assigned specific responsibilities for preventing nuclear crises.

NUCLEAR RISK REDUCTION CENTERS

To begin, the United States and the Soviet Union might agree to establish separate national nuclear risk reduction centers in their respective capitals. These centers would maintain a 24 hour watch on any events with the potential to lead to nuclear incidents.

The nuclear risk reduction centers would have to be linked directly—both through communications channels and organizational relationships—to relevant political and military authorities. Thought might also be given to the assignment of liaison officers to the counterpart center in each capital. If this practice proved successful, it might be possible at some future time to move toward jointly manned centers in the two capitals.

An alternative arrangement would envision the creation of a single center, staffed by military and civilian representatives of the two nations, at a neutral site. Such an arrangement might facilitate closer cooperation between the U.S. and the U.S.S.R., but at the cost of diminished access between the surveillance center and the two governments themselves. This and other trade-offs between these two potential arrangements require more study.

Each center would be manned by a series of watch officers who would report through normal military and political channels. In addition, each side would designate a specific high level official to direct its center and to carry out those specific negotiations and exchanges of information as were agreed to in establishing the centers. Procedures would be established to assure that in the event of an emergency, the designated representatives would have direct access to each nation's highest political authority.

Direct communications links would be established between the two centers. These should definitely include print and facsimile channels. Consideration might also be given to the establishment of voice and perhaps even tele-conferencing facilities, as well. There are obvious dangers in such "real-time" communications, including the greater difficulty of intergovernmental coordination and a greater risk of imprecision or misunderstanding, but these may be offset by the far more rapid exchange of large amounts of information which would become possible.

The establishment of these centers could contribute significantly to a reduced risk of nuclear incidents. They could be used for a range of functions, most of which would take place routinely in normal times, and would be designated to reduce the danger of nuclear terrorism, to build confidence between the two sides, and to avoid the build-up of tensions that could lead to confrontation. It would probably be best to define the functions of the nuclear centers narrowly at first, expanding them as experience demonstrated the value of the enterprise.

POSSIBLE FUNCTIONS OF THE NUCLEAR RISK REDUCTION CENTERS

Among the potential functions of the centers would be the following:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons. Among the contingencies that might be explored would be unexplained explosion of a nuclear device, a terrorist threat to explode a nuclear weapon unless certain demands were met, the discovery that a nuclear weapon was missing, and similar possibilities. The discussion of these contingencies could provide a script which might be fol-

lowed should the event actually occur. Although neither side could be expected to commit itself to follow these scripts under all circumstances, the existence of such an agreed routine might facilitate appropriate actions.

Second, to maintain close contact during incidents precipitated by nuclear terrorists, thus facilitating cooperative actions to defuse the incident, and specifically, to avoid the danger that the explosion of a nuclear device by a terrorist group might lead to a nuclear confrontation between the great powers.

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons, or the materials and equipment necessary to build weapons, by sub-national groups. Obviously, care would have to be taken in any such exchange to avoid compromising intelligence sources and methods. Still, this type of U.S.-Soviet cooperation would clearly be in their mutual interest, and could increase both nations' ability to contain any such threats. There have been precedents for cooperation between the two as concerns the spread of nuclear weapons, and there is also precedent in the Standing Consultative Commission established by the 1972 SALT Agreements for the confidential exchange of technical and sensitive information.

Fourth, to exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions. At times of mounting political tensions, the existence of independent nuclear risk reduction centers might facilitate the exchange of information about military activities which might otherwise be misinterpreted and contribute to escalating suspicions and fears. Such an exchange of information would have to be made on a voluntary basis. Even so, such an exchange could help to dampen the more extreme fears and actions that could otherwise result from international conflicts. Such a system would, of course, require checks and safeguards against the possibility that disinformation would be deliberately or accidentally fed into it, leading to confusion or delays in decision-making.

Fifth, to establish a dialogue about nuclear doctrines, forces, and activities. These exchanges might include the notifications required under the 1971 "Accidents Agreement" and any future arrangements requiring the prior notification of missile flight tests and strategic exercises. But they could go beyond this to include discussions of any strategic practices of the two sides which implicitly raise a danger of misinterpretation or misunderstanding. Consideration also could be given to using this forum to maintain an agreed data base on the strategic forces of the two sides, a necessary element for virtually any strategic arms control agreement.

PROSPECTS AND POSSIBILITIES

A strong foundation has been laid for the proposals in this report. There have been more than 20 bilateral and multilateral treaties and agreements to which both the U.S. and U.S.S.R. are parties, that establish requirements for exchanges of information, the prior notification of certain events, the establishment of special communications links, the designation of representatives to negotiate technical aspects of the two nations' nuclear relationship, and cooperation on proliferation issues. The 1972 Incidents at Sea Agreement, which has all but eliminated what had been frequent and dangerous confrontations between the two great powers, is an excellent example of what can be accomplished.

But what already has developed on an ad hoc basis is far from comprehensive in its coverage of potential problems. Moreover, the actual use or implementation of these agreements has been limited. The current system is particularly deficient in that it does not deal adequately with the growing danger of nuclear terrorism.

We suggest that by establishing the nuclear risk reduction system described in this report, the ability of both nations to contain escalation would be greatly enhanced. The proposal deserves serious consideration by the governments of the U.S. and U.S.S.R. and by the citizens of both nations.

Mr. NUNN. Mr. President, the resolution we are submitting today calls on the President to adopt the concept of nuclear risk reduction center and to negotiate the establishment of such centers with the Soviet Union. These centers could serve the following functions:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons;

Second, to maintain close contact during incidents precipitated by nuclear terrorists;

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons; or the materials and equipment necessary to build nuclear weapons, by subnational groups;

Fourth, to exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions;

Fifth, to establish a dialog about nuclear doctrines, forces, and activities.

The rationale for and a detailed discussion of the centers is contained in the report I have entered in the RECORD.

The resolution also confirms the support of the Senate for the President's efforts to date and urges the President to continue negotiations on these confidence-building measures with the Soviet Union. These measures include:

First, the addition of a high-speed facsimile capability to the direct communications link generally known as the hotline;

Second, the creation of a joint military communications link between the U.S. Department of Defense and the Soviet Defense Ministry;

Third, the establishment by the United States and the Soviet Governments of high rate data communication links between each nation and its Embassy in the other's capital.

Mr. President, I would like to commend Senator WARNER for his active participation and leadership in this area. I would also like to commend the members of the Working Group on Nuclear Risk Reduction who studied this critical issue carefully and formulated a practical and reasonable set of recommendations.

I would hope that the President will receive our recommendations with the same open-minded and positive approach he followed on the previous confidence-building measures. We have worked with the executive branch in a cooperative manner in this area, and they have been very responsive.

I hope that the Senate will join us in this effort to move forward toward the establishment of these nuclear risk reduction centers that will help to reduce the risk of nuclear conflict.

Mr. WARNER. Mr. President, it has been my privilege to be associated with my distinguished colleague from Georgia in well over a year's work in this area.

Indeed, we would be remiss if we did not advise our colleagues that the late Senator Jackson was a cosponsor with us of the initial piece of legislation in 1982 which gave rise to the initiation of this project.

Mr. NUNN. Mr. President, I thank the Senator from Virginia. I think that is a timely and appropriate remark. The late Senator from Washington also was a cosponsor of the amendment which was passed on the authorization bill which gave rise to the Defense Department study and some of the present proposals in this direction.

I am delighted that the Senator from Virginia called that to the attention of this body.

Mr. WARNER. Yes.

Mr. President, Senator NUNN and I are delighted today to have joining in this effort Senator BRADLEY, Senator HOLLINGS, and others.

In the four decades since the end of World War II, the global ideological and political struggle between the United States and Soviet Union has steadily increased in scope and intensity. While this is regrettable, it is fact.

These fundamental antagonisms, in values and objectives, foster a relationship that will remain divisive and competitive for the foreseeable future.

International and national conflicts, particularly in the Third World, have offered tempting opportunities for military or political exploitation and have led to various levels of tension and confrontation between the superpowers.

There are a number of potential scenarios that could suddenly escalate tensions and the risk of nuclear confrontation between the United States and the U.S.S.R. They include possible misjudgment, miscalculation, and misunderstanding, or the possession by terrorists of nuclear arms. These represent situations neither side anticipate, intend, or desire.

Today, there are five nations that have declared a nuclear military capa-

bility. Before the end of this century, this group could be enlarged by the addition of seven or more. While this proliferation is recognized, the threatening proliferation arises from the gradual dispersal of the knowledge, equipment and materials necessary for the fabrication of nuclear devices to an unknown number and classification of groups or State-sponsored entities.

The latter proliferation, coupled with the spread of terrorist activities, poses the greatest potential for a means of extortion, revenge or threat upon a superpower or superpowers. It is within this category of potential risk, tensions or confrontations that the proposed confidence building measures provide the greatest benefits directly to the superpowers and indirectly to the other nations of the world.

Against this background, the late Senator Henry Jackson, Senator SAM NUNN, and myself introduced in 1982 an amendment to the Defense Authorization Act which required the Defense Department to evaluate several proposals aimed at increasing confidence between the United States and the U.S.S.R. and reducing the risks of nuclear confrontation. Subsequently, Senator NUNN and I organized a working group on nuclear risk reduction to explore additional confidence building measures.

This nonpartisan, professional working group is unique in my experience. William Hyland, of the Council on Foreign Relations, serves as the group's secretary. Other members are James Schlesinger, former Secretary of Defense; Brent Scowcroft, a national security advisor to Presidents; Gen. Richard Ellis, former commander of the Strategic Air Command; Bobby Inman, former Deputy Director of Central Intelligence; William Perry, formerly Deputy Secretary of Defense for Research and Engineering; Don Rice, president of the Rand Corp.; and Barry Blechman, a senior fellow at the Georgetown Center for Strategic and International Studies.

During the spring of 1983, a Defense Department study, in response to our legislation, was released. It recommended that the existing United States-Soviet hotline be upgraded with a facsimile link; that an additional communications channel be installed between the Pentagon and the Soviet Defense Ministry; and that high-speed communications links be established between each government and its embassy in the other capital. These proposals were endorsed by President Reagan in May.

These confidence building measures are now the subject of discussions between the two governments at the working level. To date, they have been productive; there is hope.

In November, the working group on nuclear risk reduction released its report concerning recommending the establishment of national nuclear risk reduction centers in the respective capitals of the United States and the U.S.S.R. Potential functions of the centers would be as follows:

First, to discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons.

Second, to maintain close contact during incidents precipitated by nuclear terrorists.

Third, to exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons or the materials and equipment necessary to build weapons by subnational groups.

Fourth, to exchange information about military activities which might be understood by the other party during periods of mounting tensions, and

Fifth, to establish dialog about nuclear doctrine forces and activities.

Mr. President, this resolution expresses the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R. that I have listed and urges the President to continue pursuing negotiations on these confidence building measures with the Soviet Union.

We must seek every opportunity for areas of agreement and ways to reduce risks associated with our relationship with the Soviet Union.

Mr. President, we are hopeful that all of our colleagues will join us on this resolution because it provides, in my humble judgment, a basis for a measure of understanding at a very early opportunity between the United States and the Soviet Union. Irrespective of the disappointing result thus far with respect to other aspects of arms control, this provides an opportunity to go forward.

At this point, I yield to my distinguished colleague from New Jersey for a brief comment.

Mr. BRADLEY. Mr. President, I am pleased to join Senator NUNN and Senator WARNER as an original cosponsor of this resolution proposing the establishment of nuclear crisis centers. Not only can the centers serve a crucial function in crisis management and in the avoidance of accidental nuclear war, they may also be a step toward a more constructive environment for other bilateral negotiations.

Let me give you a hypothetical scenario that points up the need for a nuclear crisis center.

A small group of religious fanatics in a Middle Eastern country somewhere on the border of the Soviet Union has convinced itself that the Russian atheists intend to quash their religious sect. The group is prepared to go to any length to preserve their religious beliefs. Unbenownst to the Soviet Union, the sect has illicitly obtained the ability to detonate a crude atomic weapon. At a time coinciding with heightening East-West tensions, the sect hijacks a local propeller aircraft and drops its bomb on a small Soviet border town not far from a Soviet military installation. In the resulting confusion the Soviets assume the bomb was dropped by a U.S. Air Force plane. The Kremlin orders retaliation.

Improbable? Yes. Impossible? No. As the number of countries that possess nuclear weapons grows, the number of people who understand the basic mechanics of nuclear devices increases as well. In addition to American, Russian, British, French, Chinese, and Indian scientists and officials, many suspect that officials in Pakistan, South Africa, Israel, Argentina, Brazil, Iraq, South Korea, and Taiwan may have or will obtain nuclear weapons capabilities within this decade. Keeping this knowledge out of the hands of unpredictable governments—Libya comes to mind—small groups and terrorist organizations will become even more difficult. We must prepare for this dangerous possibility.

If anything like my hypothetical scenario ever occurs, the future of our world as we know it could depend on instantaneous communications between the United States and the Soviet Union. That capability does not now exist. In fact, the current communications link between the White House and the Kremlin consists of 20-year-old teletype machines printing at 30 words per minute.

We must fill that void. The resolution Senators NUNN, WARNER, and I introduce today would do just that.

To enable responsible officials from both superpowers to prepare for and respond to any event with even the potential to lead to a nuclear incident, we should establish two nuclear crisis centers, one in Washington, D.C., and one in Moscow. These centers must be linked together by the most current communications systems, certainly including voice, print, and facsimile capabilities and perhaps including teleconferencing capabilities. The centers would be staffed 24 hours a day by Government and military officials and would be tied directly to political and military authorities in both countries. A Soviet liaison officer would be assigned to the Washington crisis center and an American liaison officer would be assigned to the Moscow center.

These nuclear crisis centers would serve several functions. First, the centers would jointly decide in advance on actions to be taken in the event of an unexplained nuclear explosion, a terrorist threat to explode a nuclear device, or the discovery that a nuclear device is missing. Second, the centers would follow and jointly attempt to

defuse events of this type when they occurred. Third, the centers would explore ways to stop the spread of nuclear weapons technology.

In addition to these immediate needs, the nuclear crisis centers could begin to lay the foundation for other confidence building measures that could reduce the chances of nuclear war: Advance notification of any troop movements within 300 miles of borders, for example. Information exchange between the United States and U.S.S.R. has worked in the past: As early as 1945 the Berlin Quadripartite Agreement coordinated air traffic in the vicinity of the divided city; the 1972 Incidents at Sea Agreement has nearly eliminated what had been frequent confrontations between naval vessels; and the 1975 Helsinki agreement now requires notification of certain military maneuvers within 150 miles of East-West borders. It can work again.

Despite the Soviets' recent ceremonious departures from nuclear and conventional arms control negotiations, now is a particularly important time to initiate such an effort. The establishment of nuclear crisis centers is so clearly in the interest of both the Soviet Union and the United States that agreement ought not be difficult to achieve. Unlike many bilateral negotiations, this agreement is readily perceived as a positive sum game: both parties win. If the negotiations on nuclear crisis centers succeed, they might set the stage for superpower agreement on other nuclear nonproliferation and confidence building efforts, now stalled. They may even create an attitude more conducive to realistic arms control talks.

To live in this dangerous world is to know that we must at least talk to our fellow inhabitants, next door and around the ever-shrinking globe. We should resume discussions with the Soviets, concentrating first on areas of clear mutual interest: nuclear crisis centers, other confidence-building measures and nuclear nonproliferation. As we make progress on these, we will make opportunities to advance the cause of eased tensions, arms reductions and peaceful resolution of disputes. Someday, world neighbors may live in peace.

I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

COMPREHENSIVE CRIME CONTROL ACT

BUMPERS AMENDMENT NO. 2690

Mr. BUMPERS proposed an amendment to amendment No. 2689 proposed by Mr. METZENBAUM to the bill (S. 1762) entitled the Comprehensive Crime Control Act of 1983, which was subsequently modified; as follows:

Amend amendment No. 2687 by striking line 5 and all that follows and insert in lieu thereof:

"(o) Under this chapter, it shall be unlawful for any person who is an official, elected official, appointed official, employee or agent of the United States not described in the following sentence to intercept a wire or oral communication, unless all parties to the communication have given prior consent to such interception. It shall not be unlawful under this chapter for a person acting under color of law who is—

"(1) an investigative or law enforcement or foreign intelligence or counterintelligence officer acting within the normal course of his or her employment; or

"(2) performing a law enforcement, foreign intelligence or counterintelligence function under the direction and control of such an officer; or

"(3) acting with authorization from the Attorney General in accordance with the regulations issued by the Attorney General to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception or where the communication constitutes a criminal or tortious act in violation of the laws of the United States or of any State.

MATHIAS AMENDMENT NO. 2691

Mr. MATHIAS proposed an amendment to the bill, S. 500, a bill entitled the "Christopher Columbus Quincentenary Jubilee Act," as follows:

On page 15, line 13, strike out "thirty" and insert in lieu thereof "twenty-nine".

On page 16, strike out line 6.

On page 16, line 7, strike out "(8)" and insert in lieu thereof "(7)".

On page 16, line 9, strike out "(9)" and insert in lieu thereof "(8)".

On page 16, line 12, strike out "before October 1, 1983" and insert in lieu thereof "within ninety days after the date of the enactment of this Act".

On page 16, line 21, strike out "a reasonable time" and insert in lieu thereof "ninety days".

On page 16, line 22, strike out the comma and "but not later than October 1, 1983".

On page 17, line 13, strike out "Not later than October 1, 1985" and insert in lieu thereof "Within two years after the date of the first meeting called pursuant to section 3(d) of this Act".

On page 19, line 16, insert immediately before the period the following: ", which the Commission recognizes to be a major highlight of the quincentenary celebration".

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1985 on Wednesday, February 8, 1984, at 9:30 a.m. in room 608 of the Senate Dirksen Office Building. Dr. Rudolph Penner, Director, Congressional Budget Office, is scheduled to testify.

For further information, contact Carolyn McCallum at the Senate Budget Committee at 224-0849.

Mr. President, the Senate Committee on the Budget will hold two hearings on the first concurrent budget resolution for fiscal year 1985 on Tuesday, February 7, 1984, at 9:30 a.m. and 1:30 p.m. in room 608 of the Dirksen Senate Office Building. At 9:30 a.m., the following are scheduled to testify:

Mr. J. Clayburn LaForce, Director, President's Task Force on Hunger;

Mr. Robert Greenstein, Director, Center on Budget and Policy Priorities; and

Mr. Irwin Rosenberg, President, American Society for Clinical Nutrition.

At 1:30 p.m., scheduled to testify are:

Dr. Jack Carlson, executive vice president and chief economist, National Assocation of Realtors;

Mr. Peter Herder, president, National Association of Home Builders;

Mr. John Motley, director of Federal legislation, National Federation of Independent Business; and

Mr. Alexander B. Trowbridge, president, National Association of Manufacturers.

For further information, contact Carolyn McCallum of the Senate Budget Committee at 224-0849.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to receive testimony on H.R. 3169, to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The hearing will be held on Thursday, March 8, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Conservation and Supply, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Tom Winn of the subcommittee staff at 224-2366.

ADDITIONAL STATEMENTS

EDUCATION FOR ECONOMIC SECURITY ACT, S. 1285

● Mr. D'AMATO. Mr. President, I am pleased today to join my colleagues as a cosponsor of S. 1285, legislation to improve the quality of mathematics and science education in the United States. Our investment in education is a major investment in the preservation of our democracy.

It is crucial that we not only recognize and acknowledge the significant contributions of America's educators, but that we continue to promote quality education. The future strength of our Nation depends on this system. Our children must never be deprived of the very best education.

There are now more than 50 reports on the condition of American education. The quality of education in many elementary, secondary, and post-secondary schools has become a major political issue. But, it is more than this, however. The future of our children is at stake. Therefore, Mr. President, it is only appropriate that the Congress demonstrate its recognition of and support for quality education by passage of S. 1285, the Education for Economic Security Act.●

AN UNFORTUNATE GRANT ANNOUNCEMENT

● Mr. BOSCHWITZ. Mr. President, this past weekend, Minnesotans and football fans around the country were startled and dismayed to learn that Bud Grant, the Vikings head coach, had resigned.

Grant led the Vikings for 17 seasons and 161 wins. His teams regularly won the Central Division, and they played such tough defense that the Purple People Eaters became household names, which means they were almost as famous in their day as the Hogs.

Mr. President, when Bud Grant's 161 wins in Minnesota are added to his 122 wins amassed coaching the Winnipeg Blue Bombers of the Canadian Football League, Grant is second only to George Halas in career professional football victories.

To many fans, Grant's trademark was his crewcut and his stoic, unflappable demeanor on the sidelines. With his Vikings cap and headset securely fastened, Grant patrolled the sidelines, his steely gaze intense, his features unmoving as he watched his football team regularly demolish opponents throughout the 1970's. That is the Bud Grant many of us will remember.

Fans, too, will remember other little things. Like his refusal to allow heaters and other warming equipment on the sidelines. And seeing the Los Angeles Rams huddled around their heaters looking miserable as they attempted to win a playoff game in Minnesota in December. Or the years where he led the league in fines because he had the temerity to question obvious mistakes made by the officials.

However, only true Bud Grant fans know that the "Stone Face Grant" image was only that. This, of course, was a closely kept secret—until Howard Cosell started giving it away these past few years. What football team would be intimidated by a practical joker with a penchant for hiding animal carcasses in unexpected places. So we Minnesotans did what we could to keep up the pretense. But now that he has resigned, we can safely bring his sense of humor and his ability to keep things in perspective out in the open.

Mr. President, Bud Grant epitomizes what many people think Minnesotans are like: braving fierce winters without flinching, and enjoying the outdoors as a fisherman or hunter. He was an excellent coach, but more than that he is an excellent man. He will be sorely missed by football fans and Bud Grant fans around the country.

Good hunting, Bud.●

THE ROCKY MOUNT MARCHING GRYPHONS

● Mr. EAST. Mr. President, North Carolina has many fine high schools, but there is one I would like to point out to my colleagues for outstanding musical accomplishments.

Rocky Mount Senior High School Band received first place in all three music competitions of national acclaim in 1983: The great bands of the Orange Bowl, the Windjammer Festival sponsored by the U.S. Navy, and the Marching Bands of America Grand National. I am confident you will agree this is an outstanding accomplishment.

These highly motivated and dedicated young musicians were directed by Mr. John C. Sykes. His assistants were Mr. Scott Carter and Mr. James Evans. All North Carolinians share in the pride that is bestowed on these fine young people for their excellence. I have listed members of the Marching Gryphon Band for the RECORD.

A school and its programs are a reflection of the faculty and the administration. Recognition of the principal of the school, Mr. Douglas Watts, indicates the special role he played in this important achievement.

I ask to have the names of the band members printed in the RECORD.

The names referred to follow:

Wanda Jo Alston, Margo Elizabeth Anspach, Janet Lynne Banning, Alecia Nichelle Bridges, Hope Lynette Brown, Mary Elizabeth Cerjan, Jenean Blair Coppedge, Crissie Louise Curtis, Amy Carol Daniel, Diane Jonette Dixon, Debra Jean Elingburg.

Kristin Clark Elliot, Shannon Michelle Hamrick, Dana Jene Harvard, Marilynn Greene Hastings, Jennifer Lynn Hawkins, Cynthia Lynne Hendricks, Sherry Angela Hendricks, Cheryl Ann Henke, Virginia Anne Iler, Shawn Butler Kilpatrick, Donna Elise Nevius.

Patricia Leigh Pridgen, Michelle Laverne Roberson, Mollie Gail Rosenbloom, Debra Willet Rountree, Nancy Gail Sawyer, Pamela Joan Sewell, Heather Lea Smith, Tammy Lou Sutton, Poppy Alyssa Tugwell, Alice Elizabeth Whicker, Amy Jo Wiggins, Virginia Katherine Wiggins, Holly Ruth Willis.

Katharine Antonia Alhusen, Sherry Michelle Andrews, Sharon Patrice Armstrong, Elizabeth Ashley Ayers, Clifton Ralph Banning, Arthur Lee Barnes, Ada Selena Battle, Daniel Earl Battle, Edwina Trinita Battle, Ernest Roland Batts.

George Batts, Ray Anthony Battle, Sandra Ann Batts, Deal Allen Beabout, Melanie Leigh Bolling, Frederick Lloyd Bone, James Fountain Booth, Reginald Deon Bridges, Gregory David Brown, Terri Yvette Brown, Donna Amanda Bullard.

Jeffrey A. Bullock, Kenneth Catrell Bullard, Carol Jeanette Burgess, Patricia Lynn Butler, Anthony James Carmichael, Julia Grimes Cherry, Ann Ballard Chowning, Michele Leigh Clark, Sue Ellen Crocker, John August Day, Todd Douglas Dettman.

Mary Alice Dickens, Robin Iris Dunbar, Donald Macklin Dunlap, Richard C. Edmondson, Donald Conrad Ellis, Jr., Kevin Earl Farmer, Willie Lee Farmer, Joseph Huckabee Fish, Julian Horace Fisher, Robert Wesley Fulk, Holly Denise Funk.

Cheryl Lee Garner, Stephen Lee Gay, Tracy A. Glover, Sharon Jean Gunter, Ronald Keith Hamm, John Arthur Haney, Danielle Charisse Hannon, Willis Stanton Hardesty, Jr., Carlton Emmanuel Harrison, Latreece Denice Harris, Patricia Adele Harris.

Dana Michelle Hedgepeth, Jodi Ann Henke, Henry Lloyd Hinnant, Victor Anderson Howell, Francis Robertson Iler III, James Gregory Johnson, John Christopher Johnson, John Robert Johnson, Timothy Demond Jones, Willard James Jones, Kimberly Anne Kelly.

Mark Richardson Kilgore, George Christopher King, Kimberly Lynn Kirk, Julie Kay Kotrba, Jonathon Bruce Layton, Edward Kenneth Lee, Darrell Delaney Leonard, Stephen Gregory Locke, Lukas Sean Lucas, Neal Dion Lucas.

Kevin Grant Mangum, Kevin Scott Marks, Mini Theresa Marquez, Davis Andrew McClure, Keith Douglas Medlin, Andrew Bastian Metcalf, James Jeffrey Miller, Katherine Gladys Monahan, Joel Doster Moore, John Andrew Morehart.

Donald Franklin Norton, Stephanie Carol Overton, Kim Sue Pelt, Darren Andre Phillips, Rosa Ramona Powell, Reji John Puthenveetil, James Milton Quigley, Eleanor Wall Ramey, Jonathan Weeks Ratchford, Joseph Owen Register.

Robin Dru Sallenger, Carol Anne Scarboro, Danzell Tyrone Sergres, Jewel Renee Sharpe, David Elliot Shriver, Douglas Earl Slape, Jessica Michols Smith, Keven Scott Smith, John Steve Solomon, Eric Todd Swaim.

John Collins Sykes, Gwendolyn Lou Taylor, Randy Raudale Taylor, Suzanne Brown Taylor, Caroline Leigh Teater, Michelle Tonette Thorne, Clay Michael Wagner, Samuel Wesley Watts, Michael Leon Wax, Jimmy Floyd Webb.

Tracy Ann Webster, Toni Genee Whitaker, Cynthia Ann Williams, John David Williams, Kelley Brian Williams, Carol Leigh Wilson, Felana Diranne Wilson, Marvin Ledford Wood, Chauntelle Yvette Wright, Karin Lorene Zipf.●

RECOGNITION OF DR. ELIE WIESEL

● Mr. D'AMATO. Mr. President, I rise today to acknowledge Dr. Elie Wiesel, an outstanding promoter of world peace, whom I have recently nominated for the Nobel Peace Prize.

Dr. Wiesel is a respected scholar, lecturer, and writer who has dedicated his life to the pursuit of peace. Through his extensive writings, this deeply spiritual and charismatic man has been instrumental in focusing worldwide attention on the tragic human suffering which occurred during the Holocaust. In his memoir, "Night," the most well-read chronicle of the Holocaust, he strongly reinforces our belief and knowledge that genocide is the most heinous crime against humanity and that we must never allow such mass destruction to occur again.

Dr. Wiesel's efforts to promote peace do not end with his writings. He is also a renowned lecturer, speaking out against the human rights violations that presently exist throughout the world. He is the chairman of the U.S. Holocaust Memorial Council.

He is driven to reveal these atrocities against humanity to insure that mankind will never again witness the senseless and appalling destruction of human life wrought by the Nazi regime. Dr. Wiesel's works have served to increase our consciousness of the dignity and the sanctity of every human life.

His message is of vital importance, particularly in our imperfect world where millions of men and women are effectively denied even the most basic human rights and civil liberties. Through his many accomplishments, Dr. Wiesel continues to inspire us to struggle against repression and tyranny, forces which still pose a serious threat to world peace.

Dr. Elie Wiesel is most deserving of recognition by the Nobel committee for his continued commitment to the principles of peace and individual freedom. The importance and impact of Dr. Wiesel's work have been recently noted in the New York Times Magazine of October 23, 1983. Mr. President, I ask that the full text of this article be printed in the RECORD.

The article follows:

BEARING WITNESS—THE LIFE AND WORK OF ELIE WIESEL

(By Samuel G. Freedman)

The doorman leaps back as the 11-year-old boy takes the lobby of his apartment building at a gallop, legs kicking out almost sideways. Halfway down the street in Manhattan's West 80's, he pauses to look back and sees his father emerge from the building, walking with an even gait, arms drawn behind him. The boy runs on. Soon he is outside the pizza parlor that has his favorite video games and he waits for the man with the quarters, his father, Elie Wiesel.

It seems an implausible scene: Elie Wiesel, a writer and speaker and thinker fused to the Holocaust, to anguish and agony, to the memory of a son stealing a crust of bread from his father on a train bound for Auschwitz, is taking his son to play video games.

Yet the very casual aspect of the moment belies its importance. For almost at his son Shlomo-Elisha's age, Wiesel was deported from his home to a series of concentration camps, there to be separated from his mother and sisters, there to see his father die before his eyes. The body of his work presents such a world and repeatedly offers choices between life and death, belief and blasphemy, silence and speech, the pain of survival and the comfort of suicide. Shlomo-Elisha is Wiesel's wager, not on a perfect world, but on the better side of humanity.

"My life is a commentary on my books, not the other way around," says Wiesel, who is 55. "When Marion, my wife, told me she was pregnant, my first feeling was fear. What am I doing? The world is not worthy of children. I was frantic. But the next wave was joy. Will it be a boy or a girl? Whose name will it have—my mother's or my father's?

"I must confess, I felt something special when I carried him for the circumcision. The circumcision is a very mystical rite. The rabbi had a very beautiful way of putting it. He said, 'A name has returned,'" Wiesel pauses, "A name has returned. When I was called to read the Torah by name, Eliezer ben-Shlomo, now there was Shlomo ben-Eliezer. For weeks and days and months, I would carry him in my arms. I saw myself when I was a child. A name has returned."

These are retrospective and cautiously positive times for Elie Wiesel. His name has been frequently mentioned as a possible recipient of a Nobel Prize, for either peace or literature. His writing, while informed as ever by his survivor's vista, has come to embrace the Hasidic tradition, which celebrates, if nothing else, the triumph of survival, of singing and dancing despite heartache. His newest book, "The Golem," to be published next month, is an illustrated legend, a novel ("Le Cinquième Fils") has just been released in France and Wiesel is working on a book about Talmudic masters.

As Wiesel has expanded his literary scope, he also has largely achieved his initial goal of perpetuating the story of the Holocaust. "Night," his memoir, has sold about one million copies and has become the most widely-read work in Holocaust literature. This year, Robert McAfee Brown published a glowing critical overview of Wiesel's work under the almost reverential title of "Elie Wiesel: Messenger to All Humanity." Wiesel is chairman of the United States Holocaust Memorial Council, the body that will create a national museum of the Holocaust in Washington, D.C., and two of his former Boston University students have gone on to direct Holocaust study centers. His speaking calendar is full, and this month he has revived his lecture series at the 92d Street Y in New York with "Job Revisited," an allusion to the topic of his first lecture there, 17 years ago. He is among the best-known Jews in the United States, and some proclaim him a superstar, a hero.

Reluctantly, Wiesel admits to some satisfaction. "It's the French expression—for want of something better, I have to be satisfied with this," he says. "I have to be satisfied with small miracles. I used to expect major miracles. After the war, I thought I could change the world by telling the story. This is the Jewish belief: that out of total darkness will come total light. My night won't end, and yet other things are possible—day, hope. It's based on that night that I can experience joy. Because we must experience it. If not, how could we go on? This is the existential bet we make."

But Wiesel, for all the conquest of old woes, now has a multitude of new ones. Believing that if mankind knew of the Holocaust it would avert other wars, he has instead seen, and often written of, the tableaux of Biafra, Northern Ireland, Lebanon, Vietnam, Cambodia and Central America. Even in Israel, in Jerusalem, the one place where he says he feels at peace, Sephardic Jews at a demonstration last year shouted that Hitler should have killed all their European brethren. A handful of scholars have arisen to proclaim the killing of six million Jews an exaggeration or a fraud. While artists and businessmen, from the producers of the television series "Holocaust" to the hawkers of T-shirts at survivors' gatherings, have commercialized the catastrophe.

And with Wiesel's fame has come, on the one hand, a dehumanizing sort of adulation and, on the other, criticism of his writing and his personality—little of it rendered in public—from some leading American Jewish intellectuals. One Jewish historian and critic says that, beneath the civil surface, Elie Wiesel arouses passions as strong as those that divided Jews during Israel's 1982 invasion of Lebanon.

And so a part of Wiesel remains frightened, insecure. "I am still afraid," he says. "I live in constant fear. Of anything. If I see a policeman, the policeman. If I'm in the street, I'm afraid of the street." The root of the little fears, says a friend and fellow survivor, is the big fear. "Since the Holocaust, we're convinced the universe is not the same," says David Weiss Halivni, an adjunct professor of religion at Columbia University. "There is a blemish on creation and that blemish may lie dormant, but who knows when it will erupt and devour us? There is a crack in the earth that hasn't healed. That notion sets survivors apart. And Elie gives it expression in literature."

The windows of the study in which Wiesel writes open to a view of Central Park, and from the 10th floor the tufts of trees resemble so many green cumulus clouds. Wiesel works with his back to the view. He sits at a typewriter facing a wall with a framed photograph at eye level, impossible to ignore. The photograph is of the house of Wiesel's childhood, in Sighet, Rumania, and although the picture was taken during the daytime, in the printing the sky was deliberately darkened, so that the house appears forever in the black of night.

The photograph captures both the private loss and the creative imperative of Wiesel. Sighet is dead to him, and so is the boy who grew up there, reading the Talmud and picking apricots on his grandfather's farm. Wiesel emerged from the concentration camps doubting both God and life. "When I was 18," he says, "I was not 18. I was an old man. What I knew then, the teachers of my teachers never knew. What I lived in an hour, people don't live in a generation." Without understanding this, one cannot understand Wiesel or his writings.

In the camps, he heard even a rabbi say, "It's the end. God is no longer with us." Wiesel himself has said, "I believe during the Holocaust the covenant was broken." To him this rupture represented not simply a choice of disbelief, but the shattering of a logic, a prism through which one observed the world. Wiesel entitled his first book "Night," and in what Robert Brown called "the most widely quoted passage in Holocaust literature," wrote:

"Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. . . . Never shall I forget those flames which consumed my faith forever. Never shall I forget that nocturnal si-

lence which deprived me, for all eternity, of the desire to live."

References to living death pervade his work. "Night" ends with Wiesel looking at himself in the mirror upon his liberation and seeing "a corpse" whose look "has never left me." In "Dawn," his second book and first novel, Wiesel wrote, "Sometimes I thought of myself as a living graveyard." The autobiographical character in "The Accident" attempts suicide, and in the short story "The End of a Revolutionary," a man welcomes his execution in an instance of mistaken identity. "For years he had been dead without knowing it," Wiesel wrote. "Now his death would become a fact, a part of reality."

Life, as always with Wiesel, becomes art. To say he is somber is to show restraint. "For years and years," Wiesel says, "I only wore black ties. Strangely enough, at the time I didn't know why. I must've thought it was cheaper to buy a black tie. But now, in hindsight, I see nothing is without a reason." He remains almost a haggard figure, his face ruddy but deeply lined, his hair disheveled, like that of a man perpetually distracted.

"I've never seen Elie give a belly laugh," says Prof. Irving Abrahamson, the Elie Wiesel Research Fellow at Spertus College of Judaica in Chicago. "He'll chuckle; he'll smile; there'll be a twinkle in his eye. But never a laugh from within, a laugh that makes you roll on the floor."

Harry James Cargas, a professor of literature and religion at Webster University in Missouri and the author of a book of dialogues with Wiesel, recalls: "I've been in his apartment twice when he's gotten phone calls from Europe to tell him that a survivor he didn't even know had committed suicide. They just wanted him to know. And Elie seemed to absorb it into this perpetual state of profound sadness."

Wiesel's arm, after all, will always bear the number A-7713. Nightmares about ghetto life, the camps, and his father still jar him awake and, after nearly 40 years, he has given up hoping they will cease. From a survivor's standpoint, much of life after the camps seems trivial, almost unreal.

Wiesel remembers the wait when his novel, "A Beggar in Jerusalem," was contending for France's Prix Médicis, which it did win. "My publisher was terribly excited and I was phlegmatic," he says. "At one point, he said, 'Don't you care?' And I said that if something bad happens to me, I close my eyes and see myself in 1945 and what was bad doesn't seem so bad. And when something good happens, I think of myself in 1945 and I say this isn't so good. Whatever happens today is more real and less real. Survivors are more sensitive. The slightest thing can hurt, and yet nothing can hurt. You go for a walk in the park and shake yourself and say, 'Am I walking?' You hear steps behind you and you think they are different steps, steps from a march."

Several noted Holocaust writers—Tadeusz Borowski, Paul Celan and Josef Wulf—purged their memories by committing suicide. Wiesel himself has contemplated it. He recalls two instances in the early 1950's, both times standing alone beside the railing of ships at sea. "I don't swim," Wiesel says, "and I looked into the ocean and felt the attraction, feeling the depth of all that nothingness. It's Freudian—what he called the oceanic feeling. We are tired. I am tired. My imagination's tired. How can I go on speaking? And awakening? And altering? To just lie down, it feels so easy."

What saved his life was the obsession to write, and thereby to testify. "My temptation was before I had begun to write," he says. "Never since. I had not given my testament. And that was a compelling reason—not to live but to survive."

Elie Wiesel sees himself not as an essayist or novelist in the accepted contemprary vein, but as vehicle, a conduit, a messenger. There appears more than a little self-description in what he wrote in "Souls on Fire" of the Hasidic master, the Maggid of Mezeritch: "He accepted his role as vessel of communication, of executor rather than innovator." Eliezer in "The Accident" calls himself "a messenger of the dead among the living," and messengers and madmen populate virtually all of Wiesel's work. They usually bear apocalyptic tidings and their message often is ignored. Wiesel has also repeatedly drawn witnesses who choose to remain silent: Gregor pretends to be a mute in "The Gates of the Forest," Azriel in "The Oath" takes a vow not to tell of the pogrom in his town and in "The Testament," Grisha bites off his tongue rather than be made to inform on his father. All these characters hint at the two continuing Wiesel dilemmas: how to convey that which is impossible to convey, and how to convince a skeptical world it is true.

"I've written 25 books," Wiesel says, "and every one has been a failure. The feeling is always of inadequacy. I feel it at the beginning of a book, and at the end I'm confirmed. And yet, I really believe I have to write. There's a certain compulsion. I owe it to everybody but myself. I owe it to the dead. I owe it to the living. I find words by accident. Therefore, this accident must have meaning.

"A survivor's testimony is more important than anything that can be written about survivors. It's important for them, important for the world. And for me, that is the most rewarding thing—to free, to open up the survivors. They live clandestinely. What made their being most unique was something they hid. That is most tragic—to suffer and then to suffer for having suffered."

Wiesel's task sets him apart from most other writers, even most other Jewish writers, and so does his style. He draws on two seemingly divergent inspirations: Jewish religious writings and the French existentialists. He derives his taste for storytelling, for tales and parables, from lifelong study of the Bible, the Talmud and the works of the Hasidic masters. In the Prophet Jeremiah, whose lamentations tell of the destruction of the Temple by the Babylonian conquerors of ancient Jerusalem, Wiesel found a special antecedent, a voice he has heard in a Warsaw rid of Jews and on the ground at Babi Yar, where the Nazis slew up to 100,000 Russian Jews.

"I am fascinated by Jeremiah," Wiesel says, "because he foresaw the tragedy, he lived the tragedy and he told the tragedy. And nobody listened. He was thrown in jail and he was ridiculed. Everything that could happen to a person happened to Jeremiah. They burned his book and he started writing it all over again. If I want to talk about today, I talk about Jeremiah, the somber beauty."

Wiesel came under the influence of the French writers, most notably Camus and Sartre, when he lived and studied in Paris, after the war and before he came to the United States in 1956. Their contribution lies not so much in writing style as in personal example. Like them, Wiesel moves in multiple roles: novelist, essayist, speaker, moral voice. His declarations to survive, to live and to love, even after the Holocaust, recalled the leaps of faith that Camus implored readers to risk in "The Plague."

Some critics, in turn, have denigrated Wiesel for sacrificing style to substance. "From book to book, Wiesel has actually been on a forced march from despair to affirmation," Edward Grossman said in reviewing "Biblical Portraits and Legends" in the New York Times. Jeffrey Burke assailed Wiesel's "tendency to sacrifice the demands of craft to those of conscience," in his Times review of "The Testament." But to Wiesel, these are compliments.

"This is what I demand from literature: a moral dimension," he says. "Art for art's sake is gone. We cannot allow it. Just to write a novel, that's why I survived? It would have been cheap, pitiful, to go through what all my generation went through to go to cocktail parties, to enjoy sales of books, to get a good review. It would be absurd."

The subject turned to Ezra Pound, the renowned poet and self-proclaimed Fascist who broadcast anti-Semitic tirades during World War II, and to more tolerant writers, such as Ernest Hemingway and Archibald MacLeish, who intervened to spare Pound from trial for treason. "I am more demanding of writers," Wiesel says. "If you have the gifts, you have the responsibilities. The responsibility to be moral. The responsibility for the way your writings are interpreted. It is too easy to say Pound didn't mean it when he made his radio broadcasts. What do they mean, 'He didn't mean it'? He was on the side of the darkest forces."

Wiesel has applied his vision of morality to myriad topics. Only "Night" focuses solely on his concentration camp experience, but, as he has pointed out, several of the novels that followed examine the options for survivors—suicide in "The Accident," political action in "Dawn," madness in "The Town Beyond the Wall," faith and friendship in "the Gates of the Forest." He has dealt with the repression of Soviet Jews in nonfiction ("The Jews of Silence"), fiction ("The Testament") and drama ("Zalmen, or The Madness of God"). He has written extensively on biblical and Hasidic figures and on contemporary topics such as the Palestinians and the New Left in West Germany.

His views have found a growing and responsive audience, but not entirely for their literary or reportorial merit. "His novels are significant, but they are not novels of great style," says Geoffrey Hartman, a professor of English and comparative literature at Yale University. "If you separated the fiction from the man, they wouldn't have the same impact."

The phenomenon of Wiesel's popularity, then, derives from disparate factors. Questions of style aside, he has captured, as have few others, the survivor's experience in accurate and moving ways. Cynthia Ozick, an American Jewish author, recalls that after one of her short stories about survivors appeared in The New Yorker, a survivor wrote to her saying Elie Wiesel, not anyone else, told their story. Dr. Robert Jay Lifton, a psychiatrist and author who has studied survivors of both Hiroshima and the European concentration camps, finds a certain psychological truth in Wiesel's work. "The survivor's main task, psychologically," Dr. Lifton says, "is to give inner form to his experience, to give it significance, meaning. A central way to give meaning is to tell the

tale. Wiesel does that again and again. One can see his work as a creative struggle within the survivor's task."

But circumstance and timing also helped Wiesel. When the trial of Adolf Eichmann in 1961 and the Six Day War in 1967 spurred interest in the Holocaust, Wiesel was already an established author on the subject. And unlike other Holocaust authors—Borowski, Primo Levi, Yehuda Elberg, Arnost Lustig—he was both widely translated in English and widely distributed.

Wiesel can also appeal through different guises. For those who do not read him, or have read only a few of his books, he is an active and an extraordinarily compelling teacher and lecturer. Professor Cargas of Webster University recalls that after one speech by Wiesel in St. Louis, the audience spontaneously burst into Jewish folk dances. After Wiesel spoke at a Holocaust Commission ceremony at the White House, President Reagan reportedly was so moved that he discarded his prepared text and spoke spontaneously of never supporting tyrants and dictators.

Wiesel possesses what might be called reverse charisma; he transfixes audiences not with bombast but with a soft, weary voice, punctuated by silences. It forces a listener to perch on the edge of the seat, neck extended, ear turned to the lectern to catch every utterance.

"He speaks words that sound a thousand years old," Tim Tyler, a Yale student, said when Wiesel taught a seminar there last fall on the literature of suffering. "It's his eyes, I think, that make you listen to each word with such credulity. Wisdom is too glib a word. When I looked at his hands, I wondered what happened to those hands. I saw a scar on his chin. How did it get there? He's almost like a relic."

A man once persecuted by those who called themselves Christians, Wiesel now has received more honorary degrees from Christian colleges than from Jewish ones. A modern man versed in tradition, a scholar of Judaism without *peyes* (sidelocks) or a beard, Wiesel speaks of spiritual matters without alienating secular listeners. Says the author of a leading history of American Judaism: "He seems to provide a lot of answers to a Jewish community with a lot of spiritual barrenness, a lot of baroque institutions, a lot of money."

Wiesel has special appeal to the young. "Kids being kids, they want to see the world in drama and in pure terms, and Elie does that without being purely dramatic," says Neil Reisner, a 31-year-old writer specializing in Jewish topics. "Look at me: My parents were basically assimilated. My grandparents didn't talk about the old country. What Elie represents is a past I didn't have a sense of. Elie tapped into an ethnic movement in the 60's. He appealed to young Jews looking for authenticity and he attempted to work traditional Jewish values into contemporary, daily life."

Wiesel's appeal, however, sometimes borders on a cult of personality. "Let's face it," says Yale's Professor Hartman, "Elie's a hero." Almost a decade ago, Rabbi Eugene Borowitz wrote in the journal Sh'ma that Wiesel "is the closest thing we have in the Jewish community to a superstar."

"The problem is not Elie," says a Jewish novelist. "The problem is *us*. It's the problem our generation has in coming to terms with the documents of the Holocaust themselves. We have turned the messenger into the message. Many people who have not sat down with a Jewish history don't have any context for what Wiesel says, for the Holocaust itself. They don't know what happened. So there's this amorphous desire to lament, to romanticize, and it seizes on a person. Into the vacuum comes a type of idol making."

Wiesel winces in discussing this adulation. In "The Accident," Eliezer is told, someone "thinks you're a saint" because "you suffered a lot . . . only saints suffer a lot." Eliezer responds, "What a joke. Saints are dead. . . . But me, look at me, I'm alive."

Eliezer Wiesel was born on Sept. 30, 1928, in Sighet, Rumania, a small commercial town on the present-day border of the Soviet Union. Fittingly, the day was Simhat Torah, the holiday on which Jews finish reading the Torah for one year and begin anew for the next, for humility before God guided Wiesel's childhood.

"During the day I studied the Talmud, and at night I ran to the synagogue to weep over the destruction of the Temple," he recounted in "Night." Dodye Feig, Wiesel's grandfather, charmed him with tales of the great Hasidic masters, who were not only religious theorists but charismatic evangelists. In the secular realm, Wiesel's father, Shlomo, a shopkeeper, bought him books by Freud, and his mother, Sarah, quoted Goethe and Schiller by heart. "Novels, I thought childish," Wiesel wrote later, "and reading them a waste of time."

Isolated in the Carpathian Mountains, Sighet (which was part of Hungary from 1940 to 1945) almost escaped the cataclysm engulfing Jews elsewhere in Europe; not until Passover week of 1944 did the Nazis and their collaborators deport the town's 10,000 Jews. Wiesel's father and mother and the youngest of his three sisters, Tziporah, died in the concentration camps. (His two other sisters, Hilda and Batya survived. Batya died eight years ago; Hilda lives in France.)

Wiesel has returned to Sighet only once, 20 years after being deported. The town's so-called "Jews Street" had been renamed "Street of the Deported," and it was deserted. In the kitchen of Wiesel's old house, where once hung a photograph of a Hasidic leader, a cross dangled. He went to the family garden and unearthed the bar-mitzvah watch he had buried as the Nazis advanced, only to find it "covered with dirt and rust, crawling with worms, unrecognizable, revolting." The discovery, he has written, was "the epilogue to my childhood."

As soon as he was liberated from Buchenwald, he decided to tell his tale. But he vowed, he says, that he would not begin, would not even speak of his experience, for 10 years. Instead, he studied at the Sorbonne and reported from Paris for an Israeli newspaper. "Night" was born on the day Wiesel interviewed Francois Mauriac, a Nobel laureate and a devout Christian. "He was talking about Christ," Wiesel recalls, 'and I simply said to him. 'Ten years ago I knew hundreds of Jewish children who suffered more than Christ did and no one talks about it.' And he wept. He said, 'You know, you should talk about it.' And that moved me more than anything."

Writing in longhand, Wiesel produced an 800-page memoir in Yiddish, entitled "And the World Kept Silent." After publication of the book in 1956, Wiesel hewed from it the harrowing 127 pages of "Night." "It had to be something so austere, so sober," he says. "Pure as a police report." With the endorsement of an introduction by Francois Mauriac, "Night" attracted some acclaim in Europe after its original publication in French in 1958.

But Wiesel's message went virtually unheard in the United States. His agent, Georges Borchardt, spent a year trying to sell "Night" to an American publisher. Dozens turned it down. Typical was a rejection letter from Scribner's that said, "We have certain misgivings as to the size of the American market for what remains, despite Mauriac's brilliant introduction, a document." Finally, in July 1959, Hill & Wang purchased "Night," paying Wiesel an advance of $100. In the first 18 months after its publication in the United States, "Night" sold only 1,046 copies.

Wiesel remembers being asked to lecture about "Night" to a Jewish men's club in 1960. He prepared his talk for two months, but on the way to the lecture "it hit me they must have made a mistake," and did not realize the book was a concentration-camp memoir—hardly a popular subject. So Wiesel told the audience his book was a romance set in an earlier century. No one objected, because no one had read or even heard of the true "Night."

Rabbi Irving Greenberg recalls inviting Wiesel to speak at the Riverdale Jewish Center in New York in 1965. "I spoke of Elie for months ahead," says Rabbi Greenberg, who is now president of the National Jewish Resource Center, "about what an extraordinary man and speaker he was, about how important a program it would be." From a congregation of 450 families, 30 people showed up. "When I asked people afterward why they didn't come," Greenberg says, "the answer was people didn't want to hear about the Holocaust. And these were Jews—religious, committed, activist."

All that has changed now, perhaps having tilted too far in the other direction. But Wiesel still wonders whether he reaches people. "A number of times he would come back from a lecture," says Warren P. Green, the director of the St. Louis Center for Holocaust Studies, "and talk about the hundreds of people who had come, and they say, 'But what about those who did not come?' " Marion Wiesel says: "A friend will call and tell me Elie outdid himself in a lecture. When Elie calls me, I'll ask how it went and he'll say, 'It could've gone better.' "

One scene in "A Beggar in Jersualem" crystallizes the doubts, the insecurity bordering on paranoia. A character has miraculously survived execution and the would-be executioner tells him: "One day you will regret it. You'll speak, but your words will fall on deaf ears. You'll try to incite people to learn from the past. . . . They will refuse to believe you. . . . You'll curse me because you possess the truth, the truth of a madman."

That scene almost amounts to prophecy. Beneath the public veneer of support and acclaim, controversy swirls around Wiesel. He estranged some of the Jewish organizations that endorsed the television series "Holocaust" when he denounced it as a "trivialization" of the experience. Some leading critics—most of them, interestingly, New York Jewish intellectuals—say Wiesel's writing of the past 15 years rings of phoniness and that his lectures smack of performance.

Little of the criticism ever becomes public. Two leading critics told of declining offers to review Wiesel's books rather than make known their negative opinions, and these critics, as well as others, will speak candidly of Wiesel only when guaranteed anonymity. They will not challenge Wiesel in public because he has survived something they never even experienced.

And yet they are the same people who socialize with Wiesel, share common friends. It can seem insidious. "Elie's looked down upon in a whispering campaign rather than a public critique," says a literature professor at one of the nation's top universities who is also a contributing editor to a major Jewish journal. "People don't level with Elie," says a prominent Jewish historian.

"Many of us," the professor explains, "began with considerable adulation. You had critics using phrases like 'What I learned from Elie Wiesel,' and a number of us got to know him personally. But with 'A Beggar in Jerusalem,' I started getting very uneasy feelings. Elie's mystical and Messianic stresses had declined into mannerisms—gestures that were hollow, didn't seem convincing. As each new book came out, I read it in the hope the last book had been an aberration. But everything seemed mired in mannerisms—the tormented sage who has come through the crucible of suffering."

Wiesel laughs loudly when asked about his underground critics, which means it must hurt him, since it is not in his nature to laugh loudly at much. "It must be because I do not play the game," he says, "I bother them. I am so atypical of the American Jewish intellectual. I am not part of any group, and they all have their groups. Whatever I have, not one of them helped me. So I elude them."

Marion Wiesel says, "People see that Elie is driven and think it is ambition. But I know that it is something outside him. If Elie is driven, he's not the driver."

It should not appear that every academic thinks Wiesel to be didactic or second-rate. Christian academics like Brown and Cargas have championed his works, and in Europe, Wiesel's new books routinely received prominent and positive reviews. And Yale's Hartman, a naturalized American and a Jew, says: "There is always in Wiesel's writing brinkmanship, a feeling of being on the edge of the precipice, of coming very close to blasphemy without blaspheming. It's genuine. It's so unlike what George Lukacs called the 'Grand Hotel abyss'—people luxuriating in the feeling of their dilemmas, looking at the abyss from their comfortable rooms."

Wiesel, in any case, would hardly slow down or change course to win critical favor; nor do his audiences show any sign of caring what the critics say. Wiesel continues to write four hours a day and takes on so many speaking engagements that, Georges Borchardt says, "if Elie didn't have people to protect him, he'd be attending six bar mitzvahs a day."

A recent Monday was typical. Awake at 5 A.M., Wiesel took the 7 A.M., shuttle to Boston and by 8:15 was seeing students in his office at Boston University, where he is the Andrew W. Mellon Professor in the humanities. He taught his course, "Responses to Jewish Suffering," from 12 noon to 3 P.M., spoke to one of his Ph.D. candidates afterward, and then met with the university's president, John Silber. After delivering a public lecture on Noah at 7 P.M., Wiesel caught the last shuttle back to New York, reaching his apartment at 11 P.M. He went to bed at 1 A.M. and arose five hours later to begin writing. In this unrelenting pace, Wiesel is responding to the pressure of time.

"I am terrified," Wiesel says, "of being the last survivor. You have no idea how many funerals you attend for survivors. You see the same faces, except fewer and fewer of them. How many years do we have left? Five? Ten? Fifteen? On the other hand, every moment is grace. I could have died in '45. In a way I did."

But in more than one way, in the most private choices of a determinedly private man, Wiesel has been reborn.

Wiesel insists he has never resolved the question of belief, often summing up his dilemma by saying that the Holocaust could not have happended with God and it could not have happened without God. "The Holocaust has forced all Jews to rethink our principles, customs, beliefs," he says. "It has made us more and less devoted. But something happened; it didn't leave anyone unchanged. Usually, we say, 'God is right,' or 'God is just'—even during the Crusades we said that. But how can you say that now, with one million children dead?"

Yet, on a Saturday morning, Wiesel is likely to be found in a small Hasidic synagogue on the Upper West Side, and, for special celebrations, among the Hasidim in Brooklyn's Crown Heights. He continues to study Talmud and the cabala, the Jewish mystical writings. Rabbi Menashe Klein, the dean of a yeshiva in Brooklyn and one of Wiesel's closest friends, recalls him slipping away from a White House ceremony to light yahrzeit candles in memorial to his parents.

"Suppose I put in *tefillin,*" Weisel says, referring to the small leather case worn as a constant reminder of God. "That is for a personal reason. I say, if I have problems with God, it is not the *tefillin's* fault. In my tradition, my background, the Sabbath was something so personal. If I have problems with God, why should I blame the Sabbath? The Talmud? When you study Talmud you say, all right, if I went through all this and had crises and I had obstacles, why should I blame it on the Talmud.

"At the same time," he continues, "to tell you I'm as observant as I used to be would be a lie. Of course not. Before I had peyes and, if I'd been older, I would have had a beard. If I had stayed in Sighet, these questions of faith would not have been raised. It is a strange feeling. That's why I write, maybe, because the child I used to be still lives somewhere. And I'm looking to find the child. I write to find the child."

Wiesel reincarnates his childhood in his writings about the Hasidim. The biographies and legends harken to those his grandfather told him long ago, and his writings on the subject are as close as he seems capable of coming to whimsy. At the same time, the Hasidic leaders provide a paradigm for Wiesel, the adult and the survivor; his book profiling four Hasidic masters is subtitled "And Their Struggle Against Melancholy."

"I want to show not only how the Jews died, but how they lived before they died," he explains. "And it's so heartbreaking, because they were so beautiful, so innocent. Why couldn't they live? So I try to bring back their joy. They fought with their joy. Their joy was a weapon."

Still, as Rabbi Halivni says, "The notion of rebuilding took Elie longer than most of us. It took him longer to realize you had to pay your homage to Jewish life, to have a wife and family." In Wiesel's books, the autobiographical characters, burdened with their own guilt, often have torturous relationships with women—speaking without loving, coupling without kissing. Marion Wiesel remembers meeting Elie at a time he went days without sleep, sometimes forgot to eat and frightened many women, including her, with his distance.

Their wedding was charged with signs of renewal. With Saul Lieberman, Wiesel's Talmud teacher, officiating, Elie and Marion were married on the eve of Passover, 1969, in the ancient Ramban synagogue in Jerusalem. On the preceding Saturday, the men in Wiesel's Hasidic house of study had surprised him with their own ceremony. They sang and danced around Wiesel and showered him with fruit and candies, the symbols of fertility. And Wiesel cried, something unusual. "I do cry when I'm alone, but never in public," he says. "But this type of crying could be liberating."

Those who know Wiesel say that Marion has brought a serenity to his life, that he even looks healthier since their marriage. Marion is one of the few people, others being Rabbi Halivni and Rabbi Klein, with whom Wiesel shares his private life. He gives the royalties from his Holocaust-related books and lectures to Rabbi Klein's yeshiva, and has donated other income toward building a synagogue in Jerusalem as a memorial to his father.

Wiesel likes to drop from sight on his frequent trips to Europe, not even telling his literary and personal agents of his whereabouts. Wiesel's passions—chess, music, Talmud study and reading—reinforce his solitary nature. He favors classical music, particularly Baroque music, requiems and chorales, and he reads widely—always in French, reading American authors in translation. His taste runs from Sartre, Malraux and Mauriac to Claude Lévi-Strauss, Bernard-Henri Lévy, a young, philosopher, and Saul Bellow and Bernard Malamud. Wiesel does not drink alcohol and appears indifferent to all food but chocolate, the sweet touchstone to his childhood.

Perhaps the most profound change in him came with the birth in 1972 of his son. When Elisha was 2, Wiesel already was bragging to friends that the boy's favorite toy was a typewriter. He calls his son every day, no matter where he is—once from the Cambodian border—and takes him on any trip of more than a week. But one day when Elisha was 6 or 7, sooner than Wiesel imagined it would happen, the boy asked the inevitable question.

"He noticed my number," Wiesel says. "And he said, 'What is this?' I was taken aback. I didn't know what to answer. He said, 'Did wicked people do it?' And suddenly he said, 'Why don't I have a grandfather? Tell me where my grandfather is.' I didn't speak for this entire time. Finally, he said, 'Was it like Pharoah in Egypt, who wanted to kill all the Jews?' And I didn't say anything. I never have told him. I tell him about Sighet. The way it used to be Shabbat at home. What my father used to do, what my mother used to do. That, he should know. The evil deeds, I don't want to tell them. He has them. Almost genetically."

But the past is no longer argument enough against what Wiesel calls the "existential bet" of living.

"There was a group in ancient Israel called the Pharisees," Wiesel recalls, "who decided after the destruction of the Temple not to have children. And they were overruled by the Rabbi Ishamael. He said, 'What do you mean? If you do not have children because the Temple was destroyed, then you should not drink wine because wine was drunk in the Temple. And you should not eat meat because meat was eaten in the Temple. If you stopped having children, you'd stop life. And you cannot stop life.' You have to go on. Eat meat. Drink wine. Have children. And, I suppose, write books."●

THE MILITARY IS NOT "HOBBLED"

● Mr. GARN. Mr. President, the Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations, Tidal W. McCoy, recently wrote a letter to the editor of the Washington Post in response to an article by David and Morton Halperin.

Two years prior to accepting his current position, Ty served as my assistant for national security affairs. During that time, I came to respect his reasoned counsel and tireless dedication to a strong national defense posture. It is with that same thoughtfulness and determination that Ty has served under President Reagan, and it is for these reasons that I would like to bring his views to the attention of my colleagues concerning the important matter of DOD organization.

I believe that Ty makes a cogent case in support of the current organizational structure of DOD, while recognizing that the importance of leadership will always remain paramount. I ask that his article be printed in the RECORD.

The artricle follows:

[From the Washington Post, Jan. 28, 1984]

THE MILITARY IS NOT "HOBBLED"

(By Tidal W. McCoy)

The thesis of David and Morton Halperin's article ["How the Military Hobbles Itself," op-ed, Jan. 6] seems to be that the root cause of all Department of Defense problems—from employment and deployment of forces to procurement of weapons systems—is the inefficient division among the armed services of military roles and missions. The article states that the decisions made by Secretary of Defense James Forrestal and the Joint Chiefs of Staff at a 1948 meeting in Key West have resulted in a situation where parochialism and inefficiency are now the rule of the day.

I take issue with these statements. The authors clearly do not understand the nature of strategy and tactics, and the organization necessary to carry them out in the pursuit of U.S. security interests.

The Department of Defense today is organized into three basic sets of structures. The first and best known are the military departments—Army, Navy and Air Force—which are responsible for recruiting, training and equipping the military forces. The second are unified and specified commands, such as the Strategic Air Command, the European Command, etc., which are charged with deploying and employing the military forces for peacetime deterrence and wartime actions, if required. Third, the defense agencies, such as the Defense Logistics Agency and the Defense Intelligence Agency, perform functions that can be most usefully undertaken by central authority within the Department of Defense—where the secretary and deputy secretary of defense are able to coordinate their activities, working through a senior staff of assistant secretaries of defense who are organized along resource, regional and functional lines.

The authors point out that the unsuccessful hostage rescue mission in Iran in 1980, as well as the actions in Grenada, are evidence of inefficient organization. I would suggest that the real problem and the real distinction between Grenada and Iran were not to be found in organizational issues but in the leadership that was provided in each case. The unsuccessful rescue mission in Iran in 1980 was caused by indecision and interference from the White House down through the Joint Chiefs of Staff. The successful action in Grenada, with only two days to plan it, was an example of how the DOD can be flexibly organized to focus its efforts rapidly to achieve a specific and well-thought-out objective.

As any good manager knows, while organization is important, leadership is paramount. That is not to say that military turf battles do not occur and that efficiencies cannot be obtained. Nonetheless, the current organization provides a perfectly adequate framework for adjustment to changing requirements.●

COURT UPHOLDS COOPERATION IN IMMIGRATION LAW ENFORCEMENT

● Mr. GRASSLEY. Mr. President, I have been working for several years to increase the level of enforcement of our immigration laws. For the last 2 years I have suggested that one of the most effective means of enhancing enforcement of our immigration laws while insuring that immigration laws are enforced uniformly and without undue hardship to any alien is to increase the amount of cooperation between Federal and State or local law enforcement officials.

I am pleased to report to the Senate that the Federal Ninth Circuit Court of Appeals, a body not often in agreement with me on immigration enforcement, has decided once again that such cooperation is constitutional, consistent with our immigration laws, and necessary for the successful enforcement of those immigration laws.

My amendment to encourage such cooperation between State and local law enforcement officials and Federal immigration authorities was adopted during the early consideration of the Simpson-Mazzoli immigration reform bill. Although the amendment did not survive the amendment process, I am pleased to see that interest is again beginning to grow in this type of cooperative federalism.

My amendment proposing renewed interagency cooperation for immigration control is not really new. There has always been some degree of cooperation between all agencies engaged in law enforcement. In fact, immigration officers and law enforcement officials at the State, county, and municipal level have often cooperated effectively in enforcing immigration law, even though this cooperation has always been on an ad hoc basis, varying from State to State, district to district, and from official to official.

In 1978, however, then-Attorney General Griffin Bell issued a directive to Federal immigration officials which indicated that only the Immigration and Naturalization Service had the power to enforce the immigration laws. The Bell directive was used for several years to stop cooperation between Federal and State law enforcement officials. Not until last year did the Department of Justice, under the able leadership of Attorney General William French Smith, reverse this restriction on intergovernmental cooperation.

The hovoc wrought by the Bell directive is best illustrated, Mr. President, by the situation in Wisconsin during the period in which the Cubans entering from Mariel Harbor were processed at Fort McCoy. Cubans waiting at the camp would scale the walls and escape the camp. But Wisconsin authorities would not detain the escapees because the Wisconsin attorney general had issued a ruling saying that local police could be liable for false arrest suits based on the Bell directive. I saw the same situation elsewhere.

The Ninth Circuit Court of Appeals case which upheld such cooperation, *Gonzales* v. *City of Peoria, Arizona*, No. 82-5432 (Dec. 16, 1983), recognizes this historical pattern as both constitutional and desirable. In this case, local police had detained certain aliens for immigration authorities after the police had found probable cause to believe that the aliens were in the United States illegally. The plaintiffs claimed that such "immigration holds" violated their constitutional rights.

The opinion looked to congressional intentions, and found that, according to the conference report on the Immigration and Nationality Act, "• • • other (that is, non-Federal) officers whose duty it is to enforce criminal laws would have authority to make an arrest for a violation of a provision of the act." (Conf. Rept. No. 1505, 82d Cong., 2d Sess. reprinted in 1952 U.S. Code & Ad. News 1360, 1361.) The court also looked to State law and found that the local police in this situation were required by State law to enforce the provisions of the immigration laws.

More importantly, however, the court found that such cooperation, where police satisfy all of the normal requirements of the fourth amendment, was constitutional. Some observers had criticized my amendment on the grounds that aliens' constitutional rights would be violated by such cooperation. I believe that this decision, in combination with other decisions which clearly demonstrate the constitutionality of enforcement of immigration laws by State and local officers, *see, e.g., Testa* v. *Katt*, 330 U.S. 386, 389-91 (1947), has laid that objection to rest.

Attorney General Smith's decision to begin cooperation again is welcome. I believe, however, that the long-term

interests of the country would be served by placing such cooperation on a firm statutory basis not subject to the interpretative whims of administration officials such as former Attorney General Bell. Thus I am pleased to hear that an effort may be made to reintroduce my amendment during consideration of the version of the Simpson/Mazzoli immigration reform bill now pending in the House of Representatives.

The Select Commission on Immigration and Refugee Policy recommended that an immigration enforcement system be in place before major immigration reforms, such as amnesty or employer sanctions, are enacted into law. I fully agree with those recommendations, and add observations based on the collective enforcement experience of immigration officers. Interagency cooperation is needed, more so now than before as we move to implement the new provisions of the Simpson/Mazzoli bill in a period of budget tightening.

Without consistent and sensitive cooperation from local law enforcement agencies, the Immigration Service cannot effectively enforce immigration laws within the United States. The border patrol associations, both active and retired, along with the National Sheriff's Association, enthusiastically support intergovernmental cooperation. It is time we gave them some much needed assistance.●

COSPONSORSHIP OF SENATE CONCURRENT RESOLUTIONS 88 AND 89

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two resolutions designed to explore more fully a series of the most despicable actions by any government in the Western Hemisphere in the 20th century. I refer to the involvement of the Government of Cuba in aiding and abetting international narcotics smuggling.

When I held hearings on this subject last year in New York City, it was already evident that the government of Fidel Castro had launched a program using narcotics to undermine our society, while bolstering terrorist activities in our hemisphere. The diligence of Drug Enforcement Administration agents uncovered a multimillion-dollar smuggling operation that uses the island of Cuba as a way station for the funneling, by drug czars of South America, of incredible amounts of marihuana, cocaine, and methaqualone into our country.

Today there is additional evidence that the Castro regime has adopted a policy of supporting and profiting from this ugly enterprise. Testimony of former coconspirators over the past several years has demonstrated that Cuba has consistently used the narcotics trade to fund terrorist groups in Latin America. In at least one instance, Cuba used the smuggling operation to provide black-market weapons for a Marxist guerrilla operation in Colombia. Why has the world community refused to register its collective disgust with such practices?

Senate Concurrent Resolutions 88 and 89 seek to present this matter before two international organizations so that the full truth of the Cuban involvement in the narcotics pipeline from South America can be displayed to the world. By introducing the evidence of willful violations of all norms of international decency before the Organizations of American States and the United Nations, we will bring to bear the full brunt of international outrage on this crime against humanity.

I commend the Senator from Florida for seeking to focus the world's scrutiny upon the actions of Cuba. Both New York and Florida are victims of the Castro-backed smuggling operations. We know what it is like for our States to fight the frontline battles in the war against narcotics. We have both walked through once secure neighborhoods that have become the "turf" of drug pushers. I join him now in condemnation of a renegade government that seeks to undermine the societies of neighboring countries through narcotics trafficking. This body must not allow the Organization of American States and the United Nations to sweep such lawlessness under the carpet of indifference.

Mr. President, I ask to have printed in the RECORD the statement of James H. Michel, Deputy Assistant Secretary of State for Inter-American Affairs, delivered before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee and the Subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee on April 30, 1983.

The statement follows:

CUBAN INVOLVEMENT IN NARCOTICS TRAFFICKING

I am very pleased to appear before you to testify on Cuba's involvement in narcotics trafficking. This is a subject of importance to the Administration. We have been following closely events relating to this drug traffic because it is a clear and evident danger to the United States.

In his testimony on March 12 of last year, Assistant Secretary Enders described to you the first detailed and reliable information we had obtained linking Cuba to trafficking in narcotics as well as arms. Much of that information was based on the activities of Colombian drug trafficker, Jaime Guillot Lara, who was in custody in Mexico.

Since that time, four high Cuban officials have been indicted by a Florida grand jury, and the United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean for at least the past 2 years. They have done so by developing a relationship with key Colombian drug runners who, on Cuba's behalf, purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia. In return, the traffickers received safe passage of ships carrying cocaine, marijuana, and methaqualone through Cuban waters to the United States.

We are now able to provide some further details on the Cuban-Colombian traffickers' M-19 nexus. We are also prepared to provide briefings on more sensitive information—in a closed session.

We now have information that Guillot started his narcotics trafficking activity under official Cuban protection during the summer of 1980. His arrangement with the Cuban authorities assured him safe passage through Cuban waters in return for payoffs at the Cuban Coast Guard station on the Cuban north coast across from Andros Island, The Bahamas.

In addition to provision of safe passage, Cuban officials maintained close coordination with Guillot. His contacts included, at the Cuban Embassy in Bogota, Ambassador Fernando Ravelo Renedo and Minister Counselor Gonzalo Bassols Suarez, both members of the American Department of the Cuban Communist Party's Central Committee. He also dealt with an America Department official in the Cuban Embassy in Mexico. Bassols urged Guillot to work with the M-19. In November 1981 he reportedly "loaned" Guillot $10,000 with which to purchase 500 kilograms of cocaine on behalf of the M-19 and arrange its shipment to the United States. We also know that Guillot, fearing arrest by the Mexican authorities, at one point considered taking refuge in the Cuban Embassy in Mexico to avoid arrest and was told by a Cuban contact there that "Fidel" had instructed the Cuban Embassy to protect him.

At one point, Guillot received a Nicaraguan visa from the Nicaraguan ambassador to Mexico, who apparently acted on a request from M-19 military leader Bateman. We know from separate sources that in early 1982 the Nicaraguan Government was negotiating the sale of a DC-6 aircraft to a known Colombian drug runner. Whether or not this indicates a Nicaraguan role is not clear from the information available, but this is something we will be examining closely.

We have a report that the Communist Party Presidium, and specifically Fidel Castro, in early 1979 considered a scheme to begin dealing with narcotics smugglers using Cuba as a bridge and support base for the networks to the United States as a means to aid Cuba economically and to contribute to the deterioration of American society. Also during an interview with Colombian journalists in October 1982, Fidel Castro described Guillot as a "good friend of Cuba." Castro's later statement to the "Caracol" Colombian news agency in January 1983 that Cuba detains some Americans involved in narcotics trafficking is true in itself, but this does not preclude Cuba from also using the drug weapon as it sees fit.

We cannot expect the Cuban Government to acknowledge its involvement in drug trafficking to the United States. But the evidence clearly indicates more than a case of corruption by local or mid-level security officials in Cuba. The association with Guillot of the Cuban Embassies in Mexico City and Bogota and officers from the America Department of the Cuban Communist Party Central Committee gives strong indication of official policy approval.

Narcotics trafficking has apparently been sanctioned by Cuba as a means to finance

subversion in Latin America. The Administration is determined to discover the exact extent of Cuban involvement in narcotics. Let me assure you that we attach a particularly high priority to any evidence of Cuba's use of narcotics as a weapon against this country.●

LOVE A LENTIL

● Mr. GORTON. Mr. President, I rise today in praise of two of the most nutritious but underappreciated foods known to man—dry peas and lentils. These delicious vegetables are high in protein and mineral content, easily shipped, handled and stored, and quite inexpensive.

Washington is proud to be America's leading producer of dry peas and lentils. Today, a group of farmwomen called PALS, who volunteer their time to promote these foods, are carrying out a program in my State called "Helping Out with Peas and Lentils." They have arranged for the donation of tens of thousands of pounds of dry peas and lentils to food banks in the Seattle and Spokane areas. They will also be serving lentil soup to legislators and visitors at the State capitols in Olympia and Boise. Governor Spellman will proclaim today as "Washington State Lentil Day."

I am pleased to join PALS today in celebrating the lowly lentil and the diminuitive dry pea, two of Washington's finest gifts to the Nation and the world.●

AMERICAN HEART MONTH

● Mrs. HAWKINS. Mr. President, I would like to bring to the attention of my colleagues, that the month of February is by congressional resolution and Presidential proclamation, American Heart Month. Over 42 million Americans have some form of heart or blood vessel disease. Together cardiovascular related diseases kill almost as many Americans as all other causes of death combined. Heart disease then clearly remains America's No. 1 killer accounting for nearly 1 million deaths annually. Extensive scientific studies have identified several risk factors as contributors to an increased risk of heart attack and stroke. These risk factors include age, race, sex, cigarette smoking, high blood pressure, and elevated blood cholesterol. Of these, three are modifiable. As a member of the Senate Committee on Labor and Human Resources I am of course very concerned about the high incidence of cardiovascular disease in the United States. I am particularly distressed that cigarette smoking continues to remain a serious health hazard to the American public. Each year, over 300,000 people in the United States die from smoking related deaths—that is, one out of every seven deaths. Another 10 million suffer some form of debilitation. Last November, the Surgeon General of the United States released his report, "The Health Consequences of Smoking—Cardiovascular Disease." The findings of this report are significant and staggering and during this month I feel it appropriate to bring some of these findings to the attention of the Senate.

First. Cigarette smoking is a major cause of coronary heart disease in the United States for both men and women. Because of the number of persons in the population who smoke and the increased risk that cigarette smoking represents, it should be considered the most important of the known modifiable risk factors for CHD.

Second. Overall, cigarette smokers experience a 70-percent greater CHD death rate than do nonsmokers. Heavy smokers, those who consume two or more packs per day, have CHD death rates between two and three times greater than nonsmokers.

Third. The risk of developing CHD increases with increasing exposure to cigarette smoke, as measured by the number of cigarettes smoked daily, the total number of years one has smoked, and the degree of inhalation, and with an early age of initiation.

Fourth. Cigarette smokers have a twofold greater incidence of CHD than do nonsmokers, and heavy smokers have an almost fourfold greater incidence.

Fifth. Cigarette smoking is a major independent risk factor for CHD and it acts synergistically with other risk factors—most notably, elevated cholesterol and hypertension—to greatly increase the risk of CHD.

Sixth. Women have lower rates for CHD than do men. In particular, CHD rates for women are lower prior to menopause. A part of this difference is due to the lower prevalence of smoking in women, and for those women who do smoke, to the tendency to smoke fewer cigarettes per day and to inhale less deeply. Among those women who have smoking patterns comparable to male smoking patterns, the increments in CHD death rates are similar.

Seventh. Women who use oral contraceptives and who smoke increase their risk of a myocardial infarction by an approximately tenfold factor, compared with women who neither use oral contraceptives nor smoke.

Eighth. Cigarette smoking has been found to significantly elevate the risk of sudden death. Overall, smokers experience a two to four times greater risk of sudden death than nonsmokers. The risk appears to increase with increasing dosage as measured by the number of cigarettes smoked per day and diminishes with cessation of smoking.

Ninth. The CHD mortality ratio of smokers is greater for the younger age groups than for the older age groups. Although the smoker-to-nonsmoker mortality ratio narrows with increasing age, smokers continue to experience greater CHD death rates at all ages.

Probably one of the most staggering conclusions of the report is that cigarette smoking has been estimated to be responsible for up to 30 percent of all coronary heart disease deaths in the United States each year and that unless Americans change their smoking habits, as many as 10 percent of all persons now alive may die prematurely of heart disease attributable to their smoking habits.

As many of you know, the Senate Committee on Labor and Human Resources reported S. 772, the "Smoking Prevention, Health and Education Act of 1983," to the full Senate last year where it awaits consideration. I ask my colleagues to carefully review the objectives of this legislation and to lend their support for it. It is indeed time that we as legislators take responsible action for what the Surgeon General has called the single most preventable cause of death in the United States.

I would also like to commend the American Heart Association for its efforts both in my State of Florida and nationally and for its dedication to the reduction of premature death and disability from cardiovascular disease.●

TRIBUTE TO JOHN AYERS MERRITT

● Mr. SASSER. Mr. President, although his accomplishments were legion, what we realized with the death on December 15, 1983, of John Ayers Merritt, head football coach of Tennessee State University, was how much we would all miss him.

Everything about Coach Merritt was larger than life, even larger than his 233 career victories. He was a giant of a man who maneuvered through life in a constant cloud of cigar smoke. He would have caused fear and trembling among us lesser mortals but for his radiant good nature and his constant wit. But even that is not what set him apart. What made him priceless was the way he loved us all, most particularly his players.

Big John Merritt was born in Kentucky. There was not even a high school for blacks where he grew up, so he took himself off to live with an aunt in Louisville to earn a diploma. He paid his way by hauling garbage after school. But once he discovered football, his career was set. Kentucky State University lured him with a football scholarship, and he stayed there until he had won his master's degree.

When he was 24 years old, Big John put away thoughts of entering the ministry and began a 10-year coaching stint at Jackson State in Mississippi. By 1962, he was named black coach of the year. The next year, he moved to

Nashville to pick up the reins at Tennessee State University and to make football history. But his real reason for the move was not football at all—it was to be closer to his aging parents. His players soon found out what the world realized later—underneath the pranks and the yarns there lurked a saint of a man.

The next 20 years are part of the history books. Big John's teams at Tennessee State won 173 games and lost only 34, with 6 ties. Now, that is incredible.

In 30 years of college coaching, John Merritt's winning percentage was 77.5, the highest in the history of football. I am positive it turned out that way because Big John taught his players something more than strategy—he taught them how to care.

In the olden days, football recruiting was personal wooing, and Big John beat 'em all at wooing. He never lost a parent, and seldom the son he wanted for his team. He would tramp around the hollows, the plumes from his cigar ever present, and pull up a chair in some remote living room to practice his inimitable wizardry. He was impossible to resist.

Later, as Ivy League opportunities opened up for even the poorest blacks and rival training tables groaned with the steaks Tennessee State could not afford, Big John still managed to snare almost every player he set his cap for. It showed. Tennessee State achieved four undefeated seasons and six national championships.

For the rest of us, who could not play football on his teams, there were his legendary appearances and speeches and visits. With an unlimited supply of folklore and anecdotes, he was in a class by himself. That was because the spirit of John Ayers Merritt always shone through. In a way, Big John never really gave up the ministry.

Mr. President, I ask that a series of newspaper articles about Coach Merritt be in the RECORD immediately following my remarks.

The articles are as follows:

[From the Nashville (Tenn.) Tennessean, Dec. 18, 1983]

"BIG JOHN" HAD STYLE ALL HIS OWN—TSU'S JOHN MERRITT: NOTABLE AND QUOTABLE

(By John Bibb)

It's Robert Browning's line, and somehow on this particularly sad weekend, it's a thought that helps us remember John Merritt as the sort of man who ". . . liked whate'er he looked on, and his looks went everywhere . . ."

I've an idea Big John is chuckling, right now:

"Hey, Baby, who is this Browning dude? He talks a big game, but can he rush the passer?"

Of course, John Merritt would have said it with a flavor all his own because when it came to putting words together, the legendary Tennessee State University football, coach whose funeral is tomorrow, was in a class by himself.

For instance, his "quick as a hiccup" expression to describe a superfast player has found its niche in football lore. It's pretty well established, too, that Merritt's postgame press conferences often were as creative and exciting as the game itself. He was as "quotable" as any person in any field of sports.

"It doesn't make sense to get a reporter's attention and then not have anything for him to write, does it?" Merritt once said when we were engaged in a rather pointed conversation. It was on an occasion when he had said one thing after a game Saturday night, and by the time of his television show Sunday afternoon he was huffing and puffing and telling all the world he had been misquoted:

". . . what you read in *The Tennessean* this morning ain't what I said at all. But, I'm still friends with those fellows down there at the paper. They just got a little mixed up on my quotes . . ."

It was frustrating to deal with Merritt in such instances, for neither notes, witnesses nor tapes of a suddenly vehemently-denied remark, were sufficient evidence for him to admit he was in error.

"Come on, now Baby," he'd growl back of a billowing cloud of cigar smoke, "look at it this way. So, we got ourselves a little misunderstanding. So, you got yourself a good story Saturday night, now you got yourself another one today. Can't beat that, can you? That ought to sell those newspapers—and it ain't gonna hurt the television rating, either. Right?"

I'm convinced his picturesque language was as carefully well-orchestrated as many of his hundreds of football stratagems. For instance, in routine everyday conversation, you seldom heard "ain't," but put him on a speaker's platform, behind a microphone or across the table from a sports writer, and Merritt seemed to have his answers preplanned, complete with the homillies that made him a choice after-dinner speaker or interview.

His keen sense of humor left many an audience roaring, and at the same time, I don't believe there has ever been a coach with more compassion, more genuine interest in a player, than John Merritt.

One Monday morning several seasons ago, after a particularly lopsided Tennessee State victory, I was wondering why he didn't sit down and put his football philosophy on paper. I suggested such ideas would be text book material.

"What you talking about?" he laughed. "Ain't nobody gonna listen to me, cause what I tell a boy about playing football he already knows."

"Hold on, Coach, you better run that by me again."

"Well, there's two sides to the game. One is the glamour side, like the walk to and from the stadium with your arm around your sweetheart and your picture in the game program. The pro scouts are talking to you and everybody is patting you on the fanny and telling you how good you are. The band is prancing around playing all the good music, and college football is a dream come true. That's the side everybody appreciates. That's fun. That's why they think they play," Merritt said, his voice lowering as his mood became more and more pensive.

"But I know better, and so do they. It's the other side that makes football such a great game. I'm talking about that side a boy experiences when he walks out of the lockerroom into the bitter cold night after practicing two hours. Ain't nobody there to hold his hand. Ain't nothing glamorous about a lump on your nose and an ankle that won't bend. Ain't no music. Ain't no girls. It's a long, lonely walk to the dorm and that book report is due tomorrow. He's finally realized he ain't big enough to play pro ball, and even if he had the size, he ain't fast enough.

"But, come Saturday, there's gonna be a bunch of guys depending on him to pin back his ears and come flying hard and fast to rush the passer. He ain't gonna let those guys down. So, he hunches his shoulders, turns into the wind and keeps on walking. That's why he really plays. Don't let anybody fool you. That's what our slogan at TSU is all about—Pride and Poise. That's what counts. You learn about that when it's cold and rainy and the book report is due in the morning."

John Merritt was 57 when he died Thursday night, and those football players who played for him, and those of us in this business who wrote about him, know the deep loss we have sustained.

Yet, deep as is our sadness, perhaps the real losers at John Merritt's death are those players and sports writers of generations yet unborn.

They'll never have a chance to know him.

[From the Nashville (Tenn.) Tennessean, Dec. 16, 1983]

"BIG JOHN'S" SOUL WILL LIVE FOREVER

(By Larry Woody)

When John Merritt completed his eighth year at the cramped little one-room elementary school in Falmouth Ky., he had nowhere to go.

Quite literally.

In 1937 there was no local high school for blacks.

But young Merritt was determined to further his education, so he packed up and moved to Louisville, where he lived with an aunt and attended Central High School. He hauled garbage after school, studied at night and attended church on Sundays.

Then sometime during his sophomore year, Merritt's physics teacher talked him into trying his hand at football—a game he'd never even watched—and the legend was begun. He would go on to become one of the most successful coaches the game has ever known.

Merritt died Thurday night, at age 57, from lingering heart problems.

The man everyone affectionally called "Big John" is gone but his legacy will live on. Much of it will be recounted this afternoon in a special memorial service on the TSU campus. There will be a public viewing at Gentry Center from 2 p.m. until the start of the service at 4.

Funeral services will be held tomorrow at 11 a.m. at Clark Memorial Methodist Church, 1014 14th Ave. North. Burial will follow at Greenwood Cemetery on Elm Hill Pike.

Merritt's coaching career spans 33 years, dating back to his first job at Versailles (Ky.) High School. In 30 years of college coaching, Merritt compiled a won-lost record of 233–67–11. That winning percentage of 77.5 is the highest in the history of the sport.

Merritt's 233 wins are third-highest ever, behind only late Alabama coach Paul "Bear" Bryant (323) and current Grambling University coach Eddie Robinson (313).

During 10 years at Jackson State in Mississippi, Merritt's teams ran up a record of

68-28-3 and he was named Black College Football Coach of the Year in 1962.

He arrived at Tennessee State in 1963 and over the next 20 years coached his teams to an astounding 173-34-6 record. Merritt's TSU teams never had a losing season. They turned in four unbeaten seasons, won six national championships and sent over 100 players to the pros.

Merritt's accomplishments at Tennessee State were exemplified in the quality of players produced at the school. A total of 57 All-American played for the Big Blue Tigers under Merritt's tutelage.

Merritt was named national Coach of the Year twice more, and in 1980 received a phone call from President Jimmy Carter, congratulating him on his 200th victory.

When his faltering health finally forced Merritt to submit his resignation Nov. 21, his fame as a football coach and a motivator of men was nationwide.

What he really wanted to be, as a youngster, was a doctor.

But funds were in short supply in the Merritt household when John was growing up. His rock mason father barely earned enough to make Depression-era ends meet for his family of four, and medical school was only the stuff of dreams.

Merritt more realistically considered the ministry. In a 1979 interview with *The Tennessean*, he said he would've made a great preacher.

"Goodness yes," he said. "I would've made a great one, you can bet on that. But really, I suppose I've saved as many souls through coaching as I could've saved from the pulpit. I've seen kids come in here with absolutely nothing and leave with a bright future. That's the accomplisment I'm most proud of—not a bunch of numbers on some won-lost record."

It was Merritt's strong family ties that prompted his move from a highly-successful Jackson State program to the then-murky waters of Tennessee State in 1963.

He often recalled listening to games of the Cincinnati Reds (36 miles north) on the radio with his father.

"About all we had back then was church, baseball and each other," he said. "We couldn't afford to actually attend a game, of course, but we followed the Reds faithfully on our old radio.

"After I'd been away at Jackson State for 10 years, my parents were getting pretty old and I wanted to be nearer to them," explained Merritt. "I had no Nashville ties and no TSU connections when I came here, and I had no idea we'd be able to accomplish the things we've been able to accomplish. I guess the Good Lord has been on our side."

John Ayers Merritt, Jan. 26, 1926-Dec. 15, 1983.●

UNION STATION RENEWAL

● Mr. STAFFORD. Mr. President, I bring to the Senate what I believe is some very good news—good news regarding a project that has long proved as vexing to me as it has to many of my colleagues.

This concerns the future of Union Station, three blocks north of this Chamber.

My colleagues will recall the costly—and unsuccessful—efforts to convert Union Station into a National Visitors Center. This grand old building has been closed to all uses for the past several years due to severe water damage to the structure, as well as other problems. It is so bad that mushrooms are even growing in the floors of that grand old edifice.

In the closing days of the 1981 congressional session, we passed Public Law 97-125 to authorize the renovation of Union Station by converting it into a mixed-use railway station and commercial complex.

I am pleased to report to my colleagues that we will soon see considerable activity as a result of that law.

Under the leadership of Transportation Secretary Dole, work began last week on some necessary short-term structural, electrical, and mechanical repairs.

Secretary Dole will soon consider a number of applications from architectural firms that wish to design and oversee the actual repair work on Union Station.

At the same time, Secretary Dole has asked seven development companies to submit final designs for the building's interior—100,000 square feet of retail space, plus 80,000 square feet of office space.

Both the developer and the architect should be selected around Memorial Day.

In the meantime, work to complete the parking garage is to begin this spring. The parking garage should be completed 30 months later. And there is more good news. The garage contract came in at $24,800,000—$7,000,000 below estimates.

Mr. President, I commend Secretary Dole for her leadership in moving this important project forward. I look forward with her to that day—now scheduled for July 1987—when Union Station will be reopened to the public as a major railroad station as well as a commercial magnet for development in this part of Washington.●

LATCHKEY CHILDREN

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to share with my colleagues a newspaper column on latchkey children that appeared in this morning's Washington Post. The column, written by Judy Mann, focuses on the problems facing latchkey children and on S. 1531, the School Facilities Child Care Act, which I introduced with Senator PELL in June of last year.

Since it was introduced, the School Facilities Child Care Act has received support and endorsements from a wide variety of groups interested in before and/or after school child care. Such organizations as the American Bar Association, the National Association of Elementary School Principals, the National Commission on Working Women, the National Education Association, Camp Fire, Inc., and the National Black Child Institute have lent their names in support of this bill. In all, over 20 organizations have endorsed S. 1531 with many other groups supporting it.

In addition, Mr. President, the Subcommittee on Education, Arts and Humanities has scheduled a March 1 hearing on the School Facilities Child Care Act to examine the needs of millions of children for before and/or after school child care.

I invite my colleagues to join in the dialog on school age child care, and I encourage my colleagues to review the article by Judy Mann.

I ask that the text of the article be printed in the RECORD directly following my remarks.

LATCHKEY KIDS

(By Judy Mann)

Working Mother magazine has just published the results of a nationwide survey on who takes care of children after school that offers a little good news to parents of children who take care of themselves. Most of the 709 children surveyed showed little or none of the fears, loneliness and boredom that have been reported in previous studies. Instead, the experience appears to help them develop their sense of self-reliance and responsibility.

The survey included children 6 to 14 years of age, and it is significant to note that most of them lived in suburban and rural areas, rather than cities. While most of the 6- and 7-year-olds surveyed were under some form of adult supervision, about a third of the 8- and 9-year-olds took care of themselves and more than half of the 10-year-olds did. Nearly 20 percent of the 8-year-olds were also taken care of by an older brother or sister.

Most of the younger latchkey children spent only an hour or less alone. Of those in day-care arrangements, a sizeable number said they would rather be home by themselves. Some 40 percent of the children responded that they never minded being alone, and a quarter said they only minded it sometimes.

Most of the children spent their time watching television, doing chores and homework and playing outdoors. Some came home to prepared snacks. Some as young as 8 found that the quiet in the house provided an ideal time to read. All were in contact with an adult and many routinely called their parents at work to check in. The survey detected a lot of antagonism between brothers and sisters who babysat younger children, and a number of children wished they could have friends over to play in the afternoons more often.

Estimates on the number of latchkey children vary enormously. Rep. Patricia Schroeder (D.-Col.), cochairwoman of the Congressional Caucus for Women's Issues, used the figure of six million when she introduced the School Facilities Child Care Act last September. The act, which was introduced in the Senate by Sen. Claiborne Pell (D.-R.I.) and Sen. Donald Riegle (D.-Mich.) last June, would provide $15 million a year for three years to the secretary of Health and Human Services to give grants to public agencies and private nonprofit community groups to set up child-care programs in the public schools.

There are about 125 such programs in 33 states, according to Schroeder. Arlington and Fairfax Counties and the District of Co-

lumbia have had successful day-care programs based in the public schools, although the demand in the District far exceeds the supply. The act requires that day care be provided with a sliding fee scale, which would enable it to serve low-income families.

Six thousand children between the ages of 5 and 14 die in accidents every year, Pell said when he introduced his bill, including 1,000 who die as a result of fires. "In almost all of these situations, no adult is present. In 1981, the Newark, N.J., Fire Department reported that one in six calls received by the fire department were from children home alone."

Studies of latchkey children in the District done by Drs. Lynette and Thomas Long of the School of Education at Catholic University found that they experienced fear and loneliness at a much higher rate than children who are cared for by an adult. Most of these latchkey children were alone two or three hours.

The Longs also surveyed latchkey children in Bethesda and Potomac and found they were much less frightened. "Many parents provided security systems in their houses," says Thomas Long. "Parents in those communities themselves feel those communities are safer and they communicate that to the child. In the city, you find many parents who have had their next-door neighbor robbed and they feel the neighborhood isn't safe and they communicate that to their children."

The School Facilities Child Care Act does not call for big spending: It would encourage communities to put existing facilities to greater use, rather than foster elaborate new programs and construction. While the Working Mother survey can reassure certain parents that their children may not be harmed by being home alone, there is solid evidence on the other side that some children are hurt by it emotionally and, in the case of accidents and fires, physically as well.

We spend billions on public education a year because it is an investment in the nation's future. So is better care for latchkey children.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 30, 1984.

In reply refer to: I-00005/85ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-30, concerning the Department of the Army's proposed Letter of Offer to Lebanon for defense articles and services estimated to cost $28 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 84-30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Lebanon
(ii) Total Estimated Value:

Major Defense Equipment*	$22 million
Other	6 million
Total	28 million

*As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of 35 M48A5 tanks with ancillary equipment and spare parts.

(iv) Military Department: Army (UXH)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold:

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: Jan. 30, 1984.

POLICY JUSTIFICATION

Lebanon—M48A5 tanks

The Government of Lebanon has requested the purchase of a quantity of 35 M48A5 tanks with ancillary equipment and spare parts at an estimated cost of $28 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Lebanon to increase its capability to provide for its own security and defense. As the Lebanese Government reasserts itself in the wake of recent hostilities, well equipped and trained armed forces are essential to assuring the nation's sovereignty.

The tanks will be used to equip an additional battalion of the Lebanese Army and to replace one tank lost due to combat. The sale of this equipment and support will not effect the basic military balance in the region.

The M48A5 tanks will come from U.S. Army Depot stocks.

Implementation of this sale will require the assignment of 12 additional U.S. Government personnel to Lebanon for no more than 179 days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 30, 1984.

In reply refer to: I-04386/83ct

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-21, concerning the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $63 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 84-21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Saudi Arabia
(ii) Total Estimated Value:

Major Defense Equipment*	$0 million
Other	63 million
Total	63 million

*As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: This amendment will increase the capitalization value of the existing stock level equity portion of the Cooperative Logistics Supply Support Arrangement (CLSSA) case for spare parts in support of major items of air force equipment of U.S. origin already delivered to and being operated by the Royal Saudi Air Force.

(iv) Military Department: Air Force (KAA, Amendment 10).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: January 30, 1984.

POLICY JUSTIFICATION

Saudi Arabia—Cooperative Logistics Supply Support Arrangement

The Government of Saudi Arabia has requested that the value of the existing Cooperative Logistics Supply Support Arrangement (CLSSA) stock level equity case for support of major items of air force equipment of U.S. origin already delivered to and being operated by the Royal Saudi Air Force be increased from $169 million to $232 million, an increase of $63 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. This sale will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

This amendment will increase the CLSSA equity of Saudi Arabia in the U.S. Air Force logistics system and will provide continued logistical support for air force equipment previously sold to Saudi Arabia by the U.S. Government.

This sale will not affect the basic military balance in the region.

There will be no prime contractor for this transaction.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 30, 1984.

In reply refer to: I-16639/83ct

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-28, concerning the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $154 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Egypt

(ii) Total Estimated Value:

Major Defense Equipment*	$0 million
Other	154 million
Total	154 million

*As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A quantity of four AN/TPS-59 and eight AN/TPS-63 Air Search Radars with associated services, support equipment, and logistics support.

(iv) Military Department: Navy (LAU and LAV)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None

(vii) Section 28 Report: TPS-63 Radar included in report for quarter ending 30 September 1983.

(viii) Date Report Delivered to Congress: Jan. 30, 1984.

POLICY JUSTIFICATION

Egypt—AN/TPS-59 and AN/TPS-63 Air Search Radars

The Government of Egypt has requested the purchase of a quantity of four AN/TPS-59 and eight AN/TPS-63 Air Search Radars with associated services, support equipment, and logistics support at an estimated cost of $154 million.

This sale is consistent with the stated U.S. policy of assisting friendly nations in providing for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continued willingness of the United States to support the Egyptian effort to improve the security of the country through modernization of its air defense forces. In a regional context, enhancement of the defensive capabilities of Egypt will also contribute to overall Middle East security.

Egypt is in the process of upgrading and expanding its air defense capabilities through the purchase of equipment from the United States. This sale will provide additional radar sets as part of the overall air defense network.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be the General Electric Corporation of Syracuse, New York, and the Westinghouse Electric Corporation of Baltimore, Maryland.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

BUDGET DEFICITS MUST BE REDUCED

● Mr. SASSER. Mr. President, the most important economic issue which this session of Congress faces involves the enormous projected Federal budget deficits and their impact on real interest rates.

If Reagan administration policies continue, in just 6 years, the cumulative national debt will double. Currently, interest payment on the national debt is the fastest growing component of the Federal budget. Unless we stem the flow of red ink, the Nation's economy faces an uncertain future. Indeed, the economic recovery now underway may grind to a halt because of the record high real interest rates we are experiencing.

The most disturbing aspect of the current deficit problem is the growth of the structural deficit. This is the deficit that simply does not disappear even with robust economic growth. The President's own budget for the current fiscal year, submitted in February 1983 projected the structural deficit to grow to 4.6 percent of the gross national product by fiscal year 1989. According to the Congressional Budget Office, this is particularly troublesome because it impacts upon future generations' standards of living and long-range business investment decisions.

The deficit problem is one which affects each and every American and transcends partisan politics. Deficits cannot be significantly reduced through spending reductions or tax increases alone. All facets of the Federal budget must be addressed. This means that a comprehensive deficit reduction package must be sought. Such a strategy was devised last year in the form of the first concurrent budget resolution, but final action was not achieved.

A recent article by Dr. Kurt Flexner in the Commercial Appeal of Memphis, Tenn., reiterated what many of us have been saying for quite some time with respect to solving the deficit problem. The article notes that mounting budget deficits imperil future economic recovery at home and abroad, most especially because huge deficits mean high interest rates now and in the years to come.

Mr. President, I commend Dr. Flexner's article to my colleagues and ask that it be printed in the RECORD.

The article follows:

[From the Memphis Commercial Appeal, Dec. 20, 1983]

ECONOMIC PERILS REMAIN

(By Kurt Flexner)

This is a good time of the year to look at the economic balance sheet. Since it is the Christmas season, this balance sheet should be as cheerful as possible without sacrificing objectivity.

In 1983 the economy experienced a definite upturn measured by a 4 to 5 percent increase in the gross national product. Unemployment is still high, but it fell from a record of 10.8 percent a year ago to 8.4 percent at the end of November. This means that 9 million workers are unemployed today compared to 11.5 million a year ago.

The rate of inflation has dropped from 12 percent at the beginning of 1981 to about 5 percent at present. Interest rates have declined somewhat, enough to make the stock market bullish. Consumer spending has shown some definite gains over the previous two years, which had reduced housing, automobiles and other durables to record lows since World War II.

These gains on the asset side of the balance sheet should bring joy to the Christmas season, but afterward we must watch the liability side to make sure that our economy is going to stay in business.

The three most critical items are the record deficits, the high real interest rates, and a still unacceptably high rate of unemployment. Real interest rates are actual rates adjusted for inflation. They are a factor in determining private investment that leads to economic growth. The actual adjusted rates are more important in speculative investments and in changes in stock and bond prices.

Real interest rates are higher today then at any other time in this century. The real interest rate on long-term AAA corporate bonds during the Eisenhower or Kennedy administrations was about 2 percent. Today it is about 8 percent. The real interest rate on conventional mortgages at that time was between 3 and 4 percent. Today it is about 9 percent. These facts are highly significant to a genuine economic recovery, which in our system must be centered in the private sector.

The significance of the size of the deficits of the 1980s—$410 billion in the last three fiscal years—can best be grasped when they are compared to earlier deficits, which the President says created the problems he faces. In the 1960s the federal debt rose at an average annual rate of about ½ of 1 percent of the GNP. Ten years ago in 1973, at the end of the Vietnam War, the deficit was about 2.5 percent of the GNP. In 1983 the deficit amounted to more than 6½ percent of the GNP, by far the highest in U.S. history, except during World War II.

The deficit problem will become much more serious unless we rechart our economic course. By 1986, interest on the public debt will be about $200 billion, or about $75 billion more than this year. The arms race and the growing number of local wars all over the world in which we are involved directly or indirectly will inevitably add to the deficits.

The defaults in the Third World debt may require about $30 billion a year in transfer payments to the International Monetary Fund to avoid serious problems in our banking system.

Unemployment is still higher than it has been since the Great Depression, except in two years of the 1970s when it was slightly higher than now. Apart from the human problems, there is the problem of the deficits caused by unemployment.

The present administration has had a bit of good luck on its side. In spite of the huge deficits the upturn was spared the usual inflationary pressures by a 30 percent drop in

energy demand with a commensurate drop in oil prices, and by a record agricultural output which kept food prices down.

In spite of the problems accumulating in the economy, the upturn may continue until the 1984 election with a bit of luck, the kind that has kept the deficit from pushing prices up in 1983. We should take this reprieve to put the economy on a new course, to help avert the otherwsie probable economic chaos in 1985 and after.

Real interest rates must be significantly reduced so that the private sector can perform adequately without the aid of an armaments race or a war economy. Loans to the Third World should be renegotiated with realistic interest rates.There is no way the Third World can pay 12 to 20 percent interest.

The final solution depends on the economic recovery and growth of the Third World and a realistic level of international interest rates.

Budget deficits must be controlled by a combination of a sane defense policy and a gradual increase of taxes. This will reverse the fiscal disaster caused by reducing taxes by 25 percent in three years while raising federal expenditures by a similar amount. Since both superpowers have much more than enough nuclear weapons to destroy the world, a nuclear arms race can only serve as a deterrent to sanity, not a nuclear war.●

DECLARING WAR ON CRIME

● Mr. JOHNSTON. Mr. President, speaking to the Congress in the dark days of 1941, President Roosevelt described the four essential human freedoms. The fourth, he said, was freedom from fear. The great fear of Americans in 1941 was the war they could see on the horizon; their only comfort was the certainty that their Government would do everything possible to keep American families safe and free.

Now, 40 years later, we face a different kind of threat to that essential freedom. And the war is not being fought on some distant battleground, but here at home, on our streets, in our schools, and in our homes.

Last year, 6.5 million violent crimes occurred in the United States. To put this figure in perspective, nearly one family in every three was victimized by violent crime. Yet, as disturbing as these statistics may be, they are nothing new. In fact, the level of violent crime in our society has not varied over the past 10 years.

Because I believe the Federal Government must do everything possible to lower that rate and free Americans once again from fear, I have joined with other Members of the Senate in sponsoring S. 1762, the Crime Control Act of 1983, a bipartisan effort to rewrite major provisions of the Federal Criminal Code. Passage of this measure will make our country a safer place for law-abiding citizens to live.

For those of us who are parents, one of the most terrifying aspects of the problem of crime is the fear that our children will fall victim to drug dealers. S. 1762 will fight the war on drugs and crime by stiffening narcotics penalties. In considering the severity of punishment, courts will be able to take into account the quantity and kinds of drugs involved, and have the power under new circumstances to seize the assets of convicted drug dealers.

The bail and sentencing provisions of the Crime Control Act will enable judges to keep dangerous criminals off our streets by allowing judges, for the first time, to consider whether a defendant's freedom on bail would pose a threat to the community. The legislation also abolishes parole and authorizes the establishment of a commission to draft uniform guidelines for judges who are sentencing criminals; sentences which violate these guidelines could be reviewed by a higher court.

S. 1762 also responds to the Nation's outrage over the attempted assassination of the President and the subsequent verdict of "not guilty by reason of insanity." The bill would sharply limit the insanity defense to those who are "unable to appreciate the nature or wrongfulness of their acts" and would shift the burden of proof to the defendant.

In addition, S. 1762 addresses serious but nonviolent crimes such a child pornography, bank fraud, and bribery. It also offers financial help to the States in a variety of ways including, for example, making it easier for them to acquire title to surplus Federal property which could be used to house criminal offenders.

Reform of the Federal Criminal Code cannot, of course, eliminate crime entirely. Most criminals are tried under State law in State courts, and until the legislatures of the 50 States incorporate these reforms in State criminal codes, it may be difficult even to measure the positive effects of the Crime Control Act. But the importance of this effort should not be underestimated. It will, without question, strengthen the resources of the Federal Government in the constant struggle to guarantee that essential freedom which Roosevelt spoke of so long ago—the freedom of the American people to live in peace, without fear.●

BAN THE BAD BULLETS

● Mr. MOYNIHAN. Mr. President, I would like to call to the attention of my distinguished colleagues a newspaper editorial entitled "Ban the Bad Bullets," which appeared in today's edition of the New York Times. The editorial argues, in a most compelling manner, that Congress should stop vacillating on the question of armor-piercing handgun ammunition.

In the 97th Congress, Representative BIAGGI and I introduced legislation in the House and Senate to ban the import, manufacture, sale, or use of armor-piercing handgun ammunition, commonly known as cop-killer bullets. When the 98th Congress convened, we again introduced our legislation (H.R. 953, S. 555). We have been joined in this effort by 181 House and 16 Senate colleagues. Our bills have the support of many national, State, and local law enforcement organizations, including:

Fraternal Order of Police.
The International Brotherhood of Police Officers.
International Union of Police Association.
International Association of Chiefs of Police.
Fairfax County (VA) Police Association.
National Association of Police Organizations.
New York City Patrolmen's Benevolent Association.
California State Police.
Connecticut State Police.
Ohio State Highway Patrol.
Baltimore (MD) Police Department.
Maryland State Troopers Association.
Alabama State Troopers Association.
Los Angeles (CA) Police Department.
Prince Georges County (MD) Police Department.
Anaheim (CA) Police Department.
National Police Conference, Inc.
Tri-District Federal Probation Officers Association Chapter (NY).
Washington State Law Association, Inc.
Policemen's Benevolent Association of Westchester County, Inc. (NY).
North Las Vegas (NV) Police Officers Association.
Franklin County (OH) Law Enforcement Association.
Houston (TX) Police Patrolmen's Union.
St. Louis County (MO) Police Department.
New York Police and Fire Retiree Association, Inc., (Yonkers, NY).
Indianapolis (IN) Police Department.
Police Conference of New York, Inc.
State of South Carolina Law Enforcement Division.
Reading (PA) Bureau of Police.
Syracuse (NY) Police Department.
Metropolitan Police Conference of New York State, Inc.

Lest we choose to imperil the lives of our Nation's law enforcement officers, we in Congress should, and must, respond to their urgent request for action on this matter. In a colloquy on the floor of the Senate last Friday, my distinguished colleague, PAUL LAXALT, the senior Senator from Nevada, agreed to schedule a hearing on my bill in his Subcommittee on Criminal Law "as soon as possible." This hearing will enable the Department of Justice to suggest changes in the definition of armor-piercing handgun ammunition contained in S. 555, and will afford law enforcement officials a chance to express their concerns to Congress about the proliferation of cop-killer bullets.

The police are dead serious about this measure, as today's editorial in the New York Times indicates. The Senate will go on record this year: Will their Government allow the manufacture and sale of bullets with no pur-

pose but to penetrate regulation police vests? They deserve better.

I ask that the full text of the New York Times editorial entitled "Ban the Bad Bullets" be printed in the RECORD.

BAN THE BAD BULLETS

When the police searched the Long Island home of David Schwartz, a bank robbery suspect, they found a dismaying armory containing one especially chilling store of ammunition. Among gun parts and tools, scopes, knives and a machete, they came upon 32 armor-piercing handgun bullets, the kind that can penetrate the protective vests worn by police officers.

There is no legitimate use for such "cop-killer" bullets. Why then do they remain available to the public? Because measures to ban their sale have been stalled in Congress for nearly two years while the Reagan Administration claims to be learning how precisely to define them in law. It's a phony issue raised by the National Rifle Association, apparently to block any ban.

More than half the nation's police officers wear flexible, lightweight vests that protect them against common handgun ammunition. But the vests don't protect against the super-hard handgun bullets that have been turning up for several years in gun shops—and in the possession of suspects like David Schwartz. They are believed to be common ordnance for warring—and well-vested—Florida gangsters and drug dealers.

A bill sponsored by New York's Representative Biaggi and Senator Moynihan would ban the manufacture, importation and sale of ammunition that penetrates the most common police vest when fired from a handgun with a barrel less than five inches long. Strongly supported by police groups, the measures should have sailed through Congress with the blessing of a law-and-order Administration. But the gun lobby objects that some hunting rifle ammunition might also penetrate a police vest if fired from certain handguns.

That's red herring. The Biaggi-Moynihan bill allows the Treasury Secretary to designate the specific ammunition to be banned. The armor-piercing handgun ammunition popular among criminals is well known and is not used by hunters. If necessary, the bill could be amended to prohibit any ban on common hunting ammunition.

The Administration, however, bowed to the N.R.A.'s complaint and ordered the National Institute of Justice and Bureau of Standards to compose a more precise definition of armor-piercing handgun bullets. That put the bill on hold.

The agencies were to report last summer, but have not so far released any findings. Some officials contend they've made progress in the search for a definition, but that the matter remains under review. Meanwhile, the Administration offers an insipid substitute in its crime bill. It would punish use of the bullets only in Federal crimes—excluding most murders, armed robberies and assaults.

Congress should no longer tolerate delay. If Justice has an improved definition, let it be written into the Biaggi-Moynihan bill. If not, let the definition stand. It's time to bring this bill to a vote.●

FATHER RITTER ADDRESSES SENATE CAUCUS ON THE FAMILY

● Mr. DENTON. Mr. President, members of the Senate Caucus on the Family were privileged last Thursday to have as their guest speaker Father Bruce Ritter, Franciscan priest and executive director of Covenant House in New York. In his state of the Union speech, President Reagan referred to Father Ritter as one of the "unsung heroes" of our time.

Father Ritter spoke convincingly and eloquently about the problem of broken families and homeless children as "the deepest ethical and moral challenge of our generation." I can think of no individual more qualified to speak about that crisis. Father Ritter has made as his life's ministry the aiding of children, under the age of 21, who come from the most desperately troubled sectors of our society. They are homeless and runaway children, primarily victims of the sex industry around the Times Square area of New York. The majority are not runaways; they are homeless children with literally no place to go. Their families have broken apart and there are no havens to which to return.

Father Ritter cogently reminds us that the plight of the children is caused by a society that has become increasingly materialistic and hedonistic, a society that is losing its grasp of the fundamental values of love and respect for others and has downgraded the high calling of raising and caring for children. Here in the Senate, we devise and debate Government programs to address some of the most glaring problems confronting the children of America. I am convinced, however, that Government dollars alone will not resolve the problem. It is like pouring water into a deepening pit. Resolution requires recommitment to the ethical principles upon which our Nation and our society are grounded, a renewed dedication to the rearing and nurturing of our most vulnerable citizens, our children.

Mr. President, I ask that Father Ritter's statement be printed in the RECORD.

The statement follows:

PREPARED REMARKS OF FATHER BRUCE RITTER

Ladies and Gentlemen of the Senate, my name is Father Bruce Ritter, a Franciscan priest from New York. I am delighted and privileged to have this opportunity to speak to you this morning about my concerns and those of my friends. Concerns based on more than fifteen years caring for some of the most desolate children in our society.

I am President of Covenant House, a child care agency I founded almost fifteen years ago to care for street children. If I may take the liberty of speaking for a few moments about how our work began, I think you may find our early history somewhat entertaining, but it will also certainly provide you the context from within which you can understand the sort of problems, indeed the fearful suffering faced by these children.

Within my Order I was trained as an academician. I have an earned doctorate in late Medieval History of Dogma and I taught that rather arcane subject for about ten years. I spent the last five years of the teaching part of my priesthood in New York City at Manhattan College where I also bacame chaplain to the student body.

My teaching career came to a rather abrupt end one Sunday as I was preaching to the college kids on campus. My sermon that day was on "Zeal and Commitment"—the need for my students to be more involved in the life and work of the Church. At the end of my sermon the president of the student body stood up in church and said, "Bruce, we think you are a pretty good teacher, but we don't like your sermons". He said, "We think you should practice what you preach and show us a little of that zeal and commitment you just talked about."

Well, as a result of that rather coercive invitation, I asked for a new assignment: to live and work among the poor in the East Village of New York City, that's a very large slum on the lowest east side of Manhattan. It's an area of New York completely taken over by the hard drug scene. I moved off campus into a junkie's apartment near the East River and almost immediately became involved with the problems of some of the hundreds of houseless kids that lived on the streets and in the abandoned buildings in that neighborhood.

One night at two o'clock in the morning in the middle of a blizzard these six kids knocked on my door: four boys and two girls, all under sixteen—runaways from all over the country. They asked if they could sleep on the floor of my apartment. The next morning it was still quite cold and snowing and the kids obviously did not want to leave. One boy, however, did go outside for just a few minutes and brought back four more kids. "This is the rest of us," he said, "the rest of our family." He said, "They were afraid to come last night, they wanted us to check you out first. And I told them that you did not come on to us last night, so that it was probably okay."

These ten children had been living in one of the abandoned buildings on the block with a group of junkies who were exploiting them sexually—were pimping them—that's how the junkies were supporting their habit. And when the kids refused the junkies simply burned out the apartment the kids were living in and threw them out in the snow. A week before that these kids had been forced to make a porn film in order to get some food. Hating what was happening to them, horror-sticken at the direction their lives were taking, these ten children fled the junkies and came down the street to my place.

That was the beginning of Covenant House. I could not find a single child care agency that would accept these children, so I kept them. The problem was that the next day two more kids came in. And the next day two more. And then literally dozens and dozens of other homeless, runaway kids began knocking on our door—so many that eventually my friends and I founded Covenant House. We specialize in caring for runaway kids and homeless teenagers. We operate crisis centers in many cities now—this year we'll care for over 15,000 children and young people. Every month more than a thousand kids come into residence in our programs.

Let me break that number down for you just a little bit: two-thirds of these kids are boys. Twenty-five percent are 15 years old and younger, twenty-five percent 16 and 17; the other half 18, 19 and 20. Eighty to ninety percent come from their home cities—runaway kids never run very far.

Most of these kids come from abusing, one-parent, alcoholic families. There are few mysteries about why these kids run away. Most of them have suffered some form of exploitation on the street.

They are good kids—you would be wrong if you thought they were not good kids. Most of them are simply trying to survive. When you are 13, or 14, or 15, or for that matter, 16, 17 or 18, and you have no place to live, you are cold and hungry and scared and you've got nothing to sell except yourself—you sell yourself. A tragically high number of these kids become the merchandise in a massive, well-financed, well-developed American sex industry. They have become the commodities, the merchandise in our sex-for-sale society, where it has become okay to pay for sex and be paid for it. It is no exaggeration to say that there are hundreds of thousands of teenagers in this country involved in commercial sex-for-sale. I can't tell you how tragic their lives are.

In the beginning, these kids do not really understand what is happening to them. I mean, in the beginning a girl will say to me, "Bruce, he ain't no pimp, he is my boyfriend." "And he needs me". And in the beginning a boy will say to me, "Bruce, I ain't gay, I ain't no hustler, I'm just trying to make a few bucks". In the beginning. But after a hundred johns, five hundred johns, it becomes increasingly difficult then quite simply impossible to separate what you are from what you do. You become what you do and you no longer even care. The girls seem to show it first in their faces. The boys can hide it longer. But the boys die sooner—the girls can survive longer. You see, it is simply more acceptable for a girl to work the street than a boy.

In our brief history as a child care agency, more than 50,000 kids have come to us. Most of them have suffered some form of exploitation. We are simply overwhelmed with the problems of the thousands upon thousands of homeless and often exploited children that will come to us this year.

Our child care records at Covenant House read like hip versions of William Blake's "Songs of Innocence and Experience"—with one great difference. Unlike Blake's little waifs, most of our kids were never allowed any innocence to lose—instead they have had to *earn* innocence through pain—pain at their homes and greater pain on the street.

I know my kids don't look innocent when you first see them. Their life on the street is saturated in the raw need to survive, a need that leads many into crime, many into every sort of prostitution, formal and informal. Yet by and large they are innocent: they are victims of social decay and family disintegration, caught up in a nightmarish struggle for survival before they have had a chance to grow into physical and moral maturity. Their incredible courage in that struggle, and their desperate groping for purposes and meaning in life are the very essence of real innocence.

Today, however, I will not dwell on the specific needs of street kids; their pain is only a sympton of a much deeper disorder in our society, the disintegration of families and of the environments in which they once prospered. As much as I am honored by your invitation to speak today, I am more deeply gratified that there exists a group of distinguished public servants willing to confront that disorder head-on. It is a task which will lead you not just into the most complex questions of social policy but into a reconsideration of the role of fundamental moral values in a pluralistic, democratic society. And it is a challenge that faces not only you who are in government but all of us who have made the care of children our life's work. The traditional American family is an awesomely strong and resilient institution, but it has probably never been closer to collapse than it is now.

For example, from 1970 to 1980 the number of married couples with children under 18 declined, while the number of single-parent households doubled. The divorce rate has tripled since 1960. Of the children who come to Covenant House, less than a quarter have been raised in two-parent homes. In counselling our kids and working with their parents we see day after day the overwhelming emotional and economic burdens that single parenthood imposes—all the more overwhelming because so many single parents assume that role while they are still little better than children themselves.

Instability in family life is both evidenced and exacerbated by the mushrooming mobility of American society. Fully 45 percent of Americans changed their residence from between 1975 and 1980. The children who come to Covenant House once again illustrate the extreme effects of this new trend: almost two-thirds have moved at least once during the past year, and about 25 percent have moved four or more times. Family life for many Americans has become an erratic, rootless journey from one faceless neighborhood to another. Is it so surprising that many of their children eventually take to the road as well? Slowly, progressively alienated from neighborhood, from family, from any stable contact of relationships and values, many Americans and their children become slaves of our treasured mobility.

When we look under the sufrace of family life in this country, some ugly, frightening facts emerge. From 1977 to 1980 alone the number of reports of child abuse and neglect rose by over 50 percent—to 785,000. Is that simply better reporting? All of us know it's not. At Covenant House half of our kids have been the victims of repeated physical abuse. Nationally we have reason to believe that 25 percent of girls and 10 percent of boys will have suffered some form of sexual abuse by age 18. Fully a quarter of our girls admit that they have been raped. It is an ominous fact that the girls at Covenant House most likely to become teenage mothers are those who have suffered abuse.

The increase of single parenthood, the declining loyalty of Americans to their neighborhood, and the devastating phenomenon of child abuse—these are developments which seem to be the result of individual decision rather than social policy. But if we turn for a moment to examine other powerful forces at work, both economic and cultural, a more complex image emerges. On the economic front, for example, families have not fared well during the past decade. The average income of families in constant dollars declined 6 percent from 1972 to 1981. Yet the federal tax burden on those families has increased--once again in real terms—by over a third. By contrast, single and married taxpayers with no children have suffered only a tiny real increase in their tax burden during that same period. It is an incredible fact that in 1984 a single parent with two children can expect to pay higher taxes on the same income than a married couple with no children. Ten years ago that same single parent would have paid only two-thirds as much.

Painful as it is, the economic plight of families—and particularly families at risk of disentegration—is worth pursuing further. A recently completed Columbia University study of children who come to our New York program found that about half came from families receiving public assistance. That isn't very surprising in light of recent statistics showing that over 20 percent of all children under 18 live in families with income below the poverty line. According to the scholarship of our own Senator Daniel Moynihan, indeed, one-third of all children born in 1979 can expect to live in single-parent homes on public assistance prior to their 18th birthday.

Public assistance, however, becomes less and less useful to families in need. In real dollars the typical AFDC grant was cut in half during the 1970's. When no more than half of all divorced women can expect to receive full child support from their former husbands, it is clear that many will be forced to turn to a public assistance system that cannot meet their and their children's basic needs.

Raising a child, I am told, is an expensive business. U.S. Department of Agriculture estimates place that cost at about $2,000 a year per child on even the barest boned budget—just for essentials. What is more, the cost of raising a child increases constantly as he grows—so that the costs for a 16-year-old are one-third higher in real dollars than for a 6-year-old. When most American families are not experiencing continuous real increases in income, the economic pressures of that increased cost can be severe. For families on public assistance the rise in childrearing costs as children grow older is devastating. If we recognize how economic difficulty can cause severe strain and break-up of marriages, how can we ignore its effects on a parent-child relationship?

All of us feel safe discussing economic trends and strains because of the large amount of "objective," quantifiable data available. But we don't need statistics to identify a source of family trauma in this country far more profound than changes in their income—the deterioration, the virtual collapse of a social and moral climate which supports and nourishes family life.

Ours has become a deeply materialistic, even hedonistic culture—a society of consumers. One of the great minds in federal tax policy—Henry Simons—has said that children are a "form of consumption" for their parents. That is, he believed the birth of a child into a family should be treated for tax purposes no differently from the purchase of a new boat or car or any other luxury. Distinguished advertising firms carefully manipulate children to develop their consumer mentality, then cynically turn around to use children in seductive, sexually suggestive ad campaigns to sell products to adults. Surrounded by a culture which regards children more as objects than as developing human beings, it is hardly a shock that many parents treat them as objects, too.

At its most extreme, this dehumanization of children can lead to cultural perversions that are deeply humiliating to those who love the best in America. Six years ago it took merely a walk through Times Square—with child pornography on open display—to see how deep that perversion runs. Now the world of child prostitution and pornography has moved underground, but the exploitation of children as sexual objects and partners remains a brutal part of our moral

landscape. That terrain gives little shelter to values that support and sustain healthy family life.

So let's be fair to American families. If it is true that we as a people are less faithful, less tender to our families than ever before, it is also true that factors out of our control have served to hasten family distintegration. And though we can indulge in endless speculation about the causes of that decay, we must accept the fact that the family will always remain a stubbornly mysterious institution—a compond of love, commitment, weakness, and practicality.

Whatever its origin, the effect of family disintegration on kids is agonizing to review. For young men the suicide rate increased by almost 50 percent from 1970 to 1979. In some other post-industrial societies the rate of young suicides is even higher than ours. At Covenant House one-third of the girls and one-sixth of the boys have previously attempted suicide. Half of our residents seriously consider suicide as their only way off the street. According to a recent study as many as 82 percent of our residents suffer from extreme depression or another significant psychiatric disability.

For a short-term crisis program like ours, the plight of those children presents an overwhelming burden. We can only claim to succeed with a third—either through family reconciliation, appropriate referral to a longer-term program, or establishment in independent living. Of course, we could do some things better—but we will always fail with most of them. The time for repairing endangered families and rescuing their children is not after they have fallen apart.

Broken families and homeless children present a searing challenge—it is, in my view, the deepest ethical and moral challenge of our generation. Whether we respond to it will depend not simply on your resolve as members of Congress but on the willingness of the entire private sector to commit itself to the care and protection of family life.

Private sector employers must undertake a wide variety of initiatives on behalf of their employees' families. Provision for child care for working mothers at or near the work site could make it possible for hundreds of thousands to get off public assistance and into the working force. It didn't escape my notice that the Senate has recently done precisely that for its employees—and that now the House is scrambling to catch up. Flexible scheduling of work hours and, where possible, structuring work that can be done on the home could allow many other parents to work without shortchanging their children's need for nurture.

We in social services must accept heavy responsibility for developing effective, imaginative responses to what seems a hopelessly complex problem. We have to begin with the recognition that family reconciliation, not youth emancipation, must be our primary hope. But very often, where families are irretrievably broken, we must focus on ways of reintegrating homeless children into their own communities—settings which give them continuity of environment and values. And finally we must lead the way in designing ways to provide the emotional support, remedial education and job training they desperately need. That includes beginning model business enterprises employing homeless youths—to show the private sector how to tap their potential. Nevertheless, with unemployment and illiteracy among youth at desperately high levels, our task is indeed a heavy one.

In prevention of family break-up the prospects are brighter. Churches and community groups should be able, with proper financial support, to provide training in parenting to young mothers of children at risk. Ongoing support for families is always stronger if it comes from church and neighborhood rather than from government: it is a national scandal how relatively little many of our local religious and community organizations do to reach out to families in need. As long as we persist in thinking that only government can solve problems of poverty and social disintegration, the prospect of any breakthroughs in those areas will remain bleak.

But that is not to say government is free from responsibility for immediate, thoughtful action on behalf of families. Direct government intervention into family life is only rarely successful and always expensive, but government can create a climate that nourishes family cohesion. I claim to be no expert in national affairs, but I think you ought to consider a few ideas for action on the federal level—action aimed at strengthening families all across the economic spectrum.

First, I challenge you to consider carefully the current structure of federal taxation as it applies to families. I mentioned earlier the disproportionate burden of taxation borne by families with children, and that may be a subject for careful review. Short of wholesale tax reform, however, a few relatively minor adjustments in the federal tax laws could make a substantial difference in helping the private charitable sector do its work in reaching out to families and children in trouble. Some ideas for such adjustments are:

First, establishment for a tax credit, in addition to currently allowed deductibility, for all charitable contributions aimed at specific kinds of problems faced by youth and families: for example, contributions to organizations established to provide remedial education, job training, crisis and long-term shelters for street youth, search networks for missing children, parenting programs and day-care centers. Tax credits to businesses employing disadvantaged youth could be expanded, and as could new tax credits for employers who establish child-care programs for their employees. Provision of accelerated depreciation and tax credits for investments in property used by programs benefiting children and families could attract substantial private capital. If we are to have tax shelters in this profit-oriented society, why not direct them toward investments that will directly help families at risk?

Second, I urge you to give careful consideration to at least minor adjustments in federal public assistance programs. In particular, you should consider establishing income supplements for AFDC families with older children, for whom child-rearing costs are higher. Those supplements could be made conditional on the youths' regular attendance in school or in job training—thus encouraging poor families both to stay together and to keep their children in school. Special income supplements could also be made available to single parents who enroll in parenting, remedial education and vocational education programs—all as incentives to move toward independence, and to cover increased costs of child care and transportation, resulting from participation in those programs. In addition AFDC rules might be adjusted to allow for "team parenting" by mothers on public assistance—that is, cooperative living and child rearing to two single parents to allow one or both to leave on staggered schedules for school or work, without drastic loss of public assistance. These are investments that I believe would quickly repay their cost by encouraging those on welfare to raise children who can break out of the welfare cycle.

Finally, I urge you to continue to battle against the exploitation of children who have landed on the street. This year the Senate took a great step in passing S. 1469—cosponsored by many in this room—to expand federal prohibitions against the use of children in pornography. As some of you may know, that is legislation we at Covenant House fought for actively—both among you and through our participation as "friend of the court" in the *Ferber* decision last year. But now it is critical to provide support for law enforcement efforts across the country to fight the daily battle against child prostitution and pornography—and to provide support, as well, for police efforts to find missing children. Unless law enforcement officials have the mandate and the support to protect vulnerable children, we know only too well that beautifully written laws can become a dead letter.

I throw out these ideas timidly, knowing that you face heavy demands from many worthy comers. Our perspective at Convenant House is admittedly a limited one—we see the desperately wounded and the dying among our children. You here have the ability to take the broader view, to examine the crisis of the family from every angle and to seek solutions in every quarter. You have the credibility and the clout to lead our country toward a responsible, generous concern for families. Hundreds of thousands of letters from Convenant House supporters have convinced me that the American public eagerly, almost angrily awaits a serious national policy on behalf of family health and unity. If you take the lead, they will follow.

Before beginning to formulate that policy, however, all of us in and out of government need to accept one great, if unpleasant fact. The nature of "family" in our society has changed: now millions of children are raised by single parents, millions of mothers now work, and millions of "latch key" children must get along without constant parental supervision. There is nothing wrong with our traditional ideals of family life, but those ideals must not be allowed to stigmatize the single parents and working mothers who work desperately to care for their children. The fact that you in this caucus have, in your Statement of Purpose, recognized the difficulties facing all types of families—and set out to find ways of helping to ease them—is a measure of the leadership you have begun to provide on this most complex of national problems.

In one of her great novels George Eliot paused for a few lines to explain why, in a time crowded with war, crime and disease, she devoted herself to stories about the narrow world of women and families. That world, she explained, was the "vessel" which carries "the treasure of human affections"—the means by which mankind's noblest instincts survive from one generation to the next. Surely all of us here find ourselves often preoccupied with the great questions of war and peace, prosperity and want, freedom and slavery. But if we take for granted too long that best part of our nation's life—its families—we may live to see what is noblest within us perish, and what is kind within us fade.●

REAL ESTATE SPECULATION IN CAMDEN

● Mr. BAUCUS. Mr. President, I am joined today by my two distinguished colleagues from New Jersey (Mr. BRADLEY and Mr. LAUTENBERG) and the distinguished ranking minority member of the Subcommittee on Housing and Urban Affairs (Mr. RIEGLE) in expressing deep concern over two articles that were recently published in the Philadelphia Inquirer. These two articles detail serious problems that currently exist in programs managed by the Office of Single Family Property Disposition Division and the Single Family Development Division at the Department of Housing and Urban Development. As our colleagues will note from reading these articles, widespread fraudulent activity in these programs has resulted in personal tragedy for several individuals and families, enormous financial losses to the Government and exorbitant profits for a few individuals. At a time when the Federal Government is supposedly getting tough on waste, fraud and mismanagement, these stories serve as a grim reminder that much remains to be done in these areas.

Mr. President, my colleagues and I have already sent a letter to the General Accounting Office asking them to expand a review they already have underway of HUD's property disposition program to include specific review of the problems revealed in the two news articles. In addition, we have written the Attorney General asking him to conduct his investigation as rapidly as possible to assure that any and all guilty parties are brought to justice so that HUD can begin rebuilding the confidence in its programs it needs to effectively carry out its mandate.

Mr. President, I ask that the articles be printed in the RECORD at this point.

The articles are as follows:

[From the Philadelphia Inquirer, Jan. 22, 1984]

HOW HUD LET SPECULATORS GET RICH AT THE POOR'S EXPENSE

(By Tim Weiner)

Like thousands of others in Camden, Carolyn Loper and her family desperately wanted a decent place to live.

Although she wasn't sure she could afford the mortgage, the 36-year-old mother of four thought she couldn't turn down the opportunity. She was offered a two-story brick house for $22,650—with a down payment of only $750. In April 1982 she bought the house.

What she did not know at the time was that just two months earlier, the U.S. Department of Housing and Urban Development (HUD) had sold the same house to real estate speculators for only $6,000. By the time Ms. Loper bought it, the speculators had marked up the price by more than 350 percent after making a few substandard improvements.

She also didn't know that in a matter of days, the first-floor ceiling would fall in. Then, the bathroom sink would fall to the floor, and the windows would pop out of their sills and fall into the street.

Nor did she know that the monthly payment on the mortgage that a speculator obtained for her by falsifying her mortgage application would come to $415—exactly $5 less than her monthly welfare stipend.

The mortgage is now in foreclosure, Ms. Loper is looking for a new place to live and the house will soon revert to HUD.

When it does, HUD must pay off the $22,000 mortgage. Then it will put the house up for sale to another speculator, and the cycle will begin anew.

Carolyn Loper is one of more than 500 people in Camden who, since 1981, have bought houses at dramatically inflated prices from speculators taking advantage of a Reagan administration housing policy.

That policy—intended to reduce the federal government's role in housing—has backfired.

A seven-month Inquirer investigation has found that the policy has failed in Camden on three counts: It has cost taxpayers hundreds of thousands of dollars. It has not provided affordable housing for the poor. And it has not taken the government out of the housing business.

Indeed, the program is leaving behind an ever-increasing trail of foreclosures dispossessed families and boarded-up federally owned homes; the federal bureaucracy today finds itself even deeper in the morass it hoped to leave behind.

The policy has succeeded on only one count: It has made hundreds of thousands of dollars for a handful of real estate speculators—some of whom work for HUD.

The result of all this is that in Camden—one of the nation's most devastated cities, where the average per capita income is less than $4,000 and a good house is as hard to find as a good job—the federal agency charged with providing poor people with housing opportunities has instead become the agency of their exploitation.

Since December 1981, HUD has sold hundreds of houses in Camden at prices as low as $100. But in selling the houses at such bargain prices, HUD's policy has been that poor people may not apply. The sales are made, usually in "packages" of five to 80 houses, to real estate speculators.

HUD had taken possession of those houses because of foreclosures on federally insured mortgages.

The officially stated idea behind the Reagan policy is that the private sector—in the interest of profit—will improve the ramshackle homes and sell them at a reasonable price to needy people. But that did not happen. In 1982, speculators paid an average of $2,200 for HUD houses and sold them for an average of $19,000—and in many cases they made few or no substantial improvements.

"We've seen this pattern of poor people paying tremendous prices for properties that used to be owned by the federal government," said Patrick Corbett, Camden's city assessor. "This to me is sad. This is wrong. Why can't HUD sell these houses to people that need them, instead of speculators who are only in it for a fast buck?"

Not only has the program failed, but in at least 23 cases, documented by The Inquirer, real estate speculators falsified credit information or used forged documentation on mortgage applications so that indigent people would receive mortgages. In half of those cases, the buyer quickly lost the house to foreclosure. In most of the others, defaults and foreclosures are under way. In any case, the speculator makes his profit at settlement, and the mortgage company makes its profit—because the mortgage is federally insured. The Inquirer will document such sales in an article tomorrow.

Regardless of how the mortgage is obtained, all the sales in the HUD program follow a pattern.

An examination of 250 of the sales shows that the Reagan administration policy has led to this cycle:

Two dozen speculators bought the federally owned homes at the bargain-basement prices, then marked them up astronomically—from $100 to $16,000, from $1,000 to $28,000. Often, any improvements were merely cosmetic, serving to hide defects and not correct them.

Proverty-stricken families, persuaded by speculators that they could afford the inflated prices for the run-down houses, bought the properties. They often were lured by down payments of only $300 to $500, with speculators paying all settlement costs.

Misled by the low up-front costs, many of the indigent home-buyers have been unable to keep up their mortgage payments. Records show there already have been scores of defaults and 45 foreclosures.

Each sale is backed by a conventional mortgage insured by the federal government—so HUD is compelled to reclaim possession of each house after foreclosure. The federal government must pay off the entire mortgage—at the speculator's inflated price, plus interest and penalties.

HUD originally sold the 45 houses now in foreclosure for a total of $210,000. But because of the speculators' markups and subsequent foreclosures, HUD is now forced to lay out about $970,000 to pay off those mortgages. So, on the average, HUD is forced to spend $21,500 to buy back a house it had sold for only about $4,600 a year earlier.

In other words, in less than two years, the federal government has managed to run up a bill of $760,000 just to buy back 45 homes it had owned in the first place.

After buying back a house at the inflated cost, HUD puts the same property up for sale, again at a low price, and again to real estate speculators. And the cycle begins all over.

There are several winners in this money shuffle: the speculator, who marks up the prices; the lender, who holds the government-insured mortgages; the other middlemen—the title companies, real estate appraisers and credit agencies.

There are three losers—HUD, which is forced to buy back the houses; the hapless homeowner, who ends up with nothing; and, in the end, the taxpayer who pays for the whole thing.

Last week, HUD's Camden office began a new policy it said would cut profiteering by speculators. Under the policy, a speculator's profit is limited to his total investment—purchase price, cost of any repairs and ordinary maintenance—plus a 30 percent markup.

However, HUD still has no apparatus to verify just what repairs a speculator makes or what they cost. And The Inquirer's investigation has found many cases of inflated repair claims on houses resold to the public.

When HUD first sold the deteriorating houses, it expected—but did not require—speculators to make improvements. Residents said speculators promised to make major repairs. And most speculators filed

papers with HUD detailing thousands of dollars of work in each house.

In interviews, some speculators said their profit margin was not necessarily very large because they had numerous expenses. They said they paid about $2,000 to $3,000 in settlement costs in each sale, in addition to making repairs.

The Inquirer obtained copies of the detailed lists of supposed improvements and retained a private building inspector, Barry Bornstein of Jenkintown, to conduct complete construction examinations of 15 homes. In all 15 cases, he found that speculators had claimed to have made major repairs that were never made, and had inflated the costs of the repairs that were made.

In fact, in scores of houses examined by the Inquirer, the speculators simply covered rotting floors and crumbling ceilings with carpet or paneling. The houses looked relatively good before they were resold—"like a prop on a stage," recalled one bitter buyer, Yvette Bundy. But those houses frequently began to fall apart only weeks after being sold.

Based on HUD files, city and county records, interviews and inspections, these were typical cases:

Debra Hamlett bought a house from Beaver Realty Co. for $16,750 in May 1982, three months after HUD sold it for $1,350. Bornstein's inspection found that the house was replete with rotten wood, crumbling ceilings and walls, substandard wiring, and broken kitchen plumbing. Beaver Realty said it had spent $9,265 improving the house. The Inquirer's inspector said he could find no more than $4,675 in repairs. Ms. Hamlett lost the house to foreclosure in November. She said she intended to move in with friends.

Angel Ruiz, a part-time truck driver, paid $20,000 in August 1982 for a house HUD had sold to Sean McD. Inc. for $2,000 two months earlier. The company estimated that it spent $8,000 on repairs. Ruiz said the new storm windows he had seen before he bought the house were not there when he moved in. Wooden floors were rotting underneath carpeting. Leaking windows and ceilings led to water damage of his few possessions. In October, he lost the house to foreclosure.

Charles and Ollie Hines, both in their 70s, bought a house from Sean McD. Inc. for $19,300 in July 1982, one month after HUD sold it for $2,501. The company said it made $3,900 in repairs. When the couple moved in, they said, the stove didn't work, nearly every window was cracked, doors fell out of place and pipes throughout the house were leaking. They cannot afford to make the necessary repairs. They hope to buy another house.

Sylvia Williams paid $21,800 in March for a house the federal government sold to P Prestige Development Corp. for $9,000 in December 1982. The company said it made substantial improvements. When Ms. Williams moved in, the house was dangerously miswired. Sparks came from wall receptacles, and leaking bathroom pipes dripped onto exposed electrical wiring after the first-floor ceiling caved in. A few months after she moved in, an electrical fire broke out in the kitchen. She lost the house to foreclosure in December, and soon will be evicted.

In each of the above foreclosures, the federal government must pay off the unpaid mortgage, plus interest and penalties. For example, in the Debra Hamlett case, the government had to pay $25,164 for a house it had sold to speculators a year earlier for $1,350. That same house will soon be put up for sale to speculators.

Under the federal policy, HUD makes no effort to ensure that the houses are in safe condition. An FHA appraiser places a dollar value on the house, but does not inspect it for safety or structural integrity.

When the program started in December 1981, HUD required city building inspectors to certify the houses' plumbing, electrical wiring, roofing and heating systems before they were sold to the public. But since May 1982, to expedite its sales program, HUD has stopped demanding these or any inspections.

HUD officials say the rush to sell the houses—like the original idea of package or "bulk" sales to speculators—was in keeping with President Reagan's domestic policy to take the government out of the housing business.

Fred Fender, a top-ranking HUD official, explained the thinking behind the plan in a 1981 memorandum: "The private sector is better equipped to accomplish repair of the properties . . . faster, more economically and generally more efficiently. . . . [The program] would result in substantial savings to the government."

In 1981, HUD owned about 1,200 houses in Camden, according to property records. As foreclosures increased, the inventory grew fast.

HUD officials in Washington and Camden agreed that the houses had to be sold quickly. "The question was, 'How can we get rid of them as fast as we can?' " said Andy Gasparich, HUD's spokesman in Washington.

They decided on an experiment. Instead of repairing the houses and selling them individually to Camden residents—as HUD had been doing—they would assemble large packages of unrepaired HUD homes and sell them to speculators. There would be no minimum bids.

The federal government had attempted similar programs, without success in Philadelphia and other cities in the 1970s.

In the summer of 1981, HUD's Camden office placed advertisements in the New York Times and the Wall Street Journal, hoping to draw investors from throughout the country for its first package of 80 homes.

But by October 1981, there were only three bids on the package—one for $64,400, one for $500 and one for $401. Although HUD had set a "minimum acceptable price" of $167,367 on the package, it accepted the $64,400 offer—an average of $805 per house.

"It was all experimental," said Elmer Roy, head of Camden's HUD office. "There were no rules in any book. . . . There was no minimum price on the properties." (Earlier this year, HUD reimposed minimum prices on the houses; few now sell for less than $3,000.)

Those first 80 houses were sold to a company headed by two Camden real estate brokers, Charles Horan and Harry Frett. Horan works under contract for HUD as a manager of federally owned houses in Camden. His contract explicitly prohibits him from buying houses under his management. Of the 80 houses he purchased, 21 were under Horan's management.

Horan was one of five speculators who bought HUD houses while working under contract for HUD's Camden office. The other four violated no contract provisions because the houses they bought had not been under their management.

Theodore Norton, who has lived in Camden since 1945, ended up with one of the 80 houses sold to Horan and Frett.

A modern two-story brick rowhouse in one of Camdens better neighborhoods, the house at 1255 N. 29th St. was built in 1975.

"That house was in great shape" in December 1981, said Francis B. Heck, one of the real estate speculators who saw it that month.

On Dec. 11, 1981, HUD sold the house to Horan and Frett for $500. The two men said they made no repairs. One week later, they sold it to Heck for $15,000.

Four weeks later. Heck sold the house for $25,500 to Norton, a 58-year-old lab wireman for RCA.

Heck said he was acting with another speculator, William McDevitt, in the deal. In an interview, McDevitt said he made no major repairs beyond "sugar-coating, you know? A paint job, carpeting, cosmetics."

By the end of 1982, Norton found he was unable to make the mortgage payments. He fell into default, but HUD allowed the Nortons to stay there as long as they could make monthly payments to HUD.

"I thought the price was high, but the need for a house made me overlook that," Norton said. "There's no way I would have agreed to pay so much if I had known what the background of this house was."

He said his wife and daughter contributed to the mortgage payments.

"Right now I'm in arrears again with HUD," Norton said. "I have to pay $827 a month for the next two months to get caught up. I'm afraid I might lose the house, and then what?"

He said he could not believe that HUD had sold the house for only $500—the amount of his down payment.

"I paid $25,500 for something HUD could have sold to me for much cheaper," Norton said. "It's enough to gag a maggot."

"It was not moral," he added. "And the embryo of the situation is HUD itself, isn't it?"

Beverly T. Lange, 62, a Camden county health department employee, bought the first house Horan and Frett resold.

Mrs. Lange said in an interview that she had been asking HUD to sell her the house at 330 N. 36th St. for months before the bulk sales program began. She said she had offered HUD $2,000 for the fire-damaged property.

"For months, I begged Bill Flemming"—then the property disposition manager at HUD's Camden office—"to put the house on the market," Mrs. Lange said. "He wouldn't do it, wouldn't even answer my calls. I offered him $2,000 for it and he laughed at me."

Flemming said in an inteview that he was not permittted to discuss specific sales.

Mrs. Lange said that in November 1981, several weeks before HUD sold the houses to Horan and Frett, she went to Horan to talk about the house, becaue he was the designated HUD manager of that home.

She met with Horan at the offices of Camden Realty Co., the real estate business owned by Horan and Frett.

"The house was boarded up when a man from Camden Realty showed it to me," Mrs. Lange said. She said they walked through the house. Mrs. Lange then said she wanted to buy it, and Horan agreed to make the sale for $4,500.

She paid a $500 deposit on the House in December, before HUD sold the house to Horan. "They said they would buy it from HUD and sell it to me," Mrs. Lange said, "so

I put the deposit down before they even owned it."

On Dec. 11, Horan bought the house for $900 as part of his package deal. Three days later, he sold it to Mrs. Lange for $4,500. On the day of the sale. Horan did not even officially own the house yet. His deed of sale from HUD was recorded on Dec. 16, 1981.

Horan and Frett said in interviews that they felt comfortable signing an agreement for sale of the property before they owned it. Horan said he knew HUD would sell him the home since he was the high bidder on the bulk package.

After buying the house, Mrs. Lange said, she found that its plumbing was missing.

"All the pipes and the bathroom fixtures were intact when I [first] saw it," She said. "When I bought it, it was stripped—the plumbing and the bathroom fixtures were gone. There was no sign of forced entry."

Frett said he was aware that the house had been stripped before Mrs. Lange moved in. He said the house had been vandalized.

"I'd like to get the money back," Mrs. Lange said, "but it's not the money I object to. I offered to pay HUD $2,000 and they turn around and sell it for $900 and then I have to pay $4,500 for it? That I object to."

Charles Horan has been under contract with HUD "on and off for about 20 years," he said in an interview. He is one of several HUD area management brokers—people hired under contract to manage and maintain HUD-owned homes in Camden.

Horan said he first learned of the HUD bulk sales program in the summer of 1981—before HUD published its advertisements in the newspapers. He said he talked to Harry Frett, his partner in Camden Realty Co., about the business opportunity.

"Harry said to me, 'I think we can make some money on this,' " Horan recalled.

So they decided to form a corporation to buy and resell HUD houses.

In October, they put in their bid of $64,400—$805 a house. Two months later, HUD sold them the package of 80 houses for $632,000, according to real estate records.

Horan said in an interview that he and Frett made a profit of "less than $250,000" on the 80 sales.

Horan said the deal may look good in retrospect, but that at the time "it seemed very risky. We were in it alone. There was no proven market out there." He said he seriously considered backing out of the deal from the start—for fear that he would not be able to sell the houses.

But he and Frett decided to take the chance.

As an area management broker for HUD, Horan had signed a contract that forbade him from buying any HUD properties he managed. The contract "expressly prohibits the purchase of acquired HUD properties included under [the] management contract by the Area Manager."

Twenty-one of the 80 houses in the package had been under Horan's management in East Camden. But Horan and the top-ranking HUD official in Camden said they were not bothered by any potential conflict of interest.

"I hardly ever read that contract, Horan said, "I didn't even know that. I didn't even care."

"Maybe it was a mere oversight," said Roy, director of HUD's Camden office. "Contract provisions kind of came and kind of went. There are rules upon rules—they're constantly shifting."

Land records show that four other real estate brokers under contract to HUD as area management brokers—Carmen Nocito, Dominic Battista, Harry Green and Leo J. Solomon—bought and sold HUD-owned houses in the Camden bulk sales program. Unlike Horan, however, they did not buy properties within their management boundaries.

Speculators with no HUD credentials also profit from the bulk sales program.

Samuel Cohen's real estate firm, Daner Realty, bought 30 HUD houses for $64,740 in bulk sales in 1982—an average price of $2,158 a house. He resold them for $571,600—an average of $19,053 a house, and an average markup of $16,895, or 783 percent.

Cohen said in an interview that his net profit on the deal was "about $8,000 a house"—a total of $240,000.

Inspections of Daner Realty's houses and interviews with the people who bought them showed that the houses generally were in good repair when they were sold.

He said he saw nothing wrong with speculators' making large profits on HUD homes. In fact, he said the markup of housing prices was a positive force for Camden's long-awaited renaissance.

The problem in Camden, he said, is its people.

Cohen called Camden residents "pigs" and "welfare bums," and said Camden would be revitalized only through an upward surge in housing prices. "Then you'd get a better class of people living here."

"They ought to give me a medal for what I did," said Cohen. "It was the greatest deal of my life."

The upward surge of housing prices should continue, Cohen said.

"It's free enterprise, for Christ's sake," he said. "Let the free enterprise guys make some money, why don't you?"

Francis Heck, William Luciani and William McDevitt, three real estate speculators, worked together at firms that bought and sold scores of HUD houses.

The three worked at a company called Beaver Realty in late 1981 and early 1982. The company bought 10 HUD houses. The mortgages on eight of them are foreclosed.

The company is inactive.

Heck and Luciani went on to form Bonafide Investment Corp. Between June 1982 and April 1983, it bought 25 HUD houses for $118,000 and sold them for $488,000. Eight of them also are in foreclosure.

McDevitt is the president of Sean McD. Inc. In 1982, the company paid HUD $106,600 for 30 houses—an average of $3,553 a house. In less than a year, it resold the houses for $610,900—an average of $20,363 a house.

In an interview, McDevitt said the company was not making any unreasonable profits. He said the company must spend hundreds of thousands of dollars on house repairs and settlement costs.

In some cases, he said, Sean McD. made as much as a $10,000 profit on one sale, but in other cases the company barely broke even. He said he hoped the company would make an average of about $4,000 profit per house—or about $200,000 for the 50 HUD houses bought by Sean McD.

He also strongly defended the quality of his house repairs. "I'm proud of Sean McD.," he said. "Sean McD. sells the best quality houses in the city of Camden."

Two people who have worked on repair crews for Beaver Realty and Bonafide Investment said their repairs typically consisted of three or four days of "cosmetic" work.

"It was all quick, slap, bang. They would just do it so it would look good, but they weren't fixing them properly," said Ron Bush, 28, who worked on the repair crews.

"It was slapdash, jackleg work," Bush said. "They couldn't do a serious job."

"We'd just do the minimum amount of work possible, and sometimes less than that," said Michelle Norton, 25, who also worked on repair crews. "We'd just smack some paint on the walls, spill it all over the floors, and then they'd just smack a cheap old carpet down. After two months, you know, everything would just fall apart."

Ollie Hines, a dignified, slow-moving woman of 73, had a hard time keeping her composure as she talked about her home.

She and her husband, Charles, said they regretted the day they signed the papers and bought the house at 1811 S. Fourth St.

The couple went to settlement in July 1982. The price of the house was $19,300. HUD records show that, after deducting costs of repairs and settlement, Sean McD. Inc. made a $10,000 profit on the sale.

In June 1982, Sean McD. Inc. had bought the house from HUD for $2,501. In an interview, McDevitt said the company spend about $3,900 for repairs. "That house was in perfect shape when they moved in," McDevitt said.

Mrs. Hines disagreed. "When we bought the house it was in a bad condition," she said. "But, you know, we wanted a place to live.

"The reason I went along and bought it was he [McDevitt] said he was going to fix everything that wasn't fixed," she said. "But when I called him to make repairs he got real nasty. He said, 'I ain't gonna put a goddamn thing else in there.'

"Well, he didn't," Mrs. Hines said. "The stove is broken, there's cracks in all the windows, the doors fell off the hinges, the lock fell off the front door. The washbasin is falling off the wall, the paint is bad, the bathroom tile is cracking, all the pipes leak and every time it rains the basement gets flooded."

Mrs. Hines said McDevitt had promised to install a large number of new items in the house. "But the only thing he put in new was a hot-water heater—and we've had lots of problems with that."

McDevitt said the couple's contentions were false.

The couple said that after committing themselves to making the mortgage payments, they could not afford to put any money into repairing the house.

Last fall they began looking for another house.

Debra Hamlett, 26, had heard on the street that she could buy an inexpensive house in Camden from a company called Beaver Realty Co.

"It sounded too good to be true," she recalled.

Ms. Hamlett bought the house at 814 Tulip St. for $16,750 from Beaver Realty Co. on May 28, 1982. The company had bought it from HUD three months earlier for $1,350.

Barry Bornstein, who inspected the house for The Inquirer, found that the house was a patchwork of rotten wood, leaking fixtures and substandard wiring.

Beaver Realty filed detailed documents with HUD that said the company spent $9,265 improving the house;: $1,405 for roofing, $1,850 for plumbing; $2,450 for painting; $3,100 for carpentry and $460 for electrical work.

Bornstein said the company had overstated the cost of its repairs by about 98 percent. He said he was "hard-pressed" to find

more than $4,675 worth of work in the house in his inspection in October 1983.

McDevitt, the president of Beaver Realty, said he was unaware of any work that was not done. He produced documentation showing that the company paid the full $9,265. But he said he did not personally inspect the work. He said if any work was not done, his contractors and construction manager were to blame.

The house initially looked good. "At least it did to me," Ms. Hamlett said. "But everything was wrong with that house."

"It was in deplorable condition," Bornstein reported.

After only a few months, Ms. Hamlett found she couldn't afford the $268 monthly mortgage payments. She said she felt disinclined even to try, because the house was in such poor condition.

"The kitchen plumbing fell apart and the walls and ceiling were all caving in. It was a mess," she said.

In November, the mortgage on the house was foreclosed. It returned to HUD's ownership after a sheriff's sale. The federal government paid off the $25,164 in principal, interest and penalties to the mortgage company.

The house at 814 Tulip St. will appear soon on a listing of HUD properties available for sale to speculators. And Debra Hamlett is looking for a place to live.

Angel Ruiz, a tractor-trailer driver in his early 30s, said he thought at first that he was getting a pretty good deal from Sean McD., the company that sold him the house at 1241 N. 21st St.

Sean McD. Inc. bought the house as part of a package deal from HUD in June 1982. The company paid $2,000. The sale price to Ruiz was $20,000.

Ruiz said that in August 1982, when he moved in, storm windows and a new storm door he had seen when he first inspected the house were no longer there. His cousin, Betsy Crespo, who lives across the street, said in an interview that she had seen men who identified themselves as Sean McD. repairmen removing the items.

"Every time it rains or snows, it comes in all over the house, all over these rotten windowsills," Ruiz said. "The windows leak, the skylight leaks. The heater is old, and last winter I spent $1,200 in oil to heat this house."

His house showed little evidence of new improvements. "They sure didn't put much work into it," Ruiz said. "They put the rug in, and painting, and they fixed the bathroom."

McDevitt said that Sean McD. put $8,000 worth of work into the house. He said the house was in good repair when he sold it.

But now the house must wait for someone else to fix it up. Ruiz lost his home to foreclosure in October, loaded his possessions into a pickup truck, and left.

Twana Griffin heard her aunt, Mary Williams, say that a company called P Prestige Development Corp. had houses for sale last year.

"I felt like I could get the house if the deal was right," she said. "What's happened now is that the house is no good, it's falling apart, I can't pay the mortgage."

During a recent tour of the house, the dining room ceiling was falling down, the bedroom walls were cracked and many window casements were cracked and decaying.

Ms. Griffin, 22, said she moved into the House at 1274 Jackson St. on Nov. 30, 1982. Land records show that P Prestige bought the house from HUD six days earlier.

P Prestige Development Corp. paid $5,500 for the house. Twana Griffin paid $15,750.

Patrick String, who runs P Prestige, said the house was in good condition, the price was fair and Ms. Griffin's complaints were unfounded.

As she sat in her dining room, with paint peeling from the walls and plaster chipping above her in the exposed lathing of the ceiling, Ms. Griffin said the house was a doomed proposition—not because of its condition but because she had been misinformed about its cost.

"Pat told me the mortgage would be less than $200 a month, like about $160," she said. "I thought I could afford that with a little help from my family." But the mortgage is $232 a month, and Ms. Griffin receives a monthly welfare stipend of $273.

"The gas and electric was so high because there's no insulation in this house, and the mortgage was so high that along with that, I couldn't pay it," she said. "After I went to settlement [in January 1983] I realized I couldn't make it."

The mortgage is in foreclosure. Ms. Griffin was still living there last month, awaiting eviction. She said she did not know what she would do when she was forced out of the house.

Sylvia Williams, 37, sat shaking with fear last summer in the offices of Jaycees Housing Counseling Inc., a housing rehabilitation and counseling group in Camden.

She was afraid her house might kill her and the five children living there.

After she moved into the house at 1801 S. Fourth St. late last year, she said, "everything went wrong."

Lights flickered on and off. The second-floor hallway light switch was the only switch in the house that could turn on the light to the first-floor kitchen. Electrical receptacles threw sparks.

Walls throughout the house were peeling, flaking and, in some cases, cracking. A large portion of the first-floor ceiling collapsed, and waste water from broken pipes cascaded into the first-floor living room whenever the toilet was flushed.

On July 28, she watched as an electrical outlet set off a fire in her kitchen. She was able to put out the fire before it spread beyond the kitchen. But, she said, after that she ws terrified for the safety of the children.

"All I wanted was a roof over my head," she said.

Ms. Williams, a welfare recipient, bought the house for $21,800 from P Prestige Development Corp.

HUD sold the house to the company for $9,000 on Dec. 21, 1982.

Ms. Williams said she moved into the house in December, as soon as the company bought the house from HUD. She said she discovered problems immediately.

"I had called Pat about electrical problems with the house . . . and plumbing problems," she said. "I can't [afford to] pay an electrical man to come. Pat said he'd take care of the property for a year. He guaranteed it."

"I'm scared. I'm petrified," she said. "I have children and I'm at my wits' end. I'm scared of a fire."

In an interview, String said there was nothing improper with the sale. He correctly pointed out that "the house passed FHA inspection" by an appraiser before the sale went to settlement in March 1983.

String said he had no qualms about the deal. "I don't make a hell of a lot of money on my houses," he said. "I make a living.

"I spent extra money in that house after settlement—$468 just on plumbing."

Jerry Cormier, who works for Jaycees Housing Counseling, said he sent the group's housing rehabilitation manager to the house on July 30. He said the inspector confirmed that the house had been dangerously miswired, that broken plumbing had caused the first-floor ceiling to collapse, that paint and plaster were falling from the walls. He also said a furnace that String said he had installed appeared to be 45 years old.

In December, Ms. Williams was notified that the mortgage had fallen into foreclosure. She is still living there but she will be evicted in the near future.

"You know what'll happen." Cormier said. "The house'll fall apart, she'll leave, it'll go right back into HUD's hands and right into the hands of the speculators again. It's a travesty."

"This is an American democracy," String said in an interview. "We're entitled to make a profit. But there will always be greed."

HUD HOMES BOUGHT AND SOLD BY CAMDEN REAL ESTATE COMPANIES: 1981–83

Location	Paid HUD	Resale price
8067 WEST RIVER, INC., CHARLES HORAN [1] AND HARRY FRETT		
All properties bought Dec. 11, 1981:		
561 N 32d	$200	$23,900
317 N 40th	1,000	19,900
1111 N 21st	100	11,900
35 N 33d	1,000	19,900
1216 N 21st	100	11,000
2840 Lincoln	1,000	21,000
123 N 25th	500	13,500
1122 Beideman	300	14,900
17 Leonard	500	12,900
1219 N 22d	100	11,900
1253 N 22d	100	16,000
848 Beideman	200	15,900
1062 Beideman	200	16,300
DANER REALTY, SAMUEL COHEN		
All properties bought Feb. 2, 1982:		
1071 Lake Shore	1,500	17,600
3020 Mickle	2,600	19,500
2263 Baird	2,600	21,000
2266 Baird	2,600	21,000
3003 Clinton	2,600	21,000
2921 Line	2,600	21,000
1259 MacArthur	2,600	20,000
2909 Stevens	2,800	20,000
364 Raritan	2,230	20,000
607 Randolph	2,120	20,000
ZINMAN REALTY, CARMEN NOCITO AND DOMINIC BATTISTA [1]		
All properties bought Feb. 18, 1982:		
1313 Jackson	2,160	20,000
1339 Jackson	2,100	19,500
SEAN MCD., INC., WILLIAM M. DEVITT		
All properties bought June 6, 1982:		
1018 N 20th	31000	20,800
1246 N 21st	500	14,250
1241 N 21st	2,000	20,000
862 Beideman	500	16,750
1105 N 26th	1,500	16,750
1234 N 20th	500	19,800
850 Beideman	1,000	16,750
419 Viola	1,501	21,700
1811 S 4th	2,501	19,300
E. DANIEL SNYDER & NELSON TOBOLSKY		
All properties bought Feb. 4, 1982:		
1255 S Merrimac	2,500	20,000
1119 N 24th	100	14,950
3321 Saunders	2,000	20,000
2746 Concord	1,000	22,900
BONAFIDE INVESTMENT CORP., WILLIAM LUCIANI AND FRANCIS HECK		
All properties bought Feb. 3, 1983		
1075 Morton	3,521	17,750
1089 Thurman	3,521	19250
1087 Morton	3,521	17,800

[1] Brokers were under contract to manage HUD-owned homes when they bought HUD properties.

Note: In each of these sales, the companies pay all settlement costs, which may come to about $2,000 or $3,000 per house. In addition, in most cases, the companies said they spent thousands of dollars repairing the houses. The Government has made no effort to verify the reported repair costs. Those costs varied greatly from house to house.

[From the Philadelphia Inquirer]

BULK SALES: IT FAILED IN PHILADELPHIA

(By Tim Weiner)

The federal government tried selling off houses to real estate speculators in Philadelphia in the 1970s.

It didn't work.

The sales led to broken promises, abandoned houses, embittered community groups and a class action lawsuit against one major speculator.

In Philadelphia, bulk sales by the U.S. Department of Housing and Urban Development (HUD) all but ceased in 1976.

"We don't want to dump properties. It's just not in the cards," said Ken Corr, the property disposition officer at HUD's Philadelphia office.

"Community groups have voiced their own concerns about investors," Corr said. "They were concerned that individuals buying the properties as investments would not rehabilitate them. They wanted the properties sold to owners, not investors."

Despite Philadelphia's experience, HUD decided two years ago to sell houses in bulk to speculators in Camden.

The result has been much the same. But in Washington, HUD officials view it differently.

"We have reduced our inventory of homes, and that was our goal," Shirley Wiseman, HUD's deputy assistant secretary for single-family housing, said in a recent interview. Mrs. Wiseman said she was not completely familiar with what had happened in Camden, but on the basis of what she knew, she deemed the policy a success.

"Basically," she said, "we'll try almost anything to reduce our inventories of homes."

Fred Fender, who was the top HUD official in charge of single-family housing in 1981, said in an interview that the policy was in keeping with President Reagan's domestic economic politics.

"When this administration came in," he said, "we were looking for ways to get out of home ownership . . . and the idea came up to package the houses together. It was just a shot in the dark, just an idea of how to cope. You know: 'We own half of Camden—what are we going to do?'"

For the director of HUD's Camden office, Elmer Roy, it boiled down to a simple order from Washington. "There was a new administration in Washington, and they wanted to move the properties," Roy said.

Increasingly, the policy of selling HUD homes to speculators is criticized by those to whom it is not a matter of profit or policy.

"It isn't as good for the private individual, the bulk sale," said Betty Putterman, a real estate broker who manages HUD-owned houses in Camden. "It discourages the individual. It doesn't give them the opportunity to purchase. . . . It was a Washington decision—a part of the whole thing they call Reaganomics."

Jerry Cormier, a leader of Camden Jaycees Housing Counseling Inc., agreed. "The bulk sales were a tremendous birthday present from HUD to the real estate speculators," he said. "It was a bonanza for them and a slap in the face to people who desperately need housing."

"HUD's playing into the hands of people who have always been able to make a good buck off inferior housing in this city," he said. "And it perpetuates the sad fact that a good number of people in this city are lambs to the slaughter when it comes to housing."

The bulk sales program replaced another HUD policy—hiring contractors to repair HUD-owned homes, and then selling the houses individually to the public.

Last year, seven men were convicted on federal corruption charges stemming from the repair program, which ended in 1981.

At a trial in U.S. District Court in Camden, testimony showed that at least $600,000 worth of federal funds earmarked for rehabilitating homes in Camden had instead been pocketed by contractors, real estate brokers and HUD officials between 1976 and 1981. The evidence showed that HUD officials were taking bribes in exchange for approving padded and no-show HUD home-repair contracts.

In trial testimony, Rod Herrera, a former HUD official in Camden, said he played a role in persuading his superiors to end the repair program. Herrera also said he suggested bringing the bulk sales policy to Camden.

"I came up with the concept of the bulk sale where we would sell the houses in bulk to developers," he testified. "I talked our office into lowering the prices to a bare minimum."

Herrera is now serving a five-year prison sentence for taking kickbacks.

In 1937, President Franklin D. Roosevelt said he saw "a third of a nation ill-housed, ill-clad, ill-fed." In response, Congress passed the U.S. Housing Act—the first federal legislation to help those who could not afford decent housing.

In 1964, the U.S. Department of Housing and Urban Development was created to further that cause.

Today, in Camden, more than half the people are poor. Camden has more than 4,000 vacant houses—more vacant houses than any New Jersey city except Newark, which has four times more people.

The 1980 U.S. Census showed that the average value of a house in Camden—$14,800—was the lowest of any city in the nation. Nearly one in six houses was abandoned, the census showed.

Camden's finances are nearly depleted. The city can do little to provide decent housing.

Today, for the first time since 1937, the federal government is spending no new money on low-income housing programs. It has all but halted construction of subsidized housing, and is selling off its housing stock to speculators.

Chuck Clark, a former aide to Democratic U.S. Rep. James J. Florio, who represents Camden in Congress, said he thought the federal government was short-changing the people of Camden.

He said the sales to speculators contradicted the intent of the legislation under which HUD was founded.

"It seems to me that things are being done outside the intent of Congress," Clark said. "They talk about an equal opportunity to own decent housing. It seems the policies that are being promulgated are denying people that opportunity in favor of real estate operators. It seems to me that low-income people ought to have an opportunity to obtain housing, but the policy precludes poor people from buying."

"The legislative intent is not really being fulfilled," he said. "Maybe there should be a moratorium on these sales."

[From the Philadelphia Inquirer, Jan. 23, 1984]

FALSIFIED PAPERS GAVE HOMES TO INDIGENT BUYERS

(By Tim Weiner)

Michelle Combs doesn't know it, but she bought a house in Camden. Michelle can't pay the mortgage. She is 4 years old.

A man from a company called Bonafide Investment arranged the sale. He told Michelle's mother to use her daughter's name and Social Security number on an application for a federally insured mortgage. Having no debts, Michelle looked like a better credit risk than her mother, who was on welfare. The child looked even better when the falsified application made it appear that she had a $375-a-week job.

The sale went through last March. Bonafied Investment pocketed a quick profit—backed by the federal government. But the Combs family wound up in a crumbling house, unable to meet the mortgage payments and facing certain foreclosure.

An Inquirer investigation has found a pattern of falsification in applications for federally insured mortgages in Camden. The mortgages obtained with these bogus applications are enriching real estate speculators, victimizing poor people and costing taxpayers hundreds of thousands of dollars.

Interviews with home buyers and an examination of U.S. Department of Housing and Urban Development (HUD) files documented at least 23 cases in which speculators falsified mortgage papers to sell a house. In many of those cases, the buyers said they knew crucial financial information on the mortgage applications they signed was phony.

The 23 houses represent $434,000 worth of government-backed mortgages—almost all of which ultimately will be paid off by taxpayers.

The mortgage applications included false names and Social Security numbers, bogus jobs, nonexistent income and assets, and forged HUD and IRS forms. The false information was intended to make indigent home buyers appear financially qualified to receive mortgages.

In some cases, buyers said a speculator had told them what to write. In others, the speculator himself falsified the information, the buyers said.

The speculators purchased the homes from the federal government at bargain-basement prices. Then, using the falsified mortgage applications, they quickly resold them at drastically inflated prices to unemployed people on welfare.

The speculators benefit from the falsification. In each case, they make their entire profit on the day the house is sold. The buyers, on the other hand, end up with decaying houses they cannot afford—and then lose them to foreclose.

Most of the 23 sales have been made by three Camden companies. Most were handled by William Luciani, who has worked at all three companies, and currently is the vice-president of Bonafide Investment Corp. In interviews, 19 different home buyers said Luciani filled in the false credit information himself or told them exactly what to do in falsifying their mortgage applications. And several said they were told the mortgage payments would be lower than they turned out to be.

In addition, a former secretary at Bonafide, Bernice Gilbert, said in an interview that she had seen Luciani falsify mortgage

applications, and that she had sometimes forged signatures at his request.

In an interview, Luciani denied that he falsified the mortgage applications. He said all 19 people who accused him of doing so were lying. He said the mortgage applications might have been falsified by the buyers. From this point of view, Bonafide Investment has helped poor people to find homes.

"Is it a scam, to help people get houses? "he said. "I'm not trying to hurt anybody. . . . So legally it's wrong. Morally, is it wrong? I feel like I'm helping these people."

But many of the people who bought houses through Luciani already have begun losing their homes because they are unable to meet their mortgage payments.

Most of the people are young mothers on welfare. Their monthly welfare checks barely equal their monthly mortgage payments. Records show that 32 of 80 HUD houses sold by the three companies where Luciani worked in 1982 and 1983 already have fallen into foreclosure. Mortgages on many others are in default.

HUD has insured mortgages on sales to unemployed women such as:

Carolyn Loper. Her mortgage application, which said she managed a dress shop, included a W-2 form citing her annual income as $20,280. Joseph Nelson, the manager of the shop, said in an interview that Ms. Loper never worked for him. In fact, he said he has no employees and no W-2 forms.

Judith Cream. Her mortgage application said she was a bookkeeper and secretary at an auto transmission shop. She wasn't. The Social Security number on her application is not hers. It belongs to her 7-year-old son.

Denise Presbery. Her application said she owned a 1977 Pontiac Firebird and $10,000 in assets. Ms. Presbery says she has nothing near $10,000 in assets, and does not have a car. She doesn't even have a driver's license.

Tanya Combs. Her daughter's name appeared on her mortgage application so that her debts wouldn't scuttle the transaction. HUD records show that a credit agency had confirmed that 4-year-old Michelle Combs was a barmaid.

In 1982 and 1983, the three companies where Luciani worked, Bonafide Investment, Beaver Realty and Sean McD. Inc., bought 80 houses from HUD, which is selling off hundreds of federally owned homes in Camden.

Today, Luciani works at Bonafide. Beaver Realty is inactive. William McDevitt, the president of Sean McD. Inc., said he was unaware of any mortgage falsification occurring when Luciani worked at his company in 1982. "All my sales are honest," McDevitt said in an interview.

Luciani and Francis Heck, the president of Bonafide Investment, refused to discuss the specifics of their sales. Luciani said he had documents showing he had not made exorbitant profits, but he refused to disclose that documentation.

The three companies paid HUD an average price of $3,500 per home. They were able to resell them for an average of $20,000. All the mortgage applications were approved by HUD's Camden office, usually within five weeks.

Most of the applications also contained statements detailing thousands of dollars of repairs on each house. A private building inspector hired by The Inquirer—Barry Bornstein of Jenkintown—found that the speculators exaggerated the cost and the extent of their repairs. Some repairs simply never were done.

In interviews, dozens of people who bought houses from the companies gave nearly identical accounts.

They said "the word was out on the street" that anyone could buy a house. All that was needed was a down payment of $300 to $500. The speculators offered a finder's fee of $100 to those who bring in customers.

"The story on the street was that Bill [Luciani] was a guy that welfare people could get a home from," said Yvette Bundy, who bought a house from Bonafide in March. "If you didn't have a job, he would make it look like you had a job."

Bernice Gilbert, who was Bonafide's secretary, said in an interview that the word on the street was correct.

"If people were on welfare, they would talk to Luciani," she said. "If they didn't have jobs, he gave them a job."

But the "job" existed only on paper.

"Luciani would put anything on the credit application to make it look good," Ms. Gilbert said. "He would put down whatever was needed. He forged signatures. . . . If the 'boss' was a woman, he told me to do it, because a woman's signature looks different than a man's. He has a whole drawer full of blank W-2 forms. I typed some up."

Bonafide Investment Corp. is not a real estate agency, and Luciani is not a licensed real estate broker. Nonetheless, according to all accounts from buyers, Luciani negotiated these transactions.

In every sale examined by The Inquirer, HUD records showed the speculators used the same mortgage company, the same title company, and, in all but two cases, the same credit agency. They are:

Presidential Mortgage Services Inc. of Cherry Hill. The company was incorporated on April 8, 1982—the same day Bonafide Investment was incorporated—and formerly was known as Hammond & Hoffman Mortgage Associates Inc. In every sale, company officials wrote to HUD, supporting the qualifications of the buyer and recommending approval of the mortgage.

Realty Abstract Co. of Cherry Hill. County mortgage records show that a principal officer of the title company loaned the speculators money—usually about $10,000—on each house they bought from HUD.

Credit Bureau Associates of Camden. The company's role was to confirm crucial credit information. HUD files show the company said it verified employment of mortgage applicants by telephoning employers. But in at least five cases, the company submitted credit reports citing telephone numbers that did not belong to the purported employer.

Officials of all three companies said in interviews they had no knowledge that the mortgage applications had been falsified.

The title company officer, George Dougherty, said he thought the mortgage company president had verified the buyers' jobs and income.

The mortgage company president, James Smedley, said he had relied on inquiries by the credit agency.

And the director of the credit agency, Bernard Becker, said, "If a fraud is being perpetrated, then the fraud involves the people at the other end."

HUD is still selling houses to the speculators, and the speculators are still selling houses to Camden residents.

Here are the stories of nine sales from 1982 and 1983.

TANYA COMBS

The tumbledown house at 1062 Morton St. is Tanya Combs' home. Her 4-year-old daughter, Michelle, is the legal owner.

Last year, Tanya Combs was homeless. She was unemployed and on welfare. She was 24 years old and desperate for a place to live.

For seven months, she said in an inteview, she lived with friends and in the street. She had been evicted from a Camden housing project in September 1982. The State of New Jersey—specifically, the Division of Youth and Family Services—had stripped her of custody of her four children until she found a home.

Then, last March, "this guy, a regular street guy, told me about Bonafide," she recalled. "He said you can put $300 or $500 down and you get a house."

She went to Bonafide's office in Camden, where she met Bill Luciani.

"I told him I needed a house badly, urgently," she said. "My kids were in a foster home, and I told him in order to get my kids back I have to get adequate housing. This was my first time buying a home ever in my life."

There was an obvious hitch. She had unpaid debts. She had no income other than welfare. She couldn't qualify for a mortgage.

Ms. Combs said Luciani told her: "That doesn't matter. You need a house—we're going to get you a house."

Luciani, she recalled, said all she needed was $300 for a down payment. The house would cost $19,300. He said he would take care of everything, she recalled.

"He fixed it up so my credit be good by using my daughter's name and Social Security number. It was Luciani's idea—I don't know anything about that slick stuff.

"He asked was I working," Ms. Combs said. "I told him no. He smiled and said, 'Yes, you are. Think of a bar where you go to and you're known at, where they'll do you a favor. We'll send your mortgage application there.'"

Ms. Combs named a bar—the C & C Lounge at Seventh and Sylvan Streets in South Camden. The next week, she said, "I went to the bar, picked the application up and brought it back to Luciani. He filled out everything on it. He put down that I have a 1977 Audi and $10,000 worth of stuff, household goods. All I really have is a $400 color TV, and a little furniture that's not worth anything."

At Luciani's direction, Ms. Combs said, she signed her daughter's name to the necessary federal housing documents.

One crucial document was the form mailed to the C & C Lounge—the "verification of employment."

The document, which later became part of a HUD file on the transaction, stated that Michelle Combs had been working as a barmaid at the C & C Lounge since February 1980.

Michelle was 1 year old in 1980.

Once Ms. Combs returned the mortgage credit application to Bonafide, she said, she signed it at Luciani's direction.

"I had to sign all these papers," she said. "They said, 'Put down Michelle Combs.' I don't know what they did after that."

According to HUD records, her mortgage application was then processed by Presidential Mortgage Services.

On April 14, 1983, Charles L. Biehn, Presidential's executive vice president, wrote a letter to Linda Christie, a HUD loan special-

ist. "Please be advised that the base hours per week for Michelle Combs is 40. She also receives 10 hours overtime at her base rate of $7.50 per hour. Based on the above information please issue your firm commitment," Biehn wrote.

A day after HUD received the letter, records show, Ms. Christie approved a "firm commitment" for FHA insurance on a $19,000 mortgage for Michelle Combs.

On April 18, Ms. Combs bought the house for $19,300. HUD had sold that same house to Bonafide for $3,521 two months earlier.

Tanya Combs receives $468 a month in welfare. Her mortgage is $270 a month. She says she cannot keep up payments.

"There's no way I can make it," she said. "I guess I'm going to lose the house."

Bonafide has received its entire profit. When foreclosure comes, the federal government is obligated to pay off the mortgage, and retake possession of the home, which it will put up for sale to another real estate speculator.

CAROLYN LOPER

One hour after buying the house at 1429 Ormond St. from HUD for $6,000 on Feb. 16, 1982, Beaver Realty sold it for $11,000.

According to HUD records, the company sold the two-story brick house to Francis Heck, its president. Two months after that, Carolyn Loper bought the house for $22,650. She said the sale was arranged by Luciani.

In an interview, Ms. Loper said she heard about Luciani "on the street." She explained how the house was sold.

"I explained that I had to have a mortgage no more than $300," she said. "Luciani said, 'Don't worry, I'll straighten out the papers myself.' "

The credit application filed with HUD shows that Ms. Loper was listed as the assistant manager of Lavender Mist, a dress shop on Mount Ephraim Avenue in Camden. Ms. Loper said Luciani completed the forms, and that he even filled out a W-2 form, the federal tax document showing a person's income.

"He said on the papers that I made $375 a week," she said. "He put down that I had paid $5,000 cash for a 1978 automobile, and that I had $10,000 worth of furniture and stuff. He was doing things so fast I couldn't believe it."

Credit Bureau Associates reported in its statement filed with HUD that it called Lavender Mist on April 5 and spoke with a Mr. Mears, who confirmed her employment.

Joseph Nelson, the manager of Lavender Mist, said in an interview that neither Mr. Mears nor Ms. Loper ever worked at his dress shop.

He was incredulous when he saw a copy of the W-2 form Beaver Realty submitted to HUD. "Look at that!" he said, and shook his head.

The tax form stated that Lavender Mist paid Ms. Loper $20,280 in 1981.

"I don't think I paid myself that much," Nelson said. "Besides, I don't have any employees."

He said his signature was forged on the FHA mortgage application, pointing out that the signature does not even resemble his. Moreover, it reads: "Mr. H. Nelson."

In papers filed with HUD, Heck detailed $6,000 in improvements to the house, including $2,700 of plumbing and heating work. Bornstein, the inspector hired by The Inquirer, said the actual cost had been overstated by about 70 percent; he could find no more than $3,500 of work. For example, Heck claimed $1,310 in interior and exterior painting. Bornstein found "no evidence of exterior painting whatsoever and minimal evidence of any acceptable type of interior painting."

Bornstein said all the work was "substandard," the carpet was "cheap," and the electrical wiring was exposed and dangerous.

"Two weeks after I moved in, the first-floor ceiling fell in," Ms. Loper said. "A week later, the bathroom sink fell over. Then the windows fell right out, just popped out of the sills into the street. . . . I just gave up on the house."

The mortgage is in foreclosure, and Ms. Loper is looking for a new place to live.

"You see, I'm on welfare," said Ms. Loper. "I only get $420 a month. And the mortgage is $415. There's no way in the world. . . ."

BERNICE GILBERT

When Bernice Gilbert needed a home, she knew Bonafide could obtain one for her. She was the company's secretary.

She said in an interview that she had filled out falsified federal mortgage credit forms for other house-seekers at the direction of Luciani and Heck. "I filled out job verifications," she said. "I forged signatures."

Last March, Ms. Gilbert bought a house for $17,750 from Bonafide. A month earlier, HUD had sold the house to Bonafide for $3,521. Her credit application said she worked as the manager of a bar.

"Luciani fixed me up with the Jam Lounge on Kaighns Avenue," she said. "I hate to say it, but I helped type up the letter, you know, the credit application."

The application, which was later filed with HUD, said Ms. Gilbert had worked at the Jam Lounge for three years, and was earning $350 a week.

"Luciani filled them out completely and sent them back to Presidential, the mortgage company," she said. "My sister . . . who does work at the Jam Lounge, she took the call from the credit bureau."

On March 1, according to HUD records, Mary Marzella, a HUD official, approved FHA insurance for the mortgage.

In papers filed with HUD, Luciani said Bonafide spent $7,760 for plumbing, painting, carpentry, carpeting and electrical work.

Bornstein, The Inquirer's inspector, said the actual cost was overstated by about 50 percent. He could find no more than $5,000 worth of work. He noted that carpeting had been installed over rotted wood floors, and found the kitchen in "extremely dangerous condition" because bricks had fallen through a collapsed ceiling.

Ms. Gilbert said Luciani stopped repairing the house after the two had a falling out. In August, she said, a large brick fell from a gaping hole in the kitchen ceiling and nearly struck her as she stood by her stove.

She is still living there, but is looking for another house. She thinks of her home as "a horror-movie house . . . like it was doomed from the start to fall apart."

YVETTE BUNDY

Ms. Bundy bought her house at 1382 Whitman St. for $19,750 last March. Bonafide had bought it from HUD for $4,510 six weeks earlier. She first heard about Bonafide in January from a friend—Ms. Gilbert.

"Bernice told me about Bill [Luciani]," she recalled. "The story was that he would sell a house for $500, and then you pay the mortgage."

She called Luciani. "He came over to my apartment and picked me up. . . . He asked me was I working and I said, yes, I was barmaiding. He said, "Well, how much do you make? I said $20 a night, three nights a week, plus tips. And he said, "Well, that's not enough. We have to make you more money."

"The way he explained it, you have to get somebody to say you work for them," Ms. Bundy said. So her credit application said she worked as a manager/barmaid at Mike and Marie's Bar in Camden, earning $350 a week.

"Bill filled out the form and put in what he wanted," she said. "He said that I had a $4,000 car—which I did not have, I don't have a car—and that I had $9,000 worth of household stuff and furniture. . . . He took care of everything. I just gave him the papers and left."

HUD records show that Credit Bureau Associates ran a credit check in one day. The company said it made a telephone call to confirm her job. But the number they cited in the report filed with HUD was not the number of Mike and Marie's Bar.

Ms. Bundy moved into the house, her first, in late March.

"Three days after I moved in, the kitchen ceiling started falling down," she said.

Then almost all the wallpaper in her bedroom peeled off in huge sheets "It just fell down, started coming down all around me," she said.

Then an outdoor sewerage line broke, spilling waste water directly from the toilet into the back yard and the basement. The city health department ordered her to correct the health hazard the breakdown created.

She is still living in the house, and struggling to meet her mortgage payments, but cannot afford to make the needed repairs.

"Like a prop on a stage, the house looked good" when she moved in, she recalled bitterly. "But that was all it was."

MICHELLE NORTON

Michelle Norton, 25, is a divorced mother of four who lives on $468 a month in welfare payments. She lives at 954 N. 35th St., a house she bought from Sean McD. Inc.

In a way, the house was a bonus. Ms. Norton had worked for Luciani for three months.

"Bill Luciani gave me a job painting up HUD houses, or supposedly fixing them up," she said. "We'd just do the minimum amount of work possible, and sometimes less than that. We'd just smack some paint on the walls, spill it all over the floors, and then they'd just smack a cheap old carpet down. After two months, you know, everything would just fall apart."

After a short while, she said, she grew disgusted with the speculators and quit the repair crew.

"It's how much money they make off of poor people that got to me," she said. "It's pure profit for them. They get you a 30-year mortgage, and they know that you'll never be able to afford it."

But she asked about buying a house for herself—"a good house," she said. She said Luciani found her one.

"As soon as they bought it from HUD they let me move in," she said. "This house was in perfect condition." HUD sold it to the speculators for $7,200 in June 1982. The speculators sold it to her for $22,600. She moved in before she bought it. Then the paper work to obtain an FHA mortgage began.

"I didn't have no job," she said. "Presidential sent me the letter"—the mortgage credit application—"and I just filled it in

like Bill and them told me to do. We just lied. They told me to say that I had a job . . . at Big Jim's Steak House and made $375 a week."

James Freeman, the owner of Big Jim's Steak House, 1264 Haddon Ave., said in an interview that Ms. Norton never worked for him, and that the statements submitted by Bonafide were "lies." He said Ms. Norton had once asked him for a job, but he had nothing to offer.

He took one look at his signature on the application and said: "That's a bad case of forgery. I don't sign nothing without my lawyer, and I sure didn't sign that paper. . . . It's a shame, you know."

Once the mortgage credit application was complete, Michelle Norton had—on paper—a $375 job as the assistant manager at Big Jim's Steak House, a $6,000 car and $10,000 worth of household goods and furniture.

On July 6, 1982, federal records show, HUD rejected her credit application, questioning her credit rating and her ability to pay the mortgage.

But two days later, according to HUD files, Frank V. Shevlin Jr., then a vice president of Presidential Mortgage Services, wrote to HUD requesting "that you reopen the captioned case for consideration of a firm commitment." He said Ms. Norton's father would help her pay off an auto loan.

The next day, federal records show, Linda Christie of HUD's Camden office approved the mortgage. (The director of HUD's Camden office, Elmer Roy, said Ms. Christie and other HUD employees could not be interviewed.)

Ms. Norton said Bonafide paid her $600 down payment so that the sale could go to settlement.

Her mortgage cost her $393 a month. Her welfare check is $468 a month. Her mortgage was quickly foreclosed. She is looking halfheartedly for a new home.

She said she felt bitter about the transaction—but she couldn't have turned down the deal.

"When somebody throws an opportunity like this in your face, a dream like this, the dream of having a house—knowing I'll never get one—you think I ain't going to go for it?" she said. "This was the chance of a lifetime."

DENISE SELLERS

"I was desperate for a place to live," Denise Sellers said. "The word was that Bill Luciani could get anyone a house."

"My sister got a home from Bill," Ms. Sellers said. "She said go talk to him."

Denise Sellers had been living in a one-bedroom apartment at the Beacon Place Apartments in Camden when she met Luciani in August 1982. Ten days after they first met, she said, he told her she had a house. On Aug. 16, 1982, she became the owner of 113 N. 35th St., at a cost of $17,750.

Bonafide had bought the house from HUD 20 days earlier for $6,300.

She said Bonafide invented a job on her mortgage credit application.

"The first thing he asked me was what kind of house I wanted," she remembered. "Then he asked me what kind of job I wanted: you know, 'OK, what kind of work do you want to do?' It all happened so fast. . . . He cooked up a job at Scott Saline's Fine Cars, on Admiral Wilson Boulevard."

HUD records show that her application said that she was earning $325 a week as a secretary, and that she had held the job for three years. The form was signed in the name of Charles Saline, and dated Aug. 11, 1982.

In an interview, Stuart Saline, 53—who runs the used-car firm with his son, Scott—said Ms. Sellers never worked at the dealership, and that Charles Saline could not have signed the form.

"That whole form is a fraud," Saline said. "My father's been retired in Florida for 10, 11 years now. And we don't have a secretary."

Ms. Sellers said she had objected to the falsification, but Luciani had reassured her.

"I said, 'Bill, you can't do that!' And he said: 'This is my business. I know what I'm doing.' "

Ms. Sellers, 24 and the mother of two children, lives on $400 a month in welfare. Her mortgage came to $311 a month. The mortgage was foreclosed on Oct. 25.

JUDITH CREAM

Judith Cream met Bill Luciani in August 1982. "Denise [Sellers] took me to him," she said. Ms. Sellers said she received a $100 finder's fee from Bonafide.

Ms. Cream, 29, now lives in a $20,800 house at 1121 N. 20th St. with her four children. Foreclosure has begun on the home.

Cream is her married name. Kane is her maiden name. She said Luciani told her "to put the application in my maiden name. He told me we should use my son's Social Security number. He asked me. How my credit rating was and I wasn't sure. So he said, 'Do you have another Social Security number we can use?' He told me to use my son's."

She said Luciani gave her a job as a secretary and bookkeeper at the Pit Stop Transmission Center in Lawnside, N.J.

"He put down that I make $300 a week. How the hell could I make $300 a week? I get $460 a month from welfare, and my mortgage is half that much. He put down that I had a Mustang, and $8,000 worth of furniture and stuff," she said.

"The credit was approved the same day that we applied," she said. "We were sitting there at Presidential Mortgage, he called the credit bureau, and they called back five minutes later. . . . It was unbelievable."

DENISE PRESBERY

Denise Presbery lives at 1123 N. 20th St. She bought her home from Bonafide for $20,800 on Nov. 30, 1982. Bonafide had bought it from HUD for $4,510 five weeks earlier.

"I heard about them by word of mouth," said Ms. Presbery, 28. "My friend, Cheryl Adams, who bought a house from them, told me that Bill could help me get a house."

She remembered her first meeting with Luciani in the fall of 1982. "I took my sister with me, because it didn't sound right," she said. "He asked me what I did, and I told him me and my sister were self-employed, selling lingerie." Then, she recalled, Luciani brought out a sheaf of mortgage credit application forms.

"He just sat down and filled it out with whatever he said I needed to make—he just made it up," she said. "He said I have a car, which I don't. I don't even have a driver's license.

She said her lingerie business was a part-time job, but Luciani made it a lucrative endeavor. The mortgage credit application transformed Denise Presbery, welfare recipient, into the $17,400-a-year sales manager of Sensual Lingerie; the owner of a 1977 Pontiac Firebird and $10,000 worth of household goods.

"I'm so far over my head with this mortgage," she said. Her welfare check comes to $414 a month; her mortgage is $268. The lingerie business has since fizzled. She has missed her last four mortgage payments.

"I've thought many times about walking away from this place," she said.

Bornstein, the inspector, said he found the house "in need of extensive repairs." He estimated that the speculators overstated their repair costs by about 25 percent. They said they spent $5,854 on plumbing, heating, painting, paperhanging, carpentry, roofing and electrical work. Bornstein reported finding deteriorated wood, cracked chimneys, an old and barely functioning hot-air furnace, and "cheap wall coverings in poor condition."

TONYA GRACE

Tonya Grace, 19, lives with her two children at 1221 N. 20th St., one block north of Judith Cream and Denise Presbery. She bought the house from Bonafide for $19,500 on Sept. 22, 1982. She said her boyfriend's brother, Carl Johnson, brought her in to see Luciani.

"When I first went in to talk to Bill, I went over to his house on Sheridan Street and told him I was looking for a place to live. I wanted a house bad," she said.

"He said: 'I know how desperate people are for houses, and that's what I'm here for,'" Ms. Grace recalled.

She said Luciani helped her when she could not meet her mortgage payments. "He paid for the mortgage when I was behind for the first couple of months," she said. If no initial payments had been made, the FHA mortgage insurance would have been nullified. She said Luciani signed her name on the money orders.

"He also paid the $500 deposit on the settlement," Ms. Grace said.

Ms. Grace was unable to meet all but two of her $307 monthly mortgage payments. Her welfare check is $360 a month.

"I remember when I went to see him, she asked me did I have good credit, told me about this house, and said my mortgage would be about $200 a month," she said. "I was on welfare, like I am now. And he made me a secretary for the John Sutter Roofing Co. at $9 an hour."

Sutter is a roofing contractor who has done work for Bonafide.

Credit Bureau Associates wrote in its report filed with HUD that it verified her employment with a phone call on Sept. 9, 1982. The telephone number they say they called was not John Sutter Roofing Co.'s number.

Ms. Grace said that, along with the job, Luciani "gave me a car, and a couple thousand dollars of assets.

"I asked him was this illegal," she said. "He said it was legal."

The papers sent to HUD also included a statement from Bonafide that the company had done about $8,000 worth of work on the house.

Bornstein's inspection concluded that Bonafide had overstated its repair costs by about 60 percent. For example, Bonafide said it spent $3,250 on painting and paperhanging. Bornstein said those repairs could have cost no more than $1,800. He described the work as "the cheapest, most deficient possible."

A month after Ms. Grace moved in, she said, the roof upstairs fell in.

In September, her house was falling apart, the wallpaper peeling, the floorboards loosening, the ceiling crumbling. Rainwater had poured into the kitchen and bedroom through cracks in the wall. "All Bill [Lu-

ciani] did was cover it up," she said. "When it rains, water just pours down the walls."

Foreclosure proceedings began against Ms. Grace on Aug. 15.

She does not know where she will go when she is evicted. But she said Luciani offered her a suggestion.

"Bill said if I can't deal with the house, he'll get me another one, cheaper. He said we'd have to start all over again, with a different job and Social Security number . . ."

BUSINESSMEN SAY THEY DID NO WRONG

The businessmen involved in the sales of the HUD houses all said they had done nothing wrong.

William Luciani, who handled many of the sales, said he was only trying to help the poor people find housing. The men who ran the mortgage company and the credit agency that handled the processing of federally insured mortgages for the homes both said they had followed standard procedures.

Bonafide Investment Corp., located in Luciani's house at 1902 S. Fourth St. in Camden, was formed in April 1982. Luciani said the company was created to take advantage of an opportunity created by HUD, which was rapidly selling off its inventory of single-family homes at very low prices.

According to HUD documents and scores of interviews, the man who handled the sales at Bonafide was Luciani.

Luciani was born on South Fifth Street in Camden and has lived in the city all his life.

For years, he said in an interview, he was "a small-scale contractor in Camden. I know the city block by block. People knew me and they started coming to me when they needed houses. I never had a real estate license, but I had more buyers than the real estate guys."

Then, he said, when HUD started selling off houses at low prices, "everything snowballed." Four months after HUD's bulk sales of homes to speculators began, Luciani and Francis Heck formed Bonafide.

Luciani said the company did not make exorbitant profits. "I live in Camden, not in Cherry Hill," he said. "I drive a Plymouth, I don't drive a Cadillac. A guy's entitled to make a profit."

Most of the falsifications found by The Inquirer involved sales by Bonafide. In an interview, Luciani swore—"on my father's grave"—that he had not falsified applications for mortgages. He said if there was any falsification, it was done by the buyers themselves.

"But let's be realistic," he said. "Somehow the government's going to support them anyway. And as far as HUD and FHA goes—they complain they get the houses back. But look, we take the house off their hands for a year, two years, until they get it back. HUD doesn't have to pay city taxes . . . and hopefully when they get it back it's in a little better shape than when we bought it."

"If there was a villain at Bonafide, it was me," he said. "I knew that sometimes the buyers stretched the truth when they talked to the mortgage company."

Presidential Mortgage Services Inc. occupies an office on Route 38 in Cherry Hill. Its president is James Smedley.

In a typical sale by Bonafide, Presidential Mortgage Services received between $2,000 and $3,000 in settlement charges from the speculators, according to HUD documents.

Presidential Mortgage Services and its predecessor, Hammond & Hoffman Mortgage Associates Inc., handled every sale by Bonafide in which applications were falsified.

Smedley said in an interview that he was "flabbergasted" by the falsifications. He said they had taken place without his knowledge.

"As far as we're concerned, we acted in accordance with established principles," he said. "We have no knowledge of any false applications. We processed all the loans the way we're supposed to process them. We don't know a thing about it."

Smedley said he has not made inquiries into why half the FHA mortgages his company processed in 1982 were already foreclosed. "Well, property taxes doubled [in Camden], the economy's been bad, 90 percent of our business is in Camden—and individual circumstances, you know," he said.

He said his company had not independently verified credit information such as income and employment. He said he had relied on checks by Credit Bureau Associates.

Bernard Becker is a director of the Camden office of Credit Bureau Associates, one of the largest credit agencies in the Philadelphia area. Aided by computers hooked up with a repository of personal credit information in Anaheim, Calif., the company usually took 48 hours to run a credit check on buyers in Bonafide sales.

Becker said there was no way for his company to uncover false information if there was a scheme involving collusion. If there was fraud, he said, it involved a set-up in which the person at the other end of the telephone conversation was participating in the deception.

"The requirement is that an individual at the place of employment verify that the applicant does in fact work there. This is also checked by the FHA or the mortgage company. . . . If a fraud is being perpetrated, then it somehow involves the people at the other end.

He was asked how his company could verify employment if it telephoned numbers that were not the numbers of the purported place of employment—as happened in five cases found by The Inquirer.

"I can't answer that," he said. "I think that's a question mark."

Becker said the falsified mortgage papers raised even more serious questions. "You've got a fraud out there," he said. "With hindsight, we're looking at an obvious attempt to defraud."●

REPORT OF SENATE DELEGATION ON INTERNATIONAL DRUG CONTROL TRIP TO ASIA

● Mrs. HAWKINS. Mr. President, no threat strikes America more savagely and frequently than illegal narcotics. Its deadly impact is felt in failed education, violent crime, weakened national security, reduced productivity, addiction, and death. No American community is untouched by what has become a $100 billion industry. Because over 90 percent of the illegal drugs consumed in the United States are produced in foreign nations, in November, I and Senator ABDNOR went to the world's source of heroin to demand action.

The corrosive effect of drugs on the basic institutions of American society, such as the family, the school, and the community, has caused a national outcry, particularly in Florida, New York, and the gulf coast, where drug trafficking continues to increase. In Miami, Fla., the port of entry for 80 percent of the marihuana and cocaine entering the United States, there were 535 murders in 1981. Twenty-eight percent were committed by machineguns. Heroin abuse and addiction are now at a 5-year high. The Drug Enforcement Administration estimates that drug trafficking has increased by 25 percent during the past year. State and local law enforcement personnel have been outspent, outmanned, and outgunned by drug traffickers.

The most cost-effective means of addressing the threat of illegal drugs is to attack them at their source. Because 90 percent of our illegal drugs are produced abroad, our Senate mission went to selected countries to demand aggressive action. In hearings held in the Senate Drug Enforcement Caucus in 1982, we learned that nearly 100 percent of the illegal methaqualone abused in the United States was produced in the People's Republic of China. Eighty-five percent of the teenagers arrested for drunk driving in Broward County, Fla., last year tested positive for this dangerous drug. I subsequently went to China in 1982 to urge that government to cease its production. Deng Xiaoping, vice-chairman of the Chinese Communist Party, immediately agreed to stop production. And, in 1983, emergency room mentions of this dangerous drug dropped 67 percent, and its illegal street price increased 400 percent.

It was in this context that this year, our Senate delegation went to Austria, Turkey, Pakistan, Thailand, Burma, and Hong Kong. Our goals included establishing narcotics control as a U.S. foreign policy priority in our relations with major drug-producing countries; reviewing the operation of U.S. bilateral and multilateral drug control efforts; and urging more aggressive eradication, enforcement, interdiction, and preventive efforts. Drug abuse is not only an American problem, but one that corrupts and poisons all countries that produce, refine, and traffic illegal narcotics.

Mr. President, I request permission to print in the RECORD a brief summary of the findings of the Senate delegation to the Far East last year.

The summary is as follows:

INTERNATIONAL NARCOTICS CONTROL: REPORT OF SENATE DELEGATION MISSION TO AUSTRIA, TURKEY, PAKISTAN, THAILAND, BURMA AND HONG KONG

UNITED NATIONS NARCOTICS CONTROL AGENCIES VIENNA, AUSTRIA

Senator Paula Hawkins and Senator James Abdnor met with Dr. Giuseppe Di Gennaro, Executive Director of the United Nations Fund for Drug Abuse Control, Dr. Abdelaziz, Secretary of the International Narcotics Control Board, and Mrs. Tamar Oppenheimer, Director of the United Na-

tions Division of Narcotic Drugs in Vienna, Austria. The Senators were briefed on worldwide drug abuse, eradication, enforcement, prevention, rehabilitation, and interdiction development in preparation for field trips to Southwest and Southeast Asia.

Findings

(1) Multilateral organizations can act in major drug-producing countries which prohibit U.S. bilateral effort; i.e., Iran and Afghanistan.

(2) The multilateral organizations have been effective at urging countries to develop and sign drug control treaties.

(3) Dr. Di Gennaro has obtained a $41,000,000 pledge to UNFDAC from the government of Italy.

Recommendations

(1) The U.S. should urge other developed countries who are also impacted by illegal drugs to contribute to UNFDAC. Currently, the major contributors are West Germany, U.S., Italy, the Norwegian Church Association and the Japanese Fishermen's Association.

(2) Multilateral efforts should also address South American coca production which is expanding rapidly.

(3) The U.S. must urge multilateral organizations to reduce their administrative cost to ensure that funds have the greatest impact at the source. Dr. Di Gennaro has expressed his concern over the high administrative cost associated with U.N. projects.

TURKEY

Senator Paula Hawkins and Senator James Abdnor met with Prime Minister-elect Ozal, Prime Minister Ulusu, and Foreign Minister Turkmin. The Senators urged Turkey to continue its successful efforts to control opium cultivation and to assist the U.S. in drug intelligence gathering. The present and future Prime Minister expressed the commitment to continue aggressive drug enforcement and expressed interest in additional customs and drug enforcement training.

Findings

(1) Due to strict control of opium cultivation and production, Turkey has evolved from a major source country to a preeminent processing and transit country.

(2) The government of Turkey has approximately 70,000 tons of poppy capsules in stockpile. 49,000 tons are stored in a protected area and the remainder of the 70,000 tons are buried in the ground. Although the U.S. indicated an interest in purchasing 70 tons, no action has yet been taken.

(3) The Turkish National Police (TNP) is the principle urban law enforcement agency in each of the 67 provinces. Each of the TNP province directors receives specialized training in narcotics enforcement. The TNP totals 78,000. 1,075 are dedicated to drug enforcement.

(4) The Turkish Jandarma is 125,000 paramilitary force responsible for maintaining internal and border security. They are also involved in drug enforcement.

(5) The Turkish government firmly believes that terrorists are financed through narcotic profits.

(6) Turkey is to be commended for its highly effective drug control efforts. Since 1974, Turkey, who had been a major drug producing country, has limited its opium cultivation to legal opiates produced in the form of poppy straw. This process is strictly controlled by the Turkish government. Diversion from the poppy straw processing site in Bolivadiu, Turkey, is non-existent and excess planting by licensed farmers is rare. The Turkish success is only possible due to the strong commitment of Turkey's leaders, and its devotion of extensive financial resources and personnel.

(7) Special narcotics courts have been established to expedite consideration of narcotics violations. Their operation has been critical to Turkey's successful law enforcement efforts.

Recommendations

(1) The U.S. should purchase opium from Turkey for its strategic reserve;

(2) The U.S. should seek Turkey's assistance in narcotic intelligence gathering; and

(3) The U.S. should provide additional customs and drug enforcement training to Turkish personnel.

PAKISTAN

Senator Paula Hawkins and Senator James Abdnor made a field trip to investigate the Gadoon project where enforcement of the ban on opium cultivation is to start this year and to other regions of the northwest frontier. This was followed by meetings with President Zia, Mairaj Hussain, Chairman of the Pakistan Narcotics Control Board, Roedad Khan, Minister of Interior, Abdul Sattee, Acting Foreign Secretary, and members of the Federal Advisory Council. The Senators urged the Government of Pakistan to enact a narcotics law which would make prosecution of narcotics dealers easier and provide stronger penalties for conviction, more aggressively crack down on heroin activities, defend their borders from drug traffickers and enforce the ban on opium cultivation. During morning meetings with the senior Pakistani officials, Senator Hawkins had urged Pakistan to adopt this new law. That evening, President Zia signed into law the new narcotics amendment. President Zia also expressed his strong personal commitment to fighting illegal drugs and its shocking impact on Pakistan. He indicated:

(1) Pakistan would welcome additional Customs and DEA personnel;

(2) Pakistan would welcome Customs, Drug Enforcement, and Agricultural training;

(3) The government of Pakistan would give higher priority, both in terms of money and manpower, to suppressing heroin trafficking; and

(4) The government of Pakistan would take action against any heroin refineries and money laundering banks identified by the U.S. The Senators had indicated that based on DEA information, they could identify and locate 21 heroin labs.

Findings

(1) As a nation involved in the illicit production, conversion and trafficking of narcotics, Pakistan has emerged as the most significant heroin threat to the Western world. In 1978, Southwest Asian (SWA) heroin, which heroin produced from opium grown in Afghanistan, Iran or Pakistan, accounted for only three percent of the heroin imported to the United States. By 1980, SWA heroin provided 51 percent of the U.S. supply and the region has since remained the dominant supplier.

(2) Soviet occupation of Afghanistan has led to a great increase in opium cultivation and refining in that country. This has led to greatly increased amounts of opium and heroin entering Pakistan from Afghanistan. President Zia indicated that the Soviets were using Afghanistan as a partner to promote drug trafficking to the West. He believed that their efforts were beginning to be counter-productive.

(3) Addiction has increased from virtually none in 1980 to an estimated 100,000 today. There were riots in Karachi protesting youth drug abuse during the delegation's visit to Pakistan.

(4) Heroin leaves through Karachi and Lahore.

Recommendations

(1) The U.S. government must supply additional Customs and DEA personnel;

(2) The U.S. government must provide Customs and Drug Enforcement training in Pakistan and the U.S. for Pakistani personnel; and

(3) A special U.S.-Pakistan working group on narcotics has been established. The U.S. should involve the highest level officials to establish its importance; and

(4) Extra Customs inspection personnel and interdiction efforts must be placed on Karachi and Lahore.

THAILAND

Senator Paula Hawkins, Senator James Abdnor and Customs Commissioner William Von Raab made a field trip to Chiang Mai to investigate opium cultivation and crop substitution. This was followed by meeting with General Prachuam Suntharangkun, Deputy Prime Minister, General Phag Sarasin, and Major General Chaualit, Secretary-General, Narcotics Board. The U.S. delegation urged Thailand to adopt better conspiracy laws for dealing with narcotics trafficking as well as laws allowing the seizure of financial and property assets purchased by narcotics profits, crack down on opium and marijuana production, and improve customs operation. The Government of Thailand does not place a high priority on drug control, although they have 300,000-500,000 addicts, and believes eradication cannot be pursued until substitution slowly grows. Last year Southeast Asia accounted for about 15% of the heroin reaching the United States, and was over 20% during the first half of 1983.

Findings

(1) Thailand's primary role in narcotics is as an essential and critical link in the transit and trafficking of heroin;

(2) The most serious obstacle to successful crop substitution has been the absence of continual and consistent law enforcement support by the Thai government. Despite official pronouncements for several years that opium crops would be destroyed, too little has been done.

(3) Official Thai government policy rejects the use of herbicides in spraying the poppy fields. Although they have observed the Mexican spraying, Thai government officials remain reluctant to eradicate opium by spraying.

(4) Intelligence-gathering on narcotics production and trafficking has been a strong point of U.S. agencies in Thailand.

(5) The Government of Thailand has made a limited number of attacks against the major Shan State drug traffickers. The most notable against Chun Sa.

(6) Thai narcotics enforcement is delegated to 5 agencies which initiate uncoordinated initiates and efforts to deal with drug production, trafficking and enforcement.

(7) The U.S. Ambassador to Thailand has failed to establish drug control as an urgent priority in U.S.-Thailand relations and communicate to the Thai leadership U.S. public concern over Thai opium production, refining and trafficking.

Recommendations

(1) A customs attache should be established at the U.S. Embassy in Bangkok;

(2) The U.S. Ambassador must take a more active role in establishing drug control as a priority in U.S.-Thai relations;

(3) The U.S. should take steps to encourage active cooperation between Thailand and Burma;

(4) The U.S. should encourage the government of Thailand to adopt a better conspiracy law to deal with drug traffickers;

(5) Information gathering on opium production and refining now conducted in Thailand should be considered for use in other countries;

(6) The government of Thailand should consider the drug education/prevention program developed by Hong Kong; and

(7) More coordination and cooperation must be achieved between the Thai drug enforcement agencies. Specifically, narcotics intelligence must be shared on a timely basis. The Government of Thailand should establish a high level narcotics commission including ministers with narcotics control jurisdiction.

BURMA

Senator Paula Hawkins, Senator James Abdnor and Commissioner of Customs William Von Raab met with Major General Miu Gaung, Minister of Home and Religious Affairs and Chairman of the Central Committee for Drug Abuse Control and U. Chit Hlaing, Minister of Foreign Affairs. The Senators urged the Government of Burma to coordinate with Thailand their efforts against major drug traffickers in the Shan State, and consider the use of air herbicidal spray against opium cultivation. The Government of Burma expressed their continued commitment to fighting opium cultivation and drug trafficking. They indicated:

(1) they would consider the use of air herbicidal spray against opium cultivation if the U.S. would supply environmental impact information;

(2) they expressed a strong interest in additional intelligence related to opium cultivation and drug trafficking;

(3) they expressed a strong interest in U.S. drug enforcement, customs, and agricultural training assistance; and

(4) they indicated that they would take action against heroin processing labs located and identified by the Senate delegation.

Findings

(1) Burma is the primary opium-growing area in South East Asia and is estimated to have produced a bumper crop of at least 500 tons in 1983 and in 1982 and 1981 as compared to approximately 160 tons and 125 tons in the drought years of 1980 and 1979 respectively. Most of this cultivation takes place in the Shan State, an area of mountains and jungles which is largely inaccessible and inhabited by groups of well-armed insurgents who are outside the control of the Burmese Central Government. In addition, Burma is the prime location for processing opium into heroin. Most of the "Golden Triangle" refineries are located in Burma within a few kilometers of the Thai border. The refineries are highly mobile and the area is rugged, remote and also beyond the effective control of the Burmese Government. These twin obstacles of inaccessibility and lack of control are basic to an understanding of the limitations imposed on the Burmese Government in its efforts to control narcotics. It is estimated that they lose 100 troops per month in their drug control efforts.

(2) Narcotics and insurgency are inextricably interwoven. The strong Burmese anti-narcotics and policy and eradication efforts are motivated by security considerations as well as the desire to battle the recognized domestic addiction problems. The most serious threat comes from the Burmese Communist Party (BCP) which controls much of production and trafficking activities in the Shan State. In addition, there are numerous small insurgent groups, as well as the Shan United Army (SUA) led by Chang Chi-Fu, which operates both in Thailand and Burma.

(3) Since 1974, with the passage of the strict narcotics and dangerous drugs law, Burma has given high priority to programs of law enforcement and crop eradication, augmented by educational and treatment programs. In 1980, a reward system for seizure of narcotics was instituted. The Burmese Government is firmly committed to action on every front against narcotics production and trafficking, while hampered severely by lack of enforcement capabilities and control in opium-growing and trafficking areas.

(4) The United States has had an aviation program in Burma since 1974, providing Burma with helicopters, fixed wing aircraft, communications equipment and maintenance support. The present program includes 29 aircraft and the FY 83 budget was almost $6 million. Burmese maintenance is considered the best in Southeast Asia.

Recommendations

(1) The U.S. Government should encourage increased cooperation between Thailand and Burma.

(2) The U.S. Government should provide concessional FMS loans to fund the purchase of two C-130 H transport aircraft, as the Embassy has recommended for the past two years. Such equipment can directly increase the law enforcement capability of the Burmese in the Shan State where Burmese control is presently lacking largely because of an inability to project their force and authority.

(3) The U.S. government should provide Burma with detailed environmental impact information. Much could be supplied from Mexico which has extensively used air herbicidal spraying against opium cultivation.

(4) The U.S. should provide drug enforcement, customs, and agricultural training to Burma.

(5) Intelligence concerning opium cultivation, refining and trafficking in Burma should be transmitted to the government of Burma in a timely manner.

(6) The government of Burma must establish a permanent base in or near the Shan State in order to effectively fight the major producers and traffickers. At the present time, Burmese resources and time are wasted in transit to and from confrontations with traffickers.

HONG KONG

Senator Paula Hawkins, Senator James Abdnor and Customs Commissioner William Von Raab met with Gordon Mortimer, Commissioner of Narcotics, Eddie K. O. Hui, Chief Superintendent of the Royal Hong Kong Police Force, and K. S. Tong, Head of Investigation of the Customs and Excise Service. The Delegation urged Hong Kong to adopt improved conspiracy and seizure laws concerning drug profits and to promote financial investigations more aggressively. The Hong Kong officials indicated that they intended to emphasize an approach including financial investigation of profits, law enforcement, border enforcement, drug prevention and drug rehabilitation. The major role of Hong Kong in drug trafficking is "money laundering." Narcotic profits are being laundered through property transactions, reinvestments, wire transfers, and banking system and the laissez-faire business atmosphere in Hong Kong make it extremely difficult to determine which funds used by criminals are ligitimate and which are derived from illegal means such as drug trafficking. Traffickers often quickly reinvest drug proceeds through Hong Kong's financial institutions.

Findings

(1) Hong Kong has achieved remarkable success since 1972 when four far-reaching proposals were adopted that included establishment of an Action Committee Against Narcotics (ACAN), a new commissioner of narcotics as the executive arm of ACAN, reorganization of the Narcotics Bureau of Police (which has never caught a major trafficker) and establishment of an impressive and effective central registry of drug addicts. From that time on, Hong Kong has developed successful programs in anti-corruption, interdiction, education, and treatment which can serve as models for other nations.

(2) Hong Kong has embarked on a drug education and rehabilitation program which has reduced the number of addicts to 30,000 compared to the all-time high of 250,000 reported in 1959 and as many as 100,000 in 1973. The educational program uses multimedia mass communication to enlist community support and targets its messages as several audiences, including young people 15 to 24, the existing addicts, and the international group.

(3) The most serious threat to Hong Kong is the 600 ton bumper crop of opium produced in the Golden Triangle. Practically all heroin and opium entering Hong Kong comes via Thailand. The largest seizures come from Thai fishing trawlers.

(5) Hong Kong authorities are critical of Thai law enforcement and interdiction efforts.

(5) Hong Kong has adopted new legislation which imposes higher penalties on drug trafficking.

Recommendations

(1) The U.S. should encourage Hong Kong to adopt better conspiracy and seizure laws concerning drug profits;

(2) Hong Kong and the U.S. should jointly urge Thailand to improve its drug eradication, enforcement and interdiction efforts;

(3) The U.S. must expand its Customs training and personnel in Thailand, specifically, a Custom attache should be established in Bangkok;

(4) The Hong Kong drug education/prevention program should be used as a model; and

(5) A minimum of two additional Customs agents should be stationed in Hong Kong. Currently one agent must cover 22 countries.●

THE PLIGHT OF ETHIOPIAN JEWS

● Mr. LEVIN. Mr. President, on November 17, 1983, the day before recess began, the Senate approved Senate Concurrent Resolution 55 expressing congressional concern for the plight of Ethiopian Jews. As an original cospon-

sor of the resolution, I would like to include my remarks in support of the resolution today.

In recent years, I have been working with various organizations and United States and Israeli officials in an effort to help find solutions to some of the troubles facing Ethiopian Jews. They need help—their troubles are many. For centuries, Ethiopian Jews have been persecuted and discriminated against on account of their religion. For several years now, there has been a particularly intense and systematic campaign to wipe out all vestiges of Judaism. Hebrew schools and synagogues have been closed, teaching Hebrew has been prohibited, restrictions on worship have been imposed, and leaders of Jewish communities have been harassed. Added to the problems of religious persecution, Ethiopian Jews suffer from severe poverty and seem to be doomed to a miserable economic lot in life. For over 3½ centuries, they have lived in primitive huts and their livelihood has been restricted to the most menial kinds of labor.

Within Ethiopian borders, there is no relief in sight. On the contrary, their situation is further deteriorating because of a severe drought—the worst in a decade. The Ethiopian Jews miserable circumstances have become even more wretched.

But all is not bleak. Thousands of Ethiopian Jews have resolved old problems and established new lives by looking beyond Ethiopian frontiers. Some 4,500 of them have managed, against terrific odds, to migrate to Israel where they can participate freely in their religious traditions and are able to improve their economic status. The outflow from Ethiopia has increased dramatically recently. In 1983 alone, some 2,000 arrived in Israel. But about 19,000 still remain in Ethiopia, many of whom want to relocate in Israel.

Mr. President, this resolution helps to promote the movement by calling on the President to urge the appropriate governments to allow open emigration. This is a case where there is a host country that has opened its doors to a body of people who want to walk through it. They want only what is guaranteed by internationally recognized human rights agreements—the freedom to emigrate.

I am pleased that this legislation was approved and hope that this action will be followed by many other constructive actions to help the troubled Ethiopian Jews.

I am also grateful to Leslie Powell, formerly a member of my staff, who has worked so brilliantly to alleviate the plight of Ethiopian Jews, as she has on so many other matters.●

SENATOR JIM ABDNOR HONORED

● Mr. STAFFORD. Mr. President, one of our distinguished colleagues, my good friend from South Dakota (Mr. ABDNOR), was honored recently by the Upper Missouri Water Users Association. The association presented JIM with its highest honor—the Distinguished Service Award.

I know of no Member of the Senate who is more dedicated to service to the people of his State than Senator ABDNOR. He works tirelessly for the people of South Dakota. One of his highest priorities, I know, is the improvement in the water resources of South Dakota and the Upper Missouri basin.

Mr. President, because of the significance of the Distinguished Service Award, I ask that the text of the association citation be printed at this point in the RECORD.

The text follows:

CITATION FOR DISTINGUISHED SERVICE AWARD, SENATOR JAMES ABDNOR

NOVEMBER 17, 1983.

Jim was born in Kennebec, South Dakota on February 13, 1923, to Samuel J. and Mary Wehby Abdnor. He spent his youth on his parent's farm and attended Kennebec Grade and High Schools. Jim attended the University of Nebraska, receiving a degree in Business Administration. While in college he was a member of Sigma Chi Fraternity and served as President of that Fraternity.

Jim served in the U.S. Army during World War II.

Prior to public service, he taught school, coached, and was a farmer-rancher in Lyman County.

Jim is a member of the Methodist Church, former President of Kennebec Jaycees; member of the Elks, Masons, O.E.S, Consistory, Shrine, American Legion, South Dakota Wheat Producers, South Dakota Stockgrowers, Farmers Union, Farm Bureau and Izaak Walton League; Nature Conservancy, South Dakota Cancer Crusade Chairman 1971-1972, and South Dakota Easter Seal Chairman in 1977.

Jim's public service began in 1956 when he became a State Senator until 1968.

He served 10 years as chairman of Joint Appropriations Committee. President Protem of South Dakota Senate 1967-1968, Lieutenant Governor 1969-1970; was elected to 93rd Congress, U.S. House of Representatives on November 7, 1972, re-elected to 94th, 95th and 96th Congress. On November 4, 1980, he was elected to the U.S. Senate.

Senator Abdnor is chairman of the Water Resources Subcommittee, which has jurisdiction over national water policy and all Corps of Engineers' civil works authorities, and he is also a member of the Energy and Water Development Appropriations Subcommittee, which funds all Corps and Bureau of Reclamation projects.

As chairman of the Water Resources Subcommittee, the Senator has sponsored and achieved Senate passage of national water resources research legislation and he is at this time deeply involved in attempting to formulate legislation to authorize new port and waterways improvement projects, as well as the first omnibus authorizations bill for the Corps since 1976, while striking a responsible balance between water resources needs, fiscal realities, and the need for policy reforms.

Finally, Senator Abdnor has been an ardent advocate of States' rights to allocate water resources and has fought to protect the prerogatives of the Upper Missouri River Basin States to control their own water development futures, as well as to expect the Federal Government and our Lower Basin sister states to honor their obligations under the Pick-Sloan Missouri Basin Program.

Jim has served on many other committees over the years.

In recognition for his long and outstanding service to his State and Nation, the Upper Missouri Water Users Association grants to Senator James Abdnor its highest honor, the Distinguished Service Award.●

MORE SUPPORT FOR ENGLISH AS THE OFFICIAL LANGUAGE

● Mr. HUDDLESTON. Mr. President, since I introduced Senate Joint Resolution 167, which would amend the Constitution to make English our official language, numerous articles and editorials in support of this resolution have been printed. One of the best editorials I have read on the issue was recently printed in the Messenger of Madisonville, Ky, and was written by Ben Hall, city editor.

I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Madisonville (Ky.) Messenger, Jan. 25, 1984]

ENGLISH AS THE OFFICIAL LANGUAGE

(By Ben Hall)

If the Old Testament story is to be taken literally, the construction of the tower of Babel was halted when the builders found themselves unable to follow a common project because they suddenly spoke a multitude of tongues.

That means of confounding those who would build a tower to heaven was, indicates the Biblical account, the most effective the Almighty could think of to bring the effort to a quick and permanent end.

Since that time, the confusion of languages has been a barrier to international intercourse in business and diplomacy, but has rarely affected most of us in our day-to-day affairs until recently.

Now in some parts of the country it is virtually impossible for an American who speaks only English to order a meal or get directions on the street.

The situation has deterioriated to the point that Kentucky's Sen. Walter "Dee" Huddleston has introduced an amendment to the Constitution designating English as the official language of the United States.

That is like passing legislation declaring Victoria Principal a woman.

And, as so often is the case, the odd turn of events is being financed and encouraged by the federal government.

This is to say that your tax dollars and mine—$139 million of them last year alone—are being spent to undermine the strongest single element which holds the country together and has done so for more than 200 years.

Like so many ideas that end up as fiscal and social nightmares, the notion of bilin-

gual education was based on good motivations.

The idea was that children from non-English-speaking homes, largely Spanish-speaking, should be eased into the mainstream of American English-speaking life by having a part of their schooling conducted in their first language.

So far so good, but it soon went beyond that and now has gone beyond that at a cost of more than $1 billion federal dollars.

The bilingual boondoggle has proliferated to the point that in Florida, New York, and the Southwest, both children and adults are getting the idea, Sen. Huddleston points out, that there really isn't any need to learn English at all.

This is a problem which is not new, at least in the Southwest. It is one that has existed in Texas for example, for as long as anyone can remember. In fact, it has given rise to a sort of bastardized tongue locally called Tex-Mex which combined some elements of English and Mexican Spanish and is semi-unintelligible to speakers of either.

When I was trying to teach a little English to foreign students at the University of Houston a while back, I found that students from Latin America had as much trouble understanding Tex-Mex as I did.

One of the great strengths of American culture and of the American nation has always been that it was made up of a diversity of cultures from all nations of the Western world.

The English language, particularly the American version, contains a great many words from the languages of all the groups which make up our heritage of unified differences.

Until recently, there has never been a serious question but that immigrants wanted to get into the mainstream of the life of their adopted country. Learning the language in which the affairs of the nation are conducted was, and is, the only way effectively to do that.

As usual, the youngsters are the ones who come out losers in this sort of idiocy, although the taxpayers who foot the bill bear a needless burden also.

Without a clear goal of learning English and becoming comfortable with the whole cluster of traditions affiliated with it, the children are left in a cultural and linguistic limbo without firm roots anywhere.

While every immigrant group coming to this country has held on to its own traditions in one way or another, and to one degree or another, all have recognized that having cast their lot here, they must begin to move into that cultural mainstream, taking from it and contributing to it.

An attempt to isolate oneself from the great majority of one's fellow citizens by maintaining and encouraging a barrier of language is foolish.

The end result will be an isolation and inbreeding that will keep both the immigrant and the society into which he has placed himself from benefitting from the other.

While the immigrant in Miami or Taos may be able to get along in his own limited circle, he will find that if he attempts to circulate in the big world of business, industry, government, or social events, his "native" language will be about as valuable as a Latin dictionary is to a lobster.

Is it not time that the traditions and approaches, including the English language, recognized as having worked very well since the birth of the nation, get some consideration?

Is it not time that we spend some effort, and, if need be some billions to emphasize that which has made us strong, rather than foolishly throwing aside our basic values at the behest of every illegal alien or every criminal, maniac, or prostitute that Castro rid himself of and which a bumbling President clasped to our collective bosom?

Every group of immigrants coming to the United States throughout our history has done so because they liked what they saw from afar. They have met the challenges of newness and difference and their overcoming of these challenges had made them, and the nation stronger and better.

If the new wave of immigrants is unable to meet the standards and the challenges this country offers, and accept the opportunities it offers, the answer is not in changing the standards.

The answer is to remind them that fishing boats can sail both ways and that a river can be crossed in both directions.

If it takes an amendment to the Constitution to make that point, Sen. Huddleston's bill deserves to become law.

It might bring an end to the growing babble.●

LETTERS TO THE PRESIDENTS

● Mr. JOHNSTON. Mr. President, in compliance with 5 U.S.C. 8331(22)(A), I ask that correspondence of Rodney Bernard, Jr., U.S. Bankruptcy Judge for the Western District of Louisiana to President Ronald Reagan and to the President of the Senate, GEORGE BUSH, and correspondence of T.H. Kingsmill, Jr., U.S. Bankruptcy Judge for the Eastern District of Louisiana to President Ronald Reagan and to the President of the Senate, GEORGE BUSH, be printed in the RECORD in its entirety.

The correspondence follows:

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

Re 5 U.S.C. 8331(22)(A).
Hon. RONALD REAGAN,
The President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: In conformity with the captioned statute, I hereby advise that I agree to accept appointment as a United States Bankruptcy Judge. This notice appears to be necessary to protect the retirement benefits provided in 5 U.S.C. 8339(n).

Sincerely,

RODNEY BERNARD, JR.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas, La., December 5, 1983.

Hon. RONALD REAGAN,
The President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: The failure of Congress to meet the constitutional problems precipitated by the Marathon decision has placed the very existence of the bankruptcy courts in jeopardy. The only solution which will, for once and all, answer the jurisdictional questions is the creation of an independent Article III Bankruptcy Court.

While I realize that you face, on a daily basis, innumerable crises, both on the domestic and international levels, I urge you to turn your attention to this problem which affects the lives of so many of our citizens.

Sincerely,

RODNEY BERNARD, JR.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas La., December 5, 1983.

Re 5 U.S.C. 8331(22)(A).
Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In conformity with the captioned statute I hereby give notice that I have agreed to accept appointment as a United States Bankruptcy Judge.

I enclose a copy of my letter to President Reagan evidencing my agreement.

Sincerely,

RODNEY BERNARD, JR.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
WESTERN DISTRICT OF LOUISIANA,
Opelousas La., December 5, 1983.

Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In view of the Jurisdictional problems created by the Marathon decision and beyond it is imperative that the Senate act, prior to March 31, 1984, to establish the Bankruptcy Court as an independent Article III court. This is the only feasible and practical solution. I ask that you exert all effort to the passage of such legislation.

Sincerely,

RODNEY BERNARD, JR.,
U.S. Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., December 15, 1983.

Hon. GEORGE H. W. BUSH,
The Vice President of the United States,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: In conformity with Section 8331(22)(A) of Title 5, United States Code, I hereby notify you that I have agreed to accept an appointment as a judge of the United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,

T. H. KINGSMILL, JR.,
Bankruptcy Judge.

U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., December 15, 1983.

Hon. RONALD REAGAN,
The President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: In conformity with Title 5, United States Code, Section 8331(22)(A), I wish to advise that I agree to accept appointment as a Judge of the United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

While I am aware of the fact that the future of the bankruptcy courts is in doubt because of the failure of Congress to approve legislation to meet the constitutional problems presented in *Northern Pipeline Construction Company* v. *Marathon Pipe-*

line Company, 102 S. Ct. 2858 (1982), this notice is being given to protect the retirement benefits contained in 5 U.S.C. Section 8339(n).

Very truly yours,

T. H. KINGSMILL, Jr.,
Bankruptcy Judge.●

AWARDING OF BRONZE STAR TO SENATOR MELCHER

● Mr. BAUCUS. Mr. President, the venerable deeds of our distinguished colleagues sometimes pass into history unsung. But today I am especially pleased to bring to your attention the awarding of the Bronze Star Medal to Senator MELCHER of Montana for valor exhibited in World War II.

Senator MELCHER received the belated award on January 31 from Secretary of the Army John March in a ceremony at the Pentagon.

It was nearly 40 years ago that Pfc. John Melcher, while crossing Germany, was wounded in the left knee by machinegun fire. He was subsequently awarded the Purple Heart and the Combat Infantryman Badge.

Following the war, Gen. George C. Marshall, Army Chief of Staff and later Secretary of State decided to award the Bronze Star to men like JOHN MELCHER. It was a grim realization that those called upon to muster the most courage on the field of battle, the combat infantryman and his accompanying medical aidman, had sustained the highest number of casualties in prolonged combat, but had received the fewest number of decorations.

Because the decision to award the Bronze Star was made after most soldiers were discharged, many were not aware of the decision and the backlog continues to be cleared.

I think it is especially befitting to call this to your attention today because the call to arms that JOHN answered 40 years ago continues to be answered today.

Senator MELCHER has not forgotten the E-1 and E-2, the bottom rank soldier and backbone of a fighting army. He continues to fight for pay increases at these levels.

His personal experience in combat underlies his commitment to maintaining a strong defense while his understanding and wisdom makes him an activist for peace. He makes us see the two are, indeed, complimentary.

His actions can best be summed in the words of Lyndon Johnson who said:

> Those that test our courage will find it strong and those who seek our friendship will find it honorable.

It is an honor and a pleasure to call your attention to my colleague, Senator JOHN MELCHER, and to thank him for his outstanding service to this Nation both as private first class Melcher and as Senator JOHN MELCHER.●

FIRST PRESBYTERIAN CHURCH OF CRANBURY CELEBRATES 250TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, the First Presbyterian Church of Cranbury, N.J., is celebrating its 250th anniversary this year. Founded in 1734, First Presbyterian of Cranbury was granted a charter by King George II in 1750. The present church building was completed in 1837. The church carries what is believed to be the oldest seal of the Presbyterian church. In addition, First Presbyterian of Cranbury is responsible for starting eight other chapters of the Presbyterian church.

In commemoration of its 250th anniversary, the church has scheduled special events throughout the year. This month, a special service planned and conducted by church youth will be held.

First Presbyterian of Cranbury has continued a commitment to serving others. As a provider to local food distribution centers, the church is helping to meet the emergency needs of the community. In addition to assisting those in its immediate area, the church is a supporter of Presbyterian missions around the world. I applaud the church's efforts to help those in need.

Few institutions today can claim the long history in worship and service to people. At this time marking their 250th year, I warmly congratulate the church for its achievement, and wish them continued success in the future.●

THE FEDERAL COMMUNICATIONS COMMISSION'S FINAL DECISION ON ACCESS CHARGES

● Mr. MOYNIHAN. Mr. President, I rise today to express my support for the Federal Communications Commission's January 25, 1984, Final Order, deferring the imposition of access charges on residences and small businesses until June 1985. While the legislation advanced by the distinguished chairman of the Senate Commerce Committee (Senator PACKWOOD), S. 1660, is similar in some respects to the FCC's order of January 25, I voted to table the motion to proceed to consideration of S. 1660. Before I describe my reasons for so doing, permit me to offer some background on the access charge debate and the divestiture of the American Telegraph and Telephone Co.

For several decades, AT&T has used profits from its long distance operations to subsidize local services, keeping long distance call charges artificially high and local call charges artificially low. Under the consent agreement AT&T signed in January 1982, AT&T agreed to divest itself of its 22 local-service telephone companies, ending the subsidies for their operations. To replace these subsidies, the FCC issued regulations requiring residential telephone customers and businesses to pay an "access fee." For residential customers, this fee was to begin at $2 a month on April 1, 1984, and gradually rise to $6 a month.

These FCC regulations undoubtedly would have meant lower long distance rates and, by moving toward a cost-based system, a more efficient communications system. In the long run, I believe, this would lead to better telephone service for all consumers and a substantial increase in America's GNP. According to a study by Wharton Econometric Forecasting Associates, the redistribution of telephone charges will increase U.S. GNP by more than $46 billion over the next 5 years, a large amount indeed. Wharton also estimated that the FCC's decision would help generate about 400,000 additional jobs by 1987.

Despite these arguments and projections, I and many of my colleagues have had considerable misgivings about the effect of the FCC decision on poor and elderly Americans. Since 1934, the Congress and the Federal Communications Commission have advanced and supported universally available telephone service as a central tenet of national communications policy. Congress cannot responsibly permit any decision to threaten universal telephone service. Today, 96 percent of all American households have telephone service. Under the FCC's original plan, however, access charges could have priced basic telephone service out of reach of many poor and elderly citizens.

To address this concern, Senator PACKWOOD and other members of the Commerce Committee drafted S. 1660, legislation to postpone access charges on residences and small businesses for 2 years. S. 1660 also would have established a $400 million universal service fund, similar to one under the FCC's plan, to subsidize telephone service for the poor and local service in remote rural areas. The $400 million would be raised through a surcharge on long distance companies and on companies that use private telecommunications systems to "bypass" the telephone network.

S. 1660, however, also created a host of new problems, ones of special concern to me and the residents of New York. The first is the issue of bypass. By retaining artificially high long distance charges and the old system of cross-subsidies, the bill would encourage large long distance customers to "bypass" the existing network by constructing their own private telephone systems. As more and more customers left the system, costs would increase for those unable to do the same by bypassing. New York State is especially

susceptible to bypass, because a mere 0.3 percent of New York customers—mainly large corporations in New York City—provide 33 percent of the State's telephone revenues. If these companies were to leave the system, the average consumer would have to make up the lost revenues. This could significantly increase phone costs for most New York telephone subscribers.

My second concern with S. 1660 is of a regional nature. For a variety of reasons, including New York's high population density, telephone costs in my State are lower than the average costs for the rest of the Nation. Under Senator PACKWOOD's proposal, New York would have found itself subsidizing less efficient telephone systems in less densely populated regions. The costs to New York telephone subscribers would reach $110 million in 1984 alone. I know no reason why New Yorkers should bear responsibility for the higher costs in other areas of the country, simply because we can provide phone service more efficiently. The citizens of other States do not help New Yorkers pay their higher heating and rent bills. Under the FCC's order, New York will still subsidize other areas of the country, but to a substantially lesser degree than under Senator PACKWOOD's bill.

Last week, the FCC responded to the concerns of myself and my colleagues on this most controversial matter and revised its original decision. The new FCC order incorporates most of the best elements of the original access charge decision and the proposed legislation. It is a workable and acceptable solution, worthy of our support.

The FCC's final order delays the imposition of access charges on private residences and small businesses for a long enough period, 18 months, to study the relevant issues, while still retaining a commitment to a more efficient system. Everone who has examined the bypass threat has his or her own opinions. Now, the FCC will establish the facts, studying bypass and its potential effects on telephone service. This is a sensible response to a complex problem.

The FCC order also provides more time to examine the effects of its decision on poor and elderly Americans, and to better target lifeline telephone service to our most needy citizens. These are proper and laudable goals about which there ought to be no disagreement.

Before I close, I want to address one issue not considered by the FCC in its recent decision: the pension rights of AT&T and Bell operating employees who, because of divestiture, have been transferred from one part of the old Bell system to another, or between regional companies. This is the so-called "pension portability" problem.

I strongly support legislation to insure pension portability for telephone workers. The decision to break up the Bell system was a most complex one, involving years of litigation and review by the courts, the Justice Department, and the Federal Communications Commission. Under no circumstances should the employees of the old Bell system have to bear the brunt of the Government's and the court's decision to deregulate the telephone industry. I will lend my utmost support to legislation at a later date to insure pension portability rights for Bell system employees.

Mr. President, I hope my colleagues will join me in support of the FCC's final order, and the preservation of telephone employees' pension rights.●

ORDERS FOR TOMORROW

Mr. BAKER. Mr. President, tomorrow is the National Prayer Breakfast and while it otherwise might be desirable to ask the Senate to convene earlier, I think in deference to that commitment and respect for it, it would be well not to come in before 10 a.m., even though we have a busy schedule tomorrow and also we have another interruption and noontime.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, that special orders of not to exceed 15 minutes each be granted in favor of the following Senators: BENTSEN, BUMPERS, and LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. BAKER. Mr. President, tomorrow, in addition to the prayer breakfast, there is a requirement for a recess because of different functions but involving, I believe, every Senator on both sides of the aisle between the hours of 12 and 2 p.m.

I think I said on Tuesday that my colleagues on the other side of the aisle were caucusing as they usually do, but I was mistaken. They caucus tomorrow instead of Tuesday, and tomorrow there will be another function involving Republican Senators in the caucus room.

I may say for the benefit of those who read the RECORD that these recesses are not for personal convenience of Senators but always are to accommodate a function of an official nature which is important to the functioning of the political system and of the transaction of the Senate's business.

So, Mr. President, even though we desperately need the time tomorrow, I think it is essential that we recess, and I now ask unanimous consent that on tomorrow the Senate stand in recess from the hour of 12 noon until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each. After the execution of the special orders, there may be a provision for the transaction of routine morning business. Otherwise, the Senate will proceed to the consideration of the unfinished business, which is S. 1762, Calendar Order No. 391, the crime bill, at which time the pending question will be the Bumpers amendment to the Metzenbaum amendment.

Mr. President, it is anticipated that disposition of that measure will not be accomplished until after the recess.

After that, Mr. President, if we can, and I expect we will be able to get a vote on or in relation to the Bumpers and Metzenbaum amendments, I would expect that debate will continue, but I hope that before the day is out we are able to obtain final passage of this measure, that is, S. 1762, because we still have a number of other bills that must be attended to that are related to this general subject.

Mr. President, it is anticipated that tomorrow, being Thursday, may be later than usual. The leadership will make an effort not to make it too late, but we will be in perhaps past 5:30 or 6 p.m.

We will be in session on Friday and I expect there will be votes on Friday.

So may I urge Senators not to plan on taking Friday off.

RECESS TO 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I see the minority leader signaling that he has nothing further to address to the Senate. I see no other Senator seeking recognition.

Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 5:58 p.m., the Senate recessed until tomorrow, Thursday, February 2, 1984, at 10 a.m.

31-059 O-87-45 (Pt. 1)

EXTENSIONS OF REMARKS

A PERSONAL REPORT FROM LEBANON

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 1, 1984

● Mr. WILSON. Mr. President, we can all gain perspective from those who have witnessed the terror and tragedy that characterizes today's Beirut. Such a firsthand account was filed recently in the Bishop International Group newspapers by the group's president, Jim Bishop. I submit for the RECORD a two-part series in the Los Angeles weekly paper, the "Enterprise," by Mr. Bishop and request that it be printed in the RECORD at this point.

The material follows:

A PERSONAL REPORT FROM LEBANON

To American sailors who stalk the two-and-a-half football field length of the battleship New Jersey or who make up the crews of the rest of the offshore flotilla of U.S. warships, Beirut can be a beautiful illusion. A serene Shangri-la. A calm Camelot across a stretch of sparkling sea.

Without high powered binoculars or gun range finders Beirut sprawls along the shore and climbs the low mountains to smooth snow slopes like glittering surf breaking on peaceful tan sand.

From the north, towards Syria a few successive shots from the New Jersey away, Beirut's swank surfside suburbs rise above a shallow bay. Then the central district, studded with high rise buildings, thrusts out in a small square peninsula. It smooths out and more suburbs race south at right angles, past the beleagured airport, to finally fade away towards the Israel border a few kilos away.

Of all the cities of the world, distance is most deceiving in Beirut. From afar, it gleams whitely as it has for 3,000 years. So would twenty miles of heaped up skulls. And like skulls, the eyes of battered Beirut are empty black holes that once were windows or are shellholes or blasted out walls from air strikes.

Many of the once-open pockmarks of smaller weaponry—30 and 50 calibre machine guns, automatic weapons, horizontally aimed anti-aircraft guns, rockets, mortars, tank and armored personnel carrier guns—have been filled in on the scarred sides of residential and business buildings. But since there's no matching paint, the cement cosmetics are simply reminders of the continual carnage as permanent as the original slashes and punctures.

PULVERIZED INTO GIANT PIZZA

Thousands of buildings, many of them ten or more stories, are now pulverized into one giant pizza of ruined rubble. Others still stand like dishevelled drunks with a corner or two, several stories high, wilted off like a wax candle. Tilted toppled open-face floors still hold a bed, a flower pot with blooming geraniums, a bathtub, but no people.

Whole blocks of buildings, at first glance, look intact. Untouched. But as eyes focus, the windows and doors have no glass. Construction steel, rusty red, spills out of shattered concrete like entrails from a gutted animal. Building after building has been ruthlessly redesigned by shells from guns which can shoot five to ten miles fired from a half-block away.

The newest of Lebanon's wars broke out eight years ago. Seven, six and five years ago, parts of Beirut, basically the Christian areas, were relatively untouched.

Now the democracy of destruction has brought her bloody blessing indiscriminately and almost equally to all of Beirut. Every area—swank seashore, once busy central city, long destroyed docks, hillside resort cabins, Moslem slums—have been bruised, battered and finally beaten into indistinguishable pulp.

BUT BUSINESSES GROW

Curiously and conversely, as the destruction has deepened, brutalized business districts have grown and expanded. New residential areas, some ocean front, some high on the hills, are being built. Sales of these lush apartments and condos are fertilized by half page ads of alluring adjectives in the daily Beirut papers. The models of the residences could be Monaco, Malibu or the Bahamas. The new shopping center artists' renderings would fit perfectly into Dallas, Scottsdale or Fort Lauderdale.

Six years ago, four or five blocks of narrow Hamra Street was the barely pulsing vein that kept the great international business heart of Beirut breathing. Today the central core of the city has spread out. Hamra is longer. There are five theatres, not one (all showing war, gangster or big-bosom pictures). Short, shattered, but busy cross streets intersect it. Business stops only for bombings and the eight p.m. curfew.

As Beirut's financial section was blown apart, other mid-East cities tried to fill the financial gap. To become the dollaropolis Beirut has always been. Cairo tried it. Failed. So did Cyprus. Bahrien. No go on the dough.

Now, as shells and bombs continue to fall, Beirut's financial fortunes continue to rise. Beirut still believes in banks more than bombs. Until she stops, she'll survive.

Like the view of the U.S. sailors at sea, the banker's view of Beirut is a rainbow colored one. With the strongest color the green of banknotes.

BEIRUT: 24 HOURS OF CLOSE-UP CHAOS

The black Beirut silence is suddenly split by a scream that shatters the stifling pre-sunrise curfew.

There have been few sounds during the night since the curfew was clamped on central Beirut at eight p.m. The muted motors of a few Lebanese military patrol cars. Once a quick raised voice, tight with tension, as something or someone was challenged on the blacked-out street.

The scream, terribly loud, rising and falling, rips out again. You can feel the sudden withholding of breath, stiffening of bodies of thousands of people in the battered box-like buildings around the Commodore Hotel in the heart of Beirut. Some residents still in bed. Others groping sleepily into the clothes behind blackout curtains. Getting ready for another hopeless day when the curfew, now almost ended, is unclipped at sunrise.

The scream rises high again. Filling thousands of ears with terror. Bringing cold sweat to thousands of hands and faces. What this time? The whistle of an incoming mortar? The aftermath of a car bomb? A shell?

It's a cat.

One of the ever-present cats that are everywhere in central Beirut. Not making love. Not making war. Being brutalized somewhere in the square concrete canyons, the chaos that is Beirut's central city. Its screams rise again and again. Multiplied and magnified by its echoes bouncing from building to building. Speeding through the open wounds of walls. Whipping through windowless apartments. A morbid overture for the dawn electronic call to Islam's faithful that will soon roll over the city from the slender fingers of Moslem mosques.

The sky is suddenly gray. Sharp angles of buildings, topped by sparce gardens of TV aerials, take form. Grow three-dimensional as gray turns to uncertain yellow.

DAY STARTS UP

A car motor starts up. Grinds. Dies. Starts again. Footsteps echo from the street. The car sputters off. Sharp bursts of conversation slice the silence.

Another day begins in Beirut. Some of the people who have just wakened won't be around for tomorrow's dawn.

FRENETIC FRENZY

Even at six fifteen a.m. there's a mounting frenetic frenzy of movement in the slightly shabby lobby of the Commodore Hotel in the center of Beirut.

The Commodore has become the home away from home for the top media representatives of many nations. Like the Caravelle and Continental Palace had been in Vietnam. Le Royale in Phonm Penh.

The New York Times and Chicago Tribune huddle in front of the elevator. A quartette of Tokyo TV men in Asahi T-shirts pour out of the elevator and into a too-tiny cab at the front door. A newly arrived Jacksonville reporter, still wearing a coat and necktie, asks CBS if he'll be able to get out to the U.S. ships to do home-town interviews. "I doubt it", he's told. The Observer somberly scans the carpet strips of teletype hung on the wall. "Damn," he grouches. He's reacting to a football score.

A memo is inked on Commodore stationery. Scotch taped under the elevator button. "To all Press. The Spiritual Head of Druze Communittee Sheikh Mohammed Aboud Chakra Holds News Conference On Thursday at 12:00 A.M. at Baadaran-Shouf to Announce a Message to the Pope and Answer Questions." No one glances at the announcement.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MEDIA DASH OUT DOOR

More media dash out the door. Jam four men and TV cameras into undersized cabs. Disappear down the narrow street. To the airport for 8 a.m. briefings. The U.S. Embassy. A few steps up into the dangerous hills. To places around Beirut. To last night's bombing sites.

Other media, a little more deliberate, exchange questions in the coffee shop over thick Lebanese coffee, sweet Israeli grapefruit (imported over the anger of the Lebanese), and salty goat cheese.

Gradually the coffee shop and lobby empty out. Outside the narrow street is pocked with potholes. Studded with small boulders and concrete blocks to discourage auto bombs and to slow traffic. They're unnecessary. Beirut traffic isn't slow. It's frozen. Beirut streets are simply long parking lots. Lots of horn and exhaust smoke. Swearing. Very little progress.

COL. SANDERS IN BEIRUT

Curbs broken. Filled with litter. Store windows even emptier than in previous years. Basically crackers, women's shoes from Paris, dirty skinned oranges. Fewer sidewalk sellers. Only razor blades, cigarettes, lottery tickets.

Fast food places filled. Colonel Sanders. Wimpys. But few people sitting at the tables of sidewalk cafes trying to concentrate on their newspapers. Ads sell pizza parlors, Swiss watches, a new delicatessen, a Paris collection of women's styles, Sanyo refrigerators, hi-fi, new shopping centers, grand pianos, Mercedes, Carlton cigarettes, household help from Thailand and the Phillippines.

Always an undercurrent of business-as-usual. A Lebanese on a ladder laboriously reaches inside the bomb grill on a two story window of a boutique. He has a tiny spray can and a little rag. Carefully, ever so carefully, he cleans one tiny space at a time. An all day job. The dust from the dirty street, stirred up by traffic, obliterates his job as soon as its' done.

The Corniche, the wide road that winds along the curve of Beirut's beaches is no longer the through street it once was. It halts abruptly a quarter of a mile on each side of the U.S. Embassy which, since its truck bombing, rather confusedly shares quarters with the British Embassy where the two flags fly almost side by side.

SOLDIERS STOP CAR

Approaching vehicles are stopped and turned back by Lebanese soldiers along the sidewalk. Closer to the Embassy, brown and green splotched armored personnel carriers squat with U.S. soldiers alert behind 50 calibre machine guns.

As you pass, the sound of rock music seeps out through an open hatch. Three soldiers eat from fast food restaurant cartons. At the Embassy entrance a young PFC from Cleveland, Ohio, is polite but tight. He should be. The next day he's getting transferred to the airport.

You head for the same place. Past blasted buildings. Lebanese civilians hold prayer beads. A portly man in a long black robe and red fez. A few drably clad women. Out along the seashore, the U.S. armada shadowy gray shapeless forms in the morning mist. Heaps of silver fish for sale along the road. Little clots of sheep. A sudden clatch of posters and stencils of a wild eyed Iranian Ayatollah. "What do the posters say?" you ask the driver. He looks at them and answers, "What posters?"

TENSION TANGIBLE

The tension is a tangible thing at the airport. Giant cement blocks are going up. A deep moat has been goughed out of the blood red earth. Sandbags are being filled. Weapons are at ready. Huge helicopters hover, shutting out slices of the sky. Blowing blinding clouds of red dust.

Today it's quiet. For now. "They usually start shooting on Sundays from 4 to midnight. Weekdays from 5 to 8," a Marine officer says. Then he adds, "but you can't count on it. Only thing you can count on is they'll shoot".

He points to a bare patch half way up the hill studded with square multi-colored buildings. "We're looking right into one of their machine gun positions".

You're at Fox Company, the furthest-out collection of foxholes in the war. At your back is the end of the airport runway. A Mideast Airways jet (the Lebanon national airline), waddles out to the starting spot. As she turns, her wings almost umbrella the closest U.S. dugouts and bumpy dirt road that lie just inside the barb wire by the runway.

As she revs her jets, heads under U.S. helmets quickly turn. Check her out. They eye the hills again. Unceasingly.

Going back towards town again, the 2,200-man Italian force is headquartered in a gloriously ancient old villa. Under a peeling sculptured ceiling Captain Condiatorre, slickly shaven and spotlessly spruce in uniform and shiny boots, is cordial and smiling. To date the Italians have had no casualties.

You search for the tiny British contingent of 100 men but can never find them.

At the sandbagged entrance to the French headquarters, a tiny blue eyed soldier is smothered under his camouflaged helmet. He looks shyly at you over his too-big automatic weapon.

FRENCH KILLED

Inside a bare dark green tent, Lt. Col. Beax has the face of a young high school mathematics teacher. Sparkling metal rimmed glasses. Serious unlined face perched atop a tall skinny young Charles de Gaulle body.

He and his officers are polite. A little removed. Watchful. Colonels Boisgarnier, Delafoy, Geness all say in one way or another, "we are not so good with English". They've had casualties. They watch the hills.

You say "merci" to the young soldier as you leave. A few hours after you leave him, a truck is parked at the entrance. A bomb goes off. One French soldier is killed. Eight Lebanese. Was the blue eyed boy the casualty? You'll never know.

Now a bit of theatre. Or terror?

Your driver, an old man with the cragged face of one of Ali Baba's thieves, swings off the paved road back to Beirut. A long dirt street ahead. Deserted. Lined with cyprus. The Christian Falange sector.

The driver mutters something. Swerves to the right. Stops before a sandbagged entrance to a long high wall. Three shabby young men in civilian clothes carrying M-16s are suddenly shouting and hot eyed at your rolled down car window.

"Passport! Passport!" Guns point at you. You say your passport is at hotel. Bluff it out. The driver finally pulls away. The back of your neck itches.

Back at the hotel the driver wants ten pounds for "saving your life". You wave him off. Something smells. In retrospect you wonder if the old rouge hasn't planted three of his relatives on the lonely road to stage the scary scenario. Again, you'll never know.

Now, it's into quickly lowering twilight. The Commodore coffee shop is showing movies. A waiter puts in a cassette of "Arthur". Just when it gets interesting, he replaces it with Nick Nolte in "48 hours". "Arthur", or at least two-thirds of him, is another casualty of Lebanon.

The media trickles in. The Japanese as smiling and neat as they left twelve hours before. Gradually a group coagulates around the circular bar. Voices rise. Sudden blackness. All the lights except candles, red on the bar tables, go out. A quick hush that lasts half a breath. A feeling of people listening. Evaluating the loss of light. Then a relaxing of tension. Voices rise again. Four minutes later the lights go on.

Later in your bedroom you pull the curtains. Close your eyes. A dull boom pushes its way into your room. The explosion, whatever it is and wherever it is, writes-30-to another of the more than 3,000 days, including 180 cease-fires, of Lebanon's latest and lingering agony.

UNIVERSITY OF BEIRUT—118 YEARS OF PEACE

In 1966, more than 116 years before the U.S. Marines landed in Lebanon, a strong and peaceful American headquarters was placed in the heart of Beirut. And it's still there.

No matter how heavy the gunfire around it has been, it's remained a quiet, if somewhat strained oasis with more than 4,200 persons going through its graceful arched gates each morning and leaving each night.

Its first name is American. Its full name, American University of Beirut. For more than twelve decades it's met the ever more involved problems of the Mid-East with books not bullets. Education, not enmity.

"We feel we're part of America," Says Nazih Zeidan, Assistant to the President. "We teach in English. We're incorporated under the laws of the State of New York. Najeeb Halaby, who was one of the top governmental officials in the U.S., is Chairman of our Board."

Other Board members stretch across the United States. Stephen D. Bechtel, Alfred H. Howell, Ralph Gwin Follis, Shirley C. Fisk—a Blue Ribbon roster of Americans serving along with an equal number of their peers from Mid-East nations.

In 1866, the Arab Mid-East was still living in its Dark Ages that had followed its shining centuries of greatness in religion, literature, science and politics.

A few Americans, looking far ahead and far abroad, built strong and long back in the 1860s.

And what has AUB accomplished since then?

From a start of eight faculty members and sixteen students, UAB now has more than 4,800 students. A faculty of 485. Fifty nationalities are represented on campus today. Twenty religious sects. Women have been an important part of campus life since 1905 when the AUB School of Nursing was founded. Today there's a feminine forty percent of the student body.

"EDUCATED ELITE OF ARAB WORLD

"We've educated the elite of the Arab world," says Professor William Ward, Chairman of AUBs Admissions Committee.

He's telling it like it is. AUB graduates include Presidents or Prime Ministers of Sudan, Syria, Iraq, Lebanon and Jordan. Nineteen signers of the United Nations Charter were AUB alumni, more then from any other university in the world. The Cabinets of Arab nations are studded with former students of AUB.

Ward says, "amazingly, the University has never shut down, even during the last nine years of continued war." He and his family live a short block from the university. They moved from further away for safety's sake."I have to go to class every day because I know all my students will be there." He remembers one girl apologizing "over and over because her home had been bombed out and she couldn't get to class until the next day.

"It's an incredible University," Ward says. "Our Faculty of Medical Sciences and Medical Center which includes a 421 bed hospital, is fully accredited by the American Medical Association, the only out-of-U.S. University to receive this honor."

Ward says the same high standards apply for AUB's faculties of Arts and Sciences, Health Sciences, Engineering and Architecture, and Agriculture and Food Sciences.

But he's concerned. The interminable war that's bleeding Lebanon is also bleeding the University. "for the first time we've got openings for faculty and students," Wards says.

"The way to win the heart of a population is through education. Now the 200 private schools in Lebanon are the backbone of her teaching. AUB is supported basically by foundations, grants, scholarships and loans from the U.S., including the United States Agency for International Development, and similar funding from the Mid-East. It would be a tragedy if this support slows up now. Not too long ago we had fifty percent foreign students. Now eighteen percent are non-Lebanese."

What happens if the war continues? Or the peacekeeping forces pull out?

Ward, like all residents of Lebanon, doesn't know.

But it would be a monumental loss, a setback for an American dream that began 116 years ago and has survived every obstacle since, if Professor Ward can't say in the future, "American University of Beirut has never been closed."

AMERICAN FAMILY LIFE IN BEIRUT

Twenty-four years ago, as the sixties slid onstage, a young professor stood at the rail of a ship from New York and watched one of the most beautiful cities in the world approach. The peaceful Paris of the Mid-East. Quiet tree shaded streets. Sidewalk cafes. Cultured, calm, polite, prosperous people.

The city was Beirut.

Today, after nine years of continuous war, of shells and rockets raging around his home and family, after 180 cease-fires, as temporary as a rainbow, as insincere as a Syrian smile, after having scores of close friends killed, kidnapped or wounded, would Professor William Ward leave Beirut?

The question is incomprehensible to Ward. He simply says, "Of course not."

It was an overwhelming interest to spend his life peering into the past that brought the young blue eyed professor to Beirut. But for nine years the placid past has had to share every minute with a perilous present.

Before Beirut, he amassed degrees in History and Religion at the University of Cincinnati and Butler University. Plus years of Egyptology, History and Archeology and a PhD from Brandeis.

With his background it was a Godsend when a friend and professor at one of the most unique and respected centers of learning in the world, American University of Beirut, wrote Ward to tell him of an opening at AUB.

Today, seated in a comfortable book-cluttered apartment, his youngish face still lights up at the memory. "When I first landed in Beirut I was exhilarated. At last I was in the Middle East."

Immediately, enthusiastically, he began to pry open the past. "If it's Egyptian, I'm interested. If it's less than 3,000 years old, I'm not," he says.

But he also looked forward into the future. In 1965 he married his most beautiful pupil. Now he and his Lebanese-born wife, Ula (she got her first name from a Scandanavian grandparent), have two daughters.

TWO TEENAGERS IN BEIRUT

Pia is 17. A mirror of her mother. Both tiny. Petite. Dark hair. Dark intelligent eyes that sometimes slip into sudden sadness at what they've seen and felt. Pia is a brilliant on-coming artist who'll go to American University this year.

Patricia is 14 years old. "Or 20 or 40," says her mother. "They were cheated out of their childhood," she adds when both daughters are out of the room. It doesn't show on Patricia. Usually. She has her father's blue eyes and flashing smile. The alternate confidence and doubts of an early teenager who's seen and done a lot very quickly. Including nursing newly wounded French soldiers only hours after their bodies were shattered in a truck bombing the same day similar tactics killed more than 230 U.S. Marines.

Patricia writes fiction stories. Even though more than half of her life has been under gunfire, her stories are not about the war.

The Wards home is a happy one. The four of them, plus a mouse-sized long haired little dog and a huge Beirut cat from the mountains where they grow bigger than the city felines, have learned to live with their ever-present neighbor, war, who may enter the front door or window, suddenly and unannounced at any time.

Seven of the hundreds of books in the apartment have been written by Ward. Three of them since the war broke out. "It was hard to concentrate." Ward says. "Sometimes I'd find myself writing the same paragraph over three times."

It's understandable. In '76 and again in '82, the Ward's neighborhood was bombarded every day for weeks.

STUDENTS ALWAYS IN CLASS

"I was terrified to leave home. But I had to because I knew somehow my students would all be in class. The University has never closed. The bigger the bombardment, the bigger the attendance. I still remember one girl student apologizing over and over for missing one day. Her home had been bombed out and the family had been in a basement all night."

As the war heightened, the Wards moved closer to the University for added safety. But in the two minutes it takes to walk to AUB there's still one Lebanese-manned sandbagged checkpoint and another at the University entrance which bars all non-faculty and students.

The familys' fare of entertainment is limited and getting more so. There's no "cruising" for the girls at night. No movies. No post-movie malts or hamburgers. There's a Colonel Sanders a few blocks away. But there's also an eight p.m. curfew.

There's TV. In Arabic, French and English. When the power isn't off. There's a video game purchased during the Israeli invasion. "Because everyone else in the apartment house got one," Pia says. She doesn't like it.

OUT-OF-DOORS RECREATION

The girls' outside recreation is limited almost exclusively to the handkerchief sized garden inside the high grilled gate of the apartment. Pia plays soccer there. Sometimes the girls go to friends houses, or have them over on visits that are planned well ahead. The beach, just blocks away, is usually blocked. The Wards' mountain cabin might as well be on the moon.

But none of this shows at dinner. It's delicious. And sensibly spare. Main course is a clear light soup afloat with vegetables. The meat in the soup goes to the girls. Fresh chopped Lebanese salad. Lebanese and French bread. Goat cheese. A small bottle of red wine shared by the adults. Everyone eats quickly. Matter-of-factly. Hoping there'll be no interruptions. There aren't. Tonight.

After dinner, there's still a little time to talk before curfew. After nine years of war memories melt into each other. The Wards remember one bittersweet incident. Smith's Grocery Store, a decades-long Beirut institution owned by a British General's wife, was "99 percent destroyed when the Israelis invaded. Most of all we remember the popping of the whiskey bottles and spray cans as they blew up. Then the next morning there was only one window still left. Clear up on the fourth floor. And first thing someone was up there cleaning it."

TOUGHER TALK

The conversation shifts to tougher talk. But the voices remain the same.

"A friend of Pia's lost both legs. A close friend of ours was kidnapped. A young man Pia grew up with was kidnapped. A U.S. professor's son was kidnapped," Ward says.

"They," Mrs. Ward lifts her shoulders in frustration, "they just disappeared."

The closest to anger comes from Patricia. "When I was helping the French soldiers in the hospital, one of the French reporters pushes a microphone in the face of a wounded man and asked him how it would feel to die. How could he ask such a question?" She's still mad and shows it.

How does a family live a normal life in Beirut?

"It takes a lot of effort," Ward says. His wife adds, "There are a lot more people taking sedation. A lot more getting medical treatment for nerves."

The phone rings. Patricia picks it up and answers. Hands it over to her mother. Mrs. Ward's voice rises happily. "Oh, will you? That's wonderful. We need every Red Cross volunteer we can get. Give me your name . . . Hello? Hello?" She hangs up the phone. "Phone is out again. I hope they call back." They do. Mrs. Ward gets the rest of the information.

"The Red Cross is one of the salvations of Lebanon," Ward says. He particularly praises the work of the Red Cross Club made up of young people. "These are bright eyed productive students. They help the blind, do first aid in hospitals, translate, help with civil defense, whatever needs doing."

Ward is proud of Beirut. Of the Red Cross. His family. But also of his University, where he's spent half his life.

AMERICAN UNIVERSITY 118 YEARS OLD

"The way to win the heart of a population is through education," he says. He points out AUB was founded in 1866, is incorporated under the laws of New York State. "Most Americans don't realize this is an American

University." He underlines the word "American."

"AUB's Medical Facility Sciences and Medical Center is accredited by the American Medical Association, and everybody knows how high their standards are. AUB is the only overseas university the AMA recognizes in this way. We also have facilities of art and science, health science, engineering and architects, agriculture and food sciences.

"All of our teaching is in English, and we've educated the elite of the entire Mid-East governmental and business leadership."

Ward is concerned because, as Chairman of the Admissions Committee, the war is slowly bleeding the University as it is all of Lebanon.

"We started with 16 students in 1866. Now we have 4,850. But we also have vacancies both for students and faculty. I wish more Americans realized AUB is their University. We've never closed. We never will. Lebanon has always survived and the University will too. But we need help. From America because that will also encourage the Arab world to support us even more."

Ward stops. Looks at his watch. "It's curfew time. Time to stop talking. Besides, I've talked enough."

But can anyone really talk enough about Lebanon?

"THE MUDDLED EAST"

A few days in Beirut leaves the visitor calling the Middle East, with no honor intended, the Muddled East.

Trying to understand Beirut is like trying to swim through molasses in a business suit and overcoat. At first the situation slows you down. Then surrounds you. Finally smothers you.

And it isn't just the colossal chess game the big powers are playing in Beirut. It starts at grass roots. At curb-side.

Sample: A compact car, half parked on the shattered sidewalk of Central Beirut, manages after a lot of fore-and-aft bumping, to creep out into the motionless traffic from a spot that exactly fitted it.

Immediately a much longer U.S. Pontiac, a left-over from the late '60s, decides to occupy the space. A size twelve foot going into a size six shoe.

The driver halts the already creeping one lane of traffic. Gets his rear in over the sidewalk at a 45 degree angle. Pushes the right headlight out of the car parked behind him. Gains a foot. Bangs the orange Volkswagen parked ahead of him. Moves it up. Another foot.

Another crowd coagulates. Watches apathetically. Two Lebanese carrying prayer beads jump up and down on the bumper of the Volks. The Pontiac surges over the bumper. Jams one of the Lebanese shins against the metal. The shins' owner yells. Walks off.

VOLKSWAGEN VANQUISHED

Finally the beleagured bumper of the Volks is vanquished. The right side falls to the street. One of the growing crowd pries it off. Tosses it onto the center of the street between cars. Passing traffic slowly bends it flat.

The driver of the Pontiac bangs back and forth a few more times. Gives up. Leaves his car sticking three feet out into the single traffic lane. There's a few inches for the cars to get through. The driver is a fat man in a tan overcoat. He laboriously writes a note on a piece of paper the size of a postage stamp. Tucks it in the dirty window of the Volks. Walks off. The note follows him. A passing car hits the front fender of the Pontiac. Broken glass from its headlight joins the flattened Volks bumper. The car that hit the Pontiac is tailgated by the car behind him. Everyone weaves warily through the narrow gap between parked cars to a roar of a hundred car horns.

Life—and traffic—in Beirut goes on.

POLITICS, PARKING BOTH MUDDLED

The political situation is as muddled as the parking situation.

Arafat: seven years ago he was invited in, aided by Saudi Arabia funds, to stop the fighting. Then he had 35,000 troops in Lebanon. Now the incredible indestructible PLOer has been run out of Lebanon with a dining room table full of troops. "He's a moderate. Israel should have given him more time," says a Lebanese businessman.

The Ayatollah: "He might save us. Look what he's done for Iran," a Lebanese importer with a gold Rolex on his wrist says.

The Americans: Universally, "we wish you'd go home." The remarks are not uttered vindictively. The syndrome is, "it's too bad your young men have to die so far from home." What Lebanese are really saying is, "U.S. presence in Lebanon is drawing too much attention to us, the innocent bystanders. As long as the U.S. is here, there'll be a war." When the question is asked, "What will happen when the U.S. leaves," the answer is silence. Long silence.

Israel: Naked total hatred. Why? They were invited to stop the war. And they did too good a job. "Why did they have to blow up buildings to kill the PLO?" "But weren't the PLO in the buildings?" "Yes." More silence.

The Moslem and Christian Lebanese fighting each other. One Lebanese banker, a Christian, says, "It's our country." "Whose country?" "The Christians." "What about the Moslems?" Silence.

Syria and Russia: Here unanimity. Total terror if Lebanon is ever left to Syria and its big brother. "What's the answer then?"

Like the Pontiac driver, Lebanese just walk away.●

TOURISM AWARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. SKELTON. Mr. Speaker, I would like to bring to the attention of this body the achievements of Harold Koplar, a St. Louis businessman. Harold Koplar was recently awarded the 1983 Missouri Tourism Award for his contributions to Missouri's $4.5 billion a year travel industry. He is the founder and operator of the Lodge of the Four Seasons at the beautiful Lake of the Ozarks in my district, as well as the 7,200 acre Four Seasons USA residential development. The Lodge of the Four Seasons which is in the district I represent, has helped lead the growth of tourism in Missouri and brought thousands of people from all over the country to enjoy the Ozarks of Missouri. Mr. Koplar is deserving of this award as he has been a leader in the tourism industry in Missouri, an industry which is the third largest employer in Missouri, employing over 100,000 Missourians. I wish to join his colleagues in the tourism industry in recognizing his achievements.●

DO NOT RUSH CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. FLORIO. Mr. Speaker, in 1981, Congress passed the Northeast Rail Service Act. The act was intended to give Conrail an opportunity to become profitable so that it could eventually be returned to the private sector. The Act was passed as an alternative to the Reagan Administration's proposal to break up Conrail, which would have been disastrous for the Northeast and Midwest.

The Northeast Rail Service Act has generally been successful. Conrail is now profitable. The Secretary of Transportation is currently engaged in the process of trying to return Conrail to the private sector. I have been concerned that the Department of Transportation has been intent on selling Conrail quickly regardless of whether now is the best time to sell it. Any sale should maximize continued rail service and ensure a reasonable return to the United States on its investment in Conrail. Those goals may not necessarily be best achieved by a quick sale. In recognition of this fact, the statute does not set any deadline for a sale to take place.

The Philadelphia Inquirer recently emphasized these points in an editorial on December 20. The editorial concluded, "Now that Conrail is profitable, and no longer dependent on the government for operating subsidies, the transfer to private operation should proceed in an orderly basis without the pressure of any abitrary deadline." The complete editorial follows:

AS CONRAIL'S PROFITS RISE, DON'T RUSH INTO SELLING IT

When the Congress enacted the Northeast Rail Services Act in the summer of 1981, setting a timetable for the sale of Conrail either as an entity or in parts, the government-owned railroad was losing money and the losses were growing. It had lost $221 million in 1979 and $224 million in 1980. The Congress and the Reagan administration were warning Conrail in effect that federal subsidies would not continue indefinitely and that they were determined to cut their losses.

Since then the situation has completely turned around. Conrail finished strong in 1981 to show a profit of $39 million. In 1982 its profit soared to $174 million, although much of it came from one-time tax benefits. In the first nine months of 1983 the profit was $195 million and is expected to exceed $250 million for the full year—making Con-

rail one of the most profit railroads in the country.

Conrail Chairman L. Stanley Crane deserves much of the credit. he made tough management decisions, including personnel reductions, to reduce operating costs. Unions representing Conrail employees rate high marks for cooperating in cost-reduction programs and accepting labor contracts with wages at levels below those prevailing at other major railroads. The economic recovery also has contributed to increased revenues and profits.

Last week the U.S. Railway Association, an independent federal agency, officially certified that Conrail was profitable during a test period of June 1 to Oct. 31 that was specified in the 1981 law. The association also has certified that Conrail could be a profitable private enterprise in future operations. Passing those tests means that Conrail can be sold only as a complete entity up to June 30 of next year. If it is not sold by then the government would have the option to break up the railroad and sell in pieces.

As a practical matter it is unthinkable now that Conrail would be broken up, although that loomed as a real possibility when it was losing money. The duty of the U.S. Department of Transportation is to arrange a sale that will offer the best possible prospect of reliable railroad service over the long haul for the Northeastern and Midwestern states dependent on the Conrail system.

The only formal offer to buy Conrail thus far has been submitted by a consortium of railroad unions in behalf of Conrail employees. However, every major railroad connecting with Conrail has been making informal inquiries and gathering data—activities that could be preliminary to making formal purchase offers. The government also has an option to transform Conrail into a private railroad through a public stock offering.

Tremendous economic considerations must be taken into account. Conrail was created by the Congress in 1976 as an emergency measure to save the basic systems of six bankrupt railroads, of which the Penn Central was the largest. Then, as now, preserving railroad freight service was essential not only to the states and cities served but to the economy of the nation. Some of the country's largest metropolitan areas—including New York, Philadelphia, Baltimore, Washington, Pittsburgh, Chicago and St. Louis—are served by Conrail.

The need now is not only to preseve service but to assure future improvements that will allow industrial and employment growth and efficient cargo movements for ports.

Complexities involved in selling so large a railroad system would make it foolhardy to rush into a deal. Now that Conrail is profitable, and no longer dependent on the government for operating subsidies, the transfer to private operation should proceed on an orderly basis without the pressure of any arbitrary deadline.●

IN SUPPORT OF H.R. 4475, THE HIGH TECHNOLOGY RESEARCH AND SCIENTIFIC EDUCATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to express my strong support for H.R. 4475, the High Technology Research and Scientific Education Act.

Technological leadership is one of our Nation's most important national resources, and technology is fundamental to increased productivity, economic growth, and international trade. In order to maintain our lead in technology, we must foster accelerated research and development throughout the economy. The passage of the incremental R&D tax credit in 1981 has provided a strong incentive to increase research and development in all industies. Yet, this tax credit is due to expire at the end of 1985.

H.R. 4475 would make this tax credit permanent; it would also create new incentives for corporate funding of university basic research; and it would establish improved incentives for corporate donations of state-of-the-art scientific equipment to colleges and universities.

It is imperative that we enact this legislation in 1984. Most research and development projects require long-term planning and are not planned on a year-to-year basis. Companies are at this moment planning research projects for 1985 and beyond. They need to know in 1984 whether the tax credit that is now in effect will be available to them after 1985. Congress needs to enact this tax credit this year to insure that basic R&D continue unhampered.●

PUBLIC'S RIGHT TO KNOW MUST BE PRESERVED

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WON PAT. Mr. Speaker, when American forces stormed ashore last year in Grenada, most here remember that they did so without members of the U.S. press. That deliberate action by the Pentagon to exclude the press from a military action of prime importance triggered off an intense debate which lingers on today unabated.

Recently I received from the American Newspapers Publishers Association a statement of principle adopted by this organization which is strongly critical of the Pentagon's decision to withhold information from the media.

As a member of the House Armed Services Committee, I certainly understand the concern of certain military officers about their relations with the press. But I do not understand the decision to cut the press out of a major military action such as Grenada. The result only worsened relations between the Pentagon and the fourth estate, and in the process denied the American public of firsthand stories about what happened on that faraway Caribbean island.

I sincerely hope that the experience of Grenada will make Pentagon officials review their media policy to prevent this situation from ever again rising. We can all sympathize with the military when they complain about unfavorable stories in the Nation's press. And, we can all sympathize with the military when they say that press reports do not always tell their side of the story. The Pentagon is not alone in making these complaints. I have from time to time been quite unhappy with what was written about me or my activities. But, I would never think about tampering with our freedom of the press to the extent that was the case in Grenada. A free press is something we cannot live without. What is more important is that all of us in a position of public responsibility work for a free and responsible press. And I think that the best way to do this is to work with the media and not against them.

I would at this time request that the statement of concern by the ANPA be inserted in the RECORD for the interest of others who are also concerned about this serious question. Thank you.

A STATEMENT OF PRINCIPLE ON PRESS ACCESS TO MILITARY OPERATIONS

This statement was developed by a special committee of senior representatives of these organizations: American Newspaper Publishers Association, American Society of Magazine Editors, American Society of Newspaper Editors, Associated Press Managing Editors, National Association of Broadcasters, Radio-Television News Directors Association, Reporters Committee for Freedom of the Press, Society of Professionals Journalists, Sigma Delta Chi, The Associated Press, and United Press International.

Because a free society's press is not—and should not be—monolithic, no statement can ever be said to be "the position" of "the press." What follows is the carefully considered work of the experienced individuals serving on a special committee from the above organizations, formed after the government denied to the public independent press reports about U.S. military operations in Grenada.

I. We strongly believe that:

First, the highest civilian and military officers of the government should reaffirm the historic principle that American journalists, print and broadcast, with their professional equipment, should be present at U.S. military operations. And the news media should reaffirm their recognition of the importance of U.S. military mission security and troop safety. When essential,

both groups can agree on coverage conditions which satisfy safety and security imperatives while, in keeping with the spirit of the First Amendment, permitting independent reporting to the citizens of our free and open society to whom our government ultimately is accountable.

Second, the highest civilian and military officers of the U.S. government should reaffirm that military plans should include planning for press access, in keeping with past traditions. The expertise of government public affairs officers during the planning of the recent Grenada military operations could have met the interests both of the military and the press, to everyone's benefit.

Third, the military study group—appointed by General John Vessey, chairman of the Joint Chiefs of Staff, and headed by retired Major General Winant Sidle—which is to make recommendations to the government about media-military cooperation, should closely consider the above two points. The study group also should consult with military operations experts and make recommendations on how to assure both mission security/troops safety and prompt media access.

Fourth, appropriate committees of the Congress should hold hearings to: develop the historic record of media-military relations more fully, including accumulation of relevant documents; develop the facts of the government's handling of media access in Grenada more fully; and demonstrate how wise leaders can satisfy always the joint imperatives of effective military operations and of a timely flow to a free citizenry by a free press of independently-obtained information.

II. We believe these things because:

Since the Revoluntionary War, American journalists traditionally have been allowed to accompany American troops on military operations, even when those actions depended upon the element of surprise.

Such access has furthered the vital interest of the public in having independent accounts of the actions of our uniformed men and women in combat, beyond those reports issued by government officials.

Mission security and troop safety interests have been protected—when essential—by limiting the number of journalists accompanying the troops, by voluntary reporting restraints, by limited censorship of information that might aid the enemy, or by delay in the filing of dispatches; but not by exclusion of all journalists. Exclusion of journalists never has been deemed appropriate except in small, clearly covert, intelligence or commando-type hit-and-run operations.

We recognize the presence of two requirements: the requirement that the government conduct effective military operations, and the requirement that the public, via a free press, be independently informed about the actions of its government. Accommodations, representing good faith cooperation between the government and the media, have wisely avoided a direct clash in the courts or in the Congress between these two imperatives.

Unfortunately, such historic accommodations were neither sought nor achieved by the government during the recent Grenada operations. Rather than allowing a small pool of journalists to accompany American forces during the initial phases of an operation involving several thousand U.S. military personnel, the government excluded the American media from the island for more than two days. Thus, during the crucial, early days of the operation, when public concern and interest was most intense, the public was denied an independent source of information. The government's shifting justifications for this unprecedented exclusion—the need for surprise, the safety of journalists, too many journalists, or danger to the troops—either were unfounded or could have been met by proper planning and execution of traditional news-coverage practices.

III. In conclusion

We believe prompt media access to U.S. military operations can and should be allowed by the government. And, we strongly urge government officials to assure that historic free press reporting to the American public about military activities will be a planned part of future operations under conditions which also assure mission security and troop safety.

Our society remains healthy and free primarily because our public has an independent source of information about its government. Preservation of this principle is essential to the proper functioning of our constitutional democracy and to our national well-being. Without this open flow of information, our system of self-government would not work.●

RAYMOND J. MATHER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. BERMAN. Mr. Speaker, on March 10, 1984, on the occasion of his 78th birthday, Raymond J. Mather will be honored for his many contributions to his community and to his country by the Panorama City Post No. 817 of the American Legion.

Retired from active business, Raymond Mather has donated freely of his energy and time to help others. Since joining the American Legion in 1950, he has been awarded charter and life membership in Panorama City Post 817. He has held all post positions, including two terms as post commander. For 32 years Mr. Mather has taken part in the many service programs sponsored by the American Legion at post, county, State and national levels, working with youth groups, veterans affairs and veteran rehabilitation programs and many other special programs of the Legion. For the past 12 years, Raymond Mather has been actively involved in veterans affairs and is presently serving as service officer at the Sepulveda Veterans' Administration Medical Center in Los Angeles.

Still active, energetic, and enthusiastic, Mr. Mather inspires everyone who knows him. His desire to help others is infectious; he inspires others to join him in contributing to the community, church, social and political events in which he is involved.

It is an honor to join the many friends of Raymond J. Mather in the American Legion Panorama City Post and in his community who will be paying tribute to his indomitable spirit.●

WORLD'S BEST BARGAIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. SKELTON. Mr. Speaker, I would like to bring to the attention of my colleagues an article which recently appeared in the St. Louis Globe-Democrat. The article points out that food, the most basic necessity, remains a relative bargain for American consumers. This reflects the productivity of American farmers who are able to give us the best food in the world, in abundant supply, and at a reasonable cost. This was true even for this past year, a year of economic crisis for many American farmers. A strong farm economy is essential for sustained recovery of the entire economy and the continued production of high quality food. Increasing agricultural exports is the best way to bolster our farm economy, and, a study has shown that if feed grain exports were increased 10 percent it would only raise the consumer price index by fourteen one-hundreds. Food could remain a bargain as reflected in the article below while our farmers could benefit from an expanded market.

WORLD'S BEST BARGAIN

Although Americans may grumble about food prices, they don't have any grounds for complaints.

A new study by the Agriculture Department shows Americans continue to spend a smaller portion of their salaries for food than people in any other country in the entire world.

The latest figures available show about one-eighth of what Americans spend for "private consumption" is for food. In the poorest counties, more than half the family's spending goes for food.

In the United States, where the annual per capita income was $9,597, food accounted for 12.7 percent of all consumer spending. Canada ranked second lowest at 14.5 percent. In the high-income nations of Europe and Asia, spending on food ranged from 16 to 33 percent. In Africa and Latin America, it ranged from 30 to 65 percent. Niger, with the lowest per capita income ($80 a year), spent 63.6 percent for food.

In Austria, Australia, Norway, France and the Netherlands, with incomes comparable to the United States, about 15 to 20 percent of total consumer expenditures were for food.

When it comes to the cost of food as a percentage of income, Americans are getting the best bargain in the world.●

UNEMPLOYMENT AND FAMILY VIOLENCE

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. MURPHY. Mr. Speaker, the effects of unemployment go far beyond simple economics. The frustrations and feelings of inadequacy brought about by unemployment are having an increasing impact on American families. During the last 2 years, the incidence of spouse abuse has increased dramatically. Some experts have indicated that spouse beating is reaching epidemic proportions. It is reported that 40 to 60 percent of all families have or will have at least one spouse beating. Many have linked financial stress brought about by unemployment to the increase in both spouse and child abuse cases. Although there are over 2 million reported cases of spouse abuse each year, statistics surrounding spouse abuse continue to remain unclear because the majority of cases of abuse go unreported. Until recently law enforcement officials did not even keep statistics on those reported cases.

The Subcommittee on Select Education, which I chair, received testimony in June of this year that many shelters, where women and their children are able to seek refuge and obtain counseling services, are being forced to close due to a lack of funding. As a result of the dramatic increase in cases of abuse, coupled with the decrease in Federal and State funding, more than 8,000 women throughout the country were unable to obtain refuge at shelters last year. In Pennsylvania alone, nearly 2,000 women and over 3,000 children were turned away due to a lack of facilities. One Pittsburgh area shelter advised me that for every one family served, five are turned away. The situation has become so desperate that the victims have sought refuge with their children in cars or in condemned buildings.

Abuse occurring in the home is becoming more severe. Shelters that once saw victims of verbal abuse and slappings are now seeing victims being threatened with guns and knives. Approximately 24 percent of all murders take place within the family and 4.8 percent of these murders were committed by women who killed their husbands in self defense.

Although 29 States, including Pennsylvania have taken action to appropriate State funds for services to violent families the funding is still largely unmet. Currently there is no Federal funding to address the needs of these victims. In the past some Federal funding had been provided via several social service and Federal volunteer programs, however, since the Reagan budget was adopted in 1981, these funding sources have either been totally terminated or so drastically reduced that funding to shelters has been eliminated.

In response to these alarming reports and statistics, my colleagues and I have been working on legislation which would provide Federal assistance to victims and their families. During the first session of the 98th Congress, legislation was drafted to be offered as an amendment to the child abuse reauthorization bill, H.R. 1904, when it was brought before the House of Representatives for consideration. Unfortunately lack of time prevented the measure from being taken up at that time. H.R. 1904 will, however, be scheduled for consideration on Thursday of this week. I urge your support of the family violence prevention and services amendment at that time.

Provisions of the proposed amendment are as follows:

Grants to be made to assist States in their efforts to prevent family violence; to provide shelter for victims and their dependents; and to provide technical assistance and training to law enforcement officials in responding to cases of family violence;

Grants to be made to States based on population, with a local matching requirement which graduates over the 3 year funding period—20 percent the first year, 30 percent the second year, and 33⅓ percent the third year;

No single entity applying for funding may receive more than $50,000 in any 1 year, and no funding may be used for direct payment to a victim or dependents of victims;

No income eligibility requirements for receipt of services;

Funding $15 million in 1984, $20 million in 1985, and $30 million in 1986 for carrying out provisions of shelter and other related prevention and treatment services, and $2 million for law enforcement training.●

A TRIBUTE TO THE HOSPICE MOVEMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LANTOS. Mr. Speaker, I wish to pay tribute to the hospice movement, a bold, charitable, and compassionate effort to deal with a crisis all of us must face at some time. The movement was born with these words:

"You matter to the last moment of your life, and we will do all we can not only to help you die peacefully, but also to live until you die."

The Hospice movement was established to help comfort and treat those patients who knowingly face death in a short time. The program works to help the patient face the reality of death in a more optimistic way by emphasizing the family. It is here that the organization strives to create a positive interaction between counselor, the patient, and the family involved in the hopes of dealing clearly, rationally, and positively with death.

The movement began in Great Britain, but it has spread rapidly throughout the United States. San Mateo County, which I have the privilege and honor to represent, has the good fortune of having the Mission Hospice. That fine institution has helped many live comfortably and peacefully in the face of inevitable death.

Aided by gifts from many private sources, as well as individual donors, Mission Hospice has been able to provide patients and family members from San Mateo County with counseling, as well as 24-hour, 7-day-a-week telephone service.

Considering all that this tremendous movement has done and all that it is working to do, it is essential that recognition and support continue. Continuing to live life and enjoy it while anticipating a peaceful death is what the Hospice movement seeks to bring. It is an effort that should be commended and encouraged. To be born is beautiful and to die can be equally special. The Hospice movement seeks to help in achieving that goal.●

A CELEBRATION OF FREEDOM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. FRANK. Mr. Speaker, we all remember with admiration and respect our departed colleague Phil Burton. Among the many accomplishments in his distinguished career is his role in the effort to publicize and alleviate the sufferings of the Jews of the Soviet Union. On December 11, the Bay Area Council on Soviet Jewry held a "Celebration of Freedom," in tribute to him.

It is fitting, Mr. Speaker, that this celebration of freedom consisted of a concert by several Soviet emigre musicians, whose new lives in this country are themselves a tribute to Phil Burton and his work. And it is also fitting that the featured speaker at this event was Phil's colleague, Father Robert Drinan, who worked closely with him in this body, and continues to work very effectively outside this body, in the cause of freedom. I ask that his eloquent testimony at this moving event be reprinted in the RECORD:

"A CELEBRATION OF FREEDOM"

(By Robert F. Drinan)

When Phil Burton first went to Congress the movement to liberate Soviet Jews had hardly been born. He became one of the founders of that movement, working relentlessly and creatively on behalf of countless Refusniks as well as for the enactment of the Jackson-Vanik Amendment and the implementation of the Helsinki Accords.

We remember Phil Burton today for his commitment and his courage to Soviet Jews. We cannot forget, of course, all that he did to enhance the environment, enact strip-mining legislation, virtually triple the acreage of our national parks and improve water rights. But his commitment to these causes was not different from his revolt against injustice to Soviet Jews or to any other person. With an ingenuity that still baffles his opponents, Phil Burton formed unlikely coalitions and engineered legislative triumphs that no one thought possible.

I worked closely with Phil as we conspired to abolish the old and notorious House Un-American Activities Committee. Its name had been sanitized into the House Internal Security Committee. I as a member of HISC infiltrating from within and Phil as the chairman of the Democratic caucus quietly sent this useless committee to its grave. The strategy was Phil's—just don't appoint any Democratic members!

We think today of all those whom Phil Burton helped. We pray for the 180,000 Soviet Jews who today are in Israel, many of them still waiting for other members of their family to be able to join them.

We recall the 200,000 Refusniks whose lives have been shattered by the tragic refusal of the Kremlin to allow them to migrate as is their right under international law.

We reflect on the thousands of other Soviet Jews who dream that they too will be able to join the ingathering of exiles in Jerusalem. We recommit ourselves to work creatively, constructively and ceaselessly for them as Congressman Phil Burton did along with his brother John.

I have never been certain what the concept of reincarnation really means. But I come closer to a definition than ever before when I contemplate what happened in California after the awful loss of Phil Burton. If anyone can be his reincarnation it is the able person who has his seat—Congresswoman Sala Burton.

The movement for Soviet Jewry is now in more trouble than at any moment since it began in 1967 with the publication of Elie Wiesel's book, "The Jews of Silence." From the high of 51,000 able to leave in 1979 the rate of immigration has plummeted to about 1,000 for all of 1983.

But today is not the time to be rendered inactive by our sorrow at this sad turn of events. Today we rejoice at the 270,000 Soviet Jews who have been able to leave over the past dozen years. We thank the Bay Area Council. We thank our government. We thank Congressman Burton. We thank the people of Israel for making this spectacular miracle possible. It came about because people like you at the First Brussels Conference on Soviet Jews in 1971 and at the Second Conference in Brussels in 1976 struggled to create a world climate of opinion which induced the Kremlin to relax its Draconian prohibition on emigration.

The Third Brussels Conference in which I participated in Jerusalem this year was troubled and anxious. There appeared to be no consensus as to what went wrong. Is Andropov the cause? Is the decline of detente the reason for the virtual cessation of emigration? In Jerusalem there was no shared certainty on these points. But there was resounding certainty among the 1,800 participants in Brussels III in Jerusalem that the cries of everyone around the world on behalf of Soviet Jews must continue and be intensified. The pharoahs in the Politburo have heard these cries of anguish. We are here today because we know that they will hear them again.

Congressman Phil Burton during his 20 years in Congress saw revolutions for human rights take place all around the globe. One hundred new nations were born. The United States for the first time enacted civil rights laws for blacks. Women in a revolution unprecedented in human history asserted their equality and claimed their rights. And the last exodus of Soviet Jews began. It is therefore eminently fitting that we remember Phil Burton as we commemorate the 35th anniversary of the Universal Declaration of Human Rights.

We shall honor the legacy and heritage of Phil Burton by carrying on his struggle. Today we recommit ourselves to those moral ideals which were precious to him and to his wife Sala.

We cannot forget the prisoners of Zion. To forget is a crime against history. We shall remember them as Phil Burton remembered.

He learned in the words of Elie Wiesel that "the opposite of love is not hatred but indifference."

Phil learned in the words of Elie Wiesel not "to be neutral in times of crisis because neutrality always helps the aggressor and never the victim."

Let me close with the last paragraph of the majestic statement adopted by the 1,800 delegates to the Third World Conference on Soviet Jewry held in Jerusalem in March 1983.

We will not rest until the Jews of the U.S.S.R. are free.

The historic struggle of Soviet Jewry has known periods of tragedy and days of achievement.

We salute the faith and courage of Soviet Jews.

Their determination and our unceasing efforts will yet bring them home to the Jewish people. The struggle must go on.●

TRIBUTE TO JAMES E. VAN ZANDT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. BORSKI. Mr. Speaker, on January 23, former Congressman James Van Zandt announced his intention to retire as secretary to the Pennsylvania delegation.

As a public servant, Congressman, and veteran of three foreign wars, Mr. Van Zandt provides an example of dedication and patriotism that is all too rare.

Serving the best interests of our country was the principle that has always guided his work. he resigned his seat in the U.S. House of Representatives in 1943 to serve the United States in the Armed Forces during World War II. The medals and honors he was awarded as a member of the U.S. Navy are too numerous to list here.

Throughout his career as a Congressman and officer of the Veterans of Foreign Wars, he distinguished himself as a tireless advocate of veterans' legislation. This year, the James Van Zandt Veterans' Administration Center will open its doors in Altoona, Pa., in recognition of his many contributions to the veterans of the United States.

As secretary of the Pennsylvania delegation, he has worked selflessly and without pay for 20 years. It was with regret that we received the news of his retirement, for we know it will be impossible to ever replace him. However, given his endless record of accomplishment and public service, I am sure Mr. Zan Vandt will continue to serve Pennsylvania and the United States, even in his retirement.●

CONGRESSIONAL GOLD AWARD PRESENTATION

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. MURPHY. Mr. Speaker, on Tuesday, January 31, 1984, the first 11 Congressional Gold Medal Award winners were honored by the joint congressional leadership. These young adults were recognized for their outstanding achievement in personal growth, community service, and physical development. These awardees from the congressional districts of Minnesota and Illinois were presented by their Congressman to the joint leadership of Congress, who honored these recipients with a Congressional Gold Medal and certificate.

The Congressional Award program is expanding throughout other congressional districts across the Nation in an attempt to provide other young persons the opportunity to contribute to society while achieving their own personal goals and recognition. This is being made possible by notable professionals in the fields of government, education, business, labor, communication, and science who are serving on the Board for the Congressional Award program. Furthermore, I commend the Chairman of the Board, Mr. John G. McMillian, and the founding Chairman, Mr. W. Clement Stone, for their initiative in making this a most valuable and rewarding program.

Again, my sincere congratulations to those enthusiastic young people who volunteered their time and effort toward enriching the lives of all Americans. It is my hope that the Congressional Award program remains suc-

cessful and continues to grow nationally.●

SPILLS AND QUAKES SHOULD SCARE AREA MORE THAN "THE DAY AFTER"

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. SKELTON. Mr. Speaker, though some time has passed since the televison show "The Day After" was aired, I would like to recommend an article which appeared in the Eldon Advertiser, Eldon, Mo., to my colleagues. The article talks logically and clearheadly about the effects of a nuclear explosion in the Kansas City area. It also points out that there are many other types of events which could have equally disastrous effects but which are less exotic and therefore less news-worthy. I recommend this article by Ginny Whitney Duffield as it puts the dangers of nuclear war and other disaster situations in perspective.

SPILLS AND QUAKES SHOULD SCARE AREA MORE THAN "THE DAY AFTER"

(By Ginny Whitney Duffield)

With all the hoopla surrounding the Nov. 20 showing of "The Day After" by ABC (Channel 8 locally) there probably is no adult in Miller county who doesn't at least know the film dealt with the after effects of an all-out nuclear exchange between the U.S. and Russia, even if they were not among the 70 million estimated viewers.

The film may have had particular significance for some area residents. Miller County is on the fringe of a string of nuclear missiles deep in silos located from El Dorado Springs to the Tipton area. The story line centered on Lawrence, Kan., and the survivors there after Kansas City was destroyed by two nuclear blasts. At one point a character referred to Sedalia and Windsor, Mo., as "gone."

But some area residents who did watch the movie found the presentation "boring" or at least not living up to its billing. Eldon Civil Defense Director Dewey DeMott said he hopes the movie will spark residents' interest in thinking through what they would do in any emergency—whether it be a tornado, earthquake, toxic waste spill or war.

Currently DeMott and shelter coordinator Truman "Pud" Barker are updating the list of available shelters in Eldon. The list includes public and private buildings—schools, churches and some store buildings. Some of those shelters are available during severe weather while a few will be made available only in the event of nuclear war.

The complete list will be made available once the updating is completed. DeMott said the old list dates from the 1970s when the government surveyed potential shelters and determined how many they would hold, etc.

"Nuclear war would be terrible, as we all know," DeMott said, but he noted the TV movie did not accurately portray Civil Defense plans already formulated for nuclear war. He said he believes the U.S. would begin evacuation of large cities if the events leading up to the fictional attack actually occurred. He noted that Kansas City has available miles and miles of underground salt caverns—even stocked with surplus milk, butter and cheese.

Miller County is an "in place" county in the state plans. DeMott said, with no one to be evacuated out of the county. The county will not serve as a "host county" for persons removed from metropolitan areas, either. DeMott said.

The film depiction of the actual attack probably was accurate, DeMott said. He said Civil Defense training indicates blast pressure from a nuclear bomb would be about 450 pounds per square inch. The only thing close to that type of pressure occurs during tornadoes. DeMott said, some 350 pounds per square inch.

Everything in a 15-mile radius from the bomb's center would be destroyed, he said, and another 75-mile circle would be the "burnout" area with a firestorm swept along by winds reaching 500 miles an hour, first racing away from the blast and then doing an about-face to rush into the void left by the rising mushroom cloud.

If Kansas City was indeed attacked, the actual conditions in Miller County afterwards would depend partially on wind and weather conditions. A Civil Defense booklet estimates it takes radioactive particles five to 10 hours to travel 200 miles from a blast.

A bomb blast in the atmosphere would not only kill but it would also destroy electric devices. DeMott said. The electro-magnetic pulse would damage radios, car electrical systems, telephones, power-generating facilities and appliances just like a lightning bolt would. Even battery operated radios and appliances and radios turned off and unplugged could be damaged.

DeMott said in many disaster operations centers, the walls are lined with steel to ground the rooms and protect communication equipment.

The Civil Defense office here is really more worried about protecting citizens from severe weather, and the possibility of an earthquake along the New Madrid Fault or the spilling of some toxic substance along a highway. DeMott said he has been told by persons studying the New Madrid Fault in southeast Missouri that it has the potential to destroy as much property as a nuclear blast and would also kill large numbers of people in several states.

Nuclear war can be averted, DeMott hoped, but nothing can be done about a massive earthquake. There is a one-in-20 chance for a major shift along that fault line before the year 2000, DeMott said. In 1811 the most severe earthquake in America's recorded history occurred in Missouri but few people were killed because few people had settled in the area. The jolt damaged buildings as far away as Chicago, Ill., Louisville, Ky., and Pennsylvania.

Hazardous materials pass through Eldon everyday, DeMott said, including everyday fuels with explosive natures and small amounts of radioactive materials bound for hospitals.

While viewers across the nation were made even more aware of the horrors of nuclear war Sunday night, less exotic dangers of earthquakes or toxic spills present as great a threat to Eldon and the Miller County area.●

TRIBUTE TO JAMES E. VAN ZANDT

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 31, 1984

● Mr. KOLTER. Mr. Speaker, today I rise to honor a great Pennsylvanian, the Honorable James E. Van Zandt. Former Congressman Van Zandt is retiring from his position as secretary to the Pennsylvania delegation, and in so doing he is drawing to a close one of the most remarkable public service careers in American history.

Jimmy Van Zandt served as the U.S. Congressman from Altoona, Pa., twice; he took 3 years off to serve in the Navy in World War II. He also served as national commander of the Veterans of Foreign Wars—three times—and a Pennsylvania VFW department commander—twice. Mr. Van Zandt has a record of comebacks. He recently touched all of us in the Pennsylvania delegation by bouncing back from serious surgery. So, even though we are now wishing him farewell, I would not be surprised to see Jimmy at a delegation function in the future.

A dedicated public servant, a patriotic American, and a credit to the Commonwealth of Pennsylvania, Jimmy Van Zandt deserves our respect, our admiration, and our tribute. Congressman Van Zandt is a standard which all of us in this body would be proud to measure up to.●

TRIBUTE TO JUDGE MEL COHN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a distinguished and unique individual, and a good friend, Judge Melvin E. Cohn.

Mel recently retired after 20 years of outstanding and distinguished service as a San Mateo County Superior Court judge. During his tenure on the bench, he earned the well-deserved reputation as an accomplished and skillful resolver of civil cases, bringing both sides together to reach a compromise in order to avoid costly, time-consuming legal proceedings. He developed his art of compromise to such an extent that at the time of his retirement, 93 percent of the civil lawsuits in San Mateo County were being settled without a trial, most of them in Judge Cohn's chambers.

Mel's dedication to public service goes back many years. A native of San Francisco, Mel attended the University of California as both an undergraduate and law school student. He was

admitted to the bar in 1941. During World War II he served in the Army in the South Pacific, and subsequently returned to reside in the heart of the 11th Congressional District, where he opened an office to practice law. He was appointed city attorney for his hometown of San Carlos, and became actively involved in both city and county issues. He was elected president of the San Mateo County Bar Association, and in 1981 was named California Superior Court Judge of the Year.

Mr. Speaker, Judge Mel Cohn will be missed by his fellow judges and lawyers in California, and by all the people of San Mateo County who were fortunate enough to benefit from his outstanding services. I believe that if we had more judges of his caliber, our justice system in the United States would be more orderly and efficient. I would like to extend to Judge Cohn my personal appreciation for his fine work, and wish him continued success in his well-deserved retirement.●

THE "NOTCH" IS A HOAX

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. Martin of North Carolina. Mr. Speaker, all members have been receiving protests from our people about the so-called notch in social security benefits. The people have been misled into believing that this notch unfairly discriminates against anyone born after 1916. It is time for us to set the record straight.

What people have been told is only partly true. That half of the truth gives the false impression that those born after 1916 are being treated unfairly by the social security law. The whole truth is:

First. Those born in 1915 and 1916 receive a social security benefit—for a median income person—over half what they earned while working.

Second. Those born in 1917 receive about as much as those born in 1914, a little less than 1915-16 babies; and more than anyone else.

Third. Those born in 1918 receive about as much as those born in 1913, a little less those born in 1914 through 1917; and more than anyone else. And so on through 1922 and 1911, until—

Fourth. Those born in 1923 will receive about as much as those born in 1910. While that is progressively less than those born in between, it is more than for those born before 1910 or after 1923.

In other words, those born between 1910 and 1923 will be receiving a social security benefit not less than anyone else, but better than anyone else. Not only that, but between 1919 and 1923, as one's birthdate gets closer to the most favored date of 1916 one's retirement benefit get better and better.

Unfortunately, there is no economic or actuarial basis for the extra benefits received by those born between 1910 and 1923, which in simplest terms means that they receive a bonus benefit over and above that for those born outside those years, with 1916 receiving the biggest bonus of all—54 percent of median earnings.

In 1977, Congress realized the error of allowing this replacement ratio—the retirement benefit stated as a percentage of what one earned when working—to continue rising, but Congress lacked the votes and the courage to bring it down immediately from then 44 percent to the maximum affordable 41 percent. So it rose steadily to the maximum 54 percent in 1981—for those born in 1916—and for political reasons was brought back down gradually until 1989 when again it will reach the 41 percent level. Everyone lucky enough to have gotten more than the affordable 41 percent will be allowed to keep it. For political reasons.

It is ironic that those born between 1917 and 1923 are being urged to protest the notch. In fact, they are going to receive far more in social security benefits than ever could have been earned by all the savings they contributed to social security in taxes over a lifetime of work. They will get just as much as those born between 1915 and 1910, and better than everybody else.

So there is no reason for all the hue and cry stirred up by "Dear Abby," the AARP, and the House Select Committee on Aging.

The ones really getting the short end are those born before 1910 and after 1923, and the present and future taxpayers who must contribute extra taxes to cover those permanent bonuses for those favored by the generous congressional error.

Many of my colleagues are supporting the Biaggi bill to correct the notch by giving even bigger unearned bonuses to those born between 1917 and 1923. That further generosity will cost other taxpayers a total of $93 billion over the next 6 years. That hardly seems fair.

The notch already favors those born between 1910 and 1923 over everybody else. To make that advantage even greater would make it even more unfair to those born before 1910 or after 1923.

Those who worry about whether the social security fund will still be solvent when they retire had better hope that all these politically motivated bills—to make the notch even more generous—never see the light of day. In an election year, Congress might just pass them, and that will destroy what little solvency social security has left.●

TRUMAN STAMP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. SKELTON. Mr. Speaker, last Thursday, ceremonies were held marking the first day of issue for the Truman Centennial Commemorative Stamp. I was honored to attend and give the welcoming address.

For the first 6 years that I served in Congress, my district included the sites of both the Truman home in Independence, Mo, and the birthplace of Harry S. Truman in Lamar, Mo. As a result of redistricting, I have just lost the Truman home, however, his Lamar birthplace and a large part of Independence, remains a part of my district.

I think it is very fitting and proper that we honor President Truman because his memory has brought us to reflect on all that is good, all that is decent, and all that is great about America. Harry Truman came from the geographical heart of America. Harry Truman came from the spiritual heart of America. He went on to hold the office of President of the United States—the highest office of our land; 1984 marks the beginning of President Truman's centennial year, and it is most fitting that we started it off with a special first day of issue ceremony. The efforts of many people went into making the ceremony a memorable event for all of us. Margaret Truman Daniel worked together with Mr. Christopher Calle to design the stamp. And the Postal Service and U.S. Army were very helpful and cooperative in working with the Joint Congressional Committee for the Truman Centennial in planning the festivities.

As the year goes along, many other events will take place nationally and internationally in honor of President Truman, and rightly so. He taught us many lessons about leadership, values, responsibility, social equality, and statesmanship. There is so much more that we should know. And President Truman's legacy is still around to teach us. So let us use this year well, and learn, not just remember, what it takes to be a great American.●

TRANSLATING SOVIET MARXIST LANGUAGE INTO ENGLISH, AND VICE VERSA

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ROBINSON. Mr. Speaker, virtually all of us believe in the utmost use of diplomacy as a means toward

the avoidance of war and the increased understanding between nations.

In this effort, effective communication is essential. Communication presumes a mutual understanding of the meaning of words, phrases, and the overall statement of position and concept.

It has become evident that there is a particular gap in the area of congruity of meaning as to phrases commonly used in discussions between the United States and the Soviet Union. We take for granted our meaning of certain language, and the Soviet Union takes for granted its interpretation of the same language. The result is that agreement may be as to the words to be used in a document, but not as to the meanings of these words to the parties presuming to agree.

Scholarship in this field is a specialty of Dr. Charles T. Baroch, whose work has been of value to me and other Members of Congress over a period of years, as well as to such concerned organizations as the American Bar Association and the Heritage Foundation. It may not have the excitement of research in comparative military hardware, but I submit that it is of very high importance to those of us—again, virtually all of us—who are striving for realistic means to preserve peace.

Dr. Baroch, with the assistance of his wife, Catherine Baroch, has translated a basic Soviet reference work—a quasi-bible, it might be called—from which we can gain insight into the interpretation of words and phrases which is applied in the Soviet Union to the teaching of those who, in time, become agents of Communist policy, Soviet style.

Whether we be engaged in policy formulation or administration on our side, or only citizens with an active interest, this insight is of high value.

I include, under leave to extend my remarks, a sample of this illuminating translation by Dr. Baroch, and it is my expectation to offer further excerpts from this work, which I think might well be taken up by one of the several private sector organizations which have been receiving subsidies from taxpayer funds for research in the field of Soviet Union objectives.

A great deal of public money has been wasted on excursions in purported scholarship at public expense which have not contributed to the body of knowledge useful in diplomatic dealings with the Soviet Union. The work of Dr. Baroch, accomplished without such a subsidy, deserves to be encouraged.

What follows is a random sample of definitions, translated from an official Soviet dictionary, of terms which we use without much concern for precise meaning, on the assumption that accurate translation will result in the same meaning for those using other languages, the negotiators of the Soviet Union in particular. In reading Dr. Baroch's translations, we find the precision with which the definitions are provided in the Soviet Union to their own policy makers and other officials—and to such other citizens of the Soviet Union as might be exposed to the terms in their own newspapers, radio or television broadcasts or—Lenin forbid—publications or broadcasts from the free world.

I include at this point material from Dr. Baroch's translation of the 1969 edition of "Scientific Communism—A Glossary" a publication of the Political Literature Publishing House, Moscow. This book contains 167 entries, each of considerable length, as witness the sample. The dictionary was prepared by a number of top-rank Soviet Marxist political science specialists, and Dr. Baroch informs me that it is used as a text or reference work in the principal institutions of Soviet political education, including those devoted to the training of individuals destined for Communist Party leadership assignments. The editor-in-chief was A. M. Rumyantsev, well known as an academician with party credentials.

The material follows:

CONTEMPORARY EPOCH

Epoch whose main content is transition from capitalism to socialism; an epoch of struggle between the two opposing social systems, of socialist and national-liberation revolutions, of imperialism's breakdown and abolition of the colonial system; an epoch of the transition of increasing numbers of peoples to the socialist path, of the triumph of socialism and communism on a worldwide scale. Its central factor is the international working class and its chief creation, the world socialist system.

The contemporary epoch began with the victory of the *Great October Socialist Revolution* (*q.v.*), which split the world for the first time in history into two antagonistic social systems—capitalism and socialism, by this very fact marking the beginning of capitalism's downfall and socialism's establishment. Following the October revolution V. I. Lenin wrote:

"The destruction of capitalism and its vestiges constitute the content of the new historical epoch, which has just begun." (*Complete Collected Works*, XLI, 425).

In essence the contemporary epoch is transitional, since its basic content is replacement of one social formation by another, and revolutionary, since this replacement is accomplished by a socialist revolution.

The contemporary epoch's historical framework is established by the development of the *world revolutionary process* (*q.v.*) from the first victorious socialist revolution in October 1917 to the victory of the socialist revolution on a worldwide scale. Narrower historical periods or stages can be distinguished within the contemporary epoch, reflecting specific degrees of change in the correlation of forces between capitalism and socialism and shrinkage of the capitalist world as the socialist world grows. These developmental stages coincide with the basic stages of the *general crisis of capitalism (q.v.)*.

The contemporary epoch's fundamental contradiction— that of socialism and capitalism—is inseparably linked with this epoch's essential meaning. It is a development or higher degree of the contradiction between labor and capital, manifesting itself as a contradiction between the working class ruling one part of the world and the bourgeoisie dominant in the other part. Class struggle during the contemporary epoch has reached the interstate level in the form of struggle between the two antagonistic social systems. The coexistence of states belonging to these systems is a specific form of class struggle between socialism and capitalism (*vd. Struggle of the Two Systems*; *Peaceful Coexistence.*)

Contradiction between socialism and capitalism is basic to the contemporary epoch. Only by developing and solving this antagonistic, irreconcilable contradiction is it possible to ensure mankind's transition to socialism and communism. In its development and solution this contradiction exercises grave, direct, and determining influence on the development and solution of all the other contemporary-epoch contradictions. This contradiction is not particular and local, affecting only individual countries or groups of countries, but universal, worldwide, and characteristic of contemporary mankind and the entire world. At the same time, it is comprehensive, permeating all spheres of societal life: economics as well as politics and ideology. Its origin, development, and spread completely coincide with the contemporary epoch's historical limits, at the very beginning of which V. I. Lenin emphasized that the contradiction between socialism and capitalism was the pivot around which all the events of world history rotate.

". . . mutual relations of peoples, the entire world system of states are determined by the struggle of a small group of imperialist nations against the Soviet movement and Soviet states headed by Soviet Russia. If we ignore this, we will be unable to raise any national or colonial question correctly, even though it would refer to a most remote corner of the world. Only if this viewpoint is assumed can political questions be correctly posed and solved by the communist parties in civilized as well as backward countries." (Complete Collected Works, XLV, 242).

Characteristic of the contemporary epoch is the anti-imperialist stream merging the three principal revolutionary forces of the present: struggle of the peoples of socialist countries to construct socialism and communism, revolutionary struggle of the working class in the countries of capitalism, and national-liberation movement. The international working class holds a pivotal position in the events of out time and its struggle is decisive in establishing our epoch's character. The latter is also determined by the contradiction between imperialism and the peoples fighting for the elimination of colonialism and all its consequences and also by the contradiction between the monopolistic, militaristic circles which hatch war plans and the forces struggling for peace.

An in-depth analysis of the nature of the contemporary epoch has fundamental, methodological importance for the correct grasp of the more specific, present-day problems, for evaluation of the place and role of each motive force in the contemporary revolutionary process, and for formulation of a scientifically sound, valid strategy and tactics for the international communist and

workers' movement. As V. I. Lenin explained:

". . . only on that basis—by taking into account, first of all, the fundamental characteristics of various epochs (and not isolated episodes in the history of individual countries)—can we correctly devise our tactics; and only the understanding of the basic features of a given epoch can serve as grounds for considering in greater detail the specific features of a greater detail the specific features of a given country. (*Complete Collected Works*, XXVI, 142).

The contemporary epoch's essential meaning is a topic of intense idelogical struggle. In the majority, bourgeois ideologists are no longer able to deny our epoch's dynamism. But their class narrow-mindedness does not permit imperialism's ideologists and politicians to recognize the historical truth, reflecting the fact that the world is advancing toward complete collapse of capitalism and worldwide triumph of communism. As a result, there are attempts to present things as if the contemporary epoch consisted in essence in transformation of the old, traditional capitalism into a "general welfare society;" also, in present-day bourgeois sociology the concept of a "single industrial society" is widespread. Class manipulation of this and other concepts, however, about the contemporary epoch in bourgeois society is self-evident, namely, concealment of the objective, global historical need to replace capitalism by socialism and obstruction of the victorious march of socialist ideas.●

LAURIE DALSIMER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to commend Laurie E. Dalsimer, the outgoing president of the Sun Valley Area Chamber of Commerce. Laurie Dalsimer has been respected as a business and community leader in the San Fernando Valley for 25 years. Following a successful career in banking, she entered the real estate field and is currently associated with Century 21 Dally Realty. In addition to her business career, Laurie Dalsimer has been involved in a multitude of civic and philanthropic activities. Her numerous contributions to the San Fernando Valley include a two-term presidency of the Valley Round Table Council and several terms on the Sun Valley Chamber of Commerce board of directors, before becoming the first woman elected to its presidency. Under her direction, the chamber has become one of the most influential organizations in the valley.

A true humanitarian, Ms. Dalsimer was community chairman of the Studio City March of Dimes, advisory committee member of the American Red Cross, an officer on the San Fernando Valley Girl Scout Council, and the first woman to serve on the board of managers of the East Valley YMCA.

Mr. Speaker, Laurie E. Dalsimer was honored at the Sun Valley Chamber of Commerce installation dinner on Friday, January 20, 1984. I would like to join with the many who were in attendance at that event in extending my congratulations to her, and in wishing her the best of luck in the future.●

VIEW FROM THE HILL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. SKELTON. Mr. Speaker, over the recess the following article appeared in the Pleasant Hill Times comparing Missouri with some of the neighboring States and the rest of the United States. There are many reasons for Missourians to be proud, and this article lists only a few of them. I recommend this article to my colleagues.

[From the Pleasant Hill Times, Jan. 4, 1984]

MISSOURI IN '84

(By Bill Hale)

At the beginnir.g of the new year, it seems appropriate to say a few good words for our Great State of Missouri, which we have always felt is underpraised and over-criticized.

Even the weather in Missouri, except for less-hearty persons who were born out of state, offers great diversity and changes so frequently that being a weatherman offers few rewards.

In working with the Missouri Division of Community and Economic Development, we ran across a number of facts about our state that we found interesting.

Missouri's per capita state government debt is three percent less than Arkansas, 61 percent less than Kansas and 30 percent less than Oklahoma.

Figures from the U.S. Department of Energy indicate that, although electric rates in Missouri, Kansas, Arkansas and Oklahoma are far below the national average, Missouri's rates have risen much more slowly than those of Kansas and Oklahoma.

Missouri has twice the number of manufacturing employees as Arkansas, Kansas and Oklahoma.

Missouri has 50 percent more research and development laboratories than Kansas, three times the number as Oklahoma and 10 times the number as Arkansas.

The cost of living in rural Missouri is about seven percent less than in most cities in the U.S., and at the same time groceries, housing, utilities and transportation in rural Missouri range from one percent to 16 percent less than throughout much of the country.

The average tax levy in Missouri is $7.91 while in Kansas it is $15.20 in some counties.

So for '84 let's talk up our state as it deserves to be, and let's also talk up our own community—where everything's up to date and growing.●

SEAN MacBRIDE IMPARTS HIS WISDOM ON THE ISSUE OF PEACE IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. BIAGGI. Mr. Speaker, on January 6, 1984, I had the distinct honor to attend a special luncheon in New York City in honor of Mr. Sean MacBride S.C., the 1974 Nobel Peace Prize winner. The luncheon was sponsored by the Irish American Unity Conference, a new and rapidly developing organization whose chairman is James Delaney of San Antonio, Tex.

The purpose of the luncheon was for the conference to confer its first "International Irishman of the Year Award" to MacBride, a remarkable man who has served as Foreign Minister for the Republic of Ireland and as a high-ranking official in the United Nations among scores of other positions of distinction.

As chairman of the bi-partisan 103-member ad hoc congressional Committee for Irish Affairs, I have had the pleasure of knowing and working with Sean MacBride for a number of years. He was kind enough to address our committee, to present us with his assessment of the prospects for peace and justice in Northern Ireland. Sean MacBride who is still vigorous while well into his eighties delivered a forceful and critically important speech which I contend should be read and reviewed by all of my colleagues concerned with peace and justice in Northern Ireland.

As we begin the year of 1984 we look with sadness at the continued unrest which prevails in Ireland's six northeast counties. In the previous months we have seen horrid acts of violence, including the murder of innocent church worshippers in Armagh and, of course, the Harrod's bombing in London. The economic conditions throughout the North are abysmal. There is the absence of any real movement toward a peaceful political solution. However while men of peace and commitment like Sean MacBride still offer their positions on peace for Northern Ireland one must have hope. However, to go beyond hope, we must begin to heed the words and proposals.

Sean MacBride's speech follows:

IRISH AMERICAN UNITY CONFERENCE

I am deeply honoured and most grateful to Mr. James A. Delaney and to the Irish American Unity Conference for having invited me to be their guest on this occasion. I do not think that I deserve this honour; I have just been lucky to be in a position to do a number of things that may help to make this a better world.

We are living in an extremely dangerous period of world history. As the late President John Fitzgerald Kennedy said, "miscal-

culation, accident, error of judgement or an act of madness," may result in a nuclear holocaust that would endanger the survival of humanity. In trying to prevent this, we in the peace movement are only doing our duty.

I am particularly proud that this function is taking place in an Irish American setting in New York. This country and this city in particular have borne witness to the sufferings of Ireland as a result of the British conquest of Ireland, and as a result of Britain's refusal to cease interfering in Ireland's affairs. It is here that many millions of our people, broken and bleeding, came to seek refuge in order to survive. It is here that they received a welcome and a new lease on life. Their brains and strength helped to build this great nation and, indeed, this great city. I am proud to be honoured here by their descendants today. There are over 40 million people of Irish descent in this great nation. I have lived in New York, and in the course of my work I have had the opportunity of visiting most of these United States. From this I know of the great contribution Irish people have made, not only to the building of the United States, but also to the defense of the cause of Irish independence and unity. It is true to say that were it not for the help which we in Ireland received after 1916 and right up to the Treaty, from Irish Americans, we could not have succeeded in driving the British out of that part of Ireland which we now control. The moral and practical support which we received from Irish Americans during the War of Independence was the determining factor in our success.

While I have often disagreed profoundly with the policies of the U.S. Administration, I have developed a tremendous admiration and affection for the American people. They have a great sense of fair play, of justice, and of humanity. Once an injustice or an act of inhumanity is clearly exposed to them, the ordinary American people will respond unhesitatingly; they will not hesitate in such situations to overturn the policies of their Administration and establishment. They have done so in the case of Vietnam, and I am certain they will do so in the case of the present insane preparations for a nuclear war. It may take time, but I am convinced the American people will reject the nuclear militaristic syndrome of the present U.S. administration.

I told you that I was honored to be here with Irish Americans, and that I have learned to admire valuable contributions which they have made in our struggle to undo the British conquest. I want now to elaborate on this. It has become fashionable for some Irish people, who suffer from an overdose of the "slave mentality," to decry, criticize or disparage Irish Americans for having views, and for expressing their views, as to the right of the Irish people to determine their own affairs without any interference from Britain. I am one of those who believe that Irish Americans are, in fact, more representative of the true Ireland than many of our slave mentality academics and politicians who seek to justify the partition of our country. Many of our ascendants were forced to leave by oppression and famine; others choose to leave because they were not prepared to accept the status of second class citizens in a partitioned Ireland dominated by slave mentalities subservient to the requirements of British policy. The Irish who came to live in America escaped the psychological constraint of the slave mentality from which so many of our people in Ireland suffer. They became free to think independently and to speak out their minds without having to look over their shoulder. They see and assess the situation more clearly than those who stayed in Ireland under the influence of a British-inspired so-called "intelligentsia." Not only have they a *right* to express their views on the inalienable right of the Irish people to the sovereignty and unity of Ireland, but I want to make it clear, here and now, that their views and support are welcomed by the Irish people.

Every country which has been the subject of foreign domination or colonialism inevitably suffers from some degree of slave mentality or "inferiority complex" vis-a-vis their masters. Because of the centuries of foreign domination to which we were subjected, we suffer probably from an excessive dose of the slave mentality. This does not affect the fundamental determination of the Irish people to achieve a united and free Ireland; it does, however, at times make them ambivalent in their attitude. As has been well pointed out by Todd Andrews, this ambivalence or acceptance of the status quo is more noticeable among our present day ruling classes and academics than among the ordinary people of the country whose national outlook and tradition are sound.

It is strange and paradoxical that the clearest and most direct condemnation of Britain's interference in Ireland not infrequently comes from English intellectuals and theologians; they represent the conscience of the ordinary British people more closely than some of their politicians. Many of our own politicans, academics, and media people have become subservient to the slave mentality syndrome to which I have referred. Some well-known Irish personalities have sought to justify Britain's continuing interference in the affairs of Ireland on the grounds that there exists two different "cultures" in the area of Northern Ireland under British rule. The emphasis on the existence of "two cultures" or two religions in the Northeast corner of Ireland is just a polemical platitude that does not bear examination. This is an argument that could be used to justify foreign interference in the affairs of every country of the world.

Every country can boast of two or more cultures, traditions, religions, and ethnic origins. Some countries, such as your great United States of America, are composed of people coming from well over a dozen different ethnic groups. Many have different coloured skins; many speak different languages; many worship different Gods; many maintain their own distinct cultures and habits.

Is it to be said that because the people of this great nation have different ethnic or cultural origins, Britain—or for that matter, Russia—would be entitled to partition different portions of the United States?

As Abraham Lincoln said in Indianapolis on 18 February 1861:

"On what rightful principle may a State, being not more than one-fiftieth part of the nation in soil and populaton, break up the nation and then coerce a proportionally larger sub-division of itself in the most arbitrary way?"

It is an extraordinary feature of our political life in Ireland that some pieces of polemical nonsense should be so readily accepted by some of our academics and by some of our media people, who should know better. Even the British propagandists who seek to justify the partition of Ireland, which was unilaterally imposed on Ireland by Britain in 1920, would not have the audacity to seriously put forward this "two culture" type of polemical nonesense. It is left to some of our more subservient academics to propound such spurious justification for Britain's interference in our affairs.

That distinguished English historian, A.J.P. Taylor, has repeatedly pointed out that Britain has no business interfering in the affairs of Ireland. In a very recent interview (Sunday Press, 1 January 1984) he pointed out:

"Instead of solving the Irish question, the British presence in Ireland makes it more difficult to solve. The first thing that should happen is that British troops should be pulled out of Ireland."

In dealing with the usual colonialist and somewhat hackneyed claim that British troops are there in order "to maintain the peace and to prevent a bloodbath," A.J.P. Taylor points out:

"They (the British troops) are simply holding down forces which, if they were not held down, but allowed to develop, would take on a more balanced attitude. So long as the British are in Northern Ireland, there will be a militant opposition to them. But, in any case, I don't think the British are qualified to take a strong, superior line; they have done as much killing in Ireland as the I.R.A.

"After all, the British have been in Ireland for centuries, and they have not produced a peaceful Ireland, so the people of Ireland better have a go at it themselves and not have the British interfering."

In discussing the irrational desire of the British Government to hold on to part of Ireland, A.J.P. Taylor put it this way:

"I think its partly the Tory rump, but more than that, it's also the feeling that we have always taken this line and that therefore we must go on taking it. It is partly the idea that the troubles in Ireland are entirely caused by a few, or relatively few, subversive radicals, who just practice force and assassination, and that the British must take a strong resolute line against it; that we must be firm enough, and the trouble will then go away. Most of it is a habit. The British have gone on doing this for centuries in Ireland, and they think there is no other solution."

Just as centuries of aggressive colonialism in Ireland by Britain have bred a slave mentality among a large section of our people, the feeling that Britain has a God-given right to interfere in our affairs is deeply ingrained in the minds of those who populate the inner recesses of the British establishment. Through its services (including the Secret Service) the upper crust of the inner establishment is able to influence and dominate the policies of the British Government, irrespective of what party is in power. Governments may come and governments may go, but it is part of the unwritten constitutional practice of Her Majesty's Administration that certain highly placed civil servants and establishment figures do dominate policy in regard to Ireland, the Admiralty, the Treasury, the Bank of England, the Secret Services and certain other little known sectors of the British establishment. It is thus that the present policy of the British Government was in fact formulated, adopted and embodied in a Minute written by the Permanent Head of the Commonwealth Office, submitted to and approved by the British Labour Cabinet in 1951, anticipating the British Government of today:

"Historically, Ireland, which has never been able to protect herself against inva-

sion, has been, as she is today, a potential base for attack on the United Kingdom. . . . Failing some firm and satisfactory assurance as to the attitude in war of a united Ireland of which the present Republic was a major part, there are strong strategic arguments for the retention of the friendly bastion of the Six Counties."

It is interesting to note, in British Cabinet papers released last week, that the virtually unlimited financial support given to Partition by the British Government in 1953 was decided on the basis of a report from high ranking British civil servants which urged:

"It is in the interests of Great Britain, no less than Northern Ireland, that the union of the two countries should be preserved. In our view, this imposes upon the United Kingdom Government a special responsibility. . . . to mitigate the economic disadvantages from which Northern Ireland suffers . . ." (Irish Times 2 and 3 January 1984)

So we now know that the inner establishment regards the continuance of Partition as "in the interest of Great Britain," and therefore as something which must be financed by Great Britain.

Another important factor, in addition to the financial and military support Britain gives to Partition, is the vast British Secret Service fund used to support Partition both in the Northeast and in the Republic. We know that in some cases, covert Secret Service operations have extended to terrorist activities both in the North and the South; sometimes for the purpose of provoking counteraction, and sometimes for the purpose of changing the leadership of a particular group.

The truest and best exposition of British policy in Ireland has, in my view, come from that great Church of England theologian—now the Anglican Bishop of Salisbury—the Most Reverend Dr. John Austin Baker. He made this statement while chaplain to the British House of Commons during the first major Long Kesh hunger strike in 1980:

"No British government ought ever to forget that this perilous moment, like many before it, is the outworking of a history for which our country is primarily responsible. England seized Ireland for its own military benefit; it planted Protestant settlers there to make it strategically secure; it humiliated and penalized the native Irish and their Catholic religion. And then, when it could no longer hold on to the whole island, it kept back part to be a home for the settlers' descendants, a non-viable solution from which Protestants have suffered as much as anyone.

"Our injustice created the situation; and by constantly repeating that we will maintain it so long as the majority wish it, we actively inhibit Protestant and Catholic from working out a new future together. This is the root of the violence, and the reason why the protesters think of themselves as political offenders."

I wish that some of our political leaders and some of our Church leaders in Ireland would put into perspective the causes of the present struggle in Ireland as clearly and honestly as was done by this great English churchman.

Some of our recent historians have even sought to minimize both the effect and the causes of the famine. It is worthy of note that A. J. P. Taylor, in a recent review of a book on the great famine in Ireland, wrote that all Ireland was like a Nazi Death Camp. When he was questioned on this, his reply was:

"Yes. When I reviewed that book, I headed it 'Genocide'. British politicians and civil servants took the line that Ireland must be submitted to rigid economic policy and the fact that 800,000 people died just couldn't be helped. Yes, I am perfectly clear that the underlying policy and structure of planning was manufactured by the British and it was a form of genocide . . .

"What happened was that the British was completely dominated by the idea of laissez-faire, and they insisted that these policies should be applied whatever the cost. They were told by plenty of people that they were sending hundreds of thousands of Irish people to their deaths, and they said: 'Well, we are very sorry about this, but we can't change our policy.' "

I welcome the initiative taken by the Irish Government in convening "The Forum for a New Ireland." This is a constructive initiative that has promoted and will, I trust, continue to promote objective research into the causes of Partition, and into the tragic result for both Ireland and Britain of the Partition imposed by Britain in 1920. During the period 1969-1983, 2,300 deaths took place as a result of Partition, and 24,000 people were maimed or injured. In financial terms during the same period, Partition cost the Irish Exchequer one billion one hundred million pounds and cost the British Exchequer five billion six hundred million pounds. But this is only part of the story, because Partition was imposed in 1920, and as a result of the Partition thus imposed in 1920, we had a Civil War that lasted several years, and also had a constant state of internal strife.

Accordingly, the true figures are much greater than those I have just mentioned; they should include the entire cost of the Civil War in terms of casualties, disruption and financial cost.

The Forum will have done a good job if it traces the history and the cost of Partition to both Britain and Ireland, and if it—

1. Urges the British Government to fix a date upon which it will withdraw completely from the Six Northeastern counties of Ireland.

2. Urges the British Government to cease interfering in Ireland and to ensure that all overt and covert secret service activities in both parts of Ireland are stopped.

3. Sponsors the convening of a Constitutional Conference to draft a Constitution for a new Federal Republic of Ireland providing for the maximum amount of decentralization and regions autonomy, somewhat on the lines of the Swiss model.

4. Promotes the establishment of an Irish Economic Development Council charged with the task of maximizing the development of our natural resources, north and south, and of providing employment for the entire population of Ireland.

If, on the other hand, the Forum, or some of our politicians seek to find a solution by maximizing "security measures"—as by resorting to internment, or greater police powers—the Forum will be a complete failure. Over the last 60 years our successive Irish governments, with one exception, that of 1948-1951, sought solutions by more and more oppressive measures. The jails of Ireland north and south and the jails in Britain are bursting at the seams with Irish political prisoners. Special types of emergency tribunals, military courts, special courts, Diplock Courts and other such judicial monstrosities have distorted our legal system; our judicial system has been tortured and distorted to an extent where it is losing credibility. Over the last 60 years our Statute Roll has bulged with Emergency Acts, Special Powers Acts, Offences Against the State Acts, etcetera. We hold an unenviable record in this respect. None of these methods has succeeded over the last 60 years, and they are unlikely to succeed in the future. The remedy for this situation is not more prisons but the undoing of the injustice which Partition has inflicted on our country since 1920.

I am not in favour of the use of physical force, or of the activities of the different paramilitary groups; I do not think they are justified, and I think that Partition could be ended by political means provided our political parties made the necessary effort. It has been the failure of our political parties and of Britain to take any steps to bring about the ending of the Partition that has been the cause of the escalating violence in Ireland.

The historical and constitutional position of Ireland is that outlined in the first two Articles of the 1937 Constitution, in the proclamation of 1916, in the Declaration of Independence of 1919, and in the Bipartisan Resolution unanimously adopted by Dail Eireann in 1949 on the joint proposition of Mr. Cosello and Mr. de Valera. These documents should be better known and better publicized. Perhaps the Irish American Unity Conference and the A.O.H. might jointly or separately undertake the wide publication and distribution of these four important historical documents.

Finally I want to thank from the bottom of my heart the Irish-Americans for their steadfast determination to assist Ireland to achieve her nationhood as a unified Republic of Ireland.

Thank you very much.●

TACTICAL ZERO

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. VENTO. Mr. Speaker, recently I reviewed the proposal "Tactical Zero" by Mr. Edson W. Spencer, chairman and chief executive officer of Honeywell, Inc.

I certainly am encouraged by the proposal and the spirit in which it is offered. Mr. Spencer chronicles some of the very same concerns that I and other Members of Congress have made concerning the Korean Air Line flight 007, the risks of nuclear proliferation and the instability of Government leadership within the U.S.S.R. which all substantially increase the risks of nuclear confrontation.

While Mr. Spencer opts for a build down ICBM strategy, the context within which it would take place—the removal of all tactical nuclear weapons in Europe; the dismantling of all tactical nuclear weapons; effective verification; the banning future development and production; the establishment of crisis avoidance centers; and U.S./U.S.S.R. joint enforcement—is significantly different than the existing policy path.

Surely U.S. policy and actions based upon criteria such as these could lead to a positive nuclear arms agreement. Mr. Spencer has made a valuable, positive contribution to the nuclear arms debate which I hope will receive careful consideration.

It is especially encouraging to note that Mr. Spencer leads the Honeywell Corp., which has the responsibility for helping our Nation fulfill its defense needs, and yet he is not hindered in speaking out regarding what should be our top priority; Nuclear arms reduction and their eventual elimination.

I submit Mr. Edson Spencer's statement for my colleagues' review and consideration.

Mr. Spencer's statement follows:

TACTICAL ZERO

(By Edson W. Spencer)

The world today faces three grave risks, any one of which could cause a nuclear accident, which could in turn lead to a major war. The risk of such a war may be greater than at any time since Hitler marched into the Rhineland in 1936. The potential for cataclysmic damage is far greater.

One risk brought abruptly into focus was signaled by the dangerous series of mistakes apparently made by the Soviet air defense in shooting down Korean Airlines Flight 007. The mistakes that led to the tragic loss of a civilian aircraft suggest the possiblity of a series of mistakes leading to something far worse.

A second risk relates to proliferation among nations of the capacity to manufacture nuclear weapons—and to steal them. The dangers in the use of these weapons as potential blackmail threats pose a risk for all nations, including the two super powers.

A third risk is due to uncertainties at the top of Soviet civilian leadership, which currently appears weak and unsure of its directions. The military appears to be taking a stronger role, and maneuvering for the next succession could further weaken present leaders. This in turn will probably prolong the present period of high tension between our country and the Soviet Union, making it difficult to accomplish significant progress to lessen the tension through negotiations.

The history of negotiations between our two nations is not encouraging. As a result, the risks inherent in nuclear confrontation seem to be accelerating faster than our ability to negotiate safety nets that reduce the chance of nuclear explosions.

To mitigate these risks, a creative new initiative is needed by our government, an initiative that would seek to achieve an immediate set of objectives rather than gradually negotiate toward such an end over a long period with very limited progress in eliminating the risks. As a concerned citizen who is also the chief executive of a major corporation (Honeywell Inc. with over $800 million in defense contracts last year), I feel strongly that we must bring into play a new approach and an even more heightened sense of urgency. Here are some suggestions;

First, we should offer to remove from Europe all tactical nuclear weapons, including missile warheads and munitions, and return them to the United States

Second, we should then offer immediately—with complete Soviet access for verification—to destroy these and all other tactical nuclear weapons in our arsenal as well as seeing that those of our NATO allies are also destroyed.

Third, the conditions required of the Soviet Union for our agreeing to do this would be:

1. The signing and ratification of a treaty between our country, our NATO allies and the Soviet Union banning further development or manufacture of tactical nuclear weapons;

2. Simultaneous with our elimination of tactical nuclear weapons, the destruction of all tactical nuclear weapons in the Soviet arsenal, with free access and verification by U.S. and other NATO observers;

3. Acceptance by the Soviet Union of a joint approach to some type of risk-reduction or crisis-avoidance center so that a mistake may be prevented from becoming a cataclysm;

4. Finally, a U.S./U.S.S.R.-sponsored U.N. agreement banning development and manufacture of tactical nuclear weapons by any member country, with the United States and Soviet Union agreeing to enforce this ban together.

This would still leave the two super powers at a stand-off in intercontinental strategic weapons, but with the potential for negotiating a build-down option on both sides. Build-down to the level of a minimum but still meaningful deterrent might take a decade and, to zero, a lifetime.

If we and the Soviet Union can move in the direction of significantly reducing the number of nuclear weapons, our two countries should then enter into broad-ranging discussions at various levels, both private-sector and government, in an attempt to define our future relationships in other areas. The objectives of our two countries, our historical background and our mind sets are very different. But we do have to coexist, and to do so we need to have continuous dialogue and a much deeper understanding of each other's motivations, fears and concerns.

Critics of this proposal may say it is impractical. It is impractical if one or both super powers do not have the will to negotiate, as that only prolongs the bargaining stalemate. It is not at all impractical if it can bring both sides back to the table and move the negotiations forward. It makes our intention clear and could put the Soviet Union on the spot, causing it to show the world its intentions as well. The accomplishment of "tactical zero" would be in the national self-interest of both nations. The proposal in no way changes our nation's need for a strong defense in conventional weapons.

Idealistic? Yes. Progress is never made without ideals. Weapons reduction cannot change the attitudes and fears that led to their creation in the first place. But a successful negotiation leading to a meaningful reduction of the nuclear threat on both sides may help, in turn, to modify those attitudes and fears.

Such a position offers a better negotiating posture than the Reagan "zero option" proposal, which provided that the United States would not deploy and that the Soviets would reduce intermediate-range missiles in and around Europe. Even if it were accepted by the Soviet Union, this proposal would have left a substantial nuclear arsenal in Europe on both sides. On the other hand, if the proposal I am putting forward for a "tactical zero" option could be negotiated, it would eliminate the greatest area of risk for accidentally, or through blackmail, triggering a nuclear disaster. It would clearly define where the free world wants to go in armament reductions. It would provide the present and future Soviet leadership with an alternative to protracted negotiations that reduces numbers but not risk, while relieving its defense budget of substantial expenditures. It would have great public appeal.

Most important, if successful, "tactical zero" would move the world substantially in the direction of becoming a safer place in which to live.●

THE BUDGET AND CHRISTOPHER COLUMBUS' TWO SKULLS

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LEVITAS. Mr. Speaker, George Will, who is certainly one of Ronald Reagan's staunchest supporters and defenders, has written an interesting piece about the present budget deficit problem, and the less-than-significant role that a line-item veto might play.

Mr. Will also effectively demolishes the amusing assumptions of the President's budget and likens them to the existence of the two skulls of Christopher Columbus in a Havana, Cuba, museum—that is claiming too much. A 6.1-percent T-bill rate after 3 years of budget deficits at $180 billion or more—Ha!

I would like to place Mr. Will's column in the RECORD for my colleagues to see.

[From the Atlanta Journal, Jan. 30, 1984]

IS REAGAN SEEKING ADVICE OR ACCOMPLICES?

(By George Will)

WASHINGTON.—Ronald Reagan, heading the axiom that a compliment can be a forensic anesthetic, used a part of a paragraph in his State of the Union address to compliment Congress. But Tip O'Neill, looking even more than usual like a rolling stack of cumulus clouds, said "Blech!" or words to that effect. Evidently he knows that Reagan's proposal for a demi-commission on deficit-reduction measures is evidence for the axiom that when people seek advice they are seeking accomplices.

For decades, conservative after-dinner speakers convulsed audiences with this thighslapper: "We're not getting all the government we're paying for—Thank God!" But in 1984, a conservative administration is cheerily telling the country that it need not pay for all the government it is getting. As Sen. Pat Moynihan says, this administration has made big government cheap: For every dollar of government, it asks only 78 cents in taxes. (Never mind that if the deficit path is unchanged, by 1989 half of personal income-tax revenues will be needed just to pay the interest on debt, and every percentage point increase in interest rates may add $15,000 to the 30-year cost of a $55,000 mortgage.)

Reagan wants an item veto—power to strike a particular item from an appropriations bill rather than choose between signing or rejecting a huge spending package. The best reason for granting his request is

that it would strengthen the presidency. An item veto gives a president the power that makes government work—the power to inflict pain, and hence to instill fear. Forced to choose between meddling with foreign policy and preserving a cherished spending project, many congressmen would lose interest in playing secretary of state.

For reasons of institutional self-interest, Congress probably will not approve an item veto, although one argument against the item veto is that it would enable Congress to be irresponsible. It could vote for every project favored by the home folks and say that it is the president's job to weed the garden.

An item veto would do less than broad powers of impoundment, recision and deferral would do to control spending. True, an item veto can occasionally be a big weapon. Last year Richard Thornburgh, Pennsylvania's Republican governor, used it to knock one of every eight dollars out of the budget concocted by the Legislature. He even vetoed all funds for the state house, which Democrats control. But no government can be routinely run by such bruising methods.

Gov. James Thompson of Illinois generally uses the item veto to reduce appropriations by about 3 percent. As governor of California, Reagan used it to reduce spending about 2 percent. If he did as much with the federal budget, he would cut the fiscal 1985 deficit just $18.5 billion. But he could not do as much because the federal budget is fundamentally unlike state budgets. It is fundamentally less susceptible to control by vetoes, item or otherwise.

The entitlements component is huge and politically protected. The interest component is large and not optional. And this president thinks defense spending is too low. (Congress cut his fiscal 1984 defense request by $4.7 billion.) That leaves all other discretionary social spending—about 19 percent of the budget—as the target for item vetoes. Reagan could take a long, sharp pencil and turn it into a short, dull pencil by vetoing every item in this portion of the budget, and the budget still would not be balanced.

A president's most formidable constitional power is negative—the blocking power of the veto. Reagan has not vetoed a single appropriations bill passed by the current Congress. Why not? Because in passing 10 of 13 appropriations bills, and continuing resolutions. Congress has appropriated just $3.2 billion more than Reagan requested for fiscal 1984. If facts can counter the public's prejudice against Congress, the facts should complicate any Reagan plan to run against Congress as the culprit in the deficit drama. Even more complicating will be Reagan's Budget Message.

It will propose cuts for fiscal 1985 amounting to less than 1 percent of non-defense, non-interest spending; it will project deficits averaging approximately $180 billion over the next three years; and it will say that even after three years like that, the T-bill rate will be just 6.1 percent. As an example of claiming too much, that calls to mind the Havana museum that claimed to have two of Christopher Columbus skulls, one from when he was a boy and one from when he was a man. The human race, said Mark Twain, consists of the dangerously insane and such as are not. We know to which group belong the authors of the T-bill projection.●

THE ECONOMIC EMERGENCY LOAN PROGRAM

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. DE LA GARZA. Mr. Speaker, I wish to address the attention of the Members to a recent policy decision by the administration that is causing hardship to many farmers in rural areas and that is making a nullity of a recent court decision.

On October 5, 1983, a Federal district court judge held that the Secretary of Agriculture's refusal to implement the 1-year extension of the Emergency Agricultural Credit Adjustment Act, provided for in the 1981 farm bill, was arbitrary, capricious, and an abuse of discretion. He ordered the Secretary of Agriculture to receive and process applications for economic emergency loans during the period December 22, 1983, through September 30, 1984. The judge stated that the Secretary may cease processing applications and making economic emergency loans before September 30, 1984, only if the total of all loans made pursuant to the order and judgment earlier reaches $600 million, less any attorneys' fees and related expenses awarded by the court.

On December 15 of last year, the Department of Agriculture announced that the economic emergency loan program was being reopened for the 1984 fiscal year under order of the U.S. district court in Washington, D.C. and that the agency was authorized to lend a total of $600 million in direct and guaranteed loans to farmers and ranchers suffering economic distress caused by the cost-price squeeze.

Recently, the Office of Management and Budget has turned the court order on its head. It has revised the amount of direct loans that may be made to a maximum of $50 million and required that the balance must be in the form of guaranteed loans. By this action OMB has changed the program from a $600 million program to a program of slightly more than $50 million.

In my view this is a flagrant attempt by OMB to circumvent the order of the court.

During the years the economic emergency loan program was carried out, according to Department of Agriculture figures, only approximately $329 million in loan guarantees were made compared to approximately $6.3 billion in direct loans. Despite the urging of Farmers Home Administration and others, this history shows that rural banks simply do not wish to participate in the program. They do not wish to make loans which guarantee 90 percent of a somewhat risky operation where they have to bear 10 percent of the risk and also have to service the loan. Remember that this program is available solely to farmers who are unable to obtain sufficient credit elsewhere due to economic stresses such as a general tightening of credit or a cost-price squeeze. In other words, the program is available only as credit of last resort to hard-hit farmers.

The economic emergency loan program that is the subject of the court order appeared in the 1981 farm bill. The Agriculture Committee included in the bill that ultimately passed the House a simple 1-year extension of the act. The Senate bill contained no comparable provision. In conference, a compromise was struck which limited to $600 million the amount of new loans that may be insured or guaranteed under the program during any fiscal year.

I was chairman of the House conferees at that time and I can tell you that it was never my intent or the intent of the committee to authorize the Secretary of Agriculture to structure the program so as to limit the amount of direct loans in the manner that has been done this year. Until now, there has never been any administrative apportionment of the funds made available for the economic emergency loan program as between direct and guaranteed loans.

When Congress has wished to permit such apportionment it has specifically so stated. For example, in section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) there is contained the dollar authorization for the regular lending programs of FmHA, a portion of which has been earmarked specifically for direct loans and the balance for guaranteed loans. In addition, from time to time in the annual appropriations acts there have been funds so earmarked. However, in the case of the 1981 farm bill, where no such earmarking was made, it was my intent that the full amount authorized would be made available for both insured and guaranteed loans.

Let me tell you what the practical effect of the Office of Management and Budget's decision is in relation to my own district in Texas. The State of Texas has been allocated $36 million under the new economic emergency loan program—only $6 million of which has been earmarked for direct loans. My district, one of the major agricultural areas in the State, has been particularly hard hit by the recent freeze and is suffering severe economic distress. Only one direct loan under the program has been made to date in the district, and there are no funds at all available at this time in the district for direct loans under the economic emergency loan program for which applications may be filed—this, despite the fact that the court has ordered that the full amount of $600 million

be made available through September 30, 1984.

I am not alone in my complaint. Many farmers are calling my office and those of other members of my committee registering their complaints about the OMB decision. ED JONES, chairman of the Subcommittee on Conservation, Credit, and Rural Development, has been joined by other members of the committee in a letter to the court requesting rejection of the Department's plan. The subcommittee will be holding hearings to review this and other FmHA issues tomorrow Thursday, February 2. I have been the recipient of a letter from my colleague and good friend, CARL PERKINS, chairman of the Education and Labor Committee, who likewise has complained about the catch 22 decision of the Office of Management and Budget. He also points out that bankers in rural areas simply do not want to make economic emergency loans under which they would be required to bear 10 percent of the risk and that the OMB decision will have a catastrophic effect on farmers in his State.

I call upon the administration to reverse its recent announcement and put into effect the $600 million economic emergency loan program in the manner in which it was intended by Congress and by the court order—namely, a program under which eligible farmers could obtain economic emergency loans either in the form of direct loans or guaranteed loans until a total of $600 million in credit is extended or until September 30, 1984, whichever occurs first.●

REDUCING THE NUCLEAR THREAT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

Mr. LEHMAN of Florida. Mr. Speaker, the Democratic Club of North Dade, concerned about the threat of nuclear war, recently passed a resolution urging the President and Congress to take immediate action to force a substantial reduction in the world's nuclear weapons. My hope is that citizen organizations, such as the Democratic Club of North Dade, will expand their nuclear disarmament efforts and by so doing, send their message of peace and survival to both our legislative and executive branches.

RESOLUTION EXPRESSING THE SENSE OF THE DEMOCRATIC CLUB OF NORTH DADE THAT THE PRESIDENT AND CONGRESS OF THE UNITED STATES SHOULD TAKE IMMEDIATE ACTION TO FORCE A SUBSTANTIAL REDUCTION IN THE WORLD'S NUCLEAR ARSENALS, THEREBY REDUCING THE THREAT OF WAR

Whereas it is a well-established fact that a nuclear war, with all its horrors, would destroy the world and decimate all living things, and

Whereas the United States, a recognized world leader and a super-power, has in its arsenal of weapons a sufficient number to respond to any threat to its peace and security, and

Whereas it is recognized that the building of nuclear weapons has but one significant purpose, the prevention of war, and that the continued stockpiling of these weapons has now begun to undermine this fundamental objective, and

Whereas the exhorbitant amount of money currently being spent for military purposes has begun to sap our financial resources, placing a greater burden upon the taxpayer, and

Whereas by reducing the budget for nuclear weapons, some of these monies can be used to aid programs that will strengthen the economy and stability of our nation, raising living standards for those in need: Therefore, be it

Resolved, That it is the sense of the Democratic Club of North Dade that the President and Congress of the United States be directed to prohibit the appropriation and expenditure of funds for the production, testing and deployment of any additional nuclear weapons, and that immediate efforts be undertaken to substantially reduce the size of the existing U.S. nuclear arsenal, as the first step towards a comprehensive reduction in the world stockpile of nuclear weapons that would lessen the possibility of nuclear war and improve the chances for a peaceful resolution of international conflicts, and, be it further

Resolved, That this suspension of funds be initiated by the United States and that it serve as an incentive, encouragement, and challenge to the U.S.S.R. to act likewise; it follows that the onus for any failure to reciprocate would fall upon them and that the responsibility of failing to halt the arms race would earn them the condemnation of all peace-loving peoples.●

THE MUSIC MAN SELLS LEMONADE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Ms. FERRARO. Mr. Speaker, President Reagan's state of the Union address last week left many of us in wonder, both at the President's consummate skill as a salesman and at the way the view of the world he's selling differs from reality. Throughout the speech, the President made audacious claims regarding almost every issue he touched, from environmental protection to arms control, from the plight of working women to this country's deepening involvement in Lebanon. The President brushed past his horrendous deficits with a call for some constitutional cosmetic surgery and a no-details proposal to find $100 billion in savings cuts and tax loophole closings over the next 3 years.

In last Friday's New York Times, both the editors and columnist Tom Wicker appraised the President's speech, examining some of the President's proposals and assertions. Both found the quality of the product not equal to the quality of the salesmanship. The Times editorial and Mr. Wicker's column follow:

MR. REAGAN'S LEMONADE

(By Tom Wicker)

After President Reagan's shrewd and sentimental speech to Congress, it would be stunning indeed if he should decline to run for a second term. Any State of the Union Message is to a degree political; his this year was a masterpiece of telling the public what he wants it to hear.

Once again, Mr. Reagan showed that he's a great speaker; more important, he demonstrated his mastery of all the chords that tend to make American hearts thump and thrill. And the themes he sounded will be haunting the Democrats from now until November—not least the slogan "America is back."

From what? From "a long decline that had drained this nation's spirit," to a "new beginning." So skillfully did Mr. Reagan develop this motif that he did not even need to tell anyone which came under the Democrats and which had been brought by his own Administration.

This President never forgets the football-fan desire of so many Americans to be "No. 1"—at least to be told they're No. 1—but this time he surpassed himself in the fulsomeness of his tributes to American greatness. No one should believe that this aspect of his speech was mere political flattery; rather it's so effective probably because Mr. Reagan really believes it, as do most of the millions who heard him.

A SHREWD AND SENTIMENTAL SPEECH

He also managed, perhaps less sincerely, the remarkable feat of launching a new campaign against Government ("still spending too large a percentage of the total economy"), although now he is the Government—at least its executive head. He returned to his familiar appeal to "family values," offered the attractive goal of a manned space station with no mention of its cost, and declared, to the applause of those who could forget Nicaragua: "Governments that rest on the consent of the governed do not make war on their neighbors."

As the President in office during most of the recession brought on by the Federal Reserve's tight-money policy, Mr. Reagan was entitled to take credit for the resulting decline in inflation, and he did so with zeal. He stoutly resisted new taxes in an election year, and put his foot wrong only once—drawing laughter from the Democrats when he said his tax reform plans would not be ready until the month after voters go to the polls.

Mr. Reagan had his greatest difficulty in discussing the $180-to-$200-billion yearly deficits that stretch away into the future—primarily caused, as even the chairman of the Reagan Council of Economic Advisers has testified, by the rising Reagan military budget, the Reagan tax cut and the consequent increase in interest costs.

In the teeth of these facts, well known to Congress, even Mr. Reagan's oratorical gifts could not make it less than incongruous that he proposed once again a constitutional amendment to force a balanced budget. But as usual, this astute politician was not really talking to Congress; he was talking over its head to the voters, who may not be inclined to consider the deficit more important than the recovering economy.

Still, if taxes are not to be raised and military spending is not to be reduced, what's to be done about deficits that won't go away and that sooner or later are bound to be noticed? Mr. Reagan created the impression that other spending could be cut; but every discretionery budget item, the F.B.I. as well as welfare, would not be much reduced—an unpleasant fact Mr. Reagan did not tell the viewers.

In 1984, he did assure them, the nation is "safer, stronger and more secure" than when he took office. This claim apparently derives from the enormous military budgets he has authorized, since he has otherwise brought relations with the Soviet Union to the most hostile point since 1962, and since his deployment of medium-range missiles in Europe has had the twin effects of making the Russians feel more threatened and causing them to deploy their own medium-range missiles off the U.S. coasts.

A New York Times/CBS News Poll found 49 percent of respondents favoring withdrawal of the Marines from Lebanon; 58 percent so resonded to a Washington Post/ABC poll. To these doubters Mr. Reagan declared, without a shred of evidence, that "we are making progress" toward the distant—some think impossible—goal of "a free, independent and sovereign Lebanon."

But he quickly and shrewdly moved on to a more promising appeal to American pride: "We must not be driven from our objectives in Lebanon by state-sponsored terrorism." Then, with showmanship no Democratic candidate can hope to match, he smothered the Lebanese question in his dramatic introduction of heroic Sergeant Trujillo.

Give the President credit: He knows how to make lemonade out of his own lemons.

THE MUSIC MAN

He's a what?

He's a music man and he sells clarinets to the kids in the town with the big trombone and the ratatat drums. . . . And the picccolo the picolo uniforms too with the shiny gold braid on the coat. . . . The fella sells bands. . . . I don't know how he does it but he lives like a king, and he dallies and he gathers and he lucks and he shines and when the man dances, certainly boys, what else: the piper pays him.

That, said one salesman to another in Meredith Willson's brilliant 1957 musical, was Professor Harold Hill, the Music Man. Wednesday night, it was President Reagan.

To watch him describe the State of the Union was to see brilliance on the political stage. Raising geniality to an art form, he gathered and he lucked and he shone and it seems increasingly clear that what he'll announce Sunday night is, pipers please note, he wants to keep on dancing.

There was glowing showmanship throughout. How did he address the Other America of the disadvantaged, disabled and abused? He told success stories about individuals who have conquered or helped others conquer travail. How did he address arms control? By audaciously addressing the Soviet people. After presenting a brave Army medic, he nodded with satisfaction. He was entitled: it was a masterly piece of business.

And the President was at his best pressing his theme: America is back. Back from What? cynics may gibe. Let them think back to Watergate, read back to President Carter's 1979 alarm about the "crisis that strikes at the very heart and soul and spirit of our national will."

Mr. Reagan is right. American never was a sick society. There is renewed energy and optimism in the country. This President hears the music and can make the rest of us hear it, too. But then what?

One problem with Mr. Reagan as a political showman is he doesn't know when to stop. For instance, he's a virtuoso at a soft-shoe shuffle called Fast and Loose with the Facts, and he did it over and over on Wednesday.

Describing recent progress in employment, Mr. Reagan said, "In 1983, women filled 73 percent of all the new jobs in managerial, professional and technical fields." Big gains for professional women, right? Wrong. The figure includes sales and administrative support work—all those clerical jobs that women have always filled.

Mr. Reagan boasted that he wants to give the Environmental Protection Agency "one of the largest percentage budget increases of any agency." True, but even if he succeeds in raising it to $1.29 billion, E.P.A. would still be getting $63 million less than under President Carter.

The hole in Professor Hill's programs was not fraud. For all his dance and dazzle, he did deliver the clarinets and epaulets. His problem was that he had to teach the children how to play—but didn't know one note from another. His remedy: "A revolutionary new method called the Think System where you don't bother with notes."

The hole in Mr. Reagan's program is that he doesn't have the money to pay for it. For every dollar he wants to spend, he's short about 20 cents. Where will he get it? By borrowing. Then how can he control the zooming deficit? Mr. Reagan's answer is something like the Think System.

A prudent remedy would be to raise taxes. Horrors, no, Mr. Reagan said. Why, "It would be immoral to make those who are paying taxes pay more to compensate for those [in the underground economy] who aren't paying their share." How much sense does that make? Internal Revenue estimates that it's losing $15 billion a year in taxes not collected from the underground economy. Even if Mr. Reagan captured every cent of that, compare it with the deficit: $180 billion.

Instead of a tax increase, he proposes deficit dodges. A line-item veto, for instance—but he doesn't say which lines he would veto. What's left? "Some still think there are vast pockets of fraud, waste and abuse out there. In fact, nearly every stone has been turned over." So says David Stockman, Mr. Reagan's budget director.

America is upbeat now, mainly because the business cycle has gone from recession to recovery. Mr. Reagan is skillful at conveying an optimistic mood, but he has not shown how he's responsible for it. Worse, his deficit spending can hasten a savage new cycle of inflation and recession. The President offers no program to guard against that and no protection for the victims. Only music.●

THE REAGAN BUDGET

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ACKERMAN. Mr. Speaker, Ronald Reagan has made a career out of promoting, on an off the silver screen. He is back on the stump this week, trying to sell his fiscal year 1985 budget to the American people. And this time he is armed with more charts, graphs, and anecdotes than ever—all purporting to show a country on the rebound, with peace and prosperity evident from sea to shining sea.

But the economy is not a Hollywood set, and Americans do not live in the land of make believe. Even a cursory look at the budget reveals who the winners and losers are under the Reagan regime. The winners, not surprisingly, are the rich and the military-industrial complex. The Great Tax Giveaway of 1981, which relieved corporations and wealthy individuals of most of their tax obligations, remains intact. Meanwhile, military spending rolls on: Reagan proposes a 13-percent increase after inflation for fiscal year 1985, accounting for over half the increase in spending for all Federal programs.

The losers—and here again there are no surprises—are working people, the elderly, and the poor. Having gutted the Occupational Safety and Health Administration, the President has begun undermining the health of our work force by another means: He wants to tax employer-provided health insurance benefits. The well-being of millions of employees would be put in jeopardy, as they would be unable to afford to pay for health care out of their own pockets. To Mr. Reagan, equity means being unfair to all vulnerable people; he intends to deprive senior citizens of their peace of mind and financial security as well. Raising beneficiary premiums under medicare part B would do just that—hospital and physician outpatient services, which are essential to the elderly, would be an option exclusively for the well-to-do if the President prevails. No one needs to recite the suffering inflicted upon the poor during the Reagan era; I regret to say that the suffering will continue if his current budget proposals are enacted. Over 500,000 women, infants, and children would be forced off the rolls of domestic food assistance programs. This the President calls prosperity. The price tag? A $180 billion defict for the upcoming year.●

THE STATE OF THE UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 1, 1984, into the CONGRESSIONAL RECORD:

THE STATE OF THE UNION

One week ago today, President Reagan gave Congress and the nation his third message on the State of the Union. It was a pol-

ished speech, buoyant in tone, powerful in appeal.

The themes of the speech were compelling. Its title, "America Is Back," captured best what the President was trying to say. He spoke with unbridled confidence in the nation's future. America was "standing tall * * * too great for small dreams." It was "keeping faith with the mighty spirit of free people * * * a rising sun fresh from the hand of God." The "best days" of man's "best hope" lay ahead. Another potent theme, that of America's goodness, ran parallel to this one. America was "a force for good," its people "a good and loving people," its heart "strong, good, and true." The traditional values of "faith, family, work, neighborhood, peace, and freedom" were stressed as a third theme. My guess is that these themes of confidence, goodness, and traditional values struck responsive chords in most Americans. As Mr. Reagan developed them in his speech, I knew that I was watching a masterly political performance. While I agree with him that America is not "a sick society," I found myself thinking that the state of our union is not as rosy as he said, and wondering whether he was levelling with us on the nature of our problems.

Mr. Reagan built successfully on his basic themes when he enunciated the broad goals of his Presidency. He stood on the shoulders of Franklin Roosevelt, Dwight Eisenhower, and John Kennedy, and touched on nearly every idea and constituency necessary to his success. He called for unity among Americans so that we could ensure steady economic growth, develop space as the next frontier, strengthen traditional values, and work for meaningful peace. Mr. Reagan adopted a conciliatory tone and a politically pragmatic stance throughout the speech. Gone were the harsh works of confrontation and partisanship. This tone, and the emphasis in this speech on peace and prosperity, shifted him toward the political center. He noted that he had "joined hands in bipartisan cooperation" with Congress to bolster the economy, that Congress "deserved America's thanks" for restoring the military, and that "Congress helps everyone, too." The remarks directed to the Soviet people (not the government) were for me the most moving of the speech. Reminding his audience that Americans and Soviets had never faced one another in battle, he proclaimed that a "nuclear war cannot be won and must never be fought" and that it "would be better to do away with nuclear weapons entirely." The House chamber erupted in applause, and Soviet Ambassador Dobrynin nodded his approval. In contrast to his earlier addresses, this speech included no overt demands on the Soviet Union.

The overall thrust and tenor of the address were impressive, but I was troubled a number of times when the President got down to particulars. After the speech I reflected on the tough issues before Congress, such as the budget deficit and Lebanon, and I felt disappointed that they were not more forcefully addressed. I got the sense that Mr. Reagan wanted somehow to defer our problems, that he was unwilling to say how serious our problems are or to accept responsibility for dealing with them. His treatment of the deficit was a good example. He wanted to face the deficit, but not yet. He did not go far beyond acknowledging that the deficit was "a cause for worry" and that there was "a difference of opinion" on the proper response. I think the President should have stated that the nation faces a serious fiscal crisis. That crisis may be only partly of his making, but it is certainly his and Congress's responsibility to handle it. His suggestion that Congress make a small deficit-reducing "downpayment" and set up a commission to reach "prompt agreement" on a deficit-reducing plan struck me as a way of avoiding hard choices and deferring his recommendations. Even so, I believe that the people expect the President to take every reasonable step to get the deficit down, and that Congress should cooperate with him. However, Mr. Reagan cannot insist that the defense budget not be touched, that tax reform not be started, and that domestic spending alone be cut.

Also troubling to me was the President's discussion of the problem of overspending. The root of our economic problem, he said, was that "government's share is more than we can afford," but he mentioned neither his failure to veto a single spending bill last year nor the fact that government spending as a portion of the gross national product is higher now than when he took office. As chief executive, he cannot pose as an outsider in attacking the problem of overspending. He argued that government must spend "no more than it takes in," but in his budget he will propose that we do just that, with more money for a huge defense buildup, a permanently-manned space station, increased aid for Central America, and many environmental initiatives. These efforts, if approved, would cost taxpayers billions.

While no presidential message pleases everyone in every way, it seemed to me that important things were omitted, were left unexplained, or else were not fully expounded. For example, there was not a word in the speech on the problems of farmers despite their recent struggles. Civil rights was completely ignored as well. As to unexplained remarks, I was puzzled when Mr. Reagan said that "the United States is safer, stronger, and more secure in 1984 than before." Nearly all foreign affairs experts agree that since the breakdown of Soviet-American dialogue, the world has grown more perilous for America. Then there were hints of policies which Mr. Reagan did not see fit to expound. For example, he made vague mention of a plan to "simplify the entire tax code," a good idea by any standard, but he put it off until next year.

Unlike most State of the Union addresses, this one was sparing in its references to foreign affairs. One of the most controversial topics in America today, Lebanon, occupied a few seconds. Other problems in the Middle East did not come up. Comments on turmoil in Central America were confined to one sentence. There was no word of the world debt crisis or the strains between Europe and America.●

NEW LAWS/JUDGES NEEDED TO COMBAT TERRORISM

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. RUDD. Mr. Speaker, on the night President Reagan made his state of the Union address, the media emphasized the elaborate security measures in place to protect the President and other governmental leaders.

International terrorism—the recruitment and training of suicidal fanatics—can no longer be ignored. Prudence has required the erection of concrete barriers on the approaches to the White House, the Capitol, and other Government buildings.

When we think of the Olympic games, we are reminded of the terrorist atrocities when the Olympics were held in Munich, Germany.

The marines in Beirut were victims of a terrorist attack. Our embassies around the world have suffered from terrorists. And we know there are many such groups operating in the United States. The FALN, Fuerzas Armadas de Liberación Nacional (Armed Forces for National Liberation) is a Puerto Rican terrorist group which openly boasts of its violent activities.

We expect the FBI and our other security agencies to control and contain these terrorists.

Last Thursday the Associated Press reported of an ongoing investigation in Chicago. It appears that the FBI arranged to have video tape recorders and cameras photograph the illegal activities of four members of the FALN in Chicago.

According to the Associated Press, the FBI captured on tape the making of bombs, the assembly of weapons, and planned to use this evidence in the prosecution of these four terrorists.

A Chicago U.S. District Judge, George N. Leighton, has now banned the use of the video tapes on the grounds that they amounted to unreasonable search and seizure.

I am dedicated to protecting the privacy of the individual U.S. citizen. But to my way of thinking this ruling by Judge Leighton is destructive and unreasonable.

Of course, we want to keep America an open society, but it seems to me the courts have ignored the responsibility of Government to keep the citizen safe in his person and his property when they forbid the use of evidence which clearly substantiates charges of illegal activity.

In his opinion, according to the AP, the judge said, "The home is a sacred place in this country."

Indeed it is, judge, so long as it is a shelter for law-abiding peaceful citizens. When it becomes a laboratory for the preparation of bombs and weapons, it is ridiculous to claim the home privacy protection.

In the past 20 years, the courts have too often sided with the criminals. Admitted killers have been freed on technicalities.

Now it appears these four Puerto Rican terrorists will avoid punishment as a result of the action of Judge Leighton.

This judge's ruling is indefensible. The law and the courts were created to provide justice, to protect the innocent and punish the guilty.

To permit these four Puerto Rican terrorists to escape responsibility for their actions on the grounds that their home was a sacred place, off limits to the FBI, is unacceptable.

Of course, the Government will appeal Judge Leighton's decision and the taxpayers will pay thousands of dollars to support this unnecessary expense.●

TREND DATA DEBUNKS POPULAR MYTHS ON ACID RAIN

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. RAHALL. Mr. Speaker, a growing body of evidence is emerging which indicates that sulfate levels in precipitation falling on the Northeast and New York are decreasing; surface waters in that region which are acidified became so before the mid- to late-1960's and are how showing recovery, and that emission sources in the Northeast have a more direct and greater influence on sulfate levels in precipitation in that region.

It has been known for many years that sulfur dioxide can undergo oxidation in the atmosphere to sulfur trioxide and hence give rise to various atmospheric sulfates, including sulfuric acid. Similarly, nitrogen oxides can be converted to atmospheric nitric acid and nitrates. These elements are the predominant anions associated with hydrogen ions in what is commonly termed "acid rain."

However, little historical data exis which provide a continuous record of sulfate concentrations in precipitation and surface waters. Where such data does exist, the popularized notion that acid rain is increasing in the Northeast, that acid rain is a phenomenon of recent vintage, and that Midwestern emission sources are the prime culprit in the acidification of certain Northeastern surface waters does not stand the test of scientific analysis.

At present, trend data of high quality is available from the U.S. Geological Survey's monitoring network in new York, the Hubbard Brook Experimental Forest in New Hampshire and from the DOE-EPA MAP3S sites at Whiteface and Ithaca, N.Y. The USGS is the lead agency for monitoring atmospheric deposition under the Interagency Task Force on Acid Precipitation.

Analysis of the Hubbard Brook sulfate data indicates a 30-percent decrease in precipitation sulfate concentrations from 1964-65 to 1970-80 with data from the USGS sites at Hinckley and Mays Point, N.Y., showing the same decrease over that period. A small downward trend was found at the USGS Canton site in New York and no trend was found at the Survey's sites at Salamanca, N.Y., and at Athens, Pa.

With respect to New York streams, the USGS has found that sulfate concentrations have decreased an average of 1 percent to 4 percent per year.

The USGS has also reported recently that acidification of precipitation in the Northeast occurred primarily before the mid-1950's and has largely stabilized since the mid-1960's. Acidified surface waters in the Northeast became so prior to the mid-1960's, and since that time, some streams have shown a slight recovery.

Perhaps of even greater importance with respect to congressional consideration of the acid rain issue is evidence which suggests that local emission sources in the Northeast may influence acid deposition at sites in that region more so than emission sources located in the Midwest.

Between 1965 and 1978, sulfur dioxide emissions in the Northeast decreased by about 38 percent. However, sulfur dioxide emissions during this same period increased in the Southeast, decreased by 11 percent in the Mid-Atlantic, and decreased by 18 percent in the Midwest. As noted earlier, precipitation sulfate concentrations in the Northeast decreased by 30 percent between 1964-65 and 1979-80. This decrease in sulfate concentrations correlates with the decrease in sulfur dioxide emissions in the Northeast more so than from any other region.

This information, when coupled with data on sulfur dioxide emission densities of various Northeastern and Midwestern States—which shows that Massachusetts, for example, emits more of this pollutant per square mile than Indiana, Pennsylvania, West Virginia, Kentucky, and Illinois—throws a great deal of uncertainty over acid rain control programs which seek to place greater emission reductions on Midwestern States. Such proposals are also unacceptable from an analysis of precipitation and surface water trend data from the Northeast.

Data from the USGS's national trends network and the EPA national lake survey will further enhance our understanding of acid deposition and its effects on the environment. The fiscal year 1985 research budgets of these and other agencies involved with the Interagency Task Force on Acid Precipitation should be supported by all with an interest in this subject.●

DR. MAX NOVICH

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. MINISH. Mr. Speaker, it is my honor today to recognize the accomplished work of my good friend, Dr. Max Novich. Max has distinguished himself through the years as an orthopedic physician. Moreover, he is a talented sportsman who maintains a lifelong interest in boxing.

As we all know, there recently have been numerous criticisms regarding deaths and serious injuries sustained during boxing matches. As a former amateur, intercollegiate and Olympic boxer, Max was acutely aware of the absence of health prevention and safety procedures in the ring. Always a man of energy and commitment, Max followed through on this concern and developed the National Boxing Safety Center at United Hospitals Medical Center, in Newark, N.J.

The National Boxing Safety Center was formally announced on September 29, 1983. The center boasts approximately 16 physicians, many distinguished administrative members, and a special boxing panel. This panel will address the medical problems unique to boxing.

The goals developed and reported by the National Boxing Safety Center are: First, to prevent unnecessary injuries: A multidisciplinary prefight examination will determine whether an athlete is fit to fight; second, to assure boxing safety in the ring: An ongoing series of educational seminars for boxers, trainers, referees and allied health personnel, will enhance their ability to assure a contestant's fitness to fight; third, to provide followup care after every bout to determine if a boxer has sustained injuries: All boxers in the National Boxing Safety Center program will be examined for injuries postfight; fourth, to conduct research into the nature of boxing injuries in order to lessen their occurence, and last, to make recommendations to governing bodies concerning administrative changes which would reduce boxing injury deaths in the ring.

Max maintains outstanding qualifications. He was the founder and president of the Association of Ringside Physicians, medical director and honorary member of the World Boxing Hall of Fame, and was a ringside physician attending U.S. boxers in the 1968, 1972, and 1976 Olympic Games. For those of us interested in maintaining a safe sport of boxing, we are fortunate to have someone as knowledgeable and dedicated about boxing as Max working for us. I am proud to count him among my friends.●

ANNUAL BOY SCOUT REPORT ACCEPTED BY REPRESENTATIVE BOB SMITH FOR HOUSE OF REPRESENTATIVES

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ROBERT F. SMITH. Mr. Speaker, colleagues, it was my distinct honor and privilege today, as one of 32 Eagle Scouts of the Boy Scouts of America now serving in this House, to accept the Boy Scouts' 1983 Report to the Nation on behalf of the U.S. House of Representatives. Also this morning, our colleague Senator LAWTON CHILES accepted the report for the U.S. Senate and tomorrow, President Reagan will accept a similar report.

My lifelong association with the Boy Scouts of America is a matter of great pride to me. In my opinion, there is no more significant builder of character, leadership, ingenuity, and citizenship in the young men of America than the Boy Scout organization. The very finest traits of desirable young Americans are often instilled through this highly acclaimed group.

I am extremely pleased to note that today, the Boy Scouts of America has nearly 3½ million members, recently completing its fourth consecutive year of increased membership. So many of the leaders of tomorrow are today being exposed to the needs and the responsibilities of leadership through their association with the Scouts that I believe a very positive note is sounding for the future of America itself.

My thanks are extended to Mr. Lee G. "Chilly" White of Bend, Oreg., within my own Second Congressional District, and his fellow scouts from throughout the Nation who took part in this morning's ceremonies right here on the floor of this Chamber.

On behalf of the Boy Scouts, I take great pleasure now in officially presenting the report to Members of this House and, through the CONGRESSIONAL RECORD, to the people of the United States.

1983 REPORT TO THE NATION, BOY SCOUTS OF AMERICA

It is the mission of the Boy Scouts of America to serve others by helping to instill values in young people and in other ways prepare them to make ethical choices over their lifetime in achieving their full potential. The values we strive to instill are based on those found in the Scout Oath and Law.

SCOUT OATH OR PROMISE

On my honor I will do my best
To do my duty to God and my country and to obey the Scout Law;
To help other people at all times;
To keep myself physically strong, mentally awake, and morally straight.

SCOUT LAW

A Scout is: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, Reverent.

The Boy Scouts of America completed its fourth consecutive year of gain in membership. At the end of the year there were 3,443,794 Cub Scouts, Boy Scouts, and Explorers enjoying Scouting in 133,758 packs, troops, and posts. In addition, there were 123,405 boys registered as Tiger Cubs.

Scouting has faced substantial and increasing challenges during the past decade, both within the organization and from society at large. To meet these challenges, the national Executive Board early in 1982 asked a group of volunteers and professionals, which became the Shaping Tomorrow Steering Committee, to undertake a project that would examine thoroughly all major aspects of the Boy Scouts of America and define those needed changes in strategy and organization that would enable it to fulfull its mission more effectively.

The result of the Shaping Tomorrow project was a report that contains strategy and structural recommendations, strengthening organization arrangements and creating effective change via 55 suggested major projects. Many of these projects are being implemented immediately. Shaping Tomorrow endorses the mission and objectives of the Boy Scouts of America but encourages better methods to market, service, and deliver the full program of the Boy Scouts of America. It emphasizes our mission.

A Campaign for Character was conducted during 1979-83 to finance major needs for the 1980s. The $49 million campaign, headed by Charles M. Pigott of Bellevue, Wash., provided funds for the national office building, the Florida National High Adventure Sea Base, Foundations for Growth, Shaping Tomorrow, research and development needs, World Scouting, retiree benefits, special projects, and for endowment purposes. At the end of the year more than $52.5 million was reported. These funds will help the Boy Scouts of America achieve its mission.

One of the highlights of our National Court of Honor was the awarding of the Distinguished Eagle Scout Award to White House Press Secretary James Brady. During the year, 43 Distinguished Eagle Scout Awards were presented to outstanding adults who had received the Eagle Award at least 25 years earlier and 24,357 youth members received the Eagle Award. Also presented were 1 Honor Medal With Crossed Palms, 31 Honor Medals, and 95 Heroism Awards for heroic deeds in saving or attempting to save life and 170 Medals of Merit for outstanding acts of service.

There are 260 active chapters of the National Eagle Scout Association. The purpose of the association is to identify and enroll all living Eagle Scouts, to provide additional resources for local councils. During this year, NESA presented 34 Scoutmaster Awards to outstanding Scoutmasters who contributed to the Boy Scout advancement program by guiding youth members to the rank of Eagle Scout.

More than 200,000 Cub Scouts, Boy Scouts, and Explorers with handicapping conditions are registered in local schools, religious institutions, hospitals, civic organizations, and agencies that serve handicapped people. The Boy Scouts of America was awarded the Margaret Pope Hovey Award by the President's Committee on Employment of the Handicapped for outstanding contributions to rehabilitation and employment of handicapped persons.

Boys' Life continued to dramatize Cub Scouting and Boy Scouting with special sections in every issue. The magazine also spotlighted the XV World Scout Jamboree with articles and columns, culminating with a jamboree report after the big event. Another highlight was an Olympic section in the July issue followed by monthly features pointing to the 1984 Olympics. The magazine also published special issues on sports, fishing, our outdoor heritage, and monthly columns of high interest in the fields of cars, hobbies, nature, and science as well as exciting fiction designed to develop good reading habits.

The second year of Tiger Cubs. BSA, for 7-year-old boys and an adult partner provided 123,000 families an opportunity to grow closer together through the 17 Big Ideas offered through the program. The motto is: Search, Discover, Share. The Promise is: I promise to love God, my family, and my country, and to learn about the world.

The Boy Scouts of America was well represented at the XV World Scout Jamboree held July 4-16, 1983, in Kananaskis Country, a provincial park in the Canadian Rockies. Our contingent consisted of 3,313 Scouts and 54 contingent leaders, plus 168 volunteers assigned to the Canadian headquarters staff. There were 14,000 Scouts and leaders from 102 countries participating. The Boy Scouts of America hosted the 29th World Conference in Detroit, Mich., July 18-22, 1983. There were 650 national Scout leaders representing 102 countries in attendance.

The out-of-doors looms large in the eyes of a Scout. By learning outdoor skills, Scouts find that they have improved their self-reliance, ability to work with others, and personal fitness. The outdoor skills in hiking, camping, cooking, conservation, swimming, and environmental awareness are supplemented by skills and knowledge related to citizenship, first aid, family and community living, communications, and physical fitness. Merit badges in some 119 subjects give Boy Scouts an opportunity to learn about hobbies, careers, and advanced Scoutcraft. During 1983, Scouts earned more than 1.5 million merit badges.

The Order of the Arrow is a brotherhood of honor campers elected by fellow troop members. The 1983 membership was 151,269, an increase of 6,804 since 1982. More than 3,000 members attended the 1983 National Order of the Arrow Conference held in August at Rutgers University, New Brunswick, N.J.

Pilot testing of Varsity Scouting, a program for boys 14 through 17, was concluded in 1983 and received Executive Board approval for implementation in 1984. Varsity Scouting places emphasis on: (1) Advancement, (2) High Adventure, (3) Service, (4) Personal Development, and (5) Special Programs and Events.

Continued emphasis was placed on the Youth Leadership in America Award. This award, instituted in 1982, is for senior patrol leaders and post presidents. Those who earn the award are eligible for competition on a regional and national level. Scholarships totaling $14,000 were awarded to the 12 finalists. The 1983 winners were Senior Patrol Leader Malcolm C. McLellan, Seattle, Wash.; and Post President Andrea Elger, Whitefish Bay, Wis.

National youth representatives were selected for 1983. They were Cub Scout Frederick C. Heinrich, West Chester, Ohio; and Boy Scout J. Todd Clark, Delray Beach, Fla. The objective of this competition is to search out and recognize outstanding youth

members and provide an opportunity for Cub Scouts and Boy Scouts to be selected as national youth representatives who will participate in the Report to the Nation.

Councils across America experienced a growth in outdoor program opportunities at every level from Cub Scout day camps and traditional Boy Scout camping to older Scout and Explorer high-adventure or specialty activities. "The Great Outdoor Quest" became the theme for Scout camping in 1983. Troop camping increased more than 6 percent and Scout attendance increased by 5 percent. There were 245 approved historic trails in use during the year. This popular program acquaints Scouts with the historical and documented experiences of our country's forebears. Each trail represented an extended outdoor experience where Scouts can relive America's past. Many of the trails are administered by local councils or national and state historical societies.

We have talked about many of the reasons for the existence of the Boy Scouts of America, which has just completed its 74th year. But, we could boil that down to just one real and sincere purpose and that is to instill a value system in today's youth and tomorrow's leaders—a value system with desirable qualities of character, citzenship, and mental, moral, physical, and spiritual fitness.

EDWARD C. JOULLIAN III,
President.
J. L. TARR,
Chief Scout Executive.●

NEW JERSEY TEACHER CERTIFICATION PROPOSAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mrs. ROUKEMA. Mr. Speaker, as the second session begins, I find the Congress is still struggling to take decisive action to address the deplorable situation in our education system outlined in various reports last year. If last year provides any clues, I suspect we will continue to pass well-intentioned but insubstantial resolution urging "consideration" or "study" of one thing or another without actually providing meaningful leadership. This is actually a reflection of the fact that, under our Federal system, the only ones who can adequately address the education problems are at the State and local levels. In this regard, it is encouraging to note that, by all reports, the States are making efforts, in some cases extraordinary ones, to address the deficiencies in our education system.

I am most pleased and proud to note that one of the States "leading the charge" is my own State of New Jersey under the leadership of Governor Thomas Kean and an extremely able State education commissioner, Saul Cooperman.

Last September, Governor Kean offered a "Blueprint for Reform" of education in New Jersey proposing a comprehensive plan for addressing several of the problems to which our attention has recently become riveted: Classroom discipline, teacher pay, incentives for quality in teaching and so forth.

Without going into all aspects of that proposal, I would like to focus upon one in particular which raises a question going to the very core of the problem: What makes a good teacher?

The traditional response to this has been that a "good," or at least an "acceptable" teacher, must, as a prerequisite, have engaged in the necessary course of study offered by a teachers' college—learning the various concepts and theories of teaching and educational psychology, while also devoting a portion of his studies to learning the standard curriculum.

Being a former teacher myself, I am a product of such training and I do believe it has produced a number of excellent teachers. Unfortunately, we have locked ourselves into a system that believes that is the only source of excellent teachers.

The sad fact is that our teacher's schools are no longer attracting the brightest, most promising students. In New Jersey, it was learned that among students in 14 areas, education majors scored the third lowest on the math and verbal components of the SAT. As a result of such a decline, there is no longer significant competition in getting into teacher preparation courses. A 1976 survey found that 90 percent of those applying for such courses were accepted.

In addition, serious questions have been raised about the time spent in teacher training courses on "education" courses. According to "A Nation At Risk," a recent survey of 1,350 institutions training teachers indicated that 41 percent of the time of elementary school teacher candidates is spent in education courses, thus reducing the amount of time available for courses in the subjects which they will be expected to teach.

While teachers' schools still have a valuable role to play in our system, I believe it is essential that we begin expanding the pool of available teachers. Commissioner Cooperman has stated: "The Department of Education regularly receives applications from people who appear to be talented and able to contribute to our schools, but they did not major in education * * * We are forced to advise these people to return to college to take courses * * * " The tragedy of this situation is even more unacceptable when one realizes that many of these individuals very likely hold expertise in subjects which they are now prevented from sharing with our students.

Governor Kean's "Blueprint" includes a bold approach to this problem: Prospective candidates holding bachelors' degrees but with no teacher training would be able to gain certification through a 1-year paid internship, followed by a State examination in the subject area they wish to teach.

As might be expected, this proposal has generated considerable controversy in the State but is favored by a slight majority of New Jersey residents, according to a recent poll. The State board of education has held hearings on the subject, but has not yet issued its determination.

I applaud the efforts of Governor Kean's administration and those of other States in creatively addressing the deficiencies in our education system. Furthermore, I urge the U.S. Department of Education to continue to call attention to the problem in our schools and performing its role as a "bully pulpit" encouraging and assisting the States in their efforts.●

THE CHARITABLE ORGANIZATION PENSION PLAN AMENDMENT ACT OF 1984

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. MATSUI. Mr. Speaker, today I am introducing the Charitable Organization Pension Plan Amendment Act of 1984. This bill amends a little-known provision of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) that inadvertently and indiscriminately extended coverage of the so-called topheavy provisions to pension plans maintained by small charitable organizations. The topheavy rules went into effect on January 1, 1984. If current law is not corrected, the topheavy rules as presently written will require charitable organizations to amend their pension plans to comply with TEFRA this year. This increases the administrative burden on most charities and increases pension costs for these nonprofit organizations without any measurable benefit for employees.

For many of the Nation's small nonproft pension plan sponsors, this bill will save them from having to begin the needless and costly plan amendment procedure this year while Congress considers administration and other proposals for modifying the topheavy rules. We are simply trying to save charitable organizations such as the United Ways, and Girl Scouts and Goodwill Industries from a senseless regulatory burden that Congress never intended to place on such charitable organizations to start with.

The compliance burden is otherwise considerable. Each plan would bear an annual administrative expense to determine topheaviness. In addition, increased funding costs could average 10 to 15 percent of present costs and may run as high as 100 percent in some

cases. Application of the topheaviness rules to these plans would also require a major one-time rewriting of the computer program used to determine benefit and contribution levels. All of those costs would have to be absorbed by the charities one way or another.

The bill amends section 416(i)(1)(A) of the Internal Revenue Code (TEFRA, section 240) which defines key employee under the topheavy provisions. If 60 percent or more of the benefits under a private pension plan are going to key employees as defined under this section of the law, a plan is considered topheavy and subject to additional vesting and funding requirements.

Charitable organizations are only subject to the topheavy rules at all because some of their employees may be denominated as officers—there are only two kinds of key employees—officers and owners of corporations. By definition, charitable organizations do not have any owners. The bill refines the definition of a key employee so that employees of charitable organizations that are not highly compensated are not treated as key employees in determining whether a pension plan is topheavy. Specifically, the bill excludes from the definition of a key employee, employees of section 501(c)(3) charitable organizations that earn annual compensation of no more than $60,000, or twice the section 415(c)(1)(A) annual limitation for defined contribution pension plans. By excluding nonhighly compensated employees from key employee status, most charitable organization pension plans should be relieved of the unintended and costly burden of topheavy compliance.

A $60,000 compensation floor for key employee status was chosen for two reasons: It reflects twice the permitted annual contribution level for additions to private pension plans, and few employees of small charitable organizations earn $60,000 or more.

Because of the small size of these plans, the presence of one or two modestly compensated officers, with considerable years of service, will result in technical topheaviness. Based on a random analysis done by one of the major insurers of not-for-profit pension plans, one-third of the defined benefit plans surveyed would be subject to topheavy standards. Two-thirds of the plans surveyed have 20 or fewer participants; 41½ percent of these plans—with 20 or fewer participants—would be topheavy. Officers of these publicly supported charitable organizations are neither well paid nor receive excessive pension benefits; the average highest salary is $31,700. Of the 98 plans surveyed nationwide, the highest paid employee in 93 percent of the plans earned $60,000 or less, and the median salary was less than $30,000. The smaller the agency, the more likely it is to be topheavy.

This insurer estimates that between 30 to 50 percent of the plans they insure would be found topheavy. Organizations affected include many of the Nation's prominent publicly supported charitable organizations such as United Ways in numerous communities, the Girl Scouts of America, Goodwill Industries, the Council of Jewish Federations, Association of Junior Leagues, and other hospital, philanthropic, and charitable organizations. The roster of small charitable organizations that will be burdened with topheavy compliance unless this legislation is passed, and passed quickly, reads like a rollcall of the charitable organizations in any American community.

In Rochester, N.Y., the list includes the Girl Scouts of Genesee Valley, the United Way of Greater Valley, Catholic Family Center, the Visiting Nurse Service of Rochester and Monroe County, the Jewish Community Center of Greater Rochester, the United Cerebral Palsy Association of Rochester Area, and the American Heart Association-Genesee Valley Chapter.

In Sacramento, Calif., the list includes the United Ways of the Sacramento Area, Sacramento Children's Home, and the Family Service Agency, to name just a few.

This bill is not a blanket exemption for all nonprofit organizations. Its aim is to provide relief for the smaller nonprofit, charitable organizations. Nonprofits including private foundations that employ a number of highly compensated officials would still be subject to the topheavy provisions. Only those not-for-profit charitable organizations with small staffs whose employees, by and large, all earn less than $60,000 would be relieved of the burdens of the topheavy compliance by this bill.

The topheavy provisions (IRC section 416) were added by TEFRA section 240. As noted, a pension plan is considered topheavy if annually 60 percent or more of accrued benefits are going to certain key employees. If a plan is topheavy, it must comply with tougher TEFRA vesting and minimum benefit standards, and limit benefits and distributions for key employees. In addition, all private pension plans must include topheavy provisions and make annual determinations of the topheaviness.

The topheavy rules were aimed at doctors, lawyers, and others in high tax brackets operating through professional corporations and closely controlled corporations who were using pension plans to shelter from taxation income earned by their well-heeled principals. While these private pension plans met the technical nondiscrimination rules applicable to all tax-qualified plans, Congress wanted to close the tax loopholes that allowed these taxpayers to structure pension plans that benefited a few highly compensated participants while most rank-and-file employees receive meager or very small pension benefits.

The topheavy rules were enacted into law in 1982 without any opportunity for committee hearings or full deliberation by this House. The topheavy provisions never appeared in the House- or Senate-passed tax bills that led to TEFRA; this provision appeared for the first time in the bill that emerged from the House-Senate conference after many weeks of deliberation.

But it is clear from what record there is that Congress never intended that the topheavy rules would be applied to small pension plans maintained by community charitable organizations. These nonprofits have no owners and no employees earning high salaries and excessive pensions provided through tax loopholes.

Last year, the small, nonprofit charitable organizations requested without success administrative relief from the Internal Revenue Service. The IRS published interim rules interpreting the topheavy provisions in March 1983, and nonprofit charitable organizations have filed comments on the proposed rules and urged an exception for their pension plans. (IRS has already granted an exemption administratively for State and local government plans.) However, final rules are nowhere in sight, even though the topheavy rules went into effect for plan years beginning on or after January 1, 1984. In October 1983, eight members of the Ways and Means Committee wrote to assistant Secretary for Tax Policy John Chapoton urging that the administration take some steps to provide relief for charitable organizations from these rules. The administration's answer has not been encouraging to date. It is now obvious that the administration is not prepared to grant any regulatory relief, and it is up to Congress to take appropriate steps through legislation to correct the situation.●

SUCCESSFUL ECONOMIC FORECASTS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. GINGRICH. Mr. Speaker, as we prepare for the 1984 budget fight and we look at various economic projections, it is important to look back and realize that Richard Rahn, top economist of the U.S. Chamber of Commerce, was by far the most accurate, major economist of 1983 in forecasting

the 1983 economic growth. He understood the great forces driving the American economy. When others were pessimistic, he said given the chance, American people and American entrepreneurship would create jobs that would move us back to real growth.

It is useful for Congress to look at Mr. Rahn's advice today. He believes the worst possible decision would be to raise taxes and cut off the recovery which is now creating millions of jobs. The Wall Street Journal editorial which explains Mr. Rahn's success follows:

ASIDES

ON THE MONEY

Back in mid-1982, when a pack of critics was baying at Reaganomics, even the supply siders at the U.S. Chamber of Commerce were feeling heat. Chamber Chairman Paul Thayer, then head of LTV Corp., was discontented with the Chamber's professional staff because the Chamber's top economist, Richard Rahn, had been bucking against the $98 billion tax boost Mr. Thayer favored.

But now it's 1984, Mr. Thayer has other things to worry about, Mr. Rahn is still at the Chamber and if prescience has anything to do with it, he could hardly be in better shape. He and his supply siders called the 1983 recovery almost on the nose. They predicted 3.2% real growth in gross national product. The official outcome, announced Friday, was 3.3%.

Pessimists, preoccupied with things like interest rates and not preoccupied enough with an imminent tax cut, dominated the other forecasts. Chase Manhattan and Bank of America figured growth at only 1.3%. Martin Feldstein told President Reagan to count on no more than 1.4%. And Michael Evans of Evans Economics, who announced in a book published last spring that "the great experiment of Reaganomics has failed," guessed almost no growth at all at 0.9%.

It's amazing how subdued the former critics have been in preparing their wholly more optimistic forecasts for 1984.●

THE GROWING FEDERAL DEFICIT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, the most pressing issue before Congress today is the growing Federal deficit. If the deficit is not reduced, interest rates will soar. This means that young couples will not be able to buy their first homes; senior citizens will see their savings erode; small businesses will be unable to get loans at rates they can afford; people will be thrown out of work.

The cumulative postwar debt compiled by all the Presidents from Truman to Carter amounts to $477 billion. Since President Reagan has taken office the debt has increased by $560 billion. Not only is this larger than the total postwar debt accumulated over the past 35 years, but the projected deficit for next year will be around $200 billion for the third year in a row. This means that the current administration will have added more to the Federal debt in 4 years than all the previous Presidents from George Washington to Jimmy Carter combined.

What has caused this huge increase in the debt and produced the annual $200 billion deficits of the past 2 years? In testimony before the House Budget Committee, Martin Feldstein, Chairman of the President's Council of Economic Advisers said:

The things that raise the deficit are defense spending, interest on the national debt and tax reduction.

Feldstein also stated:

I think the most important thing to emphasize is that the problem is not this year's deficit, but a projected string of deficits out into the future. The most direct measure of the effect of that string of deficits is what it will do to the national debt. We would see over the next 5 or 6 years the national debt rising by about $1,000 billion, about $1 trillion.

The annual Federal deficit is like a loan. When you or I need extra money to buy a house or a car we take out a loan to cover the cost of that purchase because it exceeds what we can afford on our monthly income or one year's wages. That loan will be paid off over a period of years to the bank that loaned us the money. We will also pay interest on that loan, and until we pay off the loan the money we borrowed will be part of our debt. If we take out more loans our debt will increase.

The same is true of the Federal deficit. The deficit represents the amount of money the Government spent in a single year that was greater than the amount that it earned. In order to cover the deficit the Government must borrow money from banks, and the total amount of that loan is added to the debt we already owe.

Eventually, if a person takes out too many loans, the debt they accumulate will exceed what they can afford to pay—even over the long term—and they will go bankrupt. But when the Federal Government takes out too many loans, it does not go bankrupt. Instead, it borrows more money from the bank. This means that there is less money for businesses to borrow.

This year the Federal Government is borrowing 75 percent of the money available for capital investment. That means all the businesses in America are competing for the other 25 percent of the available funds, and this situation causes interest rates to soar.

There are several proposals and ideas to deal with the deficit. One short-term solution which I strongly support is the pay-as-you-go proposals introduced by Representative GEORGE MILLER. This proposal is simple: It states that before the President and Congress can initiate any new spending programs, they must have the money to pay for them. In other words, if Congress wants to spend $10 million on a new program, it must first identify $10 million of savings elsewhere in the Federal budget that will pay for the program, or generate $10 million in new revenues. This proposal would also cover budget increases for existing Federal agencies and programs. The pay-as-you-go budget would stop the growth of the annual deficit and would begin the reduction process.

But we must also begin to find ways of reducing the deficit over the long term. The only way to accomplish this is by developing a bipartisan consensus on deficit reduction; the Democratic leadership has been trying to encourage this for months. A start toward this goal has already been made. Last year a group called the Bipartisan Budget Appeal, made up of prominent business and finance leaders, and former government officials, was formed. It called for a multiyear commitment to deficit reduction with the emphasis on fairness in spending cuts, the need to increase revenue, and the importance of stimulating new business investment.

Recently, the Washington Post carried an editorial by four Governors calling for deficit reduction. The Governors—two Republicans and two Democrats—called for a bipartisan effort to make hard political choices in order to deal with the deficit. They suggested restructuring the growth of entitlement programs and COLA's, limiting the growth of defense spending and raising taxes. They recognized that while these proposals are politically unpopular, the only other alternative is an endless stream of $200 to $300 billion in annual deficits—which would mean all Americans would have to save $2,000 to $3,000 more each year and loan it to the Federal Government to keep the Government afloat.

For the past 2 years, several Members of Congress, most notably Democrat Representative JIM JONES, have been trying to get the President to focus attention on the central problem of the deficit. Therefore, I was encouraged when President Reagan, in his State of the Union Address, joined in these efforts in calling for a bipartisan effort between both Houses of Congress and the administration to reduce the deficit. I hope that his speech will be followed by meaningful proposals and not by more rhetoric.

Mr. Speaker, we must learn to pay for what we want as a society, and stop mortgaging our future, and the future of the next generation of Americans. We must learn to think about not only what we want, but what we can afford.●

THE PRESIDENT'S BUDGET DEFICIT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. BRYANT. Mr. Speaker, the almost $1 trillion budget proposed by President Reagan—the largest in history—is a continuation of the credit card government that has weakened our Nation's economy and will threaten it for years to come. President Reagan's policies have increased deficit spending by 165 percent in the past 3 years. As a candidate, Mr. Reagan described the size of the previous administration's deficit as a stack of $1,000 bills 67 miles high and promised to balance the Federal budget by 1983. Today, that stack would be 142 miles high because of his policies as President, which have included increased spending, increased interest on the national debt, and tax cuts for wealthy individuals and corporations.

The President's $926 billion budget is $71 billion higher than last year—up almost 10 percent in 1 year of 3 percent inflation. While none of us favors any cutback in our military preparedness, the growth in defense spending can and must be controlled to eliminate the waste and abuse we have all been reading about. And, while the President wants to cut domestic spending by another 10 percent when millions of Americans are still out of work, he is seeking to escalate defense spending by 13 percent after inflation—far in excess of what defense experts from the past four Democratic and Republican administrations feel is necessary.

The President's budget contains neither serious budget reductions nor revenue increase proposals, and he wants to put off until after the election any talk of reducing his record deficits, which, by the end of this term, will have almost doubled the entire debt accumulated in the previous 204 years of our Government.

What President Reagan is once again asking us as a Nation to do is to borrow on our national credit card at least $180 billion—more than three times greater than any previous administration's deficit and 20 percent more than the Government's income—just to meet our everyday expenses. Then, because we cannot pay our bills at the end of the month, we have to pay interest on the interest, to the tune of additional billions of dollars a year. That is how this administration has given us a national debt of more than $1 trillion.

If Americans paid off the 1983 deficit at the rate of $1 million a day, the Nation would require 535 years to break even for last year alone. President Reagan pays lip service to balancing the budget somewhere down the line. I say the President owes it to the people of this country to make concrete proposals now to reduce the deficit—by cutting spending or increasing taxes.●

1984 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. COUGHLIN. Mr. Speaker, today marks the start of the 1984 Call to Conscience Vigil for Soviet Jews. As in the past, the vigil will focus the attention of both the Congress and the public on the plight of Soviet Jews seeking freedom of religion and the right to emigrate.

Despite the signing of the 1975 Helsinki Accords, whereby the Soviet Union agreed to accelerate the processing of exit visas for minorities—especially in those cases where family reunification is an issue—the number of Jews allowed to leave the Soviet Union has steadily declined in recent years. In 1983, Soviet Jewish emigration declined to its worst level in more than a decade. Only 1,315 were granted permission to emigrate, 50 percent fewer than in the previous year and 97 percent fewer than in 1979, when 51,000 were permitted to emigrate.

The Soviet Government has said that all those wishing to emigrate have already done so. Yet, there are over 50,000 Jewish refuseniks—those who have applied for permission to emigrate and have been refused—still living in the Soviet Union. Ironically, the world's third largest Jewish population must live in a country that does not want them and will not let them go.

The statistics alone, however bad, do not even begin to describe the critical lack of respect for basic human rights and freedoms in the Soviet Union. The statistics do not describe the harassment, arrests, and imprisonment that many Soviet Jews have had to endure. Nor can they possibly reveal the anguish of family separation or the frustration at being cut off from one's professional community simply because one has applied for permission to emigrate.

And there is still a more ominous side to the story. The Soviet anti-Zionist committee last year began a vigorous attack on Soviet Jewish citizens, equating Zionism with Nazism and a desire to emigrate—for whatever reasons—with treason. The decline in emigration and the worsening rights situations clearly are issues which must be addressed by Congress.

Today, I would again like to bring to my colleagues' attention the case of Vladimir Slepak, well-known Soviet dissident who repeatedly has been denied permission to emigrate from the Soviet Union to join his family in Israel.

Since the early 1970's, Vladimir Slepak has been a leading activist and spokesman for Soviet Jews trying to emigrate to Israel. He was among the first group of Soviet Jews to address petitions, letters, and appeals to the United Nations and, in June of 1976, along with other human rights activists, joined the Helsinki Watch Group. During the 1970's, when the Slepaks lived in the center of Moscow, Vladimir became the unofficial liaison between the refusenik community and the Western world.

Vladimir Slepak, his wife Mariya and their two sons, Alexander and Leonid, first applied for permission to emigrate in April of 1970. Their applications were refused shortly thereafter because of Vladimir's classified work as head of a laboratory in the Moscow Scientific Institute of Television Research. Despite the fact that others in similar positions had been given exit visas after a 3- to 5-year waiting period, the Slepaks' subsequent applications were turned down because of "state interests." Moreover, upon application to emigrate, the Slepaks' home was raided and searched repeatedly and the Slepaks themselves were harassed by Soviet authorities.

In 1977 Alexander was given permission to emigrate and in 1979 Leonid also was allowed to emigrate. In the interim, however, Vladimir and Mariya Slepak were arrested for displaying a banner outside their Moscow apartment which simply read "Let us go to our son in Israel." Charged with "malicious hooliganism" and sentenced to internal exile, the Slepaks spent 4½ years in Siberia. In December of 1982 the Slepaks finally returned to Moscow.

Unfortunately, the plight of Vladimir and Mariya Slepak is not unique; indeed, it is all too common. While our pleas seem to receive little consideration, I believe, along with many others, that world opinion can force the Soviet Union to abide by the Helsinki agreements and live up to the responsibilities agreed upon by all signatory nations.

As chairman of the 1984 Call to Conscience Vigil for Soviet Jews, I invite each of my colleagues to participate in this year's program. For 8 years, the vigil has provided Members of Congress an effective forum for voicing concerns about various individuals or families and to address the issue of human rights in the Soviet Union in general. In fact, the vigil is the largest ongoing coordinated effort by Con-

gress to address the issue of human rights for Soviet Jews.

In succeeding our able colleague, TIM WIRTH, as chairman of the Call to Conscience Vigil, I hope to continue its long record of success. I urge each of my colleagues to join in this effort. The lives of Vladimir and Mariya Slepak, and thousands of men and women like them, depend on our efforts.●

PLIGHT OF IRINA RATUSHINSKAYA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. PORTER. Mr. Speaker, I would like to call attention to the plight of a Soviet refusenik, Irina Ratushinskaya of Kiev. Ms. Ratushinskaya is a poet, well known and respected both in the Soviet Union and the free world.

Over the last 10 years her work has been published outside the U.S.S.R. in the free press but inside the Soviet Union it has been published as samizdat, literature which is circulated without government approval. On September 17, 1983, Ms. Ratushinskaya was arrested and charged with fabrication and dissemination of her poems and articles. Later she was found guilty as charged and sentenced to 7 years in prison and 5 years in exile. According to Western sources, this is the harshest sentence passed on a Soviet artist for this charge in the past decade.

I urge my colleagues to raise their voices in protest against the Soviet's unjustified punishment of writers who have choosen to follow the calling of earlier Soviet writers such as Tolstoy, Chekov, and Solzhenitsyn. I would like to include in the CONGRESSIONAL RECORD one of Ms. Ratushinskaya's poems which exemplifies the hardship and pain she and other Soviet artists are forced to suffer.

Could my country be more despicable?
Shame unmatched when the nighttime falls.
Such a boundless store
Of the lickspittles,
Executioners, holy fools!
How you breed your compliant populace
And so keenly destroy the few
Of your subjects who shun your battering,
Sentenced nonetheless to love you!
Guilt lies not on your sacred and trembling,
Do your nightingales have no choice?
See your tears on cursed crosses glistening,
Freezing hard in a coat of ice?
How your crucified haunt my dream-troubled
Sleep, how soon I too shall be sent—
For your sake—my dearest, My damnable—
Down that road to the selfsame end.
Down a pathway which skirts the borderline.
Between animosity and love,
My dishonorable, beggarly
Mother-Orphaner, bless now my leave!●

OMB CIRCULAR A-122

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WEISS. Mr. Speaker, I would like to take this opportunity to urge strongly that the Office of Management and Budget (OMB) withdraw its ill-conceived and deleterious revisions to Circular A-122, proposed on November 3, 1983.

I understand that OMB has been swamped by letters, telegrams, and other forms of communication during the comment period, which was extended 30 days at the request of Members of Congress. This type of vehement public protest followed OMB's publication of the original revision almost a year ago. Now that the public comment period has expired, it is crucial for OMB to heed the public outcry, withdraw these revisions, and spare us the additional time and money that would be wasted on still another effort to impose the "gag rule," as the A-122 revisions have come to be known.

I believe that with these regulations, OMB is preempting congressional prerogative. Restricting the use of Federal funds by nonprofit organizations is a legislative matter under the jurisdiction of the Congress. And Congress has already established restrictions on lobbying with tax dollars under section 501C3 of the Internal Revenue Code. OMB has cited no evidence that nonprofit groups have wasted or abused Federal funds. Legal researchers have uncovered no statute, no appropriation rider, nor any authority under the Constitution for OMB to require these far-reaching and numerous restrictions on nonprofit groups. Rules that go so far in superseding the authority of a Federal agency may easily be described as arbitrary and capricious.

Furthermore, these regulations would undermine the first amendment rights of citizens who work through voluntary organizations. The language, which is vague and confusing in many areas, seems to require Federal grantees to disclose all their political activities to the Federal Government, whether or not they are seeking Federal funds for such activities. Thus, the Federal Government would have on file extensive information on every nonprofit group's involvement in politics, including the type of activity, the amount of funding spent on it, and the source of the funding.

While OMB might not specifically state that certain activities are prohibited, the chilling effect on organizations' plans cannot be discounted. Simply knowing that such information would be at the fingertips of Government agents who could also influence Federal grant decisions could certainly discourage some activities.

Finally, I am extremely concerned about the damaging effect of these regulations on the relationship between Members of Congress and citizens. Nonprofit groups using Federal funds would be prohibited from communicating with Members of Congress, from attending legislative sessions or committee hearings and from collecting information about and analyzing the effect of pending legislation. Thus, Congress would cut off from one of its most vital sources of information—the input of citizen groups.

Our efforts to be fully informed on upcoming legislation would be severely hampered. And nonprofit groups could not use Federal funds to conduct referenda or initiatives as part of public education campaigns. The regulations would further interfere with effective operations of nonprofit groups by substantially increasing their paperwork burden, since groups would have to conform their recordkeeping to the A-122 standards.

When witnesses from the nonprofit sector testified before the House Subcommittee on Legislation and National Security on November 10, they were unanimous in their opposition. An official of the National Conference of Catholic Charities noted the "chilling effect of these regulations in a democracy." A representative of the National Council of Senior Citizens commented that the proposal would cause harmful disruptions within nonprofit organizations, within federally funded projects and within Congress itself.

I am urging OMB to withdraw these ill-conceived revisions and to refrain from again stepping outside the bounds of its authority to trample on the first amendment rights of American citizens.●

SHAREHOLDER DIVIDENDS PAID TO CHARITABLE ORGANIZATIONS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. CONABLE. Mr. Speaker, I am introducing a bill today that should lead to an increase in corporate contributions to charities.

It reflects an idea which began with Robert Sproull, the president of the University of Rochester, to give every shareholder in a corporation an incentive to donate one or more dividends a year to charity, and for the corporation to match the dividends with an additional contribution of its own. The idea stems from the observation that when a person donates his corporate dividend check to a charity, he re-

ceives an income tax deduction for the donation but the corporate tax still has been paid with respect to that dividend amount. This is because the corporation does not receive a deduction for its dividends to shareholders. Corporate dividends are paid with aftertax dollars; that is, after the corporate tax has been paid. Thus, in order for a corporation to pay a shareholder a $100 dividend, it must begin with an amount greater than $100, so that it will have $100 left after paying the corporate tax. Since many corporations have a marginal tax rate of 46 percent, they must begin with $185 in gross taxable income in order to have $100 in net aftertax income available for distribution.

Under the provisions of my bill, any shareholder in a corporation would be free to direct the corporation to pay one or more of his quarterly dividends each year to a charitable organization. A shareholder who forgoes a dividend would not be considered to have constructively received a dividend. He would not pay taxes on it. The legislation would allow a corporate deduction for dividends which a shareholder directs a corporation to send to a charitable organization. The heart of the proposal embodies a mechanism for allowing the additional deduction only to corporations which match the shareholder's dividend by an amount which reflects the reduced corporate income tax because of the new deduction. Thus, the reduced corporate income tax inures neither to the shareholder nor to the corporate but to the charity. The charity receives an increased contribution in the amount of the reduced corporate tax.

While my bill reflects the basic concept of President Sproull's proposal, the mechanics of implementing it may require some further attention. I trust that any technical rough edges will be identified and addressed as the bill advances through the legislative process.

Following is an article written by Robert Sproull on this proposal which appeared in the Wall Street Journal.

[From the Wall Street Journal, March 4, 1981]

A MODEST PROPOSAL FOR EFFICIENT CHARITABLE GIVING

(By Robert L. Sproull)

Voluntary support of America's service institutions is needed now more than ever before: The United Ways and churches, the art galleries and orchestras, the colleges and universities all require additional support to maintain the quality of their programs. Most scrabble hard for federal dollars. But the tortuous and inefficient route of federal taxation, legislative action, program management, proposal writing, waiting and (for the lucky) auditing is increasingly frustrating. Direct, voluntary support of charitable institutions by individuals, foundations and corporations is thus much in the public interest and is appropriately recognized as such by the tax laws.

Individuals and foundations, however generous spirited, cannot do the job alone. For example, although a decade ago foundations gave to higher education twice as much each year as corporations, in 1979 corporation giving exceeded that of foundations. I need not dwell on the limitations experienced by individuals, who find it difficult enough to save, much less to give. And one of the damaging results of the difficulty of saving is that very few new foundations are being created from individual's lifetime savings. Corporations thus play a central role.

Giving by corporations is even more efficient than giving by individuals in one limited but very interesting sense. Most individuals who give substantial amounts to charitable groups also own common stock in corporations. The corporations can use pre-tax dollars for giving, and the individual gives before his personal income tax. But for the individual with appreciable income from common stock dividends, he is in effect doing his giving after the corporation income tax has been taken out. Direct-corporate giving is thus more efficient.

This line of argument suggests a more efficient combination of the corporate and shareholder giving, an extension of the employe matching-gift concept. Suppose I am a shareholder who receives several hundred dollars a year in dividends from Xerox Corp. and suppose I have been giving $100 a year to the University of Rochester (to pick an institution at random). Suppose I were given instead the option of requesting Xerox to pay me $100 less in dividends and asking Xerox to write a check to the university for $200. How do we stand?

First, me: If I itemize deductions on my income tax, I am left exactly as before; if I do not itemize, I am a little ahead. Second, Xerox: They have paid $100 less to me, $100 less to the IRS (for simplicity I assume a 50 percent tax rate level) and $200 more to the university; they are left exactly as before. The big difference is that my gift is having twice as much effect to produce quality education at the university (obviously at the expense of the IRS and its circuitous route to make things happen).

Of course this procedure could be "trimmed up" to use actual tax rates. It could be limited in any way the corporation chose, but limiting to one quarterly dividend per year would assure in most corporations that their giving did not exceed the 5 percent maximum. Further, limiting each shareholder to use of only a full quarterly dividend and only one charitable "target" each year would minimize paperwork (which in any case should be less than the dividend re-investment options offered by many corporations).

This proposal seems to fly in the face of IRS rules and possibly of SEC rules, but it is not obvious why it should. (I realize, of course, that logic is not a good guide in this dark forest.) When corporations offer to their employees the privilege of having their charitable gifts matched by pre-tax corporate gifts, the latter are not called "constructive receipt of income." The employes in effect constitute an invisible committee which directs some of the corporation's giving. As a committee, they have two enormous advantages over most committees: (1) they never meet; (2) their votes are proportional to their own willingness to be generous and are not responsive to the gooey rhetoric that moves the usual committee.

This proposal merely extends to shareholders the privileges already granted to employees by those corporations with matching gift programs. The invisible committee of shareholders could be expected to be at least as wise and as pure in the eyes of the IRS as employees. There is no gain to the shareholder from the dividend he did not receive any more than there is to the employee who directs the corporate matching gift.

Since it costs the corporation nothing (except the paperwork), shareholders who do not choose to use the option are in no way disadvantaged. There might even be two amiable side effects. First, this form of shareholder participation is, in a small way, a contribution to "corporate democracy," with only beneficial results, unlike the mischievous "ego trips" of holders of handfuls of shares who sometimes dominate annual meetings in the name of "corporate democracy." Second, since there are large numbers of shareholders who wish "to make things happen" in charitable institutions, offering this option to its shareholders ought, at least in a small way, to enhance the price of a corporation's stock.

This proposal seems to fit squarely within the spirit of tax and securities legislation: No individual or corporation receives any untaxed benefit; the only gain is to 501(c)3 organizations, and it is acknowledged public policy that tax rules should benefit them. All shareholders are treated alike.

Nevertheless, the accountants I have consulted believe that under the Internal Revenue Code, specifically Section 61, the shareholder would be taxed on the dividend he did not receive. Sections 101 through 128 of the Code already include many exceptions to Section 61, presumably all for worthy purposes I should like to urge an additional exception for this proposal to make corporate giving more efficient.

A NEW LOOK AT COMMEMORATIVE DESIGNATIONS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WHITEHURST. Mr. Speaker, on November 18, 1983, I introduced H.R. 4571, the National Observance Advisory Act, which would lift the burden of both money and time that Congress currently carries when it is asked to consider the scores of requests for commemorative designations.

Last year in the House Post Office and Civil Service Subcommittee on Census and Population alone, there were 215 commemorative bills that were considered of which only 27 eventually became law. This works out to an average of 12.5 percent of all such bills introduced.

I do not intend to question that each bill has special meaning to someone or some group—I myself introduced or cosponsored several of the bills considered by the subcommittee—but I believe the point has been reached when ever-growing paperwork, and accompanying costs, must be curtailed.

Not only is this a proper step by the Congress, but it is also one that gives greater respect to the sponsors of those bills that eventually become law.

Presently, there are so many overlapping proposals that if all were enacted hardly a day in any month would be left unaffected. And many days, weeks and months would have multiple designations.

Not only would April 1983 have been Fair Housing Month, it would also have been National Residence Hall Month and National Child Abuse Prevention Month, but April 23 would have been Army Reserve Day as well as a part of National Architecture Week, Jewish Heritage Week, National Building Safety Week, and National Philippine Veteran Week.

The month of May is even more confusing. It was proposed to be National Play-it-Safe Month, Older Americans Month, National Amateur Baseball Month, Fraternal Insurance Counselor Month, Family Reunion Month, Purple Heart Month, and National Physical Fitness and Sports Month. There were numerous weekly and daily observances suggested, recognizing the merits of Navy nurses, municipal clerks and tenants, not to mention the week of May 8, that would have been designated "National Pacific Islands Week."

As I said before, National Brick Week, Multi-Housing Laundry Industry Week, National Corn Week, Francis Scott Key Day, National Sewing Month, National Port Week, and "1983, The Year of the Fan," all have meaning to someone. My bill would not prevent these people, and others, from seeking special recognition, it would simply streamline the process and reduce the amount of political importuning that is required to enact such legislation.

Consider a few statistics, if you will. The Government Printing Office estimates that it costs $80 to print each page of a bill. Each bill averages 7 pages, and these bills are often reprinted four or five times. That works out to about $1,800 per bill that receives more than token consideration, and does not take into consideration the amount of staff time that is required to research and draft the bill nor the time allocated by the committee for such a bill.

Along with the printing costs go the cost of inserting a statement into the CONGRESSIONAL RECORD, where the GPO estimates costs run to $485 per page. There is also the costs and time involved in drafting, printing, and distributing the "Dear Colleague" letters to each member, and this is often a process repeated several times.

I do not pretend to contend that my bill will so cut the level of Government spending that we can balance the budget or make even a significant inroad. But I do believe that the establishment of a special Commission to handle the duties of designating commemorative observances will save the people of this country hundreds of thousands if not millions of dollars annually, and will certainly reduce the number of hours staffs and Members spend on such matters.

What H.R. 4571 will do is establish a Commission, known as the President's Advisory Commission on National Observances. The Commision will be composed of 11 members: 2 from the House, 2 from the Senate, and 7 American citizens appointed by the President.

The Commission will be charged with reviewing all requests for national observances, and then making recommendations to the President. Not only will the Commission be able to avoid repetition in days, weeks, and months to be designated, but will also make it easier for the petitioners to present their case. Instead of seeking support from 535 Members, the petitioners now will deal with only 11 individuals.

I would urge my colleagues to join with me in reducing the Government's costs and redtape, and in giving greater meaning to national observances ●

THE RETIRMENT OF THOMAS E. ADAMS, A VETERAN OF 42 YEARS OF GOVERNMENT SERVICE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WOLF. Mr. Speaker, yesterday, Thomas E. Adams retired from the House Agriculture Committee staff after 42 years of dedicated Federal service, 27 years in the U.S. Army and 15 years on Capitol Hill.

Tom served as the legislative and special assistant to former Representative Joel T. Broyhill of Virginia from 1968 to 1975, handling legislative research and drafting for the Congressman, as well as special projects involving energy, transportation, pollution, public works, land use, Federal budget, health, military and foreign affairs. He performed his duties in a manner that helped many, many people in the 10th Congressional District and in the Commonwealth of Virginia.

Prior to joining the Broyhill staff, Tom serve in the regular Army (1941–68), retiring as a lieutenant colonel. He served gallantly as a combat infantry officer in World War II and Korea, and later graduated from the Command General Staff College. He also served as an infantry commander and as an operations and planning staff officer at Army, Theater and Pentagon level. He completed his service as a military historian at the Pentagon.

A native and life-long resident of Virginia, Tom holds a B.A. degree in history and government (minor in economics) from American University (1946), and attended Washington and Lee Law School (1946–48).

He has served the professional staff of the House Committee on Agriculture since January 1975 as a staff consultant. His major areas of responsibility have been agriculture research, forestry, natural resources, food safety, and pesticide legislation. During his tenure on the House Agriculture Committee, Tom worked closely with the former ranking member of the committee, Congressman Bill Wampler of Virginia, and was the principal staff architect of the landmark agriculture research title of the 1977 Food and Agricultural Act.

I have known Tom and his lovely wife, Mary, for many years and cherish their friendship and respect their many contributions to their family, their community, the Congress and our country.

Thus, I know I am reflecting the feelings of their many friends and admirers, both within and outside Government in thanking them for a "good job well done" and in wishing them and their family the very best in the years ahead.●

TOWARD A FAIR TAX

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LONG of Louisiana. Mr. Speaker, the deficit dilemma facing our Nation today stems from a basic imbalance between Federal taxing and spending policies. Curbing government spending is an essential—but incomplete—cure for bloated deficits. In my judgment, a comprehensive remedy also requires that we take a hard look at the tax side of the budget equation.

The present Tax Code is failing the American people in three crucial ways: It is unfair, it is excessively complicated and it too often discourages productive investments. Over the years, the code has become riddled with special breaks for special interests. Today it is a bewildering jumble of exclusions, credits, deductions, and preferences.

The present code is beyond repair. Instead, it should be scrapped and replaced with a new, simplified fair tax. For that reason, Mr. Speaker, I am signing on as a cosponsor of the Gephardt-Bradley Fair Tax Act, which proposes a more efficient, progressive and equitable way to raise revenue.

Our tax laws span more than 2,000 pages. They harbor more than 100 major personal and business loopholes that will be worth nearly $300 billion this year. That is enough to cover our entire defense bill. It is considerably more than enough to erase our projected 1984 deficit of $180 billion.

The Tax Code also fosters tax evasion—about $91 billion worth in 1981. Honest citizens are forced to pay not only their taxes but also the added costs of tax cheating: bigger deficits and the high interest rates they bring.

Americans are right to be angry about unfair and inefficient taxation. For a democratic society to function smoothly, its members must understand their obligations as citizens, and those obligations must be uniformly imposed. But something is wrong when ordinary Americans cannot decipher or fill out tax forms without hiring an accountant.

Something is wrong when people in the same income bracket pay widely varying amounts of tax because some are more adept at avoiding taxes than others.

Something is wrong when corporations pay, as they did last year, only $35 billion or just 6 percent of Federal receipts—a far cry from their 25 percent share in the 1950's and 1960's or even the 15 percent corporations chipped in the 1970's.

And something is wrong when our tax laws encourage businesses to channel their effort and capital into tax shelters rather than productive investments.

I believe that the free market, not the Tax Code, should guide investment decisions. We do not need and can not afford a tax code that steers scarce capital into investments in llamas, foreign stamps and elaborate real estate schemes. We need a tax code that is fairer and simpler, and that will produce more jobs and economic growth than the current system.

The Gephardt-Bradley Fair Tax Act incorporates these principles. The bill has three main features. First, it drops the top tax rate from the current 50 percent to 30 percent. It sets individuals income tax rates of 14, 26 and 30 percent, but 80 percent of all taxpayers will pay the lowest rate.

Second, the bill helps poor people by raising the amount of income that is taxable. That means that, unlike the present code, the Fair Tax would not tax people below the poverty line. This provision has the added advantage of giving less fortunate members of our society more, not less, incentive to work.

Third, the Fair Tax would repeal most of the loopholes that people and corporations use to avoid paying taxes. However, it would keep some of the provisions which support ordinary American families, including the deductions for home mortgage interest; charitable contributions; state and local inome; property taxes, and some medical and business expenses. It also would retain exclusions for veterans' and social security benefits.

The Fair Tax combines the virtues of simplicity and sound business sense with the need for fairness. By eliminating most loopholes and deductions, such a system would be easier for the IRS to administer, easier for taxpayers to comply with and harder for tax cheaters to evade.

Instead of encouraging corporate paper shuffling, mergers and complicated tax avoidance schemes, a fair tax would reward attainment of the real goal—profit—by taking it at the lowest possible rate.

I support this measure because I believe the free market is a better allocator of capital than the congressional finance committees or the Internal Revenue Service. Besides, piecemeal reform is likely to fail. If we attempt to close loopholes one-by-one, we will get bogged down in an endless series of battles with the entrenched interests which stand behind each exclusion and special break. In such a contest between the parts and the whole, the parts would likely win.

But all of us would lose. Tinkering would not restore fairness or simplicity to the Tax Code. It would not spur job-creating economic growth on a large scale. And it would not raise nearly enough revenue to resolve the deficit crisis.

Therefore, Mr. Speaker, I urge my colleagues on both sides of the aisle to join the effort to scrap the current Tax Code and replace it with a better one, one that will work to the benefit of all Americans.●

AMERICAN HEART MONTH

HON. ALBERT GORE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. GORE. Mr. Speaker, the month of February has been designated by the Congress and the President as "American Heart Month." The statistics on cardiovascular disease in the United States are staggering. Approximately 42 million Americans have one form of heart or blood vessel disease. In 1984, as many as 1.5 million Americans will have a heart attack and of this number approximately 500,000 will die.

I have cosponsored legislation in both the 97th Congress and the 98th Congress to provide that most processed foods list the amount of sodium that they contain. The need for this legislation is clear. One of the three major modifiable risk factors in cardiovascular disease is high blood pressure. Excessive sodium consumption, in turn, has been linked with high blood pressure.

The American Heart Association estimates that high blood pressure is a problem for approximately 37 million Americans. High blood pressure adds to the workload of both the heart and the arteries and may contribute to heart failure and atherosclerosis—the most common form of hardening of the arteries. The narrowed blood vessels may not be able to deliver enough oxygen to the body's organs and tissues. If the heart is forced to work harder than normal for a long period it tends to enlarge. When the heart becomes excessively enlarged it is unable to keep up with the demands on it. Arteries and arterioles also show the wear and tear of high blood pressure. Eventually they become hardened, less elastic and scarred. This is a natural process as people get older, but high blood pressure accelerates it.

In 90 percent of the high blood pressure cases the root cause is unknown. Although scientists do not yet completely understand the disease, a strong consensus has developed in the medical community, that control of sodium consumption can play a key role in combating high blood pressure. A person with mild elevation of blood pressure often begins with a program of weight reduction—if overweight—and sodium reduction before drugs are recommended.

The most frightening thing about high blood pressure is that a person may have it for years without ever knowing it. For this reason, high blood pressure has often been referred to as the silent killer. But with regular checkups, high blood pressure can be quickly detected, and effective treatment than initiated.

Many medications, act to rid the body of excessive fluid and salt. Others, known as vasodilators, widen narrowed blood vessels and still others prevent the blood vessels from constricting and narrowing. If a person is diagnosed to have high blood pressure the most important thing to remember is to follow his or her doctor's advice. There is no cure for high blood pressure yet, only treatment. But the problems can be controlled. American Heart Month provides an excellent opportunity for us to donate attention to an area in which we all have a vital interest.

I want to encourage all of the Members of the House and their staffs to have their blood pressure checked during American Heart Month. I also want to take this opportunity to commend the National Heart, Lung and Blood Institute, the American Heart Association, and particularly the Tennessee Heart Association for their efforts in high blood pressure education, treatment, and control.●

VIETNAM VETERANS POSTTRAUMATIC STRESS DISORDER COMPENSATION ACT

HON. ROBERT W. KASTENMEIER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. KASTENMEIER. Mr. Speaker, I am today introducing legislation which would provide a presumption of service connection for the occurrence of posttraumatic stress disorders in veterans who served in Southeast Asia during the Vietnam era.

According to estimates as many as 4 million Americans were stationed in Indochina during the Vietnam war. For many of those who returned to "the world" the war is never very far away. It has had a profound impact on their lives and that of their families and friends. It continues to literally haunt them, often resulting in the most disturbing of consequences.

Dr. Arthur S. Blank, Jr., Director of Readjustment Counseling Service for the Veterans' Administration, tells us that most research indicates that at least 20 percent of Vietnam veterans have substantial war-related psychological difficulties that are impairing their lives. This means that some 700,000 to 800,000 veterans plus family members are still suffering the effects of that tragic period in our history.

In 1980 the American Psychiatric Association published the "Diagnostic and Statistical Manual of Mental Disorders," third edition, with a new category: Posttraumatic stress disorder, acute, chronic and/or delayed. The symptoms of posttraumatic stress disorder listed in DSM-III include nightmares and flashbacks—ranging from minor to overwhelming—of traumatic events; insomnia; anxiety; depression; irrationality; numbing alienation from friends, family, and society; inability to resume productive living; impulsive behavior; and survivor guilt. Additionally, some Vietnam veterans demonstrate complex educational, social, economic, and life-style problems.

There are definite reasons why Vietnam veterans are suffering aftereffects of the war not experienced by those who served in other wars fought by our country. Those reasons are found in the radically different nature of the last two military efforts, the Korean war and World War II.

Dr. Blank has chronicled several categories of stresses that are found in Vietnam veterans—stresses that are unique to this war.

Veterans suffer, admittedly, from the psychic trauma inherent in all wars. These include prolonged threat of annihilation; exposure to multiple deaths, dismemberment, mutilation, agony, and bodily destruction of both friends and enemies; horrid living conditions; and the cultivation of a state of mind permitting one to attack and kill others over an extended period of time.

Additionally, there are the stresses caused by the particular military and political features of the Vietnam war.

Exposure to terrorism, affecting both combatants and noncombatants over an extended period of time, was a unique feature of the Vietnam war. There was the constant inability to distinguish between combatants and civilians because the Vietnam war was a guerilla war. This situation often led to confusion and frustration and provoked a substantial number of atrocities, both accidental and willful.

There was also a sense of purposelessness about the war in our other military ventures. No matter how one viewed the war, most soldiers in Vietnam experienced it as meaningless, absurd, and wasteful. Many men fought long, exhausting battles to gain a little piece of land, only to abandon it within hours. Some had the experience of fighting for, and abandoning, the same territory over and over again.

It was not enough that the Vietnam war experience itself was an extreme emotional assault on the combat soldier, the stress of homecoming proved to be almost as difficult. Unlike World War II when veterans came home with friends on troop ships and were able to spend time making a gradual transition from combat to peacetime and were greeted by cheering crowds, parades, and a thankful public, Vietnam veterans came back by plane, in less than 48 hours, with no debriefing, and frequently were greeted with hostility, embarrassment, or indifference. Nobody wanted to hear about Vietnam.

Also unique to the Vietnam experience has been the postwar period since 1975. The war itself dragged on to a chaotic conclusion, ending in total defeat for the U.S.-supported Saigon government. And, since then, United States has pursued a policy of avoiding the present-day nation of Vietnam.

This lack of contact with Vietnam, either in person or through reports, photos, or films of the media, has impeded the postwar adjustment for many veterans. It is almost as if the country never existed, the war was never fought. This, in turn, has made it most difficult for veterans to work out the aftereffect of the war experience.

Adding to the war experience and the trauma of the return home, is the fact that most veterans have found it difficult to obtain treatment for their psychological disorders. Until the beginning of the Vietnam veterans outreach project by the Disabled American Veterans in the fall of 1978, and the startup of Operation Outreach by the VA in October 1979, most Vietnam veterans were unable to receive counseling or psychotherapy for war-related symptoms. Because of the difficulty Americans here at home had with coping with the war, Vietnam veterans often find that mental health professionals still face intellectual, emotional, and moral conflicts over the war, inhibiting the ability to comfortably explore with the veteran his war experience.

And the final cap to the list of situations contributing to the unique stress face by Vietnam veterans has been the seeming attempt by this country to try to forget that period of our history completely. There has been no thoughtful reflection on the war and its meaning and consequences, an attitude officially promoted by President Ford on April 29, 1975, when he said that the evacuation from Vietnam "closes a chapter in the American experience."

All of these factors, taken in whole or in part, contribute to the presence of posttraumatic stress disorder in as many as 800,000 Vietnam veterans. For many of these veterans, what was once a reaction to a traumatic situation or epsiode may become an almost unchangeable personality characteristic and can be extremely debilitating.

Depression is a common symptom of Vietnam veterans suffering from posttraumatic stress disorder. They manifest the classic symptoms of depression: sleep disturbance, psychomotor retardation, feelings of worthlessness, difficulty in concentrating. There is also the widespread concern among mental health professionals and social service workers that the number of Vietnam veterans who commit suicide is large, although there are no objective data to verify this concern.

Accompanying the depression is a sense of helplessness about one's condition.

Another telltale sign of the disorder is isolation. Combat veterans often have few friends and feel isolated and distant from their peers. They feel that most of their nonveteran peers would rather not hear what the combat experience was like; therefore, they feel rejection.

The lack of positive support received from the American public during the war is something that plagues many veterans. Too many of the warriors were identified with the war and were met by screaming crowds and media calling them depraved and psychopathic killers. Many confronted hostility from friends as well as from strangers. The result is a constant search for someplace where they will be accepted. It is not unusual to find a veteran who has isolated himself from others by repeatedly moving from one geographical location to another seeking that place where they belong. The stress on his family is enormous.

Uncontrollable and often frequent bouts of rage and hostility are also found in the veteran suffering from posttraumatic stress disorder. Such behavior often frightens the veteran, leading many to question their sanity. They are appalled at their behavior, yet are unable to control it. Too often they strike out at those nearest to them—their wives and children.

The reasons for the rage are many and not too surprising. Military training equated the rage with masculine identity in the performance of military duty. But, with the rage having been stirred up, many combat veterans were left with no one upon which to level the violent impulses. The nature of guerilla warfare—booby trap land mines, surprise ambushes with a quick retreat by the enemy—left the combatants feeling like time bombs. Often they would unleash their rage at indiscriminate targets simply as a release.

Upon their return, the rage was transferred to those in authority—those the veterans felt were responsible for getting them into the war in the first place and those who would not support them while they were in Vietnam and when they returned home.

Along with the rage at authority figures from the Vietnam era, these veterans often feel a general mistrust of anyone in authority, resulting in many constantly changing their jobs.

These veterans often describe themselves as being emotionally dead. This process began when they first entered military boot camp. There they learned that the Vietnamese were not to be labeled as people but as "gooks, dinks, slopes, and slants." It was then much easier to kill a gook or dink than another human being. Psychic numbing was used as a defense mechanism in coping with the horrid conditions of war and dulling the awareness of the death and destruction surrounding these men every day.

But, the problem is that this psychic numbing has persisted for many of these veterans. Some veterans interviewed by counselors have actually reported that they believe if they once again allow themselves to feel, they may never stop crying or may completely lose control of themselves. Therefore, many of these veterans go through life with an impaired capacity to love and care for others. They have no feeling of direction or purpose in life. They are not sure why they even exist.

Survival guilt is prevalent among these veterans. They continually ask the question, "Why them and not me?"

Anxiety reactions to situations that resemble those in Vietnam are common. A loud discharge will cause many of them to start. Many become very uncomfortable when people walk closely behind them. Some are uncomfortable when standing out in the open. A large number of veterans possess weapons. Many still sleep with weapons in easy reach.

It is perhaps ironic that mental health professionals have found that significantly disabled veterans, suffering the loss of a limb or other wound that required months or even years of hospitalization experience less emotional problems often than those suffering the emotional wounds of the war. They believe the reason is that severely disabled veterans received much more comprehensive care after their combat experience. They had close emotional support from other veterans in the hospital wards and were able to find some final resolution of their feelings about Vietnam. There was also much more understanding of the physically wounded by the VA, and they were provided support and training to help them readjust to their losses. No such resources were available to the veterans who were not seriously physically wounded.

But, the emotional wounds suffered by these veterans and the resultant effects on their lives and that of their families is every bit as serious as those suffered by those who were wounded physically, and every bit as debilitating.

Mr. Speaker, while most of the attention regarding posttraumatic stress disorder has been devoted to the male combat soldier in Vietnam, it must be recognized that the women who served in that war often suffer the same problems. Many of these women served as nurses and faced as much blood and gore as any battlefield soldier. The Defense Department estimates that about 7,465 women served in Vietnam, mostly as nurses. These women have been all but forgotten by the Government and veterans' organizations. The storefront outreach centers established under Operation Outreach are set up for combat veterans and, therefore, provide virtually no outlet for these women. This is a population yet to be reached by existing programs.

Beginning in October 1980 the Veterans' Administration accepted the diagnosis of posttraumatic stress disorder, delayed type, as a potentially compensable disorder. This meant that for the first time since World War I the Veterans' Administration could consider disorders to be service connected when the symptoms first appeared more than 1 or 2 years after military discharge. This bill merely extends that decision to create a presumption of service connection when posttraumatic stress disorders are found in veterans who served in Southeast Asia during the Vietnam era, using the definition of posttraumatic stress disorder contained in DSM-III.

During the last session of this Congress we enacted legislation calling for a study of the prevalence and incidence of posttraumatic stress disorder and other psychological problems in readjusting to civilian life among veterans who served in Vietnam and the effects of such problems on these veterans. This study by the Veterans' Administration is to be submitted to Congress by October 1, 1986. This is to be followed by two subsequent reports setting forth the VA's evaluation of the agency's effectiveness in meeting the readjustment needs of these veterans and whether the VA should shift the location of the program from the vet center approach to main VA health care facilities. These reports are due in 1987-88. I might note that recent reports that as much as $40 million may have been diverted by the VA from the vets center program to other VA programs calls into question the dedication of this administration to the Operation Outreach program—a program the administration has tried to abolish, and seems to be trying to weaken through withholding funds. Such actions may make this legislation all the more urgent.

While laudable in recognizing the need to do something about PTSD, the study approach would postpone for yet another 4 years key decisions on how to deal with posttraumatic stress disorders. In the meantime, veterans will continue to suffer the effects of the disorder, effects which the VA's own Readjustment Counseling Service Director has indicated are serious and could affect as many as 700,000 to 800,000 veterans.

The fact is that the disorder has been identified and its presence in literally thousands of Vietnam veterans has been acknowledged by authorities in the fields of both psychological disorders and veterans' disabilities. The symptoms have been delineated by the American Psychiatric Association, providing a body of criteria to be met to establish the presence of the disorder. It seems appropriate, therefore, to enact legislation to provide the presumption of service connection in the case of the presence of posttraumatic stress disorder in Vietnam veterans.●

THE BLACK ARCHIVES HONORS PRESIDENT TRUMAN

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WHEAT. Mr. Speaker, Americans across the Nation this year are celebrating the centennial of the birth of President Harry S. Truman. Congress, the U.S. Postal Service and local organizations throughout America are conducting festivities to honor our 33d President. The 98th Congress will hold a joint session in May and the Postal

Service has issued a commemorative stamp to pay tribute to President Truman.

Mr. Speaker, the Black Archives of Mid-America, an organization based in Kansas City, Mo., is doing its part to observe the Truman Centennial. The Black Archives is unveiling a major historical exhibit on Friday, February 3 at the Truman Library and Museum in Independence. The purpose of the exhibit, "A Story of Growth and Achievement: President Truman, Black People and Civil Rights for Minorities," is to chronicle the President's civil rights achievements.

Throughout his public service career, President Truman was a compassionate and fair-minded man. As a Jackson County commissioner, Truman was conscientious in caring for minorities. When he ran for the U.S. Senate, President Truman defended the rights of blacks to education, welfare and economic opportunity—courageous views for a Missouri politican in 1934. As a Senator, he supported antipoll tax legislation, endorsed antilynching legislation and backed funds for the Committee on Fair Employment Practices.

As the Nation's 33d President, Truman made his greatest contribution to civil rights. During his Presidency, he issued an Executive order banning discrimination in the U.S. Armed Forces and another Executive order to guarantee fair employment practices in the civil service. President Truman also was the first President to address the NAACP.

His most important contribution was creating the President's Commission on Civil Rights in 1946. By creating the Commission President Truman took an irrevocable step forward in the troubled history of race relations in the United States. The Commission's report was the starting point in the modern era of improved race relations in this country.

Truman endorsed the Commission's recommendations in a special message to Congress on Civil Rights in February, 1948. He said:

> The Federal Government has a clear duty to see that constitutional guarantees of individual liberties and of equal protection under the laws are not denied or abridged anywhere in our Union. That duty is shared by all three branches of the government, but it can be fulfilled only if the Congress enacts modern, comprehensive civil rights laws, adequate to the needs of the day and demonstrating our continuing faith in the free way of life.

The exhibit, researched by Horace M. Peterson, the executive director at the Black Archives, will be on display at the Truman Library through March 31. This is the first time a black history project of this magnitude has been exhibited at the Truman Library. It is fitting that this historical exhibit coincides with the national observance of Black History Month and the 10th anniversary of the Black Archives.●

THREE MINUTES TO MIDNIGHT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LEVINE of California. Mr. Speaker, last Wednesday in his state of the Union speech we heard President Reagan speak of his desire for peace to both the American and Russian people. That was a very welcome statement and a direction that I believe all Americans hope the President will pursue.

But, for those of us who have watched this administration fight against the nuclear freeze, oppose efforts to stop construction of the MX missile, pursue deployment of Pershing and cruise missiles in Europe, and announce plans to build a whole new generation weapons to be deployed in outer space, his words had a very hollow ring. They would represent an abrupt change in policy.

The most recent issue of the Bulletin of the Atomic Scientists underscores the perilous situation in which we find ourselves. The magazine is perhaps best known to the general public for the Bulletin Clock which it describes as a "symbol of the threat of doomsday hovering over humanity." For the January 1984 issue the clock has been moved ahead 1 minute and now stands at 3 minutes to midnight—midnight symbolizing the threat of nuclear holocaust.

Only once in the 39-year history of the magazine has the clock been closer to midnight—in 1953 when the advent of the hydrogen bomb compelled the editors to move the clock forward.

In their editorial explaining their reasons for moving the clock ahead the editors say:

> Over the last decade the clock has moved steadily forward, never back. We last advanced it 3 years ago in response to the development by the superpowers of nuclear weapons designed for war-fighting rather than war-deterrence. since then this trend has only accelerated, carrying us ever deeper into a new, more dangerous phase of the arms race. Captives of a tortured logic, the superpowers are pursuing security by means of weapons and strategies that can only produce insecurity. In so doing they are collaborating in an assault upon the basis of the only true security to be had at this point in history: Mutual deterrence grounded on the knowledge that to wage nuclear war is to commit national suicide.

President Reagan would do well to heed the warnings of the editors of the Bulletin. His policies have brought us closer to nuclear war than at any time in recent memory.

If the President is really the man of peace he claims to be he must alter the direction of his policies. I urge him to begin now by supporting a bilateral, verifiable nuclear freeze, and then announce that he will delay any further deployment of the Pershing II and cruise missiles in Europe, and halt further production of the MX missile.

In addition, it is vital that the United States and the Soviet Union return to the negotiating table and continue the search for some way in which to reduce the number of nuclear weapons in each nation's arsenal.

If he continues his misguided and dangerous policies he will not increase our national security. He will only succeed in increasing the danger of nuclear war which threatens to destroy any future we or our children may have.

Mr. Speaker, I ask the consent of my colleagues to include the Bulletin editorial in the CONGRESSIONAL RECORD. Its words serve as a moving call to action to begin the process necessary to turn back the hands of the clock for the first time in more than 10 years.

The editorial follows:

THREE MINUTES TO MIDNIGHT

As we enter the new year, hope is eclipsed by foreboding. The accelerating nuclear arms race and the almost complete breakdown of communication between the superpowers have combined to create a situation of extreme and immediate danger.

In response to these trends and as a warning of where they lead, we have moved the Bulletin's "doomsday clock" forward by one minute—to three minutes before midnight. It is a measure of the gravity of the current situation that only once in our 39-year history—in 1953 in response to the advent of the hydrogen bomb—have we seen fit to place the warning hand any closer to midnight than it stands today.

Over the last decade the clock has moved steaidly forward, never back. We last advanced it three years ago in response to the development by the superpowers of nuclear weapons designed for war-fighting rather than war-deterrence. Since then this trend has only accelerated, carrying us ever deeper into a new, more dangerous phase of the arms race. Captives of a tortured logic, the superpowers are pursuing security by means of weapons and strategies that can only produce insecurity. In so doing they are collaborating in an assault upon the basis of the only true security to be had at this point in history: mutual deterrence grounded on the knowledge that to wage nuclear war is to commit national suicide.

The growing momentum of the arms race over the last three years would be reason enough to reset the clock. But it does not stand alone; something else has been happening during these years, and especially over the last few months, something we view with great alarm. It is a process George Kennan characterized some years ago as "the militarization of thought and discourse." And it is far advanced.

As the arms race—a sort of dialogue between weapons—has intensified, other forms of discourse between the superpowers have all but ceased. There has been a virtual suspension of meaningful contacts and serious discussions. Every channel of communication has been constricted or shut down; every form of contact has been attenuated or cut off. And arms control nego-

tiations have been reduced to a species of propaganda.

The point is not simply that discussions have proved difficult, that negotiations have been slow and protracted, that talks have been impeded by distrust. It is, rather, that the United States and the Soviet Union seem, for the moment at least, to have given up on the possibility of serious talks. They are, it appears, at the point of abandoning altogether the effort to seek accommodation through negotiation.

We thus stand at a fateful juncture, at the threshold of a period of confrontation, a time when the blunt simplicities of force threaten to displace any other form of discourse between the superpowers. This is an appalling prospect. It is chilling to think that the edgy reflexive brutality manifest in the Soviet downing of the Korean jetliner and the lightheaded appetite for military intervention displayed by the U.S. government in the Caribbean are harbingers of what lies ahead.

Serious negotiations between the superpowers over arms control and other matters of mutual concern, no matter how meager their immediate harvest, hold out hope—the hope that rational discourse will prove equal to the challenge of finding a way out of our nuclear predicament. No doubt there is an element of wishful thinking and denial in this; after all, thus far the talking has done little to impede the momentum of the arms race. But hopelessness is, in its way, no less dangerous than denial. And it is a sense of hopelessness that the current behavior of the superpowers threatens to induce.

The most heartening development of the last few years has been the great upsurge of public concern about the nuclear arms race. Millions throughout the world have become aroused, have undertaken to educate themselves, and sustained by a belief in the power of argument and moral witness, have sought to engage the issue politically. It would be tragic, if they were now to lose heart.

The moving of the clock should thus not be construed as a counsel of despair. It is an expression of alarm, a warning, a call to attention. Let us also make it an occasion for rededication to the effort to bring the resources of our culture—language and rational argument, the methods of science and the lessons of history—to bear on the arms race. The odds may be long. But it is our deepest conviction, as scientists and citizens, that there is no other way.●

HONORING AN OUTSTANDING NEWSPAPER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. ROGERS. Mr. Speaker, I would like to commend to my colleague's attention an outstanding newspaper in my hometown, a newspaper which has increasingly become one of the foremost papers in my home State of Kentucky.

On January 20, the Kentucky Press Association bestowed upon The Commonwealth-Journal its award as the outstanding general excellence newspaper in its class. This Somerset daily also received 14 other awards for individual excellence in reporting and photography, the most any newspaper had ever won in a single contest.

Led by copublishers George A. Joplin III and Mrs. Murray K. Rogers, The Commonwealth-Journal has greatly contributed to the knowledge of thousands of subscribers in Pulaski County and surrounding areas, and has done an outstanding job of covering national and local news, as well as features and sports.

With the addition this past year of a Sunday edition, The Commonwealth-Journal is moving ahead into the 1980's at full speed. A recent computerization has also increased the flexibility and scope of the paper's daily coverage.

Mr. Speaker, I ask my fellow Members to join me in saluting The Commonwealth-Journal and applauding its efforts in the fields of journalism and public service in south central Kentucky.●

CONGRESSIONAL STUDENT FORUM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. LEVIN of Michigan. Mr. Speaker, on November 22, over 200 students from the 23 high schools that comprise the 17th District Congressional Student Forum met to examine our national defense policies in the nuclear age. These students meet approximately once a month to discuss the important issues facing our country today and to study the governmental process. I want to take this opportunity to make their views known to the House.

At the November meeting, the students listened to three presentations by: Mr. John Collins, senior specialist on National Defense, Congressional Research Service; Ms. Debbie Hejl, coordinator of the Detroit Area Nuclear Weapons Freeze; and Mr. Whitney Sawyer, and attorney from Mount Clemens, Mich. Mr. Collins presented a factual overview of current defense policy. He was followed by Ms. Hejl and Mr. Sawyer who presented the pro and con positions on military buildup and nuclear weapons, respectively. The students were then given an opportunity to ask questions of the speakers.

Following the presentations, the students divided into five caucuses. The individual caucuses debated the issues and each finally proposed a specific resolution on U.S. defense policy in the nuclear age. The resolutions of the five caucuses are reported below.

Mr. Speaker, I was most impressed by the great interest and concern these students exhibited throughout the meeting. I believe the resolutions that resulted from their discussions show the strong desire of today's youth for peaceful coexistence with the Soviet Union. The fear of nuclear war is very real among high school students in the 17th District. They are very aware of the enormous threat to their futures posed by the current breakdown in United States-Soviet relations.

I have made copies of these resolutions available to the chairs of the House Foreign Affairs, Armed Services, and Appropriations Committees. On behalf of the 17th District Congressional Student Forum, I insert the following five resolutions into the CONGRESSIONAL RECORD:

RESOLUTION FROM CAUCUS A

Be it resolved that there should be no increase in the Defense Budget. In addition, the monies for Civil Defense should be reprogrammed.

Be it further resolved that Third World leaders should become involved in global nuclear negotiations.

RESOLUTION FROM CAUCUS B

Caucus B is not in total agreement with a unilateral nuclear freeze. Be it resolved to reduce the build-up of offensive weapons, while maintaining technological equality. Time and money should be distributed towards research for defensive measures. We feel that continued negotiations are of utmost importance between the Soviet Union and the United States.

RESOLUTION FROM CAUCUS C

Be it resolved that the government more closely scrutinize the pricing method of defense contractors, that is, exorbitant overpricing and fraud.

Be it further resolved that the United States should begin with a non-binding unilateral arms moratorium to gain the political support of other nations, forcing the Soviet Union to take a more serious stand in the nuclear arms talks.

RESOLUTION FROM CAUCUS D

Be it resolved that the United Nations be challenged to push for a world-wide arms reduction that they would supervise and control armaments with the use of mutual onsite inspections.

RESOLUTION FROM CAUCUS E

Be it resolved that the United States and the Soviet Union agree to a freeze at the present level of all nuclear weapons, and that an international monitoring commission, agreeable to both sides, supervise this freeze. Disarmament is a possible future goal.

Be it futher resolved that the excess revenue not used to develop or build new nuclear weapons shall be channeled into funds for various social programs, civil defense research programs, and medical research concerning nuclear radiation.●

NATURAL GAS WE NEED ACTION NOW!

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. GEPHARDT. Mr. Speaker, as the 2d session of the 98th Congress begins, no issue is more pressing than natural gas. If we fail to act we will be setting up our Nation's natural gas consumers for huge increases in their natural gas bills for the remainder of this heating season and for years to come.

While it is true that natural gas prices have moderated somewhat because of last winter's mild temperatrues and the huge glut of gas, natural gas consumers are continuing to pay increasing bills. The Department of Commerce reports that the average customer in the West North Central Division (Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota) paid heating costs 56 percent above normal, while in the West South Central Division (Arkansas, Louisiana, Oklahoma, and Texas) heating costs were 116 percent above normal. The East North Central Division (Illinois, Indiana, Michigan, Ohio, and Wisconsin) led the Nation in total heating costs, with the $1.5 billion bill there almost $500 million above normal.

The increase in hearing costs has affected everyone. Nationally, heating costs were 41 percent above normal.

Thus, despite the very short-term trend of moderating costs for natural gas, our Nation's gas consumers continue to be devastated. We need to do something. The controversy surrounding this issue should not keep us from addressing solutions. Our constituents need and demand relief. Failure to act will result not only in increasing bills this heating season, but a huge hike next January when provisons of the Natural Gas Policy Act of 1978 expire.

More than 150 of our colleagues agree that the Natural Gas Consumer Relief Act, H.R. 2154, is the best solution. Not only will it provide immediate relief to the consumer, but it will assure them of relief. It seeks to provide an orderly transition phase between our present market to a free market where the laws of supply and demand work. This cannot be done overnight—to enact any form of legislation and then step back with the hope that what we have done will work would be totally irresponsible. Consumer protection must be insured while the market works its kinks out.

I look forward to working with my colleagues in resolving this issue. We must act soon.●

NATIONAL MIGRATION WEEK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. MAZZOLI. Mr. Speaker, while we were away between our two sessions of Congress, the National Conference of Catholic Bishops proclaimed and sponsored its fourth annual National Migration Week between January 9-14, 1984.

The theme of the week, as set by Pope John Paul II in his worldwide message of observance of Migrant's Day, urged Catholics and all peaceloving people of the world to "look with love on the migrant world" and to "make a pledge of fraternity toward migrants."

National Migration Week focused its attention on the reception given to all newcomers to the United States, including immigrants, refugees, undocumented workers, migrant agricultural workers, and foreign students, in fact all who are separated from family and community.

The United States has been a beacon of hope and inspiration to migrants and displaced persons for decades. Each year the world looks to our country to set the example for the proper humanitarian response to the plight of the less fortunate of the world.

In recognizing National Migration Week, I do so both as chairman of the Subcommittee on Immigration, Refugees, and International Law and as a Member of Congress. I salute my colleagues for their past support of legislation affecting migrants of all categories. But above all, I salute the American people who, in spite of financial downturns and economic pinches, have always demonstrated a strong and enduring "fraternity toward migrants."

The National Conference of Catholic Bishops, and especially those dedicated people in its pastoral care of migrants and refugee service, should be commended for singling out the migrants among us and across the globe for special attention.

I hope the Bishops' continue to proclaim one week every year to honor migrants. I pledge my support in marking these important occasions.●

RECOGNITION FOR CHARLES M. RODRIGUEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. TORRES . Mr. Speaker, on February 3 the Los Angeles County Sheriff's Department will honor Charles M. Rodriguez at a retirement dinner. I have had the opportunity to work with Chuck over the years and have come to admire his untiring commitment to his family and community.

Chuck was born on December 29, 1931, in Los Angeles, Calif. He attended local schools and graduated from Jefferson High School in 1950. Chuck served in the Korean conflict and was honorably discharged in March 1954 from the U.S. Marine Corps with the rank of corporal. He attended Redlands University graduating in 1977 with a bachelor of arts, and in 1980 received a master in public administration from the University of Southern California. Chuck and his lovely wife Donna have three children: Charles Ernest, Gail Elizabeth, and Christine.

Chuck's 28-year tenure with the sheriff's department began in 1955. For the next 11 years Chuck was a deputy sheriff and in that capacity served as a member of the patrol division, the academy administration office and the community relations office. In 1966 he was promoted to the rank of sergeant and served in the Community Relations Administration Office. After 2 years in that position, Chuck moved to the Norwalk station where he served until 1969. In November 1969 Chuck became the sergeant of the academy administration of the department.

Two and one half years later Chuck was promoted to the rank of lieutenant. For the next 7 years he was stationed in the corrections division, the Pico Rivera office and the youth services division. By 1979 Chuck was promoted to the rank of captain and last year he was promoted to the rank of commander for field operations, divison headquarters.

Today Chuck serves as the chief of police of San Antonio, Tex. after being selected from a nationwide search. Undoubtedly, this appointment is a tribute to his exemplary ability to serve his community. The people of San Antonio are privileged to be served by a man of such high quality and commitment to his work.

Mr. Speaker, I ask my colleagues to join me in thanking Chuck for his dedicated service as a member of the Los Angeles Sheriff's Department and to wish him well in his new position.●

REAUTHORIZING MORTGAGE REVENUE BOND PROGRAM

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. WOLPE. Mr. Speaker, I am today introducing legislation to reauthorize the mortgage revenue bond program for an additional 5 years. I cannot emphasize enough the importance of this program and urge all of my colleagues to press for immediate

action on extending the bond program.

There are several factors which must be considered. First, the human impact of this program. One of the fundamental problems confronting low- and moderate-income families is the inability to obtain mortgage financing. The mortgage revenue bond program has provided financing for about 1 million home buyers of new and existing homes since its inception. These are many families who simply would not have had the opportunity to purchase a home without this assistance. For example, the median income of State mortgage bond program beneficiaries in 1981 was $18,467 per year and $23,511 in 1982. The median income of home buyers served by convential loans, in contrast, was $39,196.

In my State of Michigan, the Michigan State Housing Development Authority (MSHDA) has been an absolutely vital instrument in providing financing for lower income families who have no other source of assistance in our State. Since MSHDA first began issuing single-family revenue bonds in 1978, the authority has financed nearly 11,000 low-interest home mortgage loans and 10,500 home improvement loans. This activity is estimated to have generated in excess of $400 million in spinoff economic activity in the State. It is this spinoff benefit which is the other major issue I think highlights how crucial it is that we get the mortgage revenue bond program back on its feet. Housing has always been recognized as a major stimulant of economic activity. Particularly in States like Michigan, where the economic recession has had an especially devastating effect, the cumulative impact of the mortgage bonds is essential for any semblance of recovery in the housing industry. It is estimated that every $1 billion in mortgage bonds provides financing for at least 7,000 new homes and for an additional 14,000 existing units; generates 7,500 jobs and $140 million in wages; and results in $62 million in Federal, State, and local taxes.

Mr. Speaker, we simply cannot afford to waste any more time in acting to revive the mortgage revenue bond program. It is simply too important. I ask all of my colleagues to support this effort.●

CHINESE NEW YEAR

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. GREEN. Mr. Speaker, February 2 marks the beginning of the Chinese New Year. The Chinese year 4682 is the year of the rat. According to legend the rat is a totem of charm, generosity, leadership, strength, and astuteness. The rat is the starting point of the zodiac 12-year cycle. As such it symbolizes both renewal and continuity. The week for the Chinese is a period of closing the business of the old year, clearing debts, and cleaning house.

As the Member of Congress privileged to represent Chinatown in New York City, I have worked closely with the Chinese community. I have found them to be both industrious and independent. The Chinese culture has enlivened the lives of all New Yorkers. At this time we honor them and wish them a Happy New Year.●

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 1984

● Mr. PORTER. Mr. Speaker, on February 1, 1984, I was unable to be here in Washington because I was traveling with the President to Chicago. I would like the RECORD to indicate that if I had been present I would have voted "yea" on House vote No. 14 regarding legislative veto and "yea" on House vote No. 15, final passage on H.R. 2878, the Library Services and Construction Act.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 2, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 3

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

Finance
To resume hearings on S. 1804, to provide for tax treatment of foreign sales corporations and exports of goods and services.
SD-215

Joint Economic
To hold hearings on the employment/unemployment situation for January.
SR-325

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1999, to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs and to eliminate the position of Commissioner of Indian Affairs, and S. 2000, to allow variable interest rates for Indian funds held in trust by the United States.
SD-125

11:00 a.m.
*Foreign Relations
To hold hearings on the nomination of Walter L. Cutler, of Maryland, to be Ambassador to the Kingdom of Saudi Arabia.
SD-419

1:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

FEBRUARY 6

9:30 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 congressional budget.
SD-608

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings to review initiatives by municipalities in solving metropolitan problems on an areawide basis.
SD-342

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Water Resources Subcommittee
To hold joint hearings on S. 1471, to authorize the use of certain lands in connection with the project at Manteo Bay, N.C.
SD-406

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1675, to provide tax incentives for the contribution of real property to conservation organizations.
SD-215

2:30 p.m.
Finance
To hold hearings on proposed legislation to provide for free trade with Israel.
SD-215

FEBRUARY 7

9: 00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 5, proposing an amendment to the Constitution relating to Federal budget procedures.
SD-562

9: 30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on H.R. 4278, to extend the prohibition against credit card surcharges.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

*Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 2014, to provide for assistance in locating missing children.
SD-226

Small Business
To hold hearings on Federal antitrust enforcement and its impact on small business.
SR-428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
SD-106

10:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Navy and Marine Corps programs.
SD-628

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of the Interior.
SD-366

Finance
To resume hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1985.
SD-215

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-485

1:30 p.m.
To continue hearings in preparation for reporting first concurrent resolution on the fiscal year 1985 budget.
SD-608

2:00 p.m.
Armed Services
To hold closed hearings on the status of the START negotiations.
SR-222

Judiciary
To hold hearings on pending nominations.
SD-226

FEBRUARY 8

8:30 a.m.
Labor and Human Resources
To hold hearings on the nomination of Frank X. Lilly, of Maryland, to be Solicitor, Department of Labor.
SD-430

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.
SR-253

Labor and Human Resources
To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and to codify certain program improvements.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Air Force programs.
SD-138

Finance
To hold hearings to review the proposals of the President's private sector survey on cost control (Grace Commission).
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans Administration.
SR-418

FEBRUARY 9

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

*Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Governmental Affairs
To hold hearings on S. 1746, to require Government agencies to procure goods and services from private sources, except under specified conditions.
SD-342

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings jointly with the national ocean policy study on S. 2160, to establish a National Fisheries Marketing Council.
SR-253
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1611, to designate specified lands in Arizona and Utah as wilderness, and S. 2155, to designate specified lands in Utah as wilderness.
SD-366

2:30 p.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366
*Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406
Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-124

FEBRUARY 21

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate calendar).
SD-215
Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430
Veterans' Affairs
To hold hearings on S. 1747, to establish Peacetime Veterans' Career Members Contributory Educational Assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the armed forces, and to review the Veteran's Education Assistant program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

11:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation.
SD-138
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

FEBRUARY 24

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1857, to revise certain tax rules relating to private foundations, and S. 2165, to make permanent the income tax credit for research and development expenditures.
SD-215
Labor and Human Resources
Aging Subcommittee
To resume oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title III, long-term care provisions.
SD-430

11:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1758, to establish a recovery account system for calculating the depreciation deduction under the accelerated cost recovery system for 3- and 5-year personal property.
SD-215

FEBRUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate calendar).
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mine Safety and Health Review Commission, ACTION, Corporation for Public Broadcasting, National Commission on Libraries and Information

Science, and the Soldiers' and Airmen's Home.
SD-116

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration, Department of Transportation.
SD-124

FEBRUARY 29

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, Prospective Payment Assessment Commission, and Federal Mediation and Conciliation Service.
SD-116

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Veterans' Affairs
To hold oversight hearings on the Veterans Administration readjustment counseling program and the VA loan guaranty program.
SR-418

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Labor, and the Employment and Training Administration, Department of Labor.
SD-116

9:30 a.m.
Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (P.L. 97-219).
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1531, to provide for the establishment and operation of school-age child care services in public schools.
SD-430

MARCH 2

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

MARCH 6

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architectural and Transportation Barriers Compliance Board, and the Office of Inspector General, Department of Transportation.
SD-138

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

2:00 p.m.
Appropriations
Energy and Weather Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Railway Association, and Conrail.
SD-138

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans Administration.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to facilitate commerce by the domestic renewable energy industry and related service industries.
SD-366

MARCH 13

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittees
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, Departmental Management, Salaries and Expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116
Office of Technology Assessment
The Board to hold a general business meeting.
Room to be announced
9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.
SD-430
10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Commission, Department of Transporation.
SD-138

MARCH 14

8:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430
9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on Proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116
9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430
10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 15

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.
SD-116
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.
SD-124
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.
SD-116
9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including college housing loans, special institutions, Howard University, the National Institute of Education, education statistics, bilingual education, and libraries.
SD-116
Labor and Human Resources
To hold hearings on pending nominations.
SD-430
10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans Administration.
SD-124
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116
10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the

Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of Amvets, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including human development services.
SD-116

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the Corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

MAY 3

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies, ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies, ability to protect rank and file employees and the general public during labor disputes.
SD-430

CANCELLATIONS

FEBRUARY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

FEBRUARY 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on Senate Concurrent Resolution 69, expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.
SR-253